

Chester County Zoning Board of Appeals Minutes of March 14, 2023

The March 14, 2023, meeting of the Chester County Zoning Board of Appeals was held at 6:00 pm in Council Chambers at the R. Carlisle Roddey Government Building in Chester, SC.

Notice of Meeting: Notice of time, date, place, and agenda for this meeting were posted in the County Office Government Complex, Chester County Court House and published in the February 22, 2023, issue of the Chester News & Reporter. All properties listed on the agenda were properly posted.

Quorum Established: Chairman Mickey Walley, Vice Chairman Melvin Jackson, Commissioners Mike McBrayer, Wallace Hayes, and Scott Thomas were present. Commissioner Katie Fischer was present but unable to vote due to training required.

Absent: Commissioner Ella Gore Spann was absent with no prior notification given.

Staff: Director Mike Levister and Jaime Chappell present. County Attorney Joanie Winters present but arriving late with prior notification.

Call to Order: Chairman Walley called the meeting to order.

Approval of Agenda: Chairman Walley asked if there were any additions or amendments to the agenda as presented by staff. Staff provided a Revised Agenda prior to the meeting. Commissioner McBrayer made the motion to approve the agenda as presented; seconded by Commissioner Hayes. Vote was 5-0 to approve.

Approval of Prior Minutes: Chairman Walley asked if there were any additions or amendments to the minutes of the September 13, 2022, meeting as presented by staff. There were none. Chairman Walley made the motion to approve the minutes as presented; seconded by Commissioner Thomas. Vote was 5-0 to approve.

Approval of Prior Minutes: Chairman Walley asked if there were any additions or amendments to the minutes of the December 13, 2022, meeting as presented by staff. Planning Director Mike Levister said the December 13, 2022, minutes I'll have to use my authority as the zoning administrator to approve these minutes because we didn't have a quorum and we had to cancel the meeting.

Election of New Chairman: Chairman Walley made a motion to elect Mike McBrayer as Chairman; seconded by Commissioner Thomas. Vote was 5-0 to elect Mike McBrayer.

Election of Vice Chairman: Commissioner McBrayer made a motion to elect Melvin Jackson as Vice Chairman, Commissioner Jackson politely declined the nomination, and motioned to elect Commissioner Hayes as Vice Chairman; seconded by Commissioner McBrayer. Vote was 5-0 to elect Wallace Hayes as Vice Chairman.

New Business – Applicant’s Request

Reference: CCSE23-01

Applicant: Luck Companies

Request: Chapter 4 District Regulations § 4-123

ID-3 General Industrial District Regulations: Special Exception: Mining

Tax Map #: 089-00-00-025-000

Address: Lancaster Hwy, Chester, SC 29706

My name is Ben Thompson. I'm here on behalf of Luck Companies who is the applicant, also here with my fellow associates and friends and representing Luck Companies, the Luck family. We do have a presentation. So, I don't know if you all want to follow along with the presentation or not, but I was going to kind of click through it. I do know this has been quite a journey. So, there's a lot of information that's already been out there about our project. I'm going to try to abbreviate that as much as possible. If you do find me getting long winded just give me one of these hurry ups signs. I won't be offended. So, Luck Companies just in general. It's a family owned and operated company been around for 100 years. Started roughly during the Great Depression and we've been fortunate enough to remain a family owned and operated company through that whole period. I used the word journey a little earlier. This has been a journey. We started this conversation in 2017. We became active within Chester County in 2018. And we've kind of progressed through that point with due diligence regulators, many community conversations to ultimately end up where we are today. Part of that journey was we received the state mining permit in roughly 2020. And from that point, we headed into County conversations from a governmental level. We have been very active with the community whether it was open houses direct mailers, countless one on one conversations. Unfortunately, we all got to experience the global pandemic of COVID. So, we stopped at the planning commission level our previous time. One of the reasons that we stopped was recognizing that there were still a lot of misinformation, a lot of education that we needed to do and also recognizing we had more to learn about community interests. While we had many conversations, we heard multiple new things right around our filing date. So, we took a step back, we engaged in those conversations over the previous two years, kind of bringing us current. So, on the right hand side of the screen, you'll see a lot of words that came out in those conversations. And these are important conversations from two perspectives. One is that at the heart of who we are as a company, it's all about people. So, with that, the community itself, the company, and intentions and then the opportunity for collaboration is key within there. So that part of the conversation we do feel has been incorporated at this point. We have been through planning commission, we've been through Council, and now we sit before you all this evening with the vote for on a special exception. So, our ask in kind of short terms, so we've achieved our rezoning. We received approval in a business park and retail center. We received approval on a downzoning of an industrial piece of property to an agricultural status to create some additional buffer. And here tonight we have many conditions attached to a special exception for a quarry that kind of went through planning commission and council. But there's also a request to approve as attached conditions from the rezoning to the special exception community fund which is roughly 1% of our revenue up to a threshold that will then be put back into the company. We really have three channels of giving within our company. We have the foundation; we have our local site specific and then we have we have something of this nature. This is a first for our company. So, it's kind of a cool experiment and yet another opportunity to give within the community. We also have the trail system that we would need bless tonight, roughly 1.39 miles of trail along Rocky Creek that we recognize from feedback. There was a lot of questions about what's the current status of Rocky Creek from ecosystem standpoint. Also received a lot of comments about not enough passive recreation within the county. Certainly, there's great massive project going over in Great Falls. But we felt like this was an opportunity both to provide visibility to the creek as well as bringing that creek channel back to life a little bit in the area that that our property is and provide something that's a little closer to the town of Chester. This journey started with us simply looking for land. So, we reached

