

Approval of Minutes

Vedia Hatfield made a motion to approve the April 03, 2014 Workshop Minutes and the April 15, 2014 Regular Meeting Minutes and Jerry Holt seconded the motion.

Chairman's Report

No report.

Director's Report

Penelope Karagounis – Planning Director – I would like to welcome everybody to the Lancaster County Planning Commission meeting. I would like to take the time to formally welcome our new planner, Alex Moore. He is joining our team and also to let everybody know that we have a new person in the department. I want to remind everyone that each person that has signed up to speak at public hearing will have five minutes. I will be using my I Phone as a stop watch. I start it after the citizen speaking as stated their name and address. That is when the clock will start with the five minutes.

UDO-TA-014-008 Proposed text amendment by Lancaster County to amend the Lancaster County Unified Development Ordinance (UDO): Chapter 13, Land Development Regulations and Chapter 26 of the Lancaster County Code of Ordinances, Ordinance 915 pertaining to road width. The County is requesting to change the minimum width of privately maintained roads from 20 to 22 feet. This proposed text change will not affect subdivisions with less than six lots and subdivisions with lots that contain 5 acres or more per lot.

Elaine Boone – Presented the report.

Jerry Holt made a motion to go into Public Hearing and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

J.R. Wilt – 903 Rock Hill Highway. This is one of the most poorly written items I've seen. I read through it twice and still was not sure what it said. I was at the county council meeting where council requested this and it seemed quite simple to me. Twenty foot roads are too narrow for fire trucks and emergency vehicles to pass a car that is parked in the street. Cluster development driveways are so short that cars have to be parked in the street; that reason, the streets have to be made wider and they have to be made wider now because by the time we get done and get around to changing the UDO; there will be several hundred miles of streets built in cluster developments that will be too narrow for the fire trucks to get past on their way to the fire. Every time some lady has a den meeting at her house and has seven kids and seven cars parked in the street; fire trucks are effectively blocked from going down the street past that house. Therefore we need 22 foot wide roads anywhere on street parking is permitted. I don't understand what is so hard about that.

Jerry Holt made a motion to go out of Public Hearing and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Jerry Holt made a motion to approve and Vedia Hatfield seconded the motion.

VOTE: 5 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

UDO-TA-014-006 Application of Steve Willis, Lancaster County Administrator, to amend the text of Chapter 2, Zoning Districts and Zoning Map, Section 2.1.5, Overlay Districts, of the Unified Development Ordinance to create a Highway Corridor Overlay District.

Penelope Karagounis – Presented the report.

Vedia Hatfield made a motion to go into Public Hearing and Jerry Holt seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Winston Smith – 842 South Lake Drive, Lancaster SC. What triggers the effectiveness of this overlay; a building permit, rebuilding something after a fire, just passage of time? Example, if a outparcel is developed at the Lowe’s shopping center; do these rules apply to just that one outparcel or does it become the entire Lowe’s place? Or does it not apply at all? If you don’t have it in the rules, the ordinance, it is not there and doesn’t apply. County Council asks for more uniform appearance; this ordinance just mandates a different appearance, not anything uniform. This won’t give you a uniform appearance in 50 years and probably no in a 100 years. By the time you do get it uniform; it will be so dated, nobody will like it. What triggers requirements; one year, three years, five years. If you want something to be uniform in a reasonable amount of time, you have to specify that everything has to come up to this standard within a reasonable amount of time. The multi-use path requirement is a taking of private property. What is your plan to connect the sections of the path? With no plan; what you are mandating will not only be foolish but it’s going to look foolish. What about property between the Founders and the Bojangles on Highway 521? There is nothing ever going to be developed there. Access management and Connectivity is a good part of the ordinance; it has been needed for a long time. Public safety – I may be mistaken but it seems the general idea is to force all development to back up to the street; where the front of the building faces away from the street and the parking lot would be behind it. This creates a problem for the sheriff patrolling the area and creates a public safety issue. A business owner leaving his business at night gets mugged there, and nobody can see him. When you have everything faced away from the street; how does it work for businesses that require visibility from the road? Could an automobile dealership locate where they couldn’t put any automobiles out by the road, probably not. The plan may be to keep automobile dealers out. Median and right of way landscaping required for developments over 40,000 square feet; how is this going to be uniform? What about the rest of the median? It’s not in the

ordinance. You do realize you are requiring one person to landscape property that doesn't belong to them; should I be required to landscape my neighbor's property so that the neighborhood looks better.

