

Lancaster County Council Regular Meeting Agenda

Monday, December 10, 2018

County Administration Building, County Council Chambers
101 N. Main Street
Lancaster, SC 29720

1. **Call to Order Regular Meeting – Chairman Steve Harper** 6:00 p.m.
2. **Welcome and Recognition – Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation – Council Member Jack Estridge**
4. **Approval of the agenda** *[deletions and additions of non-substantive matter]*
5. **Special Presentations**
 - a. Update for the academic year from the University of South Carolina Lancaster (USCL) – ***Presented by Dr. Walter P. Collins, III, Regional Campus Dean***
 - b. Donation of commissioned canvas print to recognize Lancaster County’s designation as a Purple Heart County – ***Presented by John Marker and Robin Ghent, Director of Veterans Affairs***
 - c. Thumbs Up for Pamela Trimnal, Sherri Gregory, Stefanie Stacks and Lauren Thomas for their work on the Recreation Bond referendum – ***Presented by Chairman Steve Harper***
 - d. Presentation of fundraising checks to the Lancaster Chapter of Disabled American Veterans and the Marine Corps League from the *Always Ready Emergency Troupe* – ***Presented by Clay Catoe, Sherri Brady, Terri Faulkenberry and the Troupe***
 - e. Recognition of the *Always Ready Emergency Troupe* for their fundraising efforts – ***Presented by Chairman Steve Harper and Clay Catoe***
6. **Citizen Comments** *[Speakers are allowed approximately 3 minutes. If there are still people on the list who have not spoken at the end of thirty (30) minutes, Council may extend the citizen comments section or delay it until a later time in the agenda]*
7. **Consent Agenda** *[Items listed under the Consent Agenda have previously been discussed by Council and approved unanimously. As such, these items are normally voted on as a group through a single vote rather than with a Council vote for each individual item. However, any Council member may remove any item on the Consent Agenda for individual discussion and vote]*
 - a. Minutes from the November 26, 2018 County Council regular meeting – ***pgs. 7-16***

- b. Minutes from the November 20, 2018 Lancaster County Council Executive Search Committee meeting – *pgs. 17-18*
- c. **3rd Reading of Ordinance 2018-1545 regarding Rezoning Application of Danny Burch**
 Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A ± 1.001 Acre Tract Of Property Owned By Danny Burch, Located At 940 Taylor Drive In Lancaster County From RN, Rural Neighborhood District To MH, Manufactured Home District; And To Provide For Other Matters Related Thereto. – *Planning Commission recommended approval by a vote of 7-0. Passed 5-0 at the November 12, 2018 County Council Meeting. Passed 7-0 at the November 26, 2018 County Council Meeting. – Penelope Karagounis – pgs. 19-20*
- d. **3rd Reading of Ordinance 2018-1546 regarding Rezoning Application of Surendar Bhandari**
 Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A ± 1.6 Acre Portion Of Property Owned By Surendar Bhandari, Located At 7362 Charlotte Highway From LDR, Low Density Residential District To NB, Neighborhood Business District; And To Provide For Other Matters Related Thereto. – *Planning Commission recommended approval by a vote of 7-0. Passed 5-0 at the November 12, 2018 County Council Meeting. Passed 7-0 at the November 26, 2018 County Council Meeting. – Penelope Karagounis – pgs. 21-22*
- e. **3rd Reading of Ordinance 2018-1547 regarding Rezoning Application of Mt. Nebo Baptist Church**
 Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A ± 1.9 Acre Portion Of Property Owned By Springland Inc, Located At 269 Mt. Nebo Road In Lancaster County From LI, Light Industrial District To INS, Institutional District; And To Provide For Other Matters Related Thereto. - *Planning Commission recommended approval by a vote of 7-0. Passed 5-0 at the November 12, 2018 County Council Meeting. Passed 7-0 at the November 26, 2018 County Council Meeting. – Penelope Karagounis – pgs. 23-24*
- f. **3rd Reading of Ordinance 2018-1548 regarding Rezoning Application of Fred Brackett (Property Owned By Albert Blake Evans)**
 Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A ± 0.565 Acre Portion Of Property Owned By Albert Blake Evans, Located At 2414 Charlotte Highway From LDR, Low Density Residential District To PB, Professional Business District; And To Provide For Other Matters Related Thereto. – *Planning Commission recommended approval by a vote of 7-0. Passed 5-0 at the November 12, 2018 County Council Meeting. Passed 7-0 at the November 26, 2018 County Council Meeting. – Penelope Karagounis – pgs. 25-26*

g. **3rd Reading of Ordinance 2018-1549 regarding Rezoning Application of Samty Properties, LLC**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A ± 9.82 Acre Parcel Owned By Samty Properties, LLC Located At 8980 Charlotte Highway From MX, Mixed Use District To GB, General Business District; And To Provide For Other Matters Related Thereto. - *Planning Commission recommended approval by a vote of 6-1. Passed 3-2 at the November 12, 2018 County Council Meeting (Terry Graham and Billy Mosteller opposed). Passed 7-0 at the November 26, 2018 County Council Meeting. – Penelope Karagounis– pgs. 27-28*

8. **Non-Consent Agenda**

a. **Public Hearing and Resolution 1035-R2018 regarding the Issuance of Economic Development Revenue Bonds**

Resolution Title: A Resolution Of Lancaster County, South Carolina Relating To The Issuance By The South Carolina Jobs-Economic Development Authority Of Its Economic Development Revenue Bonds, In One Or More Series, Taxable Or Tax-Exempt, In The Principal Amount Of Not Exceeding \$45,000,000 – *John DuBose/Representative of Parker Poe Law Firm – pgs. 29-33*

b. **Resolution 1036-R2018 regarding the Assignment of a Fee Agreement with Compucom Systems, Inc.**

Resolution Title: A Resolution To Consent To, Approve, And Ratify The Assignment Of The Fee Agreement By And Among Lancaster County, South Carolina, Compucom Systems, Inc. And TKC Bailes Ridge Parkway, LLC To CS1031 Carolina Tech HQ, DST. – *John DuBose/Jamie Gilbert – pgs. 34-36*

c. **3rd Reading of Ordinance 2018-1542 regarding Rezoning Eleven (11) Properties Owned By Lancaster Land LLC, First Land Company Inc.**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Eleven (11) Properties Totaling ± 1,336.75 Acres. The Properties Are Owned By Lancaster Land LLC, First Land Company Inc. The Eleven (11) Properties Are Located Along The Western Side Of Highway 521, Between The Intersections of W. North Corner Road And Shiloh Unity Road. The Eleven (11) Properties Are To Be Rezoned From RN, Rural Neighborhood District And LDR, Low Density Residential District To MDR, Medium Density Residential District. – *Planning Commission recommended approval by a vote of 6-1. Passed 7-0 at the October 22, 2018 County Council Meeting. Passed 5-0 at the November 12, 2018 County Council Meeting. At the November 26, 2018 County Council Meeting, the 3rd Reading was removed from the agenda and delayed at the request of the applicant. – Penelope Karagounis – pgs. 37-48*

d. **3rd Reading of Ordinance 2018-1543 regarding Rezoning Four (4) Properties Owned By R. Warren Norman III**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Four (4) Properties Totaling ± 140 Acres. The Properties Are Owned By R. Warren Norman III. The Four (4) Properties Are Located Along The Western Side Of Highway 521, Between The Intersections Of W. North Corner Road And Shiloh Unity Road. The Four (4) Properties Are To Be Rezoned From RN, Rural Neighborhood District To RB, Regional Business District. – *Planning Commission recommended approval by a vote of 6-1. Passed 7-0 at the October 22, 2018 County Council Meeting. Passed 5-0 at the November 12, 2018 County Council Meeting. At the November 26, 2018 County Council Meeting, the 3rd Reading was removed from the agenda and delayed at the request of the applicant. – Penelope Karagounis – pgs. 49-56*

e. **3rd Reading of Ordinance 2018-1544 regarding Rezoning Five (5) Properties Along Henry Harris Road**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Five (5) Properties Totaling ± 311.48 Acres. The Properties Are Owned By Kosztyo Rebecca Harris Stephens, Henry Harris Road-Lancaster LLC, Davis Jane R & James L. Trustee, And Wallace Indian Land LLC ETAL. The Five (5) Properties Are Located Along Henry Harris Road, North Of The Intersection Of Jim Wilson Road And Henry Harris Road In The Indian Land Section Of Lancaster County. The Five (5) Properties Are To Be Rezoned From LDR, Low Density Residential District And RN, Rural Neighborhood District To MDR, Medium Density Residential District. – *Planning Commission recommended approval by a vote of 7-0. Passed 7-0 at the October 22, 2018 County Council Meeting. Passed 5-0 at the November 12, 2018 County Council Meeting. At the November 26, 2018 County Council Meeting, the 3rd Reading was removed from the agenda and delayed at the request of the applicant. – Penelope Karagounis – pgs. 57-68*

f. **3rd Reading of Ordinance 2018-1550 regarding Rezoning Application of Widewaters Land Company, LLC (Property Owned By PWO LLC)**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Two (2) Properties Totaling ± 44.69 Acres. The Properties Are Owned By PWO LLC. The Two (2) Properties Are Located At 8004 And 8036 Charlotte Highway. The Two (2) Properties Are To Be Rezoned From GB, General Business District To RB, Regional Business District; And To Provide For Other Matters Related Thereto. – *Planning Commission recommended approval by a vote of 6-1. Passed 4-1 at the November 12, 2018 County Council Meeting (Terry Graham opposed). Passed 6-1 at the November 26, 2018 County Council Meeting (Terry Graham opposed). – Penelope Karagounis – pgs. 69-75*

g. 3rd Reading of Ordinance 2018-1551 regarding Approval of a Second Amendment to the Bretagne Development Agreement (Phase 7 only) – AMENDMENT NEEDED

Ordinance Title: An Ordinance To Approve A Second Amendment To The Development Agreement For The Bretagne Development Relating Solely To Phase 7; And To Authorize Certain County Officials To Execute And Deliver The Second Amendment To The Development Agreement For The Bretagne Development. – *Planning Commission recommended approval by a vote of 6-1. Passed 4-1 at the November 12, 2018 County Council Meeting (Terry Graham opposed). Passed 6-1 at the November 26, 2018 County Council Meeting (Jack Estridge opposed). - John DuBose – pgs. 76-125*

h. Public Hearing and 3rd Reading of Ordinance 2018-1552 regarding an Amendment to the FY 2018-2019 Budget

Ordinance Title: An Ordinance To Amend Ordinance No. 2018-1515, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2018 And Ending June 30, 2019 (FY 2018-2019), To Further Provide For Revenues and Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto. – *(Favorable Recommendation – Administration Committee). Passed 5-0 at the November 12, 2018 County Council Meeting. Passed 7-0 at the November 26, 2018 County Council Meeting. - Kim Belk – pgs. 126-130*

9. Discussion and Action Items

a. Nomination for reappointment to the Workforce Innovation and Opportunity Act Board (Recommendation from the Catawba Regional Council of Governments) -

- Jerry Witherspoon

b. Disbandment of Lancaster County Council Executive Search Committee – *John DuBose*

c. Pending Projects Update - *Steve Willis – pgs. 131-132*

- Animal Shelter
- Fleet Maintenance Garage
- Library System
- EMS Headquarters
- Barnett Medical Building
- EMS Substation – Old Bailes Road
- Fire Study

10. Status of items tabled, recommitted, deferred or held

11. Miscellaneous Reports and Correspondence

12. Citizens Comments [if Council delays until end of meeting]

13. Executive Session

a. *Discussion incident to pending litigation: SC Code Section 30-4-70(a)(2).*

b. *Personnel Matter – Administrator’s Evaluation. SC Code 30-4-70(a)(1).*

14. Calendar of Events – pg. 133

15. Adjournment

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Council agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancastersc.org



Members of Lancaster County Council
Steve Harper, District 5, Chairman
Charlene McGriff, District 2, Vice Chairwoman
Larry Honeycutt, District 4, Secretary
Brian Carnes, District 7
Jack Estridge, District 6
Terry Graham, District 1
Billy Mosteller, District 3

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Minutes of the Lancaster County Council Regular Meeting

101 N. Main Street, Lancaster, SC 29720

Monday, November 26, 2018

Council Members present at the meeting were Brian Carnes, Jack Estridge, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller. Also present at the meeting were County Administrator Steve Willis, County Attorney John DuBose, Clerk to Council Sherrie Simpson, Deputy Clerk to Council Chelsea Gardner, Planning Director Penelope Karagounis, Chief Financial Officer Veronica Thompson, Economic Development Director Jamie Gilbert, Budget Analyst Kim Belk, Ken Holt of Holt Consulting Company, Airport Director Paul Moses, CPA Grant Davis of Mauldin & Jenkins, EMS Director Clay Catoe, various department heads and elected officials, the press and spectators. A quorum of Lancaster County Council was present for the meeting.

The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, *Fort Mill Times*, Cable News 2, Channel 9 and the local Government Channel. The agenda was posted in the lobby of the County Administration Building and also on the county website the required length of time.

Call to Order regular meeting

Chairman Steve Harper called the regular meeting of Council to order at approximately 6:00 p.m.

Welcome and Recognition/Pledge of Allegiance and Invocation

Chairman Steve Harper welcomed everyone to the meeting. Terry Graham led the Pledge of Allegiance to the American Flag and delivered the invocation.

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Approval of the agenda

Charlene McGriff moved to approve the agenda. The motion was seconded by Brian Carnes. Steve Willis stated that the applicant has requested that Item **7b. (3rd Reading of Ordinance 2018-1542)**, Item **7c. (3rd Reading of Ordinance 2018-1543)**, and Item **7d. (3rd Reading of Ordinance 2018-1544)** that are on the Consent Agenda be removed from the agenda and that the 3rd Readings of those Ordinances be delayed and held at the December 10, 2018 Council meeting. Terry Graham requested that those Ordinances be placed on the Non-Consent Agenda for the December 10, 2018 Council meeting. Council approved the amended agenda by unanimous vote of 7-0.

Special Presentations

Chairman Steve Harper recognized Penelope Karagounis and Hal Hiott for winning the South Carolina Chapter of the American Planning Association's 2018 Planning Award: Outstanding Planning Project for Multi-Jurisdictional for the Carolina Thread Trail Cross-State Suspension Bridge.

Chairman Steve Harper recognized Katherine Small for completing the South Carolina Lead Training.

Chairman Steve Harper recognized Major Matt Shaw of the Lancaster County Sheriff's Office for being named the Officer of the Year by the South Carolina Law Enforcement Officer's Association.

Chairman Steve Harper recognized the Lancaster County Sheriff's Office for receiving the Excellence in Law Enforcement Award from SCANA.

Grant Davis, CPA from Mauldin & Jenkins, LLC, provided an overview of the Fiscal Year 2018 (July 1, 2017 through June 30, 2018) audit results. The Lancaster County, South Carolina Comprehensive Annual Financial Report For The Fiscal Year Ended June 30, 2018 is on file with the minutes in the Clerk to Council's office and is also available on the County website.

Citizens Comments

Greg Causey, Indian Land, SC, spoke regarding Ordinance 2018-1549.

Waylon Wilson, Indian Land, SC, spoke regarding Ordinance 2018-1551.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **a.**, Item **e.**, Item **f.**, Item **g.**, Item **h.** and Item **i.** below. (*Items b., c. and d. were removed from the agenda and delayed until the December 10, 2018 Council meeting.*) The motion was seconded by Charlene McGriff. No further

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discussion. Council approved Consent Agenda Items a., e., f., g., h. and i. below by unanimous vote of 7-0.

- a. Minutes from the November 12, 2018 County Council regular meeting

- e. **2nd Reading of Ordinance 2018-1545 regarding Rezoning Application of Danny Burch**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A \pm 1.001 Acre Tract Of Property Owned By Danny Burch, Located At 940 Taylor Drive In Lancaster County From RN, Rural Neighborhood District To MH, Manufactured Home District; And To Provide For Other Matters Related Thereto.

- f. **2nd Reading of Ordinance 2018-1546 regarding Rezoning Application of Surendar Bhandari**
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- g. **2nd Reading of Ordinance 2018-1547 regarding Rezoning Application of Mt. Nebo Baptist Church**
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- h. **2nd Reading of Ordinance 2018-1548 regarding Rezoning Application of Fred Brackett (Property Owned By Albert Blake Evans)**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A \pm 0.565 Acre Portion Of Property Owned By Albert Blake Evans, Located At 2414 Charlotte Highway From LDR, Low Density Residential District To PB, Professional Business District; And To Provide For Other Matters Related Thereto.

- i. **2nd Reading of Ordinance 2018-1552 regarding an Amendment to the FY 2018-2019 Budget**
Ordinance Title: An Ordinance To Amend Ordinance No. 2018-1515, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2018 And Ending June 30, 2019 (FY 2018-2019), To Further Provide For Revenues and Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto.

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Non-Consent Agenda

Resolution 1028-R2018 regarding the Authorization to Design And Construct a Fleet Maintenance Facility

Resolution Title: A Resolution To Authorize And Approve The Administrator And All Necessary Staff To Move Forward With All Processes And Procedures Consistent With The Lancaster County Procurement Code For The Design And Construction Of A Fleet Maintenance Facility.

Brian Carnes moved to approve Resolution 1028-R2018. The motion was seconded by Terry Graham.

Steve Willis reviewed the Committee recommendations and noted that the architect does not recommend repurposing the existing building. Charlene McGriff explained the recommendation from the Administration Committee. Steve Willis explained that he would make the building expandable in the future but that staff agrees with the funding recommendation that came from the Infrastructure and Regulation (I & R) Committee. Billy Mosteller and Larry Honeycutt explained the recommendation from the I & R Committee. Steve Harper stated that he believed the existing building could be repurposed.

Larry Honeycutt moved to amend Resolution 1028-R2018 to limit the building costs to the new garage to two point seven five (2.75) million dollars. The motion was seconded by Charlene McGriff. John DuBose explained that by amending Section 3 of the Resolution, Council would render Section 5 of the Resolution obsolete and so the motion should really amend Section 3 and delete Section 5 of the Resolution. Larry Honeycutt withdrew his Motion and Charlene McGriff withdrew her second.

Larry Honeycutt moved to amend Resolution 1028-R2018 by amending Section 3 to modify the maximum all-inclusive cost for the project to not exceed Two Million Seven Hundred Fifty Thousand dollars (\$2,750,000.00) and to remove Section 5. The motion was seconded by Charlene McGriff. Jack Estridge stated that since the County has so many new cars, there should not be as much maintenance required now as in the past. Steve Willis explained that the mechanics do regular, preventative maintenance to hold down costs. Brian Carnes noted for the record that Council has a practice of pulling numbers for projects out of the air and totally disregarding the professionals' advice and that is concerning. He stated that better planning is needed for projects. The motion to amend Resolution 1028-R2018 passed by a vote of 4-3. Larry Honeycutt, Charlene McGriff, Billy Mosteller and Terry Graham voted in favor of the motion and Jack Estridge, Brian Carnes and Steve Harper opposed.

Council approved Resolution 1028-R2018 as amended by a vote of 4-3. Larry Honeycutt, Charlene McGriff, Billy Mosteller and Terry Graham voted in favor of Resolution 1028-R2018 as amended and Jack Estridge, Brian Carnes and Steve Harper opposed.

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Resolution 1031-R2018 regarding an Inducement Resolution for Project Mustang

Resolution Title: A Resolution To State The Commitment Of Lancaster County To Enter Into A Fee Agreement With Project Mustang; To Provide The General Terms Of The Fee Agreement Including The Provision Of Special Source Revenue Credits; To State The Commitment Of Lancaster County To Consent To The Transfer And Assignment Of An Existing Fee Agreement To Project Mustang; To Provide That This Resolution Is An Inducement Resolution; And To State The Commitment Of Lancaster County To Place Project Mustang Property In A Multi-County Park.

Charlene McGriff moved to approve Resolution 1031-R2018. The motion was seconded by Larry Honeycutt. Jamie Gilbert summarized the Inducement Resolution for Council. Council approved Resolution 1031-R2018 by unanimous vote of 7-0.

Resolution 1032-R2018 regarding the Referendum on the General Obligation Bonds

Resolution Title: A Resolution Declaring The Results Of A Referendum Held On November 6, 2018, On The Question Of The Issuance Of Not Exceeding \$19,000,000 General Obligation Bonds Of Lancaster County, South Carolina.

Billy Mosteller moved to approve Resolution 1032-R2018. The motion was seconded by Brian Carnes. John DuBose reviewed the Resolution for Council. Council approved Resolution 1032-R2018 by unanimous vote of 7-0.

Resolution 1033-R2018 regarding Results of the Special Election regarding the Reid Pointe Special Tax District

Resolution Title: A Resolution To Publish The Results Of The Special Election Held On The Question Of Creating The Reid Pointe Special Tax District.

Brian Carnes moved to approve Resolution 1033-R2018. The motion was seconded by Terry Graham. John DuBose provided a summary of the Resolution. Council approved Resolution 1033-R2018 by unanimous vote of 7-0.

Public Hearing and 3rd Reading of Ordinance 2018-1541 regarding Approval of a Fee Agreement with Nutramax (Project Pepper)

Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of A Fee Agreement By And Between Lancaster County And Nutramax Manufacturing, Inc., Nutramax Laboratories, Inc., Nutramax Properties, LLC, And Nutramax Land Holdings, Inc. Providing For The Payment Of A Fee-In-Lieu Of Taxes And The Provision Of Special Source Revenue Credits; And To Express The Intention Of Council To Provide Monies To The Economic Development Fund.

Larry Honeycutt moved to approve the 3rd Reading of Ordinance 2018-1541. The motion was seconded by Charlene McGriff.

John DuBose explained that the Ordinance needs to be amended to include the sponsor's name in the Ordinance rather than the Economic Development project code name, which has already been corrected in the Ordinance included in the agenda packet. Brian Carnes moved to amend Ordinance 2018-1541 to insert the name of the Company, Nutramax, versus the project name.

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The motion was seconded by Charlene McGriff. The motion to amend passed by unanimous vote of 7-0.

Chairman Steve Harper opened the floor for the public hearing on 3rd Reading of Ordinance 2018-1541. There were 27 citizens in attendance during the Public Hearing portion of the meeting. He asked if any citizens would like to come forward and speak regarding Ordinance 2018-1541. No citizens came forward to speak or make comments. Chairman Harper closed the public hearing.

Kristen Blanchard of Nutramax spoke regarding the expansion plans for the Company.

Council approved the 3rd Reading of Ordinance 2018-1541 as amended by unanimous vote of 7-0.

2nd Reading of Ordinance 2018-1549 regarding Rezoning Application of Samty Properties, LLC

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A ± 9.82 Acre Parcel Owned By Samty Properties, LLC Located At 8980 Charlotte Highway From MX, Mixed Use District To GB, General Business District; And To Provide For Other Matters Related Thereto.

Brian Carnes moved to approve the 2nd Reading of Ordinance 2018-1549. The motion was seconded by Charlene McGriff.

Penelope Karagounis noted that there was no new information to add regarding this rezoning application. Terry Graham and staff discussed the buffers that would be required for this rezoning. Billy Mosteller stated that there are too many storage buildings. Brian Carnes stated that the applicant has a business in Indian Land and that this is a warehouse rather than the usual type of storage building. Greg Causey, applicant, spoke about his plans for a facility on the property.

Council approved the 2nd Reading of Ordinance 2018-1549 by unanimous vote of 7-0.

2nd Reading of Ordinance 2018-1550 regarding Rezoning Application of Widewaters Land Company, LLC (Property Owned By PWO LLC)

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Two (2) Properties Totaling ± 44.69 Acres. The Properties Are Owned By PWO LLC. The Two (2) Properties Are Located At 8004 And 8036 Charlotte Highway. The Two (2) Properties Are To Be Rezoned From GB, General Business District To RB, Regional Business District; And To Provide For Other Matters Related Thereto.

Charlene McGriff moved to approve the 2nd Reading of Ordinance 2018-1550. The motion was seconded by Brian Carnes.

Terry Graham asked if the applicant had provided any more details to the Planning Department on the proposed project. Penelope Karagounis reminded Council that South Carolina does not

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have conditional zoning. Council members asked about the traffic impact for the proposed project. Council members asked about the cell tower on the property and the fall zone for the tower. The applicant, Brian Long with Widewaters Land Company, stated that any occupied structures would be outside the fall zone. Council and staff discussed the need for conditional zoning and requested that a discussion of conditional zoning be placed on the agenda in January of 2019.

Council approved the 2nd Reading of Ordinance 2018-1550 by a vote of 6-1. Jack Estridge, Brian Carnes, Larry Honeycutt, Steve Harper, Charlene McGriff and Billy Mosteller voted in favor of the 2nd Reading of Ordinance 2018-1550 and Terry Graham opposed.

Public Hearing and 2nd Reading of Ordinance 2018-1551 regarding Approval of a Second Amendment to the Bretagne Development Agreement (Phase 7 only)

Ordinance Title: An Ordinance To Approve A Second Amendment To The Development Agreement For The Bretagne Development Relating Solely To Phase 7; And To Authorize Certain County Officials To Execute And Deliver The Second Amendment To The Development Agreement For The Bretagne Development.

Larry Honeycutt moved to approve the 2nd Reading of Ordinance 2018-1551. The motion was seconded by Charlene McGriff.

Chairman Steve Harper opened the floor for the public hearing on 2nd Reading of Ordinance 2018-1551. There were 27 citizens in attendance during the Public Hearing portion of the meeting. He asked if any citizens would like to come forward and speak regarding Ordinance 2018-1551. No citizens came forward to speak or make comments. Chairman Harper closed the public hearing.

John DuBose reviewed the history of Bretagne. Council discussed the roof top fee and why the fee was changed. Brian Carnes asked if Council could go ahead and designate the fees. Terry Graham stated that the roof top fees have not yet been designated by Council but that they should be spent in the area of impact. Charlene McGriff stated that it is too early for Council to designate the fees. Steve Willis suggested that the finance department could segregate the fees out from the General Fund until Council designates them. Brian Carnes stated that Council needs to be diligent about where the funds are spent. Brian Carnes moved that the Phase 7 Bretagne roof top fees be sent into a separate account and look to see where they can be used where the impact is the greatest for this development. The motion was seconded by Terry Graham. Council approved the motion to amend Ordinance 2018-1551 by unanimous vote of 7-0.

Council approved the 2nd Reading of Ordinance 2018-1551 as amended by a vote of 6-1. Brian Carnes, Larry Honeycutt, Steve Harper, Charlene McGriff, Billy Mosteller and Terry Graham voted in favor of the 2nd Reading of Ordinance 2018-1551 as amended and Jack Estridge opposed.

Discussion and Action Items

Committee Reports:

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Infrastructure & Regulation (I & R) Committee:

Larry Honeycutt stated that the I & R Committee met on November 13, 2018 and discussed the Fleet Maintenance facility, the updated Airport Capital Improvement Plan and the 2019 calendar.

Public Safety Committee:

Brian Carnes stated that the Public Safety Committee met prior to the Council meeting and discussed three (3) items. First, the Committee received a presentation from the architect on the EMS Headquarters building and the Committee discussed how to get the costs more in line with the funding by using bid alternates. Secondly, the Committee reviewed the information on the Department of Health and Environmental Control's (DHEC) grant for EMS. The Committee also reviewed the 2019 calendar.

Administration Committee:

Charlene McGriff reported that the Administration Committee met on November 15, 2019. She stated that Frannie Heizer from McNair Law Firm came and explained the need for Resolution 1032-R2018 and Resolution 1033-R2018. The Committee discussed the EMS Headquarters building and the EMS DHEC grant. They also discussed the updated Airport Capital Improvement Plan, the 2019 calendar, the Fleet Maintenance facility and Project Mustang. The Committee also heard the monthly budget report and discussed the 2019 budget process.

Steve Harper called for a 10 minute break, which started at approximately 7:45 p.m. The Council meeting was called back to order and resumed at approximately 7:55 p.m.

Updated Airport Capital Improvement Plan (ACIP) for Lancaster County Airport – McWhirter Field (LKR).

Paul Moses stated that the Federal Aviation Administration (FAA) requires a five (5) year plan for the Airport Capital Improvement Plan (ACIP). Ken Holt noted that the ACIP is required to be updated and adopted once a year. He reviewed the ACIP, found on page 178 in the agenda packet.

Terry Graham moved to approve the Lancaster County Airport (LKR) Capital Improvement Plan (CIP) FFY 2020-2024. The motion was seconded by Larry Honeycutt. The motion passed by unanimous vote of 7-0.

DHEC Grant for EMS.

Brian Carnes moved to accept the DHEC grant for EMS. The motion was seconded by Charlene McGriff.

Clay Catoe explained that this grant is an annual grant awarded by DHEC and that EMS will be using the funds to purchase laptop computers to put in their ambulances.

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The motion to accept the DHEC grant was approved by unanimous vote of 7-0.

Final Adoption of the 2019 Lancaster County Calendar.

Larry Honeycutt moved to approve and adopt the 2019 Lancaster County Meeting and Holiday Calendar, as detailed on pages 186 thru 188. The motion was seconded by Charlene McGriff. The motion to adopt the 2019 County Meeting and Holiday Calendar was approved by unanimous vote of 7-0.

Information Only on Submission of Transportation Alternative Program grant.

Steve Willis reviewed the Transportation Alternative Program grant, which was an informational item for Council.

Executive Session

Terry Graham moved to go into Executive Session, pursuant to SC Code Section 30-4-70(a)(5), to discuss an Economic Development matter, Project Dumpling, and also to discuss an incident pursuant to pending litigation, pursuant to SC Code Section 30-4-70(a)(2). The motion was seconded by Charlene McGriff. The motion to go into Executive Session passed by unanimous vote of 7-0. Council went into Executive Session at approximately 8:11 p.m.

Brian Carnes moved to come out of Executive Session. The motion was seconded by Charlene McGriff. Council came out of Executive Session at approximately 9:14 p.m.

Upon returning to open session, Attorney John DuBose noted that Council received two (2) briefings during Executive Session: one on an Economic Development matter, Project Dumpling, and one regarding a pending litigation matter. He stated that during the course of these briefings, discussions occurred but no formal action or vote or decision was made.

Larry Honeycutt moved to approve what the County Attorney just read. The motion was seconded by Charlene McGriff. The motion passed by unanimous vote of 7-0.

Charlene McGriff moved to authorize the County Attorney, John DuBose, to proceed as discussed as to the pending litigation that was discussed during Executive Session. The motion was seconded by Brian Carnes. The motion passed by a vote of 6-1. Brian Carnes, Larry Honeycutt, Steve Harper, Charlene McGriff, Billy Mosteller and Terry Graham voted in favor of the motion and Jack Estridge opposed.

John DuBose explained that during Executive Session, Council received a briefing on prior economic development incentives for Project Dumpling. An inducement Resolution for Project Dumpling was previously passed by Council by passage of Resolution 1013-R2018. However, he noted that this Resolution needs to be amended due to the need for additional road improvements for that project. He noted that a motion to amend the previous inducement Resolution regarding the Special Source Revenue Credit (paragraph 2e) and road improvements

DRAFT

(paragraph 4) needed to be made by Council. He detailed the changes to amend the resolution and a draft of the amended resolution is attached as Schedule A. Larry Honeycutt moved to amend Resolution 1013-R2018 as discussed by the County Attorney. The motion was seconded by Charlene McGriff. The motion passed by unanimous vote of 7-0.

Adjournment

Larry Honeycutt moved to adjourn the meeting. The motion was seconded by Charlene McGriff. The motion to adjourn passed by unanimous vote of 7-0. There being no further business, the Council meeting adjourned at approximately 9:22 p.m.

Respectfully Submitted:

Approved by Council, December 10, 2018

Sherrie Simpson
Clerk to Council

Larry Honeycutt, Secretary



DRAFT

**Minutes of the Lancaster County Council
Executive Search Committee Meeting
101 N. Main Street, Lancaster, SC 29720**

Tuesday, November 20, 2018

Committee members present at the meeting were Steve Harper, Brian Carnes and Charlene McGriff (who came into the meeting late). Also present at the meeting were County Administrator Steve Willis, Director of Human Resources Lisa Robinson and Art Davis. A quorum of the Lancaster County Council Executive Search Committee was present for the meeting.

The following press were notified of the meeting by e-mail in accordance with the Freedom of Information Act: *Lancaster News*, *The Rock Hill Herald*, *Fort Mill Times*, Cable News 2, Channel 9 and the local Government Channel. The agenda was posted in the lobby of the County Administration Building and also on the county website the required length of time.

Call to Order

Committee Chairman Steve Harper called the Executive Search Committee to order at approximately 9:35 a.m. Charlene McGriff was not in attendance at the meeting until 2:00 p.m.

Approval of the agenda

Brian Carnes moved to approve the agenda. The Executive Search Committee approved the agenda by a vote of 2-0.

Citizens Comments

No citizens came forward to speak or signed up for Citizens Comments.

