

LANCASTER COUNTY PLANNING COMMISSION

February 18, 2014

6:30 PM
Lancaster Co.
Adm. Bldg.,
Room 224
(803) 285-6005

Type of meeting:	General Business Meeting	Facilitator:	Planning Staff
Clerk:	Judy Barrineau		
Please read:	Agenda Packet		
Please bring:	Agenda Packet & UDO		
Call To Order		Chairman	
Roll Call		Chairman	
Approve Agenda		Chairman	
Citizen's Comments		Chairman	
Approval of minutes – December 2013, January 16 th & 21 st , February 06, 2014		Chairman	
Chairman's Report		Chairman	
Director's Report –		Penelope Karagounis	
Rezoning application of Ms. Brenda Humphrey to rezone property from MHPK, Manufactured Home Park District to R-15S, Moderate Density Manufactured Housing/Agricultural District. RZ 014-001 Public Hearing} pgs. 1-9 TM# 6E, Block B, Parcel 20		Elaine Boone	
Rezoning application of Susan Shaw Perry and Bennie B. Shaw, Jr. to rezone 1.8 acres from R-15P, Moderate Density Residential/Agricultural Panhandle District, to B-3, General Commercial District. RZ 014-002 {Public Hearing} pgs. 10-27 TM#0006-00-077.00		Kathy Johnson	
Rezoning application of Donna McClennen to rezone .90 acres from B-2, Community Business District, to B-3, General Commercial District. RZ 014-003 {Public Hearing} pgs. 28-47 TM#0008-00-008.00		Kathy Johnson	
Rezoning application of Willis F. Ballard Jr. to rezone a portion of the property (one acre) from R-30, Low Density Residential/Agricultural District, to R-30D, Low Density Residential/manufactured Housing/Agricultural District. RZ 014-004 {Public Hearing} pgs. 48-62 Portion of TM#81F, Block A, Parcel 11		Penelope Karagounis	
Rezoning application of Mr. Robert Kardos, Division President of Mattamy Homes, to rezone the property from PDD-6, Planned Development District (PDD-6, Tree Tops), to R-30P, Low Density Residential/Agricultural Panhandle District with a Cluster Subdivision Overlay District. RZ 014-006 ({Public Hearing} pgs. 63-140 TM#22, Parcel 7 and TM#19, Parcel 33		Penelope Karagounis & Elaine Boone	
UDO-TA-014-005 – Chapter 3, Permissible Uses, Table of Permissible Uses, Item 2.1.4.1 (Veterinary Service with outdoor pens and commercial kennels with outdoor pens), Commercial kennels & veterinary services with outdoor pens should be a conditional use only in the B-3 zone. {Public Hearing} pg. 141		Kathy Johnson	
UDO-TA-014-006 – This text amendment is to establish & include a Highway Corridor Overlay District in Lancaster County. The purpose of which is to preserve and enhance corridors that serve as major gateways leading to, from, and within Lancaster County. {Public Hearing} pgs. 142-158		Penelope Karagounis	
New Business: Ordinance #400			

Rezoning application of Ms. Brenda Humphrey to rezone property from MHPK, Manufactured Home Park District to R-15S, Moderate Density Manufactured Housing/Agricultural District. RZ 014-001 Public Hearing} pgs. 1-9
TM# 6E, Block B, Parcel 20

Elaine Boone

Conclusions:

Action items:

Person responsible:

Deadline:

PLANNING STAFF REPORT

I. Facts

A. General Information

Proposal: This is a proposed rezoning application of Ms. Brenda Humphrey for a rezoning of her property from MHPK, Manufactured Home Park District to R-15S, Moderate Density Manufactured Housing/ Agricultural District. The applicant wants to sell a five acre portion of the property to an adjacent property to enhance his property; the remaining 3.09 acreage will be subdivided into three lots for three singlewide manufactured homes. Ms. Humphrey proposes to remove one existing manufactured home and survey out the remaining three as shown on the enclosed survey plat.

Property Location: The property is located on Cobra Drive in the Indian Land Community.

Legal Description: Tax Map Number: 6E, Block B, Parcel 20.

Zoning Classification: Current: MHPK Proposed: R-15S

Voting District: District 7, Councilman Brian Carnes

B. Site Information

Site Description: The property is an 8.03acre tract of property that is zoned MHPK with four manufactured homes located on the front portion on Cobra Drive.

C. Vicinity Data

Surrounding Conditions: The properties located around this piece of property are zoned R-15S, Moderate Density Manufactured Housing /Agricultural District. The majority of homes located in this area are manufactured homes with the exception of a few site built. This property is adjacent to a Manufactured Home Park located on Cyclone Drive.

Exhibits:

1. Rezoning Application
2. Deed
3. Location Map
4. Plat – Not yet recorded
5. Lancaster County Tax Inquiry Sheet
6. Letter from Mr. Curtsinger

II. Findings

Code Considerations: The 15S, Moderate Density Manufactured Housing/Agricultural District, contains the same regulations as the R-15 district except for the following:

- a. Both single-wide and multi-wide manufactured housing units are allowed based on siting criteria (See Section 4.1.12) in addition to site built and modular homes.
- b. This zoning district classification should be used to designate existing and future manufactured home subdivisions which do not/are not intended to consist of at least 50 percent multi-wide manufactured housing units.
- c. The Lancaster County Future Land Use Map designates this area along Cobra Drive as **Higher Intensity Residential**.

III. Conclusions

The facts and findings of this report show that the rezoning of the property would be **appropriate**. This area along Hancock Road and Cobra Drive does have more manufactured homes, with a mix of both singlewide and multiwide manufactured homes. Therefore staff the recommendation would be appropriate with the adjacent properties zoned R-15S. Therefore, it is the recommendation of Planning Staff that the application be **approved**.

IV. Recommendation

It is therefore the recommendation of the planning staff that the rezoning application be **approved**.

LANCASTER COUNTY
SOUTH CAROLINA

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE
LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box

Application No. RZ 014-001 Date Received 1-14-14 Fee Paid

1. The application is for amendment to the: (check one)

District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)

Ordinance Text (fill in items # 8 & 9 only)

2. Give either exact address or tax map reference to property for which a district boundary change is requested: Tax Map 0006K-06-000.00 Cobra house (8.09 acres) Drive ~~(5.0 acre Remain MHPK)~~ ~~(Only 3.092) #10~~

3. How is this property presently designated on the map? Mobile Home Park (MHPK)

4. How is the property presently being used? Mobile Home Rentals

5. What new designation or map change do you purpose for this property? Residential (R153)

6. What new use do you propose for the property? Sub-divide and sell

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

7. Does the applicant own the property proposed for this change? YES NO If no, give the name and address of the property owner and attach notarized letter from property owner:

8. If this involves a change in the Ordinance text, what section or sections will be affected?

9. Explanation of and reasons for proposed change: need to divide into sections and sell.

(use back of form if additional space is needed)

NOTE: It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

APPLICANT'S NAME (PRINT)

Brenda R. Humphrey

ADDRESS:

10371 Silver Mine Rd,
Indian Land, S.C. 29707

Phone:

803-504-6431

Brenda R. Humphrey
SIGNATURE

note! The street is listed as Cobra Drive per 911 Addressing.

Brenda H.

STATE OF SOUTH CAROLINA
 COUNTY OF LANCASTER
 IN THE MATTER OF ESTATE OF CARL F. ROGERS
 CASE NUMBER 97ES2900028

MACK AND MACK ATTORNEYS
 PROBATE COURT

FILED, RECORDED, INDEXED
 05/11/1998 10:48:17AM
 Rec Fees 10.00 St Fees 0.00
 Co Fees 0.00 Pages 4
 Clerk of Court
 VERNON MCNEELIS

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 13th day of November, 1996; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for Lancaster County, South Carolina in File #97ES2900028; and,

WHEREAS, the grantee herein is either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: Peggy D. Blackburn, Carl M. Rogers and
 Brenda R. Humphrey
 6207 Rosecroft Drive
 Charlotte NC 28215

the following described property:

ALL that certain piece, parcel or tract of land lying, being and situate in Indian Land Township, Lancaster County, South Carolina, and being more particularly described as follows:

BEGINNING at a point in center of a country road (known as Silver Run Road) just opposite an old iron and running thence with the center of said county road (known as Silver Run Road) S 75 - 28 W 273 feet to a point; thence N 43 - 10 W 186.4 feet to an iron; thence N 44 - 45 E 227.7 feet to an iron; thence S 45 - 15 E 326.5 feet to a point in the center of county road (known as Silver Run Road). Containing 1.4 acres, more or less, and being more specifically shown as Tract #1 on plat of property of Wade H. Green, dated July 9, 1968, and recorded in the office of the Clerk of Court for Lancaster county, South Carolina.

ASSESSOR'S OFFICE

Received 5-11-98
 Tax Map Code 6E-B-14,20,22
 Portion Of _____

DERIVATION: Being a portion of property conveyed to Grantor by deed from Wade H. Green and recorded in Book A-6 at Page 366, in the office of the Clerk of Court for Lancaster County, South Carolina.

ALSO:

All that certain piece, parcel or lot of land, together with any improvements thereon, situate, lying and being in Lancaster County, State of South Carolina and designated as Lot "A", containing 0.57 acres, more or less, on Plat of Property of Dorothy H. Therrell, made by R.H. Marett, dated February 16, 1976 and recorded in the office of the Clerk of Court for Lancaster County, South Carolina as Plat Number 2906, which plat is by reference made a part hereof being bounded on the NORTH by other property of Carl Rogers and property of Dorothy H. Therrell; SOUTH by property of Dorothy H. Therrell; EAST by property of Dorothy H. Therrell; and WEST by other property of Carl Rogers.

DERIVATION: Being the identical property conveyed to Grantor by deed from Dorothy H. Therrell recorded in Book C-6 at Page 3734, in the office of the Clerk of Court for Lancaster County, South Carolina.

ALSO:

ALL that certain piece, parcel or lot of land situate, lying and being in Indian Land Township, Lancaster County, South Carolina and being more particularly described as follows: Beginning at a point in the center of a certain county road, said beginning point being 1150 feet northwest from the centerline of the intersection of two county road, said beginning point being also the joint corner of the property herein described and property recently conveyed to Linda D. Crook; running thence with the Crook line S. 37 18 W. 210 feet to an iron; thence N. 72 30 W. 251.5 feet to an iron; thence 34 18 F. 150 feet to a point in the center of the aforesaid county road; thence with center of the said county road S. 79 27 E. 110 feet, N. 79 16 E. 80 feet, and 73 40 E. 100 feet to the point of beginning. Containing 1 acre, more or less and being more fully designated on map entitled Property of Carl Rogers, dated November 6, 1969, drawn by R. Marett, R.S.

DERIVATION: The identical property conveyed to Grantor by deed from James H. and Dorothy H. Therrell and recorded in Book A-6 at Page 263, in the office of the Clerk of Court for Lancaster County, South Carolina.

ALSO:

ALL that certain piece, parcel or lot of land situate, lying and being in Indian Land Township, Lancaster County, South Carolina, and being more particularly described as follows: Beginning at a point which is the southernmost corner of a one acre tract previously conveyed to Carl Rogers; running thence S. 49.24 W. 866 feet to a point; thence S. 45 15 E. 224 feet to a point; thence S. 44 45 W. 12 feet to a point; thence N. 45 15 W. 297.7 feet to a point; thence N. 40 11 E. 696 feet to a point; thence N. 34 18 E. 60 feet to a point which is the westernmost corner of the one acre tract previously conveyed to Carl Rogers; thence with the joint dividing line between the previously conveyed one acre tract and the present tract S. 72 30 E. 251.5 feet to the point of beginning. Containing between two and three acres, more or less, a portion of

which is shown on map entitled "Property of Carl Rogers" dated November 23, 1971, drawn by R.H. Marett, R.S.; the property conveyed herein includes the 2.6 acre tract as shown on the aforesaid plat, plus another triangular shaped parcel which has been paid for but which has never been conveyed.

DERIVATION: Being the identical property conveyed to Grantor by deed from James H. Therrell and Dorothy H. Therrell and recorded in Book A-6 at Page 3905 in the office of the Clerk of Court for Lancaster County, South Carolina.

ALSO:

ALL that certain piece, parcel or tract of land, lying being and situate in Lancaster County, South Carolina, containing 6.05 acres, more or less, as shown on that certain plat of survey made by R. H. Marett, R.S., dated February 16, 1976, and recorded in the office of the Clerk of Court for Lancaster County, South Carolina as Plat No. 4335, which plat is incorporated herein by reference.

DERIVATION: The identical property conveyed to Grantor by deed from J.H. Therrell and recorded in Book D-6 at Page 3769 in the office of the Clerk of Court for Lancaster County, South Carolina.

The within described property is conveyed subject to existing easements and to restrictions, if any, appearing in the chain of title, which said restrictions, if any, are not intended to be reimposed hereby.

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, al. and singular, the said Premises/Property unto the said Peggy R. Blackburn, Carl M. Rogers and Brenda R. Humphrey, their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this ~~7th~~ ^{May} day of ~~March~~ 1998.

SIGNED, SEALED AND DELIVERED Estate of: CARL F. ROGERS
IN THE PRESENCE OF

by Signature: Peggy Blackburn

Witness: Delia McDowell

Witness: Beverly Adams

STATE OF SOUTH CAROLINA
COUNTY OF YORK

PROBATE

PERSONALLY appeared before me Beverly A. Rosson and made oath that he/she saw the within named Personal Representative(s) sign, seal, and as their act and deed, deliver the within Deed, and that he/she with Debi McWatters witnessed the execution thereof.

SWORN to before me this 9th day of

Witness Signature:

May 1998.

Debi McWatters
Notary Public for South Carolina.
My Commission Expires: 8-1-05

Beverly A. Rosson

[Faint, illegible text and markings]

ROBINSON ELECTRIC

LLC

INDUSTRIAL • COMMERCIAL
RESIDENTIAL

NC/SC State Licensed

Office **803-289-6420**

Mobile **803-804-3651**

Licensed • Bonded • Insured

DIREC

REGGIE'S

Free Estir

- 30 Years Ex
- Residential
Painting
- Commercial
Painting

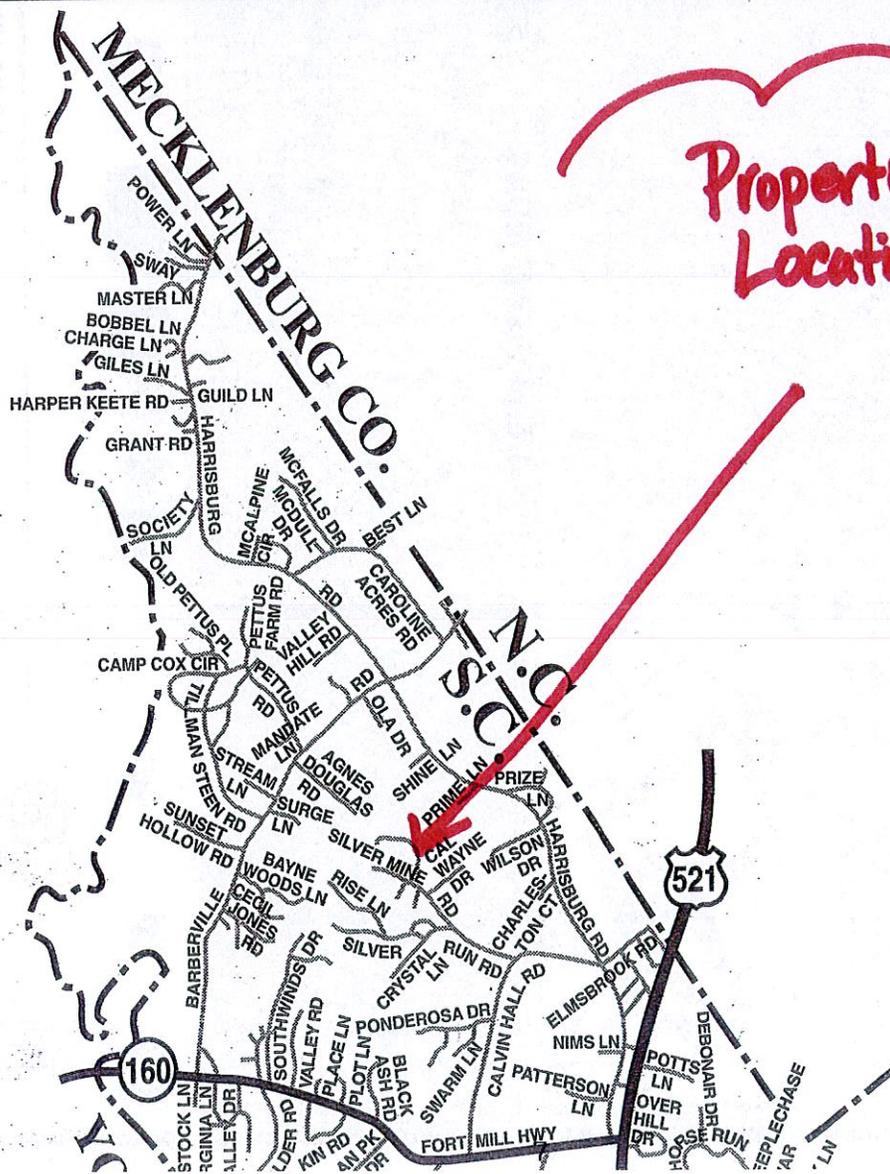
Licensed & Ins

(803) 286-7

Cell (803) 289-7

1

2



Property
Location

8

Indexed By Parcel ID Card #

Add Mod Del Save Cancel

Parcel ID: 0006E-0B-020.00

Card: 1/1

App

Account: 647

District: 01 - County

Sticker #:

Ent. Parcel Area: 8.092 - AC

Location: COBRA LANE Lancaster

Land Use: NRN - NRRes

Weigh: 01 - 01

Own Type:

Market Adj Value

Current



Year 2012

Legal Description

Calc. Land Area: 8.090

Full Market Value: 213,100

8.090

239,000

Building Value:

Yard/Items: 6,000

Land Value: 207,100

Total Value: 213,100

Assessed Value: 12,786

Capped Total: 239,000

6,000

233,000

239,000

14,340

239,000

Sales Information

Grantor: BLACKBURN PEGGY D ETAL

Sale Price: 5

Sale Date: 10/6/2000

Legal Ref: 0096-0287

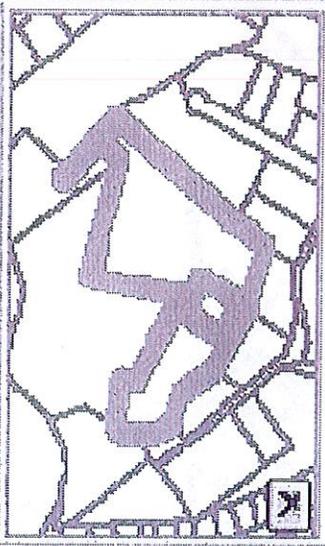
Validity: 2

Sold Vacant: No

Reval / Market

01

Narrative Description



No Picture Available

No Sketch Available
FILE

Office Notes Notes

Open 1/15/2014 4:55 PM

647 Quicklist

Received 2/3/14

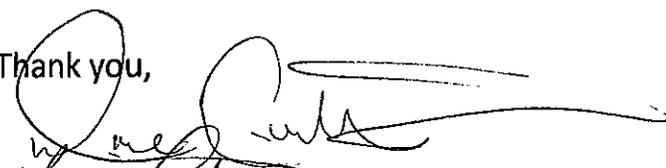
January 30, 2014

To: Lancaster County Planning Department

We are writing in response to the letter sent about the public hearing on rezoning application RZ-014-001. We own the adjacent property at 10427 Brimstone Dr., Indian Land, SC 29707. We are in favor of the changes requested on the rezoning of this property.

