



Kershaw County



AGENDA PACKET

Part 1 of 2

**KERSHAW COUNTY COUNCIL MEETING
TUESDAY, JANUARY 23, 2024**



AGENDA
KERSHAW COUNTY COUNCIL MEETING
TUESDAY, JANUARY 23, 2024 ~ 6:00 P.M.
COUNTY COUNCIL CHAMBERS
KERSHAW COUNTY GOVERNMENT CENTER
515 Walnut Street
Camden, SC 29020



1. CALL TO ORDER
2. INVOCATION – BISHOP GARY RIVAS
3. PLEDGE OF ALLEGIANCE
4. ADOPTION OF AGENDA
5. EXECUTIVE SESSION
DISCUSSION OF A PROPOSED CONTRACTUAL MATTER, SC CODE 30-4-70 (a)(2)
6. PUBLIC COMMENTS (5 minutes per Speaker)
7. PUBLIC PRESENTATIONS
 - A. BRIAN MAYES, DIRECTOR (BOYS AND GIRLS CLUB OF KERSHAW COUNTY)
(placed on the agenda by Vice-Chairman Jimmy Jones)
 - B. SAMUEL GAUSE – CERTIFIED BUILDING OFFICIAL – KERSHAW COUNTY PLANNING AND ZONING
(placed on the agenda by Chairwoman Katie Guinn)
8. APPROVAL OF MINUTES
Tuesday, January 9, 2024 - Regular Meeting
9. ORDINANCES
 - A. FIRST READING: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF KERSHAW COUNTY TO REZONE APPROXIMATELY +/- 0.92 ACRES OF PROPERTY (TMS # 272-05-00-162), OWNED BY RICHARD AND JANICE DIEHL, AND LOCATED ON THE NORTH SIDE OF BRADLEY ROAD, WITH AN ADDRESS OF 1523 BRADLEY ROAD, CAMDEN, SOUTH CAROLINA, FROM R-10, MEDIUM DENSITY RESIDENTIAL DISTRICT, TO GD, GENERAL DEVELOPMENT DISTRICT.
 - B. FIRST READING: AN ORDINANCE OF THE KERSHAW COUNTY COUNCIL TO ESTABLISH A LITTER CONTROL ORDINANCE WHICH SHALL PROHIBIT THE UNLAWFUL DISPOSAL OF LITTER OR SOLID WASTE IN KERSHAW COUNTY AND PROVIDE ENFORCEMENT AND PENALTY PROVISIONS FOR VIOLATIONS.

10. RESOLUTIONS

A. A RESOLUTION OPPOSING ANY PLAN OR PROJECT TO WIDEN U.S. HWY 521
(placed on the agenda by Chairwoman Katie Guinn)

B. A RESOLUTION TO RATIFY AND APPROVE A PURCHASE AND SALE AGREEMENT FOR PROPERTY PRESENTLY OWNED BY DOMINION ENERGY SOUTH CAROLINA, INC., TAX MAP # 298-00-00-005 CONTAINING AN AGGREGATE OF 1.76 ACRES, MORE OR LESS, LOCATED AT 205 SUMTER HIGHWAY, CAMDEN, SC (THE PROPERTY) AND TO RATIFY AND AUTHORIZE ALL ACTS AND MATTERS RELATED THERETO NECESSARY AND REQUIRED TO PURCHASE THE PROPERTY

11. APPOINTMENTS

A. ASSESSMENT APPEALS BOARD (3 VACANCIES)

B. CLEAN COMMUNITY COMMISSION (1 VACANCY) – CITY OF CAMDEN APPOINTMENT

C. PLANNING COMMISSION (1 VACANCY)

12. OLD BUSINESS

A. ESTABLISHING AND ALTERING RULES FOR PUBLIC COMMENTS (PROPOSAL ATTACHED COUNCIL RULES AND ORDER OF BUSINESS SECTION 2.5 (D))
(placed on the agenda by Vice-Chairman Jimmy Jones)

B. WATEREE RIVER RECREATIONAL ACCESS PROJECT
(placed on the agenda by Chairwoman Katie Guinn)

13. COUNCIL BRIEFINGS

14. ADMINISTRATOR'S BRIEFING

15. LEGAL BRIEFING

16. EXECUTIVE SESSION

RECEIPT OF ATTORNEY-CLIENT PRIVILEGED LEGAL BRIEFING, SC CODE 30-4-70 (a)(2)

17. ADJOURNMENT

An executive session may be called and held at any time by Council for and permitted by South Carolina Freedom of Information Act and action may possibly be taken on issues subject to the executive session after Council reconvenes.

This institution is an equal opportunity provider and employer. The public may access the internet as a guest through the County's Wi-Fi and locate the agenda on the County website.: www.kershaw.sc.gov

MINUTES

Kershaw County Council Minutes
Tuesday, January 9, 2024



A regular meeting of the Kershaw County Council was held on Tuesday, January 9, 2024, at 6:00 p.m. in the Council Chambers at the Kershaw County Government Center.

County Council Present: Chairwoman Katie Guinn Vice-Chairman Jimmy Jones (Call-In)
 Councilman Derek Shoemake Councilman Danny Catoe
 Councilman Brant Tomlinson Councilman Russell Brazell

County Council Absent: Councilman Sammie Tucker, Jr.

Staff Present: Danny Templar Lauren Reeder Hannah Parler
 John DuBose Jeff Burgess Gerald Blanchard
 Chris Anderson

Members of the press and public were present.

In accordance with the Freedom of Information Act, copies of the agenda were sent to the newspapers, TV, and radio stations, citizens of the county, department heads, and posted on the website.

CALL TO ORDER

Chairwoman Katie Guinn called the meeting to order at 6:00 p.m., welcomed and thanked those present in person and online to the meeting of Tuesday, January 9, 2024. The Invocation was led by Councilman Danny Catoe, and all in attendance recited the Pledge of Allegiance.

A moment of silence and condolences was given in memory of the mother of County Councilman Sammie Tucker, Jr., and Vice-Chairman Jimmy Jones' brother. The families remain in our thoughts and prayers.

ADOPTION OF AGENDA

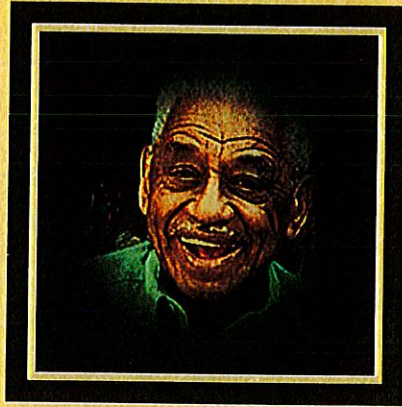
Chairwoman Katie Guinn called for a motion on the adoption of the agenda. Councilman Derek Shoemake made a motion to adopt the agenda, seconded by Councilman Brant Tomlinson. During the call for discussion, Chairwoman Katie Guinn made a motion to amend the agenda striking Item# 17 - Executive Session – Receipt of Attorney Client Privileged Legal Briefing because it was no longer needed. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones (call-in), Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Brant Tomlinson, and Councilman Danny Catoe were all in favor to strike Item# 17 from the agenda. Councilman Sammie Tucker, Jr. was absent. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones (call-in), Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Brant Tomlinson, and Councilman Danny Catoe were all in favor to approve the amended agenda. Councilman Sammie Tucker, Jr. was absent from this meeting.

