



YORK COUNTY
PLANNING COMMISSION
AGENDA • JULY 8, 2024



Planning Commission

York County Government Center
6 South Congress Street
York, SC 29745

6:00 PM

Call to Order

Approval of the Agenda

Adoption of Minutes

1. Planning Commission - Planning Commission - Jun 10, 2024 6:00 PM

Public Hearing

1. Chaplin Spencer has filed for a waiver from the York County Land Development Code to allow for a parcel to be subdivided utilizing an easement width less than the required 25 feet. The subject property is a 42.71 acre parcel located in the AGC district. Council District – 1, Audette. Case Number W24-02.

New Business

1. Subdivision: Nation Land Co. - Sherrer Rd. Applicants: Nation Land Company, LLC Tax Map Numbers: 454-00-00-029 & 454-00-00-009 Total Acreage: 51.95 acres Total Lots: 3 single-family lots Council District #2: Allison Love Zoning District: Agricultural Conservation-I (AGC-I)
2. Subdivision: Floweing Meadows Applicants: Julie Strom Flowe, Et al. Tax Map Number: 453-00-00-009 Total Acreage: 57.41 acres Total Lots: 3 single-family lots Council District #2: Allison Love Zoning District: Agricultural Conservation-I (AGC-I)
3. Rezoning 24-30 Michele Kilgore (Applicant/Owner); requesting to rezone two parcels that total 0.40-acres from RSF-40 to RMX-10. The subject parcels are located on West Lakewood Drive, Rock Hill. The properties are referenced as tax map numbers 586-01-06-014; -015; Council District 6 - Huckabee.
4. Rezoning 24-31 Demetrios Kakouras (Applicant) DSK Investments LLC (Owner); requesting to rezone a 0.602 acre parcel from RSF-40 to RMX-10. The subject parcel is located on Palmetto Drive, Rock Hill. The property is referenced as tax map number 586-01-07-002; Council District 6 - Huckabee.

“York County is committed to assuring accessibility with reasonable accommodation, of county services, facilities, employment and programs for all individuals, in compliance with federal law. Please contact the County Manager’s Office at 803-684-8511 if you need assistance.”

5. Rezoning 24-32 Daniel J Ballou (Applicant) Titan Land Partners LLC (Owner); requesting to rezone 15 parcels that total approximately 215-acres from RMX-10 to RUD. The subject parcels are located off Concord Road, York. The properties are referenced as tax map numbers 581-00-00-054 through -062;-064;-065;-070;-071; Council District 6 - Huckabee.
6. Rezoning 24-33 Adam and Brandy Speake (Applicants) Josh and Kylie Greene (Owners); requesting to rezone a 2-acre portion of a 21-acre parcel from AGC to RUD. The subject parcel is located at 811 Carson Road, York. The property is referenced as tax map number 401-00-00-007; Council District 3 - Adkins.
7. Rezoning 24-34 Kings Mountain Investments LLC and PSquare Investments LLC (Applicant/Owner); requesting to rezone three parcels that total 6.5-acres from RSF-40 to OI. The subject parcels are located at 3701 and 3717 Pleasant Road and 1291 Altura Road, Fort Mill. The properties are referenced as tax map numbers 720-00-00-007; -008; -260; Council District 1 - Audette.

Other Business

1. Rezoning Tracking Sheet

Executive Session:

Matters for Consideration Following Executive Session

Adjournment

“York County is committed to assuring accessibility with reasonable accommodation, of county services, facilities, employment and programs for all individuals, in compliance with federal law. Please contact the County Manager’s Office at 803-684-8511 if you need assistance.”



YORK COUNTY
PLANNING COMMISSION
MINUTES • JUNE 10, 2024
DRAFT



Planning Commission

York County Government Center
 6 South Congress Street
 York, SC 29745

6:00 PM

District 6, Chairman Matthew Velkovich: Present, District 1 Kate Kraxberger: Present, District 3 Aubrie Parham: Present, District 4, Vice Chair Antonio Mickel: Present, District 5 Mike Duralia: Absent, District 7 Thomas Bach: Present, District 2 John Segura: Present, Planning Manager Diane Dil: Present, Zoning Planner Jeff Kirchner: Present, Zoning Planner Marion Ray: Present, Deputy Assistant Attorney Laura Dover: Present, Secretary Bonnie Marsiglia: Present.

Approval of the Agenda

The meeting was called to order at 6:00 p.m. by Matt Velkovich. Matt expressed to the members that they needed to ask questions utilizing staff and council. He wanted them to be able to vote on items with confidence. The agenda was approved with a motion by Antonio Mickel and a second by John Segura.

Adoption of Minutes

1. Approval of May 13, 2024 Planning Commission Minutes

Matt Velkovich noted the need for a correction in the minutes to the Tax Map number for the Administrative Appeals that was corrected the week before. Tom Bach motioned to approve the minutes and Antonio Mickel seconded the motion.

ACCEPTED [Unanimous]

MOVANT: Thomas Bach

SECOND: Antonio Mickel

New Business

1. Subdivision: New road for proposed development "The Point" Applicant: ARIC LAKE WYLIE, LLC Tax Map Numbers: 484-00-00-018, 484-00-00-080, & 484-00-00-039 Extension of Home Grown Way - 1,323 feet Council District #2: Allison Love

Jeff Kirchner presented the Preliminary Plat for a new road. He informed the Commissioners that the TIA had been approved by staff and the SCDOT. The TIA has been mitigated based on the proposed development. John Segura motioned to defer the request. Tom Bach seconded the motion. There was discussion regarding the TIA and how the traffic would be moving through the residential area and the lack of a light at Hwy 49 with cars trying to turn left out of Home Grown Way. Concern was expressed regarding the level of service. It was

noted that the mitigation could change depending on what actually gets developed. This motion failed 2/4.

Matt Velkovich motioned to approve the Preliminary Plat. Antonio Mickel seconded the motion. This motion passed 4/2.

APPROVED [4 to 2]

MOVANT: Matthew Velkovich

SECOND: Antonio Mickel

AYES: Matthew Velkovich, Kate Kraxberger, Aubrie Parham, Antonio Mickel

NAYS: Thomas Bach, John Segura

ABSENT: Mike Duralia

2. Subdivision: Newport Acres Applicants: Progress Holdings, LLC Tax Map Number: 498-00-00-060 Total Acreage: 11.01 acres Total Lots: 9 single-family lots Council District #3: Tommy Adkins Zoning District: Rural Development (RUD)

Marion Ray presented the residential Preliminary Plat. She noted it was for 9 lots on 11 acres with each being at least 1 acre in size. Antonio Mickel motioned to approve and Kate Kraxberger seconded the motion. This motion was approved unanimously.

APPROVED [Unanimous]

MOVANT: Antonio Mickel

SECOND: Kate Kraxberger

AYES: Velkovich, Kraxberger, Parham, Mickel, Bach, Segura

ABSENT: Mike Duralia

3. Rezoning 24-28 Brian Buchanan (Applicant) Brian and Dorothy Buchanan (Owners); requesting to rezone a 20.14-acre portion of a 221.84-acre parcel from RUD-I to RUD. The subject parcel is located on Ranger Road, Clover. The property is referenced as tax map number 180-00-00-015; Council District 3 - Adkins.

Diane Dil presented the request. She noted the applicant needs to remove the split zoning to be able to section off 20.14 acres. Tom Bach motioned to approve. With a second by Matt Velkovich the motion passed unanimously.

APPROVED [Unanimous]**MOVANT:** Thomas Bach**SECOND:** Matthew Velkovich**AYES:** Velkovich, Kraxberger, Parham, Mickel, Bach, Segura**ABSENT:** Mike Duralia**Other Business**

1. Rezoning Tracking Sheet

Executive Session**Matters for Consideration Following Executive Session****Adjournment**

The meeting was adjourned at 6:40 p.m. with a motion by John Segura and a second by Matt Velkovich.

Minutes Acceptance: Minutes of Jun 10, 2024 6:00 PM (Adoption of Minutes)

PLANNING COMMISSION

CHAPLIN SPENCER HAS FILED FOR A WAIVER FROM THE YORK COUNTY LAND DEVELOPMENT CODE TO ALLOW FOR A PARCEL TO BE SUBDIVIDED UTILIZING AN EASEMENT WIDTH LESS THAN THE REQUIRED 25 FEET. THE SUBJECT PROPERTY IS A 42.71 ACRE PARCEL LOCATED IN THE AGC DISTRICT. COUNCIL DISTRICT – 1, AUDETTE. CASE NUMBER W24-02.



York County Planning Commission

Meeting Date: July 8, 2024

PC Case No. W24-02



Location: 1011 Gardenia St.
Fort Mill, SC 29708
Council District 1 – Audette

Request: Waiver from York County Land Development Code, to allow subdivision with less than a 25-foot minimum access easement as required by ***§154.004(E)(2) ...a 25-foot minimum access easement shall be obtained connecting the proposed lot(s) with a State or County maintained road.***

Tax Map Number: 654-00-00-001

Zoning District: Agricultural Conservation (AGC)

Owner: New Old Whitetail Land Co LLC
2269 New Gray Rock Rd.
Fort Mill, SC 29708

Project Description and Background

The project site is 42 acres and not adjacent to any county- or state-maintained roads. An access easement was recorded on October 16, 2009, providing ingress and egress over a strip of land eighteen feet wide. The easement agreement provides conditions that it be used to access not more than two single-family dwellings and/or two lots. The applicant has attempted to gain additional width to the easement from the property owner without success.

This project came before the Planning Commission in May 2024. The applicant appealed to overturn a “Not Approved” review comment by staff stating that the proposed subdivision plat which divided one lot into two and utilized the 18-foot access easement, when a 25-foot access easement is required by code. The appeal was denied.

Land Development Code Section

§154.004(E) Individual Plats for Land Divisions.

- (1) Individual plats for the types of land divisions listed below are subject to the provisions of this entire Chapter except Subchapter B: Subdivision and Site Design Standards and Subchapter C: Infrastructure Standards.
 - (b) The division of property into lots of a minimum of five acres that does not involve construction of new streets or improvements to an existing street;

§154.004(E)(2) If a lot created by a land division listed in § 154.004(E)(1), above, has less than 25 feet of road frontage on an existing State or County maintained road, a 25-foot minimum access easement shall be obtained connecting the proposed lot(s) with a State or County maintained road.

The developer is seeking a waiver to the 25-foot minimum access easement required of the York County Land Development Code. Specifically, the applicant is requesting that the existing 18-foot access easement be allowed to support the subdivision of an approximately 42-acre lot into two lots of 36.711 acres and six acres.

Waiver Findings Analysis

Under §154.471(C) *Planning Commission Duties* the Planning Commission has the power to approve or disapprove waiver applications. Under §154.395 *Approval Criteria*, a waiver can be granted from the standards of this Chapter when both of the following findings are met:

- (1) The applicant can show that a provision of these regulations would cause unnecessary hardship because of topographical or other conditions peculiar to the site;**

Analysis: The project site is 42 acres and is landlocked without platted access to a state or County maintained road. An 18-foot easement is existing and was adequate at time of dedication. While the applicant can develop two dwellings, ownership of the dwellings would be unnecessarily constrained without the ability to create two separate legal lots. Staff finds the proposed waiver meets this criterion.

- (2) The Planning Commission finds that a departure may be made without defeating the intent of the provision of this Chapter.**

Analysis: Allowing access in support of two dwellings on two lots will not defeat the intent of this chapter. Access for two dwellings is currently provided, providing individual lots for the dwellings has no additional impact. Staff finds the proposed waiver meets this criterion.

Public Notification

The following public notification actions have been taken:

- June 21, 2024: Public Hearing notification letters sent to property owners adjacent to the subject property.
- June 23, 2024: Zoning Board of Appeals public hearing advertisement published in the local newspaper.

Public Feedback

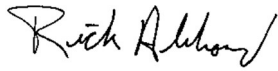
At the time of this report, one call for information was received with no comment made.

Staff Recommendation

As staff finds that the proposed waiver request does meet both criteria for approval, staff recommends **APPROVAL** of the waiver to allow the utilization of the existing 18-foot-wide access easement for the purpose of subdividing the subject site into two parcels.

Staff

Submitted by:



Rick Abboud, AICP
Principal Planner

Approved by:



Rachel Grothe, MCRP
Zoning Administrator

SPENCER & SPENCER
PROFESSIONAL ASSOCIATION

Attorneys and Counselors at Law

C.E. SPENCER (1849-1921)
C.W.F. SPENCER (1876-1956)
C.W.F. SPENCER, JR. (1911-1985)
EMIL W. WALD (1934-2011)
W.C. SPENCER (1928-2018)
WILLIAM L. "RED" FERGUSON †
PAUL W. DILLINGHAM
W. MARK WHITE*
W. CHAPLIN SPENCER, JR.*
R. BRENT THOMPkins*
JEREMY D. MELVILLE*
SHIRYL R. BALLARD*
CATHY LIGHTSEY WEAVER

† Of Counsel

* Also admitted in NC

June 3, 2024

SUITE 200
226 EAST MAIN STREET
P.O. Box 790
ROCK HILL, S.C. 29731-6790

Telephone
803-327-7191

Telecopier
803-327-3868

Internet Address
chaplinspencer@spencerfirm.com

Website
www.spencerfirm.com

Via hand-delivery

York County Planning & Development Services
18 W. Liberty St.
York, SC 29745

Re: Land Development Waiver Application
1011 Gardenia St., Fort Mill, SC 29708

Dear Sir or Madam:

Please find enclosed a Land Development Waiver Application along with supporting documents and a check in the amount of \$400.00 for payment of the application fee.

Please contact me with any questions.

Respectfully,

SPENCER & SPENCER, P.A.



W. Chaplin Spencer, Jr.

Enclosures

cc: Troy Ludemann



PLANNING & DEVELOPMENT SERVICES

18 W. LIBERTY STREET, PO BOX 96
YORK, SC 29745-0096
PHONE (803) 909-7200 / FAX (803) 909-7227



Land Development Waiver Application & Checklist

This application and instructions will assist with the submittal of a waiver request from the York County Land Development Code to the Planning Commission. All Planning Commission meetings are held at 6:00 P.M. on the second Monday of the month in the York County Council Chambers at 6 South Congress Street in York, SC.

The attached application must be filled out completely. Any submittals that are determined to be incomplete will not be processed, and the applicant will be notified with an explanation of the submittal's deficiencies. To prevent any delays in the process, please use this checklist as a guide. A survey and/or site plan, with adequate detail and supporting information for the Planning Commission to render a decision, must be submitted before a request can be placed on the Planning Commission agenda. Waivers cannot be granted prospectively, so all waiver requests must be associated with a reviewed plat or site plan submission (sketch plans are informal and not eligible for waivers).

The following information corresponds with the waiver application and is provided to help the applicant complete the application.

GENERAL INFORMATION

Applicant: This is the person who will represent the property owner(s) at the public hearing. Fill in name, full address, and phone numbers.

Property owner: This is the person(s) that is listed with the York County Tax Assessor as the property owner. Fill in name, full address, and phone numbers.

PROPERTY INFORMATION

Property address: Provide the address of the property. This can be obtained from the York County Addressing Division at 803-909-7483 or by utilizing the York County GIS system on the County website.

Property conditions: Explain the vegetative cover and topography of the land. Examples: "partially wooded and sloping from rear to front", or "no trees in the front", or "flat with rear wooded and rolling."

Property tax map #: The tax map number for the property can be found on the property tax notice. It can also be found by calling the York County Tax Assessor at 803-684-8526, or by utilizing the York County GIS system on the County website.

Plat (survey) of property: The existing survey can often be obtained from the property owner or the York County Register of Deeds. However, in many instances a new survey may be required to clearly indicate the variance that is being requested. At a minimum, the plat/survey should include the location and distance of all structures and dwellings in relation to all property lines.

Lot area: Provide the size (area) of the lot. You may use either acreage or square footage.

Zoning district: Fill in the appropriate zoning designation of the property.

Use of property: Describe the current and proposed (if any) use of the property.

RELEVANT FACTORS PERTAINING TO THE WAIVER

- 1. Waiver information:** Explain the type of waiver you are requesting. Include the specific section of the Land Development Code that you are unable to achieve. Explain the deficiency of your proposed development provided by staff. Define the numerical figure you would like the Planning Commission to apply to your proposed development.
- 2. Explanation of hardship:** Answer the questions in this section carefully, and be very specific in your answer. If more space is needed, use a separate sheet of paper. This information must be provided by the applicant without the assistance of planning staff.
- 3. Condition statement:** Explain any conditions you are willing to impose or accept if your request is approved.
- 4. Supporting documentation:** List any additional information (narrative, pictures, petitions, etc.) submitted with the application. This includes information to include with the application or into the record at the meeting.

CERTIFICATION

Applicant's signature: The applicant must sign the form certifying the information is correct. This section must be signed even if applicant is also the owner.

Owner's signature: This section must be signed by the property owner. Notarized written authorization from the property owner giving the applicant permission to act of his/her behalf can be substituted for property owner's signature.

APPLICATION FEE

Note: Payment of the application fee is a submittal requirement.

Residential project:	\$400.00
Non-residential project:	\$550.00

ADDITIONAL INFORMATION

1. Hardship resulting from financial difficulty and due to the applicant's own actions are not sufficient cause for the Commission to grant a waiver.
2. The waiver will be advertised in the local newspaper and the property will be posted with the date and time of the public hearing. Adjoining land owners will also be notified of the request, date, and time of the public hearing via regular mail.
3. The application deadline is the first Monday of each month. If the application is deemed complete, the request will be heard before the Planning Commission the second Monday of the following month.
4. The applicant may present any items they believe are pertinent to the case, and will be given an opportunity to speak at the public hearing.
5. The Planning Commission may elect to approve, approve with conditions, or deny a waiver based on the hearing and probable impact of the proposal on contiguous uses and conditions.
6. No waiver, having been denied, shall be resubmitted to the board for a period of one (1) year, unless conditions have changed substantially, and the Commission votes unanimously to rehear the matter.
7. Any person who may have a substantial interest in any decision of the Planning Commission may appeal the decision to a court of competent jurisdiction in and for York County. The filing with the clerk of such court a petition in writing setting forth plainly, fully and distinctly wherein the decision is contrary to law. The appeal must be filed within 30 days after actual notice of the decision. All final decisions or orders of the Commission will be delivered to parties of interest.

GENERAL INFORMATION

APPLICANT'S NAME: Chaplin Spencer, Spencer & Spencer, P.A.

EMAIL ADDRESS: chaplinspencer@spencerfirm.com

ADDRESS: 226 E. Main Suite 200

NUMBER

STREET

APT/PO BOX

Rock Hill

SC

29730

CITY

STATE

ZIP CODE

PHONE: 803-984-8778

803-327-7191 (w)

CELL

HOME

PROPERTY OWNER'S NAME: NEW OLD WHITETAIL LAND CO., LLC

EMAIL ADDRESS: troy@newold.com

ADDRESS: 2269 NEW GRAY ROCK ROAD

NUMBER

STREET

APARTMENT/BOX NUMBER

FORT MILL

SC

29708

CITY

STATE

ZIP CODE

PHONE: 704-975-3770

CELL

HOME

Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)

PROPERTY INFORMATION

PROPERTY ADDRESS: 1011 GARDENIA STREET, FORT MILL SC 29708

PROPERTY DIRECTIONS: Hwy 160 to Sutton Road; turn right onto Mills Lane; turn left onto

Gardenia Street and left into the Property at 1011 Gardenia Street

PROPERTY CONDITIONS: Approximately 36 acres of wooded land with approximately 6 acres of pasture. There are small

creeks running through the north and western parts of the property.

PROPERTY TAX MAP #: 654-00-00-001

PLAT: Please Attach to application.

LOT AREA: 42 ACRES

ZONING DISTRICT: Agricultural Conservation (AGC)

CURRENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Subdivide into two (2) lots: 36 acre lot and 6 acre lot

Is this property part of any HOA or Community Association? Yes* ☐ No ☒

*If yes, a letter from the HOA or Community Association is required acknowledging the waiver requested and attach any applicable covenants and restrictions.

Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)

RELEVANT FACTORS PERTAINING TO THE WAIVER

1. **Applicant hereby requests approval of the following waiver by the York County Planning Commission as described below:**

Allowing a joint access drive for the two parcels of a width of 18' in areas instead of a 25' width as required by LDC Section 154.004(E)(2)

in accordance with a recorded Access Easement Agreement to allow approval and recording of a subdivision plat.

Staff has denied the request based on the following:

Lot division off a shared driveway easement requires a 25' wide easement. (See LDC Section 154.004(E)(2)).

I request a waiver from the York County Land Development Code to be/have (be specific with measurements, feet, acreage, numbers of, ratio, etc.):

Allowing a shared driveway easement for two lots to be 18' wide instead of 25' wide for that small portion of the shared driveway easement

approximately 115' long across the property formerly owned by Clear Springs-Baxter, LLC (now owned by Baxter Community Association, Inc.)

in accordance with the recorded Access Easement Agreement and the proposed Minor Subdivision Plat for Whitetail Manor.

2. **The application of the Land Development Code will result in unnecessary hardship and the standards for a waiver are met by the following facts:**

- A. **The applicant can show that a provision of these regulations would cause unnecessary hardship because of the topographical or other conditions peculiar to the site:**

[What is the special feature or uncommon situation present on the property?]

The Applicant has an 18' wide driveway easement crossing a buffer area to a public road and the adjacent owner will not agree to widen the easement.

This width was legal when the Access Easement Agreement was recorded in 2009. Without this waiver, the Applicant will not be able to subdivide his parcel

as allowed and contemplated by the Access Easement Agreement. This property is also surrounded by streams and buffers from adjacent neighborhoods

limiting access points. Finally, the Applicant was informed by County staff that the 18' access was legal nonconforming before purchasing the property.

Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)

B. The Planning Commission finds that a departure may be made without defeating the intent of the provisions of the code:

[How will the approval of this waiver still be consistent with the intent of the code?]

Subdividing 42 acres into two large parcels limits the impacts of development. The access easement will only be used for two parcels and a

maximum of two residences (because of the limitation in the Access Easement Agreement) so there will not be many vehicles utilizing the 18' easement.

In fact, the current Agricultural Conservation (AGC) allows two residences on one lot so the overall number authorized residences will not

increase. Finally, the narrower 18' section is only over a small portion of the joint access easement.

3. List any concession(s) or additional conditions that you agree to as part of the approval:

The 18' access will only be used for two lots (with one residence each) on the 42-acre parcel.

4. If you are submitting additional information, please list below:

Proposed Minor Subdivision Plat for Whitetail Manor

Access Easement Agreement

York County Plat denial letter and prior email correspondence

2023 Aerial

CERTIFICATION

I certify that all information presented by me in this application is accurate to the best of my knowledge, information, and benefit:

Cheryl Spencer, Spencer & Spencer P.A. 6-3-24

APPLICANT

DATE

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this application.

 06-03-24

PROPERTY OWNER (S)*

DATE

*Attach owner's notarized written authorization if owner's signature cannot be obtained.

OFFICE USE ONLY

Amount Paid: _____ Check #: _____

Cash Amount: _____

Date Received: _____

Receipt Number: _____

PC Case #: _____

Meeting Date: _____

Accepted by:

Staff Signature Date

Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)

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

I, _____, have signed that I am aware of the Planning Commission hearing date.

(Hearing Date)

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

I acknowledge that failure to attend the meeting does not result in my application being automatically deferred to the next month. The Planning Commission will still hold the hearing on my request and can take any form of action, including denial.

Should my request be denied, I will not be permitted to resubmit the request to the Planning Commission for a period of one year, unless conditions have changed substantially and the Planning Commission votes unanimously to rehear the matter.

(Property owner's signature)

(Date)

(Applicant's signature)

(Date)

(Staff's signature)

(Date)



After recording return to:
 Mitchell C. Payne
 Warner, Payne, and Black, LLP
 Post Office Box 10352
 Rock Hill, SC 29731

200900080664
 Filed for Record in
 YORK COUNTY, SC
 DAVID HAMILTON
 10-16-2009 At 08:33 am.
 EASEMENT 13.00
 State Tax .00
 County Tax .00
 OR Vol 11072 Page 296 - 302

STATE OF SOUTH CAROLINA

COUNTY OF YORK

ACCESS EASEMENT AGREEMENT (Title Not Examined)

The purpose of this instrument is to document the terms and conditions of an agreement between the parties whereby Samuel W. Rhodes, Jr. will be granted a non-exclusive easement for ingress and egress from Gardenia Street in Fort Mill Township, York County, South Carolina, to his property located in York County, South Carolina and currently known as Tax Parcel 6540000001 on the records of York County, South Carolina, as more fully described below, upon the terms and conditions set forth below (this "Easement").