Please feel free to contact us if you have any questions.

Thank you,



Dana and Lisa Curtsinger

803-547-4594

Rezoning application of Susan Shaw Perry and Bennie B. Shaw, Jr. to rezone 1.8 acres from R-15P, Moderate Density Residential/Agricultural Panhandle District, to B-3, General Commercial District. RZ 014-002 {Public Hearing} pgs. 10-27
TM#0006-00-077.00

Kathy Johnson

Conclusions:

Action items:

Person responsible:

Deadline:

Action items:	Person responsible:	Deadline:

PLANNING STAFF REPORT

I. Facts

A. General Information

Proposal: This is the rezoning application of Susan Shaw Perry and Bennie B. Shaw, Jr. to rezone 1.8 acres from R-15P, Moderate Density Residential/Agricultural Panhandle District, to B-3, General Commercial District. There is presently a single family brick home located on the site. Since this is an older home that is located along Highway 160 in an area where several businesses already exist, the applicants would like to rezone the property for commercial use.

Property Location: The property is located at 887 Fort Mill Highway, Indian Land, Lancaster County, SC.

Legal Description: TMS # 0006-00-077.00

Zoning Classification: Current: R-15P, Moderate Density Residential/Agricultural Panhandle District.

Voting District: District 7, Brian Carnes

B. Site Information

Site Description: This property is located at the intersection of S. C. Highway 160 (Ft Mill Highway) and Blackwelder Rd. The lot is comprised of 1.8 acres and is the site of a single family site built home.

C. Vicinity Data

Surrounding Conditions: The property is bordered on the south and east by properties zoned R-15P, Moderate Density Residential/Agricultural Panhandle District. Across the highway to the north are three lots zoned B-3, General Commercial District and one lot zoned B-2, Community Business District. The property on the west (across Blackwelder Rd) is zoned Planned Development District #5 (Bailes Ridge PDD).

D. Exhibits

1. Rezoning Application
2. Tax Inquiry Sheet
3. Location Map
4. UDO – Section: 2.1.1 Residential Districts and 2.1.2 Commercial Districts
5. Table of Uses

E. Attachments

1. Zoning Map
2. Aerial Map

II. Findings

Code Considerations:

The **R-15P, Moderate Density Residential/Agricultural Panhandle District**, is designed to accommodate single-family residential development (not including manufactured homes) in the northern part of the panhandle. This zoning district will allow residential uses and related residential uses such as religious institutions, fire station, etc., the maximum density allowed in this zoning district is 1.5 dwellings per acre (1.5 du/acre), minimum lot size of 29,040 square feet and the minimum lot width is 130 feet. The availability of water and/or sewer shall not change: (1) the maximum density allowed; (2) the minimum lot size, and (3) the minimum lot width from what is stated above.

The **B-3, General Commercial District**, is designed to accommodate a wide variety of general commercial uses characterized primarily by retail, office, and service establishments which are oriented primarily towards major traffic corridors and/or extensive areas of predominantly commercial usage and characteristics. Commercial uses encouraged in this district are generally patronized in single purpose trips and emphasize large general merchandise establishments, sale of large or bulky items, commercial services, repair services, automobile related sales and repair, various types of convenience stores, restaurants, and other recreational and entertainment uses. This district is also suited to accommodate travel oriented uses such as hotels and motels and gas stations.

Outdoor storage is permitted if a Type 1 Bufferyard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 Bufferyard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard. Automobile dealerships are allowed to park automobiles in the front or side yard of the property.

III. Conclusions

The facts and findings of this report show that the property located at 887 Fort Mill Highway in Indian Land, SC, is presently designated as residential on the Lancaster County Future Land Use Map. However, there is a section of land abutting both sides of Highway 160 (Ft Mill Highway) just west of this parcel which is depicted as commercial on the Future Land Use Map. Furthermore, there are several properties along Highway 160 in the vicinity of this parcel which are already zoned B-3, General Commercial District. The properties adjacent to Highway 160 are suited for commercial use and this area is currently in transition from residential to commercial use. The Planning Department expects that this area will be designated for commercial use once the Future Land Use Map is updated. For these reasons, the Planning Department staff feel that a commercial zoning of this property would be appropriate.

IV. Recommendation:

It is therefore the recommendation of the Planning Staff that the rezoning request for the property located at 887 Fort Mill Highway in Indian Land, SC be *approved*.

LANCASTER COUNTY
SOUTH CAROLINA

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE
LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box

Application No. RZ 014-002 Date Received 1-15-14 Fee Paid

1. The application is for amendment to the: (check one)

District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)

Ordinance Text (fill in items # 8 & 9 only)

2. Give either exact address or tax map reference to property for which a district boundary change is requested: 0006-00-077.00 (1.8 acres)

887 Fort Mill Hwy.

3. How is this property presently designated on the map? B-15-P

4. How is the property presently being used? Residential Rental

5. What new designation or map change do you purpose for this property? Commercial B3

6. What new use do you propose for the property? small business

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

7. Does the applicant own the property proposed for this change? YES NO If no, give the name and address of the property owner and attach notarized letter from property owner:

8. If this involves a change in the Ordinance text, what section or sections will be affected? _____

9. Explanation of and reasons for proposed change: Older home on lot in an area with several businesses; want to sell as commercial property (see back)
(use back of form if additional space is needed)

NOTE: It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

APPLICANT'S NAME (PRINT)

SUSAN SHAW PERRY & Bennie B. Shaw, Jr

ADDRESS:

336 Joe Shoemaker Rd

Vilas NC 28692

Phone:

828-406-0578

Susan Shaw Perry
SIGNATURE

Bennie B. Shaw Jr

Bennie B. Shaw Jr
3583 Mt. Holly Rd
Edgemoor, SC 29712
803-984-8166

2013004045

DEED	
RECORDING FEES	\$10.00
STATE TAX	\$0.00
COUNTY TAX	\$0.00
PRESENTED & RECORDED:	
03-18-2013 11:11 AM	
JOHN LANE	
REGISTER OF DEEDS	
LANCASTER COUNTY, SC	
By: CANDICE PHILLIPS DEPUTY	
BK: DEED 720	
PG: 144-146	

RECORD AND RETURN TO:

Julia Childress Khaled, Attorney
Khaled Law Firm, PC
1373 Ebenezer Road
Rock Hill, South Carolina 29732

STATE OF SOUTH CAROLINA

TITLE TO REAL ESTATE

COUNTY OF LANCASTER

NO TITLE SEARCH REQUESTED NOR PERFORMED

KNOW ALL MEN BY THESE PRESENTS THAT, I, **Bennie B. Shaw, Jr.**, Trustee of the **Bennie B. Shaw, Sr. Living Trust** dated July 18, 2001, herein referred to as Grantor in the State aforesaid, for and in consideration of the sum of **One dollar (\$1.00) LOVE AND AFFECTION** and no other valuable consideration to me paid by **Bennie B. Shaw, Jr. and Susan Shaw Perry**, hereinafter referred to as Grantees in the State aforesaid, the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Grantees, **Bennie B. Shaw, Jr. and Susan Shaw Perry**, their successors, and assigns forever all his interest in and to the following described real properties to wit:

All that certain piece, parcel or tract of land, lying, being and situate in Indian Land Township, Lancaster County, South Carolina, and being more particularly described as follows: Beginning at a stake in center of S. C. Highway 160 and running thence along eastern edge of Longshore Road S. 38 14 E. 355.6 feet to a stake; thence S. 27 31 E. 128.6 feet to a stake; thence N. 83 E. 176.9 feet to a stake; thence N. 17 30 W. 279.8 feet to a stake in center of S. C. Highway 160; thence N. 74 08 W. 385.7 feet along center of S. C. Highway 160 to stake, the point of beginning. Said tract herein conveyed contains 1.8 acres, more or less and is even more specifically shown on a plat prepare by L. E. Carothers, Sur., on August 14, 1958, said plat recorded in Plat Book 9, Page 258, Office of the Clerk of Court for Lancaster County, South Carolina.

Derivation: Being the identical property conveyed to Grantor by deed dated July 19, 2001 and recorded July 26, 2001 in Deed Book 126 at Page 0075. Reference also deed recorded April 29, 1959 in Book I at Page S-7. All recording references being made to the Office of the Clerk of Court for Lancaster County, South Carolina unless otherwise specified.

Tax Map No.: 6-77

Grantees' Address: 3583 Mt. Holly Road, Edgemoor, South Carolina 29712

This conveyance is made subject to any and all existing reservations, easements, rights of way, zoning

*per Susan Shaw Perry, she is the
brother (Bennie B. Shaw, Jr.) and the only
(see plat book 17/31/2002) owner of this property*

ordinances, setback lines, and restrictions or protective covenants that may appear of record, on the recorded plat(s), or on the premises, of record, including matters shown on recorded plats.

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

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee, **Bennie B. Shaw, Jr. and Susan Shaw Perry**, and, her heirs, successors, and assigns forever.

AND THE GRANTOR, **Bennie B. Shaw, Jr., Trustee of the Bennie B. Shaw, Sr. Living Trust dated July 18, 2001**, does hereby bind the Grantor, and the Grantor's heirs, executors and administrators, to warrant and forever defend all and singular the said premises unto the said Grantee **Bennie B. Shaw, Jr. and Susan Shaw Perry**, their heirs, successors, and assigns, against Grantor and Grantor's heirs, successors, and assigns and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS Hand and Seal this the 9th day of March, in the year of our Lord 2013.

Signed, Sealed and Delivered in the Presence of:

Ann C. Shirley
Witness

Bennie B. Shaw Jr., Trustee
Bennie B. Shaw, Jr., Trustee of the Bennie B. Shaw, Sr. Living Trust dated July 18, 2001

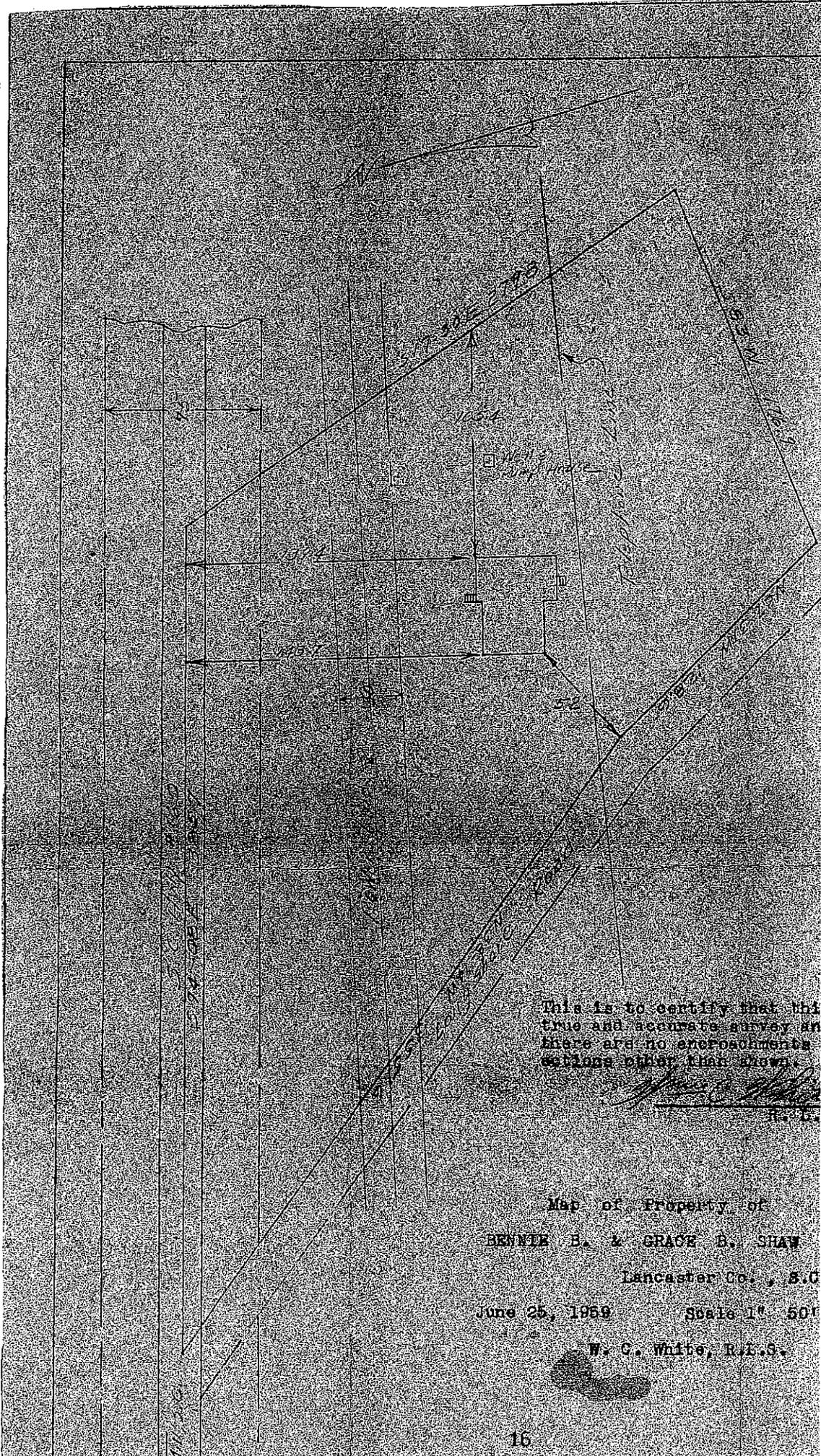
Louise P. Buffitt
Witness

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF YORK)

I, Ann C. Shirley, a Notary Public, within and for the State and County aforesaid, do hereby certify that the foregoing instrument of writing was this day produced to me in the above State and County by the Principals and was executed and acknowledged to be the free act and voluntary deed of the Principals.

WITNESS my signature this the 7th day of March, 2013.

Ann C. Shirley
Ann C. Shirley
Notary Public for South Carolina
My Commission expires: 12/17/2013



This is to certify that this
true and accurate survey and
there are no encroachments
existing other than shown.

[Handwritten Signature]
R. L. S.

Map of Property of
BENNIE B. & GRACE B. SHAW
Lancaster Co., S.C.
June 25, 1969 Scale 1" = 50'
W. C. White, R.L.S.

Indexed By Parcel ID Card #

Add Mod Del Save Cancel Print Refresh Home Help

Parcel ID: 0006-00-077.00

Account: 565
 Sticker #:
 Location: 887 FORT MILL HWY Indian Land
 Land Use: NRN - NQRes
 Owner #1: SHAW, BENNIE B JR

Card: 1/1
 District: 01 - County
 Ent. Parcel Area: 1.3 - AC
 Neigh: 01 - 01
 Own Type:

Market Adj. Value	Current	Year 2012	Legal Description
Calc. Land Area:	1.800	1.800	
Full Market Value:	127,100	127,100	
Building Value:	66,100		
Yard Items:	1,800		
Land Value:	59,200		
Total Value:	127,100	127,100	
Assessed Value:	7,626		
Capped Total:	127,100	127,100	

Sales Information
 Grantor: SHAW, BENNIE BARRON SR.
 Sale Price: 1
 Sale Date: 3/7/2013
 Legal Ref: 720-144

Validity: 9K
 Sold Vacant: No

Reval / Market Districts: 01
Narrative Description
 This parcel contains 1.8 AC of land mainly classified as NQRes with a Sing Fam Dw Building built about 1962, having primarily Brick Exterior and 1320 Square Feet, with 0 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 BdRm.