out to economic development, had many conversations. We looked in one of the misnomers about the project like ours is the rock is just prevalent and you can go anywhere. We went to 12 sites and walked away from 12 sites for any number of reasons. One of those reasons is simply the rock was too deep, some water quality concerns associated with the rock. Other things like environmental encumbrances, there are too many creeks on the property, and we didn't want to disturb creeks. It didn't enter into a road that we felt suitable and sizeable like Highway 9, which our projects located on. And so ultimately, we found ourselves at the property that is before you this evening. After about a year and a half of due diligence we had a state conversation and received our state approvals, which is erosion and sediment control mining permit. We received concurrence from SCDOT. We also applied for our federal permits with the Army Corps of Engineers, all of those were approved. And then we had the pause, learned a little bit more, broadened our application, and then planning commission and council. What you'll see on our diagram is that all of this has been out in the open. All of this has been with community feedback. And so, we've kept that at the forefront which is consistent with who we are as a company. So, the project itself, and you'll see some distracting pieces, but I want to talk about it as a whole. So, starting from the western side, the left-hand side, there is a government property donation that could be used for any number of services or satellites. There's a there's a business park portion which is the area you see in orange there. The frontage in front of that orange on Highway 9 is retail, commercial, and office. And then as you the dividing point is rocky Creek. And as you move to the east that's the ID-3 property and it kind of exists as an L and it's everything inside that yellow outline. What we did within the ID-3 area is we removed basically all the uses. The only reason to apply for ID-3 from our perspective was to achieve it for free. And so, there was a lot of fear factor of what if it's zoned ID-3 and a quarry never comes to fruition. That would open up any number of uses. So, we removed through conversation and negotiation with counsel, we made sure to remove all those uses so that we could speak explicitly to our desire, which is to have a mining operation there. The blue area itself is the pit and it's broken into three phases. Each one of those phases on the right-hand side or the eastern side. Adjacent to Boise Cascade is roughly at 20 years of life. And as we move through it, ultimately the site itself could operate somewhere in the neighborhood of 70 years. And I say the neighborhood as a range simply because market demand is a big part of the life of the site. There is a tremendous opportunity posed to life of site where in and you may have heard stories or seen operations, we have in the past either done a recreational site layout or we have a reservoir in Northern Virginia that works with quasi jurisdictional water intake and feeds into the system itself. North of the railroad and so to have the identifying lines on the south side, that's Highway 9, Lancaster highway. On the north side, you'll see a straight line which is the CSX rail line mainline. Just north of that, and this part kind of goes to community feedback. Just north of that is a property that is there in green that was zoned industrial that we have now down zone to agriculture. So, one of the conversations with community was well it seems like industrial continues to come down Highway 9. That's very true. The real concern there though, was associated with having an industrial butting a neighborhood to which we shared. Hey, do you realize there's an industrial industrially zoned property? It's a little shy of 100 acres that its primary access is through the middle of the neighborhood. So, if that were to be developed, it would be an industrial property. This worked pretty well, and we'll talk about this a bit. But we were already doing a lot of work with the schools, whether it was career readiness days, whether it was values-based leadership, education classes, Teacher Appreciation, we didn't really have an identified use for that piece of property. We just felt like it was a nice buffer. We have subsequently come in because the gentleman in our company had the idea about well what if you use that property to partner with the schools and we could have a program associated with FFA and or a revenue stream for the schools that could go to supporting scholarships or continued programs. So really cool idea that true to nature as you know as getting community feedback, we feel like really benefited the application. The front edge moving back to highway nine, the green front edge there those two lighter shaded areas. Those are economic development. areas. The other green itself all exists in berm and buffer. Just some general examples I spoke about those categories of general commercial business park core facilities. Our company does have multiple business units one is a one of the ecosystems businesses that's focused on bringing streams back to life with stream bed restoration projects shoreline stabilization projects. So that would be the