KNOW ALL MEN BY THESE PRESENTS, That subject to the terms and conditions set forth hereinbelow, CLEAR SPRINGS-BAXTER, LLC, a North Carolina limited liability company (the "Grantor"), in the state and county aforesaid for and in consideration of ONE DOLLAR and other valuable consideration, has granted, given, conveyed, and released, and by these Presents does grant, give, convey and release unto SAMUEL W. RHODES, JR., (the "Grantee"), a perpetual non-exclusive easement, but subject to termination as hereinafter provided, for ingress and egress over a strip of land eighteen (18) feet in width, together with a temporary construction easement for an additional six (6) feet in width, across its property (the "Servient Tract"), all as specifically shown on the attached Exhibit A (hereinafter the "Easement Area"), to Grantee's tract of 50 acres, more or less, as more fully described on the attached Exhibit B (the "Dominant Tract"):

Instrument Vol Page
 200900080664 OR 11072 296

This Easement is subject to the following conditions and restrictions:

1. Grantee will be responsible at his sole cost for the design and installation of all improvements upon and maintenance of the Easement Area in accordance with the landscaping and other requirements applicable to the Baxter Community as set forth in the pertinent recorded restrictive covenants and as administered by the Baxter Architectural Review Committee. Subject to the aforesaid restrictive covenants, as well as subject to the prior review and approval by the Grantor of all plans and specifications for any improvements to the Easement Area, Grantee, his successors and assigns will have the right to pave the easement area, construct such improvements as are necessary for the contemplated use of the Easement Area, and use and maintain the Easement Area in a manner conforming to the requirements and limitations of this Easement. Grantee will not permit to be filed against the Easement Area or any of the Servient Tract any mechanics' liens for labor, services or materials furnished for the improvements upon and

maintenance of the Easement Area, but if any such mechanic's liens are filed, then Grantee shall immediately obtain the release of the Easement Area and the Servient Tract by the filing of a statutory bond or other means of discharge of the real property from the filed mechanics' lien.

2. The Easement Area may be used for ingress and egress to the Dominant Tract for residential purposes only. It may not be used for commercial purposes.
3. The foregoing notwithstanding, this Easement may be used for construction of improvements on the Dominant Tract; provided, however, Grantee must complete paving of the actual driveway within the Easement Area, in accordance with the requirements of paragraph 1 above, before commencing grading, including removal of trees and other debris, and construction of any residential improvements on the Dominant Tract. Furthermore, Grantee shall not be permitted to employ heavy or construction equipment within the Easement Area that would not be permitted by Grantor within other areas of Baxter and specifically over the paved streets of the Baxter Community.
4. Grantee will be responsible for obtaining any and all permits required by any governmental entity with authority over the Dominant Tract and the Easement Area necessary for construction and maintenance of the Easement Area.
5. Grantee acknowledges that the immediate areas of Grantor's property abutting the Easement Area will eventually be dedicated as and granted to the Baxter Community Association as open space or community property. Grantee recognizes that the restrictions on the use of open space or community property within Baxter are very strict and thus Grantee will use his best efforts to avoid disturbing any of Grantor's property not within the Easement Area and will also, at his sole cost, promptly remove from Grantor's property any debris resulting from the use, construction and maintenance of the Easement Area and promptly restore Grantor's such other property to its condition as it existed prior to its disturbance, inadvertent or intentional, on the part of Grantee and Grantee's agents, independent contractors, representatives, licensees and permittees.
6. Grantee will be responsible for complying with all state and county building, development and environmental laws and regulations associated with the use of this Easement and any construction upon and maintenance of the Easement Area.
7. The Easement Area may also be used for extending underground utilities (including electricity, gas, water, cable TV, and telephone service) to the Dominant Tract, subject, however, to the other conditions of this Easement. No above-ground utilities of any kind are allowed in the Easement Area.
8. This Easement is made upon the express condition that the Dominant Tract shall contain not more than two single-family residential dwellings. Grantor reserves unto itself, its successors and assigns, an exclusive, transferable right to terminate this Easement if Samuel W. Rhodes, Jr., or his heirs or assigns, should ever subdivide the Dominant Tract into more than TWO lots or parcels or if more than two single family dwelling are ever

erected or installed upon the Dominant Tract.

9. This agreement is for the benefit of Grantee and Grantor only and may not be construed as a third-party beneficiary contract.
10. Grantee, as well as his heirs and assigns, shall indemnify and hold Grantor, its members, partners, officers, employees, and affiliated parties completely free and harmless against and from any and all liabilities, claims, damages, liens, costs and expenses for injury to person and damage to property, including attorney's fees, arising out of any activities of Grantor's or Grantor's agents, representatives, permittees, licensees or independent contractors upon or near the Easement Area and any improvements thereon in the course of their entry upon or near the Easement Area.
11. If any of the terms and conditions of this Easement is breached, whether or not a lawsuit is brought against the offending party, or if this Easement is the subject of a lawsuit, then the offending or losing party shall owe the other party its reasonable attorney's fees.
12. Subject to the conditions of this document and so long as Grantee is not in default or violation of any covenant, obligation, restriction of other requirements under this Easement, this Easement is assignable and shall be deemed an appurtenance to the Dominant Tract, running with the title thereto.
13. Each party represents and warrants that he or it, as applicable, (a) has the authority to enter into this Easement, (b) has read this Easement and has had separate legal counsel for advice in connection herewith, and (c) understands that this Easement will be binding upon, and inure to the benefit of, the parties, their respective heirs, successors and assigns.

Signed, Sealed and Delivered this 29th day of September 2009.

GRANTOR:

Clear Springs - Baxter, L.L.C.

By:

Name: James E. Traynor
Title: President

Witnesses:

Witness 1

Witness 2

THE STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

PERSONALLY APPEARED before me the undersigned witness 1 and made oath that
S he saw the within named CLEAR SPRINGS - BAXTER, LLC., through James E. Traynor, its
 President, sign, seal and as its act and deed, deliver the within written Access Easement Agreement; and
 that he with witness 2 witnessed the execution thereof.

Sworn to before me this 29th day
 of September, 2009.


 Witness 1

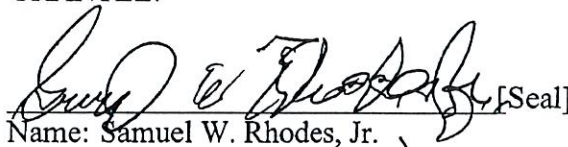
Diane L. Wilson (L.S.)
 Notary Public for South Carolina
 My Commission Expires: 8-21-2019

Witnesses:


 Witness 1


 Witness 2

GRANTEE:

 [Seal]
 Name: Samuel W. Rhodes, Jr.

THE STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

PERSONALLY APPEARED before me the undersigned witness 1 and made oath that
 he saw the within named SAMUEL W. RHODES, JR. sign, seal and as his act and deed, deliver the
 within written Access Easement Agreement; and that he with witness 2 witnessed the execution
 thereof.

Sworn to before me this 16th day
 of September, 2009.


 Witness 1

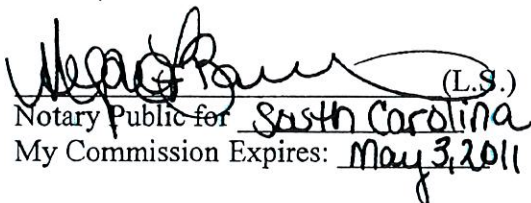
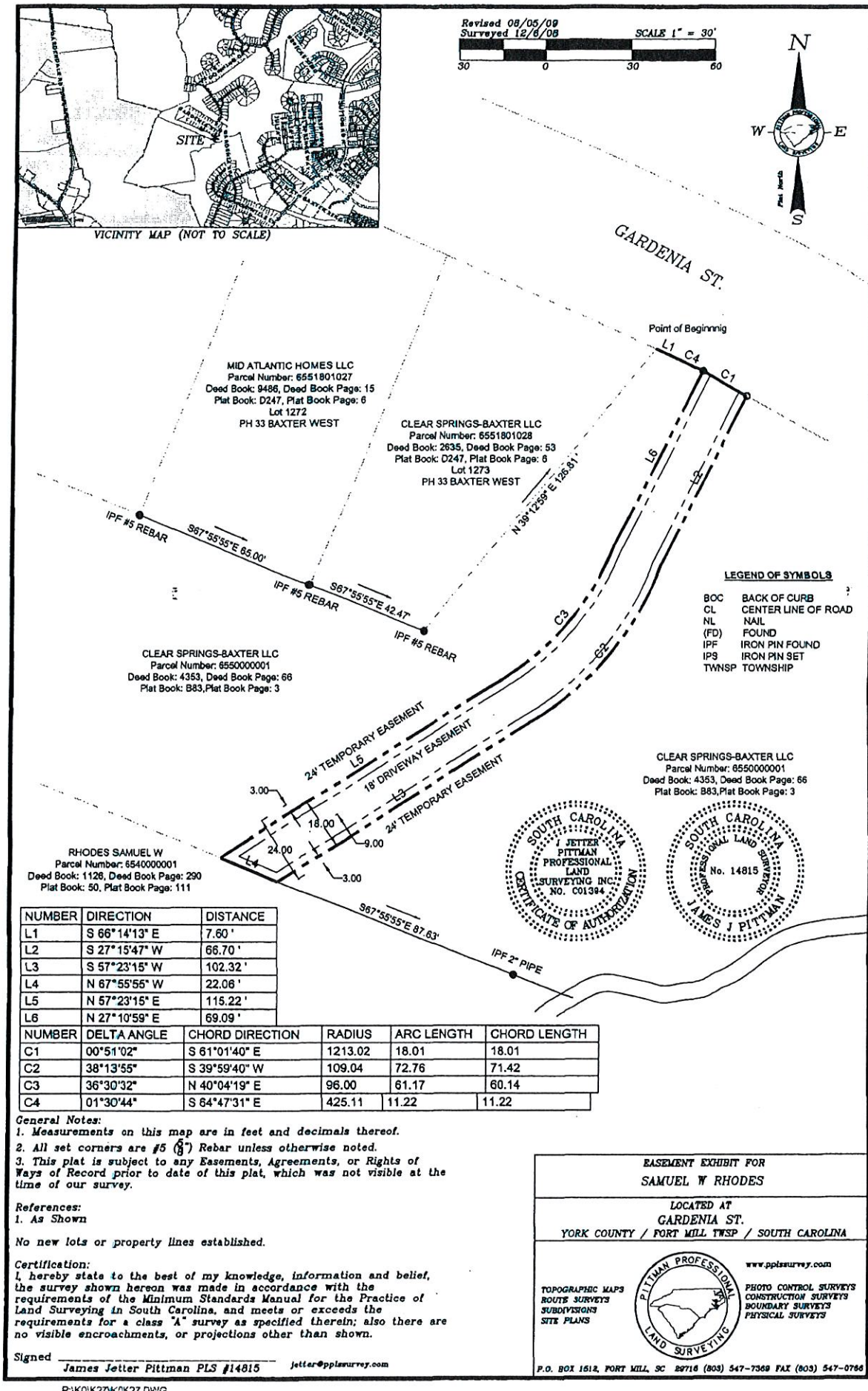
 (L.S.)
 Notary Public for South Carolina
 My Commission Expires: May 3, 2011

Exhibit "A"

All that certain piece, parcel or lot of land lying, being and situate in York County, South Carolina and being shown and designated on a plat titled "Easement Exhibit for Samuel W. Rhodes" prepared by James Jetter Pittman, PLS dated September 2, 2009 and recorded on Oct 16, 09 in Plat Book E 10 at Page 9 in the Office of the Clerk of Court for York County, South Carolina and being more particularly described as follows: BEGINNING at a point on Gardenia Street designated as L1 and continuing S 66 14 13 E 7.60 feet; thence continuing along a curve designated as C4 S 64 47 31 E for a chord length of 11.22 feet bearing a radius of 425.11 to a point; thence continuing along a curve designated as C1 S 61 01 40 E for a chord length of 18.01 feet bearing a radius of 1,213.02 to a point; thence turning and running along a line designated as L2 S 27 15 47 W 66.70 feet; thence continuing along a curve designated as C2 S 39 59 40 W for a chord length of 71.42 feet bearing a radius of 109.04; thence continuing along a line designated as L3 S 57 23 15 W 102.32 feet to a point; thence turning and running along a line designated as L4 N 67 55 55 W 22.06 feet to a point; thence turning and running along a line designated as L5 N 57 23 15 E 115.22 feet; thence continuing along a curve designated as C3 N 40 04 19 E for a chord length of 60.14 feet bearing a radius of 96.00; thence continuing along a line designated as L6 N 27 10 59 E 69.09 feet to the point designated as L1 and C4.

This easement is located across property owned by Clear Springs Baxter LLC and bears York County Tax Map #: 655-1.

Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)



BK 11072 P00301

Exhibit B

All that certain piece, parcel or tract of land lying, being and situate in Fort Mill Township, York County, South Carolina, lying about 3 miles northwest of the Town of Fort Mill, west of S. C Highway No. 160, and being more particularly described as follows:

BEGINNING at an oil iron, joint corner of the within premises and Grey Rock Country Club property, and running thence S 81 41 10 W 805.82 feet to a marked Beech on the bank of a branch; thence S 85 03 50 W 383.30 feet to an old iron; thence N 74 59 10 W 490.0 feet to a point in the center of Johnny Town Branch; thence with the center of Johnny Town Branch N 20 09 20 E 101.52 feet, N 33 00 E 150.0 feet, N 41 00 E 500.00 feet to a point at the fork of the Branch; thence N 19 03 30 E 894.0 feet to an old iron; thence N 43 03 30 E 71.0 feet to an old cement marker; thence S 67 07 10 E 1517.52 feet to a point in the center line of a branch forty-two (42) feet southeast of an old cement marker by a Beech; thence with the center line of said Branch S 71 W 40.0 feet, S 58 W 50.0 feet, S 81 W 60.0 feet, S 2 E 85.0 feet, N 78 W 80.0 feet, S 67 W 45.0 feet, N 72 55 W 39.04 feet, S 70 W 60.0 feet, S 40 W 100.00 feet, N 67 W 55.00 feet, S 89 W 70.0 feet, S 62 58 30 W 89.09 feet to a point in the center of said branch; thence S 14 03 10 E 348.0 feet to an old iron; thence S 5 03 10 E 300.80 feet to an old iron, the point of beginning. Containing 42.556 acres, more or less, and being more specifically shown on plat of boundary survey of J. W. Sutton property dated August, 1976, prepared by R. S. Hollifield, S.C.R.L.S., and recorded in the Office of the Clerk of Court for York County, South Carolina, in Plat Book 50, Page 111.

Derivation: This being the identical property conveyed to Samuel W. Rhodes by Sheriff's Deed of Joe W. Mitchell dated November 1, 1994 and recorded on November 1, 1994 in Deed Book 1126 at Page 290 in the Office of the Clerk of Court for York County, South Carolina.

Tax Map Number: 654-1

Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)

W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)



Planning & Development Services

18 W. Liberty Street
York, SC 29745
(803) 909-7200
www.yorkcountygov.com

4.1.a

Letter of Notification for Plan Review

6540000001 Whitetail Manor - Gardenia St

Review of:

Individual Plat Approval

Status:

Not Approved

To:

Roy Fowler

pfowler@ces-group.net

7043857516

Project:

20240474

6540000001 Whitetail Manor - Garde

1011 GARDENIA ST FORT MILL

6 acres cut from a 42 acre parcel

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

If your plans were uploaded through the online York County Development portal any applicable document markups by reviewers will be available through your login under My Projects at www.yorkcountygov.com/permitting.

If the attached comments require changes to the plans, please upload your dwg or pdf plan under the associated project at www.yorkcountygov.com/permitting. Please contact us with any questions at 803-909-7200.

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

Please be aware that plans will not be routed for review without a response letter. Any re-review fees (if applicable) will need to be paid prior to the plan being re-opened for review.

Sincerely,

Thank you,

Kimberly Vaeth
Planning & Development
York County Government
803-909-7200

Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)

Review Comments**Individual Plat Approval**

The following comments are grouped as "Review Comments" or "Advisory Comments". "Review Comments" are items related to your plan review that require action on your part. "Advisory Comments" are informational notes that may be important in the future and are for your information.

**Subdivision Plats - Marion Ray - marion.ray@yorkcountygov.com -
803-909-7213**

Not Approved

Review Comments:

Lot division off a shared driveway easement requires a 25' width easement for the entirety of its length. Unfortunately, the easement narrows to 15' through the Baxter property to Gardenia. This parcel cannot be further divided without widening the existing easement area abutting Gardenia.

Advisory Comments:

1. This was a review performed with information provided; future comments may need to be addressed with the submittal of new information.

Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)

Spencer, W. Chaplin

From: Ray, Marion <Marion.Ray@yorkcountygov.com>
Sent: Wednesday, August 10, 2022 2:20 PM
To: 'Troy Ludemann'
Subject: RE: 18' Drive Exemption Rhodes Tract

Good afternoon –

Given that the 18' easement is existing, it is legal nonconforming. It can be utilized for the purposes outlined in the access agreement pertaining to the easement.

Thank you,
 Marion

Marion Ray, MPA

[Associate Planner / Zoning](#)

Zoning

Planning and Development

York County Government

marion.ray@yorkcountygov.com

Office: 803-909-7213



CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not read, use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail or telephone immediately and destroy all copies of the original message. "Any information provided on this email, including any attachments, may be subject to the South Carolina Freedom of Information Act and may be disclosed to third parties in accordance with applicable law."

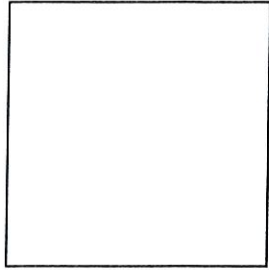
From: Troy Ludemann <Troy@newold.com>
Sent: Wednesday, August 10, 2022 8:40 AM
To: Ray, Marion <Marion.Ray@yorkcountygov.com>
Subject: Re: 18' Drive Exemption Rhodes Tract

WARNING: The email below is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)

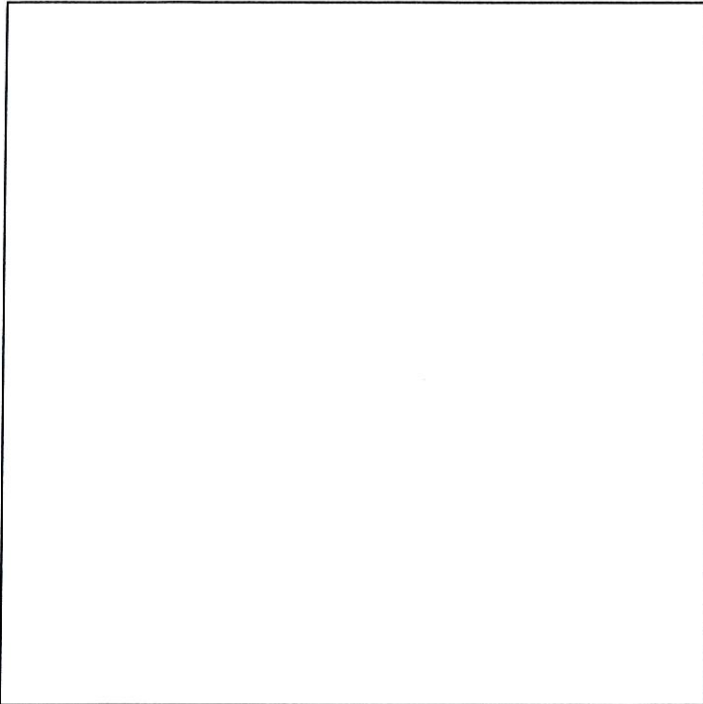
- Marion I am Closing on this tract (42 Acres Rhodes) on 8-30, want to get an email stating our same conversation that 18' was ok exemption for access even though required 25" This is per a phone call my you made to me stating this. Need formal email I-in order to close.

Thanks



Troy Ludemann Owner
New Old, LLC | Land Development
P 704-975-3770
W www.newold.com

Follow us on Instagram



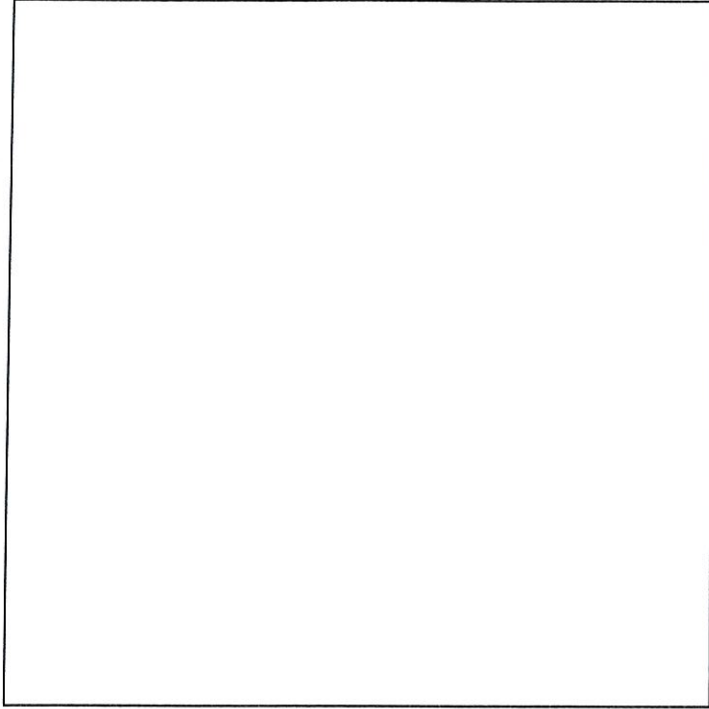
Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)

On Mar 30, 2022, at 10:01 AM, Troy Ludemann <troy@newold.com> wrote:

Hi Marion, can you send the approval of the exemption to me via email for my files. Thanks

Troy Ludemann *Owner*
New Old, LLC | Land Development
P 704-975-3770
W www.newold.com

Follow us on Instagram



2023

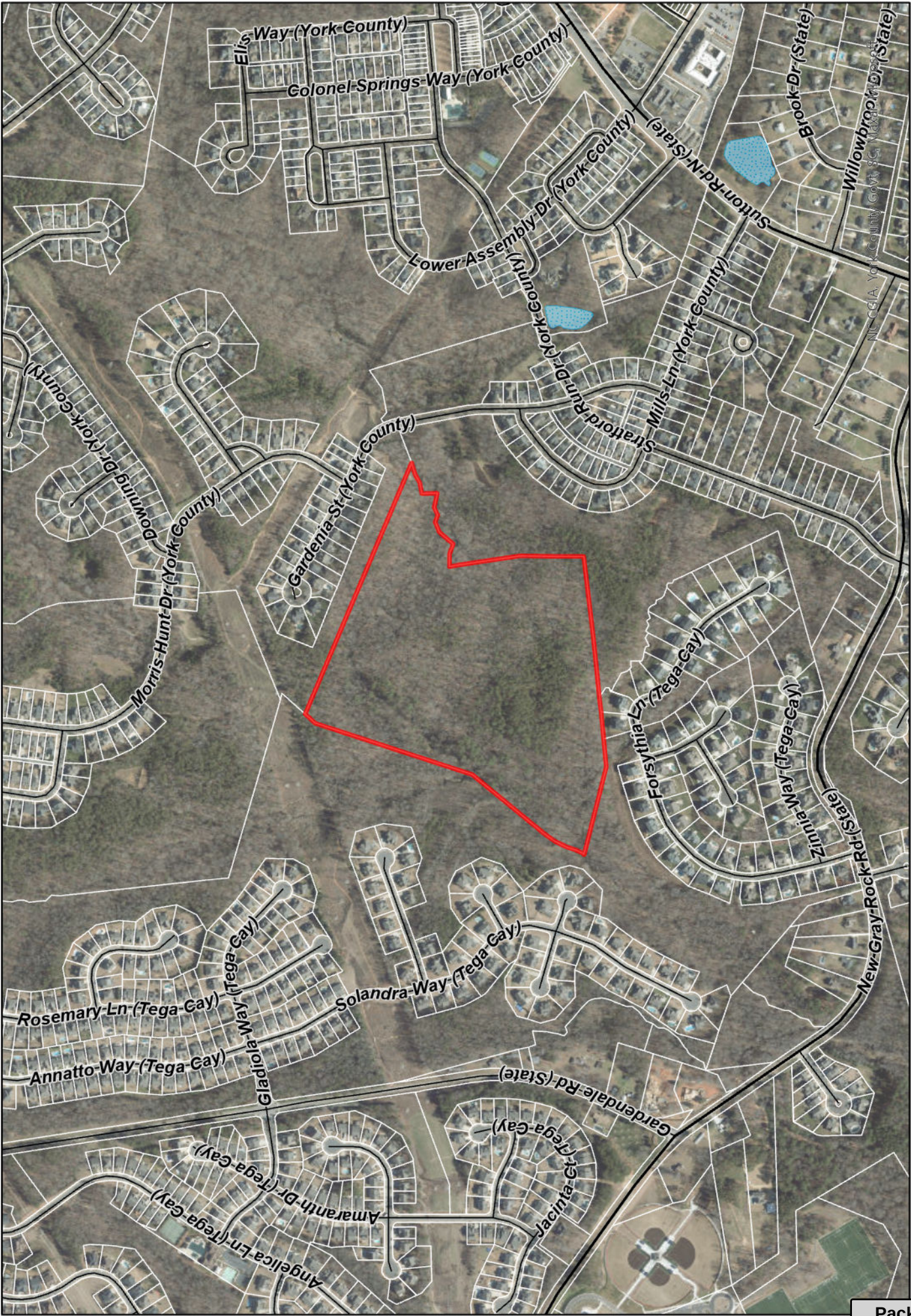
Scale: 9336

500 ft

A
36 AC
B
6 AC

Sutton Rd N

Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)



Vicinity Map

Attachment: W24-02 PC Packet (8672 : Waiver - W24-02 - Chaplin Spencer)

Applicant: Chaplin Spencer
Tax Map Number: 654-00-00-001
Req

PLANNING COMMISSION

**SUBDIVISION: NATION LAND CO. - SHERRER RD. APPLICANTS: NATION LAND
COMPANY, LLC TAX MAP NUMBERS: 454-00-00-029 & 454-00-00-009 TOTAL
ACREAGE: 51.95 ACRES TOTAL LOTS: 3 SINGLE-FAMILY LOTS COUNCIL
DISTRICT #2: ALLISON LOVE ZONING DISTRICT: AGRICULTURAL
CONSERVATION-I (AGC-I)**



**Planning Commission
Staff Report
Preliminary Plat – Nation Land Co Sherrer Road
July 8, 2024**



RECOMMENDATION: That the Planning Commission approve the Preliminary Plat based on the Findings listed below.