Office Notes Notes



No Picture Available

No Map Available

No Sketch Available

Exhibit 2

Parcel ID: 0006-00-077.00 Card: 1 of 1 Location: 887 FORT MILL HWY Indian Land

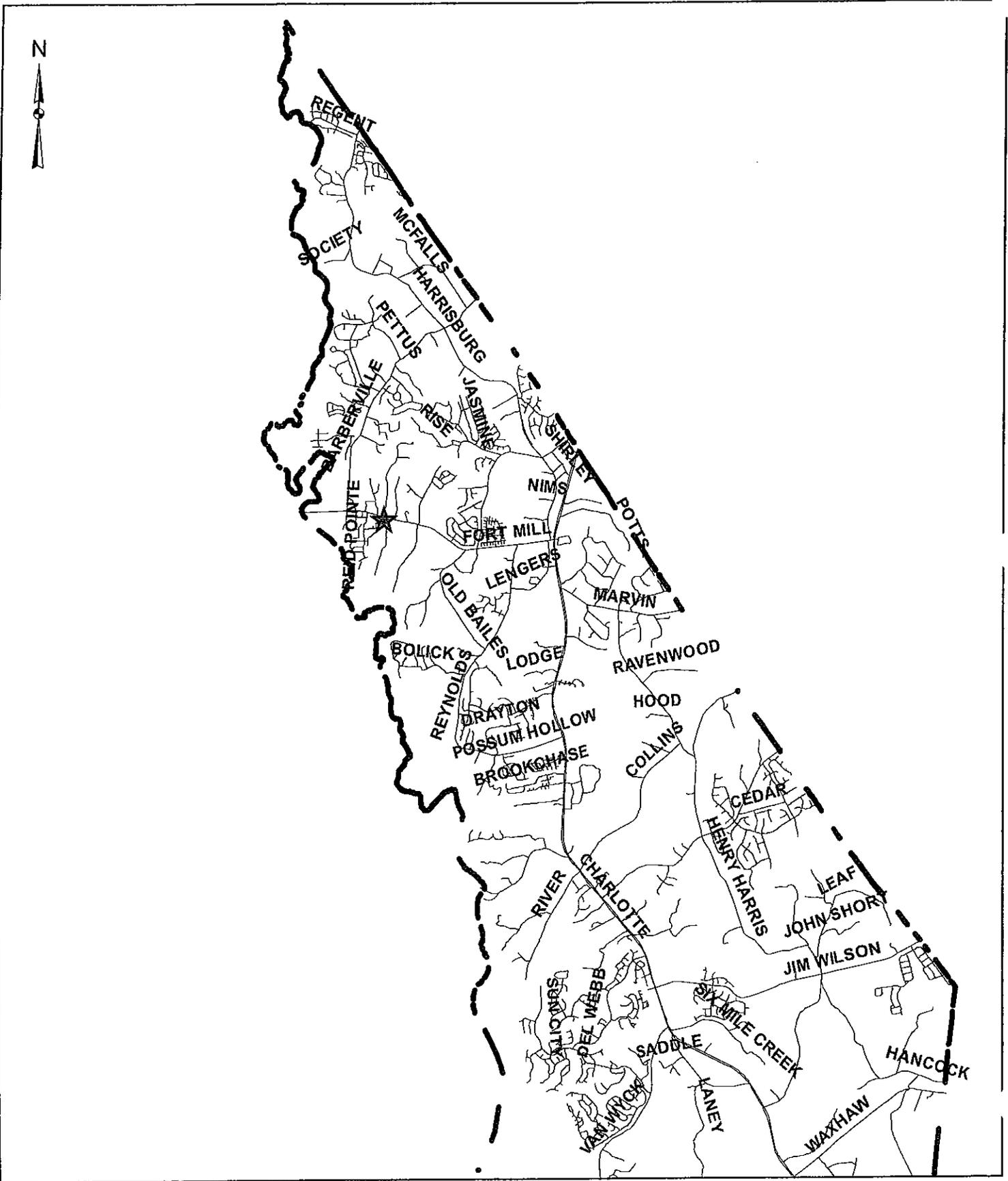
Current Ownership **Prior Owner** **ID/Factors/Taxes**

#	Title	Last Name	First Name	Res. ex	% Own	Type
#1:	SHAW		BENNIE B JR	<input type="checkbox"/>		
#2:	PERRY		SUSAN SHAW	<input type="checkbox"/>		
#3:				<input type="checkbox"/>		

Street #1: 3583 MT HOLLY RD
 Street #2:
 City/Town: EDGEMOOR
 Province/State: SC Postal: 29712
 Home Phone:
 Cell Phone:
 Work Phone:
 Email:
 Account Type:
 Legal Reference: 720-144
 Sale Date: 3/7/2013
 Owner Occupied:
 Owner Lookup Number: 69999

Separate Bill:
 Valid Owner:
 Private Info:

RZ-014-002
Susan Shaw Perry
Bennie B. Shaw, Jr.



Section 2.1.1 Residential districts established.

The following residential use districts are hereby established: R-15, R-15S, R-15D, R-30, R-30S, R-30D, R-45, R-45A, R-45B, MF, and MHP. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities. Other objectives of these districts are explained in the remainder of this section.

In addition to the stated objectives of each zoning district, all districts are designed to encourage the perpetuation of general agricultural activities such as general row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management areas. Intensive agricultural enterprises such as turkey barns, hog farms and other confined livestock operations shall only be allowed in the R-45A district.

1. The R-15, Moderate Density Residential/Agricultural District, is designed to accommodate the most dense single-family residential developments (not including manufactured homes) in areas of the county which are either experiencing urban growth or which are expected to experience urban growth in the near future. This type of development requires that both water and sewer lines be installed prior to construction beginning on the site. If water and sewer are not available to the site, the site shall be developed based on the regulations of the R-30 district (see below) The minimum lot size is 14,520 square feet and the minimum lot width is 90 feet.
2. The R-15S, Moderate Density Manufactured Housing/Agricultural District, contains the same regulations as the R-15 district except for the following:
 - a. Both single-wide and multi-wide manufactured housing units are allowed based on siting criteria (see [section 4.1.12](#)) in addition to site-built and modular homes.
 - b. This zoning district classification should be used to designate existing and future manufactured home subdivisions which do not/are not intended to consist of at least 50 percent multi-wide manufactured housing units.
 - c. This zoning district classification is appropriate adjacent to manufactured housing parks.
3. The R-15D, Moderate Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-15 district except for the following:
 - a. Only multi-wide manufactured housing units in addition to site-built and modular homes are allowed in this district based on certain siting criteria (see [section 4.1.12](#)).
 - b. This zoning district classification should be used when designating new areas for allowing manufactured housing in areas where public water and sewer are either in place or where such utilities can be extended by the developer.
 - c. The commercial uses allowed in the district are for the convenience of the local residents. Therefore, the uses are limited in scope and serve to meet the essential needs of the local resident. Such uses shall only be allowed on lots located at the intersection of two roads. One of the roads shall be part of the state highway system. No commercial uses shall be allowed on lots having frontage on any local street. The commercial uses allowed in this district are specified in the Table of Permissible Uses. All commercial buildings in this district are limited to 6,000 (gross) square feet.

4. The R-15P, Moderate Density Residential/Agricultural Panhandle District, is designed to accommodate single-family residential development (not including manufactured homes) in the northern part of the panhandle. This zoning district will allow residential uses and related residential uses such as religious institutions, fire station, etc., the maximum density allowed in this zoning district is 1.5 dwellings per acre (1.5 du/acre), minimum lot size of 29,040 square feet and the minimum lot width is 130 feet. The availability of water and/or sewer shall not change: (1) the maximum density allowed; (2) the minimum lot size, and (3) the minimum lot width from what is stated above.
5. The R-30, Low Density Residential/Agricultural District, is designed to accommodate single-family residential developments (not including manufactured housing units) in areas of the county that are appropriate for development at a slightly higher density than is permitted in the R-45, R-45A and R-45B districts. This district should serve as a transitional district between the lower density residential districts (R-45, R-45A and R-45B) and the higher density residential districts (R-15, R-15S and R-15D). The minimum lot size is 29,040 square feet and the minimum lot width is 130 feet if a septic system is used or 100 feet if on central water and sewer.
6. The R-30S, Low Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-30 district except for the following:
 - a. Both single-wide and multi-wide manufactured housing units are allowed based on siting criteria (see section 4.1.12) in addition to site-built and modular homes.
 - c.[b.] The zoning district classification is appropriate adjacent to manufactured housing parks.
7. The R-30D, Low Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-30 district except for the following:
 - a. Only multi-wide manufactured housing units in addition to site-built and modular homes are allowed in this district based on certain siting criteria (see Section 4.1.12)
 - b. This zoning district classification should be used when designating new areas for allowing manufactured housing.
8. The R-30P, Low Density Residential/Agricultural Panhandle District, is designed to accommodate single-family residential developments (not including manufactured homes) in the southern part of the panhandle. This zoning district will allow residential uses and related residential uses such as religious institutions, fire station, etc. The maximum density allowed in this zoning district is 1.5 dwellings per acre (1.5 du/acre), minimum lot size of 29,040 square feet and the minimum lot width is 130 feet. The availability of water and/or sewer shall not change: (1) the maximum density allowed; (2) the minimum lot size, and (3) the minimum lot width from what is stated above.
9. The R-45, Rural Residential/Agricultural District, is designed to encourage the perpetuation of agricultural uses and to accommodate low density residential development which does not include either single-wide or multiple-wide manufactured homes on individual lots. This district is best suited for those areas of the county which are not experiencing strong growth pressures. Additionally, this district serves to preserve existing subdivisions and to promote the development of conventional subdivisions in the most rural parts of the county. The minimum lot size allowed in this district is one acre (43,560 square feet), and the minimum lot width is 130 feet if a septic system is used or 120 feet if on central water and sewer.

The commercial uses allowed in the district are for the convenience of the local residents. Therefore, the uses are limited in scope and serve to meet the essential needs of the local resident. Such uses shall only be allowed on lots located at the

The MHP, Manufactured Home Park District, is established to accommodate planned manufactured housing park developments. This district affords County residents with an alternative housing type and thereby promotes the health, safety, and welfare of the community. This district shall apply to specified parcels of land only at the request of the owners of such parcels. Such manufactured home parks shall be developed with a zoning permit issued in accordance with both the permit approval and conditional and special exception uses chapters of this ordinance.

(Ord. No. 323, 2-1-99; Ord. No. 578, § 2-2-04; Ord. No. 679, 7-25-05)

Section 2.1.2 Commercial districts.

The following commercial districts are hereby established: B-1, B-2, B-3, and B-4. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section. Additionally, any use allowed in these districts shall comply with the regulations contained in section 4.1.17 [applicable regulations of Chapter 4].

In addition to the stated objectives of each zoning district, all districts are designed to encourage the perpetuation of general agricultural activities such as general row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management areas. Intensive agricultural enterprises such as turkey barns, hog farms and other confined livestock operations shall only be allowed in the R-45A district.

The use of vinyl, tin, metal and masonry block except split face/decorative masonry shall be prohibited on the exterior walls of any building located on a parcel that has frontage on U.S. Highway 521 from the southern right-of-way line of S.C. Highway 75 northward to the state line or frontage on S.C. Highway 160 from U.S. Highway 521 westward to the county line. All sides of the building shall comply with this requirement with the exception of any side of a building that is not visible from any point on an adjoining road(s) right-of-way. Sides of the building that are screened with landscaping, a fence or some combination of the two shall be considered to be visible from an adjoining street. This requirement is being added to these regulations for aesthetic purposes only and has nothing to do with the enforcement of building code requirements or standards.

1. The B-1, Business Office District, is designed to accommodate the office, governmental, and institutional needs of the community in areas within the County's planning jurisdiction. It shall function as a transitional land use between residential developments and more intense commercial districts. To further the use of this district as a transitional zoning district, multiple-family developments (excluding duplexes and manufactured housing) shall be permitted in this district. No outdoor storage shall be permitted. The maximum density permitted in this district is eight (8) dwelling units per acre. If property is developed for residential purposes, see Chapter 17 for recreational facilities and open space requirements.
2. The B-2, Community Business District, is designed to accommodate small-scale independent businesses or small-scale commercial centers (excluding automobile-service and repair businesses), which are oriented primarily toward retail and personal service activities. This district also serves as a transitional land use between residential areas and more intense commercial and industrial land uses. Such businesses are limited to 6,000 square feet or less of floor space. Uses appropriate in this district serve localized market areas, provide for smaller scale items not requiring large storage areas or deliveries to customers and generally do not generate high volumes of vehicular traffic.

The outdoor storage or display of merchandise, materials or inventory is prohibited

except for the storage or display of plant and garden supplies, farmer's markets and open air markets. Such areas shall be screened with a Type 3 Buffer yard when adjacent to a residential district or use, and all such areas shall be located completely behind the rear of the building. No storage area shall be allowed in any required or not required front or side yard.

3.

The B-3, General Commercial District, is designed to accommodate a wide variety of general commercial uses characterized primarily by retail, office and service establishments which are oriented primarily towards major traffic corridors and/or extensive areas of predominantly commercial usage and characteristics. Commercial uses encouraged in this district are generally patronized in single purpose trips and emphasize large general merchandise establishments, sale of large or bulky items, commercial services, repair services, automobile related sales and repair, various types of convenience stores, restaurants, and other recreational and entertainment uses. This district is also suited to accommodate travel oriented uses such as hotels and motels and gas stations.

Outdoor storage is permitted if a Type 1 Buffer yard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 Buffer yard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard. Automobile dealerships are allowed to park automobiles in the front or side yard of the property.

4.

The B-4, Restricted Commercial District, is designed to accommodate business operations which tend to have adverse impacts on adjacent properties. All commercial uses which are not permitted in any other district shall require a special exception permit.

Some of the uses allowed in this district have separation requirements from other uses (see Chapter 4). The separation requirements contained in Chapter 4 between a proposed commercial use not permitted in any other district and an existing residential structure shall only apply when the existing residential structure is located in a zoning district other than a B-4 District. All other separation requirements shall be followed.

Outdoor storage is permitted if a Type I buffer yard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 buffer yard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard.

(Ord. No. 323, 2-1-99; Ord. No. 330, 4-26-99; Ord. No. 871, 12-3-07)

RESIDENTIAL R-15 / UPDATED 1/22/07**USES PERMITTED:**

1. **Site Built Single-Family Detached House**
2. **Modular Single-Family Detached House
(Meets CABO Building Code)**
3. **Telephone Communications Facilities**
4. **Park or Playground**
5. **Golf Course (public or membership)**
6. **Nature Preserve or Wildlife Sanctuary**
7. **Botanical or Zoological Garden**
8. **Cemetery/Mausoleum**
9. **Other Designated Community Open Space Area**
10. **Livestock Facility (except commercial meat production centers)**
11. **Forest Production -- Including Christmas Trees**
12. **Religious Institution**
13. **General Agricultural Activities (i.e.) general row crop production, free range Livestock, etc.**

CONDITIONAL USES:

1. **Temporary Dependent Care Residences**
2. **Temporary emergency, construction, and repair residence**
3. **Home Occupation**
4. **Recycling Facilities, Convenience Centers and
Resource Recovery Facilities**
5. **Private or Commercial Horse Stables**
6. **Wireless Communication Towers (i.e. Cellular
Communications)**

USES REQUIRING REVIEW BY THE PC:

1. **Elementary or Secondary School**
2. **College, University or Professional School**
3. **Library**
4. **Police Station**
5. **Fire Station**
6. **Ambulance Service/Rescue Squad**
7. **United States Postal Service Facility**

BUSINESS B-3 / UPDATED 1/22/07

USES PERMITTED:

- 1. Bed and Breakfast**
- 3. Service – Agricultural Service Facility**
- 4. Veterinary Service w/outdoor pens**
- 5. Veterinary Service w/indoor pens – Animal Hospital, Veterinarian Office/Clinic, Veterinary Testing Labs**
- 6. Pedigree Record Services**
- 7. Commercial Kennels w/indoor pens**
- 8. Commercial Kennels w/outdoor pens**
- 9. Farm Labor and Management Service**
- 10. Landscape and Horticultural Service**
- 11. Liquor Stores**
- 12. Lumber and/or Other Building Materials Dealer**
- 13. Paint, Glass or Wallpaper Store**
- 14. Hardware Store**
- 15. Retail Nurseries, Lawn and Garden Supply Store**
- 16. Manufactured Home Dealer**
- 17. Retail Trade Store/Center – General Merchandise – Large Scale**
- 18. Retail Store-Food (Including Grocery Stores)**
- 19. Open Air Market (farm, crafts, produce),etc.)**
- 20. Motor Vehicles Dealer (new and/or used)**
- 21. Auto Supply Store**
- 22. Boat and Marine Supplies Dealer**
- 23. Recreation Vehicle Dealer**
- 24. Motorcycle Dealer**
- 25. Automobile Dealers, not elsewhere classified**
- 26. Retail Store – General – Small Scale (i.e.) Clothing, Shoe, Antiques**
- 27. Retail Store – Home Furniture, Furnishings and Appliances**
- 28. Bars and Taverns**
- 29. Nightclubs with alcohol**
- 30. Restaurants**
- 31. Fast Food with drive through window**
- 32. Car Wash (Full Service)**
- 33. Car Wash (Self Service)**
- 34. Convenience Store with Fuel**
- 35. Convenience Store without Fuel**
- 36. Office/Banks, Savings & Loans and Credit Unions**
- 37. General Office**
- 38. Hotels and Motels (Except Casino Hotels)**
- 39. Travel Arrangement and Reservation Services**
- 40. Freight Transportation Arrangement Agency**
- 41. Miscellaneous Incidental Transportation Service**
- 42. Personal and Laundry Services**

BUSINESS B-3 / UPDATED 1/22/07

- 43. Florist Shop**
- 44. Funeral Service and Crematories**
- 45. Automotive Rental and Leasing Agency**
- 46. Automobile Parking**
- 47. Automotive Service (except repair)**
- 48. Miscellaneous Repair Services**
- 49. Drive-In Movie Theater**
- 50. Motion Picture Production and/or Distribution Services**
- 51. Motion Picture Theater**
- 52. Video Tape Rental Store**
- 53. Amusement and Recreation Facilities (Non-Public)**
- 54. Offices and Clinics of Doctors, Dentists, & Other Health Practitioners**
- 55. Nursing and Personal Care Facility**
- 56. Medical or Dental Laboratory**
- 57. Miscellaneous Health or Allied Service**
- 58. Building Construction – General Contractors Facility (no outdoor storage)**
- 59. Construction – Special Trade Contractors**
- 60. Durable Goods – Wholesale/Distribution Facility**
- 61. Nondurable Goods – Wholesale/Distribution Facility**
- 62. Museums and Art Galleries**
- 63. Job Training and Vocational Rehabilitation Service**
- 64. Child Day Care Service or Facility**
- 65. Adult Day Care Service or Facility**
- 66. Residential Care Service or Facility (i.e.) Children’s Home, Halfway House**
- 67. Intermediate Care Institution**
- 68. Nursing Care Institution**
- 69. Membership Organization Facilities (i.e.) Business, Civic, Social**
- 70. Religious Institution**
- 71. Taxi Company Facility**
- 72. Intercity and Rural Bus Transportation Facility**
- 73. Charter Bus Service Facility**
- 74. Independent Motor Vehicle Terminal, Service, or Maintenance Facility**
- 75. Trucking and Courier Service Facility (except air)**
- 76. Motor Freight Transportation Terminal and Maintenance Facility**
- 77. Telephone Communications Facilities**
- 78. Telegraph or Other Message Communications Facilities**
- 79. Radio or Television Broadcasting Facilities**
- 80. Cable or Other Pay Television Facilities**
- 81. Park or Playground**
- 82. Recreation Facility (except golf courses)**
- 83. Golf Course (public or membership)**
- 84. Botanical or Zoological Garden**
- 85. Cemetery/Mausoleum**
- 86. Other Designated Community Open Space Area**

