

# LANCASTER COUNTY PLANNING COMMISSION

May 19, 2015  
6:30 PM  
Lancaster Co.  
Adm. Bldg.,  
Room 224  
(803) 285-6005

<b>Type of meeting:</b>	<b>General Business Meeting</b>	<b>Facilitator:</b>	<b>Planning Staff</b>
<b>Clerk:</b>	<b>Judy Barrineau</b>		
<b>Please read:</b>	<b>Agenda Packet</b>		
<b>Please bring:</b>	<b>Agenda Packet &amp; UDO</b>		
Call To Order	Chairman		
Roll Call	Chairman		
Approve Agenda	Chairman		
Citizen's Comments	Chairman		
Approval of Minutes – April 02, 2015 Workshop Minutes & April 21, 2015 Regular Minutes	Chairman		
Chairman's Report	Chairman		
Director's Report	Penelope Karagounis		
<b>PDD 015-027 Avondale {Discussion Only}</b>	Penelope Karagounis		
<b>PDD-26</b> – To approve the second amendment to the Development Agreement by and among UHF Development Group, LLC, relating to the Collins Road site development, so as to change the time when the payment of monies by the developer is due to the county. {Public Hearing} pgs. 1-13	John Weaver		
<b>SD-015-006</b> - Subdivision application of Essex Homes Southeast, LLC. The proposed subdivision consists of three tax parcels. The subdivision consists of ± 8.60 acres. The subject properties are located ± 220 feet northwest of the intersection of Highway 160 and Rosemont Drive. {Public Hearing} pgs. 14-37 <b>TMS# 0006-00-084.00, 0006-00-084.01, 0006-00-0084.02</b>	Alex Moore		
<b>RZ-015-009</b> – Rezoning application of Steve Willis, Lancaster County Administrator to rezone ±21.36 acres from R-15P, Moderate Density Residential/Agricultural Panhandle District, to I-1, Light Industrial District. {Public Hearing} pgs. 38-60 <b>Tax Map 10, Parcel 1</b>	Andy Rowe		
<b>RZ-015-010</b> – Rezoning application of Mr. Ken Starett to rezone ±54.079 acres located at 1033 Fort Mill Highway and 9838 Stock Lane. The property is currently zoned R-15P, Moderate Density Residential/Agricultural Panhandle District. The applicant proposes a portion of Tax Map 6, Parcel 69 to be rezoned to B-3, General Commercial District. The applicant also proposes that a portion of Tax Map 6, parcel 69 and all of Tax Map 6, Parcel 70 to be rezoned to MF, Multiple-Family/Agricultural District. {Public Hearing} pgs. 61-82 <b>TMS No. 0006-00-069.00 &amp; 0006-00-070.00</b>	Penelope Karagounis and Alex Moore		

<p><b>RZ-015-011</b> – Rezoning application of Mr. Wesley G. Taubel, Managing Partner of Two Capital Partners, LLC, to rezone ±39.24 acres from B-3, General Commercial District <u>To</u> MF, Multiple-Family/Agricultural District. The applicant is proposing to build a Class A Multi-Family development. {Public Hearing} Pgs. 83-99  <b>Tax Map 5, Parcel 90.01</b></p>	<p>Penelope Karagounis and  Nick Cauthen</p>
<p><b>Moratorium Proposal</b> – {Public Hearing} pgs. 100-108</p>	<p>John Weaver/Penelope  Karagounis</p>
<p><b>New Business:</b></p>	
<p><b>Old Business:</b> Continuing Education Class – Webcast – Council Chambers, May 21, 2015 9:00 to 12:30 a.m.</p>	

# Lancaster County Planning Department

101 N. Main St., Ste. 108

P.O. Box 1809

Lancaster, South Carolina 29721-1809

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Telephone (803) 285-6005

Fax (803) 285-6007

## Memo

**To:** Lancaster County Planning Commission Members  
**From:** Penelope G. Karagounis, Lancaster County Planning Director  
**Date:** May 13, 2015  
**Re:** Director's Report for the May 19, 2015 Planning Commission meeting

## Message:

Due to the request of the Chairman of the Planning Commission, Mr. Deese, there was not an update of the UDO rewrite at the May 7<sup>th</sup> Planning Commission Workshop. There will be an update of the UDO Rewrite with Kara Drane, Catawba Regional Council of Government on June 4, 2015. The Development Review Committee has one new case for Tuesday, June 9, 2015 starting at 9:00 a.m. The case is for the company Nanotechnology in the Kershaw Industrial Park.

Staff made a presentation to the Infrastructure and Regulation Committee about a recommendation for a moratorium on new rezoning applications north of Highway 5 to the state line on Tuesday, May 12, 2015. The Committee's recommendation by a vote of (2-1) was to take the information first to the Planning Commission meeting. Chairman Deese attended the Infrastructure and Regulation Committee meeting as well as Planning Commissioner James Barnett and Planning Commissioner Tommy Dabney. Chairman Mr. Deese voiced his concern about the committee's recommendation that because of the Memorial Day Holiday, County Council was meeting a week ahead of schedule and this is why it was going first to County Council on May 18<sup>th</sup> since County Council had rescheduled their meeting date and then to the Planning Commission on May 19, 2015. The Planning Department appreciates the attendance of the three Commissioners at the Infrastructure & Regulation Committee meeting.

We would also like to Thank Chris Nunnery, Public Safety Communications Director and Trish Hinson, 911 Addressing Coordinator for providing an informative presentation about duplicate road names in the County at the joint workshop meeting on Thursday, May 7, 2015. Staff also appreciates both the Lancaster County Planning Commission and the City of Lancaster Planning Commission for attending the workshop.

Thank you.

PGK

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*Proud to serve the citizens of Lancaster County,  
and the Towns of Heath Springs & Kershaw*

**PDD-26** – To approve the second amendment to the Development Agreement by and among UHF Development Group, LLC, relating to the Collins Road site development, so as to change the time when the payment of monies by the developer is due to the county. {Public Hearing} pgs. 1-13

**John Weaver**

LANCASTER COUNTY

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

Do Not Write In This Box
Application# PDD-26 Date 4-16-15 Paid
2015 - Amendment

- 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)
[X] 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:
3. How is this property presently designated on the map?
4. How is the property presently being used?
5. What new designation or map change do you purpose for this property?
6. What new use do you propose for the property?

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?
Section 4.01A. of Ordinance 960

- 9. Explanation of and reasons for proposed change: Delays in Recordation of PDD-26
(attach another page if additional space is needed)

10. Applicant's can request a 5 minute PowerPoint presentation at County Council to be given during the ordinance reading time and at 1st reading only. You will be allowed 5 slides or less. This information must be given to the Clerk to Council by the Friday prior to the Monday Council meeting. Please check the appropriate box to indicate whether or not you will be giving a PowerPoint presentation. [ ] YES [ ] NO

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)
UHF Development Group LLC

ADDRESS:
227 E. Front St.
New Bern NC 28560

[Signature]
SIGNATURE

Phone:
252-670-9370 (cell)

## Penelope Karagounis

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**From:** Ey, Mike <MEy@MCNAIR.NET>  
**Sent:** Wednesday, May 13, 2015 11:08 AM  
**To:** DEBBIE C HARDIN  
**Cc:** Penelope Karagounis; John Weaver  
**Subject:** Ordinance and Amendment -- Collins Road Development Agreement  
**Attachments:** COLUMBIA-#1210916-v1-Ordinance\_No\_\_  
2015-\_\_\_\_approving\_second\_amendment.DOC; COLUMBIA-#1210925-v1-  
Second\_Amendment\_to\_the\_Development\_Agreement.DOC

Pursuant to John's instructions, I am sending a final version of an ordinance and a final version of the Second Amendment to the Development Agreement Collins Road Site, both related to the developer's request to change the payment plan for monies due to Lancaster County. Contact me if you have any questions or need additional information.

John, as you will note the building permit collection method will be used through November 30, 2020 with the developer owing the balance by December 31, 2020. Let me know if I missed what you were intending.

Thanks, Mike.



**J. Michael Ey**  
Shareholder  
mey@mcnair.net | 803 753 3268 Direct | 803 513 7852 Mobile

**McNair Law Firm, P.A.**  
**Columbia Office** 1221 Main Street | Suite 1800 | Columbia, SC 29201  
803 799 9800 Main | 803 933 1539 Fax  
**Mailing** Post Office Box 11390 | Columbia, SC 29211  
[VCard](#) | [Bio URL](#) | [Web site](#)

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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2015-\_\_\_\_

COUNTY OF LANCASTER

)

AN ORDINANCE

TO APPROVE THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND AMONG UHF DEVELOPMENT GROUP, LLC, WACHOVIA BANK, N.A. SUCCESSOR TRUSTEE FOR CERTAIN TRUSTS AND LANCASTER COUNTY, RELATING TO THE COLLINS ROAD SITE DEVELOPMENT, SO AS TO CHANGE THE TIME WHEN THE PAYMENT OF MONIES BY THE DEVELOPER IS DUE TO THE COUNTY; TO AUTHORIZE CERTAIN COUNTY OFFICIALS TO EXECUTE AND DELIVER THE SECOND AMENDMENT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

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

**Section 1.** Findings and Purpose.

(A) The Council finds that:

(1) By passage of Ordinance No. 960, Council approved a Development Agreement by and among UHF Development Group, LLC (“Developer”), Wachovia Bank, N.A. successor trustee for certain trusts (“Owner”), and Lancaster County (“County”) for the Collins Road Site development (the “Development Agreement”).

(2) By passage of Ordinance No. 1150, Council approved the First Amendment to the Development Agreement Collins Road Site and it provided for the performance of the Developer’s obligations under the Development Agreement when easements, deeds and dedications of water and sewer infrastructure and other appurtenances are granted to the Lancaster County Water and Sewer District and it updated the name of the Owner (the “First Amendment”).

(3) The Development Agreement is recorded in the office of the Register of Deeds in Deed Book 503, Pages 1-24 and the First Amendment is recorded in Deed Book 684, Pages 232-238.

(4) Section 4.01A of the Development Agreement provides for the payment to the County by the Developer of \$1,000,000 the earlier of either July 1, 2018 or the time when the application is filed for a building permit for the first residential dwelling unit to be built in the development.

(5) Developer has requested Council to change the due date for the payment of monies pursuant to Section 4.01A of the Development Agreement.

(6) Council may amend the Development Agreement by adhering to the statutory requirements for the approval of development agreements and by approving an amendment to the Development Agreement.

(B) The purpose of this ordinance is to approve a Second Amendment to the Development Agreement consistent with the findings in this section.

**Section 2. Approval of Second Amendment.**

The Chair and Secretary of the Council are authorized, empowered and directed, in the name of and on behalf of Lancaster County, to execute, acknowledge, and deliver the Second Amendment to the Development Agreement by and among UHF Development Group, LLC, Wachovia Bank, N.A. Successor Trustee and Lancaster County (the "Second Amendment"). The form of the Second Amendment is attached hereto as Exhibit A and all terms, provisions and conditions of the Second Amendment are incorporated herein by reference as if the Second Amendment were set out in this ordinance in its entirety. By adoption of this ordinance, Council approves the Second Amendment and all of its terms, provisions and conditions. The Second Amendment is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of Lancaster County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Second Amendment attached to this ordinance.

**Section 3. Authority to Act.**

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to do any and all things necessary to effect the execution and delivery of the Second Amendment and the performance of all obligations of the County under and pursuant to the Second Amendment.

**Section 4. Severability.**

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

**Section 5. Controlling Provisions.**

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

**Section 6. Effective Date.**

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

AND IT IS SO ORDAINED, THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Steve Harper, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Debbie C. Hardin, Clerk to Council

Planning Commission Public Hearing  
First Reading:  
Second Reading:  
Council Public Hearing:  
Third Reading:

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**Exhibit A to Ordinance No. 2015-\_\_\_\_**

**Second Amendment  
to the  
Development Agreement  
Collins Road Site**

See attached.

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(Space above this line for recording use)

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF LANCASTER            )        **SECOND AMENDMENT TO THE  
  )        DEVELOPMENT AGREEMENT  
  )        COLLINS ROAD SITE**

A Development Agreement, dated December 1, 2008, for the Collins Road Site development was entered into by and among **UHF DEVELOPMENT GROUP, LLC** (“Developer”), a North Carolina limited liability company, **WACHOVIA BANK, N.A. SUCCESSOR TRUSTEE AS TRUSTEE FOR THE JULIA SCOTT SMITH TRUST FBO JOHN SCOTT CRAMER ET AL, THE JULIA SCOTT SMITH TRUST FBO STUART W. CRAMER III ET AL, THE JULIA C. SMITH REVOCABLE TRUST, AND THE ALICE C. TOLSON REVOCABLE TRUST** (“Owner”), and the **COUNTY OF LANCASTER** (the “County”), a body politic and corporate, a political subdivision of the State of South Carolina (the “Development Agreement”). The Development Agreement is recorded in the records of the Lancaster County Register of Deeds in Deed Book 503, Pages 1-24. Section 5.02 of the Development Agreement provides that amendments to the Development Agreement must be in writing and, for the amendment to be effective, it must be signed by the party against whom the amendment is sought to be enforced. A **FIRST AMENDMENT** to the Development Agreement was made and entered into as of the 9<sup>th</sup> day of July, 2012, by and among Developer, Owner and County and recorded in the records of the Lancaster County Register of Deeds in Deed Book 684, Pages 232-238 (the “First Amendment”).

This **SECOND AMENDMENT** to the Development Agreement is made and entered into as of the \_\_\_ day of \_\_\_, 2015, by and among the Developer, Owner and County (the “Second Amendment”).

**RECITALS**

**WHEREAS**, Section 4.01A of the Development Agreement provides for the payment to the County by the Developer of \$1,000,000 the earlier of either July 1, 2018 or the time when the application is filed for a building permit for the first residential dwelling unit to be built in the development;

**WHEREAS**, Developer has requested Council to change the due date for the payment of monies pursuant to Section 4.01A of the Development Agreement; and

**WHEREAS**, the purpose of this Second Amendment is to change the due date for the payment of monies pursuant to Section 4.01A of the Development Agreement.

**NOW, THEREFORE**, in consideration of the foregoing recitals and the mutual covenants and agreements contained herein, Developer, Owner and County agree as follows:

**Section 1.** Section 2.01 of the Development Agreement, relating to Representations and Warranties of County, as last amended by the First Amendment, is further amended by adding:

“(E) The County represents that it has approved the Second Amendment to this Agreement in accordance with the procedural requirements of the Act, Ordinance No. 663 and any other applicable state law. The County represents that prior to the final reading of the ordinance approving the Second Amendment to this Agreement that at least two public hearings were held after publication of the required notices and the publication of a notice of intent to consider a proposed amendment to the Agreement.”

**Section 2.** Section 2.02 of the Development Agreement, relating to Representations and Warranties of Developer, as last amended by the First Amendment, is further amended by adding:

“(E) Developer represents that, as of the date of the Second Amendment to this Agreement, it has contractual rights to develop the Property. Owner represents that, as of the date of the Second Amendment to this Agreement, it is the only legal and equitable owner of the Property, except to the extent that (i) Developer has a contractual right to develop the Property or (ii) Owner has agreed to convey any interest in the Property to the Lancaster County Water and Sewer District, subject to the acceptance and recording of the interest in the Property by the Lancaster County Water and Sewer District, neither of which has occurred as of the date of this Second Amendment.”

**Section 3.** Section 4.01A of the Development Agreement, relating to Payment to Lancaster County, is amended to read:

“(A) Developer agrees to pay County one million dollars (\$1,000,000.00) the earlier of either July 1, 2018 or the time when the application is filed for a building permit for the first residential dwelling unit to be built in the development. Developer agrees to pay to County One Thousand Two Hundred Thirty-Five and No/100 dollars (\$1,235.00) for each of the 810 residential units authorized to be developed by this Agreement (the “County Payment”). From the Agreement Date until November 30, 2020, the County Payment for a residential unit is due and payable at the same time that the County building permit fee for the residential unit is due and payable. Payment of the County Payment is a condition for the issuance of a building permit. For the period after November 30, 2020, Developer agrees to pay County by December 31, 2020 an amount equal to One Thousand Two Hundred Thirty-Five and No/100 dollars

(\$1,235.00) times the number of residential units for which a building permit has not been issued as of November 30, 2020. If the Developer sells a portion of the Collins Road development, whether subdivided or not, the Developer shall pay not later than closing on the sale an amount equal to One Thousand Two Hundred Thirty-Five and No/100 dollars (\$1,235.00) times the number of residential associated with the portion of the Collins Road development that is sold. The County Payment is separate and distinct from any fees or amounts payable to the County for a building permit. As used in this section, “Developer” means UHF Development Group, LLC, a North Carolina limited liability company, and does not include its successors or assigns.

~~(B) Payment of the amount provided in Section 4.01A.(A) entitles the Developer to receive not more than eight hundred and ten (810) building permits for constructing residential dwelling units on the Property and as set forth in Ordinance No. 959. At the time of payment of the amount provided in Section 4.01A.(A), the County shall provide to the Developer a document indicating the Developer: (i) has paid the amount; (ii) is entitled to a specified number of building permits for residential dwelling units for the Property; (iii) will receive building permits upon meeting all ordinary requirements for the issuance of building permits including, but not limited to, any then applicable county wide building, housing, electrical, plumbing, and gas codes adopted by County Council; (iv) will receive the building permits notwithstanding any applicable moratorium, limit on the issuance of building permits, or any other restriction on development rights in effect at the time of application or time of issuance for the building permit; and (v) that the County considers the issuance of the document entitling the Developer to building permits pursuant to this Section 4.01A.(B) to be a “building permit” as used in Section 13.6.2.6.5 of the UDO, as added to the UDO by Ordinance No. 673, and relating to vesting of construction projects.~~

~~—(C) Developer acknowledges and agrees that the expenditure and use of the monies received by the County from the payment provided in Section 4.01A.(A) is at the sole discretion of the County Council. Upon receipt of the County Payment, the monies must be accounted for separate and distinct from other monies of the County. The County Payment must be used for non-recurring purposes in the panhandle area of the County. The determination of the specific uses for the County Payment is at the discretion of the County Council.~~”

**Section 4.** Exhibit E to the Development Agreement, as last amended by the First Amendment, is further amended to read:

**“Exhibit E  
Laws and Land Development Regulations**

1. Ordinance No. 959 zoning the Property Planned Development District (PDD-26).
2. Ordinance No. 960, approving this Development Agreement.
3. The Development Agreement Ordinance for Lancaster County, South Carolina: Ordinance No. 663.
4. Unified Development Ordinance of Lancaster County: Ordinance No. 309, as amended as of the Submission Date. A copy of the Unified Development Ordinance is on file in the office of the County Planning Department.
5. Land Development Regulations of Lancaster County: Ordinance No. 328, as amended as of the Submission Date of this Agreement. The Land Development Regulations of

Lancaster County are included in the Unified Development Ordinance of Lancaster County, a copy of which is on file in the office of the County Planning Department.

6. Ordinance No. 1150 approving the First Amendment to this Development Agreement.
7. Ordinance No. 2015-\_\_\_\_\_ approving the Second Amendment to this Development Agreement.”

**Section 5.** Developer, Owner and County agree that Developer shall record this Second Amendment with the County Register of Deeds within fourteen (14) days of the date this Second Amendment is made and entered into.

**Section 6.** Upon submission of appropriate documentation of the expenditure, Developer agrees to reimburse the County, not later than \_\_\_\_\_, 2015, for the County’s unreimbursed costs related to this Second Amendment. County and Developer agree that the foregoing cost reimbursement is limited to County payments to third-party vendors and service providers that have not been otherwise reimbursed from the fee paid by Developer pursuant to Section 10 of Ordinance No. 663. Developer’s foregoing reimbursement obligation is capped at \_\_\_\_\_ (\$\_\_\_\_\_ .00).

**Section 7.** Upon execution of this Second Amendment by Developer, Owner and County, the Development Agreement consists of the Development Agreement as originally executed and recorded as amended by the First Amendment and the Second Amendment. The Development Agreement, as amended by the First Amendment and Second Amendment, remains in full force and effect. To the extent that any of the terms of the Development Agreement as amended by the First Amendment conflict with this Second Amendment, then the terms of this Second Amendment shall control.

**IN WITNESS WHEREOF,** Developer, Owner and County have caused their respective names to be subscribed hereto, all as of the date set forth above as the date this Second Amendment is made and entered into.

SIGNATURE PAGES FOLLOW.







