

ORDINANCE NO. 306.2017

**AN ORDINANCE OF THE COUNTY COUNCIL OF KERSHAW COUNTY, SOUTH CAROLINA TO AMEND THE COUNTY'S OFFICIAL ZONING MAP DESIGNATION FOR TAX PARCEL #321-01-00-006 SPW FOR C and C Builders FROM RD-2 TO R-15 AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Kershaw County broad authority to provide a variety of services and functions within its jurisdiction, including but not limited to, utility planning, programming, and construction; transportation planning, programming and construction; land use planning and regulation; economic development, planning and programming; and similar activities and services; and

**WHEREAS**, Title 6, Chapter 29, et. seq., Code of Laws of South Carolina (SCCL), the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, herein after referred to as Section 6-29, provides the statutory enabling authority for Kershaw County to engage in planning and regulation of development within its jurisdiction; and

**WHEREAS**, the County Council adopted a Comprehensive Plan on August 14, 2007 pursuant to the requirements of Section 6-29-510, et. seq. SCCL; and

**WHEREAS**, the Planning and Zoning Commission is the designated local planning commission pursuant to the requirements of Section 6-29-310, et. seq.; and

**WHEREAS**, Section 6-29-710 SCCL and Article 6 of the Kershaw County Unified Code of Zoning and Land Development Regulations provide the authority and process for Kershaw County to prepare, periodically amend and enforce zoning regulations that are consistent with and implement the latest version of the adopted Comprehensive Plan; and

**WHEREAS**, pursuant to the requirements of Section 6-29-540, all public and private development proposals shall be reviewed by the Kershaw County Planning and Zoning Commission to ensure the proposed project is compatible with and implements the latest version of the Comprehensive Plan; and

**WHEREAS**, the Kershaw County Planning and Zoning Commission reviewed the proposed map amendment on April 10, 2017 and made findings of fact that the proposed amendment conforms to the requirements of the Comprehensive Plan and recommended the County Council adopt this Ordinance; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on April 10, 2017 as required by Article 6 of the Kershaw County Unified Code of Zoning and Land Development Regulations to consider the comments from the interested public and subsequently voted to recommend this Ordinance to County Council.

**NOW THEREFORE, BE IT ORDAINED** that the Official Zoning Map of Kershaw County, South Carolina is hereby amended to change the zoning classification for the property shown as TMS# 321-01-00-006 SPW from RD-2 to R-15 in conformance with the requirements stated above.

FILED  
2017 MAR 11 PM 3:35  
CLERK OF COURSE  
KERSHAW COUNTY  
SOUTH CAROLINA

**SEVERABILITY**

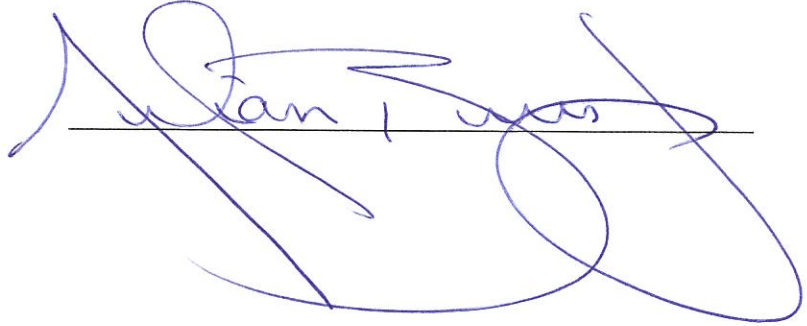
Should any section or provision of this ordinance be declared unconstitutional, or invalid for any reason, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, which is not specifically declared to be invalid, or unconstitutional.

**EFFECTIVE DATE**

This ordinance shall take effect immediately upon adoption.

