

Director's Report

Penelope Karagounis – Planning Director – For the month of November, we have three Development Review Committee cases. They are the following: Haile Gold Mine, Amenity Center for the Retreat at Rayfield, Wolverton & Associates, Inc. (Commercial site of PDD-20). I would also like to report that the Highway Corridor Overlay Rezoning Ordinance did pass (6-1) on Monday, November 10, 2014 at County Council. A deletion of the “partially within” 1,000 feet was made at the second reading on October 27, 2014 by County Council. The Planning Department will be sending out notices to property owners and adjacent property owners of County Council’s decision at the end of the month. The Comprehensive Plan 2014-2024 was presented and County Council heard first reading on Monday, November 10, 2014. A motion to approve was made by a vote of (7-0). County Council Chairman, Larry McCullough and County Council member Bob Bundy had some cosmetic comments for the document. Their comments will be addressed by Robby Moody, Catawba Council of Government before the third reading. A second public hearing of the document will be held at third reading at County Council on Monday, December 8, 2014. I would like to “THANK” all the Planning Commission members that took their time to attend the joint workshops with the City of Lancaster Planning Commission to review the new Comprehensive Plan document. We also appreciate the joint cooperation with the City of Lancaster Planning Commission members who attended these workshops too. The Planning Staff is very excited to have this Comprehensive Plan completed and we are anxiously waiting on our next step on working on the rewrite of the Unified Development Ordinance. The rewrite of the Unified Development Ordinance will help us accomplish the goals and objectives from the Comprehensive Plan 2014-2024. It is a very exciting time for the Planning Department and we are happy to have a full Planning Commission board to help us implement these documents. I was invited by Steve Willis, County Administrator to a Dave Lyle Stakeholders meeting at the York County complex on Friday, November 7, 2014. Mr. Steve Willis was invited by York County and he invited Brian Carnes, County Council member of District 7 and member of the Policy Committee of RFATS (representing Lancaster County) and myself since I am on the technical study team for RFATS (representing Lancaster County) and the Planning Director. This meeting was a follow up discussion from York County’s Community Workshop, which was held on September 19th, 2014. There will be further discussions in January 2015 with Lancaster County Council. I will be sure to have all the Planning Commission members invited to attend the future meeting with County Council. It is important that all stakeholders work together to express ideas and concerns for the Dave Lyle Boulevard extension. Tonight we have two rezoning cases and one text amendment. These cases will be on County Council’s agenda in January 2015 because County Council does not have a second meeting in December. This does not allow the opportunity for three County Council readings before the end of the year and that is why these cases will be heard in January. Once we receive official dates from the County Clerk on when first reading will be in January, the Planning staff will send out notices to the applicants and adjacent property owners. The entire Planning Department staff would like to wish everyone a Happy Thanksgiving! Our next Planning Commission Workshop will be held on Thursday, December 4, 2014 at 5:00 p.m.

RZ-014-027 – Application of Bobby Knight to rezone ±3.63 acres from R-30, Low Density Residential/Agricultural District, to R-30D, Low Density Residential/Manufactured Housing/Agricultural District. The applicant has placed a 28’x68’ manufactured home with a 20’x20’ screened porch on the property for a use of a Temporary Dependent Care Residence. This permit has been obtained from the Lancaster County Zoning Department to care for the applicant’s mother. The applicant wishes to keep the mobile home permanently on the property after the Temporary Dependent Care Permit has ended by rezoning the parcel.

Andy Rowe – Presented the report.

Bobby Knight – My name is Bobby Knight and my address is 1702 John Truesdale Road, Lancaster SC. My father passed away two years ago in an accident. My sister lives in the house right beside my mobile home and I’m sure she is the one who has written the letter or called in. She hasn’t spoken to my mother since my father passed away. I lived in Fort Mill and I had to break my lease and move down here to take care of my mother because she is 85 years old. I invested all of my savings and paid \$30,000.00 dollars down on this home. I bought it before I realized it was not zoned for a mobile home; at one time I had a mobile home in that exact location. My mother’s home was built in 1956 and it’s not handicap accessible. My home is fully handicap accessible because I have spinal cord damage and I’m the only one is going to be able to take care of my mother. My two sisters have refused to help in any way and they haven’t spoken to her in two years. There are sixteen homes on John Truesdale Road and one is abandoned, six of them are mobile homes, and two are single wides. As far as value of mobile homes, mine is third from the top and I don’t judge a man’s success by how much money he makes or what he has. I have everything tied up in this location and I’m on Social Security. I think it’s unfair if my mother passes away that I am going to be made to move when this land is going to come to me and mother’s house is not going to be fit to live in. I appreciate your time and thank you.