**SD-015-006** - Subdivision application of Essex Homes Southeast, LLC. The proposed subdivision consists of three tax parcels. The subdivision consists of  $\pm$  8.60 acres. The subject properties are located  $\pm$  220 feet northwest of the intersection of Highway 160 and Rosemont Drive. {Public Hearing} pgs. 14-37

**TMS# 0006-00-084.00, 0006-00-084.01, 0006-00-0084.02**

**Alex Moore**

**PLANNING STAFF REPORT: SD-015-006 RoseGlen Townhomes**

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**I. FACTS**

A. General Information

*Proposal:* Subdivision application of Essex Homes Southeast, LLC.

*Property Location:* The proposed subdivision consists of three tax parcels. The subdivision consists of ± 8.60 acres. The subject properties are located ± 220 feet northwest of the intersection of Highway 160 and Rosemont Drive.

*Legal Description:* TMS # 0006-00-084.00, 0006-00-084.01, 0006-00-0084.02.

*Zoning Classification:* The properties are zoned MF, Multiple-Family/Agricultural District.

B. Site Information

*Site Description:* The project contains ± 8.60 acres and is proposed to consist of 49 multiple-family residential lots. Thus the proposed density for this development is 5.7 dwelling units per acre.

C. Vicinity Data

*Surrounding Conditions:* This site is surrounded by properties which are zoned Planned Development District (PDD-23) to the **NORTH** and **EAST**, R-15P, Moderate Density Residential/Agricultural Panhandle District to the **WEST**, and I-1, Light Industrial District to the **SOUTH**.

D. Exhibits

1. Subdivision Application
2. Subdivision Variance Application (Minimum Connectivity Ratio)
3. Tax Inquiry Sheets
4. Location/Future Land Use Map
5. DRC Comments of May 4<sup>th</sup>, 2015
6. Elevations
7. Revised Preliminary Plan—Received May 12<sup>th</sup>, 2015

**II. FINDINGS**

This site is immediately adjacent to the existing Rosemont Planned Development District (PDD-23) but is not formally a part of it. However, the applicants intend to gain an ingress/egress point to their site through Rosemont. The Rosemont PDD is a mix of uses including single-family residential, office and educational including a branch facility of York Technical College.

At third reading on August 11<sup>th</sup>, 2014, Lancaster County Council rezoned the subject parcels from R-15P, Moderate Density Residential Residential/Agricultural Panhandle District to MF, Multiple Family/Agricultural District.

Subsequently the applicant has submitted an application for Preliminary Plan review to be heard by the Lancaster County Planning Commission. Pursuant to this, the RoseGlen Preliminary Plan was distributed to the Lancaster County Development Review Committee members for review and comment in advance of the DRC meeting on April 28<sup>th</sup>, 2015. Comments were gathered from the DRC members and distributed to the applicant on May 4<sup>th</sup>, 2015 (See Exhibit 5). The applicant resubmitted the plans based on these comments on Tuesday May 12<sup>th</sup>. This is the plan that has been placed within the Planning Commissioners Packet (Exhibit 7).

The RoseGlen Preliminary Plan proposes 49 single-family attached townhomes on 8.60 acres for an overall density of 5.7 dwelling units per acre. The maximum density for the MF zoning district is 8.0 dwelling units per acre. The entirety of this project site is within the Highway Corridor Overlay District for SC HWY 160.

The building materials section of the Highway Corridor Overlay District Ordinance lists minimum standards that must be met for new projects such as RoseGlen. Vinyl siding is prohibited on the exterior walls of any building located within this district.

Note the elevations (Exhibit 6) within the Planning Commissioners packet. Any use of vinyl within these elevations must be replaced with materials such as brick, wood, masonry, stone, concrete siding, or stucco per the requirements of the Highway Corridor Overlay Ordinance. The applicant is aware of this requirement and has added a note to the site plan indicating that vinyl siding will not be used in this project. Planning Staff will require that proposed elevations be revised and resubmitted as part of the Construction Plan review process to ensure that this requirement is met.

The applicants are also applying for a variance from Section 13.7.9.1 regarding the minimum required connectivity ratio of 1.40. The RoseGlen preliminary plan indicates a connectivity ratio of 1.0. The applicants contend that the RoseGlen site presents significant topographical and environmental challenges that hinder the achievement of the minimum required connectivity ratio. These challenges include jurisdictional wetlands and an existing pond on the site which the applicant wishes to incorporate into the required common open space. Planning Staff recommends that this subdivision variance be granted.

### **III. CONCLUSIONS**

The proposed RoseGlen Townhome project is a “use-by-right” within the Multiple-Family (MF) Zoning District subject to Preliminary Plan approval by the Lancaster County Planning Commission. The Neighborhood Mixed Use category of the Lancaster County Future Land Use Map indicates that this proposed project is appropriate to this vicinity.

Though there is a dichotomy between the 2014 Comprehensive Plan and present Lancaster County UDO standards, both are indeed applicable to current development proposals. RoseGlen meets several important benchmarks of the 2014 Comprehensive Plan for the Neighborhood Mixed Use Category such as a density above four dwelling units per acre and open space elements. Additionally, RoseGlen provides the potential for alternative transportation choices such as bicycling and walking. This is partially a function of RoseGlen being immediately adjacent to the Rosemont PDD.

Opportunities for pedestrians can be further bolstered by internal sidewalks and soft-surface walking trails within the project. Though not a requirement, the applicant has indicated on the revised site plan that potential areas for internal sidewalk access will be evaluated during

construction document development. Planning Staff strongly recommends that sidewalks be included on at least one side of the internal streets along with soft-surface walking paths within the proposed open space areas. These items can be included with the submittal of the construction plans.

In conclusion, and notwithstanding the need for the subdivision variance, the applicant has substantially addressed the Lancaster County DRC comments with the Preliminary Plan resubmitted on Tuesday May 12<sup>th</sup>.

#### **IV. RECOMMENDATION**

Lancaster County Planning Staff recommends that the RoseGlen Townhomes Preliminary Plan be **APPROVED** concurrently with a subdivision variance from Section 13.7.9.1 (Minimum Connectivity Ratio of 1.40). This recommendation for approval is contingent upon any outstanding comments from Lancaster County and associated agencies being addressed.

LANCASTER COUNTY  
SOUTH CAROLINA  
LAND DEVELOPMENT REGULATIONS

RECEIVED  
4-7-15

Exhibit 1

PRELIMINARY PLAN APPLICATION  
(Refer to Article 5, Section 5.1)

Do Not Write In This Box  
Application No. SD-015-006 Date Received 4-7-15 Fee Paid

INSTRUCTIONS:

PLEASE COMPLETE THIS APPLICATION AND THE ATTACHED CHECKLIST. RETURN THESE TWO FORMS, YOUR SITE PLAN DRAWING, AND SUPPORTING INFORMATION TO THE LANCASTER COUNTY PLANNING DEPARTMENT. INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE PLANNING DEPARTMENT AT (803) 285-6005.

Subdivision Name: ROSEGLLEN TOWN HOMES

Project Type: MULTI-FAMILY RESIDENTIAL

Property Location:  one  Unincorporated area of County  City of Lancaster  
 Town of Heath Springs  Town of Kershaw

Tax Map Number: 0006-00-0084.00, 0006-00-0084.01, 0006-00-0084.02

Area in Acres: 8.60 ACRES

Number of Lots: 50 LOTS

Number of Sections/Phases: 1 PHASE

Existing Land Use District Classification: MF

CONTACTS:	PROPERTY OWNER	SURVEYOR/ENGINEER
NAME	<u>ESSEX HOMES SOUTH EAST</u>	<u>MATTHEW ROBER, P.E.</u>
ADDRESS	<u>13310 S. RIDGE DR., SDEA</u>	<u>3007 HINSHALE ST.</u>
CITY/STATE/ZIP	<u>CHARLOTTE, NC 28273</u>	<u>CHARLOTTE, NC 28210</u>
PHONE NUMBER	<u>(704) 423-8988</u>	<u>(704) 582-3751</u>

Water Supply:  Wells  Central LCWSD  
Name of Provider

Water Treatment:  Septic  Central LCWSD  
Name of Provider

Are you requesting a variance to any provision of the land development regulations?  Yes  No  
If yes, attach a statement identifying which regulation section(s) is affect and explain.

LANCASTER COUNTY  
SOUTH CAROLINA  
LAND DEVELOPMENT REGULATIONS

**PRELIMINARY PLAN APPLICATION CHECKLIST**  
(Refer to Section 13.8)

Are the following items included with your preliminary plan application? Check yes or no.

1- General Information:	YES	NO
Vicinity map and aerial photograph	✓	—
Graphic scale, north arrow and date	✓	—
Total acreage of land to be subdivided	✓	—
Boundaries of tract to be subdivided with all bearings & distances indicated	✓	—
Existing and proposed use of all lots	✓	—
Fifteen (15) digital copies of the preliminary plan and Six (6) hard copies (see contact list)	✓	—
<b>2- Existing Conditions:</b>		
Zoning classification of proposed subdivision and adjacent areas	✓	—
Deed record names of adjoining property owners	✓	—
Location of streams, lakes, and land subject to 100 year flood	✓	—
Location of adjoining property lines	✓	—
Location of existing buildings on the site	✓	—
Location of right-of-ways for existing roads, railroads, and utility lines on or adjacent to the site	✓	—
Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within any road right-of-way on or adjacent to the site	✓	—
Acreage of each drainage area affecting the proposed subdivision	✓	—
Topography at intervals of not more than ten (10) feet (Topography may be included on a separate map)	✓	—
Location of city & county boundary lines (if applicable)	✓	—
Location of all central water and sewer lines within 1000 feet of the site	✓	—
<b>3- Proposed Conditions:</b>		
Proposed road layout (road right-of-ways) and public crosswalk locations	✓	—
Proposed road names	—	✓ <sup>1</sup>
Road cross-sections	✓	—
Profile of proposed roads showing natural and finished grades	—	✓ <sup>2</sup>
Layout of all lots, including: area, setback lines, scaled dimensions, lot and block numbers, and utility easements with width and use	✓	—
Preliminary letter of approval for septic waste disposal from DHEC	—	N/A <sup>2</sup>
Construction plans for water supply, storm drainage, and sanitary sewer systems (if applicable)	—	✓ <sup>2</sup>
Designation of all land to be reserved for public use	✓	—
Proposed major contour changes in areas where substantial cut and/or fill is to be done	—	✓ <sup>2</sup>
Number of proposed lots	✓	—
Total length of proposed roads	✓	—
Traffic Impact Analysis – Refer to SCDOT ARMS Manual	—	N/A

If any of the above items are not included in your proposal, please explain why:  
1 - NEED ROAD NAMES FROM CLIENT TO GIVE TO GIM/ADDRESS, N/C  
2 - ENGINEERING SUBMITAL ON HOLD PENDING DRC LAYOUT APPROVAL

(use back of form if additional space is needed)

**NOTE:** Submission of this application does not constitute the granting of preliminary plan approval. All applicable requirements must be met before the proposal is presented to the planning commission. Lancaster County reserves the right to request additional information other than that specified in this checklist when deemed necessary for the complete review of the proposal

LANCASTER COUNTY  
SOUTH CAROLINA  
LAND DEVELOPMENT REGULATIONS

RECEIVED  
5-12-15

Exhibit 2

APPLICATION TO VARY OR APPEAL THE REQUIREMENTS  
OF THE LANCASTER COUNTY LAND DEVELOPMENT REGULATIONS

Do Not Write In This Box

Application No. SD-015-006 Date Received 5-12-15 Fee Paid

1- This application is for : (check one)

A variance from the requirements of the Ordinance (fill in items # 2 & 3)

An appeal for clarification or interpretation of the Ordinance (fill in item # 3)

2- Give either exact address or tax map reference of property for which a variance is requested:

0006-00-084.00

3- Describe the nature of the variance or appeal requested and list the section(s) of the Ordinance that is in question:

SECTION 13.7.9.1 RESIDENTIAL BLOCK LENGTH - THE  
SITE CONNECTIVITY INDEX IS 1.0 AND THE REQUIREMENT  
IS 1.4. DUE TO TOPOGRAPHY, EXISTING POND,  
AND RESTRICTION TO HWY 160 ACCESS, 1.0 IS OUR MAXIMUM.  
(attach additional information as 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 a variance or an appeal rests with the applicant.

APPLICANT'S NAME: (PRINT)

MATTHEW G ROBER

ADDRESS:

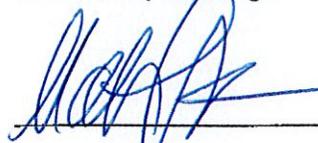
3007 HINSDALE ST.

CHARLOTTE, NC 28210

PHONE:

(704) 582-3751

I hereby certify that the above information is correct and true to the best of my knowledge.



SIGNATURE

PART I - THE CODE  
APPENDIX B - UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 13. LAND DEVELOPMENT REGULATIONS [SUBDIVISIONS]

2. Within 2,000 feet of the point of access to the subdivision an intersection with another road shall be created.
  3. Dead end streets without a planned vehicular turnaround are prohibited. The turnaround shall have a 70-foot minimum diameter to the edge of the pavement and a 100-foot minimum diameter to the right-of-way.
- b. Any one access subdivision proposing to contain 150 or more dwelling units shall provide the county planning department and the planning commission a traffic impact statement which not only establishes the amount of traffic which could be generated by the proposed development and analyses its impact on the surrounding road system but also indicates how the proposed road system and any proposed design features will address at a minimum the following concerns:
1. Access into and out of the subdivision (i.e.) divided entrances, extra turn lanes, etc.
  2. Provision of emergency services (i.e.) intermediate turnarounds at least every 1,000 feet up to the point where an intersection is located, divided entrances, extra lanes, special points of access, a minimum turning radius of 60 feet, etc.
  3. Provision of safe and convenient traffic access and circulation. (i.e.) Avoid long straight roads (not over 2,000 feet) which can be used for speeding. Provide curves in the roads, speed humps or other traffic calming devices, etc.

The suggestions made as to how to address these three areas of concern are not all inclusive and the applicant can make any other proposals which they believe will serve to alleviate any and/or all safety concerns.

- c. Planning staff and the planning commission reserve the right to ask for a traffic impact statement for any subdivision regardless of the number of proposed units based on the amount of development which has occurred in the surrounding area (within a one-half mile radius) if it appears that the proposed development could have a negative impact on the road system of the surrounding area. Staff or the commission may also ask for a traffic impact statement based on the direction of the trips (i.e.) a large amount of the anticipated trips will require a left-turn be made out of the subdivision.

(Ord. No. 328, 4-12-99; Ord. No. 748, 5-1-06; Ord. No. 849, 9-10-07)

**Section 13.7.9 Blocks.**

**Section 13.7.9.1 Residential block length.**

In order that there may be convenient access between various parts of a subdivision and to help prevent traffic congestion and undue inconvenience, the length of blocks hereafter established should not exceed one thousand eight hundred (1,800) feet and shall not be less than six hundred (600) feet. However, the length of blocks on arterial and collector streets shall not be less than one thousand (1,000) feet or greater than one thousand eight hundred (1,800) feet. However, the length of blocks may be modified, when appropriate, due to the topography or physical shape of the property being subdivided.

The purpose of this section is to support the creation of a highly connected transportation network within the County in order to provide choices for drivers, bicyclists, and pedestrians; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; and reduce emergency response times. In order to improve the connectivity within subdivisions, better-connected roads with shorter street segments, numerous intersections and minimum number of cul-de-sacs are needed. The goal of the connectivity index is to help pedestrianize subdivision streets, because these subdivision

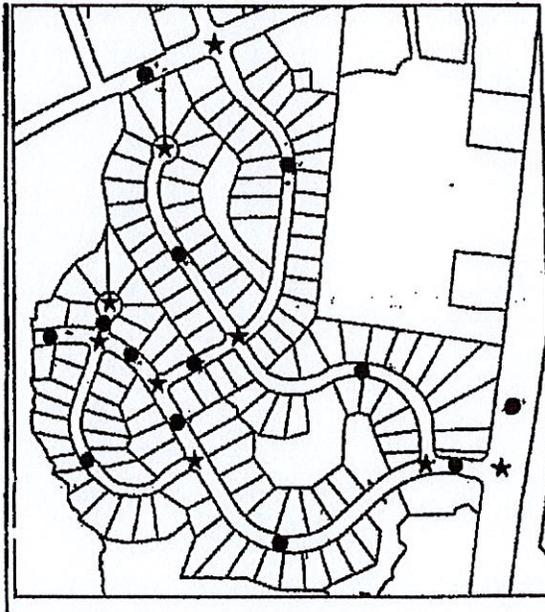
CONNECTIVITY INDEX

PART I - THE CODE  
APPENDIX B - UNIFIED DEVELOPMENT ORDINANCE

CHAPTER 13. LAND DEVELOPMENT REGULATIONS [SUBDIVISIONS]

streets are extensions of the residents' living environments. A Connectivity Index is used to quantify how well a roadway network connects destinations. The Connectivity Index is a ratio of the number of street links (road sections between intersections and cul-de-sacs) divided by the number of street nodes (intersections and cul-de-sac heads). Nodes exist at the street intersections as well as the cul-de-sac heads. Links are the stretches of road that connect nodes, and stub outs shall also be considered as links. The standard connectivity index shall have a measurement of 1.40, which exhibits an effective amount of connectivity between and within subdivisions. Topographic barriers can limit the connection links with developing intersection connectors. If this is the case, the Planning Commission can grant a waiver for the connectivity index within the subdivision.

UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY



Connectivity Index

● Links - 13

★ Nodes - 9

Connectivity Index =  $13/9 = 1.44$

(Ord. No. 328, 4-12-99; Ord. No. 722, 2-6-06; Ord. No. 740, 4-3-06)

**Section 13.7.9.2 Residential block width.**

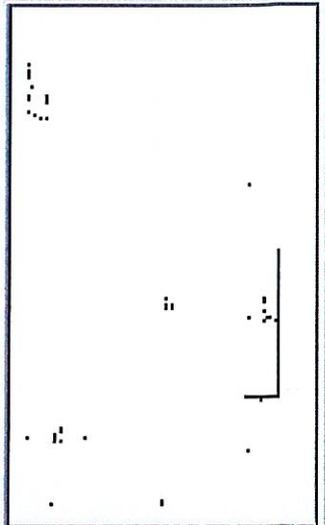
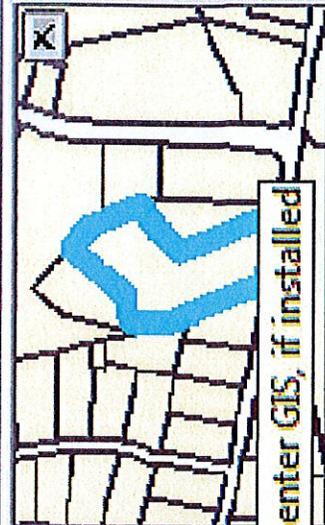
Blocks shall have sufficient width to allow two tiers of lots. Blocks may be one lot in depth at the boundary of the subdivision, or where single-tier lots are required to separate residential development from through vehicular traffic or nonresidential uses.

(Ord. No. 328, 4-12-99)

Indexed By:  Parcel ID:  Card #:

### Exhibit 3

No Picture Available



**M Parcel ID: 0006-00-084.00**  
 Account: 575  
 Sticker #:   
 Location: 9769 BLACKASH RD Indian Land  
 Land Use: NRN - NQRes  
 Owner #1: ESSEX HOMES SOUTHEAST INC  
 District: 01 - County  
 Ent. Parcel Area: 4.67 - AC  
 Neigh: 01 - 01  
 Own Type:

Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	4.670	0.400	
Full Market Value:	249,100	115,700	
Building Value:	98,200	98,200	
Yard Items:	1,500	1,500	
Land Value:	149,400	16,000	
Total Value:	249,100	115,700	
Assessed Value:	14,946	6,942	
Capped Total:	249,100	115,700	Reval / Market 01

**Sales Information**  
 Grantor: HOLCOMB, MICHAEL H  
 Sale Price: 415,000  
 Sale Date: 10/8/2014  
 Legal Ref: 825-109  
 Validity: 4  
 Sold Vacant: No  
 Narrative Description: This parcel contains 4.67 AC of land mainly classified as NQRes with a Sing Fam Dw Building built about 2003, having primarily Alum/Vinyl Exterior and 1456 Square Feet, with 0 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.

