



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

CHARLES DEESE, DISTRICT 3, CHAIRMAN
JERRY HOLT, DISTRICT 7, VICE CHAIRMAN
VEDIA HATFIELD, DISTRICT 2
TOMMY DABNEY, DISTRICT 5
SHEILA HINSON, DISTRICT 6
JAMES BARNETT, DISTRICT 4
DAVID FREEMAN, DISTRICT 1

**MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION
REGULAR MEETING**

**OCTOBER 18, 2016
MINUTES**

Members Present: Charles Deese, Jerry Holt, Vedia Hatfield, Jim Barnett, Sheila Hinson, Tommy Dabney; David Freeman. A quorum of Lancaster County Planning Commission was present for the meeting.

Others Present: Judy Barrineau, Clerk to Commission; Penelope Karagounis, Planning Director; Elaine Boone, Planner II; Alex Moore, Planner II; Andy Rowe, Planner I; Kenneth Cauthen, Zoning Officer; Steve Willis; County Administrator; John Weaver, County Attorney.

Others Absent – Nick Cauthen, Planner I

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 meeting to order

Chairman Deese called the meeting of Planning Commission to order at 6:30 p.m.

Approval of the Agenda

Jerry Holt made a motion to amend the agenda to remove RNC-016-021 (Road Name Application for Clyburn Drive); David Freeman seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Citizens Comments

No one signed up to speak.

Approve Minutes

Jerry Holt made a motion to approve the August 23, 2016 Special Meeting Minutes and the September 20, 2016 Regular Minutes; Sheila Hinson seconded the motion.

Director's Report

Penelope Karagounis – Good evening everyone, for the month of October we have five Development Review Committee cases. Three cases were heard earlier this month for the Avondale, PDD-27, and the second one was AAA Car Care Center in Indian Land, and the third one was Wag N Tail Pet Spa. The two additional ones that we are going to have in October is a new Dollar General store on Airport Road and also a new hotel next to the Lancaster County Water and Sewer District. In November we have one case that has been turned in for the second phase of Movement Mortgage. On October 25, 2016, RFATS is holding an open house for the Collector Road Study for the area. This open house for public comment will be held at the Del Webb Library in Indian Land from 6:00pm to 7:30pm. In the actual report I had written down the 27th but I believe it is the 25th. I requested a confirmation and did not receive anything by 5:00 this evening but I will post it on our website with the correct date but I do believe it is the 25th. I would like to thank all of the Planning Commission members for the cooperation and assistance for the Unified Development Ordinance. We spent over 20 months on this project and your cooperation and ideas were greatly appreciated. The first reading for the Unified Development Ordinance will be on Monday, October 24, 2016 at 6:30pm. If the first reading moves forward with a vote, then a second reading will be heard on Monday, November 14th and County Council has decided to do an additional public hearing which will be on the November 14th second reading. My entire staff and I really appreciate your support and all the meetings you attended for the Unified Development Ordinance.

Information Only: Public Utilities/Van Wyck Road

Mr. Curtis Long – I am with Mesa Associates out of Knoxville, TN. My address is 10604 Murdock Drive, Knoxville, TN 37932. I'm here briefly to discuss the proposed substation project on 9690 Van Wyck Road. This substation will be constructed Duke Energy. As you can see on the site plan the parcel is approximately 7.3 acres. A brief history of this project, this site was developed approximately 8 years ago but was shelved and is now coming to completion. We plan to reuse the existing access road and the previously graded area as noted on the plan. The development was previously graded for the substation pad so it's essentially ready to go. We are currently in the works with Duke Energy to iron out the details of the plan and lay out of everything for this substation. The substation pad will be approximately one acre, consisting of gravel surface. Within the substation we will have a control house on substation structures and equipment and it's surrounded by a chain link fence. The reason for the substation is to accommodate the increase in power demand in the area so it is necessary to continue providing power service to your citizens. This is scheduled to begin as far as clearing goes, in January 2017. Construction should begin late February 2017 and currently the completion date is set for around June 1st, 2017. I've been in discussion with Mr. Kenneth Cauthen about the buffer requirements and I believe in talks with him we'll be

able to use a good bit of the existing tree line to satisfy the buffer requirements. As I stated this was previously developed so all the required setbacks should be met since we are essentially just finishing the project from eight years ago. The substation pad will be approximately 20 feet below the Van Wyck Road that passes by so it should be fairly well hidden.

Jerry Holt – On the conceptual drawing that we have which is similar to what you have displayed up there, it refers to a level 1 buffer encroachment area but I don't know what that means.

Curtis Long – The tree line that is noted on the site plan was surveyed and that is essentially the original tree line, the native vegetation; where this was cleared previously that is kind of where that stopped and has been sitting for 8 years. So naturally vegetation has started to regrow so that encroachment would be per the survey any areas that don't currently meet the buffer requirements. In talks with Mr. Cauthen I believe he has already taken a visit to the site and he thinks we almost have everything we need. We may have to plant a few plantings here and there to fill in any gaps. We are in works with him right now. Does that answer your question?

Jerry Holt – I understand what you said but I still don't know what a level 1 buffer encroachment area means.

Curtis Long – A level 1 is the minimum buffer required by the County and the encroachment would be like I said where our survey shows there may be a gap in that buffer. So essentially there are no trees right there in that little area.

Jerry Holt – Will this buffer requirement be the same as we would require around an industrial area?

Penelope Karagounis – No, because Type I is your less restrictive of a buffer. Today in the UDO is Type IV and I know Mr. Cauthen can help better answer that question because he deals with buffers. I would think that the Type IV would be the 40 foot buffer for industrial?