BUSINESS B-3 / UPDATED 1/22/07

- 87. Livestock Facility (except Commercial Meat Production Centers)**
- 88. General Agricultural Activities (i.e.) general row crop production, free-range livestock operations, pasture land, hay land, woodland and wildlife management areas**
- 89. Forest Production -- Including Christmas Trees**

CONDITIONAL USES:

- 1. Site Built Single-Family Detached House**
- 2. Modular Single-Family Detached House (Meets CABO Building Code)**
- 3. Temporary Dependent Care Residences**
- 4. Temporary emergency, construction, and repair residence**
- 5. Temporary Structure used in connection with the construction of a Permanent building or for some non-recurring purpose**
- 6. Home Occupation**
- 7. Manufactured Home Storage Lot**
- 8. Gasoline Service Station**
- 9. Automotive Repair Shop**
- 10. Manufacturing of Hi-Tech Products**
- 11. Mini-Warehouse Facilities**
- 12. Recycling Facilities, Convenience Centers and Resource Recovery Facilities**
- 13. Wireless Communication Towers (i.e. Cellular Communications)**
- 14. Nature Preserve or Wildlife Sanctuary**
- 15. Deer Processing**

USES REQUIRING REVIEW BY BOARD OF ZONING APPEALS:

- 1. Special Events**
- 2. Motorized Race and Testing Tracks**
- 3. Chemical Dependency Treatment Center**
- 4. Recoverable Waste Collection and Recycling Centers**

USES REQUIRING REVIEW BY PLANNING COMMISSION:

- 1. Hospital**
- 2. United States Postal Service Facility**
- 3. Elementary or Secondary School**
- 4. College, University or Professional School**
- 5. Library**
- 6. Vocational School**
- 7. Schools and Educational Service Facility (not elsewhere classified)**
- 8. Coliseum, Stadium, or Arena designed for capacity greater than 1000 people**
- 9. Government Offices**
- 10. Courthouse**
- 11. Police Station**

Rezoning application of Donna McClennen to rezone .90
acres from B-2, Community Business District, to B-3, General
Commercial District. RZ 014-003 {Public Hearing}
pgs. 28-47

Kathy Johnson

TM#0008-00-008.00

Conclusions:

Action items:

Person responsible:

Deadline:

PLANNING STAFF REPORT

I. Facts

A. General Information

Proposal: This is the rezoning application of Donna McClennen to rezone .90 acres from B-2, Community Business District, to B-3, General Commercial District. Ms. McClennen is requesting this rezoning on behalf of herself and her two siblings (David Thomas and Linda Annett). There is a vacant single family brick home located on the site. Although this property is presently zoned for some commercial uses, the property is for sale and the owners would like to increase the possible business uses for the site and improve its value.

Property Location: The property is located at 152 Fort Mill Highway, Indian Land, Lancaster County, SC.

Legal Description: TMS # 0008-00-008.00

Zoning Classification: Current: B-2, Community Business District

Voting District: **District 7, Brian Carnes**

B. Site Information

Site Description: This property is located near the intersection of S. C. Highway 160 (Ft Mill Highway) and US Highway 521. The lot is comprised of .90 acres and is presently the site of a single family site built home.

C. Vicinity Data

Surrounding Conditions: The property is bordered on the south by SC Highway 160. Directly across Highway 160 is the Lowe's store and several outparcels which are all zoned B-3, General Commercial District. The adjacent parcels on the east and west of this parcel are zoned B-2, Community Business District. To the north of this property, one parcel is zoned I-1, Light Industrial District and another parcel is zoned B-3, General Commercial District.

D. Exhibits

1. Rezoning Application
2. Tax Inquiry Sheet
3. Location Map
4. UDO – Section: 2.1.2 Commercial Districts
5. Table of Uses

E. Attachments

1. Zoning Map
2. Aerial Map

II. Findings

Code Considerations:

The **B-2, Community Business District**, is designed to accommodate small-scale independent businesses or small-scale commercial centers (excluding automobile-service and repair businesses), which are oriented primarily toward retail and personal service activities. This district also serves as a transitional land use between residential areas and more intense commercial and industrial land uses. Such businesses are limited to 6,000 square feet or less of floor space. Uses appropriate in this district serve localized market areas, provide for smaller scale items not requiring large storage areas or deliveries to customers and generally do not generate high volumes of vehicular traffic.

The outdoor storage or display of merchandise, materials or inventory is prohibited except for the storage or display of plant and garden supplies, farmer's markets and open air markets. Such areas shall be screened with a Type 3 Buffer yard when adjacent to a residential district or use, and all such areas shall be located completely behind the rear of the building. No storage area shall be allowed in any required or not required front or side yard.

The **B-3, General Commercial District**, is designed to accommodate a wide variety of general commercial uses characterized primarily by retail, office, and service establishments which are oriented primarily towards major traffic corridors and/or extensive areas of predominantly commercial usage and characteristics. Commercial uses encouraged in this district are generally patronized in single purpose trips and emphasize large general merchandise establishments, sale of large or bulky items, commercial services, repair services, automobile related sales and repair, various types of convenience stores, restaurants, and other recreational and entertainment uses. This district is also suited to accommodate travel oriented uses such as hotels and motels and gas stations.

Outdoor storage is permitted if a Type 1 Bufferyard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 Bufferyard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard. Automobile dealerships are allowed to park automobiles in the front or side yard of the property.

III. Conclusions

The facts and findings of this report show that the property located at 152 Fort Mill Highway in Indian Land, SC, is presently designated as residential on the Lancaster County Future Land Use Map. However, nearby parcels abutting both sides of US Highway 521 just east of this parcel are depicted as commercial on the Future Land Use Map. Furthermore, there are several properties located directly across Fort Mill Highway (SC Highway 160) from this parcel which are already zoned B-3, General Commercial District. There is one property abutting this parcel on the north that is also presently zoned B-3. All of the properties along SC Highway 160 at its intersection with US Highway 521 are suited for commercial use and this area is currently in transition from residential to commercial use. The Planning Department expects that this area will be designated

Date of PC Hearing: 02/18/2014:
 Approved Denied No Action

for commercial use once the Future Land Use Map is updated. For these reasons, the Planning Department staff feels that a commercial zoning of this property would be appropriate.

IV. Recommendation:

It is therefore the recommendation of the Planning Staff that the rezoning request for the property located at 152 Fort Mill Highway in Indian Land, SC be *approved*.

LANCASTER COUNTY
SOUTH CAROLINA

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE
LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box

Application No. RZ014-003 Date Received 7/16/14 Fee Paid ✓ \$250

1. The application is for amendment to the: (check one)

District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)

Ordinance Text (fill in items # 8 & 9 only)

2. Give either exact address or tax map reference to property for which a district boundary change is requested: Tract # 0008-00-008.00 - 152 Fort Mill Hwy 29707 . 90 acres

3. How is this property presently designated on the map? B-2

4. How is the property presently being used? vacant house

5. What new designation or map change do you purpose for this property? B-3

6. What new use do you propose for the property? commercial

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

7. Does the applicant own the property proposed for this change? YES NO If no, (with additional owners) give the name and address of the property owner and attach written authorization to file this application: ADDITIONAL OWNERS

LINDA ANNETT, DAVID THOMAS (authorizations enclosed)
6036 RIVER RIDGE CT 10208 DAVINHURST
HAMILTON, MI 49419 LOU. KY. 40241 N/A

9. Explanation of and reasons for proposed change: to increase potential uses and property value, Lowe's and out parcels directly across the street are already zoned B3.
(use back of form if additional space is needed)

NOTE: It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

APPLICANT'S NAME (PRINT)

DEANNA McCLENNEN (CO-OWNER)

ADDRESS:

2080 CLOVER HILL RD.
INDIAN LAND, SC 29707

Deanna J. McClennen
SIGNATURE

Phone:

803-487-0361

July 11, 2013

To: Lancaster County Building & Zoning

Lancaster, SC 29720

I, Linda Annett, as co-owner of property at 152 Fort Mill Hwy, Indian Land, SC 29707, Tax Parcel ID# 0008-00-008.00, authorize Donna J McClennen (also a co-owner of the property listed above) to request a zoning change (from B2 to B3) on my behalf.

Name of Co-Owner Linda Annett
Mailing Address of Co-Owner _____

6026 River Ridge Ct. Hamilton, MI 494 A
Phone Number of Co-Owner _____

269.208.4547
Signature of Co-Owner and Date (must be notarized)

Linda Annett
STATE OF Michigan
COUNTY OF Ottawa

Subscribed, sworn to, and acknowledged before me by Linda Annett on this
24th day of July
July, 2013.

Emily M. Newhouse
Notary Public, State at Large, Michigan
My commission expires: June 27, 2019

EMILY M. NEWHOUSE
Notary Public, State of Michigan
County of Ottawa
My Commission Expires June 27, 2019
Acting in the County of Ottawa

To: Lancaster County Building and Zoning
Lancaster, South Carolina

I, DAVID R. THOMAS, as co-owner of property at 152 Fort Mill Highway, Indian Land, SC, 29707, Tax Parcel ID# 0008-00-008.00, authorize Donna J McClennen (also a co-owner of the property listed above) to request a zoning change (from B2 to B3) on my behalf.

Name of Co-Owner DAVID R. THOMAS

Mailing Address of Co-Owner 10208 DAVINMURST CT
LOUISVILLE, KY 40242

Phone Number of Co-Owner 502-423-9191

David R Thomas 1-13-2014

Signature of Co-Owner and Date (must be notarized)

STATE OF Kentucky

COUNTY OF Jefferson

Subscribed, sworn to, and acknowledged before me by David R Thomas on this 13 day of January, 2014.

Jessica Roberts

Notary Public, State at Large, 1-13-14

My commission expires 11-13-15

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

IN THE PROBATE COURT

2011008419

DEED OF DISTRIBUTION
RECORDING FEES

\$10.00

PRESENTED & RECORDED:

08-03-2011 11:33 AM

JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: CANDICE KIRKLEY DEPUTY

BK: DEED 627

PG: 153-155

RECORDED THIS 4th DAY
OF AUGUST, 2011
IN BOOK 2011 PAGE T-1

LANCASTER COUNTY ASSESSOR

Tax Map:
0008 00 008 00

Cheryl L. Morgan
Auditor, Lancaster County, SC

IN THE MATTER OF THE ESTATE OF: PEGGY JEAN THOMAS

CASE NUMBER: 2011-ES-46-00330

DEED OF DISTRIBUTION

WHEREAS, the decedent died on the 14th day of June, 2010; and,

WHEREAS, the estate of the decedent is being administered in the Probate Court for York County, South Carolina in File # 2011-ES-46-00330; and,

WHEREAS, the grantees herein are the beneficiaries under the Last Will and Testament of the decedent; and,

WHEREAS, the undersigned Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted bargained, sold and released, and by these Presents does grant, bargain, sell and release to:

Name: Linda L. Annett,
Donna J. McClennen and
David R. Thomas
Address: 6026 River Ridge Court
Hamilton, MI 49419

the property described on EXHIBIT A which is attached hereto and incorporated herein by this reference.

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said Linda L. Annett, Donna J. McClennen and David R. Thomas, their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed, this 12 day of July, 2011.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Witness: Susan Ringewold

The Estate of Peggy Jean Thomas

Witness: Jamie Campbell

Linda L. Annett
Linda L. Annett
Personal Representative

STATE OF MICHIGAN)
)
COUNTY OF Ottawa)

ACKNOWLEDGMENT

I, the undersigned notary public, do hereby certify that the above named Personal Representative, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Distribution.

Executed this the 12 day of July, 2011.

Susan K Ringewold (SEAL)
NOTARY PUBLIC FOR THE STATE OF MICHIGAN
MY COMMISSION EXPIRES: 6-21-2015

SUSAN K. RINGEWOLD
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OTTAWA
MY COMMISSION EXPIRES JUNE 21, 2015
ACTING IN THE COUNTY OF ALLEGAN

EXHIBIT A

ALL THAT CERTAIN piece, parcel or lot of land lying and being situate in the State of South Carolina. County of Lancaster, Indian land Township, on S.C. Highway 160, being designated as Lots 7, 8 and 9 on the Mrs. S. E. Bailey property, and according to a survey thereof prepared by J. B. Fisher, RLS, having the following courses and distances, to wit:

BEGINNING at an iron pin at the northern edge of the right-of-way of S. C. Highway 160, which iron pin is located S. 89-08-47 E. 406.68 feet from a nail and cap in the centerline of the intersection of S. C. Highway 160 and Harrisburg Road, which iron pin is also the joint front corner of Lot 6 and lot herein described, thence along the edge of the right-of-way of S.C. Highway 160 S. 85-44-51 W. 149.55 feet to an iron pin; thence N. 04-30-00 W. 326.37 feet to an iron pin; thence S. 44-28-13 E. 188.75 feet to an iron pin; thence N. 77-29-04 E. 29.71 feet to an iron pin; thence S. 04-09-17 E. 186.51 feet to the point of beginning.

DERIVATION: This is the identical property conveyed unto Donald J. Thomas and Peggy J. Thomas (a/k/a Peggy Jean Thomas) by deed of Charles M. Blackwelder, Jr. and Sarah Blackwelder dated October 11, 1993, recorded October 21, 1993 in Deed Book T-11 at page 274 in the Office of the Clerk of Court for Lancaster County. The interest of Donald J. Thomas passed to Peggy J. Thomas (a/k/a Peggy Jean Thomas) by Deed of Distribution in the Donald J. Thomas Estate recorded immediately prior hereto.

TAX MAP NO: 0008-00-008.00

Parcel ID: 0008-00-008.00

Account: 897
 Sticker #:
 Location: 152 FORT MILL HWY Indian Land
 Land Use: NRN - NQRes
 Owner #1: ANNETT, LINDA L ETAL

Card: 1/1
 District: 01 - County
 Ent. Parcel Area: 0.9 - AC
 Neigh: 01 -01
 Own Type:

Market Adj. Value	Current	Year 2011	Legal Description
Calc. Land Area:	0.900	0.900	150X326X189X30X187
Full Market Value:	128,400	128,400	
Building Value:	91,900	91,900	
Yard Items:	500	500	
Land Value:	36,000	36,000	
Total Value:	128,400	128,400	
Assessed Value:	7,704	7,704	
Capped Total:	128,400	128,400	Reval / Market Districts: 01

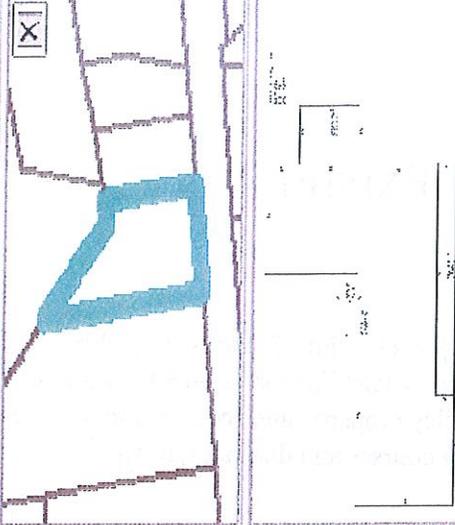
Sales Information
 Grantor: THOMAS, PEGGY J
 Sale Price: 0
 Sale Date: 7/12/2011
 Legal Ref: 627-153

Validity: 90
 Sold Vacant: No

Office Notes Notes

Narrative Description
 This parcel contains 0.9 AC of land mainly classified as NQRes with a Sing Fam Dw Building built about 1963, having primarily Brick Exterior and 2062 Square Feet, with 0 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.

No Picture Available



897 QuickList

Open 1/28/2014 9:00 AM

Exhibit 2

Indexed By [Redacted] **Parcel ID** [Redacted] **Card #** [Redacted]

ID/Factors/Taxes

Current Ownership

#	Title	Last Name	First Name	Res. ex	% Own	Type
#1	ANNETT		LINDA L ETAL	<input type="checkbox"/>		
#2				<input type="checkbox"/>		
#3				<input type="checkbox"/>		

Street #1: 6026 RIVER RIDGE CT
 Street #2:
 City/Town: HAMILTON
 Province/State: MI Postal: 49419

Home Phone:
 Cell Phone:
 Work Phone:
 Email:

Account Type:
 Legal Reference: 627-153
 Sale Date: 7/12/2011
 Owner Lookup Number: 62692

Separate Bill:
 Valid Owner:
 Private Info:

Prior Owner **Other Parties**

Sales **Exemptions** **More Owners**

The MHP, Manufactured Home Park District, is established to accommodate planned manufactured housing park developments. This district affords County residents with an alternative housing type and thereby promotes the health, safety, and welfare of the community. This district shall apply to specified parcels of land only at the request of the owners of such parcels. Such manufactured home parks shall be developed with a zoning permit issued in accordance with both the permit approval and conditional and special exception uses chapters of this ordinance.

(Ord. No. 323, 2-1-99; Ord. No. 578, § 2-2-04; Ord. No. 679, 7-25-05)

Section 2.1.2 Commercial districts.

The following commercial districts are hereby established: B-1, B-2, B-3, and B-4. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section. Additionally, any use allowed in these districts shall comply with the regulations contained in section 4.1.17 [applicable regulations of Chapter 4].

In addition to the stated objectives of each zoning district, all districts are designed to encourage the perpetuation of general agricultural activities such as general row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management areas. Intensive agricultural enterprises such as turkey barns, hog farms and other confined livestock operations shall only be allowed in the R-45A district.

