

the local governing board takes final action on the plan". That has happened here and also the UDO Section 3.1 provides for vested rights upon any approvals in Section 3.4. Section 3.4 expressly lists preliminary plan. This is just too far in the process and you now have an approved plan and we want to move forward with that. Thank You

Tim Coey – 9829 Vixen Lane, Huntersville NC. I am here on behalf of Forestar. I just wanted to make sure the board knows that I'm available for questions or comments as we go through the process. The Bayard Group is managing the construction of Ansley Park and we hope to get started very soon. Obviously we have purchased a property a few months ago and we now have grading plan approval that we are working through and hope to get started on within the next month or so. We hope to have water and sewer plan approval within the next month or so. We are ready to go and very excited. It's a project that the Bayard Group has worked on for at least ten years. We brought before Forestar about a year ago to take a look at and they are very excited. We are here to answer any questions that may come up. Thank You

Sandra Hood – 9078 Hood Road, Indian Land SC. Our property adjoins part of the Ansley Park and I have lived on this property for 54 years. My husband was raised on this property and when we married I moved there. We have been farmers most of our lives until now; there is not enough land to do what we need to do anymore. We are still able to raise and grow some hay and bale that several times a year. This land means so much to us because we have raised our families there and it was my husband's fathers land. It is so precious to us. I know development is inevitable and that change has to be but when you get up in years like I am, you no change is something that you are hesitant to be a part of. I know people are going to speak about traffic and schools but my main concern is being able to keep our land like we have been accustomed to for all these years. I hope that the developers or whoever gets ready to plan for the 40 foot buffers or berms; please consider the people who have lived here for so long and the ones that love it. I'm sure other people come in and love it just as much as we do. We would like to live our life out on this property and in the life style that we've become accustomed to over the many years. Whatever you plan to do please consider us so we can continue our life like we have it now.

Phyllis Sklar – 2087 Clover Hill Road, Indian Land SC. I am here this evening because I did some research in regards to Ansley Park. I looked under Section 13.12.1-11(D) Sidewalks – A sidewalk will be required on both sides of arterial and collector streets. That means that the main collector street that is required per the ordinance and master plan between Henry Harris and Highway 521 must have four foot sidewalks on both sides of the road. The sidewalks must connect all components of a PDD. No variance agreement or waiver grants removal of these regulations. In Ordinance 650 Section 6-1.E, Sidewalks and Public Crossroads: Which states connectively we will provide for the use of sidewalks, the link, the various areas of the site. A variance shall be granted for the County UDO to permit deletion of sidewalks or cul-de-sac sidewalks only and on one side of a minor street. Here again, no variance for sidewalks or main collector that connects Henry Harris and Highway 521 have been heard by the council; nor have they decided anything about a bridge. Did they also take out the sidewalks or the main road

that the sidewalks are along both sides of? Another concern I have is related to the hiking trail in the federally protected Carolina Heelsplitter. I have an email from Ms. Morgan Wolfe, Biologist/USFWS in regards to the situation. Which of the following has greater priority to USFWS regarding the protection of the Heelsplitter? Keeping the natural habitat in place will migrate; she states that keeping the natural habitat to be protected must be of the utmost importance. I have also noticed in Ordinance 650 Section 2, page 2, area along Six Mile Creek may be utilized by the County for greenway trail if desired. The developer does not desire this trail to encroach the natural habitat. The citizens don't desire an encroachment. The Heelsplitter certainly doesn't want their natural habitat violated. The USFW would prefer you to avoid the walkway that destroys the habitat. By the way, the attorney stated that county and state laws are precedent here. Unfortunately this is a PDD and federal law overrides both county and state law. When you think about that I suggest strongly that you read the PDD references because this should not be allowed.

Wanda Rosa – 86614 Arrington Road, Indian Land SC. I would like to begin by saying something about the initial statements made by the representative from Forestar talking about their vested rights. If granted by the master developer and acknowledged by the County in writing they do indeed have vested rights. But please remember, Lancaster County according to Ordinance 650 Section 1.2 has been granted vested rights also. Forestar has been given vested rights to develop this property in accordance to an incomplete compliance with the adopted zoning ordinance, Ordinance 650. It is your job to make sure the submitted plans comply with that ordinance in every way. The only way to do that is if you have a copy of the ordinance. This has been talked about many times before back to the original discussion when did you in fact have everything that you were supposed to have in front of you to make the decisions that you made. It's not fair to anyone involved, the council, the citizens, and to yourselves unless you do the complete job and have all the information necessary to make these decisions. I would appreciate and would hope that the only remedy at this point is a motion to rescind or amend the original motion. Thank You

Ben Levine – 5062 Terrier Lane, Indian Land SC. You may be asking yourself the same thing I am, which is why are we still talking about Ansley Park. The main reason why is while everybody did a good job of reviewing everything it seems at the end of the day the plans that have been submitted and approved don't actually match the original ordinance. So the main thing that we are talking about here is that we had Ordinance 650 for the PDD and we had a preliminary master plan and then there were a lot of years of different things coming in and out; a bridge being removed in the development agreement which occurred before the master plan was approved. Where the confusion was coming in was when they were saying the bridge was being removed but there wasn't actually connectivity being removed. Connectivity is still part of the UDO and it is still part of Ordinance 650 and it's just not in the development agreement. If there was no variance asked for in a development agreement, it means there wasn't actually a variance for connectivity. Therefore, there still needs to be some sort of connectivity which is the whole point of a PDD. You live in a mixed use area near shopping and you can do both. I hope the Planning Commission can understand our argument. Thank You

John Delfausse – 7228 Shenandoah Drive, Indian Land SC. I come before you with a proponent of the roads in Indian Land in the County. I would like to suggest to the Planning Commission that any agreement or approval to move forward with the Ansley Park development take into account the impact on the roads, connectivity with US Highway 521 and Henry Harris Road; especially the impact at the intersection of 521 and Marvin Road. At the February 26th RFATS meeting there was a consultant who presented scenarios for the intersection of Highway 521 and Marvin Road. He presented at least four scenarios, everything from additional turning lanes to increasing Highway 521 to three lanes in every direction. Basically none of those scenarios did anything to improve the long term situation that is happening at that intersection. As Penelope knows I am in favor of roundabouts; I asked him after the meeting whether roundabouts were considered and said it was not but probably that was the only thing that would work in that location. We have a budget of about \$800,000 from RFATS for improvements in that intersection. Basically any proposal on the table which is not even going to solve the problem is well over 2 to 3 million dollars at this point. So the current budget doesn't cover it. The program is probably out there 3 or 4 years before it is going to help us. The County basically doesn't have a long term plan on roads. I had a meeting with Penelope Karagounis and Jeff Catoe back in October and it was suggested that we put a long term plan together for roads; maybe a UDO on roads. But certainly one of the actions we could take is take some of the funds we have this year out of CTC which is mostly going for paving roads and putting that towards the capital needs for the intersection of Marvin Road. RFATS has told us they could actually give us federal matching funds if we were to do something like that. One of the things I would like to put before the Planning Commission is that you should take action on that and see whether we can't get some funds out of CTC to put towards that intersection. Why is this important to Ansley Park? Ansley Park is sitting right in the path of a needed connection between Highway 521 and Henry Harris Road. There needs to be a road that connects to take some of the traffic off the intersection of Marvin Road and to allow the people who are going to live there ways of getting in and out without getting into the congestion of Highway 521. So I ask the County developers to take into consideration how the plans for the roads in the community will be impacted by this need and still consider perhaps even a perimeter road at the north or south side of this development. Please give us that needed intersection connector and take some of the pressure off Highway 521. Thank You

Waylon Wilson – 15117 Legend Oaks Court, Indian Land SC. – I am truly disappointed that corrective action or discussions are not on tonight's agenda of the violations of SC Code and UDO regarding PDD-21 that I brought to your attention at the last Planning Commission meeting. This has nothing to do with the development rights of Forestar. I assume my comments are reflected in your meeting minutes that have been approved tonight and I hope you have reviewed them. If not, I need to cover a few items. PDD-21 presently is not under one ownership and or transfer of rights of parcel owners have not been recorded as of April 26th. This is a violation of UDO Section 13.12. Ordinance 650 states that PDD-21 shall be comprised of all the land with the owner being the master developer. With three parcel owners the master developer is not in evidence; Lancaster County must enact something to officially sanction the master developer with the concurrence of all the other parcel owners. PDD-21 is not being administered and

planned as a unified site design which is required by SC Code 6-29-720. The master plan that has been presented does not have the written approval via signatures of all the parcel owners of PDD-21. I have also noted some misleading or incorrect information contained in staff reports Section 3 History of the Project. In 2013 I questioned before this commission the appropriateness of the preliminary plan without road connectivity not being indicated between the 521 subdivision side and the other parcel on the Henry Harris side. The County's attorney at that time from Columbia said that this was not an issue since the property on the other side of Six Mile Creek did not have a development agreement or something to that effect. How wrong could he be? This law firm seems to be issuing bias of opinions to Planning staff as well as this commission. Regardless, this prior subdivision approval has absolutely no bearing on present management, development, and approval of any of Ansley Park property. Since this approval and associated development rights have expired; again, it is incumbent upon you individually and collectively to proceed according to Lancaster County's regulations and SC Code. Please take up these issues I have mentioned to you previously so that County Council can correct the mistakes of the past and moved forward with the proper development of Ansley Park. Thank You

Jan Mercer – 9061 Henry Harris Road, Indian Land SC. (Gave pictures for board and staff to review) – After reviewing the preliminary plan for this development I count 18 homes that are planned in a flood plain. The handout you are getting right now is a picture of the flood plain from 3 weeks ago. Can you imagine if you were a young couple buying your first home and you get that in your front yard, your living room, and in your garage and flood all your cars. There are 22 variances that are granted in this Ordinance 650; does not grant a variance from UDO Section 13.12.1.11(B)-6 Flood Plain. Which reads: No lots in a PDD may be located in a flood plain. However, flood plain can count toward open space requirements. Looking at the picture – “That is the flood plain all the way up and there is 18 homes that are planned to be built in there”. I don't think that is what we would want for any family to have to deal with. The same plan showed two homes in the Carolina Heelsplitter Overlay District, the 200 foot protected buffer. No variance has been granted for UDO Section 2.1.5.5.B-2 which states: “That development may proceed subject to maintenance of a native forested buffer and no disturbance of the natural vegetation within a distance of 200 feet of the edge of the bank. Could this developer purchase mitigation credits to build these houses? Sure, but when asked of Ms. Wolfe/USFWS Biologist stated: “All things being equal, the USFWS would rather retain and protect the existing natural habitat rather than mitigate. As a reminder and I think the following note should be put in the approved plans. “Proof that the required credits were purchased at the time of grading permit was issued and shall be provided by Lancaster County prior to any building permits being issued from the County. Ms. Hood came up a few minutes ago and spoke to you about trying to protect her lifestyle; I'm her neighbor and I will tell you that a lot of the concerns with any of the neighbors are that we've had this nice peaceful environment out there and we are interested in having neighbors. We know it is inevitable but we want it to be protected. We want our lots protected just as Mr. Holland's were protected, just by a small buffer. I asked you back then with the Pulte development to go ride by and see

what a 40 or 50 foot buffer looks like. It is not much and to keep it undisturbed.
Thank You

