

of this rezoning. By denying the rezoning this commission will accomplish several things. One, you ensure there is no loss of revenue from your property taxes from the devaluation of the property that will surely follow. Two, you've allowed the good faith of Lancaster County to be upheld to the citizens and owner's of that property. Three, ultimately you will avoid costly and time consuming litigation if it is approved. I would ask that tonight you remember the concerns of the citizens and proceed to deny the rezoning application.

John Wilt – 903 Rock Hill Highway, Lancaster SC. I would also speak against the McClancy Seasoning rezoning and not because I don't sympathize with the owner of the property who has been in a conflicting use for 20 years or more. In that time millions of dollars worth of residential property has been built around his warehouse and would be damaged if that property were rezoned to industrial to allow the warehouse to expand. It's unfortunate that anytime in the last 20 years the owner of McClancy Seasoning had looked around and asked a few questions. This situation could have been prevented. As it sits I don't see that the Planning Commission and County Council has any choice but to leave the property zoned as it is.

Reid Wilkerson – 10808 Young Poplar Place, Charlotte NC. I am the owner of McClancy Seasoning Company and I'm also the owner of one Spice Road. That is the property that is under consideration tonight. I thank everyone here for the opportunity to speak. I have not gotten any comments or telephone calls concerning this since the last meeting. I come to you asking to correct a wrong that has been done. This property when we moved into it was not zoned at all. I'm holding here a copy of this request and the request says how is the property presently being used, industrial. It has been used in an industrial setting by our company since 1980. The property was never zoned or rezoned. I keep hearing the word rezoned. It has never been zoned but one time. It was done in 1989 when plainly there was a road on a map that said one Spice Road. Plainly there was a hundred square foot sign that said McClancy Seasoning Company that has been there since 1982. Clearly everyone that lives in the neighborhood Bridgemill, drives by that sign and drove by that sign everyday when they came home and I drove into that same driveway there for 30 years. It's not like it's been a secret that we have been there. As far as getting notice of this and I've stated this before. I found out that there was a zoning of R-15 on this property when I bought the property out of my mother's estate. I was never notified. I was told that there was a notice in the Lancaster paper in 1989. I didn't read it and I had no reason to believe that my property that was clearly being used for industrial purposes for over 30 years would have been zoned incorrectly. I'm also holding this request that was signed by Steve Willis and it says what new use do you purpose for the property? None, same use; the same use for the last 30 years. It says right here, rezoning result per county council; owner is aware. I have nothing further to say. I hope you will consider that I've been down there for a long time and I've been a good neighbor to everyone.

Once it goes through county council that master plan is supposed to be the official document attached to the PDD ordinance. That PDD ordinance is a separate component of the rules. A third component is the development agreement. With PDD's you are supposed to do a development agreement. That is another case after this rezoning. It is a one rezoning district but the master plan is supposed to be identical with the ordinance. Something that we have learned and to let everybody know; back in the day because of not having the amount of staff to review everything, there were some amendments done that basically did not amend the master plan. We are trying to correct this and that is why part of the reason there are a lot of discrepancies with not just Avondale but just the whole planned development district regulations that need to be corrected. That was the whole point of having the rewrite of the UDO because of the mixed use districts. We needed to have concrete regulations.

Jerry Holt – So when we finish on this particular application and not the development agreement, this rezoning number; then every discrepancy that you have described whether it is an inconsistency between this which is the master plan and the ordinance which is PDD-27. All of those things should be resolved so that the picture and the text are all in sync.

Penelope Karagounis – And provide some of that information. Tonight your duty is basically to recommend approval or denial because this is going to county council. I don't know what the applicant has tonight. They might have corrected some of the suggestions made. At press time those were still unanswered issues that we had; they still have the opportunity I guess to make those revisions I believe at county council before the 3rd reading and those documents need to be linked together.

Jerry Holt – That answers my question. All we are really to do....

Penelope Karagounis – It's sort of like when you are doing a recommendation for a B-3 General Commercial District; tonight it's basically the zoning district is Planned Development District 27 and they have their own rules attached to it. So you are making a recommendation for county council to make that decision.

Peter Tatge – 3475 Lakemont Blvd., Fort Mill SC. I have with me tonight our traffic consultant Jacob Carpenter with Ramey Kemp. Even though you don't have traffic comments back from the third party reviewer, you have the traffic professional here so you can quiz him. I also have with us tonight, Ed Estridge, President of Sinacori Builders and Russ Sinacori as well in the audience. This project is 180 acres and is what I call a rapidly urbanizing area. You see some of the commercial projects that you all have approved in the last several years; Wal Mart, Lowe's, the new Redstone Theatre project right there at the intersection of 160 and 521. It is slated in the new comprehensive plan as a mixed use neighborhood district. There are pedestrian zones and employment areas. We want to be part of that excitement. There is a lot of change going on in that area. This is a large scale master plan development. Tonight is about opportunity; we are going to the county council and talk about opportunity. We are going to talk about finances, investments, public private partnerships; things that great projects are built on.

Yes there have been a number of PDD's. There are some that are successful and some that are not. We believe this is a successful project. We had a pretty large well attended meeting back on June 09, 2015 at the Presbyterian Church on Highway 160. Councilman Carnes was able to attend as well as I would say well over 125 people. These photos don't do justice to show the exact nature of the room. There were people involved and giving us input. That necessitated a lot of the change from the original application that submitted back in May. We heard a lot of things about traffic. We heard a lot of issues about commercial. We heard a lot of issues about needing a place to go in Indian Land; a public space, a public park, a civic place. So with these input opportunities, our clients have gotten together and they have revised what is before you tonight. We believe it is a superior plan. There were questions about all the density. We've lowered the density considerably. The public land dedication – 4 acre civic institutional park. It is a horizontal dedication. This will be something that the county would decide and I'm sure you would all be involved on how to program that best for Indian Land residents. It is a considerable contribution and we heard loud and clear; we want some open space. We want something that we can participate in that is part of the public realm. This is what the developer's have provided. The density concessions and reductions are considerable. Change from 18 dwelling units per acre down to 6.8; PDD allows up to 8.0 and the comp plan ironically encourages between 4 and 20 units to the acre. Again, this is an urbanized area and is slated for higher intense urban growth. Other villages, Single family, 5.5 dwelling units down to 4; the UDO allows up to 5. Comp plan between again, 4 and 20; it doesn't distinguish between single family and multi family. It is a broad range and encourages density. It encourages walkability. You are going to hear that term more than once tonight. There is a development agreement in place and that is also on your agenda. Considerable contributions, again this public private partnership; they are going to provide money for schools and public safety. The neighbors that will come up tonight, that is not enough; we wanted urban open space and a place to go. So we have listened on several levels. Traffic mitigation – There is a diagram in your packet with nine sets of turn lanes and we haven't even finished costing them out. A realigned road that Penelope brought out and we thank you; we have talked with Vic Edward's about that. It has not been fully geometrically aligned but is a general configuration to eliminate the unsafe intersection near the elementary school at Calvin Hall and Harrisburg Road. Other turn lane improvements – Virtually every entrance around the clock; if you go around the entire PDD and there will be turn lanes. Our traffic engine engineer can talk about that. We have cut the traffic counts in half. We had twice as many trips on an average daily basis than what is being currently proposed tonight and is what the 3rd party reviewer is looking at. The idea there was to bring the intensity down. There are some trip counts for the various roads. We hear a lot about traffic on Harrisburg Road; the elementary school and the congestion. I was shocked when I saw that it's 5500 average daily trips in comparison with Highway 160, that is 16,000 and Highway 521 is 36,000 over that trips. We are 520 feet from Highway 521. Yes we will be subject to the overlay and we will gleefully provide that and we think that's an attribute. It's a wonderful ordinance and I think it will bring enhancement to the project. This is an urbanized area and it's not slated for single family development. That is a lot of the questions; why are you building commercial, well at the time we were. Why are you building apartments, at the time we were. We are not doing that anymore. Why are you building townhomes? Why are you