The use of vinyl, tin, metal and masonry block except split face/decorative masonry shall be prohibited on the exterior walls of any building located on a parcel that has frontage on U.S. Highway 521 from the southern right-of-way line of S.C. Highway 75 northward to the state line or frontage on S.C. Highway 160 from U.S. Highway 521 westward to the county line. All sides of the building shall comply with this requirement with the exception of any side of a building that is not visible from any point on an adjoining road(s) right-of-way. Sides of the building that are screened with landscaping, a fence or some combination of the two shall be considered to be visible from an adjoining street. This requirement is being added to these regulations for aesthetic purposes only and has nothing to do with the enforcement of building code requirements or standards.

1. The B-1, Business Office District, is designed to accommodate the office, governmental, and institutional needs of the community in areas within the County's planning jurisdiction. It shall function as a transitional land use between residential developments and more intense commercial districts. To further the use of this district as a transitional zoning district, multiple-family developments (excluding duplexes and manufactured housing) shall be permitted in this district. No outdoor storage shall be permitted. The maximum density permitted in this district is eight (8) dwelling units per acre. If property is developed for residential purposes, see Chapter 17 for recreational facilities and open space requirements.
2. The B-2, Community Business District, is designed to accommodate small-scale independent businesses or small-scale commercial centers (excluding automobile-service and repair businesses), which are oriented primarily toward retail and personal service activities. This district also serves as a transitional land use between residential areas and more intense commercial and industrial land uses. Such businesses are limited to 6,000 square feet or less of floor space. Uses appropriate in this district serve localized market areas, provide for smaller scale items not requiring large storage areas or deliveries to customers and generally do not generate high volumes of vehicular traffic.
The outdoor storage or display of merchandise, materials or inventory is prohibited

except for the storage or display of plant and garden supplies, farmer's markets and open air markets. Such areas shall be screened with a Type 3 Buffer yard when adjacent to a residential district or use, and all such areas shall be located completely behind the rear of the building. No storage area shall be allowed in any required or not required front or side yard.

3.

The B-3, General Commercial District, is designed to accommodate a wide variety of general commercial uses characterized primarily by retail, office and service establishments which are oriented primarily towards major traffic corridors and/or extensive areas of predominantly commercial usage and characteristics. Commercial uses encouraged in this district are generally patronized in single purpose trips and emphasize large general merchandise establishments, sale of large or bulky items, commercial services, repair services, automobile related sales and repair, various types of convenience stores, restaurants, and other recreational and entertainment uses. This district is also suited to accommodate travel oriented uses such as hotels and motels and gas stations.

Outdoor storage is permitted if a Type 1 Buffer yard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 Buffer yard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard. Automobile dealerships are allowed to park automobiles in the front or side yard of the property.

4.

The B-4, Restricted Commercial District, is designed to accommodate business operations which tend to have adverse impacts on adjacent properties. All commercial uses which are not permitted in any other district shall require a special exception permit.

Some of the uses allowed in this district have separation requirements from other uses (see Chapter 4). The separation requirements contained in Chapter 4 between a proposed commercial use not permitted in any other district and an existing residential structure shall only apply when the existing residential structure is located in a zoning district other than a B-4 District. All other separation requirements shall be followed.

Outdoor storage is permitted if a Type 1 buffer yard is installed around the outside of the storage area when the area is adjacent to a nonresidential district. A Type 3 buffer yard is required around the storage area when it is adjacent to a residential district or use and all such areas shall be located completely behind the building. No storage areas shall be located in any required or not required front or side yard.

(Ord. No. 323, 2-1-99; Ord. No. 330, 4-26-99; Ord. No. 871, 12-3-07)

BUSINESS B-2 / UPDATED 7/11/07/Ord.#832**USES PERMITTED:**

1. **Bed and Breakfast**
3. **Support Activities for Crop Production**
4. **Veterinary Service w/indoor pens – Animal Hospital, Veterinarian Office/Clinic, Veterinary Testing Labs**
5. **Pedigree Record Services**
6. **Commercial Kennels w/indoor pens**
7. **Farm Labor and Management Service**
8. **Landscape and Horticultural Service**
9. **Paint, Glass or Wallpaper Store**
10. **Hardware Store**
11. **Retail Nurseries, Lawn and Garden Supply Store**
12. **Retail Store-Food (Including Grocery Stores)**
13. **Open Air Market (farm, crafts, produce),etc.)**
14. **Retail Store – General – Small Scale (i.e.) Clothing, Shoe, Antiques**
15. **Office/Banks, Savings & Loans and Credit Unions**
16. **General Office**
17. **Tourist Homes and other temporary residences renting by the day or week**
18. **Travel Arrangement and Reservation Services**
19. **Freight Transportation Arrangement Agency**
20. **Miscellaneous Incidental Transportation Service**
21. **Rooming and Boarding Houses**
22. **Personal and Laundry Services**
23. **Florist Shop**
24. **Funeral Service and Crematories**
25. **Automobile Parking**
26. **Automotive Service (except repair)**
27. **Motion Picture Theater**
28. **Video Tape Rental Store**
29. **Amusement and Recreation Facilities (Non-Public)**
30. **Offices and Clinics of Doctors, Dentists, & Other Health Practitioners**
31. **Medical or Dental Laboratory**
32. **Miscellaneous Health or Allied Service**
33. **Building Construction – General Contractors Facility (no outdoor storage)**
34. **Construction – Special Trade Contractors**
35. **Museums and Art Galleries**
36. **Job Training and Vocational Rehabilitation Service**
37. **Child Day Care Service or Facility**
38. **Adult Day Care Service or Facility**
39. **Residential Care Service or Facility (i.e.) Children’s Home, Halfway House**
40. **Religious Institution**
41. **Taxi Company Facility**
42. **Telephone Communications Facilities**

BUSINESS B-2 / UPDATED 7/11/07

- 43. Telegraph or Other Message Communications Facilities**
- 44. Cable or Other Pay Television Facilities**
- 45. Park or Playground**
- 46. Recreation Facility (except golf courses)**
- 47. Botanical or Zoological Garden**
- 48. Cemetery/Mausoleum**
- 49. Other Designated Community Open Space Area**
- 50. General Agricultural Activities (i.e.) general row crop production, free-range livestock operations, pasture land, hay land, woodland and wildlife management areas**
- 51. Forest Production – Including Christmas Trees**

CONDITIONAL USES:

- 1. Site Built Single-Family Detached House**
- 2. Modular Single-Family Detached House (Meets CABO Building Code)**
- 3. Temporary Dependent Care Residences**
- 4. Temporary emergency, construction, and repair residence**
- 5. Temporary Structure used in connection with the construction of a Permanent building or for some non-recurring purpose**
- 6. Home Occupation**
- 7. Motor Vehicles Dealer**
- 8. Hotels and Motels (Except Casino Hotels)**
- 9. Private or Commercial Horse Stables**
- 10. Recycling Facilities, Convenience Centers and Resource Recovery Facilities**
- 11. Wireless Communication Towers (i.e. Cellular Communications)**
- 12. Nature Preserve or Wildlife Sanctuary**

USES REQUIRING REVIEW BY PLANNING COMMISSION:

- 1. Hospital**
- 2. United States Postal Service Facility**
- 3. Elementary or Secondary School**
- 4. College, University or Professional School**
- 5. Library**
- 6. Vocational School**
- 7. Schools and Educational Service Facility (not elsewhere classified)**
- 8. Government Offices**
- 9. Courthouse**
- 10. Police Station**
- 11. Fire Station**
- 12. Ambulance Service/Rescue Squad**
- 13. Detention Center**
- 14. Other Public Order and Safety Facility**

BUSINESS B-2 / UPDATED 1/22/07

**15. Electricity, Water, Sewer, and Petroleum Distribution/Collection
Facilities and Services**

USES REQUIRING REVIEW BY BOARD OF ZONING APPEALS:

- 1. Special Events**
- 2. Chemical Dependency Treatment Center**
- 3. Recoverable Waste Collection and Recycling Centers**

BUSINESS B-3 / UPDATED 1/22/07

USES PERMITTED:

- 1. Bed and Breakfast**
- 3. Service – Agricultural Service Facility**
- 4. Veterinary Service w/outdoor pens**
- 5. Veterinary Service w/indoor pens – Animal Hospital, Veterinarian Office/Clinic, Veterinary Testing Labs**
- 6. Pedigree Record Services**
- 7. Commercial Kennels w/indoor pens**
- 8. Commercial Kennels w/outdoor pens**
- 9. Farm Labor and Management Service**
- 10. Landscape and Horticultural Service**
- 11. Liquor Stores**
- 12. Lumber and/or Other Building Materials Dealer**
- 13. Paint, Glass or Wallpaper Store**
- 14. Hardware Store**
- 15. Retail Nurseries, Lawn and Garden Supply Store**
- 16. Manufactured Home Dealer**
- 17. Retail Trade Store/Center – General Merchandise – Large Scale**
- 18. Retail Store-Food (Including Grocery Stores)**
- 19. Open Air Market (farm, crafts, produce),etc.)**
- 20. Motor Vehicles Dealer (new and/or used)**
- 21. Auto Supply Store**
- 22. Boat and Marine Supplies Dealer**
- 23. Recreation Vehicle Dealer**
- 24. Motorcycle Dealer**
- 25. Automobile Dealers, not elsewhere classified**
- 26. Retail Store – General – Small Scale (i.e.) Clothing, Shoe, Antiques**
- 27. Retail Store – Home Furniture, Furnishings and Appliances**
- 28. Bars and Taverns**
- 29. Nightclubs with alcohol**
- 30. Restaurants**
- 31. Fast Food with drive through window**
- 32. Car Wash (Full Service)**
- 33. Car Wash (Self Service)**
- 34. Convenience Store with Fuel**
- 35. Convenience Store without Fuel**
- 36. Office/Banks, Savings & Loans and Credit Unions**
- 37. General Office**
- 38. Hotels and Motels (Except Casino Hotels)**
- 39. Travel Arrangement and Reservation Services**
- 40. Freight Transportation Arrangement Agency**
- 41. Miscellaneous Incidental Transportation Service**
- 42. Personal and Laundry Services**

BUSINESS B-3 / UPDATED 1/22/07

- 43. Florist Shop**
- 44. Funeral Service and Crematories**
- 45. Automotive Rental and Leasing Agency**
- 46. Automobile Parking**
- 47. Automotive Service (except repair)**
- 48. Miscellaneous Repair Services**
- 49. Drive-In Movie Theater**
- 50. Motion Picture Production and/or Distribution Services**
- 51. Motion Picture Theater**
- 52. Video Tape Rental Store**
- 53. Amusement and Recreation Facilities (Non-Public)**
- 54. Offices and Clinics of Doctors, Dentists, & Other Health Practitioners**
- 55. Nursing and Personal Care Facility**
- 56. Medical or Dental Laboratory**
- 57. Miscellaneous Health or Allied Service**
- 58. Building Construction – General Contractors Facility (no outdoor storage)**
- 59. Construction – Special Trade Contractors**
- 60. Durable Goods – Wholesale/Distribution Facility**
- 61. Nondurable Goods – Wholesale/Distribution Facility**
- 62. Museums and Art Galleries**
- 63. Job Training and Vocational Rehabilitation Service**
- 64. Child Day Care Service or Facility**
- 65. Adult Day Care Service or Facility**
- 66. Residential Care Service or Facility (i.e.) Children’s Home, Halfway House**
- 67. Intermediate Care Institution**
- 68. Nursing Care Institution**
- 69. Membership Organization Facilities (i.e.) Business, Civic, Social**
- 70. Religious Institution**
- 71. Taxi Company Facility**
- 72. Intercity and Rural Bus Transportation Facility**
- 73. Charter Bus Service Facility**
- 74. Independent Motor Vehicle Terminal, Service, or Maintenance Facility**
- 75. Trucking and Courier Service Facility (except air)**
- 76. Motor Freight Transportation Terminal and Maintenance Facility**
- 77. Telephone Communications Facilities**
- 78. Telegraph or Other Message Communications Facilities**
- 79. Radio or Television Broadcasting Facilities**
- 80. Cable or Other Pay Television Facilities**
- 81. Park or Playground**
- 82. Recreation Facility (except golf courses)**
- 83. Golf Course (public or membership)**
- 84. Botanical or Zoological Garden**
- 85. Cemetery/Mausoleum**
- 86. Other Designated Community Open Space Area**

BUSINESS B-3 / UPDATED 1/22/07

- 87. Livestock Facility (except Commercial Meat Production Centers)**
- 88. General Agricultural Activities (i.e.) general row crop production, free-range livestock operations, pasture land, hay land, woodland and wildlife management areas**
- 89. Forest Production – Including Christmas Trees**

CONDITIONAL USES:

- 1. Site Built Single-Family Detached House**
- 2. Modular Single-Family Detached House (Meets CABO Building Code)**
- 3. Temporary Dependent Care Residences**
- 4. Temporary emergency, construction, and repair residence**
- 5. Temporary Structure used in connection with the construction of a Permanent building or for some non-recurring purpose**
- 6. Home Occupation**
- 7. Manufactured Home Storage Lot**
- 8. Gasoline Service Station**
- 9. Automotive Repair Shop**
- 10. Manufacturing of Hi-Tech Products**
- 11. Mini-Warehouse Facilities**
- 12. Recycling Facilities, Convenience Centers and Resource Recovery Facilities**
- 13. Wireless Communication Towers (i.e. Cellular Communications)**
- 14. Nature Preserve or Wildlife Sanctuary**
- 15. Deer Processing**

USES REQUIRING REVIEW BY BOARD OF ZONING APPEALS:

- 1. Special Events**
- 2. Motorized Race and Testing Tracks**
- 3. Chemical Dependency Treatment Center**
- 4. Recoverable Waste Collection and Recycling Centers**

USES REQUIRING REVIEW BY PLANNING COMMISSION:

- 1. Hospital**
- 2. United States Postal Service Facility**
- 3. Elementary or Secondary School**
- 4. College, University or Professional School**
- 5. Library**
- 6. Vocational School**
- 7. Schools and Educational Service Facility (not elsewhere classified)**
- 8. Coliseum, Stadium, or Arena designed for capacity greater than 1000 people**
- 9. Government Offices**
- 10. Courthouse**
- 11. Police Station**

Rezoning application of Willis F. Ballard Jr. to rezone a portion of the property (one acre) from R-30, Low Density Residential/Agricultural District, to R-30D, Low Density Residential/manufactured Housing/Agricultural District.RZ 014-004 {Public Hearing} pgs. 48-62
Portion of TM#81F, Block A, Parcel 11

Penelope Karagounis

Conclusions:

Action items:

Person responsible:

Deadline:

PLANNING STAFF REPORT

I. Facts

A. General Information

Proposal: Rezoning application of Willis F. Ballard Jr. to rezone a portion of the property (one acre) from R-30, Low Density Residential/Agricultural District, to R-30D, Low Density Residential/Manufactured Housing/Agricultural District.

Property Location: The property is located at 474 Belk Street in Lancaster, South Carolina

Legal Description: Portion of Tax Map Number 81F, Block A, Parcel 11

Zoning Classification: Current: R-30, Low Density Residential/Agricultural District, to R-30D, Low Density Residential/Manufactured Housing/Agricultural District.

Voting District: **District 2, Charlene McGriff**

B. Site Information

Site Description: The property is presently vacant. There was previously a single wide manufactured home on the site and was used for his office.

C. Vicinity Data

Surrounding Conditions: The property is surrounded by R-30, Low Density Residential/Agricultural District. There is only one parcel located two parcels over on 415 Fairfield Street that was rezoned in 2008 from R-30 to R-30D. The property on 415 Fairfield Street is 0.93 of an acre.

D. Exhibits

1. Rezoning Application
2. Location Map
3. Tax Parcel Map
4. Tax Inquiry Sheet
5. UDO – Section: 2.1.1 Residential Districts Established
6. Table of Uses

II. Findings

- a. Code Considerations: **The R-30, Low Density Residential/Agricultural District**, is designed to accommodate single-family residential developments (not including manufactured homes) in areas of the county that are appropriate for development at a slightly higher density than is permitted in the R-45, R-45A, and R-45B districts. This district should serve as a transitional district between the lower density residential districts (R-45, R-45A, and R-45B) and the higher density residential districts (R-15, R-15S, and R-15D). The minimum lot size is 29,040 square feet and the minimum lot width is 130 feet if a septic system is used or 100 feet if on central water and sewer.

The R-30D, Low Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-30 district except for the following:

- (a.) Only multi-wide manufactured housing units in addition to site-built and modular homes are allowed in this district based on certain sitting criteria.
- (b.) This zoning district classification should be used when designating new areas for allowing manufactured housing. district are generally patronized in single purpose trips and emphasize large general merchandise establishments, sale of large or bulky items, commercial services, repair services, automobile related sales and repair, various types of convenience stores,

III. Conclusions

The facts and findings of this report show that the property is designated as residential on the Lancaster County Future Land Use Map. This does not distinguish between site-built homes and manufactured homes. The majority of the houses surrounding this property are site-built homes.

IV. Recommendation:

It is therefore the recommendation of the planning staff that the rezoning request for the property located at 474 Belk Street be denied.

LANCASTER COUNTY
SOUTH CAROLINA

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE
LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box		
Application No. <u>RZ 014-004</u>	Date Received <u>1-17-14</u>	Fee Paid <input checked="" type="checkbox"/>

1. The application is for amendment to the: (check one)
- District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)
- Ordinance Text (fill in items # 8 & 9 only)

2. Give either exact address or tax map reference to property for which a district boundary change is requested: 474 Belk Street, LANCASTER SC. 29720

TM 0081F-DA-011.0

3. How is this property presently designated on the map? R-30

4. How is the property presently being used? VACANT

5. What new designation or map change do you propose for this property? R-30D

6. What new use do you propose for the property? INSTALL A Double Wide Manufactured SIFRES.

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

7. Does the applicant own the property proposed for this change? YES NO If no, give the name and address of the property owner and attach notarized letter from property owner:

8. If this involves a change in the Ordinance text, what section or sections will be affected? _____

R-30 & R-30D

9. Explanation of and reasons for proposed change: see ATTACHMENT

(use back of form if additional space is needed)

NOTE: It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

APPLICANT'S NAME (PRINT)

Willis F. Ballard JR

DeLee S. Ballard

ADDRESS:

490 Belk St.

LANCASTER S.C.

