

Chester County Zoning Board of Appeals

Minutes of October 09, 2018

The October 09, 2018 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 September 26, 2018 issue of the Chester News & Reporter. All properties listed on the agenda were properly posted.

Quorum Established: Vice Chairman Walley, Commissioners Gilchrist, Hayes, Jackson, and Spann were present.

Absent: Chairman Wylie (Deceased August 5, 2018) and Commissioner Mozingo were absent.

Staff: Director Mike Levister, and Nicole Hutchins

Call to Order: Vice Chairman Walley called the meeting to order at 6:12 P.M.

Moment of Silence: Chairman Mike Wylie served seven years on the Chester County Zoning Board of Appeals. He was appointed in February 2011. He passed away on August 5, 2018. This board had not met since his passing, Vice Chairman Walley called for a moment of silence on his behalf.

Approval of Agenda: Vice Chairman Walley asked if there were any additions or amendments to the Agenda as presented by staff. There were none. Commissioner Gilchrist made the motion to approve the agenda as presented; seconded by Commissioner Hayes Vote was 5-0 to approve.

Welcome the Citizens: Vice Chairman Walley stated it was good to see these many folks from Chester County here, He wanted to welcome everyone when we first started and kind of stumbled through all that. He pointed out the time we have trying to get a quorum and having an active board. One that can be functorial. One that can serve the people and meet the needs of the county. If you're in here tonight and there is not someone sitting up here that is from your councilman's district, would you please talk to your county council member to see if they can appoint someone that can attend these meetings and will take the continuing education and training needed to stay abreast of what we need to do. We would certainly appreciate it. We've just about exhausted all of the avenues of getting it done.

Approval of Prior Minutes: Vice Chairman Walley asked if there were any additions or amendments to the minutes of the June 14, 2018 meeting as presented by staff. There were none. Commissioner Jackson made the motion to approve the minutes as presented; seconded by Commissioner Gilchrist. Vote was 5 to 0 to approve.

New Business:

Reference: CCSE18-03

Applicant: St. Katherine Properties, LLC & Judson Stringfellow

Request: Approval of Special Exception from Chester County's Zoning Ordinance §4-109, RS-1 Single Family Residential District Use; Clustered Single-Family Development

Location: Edgeland Road, Richburg SC 29729

Tax Map #: 124-00-00-048-000

Reference: CCSE18-04

Applicant: St. Katherine Properties, LLC & Judson Stringfellow

Request: Approval of Special Exception from Chester County's Zoning Ordinance §4-109, RS-1 Single Family Residential District Use; Clustered Single-Family Development

Location: Edgeland Road, Richburg SC 29729

Tax Map #: 124-00-00-080-000

Vice Chairman Walley called the applicant to the podium. Before the applicant got started, Vice Chairman Walley stated they were going to tie both of them together. Case number CCSE18-03 invoice number 789, and CCSE18-04 invoice number 789. He asked if Mr. Stringfellow had any objections to this so that we can take care of this with one vote. Mr. Stringfellow said absolutely not, he didn't have any objections to it. It's the same project, it's just two different tax numbers that are adjacent.

The applicant stated his name as Judson Stringfellow, here on behalf of St. Katherine Properties which is the landowner and the petitioner. We're seeking a cluster plan approval for the property of the tax parcel map numbers in front of you. All of one and a portion of the other. Just to make sure that everybody knows what this property is and where it is, Mr. Stringfellow printed out sketch plans which Director Levister passed out to the Commissioners and staff. He stated you may already know what the property is, but he's outlined the property in white. They're tentatively calling the project Richburg Park. As you can see in the aerial, its located directly across the street from the property rezoned for apartments, right off of Lancaster Highway a couple blocks and right near I-77, the Gateway Center, and the new hotel being built. So that's the property that we're talking about.

The site plan that we submitted initially, we submitted one site plan up front, a preliminary plan, prior to making the formal application for the cluster plan and asked that it be reviewed by staff to see if there were any concerns and to make sure that it would meet cluster plan approval proving the cluster plan exception is approved. Mr. Stringfellow had Director Levister pass out handouts on an 11x17 to the commissioners and the staff again. Mr. Stringfellow stated before we applied for this, we wanted to make sure what was being proposed would meet with the ordinance assuming you guys would approve the cluster plan exception. That's the plan that we submitted to staff, submitted through the Planning Department and reviewed by all relevant county staff. They requested a couple minor revisions to it. But in the end, everybody in the county that reviewed it found it to be subject to the final engineering being done that it would meet all relevant regulations and requirements for the zoning.

So, what we're trying to do here tonight is to review whether or not it will meet the RS-1 cluster special exception provisions. And as you probably know, there's just a list of a few things that you guys have to review to make sure it meets that. He's printed that out as well and had Director Levister pass that out to the commissioners and staff. This is printed directly from the ordinance, and number two on that sheet is the Cluster Single Family development criteria. Unlike other areas where this doesn't have to go before a board for a cluster plan, some areas do, some areas don't, your county requires it goes before a board for you guys to confirm that the list of things shown here is included in the plan and meets these requirements.

So, going through the list here first off it says it has to be a minimal of two acres. So, we obviously meet that. This is eighty eight acres.

The density can be more than three dwelling units be acre. This is right at three units per acre so right off the bat those first two are met.

The third item on there says lot requirements per house may be waived. In this case we have a variety of lot sizes and you can see this on your site plan. Along the northern part up here adjacent to Victorian Hills we have minimal seventy-foot-wide lots. These lots are about one hundred and forty-five feet to two hundred feet deep and its

separated by a fifty-foot-wide buffer. That buffer, wherever there's trees there presently, the trees will remain. And where there aren't trees, they will be replaced and replanted with additional trees. The rest of the lots on the interior range between fifty to sixty feet wide and a variety of depths. But, we are asking for, just as the cluster plan provisions allow, various lot sizes in here.

The third item on the list, is zero lot lines or zero interior lot line setbacks maybe allowed. This plan is not requesting zero lot line setbacks. The minimal site setbacks we have in the plans are ten feet sides on the lots adjacent to Victorian Hills and that's the minimal setback. And five feet on the interior lots. And again, that's the minimal set back. Just because that's the minimal setback doesn't mean they're all going to be five feet from the property line or ten feet from the property line. On the lots on the northern end, most of them will be larger size setbacks. That's just the minimum so you can shift houses around based upon topo and different things like that. In addition to that, the standard RS-1 rear setback is twenty feet, which is what we have on the interior lots are all twenty feet. Lots adjacent to Victorian Hills are specified that the minimal rear setback will be double what the minimum requirements for RS-1 is. It will be forty feet. In coupled with that fifty-foot buffer that we're going to have there, which again will be fully treed, the absolute closest any home could be to the rear of any of the lot lines in Victorian Hills will be ninety feet. And of course, many of the homes in Victorian Hills sit back, obviously they don't sit all the way back on the rear of their lots. So, the approximate distance between the rear of the homes and Victorian Hills and any of the homes in here will be about two hundred feet, or even more on some lots, which is obviously even further apart than some of the homes in Victorian Hills are close to each other. Further apart than some of those are adjacent to each other. So as far as the zero-lot line being in here, we're not requesting that. Even though it says it could be waived.

Item number E on the list, letter E, not number E, is the subdivision regulations are met. As I noted earlier, prior to the cluster plan hearing, we submitted a set of plans - a proposed site plan with all the details with topo, with everything, except for the full engineering plans that would be done later. We submitted that to County Planning several months ago and had them review it. They came back with a couple of changes to make. We made those and resubmitted them. And to make sure that what was planned when the clustered was approved would meet all the regulations. And I believe Mike can attest that it was reviewed and found to be meeting or exceeding all subdivision regulations. Director Levister replied, correct. What I'd like to do also is point out as many of you probably know, there was a prior rezoning. I'd like to point out a few things on this and then also in a few minutes point out a few differences between this and the prior rezoning. This has a lot of writing on it because it was used for the sketch plan review for the site plan review. He displayed another map that didn't show so much which the commissioners have a copy of. None of the homes at the entrance will be immediately adjacent to the entrance. None of the lots at the entrance face the entrance road until you get back in here a ways. In addition, along the front of Edgeland Road, there is an HOA maintained buffer, which will be treed and landscaped, and have a professionally designed subdivision entrance signage there. He had another handout of examples of entrance signage which Director Levister passed out to the commissioners and staff. We haven't designed the entrance signage yet but this has some typical things that might be expected. Part of that is that we've got to work out with SCDOT exactly where the turn lanes they need, and the widening that's going to be done along there, and what the site triangles will be and where the signage can go to make sure we meet all the SCDOT standards when the full engineering is done. Again, along the front here will be fully vegetated, trees planted, landscaping and a very attractive entrance monument, so that once that grows in, you're probably not even going to see, or see very little of the homes from Edgeland Road. None of the homes will front Edgeland Road. None of them will front right along the entrance as well. Section 5-302 of your ordinance requires a minimum fifteen percent open space for a cluster open space community. On the map provided, I have colored in green all the open space that's on this property. It totals twenty-seven-point six percent of the land and that's all in HOA maintained common open space area. So, it's almost double what's required in your ordinance for open space. Within that open space is what will be in the center, a centrally located amenity park which will be walking distance from all the homes in the neighborhood, with sidewalks which will make it easier for people to access without having to walk out on

the road. The amenity center will include a good bit of playground and park equipment. You can also see on your drawing there will also be a parking lot area in there as well. Residents of the community can go to their own community park and can either walk or drive. There will be ample parking for that and plenty of places for neighbors to meet and kids to play and people enjoy themselves. There are also, in this plan here, a total of eleven stub streets. Streets that end at adjacent properties. That's done so that in the future when the adjacent property to the South is developed, there will be ample connections for other roads to tie into it so other neighborhoods can mesh into it and provide plenty of access for neighbors to get from one community to the other and to play grounds and to visit their friends and flow from one area to another. So, it enhances safe pedestrian and vehicular access throughout the entire area. Again, back to the entrance, one primary entrance area and a secondary entrance area. The primary entrance area will have a long-divided entry way. There are no homes fronting on any of the divided entry way section of that land so that helps further ensure pedestrian and vehicular safety in that area. And that area will have the most traffic over time, so it's got the most safe area of the whole thing with the divided entry. Going back to our list of things, need to find exist on this site plan.

The next one is adequate provisions for access and traffic safety. Again, I keep repeating myself, but this plan has been reviewed for compliance for applicable regulations by staff prior to us applying for this. It has the two entrance roads on Edgeland Road. The primary being the long divided one I just mentioned. And then there proposes an additional rear connection which was planned and provided for when Victorian Hills was developed. That's in their recorded plat. So, in addition to the two entrances, it has a third access point in the rear. When the full engineering is done, traffic analysis study will have to be done. A traffic impact analysis has to be done in conjunction with SCDOT to determine the amount and length of turn lanes that will be required in here and the length of the widening to be done on the existing road. They'll have to be done in conjunction with this apartment project across the street. SCDOT and the county are going to require those entrances to line up and all the widening in conjunction with each other to ensure that there are sufficient turn lanes and minimum amount of traffic disruption on Edgeland Road. So, all that gets done in the next engineering process after this plan, the cluster approval is done.

The next item on your list of things to find here is public water and sewer available for the property. These homes will be on public water system and sewer system. There won't be any septic tanks. There is a large water line and a large sewer line that run down Edgeland Road. And back in the back will be an area where all the sewer lines will drain to. And a pump station which will be approved again by your county water and sewer authority, will pump the sewer out to the existing line out in Edgeland Road. There's adequate provisions for access and traffic safety and during the process of reviewing this when it was submitted, they verified that there is ample capacity for water and sewer available there as well.

So, the last item on the list here is the use is compatible with this district. Before I can get on with addressing that, as I mentioned earlier, I'd like to note some of the features of this plan and some of the differences between the prior rezoning plan. I think many of you know was applied for a while back and was denied. That included this property as well. That plan was for eight hundred and thirty homes at a density that was closer to four homes per acre. This plan is at three homes per acre and it's for two hundred and ninety-five homes. That's less than half of what the prior rezoning plan was. It's a substantial change in what was planned or proposed before. This property, because of however it was deeded years and years ago, has a long narrow section through the center. The rezoning plan that was presented previously by the building company that was under contract at that time to buy this property, basically they had that whole section through there as one long road with lots on both sides of that road. For some of the fire safety, or some of the emergency responders, they were concerned about that. Having all those homes fronting on that road without any spots for people to turn off or pull off to the side. This plan still has the same property shape, but the road has been revised so that there is a number of side streets off of that. And the number of lots that was fronting on that road has been reduced by seventy from what was on there before. So, it's a substantial reduction in the number of homes that were fronting on that road, and there is

side streets to pull off as well. Again, this was submitted well in advance and reviewed by all the various county departments and there was no concern expressed from the emergency service providers with that. Another change from that prior rezoning plan that was done is that the number of lots that are adjacent to Victorian Hills that were proposed in that prior plan has been greatly reduced as well. And as I mentioned earlier, we've increased the side setbacks on those lots and the rear setbacks, so those homes will occupy less space on each individual lot. There's fewer lots there and they have to be further back. And again, we have a fifty-foot buffer that anywhere there's trees in that buffer will remain and other places that don't have trees will be planted in there. In addition to that, based upon this plan with lower lots per acre the average lot size is now larger than it was before. It's now a little over 7700 square feet. What we tried to do with this plan was to ensure that we addressed all the relevant concerns from that rezoning. Brought it down in size and scope, brought it down in density, and went with a straight cluster provision within your existing RS-1 zoning and tried to keep it a whole lot simpler and smaller and address all the concerns, all the relevant concerns as expressed by staff and many other people as well. Obviously, you can't please everybody with everything. We feel like we've address all the important things that needed to be done, and also tried to comply with the provisions of your Gateway Master Plan, which I'll get into in a minute. Back to the use is compatible with the district, which is the last item on the list, you probably know, districts in this regard does not refer to the council district or any particular geographical area right there. In the zoning ordinance, the district refers to properties that are zoned RS-1. The districts include properties that are near here in this instance that are zoned RS-1. It doesn't apply specifically that council district or that side of town. It's any property that's zoned RS-1. As per your zoning ordinance, RS-1 districts are intended to be residential areas with single family detached homes. That's how your ordinance defines the purpose for RS-1. So, this cluster plan does not purpose any non-conforming use. It doesn't purpose any Daycare Centers or Auto Repair places or anything like that. As RS-1 purpose says, its single family detached. It meets or exceeds all of your cluster plans requirements spelled out within the RS-1 cluster single family development special exception category.

The community will have curb and gutters throughout on all the streets. It will have sidewalks. County sewer. County Water. No septic tanks. There will be substantial buffers along the north side against Victorian Hills. There'll be buffers and landscaping along the entrance with professionally designed entrance signage. Once the trees and everything grow in it'll be esthetically compatible with the adjacent properties. The stuff being developed down the street. Right now, for example, in Victorian Hills there's two nice signs there when you pull in and then there's tress along the front, so you don't see the first home adjacent to the entrance there from the road. This will similarly have trees and everything along there with some nice signage and you won't see the house once it grows in from the road. I don't know for sure what the guys cross the street are doing at the apartment complex, but I believe this will be obviously esthetically compatible with what's there. And again, by having this buffer all along the north side, there's only a small area that doesn't have tress and most of it has trees, but once that grows in, you probably won't even be able to see these houses from the adjacent Victorian Hills Properties.

That's the list that we're required to meet to get the cluster plan special exception. In addition to that, and also importantly this plan is consistent with the approved Gateway master Plan. Mr. Stringfellow had the last handouts of pages of the adopted Gateway Master Plan for Director Levister to pass along to the commissioners and staff. The first sheet shows various land uses proposed in the area. And the area that this property is in yellow which is shown as single family residential. The second page talks about promoting additional housing opportunities. Neighborhoods containing a variety of housing choices and have representation of people with all ages and incomes. A lot of people these days don't want a big yard. They want a small yard where they don't have to take care of as much land mowing and so forth. That holds true for young people all the way up to senior citizens. These homes are planned to be priced from the upper \$100's to the upper \$200's, in a variety of styles and sizes. There'll be some single-story homes and there'll be some two-story homes. There'll be three bedrooms and four-bedroom homes. They will all have garages. The idea is to have a mix and obviously you will have some lots that are larger than others that will have the bigger homes on them. The idea is to provide a bit of variety of housing through out there. And also, to be able to have a price range from the upper \$100's to upper \$200's to provide

people of different income levels to be able to buy a home. The next page after that again talks about potential residential dwellings for singles, couples, retirees, and employees which I think pretty much takes care of the entire population. The last item listed on there is small lot single family. Obviously, the fifty foot lots in here could be considered small by many people's standards, especially in this general area here. And in other areas they are normal size lots. That's also part of your master plan. The last page in here, this says for areas that includes higher densities in housing, an important design to element is gradual step downs for transitions to lower densities in existing neighborhoods and it specially states Cherry Hills and Victorian Hills. The other thing highlighted in here is provide an option for aging residents and young professionals who do not want the upkeep of a larger lot but do desire a single family detached home. Again, I believe, and I wish Karlisa were here to be able to speak to, but I believe what we have here represents exactly what you're asking for in your Master Plan here. You're going to have these apartments over here. We have a hotel, if you want to consider that residential behind there with very high density. You'll have apartments here, and then you'll have the fifty-foot lots. Then you'll have the seventy-foot lots, and the buffer. Then the existing Victorian Hills homes. That provides what you're looking for in this ordinance. A step down in density. You go from very low density, to a little bit higher density, to much higher density going into the multi family. Again, by having the larger lots adjacent to Victorian Hills we're providing the step-down density transition that's stated in there from the one acre and larger. Some of them are two acre lots in Victorian Hills on over to where the new apartment complex will be. And again, all these homes are going to be on county water and county sewer. They'll be no septic tanks. So, we don't need the large lots for septic systems like you need in other neighborhoods like Victorian Hills.

In summary, the plan meets or exceeds all the stated things for your cluster plan with in your RS. Everything in there has been covered. And in addition to that it addressed some of the things stated that you wanted in your Gateway Master Plan. With that, I'd like to wrap up my presentation here. I'd like to have the opportunity, if need be, to answer any questions or comments or address anything. Vice Chairman Walley stated to Mr. Stringfellow, before you open that door, I'd like for you to do that and the board to have the opportunity to ask you questions that they might have.

Vice Chairman Walley said to the citizens that we have a sign-up sheet for the folks that were wanting to speak tonight. We have a lot of folks on here. Most of them can be from one group or another. We're going to allow five speakers tonight. If you are part of a group that group can select a person or two, and you'll have three minutes for your presentation after we're done asking Mr. Stringfellow questions from the board.

Vice Chairman Walley thanked Mr. Stringfellow and told him he did a very good job, very informative. He then asked if anyone from the board had any questions. Commissioner Jackson asked if there would be an HOA in the development? Mr. Stringfellow said yes sir. There will be an HOA. There will be covenants and restrictions that will set standards for the community including minimum size of the home. Upkeeps of the home. Upkeeps of the yard. Everybody in there will be paying HOA dues which will maintain not only the park area but also the other common areas and entrance and so forth. You will be required to be a member of the HOA and pay dues as part of the plan.

County attorney Ms. Winters asked the board to speak into their microphones, so we can capture what you're saying. The HVAC is very loud. Thank you.

Commissioner Jackson then asked if most of these homes will have garages? Mr. Stringfellow said the plan is for them to all have garages. Commissioner Jackson asked single, double? Mr. Stringfellow said there are no plans to have single car garages at the moment. There're all planned to be double car garages but its conceivably possible that some of them can be single car garages.

Commissioner Jackson asked when you do these homes, landscaping will be included? Mr. Stringfellow said they will all be landscaped when they are sold. The covenants and restrictions require the homeowners to keep up the yards and if they don't the HOA can enforce that by stepping in and taking care and fining them. Not that anyone wants to go around fining people or anything like that.

Commissioner Hayes said good evening Mr. Stringfellow. That's a lot of houses. Is that a total of six hundred houses? Mr. Stringfellow said two hundred and ninety-five houses. The prior plan that was permitted for rezoning was eight hundred and thirty. This is far less than half that, two hundred and ninety-five. Obviously, they won't all be built at once. They probably will be built out of a period, if they're selling five homes a month, which is typical for most subdivisions, takes about five years to sell it out.

Commissioner Hayes asked how many entrance ways do you have into the complex? Mr. Stringfellow said there's the two entryways up front and there's the proposed tie in to the back - back there where it shows on the plat for Victorian Hills. This plan is part of Victorian Hills development. Commissioner Hayes asked if the entrance ways on the front would be adjacent to 901? Mr. Stringfellow said they are on Edgeland Road, right. Commissioner Hayes asked and then two on the back? Mr. Stringfellow said one in the back - back there. Mr. Stringfellow said and again, the entrance here, the primary entrance will be coordinated through SCDOT and county planning and engineering. With the apartments going across the street, they'll be widening, turn lanes and so forth put in there so cars going up and down Edgeland road shouldn't have to wait for people to stop and turn in there. There'll be turn lanes for that.

Commissioner Jackson asked the price range for the houses. Mr. Stringfellow said they range from, well we never know what prices will do in the future but based upon current numbers they will be from about \$175-\$180 to \$280-\$290. Commissioner Jackson asked the square footage minimum? Mr. Stringfellow said the minimum square footage is just under 1700 square footage living area up to, there's no maximum limit on it, the plan homes go up to 2900 - 3000 square foot. The average will probably be just a little over 2000 square foot give or take a little.

Vice Chairman Walley asked if anyone had any other questions.

Commissioner Hayes how much space do you have, or how much variance do you have between Victorian Hills and this complex? Mr. Stringfellow said the rear set back on the lots that are adjacent here, if the house is built back all the way against it which highly unlikely, none of the houses will be built that far deep initially, but somebody could add onto their house later on. The rear set back on this is forty feet. You have a fifty-foot buffer there. So, the closest any one, the rear of one home could be to the rear lot line of any of the Victorian Hills lots will be ninety feet. But then most of those homes are another eight, ninety, a hundred feet beyond that, So, the distance the rear of any of the Victorian Hills homes and these would be on the order of one hundred and eighty or two hundred feet or more. And again, there'll be a tree buffer through there. All the trees that are there in that fifty-foot stretch will be left there. Any void places will be filled in. Those trees obviously have to grow a bit but once that's in you won't even see that. And of course, many of the lots in Victorian Hills have trees on their lots on the rear too. So, the idea is that once it's all in and grown up and everything, you won't even see them.

Commissioner Gilchrist asked the eight point seven eight acres, that down here in the corner, in the green, it says subject to future cluster development. Plans for that now? You don't know how far away? Mr. Stringfellow wasn't sure of the location Commissioner Gilchrist was speaking of. Director Levister said the triangle. Mr. Stringfellow said that's just saying, the writing up above it, that means that this is part of this development. There are no plans. Everything that's shown in green, the little lettering COS10, that means common open space area number ten. Everything you see in green will not have homes on it. Commissioner Gilchrist said okay, he was just wondering with just ninety-eight acres and your coming up with twenty seven percent. Mr. Stringfellow said everything

within the darkened line is part of the plan. And all the green areas are non-buildable. We will be building obnoxious putting in some playground equipment in the park area, but the rest of that green area has no buildings on it. And they will be deed restricted and plated. If you approve this the way it's written, no one can ever build on it.

Vice Chairman Walley asked if the board had any more questions. There were none.

Vice Chairman Walley said Victorian Hills seems to be a popular place tonight. Do we have a spokesperson elected for them or two or three? We can allow five different people from the evening, but that's not just from Victorian Hills if there are any other groups. When you come up and get started you have three minutes.

Ms. Winters requested for all speakers to state their name and address for the record since we have so many names on the list. We need this information for the record.

Liz Odom stepped to the podium. She stated that she and her husband live at Victorian Hills at 1235 Grun Augens Dr. We lived there for twenty years. Obviously, I'm here in opposition to the special exception application request before you today involving two parcels of land located on Edgeland Road and owned by St. Katherine Properties, LLC. Just to be clear that special exception application involves about ninety-seven acres. Two hundred and ninety-seven homes on ninety acres. The land that they have eight hundred and forty homes identified before that was two hundred and forty-four acres. There's more land that they are going to be building on. They are just doing this little baby step first as a special exception instead of a planned development district. There are more homes planned and my math shows that there's going to be seven hundred and forty-five homes and two hundred and forty-four acres. Ok, so do not be confused by what they're planning on doing. It sounds very small, and sweet. But it's not. Ok. Right now, today, without a special exception by you, these people can build two hundred and fifty-two homes on these two hundred and forty-four acres. Right now. RS-1. Once acre lots with well and septic. Or, you can have almost a half-acre lot with water and sewer, right now today. Two hundred and fifty-two homes, we have not even done an RS-1 development in Chester County yet. Not one. Ok, so why don't we just do the first one, the right way. RS-1 the way it's already planned and if that's not making them enough money then they just need to go. Ok, it's all about money. That's what this is. I want you to also know that they got a nice little sketch plan but that's nothing. A sketch plan is really just a drawing, Ok. It is not guaranteed. It is a drawing. An idea. A doodle. They are not required to stick to that plan with a special exception. That is a planned development district. That is where they require houses to be this way and that way and these lots and this road and all that stuff. It's very strict. That's a planned development district. They couldn't get that. So now they want to bypass the county council because they are just pest and denied them at the last minute. And they want to go this way because they think y'all won't figure it out. This is complicated stuff that requires a full process. A planning commission. Three readings by the county council. It should not be up to you and quite frankly, I wouldn't want to be voting on something like this tonight, because that's a lot of liability. There are a lot of upset people because we have been very much intune with what's going on. Basically, you're volunteers, and you shouldn't have to make a decision like this. You shouldn't. And to heck with that, you also still live here. And we do too and we're all your neighbors. You probably see us here and there and everywhere. So, here's that again, Phase one, two ninety-five homes on ninety-six point seven acres, Phase two, almost, I'm assuming two ninety-five homes, on ninety-six point seven acres and then they'll complete that whole project. That whole master plan that St. Katherine property owns and have a total of seven hundred and forty-five homes on two hundred and forty-four acres. That is one hundred homes less than what they proposed and were denied. It is still too many houses. And by the way, Victorian Hills no, no, no, no, no there's a legal loophole that they are trying to create and use to their advantage. Victorian Hills has one acre lots. Ok, and we are RS-1. We've been around for a while. We're tax payers. We're your friends. We're your family. We're your neighbors. And we should not suffer the consequences of traffic coming up and down our one road.

Vice Chairman Walley stopped Ms. Odom telling her that her three minutes were up.

Lyle Dickerson stepped to the podium and stated he lives at 3564 Victorian Hills Drive. He thanked the board for listening to what he had to say here. There's really only one entrance. That entrance, right away comes in back by my house. It's only thirty-three feet wide. They did not do their homework. I've got the proof here. The deeds. The first, this property is bought by Gene and Bill Hipp January 31, 1996. They recorded their deed February 2, 1996. Jeff and Mitchell Paige recorded their plat April 1, 1996. Two months after the Paige's sold their property to the Hipps, they went back and changed what they sold to them. You can't do that. Joanie will attest to that. Because the right a way, they gave thirty-three feet of the Hipps property to a proposed right away. Which they couldn't. All they really have is the thirty-three feet right away on that road and Mike I don't believe you can put a road in with thirty-three feet can you? My understanding is its sixty-six feet. So, the recording act covers it because they have two months in between the deeds and the plat being recorded. So, they can't do that. Like we said, these are two tracks. My math says its seven hundred thirty-two, seven hundred forty-five will be going in there. The lots size from what I saw was 50 x 115. Which is less than six thousand square feet. To give you an idea, that's twice the size of this room to put a house in. And that's five feet on either side to walk down. So, you can have the houses ten feet apart. A possible fire can start. Now the larger ones have ten foot off set on each side. You know twenty feet between the homes if they go to their maximum. That's just getting it too close. It's supposed to be compatible with the area. The area, Victorian Hills, have one to two acre lots. Much bigger. This is not really compatible with the neighborhood. If you have a fire back there or a swat situation on the front and somebody has to go to the back with an ambulance, that ambulance will be blocked. Because you won't have a road from Victorian Hills. You've got a potential problem there. County Council voted no on this. I'm just asking that we all voice no on this. And this brings me to the idea we all have children and we've learned this experience. When a child comes to the mother and says I want three candy bars for Christmas, before super, and Mom says no. Then she walks away and goes out. The kid goes to Dad and says Dad can I have a candy bar. He's going to say, what did your Mom say? She didn't say anything about one candy bar. This is basically what they did. They switched and baited. Please vote no like the county council did. This is not compatible with our neighborhood. Thank you.

Roy Lovette of 3442 Victorian Hills stepped to the podium. I can not say that I am privy to a lot of the information that's been bannered about. I have not seen an EA of the property. Nor have I seen a traffic study done for addressing entrance and egress. For that many homes in that tight area there has to be another means of getting in and out of that place. Just consider the fact that it's too much property for one-way in. One way out. Especially with Edgewood road being the jump off for those stuck in traffic on 77. Even with the additional lanes which is being bannered, I have not seen any of this, it's not going to be adequate. I thank you.

Maurine Gause of 3569 Victorian Hills stepped to the podium. I've lived there for fourteen years. When we are negating with the council the last time, I spoke to, where we were at the little town Edgemoor, the council meeting there. I spoke to one of the builders that was there and I asked him why they didn't put an entrance way directly on to Highway nine around the corner. And they said because they wanted too much money for it. I think that you need to know that. It is a dead-end road where we live at and we do like it peaceful. It's a progressive area. We know that's a good thing in a way. But we want to be safe. And we want to be able to get out if there's a fire. Because when theres a few feet between each house and it is siding, they melt, and they can spread so fast. And if their brick, which these probably won't be because of the prices, you know all the prices I'm sure. I'm not very good at speaking but Chester area is a wonderful little area. My husband was air force and retired from it. We came up here for the peace and quiet and we just love it. He served twice. Career in the air force and school district. Thank you for being thinking if us all and hopefully you'll side with us, I'm against it.

Terri Dickerson of 3564 Victorian Hills Drive stepped to the podium. The little easement, this gentleman representing this property, he says is our yard. And we have lived here for thirteen years. And we have legal representation that we own the property and that there's not an easement there that they can use. We just want

you to know that. And when we bought University Hills we came there to retire. We love that it's a dead end. That's our peace. We have woods a round us and we have deer. We have animals that go into the woods. It's so wonderful. Nice and quiet, we don't have public traffic. I'm selfishly saying we love our property and our road and our street and our neighbors in Victorian Hills and we don't desire a side street coming up and the traffic from the other neighborhood that's going to be built. Even if they are built, that's fine but please, please don't come up Victorian Hills and let that be okay to come up our road. Thank you.

Hey, I'm not one of Victorian Hills. My name is Sally Jackson. I am from 3726 Ernandez Road. We are the very back of the property that their referencing. And for popular belief here, it was brought to my and my husband's understanding, that at the last meeting from the county council they made reference to an entrance coming in the back of this proposed neighborhood development, which would involve our property and that we had given approval for, We've never heard of such so just to clear that record. We own one hundred acres on Ernandez. Couple things I just want to bring to light that I have not heard brought up tonight, I work for the school district and nowhere in the reference have I heard how this is going to impact the schools in the Lewisville area. Quick math, I'm not good at math, but two hundred and ninety-five homes is average child is two per home. That's five hundred and ninety children. Our current elementary school right now is at capacity. Which is requiring the fifth grade to go to the middle school. I haven't heard the developers speak of any reference to how the infrastructure going to be affected by this growth. Fire. Is Chester County prepared for paid fire departments? When you add this number of homes that close together, I don't think that's the responsibility of a volunteer. EMS. When you add the number of homes you're going to have to add EMS. And I just recently, ironically, as I was sitting here waiting for the meeting, saw an e-mail that I got from Chester County asking for applicants or highway patrol or for patrolmen because they have a shortage. So, I just want to sort of challenge you to those other aspects that come with growth. And lastly, I'm speaking for myself, but I bet that most folks in here are not opposed to growth. And we would welcome growth to Chester County area if it's done properly. And with all of these factors that I mentioned in hand, and we have done that as a proactive measure instead of a reactive measure. Because they are asking us to do this would be a reactionary. We have the expense of our children. And the safety of the community. Thank you.

Vice Chairman Walley said okay, that's the five that we have. Now is there anyone in here to speak against that has something different to say. There has been a lot of ground covered, but it's no need to continue to say the same thing over and over. If someone has something different to say than what has been said, this is your opportunity. There was none.

Vice Chairman Walley then asks if there is anyone here to speak for this application. Mr. Stringfellow said from the audience that he would like to address some of the things that were stated if possible and he had an additional speaker as well. Bill Hipp, a citizen, told Mr. Stringfellow he already had your fifty minutes and we only had three. Vice Chairman Walley said we if have any questions we will get with you Mr. Stringfellow but I think we need to try and digest the information that you have presented, and what we've heard and go ahead and make a decision.

Commissioner Jackson asked Vice Chairman Walley if he could ask the residents of Victorian Hills just a couple of questions. Commissioner Jackson said the main thing he heard about your situation is traffic. I didn't hear anything about the size or the quality of the houses being built. What's the average square footage of the houses being built in Victorian Hills? Liz Odom, from the audience, answered twenty-two, twenty-three hundred square feet. That was the average until we had a few big ones come in. Commissioner Jackson then ask, and you have two car garages? Again, Liz Odom from the audience answered, right. Commissioner Jackson said most of you all have well and septic as opposed to city, so are any of you in real-estate? Liz Odom raised her hand. Commissioner Jackson said based on the square footage, what the gentleman propose building, with the size of

those houses, have any effect on the value of your houses? Liz said absolutely, it just won't work well for us in anyway. The quality of the houses being proposed are lower, lesser standard. Commissioner Jackson said the square footage is there. Several citizens are speaking all at once, none of which are stated for the record.

Ms. Winters says we've given great latitude here. Great latitude. We've had speakers. Now we want to hear from the folks that are in support of it.

Mark Hanson stepped to the podium. He stated he is the council for St. Katharine Properties. First of all, I would like say I sincerely appreciate the boards service and your time here tonight. In eco, certainly, we emphasize with a lot of the comments in the room, but I just want to remind the board, and everyone here, and emphasize, this is not a rezoning petition. This is not open to, as it was before the board, this is a different group. The builder that presented the full rezoning petition, is not here tonight. They are no longer in the mix. They are not involved in this process. There are no plans for a second phase right now for this property. This is the plan that is before the board tonight. And again, from the legal perspective, the boards decision is, does the petition meet the requirements for the special exception. I understand that some people have disagreements about whether or not this is good for the community, if this is good for the county. But I just want to emphasize that we hope the board will remain focused on whether or not the different elements that were laid out by Mr. Stringfellow meet requirements A-H of the zoning ordinance. As Mr. Stringfellow mentioned before, a full traffic impact analysis will be done to address any traffic concerns. And as in many counties, your impact fees will help address school, emergency response and things of that nature. Vice Chairman Walley stated, in all fairness, you're talking about no plans for phase two as of right now. Mr. Hanson said no. Vice Chairman Walley said any future plans for any further cluster developments had to come before building and zoning and be approved through them so it's not like you're just opening up the door to everything. Mr. Hanson said correct. This is the only plan in place right now. Obviously, in this corridor there is a lot of vacant properties. Many of which are not owned by St. Katharine, so we certainly have no control of what will happen in that area. But again, our presentation, we tried to make sure, working diligently with county staff and vary other offices in the county, that this plan addressed the concerns that the other home builder had when they brought this before county council. And worked with the perennials to provide racquet buffers and things of that nature. And yes, we don't know what will happen in the future, but this is the plan that is currently before the board. Thank you for your time.

Vice Chairman Walley asked if anyone from the board had any questions. There were none.

Vice Chairman Walley then says, so the question is tonight, the special exception number two allowed by the zoning ordinance which was adopted and voted on by county council. We're trying to do what they want us to do tonight. Do I have a motion on the question of do you allow special exception number two.

Ms. Winters says Mr. Chairman if I may, I think before you call for a vote, what I'd like to see the board do is to take that section of the code that you have in front of you, and analyze the requirements just to review based on the comments that you've heard and what you've heard from both sides. And review these requirements because this is what your decision is going to be based upon and you just want to make sure that they're meeting these requirements. If you would just indulge me and go through those. Vice Chairman Walley said certainly.

Vice Chairman Walley read requirements for special exception number two is:

- A. Detached single family unit on minimum of 2-acre development parcel:
This is 98.33 acres The Tax Map is 124-00-00-096-000 and 124-00-00-080-000

- B. Maximum density of three (3) dwellings per acre;
Proposed sketch plan shows 3 units per acre.
- C. Lot requirements per house may be waived;
Proposed average lot size is 7710 square feet
- D. Zero interior lot line setbacks may be allowed:
Requested set backs are: street/front setback 25', Side setbacks 5'
(50' x 115 Lots) (10' for 70 x 150) Rear setback 20', Corner lot
Setback 10'
- E. Subdivision Regulations are met;
Must meet Tree Protection Chapter 5 §-303
And Buffer Requirements Chapter 5 §-301
- F. Adequate provisions for access and traffic safety;
SCDOT is aware of the proposed development. Traffic study will be provided at a later date.
- G. Public Water and sewer are available for the property;
Chester Metropolitan District and Chester Waste Water Recovery is available, as was stated earlier
- H. The use is compatible with the district;
All projections meet Chester County Zoning Compliance and Land Development Regulations.

So, that's the answer to the requirements. Someone made a comment from the audience and Vice Chairman Walley said I'm sorry, were closed on that part.

Vice Chairman Walley asked again, do I have a motion? Commissioner Jackson made a motion based on the rulings that are presented before us that we approve it. Vice Chairman Walley then calls for a second.

Ms. Winters informs the board that if they want to openly discuss, they have to have a second. It's not an affirmative vote. It's just getting the matter on the table for discussions. So, there is a motion. In order to have discussion on that motion, there must be a second. Commissioner Hayes seconded the motion to open for discussion.

Vice Chairman Walley said we are now open for discussion among the board. Commissioner Hayes said to Mr. Chairman that he's not that familiar with the area, that he does not go down that way often. He can surely see the concern of the people. (that don't have anything to do with the signs (that citizens are holding up Vote No) or anything like that) But I do have concerns of the people, but I also know the need of better housing in Chester in order for growth to take place. I understand that. I also understand the families that are already established in their development and they are happy. They don't want anybody to come in and not necessarily invade that particular area, but just come in and flood it. My concern is the safety aspect of it because I don't foresee that many houses, I don't see where the traffic can flow in a positive way. Vice Chairman Walley said that is a very good point. Chester County needs growth and they have wanted to grow. They have asked for growth. But we are behind on infrastructure. If they would spend some money on some of these other roads that they've spent on number nine, they're building them intersections up there on number nine three times this year that I know of. If they would

put some of that pavement on some of these other roads they wouldn't be so rough, and we'd have better roads. But yes, we need to grow. But we can't grow. The growth needs to be contained. It needs to be controlled. By using what the county council has given us is what we hope to use to cause that growth to help Chester County to grow in a healthy manner. We can't fix the roads. This board can't fix the roads. This board can't fix the schools. We can vote on the question that is put before us, on whether to grant the special exception. Commissioner Hayes asks if this is an answer that we have to give tonight. Can we go and do some studies on some, this isn't..... Vice Chairman Walley said DOT is going to do the traffic studies. The zoning, the building is going to do the studies on the clustered development and be sure that those guidelines are followed. So that's going to fall to the entities that are educated in those matters. Same thing with the fire issue. I was a volunteer fireman for a number of years. I worked for the forest commission. I know what fire wise housing is but that is another issue totally separate from what we are here to discuss and decide on tonight and we do need a decision.

Commissioner Jackson asked Vice Chairman Walley on this zoning ordinance on this special exemption, everything is required by the zoning ordinance of Chester. From what I see, the developer has met the regulations. From what I see, so, that's why I made the motion. If he's made the adjustments and he done everything that he could to fall within the ordinance of Chester County, we have to follow what the ordinance says.

Vice Chairman Walley ask for any other questions or comments. There were none.

Vice Chairman Walley said we have a second, and we've had the discussion. Those in favor of passing the application raise your right hand. Commissioner Jackson was the only one to raise his hand. Vice Chairman Walley then asks those opposed to passing the application to raise your right hand. (citizens are saying raise your hand) Commissioner Gilchrist said I don't know if I'm qualified to do this or not. Commissioner Hayes asked what was the question again. Vice Chairman Walley said I just said whose opposed to it raise your right hand. Commissioner Hayes and Commissioner Spann raised their hands in opposition. (citizens are thanking them and applauding)

Vice Chairman Walley asked Commissioner Gilchrist if he raised his hand at all. Commissioner Gilchrist said he's done changed his mind, he's not voting. Ms. Winters tells him that he has to vote. He asked can I abstain. Ms. Winters told him he can recuse if you have a financial interest or a conflict of interest. But you can't not vote because you don't want to. Commissioner Gilchrist said he has hard feelings about this type of development. (citizens saying vote no. vote no) Commissioner Gilchrist said you've just got to understand folks, that they've met all the requirements. (citizens still making discussion)

Ms. Winters said we'll clear the room. Someone yells, ok, clear it. Ms. Winters calls security to start at the front row. She said we really don't want to do this. Let's be professionals, please. Let these guys think this through and make the vote they think is the right one. We don't need wise guys.

Vice Chairman Walley asks do I need to call for a vote. Ms. Winters says we have half of a vote. Commissioner Gilchrist said as much as I hate this, they've met all the requirements of it.

The question for the audience is what happens if the vote is a no. Any recourse? What is the recourse? And the recourse to this is not to county council. I want to make that clear to everybody. There's some misconception that a challenge goes to county council. It does not. On a Zoning Board of Appeals, it goes to circuit court. One party or the other, whether it's the residents or it's the developer who wants to take legal action or wants to challenge the vote that is tonight, it happens in circuit court. I just want everybody to know that. All the Facebook speculation that says we'll take it back to county council, it doesn't go back to county council.

Liz Odom asked a question from the audience but can't be heard. Ms. Winters apologizes that the HVAC is so loud, she asks Ms. Odom to repeat her question. She asks but they can still build as it is right now, RS-1, the size of the lots that are half an acre. They can still do that. That's housing. Ms. Winters says yes.

Ms. Winters tells Mr. Hanson that she's going to let him respond because we He said he just wanted to clarify what would go before the circuit court is whether the criteria within the zoning ordinance had been satisfied or had not been satisfied. Ms. Winters said that is correct.

Commissioner Gilchrist said the criteria is satisfied. He said he don't like it, but he is going to have to vote for it because we have to uphold the law. Ms. Winters ask him to state that for the record. Commissioner Gilchrist said he's going to say this for the record. He doesn't agree with this type of development but the law, the special exceptions was approved by the county council years ago. And by what evidence has been presented, they've met the requirements. I'm sorry folks. Liz Odom, again, speaks from the audience, there's no buffer. Commissioner Gilchrist asks what buffer is she talking about. She is talking about the property line on the south side. (could not understand everything she said as she was speaking from the audience) Vice Chairman Walley and Commissioner Gilchrist said it's the same property. Vice Chairman Walley said he can't attest to that but if it passes tonight it's going to fall to the building and zoning department to handle the creation of this project. Commissioner Gilchrist asked staff if that is correct. Both Director Levister and Ms. Hutchins said correct.

Ms. Winters ask staff about future development. Director Levister says as far as the other parcel? Ms. Winters says yes. Director Levister stepped to the podium. He said if they decide to develop the other ninety-eight acres it will be the same process as it is tonight, because the site plan that he submitted says undeveloped, Not part of the cluster development. It's stated on the site plan that you have in front of you.

Commissioner Gilchrist said so on the south side, that's showing no buffer, Director Levister said but he's still got to meet the zoning ordinance. You've got to have whatever is required in the zoning ordinance. It will be enforced when he makes the development. Ms. Winters ask does that include a buffer? Director Levister said correct. Commissioner Gilchrist says is this plan complete not showing a buffer. Director Levister said yes. Vice Chairman Walley said this is a sketch. Director Levister said you've got to realize, if he don't cut down all the trees off the south side, that Ms. Liz is talking about he has a natural buffer from the go. And Director Levister wanted to state for the record that there is nowhere in the county ordinance that says you have to have more than one entrance to a development. Ms. Winters says, and the traffic study will flush that out. Director Levister says correct. Ms. Winters asks what if the traffic study comes back and says this is not doable? Director Levister says then he will have to meet their requirements because it will not pass anything in the county without the traffic study being met. Whatever the SCDOT requires, they have to meet before you can move forward. Ms. Winters says so the traffic study could shut this down. Director Levister says correct.

Commissioner Gilchrist said back to this, just so I'm clear, I don't want to make a wrong decision. No green buffer on the south side. Director Levister said it may already have a natural buffer.

Audience is speaking out, Ms. Winters comments the public hearing is over.

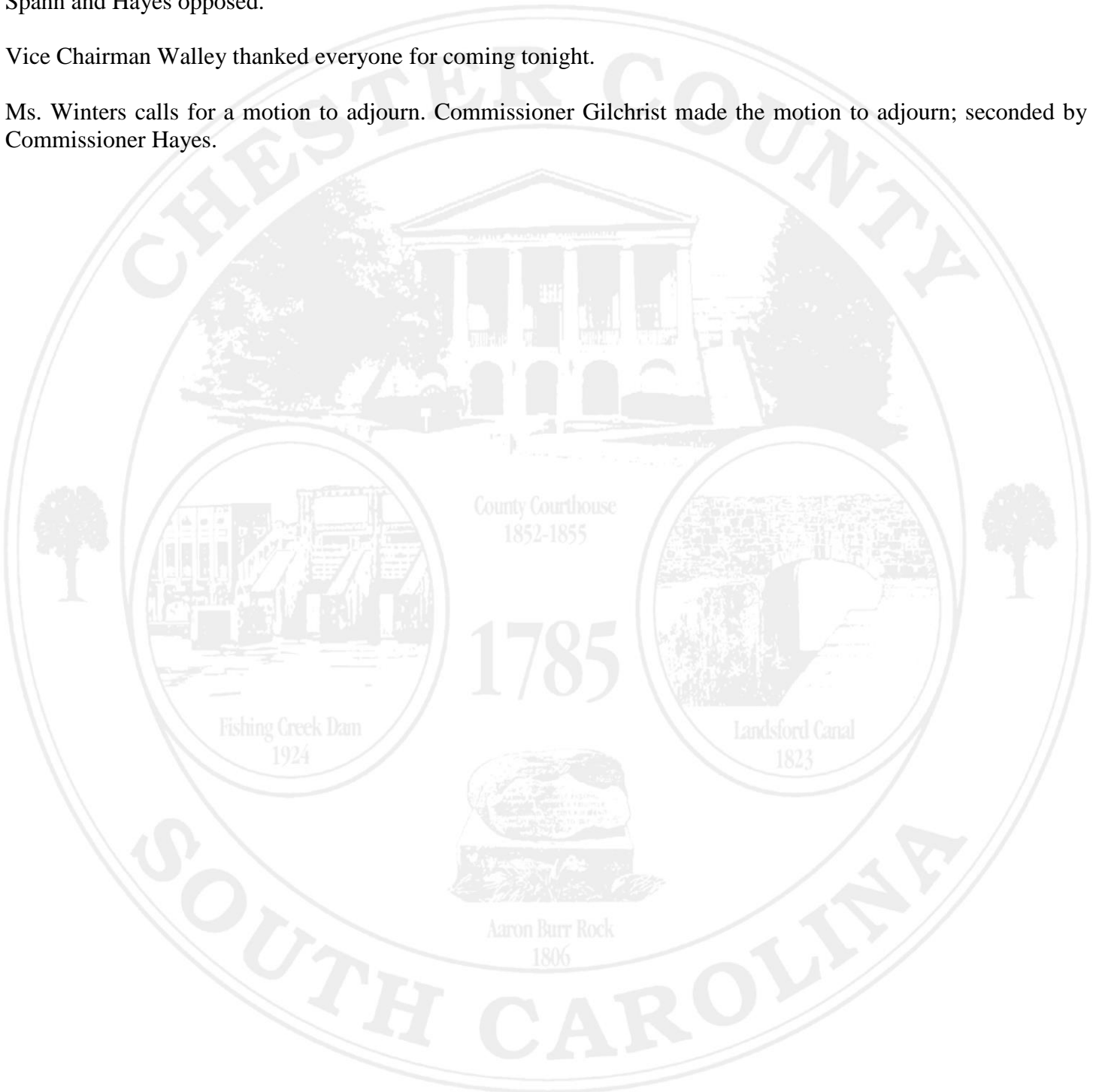
Commissioner Gilchrist ask Director Levister, you're convinced that they have met, Director Levister says correct. Commissioner Gilchrist said then I'm going to have to go with it. It's going to be a tie. Ms. Winters ask him to please state his vote for the record. Commissioner Gilchrist said like I said before, I don't like this type of developments, but they've met the requirements and going by what I've heard so I'm going to vote for it.

Vice Chairman Walley said so we do have a tie. That falls for me to break the tie. And I vote yes for this special exception.

Vote was 3-2 to approve the special exception for the clustered single-family development, with Commissioners Spann and Hayes opposed.

Vice Chairman Walley thanked everyone for coming tonight.

Ms. Winters calls for a motion to adjourn. Commissioner Gilchrist made the motion to adjourn; seconded by Commissioner Hayes.



This is a summary of proceedings at the October 09, 2018 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.