J.R. Wilt – 903 Rock Hill Highway. Mr. Smith made a number of good points. Our attitude on this has been more or less that the people of Indian Land are insane enough to want this; they should be able to have it. They just shouldn't be able to export it to people who don't want. This ordinance is going to do anything to existing developed properties; you can't make them do anything. They are going to be just like they are. What you can do is change the properties that are in between; that are not developed and make them look like this. You are going to have sections that look like your plan and sections that look like they do now. I don't think there is anything you can do about that. I see the mast arms are gone; which is good, but they have been replaced with steel light poles that have to be painted black. That creates a maintenance issue and a cost. Is the version of the ordinance that is in the agenda package, the version that you are going to approve?

Penelope Karagounis – Any new commercial developments or industrial developments; we now have a development review committee. So that triggers that they need to go through the process. Currently in front of you is a text amendment that has not been approved by county council. So if this text amendment is approved by county council; it does not trigger anything until we rezone all the parcels that are fronting on Highway 521 and Highway 160 into the Highway Corridor Overlay District. You are going to have the underlying zoning, whatever particular zoning each parcel has on that corridor and then on top, you have the overlay district zoning. Those are the higher regulations that we have created with this highway corridor; so nothing is in effect, even after June 9th. We have to go through the process of rezoning the parcels. The multi-use path, that is something that yes, does seem foolish today because if we have one developer go in and the multi-path asphalt stops; yes it is going to look foolish. But over time and the way with planning corridors and what the community wants; hopefully as developments go down Highway 521, the multi-path asphalt will connect and not look foolish. Yes, today it will look foolish because there are a lot of already approved developments out there and they are vested; so we can't make them go into multi-path asphalt. SCDOT controls the median landscaping; when they receive an encroachment permit, the developer has to go through SCDOT. They have a list of what type of plants need to be used. In regards to this pamphlet that you have in front of you dated April 23, 2014. You all know that myself and my staff were very transparent. We were invited to a meeting that Keith Tunnell, Director of the Economic Development Corporation initiated and invited us. That is a private meeting and there were no minutes per say. I do believe in transparency and I provided the notes that we had from that meeting and that is attached and in front of everybody today. Some of the other comments regarding which version is online; when we received these revisions from the special meeting on Thursday May 15th; we received those revisions today and my secretary went online and put the new revision of what you have in front of you this evening. It has been online since about 2:00 also with the supplemental pictures. What you are voting on tonight is what you have in front of you.

Vedia Hatfield made a motion to go out of Public Hearing and Jerry Holt seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

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

VOTE: 5 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

UDO-TA-014-011 – Lancaster County – Amend Future Land Use Map for MI Homes

Elaine Boone – Presented the report.

Jerry Holt made a motion to go into Public Hearing and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Colin Wilson – 11148 McFalls Drive, Indian Land SC. We adopted the land use plan just in 2013 and now to meet the needs of a development that is being turned down because it doesn't meet this future land use plan; we are now going to amend the future land use plan at their best. This is just ingenious at best. It doesn't take into consideration the existing landowners up there. Our roads and services are way over burdened currently; Harrisburg Road Bridge is down for repairs currently; this is no time to be doing this. You just adopted the plan last year and now you are going to change it, please don't.

J.R. Wilt – 903 Rock Hill Highway. I would speak against this; county council's development committee apparently willing to sell anything. I think there should be limits placed on this. I think that one of the reasons this commission is here is to stop this kind of thing. We adopted this land use map in February 2013 and we are in the process of revising it. The revision should be complete by the end of the year and we should not be messing with this now. It is really grossly unsatisfying to think that the entire land use map for this county is up for auction in front of the development committee of county council.

Jerry Holt made a motion to go out of Public Hearing and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Jerry Holt made a motion to deny; due to no second motion, motion failed.

VOTE: 0 AFFIRMATIVE 0 NEGATIVE MOTION FAILED

Ronald Pappas made a motion to approve and Vedia Hatfield seconded the motion.