ADOPTED THIS 23<sup>rd</sup> DAY OF MAY, 2017

KERSHAW COUNTY, SOUTH CAROLINA



ATTEST:



Merri M. Seigler  
Clerk to Council

First Reading	April 25, 2017
Second Reading	May 9, 2017
Third Reading	May 23, 2017



# Kershaw County Planning and Zoning Commission

## APPLICATION FOR A ZONING MAP AMENDMENT STAFF REPORT TO THE PLANNING COMMISSION

### Cecil Brazell - 1007 Sessions Road - RD-2 to R-15

MAP AMENDMENT NUMBER: 17-1

RD-2 to R-15

HEARING DATE: April 10, 2017

#### A. LOCATION OF PROPERTY

1. Name of Community: Elgin
2. Address and TMS#: 1007 Sessions Road
3. TMS# 321-01-00-006 SPW
3. Lot size: 2.68 acres
4. Subdivision (if applicable): Kershaw County Farms
5. Water District: Lugoff-Elgin Water Authority
6. Sewer District: Water –Sewer – Kershaw County
7. Name and Distance to Nearest Municipality: Approximately 1.5 miles from the Elgin Town Hall
8. County Council District: 4



Zoning map showing 1007 Sessions Road TMS# 321-01-00-006 SPW

**B. PROPERTY OWNER/APPLICANT:** The property is currently owned by the Cambridge Hall Preschool. Mr. Cecil Brazell, the applicant, plans to purchase the property.

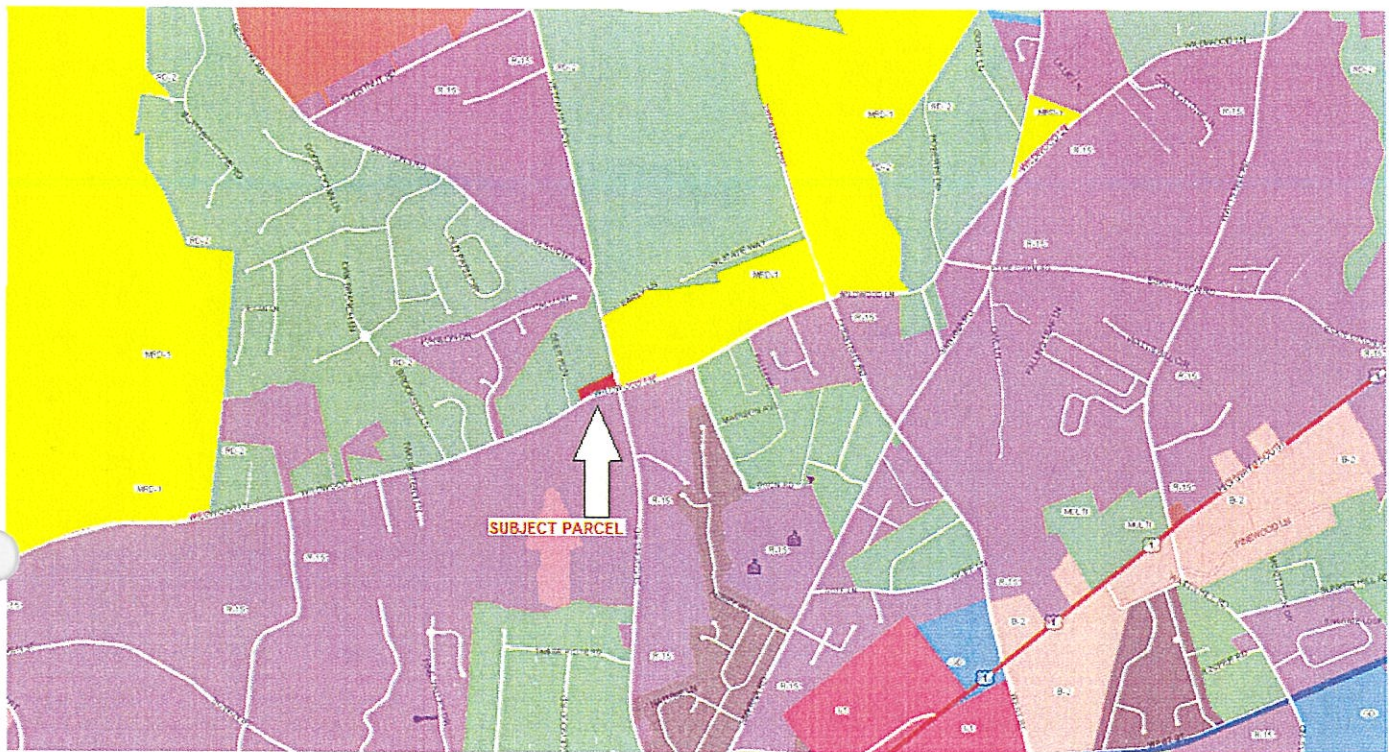
#### C. ZONING

1. Present Zoning Classification: RD-2 (Rural Resource District)
2. Proposed Zoning Classification: R-15 (Single-Family, Site Built Residential)



**RD-2, Rural Resource Districts** - The value of agricultural lands, woodlands, wetlands, and other resources which characterize this district are important to clean water, air, and to many natural cycles. These lands provide much of the character that makes Kershaw County an attractive place to live. The intent of this district, therefore, is to protect these area resources from development, which would needlessly alter their rural state and contribution to a balanced environment.

