

Lancaster County
DEVELOPMENT REVIEW COMMITTEE
January 26, 2016
MINUTES

Subject: Ansley Park

DRC 016- 004

Time of Meeting: 9:00 a.m.

Date: 01-26-16

Attached you will find Development Review Committee Meeting Sign In Sheet regarding everyone present for this meeting.

The following press were notified of the meeting by email:

news@thelancasternews.com; news@comporium.net;
news@fortmilltimes.com; cgnews@thelancasternews.com.

Meeting Minutes: (See attached Planners report of the discussion of the meeting)

Meeting was adjourned at 10:00 a.m.

Lancaster County Planning Department

101 N. Main St., Ste. 108

P.O. Box 1809

Lancaster, South Carolina 29721-1809

February 8, 2016

Telephone (803) 285-6005

Fax (803) 285-6007

Brandon Pridemore
R.J. Harris & Associates, Inc.
127 Ben Casey Drive
Suite 101
Fort Mill, S.C. 29708

Forestar Group
3330 Cumberland Blvd. Suite 375
Atlanta, Ga. 30339

**RE: DRC-016-004 Ansley Park – Preliminary Plan Approval
Henry Harris Road, Indian Land, Lancaster, S.C.
Development Review Committee Meeting – Comments from local agencies
9:00 a.m., Tuesday, January 26, 2016
Lancaster County Historic Courthouse**

Brandon,

Thank you for attending the Development Review Committee (DRC) meeting on **Tuesday, January 26, 2016** for the proposed Ansley Park Preliminary Plan to be located west on Henry Harris Road, located in the Indian Land section of Lancaster County. Attached are the comments from the local agencies.

Agencies in Attendance:

Stephen Blackwelder, Fire Marshal, Lancaster County
J. Elaine Boone, Planner II, Lancaster County
Kenneth Cauthen, Zoning Administrator, Lancaster County
James Hawthorne, Engineer, LCWSD
Tim Coey, Bayard Development
Penelope Karagounis, Planning Director, Lancaster County
Brandon Pridemore, R.J. Harris & Associates
Adam Bowersox, Civil Engineer, R.J. Harris & Associates

Comments from Agencies:

Lancaster County Water & Sewer District	-	Attached
Lancaster County Public Safety Communications	-	Attached
Lancaster County Fire Service	-	Attached
Lancaster County Zoning Department	-	Attached
Lancaster County Planning Department	-	Attached
SCDOT	-	Attached
Lancaster County Public Works	-	Attached

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

Page 2:
DRC-016-004
February 8, 2016

Planning Comments:

- ✓1) Attached is a memo from Penelope Karagounis pertaining to the CHOD note of plans.
- 2) Can sidewalks be provided on Henry Harris Rd?
- 3) Will trails be provided? If so what type of surface will be provided? Natural? Mulch gravel show on preliminary plan.
- ✓4) Connectivity Index variance from 1.40 to 1.33 include on plans.

Attached are the comments from the local agencies. Resubmit a PDF including revisions made to the proposed plan, to all agencies that had comments, along with four (4) paper copies to me I'll distribute them. If all comments have been addressed and no changes are required to the revision, I'll use the revision for the final. At this time I can't write an approval letter until we receive the DHEC permit.

Thanks,



J. Elaine Boone
Planner II

Elaine Boone

From: James Hawthorne <james.hawthorne@lcwasd.org>
Sent: Tuesday, January 26, 2016 10:54 AM
To: Elaine Boone
Cc: Wes Carter; Penelope Karagounis
Subject: LCWSD DRC Comments for Ansley Park
Attachments: Ansley Park General Understanding (Forestar Group).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Elaine,

Good morning. As discussed, please see the attached General Understanding letter for the list of items that LCWSD and the developer (Forestar) discussed, in lieu of having the developer install the offsite 18" gravity sewer line from the Upper Six Mile Creek lift station to their site. Additionally, the developer must adhere to LCWSD's Developer Policy and Developer Procedures, and we also discussed having sewer taps installed on the sewer main(s) that will need to extend from their on-site pump station to their first phase. If you have any questions, please let me know. Thank you.

*James Hawthorne
Staff Engineer
Lancaster County Water & Sewer District
Phone: (803) 416-5250
Fax: (803) 283-1165*



**Lancaster County
Water & Sewer District**

"Serving Lancaster County For Over 50 Years"

November 10, 2015

Forestar Group
Attn: Larry Long
3330 Cumberland Blvd, Suite 275
Atlanta, GA 30339

Re: General Understanding of Agreement
Bayard Property – Ansley Park
Lancaster County Water & Sewer District (LCWSD)

Mr. Long:

Representatives of Ansley Park development have approached LCWSD with regards to the concept of installing a new pump station to service Ansley Park in lieu of implementing LCWSD's master plan sewer outfall to the existing Upper Six Mile Creek Pump Station under LCWSD's line extension policy. The following conditions were reviewed and agreed to by both parties:

Scope:

- In return for the allowance to have an on-site pump station, the Developer will cover all costs for infrastructure to serve Ansley Park and eliminate Windsor Trace (WT) PS; provide an easement for LCWSD off-site sewer to service future property from the north (no infrastructure); provide installation of gravity sewer infrastructure off-site to the south of Ansley Park and to a proposed manhole on the Hood property to facilitate elimination of the proposed Ansley Park PS by LCWSD in the future
- LCWSD will abandon and demo WT PS
- Developer Agreement to be executed if LCWSD contributes for On-Site Oversizing of gravity sewer, etc.
- Developer considering primary water supply feed from US Hwy 521 in common easement with the forcemain in lieu of upsizing lines on Marvin Road and Henry Harris Road and LCWSD will consider this option contingent upon supporting hydraulic calculations
- LCWSD will not be responsible for any permitting or rock encountered during construction