Ken Kriz – 9399 Henry Harris Road, Indian Land SC. My property is also adjacent to Ansley Park and I just learned about the variances a few days ago. I did get notice that there was new zoning and a development would be going in there. I had no idea there was going to be variances in the current zoning laws. I jotted down a few notes here that I'm going to read to you. I believe the Planning Commission should consider all zoning regulations when they are reviewing the developments master plan; the Ansley Park subdivision should be no exception. I assume the setback ordinance was for the protection of current resident's right to enjoy their property and mandate a minimum buffer to allow for such. The make up of Indian Land is changing rapidly and I believe in the right to choose what type of development best suits a persons needs. I welcome new developments as long as they do not encroach on the rights of current property owners who wish to maintain the make up and personality of their current property as best they can. Arbitrarily granting a variance that narrows the setback buffers between new developments and current resident's contradicts the purpose of the zoning regulations currently in place. I strongly disagree with the commission's decision to do so and ask that they retract their approval of the Ansley Park subdivision in favor of a revision that complies with current zoning regulations. On the subject of providing a through way from Henry Harris to 521 Johnston for the resident's of Ansley Park subdivision; I believe that it is necessary. The two currently accessible routes from Henry Harris to 521 Johnston are via Marvin Road and Collins Road. Current westbound traffic on Marvin Road to 521 is already taxed at key commute times. The intersection backs up a half a mile and can take 10 minutes to traverse this short stretch of road. Collins Road is in severe disrepair and is dangerous to travel in its current state with motorists driving on the wrong side of the road to avoid pot holes and crumbling edges. Traffic at the 521 intersection is only relieved by people illegally cutting through the parking lot of Publix grocery store. Adding Ansley Park traffic to either of these two routes will only exacerbate an already difficult traffic situation. A throughway from Henry Harris to 521 must be provided for Ansley Park residents. Thank You

Penelope Karagounis – I signed Elaine Cornwell's name for citizen's comments since she could not be here tonight. She has asked that I read her comments. I am unable to attend the May 17th meeting in person however; I wanted to voice my concerns about the proposed Ansley Park high density subdivision adjacent to my property. I understand there will be a motion to amend the prior approval by adding certain conditions. One condition that directly impacts the value of my property is the perimeter buffer. Ordinance 650 states in Section 11.4 that "Buffers shall be provided in accordance with the buffer yard requirements in Section 2.1.4.1 of the UDO". In Section 6 (g) states that a variance is granted from the UDO standards to reduce or eliminate the size of my buffer. This is not right, no one told me my buffer was going to be reduced or possibly eliminated. Therefore, as an adjacent property owner I would like to request the developer agree to a condition that would allow for a 40 foot undisturbed perimeter buffer for my property (Parcel No. 0010-00-010.10) and for my neighbors property; Mr. and Mrs. Artero, Mr. and Mrs. Hood, and Mr. Kriz. Their parcel numbers are: 0008J-0A-

015.00, 0010-00-010.02, and 0010-00-010.04. I have been told that there has been over 20 variances granted to the developer in the 2005 ordinance and they are now requesting another one on the connectivity ratio. Do you think that maybe it is time to grant a variance that benefits and protects the adjacent property owners? I am requesting the perimeter buffer be increased from the approved 30 feet to 40 feet and establish it as undisturbed. If you want to grant Forestar Group the variance for the connectivity ratio that is ok with me but there should be a compromise or trade off somewhere. I think that is only fair. Thank you for your consideration of this request.

John Wilt – 903 Rock Hill Highway Van Wyck, SC. I am here tonight speaking for Jane Tanner. She fell earlier today and injured herself to the point where she could not attend this meeting. She asked me to read what she had planned to say. Jane Tanner lives at 7041 Whittingham Drive, Indian Land SC. The citizens of Indian Land have been promised additional traffic connectivity to ease the traffic on Hwy 521 for years, back to the 521 Corridor Study. Now that there was one designed in an Ordinance for a bridge connectivity in Ansley Park, it is removed. Bad choice, this connectivity would be a big help to improve the traffic flow on one of South Carolina's worst intersection, Marvin Road and Hwy 521. As President, I am speaking for the members of Indian Land Action Council. We obtained an attorney for a legal opinion regarding this matter. I don't have enough time to go over this entire legal opinion so I would like to highlight four points from it and leave you a copy for the record. Point 1 – Our attorney states that the poor drafting of the development agreement in November creates an unsolvable problem for a court. "We have two ordinances, each of which claims to be controlling. This gives rise to an endless loop of interpretation." Point 2 – And "More basically, we have the question of whether the changes in the 2015-1378 Ordinance/Development Agreement conflict with the requirements of the 2005 Ordinance #650." Point 3 – Mr. Foster is of the legal opinion that "No conflict exists between the language and requirements of Ordinance 650 and the two "minor" (so called minor, my emphasis added) changes effected in the 2015 Ordinance/Development Agreement." Point 4 – Let me just say here and this is Jane Tanner speaking. Since when did Lancaster County start putting zoning regulations in a Development Agreement? I thought the zoning ordinance was the place for land use regulations and not tucked away in some special Section 3.06. My zoning and planning committee researched every other PDD in this County and there is not a Section 3.06 in any of them except this one. As I stated earlier the citizens of Indian Land were promised connectivity and it was to be delivered via a main connector between Henry Harris and Highway 521. Indian Land citizens must be heard. Please apply the zoning and planning regulations of Ordinance 650 to this preliminary plan review or rescind and return to Council for clarification of which ordinance they want you to use.

Gary Holland – 8728 Collins Road, Indian Land SC. – In Jane Tanner's letter to you the last statement she planned to make in Point 5 was – The attorney said to state this another way; "The Council may have eliminated a bridge, but they did not eliminate the requirement of connectivity." While you are looking at the letter from Mr. Martin Foster, look at his conclusion on page 3. "For the reasons cited, it is my opinion that the approval of the preliminary subdivision plan for Ansley Park on February 16, 2016 failed

to address the relation of the “minor” changes made by the Development Agreement set out in Ordinance No. 2015-1378 to the requirements of Ordinance 650 and the UDO. At the least, these issues must be re-visited by the Planning Commission. In default of such action, the legal issues raised above must be resolved by the proper forum.” I personally believe that is the Sixth Circuit Court. My personal opinion is that the rush to fast track something on this vacant property, Lancaster County may have lost the sight of the whole intention of South Carolina Code 740 – Planned Development District. Which states: Regulation must encourage innovative site planning for residential, commercial, and institutional development within the PDD. Connectivity is an innovative design in that the residents of Ansley Park can walk or drive to commercial establishments without the need to drive down Henry Harris and up Marvin Road and down south on Highway 521; and then going into the commercial park there that ends up being less than a mile from their home to dine or to shop. After reviewing Ordinance 650 the master plan and even the recent development agreement, Mr. Foster cites the fact that there are no amendments on record to the 2005 documents related to connectivity. He feels there may be more regulations that you have failed to address such as buffers, roads, sidewalks, vehicular linkage, Carolina Heelsplitter, flood plain, fire safety, and of course the main collector. Mr. Foster on page 2 first paragraph states: “In the Development Agreement set out in Ordinance No. 2015-1378 passed by the County Council on 11/23/2015, Section 3.06 states that the County and the new developer acknowledge, agree and ratify two minor changes, the second of which is the removal of a bridge crossing Six Mile Creek”. In addition, the preliminary plat for the developer shows no development at all on the West side of Six Mile Creek. I want to ask you to either rescind the February decision or approve with all conditions that would make this preliminary plan subdivision come into compliance completely with Ordinance 650 and the UDO. Thank You

Sandra Holland – 8728 Collins Road, Indian Land, SC. – This matter is extremely important to the citizens of Indian Land and to my husband and I because we do not want the adjacent property owners of Ansley Park to have to live through the same thing that we went through and are still going through with Pulte Homes and Queensbridge. I want to pick up where my husband left off with Mr. Foster’s opinion letter on page 2 second paragraph. Mr. Foster notes the language of Section 3.01 Vested Rights to Develop in the 2015 Ordinance. Briefly, this section states that, in the event of conflicts, the 2015 Ordinance controls over Ordinance 650, and in the event of conflict between Ordinance 650 and the Unified Development Ordinance (UDO), 650 will control. This leaves us with the question of whether the elimination of the bridge and of development west of Six Mile Creek constitutes a mere conflict in zoning and development standards. Section 13.16.2 of the UDO provides as follows and is confirmed by SC Code 6-29-960: Whenever the requirements made under authority of these regulations impose higher standards or is considerably broader than are required in any statute or local ordinance or regulation, provisions of the regulations shall govern. I believe that this commission is faced with a situation much like the 2014 Pulte preliminary plan review. County Council had not given you a clean and clear zoning ordinance whereby you could conduct a complete and lawful plan review. That case ended up in the courts and I suspect this one is headed there as well. Thank You

Approval of Minutes

Jerry Holt made a motion to approve the Workshop Minutes for April 07, 2016 and Regular Minutes for April 19, 2016; Jim Barnett seconded the motion.

Chairman's Report

Charles Deese – I want to welcome each of you for taking time out of your schedules to come be a part of your Planning Commission meeting and we welcome your input.

