

Special Tax District were based on. (It's contained there and also refer to the calculation sheet that is on page 3). Number 2 – Authorization for you to remove the walking trail from the heelsplitter buffer if desired is also contained in Ordinance #650. But if you do not desire to remove that walking trail, please require the following note from UDO Section 2.1.5 be placed on the preliminary plans. The note reads: Proof in the form of a credit affidavit dated on or before the issuance of the grading permit shall be provided to Lancaster County prior to any building permits being issued for this property. That is a direct copy from the UDO section. Number 3 – The authority of the 2005 master plan; in that all development shall comply with it. Number 4 – The review of some twenty two waivers and variances that were allowed in Ordinance 650, plus consideration of additional variances and appeals. Number 5 – The assignment of property owner rights. Number 6 – The definition and determination of who is the master developer. Number 7 – A condition that there is to be vehicular linkage between the commercial side and the residential side of Six Mile Creek. With the regulations also stating that there must be connectivity to various portions of the entire development; this is a must. Number 8 – Regulations which permit the transfer of development which requires certificates prior to issuance of building permits. Number 9 – You can read there the regulations regarding setbacks and etc. So this is just a small sampling and there is much more to learn from these missing documents. I ask you to approve the motion to rescind tonight. Thank You

Jan Mercer – 9061 Henry Harris Road, Indian Land SC. It is extremely important to the citizens of Lancaster County that we trust the process and you are led to informed decisions which will impact us that live in this area. Tonight is the last chance that Lancaster County has to conduct informed negotiations with this developer. County Council has advocated that position to you. This commission is the correct body to have this responsibility because you are volunteer citizens just like me and my neighbors who I am speaking for tonight that can't be here. Please protect us and make smart negotiations and decisions regarding this subdivision. This is not the responsibility of staff but yours alone. If you read Ordinance #650, you will see that Lancaster County has given and given to this developer. If you read development agreement 2015-1378, you will see that Lancaster County has given the reduced lot sizes and allowed the main connector and the bridge over Six Mile Creek to be removed. The flow of traffic is already backed up every morning and now we've got Collins Road development coming. There is no way to get to Highway 521. You will also see that the commission has granted a variance on the connectivity ratio; it is time for this developer to give back more than one time public safety and school's token payment. Here are some places they can start. Completely pay for the SCDOT improvements at Henry Harris and Marvin Road; increase setbacks along Henry Harris to allow for increased right of way for future widening. It is not fair for the adjacent property owners to be called on to give up their front yards and Ansley Park not be required to contribute land for widening of the road, shoulders, and ditches. Increase the perimeter buffers along the South and North corner perimeters of the subdivision to protect the adjacent property owners. These buffers should be undisturbed and a minimum of 40 feet. In the interest of public safety; agree to increase side yard setbacks from the allowed five feet to seven feet. Forbid street parking and reduce building height from a maximum of 50 feet to a maximum of 35 feet; reduce the number of cul-de-sacs and provide only fire proof materials on the exterior of all the homes. Also, remove the

walking trail from the Carolina Heelsplitter Overlay District buffer; the Carolina Heelsplitter still needs to be protected and so do the citizens of Lancaster County and Indian Land and on Henry Harris and Collins Road. Please consider our suggestions. Thank You.

Wanda Rosa – 86614 Arrington Road, Indian Land SC. – You have been asked to consider a motion to rescind on Ansley Park and I would like to make a comment related to that action before you decide to take on that request. It has to do with the following statements printed in the agenda summary of October 26, 2015 authored and sponsored by Mr. Weaver. This summary was presented to you on November 17, 2015 and the basic terms were restated by staff and applicant again on February 16, 2016. I quote: “The developer by agreement following negotiations with the County Attorney, has pledged \$1,000.00 per house for public safety needs and an additional \$500.00 per house for the Lancaster County School District. The developer is to be commended for it’s willingness to support future growth in Lancaster County and in as much as the prior contribution in 2005 was only \$600.00 per house; recommendation by the County attorney was for approval. I cannot second guess the negotiations of the County attorney; I think it’s sufficient to say as we all know now; the prior contribution in 2005 was much more than \$600.00 per house and had a yearly tax revenue stream as well. What I want to focus on is the fact that Mr. Weaver said he negotiated this new development agreement; he negotiated. I believe he had a professional involvement in the original negotiations and he expressed gratitude towards the developer for his generosity to the point of saying he should be commended. I think all of this in my opinion seems a possible conflict of interest or lack of impartiality in rendering a legal opinion on any proceedings in this case. A parent sometimes has a lot more to do with what is the perception that folks have. There are so many issues going on with this and this is just another tick that is scratching at me. Therefore, I am requesting that Mr. Weaver recuse himself from these proceedings due to a possible conflict of interest and or lack of impartiality. Thank You.