-
- LCWSD will be responsible for obtaining necessary easements as required for the sewer stub (set manhole to the south of the property line) from the new pump station to the South of Ansley Park

Pros to Developer

- Greater Control of Schedule
- Allows for a phase approach of implementation: Phase 1 – Pump Station and Phase 2 – Elimination of Windsor Trace (LCWSD recommends 18 months between permit to construct for Ansley PS until permit to construct for gravity sewer to remove WT PS from service and assurances (bonding) if this timetable cannot be met

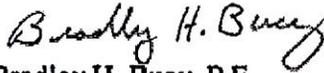
Pros to District

- Eliminates one of our older PS in lieu of a newer more Regional PS
- Maintains compliance with our overall Master Plan for Upper Six Mile

These conditions were presented to the LCWSD Board of Commissioners at our regular meeting of November 9th, 2015 and they concurred with the scope outlined above. Please let me know if you require any additional information.

Sincerely,

LANCASTER COUNTY WATER & SEWER DISTRICT



Bradley H. Bucy, P.E.
Assistant Manager

Elaine Boone

From: Brandon Pridemore <brandonpridemore@rjoeharris.com>
Sent: Monday, January 25, 2016 5:28 PM
To: Patricia T. Hinson; Elaine Boone
Cc: Chris Nunnery; 'Larry Long'; 'Ron@bayarddevelopment.com'; abowersox@rjoeharris.com; pmurphy@rjoeharris.com; Stephen Blackwelder
Subject: RE: ANSLEY PARK PRELIMINARY PLAT
Attachments: RJH Road Reservation List_Avondale-Ansley-Walnut Creek_01.25.2016.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Trish,

Attached is latest and greatest road name list for our various projects. For Ansley Park, we will use Gardenia Lane to address your comment below. Gardenia was on your approved road name list that we had not yet assigned on 1/5.

Thanks.

Brandon S. Pridemore, CPESC
Vice President
R. Joe Harris & Associates, Inc.
127 Ben Casey Drive, Suite 101
Fort Mill, South Carolina 29708
P: 803-802-1799
F: 803-802-0886
W: www.rjoeharris.com

We have moved – note new address

From: Patricia T. Hinson [mailto:PHinson@lanc911.com]
Sent: Monday, January 25, 2016 4:46 PM
To: Brandon Pridemore; Elaine Boone
Cc: Chris Nunnery; Larry Long; 'Ron@bayarddevelopment.com'; abowersox@rjoeharris.com; pmurphy@rjoeharris.com; Stephen Blackwelder
Subject: RE: ANSLEY PARK PRELIMINARY PLAT

Hello All,

Please see an added comment from me in reference to Huskey Dr in RED below. If you have any questions/concerns, please let me know.

Thanks,
Trish

From: Patricia T. Hinson
Sent: Tuesday, January 12, 2016 4:34 PM

To: 'Brandon Pridemore' <brandonpridemore@rjoe-harris.com>; Elaine Boone <eboone@lancastercountysc.net>
Cc: Chris Nunnery <CNunnery@lanc911.com>; Larry Long <LarryLong@forestargroup.com>;
'Ron@bayarddevelopment.com' <ron@bayarddevelopment.com>; abowersox@rjoe-harris.com;
pmurphy@rjoe-harris.com
Subject: RE: ANSLEY PARK PRELIMINARY PLAT

Thanks!

From: Brandon Pridemore [<mailto:brandonpridemore@rjoe-harris.com>]
Sent: Tuesday, January 12, 2016 11:03 AM
To: Patricia T. Hinson <PHinson@lanc911.com>; Elaine Boone <eboone@lancastercountysc.net>
Cc: Chris Nunnery <CNunnery@lanc911.com>; Larry Long <LarryLong@forestargroup.com>;
'Ron@bayarddevelopment.com' <ron@bayarddevelopment.com>; abowersox@rjoe-harris.com;
pmurphy@rjoe-harris.com
Subject: RE: ANSLEY PARK PRELIMINARY PLAT

Trish,

As noted and as we had approved, we'll use the road names per the list we had worked through last week and we will relinquish all names shown on the submitted preliminary plat.

We will provide street signs and posts.

Understood about CAD file at time of final plat.

We will provide a different road name for what was submitted as Daschund Drive.

Thanks.

Brandon S. Pridemore, CPESC
Vice President
R. Joe Harris & Associates, Inc.
127 Ben Casey Drive, Suite 101
Fort Mill, South Carolina 29708
P: 803-802-1799
F: 803-802-0886
W: www.rjoe-harris.com

We have moved – note new address

From: Patricia T. Hinson [<mailto:PHinson@lanc911.com>]
Sent: Tuesday, January 12, 2016 10:44 AM
To: Elaine Boone
Cc: Brandon Pridemore; Chris Nunnery
Subject: ANSLEY PARK PRELIMINARY PLAT

Good Morning Elaine,

Below are my comments for the above referenced:

- Bulldog Dr, Pug St, Husky Dr, Pomeranian Way, Corgi St, Dalmation St (suffix needs to change; see attached) and Dachshund Dr are all on hold for use for this project
- Collie Pl could NOT BE USED DUE TO PHONICS
- Will the developer provide the street signs for this project? There is a 15 character limit, including spaces if the county provides the signage. There is also a Road Name Application and fees that will need to be paid if the county provides the signage
- We will need a CAD file for each phase that is recorded. Our office will NOT be able to establish or release any 911 addresses until we have this information. It should be submitted at the same time the final plat is submitted
- The portion of Dachshund Dr showing on the map showing a cul-de-sac will need to have another name.
- The portion of Huskey Dr on the map showing a cul-de-sac will need to have another name.