Willis F. Ballard, Jr.
SIGNATURE
DeLee S. Ballard

Phone:

803 804 5351

Data for zoning change:

Exhibit 1

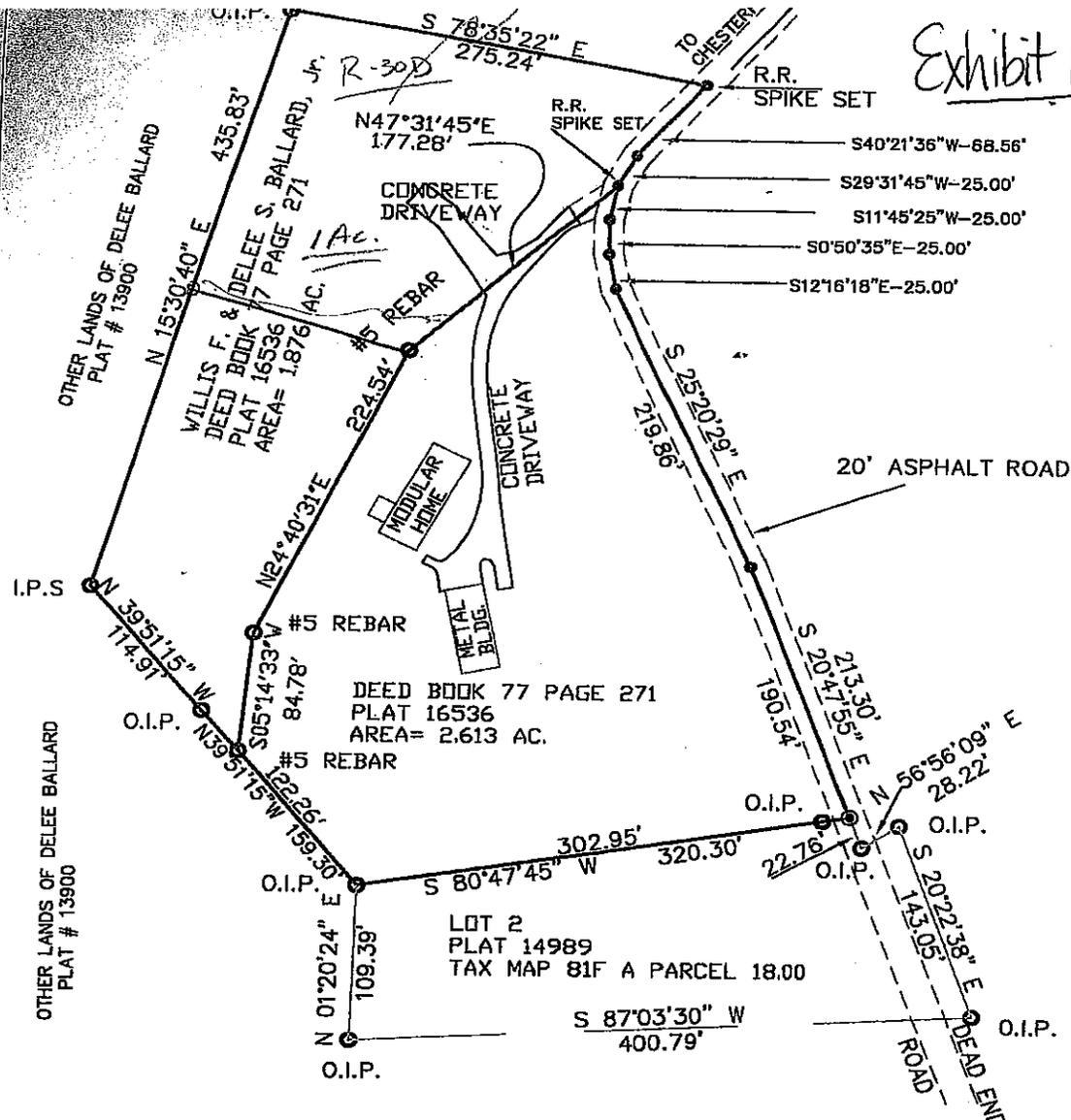
Change zoning from R-30 to R-30D

This property is presently vacant. Previously, a single wide manufactured home was located on the site and used as my Office. At that time the property zoning was, as it is today R-30, at that time a Manufactured home was an allowed use under this classification. This use has been deleted from this classification.

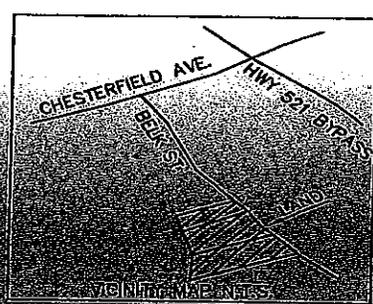
In December, 2013, My Father-in-law died. My Mother-in-law, who lives in Union, SC. Would like to place a double wide manufactured home on this land tract so she could live next door to her daughter and I. This use would not cause any negative impact on the neighborhood, I live in a double wide manufactured home beside the tract and similar manufactured homes are in front of and behind this land tract. I have contacted the neighbor next door, Mrs. Polly Hinson, to inform her of this use and she informed me that she had no objections to this change in zoning.

I know this change is spot zoning, but I respectfully request that this be approved to allow the best use of the property for the owner and still provide proper development of the neighborhood.

Exhibit 1



NOTE: This plat does not lie within any designated flood area and therefore, no action is required by the applicant to determine whether or not the proposed project is located in a flood area, or if it is, what the applicable flood hazard is.



Plat Of Property Of
WILLIS F. BALLARD, Jr.
 &
DELEE S. BALLARD

Located At
 290 Ball St.
 Lancaster, South Carolina
 Lancaster County

Scale = 100' Date 08/27/2001

GRAPHIC SCALE



(IN FEET)
 1 inch = 100 ft.

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

Deed drawn by Robert K. Folks
Title not examined

0002500 Bk: 0077 Pg: 0271

FILED, RECORDED, INDEXED
03/30/2000 04:36:19PM
Rec Fee: 10.00 St Fee: 0.00
Co Fee: 0.00 Pages: 3
Clerk of Court
LANCASTER COUNTY, SC

State of South Carolina }
County of Lancaster }

TITLE TO REAL ESTATE

Know All Men by These Presents, That DeLee S. Ballard

hereinafter referred to as grantor for and in consideration of the sum of **Five and no/100ths (\$5.00)**
Dollars, Love and Affection-----

to grantor paid by **Willis F. Ballard, Jr.**
490 Beik Street
Lancaster, SC 29720

hereinafter referred to as grantee, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said grantee and grantee's heirs, successors and assigns, **an undivided one-half (1/2) interest in and to the following** described property, to wit:

"All that certain piece, parcel or lot of land, lying, being and situate in the State of South Carolina, County of Lancaster, located South of Highway 903, located on the west side of 20' asphalt road, being shown, described and designated as Area=1.876 ac., as shown on plat of survey entitled 'Plat of Property of DeLee S. Ballard' dated April 24, 1996, made by J. C. Crumpler, RLS, recorded May 1, 1996 in the Office of the Clerk of Court for Lancaster County, as Plat No. 16536. For a more complete description reference to said plat is craved."

ALSO "All that certain piece, parcel or lot of land, lying, being and situate in the State of South Carolina, County of Lancaster, located South of Highway 903, located on the west side of 20' asphalt road, being shown, described and designated as Area=2.60, as shown on plat of survey entitled 'Plat of Property of DeLee S. Ballard' dated April 24, 1996, made by J. C. Crumpler, RLS, recorded May 1, 1996 in the Office of the Clerk of Court for Lancaster County, as Plat No. 16536. For a more complete description reference to said plat is craved."

Being portions of the property conveyed to DeLee S. Ballard by Deed of W. F. Ballard, Jr., a/k/a Will F. Ballard dated September 24, 1993 and recorded September 28, 1993 in the Office of the Clerk of Court for Lancaster County in Deed Book S-11 page 124.

ASSESSOR'S OFFICE
Received 3-31-2000
Tax Map Code 01F-A-11
Or Portion Of _____

The within described property is conveyed subject to existing easements and rights of way, whether of record or not, and to restrictions, if any, appearing in the chain of title which said restrictions, if any, are not intended to be reimposed hereby.

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

Exhibit 1

INST. # 6163

BOOK 5-11 PAGE 124

DEED DRAWN BY ROBERT K. FOLKS
TITLE NOT EXAMINED

INST. #
State of South Carolina, }
County of Lancaster

TITLE TO REAL ESTATE

Know All Men by These Presents, That W. F. Ballard, Jr., a/k/a
Will F. Ballard

hereinafter referred to as grantor for and in consideration of the sum of Five and no/100ths
(\$5.00) Dollars, Love and Affection ----- Dollars

to grantor paid by DeLee S. Ballard
409 Belk Street
Lancaster, SC 29720

hereinafter referred to as grantee, the receipt whereof is hereby acknowledged, have granted, bargained,
sold and released, and by these presents do grant, bargain, sell and release unto the said grantee and
grantee's heirs, successors and assigns, the following described property, to wit:

"All that certain piece, parcel or lot of land, together with the
improvements thereon, lying, being and situate in Lancaster County,
South Carolina, located south of Highway 903, being shown,
described and designated as Tract E containing 23.29 acres and
Tract F containing 40.83 acres on plat of survey entitled 'Boundary
Survey for W. F. Ballard, Jr.' dated March 29, 1989 made by Wm.
Charles Hendley Jr. Land Surveying, recorded as Plat No. 13179 in
the Office of the Clerk of Court for Lancaster County, South
Carolina, which plat is by reference made a part hereof."

Being property conveyed to W. F. Ballard, Jr. by Deed of Lee O.
Montgomery, Clerk of Court, dated September 9, 1953 and recorded
September 10, 1953 in Deed Book G-4 Page 408, Office of the Clerk
of Court for Lancaster County, South Carolina. See also Deed of
Good Neighbors of Southside, Inc. to Will F. Ballard dated November
20, 1987 and recorded November 23, 1987 in Deed Book I-7 Page 314,
said Office of the Clerk of Court.

FILED
OFFICE OF CLERK
OF COURT
SEP 28 11 21 AM '93
CLERK OF COURT
LANCASTER COUNTY, S.C.

ASSESSOR'S OFFICE
Received 9-30-93
Tax Map Code 81A-F-11
Or Portion of _____

The within described property is conveyed subject to existing easements and rights of way, whether
of record or not, and to restrictions, if any, appearing in the chain of title which said restrictions, if any, are
not intended to be reimposed hereby.
TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said
premises belonging or in anywise incident or appertaining.

