

Chester County Planning Commission Minutes

January 23, 2024

1. **Call to Order** – Chairman Robert Raines called meeting to order.
2. **Quorum Established:** Chairman Robert Raines, Vice Chairman Azzie Hill, Commissioners Shawn Hough, Marvin Grant, Nancy Walley, and Douglas Josey. Seventh Commissioner Carolyn Williams resigned as Planning Commissioner from District 5.
Staff: Mike Levister, Jaime Chappell, and Kristen Davis
3. **Approval of Agenda** – Chairman Raines motioned to approve, second by Vice Chairman Hill. Vote 6-0 to approve.
4. **Approval of Minutes from December 19, 2023, Meeting** Chairman Raines motioned to approve, second by Commissioner Grant. Vote 6-0 to approve.
5. **Elect New Chairman** Robert Raines was elected as Chairman by the board, Commissioner Grant motioned to approve, second by Commissioner Hough, Vote 6-0 to approve.
6. **Elect New Vice Chairman** Azzie Lee Hill was elected as Vice Chairman by the board, Commissioner Grant motioned to approve, second by Commissioner Hough, Vote 6-0 to approve.
7. **New Business**
 - a. **CCMA24-01 Krystal and Mike O'Connor request Tax Map #079-04-02-098-000 located at 641 Lancaster Hwy, Chester, SC 29706 to be rezoned from Single Family Residential District (RS-1) to General Commercial District (GC).**

Krystal O'Connor stated her address is 385 Burns Road, York, SC. So, we're looking to get it rezoned to commercial to open up a business there. We currently have a business in Hickory Grove, South Carolina. We're looking to open up a second location. That's my husband, Michael. My kids.

Commission Hough stated we can't hear, can you speak up a little bit.

Mrs. O'Connor stated I'm sorry, do I need to repeat.

Chairman Raines stated I think we're good. You can just pull the mic a little closer to you.

Mrs. O'Connor stated all right. So, we're just looking to open up on another a second location for our current business. The property we're looking at purchasing is a good size property. We think it would be great here in Chester. We've done fairly good in Hickory Grove. So, we're looking at open up the second one. I don't know what other questions you may have.

Chairman Raines asked what is your business?

Mrs. O'Connor stated I'm so sorry. It's Safe Trip Trailers is the name of our business. We are a trailer dealer. Also, we sell portable buildings and we're fixing to start doing golf carts and things like that.

Chairman Raines stated just your typical farm trailer, a little bit bigger than that.

Mrs. O'Connor stated yes sir, utility trailers so we do everything from like a 5x10 single axle pull behind trailer to we've done as big as like a gooseneck. We don't really do like big hotshot trailers. Anything like that. It's mainly everyday use. Car trailers, some farm trailers, equipment trailers.

Chairman Raines stated your plans are to construct some type of structure on the property or are you going to use what's there.

Mrs. O'Connor stated there is a currently, there's a home there. We think we could probably use that that. That was our plan and do some modifications to it that you guys would need to have done for us to be able to run a business out of it.

Chairman Raines stated I only have one person signing speak tonight and that's for the next four cases.

The owner of the property spoke from the audience and stated I'm the owner of the property.

Chairman Raines stated okay, excuse me, go ahead. You're right, there is an issue I need to talk to you about.

Brandi Hinson stated regarding zoning and 641 Lancaster Highway. Y'all excuse me, because I'm gonna have to read this off on my phone because if I don't forget everything.

Chairman Raines stated okay, is it the reverter clause letter.

Mrs. Hinson stated it is, um, we're excited for them to have our property, we really are. I hope that everything works out and they get it. But we've had some unforeseen events in our own lives lately. So that's definitely in my mind as far as what would happen. We've got a question concerning the zoning how it would work if by some chance the buyers were to back out for reasons beyond their control. I know they have every intention of buying our property, but by some chance. As owners of the property, we want to make sure the property would revert back to residential any event that has happened after it was already zoned commercially, or we'd like to know the process it would need to go through to make sure we could live there if an unforeseen thing like this happened, and I may not mean something beyond their control. I mean we don't know what's gonna happen after that last meeting and they got in their cars to go home.

Chairman Raines stated you mean time frame you're talking about it's just until the property closes.

Mrs. Hinson answered yes.

Chairman Raines stated once they make a deal, close the property is no longer a concern. For any party.

Mrs. Hinson stated I mean, after we sign the paperwork, I would not have any more concerns.

Chairman Raines stated we have this request for a reverter clause and typically we put some timeframe on that. And typically, you know, with a development or something that may be several years to get everything going, but in your case, I mean, what would you consider? Two months, a month?