If you need anything further from me, please let me know.

Trish Hinson
E-911 Addresser
Lancaster County Public Safety Communications
1941 Pageland Highway
Lancaster SC 29720
803.416.9325 (phone)
803.313.2152 (fax)

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Elaine Boone

From: Stephen Blackwelder
Sent: Wednesday, January 27, 2016 11:47 AM
To: Elaine Boone; Penelope Karagounis
Subject: Ansley Park- DRC Comments

Follow Up Flag: Follow up
Flag Status: Flagged

Elaine and Penelope,

Below are the comments I had at yesterday's DRC meeting regarding this project:

- No burning of existing structures and/or vegetative debris on site unless prior permission from SC DHEC and SC Forestry Commission
- All housing units (and the amenity center) must be within 500 feet of a working fire hydrant. The plan provided did not have a utility plan so no specific comments can be made at this time. I agreed that preliminary plans may proceed without specific fire hydrant locations as long as a statement is on the plan documenting that water main and hydrant locations have not been reviewed and are subject to subsequent review/approval by Lancaster County Fire Marshal and LCWSD.
- If the amenity center requires fire sprinkler protection, a fire hydrant must be located within 100 feet of the remote FDC for the building.
- Any fire hydrants that are not placed at intersecting roads (mid-block hydrants) will require a 26' wide roadway section (exclusive of curbing) for 20' prior to and 20' after each mid-block hydrant.
- Fire hydrants must be in place and accessible prior to vertical construction and maintained throughout the construction process.
- Access to the site during construction must be established and maintained throughout the project for emergency services.
- The applicant indicated this project will be built in several phases.
 - Fire hydrant coverage for a phase cannot be provided by fire hydrants scheduled to be installed in a future phase. If a hydrant in a subsequent phase is necessary for adequate protection, it must be installed as a part of the current phase.
 - At no time can a roadway greater than 150 feet in length not have an adequate turnaround for emergency apparatus. In the phased construction, temporary turnarounds may be acceptable as long as they are constructed to public works department's standards and approved by public works.
- No speed bumps, speed humps, speed tables, and the like are allowed.
- The applicant stated that this is not a gated community
- The plan noted this project was in the Charlotte Road Fire District. This is incorrect and needs to be changed to Pleasant Valley Fire District.

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

Thanks,

Stephen Blackwelder, Fire Marshal

Lancaster County Fire Rescue
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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RJH ROAD NAME LIST FOR LANCASTER COUNTY PROJECTS

APPROVED ROAD NAME & RESERVATION LIST

January 5, 2016

January 25, 2016 (R)

AVONDALE – ROAD NAMES

Artigas Drive	Alford Lane	Gladesville St	Mooney Lane
Friendship St	Cologne Lane	Mangfall Lane	Bareland Road
Rainbow Road	Zeeland Lane	Tacoma Drive	Fairlady Lane
Heartwine Lane	Pendula Lane	Pickerel Way	Plumeria Way
Plicata Drive	Vecchio Drive		

Disapproved: Avondale Drive

ANSLEY PARK – ROAD NAMES

Ballester Road ✓	Grafton Way	Moselle Drive	Varesk Lane
Allenby Lane ✓	Messina Road ✓	Ava Court ✓	Holland Street ✓
Fragrans Avenue	Gardenia Lane		

*Ansley Park Drive
Messina Road*

WALNUT CREEK PHASE 3D – ROAD NAMES

Bowen Terrace	Bridgewater St*	Sea Cliff Lane	Chords Avenue
Chrysanthemum Rd*			

* Roads extend into Walnut Creek Phase 3E

WALNUT CREEK PHASE 3E – ROAD NAMES

Bridgewater St*	Merrivale Drive	Swanport Road	Attaran Lane
Mirna Lane	Sighs Lane	Chrysanthemum Rd*	

* Roads extend into Walnut Creek Phase 3D

Elaine Boone

From: Kenneth Cauthen
Sent: Monday, February 08, 2016 12:20 PM
To: Elaine Boone
Subject: Ansley Park

Elaine,
The following relates to Ansley Park PDD.

The following lots are located partially within an AE Zone as located on the FIRMs:

Lots 1-7
Lots 12-16
Lots 18-23 and lot 31.

Base Flood Elevations must be depicted on plats. Because a regulated floodway is involved, Lancaster County requires a statement from a licensed engineer stating that because fill will be placed in the SFHA, the amount of fill will result in a "no rise" situation.

See Article IV Section B. 5. A) Flood Damage Prevention Ordinance – Ordinance #1095. A LOMR-F is required.

Street trees to be planted on the lot side of any sidewalk off the right of way .

Thanks,
Kenneth

Elaine Boone

From: Edwards, Victor M <EdwardsVM@scdot.org>
Sent: Monday, February 01, 2016 2:23 PM
To: Elaine Boone
Cc: Gamble, David D.
Subject: RE: Ansley Park: Preliminary Plat for 309 SFR Detached Lots (Not Construction Drawings)
Attachments: Ansley TIA Response Letter.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Hey Elaine,

Attached is our response to the TIA. We have not received a request for any encroachment permit for either this sites access to Henry Harris, nor the left turn lane at Marvin and Henry Harris.