Jerry Holt – What I'm really concerned about is the true visual barrier that we have there because there has been a lot of work in that area and approaching that intersection on Van Wyck Road. I just wanted to make sure that we didn't destroy the work that was in there by having something that we could have prevented by making sure that we've got appropriate buffers there that do give us a clear visual barrier.

Kenneth Cauthen – A Type I is 15 feet in depth, two shade trees, five ornamentals, eight medium shrubs, and a definition of medium shrubs is like 5 to 8 feet tall. A normal buffer is 25 feet deep with about the same amount of vegetation but the more you compact the buffer the harder it is to see through it. This site all around the shaded area where they graded it 8 years ago, it is covered with pines. The little area that you see all around the whole site, that 15 feet, that is the buffer and all they've got to do when they

are grading is to mark that area and leave it undisturbed and you can have a better buffer than what the county calls for. If they do disturb any areas within that 15 foot strip they can go ahead and plant the buffer, preferably evergreens. I feel pretty confident that you are not going to be able to see it. They are going to leave the pines along the road also. The buffers we have right now and I'll be honest with you, they are not that comprehensive; with ornamentals it is usually redbuds or dogwoods that lose leaves in the fall and with shade trees you lose the leaves. So the winter time and certain times of the year you just don't have much of a buffer. If they leave as many as those pines as they can, they will have a much better buffer. A lot of developers are using those pines in their buffers now. I don't think it will be a big problem. We will work with the contractors and if there are any thin spaces we will get them to fill them in.

Capital Improvements Program 2017 – 2026 (See Schedule A Attached to Minutes)

Robby Moody – I am representing the Catawba Regional Council of Governments and my address is 215 Hampton Street, Rock Hill, SC. The graphic here is a representation just to show how all the tools in the toolbox fit together. The UDO, Comprehensive Plan, the annual budget that County Council passes, impact fees which are under study at this time and Capital Improvements Program; not one of these are more important than the other but they all fit together and work together. The County has a long history of using the Capital Improvements Program and I just want to bring you up to speed with the current update. The Capital Improvements Program or CIP helps identify these capital improvements or needs that the county and its many agencies and departments use to serve the citizens, business community and the county. This particular version of the plan has a ten year plan in horizon. The CIP helps bridge those financial needs between the comprehensive plan, the strategic plan, and the annual budget. Each year of the CIP is meant to plug into the current years operating budget. As you will see as we go through some of the numbers that is exactly the case for the first year of this program. The other piece which hasn't really been in play other than on the horizon but a CIP is also required when impact fees are instituted so that the public and the business community are on notice for those capital projects. Capital projects are major construction projects and major acquisition of land or capital equipment needs that again, the agencies or the departments may have to serve the citizens in the business community. These are typically non-recurring in nature and the council adopted an ordinance a few years back which actually sets these thresholds. So under state law for impact fees capital projects have a \$100,000.00 threshold but for the counties specific Capital Improvements Program each of the different categories have their own financial threshold so building or building improvements - \$50,000.00, land improvements - \$25,000.00, furniture and equipment - \$5,000.00, and vehicles are also set at \$5,000.00. What I did here in this slide was provide a summary for, it looks like six years but actually the first five are a one year fiscal year increments and then the last item you will notice is fiscal year 21 through 26. So its years six through ten are grouped together and there a couple of reasons we do this; number 1, projecting out beyond five years is very difficult. We can attempt to look into the crystal ball and have some assumptions on what the growth is going to be and what the needs are going to be given the current levels of service and we can project out what some of the equipment's or building of facilities

needs are going to be. Projecting out revenue that far is very difficult to do so you'll see that several of the projects when you read through the actual report show unfunded in the six to ten year time frame; this was a choice that was made in this particular plan so that the first five years are balanced from an expense and revenue standpoint. Years six through ten while they are balanced again, there is just a big line item under unfunded; which is we don't really know where the money is going to come from but we know that the needs are projected to be out there. One other point that I wanted to make if I could is that adopting this plan does not obligate the County Council anyway to fund these projects. That is done when an annual budget is adopted. It's a great planning tool and provides that connection again from the comprehensive plan through all the other planning efforts and it's just a good tool and the best practice to have a financial plan like this. I'll be glad to answer any questions that you may have at this time.

Jerry Holt – On page 81 of our package or page 77 of the CIP package, that has to do with the seventeen million dollars for the county sports complex. I assume that intention would be to be funded from the hospitality tax funds and I'm not going to dwell on this, but my feeling is rather than having one center complex that it would be better to spread it out. On the next page, 78 of the CIP package it also has to do with playground, picnic, and practice fields in Indian Land. The difference here is it is still in the out years, 2021 to 26 but the funding for that is not under any general obligation bonds; it says community and private funding. I'm not sure why there would be a different approach or what that even means.

Robby Moody – I can start to answer the question and the County Administrator may want to jump in at this juncture.

Steve Willis – Regarding parks and recreation, this document has been in the works for awhile and at the time hospitality tax had not passed and didn't know if it was going to pass or not, so that is why it was put in the out years. The other thing now that the hospitality tax has passed, Council has indicated here is their desire for what they would like to see the hospitality tax used for. But until we have a budget we can't, the current plan is to upgrade some of the parks that are existing now to handle tournaments and travel ball such as Walnut Creek, Springdale, and those parks. As Frannie Heizer our bond attorney had indicated, bond market is going to require us to have about two years possibly three years of collection data before they are going to be willing to go out and do a bond. One of the first expenses that we'll be asking council for out of the hospitality tax proceeds will be the architecture and engineering to actually firm up plans and cost estimates and all that. For example, the big mega park complex that has been talked about, the site hasn't been selected yet so until we can get there and then start to do soils analysis and all that, we can't really get a real firm price. The current council has said that is their stated desire. They want to look at the regional parks and then the large complex first but until a budget is actually passed and we get some architecture and engineering help I can't really firm any estimates. As Robby indicated, it is a plan but it's certainly subject to change.