Add Mod Del Save Cancel  
 Indexed By  Parcel ID  Card #

Parcel ID: 0006-00-084.00 Card: 1 of 1 Location: 9769 BLACKASH RD Indian Lar Cost - \$249,100

Current Owner | Prior Owner | ID/Factors/Taxes

- Current Ownership

Title	Last Name	First Name	Bes ex	% Own	Type
#1:	ESSEX HOMES SOUTHEAST INC		<input type="checkbox"/>		
#2:			<input type="checkbox"/>		
#3:			<input type="checkbox"/>		

Street #1: 120 CROMER RD Home Phone:   
 Street #2:  Cell Phone:   
 City/Town: LEXINGTON Work Phone:   
 Province/State: SC Postal: 29072 Email:

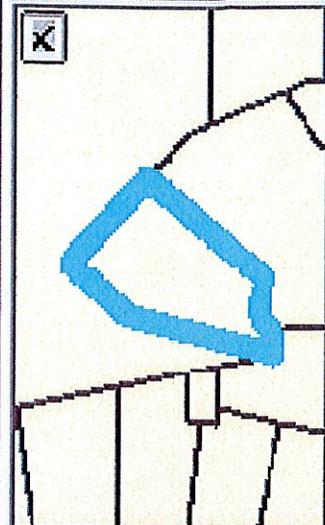
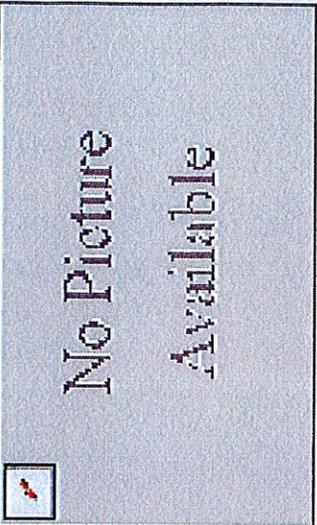
Separate Bill:   
 Valid Owner:   
 Private Info:

Owner Occupied:  Owner Lookup Number: 76791  
 Sale Date: 10/8/2014

Sales | Exemptions | More Owners | Other Parties  
 Open | 4/10/2015 | 8:46 AM | Display Main Record Card Screen | 575 | QuickList

Add Mod Del Save Cancel

Indexed By  Parcel ID  Card #



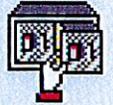

**M Parcel ID: 0006-00-084.01** Card: 1/1  
 Account: 576 District: 01 - County  
 Sticker #: Ent. Parcel Area: 1.67 - AC  
 Location: 9751 BLACKASH RD Indian Land Neigh: 01 - 01  
 Land Use: NMH - NonQMH Own Type:  
 Owner #1: ESSEX HOMES SOUTHEAST INC

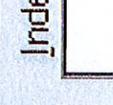
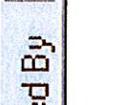
Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	1.670	1.670	
Full Market Value:	73,300	73,300	
Building Value:	18,300	18,300	
Yard Items:	4,500	4,500	
Land Value:	50,500	50,500	
Total Value:	73,300	73,300	
Assessed Value:	4,398	2,932	
Capped Total:	73,300	73,300	Reval / Market 01

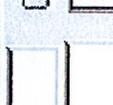
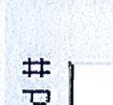
**Sales Information**  
 Grantor: HOLCOMB JAMES W. Validity: 4  
 Sale Price: 415,000  
 Sale Date: 10/8/2014 Sold Vacant: No  
 Legal Ref: 825-109

**Narrative Description**  
 This parcel contains 1.67 AC of land mainly classified as NonQMH with a Mobile Home Building built about 1984, having primarily w/ood Siding Exterior and 1680 Square Feet, with 0 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.







Add Mod Del Save Cancel  
 Indexed By  Parcel ID  Card #   
 Cost - \$73,300

Parcel ID: 0006-00-084.01 Card: 1 of 1 Location: 9751 BLACKASH RD Indian Lar

Current Owner | Prior Owner | ID/Factors/Taxes

Current Ownership

Title	Last Name	Res ex	% Own	Type
#1:	ESSEX HOMES SOUTHEAST INC	<input type="checkbox"/>	<input type="checkbox"/>	
#2:		<input type="checkbox"/>	<input type="checkbox"/>	
#3:		<input type="checkbox"/>	<input type="checkbox"/>	

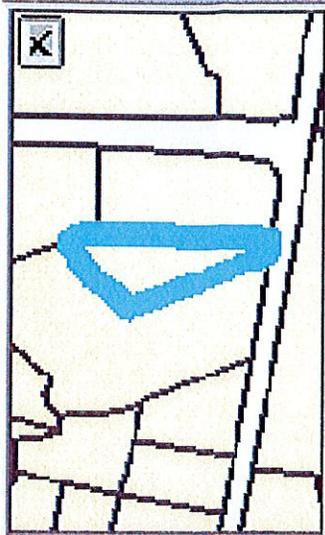
Street #1: 120 CROMER RD Home Phone:   
 Street #2:  Cell Phone:   
 City/Town: LEXINGTON Work Phone:   
 Province/State: SC Postal: 29072 Email:   
 Country:  Account Type:   
 D.O.B.: MM/DD/YYYY Legal Reference: 825-109  
 Owner Occupied:  Sale Date: 10/8/2014 Owner Lookup Number: 76791  
 Separate Bill:   
 Valid Owner:   
 Private Info:

Sales Exemptions More Owners Other Parties  
 Open 4/10/2015 8:49 AM 576 QuickList

Add Mod Del Save Cancel

Indexed By  Parcel ID  Card #

No Picture Available



No Sketch Available

**M Parcel ID: 0006-00-084.02** Card: 1/1  
 Account: 27002 District: 01 - County  
 Sticker #: Ent. Parcel Area: 2.26 - AC  
 Location: HWY 160 Lancaster Neigh: 01A - 01A  
 Land Use: NLN - LandOnly Own Type:  
 Owner #1: ESSEX HOMES SOUTHEAST INC

Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	2.260	2.260	
Full Market Value:	269,300	269,300	
Full Land Value:	16,158	16,158	
Building Value:	269,300	194,695	
Yard Items:			
Land Value:	269,300	194,695	Reval / Market 01
Total Value:	16,158		
Assessed Value:	269,300		
Capped Total:			

**C Sales Information**  
 Grantor: HOLCOMB JAMES W & NEALIE Validity: 4  
 Sale Price: 415,000 This Parcel contains 2.26 AC of land mainly classified as LandOnly.  
 Sale Date: 10/8/2014 Sold Vacant: No  
 Legal Ref: 825-109

Office Notes  Notes

Add Mod Del Save Cancel  
 Indexed By  Parcel ID  Card #

Parcel ID: 0006-00-084.02 Card: 1 of 1 Location: HwY 160 Lancaster Cost - \$269,300

Current Owner | Prior Owner | ID/Factors/Taxes

**Current Ownership**

Title	Last Name	First Name	Res ex	% Own	Type
#1:	ESSEX HOMES SOUTHEAST INC		<input type="checkbox"/>		
#2:			<input type="checkbox"/>		
#3:			<input type="checkbox"/>		

Street #1:  Home Phone:   
 Street #2:  Cell Phone:   
 City/Town:  Work Phone:   
 Province/State:  Postal:  Email:

Separate Bill:   
 Valid Owner:   
 Private Info:

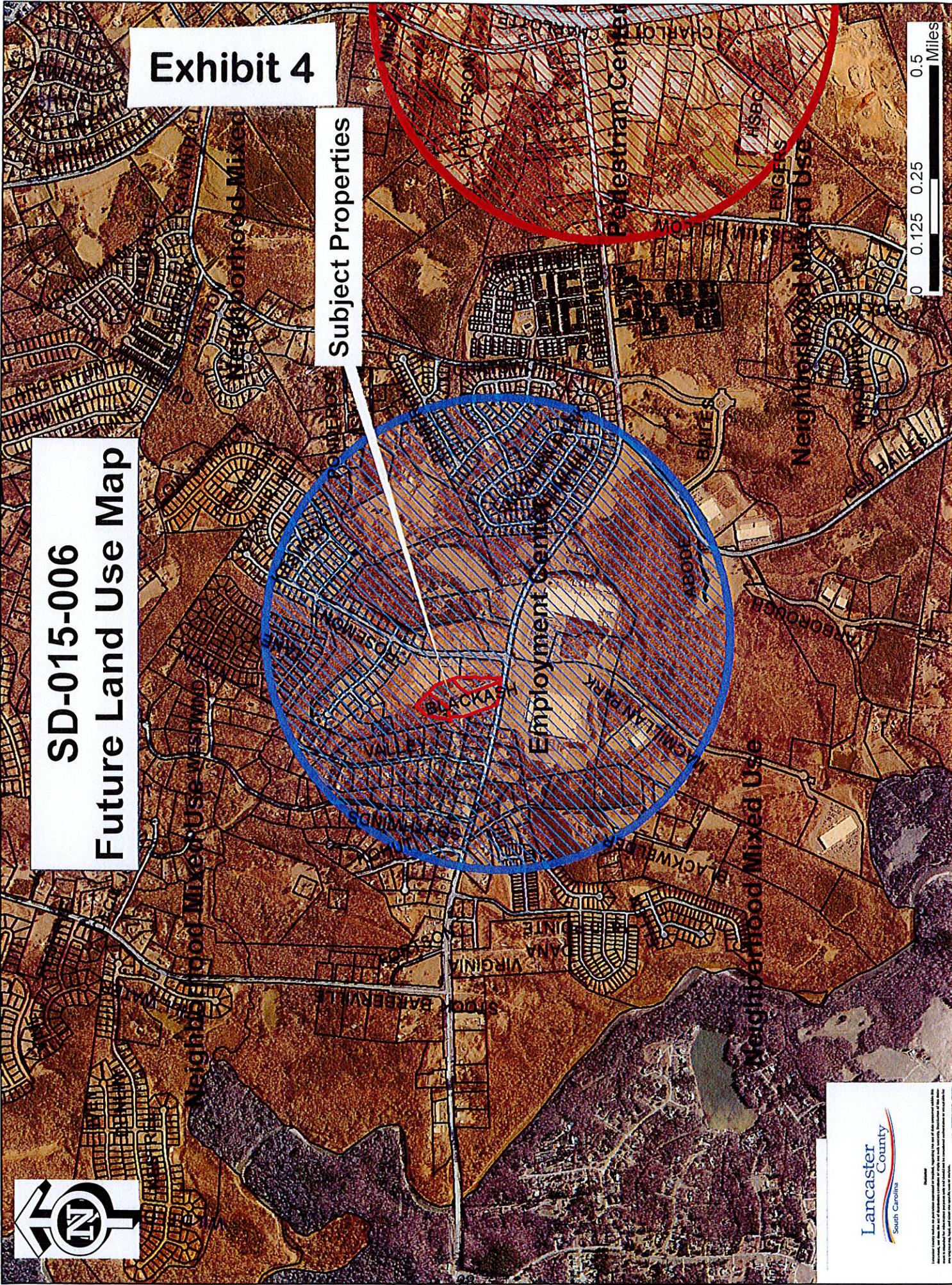
Owner Occupied:  Account Type:   
 D.O.B.:  Legal Reference:   
 Sale Date:  Owner Lookup Number:



# SD-015-006 Future Land Use Map

## Exhibit 4

Subject Properties



# Lancaster County Planning Department

101 N. Main St., Ste. 108

P.O. Box 1809

Lancaster, South Carolina 29721-1809

## Exhibit 5

Telephone (803) 285-6005

Fax (803) 285-6007

May 4, 2015

Mr. Matthew G. Roper, P.E.  
3007 Hinsdale Street  
Charlotte, NC 28210

**RE: RoseGlen Preliminary Plan Comments**  
**From the Lancaster County Development Review Committee**

Mr. Roper,

Thank you for attending the Development Review Committee (DRC) meeting on Tuesday April 28<sup>th</sup> for the RoseGlen Townhomes project. This preliminary plan was submitted to the Lancaster County Planning Department on April 7<sup>th</sup>, 2015. Please see the comments below regarding this project which have been compiled from the Lancaster County Departments and associated agencies which comprise the DRC. Additionally, please find attached a schematic for dead-end fire apparatus roads. This attachment is a supplement to the comments provided by Lancaster County Fire Service.

### LANCASTER COUNTY PUBLIC WORKS DEPARTMENT (JEFF CATOE)

- Roads are to be private.
- Please identify on street name signs that roads are private.
- Public Works will need an "as built" drawing for the storm system, even though it is a private system for future SMS4 purposes. This "as built" can be turned in when the water sewer "as built" are turned in to LCWSD.
- Provide detail on plans for the t intersection or cul-de-sacs for review.

### LANCASTER COUNTY FIRE SERVICE (STEPHEN BLACKWELDER)

- The two dead-end roads exceed the 150 feet length requirement for needing an approved turnaround. Cul-de-sacs meeting the current county standards or hammerheads (see attached) will be required at the termini of both of these sections of road.
- I asked if Blackash Road (existing gravel road) was to remain and the applicant stated it would remain for access to the existing houses that will remain after this project.
- I verified that this is not a gated community.
- I made them aware that access during construction would need to be maintained. The roadways must be in place and the hydrant must be in place prior to vertical construction commencing. They stated it is their policy to have roads built before vertical construction.
- The units will need to have fire sprinkler protection per the International Residential Code Section 313.1.

- I will need a plan for the location of the FDC's (Fire Department Connection) for each building. This must be a 2 ½ connection with Knox Plugs.
- There is one hydrant planned for this project which will meet the requirements. This will be a public hydrant and therefore maintained by LCW&SD.

**LANCASTER COUNTY BUILDING STANDARDS DEPARTMENT (STEVE YEARGIN)**

- 2012 International Code family with 2011 NEC , 2009 IECC and ANSII17.1
- Will need to provide Comcheck/Rescheck at plan submittal
- Will need to submit 3 sets of drawings on paper, wet sealed and one copy on cd or thumb drive (submitters choice) in pdf format. One set stamped and given to GC, one retained by Fire Marshal, remaining archived by our office. Fill out building permit application and plan review application.
- 5-10 business days for plan review
- No money due at submittal, permit and plan review fees collected when permit is picked up.
- GC to enroll in contractors portal for electronic inspection requests and results. Only GC to request inspections.
- All design professionals and contractors to be properly licensed by the state of South Carolina
- Comments on drawings will be sent to the design professional.
- Model homes are to have accessible entrances, restrooms and parking. Bottled water to be available.
- Must have some type of street sign up at permit issuance, even if of a temporary nature.

**LANCASTER COUNTY PLANNING DEPARTMENT (ALEX MOORE)**

- Regarding the elevations that you submitted, the use of vinyl siding is prohibited on the exterior walls of any building located within the Highway Corridor Overlay District. All sides of the building must comply with this requirement except any side of a building that is not visible from any point on any adjoining road right-of-way. The sides of a building that are screened with landscaping, a fence, or some combination of the two are still considered to be visible from an adjoining street and must comply with this requirement.
- Sidewalks along SC HWY 160 are recommended for this project.
- Sidewalks are also encouraged within the project.
- Is the Corps requiring a permit for this project for the jurisdictional wetlands?
- Please label all open space on the plan.
- Please provide the total acreage for the proposed common open space and distinguish between upland open space and critical area open space. A minimum 10% of the site must be devoted to usable open space per the Highway Corridor Overlay. Required setbacks and buffer yards may be used to calculate this requirement.
- Any canopy trees with a diameter greater than 24-inches must be saved and incorporated into the site plan unless there is no suitable alternative to the proposed site improvements.
- Please verify on the site-plan that the required exterior setbacks of 40 feet (front) and 25 feet (rear) are met. It is understood that these distances are measured from the exterior property lines rather than from the proposed, individual townhome lots. However, scaling indicates that the provided setback (25' required) on the western portion of the site plan is very close to being inadequate.
- Please include these required external setbacks on the site information table.

- Has it been verified that the proposed connection with the Rosemont PDD is possible?

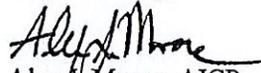
LANCASTER COUNTY WATER & SEWER DISTRICT

- On the preliminary utility plan, the proposed waterline must connect to the waterline within the Rosemont Subdivision (Rosemont Dr.) to provide a looped system for the development.
- Since roads within the development will remain private, LCWSD will need an easement for the private road right-of-ways for proper ingress, egress, and maintenance of the water and sewer infrastructure.
- No trees/landscaping will be allowed on top of water/sewer easements
- LCWSD to approve sewer alignment and easement exhibits prior to easement acquisition from outside property owner(s)
- The water and sewer extensions will need to adhere to LCWSD's Developer Policy and must be permitted by SCDHEC prior to construction
- The existing 2 ½" waterline on Black Ash Rd., within the Roseglen development will need to be abandoned, while the 2 ½" waterline on Black Ash Rd., outside of the development must remain in service.

As you know, the Lancaster County Planning Commission will be holding a workshop this Thursday May 7<sup>th</sup> at 5:00 PM. Do not resubmit the revised RoseGlen Preliminary Plan until after this meeting. Subsequent to the Planning Commission workshop, please re-submit five hard copies of the plan along with a .pdf file for Lancaster County Staff review.

Additionally, please submit seven hard copies of the revised plan for the Lancaster County Planning Commission. These plans must be received by Tuesday May 12<sup>th</sup> at noon. Let me know if you have any questions.

Very sincerely,



Alex Moore, AICP  
Planner II

Attachment

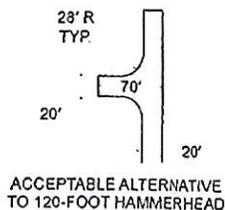
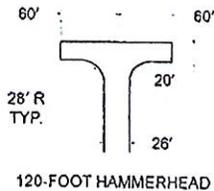
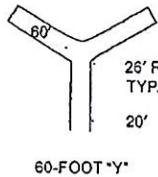
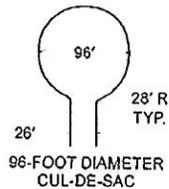
ecc: Lancaster County DRC

**D103.4 Dead ends.** Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4  
REQUIREMENTS FOR DEAD-END  
FIRE APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.



For SI: 1 foot = 304.8 mm.

**Conceptual Architecture: Streetscape**



# Conceptual Architecture: Ashford



# Conceptual Architecture: Ashford



# Conceptual Architecture: Plymouth



# Conceptual Architecture: Plymouth



**RZ-015-009** – Rezoning application of Steve Willis, Lancaster County Administrator to rezone ±21.36 acres from R-15P, Moderate Density Residential/Agricultural Panhandle District, to I-1, Light Industrial District. {Public Hearing} pgs. 38-60  
**Tax Map 10, Parcel 1** **Andy Rowe**

## PLANNING STAFF REPORT

---

### I. Facts

#### A. General Information

*Proposal:* Rezoning application of Steve Willis, Lancaster County Administrator to rezone ± 21.36 acres from R-15P, Moderate Density Residential/Agricultural Panhandle District, to I-1, Light Industrial District.

*Property Location:* The property is located at 182 Spice Road in the Indian Land Community.

*Legal Description:* Tax Map 10, Parcel 1

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

***Voting District:* District 7- Brian Carnes**

#### B. Site Information

*Site Description:* The parcel is currently occupied by McClancy Seasoning Company. The building was constructed in 1980 and is considered to be one of the first major businesses in Indian Land.

#### C. Vicinity Data

*Surrounding Conditions:* The property has four adjacent parcels to the north zoned R-15P, Moderate Density Residential/Agricultural Panhandle District. Parcels to the south and west are all zoned PDD, Planned Development District (PDD-11 Bridgemill), and one adjacent parcel to the east is zoned B-3, General Commercial District.

#### Exhibits

1. Rezoning Application
2. Location Map
3. Future Land Use Map
4. Tax Inquiry Sheet
5. UDO – Section: 2.1.3 - Industrial Districts
6. Table of Uses
7. UDO- Section: 12.8 – Installation of Buffer Yard/Table 12-2 and 12-3

### 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 I-1, Light Industrial District**, is designed to accommodate industries that do not tend to have adverse impacts on surrounding properties.

The following industrial districts are hereby established: I-1 and I-2. These districts are designed to accommodate businesses engaged in the manufacturing, processing, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. 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.

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.

### **III. Conclusions:**

The Future Land Use Map identifies this property as Neighborhood Mixed-Use based on the *Lancaster County Comprehensive Plan 2014-2024*. Neighborhood Mixed-Use according to the *Lancaster County Comprehensive plan 2014-2024* is identified as a “Walkable Neighborhood”. However, although the Future Land Use Map identifies this property as Neighborhood Mixed-Use, it does not distinguish between commercial and industrial uses in the Neighborhood Mixed-Use category on the Future Land Use Map.