PROJECT DATA:

Property Owner/Applicant:	Nation Land Company, LLC
Application Type:	Preliminary Plat, Single-Family Residential Subdivision
Tax Map Number:	454-00-00-029; 009
Location:	Sherrer Road just south of Clearcreek Drive
Council District:	District 2; Alison Love
Zoning:	Agricultural Conservation-I (AGC-I)
Project Consistency:	Consistent with the AGC-I zoning district
Comprehensive Plan:	Agriculture
Project Consistency:	Consistent with the Comprehensive Plan
Land Use:	-existing: Vacant
	-proposed: Large lot single-family residential
	-in area: Large lot single-family residential, vacant land
Land Area:	51.95 acres
Lots Proposed:	(3) 23.48, 14.82, & 13.65 Acres
Lot Dimensions:	Irregular
Planning Staff:	Marion Ray, MPA

BACKGROUND AND PROJECT DESCRIPTION

The applicant is requesting approval of a preliminary plat for the division of the residual acreage of Olde York Farms subdivision. Planning Commission approval is required as Olde York Farms subdivision was previously divided and the creation of these proposed new lots now qualifies it as a major subdivision.

This request is to create three large single-family lots. Each of the lots will be at least 13.65 acres, with the largest lot being 23.48 acres. The two smaller lots will take access from Sherrer Road, an SCDOT maintained right-of-way, with a minimum lot width of 213.37 feet. The largest lot will have 100 feet of frontage via a .31-acre triangular parcel (454-00-00-009) that directly abuts both the main project site (454-00-00-029) and Old McKinney Road, a York County maintained right-of-way. The proposed density of .06 units per acre.

The site is currently two parcels on the east side of Sherrer Road extending to Old McKinney Road. The property owner proposes to recombine and divide the total 51.95-acre parcels into three tracts. The parcels are bordered

by large AGC-I parcels on three sides and smaller parcels to the north. These smaller parcels are a mixture of zoning designations with the lowest minimum lot size of 30,000 square feet. A portion of these lots are within Clearcreek Estates, directly to the north of the subject lot, along with the required tree save. The site also includes an existing 68-foot Duke Power easement which, based on the proposed division, will cross the two smaller parcels that will front Sherrer Road and a portion of small pond that will be located on the proposed parcel that will front Old McKinney Road.

ANALYSIS

Zoning Ordinance

§155.027

The Agricultural Conservation-I District (AGC-I) is intended to protect and preserve agricultural character, allowing for homes at very low densities on large lots. This designation is generally an appropriate zoning classification in areas designated as Agricultural or Conservation on the Comprehensive Plan Future Land Use Map.

The proposed single-family residential subdivision is consistent with the purpose of the AGC-I zoning district in that the proposed large lot division will be very low in density and will not have an adverse impact on any of the neighboring properties.

Comprehensive Plan

The 2035 Comprehensive Plan, York Forward (adopted March 6, 2023), designated the future land use for the proposed project as Agricultural. Agricultural areas are places where the predominant existing land uses are farmlands and timberlands, complemented by very low-density residential development, cottage industries, ag-supported commercial and ag-tourism operations.

The proposed residential subdivision is consistent with the Comprehensive Plan, as the project is proposing large single-family lots with individual wells and septic systems.

ACCESS AND CIRCULATION

The proposed lots will be accessed by Sherrer Road, an SCDOT maintained road, and Old McKinney Road, a York County maintained road. This type of low-density development does not require sidewalks. Due to the lack of a common open space requirements, amenities are not required and are not provided.

FINDINGS FOR PRELIMINARY PLAT REVIEW

Section §154.322

Section 154.322 of the York County Subdivision Code stipulates that the Planning Commission review and approve all applications for major subdivisions (seven or more lots). Approval of the preliminary plat shall not constitute approval of the construction plan and final plat. Application for approval of the subdivision construction plan and final plat shall be considered only after the specifications and requires of the Subdivision Chapter are met and all other specified conditions have been met. Upon approval of the preliminary plat by the Planning Commission, the developer may proceed with the preparation of the subdivision construction plan.

(D) The Planning Commission shall not approve a preliminary plat, unless the following findings are made:

- 1. The developer has provided willingness and capability letters from the applicable water and sewer service provider indicating the water and sewer infrastructure is sufficient to provide service to the development:**

The site will be serviced by private water and septic systems as indicated on the proposed plat.

If the development will be served by individual wells and septic systems, the proposed lots meet minimum square footage requirements per county ordinances:

All proposed lots meet or exceed the minimum square acreage of five acres as stipulated by the AGC-I standards. Written statements from SCDHEC indicating the approval of individual septic tanks is not required due to the proposed five-acre minimum lot size.

2. The proposed land use and density complies with the zoning district requirements:

Single-family residential is an allowed use. The AGC-I zoning district has a maximum residential density of .2 dwelling units per acre, the development has a density of 0.06 residential units per acre.

3. Impacts to the transportation network, as identified in the Traffic Impact Analysis, have been adequately mitigated:

A TIA was not required.

4. The development provides adequate street connectivity and pedestrian facilities to address public health and safety:

The development is accessed from Sherrer Road – maintained by the SCDOT– and York County maintained Old McKinney Road. The site is bounded by the two roads, large lot residential parcels, and a smaller lot single-family subdivision to the north. Sidewalks are not required along Sherrer Road or Old McKinney Road due to the minimum proposed lot width of more than 100 feet.

5. The required open space and buffers have been provided:

The 20-percent open space is not required due the zoning designation of project.

6. All other applicable zoning and subdivision code requirements have been satisfied:

A tree survey or required tree save areas has been completed and accepted by staff.

SUMMARY AND RECOMMENDATION

Staff recommends the Planning Commission accept the findings of fact and approve the preliminary plat.

Submitted by:



Marion Ray, MPA
Planner

Approved by:



Rachel Grothe, MCRP
Zoning Administrator



NC CGIA York County Govt. SC Maxwell-McGibbitt

Applicant: Nation Land Company LLC
Tax Map Number: 454-00-00-029
Req

Vicinity Map

Attachment: Nation Land and PC Packet (8671 : Preliminary Plat - Nation Land Co, Sherrer Rd)

PLANNING COMMISSION

**SUBDIVISION: FLOWEING MEADOWS APPLICANTS: JULIE STROM FLOWE, ET
AL. TAX MAP NUMBER: 453-00-00-009 TOTAL ACREAGE: 57.41 ACRES TOTAL
LOTS: 3 SINGLE-FAMILY LOTS COUNCIL DISTRICT #2: ALLISON LOVE
ZONING DISTRICT: AGRICULTURAL CONSERVATION-I (AGC-I)**



**Planning Commission
Staff Report
Preliminary Plat – Floweing Meadows APA
July 8, 2024**



RECOMMENDATION: **That the Planning Commission approve the Preliminary Plat based on the Findings listed below.**

PROJECT DATA:

Property Owner/Applicant:	Julie Strom Flowe, etal
Application Type:	Preliminary Plat, Single-Family Residential Subdivision
Tax Map Number:	453-00-00-009
Location:	Charlotte Highway at the intersection of Davis Farm Road
Council District:	District 2; Alison Love
Zoning:	Agricultural Conservation-I (AGC-I)
Project Consistency:	Consistent with the AGC-I zoning district
Comprehensive Plan:	Agriculture
Project Consistency:	Consistent with the Comprehensive Plan
Land Use:	-existing: Vacant
	-proposed: Large lot single-family residential
	-in area: Large lot single-family residential, vacant land
Land Area:	57.41 acres
Lots Proposed:	(3) 40.017, 9.226, & 5.010 acres
Lot Dimensions:	Regular
Planning Staff:	Marion Ray, MPA

BACKGROUND AND PROJECT DESCRIPTION

The applicant is requesting approval of a revised preliminary plat for the further division of Floweing Meadows, a preliminary plat approved at the June 13, 2022 Planning Commission meeting. This subdivision request is to create three large single-family lots – each lot will be at least 5.01 acres, with a minimum lot width of 279.47 feet along Davis Farm Road, an SCDOT maintained right-of-way. The proposed density of .05 units per acre.

The site is currently one parcel northeast of the intersection of Charlotte Highway and Davis Farm Road. The property owner proposes to divide the 57.41-acre parcel into three tracts of various sizes. The parcel is bordered by the two roads and large AGC-I parcels to the north and east. The area is characterized by large lot residential development and agricultural uses.

ANALYSIS

Zoning Ordinance

§155.027

The Agricultural Conservation-I District (AGC-I) is intended to protect and preserve agricultural character, allowing for homes at very low densities on large lots. This designation is generally an appropriate zoning classification in areas designated as Agricultural or Conservation on the Comprehensive Plan Future Land Use Map.

The proposed single-family residential subdivision is consistent with the purpose of the AGC-I zoning district in that the proposed large lot division will be very low in density and will not have an adverse impact on any of the neighboring properties.

Comprehensive Plan

The 2035 Comprehensive Plan, York Forward (adopted March 6, 2023), designated the future land use for the proposed project as Agricultural. Agricultural areas are places where the predominant existing land uses are farmlands and timberlands, complemented by very low-density residential development, cottage industries, ag-supported commercial and agri-tourism operations.

The proposed residential subdivision is consistent with the Comprehensive Plan as the project is proposing large single-family lots with individual wells and septic systems.

ACCESS AND CIRCULATION

The proposed lots will be accessed by Charlotte Highway and Davis Farm Road, both maintained by the SCDOT. This type of low-density development does not require sidewalks. Due to the lack of a common open space requirements, amenities are not required and are not provided.

FINDINGS FOR PRELIMINARY PLAT REVIEW

Section §154.322

Section 154.322 of the York County Subdivision Code stipulates that the Planning Commission review and approve all applications for major subdivisions (seven or more lots). Approval of the preliminary plat shall not constitute approval of the construction plan and final plat. Application for approval of the subdivision construction plan and final plat shall be considered only after the specifications and requires of the Subdivision Chapter are met and all other specified conditions have been met. Upon approval of the preliminary plat by the Planning Commission, the developer may proceed with the preparation of the subdivision construction plan.

(D) The Planning Commission shall not approve a preliminary plat, unless the following findings are made:

- 1. The developer has provided willingness and capability letters from the applicable water and sewer service provider indicating the water and sewer infrastructure is sufficient to provide service to the development:**

The site will be serviced by private water and septic systems as indicated on the proposed plat.

If the development will be served by individual wells and septic systems, the proposed lots meet minimum square footage requirements per county ordinances:

All proposed lots meet or exceed the minimum square acreage of five acres as stipulated by the AGC-I site standards. Written statements from SCDHEC indicating the approval of individual septic tanks is not required due to the proposed five-acre minimum lot size.

- 2. The proposed land use and density complies with the zoning district requirements:**

Single family residential is an allowed use. The AGC-I zoning district has a maximum residential density of .2 dwelling units per acre, the development has a density of 0.05 residential units per acre.

3. Impacts to the transportation network, as identified in the Traffic Impact Analysis, have been adequately mitigated:

A TIA was not required.

4. The development provides adequate street connectivity and pedestrian facilities to address public health and safety:

The development is accessed from the existing portions of Charlotte Highway and Davis Farm Road, both maintained by the SCDOT. Sidewalks are not required within the development due to the minimum proposed lot width of more than 100 feet.

5. The required open space and buffers have been provided:

The 20-percent open space is not required due the zoning designation of project.

6. All other applicable zoning and subdivision code requirements have been satisfied:

A tree survey or required tree save areas has been completed and accepted by staff.

SUMMARY AND RECOMMENDATION

Staff recommends the Planning Commission accept the findings of fact and approve the preliminary plat.

Submitted by:



Marion Ray, MPA
Planner

Approved by:



Rachel Grothe, MCRP
Zoning Administrator



NC GIS, York County Govt, SC, Maxar, Microsoft

Vicinity Map

Attachment: Floweing Meadows PC Packet (8673 : Preliminary Plat - Floweing Meadow)

Applicant: Julie Strom Flowe
Tax Map Number: 453-00-00-009
Reql

PLANNING COMMISSION

REZONING 24-30 MICHELE KILGORE (APPLICANT/OWNER); REQUESTING TO REZONE TWO PARCELS THAT TOTAL 0.40-ACRES FROM RSF-40 TO RMX-10. THE SUBJECT PARCELS ARE LOCATED ON WEST LAKEWOOD DRIVE, ROCK HILL. THE PROPERTIES ARE REFERENCED AS TAX MAP NUMBERS 586-01-06-014; -015; COUNCIL DISTRICT 6 - HUCKABEE.

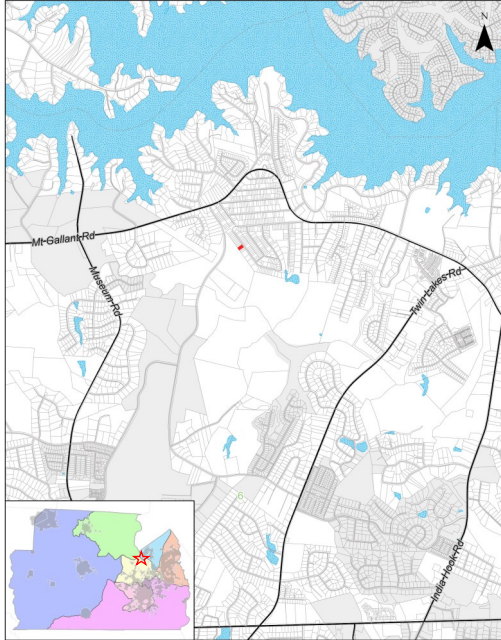


Planning Commission

July 8, 2024

Case: 24-30

Staff Report



REQUEST SUMMARY

Applicant: Michele Kilgore

Property Owner: Michele Kilgore

Tax Map Number: 586-01-06-014; -015

Address: 1637 and 1639 W. Lakewood Drive,
Rock Hill

Council District: 6 - Huckabee

Requested Action: Rezone +/- 0.40 acres from
RSF-40 to RMX-10

Staff Planner: Diane Dil, AICP

Staff Recommendation: Approve

PROJECT DESCRIPTION

The applicant is requesting to rezone the subject area from Residential Single Family 40 (RSF-40) to Residential Mixed 10 (RMX-10) in order to combine the existing two parcels into one parcel. The Lakewood Subdivision was platted in 1957 and the dimensions of most of the original lots was approximately 50' x 175'. Over the years, many of the lots were combined to create larger parcels. In some cases homes were constructed that straddled the property line, and some lots were simply left vacant. Together the subject parcels total 17,424 square feet, therefore the existing minimum lot size of 40,000 square feet prevents the two parcels from being combined.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject parcels are designated with the *Neighborhood Residential* future land use in the *York Forward 2035 Comprehensive Plan*, which provides for 2-5 dwellings/acre and includes a variety of housing types. Commercial uses such as grocery stores, pharmacies, and other neighborhood-serving uses may be appropriate at intersections of major roads and/or adjacent to existing commercial uses.

The requested rezoning is consistent with the York County 2035 Comprehensive Plan and Future Land Use Map. The uses allowed in the proposed zoning district are similar with those of the surrounding area.

Staff Analysis

PROPERTY DESCRIPTION

The two parcels are currently vacant with thick vegetation. The parcels are part of Lakewood subdivision, a single family neighborhood, originally platted in 1957. This request would allow for an infill project in an older area of the County, providing an opportunity to meet housing needs without increasing infrastructure.

Table 1: Property Context

PROXIMITY	CURRENT LAND USE	CURRENT ZONING	2035 LAND USE PLAN RECOMMENDATION
NORTH	Vacant/Residential	RSF-40	Neighborhood Residential
SOUTH	Vacant	RMX-20	Artisan Employment
EAST	Residential	RSF-40	Neighborhood Residential
WEST	Residential	RMX-20	Artisan Employment

ZONING AND LAND USE HISTORY

- ◆ July 22, 1986: Parcel originally zoned RC-I (RSF-40)
- ◆ March 4, 1997: Recorded current plat of subject parcels (PB A202, PG 5)
- ◆ March 15, 2024: Recorded current deed of all parcels (RB 21208, PG 187)

REZONING REQUEST

The applicant is requesting to rezone approximately 0.40 acres from RSF-40 to RMX-10.

- ◆ *Current Zoning District: Residential Single Family 40 (RSF-40). This district accommodates detached single-family residential uses and compatible institutional and non-residential land uses on lots generally with a minimum area of 40,000 square feet, is designed to preserve and protect the character of existing large-lot residential subdivisions in areas transitioning from rural to suburban development patterns, and is intended to encourage residential development that complements the character of large-lot residential subdivisions.*
- ◆ *Proposed Zoning District: Residential Mixed 10 (RMX-10). This district is designed to allow a diversity of housing types at variable, moderate densities based on residential land use, on lots generally with a minimum area of 10,000 square feet, is applied principally to undeveloped parcels where housing type and density flexibility will complement existing residential neighborhoods, and where public water and sewer is readily available.*

Table 2: Zoning District Comparison

	ZONING DISTRICT: RSF-40	ZONING DISTRICT: RMX-10
MINIMUM LOT SIZE	40,000 sf	10,000 sf
PERMITTED LAND USES	Residential	Residential

Exhibit B - Existing Zoning Map

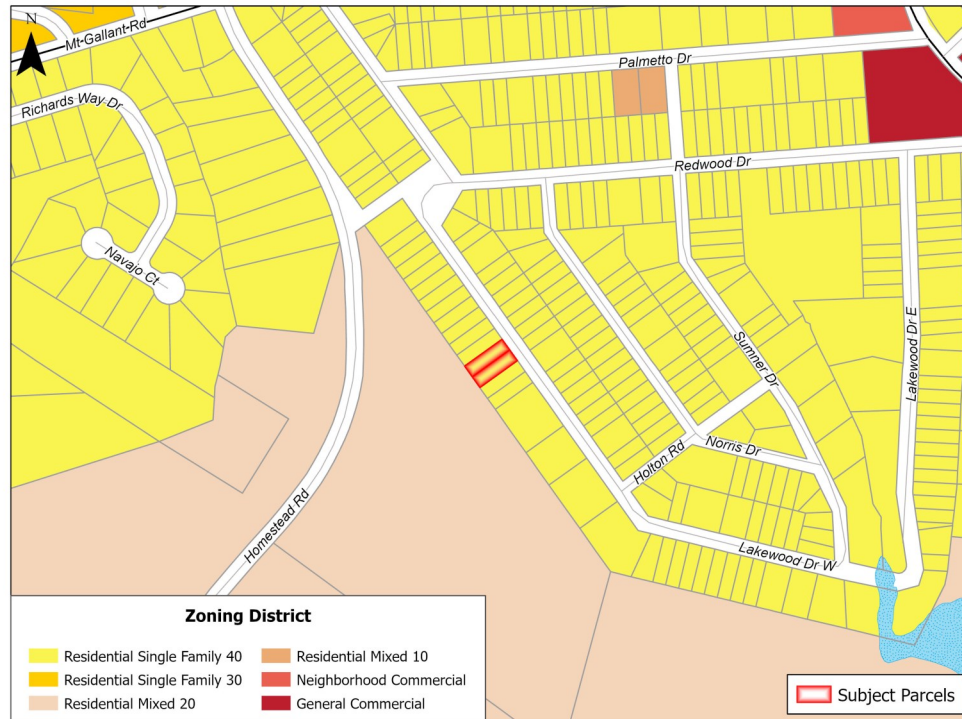
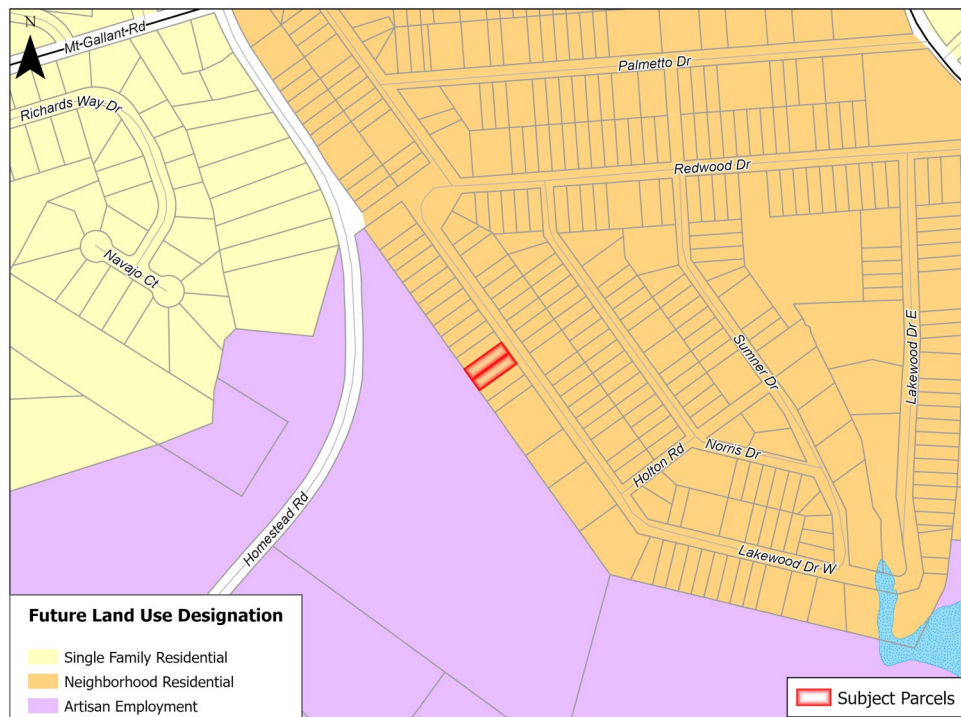


Exhibit C - 2035 Land Use Plan



FINDINGS

Per Section 155.1139 of the York County Code of Ordinances, the Planning Commission must consider the following factors when making a recommendation on any proposed amendment to the zoning map.

A. The relationship between the request and the Comprehensive Plan and Future Land Use Map.

The subject parcels are designated with the *Neighborhood Residential* future land use in the *York Forward 2035 Comprehensive Plan*, which provides for 2-5 dwellings/acre and includes a variety of housing types. Commercial uses such as grocery stores, pharmacies, and other neighborhood-serving uses may be appropriate at intersections of major roads and/or adjacent to existing commercial uses.

B. Whether the request is consistent with the Comprehensive Plan and Future Land Use Map.

The requested rezoning is consistent with the York County 2035 Comprehensive Plan and Future Land Use Map.

C. Whether the allowed uses in the requested zoning district would be compatible with surrounding land uses.

The allowed uses of the proposed zoning district are compatible with the surrounding area. The proposal is to construct one single family home within an existing residential neighborhood.

D. Whether the scale of the proposed development is compatible with the surrounding land uses or the intended future land uses.

The scale of the development is compatible with the surrounding land uses.

E. Whether adequate capacity at public school facilities exists or is planned to serve the needs of the proposed development.

This applicant intends to construct one new home, therefore there the impact on the public school facilities with this rezoning request will be minimal.

F. Whether the proposed project will request to connect to public water and sewer service and what entity would provide these utilities.

The property is located within the City of Rock Hill utility service area and will use private well and engineered septic.

G. The relationship of the request to the existing road network, current road capacity, and the most recent annual average daily trip counts.

The parcels to be rezoned have frontage on Lakewood Drive, which is maintained by SCDOT as S-1478. Lakewood Drive is designated as a local roadway, and there is currently no count data available. Lakewood Drive is currently a paved, two-lane roadway with a posted speed limit of 25 mph. Lakewood Drive intersects with Redwood Drive, which is designated as a local roadway, and no count data is available.

The applicant is proposing one residential dwelling and it is not expected to generate enough traffic to negatively impact the current transportation network.

H. Whether the inclusion of certain conditions of approval for the request would better achieve the goals of the Comprehensive Plan.

No conditions are recommended by staff as part of this rezoning request.