Waylon Wilson – 15117 Legend Oaks Court, Indian Land SC. My comments and statements are directed toward the overall development of PDD-21, Ansley Park. They are based on SC Codes, our UDO, Ordinance #650 and previous actions or statements of Lancaster County. In my opinion, based on facts, PDD 21 is a quagmire of mistakes, errors, and out and out ordinance violations. It appears to me that the McNair Law firm’s involvement with PDD-21, past and present, has been faulty in the areas of advice, directions, interpretations and judgments to Lancaster County. I assume you as individuals, as commissioners, have taken a pledge to uphold Lancaster County’s ordinances. In order to uphold these requirements, further actions and amendments must be made to Ansley Park’s ordinance by the Planning Commission and County Council. Ordinance #650 defines PDD-21 as all the land comprising Ansley Park with the owner being the master developer. However, Ordinance #650 and its master plan is without codification and documented master developer since Cambridge Homes never owned the property. Presently there are several property owners which comprise PDD-21. Herein lies one problem; as Forestar owns one parcel with other parcels owned by others. UDO Section 13.12 states: The site shall be in one ownership, or if in several ownerships, the

application for amendment to the zoning ordinance shall be filed by all of the owners. This requirement has not and is not being met. Recorded documents must be filed between PDD-21 parcel owners to establish their agreements, development rights, with the documentation of a master developer or Ordinance §650 must be amended by County Council. As of yesterday, this kind of documentation has not been recorded with the Register of Deeds. One should also question if the last submitted master plan has a written consent of all property owners. SC Code, Section 6-29-720 states: A Planned Development District is characterized by a unified site design for a mixed use development. PDD-21 is not being administered and managed as a unified entity. Much has been said as to the lasting effects of the 2013 subdivision approval along the Highway 521 portion of the property. This vested period and its associated rights have expired. Therefore, this subdivision approval has no lasting effect on PDD-21 since the approval is null and void unless this particular property owner is deemed the master developer. PDD-21 must be managed by a master developer legally responsible to Lancaster County for the entire development governed as a unified entity and not as separate parcels. Thank You.

Brian Blythe – 3330 Cumberland Blvd, Atlanta Georgia, 30339. I am with the Forestar Group and this is my first time here in Lancaster County. I want to thank the Planning Department and the County itself for all that they have done for our project here and working with us from the start. One thing we pride ourselves in at Forestar is, before we commit to a project we want to make sure that not only it works within the parameters of the County's guidelines and rules but also that it is going to work with overall community. We've invested a lot of time and effort and I know that the County has as well in trying to make sure that we go through all the appropriate steps to make this a project that is approved and meets the requirements of the County's ordinances and rules. I think the key point to make here is that Forestar and through its partner with Bayard Development; we've gone through all of the processes to make sure that this complied with the zoning requirements of the County. Also that it complied with the PDD that we negotiated and agreed to in an appropriate development agreement that matched up with the requirements of the PDD. The development agreement was approved. The preliminary plat was approved; both of which according to the County's regulations and also South Carolina state law; has created a vested right in Forestar. It is our opinion that this has been a decision made and therefore the motion to rescind is improper and we will like we can move forward at this point and hope that we can continue to provide and deliver a great new community for the County. Thank You.

Ben Levine – 5062 Terrier Lane, Indian Land SC. I would like to talk to you about the importance of the development ordinance when approving a preliminary plan. As you know the development ordinance would spell out what would be allowed in the ordinance along with the development agreement. Even if you memorize Lancaster County's UDO, the PDD is completely different because it could have its own set of rules. Unfortunately, the development ordinance for PDD-21 wasn't included in the packet for information for you the night when you approved the preliminary plan for Ansley Park. In fact, the ordinance was so old, when we went to look for the ordinance it wasn't even accessible readily through the county website; an email had to be sent to get a copy of it