building a senior facility? Because it is an urbanized area. Your plan specifies that; this is in your packet as well. Eighteen designated turn lanes, realignment of the Calvin Hall Road as you heard; stop light at Calvin Hall and Harrisburg Road. Penelope is correct, there are some Scribner's errors; the 820 units is correct and I apologize that when we went back and made the adjustments that we didn't adjust that. We will work hard and we will work our best as we proceed to council to correct these and work with staff. That is an overall density of roughly about 4.8 units to the acre for the entire project. The senior village is currently at 8.8 units and if we need to bring that down to 8, we'll bring that down to the maximum of 200. The comment was made by staff that we can't readily aspartame the density. It is very clear. After every housing type, land use, it says up to so many acres; up to 4 acres, up to 8 acres, those are the maximums allowed in the UDO. We are willing to comply with that. What are benefits? We have talked a little bit about it. The development agreement, water and sewer infrastructure, considerable extensions to bring water and sewer into an area that has historically has not had that. Roads and sidewalks, again a master plan community; it gives the county the control of master planning a large tract of land and not having individual subdivisions that don't relate to one another and that possibly don't connect. How many times have you required connectivity on a plan and it goes into the back of a pond or into a stream or doesn't connect with the adjoining community? This is a tool and a pivotal opportunity to create a large master plan community where everything relates. We believe the senior mix village is a very exciting ingredient. Ironically as I spoke with some of the surrounding property owners, oh my gosh why did you take out the commercial? Why do we need a senior mix use village? The reason is, our client has been contacted from companies as far away as California that has stated this is an area that has a demand. There is a place that is going to be needed in the northern part of Lancaster County. It is broadly scoped in the context of the ordinance because at this point we don't want to limit it. We are not going to say it's independent living and then if somebody wanted to do assisted living we would have to go back through the process. There are a series of opportunities here for some type of senior mixed use village that will allow seniors to congregate. There is a senior day center. You don't have to necessarily live in the mixed use village to participate. A place for senior's to be able to go play cards, crochet, pickle ball. Where can they congregate up in Indian Land short of sitting at Showmar's or a restaurant? There really is no type of facility of this type. You've heard about a multi family village? Right now it's planned at 6.8 units of the acre and we can go up to 8, according to the comp plan you can go up to 20 units of the acre. We have lowered the density in that village. That is comprised primarily of townhomes. You've seen a lot of apartments come before you in the most recent months and we said that doesn't make sense and let's not compete and oversaturate the market; our clients are dealing specifically with town home developers. It was mentioned in the staff report about predominately single family uses and we are going to show you a little bit more. We are going to show you the zoning map that was pulled in and out. You can see the relationship here. There is B-3 zoning quite a bit along Harrisburg Road. There are a lot of commercial developments. The senior village as you heard at last Monday's council meeting; that type of facility as well as attached housing is considered a commercial use. It's subject to a commercial permit. It's subject to commercial guidelines, commercial building standards. We believe that is part of the calculation that would comprise the commercial requirement as

part of a PDD; not just the 4 acres. If you include just the senior village which is 25 acres, we are over 7 percent. You can go as low as 5 in the ordinance. That is something we would like to sit down with staff and work out before we go to council. The bulk of the property is still single family and yes there is a variation in lot sizes. 50 foot in Village D this is the pink area, 61 foot in Village E and 70 foot in Village F. Purposeful separation of lot sizes to get different builders in there and create absorption; we don't want a bunch of derelict subdivisions with empty lots paved streets and nothing happening. We heard about that at the neighborhood meeting. How are we going to prevent that from happening? A good market strategy and a good penetration strategy; create some velocity so different price points different products and multiple builders can come in there. Up to four different builders at a time; townhome and three types of single family builders that are waiting in line for this project and this opportunity to be in a quality master plan community. Yes the 50 foot lot does not meet the current ordinance; there are other PDD's that you all have approved with 50 foot lots. Walnut Creek, Sun City, Bailes Ridge, I'll go on the list is long; there are 50 and 40 foot lots out there in other PDD's. It's the PDD ordinance that we are trying to comply with but after this project we are going to shuffle it away and rewrite the UDO and it's gone. We are kind of in the middle just like you folks are. Do we comply with the PDD ordinance or do we look forward visionary and comply with the comprehensive plan? You heard about some of the single family products at the May information session. Quality architecture, brick, hardy siding, I'm not going to talk about price points I will let my clients do that. It's a quality project with quality builder partners. The comprehensive plan, thank you Penelope for putting that plate up there, I didn't see anything in the staff report. This is where we are at. We are between the UDO and the new comp plan. Pick anybody in the room but we are in the middle. I've asked questions of the surrounding property owners and I've asked questions of the board members at the Indian Land Action Council, and questions of you all, which is which. Why doesn't one jive with the other? There are numerous conflicts. There are sections in the UDO that conflict among each other. There are three different definitions for density. We have committed to a density cap so that should be irrelevant. We are capped at 4 units the acre and at 8 units the acre. Avondale is the type of project that you worked months and months and months to develop the comp plan and say, this is what we want. We want pedestrian accessibility. We want a mixture of housing types. We want these types of higher dense projects to meet near pedestrian zones. The yellow star on our map is a pedestrian zone and is out of your comp plan. We are overlapping that. We are promoting up to five miles of sidewalks. We will have sidewalks on the main roads, internal roads. The idea there is you could walk from adjacent neighborhoods through Avondale to get over to shopping experiences because there is not going to be commercial in here. There are employment centers nearby. This is the kind of project that you all crafted in the comprehensive plan and said "this is what we want". It's adjacent to a pedestrian center. It promotes walkability, sidewalk accessibility. It promotes density; the list goes on and on. You can see in the booklet the areas that are highlighted. There is not just one or two, there are multiple provisions; form, pattern, density, character. They are all consistent with the comprehensive plan. I'm sorry I didn't see any of that in the staff report. Mixture of land uses and mixture of building types promotes one to four story buildings; we do have standard that we are promoting up to 60 feet. My client has prepared a letter and that is

one of the items that he has wanted to concede to. He will lower that to 50 feet. The risk there is they haven't designed the Senior Center. I believe it will be three stories based on the conversations with some of the developers that would be instituting this component. We believe we can do that within 50 feet. If we said 40 feet and it was 42, we wouldn't want to go back through the process. 50 feet as Penelope as pointed out is allowed in the B-3 district. We do have B-3 land as part of our PDD and we have it near and proximity to the project. The plan promotes between 4 and 20 dwelling units to the acre. We are at 4.58 gross. If you do the math and you want to take out the open space. Take 36 acres from 179 and run the density and it goes up to maybe 6 units the acre. It's still highly compliant. What happens when this project is implemented two years from now? It's going to go through an elaborate permitting, construction drawing, preliminary plat review. We will all get to look at this and the PDD ordinance is going to be gone. When this is in place you are going to have a new ordinance, a new UDO, and those regulations, and I know you can't forecast, neither can we; what are they going to be? But I hope they are going to be consistent with the land use plan. They are going to be development standards that will jive with a mixed use neighborhood type development. We just don't feel that the current UDO specifications in the PDD Section 13.12, promote the kind of development that the comp plan says. Here are several examples where we believe that we are compliant with that and there are conflicts. Here is a copy of the zoning map. A PDD to the North, PDD to the South, B-3 virtually almost surrounding the property. There is some latent R-15P which is mostly a portion of our property. But to say it's primarily residential zoning, it's PDD; PDD's like PDD's, they seem to go together. What would make this site so bad as a PDD? It's wedged in between two PDD's and it's surrounded to the East by B-3. Institutional Land Uses, right next door, Harrisburg Elementary School; this land donation, does it go to the school, does it become a ball field, is it a cooperative county school board outdoor space that the community can involve? Is it where a family can go and play catch and walk through the woods and have something to do? We are promoting that land dedication right in proximity to another institutional land use. Two PDD's and a institutional land use next to a senior development; is that a bad idea? We think it's a great idea. It is what we heard from the community. You are going to hear some resistance tonight along the edge of Bridgehampton. You are going to hear some citizens who we met with and they have been very respectful and very forthcoming. We had dinner with them and they explained that we just don't agree with what you are doing. You are going to hear that tonight and we are ok with that. You have to see this if you are not familiar with the edge of Bridgehampton. These are shots of Karriker Court and you can see in the aerial it forges the northern edge of Harrisburg Road right across the street from Village A which is a park. They live across from a park. Yes they live in proximity to Village B which would be the senior facility which we are willing to lower to 50 feet, 3 stories, and it will be set back. Even though this is out of the reach of the Highway Corridor Overlay zone, we will commit to that; we would commit to that type of treatment for this entire frontage, even though it's technically only to be required on the eastern edge of our project. So these are pictures from Karriker Court and goodness gracious what a well manicured, well installed, well maintained buffer. I purposely stepped out at one of the cut outs there and I took a picture of that elementary school. It's kind of hard to see in the picture but you see how that school is? We went out with a laser activated device which is what the