NEXT STEPS

The rezoning request is anticipated to follow the process below:

- ♦ Public Hearing: August 19, 2024
- ♦ County Council (First Reading): August 19, 2024
- ♦ County Council (Second Reading): September 3, 2024
- ♦ County Council (Third Reading): September 16, 2024

PLANNING AND DEVELOPMENT STAFF CONTACT

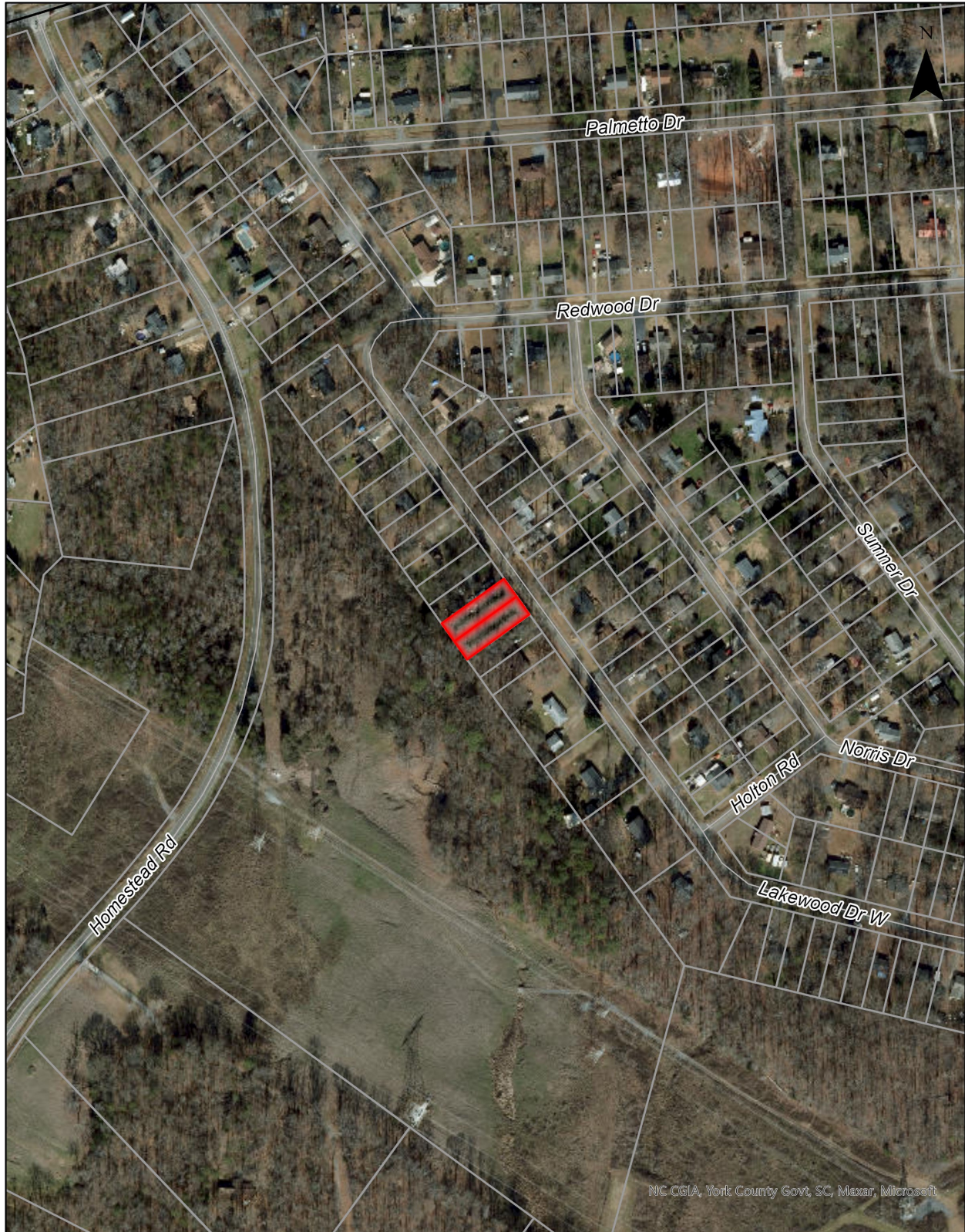
Diane Dil, AICP

Planning Manager

(803) 909-7223

diane.dil@yorkcountygov.com

Exhibit D - Aerial Map



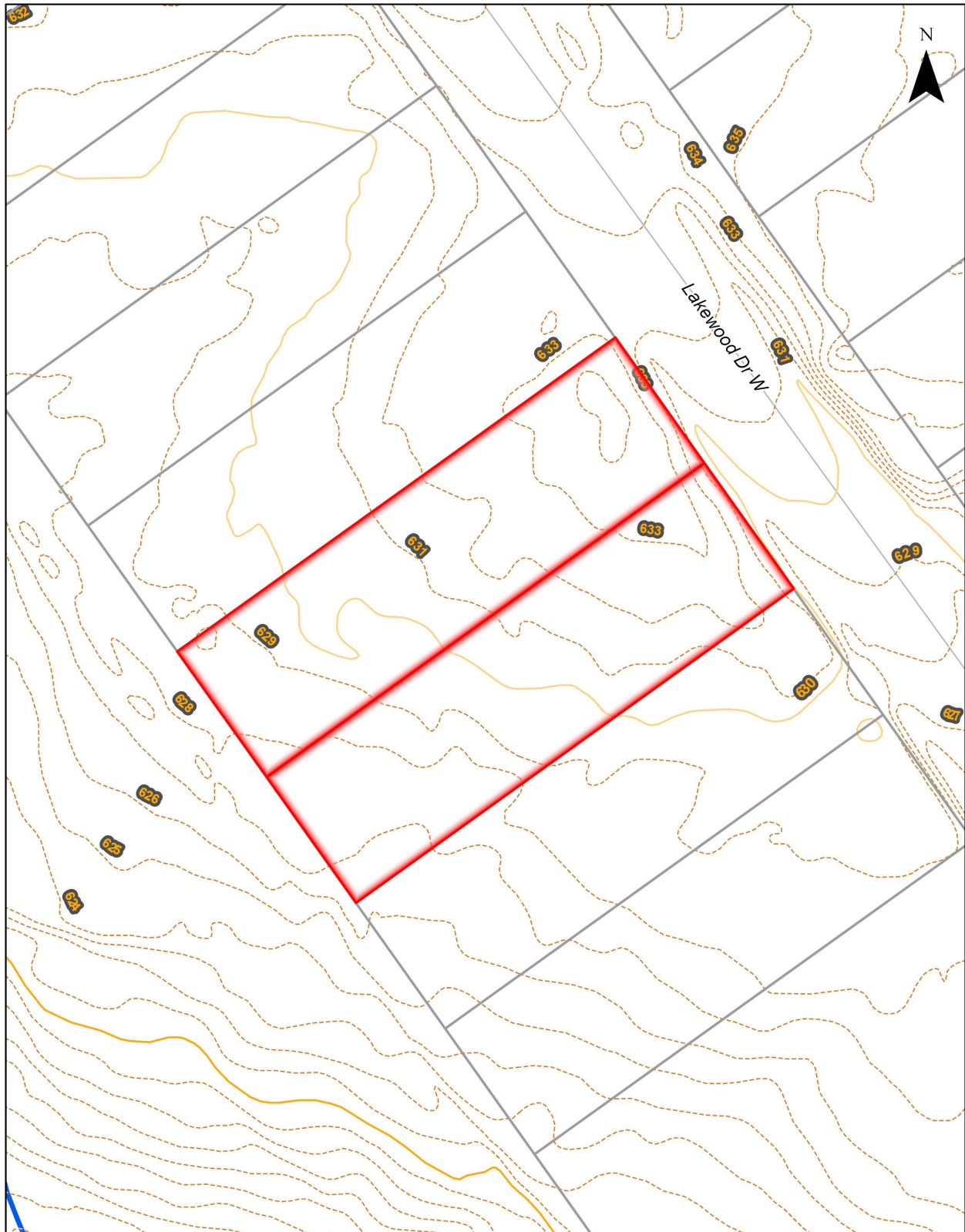
Attachment: 24-30 PC Packet (8665 : 24-30)

Exhibit E - Aerial Map—Parcel

NC CGIA, York County Govt, SC, Maxar, Microsoft

Attachment: 24-30 PC Packet (8665 : 24-30)

Exhibit F - Environmental Map



Attachment: 24-30 PC Packet (8665 : 24-30)





YORK COUNTY REZONING APPLICATION

APPLICANT AND OWNER INFORMATION

APPLICANT NAME(S): Michele Kilgore
 ADDRESS: 1385 Shimmer Light Circle
 PHONE: 803-327-2813
 WORK HOME MOBILE
 EMAIL ADDRESS: michelekilgore@yahoo.com

PROPERTY OWNER NAME(S): SAME
 ADDRESS: _____
 _____ PHONE:
 WORK HOME MOBILE
 EMAIL ADDRESS: _____

PROPERTY INFORMATION

PROPERTY ADDRESS: 1637 and 1639 W Lakewood Drive
 PROPERTY TAX MAP #(s): 5880106013¹⁵ and 5880106014
 LAND AREA (ACRES) TOTAL: 0.40 AREA TO BE REZONED: 0.40
 ZONING CURRENT: RMX - 40 PROPOSED: RMX - 10
 2035 LAND USE PLAN DESIGNATION: Neighborhood Residential
 CURRENT USE OF PROPERTY: vacant lot
 PROPOSED USE OF PROPERTY: residential property
 TOTAL AREA OF PROPOSED BUILDINGS (COMMERCIAL): _____
 TOTAL # OF DWELLING UNITS (RESIDENTIAL): 1
 UTILITY PROVIDERS WATER: well SEWER: septic
 SCHOOL DISTRICT: RHSD3 COUNTY COUNCIL DISTRICT: York 6

Attachment: 24-30 PC Packet (8665 : 24-30)

SUPPLEMENTAL QUESTIONS

1. Please describe the purpose of the rezoning request and the project that is being proposed.

I am requesting rezoning so I can combine my 2 small lots into 1 larger lot.

My goal is to build a home on the new lot.

2. Are there existing structures on the site?

Yes ☐

No ☒

If yes, please describe: _____

If this request is granted, will the existing structure(s) remain?

Yes ☐

No ☐

If this request is granted, will the use of the structure(s) change?

Yes ☐

No ☐

If yes, structure(s) must meet all current building and fire codes.

3. Does this request propose to utilize public water and sewer?

Yes ☐

No ☒

If yes, municipal utility providers may require signed annexation agreements as a condition of providing services. Please contact your municipal service provider prior to submitting your application.

CERTIFICATION

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

Michelle P Kilgore

5/19/24

APPLICANT(S)

DATE

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this rezoning application.

Michelle P Kilgore

5/19/24

PROPERTY OWNER(S)

DATE

I certify that any relevant restrictive covenants will be adhered to concerning this rezoning request. To assist verification, I have attached the relevant restrictive covenant information.

Michelle P Kilgore

5/19/24

APPLICANT(S)

DATE

YOU MUST SUBMIT THE ORIGINAL SIGNATURES ABOVE. COPIED OR SCANNED IMAGES WILL NOT BE ACCEPTED. ATTACH OWNER'S NOTARIZED WRITTEN AUTHORIZATION IF OWNER'S SIGNATURE CANNOT BE OBTAINED. ALL PROPERTY OWNERS MUST SIGN ABOVE.

Attachment: 24-30 PC Packet (8665 : 24-30)

PLANNING COMMISSION

REZONING 24-31 DEMETRIOS KAKOURAS (APPLICANT) DSK INVESTMENTS LLC (OWNER); REQUESTING TO REZONE A 0.602 ACRE PARCEL FROM RSF-40 TO RMX-10. THE SUBJECT PARCEL IS LOCATED ON PALMETTO DRIVE, ROCK HILL. THE PROPERTY IS REFERENCED AS TAX MAP NUMBER 586-01-07-002; COUNCIL DISTRICT 6 - HUCKABEE.

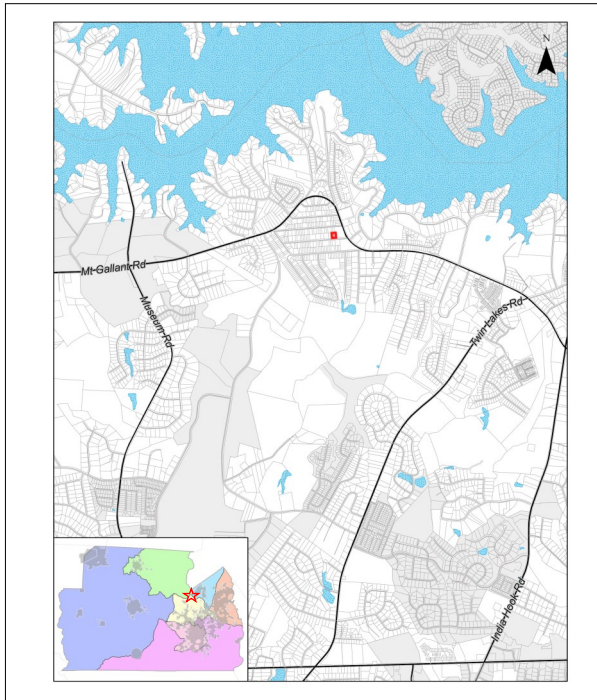


Planning Commission

July 8, 2024

Case: 24-31

Staff Report



REQUEST SUMMARY

Applicant: Demetrios Kakouras

Property Owner: DSK Investments LLC

Tax Map Number: 586-01-07-002

Address: 3900 Block of Palmetto Drive, Rock Hill

Council District: 6 - Huckabee

Requested Action: Rezone +/- 0.602 acres from RSF-40 to RMX-10

Staff Planner: Diane Dil, AICP

Staff Recommendation: Approve

PROJECT DESCRIPTION

The applicant is requesting to rezone the property from Residential Single Family 40 (RSF-40) to Residential Mixed 10 (RMX-10) in order to subdivide the parcel into two lots. The Lakewood Subdivision was platted in 1957, and the dimensions of most of the original lots was approximately 50' x 175'. Originally, the subject parcel was three lots, and like many others in the community, it was combined into one. The proposed subdivision will result in two lots, each approximately 13,100 square feet.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject parcel is designated with the *Neighborhood Residential* future land use in the *York Forward 2035 Comprehensive Plan*, which provides for 2-5 dwellings/acre and includes a variety of housing types. Commercial uses such as grocery stores, pharmacies, and other neighborhood-serving uses may be appropriate at intersections of major roads and/or adjacent to existing commercial uses.

The requested rezoning is consistent with the York County 2035 Comprehensive Plan and Future Land Use Map. The uses allowed in the proposed zoning district are similar with those of the surrounding area.

Staff Analysis

PROPERTY DESCRIPTION

The subject parcel is currently vacant with thick vegetation across the entire area. The parcel is part of Lakewood subdivision, a single family neighborhood, originally platted in 1957. This request would allow for an infill project in an older area of the County, providing an opportunity to meet housing needs without increasing infrastructure.

Table 1: Property Context

PROXIMITY	CURRENT LAND USE	CURRENT ZONING	2035 LAND USE PLAN RECOMMENDATION
NORTH	Residential	RSF-40	Neighborhood Residential
SOUTH	Residential	RSF-40	Neighborhood Residential
EAST	Restaurant	NC	Neighborhood Residential
WEST	Vacant	RSF-40	Neighborhood Residential

ZONING AND LAND USE HISTORY

- ♦ July 22, 1986: Parcel originally zoned RC-I (RSF-40)
- ♦ January 22, 1985: Recorded current plat of subject parcel (PB 76, PG 272)
- ♦ February 18, 2020: Recorded current deed of subject parcel (RB 18081, PG 83)

REZONING REQUEST

The applicant is requesting to rezone approximately 0.602 acres from RSF-40 to RMX-10.

- ♦ *Current Zoning District: Residential Single Family 40 (RSF-40). This district accommodates detached single-family residential uses and compatible institutional and non-residential land uses on lots generally with a minimum area of 40,000 square feet, is designed to preserve and protect the character of existing large-lot residential subdivisions in areas transitioning from rural to suburban development patterns, and is intended to encourage residential development that complements the character of large-lot residential subdivisions.*
- ♦ *Proposed Zoning District: Residential Mixed 10 (RMX-10). This district is designed to allow a diversity of housing types at variable, moderate densities based on residential land use, on lots generally with a minimum area of 10,000 square feet, is applied principally to undeveloped parcels where housing type and density flexibility will complement existing residential neighborhoods, and where public water and sewer is readily available.*

Table 2: Zoning District Comparison

	ZONING DISTRICT: RSF-40	ZONING DISTRICT: RMX-10
MINIMUM LOT SIZE	40,000 sf	10,000 sf
PERMITTED LAND USES	Residential	Residential

Exhibit B - Existing Zoning Map

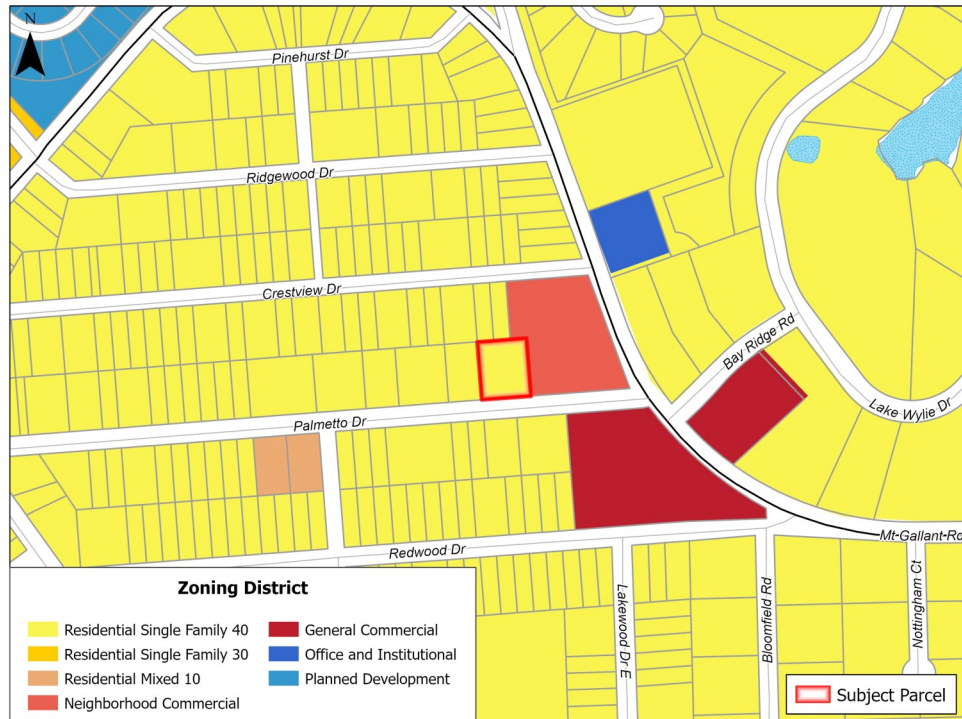
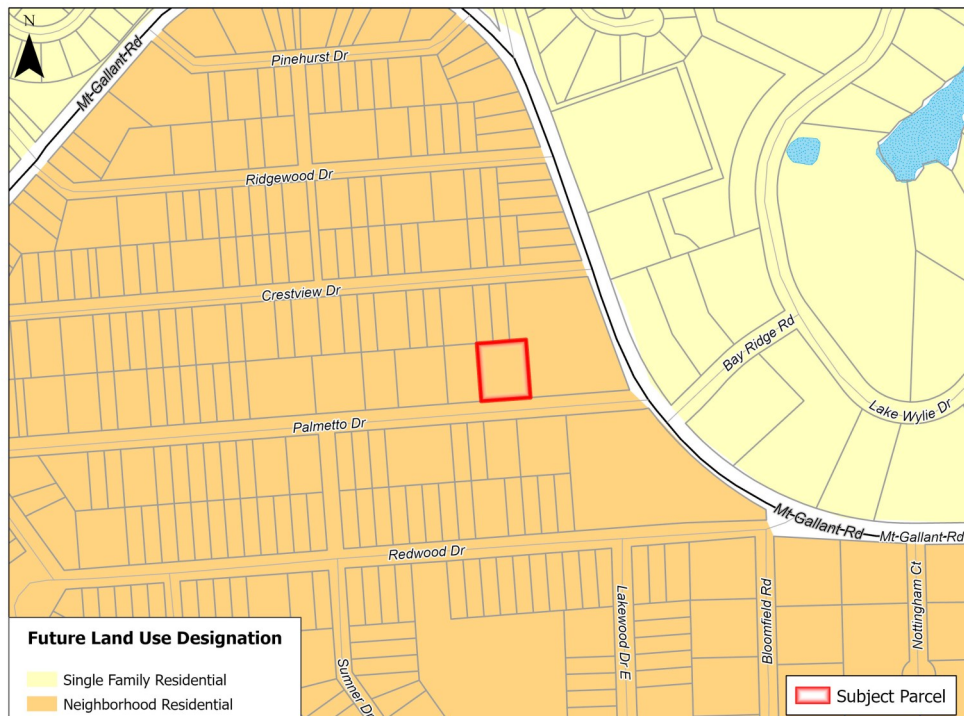


Exhibit C - 2035 Land Use Plan



FINDINGS

Per Section 155.1139 of the York County Code of Ordinances, the Planning Commission must consider the following factors when making a recommendation on any proposed amendment to the zoning map.

A. The relationship between the request and the Comprehensive Plan and Future Land Use Map.

The subject parcel is designated with the *Neighborhood Residential* future land use in the *York Forward 2035 Comprehensive Plan*, which provides for 2-5 dwellings/acre and includes a variety of housing types. Commercial uses such as grocery stores, pharmacies, and other neighborhood-serving uses may be appropriate at intersections of major roads and/or adjacent to existing commercial uses.

B. Whether the request is consistent with the Comprehensive Plan and Future Land Use Map.

The requested rezoning is consistent with the York County 2035 Comprehensive Plan and Future Land Use Map.

C. Whether the allowed uses in the requested zoning district would be compatible with surrounding land uses.

The allowed uses of the proposed zoning district are compatible with the surrounding area. The proposal is to construct two single family homes within an existing residential neighborhood.

D. Whether the scale of the proposed development is compatible with the surrounding land uses or the intended future land uses.

The scale of the development is compatible with the surrounding land uses.

E. Whether adequate capacity at public school facilities exists or is planned to serve the needs of the proposed development.

This applicant intends to construct two new homes, therefore there the impact on the public school facilities with this rezoning request will be minimal.

F. Whether the proposed project will request to connect to public water and sewer service and what entity would provide these utilities.

The property is located within the City of Rock Hill utility service area and will use private well and engineered septic.

G. The relationship of the request to the existing road network, current road capacity, and the most recent annual average daily trip counts.

The parcel to be rezoned has frontage on Palmetto Drive, which is maintained by SCDOT as S-1454. Palmetto Drive is designated as a local roadway, and there is currently no count data available. Palmetto Drive is a paved, two-lane roadway that intersects with Mt. Gallant Road, which is designated as a minor arterial roadway with an average volume of 7,500 trips per day.

The applicant is proposing to construct one residential dwelling and is not expected to generate enough traffic to negatively impact the current transportation network.

H. Whether the inclusion of certain conditions of approval for the request would better achieve the goals of the Comprehensive Plan.

No conditions are recommended by staff as part of this rezoning request.