from Ms. Hardin. I know that the planning department looks through these ordinances and they look through and try to determine what's important to tell you for when you make your vote but they are also human; they may not know everything that you feel is important in making your judgment on a preliminary plan. Such as this ten year old development ordinance might not have accounted for what's happened in the last ten years in the northern part of Lancaster County; maybe you find that plan doesn't make sense because the road now needs to be twice as wide eventually soon. Another reason is a variance was asked for regarding Ansley Park for connectivity to be below the standard of 1.4 and I don't even remember anybody questioning it. The application that is supposed to have the reason for wanting a variance wasn't even included in the exhibits that night. It just said it was going to be brought to the workshop. I know if something like that was going through the standard UDO it would have gone through the Board of Zoning Appeals and there would have been a lot more questions about it in their meeting. They would have wanted to know exactly why a variance was wanted in that case. The Planning Department tries their best to give you all of the information you need to make an informed decision when you are up here but in this case it seems they didn't give you a key piece of information that would allow you to question any of their drafted opinion. If you didn't have the material needed to question them, then they might as well make the approval decision for you. If you feel as if the lack of material is a reason why you feel the decision should be rescinded, then I would suggest that you approve the motion to rescind so you can make a very informed decision. Thank You.

Approval of Minutes

Jerry Holt made a motion to approve the Workshop Minutes for February 11, 2016, February 26, 2016, March 03, 2016, and March 11, 2016; Regular Minutes for February 16, 2016 and March 15, 2016; David Freeman seconded the motion.

Chairman's Report

Charles Deese -- I want to welcome each of you for taking time out of your schedules to come be a part of your Planning Commission meeting. We have a great deal of work to do and we've been spending a lot of time on the Unified Development Ordinance. I appreciate all the board members who volunteer so much time to the County and I appreciate more everyday.

Director's Report

Good evening Planning Commissioners and to the audience, welcome to the Lancaster County Planning Commission meeting. As you all know we have been working diligently on the Unified Development Ordinance rewrite and I know we discussed this at the workshop but I would like to give the audience an update. We did conclude the Community Review Meetings that were held on March 29th and March 30th. From those meetings and also from the Focus Groups we are now in April collecting those comments and making drafted changes with the different UDO chapters. Our goal is basically to have a Special Planning Commission Meeting on May 31st. We will have opportunities for the Planning Commission to review chapters before the public hearing on May 5th, the regular scheduled Workshop meeting and also your regular scheduled Planning Commission meeting on May 17th. The actual public hearing for citizens to speak which

is for five minutes will be held on Tuesday, May 31, 2016 at 6:30 p.m. For the Development Review cases, we do have two this month; primarily the one big project up in Indian Land with Wes Taubel. If you all remember, last year there was a multi-family zoning district, the Culp property; that is coming through the development review committee process and will be held on Tuesday, April 26, 2016. For the month of May we have already received submittals for two cases and they are up in Indian Land. One is another outparcel with Redstone Development and the second one is NTB Tire & Service Center at the Doby's Bridge extension. This DRC will be held on May 24, 2016 at 9:00a.m. We will have more discussion at the end of the meeting under New and Old Business.

Jerry Holt – Where is Doby's Bridge extension?

Alex Moore – If you are going North on Highway 521 where you take a left on Doby's Bridge on the east side.

Penelope Karagounis – It's going into the Cross Creek Shopping Center.

Jerry Holt – Has that been formally named?

Penelope Karagounis – No....

Jerry Holt – If it has, it's going to be here for a road name change.

Penelope Karagounis – We will have more information later regarding the name. This is only at the Development Review Committee process and not at the Planning Commission.

Jerry Holt – Is it a gas station?

Alex Moore – It is National Tire and Battery.

SD-016-001 – Ansley Park – (Motion to Rescind/Amend previously passed subdivision preliminary plan)

Jerry Holt – You recall on February 16th the Planning Commission heard the case for approval for the preliminary subdivision plan for Ansley Park. Originally there was a motion made to deny the approval of that preliminary plan and that motion to deny was defeated and subsequently there was another motion that was made to approve the plan. The problem with that motion to approve is that while we had discussed a number of issues and concerns with the plan, it seems that the motion to approve was a knee jerk reaction and the commission wanted to approve it and get it off the table and there were no motions made to have any conditions attached to the approval. Because of that and because of some of the other issues that have been presented tonight; in that when we did hear this, we did not have the necessary documents so that we could in fact compare the plan as presented to the ordinances or the PDD which should govern the design of that

plan. I believe that we were operating with some information that was at best not complete and maybe in some cases was not even quite factual. One of the things that we were told during the hearing on that issue was that as it deals with the Carolina Heelsplitter Overlay District. The developer said that they would mitigate that plan or the design so that it would not have interference with it; yet later documents had surfaced that indicated that the attorney's for the developer had notified the County that if they in fact were compelled to comply with that Overlay District, there were going to sue the County which was completely different than what we were led to believe during our public hearing. There are a number of other issues and I assume that the County Attorney is going to address this issue later. I want to come back to some of his remarks. I do want to make the motion now.