Director's Report

Good evening Planning Commissioners and to the audience, welcome to the Lancaster County Planning Commission meeting. For the month of May we are having three Development Review Committee cases. One case was reviewed on Tuesday, May 10, 2016 and it was another outparcel for the future Red Stone commercial development in Indian Land. We have two more development review cases on May 24th. Both of these are new developments that are permitted by right but they are going through the Development Review Committee. They are both located in Indian Land and the projects are NTB Tire and Service Center and Rosemont Park which is basically a commercial shopping center. We continue to work on the drafts of the chapters for the Unified Development Ordinance rewrite. At this time the draft chapters are being reviewed by County staff throughout various County Departments here in Lancaster County. Ms. Kara Drane is here tonight and also Jeff Catoe, Public Works Director is here to answer some of the questions that this board had in regards to some of the chapters that you have in front of you. I want to wish all my Planning Commission members and the audience a Happy Memorial Day weekend.

Charles Deese – Mr. Jeff Catoe has been asked to be here tonight regarding road specifications.

Jerry Holt – I had made the comment that when I reviewed the chapter that I did not go through in detail the road specifications just because there are too many. What I had asked for at that time was to have any changes in road requirements or road specifications between the current UDO and the newly proposed UDO; and that those changes are highlighted so that we understood whether or not we were going to be adopting something without any of us having any real knowledge of it.

Jeff Catoe/Director of Public Works – Our review of Chapter 6 which I think is what you are referring to; what it seems to do is take the existing Ordinance 915 and a lot has happened since this process started. It really combines into one, not really many significant changes. It is just taking the inserts from Ordinance 915 and some of Chapter 6 of the UDO and Chapter 13 and combining it all into a infrastructure type chapter there. Also including which something we never had and trying to assist in addressing with this UDO is a manual specification standard such as things that would go into a road like storm grates and things of that nature. These things are covered basically but we defer back to SCDOT manual for construction but also having some specific standards for Lancaster County.

Jerry Holt – So those are things that are currently in the black book?

Jeff Catoe – Took some out of the black book and took a lot of things out of the Ordinance 915. Also everyone is aware there was another ordinance passed that kind of closes the road system for County maintenance on December 31, 2017. This language is still in there to provide guidance for a minimum standard for roads even though they still may be privately maintained. They will meet the specs we currently have.

Jerry Holt – So bottom line is that just by making this change, rewriting and consolidating and putting into the new UDO; there are no significant changes in construction or design or placement standards, or anything like that having to do with roads.

Jeff Catoe – No major changes, there is one Mr. Holt for a local collector road that goes from a six inch stone base to an eight inch stone base. That would be an increase of two extra inches of stone in the roadways; but an addition of some standards.

Jerry Holt – Thank you that is what I was after.

Kara Drane/Consultant-Catawba Regional Council of Governments – The manual of specification and standard details that Jeff eluded to, that will be an appendix in the UDO. It is referred to in Chapter 6 and if you will place that behind tab 11. That is where we will put your appendices. After you've had a chance to review it you may have some additional questions at your next workshop. You will also notice a checklist in the last section that has checklists for different subdivisions minor and major. I have an updated Chapter 4 and 10 to give you tonight. So in Chapter 4 which is the Overlay District Chapter, I'll note that on the very first page of that you will notice we have the Aviation Corridor Overlay and then we also have something noted as a Hazardous Corridor Overlay. The Aviation Corridor Overlay is the map that looks like this. That is the model ordinance that we received from the State Aeronautics Commission. That language is included in Chapter 4. There are definitions that will be added into Chapter 10. You have many of the definitions already in the general definitions that deal with airports. There are some additional ones that will be added. You will note after you get a chance to look at it, in Chapter 4 that deals with Aviation Corridor Overlay; there is land use compatibility and also height compatibility. We had meetings last week with airport officials and also the State Aeronautics Commission and there is a new land use compatibility tool that will be available to the public to use and also for staff to use. You can use when there are proposed developments within that corridor. On the overlay map that you see there are different zones. There is a table in Chapter 4 that relates to the compatibility of land uses within those zones. There is also a boundary called a landfill boundary. It is a yellow boundary on the map and extends six miles from the airport. That is a FAA requirement where you cannot have landfills within that boundary. We will have more information for you regarding this chapter when we discuss this chapter next time. I wanted you to see the progress and the change of what it looks like. Basically what happens if someone comes in and wants to develop within that Aviation Overlay, if the base zoning does not allow the use, they can still see if the use was

compatible if the based zoning was changed. If the use is allowed in the base district, you can still look at the land use compatibility and height compatibility. On the chart there are certain uses that are shown as permitted with certain zones. There are certain uses that are not allowed in certain zones. There is also certain ones that you see with conditions and those conditions vary based on the density of the use. If it's a conditional use it would not come to you it would actually go back to the state for review. Just wanted you to see what the changes were in the Overlay District and where we were headed. The Hazardous Overlay that is also part of that chapter; I will note that it is still greyed out. I'm still making revisions to that overlay based on feedback we received from emergency management. You will note it is called a Hazardous Corridor Overlay. On the map you see the pipeline with a small green line that runs across the County. There are also two rail lines that are in yellow and I apologize that it doesn't show up very well. We will have in a better format at the next meeting. We are mainly looking at critical population; schools, daycare, nursing homes, types of population that you wouldn't want to have outside of a certain distance. In that particular section in Chapter 4 there are two different images. One shows a different distance and that is because we are still looking at what those options are. We are also looking at not only including the hazardous pipeline but also the rail lines as well. We will also have language in there that accommodates for existing structures; that they can be modified as long as you are not increasing the population. The use is not going to change; you are just modifying and existing structure. We want to make sure that we accommodate for a parcel that has existing structures on them today. In Chapter 10 that has the definitions. You will notice there are definitions that we talked about last time. On page 10-6 under Industry, there is a definition for Industry Hazardous Restricted. If you remember, last time we talked about having a Light Industrial and a Heavy Industrial that was not related to hazardous items but also have one that is Industrial that does cover an industry that would be dealing with hazardous materials. You also have under Warehouse and Storage and Indoor Storage – One of those is on page 10-12. It gives you a definition for Wholesaling and Distribution that deals with hazardous materials.

Jerry Holt – Is there a compelling reason why the definitions are separated in categories? We have one definition for general category and another set for use type. Wouldn't it be simpler to just merge them?

Kara Drane – The reason why we have them separated is if someone is looking at the use table and they are just wanting to find what the definition is of that use; those are in alphabetical order in the first section of definitions. If is something more general related; someone is looking for a definition that is not related to use we have them separated out. Primarily because there are many definitions and really for the ease probably of the public and the staff; if they are just really focused on use definitions and not as interested in the general definitions.

Jerry Holt – There are some that are ambiguous. If you look at one that you have highlighted here in the general that has to do with condos, one of the applications we are going to be discussing later tonight. When I was going through these a few days ago, I was looking for definitions in different building types because I wanted to go back and

see what the compatible uses were. This is one that is in a general use however when you get into some multi-family definitions they are in the use type. So it looks like even you had some confusion when you put this in the General Section rather than the Use Type section.

Kara Drane – I noticed that was highlighted today. We have building types that are in the general section. That may be why that one is highlighted. I will have to go back and check. We specifically separated our Use definitions and our General definitions. That was so if someone had a question about a use it would be in its own section.

Jerry Holt – Normally if they have a question, it's like in a dictionary, you go and look up the word and you don't care what part of the dictionary its in, you are looking for a word, term, something, and that will lead you to the use.

Kara Drane – Again, this is the way we had it set up but that is something we could discuss. That is the way it's been proposed. I just wanted you to note that you have other uses that go with the hazardous. You also have I believe it is called Storage Indoor on page 10-10 Storage Warehouse – Indoor Storage, Hazardous Restricted. Those are new definitions and you also have one noted at the end that will be put in. It deals with Banquet Halls and Event Venues. You currently have a particular ordinance that deals with banquet halls. That will be including in your Use Table and it will also be added alphabetically in Chapter 10.

Jerry Holt – Speaking of Indoor Storage, within these definitions how would you consider a garage? Not an auto repair garage but just garage.

Kara Drane – Are you talking about like for minor oil changes?

Jerry Holt – No. I'm talking about garages that are basically for rent within a residential structure.

Kara Drane – I'm sorry, could you restate your question?

Jerry Holt – I was looking for a definition of a garage because again I was trying to get into what are allowed uses. This is going to come up in an application we are going to be hearing tonight. It had to do with the fact that there are certain buildings within this proposed plan that will have residential living areas on the second floor of the structure. Those living areas will each have one garage for parking their cars. But there are four additional garages that are not controlled by those residents on the upper floor. I was looking in here to see if there was a compatibility issue. So I was looking for garage and I was looking for indoor storage and it really didn't seem to fit any of these definitions. I couldn't find where we have any regulations that said there may be an issue with that type of commercial use if you will in a residential living structure. It's not in here but we can get into the discussion later.

Kara Drane – If it's a use that we missed, we want to make sure we go back and pick it up.

Jerry Holt – I think that it is a use that we will find out later tonight that we have not addressed in here.

Jim Barnett – He is talking about a garage as if you bought a house and had a garage as against a garage that you are going to do mechanical work in.

Kara Drane – So you are talking about a home occupation?

Jerry Holt – We don't know that yet. I have one further question while you are up here. Regarding the Aviation Corridor, do all of these overlays get into the GIS system at the parcel level? Because some of them are not going to be very apparent; if somebody were going out and they were looking at a lot and they could tell whether it's in a type of business or residential zone. It's not really apparent always that it is affected by an Aviation Corridor. So somebody goes in and pulls up the information on the lot and it said here are all of the zoning conditions that apply to that particular parcel?

Kara Drane – What we have discussed is to have the GIS system where when you use the map and zoom in, then the overlay districts that would be applicable to that parcel could be labeled. So for example, if you had a piece of property that was covered by the Heelsplitter, it also may be in a flood plain and maybe it was along the Carolina Thread Trail; you would have those overlay's noted and it would be automatically set so when the GIS system map is used and zoom into that particular scale it would automatically be shown.

Penelope Karagounis – Currently today, staff has that access. What we are proposing with the UDO rewrite is to create with the assistance of Rob Jackson from the Catawba Regional Council of Government to have the GIS that public can use to zoom in and look at parcels. Right now there is not access for specific data on a parcel when it comes to zoning. That is our future plan with this UDO rewrite.

Jerry Holt – Looking at this map that you just gave us on the Carolina Thread Trail Overlay District; I'm not sure what this is telling me. What does all of the red mean?