**R-15, Low Density, Single-Family Residential District** - The R-15 Residential district is intended to foster, preserve, and protect at low densities, areas of the community/County in which the principal use of land is for detached, single-family dwellings and limited residential support facilities at low densities.



#### **D. BACKGROUND AND DISCUSSION**

Cecil Brazell plans to purchase this 2.68 acre property which has been owned by Cambridge Hall Preschool, Inc. since 1996. He would like to divide it into five residential lots, one facing Sessions Road and four facing Wildwood Lane (refer to proposed site plan on the next page). Under its current RD-2 zoning, the minimum lot size is 1 acre. In order to create five smaller lots, the property needs to be rezoned to R-15 zoning which allows one-half acre lots with 80 feet of road frontage for property that is served by public water, but no public sewer. He plans to build new single-family homes on lots 1, 2, 3, and 4. Proposed lot 5 is on the far western end of the property where a manufactured home is currently located. If the rezoning is approved, he plans to deed that proposed lot to the owner of the manufactured home.

#### **E. SUBJECT PROPERTY LAND USE**

As seen in the photographs on the following pages, the property is a long narrow wooded lot. The only structure on the lot is a manufactured home located on the western end.







Subject property – 1007 Sessions Road TMS# 321-01-00-006 SPW



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Subject property

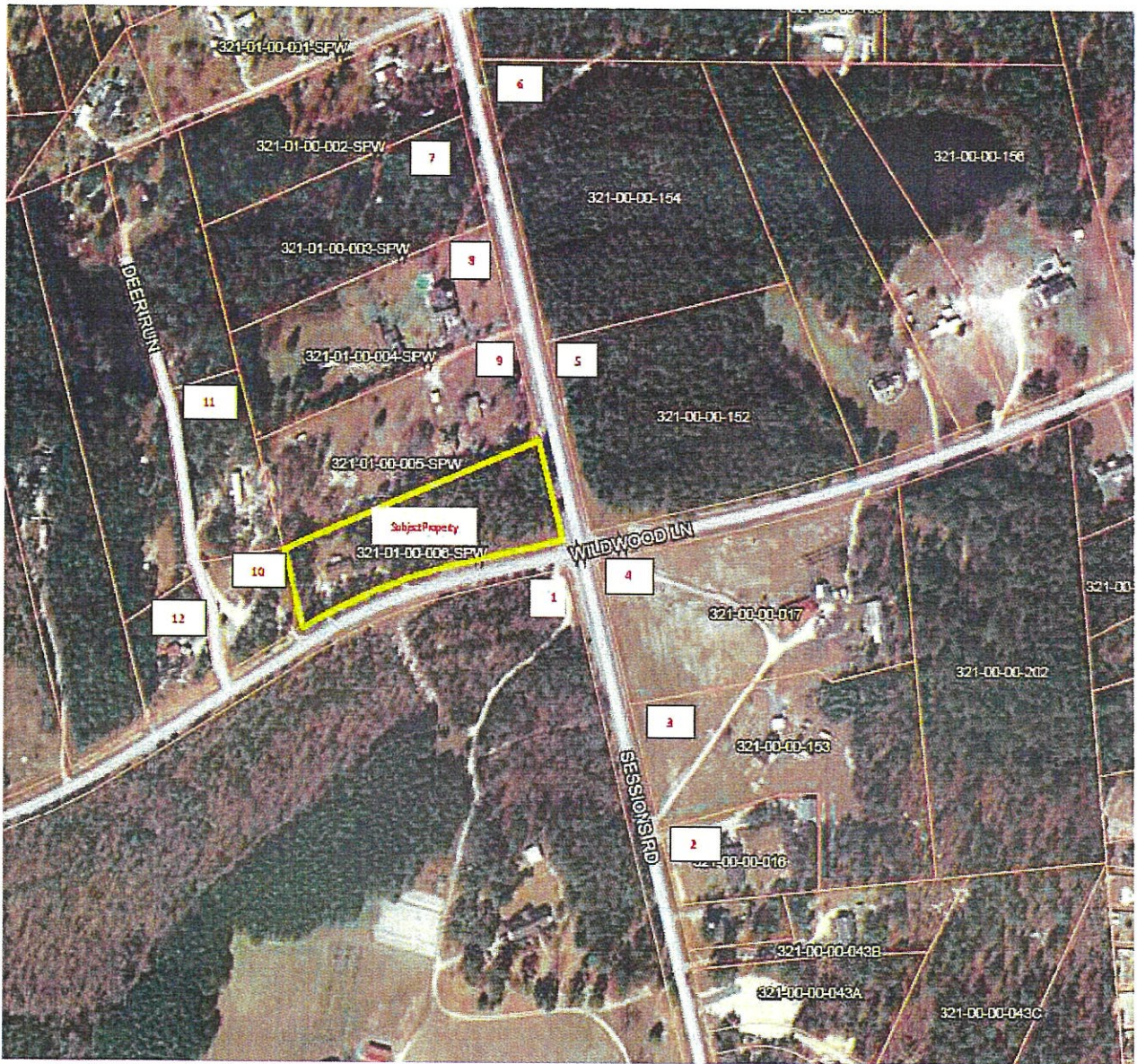


Manufactured home on subject property

**F. VICINITY ZONING AND LAND USE**

<b>Zoning and Land Use in the General Vicinity of 1007 Sessions Road</b>	
