

LANCASTER COUNTY
PLANNING COMMISSION
REGULAR MEETING
AUGUST 16, 2016
MINUTES

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

Others Present: Angie Estridge, Administration; Penelope Karagounis, Planning Director; Nick Cauthen, Planner I; John Weaver, County Attorney.

Others Absent – Judy Barrineau, Clerk to Commission; David Freeman, Planning Commission Board Member.

The following press were notified of the meeting by mail or by fax in accordance with the Freedom of Information Act: The Lancaster News, Kershaw News Era, The Rock Hill Herald, The Fort Mill Times, Cable News 2, Channel 9, and the local Government Channel. The agenda was also posted in the lobby of the County Administration Building the required length of time and on the County website.

Call to Order - Chairman

Charles Deese – I would like to take this opportunity to welcome each of you to this Planning Commission meeting. We have with us tonight two new soon to be County Council members, District 1 and District 3; Mr. Terry Graham and Mr. Billy Mosteller. We also have with us our County Attorney, Mr. Weaver. We have a representative from E-911 Communications here tonight as well.

Charles Deese – I will need a motion to amend the agenda to add one item for executive session.

Jerry Holt made a motion to add the item to the agenda for executive session and Tommy Dabney seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Charles Deese – I will need a motion to approve the agenda as amended.

Approval of the Agenda

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

VOTE: UNANIMOUS MOTION CARRIED

Citizens Comments -

Waylon Wilson – 15117 Legend Oaks Court, Indian Land, SC – I wanted to bring up the issue of Bretagne since the item was taken off the I & R Committee Agenda asking for more information; to bring to light some items that whomever or whatever body is to inform the I & R Committee to consider several facts that were presented to you during that meeting. Which I believe were and the best phrase is inaccurate or not fully disclosed while this board was trying to make a decision. It would be bothersome to me if I knew these things sitting in your position when all this information was presented. A piece of paper that you had showed parcel 7 or tract 7, or whatever it was determined; there was a yellow piece, that portion of the agreement has two owners and not just one owner. Also the settlement agreement that was conveyed in your packet, varied from the official packet information and there were omissions and deletions; omissions and changes and additions to that document which I think needs to be investigated. I don't know who prepared it. Also, the developer so named was only formed in December of 2015 from a LLC in South Carolina. The original agreement was with a LLC of North Carolina. Did the commission have the proper documentation of transfer of development rights according to the original agreement? I don't believe it did, if it was, it was not in your packet. Since the time of changes in this property, another party has entered into I believe when they purchased the rolling tract one acre and that is the Pierce property. This comes into play because of Sunset Hollow Road which is a County road. Other pieces of property that come into play and with a developer obtaining rights to the roads and ownership by this LLC in South Carolina which you don't have the information of who that is; I just think this entire matter should be looked into. Thank You

Approve Minutes

Jerry Holt made a motion to approve the Regular Minutes for July 19, 2016; Sheila Hinson seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Chairman's Report

Charles Deese – A report seldom comes from me other than to say again, we welcome you and we are amazed at how much and how often we have large groups of people turn out for your meetings. Without the help that we get from staff and comments from our citizen's, our attorney, and our council; we couldn't do our job. We do volunteer to do this and we do it the best we know how with the information that we have to make these decisions. We do appreciate each of you for being here.

Director's Report

Penelope Karagounis – Good evening everyone and welcome to the Lancaster County Planning Commission Meeting, this month we did have a couple Development Review Committee cases. We are also scheduled to have a special Planning Commission meeting next Tuesday on the Public Hearing for the rewrite of the Unified Development Ordinance and also the repealing of the Zoning Map. The meeting will start at 6:30 pm and I would ask that all commissioners please bring your notebooks with you. The August 16th agenda is basically reflecting what we've always had for over ten years. I

