



development review committee. On July 28, 2014 at the Lancaster County Council meeting, county council agreed to give \$20,478.00 for the construction of the Carolina Thread Trail in Walnut Creek Park. The county was awarded \$110,369.00 for the Carolina Thread Trail in November 2012 and we also received a match of \$7,500.00. The match funds were to be used for trail signage, trail markers, trash cans, pet stations and benches for the 3.48 miles of trail. Hal Hiott with Lancaster County Park and Recreation Department met with LStarr Development; modifications had to be made to the trail due to the limited easement awarded to the County by the developer. There were also areas that new residential lots were added and the trail had to move to accommodate the new residential lots. The Blue Ridge Trail Works company that is building this trail ran into areas that needed to use a more hardened surface vs. a natural surface for the trail since it is along the 12 Mile Creek. This is why the estimate of the trail had increased and we asked for \$20,478 from County Council. We are very grateful and thankful that Lancaster County Council approved the funding on July 28, 2014. I just wanted the Planning Commission to know that we received extra funding and it is on schedule and hope to have the trail complete in the fall. This will be an asset for all of the citizens of Lancaster County to enjoy. I would also like to welcome Sheila Hinson representing District 6. We look forward to working with you and if you have any questions feel free to call myself or my staff.

**SD-014-002 – Subdivision application of MI Homes for a proposed subdivision named Southstone. The property is located along the southeast quadrant of the intersection of Barberville Rd. and Harrisburg Rd. along the NC/SC state line in the Indian Land Community, Lancaster County, South Carolina.**

Penelope Karagounis – Presented the report.

Alex Moore – There were some adjacent neighbors that called but they were just curious about what was going on and we provided them with information about what was going on with the project.

Penelope Karagounis – I did receive an email from Buddy Patterson who is an adjacent property owner. He had some concerns with the pump station. I talked with James Hawthorne, Lancaster County Water & Sewer, and he told me that the preliminary plan that you have in front of you; if you look at lots between 194 and 195, it shows where the pump station will be located near Harrisburg Road. Mr. Patterson understands it is just preliminary and there are still steps with the construction documents and working with Lancaster County Water and Sewer District.

Jerry Holt – This development has 194 single-family homes and a 134 age targeted single-family homes. Do we have a definition for age targeted homes as opposed to age restricted homes?

Penelope Karagounis – I don't believe so as far as the Unified Development Ordinance. The age targeted description is probably in their development agreement. I would have to read over it and see. To answer your question, you are absolutely correct, there is no definition about age targeted in our current Unified Development Ordinance.

Jerry Holt – We’ve got a copy of the development agreement here, does it restrict the use or the sale of those homes to equal age 55 or over?

Penelope Karagounis – Exhibit 2 states age restricted.

Jerry Holt – Ok, so the development agreement then...

Penelope Karagounis – Can I read it to you? On page 11 of 26 in your exhibit B, Section 4.07 – Age-Restricted. County acknowledges that Developer intends to develop the portion of the Property shown as Pod E and Pod D, consisting of approximately 54 acres, located south of Clem’s Branch Creek on the rezoning plan, attached hereto as Exhibit G and incorporated herein by reference as if the exhibit were set out in this agreement in its entirety, into an age-restricted community where at least 80% of the residential dwelling units must be occupied (not owned) by at least one person 55 years of age or older as permitted under the Fair Housing Act, as amended.

Jerry Holt – So these are age restricted and not age targeted?

Penelope Karagounis – Based on the development agreement that could be changed; I guess the wording, is that a recommendation? Because on the preliminary plan it states age targeted.

Jerry Holt – The development agreement has already been approved and it appears that we can’t make any changes to the development agreement.

Charles Deese – The staff report states age targeted. The development agreement states age restricted, so it is age restricted.

Penelope Karagounis – I think it’s a typo on the preliminary plan. The comment from Matt Levesque with ESP Associates is to change age targeted lots to state age restricted. It is fine like that in the development agreement.

Jerry Holt – Ok, so age restricted is the final answer?

Penelope Karagounis – That is correct.

Matt Levesque – Matt Levesque with ESP Associates, representing MI Homes. In regards to the comments Penelope Karagounis stated; adjusting the text is not a problem at all. Age targeted vs. age restricted is referred to in both ways depending on where you see it and it’s not a problem to change it because it is committed to a development agreement. We can have that adjusted and back to Penelope for the final stamp of approval.