NEXT STEPS

The rezoning request is anticipated to follow the process below:

- ♦ Public Hearing: August 19, 2024
- ♦ County Council (First Reading): August 19, 2024
- ♦ County Council (Second Reading): September 3, 2024
- ♦ County Council (Third Reading): September 16, 2024

PLANNING AND DEVELOPMENT STAFF CONTACT

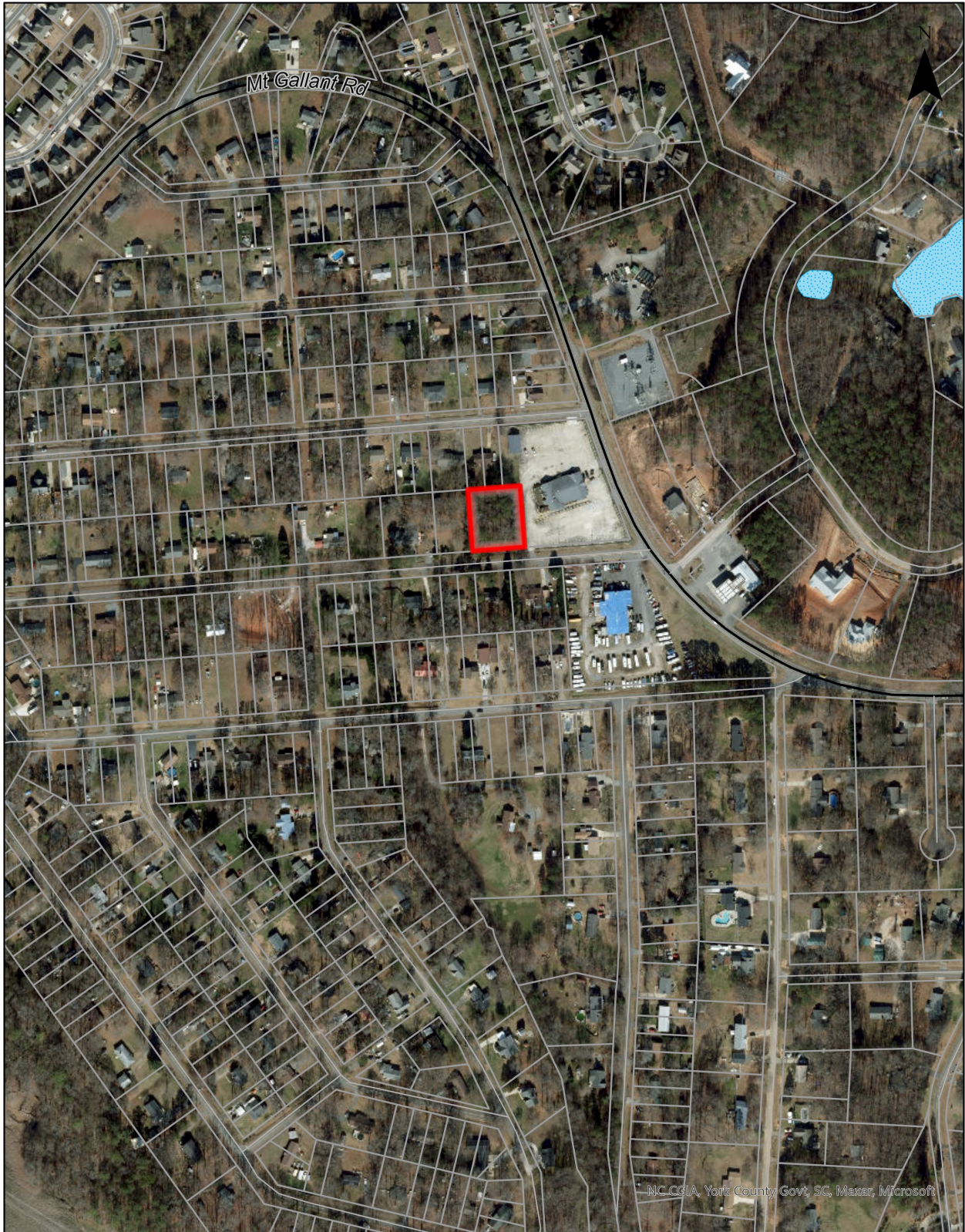
Diane Dil, AICP

Planning Manager

(803) 909-7223

diane.dil@yorkcountygov.com

Exhibit D - Aerial Map

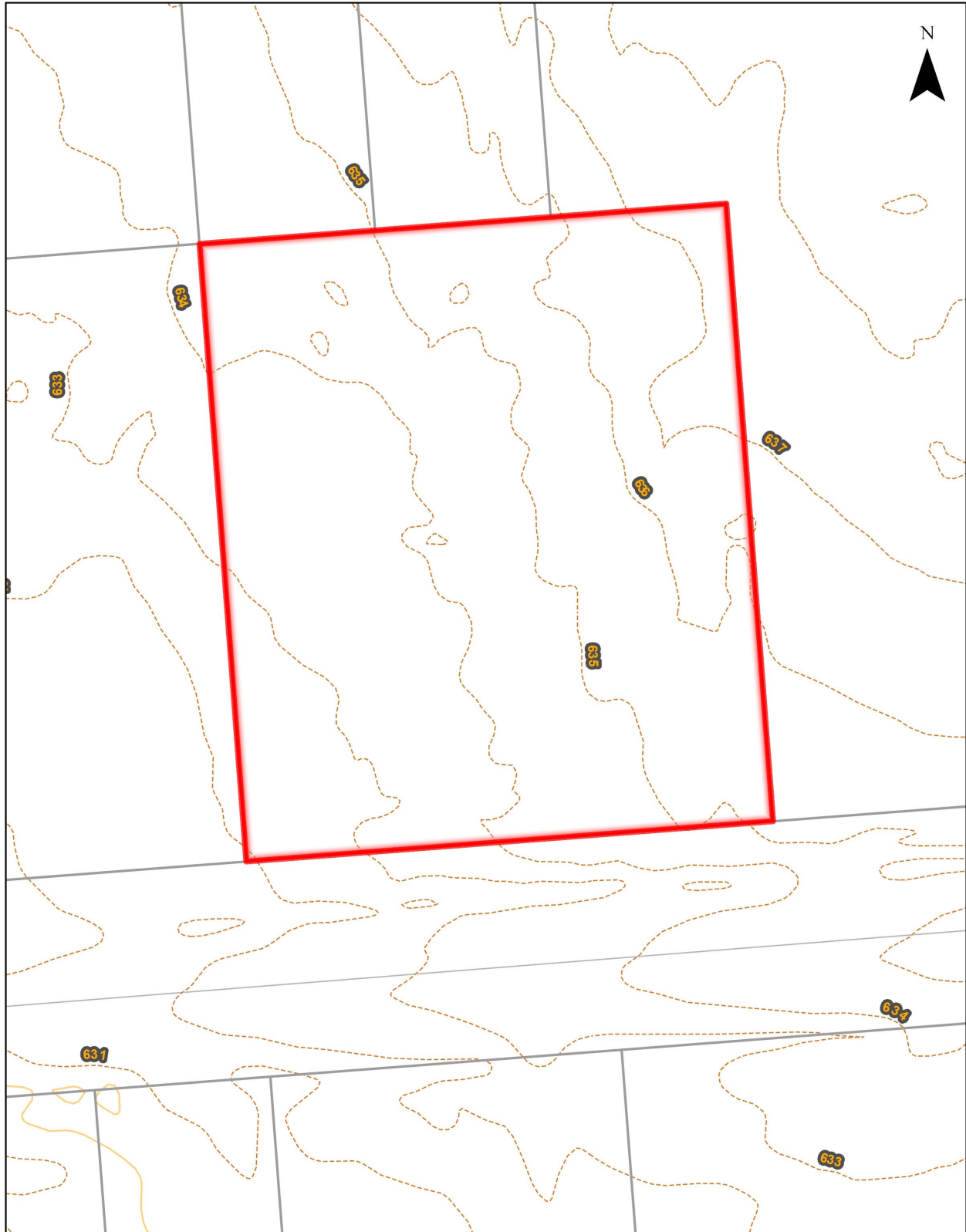


Attachment: 24-31 PC Packet (8667 : 24-31)

Exhibit E - Aerial Map—Parcel

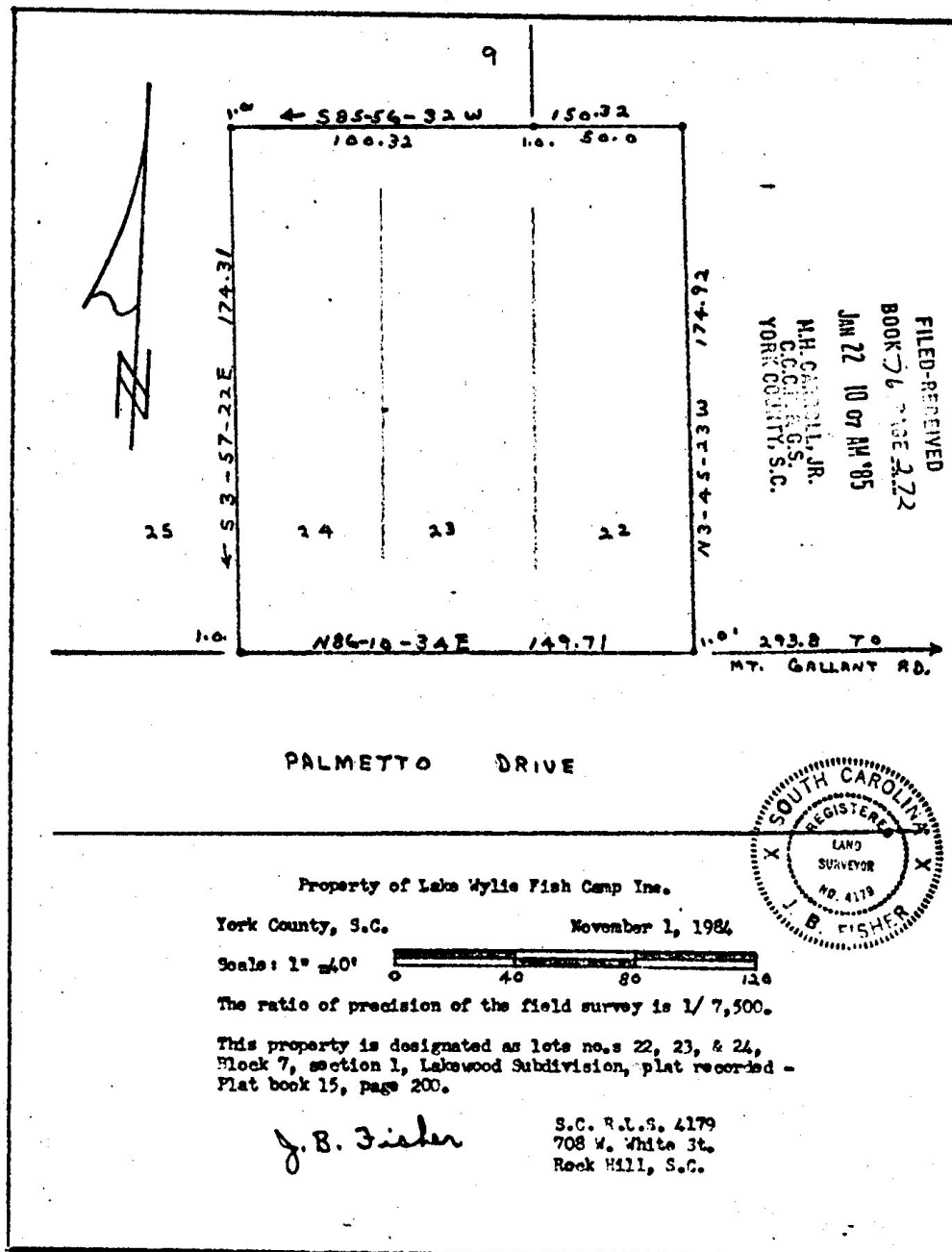


Attachment: 24-31 PC Packet (8667 : 24-31)

Exhibit F - Environmental Map

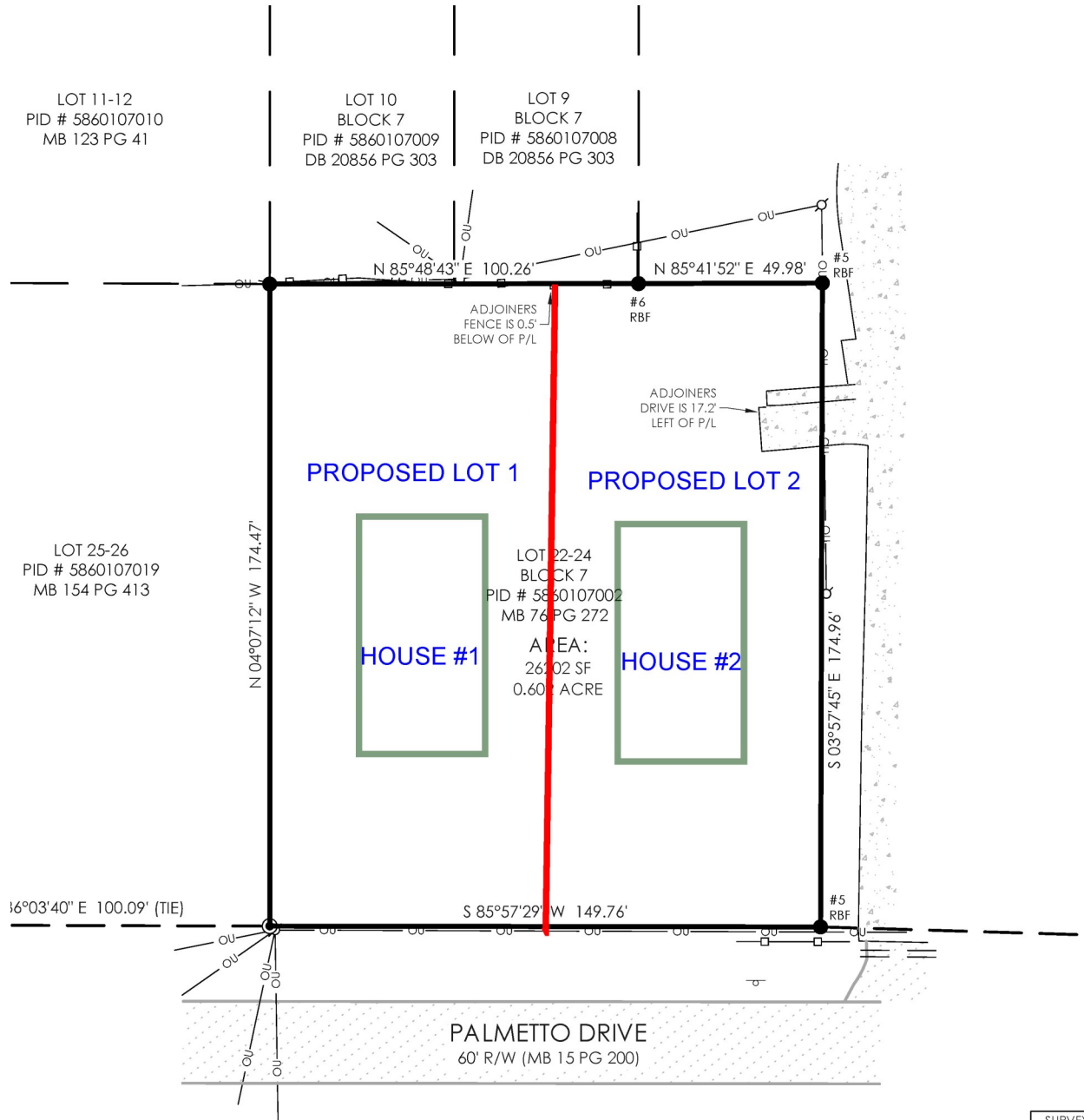
Attachment: 24-31 PC Packet (8667 : 24-31)

Exhibit G - Original Plat



Attachment: 24-31 PC Packet (8667 : 24-31)

Exhibit H - Proposed Subdivision



CREATED.
NTAL GROUND DISTANCES.
ORDINATE METHOD.

HOLLY ON THE SUBJECT PROPERTY.
COUNTY GIS (05/13/2024).
YORK COUNTY ZONING DEPARTMENT.
AY EXIST ON THIS PROPERTY WHICH ARE NOT SHOWN HEREON.
ED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT. THIS PLAT/PROPERTY IS SUBJECT TO
UTILITY EASEMENTS, DEED RESTRICTIONS, RESTRICTIVE COVENANTS OR AGREEMENTS WHICH
RD AND APPLICABLE HERE TO THE DATE OF THIS SURVEY.
E NOT LOCATED AT THE TIME OF SURVEY. IF SHOWN, UTILITY LOCATIONS ARE APPROXIMATE
VE GROUND APPURTENANCES. UNDERGROUND UTILITIES NOT SHOWN HEREON MAY EXIST.
A SPECIAL FLOOD HAZARD AREA, (FIRM MAP NO. 45091C0193E, EFFECTIVE ON 09/26/2008).

ABBREVIATIONS

DB	DEED BOOK
MB	MAP BOOK
PG	PAGE
P/L	PROPERTY LINE
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
CP	COVERED PORCH

SURVEY

Attachment: 24-31 PC Packet (8667 : 24-31)

SUPPLEMENTAL QUESTIONS

1. Please describe the purpose of the rezoning request and the project that is being proposed.

Proposal is to rezone property, subdivide into 2 lots, then construct 2 single family homes

2. Are there existing structures on the site?

Yes ☐

No ☒

If yes, please describe: _____

If this request is granted, will the existing structure(s) remain?

Yes ☐

No ☒

If this request is granted, will the use of the structure(s) change?

Yes ☐

No ☒

If yes, structure(s) must meet all current building and fire codes.

3. Does this request propose to utilize public water and sewer?

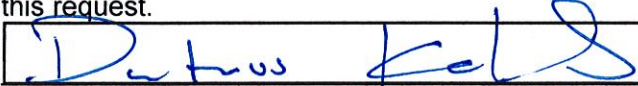
Yes ☐

No ☒

If yes, municipal utility providers may require signed annexation agreements as a condition of providing services. Please contact your municipal service provider prior to submitting your application.

CERTIFICATION

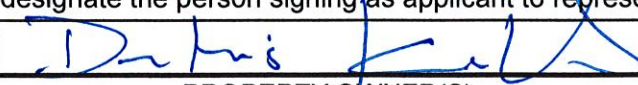
I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner,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


APPLICANT(S)

5/24/2024

DATE

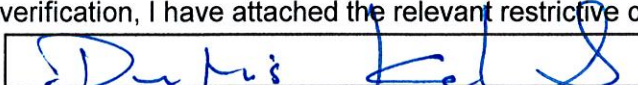
I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this rezoning application.


PROPERTY OWNER(S)

5/24/2024

DATE

I certify that any relevant restrictive covenants will be adhered to concerning this rezoning request. To assist verification, I have attached the relevant restrictive covenant information.


APPLICANT(S)

5/24/2024

DATE

YOU MUST SUBMIT THE ORIGINAL OR DIGITAL SIGNATURES ABOVE. COPIED OR SCANNED IMAGES WILL NOT BE ACCEPTED. ATTACH OWNER'S NOTARIZED WRITTEN AUTHORIZATION IF OWNER'S SIGNATURE CANNOT BE OBTAINED. ALL PROPERTY OWNERS MUST SIGN ABOVE.

REZONING APPLICATION CHECKLIST

The attached application form must be filled out completely and must include the following supporting materials before a request can be accepted and considered complete:

- ☒ **Pre-application meeting (optional)**
- ☒ **Application fee**
- ☒ **Plat or recent survey (if no recorded plat)**
- ☒ **Deed**
- ☒ **Preliminary site plan** (include the following items as applicable)
 - Proposed and existing structures with square footage
 - Parking areas
 - Open space areas

N/A ☐ **Sketch plan and detailed development plan** (Special Districts Only)

N/A ☐ **Restrictive covenants** (provide the latest recorded copy, if applicable)

****Staff may request additional information as part of the application****

OFFICE USE ONLY

AMOUNT PAID: 550- CHECK #: _____ CASH AMOUNT: _____

DATE RECEIVED: 5/20/24 RECEIPT #: _____

APPLICATION RECEIVED BY: Diane Del

APPLICATION REVIEWED BY: Diane Del

Attachment: 24-31 PC Packet (8667 : 24-31)

Any information provided on this document may be subject to the SC Freedom of Information Act and may be disclosed to third parties in accordance with applicable law.

PLANNING COMMISSION

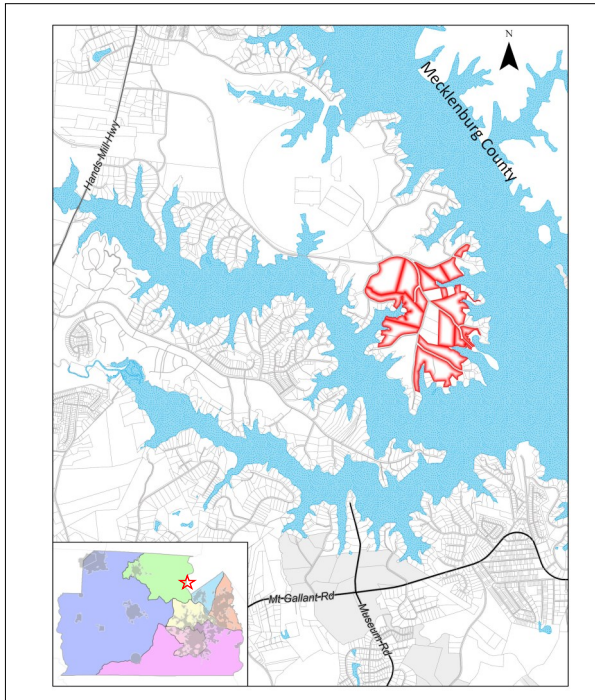
REZONING 24-32 DANIEL J BALLOU (APPLICANT) TITAN LAND PARTNERS LLC (OWNER); REQUESTING TO REZONE 15 PARCELS THAT TOTAL APPROXIMATELY 215-ACRES FROM RMX-10 TO RUD. THE SUBJECT PARCELS ARE LOCATED OFF CONCORD ROAD, YORK. THE PROPERTIES ARE REFERENCED AS TAX MAP NUMBERS 581-00-00-054 THROUGH -062;-064;-065;-070;-071; COUNCIL DISTRICT 6 - HUCKABEE.



Planning Commission

July 8, 2024

Case: 24-32
Staff Report



REQUEST SUMMARY

Applicant: Daniel J. Ballou

Property Owner: Titan Land Partners LLC

Tax Map Number: 581-00-00-054—062; -064; -065; -070; -071; 583-00-00-071; -072

Address: Legacy Point, Concord Road, York

Council District: 2 - Love

Requested Action: Rezone 15 parcels totaling +/- 215.29 acres from RMX-10 to RUD

Staff Planner: Diane Dil, AICP

Staff Recommendation: Approve

PROJECT DESCRIPTION

The applicant is requesting to rezone approximately 215-acres from Residential Mixed 10 (RMX-10) to Rural Development (RUD). The applicant intends to subdivide the 215 acres into 34 parcels with a minimum lot size of five acres. Rezoning from RMX-10 to RUD will allow the property to be developed in a rural manner similar to the existing lots scattered throughout this peninsula.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject parcels are designated with the *Rural Residential* future land use in the *York Forward 2035 Comprehensive Plan*. The designation is described as places displaying a rural character of agricultural homesteads and homes with an acre or more of land separated by farmed fields, pastures, or forests. These areas are served by a sparse road network and private well and septic systems, farmer's markets, cottage industries, and agri-tourism serve the community and support agriculture.

The requested rezoning is consistent with the York County 2035 Comprehensive Plan and Future Land Use Map. The *Rural Residential* future land use designation aligns with the RUD zoning district. The size of the proposed new lots will be similar with those of the surrounding area.

Attachment: 24-32 PC Packet (8668 : 24-32)

Staff Analysis

PROPERTY DESCRIPTION

The subject parcels total approximately 215 acres and are currently vacant. The area contains an expansive tree canopy, with the exception of the Duke Energy easements that cross portions of many of the parcels. The subject area is located on a peninsula in Lake Wylie to the southeast of the Duke Energy nuclear facility. The surrounding area includes large lake front residential lots as well as several large undeveloped areas. Earlier this year County Council approved a similar rezoning for a 17-acre tract in the center of the subject area.

Table 1: Property Context

PROXIMITY	CURRENT LAND USE	CURRENT ZONING	2035 LAND USE PLAN RECOMMENDATION
NORTH	Vacant/Nuclear Plant	RMX-10/ID	Rural Residential
SOUTH	Vacant/Residential	RMX-10	Rural Residential
EAST	Vacant/Residential	RMX-10	Rural Residential
WEST	Vacant/Residential	RMX-10	Rural Residential

ZONING AND LAND USE HISTORY

- ◆ July 22, 1986: Parcel was originally zoned RD-II (present day RMX-10)
- ◆ August 17, 2022: Recorded current plat of subject property (PB 169, PG 432-34)
- ◆ July 28, 2022: Recorded current deed of subject property (RB 20321, PG 17)

REZONING REQUEST

The applicant is requesting to rezone the 215 acres from RMX-10 to RUD.

- ◆ *Current Zoning District: Residential Mixed 10 (RMX-10). This district is designed to allow a diversity of housing types at variable, moderate densities based on residential land use, on lots generally with a minimum area of 10,000 square feet, is applied principally to undeveloped parcels where housing type and density flexibility will complement existing residential neighborhoods, and where public water and sewer is readily available.*
- ◆ *Proposed Zoning District: Rural Development (RUD). This district is intended to protect and preserve areas of the County that are presently rural or agricultural in character and use, and serves to discourage rapid growth while allowing growth through orderly use and timely transition of rural areas.*

Table 2: Zoning District Comparison

	ZONING DISTRICT: RMX-10	ZONING DISTRICT: RUD
MINIMUM LOT SIZE	10,000 Square feet	1 Acre
PERMITTED LAND USES	Single family detached, duplex, triplex, and quadplex	Residential; Agriculture uses

Exhibit A - Existing Zoning Map

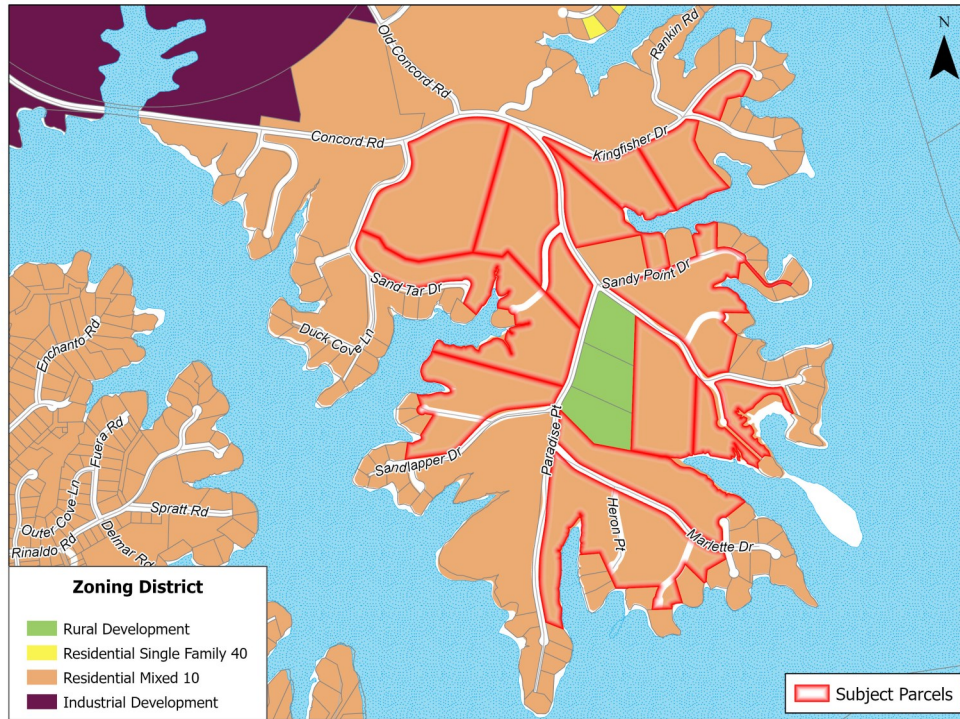
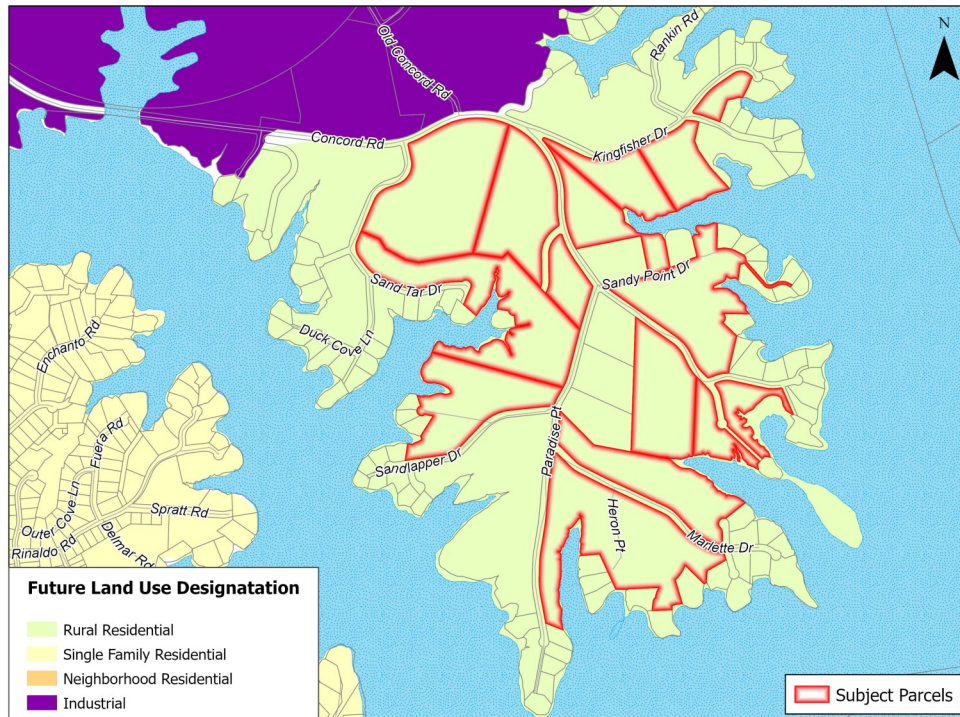


Exhibit B - 2035 Land Use Plan



FINDINGS

Per Section 155.1139 of the York County Code of Ordinances, the Planning Commission must consider the following factors when making a recommendation on any proposed amendment to the zoning map.