Vic

Victor Edwards, PE
SCDOT, District 4
District Permit Engineer
Office 803-385-4240

From: Elaine Boone [mailto:eboone@lancastercountysc.net]
Sent: Monday, February 01, 2016 1:23 PM
To: Edwards, Victor M
Subject: FW: Ansley Park: Preliminary Plat for 309 SFR Detached Lots (Not Construction Drawings)
Importance: High

Hey Vic,

This is the proposed Ansley Park subdivision on the south side of Henry Harris Road. Any comments. Thanks as always for being so helpful.

Thanks,

J. Elaine Boone
Plannner II
Lancaster County Planning Department
101 N. Main Street
P.O. Box 1809
Lancaster, S.C. 29721
Phone: (803) 416-9396 Direct
Phone: (803) 285-6005 Main
Fax: (803) 285-6007

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From: Brandon Pridemore [<mailto:brandonpridemore@rjoe-harris.com>]
Sent: Tuesday, January 12, 2016 10:59 AM
To: Judy Barrineau
Cc: Elaine Boone
Subject: FW: Ansley Park: Preliminary Plat for 309 SFR Detached Lots (Not Construction Drawings)

Judy,

Attached is a copy of the preliminary plat that was submitted to Planning (Elaine) and I had inadvertently sent out to your distribution list (see below).

Let me know if you need anything else from me.

Thanks.

Brandon S. Pridemore, CPESC
Vice President
R. Joe Harris & Associates, Inc.
127 Ben Casey Drive, Suite 101
Fort Mill, South Carolina 29708
P: 803-802-1799
F: 803-802-0886
W: www.rjoe-harris.com

We have moved – note new address

From: Brandon Pridemore [<mailto:brandonpridemore@rjoe-harris.com>]
Sent: Friday, January 08, 2016 1:41 PM
To: Steve Yeargin (SYeargin@lancastercountysc.net); 'Kenneth Cauthen'; Clayton Catoe (ccatoe@lancastercountysc.net); Seth Rodgers (sethroddgers@comporium.net); 'James Hawthorne'; Jeffery D. Catoe (Lancaster County); 'hhiott@lancastercountysc.net'; 'Gene.Moore@lcsdmail.net'; 'David.Small@lcsdmail.net'; 'Bryan.Vaughn@lcsdmail.net'; 'bfaile@lancastercountysc.net'; Patricia T. Hinson (PHinson@lanc911.com); 'John McKay'; 'Daniel Hopkins'; 'Wayne Joyner'; bagleymr@scdot.org; 'Stephen Blackwelder'
Cc: 'Elaine Boone'; pmurphy@rjoe-harris.com
Subject: Ansley Park: Preliminary Plat for 309 SFR Detached Lots (Not Construction Drawings)

To All,

Please find attached the submitted Preliminary Plat for Ansley Park Phase I (SFR Section along Henry Harris Road). This plan projects 309 lots that will probably be constructed/platted in 4 phases – but that is still to be determined. This is a preliminary plat and won't include grading, water, sewer, storm, etc.

There are changes we know will be forthcoming such as:

1. Road names
2. Added certain elements such as existing topography, streams, wetlands, existing roads (Henry Harris)
3. Label cleanup

For SCDOT, we will be designing and submitting traffic interchange improvements at Henry Harris/Marvin Road with 1st submittal of construction drawings (will be independent plan set) and please verify if you want this stated on the Preliminary Plat or the project can move forward simply with requirement that subdivision plans will not be approved until interchange is designed, permitted and bonded.

The road layout and lot count is as shown, pending any comments received.

Thank you and please feel free to contact us with any questions.

Brandon S. Pridemore, CPESC
Vice President

R. Joe Harris & Associates, Inc.

127 Ben Casey Drive, Suite 101

Fort Mill, South Carolina 29708

P: 803-802-1799

F: 803-802-0886

W: www.rjoharris.com

We have moved – note new address



South Carolina
Department of Transportation

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

November 3, 2015

Ms. Amy Massey, P.E.
Kimley-Horn and Associates, Inc.
331 East Main Street, Suite 200
Rock Hill, South Carolina 29730

RE: Traffic Impact and Access Study – Ansley Development
S-29-92 (Henry Harris Road)
Lancaster County

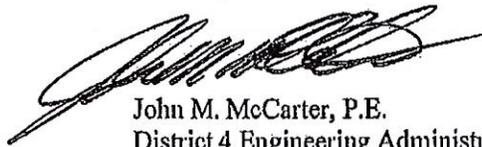
Dear Ms. Massey:

Thank you for your recent Traffic Impact Analysis (TIA) for the new residential development south of S-29-54 (Marvin Road) along S-29-92 (Henry Harris Road). While we concur in principal with the findings of your study, we have the following brief comments:

- Due to the 577 eastbound through movements shown along S-29-54 (Marvin Road) as part of the 2020 Build-Out Peak Traffic Volumes and the potential of a signalized intersection in the future, a left-turn lane with 150' of storage will be required from S-29-54 (Marvin Road) to S-29-92 (Henry Harris Road). While we understand it does not meet a volume warrant, it does enhance safety.
- The SCDOT understands the recommendations made in this study are necessary solely due to the projected 2020 background traffic conditions. However, the subject development does contribute to this corridor's growth. Therefore, it is our recommendation that the development should either contribute to the cost of each of these improvements or bear the sole cost of a left-turn lane along S-29-92 (Marvin Road) to S-29-54 (Henry Harris Road).

Once an encroachment permit is applied for, all preceding items will be discussed further. Thank you again for the opportunity to review your study. If you have any additional questions or concerns, please contact David Gamble in the District 4 Permit Office at (803) 377-4155.

