# LANCASTER COUNTY PLANNING COMMISSION

**March 17, 2015**
**6:30 PM**
**Lancaster Co.**
**Adm. Bldg.,**
**Room 224**
**(803) 285-6005**

| | | | |
|---|---|---|---|
| **Type of meeting:** | **General Business Meeting** | **Facilitator:** | **Planning Staff** |
| **Clerk:** | **Judy Barrineau** | | |
| **Please read:** | **Agenda Packet** | | |
| **Please bring:** | **Agenda Packet & UDO** | | |

| | |
|---|---|
| Call To Order | Chairman |
| Roll Call | Chairman |
| Approve Agenda | Chairman |
| Citizen's Comments | Chairman |
| Approval of Minutes – February 05, 2015 Workshop Minutes | Chairman |
| Chairman's Report | Chairman |
| Director's Report | Penelope Karagounis |
| **SD-015-005 – Preserve at Tree Tops** – Preliminary subdivision plan application of Lennar Carolinas, LLC. The property is located at 9070 Van Wyck Road and consists of 613.613 acres. {Public Hearing} pgs. 1-29<br>**Tax Map 0022-00-007 and 0019-00-003** | Alex Moore |
| **UDO-TA-015-003 –** Proposed text amendment to the Lancaster County Unified Development Ordinance by Lancaster County to amend the text of Chapter 4 Conditional and Special Exception Uses, Section 4.1.19 Recycling Facilities, Convenience Centers, and Resource Recovery Facilities.<br>{Public Hearing} pgs. 30-32 | Nick Cauthen |
| **New Business:** Nomination for Board Member of the Year | |
| **Old Business:** | |

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**Memo**

**To:** Lancaster County Planning Commission Members

**From:** Penelope G. Karagounis, Lancaster County Planning Director

**Date:** March 11, 2015

**Re:** Director's Report for the March 17, 2015 Planning Commission meeting

**Message:**

Lancaster County has a new standing committee policy. There are three committees: Administration Committee; Infrastructure and Regulation Committee; and Public Safety. The Planning Department is part of the Infrastructure and Regulation Committee. Councilman Larry Honeycutt is the Chairman of the Committee, Councilman Larry McCullough is the Vice Chairman of the Committee and Councilman Jack Estridge is a member of the Committee. The monthly meetings will be held the 2nd Tuesday at 3:00 p.m. in the Lancaster County Council Chambers/Conference Room. We had our first Infrastructure and Regulation Committee on Tuesday, March 11, 2015 and it was primarily an introduction to this new process. For the month of March, we have a second meeting scheduled for Tuesday, March 24, 2015. This Infrastructure and Regulation Committee replaces the Development Agreement Committee. For example, we have a rezoning application for the former MI Homes Site on Harrisburg and Barberville Road in Indian Land for a Cluster Subdivision Overlay District. The applicant is Sinacori Builders that have also submitted a Development Agreement. We will have this application processed and have a public hearing at the Planning Commission meeting on April 21, 2015. After the Planning Commission makes a recommendation, this will get forwarded to the Infrastructure and Regulation Committee in May and then it will be forwarded in June to County Council. We will use this committee to discuss any future text amendments and projects. It will be a platform for the Planning Department to give the committee updates to the rewrite of the UDO.

We have been busy with the Development Review Committee. Movement Mortgage went through the DRC process on February 24, 2015. On March 2, 2015, we held the DRC for the Preserve at Tree Tops. On March 10, 2015, we had the Indian Land Storage case and they are the first development to be required to the Highway Corridor Overlay Standards. The applicant Johnson Development met all regulations in the Highway

Corridor Overlay District and elected to provide more landscaping to the rear of the property that faces the Cobblestone residential community. They also went a step further by following my recommendation to meet with the Home-Owners Association since their property did not have to go through a rezoning process. The property is zoned B-3, General Commercial District and mini-warehouses is a conditional use in the B-3, General Commercial District. We appreciate the communication and transparency effort which Johnson Development made with the homeowners of Cobblestone. We are excited to see the first commercial project in Indian Land meet these standards since the incorporation of the regulations of the Highway Corridor Overlay District. We appreciate all the efforts that the Planning Commission contributed during the Highway Corridor Overlay creation. On March 24, 2015, we have 3 applications. The MGP Retail is returning for a second time with modifications. First Federal Properties and Heritage Hall Phase 2, Map 1 is also being heard at the DRC. On April 14, 2015, we have the Southlands Construction project going through the DRC process.

Staff is working with Kara Drane, Catawba Regional Council of Government throughout the month of March with the rewrite of the Unified Development Ordinance. At the Planning Commission meeting on March 17, 2015 we will finalize the selection of the UDO Review Committee. The UDO Review Committee meetings will be posted and notified to the press.

| | |
|---|---|
| **SD-015-005 – Preserve at Tree Tops – Preliminary subdivision plan application of Lennar Carolinas, LLC. The property is located at 9070 Van Wyck Road and consists of 613.613 acres. {Public Hearing} pgs. 1-29**<br>**Tax Map 0022-00-007 and 0019-00-003** | Alex Moore |

# PLANNING STAFF REPORT: SD-015-005, TREE TOPS

# I. FACTS

## (A) GENERAL INFORMATION

**Proposal:** Preliminary Subdivision Plan Application of Lennar Carolinas, LLC

**Property Location:** The property is located at 9070 Van Wyck Road and consists of 613.613 acres.

**Legal Description:** TMS # 0022-00-007 and 0019-00-003

**Zoning Classification:** The properties are zoned R-30P with a Cluster Subdivision Overlay District (CSOD).

## (B) SITE INFORMATION

**Site Description:** The project contains ± 613.613 acres and is proposed to consist of 786 single-family lots for a density of 1.28 DU/AC

## (C) VICINITY DATA

**Surrounding Conditions:** The site is surrounded by parcels which are zoned R-30P, Low Density Residential/Agricultural Panhandle District and R-30S, Low Density Residential/Manufactured Housing/Agricultural District.

## (D) EXHIBITS

1. Subdivision Application
2. Variance Application 1 (Cul-de-Sac Length)
3. Variance Application 2 (Minimum Block Length)
4. Variance Application 3 (Stub-Out to Adjacent Properties)
5. Variance Application 4 (Sidewalks on both sides of Collector Streets)
6. SCDOT Letter Regarding Road Improvements
7. DRC Comments, 3-4-15
8. Emergency Access, Plan "A"
9. Information from Fire Marshal regarding Plan "A"
10. Development Review Committee Sign-In Sheet, 3-2-15
11. Tree Tops Preliminary Plan (Large Plan-Set)

# II. Findings

## (A) DEVELOPMENT DATA SUMMARY—TREE TOPS

**Developer:** Lennar Carolinas, LLC

**Site Acreage:** 613.613 Acres

**Current Zoning:** R-30P with a Cluster Subdivision Overlay District (CSOD)

**Proposed Lots:** 786 Lots (1.28 DU/AC)

**Maximum Lots per Development Agreement:** 835 Lots (1.36 DU/AC)

**Lot Sizes:** 55' Lots—262 (33%), 65' Lots—264 (34%), 75' Lots—260 (33%)

**Setbacks:** Front: 20', Rear: 30', Side: 7', Side Corner: 15'

**Open Space:** 360 acres of open space provided (58% of Site)

**Required Open Space less Primary Conservation Areas:** 138.91 ACRES (25%)

**Provided Open Space less Primary Conservation Areas:** 196.859 ACRES (35%)

**Project will be *Gated***

**Streets will be *Private***

**Project at Least 50% Age Restricted per Development Agreement**

**Road improvements:** The following road improvements are required per the traffic impact analysis (TIA) and subsequent review of the TIA by SCDOT: (1) A left turn lane, 200 feet of storage and appropriate taper at access one. (2) A left turn lane, 200 feet of storage and appropriate taper at access two. (3) Extension of the existing storage of the left turn lane on Van Wyck Road at US HWY 521 to at least 200 feet. (4) Addition/Extension and modification of the existing roadway into a second left turn lane on Van Wyck at US HWY 521 of at least 200 feet. (5) A complete signal plan showing the changes that will be necessary to turn the leg of Van Wyck from a single left configuration to a dual left. (6) Any necessary changes to signal heads, conduits, loops that may be necessary to the signal to make this possible. (7) All widening necessary for the lanes described above (i.e. transitional widening). (See Exhibit 6).

**Other requirements:** All requirements within the approved Development Agreement (Lancaster County Ordinance 2014-1315).

## (B) PRELIMINARY PLAN REVIEW PROCESS--TREE TOPS

1) On December 8th, 2014, the County Council voted at third reading to approve the Development Agreement between Lennar Carolinas, LLC and Lancaster County relating to the Preserve at Tree Tops Development (Lancaster County Ordinance 2014-1315).

2) On this same date, December 8th, 2014 the County Council voted at third reading to amend the zoning of the parcels which comprise Tree Tops from PDD-6 to R-30P with a Cluster Subdivision Overlay District (CSOD). This was designated Lancaster County Ordinance 2014-1316.

3) Lennar Carolinas, LLC subsequently submitted an application for Preliminary Plan approval for Tree Tops on February 2nd, 2015. This review is subject to the requirements of the Cluster Subdivision Overlay Ordinance as well as the approved development agreement referenced above. On this date the applicant also distributed digital copies via email to the respective departments and agencies listed on the application form.

4) The Planning Department distributed paper copies of the Preliminary Plan on February 3rd, 2015 to the departments and agencies listed below for review and comment.