Charles Deese – Is this house a manufactured house or a modular home?

Bobby Knight – It is a manufactured house. The land is left in a land deed, it stays in the family. When my father died they wanted to have my mother declared incompetent so we could sell everything and they could get their money. I had the land surveyed three times. I was going to give them the house and was going to buy a modular home. They gave me the ok and I spent \$15,000.00 dollars having trees cut down and had plans drawn up for the home and then they back out anyway. I bought the mobile home and didn’t realize it wasn’t zoned for that.

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

Jerry Holt – The applicant and the mother live in the mobile home, is that correct sir?

Bobby Knight – Yes.

Jerry Holt – The sister lives in the stick built house that is in the left front of the lot?

Bobby Knight – The right front, the side facing my home is my sister. The home on the left is my mother's old home.

Brief discussion regarding exactly where the mother's home and the sister's home are located. The sister's home is not on the same piece of property.

Jerry Holt – The mobile home was approved to go on the lot because of the care that your mother requires. We have two structures on the same piece of property which means that at some point either one of the structures needs to disappear or the property has to be subdivided.

Bobby Knight – When my mother passes I wanted to keep 2.1 acres, give my sisters the house and one acre and let them sell it or do what they want to with it. I just want the 2.1 acres to keep my mobile home on. I was going to go ahead and do that now but they want everything even though they don't want to take care of our mother.

Jerry Holt – We are faced with two issues. The mobile home does not conform with the predominate zoning in the area. The other is, if we approve it and it's allowed under the conditions under the ordinance because of the care his mother requires; if we do approve it we still have non-conformity because we've got two structures on the same lot.

Charles Deese – Mr. Cauthen, I see you shaking your head, come on up.

Kenneth Cauthen – If you have a minimum of an acre and a half and the property is zoned for a mobile home and it's approved, you can have a stick built house and a mobile home on the same parcel. They are required to have their own utilities.

Ronald Pappas – We are looking at a spot zoning issue and conformance of what is existing today; at this point the applicant hasn't made an application to subdivide.

Penelope Karagounis – Before a rezoning request is approved by county council they are required to submit a plat by third reading.

Ronald Pappas – We seem to be out of process.

Penelope Karagounis – Currently the process in Lancaster County is that once they submit the rezoning application it comes through the Planning Commission and this board makes a recommendation. When it goes to county council, one of the questions asked is if we approve first reading of this rezoning, the property owner is responsible for recording a new subdivided plat. That is done before third reading with county council.

Charles Deese – It never goes to third reading without a subdivided plat.

Jerry Holt – It sounds like that could be an issue.

Keel Kelly – How long has the mobile home been on the property?

Bobby Knight – Since March of this year.

Keel Kelly – How long has the stick built house been there?

Bobby Knight – Since 1956.

Keel Kelly – If we deny the rezoning, is he still allowed to stay where he is with this exemption?

Charles Deese -- Yes he can as long as he can renew the permit.

Penelope Karagounis – Kenneth, if his mother passes and we now know Mr. Knight has his own health problems; does that temporary dependent care permit allow him to do anything different? Could he apply for the permit for himself? I know there wouldn't be anyone to take care of him.

Kenneth Cauthen – He is taking care of his mother and she is the one who needs the direct custodial care. If she passes away, someone blood related to him could move in the house and take care of him. He was just the recipient of the dependent care.

Penelope Karagounis – I just wanted to make sure there wasn't another way.

Bobby Knight – I'm 61 years old and disabled. Does that have any bearing?

Kenneth Cauthen – If you have a doctor's statement indicating you need custodial care, then you could get someone to stay with you.

Bobby Knight – I wouldn't have that.

Charles Deese – You have a motion and a second before you to deny the rezoning request.

VOTE: 0 AFFIRMATIVE 7 NEGATIVE MOTION FAILED

Charles Deese – The motion to deny failed. This will go to county council and you will be notified when.

RZ-014-028 – Rezoning application of Mr. Mitchell Norrell, Lancaster City Attorney to rezone ±30.458 acres from R-15D, Moderate Density Residential/Manufactured Housing/Agricultural District and I-1, Light Industrial District to I-2, Heavy Industrial District. The properties are located between Old Landsford Road and Brooklyn Avenue.

Alex Moore – Read the following statement that was in a letter from Mr. Mitchell Norrell, Lancaster City Attorney.

Please continue the Planning Commission hearing scheduled for November 18, 2014, until a later date. As we discussed in our meeting yesterday, the City and the property owner may choose a different route to create a multi-county business park, or may ask that the hearing be set at a later date.