A. The relationship between the request and the Comprehensive Plan and Future Land Use Map.

The subject parcels are designated with the *Rural Residential* future land use in the *York Forward 2035 Comprehensive Plan*. The designation is described as places displaying a rural character of agricultural homesteads and homes with an acre or more of land separated by farmed fields, pastures, or forests. These areas are served by a sparse road network and private well and septic systems, farmer's markets, cottage industries, and agri-tourism serve the community and support agriculture.

B. Whether the request is consistent with the Comprehensive Plan and Future Land Use Map.

The requested rezoning is consistent with the York County 2035 Comprehensive Plan and Future Land Use Map. The *Rural Residential* future land use designation aligns with the RUD zoning district. The size of the proposed new lots is similar with those of the surrounding area.

C. Whether the allowed uses in the requested zoning district would be compatible with surrounding land uses.

The allowed uses of the proposed zoning district are mostly compatible with the surrounding area. RUD does allow agricultural uses that are not allowed in RMX-10. However, the applicant intends to create lots that are greater than five acres, which will provide ample buffer if any future agriculture related uses are considered.

D. Whether the scale of the proposed development is compatible with the surrounding land uses or the intended future land uses.

The scale of the development is compatible with the surrounding land uses. There are several other parcels of similar size within the general vicinity.

E. Whether adequate capacity at public school facilities exists or is planned to serve the needs of the proposed development.

This rezoning will reduce the number of students that would be generated by this site's future development. The RMX-10 zoning district has a maximum density of 2.5 dwellings/acre. At 215 acres, while unlikely, the subject parcels could develop up to 537 homes. The RUD zoning district requires one-acre lots, thus creating at most 215 homes (much less when allowing for roads). The applicant proposes 34 homes. The table below demonstrates the total number of students generated under the current and proposed zoning. The seats per dwelling ratio is based on the Clover School District 2020 school impact fee study.

Table 3: Student Generation Rates				
	SEATS PER DWELLING	TOTAL SEATS: RMX-10	TOTAL SEATS: RUD	TOTAL SEATS: PROPOSED UNITS
ELEMENTARY	0.207	111.16	44.51	7.04
MIDDLE	0.101	54.24	21.72	3.43
HIGH	0.123	66.05	26.45	4.18

F. Whether the proposed project will request to connect to public water and sewer service and what entity would provide these utilities.

The property is located within the York County utility service area, but the applicant intends to use private well and septic.

G. The relationship of the request to the existing road network, current road capacity, and the most recent annual average daily trip counts.

The parcels to be rezoned have frontage on Concord Road, which is maintained by SCDOT as S-1132. Concord Road is designated as a local collector roadway with an average daily volume of 2,500 trips. Concord Road is currently a paved, two-lane roadway with a posted speed limit of 40 mph. Concord Road intersects with Highway 274. Highway 274 is designated as a principal arterial roadway with an average volume of 17,700 trips per day.

The applicant is proposing to construct 34 residential dwellings. The applicant will be required to submit a Tier 2 TIA during the preliminary plat review process.

H. Whether the inclusion of certain conditions of approval for the request would better achieve the goals of the Comprehensive Plan.

Staff does not recommend any conditions as part of the rezoning.

NEXT STEPS

The rezoning request is anticipated to follow the process below:

- | | |
|------------------------------------|--------------------|
| ◆ Public Hearing: | August 19, 2024 |
| ◆ County Council (First Reading): | August 19, 2024 |
| ◆ County Council (Second Reading): | September 3, 2024 |
| ◆ County Council (Third Reading): | September 16, 2024 |

PLANNING AND DEVELOPMENT STAFF CONTACT

Diane Dil, AICP

Planning Manager

(803) 909-7223

diane.dil@yorkcountygov.com

Exhibit C - Aerial Map



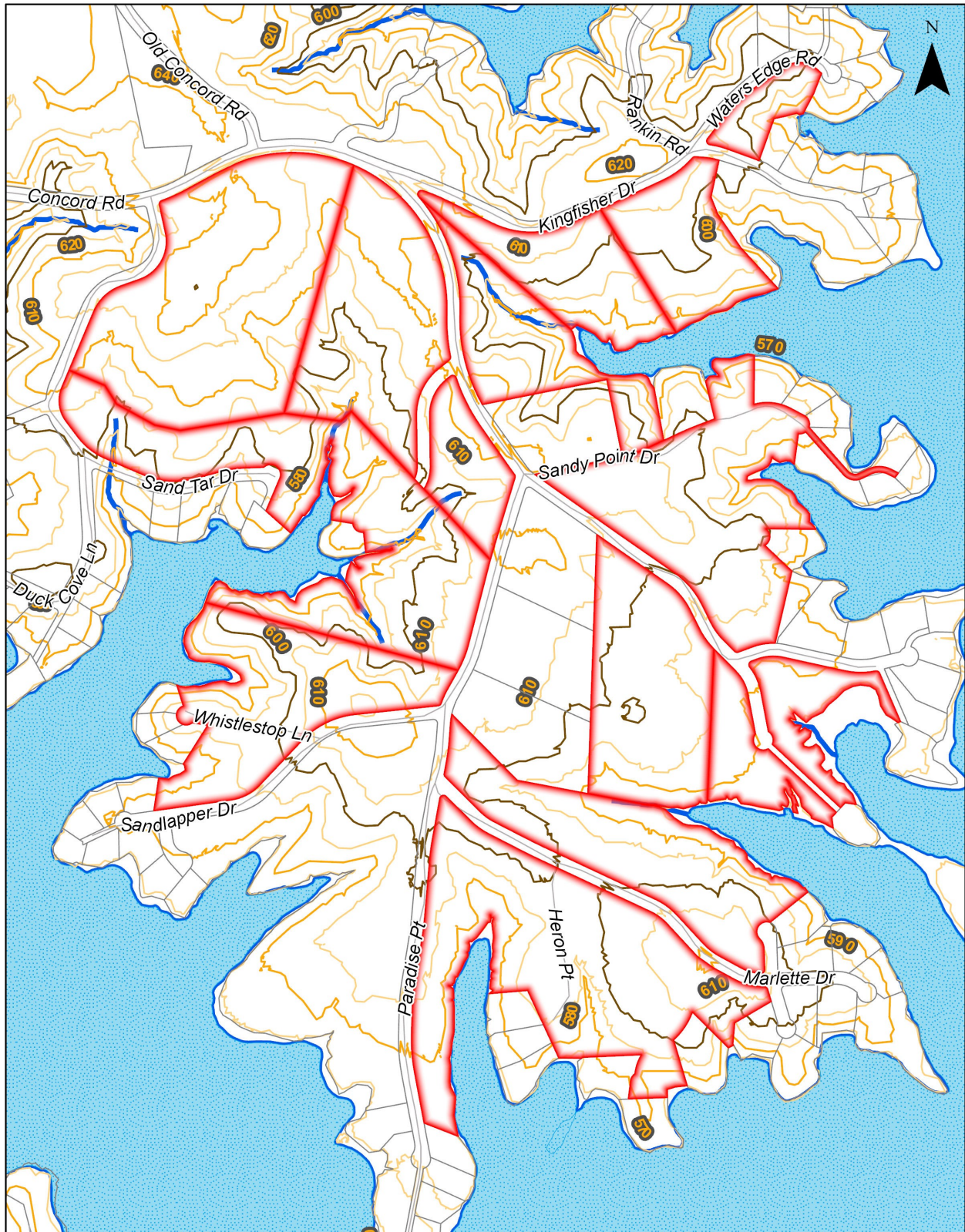
Attachment: 24-32 PC Packet (8668 : 24-32)

Exhibit D - Aerial Map—Parcel



NC CGIA, York County Govt, SC, Mxar, Microsoft

Attachment: 24-32 PC Packet (8668 : 24-32)

Exhibit E - Environmental Map

Attachment: 24-32 PC Packet (8668 : 24-32)

Exhibit F - Proposed Subdivision

 The John R. Mc
2100 Sou
Se
Charlot
phone 7
fax 91
license n
www.mca

OWNER
TITAN LAND PARTN
200 N. HARBOR PLA
SUITE G
DAVIDSON, NORTH
benjaminv12@yahoo
828-342-3071

LEGACY POINT

PRELIMINARY
NOT FOR REPRODUCTION
CONVEYANCE

INS

DATE _____

PLAN INFORM

PROJECT NO.	M
FILENAME	M
CHECKED BY	KS
DRAWN BY	JC
SCALE	1"
DATE	2.
SHEET	
EXEMPT	F

EXEMPT :

→



FOR LOT AND RIGHT-OF-WAY DETAILS SEE SHEETS 2-7.

Attachment: 24-32 PC Packet (8668 : 24-32)

SUPPLEMENTAL QUESTIONS

1. Please describe the purpose of the rezoning request and the project that is being proposed.
Current zoning does not allow for development compatible with surrounding uses

2. Are there existing structures on the site?

Yes ☐No ☒

If yes, please describe: _____

If this request is granted, will the existing structure(s) remain?

Yes ☐No ☐

If this request is granted, will the use of the structure(s) change?

Yes ☐No ☐

If yes, structure(s) must meet all current building and fire codes.

3. Does this request propose to utilize public water and sewer?

Yes ☐No ☒

If yes, municipal utility providers may require signed annexation agreements as a condition of providing services. Please contact your municipal service provider prior to submitting your application.

CERTIFICATION

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

Dan Ballou

6/5/24

APPLICANT(S)

DATE

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this rezoning application.

Jay Shott
Jay Shott (Jun 5, 2024 13:22 EDT)

6/5/24

PROPERTY OWNER(S)

DATE

I certify that any relevant restrictive covenants will be adhered to concerning this rezoning request. To assist verification, I have attached the relevant restrictive covenant information.

Dan Ballou

6/5/24

APPLICANT(S)

DATE

YOU MUST SUBMIT THE ORIGINAL OR DIGITAL SIGNATURES ABOVE. COPIED OR SCANNED IMAGES WILL NOT BE ACCEPTED. ATTACH OWNER'S NOTARIZED WRITTEN AUTHORIZATION IF OWNER'S SIGNATURE CANNOT BE OBTAINED. ALL PROPERTY OWNERS MUST SIGN ABOVE.

Titan Land Rezoning Application 6.5.24

Final Audit Report

2024-06-05

Created:	2024-06-05
By:	Morton & Gettys, LLC (leah.mccraney@mortongettys.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAALow8RsrYBOjhHU8RltjqNb7vY6ZWD

"Titan Land Rezoning Application 6.5.24" History

-  Document created by Morton & Gettys, LLC (leah.mccraney@mortongettys.com)
2024-06-05 - 5:12:02 PM GMT
-  Document emailed to Jay Shott (jshott@diamondbackllc.com) for signature
2024-06-05 - 5:13:28 PM GMT
-  Email viewed by Jay Shott (jshott@diamondbackllc.com)
2024-06-05 - 5:21:28 PM GMT
-  Document e-signed by Jay Shott (jshott@diamondbackllc.com)
Signature Date: 2024-06-05 - 5:22:01 PM GMT - Time Source: server
-  Document emailed to Dan Ballou (dan.ballou@mortongettys.com) for signature
2024-06-05 - 5:22:04 PM GMT
-  Email viewed by Dan Ballou (dan.ballou@mortongettys.com)
2024-06-05 - 5:24:45 PM GMT
-  Document e-signed by Dan Ballou (dan.ballou@mortongettys.com)
Signature Date: 2024-06-05 - 5:25:25 PM GMT - Time Source: server
-  Agreement completed.
2024-06-05 - 5:25:25 PM GMT

Attachment: 24-32 PC Packet (8668 : 24-32)



Adobe Acrobat Sign

PLANNING COMMISSION

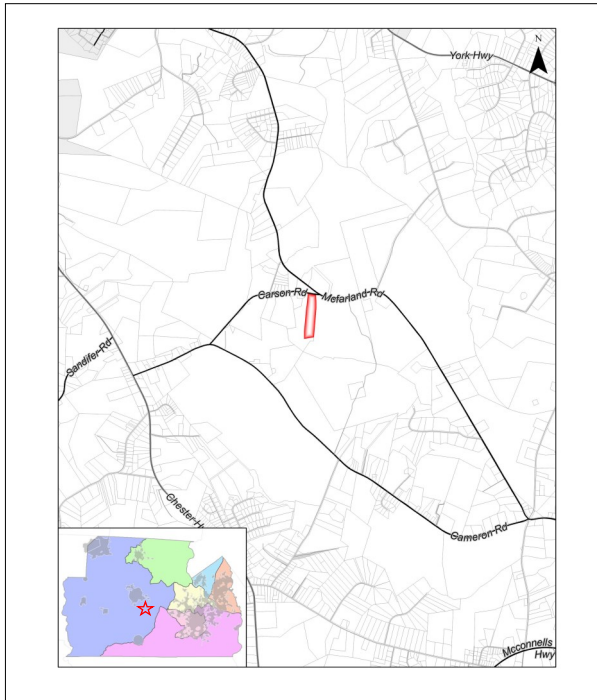
REZONING 24-33 ADAM AND BRANDY SPEAKE (APPLICANTS) JOSH AND KYLIE GREENE (OWNERS); REQUESTING TO REZONE A 2-ACRE PORTION OF A 21-ACRE PARCEL FROM AGC TO RUD. THE SUBJECT PARCEL IS LOCATED AT 811 CARSON ROAD, YORK. THE PROPERTY IS REFERENCED AS TAX MAP NUMBER 401-00-00-007; COUNCIL DISTRICT 3 - ADKINS.



Planning Commission

July 8, 2024

Case: 24-33
Staff Report



REQUEST SUMMARY

Applicant: Adam and Brandy Speake
Property Owner: Josh and Kylie Greene
Tax Map Number: 401-00-00-007
Address: 811 Carson Road, York
Council District: 3—Adkins

Requested Action: Rezone a +/- 2-acre portion of a 21-acre parcel from AGC to RUD

Staff Planner: Diane Dil, AICP
Staff Recommendation: Deny

PROJECT DESCRIPTION

The applicant is requesting to rezone a 2-acre portion of a 21-acre parcel from Agricultural Conservation (AGC) to Rural Development (RUD). The purpose is to subdivide the property and construct a single family home on the new two-acre parcel.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject parcel is designated with the *Agriculture* future land use in the *York Forward 2035* Comprehensive Plan. The designation is described as places where the predominate existing land uses are farmlands and timberlands, complemented by very-low density residential development, cottage industries, ag-supportive commercial, and agri-tourism operations. Rural commercial and industrial operations are located away from residential communities, and are often at intersections of rural roads.

The requested rezoning is not consistent with the land use designation of the York County 2035 Future Land Use map. There is a nine-parcel subdivision that is zoned RUD-I located approximately 1,000 feet west of the subject parcel. This twelve-acre site, which is isolated within a road network triangle, was rezoned from AGC in 2013. This RUD-I enclave should not be considered a reflection of the character of the immediate area around the application property, which is entirely large-lot agricultural. Given the conflict with the future land use map and not being adjacent to a parcel zoned RUD, if approved, this request could be considered spot zoning.

Any further rezoning to RUD in this area should be preceded by a Future Land Use map amendment to plan for a transition to rural residential.

Staff Analysis

PROPERTY DESCRIPTION

The subject parcel is 21-acres and currently contains one agricultural accessory building. The parcel contains areas of thick vegetation, pasture land, and a pond. A small portion of a blue line stream is located along the parcel's eastern border. The surrounding area is generally used for farming purposes, or single family dwellings on large lots.

Table 1: Property Context

PROXIMITY	CURRENT LAND USE	CURRENT ZONING	2035 LAND USE PLAN RECOMMENDATION
NORTH	Rural residential	AGC	Agriculture
SOUTH	Vacant	AGC	Agriculture
EAST	Vacant	AGC	Agriculture
WEST	Vacant	AGC	Agriculture

ZONING AND LAND USE HISTORY

- ◆ July 22, 1986: Parcel was originally zoned AGC.
- ◆ January 6, 2021: Recorded current deed of subject property (RB 18895, PG 81).
- ◆ December 28, 2020: Recorded current plat of subject property (PB 165, PG 453).

REZONING REQUEST

The applicant is requesting to rezone the 2.0 acres from AGC to RUD.

- ◆ *Current Zoning District: Agricultural Conservation (AGC). This district generally consists of the most agriculturally productive soils, and their loss cannot be readily compensated. Therefore, the district is intended to preserve areas under cultivation and prime agricultural soils for continued agricultural and agriculturally-oriented uses, protect and support the business of agriculture, and protect agricultural character.*
- ◆ *Proposed Zoning District: Rural Development (RUD). This district is intended to protect and preserve areas of the County that are presently rural or agricultural in character and use, and serves to discourage rapid growth while allowing growth through orderly use and timely transition of rural areas.*

Table 2: Zoning District Comparison

	ZONING DISTRICT: AGC	ZONING DISTRICT: RUD
MINIMUM LOT SIZE	5 Acres	1 Acre
PERMITTED LAND USES	Residential; Agriculture uses	Residential; Agriculture uses

Exhibit A - Existing Zoning Map



Exhibit B - 2035 Land Use Plan



FINDINGS

Per Section 155.1139 of the York County Code of Ordinances, the Planning Commission must consider the following factors when making a recommendation on any proposed amendment to the zoning map.

A. The relationship between the request and the Comprehensive Plan and Future Land Use Map.

The subject parcel is designated with the *Agriculture* future land use in the York Forward 2035 Comprehensive Plan. The designation is described as places where the predominate existing land uses are farmlands and timberlands, complemented by very-low density residential development, cottage industries, ag-supportive commercial, and agri-tourism operations. Rural commercial and industrial operations are located away from residential communities, and are often at intersections of rural roads.

B. Whether the request is consistent with the Comprehensive Plan and Future Land Use Map.

The requested rezoning is not consistent with the land use designation of the York County 2035 Future Land Use map. There is a nine-parcel subdivision that is zoned RUD-I located approximately 1,000 feet west of the subject parcel. This twelve-acre site, which is isolated within a road network triangle, was rezoned from AGC in 2013. This RUD-I enclave should not be considered a reflection of the character of the immediate area around the application property, which is entirely large-lot agricultural. Given the conflict with the future land use map and not being adjacent to a parcel zoned RUD, if approved, this request could be considered spot zoning.

Any further rezoning to RUD in this area should be preceded by a Future Land Use map amendment to plan for a transition to rural residential.

C. Whether the allowed uses in the requested zoning district would be compatible with surrounding land uses.

The allowed uses of the proposed zoning district are compatible with the surrounding area. The AGC and RUD zoning districts allow single family residential homes as well as the keeping of animals and cultivating crops.

D. Whether the scale of the proposed development is compatible with the surrounding land uses or the intended future land uses.

The scale of the development is not compatible with the surrounding land uses. There are only a couple parcels of similar size within the general vicinity. In fact, the vast majority of the parcels in this area are much larger than even the five acre minimum lot size.

E. Whether adequate capacity at public school facilities exists or is planned to serve the needs of the proposed development.

Only one new home will be constructed as a result of this rezoning, therefore there will be minimal impact on the public school facilities.

F. Whether the proposed project will request to connect to public water and sewer service and what entity would provide these utilities.

The property is located within the York County utility service area, but the applicant will use private well and septic.

G. The relationship of the request to the existing road network, current road capacity, and the most recent annual average daily trip counts.

The parcel to be rezoned has frontage on Carson Road, which is maintained by SCDOT as S-334. Carson Road is designated as a local collector road with an average daily volume of 900 trips. Carson Road is currently a paved, two-lane roadway with a posted speed limit of 45 mph. Carson Road intersects with McFarland Road, which is designated as a minor arterial roadway with an average volume of 1,350 trips per day.

The applicant proposes to subdivide the parcel and construct one single-family dwelling. The development is not expected to generate enough traffic to negatively impact the surrounding transportation network.

H. Whether the inclusion of certain conditions of approval for the request would better achieve the goals of the Comprehensive Plan.

If the motion is to approve, staff recommends the following condition as part of the rezoning:

1. The property must be subdivided so that no more than one zoning district is applied to a parcel. An approved subdivision plat encompassing the portion of the property zoned RUD shall be recorded with the York County Register of Deeds within 90 days of the rezoning approval.