PROCLAMATION

Chairwoman Katie Guinn read a Proclamation into the record In Honor and In Memory of Mr. Edward J. "Mike" McClendon. (See Attached) Vice-Chairman Jimmy Jones made a motion to accept the Proclamation as he spoke very fondly of Mr. McClendon; seconded by Councilman Danny Catoe. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones (call-in), Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Brant Tomlinson, and Councilman Danny Catoe were all in favor to accept the Proclamation. Councilman Sammie Tucker, Jr. was absent from this meeting.

PROCLAMATION

In Honor and In Memory of



Mr. Edward J. "Mike" McClendon

WHEREAS, the County Council of Kershaw County, South Carolina and its citizens have lost a dedicated Public Servant;

WHEREAS, Edward J. "Mike" McClendon will be missed by all those whose lives he touched daily and the many great contributions he gave selfless;

WHEREAS, the citizens of Kershaw County will remember the great benefits from his incredible leadership poured into this county for years to come; and

WHEREAS, Edward J. "Mike" McClendon left a legacy of activism and community engagement whether in the Camden-Kershaw Branch NAACP, Salvation Army, Price House, American Red Cross, Black Caucus of Kershaw County, Relay for Life, City and County Council meetings and Kershaw County School Board meetings, volunteering in schools, visiting the sick in the hospitals and those shut-in at home; and for these, his passion, charm, and his commitment will forever be remembered;

WHEREAS, Edward J. "Mike" McClendon will be remembered for his community leadership as the third Vice-President of Camden-Kershaw County Branch NAACP, President of the Camden Chapter of Boylan-Haven Mather Academy, outstanding member of the Kershaw County Clean Commission in the establishment of the Campbell Street Corridor, vital alumnus in the signage of the Boylan-Haven Mather Academy Memorial, outstanding citizen in registering 63 voters on foot in the 2008 Presidential Election Campaign; major leader in recognizing Frank Wills, the young black security guard who had a role in discovering something critical in the Watergate event and yet struggled financially for the rest of his life; initiator of the highway marker for Larry Doby by the City of Camden, the Kershaw County Council and the South Carolina Highway Commissioners with Mr. Bobby Jones; and

WHEREAS, with the joint effort of Mayor Mary Clark and others, Edward J. "Mike" McClendon were instrumental in the naming of the intersection of DeKalb and Campbell Streets known as Dr. Martin Luther King Square to publicly acknowledge Mr. McClendon's hero, Dr. Martin Luther King, Jr.

NOW, THEREFORE, LET IT BE KNOWN, that the Kershaw County Council extends sincere sympathy, prayers and condolences to the family, friends, and community of Mr. Edward J. "Mike" McClendon. This Proclamation is presented on the 9th day of January 2024; in the City of Camden, Kershaw County, South Carolina.

By: _____
Kaitlyn E. Guinn
Kershaw County Chairwoman

By: _____
Jimmy Jones
Kershaw County Vice-Chairman

By: _____
Sammie Tucker, Jr.
Kershaw County Councilman

By: _____
Russell Brazell
Kershaw County Councilman

By: _____
Brant Tomlinson
Kershaw County Councilman

By: _____
Danny Catoc
Kershaw County Councilman

By: _____
Derek Shoemake
Kershaw County Councilman

ATTEST:

By: _____
Hannah M. Parler
Clerk to Council

Kershaw County Council Minutes
Tuesday, January 9, 2024

PUBLIC COMMENTS (See Attached)

PUBLIC HEARING

FILOT Ordinance for Sandywoods Solar, LLC previously identified as Project Sandy (FILOT Agreement)

APPROVAL OF MINUTES

Chairwoman Katie Guinn called for a motion to approve the minutes for the meeting of Tuesday, November 28, 2023. Councilman Brant Tomlinson made the motion and it was seconded by Councilman Derek Shoemake. During discussion, Chairwoman Katie Guinn made a motion to have the minutes corrected and noted that a motion was not needed to have an item rearranged on the agenda and to have that portion removed; seconded by Councilman Russell Brazell. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones (call-in), Councilman Russel Brazell, Councilman Derek Shoemake, Councilman Brant Tomlinson, and Councilman Danny Catoe were all in favor. Councilman Sammie Tucker, Jr. was absent from this meeting.

Chairwoman Katie Guinn called for a motion to approve the minutes for the meeting of Tuesday, December 12, 2023; Councilman Brant Tomlinson made the motion and it was seconded by Councilman Danny Catoe. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones (call-in), Councilman Russel Brazell, Councilman Derek Shoemake, Councilman Brant Tomlinson, and Councilman Danny Catoe were all in favor. Councilman Sammie Tucker, Jr. was absent from this meeting.

DISCUSSION

Councilman Russell Brazell lead a discussion on a 2024 Initiative to Defease 2008 General Obligation Bonds to help Kershaw County become debt free. During discussion, it was requested that there be a follow-up at the February 13th meeting.

ORDINANCES

Third Reading: FILOT Ordinance for Sandywoods Solar, LLC previously identified as Project Sandy (FILOT Agreement)

Authorizing pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, the execution and delivery of a fee-in-lieu of ad valorem taxes agreement, by and between Kershaw county, South Carolina and Sandywoods Solar, LLC, a company previously identified as Project Sandy, as sponsor, and one or more sponsor affiliates, to provide for a Fee-in-Lieu of Ad Valorem taxes incentive and certain special source revenue credits for the benefit of a project in the county; and other related matters.

(First Reading: November 28, 2023) (Second Reading: December 12, 2023)

Chairwoman Katie Guinn called for a vote to pass the Third Reading of FILOT Ordinance for Sandywoods Solar, LLC previously identified as Project Sandy (FILOT Agreement); Councilman Derek Shoemake made the motion and it was seconded by Councilman Brant Tomlinson. By show of hands, Councilman Brant Tomlinson, Councilman Derek Shoemake, Councilman Russell Brazell, and Councilman Danny Catoe were all in favor of the third reading; opposed were Chairwoman Katie Guinn and Vice-Chairman Jimmy Jones (call-in). Councilman Sammie Tucker, Jr. was absent from this meeting. PASSED

RESOLUTIONS

Chairwoman Katie Guinn called for a motion to approve Resolution #001-2024; a resolution giving public notice of the regular meeting dates for Kershaw County Council meetings; Councilman Derek Shoemake made the motion and it was seconded by Councilman Brant Tomlinson. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones (call-in), Councilman Russel Brazell, Councilman Derek Shoemake, Councilman Brant Tomlinson, and Councilman Danny Catoe were all in favor. Councilman Sammie Tucker, Jr. was absent. (See Attached) During discussion, Council decided to

KERSHAW COUNTY COUNCIL MEETING

PUBLIC COMMENTS

1.9.2024

If you would like to address the County Council during the Public Comments portion of the agenda, please sign in below. Public Comment allows 5 minutes per individual speaker. See back of agenda for complete guidelines.