DRAFT

Approval of Minutes

Brian Carnes moved to approve the minutes from the October 26, 2018 Executive Search Committee meeting. The approval of the October 26, 2018 Executive Search Committee meeting minutes passed by a vote of 2-0.

Executive Session

Brian Carnes moved to go into Executive Session to discuss an employment matter pursuant to SC Code Section 30-4-70(a)(1). The motion to go into Executive Session passed by a vote of 2-0.

During Executive Session, Brian Carnes moved for a recess until 2:00 p.m. The motion passed by a vote of 2-0. The Executive Search Committee meeting recessed until 2:00 p.m.

When the Executive Search Committee meeting resumed at 2:00 p.m., Charlene McGriff was in attendance. Brian Carnes moved to bring the Committee out of recess and back into session. The motion passed by unanimous vote of 3-0.

Brian Carnes moved to go back into Executive Session to discuss an employment matter pursuant to SC Code Section 30-4-70(a)(1). The motion to go back into Executive Session passed by unanimous vote of 3-0.

Charlene McGriff moved to come out of Executive Session. The motion to come out of Executive Session passed by unanimous vote of 3-0.

Adjournment

Brian Carnes moved to adjourn the Executive Search Committee meeting. The motion to adjourn passed by unanimous vote of 3-0.

Respectfully Submitted:

Approved by Council, December 10, 2018

Sherrie Simpson
Clerk to Council

Steve Harper, Council Chairman

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2018-1545

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE A ± 1.001 ACRE TRACT OF PROPERTY OWNED BY DANNY BURCH, LOCATED AT 940 TAYLOR DRIVE IN LANCASTER COUNTY FROM RN, RURAL NEIGHBORHOOD DISTRICT TO MH, MANUFACTURED HOME DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Danny Burch applied to rezone a ± 1.001 acre tract of property located at 940 Taylor Drive from RN, Rural Neighborhood District to MH, Manufactured Home District.

(b) On October 16th, 2018, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of 7-0, recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from RN, Rural Neighborhood District to MH, Manufactured Home District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0081F-0C-001.00

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	November 12, 2018	Passed 5-0
Second Reading:	November 26, 2018	Passed 7-0
Third Reading:	December 10, 2018	

Approved as to form:

County Attorney

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2018-1546

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE A ± 1.6 ACRE PORTION OF PROPERTY OWNED BY SURENDAR BHANDARI, LOCATED AT 7362 CHARLOTTE HIGHWAY FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT TO NB, NEIGHBORHOOD BUSINESS DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Surendar Bhandari applied to rezone property located at 7362 Charlotte Highway from LDR, Low Density Residential District to NB, Neighborhood Business District.

(b) On October 16th, 2018 the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from LDR, Low Density Residential District to NB, Neighborhood Business District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. a portion of 0016-00-040.00

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	November 12, 2018	Passed 5-0
Second Reading:	November 26, 2018	Passed 7-0
Third Reading:	December 10, 2018	

Approved as to form:

County Attorney

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2018-1547

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE A ± 1.9 ACRE PORTION OF PROPERTY OWNED BY SPRINGLAND INC, LOCATED AT 269 MT. NEBO ROAD IN LANCASTER COUNTY FROM LI, LIGHT INDUSTRIAL DISTRICT TO INS, INSTITUTIONAL DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Mt. Nebo Baptist Church applied to rezone ± 1.9 acre portion of property located at 269 Mt. Nebo Road from LI, Light Industrial District to INS, Institutional District.

(b) On October 16, 2018, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of 7-0, recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from LI, Light Industrial District to INS, Institutional District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. Portion of 0083-00-008.00

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	November 12, 2018	Passed 5-0
Second Reading:	November 26, 2018	Passed 7-0
Third Reading:	December 10, 2018	

Approved as to form:

County Attorney

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2018-1548

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE A ± 0.565 ACRE PORTION OF PROPERTY OWNED BY ALBERT BLAKE EVANS, LOCATED AT 2414 CHARLOTTE HIGHWAY FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT TO PB, PROFESSIONAL BUSINESS DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Fred Brackett applied to rezone property located at 2414 Charlotte Highway from LDR, Low Density Residential District to PB, Professional Business District.

(b) On October 16th, 2018 the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from LDR, Low Density Residential District to PB, Professional Business District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. a portion of 0049-00-104.02

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	November 12, 2018	Passed 5-0
Second Reading:	November 26, 2018	Passed 7-0
Third Reading:	December 10, 2018	

Approved as to form:

County Attorney

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2018-1549

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE A ± 9.82 ACRE PARCEL OWNED BY SAMTY PROPERTIES, LLC LOCATED AT 8980 CHARLOTTE HIGHWAY FROM MX, MIXED USE DISTRICT TO GB, GENERAL BUSINESS DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Samty Properties, LLC applied to rezone a ± 9.82 acre property located at 8980 Charlotte Highway from MX, Mixed Use District, to GB, General Business District.

(b) On October 16th, 2018, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (6-1), recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from MX, Mixed Use District to GB, General Business District for the following properties as identified by tax map number or other appropriate identifier:

Tax Map No. 0010-00-030.01

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. **Conflicting Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. **Effective Date.**

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	November 12, 2018	Passed 3-2
Second Reading:	November 26, 2018	Passed 7-0
Third Reading:	December 10, 2018	

Approved as to form:

County Attorney

Agenda Item Summary

Resolution No.: 1035-R2018

Contact Person / Sponsor: Emily Luther/John DuBose

Department: Attorney

Date Requested to be on Agenda: 12/10/2018

Issue for Consideration:

CR Senior Living, LLC, and one or more of its affiliated or related entities, (collectively, "Borrower"), has applied to the South Carolina Jobs-Economic Development Authority to issue not exceeding \$45,000,000 of the Authority's economic development revenue bonds ("Bonds") in one or more series, taxable or tax-exempt, to (i) finance a portion of the costs of designing, acquiring, constructing and equipping a senior living community ("Facility") consisting of an approximately 66-room, 80-bed assisted living and memory care facility and an approximately 120-unit independent living facility located in Lancaster County, South Carolina ("County"), and related real estate, (ii) fund certain accounts and funds related to the Facility and the Bonds, (iii) finance capitalized interest during construction, and (iv) provide for certain fees and expenses to be incurred in connection with the issuance of the Bonds.

The Facility will be initially owned and operated by the Borrower and will be located at the intersection of Harrisburg and Calvin Hall Roads in the County on a portion of a parcel of land more particularly identified by County tax map number 0005-00-076.00

Points to Consider:

Lancaster County will incur no financial liability in connection with the Bonds.

The project must be given "public approval" and Lancaster County Council will decide and be asked to make a finding that the Project will serve the purposes of the Act and that the Project is anticipated to benefit the general public welfare of the State and County by providing services, employment, or other public benefits not otherwise provided locally.

Funding and Liability Factors:

N/A

Council Options:

Deciding on the Resolution.

Recommendation:

N/A

STATE OF SOUTH CAROLINA)
)
LANCASTER COUNTY)

RESOLUTION NO.: 1035-R2018

A RESOLUTION OF LANCASTER COUNTY,
SOUTH CAROLINA

**RELATING TO THE ISSUANCE BY THE SOUTH CAROLINA JOBS-
ECONOMIC DEVELOPMENT AUTHORITY OF ITS ECONOMIC
DEVELOPMENT REVENUE BONDS, IN ONE OR MORE SERIES,
TAXABLE OR TAX-EXEMPT, IN THE PRINCIPAL AMOUNT OF NOT
EXCEEDING \$45,000,000**

WHEREAS, the South Carolina Jobs-Economic Development Authority (“Authority”), acting by and through its Board of Directors, is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43 of the Code of Laws of South Carolina 1976, as amended (“Act”), to (i) utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to qualified business enterprises in order to promote and develop the economic welfare of the State of South Carolina (“State”) and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State and (ii) act in conjunction with other persons and organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural, and recreational development in the State;

WHEREAS, the Authority is further authorized by Section 41-43-110 of the Act to issue revenue bonds, as defined in the Act, payable by the Authority solely from a revenue producing source and secured by a pledge of said revenues in order to provide funds for any program authorized by the Act;

WHEREAS, CR Senior Living, LLC, and one or more of its affiliated or related entities, (collectively, “Borrower”), has applied to the Authority to issue not exceeding \$45,000,000 of the Authority’s economic development revenue bonds (“Bonds”) in one or more series, taxable or tax-exempt, to (i) finance a portion of the costs of designing, acquiring, constructing and equipping a senior living community (“Facility”) consisting of an approximately 66-room, 80-bed assisted living and memory care facility and an approximately 120-unit independent living facility located in Lancaster County, South Carolina (“County”), and related real estate, (ii) fund certain accounts and funds related to the Facility and the Bonds, (iii) finance capitalized interest during construction, and (iv) provide for certain fees and expenses to be incurred in connection with the issuance of the Bonds (collectively, (i), (ii), (iii) and (iv) are the “Project”);

WHEREAS, the Facility will be initially owned and operated by the Borrower and will be located at the intersection of Harrisburg and Calvin Hall Roads in the County on a portion of a parcel of land more particularly identified by County tax map number 0005-00-076.00 ;

WHEREAS, the Borrower has represented to the County that it anticipates that the Project will benefit the State, generally, and the County in particular, through the capital investment in the County resulting from the Project and the creation of new job opportunities (both direct and indirect) for people from the County and surrounding areas, with a resulting alleviation of unemployment, an increase in payrolls and tax revenues, and other public benefits, including the provision of affordable and decent housing, incident to the operation of the Facility not otherwise provided locally; and

WHEREAS, for purposes of complying with Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 5f.103-2(f) of the Treasury Regulations, as amended (collectively, “Federal Tax Regulations”) and the Act, prior to the issuance of the Bonds by the Authority, and after a public hearing held following reasonable public notice, the Bonds and the issuance thereof for purposes of financing the

Project must be approved by the applicable elected representatives of a governmental unit having jurisdiction over the area in which the Facility is located;

WHEREAS, the County is a governmental unit having jurisdiction over the area in which the Facility is located and the County Council (“Council”) is applicable representative body of the County;

WHEREAS, prior to any deliberations regarding this Resolution, Council held a public hearing, at which all interested persons were given a reasonable opportunity to express their views. The public hearing was duly noticed by publication of the Notice of Public Hearing in a newspaper having general circulation in the County, not less than 15 days prior to the date hereof.

NOW, THEREFORE, BE IT RESOLVED by Council of the County as follows:

Section 1. As required by the Act, and based solely on information received from the County by the Borrower, Council finds that (a) the Project will serve the purposes of the Act; (b) the Project is anticipated to benefit the general public welfare of the State and County by providing services, employment, or other public benefits not otherwise provided locally; (c) the Project will give rise to no pecuniary liability of the County or any incorporated municipality, or a charge against its general credit or taxing power; (d) the amount of Bonds required to finance the Project is not exceeding \$45,000,000; and (e) the documents to be delivered by the Borrower and the Authority with respect to the Bonds will provide, among other things, (i) for the amount necessary in each year to pay the principal of and interest on the Bonds, (ii) the reserve funds, if any, to be established with respect to the retirement of the Bonds and the maintenance of the Facility (and, if any such reserve funds are established, the amount necessary to be paid each year into such funds), and (iii) that the Borrower shall maintain the Facility and carry all proper insurance with respect thereto.

Section 2. For purposes of satisfying the Federal Tax Regulations, the Project and the Bonds are hereby granted “public approval.” The Bonds are not an obligation or liability of the County.

Section 3. The Chairman, the County Administrator and the Clerk to Council, or their designees, are each hereby authorized and directed to execute such documents as may be necessary to evidence the County’s approvals defined in the Federal Tax Requirements and the Act.

Section 4. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this Resolution shall take effect and be in full force and effect from and after its adoption.

[Signature Page Follows]

Adopted at the regular meeting of Lancaster County Council on December 10, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

Approved as to form:

County Attorney

Attest:

Sherrie Simpson, Clerk to Council

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, Section 5f.103-2(f) of the Treasury Regulations (collectively, "Federal Tax Requirements"), and Chapter 43 of Title 41 of the Code of Laws of South Carolina 1976, as amended, ("Act"), the South Carolina Jobs-Economic Development Authority ("Authority") and Lancaster County, South Carolina ("County") will hold a public hearing ("Public Hearing") during the meeting of County Council **commencing at 6:00 PM on December 10, 2018, in the County Council Chambers of the County Administration Building, located at 101 N. Main Street, 2nd Floor, Lancaster, South Carolina 29721**, regarding the issuance by the Authority of its Economic Development Revenue Bonds in one or more taxable or tax-exempt series in a maximum aggregate principal amount of not to exceed \$45,000,000 (collectively, "Bonds").

The Authority will loan the proceeds of the Bonds to CR Senior Living, LLC, and one or more of its affiliated or related entities, (collectively, "Borrower") to (i) finance a portion of the costs of designing, acquiring, constructing and equipping a senior living community ("Facility") consisting of an approximately 66-room, 80-bed assisted living and memory care facility and an approximately 120-unit independent living facility located in Lancaster County, South Carolina ("County"), and related real estate, (ii) fund certain accounts and funds related to the Facility and the Bonds, (iii) finance capitalized interest during construction, and (iv) provide for certain fees and expenses to be incurred in connection with the issuance of the Bonds (collectively, (i), (ii), (iii) and (iv) are the "Project").

The Facility will be initially owned and operated by the Borrower and will be located at the intersection of Harrisburg and Calvin Hall Roads in the County on a portion of a parcel of land more particularly identified by County tax map number 0005-00-076.00.

The Bonds, when issued, will be special, limited obligations of the Authority payable solely out of the revenues derived from the repayment of the loan by the Borrower. The County will have no financial responsibility for the Bonds.

At the time and place fixed for the public hearing, all persons who appear will be given an opportunity to express their views, both orally and in writing, for or against the proposed issuance of the Bonds, the location and nature of the Project to be financed with the Bonds, and County Council's consideration of a resolution relating to the issuance of the Bonds, which is required by the Federal Tax Requirements and the Act. Prior to the Public Hearing, written comments may be delivered to the Clerk to County Council at Post Office Box 1809, Lancaster, South Carolina 29721. All interested persons are invited to present their comments and views at the time and place of the Public Hearing. If special accommodations are needed to participate in the public hearing, please contact the 803.285.1565 during regular business hours at least 24 hours prior to the scheduled meeting date.

SOUTH CAROLINA JOBS-ECONOMIC
DEVELOPMENT AUTHORITY

LANCASTER COUNTY,
SOUTH CAROLINA

Agenda Item Summary

Resolution #: 1036-R2018

Contact Person / Sponsor: John DuBose, County Attorney/ Jamie Gilbert, Economic Development

Department: County Attorney/Economic Development

Date Requested to be on Agenda: December 10, 2018

Issue for Consideration:

A RESOLUTION TO CONSENT TO, APPROVE, AND RATIFY THE ASSIGNMENT OF THE FEE AGREEMENT BY AND AMONG LANCASTER COUNTY, SOUTH CAROLINA, COMPUCOM SYSTEMS, INC. AND TKC BAILES RIDGE PARKWAY, LLC TO CS1031 CAROLINA TECH HQ, DST.

Points to Consider:

State statute and the FILOT agreement with CompuCom Systems provide that the mechanism for assignment of the FILOT agreement is a Resolution before County Council. The possibility of eventual transfer of the FILOT to a successor business entity was contemplated in the original FILOT agreement. Inclusion of a clause allowing for transfer of a FILOT by passage of a resolution before County Council is standard and FILOT agreements are routinely transferred.

Funding and Liability Factors:

NA

Council Options:

Consent to and approve of the Assignment of the FILOT or withhold consent and approval of the assignment of FILOT.

Recommendation:

This matter has not been before committee. Approval is recommended.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION NO. 1036-R2018

A RESOLUTION

TO CONSENT TO, APPROVE, AND RATIFY THE ASSIGNMENT OF THE FEE AGREEMENT BY AND AMONG LANCASTER COUNTY, SOUTH CAROLINA, COMPUCOM SYSTEMS, INC. AND TKC BAILES RIDGE PARKWAY, LLC TO CS1031 CAROLINA TECH HQ, DST.

WHEREAS, Lancaster County, South Carolina (the “County”), CompuCom Systems, Inc., a Delaware corporation (the “Company”) and TKC Bailes Ridge Parkway, LLC, a North Carolina limited liability company (“Assignor”), entered into that certain Fee Agreement, dated as of May 8, 2017 (the “Fee Agreement”) with regard to certain real property more particularly described in Exhibit A to the Fee Agreement and improvements and other property located thereon (the “Project”);

WHEREAS, Assignor has conveyed or will convey the entirety of the real and personal property owned by Assignor comprising the Project to CS1031 Carolina Tech HQ, DST, a Delaware statutory trust, or one or more affiliates controlled by, owned directly or indirectly and in whole or in part by, or under common control with CS1031 Carolina Tech HQ, DST (the “Assignee”);

WHEREAS, Assignor now desires to assign its interest in the Fee Agreement to Assignee contingent upon the effectiveness of the Assignor’s conveyance of the Project and the agreement of the Assignor and the Assignee (the “Assignment”);

WHEREAS, Assignor and Assignee have requested that the County consent to, approve, and ratify the Assignment as provided in Section 8.02 of the Fee Agreement and Section 12-44-120, Code of Laws of South Carolina 1976, as amended; and

WHEREAS, Council intends by the passage of this resolution to provide its consent to, approval and ratification of the Assignment of the Fee Agreement from Assignor to Assignee.

NOW, THEREFORE, BE IT RESOLVED by the Council of Lancaster County, South Carolina:

1. The County consents to, approves, and ratifies the assignment of all of Assignor’s rights, interests, and obligations under the Fee Agreement to Assignee, to be effective upon Assignor’s conveyance of the Project to Assignee.
2. The validity of the Fee Agreement, and upon the assignment of the Fee Agreement to Assignee, all rights and obligations of the Company, Assignee and the County, as the only parties under the assigned Fee Agreement, are hereby affirmed.
3. This resolution takes effect upon its adoption.

(Signatures appear on the following page)

AND IT IS SO RESOLVED

Dated this 10th day of December, 2018

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

Approved as to form:

County Attorney

ATTEST:

Sherrie Simpson, Clerk to Council

Agenda Item Summary

Ordinance # 2018-1542 / RZ-018-034
Contact Person: Joey Adams-Raczkowski
Department: Planning
Date Requested to be on Agenda: October 22nd, 2018

Issue for Consideration:

This is the rezoning application of Lennar Carolinas, LLC to rezone eleven (11) properties that total \pm 1,336.75 acres. The applicant is requesting a zoning change from RN, Rural Neighborhood District, and LDR, Low Density Residential District, to MDR, Medium Density Residential District. The subject properties are located along the western side of Highway 521, between the intersections of W. North Corner Road and Shiloh Unity Road, just south of the Indian Land section of Lancaster County, SC (TMS # 0048-00-043.01, 0044-00-018.00, 0045L-0B-019.00, 0045L-0B-020.00, 0045-00-005.00, 0044-00-016.00, 0044-00-025.00, 0044-00-001.00, 0044-0-021.00, & a portion of 0044-00-022.00 & 0044-00-024.00).

Points to Consider:

The facts and findings of this report show that the property is designated as RN, Rural Neighborhood District and LDR, Low Density Residential District on the Lancaster County Zoning Map. HI, Heavy Industrial District, is located with a two mile proximity of the subject property. One of the largest southernmost properties is located within the Carolina Thread Trail Overlay District.

The Future Land Use Map (FLUM) identifies this property as Rural Living. However, a significant portion of the eastern and southern perimeter border of the area subject to this rezoning request directly abuts the Transitional FLUM designation which supports development of suburban single-family neighborhoods. Therefore, if the Comprehensive Plan Amendment 2018-001 is approved, this rezoning request would be compatible with the Transitional designation of the FLUM.

This site is located approximately 2 miles north of the current corporate limits of the City of Lancaster. This rezoning request also supports the long range vision of furthering economic development opportunities that bolster growth and development efforts along the Highway 521 corridor and in close proximity to the City of Lancaster. This rezoning request, and subsequent development, has the potential to direct growth toward the City of Lancaster where infrastructure systems and schools have the capacity to handle additional growth. Additionally, this development has the potential to aid in facilitating transportation improvements that may include a collector road connecting the Highway 521 corridor westward to Old Hickory Road.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning request.

Recommendation:

It is the recommendation of the planning staff that the rezoning request for the eleven (11) properties located along the western side of Highway 521, between the intersections of W. North Corner Road and Shiloh Unity Road be **APPROVED**.

At the Lancaster County Planning Commission meeting on Tuesday, September 18th, 2018 the Commission voted to **APPROVE** the rezoning application of Lennar Carolinas, LLC by a vote of (6-1). At the above referenced meeting, three citizens spoke on this case. One citizen spoke against the rezoning and two citizens did not specify if they were for or against, but had several questions and concerns. The Planning Department received a total of 11 inquiries on this case: two citizens were in favor of the rezoning, three were against, and nine wanted more information.

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2018-1542

COUNTY OF LANCASTER

(

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE ELEVEN (11) PROPERTIES TOTALING ± 1,336.75 ACRES. THE PROPERTIES ARE OWNED BY LANCASTER LAND LLC, FIRST LAND COMPANY INC. THE ELEVEN (11) PROPERTIES ARE LOCATED ALONG THE WESTERN SIDE OF HIGHWAY 521, BETWEEN THE INTERSECTIONS OF W. NORTH CORNER ROAD AND SHILOH UNITY ROAD. THE ELEVEN (11) PROPERTIES ARE TO BE REZONED FROM RN, RURAL NEIGHBORHOOD DISTRICT AND LDR, LOW DENSITY RESIDENTIAL DISTRICT TO MDR, MEDIUM DENSITY RESIDENTIAL DISTRICT.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Lennar Carolinas, LLC applied to rezone four (11) properties located along the western side of Highway 521, between the intersections of W. North Corner Road and Shiloh Unity Road from RN, Rural Neighborhood District and LDR, Low Density Residential District to MDR, Medium Density Residential District.

(b) On September 18th, 2018 the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (6-1), recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from RN, Rural Neighborhood District and LDR, Low Density Residential District to MDR, Medium Density Residential District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0048-00-043.01, 0044-00-018.00, 0045L-0B-019.00, 0045L-0B-020.00, 0045-00-005.00, 0044-00-016.00, 0044-00-025.00, 0044-00-001.00, 0044-00-021.00, and a portion of 0044-00-022.00 and 0044-00-024.00.

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: October 22, 2018 Passed 7-0
Second Reading: November 12, 2018 Passed 5-0
Third Reading: December 10, 2018

Date of 1st Reading: October 22nd, 2018
__ Approved __ Denied __ No Action

Date of 2nd Reading: November 12th, 2018
__ Approved __ Denied __ No Action

Date of 3rd Reading: November 26th, 2018
__ Approved __ Denied __ No Action



Case No. RZ-018-034
Staff Report to Planning Commission
Meeting Date: September 18th, 2018

Proposal: Rezoning application of Lennar Carolinas, LLC to rezone eleven (11) properties that total \pm 1,336.75 acres. The applicant is requesting a zoning change from RN, Rural Neighborhood District, and LDR, Low Density Residential District, to MDR, Medium Density Residential District.

Property Location: Along the western side of Highway 521, between the intersections of W. North Corner Road and Shiloh Unity Road. All eleven (11) properties are located just south of the Indian Land section of Lancaster County, SC (TMS # 0048-00-043.01, 0044-00-018.00, 0045L-0B-019.00, 0045L-0B-020.00, 0045-00-005.00, 0044-00-016.00, 0044-00-025.00, 0044-00-001.00, 0044-0-021.00, & a portion of 0044-00-022.00 & 0044-00-024.00).

Zoning District Classification: RN, Rural Neighborhood District and LDR, Low Density Residential Districts; the Carolina Thread Trail Overlay District is present on the largest of the southern parcels.

Voting District: District 1, Terry Graham & District 4, Larry Honeycutt

Site Information

Site Description: The property is undeveloped at the present time.

Vicinity Data

Surrounding Conditions: Adjacent properties to the north are zoned RN, Rural Neighborhood District. Adjacent parcels to the east are zoned RN, Rural Neighborhood District, LDR, Low Density Residential District, and one parcel is zoned GB, General Business District. Adjacent properties to the south are zoned LDR, Low Density Residential District. Adjacent properties to the west are zoned LDR, Low Density Residential District, and RN, Rural Neighborhood District.

Exhibits

1. Location Map
2. Zoning Map
3. Future Land Use Map
4. Letters from Citizens

Findings and Conclusions

The facts and findings of this report show that the property is designated as RN, Rural Neighborhood District and LDR, Low Density Residential District on the Lancaster County Zoning Map. HI, Heavy Industrial District, is located with a two mile proximity of the subject

property. One of the largest southernmost properties is located within the Carolina Thread Trail Overlay District.

The Future Land Use Map (FLUM) identifies this property as Rural Living. However, a significant portion of the eastern and southern perimeter border of the area subject to this rezoning request directly abuts the Transitional FLUM designation which supports development of suburban single-family neighborhoods. Therefore, if the Comprehensive Plan Amendment 2018-001 is approved, this rezoning request would be compatible with the Transitional designation of the FLUM.

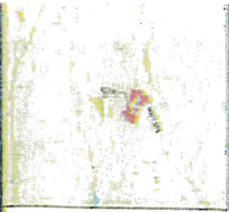
This site is located approximately 2 miles north of the current corporate limits of the City of Lancaster. This rezoning request also supports the long range vision of furthering economic development opportunities that bolster growth and development efforts along the Highway 521 corridor and in close proximity to the City of Lancaster. This rezoning request, and subsequent development, has the potential to direct growth toward the City of Lancaster where infrastructure systems and schools have the capacity to handle additional growth. Additionally, this development has the potential to aid in facilitating transportation improvements that may include a collector road connecting the Highway 521 corridor westward to Old Hickory Road.

Planning Staff Recommendation

It is therefore the recommendation of the planning staff that the rezoning request for the eleven (11) properties located along the western side of Highway 521, between the intersections of W. North Corner Road and Shiloh Unity Road be **APPROVED**.

Planning Commission Recommendation

At the Lancaster County Planning Commission meeting on Tuesday, September 18th, 2018 the Commission voted to **APPROVE** the rezoning application of Lennar Carolinas, LLC by a vote of **(6-1)**. At the above referenced meeting, three citizens spoke on this case. One citizen spoke against the rezoning and two citizens did not specify if they were for or against, but had several questions and concerns. The Planning Department received a total of 11 inquiries on this case: two citizens were in favor of the rezoning, three were against, and nine wanted more information.



Vicinity Map
 Not to Scale

Data:

Parcels: 0645-00-041.00, 0044-00-010.00, 0011-00-010.00, 0013-00-010.00, 0045-00-002.00, 0044-00-016.00, 0044-00-012.00, 0044-00-001.00, 0044-00-011.00, 0044-00-014.00

Total Acreage: 17-133.79 Acres per GIS (Approximate)

Location: Lancaster, South Carolina

zoning: R1 & LDR
 Existing: R1 & LDR
 Proposed: R1 & LDR

Display: Carolina Thread Trail Overlay by Metropolitan Planning Commission

Map Data: © 2012 Google Earth, © 2012 Google Maps, © 2012 Google Earth Engine, © 2012 Google Earth Pro, © 2012 Google Earth for Desktop, © 2012 Google Earth for Android, © 2012 Google Earth for iOS, © 2012 Google Earth for Windows Phone, © 2012 Google Earth for Kindle Fire, © 2012 Google Earth for Nook HD, © 2012 Google Earth for Kindle Fire HD, © 2012 Google Earth for Kindle Fire HDX, © 2012 Google Earth for Kindle Fire HDX 8.9", © 2012 Google Earth for Kindle Fire HDX 10.1", © 2012 Google Earth for Kindle Fire HDX 10.6", © 2012 Google Earth for Kindle Fire HDX 11.7", © 2012 Google Earth for Kindle Fire HDX 12.2", © 2012 Google Earth for Kindle Fire HDX 13.3", © 2012 Google Earth for Kindle Fire HDX 14.6", © 2012 Google Earth for Kindle Fire HDX 15.7", © 2012 Google Earth for Kindle Fire HDX 17.1", © 2012 Google Earth for Kindle Fire HDX 18.1", © 2012 Google Earth for Kindle Fire HDX 19.1", © 2012 Google Earth for Kindle Fire HDX 20.1", © 2012 Google Earth for Kindle Fire HDX 21.1", © 2012 Google Earth for Kindle Fire HDX 22.1", © 2012 Google Earth for Kindle Fire HDX 23.1", © 2012 Google Earth for Kindle Fire HDX 24.1", © 2012 Google Earth for Kindle Fire HDX 25.1", © 2012 Google Earth for Kindle Fire HDX 26.1", © 2012 Google Earth for Kindle Fire HDX 27.1", © 2012 Google Earth for Kindle Fire HDX 28.1", © 2012 Google Earth for Kindle Fire HDX 29.1", © 2012 Google Earth for Kindle Fire HDX 30.1", © 2012 Google Earth for Kindle Fire HDX 31.1", © 2012 Google Earth for Kindle Fire HDX 32.1", © 2012 Google Earth for Kindle Fire HDX 33.1", © 2012 Google Earth for Kindle Fire HDX 34.1", © 2012 Google Earth for Kindle Fire HDX 35.1", © 2012 Google Earth for Kindle Fire HDX 36.1", © 2012 Google Earth for Kindle Fire HDX 37.1", © 2012 Google Earth for Kindle Fire HDX 38.1", © 2012 Google Earth for Kindle Fire HDX 39.1", © 2012 Google Earth for Kindle Fire HDX 40.1", © 2012 Google Earth for Kindle Fire HDX 41.1", © 2012 Google Earth for Kindle Fire HDX 42.1", © 2012 Google Earth for Kindle Fire HDX 43.1", © 2012 Google Earth for Kindle Fire HDX 44.1", © 2012 Google Earth for Kindle Fire HDX 45.1", © 2012 Google Earth for Kindle Fire HDX 46.1", © 2012 Google Earth for Kindle Fire HDX 47.1", © 2012 Google Earth for Kindle Fire HDX 48.1", © 2012 Google Earth for Kindle Fire HDX 49.1", © 2012 Google Earth for Kindle Fire HDX 50.1", © 2012 Google Earth for Kindle Fire HDX 51.1", © 2012 Google Earth for Kindle Fire HDX 52.1", © 2012 Google Earth for Kindle Fire HDX 53.1", © 2012 Google Earth for Kindle Fire HDX 54.1", © 2012 Google Earth for Kindle Fire HDX 55.1", © 2012 Google Earth for Kindle Fire HDX 56.1", © 2012 Google Earth for Kindle Fire HDX 57.1", © 2012 Google Earth for Kindle Fire HDX 58.1", © 2012 Google Earth for Kindle Fire HDX 59.1", © 2012 Google Earth for Kindle Fire HDX 60.1", © 2012 Google Earth for Kindle Fire HDX 61.1", © 2012 Google Earth for Kindle Fire HDX 62.1", © 2012 Google Earth for Kindle Fire HDX 63.1", © 2012 Google Earth for Kindle Fire HDX 64.1", © 2012 Google Earth for Kindle Fire HDX 65.1", © 2012 Google Earth for Kindle Fire HDX 66.1", © 2012 Google Earth for Kindle Fire HDX 67.1", © 2012 Google Earth for Kindle Fire HDX 68.1", © 2012 Google Earth for Kindle Fire HDX 69.1", © 2012 Google Earth for Kindle Fire HDX 70.1", © 2012 Google Earth for Kindle Fire HDX 71.1", © 2012 Google Earth for Kindle Fire HDX 72.1", © 2012 Google Earth for Kindle Fire HDX 73.1", © 2012 Google Earth for Kindle Fire HDX 74.1", © 2012 Google Earth for Kindle Fire HDX 75.1", © 2012 Google Earth for Kindle Fire HDX 76.1", © 2012 Google Earth for Kindle Fire HDX 77.1", © 2012 Google Earth for Kindle Fire HDX 78.1", © 2012 Google Earth for Kindle Fire HDX 79.1", © 2012 Google Earth for Kindle Fire HDX 80.1", © 2012 Google Earth for Kindle Fire HDX 81.1", © 2012 Google Earth for Kindle Fire HDX 82.1", © 2012 Google Earth for Kindle Fire HDX 83.1", © 2012 Google Earth for Kindle Fire HDX 84.1", © 2012 Google Earth for Kindle Fire HDX 85.1", © 2012 Google Earth for Kindle Fire HDX 86.1", © 2012 Google Earth for Kindle Fire HDX 87.1", © 2012 Google Earth for Kindle Fire HDX 88.1", © 2012 Google Earth for Kindle Fire HDX 89.1", © 2012 Google Earth for Kindle Fire HDX 90.1", © 2012 Google Earth for Kindle Fire HDX 91.1", © 2012 Google Earth for Kindle Fire HDX 92.1", © 2012 Google Earth for Kindle Fire HDX 93.1", © 2012 Google Earth for Kindle Fire HDX 94.1", © 2012 Google Earth for Kindle Fire HDX 95.1", © 2012 Google Earth for Kindle Fire HDX 96.1", © 2012 Google Earth for Kindle Fire HDX 97.1", © 2012 Google Earth for Kindle Fire HDX 98.1", © 2012 Google Earth for Kindle Fire HDX 99.1", © 2012 Google Earth for Kindle Fire HDX 100.1