VOTE: 4 AFFIRMATIVE 1 NEGATIVE MOTION CARRIED

The one negative vote came from Jerry Holt.

Rezoning application of Mr. Bob Wiggins representing MI Homes of Charlotte, LLC, to rezone the property from R-15P, Moderate Density Residential/Agricultural Panhandle District, to R-15, Moderate Density Residential/Agricultural District, with a Cluster Subdivision Overlay District. RZ 014-010

Penelope Karagounis – Presented the report.

Jerry Holt made a motion to go into Public Hearing and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Jack Patterson – 10899 Caroline Acres Road, Indian Land SC. Most of the property in this general area is zoned R-15P, with a majority of them being 1 to 1.5 homes per acre. The applicant MI Homes is requesting a zoning change which would permit use of the Cluster Subdivision Overlay which supports smaller lots and 2.5 homes per acre. This property is adjacent to Charlotte Mecklenburg and surrounding area which supports a higher density. What I'm really trying to say is, Lancaster County does not have to be made a duplicate of Charlotte Mecklenburg. We do not have to have a cluster overlay and higher density. By rezoning all properties it will have an impact if not a major negative impact on surrounding areas; I'm speaking of not just this particular zoning but others on the Barberville Road and Indian Land area with the cluster subdivision overlay district. In addition to the higher density we are placing an overwhelming burden on an already stressed infrastructure and services. The rezoning application before you tonight awaiting your vote will determine the future of our immediate area of Lancaster County. Its approval or denial will determine if we start to become another Charlotte Mecklenburg or if we will continue to grow and continue with R-15P and 1.5 homes per acre; and maintain somewhat of our rural aesthetics. As citizens of Lancaster County I ask that the surrounding area of the property seeking rezoning; we ask you to consider two questions. One, which chose best serves the interest of Indian Land and it's residents; is it cluster subdivision overlay districts or is it R-15P zoning? Two, why during the building boom did Indian Land properties in the panhandle changed from R-15, which allowed 2.5 homes per acre and rezoned to R-15P, allowing 1.5 homes per acre? I have to determine that answer without really knowing it; it was primarily to reduce density. So if it was good at that point and time, then why is the need and rush to change it just because we have a new fancy word out there; cluster overlay district. I would like to say that developers and builders do not have my or Lancaster County's best interest. Only you the planning commission, that votes and approves what changes are made in zoning and forward to county council; have the best interest of myself and

Lancaster County. Our future rests with your vote. I ask you to consider with your vote tonight to vote no and deny the request of Southstone property.

Colin Wilson – 11148 McFalls Drive, Indian Land SC. I have a petition signed here by 53 of our neighbors. If you are looking across the street from this, the first property is a 13 acre horse farm. I have 2.5 acres, all woods with 4 dogs; a lot of my neighbors are in the same situation. It's a very pretty subdivision and it would fit in anywhere in Mecklenburg County. I don't want to live in the great state of Mecklenburg. I've lived there before and I didn't like it. I moved to Lancaster County for some space. The petition just states to deny the rezoning of proposed Southstone by MI Homes. I noticed there is a traffic study wire across Harrisburg Road right now. Any data taken before that bridge reopens should be invalid; people are already finding ways around Harrisburg Road. The numbers right now would be suppressed or depressed, whatever.

J.R. Wilt – 903 Rock Hill Highway. This situation of the change in zoning is just going to allow the developer to build an extra 84 homes worth about 30 million bucks. In gross revenue this would bring the project to around about 115 million bucks. The school district gets 164,000 dollars and the county gets 328,000 dollars for a total of 484,000 dollars; and relief from responsibility to maintain the roads in the development. When people start moving into these houses, there are going to find out that their kids are going to school in Lancaster and not Indian Land. The Indian Land schools will be full and unless I've missed my judgment; the school board will decide that people new to the area will be the ones going to Lancaster. In around 2040 or 2044 when the roads start to deteriorate, the property owners are going to find out the hard way that the homeowners association didn't accumulate the money to repair those roads. If you want money accumulated to repair roads, you set up a special tax district. The word will get around that the school district doesn't have the 164,000 dollars that came from this development. It's going to generate six and a half million dollars worth of demand for new schools. The school district doesn't have the six and a half million dollars and they don't have any easy way to get it. Schools will not get built and that is why kids will get bused to Lancaster; then houses are not going to sell because people will not come to a county where the schools are in perpetual financial trouble.