	NAME:	SUBJECT:	ADDRESS & PHONE NO.
1.	✓ TOM WEBB III	MAGNETOSPHERE	4329304
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RESOLUTION# 001-2024

RESOLUTION OF KERSHAW COUNTY COUNCIL ESTABLISHING ITS REGULAR MEETING DATES FOR 2024

WHEREAS, Kershaw County Council is required to schedule its regular meeting dates and give public notice of such schedule;

WHEREAS, Kershaw County Council regularly meets on the second and fourth Tuesdays of each month at 6:00 p.m. in the County Council Chambers at the Kershaw County Government Center, 515 Walnut Street, Camden, South Carolina 29020;

THEREFORE, it is resolved by Kershaw County Council; that Kershaw County Council hereby gives public notice that its regularly scheduled Council Meetings shall be held at 6:00 p.m. on the second and fourth Tuesday of each month beginning January 9, 2024, in the Kershaw County Council Chambers located at 515 Walnut Street, Camden, South Carolina 29020.

Tuesday, January 9, 2024	Tuesday, January 23, 2024
Tuesday, February 13, 2024	Tuesday, February 27, 2024
Tuesday, March 12, 2024	Tuesday, March 26, 2024
Tuesday, April 9, 2024	Tuesday, April 23, 2024
Tuesday, May 14, 2024	Tuesday, May 28, 2024
Tuesday, June 11, 2024	Tuesday, June 25, 2024
Tuesday, July 9, 2024	Tuesday, July 23, 2024
Tuesday, August 13, 2024	Tuesday, August 27, 2024
Tuesday, September 10, 2024	Tuesday, September 24, 2024
Tuesday, October 8, 2024	Tuesday, October 22, 2024
Tuesday, November 12, 2024	Tuesday, November 26, 2024
Tuesday, December 10, 2024	

IT IS THEREFORE RESOLVED by Kershaw County Council this 9th day of January 2024.

Kaitlyn E. Guinn, Chairwoman
Kershaw County Council

ATTEST:

Hannah M. Parler
Clerk to County Council

Kershaw County Council Minutes
Tuesday, January 9, 2024

remove and cancel the meeting date of December 24, 2024, as it is observed as Christmas Eve. Councilman Derek Shoemake made the motion to remove December 24, 2024, meeting date, and it was seconded by Chairwoman Katie Guinn. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones (call-in), Councilman Russel Brazell, Councilman Derek Shoemake, Councilman Brant Tomlinson, and Councilman Danny Catoe were all in favor as amended. Councilman Sammie Tucker, Jr. was absent from this meeting.

There were concerns of other meeting dates scheduled around holidays, but Council decided to discuss meeting dates as they approach during the year.

NEW BUSINESS

Lease Purchase for a Roll-Off for Solid Waste

The County Administrator and Council had a discussion on the lease/purchase of a Roll-Off for Solid Waste. Due to conflicting opinions and uncertainty of purchasing a roll-off with little information and details about the equipment, some of the Council objected to the approval and operations of the County Administrator making the purchase. The County Administrator made it clear that it could be a wait as far as 2026 to purchase the vehicle if there is a delay in securing when available. Councilman Derek Shoemake made a motion to give authorization to the County Administrator to discuss and negotiate with vendors to lease/purchase a vehicle for Solid Waste up to \$5,000 a month; seconded by Councilman Brant Tomlinson. By show of hands, Councilman Derek Shoemake and Councilman Brant Tomlinson were in favor; opposed were Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Danny Catoe, and Councilman Russell Brazell. Councilman Sammie Tucker, Jr. was absent from this meeting. The motion FAILED.

Councilman Russell Brazell made a motion to authorize the County Administrator to make a deposit on a vehicle if he finds one since he is authorized to purchase up to \$25,000; seconded by Councilman Derek Shoemake. Councilman Russell Brazell withdrew his motion before moving forward for a vote.

APPOINTMENTS

Planning Commission (1 Vacancy) (unfinished term ending 10.2.2024)

No applicants to nominate.

Assessment Appeals Board (3 Vacancies)

No applicants to nominate.

Clean Community Commission is seeking an applicant to be appointed by the City of Camden. The City of Camden has not given a nomination to-date. Chairwoman Katie Guinn announced that if anyone is interested, please apply online.

Councilman Brant Tomlinson left the meeting at 7:35 p.m.

COUNCIL BRIEFINGS

Councilman Russell Brazell thanked Mr. Tom Webb for his continued support speaking at the meetings and how he always gives good information. Condolences sent to James Hall family.

Councilman Derek Shoemake sent condolences to the families of Councilman Sammie Tucker, Jr., on the loss of his mother, and Vice-Chairman Jimmy Jones on the loss of his brother. Acknowledged and recognized Law Enforcement Day. You are appreciated!

Councilman Danny Catoe sent condolences to the families of Councilman Sammie Tucker, Jr., on the loss of his mother, and Vice-Chairman Jimmy Jones on the loss of his brother. He also thanked Mr. Tom Webb for his time and dedication he gives to Kershaw County and attending the meetings to speak.

Kershaw County Council Minutes
Tuesday, January 9, 2024

Vice-Chairman Jimmy Jones thanked all of his colleagues for their thoughtfulness during the loss of his brother. He also sent condolences to Councilman Sammie Tucker, Jr. and family.

Councilman Sammie Tucker, Jr., was absent from this meeting.

Chairwoman Katie Guinn spoke briefly on growth issues in Kershaw County and the changes to the ZLDR/Comprehensive Plan; Hwy 1 plans for funding; congratulations to Fiona Martin, new Chair of the Planning Commission; the Legislative Breakfast on January 5th and how beneficial it was to be in attendance after hearing all of the great things for Kershaw County; requested that the Clerk contact Senator Gustafson to schedule a date to come give an update on Kershaw County; Budget Retreat is scheduled for March 1 and 2; not in support of the Equine Training Center; Concerned Citizens will host the Annual MLK Celebration on January 13th – 11:00 a.m.

ADMINISTRATOR’S BRIEFING

The County Administrator expressed his thanks and appreciation to all of the staff members for their support and those who had to deal with issues during the inclement weather for Kershaw County. You all are appreciated!

LEGAL BRIEFING

No report.

ADJOURNMENT

After no further discussion, Chairwoman Katie Guinn called for a motion to adjourn. Councilman Danny Catoe made a motion to adjourn, and it was seconded by Councilman Russell Brazell at 7:50 p.m. to adjourn the meeting of Tuesday, January 9, 2024.

Date Approved

Hannah M. Parler, Clerk to Council

ORDINANCES

STATE OF SOUTH CAROLINA

)

COUNTY OF KERSHAW

)

)

ORDINANCE NO. ____ .2024

An Ordinance

To Amend The Official Zoning Map Of Kershaw County To Rezone Approximately +/- 0.92 Acres Of Property (TMS # 272-05-00-162), Owned By Richard and Janice Diehl, And Located On The North Side Of Bradley Road, With An Address of 1523 Bradley Road, Camden, South Carolina, From R-10, Medium Density Residential District, To GD, General Development District.

Be it ordained by the County Council of Kershaw County (“Council”), South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

- a) 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.
- b) Title 6, Chapter 29, et. seq., Code of Laws of South Carolina (SCCL), the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, hereinafter 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.
- c) The County Council adopted a Comprehensive Plan on March 27, 2018 pursuant to the requirements of Section 6-29-510, et. seq. SCCL.
- d) The Planning and Zoning Commission is the designated local planning commission pursuant to the requirements of Section 6-29-310, et. seq.
- e) 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.
- f) 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.
- g) Jonathan Yates applied to rezone +/- 0.92 acres of property, owned by Richard and Janice Diehl, located on the northside of Bradley Road (1523 Bradley Road) Camden, South Carolina (TMS # 272-05-00-162) from R-10, Medium Density Residential District, to GD, General Development District.