Rachel Hatfield – My name is Rachel Hatfield and my address is 371 Brooklyn Avenue, Lancaster SC. I was born and raised in this area and it is where I still live. This company wants to move down where the Springs Cotton Mill used to be. They are up every morning at five or six with industrial equipment. There are also lots of fires down there coming out of great big machinery. When we pull out of our driveways there is often metal in the road. Our neighbors have their tires slashed and cut and not from people but from metal in the road. Our road has become a state road and I'm not sure when that happened. I love my town and I love where I live. Your home should be your biggest joy in their life. I want to keep my house where I live now. I don't want to have to move because of this industrial place. Thank you so much for letting me speak. Please deny this when they bring it before you. You wouldn't want it in your backyard either.

Charles Deese – The letter states to continue until a later date, do I have a motion?

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

VOTE: 7 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

UDO-TA-014-016 – Proposed text amendment to the Lancaster County Unified Development Ordinance by Kenneth Cauthen, Lancaster County Zoning Administrator to amend the text of Chapter 4, Conditional and Special Exception Uses, Section 4.1.23 Subsection 2, Temporary Dependent Care Residences.

Andy Rowe – Presented the report.

Kenneth Cauthen – We are not trying to get out of a little bit of work. We've had some complaints in the past when you require someone to make extra trips to the doctor just to get a letter stating that they need direct custodial care. We feel like this is a burden to them. At the present time we have four dependent care residence permits. One is on Lynnwood Drive, Hillcrest, Golf Course Road, and this one tonight. This has helped a lot of people and any of us could possibly be in the same situation down the road. My mother has stage 4 cancer and last week she had five trips to the doctor or hospital. It's a lot of wear and tear on people taking someone to the doctor. I can understand the need to cut out a couple doctor visits, it could be a big help.

Jerry Holt – I'm in favor of the text amendment that has been requested. Since this seems to be a self contained ordinance or regulation; my concern is at the time when the permit is not renewed. Whether it's because of the death of the family member or whatever the circumstances are; my feeling was that we should have something in this part of the ordinance that gives you the authority to order that whatever structure be removed from the property. Where does that authority reside right now?

Kenneth Cauthen – After the dependent care recipient is deceased, there is no longer a need for that care and we can order for the mobile home to be removed. We have a little bit of compassion for the family and I don't think we would demand it to be removed in two weeks.

Jerry Holt – So you are saying there is an existing ordinance that gives you the authority....

Kenneth Cauthen – That is what we have done in the past and I don't think it will be a problem.

Jerry Holt – If we are going to revise the text in this section and if in fact there is not a specific ordinance number that you can point to right now that says by this authority I can order this be removed.....

Kenneth Cauthen – I don't have a problem with that.

Jerry Holt – If we don't have one then we should incorporate into this revision and have it addressed all at one time.

Kenneth Cauthen – It's not an easy thing to move a mobile home. I think 30 days may be really pushing it and sometimes you run into bad weather. I'm thinking 60 or 90 days.

Jerry Holt – I would just to ensure that somewhere we have the documented authority in the UDO that states you can force the removal of that.

Kenneth Cauthen – It's basically an illegal use after the death of the recipient. We had one case where a lady died and we notified the family that they needed to move the mobile home and finally the judge told them to leave. We had to issue an order to vacate and eventually the mobile home was removed. That was an unusual case.

Ronald Pappas – How do we receive notice if you approve a permit yesterday and the person being cared for dies tomorrow, how do you get notified?

Kenneth Cauthen – I look at every Lancaster News and read the Obituaries as well as another one of my staff. I think we would know. We only have four recipients of this care right now. I know the names well and where they live. I don't think that will be a problem.

Ronald Pappas – It's just following a process that we can justify and put in place that gives you the authority....

Kenneth Cauthen – I think we have some checks and balances in place.

Charles Deese – If we change this to a twelve month permit and you issue a permit tomorrow for twelve months and that person passes away two days later; can you legally make them move it before that twelve months is up?

Kenneth Cauthen – That is a condition of the permit.

Ronald Pappas – The dependent has to be alive in living in the structure or the permit terminates.

Kenneth Cauthen – Correct.

Penelope Karagounis – We are changing the text to a one year increment for providing documentation from the physician instead of three months.

Ronald Pappas – If they are still alive. If they pass away then it becomes a non-conforming use.

Kenneth Cauthen – The UDO refers to Building and Zoning Official but now that are departments have been separated it needs to be corrected. Kara Drane with the COG is aware of what needs to be changed when handling the rewrite of the Unified Development Ordinance.

Jerry Holt – Then why don't we fix it now?