Sincerely,



John M. McCarter, P.E.
District 4 Engineering Administrator

JMM/spm

cc: Alex J. Moore, AICP, Lancaster County Planning Department
eco: Wayne Joyner, Permit Manager
John D. McKay, Resident Maintenance Engineer

File: D4/PG/VME



District Four Engineering
Post Office Box 130
Chester, South Carolina 29706

Phone: (803) 377-4155
Fax: (803) 581-0155

AN EQUAL OPPORTUNITY
AFFIRMATIVE ACTION EMPLOYER

- Mailed 11.4.15
SPM

Elaine Boone

From: Jeffery D. Catoe
Sent: Monday, February 08, 2016 4:24 PM
To: Elaine Boone
Subject: RE: DRC: Ansley Park comments

Elaine,

Here are the comments from Public Works for Ansley Park:

- Site approved in concept only with the following comments:
 - 1) Roads are to be privately maintained and noted on construction plans, plats, etc.
 - 2) There was discussion at the DRC about the stub out road for future development. In agreement with the Fire Marshal, this road should be barricaded after construction, or cul de sac constructed as discussed. If so, please include drawing and detail on construction.

Please let me know if you have any questions.

Jeff Catoe
Lancaster County
Public Works Director
P.O Box 1809
Lancaster, SC 29721
(803) 416-9692 Phone
(803) 285-3835 Fax

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From: Elaine Boone
Sent: Monday, February 08, 2016 3:19 PM
To: Jeffery D. Catoe
Subject: DRC: Ansley Park comments

Jeff,

Do you have any comments for Ansley Park? If you can get them by 5:00 p.m. today that would great.

Thanks,

J. Elaine Boone
Planner II
Lancaster County Planning Department
101 N. Main Street
P.O. Box 1809
Lancaster, S.C. 29721
Phone: (803) 416-9396 Direct
Phone: (803) 285-6005 Main
Fax: (803) 285-6007

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Elaine Boone

From: Penelope Karagounis
Sent: Tuesday, January 26, 2016 11:44 AM
To: Elaine Boone
Subject: Ansley Park
Attachments: Forestar Ltr JL Weaver 111615.pdf; 2015-10-01 Ansley report.pdf; 2015-10-01 Appendix.pdf; 2015-11-20 Ansley Traffic Report Review Memo.pdf; Ansley Park SCDOT Letter ; Ansley-Park-SCDOT-11-3-15.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Elaine,

Important information that I wanted to share with you as we review Ansley Park. Attached is the letter they sent to Weaver about Heelsplitter Ordinance. The other attachments are correspondence with the TIA. The folder for the TIA should be in the back. You can send Brandon an email that we will be working on the comment sheets and that he could resubmit the night of the February 11th PC workshop since you and I both know we will be busy this week with the UDO rewrite. We will try our best to give him all the comments by Friday, February 5th. Please send a separate email explaining that to Brandon and that we would need 10 new revised copies of the Preliminary Plan on the night of the Planning Workshop February 11th at 5:00 p.m.

Thank you,

Penelope

Penelope G. Karagounis, MA
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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Brian Blythe
VP, Legal & Senior
Real Estate Counsel

November 16, 2015

VIA U.S. MAIL & E-MAIL

John L. Weaver, Esq.
County Attorney
Lancaster County, South Carolina
P.O. Box 1809
Lancaster, SC 29721-1809

RE: Ordinance No. 650, PDD-21 and the Carolina Heelsplitter Overlay District

Mr. Weaver:

Pursuant to our conversation last month regarding the proposed Ansley Park development ("Project") and our negotiation of the Development Agreement ("Agreement") with Lancaster County for the development of the 157 acres west of Six Mile Creek as a single-family residential community ("Ansley Park"), I am writing on behalf of Forestar (USA) Real Estate Group Inc. ("Forestar") and The Bayard Group ("Bayard") (collectively the "Developer") regarding the County's contention that the Carolina Heelsplitter Overlay District ("CHOD") ordinance will apply to the Project. It is our opinion that the CHOD ordinance, which was enacted on November 24, 2008, does not apply to the Project due to the prior enactment of Ordinance No. 650, PDD-21 ("PDD"), which established a planned development district for the Project, vested Developer's rights in the Project, and specifically stated that later-enacted planning and zoning ordinances or amendments to the Unified Development Ordinance ("UDO") would not govern the development of the Project. The County has responded to Developer that the CHOD does apply pursuant to the Vested Rights Act, S.C. Code § 6-29-1510 et seq. ("Act"). However, the argument that the Act somehow annuls the County's obligations under a previously issued PDD is not supported by the text of the Act or its legislative history. Although it is the Developer's full intent to be cognizant of and protect the habitat of the Carolina Heelsplitter at the Project to the extent practicable through the use of buffers and best management practices, the County's insistence on requiring Developer to purchase mitigation credits is particularly burdensome and unfair, especially given its previously vested rights via the PDD.

On January 31, 2005, the Lancaster County Council adopted the PDD with the purpose of establishing "certain specific land use controls over the development of the Property..." The PDD governs the development of the Project, which includes Ansley Park and the parcel of land immediately west of Ansley Park, bordering Six Mile Creek and Highway 521 ("521 Parcel"), a total of approximately 190.87 acres of land. In setting forth the regulations applicable to the development of the Project, the PDD states as follows:

Except for the following described and specific exclusions, and except to the extent an express waiver or variance is set out in this Ordinance or subsequent amendments to the Ordinance, *all development shall comply with the Unified Development Ordinance, as it exists and is currently in effect as of the date of adoption of this Ordinance (PDD-21)*....With the exception of the International Building Code (IBC), the Uniform Building Code or any other State delegated programs, ordinances or authorizations that the County has agreed to enforce on behalf of the State of South Carolina, *the Property shall not be subject to any future planned development ordinances adopted by the County. Furthermore, no other ordinance, code provision, regulation or rule adopted and enforced by the County, relating to development and zoning shall be applicable to the development or all or any part of the property unless expressly made applicable by this Ordinance, as specified herein or by written consent of the Property Owner with jurisdiction over an area of the property affected by the ordinance, code provision, regulation, or rule.*