Penelope Karagounis – Before you approve a preliminary plan you have the zoning of the property which is the R-15 with the Cluster Subdivision Overlay; so they have all those rules, and then that makes up the Unified Development Ordinance and on top of that





Penelope Karagounis – Like I said, when they are saying they are evaluating it, at this time I guess historically somebody needs to go out there to look at the data of where this wagon trail is. I can't answer the question of where those lots are today. If we approve this plan, where the lots stand is where the lots are going to go. So say there is 20 acres of historical site, I can't make that analysis but I think what Mr. Wiggins and MI Homes is trying to do is within the open space that they are providing with the cluster subdivision; they are going to try and create either a mile marker or something that shows the historical significance of the area.

Marty Davis – My name is Marty Davis and I'm with MI Homes and I would like to point out that it's our understanding from the location of this old trail that it is in a common area that is protected. It's consumed by wetlands and we are not even impacting that area, so it will be preserved. There are no lots and no grading that will be on top of this trail. It's up against the state line and in the wetlands protected area and will not be impacted.

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

VOTE:            7 AFFIRMATIVE    0 NEGATIVE       MOTION CARRIED

**Information Only: Allen Fortner with Land Planning Associates/Electrical Substation – Highway 75**

Allen Fortner – I'm the project manager for Land Planning Associates, Engineering Firm. I'm representing New Horizon York Electric Cooperative for an electrical substation proposed between Waxhaw Highway and the coastal railway. This will be substation to help provide electrical power to the expanding growth in this area. A would like to mention that Kenneth Cauthen is happy with the landscaping plan submitted.

FYI - Mr. Fortner passed out a site plan to staff and board members.

**SD-014-003 – Subdivision application of TDON Development (Bent Creek). The proposed subdivision has ± 1,155 feet of frontage along the southern portion of Jim Wilson Road with the proposed ingress/egress point being approximately 900 feet east of the intersection with Henry Harris Road. Additionally, there is ± 100 feet of proposed frontage along Henry Harris Road with the proposed ingress/egress point being approximately 1,500 feet south of the intersection with Jim Wilson Road.**

Alex Moore – Presented the report.

Peter Tatge – My name is Peter Tatge and I am with ESP Associates and I'm here representing TDON Development the owners of Bent Creek. I would like to point out a couple things. We have a brief PowerPoint presentation that is loaded and want to discuss a couple issues. One is about the lot size and I think we want to talk a little bit about that. There are two primary lot sizes; the 70 foot wide and the 90 foot wide lot sizes that have been a source of discussion. We received some input at the workshop earlier in the month. It's important to point out some of the diversity in lot size. The site

is very organic in nature. It has a lot of geometric configurations due to the natural features. We preserving 45% open space; the 25% minimum, we are well above that. There are variable street frontages. There are lot frontage street dimensions – 52 to 72 feet wide; which again is allowed under the UDO and allowed by code. I think from a visual standpoint it promotes some diversity. All the corner lots are larger than the minimum lot size and meet the requirements of code; so we also have some diversity here. We have some 75 foot lots that go to 80 foot on a corner situation. The 90 foot lots go to 100 feet.

**Peter Tatge continues with PowerPoint presentation and Rob Stiegele passed out additional handouts (Conceptual Product Elevations)**

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

VOTE: UNANIMOUS MOTION CARRIED

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

VOTE: UNANIMOUS MOTION CARRIED

Jerry Holt – I had been one who had taken issue with this application through all of our earlier workshops. I met with Mr. Stiegele and Peter Tatge yesterday to discuss some of the concerns. My primary concern was the fact that it did not conform to our newly adopted cluster ordinance in that they proposed 2 lot sizes as opposed to the required 3. This morning I took the larger map and counted the number of lots just by eyeballing it; that are not either 70 feet or 90 feet. There is more than a 10 foot separation, one or two may be larger, others closer to the 50 and 60 foot range; by my count there are at least 27 lots that were in that. While it does not fulfill the requirement where it stated no one lot size should exceed more than 34%. I agree now with the intent and as we discussed this, it became clearer to me that when we developed the cluster agreement we put in the three lot size requirements just because we did want diversity or visual interest in the community. We didn't want to drive into a place and look down the street and have it look like army barracks. They pointed out to me that there are some communities in this area that have an ordinance that deals with differences in the way lot lines were laid out. They agreed they would send to the planning commission what some of those other ordinances are that we may want to consider and replace the condition that we have that says there has to be 3 sizes. I agree with their proposal and I think it's a good proposal. I certainly will support it now.