<b>NORTH</b>	.3 miles north of the property, Veterans Row splits off of Sessions Road. 1.4 miles north of the property, Sessions Road crosses Chestnut Road. On the eastern side of Sessions Road, the majority of property consists of large forested parcels with few smaller residential parcels, all zoned RD-2. The exception is the Silicate Way development, zoned RD-2.
<b>EAST</b>	Chestnut Road is .7 miles to the east, Eskie Dixon Road is 1.1 miles, and Smyrna Road is 1.4 miles. Immediately to the east on the northern side of Wildwood Lane is a band of large and small parcels with a mix of individual residential lots and forested land, mostly zoned MRD-1 with some RD-2 zoning. On the southern side of Wildwood Lane are massive areas of R-15 zoning. There is a small section of RD-2 zoning around Madison Avenue, Tweety Street, and Dixon Road. Subdivisions to the east are Pine Forest, located in the Town of Elgin, zoned the equivalent of R-15 and Idlewood, zoned R-15. Other housing is located on individual R-15 lots. Blaney Elementary and Stover Middle Schools are located a short distance away.
<b>SOUTH</b>	The town of Elgin is 1.5 miles down Sessions Road to the south. Properties to the immediate south consist of large undeveloped parcels on the western side of Sessions Road with residential development increasing as one approaches Elgin. The zoning is predominately R-15 with the exception of Englewood Subdivision which is zoned RD-2. On the eastern side of Sessions Road to the south is Pine Forest subdivision and R-15 zoning is predominant
<b>WEST</b>	Immediately west are a few individually developed RD-2 parcels. R-15 zoned Laurel Ridge Subdivision and many other R-15 parcels follow. Further west are large agricultural and forested parcels with residential uses mixed in where the zoning changes to MRD-1 and RD-1. To the northwest are Old Farm and Rocky Branch subdivisions, both zoned RD-2.