Jerry Holt – My fundamental question doesn't have so much to do with the numbers but again looking at the page where it deals with parks and playgrounds in Indian Land. Where it talks about community/private funding, so it indicates that the county has hands off on what would be and I won't say a neighborhood park but a park in that region.

Steve Willis – A good example in up in the panhandle area, Roy Hardin, anything we do there is going to have to be funded out of county ordinary because that would not qualify for hospitality. Whereas Walnut Creek obviously would qualify because of the fields and the ability to attract travel groups and things like that.

Jerry Holt – But still, I'm not trying to distinguish between hospitality tax and county general funds. It indicates here that Indian Land is on it's own as far as parks go. Again, this doesn't say that the five and a half million dollars is coming from general obligation funds or hospitality tax. It says community or private funding and again, it kind of looks like we have to spend money for the park somewhere in the central part of the county. But as far as Indian Land goes, if you want a park up there you are going to have to pay for it yourself.

Steve Willis – I don't of any private funding would come; this was coming through the Parks and Recreation Commission. I don't know if they were looking at pursuing some grants or something along those lines.

Jerry Holt – What we are supposed to do with this is just too forward comments to the council? Then that would certainly be a comment that I would like for council to review.

Steve Willis – One thing Robby reminded me when Parks and Recreation was looking at this they were also looking at the potential of having impact fees. Now whether those actually are going to come to pass or not we don't know but it was mentioned as a potential funding source. The hospitality at the time was just a potential.

Jerry Holt – But even impact fees would go into the county and I would expect that funding for parks would come from the county. The way that it is indicated here, says the county is not planning to put any money at all up for parks under the Capital Improvements Program for Indian Land. It is just the way that it is identified here as a funding source.

Steve Willis – We can certainly take a look at that but I can tell you that council's intentions is yes there is going to be funding for Indian Land recreational facilities.

Jerry Holt – Ok I'm fine with your response then Steve, I just want to make sure that we do indicate to council that they may want to look at what the plan is for sourcing any park improvements in Indian Land. I do have one other item. Also we talked about this last week, throughout this package there is a great deal of money in here for Public Works having to do with road maintenance, bridge improvements, and things like that. There is nothing in here that specifically addresses transportation issues like in Indian Land. We all know that there are problems with 521 because of the immense growth we've had up

there. I would like to see something in this plan that is a dedication of funds to look at whether its feasibility studies, land acquisition, or its matching funds for the state so that we've got improvements either in 521 whether it's widening or bypasses with Henry Harris Road or Possum Hollow Road. That is not addressed in here at all. One of things that we've discussed in some of the applications that we've considered is that we are pretty much hamstrung in requiring a developer to dedicate land for road widening unless we can demonstrate that we also are considering that by having set aside funds. So I think that it helps us really in planning and it helps us if those issues arise again; where we can say, we have set aside funds for this and we do require or request at least that you give us greater buffer on the roads you might otherwise do.

Steve Willis – The only comment I can offer on that is the level of funding you are talking about it would definitely have to be one of those out years with an unknown funding source. The quantities we are talking about is either the delegation is going to have to get on the state plan somehow or working through RFATS. I don't think RFATS has done anything but we've asked them at the next update to take a look at coordinating with NCDOT and what would it take to widen 521 and potentially looking at Barberville as a three lane as an alternate for 160 for York commuters that are trying to get to Ballantyne. It would take a little of the pressure off of 160. I just had an update literally this afternoon and it's going to be not on the November letting but will be on the January letting. Duke ran into some issues with their right of way but they've worked through that and currently DOT anticipates obligating that project in November with the January letting. That is still going to be several years before that fully pans out and the same thing with Dave Lyle that has got to go through RFATS and is not something we can handle. Penelope as our planning representative on RFATS you can address.

Penelope Karagounis – You stated that correctly. What we could do is put it on their long range transportation improvement plan and we've had those discussions specifically with the planners from Fort Mill and Rock Hill and Tega Cay. Really the growth pains that we are experiencing they are experiencing it also with the road issues. You have these areas of the roads that really were not developed to handle all this growth. Those are some of the concerns that we have to alleviate some of the problems specifically like on 521 when you are having the traffic of everybody going to Charlotte and then reverse, everybody is coming home from their jobs. The same thing with Barberville Road, we are receiving a lot of cut through from York County residents to go to Ballantyne or even Pineville from Barberville. From a regional standpoint that discussion has been brought to the attention of the RFATS policy board. Something I guess we could always mention, the representative on the policy board for Indian Land and Lancaster County is Brian Carnes.

Jerry Holt – York County has been very successful as we know with their “Pennies for Progress” in not only road maintenance but building new roads and they've used some of that money for matching funds. We are looking at out year projects here and I know we've got almost seven years to go with the penny tax that we had so we can't use any of those funds. I clearly think that we should capture the concept in here that shows that we

understand that there is a future need and we are planning to commit some money to it at some point and time.

Steve Willis – That is one thing that Robby and I had discussed after the workshop that it makes sense at maybe look at having an appendix A and here are some projects that we know need to be addressed but the funding source has got to be either federal or state through the Metropolitan Planning Organization (MPO) which is RFATS for us. Again, so it's documented, we know the need is there but that funding would not be coming through a CIP it would be coming through coordinated working with the MPO and addressing funds that way.