DRAFT



Norman Re 6 5 tial Property
 Rezoning exhibit Map

ESP Job #P033.000 August 13, 2018

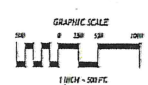
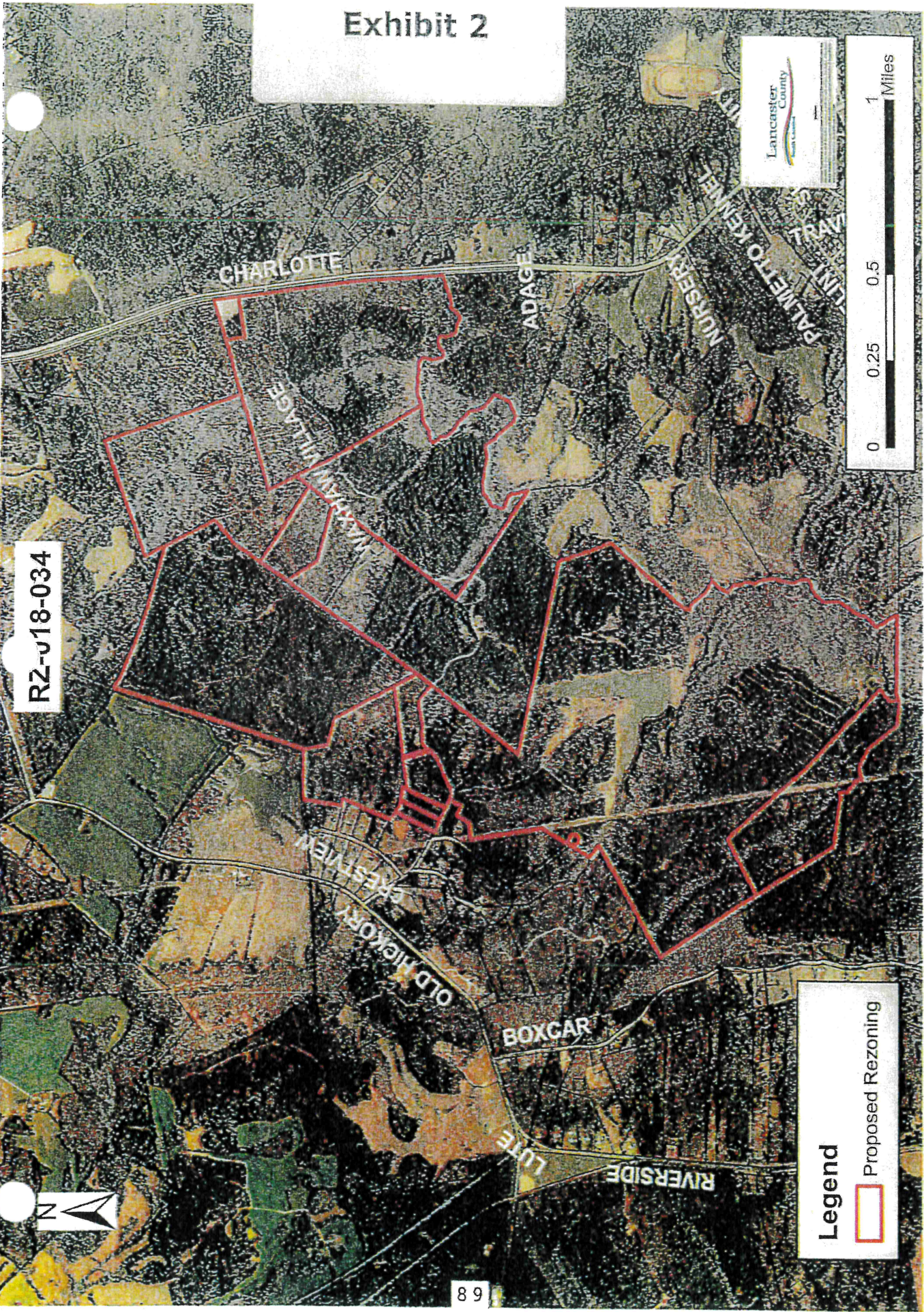
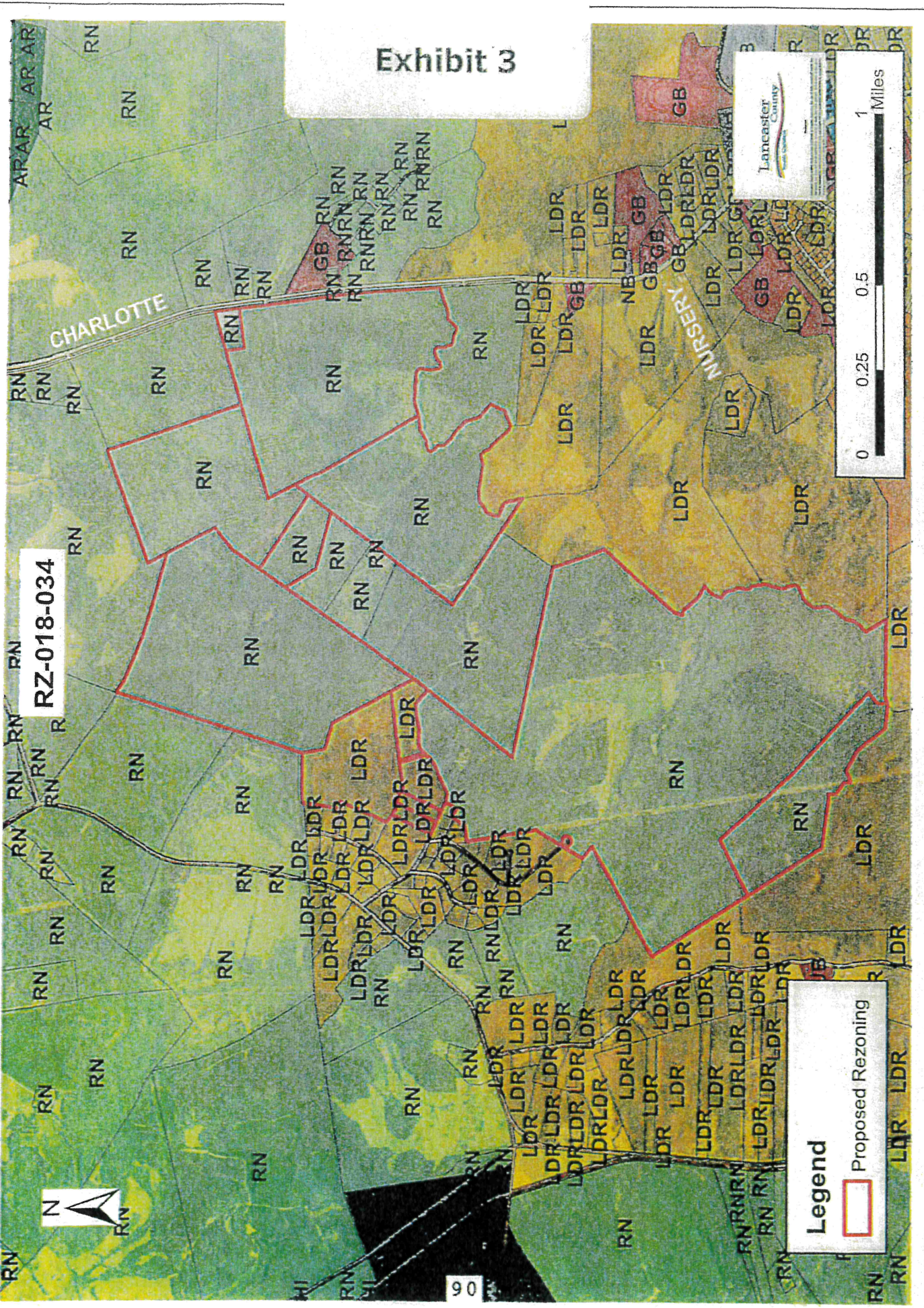


Exhibit 2



RZ-v18-034

Exhibit 3



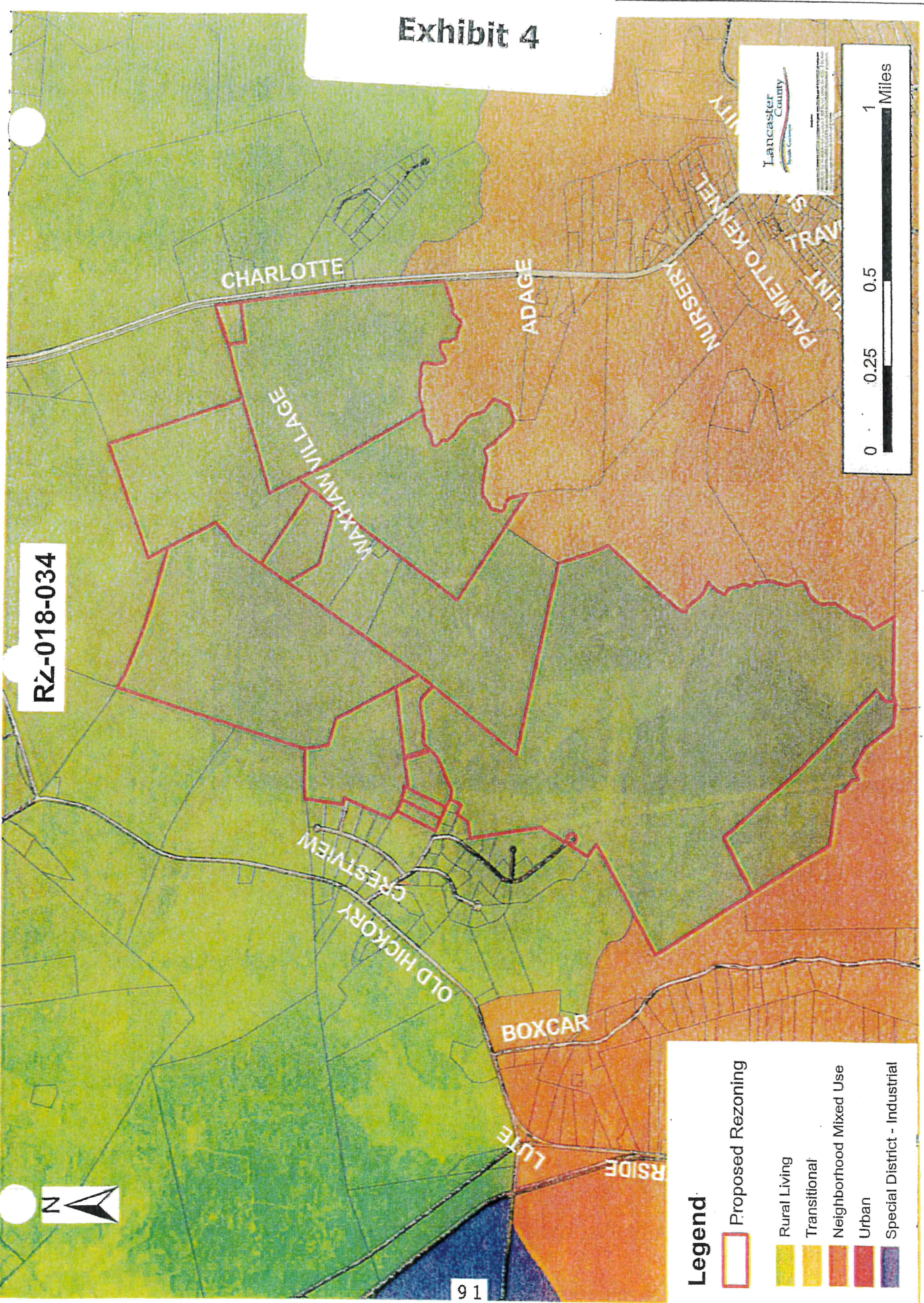
RZ-018-034

Legend

- Proposed Rezoning

Exhibit 4

RZ-018-034



Legend

- Proposed Rezoning
- Rural Living
- Transitional
- Neighborhood Mixed Use
- Urban
- Special District - Industrial

91

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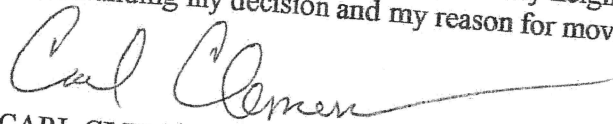
Carl & Latonya Clemons
2734 Sandy Branch Lane
Lancaster, SC 29720

September 17, 2018

SUBJECT: Rezoning Application RZ-018-034

TO: Planning Department
P.O. Box 1809
Lancaster, SC 29721

We are against the rezoning. We lived in Fort Mill, SC for many years, and we saw the impact it had on the town of Fort Mill, SC. We have witness first hand of what a rezoning will do to a quiet town. We do not want our neighborhood or area to become like Indian Land or Fort Mill, SC. We love the quietness here in the area. By rezoning and selling out to these rich companies, so they can make millions of dollars does not benefit me or my family in no way. It will only bring discord to this area, which I consider a safe haven for my Family and my neighbors as of now! I thank you for understanding my decision and my reason for moving to this area.



CARL CLEMONS
2734 Sandy Branch Lane
Lancaster, SC 29720

FILE COPY

Via Electronic Delivery

September 18, 2018

Lancaster County Planning Department
P.O. Box 1809
Lancaster, SC 29721-1809

RE: Support for Rezoning Application RZ-018-034

Dear Members of the Planning Commission:

I write to express my support of Lennar Carolinas, LLC's rezoning application RZ-018-034. I received notice of the rezoning application by virtue of being the owner of property that is adjacent to the parcels for which Lennar is seeking increased density.

I'm familiar with the projects that Lennar has developed and constructed further north in Lancaster and York counties, and am aware of their presence as one of the largest home builders in the US. I support their investment in our county, and believe that the infrastructure they will deliver, as well as the property tax revenues their proposed community will generate, merit the increased density for which they have applied.

I will not be able to attend the Planning Commission meeting on September 18, but have asked my attorney, Dac Cannon, to attend the meeting and deliver this letter of support on my behalf.

Thank you for your time and service to Lancaster County.

Very truly yours,



Sam Paul
Williamson Farm Lane, LLC

cc: DAC

Tina Young

From: The Craigs <thecraigs3@comcast.net>
Sent: Tuesday, September 18, 2018 10:33 AM
To: Tina Young
Subject: [EXTERNAL] Rezoning hearing RZ-018-034

THIS IS AN EXTERNAL E-MAIL — Use caution when clicking on links as they could open malicious websites.
—IT Helpdesk, support.lancastercountysc.net

September 2018

18

MS T. Young,

As you have requested from our telephone conversation this morning and since I will not be able to attend the meeting, I am including my concerns related to this rezoning hearing. I own a seventy (70) acer track along Box Car Road which will be the back boundary for the new track if this new zoning is approved. My concern is that this new classification will affect the present zoning classification for my land. I will **strongly object** to this new rezoning classification if it will create a situation that causes the board to rezone what I have been working with since acquiring this parcel on Box Car Rd.

If you need additional information, please contact me. Thank you.

Thomas L. Craig III

1276 S. Barksdale Rd.

Mt. Pleasant, SC 29464

843.884.4608 - Home

843.906.1069 - Cell

Agenda Item Summary

Ordinance # 2018-1543 (RZ-018-035)
Contact Person / Sponsor: Joseph Adams-Raczkowski
Department: Planning
Date Requested to be on Agenda: 10/22/18

Issue for Consideration:

This is the rezoning application of Lennar Carolinas, LLC to rezone 4 properties for a total of ± 140 acres from RN, Rural Neighborhood District to RB, Regional Business District in order to accommodate a future commercial development. All four properties are located along the western side of Highway 521, between the intersections of W. North Corner Road and Shiloh Unity Road, just south of the Indian Land section of Lancaster County

Points to Consider:

The facts and findings of this report show that the property is designated as RN, Rural Neighborhood District on the Lancaster County Zoning Map. LDR, Low Density Residential District and HI, Heavy Industrial District, are located with a two mile proximity of the subject property. The Carolina Thread Trail Overlay District is present within the companion rezoning request to the south of this property, RZ-018-034.

The Future Land Use Map (FLUM) identifies this property as Rural Living. However, a significant portion of the eastern and southern perimeter border of the area subject to this rezoning request directly abuts the Transitional FLUM designation which supports development of suburban single-family neighborhoods. The Transitional FLUM designation also states that suburban single-family neighborhood are often found in close proximity to suburban commercial, office, and industrial centers, and help provide needed support to these centers. Therefore, if the Comprehensive Plan Amendment 2018-001 is approved, this rezoning request would be compatible with the Transitional designation of the FLUM.

This site is located approximately 2 miles north of the current corporate limits of the City of Lancaster. This rezoning request also supports the long range vision of furthering economic development opportunities that bolster growth and development efforts along the Highway 521 corridor and in close proximity to the City of Lancaster. This rezoning request, and subsequent commercial development, has the potential to direct growth toward the City of Lancaster where infrastructure systems have the capacity to handle additional growth. Additionally, this development, as well as the companion zoning request RZ-018-034, have the potential to aid in facilitating transportation improvements that may include a collector road connecting the Highway 521 corridor westward to Old Hickory Road.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning request.

Recommendation:

It is therefore the recommendation of the Planning Staff that the rezoning request by Lennar Carolinas, LLC for the ± 125 acres of property located along the western side of Highway 521, between the intersections of W. North Corner Road and Shiloh Unity Road be **APPROVED**.

At the Lancaster County Planning Commission meeting on Tuesday, September 18th, 2018 the Commission voted to **APPROVE** the rezoning application of Lennar Carolinas, LLC by a vote of (6-1). One citizen signed up to speak on this rezoning case but decided to pass on commenting at this time. The Planning Department received five informational inquires on this project.

STATE OF SOUTH CAROLINA

(

ORDINANCE NO. 2018-1543

COUNTY OF LANCASTER

(

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE FOUR (4) PROPERTIES TOTALING ± 140 ACRES. THE PROPERTIES ARE OWNED BY R. WARREN NORMAN III. THE FOUR (4) PROPERTIES ARE LOCATED ALONG THE WESTERN SIDE OF HIGHWAY 521, BETWEEN THE INTERSECTIONS OF W. NORTH CORNER ROAD AND SHILOH UNITY ROAD. THE FOUR (4) PROPERTIES ARE TO BE REZONED FROM RN, RURAL NEIGHBORHOOD DISTRICT TO RB, REGIONAL BUSINESS DISTRICT.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Lennar Carolinas, LLC applied to rezone four (4) properties located along the western side of Highway 521, between the intersections of W. North Corner Road and Shiloh Unity Road from RN, Rural Neighborhood District to RB, Regional Business District.

(b) On September 18th, 2018 the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (6-1), recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from RN, Rural Neighborhood District to RB, Regional Business District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0044-00-002.00, 0044-00-023.00, and a portion of 0044-00-022.00 and 0044-00-024.00

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	October 22, 2018	Passed 7-0
Second Reading:	November 12, 2018	Passed 5-0
Third Reading:	December 10, 2018	

Date of 1st Reading: October 22, 2018
__ Approved __ Denied __ No Action

Date of 2nd Reading: November 12th, 2018
__ Approved __ Denied __ No Action

Date of 3rd Reading: November 26th, 2018
__ Approved __ Denied __ No Action



Case No. RZ-018-035
Staff Report to Planning Commission
Meeting Date: September 18th, 2018

Proposal: This is the rezoning application of Lennar Carolinas, LLC to rezone 4 properties for a total of ± 125 acres from RN, Rural Neighborhood District to RB, Regional Business District in order to accommodate a future commercial development.

Property Location: All four properties are located along the western side of Highway 521, between the intersections of W. North Corner Road and Shiloh Unity Road, just south of the Indian Land section of Lancaster County (TMS # 0044-00-002.00, 0044-00-023.00, and a portion of 0044-00-022.00 and 0044-00-024.00).

Zoning District Classification: Rural Neighborhood District. The Carolina Thread Trail Overlay District is present within the companion rezoning request to the south of this property, RZ-018-034.

Voting District: District 1, Terry Graham

Site Information

Site Description: All four properties are wooded and vacant.

Vicinity Data

Surrounding Conditions: Immediately adjacent properties are zoned RN, Rural Neighborhood District.

Exhibits

1. **Rezoning Application**
2. **Location & Zoning Map**
3. **Future Land Use Map**
4. **Tax Inquiry Sheets**

Findings and Conclusions

The facts and findings of this report show that the property is designated as RN, Rural Neighborhood District on the Lancaster County Zoning Map. LDR, Low Density Residential District and HI, Heavy Industrial District, are located with a two mile proximity of the subject property. The Carolina Thread Trail Overlay District is present within the companion rezoning request to the south of this property, RZ-018-034.

The Future Land Use Map (FLUM) identifies this property as Rural Living. However, a significant portion of the eastern and southern perimeter border of the area subject to this rezoning request directly abuts the Transitional FLUM designation which supports development of suburban single-family neighborhoods. The Transitional FLUM designation also states that

Date of 1st Reading: October 22, 2018
__ Approved __ Denied __ No Action

Date of 2nd Reading: November 12th, 2018
__ Approved __ Denied __ No Action

Date of 3rd Reading: November 26th, 2018
__ Approved __ Denied __ No Action

suburban single-family neighborhood are often found in close proximity to suburban commercial, office, and industrial centers, and help provide needed support to these centers. Therefore, if the Comprehensive Plan Amendment 2018-001 is approved, this rezoning request would be compatible with the Transitional designation of the FLUM.

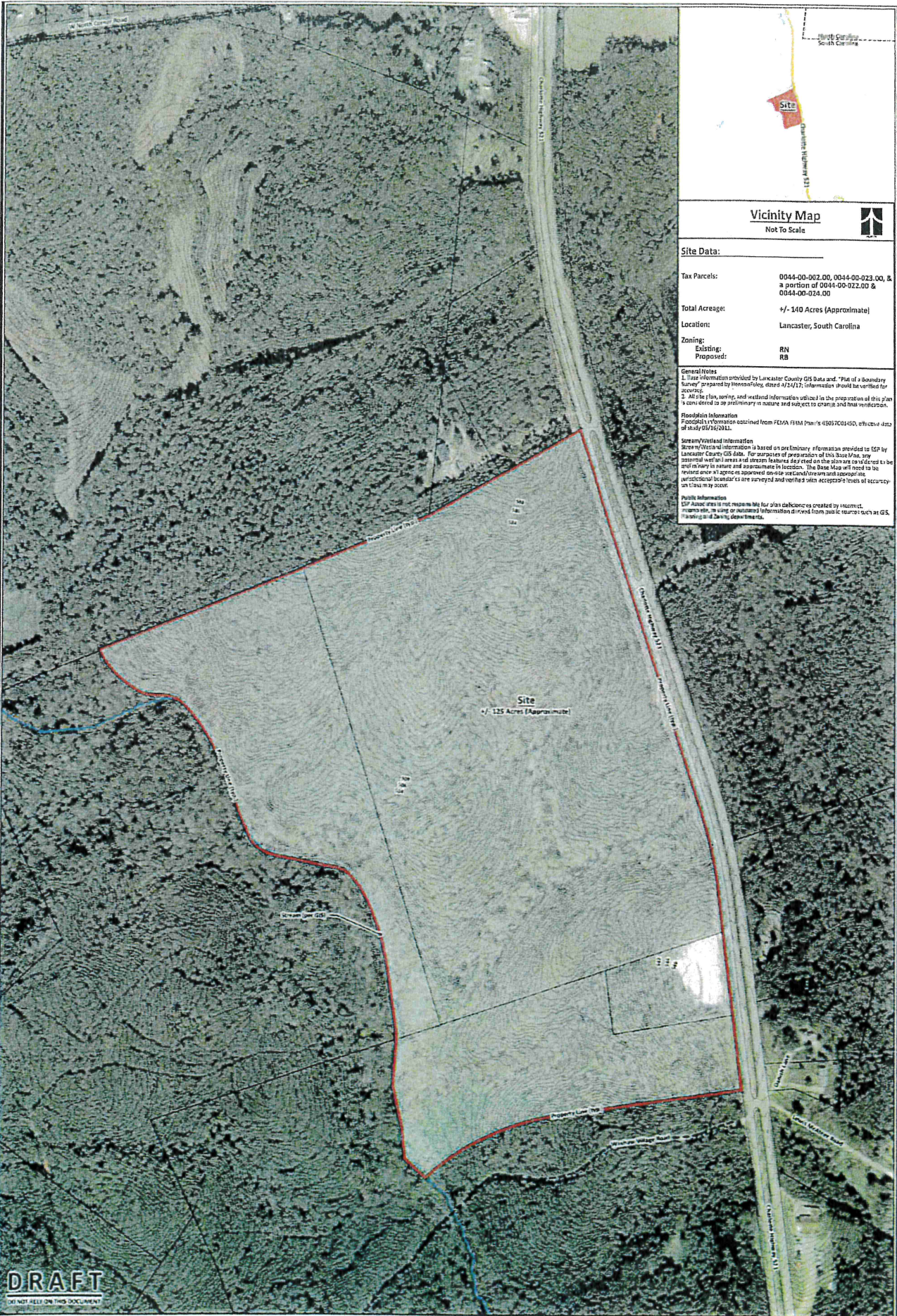
This site is located approximately 2 miles north of the current corporate limits of the City of Lancaster. This rezoning request also supports the long range vision of furthering economic development opportunities that bolster growth and development efforts along the Highway 521 corridor and in close proximity to the City of Lancaster. This rezoning request, and subsequent commercial development, has the potential to direct growth toward the City of Lancaster where infrastructure systems have the capacity to handle additional growth. Additionally, this development, as well as the companion zoning request RZ-018-034, have the potential to aid in facilitating transportation improvements that may include a collector road connecting the Highway 521 corridor westward to Old Hickory Road.

Planning Staff Recommendation

It is therefore the recommendation of the Planning Staff that the rezoning request by Lennar Carolinas, LLC for the ± 125 acres of property located along the western side of Highway 521, between the intersections of W. North Corner Road and Shiloh Unity Road be **APPROVED**.

Recommendation From Planning Commission Meeting

At the Lancaster County Planning Commission meeting on Tuesday, September 18th, 2018 the Commission voted to **APPROVED** the rezoning application of Lennar Carolinas, LLC by a vote of (6-1). One citizen signed up to speak on this rezoning case but decided to pass on commenting at this time. The Planning Department received five informational inquires on this project.



Vicinity Map
Not To Scale

Site Data:

Tax Parcels: 0044-00-002.00, 0044-00-023.00, & a portion of 0044-00-022.00 & 0044-00-024.00

Total Acreage: +/- 140 Acres (Approximate)

Location: Lancaster, South Carolina

Zoning:
Existing: RN
Proposed: RB

General Notes
1. Base information provided by Lancaster County GIS Data and "Part of a Boundary Survey" prepared by HeenanPoley, dated 4/21/17; information should be verified for accuracy.
2. All site plan, survey, and wetland information utilized in the preparation of this plan is considered to be preliminary in nature and subject to change and final verification.

Floodplain Information
Floodplain information obtained from FEMA FIRM Panel 4505700145D, effective date of 06/01/2011.

Stream/Wetland Information
Stream/Wetland information is based on preliminary information provided to ESP by Lancaster County GIS data. For purposes of preparation of this Base Map, any potential wetland areas and stream features are noted on the plan and intended to be used in many in nature and approximate in location. The Base Map will need to be reviewed and approved by appropriate divisions and agencies and appropriate jurisdictional boundaries are surveyed and verified with acceptable levels of accuracy on the ground.

Public Information
ESP Associates, Inc. is not responsible for plan deficiencies created by its users. It is recommended that users verify or supplement information derived from public sources such as GIS, planning or other agency departments.

DRAFT
DO NOT RELY ON THIS DOCUMENT



Norman Commercial Property
Rezoning Exhibit

ESP Job #FV39 August 13, 2018

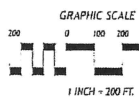
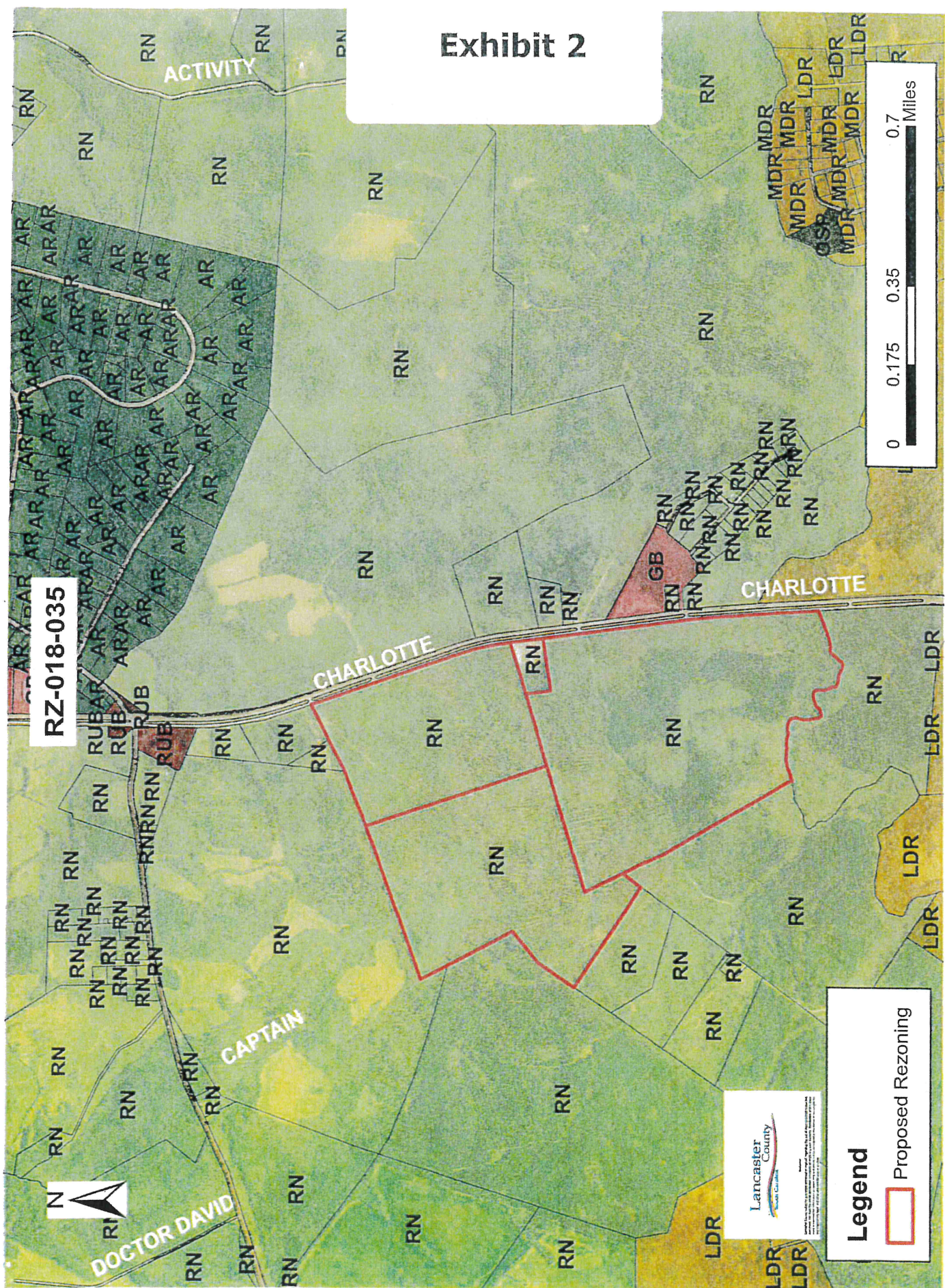


Exhibit 2



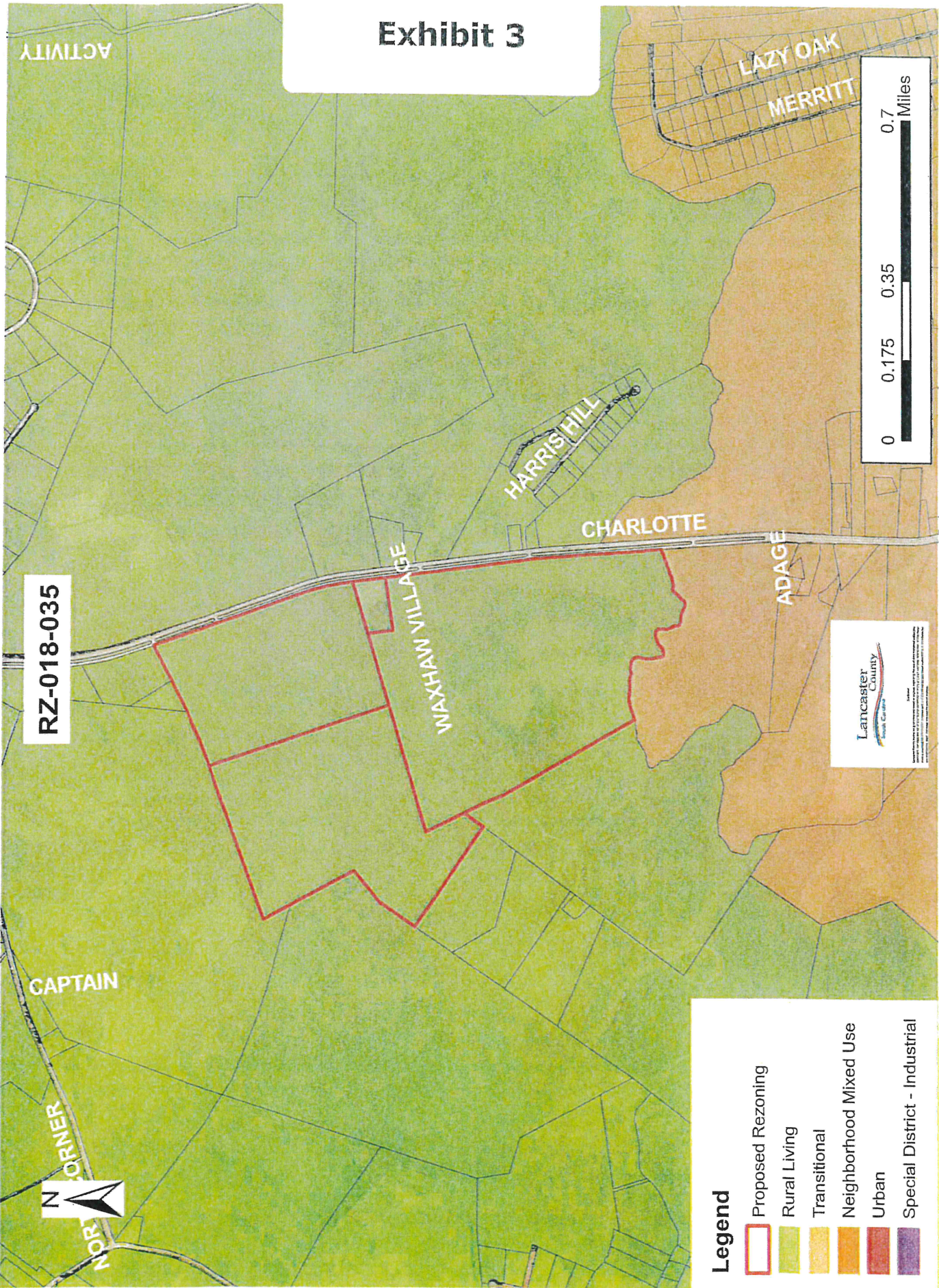
RZ-018-035



Legend

Proposed Rezoning

Exhibit 3



Legend

- Proposed Rezoning
- Rural Living
- Transitional
- Neighborhood Mixed Use
- Urban
- Special District - Industrial

Agenda Item Summary

Ordinance # 2018-1544/ RZ-018-033
Contact Person: Joey Adams-Raczkowski
Department: Planning
Date Requested to be on Agenda: October 22nd, 2018

Issue for Consideration:

This is the rezoning application of Lennar Carolinas, LLC to rezone 5 properties, totaling ±311.48 acres, from RN, Rural Neighborhood District and LDR, Low Density Residential District to MDR, Medium Density Residential District in order to accommodate future residential development. All five properties are located along Henry Harris Road, north of the intersection of Jim Wilson Road and Henry Harris Road in the Indian Land section of Lancaster County, SC (TMS # 0014-00-005.00, 0014-00-025.01, 0014-00-034.04, 0014-00-025.00, 0014-00-032.01). All five properties are wooded and vacant. Immediately adjacent properties are zoned MDR, Medium Density Residential District, LDR, Low Density Residential District, and RN, Rural Neighborhood District.