Kara Drane – The red or actually the parcels? The green are the trails that are in the Lancaster County Carolina Thread Trail master plan. There are different types of trails that are noted on the master plan. I believe in the master plan they are indicated in different colors.

Penelope Karagounis – They are, basically Lancaster County adopted the Carolina Thread Trail master plan back in 2011. The only Carolina Thread Trail we have on the ground today is a Walnut Creek Park, the 3 ½ miles. In that master plan there were other areas as you see the green lines of where they want to see trails in the future. That is going to be a layer throughout the County showing if somebody is trying to develop in

this area and their parcel falls into the Carolina Thread Trail. The new proposal for the UDO is to require them to donate an easement for a future Carolina Thread Trail access. We've been very fortunate with Walnut Creek Park. They have given us easements for that 4 mile trail. So this is just another way to have something in our UDO as an Overlay District since the County adopted the actual master plan in 2011. This way we can have it as an Overlay District.

Jerry Holt – So what is shown on here is the green trails, these are just future desires. This is not anything that is currently in plan.

Penelope Karagounis – It was basically adopted in 2011 but that is where they would like to see trails. For Walnut Creek I applied for a grant and we received the grant and I we got that on the ground. The developer was all for giving the easements. At this time we don't have the funding to construct trails and I would have to apply for a grant with Carolina Thread Trail or some other National Park Service to build more. Or if the County decides there is additional money from Parks & Recreation to actually fund a project. This is just a way to show developers coming into Lancaster County that want to develop a site that they can see if the property is in the Carolina Thread Trail. Then we want the developer to set aside an easement for the County for the future to have this trail.

Kara Drane – As we finish the final review you will receive the additional chapters and we would like to be ready to go to public hearing in July. The intent of the public hearing process will be to have a map online that the public can use to see what the base zoning is being proposed and also what the proposed overlay districts are and which parcels that they affect.

Charles Deese – We tried to schedule a date which they could come in with a complete plan and UDO so we can hold a public hearing. That date is set at my request for July 07, 2016 and we will have it a regular 6:30 pm meeting. As I understand this will not preclude the workshop; the workshop will still take place on the 2nd.

Penelope Karagounis – It is planned for June 2nd but if we don't have any cases due to the moratorium and also we've had a lapse with the road name changes so I don't know if we will have any cases. The Special Planning Commission meeting will be held on July 07, 2016 @ 6:30pm for the public hearing.

Charles Deese – This meeting will consist solely of the UDO rewrite and the public hearing. There will be nothing else on the agenda that night.

Penelope Karagounis – The Regular July Planning Commission meeting will still be on July 19, 2016. The July 7th date is typically your workshop but we will have the Special Planning Commission meeting just for the repealing of the Unified Development Ordinance and the repealing of the new zoning map and to have public hearing that night.

SD-016-001 – Ansley Park

Jerry Holt – The preliminary plan for Ansley Park was approved by the Planning Commission on February 16, 2016 after a motion to deny the approval for the preliminary plan was defeated by a vote of 5-2. Although during that meeting we had a great deal of discussion regarding conditions that should have been opposed if the preliminary plan were approved. The actual motion to approve did not address those conditions and that preliminary plan on February 16th was approved by the commission by a vote of 5-2. The following motion that I intend to make amends the prior action by the planning commission and adds the following conditions to the approval of the preliminary plan. We were advised by the attorney and it was his opinion that we could not rescind the prior approval that we had on February 16th but we were able to actually amend the conditions. So again, I make the motion that we amend the Planning Commission's approval of SD-016-001. I would like to go through specifically the proposals that I'm making and then we will have the opportunity at your discretion to discuss any or all of these proposals. Number 1 – The approval of preliminary plan for Ansley Park is hereby amended to include the following conditions. Number 2 – The walking trail which is proposed to be three foot wide with a six foot clear cut zone is eliminated. This trail would have diminished the benefit of the required buffer and would adversely impact the Carolina Heelsplitter Overlay District buffer. Number 3 – Approximately twenty lots lie within the FEMA one hundred year flood zone. The plan must be reconfigured to eliminate lots extending into the flood zone. I mentioned the lots that they appear to be with approximately twenty lots. Number 4 – At least two lots appear to extend into the Carolina Heelsplitter buffer area. Lots must be reconfigured so that none extend into the CHOD buffer or the plans must be modified to indicate that certified mitigation credits have been purchased as allowed under South Carolina regulations. Number 5 – In a November 3rd memo, SCDOT recommended that a left turn lane of 150 feet of storage along Marvin Road to Henry Harris Road. The developer has proposed a contribution of up to \$75,000 dollars for the design and installation of a traffic signal with the intersection that is required. The proposed \$75,000 dollar cap shall be removed and the developer shall bear the full cost for the improvements at that intersection. Number 6 – Ansley Park subdivision was authorized under PDD-21 which is Ordinance 650, which was approved in early 2005. The total tract is now owned by multiple parties. Although Forestar group controls only about 155 of the 190 acres addressed in PDD-21; Forestar is assumed to be the master developer. As the master developer, Forestar Group will be required to design and construct the main collector road and the bridge crossing Six Mile Creek as indicated on the preliminary master plan for PDD-21 dated November 16, 2004. This main collector road will provide a necessary connector between US Highway 521 and Henry Harris Road. I've also attached the copy of that preliminary master plan. Again, under the PDD-21, this was all one tract that fronted both on Henry Harris Road which is the one that we are considering now as the Ansley Park subdivision and what is designated on the preliminary master plan map that you have; Village B and the commercial village. The line going down that basically cuts that horizontally is the master collector road that I'm proposing must be designed and constructed by the supposed master developer of this plan. It's interesting to note in the PDD itself, it does state that the PDD may be expanded to include additional area or lots but it does not say that it can be contracted to include less than what was originally

approved. Those are the end of my motions for the conditions to be added to the approval of the Ansley Park subdivision SD-016-001. I have that as a motion so we need a second for discussion.

David Freeman – I'll second the motion.

Charles Deese – I have a motion and a second. At this time I'm going to ask the applicant if they have anything further that they would like to add at this point.

Chaplin Spencer – 226 E. Main Street, Rock Hill SC. I'm here on behalf of the Forestar Group. First of all I hear the public comments and I know you have a difficult job. Our firm represents the City of Rock Hill, Town of Waxhaw, and it's tough. You have been put in a difficult position because most of this was already agreed upon. It was agreed upon in 2005 and agreed upon in 2015. Also with these conditions, we haven't even seen this conditions that were just listed, all of them. We haven't had an opportunity and I don't believe they are properly presented at this time. There was discussion about the Martin-Foster opinion letter about ambiguity. Well this board decided the ambiguity with your legislative deference; you decided if it complied. Also, there was an ambiguity, Section 3.1 E-1 of the development agreement says: If there is any ambiguity with the development agreement and the PDD, development agreement controls. Any ambiguity between the PDD and the UDO, the PDD controls. There is more flexibility and it was agreed upon by written agreement and approved after three readings in the development agreement. There have been a lot of questions today whether this complies. Planning staff submitted the plan so they believe it complies, engineer submitted it so they believe it complies. Traffic study has been done in accordance with the development agreement and those required conditions will be done per the development agreement and there are sidewalks. There is going to be a buffer for the Heelsplitter. Also, regarding the flood plain, at this time it is actually a little premature because there will be a lomar -- (letter of map revision) done. If the lomar still has lots in the flood plain then they have to be removed. So that will be done in accordance with the normal approval process. I want to reiterate this board approved the preliminary plan in February; vested rights were established at that time. Under Roberts Rules Section 35, a motion to rescind or amend is not in order and is improper if it goes to something that cannot be undone. You cannot undo this, they have vested rights and their plans fully comply with everything that was agreed upon by the County Council and the Development Agreement and the PDD. Thank You

Charles Deese – At this time I would like some further instruction by Mr. Weaver.

Jerry Holt – Mr. Chairman I would call for a vote.

Charles Deese – I would like to hear from Mr. Weaver and his opinion on what he has heard.

John Weaver – My name is John Weaver and I am the County Attorney and I represent only Lancaster County. In this case, I represent the Planning Commission. I will tell you

in my opinion and I am certain of it, that you are here tonight discussing an amendment to the preliminary plan that was approved on February 16th of this year. We are not here to talk about the zoning ordinance of 2005. We are not here to talk about the zoning ordinances that are in place now that should be changed from 2005 to what would be better now perhaps. In 2005 that ordinance was nothing more than a zoning ordinance and it was not changed in any material way and that is what we are bound by. We are also not here tonight to talk about the details of the development agreement that was approved by Council last November. That is not the role of the Planning Commission. The role of the Planning Commission is to make recommendations to County Council. County Council can accept them, County Council can reject them, or County Council can do something totally different. So the terms of the development agreement are not appropriate tonight before the Planning Commission. That speaks to the bridge. The bridge has been removed two times. Once by you in 2013 when a preliminary plan was approved not on these back acreage that we are calling Ansley Park but on the front acreage that relates to the commercial property fronting Highway 521; you approved that. The bridge is not part of this preliminary plan and it cannot be added to it because it has been removed in another preliminary plan and it has been deleted by County Council. As to the flood plain and the FEMA and the credits, those are all things that will be determined at a later time when the actual location of the houses and the building lots and the topography and all of that comes into play. It is far premature in my opinion to consider that now. Because whether you do or whether you don't, it will be deleted at a later time when the topography is considered; the same with the credits and the houses in the Carolina Heelsplitter District. DHEC has already issued a grading permit. In order to get a grading permit, if there are infringements upon the Carolina Heelsplitter District then the developer is required to buy, spend money, and buy credits for any infringement upon that. That doesn't have anything to do with the Planning Commission. It doesn't have anything to do with County Council. It doesn't have anything to do with Lancaster County. That is between DHEC, the developer, and the US Federal Fish and Wildlife Department. I have given to you a letter from the lawyer who spoke today. I received that in this mornings email. I have made a copy of it for each of you. It is a public document. When it was given to you coming from Mr. Spencer it became a public document and Judy has a copy that can be distributed by anybody to anybody. When I read this it seemed to be in conflict with that which I stated to you on April 19th. I would like to speak to that for a minute if I may. My job as County Attorney is to lead the Planning Commission or the Council in matters that require a legal opinion in an effort to accomplish what you want to accomplish within the law. If it was absolutely against the law, you would never have gotten the opinion that you got. For those of you in the audience, my opinion was an amendment might be appropriate if it were approved by the Planning Commission. I will tell you that when I issued that opinion it was a very liberal opinion and it was very restrictive on the sections of the law that I called to your attention. Particularly I call to your attention a section of our UDO which said vested rights or vested plan can be amended. I said that in a very liberal way trying to assist Mr. Holt and Mr. Freeman who seconded the motion, moving forward in that. Whether or not it passed or not, I have no opinion and have no concern. I will tell you having read what I have read from Mr. Spencer and I made that in behalf of the Planning Commission; you are my client. I propose a very liberal amendment. I do not represent the developer and I

was trying to get this Planning Commission what it wanted. Mr. Spencer who represents the developer has come forward with a very different opinion; that opinion particularly on page 2 at the top that is highlighted. A vested right shall be deemed established once the local governing body has taken final action on a site specific development plan or a phased development plan. On February 16th, 2016 you did exactly that. I could have easily said that at the last meeting and that would have been the end of it as far as my opinion is concerned. I stand by my opinion, a very liberal opinion. I will tell you that I find no fault in this opinion by Mr. Spencer. I will also tell you that in my opinion if we say one thing and they say another, the courthouse across the street is what decides who is right and who is wrong. I will tell you further, that in my opinion which you may totally disregard. If a lawsuit were to be brought by the developer, I believe that the language contained in his letter of May 16th would prevail and that we would lose if an amendment were made and passed by this body and subsequently by County Council.
Thank You