just wanted to thank you for at least giving me an opportunity for one month to try something different. I did get feedback to just go back to what we have always done for the agenda. Thank you and I appreciate you for doing that for just one month. We are back to our original format for how agendas were always done here in Lancaster County. Since July 25th the Voter Registration conference room has been open to view our Zoning Map and Chapters of the Unified Development Ordinance. That room downstairs in the basement has computers and maps that citizen's can come and look at the proposed zoning. They can see what their current zoning is and what the proposed zoning will be. There are also comment sheets available. We've had about sixteen people that have signed in and actually reviewed the information. Due to us sharing that room with Voter Registration, that room will be available to the public until the end of the month. After that I am going to have to find a different room here in the County building; we don't have that many rooms and it might be out here either in the lobby or possibly in John Weaver's little conference area that he has so we have a place to put computers. Until the end of this month the Voter Registration office will have the information available for citizen's to review. You can also view information online as well. I want to take the time to thank the Voter Registration office for being so gracious and helping us have that room since July 25th. I would also like to thank my planning staff and I know we only have Nick Cauthen here tonight, but all the planners have been rotating and taking the time to go down to the Voter Registration office and help citizen's. We have also received a lot of telephone calls as well from people who just wanted some information and we have been rotating those calls as well. I really appreciate my staff taking time out of their busy schedules to also help citizen's understand the process and how they can comment on issues that affect them. Thank you to all the commissioners who have been working with us now for over 18 months. An important thing that I want to let you know about that is scheduled for Tuesday, August 30th for the citizen's that are up in Indian Land; parts of Indian Land are in an urbanized area which is the Rock Hill Fort Mill Area Transportation Study. They are having an open house at the Del Webb Library. RFATS is doing this event and I invite all the citizen's from Indian Land or even if anyone from around here that is curious about what they are doing. Basically the Rock Hill Fort Mill Area Transportation Study is working on an update for their long range transportation plan and they are going to the City of Rock Hill, York County, Tega Cay, Fort Mill, and also Indian Land to have an open house. So Indian Land's open house is on August 30th at the Del Webb Library from 6:00pm until 7:30pm. Once again the RFAT's is a metropolitan planning organization (MPO) for our local agencies that are responsible for regional transportation. RFATS is also currently conducting a bicycle pedestrian connectivity study for the area and I know I have some contact people up in Indian Land that I sent out the actual website information. Just for everybody to know in the audience tonight, it is called bikewalkrfats.com so you can review the information. The survey was available until the beginning of August but they may have already completed the survey but there is other useful information on that RFATS bike walk page.

RNC-016-011 – Road Name Change Application – Harris Street/Heath Springs
Nick Cauthen – Presented the report.

Charles Deese – For some of the citizen’s that have not been involved in these road name changes it might be wise that you give them some reason for E-911 Communications asking that these road names be changed.

Sandra Burton – We have looked at all the streets in Lancaster County and including the streets in the City of Lancaster, Heath Springs, and Kershaw area. We have found that there are multiple streets that have the same street name. It may be Harris Street, Harris Street Extension as we have tonight. The suffix may be a road a drive but it’s still the same first name for that road. Part of our concern as E-911 dispatchers is if someone calls in with an emergency and if for some reason we cannot locate them and they tell us a road, we don’t want to send first responders whether it’s EMS, Fire, or law enforcement up in the Indian Land area and this road is actually down in Kershaw. It will delay response times for our first responders and could mean somebody’s life in the long run. What we are looking at doing is, reviewing all of the street names that are similar and we are trying to change them so that we do not have any confusion in our dispatch and we can respond in a timely manner to the citizen’s of Lancaster County.

Charles Deese – I had a question about the Town of Heath Springs when we met before we started this process; the mayor actually said that they were going to pick the names for the Heath Springs streets and is this satisfactory with the Town of Heath Springs for the road name change we have tonight.

Sandra Burton – I have not spoken with anyone on this street in reference to that. I had not received any other names. I took over this position in April and at that point there were no other names given. We sent out the letters and I did speak personally to two family members that reside on that street. They are requesting Isaiah Street because that is a family name.

Sheila Hinson made a motion to approve with the road name change of Isaiah Street and Jim Barnett seconded the motion.

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RNC-016-012 – Road Name Change Application – Harris Street Extension/Heath Springs

Nick Cauthen – Presented the report.

Sheila Hinson – If the Harris Street is being changed and this is a Harris Street Extension, why wasn’t one left?

Sandra Burton – There is still a third Harris Street in the City of Lancaster. This road name change was submitted by the Town of Heath Springs but it is also my understanding that it is also a family name.

Jerry Holt made a motion to approve with the road name change of Gaither Street and Vedia Hatfield seconded the motion.

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RNC-016-013 – Road Name Change Application – Ray Road/Lancaster

Nick Cauthen – Presented the report.

Jerry Holt made a motion to approve with the road name change of Hardwood Lane and Tommy Dabney seconded the motion.

