

LANCASTER COUNTY  
PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 20, 2016  
MINUTES

Members Present: Charles Deese, Jerry Holt, Sheila Hinson, Tommy Dabney; David Freeman.

Others Present: Judy Barrineau, Clerk to Commission; Penelope Karagounis, Planning Director; Andy Rowe, Planner I; Sandra Burton, E-911 Addressing; Steve Willis; County Administrator; John Weaver, County Attorney.

Others Absent – Elaine Boone, Planner II; Alex Moore, Planner II; Nick Cauthen, Planner I; Vedia Hatfield, Planning Commission Member; Jim Barnett, Planning Commission 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 – Welcome each of you to your Planning Commission Meeting. We appreciate the citizens here tonight who are interested in what happens and especially in their area. We do have two members who are not here tonight but we do have a quorum and will continue the meeting.

Approval of the Agenda

Jerry Holt made a motion to approve the agenda and David Freeman seconded the motion.

VOTE:                      UNANIMOUS                      MOTION CARRIED

Citizens Comments

No citizen comments.

Approve Minutes

Jerry Holt made a motion to approve the July 07, 2016 Workshop Minutes and the July 07, 2016 Public Input Session Minutes; David Freeman seconded the motion.

Chairman's Report

Charles Deese – We have a short meeting tonight and we are glad you are here.  
Thank You

**RNC-016-014 – Road Name Change Application – Nims Lane/Indian Land**  
Andy Rowe – Presented the report.

Jerry Holt made a motion to approve with the road name change of Greenshore Way and Sheila Hinson seconded the motion.

VOTE:            5 AFFIRMATIVE    0 NEGATIVE            MOTION CARRIED

**RNC-016-015 – Road Name Change Application – Calhoun Street/Lancaster**  
Andy Rowe – Presented the report.

Jerry Holt made a motion to approve with the road name change of Hemingway Drive and David Freeman seconded the motion.

VOTE:            5 AFFIRMATIVE    0 NEGATIVE            MOTION CARRIED

**RNC-016-016 – Road Name Change Application – Edwards Avenue/Kershaw**  
Andy Rowe – Presented the report.

Mitch Lucas – 205 W. Stevens Drive Kershaw, SC – The Town Council voted in April to present this to the Planning Commission to change the road name to Kirkland Avenue and I agree with that.

Sonya Poole – 503 W. Stevens Drive Kershaw, SC – One reason we chose Kirkland Avenue is to honor Kershaw’s black citizen’s because of Kirkland Funeral Home which is the longest and continuously owned black business in town and also because of Grover Cleveland Kirkland who founded the Kirkland School which is now Baron DeKalb Elementary. Also, Richard Roland Kirkland who we all studied about in school who is a national hero and he is known as the “Angel of Marye’s Heights” and is known for his humanitarian actions during the Battle of Fredericksburg in 1862. There are numerous monuments erected of him in South Carolina and Virginia. That is the main reason we chose Kirkland and we do appreciate you considering this name change.

Sheila Hinson made a motion to approve with the road name change of Kirkland Avenue and David Freeman seconded the motion.

VOTE:            5 AFFIRMATIVE    0 NEGATIVE            MOTION CARRIED

New Business: Penelope Karagounis – Good evening everyone, as we discussed at the last meeting regarding the possible new date for a October workshop due to the voter registration needing this room on October 6<sup>th</sup>. Based on what we have on our agenda for October I do make a recommendation that we do have a workshop meeting and the new date is proposed for Thursday, October 13<sup>th</sup> @ 5:00pm in this room. We will make the necessary changes regarding the new date. In front of you there is a piece of paper that I wanted Ms. Barrineau to pass out to all of you. This is a friendly reminder that when we adopted the Planning calendar we changed the December date to the holidays. We meet

on the third Tuesday of every month. The December meeting would have been on December 20<sup>th</sup> so this board proposed the change of December 8<sup>th</sup>. So I just wanted to make sure everybody has that on their calendar. We do have the workshops on the first Thursday of every month so if we don't have a lot of cases we might need to cancel the workshop and just have the Regular Planning Commission meeting. I'm hoping due to that short deadline; the policy and procedure has always been that deadlines are always the third Tuesday of the month for the following months meeting so that only gives us three weeks. So technically even if we had a subdivision application we wouldn't have the proper 30 days so my suggestion is if anybody comes into our office for the November deadline; I have to let them know that we don't meet the advertisement requirement for 30 days. But for rezoning's we have that 15 day grace period so we could possibly have a rezoning South of Highway 5. I just wanted everyone to be aware of that and just a reminder about the December 8<sup>th</sup> meeting. The date for November is the regular November 15<sup>th</sup> meeting, the third Tuesday a week before Thanksgiving.

