



MEMBERS OF LANCASTER COUNTY PLANNING COMMISSION

CHARLES DEESE, DISTRICT 3, CHAIRMAN  
JAMES BARNETT, DISTRICT 4, VICE-CHAIRMAN  
TAMECCA NEELY, DISTRICT 2  
, DISTRICT 5  
SHEILA HINSON, DISTRICT 6  
ALAN PATTERSON, DISTRICT 1  
BEN LEVINE, DISTRICT 7  
CLERK: JENNIFER BRYAN

**MINUTES**  
**Lancaster County Planning Commission**  
**October 18, 2022 6:00 p.m.**

Chairman Deese called the meeting to order at 6:00 p.m.

1. **ROLL CALL**: Quorum is present (Five\* Commissioners)

Commissioners Present:

Tamecca Neely	Ben Levine*	James Barnett
Sheila Hinson	Charles Keith Deese	

Absent: Alan Patterson *[see attached letter to Commissioners]*

No appointment has yet been made to fill District 5 seat.

Staff Present:

Rox Burhans, Development Services Director	
Ashley Davis, Senior Planner	
Matthew Blaszyk, Planner	Clerk: Jennifer Bryan

The following press were notified of the meeting by email 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 for the required length of time, and was published on the County website.

2. **APPROVE AGENDA**

Chairman Deese called for a motion to approve the Agenda.

Motion to Approve by James Barnett; 2<sup>nd</sup> by Tamecca Neely.

Called vote: 4:0. **Motion approved unanimously.**

***\* Commissioner Ben Levine arrived after approval of minutes.***

**3. CITIZENS' COMMENTS [see Sign-In sheet attached]**

*[3 General Comments received after publication of Agenda, see attachment]*

Chairman Deese opened the floor to general comments from the public.

**Donna Hagins** (Lancaster SC); Present on behalf of owners on two projects, Shiloh Woods (Items 5a and 5b) and Alcott Village (Item 5f). The Harper family acquired the land in the early 2000s, has always intended to develop as residential subdivisions. She shares a 1,600-foot boundary with the Alcott Village project. Family also developed Hunters Ridge which adjoins Alcott Village. Available to answer questions from Commissioners.

**4. APPROVE MINUTES**

**a. September 1, 2022 Workshop Minutes**

Deferred to 11/15/2022 for lack of quorum.

**b. September 20, 2022 Regular Minutes**

Deferred to 11/15/2022 for lack of quorum.

**c. October 6, 2022 Workshop Minutes**

Chairman Deese called for a motion to approve October 6, 2022 Workshop Minutes as written. Motion to Approve by James Barnet; 2<sup>nd</sup> by Sheila Hinson.

Called vote: 4:0. **Motion is approved unanimously.**

**\* *Commissioner Ben Levine arrived after approval of minutes.***

**5. PUBLIC ITEMS**

**a. SD-2022-0733 Century Communities aka Shiloh Woods**

Application by Century Communities for a Preliminary Plat for four parcels totaling approximately 169.86 acres located at and adjacent to 500 and 516 W. Shiloh Unity Road (TM#s 0049-00-004.130049-00-004.16, 0049-00-005.01 and 0049-00-005.02) to allow development of a 398-lot Cluster Subdivision.

Staff Presentation: Ashley Davis, Senior Planner, presented the applications consistent with the staff report (Items 5a and 5b conjoined). Previous public hearing was held on 9/20/2022 [see minutes attached to 10/18/2022 agenda]. TIA information now submitted and reviewed, and Rezoning has completed two readings with Council and third reading will be on Monday 10/28/2022. TIA memo was received after agenda publication, emailed to Commissioners. *[See attached TIA memo for Shiloh Woods]*

Staff Recommendations: Approval with Conditions:

- TRC/Evolve comments resolved within 60 days of this meeting;
- TIA comments resolved within 90 days of this meeting;
- County Council Approval of Rezoning.

Questions to staff:

**Ben Levine** asked if changes required due to TIA comments would change the Preliminary Plat. **Davis** responded that significant changes e.g. more than 10-20 feet shift of ingress/egress would require applicant to submit a new Preliminary Plat for approval by Commission.

Comment from applicant(s):

**Rob Reddick** (Charlotte NC) McAdams Engineering:  
Century Communities representative is also here. No additional presentation; the most significant aspects of the TIA comments involve ingress/egress, and applicant has been working with SCDOT to resolve them. The locations have been approved by SCDOT; what remains is to gain necessary easements from adjacent properties to establish correct turn radii. Applicants available for questions from Commissioners.