(Emphasis added.) Accordingly, pursuant to the PDD, the UDO which was in place on January 31, 2005 governs the development of the Project, unless otherwise set forth in the PDD. Further, with the limited exceptions of applicable building codes or State programs or ordinances that the County has agreed to enforce, the Project is not subject to any amendments to the UDO or other zoning ordinances or regulations which were enacted after January 31, 2005.¹

The County adopted Ordinance No. 963 establishing the CHOD on November 24, 2008, almost 4 years after the PDD was adopted. The CHOD ordinance sets forth certain regulations for development within the overlay district, which primarily consists of the Six Mile Creek watershed, including the establishment of stream buffers and a requirement that developers purchase mitigation credits from the Carolina Heelsplitter Conservation Bank in accordance with criteria agreed to by the U.S. Fish & Wildlife Service ("FWS") and the County. The CHOD ordinance allows for a case-by-case determination by FWS and the County regarding the amount of credits and the qualification for discounts. The CHOD ordinance was incorporated into the UDO after its adoption, and can be found in Section 2.1.5.5. of the current UDO. Prior to the adoption of the CHOD ordinance's predecessor, Ordinance 901, on April 28, 2008, the UDO did not include any regulations regarding the Carolina Heelsplitter. Therefore, this mitigation requirement completely post-dates the PDD. The CHOD is solely a municipal ordinance—it is not enacted, authorized, or mandated by any State or federal program or law, and the County has the sole enforcement rights to this ordinance. The property owner of the Project has not consented to application of the CHOD, nor has the PDD been amended to indicate the application of the CHOD to the Project.

In view of the terms of the PDD and the date of enactment of the CHOD ordinance, it is clear that the CHOD does not apply to the Project. Not only is this an accurate interpretation of the unambiguous wording of the County's ordinances, but it is also the only reasonable application

¹ Indeed, the Development Agreement which is currently before the County Council for approval specifically states that the UDO as of January 31, 2005 applies to the development of the Project.

given the Developer's considerable time and investment in obtaining entitlements for the Project. With the current site plan for the Project, Developer is respecting the stream buffers required by the CHOD, and doing so by sacrificing the development of approximately 100 lots.² If the County is now allowed to effectively unilaterally amend the PDD by requiring Developer to comply with the CHOD, the Developer stands to incur potentially hundreds of thousands of dollars in mitigation fees, solely based on an overlay district from which Developer has been excluded per the terms of the PDD. Such an application and increased burden on Developer is particularly unreasonable given the fact that the proposed development plan does not include any stream crossings or other direct impacts to the Six Mile Creek watershed or the Carolina Heelsplitter habitat.

To date, the County's only justification for now applying the CHOD to the Project—despite the PDD's specific language excluding the application of future zoning ordinances—is that the Vested Rights Act allows for vested rights to be subject to later local overlay zoning to the extent they do not affect types, density, or intensity of uses. See S.C. Code § 6-29-1540(12). However, the Act (which first became effective on July 1, 2005, five months after the PDD was adopted) should not factor into the County's analysis of the PDD and the CHOD for a multitude of reasons:

- The provision highlighted by the County as the basis for the Act overriding the PDD's exclusion of future amendments to the UDO does not apply because Developer's vested rights at issue were not established by the Act, but were instead established by the PDD. Section 6-29-1540 sets forth limitations to the 2-year vesting period which was created by the Act and which the State required all municipalities to include in their respective zoning ordinances.³ The preamble to this "Conditions and Limitations" section of the Act states as follows: "A vested right *established by this article and in accordance with the standards and procedures in the land development ordinances or regulations adopted pursuant to this chapter* is subject to the following conditions and limitations..." Id. (emphasis added). Here, the vested right at issue—the PDD's selection of the UDO as of January 31, 2005 and the exclusion of future amendments thereto—was created by the terms of the PDD, not by the Act or any ordinances or regulations adopted by the County pursuant to the Act, both of which occurred after the adoption of the PDD. Therefore, the limitations set forth in this section of the Act, including Subsection (12), do not apply to the PDD or the Project.
- The Act does not limit the PDD's exclusion of the CHOD's mitigation requirements, as a future amendment to the UDO, because the imposed mitigation credit obligations are not site plan-related requirements. Assuming *arguendo* that the Act does govern the PDD, the limitation of vested rights set forth in Section 6-29-1540(12) would not allow the application of the CHOD's requirement that a developer purchase mitigation credits. The County has argued that the

² The PDD allows for development of 420 single family detached units. However, Developer's current site plan includes only 310 single family detached units, largely due to the focus on maintaining the CHOD buffer requirements and avoiding any impact to the habitat.

³ The County complied with this mandate on June 27, 2015, almost 5 months after the issuance of the PDD, by enacting Ordinance No. 673 amending the UDO to provide for vested rights.

vesting of rights granted by the Act are limited in that “a vested site specific development plan or vested phased development plan is subject to later local governmental overlay zoning that imposes *site plan-related requirements* but does not affect allowable types, height...or density or intensity of uses[.]” *Id.* (emphasis added). This limitation focuses on vested site-specific plans, and its application is conditional upon the later enacted overlay zoning seeking to enforce “site plan-related requirements”. The CHOD’s requirement of purchase of mitigation credits from the Carolina Heelsplitter Conservation Bank is completely separate and independent from any site plan features of a development or the County’s requirements thereon. Instead, this mitigation credit purchase applies as a blanket requirement for all developments that are located within the overlay district, regardless of the nature and extent of their proposed site plans. Consequently, even if the Act were applied to the PDD, the County could not use it to impose the mitigation credit requirement upon the Project, as it was a future amendment to the UDO that did not address site plan-specific requirements for the Project.