trail component that's not addressed there but built several business parks and really co locating uses is kind of a nice way for us to one demonstrate the comfort in being associated and surrounding development. Also, it's a great way to bring community into the equation because you can do market analysis about the needs of counties and communities. So, in total 1.39 Miles of trail, 15.8 acres of Gosh, my eyes are too bad you all might have to help me, the donation property 53% of this overall property project will be an open space. From a county comprehensive plan standpoint, the top left corner, it was the zoning that was in place prior to us receiving unanimous approval Planning Commission and council. Which you see on the larger space that hatched area. That is the property in question tonight for a special exemption and the reason it shows up in three places on your agenda is it's a portion of properties of which we will have to subdivide where we have a condition. So immediately following this, if so blessed. We would subdivide the property to align very specifically to the zoning lines. The ordinance itself for the County. So, in addition to all the conditions we have there are four requirements of the county code. One is all applicable state and federal regulations are met. So, as you can see on this sheet, we have received all these approvals, including State Historic Preservation Office, through the endangered species. The next requirement within the code is structures the minimum of 500 feet of property lines. As you can see from our layout, we have achieved that. The third is conditions imposed. Those conditions were fully vetted at planning commission council with a fair amount of negotiation. We came in with a lot of conditions there were tweaks and there were requested additions and then these are the categories and I know you all received a packet with all of those but addresses everything from hours of operation to any issue that that might be a question mark from a general citizen or elected official or appointed official. And the last is compatible with the district. Which Planning Commission did agree that the Comprehensive Plan was addressed within our application. So, I'll close it out right now. What we're here asking you to do is agree with the state. From a use standpoint, with the use of all the conditions. We're asking you to acknowledge that we have gained blessing associated with the comprehensive plan. And we are asking for the special exception approval, as well as the three I mentioned around trail in the community fund. Again, I'll leave this on the screen because this is our project but appreciate your time and consideration this evening. If you do have any questions, I would love to answer those.

Chairman Walley asked if this information can be used for the next two requests on the agenda?

Mr. Thompson answered you are correct. One presentation is all I need and sure that's all you wanted from me.

Chairman Walley asked if there were anyone wanting to speak against this project? Please come to the podium and state your name and address.

Thank you, Mr. Chairman. I'm Joanna Angle. I live at 2762 Blaney Road and Lewis Turnout and I'm here to remind you of two laws. The first is our zoning ordinance. It is a law. It is not suggestions. Excuse me, and its directives are not optional. If we looked on page 20, of our zoning ordinance, we would see a definition for ID-3 districts, which Luck Stone at the moment has. ID-3 districts are intended for heavy industrial manufacturing and processing uses. And this is important, in areas isolated, isolated from residential, rural and agricultural districts. Now you have in front of you an aerial photograph, do you see it the big map? They have them, right? That's exactly right. Please look at that. Looking at that, you can plainly see that this proposed quarry site is far from isolated there are over 200 established homes for schools including the largest elementary complex in South Carolina, two churches, the golf course, the Senior Center, all within a one-and-a-half-mile radius of this quarry. Now, I believe that any reasonable person would understand that a quarry does not belong here. It does not fit. It is totally incompatible with other things that are there and have been there. The second law we want to talk about is in the Bible. Let me read you from Matthew 22:34 to 40. Hearing that Jesus had silenced the Sadducees, the Pharisees got together. One of them an expert in the law, tested him with this question. Teacher, which is the greatest commandment in the law. Jesus replied, Love the Lord your God with all your heart with

all your soul, and with all your mind. This is the first and greatest commandment and the second is like it. Love your neighbor as yourself. All the law and prophets Hang On these two commandments. And I believe that the people who live in Craigbrow and Quail Hollow are our neighbors, yours, and mine. Now mining requires a special exception because it is a nasty, dirty, polluting, water wasting and very loud business that none of you, not one of you would want near your homes. So tonight, as you vote on this special exception, I beg you to remember Jesus's commandment. Love your neighbors as yourself, protect their homes. Thank you.

Good evening. My name is Dan Huntsinger and I live at 918 Craigbrow Circle. And just to reinforce what Joanna has said about close proximity, I went and visited the Kershaw plant that Luck Stone runs, and I went probably half a mile away a quarter three quarters of a mile away and visited two people who live nearby. And they said once a week when they do the explosions it shakes their house when gentleman even thought it was cracking his floor. So, my question to you if you lived in our neighborhood would you be okay with just telling me OKAY, we're doing this for Chester to grow or whatever. But it's okay that your house shakes when they do explosions. If you think that's okay. As Joanna says, I don't know we're neighbors. If you live there and you asked me if that's okay, I would say no. Thank you.