Jerry Holt made a motion to rescind the approval that Planning Commission had granted on the preliminary plan on February 16, 2016; David Freeman seconded the motion.

Charles Deese – At this time before we go any further I want to get some legal advice, a legal opinion on this matter. I will ask for Mr. Weaver to come up at this time.

John Weaver – Thank you members of the commission and Mr. Chairman. Because you have asked for a legal opinion and because it is an important aspect of this whole discussion tonight, I have given to each of you a copy of my written comments which I believe is the opinion. I would like to begin first by asking you to turn to page 4 and from page 4 onto the back, are the supporting documents and law that support the opinion that I will render you in just a minute. Exhibit A was the County's letter of April 4th that approved by a 5 to 2 vote the preliminary subdivision plan. The next page Exhibit B-1 is the plan that was actually approved and signed by the County on March 31st. B-2 is the second page of that preliminary plan. The next two pages, Exhibit C-1 and C-2 come from the relevant language in Robert's Rules of Order. My opinion will address those also. Exhibit D which is the next page is a section from the South Carolina Code of Laws, Section 6-29-360, which says that the Planning Commission and they are addressing the Planning Commission, must adopt rules of organizational procedure. The next page Exhibit E is from the UDO of Lancaster County and it says that Robert's Rules of Order shall govern the conduct of meetings. Exhibit F is another section from the UDO dealing with reconsideration. This is important I want you to take a moment and I will read that now. The commission may reconsider any review when so requested by the governing body, the County Council, or when an applicant brings to the attention of the commission new facts, a mistake of fact in the original review, correcting a clerical error or other matters not the fault of the applicant. This is when the Planning Commission does have the authority for a reconsideration. If the governing body has asked that that be done or if the applicant has asked that that be done. In this case I suggest to you that neither of those has occurred. The next few pages G-1, G-2, and G-3 are the relevant portions from our County's UDO that deal with my opinion. Lastly, Section H deals with a final section of the UDO that says the Lancaster County Planning Commission shall review and act upon the preliminary plan. If I may now go back and address what my opinion is having pointed out those as the foundation of that. The issue for consideration tonight is whether any type motion dealing with Ansley Park is

appropriate in this case. My opinion is that in summary, a motion to amend is appropriate. A motion to reconsider or a motion to rescind is inappropriate. That is my legal opinion; the decision is up to the chair on the ruling. Let me explain if I may. We have talked earlier about a motion to reconsider. We know from a timing stand point, a motion to reconsider according to Robert's Rules of Order, must be made at the time of the meeting where the issue was passed or it failed. Either way a motion to reconsideration must be made on that particular day; in my opinion that has not been done certainly. This is an important factor too. Under our UDO and under our state law, it is appropriate to make a motion to amend but when the state law or our county ordinances conflict with Robert's Rules of Order, our state law or our local ordinances, our UDO, always prevail. Robert's Rules of Order is really nothing more than a fall back on how a meeting will be conducted. It is not an either or. We will either do it the way Robert's says or we'll do it the way state law says or we'll do it the way county ordinance says; anytime there is a conflict between the county ordinance or the state law and Robert's Rules of Order, Robert's Rules will never prevail. State law and county ordinance will always prevail. That is why if you will look on page 2 of my opinion mid way down, I quote two sections of the state law. 6-29-1520(10) give to the developers of Ansley Park a vested right. In this case it is a two year vested right under county law. It means the right to undertake and complete the development of property under the terms and conditions of a site specific development plan. They are vested for two years. You cannot take it away by a reconsideration. You cannot take that away by a motion to reconsider or a motion to rescind. However, please look at the next section, 6-29-1530(8) a vested site specific development plan may be amended if approved by the local governing body pursuant to the provisions of the land development ordinance and regulations. Let me explain to you what I believe my opinion is of that law. In most cases the Planning Commission is the final authority on a preliminary site. It does not go to County Council. But if it is going to be amended and if it passes this body, then it goes to County Council for approval; that is a necessary element as sited in state law. I would also notice a side light that was a question that has been raised about whether this motion would beat the approval by the Planning Department and which came first and what happens if it had already been done. It is my opinion that what the Planning Department did in approving the plan is not material to that. When it was approved by this commission on that day February 16th, that was final. What the Planning Department did was to ensure that those plans which are included as one of my exhibits, met the conditions. If they had not the conditions, Ms. Boone would not have approved it. If they did meet the conditions, then she approved the plan. The cutoff date was not March 31st; the cutoff date was February 16th. However, an amendment is appropriate. You can make an amendment; and if you will look to the third page, this is my suggestion and that is all it is, it is not a legal opinion about how you handle it. But my suggestion, that if a motion to amend is made and seconded, which has not yet been done. If that is done, I have listed seven steps that I think are the correct procedure for considering a motion to amend. It must first be made and seconded. Secondly, the specifics of the amendment must be detailed not only for planning commission's records but also for the future use of County Council if that becomes applicable. Number three, obviously the discussion of those amendments. Number four, after and this is already done by the Planning Commission, after the amendments are made they will be recited to ensure that