Questions from Commissioners: None.

Public Hearing: (See attachments: Sign-in Sheets)

**Rob Reddick** (applicant, see above) signed in. No additional comments.

Chairman Deese closed Public hearing and called for a motion on item **SD-2022-0733**  
Motion to approve, subject to stated staff conditions, by Sheila Hinson; 2<sup>nd</sup> by Tamecca Neely.

- TRC/Evolve comments resolved within 60 days of this meeting;
- TIA comments resolved within 90 days of this meeting;
- County Council Approval of Rezoning.

Discussion:

**Ben Levine** asked that in the future, such proposals would not be brought to Planning Commission until the rezoning stage has been heard and approved by Council.

**Chairman Deese** concurred that this would not happen in the future.

Called vote: 5:0. **Motion is approved unanimously.**

Planning Commission makes final decision on Preliminary Plats.

**b. DA-2022-0733 Century Communities aka Shiloh Woods**

Application by Century Communities for a development agreement for four parcels totaling approximately 169.86 acres located at Williamson Farm Road, and at 500 and 516 W. Shiloh Unity Road (TM#s 0049-00-004.13, 0049-00-004.16, 0049-00-005.01 and 0049-00-005.02) to allow development of a 398-lot Cluster Subdivision.

Staff Presentation: Ashley Davis, Senior Planner, presented the applications consistent with the staff report. (Items 5a and 5b conjoined).

Staff Recommendations: Approval with stated conditions:

- TRC comments resolved within 60 days
- TIA comments resolved within 90 days;
- County Council Approval of Rezoning

Questions to staff:

**A. Davis** noted that TIA is associated with Development Agreement, and the updated TIA response/revisions are unlikely to be ready before the DA's first reading before Council.

Comment from applicant(s): No additional.

Questions from Commissioners: No additional.

Public Hearing: (See attachments: Sign-in Sheets) None signed in.

Chairman Deese closed Public hearing and called for a motion on item **DA-2022-0733** Motion to approve, with stated staff conditions, by **Ben Levine**; 2<sup>nd</sup> by **James Barnett**.

Discussion:

**Ben Levine:** asks if at all possible, draft Development Agreements in the future would include stipulations that future potential impact fees must apply. He does not support this development agreement.

Called vote:

B. Levine: Against

T. Neely: For

S. Hinson: For

J. Barnett: For

C. Deese: For

Vote: 4:1. **Motion is approved.**

The item will go to County Council for consideration, and applicant will be notified of time and date.

**c. RZ-2022-0735 CLREF III Acquisitions LLC aka Nisbet**

Application by CLREF III Acquisitions LLC to rezone 5 parcels totaling approximately 780.40 acres located at and adjacent to 8275 Van Wyck Road (TM#: 0022-00-002.00, 0022-00-002.02, 0022-00-002.03, 0022-00-003.00, 0022-00-03.01) from Rural Neighborhood (RN) to medium Density Residential (MDR) to allow development of a 1,019-lot single-family residential cluster subdivision.

Staff Presentation: Ashley Davis, Senior Planner, presented the applications consistent with the staff report. (Items 5c and 5d conjoined). Please note that the attached proposed plat is only for information, and is not binding, as the plan cannot be submitted until the rezoning is secured. 150 acres are covered by existing Conservation Easement, and must remain unbuilt.

Staff Recommendations: Denial of both rezoning and development agreement, based on required traffic mitigation/improvements, as well as incompatibility with Future Land Use (Rural Living) and character of surrounding neighborhood, including Van Wyck's new Comprehensive Plan.

Comment from applicant(s):

**Mike Scisciani** (Wake Forest NC) Landeavor representative

***[see attached slideshow presentation for Nisbet Property]***

Landeavor is an award-winning private Master Plan company. Developed Millbridge in Charlotte. Every project is unique. Cluster Development was chosen to preserve natural features; other design elements and amenities preserve the historic features of the site. The plan does include public access trails and kayak launch site. The design includes a community farm with neighborhood farmer's market on weekends. Current zoning does not require curb and gutter development, nor does it have minimum required open space. Development under current zoning would be more detrimental to historic and natural features, with a larger footprint than the design proposed under rezoning. Smaller lot sizes and houses are more affordable. The proposed plan has more than 50% open space (462 acres), far in excess of the 25% required under Cluster Overlay. Plan calls for 1.3 dua, much less than the allowed 2.5 dua under Cluster Overlay, and only slightly more than allowed under current zoning (1.0). They specialize in highly amenitized communities, and are eager to work with the county to develop public playing fields. This property will be developed, this plan is the best way to preserve the features the community wants.