   - Lancaster County Public Safety Communications
   - Lancaster County Fire Service
   - Lancaster County Zoning Department
   - Lancaster County Public Works Department

5) The Lancaster County Development Review Committee (DRC) met on March 2nd, 2015. The DRC meeting allowed the appropriate Lancaster County Departments and associated agencies to discuss the project with the applicant and design team.

6) I have included the comments that came out of the DRC meeting of March 2nd (Exhibit 7). These items are being addressed within either the Preliminary Plan resubmittal of March 11th or within the future construction plan submittal phase where appropriate.

7) As discussed at the Planning Commission workshop on March 5th, there was a public safety concern regarding ingress/egress to the southernmost portion of the Tree Tops subdivision. The Fire Marshal was at this workshop to provide expertise regarding this issue. Please note that Section 13.7.8.9 of the Lancaster County UDO refers to one access subdivisions:

***Section 13.7.8.9 - One access subdivisions.***
*Development of any subdivision which will result in one hundred fifty (150) or more dwelling units dependent on a single point of access shall require the provision of a second means of ingress/egress. The planning commission may increase the number of dwelling units allowed*

*with only one point of access up to 300 dwelling units if design features are provided to accommodate the traffic and reduce safety concerns brought about by the additional dwelling units.*

*a. All one access subdivisions shall adhere to the following requirements:*

*1 .No structure shall be located more than (500) feet from a six six-inch fire hydrant. The 500-foot length shall be measured from the six-inch fire hydrant to the rear of the structure. A fire hydrant requires a six-inch water main.*

*2. Within 2,000 feet of the point of access to the subdivision an intersection with another road shall be created.*

*3. Dead end streets without a planned vehicular turnaround are prohibited. The turnaround shall have a 70-foot minimum diameter to the edge of the pavement and a 100-foot minimum diameter to the right-of-way.*

*b. Any one access subdivision proposing to contain 150 or more dwelling units shall provide the county planning department and the planning commission a traffic impact statement which not only establishes the amount of traffic which could be generated by the proposed development and analyses its impact on the surrounding road system but also indicates how the proposed road system and any proposed design features will address at a minimum the following concerns:*

*1. Access into and out of the subdivision (i.e.) divided entrances, extra turn lanes, etc.*

*2. Provision of emergency services (i.e.) intermediate turnarounds at least every 1,000 feet up to the point where an intersection is located, divided entrances, extra lanes, special points of access, a minimum turning radius of 60 feet, etc.*

*3. Provision of safe and convenient traffic access and circulation. (i.e.) Avoid long straight roads (not over 2,000 feet) which can be used for speeding. Provide curves in the roads, speed humps or other traffic calming devices, etc.*

*The suggestions made as to how to address these three areas of concern are not all inclusive and the applicant can make any other proposals which they believe will serve to alleviate any and/or all safety concerns.*

*b. Planning staff and the planning commission reserve the right to ask for a traffic impact statement for any subdivision regardless of the number of proposed units based on the amount of development which has occurred in the surrounding area (within a one-half mile radius) if it appears that the proposed development could have a negative impact on the road system of the surrounding area. Staff or the commission may also ask for a traffic impact statement based on the direction of the trips (i.e.) a large amount of the anticipated trips will require a left-turn be made out of the subdivision.*

8) As Planning Staff noted at the Planning Commission Workshop on Thursday March 5th, it is the interpretation of the Planning Department that the proposed two ingress/egress points on Van Wyck Road meet the requirements of the land development section of the UDO.

9) Conversely, public safety issues should always be addressed. The Lancaster County Fire Marshal raised a concern that warranted further review. To this end, Lennar Carolinas, LLC has proposed an alternative means of accessing the southernmost portion of the subdivision which has been of concern. Please note Sheet C-009 and Sheet C-013 within the Preliminary Plan resubmittal of March 11th, 2015. Additionally, please reference Exhibit 8, aka "Plan A". This plan has

been reviewed and deemed workable by the Lancaster County Fire Marshal (See Exhibit 9).

## (C) UDO VARIANCE REQUESTS--TREE TOPS

1. A request for a variance from the Lancaster County Code requirement for the maximum cul-de-sac length of 1,000 feet. The applicant has proposed a cul-de-sac not to exceed a length of 1,750 feet. This is a portion of Acadia Falls Drive which is perpendicular to Tranquility Blvd. See Exhibit 2.

   - **Staff recommendation:** The applicant's design team states that the additional cul-de-sac length is necessary in order to provide access to a proposed lift station as well as future site amenities. Additionally they state that this cul-de-sac will allow for preservation of environmental features. Preservation of significant site features is a fundamental goal of the CSOD ordinance. Planning Staff recommends that this variance request be **APPROVED.**

2. A request for a variance from the Lancaster County UDO standard which requires a minimum block length of 600'. See Exhibit 3.

   - **Staff recommendation:** The applicant's design team states that this variance request will allow for block lengths of less than 600 feet around the perimeter of pocket parks within Tree Tops. It is Staff's opinion that such pocket parks within Tree Tops can provide recreational, social and aesthetic benefits within Tree Tops. Planning Staff recommends that this variance request be **APPROVED.**

3. A request for a variance from the Lancaster County UDO standard which requires that stub-outs within developments be provided where such developments abut parcels of five-acres or more. The applicant's design team states that the reason for requesting this variance is two-fold. First, since Tree Tops is proposed to be a gated community, such stub-outs for any future connections would also have to be gated and require additional security measures. Second, the applicant notes that the site presents significant topographic and environmental challenges. Thus, such stub-outs would require access challenges as well as possible damage to natural areas. See Exhibit 4.

   - **Staff recommendation:** Most significantly, the applicant's design team states that this variance request will again allow for the non-disturbance of environmental features within the Tree Tops project. Planning Staff recommends that this variance request be **APPROVED.**

4. A request for a variance from the Lancaster County UDO standard which requires sidewalks on both sides of collector streets within Cluster Subdivisions. The streets in question include portions of Tranquility Boulevard and Acadia Falls Lane. See Exhibit 5.

   - **Staff recommendation:** The applicant's design team states that this variance is requested due to (1) the nature of the applicable street cross-section as customized to this community. (2) The collector streets are principally located adjacent to the existing lake where walking trails will be provided. (3) The project already proposes sidewalks on both sides of the local streets which exceeds the minimum requirements of the Cluster Ordinance. Planning Staff recommends that this variance be **APPROVED.**

# III. CONCLUSIONS

The fundamental purpose of the Cluster Subdivision Overlay District in Lancaster County is to encourage protection of open space. Open space within projects may include critical natural areas and other significant site features. In return, developers receive the ability to reduce lot sizes, thus achieving a reduction in infrastructure and building costs. The goal of the CSOD review process should be equitable in that the project balances the objectives of both conservation and development.

To this end, Lennar Carolinas, LLC has submitted the Tree Tops Preliminary Plan to Lancaster County via the Cluster Subdivision Overlay District Ordinance. The subdivision design for Tree Tops conserves significant amounts of natural areas as permanent open space. Planning Staff believes that conservation-centric design principles and the development agreement allow for the County to realize tangible gain from this project.

Specifically, the development agreement mandates that there be substantial road improvements, a school-district payment, funds for public safety, and the provision that at least half of the project be age-restricted. Thus, this document advances comprehensive and orderly planning and provides benefits to residents of Tree Tops and greater Lancaster County.

Lancaster County Planning Staff concludes that this project reflects an equitable balance of conservation and development and substantially meets the requirements of the Cluster Subdivision Overlay District Ordinance. The variances which are requested concurrently with Preliminary Plan approval do not undermine the integrity of the CSOD Ordinance. It is Staff's opinion that the spirit of the CSOD Ordinance will be upheld by the granting of these variances. Additionally, the applicant has addressed the comments of the Lancaster County Fire Service in providing an alternate, emergency access which greatly ameliorates public safety concern in the Tree Tops CSOD.

# IV. RECOMMENDATION

It is thus the recommendation of Lancaster County Planning Staff that the Tree Tops Preliminary Plan be **APPROVED** along with the requested variances as noted in Section II.(C) of this report.

# Exhibit 1

LANCASTER COUNTY
SOUTH CAROLINA
LAND DEVELOPMENT REGULATIONS

RECEIVED 3-11-15

**PRELIMINARY PLAN APPLICATION**
(Refer to Article 5, Section 5.1)

Do Not Write In This Box

Application No. 2015-005 Date Received 3-11-15 Fee Paid ✓

**INSTRUCTIONS:**

**PLEASE COMPLETE THIS APPLICATION AND THE ATTACHED CHECKLIST. RETURN THESE TWO FORMS, YOUR SITE PLAN DRAWING, AND SUPPORTING INFORMATION TO THE LANCASTER COUNTY PLANNING DEPARTMENT. INCOMPLETE APPLICATIONS WILL BE RETURNED TO THE APPLICANT. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE PLANNING DEPARTMENT AT (803) 285-6005.**

Subdivision Name: Tree Tops

Project Type: Single Family Residential

Property Location: (one) ☒ Unincorporated area of County ☐ City of Lancaster

☐ Town of Heath Springs ☐ Town of Kershaw

Tax Map Number: 0022-00-007, 0019-00-003

Area in Acres: 613.613 Acres

Number of Lots: 786

Number of Sections/Phases: Phasing to be determined at construction document phase

Existing Land Use District Classification: R-30 Cluster Overlay

| CONTACTS: | PROPERTY OWNER | SURVEYOR/ENGINEER |
|---|---|---|
| NAME | Lennar Carolinas, LLC<br>Attn: Jon Hardy | ColeJenest & Stone, PA<br>Attn: Mark McAuley |
| ADDRESS | 11230 Carmel Commons Boulevard | 200 South Tryon Street, Suite 1400 |
| CITY/STATE/ZIP | Charlotte, NC 28226 | Charlotte, NC 28202 |
| PHONE NUMBER | 704-542-8300 | 704-971-4533 |

Waster Supply: ☐ Wells ☒ Central Lancaster County Water and Sewer District
Name of Provider

Water Treatment: ☐ Septic ☒ Central Lancaster County Water and Sewer District
Name of Provider

Are you requesting a variance to any provision of the land development regulations? ☒ Yes ☐ No
If yes, attach a statement identifying which regulation section(s) is affect and explain.