Charles Deese – I would also ask since Sandra Burton is here tonight that we don't have road name changes for December also.

Penelope Karagounis – Just for everyone to know I did reach out to Mr. Chris Nunnery to let him know because we don't have enough time. We only have 15 days to advertise so I've asked if he would not submit any road name changes for December. I haven't received a response yet.

Steve Willis – It will work.

Penelope Karagounis – October 3<sup>rd</sup> we have a Special UDO Meeting at 6:30pm and tonight we rescheduled the October Workshop to Thursday, October 13<sup>th</sup> @ 5:00pm. We will also have our regular scheduled meeting on October 18<sup>th</sup> @ 6:30pm. We have Avondale back on the agenda for October, the Capital Improvements Plan that needs to be recommended by this board and also five road name changes that have been submitted for October. The scheduled workshop for November is November 3<sup>rd</sup> @ 5:00pm. Then we have the regular meeting on November 15<sup>th</sup> @ 6:30pm. The regular workshop for December is December 1<sup>st</sup> @ 5:00pm and the new date for the regular meeting is December 8<sup>th</sup> @ 6:30pm. Ms. Barrineau will be sending emails to everyone as usual to remind you of all meetings. The final version of the Capital Improvements Plan will be in your packet for October. I can have Ms. Barrineau send you ahead of time the electronic version if you would like. It will be in your packet as well and is online. That is why it is important to have the workshop on October 13<sup>th</sup>.

Old Business: Penelope Karagounis – Obviously this board has been involved now for 18 months with the Unified Development Ordinance Rewrite; the public hearing will be on Monday, October 3<sup>rd</sup> and will start at 6:30pm. It is the same set up like we did on August 23<sup>rd</sup> when we had the first public hearing of the UDO and this board continued it. It was re-advertised and the revisions from August 23<sup>rd</sup> were put on that version online on September 2<sup>nd</sup>. Since September 2<sup>nd</sup> since it has been advertised, we have had some revisions made, however, when you go online today you don't see those revisions. What

Kara the consultant is doing, is later next week she will send out all the revisions that you all will have before Monday night so you know exactly what has changed from the September 2<sup>nd</sup> version online. We have to state it on the record that these are the items that we have changed since the time that it has been advertised. I just want to let you all know there have been significant changes in Chapter 4 with the pipeline. From the August 23<sup>rd</sup> to September 2<sup>nd</sup> we deleted the rail and we also modified allowing churches in the pipeline overlay. After the September 2<sup>nd</sup> we've had some conversations and now in this new version that we'll make a recommendation on October 3<sup>rd</sup> is basically deleting the whole pipeline. What we are going to do is have online. I think and I'm not a 100% sure but Mr. Rob Jackson that is in charge of the zoning map is supposed to take off that pipeline and rail overlay; if people are looking at it today there is no pipeline overlay or rail overlay. I've received an email from Darren Player to delete the whole overlay at this time and there is not appetite from the county to pursue that overlay. There are other tweaks we have made from comments from department heads and other citizen's. We are looking at all of this and there will be some revisions. Part of October 3<sup>rd</sup> you will have the UDO that you will adopt and make your recommendations of the changes and then you will have the zoning map, so there is a list of parcels that we have seen from September 2<sup>nd</sup> that needed to be corrected. So what Kara will be doing and stating at that time is, she will state the tax map number the existing zoning and what was the proposed zoning and what is the new proposed zoning with your recommendation to approve. This will be written out for this board to have before the meeting on October 3<sup>rd</sup> and we will put this information online as well so the public knows. There is no need for people to sign up for comments on a pipeline overlay when the pipeline has been deleted. There is nothing to debate about because it has been deleted. Some other uses such as tiny houses as been deleted; items such as this that you see today regarding the ordinance online, it looks like it is still there but we will make those statements.

