



## R. Joe Harris & Associates, Inc.

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1186 Stonecrest Blvd., Tega Cay, S.C. 29708  
(803) 802-1799

via online submittal  
February 10, 2023

Ashley Davis, Sr. Planner  
Lancaster County Planning Department  
101 N. Main Street  
Lancaster, South Carolina 29720

**RE:     PETTUS POND – PRELIMINARY PLAT  
         MDR Conventional Subdivision – 99 Lots  
         Resubmittal of Preliminary Plat**

RJH Project #5396

Dear Ms. Davis:

On behalf of Eastwood Homes (applicant) and the property owners, we are resubmitting the following documents for Lancaster County's review and consideration:

1. Pettus Pond Preliminary Plat dated/signed 2/10/2023 by Patrick L. Murphy, PE
2. Copy of Draft TIA dated 1/16/2023 (this will be uploaded separately by Kimley Horn Associates)
3. Copy of Previously Submitted Major Subdivision Preliminary Plat Application as signed by Eastwood Homes, Jane Pettus and Anthony Haltom
4. Major Subdivision/Preliminary Plat Application Fee of \$2,775.00 (RJH Check #8609) – this will be hand delivered to the Planning Department by RJH

I would like to remind the Planning Department of the history of this project and reason for resubmittal as follows:

- A. Rezoning with an MDR Conventional Concept Plan was approved by County Council on August 23, 2021 (Concept Plan showed the layout proposed on the Preliminary Plat with 99 lots)
- B. Preliminary Plat was originally submitted on October 14, 2021 with comments issued by the County on November 9, 2021
  - Major Subdivision/Preliminary Plat Fee of \$2,775.00 was submitted and accepted by Lancaster County (RJH Check #7919)
- C. Upon issuance of comments issued by Lancaster County dated November 9, 2021, we were notified that LCWSD had adopted a policy that 'subdivision cannot be approved until downstream sewer infrastructure is in place and the notice of capability and capacity is obtained from LCWSD'.
- D. When we initially reached out to LCWSD, they had suggested that it was not meant to hold up Preliminary Plats with understanding they could not give final approval to construction drawings until the downstream infrastructure had been completed. It's our recollection this was communicated to the senior planner (Robert Tefft) and that he would verify with LCWSD.
- E. It's our understanding that LCWSD does not have a formal written policy enforcing such a policy and that such a policy was not enforced on prior projects (such as Patterson Preserve).

- F. Subsequently, both Lancaster County and LCWSD provided notice that project would not be able to proceed due to the downstream sewer infrastructure being incomplete and apparent agreement between the entities to not allow projects relying on downstream sewer infrastructure by others from being processed.
- G. This resulted in Lancaster County suspending review of the project and then cancelling/removing the Preliminary Plat submission from the Online Portal.
- H. Eastwood Homes opted to wait out the completion of the downstream sewer improvements with information provided by LCWSD that the improvements were anticipated to be completed by end of 2022. Eastwood Homes released RJH on October, 2022 to again prepare the Preliminary Plat submittal and have ready for submittal once the downstream sewer improvements had been completed and placed into operation.
- I. Due to circumstances beyond the control of Eastwood Homes, the downstream sewer improvements have not yet been completed and was notified at the end of 2022 by LCWSD that it may be March/April of 2023 until the improvements were complete (downstream sewer improvements by Sugar Creek Development).
- J. Eastwood Homes was made aware that the Planning Commission took and made recommendations to the Unified Development Ordinance (UDO) that would make changes to the MDR Zoning District which would contravene the original the original MDR Rezoning Concept Plan that was presented to the Lancaster County Council during its approval of the property to MDR Zoning.
- K. Eastwood Homes has endured significant expenses related to the rezoning of the property and preparation of the Preliminary Plat in accordance with Lancaster County's standards and practices.
- L. It is believed that Eastwood Homes has certain rights to be able to complete the development in reliance of the conceptual rezoning plan that was provided during the rezoning and subsequent Preliminary Plat submittal provided on October 14, 2021.
- M. The proposed UDO Amendments affecting the MDR Zoning District could be interpreted, if approved and implemented against this project, as making the project infeasible.
- N. Eastwood Homes is requesting that this submitted Preliminary Plat be accepted for continuing review with the proviso that the Preliminary Plat approval be contingent upon the approval of the downstream sewer improvements.
- O. Eastwood Homes will consider voluntarily entering into a Development Agreement or other mechanism to secure approval of this project outside of the parameters of an amended UDO.

On Eastwood Homes behalf, we request that Lancaster County continue review of this project under the current, approved Unified Development Ordinance as a MDR Conventional Subdivision.

If you should have any questions, please contact me at (803) 802-1799 or via email at [brandonpridemore@rjoe-harris.com](mailto:brandonpridemore@rjoe-harris.com).

Sincerely,  
R. JOE HARRIS & ASSOCIATES, INC.



Brandon S. Pridemore  
Vice President & Lead Development Consultant

cc via Email: Joe Lesch – Eastwood Homes  
Mike Kemp – Eastwood Homes  
Patrick Murphy – R. Joe Harris