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

VOTE: 7 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

**SD-014-004 – The Retreat at Rayfield an approved subdivision that consists of 171.34 acres, with a total of 379 Single Family Residential lots, with a density of 2.21 du/ac., and a total of 29.04 acres of Common Open Space (16.9%). The Retreat at Rayfield is located just north of the Sun City Carolina Lakes Planned Development District, 18 (PDD-18).**

Elaine Boone – Presented the report.

Jerry Holt – What this really accomplishes is that the residences would not have to go to the Board of Zoning Appeals.

Elaine Boone – That should not have to go to the Board of Zoning Appeals, everything would stay the same and they could go up to 15 feet beyond that. They shouldn't have to go to the Board of Zoning Appeals, let's say it that way.

Penelope Karagounis – We've had one subdivision that has had variance requests after variance requests for just the purpose of decks and porches. We fully support this variance just for the decks to encroach.

Jerry Holt – That was Barber Rock that's mentioned in here?

Elaine Boone – Yes sir.

Jon Hardy – My name is Jon Hardy and I live at 3434 Millstone Creek Road, Lancaster SC. I represent Lennar Carolinas, LLC. There is one thing that Penelope said that I would like to clarify. This is for the enjoyment of the back yard. In addition, I was requested when we rezoned this by the Planning Commission and the Council to save as many trees as we can. As you enter the community and the trees are actually shown on this shot; to the left there are grand trees that we hope to keep in the front yards of these lots. One of the reason we want to be able to encroach into the rear yard setback, I would like to be able to vary where I put the home on the home site. I believe I can save considerably more grand trees in the front yard if I can also allow the structure, either a deck, a screened porch, a sunroom, which would be considered part of the structure; and or the structure itself into that rear yard setback. I have a sunroom on the back of my house and in many cases because of the 45 foot rear yard setback; they won't be able to put that sunroom on. Or they can do a screened porch and they can't put the windows in and heat and air condition that space; so I would like it to be under consideration when requested that the way it is written is more than acceptable to Lennar Carolinas and it doesn't limit it to just screen porches. I would request that any portion of the structure can encroach into the 45 rear setback.

Jerry Holt – So you are recommending that it be approved as stated?

Jon Hardy – As stated, yes sir.

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

VOTE: UNANIMOUS MOTION CARRIED

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

VOTE: UNANIMOUS MOTION CARRIED

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

VOTE: 7 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

**SD-014-005 – Deerfield Creek a/k/a “Providence Estates” – Subdivision application of Mr. Tom Waters with Union Lancaster Land Development, LLC., for a proposed subdivision Deerfield Creek a/k/a “Providence Estates” for approval of a proposed 41 lot subdivision to be built on a 59.45 acre tract of property. The applicant will require a variance on the connectivity index from 1.40 to less than 1.0.**

Elaine Boone – Presented the report.

Brent Cowan – My name is Brent Cowan with The Isaacs Group. We have addressed all the comments with the exception of some of the things that Elaine mentioned. The one thing we haven't really got our hands around yet is the bonding of the construction road. By construction road I mean the primary access that construction vehicles will come into the site. I haven't been able to talk with Jeff Catoe. I need to discuss with him how we will do that. I don't know how you can bond something that we can't forecast. I know the intent is to protect the county road. The developer has committed to restrict his contractors from coming through Legacy Park and to only access the project through Shelley Mullis down Vance Baker. If that is not desirable we could come in Cedar Lane. The idea is not to come through Legacy Park. How do we bond something that we don't know is going to happen? What is the benchmark? Do we bond the whole road? That doesn't seem quite fair. We had an idea that we would catalog the state of the road today, whether it's Cedar or Vance Baker. We could video tape it and make some paint markings before the project starts and then after the project starts see how the roads deteriorate. The developer is committed to repair the damage that occurs between A and Z.

Charles Deese – I think this is something you would have to work out with Jeff Catoe.

Elaine Boone – He is on vacation today but he will be back tomorrow and we can get with him on that.