Site 1 – 1039 Sessions Road – Goff residence and forest land, zoned R-15

Site 2 – 1040 Sessions Road – Bean Residence, zoned R-15

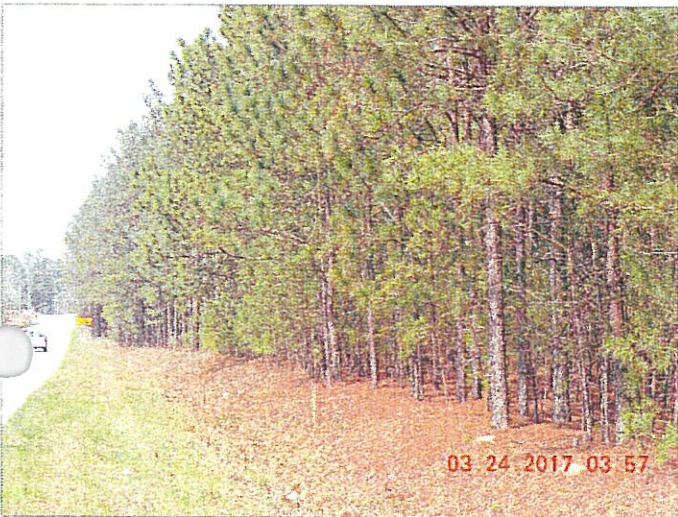




Site 3 – 1036 Sessions Road – Whitfield Residence, zoned R-15



Site 4 – 1022 Sessions Road – Branham residence, zoned R-15



Sites 5 and 6 – 1004 and 990 Sessions Rd. – Branham (Site 5) and Fenton (Site 6) - vacant forested land



Site 7 – 997 Sessions Rd. – Bednarski residence, zoned RD-2



Site 8 – 991 Sessions Road, Case residence, zoned RD-2

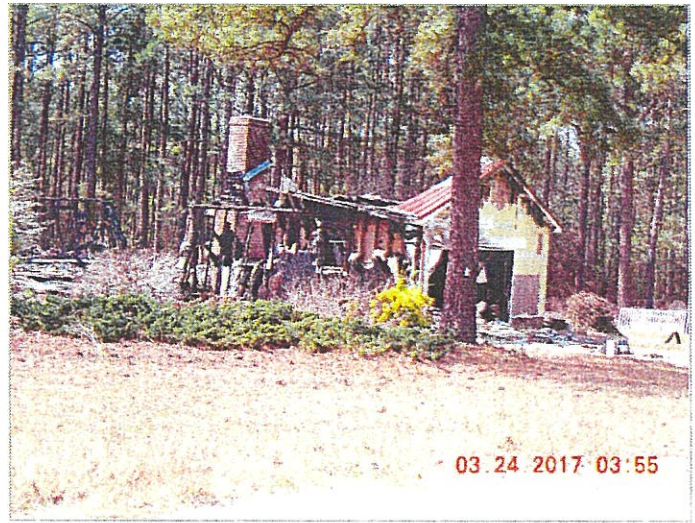


Site 9 – 999 Sessions Road – Williams residence, zoned RD-2





Sites 10 and 11 – 6 & 18 Deer Run – Vacant land (6 Deer Run) and residence (18 Deer Run) of Donna and Earline Brown, zoned RD-2