- h) On January 8, 2024, the Kershaw County Planning and Zoning Commission held a public hearing on the proposed rezoning and by a unanimous vote (6-0) recommended approval of the rezoning petition.
- i) The Future Land Use Map identifies this property as Residential Development, based on the *Kershaw County Comprehensive Plan 2017 - 2027*. Rezoning the property from R-10, Medium Density Residential District, to GD, General Development District, is compatible with the Comprehensive Plan.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from R-10, Medium Density Residential District, to GD, General Development District, for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 272-05-00-162 (0.92 acres, more or less)

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid for any such 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.

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2024.

KERSHAW COUNTY, SOUTH CAROLINA

Kaitlyn E. Guinn, Chairwoman
Kershaw County Council

ATTEST:

Hannah M. Parler, Clerk to Council

First Reading:
Second Reading:
Third Reading:

STAFF REPORT
KERSHAW COUNTY PLANNING & ZONING COMMISSION
(January 8, 2024 Meeting)

Request #: 24-01

Applicant: Richard & Janice Diehl
Property Size: 0.92 +/- acres

Current Zoning: R-10 (Medium Density Residential District)
Proposed Zoning: GD (General Development District)

Location: 1523 Bradley Road, Camden

TMS#: 272-05-00-162

Background Summary: This rezoning request consists of one lot totaling approximately 0.92 acres. The parcel is owned by Richard and Jance Diehl and is currently vacant. The parcel is accessed via Bradley Road. The property is approximately ¾ of a mile east of Jefferson Davis Highway (US Highway 1) in east Camden.

The applicant also owns the property directly to the east with an address of 1525 Bradley Street and TMS# 272-06-00-010. This parcel is developed with older warehousing/commercial space.

The applicant has indicated specific uses that they would like to seek rezoning in order to allow warehousing or multi-family housing.

However, rezoning property for one specific use, or “conditional rezoning”, is illegal in the State of South Carolina. Therefore, this is a general use rezoning request. If approved, any and all permitted and conditional uses allowed in the GD (General Development) district could be developed on this property.

Key Issue Summary: The following key issues should be resolved through the consideration of this application:

- Does the request follow the Future Land Use Map?
- Does the request correlate with the current Kershaw County Comprehensive Plan?

Current Property Information

Land Use	Vacant
Site Features	Partially wooded, flat topography.
Flood Hazards	No flood hazard or wetland areas.
Vehicle Access	The subject property is currently accessed via a state maintained road, Bradley Road.

Surrounding Zoning and Land Use

	Zoning:	Land Use:
North:	R-10	Vacant wooded acreage.
South:	R-10	Single family residence.
East:	GD	Warehousing/storage
West:	R-10	Single family residence.

Zoning District Summary (Existing/ Proposed)

	Existing Zoning: R-10	Proposed Zoning: GD
Zoning District Intent:	The R-10 Residential District is intended to foster, protect, and accommodate single-family and two-family residential development and limited residential support facilities in areas so designated.	This is a multiple use district, the intent of which is to promote the “highest and best use” of land without negatively impacting surrounding land uses or environmental resources. The GD zoning district has the widest range of permitted residential uses - from single-family, to apartments, to manufactured home parks. The GD district also allows for the widest range of non-residential uses - from retail to agricultural to light industrial. The GD zoning district affords the applications of the Comprehensive Plan’s mixed use principals.
Permitted Uses: <i>Note: See Table 3-3 of the Zoning and Land Development Regulations for a complete listing of permitted and conditional uses.</i>	Single-Family Detached Duplex Patio Homes Modular Homes Electric, Gas, and Sanitary Services Libraries and Archives Educational Services Museums Golf, tennis, and swim clubs Bed and Breakfast Inns Religious Organizations Fire and Police Protection Domestic Animal Shelters and Horse Stables	Single-Family Detached Manufactured Housing Multi-Family, Apartments Duplex, Triplex, Quadplex Patio Homes Mini Warehouses Manufacturing Uses Warehousing, storage, and distribution centers Electric Transmission Only Water Supply Systems Storage Agricultural Production Crops Food and Beverage Stores Libraries and Archives Eating Places Gasoline Stations General Auto Repair Banks Hotels and Motels Community Center for Elderly or Other Residential Care Facilities Museums Golf, Tennis, Swimming Club Religious Organizations

Water and Sewer Service:	Cassatt Water	Septic tank
Lot and/or Density Requirements:	Minimum 15,000 SF for single family. Multifamily is a minimum of 15,000 SF plus and an additional 5,000 SF for each additional unit.	<p>Minimum lot size in GD for lots without access to public sewer or community onsite sewage treatment and disposal systems and public water (lots on septic tank and well) shall be three quarters (3/4) of an acre (.75 acre).</p> <p>The minimum lot size in GD for lots without access to public sewer or community onsite sewage treatment and disposal systems, but on public water, shall be one-half (1/2) acre (.50 acre).</p> <p>Minimum lot size in GD on public sewer and public water is .13 of acre (15,000 sq. ft.).</p>
Setbacks Required:	Street Frontage: 75' Front: 25' Side: 10' Rear: 20'	Street Frontage: 50' Front: 35' Side: 10' Rear: 10'
Height Restrictions:	35'	4 stories
Maximum Impervious Surface Ratio: Measured as a percent of total lot area	.60	.60
Maximum Density: Measurements in units per gross acre	4.35	None for non-residential uses 6.71 for residential uses