Points to Consider:

The facts and findings of this report show that the properties are designated as both RN, Rural Neighborhood, and LDR, Low Density Residential districts on the Lancaster County Zoning Map. These properties are also within the Carolina Thread Trail and Carolina Heelsplitter Overlay Districts. The Future Land Use Map identifies this property as Neighborhood Mixed-Use based on the *Lancaster County Comprehensive Plan 2014-2024*.

This area has developed over time with higher density residential development. There are several existing subdivision developments and legacy Planned Developments within the vicinity of the rezoning request that were approved in the late 1990's and early 2000's. The most recent subdivision, Bent Creek, was approved in 2014 and includes a Development Agreement.

However, the countywide rezoning that occurred in late 2016, along with the adoption of the Unified Development Ordinance, determined that the subject properties and surrounding area could only support future residential development at lower densities. This is due largely to the potentially negative impacts that additional residential development could have on schools, water and sewer infrastructure, environmental systems, and transportation networks in this specific area. Therefore, the LDR, Low Density Residential District, and RN, Rural Neighborhood District, continue to be the most appropriate zoning designations that ultimately support the low-density residential development vision for this area.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning request.

Recommendation:

It is the recommendation of the Planning Staff that the rezoning request by Lennar Carolinas, LLC for the ± 311.48 acres of property located north of the intersection of Jim Wilson Road and Henry Harris Road be **DENIED**.

At the Lancaster County Planning Commission meeting on Tuesday, September 18th, 2018 the Commission voted to **APPROVE** the rezoning application of Lennar Carolinas, LLC by a vote of (7-0). At the above referenced meeting one person spoke in favor of the rezoning. The Planning Department has received a total of 23 inquiries, of which 18 citizens were against the rezoning. Those against cited safety concerns on Henry Harris Road, such as blind curves and increased traffic.

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2018-1544

COUNTY OF LANCASTER

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(

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE FIVE (5) PROPERTIES TOTALING ± 311.48 ACRES. THE PROPERTIES ARE OWNED BY KOSZTYO REBECCA HARRIS STEPHENS, HENRY HARRIS ROAD-LANCASTER LLC, DAVIS JANE R & JAMES L. TRUSTEE, AND WALLACE INDIAN LAND LLC ETAL. THE FIVE (5) PROPERTIES ARE LOCATED ALONG HENRY HARRIS ROAD, NORTH OF THE INTERSECTION OF JIM WILSON ROAD AND HENRY HARRIS ROAD IN THE INDIAN LAND SECTION OF LANCASTER COUNTY. THE FIVE (5) PROPERTIES ARE TO BE REZONED FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT AND RN, RURAL NEIGHBORHOOD DISTRICT TO MDR, MEDIUM DENSITY RESIDENTIAL DISTRICT.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Lennar Carolinas, LLC, applied to rezone five (5) properties located along Henry Harris Road, north of the intersection of Jim Wilson Road and Henry Harris Road from LDR, Low Density Residential District and RN, Rural Neighborhood District to MDR, Medium Density Residential District.

(b) On September 18th, 2018 the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from LDR, Low Density Residential District and RN, Rural Neighborhood District to MDR, Medium Density Residential District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0014-00-005.00, 0014-00-025.01, 0014-00-034.04, 0014-00-025.00, 0014-00-032.01

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	October 22, 2018	Passed 7-0
Second Reading:	November 12, 2018	Passed 5-0
Third Reading:	December 10, 2018	



Case No. RZ-018-033
Staff Report to Planning Commission
Meeting Date: September 18th, 2018

Proposal: This is the rezoning application of Lennar Carolinas, LLC to rezone 5 properties, totaling ±311.48 acres, from RN, Rural Neighborhood District and LDR, Low Density Residential District to MDR, Medium Density Residential District in order to accommodate future residential development.

Property Location: All five properties are located along Henry Harris Road, north of the intersection of Jim Wilson Road and Henry Harris Road in the Indian Land section of Lancaster County, SC (TMS # 0014-00-005.00, 0014-00-025.01, 0014-00-034.04, 0014-00-025.00, 0014-00-032.01).

Zoning District Classification: Rural Neighborhood and Low Density Residential Districts; The Carolina Thread Trail is present along Henry Harris Road, and the subject properties are located within the Carolina Heelsplitter Overlay Districts

Voting District: District 1, Terry Graham & District 7, Brian Carnes

Site Information

Site Description: All five properties are wooded and vacant.

Vicinity Data

Surrounding Conditions: Immediately adjacent properties are zoned MDR, Medium Density Residential District, LDR, Low Density Residential District, and RN, Rural Neighborhood District.

Exhibits

1. **Location & Zoning Map**
2. **Future Land Use Map**
3. **Letters from Citizens**

Findings and Conclusions

The facts and findings of this report show that the properties are designated as both RN, Rural Neighborhood, and LDR, Low Density Residential districts on the Lancaster County Zoning Map. These properties are also within the Carolina Thread Trail and Carolina Heelsplitter Overlay Districts. The Future Land Use Map identifies this property as Neighborhood Mixed-Use based on the *Lancaster County Comprehensive Plan 2014-2024*.

This area has developed over time with higher density residential development. There are several existing subdivision developments and legacy Planned Developments within the vicinity of the rezoning request that were approved in the late 1990's and early 2000's. The most recent subdivision, Bent Creek, was approved in 2014 and includes a Development Agreement.

Date of 1st Reading: October 22nd, 2018
 Approved Denied No Action

Date of 2nd Reading: November 12th, 2018
 Approved Denied No Action

Date of 3rd Reading: November 26th, 2018
 Approved Denied No Action

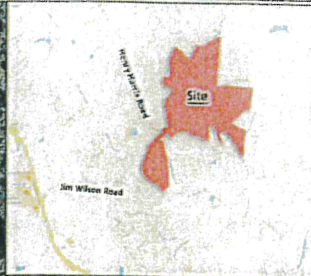
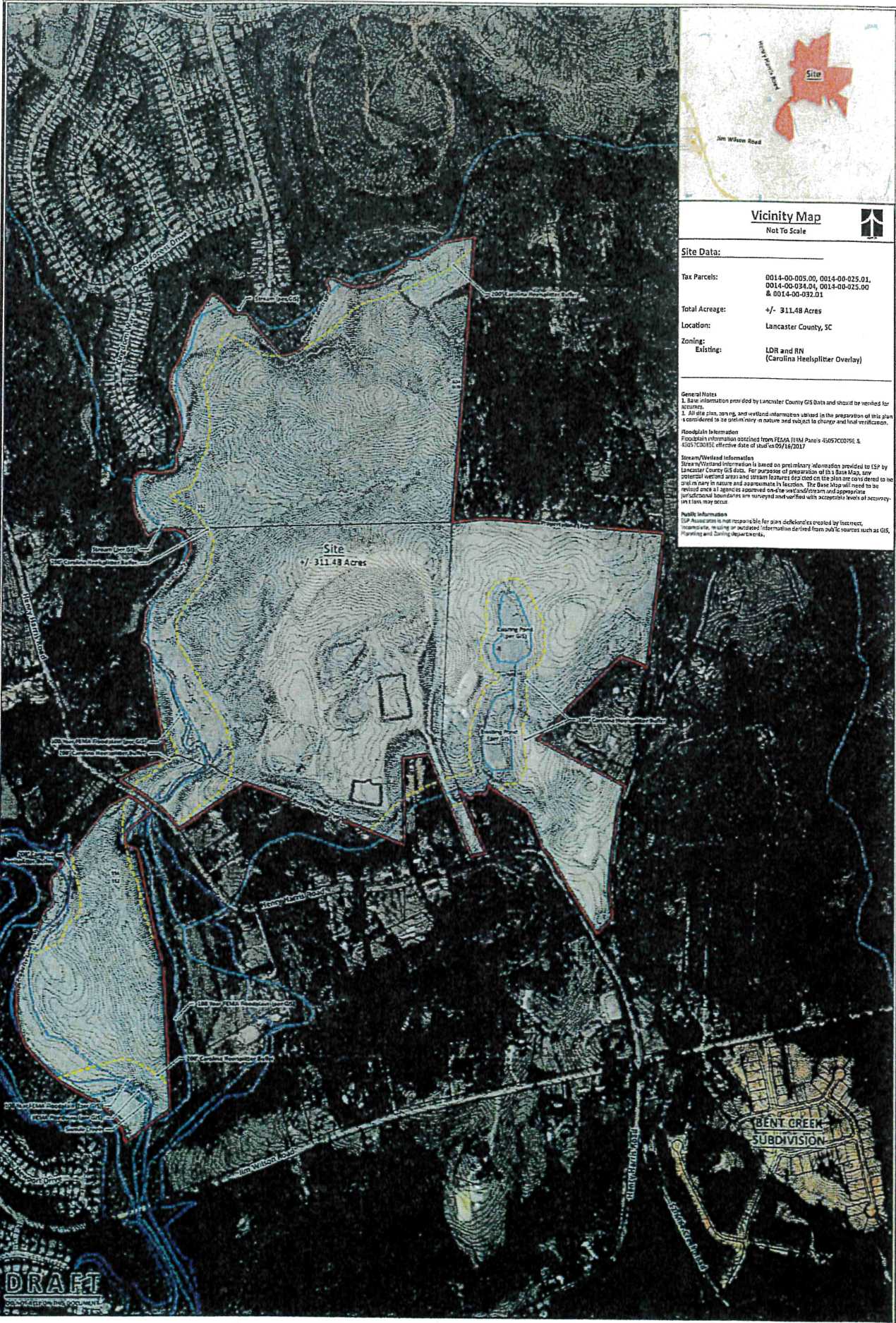
However, the countywide rezoning that occurred in late 2016, along with the adoption of the Unified Development Ordinance, determined that the subject properties and surrounding area could only support future residential development at lower densities. This is due largely to the potentially negative impacts that additional residential development could have on schools, water and sewer infrastructure, environmental systems, and transportation networks in this specific area. Therefore, the LDR, Low Density Residential District, and RN, Rural Neighborhood District, continue to be the most appropriate zoning designations that ultimately support the low-density residential development vision for this area.

Planning Staff Recommendation

It is therefore the recommendation of the Planning Staff that the rezoning request by Lennar Carolinas, LLC for the ± 311.48 acres of property located north of the intersection of Jim Wilson Road and Henry Harris Road be **DENIED**.

Planning Commission Recommendation

At the Lancaster County Planning Commission meeting on Tuesday, September 18th, 2018 the Commission voted to **APPROVE** the rezoning application of Lennar Carolinas, LLC by a vote of (7-0). At the above referenced meeting one person spoke in favor of the rezoning. The Planning Department has received a total of 23 inquiries, of which 18 citizens were against the rezoning. Those against cited safety concerns on Henry Harris Road, such as blind curves and increased traffic.



Vicinity Map

Not To Scale



Site Data:

Tax Parcels: 0014-00-005.00, 0014-00-025.01, 0014-00-034.04, 0014-00-025.00 & 0014-00-032.01
 Total Acreage: +/- 311.48 Acres
 Location: Lancaster County, SC
 Zoning: Existing: LDR and RN (Carolina Helicopter Overlay)

General Notes
 1. Base information provided by Lancaster County GIS data and should be verified for accuracy.
 2. All site plan, zoning, and wetland information utilized in the preparation of this plan is considered to be preliminary in nature and subject to change and final verification.

Floodplain Information
 Floodplain information obtained from FEMA Flood Panel's 45057C00195 & 45057C00193, effective date of study 05/16/2017

Stream/Wetland Information
 Stream/Wetland information is based on preliminary information provided to ESP by Lancaster County GIS data. For purposes of preparation of this Base Map, any potential wetland areas and stream features depicted on the plan are considered to be preliminary in nature and approximate in location. The Base Map will need to be revised once all agencies approved on-site wetland/stream and appropriate jurisdictional boundaries are surveyed and verified with acceptable levels of accuracy in tasks may occur.

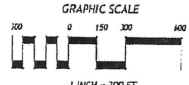
Public Information
 ESP Associates is not responsible for plan deficiencies created by incorrect, incomplete, missing or outdated information derived from public sources such as GIS, Planning and Zoning departments.

DRAFT
 DO NOT REPRODUCE THIS DOCUMENT



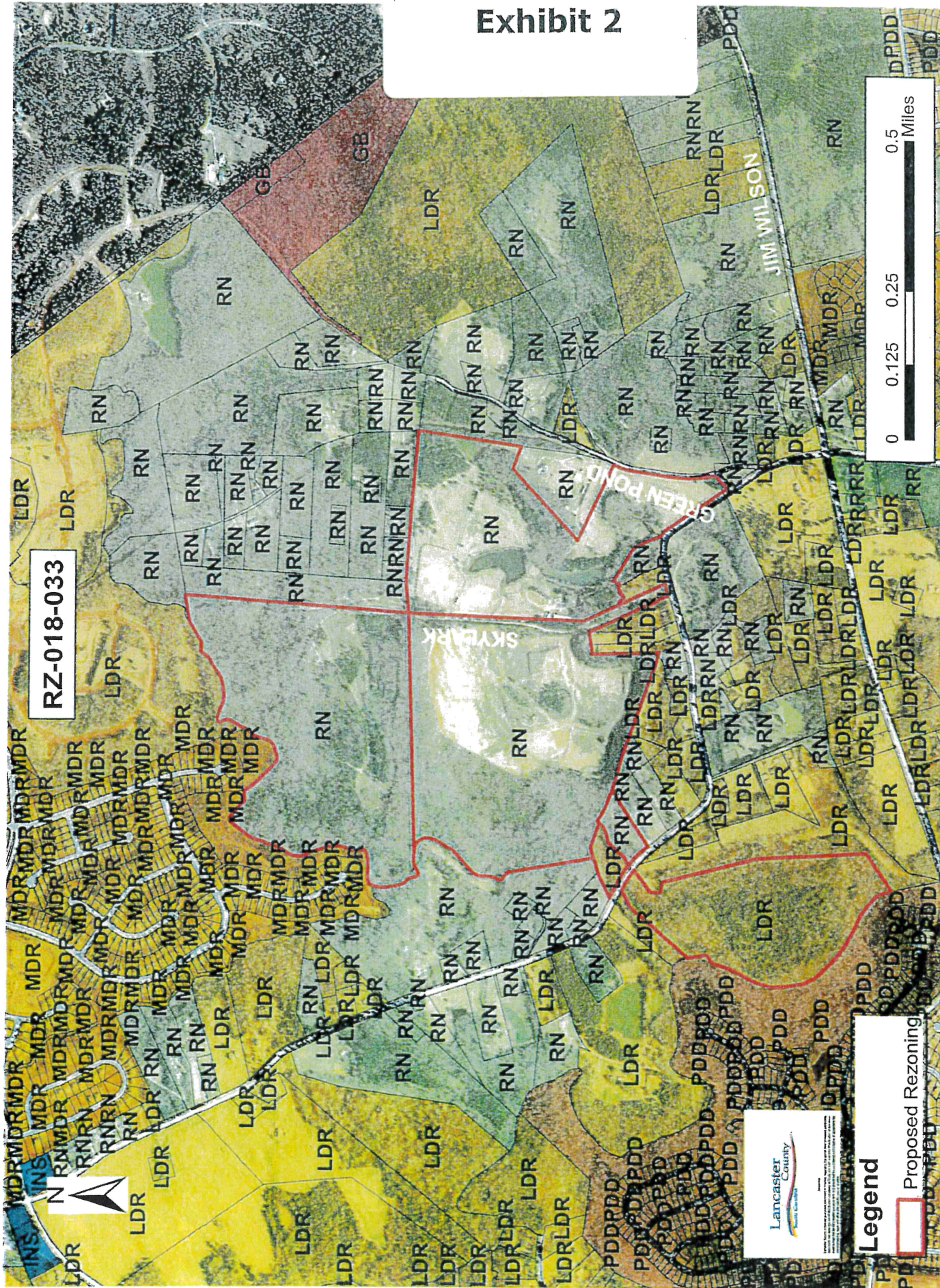
Henry Harris Road Site
Base Map

ESP Job #FSn August 13, 2018



6701 Carmel Road
 Charlotte, NC 28226

Exhibit 2



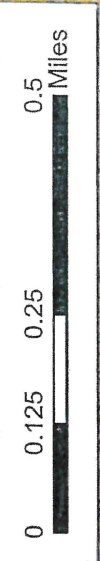
RZ-018-033



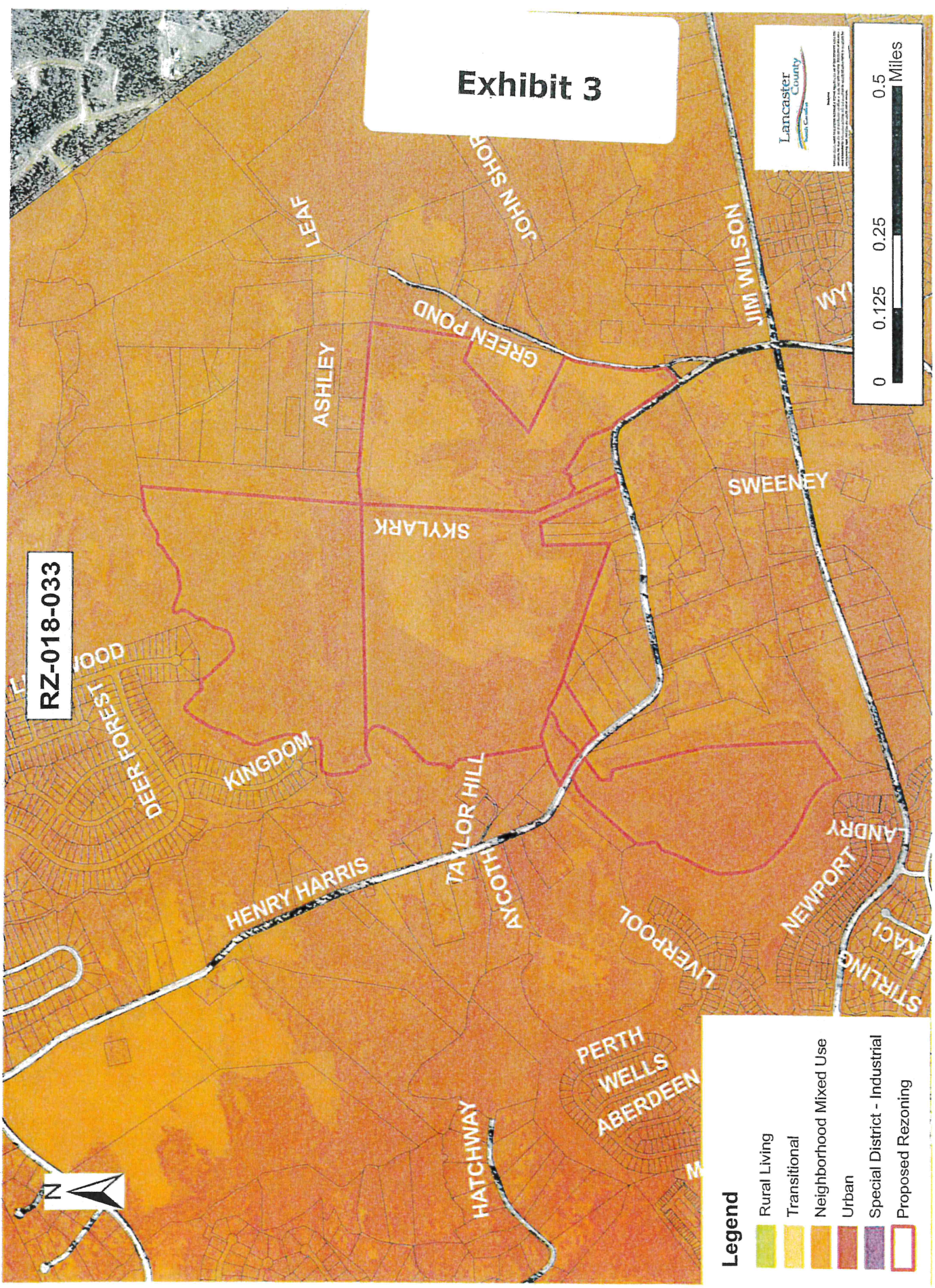
Legend

- Proposed Rezoning

Exhibit 3



RZ-018-033



Legend

- Rural Living
- Transitional
- Neighborhood Mixed Use
- Urban
- Special District - Industrial
- Proposed Rezoning

Tina Young

From: Planning Mailbox
Sent: Wednesday, September 26, 2018 10:42 AM
To: Penelope Karagounis; Joseph Adams-Raczkowski; Andy Rowe; Tina Young
Subject: FW: [EXTERNAL] rezoning of Henry Harris rd property

From: Bob Fultz [mailto:bfultz@myers-chapman.com]
Sent: Wednesday, September 26, 2018 10:21 AM
To: Planning Mailbox <Planning@lanastercountysc.net>
Cc: Brian Carnes <briancarnes@lanastercountysc.net>; Terry Graham <tgraham@lanastercountysc.net>
Subject: [EXTERNAL] rezoning of Henry Harris rd property

THIS IS AN EXTERNAL E-MAIL — Use caution when clicking on links as they could open malicious websites.
—IT Helpdesk, support.lanastercountysc.net

Planning and zoning staff, county council members:

I was in attendance of the meeting on Sept 18th for the request to rezone 312 acres currently zoned LDR. As an adjacent property owner I have a lot of concern on this issue.

Having lived on this property for over 43 years we have witnessed the changes to the growth of our neighborhood.

In the meeting I heard the planning staff recommend to deny this rezoning request. One of your points was the narrow, curvy, and hilly road was not suitable for the added traffic this rezoning might bring.

There have been so many wrecks at my driveway alone, and 1 was a fatality that this should be a major concern of the County Planners. I at one time had a fence along the road but it was torn down so many times that

I removed it. My mailbox is torn down more than anyone else's on the entire length of Henry Harris rd that I am aware of and we travel in and out of our residence numerous times daily. The latest accident was on Friday Sept 14th, a car over turned. I can show the scars on several trees from the impact of being hit. Maybe you should check with other homeowners along this curvy road for their input on number of accidents also. Check with SCDOT on number of accidents, check with local fire dept on number of calls, and also the sheriff dept.

Just this morning while my wife was returning from grocery store at 7:00 am and while she was driving on the stretch of Henry Harris from Marvin rd to the Shelly Mullis Stop sign she passed by 117 cars. How long does it take to drive this stretch while moving the speed limit. How many cars would it be on an hour??? Plus we will have more cars from the new development under construction now.

On the stretch from Shelly Mullis to our house she passed 38 cars in this 1 ½ mile stretch. This takes what 3 minutes to travel this portion?

One of the main entrances to this proposed community will be maybe 75 yards from our property. And beyond that entrance maybe another 75 yards is an even sharper curve. This road was built as a farmer to farmer road and never has been updated except to be paved 1 time in 50 years. All the original curves to miss a farmers fields and houses are still there. Please take the time to visit this area and just look how close some homes are and the hilly curvy roads proximity to them. With the congestion on 521 this has become a major bypass already. Work should have been done years ago for just this issue. Now with even more homes the problem will just grow beyond your imaginations.

Please don't accept that just because Lennar Homes SAYS they will only build 377 homes on 312 acres when the proposed zoning change will allow 2 ½ homes per acre. Why rezone this property from LDR which will accommodate over 450 homes to MDR and allow nearly 800 homes.

We all hear about the congestion that growth in the entire Indian Land area has caused. There was even a major movement to become its own town to help curb the mass development, you can help this now by denying this request.

I am not total against the new community, not happy about it either, but to nearly double the allowable homes is a no-brainer. I am sure I am not alone in this.

Thanks you for your time, Bob Fultz 8027 Henry Harris Rd, Indian Land

Judy Barrineau

From: Christy Pray <christyleepray@gmail.com>
Sent: Tuesday, September 18, 2018 4:09 PM
To: Planning Mailbox
Subject: [EXTERNAL] Rezoning Henry Harris- Please keep it RN & LDR

THIS IS AN EXTERNAL E-MAIL — Use caution when clicking on links as they could open malicious websites.
—IT Helpdesk, support.lancastercountysc.net

Dear Planning Department,

We have recieved your letter regarding the rezoning of the properties adjacent to our property at 7789 Henry Harris Road. We hope and pray that you consider keeping this lovely area Rural Neighborhood District and Low Density Residential District. We understood that development is inevitable. We are hoping to keep the area as nicely rural and family friendly as possible. We ourselves have been working super hard to clean up & beautify our own property for our family and everyone around for now and for the future. Traffic has recently increased greatly on our once quiet road. We love watching the cyclist, runners & occasional horses go by our property. We hope to keep it as quiet & safe as possible for all. Thank you so much for considering our request to keep the properties adjacent to our place RN & LDR.

Thank you,
Christy Pray
Winn Pray
7789 Henry Harris Road
Indian Land, SC 29707
704 302 7039

Rebecca Kosztyo
PO Box 495
Apalachin, NY 13732
September 18, 2018

tyoung@lancastrcountysc.net

Dear Sir or Madam:

I am writing about rezoning for the property along Henry Harris Rd, north of intersection of Jim Wilson Road and Henry Harris Road.

My family has owned this property and other property along Henry Harris Road for generations. Members of our family live on Henry Harris Road and in other areas of Indian Land. We have had reason to sell parcels in the past and have been trying to sell the current parcel for over 4 years since my mother passed. It is not reasonable for the multiple family members that inherited the property to keep it in our family. It needs to be sold, and we should be able to sell it at a value commiserate to other land sales in the area.

Due to the low density of our properties along Henry Harris Road, our family has suffered financial loss on multiple occasions throughout the years. In looking at the zoning map, there is no consistency in the zoning along Henry Harris Road. It has almost appeared that the property owned by the Harris Family has been singled out for low zoning.

The land that we are currently trying to sell is landlocked. With the current easement, we are further restricted on selling our property. Our land needs to be bundled with other properties for us to get a reasonable value for it. Even in the bundling, we have the lesser valued property because it is landlocked.

Lennar is a very well-known and prestigious developer in the Indian Land community. We are pleased that they have an interest in our property because we know that they will build a development that will enhance the community. While they are asking for a somewhat higher density, it is still quite low for an area so close to the metropolitan area of Charlotte.

Please accept our request to increase the density of our property on Henry Harris Road.

Sincerely,



Rebecca Kosztyo, Trustee for Margaret S. Harris Family Trust

Owner of Parcel Number 0014-00-005.00 (Account 1685)

Agenda Item Summary

Ordinance # 2018-1550 / RZ-018-042
Contact Person: Penelope Karagounis
Department: Planning
Date Requested to be on Agenda: November 12th, 2018

Issue for Consideration:

This is the rezoning application of Widewaters Land Company, Inc. to rezone a total of ± 44.69 acres of property from GB, General Business District to RB, Regional Business District in order to accommodate a proposed multi-use development comprised of office, retail, and multi-family uses. These properties are located at 8004 & 8036 Charlotte Highway, in the Indian Land section of Lancaster, SC 29707 (Tax Map 13, Parcels 51 & 68).

Points to Consider:

The facts and findings of this report show that both properties are designated as GB, General Business District on the Lancaster County Zoning Map. These properties are also within the Highway Corridor and Carolina Heelsplitter Overlay Districts. According to the Future Land Use Map, these two properties are identified as Neighborhood Mixed-Use, and they are located very near the Pedestrian Center Node, based on the *Lancaster County Comprehensive Plan 2014-2024*. The applicant would like to rezone the property to RB, Regional Business District, in order to accommodate a proposed multi-use development, to be comprised of office, retail, and multi-family uses (apartments) intended to meet the surrounding region's existing demand. Due to its location at a major crossroads, and proximity to the Pedestrian Center Node, the Regional Business District is appropriate for this type of use.

The subject properties are located adjacent to the LDR, Low Density Residential District, which allows 1.5 dwelling units per acre. According to section 5.2.2 of the Lancaster County Unified Development Ordinance, multi-family uses are allowed in the Regional Business District at a maximum density of 8.0 dwelling units per acre. A rezoning to Regional Business District would be appropriate for this area, because it would serve as a transition point from the adjacent Low Density Residential District, to a higher density of 8.0 dwelling units per acre, which is less density than the Mixed-Use Districts allow. Also, if the applicant wishes to add a residential care facility in the future, it would be allowed under the Regional Business zoning designation as long as the conditions are met in section 5.2.7 of the Unified Development Ordinance.

According to Chapter Two of the Lancaster County Unified Development Ordinance, the definition of the Regional Business District is: "The Regional Business District is generally located on major thoroughfares in the community and provides opportunities for the provision of offices, services, and retail goods to meet the surrounding region's demand. The regulations for this district are intended to accommodate the predominately auto-oriented pattern of existing development until such time that the transportation network is retrofitted to accommodate more urban development patterns." Based on the definition above, the uses for the Regional Business district, if rezoned, would be complementary to the Future Land Use Map and would serve the local community and the surrounding region.

Funding and Liability Factors:

N/A

Council Options:

To approve or deny the rezoning request.

Recommendation:

It is the recommendation of the Planning Staff that the rezoning request for these two properties be **APPROVED**. At the Lancaster County Planning Commission meeting on Tuesday, October 16th, 2018 the Commission voted to **APPROVE** the rezoning application of Widewaters Land Company, Inc. by a vote of **(6-1)**. At the above referenced meeting, two citizens signed up to speak on this case. One adjacent property owner had concerns on the increased traffic that a new development will bring, along with noise and storm water run-off. Another voiced concerns on the fact that the new development would be located next to a cemetery.