Mrs. Hinson stated well, I mean, I think after we sign the paperwork after we meet with our attorney, and we sign all that last paperwork, that's all I'm concerned about, because once we sign the papers with our attorneys, everything will be final.

Commissioner Hough stated it's going to take longer than that.

Planning Director Mike Levister stated well, I guess, you don't have to sit down Brandi. I'm not taken over. So basically, her concern is that she would like by to request that their real estate agent put in your packet is that it would be the rezoning would be approved continuance of selling the property. So, if they don't purchase it, then it would revert back with the letter and but that would have to be stated as I told Brandi and then the real estate agent, that's the request that they can make, but that there has to be a motion and a recommendation from y'all. It wouldn't be like a normal read reverter clause which have y'all been watching county council, they trying to get away with that? Because it's hard to keep control of that.

Chairman Raines stated they are trying to get away from doing that.

Planning Director Mike Levister stated so what she requested as you read, continuance of the actual sale of a property.

Chairman Raines stated so we're not tying it any type of timeframe, you want to contingent on the sale of the property.

Planning Director Mike Levister stated they don't sell the property to those people, because they're the actual applicant that on the application.

Chairman Raines stated do we want to leave that open ended for two months, six months? I mean, it depends on business.

Planning Director Mike Levister stated it would be a recommendation that y'all make with y'all's motion.

Commissioner Grants stated once they sign the papers it's over, right.

Planning Director Mike Levister stated it's not really like a reverter clause. I mean it, it revert back to the current zoning but it's really tied to the continuance of the property being sold from the Hinson's to the O'Connor's.

Chairman Raines stated I'm good with making it contingent on the sale of the property.

Planning Director Mike Levister stated then they would just let us know, then we would make that recommendation to our GIS, that the property gets rezoned from the current zoning to the new of GC. We would hold off until somebody notified us to the sale of the property. That's the only way we could keep control over, somebody would have to let the county know that the sale was final.

Commissioner Hough stated I would think you probably need to be open about six months because sometimes commercial sales take a little longer and like a residential sale, you know, a residential sale, you'd only have 45 days anyway, commercial sometimes.

Chairman Raines stated this letter sort of implies to me that it's gonna be much quicker than that.

Mrs. O'Connor stated our closing date is for the date after it's approved. We made it, the contract and everything so as soon as we have the approval for the rezoning, we would be closing the next day.

Chairman Raines stated so that's after the third reading from County Council.

Mrs. O'Connor stated yes sir.

Commissioner Hough stated how long will that be Mike, when will that last meeting be, you know?

Commissioner Walley stated it would be March.

Planning Director Mike Levister stated I wasn't prepared for that question. So, the next will be March the fourth.

Chairman Raines stated okay, March 4th.

Commissioner Walley stated let's just say April Fool's, April 1. You know, because County Council, something may happen, and they may not.

Planning Director Mike Levister stated yeah, I mean, it's not a guarantee. As everybody knows, it may not be on the actual February the fifth document the County Administrator has that authority to what gets put on the docket and what does it. We just gave them the time. I mean in any time they can make an agreement to go ahead and purchase the property during the rezoning request at any time. As I told Brandi, you know, they feel comfortable. Maybe they can close out before the actual third reading.

Mrs. Hinson stated they're trying to, they have a deadline, I think with their business, and I don't want to interfere with that. They have a business. They have a deadline with their business, and they are wanting to start a business and I don't want to interfere with that in any way.

Chairman Raines stated yeah, we don't want to try to hold that up. You know, we've never really made it too open ended because then you know, somebody's got to track all this going on. And, you know, go

revert the property back if the conditions aren't met or whatever. So, we tried to make that sort of reasonable.

Mrs. Hinson stated I'm just thinking of unforeseen.

Chairman Raines stated both parties are good with April 1. Is our end date and you know if it's approved, that's pretty much a non-issue.

Mrs. O'Connor stated yes sir. So, it just to make sure I understand it because like I said, I'm new to I'm new to all this. So, I just wanna make sure I understand. So, it will be approved for zoning or if it gets approved through zoning for all the votes, then it would have a reverter clause that, but it would already be approved, correct.

Chairman Raines stated that's correct the property. The motion would be that if the property is approved and not closed on by April 1, then it will revert back to its original zoning. And that's why Mr. Hough asked, "did you need longer in case something were to happen?" But if you feel confident, you got that lined up? I mean, I'd give you six months, if that's what you need. But if you don't think that's necessary, you know.