Brent Cowan – In regards to the variance, as you can see the project was previously designed permitted and started construction. The roads and storm drainage is in, we would just be finishing up what's there. So we left the roads in the same place, the lots that were there with the original design were denser and much narrower. We lost our zoning and the zoning defaulted back to the R-45 so now we have much bigger lots. The

roads are there and with the way that the project was carved up by the banks and the ownership entities when it went into default; I would claim that there is no way we can meet that 1.4 node to link ratio, connectivity ratio.

Jerry Holt – There were comments regarding the radius or the width of the cul-de-sac, do those meet code now? There is a comment in here indicating that it looks like the proposal was 70 feet and the requirement is 80 feet.

Brent Cowan – I don't recall that comment but if the quote is 70 or 80 feet, we will meet it.

Jerry Holt – It was email to you Elaine from Stephen Blackwelder on July 29<sup>th</sup>.

Charles Deese – They had increased the radius of the cul-de-sac sometime back due to the size of the emergency equipment that needed to turn.

Brent Cowan – We will certainly do that.

Jerry Holt – There was also a comment from Kenneth Cauthen regarding the location of the trees. He wants to see the trees behind the sidewalk rather than between the curb and the sidewalk.

Brent Cowan – My understanding of the comment was he didn't care where they went so long as we showed it and there was no uncertainty on where they would go; rather they were between the curb and sidewalk or behind it. We made the decision and on my cross section of the plans, I'm showing them behind the sidewalk.

Jerry Holt – So in the front yards?

Brent Cowan – Yes sir.

Jerry Holt – On the issue whether the roads are public or private. Obviously we've all seen situations where the developer had good intentions but due to economic or whatever other factors; have not been able to complete it in time. There is a statement in here indicating that the roads would be public but that needs to be a conditional statement because the council has taken the position that after December 31, 2015, they will not accept any other roads. I don't think we should accept anything right now that says definitively that they would be public; that has a time constraint with it, agreed.

Penelope Karagounis – That is correct.

Elaine Boone – Just go ahead and list them as private?

Jerry Holt – I don't think that we should take their expectation as the condition for determining right now that they would be public. If they are not completed and accepted by December 31, 2015, then they are going to be private. That way they know they are

working with a clock and we are in conformance with the path that council seems to be on.

Penelope Karagounis – It did pass on August 11<sup>th</sup>, first reading.

Charles Deese – I think that's the way council's ordinance that they are working on states; any roads not complete by December 31, 2015 will be private roads.

Elaine Boone – You said something about the traffic impact analysis, Mr. Pappas?

Ronald Pappas – I would be looking for the follow up and the satisfactory resolution of all your comments, everybody's comments. You have it here to be approved contingent that all comments are addressed from local agencies, which includes us.

Penelope Karagounis – Just remember with your motion, this board can add conditions. If that is a condition then the board needs to make a motion and a second stating the condition. It is very important to state it in the motion.

Elaine Boone – Will this be continued then?

Penelope Karagounis – You do have the right to continue for another 30 days in order to hear back from Jeff Catoe regarding the bonding of the construction. That is up to the board.

Ronald Pappas – I think we are looking for resolution to our satisfaction from you guys. Whether the street is public or not; it's essentially out of our hands if in fact we place the conditions as the recommendation states. Then it's out of our hands and its back into yours.

Jerry Holt – The traffic impact analysis includes the issue regarding bonding or is that a separate point?

Elaine Boone – Brent did mention they could record a video of those roads and mark them all to show what is existing now. If approved and they get everything done, go back and take another video of those roads and see what kind of improvements need to be done.

Penelope Karagounis – In regards to the traffic impact analysis, we follow the ARMS Manual – South Carolina Department of Transportation. So with 41 lots based on that manual they were not required to have a traffic impact analysis but this board can request that if you are concerned with Vance Baker Road and Cedar Lane. That is stated in Chapter 13 of the UDO that this board has the right to ask for a traffic impact analysis. It has to be stated in the motion.