Infrastructure

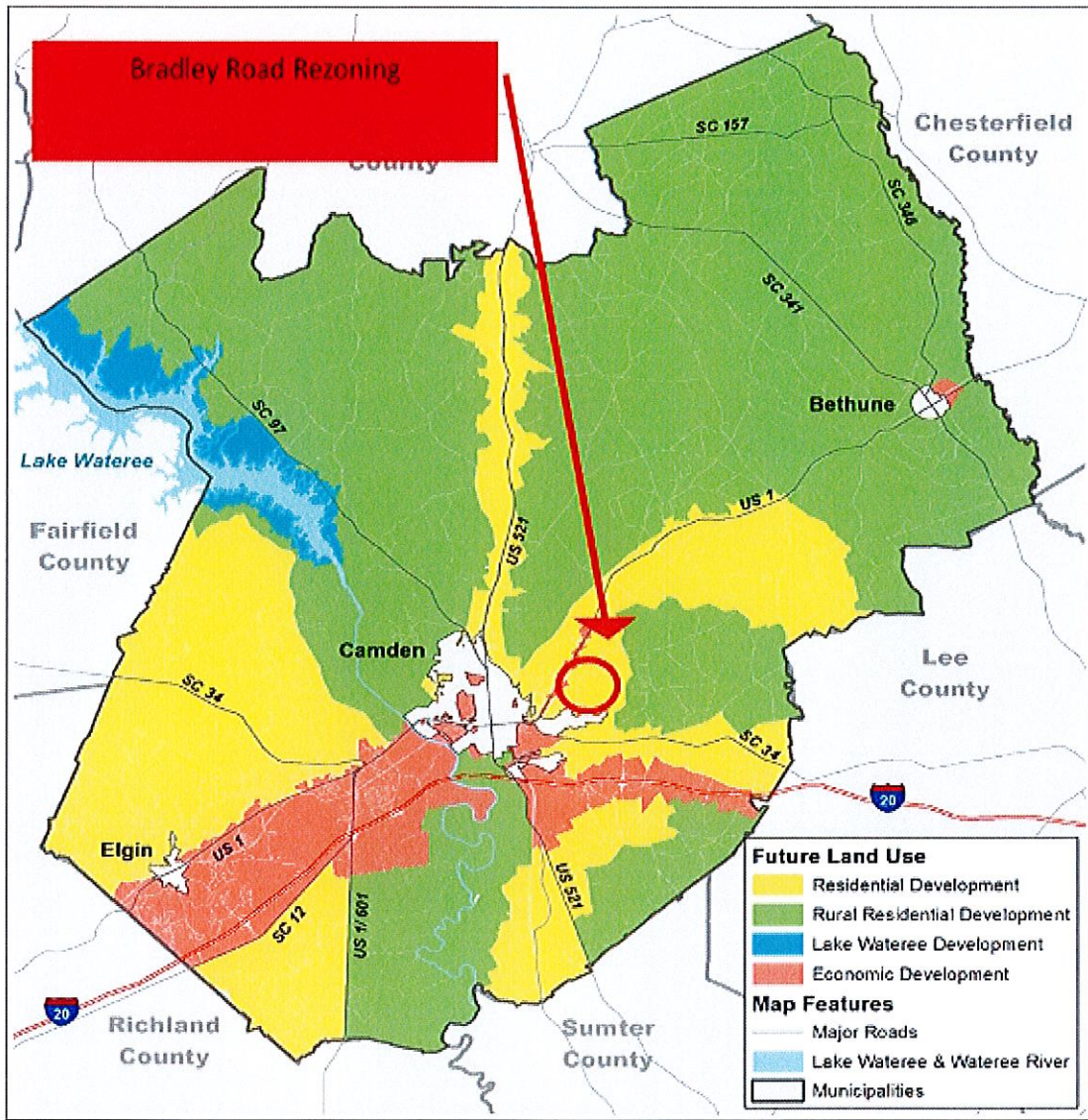
Council District	District 5
Water	Cassatt
Electricity	Camden
Sewer or Septic	Septic
School(s)	Jackson Elementary School Camden Middle School Camden High School
Fire District	Camden Fire Department
Police Department	Kershaw County Sheriff's Department

Traffic

Street Classification	Current LOS (Level Of Service)
<p>Residential Local Street: Internal subdivision streets with usage largely restricted to local traffic. For purposes of this classification, a residential local street shall be any residential road that is projected to receive no more than 2000 average daily trips.</p>	<p>Bradley Road is a state maintained road with an approximate right-of-way width of 55' with an 18' pavement width. This road is considered to be a residential local street. No traffic count data is available for Bradley Road.</p>

Comprehensive Plan Considerations:

- *Enable and promote a variety of commercial uses and development in locations that are appropriate and compatible with surrounding land uses, that provide employment opportunities, and that serve the needs of residents.*
- *Require larger scale commercial development to locate in areas of minimal impact to established residential uses, with access to roads that can accommodate the additional traffic that will be generated.*
- *Encourage the location of new and expanded residential, commercial, and industrial development in areas where existing water and sewer facilities, roads, and other infrastructure, or planned facilities upgrades, can accommodate the development.*



Planning Considerations:

- **Residential Development (RD)** - Residential Development areas are characterized by suburban development from the periphery of the urban core and reach into the unincorporated areas of the County, generally along and near major transportation routes including U.S. Highways 1 and 521 and S.C. Highways 12 and 34. Included in RD are residences of all types and densities and associated non-residential uses that support residential development such as institutional, retail, office, commercial, and service uses.

Decision Criteria:

Again the key issues that should be resolved through consideration of this application are:

- Does the request follow the Future Land Use Map?
- Does the request correlate with the current Kershaw County Comprehensive Plan?

The Comprehensive Plan.

Preliminary Staff Comments: The request could be found to be within compliance of the goals of the Comprehensive Plan and Future Land Use Map. The subject property is located completely within the county’s comprehensive plan defined area of Residential District. This district addresses the need for neighborhood commercial areas to provide supportive services to development in the area. However, goals within the comprehensive plan also address supporting uses that are compatible with surrounding uses and have minimal impact on existing established residential uses.

The current conditions and character of the current structures and uses in each district.

Preliminary Staff Comments: The subject parcel is surrounded by R-10 zoning on three sides, and GD zoning to the east. R-10 zoning extends across Bradley Road to the south. The current GD zoned properties to the east total almost 5 acres in size.

The request does, however, negate the possibility of a spot zoning issue. Although the parcel is small, it directly adjoins GD zoning to the east. Therefore, the request is not arbitrary in nature. Staff provides the Planning Commission with the following for informational purposes. “As defined by the South Carolina Municipal Association: Zoning a small parcel as an island surrounded by a district with different zoning may be spot zoning. The Supreme Court stated that invalid “spot zoning” is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area to benefit the owners of such property and to the detriment of other owners. *Bob Jones University, Inc. v. City of Greenville*, 243 S.C. 351, 133 S.E.2d 843 (1963). Small areas may be rezoned as long as the action is not arbitrary or unreasonable. To help avoid the problem of spot zoning, many zoning ordinances include a provision prohibiting some types of free standing zoning districts of less than two acres.”

The most desirable use for which the land in each district is adapted.

Preliminary Staff Comments: The subject property is located adjacent to a stretch of GD zoning along the road front of Bradley Road with existing warehousing/storage uses. However, again, this specific parcel is also surrounded by existing residentially zoned land and residential uses on 3 sides which raises the question as to whether or not the change in zoning is compatible with, and will have minimal impact, on those existing established residential uses if developed with a use other than residential.

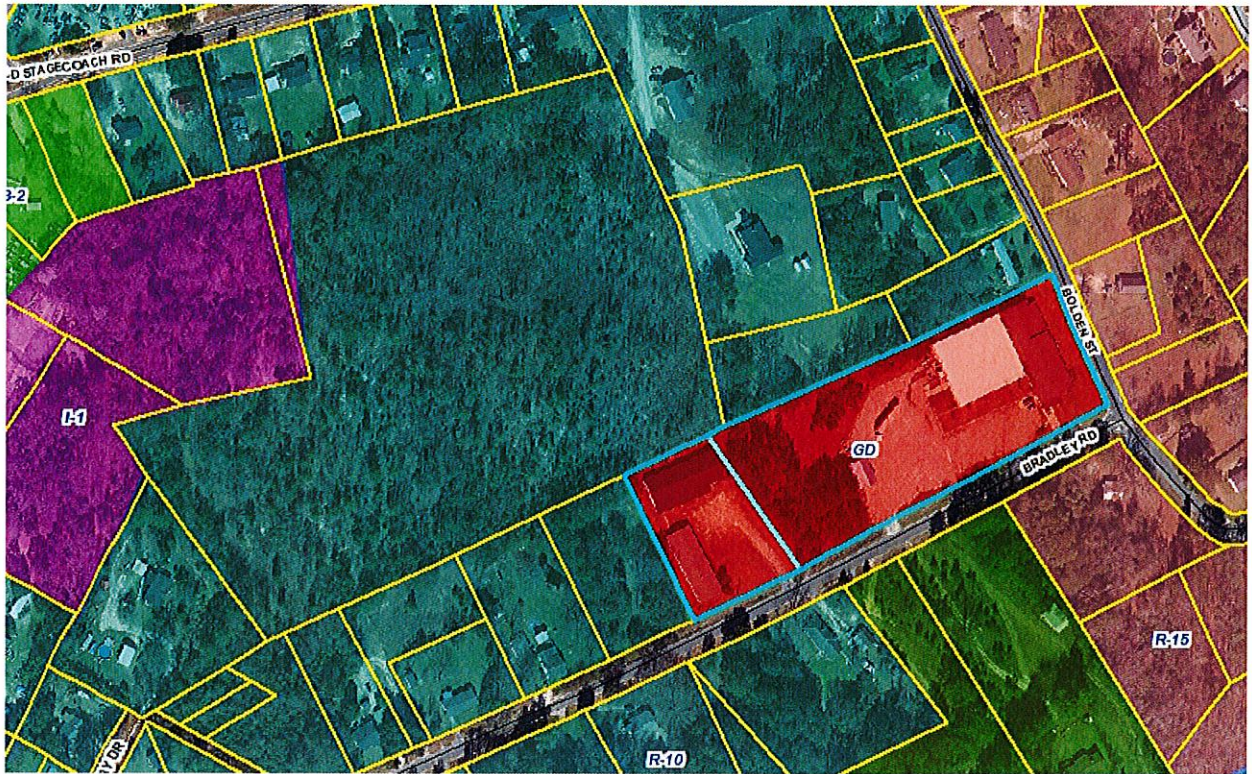
The conservation of property values throughout the jurisdiction of Kershaw County.