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RZ-016-006 – Application of Blackwell, Ltd. & Danny R. Blackwell to rezone ± 45.67 acres of property from R-45A, Rural Residential/Intense Agricultural District to MF, Multiple-Family/Agricultural District. The property is located at the intersection of Fork Hill Road and Little Dude Road in Lancaster County, SC.

Penelope Karagounis – Presented the report. (See Schedule A – Attached to Minutes)

Charles Deese – Even though it's on the opposite side of the road where it joins in to the industrial property; that will require some type of buffer?

Penelope Karagounis – Yes and I believe Mr. Rowe has that included. It is usually a Type IV buffer; I believe it's a 30 foot buffer.

Charles Deese – That will be required even though it is on the road?

Penelope Karagounis – It is required if you have adjacent property with the residential.

Jerry Holt – I missed what you were saying.

Charles Deese – There is industrial property that joins it even though the road is dividing them it is still there. The property line basically is the center of that road so it would require a buffer along that area where the industrial zone is.

Jerry Holt – There is an existing structure in the industrial zone now and because they are adjacent currently to R-45, they don't need a buffer, correct? I guess I'm missing your point. It seems like you are saying because we are considering rezoning this property from R-45 to multi-family, now the owner of the industrial tract is required to put in a buffer.

Penelope Karagounis – The industrial is already there.

Jerry Holt – That is where I was confused. I thought you were saying that.....

Penelope Karagounis – The applicant is not here tonight. He provided pictures but obviously you all know that these pictures do not bind him to have to do this type of product. I did include and I think the pictures were in your packet. These were all given to us by Dr. Blackwell.

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

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Charles Deese – This will go to County Council sometime in September.

RZ-016-007 – Application of Danny R. Blackwell to rezone ± 20 acres of property from R-45A, Rural Residential/Intense Agricultural District to MF, Multiple-Family/Agricultural District. The property is located off East 3rd Street, ± 1,550 feet east of the intersection of Kershaw Camden Highway in Kershaw, SC.

Penelope Karagounis – Presented the report.

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

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Charles Deese – This will also go to County Council sometime in September.

RZ-016-008 – Application of Shelby Snipes to rezone a ± .25 acre portion of a ± .7 acre tract of property from R-15, Moderate Density Residential/Agricultural District to R-15S, Moderate Density Residential/Manufactured Housing/Agricultural District. The property is located at 2575 Lynwood Drive in Lancaster County, SC. (See Schedule B – Attached to Minutes)

Nick Cauthen – Presented the report.

Jerry Holt – The letter in favor is from the adjacent property owner?

Nick Cauthen – I believe so; we just received it in the mail today. It is adjacent and I can check and see exactly which one if you would like me to.

Jerry Holt – This was originally allowed because of the circumstances where Ms. Snipes was going to take care of her mother and the mother subsequently died. Did the mother live in the house in the front?

Nick Cauthen – Yes.

Jerry Holt – Now the nephews live there. So Ms. Snipes, you did live and plan to continue to live in the trailer in the back?

Shelby Snipes – Yes sir.

Charles Deese – If you will please give your name and address for the record.

Shelby Snipes – 2575 Lynwood Drive, Lancaster SC 29720.

Jerry Holt – What was the action that was taken by the Board of Zoning Appeals? What did that accomplish?

Nick Cauthen – It reduced the required lot size in order to subdivide and in order to apply for a rezoning. It was a two part process. We had a similar case about a year ago. You can't have a mobile home and flat built home on the same property as a primary residence. In order to subdivide Ms. Snipes could not meet the minimum lot size requirement so she had to go to BZA first to ask for a variance.

Jerry Holt – So they subdivided first and then applied for rezoning; because when they subdivided, both kept what the parent building was.

Nick Cauthen – It will be subdivided pending this outcome.

Penelope Karagounis – Currently the zoning does not allow for the mobile home so we needed to make sure she was able to receive a variance from the minimum lot size and the Board of Zoning Appeals did grant the variance. So now she is here to ask for just that portion and Nick has drawn in the portion of the property for the mobile home.

Nick Cauthen – Your decision is purely on the use. R-15 doesn't allow manufactured homes.

Jerry Holt – Both of the structures or the mobile home and the stick built home; do they each have their own separate utilities?

Shelby Snipes – Yes, I had to get a hook up to the sewer and the power and everything is all in my name.

Jerry Holt – So it was your contingent to continue to live there?