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

VOTE: UNANIMOUS MOTION CARRIED

Frank Traficante – I live in the Chastain Village at 5015 Monacan Way, Indian Land SC. I'm concerned about this development and its effect on the roads, both Vance Baker Road and Cedar Lane. Those are two narrow roads that are used by communities of Chastain Village and Legacy Park for recreation; people walk their dogs, ride their bikes and people take their kids out in strollers for walks. I'm concerned that construction traffic generated by this development will impact these people to the point where they won't be able to carry on these activities. These are two very narrow roads, especially Vance Baker. In some places two vehicles are unable to get by at the same time. Dump trucks and cement trucks coming down that road would present a danger to anybody else, including other vehicles. I would like for that situation be addressed before an approval is given for this development.

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

VOTE: UNANIMOUS MOTION CARRIED

Ronald Pappas made a motion to approve contingent upon satisfactory resolution of all the comments made by all the local agencies including our planning staff, listed on page 125 of the documents that we have Section 3 (Conclusions & Recommendations); Jerry Holt seconded the motion.

Penelope Karagounis – That is including Page 125, the conclusions you stated?

Ronald Pappas – Conclusions and recommendations, it's all the same, include all of the letter recommendations from all of the local agencies.

Jerry Holt – Are there any viable alternatives for access to that property with the construction vehicles?

Elaine Boone – It would have to be Cedar Lane or Vance Baker one. It will be one of the two.

Ronald Pappas – Is there an opportunity from the North Carolina side?

Penelope Karagounis – There is a gated community.

Ronald Pappas – On this portion there is a roadway already; is there an opportunity for them to create a temporary construction access?

Penelope Karagounis – I believe that is private because.....  
That is something beyond my control. That is a private property owner.

Ronald Pappas – Certainly that is already stated to resolve this in these documents?

Penelope Karagounis – If you don't mind Mr. Pappas if you can read for the record, the conclusions so we all know.

Ronald Pappas – The plan distributed at the Lancaster County Planning Workshop had addressed most of the comments from the DRC on July 29, 2014 with the exception of the following:

- 1) Connectivity Index links/nodes variance
- 2) Roads had originally been requested to be private since Lancaster County is no longer accepting roads into the County Road System after December 31, 2015. I guess we go to number 3.
- 3) We also need an LOC for Bonding of roads being damaged during the construction of the proposed subdivision naming the streets (Cedar Terrace, Legacy Park Blvd., and Vance Baker Road) and a established construction road.
- 4) Sidewalks will be provided on both sides of the main access road (Providence Bridge Drive, Shoal Creek Drive, and E.V. Roberts Lake Drive) sidewalks will be provided on one side only.
- 5) No access will be provided to the North Carolina per Ordinance 1191 approved on February 11, 2013.
- 6) The Planning Commission requested that a TIA be done to see what could possibly be done to improve the access to the proposed subdivision.

Penelope Karagounis – Everything else has pretty much been met, it's basically the traffic impact analysis. Mr. Cowan will be talking with Jeff Catoe for the bonding of the roads. Number 1, is a variance request that is submitted with this application; just remember with that motion, you have to approve the variance tonight because that is something that was submitted with the application.

Elaine Boone – Right.

Ronald Pappas – Improving the variance vs. us requesting the variance to be done by council.

Elaine Boone – This stops here.

Penelope Karagounis – This does not go to county council, this is a preliminary plan; so the one that they are requesting tonight is a connectivity index variance from this board. I understand your motion, you want them to follow all the conclusions and the recommendations but part of their application requested a variance for the connectivity index.

Charles Deese – Once the original request is approved, then we will have another motion to approve the variance to go with it. Is that not correct? We've got a variance request along with a subdivision preliminary plan application. If we approve the preliminary plan application with the stipulations so stated, then we can approve the variance on the connectivity for that subdivision. Do we not need to separate motions to do that?

Steve Willis – I would think so. Whichever is the subsidiary, if motion A is contingent upon motion B, then you would motion B first because there is no use doing A. I'm not sure under the planning rules which one is subsidiary.....

Penelope Karagounis – We have a motion on the table and a second, so I guess the actual variance needs to go first?

Ronald Pappas – I would say the variance might need to go first.

Charles Deese – Can you give a variance to something that you have not already approved? You would approve the subdivision plan first and then approve the variance to go with it, would you not?

Ronald Pappas – I would like to.

Charles Deese – Would you not do it in that order?

Ronald Pappas – We can do it in that order.

Charles Deese – Thank you, Mr. Willis. We already have a motion on the table that did not mention the variance. That motion has a second and has been discussed.