forestry guys use when they want timber and they shoot tree heights. We shot the ridge of that building and its 46 feet and it's no further away than our building would be in Village B from Karriker Court. The resident is highlighted there in yellow and it's almost a football field away from Village B; Panther stadium touch down. There is an incredible buffer along Harrisburg Road. We disagree with staff's again; the PDD ordinance says you have to have a landscaped berm along major roads. We will commit to the 30 foot buffer but we don't want to cut down those trees to put in a landscape berm; another conflict in the ordinance. I think the planners when they rewrite the ordinance, they will get this part down. There is a picture at the eastern edge of Karriker Court looking towards Avondale and you can see it labeled. That's Avondale behind that wonderful span of trees; I would say 20, 30, 40 years old, and we are going to cut those down to comply with the UDO. I think that is ridiculous. Here is another picture further down Karriker Court purposely taken from 5046 which is about mid block almost directly across from the school. These are photos; can you see the school through that buffer? This is there buffer and now we are talking about we are going to keep another buffer on the other side of the street. This is their buffer and they can't see the school that third flag down is zoomed 400 percent on the camera and I can barely see the school. That is from a house that is almost right across the street from it and then I purposely walked out to the entrance and I took a picture of that school. You are going to hear concerns about a three story building, rightfully so, they think its 60 feet and we are willing to change that tonight in front of you and go to 50 feet. There is a 46 foot building that exists right there and I can't see it. I can't see it from 5046 Karriker Court, right across the street. I'm going to respectfully listen to the public comments. I have Jake here to answer questions about traffic and I have my clients here so please encourage them to come to the podium and talk about their plans for development. We are wedged in the middle. You folks are the visionaries and we bow to you and look to you because you are in the middle too. You have the UDO which is the law of the land and is getting ready to be tossed in the garbage can after you vote on this project. You have the comprehensive plan that is the guiding principles of how development is supposed to occur in the Panhandle in Indian Land. We believe we are doing what is right. We can work through these details. I have a letter signed by Mr. Sinacori and he is willing to reduce building heights. He is willing to increase his minimum lot size to 55 feet even though the UDO and I have another section of it that prohibits front loaded streets for 55 foot lots. But the UDO encourages it in the PDD Section 13.7.10.8 Road Design Geometric Criteria; alleys are not allowed for single family detached developments. We just heard how you can't have lots less than 60 feet in a PDD unless they are alley feed. Your own ordinance conflicts with that section. I agree with Penelope 100% that the PDD section is confusing and riddled with conflict. The points, how many points do we have in our project; I can't calculate them. You get the points for calculating density. That is what we believe the density formula is about. There are three definitions of density in the UDO. I reserve the right to rebut if we could at the pleasure of the board. Any comments that are made and possibly consider the reduction in density in Village B to 200 units to comply with the 8.0 cap; reduction in height for all buildings down to 50 feet and a willingness to increase lots from 50 to 55 feet front loaded, even though technically it's not in compliance with other sections of the UDO. I

am certainly available for questions as well as Jake or Mr. Estridge or Mr. Sinacori. I appreciate your time.

Kenneth Hawfield – 10121 Harrisburg Road, Indian Land SC. – I've lived on Harrisburg Road for 35 years. The land my family owns is the last of the family land that has been in our family since the 1840's. My ancestors, my father, and my brother have farmed and raised cattle on our land and neighbor's land for many years. As the years have gone by most of our neighbor's and land have gone away due to residential development and most recently the new elementary school that borders our property. I must add that my family sold that land that the school sits on well below market value, obviously a big savings to the county. My family has never opposed the sale of these properties by our family or neighbors. In short, my family feels it is time for us to leave this land that we have been at for a long time and go on to bigger and better land that fits our farming needs. It is time for our land to become what the rest of the area has evolved into but hopefully much better. I would love to see our and my neighbor's property become the center piece of a developed area that the rest of the panhandle and county are measured up to. We have a developer, Russ Sinacori that is trying to do just that. I know Russ Sinacori is an open minded person listening not only to the County but the local neighborhoods wants, needs, and concerns. Every time I see a master plan of Avondale I notice it continues to change and be tweaked obviously to appease and satisfy once again everybody's wants needs and concerns. To me this is a no brainer, we have a developer willing to work with everyone and the plan is not going to sit here forever. It will be developed one day and I hope and pray that time is now.

William Rhodes – 5018 Karriker Court, Fort Mill SC. I believe my house is one of the ones that Mr. Tatge circled. Which I remind him is a private road and that constitutes trespassing but that's another story. I did send you an email earlier in the day detailing out specific recommendations and bullet points that I feel go against approving this ordinance. The hedge row that exists between Karriker Court and the new Harrisburg Elementary School is approximately six feet high. It might block the view. We also have trees yes, and from certain houses you can't see the school and other houses you most clearly can see the school. Yes it's about 50 feet and as we explained because I was one of the one's that they met for dinner the other night. I explained to him that we strongly oppose any multi story, multi family complex particularly one that falls into what as known as a service provider class in healthcare of managed care; which constitutes both hospice and the sub category of hospice, respite care. The traffic may actually go down. The type traffic will change. It will switch from residential traffic to institutional traffic. There will be trucks, deliveries, EMS, and everybody else will be in and out of that facility; not to mention employees creating a traffic burden that is already happening in that area. Back to buffers, it might block the view but it does nothing to block the noise. As I sat on the front porch this afternoon listening to transfer trucks and UPS trucks, and 16 foot trucks go up and down Harrisburg Road; it is disquieting. I can hear it from inside my house. We are not talking about a buffer that is magically going to solve problems. I find it difficult to believe that this project was very well thought out. The reason I come to that conclusion is, it starts off with the May 7th and June 16th meeting which I attended and I was against it then; talking about building an apartment complex

and building up to a 1,000 homes. Now all of a sudden it's switched to a senior citizen center and daycare center. I don't have a problem with a daycare center. My problem is with the multi storage facility across the street from my house. Whether its 50 feet or 60 feet, it's still a tall building and by most counts that are either four to five stories. None of my neighbor's wants that in our sight line; we had very little input into what that school would look like. We like the school and we don't necessarily like the way the thing looks. We don't like having multi story buildings. We are also concerned about the fact of putting money in the schools. That development will be approximately 410,000 dollars according to this development agreement. That money is not necessarily dedicated to Indian Land. Not to mention the fact that the school doesn't have a lot of area to expand and when Covington comes on line which is going to be built almost concurrently with Avondale and when Brentwood next to us comes online. Plus the new apartment complex approved down Calvin Hall; you are looking at potentially over 1,000 new students of 1.4 child per home being dropped into Harrisburg Elementary School. It is almost at capacity now. Where are they going to put it? Where are they going to move it? A park is nice; it's great, and its four acres. Its 208 feet by 208 feet per acre; it's not huge and it's great but where is the school going to expand to. Again, you have density that is going to be increased dramatically. You take out the open space and according to Section 23 of the proposed ordinance PDD-27 he decides that they are going to use open space in the calculation which is in violation of Section 13.12 of the UDO. Why cannot these people if they fully admit and agree that the UDO is a problem and I agree with him; they are caught between two sides. Wait for the UDO rewrite and then resubmit under the new mixed use districts that gives the county more control and a developer clear cut instructions and guidelines. We are also talking about a developer who has not done a development of this size before. He told me that to my face. Additionally he is going to be doing Covington at the same time. Now he is not going to be building everything in here, he has a partner builder as he has indicated; especially Exhibit C where his closure rate is 85 homes per year. Which in our neighborhood we find to be highly aggressive. We want to entrust this build out in this wonderful project and I think it does have some potential. Overall this project as it is proposed today I think is detrimental to the quality of life and our property values inside Bridgehampton.

Catherine Reid – 10041 Southmoor Lane, Indian Land SC. My home is centrally located within the neighborhood of Bridgehampton. I would like to note also for the record that we have attendees here tonight from the North Carolina side of Bridgehampton as well. These concerns are not merely limited to one road, one street, or a small edge of Bridgehampton. These concerns are related to this project that will impact all 550 homes within Bridgehampton. We accept that there is going to be development. We've seen it come up and we've been here before with Brentwood and realized there are good developments and there are ones that may not be ideal. We understand that there is a road that has to be followed and that we will be seeing development in this area in the future. We are living in after all in this region of the panhandle of Lancaster County which is one of the fastest growing regions of this state. However, to maintain the area and to provide for the well fair of the current residents as well as for future residents of the areas of Indian Land; I believe that our proposals should be deliberate, considerate, specific, and accurate. The number of discrepancies alone that currently exist between

the master plan and the PDD gives me great concern about the approach and that the approach to date has not been proactive and it has not been deliberate and considerate; but that it has rather been reactionary and ad hoc. Where some people see great flexibility and a willingness to work with the community, I see somebody reacting to complaints and concerns and just trying to placate a community. What I feel we need is a plan that works and we can stand behind. Even tonight we saw things for the very first time up here that have not been know before. I appreciate Sinacori's outreach efforts to the community and their willingness to work with the Planning Commission but tonight since we have heard those further changes, I feel the shifting and the constant shifting in what they are doing conveys to me really that this request is not yet ready. It is certainly not in concrete and it's certainly not been thought through and agreed upon and basically centralized and standardized. I respectfully request that the Planning Commission recommend to the council that this request as proposed and has continuously evolved over this past month be reconsidered and not approved at this time. But rather be brought back at a later time when they have everything together and they are ready and willing with an initial proposal to meet the requirements outlined and they are able to support any changes made after that rather than just adding them in at ad hoc.

Linwood Robinson – 10155 Calwayne Drive, Fort Mill SC. I have issues with this. The density in the area is outrageous and traffic is unbelievable. What does it really benefit the community to max it out and then these guys walk away and we are left with a mess? No matter what they say, we are left with a mess. I'm not highly educated but this guy standing up here is basically asking you guys for an open check. Oh we'll get to that, just give us a permit. I couldn't go to you and say give me an open check and I'm going to go and take care of things. That is unwise and that is not business like. I oppose this for a lot of reasons. I moved into this community and I had 70 acres of woods beside me that my children play in. It's not there anymore. Everywhere you look around me is a development; this guy is up here saying well they did it over here and over there so it's not fair. Enough is enough, so there were mistakes made and things weren't done right; don't give this guy the cookie just because of that. It's not right, we made a mistake and let all this building gone on and now we have big messes. You are going to put 1,000 homes in there. That is 2,000 more cars and what is going on right now with traffic; this will not sustain what is going to come through there. Come down to my house any time during the day, I work from my home and any time during the day trying to get out on Highway 160, Calvin Hall, Silver Run; I have to wait, wait, and wait. Can you imagine adding 800 houses? That's about 2,000 cars just for the houses. I oppose this development and let's do things better so in the future parents and children will have a place to play in the woods and not just some dedicated park. I watch the kids beside me in the neighborhood, 70 acres and 140 houses; all those kids have a little 20 by 30 backyard. They are sitting in the house because there is nothing to do and then we wonder why are kids go out and get in trouble. We need to leave some rural land to live right.