Robby Moody – That is exactly right and just to kind of tie all back together, on the first slide it referenced the different plans, the CIP, the annual budget, the comp plan. Actually in your comprehensive plan you have a priority investment element and that is where you kind of look at different funding sources at different agencies like DOT through RFATS for transportation projects. The CIP while we are thinking about the big picture we are also looking at where the dollar is coming from and it's programming the counties available financial resources. I understand I think Mr. Holt what you are saying about making investments but I guess...

Steve Willis – Sometime documentation, appendices, or something like that to again capture ok we recognize this is need but that funding source is actually going to have to come from somewhere else.

Jerry Holt – If it's more than seven years out then it could be the penny sales tax. Again, as one of the place holders for what that next round of funding will be used for.

Penelope Karagounis – Robby, you mentioned the priority investment element, really the later part of 2017 early 2018 we'll be working again on the public engagement of updating the comp plan. Is that something that you would recommend for us to set goals in the chapter of the priority investment for transportation needs? Just to have it somewhere documented in the policy so then we can start maybe in the seven years after the capital sales by setting up a team to look at what is the next project. Maybe we need to have something for 521 in addition to the state and federal money that could help us.

Steve Willis – I think long term the documentation may help because no matter who wins in District 45 we are going to have the youngest representative down in Columbia. If we keep him there for about 20 years we'll probably have Chairman of the Ways and Means and then we'll have the money just rolling in.

Charles Deese – Anything further? We will now go into public hearing for the CIP Plan.

Gary Holland – 8728 Collins Road Indian Land, SC – Looking at the needs and we are talking about ten year needs for Lancaster County and unless you put something down on paper to begin with and put some dollar figures with it then chances are we will be back here ten years from now with nothing ever happening. While RFATS is responsible or

takes the lead on roads, Lancaster County can do something to help with the road situation. It was not RFATS that voted to not require the bridge across six mile creek to go between Henry Harris and 521 that was Lancaster County. That would have been something that really wouldn't have to be in a ten year plan. It was something that the developer could have paid for and that would help our road situation in Indian Land. We need help and it needs to have a dollar figure assigned to that in this ten year plan right now. We need help with the 521, Henry Harris, Marvin Road, and Possum Hollow Road. We need help with all those in the Indian Land or panhandle area. We need not only resurfacing of those roads but we need funds to be set aside for developing new or widening of those present roads. We also need funds to be set aside for and that needs to happen in this ten year that we are looking at between now and 2026. We need money set aside to acquire additional right of way and easements on these major thoroughfares that are just over crowded at this point. As far as up North of Highway 160 in Indian Land, we need additional recreational fields up there and we need that before 2026. We have a good facility there on Highway 521 that provides some recreational facilities and of course also the Walnut Creek. We need money to be set aside for additional recreation facilities north of 160. We need to also put in this ten year plan monies that will update and enhance our current facilities there on Highway 521 and Collins Road; the EMS as well as the recreation center and also the recreation facilities. I would hope within the next ten years that some monies could be found since this is a Capital Improvements Project to update the signage of the signs that are owned by Lancaster County there at the Highway 521 EMS center and also recreational facility. If you look at that area and I know Planning Commission has addressed this time and time again about having developers that come in and build projects, they want their signage to be something that we can be proud of. If you drive north on Highway 521 from Lancaster up to the North Carolina state line and you can note maybe a handful of signs that are just deplorable and half of those belong to Lancaster County. They are sitting out front of the Highway 521 EMS and Recreational Center. There is no reason in the world that Lancaster County cannot put a coat of paint and some new lettering on those signs. That is something that should be done and it should be a part of the Capital Improvements Program and it should happen before the next ten years. Also at that same Highway 521 site, there is a situation there of crossover or access into the recreation facility or the EMS center where that access does not line up; where you are actually going against traffic in a very dangerous situation. Hopefully that could be improved as well.

Charles Deese – We will consider ourselves out of public hearing.

Jerry Holt made a motion to approve with the following exceptions: 1st, this plan needs to include funding for potential matching funds, feasibility studies, land acquisition or rights of way to address traffic flow problems. 2nd, the funding source for parks in Indian Land is identified as coming from either community or private funds and that proposed funding source should be reviewed; David Freeman seconded the motion.

VOTE: 7 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Charles Deese – This will be sent to County Council for a recommendation to approve with the items added that Mr. Holt has stated and that document will be given to the Clerk before this meeting is over.

Penelope Karagounis – I believe it will go to County Council on November 14th.

(See Schedule B Attached to Minutes)

RNC-016-017 – Road Name Change Application – Pine Ridge Lane

Andy Rowe – Presented the report.

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

VOTE: 7 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RNC-016-018 – Road Name Change Application – Lee Street

Andy Rowe – Presented the report.

Jim Barnett made a motion to approve with the road name change of Mystery Way Road and Sheila Hinson seconded the motion.

VOTE: 7 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RNC-016-019 – Road Name Change Application – W. Boxcar Road

Andy Rowe – Presented the report.

Jerry Holt made a motion to approve with the road name change of Cozy Fox Lane and Jim Barnett seconded the motion.

VOTE: 7 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RNC-016-020 – Road Name Change Application – Wildflower Street

Andy Rowe – Presented the report.

Vedia Hatfield made a motion to approve with the road name change of Grasshopper Street and Jim Barnett seconded the motion.

VOTE: 7 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

RNC-016-021 – Road Name Change Application – Clyburn Drive

Deferred until the next meeting.