Exhibit 1

LANCASTER COUNTY
SOUTH CAROLINA
LAND DEVELOPMENT REGULATIONS

**PRELIMINARY PLAN APPLICATION CHECKLIST**
(Refer to Section 13.8)

**Are the following items included with your preliminary plan application?** Check yes or no.

| **1- General Information:** | **YES** | **NO** |
|---|---|---|
| Vicinity map and aerial photograph | X | |
| Graphic scale, north arrow and date | X | |
| Total acreage of land to be subdivided | X | |
| Boundaries of tract to be subdivided with all bearings & distances indicated | X | |
| Existing and proposed use of all lots | X | |
| Fifteen (15) digital copies of the preliminary plan and Six (6) hard copies (see contact list) | X | |
| **2- Existing Conditions:** | | |
| Zoning classification of proposed subdivision and adjacent areas | X | |
| Deed record names of adjoining property owners | X | |
| Location of streams, lakes, and land subject to 100 year flood | X | |
| Location of adjoining property lines | X | |
| Location of existing buildings on the site | X | |
| Location of right-of-ways for existing roads, railroads, and utility lines on or adjacent to the site | X | |
| Size and location of existing sewers, water mains, drains, culverts, or other underground facilities within any road right-of-way on or adjacent to the site | X | |
| Acreage of each drainage area affecting the proposed subdivision | X | |
| Topography at intervals of not more than ten (10) feet (Topography may be included on a separate map) | X | |
| Location of city & county boundary lines (if applicable) | N/A | |
| Location of all central water and sewer lines within 1000 feet of the site | X | |
| **3- Proposed Conditions:** | | |
| Proposed road layout (road right-of-ways) and public crosswalk locations | X | |
| Proposed road names | X | |
| Road cross-sections | X | |
| Profile of proposed roads showing natural and finished grades | N/A | |
| Layout of all lots, including: area, setback lines, scaled dimensions, lot and block numbers, and utility easements with width and use | X | |
| Preliminary letter of approval for septic waste disposal from DHEC | N/A | |
| Construction plans for water supply, storm drainage, and sanitary sewer systems (if applicable) | N/A | |
| Designation of all land to be reserved for public use | N/A | |
| Proposed major contour changes in areas where substantial cut and/or fill is to be done | N/A | |
| Number of proposed lots | X | |
| Total length of proposed roads | X | |
| Traffic Impact Analysis – Refer to SCDOT ARMS Manual | X (TIA PREVIOUSLY PROVIDED BY KIMLEY HORN AND APPROVED) | |

If any of the above items are not included in your proposal, please explain why: _____

_____

_____

_____

(use back of form if additional space is needed)

NOTE: Submission of this application does not constitute the granting of preliminary plan approval. All applicable requirements must be met before the proposal is presented to the planning commission. Lancaster County reserves the right to request additional information other than that specified in this checklist when deemed necessary for the complete review of the proposal

**Exhibit 1**

LANCASTER COUNTY
South Carolina

## CLUSTER SUBDIVISION OVERLAY DISTRICT STAFF REVIEW CHECKLIST

*Reference Section 2.1.5.6 of Appendix B of the Lancaster County Code*
*(Unified Development Ordinance of Lancaster County)*

| | YES | NO |
|---|---|---|
| **General Information:** | | |
| 1. Name of Applicant: Lennar Carolinas, LLC | | |
| 2. Application Number: | | |
| 3. Property Address: 9070 Van Wyck Rd Tax Map Nos. 0022-00-007, 0019-00-033 | | |
| 4. Total acreage: 613.613 Acres | | |
| 5. Are there restricted covenants or deed restriction? Attach a copy for records. | X | |
| 6. Zoning Classification (Select one of the following): | Development Agreement/Ordinance No. 2014-1315, Recorded 12-10-2014 | |
| R-30, Low Density Residential/Agricultural District | | |
| R-30P, Low Density Residential/Agricultural Panhandle District | X | |
| R-15, Moderate Density Residential/Agricultural District | | |
| R-15P, Moderate Density Residential/Agricultural Panhandle District | | |
| **Minimum Acreage:** | | |
| 1. Does the property have at least thirty (30) gross acres? | X | |
| 2. Does the property consist of contiguous parcels? | X | |
| 3. Does the property adjoin or have direct access to at least one collector street? | X | |
| **Minimum Lot Area:** | | |
| 1. Are proposed lots 5,000 square feet or greater? | X | |

# Exhibit 1

| | | |
|---|---|---|
| 2. Do proposed lot areas increase with lot width? | X | |

**Minimum lot width:**

| | | |
|---|---|---|
| 1. Are both central water and sewer services available and adequate? | X | |
| 2. Are proposed lot widths fifty feet (50') or greater? | X | |

**Variety of lot sizes:**

| | | |
|---|---|---|
| 1. Do proposed lots vary in size and layout? | X | |
| 2. Is there at least ten feet (10') of separation between any two proposed lot widths? | X | |
| 3. Is the yield of any single lot width limited to thirty-four percent (34%) or less of the total lots? List proposed lot widths below. | X | |

| Lot Width | Quantity | Percentage of Total Lots |
|---|---|---|
| 55' | 262 | 33% |
| 65' | 264 | 34% |
| 75' | 260 | 33% |
| | | |
| | | |

**Setbacks:**

| | | |
|---|---|---|
| 1. Are front yard setbacks twenty feet (20') or greater? Note: Refer to Chapter 5 of the UDO for corner lots. | X | |
| 2. Are rear yard setbacks thirty feet (30') or greater? | X | |
| 3. Are side yard setbacks seven feet (7') or greater? If no, are side yard setbacks between five feet (5') and seven feet (7')? | X | |
| 4. If between five feet (5) and seven (7), are all of the following conditions met? | N/A | |
| a. Do dwelling units have fire resistant siding as approved by the Lancaster County Building Official (i.e. brick, masonry, stone, concrete siding)? Note: Vinyl siding is not permissible with a five foot (5') side yard. | N/A | |
| b. Have vented soffits been avoided? Note: Unvented soffits shall be permissible if no less than ten feet (10') from an adjacent dwelling unit or structure. | N/A | |
| c. Are windows of dwelling units offset from windows of adjacent units? | N/A | |

**Open Space**

| | | |
|---|---|---|
| 1. Is open space clearly labeled? | X | |

# Exhibit 1

2. Use the following formula to determine the amount of the site acreage to be set aside as open space. Note: Refer to Section 2.1.5.6 (l) of the UDO for additional examples.

   Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

   TO = ((TP – PC) OSP) + PC

   TO = Total Open Space Set Aside (acres)

   TP = Total Parcel (acres)

   PC = Primary Conservation Areas (acres)

   OSP = Open Space Percentage (% of Site Acreage excluding PC)

   TO = (( 613.613 - 57.881 ) .25) + 57.881

   TO = 196.81 acres of Total Open Space Set Aside

| | | |
|---|---|---|
| 3. Have Primary Conservation areas been accounted for? Note: Refer to Section 2.1.5.6 (f) (3). | X | |
| 4. Is no less than twenty-five percent (25%) of the site acreage, not including primary conservation areas, set aside in perpetuity as open space? | X | |
| 5. Does the proposed open space comply with Chapter 19 and Section 17.1 of the UDO? | X | |
| 6. Have structures, swimming pools, and athletic facilities been excluded from the open space area? Note: structures that serve an accessory function, such as a gazebo, fishing dock, playground equipment or play structures are permitted. | X | |
| 7. Where practicable, have the following been included in open space?<br>– Wooded areas<br>– Scenic vistas<br>– Streams, ponds, wetlands and floodplains<br>– Buffers, including landscaped, perimeter, river and stream<br>– Areas containing slopes in excess of twenty-five percent (25%)<br>– Areas containing unusual natural site features (such as major rock formations)<br>– Environmentally, historically or archaeologically significant or unique areas | X | |
| 8. Is open space contiguous, when not restricted by topography, existing water body and other natural features? | X | |
| 9. Do pedestrians have access to open space? | X | |
| 10. Has the removal of trees and natural vegetation in designated open space been limited? Note: Trees over twenty-four inches (24") in diameter (DBH) shall be preserved and incorporated in designated open space where practicable. | X | |

**Maximum Density:**

| | | |
|---|---|---|
| 1. Does the proposed density comply with that allowed for the residential use district in which it is located? Note: Refer to Section 2.1.1 of the UDO. | X | |

# Exhibit 1

2. Use the following formula to determine the total number of dwelling units allowed. Note: Refer to Section 2.1.5.6(l) for additional examples.
   Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre
   TU = (TP) (DUA)
   TU = Total Units Allowed (dwelling units)
   TP = Total Parcel (acres)
   DUA = Maximum Dwelling Units per Acre (dwelling units/acres)
   TU = ( 613.613 Acres ) ( 1.5 DUA )
   TU = 920 DUA Total Lots or Dwelling Units Allowed