Nick Kerzman – 13108 Wilburn Park Lane, Indian Land SC. I can understand some of the concerns that some of the citizens have come up and expressed. I for one am in favor of this project as well as many of those that I have spoken with in the Clairmont

Subdivision as well as some of the surrounding subdivisions. I think that some of the commentary be it very truthful and fair concerns; in reality is not the responsibility of the developer. Some of the concerns regarding the growth of the school, where money is allocated, the size of the roads and some of those other ancillary items; those are the responsibilities of the county and state. I believe that the developer is playing an active role with all the parties to alleviate some of those concerns and put their best foot forward to contributing to making some of those issues addressed. I do want to acknowledge and appreciate the thorough review by the planning department. I think the recommendations that were written up were good recommendations. I think that the developer seemed to address a variety of those concerns tonight and despite some of the opinions in the room I do believe the developer is very interested and willing to work with both the community and the planning department and commission to make sure they meet the needs and have a successful project for everyone. I don't see it as an incomplete project or changing things at the last minute. I see it as someone who has proactively scheduled meetings with the community to seek input. That proposed public space, that was one of the direct things that myself and another individual approached them about. If commercial isn't right for this space then what if we could put a park in there. There isn't a park anywhere near that area of Indian Land. Their response is not reactionary, I would say it's accommodating to the request and the needs of the community. I think that in the recommendation that the planning department made to the commission regarding PDD's; unfortunately I feel it's a little bit unfounded. It was a little bit and I'll just be frank with you; it was a little bit of a soapbox for a UDO rewrite and I felt that really wasn't the place regarding the applicant's request for rezoning. I don't mean that as a dig on the Planning Department. I just mean that is not the place to talk about why a UDO rewrite is needed. I think that the applicant's request should be made on merit of what's in place. I believe that is the responsibility of both the commission and the planning department to work with the applicant to resolve the issues that have been addressed. I believe that the applicant has shown an interest in working with both parties, the commission and the planning department to resolve those issues and make sure that this is a solid proposal. In closing I just want reiterate that I think that this is a great plan for the community. This area as the applicant as stated and as the planning department has outlined for future growth; this is an area that will be developed. I think it's a great master plan community that will bring some connectivity to the area and will be an asset to the area. My request to you is that you either approve the applicant's request or if needed make a motion to postpone it to the next planning commission meeting.

John McKenzie – 5070 Karriker Court, Fort Mill SC. I am against PDD-27 as it stands today. I'm not against development at all but what I am against is developments that try to be snuck in before the deadline before the UDO rewrite. I don't think that this plan should be permitted until the UDO is rewritten. Most of the things I wanted to say on this piece of paper were already stated by Drew Rhodes but I did have the opportunity of having listened to some of the people make some comments and I'm actually going to address those. They are in regards to traffic and walkability. My question would be walkability to where? Harrisburg Road was deemed by the SCDOT as being too dangerous to put a cross walk to the school. Where are old people going to walk? They won't let kids walk across with their moms and dads but we can let old people walk

across Harrisburg Road. This is not a walkability neighborhood. Where are they going to go? Are they going to walk to Lowe's? Are they going to walk to the gas station? There is not retail down there to walk to. So calling this a walkability plan is a joke. They can walk amongst themselves but they can't walk anywhere else. The traffic impact study that they did on their own shows they will have to do major changes to 521, 160, Harrisburg, and Calvin Hall Roads. I challenge anybody here to drive on any of those four roads today tomorrow, any time during traffic and tell me if those roads can handle it; they can't. Even with these additions they are not going to be able to handle this traffic. Then you add the 1,000 homes that they want to put between Covington and Avondale plus the other 680 home sites that are available right now in those neighborhoods not named Avondale and Covington in the panhandle. You are looking at not just the 1,000 new homes, look at 1,800 new homes times' two cars each. That is 3,600 cars a day. Multiple the 1.4 for kids and that is at least two new schools. The high school right now can't hold enough kids. They are sending some of the Indian Land kids down to Lancaster because the school is overcrowded. They need to expand the middle school. Harrisburg Elementary is almost already overcrowded. You add all these houses for the next seven years and you will need to build three new schools. Forget about the \$410,000 dollars that they will donate to Indian Land for this development; that will buy one fire engine. Maybe one fire engine, they are about a half million dollars; maybe they can get one used. The bottom line is whatever they are saying they can contribute; it's not going to outweigh what is going to be taken away in the form of infrastructure and property values. Thank you for your time.

Janel Withers – 10055 Harrisburg Road, Fort Mill SC. I agree totally with Kenneth Hawfield. Just today I was looking over the deeds of our small family farm, the earliest deed I came across was dated 1896. That is a 119 years our farm has been in my husband's family. To newcomers, if you think you moved here when this land was rural; just talk to my husband who grew up riding his horses on Bridgehampton land before it was built. I love living in my charming old farm house. Thirty eight years ago I thought I would grow old to the end of my days on our quiet farm in the country but life changes. The following six properties which are part of the proposed Avondale community border our land and want to sell for various reasons. There are other properties involved but these are just the ones that actually touch our land. The owners of the neighboring farm beside us want to move away and desire to sell soon. It's going to be sold. There is not enough farm land around anymore to make it worth their while to keep farming. The man behind us who had 35 acres passed away a couple years ago. His relatives live in Virginia; it's going to be sold. Who wants to pay taxes on land they can't use. Owners of two other different properties bordering ours live in North Carolina, they are not moving here. Two other adjacent land owners live in established homes elsewhere in South Carolina. These owners are wanting to sell and for most probably the sooner the better. You can not stop people from selling their own land. The question is, do surrounding communities want these motivated sellers to work with one builder like Sinacori who is willing to make a high end master development? Or do you want all these individual land owners selling to several smaller builders with no congruity between neighborhoods. A larger developer can offer some county amenities where a smaller builder just can not. There is probably going to be almost equal the traffic if we

all sell out. If all these land owners sell out; individual developments, not quite as much, but they are not going to be able to pay for a new roundabout or all these other amenities that Sinacori is considering to help with. I like the idea of the senior citizen village. I've taken care of four parents who were elderly and had problems. I would have loved to have had a senior citizen village nearby. Also senior citizens do a lot of volunteer work, I can see them walking across helping at the elementary school. They usually avoid rush hour traffic. A resident of Glen Laurel visited us two weeks ago and he said he knew when he bought his house adjacent to farm land that someday probably the land would be sold. He likes the idea of Sinacori's one continuous neighborhood and their price ranges. He mentioned if Avondale is turned down then several land owners could sell individually and these are his words. "And then there will be a hodgepodge of neighborhoods". Sinacori desires to build an attractive community, one that Lancaster County can be proud of. Thus I am hoping Lancaster County and Avondale can work together on this master plan development. As I feel this would be more advantageous to Lancaster County versus several smaller unrelated neighborhoods.

John Wilt – 903 Rock Hill Highway, Lancaster SC. – I got into this because I have been looking at traffic moving through Indian Land actually for the whole length and width of Indian Land. It's clear we are going to need some alternate roads and so on; not too long from now or we are going to be in a situation where one last car pulls in to one open parking space and nobody can move. I got into this because the original traffic study including an assessment of the intersection of 160 and 521. In it's present state the SCDOT assessment of the state of that intersection was that it was failing as it is and that there is essentially no way to improve the situation. The extra turn lane that was recommended in the study as part of the changes for this development terminates in the driveway of one of the gas stations. The 3rd party reviewer who reviewed the traffic study commented that this is a pretty unsafe process to terminate a turn lane in somebody's driveway and SCDOT was not likely to approve it. Then I went on and read the development proposal itself and it seems to me that today is the third time I've heard this. The thing that impressed me about the development proposal was in itself inconsistent. Part A conflicts with Part D, Part D conflicts with Part G; and as you go through the development agreement, not so much the development agreement but the plan. In the end I ended up thinking that if I were to have to vote on this, I wouldn't have any idea what I had approved if I voted to approve it. The presentation that we just heard creates very much the same impression. If we run into problems doing what we have on this piece of paper; we'll change it over and do something different. The situation from the first time I heard this, second time I heard it, and what I'm hearing today; reinforces this impression greatly. I don't understand why it's not getting better. The inconsistencies in the plan are different today than they were before but they are still there. I don't have any real problem with the ideas and I don't have any real problem with the idea of developing in this area. I think the traffic problem is going to be extraordinary severe.