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2018-1550

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE TWO (2) PROPERTIES TOTALING ± 44.69 ACRES. THE PROPERTIES ARE OWNED BY PWO LLC. THE TWO (2) PROPERTIES ARE LOCATED AT 8004 AND 8036 CHARLOTTE HIGHWAY. THE TWO (2) PROPERTIES ARE TO BE REZONED FROM GB, GENERAL BUSINESS DISTRICT TO RB, REGIONAL BUSINESS DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Widewaters Land Company, Inc. applied to rezone property located at 8004 and 8036 Charlotte Highway from GB, General Business District to RB, Regional Business District.

(b) On October 16th, 2018 the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (6-1), recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from GB, General Business District to RB, Regional Business District for the following properties as identified by tax map number or other appropriate identifier:

Tax Map No. 0013-00-068.00 and 0013-00-051.00

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon third reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	November 12, 2018	Passed 4-1
Second Reading:	November 26, 2018	Passed 6-1
Third Reading:	December 10, 2018	

Approved as to form:

County Attorney

Date of 1st Reading: November 12th, 2018
__ Approved __ Denied __ No Action

Date of 2nd Reading: November 26th, 2018
__ Approved __ Denied __ No Action

Date of 3rd Reading: December 10th, 2018
__ Approved __ Denied __ No Action



Case No. RZ-018-042
Staff Report to Planning Commission
Meeting Date: October 16th, 2018

Proposal: This is the rezoning application of Widewaters Land Company, Inc. to rezone a total of 44.69 acres of property from GB, General Business District to RB, Regional Business District in order to accommodate a proposed multi-use development comprised of office, retail, and multi-family uses.

Property Location: 8004 & 8036 Charlotte Highway, in the Indian Land section of Lancaster, SC 29707 (Tax Map 13, Parcels 51 & 68)

Zoning District Classification: GB, General Business District; the subject properties are also located within the Highway Corridor Overlay and the Carolina Heelsplitter Overlay Districts

Voting District: District 7, Brian Carnes

Site Information

Site Description:

The first property (Tax Map 13, Parcel 51) is predominately wooded and vacant, however, in the past there was a commercial building on site. The second property (Tax map 13, Parcel 68) is also predominately wooded and has a vacant house.

Vicinity Data

Surrounding Conditions:

Property 1 (Tax Map 13, Parcel 51): Adjacent properties are zoned LDR, Low Density Residential District, MDR, Medium Density Residential District, INS, Institutional District, PDD, Planned Development District, GB, General Business District, and NB, Neighborhood Business District.

Property 2 (Tax Map 13, Parcel 68): Adjacent properties are zoned LDR, Low Density Residential District, MDR, Medium Density Residential District, GB, General Business District, and NB, Neighborhood Business District.

Exhibits

- 1. Location & Zoning Map**
 - 2. Future Land Use Map**
-

Findings and Conclusions

The facts and findings of this report show that both properties are designated as GB, General Business District on the Lancaster County Zoning Map. These properties are also within the Highway Corridor and Carolina Heelsplitter Overlay Districts. According to the Future Land Use Map, these two properties are identified as Neighborhood Mixed-Use, and they are located very near the Pedestrian Center Node, based on the *Lancaster County Comprehensive Plan 2014-2024*.

The applicant would like to rezone the property to RB, Regional Business District, in order to accommodate a proposed multi-use development, to be comprised of office, retail, and multi-family uses

Date of 1st Reading: November 12th, 2018
__ Approved __ Denied __ No Action

Date of 2nd Reading: November 26th, 2018
__ Approved __ Denied __ No Action

Date of 3rd Reading: December 10th, 2018
__ Approved __ Denied __ No Action

(apartments) intended to meet the surrounding region's existing demand. Due to its location at a major crossroads, and proximity to the Pedestrian Center Node, the Regional Business District is appropriate for this type of use.

The subject properties are located adjacent to the LDR, Low Density Residential District, which allows 1.5 dwelling units per acre. According to section 5.2.2 of the Lancaster County Unified Development Ordinance, multi-family uses are allowed in the Regional Business District at a maximum density of 8.0 dwelling units per acre. A rezoning to Regional Business District would be appropriate for this area, because it would serve as a transition point from the adjacent Low Density Residential District, to a higher density of 8.0 dwelling units per acre, which is less density than the Mixed-Use Districts allow. Also, if the applicant wishes to add a residential care facility in the future, it would be allowed under the Regional Business zoning designation as long as the conditions are met in section 5.2.7 of the Unified Development Ordinance.

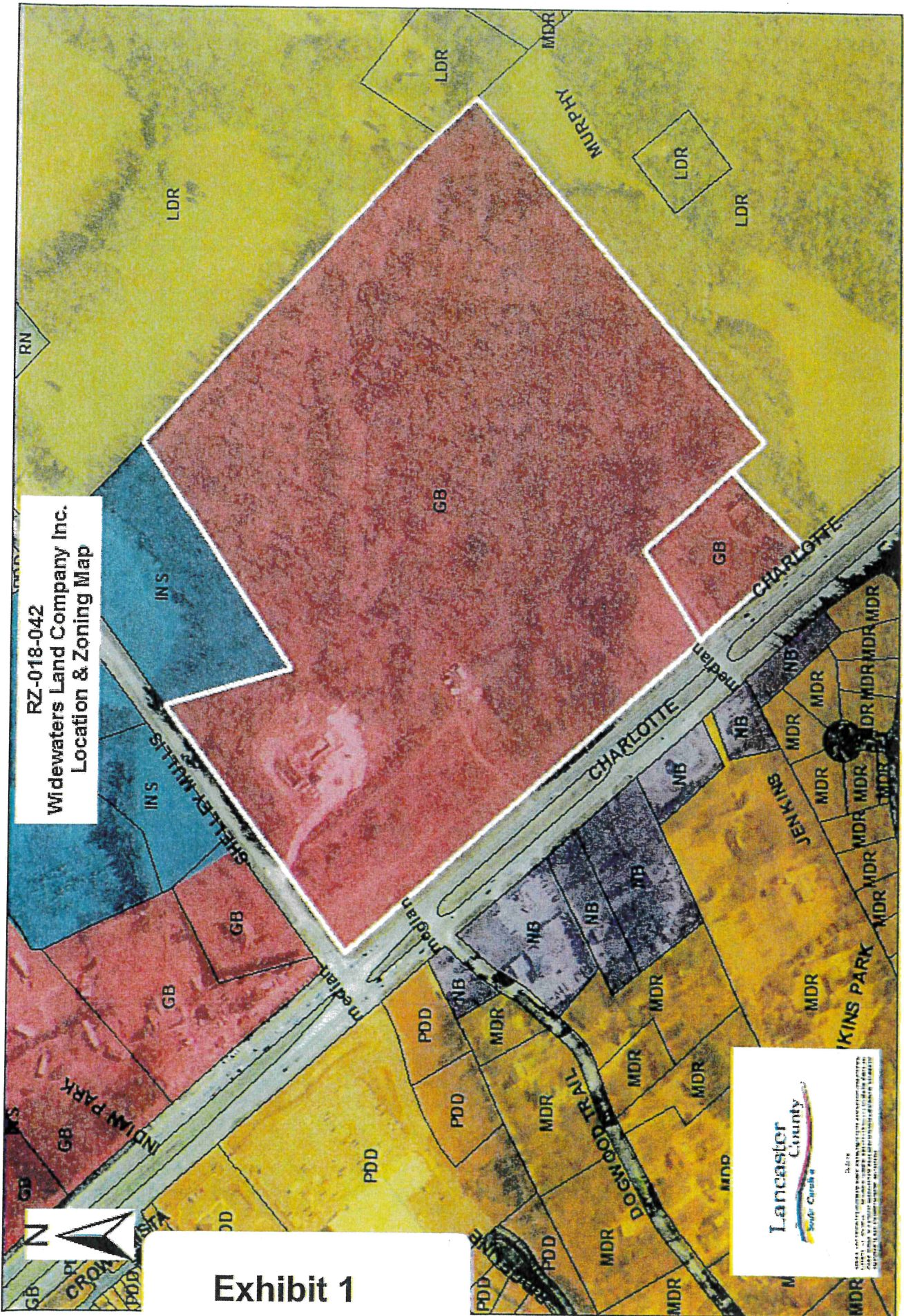
According to Chapter Two of the Lancaster County Unified Development Ordinance, the definition of the Regional Business District is: "The Regional Business District is generally located on major thoroughfares in the community and provides opportunities for the provision of offices, services, and retail goods to meet the surrounding region's demand. The regulations for this district are intended to accommodate the predominately auto-oriented pattern of existing development until such time that the transportation network is retrofitted to accommodate more urban development patterns." Based on the definition above, the subject properties are located adjacent to existing commercial businesses. The uses for the Regional Business district, if rezoned, would be complementary to the Future Land Use Map and would serve the local community and the surrounding region.

Planning Staff Recommendation

It is therefore the recommendation of the Planning Staff that the rezoning request by Widewaters Land Company, Inc. for the ± 44.69 acres of property located at 8004 & 8036 Charlotte Highway, in the Indian Land section of Lancaster, SC 29707 be **APPROVED**.

Planning Commission Meeting Recommendation

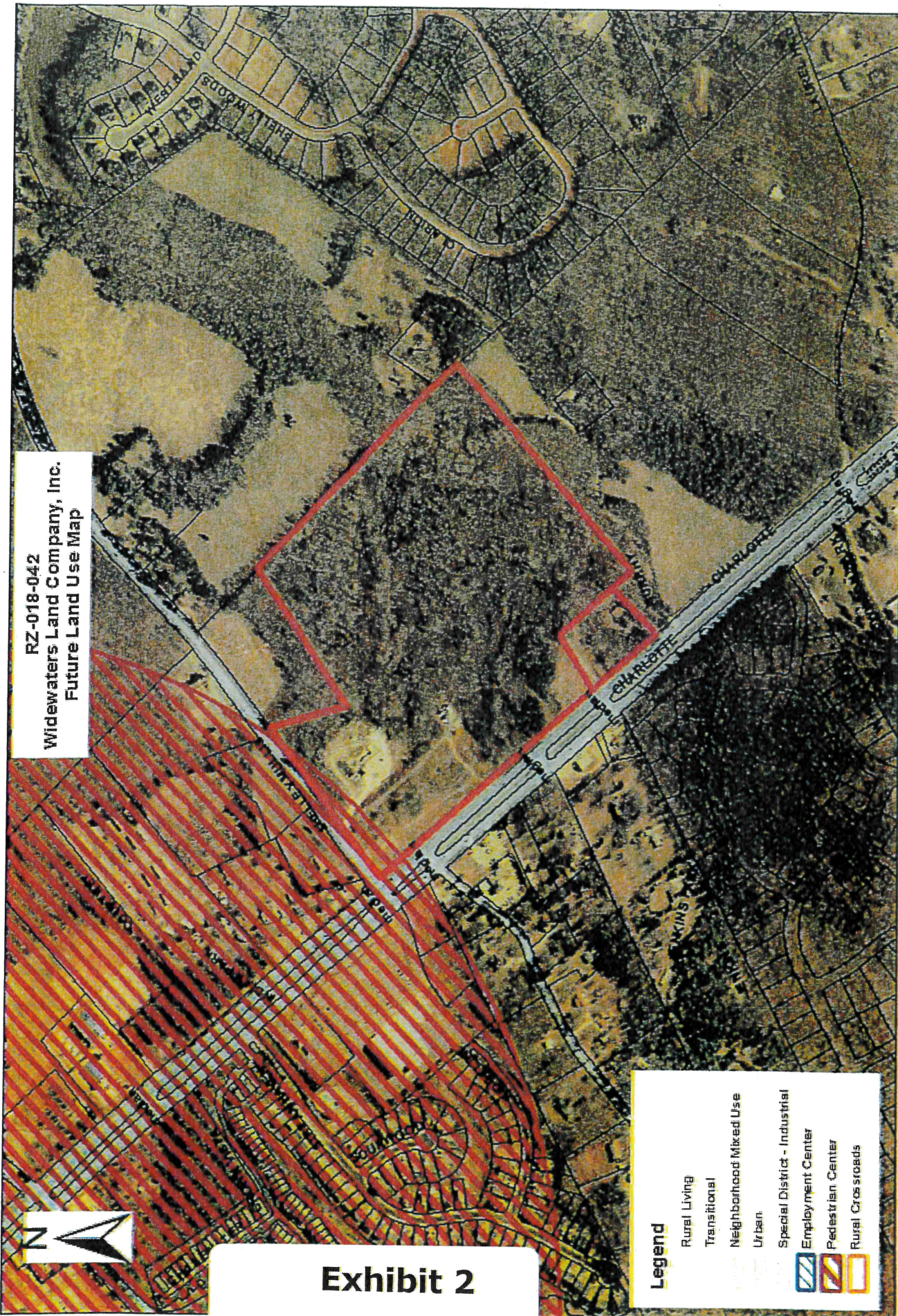
At the Lancaster County Planning Commission meeting on Tuesday, October 16th, 2018 the Commission voted to **APPROVE** the rezoning application of Widewaters Land Company, Inc. by a vote of **(6-1)**. At the above referenced meeting, two citizens signed up to speak on this case. One adjacent property owner had concerns on the increased traffic that a new development will bring, along with noise and storm water run-off. Another voiced concerns on the fact that the new development would be located next to a cemetery.



RZ-018-042
 Widewaters Land Company Inc.
 Location & Zoning Map



Exhibit 1



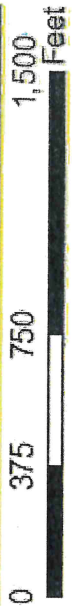
RZ-018-042
 Widewaters Land Company, Inc.
 Future Land Use Map



Exhibit 2

Legend

- Rural Living
- Transitional
- Neighborhood Mixed Use
- Urban
- Special District - Industrial Employment Center
- Pedestrian Center
- Rural Crossroads



Agenda Item Summary

Ordinance: – 2018-1551

Contact Person: John Weaver

Department: County Attorney

Date Requested to be on Agenda: November 12, 2018

Issue for Consideration: Whether or not it is appropriate for County Council to approve an amendment to the Bretagne Development for Phase 7 of the subdivision, the last undeveloped section of the community?

Points to Consider: Phases 1-6 of this neighborhood have either been built out or soon will be completed. This original Development Agreement is 10+ years old and much of the subdivision lay dormant during the 5 year period of the housing crisis, 2008-2012. But with the turn in the economy, at last the completion is within sight. The original rooftop fee for all 7 phases was \$8,000, but that sum has never been realistic. Council approved a reduction in Phases 1-3 downward to \$1,500. Phases 4-6 paid nothing after being relieved of the obligation by the US Bankruptcy Court. The developers of Phase 7 have agreed to a \$3,500 per lot rooftop fee, the full balance to be paid no later than June 30, 2018 and, perhaps, earlier based upon negotiations between the developer and a major homebuilder. Additionally, the developer is providing an easement through the property (with access from the phase) for the Carolina Thread Trail.

Funding and Liability Factors: N/A. All roads will be private.

Recommendation: The Administrator, the I&R Committee and the Administration Committee have recommended approval of the request.

Lancaster County Planning Department

101 N. Main St., Ste. 108

P.O. Box 1809

Lancaster, South Carolina 29721-1809

Telephone (803) 285-6005

LANCASTER COUNTY PLANNING COMMISSION

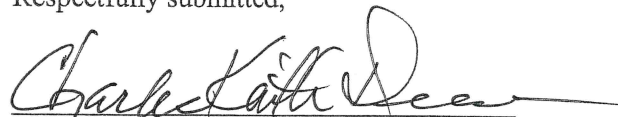
REPORT TO COUNTY COUNCIL

DEVELOPMENT AGREEMENT – STKR Bretagne, LLC, a South Carolina limited liability company (Developer), Michael D. Carrouth, as trustee under the will of Arnold Carrouth, Pulte Home Company, LLC, a Michigan liability company (Pulte), Robert E. Pearce and Susan J. Pearce (Pearce) (Bretagne 2nd Amendment)

Pursuant to Sections 9.2.18 Development Agreements, Subsection A.4 and A.5 of the Unified Development Ordinance of Lancaster County, the Planning Commission has reviewed as received from STKR Bretagne, LLC, a South Carolina limited liability company (Developer), Michael D. Carrouth, as trustee under the will of Arnold Carrouth, Pulte Home Company, LLC, a Michigan liability company (Pulte), Robert E. Pearce and Susan J. Pearce (Pearce) the proposed Development Agreement – Bretagne (2nd Amendment)

At its meeting on Tuesday, October 16, 2018, the Planning Commission conducted a public hearing on the proposed Development Agreement – STKR Bretagne, LLC a South Carolina limited liability company (Developer), Michael D. Carrouth, as trustee under the will of Arnold Carrouth, Pulte Home Company, LLC, a Michigan liability company (Pulte), Robert E. Pearce and Susan J. Pearce (Pearce) (Bretagne 2nd Amendment) and recommended to approve the second amendment of the Bretagne Development Agreement by a vote of 6-1.

Respectfully submitted,



Charles Keith Deese

Chair, Lancaster County Planning Commission

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2018-1551

COUNTY OF LANCASTER

)

AN ORDINANCE

TO APPROVE A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE BRETAGNE DEVELOPMENT RELATING SOLELY TO PHASE 7; AND TO AUTHORIZE CERTAIN COUNTY OFFICIALS TO EXECUTE AND DELIVER THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE BRETAGNE DEVELOPMENT.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations; Purpose.

A. The Council finds and determines that:

(1) Lancaster County is authorized by the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended (the "Act"), and by the Development Agreement Ordinance for Lancaster County, South Carolina, Ordinance No. 663 (the "Ordinance"), to enter into development agreements with developers;

(2) Council approved a development agreement for the Bretagne development and that development agreement, dated June 4, 2007, is recorded in the records of the Lancaster County Register of Deeds in Deed Book 403, Pages 100-135 (the "Development Agreement");

(3) the Development Agreement has been amended with respect to Phases 1, 2 and 3 of the Bretagne development as set forth in the First Amendment to the Development Agreement for Bretagne – Phases 1, 2, and 3, dated October 24, 2016, and recorded in the records of the Register of Deeds for Lancaster County on November 7, 2016 in Deed Book 1009 at Pages 201-211 (the "First Amendment"), and, also as set forth in the Amended Development Agreement for Bretagne Phases 1, 2 and 3 dated November 3, 2016, and recorded in the records of the Register of Deeds for Lancaster County on November 7, 2016 in Deed Book 1009 at Pages 212-245 (the "Amended Development Agreement");

(4) STKR Bretagne, LLC (the "Successor Developer"), is the successor developer for Phase 7 of the Bretagne development and Successor Developer seeks Council's approval of amendments to the Development Agreement as it relates only to Phase 7 so as to allow completion of Phase 7 (the "Second Amendment Bretagne Development Agreement (Applicable Only to Phase 7)" or "Second Amendment"); and

(5) Neither Successor Developer nor County intend for the Second Amendment to modify or otherwise terminate the Development Agreement, the First Amendment, and the Amended Development Agreement as those documents relate to Phases 1, 2 and 3 of the Bretagne development and Successor Developer and County intend for Phases 1, 2 and 3 to continue to be subject to the Development Agreement, the First Amendment and the Amended Development Agreement.

B. It is the purpose of this ordinance to approve the Second Amendment Bretagne Development Agreement (Applicable Only to Phase 7).

Section 2. Approval of Second Amendment; Authorization to Act.

A. The Council Chair and Council Secretary are each authorized, empowered and directed to execute, acknowledge and deliver the Second Amendment Bretagne Development Agreement (Applicable Only to Phase 7) in the name and on behalf of the County of Lancaster. The form of the Second Amendment is attached hereto as Exhibit A and all terms, provisions and conditions of the Second Amendment are incorporated herein by reference as if the Second Amendment were set out in this ordinance in its entirety. By adoption of this ordinance, the Council approves the Second Amendment and all of its terms, provisions and conditions. The Second Amendment is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Second Amendment attached to this ordinance.

B. The Council Chair and Council Secretary are each authorized to execute and deliver any related instruments, documents, certificates and other papers as are necessary to effectuate the purpose of this ordinance and the Second Amendment, including but not limited to, the execution, delivery and publication of an amended development agreement for Phase 7 of the Bretagne development. The Council and its duly elected or appointed officers and any other County official are each authorized to take any and all action as may be necessary to effectuate the purposes of this ordinance and the Second Amendment.

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section 4. Controlling Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, orders and resolutions, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED

Dated this 10th day of December, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

Attest:

Sherrie Simpson, Clerk to Council

Planning Commission Public Hearing:	October 16, 2018	
First Reading:	November 12, 2018	Passed 4-1
Second Reading:	November 26, 2018	Passed 6-1
Council Public Hearing:	November 26, 2018	
Third Reading:	December 10, 2018	

Approved as to form:

County Attorney

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Exhibit A to Ordinance No. 2018-1551

Second Amendment Bretagne Development Agreement (Applicable Only to Phase 7)

By and Among

**STKR Bretagne, LLC; Michael D. Carrouth, as Trustee Under the Will of Arnold Carrouth;
Pulte Home Company, LLC; Robert E. Pearce and Susan J. Pearce; and the County of Lancaster**

See attached.

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RECORD AND RETURN TO:

John K. DuBose, III
Lancaster County Attorney
101 N. Main St.
Lancaster, SC 29720

Page 1 of 44

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STATE OF SOUTH CAROLINA)	SECOND AMENDMENT
)	BRETAGNE DEVELOPMENT AGREEMENT
COUNTY OF LANCASTER)	(APPLICABLE ONLY TO PHASE 7)

This **SECOND AMENDMENT BRETAGNE DEVELOPMENT AGREEMENT (APPLICABLE ONLY TO PHASE 7)** ("Second Amendment") is made and entered into as of the 10th day of December 2018 ("Effective Date"), by and between **STKR BRETAGNE, LLC**, a South Carolina limited liability company ("Developer"), **MICHAEL D. CARROUTH, AS TRUSTEE UNDER THE WILL OF ARNOLD CARROUTH** ("Carrouth"), **PULTE HOME COMPANY, LLC**, a Michigan limited liability company ("Pulte"), **ROBERT E. PEARCE AND SUSAN J. PEARCE** ("Pearce") and the **COUNTY OF LANCASTER** (the "County"), a political subdivision of the State of South Carolina.

WHEREAS, the Development Agreement dated June 4, 2007 for the Bretagne development was entered into by Bretagne Development Group, LLC, Linda S. Rowland, Blanche Carrouth, Arnold E. Carrouth, and Lancaster County (the "Development Agreement"). The Development Agreement is recorded in the records of the Lancaster County Register of Deeds in Deed Book 403, Pages 100-135;

WHEREAS, the Property subject to the Development Agreement originally consisted of 302.22 acres, more or less, and the development of the Property was divided into phases, identified as Phases 1 through 7;

WHEREAS, the Development Agreement has been amended with respect to Phases 1, 2 and 3 only as set forth in the First Amendment to the Development Agreement for Bretagne – Phases 1, 2, and 3, dated October 24, 2016, and recorded in the records of the Register of Deeds for Lancaster County, South Carolina, on November 7, 2016 in Deed Book 1009 at Pages 201-211 (the "First Amendment"), and, also as set forth in the Amended Development Agreement for Bretagne Phases 1, 2 and 3 dated November 3, 2016, and recorded in the records of the Register of Deeds for Lancaster County, South Carolina, on November 7, 2016 in Deed Book 1009 at Pages 212-245 (the "Amended Development Agreement");

WHEREAS, Phases 4, 5 and 6 were removed from the Development Agreement by the circuit court's order in the foreclosure action identified as Wachovia Bank, National Association versus Bretagne Development Group, LLC, *et al*, Case No. 2009-CP-29-621;

WHEREAS, for purposes of Phase 7, Developer is the successor to Bretagne Development Group, LLC, who was the original developer of the Property but who is no longer the developer or owner of any phase of the Property;

WHEREAS, Developer seeks to amend the Development Agreement as it relates only to Phase 7 as to allow completion of Phase 7 with an aggregate of one hundred and eight (108) lots and Fifty-Eight and 97/100 (58.97) acres, more or less, located in the County and generally known as Phase 7 of the Bretagne development;

WHEREAS, Developer and County do not intend for this Second Amendment to modify or otherwise terminate the Development Agreement, the First Amendment, and the Amended Development Agreement as such relates to Phases 1, 2 and 3 of the Bretagne development. Developer and County intend for Phases 1, 2 and 3 to continue to be subject to the Development Agreement, the First Amendment and the Amended Development Agreement;

WHEREAS, Section 5.02(A) of the Development Agreement provides that amendments to the Development Agreement must be in writing and, for the amendment to be effective, it must be signed by the party against whom the amendment is sought to be enforced; and

WHEREAS, upon approval and execution of this Second Amendment, Developer and County will execute an Amended Development Agreement for Bretagne Phase 7, and the Amended Development Agreement for Bretagne Phase 7 will set forth in one document the Development Agreement as amended by this Second Amendment and it will be applicable only to Phase 7 of the Bretagne development.

NOW THEREFORE, Developer, Carrouth, Pulte, Pearce and County hereby agree to amend the Development Agreement as it relates to Phase 7 of the Bretagne development and as set forth herein:

SECTION 1. The above recitals are incorporated in this Second Amendment as if the recitals were set out in this Second Amendment in their entirety.

SECTION 2. The opening paragraph of the Development Agreement is amended to read:

/This AMENDED DEVELOPMENT AGREEMENT FOR BRETAGNE PHASE 7 (the "Agreement"), is made and entered into as of the 10th day of December, 2018, by and among STKR BRETAGNE, LLC, a South Carolina limited liability company ("Developer"), MICHAEL D. CARROUTH, AS TRUSTEE UNDER THE WILL OF ARNOLD CARROUTH ("Carrouth"); PULTE HOME COMPANY, LLC, a Michigan limited liability company

(“Pulte”), ROBERT E. PEARCE AND SUSAN J. PEARCE (“Pearce”) and the COUNTY OF LANCASTER (the “County”), a political subdivision of the State of South Carolina./

SECTION 3. The first recital of the Development Agreement is amended to read:

/WHEREAS, Developer is developing certain real property, consisting of fifty-eight and 97/100 (58.97) acres, more or less, located in the County and known as Phase 7 of the Bretagne development (this property is also referred to as Traditions at Bretagne) and presently zoned R-15 Moderate Density Residential/Agricultural District;/

SECTION 4. The definitions in Section 1.02 of the Development Agreement for “Agreement”, “Carrouth”, “Developer”, “Owners”, “Parties” and “Rowland” are amended to read, and definitions for “Second Amendment”, “Ordinance No. 2018-1551”, “Pulte” and “Pearce” are added:

/(2) ‘Agreement’ means this Development Agreement among County, Developer, Carrouth, Pulte, and Pearce as it relates to the development of Phase 7 and as amended by the Second Amendment.

(3) “Carrouth” means the owner of the Carrouth Tract, as identified in Exhibit A, more specifically being Michael D. Carrouth, as Trustee under the Will of Arnold Carrouth.

(6) ‘Developer’ means STKR Bretagne, LLC, a South Carolina limited liability company, as successor developer, and its successors in title to the Property who undertake Development of the Property.

(10A) ‘Ordinance No. 2018-1551’ means Ordinance No. 2018-1551 of the County approving the Second Amendment.

(11) ‘Owners’ means Carrouth, Pulte and Pearce.

(12) ‘Parties’ means County, Developer, and Owners.

(14) Reserved.

(14A) ‘Second Amendment’ means the Second Amendment Bretagne Development Agreement (Applicable Only to Phase 7) approved by passage of Ordinance No. 2018-1551.

(15A) ‘Pearce’ means the owner of the Pearce Tract, as identified in Exhibit A, more specifically being Robert E. Pearce and Susan J. Pearce.

(17) “Pulte” means the owner of the Pulte Tract, as identified in Exhibit A, more specifically being Pulte Home Company, LLC./

SECTION 5. Section 1.04 of the Development Agreement, relating to Property, is amended to read:

/This Agreement applies to the land described in Exhibit A, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety. The Property is generally known as Phase 7 of the Bretagne development./

SECTION 6. Section 1.06(A) of the Development Agreement, relating to Permitted Uses (Development Uses), is amended to read:

/The development uses permitted on the Property shall be limited to those shown on the attached Exhibit B and Exhibit F, more specifically being one hundred and eight (108) single-family residential lots. Density is limited to one hundred and eight (108) dwelling units. Developer may reduce density, provided that the reduction is evidenced in a writing submitted to the County. Building heights are limited to typical residential building heights otherwise permitted by the UDO. Other terms and conditions of the development of the Property are set forth on Exhibit B./

SECTION 7. Section 1.06(B) of the Development Agreement, relating to Permitted Uses (Model Homes), is amended to read:

/Prior to the installation of water and sewer for Phase 7 of the Bretagne development, at the request of the Developer, the County agrees to issue up to four (4) building permits for model single family residences for sale (“Model Homes”). The Model Homes may be connected to temporary water and sewer services, including septic tanks, *provided, that*, the Model Homes shall be connected to permanent water and sewer services as soon as the permanent services are available. Prior to issuing the building permits for the Model Homes, Developer shall provide County with proof of applicable approvals by other government entities, including, but not limited to the South Carolina Department of Health and Environmental Control. Except for the water and sewer connections, Developer must comply with all ordinary requirements for the issuance of building permits including, but not limited to, then applicable county-wide building, housing, electrical, plumbing, and gas codes. Developer agrees that County shall not issue a certificate of occupancy for the Model Homes until the Model Homes are connected to permanent water and sewer service and meet otherwise applicable requirements, *provided, that*, the absence of a certificate of occupancy does not prevent Developer from the using the Model Home for Model Home purposes./

SECTION 8. Section 1.09(D) of the Development Agreement, relating to Burdens and Benefits, is amended to read:

/(D)(1) The Parties acknowledge that: (i) Carrouth is executing this Agreement solely as the owner of the Carrouth Tract, as identified in Exhibit A; (ii) Pulte is executing this Agreement solely as the owner of the Pulte Tract, as identified in Exhibit A; and (iii) Pearce is executing this Agreement solely as the owner of the Pearce Tract, as identified on Exhibit A.

(2) Developer acknowledges and agrees that it: (i) is responsible for the development of the Carrouth Tract, the Pulte Tract and the Pearce Tract; and (ii) will develop the Carrouth Tract, the Pulte Tract and the Pearce Tract in accordance with the terms and conditions of this Agreement.

(3) Carrouth acknowledges and agrees that: (i) Developer is responsible for the Development of the Carrouth Tract; (ii) if Developer does not acquire title to the Carrouth Tract, then Carrouth or its successor in interest will develop the Carrouth Tract in accordance with this Agreement and is responsible for Developer’s obligations pursuant to this Agreement but only for those obligations applicable to the Carrouth Tract.

(4) Pulte acknowledges and agrees that: (i) Developer is responsible for the Development of the Pulte Tract; (ii) if Developer does not acquire title to the Pulte Tract, then Pulte or its successor in interest will develop the Pulte Tract in accordance with this Agreement and is responsible for Developer's obligations pursuant to this Agreement but only for those obligations applicable to the Pulte Tract.

(5) Pearce acknowledges and agrees that: (i) Developer is responsible for the Development of the Pearce Tract; (ii) if Developer does not acquire title to the Pearce Tract, then Pearce or its successor in interest will develop the Pearce Tract in accordance with this Agreement and is responsible for Developer's obligations pursuant to this Agreement but only for those obligations applicable to the Pearce Tract./

SECTION 9. Section 1.10 of the Development Agreement, relating to Term, is amended to read:

/The term of this Agreement commences on the Effective Date of the Second Amendment to this Agreement and terminates on June 3, 2026./

SECTION 10. Section 2.02 of the Development Agreement, relating to Representations and Warranties of Developer, is amended to read:

/Representations and Warranties of Developer and Owners. (A) Developer and Owners represent that the number of acres of highland contained in the Property is forty-seven and 18/100 (47.18) acres.