Debbie Parsons stated that she lives at 1051 Craigbrow Circle in Chester. I assume that you all have read the minutes from previous meetings where lots of in-depth information has been given. So really, I'm here to do what your name says I'm here to appeal to you, to appeal to you to think about us. People who are your neighbors, who are your friends. We were concerned about the noise level, our water, our air quality. We're concerned about increased traffic on Highway 9. But if we look at the ID-3 designation, even with the rezoning that Luck has asked for, it goes against. They've got areas that are rural and agricultural right there in the area where they're putting an ID-3 area. So, we would hope that you would take a look at that and not just in our neighborhood. Another concern to think about is that neither the state nor the county agencies really have the manpower to enforce some of the conditions that have been established for air, water, and noise, for example. And so, violations could occur without the appropriate oversight, because we just don't have the manpower. And one other thing for you to consider is that history has shown that with any kind of industry or mining operation, clean up after the fact is a lot more expensive than what goes on prior to. So, you have the opportunity to think about what if things go wrong? What if these neighborhoods are harmed? What if our environment is harmed? Who's going to be left holding the bag when they're long gone to clean all this up? And that would be the taxpayers of Chester County. So, we ask that you would think about those factors. And I mentioned previously, and I will mention again. I am a breast cancer survivor. Once you've had cancer, it changes your perspective on lots of things. I do believe that there are byproducts of a mining operation that produce hazardous materials that are carcinogenic. We according to DHEC, Chester County are number two in the state for instances of all types of cancer. I've been through it. I don't wish it on anyone. It was a journey that I'm so sorry that the Lord sent me on, but I believe it's made me stronger. But I don't want anyone else to have to deal with that in the future. So please consider all these issues before you make a decision this evening. Thank you.

George Sweet at 2528 Rodman Rd. We moved here 72 years ago. Love this county. It's small and we're vulnerable to large corporations. That come in and make lots of promises and lots of attorneys and public relations men. The wisdom of our county was to designate that ID-2 or less. They described what ID-3 was and Miss Angle gave a good definition of that. And so, what's happened here with the influence of Luck Stone is that our county council has ceded to their request and allowed this to be rezoned. My question is why? What's the upside here? We know what the downside is. You've heard plenty of that silica dust. Just any old kind of dust it'll be dirty in that area. It'll not do much for the county for itself image as you'd come into town to run up against the rock quarry. Mixing gravel trucks with school buses from just down the road at the elementary school. Those are some of I haven't even touched on all of the downsides, the possible pollution, the lowering of

the water table, from a 200 to 300-foot hole in the ground, which we don't need. Certainly not there. What are the upsides? Maybe 24 People get the job. That's all I saw, all the other pretty things that they garnish their presentation with. Those aren't guarantees, and those aren't the normal operations of a rock quarry. Those are things that were done to entice people that had some say in this mattered to a seed to the ID-3 designation. But our original fathers here who put together the zoning ordinances didn't see it that way. They said that something like this should be isolated. And that's not isolated. And it is not a good candidate for this. And I see no reason no, no compelling reason why it should have ever been re designated. People build their homes. We build schools with the understanding that there is no ID-3 there. And now all of a sudden there is no I think that's wrong. Thank you.

Don Foster stated he lives at Craighbrow. I'd like to make a correction. First. Ben Thompson said he talk to community, but he had taught anybody from Craighbrow or Quail Hollow. Nobody's seen him for two years till he showed up back here. I'd like to make that clear. I lived there now for 32 years. Five years before I retired, I put vinyl siding on my house because I didn't want to paint it no more. I didn't know more fixed retired two years before I retired, I'll put a new heat mare and don't work the whole nine yards. One year before I retired, I put in a new hot water heater and a new bladder for my well. And six months before I retired up put our brand-new roof on my house I said I'm set ready to retire. And here comes Luck Stone. Luck Stone brings three things to Chester County. Money, destruction, and misery. Luck Stone will get the money. Chester County we'll get some money. But Quail Hollow and Craighbrow will get the destruction and the misery from it. I had plans for retirement. I have been retired. It has been nicely with a nice quiet neighborhood with little to no crime whatsoever. It has been nice. But now you're going to upset my retirement and that that doesn't matter that much because you don't know me. But what if your son or daughter lived over or your grandparents or your grandchildren lived over there? You would you put them in that? Would you say that's okay. Would you talk to all the people that's retired in Craighbrow that's okay. You got to live like that. And let me tell you how you're going to live. You go sit in your home like a prison with your windows down to keep the dust and the noise out of your home. You're going to worry about your well if it gets contaminated or dried up and you add the prize and you get to walk around your house once a month to see if Luck Stone has damaged the foundation of your home. And it's just like county council and I'll tell you I'll take the decision that you make determines who you truly are and what you care about. Do you care about the citizens of Chester County? Or you care about Luck Stone money? Thank you, sir.