Charles Deese – The road name changes that have been approved tonight will be legally changed as soon as the certifications are done and they are recorded in the Register of Deeds office.

PDD-015-027 – Avondale – The applicant has submitted a rezoning application for an amendment to the official zoning map of Lancaster County. The applicant proposes that the zoning designation of Planned Development District (PDD-27) be applied to ± 179.35 acres of property.

Alex Moore – This is PDD-015-027 Avondale, you have the revised master plan before you and it is also up on the screen. I would like to note that the applicant is Lancaster County, a body politic i.e. County Council. That is noted on pages 152 and 153. The developer is Sinacori Builders, LLC. The applicant has submitted a rezoning application for an amendment to the official zoning map of Lancaster County. The proposal is that the zoning designation of PDD-27 be applied to the 179.35 acres of property. There is a simulation of properties between Calvin Hall and Harrisburg Road, the Indian Land section of Lancaster County. The current zoning classifications for these properties include R-15P, Moderate Density Residential/Agricultural Panhandle District and B-3, General Commercial District. The revised master plan was received on October 10th. The revised Development Agreement was actually received on October 11th. That application indicates the following; the total number of units is 730 units and is broken down on page 147. In Village B we have the senior residences and those are for rent only. In Village C we have 165 townhome units and those are fee simple townhomes. The density of the townhome units is up to 5.99 dwelling units to the acre. Village D is 162 single family lots and the density is up to 2.99 dwelling units to the acre. Village E is up to 70 single family lots at 2.99 dwelling units to the acre. Village F is up to 133 single family lots at a maximum of 2.99 dwelling units to the acre. So the total is 730 dwelling units including senior residences. I'm going to hit the high points here and you can come back and ask any specific questions. The minimum open space is met at 35.87 acres that is 20 percent. There will be sidewalks, 6 feet in width along the portions of the property that front Calvin Hall and Harrisburg Road. There will be interior sidewalks 4 feet in width will be provided on at least one side of all the interior local streets. In the dimensional section it breaks down the variation of lot widths and as per the ordinance our PDD Ordinance for the county; no more than 33% can be one type of lot width and they meet that requirement. As far as buffering, it will include a 40 foot undisturbed buffer around the perimeter. That is noted also in the Development Agreement. There is some variation proposed as we have previously discussed at our workshop and that is noted in Section H of the staff report. The most recent TIA was submitted during the County Council readings at that time which was on January 04, 2016 and that was included as exhibit 4. They have stated in their development agreement that they would adhere to the recommended improvements there with regard to that. I would like to note that it excludes as noted any road or transportation improvements at the intersection of Calvin Hall Road and Harrisburg Road. Also another thing that has changed since that TIA was done; SCDOT has come back within the 160 and I confirmed this after talking with two different people at SCDOT. One locally District 4 and then an associate program manager in Columbia and they have both confirmed that the Calvin Hall traffic signal remains funded within this project. That project being is part of the 160 widening project. I would like to note also and this is a very important point. That road improvement at the road re-alignment, Calvin Hall and Harrisburg Road, while the

county prefers a roundabout there is no specific requirement that it does have to be a roundabout at this point. Related to that, the developer has upped their contribution to any improvement at that intersection to \$225,000.00 from the original amount of \$175,000.00. The proposed building elevations; there will be no vinyl within any of the homes built here except as noted it can be utilized on trim, soffits, railings, vinyl windows, etc. There homes here, they are committed to brick, stone, manufactured stone, pre-cast stone, synthetic stone, hardy plank, stucco, wood, etc. They are proposing high quality building materials. The variances proposed are noted as I said before on page 150 section H. There is a variance to allow a reduction in the width of the required buffer perimeters. That is Village C and you have a schematic of that on your master plan which illustrates that. The second variance is proposed to eliminate the requirement that a berm be installed within the 30 foot buffer along the buffer of all existing roads. That is so obviously that we can institute the requirement that a 6 foot sidewalk be there along Harrisburg and Calvin Hall Road. The other thing with respect to the buffer and this is an important point. If that Village A is conveyed to the county, we would request and staff has requested that a buffer be along what would be the northern boundary of Village B. I have noted that in italics there. So out of all this I would like to note that really there are three principal changes and I've touched upon some of those but just to reiterate. They are proposing a ten acre public open space area as opposed to four which was in place back in January. So they are proposing to convey ten acres to the county for public recreational area. There has been a reduction in density. Let me touch on that quickly. For example, in Village C the density was 6.6 dwelling units to the acre and that has gone to 5.99 dwelling units to the acre. That is for the townhome units. The Village D, E, and F as I stated those are all 2.99 dwelling units to the acre currently. They were at 3.5 dwelling units to the acre and then that fee for transportation improvement at the Calvin Hall re-alignment area. That is going from \$175,000.00 to \$225,000.00. That is their commitment there for Calvin Hall and Harrisburg Road. As far as our recommendation, we have noted many positives here with this development, specifically we do want to note that there will be pressure on existing infrastructure, there always is with any development especially one of this type. However, they have proposed improvements as part of their development proposal, those are in article 4 of the Avondale Development Agreement and also from a planning stand point just to sum up; I have a bullet point list there of key positive impacts. First of all, we have a unified site design as opposed to possible fragmentary development at this location. There are acceptable density numbers and we have pedestrian connectivity. We have the realignment/redesign of an inadequate major intersection; they are committed to all the additional offsite road improvements to include turn lanes that are recommended by that TIA. We have project dedications and fees. We have adequate PDD open space. We have high quality design and building materials. We also have housing choices and recreational opportunities for seniors. So we and staff recommend approval of the Avondale Planned Development District.