everything is specifically understood. Then number five, there should be a single vote. A vote for the amendments means the amendments would pass. A vote to deny the amendments would mean the amendments fail. If the amendments pass, then it would go to County Council for its consideration. If the amendments failed, the matter would be ended without the need for consideration by the Council. So in summary, it's my opinion that a motion to rescind is inappropriate, a motion to amend is appropriate, depending upon the particularities. Mr. Chairman if I may take just a brief moment for the benefit of those who have spoken earlier, particularly the two ladies. Perhaps last October I used the incorrect wording when I said "I negotiated it". I have spoken to Council about this in public session and I know you were there and perhaps others. I know my boss Mr. Willis and my boss Council Chairman Bob Bundy are in attendance and they know that I did not ask for the authority to negotiate that, nor did I negotiate that. I was simply the spokesman for the wishes and the desires of the Council who made the ultimate decision. The negotiations were not by me. That was contained in the development agreement which was considered by the Planning Commission and passed, recommended, and considered by the County Council. I just want to be clear that I have no favoritism towards the developer. I have one client and one client only and that is Lancaster County. The Planning Commission is a part of my client and I have done my best effort to address the needs of Lancaster County; whether that be the County Council or whether that be the Planning Commission in these negotiations for the development agreement and in my opinion that I have sited here. Thank You

Charles Deese – I have listened to what Mr. Weaver had to say and I've listened closely and I've read his document. It is of my opinion that a motion to rescind at this time is out of order.

Jerry Holt – I first brought this to the commission at our March 15th meeting. That was my intention to make a motion to rescind the action from February. At that time we were told that we could not address that issue because it had not been publicly advertised and could not get it on the agenda. I think that it's unseemly that since we've known since March 15th at least that we were going to be addressing that issue; the motion to rescind at this meeting. Now we are presented with a decision that is out of order and we are given an alternative that on the spur of a moment as the attorney has suggested; we need to come up with a detailed seven point plan to address the option of amending our further action. I think that we probably didn't arrive at that conclusion this evening even though we just got this document. So I think to impose those kinds of requirements are a little bit lacking I'll say. It certainly is your decision not to hear the motion to rescind but I will not withdraw the motion.

Charles Deese – I will make this comment that I did make that decision this afternoon in this meeting. The motion to rescind in my opinion is out of order. Based on not only the document that Mr. Weaver has given me but I've done some research myself and I've got that document that I researched in my possession here tonight. That decision was made in the last 30 minutes sitting in this room. A motion to rescind at this point is out of order. If you care to make a motion to amend, that is a legitimate motion.

Jerry Holt – Then the original motion just dies with your decision?

Charles Deese – The original motion to rescind was out of order, yes.

Sheila Hinson – Mr. Chairman, would it be possible to hear why Mr. Holt wants to rescind?

Charles Deese – He has stated that.

Sheila Hinson – Well I don't know what he said, refresh my memory. Is it in this packet and I don't see it?

Jerry Holt – No.

A document was passed down for Sheila Hinson to review.

David Freeman – All this paper wasn't sitting at my seat when I got here, so I haven't read any of it and we are supposed to make a decision. That is why we are in this position.