Charles Deese – I have read everything I can find to read on this. In fact, I've read stuff that was sent to me upside down on a computer. I had to figure out how to do that. I've looked well at my position. I've listened to the commissioner's. I have read an article that I just received that I requested to be in my hand a week ago so I would have time to look at it and it didn't come until just now. I've heard legal opinions that I respect from attorneys that I respect. In my opinion tonight, the legal opinions that I've heard and the legality of this situation are superior to personal desire. At this point, I'm going to declare that the motion is out of order and we will move on to the next case.

Jerry Holt – Mr. Chairman I believe that under Robert's Rules of Order that if the chairman deems an issue to be out of order that the members have an opportunity to vote to override that decision by the chairman.

Charles Deese – You do have that.

Jerry Holt – I would make that motion and David Freeman seconded the motion. If you vote yes on this vote, we will have an opportunity to further discuss or approve any or all of these conditions on the approval of Ansley Park having to do with the flood zone, the CHOD, and those other things. If there is a no vote, we are upholding the chairman's decision and it is a dead issue.

Charles Deese – Can we have a roll call vote please?

VOTE: 3 AFFIRMATIVE 4 NEGATIVE MOTION FAILED

The four negative votes came from Tommy Dabney, Vedia Hatfield, Jim Barnett, and Charles Deese.

Charles Deese – This item is closed and we will move on to the next item on the agenda.

SD-016-003 – Two Capital Partners, Indian Land – Preliminary plan application for 313 multifamily units.

Alex Moore – This is the application of Scott Kiger of Design Resource Group. He has submitted a preliminary plan application on behalf of Wes Taubel at Two Capital Partners. The preliminary plan application proposes 313 multifamily units to be developed on Tax Map Parcel 5 at 90.01, which is 39.24 acres. This parcel was rezoned from B-3 General Commercial to Multifamily at third reading of County Council on July 27, 2015. I would call your attention to Ordinance 2015-1359 which is exhibit 2 in your packet. The maximum density for multifamily owned parcels under the current UDO is eight dwelling units to the acre. This project proposes 7.97 dwelling units to the acre. If you look at the location of the property on the screen, that is the existing zoning and it does have frontage on Calvin Hall Road and they have assimilated several parcels to gain access to SC-160 as well. The surrounding zoning does consist of R-15P Moderate Density Residential Agricultural Panhandle District; B-2 PDD-5, R-15P, is also located to the North as well as the South, to the East we have R-15P and I-1. I would like to note that this is a Use by Right of course in this district and as I noted it was rezoned so we are at the site plan stage tonight. We are reviewing the site plan. It has gone to the DRC but the rezoning as I noted has taken place for the principal parcel within this application. I would also like to note the proposed surrounding conditions there on page 11 of your packet under the proposed UDO. The adjacent parcels to the South are proposed to be zoned Mixed Use District and Regional Business District. The adjacent parcels to the North are proposed to be zoned PDD-5 and MDR Medium Density Residential District. The adjacent parcels to the West are proposed to be zoned PDD-5 which will remain PDD-5 Bailes Ridge. Adjacent parcels to the East are proposed to be zoned Mixed Used. On May 19th, 2015 the Planning Commission held a public hearing and that went on to County Council after your vote of 7-0. At County Council third reading it was voted 5-1 to rezone from B-3, General Commercial to MF, Multifamily. The rezoning of this property was supported by the facts and findings of information provided to Planning Commission and to County Council. The property is designated as “Neighborhood Mixed Use” on the Future Land Use Map and it is also within the “Pedestrian Center Node”. This Pedestrian Center Node is identified by the 2014 Comprehensive Plan. This Pedestrian Center Node is intended to support uses such as multifamily. It is also in very close proximity to the Employment Center Node which contains uses such as Keer America and Movement Mortgage. We have these suburban office centers that are found within this Employment Center Node. They do provide obviously for a concentration of employers. These uses typically include both larger, stand-alone buildings as well as areas which contain multiple office buildings such as we modify at Red Ventures. Concurrent with the project entitlement process, Two Capital Partners engaged the services of Design Resource Group to prepare a Traffic Impact Analysis for this site. It was submitted to SCDOT in January 2016 and the executive summary of that TIA is included as Exhibit 6. SCDOT did respond to the TIA on 2-17-16, Exhibit 7. They agreed in principle with the findings of the TIA. They did note several changes that needed to be made to the proposed project. Those are noted there in Exhibit 7. The important thing that SCDOT has to do is approve an encroachment permit on Calvin Hall and that includes site distances. If there are site distance issues there, the developer may be required to install opposing turn lanes into either development. They have prepared

information to submit to SCDOT in that regard. On April 4th, 2016 the applicant submitted a preliminary plan application to Lancaster County and that is what you have, a revised version before you tonight consisting of 313 dwelling units. That is what we are here for tonight; a public hearing for this preliminary plan. No additional meetings at County Council will be required for preliminary plan review. It did go to the Development Review Committee on April 26th, 2016 Exhibit 8. We did also discuss at the monthly workshop. We asked the developer to try and improve that elevation on the "Carriage" unit and he complied. You have that on the last sheet of the large plan. It is fairly significant on what they have done in that regard. The comments from each DRC member are in your packet. I would like to note that the Fire Marshal and first of all they have addressed each of those issues. The Fire Marshal has had a family emergency and he is not able to review and ensure that those items have been addressed at this point. He will be back in the office tomorrow. However, he is a real stickler. We will not stamp any plan approved until each of those individuals has given their ok. Importantly as I noted, they have simulated some other parcels that by their connection to SC-160; those are zoned B-2 and not multifamily. There will be no multifamily uses on those parcels. It will only consist of the egress ingress road to 160 which will be a private road. As we talked about at the Planning Workshop, only the multifamily parcel which the rezoning was for 39.24 acres; only that parcel can be used for the density calculation. They come in with that just a bit under eight. Eight is the maximum for this zoning district. Some of the emails were passed out tonight and some are in your packet, this is due to the fact that some were not received by press time. You have emails in your packet that you received beforehand. As I noted the concerns expressed within emails can not be diminished because of increased traffic, student population and pressure on existing infrastructure are things that should be taken into account. As I also noted the current system does not provide for complete concurrency with respect to development in regard to expansion of infrastructure. However, there are plans in place to improve the existing infrastructure. First of all let's talk about SC-160 that will be widened, according to SCDOT the project is scheduled to begin in December. It will be widened from the County line to Possum Hollow Road. In addition, in the last several weeks as I noted at the workshop, a traffic signal will be included at Calvin Hall and 160. That is very critical. Additionally, the recent school bond referendum should also substantially assist the Indian Land area. There is a new elementary school plan for 970 students to be built on land the school district owns on SC Highway 521 below SC Highway 75 and Rebound Road. A new Indian Land High School which can facilitate up to 1,800 students will be built along with needed athletic facilities. For this project schools and taxes are part of the discussion and I want to go over some information that I compiled yesterday and today. It is in regard to the effect of a multifamily project on Lancaster County School District. Some of you may be familiar with Act 388. In 2006 the General Assembly did pass 388 as Property Tax and Relief and Sales Tax Increase Package. I would like to note that in fact, it exempts owner occupied residential property from school operating expenses. It does not exempt them from general obligation debt. They are required to pay taxes on that. What the state did, they increased the retail sales tax at that time from 5 to 6 percent to put the money back into the school systems to pay for that missing component. However, what we have seen and as I've noted that Clemson University Institute of Government has reported that as a result of Act 388; the estimated share of property tax

revenue for schools obtained from commercial and rental property has continued to grow which has shifted the cost of public education from homeowners to commercial and rental property. Rental properties in South Carolina and obviously Lancaster County are not exempt from paying school operation taxes. We have that classification paying for school operation taxes. In Lancaster County, owner occupied residential properties are exempt from paying taxes which support school operations. Fiscally for the school systems standpoint, this multifamily project like this is a good project. That is based on state law. Additionally, multifamily versus single family residential with respect to assessed value; residential real estate owner occupied housing is assessed at 4% commercial and rental real property is assessed at 6%. So you have a compact development that is contributing fiscally to the community. You can see the design on the screen of Highway 160 traffic signal and I included a 11x17 for you to see tonight since it is a little more clear. Sidewalks will be included on both sides of 160 from Possum Hollow all the way back to Rosemont; from Rosemont to Possum Hollow. This project will connect into the existing sidewalk. But any sidewalk that is taken out or damaged as a result of the widening will be replaced and many places will have sidewalks that don't have it now. It will also include pedestrian facilities. You can press a button and it will allow you to safely cross the road. Do you have any questions?

Jerry Holt – Mine has to do with design, entry and exit points. SCDOT recommendation having to do with Access B; their proposal was that it have two exit lanes, and it appears that on C-2.04, there is only one entrance lane and one exit lane.

Alex Moore – Are you looking at the letter they prepared?