NEXT STEPS

The rezoning request is anticipated to follow the process below:

- | | |
|------------------------------------|--------------------|
| ♦ Public Hearing: | August 19, 2024 |
| ♦ County Council (First Reading): | August 19, 2024 |
| ♦ County Council (Second Reading): | September 3, 2024 |
| ♦ County Council (Third Reading): | September 16, 2024 |

PLANNING AND DEVELOPMENT STAFF CONTACT

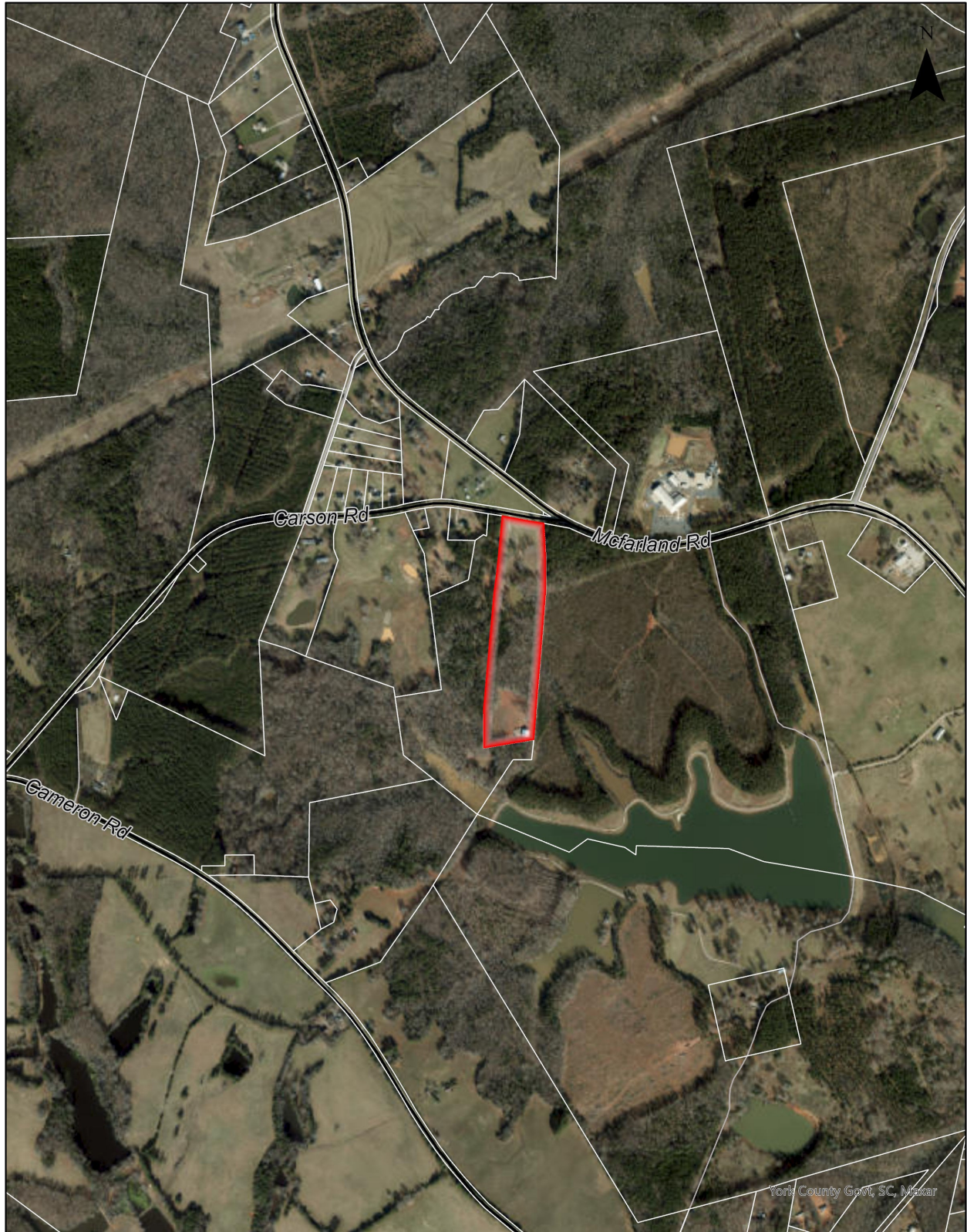
Diane Dil, AICP

Planning Manager

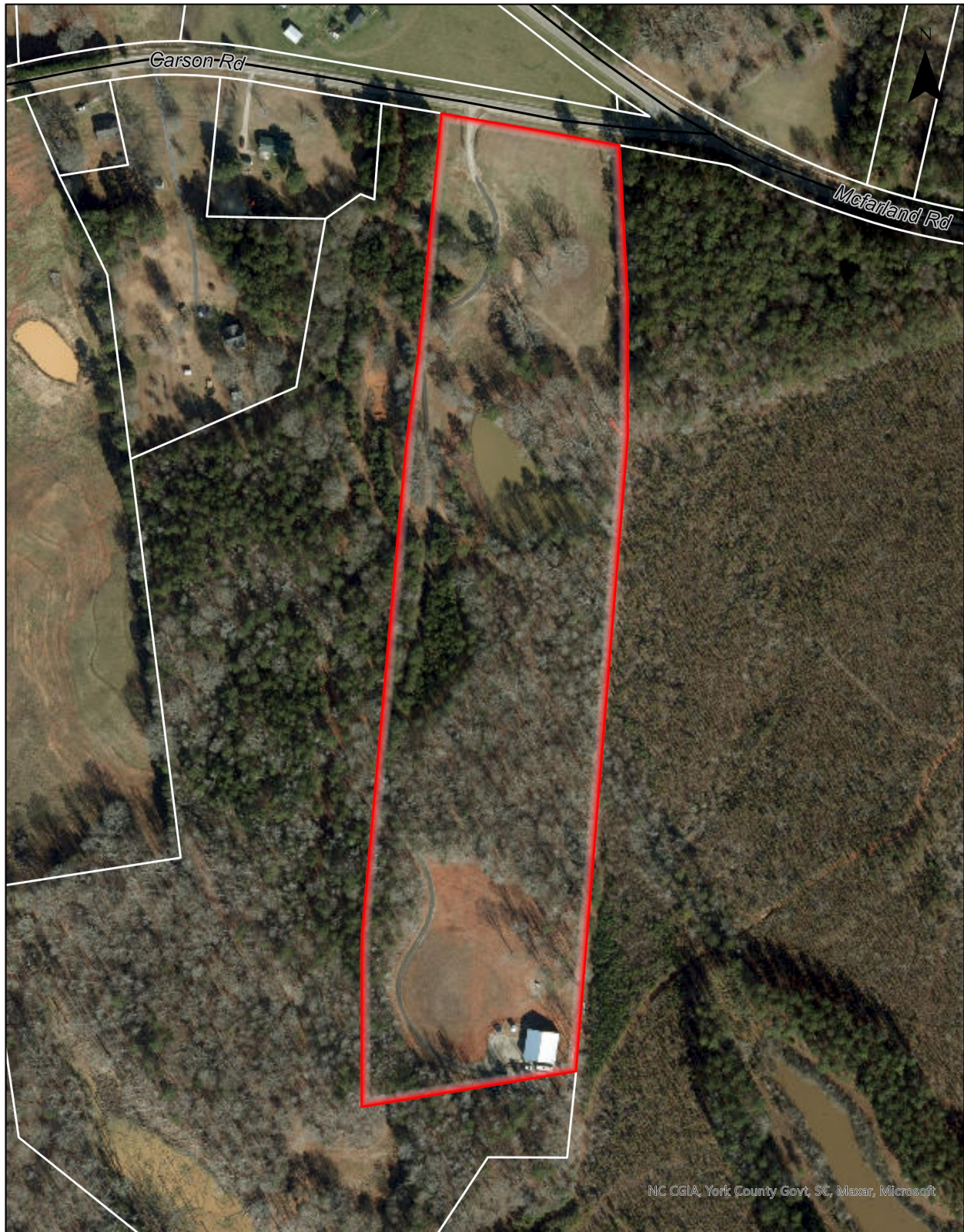
(803) 909-7223

diane.dil@yorkcountygov.com

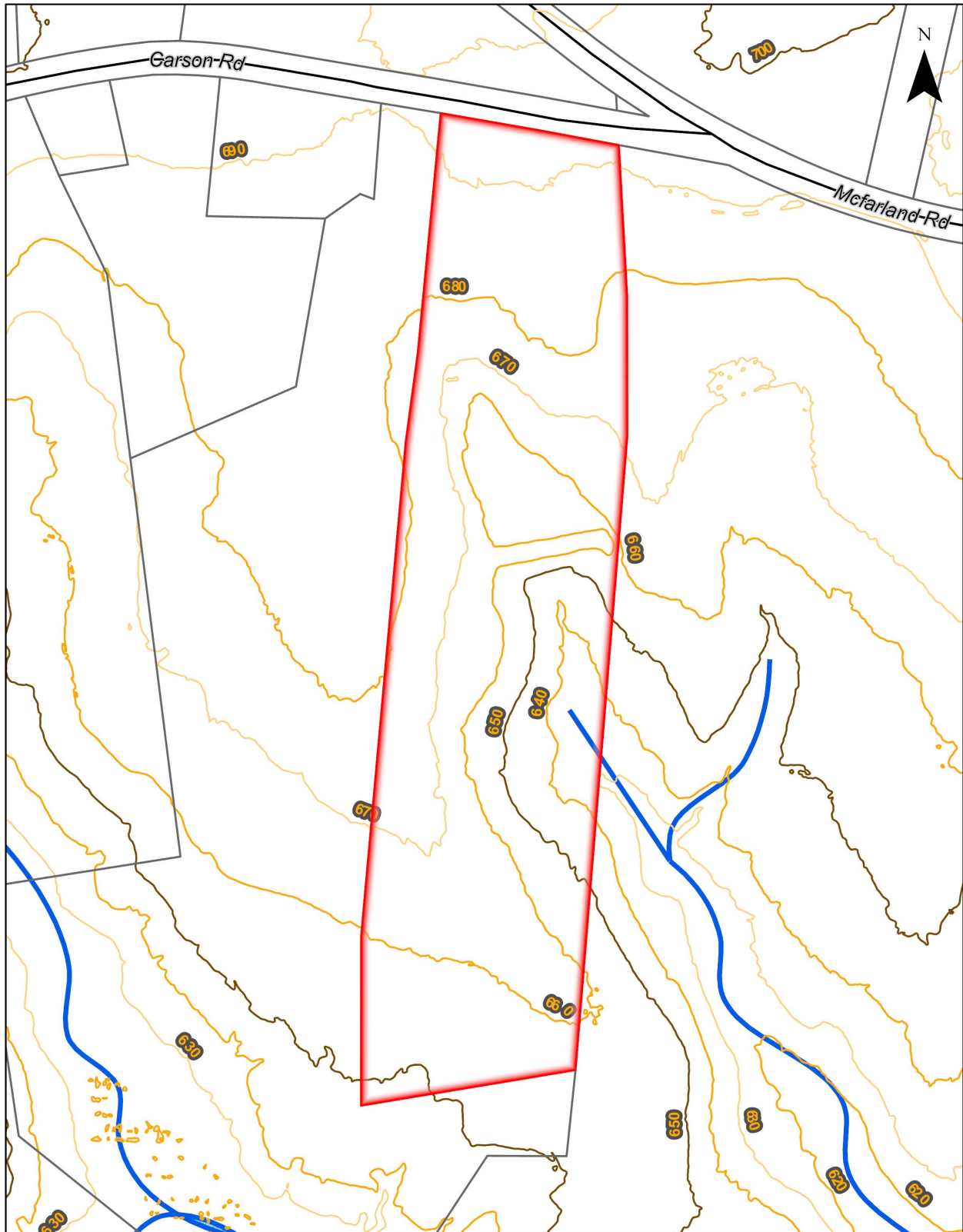
Exhibit C - Aerial Map



Attachment: 24-33 PC Packet (8669 : 24-33)

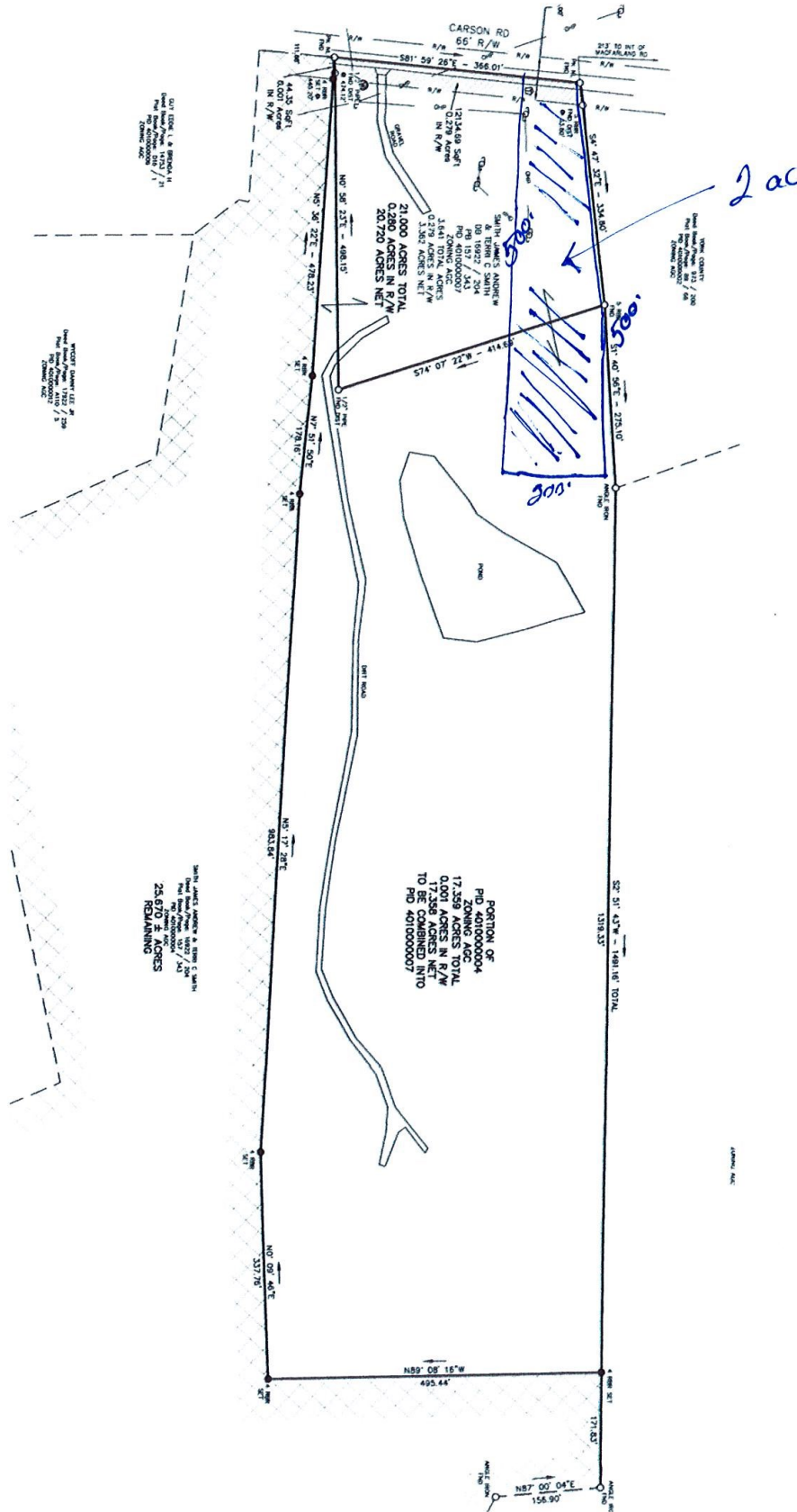
Exhibit D - Aerial Map—Parcel

Attachment: 24-33 PC Packet (8669 : 24-33)

Exhibit E - Environmental Map

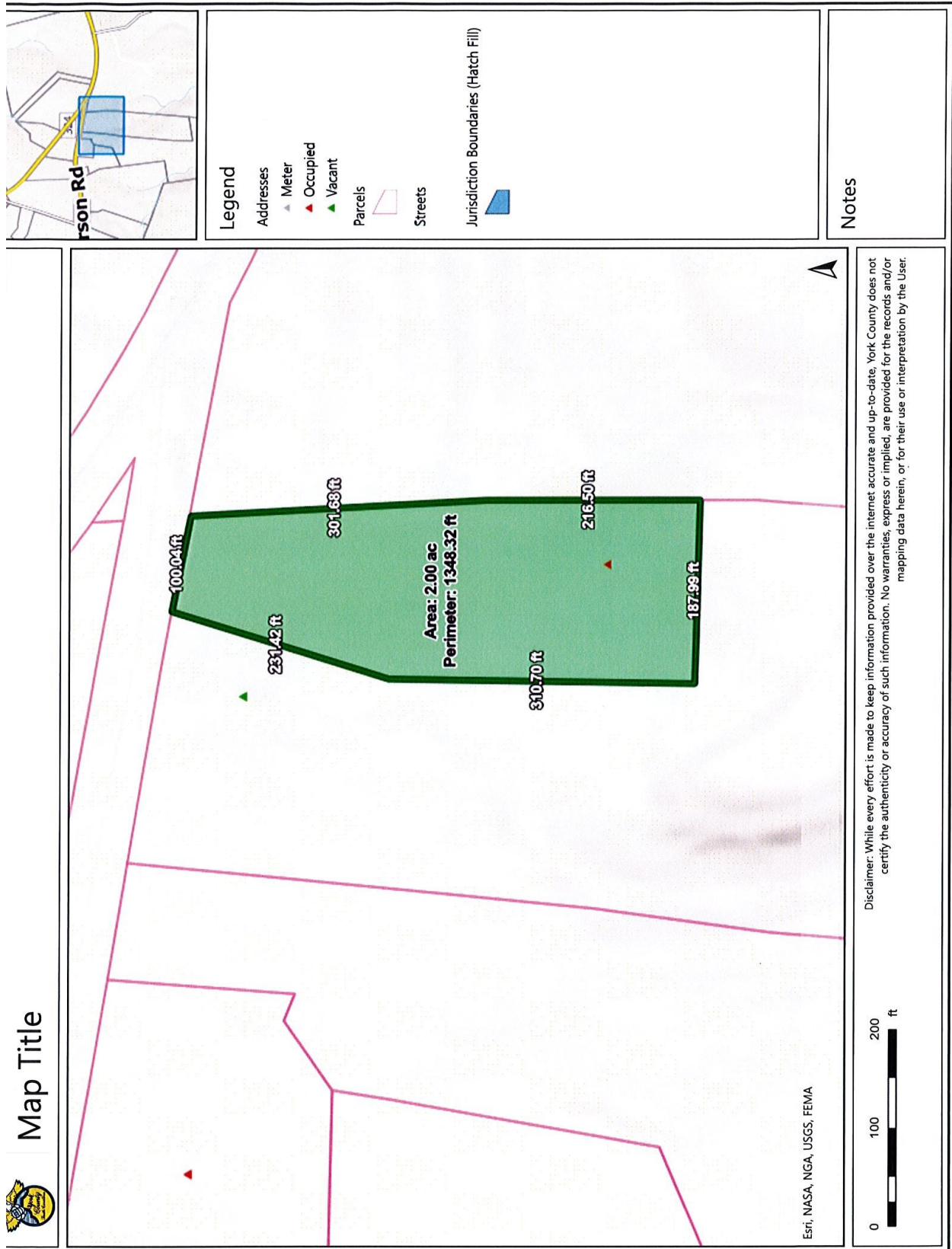
Attachment: 24-33 PC Packet (8669 : 24-33)

Exhibit F - Proposed Subdivision



Attachment: 24-33 PC Packet (8669 : 24-33)

Exhibit G - Proposed Subdivision





YORK COUNTY REZONING APPLICATION

APPLICANT AND OWNER INFORMATION

APPLICANT NAME(S): Adam & Brandy Speake
 ADDRESS: 1661 California Rd., York, SC 29745
 PHONE: B-864.980.0394 A-864.980.5347
 WORK HOME MOBILE
 EMAIL ADDRESS: aspeakecu@gmail.com

PROPERTY OWNER NAME(S): Josh & Kylie Greene
 ADDRESS: 811 Carson Rd., York, SC 29745
 PHONE: J-803.554.1805
 WORK HOME MOBILE
 EMAIL ADDRESS: _____

PROPERTY INFORMATION

PROPERTY ADDRESS: 811 Carson Rd., York, SC 29745
 PROPERTY TAX MAP #(s): 4010000007
 LAND AREA (ACRES) TOTAL: 21 AREA TO BE REZONED: 2
 ZONING CURRENT: AGC PROPOSED: RUD
 2035 LAND USE PLAN DESIGNATION: AGC Agriculture
 CURRENT USE OF PROPERTY: ~~AGC~~ Vacant
 PROPOSED USE OF PROPERTY: to build single family home
 TOTAL AREA OF PROPOSED BUILDINGS (COMMERCIAL): N/A
 TOTAL # OF DWELLING UNITS (RESIDENTIAL): 1
 UTILITY PROVIDERS WATER: well SEWER: septic
 SCHOOL DISTRICT: 1 COUNTY COUNCIL DISTRICT: 3

SUPPLEMENTAL QUESTIONS

1. Please describe the purpose of the rezoning request and the project that is being proposed.

Sub-divide 2 acre parcel in the front corner of the property to sell to Adam & Brandy Speake to build a single family home.

2. Are there existing structures on the site?

Yes ☐

No ☒

If yes, please describe: _____

If this request is granted, will the existing structure(s) remain?

Yes ☐

No ☐

If this request is granted, will the use of the structure(s) change?

Yes ☐

No ☐

If yes, structure(s) must meet all current building and fire codes.

3. Does this request propose to utilize public water and sewer?

Yes ☐

No ☒

If yes, municipal utility providers may require signed annexation agreements as a condition of providing services. Please contact your municipal service provider prior to submitting your application.

CERTIFICATION

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

(Adam Speake) Adam Speake

APPLICANT(S)

5.29.2024

DATE

(Brandy Speake) Brandy Speake

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this rezoning application.

(Josh Greene) Josh Greene

PROPERTY OWNER(S)

6/3/2024

DATE

Kylie Greene) Kylie Greene

I certify that any relevant restrictive covenants will be adhered to concerning this rezoning request. To assist verification, I have attached the relevant restrictive covenant information.

APPLICANT(S)

DATE

YOU MUST SUBMIT THE ORIGINAL OR DIGITAL SIGNATURES ABOVE. COPIED OR SCANNED IMAGES WILL NOT BE ACCEPTED. ATTACH OWNER'S NOTARIZED WRITTEN AUTHORIZATION IF OWNER'S SIGNATURE CANNOT BE OBTAINED. ALL PROPERTY OWNERS MUST SIGN ABOVE.

REZONING APPLICATION CHECKLIST

The attached application form must be filled out completely and must include the following supporting materials before a request can be accepted and considered complete:

- ☐ Pre-application meeting (optional)
- ☒ Application fee
- ☒ Plat or recent survey (if no recorded plat)
- ☒ Deed
- ☐ Preliminary site plan (include the following items as applicable)
 - Proposed and existing structures with square footage
 - Parking areas
 - Open space areas
- ☐ Sketch plan and detailed development plan (Special Districts Only)
- ☐ Restrictive covenants (provide the latest recorded copy, if applicable)

Staff may request additional information as part of the application

OFFICE USE ONLY

AMOUNT PAID: 600- CHECK #: _____ CASH AMOUNT: _____

DATE RECEIVED: 6/3/24 RECEIPT #: 67532

APPLICATION RECEIVED BY: Diane Dil

APPLICATION REVIEWED BY: Diane Dil

Attachment: 24-33 PC Packet (8669 : 24-33)

Any information provided on this document may be subject to the SC Freedom of Information Act and may be disclosed to third parties in accordance with applicable law.

PLANNING COMMISSION

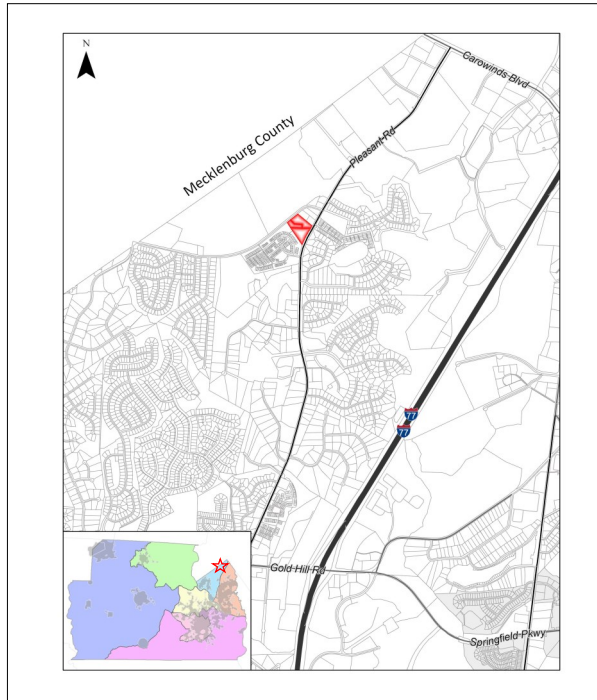
REZONING 24-34 KINGS MOUNTAIN INVESTMENTS LLC AND PSQUARE INVESTMENTS LLC (APPLICANT/OWNER); REQUESTING TO REZONE THREE PARCELS THAT TOTAL 6.5-ACRES FROM RSF-40 TO OI. THE SUBJECT PARCELS ARE LOCATED AT 3701 AND 3717 PLEASANT ROAD AND 1291 ALTURA ROAD, FORT MILL. THE PROPERTIES ARE REFERENCED AS TAX MAP NUMBERS 720-00-00-007; -008; -260; COUNCIL DISTRICT 1 - AUDETTE.



Planning Commission

July 8, 2024

Case: 24-34
Staff Report



REQUEST SUMMARY

Applicant: Kings Mountain Investments LLC/
PSquare Investments LLC

Property Owner: Kings Mountain Investments
LLC/PSquare Investments LLC

Tax Map Number: 720-00-00-007; -008, -260

Address: 3701 and 3717 Pleasant Road and
1291 Altura Road, Fort Mill

Council District: 1-Audette

Requested Action: Rezone +/-6.5 acres from
RSF-40 to OI

Staff Planner: Diane Dil, AICP

Staff Recommendation: Approve

PROJECT DESCRIPTION

The applicant is requesting to rezone three parcels for a total of 6.5-acres from Residential Single Family-40 to Office and Institutional (OI). The applicant proposes to develop the site with a variety of uses, which may include a daycare, medical office building, and professional services.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The subject parcels are designated with the *Neighborhood Residential* future land use in the *York Forward 2035 Comprehensive Plan*. This designation is described as places comprised of a mix of housing types and residential lot sizes located in close proximity to neighborhood-serving uses at intersections of major streets, where appropriate. Commercial, office, and civic uses may be clustered along major streets and are complementary in appearance to the surrounding neighborhoods.

The request to rezone to the OI district is consistent with the 2035 Future Land Use Map. This zoning district can serve as a transition between industrial and commercial areas, or between commercial and residential areas. The three parcels, assembled to develop a professional office center, will serve as a transition between the large distribution centers north of Steele Creek and the residential communities to the south.

Staff Analysis

PROPERTY DESCRIPTION

The 6.5-acre subject area consists of three parcels. Two parcels contain vacant single family homes with areas of thick vegetation. The other parcel contains the remnants of an unpermitted landscape business. There are no streams or water features on any of the parcels. The intersection of Altura and Pleasant Roads serves as a transition point between the commercial and distribution centers to the north and the residential uses to the south.

Table 1: Property Context

PROXIMITY	CURRENT LAND USE	CURRENT ZONING	2035 LAND USE PLAN RECOMMENDATION
NORTH	Vacant	RSF-40	Neighborhood Residential
SOUTH	Townhomes	GC	Neighborhood Residential
EAST	SFR/Townhomes	PD	Neighborhood Residential
WEST	Office/Distribution	PD	I-77 Corridor Employment

ZONING AND LAND USE HISTORY

- ◆ July 22, 1986: The parcel was originally zoned RSF-40
- ◆ May 23, 1957: Recorded current plat of parcel 720-08 (PB 14, PG 269)
- ◆ March 18, 2015: Recorded current plat of parcel 720-07 and 720-260 (PB E305, PG 5)
- ◆ November 2, 2018: Recorded current deed of parcel 720-07 (RB 17262, PG 182)
- ◆ January 4, 2021: County Council denied request to rezone 720-260 to LI (Case 20-12)
- ◆ August 10, 2022: Recorded current deed of parcel 720-08 (RB 20342, PG 236)
- ◆ April 28, 2023: Recorded current deed of parcel 720-260 (RB 20730, PG 194)

REZONING REQUEST

The applicant is requesting to rezone approximately 6.5-acres from RSF-40 to OI.