Tommy Dabney – When folks go online and it says September 2<sup>nd</sup>, when these updates go on there will there be a new date?

Penelope Karagounis – That 9-2 will stay there until October 3<sup>rd</sup> and until after the meeting. What Kara is going to try and do? You will still have the chapters but you will have some other layer or some note attached saying these are the changes that the Planning Commission will take into consideration. Now after the October 3<sup>rd</sup> meeting we have about a week for the October 10<sup>th</sup> County Council and then that new version that County Council will receive; those chapters will be updated and it will possibly state the new date of October 4<sup>th</sup>. So Council will know that these were the recommendations that Planning Commission made and this is the version now that we are trying to adopt.

Tommy Dabney – I'm getting a lot of questions about there are no changes being made.

Penelope Karagounis – From my conversation with Kara, she said those changes in a form, would be posted on there later next week. So unfortunately, if you are looking at the actual zoning map, they are supposed to take it off this week about the pipeline overlay but the actual text won't be revised until later on next week. I guess what I'm asking since you all are on the Planning Commission and I'm relaying the information to

you, please keep on letting them know that yes the pipeline has been deleted. It is not showing yet but it has been deleted.

Tommy Dabney – Do you have some updated information regarding the Airport Overlay?

Penelope Kargounis – Yes sir we met today with the South Carolina Aeronautics' Commission. There were some comments that were thrown out to us a couple weeks ago and we had the consultant because again, the planning department is responsible for the whole UDO but I'll be honest none of us are experienced with aviation. So we relied on the consultant that Paul Moses uses Ken Holt and also this ordinance that you see in this Chapter 4 was a template from the South Carolina Aeronautics' Commission. There were some red flags brought up to us a couple weeks ago and we asked them to take a look at it. Mr. Ken Holt researched it over the weekend and he spent two and a half hours yesterday with the guys from South Carolina Aeronautics' Commission and they said thank you for catching the mistake. So we tweaked that language so some of the concerns and I can briefly tell you and I don't know if you have your notebook with you but on page 4-4 if you go to it; the table key abbreviation goes in hand with the table of the McWhirter Field land use compatibility guidance. So there is certain language that he deleted that basically allows more density if the County decides to ever zone it a little bit higher density; so you have conditions regarding the type of structures that could go in. There are some modifications that were made and we had a meeting today with Steve Harper and Larry Honeycutt because that area encompasses their actual voting district. Mr. Mosteller attended the meeting as well, Jeff Catoe, Mr. Willis, and they were happy to see those modifications made. I can send you those revisions to everyone but the actual clean version won't be available until later. I have a hard copy version that has notes on it that I can send to everyone.

Tommy Dabney – Did the graphs showing the areas and what goes in there change at all? Where is Highway 9?

Penelope Karagounis – The blue zoned is zoned D. The most important thing is zone A which they call the approach.

Tommy Dabney – Does the yellow encroach on the land that people own between the runway and Highway 9?

Charles Deese – That doesn't encroach on private property.

Tommy Dabney – Is that airport currently airport land? Is that yellow owned strictly by the airport? Or does it encroach on the land people own?

Penelope Karagounis – To be honest with you I will have to check with Mr. Moses but I am 98% sure that they own that. I will double check because I don't want to say something that is incorrect.

Tommy Dabney – From the highway to the airport land owned by the airport, is there any privately owned land in that yellow?

Charles Deese – I don't think there is in the yellow but there is.....unable to hear complete sentence.

Penelope Karagounis – The main critical area is really the encroach and then the B-1 and B-2 and some of these revisions that they made they basically like if you look at page 4-4 under C3; that means if you look at that table about conditional uses for compatibility. If you are in that zone B-1 and B-2, you could do more density and they are changing it to make it low density up to four dwelling units per acre or 10 people per acre.

Tommy Dabney – I'm more concerned with the light blue around Highway 9, both sides of it. Where your finger is now, heavy industry can go in there if I'm looking at it right?