Jerry Holt – Yes, actually it is on page 25 in our packet.

Alex Moore – What they are saying is to have one 15 foot ingress and one 15 foot egress; just a 30 foot wide lane.

Jerry Holt – I'm looking under number five the first bullet where it says proposed access "B" should include one entering lane and two exit lanes (a lane that terminates as a left turn lane and a right turn lane with 75 feet of storage).

Alex Moore – That is their TIA. This is SCDOT's comment on that TIA. This is what SCDOT is requiring them to do. They have tweaked their plan in that regard.

Jerry Holt – When we discussed this during the workshop the point was raised that the developer was going to try and discourage residents from entering or exiting on route 160. The fact that you have only one exit lane; if somebody is trying to make a left turn out of there they are certainly are going to discourage it because traffic is going to be backed up all through the development over to Calvin Hall.

Alex Moore – I think they want to funnel the traffic to Calvin Hall because there will be a traffic signal at Calvin Hall and SC Hwy. 160. That is why SCDOT diminished the design there; to make it a minor ingress egress point.

Jerry Holt – They could have made it a gravel road and done the same thing, I think considering the number of cars that would go out there. I certainly have other issues with an exit here. I think it is improperly placed because it doesn't line up with the one for Lowe's or with Possum Hollow. It is right at the beginning of the divider on 160 and we all know that with Redstone shopping center going in there the traffic near the intersection of 160 and 521 is going to grow exponential.

Penelope Karagounis – That is correct Mr. Holt. If you remember when the applicant Wes Taubel came through the rezoning process that was the intent to line it up with the Lowe's. When they went back out there to buy certain property, that property was not for sale. They could not come to a point, so the property that they do own, SCDOT has told us that every person that has property on a state highway has to have access. That one access is where access B is going. The intent from the beginning was to align either with the Lowe's entrance point right there on 160 and then developer did check into buying more land to line up at Possum Hollow Road and 160. They went back to the drawing table with SCDOT because this is a state road. We rely on the state department because they have that access point and they need a second access because with the amount of apartment units that are going in that site; you are required to have two access points. That is why they need access B and that is the only frontage access that they have on 160. Unfortunately it does not align with the Lowe's.

Jerry Holt – I agree with the fact that they need ingress egress points but what it amounts to is they probably don't yet own those properties, they probably have an option to buy those properties. That is neither here nor there. The issue could very well be that they couldn't buy the other properties at the price that they wanted. Therefore, what we are doing is accommodating the profitability of the developer. It doesn't mean that we necessarily have to approve that as an ingress egress point because it is in a hazardous location. It is very close to Harrisburg Road and is very close to the intersection of 521 and 160. It is not necessarily in a position that I believe that we need to approve with the preliminary plan. We certainly don't want to try and get another bite at this apple. We've just seen what can happen with Ansley Park. So given the fact that they have this here; it's deliberately constrained to reduce its utility by making it only one lane and one lane out. The bigger problem is that it is still in the wrong location. It should not be approved by the Planning Commission.

Alex Moore – SCDOT will be approving that, just for your information.

Jerry Holt – SCDOT doesn't have the right to approve a preliminary plan that is done by this board.

Alex Moore – Right, let me just sum this up. As I've noted perfect concurrency with regard to infrastructure improvements is unfortunately not possible. Crucial components of our County's infrastructure will be improved in relatively short order based on what I've talked about regarding Highway 160 and a traffic light. We have the 199 million dollar bond package that was recently passed which will bring a new high school and a

new 970 student elementary school to Indian Land. These improvements will directly benefit existing residents of Indian Land impacted by proposal such as the Two Capital multifamily project. Planning staff recommends that Planning Commission approve this preliminary plan.

Wes Taubel – 3445 Peachtree Road, Suite 465 Atlanta, GA 30326. I understand everybody's concerns about traffic and access. I think it's important to remember and highlight the fact that we did down zone this property from commercial to residential. We all understand the growing pains that are occurring in Indian Land, particularly on some of the access issues and vehicular issues on Highway 160 and 521. That being said I think we have fully complied in spirit and written law with what we were tasked to do; which was to find a suitable access point on 160 that could be approved by SCDOT. We spent a year literally knocking on doors and calling folks to try and figure out a way to put something together to improve the access at the end of the day. We have before you a plan that meets with all the requirements of the development ordinance and zoning. It provides the necessary access. That access has been studied by a traffic engineer. He is here today if you have any technical comments. Those technical reviews have been reviewed by SCDOT. The group obviously tasked with the safety and transportation and the technical expertise surrounding these exact movements and has proved that. I feel like we have put forth a very good plan and put forth a plan that I think will become an asset to the community and enhance the overall living options in the community. I think Alex mentioned and I don't think it goes without repeating. You have two massive employment nodes on both sides of Indian Land with regards as to what is going at Bailes Ridge and some of the expansions of existing business and new business that are coming there. There is an explosion of growth that continues to occur at Red Ventures. So the opportunity to provide additional living options with residential connectivity and potential walking distance; there is certainly work that has to be done to create that ability for alternative nodes of transportation. Part of that is by providing some of those housing options to support that; so happy to answer any questions you have about this plan. Both Scott and Randy with DRG are here and can answer any technical questions.

Gary Holland – 8728 Collins Road, Indian Land SC. I think with the prior decision of Ansley Park, I think the citizens were denied due process Mr. Chairman and I was very disappointed. My comments regarding Two Capital – SD-016-003; I have more of a checklist of concerns rather than specific comments if I may. Number 1 – The plan showed 20 foot and a 25 foot buffers in different areas. I think in both of those cases 20 feet and 25 feet is much too small of a buffer to protect the existing areas that are there. I think like more of a 30 to 40 foot would be more appropriate. Number 2 – Will those buffers be undisturbed to protect the large existing trees that are already planted there along Calvin Hall? Number 3 – There is a curve and I think you call it Access B, the main collector street off of Highway 160 that just looking at the plan it appears to be too sharp for emergency equipment. Especially since the buildings are going to be high out there in that area, will emergency equipment, fire department trucks, and all get by that? Number 4 – I know that with PDD's all roads must line up and that is not the case as you just discussed with Highway 160 and Access B. I think commissioner's Holt comment was right, you need to get this right at this point before preliminary plan moves forward.

I don't think that is possible for this developer at this time to have that line up; so for that point alone I ask you to deny this preliminary plan approval. Number 5 – Why is one of the turn lanes on Calvin Hall not being required? I didn't notice those on the plans but I may have missed them. Calvin Hall is a two lane road and you have a lot of traffic turning both onto Clairemont as well as you are going to have into this proposed development. Within the development itself they show parallel parking on both sides of the road; my question is, if you have a fire issue there can medics and EMS get through there with both sides of the road being blocked off with parking? Number 7 – There need to be sidewalks I feel on both sides of all collector streets and Access B is a collector street going in to the development and the plan only shows sidewalks on one side. The UDO requires for all collector streets to have sidewalks on both sides. Number 8 – Are there going to be berm buffers along Calvin Hall and Highway 160? Number 9 – I didn't see any curb and gutter in front of homes on C5.02. My question there is what about storm water run off against those slabs that those houses are going to be built on? Number 10 – There needs to be a specification I feel on the minimum slope of the shoulder of the roads. SCDOT recommends a 4 to 1 horizontal to vertical slope and I did not see that on the spec sheet listed anywhere. I could have missed it. Number 11 – Is the parallel parking spaces allotted for this development wide enough and long enough to allow for mistakes so that those cars are not butting out into the main thoroughfare? Here again a safety issue. Number 12 – Trash collecting points, I believe they need to conform to some type of UDO standards regarding distance from residences, vermin control, and odor and noise impact. I think one is pretty much separated there close to Access A but Access B out near the carriage homes there is right across the street from the homes. Number 13 – What is the total building height and does it fit with our present fire fighting equipment in that area? Do they still plan to have commercial storage units on the interior bays of the carriage homes? If they do that, it is a serious safety issue. Thank You

Michael Rabil – 3070 Priary Ridge Drive, Indian Land SC. I am speaking on behalf of the Arlington HOA. In conjunction with working with neighbors across the road, Clairemont subdivision; we have collected over 700 names for a petition to stop this apartment complex from being built. We also have 358 comments from people who don't want it to be built. We collected this in less than five days with less than 20 hours worth of work. The President of our association has a letter which states the traffic is horrible now and there has been a large increase in accidents in the last six months. Apartments will bring down our property value and Harrisburg Elementary is now at capacity and the items addressed by Mr. Holt earlier are just the beginning. The infrastructure is already unable to meet what is already there and you plan to add more. Arlington will be butted up to the backside of that whole apartment complex. There is not enough berm or buffer to keep us from hearing that. Apartment complexes usually bring in more trash and more crime. You will need more money for law enforcement and more money for trash collection. The roads you were talking about on Calvin Hall will have a turning lane according to the SCDOT. They are working with Arlington right now to purchase the property to bring 160 all the way down to our entrance which is not to far away from theirs. You have two entrances to two subdivisions almost side by side feeding into that curve you have already talked about. This is not something that you

want to do right now. The consequences of your actions previously already show short sightedness on your part not to turn down a plan such as this. We would like for you to turn down this mixed use project. We would also like for you to entertain the thought of not having any apartments built in Indian Land for the next three years plus until the infrastructure is up to date with the current needs that you have at this particular time. There have been 1,578 ambulance runs in five months. From November 1st to April 1st – 1,578 runs down Calvin Hall; that equates to 300 hundred and something a month, 11 a day. It takes five to ten minutes to just get out of our neighborhood just to get on Highway 160 or Calvin Hall. Can you imagine a fire truck trying to get to somebody's property and get delayed because of two and a half years of construction on Highway 160 and Calvin Hall that will be taking place at this time? Do you understand at night when you go to sleep and hear a siren that you may be responsible for the people in our neighborhood not getting what they are supposed to have from an ambulance, rescue or firefighter? The life the house and the property are all up to you and the consequences from the decisions you make here this evening. We ask that you do not bring in this apartment complex. Thank You