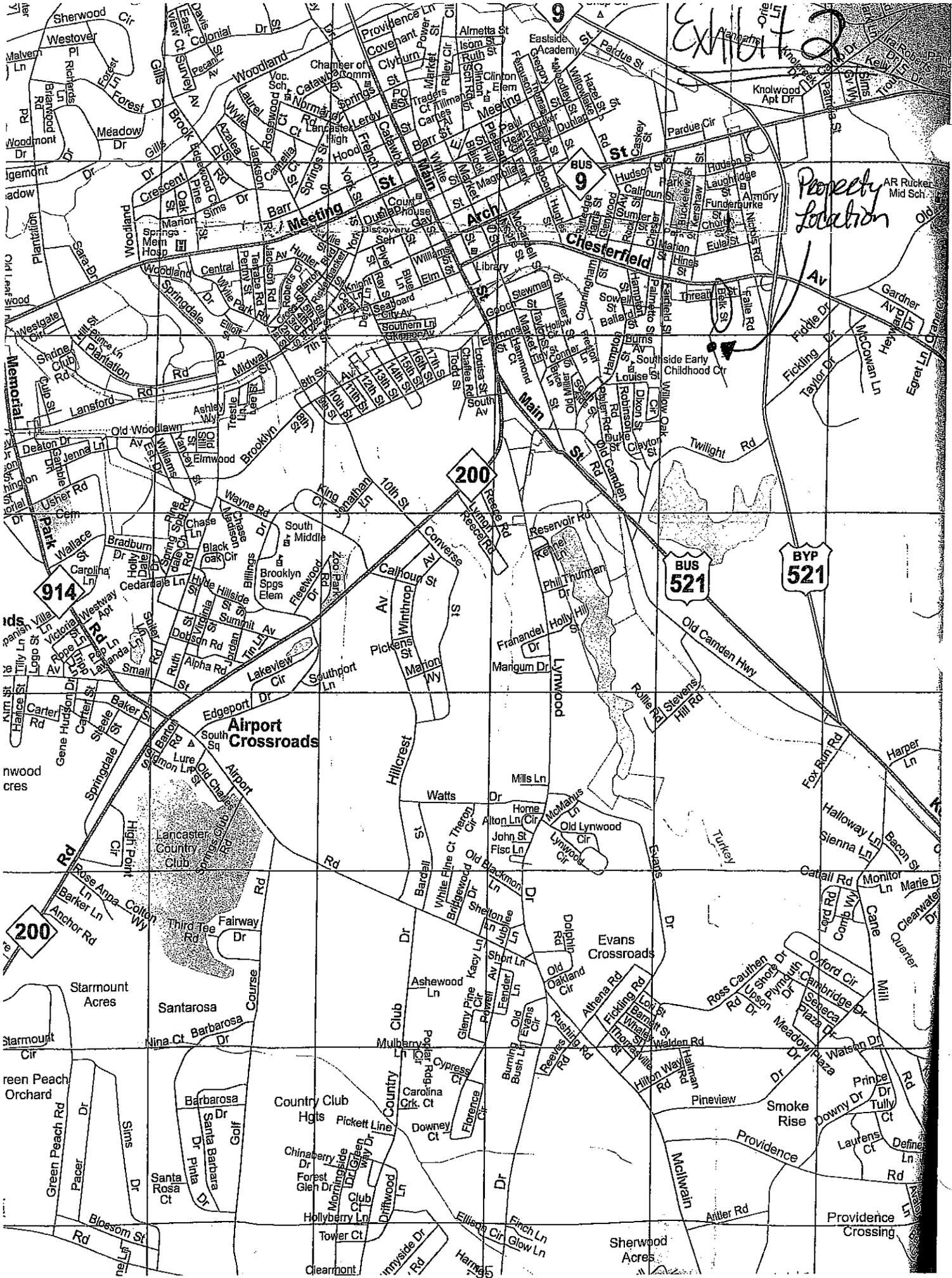


Exhibit 2

Property Location

BUS 521

BYP 521

914

200

Airport Crossroads

200

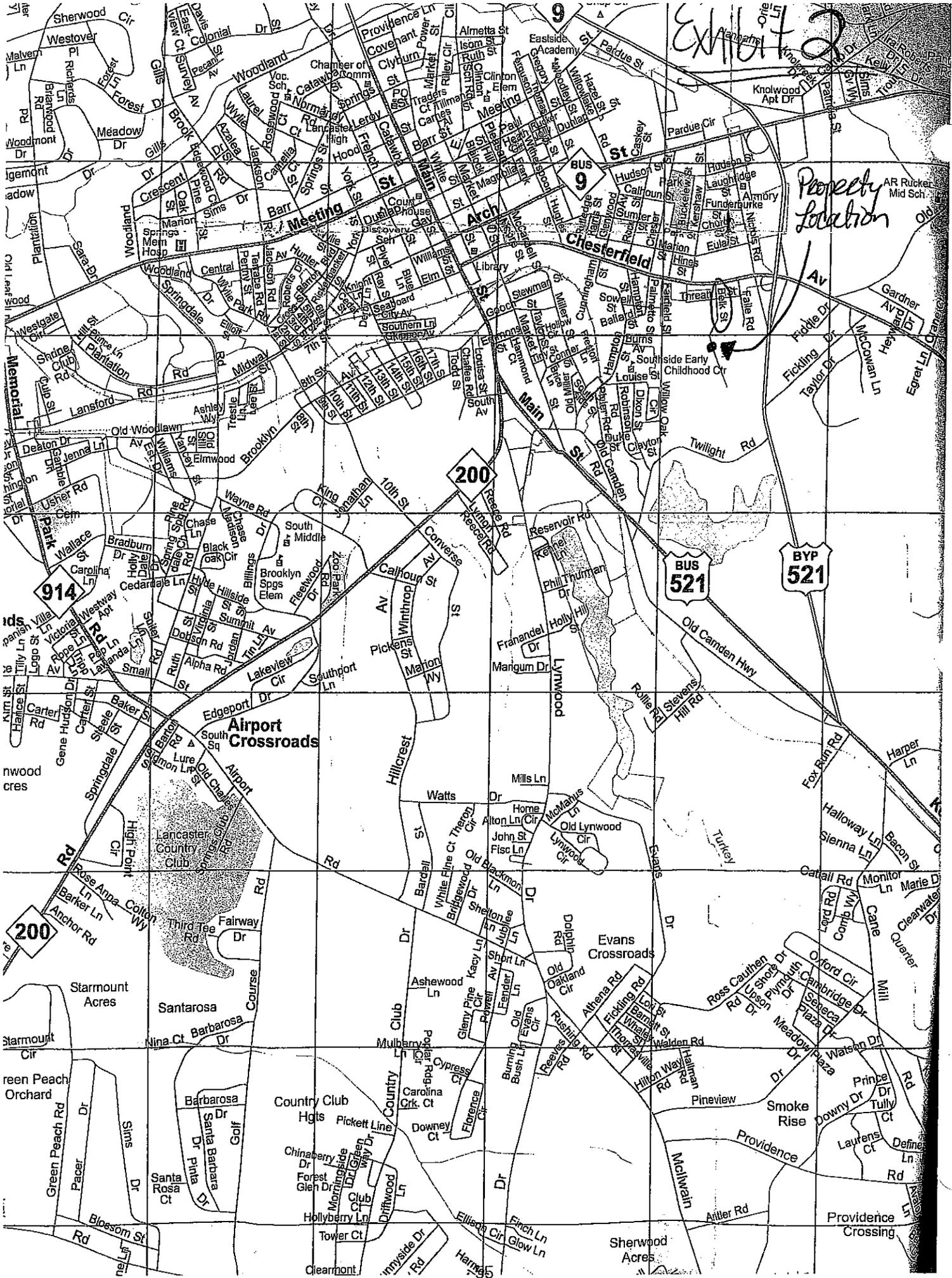


Exhibit 2

Property Location

BUS 521

BYP 521

914

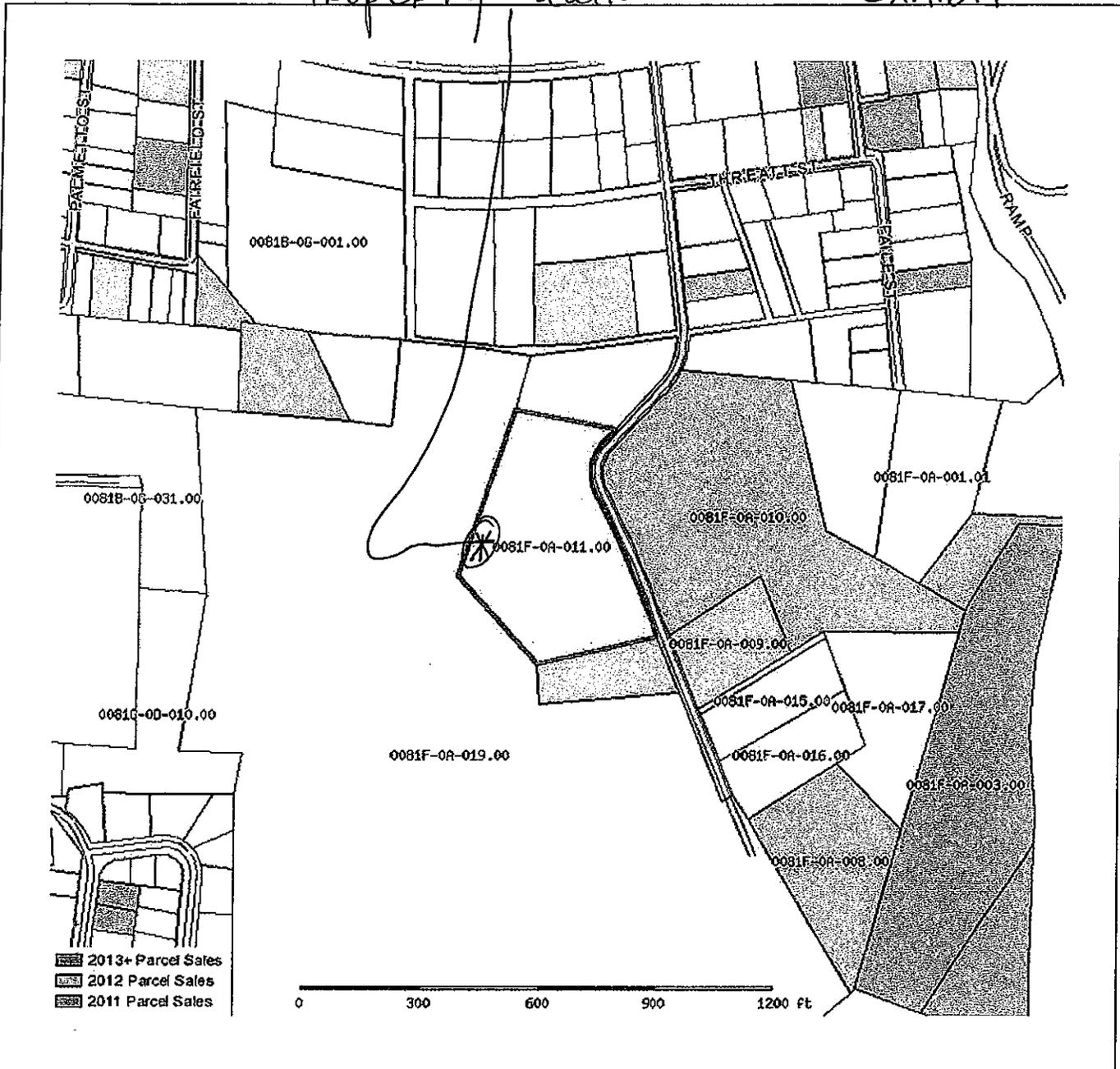
200

Airport Crossroads

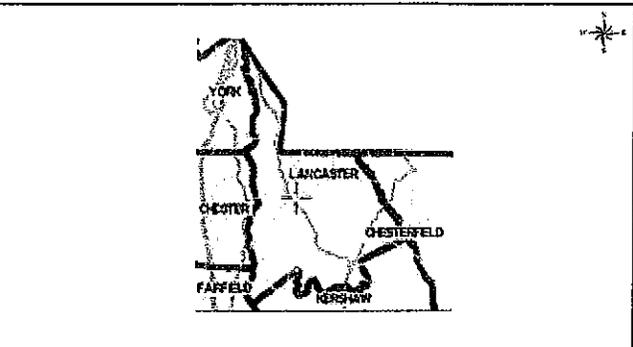
200

Property Location

Exhibit 3



Lancaster County Assessor			
Parcel: 0081F-0A-011.00 Acres: 4.47			
Name:	BALLARD WILLIS F JR & DELEE S	Land Value	\$39,500.00
Site:	490 BELK ST	Improvement Val	\$40,400.00
Sale:	\$5 on 09-1993 Vacant= Qual=5	Accessory Value	\$38,600.00
Mail:	490 BELK ST	Total Value	\$118,500.00
	LANCASTER, SC 29720-0000		



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: 01/30/14 : 14:01:59

Add
 Mod
 Del
 Save
 Cancel

Indexed By

Card #

Exhibit 4

Parcel ID: 0081F-0A-011-00

Account: 13153
 Location: 490, BEKSTILANCESSER
 Land Use: QM1 - QUALM1
 Owner: #1 BALLARD WILLIS E JR & DEEES

Card 1/1
 District: 01 - County
 Ent Parcel Area: 4476.40
 Neigh: 06 - 06
 Own Type:

Market/Adj Value

Call Land Area: 4,476
 Full Market Value: 118,500

Current

Building Value: 40,400
 Land Value: 38,600
 Total Value: 79,000
 Assessed Value: 118,500
 Comp. Ratio: 4,740
 118,500

Year: 2011

Building Value: 40,400
 Land Value: 38,600
 Total Value: 79,000
 Assessed Value: 118,500
 4,740
 118,500

Legal Description

This parcel contains 4.476 AC. of land mainly assessed as QUALM1 with a mobile home building built about 1998 having primarily a laundry, exterior and 2016 square feet with 0 Unit 2 Baths & 0/4 Bath on a portion of 1800 sq ft and 0 Edm.

Reval Market District

03

Narrative Description

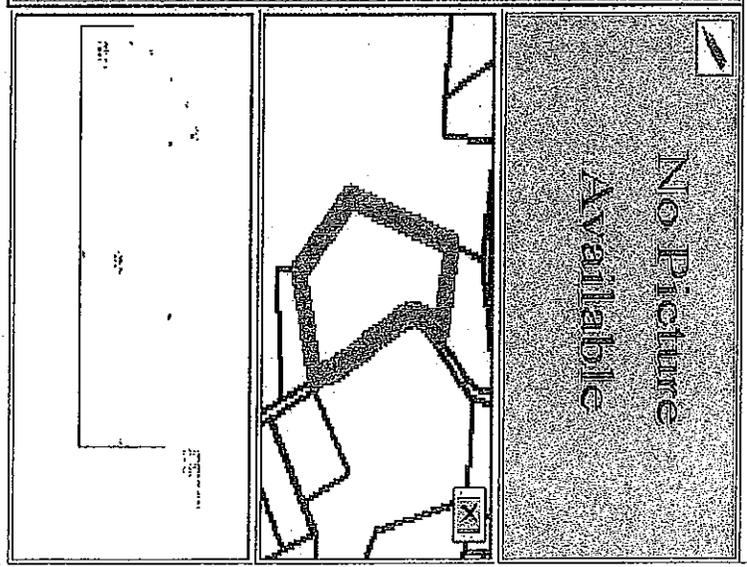
03

Office Notes

Notes

Open 1/28/2014 9:18 AM

13153 Quicklist



Indexed By: [Redacted] Card #: [Redacted]

Mod Del Save Cancel

Location: 490 BELK ST, Lancaster

Cost: \$1,18,500

Exhibit 7.4

Parcel ID: 0081F-0A-011.00 Card: 1 of 1

Current Ownership		Prior Owner		ID/Factors/Taxes		
#	Title	Last Name	First Name	Resex	% Own	Type
#1	BALLARD WILLIS F JR & DELEES					
#2						
#3						

Street #1:	490 BELK ST	Fill	Home Phone:	
Street #2:		List	Cell Phone:	
City/Town:	LANCASTER	Verify	Work Phone:	
Province/State:	SC	Verify	Email:	
Postal:	29720-0000			
Country:		Account Type:		
D.O.B:	MM/DD/YY	Legal Reference:		
Owner Occupied:		Sale Date:	9/24/1993	Owner Lookup Number:
				10082

Open: 1/28/2014 9:13 AM Exemptions: Sales More Owners Other Parties: 13153 QuickList:

Chapter 2. ZONING DISTRICTS AND ZONING MAP. (Ord. #748, 5/01/06)**Section 2.1 Zoning Districts.**

The following zoning districts are established in accordance with the *Lancaster County Comprehensive Plan*.

Section 2.1.1 Residential Districts Established.

The following residential use districts are hereby established: R-15, R-15P, R-15S, R-15D, R-30, R-30P, R-30S, R-30D, R-45, R-45A, R-45B, R-45D, MF, and MHP. Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities. Other objectives of these districts are explained in the remainder of this Section.

In addition to the stated objectives of each zoning district, all districts are designed to encourage the perpetuation of general agricultural activities such as general annual row crop production, free-range livestock operations and pasture land, hay land, woodland and wildlife management areas. Intensive agricultural enterprises such as turkey barns, hog farms and other confined livestock operations shall only be allowed in the R-45A district.

1. The R-15, Moderate Density Residential/Agricultural District, is designed to accommodate the most dense single-family residential developments (not including manufactured homes) in areas of the county which are either experiencing urban growth or which are expected to experience urban growth in the near future. This type of development requires that both water and sewer lines be installed prior to construction beginning on the site. If water and sewer are not available to the site, the site shall be developed based on the regulations of the R-30 district (see below) The minimum lot size is 14,520 square feet and the minimum lot width is 90 feet.
2. The R-15S, Moderate Density Manufactured Housing/Agricultural District, contains the same regulations as the R-15 district except for the following:
 - a. Both single-wide and multi-wide manufactured housing units are allowed based on siting criteria (See Section 4.1.15) in addition to site-built and modular homes. (Ord. # 323, 2/1/99)
 - b. This zoning district classification should be used to designate existing and future manufactured home subdivisions which do not/are not intended to consist of at least 50 percent multi-wide manufactured housing units.
 - c. This zoning district classification is appropriate adjacent to manufactured housing parks.
3. The R-15D, Moderate Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-15 district except for the following:
 - a. Only multi-wide manufactured housing units in addition to site-built and modular homes are allowed in this district based on certain siting criteria (See Section 4.1.15). (Ord. # 323, 2/1/99)
 - b. This zoning district classification should be used when designating new areas for allowing manufactured housing in areas where public water and sewer are either in place or where such utilities can be extended by the developer.
4. The R-15P, Moderate Density Residential/Agricultural Panhandle District, is designed to accommodate single-family residential developments (not including manufactured homes) in the northern part of the panhandle. This zoning district will allow residential uses and related residential uses such as religious institutions, fire station, etc. The maximum density allowed in this zoning district is 1.5 dwelling per acre (1.5du/acre), minimum lot size is 29,040 square feet and the minimum lot width is 130 feet. The availability of water and/or sewer shall not change: 1) the maximum density allowed; 2) the minimum lot size and 3) the minimum lot width from what is stated above. (Ord. #679, 7/25/05)
5. The R-30, Low Density Residential/Agricultural District, is designed to accommodate single-family residential developments (not including manufactured housing units) in areas of the county that are appropriate for development at a slightly higher density than is permitted in the R-45, R-45A and R-45B districts. This district should serve as a transitional district between the lower density residential districts (R-45, R-45A and R-45B) and the higher density residential districts (R-15, R-15S and R-15D). The minimum lot size is 29,040 square feet and the minimum lot width is 130 feet if a septic system is used or 100 feet if on central water and sewer.

The commercial uses allowed in the district are for the convenience of the local residents. Therefore, the uses are limited in scope and serve to meet the essential needs of the local resident. Such uses shall only be allowed on lots located at the intersection of two roads. One of the roads shall be part of the State Highway System. No commercial uses shall be allowed on lots having frontage on any local street. The commercial uses allowed in this district are specified in the *Table of Permissible Uses*. All commercial buildings in this district are limited to 6,000 (gross) square feet. (Ord. # 323, 2/1/99)

6. The R-30S, Low Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-30 district except for the following:
 - a. Both single-wide and multi-wide manufactured housing units are allowed based on siting criteria (See Section 4.1.15) in addition to site-built and modular homes. (Ord. # 323, 2/1/99)
 - b. This zoning district classification is appropriate adjacent to manufactured housing parks.
7. The R-30D, Low Density Residential/Manufactured Housing/Agricultural District, contains the same regulations contained in the R-30 district except for the following:
 - a. Only multi-wide manufactured housing units in addition to site-built and modular homes are allowed in this district based on certain siting criteria (See Section 4.1.15). (Ord. # 323, 2/1/99)
 - b. This zoning district classification should be used when designating new areas for allowing manufactured housing.
8. The R-30P, Low Density Residential/Agricultural Panhandle District, is designed to accommodate single-family residential developments (not including manufactured homes) in the southern part of the panhandle. This zoning district will allow residential uses and related residential uses such as religious institutions, fire station, etc. The maximum density allowed in this zoning district is 1.5 dwelling per acre (1.5du/acre), minimum lot size is 29,040 square feet and the minimum lot width is 130 feet. The availability of water and/or sewer shall not change: 1) the maximum density allowed; 2) the minimum lot size and 3) the minimum lot width from what is stated above. (Ord. #679, 7/25/05)
9. The R-45, Rural Residential/Agricultural District, is designed to encourage the perpetuation of agricultural uses and to accommodate low density residential development which does not include either single-wide or multiple-wide manufactured homes on individual lots. This district is best suited for those areas of the county which are not experiencing strong growth pressures. Additionally, this district serves to preserve existing subdivisions and to promote the development of conventional subdivisions in the most rural parts of the county. The minimum lot size allowed in this district is one (1) acre (43,560 square feet), and the minimum lot width is 130 feet if a septic system is used or 120 feet if on central water and sewer.

The commercial uses allowed in the district are for the convenience of the local residents. Therefore, the uses are limited in scope and serve to meet the essential needs of the local resident. Such uses shall only be allowed on lots located at the intersection of two roads. One of the roads shall be part of the State Highway System. No commercial uses shall be allowed on lots having frontage on any local street. The commercial uses allowed in this district are specified in the *Table of Permissible Uses*. All commercial buildings in this district are limited to 6,000 (gross) square feet except for buildings constructed or used for a "Retail Store - Food" which are allowed to be 12,000 (gross) square feet. (Ord. # 323, 2/1/99)

10. The R-45A, Rural Residential/Intense Agricultural District, is designed to accommodate a wide range of use including low density residential development, low intensity commercial uses and high intensity agricultural uses. The minimum residential lot size, minimum residential lot width and maximum residential density of the district are the same as for the R-45 district. However, both single-wide and multi-wide manufactured housing units are allowed on individual lots based on certain siting requirements (See Section 4.1.15). Stockyards, slaughter houses, commercial poultry houses and swine lots are only allowed as conditional uses. (Ord. # 323, 2/1/99)

The commercial uses allowed in the district are for the convenience of the local residents. Therefore, the uses are limited in scope and serve to meet the essential needs of the local residents and agricultural businesses. Such uses shall only be allowed on lots located at the intersection of two roads. One of the two roads shall be part of the State Highway System. No commercial uses shall be allowed on lots having frontage on any local street. The commercial uses allowed in this district are the same as those allowed in the R-45B district, and are specified in the *Table of Permissible Uses*. All commercial buildings in this district are limited to 6,000 (gross) square feet except for buildings constructed or used for a "Retail Store - Food" which are allowed to be 12,000 (gross) square feet. Stockyards, slaughterhouses, commercial poultry houses and swine lots need only to comply with the conditions contained in Chapter 4. (Ord. # 323, 2/1/99)

11. The R-45B, Rural Residential/Business/Agricultural District, contains the same district regulations as those contained in the R-45A district with the only exception being that stockyards, slaughter houses, commercial poultry barns and swine lots are not allowed under any circumstance. The commercial uses allowed in this district are the same as those allowed in the R-45A district, and are specified in the *Table of Permissible Uses*.

RESIDENTIAL R-30D / UPDATED 1/22/07**USES PERMITTED:**

1. **Site Built Single-Family Detached House**
2. **Modular Single-Family Detached House
(Meets CABO Building Code)**
3. **Primary Residence with Accessory Apartment**
3. **Religious Institution**
4. **Telephone Communications Facilities**
5. **Park or Playground**
6. **Golf Course (public or membership)**
7. **Nature Preserve or Wildlife Sanctuary**
8. **Botanical or Zoological Garden**
9. **Cemetery/Mausoleum**
10. **Other Designated Community Open Space Area**
11. **Livestock Facility (except commercial meat production centers)**
12. **General Agricultural Activities (i.e.) general row crop production, free range
Livestock, etc.**
13. **Forest Production – Including Christmas Trees**
14. **Fish Hatchery or Preserve**

CONDITIONAL USES:

1. **Double-Wide**
2. **Manufactured Home Subdivision**
3. **Primary Residence and Manufactured Home (provided one unit is owner
occupied)**
4. **Temporary Dependent Care Residences**
5. **Temporary emergency, construction, and repair residence**
6. **Home Occupation**
7. **Bed and Breakfast**
8. **Commercial**
9. **Gasoline Service Station**
10. **Convenience Store with Fuel**
11. **Convenience Store without Fuel**
12. **Private or Commercial Horse Stables**
13. **Recycling Facilities, Convenience Centers and Resource Recovery Facilities**
14. **Wireless Communication Towers (i.e. Cellular
Communications)**

USES REQUIRING REVIEW BY THE PC:

1. **Elementary or Secondary School**
2. **College, University or Professional School**
3. **Library**
4. **Police Station**

Exhibit C

RESIDENTIAL R-30D / UPDATED 1/22/07

- 5. Fire Station**
- 6. Ambulance Service/Rescue Squad**
- 7. United States Postal Service Facility**
- 8. Electricity, Water, Sewer, and Petroleum Distribution/Collection Facilities and Services**

Rezoning application of Mr. Robert Kardos, Division
President of Mattamy Homes, to rezone the property from
PDD-6, Planned Development District (PDD-6, Tree Tops), to
R-30P, Low Density Residential/Agricultural Panhandle
District with a Cluster Subdivision Overlay District. RZ 014-
006 ({Public Hearing} pgs. 63-140

Penelope Karagounis &
Elaine Boone

TM#22, Parcel 7 and TM#19, Parcel 33

Conclusions:

Action items:

Person responsible:

Deadline:

Action items:	Person responsible:	Deadline:

PLANNING STAFF REPORT

I. Facts

A. General Information

Proposal: Rezoning application of Mr. Robert Kardos, Division President of Mattamy Homes, to rezone the property from PDD-6, Planned Development District (PDD-6, TreeTops), to R-30P, Low Density Residential/Agricultural Panhandle District with a Cluster Subdivision Overlay District.