Site 12 – 5 Deer Run – Brown residence, zoned RD-2



Wildwood Lane looking southwest



Wildwood Lane looking northeast



Sessions road looking south



Sessions Road looking north



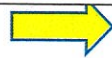




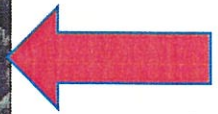
Sessions Road south



Wildwood Ln. west



Wildwood Ln. east



Subject property

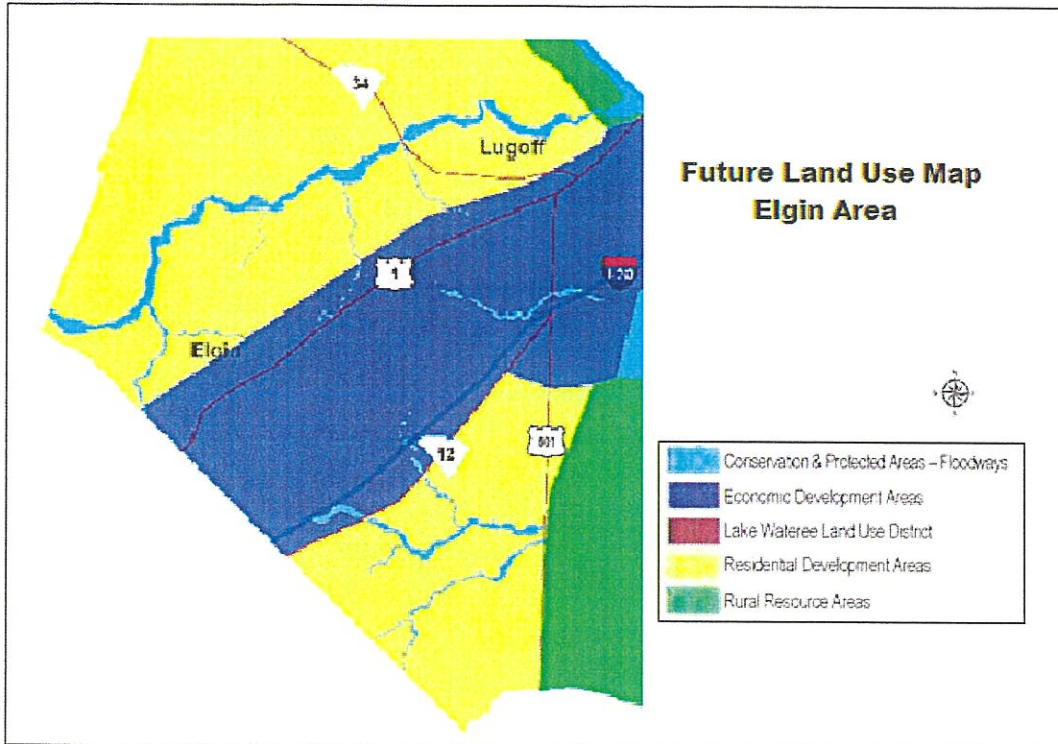
Sessions Road north





## G. FUTURE LAND USE MAP

The subject property is located within an area designated for Residential Development, on the Future Land Use Map.



## RD - RESIDENTIAL DEVELOPMENT AREAS

*In unincorporated Kershaw County, residential development is typically characterized by suburban developments beginning on the periphery of the urban core and spreading outward into the incorporated areas of the County, although some suburban areas are under municipal jurisdiction. Also included in the Residential Development land use classification are the associated non-residential uses that support the residents such as institutional, retail and office commercial, and service businesses. Regional commercial centers and industrial development would typically be reserved for areas receiving Economic Development land use classifications. Also areas designated for Conservation and Protection (CP) land uses can be found within areas generally designated as Residential Development areas.*

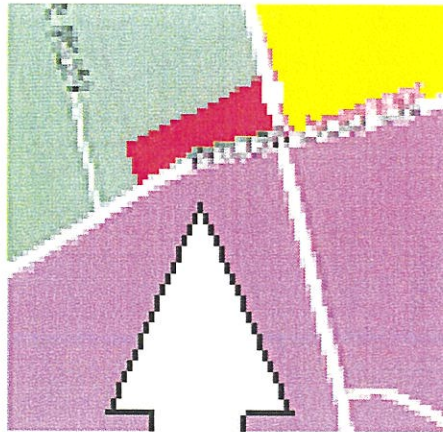
### Staff Analysis

This low density residential rezoning is in an area that is already residentially developed. It is in compliance with the Future Land Use Map as it is located in an area designated for future residential land development.

- H. ZONING ANALYSIS:** The subject property is adjacent to RD-2 zoned properties directly to the north and west. The property directly to the east is zoned MRD-1. Across the street to the south and diagonally across the street to the southeast, the properties are zoned R-15. While the subject parcel has a Sessions Road address, the majority of the property fronts Wildwood Lane. Wildwood Lane, which is mostly residentially developed, is approximately 9.1 miles long. Of that 9.1 miles, there are only four locations totaling .3 mile where R-15 isn't the zoning designation on one or both sides of the road. The subject parcel is on the western edge of suburban growth that is pushing to the north



from Elgin and to the west from the more heavily developed areas of Wildwood Lane. The majority of the single family residences being built are site built or modular residences. With the area in transition, the property being contiguous to single family zoning, and in the vicinity of large areas of R-15 zoning, the most appropriate zoning for the subject parcel would be R-15.



## I. APPLICABLE COMPREHENSIVE PLAN GOALS AND OBJECTIVES

### Comprehensive Plan Objective on Infill Housing

*Infill opportunities will be predominantly on vacant lots or underutilized land. Infill houses in residential areas should be compatible with existing housing types while incorporating the desired modern amenities, style, and decors. This means that the predominant housing type will be the single-family detached unit. Town houses, apartments, and other higher density units should be encouraged in locations where they can appropriately blend into the fabric of the neighborhood. This can be accomplished through re-zoning, density bonuses, and other regulatory strategies.*

### Staff Analysis

The proposed rezoning meets the objectives of infill housing. This low density project blends with the existing and growing residential housing in the area.