John Weaver – The applicant is the County and I would ask Mr. Carmichael to speak on behalf of the developer.

John Carmichael – I am here on behalf of the developer and with me tonight are Matt Levesque of ESP Associates and Mr. Ed Estridge Sinacori Builders. In terms of the

significant changes that have occurred since this Planning Commission last considered the Avondale project; once again the size of the donated parcels increased from 4 to 10 acres. The County if it chose to accept that rights and dedication and actually get it sooner than under the prior version of these documents. Despite the density cap that Mr. Moore mentioned; the amount of the public safety payment and the school payment has not changed and together they total just short of 1.1 million dollars, one million ninety five thousand dollars. With respect to the intersection of Calvin Hall Road and Harrisburg Road; Mr. Moore mentioned the increase in the payment from \$175,000.00 to \$225,000.000 to the county and be applied towards intersection improvements. At that intersection, if a roundabout is not constructed at that intersection then the developer would also build turn lanes that could be required and dedicated right of way for intersection improvements. Finally once again, there is a density cap that is different now in the PDD-27 ordinance and the same architectural commitments are provided. We appreciate the planning staff's positive recommendation and the time and attention that they have paid to this matter as well as Mr. Weaver. Thank You

Charles Deese – We will now consider this matter in public hearing.

Gary Holland – 8728 Collins Road, Indian Land SC – I am opposed to the rezoning request by Mr. Willis to rezone this area of Harrisburg Road to PDD. I do agree with your October 3rd decision to rezone these same properties to MDR. PDD is bad for Lancaster County and PDD-27 is bad for this area of the panhandle. This is like version eleven or so that we've seen on Avondale PDD-27; and the earlier version was either denied or received no motion by the County Council on January 11, 2016. But now the council is motivated to do whatever it takes by violating state law, violating the UDO, Robert's Rules of Order and already a host of parliamentarians have stated that council was out of order when they voted to rescind and voted to renew this present ordinance that is before you. Council wants to make this happen and they are looking to you to provide some additional cover. They've got a 2 to 1 approval from the I & R committee last week and now hope that they will get an all clear from you. I hope you vote to deny this application and I have several reasons why. Mr. Willis's request is out of order. He has not been given direction or authority from the council to make this application. I recall just recently McClancy rezoning where Mr. Willis was authorized by council by a motion, a second, and a vote to direct him to initiate that rezoning per discussion that they had during executive session. There has been no such authorization for Avondale and I believe that he has usurped the authority of the County Council in making this request. There has been no motion or vote from Council to request the Planning Commission to reconsider this rezoning request. There is a claim of authority from Council pursuant to their September 12th vote to rescind Ordinance 1386 by Mr. Willis. However, I fail to see Ordinance 1386 on your agenda. I do see Ordinance 1369 and 1370 but I do not see 1386 which he claims authority for. There is also UDO Section 18.2.2 from the current UDO which states that zoning from Avondale can not be applied for until January 11, 2017; the mandatory 12 month waiting period for a denied rezoning request. If this is a new application that Mr. Willis is making to you, then I would expect all new numbers and I would expect that the County Council would have voted to give an exemption for the current rezoning moratorium. You should deny Ordinance 1369, PDD-27 ordinance

because of these additional items. All buffers should be a minimum of 40 foot and remain undisturbed per the current UDO. Buffers should not count as open space per the current UDO. Village A should not count as commercial nor should it count as open space. There will be ball fields, recreation centers, EMS station possibly, plus lots of pavement in that 10 acres. That would not count as open space. The current UDO states that a 40 foot buffer can not be counted as open space. UDO minimum 40 foot is established in the PDD UDO Ordinance and Lancaster County has said we will give a developer credit if you'll make that buffer larger than 40 feet. For every 5 or 10 feet that will give them development credits but it also states that only buffer width in addition to the 40 feet can be counted as open space. The current developers and Mr. Willis are trying to claim 50 foot can be open space whereas 40 foot can not be applied towards open space but the additional 10 can be. Thank You

Alex Moore – I would like to answer one thing about the buffers. The PDD ordinance for the County does allow buffers to be used as open space if they are at least 50 feet in width so that 40 feet is part of an overall 50 foot buffer. So that is how it can be used as open space.

Charles Deese – Do I have a motion for PDD-015-027 Avondale?

Jerry Holt made a motion we deny the rezoning request and rescind it to the County Council without approval.

Charles Deese – Motion failed for lack of a second.

Jim Barnett made a motion to approve and Vedia Hatfield seconded the motion.

Jerry Holt – We compare this application to what we had considered before. It went through several iterations while it was going through hearings with the Council. In fact at one point Council members told them to stop and freeze it because every time they looked at it the plan was different than the time that they looked at it before. Basically the changes that we are seeing now is that they've expanded the area that they would dedicate to the county from 4 acres to 10 acres. They have upped the amount that the developer will contribute for the intersection improvement from \$175,000.00 to \$225,000.00. The problem is that right now most of this tract is zoned as R-15P and at 180 acres that would yield about 270 dwelling units. This proposal is for 730 dwelling units which is an increase of 460 units. Since we first heard this application, the council has approved more than 600 dwelling units in Indian Land and we have had neither any infrastructure improvements nor have we had any plans for significant infrastructure improvements. So I think that we are just continuing to cram more people into an area that can't handle today's traffic let alone the additional burden that we continue to pile on them. I think from a true planning perspective we should not recommend that council adopt this. As we know council will do what they choose to do with or without our recommendation. But I think from a Planning Commission, we have a responsibility to truly look forward and see what the impact is to the community. This is a detrimental

impact without significant offsetting benefits. I would recommend that we vote no on the motion.

