
**UD REZONING PROJECT
CASE 17-39 UD DISTRICT 1 (SIGNED AGREEMENT FORMS)**

TO: PLANNING COMMISSION
FROM: PLANNING AND DEVELOPMENT
DATE: FRIDAY, DECEMBER 01, 2017
APPLICANT: YORK COUNTY COUNCIL
REQUEST: TO REZONE CERTAIN UD PARCELS WITHIN COUNCIL DISTRICT 1 TO RC II, RD-I, RD-II AND RUD AS RECOMMENDED BY STAFF AND REQUESTED BY PROPERTY OWNERS.

Staff Project Summary:

Background

The Urban Development District is a zoning classification that, when adopted in 1987, provided the ultimate flexibility or “free-for-all” of land uses. The district permitted virtually all uses currently permitted in each of the other zoning classifications combined. Because of this flexibility and use by right Euclidean zoning and development, incompatible land uses were created throughout the county.

On December 21, 2015, Council approved a Zoning Ordinance Text amendment that eliminated residential uses from the Urban Development (UD) District. The amendment’s purpose was part of a sweeping change to residential density/use standards in the York County Zoning Code. At the same time, residential uses were also eliminated from the BD-II district and multifamily/townhomes were eliminated from the RD-I district. This action was taken by the Council as an attempt to curb the explosive residential growth experienced in the urbanized areas of Lake Wylie and Fort Mill. It was also an attempt to reduce non-compatible uses occurring within the UD district.

Removing all residential uses from the permitted uses of the UD district created a significant number of nonconforming uses on UD parcels with existing residential uses. It also created hardships for property owners, in residential areas, who were anticipating developing their properties for residential uses. To resolve this issue, staff was directed to initiate a proactive rezoning effort. Due to the large number of properties impacted, staff will phase the project geographically based on Council District. This report covers District 1; located in the northern Fort Mill area.

Staff’s methodology to identify the impacted properties started by identifying all UD zoned parcels. From that list, staff identified those parcels having existing residential uses and vacant parcels in residential areas. Staff eliminated commercial properties and vacant parcels in predominantly commercial or future commercial areas. Staff used

GIS, Google Maps/Streetview, Tax Assessors information data, and field visits to vet the list. Once the list was vetted, staff began the process of assigning recommended zoning districts. To accomplish this task, staff evaluated existing zoning in the area, character, utility availability, use of the property, and 2035 Future Land Use Plan recommended land uses to finalize the list.

On September 28, 2017, Planning staff initiated the public process by inviting impacted property owners (72 total properties) to a meeting at the York Public Library in Fort Mill. The purpose of this meeting was to discuss the background of their zoning issues, process, and provide property owners with some options that included rezoning their property(s) to a zoning district consistent with one or more of the following: a zoning district consistent with the character of the area; a zoning district generally consistent with the land use plan; or a zoning district consistent with adjacent zoning. Property owners had the choice to opt out and remain UD at the meeting, but they were also advised that they could opt out until the third reading before Council. Property owners who decided to opt out did so with the understanding that if they chose to rezone their property in the future, they would be doing so as a standalone rezoning application under the application submittal requirements.

At the September 28 meeting, a total of 31 property owners attended the meeting (43%), and each were asked to confirm their preference and sign a confirmation form. Not all attendees filled out and returned the forms. In addition to the public meeting, staff has discussed the rezoning project with many property owners on the phone and via email. To date the planning department has received 28 forms indicating the owner's preference to rezone the property or to remain UD. Attached are the documents of 25 property owners who wish to rezone to a residential zoning district. Three forms indicated that the owner's wanted to remain in the UD zoning district, and are not attached as they will not be rezoned.

A second mailing was sent to property owners who did not attend the public meeting asking them to call the planning staff to discuss the UD zoning of their property. This letter resulted in the submittal of a few more forms, increasing the percentage of property owners who are interested in participating in the project.