Penelope Karagounis – Look on page 4-5 because what you are going to look at is the different zones and the different lists; now when you go to page 4-9, 4-10, and 4-11, these tables in the title, table 1 on page 4-9 talks about compatible land uses. What staff will look at is, you know that this zone is zoned D, so what you do is you go to the first table compatible land uses and you look under where the column is D for Airport Land Use and it says under general characteristics of the base zoning residential it's allowed no problem. If you go into the commercial it is allowed; such as fast food restaurants, cafes, bars, etc. Then it goes down to the industrial and it talks about the certain types industrial districts that are allowed in that zone B. Flip over to the next page, the only thing that is not compatible under the D zone is ultra high industrial uses that emit persistent, significant large and dense plumes that may be pose a hazard to the aircraft. Table 3 talks about conditional uses so under industrial you are going to go back and it says under D; high density industrial uses with no or little smoke/steam emissions such as heavy manufacturing, there are conditions. You go back to that other table on page 4-6, and just pick heavy industrial. It says C6, C6 refers to the key on page 4-4 and it means that you are restricted to 100 or less persons per acre. So the question that was posed today at the meeting; when I read that it means the whole area, the way it reads. I need some justification. What happens if somebody puts an industrial building that has 100 acres and they are only using two acres and they put 840, is that safe? What is the criteria? They could not answer that question. They way it reads today it seems if you have 100 acres, use that total 100 people per acre. You can do the math.

Tommy Dabney – If what you are saying is true and you can't have but so many people in that acre even though you have 100 acres; you've got to get clarification, I understand.

Penelope Karagounis – My interpretation it's all the 800 acres.

Tommy Dabney – You divide the people by the total number of acres.

Penelope Karagounis – If you think about what the purpose of this Airport Overlay is; to protect the citizen's if a plane goes down. Are you really protecting the citizen's when

you say I have 8 acres and I put all 800 people on just two acres; are you really protecting the people because the plane is going to fall. If a plane falls it's not like it's going to hit that one building where 800 people are at. Nobody could give me a concrete answer. My interpretation said all the acres in that parcel but nobody really confirmed that with me. They are going to look into it with the documentation. But the way it is written, it says based on density restricted to a 100 people or less per acre.

Tommy Dabney – An airplane can fall anywhere and I understand it's not going to land sideways of that runway. We have probably 4 or 5 million dollars between Heath Springs and this Business park; it would just be wasted. How did this Airport Overlay come about?

Penelope Karagounis – We had an Airport Overlay.

Tommy Dabney – Right now it's not restricted like this.

Penelope Karagounis – Oh yes it is.

Tommy Dabney – That same thing?

Penelope Karagounis – By worse standards, when we were doing the Unified Development Ordinance rewrite and we knew that John Baker wrote the document back in 2009 or 2010; Mr. Ken Holt the expert he said has anybody in the county understand this document? I said it's safe to say that nobody in the county understood the document and he had over 30 years of experience and he didn't understand it. He said the person who wrote this document wrote it in a way the military would have. So really this is a better document than what we have today.

Tommy Dabney – So today you couldn't build a building and have 800?? Why in the world would have Lancaster County put an industrial park there?

Penelope Karagounis – I cannot answer that question. It was because of that existing document, there were a lot of gray areas. There was stuff in there that was adopted that nobody in zoning, building department, planning, we didn't know how to enforce it. He made a good point that since we are rewriting the UDO take a look and that is why we had the expert look at it. It is a whole lot better and from the meeting that we had today I feel I just want to have my documentation that when that SC Aeronautics' guy says yes it's per acre; I want to be 100% sure because I don't want a situation that they come back and say well we are talking about just that small part. I didn't get a clear definite yes it's for the whole acre. The most important area of when a plane may fall is right here, B-1 and B-2. The highest risk for a plane to fall is when you are taking off or coming back down.

Tommy Dabney – Could you find that out for us?

Jerry Holt – When we get into zoning or restrictions that are based on population density, how do we manage that? With residential homes we don't treat it differently, whether it's a vacant home or it's occupied. Once a business has gone in, if they add a shift or add additional employees and it's an ongoing operation; then do you say no you've got too many employees and you have got to reduce the magnitude of your operation? These things look like they are almost unenforceable. They sound good from a planning view point.