John Weaver – Mr. Chairman, for the benefit of the commission, a motion to defer until another meeting would be appropriate if that was the Chairman's decision and the vote of the commission.

Jerry Holt – Tell me what that means.

Charles Deese – If we defer to the next meeting it would give you an opportunity to do what you just requested, to put together a motion to amend.

Jerry Holt – One of the things we had heard about the motion to rescind was that it certainly was not appropriate if the developer had taken actions that could not be undone. What can we do about preventing any further actions between being taken by the developer or others between now and the time that we can hear a motion on amending our previous action?

John Weaver – As far as I know according to the regulations of Lancaster County, the County Council has approved the development agreement. The Planning Commission has approved the preliminary plat and it has been signed off by the Planning Department as being accurate and in accordance with your vote of February 16th. I have no idea, I do not know the developers and I don't know what their plans are at this point; but I don't know of anything that can be done at this point to stop any action that they have, they are vested. I don't know of any legal step that the Council or the Planning Commission could take to stop it, whatever they are doing if anything, for the next 30 days or however long it would be before action is considered again by the Planning Commission. I just don't know of any, if there is any, I'm open if anybody from the UDO side of the table wants to tell me about anything but I don't know of anything.

Sheila Hinson – I read this document passed down and this does not include any conditions whatsoever. I would like to know what conditions we are talking about.

Jerry Holt – When we had the discussion of the February meeting prior to the vote first of all part of the vote to deny the application. I went through a number of things that I felt were issues and they had to with the fact that more than 20 lots encroach into the flood zone. There are lots in the trail that goes into the Heelsplitter Overlay District.

Sheila Hinson – Ok, stop right there. Penelope, in this situation that he is talking about, did ya'll not look into that as a planner?

Penelope Karagounis – What he is referring to is, that night he did make all those statements and nobody seconded the motion with those conditions that he made. In regards to the flood plain, they do take into consideration and Elaine I know....

Elaine Boone – That comes from Kenneth Cauthen's office. If there is a reason to be where they have to do a letter of map revision or anything like that; it will come through his office and it will have to be labeled on those final plats. When they get ready to do final plats and all that and their construction documents.

Jerry Holt – At the time that we reviewed a plan like that, we have the option of saying no you can't put it in there, you don't need to pass the buck to somebody else to write another conditional letter of approval. We have the right to say you can't put that lot there.

Penelope Karagounis – If you get a second.

Jerry Holt – If the commission adopts it, that is what I mean.

Penelope Karagounis – If you get a second to your motion.

Jerry Holt – Yes.

Penelope Karagounis – If I remember correct....

Jerry Holt – My motion was to deny and we did have a second, a vote of 5 to 2 against.

Penelope Karagounis – I believe Mr. Barnett at that time stated something about the conditions and something. I think the second motion was again with your conditions.

Jerry Holt – The second motion after the vote to deny was defeated. The second motion was well then let's approve it. No consideration was given at all to conditions.

Unable to hear comment from Mr. Deese

Penelope Karagounis – To answer Ms. Hinson’s question, if the Planning Commission wanted to have conditions, you do need a second for the motion. I don’t have the minutes in front of me.

Sheila Hinson – What I was saying is did ya’ll approve Ansley Park? The Planning Department?

Penelope Karagounis – When ya’ll voted on February 16th and the motion was made and a second; to approve the preliminary plan by 5 to 2. Then Elaine went back and looked at different items with the engineer and the list from the Development Review Committee; the list of comments from the local agencies. She made sure that everything had been submitted and double checked. Going back to the Carolina Heelsplitter, there is on that document and she talked to Ms. Wolfe right?

Elaine Boone – Yes from Fish and Wildlife.

Penelope Karagounis – That document is on the preliminary plan so when she signed it, it states that basically you comply and you are part of the Carolina Heelsplitter Overlay District.

Sheila Hinson – So the Planning Department recommended approval?

Penelope Karagounis – We did the recommendation before that night and then this body is the ones that voted.

Sheila Hinson – But ya’ll thought it was ok?

Jerry Holt – But when we talked about conditions during that meeting then subsequently the motion was made to approve and it wasn’t made to approve with any conditions. Therefore since the Planning Commission approved it without conditions they could not then go back and impose those conditions.

Penelope Karagounis – Those conditions that you were asking?

Jerry Holt – Correct.