Good evening. My name is Nettie Archie, I live at 557 Sunrise Boulevard here in Chester. Luck Stone, I started with this venture with Joanne Angle back in 2018. And at that time, which brought together all the facts that we could concerning the company, and I think we did a really good job. Luck Stone presented their side, and we present an hours and at that time, county council saw the light it was voted down. Well, we come back here now, what three years later, and Luck Stone is back. But all that I've read, I haven't seen anything that has made me change my mind. And just let me tell you a couple of things. First of all, when I found out the proximity of the company and the school system, when I say it's a school with a complex over there, and then the college is everything that's going to be Luck Stone is like in the middle of it. That was something I could not I just could not accept that. We are here to protect our children. I have no children in the school system, but almost look out for them. Their health and safety are paramount to me. Now, I cannot understand our county council haven't voted the way they did. Because too everyone I've spoken with is not in agreement in this company come to this town. And we're talking about jobs for Chester. Right now, Chester needs employees because they're here. They're in darn need of employees and this company is coming. They're not even going to have that much of a workforce. So again, I don't understand all this taken place and why. Okay when the citizens do not want it. But yet again county council voted and as far as I'm concerned, and other people feel the same way. When you are a council person, you've been voted into office, and then you are supposed to look out for your constituency. But again, it seemed like what we want was totally ignored. And there was a gentleman spoke about the blasting.

I'm here to tell you that it's exactly what I've experienced in the town where I have a house. Over 20 years. I can show you I email pitches online boom. The blasting all around there scenes. Where you know the cracks in the walls. Even the found data what the sidewalk or driveway, whatever, there's cracks. You're constantly repairing it. And when they're blasting the vibration in the house. No, this is a brick home not a frame house. It shakes from the blasting, the dust. Whenever they blast. It is so heavy; you can close it when it doesn't matter. It's still going to enter the dwelling. So again, all this that you've heard. And one last point, Dr. Sam Stone and another doctor sent the letter to the council to be read and their reputation our respects them. They are the physicians, and they deal with our health all the time and I'm sure they're not going to send anything that would become detrimental to them in any way. And they spoke of the bad sides of this mining and especially on the children. So, in your deliberation. Please think about the health and the welfare of our citizens and our future the children. Luck come; be how long they're going to be here. But what we will have to live with for the rest of our life. That's what's important. Thank you.

Chairman Walley stated Thank you and we will move on now to the pros of the situation, but I can't help but make a comment right here. What we're about tonight is about the special exception for mining. The majority of what has been talked about, has already been handled by the planning commission and county council. Everything we just talked about has already been approved. So, this is the last thing is giving them the mining exception that is written into the regulations that is legal. So, I appreciate all y'all have said. But very little of it had to do with this forum.

Jim Fuller stated he lives at 998 Pine View Lakes Road in Chester. I come tonight to reboot what is some of the items that has been said. I'm a former member of the Chester County School Board. When this project first started two or three years ago, all we heard was its gonna rattle the schools, the dust is gonna settle on the schools it was negative, negative, negative. So, at that time the school board voted to not be in favor of the quarry. Mr. Thompson came in to talk to us, gave us some real facts and invited us to go up to actually look at the quarry in production. We did the entire school board went up to Virginia. Picked us up in a van took us to their home office told us briefly what they will doubt the type of company they were their mission as far as getting quarries operating, and then they took us on a little tour. We got back into little van, and they take us into this very nice neighborhood \$600, 000- \$700,000 homes. We were going round the circle real slow in you could look through the windows of the van and you could see the pit out of these people. I don't know my guess is three or 400 yards, something like that back behind their back yard was the open pit and we got to see it. It got me thinking well where's all this shaking going on? If I'm gonna buy a \$600,000 house and well hey up dust and I'm not getting shaken every so often when they blast. We went back so they did an actual blasting for us. We stood on the other side of the pit, and they gave us the way that they use diesel fuel and something else to do the explosion as opposed to doing TNT. And when they set off the charges, they count down from 10 and the charges went off and went boom and a little bit of dust went up and maybe 10 seconds the dust was gone. And that was it. Then the trucks came in started scooping up the stone and they went operation and it was completely opposite as to what we had heard previously. So, with that being said we went and witness we went back to the to the office and they asked questions. And all the questions were what we had heard previously dust, rattling, trucks coming on the highway thrown out to us. When the trucks left the quarry. They're washed down. There's a washing mechanism so like our minute carwash where you drive through, it that washes down to trucks gets rid of all the dust and when it goes out on the highway, there is no dust or rock coming off those trucks. So that was contrary to what we heard. The vibration was not a problem. And I read the special exceptions that they are proposing. And every except I mean every possibility of an exception has been addressed. They have addressed every one of them. And as has been said earlier they are a family-owned company. They're very community oriented. If you notice they've put signs up at football stadiums. You know, I don't know how much they are couple \$300. But let you know that they are involved in our community. They want to be part of our community. And it's a process that we're going to have to go through in Chester County that industry wants to

come here, and we have to make them welcome, and we can't make them welcome by constantly shooting down good industry that wants to locate here. Thank you.

Joe Houston stated he lives on Beltline Road. I'm on the other side of the fence now. I got a friend who lives in Matthews, North Carolina. They have a quarry right in Downtown Matthews across the street from Matthews elementary school, just right across the street. Quarry site blocked by road, blocked by trees, with minimum no dust at all. Controlled blasting and no inconvenience others. And it's a great community business. I've got a picture here of downtown Matthews if any of you want to see it. With quarries like Luck Stone, I run cattle on that property. And I've been dealing with it for a long time. They're great people. They've held their word or everything they've told me and I'm trying to be great to the community. Thank you.