**Connectivity:**

| | | | |
|---|---|---|---|
| 1. Does the proposed cluster subdivision have a connectivity index of 1.4 or greater? Note: Refer to Section 13.7.9.1 of the UDO. | X | | |
| 2. Are one hundred fifty (150) or more dwelling units proposed? | X | | |
| a. If yes to 2 above, has a second means of ingress/egress been provided? Note: Refer to Section 13.7.8.9 of the UDO. | X | | |
| 3. Is the property adjacent to undeveloped or residential parcels containing five (5) or more acres? | X | | |
| a. If yes to 3 above, has at least one (1) stubbed out street been provided? Note: Refer to Section 13.7.10.3 of the UDO. | X | | Subdivision Variance Application Attached |
| 4. Does the proposed cluster subdivision connect to open space (i.e. bike paths, walking/hiking trails, etc.) in adjacent developments where practicable? | N/A | | Existing Trails On Site to be Utilized Where Feasible. No Existing Adjacent Trails. |

**Additional Site Planning Standards:**

| | | |
|---|---|---|
| 1. Is the overall site design harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships? | X | |
| 2. Does the proposed site layout accommodate and preserve any features of historic, cultural, archaeological or sensitive environmental value? | X | |
| 3. Are individual lots, buildings, structures, streets, parking areas, utilities and infrastructure designed and sited to minimize the alteration of natural features, vegetation and topography? | X | |
| 4. Where practicable, are individual lots, buildings, structures, streets, parking areas, utilities and infrastructure designed and sited to be compatible with surrounding development patterns? | X | |
| 5. Are view sheds from existing public right-of-way unobstructed and/or enhanced? | X | |
| 6. Do proposed streets meet the construction standards of Chapter 13 of the UDO and Section 26-61 of the Lancaster County Code of the Lancaster County Code? | X | |

# Exhibit 1

| | | | |
|---|---|---|---|
| a. If on-street parking is proposed, has adequate right-of-way and pavement width been provided in accordance with standards of the South Carolina Department of Transportation (SCDOT)? | N/A | | |
| 7. Is a sidewalk proposed on at least one side of every local street? | X | | Both Sides of Local Streets |
| 8. Is a sidewalk proposed on both sides of arterial and collector streets? | | X | Subdivision Variance Application Attached |
| 9. Are local, arterial and collector streets clearly labeled? | X | | |
| 10. Has a traffic impact analysis been provided? Note: Refer to Section 13.7.10.1 (c) of the UDO. | X | | |
| a. Has the traffic impact analysis been reviewed by the County in conjunction with the South Carolina Department of Transportation by a County level traffic planner or third-party consultant? | X | | |
| 11. Does proposed landscaping meet the requirements of Chapter 12 and Chapter 22 of the UDO? | X | | |
| a. If yes to 11 above, have existing trees and natural vegetation been retained wherever possible to meet this requirement? | X | | |
| 12. Do buffer yards between adjacent zoning districts comply with the requirements of Chapter 12 of the UDO? | X | | |
| a. Have existing trees and natural vegetation been retained wherever possible to meet buffer requirements? | X | | |
| 13. Is a fifty foot (50') buffer included along the frontage of all existing public streets? | X | | Undisturbed Buffer |
| a. If yes to 13 above, does the buffer provide a visual buffer for principal structures? A minimum of twenty-five percent (25%) of the trees and seventy-five percent (75%) of the shrubs shall be evergreens. | X | | |
| 14. Are buffers included in the proposed open space area? | X | | |
| a. If yes to 14 above, are required buffer areas contiguous with areas designated as open space? | X | | |
| 15. Does the proposed plan demonstrate variety in architecture and building materials? | X | | |
| a. Are buildings constructed using quality finish materials (i.e., brick, masonry, stone, concrete siding, or stucco)? | X | | |
| b. Is vinyl siding used in combination with other building materials? | X | | |

**Planning Office Use Only:**

Date Received:
Received By:
Fee Paid:
Date of Meeting Scheduled:

Notes:

# Exhibit 2

LANCASTER COUNTY
SOUTH CAROLINA
LAND DEVELOPMENT REGULATIONS

RECEIVED 2-2-15

APPLICATION TO VARY OR APPEAL THE REQUIREMENTS
OF THE LANCASTER COUNTY LAND DEVELOPMENT REGULATIONS

FILE COPY

Do Not Write In This Box

Application No. 50-015-005 Date Received 2-2-15 Fee Paid $200.00

1- This application if for: (check one)

☒ A variance from the requirements of the Ordinance (fill in items # 2 & 3)

☐ An appeal for clarification or interpretation of the Ordinance (fill in item # 3)

2- Give either exact address or tax map reference of property for which a variance is requested:

Tax Map Nos. 0022-00-007, 0019-00-033

3- Describe the nature of the variance or appeal requested and list the section(s) of the Ordinance that is in question:

Per Chapter 26 of the Lancaster County Code, "cul-de-sacs shall not exceed one thousand (1,000) feet in length, except where unusual topographic or other physical conditions dictate otherwise". A variance for the maximum 1,000 foot length is requested for one of the two proposed cul-de-sacs for the proposed Preserve at Tree Tops development. The proposed length is not to exceed 1,750 feet. This cul-de-sac is extended beyond the limits of the proposed single family lots to provide access to a proposed list station and other future site amenities. A cul-de-sac is used to avoid the unnecessary crossing of a jurisdictional stream channel. An exhibit is attached indicating the location of this cul-de-sac.

NOTE: It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a variance or an appeal rests with the applicant.

APPLICANT'S NAME: (PRINT)

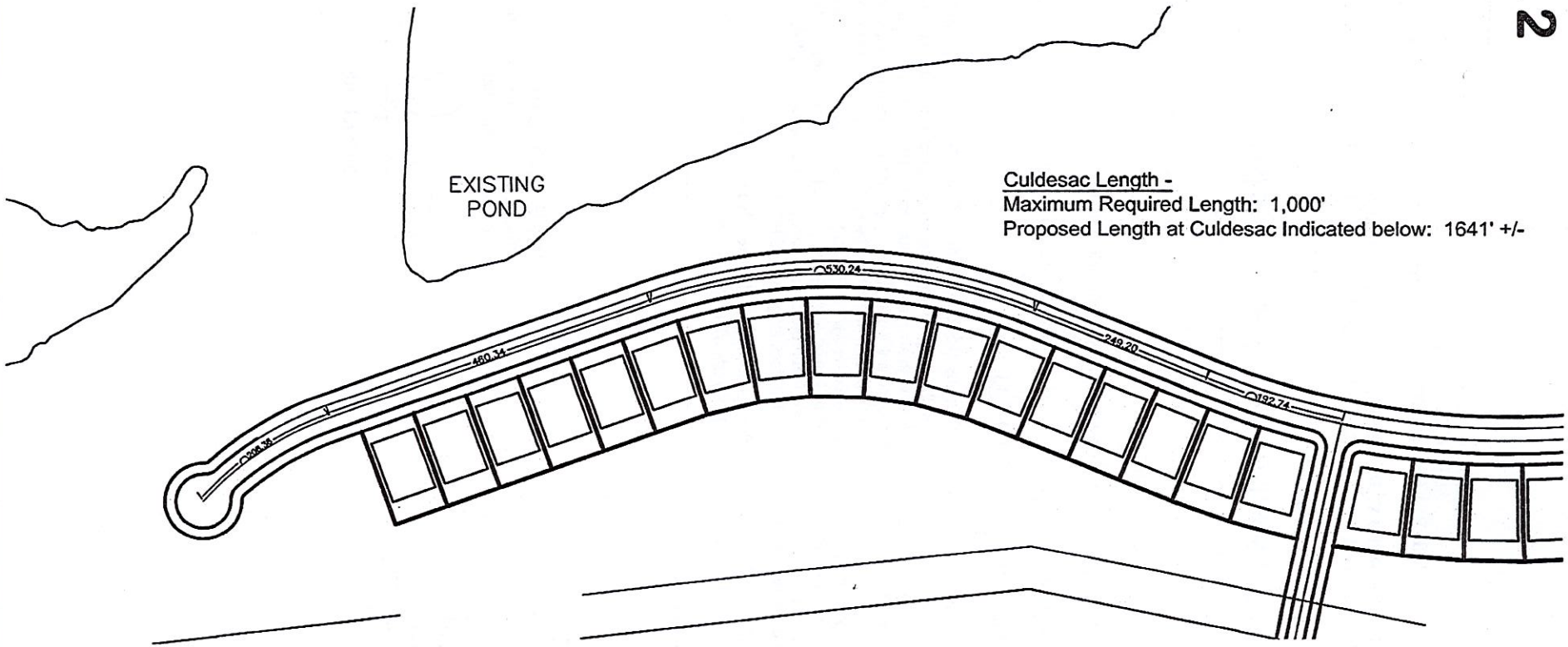
Lennar Carolinas, LLC

ADDRESS:
Lennar Carolinas, LLC
11230 Carmel Commons Boulevard
Charlotte, NC 28226
Cc: ColeJenest & Stone
200 South Tryon Street, Suite 1400
Charlotte, NC 28202
PHONE: 704-542-8300 (Lennar)
704-376-1555 (CJS)

I hereby certify that the above information is correct and true to the best of my knowledge.