(B) Developer represents that as of the date of this Agreement, it has entered into certain contracts and agreements with Carrouth, Pulte, and Pearce pursuant to which Developer is entitled to purchase the Carrouth Tract, the Pulte Tract and the Pearce Tract, each as identified in Exhibit A. Carrouth represents that it is the only legal and equitable owner of the Carrouth Tract as of the Effective Date of the Second Amendment to this Agreement except and to the extent that Developer has an option to purchase the Carrouth Tract. Pulte represents that it is the only legal and equitable owner of the Pulte Tract as of the Effective Date of the Second Amendment to this Agreement except to the extent that Developer has a contract to purchase the Pulte Tract. Pearce represents that it is the only legal and equitable owner of the Pearce Tract as of the Effective Date of the Second Amendment to this agreement except to the extent that Developer has a contract to purchase the Pearce Tract./

SECTION 11. Section 3.01(B) of the Development Agreement, relating to Vested Right to Develop, is amended to read:

/County agrees that the specific Laws and Land Development Regulations in force as June 4, 2007, unless another date is otherwise specified in this Agreement, as set forth in Exhibit E to this Agreement, attached hereto and incorporated herein by reference as if the exhibit were set out in this Agreement in its entirety, shall govern all aspects of the development of the Property, according to the terms and standards as stated in this Agreement, for the term of this Agreement./

SECTION 12. Section 3.03(A) of the Development Agreement, relating to Applicability of Subsequently Adopted Laws and Land Development Regulations, is amended to read:

/County may apply laws adopted after June 4, 2007, to the development of the Property only if the County Council holds a public hearing and determines:

(1) the laws are not in conflict with the laws governing this Agreement and do not prevent the development set forth in this Agreement and “laws” which prevent development include, but are not limited to, a moratorium, or any other similar restriction that curtails the rate at which development can occur on the Property;

(2) the laws are essential to the public health, safety, or welfare and the laws expressly state that they apply to the development that is subject to this Agreement;

(3) the laws are specifically anticipated and provided for in this Agreement;

(4) that substantial changes have occurred in pertinent conditions existing on June 4, 2007, which changes, if not addressed by County, would pose a serious threat to the public health, safety, or welfare; or

(5) that this Agreement was based on substantially and materially inaccurate information supplied by the Developer./

SECTION 13. Section 4.02 of the Development Agreement, relating to Payment to Lancaster County, is amended to read:

/Developer agrees to pay to the County THREE HUNDRED SEVENTY-EIGHT THOUSAND AND NO/100 DOLLARS (\$378,000.00) (computed by multiplying 108 units times \$3500) (the “County Payment”). This amount may not be decreased if the Developer’s plans result in less than 108 units for the Property. This amount shall be paid in two installments, each in the amount of ONE HUNDRED EIGHTY-NINE THOUSAND AND NO/100 DOLLARS (\$189,000.00). The first installment payment shall be paid on a date which is not later than forty-five days following the third reading approval of the Second Amendment to the Development Agreement. The second installment payment shall be paid on the date which is the earlier to occur of (1) the sale of any parcel within the Property comprising Phase 7 by the Developer to a third party or the transfer of development rights by the Developer to a third party, or (2) June 30, 2019. Monies received by the County for the County Payment must be accounted for separate and distinct from other monies of the County. The determination of the specific use by the County for the County Payment is at the sole discretion of the County Council./

SECTION 14. Section 4.03 of the Development Agreement, relating to Payment of Costs, is amended to read:

/Upon submission of appropriate documentation of the expenditure, Developer agrees to reimburse the County, not later than February 28, 2019, for the County’s reasonable unreimbursed actual costs related to this Agreement, including the costs related to the Second Amendment and the Amended Development Agreement for Bretagne Phase 7. The foregoing cost reimbursement is capped at thirteen thousand dollars and no/100 dollars (\$13,000.00) and is limited to County payments to third-party vendors and service providers that have not been

otherwise reimbursed from the fee paid by Developer pursuant to Section 10 of Ordinance No. 663./

SECTION 15. Section 4.05(A)(4) of the Development Agreement, relating to Roads (Landscape Easement), is amended to read:

/Reserved./

SECTION 16. Section 4.05(A)(5) of the Development Agreement, relating to Roads (Sunset Hollow Road), is amended to read:

/A County maintained road, Sunset Hollow Road, is located on the Property and provides access to the Pearce Tract, as identified in Exhibit A. Developer agrees to seek the closure and abandonment of Sunset Hollow Road. County and Pearce agree to cooperate with the Developer in the closure and abandonment of Sunset Hollow Road. Prior to closure and abandonment of Sunset Hollow Road, Developer agrees to provide Pearce with an access route to the Pearce Tract that is acceptable to Pearce. Upon closure and abandonment of Sunset Hollow Road, County is not responsible for maintenance of Sunset Hollow Road and is not responsible for construction and maintenance of any access road to the Pearce Tract./

SECTION 17. Section 4.05(D) of the Development Agreement, relating to Storm Water Management, is amended to read:

/Developer will construct or cause to be constructed all storm water runoff and drainage improvements within the Property required by the development of the Property and such infrastructure will be maintained by Developer or a homeowner's association established for the Bretagne Phase 7 development. County is not responsible for any construction or maintenance costs associated with the storm water runoff and drainage for the Property. Storm water management improvements are expected to be implemented on a schedule consistent with the development of the Property as contained in the development schedule and as necessary to serve the development./

SECTION 18. Section 4.06 of the Development Agreement, relating to Library Books, is amended to read:

/Reserved./

SECTION 19. The Development Agreement is amended by adding immediately following Section 4.06:

/Section 4.07. Carolina Thread Trail. (A) Developer agrees to grant to the County an easement along or near Sugar Creek in the common open space area of the Property (the "Easement"). The form of the Easement Agreement is attached to this Agreement as Exhibit G, attached hereto and incorporated herein by reference as if the exhibit were set out in this

Agreement in its entirety. The Easement Agreement includes a description and plat of the Easement.

(B) Developer agrees that the Easement Agreement and Easement plat shall be recorded prior to the approval of the subdivision plat.

(C) Developer is responsible for the costs and expenses of granting the Easement./

SECTION 20. Section 5.01 of the Development Agreement, relating to Notices, is amended to read:

/Any notice, demand, request, consent, approval or communication which a party is required to or may give to another party to this Agreement shall be in writing and shall be delivered or addressed to the other at the address set forth below or to such other address as the party may from time to time direct by written notice given in the manner prescribed in this section, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the fourteenth (14th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as provided in this section. All notices, demands, requests, consents, approvals or communications to the County shall be addressed to:

To the County: County of Lancaster
Attn: County Administrator
101 N. Main St. (29720)
P.O. Box 1809 (29721)
Lancaster, SC

With Copy to (which shall not constitute notice):
County of Lancaster
Attn: County Attorney
101 N. Main St. (29720)
P.O. Box 1809 (29721)
Lancaster, SC

And to Developer: STKR Bretagne, LLC
Attn: Jeffrey Kronengold
201 S.E. 12th Street, Suite 100
Fort Lauderdale, FL 33316

And to Carrouth: Michael D. Carrouth
Fisher & Phillips
1320 Main Street, Suite 750
Columbia, SC 29201

With Copy to (which shall not constitute notice):

Michael W. Tighe, Esquire
Callison Tighe & Robinson, LLC
1812 Lincoln Street, Suite 200
Columbia, SC 29201

And to Pulte: Pulte Home Corporation
Attn: Steve Francis, Division President
11121 Carmel Commons Blvd., Suite 450
Charlotte, NC 28226

With Copy to (which shall not constitute notice):

Pulte Home Corporation
Attn: Mark McIntyre
1225 Crescent Green Drive, Suite 110
Cary, NC 27518

And to Pearce: Robert E. Pearce and Susan J. Pearce
1107 Sunset Hollow Rd
Indian Land, SC 29707/

SECTION 21. Section 5.02(B) of the Development Agreement, relating to Amendments (Major Modifications), is amended to read:

/An amendment to this Agreement must be processed and considered in the same manner as set forth in Ordinance No. 663 for a proposed development agreement. Any amendment to this Agreement constitutes a major modification and the major modification may occur only after public notice and a public hearing by the County Council./

SECTION 22. Section 5.03 of the Development Agreement, relating to Periodic Reviews, is amended to read:

/At least every twelve (12) months, the Chief Zoning Officer for the County or the designee of the Chief Zoning Officer for the County, or the successor to the Chief Zoning Officer for the County, must review compliance with this Agreement by the Developer. At the time of review the Developer must demonstrate good faith compliance with the terms of the Agreement./

SECTION 23. Exhibit A to the Development Agreement, relating to Property, is amended to read:

/Exhibit A
Property

Carrouth Tract

All that certain piece, parcel or lot of land, situate, lying and being in Indian Land Township, County of Lancaster, State of South Carolina and being shown and designated as Parcel Z2, containing 38.448 acres, as shown on a plat entitled, “ALTA/ACCSM Land Title Survey of Bretagne Property for Bretagne Development Group, LLC”, dated April 13, 2007 and recorded on May 19, 2007 in Plat Book 2007, page 526 in the Office of the Register of Deeds for Lancaster County, South Carolina.

DERIVATION: Being a 38.448 acre portion of the property conveyed to Arnold E. Carrouth, Trustee of the Arnold E. Carrouth Revocable Trust dated May 28, 2013 by Arnold E. Carrouth by deed dated May 28, 2013 and recorded on June 3, 2013 in Book 733, page 340 in the Office of the Register of Deeds for Lancaster County, South Carolina.

Tax Map Number 0006-00-003.00

Pulte Tract

All those certain pieces, parcels or tracts of land located in Indian Land Township, County of Lancaster, State of South Carolina and being shown and designated as “PORTION ‘A’ OF REMAINDER TRACT 1”, PORTION ‘B’ OF REMAINDER TRACT 1”, REMAINDER TRACT 2, SUBTRACT 2”, AND “TRACT 4” on that certain survey entitled, “ALTA/ACSM Land Title Survey for Wells Fargo Bretagne Subdivision, Indian Land Township, Lancaster County, South Carolina” dated March 14, 2011, last revised May 3, 2011, prepared by Insite Engineering and Surveying, PLLC, and recorded on May 5, 2011 in Plat Book 2011 at pages 247 and 248 which in the Office of the Register of Deeds for Lancaster County, South Carolina.

DERIVATION: Being a portion of the same property conveyed to Pulte Home Corporation by deed of Redus South Carolina, LLC, dated November 26, 2013 and recorded on December 3, 2013 in Book 769, page 180, in the Office of the Register of Deeds for Lancaster County, South Carolina.

Tax Map Number 0006-00-001.01

Pearce Tract

All that certain piece, parcel or lot of land, lying and being situate in Indian Land Township, County of Lancaster, State of South Carolina on Sunset Hollow road and being designated as

1.00 acres, more or less, and according to a survey thereof recorded as Plat #11427 in the Office of the Clerk of Court for Lancaster County, South Carolina. Said Plat is hereby incorporated for a more complete description.

DERIVATION: This being the same property conveyed to Robert E. Pearce and Susan J. Pearce by deed from Clover Community Bank dated April 16, 2012 and recorded May 4, 2012 in Deed Book 665 at Page 334 in the Office of the Register of Deeds for Lancaster County, South Carolina.

Tax Map Number 0006-00-003.02/

SECTION 24. Paragraph 1 of the Conditions and Exceptions portion of Exhibit B to the Development Agreement, relating to Development Conditions and Development Acreage and Information, is amended to read:

/All trees, shrubs and other vegetation may be cleared from each lot within Bretagne Phase 7; provided, however, trees and other non-invasive natural vegetation within the designated buffer areas of Bretagne Phase 7 shall be preserved./

SECTION 25. Paragraph 6 of the Conditions and Exceptions portion of Exhibit B to the Development Agreement, relating to Development Conditions and Development Acreage and Information, is amended to read:

/Reserved./

SECTION 26. Paragraph 7 of the Conditions and Exceptions portion of Exhibit B to the Development Agreement, relating to Development Conditions and Development Acreage and Information, is amended to read:

/The following exception to Section 13.7.9.1 of the UDO (Residential Block Length) is approved: Bretagne Phase 7 shall have a minimum block length of four hundred feet (400') as measured from road centerline to road centerline./

SECTION 27. Paragraph 10 of the Conditions and Exceptions portion of Exhibit B to the Development Agreement, relating to Development Conditions and Development Acreage and Information, is amended to read:

/The following front and side setbacks for corner lots in Bretagne Phase 7 is approved: the front yard setback is not less than twenty-five feet (25'), the side yard setback on the corner is not less than fifteen feet (15'), and the side yard setback on the interior is not less than ten (10'), provided that they may be reduced to eight (8) feet in the event that stone, stucco, brick, hardiplank, or other similar non-flammable material is used on the entire facade./

SECTION 28. The Conditions and Exceptions portion of Exhibit B to the Development Agreement, relating to Development Conditions and Development Acreage and Information, is amended by adding immediately following Paragraph 11:

- /12. The roads or conditions set forth herein shall be solely applicable to the real property comprising Bretagne Phase 7, which includes the Carrouth Tract, Pulte Tract and Pearce Tract as more particularly described on Exhibit A. Road names are set forth on Exhibit E.
13. Stream buffers may be temporarily impacted for grading and utility activities so long as the impacted buffer areas are re-vegetated and no impervious surfaces are placed over impacted buffer areas except for road crossings, trails, and utility structures./

SECTION 29. The Density and Acreage Information portion of Exhibit B to the Development Agreement, relating to Development Conditions and Development Acreage and Information, is amended to read:

/Density and Acreage Information

- The total number acres used to calculate density was originally 302.22 for a total overall density for all phases of Bretagne of 400 dwelling units.
- The overall density for the Bretagne development was a total of 400 dwelling units. Phases 1 through 6 have used 274 dwelling units, leaving 126 dwelling units available for Phase 7. The Developer has agreed to reduce the overall available dwelling units from 126 to 108 dwelling units for Phase 7./

SECTION 30. Exhibit C to the Development Agreement, relating to Development Schedule, is amended to read:

/Exhibit C
Development Schedule

<u>Calendar Year</u> <u>Beginning January 1</u>	<u>Units Commenced/Completed</u> <u>Single Family Units</u>
2018	0
2019	0
2020	15
2021	15
2022	20
2023	20
2024	20
2025	10
2026	8/

SECTION 31. Paragraph (A) of Exhibit D to the Development Agreement, relating to Required Information, is amended to read:

/(A) a legal description of the property subject to the agreement and the names of the property's legal and equitable owners. The legal description of the Property is set forth in Exhibit A. Developer represents that as of the Effective Date of the Second Amendment to this Agreement, it has entered into certain contracts and agreements with Carrouth, Pulte, and Pearce pursuant to which Developer is entitled to purchase the Carrouth Tract, the Pulte Tract and the Pearce Tract, each as identified in Exhibit A. Carrouth represents that it is the legal only legal and equitable owner of the Carrouth Tract as of the Effective Date of the Second Amendment to this Agreement except and to the extent that Developer has an option to purchase the Carrouth Tract. Pulte represents that it is the only legal and equitable owner of the Pulte Tract as of the Effective Date of the Second Amendment to this Agreement except to the extent that Developer has a contract to purchase the Pulte Tract. Pearce represents that it is the only legal and equitable owner of the Pearce Tract as of the Effective Date of the Second Amendment to this Agreement except to the extent that Developer has a contract to purchase the Pulte Tract./

SECTION 32. Exhibit E to the Development Agreement, relating to Laws and Land Development Regulations, is amended to read:

/Exhibit E
Laws and Land Development Regulations

1. Ordinance No. 812, zoning the Property R-15 Moderate Density Residential/Agricultural District.
2. Ordinance No. 813, approving this Development Agreement.
3. The Development Agreement Ordinance for Lancaster County, South Carolina: Ordinance No. 663.
4. Unified Development Ordinance of Lancaster County: Ordinance No. 309, as amended as of May 22, 2006. A copy of the Unified Development Ordinance is on file in the office of the County Planning Department.
5. Land Development Regulations of Lancaster County: Ordinance No. 328, as amended as of May 22, 2006. The Land Development Regulations of Lancaster County are included in the Unified Development Ordinance of Lancaster County, a copy of which is on file in the office of the County Planning Department.
6. Ordinance No. 2018-1551 approving the Second Amendment to this Development Agreement./

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

SECTION 33. Exhibit F of the Development Agreement, relating to Overall Development Plan, is amended by replacing and updating the original Exhibit F with the following Exhibit F:

EXHIBIT F FOLLOWS ON NEXT PAGE.

R. Joe Harris & Associates, Inc.
Engineering • Land Surveying • Planning
Management

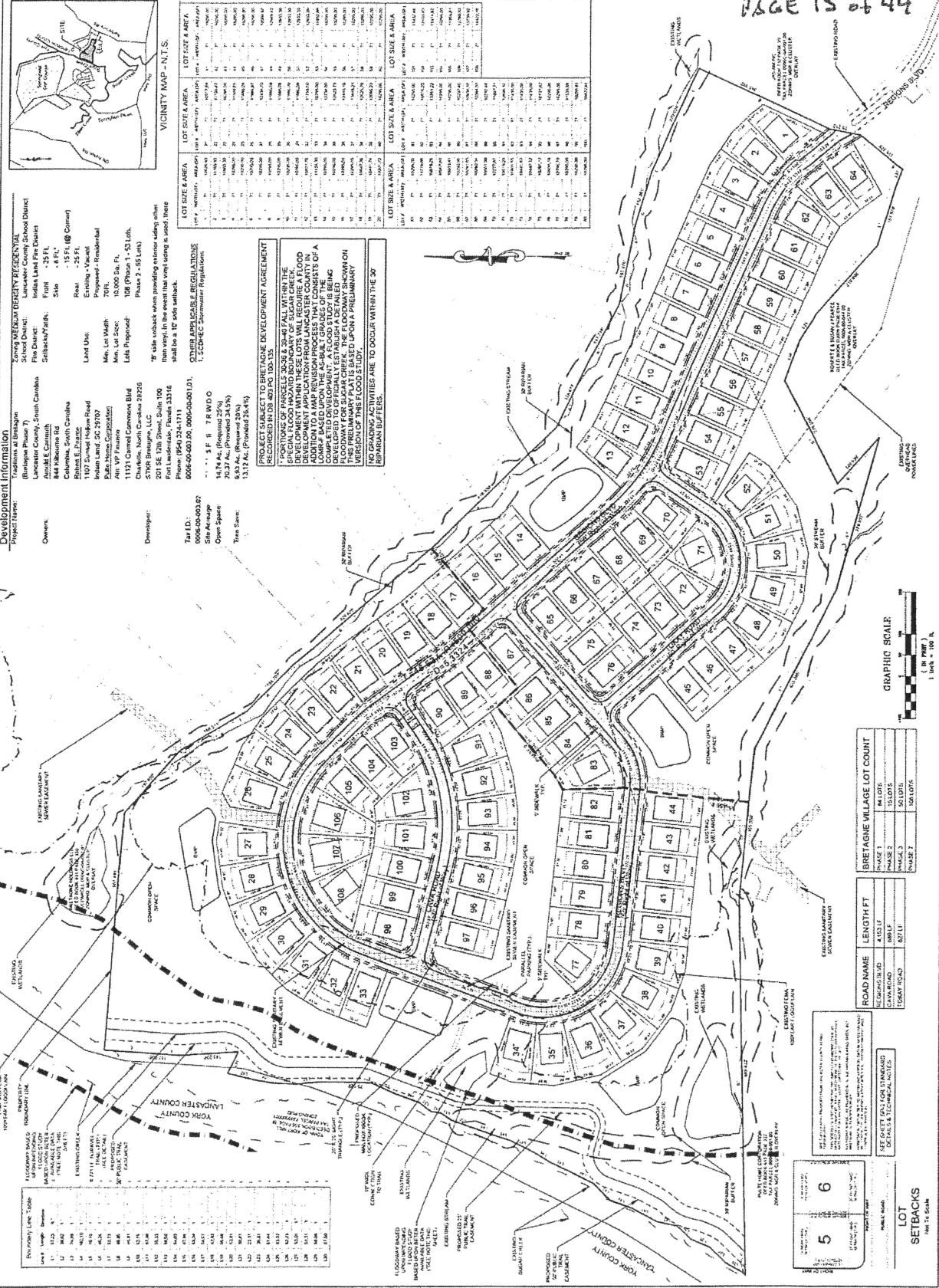
www.rjoharris.com

C. Bridges
R. Trope
P. Murphy
T. Kelly
December 2, 2018

STKR BRETAGNE, LLC
201 SE 17th Street, Suite 100
Palm Bay, Florida 32916
P: 888.435.1171

Traditions At Bretagne
Preliminary Plat

SP-1



VICINITY MAP - N.T.S.

LOT SIZE & AREA	LOT SIZE & AREA	LOT SIZE & AREA
1 10,784 Sq. Ft. 0.2429	21 10,784 Sq. Ft. 0.2429	31 10,784 Sq. Ft. 0.2429
2 10,784 Sq. Ft. 0.2429	22 10,784 Sq. Ft. 0.2429	32 10,784 Sq. Ft. 0.2429
3 10,784 Sq. Ft. 0.2429	23 10,784 Sq. Ft. 0.2429	33 10,784 Sq. Ft. 0.2429
4 10,784 Sq. Ft. 0.2429	24 10,784 Sq. Ft. 0.2429	34 10,784 Sq. Ft. 0.2429
5 10,784 Sq. Ft. 0.2429	25 10,784 Sq. Ft. 0.2429	35 10,784 Sq. Ft. 0.2429
6 10,784 Sq. Ft. 0.2429	26 10,784 Sq. Ft. 0.2429	36 10,784 Sq. Ft. 0.2429
7 10,784 Sq. Ft. 0.2429	27 10,784 Sq. Ft. 0.2429	37 10,784 Sq. Ft. 0.2429
8 10,784 Sq. Ft. 0.2429	28 10,784 Sq. Ft. 0.2429	38 10,784 Sq. Ft. 0.2429
9 10,784 Sq. Ft. 0.2429	29 10,784 Sq. Ft. 0.2429	39 10,784 Sq. Ft. 0.2429
10 10,784 Sq. Ft. 0.2429	30 10,784 Sq. Ft. 0.2429	40 10,784 Sq. Ft. 0.2429
11 10,784 Sq. Ft. 0.2429	41 10,784 Sq. Ft. 0.2429	51 10,784 Sq. Ft. 0.2429
12 10,784 Sq. Ft. 0.2429	42 10,784 Sq. Ft. 0.2429	61 10,784 Sq. Ft. 0.2429
13 10,784 Sq. Ft. 0.2429	43 10,784 Sq. Ft. 0.2429	71 10,784 Sq. Ft. 0.2429
14 10,784 Sq. Ft. 0.2429	44 10,784 Sq. Ft. 0.2429	81 10,784 Sq. Ft. 0.2429
15 10,784 Sq. Ft. 0.2429	45 10,784 Sq. Ft. 0.2429	91 10,784 Sq. Ft. 0.2429
16 10,784 Sq. Ft. 0.2429	46 10,784 Sq. Ft. 0.2429	101 10,784 Sq. Ft. 0.2429
17 10,784 Sq. Ft. 0.2429	47 10,784 Sq. Ft. 0.2429	111 10,784 Sq. Ft. 0.2429
18 10,784 Sq. Ft. 0.2429	48 10,784 Sq. Ft. 0.2429	121 10,784 Sq. Ft. 0.2429
19 10,784 Sq. Ft. 0.2429	49 10,784 Sq. Ft. 0.2429	131 10,784 Sq. Ft. 0.2429
20 10,784 Sq. Ft. 0.2429	50 10,784 Sq. Ft. 0.2429	141 10,784 Sq. Ft. 0.2429

Development Information
 Project Name: **Bretagne Phase 7**
 Location: **LANCASTER COUNTY, SOUTH CAROLINA**
 File District: **LANCASTER COUNTY SCHOOL DISTRICT**
 Selfishness Yield: **Front - 25' FL, Side - 25' FL, Rear - 25' FL (0' Corner)**
 Land Use: **Existing - Vacant / Envisioned - Residential**
 Min. Lot Width: **70'**
 Min. Lot Area: **10,000 Sq. Ft.**
 Min. Lot Depth: **110'**
 Min. Front Setback: **10'**
 Min. Side Setback: **5'**
 Min. Rear Setback: **5'**
 Min. Corner Setback: **5'**
 Min. Street Right-of-Way: **60'**
 Min. Right-of-Way: **60'**

OTHER APPLICABLE REGULATIONS
 1. RECORD Summary Regulations
 2. RECORD Summary Regulations
 3. RECORD Summary Regulations

PROJECT SUBJECT TO DEVELOPMENT AGREEMENT
 PORTIONS OF PARCELS 2030 & 2040 FALL WITHIN THE SPECIAL HAZARD BOUNDARY OF SUGAR CREEK. FLOOD DEVELOPMENT APPLICATION FROM LANCASTER COUNTY IN COMPLIANCE WITH SECTION 16-11-010, CHAPTER 16, COMPLETED DEVELOPMENT. A FLOOD STUDY IS BEING CONDUCTED TO DETERMINE THE FLOOD HAZARD VULNERABILITY OF THIS PROJECT. THE FLOOD STUDY ON VISIONARY THIS FLOOD STUDY IS BASED UPON A PRELIMINARY VISIONARY FLOOD STUDY. NO DRAINING ACTIVITIES ARE TO OCCUR WITHIN THE 30'

Development Information
 Project Name: **Bretagne Phase 7**
 Location: **LANCASTER COUNTY, SOUTH CAROLINA**
 File District: **LANCASTER COUNTY SCHOOL DISTRICT**
 Selfishness Yield: **Front - 25' FL, Side - 25' FL, Rear - 25' FL (0' Corner)**
 Land Use: **Existing - Vacant / Envisioned - Residential**
 Min. Lot Width: **70'**
 Min. Lot Area: **10,000 Sq. Ft.**
 Min. Lot Depth: **110'**
 Min. Front Setback: **10'**
 Min. Side Setback: **5'**
 Min. Rear Setback: **5'**
 Min. Corner Setback: **5'**
 Min. Street Right-of-Way: **60'**
 Min. Right-of-Way: **60'**

Other Applicable Regulations
 1. RECORD Summary Regulations
 2. RECORD Summary Regulations
 3. RECORD Summary Regulations

Project Subject to Development Agreement
 Portions of parcels 2030 & 2040 fall within the special hazard boundary of Sugar Creek. Flood development application from Lancaster County in compliance with Section 16-11-010, Chapter 16, completed development. A flood study is being conducted to determine the flood hazard vulnerability of this project. The flood study on Visionary this flood study is based upon a preliminary visionary flood study. No draining activities are to occur within the 30'

ROAD NAME	LENGTH FT	ASBESTOS
BRETAGNE BLVD	4,151 FT	
GLORIOUS BLVD	1,011 FT	
LOVELL BLVD	1,011 FT	
BRETAGNE BLVD	1,011 FT	

LOT	SETBACKS
5	30'
6	30'

ROAD NAME	LENGTH FT	ASBESTOS
BRETAGNE BLVD	4,151 FT	
GLORIOUS BLVD	1,011 FT	
LOVELL BLVD	1,011 FT	
BRETAGNE BLVD	1,011 FT	

LOT	SETBACKS
5	30'
6	30'

ROAD NAME	LENGTH FT	ASBESTOS
BRETAGNE BLVD	4,151 FT	
GLORIOUS BLVD	1,011 FT	
LOVELL BLVD	1,011 FT	
BRETAGNE BLVD	1,011 FT	

LOT	SETBACKS
5	30'
6	30'

ROAD NAME	LENGTH FT	ASBESTOS
BRETAGNE BLVD	4,151 FT	
GLORIOUS BLVD	1,011 FT	
LOVELL BLVD	1,011 FT	
BRETAGNE BLVD	1,011 FT	

LOT	SETBACKS
5	30'
6	30'

SECTION 34. The Development Agreement is amended by adding immediately following Exhibit F:

/Exhibit G
Carolina Thread Trail Easement Agreement

Carolina Thread Trail Easement Agreement

This EASEMENT AGREEMENT (this “**Agreement**”) is made and entered into as of the _____ day of _____, 2018 (the “**Effective Date**”), by STKR BRETAGNE, LLC, a South Carolina limited liability company (“**Developer**”), MICHAEL D. CARROUTH, AS TRUSTEE UNDER THE WILL OF ARNOLD CARROUTH (“**Carrouth**”), PULTE HOME COMPANY, LLC, a Michigan limited liability company (“**Pulte**”) (collectively the “**Grantor**”); and LANCASTER COUNTY, a political subdivision of the State of South Carolina (the “**County**”).

WITNESSETH:

WHEREAS, Grantor includes the developer and owners of certain property located in Lancaster County, South Carolina, which property is more particularly described on Exhibit A attached hereto (the “**Property**”), which Property includes the Trail Easement Area (described herein); and

WHEREAS, the County is developing a plan for a public recreational trail along the various creeks, floodplains, and other areas in Lancaster County, South Carolina including along and through the Property; and

WHEREAS, Grantor desires to grant to the County a perpetual easement on, over and through the Property for the uses set forth herein;

NOW, THEREFORE, for and in consideration of the premises and the sum of One Dollar (\$1.00) to it in hand paid, the receipt of which is hereby acknowledged, Grantor and the County agree as follows:

Trail Easement.

The Grantor hereby grants to the County and its successors, assigns, employees, agents and invitees a perpetual nonexclusive right and easement variable in width as depicted on the Preliminary Plat for Traditions at Bretagne (also known as Bretagne Phase 7) as approved by the County, running on, over and through the portion of the Property identified as “Proposed Public Trail Easement” (the “**Trail Easement Area**”) on the surveys attached hereto as Exhibit B-1 and B-2 and incorporated herein (collectively the “**Easement Survey**”) solely for the purpose of constructing, maintaining and operating a public recreational trail, including but not limited to a

public right-of-way, whether paved or unpaved, for (i) walking, hiking, jogging, bicycling, bird watching, or nature study; (ii) events such as “runs” or competitive races; (iii) programmatic use by schools, clubs or other groups; (iv) wheelchair use by persons who need to use wheelchairs; (v) maintenance vehicles used in the construction, management, maintenance or stewardship of facilities located thereon; (vi) use by the County and the County’s contractors for events; and (vii) emergency vehicles in the case of emergency within the trail (the “**Trail Easement**”). The Trail Easement shall include the right but not the obligation to construct, install, use and maintain lighting, steps, railings, bridges, boardwalks, culverts, benches, fencing, bike racks or resting facilities within the Trail Easement Area. Notwithstanding any other provision to the contrary, the County shall have no obligation to construct a public recreational trail within any particular time, if ever, or to connect such trail with any other trails.

Grantor, for itself and its successors, assigns, employees and agents, and County agree and acknowledge that the easements granted herein are intended as a gift to the County for public recreational purposes. The Grantor, any property owners association governing [Insert name of neighborhood] in Lancaster County, South Carolina (“**POA**”), and any owners of lots within Traditions at Bretagne (“**Lot Owners**”) shall be afforded the liability protection provided in Title 27, Chapter 3 of the South Carolina Code of Laws (the “**Recreational Use Statute**”). Nothing in this Agreement limits the ability of the Grantor, POA, Lot Owners and the County to avail themselves of the protections offered by any applicable law affording immunity to any of them including, without limitation, the Recreational Use Statute. If the Recreational Use Statute is repealed or amended by the South Carolina Legislature in such a manner as to reduce or eliminate the liability protection afforded to the Grantor, POA or Lot Owners thereunder, the Trail Easement and the Trail Facilities (as defined herein) will be automatically closed to the public. At any time during the ensuing three years, the County will have the option to reopen the Trail Easement and Trail Facilities by procuring liability insurance covering the Grantor, POA and Lot Owners against liability for injury to users of the Trail Easement and Trail Facilities provided such insurance is satisfactory to the Grantor and POA. If in such case, the County does not reopen the Trail Easement and Trail Facilities within said three-year period by procuring such insurance satisfactory to the Grantor and POA, then the Grantor and/or POA may terminate this Agreement by providing written notice to the County and thereafter unilaterally recording a notice of termination in the Lancaster County public registry.

The County shall have the sole right to promulgate rules and regulations (the “**Rules**”) for the reasonable use of the Trail Easement. Notwithstanding the foregoing, the Rules at minimum shall include (1) use of the Trail Easement is prohibited between the hours of 9:00 p.m. and 6:00 a.m., (2) no flashlights, camping, cooking or loud or obnoxious behavior is permitted on the Trail Easement, (3) all animal waste must be bagged and deposited in garbage receptacles, and (4) no animals other than dogs and cats on leash are permitted on the Trail Easement. In addition, the County will consider reasonable requests for additional rules made by the POA or their successors and assigns as may be required to address disruptive or nuisance behavior in the use of the Trail Easement by the County and/or its employees, agents, and invitees.

Use of any portion of the Trail Easement, Access Easement (defined below), and improvements made thereto pursuant to the terms of this Agreement (collectively the “Trail Facilities”) by members of the public, including, but not limited to members of POA, is at their own risk. Notwithstanding any provision herein to the contrary, neither the County nor Grantor (or their respective successors, assigns, employees, agents, guests or invitees) by entering into this Agreement assumes any duty to or for the benefit of the general public for defects in the location, design, installation, maintenance or repair of the Trail Facilities; for any unsafe conditions within the Trail Easement Area; or for the failure to inspect for or warn against possibly unsafe conditions; or to close the Trail Easement, Trail Easement Area and/or Trail Facilities to public access when unsafe conditions may be present.