### Comprehensive Plan Goals on Land Use

- **Maintain a balanced environment, providing for both rural and urban lifestyles.** *This goal is directed at the heart of planning, deciding what land will be developed and the intensity of that development. It is a matter of directing growth and development in such a manner as to preserve and perpetuate both rural and urban environs, neighborhood, and natural resource areas.*
- **Deal effectively with projected growth and development - to enhance the outcome and promote land use compatibility.** *Not all development is compatible with, or complementary to, existing land use. Unless properly screened, controlled, and mitigated, the development process could compromise prevailing lifestyles and environs. This goal is intended to avert such a compromise.*

### Staff Analysis

The proposed project meets these land use objectives in that it places residential development in an area adjacent to similar existing development and does not encroach into natural areas. Residential use of this property will be compatible with its neighboring uses.

## J. COMMENT RECEIVED FROM PUBLIC NOTICES

As of April 3, 2016 when this report was printed, the Planning and Zoning Department Staff has received one comment from the public regarding this proposed rezoning. Byron Goff of 1039 Sessions Road owns property across the road. He told Staff that the only concern he has about the rezoning of



the property and addition of five residences on the property is the amount of additional traffic they would create at the intersection of Wildwood Lane and Sessions Road where the subject property is located. He said his property is also located on that intersection and reported the large volume of traffic that passes through the intersection at high rates of speed. He said the Department of Transportation had recently installed turn lanes that had somewhat alleviated congestion at the intersection, but expressed his concern about the safety of driveways entering Wildwood Lane and Sessions road in such close proximity.

#### **K. STAFF ANALYSIS AND RECOMMENDATION**

As the Town of Elgin pushes its boundaries north along Sessions Road, the Rural Resource District (RD-2) will naturally be pushed out further from the town center. RD-1, RD-2 and MRD-1 are by description a valued agricultural land, woodland, wetland, and other resource that is important to clean water, air, and other natural cycles. Generally speaking rural districts have larger lots with less density and are commonly used for agriculture. Low density single family residential zoning is contiguous to the property and abundant in the area.

The planning staff used to two different criteria to analyze the rezoning request: First, does the rezoning conform to the county's future land use plan? An existing rural zoning district by its very nature is intended to be vague to allow both agricultural activities and unrestrained growth. The residential development area is pushing further north and west as the populations of Elgin and Lugoff increase along Sessions Road and Wildwood Lane. The trend of growth away from rural will continue as more people move into the area and density increases which depicts exactly the area's Future Land Use Map.

Second, is the property contiguous to the requested rezoning district? The traditional zoning methodology prevails when discussing contiguous zoning districts. When discussing rezoning, a contiguous zoning district, zoning districts abutting one another, is a baseline for the consideration. This rezoning request does meet that criteria. The subject parcel is contiguous to traditional single family residential (R-15) zoning as well as an ever increasing amount of R-15 zoning in the area. The request is compatible for future growth in the area.

Staff, however, does have one concern. Because of the subject property's location at the intersection of Sessions Road and Wildwood Lane, as well as the speed and volume of traffic at this particular location, Staff wants to emphasize to the applicant that the rezoning request's recommendation and/or approval is in no way approving the accompanied site plan.. Staff feels that driveways for five individual lots so close to this intersection, as presented, will present a hazard.

Since the rezoning request does meet the criteria in the Future Land Use Map and is contiguous to existing zoning, **Staff recommends that the Planning and Zoning Commission approve the rezoning of the property from RD-2 to R-15 under the condition that SCDOT curb cut permits are issued prior to issuance of any construction permits for any portion of the property.**

#### **L. STAFF REPORT TO COUNTY COUNCIL**

On April 10, 2017 the Planning and Zoning Commission held a public hearing on the request of Cecil Brazell of C and C Builders to rezone 2.68 acres of land at 1007 Sessions Road from RD-2 (rural resource district) to R-15 (single-family residential district).

During the hearing, Michael Conley, Planning and Zoning Director, gave the Staff Report and recommended approval of the rezoning. Prior to the hearing, two adjacent property owners asked Planning and Zoning Staff members the effect the rezoning would have on their property. Neither was



opposed to the rezoning. During the hearing, no one from the general public spoke for or against the request. The applicant stated he wanted to divide the property into residential lots. After a brief discussion, Henry Walker motioned to recommend that the Planning Commission approve the rezoning of the property from RD-2 to R-15. Kate Denton seconded. On 7-0 vote, the motion to approve the rezoning passed unanimously.