SIGNATURE

# Exhibit 2




ColeJenest & Stone

**Preserve at Tree Tops** **Variance Exhibit – Culdesac Length**

**Lennar Carolinas, LLC** Project No. 4354 Issued 2/2/2015 **SCALE: 1"=200'**

0 100 200 400

N

# Exhibit 3

RECEIVED 2-2-15

FILE COPY

LANCASTER COUNTY
SOUTH CAROLINA
LAND DEVELOPMENT REGULATIONS

**APPLICATION TO VARY OR APPEAL THE REQUIREMENTS OF THE LANCASTER COUNTY LAND DEVELOPMENT REGULATIONS**

Do Not Write In This Box

Application No. SD-015-005 Date Received 2-23-15 Fee Paid $200.00

1- This application if for : (check one)

☒ A variance from the requirements of the Ordinance (fill in items # 2 & 3)

☐ An appeal for clarification or interpretation of the Ordinance (fill in item # 3)

2- Give either exact address or tax map reference of property for which a variance is requested:

Tax Map Nos. 0022-00-007, 0019-00-033

3- Describe the nature of the variance or appeal requested and list the section(s) of the Ordinance that is in question:

Per Section 13.7.9.1 of the Lancaster County UDO, the "the length of blocks hereafter established should not exceed one thousand eight hundred (1,800) feet and shall not be less than six hundred (600) feet". This section also states "the length of blocks may be modified, when appropriate, due to the topography or physical shape of the property being subdivided". Within the proposed Preserve at Tree Tops development several pocket parks have been incorporated. Due to the site's topography and physical shape, these parks represent area that would otherwise be dedicated to open space. In all cases, these parks have been located in a manner so they are surrounded by lots on all sides in order to increase access by residents. A variance is requested to allow block lengths less than 600 feet around the perimeter of pocket parks. Attached is an exhibit locating proposed pocket parks where a shorter residential block length will be utilized.

**NOTE:** It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a variance or an appeal rests with the applicant.

APPLICANT'S NAME: (PRINT)

Lennar Carolinas, LLC

ADDRESS:
Lennar Carolinas, LLC
11230 Carmel Commons Boulevard
Charlotte, NC 28226
Cc: ColeJenest & Stone
200 South Tryon Street, Suite 1400
Charlotte, NC 28202
PHONE: 704-542-8300 (Lennar)
704-376-1555 (CJS)

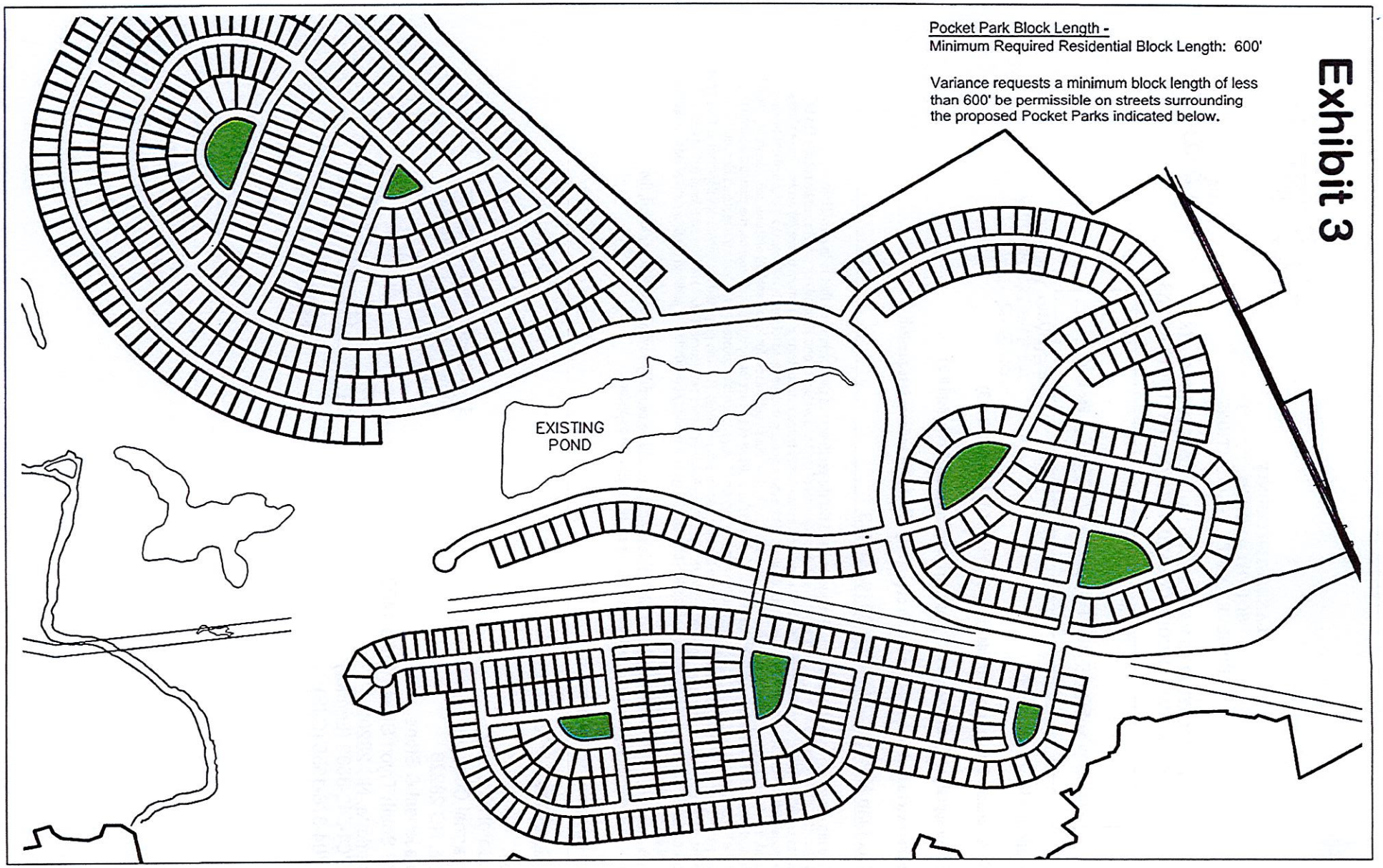
I hereby certify that the above information is correct and true to the best of my knowledge.

SIGNATURE

# Exhibit 3

Pocket Park Block Length -
Minimum Required Residential Block Length: 600'

Variance requests a minimum block length of less than 600' be permissible on streets surrounding the proposed Pocket Parks indicated below.




ColeJenest & Stone

Preserve at Tree Tops — Variance Exhibit – Park Block Length

Lennar Carolinas, LLC Project No. 4354 Issued 2/2/2015 SCALE: 1"=600'

0 300' 600' 1200'

N

# Exhibit 4

FILE COPY

RECEIVED 2-23-15

LANCASTER COUNTY
SOUTH CAROLINA
LAND DEVELOPMENT REGULATIONS

**APPLICATION TO VARY OR APPEAL THE REQUIREMENTS OF THE LANCASTER COUNTY LAND DEVELOPMENT REGULATIONS**

Do Not Write In This Box

Application No. SD-015-005 Date Received 2-23-15 Fee Paid ✓

*FEE WILL BE PAID AT THE DRC MEETING ON 3-2-15

1- This application if for : (check one)

☒ A variance from the requirements of the Ordinance (fill in items # 2 & 3)

☐ An appeal for clarification or interpretation of the Ordinance (fill in item # 3)

2- Give either exact address or tax map reference of property for which a variance is requested:

Tax Map Nos. 0022-00-007, 0019-00-033

3- Describe the nature of the variance or appeal requested and list the section(s) of the Ordinance that is in question:
Per Section 13.7.10.3 of the Lancaster County UDO, the "when a parcel of land is developed, one stubbed out street shall be required to be provided to any adjacent undeveloped parcel or parcel used for a single-family home that contains a minimum of five (5) acres. These streets shall be constructed with a temporary cul-de-sac or turnaround. When the adjoining undeveloped lot that is adjacent to a stubbed out street is developed, the new development shall be required to connect to the stubbed out street unless, for topographical reasons, this connection would be difficult. If the applicant does not want to make the connection to the stubbed out street for topographical reasons, the planning commission shall make the decision on whether or not the connection shall be required." A variance is requested to eliminate the required stub-out to adjacent parcels that are (5) acres or more. This variance is requested for two reasons: (1) The proposed residential development at Tree Tops is a private, gated community. Any future connections to stub-outs from future adjacent development would require additional gating and security measures; (2) There are significant topographical barriers along most property boundaries, in addition to other natural features such as twelve mile creek, jurisdictional streams, etc.

**NOTE:** It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a variance or an appeal rests with the applicant.

APPLICANT'S NAME: (PRINT)

Lennar Carolinas, LLC

ADDRESS:
Lennar Carolinas, LLC
11230 Carmel Commons Boulevard
Charlotte, NC 28226
Cc: ColeJenest & Stone
200 South Tryon Street, Suite 1400
Charlotte, NC 28202
PHONE: 704-542-8300 (Lennar)
704-376-1555 (CJS)

I hereby certify that the above information is correct and true to the best of my knowledge.

SIGNATURE

# Exhibit 5

**LANCASTER COUNTY**
**SOUTH CAROLINA**
**LAND DEVELOPMENT REGULATIONS**

**APPLICATION TO VARY OR APPEAL THE REQUIREMENTS OF THE LANCASTER COUNTY LAND DEVELOPMENT REGULATIONS**

| Do Not Write In This Box | | |
|---|---|---|
| Application No. _____ | Date Received 3-10-15 | Fee Paid ✓ |

1- This application if for : (check one)

☒ A variance from the requirements of the Ordinance (fill in items # 2 & 3)

☐ An appeal for clarification or interpretation of the Ordinance (fill in item # 3)

2- Give either exact address or tax map reference of property for which a variance is requested:

Tax Map Nos. 0022-00-007, 0019-00-033

3- Describe the nature of the variance or appeal requested and list the section(s) of the Ordinance that is in question:

Per Section 2.1.5.6 (j) (6) of the Lancaster County UDO, for Cluster Subdivisions "a sidewalk will be required on at least one side of every local street, with a sidewalk required on both sides of arterial and collector streets. A variance is requested to eliminate the required second sidewalk on collector streets. This variance is requested for several reasons: (1) The proposed residential development at Tree Tops is a private, gated community and site specific street cross-section have been proposed for this community. These cross sections propose open drainage on one or both sides of the collector streets. In addition, dedicated golf cart lanes and 8' wide planting strips are proposed. (2) For the most part, the collector streets are adjacent to the lake and there will be a pedestrian pathway surrounding the lake. (3) The ordinance only requires sidewalks on one side of local streets. The proposed development plans for sidewalks on both sides of local streets.