Ben Levine – 5062 Terrier Lane, Indian Land SC. I just want to say upfront that this builder has been very forthcoming with all the citizens in terms of having a town hall meeting and I know of at least two other occasions where they sat down and talked with

citizens. I really hope this is something we see in the future as we have more developers coming into the area. PDD's may really be a confusing and imperfect area of the current UDO. At the end of the day that is the zoning that the builder's decided to use; they've chosen to go with that because it was closer to what they wanted to do even though you can see there are many differences from what the UDO lists as minimums in what they would like to do. At the end of the day the way that the UDO is written, it's really up to you to decide if that is something good for the area. We may have a rewrite in process and a rezoning moratorium but right now we are still following the current UDO until the rewrite is completed and accepted. I would almost actually think that this might be in the developer's favor and might benefit from being in the middle because as the last one they may can get a higher density of housing before we make the changes. As it exists this project will have to be taken as it is because while it's a PDD it might as well kind of mean whatever the builder would want to sell to the Planning Commission and to the Council. A lot of the items are different including the densities. Just due to the fact that the densities as they are being discussed in the plan at 4 and 8 and using open space in those calculations. Which is not actually what the UDO describes but then again it's a PDD and they can make those measurements however they want to. It sounds to me that the densities might be better off with the rewrite and where they will have those higher densities to choose from. As I understand, if this fails as a rezoning then I believe they have to wait a year to apply again. One thing I did like that they discussed tonight was undisturbed buffers. Peter was talking about the natural undisturbed trees that are across the street from Karriker Court. I'm really happy to hear that someone else is getting behind these undisturbed buffers and these natural trees. What I would like to see also is if they are so good there that the developer would want to keep these around areas of the property where they would be going up against a lower density of residential units. So in other words, around the multi-family area where you do have some R-15 as well as around the single-family portion where you have a lower density of R-15P on the other side. Obviously there are some places like the multi-family rezoning area to the South where I don't believe it's actually as necessary to have that higher density. I think that should go on the multi-family that will be developed and probably have a higher density than the single-family which will be going there. I did have one question and I don't know if this can be addressed or not. I was reading the current UDO and in Appendix B, Section 13.12.2 it states that a master plan must be submitted 60 days prior to the request being reviewed. The exact wording is master plan must be submitted 60 days prior to the regularly scheduled meeting of the Planning Commission at which the PDD request is to be reviewed. I know we did have one master plan that was submitted awhile ago and we determined that this one was quite different enough to the point where we would have another public hearing. I don't know if that is just for the benefit of the Planning Department to review or if that is something that actually needs to be followed so that the citizens have enough time to be able to look at a master plan for 60 days.

Gary Holland – 8728 Collins Road, Indian Land SC. Mr. Chairman I have here in my hand a copy of the petitioner joinder agreement. I did not notice that this was in your packet tonight. If I may I would like to give a copy of this to the clerk. The reason I mentioned that is because there is some 14 of these joinder agreements that are attached in your packet. When I look through and see these particular residents are consenting to

rezoning of their parcel to a blank. They are signed and notarized but the joinder agreements are not complete; so I wanted to bring that to your attention. Then also given the importance of the UDO in Lancaster County I would like to see Section 25 Controlling Ordinance, changed to exempt the UDO requirements of buffers. In my opinion the PDD requirements for buffers listed in the UDO should always be controlling. So in the event that you do approve this rezoning, I would ask that you consider that along with Number 2; PDD-27 ordinance Section 10(b)(4) buffer states "Buffers and Setbacks", for the perimeter of the development shall be in accordance with Section 13.12 of the UDO unless otherwise specifically provided for in this ordinance." That section of the UDO states: "The border of the proposed PDD that is not adjacent to a road must be buffered by a minimum of 40 foot undisturbed buffer. Within this 40 foot undisturbed ingress/egress to the property shall be allowed, as well as utility easements and sidewalks." I would like to see this language used to describe the perimeter buffers of Section 16(a) and Section 16(c) of the proposed PDD-27 with the exception of the 50 foot dimension. The adjacent property owners need to have some separation and protection from high density PDD properties by providing undisturbed buffers with utility easements. Number 3, research into all approved PDD's in Lancaster County revealed that prior to PDD-26 which is what this particular PDD is patterned after; the authority for buffer review or variance was granted to the architectural committee, the Lancaster County Joint Planning Commission, or simply in some cases the County. PDD-27, Section 16(a) states: "If the use is adjacent to a similar use, on an adjacent tract, this perimeter buffer may be removed with approval of the Planning Department". Section 16(b) states: "After it lists several hardships" then the Planning Director shall waive the buffer requirements for that site. I think since the Planning Commission and County Council have the authority to set buffer requirements in a public hearing setting, then they and they alone should have the authority to grant variances and do so in a public hearing. I have a problem with decisions which affect so many adjacent property owners being made outside of a public hearing. So in summary if I may: 1. I would like for you to exempt the UDO, PDD Buffers in Section 25; 2. I would like for you to provide separation and protection by requiring all perimeter buffers to be 50 foot and undisturbed with ingress/egress and utility easements as specified in the UDO. I am living with the 50 foot undisturbed buffer right now that you granted me and believe you me a buffer should not be less than 50 feet. 3. Grant the Planning Commission the authority to review buffer variance requests through public hearings. This would affect Section 16(a) and Section 16(b). And lastly, I am opposed to granting any variance for increased density or decreased lot sizes or reduced lot widths in a PDD, especially in this one that is before you tonight.

Kathy Garner – 8336 Lake Providence Drive, Matthews NC. I have some prepared comments but yet at the same time I would like to provide unscripted maybe some history of the properties that are part of the assembly of the 180 acres that is being called Avondale. These properties have been worked by brokers and home builders for over ten years. A lot of these folks have had brokers and home builders knock on their door for months and years and years. These folks have come and knocked on their door because they want to buy that land and develop that land to be able to build some houses or something that fit with the current market demand. As time a lot of these properties were

put together, ESP also had created a site plan. I don't remember at that time if it was Mercedes Homes or if they came later or before that plan; but a plan was developed for single family development on a large portion of the properties that we are calling Avondale tonight. Due to a couple things that occurred, slow down in the economy, the great recession that never happened. The eighteen acres across the street behind Brook Haven sold recently, that one corner is gone. The other corner is made up of a lot of small single family lots. That will probably stay that way for many years when you look at development. But when you look at the other two corners, large tracts of vacant land that are there with only one home site; those folks have had knocks on the door. You might think maybe for only six months, it's been going on for over two years. Those folks just has they were ten years ago, they are ready to sell now. As Janel Withers said, they will sell. I have to say and I hope this isn't too confidential; that of all the folks that came to the door and all the brokers that came to the door, and all the developers that came to the door. Everybody was waiting for the right builder; they were waiting for the right opportunity. Those folks were waiting for something that would be representative of the history that they have with that property. They felt that Sinacori Builder's, out of all the offers they have been given, out of all the phone calls and people coming to their door that Sinacori would come and put this together in a viable way and a way that reflected the history of these folks and a way that would honor what is now called the Panhandle of Lancaster County. Which is now really part of a major metropolitan area and those folks chose to go with this builder because of the integrity he builds. I've heard a lot of comments about how it seems that the plan is unstable and unknown and has been very scattered. But as you all know from the work that you do it is a work in progress. Many of us here probably and hopefully had the opportunity to build a house and when you first see that land you think I know where I want to put that house. But once you get an engineer and others involved you find that you have to move that house to a different part of that property. All of us here whoever finished a home that was either partially under construction or built it from the ground up; whenever we show it off to our friends and neighbors and have that first Christmas dinner; we say oh we love it, it's everything we want. But there is always a comment "But", if I had to do it over again I'll tell you what I would change. I think the County and these properties and these property owners are at a point of being able to build what they want to build and also to look around and say but let me tell you what I would change. I really respect the tenacity of the folks, the work everybody has done; the time and energy that everybody has put into this. I want to applaud everybody and ask you to keep that dialogue open and keep the conversation going and see if you can't make this the best PDD as you phase out of this UDO and move into a comprehensive plan.

Dean Withers – 10055 Harrisburg Road, Indian Land SC. I grew up on Harrisburg Road with a passion for horses, motorcycles, and just being outside. A lot has changed up through there; from 160 going just two miles north up to the traffic light. When I was growing up you had the Culp farm, the Patterson farm there, the Potts farm, the Hall farm, the Hawfield farm, and the Ross farm which I have now. The Carr farm which is all Bridgehampton now and the Moore's farm; those days are gone. The little farms are gone and have been for a long time. I work for the railroad to make my living. This PDD will allow for a nice unified development because we can't farm it anymore, it's

just not there and we will be going away. The gentleman that spoke earlier said he saw the 70 acres that was next to him being gone now where his kids played; he didn't own that 70 acres. Our 31 acres will be going away. The eighteen acres across from me we recently sold because my parents died and part of it belongs to my brother who lives in Texas. He doesn't want to live here anymore. When we still owned the property Bridgehampton was beside it and the kids would come out and go into our woods and had forts to play in. I knew by leaving it that I was putting myself up for litigation if something went wrong. It seemed like the right thing to do. My wife and I would walk down Karriker Court and through Bridgehampton at night. Then my wife brought to my attention we couldn't do that anymore because that is private property. You don't walk down there anymore. So while the Bridgehampton kid's were playing in our woods and I thought was the right thing to do; I am not allowed to walk down there street; something just seems odd.