Preliminary Staff Comments: Staff has not seen any empirical evidence that additional new construction will have a negative impact on property values. On the contrary, infill development has the tendency to increase property values.

Responsible growth and development:

Preliminary Staff Comments: Given the existence of established residential zoning and uses directly abutting the subject parcel, the proposed rezoning, from staff’s perspective, could be found to be inappropriate and incompatible with surrounding existing residentially zoned land existing residential uses if developed with anything other than residential uses. Ultimately, is it appropriate to allow the extension of additional GD zoning along this portion of Bradley Street?

Current GD Zoning History



The current GD zoning district along Bradley Street was rezoned from R-15 back in January of 2009. According to the staff report accompanying that rezoning, what was once a sewing plant and associated buildings had been in existence since 1974. Therefore, the Planning Commission and County Council changed the zoning so the plant would be a conforming use.

Planning and Zoning Commission Options:

Reviewing a request for a map amendment the Planning and Zoning Commission may:

1. Forward a favorable recommendation to the Kershaw County Council
2. Forward an unfavorable recommendation to the Kershaw County Council
3. Continue to the review to the next Planning and Zoning Commission Meeting

Note: Kershaw County Council makes all final decisions regarding property rezoning requests.

PLANNING AND ZONING COMMISSION ACTION SUMMARY

On January 8, 2024 the Planning and Zoning Commission held a public hearing to review the request of property owners Richard and Janice Diehl.

This rezoning request consists of one parcel totaling approximately 0.92 acres. The parcel is currently vacant and is accessed via Bradley Road.

The applicant has indicated uses that they would like to seek rezoning to allow the placement of warehousing or multifamily housing.

However, rezoning property for one specific use, or “conditional rezoning”, is illegal in the State of South Carolina. Therefore, this is a general use rezoning request. If approved, any and all permitted and conditional uses allowed in the GD (General Development) zoning district could be developed on this property.

Planning and Zoning Commission members present were Chair Fiona Martin, Vice chair Libby Davis, Robert Horton, Ned Towell, Heather Dykes, and Clifton Emmons. No members were absent.

During the public hearing, Joey Adams-Raczkowski, Planning Director, presented the staff report and staff analysis.

Property owner Richard Diehl stated that he owns the adjoining property and renovated the existing warehousing space. Mr. Diehl further stated that the main purpose for the rezoning request is to construct more warehouse space.

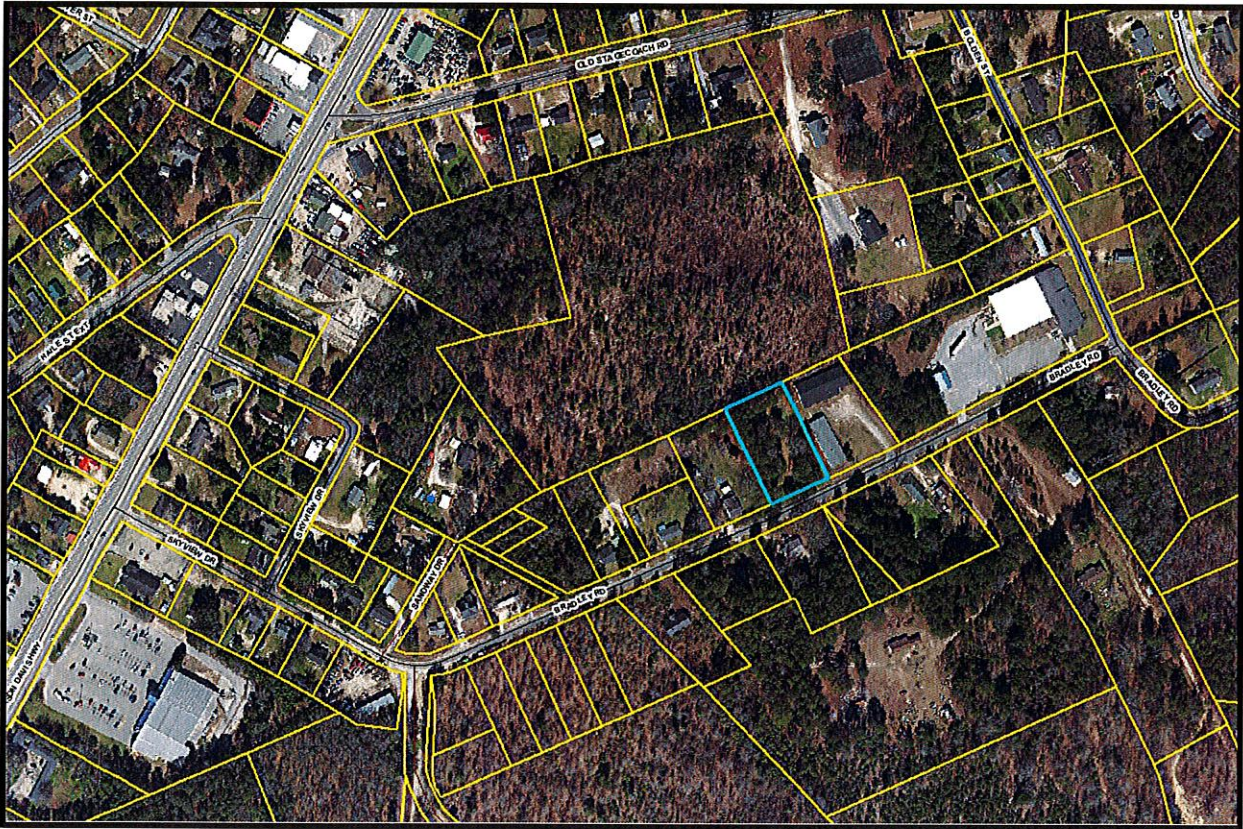
No one else from the general public spoke in favor or against the rezoning request.