The expansion of this property will have to adhere to the set requirements in the Unified Development Ordinance including the installation of a type 4 buffer yard for any new buildings constructed. A type 4 buffer yard per the Unified Development Ordinance has a minimum width of 30 feet that must include shade trees, ornamental trees, and a variety of shrubs (Exhibit 7). A buffer yard must be installed around any residential and commercial property. The type 4 buffer

yard required will further help screen a new constructed building from all adjacent properties including the Bridgemill subdivision (PDD-11 Bridgemill).

Staff believes that the designated property was not zoned accordingly when the county adopted zoning in 1998. At the time, the Planning Department did not have adequate staff to be able to do windshield surveys for the over 40,000 parcels that the County has. The elected officials representing their districts made judgments on how certain parcels should be zoned. The owner of McClancy Seasoning Company was made aware by the Zoning Department that they were a non-conforming use based on their current zoning and could not obtain a permit to expand their business unless the property was rezoned.

**Recommendation:**

It is therefore the recommendation of the planning staff that the rezoning request for the property located at 182 Spice Road be **APPROVED**.

# Exhibit 1

## LANCASTER COUNTY

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

<u>RZ-015-009</u> Application#	<u>RZ-015-008</u> Date	<u>3/24/15</u> Paid	<u>No Fee</u>
-----------------------------------	---------------------------	------------------------	---------------

- 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)
- Give either exact address or tax map reference to property for which a district boundary change is requested: 0010-00-001.00
- How is this property presently designated on the map? R15P
- How is the property presently being used? INDUSTRIAL
- What new designation or map change do you propose for this property? I-1
- What new use do you propose for the property? NONE - SAME USE

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

- 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:

REZONING REQUEST PER COUNTY COUNCIL - OWNER IS AWARE

- If this involves a change in the Ordinance text, what section or sections will be affected? N/A

- Explanation of and reasons for proposed change: CORRECT ZONING ON PROPERTY

(attach another page if additional space is needed)

- Applicant's can request a 5 minute PowerPoint presentation at County Council to be given during the ordinance reading time and at 1<sup>st</sup> reading only. You will be allowed 5 slides or less. This information must be given to the Clerk to Council by the Friday prior to the Monday Council meeting. Please check the appropriate box to indicate whether or not you will be giving a PowerPoint presentation.  YES  NO

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)

STEVE WILLIS, County Administrator

ADDRESS:

PO BOX 1809  
LANCASTER, SC 29721-1809

Phone: 416-9300

Steve Willis  
SIGNATURE

Per Council Action on 3-23-15



# Exhibit 1

## NOTICE OF ENTRY UPON LAND

Section 6-29-340(A) of the Code of Laws of South Carolina 1976, as amended, provides, in part, that "[t]he planning commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom."

This notice is dated \_\_\_\_\_ and serves as written notice to the owner of record of the following property: \_\_\_\_\_ (the "Property") that the employees of the Lancaster County Planning Department and the members of the Lancaster County Planning Commission may enter upon the Property at any time after ten days from the date of this notice for the purpose of making examinations, surveys and to perform their respective official duties, without consent or further notice to the owner of record.

### ACKNOWLEDGMENT OF RECEIPT OF NOTICE

By signing below, I acknowledge receipt of the above Notice of Entry Upon Land.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

If the owner of record refuses to acknowledge receipt of the Notice of Entry Upon Land, then the Planning Director, or a person authorized by the Planning Director, shall sign and date the area below:

Steve Willis - county does it own the land  
Planning Director or Authorized Person Signature

STEVE Willis  
Planning Director or Authorized Person Printed Name

3-24-15  
Date

# Exhibit 1

LANCASTER COUNTY ASSESSOR  
Tax Map:  
0010 00 001 00

2009007505  
DEED RECORDING FEES \$11.00  
EXEMPT  
PRESENTED & RECORDED:  
06-04-2009 01:14 PM  
JOHN LANE  
REGISTER OF DEEDS  
LANCASTER COUNTY, SC  
By: CANDICE KIRKLEY DEPUTY  
BK: DEED 519  
PG: 58-62

Prepared by:

Joshua B. Vann, Esq.  
MORTON & GETTYS LLC  
Post Office Box 707  
Rock Hill, South Carolina 29731

DEED PREPARED ONLY: TITLE NOT SEARCHED  
BY PREPARER; NO RESPONSIBILITY ASSUMED  
FOR NON-RESIDENT WITHHOLDING

After Recording Return to:

Culp Elliot & Carpenter, PLLC  
Attn: Benjamin H. Ellis (23251\_05/WSH)  
4401 Barclay Downs Drive, Suite 200  
Charlotte, North Carolina 28209

RECORDED THIS 9th DAY  
OF JUNE, 2009  
IN BOOK O PAGE N-1

*Raymond Morgan*  
Auditor, Lancaster County, SC

## SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of the 07th day of May, 2009, by and between NBI INVESTMENTS, LLC, a South Carolina limited liability company, as party of the first part, hereinafter referred to as "Grantor," and NBI INVESTMENTS III, LLC, a South Carolina limited liability company having a mailing address of c/o Reid Wilkerson, One Spice Road, Fort Mill, South Carolina, 29707, as party of the second part, hereinafter referred to as "Grantee," the words "Grantor" and "Grantee" to include the successors and assigns of each of the parties hereto.

## BACKGROUND STATEMENT

A. On April 24, 2009, the Property (being defined as the real property described in Exhibit A to this deed, attached and incorporated by this reference), was conveyed by Dixie M. Wilkerson ("Wilkerson") to Grantor. Grantor and Grantee each agree that Wilkerson inadvertently conveyed the Property to Grantor by inadvertently excluding "III" from the end of the Grantor's name as the grantee in the Wilkerson Deed, and that Wilkerson intended to convey the Property to Grantee as a capital contribution in contemplation of a later fair market value sale by Wilkerson of her interest in Grantee. The deed conveying the Property from Wilkerson to Grantor is recorded in the Lancaster County, South Carolina, Clerk of Court's Office in Book 514, at Page 223 ("Wilkerson Deed").

B. After the recordation of the Wilkerson Deed, Wilkerson passed away. Grantor accordingly can not convey the Property back to Wilkerson to correct the inadvertent conveyance of the Property to it, but, as Grantor and Grantee both agree that Wilkerson intended

of

to convey the Property to Grantee, Grantor has agreed to convey the Property to Grantee, subject to the terms and provisions of this Special Warranty Deed.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) in hand paid and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor has and hereby does grant, bargain, sell and convey unto Grantee, and the heirs, legal representatives, successors and assigns of Grantee, all of Grantor's right, title, and interest in and to the Property and all improvements affixed thereto and lying thereupon (with such improvements being considered as a part of the Property), together with further, all and singular, the rights, members, hereditaments, and appurtenances to the said Property belonging or in anywise incident or appertaining thereto (with the same being referred to with the Property hereinafter collectively as the "Property") subject, however, to the terms and provisions of this Special Warranty Deed.

The Property is hereby conveyed to the Grantee subject to all such matters as would be revealed by a current ALTA survey of the Property or a physical inspection thereof, ad valorem taxes for the 2009 tax year and other taxes which constitute a lien upon the Property but which are not yet due and payable, matters of zoning and other land use regulations which affect the Property and the use and development thereof, and such matters as are of record in the Lancaster County, South Carolina real estate records, including, without limitation, mortgages and other monetary liens, if any (with all of the foregoing being referred to hereinafter collectively as the "Exceptions"), the Exceptions and all such matters as may arise out of them being matters to which the warranty of Grantor as contained herein shall not apply.

TO HAVE AND TO HOLD the Property, subject to the above matters and Exceptions, together with any and all of the rights, members and appurtenances thereof, the same being, belonging or in anywise appertaining to, the only proper use, benefit and behoof of the Grantee and its successors and assigns forever, IN FEE SIMPLE, on the terms and conditions contained herein.

AND GRANTOR SHALL WARRANT and forever defend the right and title to the Property unto the Grantee against the claims of all persons whomsoever claiming by, through, or under Grantor, or Grantor's successors and assigns, but against no others, subject to the limitations and Exceptions contained herein.

**SIGNATURE PAGE TO FOLLOW**

"EXHIBIT A"  
LEGAL DESCRIPTION OF PROPERTY

All that certain piece, parcel or tract of land, lying, being and situate in Indian Land Township, Lancaster County, South Carolina, on the West side of Highway Number 521, containing 20.5 acres, more or less, designated as Tract Number Eight on a Plat of Subdivision entitled "Map of Property of M. Lavinia Davidson", dated September 17, 1957, made by W.C. White, Surveyor, recorded in the Office of the Clerk of Court for Lancaster County, South Carolina, in Plat Book 19 at Page 97, reference to which plat is made for a more particular description.

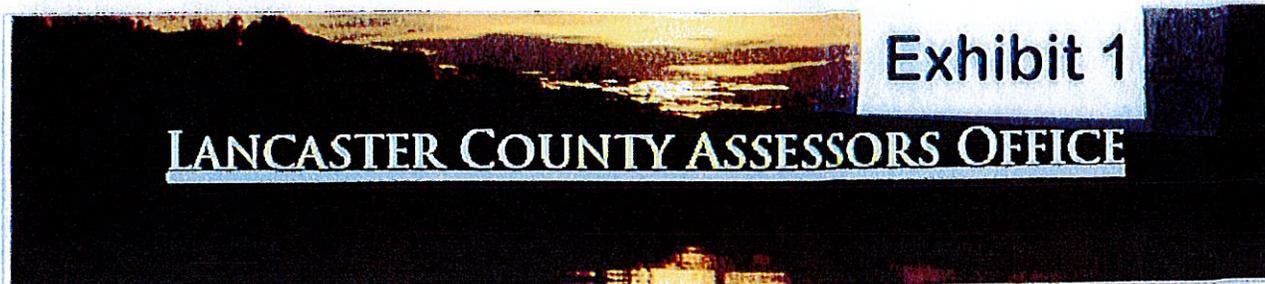
Derivation: This is the identical property conveyed to Forrest R. Wilkerson, Jr. and Dixie M. Wilkerson by deed of Isabella S. Stogner, dated December 15, 1983, recorded January 9, 1984, in Deed Book E-6 at Page 5672 in the Office of the Clerk of Court for Lancaster County, South Carolina; thereafter passed to Dixie M. Wilkerson through the Last Will and Testament of Forrest R. Wilkerson, Jr., dated April 4, 1989, and filed May 2, 2002 in Estate File # 02-E-1435, in the offices of the Clerk of Court for Mecklenburg County, North Carolina.

*TOGETHER WITH:*

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, and containing 0.86 acre, and according to a survey thereof prepared by Hugh E. White, Jr., SCRLS, dated June 10, 1986, and filed as Plat No. 8013, having the following courses and distances to wit: Beginning at an iron pin at northeasternmost corner of property herein conveyed which point is located approximately 367.39 feet from center of 14 foot dirt road; thence S. 2-07-27 E. 51.48 feet to an iron pin; thence S. 74-07-31 W. 500.92 feet to an iron pin; thence N. 2-07-27 W. 140.00 feet to an iron pin; thence S. 88-03-52 E. 281.11 feet to an iron pin; thence N.74-07-31 E. 212.24 feet to the point of beginning.

Derivation: This being the identical property conveyed to NBI Investments, LLC by deed of Dixie M. Wilkerson, dated April 24, 2009, recorded April 29, 2009, in Book 514 at Page 223, aforesaid records.





<a href="#">Search Sales In Area</a>	<a href="#">Previous Parcel</a>	<a href="#">Next Parcel</a>	<a href="#">Return to Main Search Page</a>	<a href="#">Lancaster Home</a>
--------------------------------------	---------------------------------	-----------------------------	--	--------------------------------

Owner and Parcel Information			
<a href="#">Owner Name</a>	NBI INVESTMENTS III LLC 1% REID WILKERSON	<a href="#">Today's Date</a>	May 8, 2015
<a href="#">Mailing Address</a>	ONE SPICE RD INDIAN LAND, SC 29707	<a href="#">Parcel Number</a>	0010-00-001.00 (Account#:1284)
<a href="#">Location Address</a>	182 SPICE RD	<a href="#">Millage Group</a>	County (01)
<a href="#">Property Usage</a>	PICKED UP BY DOR (DOR)	<a href="#">Plat Book/Page</a>	0019 / 0197
<a href="#">Homestead</a>	No	<a href="#">Lot # / Block #</a>	/
<a href="#">Legal Description</a>		<a href="#">Land Size</a>	20.5 AC
		<a href="#">Parcel Map</a>	<a href="#">Show Parcel Map</a>

Value Information									
Year	Land Value	Building Value	Yard Item Value	Total Market Value	Ag Credit	Taxable Land Value	Total Taxable Value	Capped Taxable Value	Total Assessment
2014	\$ 750,200	\$ 893,100	\$ 0	\$ 1,643,300	\$ 0	\$ 750,200	\$ 1,643,300	* \$ 1,643,300	0
2013	\$ 750,200	\$ 893,100	\$ 0	\$ 1,643,300	\$ 0	\$ 750,200	\$ 1,643,300	* \$ 1,643,300	0
2012	\$ 750,200	\$ 893,100	\$ 0	\$ 1,643,300	\$ 0	\$ 750,200	\$ 1,643,300	* \$ 1,643,300	0
2011	\$ 750,200	\$ 0	\$ 0	\$ 750,200	\$ 0	\$ 750,200	\$ 750,200	NA	0

\*This parcel is subject to the value cap

Land Information						
Land Use	Number Units	Unit Type	Land Type	Frontage	Depth	Notes
PICKED UP BY DOR (DOR)	21.36	AC	P			
PICKED UP BY DOR (DOR)	0	AC	P			

Building Information									
Style	Gross Sq Ft	Finished Sq Ft	Stories	Interior Walls	Exterior Walls	Year Built	Effective Year Built	Photo	
Industrial	56,352	52,240	1 Story	NULL with 20% NULL	Precast Panel	1980	1980	NA	
<a href="#">Foundation</a>	<a href="#">Roof Type</a>	<a href="#">Roof Coverage</a>	<a href="#">Flooring Type</a>	<a href="#">Heating Type</a>	<a href="#">Bathrooms</a>	<a href="#">Grade</a>	<a href="#">Number Fire Pl</a>	<a href="#">Sketch</a>	
Cont Slab	Flat	Built Up	Concrete with 20% Hard Tile	Pack Heat\Cool	0.0	C	0	NA	
Warehouse	12,000	12,000	1 Story	NULL	Corg Metal	1990	1990	NA	
Cont Slab	Flat	Built Up	Concrete	Unit Heaters	0.0	C	0	NA	

Miscellaneous Information			
Building Type	Quantity	Units	Year Built
No miscellaneous information available for this parcel.			

Sales Information							
OR Book/Page	Sale Date	Sale Price	Instrument	Qualification	Vacant/Improved	Grantor	Grantee
719/36	2013-03-06	\$ 0	DEED OF DIST (DOD)	NON ATI (1A)	Improved	NBI INVESTMENTS III LLC,	
519/58	2009-05-27	\$ 0	DEED (DEED)	SOLD DOES NOT MATCH APPRAISAL RECORD (1)	Improved	NBI INVESTMENTS LLC,	NBI INVESTMENTS III LLC
514/223	2009-04-24	\$ 0	DEED (DEED)	SOLD DOES NOT MATCH APPRAISAL RECORD (1)	Improved	WILKERSON,DIXIE M	NBI INVESTMENTS LLC

0/0	2009-04-24	\$ 0	WILL (WILL)	SPOUSE TO SPOUSE (2S)	Improved	WILKERSON FORREST R JR,	WILKERSON DIXIE M
A006/0309	1970-02-26	\$ 0		()	Vacant		

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The Lancaster County Tax 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. All assessment information is subject to change before the next certified tax roll. Website Updated: May 3, 2015

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**RZ-015-009  
Vicinity Map**

**Subject Property**

**Exhibit 2**



**Lancaster County**  
South Carolina

Lancaster County is an Equal Opportunity and Affirmative Action Employer. Minorities and women are encouraged to apply. For more information, please contact the Planning and Zoning Department at 707 North Main Street, Lancaster, SC 29301. Phone: 803-781-2200. Fax: 803-781-2201. Email: planning@lancastercountysc.gov

Exhibit 3

RZ-015-009  
Future Land Use Map

Subject Property



**Lancaster County**  
South Carolina

Lancaster County is not responsible for the accuracy of the information shown on this map. The information shown on this map is for informational purposes only and should not be used as a basis for any legal or financial decision. The information shown on this map is subject to change without notice.

Office Notes  Notes  Print  Add  Mod  Del  Save  Cancel  Indexed By  Parcel ID  Card #

**Parcel ID: 0010-00-001.00**

Account: 1284  
 Sticker #:   
 Location: 182 SPICE RD Indian Land  
 Land Use: DOR - DOR  
 Owner #1: NBI INVESTMENTS III LLC  
 Card: 1/2  
 District: 01 - County  
 Ent. Parcel Area: 20.5 - AC  
 Neigh: 01 - 01  
 Own Type:

**Market Adj Value**

	Current	Year 2014	Legal Description
Calc. Land Area:	21,360	21,360	
Full Market Value:	1,643,300	1,643,300	
Building Value:	893,100	893,100	
Yard Items:			
Land Value:	750,200	750,200	
Total Value:	1,643,300	1,643,300	
Assessed Value:	1,350,600	1,643,300	
Capped Total:	1,643,300	1,643,300	Reval / Market 01

**Sales Information**

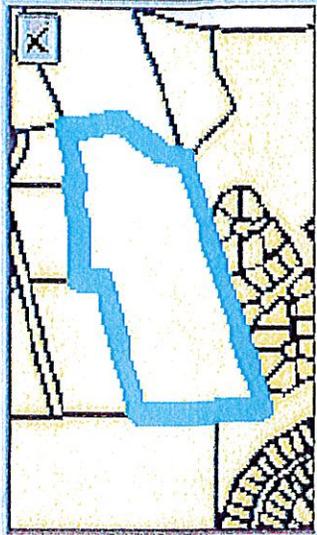
Grantor: NBI INVESTMENTS III LLC,  
 Sale Price: 0  
 Sale Date: 3/6/2013  
 Legal Ref: 719-36  
 Validity: 1A  
 Sold Vacant: No  
 Bath: 0 3/4 Bath, 0 Half Bath, 0 Rooms, and 0 Bdrm.

**Narrative Description**

This parcel contains 20.5 AC of land mainly classified as DOR with an Industrial Building built about 1980, having primarily Precast Pan Exterior and 52240 Square Feet, with 0 Unit, 0 Bath, 0 3/4 Bath, 0 Half Bath, 0 Rooms, and 0 Bdrm.

**Exhibit 4**

No Picture Available



Indexed By  Parcel ID  Card #

Add Mod Del Save Cancel

Parcel ID: 0010-00-001.00 Card: 1 of 2 Location: 182 SPICE RD Indian Land Cost - \$1,643,300

Current Owner | Prior Owner | ID/Factors/Taxes

**Exhibit 4**

**Current Ownership**

Title	Last Name	Res ex	% Own	Type
#1:	NBI INVESTMENTS III LLC	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
#2:	% REID WILKERSON	<input type="checkbox"/>	<input type="text"/>	<input type="text"/>
#3:		<input type="checkbox"/>	<input type="text"/>	<input type="text"/>

Street #1: ONE SPICE RD Home Phone:

Street #2:  Cell Phone:

City/Town: INDIAN LAND Work Phone:

Province/State: SC Postal: 29707 Email:

Country:  Account Type:

D.O.B.: MM/DD/YYYY Legal Reference: 719-36

Owner Occupied:  Sale Date: 3/6/2013 Owner Lookup Number: 69940

Separate Bill:  Valid Owner:  Private Info:

Sales Exemptions More Owners Other Parties

# Exhibit 5

## Section 2.1.3 - Industrial districts.

The following industrial districts are hereby established: I-1 and I-2. These districts are designed to accommodate businesses engaged in the manufacturing, processing, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. 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.

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 I-1, Light Industrial District, is designed to accommodate industries that do not tend to have adverse impacts on surrounding properties.
2. The I-2, Heavy Industrial District, is designed to accommodate industries that tend to have adverse impacts on surrounding properties.
3. All uses allowed in these districts shall comply with the regulations contained in section 4.1.17 [applicable regulations of Chapter 4].