Access Easement. Grantor hereby grants and conveys to the County and its successors, assigns, employees and agents a perpetual nonexclusive right and easement running on, over and through Regions Boulevard and the portion of the Property identified as “10’ Wide Connection to Trail” (collectively the “Access Easement,” and each portion referred to separately as the “Regions Blvd. Access Easement” and the “Trail Connection Access Easement”; the survey of the Trail Connection Access Easement is attached as Exhibit C) on the Easement Survey for the purpose of accessing the Trail Easement solely for the purposes set forth in Sections 3 and 5 herein. It is expressly agreed that the Access Easement is not available for use as a public access (except for residents of Traditions at Bretagne), and may only be used by the County for construction and maintenance of the Trail Easement Area

Construction of the Trail Facilities.

The County, its employees, contractors or agents shall (i) perform all construction, maintenance, repair and replacement of the Trail Facilities in a good and workmanlike manner, in accordance with all applicable federal, state and local laws and regulations, in accordance with any standards which may apply to the performance thereof, including any professional engineering standards and in a manner that minimizes any nuisance or disruption to Grantor, its successors, assigns, employees, agents, POA and Lot Owners; (ii) obtain all necessary governmental permits and approvals for the performance of all construction, maintenance, repair and replacement of the Trail Facilities; (iii) be responsible for all costs of performing all construction of the Trail Facilities, including permitting costs and (iv) be responsible for repairing any damage to any portion of the Property caused by the County or its employees, contractors or agents. Grantor and POA shall cooperate with the County to obtain any such permits if reasonably requested at no cost to Grantor, POA, or any Lot Owner. In performing any work permitted under the terms of this Agreement, the County may only use standard size, two (2) axel vehicles or trucks within the Access Easement and is expressly prohibited from using any other type of construction equipment or vehicles within the Access Easement.

The County shall not suffer or permit any mechanic’s or other lien to be filed against the Property by reason of the exercise of the County’s rights hereunder. If any such lien shall be filed, the County shall, within 30 days after such filing, cause the same to be discharged of record by payment, deposit, bond, order of court of competent jurisdiction or otherwise.

(c) The County shall require any contractor performing work on the Trail Facilities at the request of the County to maintain or cause to be maintained in full force and effect commercial general liability insurance with respect to such activities with a combined single limit of liability of not less than \$1,000,000 for bodily injury to or personal injury or death of any person and consequential damages arising therefrom, and for property damage arising out of any one occurrence, with minimum excess or umbrella policy limits of not less than \$2,000,000 per occurrence, and the Grantor and POA shall be an additional named insureds thereunder. Notwithstanding the foregoing, neither the County nor any of its employees (to the extent they perform work within the Trail Easement Area) shall be required to maintain or cause to be maintained such commercial general liability insurance pursuant to this Section 3(c). All such contractors shall also maintain or cause to be maintained adequate worker's compensation insurance in the minimum statutory limits required under South Carolina law.

Easement for Signage. Grantor hereby grants to the County and its successors, assigns, employees and agents a perpetual easement on, over and through the Trail Easement Area to install, maintain, repair, replace and add signage in and for the benefit of the Trail Easement including but not limited to for the purpose of posting rules regarding use of the trail created herein. The design of all signage related to the Trail Easement shall be consistent with other signage located along other trails created under the directions of the Carolina Thread Trail, a North Carolina nonprofit corporation.

Maintenance of Trail Easement and Access Easement. The County shall be responsible, at its expense, for maintaining the Trail Easement and Access Easement in accordance with the purposes set forth herein, including construction and maintenance of a public recreational trail within the Trail Easement Area, routine removal of trash, waste and litter by a maintenance crew, and efforts to control vandalism and other crimes within the Trail Easement Area. This provision notwithstanding, the County shall not be responsible for maintenance of the Regions Blvd. Access Easement. It is expressly agreed that none of the Grantor, POA or Lot Owners shall have any obligation for constructing any Trail Facilities or signage for the Trail Easements, nor shall Grantor, POA or Lot Owners have any responsibility whatsoever for maintaining the Trail Easement Area, Access Easement or Trail Facilities; provided, however, Grantor and POA shall be responsible, at its expense, for damage caused to the Trail Easement or Access Easement by Grantor or POA or their respective employees, contractors, or agents.

Reservation of Right to Cross Trail Easement and Access Easement. Grantor, for itself and its successors, assigns, employees, agents, the POA and future Lot Owners, reserves the right to: (a) unlimited and unrestricted use of the Regions Blvd. Access Easement for any lawful purpose; and, (b) cross the Trail Easement and Trail Connection Access Easement as reasonably necessary to perform work for the benefit of the Grantor's, POA's and/or Property Owner's land, provided at least 2 weeks' prior written notice of any action reasonably requiring closure of the Trail Easement or Trail Connection Access Easement is provided to both the County Administrator and County Attorney by certified mail and provided Grantor or POA repair any damage to the Trail Easement or Access Easement resulting from such crossing. This

provision notwithstanding, in the event of an emergency in which it is not possible for Grantor or POA to provide 2 weeks' notice, less than 2 weeks' notice may be provided for such emergency purposes only.

Reservation of Landscaping Rights. Grantor, for itself and its successors, assigns, employees, agents and any POA, reserves the right to install landscaping within the Trail Easement and Access Easement, provided such landscaping does not obstruct the trail constructed within the Trail Easement or Access Easement. Nothing herein shall be construed as obligating the County or its successors, assigns, agents or employees to maintain any landscaping added to the Trail Easement or Access Easement pursuant to this Section 7.

Title. Grantor represents and warrants to the County that it currently owns fee simple title to the Property free and clear from all liens and mortgages. Notwithstanding anything herein to the contrary, nothing herein shall prevent Grantor from placing a future mortgage or other encumbrance on the Property, provided however, such mortgage or encumbrance is subordinate to the easements granted herein.

Successors and Assigns. This Agreement and the rights granted herein are intended to and shall run with the land and shall burden the Property forever, and shall be binding upon, and inure to the benefit of and be enforceable by the parties hereto and their successors, successors-in-title, designees and assigns.

Governing Law. This Agreement is to be governed, construed and enforced in accordance with the laws of the State of South Carolina.

Waiver. The failure of either the Grantor or the County to exercise any right given hereunder shall not constitute a waiver of either party's right to exercise such right.

Entire Agreement. This Agreement is entered into by the parties hereto pursuant to the requirements of the Second Amendment Bretagne Development Agreement dated December 10, 2018. This Agreement contains the sole and entire agreement of the Grantor and the County with respect to the matters contemplated hereunder, and no representation, inducement, promise or agreement, oral or written between the Grantor and the County which is not incorporated herein shall be of any force or effect. Any amendment to this Agreement shall be in writing, executed by the Grantor and the County and recorded in the Office of the Register of Deeds for Lancaster County, South Carolina.

Severability. If any term, covenant or condition of this Agreement, or any application thereto to any person or circumstance shall, to any extent, be invalid or unenforceable, such provision or the application of such term, covenant or condition, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall be deemed severable, and the remainder thereof shall not be affected thereby, and each such term, covenant or condition of this Agreement shall be valid and may be enforced to the fullest extent permitted by law.

Enforcement. In the case of a breach of this Agreement, in addition to other remedies available at law or in equity, each party may exercise any one or more of the following remedies (a) seek injunctive relief to specifically enforce the terms of this Agreement and to restrain present or future violations of this Agreement (b) enter the Trail Easement Area and Access Easement to remove any barrier to access provided under this Agreement unless such barrier is authorized or permitted by law or this Agreement and do such other things as are reasonably necessary to protect and preserve the party's rights under this Agreement.

TO HAVE AND TO HOLD, subject to all matters of record as of the date hereof and the terms hereof, all and singular the aforesaid easements unto the County, and its successors, successors-in-title, designees and assigns forever.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have executed this Easement Agreement the Effective Date first above written.

Signed, sealed and delivered
 in the presence of:

GRANTOR (Developer):
 STKR Bretagne, LLC, a South Carolina
 limited liability company

 Witness

By: _____ (SEAL)

Name: _____

 Witness

Its: _____

STATE OF _____)
)
 COUNTY OF _____)

I, _____, a Notary Public for the State of _____, do hereby certify that _____ of _____, a _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this _____ day of _____, 2018.

[Stamp/Seal]

 Notary Public
 Name of Notary: _____
 My Commission Expires: _____

IN WITNESS WHEREOF, the parties have executed this Easement Agreement the Effective Date first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR (Owner of Carrouth Tract):
Michael D. Carrouth, as Trustee under the Will
of Arnold Carrouth

Witness

By: _____(SEAL)

Name: _____

Witness

Its: _____

STATE OF _____)

)

COUNTY OF _____)

I, _____, a Notary Public for the State of _____, do
hereby certify that _____, _____ of
_____, a _____, personally appeared
before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this _____ day of _____, 2018.

[Stamp/Seal]

Notary Public

Name of Notary: _____

My Commission Expires: _____

IN WITNESS WHEREOF, the parties have executed this Easement Agreement the Effective Date first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR (Owner of Pulte Tract):
Pulte Home Company, LLC,
A Michigan limited liability company

Witness

By: _____(SEAL)

Name: _____

Witness

Its: _____

STATE OF _____)
)
COUNTY OF _____)

I, _____, a Notary Public for the State of _____, do hereby certify that _____, _____ of _____, a _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this _____ day of _____, 2018.

[Stamp/Seal]

Notary Public
Name of Notary: _____
My Commission Expires: _____

IN WITNESS WHEREOF, Bretagne Homeowners Association, Inc., joins in this Agreement for the purpose of dedicating that portion of the Access Easement over the portion of Regions Boulevard owned by Bretagne Homeowners Association, Inc. The parties have executed this Easement Agreement the Effective Date first above written.

Signed, sealed and delivered
 in the presence of:

GRANTOR:
 Bretagne Homeowners Association, Inc., a
 North Carolina not-for-profit corporation

 Witness

By: _____(SEAL)

Name: _____

 Witness

Its: _____

STATE OF _____)
)
 COUNTY OF _____)

I, _____, a Notary Public for the State of _____, do hereby certify that _____, _____ of _____, a _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this _____ day of _____, 2018.

[Stamp/Seal]

 Notary Public
 Name of Notary: _____
 My Commission Expires: _____

IN WITNESS WHEREOF, the parties have executed this Easement Agreement the day and year first above written.

Signed, sealed and delivered
in the presence of:

COUNTY:
Lancaster County, South Carolina

Witness

By: _____ (SEAL)
Steve Willis, County Administrator

Witness

Attested By: _____ (SEAL)
Sherrie Simpson, Clerk to Council

STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER))

I, _____, a Notary Public for the State of South Carolina, do hereby certify that Steve Willis, County Administrator of the County of Lancaster, South Carolina, attested by Sherrie Simpson, the Clerk to Council of the County of Lancaster, South Carolina, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal this _____ day of _____, 2018.

[Stamp/Seal]

Notary Public

Name of Notary: _____

My Commission Expires: _____

EXHIBIT “A”
The Property

All that certain piece, parcel or lot of land, situate, lying and being in Indian Land Township, County of Lancaster, State of South Carolina and being shown and designated as Parcel Z2, containing 38.448 acres, as shown on a plat entitled, “ALTA/ACCSM Land Title Survey of Bretagne Property for Bretagne Development Group, LLC”, dated April 13, 2007 and recorded on May 19, 2007 in Plat Book 2007, page 526 in the Office of the Register of Deeds for Lancaster County, South Carolina.

DERIVATION: Being a 38.448 acre portion of the property conveyed to Arnold E. Carrouth, Trustee of the Arnold E. Carrouth Revocable Trust dated May 28, 2013 by Arnold E. Carrouth by deed dated May 28, 2013 and recorded on June 3, 2013 in Book 733, page 340 in the Office of the Register of Deeds for Lancaster County, South Carolina.

Tax Map Number 0006-00-003.00 (this tract is owned by Michael D. Carrouth, as Trustee Under the Will of Arnold Carrouth

And

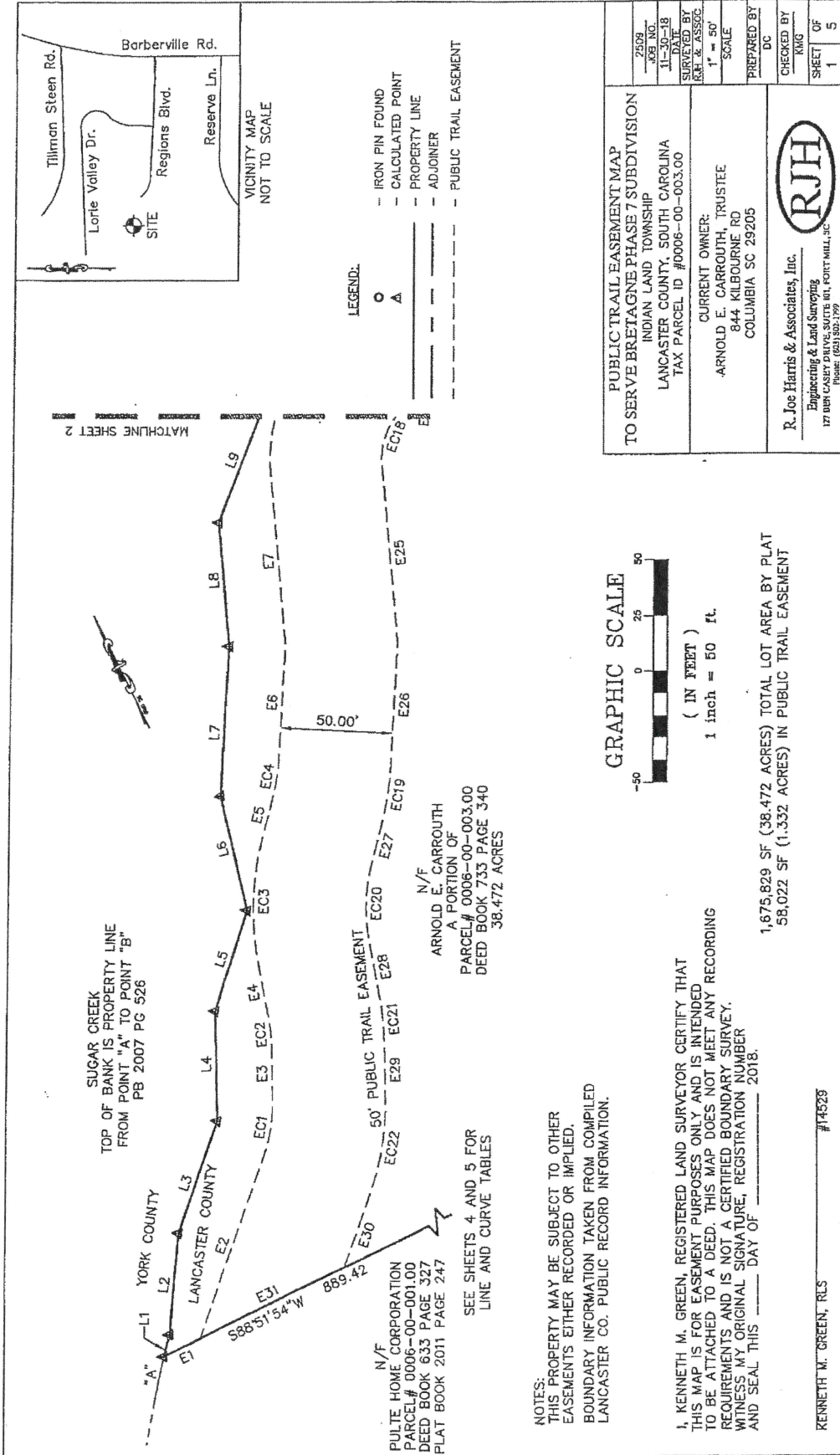
All those certain pieces, parcels or tracts of land located in Indian Land Township, County of Lancaster, State of South Carolina and being shown and designated as “PORTION ‘A’ OF REMAINDER TRACT 1”, PORTION ‘B’ OF REMAINDER TRACT 1”, REMAINDER TRACT 2, SUBTRACT 2”, AND “TRACT 4” on that certain survey entitled, “ALTA/ACSM Land Title Survey for Wells Fargo Bretagne Subdivision, Indian Land Township, Lancaster County, South Carolina” dated March 14, 2011, last revised May 3, 2011, prepared by Insite Engineering and Surveying, PLLC, and recorded on May 5, 2011 in Plat Book 2011 at pages 247 and 248 which in the Office of the Register of Deeds for Lancaster County, South Carolina.

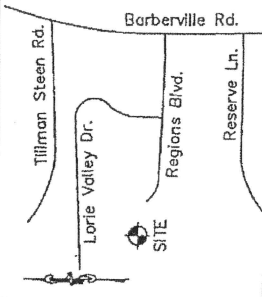
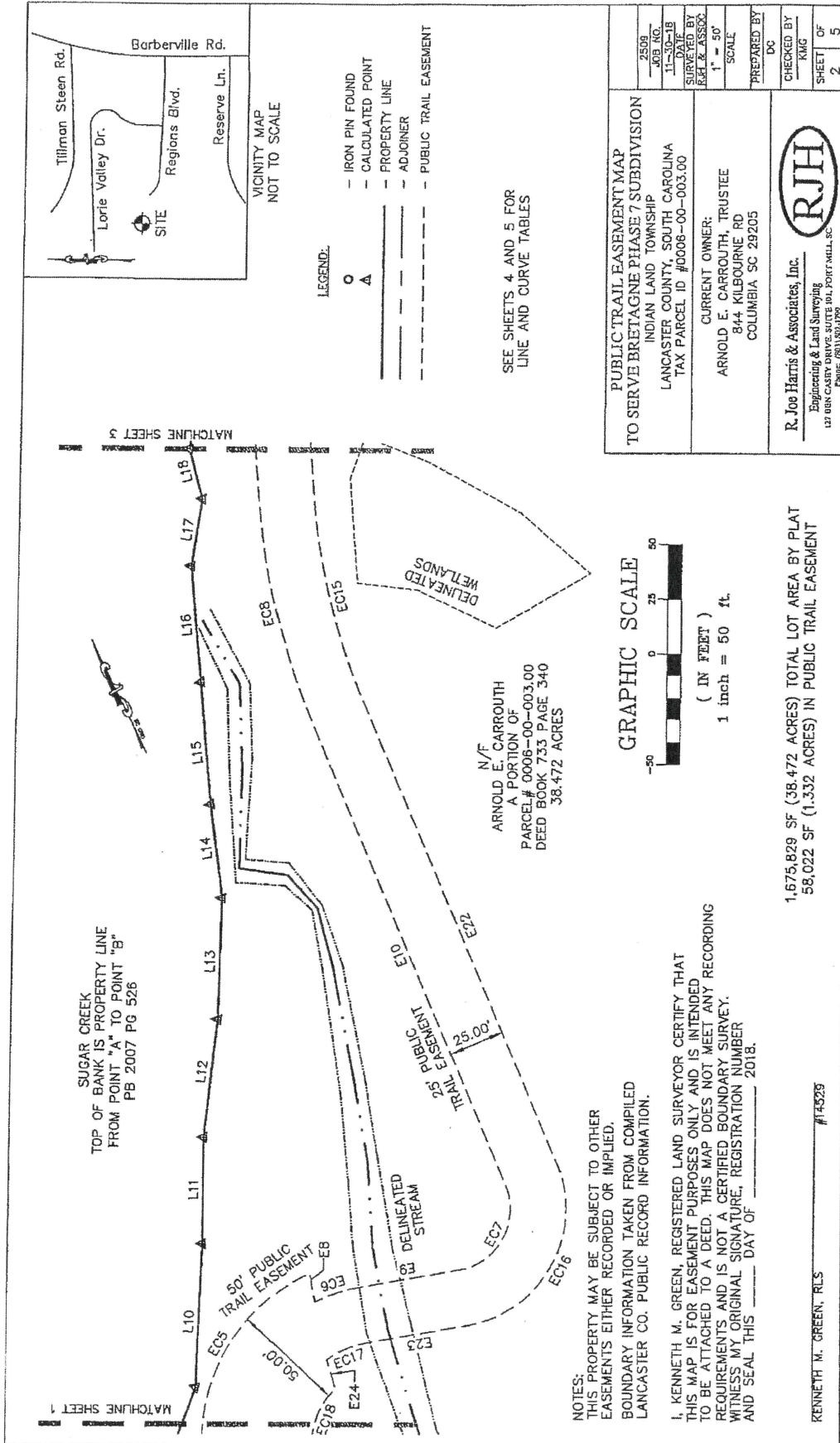
DERIVATION: Being a portion of the same property conveyed to Pulte Home Corporation by deed of Redus South Carolina, LLC, dated November 26, 2013 and recorded on December 3, 2013 in Book 769, page 180, in the Office of the Register of Deeds for Lancaster County, South Carolina.

Tax Map Number 0006-00-001.01 (this tract is owned by Pulte Home Company, LLC)

EXHIBIT "B-1"
Easement Survey (Carrouth Tract)

EASEMENT SURVEY (CARROUTH TRACT) FOLLOWS ON NEXT PAGE.

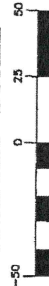




- LEGEND:
- -- IRON PIN FOUND
 - △ -- CALCULATED POINT
 - -- PROPERTY LINE
 - - - ADJOINER
 - - - PUBLIC TRAIL EASEMENT

SEE SHEETS 4 AND 5 FOR
LINE AND CURVE TABLES

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

N/F
ARNOLD E. CARROUTH
A PORTION OF
PARCEL # 0008-00-003.00
DEED BOOK 733 PAGE 340
38.472 ACRES

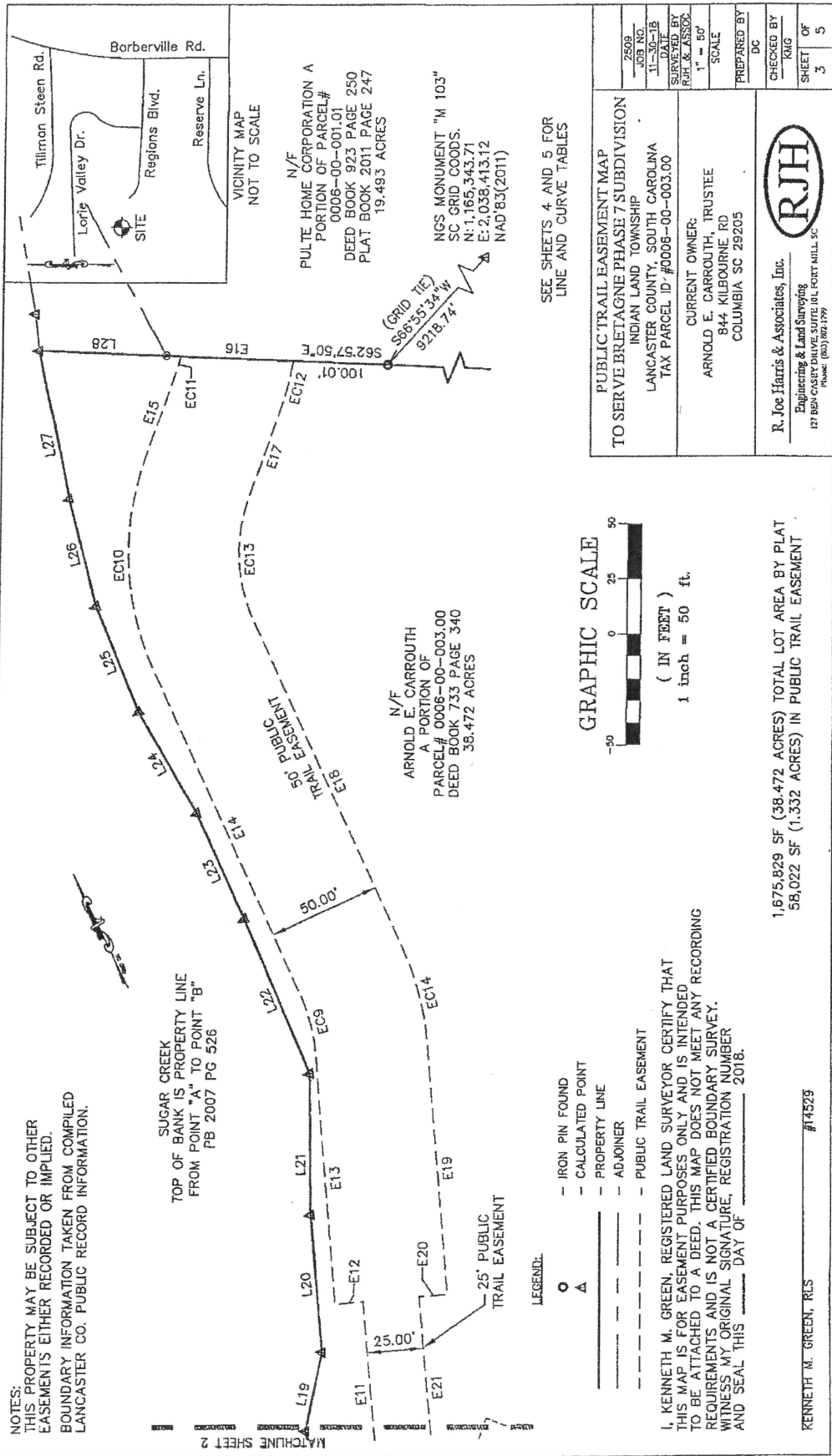
NOTES:
THIS PROPERTY MAY BE SUBJECT TO OTHER
EASEMENTS EITHER RECORDED OR IMPLIED.
BOUNDARY INFORMATION TAKEN FROM COMPILED
LANCASTER CO. PUBLIC RECORD INFORMATION.

I, KENNETH M. GREEN, REGISTERED LAND SURVEYOR CERTIFY THAT
THIS MAP IS FOR EASEMENT PURPOSES ONLY AND IS INTENDED
TO BE ATTACHED TO A DEED. THIS MAP DOES NOT MEET ANY RECORDING
REQUIREMENTS AND IS NOT A CERTIFIED BOUNDARY SURVEY.
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER
AND SEAL THIS _____ DAY OF _____ 2018.

1,675,829 SF (38.472 ACRES) TOTAL LOT AREA BY PLAT
58,022 SF (1.332 ACRES) IN PUBLIC TRAIL EASEMENT

KENNETH M. GREEN, RLS #14523

PUBLIC TRAIL EASEMENT MAP TO SERVE BRETAGNE PHASE 7 SUBDIVISION INDIAN LAND TOWNSHIP LANCASTER COUNTY, SOUTH CAROLINA TAX PARCEL ID #0008-00-003.00		2508 JOB NO.	11/15/18 DATE	11/15/18 SURVEYED BY	1" = 50' SCALE	DC PREPARED BY	CHECKED BY KMG	SHEET 2	OF 5
CURRENT OWNER: ARNOLD E. CARROUTH, TRUSTEE 844 KILBOURNE RD COLUMBIA SC 29205									
R. Joe Harris & Associates, Inc. Engineering & Land Surveying 12186 CASHY DRIVE, SUITE 101, PORT METL, SC PHONE: (803)584-9799									



NOTES:
THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS EITHER RECORDED OR IMPLIED. BOUNDARY INFORMATION TAKEN FROM COMPILED LANCASTER CO. PUBLIC RECORD INFORMATION.

SUGAR CREEK
TOP OF BANK IS PROPERTY LINE
FROM POINT "A" TO POINT "B"
PB 2007 PG 526

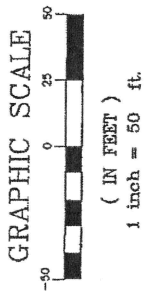
N/F
ARNOLD E. CARROUTH
A PORTION OF
PARCEL# 0006-00-003.00
DEED BOOK 733 PAGE 340
38.472 ACRES

N/F
PULTE HOME CORPORATION A
PORTION OF PARCEL#
0006-00-001.01
DEED BOOK 923 PAGE 250
PLAT BOOK 2011 PAGE 247
19.483 ACRES

NGS MONUMENT "M 103"
SC GRID COORDS.
N:1,165,343.71
E:2,058,413.12
NAD 83(2011)

- LEGEND:
- IRON PIN FOUND
 - △ CALCULATED POINT
 - PROPERTY LINE
 - - - ADJOINER
 - - - PUBLIC TRAIL EASEMENT

I, KENNETH M. GREEN, REGISTERED LAND SURVEYOR CERTIFY THAT THIS MAP IS FOR EASEMENT PURPOSES ONLY AND IS INTENDED TO BE ATTACHED TO A DEED. THIS MAP DOES NOT MEET ANY RECORDING REQUIREMENTS AND IS NOT A CERTIFIED BOUNDARY SURVEY. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS _____ DAY OF _____ 2016.

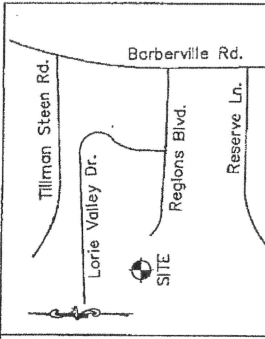


SEE SHEETS 4, AND 5 FOR
LINE AND CURVE TABLES

PUBLIC TRAIL EASEMENT MAP	
TO SERVE BRETAGNE PHASE 7 SUBDIVISION	
INDIAN LAND TOWNSHIP	
LANCASTER COUNTY, SOUTH CAROLINA	
TAX PARCEL ID #0006-00-003.00	
CURRENT OWNER:	
ARNOLD E. CARROUTH, TRUSTEE	
844 KILBOURNE RD	
COLUMBIA SC 29205	
R. Joe Harris & Associates, Inc. Engineering & Land Surveying 127 BEN CASEY DRIVE SUITE 104, FORT MILL, SC PHONE: (803) 982-1799	
2509	DC
JOB NO.	CHECKED BY
11-30-18	KMG
DATE	SHEET
SURVEYED BY	OF
RJH & ASSOC.	3
SCALE	5
1" = 50'	
PREPARED BY	

1,675,829 SF (38.472 ACRES) TOTAL LOT AREA BY PLAT
58,022 SF (1.332 ACRES) IN PUBLIC TRAIL EASEMENT

KENNETH M. GREEN, RLS #14529



VICINITY MAP
NOT TO SCALE

Line Table		
Line #	Length	Direction
L22	75.19	N1°22'05"E
L23	52.23	N0°06'20"E
L24	53.01	N5°29'03"W
L25	51.31	N2°18'13"E
L26	50.06	N10°03'46"E
L27	67.50	N13°11'06"E
L28	57.23	S62°58'45"E

Line Table		
Line #	Length	Direction
L15	55.48	N19°22'46"E
L16	52.81	N19°13'25"E
L17	30.83	N33°43'11"E
L18	23.37	N9°01'43"E
L19	35.01	N36°54'39"E
L20	61.44	N19°51'02"E
L21	63.02	N24°02'01"E

Line Table		
Line #	Length	Direction
L8	56.33	N19°30'32"E
L9	56.50	N45°23'35"E
L10	64.03	N27°03'21"E
L11	47.96	N24°51'18"E
L12	53.24	N31°04'32"E
L13	54.57	N26°07'02"E
L14	42.63	N17°15'27"E

Line Table		
Line #	Length	Direction
L1	10.10	N39°47'24"E
L2	45.26	N29°48'27"E
L3	52.73	N43°58'49"E
L4	48.85	N23°23'56"E
L5	46.91	N42°09'41"E
L6	52.75	N11°35'24"E
L7	67.30	N27°44'37"E

Easement Line Table		
Line #	Length	Direction
E31	70.91	S88°53'16"W

Easement Line Table		
Line #	Length	Direction
E21	80.95	S19°59'27"W
E22	230.04	S1°34'57"W
E23	46.26	N74°59'30"W
E24	13.42	S74°5'02"W
E25	79.62	S19°30'32"W
E26	56.02	S27°44'37"W
E27	22.01	S38°41'21"W
E28	26.10	S13°46'19"W
E29	23.09	S23°23'56"W
E30	34.16	S43°58'49"W

Easement Line Table		
Line #	Length	Direction
E11	80.95	N19°59'27"E
E12	12.50	N70°00'33"W
E13	112.64	N19°59'27"E
E14	161.98	N0°00'00"E
E15	40.87	N44°20'45"E
E16	50.67	S62°57'20"E
E17	40.87	S44°20'45"W
E18	161.98	S0°00'00"E
E19	112.64	S19°59'27"W
E20	12.50	N70°00'33"W

Easement Line Table		
Line #	Length	Direction
E1	18.68	N88°51'54"E
E2	84.37	N43°58'49"E
E3	23.09	N23°23'56"E
E4	26.10	N13°46'19"E
E5	22.01	N38°41'21"E
E6	52.42	N27°44'37"E
E7	76.02	N19°30'32"E
E8	12.92	S14°08'47"W
E9	46.26	S74°59'30"E
E10	230.04	N1°34'57"E

PUBLIC TRAIL EASEMENT MAP
TO SERVE BRETAGNE PHASE 7 SUBDIVISION
INDIAN LAND TOWNSHIP
LANCASTER COUNTY, SOUTH CAROLINA
TAX PARCEL ID #0006-00-003.00

DATE: 11-29-18
SURVEYED BY: R.H. & ASSOC.
SCALE: 1" = 50'
PREPARED BY: OC
CHECKED BY: KING
SHEET OF: 4 5

CURRENT OWNER:
ARNOLD E. CARROUTH, TRUSTEE
844 KILBOURNE RD
COLUMBIA SC 29205

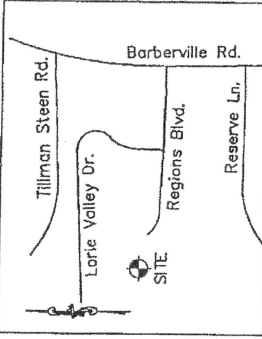


R. Joe Harris & Associates, Inc.
Engineering & Land Surveying
127 WEST CASHY DRIVE, SUITE 101, FORT MILL, SC
PHONE: (803) 562-1779

NOTES:
THIS PROPERTY MAY BE SUBJECT TO OTHER
EASEMENTS EITHER RECORDED OR IMPLIED.
BOUNDARY INFORMATION TAKEN FROM COMPILED
LANCASTER CO. PUBLIC RECORD INFORMATION.