**NOTE:** It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for a variance or an appeal rests with the applicant.

APPLICANT'S NAME: (PRINT)

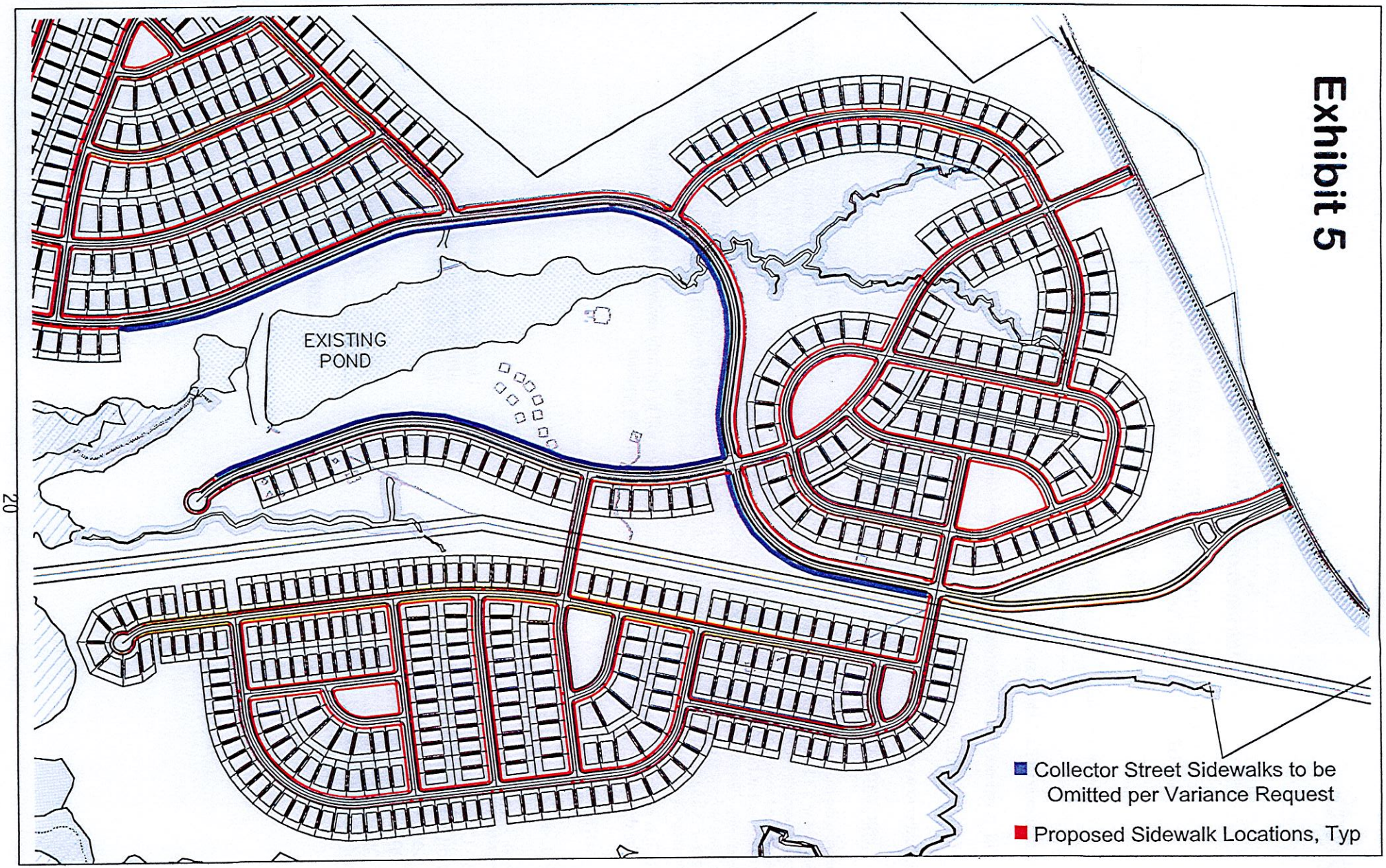
Lennar Carolinas, LLC

ADDRESS:
Lennar Carolinas, LLC
11230 Carmel Commons Boulevard
Charlotte, NC 28226
Cc: ColeJenest & Stone
200 South Tryon Street, Suite 1400
Charlotte, NC 28202
PHONE: 704-542-8300 (Lennar)
704-376-1555 (CJS)

I hereby certify that the above information is correct and true to the best of my knowledge.

SIGNATURE

# Exhibit 5




ColeJenest & Stone

Tree Tops — Variance Exhibit – Collector Street Sidewalks

Lennar Carolinas, LLC Project No. 4354 Issued 3/9/2015 SCALE: 1"=500'

0 250' 500' 1000'

N

SCDOT **Exhibit 6**

South Carolina
Department of Transportation

Cherokee County
Chester County
Chesterfield County
Fairfield County
Lancaster County
Union County
York County

April 22, 2014

Ms. Amy Massey
Kimley-Horn and Associates, Inc.
131 East Main Street, Suite 303
Rock Hill, South Carolina 29730

RE: Traffic Impact Study – Tree Tops
Lancaster County

Dear Ms. Massey:

We are in receipt of KHA's response to the SCDOT review of the TIA, the counties 3rd party review, and KHA's response to it. We appreciate the professionalism and desire of all parties to find the best solution and mitigation steps to take based on the traffic that will be produced from this potential future development.

After careful consideration and review of all information presented to the SCDOT, and based on our onsite observations, the following items will be necessary before we can approve the accesses to the proposed 800 home development on Van Wyck Road:

1. A left turn lane, 200 feet of storage and appropriate taper at access 1.
2. A left turn lane, 200 feet of storage and appropriate taper at access 2.
3. Extension of the existing storage of the left turn lane on Van Wyck at US-521 to at least 200 feet.
4. Addition/Extension and modification of the existing roadway into a second left turn lane on Van Wyck at US-521 of at least 200 feet.
5. A complete signal plan showing the changes that will be necessary to turn the leg of Van Wyck from a single left configuration to a dual left.
6. Any necessary changes to signal heads, conduits, loops that may be necessary to the signal to make this possible.
7. All widening necessary for the lanes described above (i.e. transitional widening).

Any and all timing changes are not expected to be made by the developer, but will be done by the SCDOT when justified by traffic volume growth in the area, and when the actual traffic exists to warrant such a change.

In addition, I wanted to provide additional information obtained after the recent meeting between you, the developer and me regarding improvements to Van Wyck Road. Upon review, we found this road to rank outside any expected road improvement funding in the near future.

Mailed 4-22-14 JA

District Four Engineering
Field Office Building
Chester, South Carolina 29706

Phone: (803) 377-4155
Fax: (803) 581-2155

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

# Exhibit 6



However, the Department is willing to partner in some way to accomplish road pavement improvements. Should the developer wish to pursue the discussed improvements, we suggest they work with Lancaster County to obtain Lancaster's concurrence to partner in this process regarding the rehabilitation of this roadway. As timing is critical to make rehabilitation of this roadway a success, the developer will also need to provide SCDOT a time frame so that we can know when to expect the funds necessary for the resurfacing. The details of the partnership would be worked out in an agreement.

Thank you again for allowing us to review this Traffic Impact Analysis. We look forward to continuing to work with your developer in the near future as he provides the necessary information, and permits necessary to accomplish the aforementioned work.

Sincerely,

John M. McCarter, P.E.
District Engineering Administrator

JMM:jha
cc: Penelope Karagounis, Lancaster County Planning Director
Tim Coey, Bayard Realty
ecc: John McKay, SCDOT Lancaster Resident Maintenance Engineer
Daniel Hopkins, SCDOT
Wayne Joyner, SCDOT

File: D4/TE/MGS/VME

# Exhibit 7

Lancaster County Planning Department
101 N. Main St., Ste. 108
P.O. Box 1809
Lancaster, South Carolina 29721-1809

March 4, 2015

Telephone (803) 285-6005
Fax (803) 285-6007

Mr. Mark R. McAuley, PE
ColeJenest & Stone
200 South Tryon Street, Suite 1400
Charlotte, NC 28202

**RE: PRESERVE AT TREE TOPS—DRC COMMENTS**

Greetings Mr. McAuley,

We appreciate you and your associates attending the Development Review Committee (DRC) meeting on Monday March 2nd for the Preserve at Tree Tops. For the Planning Department comments, I have only included those items which are still outstanding at this juncture. It is understood that many of the outstanding items will be addressed with the Preliminary Plan resubmittal subsequent to the Planning Commission Workshop or, if applicable, with submittal of construction drawings. I have provided parenthetical comments in the Planning Department section when appropriate.