Waylon Wilson – 15117 Legend Oak Court, Indian Land SC. Whether this body recommends approval or denial of this ordinance; I would like for one thing to be added and that is agricultural use to the prohibited land use in Section 8 Category C in this ordinance.

Penelope Karagounis – Just to clarify some statements that were made. Back in 2006 I believe there was an amendment to the PDD regulations to what Mr. Tatge was referring to regarding the points system. However the recommendations or the statements that he made about Walnut Creek and Sun City, that was before the 2006 amendment of PDD's which allowed the 40 foot and the 50 foot lots back then. Since 2006 we do not allow those types of lot widths; I just wanted to correct that statement. At the end of the actual conclusion of the recommendation, it was not just about the UDO rewrite. The whole section of part 3 describes some of the things that have not been addressed. The document that Mr. Tatge referred to, a letter that Mr. Sinacori is agreeing to; I would like to have a copy of that to have for my files. That is something that is new to me and my staff would like to review it as we forward it to County Council.

Peter Tatge – The surrounding neighbors, I love them. We met with them and had dinner with them. They came out to the church. A lot of their experiences are valid. When you see what has gone on in Indian Land over the years. Penelope and her staff have been hard at work with text amendments, road standards, and sidewalks. I went into the whole comprehensive plan promotion. Their perception of development, can I be candid, is not real good. So we are coming forward and we are developers, the perception is we are going to perpetuate bad streets, no sidewalks, no open space. Indictments of old ordinance lore; since then Penelope and her staff have and you all have been fashioning more stringent regulations, and higher requirements. The bar has raised. Sinacori is here to raise the bar with you. Traffic, traffic, traffic, we've heard; I have Jake Carpenter here and he is filling out a lot more per hour than I am and I would encourage you to ask him questions. We are paying our way. We are fixing other peoples problems in Indian Land with those intersection improvements. Millions of dollars of infrastructure to correct the sins of the past. The traffic report is underway and we are looking forward to those comments. I hope we got the check signed properly. We made it out to the consultant's

instead of the County. We want to correct those and we want to address those traffic improvements and I think if somebody dove into that and look at those improvements they would say oh my gosh. This is an improvement to what we have been experiencing over the past with the number of trips that are on those roads today we are far in my opinion of outweighing the impacts and certainly mitigating and SCDOT will weigh in on that as well for the county in addition to the third party traffic reviewer. So the idea is this is a good project and you've heard about me before; I'm not going to go through all the comments. I'm sensitive to their perception of what is going on in Indian Land. We are hoping along with the County, PPP, Public Private Partnership to try to correct those things with a better development; what the ordinance is requiring, what the concessions are outlined in that letter. You can see I've stipulated those on the record. Those are the things that we are willing to commit to. Lower the building heights, increase lot standards even though there are other portions of the code that say that is not allowed. We want to keep the trees along Harrisburg Road. We show buffers on our master plan. We are compliant with the density. I will make the correction in the PDD ordinance. It is 800 units per that letter. It is not a 1,000. It is not a 1,100. It's not 1,800, its 800 units. Its 600 homes and it's 200 senior residences that will be consolidated in Village B. I just want to get on the record and yes Penelope and Alex are correct, we did have a Scribner's Error and we left one of the village assignments in there so there was a repetitive number of the 200 units and it appeared to be a 1,000. 800 units is what is being proposed and that nets out at about 4.46 dwelling units per acres. Remember the comp plan, high density, 4 to 20. Sidewalks, comments about what a joke, where are they going to go; we are going to change that. You are going to change that. Everybody is going to change that. We are going aggregate an improvement plan which your overlay ordinance requires and we are going to improve pedestrian accessibility throughout Indian Land with almost five miles of sidewalk. I ask you to quiz on our traffic engineer. He can tell you about the improvements if you have questions. I appreciate your consideration sir and we look for your favorable review of this project.

Jerry Holt – As the Planning Director went through the staff report there were a number of items that were pointed at where we had conflict either between the master plan and the PDD ordinance that is proposed. What we have since heard is that there are some concessions. One of the discrepancies was the lot width did not comply because of the proposed 50 foot lot widths and that has now been changed to 55 feet. There was another discrepancy that was indicated in the report that indicated it didn't match the requirement for the mix. I think the mix requirement only applies to the cluster subdivision overlays so it's really not pertinent to this.

Penelope Karagounis – It's in the PDD. It states up to 33 percent. There is a section in the PDD that talks about variation of lot widths.

Jerry Holt – If we were to approve this as proposed and again at this stage because we are not doing final site plan, we are doing this. Is it appropriate for us to say that they have to meet the mixed requirement? They have now come up and said that they have satisfied the minimum lot width requirement. But we don't know which of the lots that they are changing. I think they had one that was 40 something feet and two other lot widths that

were 28 percent in each of the other two. Is that correct? (Unable to hear response). So right now that is still a variance request.

Penelope Karagounis – The PDD documents, the ordinance, that is when the developer asks for a variance.

Jerry Holt – Do we get into that kind of detail?

Penelope Karagounis – No, this is going to the county council and with the development agreement, they take a look at that. You are correct they will come back as a preliminary plan. The only difference is between a B-3 property is once they come back the rules that are set in stone is what has been signed by County Council with the 3rd reading of the PDD document; not necessarily the overall UDO. It's the 15 page document that they attach with the master plan. If that gets adopted then the rules are set in stone and it doesn't matter what is in the overall UDO, it is what is set in the PDD that you are bound by. When you come through the Planning Commission you can't make special requests. You are required to go by the rules that are approved and locked in by the County Council.

Jerry Holt – So we basically send them something that is incomplete because we know that we've got all these things that are not yet resolved?

Penelope Karagounis – That is correct.

Jerry Holt – I just wanted to clarify.

Charles Deese – It's just a rezoning of the property tonight. The preliminary plan and the development agreement and other things have to be finalized.

Jerry Holt – One of the primary issues was lot width that now appears to be ok. They made the concession so that issue is resolved. The other issue was the discrepancy in Village B, the number of senior units; going from 220 down to 200. That kind of leads me into one of the other open issues which had to do with whether or not open space was appropriately considered in the overall density of the project. By reducing that 20 units, are we now ok with overall density for this 180 acres?

Penelope Karagounis – We are not sure based on the calculation how it's set that you don't include the open space. We just keep on asking can they give us that figure. He mentioned that he might not even be at 8 units an acre. We just don't have answer of how much of your acreage; delete that from the total acreage so we can get the density. That is how the regulation is set. We need that information.

Jerry Holt – We don't have to clarify that right now to be able to vote on what we are supposed to vote on?

Charles Deese – No you do not.

Jerry Holt – Building height is essentially the same way, reducing it from the proposed 60 feet to 50 feet. The buffer on Harrisburg Road, it clearly seems to make sense to maintain the natural buffer that is already there since that is mature growth. Do we address that here?

Penelope Karagounis – If that is something that needs to be addressed, I would address it so I can make the recommendation to County Council. One thing I will add, with that undisturbed buffer; we are going to need a tree survey. Is the applicant ready to commit to a tree survey? How are we going to know which trees out there that were undisturbed buffer without having a tree survey?

Charles Deese – Does that have anything to do with the rezoning?

Penelope Karagounis – It is part of your PDD ordinance.

David Freeman – I thought most of this would come back as variances though; height requirement the buffers; all this stuff we are talking about will come back as variances under the Board of Zoning Appeals.

Penelope Karagounis – No sir, not Board of Zoning Appeals. The PDD ordinance is basically asking for variances, so it doesn't go to Board of Zoning Appeals because they write their own rules.

David Freeman – Buffer yards and everything?

Penelope Karagounis – Yes sir, if County Council decides they are fine with it then that is what gets adopted with those variances; so they don't have to go then to a Board of Zoning Appeals.

Jerry Holt – One final thing that I had that seemed significant. The staff report looked at the four acres that was designated as being identified as potential park land; in other words, dedicated to the county for whatever use. That did not meet the requirement for at least five percent of the total land and being property which came out to around nine acres or so. The applicant stated that what is now being designated as the senior residence is deemed to be commercial. I guess what I'm asking, are you in agreement that with the senior component being commercial and the dedication of the four acres for the park, does that satisfy the normal PDD requirement for the percentage that needs to be set aside for commercial?

Penelope Karagounis – Because that information was brought to me tonight, I will have to look into that. I can't commit to that.

Jerry Holt – Can we vote without knowing that now? We obviously can but should we.

Penelope Karagounis – Tonight we are voting on what you have in front of you. Yes we do have something that was submitted and that will be amended but overall what you

have in front of you, the master plan and the PDD ordinance; that is what you are voting on to make a recommendation to approve. If there are things with your motion that you would like to see as a condition to change; you can make that as well.

Jerry Holt – We had two other comments then and I'm asking whether or not it's in this one that these belong or if it's in the next one with the development agreement. On the inclusion of agriculture as one of the prohibited uses from the PDD ordinance, that was in 8-C and I think it is in the ordinance. So that is part of this particular subject right?

Penelope Karagounis – Is that in the development agreement?

Jerry Holt – On page 19 of our packet so it is in the PDD; Section 8(c) has a list of the following land uses that are prohibited in PDD-27.

Penelope Karagounis – That is what the applicant has put and they probably used that from the PDD-26.