Questions from Commissioners: none

Public Hearing: (See attachments: Sign-in Sheets)

***72 Citizens' Comment emails and letters were submitted to the Clerk in advance of the meeting. [See attached copies, and Summary by Clerk]***

**Paul Schulz** (resident of Treetops) Vice-President of Treetops HOA Board of Directors:

Residents are aware that the area will be developed, but they oppose this plan.

- Not in keeping with farm conservation easements around it;
- The high density and number of homes is not in keeping with community;
- Will have a negative effect on home values;
- Lack of supporting infrastructure especially roads;
- Worsens traffic conditions, adding 2,000+ autos to surrounding roads;
- Worsens condition of Van Wyck road, both from traffic and construction vehicles;
- Will overburden utilities, especially electrical service;
- Inadequate emergency services;
- The Treetops EMS station has never been funded by the County;

Requests that Commission and Council do not approve the rezoning request.

**Lyn Reese** (Treetops resident): Presenting petition with 649 signatures of residents of Van Wyck and Indian Land. Petition was generated in just 6 days.

Reasons for opposition are:

- Lack of infrastructure;
- Too high density of homes;
- Threat to property values;
- Not in keeping with farm conservation easements.

**Rosa Sansbury** (resident of Van Wyck): Concerns in agreement of Town of Van Wyck letter. Especially concerned with Steele Hill Road, which will be used by construction. The road is in bad condition and already experiences heavy traffic to 521. There is already significant heavy-truck traffic to industrial site on the road, including hazardous waste. Turning left (north) onto 521 is already hazardous and will only become more difficult as existing projects at Griffin Road and Vantage Apartments are built out. Ten years ago, Steel Hill Road was voted 2<sup>nd</sup> worst road in Lancaster County. The County repaved the road but used substandard tarmac material which has quickly deteriorated. Please consider these conditions in your vote.

**Steve Patton** (resident of Treetops): concurs with other comments, and is concerned with how residents will get in and out of their neighborhood.

**Emily Nisbet** (Hendersonville NC) part owner of Nisbet property: 5<sup>th</sup> generation of Nisbet property owners. Have worked for years to preserve the heritage of the property. Landeavor has committed to preserving over 50% of the land, as well as historic sites and other features on site. The family wants a development that will preserve their family's heritage and conserve the beautiful features of the site.

**Stewart Graham** (Lancaster SC): representing The Ivey Place, working farm and event venue founded by his parents. Serves thousands of people a year; concerned about the high density of the proposed development next to a farm and an event venue. This is not the right location for the proposed subdivision.

**Roy Sansbury** (Van Wyck): Lancaster County recently invested in a study to create the Small Area Plan (Panhandle) and SAP Extension. An important finding was that there not be a continuation of the overdevelopment taking place in Indian Land coming farther south into the County. The traffic study indicates a future need for a light at Steel Hill road, which is in contradiction to the SP call for fewer traffic stops going south. Another inconsistency is the Rural Living designation in the County's Comprehensive Plan, which directly contradicts what the proposed plan shows.

**Rebuttal by Applicants:**

Many of the issues presented are problems whether or not this proposal is approved. Treetops (MDR Cluster) and Light Industrial sites are nearby, so the proposal is not inconsistent with the neighborhood. The developer will be working with LCW&SD to upgrade water and sewer service. The surrounding easements should not restrict the Nisbet family's ability to develop the rest of their property.

Chairman Deese closed Public hearing and called for a motion on item **RZ-2022-0735** Motion to approve (in the interest of an affirmative motion) by **Ben Levine**; 2<sup>nd</sup> by **James Barnett**.

Discussion:

**Ben Levine**: He does not support the proposal. The area has a very rural feel, which would not be enhanced by such dense development; other developments in the area have created buffers making them invisible from the road. Also, there is no benefit to having a development agreement since impact fees would apply in either case.

**Tamecca Neely**: She does not support, given the lack of consistency with Future Land Use, Van Wyck's Comprehensive Plan, and the limitations on infrastructure in the area and effects on school district.



Called vote: 0:5. **Motion is denied unanimously.**

The item will go to County Council for consideration, and applicant will be notified of time and date.