(Ord. No. 871, 12-3-07)

# Exhibit 6

INDUSTRIAL I-1 / UPDATED 7/11/07/Ord.#832

## USES PERMITTED:

1. Support Activities for Crop Production
2. Veterinary Service w/outdoor pens
3. Support Activities for Animal Production: Breeding Services for Animals
4. Boarding Horses
5. Dairy Herd Improvements
6. Livestock Spraying
7. Sheep Dipping and Shearing
8. Landscape and Horticultural Service
9. Retail Store-Home Furniture, Furnishings and Appliances
10. Restaurants
11. Fast Food with drive through window
12. Funeral Service and Crematories
13. Automotive Rental and Leasing Agency
14. Automobile Parking
15. Miscellaneous Repair Services
16. Drive-In Movie Theater
17. Motion Picture Production and/or Distribution Services
18. Amusement and Recreation Facilities (Non-Public)
19. Medical or Dental Laboratory
20. Miscellaneous Health or Allied Service
21. Building Construction-General Contractors Facility (no outdoor storage)
22. Building Construction-General Contractors Facility with outdoor storage
23. Heavy Construction Contractors Facilities(other than building construction)
24. Construction-Special Trade Contractors
25. Public Warehousing and Storage Facility
26. Durable Goods-Wholesale/Distribution Facility
27. Nondurable Goods-Wholesale/Distribution Facility
28. Vocational School
29. Religious Institution
30. Taxi Company Facility
31. Intercity and Rural Bus Transportation Facility
32. Charter Bus Service Facility
33. Independent Motor Vehicle Terminal, Service, or Maintenance Facility
34. Trucking and Courier Service Facility (except air)
35. Motor Freight Transportation Terminal and Maintenance Facility
36. Air Transportation Terminal
37. Telephone Communications Facilities
38. Telegraph or Other Message Communications Facilities
39. Radio or Television Broadcasting Facilities
40. Park or Playground
41. Botanical or Zoological Garden
42. Other Designated Community Open Space Area

# Exhibit 6

INDUSTRIAL I-1 / UPDATED 7/11/07/Ord.#832

43. Livestock Facility (except Commercial Meat Production Centers)
44. General Agricultural Activities (i.e.) general row crop production, free-range Livestock operations, pasture land, hay land, woodland and wildlife Management areas
45. Forest Production-Including Christmas Trees

## CONDITIONAL USES:

1. Home Occupation
2. Automotive Repair Shop
3. Food Processing Plant
4. Tobacco Processing Plant
5. Textiles Dye/Finish Processing Plant (Fabric, Knitting, Carpet, etc.)
6. Apparel and Other Finished Products Factory
7. Lumber, Logging, and Wood Products Mill/Factory (except furniture)
8. Furniture and Fixtures Plant (Residential and Non-Residential Products)
9. Paper, Paperboard, Pulp, and Allied Products Mill
10. Printing, Publishing and Allied Industries Plant
11. Chemical/Allied Products Plant
12. Petroleum Refining and Related Products Plant
13. Industrial and Commercial Factories
14. Manufacturing of Hi-Tech Products
15. Mini-Warehouse Facilities
16. Recycling Facilities, Convenience Centers and Resource Recovery Facilities
17. Wireless Communication Towers (i.e. Cellular Communications)
18. Nature Preserve or Wildlife Sanctuary

## USES REQUIRING REVIEW BY BOARD OF ZONING APPEALS:

1. Automotive Wrecking, and/or Junk, Salvage Yard (Shall comply with the Regulations of (See Section 4.2.1)
2. Special Events (See Section 4.2.9)
3. Motorized Race and Testing Tracks (See Section 4.2.5)
4. Construction, Demolition and Land Clearing Debris (See Section 4.2.3)
5. Sanitary Landfills (See Section 4.2.7)
6. Solid Waste Storage and Transfer Facilities, Waste Tire Treatment Sites And Composting Facilities (See Section 4.2.8)
7. Solid Waste Collection, Treatment and/or Disposal Facility
8. Recoverable Waste Collection and Recycling Centers

## USES REQUIRING REVIEW BY PLANNING COMMISSION:

1. United States Postal Service Facility
2. Police Station
3. Fire Station
4. Ambulance Service/Rescue Squad
5. School Bus Facility

# Exhibit 6

INDUSTRIAL I-1 / UPDATED 7/11/07

6. Electricity, Water, Sewer, and Petroleum Distribution/Collection Facilities and Collections

# Exhibit 7

## Section 12.8 - Installation of buffer yard.

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

Zoning District of buffer Yard Provider	Zoning District of Affected Property Owner	Total Floor Space of all Structures on Lot	Minimum Screening Type to Be Provided
MF, B-1	All residential districts (*)	Up to 20,000 sq. ft. Over to 20,000 sq. ft.	Type 1 buffer yard  Type 2 buffer yard
MHP	All other residential districts (*)	Not applicable	See <u>section 4.2.3</u>
B-2	All residential districts (*); any B district when developed with a residential use; manufactured home parks	Not applicable	Type 2 buffer yard
B-3	All residential districts (*); any B district when developed with a residential use; manufactured home parks; B-1 and B-2	Not applicable	Type 3 buffer yard
B-4	All residential districts (*); any B district when developed with a residential use; manufactured home	Not applicable	Type 4 buffer yard

	parks; B-1, B-2 and B-3		
I-1, I-2	B-1 and B-2	Not applicable	Type 3 buffer yard
	All residential districts (*); any B district when developed with a residential use; manufactured home parks	Not applicable	Type 4 buffer yard

(\* ) All non-residential uses located in a residential district shall be required to provide a Type 2 buffer yard along all side and rear property lines.

For Planned Development Districts (PDD), see section 13.12 for buffer yard requirements.

# Exhibit 7

Table 12-2

UNIFIED DEVELOPMENT ORDINANCE of LANCASTER COUNTY

# LANCASTER COUNTY

## Buffer Yard Requirements

## Exhibit 7

PLANTING YARD TYPE	REQUIREMENTS**	TYPICAL PLAN VIEWS - 10'-FOOT SEGMENTS	TYPICAL ADJACENT LAND USE
1	<p>Minimum width ..... 15 feet</p> <p>Required trees</p> <p>Shade ..... 1/75 linear ft</p> <p>Ornamental ..... 1/100 linear ft</p> <p>Points/linear foot ..... 0.7</p>	<p>2 shade trees @ 12 pts. ea. 5 ornamental trees @ 6 pts. ea. 1 medium shrub @ 2 pts. ea. = 74 pts.</p> <p>2 shade trees @ 12 pts. ea. 6 ornamental trees @ 6 pts. ea. 5 medium shrubs @ 2 pts. ea. = 74 pts.</p>	<p>EXISTING FROM</p> <p>RESIDENTIAL OFF</p>
2	<p>Minimum width ..... 20 feet</p> <p>Required trees</p> <p>Shade ..... 1/50 linear ft</p> <p>Ornamental ..... 1/100 linear ft</p> <p>Points/linear foot ..... 0.3*</p> <p>*Minimum width and points of Yards 2-4 may be reduced by 20% with inclusion of 4-foot fence or plant screen</p> <p>**With overhead utility line, ornamental trees may be substituted for shade trees</p>	<p>3 shade trees @ 12 pts. ea. 3 ornamental trees @ 6 pts. ea. 13 medium shrubs @ 2 pts. ea. = 84 pts.</p> <p>3 ornamental trees @ 6 pts. ea. 19 small shrubs @ 1 pts. ea. = 64 pts.</p>	<p>EXISTING PROP</p> <p>MULTI-FAMILY RESIDENTIAL RETAIL USE</p>
3	<p>Minimum width ..... 25 feet*</p> <p>Required trees</p> <p>Shade ..... 1/50 linear ft</p> <p>Ornamental ..... 1/75 linear ft</p> <p>Points/linear foot ..... 0.9*</p> <p>*Minimum width and points of Yards 2-4 may be reduced by 20% with inclusion of 4-foot fence or plant screen</p> <p>**With overhead utility line, ornamental trees may be substituted for shade trees</p>	<p>2 shade trees @ 12 pts. ea. 3 ornamental trees @ 6 pts. ea. 16 small shrubs @ 3 pts. ea. = 94 pts.</p> <p>3 ornamental trees @ 6 pts. ea. 6 large shrubs @ 3 pts. ea. 3 medium shrubs @ 2 pts. ea. = 77 pts.</p>	<p>EXISTING PROP</p> <p>RESIDENTIAL RETAIL USE</p>
4	<p>Minimum width ..... 30 feet*</p> <p>Required trees</p> <p>Shade ..... 1/50 linear ft</p> <p>Ornamental ..... 1/50 linear ft</p> <p>Points/linear foot ..... 1.0</p> <p>*Minimum width and points of Yards 2-4 may be reduced by 20% with inclusion of 4-foot fence or plant screen</p>	<p>2 shade trees @ 12 pts. ea. 6 ornamental trees @ 6 pts. ea. 11 large shrubs @ 3 pts. ea. 7 small shrubs @ 1 pts. ea. = 104 pts.</p> <p>2 shade trees @ 12 pts. ea. 3 ornamental trees @ 6 pts. ea. 13 large shrubs @ 3 pts. ea. = 71 pts.</p>	<p>EXISTING PRO</p> <p>RESIDENTIAL OFF</p>
STREET YARD	<p>Minimum width ..... 15 feet:</p> <p>Required trees</p> <p>Shade ..... 1/50 linear ft</p> <p>OR</p> <p>Ornamental ..... 1/25 linear ft</p>	<p>3 shade trees</p> <p>4 ornamental trees</p>	
KEY	<p>Shade Tree: A large tree growing to over 40' in height at maturity, usually deciduous, that is planted to provide canopy cover shade. (12 points/shade tree)</p> <p>Ornamental Tree: A small to medium tree, growing 15' to 40' in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. (6 points/ornamental tree)</p> <p>Large Shrub: An upright plant growing 10' to 20' in height at maturity that is planted for ornamental or screening purposes. (3 points/large shrub)</p> <p>Medium Shrub: A plant growing 5' to 10' in height at maturity that is planted for ornamental or screening purposes. (2 points/medium shrub)</p> <p>Small Shrub: A plant growing to less than 5' in height at maturity that is planted for ornamental or screening purposes. (1 point/small shrub)</p>		

Buffer Yard Types

# Exhibit 7

TABLE 12-3

Points for Planting Yards							
							<i>Points</i>
Shade Tree							12
Ornamental Tree							6
Large Shrub							3
Medium Shrub							2
Small Shrub							1
Planting Yard Landscaping							
<i>Yard Type</i>	<i>Min. Width</i>	<i>Trees* Shade</i>	<i>(c) Orn.</i>	<i>Shrubs Small</i>	<i>Shrubs Medium</i>	<i>Shrubs Large</i>	<i>Required Points Per Linear Ft.</i>
1	15'	1/75'	25/100'		Optional		0.7
2	20'	1/50'	25/100'		Optional		0.8
3	25'	1/50'	25/75'		Optional		0.9
4	35'	1/50'	25/50'		Optional		1.0

\*Or fraction thereof

**RZ-015-010** – Rezoning application of Mr. Ken Starett to rezone ±54.079 acres located at 1033 Fort Mill Highway and 9838 Stock Lane. The property is currently zoned R-15P, Moderate Density Residential/Agricultural Panhandle District. The applicant proposes a portion of Tax Map 6, Parcel 69 to be rezoned to B-3, General Commercial District. The applicant also proposes that a portion of Tax Map 6, parcel 69 and all of Tax Map 6, Parcel 70 to be rezoned to MF, Multiple-Family/Agricultural District. {Public Hearing} pgs. 61-82 TMS No. 0006-00-069.00 & 0006-00-070.00

**Penelope Karagounis and Alex Moore**

**PLANNING STAFF REPORT: RZ-015-010**  
**APPLICANT: MR. KEN STARETT (GROSS BUILDERS)**

---

**I. FACTS**

A. GENERAL INFORMATION

**Proposal:** This is the rezoning application of Mr. Ken Starett to rezone ± 54.079 acres located at 1033 Fort Mill Highway and 9838 Stock Lane. The property is currently zoned R-15P, Moderate Density Residential/Agricultural Panhandle District. The applicant proposes a portion of Tax Map 6, Parcel 69 to be rezoned to B-3, General Commercial District. The applicant also proposes that a portion of Tax Map 6, parcel 69 and all of Tax Map 6, Parcel 70 to be rezoned to MF, Multiple-Family/Agricultural District.

**Property Location:** The properties which are proposed to be rezoned are located at the intersection of Highway 160 and Stock Lane in the Indian Land Community and border the Lancaster County Line/York County Line.

**Legal Description:** TMS No. 0006-00-069.00 & 0006-00-070.00

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

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

B. SITE INFORMATION

**Site Description:** The parcels that comprise this rezoning application are located in the panhandle area of Lancaster County and are immediately adjacent to the Lancaster County/York County line. The property is located adjacent to Sugar Creek bordering York County. The property is comprised of mostly undeveloped land.

C. VICINITY DATA

**Surrounding Conditions:** The parcels that are included within this rezoning application are surrounded by the following immediately adjacent zoning districts: Adjacent parcels to the **SOUTH** are zoned PDD, Planned Development District (PDD-16 Reid Pointe). Adjacent parcels to the **EAST** are zoned MHP, Manufactured Home Park District, which is the Sanchez Manufactured Home Park. Adjacent parcels to the **NORTH** are zoned R-15S, Moderate Density Residential/Manufactured Housing/Agricultural District, B-3, General Commercial District, B-4, Restricted Commercial District, and R-15P, Moderate Density Residential/Agricultural Panhandle District. Adjacent parcels to the **WEST** are located in York County.

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.

### III. CONCLUSIONS

The facts and findings of this report show that the property is designated as Neighborhood Mixed-Use on the Future Land Use Map. Neighborhood Mixed-Use is defined as a walkable neighborhood by the *Lancaster County Comprehensive Plan 2014-2024*. The subject property is also near an employment center node, and this multi-family development is compatible with this element. The walkable neighborhood community will interconnect with the employment node by allowing people access to employment centers via walkability. Considering the property is within the employment center which supports higher density, a multi-family development is very well suited for this area. This development has two access points that will help with connectivity to Highway 160, which is planned to be widened in the future. The widening of Highway 160 will allow traffic issues to be minimized. A portion of the property is also within the Highway Corridor Overlay District and any proposed development will have to be reviewed by the Development Review Committee.

The Reid Pointe Planned Development (PDD-16) which is adjacent to the subject property contains multi-family units and single-family units. The vast majority of the surrounding area is currently zoned residential. In addition, one parcel is zoned B-3 adjacent to the subject property, and one parcel is zoned B-4. The zoning of both residential and commercial properties adjacent to the site will add consistency to the area and will be appropriate for this type of development. To allow Multiple-Family zoning for this area will also create a zoning classification that will not be an “up zoning” to this parcel. The majority of this zoning classification will stay from residential to residential. The commercial section of this project is very small and with multiple B-3 designations along Highway 160, plus an adjacent B-3 parcel this zoning change fits the uniformity within the area. There is also a need for more multi-family development in the panhandle area. The Lancaster County Council and Lancaster County Planning Commission approved 18,424 units and of these only 3,200 (17.37%) are multi-family units. The properties topography due to close proximity to Sugar Creek in regards to the floodplain makes the property more compatible to be rezoned to multi-family.

# Exhibit 1

## LANCASTER COUNTY

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

Do Not Write In This Box		
Application#	Date	Paid
<u>RZ-015-010</u>	<u>4-8-15</u>	<input checked="" type="checkbox"/>

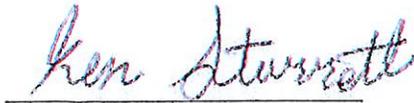
- The application is for amendment to the: (check one)
  - District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)
  - Ordinance Text (fill in items # 8 & 9 only)
- Give either exact address or tax map reference to property for which a district boundary change is requested: 0006-00-070.00 (1033 Fort Mill Hwy) & 0006-00-069.00 (9838 Stock Lane)
- How is this property presently designated on the map? R-15P
- How is the property presently being used? The site is currently vacant.
- What new designation or map change do you purpose for this property? B-3 & MF
- What new use do you propose for the property? General Commercial, M/F Apartments with a Club House & Leasing Office

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

- 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:  
Juanita Miller, 9838 Stock Lane, Indian Land SC 29707  
  
(Please see attached Joinder Agreement)
- If this involves a change in the Ordinance text, what section or sections will be affected? \_\_\_\_\_  
Not Applicable
- Explanation of and reasons for proposed change: To allow for development of general commercial & multi-family apartments consistent with the B-3 & MF Zoning District standards established by the Lancaster County Unified Development Ordinance.  
(attach another page if additional space is needed)
- Applicant's can request a 5 minute PowerPoint presentation at County Council to be given during the ordinance reading time and at 1<sup>st</sup> reading only. You will be allowed 5 slides or less. This information must be given to the Clerk to Council by the Friday prior to the Monday Council meeting. Please check the appropriate box to indicate whether or not you will be giving a PowerPoint presentation.  YES  NO

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)  
Mr. Ken Starett



SIGNATURE

ADDRESS:  
Gross Builders  
14300 Ridge Road, #100  
North Royalton, Ohio 44133  
Phone:  
440.237.1681

# Exhibit 1

Lancaster County Rezoning (B-3 & MF)

Petitioner Joinder Agreement

The undersigned, as the owner of the parcels of land located at 1033 Fort Mill Highway & 9838 Stock Lane in Lancaster County, South Carolina that is designated as Parcel Identification Numbers 0006-00-070.00 & 0006-00-069.00 on the Lancaster County Tax Map and which is the subject of the attached Rezoning Application, hereby join and give permission to Gross Builders to request and file this Rezoning Application with Lancaster County to the B-3 & MF zoning district for the Parcels reference above.

This 26 day of March 2015

By: Juanita Miller

Owner: Juanita Miller

South Carolina  
County of LANCASTER

JUANITA MILLER appearing before the undersigned  
Name of Property Owner (printed)

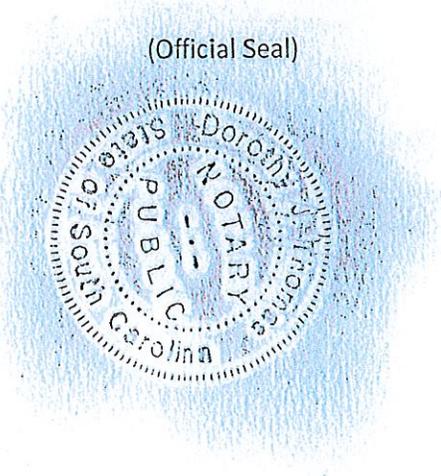
Notary and being duly sworn, says that:

1. I am the owner of the property described above
2. All statements above are true and correct

Property Owners Signature

Sworn to (or affirmed) and subscribed before me this the 26<sup>th</sup> day of March, 2015.