Jerry Holt – I would agree that if we are going to vote to accept this, that we would add agricultural uses to that list of....

Penelope Karagounis – For number (14)?

Jerry Holt – Yes.

Penelope Karagounis – Add number (14) as agricultural use for

Jerry Holt – It says the following land uses so agricultural by the term by itself should be sufficient.

Penelope Karagounis – As a prohibited....

Jerry Holt – To insure that not only are they not farming or growing crops there for profit but it also prevents any portion of the land being set aside for a low tax base agricultural use. Which may or may not apply in a PDD?

Penelope Karagounis – Sure.

Jerry Holt – Let's go back to buffers again.

Penelope Karagounis – These are in a form of conditions now?

Jerry Holt – Yes, in fact I think that is the only condition that I've actually come across. The others I'm not sure that I understand well enough yet. You've already indicated that we are sending that to County Council to resolve or the development review committee. Getting back to what Mr. Holland just brought up where we got into the undisturbed buffer; we have fought that battle a couple of times and council supported it once and

then reversed themselves. Let's try again inserting the requirement for "undisturbed buffers".

Penelope Karagounis – What page are you on?

Jerry Holt – I am now on the handout that Mr. Holland has just given us.

Penelope Karagounis – Should be in your packet on page 22, Section 10 (b) (4).

Jerry Holt – The recommendation then is to use language to describe the perimeter buffer in Section 16 (a) and 16 (c). Basically what we are doing is going back to clarifying that these 40 foot buffers are undisturbed and we have put that back into PDD-26. Council approved that, then reconsidered and threw it back out again. If we are going to vote on it then I prefer to vote for something that I think is the right thing to do. I want to make that as a condition that the 40 foot buffer be undisturbed.

Penelope Karagounis – So where it currently states today on page 22 – Buffers and setbacks for the perimeter of the development shall be in accordance with Section 13.12 of the UDO unless otherwise specifically provided in this ordinance. Delete that and just say Section 13.12 which Mr. Holland has said; the border of the proposed PDD that is not adjacent to a road must be buffered by a minimum of 40 foot undisturbed buffer. He goes on to say within this 40 foot undisturbed ingress/egress the property shall be allowed as well as utility.

Jerry Holt – Correct.

Penelope Karagounis – He goes on to say 16 (a) which is on page 25.

Jerry Holt – On page 25 it refers to a minimum of a 40 foot buffer, next to the last line on that page. What it leaves out is "undisturbed". Where it refers to the 40 foot buffer we are clarifying it as being a "40 foot undisturbed buffer" with the exception being obviously for right away easements for utilities.

Penelope Karagounis – So basically we have three conditions.

Charles Deese – Two.

Penelope Karagounis – The second one is a two part.

Jerry Holt made a motion to approve with the following conditions: add agricultural to the list of uses not allowed as stated in the agreement; anywhere it refers to a "40 foot buffer" we insert the word "undisturbed"; and David Freeman seconded the motion.

Tommy Dabney – Let me say one thing. I hate to send a document forward with our approval that doesn't state or it's so out of whack with what was presented as this is. I'm just going to disqualify my vote.

Charles Deese – I hope everyone understands what we are voting is a rezoning for a Planned Development District. Mr. Holt has added two conditions.

Jerry Holt – I agree with Mr. Dabney’s comments. I think we should have a completed document so that council can look at it and feel like the staff work has been done.

Tommy Dabney – We are sending work for them to do and that is not what we are here for.

Penelope Karagounis – Unfortunately Mr. Dabney we cannot continue this since we have already continued previously. Whatever the motion is tonight and whatever vote takes place; even if we don’t vote it still becomes a favorable approval if we decide not to vote on this document.

Tommy Dabney – I understand all that but I’m not comfortable with us not doing our job.

Charles Deese – I have a motion and a second with the two conditions.

Jerry Holt made a motion to approve with the following conditions: add agricultural to the list of uses not allowed as stated in the agreement; anywhere it refers to a “40 foot buffer” we insert the word “undisturbed”; and David Freeman seconded the motion.

VOTE: 5 AFFIRMATIVE 1 NEGATIVE MOTION CARRIED

The one negative vote came from Tommy Dabney.

Penelope Karagounis – This will go to an Infrastructure and Regulation Committee so it will probably go to County Council in September.

David Freeman – Is this the last one of these we have in the middle of this transition?

Penelope Karagounis – Yes.

DA-015-002 – Sinacori Builders, LLC (Avondale Development)

Penelope Karagounis – Other than what you have in front of you I have no other changes to be made about this development agreement.

Gary Holland – 8728 Collins Road, Indian Land SC. As far as the undisturbed buffer, what I intended and I know you’ve already taken your vote and will pass that on to County Council. But for the record, there is a minimum of 40 foot in 16(a) but there is a 50 foot in 16(c). I intended for both of those buffers to be undisturbed. I will take that up with County Council, thank you. As far as the development agreement, I have just one request. In Article III Section 3.05 “Transfer of Development Rights”. I would ask that you would amend to add/include a subsection (B) to Section 3.05 which would read similar to the following: “The Chief Zoning Officer for the County must review

compliance with this agreement by the developer. If the developer fails to comply with Section 3.05 (A) then the County Council may unilaterally terminate or modify this agreement. Prior to terminating or modifying this agreement as provided in this section, the County Council must first give the developer the opportunity first to rebut the finding and determination, or second, to consent to amend the agreement to meet the concerns of the County Council with respect to the findings and determinations. Be it noted that during this time of rebuttal and/or consent, no development will be allowed to move forward by the developer or his agents.” Just to indicate the reason that I would like to see you put that into this development agreement is because we have several development agreements that have already been passed by this board and also the County Council that are in place and when that Section 3.05 is a transfer of development rights after property has been sold. The developers for whatever reason are not adhering to the development agreement. If we could put something in place that would create more attention to following and adhering to the development agreement, then I think the County would be better served and so would the developer.

John Wilt – 903 Rock Hill Highway, Lancaster SC. I think this development agreement has the same problem that the zoning plan that you just approved had. I don’t think if you go and read it after the fact that you have a clear idea of exactly what you did.

Waylon Wilson – 15117 Legend Oaks Court, Indian Land SC. I agree with the comments that you have from the county manager Mr. Willis but I also have a couple other comments. In keeping with the spirit of Chapter 13 of the UDO, a copy of the development drawings should be given to any homeowners association with this PDD when it’s turned over. These records should be done in a DWG or DSX format as well as a PDF format which is called for in the UDO is needed to allow the new association to properly maintain common items such as permanent storm water structures, roads, sidewalks, landscaping, etc. These record requirements along with other building data should be also included; such as any community items such as clubhouses, swimming pools, etc. Also I suggest that 3rd party testing should be done to any of the private roads so that they are ensured to meet county standards. Although they will be private I still think a 3rd party assessment of roads should be required.

Jerry Holt – I can’t find the text in the development agreement right now but in the planning staff report it sites the old numbers of 560 single family lots and 450 multi family lots. So we are back over a 1,000 in that, I can’t locate that in the development agreement. I want to make sure it is consistent.

Penelope Karagounis – Because this document is going to the I & R the attorney for Sinacori Builders Mr. Ben Johnson, will have this revised with the new section. That is going to be updated.

Jerry Holt – Also the planning report states that under this development agreement Avondale Development, Sinacori Builders, would be vested for five years. It’s not clear to me what that means. What happens at the end of five years if this project is not completed?

Penelope Karagounis – Mr. Weaver would you like to respond?

John Weaver – Vesting rights would be lost.

Jerry Holt – What does that mean?

John Weaver – That means that the agreement that has been reached in the development agreement by the parties, the County and the developer, would no longer be applicable.

Jerry Holt – If they have not completed their build out. They have roads that go nowhere and sidewalks have not been installed. Are there enforcement conditions; are there any funds that are escrowed to ensure adequate completion of infrastructure or those kinds of things?

John Weaver – Infrastructure will be completed within that time frame or at least should be. There is no penalty that the County has to enforce. Infrastructure must be in place at the time that the lots are sold. It used to be that you could bond that stuff off. You can't do that anymore.

Jerry Holt – So if we assume that a portion that is not developed at the end of five years is what isn't currently zoned as R-15; I know part of this was R-15P some of the lots were B-3. If at the end of five years they are not done and they happen to have a vacant lot or a section. Does that mean that they would be compelled to build out the rest of it at 1.5 units per acre because that was the present day zoning of R-15P? At the end of five years if this development goes away it means that they can't develop a 55 foot lot again.

John Weaver – You are correct. I have some vested rights that are for 20 years or for longer periods. This five year period was what they have asked for. So I assume that their plans are on a much more rapid pace than might otherwise be. I will also tell you that there is nothing impermissible depending upon the change in the economy, depending upon all kinds of unknown factors in the future that amendments can be made to this. Any time they can come back for an amendment that would come back before the Planning Commission and also council. So this document if approved by council with certain modifications that we've all talked about is not necessarily the law of the land forever and a day; amendments are permitted.

Jerry Holt – There is a reference in here to the storm water management plan. That can have some pretty serious impacts especially for the Indian Land area where the development is occurring. The question was raised I think by the County Administrator, do we need to include anything like that from there. I stepped back a step further and say at some point will the Planning Commission be getting involved in what is going to happen with storm water management requirements?