Jerry Holt – I would like to clarify that has motion did include the requirement for the 80 foot radius in a cul-de-sac, because it referred to it as the other attachments from the other departments; also the trees in the front yard.

Charles Deese – As Brent stated, he talked with Kenneth Cauthen and Kenneth said he didn't care where he put the trees as long as he showed them on the map; and they are there behind the sidewalk. Do we need that in the motion if he has already done that?

Jerry Holt – OK

Penelope Karagounis – The preliminary plan that was submitted is with the connectivity index that you are asking for the variance. The design of the preliminary plan shows less than 1.4.

Brent Cowan – Yes.

Penelope Karagounis – Ok, if that being said, you have to approve that variance first so that we can then approve that plan. The actual preliminary plan does not work without the variance. Can you remove the motion?

Charles Deese – Let's remove the motion.

Ronald Pappas – Mr. Chairman, I would like to withdraw my motion.

Charles Deese – The second withdraws also.

Jerry Holt – Second.

Charles Deese – That motion has been withdrawn.

Penelope Karagounis – That is why we need a county attorney to be at all the planning commission meetings.

Charles Deese – Question now is connectivity, the developer has asked for a variance on the connectivity for less than 1. I think that's stated and do I have a motion?

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

Ronald Pappas made a motion to approve contingent upon satisfactory resolution of all the comments made by all the local agencies including our planning staff, listed on page 125 of the documents that we have Section 3 (Conclusions & Recommendations); Jerry Holt seconded the motion.

VOTE:        7 AFFIRMATIVE    0 NEGATIVE        MOTION CARRIED

Penelope Karagounis – This was an approval for the variance for the connectivity index for the preliminary plan for Deerfield Creek.

Charles Deese – Now we will go back to the preliminary plan. Do I have a motion?

Ronald Pappas made a motion to approve contingent as stated in the conclusions and recommendations page 125 of our study document that Deerfield Creek, aka Providence Estates be approved contingent to the county's satisfactory resolution of all comments that are addressed from the local agencies; Vedia Hatfield seconded the motion.

Charles Deese – Would you like to restate the motion before we vote? Does everyone understand the motion?

Ronald Pappas – I make the motion for approval for Deerfield Creek aka Providence Estates to be approved contingent upon all of the comments that are addressed from the local agencies as in the report given to us on page 125 and all of the inclusive documents in our workbook.

VOTE:        7 AFFIRMATIVE    0 NEGATIVE        MOTION CARRIED

**Time is 8:18pm – Break – Start back at 8:25 pm**

**DA-014-006 – Bonterra Builders (Barber Rock South) has submitted an application to enter into a development agreement with Lancaster County. The site is located in**

Trish Hinson, E-911 Addressing Coordinator

## II. Findings

The applicant submitted the Deerfield Creek Preliminary Plan electronically to the following departments for review and comment:

- Lancaster County Building Department, Steve Yeargin
- Lancaster County EMS, Clay Catoe
- Lancaster County Economic Development Corporation, Keith Tunnell,
- Lancaster County Natural Gas, Seth Rodgers
- Lancaster County Water and Sewer District, James Hawthorne
- Lancaster County Parks and Recreation, Hal Hiott
- Lancaster County School District, Dr. Gene Moore; David Small, and Bryan Vaughn
- Lancaster County Sheriff, Barry Faile
- SCDOT, John McKay; Daniel Hopkins, and Mike Bagley
- Lancaster County Fire Marshal, Stephen Blackwelder

The Planning Department distributed paper copies of the Deerfield Creek Preliminary Plan to the following agencies for review and comment:

- Lancaster County Public Works, Jeff Catoe
- Lancaster County Zoning Department, Kenneth Cauthen,
- Lancaster County E-911 Addressing Coordinator, Trish Hinson

## \* III. Conclusions

Listed

The plan distributed at the Lancaster County Planning Workshop had addressed most of the comments from the DRC on July 29, 2014 with the exception of the following:

- 1) Connectivity Index links/nodes variance, 2) Roads had originally been requested to be private since Lancaster County is no longer accepting roads into the County Road System after December 31, 2015, Brent Cowan P.E. with the Isaacs Group stated that he felt that they could complete this project prior to non acceptance of roads therefore requesting that the roads would be public, 3) We also need an LOC for Bonding of roads being damaged during the construction of the proposed subdivision (Cedar Terrace, Legacy Park Blvd. and Vance Baker Roads) and an established construction road, 4) Sidewalks will be provided on both sides of the main access road (Providence Bridge Drive), Shoal Creek Drive and E.V. Roberts Lake Drive sidewalks will be provided on one side only. 5) No access will be provided to the North Carolina per Ordinance 1191 approved on February 11, 2013, 5) The Commission requested that a TIA be done to see what could possibly be done to improve the access to the proposed subdivision.