Charles Deese – Roll call vote please, you are voting for or against to send this to County Council with a recommendation that it be approved.

VOTE: 5 AFFIRMATIVE 2 NEGATIVE MOTION CARRIED

The two negative votes came from Sheila Hinson and Jerry Holt.

Charles Deese – The vote is to recommend approval to County Council with a vote of 5 to 2.

Avondale Development Agreement (DA-016-003)

John Weaver – If you will look on page 216 of your packet you will see a one page agenda item summary that I have prepared for your consideration that outlines basically the history of what has taken place. This is the development agreement obviously that goes along with Avondale. In the heart of the agenda item summary are the seven major factors and I will say that in behalf of the administrator, obviously I do not speak for the council. In behalf of the administrator, perhaps from a public safety standpoint the most important aspect is that intersection at Calvin Hall and Harrisburg Road. In the last six months I've probably been up there involved with this project a dozen times. It is not a 90 degree crossroads as all of you know. It has no signaling as all of you know and the traffic that Mr. Holt and others have references is horrible up there. Whether or not the highway department approves the realignment, it will be signalized or it will be a roundabout. The \$225,000.00 plus the \$100,000.00 from the school district will allow for a safer and better passage of vehicles going north and south and east and west. The ten acres that will be conveyed to the county assuming that County Council approves this; it is anticipated that it will be used as a new recreation site to replace the one on Highway 521. I do not anticipate that being used as an EMS station. There are two acres that have already been given to the county a bit further north on Harrisburg Road that is available for a new EMS station. This is independent, this development agreement really is independent of the Highway 521 recreation center and EMS site; that ten acres being sold. It would be less than truthful of me to say that the two were not closely related. The value of the ten acres and it has been appraised by an MAI appraiser, the value of the ten acres that is being given to the county is \$890,000.00. That was not a contribution that was sought by the county. This matter kind of came to fruition as a result of a real estate agent not working for the county who was interested in his client the purchase of the Highway 521 location. So this is something that has kind of come to fruition over the last six months, whether it comes to pass I do not know. That is the summary of this development agreement. The \$730,000.00 that would go to Public Safety and the \$365,000.00 that would go to the school district is not, will not, be the maximum number of houses. With the density being reduced both in the multi-family and in the residential, they will never get that many houses on there; they will never get that many multi-family units there and they won't get the 200 senior living accommodations that has been discussed. The county and behalf of the administrator believes that it is in the best

interest of the Indian Land residents and there is really nothing in it for Lancaster County itself except to benefit the residents in Indian Land. Thank you Charles Deese – We will now consider ourselves in public hearing on the Development Agreement – DA-016-003 Avondale Development Agreement.

Gary Holland – 8728 Collins Road, Indian Land SC – For the development agreement I still believe that Mr. Willis’s request is out of order because the application that he has submitted clearly states that if you are not the property owner, then you must have a notarized letter from each of the property owners. There are some twelve to fourteen property owners at present and there are no letters from them in this application, for this applicant. I also believe you should deny 1370 development agreement for these additional reasons. There should be no variance for buffers as proposed in section 3.01A. All buffers should be required to comply with the current UDO. Buffers are put in place to protect the existing homeowners. Undisturbed buffers which allow for 4 and 6 foot sidewalk is not an undisturbed buffer. Why would Village A not require the 50 foot undisturbed buffer? The fact that it has a different owner should not exempt it from the regulations of the UDO. Why would Village A not require the 20% tree saving requirement of the UDO? We need trees regardless of the owner of that property. As far as the public safety issue, that intersection is a concern but also of concern to most firefighters is the five foot side yard setback for these multiple level residency. This is just too dangerous for the residents and it’s too close and too dangerous for the firefighters. The ten acres of Village A should not be removed or allowed to be removed from the PDD regardless of its owner. Once the property is zoned PDD then it must remain as such. It is part of the calculations and should not be removed or rezoned. Section 3.01E1.2A Controlling Ordinance, the controlling hierarchy must be first, state law, then the UDO, then the ordinance not 1369 and lastly the development agreement. The development agreement that you have before you is just the opposite. It places the development agreement as the hierarchy for controlling ordinances. The development schedule is from 2017 to 2024 which is seven years, yet the term limit for this development agreement that you are getting ready to vote for is only five years. Is that a problem? One final comment, the Planning Commission decided on October 3rd to rezone this property from its current R-15P and B-3 to MDR with a density of 2.5 dwelling units per acre. While some of the properties across Harrisburg Road will go from R-15P to LDR, which is a density of 1.5 dwelling units per acre. It looks like you have already made concessions for this property and this developer and that should satisfy both the current property owners and also any future developers. I ask you again to deny this request. Thank You

Charles Deese – I will consider this matter out of public hearing.

Alex Moore – Regarding the permission by property owners, I just wanted everyone to look at page 156 of your packet and there is a certification of right to purchase that was submitted as part of the application. That references Exhibit A on page 154, so the undersigned purchaser hereby certifies Lancaster County that the purchaser has a right to acquire the property zoned in the terms of the agreements pending the final approval of the rezoning of the properties by Lancaster County. That is just for your information.

Charles Deese – Do we have a motion for DA-016-003 Avondale Development Agreement?

Jim Barnett made a motion to approve and Vedia Hatfield seconded the motion.

VOTE: 5 AFFIRMATIVE 2 NEGATIVE MOTION CARRIED

The two negative votes came from Sheila Hinson and Jerry Holt.

Charles Deese – 5 to 2 to recommend to County Council for approval of DA-016-003 Avondale Development Agreement.