- The purpose of the Act—establishing vested rights where developers have invested significant resources in meeting development standards—was accomplished with respect to the Project through the adoption of the PDD. In passing the Act, South Carolina’s legislature sought to “provide for the establishment of vested rights in certain land developments to secure the reasonable expectations of landowners who make significant investment in site evaluation, planning, development costs, consultant fees, or engineering or architectural expenses to meet land development standards for site plan approval under existing local government ordinances...” S.C. Act No. 287, Res. 411, H.R. 3858 (August 3, 2004). Prior to the Act becoming effective, this purpose was already satisfied with respect to the Project, as the PDD created vested rights for Developer by establishing that the terms of the PDD and the zoning requirements of the UDO as of January 31, 2005 would apply, and that future amendments to the UDO would not apply. While it is clear from the legislative history and the text of the Act that state-wide vested rights were necessary to address those municipalities who did not adequately protect developers’ approved and permitted plans from later-enacted zoning requirements, such was not the situation for the County with respect to this Project, as the PDD had already created such vested rights.
- The Act was intended to provide for vested rights at the municipality’s approval of preliminary plats and the like, not the creation of planned development districts. The Act, its conditions and limitations, were intended to create vested rights in a municipality’s final approval or authorization of a “phased development plan” or a “site specific development plan.” Section 6-29-1520(7) and (9) define these terms with a litany of examples, all of which identify types of detailed plans which are submitted to the municipality for approval of specific types, intensities, or densities of uses for a development. The PDD does not qualify as a “phased development plan” or a “site specific development plan”, as it was a specific planned development district ordinance approved by the County Council which established a new and separate zoning district for the Project. The approval of the PDD was not based solely on the submittal and approval of a preliminary plat or similar plan using the requirements of the UDO at that time. Instead, the PDD constituted the creation of a new and separate set of zoning

requirements, using portions of the UDO as of January 31, 2005, to allow for flexibility and certainty as to the nature and extent of use future developments may have at the Project. This is far from the type of plan approval contemplated by the Act and is another reason why the County cannot rely upon the Act to enforce the CHOD.

- The retroactive application of the Act would have significantly detrimental implications for the PDD and the Project. Again, assuming the Act were to apply, its retroactive application to a PDD that sets forth the zoning requirements for development of the Project, and which Developer has relied upon for over 10 years, would be substantially unjust. The Act only provides for a 2-year vesting period, which can be extended for a total of 5 years through a developer's application. S.C. Code § 6-29-1560. Accordingly, if the Act were to be retroactively applied to the PDD, it would stand to completely divest the Developer and the Project of the rights provided in the PDD. This is clearly not the intent of the Act, the PDD, or the County. However, the County should not be able to arbitrarily pick and choose what provisions of the Act apply simply to allow for its enforcement of the CHOD.

For the aforementioned reasons, Developer respectfully disagrees with the County's interpretation of the CHOD, the PDD, and the Act so as to require Developer's purchase of mitigation credits pursuant to the CHOD for the Project. We request that the County respond to this letter with a confirmation that the CHOD does not apply to the Project.

Should the County refuse this request and decide to enforce the CHOD's mitigation credit requirements upon the Project, the Developer feels it has sufficient legal grounds to challenge such action. However, in the spirit of compromise, Developer is willing to discuss a resolution of this dispute which will adequately protect the Carolina Heelsplitter, comply with applicable ordinances and laws, and which will allow Developer to develop the Project as intended in the PDD and the Development Agreement.

We ask that you provide this correspondence to the County and contact us once the County has had a chance to digest the arguments herein. Please feel free to contact me directly should you have any questions or wish to discuss.

Sincerely,



Brian Blythe

cc: Mike Ey, Esq.
Joseph D. McCullough, Esq. (via e-mail only)
Kenneth D. Holbrooks, Jr. (via e-mail only)
Tim Coey (via e-mail only)
Larry Long (via e-mail only)
Brandon S. Pridemore (via e-mail only)
Penelope G. Karagounis

Elaine Boone

From: Elaine Boone
Sent: Monday, February 08, 2016 2:06 PM
To: 'abowersox@rjoeharris.com'
Cc: 'Brandon Pridemore'; Penelope Karagounis
Subject: FW: Ansley Park Connectivity Index
Attachments: 2226-connectivity index exhibit.pdf

Importance: High

Hey Adam,

I think that we need to add another node on the cul-de-sac at Ballester Road. Adding the node will require a variance on the connectivity index. The fee amount is \$ 200.00 non refundable.

Thanks,

J. Elaine Boone
Plannner II
Lancaster County Planning Department
101 N. Main Street
P.O. Box 1809
Lancaster, S.C. 29721
Phone: (803) 416-9396 Direct
Phone: (803) 285-6005 Main
Fax: (803) 285-6007

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From: Adam Bowersox [<mailto:abowersox@rjoeharris.com>]
Sent: Thursday, January 28, 2016 5:44 PM
To: Elaine Boone; Penelope Karagounis
Cc: Brandon Pridemore
Subject: Ansley Park Connectivity Index

As a follow up to the DRC meeting on January 26, the attached PDF is an exhibit for the connectivity index for Ansley Park. In summary, I came up with 20 nodes and 28 links for a connectivity index of 1.4. Let me know if I need to make any changes or adjustments to this calculation for the updated submittal of the preliminary plat.