**LANCASTER COUNTY WATER & SEWER DISTRICT**

- Sewer main lengths should be minimized by serving corner lots via the side street
- Sewer forcemain to be installed outside the roadway pavement
- Engineer to verify the pump station site is outside the breach path of the adjacent pond
- LCWSD will work with Engineer to determine access offsite for future sewer
- Fire hydrant legs should not extend across the roadway
- The water line from Ph 1A to Ph 2 should be located outside the pump station site
- The water line on the outer loop road in Ph 2 should be located on the inside of the loop to minimize pipe in the roadway.

**LANCASTER COUNTY PUBLIC SAFETY COMMUNICATIONS**

- Channel Islands Cir: NEEDS NEW SUFFIX CHOICE, CIR IS USUALLY DESIGNATED FOR A CIRCULAR STREET
- Glacier National Cir: NEEDS NEW SUFFIX CHOICE, CIR IS USUALLY DESIGNATED FOR A CIRCULAR STREET
- Arches Bluff Pkwy: USE CIR FOR THIS STREET SINCE IT IS A CIRCULAR STREET
- Great Sand Blvd: NEEDS NEW SUFFIX, BLVD IS USUALLY USED FOR A MAIN ROADWAY OR DIVIDED STREET
- Mammoth Cave Dr:THIS STREET NAME CANNOT BE USED; A NEW NAME NEEDS TO BE SUBMITTED
- Tree Tops Blvd: THIS STREET NAME CANNOT BE USED; WE ALREADY HAVE A TREETOP DR IN OUR COUNTY; SORRY FOR THE OVERSIGHT

**LANCASTER COUNTY FIRE SERVICE**

- I confirmed this is a gated community. The developer is aware of the county ordinance on Gated Communities- where a Click2Enter and Knox Key Switch are required for emergency access.
- Roads are private. Hydrants are public.
- Proposed hydrant locations are not included in the provided plans. All houses must be within 500 feet of a working fire hydrant. This distance is measured as a truck would lay the hose



*Proud to serve the citizens of Lancaster County, and the Towns of Heath Springs & Kershaw*

and not as a radius from the hydrant. Mark McAuley is to send a hydrant layout plan to me for review.

- Any Mid-block hydrants will need to have the full width (26 feet) pavement for a section 20 feet prior to and 20 feet after the mid-block hydrant. Hydrants located at intersections or at cul-de-sacs do not need extra width pavement.
- During construction, emergency access needs to be maintained so that if a fire/ems/police emergency occurs the responders have adequate access to the site. The emergency access should not be blocked by construction vehicles, material storage, etc.
- The hydrants need to be installed and operational prior to vertical construction commencing.
- The proposed subdivision has 379 houses accessed by Tree Tops Blvd with no other means of exit or entrance. (UDO- 13.7.8.9 states over 150 shall require a second means of egress)
- No speed Bumps, Speed Humps, Speed Tables, etc.

## LANCASTER COUNTY PLANNING DEPARTMENT

- The Preliminary Plan notes that 920 lots are permissible. The approved Development Agreement limits the lot total to 835 lots. This would change the maximum density to 1.36 DU/AC rather than 1.5 DU/AC. Please revise the development summary to reflect this as well as the actual number of lots on the plan. The application indicates that 786 lots are proposed. Note the correct density within the project is 1.28 DU/AC based on a figure of 786 lots.
- Please indicate the actual minimum lot size and lot width per your design within the development summary on the first sheet.
- Will the existing vegetation be retained for the required buffer along Van Wyck Road (Provide note on Preliminary Plan).
- Sidewalks: Sidewalks will be required on both sides of the proposed Tree Tops Boulevard as well as Acadia Falls Lane. (Applicant will be requesting a variance from this requirement).
- Could the Developer provide a soft-surface trail system in open space areas? (Mr. Hardy of Lennar indicated that the existing trail system on site would be retained wherever possible).
- Please label all streets…including Van Wyck Road on all sheets…e.g. Sheet C-005.
- Please label all proposed lots with the respective number and lot size.
- Please label open space on all sheets where appropriate.
- Mail kiosks will be required within this project and need to be added to the preliminary plan. (The exact location will be shown on construction drawings subsequent to approval of the Preliminary Plan).
- Variety in architecture and building materials shall be encouraged within a CSOD in accordance with the respective overlay ordinance. Does Lennar plan to meet the spirit of the ordinance by providing typical elevations? These elevations can be presented at the Planning Commission meeting. (Mr. Hardy of Lennar indicated that they would comply with this provision of the CSOD Ordinance and that he would attempt to have typical elevations at the Planning Commission meeting on March 17th).
- Trees over 24" in diameter must be preserved and incorporated into the open space areas where feasible. Is there a tree survey for this project? (Mr. Hardy indicated that there is not a tree survey but that all trees within open space areas that meet this criterion will be preserved).
- Have there been any discussions with the Katawba County Land Trust regarding the primary conservation acreage on site? (Mr. Hardy indicated that there has been some discussion but nothing has been finalized).

# Exhibit 7

- Based on the results of the TIA previously prepared for this site, SCDOT and Lancaster County will require that the following road improvements be made:
  - A left turn lane, 200 feet of storage and appropriate taper at access 1.
  - A left turn lane, 200 feet of storage and appropriate taper at access 2.
  - Extension of the existing storage of the left turn lane on Van Wyck Road at US HWY 521 to at least 200 feet.
  - Addition/Extension and modification of the existing roadway into a second left turn lane on Van Wyck at US HWY 521 of at least 200 feet.
  - A complete signal plan showing the changes that will be necessary to turn the leg of Van Wyck from a single left configuration to a dual left.
  - Any necessary changes to signal heads, conduits, loops that may be necessary to the signal to make this possible.
  - All widening necessary for the lanes described above (i.e. transitional widening).
  - Additionally, note other relevant portions of the Roads section of the Development Agreement found on page 11 of that document.
- The Development Agreement notes that the developer agrees to consider the possible donation to the County of an easement along or near Twelve Mile Creek. (Mr. Hardy indicated that this will be done if practicable).
- Please update the Preliminary Plan to reflect the correct Development Agreement number which is Ordinance No. 2014-1315.

Subsequent to the Lancaster County Planning Commission workshop on Thursday March 5th, please resubmit ten hard-copies of the Preliminary Plan which address the above as well any additional comments from the workshop. The revised Preliminary Plans should be delivered to the Lancaster County Planning Department by 12 Noon on Wednesday March 11th. Please contact me if you have any questions.

Sincerely,

Alex J. Moore

Alex J. Moore, AICP
Planner II

ecc: Mr. Marshall E. Giles, RLA, ColeJenest & Stone
Mr. Casey Werner, CE III, ColeJenest & Stone
Lancaster County DRC

# Exhibit 8

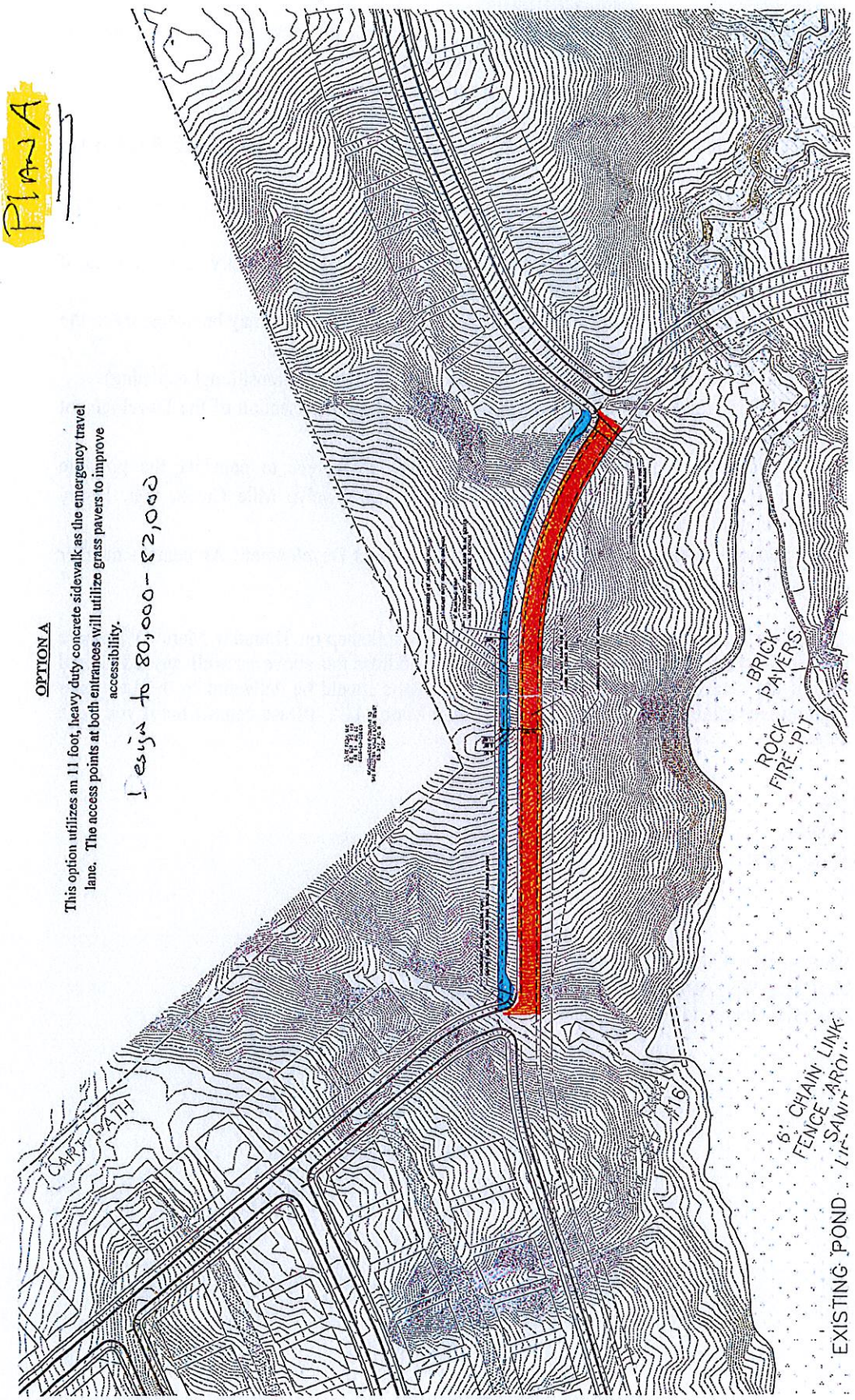
6' 22' 6'
(34)

PLAN A

**OPTION A**

This option utilizes an 11 foot, heavy duty concrete sidewalk as the emergency travel lane. The access points at both entrances will utilize grass pavers to improve accessibility.