(Official Seal)



Dorothy Thomas  
Official Signature of Notary

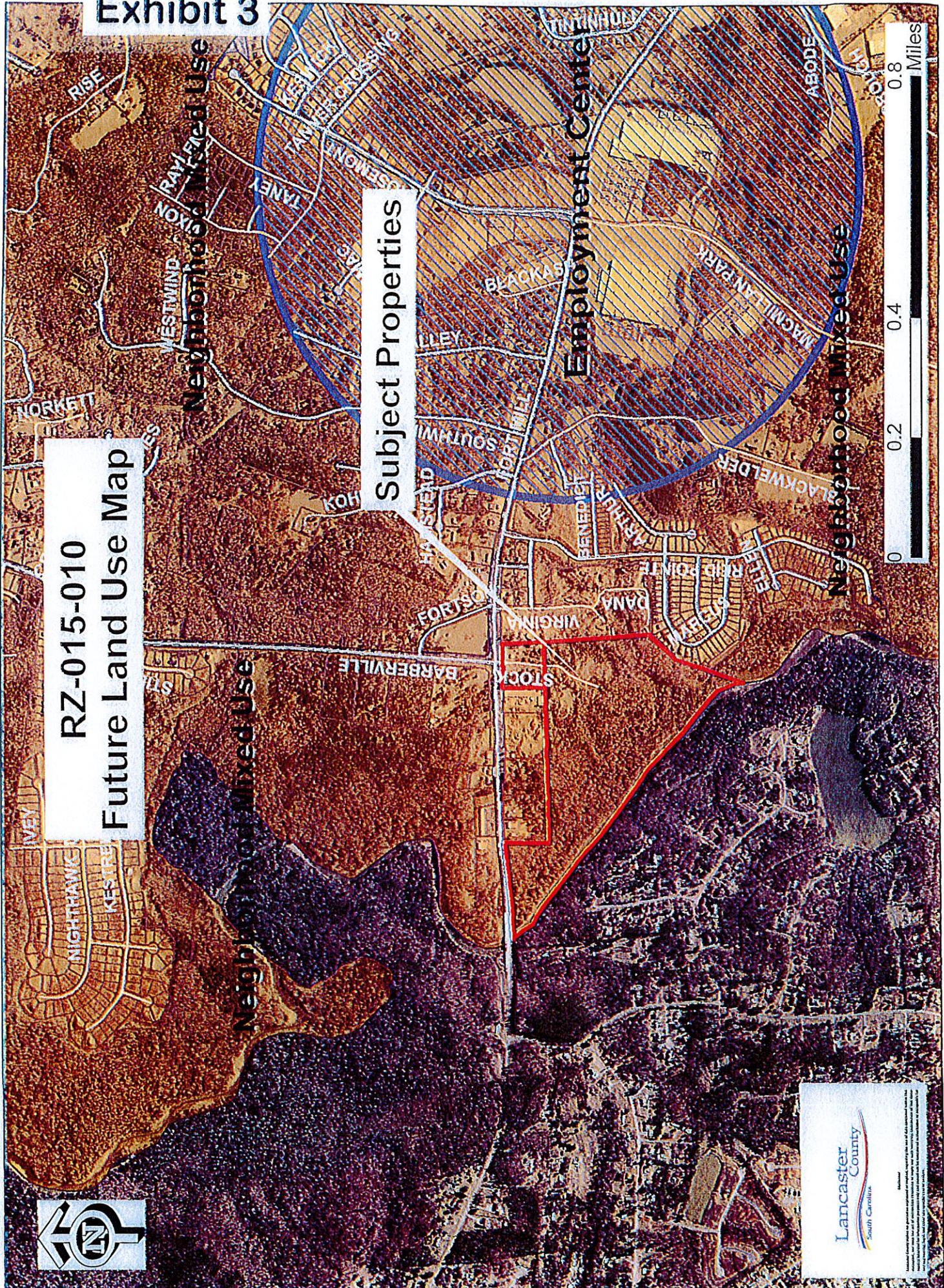
Dorothy Thomas, Notary Public  
Notary's Name (printed)

My commission expires: 7-6-2020



RZ-015-010  
Future Land Use Map

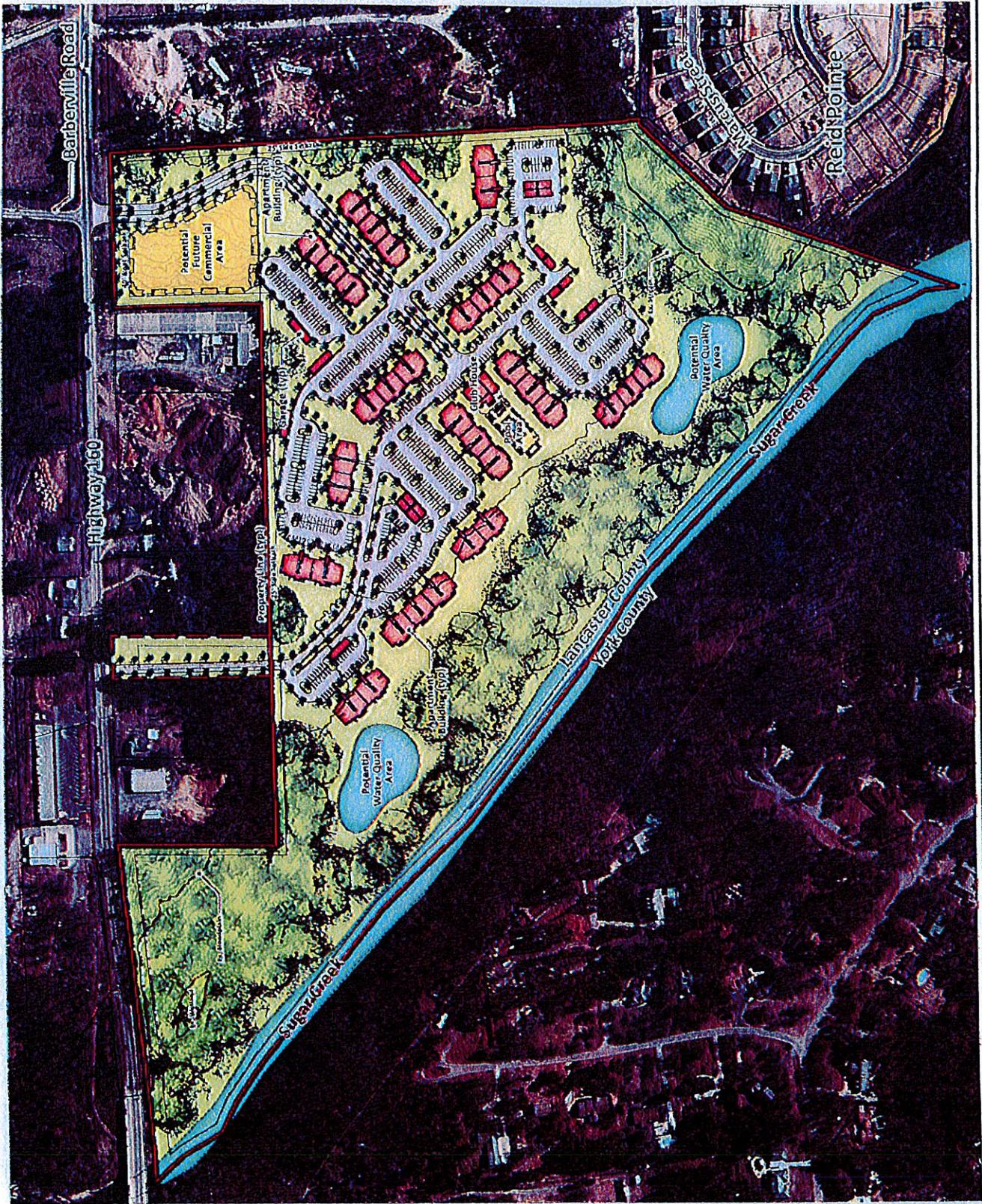
Subject Properties



Lancaster County  
South Carolina

Map prepared by the Planning and Zoning Department, Lancaster County, South Carolina, on 10/15/2010. The map is for informational purposes only and does not constitute a contract or warranty of any kind. The map is subject to change without notice. For more information, please contact the Planning and Zoning Department at (803) 781-2200.

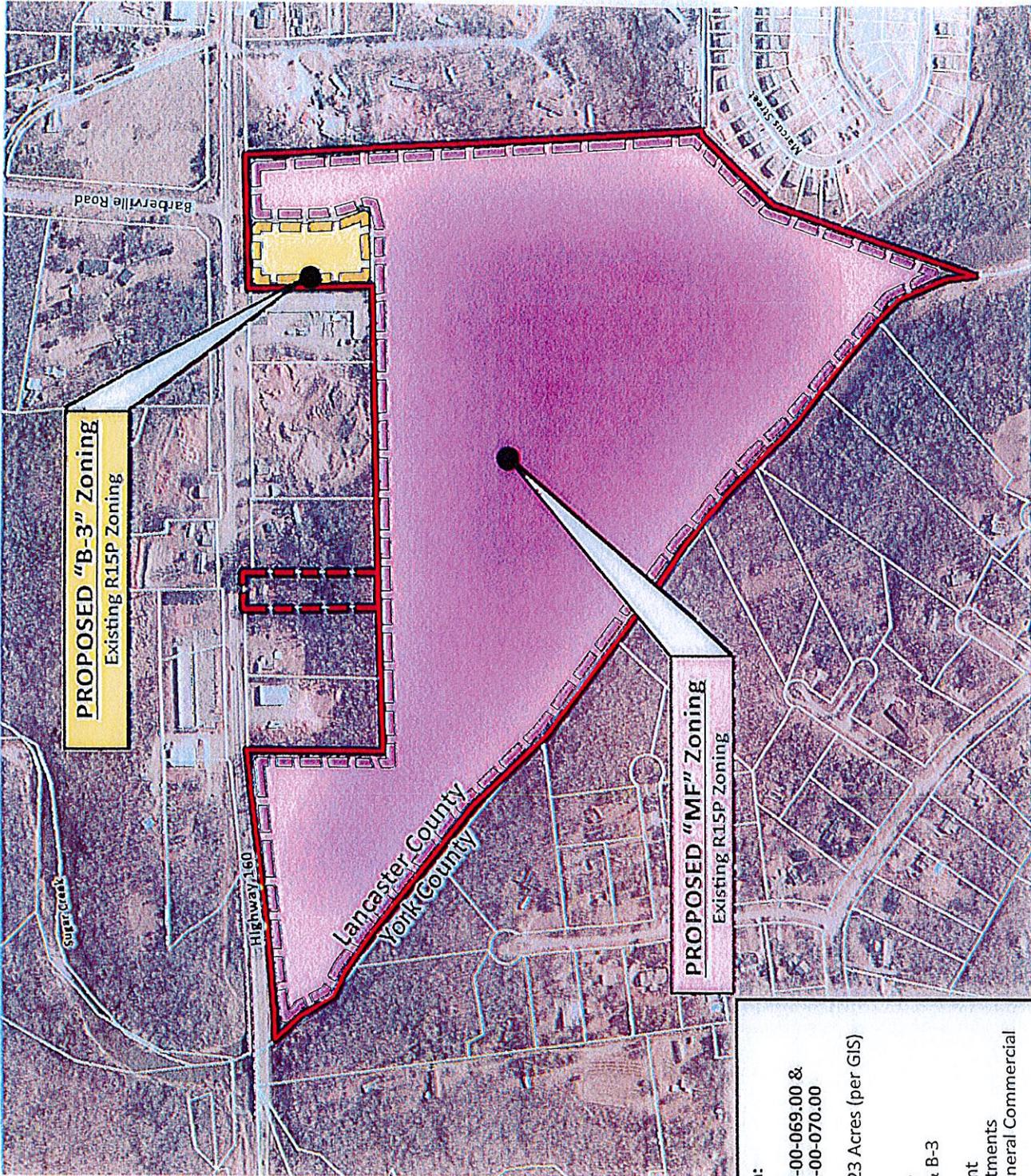
# Exhibit 4



Revere at Indian Land

Conceptual Illustrative Master Plan

# Exhibit 5



**PROPOSED "B-3" Zoning**  
Existing R15P Zoning

**PROPOSED "MF" Zoning**  
Existing R15P Zoning

<b>Revere at Indian Land Site Data:</b>	
<b>Tax Parcels:</b>	0006-00-069.00 & 0006-00-070.00
<b>Total Acreage:</b>	±54.23 Acres (per GIS)
<b>Zoning:</b>	R15P
<b>Existing:</b>	MF & B-3
<b>Proposed:</b>	Vacant
<b>Use:</b>	Apartments & General Commercial
<b>Permitted Density:</b>	Up to 8 DU/Acre

Proposed Zoning

Revere at Indian Land

Add  Mod  Del  Save  Cancel

Indexed By

**Exhibit 6**

No Picture Available

Click to enter GIS, if installed

No Sketch Available

**Parcel ID:** 0006-00-069.00  
**Account:** 555  
**Sticker #:**  
**Location:** STOCK LN Indian Land  
**Land Use:** QMH - QuallMH  
**Owner #1:** COLEY RAY A ETAL  
**Card:** 1/1  
**District:** 01 - County  
**Ent. Parcel Area:** 3.735 - AC  
**Neigh:** 01A - 01A  
**Own Type:**

Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	3.735	3.735	
Full Market Value:	360,200	358,700	
Full Land Value:		304,750	
Building Value:			
Yard Items:	9,500	8,000	
Land Value:	350,700	350,700	
Total Value:	360,200	358,700	
Assessed Value:	14,408	14,348	
Capped Total:	314,250	312,750	
			Reval / Market 01

**Sales Information**  
**Grantor:** COLEY RAY A ETAL  
**Sale Price:** 0  
**Sale Date:** 4/23/1997  
**Legal Ref:** A015-0163  
**Validity:** 90  
**Sold Vacant:** No

Indexed By  Parcel ID  Card #

Add Mod Del Save Cancel

Parcel ID: 0006-00-069.00 Card:1 of 1 Location: STOCK LN Indian Land Cost - \$360,200

Current Ownership | Prior Owner | ID/Factors/Taxes

**Exhibit 6**

Title	Last Name	First Name	Res ex	% Own	Type
#1:	COLEY RAY A ETAL		<input type="checkbox"/>		
#2:	% JUANITA MILLER		<input type="checkbox"/>		
#3:			<input type="checkbox"/>		

Street #1: 9838 STOCK LANE  Home Phone:   
 Street #2:   Cell Phone:   
 City/Town: INDIAN LAND  Work Phone:   
 Province/State: SC  Postal: 29707-0000 Email:   
 Country:  Account Type:   
 D.O.B.: MM/DD/YYYY  Legal Reference:   
 Owner Occupied:  Sale Date: 4/23/1997 Owner Lookup Number: 803003  
 Separate Bill:   
 Valid Owner:   
 Private Info:

Indexed By  Parcel ID  Card #

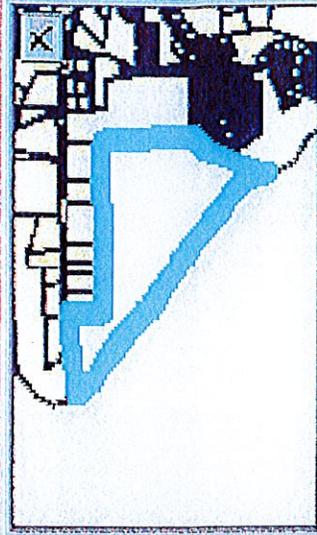
Add Mod Del Save Cancel

# Exhibit 6

**Parcel ID:** 00006-00-070.00

Account: 556  
 Sticker #:   
 Location: 1033 FORT MILL HWY Indian Land  
 Land Use: QUSE - QualAg  
 Owner #1: COLEY RAY A ETAL

No Picture Available



**Market Adj Value**      **Current**      **Year 2014**      **Legal Description**

Calc. Land Area:	50.344	50.500	
Full Market Value:	1,634,886	1,640,814	
Full Land Value:	1,591,986	1,597,014	
Building Value:	35,900	35,900	
Yard Items:	7,000	7,900	
Land Value:	149,532	149,551	
Total Value:	192,432	193,351	
Assessed Value:	11,405	11,490	
Capped Total:	1,634,886	1,640,814	Reval / Market 01

**Sales Information**

Grantor: COLEY HOYLE P ET UX JEWEL      Validity:   
 Sale Price: 0      Sold Vacant: No  
 Sale Date: 4/23/1997      Legal Ref: A015-0163  
 Narrative Description: This parcel contains 50.344 AC of land mainly classified as QualAg with a Sing Fam Dw Building built about 1962, having primarily Brick Exterior and 1008 Square Feet, with 0 Unit, 1 Bath, 0 3/4 Bath, 0 HalfBath, 0 Rooms, and 0 Bdrm.

Office Notes     Notes

Indexed By  Parcel ID  Card #

Add Mod Del Save Cancel

Parcel ID: 0006-00-070.00 Card: 1 of 1 Location: 1033 FORT MILL HWY Indian L Cost - \$192,432

Current Owner | Prior Owner | ID/Factors/Taxes

### Exhibit 6

Title	Last Name	First Name	Res ex	% Own	Type
#1:	COLEY RAY A ETAL		<input type="checkbox"/>		
#2:	% JUANITA MILLER		<input type="checkbox"/>		
#3:			<input type="checkbox"/>		

Street #1: 9838 STACK LANE Home Phone:

Street #2:  Cell Phone:

City/Town: INDIAN LAND Work Phone:

Province/State: SC Postal: 29707-0000 Email:

Country:  Account Type:

D.O.B.: MM/DD/YYYY Legal Reference:

Owner Occupied:  Sale Date: 4/23/1997 Owner Lookup Number: 56039

Separate Bill:   
 Valid Owner:   
 Private Info:

Sales Exemptions Other Parties

Open 4/16/2015 8:59 AM More Owners 556 QuickList

# Exhibit 7

## 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 Residential/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.

## Exhibit 7

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.

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 4.1.22. Stockyards, slaughter houses, commercial poultry houses and swine lots are only allowed as conditional uses.

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 and the other shall be a collector street. 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.

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.
12. The R45-D Rural Residential/Manufactured Housing/Agricultural District, is designed to encourage the perpetuation of agricultural uses and to accommodate low density residential development which does not include singlewide 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 compatible residential uses 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.

13. The MF, Multiple-Family/Agricultural District, is designed to accommodate moderate density single-family development and low density multiple-family developments (excluding manufactured homes) in areas within the County's planning jurisdiction that are appropriate for development at higher densities. This district should function as the location for alternative

housing types near or in direct relationship to single-family detached housing. The maximum density permitted in this district for single-family developments (including duplexes) is three (3) dwelling units per acre (see Section 4.1.20) and for multiple-family development is eight (8) dwelling units per acre. (See Chapter 17 for recreational facilities and open space requirements.)

14. 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 p 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)

## Exhibit 7

# Exhibit 7

Section 4.1.20 - Site built or modular single-family detached house located in the commercial, industrial or multiple-family districts.

In any area located from the parcels fronting on the southern right-of-way line of S.C. Highway 5 northward to the state line, eastward to the Union County (NC) line and westward to the York County line and which are zoned MF, B-1, B-2, B-3, B-4, I-1 and I-1 Light Industrial/Agricultural District, where both water and sewer is available and the parcel to be subdivided contains at least ten acres, subdivisions shall be allowed and shall comply with the requirements for single-family homes located in the R-15P, Moderate Density Residential/Agricultural/ Panhandle District.

# Exhibit 8

## MULTI-FAMILY - RESIDENTIAL / UPDATED 1/22/07

### USES PERMITTED:

1. Duplex
2. Multi-Family Apartments
3. Multi-Family Townhomes
4. Multi-Family Converted or Other Multi-Family Housing  
(not elsewhere classified)
5. Bed and Breakfast
6. Religious Institution
7. Telephone Communications Facilities
8. Park or Playground
9. Botanical or Zoological Garden
10. Other Designated Community Open Space Area
11. General Agricultural Activities (i.e.) general row crop production, free range  
Livestock, etc.

### CONDITIONAL USES:

1. Site Built Single-Family Detached House
2. Modular Single-Family Detached House (meets CABO building code)
3. Double-Wide
4. Single-Wide
5. Manufactured Home Subdivision
6. Temporary Dependent Care Residences
7. Temporary emergency, construction, and repair residence
8. Temporary Structure used in connection with the construction of a  
Permanent building of for some non-recurring purpose
9. Home Occupation
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 THE PLANNING COMMISSION:

1. United States Postal Service Facility
2. Elementary or Secondary School
3. College, University or Professional School
4. Library
5. Police Station
6. Fire Station
7. Ambulance Service/Rescue Squad
8. Electricity, Water, Sewer, and Petroleum Distribution/Collection  
Facilities and Services

# Exhibit 8

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

# Exhibit 8

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

# Exhibit 8

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

**RZ-015-011** – Rezoning application of Mr. Wesley G. Taubel, Managing Partner of Two Capital Partners, LLC, to rezone ±39.24 acres from B-3, General Commercial District **To** MF, Multiple-Family/Agricultural District. The applicant is proposing to build a Class A Multi-Family development. {Public Hearing}

Pgs. 83-99

**Tax Map 5, Parcel 90.01**

**Penelope Karagounis and Nick Cauthen**

## PLANNING STAFF REPORT: RZ-015-011

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### I. FACTS

#### A. GENERAL INFORMATION

**Proposal:** This is a rezoning application of Mr. Wesley G. Taubel, Managing Partner of Two Capital Partners, LLC. to rezone ± 39.24 acres from B-3, General Commercial District **To** MF, Multiple-Family/Agricultural District. The applicant is proposing to build a Class A Multi-Family development.

**Property Location:** The property is located east of the intersection of Elven Drive and Calvin Hall Road, which is ± 2,140 feet north of the intersection of Calvin Hall Road and Highway 160.

**Legal Description:** Tax Map Number 5, Parcel 90.01

**Zoning Classification:** Current: B-3, General Commercial District

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

#### B. SITE INFORMATION

**Site Description:** The ± 39.24 acres of property are vacant and primarily wooded.

#### C. VICINITY DATA

**Surrounding Conditions:** The surrounding properties are zoned R-15P, Moderate Density Residential/Agricultural Panhandle District, B-2, Community Business District, I-1, Light Industrial District and PDD, Planned Development District 5 (Bailes Ridge). The Clairemont and Arlington Developments are adjacent to the property and are a part of the Bailes Ridge PDD-5. Tyndall Furniture is also adjacent to the subject property.