Vedia Hatfield made a motion to go out of Public Hearing and Jerry Holt seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

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

VOTE: 3 AFFIRMATIVE 2 NEGATIVE MOTION CARRIED

The two negative votes came from Tommy Dabney and Vedia Hatfield.

**DA-014-002 – Development Agreement/MI Homes – Barber Rock South
(Barberville Road Site)**

Penelope Karagounis – Presented the report.

Jerry Holt made a motion to go into Public Hearing and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Vedia Hatfield made a motion to go out of Public Hearing and Jerry Holt seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Jerry Holt made a motion to approve subject to the following modifications: 1. \$500 allowance for the schools – I would propose that it was subject to receiving a formal input from the superintendent of schools regarding the appropriateness of that number; 2. We include in the developers agreement the requirement that either the developer or the subsequent HOA be required to establish an escrow account for future road maintenance based on projections from say, Department of Public Works on road maintenance cost, life span; 3. The \$250,000 dollar contribution for public safety be established based on a target of 320 homes and if there is any reduction of approved homes below 320, we reduce the amount of the \$250,000 dollars on a per lot basis. The \$240,000 dollar contribution to public safety is based on the expectation of at least 320 homes being built. If there are fewer than 320 homes then the \$250,000 dollar contribution would be reduced proportionately. The final stipulation would require that the 120 units that are proposed for active adult lots; each of those lots be required to have an occupant of at least one person age 55 or older. So basically we are removing the allowance that says that only 80% of the homes would have that requirement.

(1Motion): Jerry Holt made a motion to approve; due to no second motion, motion failed.

VOTE: 0 AFFIRMATIVE 0 NEGATIVE MOTION FAILED

(2 Motion): Ronald Pappas made a motion to approve with the following modifications listed below and Jerry Holt seconded the motion.

VOTE: 5 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

1. The \$500.00 dollars request be reviewed by the school board inside of 30 days, if they don't reply in that time limit, then the \$500.00 stands; 2. The clarification on Section 4.01 (C) – The rooftop fee is based on 328 units, which is approximately \$762.00 dollars per rooftop; that number will be adjusted as to how many units are approved.

Rezoning application of Mr. Darren Sutton of Bonterra Builders, LLC, to rezone 77.66 acres of property from R-15P, Moderate Density Residential/Agricultural Panhandle District to R-15P, Moderate Density Residential/Agricultural Panhandle District with a Cluster Subdivision Overlay District. RZ 014-012

Penelope Karagounis – Presented the report.

Robin R. Canady – My property is on Barberville Road, but I live in Charlotte. We just wanted to tell you how much we have enjoyed this property with our parents over the years. We are so pleased that Bonterra is going to take this property and present a wonderful community that will include amenities, conservation, and the path; we are thrilled.

Otis P. Roberson Jr. - 9899 Barberville Road, Indian Land SC. My dad bought that property back in 1954 and he lived there with our mother until they passed away. I moved on the property in 1986 and I lived there ever since. If these guys get their way, they will push me out, and that's ok. **Unable to hear complete response.** My dad always told us we would sell this land one day and we said we would never do that. My dad said when you sell it, make sure whoever you sell it to builds beautiful quality homes on it; and in every way do the right thing. That is why we are here with them. We believe in them and have seen their work; and we really hope you will be able to work something out with them.

Jerry Holt made a motion to go into Public Hearing and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

J. R. Wilt – 903 Rock Hill Highway. This rezoning request lacks a development agreement but it's clear from the behavior of county council and the development review committee that it will have one. I think this matter should be tabled until it comes back with a development agreement. I do think you should consider the rezoning request and the development agreement at the same time.

Vedia Hatfield made a motion to go out of Public Hearing and Jerry Holt seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Jerry Holt made a motion to approve and Vedia Hatfield seconded the motion.

VOTE: 5 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Charles Deese – This will go to County Council in June.

DA-014-004 – Development Agreement/TDON Development – Bent Creek
Penelope Karagounis – Presented the report.