Mr. Emmons made a motion to forward a recommendation of approval of this rezoning request to the County Council. Mr. Towell seconded the motion.

During board discussion Mr. Emmons stated that Mr. Diehl already owns two sections of property, so it is reasonable to expect that he would want to rezone this adjoining property, and he has no opposition to the request. Mr. Towell expressed support given that Mr. Diehl has already cleaned up the other lots, and does not feel the rezoning change will have a negative impact on Bradley Street.

With no additional discussion, the vote on the motion to forward a favorable recommendation to County Council was unanimous (6-0) and therefore the matter has been referred to the Kershaw County Council with recommendation for approval.

Aerial view of subject property in relation to nearby existing residential development (Case# 24-01)



Aerial view of subject property in relation to nearby existing R-15 and GD (Case# 24-01)



Perspective looking westward along Bradley Road. Subject property on the right just beyond the existing commercial buildings. (Case # 24-01)



Perspective looking along Bradley Road. Subject property is on the left. Adjoining residence across Bradley Road from the subject property (Case # 24-01)




**PETITION TO PLANNING AND ZONING COMMISSION
REZONING (ZONING MAP AMENDMENT) APPLICATION**

Date: 11/13/23 Request # 24-01 The applicant requests that the property described below be re-zoned from R-10 to G1

APPLICANT

NAME: <u>Richard and Janice Diehl</u>		E-MAIL: <u>richarddiehl1@aol.com</u>	
MAILING ADDRESS: <u>711 Laurens St.</u>	CITY: <u>Camden</u>	STATE: <u>SC</u>	ZIP: <u>29020</u>
TELEPHONE: <u>803.210.9903</u>	CELL: <u>803.210.9903</u>		
THE APPLICANT IS: PROPERTY OWNER <input checked="" type="checkbox"/> AGENT OF PROPERTY OWNER <input type="checkbox"/> OPTION HOLDER <input type="checkbox"/>			
If applicant is other than owner, state applicant's interest in the land proposed to be rezoned:			

PROPERTY LOCATION

Street address: <u>1523 Bradley Rd.</u>		Street address:	
TMS#: <u>272-05-00-1621</u>	Number of acres: <u>.92</u>	TMS#:	Number of acres:
Deed book: <u>4986-267</u>	Plat book: <u>3581-192</u>	Deed book:	Plat book:
Sewer district: <u>Scott/PAWA</u>	Water district: <u>Cassatt WAFD</u>	Sewer district:	Water district:
Current use: <u>VACANT</u>		Current use:	
Proposed use: <u>Warehouse or Multi Family</u>		Proposed use:	
Community/subdivision:	Council district:	Community/subdivision:	Council district:
Has previous application been made to rezone all or any part of this/these property/properties? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, when?			
Reason for request: <u>Future development - warehouse or Multi Family housing</u>			
As per the SC Local Government Planning Enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is/are this/these tract(s) or parcel(s) restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with, or prohibits the proposed land use? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, submit a copy with this application.			
Applicant's Signature: 		Date: <u>11/13/23</u>	

PROPERTY OWNER - If other than applicant. If property is owned by more than one person, all owners must be listed. Each owner must complete the designation of Agent Form provided on the following page of this application.

NAME: <u>Richard Diehl</u>	TELEPHONE: <u>803.210.9903</u>
MAILING ADDRESS: <u>711 Laurens St.</u>	CITY: <u>Camden</u> STATE: <u>SC</u> ZIP: <u>29020</u>
E-MAIL: <u>richarddiehl1@aol.com</u>	

DESIGNATION OF AGENT - To be completed by the property owner if the owner is not the applicant. If the property is owned by more than one person, each owner must complete a separate Designation of Agent Form. The signature of the owner must be notarized. An additional form is provided at the end of this application and may be duplicated in order to list all owners.

I, _____ (PROPERTY OWNER) hereby appoint _____ (APPLICANT) as my agent to represent me in this request for rezoning.

Owner's signature: _____ Date: _____

Given under my hand and seal, this _____ day of _____, 20____.

(Seal)

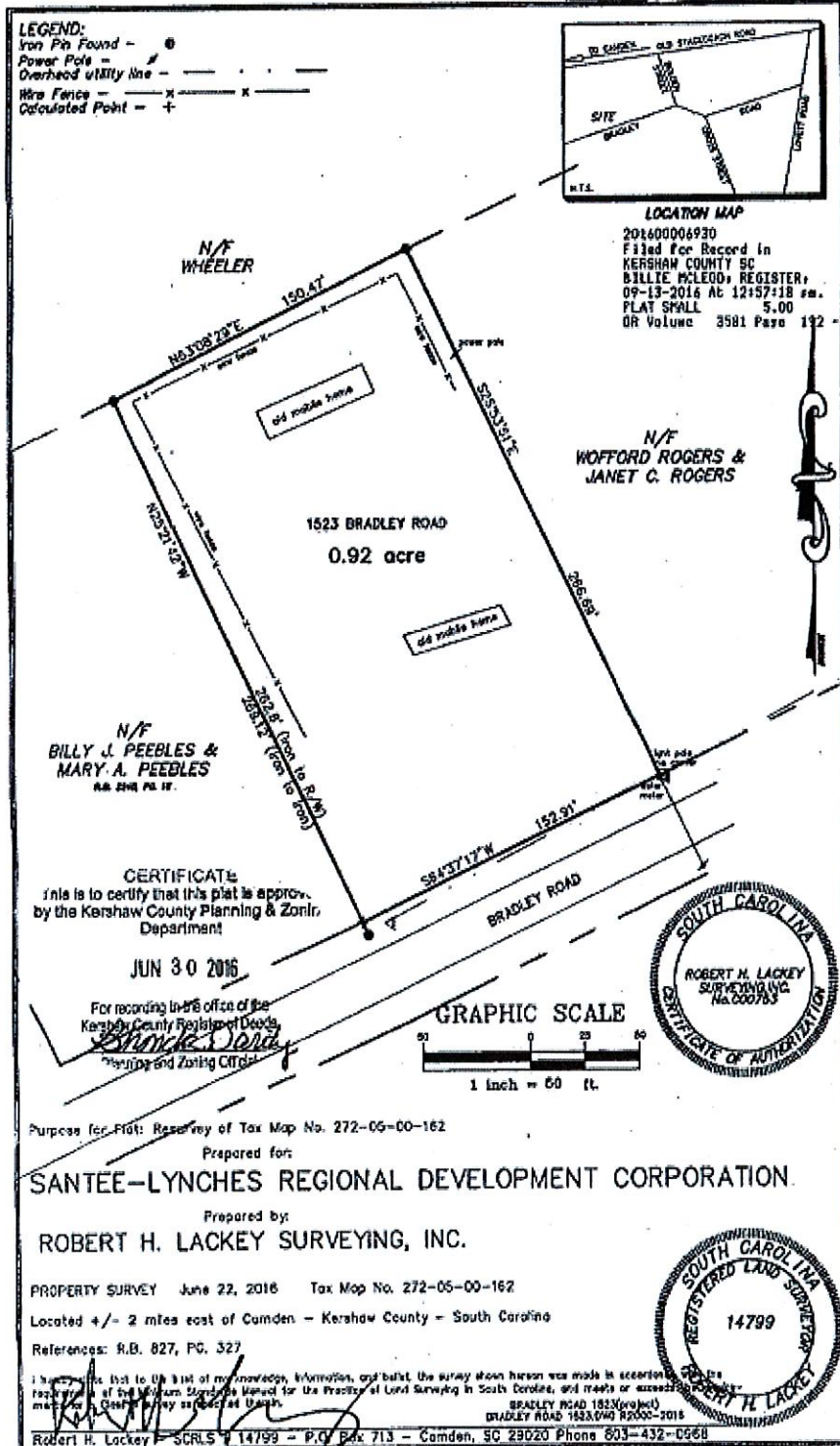
Notary Public for South Carolina

My commission expires on _____ day of _____, 20____.