Paul Slazas – 13186 Wilburn Park Lane, Indian Land SC. – We live right across the street and my wife and I are homeowners in the Clairemont development. I along with all of our fellow board members who are present here and you can see they are all wearing white that are in our neighborhood as well as Arlington. We want to voice our opposition to this Two Capital Partners project. Traffic congestion on Calvin Hall right now is extremely bad; if you folks ever come down at seven in the morning or eight, nine o'clock in the morning and then in the evening you will see on Harrisburg Road and Calvin Hall it takes 10 to 15 minutes to get out there with 35 cars. We can't envision what it would be adding 300 or 400 apartments, another 1,000 people to that neighborhood even with perhaps maybe some road improvements. Again, Highway 160 is going to be a mess and also the safety issue; fire and police are already strained so much right now. This will put an even bigger burden on our fire department and police department. Also, the decrease in property values that we will see. The apartments will increase the areas population density and we are just not prepared for this. There are lots of unanswered questions in the presentation tonight. Our road system is not capable of handling the effect of this many additional apartments onto our fragile road environment. We have Redstone coming along so we kindly ask from both of our communities that you consider our request and for the good of our community vote down this project. Thank You

Phyllis Sklar – 2087 Clover Hill Road, Indian Land SC. The problem I see here is one; are these apartments going to be commercial or are they residential? The next one is, I believe that a huge project like this is extremely unusual for such a small piece of property. I also agree with Mr. Holt as far as the egress ingress. I also agree with the rest of the people here that there are too many people and too small an area; your fire department and police department, emergency departments will have no way of getting in and out of that development with parking on either side of the road. Also, to put in 313 apartments, 965 parking spots for the apartments, 65 visitor parking spots and then try and get everybody in an area that small is ridiculous. Indian Land is a small community

like I grew up in and we had similar problems and we didn't take a look at see what was down the road in five years or ten years. It ended up where there were too many people in one area. I really feel that this should be tabled until we have some concept of what else is going to happen. We don't need this here now. We are over growing as it is. We cannot keep up with what is going on. To add more pressure to the parking to the driving, to the streets, we don't have enough people to come out and fix streets. I live in Rosemont and we can't even get them to come out and fix the streets properly so that we can have the roads dedicated. We have a problem with storm water drainage in that area. We have a problem with garbage. As you know the adjacent recycling center is not up and running; you cannot take on another 1,000 people in that area without hurting Indian Land. The people of Indian Land deserve the right to make a decision of how they live and where they live. They want to live here. There are too many unanswered questions here. This is wrong and it is wrong for the people and it is wrong for the County. We are growing like a weed and weeds get really nasty to control. Please consider not taking this project on at this time and wait and see what else comes up first. Put it on the back burner and give the people a chance. We live here and you are supposed to represent us. We are asking you to please not allow this to happen. Thank You

Ben Levine – 5062 Terrier Lane, Indian Land SC. I was here in May last year when this was approved to make this multifamily and I had the objections and they were noted and they were discussed about how there were a certain amount of apartments that could be built. Also, if the developer did not get access Highway 160 then half that number could be built. At the time I think it was the understanding of everybody that the developer during all the months leading up to the passage, was trying to get access to Highway 160. They discussed how difficult it was to get access to one of these cross points where Lowe's has an existing exit. I think everybody was under the understanding that they would be allowed 300 units if they were to be able to get an exit lined up with one of those parcels. What that means is they would have had a better opportunity there to have a real access point and not a limited access point as it appears we have here. To say that you could do 150 which is one exit on Calvin Hall and say you could do 300 with a limited access on Highway 160 isn't really balancing out. I don't see how that limited access really gives you the ability to double the number of units here. The other problem I see is on page 41 of your packet. There are some questions there and I believe it is the last of Alex's comments where it is talking about the sidewalks. It says the existing sidewalks on Highway 160 but there was some sort of comment there about not putting sidewalks on Calvin Hall. We are talking about what has been stated here as the center of highway mixed use right near Highway 160 and 521. There is going to be a movie theatre and there is Lowe's and this is a high pedestrian access area. On the other side is the employment center, right down Calvin Hall we talked about this big intersection with crosswalks that would be present. To say that you are not going to have people that are going to want to walk out of this development and should not be able to have a sidewalk in order to be able to get up Calvin Hall to get to this employment center is a waste. If we are saying this is going to be our urban area, there should be sidewalks on all these large streets here so that you can get to these areas. I would highly recommend that if you do decide to approve this plan that you make sure that sidewalks are dedicated and

there for people to be able to access the employment center as well as the shopping and mixed use area. Thank You

Alex Moore – There has been a lot of talk about denying the plan. The plan may can be tweaked but it is a use by right in this zoning district. I don't see how it can ultimately be denied. That doesn't mean it can't be tweaked but that is just how I will finish up.

Penelope Karagounis – Just to respond to some of the comments from the citizens. That is a good point what Mr. Levine made about sidewalks on Calvin Hall Road. The thing is with already developed property there, Clairemont and Arlington; we cannot go back and make Clairemont or Arlington put in sidewalks. This board can add a condition to put sidewalks on the property that Wes Taubel owns today on Calvin Hall Road. Obviously there is still going to be that inconsistency because there is already a built environment of a developed neighborhood there that does not have sidewalks on Calvin Hall Road. I just wanted to make that point. Alex Moore discussed the traffic study regarding the level of service; we are not disagreeing that there is not traffic. Existing traffic conditions are very bad in the morning and in the afternoon; we drive those roads and we know the traffic in the morning. The thing is, the level of service with the 313 units, it did not decrease the already bad level of service. The traffic engineer is here if you have further questions. I'm not a traffic engineer but just reading the report the level of services did not decrease from a C or a D. It did not go to a F. It just stayed at that certain level of service that it is today.

Alex Moore – The important thing to remember also is with multifamily the ITE people which is the industry standard; it generates 42% less traffic than with single family. So that is why you do have not as much downfall as you would think.

Penelope Karagounis – That is why the traffic study did not say for the developer to do more improvements on that road.

Alex Moore – That is right.

Jerry Holt – I take exception to a statement though that you just made Alex in that you said that you didn't think we could really deny this. I don't believe that it is the Planning Commission's job to redesign a project. If there are some flaws in that project, it is not incumbent upon us to say well here is how it should have been designed. We can say this doesn't meet the standards that we believe should apply. I will go back to that intersection which I think is one of the key points. There are some other things in here which I think that are problem areas but the intersection on Highway 160 I believe is a show stopper. I don't believe that we have to say well if you offer just a little bit more money maybe you could have bought this other lot next to it. I don't know if that is really the issue when it comes down to the profitability for the developer. I think that we could say that we don't think that this plan meets the appropriate standards and therefore we are not going to approve this plan. It doesn't mean that we deny him the opportunity to come back with another plan.

Alex Moore – That is what I meant by tweak.

Jerry Holt – Ok but it is not our responsibility to tweak the plan.

Penelope Karagounis – You can add conditions to the recommendation of approval is what Alex is referring to.

Jerry Holt – But if we add a condition that says you can't have the ingress egress point where you have it proposed coming through those lots and you have an option to purchase on Highway 160. We can't offer another solution to that except by saying that one is not acceptable. We can't really tweak that.

Penelope Karagounis – Based on our current ordinance you need two access points if you have more than 150 units.

Jerry Holt – Just because that is the lot that the developer intended to purchase, doesn't mean that we have to accept that decision or that plan.

Penelope Karagounis – I'm not an attorney I can't answer that question.

Jerry Holt – Mr. Weaver is not a planning commissioner either.

Mr. Deese called the meeting back in order.

Jerry Holt – Mr. Holland mentioned this and it has to do with the carriage homes; two issues with those. As I look at one of the designs and I found this kind of hard to follow but curb and gutter is required on all the streets within the development. It appears to me that when it gets to the front of the carriage homes and I'm looking at C-2.02. As you look at the carriage homes look at the top center on building number 11. You see the parking spaces just to the right of it and then it appears that the curb comes in and it goes in just a little bit to the left of the front corner of building 11. So at that point, the curb and gutter ends and...

Alex Moore – There is a garage there.

Jerry Holt – I know, there are six garages there and there is on the left end of the building again, it starts just to the right of the door on the left end of the building; the door that goes up to the residential areas. My concern is that there is supposed to be curb and gutter in the roadways and that is in fact a roadway. If there is significant runoff there; there is no curb to keep the water out of the bottom of that building or in all six of those garages.

Alex Moore – The building has to meet building code standards and they will review that water be kept out of there. I would have to disagree with you. That is not part of the roadway. The roadway is 22 feet wide minimum; that is the roadway required section for travel.

Jerry Holt – If you look at the curb going between building 12 and building 11; that is a....

Alex Moore – That is back to back curb.

Jerry Holt – It is 44 foot wide and it appears to be the same elevation as it gets over there in front of building 11 and therefore any water that is running down that road is not protected by any curb or guttering. So it is at the building level and it would appear that what would be required is that building is at an elevation higher than the road and it is not depicted here. Or there be a curb and a driveway that goes to those buildings because it's the same on each one of those; number 9, 11, 12, 13, 16, 17, 19, all of those carriage homes. There is no protection for runoff for those buildings.

Wes Taubel – The way that these are designed is the interior of the garages slope from back to front so you have somewhere in the neighborhood of three to four inches of fall from the back of the garage to the front to promote positive drainage. On top of that to Alex's point, really if you were to follow that radius at the back of the curb around, you would have that small driveway effectively that is additionally pitched to push water away. Then the roads at that point are graded to push water down to the inside of the road. In effect what you are saying is any surface water were to hit that road it's pitched to push it away from the building. Even within the building there is a slope within the actual garage/positive drainage way; where those curbs dead end to the entry that entry is at an elevation that actually sits on top of the curb. The actual residential living space is elevated the same elevation as the curb is so it functions and acts as a curb.

Jerry Holt – That still is roadway; as it goes around that curb even though those may be part of the driveway, that is a roadway that goes in front of each one of these carriage homes.

Alex Moore – That is more of a driveway.

Jerry Holt – That is the roadway....goes all the way around the perimeter of the buildings. You don't show it up here. It goes all the way around here and that's a roadway.

Wes Taubel – There has to be driveway to access a garage so by just absolute definition there has to be a driveway that separates a garage from a roadway.

Jerry Holt – According to our UDO specifications curb and gutter is required on the roadway.

Wes Taubel – So am I understanding you correctly that every driveway in accordance with the UDO has to pop up over a six inch curb.

Jerry Holt – I'm not going to address that. I'm going to say that according to the UDO the roadways have to have curb and gutter. Is that not correct?

Alex Moore – I think what you are saying is that the driveway is a roadway.