John Weaver – That would be a state requirement and in compliance with those state regulations.....unable to hear complete response.

Jerry Holt - I would like to bring up what Mr. Holland discussed regarding at certain times with the transfer of development rights. Should the zoning officer be involved to ensure that everything is in full compliance before those rights could be transferred? It would seem to me that should be an important condition that we would put in there to keep somebody from being let off the hook on fulfilling their requirements. I think that is a worthwhile provision to include as a recommendation to the development agreement. Also regarding Waylon's remarks; I've had a discussion with him before on the completion of these projects and when the developers should be required to turn off as built drawings if you will for infrastructure such as storm water management sewage to the HOA who may have the responsibility for maintaining those things in perpetuity. I don't know how that gets ruled in to the development agreement so I need a better handle on that. I think that is something that we do need to consider in the future. The other regarding the zoning officer's role in this before the developer can transfer the rights; I would propose that we include that as a recommendation for inclusion in the development agreement.

Jerry Holt made a motion to approve with the following condition: chief zoning officer for Lancaster County would review compliance with this agreement before land transfers take place; Jim Barnett seconded the motion.

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

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.

David Freeman made a motion to approve. The man has been there for 30 years and they are not selling a pig in a poke. I understand it will go to Industrial. They are not newcomers; they have been there for a long time.

Charles Deese - Do I have a second? Hearing none the motion fails.

Jerry Holt – When we talked about this once before; this property was originally zoned when the zoning came into effect in the Indian Land area as the property owner had stated. It was subsequently rezoned when all the residential property up there was rezoned from R-15 to R-15P with the panhandle designation. I would agree that it is clearly unfortunate that we are in this position that much longer after the initial zoning has taken place. But the bigger problem right now is the fact that surrounding him there have been more than 1,000 homes that have been built with no evidence whatsoever that there may be an industrial tract. In our package last time when we addressed this a couple months ago, there was a section in there on spot zoning. This says zoning a small parcel is an island surrounded by a district with different zoning, may be spot zoning. The Supreme Court has stated that invalid spot zoning is the process of singling out a small parcel of land for a use classification that is totally different from that of the surrounding area to the benefit of the owners of such property and to the detriment of

other owners. That is exactly what we have here; we have an island which is in the midst of at least 1,000 other homes that are zoned residential. Whether R-15P or within the PDD that is immediately adjacent to it. This is a situation where if we rezoned to Industrial, there could be a number of uses that would be an adverse impact to the owners of those residential properties. It is clearly the wrong thing to do now to rezone that to an Industrial use.

Jerry Holt made a motion to deny and Tommy Dabney seconded the motion.

VOTE: 4 AFFIRMATIVE 2 NEGATIVE MOTION CARRIED

The two negative votes came from Jim Barnett and David Freeman.

RZ-015-012 – Rezoning application of Sandhill’s Medical Foundation to rezone ±2.28 acres from R-45A, Rural Residential/Intense Agricultural District to B-3, General Commercial District. The applicant is proposing to build a medical office building.

Nick Cauthen – Presented the report.

Bart Miles – CFO, Sandhill’s Medical Foundation, Inc., 645 S. 7th Street, McBee SC. We have been operating in the Kershaw area for three and a half years. We have six clinics across the state. One has been operating in Kershaw on West Marion in the old Dr. McDowell’s office which is a very small office for what it is we need to do. We are trying to build a 8,000 square foot building on that lot. We offer access to the public based on their ability to pay. They get discounts based on their income level and family sizes. We will also operate a pharmacy out of that which is just for our patients. We are basically just moving three quarters of a mile across town.

Sheila Hinson – I need to sign a recusal form because I cannot vote on this since I helped in putting this rezoning request together.

Penelope Karagounis – Ms. Hinson after signing the recusal form we will need for you to step out of the council chambers until after the vote.

Jerry Holt made a motion to approve and Tommy Dabney seconded the motion.

VOTE: 5 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RNC-015-001 – Road Name Change Application – Belvedere Drive

Nick Cauthen – Presented the report.

Charles Deese – Just a word of clarification, prior to a vote that was taken sometime back with the Planning Commission the rules for changing road names required a 75% of the land owners and a petition agreeing to change the name. But under state law, if a government entity such as E-911 comes to us and requests that a road name be changed to resolve a conflict in road names then we are obligated by state law to make that

change. That is the reason that you don't see any groups of names and petitions along with these roads because they are being requested by our E-911 Coordinator.

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

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Charles Deese – This is one that does not have to go to County Council. The Planning Commission makes the final decision on road name changes.

RNC-015-002 – Road Name Change Application – Alpine Lane

Nick Cauthen – Presented the report.

Jerry Holt made a motion to approve and Tommy Dabney seconded the motion.

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RNC-015-003 – Road Name Change Application – Carolina Lane

Andy Rowe – Presented the report.

Jerry Holt made a motion to approve and Sheila Hinson seconded the motion.

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RNC-015-004 – Road Name Change Application – Cedar Lane

Andy Rowe – Presented the report.

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

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RNC-015-005 – Road Name Change Application – Bowers Street

Andy Rowe – Presented the report.

Elizabeth Wright Reid – 209 Bowers Street, Heath Springs SC. My question to this change is why? I have lived on that street all my life. A month from today I will be 68 and there has not been a problem. I just wanted to know why? Did you take into consideration we don't have one piece of paper to change? We have a lot. You have your license, a number of things and were those things taken under consideration. I heard it was for medical reasons or 911 reasons. We haven't had any problems with anyone calling for help and they got lost. Why at this point make the change? I know it's going to be done but I wanted to know why.

Steve Willis – PO Box 1809 Lancaster SC. I came up instead of Trish because I was part of the group that moved forward on the actual ordinance for this process. The technical part is being carried out by Public Safety Communications. As we have gone into the

911 system, one of the things that we have found is that when 911 first started ages ago back when I was with the police department; cell phones virtually didn't exist. Everything came from a land line and the land line could be tied into a specific location. We can't do that with cell phones. Currently today 911 is getting approximately 80% of their total costs by cell phone. They don't have the land line identifier tied in. So one of the things that we have to go through is where we have duplicate road names. This is just the first. There are going to be hundreds of these coming where we have duplicate road names or names that are phonetically so close together that it is impossible to someone on the other end of the cell phone. In an emergency it would be nice if they would go "yes" this is Springs Street in Lancaster or Heath Springs or Kershaw and I have the following emergency. We have three of these street names. That doesn't happen when someone is calling in for an emergency. Those poor folks are upset and calling we need help down here on Springs Street, hurry hurry. The phone goes dead and we don't know which one. Because of that we are having to go through and where we have duplicates and phonetically similar road names we are having to make changes. As the chairman indicated it is state law. We don't have much choice on this. One of the things that they have tried to do is when they went through and deciding on who is going to have to change their road name; because somebody is. It was by who gets impacted the least and some of it is just sheer numbers. As you heard today some of the folks are going to be complaining. My mom is giving me all kind of grief because Williams Street named after my granddaddy is one that is going to have to be changed in Lancaster. We have to do it so that of course is the reason behind it.

Sheila Hinson – How many streets is named Bowers Street?

Steve Willis – That is a technical question.

Trish Hinson – There are two. There is a Bowers Street and a Bowers Lane; one in the Kershaw venue and one in the Heath Springs venue.

Sheila Hinson – Which one has the most population on them?

Trish Hinson – The one that has the most legal qualified residents is the one in Kershaw.

Sheila Hinson – So why are.....

Trish Hinson – They have the most qualified legal residents....

Sheila Hinson – Ok, so it's harder to change that many people.

Brief discussion between Sheila Hinson and Elizabeth Reid.

Steve Willis – We hate but cell phone cannot differentiate between Indian Land and Kershaw. We are having to look at this county wide.

Jerry Holt – Mr. Chairman since we have a resident on that street who doesn't want the name changed, we have two proposals for the new name so why don't we let her make the choice tonight.

Charles Deese – If she wishes to do so.

Elizabeth Reid – Whatever you all want to pick is fine.

Jerry Holt made a motion to approve with the name change of Depot Drive and Jim Barnett seconded the motion.

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

New Business: APA Membership – Planning Commission Members (Penelope Karagounis) I would like to offer to pay for the membership of each board member to allow them to be a member of the American Planning Association. It is a website that you can login into and receive planning information and a monthly magazine sent to your email address. I think it is very important because it outlines information and growing pains in other counties and cities throughout the country which they are facing as well as some innovative projects going on. I just wanted to provide that service and thank you for your time since you don't get paid anything for coming to these meetings. I think it's important to offer you this and I would be more than happy to pay for your membership.

Charles Deese – We would all love to have this membership to the APA.

Old Business: Planning Workshop Meeting Rescheduled for August 13, 2015 @ 5:00pm. We will also have the UDO rewrite meeting with Kara Drane the consultant with Catawba Regional Council of Governments around 5:45pm that night.

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

VOTE: UNANIMOUS MOTION CARRIED

Respectfully Submitted,



Charles Deese
Chairman



Penelope Karagounis
Planning Director