Penelope Karagounis – I think so too. Let's go ahead and use Zoning Administrator.

Jerry Holt made a motion to approve with the following condition: The zoning administrator is authorized to order the removal of the structure at the termination of the dependent care with a period of up to 90 days; Ronald Pappas seconded the motion.

VOTE: 7 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

John Weaver – Good Evening, John Weaver County Attorney. This situation has arisen that I'm about to address that occurred tonight in a number of counties. I just wanted to know the feeling of this Planning Commission regarding a motion was made on the first application to deny and that deny was denied; so you are back to zero. Will that be reported to county council as an approval or no recommendation?

Charles Deese – That will be reported to the county council that the Planning Commission voted to deny the request to rezone the property.

John Weaver – I don't believe that was the vote?

Ronald Pappas – No.

Charles Deese – The motion was made to deny the rezoning request. The vote that you heard taken was for or against that motion.

John Weaver – The vote was 7 to 0 against the denial.

Charles Deese – Against the motion, the rezoning request actually passed.

Jerry Holt – His question is how it is reported to the county council.

Charles Deese – It goes to the council that the Planning Commission voted 7-0 to approve the rezoning request.

John Weaver – The reason that I bring that to your attention; other counties have had this same reporting situation. I would suggest that another vote be taken for a motion to reconsider and a vote be taken to approve. It has not been approved at this point. The denial has been denied. I realize that is technical but it is the proper way to do it. You should reconsider and vote to approve.

Jerry Holt made a motion to reconsider the application RZ-014-027, for Bobby Knight and Ronald Pappas seconded the motion.

VOTE: 7 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Jerry Holt made a motion to approve the application RZ-014-027, for Bobby Knight and Vedia Hatfield seconded the motion.

VOTE: 7 AFFIRMATIVE 0 NEGATIVE MOTION CARRIED

Charles Deese – This will go to county council when their schedule allows.

Penelope Karagounis – I would like to wish everyone and their families a Happy Thanksgiving and we appreciate all your time that you give to the county.

Jerry Holt – The information that Mr. Water’s gave us earlier regarding Deerfield Estates; what happens with this now?

Penelope Karagounis – Staff will work with county attorney John Weaver to try and answer the questions that Mr. Water’s has; because the subdivision was approved by only this board. This commission approved it in August with conditions. If you remember, one of the conditions was a traffic impact analysis. A couple weeks later I contacted this board by email or a phone call if he could do a technical memorandum. The engineer indicated a technical memorandum would address the questions this board had. I always thought that would have been cheaper than a traffic impact study. He did get a quote from one engineer of \$4,000.00. This commission needs to understand your initial condition was a traffic impact analysis. Everyone agreed to work with Mr. Water’s and submit a technical memorandum and now is has been going back and forth for months

with the planning staff that he doesn't want to do a technical memorandum. I keep on trying to explain to Mr. Water's that it was a condition. He also brought into our office yesterday a new preliminary plan of less than 40 lots with the idea he doesn't have to come through the planning commission. We will be sitting down and debating that. I don't agree with him obviously. I told Mr. Water's he had a right to come tonight and speak at citizen comments. I told him I would be reviewing and discussing with Mr. Weaver and give him an answer at the end of the week.

Jerry Holt – As far as we are concerned, he is still not in compliance with the conditions that were in the approval and therefore you are working it out with him. He can't proceed?

Penelope Karagounis – No, Elaine that is handling this subdivision never sent out the notices of the approval with the condition because she was waiting for the revision of the preliminary plan. It was never approved because we were still waiting on that technical memorandum.

Ronald Pappas – We don't have a comfort level of the traffic circulation plan, so that would be foolish.

Penelope Karagounis – That is correct.

Charles Deese – Would going back to a traffic impact analysis solve this problem?

Penelope Karagounis – A traffic impact analysis looks at trip generation. How many trips for 40 lots? We need to look at the technical memorandum. It looks at the access points. Are there issues with internal connection with Cedar Lane and Vance Baker Road?

Jerry Holt – Wasn't the real issue on this though not so much the traffic generated by the residents but the construction traffic because they had to cross private roads?

Penelope Karagounis – That was another condition that this board asked for. You wanted a letter of credit for the construction. That was the meeting he had with Jeff Catoe and Elaine Boone. I will double check with Jeff Catoe but I think there were some other conversations of how he might not need a letter of credit. I don't have anything in writing from Jeff Catoe.

Ronald Pappas – We would like to have a comfort level on those impacts.

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

VOTE: UNANIMOUS MOTION CARRIED

Respectfully Submitted,



Charles Deese
Chairman



Penelope Karagounis
Planning Director