## \* IV. Recommendation

It is therefore the recommendation from the Planning Department that the subdivision application for the Deerfield Creek a/k/a Providence Estates be approved contingent that all comments are addressed from the local agencies.

**the panhandle area of the County along Barberville Road (Tax Map 6, Parcels 53, 53.01, and 53.02). The site contains a total of 83.82 acres.**

Penelope Karagounis – Presented the report.

Ronald Pappas – We are not voting on anything tonight, we are sending comments back.

Charles Deese – It's a recommendation to accept or exclude.....

Penelope Karagounis – If there are comments, then with your motion you need to state them with your recommendation. We are voting tonight.

Charles Deese – A public hearing also.

Jerry Holt – On the issue we addressed earlier this evening with TDON Development; that was resolved without any conflict with the development agreement. However, in that development agreement, if you go back to page 87 of our packet. There is a statement that says “by adoption of this ordinance the Lancaster County Council approves the development agreement and all of its terms, provisions, and conditions. The Development Agreement is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials.” So basically, with that version of the development agreement it would indicate that the planning commission is powerless to make any changes in a application that comes before the commission. Now, I don't see that in the templates that have all the blanks that we are being asked to consider for the one for Bonterra. Is it the expectation that every application that we get it and it has a development agreement that we are powerless to make any changes?

Penelope Karagounis – You can make recommendations.

Charles Deese – A development agreement is approved and has to pass three readings and the ordinance is approved by county council.....you can make recommendations on what this agreement should say or should not say. At that time when the development committee meets they will review our comments and they will prepare the development agreement.....

Jerry Holt – My recommendation then to the council in regards to the development agreement is that the development agreement committee be abolished and that function be handed over to the planning commission.

Charles Deese – That would not work with this particular item we are working on. We can make that as a recommendation at a separate time. Right now we are working on Bonterra Builders application for a development agreement. Are there any other comments?

Ronald Pappas – We obviously have a document that has a lot of blank spots in it so that makes me a little bit less comfortable. I think the intention was to modify our process on

how we bring these things together early on. On section 4.01(a), maybe you can help me understand this better; its on page 158. At the very end of that paragraph there is no assignment capability, successors or assigns on it. I would recommend that is something that needs to be changed.

Penelope Karagounis – Section 4.01 (a) Payment?

Ronald Pappas – That very last sentence “and does not include its successors or assigns”. Maybe you can help me understand why that’s included that way and not running with the land since the entire agreement would run with a map.

Penelope Karagounis – I can relay that information to the attorney who has this template.

Ronald Pappas – Now this process is us telling you what to write down so we can vote on it and give it to them.

Penelope Karagounis – It is what it is.

Ronald Pappas – Can we take a comment from the applicant?

Mike Kissel – Mike Kissel with Bonterra Builders, 5615 Potter Road, Matthews NC. The intent of the item you are discussing is if Bonterra Builders was to sell this parcel to Mr. Smith, we are going to fulfill that payment in full; thus Mr. Smith the assigned would not receive payment twice.

Ronald Pappas – I understand what you are saying now. I don’t know that I read it that way. What if you want to sell it before you make that payment? What about the day after the agreement was signed?

Mike Kissel – I believe that language is in there. Bonterra Builders has to complete their obligation in full prior to it be assigned and then where it doesn’t go with the assignment; protects Mr. Smith so he doesn’t get hit with it again.

Ronald Pappas – I’m hoping that is the intent to carry it through and kind of run with the land if you will. If you got run over by a bus the day after, now what; Bonterra can’t fulfill it and the judge sells it to the next guy and now where is it?

Mike Kissel – That is a recommendation that we take to Mike Ey and expand the language to clarify it.

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

VOTE: UNANIMOUS MOTION CARRIED

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

VOTE: UNANIMOUS MOTION CARRIED

Ronald Pappas – I make a motion to approve and ask that Penelope read for the record the comments that we provided.