Jerry Holt made a motion to go into Public Hearing and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

J. R. Wilt – 903 Rock Hill Highway. The develop review committee sold the requirement for three different housing lot width. As far as the development review committee is concerned, everything is for sale. They simply sold the thing that you valued when you put it into the cluster development. Dr. Moore at the time did not know the timeline for needs for the schools; I think he is a little bit farther along in that now. It might be appropriate to treat this system as the MI Homes. The issues in the situation are the same. I'm glad to hear that TDON Homeowners Administration does accrue money for road repairs. They are among the few I think. If you really want that done, you set up a special tax district and you have the county accumulate the money in a special account so you know it's there when you need it.

Jerry Holt made a motion to go out of Public Hearing and Ronald Pappas seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Penelope Karagounis – I did receive a memo from Steve Willis regarding conversation with Gene Moore; specifically with any new development that come South of Jim Wilson Road and this would be one. It's right there at the line of Jim Wilson Road; need to let the developers know that more than likely the students will not be guaranteed that they will be attending Indian Land Schools. We did relay this message to Mr. Stiegele.

(1 Motion): Jerry Holt made a motion to deny and Ronald Pappas seconded the motion.

VOTE: 2 AFFIRMATIVE 3 NEGATIVE MOTION FAILED

The three negative votes came from Tommy Dabney, Charles Deese, and Vedia Hatfield.

Mike Ey – My understanding there was a motion to deny the proposed development agreement and that motion failed. Unable to hear complete response.

Jerry Holt – Mr. Chairman, does that mean you are open to receive another recommendation with regard to this development agreement?

Charles Deese – Yes.

(2 Motion): Jerry Holt made a motion to approve with the following requirement that includes the stipulation for three lot sizes and not two lot sizes; Ronald Pappas seconded the motion.

VOTE: 3 AFFIRMATIVE 2 NEGATIVE MOTION CARRIED

The two negative votes came from Tommy Dabney and Vedia Hatfield.

Charles Deese – This will need to go back to the development review committee because of the stipulations placed.

Rezoning application of Lancaster County to rezone 5 acres from R-45A, Rural Residential/Intense Agricultural District, to I-1, Light Industrial District. The purpose of this rezoning is to correct a zoning error on the Lancaster County Official Zoning Map. RZ-014-014

Alex Moore – Presented the report.

Jerry Holt made a motion to table until we received the signed authorization from the property owner; Ronald Pappas seconded the motion.

VOTE: 5 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Rezoning application of Lancaster County to rezone 1.84 acres from R-45A, Rural Residential/Intense Agricultural District, to I-1, Light Industrial District. The purpose of this rezoning is to correct a zoning error on the Lancaster County Official Zoning Map. RZ-014-015

Alex Moore – Presented the report.

Vedia Hatfield made a motion to go into Public Hearing and Ronald Pappas seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Vedia Hatfield made a motion to go out of Public Hearing and Ronald Pappas seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Jerry Holt made a motion to approve and Vedia Hatfield seconded the motion.

VOTE: 5 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Rezoning application of Lancaster County to rezone 10.09 acres from R-15, Moderate Density Residential/Agricultural District, to MHP, Mobile Home Park District. The purpose of this rezoning is to correct a zoning error on the Lancaster County Official Zoning Map. RZ-014-016

Alex Moore – Presented the report.

Vedia Hatfield made a motion to go into Public Hearing and Jerry Holt seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Vedia Hatfield made a motion to go out of Public Hearing and Jerry Holt seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Jerry Holt made a motion to approve and Vedia Hatfield seconded the motion.

VOTE: 5 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

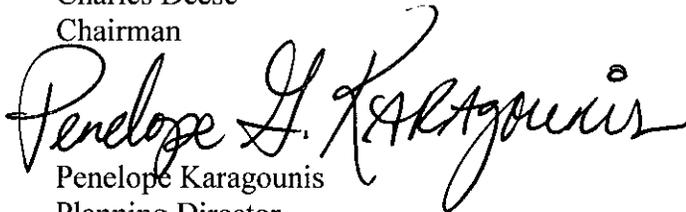
Vedia Hatfield made a motion to adjourn and Ronald Pappas seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Respectfully Submitted,



Charles Deese
Chairman



Penelope Karagounis
Planning Director