Shelley Price stated that she lives at 3220 Ross Dye Road, Great Falls. I know I don't live here in this area but I'm here representing Grasp. We're a nonprofit in Great Falls, very small that helps needy families. Luck has been a huge supporter of us since they've come into the area not just with money. I mean, obviously they've donated money, they've sponsored events, but they've also when I expressed a need for toiletries or food or anything you know they've always stepped up. I know that it's not just us that they support. I know they support nonprofits all across the county, the school district the chamber. I feel like everyone that I've personally met at look really cares about Chester County and I feel like that they want to be a part of making it better. I realized that not everybody is a supporter, and I don't live in this area. So, I can't speak on that, but I can speak on their community involvement, and I really do believe that they want to do as much as they can to make the whole county better.

Thank you board for giving me an opportunity to speak. I'm Doug Shannon and I live at 1424 Center Rd., Chester, South Carolina. Some of you may know that I'm on the Chester County School District Board of Trustees. Let me begin by saying this is not a voice from the district or from the Board of Trustees. This is from someone who has lived in Chester County for 72 years and wants to see positive things move forward for all of the folks and Chester County. In a conversation several weeks ago with Mr. Ben Thompson, he asked me about considering sharing my thoughts of Luck Stone's corporate vision and contributions to Chester County. I've told him that I would consider it, but I'd first need to research the most recent proposals that Luck had presented and that they any changes that they might have made in the initial question. Now I don't need to present all of that because certainly Mr. Thompson went and did a good job with going forward with that. I believe that there are the concerns of some Chester County citizens at one time and continue to be valid and, and well thought out and well considered. I believe that Luck has listened to these concerns as presented and it's addressed them with additions and proposals that should satisfy them. The initial plan with the additional proposals further seemed to me to provide opportunities for positive growth and development and one of the primary industrial corridors in Chester County. It further seems to me that Luck Stone has sought and continues to seek support for Chester County, Civic, recreation, and aesthetic progress. This company has presented clear proposals for the use and development of this property. Further, they have clearly addressed responsible conditions and controls that will ensure the current and future citizens of Chester County that they will be protected and well served. I feel that in Chester County, we should work for the betterment of all citizens and we need to be willing to work together and in some cases make concessions to each other to reach a desirable in for all. One more thing I'd like to share with you is that I went with Jim Fuller, up to Richmond to see the mine, to see that stuff going on at Luck. Their home office is about a quarter of a mile between eight and a quarter mile from the pit and that when they took us over to see the blasting outlet now let me give you a little bit of background first when I grew up, I went to North Chester school which is now the Head start and I expect through the woods. It's about maybe three miles to the Hanson quarry behind Tom Brown Presley's back in there. And when I was in in the 1950s and they blast up by it which I kept building I think it would we get it we thought it was a sound barrier being broken at first but that was they did things differently now technology has changed when we went out and saw that quarry in

Richmond. It was maybe a quarter of a mile from the other side to where they had the blast. They set up a blast that released 60,000 tons of granite, and like Jim said it made a little boom and you saw a little dust, it didn't shake ground, and it has to do with how the technology has changed. I believe and I concur with the things that Jim said about that plant and others have said and you know, I think that they are good company and will be a good addition for the industrial capacity of this county. Thank you.

Chairman Walley stated that we've been at this for about an hour and we this board have a whole lot more to go through before we get done tonight. So, we appreciate y'all coming. We appreciate you speaking but we're gonna have to move on.

Commissioner McBrayer made the motion to approve as presented; seconded by Commissioner Thomas. Vote was 5-0 to approve.

Reference: CCSE23-02
Applicant: Luck Companies
Request: Chapter 4 District Regulations § 4-123
ID-3 General Industrial District Regulations: Special Exception: Mining
Tax Map #: 089-00-00-002-000 (174.46 Acres of Parcel)
Address: 1421 Collie Lane, Chester, SC 29706

Vice Chairman Jackson made the motion to approve as presented; seconded by Commissioner Hayes. Vote was 5-0 to approve.

Reference: CCSE23-03
Applicant: Luck Companies
Request: Chapter 4 District Regulations § 4-123
ID-3 General Industrial District Regulations: Special Exception: Mining
Tax Map #: 089-00-00-001-000 (1.01 Acres of Parcel)
Address: 1295 Lancaster Hwy, Chester, SC 29706

Commissioner Thomas made the motion to approve as presented; seconded by Commissioner McBrayer. Vote was 5-0 to approve.

Reference: CCSE23-04
Applicant: Richburg Magnolias, LLC
Request: Chapter 4 District Regulations § 4-123
ID-3 General Industrial District Regulations: Special Exception: Manufacturing
Tax Map #: 135-00-00-012-000
Address: 4375 Lancaster Hwy., Richburg, SC 29729

Sarah White stated good evening and thank you for your time. I'm a principal with global location strategies. We're a site selection firm. We've been assisting the company in their site selection process, so it's been a competitive process across multiple states is still confidential at this time the company has not made their final location decision yet, still working through the due diligence of the finalists locations but we have been working with Chester County and the State of South Carolina for about 11 months now when we first reached out about this project. And so, we've really been collaborative throughout this process. So, the company really wants to be a strong community partner. We've been listening to, you know, the input throughout this process really wants

to be a good neighbor, throughout. And you know, one example would be based on some of the earlier comments. We have been presented a draft sound and light mitigation plan last night to counsel too as well. So again, trying to minimize those impacts to neighbors on that. You know, in the initial planning commission, we heard concerns about traffic on Bryant Corner Road. You'll see in those newer layouts now that traffic is on to Highway Nine on that. So again, trying to listen collaborate, be a good neighbor to those surrounding uses. Additionally, we proactively requested a reverter clause. So again, to minimize the risk for the county that this project does not come to this location. We are requesting a special exception due to our industry code, so 32518 inorganic chemicals. While are in products are not chemicals. We do use chemicals in our process and so we fall on this somewhat catch all industry classification from talking with others and rail providers and stuff that you know the chemicals that we use are very typical to other users along the industrial corridor on Highway Nine. So, you know our products they really go into a variety of industries including pharmaceutical, automotive, building products, and electronics. While the layout is still conceptual, we're requesting a few following variances in order to really maximize efficiencies but really to minimize impacts to wetlands and to deal around some of the natural impediments on the site. So, for the variance number one we're requesting that the non-manufacturing operations really abide by the typical ID-3 setback of 150 feet. So, this would be more of the administrative buildings warehousing electrical power switchyard rail operations, all of those and not the core manufacturing process of the site. And with that, we still plan to leave we've had a lot of discussions around leaving vegetative buffer, all of those to help mitigate even more from noise and sounds. And one thing I'll point out to, most of our process except for a few pieces of equipment are in close to So when talking about some of those impacts is enclosed. The site is over 700 acres, so that allows for some of that buffer but again, in order to minimize impacts to wetlands, we're asking for that variance. The second variance that we are requesting is to be able to allow the some pieces of the process operations to have more of the seven be reduced from the 1000-foot setback to 750 feet. That's shown on the visual you can see that is one little portion. I think it was a green box on one of the layouts. This is really the less intensive part of the process. So, the core of the manufacturing, the more intensive part would still be within that 1000 foot buffer. So again, just looking at that trying to maximize because even though the side is over 700 acres with that 1000-foot setback, the streams, the topography, you know, is really we're looking at 250 acres, which gets limited even more. And so, these variances will allow for, again, less environmental impacts on that. We're not requested requesting a height variance that would again and the tall structure would be in the core of the site it would follow the standard ordinance on that. So, we're working, we want to lead that vegetative screening as well as some other methods that we outlined to you know, really work with the county for the best engineered solution on how to reduce noise and light impacts to neighbors. So, I'll be happy to answer any questions at the appropriate time.

Scott Rice stated he lives at 4627 Betty Dixon Road, Richburg. So close neighbor to the proposed site. My comments pretty basic this evening and mainly is concerned with only one of the three parcels that make up this property and that is tax map # 145-00-00-007-000. That's the portion that borders Bryant Corner Road, which is a residential area and primarily rural road. So, if you look at the map this displayed over here, it would be the western side to the you know furthest away from you. So that section there's no proposed development within that 1000-foot buffer on that plan. So, my request to you is or my question is, I don't think we need the 750 reductions to 750 feet for that portion along Bryant Corner Road it looks like the site plan has plenty of room actually more than 1000 feet, so my request is for you to not grant that 1000-foot setback for that portion along Bryant Corner Road. I do realize there's a small triangular piece that borders highway nine and the variance would be needed there for the warehousing operation. And I'm not opposed to that. So, my concerns the area along Bryant Corner Road that setback. All right. Thank you.

Commissioner McBrayer stated there's not necessarily question but I'm getting mixed signals here about Bryant Corner Road what is the setback proposed for the exception?

Chairman Walley stated they will get to that as they work down the list.

Commissioner McBrayer made the motion to approve as presented; seconded by Commissioner Thomas. Vote was 5-0 to approve.

Reference: CCSE23-05

Applicant: Richburg Magnolias, LLC

Request: Chapter 4 District Regulations § 4-123

ID-3 General Industrial District Regulations: Special Exception: Manufacturing

Tax Map #: 145-00-00-007-000

Address: off Bryant Corner Rd and Lancaster Hwy

Commissioner McBrayer stated this is the one about the 100 feet from 1000 feet, right?

Planning Director Levister stated it will be later on in the agenda but the actual case that we're on right now is CCSE23-05 a request for special exception.

Commissioner McBrayer made the motion to approve as presented; seconded by Vice Chairman Jackson. Vote was 5-0 to approve.

County Attorney Joanie Winters stated Mr. Chairman, I apologize for my tardiness. Can we just make sure, you may have already covered this, but can we make sure that it's reflected in the minutes why Miss Fischer is not voting. If we could reflect that and that she's not eligible yet because she hasn't completed her training. I just want to make sure it's clear in the in the record, so it doesn't look as if she's abstaining or recusing. Okay, thank you. Thank you.

Reference: CCSE23-06

Applicant: Advanced Chester, LLC

Request: Chapter 4 District Regulations § 4-123

ID-3 General Industrial District Regulations: Special Exception: Manufacturing

Tax Map #: 145-00-00-090-000

Address: 510 Juniors Place, Richburg, SC 29729

Commissioner Thomas made the motion to approve as presented; seconded by Commissioner Hayes. Vote was 5-0 to approve.

Reference: CCV23-01

Applicant: Richburg Magnolias, LLC

Request: Chapter 4 District Regulations § 4-123

ID-3 General Industrial District Regulations: Variance: Setback reduced to 750 ft. from 1000 ft.

Tax Map #: 135-00-00-012-000

Address: 4375 Lancaster Hwy., Richburg, SC 29729

Commissioner Thomas made the motion to approve as presented; seconded by Commissioner Hayes. Vote was 5-0 to approve.

Reference: CCV23-02

Applicant: Richburg Magnolias, LLC

Request: Chapter 4 District Regulations § 4-123

ID-3 General Industrial District Regulations: Variance: Setback reduced to 150 ft. from 1000 ft. for non-manufacturing structures and operations.

Tax Map #: 135-00-00-012-000

Address: 4375 Lancaster Hwy., Richburg, SC 29729

Vice Chairman Jackson made the motion to approve as presented; seconded by Commissioner Hayes. Vote was 5-0 to approve.

Reference: CCV23-03

Applicant: Advanced Chester, LLC

Request: Chapter 4 District Regulations § 4-123

ID-3 General Industrial District Regulations: Variance: Setback reduced to 750 ft. from 1000 ft.

Tax Map #: 145-00-00-090-000

Address: 510 Juniors Place, Richburg, SC 29729

Commissioner McBrayer made the motion to approve as presented; seconded by Vice Chairman Jackson. Vote was 5-0 to approve.

Reference: CCV23-04

Applicant: Advance Chester, LLC

Request: Chapter 4 District Regulations § 4-123

ID-3 General Industrial District Regulations: Variance: Setback reduced to 150 ft. from 1000 ft. for non-manufacturing structures and operations.

Tax Map #: 145-00-00-090-000

Address: 510 Juniors Place, Richburg, SC 29729

Vice Chairman Jackson made the motion to approve as presented; seconded by Commissioner Thomas. Vote was 5-0 to approve.

Reference: CCV23-05

Applicant: Richburg Magnolias, LLC

Request: Chapter 4 District Regulations § 4-123

ID-3 General Industrial District Regulations: Variance: Setback reduced to 150 ft. from 1000 ft. for non-manufacturing structures and operations.

Tax Map #: 145-00-00-007-000

Address: Off Bryant Corner Rd and Lancaster Hwy

Commissioner McBrayer stated he wanted to point out here just in case. It seems like it may have been some confusion. This entire map area ending in 007-000 is on two different parts. One is for non-manufacturing structures is worth reduced 150 from 1000. And that if you look on it, that's where the administrative warehousing was, but specifically administration and my write about that is I just want to clarify this.

Sarah White stated that's correct, it's just admin down in that corner. So that would be non-manufacturing. So that's where that spec building parcel was. So, it's actually a lighter use.

Commissioner McBrayer stated thank you for the clarification.

Commissioner McBrayer made the motion to approve as presented; seconded by Commissioner Thomas. Vote was 5-0 to approve.

Reference: CCV23-06

Applicant: Richburg Magnolias, LLC

Request: Chapter 4 District Regulations § 4-123

ID-3 General Industrial District Regulations: Variance: Setback reduced to 750 ft. from 1000 ft.

Tax Map #: 145-00-00-007-000

Address: off Bryant Corner Rd and Lancaster Hwy.

Commissioner Thomas made the motion to approve as presented; seconded by Commissioner Hayes. Vote was 5-0 to approve.

Comments / Discussion- There was no discussion.

Adjourn- Commissioner Thomas motioned to adjourn, seconded by Commissioner Hayes. Vote 5-0 to adjourn.

Time: 7:28 pm

This is a summary of proceedings at the March 14, 2023, meeting of the Zoning Board of Appeals: and not a verbatim transcript of the meeting. This summary, and an audio recording of the meeting is retained by the Chester County Building & Zoning department, and available if requested. This summary represents the facts of this meeting, not the opinion or interpretation of the Secretary.