Jerry Holt – Well if it's not, there is nothing to separate it from the roadway.

Alex Moore – You have to have 22 feet of pavement minimum by our standards and they meet that. We can scale it off.

Jerry Holt – No you don't have to do that. Now let me go back to the other issues with these carriage homes. This is what I was eluding to when Kara was up here and we were talking about internal storage units. As I understand it, a left most garage and the right most garage in each one of these carriage homes will be for the residents or the tenants in the apartments that are above the ground. Basically these are duplexes?

Wes Taubel – Correct.

Jerry Holt – So that means that under these duplexes there are four garages that first of all they are commercial garages because they are not owned or controlled or rented by for the most part by the tenants that live above them.

Wes Taubel – They are garages for the benefit of our residents. They are controlled by us.

Jerry Holt – But not the residents who live in that structure.

Wes Taubel – That is correct. The other residents that live throughout the property have the ability to have an onsite covered garage. These buildings are designed in accordance with the applicable building code and IVC codes relative to this; it is a standard application that's done throughout municipalities all over the region in the country. It doesn't breach any of the building code uses and I don't think it breaches any of the allowable uses. It is actually considered an ancillary structure. These are not independent commercial storage that we are renting to outside people. These are considered ancillary structures to the benefit of our community and our residents. They are controlled by us and managed by us and operated by us. This is rental property and we have covered garage parking available to our residents and some of that covered garage parking is physically attached to its unit and some is not. You go right across the street to Bailes Ridge and you will see the same thing.

Jim Barnett – When you have a two story the upstairs unit doesn't have any control on the downstairs.

Wes Taubel – Correct, we have all the required fire separations, sound separations, and closure separations; it functions and acts and operates no different than a occupy-able unit would with regards to the building code. I think depending on which applicable building standard ya'll have we typically either have to have a two hour separation or a

three hour separation. They are fully separated with all the requirements of building code.

Jerry Holt – On the buffer area, was there a variance requested that allowed for a 20 foot buffer instead of a 30 foot buffer?

Alex Moore – That is what it requires.

Jerry Holt – It requires a 20 foot buffer?

Alex Moore – Yes.

Jerry Holt – We've got rental storage units in here.

Alex Moore – It's a multifamily use when you have multifamily use against residential, it's a Type II Buffer.

Jerry Holt – We've just gone beyond multifamily use. We've got commercial storage units.

Alex Moore – I disagree.

Jim Barnett – You are not going to rent these to the general public?

Wes Taubel – No sir. These are for the exclusive use of our residents; as a ancillary use.

Jerry Holt – Let's go back to the issue with the sections of the road and looking now on C-2.03. You do have parallel parking on that road. Cars or trucks parked in those spaces on both sides of the road; does the fire commissioner...

Alex Moore – I can tell you that he had no comment on that. He can run a template through there which is a scaled drawing of the fire truck. We can do that but he had no comment about that aspect of it. He is not in the office right now due to a family emergency but I can consult with him on that. I can revisit that with him but he had no concerns.

Jerry Holt – Did he have a comment or concern on the sharpness of the curb...

Alex Moore – I don't think so. His comments are there for you and we can look at those.

Jerry Holt – On page C-2.00 it shows that curve and the way....

Alex Moore – He had no comment on that. His comment involved hydrant location. That was the biggy.

Wes Taubel – The reason that road is oriented like it is and curved like it is; we are trying to cross the creek at a 90 degree angle to mitigate as much possible impact to the creek and the creek buffers and everything. We are trying to be a good steward in land planning to minimize any of the impacts to the creek and try to cross the area. It wasn't possible to cross the creek in such a way anywhere there; this is sort of the least impact possible there and it still met all the required traffic maintenance with fire trucks and that sort of stuff.

Jerry Holt – Since the access on 160 is a collector road, it appears on the diagram that it does only have sidewalks on one side. Do you agree that we require collector roads to have sidewalks on both sides?

Alex Moore – I think you are speaking of a cluster subdivision overlay. In a multifamily there is really no mention of sidewalks in the multifamily standards in fact. What they have is really above and beyond what they have to have.

Jerry Holt – In the new specifications that we just got earlier this evening; don't we address collector roads in general and not just in cluster subdivision overlay districts?

Penelope Karagounis – We are but that is part of the UDO rewrite. That is the problem that us planners are facing. We have this current code that does not have good design standards. That was the whole point when County Council gave the Planning Department funding to rewrite the Unified Development Ordinance. We understand, our current code has major flaws but by law, when somebody comes in and they are trying to develop and do a preliminary plan like this gentleman is doing. We have to check off to see do they meet those. That is not a condition but he is putting in sidewalks in that development. That is a very valid point Mr. Holt. We have to look at the current Unified Development Ordinance.

(Unable to hear Sheila Hinson's response)

Penelope Karagounis – Yes, we are not disagreeing with the audience or with Mr. Holt. We understand those standards should be there but our hands as planners are tied. We have a current Unified Development Ordinance that we have to check off and basically at this time that is why the recommendation is for approval. He is meeting what is in the current multifamily. If this board wants to add conditions, you can make that in the form of a motion. If you want to have more buffers or undisturbed buffers; this is not a PDD. There was a comment at citizen comments that this was a PDD and have undisturbed buffers. It is not a PDD, it is multifamily zoning. Those are the standards that he has on the plan and what Mr. Moore has been following based on the current UDO.

Jerry Holt – There is also a concept that says that if in this case the County has plans and has taken specific action to introduce new regulations that you can begin to enforce those regulations prior to adoption?

John Weaver – That is a legislative matter for the council to enforce; what is called the pending ordinance doctrine. There is no ordinance pending at this point so that is what you are saying is correct but that is a Council decision if an ordinance was already in place. A first reading of the ordinance but that is not the case of the new UDO.

Jerry Holt – Ok. A question came up about berms on 160 on the access and egress. Along that section it talks about I guess a limited number of trees and defines different types of trees and different types of buffers. What is the buffering plan for what you have depicted here for that entrance?

Alex Moore – That buffer plan has been reviewed by the Zoning Administrator and it meets; that small section is in the overlay and it does meet the requirements of that. On the landscaping plan they do have a planting plan indicated there which does meet our requirements.

Charles Deese – At this time you have before you the preliminary plan for Two Capital Partners/Indian Land, do I have a motion?

Jerry Holt – Mr. Chairman, I move that the Planning Commission deny the approval of the preliminary plan as submitted and that it be sent back to the applicant to address many of the issues that have been raised tonight and especially address the issue of the ingress egress point on Highway 160.

Alex Moore – I think we need to say what specifically so we will know what issues need to be addressed. We know Highway 160, you mentioned that, but we've gone through these other things.....

Jerry Holt – But if I recommend denial that should suffice. If the denial doesn't pass and somebody else recommends approval, this time we need to get the conditions in the approval but since I do recommend that we deny it as submitted. What I believe needs to be addressed are the buffers, the buffers all along the perimeter need to be a minimum of 30 feet and to the extent that they can be left undisturbed; they must be left undisturbed in consideration of utilities and other accesses. Another condition is that we must have documented concurrence from the Fire Marshal that the curve on the Access B just inside the entrance. You know what curve we are talking about, is acceptable and also documented concurrence from the Fire Marshal that the clearances assuming that cars or trucks are parked the way that they would typically park in those streets, will allow sufficient access for emergency vehicles. Most importantly, Access B must be realigned to match one of the other existing intersections. That the collector road have sidewalks on both sides. That, I understand the applicants comments that there is positive slope from the carriage house buildings that will cause the water to run from the garages and from the building into a gutter that is not depicted on these drawings. That needs to be depicted on the drawings so that it is clear that those are not subjected to flooding. The slopes that are depicted on the side of the roadways and they are on C-8 in block number 6; that slope needs to be identified and conformed with whatever the building requirements are because it is not identified on the map.

Alex Moore – Hang on a second Mr. Holt, what page are you on?

Jerry Holt – C-8

Penelope Karagounis – C-8, Block number 6.

Jerry Holt – Where it shows the slope coming down from the pavement and that is the same concept. We did to identify what those slopes are; the same as the slopes from the garages and the driveways in front of the carriage houses. It just shows a slope and it doesn't show any angle.

Penelope Karagounis – So you want the angle to be shown on the cross section?

Jerry Holt – Yes, more than just shown, I want to make sure that it conforms to what standard building requirements are. I understand the point that we cannot compel this developer to build sidewalks all along Calvin Hall but for the frontage that this development has on Calvin Hall sidewalks will be required. I don't recall seeing the documentation on sidewalks along 160 but that was...

Alex Moore – They are there now on 160. I received the design today from SCDOT. It reflects the sidewalks which will be on both sides of 160 from Possum Hollow between Rosemont and Possum Hollow. This will be with the new construction.

Jerry Holt – I am making a motion that we deny the application until it is resubmitted with these items having been addressed. I think that we experienced earlier tonight that if we don't get an opportunity to review the plans when they are near completion; we've advocated all of our responsibility and someone else can do with our recommendations what they choose.

John Weaver – I know exactly what you are trying to accomplish. There is a motion to deny and a second, there is not a second but if there is a second you need not address these issues in your motion to deny. You can withdraw that motion to deny if you would like. The time to address the conditions is in a motion to approve.

Jerry Holt – I was prepared to do that but I was asked by the planner to provide...

John Weaver – There is a motion to deny with no conditions being necessary. If there is a second I would recommend that be voted on up or down. If it is voted down then you can make the same motion to approve with those conditions that you have just sited.

Jerry Holt – Mr. Chairman, I would like to clarify my motion. My motion is to deny the application as submitted and David Freeman seconded the motion.

VOTE: 5 AFFIRMATIVE 2 NEGATIVE MOTION CARRIED

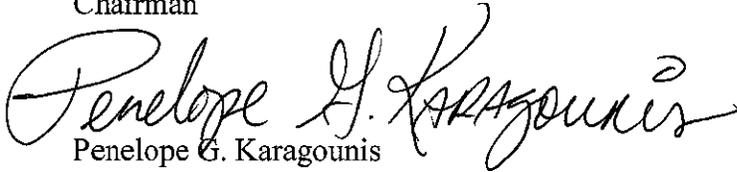
Jerry Holt made a motion to adjourn and Jim Barnett seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Respectfully Submitted,



Charles Deese
Chairman



Penelope G. Karagounis
Planning Director