Shelby Snipes – Yes because in the beginning they told me I could use her septic tank but then after I moved up there they said I wasn't going to be able to do that so that is when I had to get hooked up to the County Water and Sewer.

Tommy Dabney made a motion to approve and Sheila Hinson seconded the motion.

Jerry Holt – I do have a concern about this because of the issue that was pointed out in the planning staff report about spot zoning. But given the unique circumstances that exist here, the fact that they have already made the investment and have gotten the approval for the reduced lot size; I would consider that to over weigh my philosophical issue with the spot zoning.

VOTE: 5 AFFIRMATIVE 1 NEGATIVE MOTION CARRIED

The one negative vote came from Vedia Hatfield.

Charles Deese – This will go to County Council sometime in September.

Penelope Karagounis – More than likely it will be September 12th but those are tentative dates.

RZ-016-009 – Application of Stephen Waters to rezone ± .08 acres of property from R-15D, Moderate Density Residential/Manufactured Housing/Agricultural District to B-3, General Commercial District. The property is located off S. York Road, ± 250 feet northeast of the intersection of 7th Street in Lancaster County, SC.

Nick Cauthen – Presented the report.

Peggy Frazier – 2712 Rolling Hills Road, Lancaster SC – I do not currently reside in this area. I do know Mr. Sheldon Twitty and Stephen Waters who could not be here for work purposes and have basically conveyed to me the importance of trying to make this a more positive area. It was there understanding that this was initially commercial property when they began to even look into trying to put a car wash there. After beginning the research they realized it was zoned otherwise. It is my understanding from conversations with him that there intent is to hopefully bring something positive there and hopefully be allowed to provide maybe some possible employment opportunities. Just something that may create a positive image for that area over there.

Tommy Dabney made a motion to approve and Sheila Hinson seconded the motion.

VOTE: 6 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Charles Deese – This will go to County Council for a final recommendation.

New Business: (Amended): Executive Session – SC Code Section 30-4-70(a)(2) – Pending Litigation

Charles Deese – At this time do I hear a motion to go into Executive Session?

Jerry Holt made a motion to go into Executive Session and Jim Barnett seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Vedia Hatfield made a motion to come out of Executive Session and Jim Barnett seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

John Weaver – Mr. Chairman during the course of Executive Session a discussion was had on a pending litigation matter. During the course of those discussions no votes were taken and no motions were made.

Penelope Karagounis – See everyone next Tuesday, August 23rd at 6:30pm.

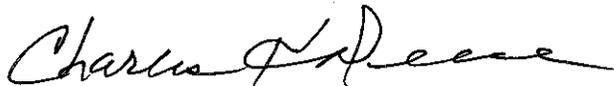
John Weaver – There is also UDO Workshop for Monday, August 22nd at 5:00pm for the County Council if you are interested in hearing even more about the UDO, you are welcome to come. There have been discussions privately with individual council members and I think what Penelope or the staff has done is gone back over those questions and they are going to be brought up that night.

Penelope Karagounis – There are also some comments that we've heard that it's time for County Council to make a policy decision on some of those issues.

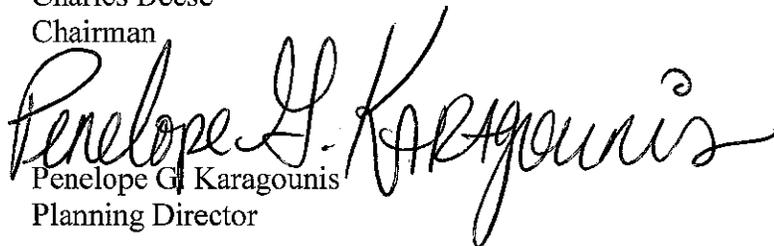
Jerry Holt made a motion to adjourn and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Respectfully Submitted,



Charles Deese
Chairman



Penelope G. Karagounis
Planning Director

State of South Carolina
County of Lancaster



TITLE TO REAL ESTATE

FILED, RECORDED, INDEXED
03/26/2004 09:55AM
Rec Fee: 10.00 St Fees: 0.00
Co Fee: 0.00 Pages: 3
Register of Deeds
LANCASTER COUNTY, SC

Know All Men by These Presents, That David A. Cox

hereinafter referred to as grantor for and in consideration of the sum of **Five and no/ 100ths (\$5.00)**
Dollars and cancellation of mortgage-----

to grantor paid by **Blackwell Limited**

hereinafter referred to as grantee, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said grantee and grantee's heirs, successors and assigns, the following described property, to wit:

All that certain piece, parcel or tract of land lying, being and situate in Lancaster County, South Carolina, containing forty-five (45) acres, more or less, bounded on the SOUTH by Springdale Road; On the NORTH by property of E. W. Caskey and Blackwell property, EAST by lots of Catoe, Farmer, Holden and Watkins, and on the WEST by property of Springs Cotton Mills, Colored Cemetery and lots of Clyburn, and being that identical tract recorded in Deed Book A-5, Page 104, Register of Deeds Office for Lancaster County, with the exception of a 20 acre tract previously deeded and a one (1) acre lot which was deeded Leonard Sutton. LESS AND EXCEPT: 14 acres conveyed to Dr. E. Reed Gaskin dated October 18, 1973 and recorded October 26, 1974 in Deed Book B-6 Page 2236 and a 1 acre lot conveyed to Lisa Catoe dated March 11, 2001 and recorded March 26, 2001 in Deed Book 113 Page 123, Register of Deeds Office for Lancaster County, South Carolina.

Being the identical property conveyed to David A. Cox by Deed of Blackwell Limited dated and recorded September 12, 2003 in Deed Book 207 Page 342 in Deed Book Z-5 Page 1498 in the Register of Deeds Office for Lancaster County, South Carolina.

TAM#156/1

ASSESSOR'S OFFICE
Received 3-29-04
Tax Map Code 156-1.00
Gr Parcel ID _____

The within described property is conveyed subject to existing easements and rights of way, whether of record or not, and to restrictions, if any, appearing in the chain of title which said restrictions, if any, are not intended to be reimposed hereby.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said grantee and grantee's Heirs, Successors and Assigns forever.

And grantor does hereby bind grantor's Heirs, Successors, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said grantee and grantee's Heirs, Successors and Assigns, against grantor and whomsoever lawfully claiming or to claim, the same or any part thereof.

WITNESS the Grantor's Hand and Seal this _____ day of March, 2004, and in the two hundred and twenty-eighth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered in the Presence of

Pamela A. Serris
Witness

David A. Cox (Seal)
David A. Cox

_____ (Seal)

[Signature]
Witness

STATE OF SOUTH CAROLINA }
County of Lancaster

I, the undersigned notary public, do hereby certify that the above named Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this the 23rd day of March, 2004.

[Signature] (Seal)
Notary Public of South Carolina
My Commission Expires: 9-1-2010

BLACKWELL TRIMNAL, LLC
State of South Carolina,
County of Lancaster

David A. Cox
To
Blackwell Limited

TITLE TO REAL ESTATE

I hereby certify that the within Deed was filed for record in my office at _____ M. o'clock on the _____ day of _____, 20____, and was immediately entered upon the proper indexes and duly recorded in Book _____ of Deeds, page _____

Clerk of Court of Common Pleas and General Sessions of Register Mesne Conveyance for the State and County aforesaid.

I hereby certify that the within Deed has been this _____ day of _____, A.D. 20____, Recorded in Book _____ of Deeds, page _____

Auditor
of the State and County aforesaid.

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TRC/FWET
LANCASTER, S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF Lancaster) AFFIDAVIT FOR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on the back of this affidavit and I understand such information.
2. The property being transferred is located at _____
bearing Lancaster County Tax Map Number _____ was transferred
by David A. Cox to Blackwell Limited
on March, 2004.
3. The deed is exempt from the deed recording fee because (See information section of affidavit):
transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure
executed by the mortgagee or deed pursuant to foreclosure proceedings - see exemption #13 (Code
Section 12-24-40(13))
4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected
with the transaction as: _____.
5. I understand that a person required to furnish this affidavit who wilfully furnishes a false or
fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than
one thousand dollars or imprisoned not more than one year, or both.

Danny R. Blackwell
Responsible Person Connected with the Transaction

DANNY R. Blackwell
Print or Type Name Here

SWORN to before me this _____
day of March 20 04

Notary Public for South Carolina
My Commission Expires: _____

Schedule B

August 11, 2016

My husband and I
are for Shelley Snypen
to stay where she is.
She is a very good Neighbor
she need to stay there
so she can take care
of her Nephew who
live in the home in
front of her.

Thank you

Shirley & Wilbur
Hall