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FEATURED

## UDO issues showcase distrust in VW leadership

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Van Wyck Town Council unanimously approved the second and final reading of the town's new Unified Development Ordinance (UDO) on Dec. 5.

The new UDO does not include a heavy industrial classification, so it changes the zoning of certain parcels from heavy industrial to light industrial.

Current business uses have been grandfathered in, meaning that specific business operations will not be affected, even if the land is sold to another business in the same category, unless the business is inactive for 180 consecutive days.

However, some residents and business owners say there is growing dissatisfaction with the town government's actions, stemming partly from a lack of clarity regarding who or what is affected by recent changes.

"It's government picking winners and losers, and they don't need to do that," said Mark Johnson, president of J&S Inc. Redi-Mix Concrete, 5554 Charlotte Highway, Van Wyck.

Johnson said his land and business will not be affected by the new UDO, because he has two sons in their 30s who will continue to run the family business.

For Kyle Starnes, owner of Hickory Hills Smoked Products, 1714 Steel Hill Road, Van Wyck, the new ordinance holds a greater importance, as he owns 50 acres and leases land to three businesses, soon to be four. His father, Keith Starnes, owns 300 acres along U.S. 521, for a family total of 350 acres, including an industrial site in Van Wyck.

“We definitely tried to take care of this town and build it into something that really looks 100 times better than it did,” Kyle Starnes said. “And it was a lot of money that could have been used in other areas of my life.”

Starnes said Van Wyck Mayor Sean Corcoran approached him with documentation detailing the ordinance proposal, and Starnes requested time to speak with his attorneys so he could make an informed decision. Corcoran also invited Starnes to a meeting to cover further details.

“He invited me down for a meeting,” said Starnes, who’s owned property in Van Wyck for 28 years. “We were supposed to have two or three people there; there was a whole planning department. He slid two pieces of paper across the table and asked me what I thought about changing to light industrial.”

Starnes also said his property has a CSX rail spur.

“Some of them (the council) don’t even know that there was a real CSX rail line over there,” Starnes said.

The zoning change does not allow a new category of heavy industrial company to lease land from Starnes, and limits what businesses can utilize the rail line, which are often heavy industrial ones.

“We just try to work with what comes along and try to make sure it doesn’t disrupt the town,” Starnes said. “But for the mayor to come along and they say we don’t want heavy industrial and reclassify my property, I just don’t think it’s really a fair thing to me.”

Starnes said legislation like this makes him hesitant to do anything with his land in Van Wyck in the future, because the town’s changing land ordinance has complicated his business dealings.

Corcoran said the town of Van Wyck began drafting its own UDO a little over a year ago. Van Wyck was incorporated in 2017 and initially followed county zoning ordinance as law within the town. He said this allowed the town to get on its feet after becoming incorporated, and work with the county until Van Wyck government was ready to draft its own UDO.

With the town’s new UDO no longer allowing heavy industrial zoning, Corcoran worked with the two remaining heavy industrial parcels, a brickyard and a mulch yard operated by S.M. Smith, to meet regulations for a different zoning.

“Neither parcel was being used (as heavy industrial) and hadn’t been used for a very long time for any kind of heavy-industry use,” Corcoran said.

Corcoran said he worked with an attorney for S.M. Smith and an attorney for the landowner to come to an agreement to get the ordinance drafted to redesignate the parcel, which is now classified as a light industrial use, and falls under the conditional use permit.

“What we’ve passed is tailored to the future plans for the town and our current uses in the town,” the mayor said.

Corcoran also said that the anger directed at council decisions is often fueled by misinterpretation or misinformation, and said he encourages residents and business owners to attend council meetings and make comments and concerns known to town council.

Charles Bowling, owner of Southern Motor Co., 5234 Charlotte Highway, Lancaster, said he has not read all 190 pages of the ordinance, but he noticed that used-car dealers are specifically prohibited from operating within town limits, which directly affects the future of his business.

“I got a copy when they sent out a little postcard that they were going to have, I guess, what he called a zoning regulations ordinance,” Bowling said. “I went on the computer and printed out a copy of it and started reading through it. And you know, I noticed that they mentioned specifically outlawing car dealers. So I emailed the mayor and everybody on the city council. The mayor called me back, but nobody else ever did.”

Corcoran said that automotive sales are not a current permitted use in the town UDO, however Bowling’s property is zoned as general business, so it falls under the non-conformance clause and is not changed or impacted negatively.

Bowling said that at the first reading there was a large crowd that spoke out against the zoning, but said the council “just rubber-stamped it and pushed it right on through” anyway.

Bowling has operated his business in the area since 1987 and lived in Van Wyck for many years before it became incorporated.

Bowling, Johnson and Starnes all represent a generation native to the area for decades, that has a growing wariness of new town council measures and ordinances that they feel threaten to disrupt business as usual.

“They’re attacking the value of the property by changing the zoning or outlawing a particular business,” Bowling said. “I just don’t think that’s right.”

Bowling said while the new ordinance does not directly affect him now, it affects the value of his land when he looks to sell it in the next few years and retire.

“I know all of my neighbors around here,” Bowling said. “Nobody has any objection to what I’m doing. I’ve always told them if you see something that you don’t like that I’m doing, you let me know and we’ll take care of it.”

For landowners concerned about the value of future sales, Corcoran said the UDO was drafted to prevent undue hardships to landowners and to hold standard concepts in most zoning ordinances throughout South Carolina. The mayor also said that the specific business use is grandfathered, not the business owners, so as to allow for flexibility in land sales and company ownership.

“I’ll refer you to section 13.3 of the town UDO, which deals with non-conforming uses,” Corcoran said. “The ‘grandfather clause’ that folks mention refers to the land-use concept of ‘non-conforming uses.’ The idea being that a use that was permitted under a previous zoning regulation will be allowed to continue under the new zoning laws.

“Under the town’s UDO, we included a non-conforming uses section that permits prior permitted uses to continue, unless they are changed, expanded or re-used after the use has been discontinued for 180 days,” Corcoran said.

“The law does not address the situation where a use continues after the land is sold. Because it’s not addressed in the ordinance does not mean that if they sell their property, it won’t be allowed going forward. That’s the wrong conclusion to draw here,” he said.

“It sunsets those non-permitted uses, if that use discontinues. The fact that the property may sell or the business may sell to somebody else, does not mean that that use can’t continue. That use can continue even if the property is sold.”

For more information, the entirety of Van Wyck’s recently passed UDO can be found on their website at [www.townofvanwyck.net/sites/default/files/fileattachments/planning\\_commission/page/2638/tovw\\_unified\\_development\\_ordinance\\_adopted\\_12-5-22](http://www.townofvanwyck.net/sites/default/files/fileattachments/planning_commission/page/2638/tovw_unified_development_ordinance_adopted_12-5-22).