I, KENNETH M. GREEN, REGISTERED LAND SURVEYOR CERTIFY THAT
THIS MAP IS FOR EASEMENT PURPOSES ONLY AND IS INTENDED
TO BE ATTACHED TO A DEED. THIS MAP DOES NOT MEET ANY RECORDING
REQUIREMENTS AND IS NOT A CERTIFIED BOUNDARY SURVEY.
WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER
AND SEAL THIS _____ DAY OF _____ 2018.

KENNETH M. GREEN, RLS #14529



VICINITY MAP
NOT TO SCALE

Easement Curve Table						
Curve #	Length	Radius	Chord	Bearing	Delta	Delta
EC12	22.71	125.00	22.68	S39°08'28"W	10°24'34"	10°24'34"
EC13	58.05	75.00	56.61	S22°10'23"W	44°20'45"	44°20'45"
EC14	43.61	125.00	43.39	S9°59'43"W	19°59'27"	19°59'27"
EC15	92.37	287.50	91.97	S10°47'12"W	18°24'30"	18°24'30"
EC16	94.77	52.50	82.42	S53°17'43"W	103°25'33"	103°25'33"
EC17	19.54	44.50	19.39	N87°34'23"W	25°09'46"	25°09'46"
EC18	29.56	32.00	28.62	S45°58'26"W	52°55'50"	52°55'50"
EC19	23.88	125.00	23.84	S33°12'59"W	10°56'44"	10°56'44"
EC20	32.62	75.00	32.36	S26°13'50"W	24°55'02"	24°55'02"
EC21	21.00	125.00	20.98	S18°35'08"W	9°37'37"	9°37'37"
EC22	44.90	125.00	44.66	S33°41'23"W	20°34'53"	20°34'53"

Easement Curve Table					
Curve #	Length	Radius	Chord	Bearing	Delta
EC1	26.94	75.00	26.80	N33°41'23"E	20°34'53"
EC2	12.60	75.00	12.59	N18°35'08"E	9°37'37"
EC3	54.36	125.00	53.93	N26°13'50"E	24°55'02"
EC4	14.33	75.00	14.31	N33°12'59"E	10°56'44"
EC5	101.85	82.00	95.43	N55°05'26"E	71°09'48"
EC6	20.40	69.50	20.33	S83°24'04"E	16°49'08"
EC7	49.64	27.50	43.17	N53°17'43"E	103°25'33"
EC8	100.40	312.50	99.97	N10°47'12"E	18°24'30"
EC9	26.17	75.00	26.04	N9°59'43"E	19°59'27"
EC10	96.75	125.00	94.35	N22°10'23"E	44°20'45"
EC11	7.55	75.00	7.54	N41°27'49"E	5°45'53"

I, KENNETH M. GREEN, REGISTERED LAND SURVEYOR CERTIFY THAT THIS MAP IS FOR EASEMENT PURPOSES ONLY AND IS INTENDED TO BE ATTACHED TO A DEED. THIS MAP DOES NOT MEET ANY RECORDING REQUIREMENTS AND IS NOT A CERTIFIED BOUNDARY SURVEY. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS _____ DAY OF _____ 2018.

KENNETH M. GREEN, RLS #14529

NOTES:
THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS EITHER RECORDED OR IMPLIED.
BOUNDARY INFORMATION TAKEN FROM COMPILED LANCASTER CO. PUBLIC RECORD INFORMATION.

**PUBLIC TRAIL EASEMENT MAP
TO SERVE BRETAGNE PHASE 7 SUBDIVISION**
INDIAN LAND TOWNSHIP
LANCASTER COUNTY, SOUTH CAROLINA
TAX PARCEL ID #0006-00-003.00

CURRENT OWNER:
ARNOLD E. CARROUTH, TRUSTEE
844 KILBOURNE RD
COLUMBIA SC 29205

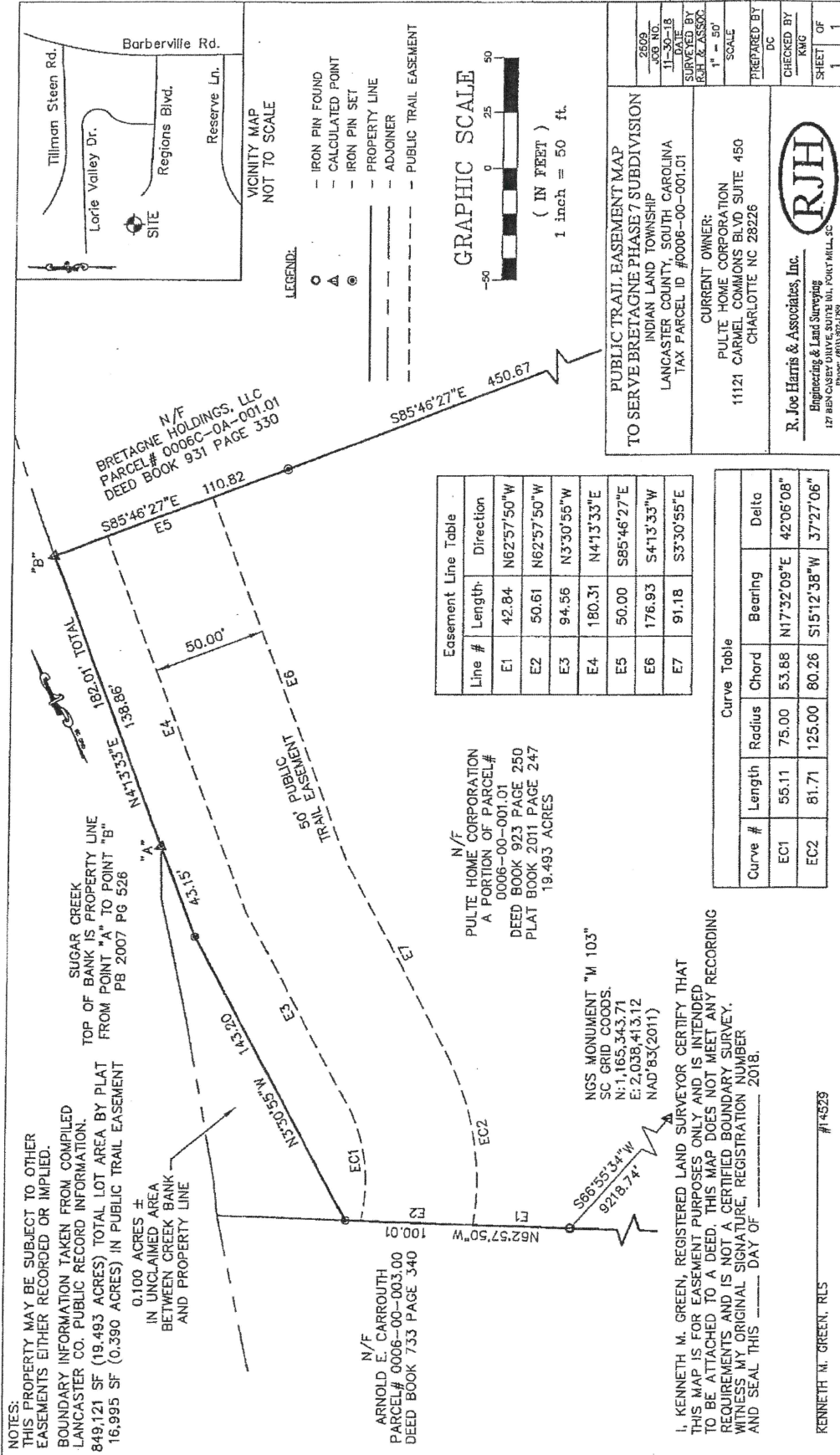
R. Joe Harris & Associates, Inc.
Engineering & Land Surveying
137 BOX CASEY DRIVE, SUITE 91, FORT MILL, SC
Phone: (803)812-1999

2509
JOB NO.
11-30-18
DATE
SURVEYED BY
R.J.H. & ASSOC.
1" = 50'
SCALE
PREPARED BY
DC
CHECKED BY
KJG
SHEET 5
OF 5

EXHIBIT “B-2”

Easement Survey (Pulte Tract)

EASEMENT SURVEY (PULTE TRACT) FOLLOWS.



KENNETH M. GREEN, RLS #4529

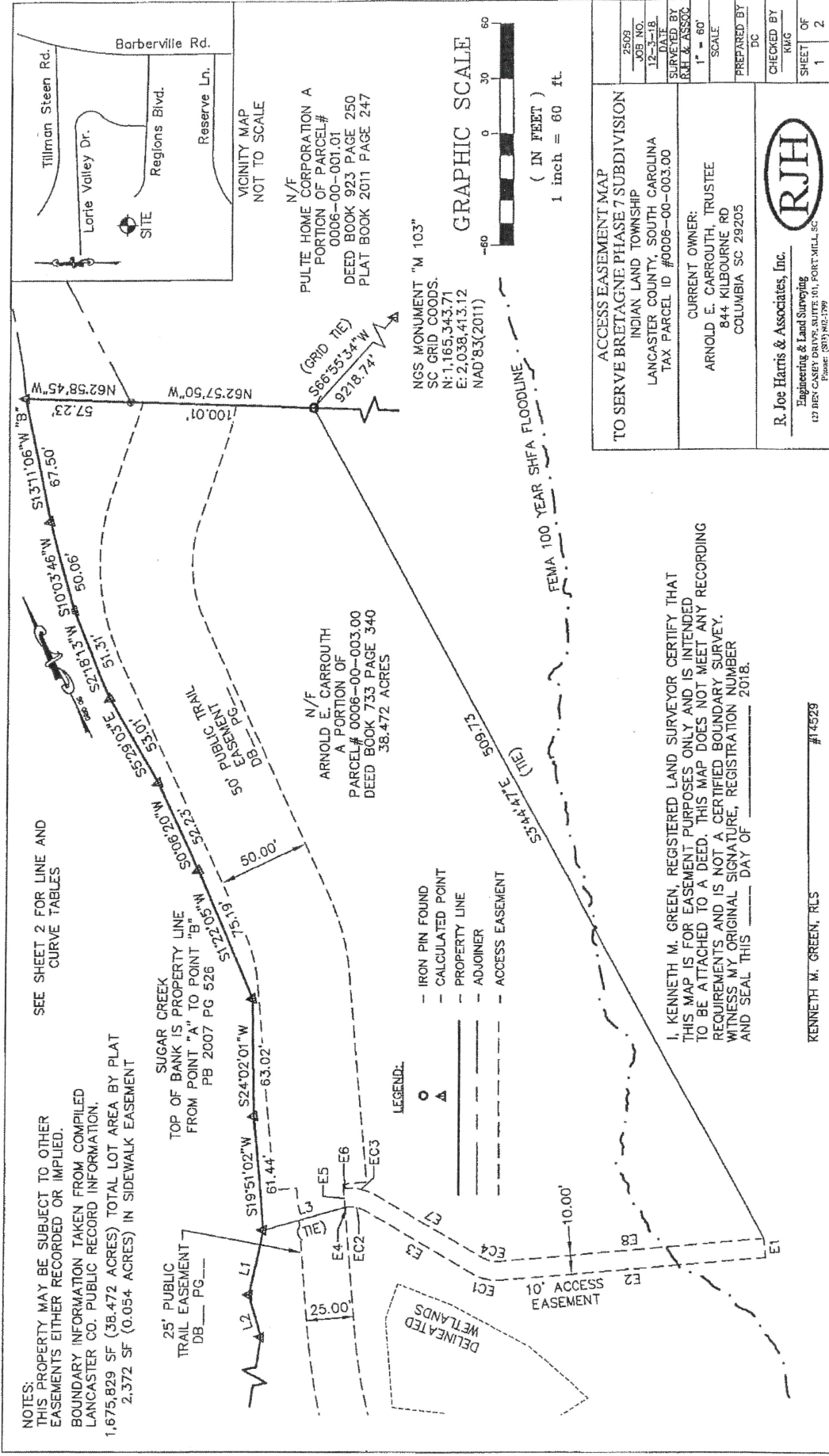
I, KENNETH M. GREEN, REGISTERED LAND SURVEYOR CERTIFY THAT THIS MAP IS FOR EASEMENT PURPOSES ONLY AND IS INTENDED TO BE ATTACHED TO A DEED. THIS MAP DOES NOT MEET ANY RECORDING REQUIREMENTS AND IS NOT A CERTIFIED BOUNDARY SURVEY. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS _____ DAY OF _____ 2018.

Second Amendment Bretagne Development Agreement – Applicable Only to Phase 7
Lancaster County, STKR Bretagne, LLC, Michael D. Carrouth, as Trustee Under the Will of Arnold Carrouth,
Pulte Home Company, LLC, and Robert E. Pearce and Susan J. Pearce

Page 36 of 44

EXHIBIT "C"
The Trail Connection Access Easement

THE TRAIL CONNECTION ACCESS EASEMENT FOLLOWS ON NEXT PAGE.



NOTES:
 THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS EITHER RECORDED OR IMPLIED. BOUNDARY INFORMATION TAKEN FROM COMPILED LANCASTER CO. PUBLIC RECORD INFORMATION. 1,875,829 SF (38.472 ACRES) TOTAL LOT AREA BY PLAT 2,372 SF (0.054 ACRES) IN SIDEWALK EASEMENT

SEE SHEET 2 FOR LINE AND CURVE TABLES

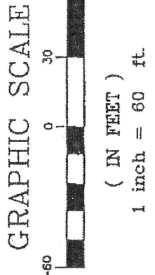
25' PUBLIC TRAIL EASEMENT DB PG _____

SUGAR CREEK TOP OF BANK IS PROPERTY LINE FROM POINT "A" TO POINT "B" PB 2007 PG 526

ARNOLD E. CARROUTH A PORTION OF PARCEL# 0006-00-003.00 DEED BOOK 733 PAGE 340 38.472 ACRES

N/F PULTE HOME CORPORATION A PORTION OF PARCEL# 0006-00-001.01 DEED BOOK 923 PAGE 250 PLAT BOOK 2011 PAGE 247

- LEGEND:
- IRON PIN FOUND
 - △ CALCULATED POINT
 - PROPERTY LINE
 - ADJOINER
 - - - ACCESS EASEMENT



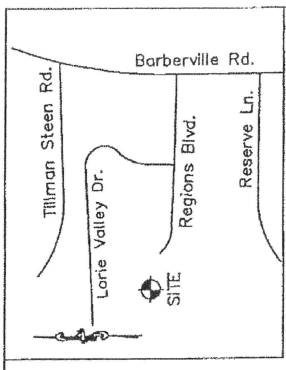
I, KENNETH M. GREEN, REGISTERED LAND SURVEYOR CERTIFY THAT THIS MAP IS FOR EASEMENT PURPOSES ONLY AND IS INTENDED TO BE ATTACHED TO A DEED. THIS MAP DOES NOT MEET ANY RECORDING REQUIREMENTS AND IS NOT A CERTIFIED BOUNDARY SURVEY. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS _____ DAY OF _____ 2018.

KENNETH M. GREEN, RLS #14529

ACCESS EASEMENT MAP	
TO SERVE BRETAGNE PHASE 7 SUBDIVISION	
INDIAN LAND TOWNSHIP	
LANCASTER COUNTY, SOUTH CAROLINA	
TAX PARCEL ID #0006-00-003.00	
CURRENT OWNER:	
ARNOLD E. CARROUTH, TRUSTEE	
844 KILBOURNE RD	
COLUMBIA SC 29205	
JOB NO.	2509
SURVEYED BY	KMG & ASSOC.
SCALE	1" = 60'
PREPARED BY	DC
CHECKED BY	KMG
SHEET	1
OF	2



R. Joe Harris & Associates, Inc.
 Engineering & Land Surveying
 127 HERVEY BLVD., PORT KILL, SC
 Phone: (803) 402-1999



VICINITY MAP
NOT TO SCALE

Curve #	Length	Radius	Chord	Bearing	Delta
EC1	15.03	25.00	14.81	N52°31'23"W	34°26'59"
EC2	9.09	15.00	8.95	N52°39'13"W	34°42'39"
EC3	15.15	25.00	14.91	S52°39'13"E	34°42'39"
EC4	9.02	15.00	8.88	S52°31'23"E	34°26'59"

Line #	Length	Direction
L1	35.01	S36°54'39"W
L2	23.37	S9°01'43"W
L3	45.83	S80°35'24"E

Line #	Length	Direction
E1	10.00	S20°15'07"W
E2	143.12	N69°44'53"W
E3	68.09	N35°17'54"W
E4	1.88	N70°00'33"W
E5	10.00	N19°59'27"E
E6	1.88	S70°00'33"E
E7	68.09	S35°17'54"E
E8	143.12	S69°44'53"E

I, KENNETH M. GREEN, REGISTERED LAND SURVEYOR CERTIFY THAT THIS MAP IS FOR EASEMENT PURPOSES ONLY AND IS INTENDED TO BE ATTACHED TO A DEED. THIS MAP DOES NOT MEET ANY RECORDING REQUIREMENTS AND IS NOT A CERTIFIED BOUNDARY SURVEY. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS DAY OF _____ 2018.

KENNETH M. GREEN, RLS #14529

NOTES:
THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS EITHER RECORDED OR IMPLIED. BOUNDARY INFORMATION TAKEN FROM COMPILED LANCASTER CO. PUBLIC RECORD INFORMATION.

ACCESS EASEMENT MAP TO SERVE BRETAGNE PHASE 7 SUBDIVISION INDIAN LAND TOWNSHIP LANCASTER COUNTY, SOUTH CAROLINA TAX PARCEL ID #0006-00-003.00		2509 JOB NO. 17-3-18 DATE SURVEYED BY R.H. & ASSOC. 1" = 60' SCALE PREPARED BY DC CHECKED BY KMS SHEET 2 OF 2
CURRENT OWNER: ARNOLD E. CARROUTH, TRUSTEE 844 KILBOURNE RD COLUMBIA SC 29205		 R. Joe Harris & Associates, Inc. Engineering & Land Surveying 127 ROCKY HILL DRIVE, SUITE 101, PORT WYLLI, SC Phone: (803) 682-1779
TO SERVE BRETAGNE PHASE 7 SUBDIVISION INDIAN LAND TOWNSHIP LANCASTER COUNTY, SOUTH CAROLINA TAX PARCEL ID #0006-00-003.00		

SECTION 35. Developer agrees to record this Second Amendment with the Lancaster County Register of Deeds within fourteen (14) days of the execution of this Second Amendment.

SECTION 36. (A) Developer and County agree that the County Administrator is authorized to publish an Amended Development Agreement for Bretagne Phase 7 based on the Development Agreement as originally executed and recorded as amended by this Second Amendment (the “Amended Development Agreement Phase 7”). County and Developer agree to cooperate with the execution of the Amended Development Agreement Phase 7. The Amended Development Agreement Phase 7 applies to Phase 7 of the Bretagne development.

(B) Upon execution of this Second Amendment by the parties to it, the Development Agreement applicable to Phase 7 of the Bretagne development consists of the Development Agreement as originally executed and recorded, as amended by this Second Amendment.

SECTION 37. This Second Amendment may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the same instrument.

SECTION 38. This Second Amendment is effective on the Effective Date.

SIGNATURES ON THE FOLLOWING PAGES.

WITNESSES:

STKR Bretagne, LLC,
a South Carolina limited liability company

BY: _____

ITS:
DATE: _____, 2018

STATE OF _____)

PROBATE

COUNTY OF _____)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named STKR Bretagne, LLC, by its duly authorized officer/s sign, seal and as its act and deed deliver the within written instrument and that (s)he with the other witness above subscribed, witnessed the execution thereof.

First Witness Signs Again Here

Seal

SWORN to before me this
____ day of _____, 2018.

Notary Public Signs AS NOTARY
Notary Public for the State of _____
My Commission Expires: _____

SIGNATURE OF THE CARROUTH TRACT OWNER ON THE NEXT PAGE

WITNESSES:

OWNER OF THE CARROUTH TRACT

BY: _____
 Michael D. Carrouth, as Trustee under the
 Will of Arnold Carrouth

DATE: _____, 2018

STATE OF _____)
 _____)
 COUNTY OF _____)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Michael D. Carrouth as Trustee under the Will of Arnold Carrouth is duly authorized to sign, seal and as his act and deed deliver the within written instrument and that (s)he with the other witness above subscribed, witnessed the execution thereof.

 First Witness Signs Again Here

Seal

SWORN to before me this
 ____ day of _____, 2018.

 Notary Public Signs AS NOTARY
 Notary Public for the State of _____
 My Commission Expires: _____

SIGNATURE OF THE PULTE TRACT OWNER ON THE NEXT PAGE

WITNESSES:

OWNER OF THE PEARCE TRACT:

BY:

_____ Robert E. Pearce

ITS:

DATE: _____, 2018

BY:

_____ Susan J. Pearce

DATE: _____, 2018

STATE OF _____)

COUNTY OF _____)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Robert E. Pearce and Susan J. Pearce, sign, seal and as their act and deed deliver the within written instrument and that (s)he with the other witness above subscribed, witnessed the execution thereof.

_____ First Witness Signs Again Here

Seal

SWORN to before me this _____ day of _____, 2018.

Notary Public Signs AS NOTARY
Notary Public for the State of _____
My Commission Expires: _____

COUNTY SIGNATURES FOLLOW ON NEXT PAGE.

STATE OF SOUTH CAROLINA

)

COUNTY OF LANCASTER

)

)

ORDINANCE NO. 2018-1552

~~Indicates Matter Stricken~~

Indicates New Matter

AN ORDINANCE

TO AMEND ORDINANCE NO. 2018-1515, RELATING TO THE APPROPRIATION OF FUNDS AND THE APPROVAL OF A DETAILED BUDGET FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019 (FY 2018-2019), TO FURTHER PROVIDE FOR REVENUES AND EXPENDITURES DURING THE FISCAL YEAR; AND TO PROVIDE FOR MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Appropriations; Detailed Budget.

(a) Section 2. of Ordinance No. 2018-1515 is amended to read:

/A. Subject to the terms and conditions of this ordinance, the sums of money set forth below, if so much is necessary, are appropriated from the General Fund of the County and other applicable funds as specified, to meet the ordinary expenses, including debt service, of county government for the fiscal year beginning July 1, 2018 and ending June 30, 2019 (FY 2018-2019):

APPROPRIATIONS	AMOUNT
Airport Fund	340,283
Capital Improvement Fund	1,886,832
Capital Project Sales Tax 2	18,585,330
	<u>18,676,735</u>
County Debt	6,881,950
County Transportation Committee Fund	2,950,000
Court Mandated Security	1,420,170
Development Agreement Fund	1,749,693
E-911 Fund	1,008,748
General Fund	52,796,115
	<u>53,994,370</u>
Hospitality Tax Fund	950,000
Indian Land Fire Protection District Fund	737,000
Local Accommodations Tax Fund	55,000
Pleasant Valley Fire Protection District Fund	738,228
Recreation Fund	2,419,716
Victims Services Fund	96,000
State Accommodations Tax Fund	218,704
Stormwater Fund	1,141,450
	<u>1,176,450</u>
Sunday Alcohol Sales Tax Fund	7,000

(b) The County Administrator is authorized to adjust the detailed operating budget for the County, as contained in the Annual Financial Plan, as previously approved by Council in Section 2A) of Ordinance No. 2018-1515, for the following items:

General Fund		Revenue	Expense
	Supplemental Revenue-Reimbursement from Lancaster County School District	\$351,590	
	Additional School Resource Officers' salaries, benefits, and vehicle operations		351,590
	Supplemental Revenue- Fund Balance	\$1,198,255	
	Additional School Resource Officers' equipment		61,455
	Barnett Building design and renovations		1,000,000
	Evolve Software		110,000
	Audio and video upgrade for Council Chambers		26,800
Stormwater Fund	Supplemental Revenue- Fund Balance	\$35,000	
	Vehicle for proposed staff		35,000
Capital Projects Sales Tax Fund	Supplemental Revenue-Fund Balance	\$91,405	
	Handheld analyzer, ductless fume hood, high security storage		91,405

Section 4. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 5. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 6. Effective Date.

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	November 12, 2018	Passed 5-0
Second Reading:	November 26, 2018	Passed 7-0
Public Hearing:	December 10, 2018	
Third Reading:	December 10, 2018	

Approved as to form:

County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

The Lancaster News

701 North White Street
 PO Box 640
 Lancaster, SC 29721
 803-283-1133

PUBLIC HEARING NOTICE

Fiscal Year 2018-2019 LANCASTER COUNTY BUDGET

The County of Lancaster will hold a public hearing on **Monday, December 10, 2018** at 6:00pm in County Council Chambers, County Office Building, 101 N. Main St., 2nd floor, Lancaster, SC, for the purpose of obtaining written and oral comments from the public concerning the adoption of an Ordinance amending the Fiscal Year 2018-2019 County Budget.

ORDINANCE 2018-1552 TO AMEND ORDINANCE 2018-1515

TO MAKE SUPPLEMENTAL APPROPRIATIONS FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019 (FY2018-2019); TO SPECIFY THE SOURCE OF FUNDS FOR THE SUPPLEMENTAL APPROPRIATIONS:

General Fund		Revenue	Expense
	Supplemental Revenue-Reimbursement from Lancaster County School District	\$351,590	
	Additional School Resource Officers' salaries, benefits, and vehicle operations		351,590
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	Barnett Building design and renovations		1,000,000
	Evolve Software		110,000
	Audio and video upgrade for		26,800

hommcoming
 Lion of Judah Next Level Ministry, 400 W. Barr St, Lancaster, will host hommcoming services at 9 a.m. Nov. 25. Pastor Sharon Blair Min-go will speak.

Upcoming
 One Step is for those interested in recovering from depression, substance abuse and other types of addiction, abuse, PTSD and anger.

Pancakes with Santa Dec. 15
 p.m. Dec. 14. If you are unable to attend but would like to make a donation, call (843) 337-3608 or (704) 763-1589.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of November 23, 2018.

Benita G. Gault
 Notary Public of South Carolina

My Commission Expires
 January 13, 2021

The Lancaster News

701 North White Street
 PO Box 640
 Lancaster, SC 29721
 803-283-1133

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	Handheld analyzer, ductless fume hood, high security storage		91,405

published in The Lancaster

At the time and place fixed for said public hearing, all interested persons who appear will be given an opportunity to express their views for or against this ordinance. Persons requiring special arrangements to attend this meeting due to a physical disability should contact the Administrator's office at 285-1565 at least 24 hours in advance.



Notary Public of South Carolina

My Commission Expires
 January 13, 2021

Project Overview – November 2018

1.) Animal Shelter:

Final bids were received on November 20th. Two (2) bids were received; official bid tab was posted as follows: Southern Builders (low bid) at \$2,992,944, and Southside Constructors at \$3,295,500. Bid totals are for construction and site only, additional funding must be considered for professional fees, inspections, and equipment costs. In addition to bid phase completion, County TRC has approved full animal shelter site design. Construction plans have been submitted to County Building Department for review/permitting—expected schedule for permitting review is four (4) weeks. Projected construction completion date targeted for late Q4 2019. With Council's consent to release project funding reflecting lowest responsive bid and void of any subsequent bid protest scheduled completion date remains as estimated.

2.) Fleet Maintenance Garage:

Majority County Council vote received on November 26th, 2018 to appropriate release of total project budget consisting of \$2.75M for all-in program of new Fleet Maintenance Garage; cost to include site work, construction, equipment costs, owner's expenses, and architectural/civil fees. Subsequent conference call conducted with POND to scale back programming deliverables accordingly. Design meeting scheduled (date TBD: December) to revise schematics and scope. Design development and plan revisions along with additional cost estimating to follow.

3.) Library System:

Initial schematic design meeting conducted with architectural firm, MPS, as well as County Library operations staff. Reviewed first pass floor plan and workflow layouts for both Del Webb and Main, both sites reflective of previous programming/feasibility findings. Site survey completed for Main branch with Del Webb and Kershaw (Wells Fargo) to follow. Wells Fargo location has been visited and tentatively reviewed by MPS and site engineers—full acquisition has not yet been completed, so precise design studies have not yet been compiled. Once building exchange has been agreed to by Wells Fargo and County/Town of Kershaw, professional design team and engineers will conduct due diligence evaluations of facility as it relates to remodeling and renovation purposes. It is understood that any acquisition costs for Wells Fargo location will not be supplied via the Library System budget for this project. Library Board meeting was also held on November 27th to review progress and findings.

4.) EMS HQ:

Architectural firm, Moseley Architects, is nearing completion of Design Development phase of project. Latest project cost estimates reflective of nearly completed essential functions plan received just above \$2M, based on square footage and current marketplace estimating. Total project estimates reviewed with Public Safety and Admin Committees; in best efforts for cost control measures, bid will be divided into multiple add-alternates to allow for better versatility of potential project investment. Once bid, project to remain advertised for four (4) weeks. Renovation completion schedule is TBD, based on bid response and potential add/deduct for bid alternates list.

5.) Barnett Medical Building:

Installation of new roof system via emergency procurement completed subsequent to hurricane induced water damages at Barnett Medical Building has been completed. Mold remediation hygienist has completed 12-phase testing and will compile a remediation plan to be publicly bid. Subsequently, abatement contractor to be solicited to eradicate mold formations from moisture accruals due to associated roof complications. Two on-site meetings also held with State officials from DHEC to apportion Barnett Medical Building between County and DHEC staffing levels. Once final floor plan has been agreed upon and established, potential design consultant and/or GC will be solicited for retrofit and renovations. County has requested letter from DHEC confirming funding split for renovations and retrofit: anticipatory 50%/50% renovation split and 100% coverage by DHEC for data/phone (on their portions of the design).

6.) EMS Substation 4/9 – Old Bailes Rd.

Site work/civil engineering proposal signed with ADC Engineering. Site survey to be conducted ASAP, allowing for subsequent stakeholder's meeting to be conducted to discuss site and design prep. Two (2) competitive proposals have been secured for design drawings/bridge documents—awaiting timeline from civil engineering firm before executing documentation for architectural requirements. County Stormwater Engineer has provided necessary plat images to assist with site design elements, e.g., runoff, erosion control, topography, etc. Project estimates and timeline to be provided ASAP, once scope has been more accurately defined and reviewed.

MEETINGS & FUNCTIONS – 2018

DAY/DATE	TIME	FUNCTION/LOCATION
Monday, December 10, 2018	6:00 p.m.	Council Meeting Council Chambers, Administration Building
Tuesday, December 11, 2018	3:00 p.m.	Infrastructure & Regulation (I&R) Committee Council Conference Room, Administration Building
Tuesday, December 11, 2018	5:00 p.m.	Public Safety Committee Meeting Council Conference Room, Administration Building
Thursday, December 13, 2018	3:30 p.m.	Administration Committee Meeting Council Conference Room, Administration Building

LANCASTER COUNTY STANDING MEETINGS

The Tuesday following 1 st Council meeting (most of the time it is the 2 nd Tuesday)	5:00 p.m.	Public Safety Committee
The Tuesday following the 1 st Council meeting (most of the time it is the 2 nd Tuesday)	3:00 p.m.	Infrastructure and Regulation Committee
The Thursday following the 1 st Council meeting (most of the time it is the 2 nd Thursday)	6:00 p.m.	Administration Committee
1 st Thursday of each month	7:00 p.m.	Fire Commission, Covenant Street EOC Building
1 st Tuesday of each month	6:00 p.m.	Zoning Appeals Board, County Council Chambers
2 nd Tuesday of each month	6:30 p.m.	Recreation Commission, 260 S. Plantation
Last Tuesday of each month (Every other month – Beginning with Feb.)	6:00 p.m.	Library Board, Carolinian Room, Library
2 nd Wed (Jan/March/May/July/Sept/Nov)	11:45 a.m.	Health & Wellness Comm., various locations
2 nd Tuesday	6:00 p.m.	Historical Commission, Historic Courthouse
3 rd Thursday of each month	6:30 p.m.	Community Relations Commission, Marine Corps League Lodge
1 st Thursday of each month	5:00 p.m.	Planning Commission work session, County Council Chambers
3 rd Tuesday of each month	6:00 p.m.	Planning Commission, County Council Chambers