Elaine Boone – But in the staff report, we always basically state in the staff report that it be approved contingent upon all comments being addressed by county staff and local agencies. After they have done all that and reviewed those comments, then we can approve the preliminary plan and that is what we did. That was done on March 31st. When those comments are on those plans, we stamp it and we sign off on it on that date.

Sheila Hinson – We want to do what is best for Lancaster County so we depend on the Planning Department to guide us too. What he is saying doesn’t sound good.

Jerry Holt – Well Mr. Chairman, since you are not going to allow the motion to rescind, I'm certainly not prepared to any ad hoc list of requirements now and be bound by those. So I will make a motion to defer action until our next meeting.

Jerry Holt made a motion to defer action until our next meeting and Sheila Hinson seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

David Freeman – When a developer meets the requirements of what we have asked of them, they are supposed to give it to them. This deal is jacked up because it was ten years ago.

Charles Deese – This has been deferred and it will come back at our next regular meeting.

Penelope Karagounis – May 17th.

Charles Deese – It's that time of year again to nominate a board member for the year.

New Business:

Penelope Karagounis – All the boards have people who volunteer and the County wants to recognize the Board Member of the Year. Everyone receives a small gift but the person who is nominated from this commission as Board Member of the Year will be invited to a dinner at the Historic Courthouse. So at this time we need a motion to nominate a Board of Member of the Year representing the Planning Commission.

Jerry Holt made a motion to nominate Mr. Charles Deese and Vedia Hatfield seconded the motion.

Penelope Karagounis – Are there any other nominations?

No other nominations were made.

Penelope Karagounis – All in favor.

VOTE: UNANIMOUS MOTION CARRIED

Penelope Karagounis - I believe Ms. Barrineau has sent everyone an email or a call for the webinar to be held on May 12th from 9-12:30. This is for the three hours of continuing education. We are going to have it here in the council chambers. Judy needs to know if you can attend by May 3rd. If you can come during the day to do your 3 hours please let us know by May 3rd.

Old Business: Penelope Karagounis/Discussion of UDO Chapters:

From the Focus Groups and also the Community Review we had some people who voiced their concerns regarding the Rural Residential and how mobile homes would not be allowed by right; it would have to be conditional uses. So we went back to the table and we decided to create a new zoning district in the rural area. If you look at this Table of Uses under the rural section; we had an AR and we had an RR and now we created an RN. The RN stands for Rural Neighborhood. The reason why is there are areas outside in that transition area but also in Van Wyck where you had R-30 and it was rural living and they did not allow mobile homes. In the eastern part where we had Rural Residential, there are a lot of mobile homes. People came to the community meetings and they voiced their concerns and did not like the fact they had to go through a conditional use to be able to put a mobile home on a piece of property. We created the RN and people throughout the County that were in these rural areas that were zoned R-30 and never really allowed mobile homes, will continue not to be able to have mobile homes if the property was R-30. Now if it was R-45B or R-45A, in those portions now they are RR and it is permitted by right. It is not a conditional use. That is one of the differences if you compare your old Table of Uses and look under manufactured housing – residential; now we have that new zoning district classification. If you look at the bright green on here, it is the rural neighborhood. So you see it outside the city limit of Lancaster where it was in the transitional area; today they do not allow mobile homes. We basically changed it from the RR to this new classification to protect those individuals. In the other areas as you see here and also in the Buford area, it is Rural Residential but they will have Permitted by Review. So they have some conditions but they don't have to go through the public hearing process to place a mobile home because it has always been like that. The whole intent of the UDO rewrite and when County Council gave us funding to start on this project was not to create Non-Conforming Uses. So by creating this new Rural Neighborhood District we are honoring their wishes of not creating Non-Conforming Uses in parts of the County. Something else that we did differently is we broke down the General Commercial on the Table of Uses to greater than 50,000 square feet, less than 50,000 square feet, and less than 15,000 square feet. We allowed some changes; just the description of the General Commercial. We also had some questions from the Community Review meetings and also the Focus Groups about mining for top soil. So on the third page we've added districts for mining and the two classifications we have is the mining from Haile Gold Mine is basically going to be called "Major In-Depth Resource Extraction". The mining of dirt and topsoil will be labeled as "Minor Surface Resource". We are still working on where exactly we feel that the minor surface extraction should be allowed if meet this type of conditions and you do this type of buffer. As far as the mining district today, we are leaving it like we've always had it; heavy industrial as a conditional use and a coming by right mining district. That is just something that we've added and we are still working on.