**d. DA-2022-0735 CLREF III Acquisitions LLC aka Nisbet**

Development Agreement by CLREF III Acquisitions LLC for 5 parcels totaling approximately 780.40 acres located at and adjacent to 8275 Van Wyck Road (TM#: 0022-00-002.00, 0022-00-002.02, 0022-00-002.03, 0022-00-003.00, 0022-00-03.01) for a 1,019-lot single-family residential cluster subdivision.

Staff Presentation: Ashley Davis, Senior Planner, presented the applications consistent with the staff report. (Items 5c and 5d conjoined). Reminder to audience that Planning Commission is a recommending body, County Council has the final decision on both the rezoning and the development agreement.

Staff Recommendations: Denial, due to stated concerns (see previous item).

Comment from applicant(s):

**Chaplain Spencer** (Rock Hill) attorney: available for questions.

Public Hearing: (See attachments: Sign-in Sheets)

[See attachments under previous item 5c: Nisbet Rezoning]

**Jimmy White** [yields time]

**Robert Yoder** (Van Wyck): lives adjacent to subject property. He opposes the development. Family owns Oakdale Farm, a working farm. Has a 4,000-foot border with Nisbet Property. There is only a 25-foot setback along their property line, which would mean they would be looking at 400-500 houses in their backyard. Asks that the County require a 300-foot buffer and an 8-foot chain link fence on the property line. We hunt and fish on our land and safety is a concern, we would lose the use of over 125 acres of their property for hunting. Traffic has increased 300-400% on Van Wyck Road since Sun City and TreeTops were developed. The roads and schools cannot stand the increase of cars and students. Conservation Easements should not be considered part of the open space requirement for the development.

**Cricket Harper** [signed by mistake, speaking to Alcott Village item]

**Linda Pelletier** (Van Wyck): 20-year resident of Van Wyck in opposition to the Nisbet Development. She is also representing the Town of Van Wyck as a member of their Planning Commission. Reasons for opposition:



The plan is not compatible with definition of Rural Living by Van Wyck and by County standards;

- The density far exceeds that of the adjacent Town;
- The proposal encroaches on valuable agricultural properties, and community landmark The Ivey Place;
- Current infrastructure and all-volunteer fire department cannot support influx of cars and people, will result in injuries and fatalities
- Planning is not about tax value or profits, it is about preserving values, quality of life, and green space.

Please consider the County's own research for recent area plans, and recent feedback from Comprehensive Plan Forums, and deny the proposal.

**Nancy Graham** [yields time]

**Genie Graham** [yields time]

Chairman Deese closed Public hearing and called for a motion on item **DA-2022-0735 Motion to deny** by **James Barnett**; 2<sup>nd</sup> by **Sheila Hinson**.

Discussion: no additional.

Called vote: 5:0. **Motion to deny is approved unanimously.**

The item will go to County Council for consideration, and applicant will be notified of time and date.

**[Chairman Deese called a recess at 7:20 PM. Meeting Resumed at 7:26 PM.]**

**e. RZ-2022-1357 D.R. Horton aka Asbury Lane**

Application by D.R. Horton to rezone 7 parcels totaling approximately 95.85 acres (TMs 0007-00-022.00, 0007-00-022.01, 0007-00-022.02, 0007-00-022.03, 0007-00-022.04, 0007-00-022.05, 0007-00-023.06) located west of the intersection of Possum Hollow Road and Old Bailes Road from Low Density Residential (LDR) to Medium Density Residential, with the intent to develop a 196-unit single-family lot subdivision.

Staff Presentation: Matthew Blaszyk, Planner, presented the application consistent with the staff report. Staff Recommendations: Approval on basis of findings, with caveat that Council and Indian Land residents have recently indicated opposition to further development in the area.

Questions to staff:

Staff provided clarification that a TIA was not required for this submission since lack of Cluster Overlay designation required no Development Agreement; data from prior TIA was provided for reference purposes only. County and SCDOT did not complete comments/review of the prior TIA.

Comment from applicant(s):

**Andrew Grant** (Charlotte NC) BGE Engineering:

*[see attached slideshow presentation Asbury/D.R. Horton]*

While some nearby neighborhoods have larger lots, several including northern Bridgemill phase and Fox Ridge have similarly sized lots. Most recent sketch plan shows a reduction of lots to 170, yielding a density of 1.78 du/a. The plan includes amenity areas and trails. Applicants have submitted TIA revision today addressing prior comments by SCDOT and staff.