Thank you,

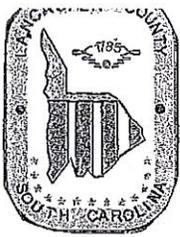
Adam Bowersox
Civil Engineer I



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(803) 578-9628 **Direct**

www.rjoeharris.com



SIGN IN SHEET

Date: 1-26-2016

Meeting Time: Ausley Park

DRC: 016-004

Please list name and email address:

Name

E-Mail Address

J. Blain Boone

eboone@lanastercountysc.net

STEPHEN BRACKWOLD

sblackwell@lanastercountysc.net

JAMES HAWTHORNE

JAMES.HAWTHORNE@LOWASD.ORG

TIM COEY

Tim@baylanddevelopment.com

Penelope Karagounis

pkaragounis@lanastercountysc.net

BRANDON J. PRIDEMORE

brandonpridemore@rjoharris.com

ADAM BOWERJOX

ABOWERJOX@RJOEHARRIS.COM

Kenneth Cathers

KCathers@lanastercountysc.net

Elaine Boone

From: Elaine Boone
Sent: Thursday, March 24, 2016 4:41 PM
To: 'Adam Bowersox'
Subject: Ansley Park - Subdivision
Attachments: DOC032416-03242016164215.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Adam,

See attached!

Thanks,

J. Elaine Boone
Planner II
Lancaster County Planning Department
101 N. Main Street
P.O. Box 1809
Lancaster, S.C. 29721
Phone: (803) 416-9396 Direct
Phone: (803) 285-6005 Main
Fax: (803) 285-6007

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Elaine Boone

From: Adam Bowersox <abowersox@rjoeharris.com>
Sent: Thursday, March 31, 2016 2:02 PM
To: Elaine Boone
Subject: RE: Ordinance 2015-1378
Attachments: 2226_Ansley Park_Preliminary Plat-3.31.2016.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Elaine,

See the attached PDF file for Ansley Park Preliminary Plat with revised notes referencing Development Agreement Ordinance #1378.

For the check, can you tell me who it is from and was it written out to Lancaster County? Was that check included in the package for Ansley Park that was dropped off yesterday?

Adam Bowersox
Civil Engineer I



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Engineering • Surveying • Planning • Management

127 Ben Casey Drive | Suite 101
Fort Mill SC 29708
(803) 802-1799 **Phone**
(803) 578-9628 **Direct**

www.rjoeharris.com

From: Elaine Boone [mailto:eboone@lancastercountysc.net]
Sent: Thursday, March 31, 2016 1:24 PM
To: 'Adam Bowersox'
Subject: RE: Ordinance 2015-1378
Importance: High

Hey Adam,

I have a check # 218465 in the amount of \$ 1523.75 dated February 8th, 2016 what is this check for? It doesn't say?

Thanks,

J. Elaine Boone
Planner II
Lancaster County Planning Department
101 N. Main Street
P.O. Box 1809

Lancaster, S.C. 29721
Phone: (803) 416-9396 Direct
Phone: (803) 285-6005 Main
Fax: (803) 285-6007

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From: Adam Bowersox [<mailto:abowersox@rjoharris.com>]
Sent: Thursday, March 31, 2016 1:19 PM
To: Elaine Boone
Subject: RE: Ordinance 2015-1378

Thank you Elaine, I'll add that reference to the notes section and send you a revised digital copy. Will you need a hard copy as well?

Adam Bowersox
Civil Engineer I



R. JOE HARRIS & ASSOCIATES, INC.
Engineering • Surveying • Planning • Management

127 Ben Casey Drive | Suite 101
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(803) 802-1799 **Phone**
(803) 578-9628 **Direct**

www.rjoharris.com

From: Elaine Boone [<mailto:eboone@lancastercountysc.net>]
Sent: Thursday, March 31, 2016 1:10 PM
To: 'Adam Bowersox'
Cc: 'Brandon Pridemore'
Subject: FW: Ordinance 2015-1378
Importance: High

Hey Adam,

This is the Ordinance number 1378 I have no idea where I got 1038. If you can add this reference in the notes section. Also send me a revised copy digital for review.

Thanks,

J. Elaine Boone
Planner II
Lancaster County Planning Department
101 N. Main Street
P.O. Box 1809
Lancaster, S.C. 29721
Phone: (803) 416-9396 Direct
Phone: (803) 285-6005 Main
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From: Debbie Hardin
Sent: Thursday, March 31, 2016 12:56 PM
To: Elaine Boone
Subject: Ordinance 2015-1378

Hi Elaine,

I'm sorry for the delay – I had someone come in that I waited on.

Thank you

Debbie C. Hardin
Clerk to Council
P.O. Box 1809
Lancaster, SC 29721
803-416-9307 (office)
803-285-3361 (fax)
www.mylancastersc.org



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Elaine Boone

From: Adam Bowersox <abowersox@rjoharris.com>
Sent: Thursday, January 28, 2016 5:44 PM
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Cc: Brandon Pridemore
Subject: Ansley Park Connectivity Index
Attachments: 2226-connectivity index exhibit.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

As a follow up to the DRC meeting on January 26, the attached PDF is an exhibit for the connectivity index for Ansley Park. In summary, I came up with 20 nodes and 28 links for a connectivity index of 1.4. Let me know if I need to make any changes or adjustments to this calculation for the updated submittal of the preliminary plat.

Thank you,

Adam Bowersox
Civil Engineer I



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