Property Summary

There are twenty-five parcels that staff in recommending that the County move forward with the rezoning process at this time. Staff recommends these properties because the owners have informed (in writing) staff of their interest in changing their UD zoning to a residential zoning district. The individual forms for each property are attached to this report for reference. Also attached to this report is a map indicating the location and proposed zoning of each property

Recommended UD Zone Changes -District 1

Case #17-26()	TAXMAPID	OWNER NAME	STREET NAME	NEW ZONE	COMP PLAN
(1)	7210000017	BIVINS MERLYN J B A	BAXTER	RD-I	I77
(2)	7210000018	BIVINS DENNIS F & KELLY S	BAXTER	RD-I	I77
(3)	7210000024	BIVINS BRUCE GLENN	BAXTER	RC-II	I77
(4)	7210000066	BUCHANAN ESTHER B & WALTER W	BAXTER	RD-I	I77
(5)	7210000068	BIVINS DENNIS OR KELLY	BAXTER	RD-I	I77
(6)	7210000075	FOWLER SHERYL K	BAXTER	RD-I	I77
(7)	7260000012	GARRISON CHARLES & BARBARA	GARRISON FARM	RUD	NR
(8)	7260000022	GARRISON CHARLES & BARBARA	GARRISON FARM	RUD	NR
(9)	7260000038	BROWN NORMA S	PIKEVIEW	RD-I	NR
(10)	7260000049	PLYLER PAUL O & ELSIE C	PIKEVIEW	RD-I	NR
(11)	7260000050	BREHM RICHARD J	PIKEVIEW	RD-I	NR
(12)	7260000055	SMITH BARBARA BENNETT	PIKEVIEW	RD-II	NR
(13)	7260000063	SANDERS WILLIAM E JR	MARK TRAIL	RD-I	NR
(14)	7260000079	SMITH JONATHAN L	PIKEVIEW	RD-II	NR
(15)	7260000080	GARRISON CHARLES & BARBARA	GARRISON FARM	RUD	NR
(16)	7260000084	OSBORN EVELYN	PIKEVIEW	RD-I	NR
(17)	7260000085	SMITH CARL N & WENDY H	PIKEVIEW	RD-II	NR
(18)	7280000005	SIMMONS ROBERT S	HAMMOND	RUD	NR
(19)	7280000006	HAMMOND DAVID HARVEY	HAMMOND	RUD	NR
(20)	7280000040	FOSTER BRENDA HAMMOND	YORK SOUTHERN	RUD	NR
(21)	7280000045	WALTERS GREGORY J & LINDA J	HAMMOND	RD-I	NR
(22)	7280000046	POLSGROVE DENISE LABERDIA	HAMMOND	RUD	NR
(23)	7280000047	HAMMOND DAVID HARVEY JR	HAMMOND	RUD	NR
(24)	7280000048	ROLLINGS BILLY S & DEBRA P	OSBORNE FARM	RUD	NR
(25)	7280000049	MAST JOSEPH & LISA K	HAMMOND	RUD	NR

Cases #(1-6) is a neighborhood on Baxter Lane with single family residences (with the exception of (3) which contains a mobile home. Cases (7,8, and 15) are family owned

rural residential agricultural lots off Garrison Farm Rd. Cases (9-14) are an area along Pikeview which includes Mark Trail Lane that is primarily single family residential and an area where staff recommended the RD-I district . Cases (10, 12, and 14) are owned by the same family and requested RD-II because their properties abut an existing town home development. Cases (18-25) are a single family residential neighborhood where staff recommended a mixture of RD-I and RUD because of existing lot sizes. Many property owners requested RUD because of the ability to keep domestic farm animals and to retain the rural character of the neighborhood.

In addition to the 22 properties in District 1, a property owner from District 7 (Tax Map ID 6660201014, 1973 Rainey St.) saw the rezoning signs in her neighborhood and requested to be rezoned from UD to RC-II. This is the recommended zoning district for the area where this parcel is located. A map of this property is attached to this report.