#### D. EXHIBITS

1. Rezoning Application
2. Location Map
3. Future Land Use Map
4. Tax Inquiry Sheet
5. UDO – Ch. 2 Sect. 2.1.1 (Residential Districts)
6. UDO – Ch. 4 Sect 4.1.20 (Single Family homes in Multi Family Districts)
7. Table of Uses – MF

### II. FINDINGS

#### CODE CONSIDERATIONS

**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.

**The MF, Multiple-Family/Agricultural District**, is designed to accommodate moderate density single-family development and low density multiple-family developments (excluding manufactured homes) in areas within the County's planning jurisdiction that are appropriate for development at higher densities. This district should function as the location for alternative housing types near or in direct relationship to single-family detached housing. The maximum density permitted in this district for single-family developments (including duplexes) is three (3) dwelling units per acre and for multiple-family development is eight (8) dwelling units per acre.

### III. CONCLUSIONS

The facts and findings of this report show that the property is designated as Neighborhood Mixed Use on the Future Land Use map and it is within the Pedestrian Center node. Neighborhood Mixed Use is defined as a walkable neighborhood and the Pedestrian Center node is defined as a walkable activity center by the *Lancaster County Comprehensive Plan 2014-2024*. Considering the property is within the pedestrian center which supports higher density and is very close to the employment center node, a multi-family development is very well suited for this area. The Arlington Development which is adjacent to the subject property is a multi-family development that is compatible with this multi-family proposal. The vast majority of the surrounding area is currently zoned residential. A portion of the property is within the Highway Corridor Overlay District and any proposed development will have to be reviewed by the Development Review Committee. There is also a need for more multi-family development in the panhandle area. The County has approved 18,424 units and of these only 3,200 (17.37%) are multi-family units.

### IV. RECOMMENDATION:

It is therefore the recommendation of the planning staff that the rezoning request for the property located east of the intersection of Elven Drive and Calvin Hall Road, which is ± 2,140 feet north of the intersection of Calvin Hall Road and Highway 160 be **APPROVED**.

LANCASTER COUNTY

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

Do Not Write In This Box
Application# RZ-015-011 Date 4-16-15 Paid [check]

- 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: 0005-00-090.01
3. How is this property presently designated on the map? B3
4. How is the property presently being used? VACANT LAND
5. What new designation or map change do you purpose for this property? MF
6. What new use do you propose for the property? MULTI-FAMILY - 8 du/AC

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

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

THOMAS + JANE CULP - 9789 HARRISBURG RD, INDIANLAND, SC, 29107

- 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: PROPOSED CLASS A

MULTI FAMILY DEVELOPMENT

(attach another page if additional space is needed)

- 10. Applicant's can request a 5 minute PowerPoint presentation at County Council to be given during the ordinance reading time and at 1st reading only. You will be allowed 5 slides or less. This information must be given to the Clerk to Council by the Friday prior to the Monday Council meeting. Please check the appropriate box to indicate whether or not you will be giving a PowerPoint presentation. [ ] YES [ ] NO

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) : TWO CAPITAL PARTNERS, LLC
Wesley G. Taubel, Managing Partner

ADDRESS: Wesley G. Taubel, Managing Partner
3445 Peachtree Lake Dr, Ste 465
Atlanta GA 30326

Phone: 404.262.2661

[Signature]
SIGNATURE



# NOTICE OF ENTRY UPON LAND

Section 6-29-340(A) of the Code of Laws of South Carolina 1976, as amended, provides, in part, that "[t]he planning commission, its members and employees, in the performance of its functions, may enter upon any land with consent of the property owner or after ten days' written notification to the owner of record, make examinations and surveys, and place and maintain necessary monuments and marks on them, provided, however, that the planning commission shall be liable for any injury or damage to property resulting therefrom."

This notice is dated 4-16-15 and serves as written notice to the owner of record of the following property: 0005-00-090.01 (the "Property") that the employees of the Lancaster County Planning Department and the members of the Lancaster County Planning Commission may enter upon the Property at any time after ten days from the date of this notice for the purpose of making examinations, surveys and to perform their respective official duties, without consent or further notice to the owner of record.

## ACKNOWLEDGMENT OF RECEIPT OF NOTICE

By signing below, I acknowledge receipt of the above Notice of Entry Upon Land.

[Handwritten Signature]  
Signature

W BRYAN TUTTLE  
Printed Name

4/16/2015  
Date

If the owner of record refuses to acknowledge receipt of the Notice of Entry Upon Land, then the Planning Director, or a person authorized by the Planning Director, shall sign and date the area below:

\_\_\_\_\_  
Planning Director or Authorized Person Signature

\_\_\_\_\_  
Planning Director or Authorized Person Printed Name

\_\_\_\_\_  
Date

April 8, 2015

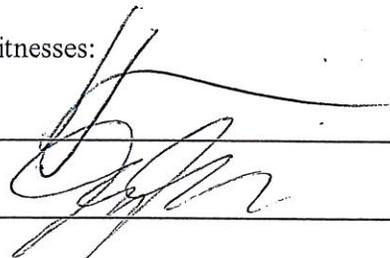
Ms. Penelope Karagounis  
Planning Director, Lancaster County, SC  
PO Box 1809  
Lancaster, South Carolina 29721

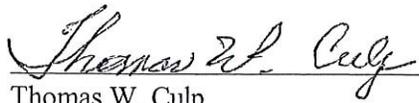
RE: REZONING APPLICATION  
Thomas W. and Jane G. Culp  
±39.2 Acres / Lancaster County Tax Map #0005-00-090.01

To Whom It May Concern:

Please accept this letter as our authorization to allow **Two Capital Partners** and/or **The Tuttle Company, Inc.**, and their respective representatives, individually or collectively, to make application and represent our interests regarding the rezoning proceedings of our above referenced property, from "B-3" to Lancaster County Multi-Family Zoning (8 units per acre).

Witnesses:

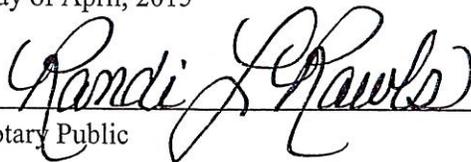
  
\_\_\_\_\_

 [SEAL]  
Thomas W. Culp

STATE OF SOUTH CAROLINA  
COUNTY OF Lancaster

I, Randi L. Rawls, Notary Public for said County and State, certify that Thomas W. Culp, Property Owner of the above-referenced property in Lancaster County, South Carolina; personally came before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this 9<sup>th</sup> day of April, 2015

  
\_\_\_\_\_  
Notary Public

My commission expires: 06/16/2016

Witnesses:

[Signature]  
[Signature]

Jane G. Culp [SEAL]  
Jane G. Culp

STATE OF SOUTH CAROLINA

COUNTY OF Lancaster

I, Randi L. Rawls, Notary Public for said County and State, certify that Jane G. Culp, Property Owner of the above-referenced property in Lancaster County, South Carolina; personally came before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this 9<sup>th</sup> day of April, 2015



Randi L. Rawls  
Notary Public

My commission expires: 06/16/2016

Exb. 1

State of South Carolina,  
COUNTY OF LANCASTER.

Know All Men by These Presents, That I, Bleeka Patterson Culp Cook,

in the State aforesaid, for and in consideration of the  
sum of Five and No/100 (\$5.00) Dollars, love and affection,  
to me paid by Thomas W. Culp  
in the State aforesaid

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said  
Thomas W. Culp, all my right, title and interest, the same being an undivided  
one-half ( $\frac{1}{2}$ ) interest, in and to:

"All that certain piece, parcel or tract of land situate, lying and  
being in the State of South Carolina, County of Lancaster, in Indian Land Township,  
located on both sides of U. S. Highway No. 521, four miles east of Fort Mill. Being  
the remaining 65 acres, more or less, of the Culp Place. Being a portion of the  
property acquired by the grantor and grantee herein as the sole heirs-at-law of  
Thomas W. Culp, Sr. as shown in the Lancaster County Probate Court Roll No. 679,  
a 54.5 acre tract having been sold to Roy F. Patterson by deed recorded in Deed  
Book P-3, at Page 503."

"For a more complete description reference is craved to the  
following two plats recorded in the office of the clerk of court for  
Lancaster County as Plats Nos. 661 and 662."

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

Thomas W. Culp, his

Heirs and Assigns forever.

And I do hereby bind myself, my Heirs, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said

Thomas W. Culp, his

Heirs 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 10th day of November in the year of our Lord one thousand nine hundred and Sixty-nine and in the one hundred and Ninety-fourth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

*James H. ...*  
*William ...*

*Heeka Patterson Culp Cook* (SEAL)  
..... (SEAL)

Exb. 1

LANCASTER COUNTY.

PERSONALLY appeared before me Donna W. Fox

and made oath that she saw the within-named Bleeka Patterson Culp Cook sign, seal and, as her act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that she, with H. Jackson Gregory witnessed the execution thereof.

SWORN to before me this 10th day of November, 19 69

*[Signature]* (L. S.)  
Notary Public of S. C.  
Commission expires: 1/1/70

*[Signature]*

STATE OF SOUTH CAROLINA,  
COUNTY.

No RENUNCIATION OF DOWER  
Necessary - Feminine Grantor

I, \_\_\_\_\_, do hereby certify unto all whom it may concern, that Mrs. \_\_\_\_\_ the wife of the within-named \_\_\_\_\_ did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any compulsion, dread, or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named \_\_\_\_\_

\_\_\_\_\_ heirs and assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this \_\_\_\_\_ day of :  
Anno Domini 19 \_\_\_\_\_  
\_\_\_\_\_  
(L. S.)  
Notary Public of S. C.

\_\_\_\_\_  
\_\_\_\_\_

FILED  
OFFICE OF CLERK OF COURT  
1972 NOV 24 AM 10:47

CLERK OF COURT  
LANCASTER COUNTY, S.C.

State of South Carolina,  
County of LANCASTER.

Bleeka Patterson Culp Cook

TO  
Thomas W. Culp

**TITLE TO REAL ESTATE**

I hereby certify that the within Deed was filed for record in my office at \_\_\_\_\_ M. o'clock on the 24<sup>th</sup> day of November, 1972, and was immediately entered upon the proper indexes and duly recorded in Book A-6

of Deeds, page 5911  
Walter E. Robinson  
Clerk of Court of Common Pleas and General Sessions  
for Lancaster County, S. C.

I hereby certify that the within Deed has been this 24<sup>th</sup> day of November, A. D. 1972, Recorded in Book K of Deeds, page C-6  
Walter C Robinson Auditor  
for Lancaster County

Subject Property

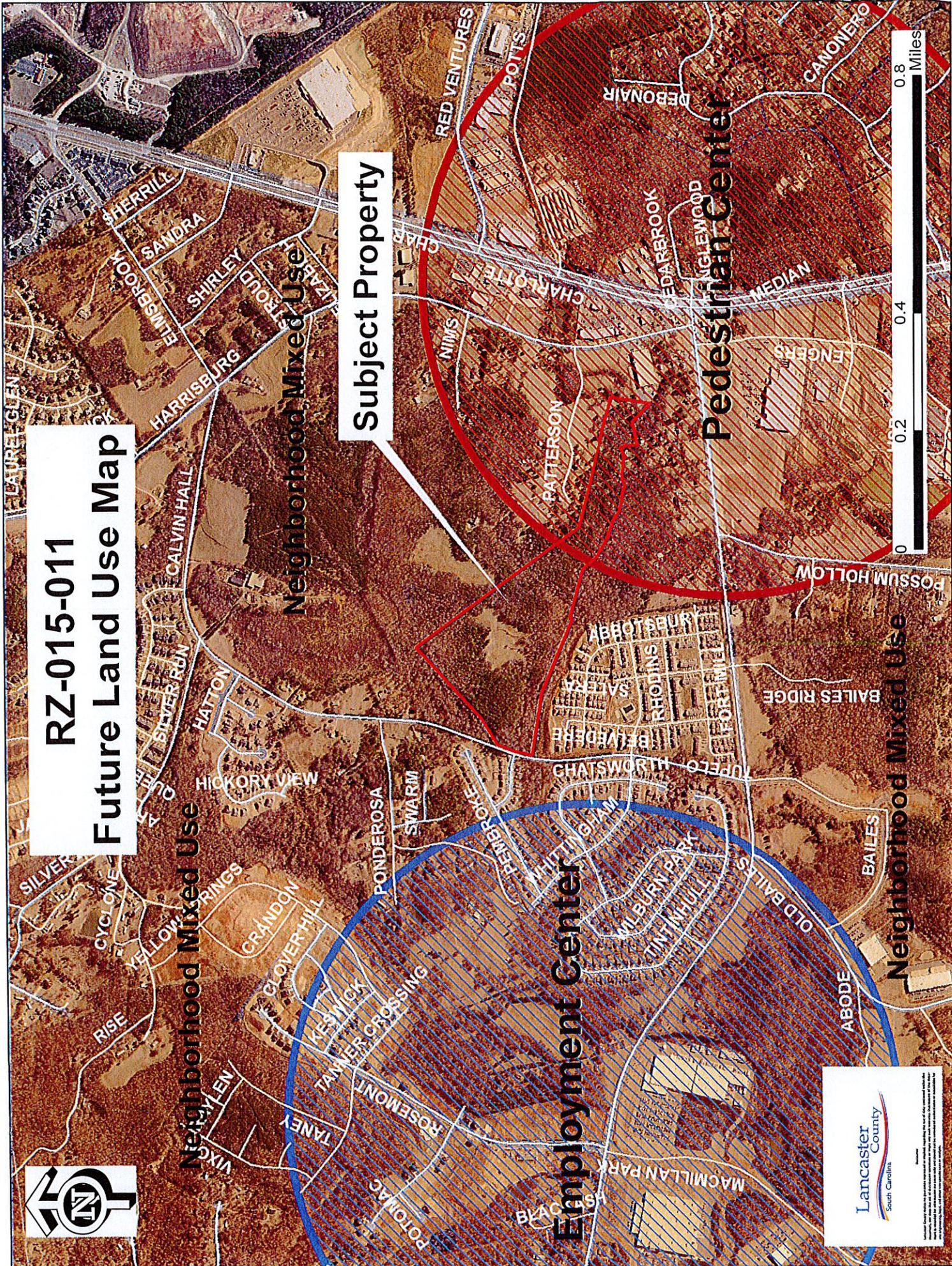
RZ-015-011  
Vicinity Map



**Lancaster County**  
South Carolina

Information provided is for informational purposes only. It is not intended to constitute an offer of insurance or any other financial product. Please contact your agent for more information.

# RZ-015-011 Future Land Use Map



Subject Property

**Lancaster County**  
South Carolina

Planning Department  
1000 North Main Street, Suite 200  
Lancaster, SC 29303  
Phone: 803.781.2200  
Fax: 803.781.2201  
www.lancastercountysc.gov

Indexed By  Parcel ID  Card #

Add Mod Del Save Cancel

**Parcel ID: 0005-00-090.01**

Account: 80759  
 Sticker #:   
 Location: CALVIN HALL RD Indian Land  
 Land Use: NLN - LandOnly  
 Owner #1: CULP THOMAS W & JANE G REVOCAB Own Type:  
 Card: 1/1  
 District: 01 - County  
 Ent. Parcel Area: 39.238 - AC  
 Neigh: 01A - 01A

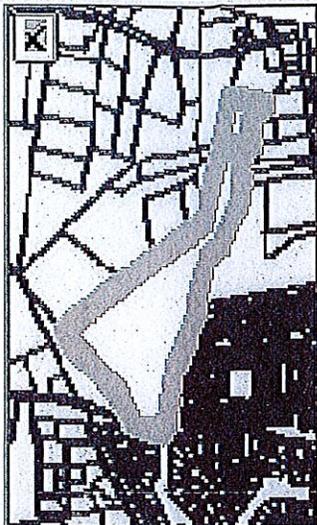
Market Adj Value	Current	Year 2014	Legal Description
Calc. Land Area:	39.238	39.238	
Full Market Value:	1,527,200	1,527,200	

Building Value:			
Yard Items:			
Land Value:	1,527,200	1,527,200	
Total Value:	91,632	91,632	
Assessed Value:	1,527,200	1,527,200	
Capped Total:			

**Sales Information**  
 Grantor: CULP THOMAS W & JANE G  
 Sale Price: 0  
 Sale Date: 11/10/1969 Sold/Vacant: No  
 Legal Ref: A006-5911  
 Validity: 9R

Office Notes  Notes

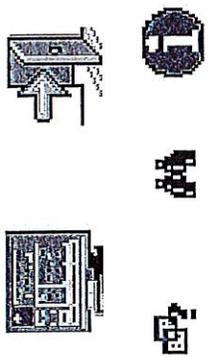
No Picture Available



No Sketch Available

Exb. 4

Indexed By  Parcel ID  Card #



Add Mod Del Save Cancel

Parcel ID: 0005-00-090.01 Card: 1 of 1 Location: CALVIN HALL RD Indian Land Cost - \$1,527,200

Current Owner | Prior Owner | ID/Factors/Taxes

Current Ownership

Title	Last Name	First Name	Bes ex	% Own	Type
#1:	CULP THOMAS W & JANE G REVOCAB				
#2:					
#3:					

Street #1: 9729 HARRISBURG RD Home Phone:  Fill  
 Street #2:  List  
 City/Town: INDIAN LAND Work Phone:  Verify  
 Province/State: SC Postal: 29707-0000 Email:  Verify

Account Type:  Separate Bill:   
 D.O.B.: MM/DD/YYYY Legal Reference:  Valid Owner:   
 Owner Occupied:  Sale Date: 11/10/1969 Owner Lookup Number: 696 Private Info:

Sales Exemptions Other Parties

Exb. T

### Section 2.1.1 - Residential districts established.

The MF, Multiple-Family/Agricultural District, is designed to accommodate moderate density single-family development and low density multiple-family developments (excluding manufactured homes) in areas within the County's planning jurisdiction that are appropriate for development at higher densities. This district should function as the location for alternative housing types near or in direct relationship to single-family detached housing. The maximum density permitted in this district for single-family developments (including duplexes) is three (3) dwelling units per acre (see [Section 4.1.20](#)) and for multiple-family development is eight (8) dwelling units per acre.

**Section 4.1.20 - Site built or modular single-family detached house located in the commercial, industrial or multiple-family districts.**

In any area located from the parcels fronting on the southern right-of-way line of S.C. Highway 5 northward to the state line, eastward to the Union County (NC) line and westward to the York County line and which are zoned MF, B-1, B-2, B-3, B-4, I-1 and I-1 Light Industrial/Agricultural District, where both water and sewer is available and the parcel to be subdivided contains at least ten acres, subdivisions shall be allowed and shall comply with the requirements for single-family homes located in the R-15P, Moderate Density Residential/Agricultural/ Panhandle District.

## MULTI-FAMILY - RESIDENTIAL / UPDATED 1/22/07

**USES PERMITTED:**

1. Duplex
2. Multi-Family Apartments
3. Multi-Family Townhomes
4. Multi-Family Converted or Other Multi-Family Housing  
(not elsewhere classified)
5. Bed and Breakfast
6. Religious Institution
7. Telephone Communications Facilities
8. Park or Playground
9. Botanical or Zoological Garden
10. Other Designated Community Open Space Area
11. General Agricultural Activities (i.e.) general row crop production, free range  
Livestock, etc.

**CONDITIONAL USES:**

1. Site Built Single-Family Detached House
2. Modular Single-Family Detached House (meets CABO building code)
3. Double-Wide
4. Single-Wide
5. Manufactured Home Subdivision
6. Temporary Dependent Care Residences
7. Temporary emergency, construction, and repair residence
8. Temporary Structure used in connection with the construction of a  
Permanent building of for some non-recurring purpose
9. Home Occupation
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 THE PLANNING COMMISSION:**

1. United States Postal Service Facility
2. Elementary or Secondary School
3. College, University or Professional School
4. Library
5. Police Station
6. Fire Station
7. Ambulance Service/Rescue Squad
8. Electricity, Water, Sewer, and Petroleum Distribution/Collection  
Facilities and Services



**Penelope Karagounis**

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**From:** John Weaver  
**Sent:** Tuesday, May 12, 2015 5:50 PM  
**To:** DEBBIE C HARDIN  
**Cc:** Penelope Karagounis  
**Subject:** Ordinance 2015-1351 - Moratorium

This will appear on the 5/18 Council Agenda with all the same documentation as last time. There also will be a Public Hearing. As for your notations, please show the I&R Committee as having a recommendation that the ordinance be considered first by the Planning Commission.