Design to 80,000 - 82,000




EMERGENCY ACCESS - OPTION 'A'

Project No. 4354 Issued 03.10.15

TREE TOPS RESIDENTIAL

LENNAR CAROLINAS, LLC

ColeJenest & Stone

# Exhibit 9

**Alex J. Moore**

**From:** Penelope Karagounis
**Sent:** Tuesday, March 10, 2015 4:52 PM
**To:** Stephen Blackwelder
**Cc:** MORRIS L RUSSELL; Darren Player; John Weaver; Jon.Hardy@Lennar.com; Alex J. Moore
**Subject:** RE: Tree Tops- Secondary Access

Stephen,

Thank you for the email below. This Plan A option will be included in the staff report that we will present to the Planning Commission Meeting on March 17, 2015. We strongly suggest that you are in attendance at the Planning Commission meeting on March 17, 2015. The meeting starts at 6:30 p.m. We are happy to hear a compromise was reached before the Planning Commission meeting.

Thank you,

Penelope

Penelope G. Karagounis
Lancaster County Planning Director
P.O. Box 1809
Lancaster, SC 29721
(803) 285-6005 –Main Line
(803) 285-6007 – Fax Number

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NOTICE: All email correspondence to and from this address may be subject to public disclosure under the SC Freedom of Information Act.

---

**From:** Stephen Blackwelder
**Sent:** Tuesday, March 10, 2015 3:24 PM
**To:** Penelope Karagounis
**Cc:** MORRIS L RUSSELL; Darren Player; John Weaver; Jon.Hardy@Lennar.com
**Subject:** Tree Tops- Secondary Access

Penelope,

Darren Player and I just met with Jon Hardy regarding the secondary access for the proposed Tree Tops Subdivision. He came with two proposals both of which had an additional access which runs

# Exhibit 9

parallel with the originally proposed Treetops Blvd. The Plan A was an 11 feet wide sidewalk capable of supporting up to 80,000 pound loads (largest fire truck weight). This sidewalk would be converted to an emergency access if ever needed due to any issues with the main road. The Plan B was similar, but made Tree Tops Blvd a divided lane with a section that was 45 feet wide near the intersections. Our concern with this plan(B) was that it has potential to cause traffic issues during normal use because the pavement was so wide at Samao Ridge Drive.

So we preferred Plan A as outlined above. While not an ideal solution, this Plan A alleviates our concerns regarding a secondary means of egress if the main road was temporarily impassable or otherwise blocked.

If you or your staff have any questions, please let me know.

Stephen Blackwelder, Fire Marshal
Lancaster County Fire Service
PO Box 1809
Lancaster, SC 29721
111 Covenant Place
Lancaster, SC 29720
Office: 803-283-8888
Fax: 803-283-6333
Direct: 803-313-8056
sblackwelder@lancastercountysc.net

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NOTICE: All email correspondence to and from this address may be subject to public disclosure under the SC Freedom of Information Act.

# Exhibit 10

FILE COPY

## SIGN IN SHEET

**Date:** MARCH 2ND, 2015

**Meeting Time:** 1:30 PM

**DRC:** PRESERVE AT TREE TOPS

Please list name and email address:

| Name | E-Mail Address |
|---|---|
| ALEX MOORE | amoore@lancastercountysc.net |
| STEVE YEARGIN | SYEARGIN@Lancastercountysc.net |
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| **UDO-TA-015-003 – Proposed text amendment to the Lancaster County Unified Development Ordinance by Lancaster County to amend the text of Chapter 4 Conditional and Special Exception Uses, Section 4.1.19 Recycling Facilities, Convenience Centers, and Resource Recovery Facilities. {Public Hearing}** **pgs. 30-32** | Nick Cauthen |

Date of P.C. Meeting: 3-17-15
__Approved __Denied __No Action

## PLANNING STAFF REPORT: TA-015-003

### I. FACTS

A. GENERAL INFORMATION

The following is a proposed text amendment to the Lancaster County Unified Development Ordinance by Lancaster County to amend the ~~title of~~ text Chapter 4 Conditional and Special Exception Uses, Section 4.1.19 Recycling Facilities, Convenience Centers, and Resource Recovery Facilities.

**Section 4.1.19**

OLD TEXT: Section 4.1.19 – Recycling facilities, convenience centers, and resource recovery facilities.

PROPOSED TEXT: Section 4.1.19 – Recycling facilities and resource recovery facilities.

B. EXHIBITS

1. UDO – Chapter 4 Section 4.1.19 (Recycling facilities, convenience centers, and resource recovery facilities.)
2. UDO – Chapter 4 Section 4.1.7 (Convenience Centers)

### II. FINDINGS

The text amendment is to amend the title of Chapter 4 Conditional and Special Exception Uses, Section 4.1.19 Recycling Facilities, Convenience Centers, and Resource Recovery Facilities. The new text would delete "Convenience Centers" from the title of Section 4.1.19. After discussion with Kenneth Cauthen (Zoning Administrator) this will alleviate any confusion and contradiction from addressing dimensional regulations for convenience centers in two different sections.

### III. RECOMMENDATION

It is the recommendation of the planning staff that the above text amendment be **APPROVED.**

LANCASTER COUNTY

APPLICATION TO AMEND OR CHANGE THE TEXT OR MAP OF THE LANCASTER COUNTY UNIFIED DEVELOPMENT ORDINANCE

Do Not Write In This Box
Application# UDO-TA-015-003 Date 2-23-15 Paid —

1. The application is for amendment to the: (check one)
   - ☐ District Boundary Map (fill in all items #2,3,4,5,6,7,&9 only)
   - ☑ Ordinance Text (fill in items # 8 & 9 only)

2. Give either exact address or tax map reference to property for which a district boundary change is requested: _____

3. How is this property presently designated on the map? _____

4. How is the property presently being used? _____

5. What new designation or map change do you purpose for this property? _____

6. What new use do you propose for the property? _____

EXPLAIN UNDER ITEM #9 WHY THIS AREA SHOULD BE REDESIGNATED OR CHANGED.

7. Does the applicant own the property proposed for this change? ☐ YES ☐ NO If no, give the name and address of the property owner and attach notarized letter from property owner:

8. If this involves a change in the Ordinance text, what section or sections will be affected? Ch. 4, Section 4.1.19 - Recycling facilities, convenience centers, & Resource recover facilitie

9. Explanation of and reasons for proposed change: Deleting the word "Convenience centers" from the title only. The Regulations still remain the same.

(attach another page if additional space is needed)

10. Applicant's can request a 5 minute PowerPoint presentation at County Council to be given during the ordinance reading time and at 1st reading only. You will be allowed 5 slides or less. This information must be given to the Clerk to Council by the Friday prior to the Monday Council meeting. Please check the appropriate box to indicate whether or not you will be giving a PowerPoint presentation. ☐ YES ☐ NO

NOTE: *It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.*

APPLICANT'S NAME (PRINT)
Lancaster County

SIGNATURE

ADDRESS:
P.O. Box 1809
Lancaster, SC 29721

Phone: 803-416-9300

**Section 4.1.19 - Recycling facilities, ~~convenience centers~~, and resource recovery facilities.**

Due to the need for convenient collection locations and the potential for conflict with existing development and environmental amenities, all such uses shall meet the following requirements:

1. *Reserved.*
2. Facilities shall be located a minimum of five hundred (500) feet away from any religious institution, school, historical place, public park, day care center, or existing residential use or district.
3. All buildings and structures involved in the operation of these facilities shall be a minimum of three hundred (300) feet (measured in a straight line) from the centerline of any public road. Such parcels shall have direct access to a collector or arterial street. Access roads/easements shall maintain a minimum travel surface of eighteen (18) feet and have a width of thirty (30) feet at the entrance intersection with a collector or arterial street, so as to accommodate truck traffic.
4. Facilities shall be screened by a Type 4 buffer yard, as defined in Chapter 12. Where the required buffer yard is to be installed adjacent to a residential district or use, all plants used to meet this requirement shall be evergreens.
5. All exterior storage of material shall be in sturdy containers or enclosures which are secured and maintained in good condition, or shall be baled or palletized. Storage containers for flammable material shall be constructed of nonflammable material. Materials such as woodchips or other large bulky items shall be exempt from having to be placed in containers or enclosures.
6. Sites shall be maintained free of litter and all other undesirable materials, shall be cleaned of loose debris on a daily basis, and shall be secured from unauthorized entry and removal of materials when attendants are not present.
7. Space shall be provided on site for customers to circulate, park, and deposit recyclable materials and solid waste.
8. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.
9. All applicable permits shall be obtained from the SCDHEC and any other permitting agency.

*(Ord. No. 1073, § 2, 12-29-10)*