Penelope Karagounis – Because this county doesn't have business registration or business license, that makes it on the honor system. Basically the only thing that we can provide is when they come to the zoning department to get a permit; we get a red flag from that department for the type of use and he classifies it whether it's heavy industrial, etc. Currently the county does not have a mechanism to make sure the numbers that they are telling us are the honest truth. That is a good question.

Tommy Dabney – Did we ever figure out if that church on Riverside Road was destroyed, could they build it back?

Penelope Karagounis – If it is destroyed it can be rebuilt based on the current square footage that it originally was a non-conforming use.

Brief discussion among board members while looking at map.

Penelope Karagounis – If the whole church burned down and the church was only 2,000 square feet, they can rebuild the 2,000 square feet but they can't rebuild a 5,000 square foot church.

Tommy Dabney – So they can't add on to it?

Penelope Karagounis – No.

David Freeman – Why would you do that to them if their church is ruined and they need to replace and they can do better?

Tommy Dabney – You are telling me that is in there today?

Penelope Karagounis – In the current UDO I need to look at that but the way that Ken Holt has stated the current ordinance is very restricted to what they have on the books today. What we are trying to do is to provide more flexibility. To answer your question about the church, the way they have written about non-conformity they could not expand the church to make it larger. I believe the side of that church that is non-conforming; they have a railroad behind it so they really can't expand to make it bigger but they could rebuild and have the same size church that they had.

Tommy Dabney – There are some landowners along Highway 9 that are interested in this so it would be helpful to me to explain to them if I can get additional information.

Penelope Karagounis – I can get Judy to email to everyone Chapter 4 with all the corrections. You can at least see the edits that were made. I do know that Mr. Harper was pleased with the corrections. Now going back to the church we need to answer that question; they could rebuild but they couldn't make into a larger congregation than what they have.

Tommy Dabney – I wasn't aware that we had it stricter than what we are proposing now. I don't think the public knows that. We need to explain to them that this will relax some of the things that they can do.

Penelope Karagounis – Mr. Holt literally said they don't have anything like this. Actually he was comparing a version of our current ordinance is in comparison with the Greenville Airport that was done almost 25, 30 years ago that used both simple and military rules. There was a prominent business man that wanted to have the airport so secure that there wouldn't be any issues to expand because it is an international airport. Mr. Ken Holt believes Mr. Baker received some type of military information and the military always has stricter rules. If you look at our current ordinance it can go all the way to Buford. You are talking about 10, 15 miles from the airport. This is just for landfill zone F and that is just for birds so they won't approach....The concerns that we had since nobody has expertise including the consultant at the Airport Commission hired; what happens if something does happen? The county would be liable; that there is something on the books that nobody knows how to enforce. That was one of the concerns when we sat down early Spring and discussed updating this Aviation Corridor Overlay and we wanted to have something that is enforceable and that is where the SC Aeronautics' Commission came to the table. They told us since you all adopted it; the state went a higher level and created a tool to make it very easy for the public to use the website and also for all staff levels. This is a much better document. The citizen's probably think it has more rules but actually comparing the two documents the current version is more restrictive than the proposed version.

Tommy Dabney – On October 3<sup>rd</sup> we are going to make a recommendation and we are not going to actually get it where the public can look at it until how many days, probably less than 10 days before they can look at it or us?

Penelope Karagounis – That is correct.

Charles Deese – I have never been able to understand it.

Tommy Dabney – I can see how it happened since he was a military computer guy that checked security on computers. He would have written that to where it would be very difficult to understand.