New Business: Penelope Karagounis – In front of everyone you have a 2017 Calendar of Meeting Dates. This happens to us every year due to the Thanksgiving and Christmas Holiday; the November 21st is the week of Thanksgiving. Our recommendation is to move the Tuesday meeting of November 21st, 2017 to actually the Thursday before Thanksgiving which would be November 16th, 2017. For the December meeting due to it being scheduled to be on December 19th, 2017, this commission can make a recommendation to either delete the December meeting or to move it to December 14th, 2017. It's up to you.

Charles Deese – We will see what the future holds for that date and we will have time to make that decision whether to have that meeting or to move it.

Penelope Karagounis – We do this annually and allow everyone to pick a date that works best for their busy schedule. Typically we've changed it every year like we have this year. The December meeting we had moved it and already rescheduled it. I just need a motion and a second, whatever this board decides. The reason for this is because Ms. Hardin gets all the commissioners to set the dates and then they advertise it and post it a year in advance.

Charles Deese – November 2017, the date is the 16th; December 19, 2017 the date will be moved to December 14th, 2017. At some future time we may delete that but we'll see.

Jim Barnett – Mr. Chairman I make a motion that we accept the calendar as amended and Vedia Hatfield seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Penelope Karagounis – The next item we have under new business is the November workshop which is schedule for Thursday, November 02, 2016. The only thing that we have turned in is road name changes and one rezoning case in Kershaw. There is nothing that is very controversial and there is no applicants to come and speak during the workshop. Unless you want to have a workshop meeting and we would be more than

happy to be here but it's going to be less than 15 minutes. It takes you longer to get down here than that.

Sheila Hinson – We will still do the rezoning?

Penelope Karagounis – Yes, you will abstain yourself because you can not vote that night due to the conflict of interest.

Sheila Hinson – I still want it done.

Penelope Karagounis – Yes we will.

Charles Deese – Vedia Hatfield made a motion to cancel the November Workshop and David Freeman seconded the motion.

VOTE: UNANIMOUS MOTION CARRIED

Penelope Karagounis – There will not be a planning workshop on Thursday, November 02, 106 @ 5:00pm. It has been canceled.

John Weaver – While you get together twice a month as well as County Council to consider many things including what you've done. The administrative responsibilities between the Planning Commission and the planning staff and the County Council and it's staff goes on almost everyday, every week of the month. In that regard, our Clerk to Council Debbie Hardin has resigned from County Government after 15 years and has accepted another position with another governmental entity. We will proceed on, this county is several hundred years old and we'll not be out of business but I wanted you to know that. She has been a very valuable asset to the county as a whole and particularly a very valuable asset to staff of the planning department and just wanted you to know of her resignation. We certainly as do you wish her the best in her new assignment. Thank You

Charles Deese – This commission would echo what I know the administrator Mr. Willis is shaking his head about over there. She has been a valuable person in this building. She will be known in this building for a long time to come whether she is here or not.

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

Schedule A

Submitted by Jerry Holt
@ the Regular Planning Comm.
Meeting on October 18, 2016.

Capital Improvement Project

Motion to approve with the following recommendations:

1. The \$17M funding for the Lancaster County Sports Complex requires further study. The proposal for a single complex may not be the best solution. Although it may be funded by the Hospitality Tax, it may be more appropriate to plan more than one complex for each region in the county.

2. The plan fails to consider any funding to improve transportation. The Indian Land area is already experiencing significant traffic problems due to growth. The CIP needs to include funding for potential matching funds, feasibility studies, or land acquisition to address traffic flow problems. Possibilities include widening Rte 521, or providing a bypass to 521 by utilizing Henry Harris Road or Possum Hollow Road.

(2) The funding source for parks in Indian Land is identified as Community or Private sources. This funding source should be reviewed.

Schedule B

OCTOBER 18TH PC MEETING

Correction sheet
Submitted to
Planning Commission
on ~~Oct. 18, 2016~~

PINE RIDGE LANE-LANCASTER: RNC-016-17

- PINE RIDGE LN is located off Shiloh Unity Rd.
- One (1) street name change notification letter was mailed out on 8-28-16. ONE (1) property owners responded with the street name of DACITE LN.
- The proposed street name submitted by LCPC is DACITE LN.

WILDFLOWER STREET-HEATH SPRINGS: ~~RNC-016-18~~ 016-020

- WILDFLOWER ST is located off Kershaw Country Club Rd in the Heath Springs mailing district.
- Three (3) street name change notification letters were mailed out on 8-28-16. One (1) property owner responded. No name was proposed on the response.
- The proposed street name submitted by LCPC is GRASSHOPPER ST.

W BOXCAR ROAD-LANCASTER: RNC-016-19

- W BOXCAR RD is located off Riverside Rd.
- Five (5) street name change notification letters were mailed out on 8-28-16. One (1) property owner responded and submitted name was accepted.
- The proposed street name submitted by LCPC IS COZY FOX LN.

LEE STREET-LANCASTER: ~~RNC-016-20~~ 18

- LEE ST is located off Ashley Way St.
- Ten (10) street name change notification letters were mailed out on 8-28-2016. One (1) property owner responded and submitted name was accepted.
- The proposed street name submitted by LCPC is MYSTERY WAY RD.

CLYBURN DRIVE-LANCASTER: RNC-016-21

- CLYBURN ST is located off Pageland Hwy
- Twelve (12) street name change notification letters were mailed out on 8-28-2016. Three (3) property owners responded.
- The proposed street name submitted by LCPC is SHEPHERD LN.

Deferred.