- ◆ *Current Zoning District: The district accommodates single-family residential uses on lots generally with a minimum area of 40,000 square feet, is designed to preserve and protect the character of existing large-lot residential subdivisions in areas transitioning from rural to suburban development patterns, and is intended to encourage residential development that complements the character of large-lot residential subdivisions.*
- ◆ *Proposed Zoning District: The District is designed to provide land area for office and institutional development and may be appropriate as a transitional district between industrial and commercial areas or between commercial and residential areas.*

Table 2: Zoning District Comparison

	ZONING DISTRICT: RSF-40	ZONING DISTRICT: OI
MINIMUM LOT SIZE	40,000 SF	None
PERMITTED LAND USES	Single family residential	Daycare, medical office, schools

Exhibit A - Existing Zoning Map

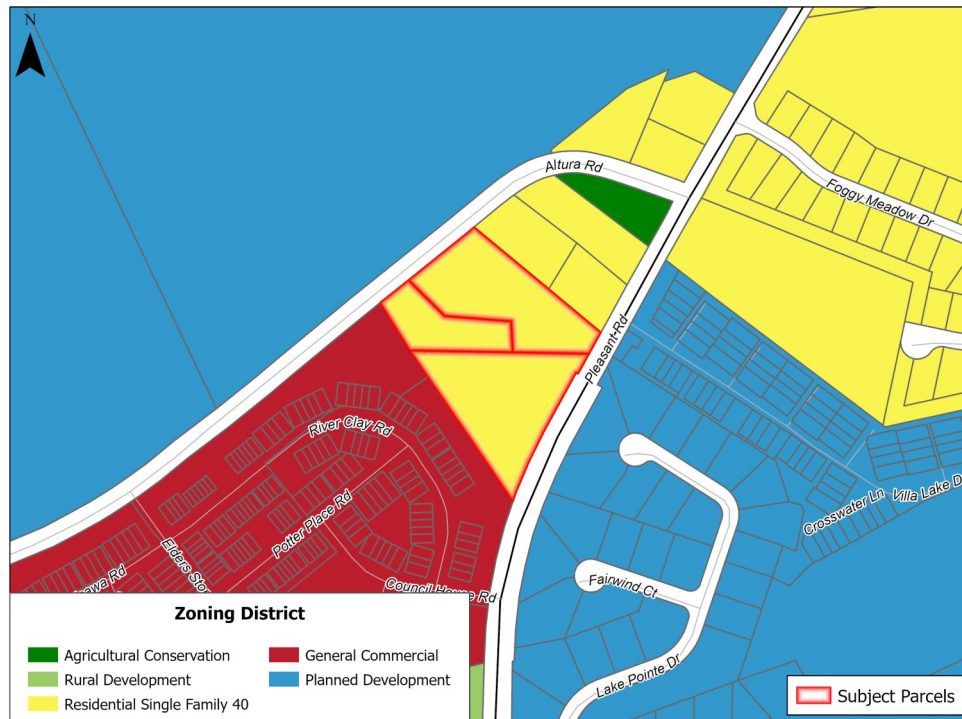
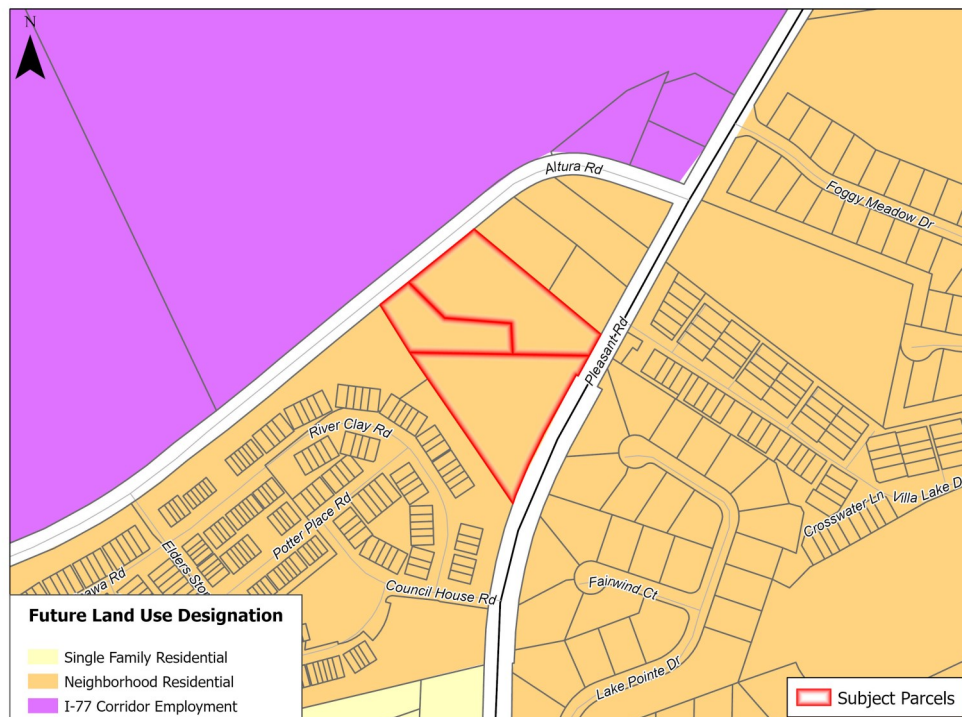


Exhibit B - 2035 Land Use Plan



FINDINGS

Per Section 155.1139 of the York County Code of Ordinances, the Planning Commission must consider the following factors when making a recommendation on any proposed amendment to the zoning map.

A. The relationship between the request and the Comprehensive Plan and Future Land Use Map.

The subject parcels are designated with the *Neighborhood Residential* future land use in the *York Forward 2035* Comprehensive Plan. This designation is described as places comprised of a mix of housing types and residential lot sizes located in close proximity to neighborhood-serving uses at intersections of major streets, where appropriate. Commercial, office, and civic uses may be clustered along major streets and are complementary in appearance to the surrounding neighborhoods.

B. Whether the request is consistent with the Comprehensive Plan and Future Land Use Map.

The request to rezone to the OI district is consistent with the 2035 Future Land Use Map. This zoning district can serve as a transition between industrial and commercial areas, or between commercial and residential areas. The three parcels, assembled to develop a professional office center, will serve as a transition between the large distribution centers north of Steele Creek and the residential communities to the south.

C. Whether the allowed uses in the requested zoning district would be compatible with surrounding land uses.

The allowed uses of the proposed zoning district are compatible with the surrounding area. The area along Pleasant Road between Altura Road and Gold Hill Road contains a mixture of residential types at various densities. Office, educational, healthcare, and other institutional land uses will conveniently provide necessary services for the nearby residential uses.

D. Whether the scale of the proposed development is compatible with the surrounding land uses or the intended future land uses.

The scale of the development is compatible with the surrounding land uses. Based upon the sketch plan submitted with the rezoning application, the subject parcels can accommodate three buildings between 7,000 and 20,000 square feet with required, stormwater, parking, and open spaces areas. This is much smaller than the existing 275,000 square foot building on the opposite side of Altura Road, as well as the many large distribution sites further north along Pleasant Road.

E. Whether adequate capacity at public school facilities exists or is planned to serve the needs of the proposed development.

The request is for a non-residential district, therefore there will be no impact on the public school facilities with this rezoning request.

F. Whether the proposed project will request to connect to public water and sewer service and what entity would provide these utilities.

The parcels are located within the York County utility service area and intend to utilize public water and sewer services.

G. The relationship of the request to the existing road network, current road capacity, and the most recent annual average daily trip counts.

The parcels to be rezoned have frontage on Altura Road and Pleasant Road, both of which are maintained by SCDOT as S-773 and S-22, respectively. Altura Road is designated as a collector roadway, and there is currently no count data available. Altura Road intersects with Pleasant Road at a signalized intersection. Pleasant Road is designated as a minor arterial roadway with an average daily volume of 10,800 trips per day. Pleasant Road is currently a paved, two-lane roadway with a posted speed limit of 45 mph.

The applicant is proposing to develop the parcels for a daycare, medical offices, and professional service uses. During the review of the civil construction plans, the applicant will be required to submit a TIA-Site Evaluation to determine if a traffic study is warranted.

H. Whether the inclusion of certain conditions of approval for the request would better achieve the goals of the Comprehensive Plan.

Staff does not recommend any conditions as part of the approval.

NEXT STEPS

The rezoning request is anticipated to follow the process below:

- | | |
|------------------------------------|--------------------|
| ♦ Public Hearing: | August 19, 2024 |
| ♦ County Council (First Reading): | August 19, 2024 |
| ♦ County Council (Second Reading): | September 3, 2024 |
| ♦ County Council (Third Reading): | September 16, 2024 |

PLANNING AND DEVELOPMENT STAFF CONTACT

Diane Dil, AICP

Planning Manager

(803) 909-7223

diane.dil@yorkcountygov.com

Exhibit C - Aerial Map—General Vicinity



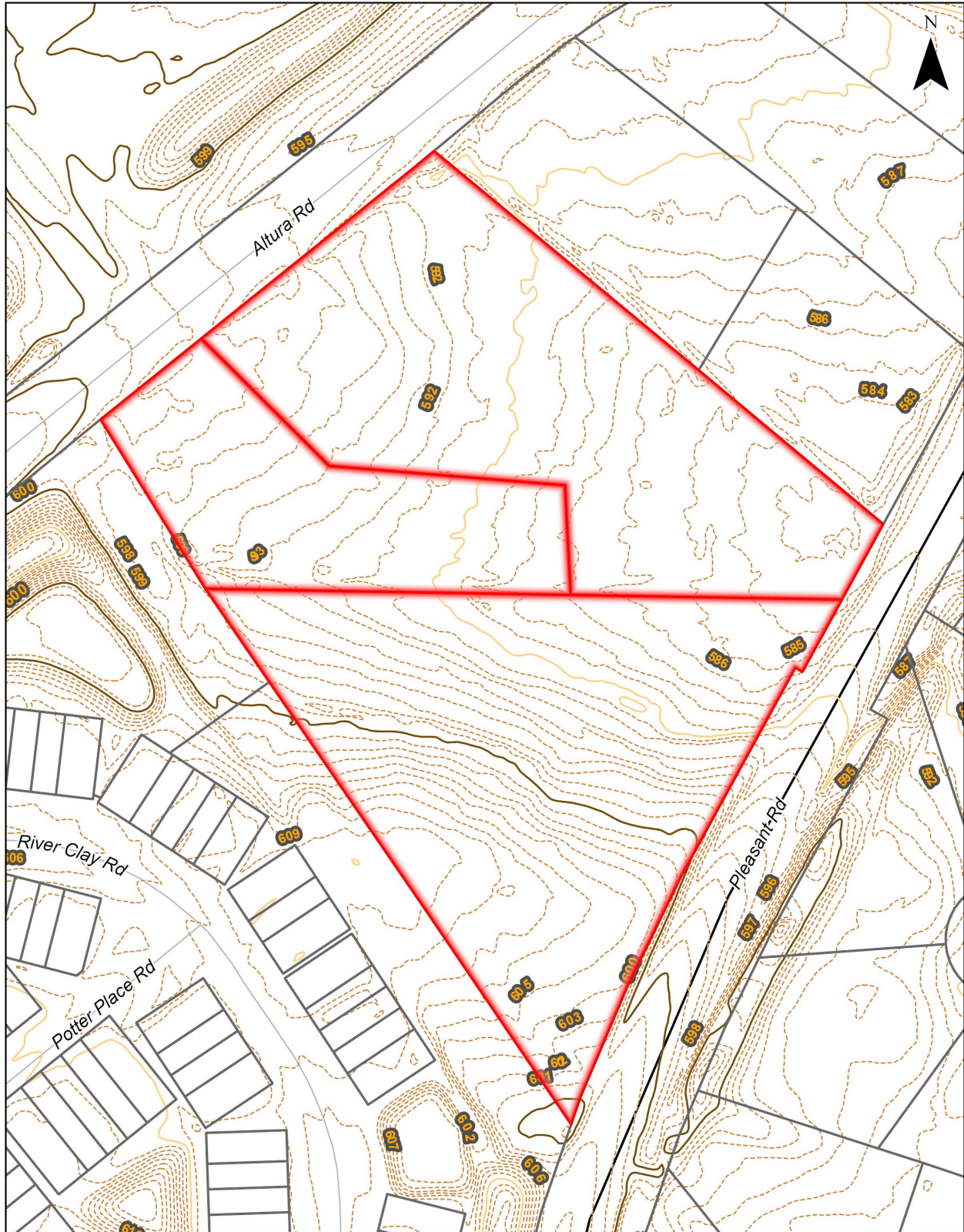
Attachment: 24-34 PC Packet (8670 : 24-34)

Exhibit D - Aerial Map—Parcel



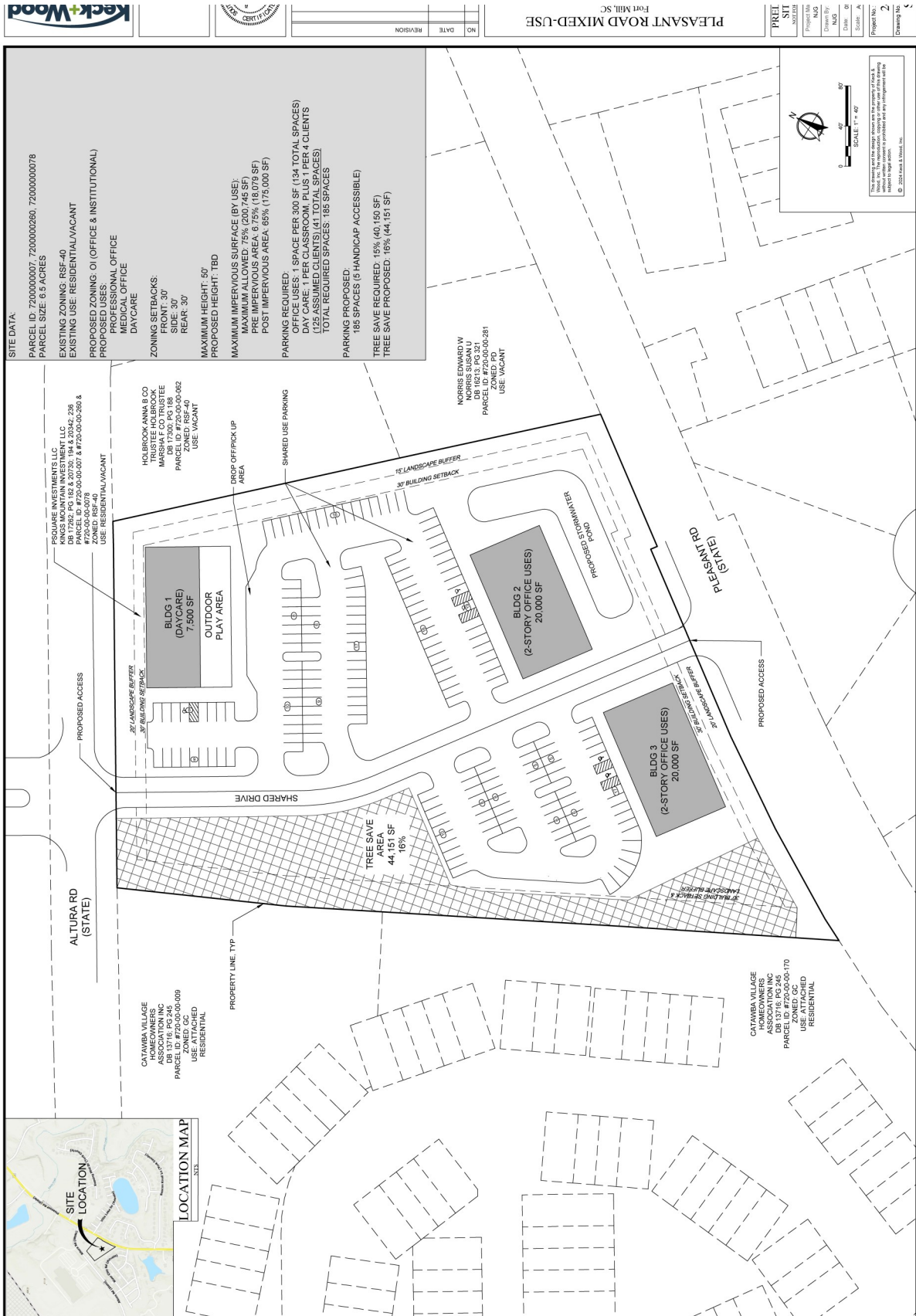
Attachment: 24-34 PC Packet (8670 : 24-34)

Exhibit E - Environmental Map



Attachment: 24-34 PC Packet (8670 : 24-34)

Exhibit F - Site Plan



Attachment: 24-34 PC Packet (8670 : 24-34)

YORK COUNTY REZONING APPLICATION

APPLICANT NAME(S): Kings Mountain Investments, LLC and PSquare Investments, LLC

ADDRESS: 2063 Brownwich Drive, Fort Mill, SC 29708

PHONE: 980-939-4249 980-939-4249

WORK HOME MOBILE

EMAIL ADDRESS: kuchimanchi@gmail.com

PROPERTY OWNER NAME(S): Kings Mountain Investments, LLC and PSquare Investments, LLC

ADDRESS: 2063 Brownwich Drive, Fort Mill, SC 29708

PHONE: 980-939-4249 980-939-4249

WORK HOME MOBILE

EMAIL ADDRESS: Kuchimanchi@gmail.com

PROPERTY ADDRESS: 3717 Pleasant Rd., 1291 Altura Rd., 3701 Pleasant Rd.
PROPERTY TAX MAP #(s): 720-00-00-007, 720-00-00260. 720-00-00-008
LAND AREA (ACRES) TOTAL: 6.4 AREA TO BE REZONED: 6.5
ZONING CURRENT: RC-1 PROPOSED: O/I
2035 LAND USE PLAN DESIGNATION: Neighborhood Residential
CURRENT USE OF PROPERTY: Residential
PROPOSED USE OF PROPERTY: Professional Office, Daycare
TOTAL AREA OF PROPOSED BUILDINGS (COMMERCIAL): See Sketch Plan
TOTAL # OF DWELLING UNITS (RESIDENTIAL): _____
UTILITY PROVIDERS WATER: York County SEWER: York County
SCHOOL DISTRICT: Fort Mill COUNTY COUNCIL DISTRICT: District 1

SUPPLEMENTAL QUESTIONS

1. Please describe the purpose of the rezoning request and the project that is being proposed.

Rezoning three PARCELL ASSEMBLAGE FROM RC-1 to O/I for the purposes of developing a professional office and daycare development

2. Are there existing structures on the site?

Yes ☒

No ☐

If yes, please describe: Two Single Family Unoccupied vacated Dwellings

If this request is granted, will the existing structure(s) remain?

Yes ☐

No ☒

If this request is granted, will the use of the structure(s) change?

Yes ☐

No ☒

If yes, structure(s) must meet all current building and fire codes.

3. Does this request propose to utilize public water and sewer?

Yes ☒

No ☐

If yes, municipal utility providers may require signed annexation agreements as a condition of providing services. Please contact your municipal service provider prior to submitting your application.

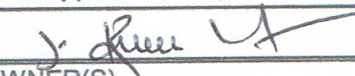
CERTIFICATION

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

J. P. Hume 
APPLICANT(S)

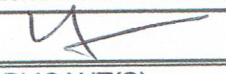
06/01/2024
DATE

I (we) certify that I (we) are the owners of the property involved in this application and further that I (we) designate the person signing as applicant to represent me (us) in this rezoning application.

R. Hume 
PROPERTY OWNER(S)

06/01/2024
DATE

I certify that any relevant restrictive covenants will be adhered to concerning this rezoning request. To assist verification, I have attached the relevant restrictive covenant information.

J. P. Hume 
APPLICANT(S)

06/01/2024
DATE

YOU MUST SUBMIT THE ORIGINAL OR DIGITAL SIGNATURES ABOVE. COPIED OR SCANNED IMAGES WILL NOT BE ACCEPTED. ATTACH OWNER'S NOTARIZED WRITTEN AUTHORIZATION IF OWNER'S SIGNATURE CANNOT BE OBTAINED. ALL PROPERTY OWNERS MUST SIGN ABOVE.

REZONING APPLICATION CHECKLIST

The attached application form must be filled out completely and must include the following supporting materials before a request can be accepted and considered complete:

- ☒ **Pre-application meeting (optional)**
- ☒ **Application fee**
- ☒ **Plat or recent survey (if no recorded plat)**
- ☒ **Deed**
- ☒ **Preliminary site plan** (include the following items as applicable)
 - Proposed and existing structures with square footage
 - Parking areas
 - Open space areas
- ☐ **Sketch plan and detailed development plan** (Special Districts Only)
- ☐ **Restrictive covenants** (provide the latest recorded copy, if applicable)

****Staff may request additional information as part of the application****

OFFICE USE ONLY

AMOUNT PAID: _____ CHECK #: _____ CASH AMOUNT: _____

DATE RECEIVED: _____ RECEIPT #: _____

APPLICATION RECEIVED BY: _____

APPLICATION REVIEWED BY: _____

Any information provided on this document may be subject to the SC Freedom of Information Act and may be disclosed to third parties in accordance with applicable law.

**PLANNING COMMISSION
REZONING TRACKING SHEET**

Active Rezoning Cases													
Case	Tax Map ID	Applicant / Owner	Council District	Acres	Street	Current Zoning(s)	Proposed Zoning(s)	Comprehensive Plan Designation	Planning Commission	Public Hearing	County Council 1st Reading	County Council 2nd Reading	County Council 3rd Reading
24-13	3640000051	Burrell	2	0.295	St Paul Church Road	RMX-20	RSF-30	Single Family Residential	11-Mar Approve	1-Apr	1-Apr	15-Apr	6-May
24-14	6550000037	Caskey	1	1.35	Highway 160	UD	GC	Neighborhood Res/ Town Center	8-Apr Approve	6-May	6-May	20-May	3-Jun
24-15	6550000034	Caskey	1	0.79	Highway 160	UD	GC	Neighborhood Res/ Town Center	8-Apr Approve	6-May	6-May	20-May	3-Jun
24-17	3820000065	Clover School District	2	15.67	Blue Eagle Way	RMX-20	RSF-40	Rural Residential	8-Apr Approve	6-May	6-May	20-May	3-Jun
24-18	6510000012 6510000025	Boshears	1	2.19	Gold Hill Road	NC	GC	Neighborhood Res/ Neighborhood Cntr	8-Apr Approve	6-May	6-May	20-May	3-Jun
24-19	6390000049	Ellis	6	47.30	McClain Drive	RMX-20	RSF-40	Single Family Residential	8-Apr Approve	6-May	6-May	20-May	3-Jun
24-20	1910000005	Houser	3	2.0	Beersheba Road S.	GC	AGC	Agriculture	8-Apr Approve	6-May	6-May	20-May	3-Jun
24-21	3760000006	Caldwell	2	3.00	Glenn Road	AGC	RUD	Rural Residential	13-May Approve	3-Jun	17-Jun	15-Jul	19-Aug
24-22	6550201005	Metz/Adams	1	1.18	Highway 160	UD	GC	I-77 Emp Corridor/ Neighborhood Res	13-May Approve	3-Jun	3-Jun	17-Jun	15-Jul
24-23	Multiple Parcels	York County Council/Various	1, 7		Fort Mill Area	GC, OI, RMX-20	RMX-6	Various	13-May Approve	3-Jun	3-Jun	17-Jun	15-Jul
24-24	3860000005	Smith	2	3.77	Lincoln Road	RSF-40	RUD	Rural Residential	13-May Approve	3-Jun	3-Jun	17-Jun	15-Jul
24-26	3630000050 3630000053 3630000054 3630000055 3630000056 3630000057	Moses	2	9.25	Johnson Street	RSF-30	RUD	Single Family Residential	13-May Approve	3-Jun	3-Jun	17-Jun	15-Jul
24-28	1800000015	Buchanan	3	20	Ranger Road	RUD-I	RUD	Rural Residential	10-Jun Approve	15-Jul	15-Jul	19-Aug	3-Sep
24-30	5880106014 5880106015	Kilgore	6	0.40	W. Lakewood Road	RSF-40	RMX-10	Neighborhood Res	9-Jul	19-Aug	19-Aug	3-Sep	16-Sep
24-31	5860107002	Kakouras	6	0.602	Palmetto Drive	RSF-40	RMX-10	Neighborhood Res	9-Jul	19-Aug	19-Aug	3-Sep	16-Sep
24-32	Multiple Parcels	Ballou	2	215.29	Concord Road, Legacy Point	RMX-10	RUD	Rural Residential	9-Jul	19-Aug	19-Aug	3-Sep	16-Sep
24-33	4010000007	Speake	3	2.0	Carson Road	AGC	RUD	Agriculture	9-Jul	19-Aug	19-Aug	3-Sep	16-Sep
24-34	7200000007 7200000008 7200000260	Kings Mountain Investments/PSquare Investments	1	6.5	Altura and Pleasant Road	RSF-40	OI	Neighborhood Residential	9-Jul	19-Aug	19-Aug	3-Sep	16-Sep

Shaded fields indicate that the action has been completed at time of publication (June 27, 2024). If the County Council vote is to deny the rezoning request, that is the final action.

Attachment: Active Rezoning Cases 2024 07 (8666 : Rezoning Tracking Sheet)