Property Location: The property is located at 9070 Van Wyck Road, Lancaster, South Carolina

Legal Description: Tax Map Number 22, Parcel 7 and Tax Map 19, Parcel 33.

Zoning Classification: Current: PDD-6 (TreeTops)

Voting District: **District 1, Larry McCullough**

B. Site Information

Site Description: The property is the former TreeTops site.

C. Vicinity Data

Surrounding Conditions: The property is surrounded by R-30P, Low Density Residential/Agricultural Panhandle District.

D. Exhibits

1. Rezoning Application
2. Location Map
3. Tax Parcel Map
4. Tax Inquiry Sheet
5. PDD-6, TreeTops
6. Tree Tops – Development Plan
7. Cluster Subdivision Overlay District Ordinance
8. Emails/Letters

II. Findings

- a. Code Considerations: The PDD-6, TreeTops—**see Exhibit 5**,
- b. R-30P, Low Density Residential/Agricultural Panhandle District, is designed to accommodate single-family residential developments (not including manufactured homes) in the southern part of the panhandle. This zoning district will allow residential uses and related residential uses such as religious institutions, fire station, etc. The maximum density allowed in this zoning district is 1.5 dwelling per acre (1.5 du/acre), minimum lot size is 29,040 square feet and the minimum lot width is 130 feet. The availability of water and/or sewer shall not change: (1) the maximum density allowed; (2) the minimum lot size and (3) and the minimum lot width is 130 feet if a septic system is used or 120 feet if on central water and sewer.
- c. Cluster Subdivision Overlay District- Cluster subdivisions are residential developments which offer an alternative to traditional subdivision design, with the principle purpose being

to encourage open space in exchange for a reduced lot size. Cluster subdivisions shall be designed using a site planning technique that concentrates buildings and structures to the most buildable areas of a site, in order to preserve the remaining area as open space for recreation and preservation of significant site features. Reductions below the minimums otherwise required by the UDO for lot area, lot width, and setbacks are allowed within a CSOD, and such reductions are only permissible within a CSOD. By preserving open space, a cluster subdivision will provide another tool by which the County shall preserve its rural character. Cluster subdivisions are permitted in low to moderate density single-family residential districts, specifically, (i) R-30, Low Density Residential/Agricultural District, (ii) R-30P, Low Density Residential/Agricultural Panhandle District, (iii) R-15, Moderate Density Residential/Agricultural District, and (iv) R-15P, Moderate Density Residential/Agricultural Panhandle District. Cluster subdivisions are not permitted in any residential use district in which multiple-family developments or manufactured homes are allowed. See Exhibit 7.

III. Conclusions

The Cluster Subdivision Overlay District was approved on January 13, 2014 with Ordinance Number 2013-1251. The applicant is requesting to rezone the property first to be able to use the Cluster Subdivision Overlay District. This rezoning process will be the same like a standard rezoning process that the County has, except the applicant must and has turned in a bubble plan/sketch plan of their proposal. A full set of the Preliminary Plan requirements for a site plan will be conducted at the second part of the process only at the Planning Commission stage, if this rezoning does get approved from County Council. It is important to note that with this rezoning application for the first part of the process, no Preliminary Plan is approved. We will have an additional public hearing meeting at the Lancaster County Planning Commission at a later day (if the rezoning to the Cluster Subdivision Overlay becomes approved by County Council). The future land use map of Lancaster County designates this property as low density residential. The property is currently zoned PDD-6, Tree Tops. This new zoning classification would support the low density residential that is defined on the Lancaster County Future Land Use Map because the overall density for the R-30P, Low Density Residential/Agricultural Panhandle District with the Cluster Subdivision Overlay District would be 1.5 units per acre.

IV. Recommendation:

It is therefore the recommendation of the planning staff that the rezoning request for the property located on 9070 Van Wyck Road from PDD-6, Tree Tops to R-30P, Low Density Residential/Agricultural Panhandle District with the Cluster Subdivision Overlay District be approved.

Exhibit 1

LANCASTER COUNTY
SOUTH CAROLINA

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE
LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box		
Application No	<u>RZ014-006</u>	Date Received <u>1-21-14</u> Fee Paid <input checked="" type="checkbox"/>

1. The application is for amendment to the: (check one)

District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)

Ordinance Text (fill in items # 8 & 9 only)

2. Give either exact address or tax map reference to property for which a district boundary change is requested: 9070 Van Wyck Rd, Lancaster, SC 29720 (Parcel numbers 0022-00-007.00 & 0019-00-033.00).

3. How is this property presently designated on the map? Planned Development District (PDD).

4. How is the property presently being used? No current use.

5. What new designation or map change do you purpose for this property? R-30P using the Cluster Subdivision Overlay District.

6. What new use do you propose for the property? Single-family residential.

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

7. Does the applicant own the property proposed for this change? YES NO If no, give the name and address of the property owner and attach written authorization to file this application: Thompson Child & Family Focus, 6800 St. Peter's Lane, Matthews, NC 28105 (See attached written authorization, deed, and survey plat).

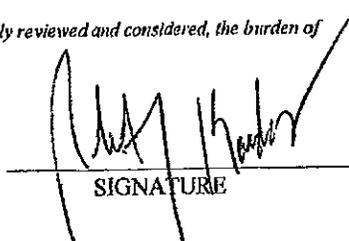
8. If this involves a change in the Ordinance text, what section or sections will be affected? _____

9. Explanation of and reasons for proposed change: Current PDD designation requires mixed-use, specifically stating no less than 20% shall be used for commercial, office or manufacturing uses. Applicant is proposing single-family residential development and believes that commercial use it is not viable at this location. The requested designation of R-30P using the Cluster Subdivision Overlay District would allow for proposed single-family residential use without requiring commercial development, in addition to the preservation of significant open space.

(use back of form if additional space is needed)

NOTE: It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

APPLICANT'S NAME (PRINT)
Mattamy Homes
Robert Kardos, Division President


SIGNATURE

ADDRESS:
2401 Whitcomb Park Drive, Suite 700
Charlotte, NC 28273
Cc: ColeJenest & Stone
200 South Tryon Street, Suite 1400
Charlotte, NC 28202
Phone: 704-926-3251



Exhibit *Called to serve through listening, teaching, worship and play*
1

6800 Saint Peter's Lane | Matthews, NC 28105-8458 | Ph 704-376-7180 | Fx 704-376-0904 | www.thompsoncfi.org

January 21, 2014

Penelope G. Karagounis
Lancaster County Planning Director
101 N. Main Street
P.O. Box 1809
Lancaster, SC 29721

Re: Rezoning Authorization

Ms. Karagounis,

With this letter of authorization, Thompson Child & Family Focus (SELLER) grants permission to rezone the property located at 9070 Van Wyck Rd, Lancaster, SC 29720 (Parcel numbers 0022-00-007.00 & 0019-00-033.00) from Planned Development District (PDD) to R30P using the Cluster Subdivision Overlay District. This permission is granted to Mattamy Homes (BUYER), 2401 Whitehall Park Drive, Suite 700, Charlotte, NC 28273.

Sincerely,

Mary Jo Powers
President/CEO

North Carolina
Mecklenburg County

I, Kris B. Morefield, a Notary Public for said County and State, do hereby certify that Mary Jo Powers personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 21st day of January 2014.

(Official Seal)

Notary Public

My commission expires August 13, 2017



Accredited by
NARYC

Exhibit 1

TO NOTARIAL NO
10-28-67
16-86-1
20140 S. ROSS 3557

FILED BOOK H45 PAGE 105
OFFICE OF CLERK
OF COURT
JUL 25 11 09 AM '97
CLERK OF COURT
LANCASTER COUNTY, S.C.

5173

MACK & MACK ATTORNEYS

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER) TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, That I, Fred C. Wikoff, Jr., in the State aforesaid for and in consideration of the sum of ----SEE AFFIDAVIT--- to me paid by Family Center, Inc., a 501(c)(3) Non-Profit Corporation, 1616 Cleveland Avenue, Charlotte, NC 28203 in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, by these presents do grant, bargain, sell and release unto the said Family Center, Inc., a 501(c)(3) Non-Profit Corporation, its successors and assigns, the following described property, to wit:

SEE ATTACHED EXHIBIT FOR PROPERTY DESCRIPTION.

DERIVATION: Being the identical property conveyed to the Grantor herein by Deeds recorded in Deed Book B-6 at Page 1942, Deed Book C-6 at Page 826, Deed Bookk F-6 at Page 2038 and Deed Book F-6 at Page 3004.

The within described property is conveyed subject to existing easements and to restrictions, if any, appearing in the chain of title, which said restrictions, if any, are not intended to be reimposed hereby.

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

To Have and to Hold all and singular the premises before mentioned unto the said Family Center, Inc., a 501(c)(3) Non-Profit Corporation, its Successors and Assigns forever and I do hereby bind myself and my Heirs and Assigns, to warrant and forever defend all and singular the said premises unto the said Family Center, Inc., a 501(c)(3) Non-Profit Corporation, its Successors and Assigns, against me and my Heirs and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS my Hand and Seal this 24th day of July in the year of our Lord one thousand nine hundred and ninety-seven and in the two hundred and twenty-second year of Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the presence of

Beverly A. Rosson

Fred C. Wikoff, Jr.
Fred C. Wikoff, Jr.

Norma S. Ligon

STATE OF SOUTH CAROLINA }
COUNTY OF YORK }

Personally appeared before me Beverly A. Rosson and made oath that she saw the within named Fred C. Wikoff, Jr. sign, seal and as his act and deed, deliver the within written Deed for the uses and purposes therein mentioned, and that she with Norma S. Ligon witnessed the execution thereof.

Beverly A. Rosson

SWORN to before me this 24th day of July, 1997.

Norma S. Ligon (L.S.)
Notary Public for South Carolina
My Commission Expires: 1-14-98

RECORDED THIS 25th DAY
OF July, 1997
IN BOOK 0 PAGE F-1

C. Donald H. Morgan
Notary, Lancaster County, S. C.

PROPERTY DESCRIPTION

All that certain piece, parcel or tract of land situate, lying and being in Indian Land Township, Lancaster County, South Carolina on both sides of Twelve Mile Creek, and bounded now or formerly by lands of Sara Yarborough, S. R. Porter, William Crow, W. D. Hyatt, Joseph Griffin, Allan Heath, and others and containing 545 acres, more or less, and known as the Porter Place and being the same lands conveyed by J. R. Hunter, Sheriff of Lancaster County, S. C. to S. H. Robinson by deed dated April 17, 1877 and subsequently conveyed by W. B. Elliott and Ralph W. Elliott to C. L. Rawlins and Allan Griffin by deed dated March 11, 1948, recorded March 17, 1948 in Deed Book S3 at Page 543. The said C. L. Rawlins having devised his interest to Hallie Mae Griffin who subsequently conveyed said one-half interest to Evelyn Griffin Byatt by deed dated October 6, 1964, recorded October 15, 1964 in Deed Book K-5 at Page 131.

ALSO All that certain piece, parcel or tract of land lying, being and situate in Indian Land Township, Lancaster County, South Carolina and being more particularly described as follows: Being a part of Tract of land formerly owned by W. D. Hyatt and known as the Gold Hill Land; said tract lies on the eastern side of Camden River Road and is designated as Tract #2 and has the following courses and distances, to wit: BEGINNING at a stake on the old line of Lot #1 and running thence N. 23 E. 8 chains to a stone; thence running N. 30 W. 10.40 chains; thence running N. 7 E. 1.96 chains; thence running N. 2 W. 9.98 chains to a stone; thence running N. 16 1/2 E. 4.80 chains to a point; thence N. 39 E. 10 chains to a stone; thence running N. 51 E. 2.65 chains to a stake; thence running N. 52 E. 2.50 chains to a stake; thence running N. 63 E. 7.80 chains to a stake; thence running N. 69 E. 4.90 chains to a stone; thence running N. 48 W. 13.50 chains to a stake in the center of the Camden River Road; running thence with said road as follows: S. 10 W. 3.50 chains, S. 46 1/2 W. 17.50 chains, S. 64 W. 5 chains, S. 57 W. 9.5 chains, and S. 17 1/2 W. 10.50 chains to a stake in said road; thence running with line of Lot #1 S. 50 E. 5 chains, S. 23 W. 8.50 chains and S. 50 E. 22.80 chains to the beginning, containing 79 acres, more or less and being the identical property conveyed to Furman Wells by deed recorded in Book X at Page 42 and also identical property conveyed to Allan Griffin by deed dated December 5, 1953, recorded December 14, 1955 in Deed Book M-4 at Page 152. This being the identical property conveyed to Management Enterprises, Inc. by Deed from Evelyn Griffin Byatt by Deed recorded January 15, 1973 in Deed Book B-6 at Page 252 and by Deed from Allan Griffin recorded January 15, 1973 in Deed Book B-6 at Page 251.

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER) AFFIDAVIT

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

1. Property located at 545 & 79 acres, Lancaster County, bearing Lancaster County, Tax Map Number 19-00-33 and, was transferred by Fred C. Wikoff, Jr. to Family Center, Inc. 501(c)(3) a Non-Profit Corporation on July 1997.

The transaction was (Check One):

an arm's length real property transaction and the sales price paid or to be paid in money or money's worth was \$ _____*.

not an arm's length real property transaction and the fair market value of the property is \$ _____*.

The above transaction is exempt, or partially exempt, from the recording fee as set forth in S. C. Code Ann. Section 12-24-10 et seq. because the deed is (See Back of Affidavit):

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

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

SWORN to before me this 24th day of July, 1997.

Norma S. Ligon (L.S.)
Notary Public for South Carolina
My Commission Expires: 1-14-98

[Signature]
Purchaser, Legal Representative
of the Purchaser, or other
Responsible Person Connected
with the Transaction

* The fee is based on the real property's value. Value means the realty's fair market value. In arm's length real property transactions, this value is the sales price to be paid in money or money's worth (e.g. stocks, personal property, other realty, forgiveness of debt, mortgages assumed or placed on the realty as a result of the transaction). However, a deduction is allowed from this value for the amount of any lien or encumbrance existing on land, tenement, or realty before the transfer and remaining on it after the transfer.

BOOK H45 PAGE 109

transferring realty to a non-profit corporation organized and operated exclusively for either a religious, scientific, charitable, or educational purpose; and provided no consideration of any kind is paid or to be paid for the transfer (Gift having a value of \$1,262,800.00)

SOSID: 0150635
 Date Filed: 6/23/2008 3:15:00 PM
 Elaine F. Marshall
 North Carolina Secretary of State
 C200817500250

State of North Carolina
Department of the Secretary of State

ARTICLES OF MERGER

Pursuant to North Carolina General Statute Sections 55-11-05(a), 55A-11-09(d), 55A-11-04, 57C-9A-22(a), 59-73.32(a) and 59-1072(a), as applicable, the undersigned entity does hereby submit the following Articles of Merger as the surviving business entity in a merger between two or more business entities.

1. The name of the surviving entity is Thompson Child & Family Focus, a (check one) corporation, nonprofit corporation, professional corporation, limited liability company, limited partnership, partnership, limited liability partnership organized under the laws of North Carolina (state or country).

2. The address of the surviving entity is:

Street Address 6800 Saint Peter's Lane
 City Matthews
 State North Carolina Zip Code 28105 County Mecklenburg

(Complete only if the surviving business entity is a foreign business entity that is not authorized to transact business or conduct affairs in North Carolina.) The mailing address of the surviving foreign business entity is: _____

_____ The Surviving foreign business entity will file a statement of any subsequent change in its mailing address with the North Carolina Secretary of State.

3. For each merging entity: (if more than one, complete on separate sheet and attach.)
 The name of the merged entity is Family Center, Inc., a (check one) corporation, nonprofit corporation, professional corporation, limited liability company, limited partnership, partnership, limited liability partnership organized under the laws of North Carolina state or country).

4. If the surviving business entity is a domestic business entity, the text of each amendment, if any, to the Articles of Incorporation, Articles of Organization, or Certificate of Limited Partnership within the Plan of Merger is attached.

5. A Plan of Merger has been duly approved in the manner required by law by each of the business entities participating in the merger.

6. These articles will be effective upon filing unless a delayed date and/or time is specified _____.

This the 20th day of June, 2008.

Thompson Child & Family Focus

Name of Entity

Virginia R. Amendum

Signature

Virginia R. Amendum, President

Type or Print Name and Title

NOTES:

1. Filing fee is \$50 for For-profit entities.
2. Filing fee is \$25 for Non-profit entities.
3. This document must be filed with the Secretary of State. Certificate(s) of Merger must be registered pursuant to the requirements of N.C.G.S. Section 47-18.1

(Revised September 2005)
 CORPORATIONS DIVISION
 CHAR111062768v1

P. O. BOX 29622

(Form BE-15)
 RALEIGH, NC 27626-0622