Penelope Karagounis – I'm standing here for public record with citizens in the audience that it was an eye opener when no one knows how to enforce that. I think this county has been blessed that we've not had any disasters in this area because I think it would have fallen back on the county. I think again, why this has been 18 months and people get

angry about change and everything; it was time, the document had a lot of flaws. We are not going to say that this new document is not going to have flaws. There will be flaws and that is why I'm recommending having a committee. I know Mr. Freeman and Ms. Hinson didn't come a couple weeks ago to the session that we had but just for ya'll to know I told the other County Council members and Planning Commission members that came to the meeting that if it does get adopted my recommendation to council is to have a couple members from the Planning Commission, a couple members from County Council, members from department heads, the citizen's, to be on a UDO committee. Basically after it gets adopted the first 6 months we can ask Kenneth Cauthen for example, how many variances have you had? Are there things that we have missed and then after the 6 months around summer time we will be meeting and make those corrections. Then bring the application and make a formal request to this body and then take it to County Council. Because this whole knee jerk reaction to let's change this rule for someone or it's not working and not really helping the process; my recommendation is we need to stop doing that because what is going to happen is we are going to have another dysfunctional UDO when you have one section that says you need 10 feet and another section says you don't need a buffer. That was my recommendation to the County Administrator and to also relay that to the County Council and the Planning Commission and form a committee. There are going to be flaws and we are human. I'm not going to sit up here and say this is a perfect document. I'm not arrogant and I'm not going to say we did the best job ever. There are going to be mistakes and Ms. Charlene McGriff at one of the meetings made a great statement; she said "We won't know until this thing goes live". It is true, until we put stuff in action that is when we will see that we have missed something. Going back to Mr. Dabney's comment, we will try our best to get out the significant things to the community. I don't want to say it will be up on Monday because again it is something that the consultant is working on. As soon as we can we will feed it online but I just hope that ya'll have faith in me and my department that you have our word that the pipeline and the rail overlay has been deleted. Also, there have been tweaks with the Airport Overlay based on what Ms. Barrineau will send to you all tomorrow. You can see my scribble of basically what has changed.

Tommy Dabney – I just need help with the airport property.

Penelope Karagounis – You are referring to all the yellow here.

Tommy Dabney – Yes, I just want to know if that is owned by the airport.

Charles Deese – I'm trying to think if there is a map that shows the actual right of way the owned property for the airport. There should be one in this building somewhere.

Jerry Holt – The zoning map online because it will have the individual parcels.

Penelope Karagounis – There is a layer underneath and you just have to zoom a little bit because of the overlay. When we were talking today he was talking about we have over 6,000 feet of runway.

Charles Deese – What is the gentleman’s name that lives in the house on the left between the strapping company and the airport?

Steve Willis – Jim Short

Charles Deese – He lives down there and he is not on airport property and on up the hill is where the fence line for airport property starts.

Penelope Karagounis – I will send an email to Mr. Moses and Ken Holt just to be sure. Steve you were there at the meeting today and for all of us to feel confident we are going to make sure we have a clear answer.

Steve Willis – It is by per acre on the parcel and not the building size. It is real clear it’s more than the entire parcel.

Penelope Karagounis – They said it but it wasn’t a real confident answer and I told the one gentleman if it’s not and not the other way I will need documentation because I think there will be some discussion and some opposition then if it’s not. I just want to have that documentation and be a 100% sure.

Tommy Dabney – Both of you are seeing it the same way?

Penelope Karagounis – Yes.

Steve Willis – Penelope mentioned about the airport runway safety zone because that is landings and takeoffs and that is where you are going to have an issue; the time I’ve been with the county we have been very fortunate and we’ve only had one plane to go down from a takeoff and it was down on the runway and soon as he got airborne it’s like I’ve got a problem. He was trying to circle back around and didn’t make it and went down in the river.

Penelope Karagounis – A question might be why has Chester County adopted it? They have not for the record. What Mr. Paul Wert stated and he is the head guy from SC Aeronautics’ Commission; he is hoping after this gets adopted that from his understanding from Steve Willis there will be some type of memorandum of understanding because that is something that they need to look into from a regional standpoint as well. We are only concerned for Lancaster County and make sure you all understand that and we are not talking about Chester County. Thank You

Charles Deese – She is accurate, it is a whole lot simpler than it was.

Penelope Karagounis – It is still online if you want to look at it.

Jerry Holt made a motion to adjourn and David Freeman seconded the motion.

VOTE:

UNANIMOUS

MOTION CARRIED

Respectfully Submitted,



Charles Deese  
Chairman



Penelope G. Karagounis  
Planning Director