Penelope Karagounis - The first comment was from Mr. Holt that the development agreement committee needs to be abolished and replaced by the planning commission board. Second, modify the process of the blanks in the development agreement document and actually fill out the blank spots. Third, expand the language at the end of Section 4.01 (a) Payment – Clarify.

Ronald Pappas – We had discussed that Mr. Holt’s comment might not be an inclusion of this and may be dealt with somewhere else.

Penelope Karagounis – I think it’s a very good comment of how Mr. Holt feels and I believe some other individuals may feel the same on the planning commission. I think it’s very important to let them know. If you would like for me to delete it....

Ronald Pappas – My comment was just to the process of this document and not a process of our procedures.

Penelope Karagounis – Let’s clarify that a little bit more.

Ronald Pappas – Leave it as it is.

Penelope Karagounis – Ok.

Ronald Pappas made a motion to approve contingent upon the items listed above by Penelope Karagounis and Jerry Holt seconded the motion.

VOTE: 3 AFFIRMATIVE 2 NEGATIVE MOTION FAILED

The two negative votes came from Tommy Dabney and Keel Kelly.

Jerry Holt and Sheila Hinson abstained from voting.

Penelope Karagounis – We’ve never had anyone abstain from voting before in my ten years of being with the county.

Charles Deese – We do not have a quorum vote to approve so the motion failed.

Jerry Holt – So it just goes back to the development agreement committee and then they are going to do what they were going to do anyway, correct?



extensions and a lot of families that are waiting on us also; so I just wanted to let everyone know where we are on this.

Jerry Holt made a motion to approve. There was no second.

Jerry Holt – Have we already done final site plan approval?

Penelope Karagounis – No they will come back with a preliminary plan.

Jerry Holt – On page 187 under development rights, Section 3.01 Paragraph D, I would propose that this entire paragraph be stricken. It says “except as may be otherwise provided for in the agreement, no future changes of land development regulations shall apply to the property; which means that with this agreement the planning commission would have no authority whatsoever to make changes in the final site plan.

Penelope Karagounis – Ok.

Jerry Holt – The reason is that it removes any authority of the planning commission to take action on a final site plan approval. So my motion was for approval, I would like to amend my motion.

Penelope Karagounis – We didn’t have a second.

Jerry Holt – Ok, then I recommend it be approved with the deletion of Paragraph D on page 187. Under Article 3 – Development Rights Section 3.01, Paragraph D; and no second was made.

VOTE:            0 AFFIRMATIVE    0 NEGATIVE       MOTION FAILED

Penelope Karagounis – Exhibit One has substantial comments from the agencies and local staff. Are there any thoughts on reading those documents? That would also help me with my staff report to the development agreement committee. I would have documentation regarding whether the planning commission supports me or not. We want it to be addressed. That is just another example of when you are reviewing this document there are staff recommendations from the various department heads that you should look at as well and also very important.

Charles Deese – This will go to the development agreement committee with no recommendation.

New Business: I received a request from Catawba Council of Governments, Robert Moody and Kara Drane to ask this commission if they could reschedule the September 4<sup>th</sup> planning workshop meeting to September 11<sup>th</sup>, Thursday at 5:00 pm for the regular meeting and 6:00 pm for the joint workshop with the City of Lancaster for the rewrite of the Comprehensive Plan. The reason why is the Catawba Council of Governments is

providing the continuing education class and they are the speakers for this class. We can give anyone who can't make it the materials from the workshop for September 11<sup>th</sup>.

Charles Deese – So the workshop will be changed to September 11, 2014 at 5:00 pm.

Old Business: Kenneth Cauthen has been very busy and still has not had time to complete the review of the signage chapter.

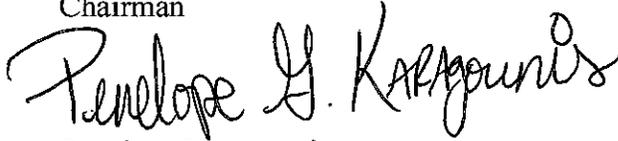
Jerry Holt made a motion to adjourn and Ronald Pappas seconded the motion.

VOTE:                      UNANIMOUS                      MOTION CARRIED

Respectfully Submitted,



Charles Deese  
Chairman



Penelope Karagounis  
Planning Director