Questions from Commissioners:

**Ben Levine:** Have you discussed with staff a way to stipulate e.g. Development Agreement that Cluster Subdivision will not be requested in future revisions of this project? **Grant** responded that the client has no intention of pursuing CSO. **Dan Ballou** (attorney) applicant has had conversations with staff and county attorney regarding development agreement, but after CSO was denied last year, has developed a new plan and does not want to go through redesign and resubmission to Commission and Council that would be required for CSO. Would be open to creating a development agreement if Council desires and can commit to not using CSO.

**B. Levine** asked staff if there was any way to address his concern that CSO would re-emerge in future design revisions, he would like assurance that it could not be changed to CSO later. How could this concern or recommendation be conveyed to Council?

**R. Burhans** responded that such concerns or recommendations could be included in staff's report to Council on Planning Commission referred items.

**J. Barnett** concurred with MR. Levine that without a development agreement, there were a lot of "what ifs."

Public Hearing: (See attachments: Sign-in Sheets)

*[One email comment was received in advance of the meeting, see copy attached]*

**Andrew Grant** (applicant/developer): no further comment.

**Troy Korski** (applicant/developer) no additional comments

**Conrad Trapp:** not present.

**Dan Ballou** (attorney for developer): no additional comments.

Chairman Deese closed Public hearing and called for a motion on item **RZ-2022-1357** Discussion ensued regarding the form of the motion, whether to phrase as condition or recommendation.

**Motion to approve, with recommendation** to Council that the property be developed by-right and not as Cluster Subdivision, by **Ben Levine**; 2<sup>nd</sup> by **James Barnett**.

Discussion: no additional comments or discussion

Called vote: 5:0. **Motion is approved unanimously.**

The item will go to County Council for consideration, and applicant will be notified of time and date.

**f. SD-2022-1135 McIlwain Holdings LLC aka Alcott Village**

Application by McIlwain Holdings LLC for a Preliminary Plat for 51.28 acres (TM# 0102-00-120.00) located on the east side of McIlwain Road between Hunters Ridge Road and Suttle Road, for a 99-lot single-family subdivision.

Staff Presentation: Ashley Davis, Senior Planner, presented the application consistent with the staff report. Staff Recommendations: Conditional Approval, pending resolution of TIA comments within 60 days. There are no significant unresolved TRC comments.

Questions to staff:

**Ben Levine** requested that TRC comments be included in future staff reports, even if minor.

Comment from applicant(s):

**Chris Wood** (York SC) Civil Engineer:

SCDOT has approved the TIA. Lancaster County Water & Sewer will serve the property, with upgrades to adjacent pump and lift stations.

Questions from Commissioners: no additional.

Public Hearing: (See attachments: Sign-in Sheets)

**Arthur “Cricket” Harper** (resident): Owns land adjacent to the subject property. He hunts on his land, asks that the developer ensure some type of permanent barrier to prevent injuries; is also concerned about the traffic impact on that road.

**Ron Capitini**: not present.

**Chris Harper** (McIlwain Road resident): Concerned about the number of houses and increased traffic, foresees safety issues. Would like a larger easement next to adjacent properties. He has a pond on his property, and is concerned about safety especially if children trespass. Would prefer a smaller development/fewer homes.

Chairman Deese closed Public hearing and called for a motion on item **SD-2022-1135** Motion to approve, with stated staff conditions (resolution of TIA comments within 60 days) by **Ben Levine**; 2<sup>nd</sup> by **James Barnett**.

Discussion:

**Ben Levine** asked for clarification about the zoning of the property: already zoned MDR, the plan was by-right density under ordinance and no rezoning or Cluster Overlay was requested.

**Tamecca Neely** stated that recent comments by School District indicated that this development would not adversely affect the schools in the surrounding area. Nonetheless, she would like Council to explore expanding school impact fees to other parts of the County south of Highway 5 as they have done in Indian Land.

Called vote: 5:0. **Motion is approved unanimously.**

Planning Commission makes final decision on Preliminary Plats.

**6. NEW BUSINESS**

- a. Overview of Next Month's Agenda: One single-parcel rezoning submitted for November calendar. Two others have had discussions with staff but have not submitted documents.
- b. Other
  - Clerk will send email regarding an upcoming CE event via Zoom that the County can host if there is sufficient interest.
  - The last Comprehensive plan Key Topic Forum will be held Thursday, October 27, 2022 at CrossRidge, on the topic of Transportation.

**7. ADJOURN**

Motion to adjourn by James Barnett; 2<sup>nd</sup> by Sheila Hinson. Motion approved by unanimous consent. Meeting adjourned at **8:16 p.m.**