**John L. Weaver**  
**Lancaster County Attorney**  
**Post Office Box 1809**  
**Lancaster, South Carolina 29721**  
**803-416-9426**  
[jweaver@lancastercountysc.net](mailto:jweaver@lancastercountysc.net)

## Agenda Item Summary

Ordinance # / Resolution#: 2015-1351

Contact Person / Sponsor: John Weaver & Penelope Karagounis

Department: County Attorney & Planning Department

Date Requested to be on Agenda: May 19, 2015

Committee: Infrastructure & Regulation Committee (May 12, 2015)

**Preliminary Statement:** Pursuant to SC Code Section 30-4-70 (a)(2), an Executive Session will be requested by the Administrator for the purpose of the County Attorney offering legal advice to the Council that is covered by the attorney-client privilege.

**Issue for Consideration:** As you know, Lancaster County staff and the Catawba Regional Council of Governments are in the process of rewriting Lancaster County's Unified Development Ordinance (UDO). As was reported recently, the County's population growth proportionately was the highest of any county in the state. The requirements and regulations that are in place now are not sufficient to insure smart growth for residential, commercial and industrial development in Lancaster County. The rewrite is intended, not only to promote a visionary, higher standard for growth, but also the rewrite is intended to reflect modern standards and practices and be more efficient to use and understand.

**Points to Consider:** Council previously has been given a timeline for the completion of this project. An additional copy is provided following this Summary. An update/rewrite of a local government's UDO is an undertaking that every rapidly developing county in, not only the greater Charlotte area, but also within many other South Carolina counties, is finding to be necessary.

The Council surely recognizes that a quality end-product of an updated UDO cannot be accomplished with an ever-expanding development base. Estimates show that there are in excess of 18,000 parcels that have been rezoned and are ready for development today in the Indian Land area alone. The proposed moratorium will not impact those previously approved projects and the associated building permits will be issued as requested. The logic dictates that there must be a starting point for the implementation of the new UDO guidelines and to have a starting point of something new, there must be a stopping point of the old. Council is being asked to consider a **moratorium on new zoning applications within a specified area as described in the ordinance** and depicted on the accompanying map so as to preserve the status quo until the Planning Commission and staff have completed their work and come forward with recommendations for Lancaster County.

**Funding and Liability Factors:** N/A

**Council Options:**

- 1) Approve the moratorium on new zoning applications north of Highway 5 and the UDO rewrite continues.
- 2) Deny the moratorium on new zoning applications north of Highway 5 and the UDO rewrite continues.
- 3) Approve the current moratorium and consider adopting a future moratorium for the remainder of the County for approximately two to three month timeframe during the UDO adoption process.

**Recommendation:** #1 above.



# Unified Development Ordinance Update - Phases I & II

## Timeframe and Work Program

WORK ITEM	2015												2016	
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB
Planning Staff Review Meetings	█	█	█	█	█	█	█	█	█	█	█	█	█	█
UDO Review Committee Meetings	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Draft UDO Update for Phase One Chapters and Zoning Concept Map	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Draft an Administrative Manual on Application Submittal Process	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Planning Commission Update	█	█	█	█	█	█	█	█	█	█	█	█	█	█
County Council Update	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Draft the Remaining Chapters for the UDO Update	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Draft Proposed Zoning Map	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Finalize Administrative Manual on Application Submittal Process	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Coordinate and Conduct Community Meetings and/or Focus Groups	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Planning Commission Public Hearings on Updated UDO	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Revisions to Final Updated UDO As Needed	█	█	█	█	█	█	█	█	█	█	█	█	█	█
County Council Adoption of Updated UDO	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Complete Updated Zoning Map	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Planning Commission Public Hearings on Updated Zoning Map	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Revisions to Final Zoning Map As Needed	█	█	█	█	█	█	█	█	█	█	█	█	█	█
County Council Adoption of Updated Zoning Map	█	█	█	█	█	█	█	█	█	█	█	█	█	█

Phase I - UDO Update and Zoning Concept Map (January 2015- June 2015)

Phase II - Final UDO Update and Zoning Map (July 2015 - Feb 2016)

April 14, 2015

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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2015-1351

COUNTY OF LANCASTER

)

)

**AN ORDINANCE**

**TO IMPOSE A NINE (9) MONTH MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR DISTRICT BOUNDARY AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY IN THE AREA OF THE COUNTY NORTH OF HIGHWAY 5; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.**

WHEREAS, Lancaster County Council has observed a substantial increase in development throughout the County, but particularly in the unincorporated Indian Land area of the County; and

WHEREAS, as evidence of that development and growth, the following statistics have been recognized: Lancaster County is the fastest growing county in the state between 2013 and 2014 with a 3.3% population increase during that year; there is at present in excess of 18,000 parcels that have been rezoned and are ready for development today in the Indian Land area alone; and

WHEREAS, Council is concerned about the rapid growth of the County and protecting the existing rural areas north of Highway 5 in Van Wyck, not only now, but also in future years and the potential for conflicts between residential, commercial and industrial development; and

WHEREAS, the present Unified Development Ordinance (UDO) of Lancaster County was presented and passed by Council on September 28, 1998 and, over the past seventeen (17) years, the UDO has proven to be in need of rewrite and update as a result of the growth noted herein; and

WHEREAS, Council adopted a Comprehensive Plan 2014–2024 on December 8, 2014 which includes a Future Land Use Map with flexibility for appropriately mixing land uses and shaping the current development pattern of the County to protect each community’s natural and cultural assets while balancing the demands for growth; and

WHEREAS, Lancaster County is currently developing a new Unified Development Ordinance and Zoning Map to implement the Comprehensive Plan Guiding Principles, Plan Implementation and provide recommendations as to the appropriate land use, zoning district designations and development regulations for all properties; and

WHEREAS, the development of the new Unified Development Ordinance will require adequate time to prepare the new UDO and Zoning Map necessary to adequately manage growth in both the urban and rural areas in Lancaster County, and

WHEREAS, in order to accomplish the stated goal of an updated Unified Development Ordinance with the development of new zoning district designations and development regulations, Council deems it necessary and appropriate to impose a Moratorium, effective Monday, May 18, 2015, on the County's acceptance and processing of applications for district boundary amendments to the UDO for all real properties located in Lancaster County north of the following boundary: from a point at the western boundary with York County along Highway 5 until its intersection with Highway 521, then preceding in a northeastern direction along Old Church Road until its intersection with the Union County, NC state line, then further northward to the North Carolina state line for a nine (9) month period so as to preserve the status quo until the Planning Commission and Planning Department staff have completed their work and come forward with the recommendations called for in this ordinance.

NOW THEREFORE, by the power and authority granted to the Lancaster County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted:

1a. New UDO and Zoning Map Initiated Provision for Recommendations. The Lancaster County Planning Commission and Planning Department staff shall review and consider a new UDO and Zoning Map and make recommendations to County Council for new zoning district designations, development regulations and appropriate zoning necessary to adequately manage growth throughout the County.

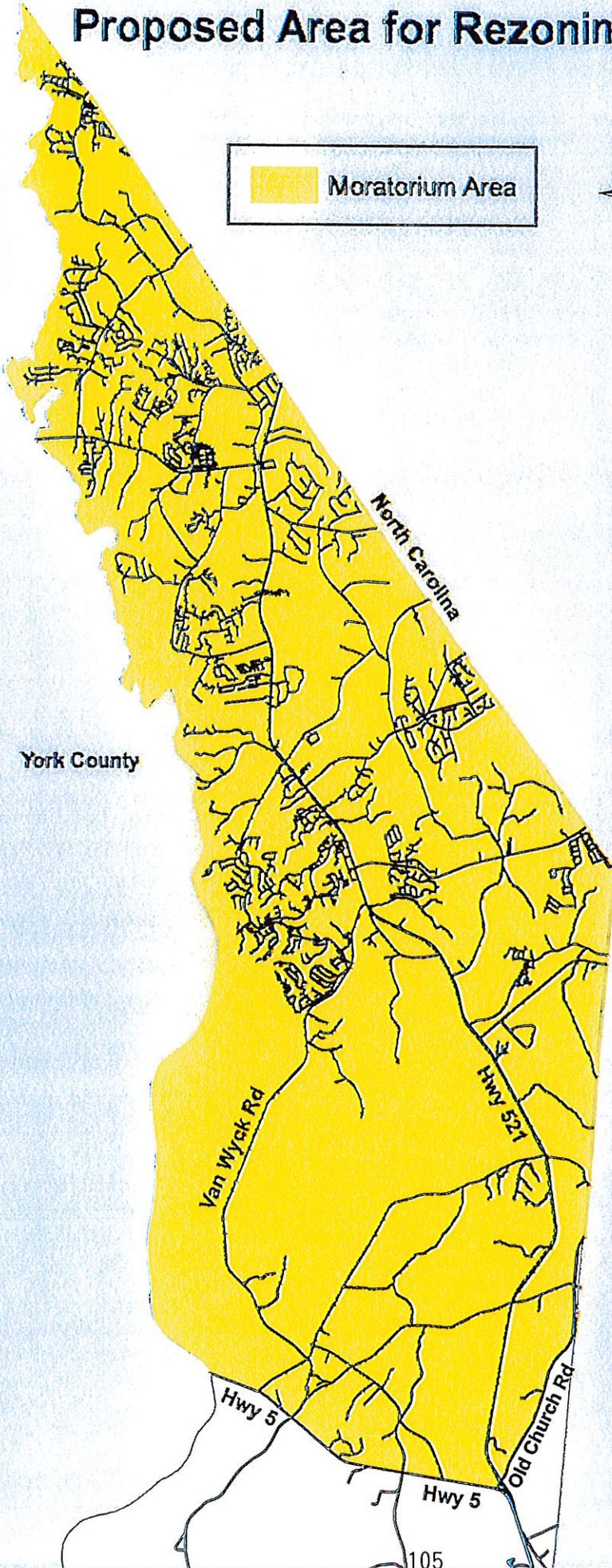
1b. Nine (9) Month Moratorium Adopted. Effective May 18, 2015, no applications for district boundary map amendments to the UDO shall be accepted and processed by the Planning Department staff for all real properties located in Lancaster County north of the following boundary: from a point at the western boundary with York County along Highway 5 until its intersection with Highway 521, then proceeding in a northeastern direction along Old Church Road until its intersection with the Union County, NC state line, then further northward to the North Carolina state line for a period of nine (9) months (the "Moratorium"). The Moratorium is imposed in order to allow the Lancaster County Planning Commission and Planning Department staff time to conduct the work specified in Section 1a. above. The Moratorium shall not affect development in progress that has already received approval from County Council and shall not affect rezoning applications and development agreements submitted to the Planning Department as of Second Reading of this Ordinance. In the event of a natural disaster, the County Administrator may suspend the Moratorium to the extent necessary to protect and preserve the public health, safety and general welfare.

1c. Extension of Moratorium by Resolution. No earlier than thirty (30) days prior to the expiration of the Moratorium, should the County Administrator determine that there is insufficient time for the Council to consider the repeal of the existing UDO and the adoption of a new UDO and Zoning Map and related recommendations, then, in that event, the County Administrator shall so notify Council of this time constraint and, thereafter, Council may by Resolution extend the Moratorium expiration by up to an additional ninety (90) day period.

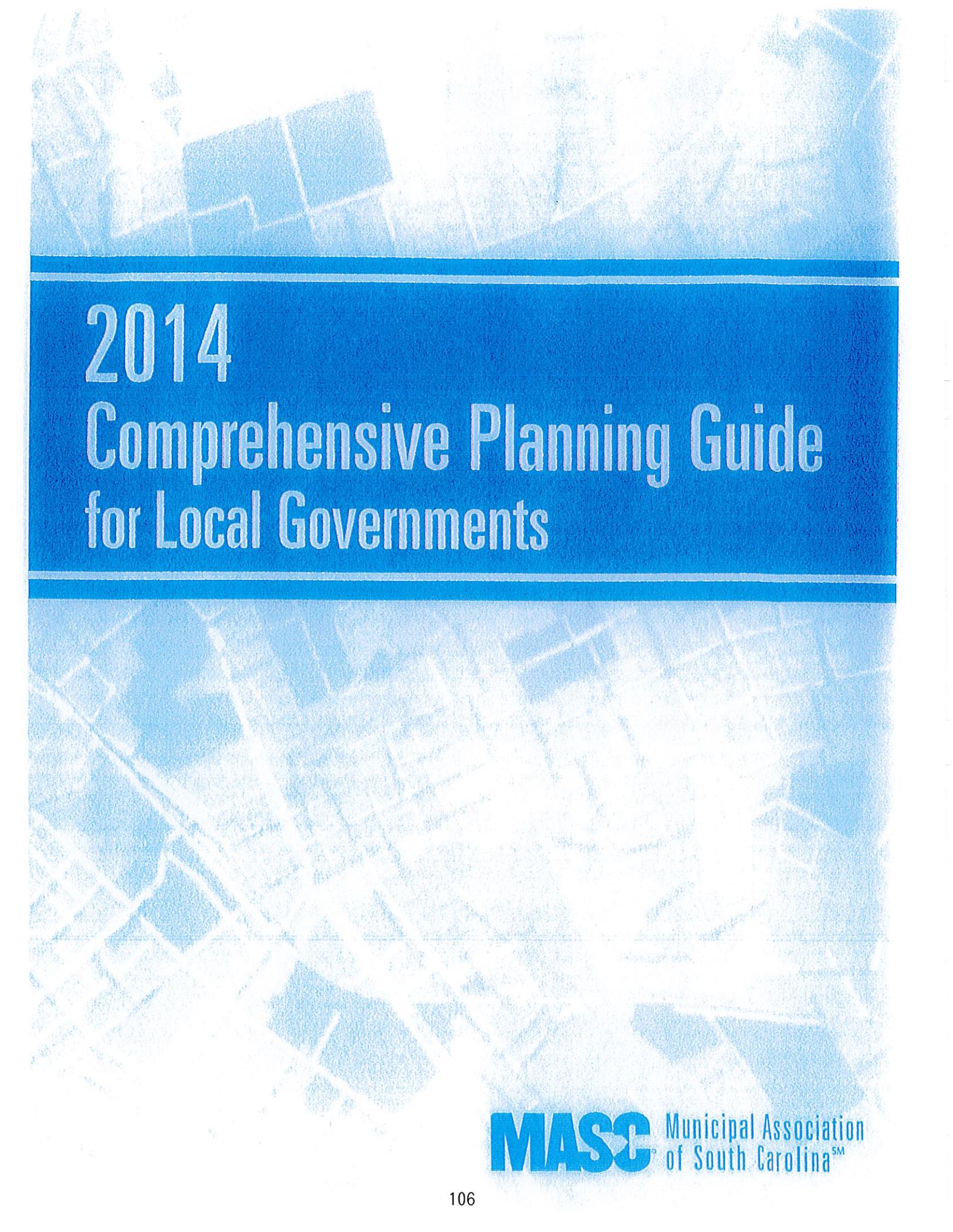
2. Severability: If a Section, Sub-section, or part of the Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section, or part of the Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

# Proposed Area for Rezoning Moratorium

 Moratorium Area



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2014

Comprehensive Planning Guide  
for Local Governments

(4th Cir. 1988); *Naegle Outdoor Advertising, Inc. v. City of Durham*, 803 F. Supp. 1068 (M.D.N.C. 1992). The zoning ordinance may provide for termination of nonconforming uses within a specified time without regard to lack of intentional abandonment of the use by the landowner. *Gurganious v. City of Beaufort*, 317 S.C. 481, 454 S.E.2d 912 (Ct. App. 1995).

**Abandonment.** Abandonment of a nonconforming use for a time specified in the zoning ordinance can terminate the right to continue the use. *Maguire v. City of Charleston*, 271 S.C. 451, 247 S.E.2d 817 (1978). In the absence of an objective time frame for abandonment, the common law definition of abandonment applies and requires an intent to relinquish the right to use the property. *City of Myrtle Beach v. Juél P. Corporation*, 344 S.C. 43, 543 S.E.2d 538 (2001), citing *Conway v. City of Greenville*, 254 S.C. 96, 173 S.E.2d 648 (1970).

### **Pending Ordinance Doctrine/Moratorium**

The "pending ordinance doctrine," which is recognized by state case law, gives local governments the authority to refuse a permit for a land use when the use is not allowed under a then-pending and later-enacted zoning ordinance. A zoning administrator has the authority to refuse a permit for a use which is repugnant to the terms of a proposed zoning ordinance or amendment pending at the time of application for the permit. An ordinance is legally pending when the governing body has resolved to consider a particular scheme of rezoning and has advertised to the public its intention to hold public hearings on the rezoning. *Sherman v. Reavis*, 273 S.C. 542, 257 S.E.2d 735 (1979); *Continental Southeastern Group v. City of Folly Beach*, 290 S. C. 206, 348 S. E. 2d 837 (1986); *Stratos v. Town of Ravenel*, 297 S.C. 309, 376 S.E.2d 783 (Ct. App. 1989); *Covenant Media of South Carolina, LLC v. City of North Charleston*, 493 F.3d 421 (4<sup>th</sup> Cir. 2007) (also distinguishing the "time of application" rule in the absence of evidence of reliance by the applicant). In *Scott v. Greenville County*, 716 F. 2d 1409, 1419 n. 10 (4<sup>th</sup> Cir. 1983), the court panel suggested that, under South Carolina law, an ordinance would not be considered as "pending" under the pending ordinance doctrine at the time when a governing body merely first announced an intention to consider rezoning and simply referred the matter to the planning commission.

In *Simpkins v. City of Gaffney*, 315 S. C. 26, 431 S.E.2d 592 (Ct. App. 1993), the court held that a resolution of city council setting a moratorium on construction of multi-family dwellings was not a pending "ordinance" and did not suspend an existing valid zoning ordinance. A zoning ordinance must be amended by an ordinance, not by a resolution.

A request for a permit should be denied when a pending ordinance would allow a use then prohibited by the existing ordinance. The pending ordinance doctrine protects the public interest by preventing a change in use. Allowing a use under a pending ordinance that may not be adopted is contrary to the public interest.

A related legal concept is the "moratorium." A local government can enact an ordinance suspending further permitting under a zoning or land development ordinance while it considers whether to amend or repeal the suspended ordinance. A local government cannot adopt an ordinance imposing a moratorium "on a construction project" for which a permit

has been granted unless it gives two weeks' notice by newspaper publication in the county in which the project is located. S.C. Code § 6-1-110. No moratorium may be imposed without at least two readings, which are a week apart. Section 6-1-110 provides express statutory authorization for a moratorium on construction projects by ordinance.

However, the moratorium should be uniformly applied, and the moratorium period must be of a reasonable duration. A temporary moratorium is not a *per se* taking of property requiring compensation under the Takings Clause of the Fifth Amendment of the U. S. Constitution. *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U. S. 302, 122 S. Ct. 1465, 152 L. Ed. 2d 517 (2002).

### Spot Zoning

Zoning a small parcel as an island surrounded by a district with different zoning may be spot zoning. The Supreme Court stated that invalid "spot zoning" is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area to benefit the owners of such property and to the detriment of other owners. *Bob Jones University, Inc. v. City of Greenville*, 243 S.C. 351, 133 S.E.2d 843 (1963). The mere fact that business property adjoins residential property does not mean that the commercial zoning is invalid spot zoning. See *Talbot v. Myrtle Beach Board of Adjustment*, 222 S.C. 165, 72 S.E.2d 66 (1952); *Knowles v. City of Aiken*, 305 S.C. 291, 407 S.E.2d 639 (1991).

Small areas may be rezoned as long as the action is not arbitrary or unreasonable. To help avoid the problem of spot zoning, many zoning ordinances include a provision prohibiting some types of free standing zoning districts of less than two acres.

### Takings/ Eminent Domain/ Inverse Condemnation/ Regulatory Takings

Property owners often challenge governmental zoning actions, zoning ordinances and other land use regulations with the claim of "taking," "inverse condemnation" or "regulatory taking" of their property without just compensation.

The Takings Clause of the Fifth Amendment to the U.S. Constitution and Article I § 13 of the South Carolina Constitution both provide that private property shall not be taken for public use without just compensation. These constitutional provisions do not prohibit the government from the taking of private property. Instead, it places a condition of just compensation on the exercise of that power. *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304, 107 S.Ct. 2378, 96 L.Ed 2d 250 (1987).

Under the analysis applied by the courts, takings may be direct or indirect, total or partial, physical or regulatory, and permanent or temporary. The takings analysis under South Carolina law is the same as the analysis under federal law. *Westside Quik Shop, Inc. v. Stewart*, 341 S.C. 297, 534 S.E.2d 270 (2000).

**Eminent Domain.** The federal and state constitutional takings provisions clearly require governments to pay landowners just compensation when the government undertakes a "classic" (direct, physical and permanent) taking such as the direct physical appropriation,