Jerry Holt – I want to go back to the general commercial. When you talk about greater than or less than 50,000 square feet, what exactly do you mean?

Penelope Karagounis – 50,000 square foot of the building, size of the building.

Jerry Holt – What if there is more than one building? Is it per building or collectively?

Penelope Karagounis – That has always been per building. I will check and let you know but it has typically been separate.

Elaine Boone – It would be like the B-2 we have now with a maximum of 6,000 square foot. You could have multiple buildings but it would be 6,000 per building. You just couldn't have a building over 6,000 square feet. That is what we have in the B-2 now.

Penelope Karagounis – The only difference is we allowed Permitted by Review if the building is less than 15,000 square feet, we are allowing it in a neighborhood business so we can provide some services. I will ask Kara about that. On the last page based on the Focus Groups and Community Meetings, we did have an agri-business use and also agri-tourism. This is where we are allowing it in the AR, RR, RN, and RUB districts. Kara also changed mini-storage self service as a Permitted by Review in a general business district. We are still looking at crop production for the low density.....

She has that out but I believe we are going to put that in but we are still going back and forth on that. One other thing that was changed with your old Table of Uses is just putting more of a clear description for animal production. We called it animal production, possession for factory farming; that is for your turkey barns. When you look at the updated definitions such as rural neighborhood district, she added in regards to the density for low density; it's a density of.....one dwelling unit per acre. Medium density would be two and a half dwelling units per acre. Under the Urban Residential District which basically a lot of our PDD's are today that did not have the traditional mixed use commercial; it's four units per acre so we left the Urban Residential District as four units per acre. That is just basically to accommodate a variety of housing types. If you notice we did shifted open space classification to under the Special District for the Table of Uses. That is something that has changed as well. She just grouped in the Special Classification with institutional, light, heavy, and mining. As I stated earlier we are all working on the chapters this week; Elaine and Alex and myself. We will be working with Kara in Rock Hill and also in Lancaster to review all chapters so we can give all of you the chapters. Our goal is to give everything to you on April 29, 2016. We would like to have the Special Meeting and we will need a 30 day advertisement and that is due on May 1st. If we are on schedule and we are ready to have that advertised for May 1st, then the Special Meeting will be on May 31st, the actual public hearing. We want to have the workshop on May 5th and now on the night of May 17th, we would like to have also further discussions. If there are sections of the chapters that you receive on April 29th that need to be changed or modified, we want to work on those changes before May 31st. Also regarding the newspaper advertisement, we cannot send out 40,000 letters because that is how many parcels with have and by state law we can do just the circulatory newspaper (The Lancaster News) and we will try and do it as a courtesy in the Carolina Gateway. Reece Murphy from The Lancaster News will probably do some type of stories as well to let everybody know that there is a big public hearing coming. Also, yesterday Debbie Hardin told me they have capabilities now with E-911 that they can send messages to anybody through their telephone numbers. A message that would let them know there is a special public hearing you will want to attend due to a major UDO

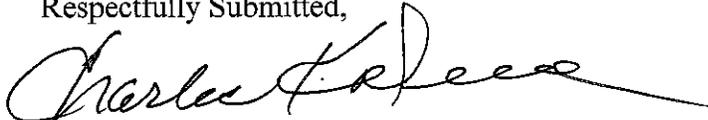
rewrite and zoning changes. They can do a short message and send it out to anybody through their telephone, so we are going to do that as well. Also with the newspaper advertisement, because we are repealing the zoning map and the Unified Development Ordinance, we need to provide copies of the zoning map and the chapters. So what we are going to do is since we don't have the actual room in the Planning Department to have all the maps laid out. We are going to go downstairs to the basement and I've gotten permission from Mary Ann Hudson to use their big room downstairs where they hold their absentee voting. We will have two tables out where people can come in and ask to look at their parcel and see what the zoning is. There will also be draft chapters of copies where they can sit down and read and review. We will not be providing free copies. This information will be available from 8:30am until 5:00pm for the whole month of May. This way they will be prepared to speak at public hearing for their five minutes at the public hearing meeting and voice their opinion regarding the UDO rewrite.

Charles Deese – Make sure you put on your calendar the public hearing on May 31st @ 6:30pm.

Vedia Hatfield made a motion to adjourn and Sheila Hinson seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Respectfully Submitted,



Charles Deese
Chairman



Penelope G. Karagounis
Planning Director