Recorded Plat Rezoning (Case # 24-01)

Instrument 20160006930 OR Volume Page 3581 192

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Section 4. Definitions. For the purposes of this Ordinance, the following definitions shall apply:

- a. *Garbage* means waste resulting from the handling, preparation, cooking, and consumption of food.
- b. *Garbage and refuse container* shall mean any container defined and regulated under S.C. Code Ann. Regs. 61-107.5. This shall specifically include all solid waste storage containers and containers used for temporary storage as defined by S.C. Code Ann. Regs. 61-107.5 (13), (14).
- c. *Litter* means all waste materials including, but not limited to, disposable packages or containers, trash, garbage, or refuse.
- d. *Litter receptacle* means those containers regulated under South Carolina Code Section 16-11-700, which may be standardized as to size, capacity, and color, and which may bear a state or county anti-litter symbol, as well as any other receptacle suitable for the depositing of litter.
- e. *Owner* includes any person owning or having title, possession, or control over real property including, but not limited to, landholders, landlords, tenants, proprietors, and business operators.
- f. *Person* means an individual, partnership, company, contractor, subcontractor, develop, cooperative, corporation, firm, landlord, tenant, proprietor, owner political subdivision, sub-development, state or county agency, trust, estate, joint venture or any other legal entity or its legal representative, agent, or assigns.
- g. *Refuse* means combustible trash, including paper, collapsed cardboard, cartons, or boxes, but excluding barrels, wood, tree branches, yard trimmings, wood furniture or bedding. The term "refuse" also includes noncombustible trash, including tin cans, glassware, and crockery, but does not include metal furniture, dirt, rocks, pieces of concrete or other mineral wastes.
- h. *Solid waste* means any garbage, refuse, or sludge from a waste treatment facility, water supply plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1964, as amended. Also excluded from this definition are application of fertilizer and animal manure during normal agricultural operations or refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.
- i. *Vehicle* means any motor vehicle, water vessel, railroad car, airplane, or other means of transporting litter.

Section 5. Application.

- (a) No person shall dump, throw, drop, deposit, discard or otherwise dispose of litter or other solid waste upon any public or private property or in the waters of the County whether from a vehicle or otherwise including, but not limited to, any highways, park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except:
 - (1) When such property is designated by the County or the State for the disposal of litter and other solid waste and such person is authorized to use such property for that purpose;
 - (2) Into a designated litter receptacle or garbage and refuse container in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of such private or public property or waters.
- (b) The responsibility for the removal of unlawfully deposited litter from property or receptacles shall be upon the person responsible for littering the property or receptacles. However, if the person responsible for littering the property or receptacles is unknown or if there is no charge or conviction of a person for the violation in question, then the owner of the property shall be responsible for the removal of litter from such property or receptacles in accordance with Section 7 of this Ordinance; and in such cases, the court may consider the financial or physical ability of the property owner to remove said litter, but the burden shall be on the property owner to prove the same. See S.C. Code Ann. § 16-11-700.
- (c) Where litter has traveled through forces of elements onto property of another, the owner of the property of origin of the litter is responsible for the removal of litter from the property wherever the forces of elements carry or spread the litter.
- (d) In the event it cannot be determined which occupant of any vehicle, boat, or other conveyance committed any acts in violation of this Ordinance, it shall be inferred that the driver or operator of the vehicle, boat, or conveyance shall have violated this Ordinance.
- (e) It shall be unlawful for any person, firm, corporation, institution, or organization to transport any loose litter, solid waste, or other materials by truck or other motor vehicles within the unincorporated limits of the County unless the load is secured by means of a covering which is fastened securely so as to prevent any of the litter, solid waste, or other materials from dropping, sifting, leaking, or otherwise escaping from the vehicle. Lack of adequate covering and securing of material while the loaded truck or other motor vehicle is in motion shall constitute a violation of this section.
- (f) All litter receptacles, garbage and refuse containers, and any other container used for temporary storage of litter or solid waste must be adequately constructed and maintained to provide coverage for the contents of the receptacle or container in a manner that will prevent litter or solid waste from being carried away or deposited by the elements upon any part of private or public property or waters.

Section 6. Penalties and fines.

- (a) A person who violates the provisions of this Ordinance is guilty of a misdemeanor and, upon conviction, must be fined not less than \$250.00 for a first offense. In addition to the fine or term or imprisonment, the court shall require the violator to

complete four (4) hours of litter-gathering labor or other form of public service as the court may order because of physical or other incapacities.

- (b) For a second conviction, the person must be fined not less than \$250.00. In addition, the court shall require the violator to complete eight (8) hours of litter-gathering labor or other form of public service as the court may order because of physical or other incapacities.
- (c) For a third conviction, the person must be fined not less than \$500. In addition, the court shall require the violator to complete twelve (12) hours of litter-gathering labor or other form of public service as the court may order because of physical or other incapacities.

Section 7. Enforcement.

- (a) The provisions of this Ordinance shall be enforced by the duly authorized law and code enforcement officers of the County including, but not limited to, the county litter enforcement officers and all law enforcement officers and deputies employed by the Kershaw County Sheriff's Office (collectively, "county enforcement officers").
- (b) County enforcement officers shall be authorized and required to cause the inspection of any public or private property within the unincorporated limits of the county and within the county jurisdictional limits on the waterways whenever it shall be necessary to enforce the provisions of this Ordinance.
- (c) Any person violating the provisions of this Ordinance in the presence of a county enforcement officer shall be issued a uniform summons for the offense.
- (d) Any person reasonably believed to have violated the provisions of this Ordinance, and upon probable cause, may be issued a uniform summons for the offense.
- (e) Whenever it appears to a county enforcement officer that property lying within the unincorporated county limits contains litter as defined by this Ordinance, the county enforcement officer shall serve written notice on the owner of the property requiring the owner to abate or remove the litter within fifteen (15) calendar days from the date of the notice.
- (f) Any property owner who refuses or neglects to abate or remove litter from property after receiving fifteen (15) days' notice shall be served with a uniform summons and subject to prosecution in accordance with this Ordinance. In addition, the county enforcement officer may also cause the abatement or removal of such litter in accordance with the provisions of Chapter 22, Article II of the Kershaw County Code of Ordinances.

Section 8. Severability. Should any part, provision, or term of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding, or determination shall not affect the rest and remainder of the Ordinance or any part, provision, or term thereof, all of which is hereby deemed separable.

Section 9. Effectiveness. This Ordinance takes effect and is in full force only after the County Council has approved this Ordinance following three readings and a public hearing.

KERSHAW COUNTY, SOUTH CAROLINA

Kaitlyn E. Guinn, Chair
Kershaw County Council

(SEAL)

ATTEST:

Hannah M. Parler, Clerk to Council

First Reading:
Second Reading:
Third Reading:
Public Hearing: