

LANCASTER COUNTY  
PLANNING COMMISSION  
REGULAR MEETING  
MAY 19, 2015  
MINUTES

Members Present: Charles Deese, Vedia Hatfield, Ronald Pappas, Tommy Dabney, Sheila Hinson, James Barnett, Jerry Holt.

Others Present: Penelope Karagounis, Planning Director; Alex Moore, Planner II; Andy Rowe, Planner I; Nick Cauthen, Planner I; Judy Barrineau, Clerk to Commission; Steve Willis; County Administrator; John Weaver, County Attorney; Kara Drane, Catawba Regional Council of Government; Cable News 2.

Others Absent – Elaine Boone, Planner II.

The following press were notified of the meeting by mail or by fax in accordance with the Freedom of Information Act: Lancaster News, York Observer, Kershaw News Era, The Rock Hill Herald, Fort Mill Times, Cable News 2, WRHM Radio, and the local Government Channel.

Approval of the Agenda

Jerry Holt made a motion to approve the agenda and Jim Barnett seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Citizens Comments

No citizens comments.

Approval of Minutes

Jerry Holt made a motion to approve the April 02, 2015 Workshop Minutes and the April 21, 2015 Regular Meeting Minutes; Jim Barnett seconded the motion.

Chairman's Report

No report.

Director's Report

Due to the request of the Chairman of the Planning Commission, Mr. Deese, there will be no update today of the UDO rewrite. There will be an update of the UDO rewrite with Kara Drane, Catawba Regional Council of Government on June 4, 2015 at the Planning Commission Workshop. The Development Review Committee has one new case for Tuesday, June 9, 2015 starting at 9:00 a.m. The case is for the company Nanotechnology that is going into the Kershaw Industrial Park.

Staff made a presentation to the Infrastructure and Regulation Committee regarding a recommendation for a moratorium on new rezoning applications North of Highway 5 to the state line on Tuesday, May 12, 2015. The Committee's recommendation by a vote of (2-1) was to take the information first to the Planning Commission meeting. Chairman Mr. Deese attended the Infrastructure and Regulation Committee meeting as well as Planning Commissioner James Barnett and Planning Commissioner Tommy Dabney. The Planning Department appreciates the attendance of the three Commissioners at the Infrastructure & Regulation Committee meeting. Chairman Mr. Deese voiced his concern about the committee's recommendation that because of the Memorial Day Holiday, County Council was meeting a week ahead of schedule and this is why it was going first to County Council on May 18<sup>th</sup> since County Council had rescheduled their meeting date and then to the Planning Commission on May 19, 2015. The vote last night at County Council was to defer the moratorium by a vote of (4-3) and come back to council on June 08, 2015. So tonight we will have a public hearing for the moratorium and the recommendation from this Planning Commission board.

We would also like thank Chris Nunnery, Public Safety Communications Director and Trish Hinson, 911 Addressing Coordinator for providing an informative presentation regarding duplicate road names in the County at the joint workshop meeting on Thursday, May 7, 2015. Staff also appreciates both the Lancaster County Planning Commission and the City of Lancaster Planning Commission for taking the time out of their busy schedule to attend this joint workshop.

Since we have a large crowd here tonight I want to take the time to discuss the process that we have here in Lancaster County when it comes to public hearings. Anyone who would like to speak during public hearing will need to sign up in order to do so. When you come to the microphone, please state your name and address. You will have up to five minutes to address the Planning Commission. I have my cell phone and I will start the clock for five minutes after you have stated your name, address, and telephone number. When the alarm goes off on my cell phone the five minutes is up, please wrap up your comments so we can move on to the next person. I believe there are multiple people here tonight to speak during the public hearing portion. The planning department staff will provide a presentation for each case with an overview of the facts surrounding the application. The applicant is then next or his agent; being an engineer or an attorney who will come forward to speak regarding their application. We will then go into public hearing and members of the public will be heard next. After the public hearing comments have been addressed, staff will finalize their report. This is when Mr. Deese will ask staff if there are any further questions. The last person to speak for rebuttal is the actual applicant that has the right to reply to the last comments made. Again, no person can speak more than five minutes without consent of the Planning Commission. No persons speaking at a public hearing shall be subject to cross examination. This is everyone that speaks during the public hearing. Please do not turn around into the audience; address the Planning Commission, and no pointing fingers. All questions shall be posed to members of the Planning Commission. Hopefully tonight we will have a very orderly meeting. I think it was very important since we have a lot of guests in the audience to address some of our policies.

**PDD 015-027 – Avondale {Discussion Only}**

Penelope Karagounis – This is one of our first Planned Development District's since 2008. One of the formalities for the first time it comes to the Planning Commission is for the applicant to do an informal presentation, 10 to 15 minutes, and it is discussion only. Next month we will have a full staff report. The applicant does not have to come to the Planning Commission Workshop since they are here tonight to give the presentation. Peter Tatge from ESP Associates is here tonight representing Sinacori Builders.

Peter Tatge – 3475 Lakemont Blvd., Fort Mill SC. I'm here with Ed Estridge who is the President of Sinacori Builders and as the applicant for PDD-015-027. We are excited about this and we will be brief. Avondale is located as close to the state line as possible. This is on Harrisburg Road and is approximately 180 acres. It is a mixed use district. As Penelope indicated, you have not seen a PDD here in Lancaster County for some time. There is some room for change and room for improvement. This is in a key location and we are going to talk to you a little bit about the three P's – Public Private Partnership. That is what this is about; a developer coming in and helping build infrastructure. We have spoken with the Water & Sewer District about the improvements in this area. It is also about the realignment of Calvin Hall Road. You can see how it currently bisects the property and as we get into the plan you will see it's going to forge a safer intersection with a roundabout. Kind of southwest is Bailes Ridge PDD-5, which was approved quite some time ago; just to show you an indication of other mixed use type developments that are being developed in this area of the county as well as down the road. Rosemont which is another PDD and there are several in this area. The master plan has been submitted to the Planning Department. If you look at Village A, which is the mixed use village; that is where Calvin Hall Road would be realigned to create a more safer intersection there with Harrisburg Road. We have spoken with SCDOT about the roundabout and submitted a traffic study that is in the process of being reviewed. We did have a revelation and staff has started helping us with reviewing this; we realized there is a parcel in the southwest corner and it's approximately nine acres and it's actually part of Bailes Ridge. Sinacori is under contract with the owner and they will probably continue to utilize that property as an important piece for sewer outfall, connectivity, and there is some development rights associated with the other developments. So we are omitting that and submitted a revised application and we are working with staff; we will have a new plan with adjusted tabular with that parcel not included. Avondale is a mixed-use project and we are talking about raising the bar and developer funded infrastructure. There are a variety of housing types which we will show you in a few moments. Certainly with the large commercial developments that are around there; this is complimentary and is intended to serve the neighborhood and is part of the mixed-use district. It is not there to compete with Wal Mart, Lowe's, or some of the big boxes. It is going to be a small scale neighborhood service oriented. One of the items you will notice in your staff report, we are not going to have the 20% commercial as mentioned in your ordinance and interpreted in various forms and fashions. It will be much smaller and more intimate with the emphasis on pet

accessibility, neighborhood surface type uses, really integrated into the development with the theme of reducing reliance on the automobile. If I want to buy a gallon of milk or pick up my dry cleaning; those kinds of things that cut out trips. This type of development pointing out is consistent with the recently adopted land use plan. There are a variety of streetscapes, variety of housing types which will forge different setbacks which will be in the ordinance that you will be reviewing. For some of these housing types some will be pushed to the street and some will be alley loaded; all the ones that will be traditional will be front loaded. There will be open space and pocket parks. There is a concept of the roundabout and I don't know if it will be as vast as that pictured. It is an important infrastructure improvement to curb the safety concerns at that corner that are being identified by staff and the SCDOT. The mixed-use village is an area that forges the border of Harrisburg Road. Villages A and B which will be a composite of small scale commercial and various types of attached housing, townhomes, apartments, and then again, neighborhood scaled commercial. Single-family residential a needed component; there is a lot of employment in the area, pet accessibility; we believe this will be a very successful project. Again with various housing types ranging from 45 foot alley loaded to 50 and 61 foot wide homes in those villages titled as C, D, and E. We think it's a great project. I'm here to answer any questions you may have.

Ronald Pappas – The parcel that is not included, was that part of a former HOA piece, about nine acres or so?

Peter Tatge – Bailes Ridge?

Ronald Pappas – Yes.

Peter Tatge – I would have to defer to staff. We have not had a chance to research.

Penelope Karagounis – We need to look at the required open space and number of lots because at one time there were proposed lots in that wedge. We just need to make sure that if they are going to use it that it won't create PDD-5 to be non-conforming.

Peter Tatge – My understanding is that we are not for simplicity sake there are development rights and they may pursue those. It does add to the imprudent advancement of east west connectivity which is shown throughout the project but we do not expect to bring that formally as part of this project.

**PDD-26 – To approve the second amendment to the Development Agreement by and among UHF Development Group, LLC, relating to the Collins Road site development, so as to change the time when the payment of monies by the developer is due to the county.**

John Weaver – Presented the report.

Charles Deese – Is there a time limit placed on this?

John Weaver – Yes sir. The time limit is December 31, 2020. That is somewhat of a compromise also because of what the legislature did because of all the bad times from about 2008 to 2012. Under the original development agreement his time extends until 2026. I believed, I didn't know that the county council was not particularly inclined to give a ten year period so we cut that in half and Mr. Tolson has agreed to that; so if the million dollars has not been paid in full by December 31, 2020, it will be due at that time.

Jerry Holt – Last time we addressed this particular PDD, also had to do with the development agreement; this centers around the Queensbridge development. Planning Commission had approved that development with conditions and those conditions had a requirement for a 50 foot buffer. The applicant challenged that and in fact decided to sue the planning commission and the county. As a consequence of that legal action that was taken by the applicant, they incurred a delay of several months, nearly a year. They subsequently dropped the suit and the last time that we addressed that issue; you came before us because there was a clarification that needed to be included in that development agreement. You strongly advised us not to make any other changes in that development agreement other than to correct what was a Scribner's error or that specific issue; and we complied with that request. We granted what was being requested at that time. But now the applicant is coming back and saying well, we do want to change this development agreement after all. We don't want to have to pay you the million dollars that we are obligated to pay to the county. We want to defer that. The delay wasn't really caused by this commission or by county council so why should we as a planning commission want to consider deferring any payment to which the county is entitled?

John Weaver – I will say that what we are dealing with here is the development agreement which is Ordinance 960 and what PDD-26 which now has a new number; 2015 number is 959. So there are different documents but they are so closely tied together that we really view them as one. PDD-26 ordinance took the 411 acres and dealt with use and size and Ordinance 960 deals with the money. I will agree that your argument has merit to it. I am the messenger and I have no difficulty reporting back to council as this commission is required to do, what your decision was as to whether or not you recommend a deferral or a delay in the payments as what is before you now; or whether you recommend to the county council that the full payment be required to be paid in full just as he agreed to in 2008. I have no position and will be happy to respond to any further questions if there are any.

Jim Barnett – Didn't you say that council addressed this and voted 5-2 to approve it?

John Weaver – Yes sir.

Charles Deese – That was first reading?

John Weaver – Yes sir.

Charles Deese – There will be two additional readings. Does the applicant have anything to add?

Hubie Tolson – My address is Front Street, New Bern NC. The delays are far greater than the delays associated with the disagreement over the decision of the planning commission and Pulte’s challenge of it. The delays started as a result of a 2008 intervenient error that was made in which Lancaster County failed to record the PDD. Then in 2012 without my understanding or knowledge there was an attempt to correct that problem. They attempted to correct it by recording the PDD; but the wrong version of the PDD was recorded. The confusion around the version of the PDD played a large part in the disagreement that Pulte had with the decision of this body. In fact, I believe that a larger buffer was granted than that which the zoning allows; but that is not of consequence. The delays have been vastly longer than those caused by the matter with Pulte and the expense to me and my family has exceeded a million dollars in so many ways. The increased costs just by the passage of time in this business environment have been substantial and crushing. We were fully prepared to pay the million dollar first building permit fee at the time that the first permit would have been issued had it not been for the delays. That is just not the case now due to the increased costs. I would like to address the timing. Actually this request will accelerate the timing. If we are unable to move forward with this request, then it is likely that Pulte will go away and the deal will not happen. It is also likely that there will be no building permits issued with a one million dollar bounty over the first one. As things stand now, the requirement to pay that million dollars is triggered on either the first building permit issuance or the end of 2026. The request that is in front of you now puts a time limit of no later than 2020. So we are cutting the outside time by 50 percent in this request. Second, if you see fit to approve this recommendation and it moves forward; the contract with Pulte will go forward and the county will receive approximately 40 percent of that million dollars in a very short order, a matter of a few months. This is not a delay, this is an acceleration. There has been discussion of the time cost of money, so this is definitely an acceleration of the payment and not a delay. We haven’t done anything to delay our own development. We’ve been hurt by it and we hope that you will see fit to help us; not by taking less money but allowing us to pay it differently and in a manner that will ultimately lead to a faster payment of the dollars than as things are without your consent. Thank you very much for your consideration.

Waylon Wilson – 15117 Legend Oaks Court, Indian Land/Fort Mill, SC 29707. The problem I have with this particular issue is that it is the framework for which the county and the developer form an agreement and it is based on a PDD. The problem with the PDD is it is not the same property; the 411 acres that was created in 2008. A portion of that property is not even addressed. There is only a portion of this property – Queensbridge and another apartment complex is showing up on the Assessor’s website. That is the only development. Why is it Inspiration Network who also bought a portion of that property; why are they not included in this scenario? They should be, were development rights by the PDD obtained by the county when that property was sold? I don’t think so. I may be wrong but I don’t think so. The other thing is, if you base everything on rooftops even though a large portion is sold to another person or party; if you can divide it up by this many lots and so forth, what if it is developed another way. They could put a sports arena there or a baseball diamond or something to that effect.

Everything is not predicated on residential lots, not with that PDD. Let's get back to cost and who got hurt. It's kind of like me inheriting some stock from my father. The value of that stock is \$100.00 and during the years it has grown to a \$1,000.00 and then the recession hits. Then it drops to \$10.00. Have I lost any money? I don't believe so. I've lost some value but I haven't lost any money because it was given to me. This PDD was in a trust. The County has lost money of tax revenue over the years because it's classified as a agricultural tax credit. The county get's pennies for this and the county suffers. A portion of that property was sold for over three million dollars. Is that coming into play or not? I don't know. I think it has been a prejudice view point that county council was presented and ruled on this on Monday before this body had a chance to have a public hearing. I think it gives a very bad light that the county council could have delayed that. The original agreement calls for the million dollars, I think it was 2018. If there is an ordinance that was passed, signed, and recorded; so if you want to do something, go with that one. Cut to the chase and say "Start moving dirt". Thank You

Gary Holland – 8728 Collins Road, Indian Land SC. I believe you have my remarks in front of you. The proposed amendment item PDD-26 changes more than the due date as it is stated in the summary before you tonight. Those changes are found on pages eight and nine in your packet, Section 3, Section 4.01A and C. There are changes in the payment terms as been spoken but there are also changes in how the money can be spent by the county. The application for PDD amendment gives the reason for requesting these changes as delays due to recordation of PDD-26. Yet there were no specific delays listed. The Planning Department records indicate that every application from PDD-26 has been approved in a timely fashion since this passage in 2008. The Arbors at Town Center is a 238 unit apartment complex; the plat was approved on August 2013. The survey plat was approved and recorded March 2014. There were no delays for any reason. Queensbridge subdivision conditional approval was January 2014 and the preliminary plans submitted on September 09, 2014 and stamped approved on September 10, 2014. The construction plans were submitted on March 18, 2015 and approved on May 08, 2015 and there were no delays for any reason. When some members of the Planning Department were asked if they have any knowledge of ever delaying approval of any application or requests for PDD-26, they stated no. There was of course the lawsuit in 2014 but that was strictly the decision of the developer and not Lancaster County. The staff and the applicant will tell you this is not really about Pulte or Queensbridge. However, the supporting documents that were given to you by the applicant or Mr. Weaver, are all about Pulte. My time will not allow me to go through the points of these documents but I will mention one: Number 2 under Financial Impacts it refers to a \$150,000 retaining wall along the 50 foot buffer. I have before me drawing C4.1 which is construction plans that were approved by the Planning Department and submitted by ESP Associates for Pulte. If you look along the 50 foot buffer line on this plan; there is no retaining wall. I noticed that there was no credit listed in the March 24, 2015 financial listing. There was no credit given for the savings due to the elimination of the four stub-outs that you voted on in 2014. My position on this matter is clear. Neither Lancaster Council, the Planning Commission, the Planning Department, County Administrator, the citizens of Lancaster County, nor any adjacent property owner(s) have contributed in any way to a delay in developing PDD-26. If this commission desires to

alter the 2008 payment regulations, it is your decision. However, I think you should at least get interest on your loan and it should be considered on its own merits and not out of fear of litigation based on claims of delays due to recordation. In the existing Ordinance 960, Section 4.03 Other Charges or Fees. Subpart (C); states a concession was made to waive impact fees if the developer agreed to make the one million dollar lump sum payment. I don't have information as to what other if any concessions may have been made by Lancaster County in 2008 to get the terms of the original development agreement that we have. If we amend those terms now, will we be re-negotiating concessions that may or may have not been made. I do know for a fact that Section 4.03 was a concession that was made and it is in the recorded ordinance. Thank You

Hubie Tolson – To say that there were no delays associated with these errors is just wrong. It is wrong on so many levels. To say there were no expenses incurred as a result of the errors is all so wrong. Member of staff and members of the Planning Department, members of County Council have said on so many occasions that the errors.....it would be laughable were it not such a serious problem. They have happened and they have hurt us and as I said I'm just trying to keep a deal together that will pay the county actually faster than if we leave things in status quo. I've got no intentions of coming up here and asking you guys again for anything. My wife's family has owned this property for 60 years. There are two brothers that are 85 and older. They asked that the property be liquidated so that they could get their affairs in order. This is not some attempt at trickery or gamesmanship. This is an attempt to sell a piece of property that has been held in a family and taxes have been paid on for almost 60 years. In order to recover from some unintentional errors but serious errors that occurred and that did cause delay and caused extra expense. To say that those things didn't happen is wrong. We need your help on this and we would appreciate your help on this. We will do our part to see that our word is kept. We will be here for a good while and want to be good citizens and caretakers of the land that has been in my family for all this time. We ask you to consider the fact that these things have happened and there is no doubt that they have happened and they have caused additional cost. It is at no harm to the county. It is in fact a benefit to the county to make the change that we have requested. Thank you for your consideration.

Jerry Holt – I don't believe that the county was responsible and certainly not for the business conditions that may have led to the delay of the development. I am not aware of anything of substance that the County Council, this Planning Commission, or the Planning Department has done to create the delays. I know that the representatives on the behalf of the applicant certainly created delays with the law suit when they challenged the original Planning Commission decision.

Ronald Pappas – I think what we are looking here is yes there are a lot of things that happened to all of us in this business during the down turn and some delays; we have all experienced that. I can pick apart a lot of the comments to and for and against in doing this. But I think most importantly it sets a precedent for all of us at the county level here on how we negotiate development agreements. I'm going to guess there were some types of concessions made that allowed then decision makers to set a number and how many units. I might suggest that there might be another formula.....

I would not want to jeopardize relationships of others that have come before and others that are in front of us currently in the negotiation process and others in the future.

Jerry Holt made a motion to deny and Ronald Pappas seconded the motion.

VOTE:           5 AFFIRMATIVE    2 NEGATIVE       MOTION CARRIED

The two negative votes came from Jim Barnett and Charles Deese.

**SD-015-006 – Subdivision application of Essex Homes Southeast, LLC. The proposed subdivision consists of three tax parcels. The subdivision consists of ±8.60 acres. The subject properties are located ±220 feet northwest of the intersection of Highway 160 and Rosemont Drive.**

Alex Moore – Presented the report.

Brian Iagnemma – 9705 Agile Circle, Waxhaw NC. I am the President of Land Acquisition Development for Essex Homes. I appreciate the opportunity to speak tonight. Roseglen was rezoned in August 2014. This does give you a flavor of the surrounding land uses. You can see that in the purple we are surrounding by a commercial village. The townhome product is a good product here. As you see it is a good transition from the single-family to the Rosemont commercial, to the Light Industrial across the street. This is an example of the site plan we will putting forth. I do want to make one correction. It's actually 49 townhomes, it is not 40. It still falls in a density well below 6 homes per acre versus the proposed 8 homes per acre. We will be keeping the existing pond. We will be providing a 25 foot buffer. As you can see on the left and bottom part of the screen; we will adhere to your buffer requirements and what that is supposed to look like. A few other benefits about Roseglen; the site area consists of 8.6 acres of which our math computes about 3.8 acres will remain open space. The large pond that is on site will remain. We think that is important. We are going to see about turning it into an amenity with a walking trail up to the pond. The density is approved for 8 homes per acre. We will be far less at 5.7 homes per acre. We have committed to do sidewalks along Highway 160. We are committed to do sidewalks within the neighborhood itself; so long as our grading and topography and the connectivity does not interfere with that. We are committed to do sidewalks inside the neighborhood. We will have a 25 foot buffer along Highway 160 and the adjacent residential zoning. The roads obviously will be private roads maintained by the Homeowner's Association. Since this is a townhome neighborhood, lawn maintenance is managed and paid for through the Homeowner's Association. It results in a much better maintained community. These are very architectural pleasing craftsman style designs; a lot of dimension on the front elevations. This is simply not a one run of a four or five unit townhome building; a lot of offsets provide some architectural deviation amongst the individual units. All townhomes will be two story and all townhomes will be two car garages. I think that will help with any parking concerns. Townhomes will range in square footage from 1800 to 2000 square feet. We are committed to no vinyl siding. As you can see the product will be based on a minimum with a fiber cement; a lot of folks know it as a hardy plank siding with accents of shake, stone, and/or brick. These townhomes

are not entry level. These townhomes based on that square footage and the spec that we will be building them at will be in the 200 plus thousand dollar range; which is very compatible and very competitive with some of the single-family detached homes that are in the adjoining Rosemont neighborhood behind us.

Jerry Holt – You state that as so long as grading and connectivity permit you will also have sidewalks. What are the UDO requirements for sidewalks in this development?

Alex Moore – There are no requirements for sidewalks in multi-family; typically such a project would have it but there are no specific requirements for that. So that is why we are trying to work with them and encourage a walkability aspect.

Jerry Holt – What about the connectivity?

Alex Moore – It would require a connectivity of 1.4. Are you talking about the connectivity ratio?

Jerry Holt – The way the statement is worded in this presentation package, it sort of indicates that it's up to the developer as to whether or not they would comply with connectivity.

Alex Moore – For sidewalks?

Jerry Holt – This states connectivity and then we will also have sidewalks.

Alex Moore – Your plan has designed does not meet the connectivity ratio of 1.4; the current plan needs that subdivision variance granted by Planning Commission.

Brian Iagnemma – Mr. Holt, the intent of that bullet point was in reference to the sidewalks. Our engineer Mr. Roper, can speak regarding the connectivity and topography challenge that we have at this site.

Jerry Holt – So we won't know when we make a decision to approve this plan whether or not you will have sidewalks?

Alex Moore – I would like to add that staff would recommend that sidewalks be added on at least one side of the internal private streets along the soft surface walking pads. Of course they have to turn around and submit construction plans that would indicate that the sidewalk has been designed for this project. Staff is making a strong recommendation that sidewalks are a condition....

Jerry Holt – The Planning Commission has the authority to give a conditional approval regarding the requirement that sidewalks should be installed.

Alex Moore – Right.

Jerry Holt – I just wanted to clarify that.

Melvin Deese – 792 Fort Mill Highway, Indian Land SC. – My property is adjacent to this property and my neighbor and I have been under the impression that we were going to have access out of this place to Highway 160 at the Rosemont stop light. We looked at the plan earlier but I couldn't really tell anything from it. I would like to address that if we could please.

Alex Moore – Do you live on Black Ash?

Melvin Deese – Yes sir.

Alex Moore – Black Ash will remain open.

Melvin Deese – How are ya'll planning on getting in and out of there with the traffic?

Alex Moore – They will not access Black Ash. The access will be from the Rosemont PDD from this proposed development.

Melvin Deese – So our road is going to stay open and ya'll will access through Rosemont to the stop light?

Alex Moore – That is correct.

Melvin Deese – Thank you.

Sara Dunn – 9741 Black Ash Road Fort Mill, SC – I've lived here for 34 years and the road has not been maintained very well. It is a county road. My good husband who is now deceased and the neighbors that no longer work there and my neighbor adjacent on the corner; we've always maintained and cut the weeds and did everything we possible could for that road. Will I be looking at the backend of these townhomes or will I be looking at the front? How well is my road going to be maintained? Is it going to be paved? We were told it was going to be paved. We were told that Black Ash was going to run into the development and over to the Rosemont light. That is what we were told back in 2014.

Alex Moore – The backs of the townhomes will be there but there is a 25 foot buffer with landscaping that is indicated on the site plan. They have met the requirement in that regard.

Sara Dunn – Is Black Ash going to end at my home where it's at right now? Is Black Ash going to be taken out through the development?

Alex Moore – Based on the site plan Black Ash will be left as is.

Sara Dunn – Your development is not going to have anything to do with Black Ash then?

Alex Moore- That is exactly right.

Sara Dunn – Ok, I hope will have more improvement on Black Ash Road. I've been there 34 years and that is my only home I've known. My husband was talking to a realtor a week before he passed away because they told us Black Ash Road was going to go into this development over to Rosemont. At least we know now that Melvin and I will be the only one on Black Ash Road.

Nick Kerzman – 13108 Wilburn Park Lane, Indian Land SC. I am part of the Claremont subdivision which is just down the road from this proposed project. I think this is a nice project and a nice addition to the area. I think as the applicant stated, it's a nice transition of use of the property from the commercial to the single-family residential. I noticed that in the applicant's original submission that there were no plans submitted for the water supply, storm drainage, and sewer. I noticed from the site plan there may be an additional pond so maybe the applicant can clarify on his closing comments if that is intended to manage storm water onsite or what the plans are to manage storm water. The other question I had is regarding the existing wetland and if there has been any environmental impact assessment that has been done regarding the wetland. Also any mitigation that needs to take place and what the applicant is proposing to do to protect the wetland during site construction so that doesn't get filled up with red clay or whatever contaminants might be on the site. That is just some of my questions that maybe the commission can have the applicant address. Thank You

Alex Moore – The site plan indicates that the existing pond to the north is part of their storm water system. The wetlands will not be disturbed. The portion of the road that goes into the Rosemont PDD that has a small amount of wetlands; that will require a permit from the Core. The vast amount of wetlands is not going to be affected and that is one reason why they are asking for a variance. That way on the connectivity, they will not have to connect into that PDD and disturb those wetlands. Their engineer may want to speak on where they stand with this. The state will approve the storm water plan for the site. We will not release construction plans until we have that letter from the state.

Brian Iagnemma – I think Alex has done a great job of answering both questions. But, just to close a loop, Roseglen is a self contained community and we will not be affecting Black Ash Road. As Alex stated, we do have the 25 foot buffer and we have no intention or no plans of disturbing Black Ash Road. In regards to the pond in the northern portion of the property; that is for storm water management. I will defer to Matt Roper to discuss the wetlands and answer any questions.

Matt Roper – 3007 Hinsdale Street, Charlotte NC – I am the civil engineer for this project. We have had the streams and wetlands delineated, so we know where those are. We will either avoid impacts with no impact stream crossings or if we have any impacts of course we will permit those through the Core and DHEC. We will submit to DHEC for erosion control permit and want to leave the existing pond as pristine as possible so we will divert any new storm water. It will go to a new BMP which is showing on the northern corner there to handle any run off and any pre and post development discharge

we have to handle through our SWPP permit through the state. We have also I think submitted a preliminary water and sewer plan to Lancaster County Water and Sewer District and they have reviewed that and we have some comments through DRC on that.

Jerry Holt – I would move for approval with conditions that we grant the requested connectivity index variance and also with the condition that there be a requirement for sidewalks on at least one side of the two major thoroughfares. Basically the “T” type roads; that each of those roads have sidewalks on one side. Rosemont Drive which is the primary ingress and egress point to this shopping center except for the parking lot they’ve got to go through, does have sidewalks on both sides. The applicant has indicated that there is a proposed sidewalk along Highway 160 so it would make sense to continue that theme. I guess we don’t have proposed street names at this stage, right?

Penelope Karagounis – I don’t believe so.

Jerry Holt – The long leg that is vertical and the shorter leg that is horizontal (interior streets); that those streets be required to have sidewalks on at least one side.

Jerry Holt – There is a hammerhead at the end of those two streets and I don’t know that it’s necessary because of the short length of those two that they would require sidewalks. I wouldn’t see that as a requirement.

Alex Moore – I don’t think it would serve as a great use to the community. That was a requirement that fire service recommended, so that is why those are there.

Charles Deese – That would not be considered a street.

Alex Moore – Technically it will be part of the street but.....

Charles Deese – Interior streets with the exception of the hammerheads?

Jerry Holt – Correct.

Jerry Holt made a motion to approve with conditions of approval for the variance on the street connectivity, sidewalks on at least one side of all interior streets with the exception of the hammerheads and Jim Barnett seconded the motion.

VOTE:            7 AFFIRMATIVE    0 NEGATIVE            MOTION CARRIED

Penelope Karagounis – You will work with Alex Moore to make those revisions and to include the conditions that were on the request by Planning Commission. It needs to be on record on the preliminary plan and we will stamp approval for a 2 year vested plan.

**RZ-015-009 – Rezoning application of Steve Willis, Lancaster County  
Administrator to rezone ±21.36 acres from R-15P, Moderate Density  
Residential/Agricultural Panhandle District, to I-1, Light Industrial District.**

Andy Rowe – Presented the report.

Penelope Karagounis – There is a new recommendation for this case due to information that was brought to my attention last night at county council. We have some concerns regarding this proposal and we want to retract our recommendation for approval. Our recommendation is to deny this rezoning. I want to read the actual statement that we prepared for everyone. This zoning error was brought to County Council's attention on March 23, 2015. After an Executive Session, Steve Harper made a motion to direct Steve Willis, County Administrator to initiate a rezoning as discussed in Executive Session. The Planning Department received this rezoning request from the County Administrator. Staff believes the designated property was not zoned appropriately when the county adopted zoning in 1998. At that time the Planning Department did not have adequate staff to be able to conduct windshield surveys for the entire county. A windshield survey is a planner's terminology of driving in a car and having a survey and looking at each parcel to identify what are the uses on the property. This will allow you to give the property an actual zoning district. The elected officials representing their districts made judgments on how parcels should be zoned. This is evident that this building has been here since 1980. However, it was missed by zoning and they did not classify it. We want to support the efforts of economic development in regards to supporting the expansion of local businesses. At the same time we need to be cognizant of the concerns of a now established neighborhood known as Bridgemill. Also a new revelation from last night's meeting was some of the data I collected for the moratorium; Bridgemill is almost built out. It was approved in 2005 and they are almost at the point of being built out. Last night I was also made aware of the approximate square footage of the expansion of McClancy's by Keith Tunnell from Economic Development Corporation. He told me there would be about a 30,000-35,000 square foot expansion to the already existing building which is around 56, 352 square feet. By having this new information we are retracting our recommendation. There has been some communication referencing that McClancy's can file a variance with the Board of Zoning Appeals. That is incorrect information. In our current Unified Development Ordinance, there is no such provision that allows an applicant to file a variance for a non-conforming use. This is why they brought this concern to the county council to rezone the property to Industrial. In North Carolina, the city of Kannapolis has a provision in their Unified Development Ordinance that you can go in front of a Board of Zoning Appeals for a variance on a non-conforming use if they want to expand an existing business that has a non-conforming use. Currently we don't have that and it is not allowed in our Unified Development Ordinance. That is another prime example of an item that needs to be addressed with the rewrite of the Unified Development Ordinance. We believe that this recommendation should be to deny because we have no parameters today for an orderly expansion of a non-conforming use with our current Unified Development Ordinance. Any uses allowed as permitted use for an I-1, Light Industrial District, can be used for this property if McClancy ever decides to sell their property. It is therefore the recommendation of the Planning Department to deny this rezoning request. There have been over thirty emails

that I have received since Sunday evening. I have been responding to all of these. You have copies in front of you of all the corresponding emails voicing that they are against this rezoning. These are all primarily from the Bridgemill subdivision and they are against the rezoning. There are only two emails that I received after 4:00 today that are not included in your hand out. The comments are basically that they understand Mr. McClancy has been at this location for so long but they have an issue now with a non-conforming use and extending the square footage for his building. They have concerns also regarding if Mr. McClancy leaves and someone else buys the Industrial building and there could be other uses allowed. I will read the following names in opposition of this rezoning tonight that the Planning Department received: P. Brandow Sr., Alexa Fratoe, Melissa & Brian Williams, Praveen Palem, Patrick Cook, John Moore, Natascha Hinduja, Nicholas Fernandez, Josh & Haley Cusano Courtright, Brent Kunze, Ashley Sherry Brown, Darren Galbraith, Katie Pettengill, Douglas Jambor, Edward Crippen, Ryan Potter, Le Roux Pelsler, Caroline Knight, Colin Wilson, Rita & Jules Giglio, Heather & Pete Mermell, Angie Galbraith, Brent & Elizabeth Kunze, Sandhya Basivi, Ed & Marlene Born, Nancy Brandow. They were not able to be here tonight but they wanted me to make you aware of their concerns. We received three more emails today after 4:00pm that are against this rezoning – Christina Palincsar, Ruth Lawrence, and Stephanie & Alvaro Gomes.

Steve Willis – 522 Briarwood Road, Lancaster SC. I would like to note that I'm not the landowner or the business owner. I'm representing County Council on this matter. On March 23<sup>rd</sup> County Council heard an Economic Development briefing regarding McClancy Seasoning. This matter was discussed in executive session. I cannot discuss the planned expansion for McClancy Seasoning with the Planning Commission for two reasons: 1. This matter was discussed in executive session with County Council. 2. The information I have is hearsay, having come from the Economic Development Corporation President and not from a representative of McClancy Seasoning. Following the executive session, County Council returned to open session where a motion was made and seconded that I initiate the rezoning discussed in executive session. The vote was 7 to 0 in favor of the motion. In this matter I did verify that the building in question was built in 1980, prior to the existence of zoning in Lancaster County. The structure in question has never been used for residential purposes. I would respectfully request that the Planning Commission recognize the representative from McClancy Seasoning for a discussion with the Planning Commission of their plans and the reason for needing the rezoning since I can't discuss that with you.

Charles Deese – We are going into Public Hearing at this time. When you come forward, give your name and address for the record. Once you have done so, you will have up to five minutes to address the commission as a whole and not any one individual. You will address the commission and not the audience.

Reid Wilkerson – 10808 Young Poplar Place, Charlotte NC. I am President of McClancy Seasoning Company and the owner. I own the property on Spice Road. I also own the property on 8746 Charlotte Highway, McClancy Seasoning Company. I also own Vintage Car's across the street. I have been in this county since 1980. I have been here

before everything happened in Lancaster County. The fact that this property became zoned residential to me is somehow very strange. I don't understand how this happened and especially I don't understand how it happened without my knowledge or my family's knowledge. This property has been in our possession since 1980. My father owned this property and it was passed to my mother after he became deceased. My mother had this property and I found out when I bought this property from the estate that all of a sudden this property had been zoned R-15. Prior to that I had always been under the impression that this property had been zoned properly at I-2. This is the same zoning that I have at the property at 8746 Charlotte Highway. I'm simply trying to return my zoning back to what I thought it was. I never asked for it to be zoned residential. It has never been used as residential. No one has ever lived on it as residential. The property has its own driveway. Spice Road is not owned by the County and is not being maintained by the County; I maintain it. There is no way that any traffic goes through Bridgemill. In fact, when you are coming home I wait on you until you go by my driveway and then I get to pull out. I think that we have always been an excellent neighbor. I've really never heard anything from anybody. I was under the impression that I had a favorable recommendation. I've not been contacted by anyone. The sign has been up. I put my cell phone number down on the sign in sheet. If anybody wants my cell phone number, Mr. Charles Deese has it. No one has called me or asked me anything. As far as me expanding the property, we are running out of room. As I've expanded I've grown by 20% last year and 20% above that this year; I need a little more manufacturing warehouse space at this building. One thing I've heard from two residents is they called me and wanted to know if I was going to be building anything at the back of the property. If you look at the subject property; this big field out here used to be Springs. They knocked the building down and that field drains right towards my plant on the left hand side as you are looking at it. I cannot build out all the way in that area. If you are thinking I'm going to come in here and build 400,000 square feet or two miles of warehouse and do something like that; it economically does not sense. There is a huge ditch in between the back of that property and the front of that property. If there was no building sitting there it would be great for R-15 and there would be a whole lot of people going down Spice Road trying to get on the highway. I've seen the development coming around me for many years. I've always tried to be a good neighbor to everyone around me. I've never had any complaints. I've never had anybody call me about anything. I'm simply trying to return the zoning that has been somehow in my mind, erroneously applied back to what it should be and what it is being used for. I'll be glad to answer any questions you may have.

Charles Deese – Ashley Stark – 3028 Drummond Avenue, Fort Mill SC. Signed up to speak but could not stay. She is against this rezoning case.

Nick Kerzman – 13108 Wilburn Park Lane, Indian Land SC. I'm thankful that the owner of McClancy Seasoning came tonight because the whole thing was a little bit peculiar as to the timing of the request and the fact that frankly it didn't come from the applicant. The applicant wasn't the person who owns the property. The future plans that you all have agreed on as Planning Commission and voted upon by the County Council are to make this area a neighborhood mixed use and a pedestrian center across the street. So I

think rezoning this to Light Industrial would not be in support and contrary to the statements you've already made to the community, to Indian Land, Bridgemill, and the areas surrounding that. So I encourage you to deny this request and to send this recommendation to the County Council.

Richard Dole – 3056 Drummond Avenue, Indian Land SC. I would like to first express my gratitude to the Planning Commission for reversing the recommendation and that I am in support of their current recommendation. I would also like to say to Mr. Wilkerson, I understand his dilemma however as a citizen of Bridgemill and a citizen of Lancaster County, I purchased my property as the other residents did; doing due diligence and knowing that there was no Industrial zoning around our property. This is why I purchased my property in Bridgemill and this has been an established development for the last ten years. If we purchase something in good faith in this county; the county needs to stand up and say we are not going to alter this after we move in. A lot of the residents here have put a lot of money into their homes and into this development. As you see on the pictures that I passed out to you; those are the actual pictures of the proximity to McClancy Seasoning's property. He has been a good neighbor. I'm not arguing about that. The fact of the matter is, if this goes in and is changed to Light Industrial by this board or County Council; it will financially injure the residents of Bridgemill. Let's put this into prospective, that development is worth approximately four hundred million dollars. We generate to the County 2.2 million dollars a year plus in property tax. These are the kinds of development you want in this area. If you start changing the rules, you will not get citizens moving in to fund that level of property. I would recommend to the Planning Commission to follow the Planning Director's recommendation and deny this request for rezoning of this property.

Jeff Lamb – 4329 Rochard Lane, Indian Land SC. I speak on behalf of many who can't be here tonight. I oppose the rezoning to Industrial as do many. I agree that McClancy has been a good neighbor but I don't support the full rezoning of the property to Industrial. Maybe there is a modified rezoning that could be brought before the Planning Commission at some point in the future that would maybe be more appealing. I agree that it would negatively impact the property values of Bridgemill. In addition, thinking about how the growth in Indian Land has been managed and I think well. I'm really proud of living in Indian Land and how it's been developing. If this were allowed to have been approved it may give concerns of other developers that have properties near them that might think if this one got rezoned, then what might happen near me. I just do think that supporting the recommendation to deny this rezoning; I don't think prevents McClancy from coming up with a modified approach in the future that may be more appealing.

Ben Levine – 5062 Terrier Lane, Indian Land SC. I have lived in Indian Land for almost three years now and this is my first time attending a Planning Commission meeting. I'm very happy with the area and the people who live here. I do have some doubts about turning this property into Industrial. The main reason is because there is a large residential neighborhood next to it and it does kind of set a precedence for other residential neighborhoods that already exist in Indian Land and residential areas that will

pop up. I don't like the fact that McClancy is being cornered out into where they can develop. I would like to see something that was discussed where they could operate with a variance on their own property. I have a bad taste about rezoning the area to Industrial. If you look at my address on this map here, I would be a little further north where I'm adjacent to a recycling facility which is more of a landfill these days. I would hate to see something like that happen to some of these other residential areas around here.

Wanda Rosa – 86614 Arrington Road, Indian Land SC. I think people have echoed my feelings. The only thing I would like to say is it seems that people today on council and on these commissions are faced with mistakes from the past over and over again. I so appreciate what is being done to try to get this UDO in place. I think Penelope's suggestion of putting this aside until there is a new plan where we can best serve the needs of McClancy to let him continue doing what he seems to be doing so well. Also, ensure that down the road we are not looking back saying, well it got rezoned Industrial because it was a mistake originally and now we are going to again; I probably won't live to see it. I don't want to see somebody down the road having to deal with anything that could go in there under that Industrial classification. Thanks for your time.

Alvaro Gomes – 3207 Kendall Trace, Indian Land SC. I think that Indian Land is an up and coming community and I see a lot of great change. I think that my biggest concern is that we've become more of an Interstate 74 – Independence Blvd. and we don't really intend to become more like a Ballantyne. It least it seems like we are headed in that fashion. It is unfortunate that this property was not zoned properly in the beginning but I think ultimately it will impact the community in a negative fashion. I hope that all of you see that and that we can go forward and maybe as Ms. Penelope stated; in the future find some common ground to maybe allow him to develop what he needs to move on with his business. I do disagree with any kind of rezoning of this area.

Brian Williams – 3223 Kendall Trace, Indian Land SC. I agree with the denial. The creek that was referred to is about 100 feet from my backyard, maybe less. I understand that they probably wouldn't be able to build on such a thing but once again it's just the matter of in the future. What would the future hold if it has that industrial zoning?  
Thank You.

Penelope Karagounis – I just want to make one comment. Since the applicant is the county, this amendment with the recommendation from the planning staff was brought to the attention of Mr. Willis this morning. Technically, Mr. Willis was the applicant. That is why no other correspondence was sent to Mr. Wilkerson.

Steve Willis – Mr. Chairman and members of the commission, I would ask that you grant an indulgence and ask Mr. Wilkerson to come back up since he is the owner of the property and the business.

Reid Wilkerson – You have to look at what this has been for all this time. We got caught in what is something zoned or what has been overlooked. Did the county make a mistake? Or what happened here and there and look at what that property's best used for

and what its use is now. When you start doing these things and taking a piece of property that has always been used for this and I don't know if it's an implied zoning or what it was. I had a zoning on this property of I-2 when I bought this property. I don't know where the records are and I don't know how it got changed. I don't know how it got changed to R-15 without due notice or any notice. There was no notice to anyone about trying to change this. It was just arbitrarily changed. All I'm trying to do is do this in a polite manner. I believe in this process but I've been denied this process totally. I was rezoned without my knowledge. Our family property has been altered here and my future ability to run my business and employ over 200 people in this county is now in jeopardy. In fact, do I stay here? That is what you are faced with here. If I can't expand on property that I already own, what have you done to the value of the property to me? I didn't ask for this, I really didn't. Everyone that has spoken tonight has said McClancy's is a good neighbor. I am a good neighbor and have always been a good neighbor. We have not tried to push the building up against the property lines or anything like that. We have simply run out of room and I need a little bit of warehousing. It is obviously going to be cheaper for me to build maybe at the other site but it doesn't fit our process of what we are doing here. I would ask you to consider the fact that this property has been this use for thirty two years. I don't understand what a windshield decision is?

Penelope Karagounis – I was explaining how the County did not have zoning until 1998 and back then there wasn't a planning department like there is today. There were only two people on staff for the entire county. So they asked the elected officials at that time which would have been Mr. Stanley Smith, your representative of District 1; each elected official was to go and let us know what the zoning for their district is. I was not here in 1998 but what I've heard from previous employees is basically they ran it in an advertisement of the Lancaster News about what the property was going to be zoned. We did go all the back to 1998 to look at zoning maps to see if there was an error made. It was always R-15 for this property. The property that you do own south was zoned I-1. It has always been I-1. It is called Light Industrial. For this parcel we could not find from 1998 that it was zoned industrial; it was always zoned residential.

Reid Wilkerson – When we bought the property we were told that the zoning on that piece of property was Light Industrial.

Penelope Karagounis – In 1980?

Reid Wilkerson – That is what we were told. We said we wanted to put a spice plant in and they said great, and we did.

Penelope Karagounis – At that time they didn't have zoning at the county.

Reid Wilkerson – Ok, once I again, all I can do is implore you to listen to a businessman and a good neighbor and guys I pay some taxes too. I'm not trying to reduce your land value, I'm already there. I'm going to be doing anything any different than what I'm doing now. I really don't anticipate anymore trucks coming out. It's just a matter of I need some more warehouse.

Ronald Pappas – I think there have been a lot of missteps in the history of this property. I think it is our responsibility to provide to the County Council enough information for them to make an informed decision. That means we would have to make an informed decision as well. I don't have any information as to exactly what is being proposed on the property. I would probably like to see some more consideration presented to us; maybe with the permission of the owner and Mr. Willis the applicant. We may want to consider that. I think there have been enough comments made that he does have some consideration as being a good neighbor and I think there is probably a workable solution here. I'm just not sure what it is without the information.

Sheila Hinson – Around this subject property, is there a buffer or anything?

Penelope Karagounis – There is natural vegetation because the property is not all developed as you can tell from that aerial.

Sheila Hinson – I really can't tell from that.

Charles Deese – Most of that is trees and vegetation that you are looking at.

Sheila Hinson – But all of this property does belong to Mr. Wilkerson?

Penelope Karagounis – Yes.

Sheila Hinson – He has been a good neighbor and has been there since 1980. There should be some way to get around this but I don't know what it would be.

Jerry Holt – I do have some comments. In the interest of full disclosure I want to state that I do live in Bridgemill. I had a discussion with the county attorney earlier this evening and under the state ethics clause because I do not have property that is adjacent to the McClancy property I am not required to recuse myself. So I will not do so. I also have had discussions with some of the neighbors who have come to me because they know I'm on the Planning Commission in response to questions regarding the rezoning sign that was posted on Highway 521. I did tell some of the people in the area that the applicant has an alternative course of action. That was my mistake because I came from a state where an applicant could go to in this case a Board of Zoning Appeals and say here is what I need to do. Mr. Wilkerson has said that he wants to expand his business and I fully support that because I would also agree that he has been a good neighbor. We do hear trucks coming in and out of there but the noise from his operation is less than the noise coming from Highway 521. I don't have any problems whatsoever with that. My experience in other locations has been that an applicant could go say; here is what I need to do to expand. I want to put in another building. He could keep the same zoning and be able to get approvals for his plan. In order to do that in this case, he would have to go to the Board of Zoning Appeals and lay out the specifics of this plan. Apparently, our UDO does not currently allow that and is one of the things that we will be discussing later about maybe changing that condition. The real risk in this is that Mr. Wilkerson may have a point that this was erroneously zoned 17 years ago. The greater error is that

since the zoning took place in 1998, there have been more than 1,000 homeowners in that vicinity. It doesn't show up as much on that, but if you look at this handout, you can see the subject tract there; everywhere around that is zoned either B-3 or residential. So now to change it to put an Industrial tract right in the center of that area is unconscionable. For two reasons, one, Mr. Wilkerson just wants to expand his warehousing capabilities; but should he change his mind and decide to change his business later or he decides to sell that property, In the exhibits we were given there is a list of uses and some of those uses which mean they could go on that property if it is rezoned to I-1 – recycling facilities, convenience centers, industrial and commercial factories, petroleum refining, chemical and allied product plants, a lot of those things. Once that is rezoned they may have to get approval from the code enforcement officials but they don't have to go back to the county council, this body or the Board of Zoning Appeals to get approval to put any of those operations in place again, in the middle of this residential tract. If you look at page 108 of our packet for today's meeting. There is an article in there on spot zoning and what it says specifically; zoning a small parcel is an island surrounding by a district with different spot zoning may be spot zoning. The Supreme Court has stated that invalid spot zoning is a process of singling out a small parcel of land for a use classification totally different from that of the surrounding area to benefit the owners of such property and to the detriment of other owners. That could have been the definition that was written for this specific request because this is right in the middle of that and the risk is not what Mr. Wilkerson plans to do with his business. The risk is once it is rezoned it becomes irrevocable for the people who have made the investments in their homes in that surrounding area. I don't believe that there is reason to postpone this. I believe that there is reason to deny it.

Ronald Pappas – We recognize here that the fear of the unknown with the I-1 zoning probably is rightfully in place. I'm certainly sympathetic to both owner and the homeowners that live in that area. It is not a secret that the plant was there when the subdivision was developed and all those people bought homes around there. We need to come up with a workable solution that we can feel good about handing up to the County Council and my reason for asking the applicant/owner for consideration if they chose to allow the postponement.

Jerry Holt – The good side of my position is I'm not only against this because it's in my backyard, not literally but figuratively, because I have been opposed to this type of rezoning in other areas of the county where it had a detrimental effect on adjacent property owners. I'm not just saying that it is because I live in this area. If we considered postponing this; I thought the solution was to send the applicant to the Board of Zoning Appeals because they could approve it. They could review the plans and give him an exception and allow him to do what he needs. I don't understand what the workable solution could be because we are trying to adhere to the laws now and the law says right now he can't expand with being zoned as residential and the BZA can't give him a variance to allow him to expand. So there doesn't appear to be any room for negotiations, it's whether we tell him or somebody else that they can break the law. The only viable solution that I see is that we do address this as we are going through the issues on rewriting the UDO and give the applicants a path for handling these kinds of

exceptions while it still protects the property owner. My concern again, is not what he plans to do, it's what could come if we rezone it and if there is a change of.....nobody has to go back for approvals. I think the only viable way to postpone it is to postpone it until after the UDO is rewritten and we can address those kinds of situations.

Penelope Karagounis – I would also like to remind you that we have legal counsel here tonight. Mr. John Weaver is here and I think this needs an opportunity for Mr. Weaver if you may; there is a comment I would like for him to address at this time.

Mr. John Weaver – What would that be?

Penelope Karagounis – A little bit about one of the issues I heard from Mr. Holt.

Mr. John Weaver – Mr. Chairman, I believe that for the benefit of all, if I'm not called upon to speak I kinda of keep quiet. You have before you a motion to defer. A motion to defer has priority over discussions about the rezoning before you. You can make the decision yourself as to whether or not the discussion is germane to the motion to defer. I will leave it at that.

Ronald Pappas made a motion to defer until the June 16, 2015 meeting and Sheila Hinson seconded the motion.

VOTE:           4 AFFIRMATIVE    3 NEGATIVE       MOTION CARRIED

The three negative votes came from Tommy Dabney, Vedia Hatfield, and Jerry Holt.

Mr. John Weaver – A small piece of advice. A motion to defer, defers it only until the next meeting unless the motion is accompanied by dates specific.

Charles Deese – It is not and will be back at the next meeting.

Mr. John Weaver – Thank you.

**RZ-015-010 – (Revere @ Indian Land) Rezoning application of Mr. Ken Starett to rezone ±54.079 acres located at 1033 Fort Mill Highway and 9838 Stock Lane. The property is currently zoned R-15P, Moderate Density Residential/Agricultural Panhandle District. The applicant proposes a portion of Tax Map 6, Parcel 69 to be rezoned to B-3, General Commercial District. The applicant also proposes that a portion of Tax Map 6, Parcel 69 and all of Tax Map 6, Parcel 70 to be rezoned to MF, Multiple-Family/Agricultural District.**

Alex Moore – Presented the report.

Alston DeVenny – 1006 Westover Place, Lancaster SC. Mr. Ken Starett, Gross Builders, and Matt Levesque, ESP Associates will give the presentation.

Ken Starett – 14300 Ridge Road, North Royalton, Ohio 44133. I do want to take just a few minutes to talk about who Gross Builders is because I think it's important that when we enter into a project of this nature that the county understands who they are dealing with. We are going to celebrate our 100<sup>th</sup> birthday next year. We are 100% privately owned, multi-family developer. We develop nationally. We have a unique build and hold philosophy. Everything we build we keep. We act as our own developer, our own general contractor and our own property manager. I think Alston made a reference about Mr. Aaron Gross who is with us tonight; he represents a fourth generation of the company and has relocated to the Charlotte area to run this operation. We like to become part of the community. We found this property and we think it's a unique opportunity and according to staff and our opinion, it meets the plan. I also want to point out that based on Penelope's recommendation we are going to need a second access off of Highway 160. We have since acquired under contract another parcel which Matt Levesque will go into. We also made substantial efforts and we can talk about this later in the presentation on how we can clean up the gateway to Highway 160 and have something that will show Indian Land much improvement than what is there today. The only other thing I want to add; we talk about walkability to community. I want to add hiking and kayaking because this is an outstanding spot along Sugarcreek and that's one of the reasons we are attracted to the site. We think it's a tremendous amenity and a tremendous opportunity.

Matt Levesque – 3475 Lakemont Blvd., Fort Mill SC. On the screen now are some photos of some existing projects and communities that Gross Builder's has built. We wanted to give you an idea of the quality of the construction, architecture, and attention of detail. You can also see the level of landscaping, maintenance and lawn care that is established in these communities. The site is located right on the county line into Highway 160 so it provides an opportunity to propose a unique development but also with any minimal impact to any neighbors because it is very limited. The unique nature of this is the amount of linear footage along Sugar Creek. I think we calculated around 3,000 linear feet. We've been talking with planning staff regarding some trails and access down to the water.

Jerry Holt – Before you leave that slide will you clarify for me again in the section at the top; that is a right of way that you've just acquired? Is that why it's dotted up there?

Ken Starett – That is something we were given some guidance from planning that we would require a second access. We have other access on Highway 160 but given the grade and the proximity to the bridge and site distance issues; we felt it was better to go out and obtain another piece. I have a contract with Mr. James Hammond to purchase that one acre site which we would use as a driveway and there is a rather dilapidated home that's on the property today. It's yellow and very close to the road. That would be raised and a new secondary entrance would be put there.

Ronald Pappas – What about road improvement?

Ken Starett – I don't have that information.

Penelope Karagounis – It depends if it was on the right of way acquisition from the county line to about Rosemont Drive. It's only going to be a three lane widening. When you pass Rosemont it goes much larger, the expansion. So it might not effect the actual house; right of way acquisition is going on today with the SCDOT.

Matt Levesque – That parcel Ken just mentioned is integral to the plan because of being able to get that second access. It's very limited on what you could successfully build there. We feel like this product works there because of that second access. There is really no where else to get access in terms of connectivity.

Penelope Karagounis – Tonight is just the rezoning application for multi-family that we are discussing. You have to have a second access point for units for apartments. They understand planning staff's recommendation that in order for this project to work there needs to be a second access point.

Ronald Pappas – We know there is going to be some right of way issue on it so the acreage that you show on it today is 54 acres....

Matt Levesque – That is the current boundary for the property today.

Ronald Pappas – Will there be some reduction in your total acreage with that right of way improvement?

Matt Levesque – Potentially, yes.

Penelope Karagounis – At a later date, with the preliminary plan, that will be more specific.

Matt Levesque – As Alex mentioned R-15P to B-3 with 8 units per acre which is in the current code today. It's consistent with the future land use plan of the area. We are trying to increase the walkability and the look. We want to highlight tonight the improvements on Highway 160 aesthetically and visually; trying to create that front door to Lancaster County. Highway 521 tends to be the heavier traveled corridor and this is a growing corridor and is being expanded; we feel it's important to improve upon on it and help the look of that area. As Ken mentioned, he has contracted with property owners and has agreements in place to help improve that with landscaping along Highway 160 on the south side.

Ken Starett – I now have a letter of intent in met with a Ms. Patsy who owns the L shaped building as well as the property where the landscape yard sits today. My agreement with Ms. Poole is that I would be able to lease that property for a couple years. Her attorney has advised me that they have already started the eviction process for the landscape yard and I would have the ability to demolish two of the abandoned homes as Matt has circled under the number one and re-grade whatever is remaining of that topsoil yard. Along with doing some landscaping with her approval along Highway 160 with the efforts to dress up the entry to Indian Land as well as make her property much more sellable for a

higher use down the road. When we entered into the agreement to purchase this property; I told the owners that we had to have vision and I'm trying to make that vision come true by controlling what our front door looks like.

Matt Levesque – The third item is a current motorcycle repair shop. We have looked at improvements along the frontage there; improvements in terms of the landscaping and the aesthetics. What we have shown is placing landscaping across the frontage of Highway 160 on the south side from the secondary entrance closer to the bridge on Sugar Creek down to the main entrance and then beyond to the property line. All in all it's about 2200 linear feet, just a ball park based on what we have today of landscaping and existing vegetation that will be preserved. It's a large area as well as the natural area near the Sugar Creek Bridge which the intent is to remain natural there and not try to force a driveway or entrance there. This will be quite a big impression as you come across into Lancaster County.

Jerry Holt – On the landscape buffer that you are proposing along Highway 160; even though some of that is technically outside of your development, will the HOA be responsible for the maintenance of what is put in?

Ken Starett – We would take that responsibility.

Matt Levesque – That would be proposed to be outside of the right of way.

Ken Starett – We would coordinate all those efforts with the future plan for the county. We can't control what will happen afterwards but it will certainly be a higher and better use than what it is today.

Nick Kerzman – 13108 Wilburn Park Lane, Indian Land SC. (Decided not to speak)

Charles Deese – This actually two rezoning applications at the same time. There is a B-3 parcel that is in there also and do I hear a motion.

Jerry Holt – One clarification, the staff had recommended that the B-3 area needs to be surveyed; would that occur after council action?

Alex Moore – After the third reading with county council.

Jerry Holt – Ok, so we don't need any condition right now on this approval?

Charles Deese – No.

Jerry Holt made a motion to approve and Jim Barnett seconded the motion.

VOTE:           7 AFFIRMATIVE    0 NEGATIVE       MOTION CARRIED

Penelope Karagounis – This has been recommended for approval and will go to County Council on Monday June 08, 2015. That is a tentative date.

**RZ-015-011 – Rezoning application of Mr. Wesley G. Taubel, Managing Partner of Two Capital Partners, LLC, to rezone ±39.24 acres from B-3, General Commercial District to MF, Multiple-Family/Agricultural District. The applicant is proposing to build a Class A Multi-Family development.**

Nick Cauthen – Presented the report.

Penelope Karagounis – I promised a citizen that was not able to come here tonight that I would read his comments. This is from Mr. Costa who lives in the Clairemont Subdivision off of Calvin Hall Road. He wanted the planning staff to relay his concerns about this upcoming rezoning. His two major concerns are an increase in traffic and runoff issues with the adjoining creek. I am the one who took this telephone call. I spoke to him on the telephone on May 14<sup>th</sup> and mentioned to him that if a rezoning request is approved by County Council then the applicant would have to submit a preliminary plan for the multi-family development. A traffic impact analysis would also be required. I also mentioned to Mr. Costa that the development will also have access on Highway 160 to elevate the traffic on Calvin Hall Road. As for runoff issues, Kenneth Cauthen Zoning Administrator will comment on these issues during the preliminary plan process which goes to the Development Review Committee. He has also instructed staff to write down his concerns and that is what I have done and everyone has a copy before them tonight. A second email that I received that is in front of you is from Tad Caudill. He is concerned about environmental, traffic, and safety issues primarily from impervious surface of a multi-family development. This is a proposed development for multi-family and is pretty much wedged in between the employment center and the pedestrian center that has been identified with the future land use of the comprehensive plan. Multi-family is suitable for this area, the density is 8 units per acre. One of the issues when we met with the applicant was that we need a secondary access point. This is just the rezoning application part for the multi-family. We are not going into specifics but they've been transparent and they understand that in order for this project to work, a second full access is viable. The applicant is working on a Traffic Impact Analysis way before the preliminary plan comes in front of you; there were some things identified by Vic Edwards which is the head person of SCDOT for this area of South Carolina. If you look at the second page you can see by the blue line there is an access that is going through property that is zoned today as commercial. They are trying to acquire that and SCDOT is not going to allow that full access movement. They want him to align with the cross sections that are there today with Lowe's or with Possum Hollow Road. The applicant will discuss further when he has the opportunity to speak. He is working on alternate ways to get that secondary access point. But based on this letter from SCDOT they will not approve the current proposal of where the secondary access is coming out of the future commercial on this conceptual map. He understands that this project will not be viable without a second access point. The Unified Development Ordinance indicates if you have more than a 150 units you are required to have a secondary access. If there are proposing with 39 acres with under 8 units per acre; about 300 total units, they are going

to have to have a second access point. I thought it was important to hear this new information I received this afternoon at 2:30.

Wesley Taubel – Managing Partner/Two Capital Partners, LLC – 3445 Peachtree Road NE, Suite 465, Atlanta GA 30326. We are requesting to down zone approximately 35 acres from B-3 to multi-family. As staff mentioned the future land use plan identifies this area as neighborhood mixed use with the eastern portion of the site being the pedestrian center. This zoning request will bring the land use of this property to a greater performance with future land use maps and the comprehensive plan. The immediate area has a large concentration of jobs in Lancaster County with proposed development plans for Redstone and some of the retail that is coming in with conjunction with the future expansions of Red Ventures, Bailes Ridge, and Edgewater. We are on the preface of actually having an area in Indian Land that is really viable as a walkable center. This area lacks a high end multi-family product that will compliment the other future surrounding land uses and the employment being generated in that area. We think it's a fantastic plan that will help further propose and support the goals of the comprehensive plan. To Mr. Holt's question, what is Class A? We focus on what we call a renter by choice versus a renter by need. So it tends to be a higher income consumer who has higher affluence and taste but desires to live in a for rent product versus a for sale product. There is more and more of that becoming prevalent in our society and is becoming more accepted. We focus on employment nodes just like this in the suburbs. We are big fans of suburban well done for rent product. This is the proposed site as Penelope mentioned; we found out today about 2:30 or 3:00 that SCDOT has some concerns where we have currently shown the access. We had some preliminary conversations about a month or so ago where we were led to believe this location was going to be acceptable because it met the minimum requirements of 300 feet of separation from each of the entrances to Lowe's. I think what eventually happened and we are still trying to confirm all this; we don't have a defined engineering plan. If you take the dimensions from the two it's 635 feet, so there is room for 300 feet and 300 feet. I think when the aerial got overlaid there was a calculation that determined that one of the dimensions was 265 or 270 feet. So we are working with SCDOT right now to correct that and I think there is room to be able to get the access there as noted. If they won't allow it we are working on some alternative plans as Penelope mentioned to get access by Possum Hollow Road or any of the other current parcels to Highway 160 to align with Lowe's. We understand that as part of our site plan approval we will be required to have those access points defined in order to move forward. It is important for us to get the zoning and the land use behind us so we can move forward with certainty. We went to great lengths to preserve the creek. I know there have been some concerns in the community about some of the run off potential. One of the ideas that really attracted us to the site was the ability for open space and the ability to create some walkable paths within the creek area and the really natural environment. This is just not an apartment project; approximately 40% of our units will be in townhomes. There will be two story and three story townhomes and direct entry on 40% so really only about 60% on which you would consider traditional apartments. One of the things we try to do is to create different districts within the community so it doesn't feel like just one complex and one compound; so one of the things that this site afforded us to do is the opportunity to create

a little townhome district. So if you are coming in off Highway 160 you feel like you are in your own private part of the community and then the same thing around the amenity; we've got some of the direct entry units fronted on a big common lawn to help create some additional sense of community. We spend a tremendous amount of time on our amenities and our amenity offering. We will have 2,000 square foot fitness facility, resort style pool, all the bells and whistles that our consumers will demand. A trip generation report produced by our engineer using the standard IT trip generation metrics; what you can really tell is in the spectrum of uses that will be allowable under B-3, assumable office retail and many others. You can see the intensity of traffic that could be created. You can see from what we are doing here an overall reduction of a significant amount of potential trips in a part of town that obviously everybody is sensitive to traffic patterns. Some years ago when Harrisburg Road was proposed to sort of re-route and connect to Highway 160 the Culp's were encouraged to get this property zoned to B-3 from an R-15 or R-15P. At some time previous to that there was this plan for 92 single family lots; so I know that everybody in this part of the region is focused on the over crowding of schools and the continued over crowding of schools. When you think about it from a land use prospective; if it is more appropriately a residential land use and now we are talking about the type of land use. Apartments create the best solution to a over crowded school; apartments generate much less net impact of school age children than single family. So taking this 92 unit plan and running it through their calculations you would see a net new impact of 40 school age children compared to our plan of about 21. The flip side of over crowding is tax revenue and the ability to generate more tax revenue to higher more student teachers or to build more space to support the growing population. I think one of the very interesting things about this site is it currently is generating no taxes. It is literally \$54.99 a year of taxes because it is under the agricultural exemptions. When you contrast that with just give the current assessment methodology which you can see right here and the project that we are proposing; you are talking about an excess of \$400,000 dollars a year in taxes. Almost \$288,000 of that by the current methodology, directed to the schools; if we are truly generating 21 new students, which we are not because there will be some immigration of people moving from within the region. Just assuming 21 new schools, just the portion of our taxes going to the school system generates almost \$14,000 dollars a year per kid. When you think about the cost of the school system to produce that child and the total cost structure; it is well below \$14,000 and so there is actually increased revenue that can be directed to expanding the school system foot print and helping solve some of the over crowding problems. Another way to look at is \$288,000 dollars a year of new taxes; what is the school going to do with that. They can hire four teachers. Twenty kids and four teachers is a pretty good ratio. If our average rent is \$1,200.00 or \$1,300.00 dollars a month, our resident needs to make \$50,000 dollars a year to support our income and qualification test. They can effectively afford with that same payment a home of almost \$340,000 dollars. You can compare that to the surrounding area and what you can basically see is that given the housing options in the immediate surrounding area; our renters are willing to forego a 50% premium of purchasing power to rent with us. From the communities prospective this is a good thing because we are bringing well educated, highly affluent, high incomes to the area and getting them excited about living in the area and all the things they have to offer and eventually they will leave us and choose to purchase somewhere. But now we have

introduced people to the area that by definition can afford to buy more home than is there currently which provides upward mobility to home prices. You can see the homes purchased in the area have a general purchase price of around \$100 and few dollars per square foot. The cost basis on our project will be about \$108.00 dollars per square foot. We are very excited to be here and I appreciate your time. I have another handout that I will leave with you that I sent to Jane Tanner. We are in the process of trying to schedule a neighborhood meeting. It is our desire to be a good neighbor. I know sometime people get scared and concerned about the idea of apartments because it can mean so many different things.

Karen Steward – 4052 Hickory View Drive, Indian Land SC. I'm against the rezoning of the property on Calvin Hall Road to allow so many units in such a confined space. Many of us moved here because of the look of the community; the area had no large volume housing and was ideal for single family homes. With the growth of Reid Pointe, Rosemont, Silver Run, and the smaller development of Heritage Hall; and the scheduled 1200 additional employees coming to Bailes Ridge Business Park, the traffic conditions on Highway 160 and Calvin Hall are horrible. Calvin Hall Road is used as a short cut between Highway 160 and 521; having 300 more households using it as an access will be untenable. In addition to traffic concerns I worry that the necessary county services will not meet the needs of the proposed residents. Homeowners are already paying \$75.00 dollars annual fee for fire department services. Sheriff Faile has stated he would like to see a similar fee in order to hire the already needed Sheriff Deputies. Apartment dwellers would require even more services and they have no annual input to their salaries. I believe the large open spaces on major roads further South in the County are better suited to an apartment complex. The squeezing in of another complex of this size just after the opening of Bailes Ridge apartments seems ridiculous.

Jane Tanner – 7041 Whittingham Drive, Clairemont subdivision which is right off of Calvin Hall Road from this project. At first I was against this project and as I sat here tonight I'm wondering why I'm against this project. I look at Avondale which is going to take in all of that area and so when I'm looking at this I'm thinking, why am I fighting this small area. The traffic we are talking about is unreal. The only improvement I've heard of tonight is the roundabout they are talking about at the stoplight. That to me would be an awesome improvement. I'm afraid it's going to come way too late than when it's needed. I'm a walker and we have sidewalks in our community. I can't walk out of my community because there are no sidewalks to walk anywhere. The old Bailes that has the walking trail, I have to drive there because I'm not going to walk on the narrow Calvin Hall Road. It is dangerous and then I have to cross Highway 160 to get there so I drive to a walking trail which is probably three blocks away. We have no recreation facilities in our end of the county, nothing. We have no where for old people to go. I wanted to go to the senior center but when I called up they said there was a waiting list. Now that means somebody has to die before I get to go have lunch at the community center. I was on the board of our volunteer fire department and I don't know if you still realize; we are a volunteer fire department and it's very hard to get volunteers to become fireman or firewomen. I feel very frustrated tonight thinking maybe I will move into Revere and go kayaking and not bother to drive anymore. I live right across

the street from where Movement Mortgage is being built and I live right across the street from Keer who is building their second building. I've already seen 20 apartment buildings being built. I've lived in my community for 12 years and I was the fifth house built in Clairemont and I would like to see improvements in our community now that we are growing to be this size. I would like to see these developers maybe help the rest of us have some of these amenities that they are going to put in their communities but as living in other communities we don't have. We have a library that we have to send children away from because it's too small. I'm sure there are going to be children living in all these communities and we can't let them come to our library programs because we don't have enough room. My final answer is, I'm not against this project.

Rhonda Oliver – 4255 Piccadilly Lane, Glen Laurel Subdivision – off Calvin Hall Road. I am against this project. I'm kind of disappointed in the Planning Commission of a whole because of the fact that you are not looking at the whole infrastructure of Indian Land. These roads can't handle these kinds of development. Calvin Hall Road is a state road and there is no plan to widen, improve, or do anything to this road to accommodate this project or the other project's that you are planning on talking about in months to come. I've been in this area for twelve years and I've seen all this growth and like Mrs. Tanner I am frustrated to the fact that you are not helping with these roads. You are not helping with the fire department, the library, and it's just getting worse. You are going to be adding to this and we are going to be lined up and driving not 45 minutes but maybe an hour to come down here to talk to you. I guess I'm against this, I'm against this Avondale. I'm against all of what you voted on tonight because you are not considering any of this for our community. I'm only familiar with one that is actually in the Indian Land area. I don't even know if you guys have been down to even see these in person to be voting yes for rezoning on these. I think it's a little outrageous that you are not even going down and looking at these properties and being concerned about these other five subdivisions that are on Calvin Hall Road. We've got a bus that can't even make the turn from Harrisburg to Calvin Hall. They have to wait until all the cars on Calvin Hall are gone before they make the turn with the children on the bus. Now yes, the big circle roundabout would be an improvement but you would think maybe we would do something about that now instead of keeping on developing all of these pieces of land to where we are all full and we're all lined up and taking an hour to get out to Highway 521.

Nick Kerzman – 13108 Wilburn Park Lane – Clairemont Subdivision. Jane Tanner and I both serve on the board of Clairemont and we are proactive in notifying our residents of this upcoming zoning change. I've given it considerable thought from its current designated uses, B-3 business, to the proposed residential high density. I'm kind of on the fence really to what is the better purpose. When I think about the future land use and some of the desired outcomes for this area; I do feel that this is probably the better use for this space. I think some really valid points have been brought up regarding traffic. I don't understand all the processes and your role in interacting with the state regarding roads. What power and authority you have when it comes to looking at improving proposed site plans and what you can ask the developer to do or not. Clearly, traffic is a challenge and maybe there is a better way to accommodate the traffic through turn lanes or widening the road; whatever the solution may be. A couple people mentioned the

concerns around the creek; the applicant stated their desire to preserve the existing creek but I didn't notice in the site plan any and I know it's a very preliminary site plan but I didn't notice any storm water retention ponds and the ability to manage that storm water on site. The reason this particular topic is so important to our community of Clairemont is this creek that runs apparently on the back side of Arlington and then it runs from East to West through Clairemont. It actually runs down the middle of Clairemont there so if you are looking at the drawing you can see where Keer is now, even though they are not on the map. So you have kind of the front part of Clairemont and then you can see the blue little dot in the middle and see Whittingham there; so that line of trees down the middle is actually where the creek runs. I've met with the homeowner at the end of Whittingham at the far west corner of our community and that homeowner bought a house on a short sale knowing that he would need to make investments to the back yard. He has put in \$30,000 dollars worth of retaining walls to save his house from falling into the creek back there. The initial plan that the engineer had planned for was for three walls but once they started digging down and saw how soft it was back there they had to move the walls and re-architect the whole plan. My concern and a very legitimate concern is the amount of impervious road that will be created through this development and the impact to the community. We've already repaired the entrance at Elben Drive directly across from one of the access points of this proposal to the HOA's own expense because of storm water damaging the sewer system there. I'm concerned if this goes through without any consideration for managing storm water onsite or in a better manner that five six seven years down the road I'll have homeowners suing the Home Owners Association due to liability for not addressing this. I really want to express that concern and I don't know what is in your power but I ask that you consider that in this proposal.

Wesley Taubel – We do have onsite storm water retention and will be designed in accordance with all the engineer requirements. I know through the DRC we will have numerous opportunities to verify everything is adequate and correct.

Jerry Holt made a motion to approve and Ronald Pappas seconded the motion.

VOTE:           7 AFFIRMATIVE    0 NEGATIVE       MOTION CARRIED

Charles Deese – This will probably go before county council on June 08, 2015.

**Moratorium Proposal**

John Weaver, County Attorney – Mr. Chairman and members of the Commission, you have before you tonight for consideration and recommendation Ordinance 2015-1351. That is a ordinance for a moratorium for nine months on rezoning of all properties North Highway 5. You have in your packet a yellow map that shows exactly where that is. I will tell you that the ordinance as written shows a moratorium effective date of yesterday. That will not be accurate because council continued that matter and deferred until the Planning Commission heard it tonight. If it goes through three readings it would be the middle of July before it passed. Under one theory of law it could be as early as June 08, 2015 but at the latest, if it goes through a normal schedule, it would be the middle of July. For every developer who is here tonight and remaining to hear what we have to say; they

are in the shoot, this will in no way impact them and they will be good to go assuming that County Council approves their rezoning request. North of Highway 5 in the greater Indian Land section of the County, there are almost 7,500 undeveloped lots. You will see in the agenda item summary where I said that there were 18,000; there were at one time 18,000. We have determined as best possible that there are 41% of those 18,000 lots that have not been developed. During a nine month moratorium, you would have to have the building department issue 41 certificates of occupancy every day Monday through Friday for the business to run out. There is no way that this will impact the ongoing residential construction projects that are up there now. This is only for rezoning requests. To put it very simply, this has been prepared for the benefit of not only the Planning Department but also the COG who is assisting Penelope. Kara Drane with the COG is here and they can address the UDO rewrite if necessary and in any detail that you think important. I will tell that in a very simplistic way; I told the council that this is asking the Planning Department to fix a broken motor on a merry go round and never stopping the merry go round while they are asked to fix it. All this does is buy them some time to rewrite this UDO which all of you being the experts on the Planning Commission realize how important it is to have some logical development in the Indian Land area, which will not stop as long as Charlotte doesn't wash away. It will continue at a rapid pace for the foreseeable future. This gives the Planning Department and COG who have all the expertise necessary to do this and time to spend their efforts on the rewriting of the UDO and continue working on all of these rezoning's that have already been approved or will be approved. It will not stop one hammer, one nail, or one board from being put up. It will simply buy time for a professional UDO job that is the emphasis of the future of Lancaster County. It does not impact any property South of Highway 5 and the remaining portion of the County.

Penelope Karagounis – One of the analyses that we did do and I made this same presentation last night with County Council; the approval number of lots that we calculated and you have to understand in the Planning Department we don't deal with permits. Here in Lancaster County that is a separate department. We have a building department that deals with building permits and we have a zoning department that deals with zoning permits. So in my office we just make a calculation with an excel sheet of all the projects that have been approved by the Planning Commission or PDD's that have gone through the actual Planning Commission process and through the County Council to get approval. From that estimate and pretty much the first development that really occurred in the Indian Land area was back in 2000 with a big wave of it after SunCity Carolina Lakes started in 2004. That began to pump up the growth of residential development. So the total that I calculated was 18,450 total approved lots; from that number 15,250 are traditional single family homes. We only have approved 3,200 of multi-family units. You are looking at 82% of the approved lots were your traditional single family development for residential. Mr. McCullough made a point to ask for how much as been built during one of our Infrastructure and Regulation meetings; you have this number 18,000 but can you do an analysis? I explained to him and I disclosed when I showed him the information that this is not precise because I don't have permits. What we did with the Catawba Regional Council of Government was to look at Google maps and we also looked at the Tax Assessor's information. It's not a 100% accurate but we

are pretty confident it's close to it as the best of our abilities by not having the resource to double check our numbers. One of the resources that the building department has is having a database that keeps all the building permits and certificates of occupancy. Unfortunately, they have changed databases and all the data that was before 2013 can not be analyzed. So that is why we used Google map and also GIS from the Tax Assessor to make this analysis. From this analysis the figure about 41% of the total of the 18,450 has not been built yet in the Indian Land community. Kara Drane from the Catawba Regional Council of Government is here tonight and she has passed out additional information for your review. This was also passed out last night to County Council. We have been working with the Connect our Future project about three years and that was a lot of database that we've been able to use over the process of working with the rewrite of the comprehensive plan and also now with the rewrite of the UDO. So we have this analysis and it shows basically that there is a lot of land that might be zoned Industrial for example; those parcels are only at 14% that have been developed. 35% are undeveloped and there is 51% that is underdeveloped; so there was a criteria. Those are just figures that show that we have a lot of already zoned property that does not require them to come through the rezoning process, through the Planning Commission, with this moratorium. The land is already zoned and is not being developed. There is a lot of raw land out there that currently is zoned to be a use by right. This is another reason why we are hoping we will get the support from the Planning Commission to have this proposal for a moratorium on new rezoning applications North of Highway 5 to the state line.

Jerry Holt – The UDO rewrite is going to be county wide?

Penelope Karagounis – That is correct.

Jerry Holt – Why is the focused only North of Highway 5? I recognize that is where most of the activity is but it's a problem throughout the county. Not in terms of numbers of applications but why have an inconsistent application of rules in one part of the county and not the other?

Penelope Karagounis – That is a great question; thank you for asking that Mr. Holt. I've been working with Lancaster County for eleven years and there has been about two moratorium proposals. Anything that goes on when we come up in front of County Council, when it comes to projects to stopping growth in an area that does not have economic opportunities, the flags are raised and they shut down every possible thing. So what I did, I used my judgement of just knowing the politics of County Council and I proposed North of Highway 5. But unfortunately, I got surprised last night. There was a curve ball that was thrown. Two of the Indian Land representatives voted to defer and we were doing it North of Highway 5. That was to me an eye opener. I thought if I single out the Indian Land community where we also have the Indian Land Action Council, every day the Planning Department receives comments asking for change in Indian Land. That is why this proposal was for Indian Land. Another reason why Highway 5 and not further North on Highway 75? With the comprehensive plan that we adopted with the future land use map we had citizens from the Van Wyck community that are very concerned that the growth is going to continue to push from Indian Land to

Van Wyck. So we chose that area and let's start it from Highway 5 North. A third thing why we chose this area, back in 2005 the county rezoned all the residential property from R-15 to R-15P North of Highway 5. They wanted to slow down growth. It was very counterintuitive because the next year they had already rezoned those parcels to R-15P and then they started doing development agreements. The Planning staff never supported this and here we had downzoned the property but they were circumventing the zoning by accepting development agreements. So many of these projects on this list from 2005 to today, they have been getting a little bit more density than one and a half units and have been doing development agreements. That is another issue with the UDO rewrite. When we had the citizen who I believe lives in Glen Laurel states that we need to stop and do something. One of the key aspects of this UDO rewrite and we've discussed with Steve Willis, County Administrator, and the budget was amended that they approved last night; is to do an impact fee study. It is time to realize what is the political position and what are we going to do with the impact we are facing. Something needs to be done to pay for services; these developments are happening and we do not need to do development agreements anymore. We do not need to have planned development districts that developers create their regulations. We need to have regulations that are set in stone for mixed use projects and that is what Kara Drane and myself, and my planning staff, are proposing. This is one of the reasons why we need a moratorium. From a planning prospective, we would want the entire county to have this moratorium because we represent the entire county. We don't represent Indian Land and Indian Land is not a city. That is another question to be asked to the local leaders. Will Indian Land become incorporated? They are going into the direction of an urbanized city but they are not a city. They have demands and want services and they are all part of a county and that is the polarization that Lancaster County is facing today. It is very difficult and I would not want to be in those seats of the elected officials. They have hard decisions to make because they represent the entire county. They don't represent Indian Land only.

Jerry Holt – I assume that the county attorney feels that he can defend this position but to me it seems that it's like telling the sheriff that you are going to enforce a 45 mph speed limit in Indian Land but the rest of the county can do whatever they choose.

John Weaver – Let me address one issue that I don't think the council last night heard enough of and perhaps a moratorium ordinance can be rescinded at anytime, all it takes is three readings. This is not 36 weeks, 9 months, come hell or high water. The question was asked well what happens if General Motors wants to come and put a Cadillac plant on some of that property out there beside the river. If General Motors wants to come and do that, the council in three readings and even a special meeting if necessary, can remove that moratorium and Cadillac can come to town. Why we ask for a nine month moratorium in that area; it is not solid gold sealed for ever and a day. In a period of less than six weeks it can be removed.

Ronald Pappas – If we are going to allow ourselves to have the opportunity to come out of a moratorium then why go into it in the first place. If in six weeks we can ramp up and do all this stuff and then at a whim, turn around and say we don't need it anymore and

let's change it; that is a lot of work and effort on everybody's part. Do we know the number of applications that we have today?

Penelope Karagounis – Today that came in?

Ronald Pappas – No, not today. How many do we have in the pipe line right now? Generally in a conversation about a moratorium there would be let's call it an over supply of applications that would cause us to tighten up a little bit and say "We need to slow this down". Do we have 200 applications; do we have 5 applications, zero applications today?

Penelope Karagounis – An average that we are facing from January of this year until about April; we have approved 1,000 units on new developments just in Indian Land.

Ronald Pappas – How many applications?

Penelope Karagounis – There are half a dozen, you know that, we are here till 10:00 tonight.

Ronald Pappas – What are we facing? Last time we talked along the lines about the business plan. So why are we going down this road? What is the problem we are trying to solve besides I understand we are trying to get through our process of the UDO rewrite.

Penelope Karagounis – One of the issues we are facing, we have a future land use map and this has been adopted. When we are making our recommendations we don't have zoning today for some of those areas where we are talking about pedestrian centers. We don't have those regulations. It's hard for us to do our job to make those recommendations. We are making recommendations from our best judgement. For example, the apartments today, one of the reasons why we recommended approval was because it is adjacent to some of these PDD's; or the fact that we don't really have a different variation of multi-family districts. The majority of them are traditional single family. Again, that is something that we need because it is hard for us to make our recommendations since we don't have an updated UDO. A prime example is Avondale, they are coming in June and staff has been transparent with them and asked them to please wait until we get this UDO rewrite completed. This will allow you to apply for a mixed use district because that area should be a mixed use district. Time is of the essence, you know that, you are a developer, so they still submitted and they are coming through the process. We have inconsistent regulations in the current PDD regulations in the UDO and that is going to make our job very difficult to support Avondale.

Ronald Pappas – To your point I would agree with that thought process to do that; I think that we have in a lot of circumstances we've been able to move forward to the desired end result that we want on several things in the last two and a half years or so. I think we've moved actually in a good way.

Penelope Karagounis – I know we have. If you just do a tally, on three years we've been working on Highway Corridor Overlay, Cluster Subdivision Overlay, the rewrite of a fifteen year old comprehensive plan that was never done. We have accomplished a lot from the help of this Planning Commission.

Ronald Pappas – We have done that all without having to go into a moratorium.

Jim Barnett – We seem to be dancing around what the original question was. We are trying to slow down so they can do their job. All we've done is danced around all about this and why are you going to slow down Kershaw because Indian Land is where all the action is.

Ronald Pappas – We want to be able to give to the council information that they need. They are not going to be able to do the homework and they have pushed it back to us to do some of the homework and ask the questions.

Penelope Karagounis – The only homework that council stated last night was they felt because of the Memorial Day Holiday that were supposed to meet on Monday and they deferred it so Planning Commission can make a recommendation. They didn't say Planning Commission needs to do their homework. They just said that Planning Commission needs to hear it first before we hear it.

Ronald Pappas – We need to hear it first and hear the recommendations of all parties involved, all the stakeholders, which I don't believe that we have.

John Weaver – Let me address that. We have advertised this for the last three weeks. Advertised in the paper, talked to the developers when they came in, she used Avondale as an example and said if you want to get in the pipeline speed it up and they have. We have advertised it for here. I know last night it was advertised for first reading and you know how many developers came and showed up and spoke, zero. I don't know if there are any out here tonight. I don't know who is on the list. If it was as bad as these questions seem to be posing, I can promise you Lennar and every other major developer would be here pounding their fists and putting the heat on "Don't do this to us, you are killing us". I have not seen one by name or face that I recognize, that is here tonight.

Penelope Karagounis – Mr. Pappas, I would also like for this commission to know....

Ronald Pappas – We need to give each other the courtesy to investigate this and that is what I would like to have; just the courtesy to ask the questions.

Penelope Karagounis – I also want to let you know and I also told this to county council last night. I went one step further like always. I'm in that generation X that I love to type and email. I have a list of developers that I deal with or I have dealt with in the eleven years or people that have come into my office and I went a step beyond. I personally sent everybody an email saying this is what's happening. I feel like I don't buy that argument that the developers have not been aware. We've made it aware....

Ronald Pappas – I'm not talking about developers. I'm talking about stakeholders. It isn't the development community and I agree with you in that they didn't come to the meeting because they pretty much got what they want. If you look at the build out of the county; take any one of the projects that have been recently approved, they are probably not going to come back to us for a change of zoning on another property. Anyone of the projects that has seven eight nine hundred units; there appetite has been met already. It goes back to my question originally. What are we trying to slow down when we say that the development community if they were really interested it and met the commercial....whatever, they haven't beat down our doors. Nor do I see that we have applicants loaded up on your front doorstep. That is just my question; is to make sure we have a good analysis of why to enter into this and if we are going to have such a free wheel to come out of a moratorium, then why go in there in the first place.

John Weaver – I don't anticipate if the moratorium is recommended by this commission and if it goes to County Council, it would take an event, a development, some type of commercial, industrial activity; that I cannot fathom happening within the next nine months.

Ronald Pappas – Me neither.

John Weaver – Thank You.

Nick Kerzman – 13108 Wilburn Park Lane, Indian Land SC. I took it upon myself to come last night because I was informed of this proposed moratorium as well as many others from the community who came out last night to speak out in support of this moratorium. I'm here to ask you to make a recommendation to the county council to support the passing of this moratorium. I believe this is the right thing for the county and also for the Indian Land community. This is most often used when adequate time is needed to update things such as our UDO. It is not uncommon when significant changes are needed to amend existing code or the plans that we operate by. I think that this moratorium will give us the opportunity with the UDO work to promote community planning values. It will allow for carefully considered comprehensive plan and this long range community planning will help to address infrastructure needs and other capital improvements; hopefully fire and sheriff, and some of the school concerns. It has been brought up a couple times during the comments from the Planning Commission regarding why this is really needed. Frankly I was surprised the question was asked considering it's ten fifteen on a Tuesday night and three of the three rezoning requests tonight came from the Indian Land area. So to say that there isn't a great demand, I disagree completely. The fact that we have all these new developments that are being proposed; honestly, I'm in favor of a moratorium. I think I've come up and spoke in favor of just about all of them tonight with certain conditions. The problem is the conditions. So without a proper UDO that reflects the current needs of the community, the current plans that everybody has agreed to for future land use, we can achieve those goals. The moratorium will help us move in that direction and as I stated I hope that you make that recommendation for the council.

Jane Tanner – 7041 Whittingham Drive, Indian Land SC. I want to thank Penelope Karagounis for a wonderful job that she is doing. She has been such an improvement in our Planning Department. I can't even say enough about her and I'm sure you all can say the same thing. She is a fighter. She is a worker. She is marvelous. I think since she has requested the moratorium, I want to say it is necessary because I know that woman does her homework. She knows what has been on her desk and she knows what she sees. I have her worksheet here of what this UDO timeframe is going to do. She states here, draft a proposal zoning map doesn't start until August. I think we need to give her some time for the moratorium to start so she can finish and do her work in a good way. When you talk about merry go rounds, I love a merry go round but please don't fix the motor while I'm on it. Thank You

Rhonda Oliver – 4255 Piccadilly Lane, Indian Land SC. I'm for the moratorium and I believe again what was just mentioned, I think it would be good if we let Penelope do her job in planning this and rewriting this. Thank You.

Charles Deese - Wanda Rosa and Pat Eudy signed to speak but had to leave early. They left a note for me to make sure that everybody knew that they were totally in favor of the moratorium.

John Wilt – 903 Rock Hill Highway, Indian Land SC. We need this moratorium simply to provide a clear delineation between the old and the new. The new UDO is going to be a very different animal than the old one. It's going to be extremely difficult for the limited staff we have to try and work these two systems at the same time. You need to shut down the old one for a period of time and fire up the new one and give these people time to think about they are doing while they are actually doing it. We talked about problems like McClancy Seasoning tonight. That is not going to be an easy problem to solve. It is going to be a very difficult problem to solve if you try and solve it with the current UDO and trying to write a new UDO will actually allow you to fix the problem at the same time. You need to close down the old system and fire up the new system and implement the new system with a little bit of gradual nature so as you have problems with the new system; and you will have problems with the new system simply because it's new. Give yourself time and give the people that are trying to do this time to modify it a little bit at a time as you go along. Nine months is certainly not too long to my way of thinking; nine months may be too short. I don't think nine months is going to seriously inconvenience anybody and it will make an enormous difference. If you carry forward some of the stupid mistakes that have been made like this McClancy Seasoning operation; carry that forward into the new system and get stuck with it forever, which is where your real risk is. I'm in favor of the moratorium. Thank You

Charles Deese – In this document I think there is actually an opportunity at the end of nine months to actually extend it by 90 days if it is necessary.

John Weaver – Yes sir. If the administrator finds that there is sufficient reason, it's not an automatic thing, a petition has to be made and justified for him to do that.

Tommy Dabney made a motion to approve and Jim Barnett seconded the motion.

VOTE:           6 AFFIRMATIVE    1 NEGATIVE       MOTION CARRIED

The one negative vote came from Ronald Pappas.

Charles Deese – The recommendation will go to county council at the June 08, 2015 meeting.

Old Business: Continuing Education Class – Webcast being held on Thursday May 21, 2015 from 9-12:30am at the council chambers.

Penelope Karagounis – I am working with the Catawba Regional Council of Government, Consultant-Kara Drane, we would like to offer a class for everyone here. We want to be a little creative because I know some of the videos can be a little boring. We want to have some interaction and some scenarios to make it more interesting. We are going to have continuing education classes. We will also discuss at the next workshop regarding Mr. Weaver doing a presentation for the Planning Commission.

Jim Barnett made a motion to adjourn and Ronald Pappas seconded the motion.

VOTE:                   UNANIMOUS                   MOTION CARRIED

Respectfully Submitted,



Charles Deese  
Chairman



Penelope Karagounis  
Planning Director