Mrs. O'Connor stated we're good with we've got everything situated to go ahead and purchase it. Our hold up was, we just wanted to make sure that it got approved for the zoning that we need for our business, because we've already gone through that situation before purchasing a property, and then it didn't get rezoned in another county. So, we just we didn't want to have that situation again.

Chairman Raines stated I'm good with that.

Mrs. O'Connor stated thank you so much.

Chairman Raines stated any discussion amongst the commission. Any more questions? Anybody need to be clarified? Anybody have a motion.

Commissioner Grant motioned to approve the rezoning request with a contingent that the closing on the property must be completed by April 1st, 2024, and if the closing is not completed by April 1st, 2024, the property will revert to RS-1 zoning, second by Commissioner Josey. Vote 6-0 to approve.

- b. CCMA24-02 Trent Erving for EP Group LLC request Tax Map #079-04-04-008-000 located at 614 Fernwood Drive, Chester, SC 29706 to be rezoned from Single Family Residential District (RS-1) to General Residential District (RG-2).**

Chairman Raines stated so, Mr. Erving, you present, not here. Okay so if you read our package, looks like they're planning on clearing the lots and placing manufactured housing there is that correct, Mr. Levister?

Planning Director Mike Levister stated correct.

Chairman Raines stated okay, and those would be approved or whatever standard those houses have to be approved to. And the reason for the zoning change because you can't have that in RS-1 district.

Planning Director Mike Levister stated RS-1 doesn't allow manufactured housing, RG-2 does. That's why he's requesting the rezoning request to be able to install manufactured housing on the four parcels that he owns on Fernwood Drive.

Commissioner Hough stated Mike, I have a question for you. There's a lot size minimum meet the RG-2 standards.

Planning Director Mike Levister stated water and sewer availability on those sites. Yes sir.

Chairman Raines stated it would be different if it was septic tank.

Planning Director Mike Levister stated if it was private water and sewer, it wouldn't meet the requirements.

Chairman Raines stated okay, thank you Mike. Okay, so we'll have one individual sign up to make comments is Debra Person, 744 spirits circled Miss Person. If you will just state your name and address for the record and tell us your concern.

Debra Person stated I'm Debra Person, P-E-R-S-O-N, 744 Spirits Circle Drive. My property is on Spirit Circle and on Fernwood. My biggest concern is everybody that lives on Fernwood is in houses, brick and mortar houses. I don't understand the reasoning for sale, transferring it back into mobile homes. Okay, that's one question. The other question I have is, is this going to be rental properties? That's a big concern. When you think manufactured home, you think rental and we are a very quiet neighborhood. We're all family. Where everybody knows everybody. Is he going to be selling lots to individuals or is this going to be for mobile homes for better words. Those are my questions. Okay.

Chairman Raines stated so your first question was, why not brick and mortar home? You're talking about every house on the street is a brick veneer house.

Mrs. Person stated yes, sir. Well, or a siding. We're all wood or cement bricks.

Gentleman from the audience stated their all the houses on foundations.

Chairman Raines stated So all I can say is his zoning that he's asking for in house now would allow vinyl sided houses. I mean, if they were stick built, that's what RS-1 would basically you would have to build on site. So granted they would have a foundation but it wouldn't necessarily be brick veneer. And I mean they are building standards for all of this you know, do what he's got to do. He just not gonna come out and put up something to his satisfaction. You know, I mean, there are standards through the building department that he has to meet and the per the zoning, classification and per building codes and things.

Mrs. Person stated Mr. Raines I understand that, but manufacturer homes would not fit in with the community that we had there on Fernwood that's basically what I'm saying.

Commissioner Hough stated I'm familiar with that area is that subdivision right behind the laundromat across from Sam's home center.

Chairman Raines stated it's one street down? Well, it's not behind. It's not that dead end street.

Commissioner Hough stated it's over one. But it is all single-family homes in there. I don't know. I don't know there are any manufacturer homes in there. Is there Mike.

Planning Director Mike Levister stated manufactured housing is on Spirit Circle. There's three of four on Spirit Circle that you drive onto to get to Fernwood, but not none on Fernwood. They are on Spirit Circle, which is to circle park at Fernwood, off middle of it.

Chairman Raines stated you know, Mike we don't have any control over what someone does what property wants is developed do we? Rental and the applicants not here.

Planning Director Mike Levister stated the application has on there if you read what he put on there, please give me a reason for rezoning requests and brand-new manufactured homes will be built for resale. So, he's looking to resale the property and the unit once it's installed.

Chairman Raines stated okay, so you know, based on application it sounds like he's going to sell houses. Yeah. Not have rental property. So, maybe just mentioned for discussion sake, we'll vote separately. Each of these four properties are contiguous to one another. So basically, the same conditions exist for each of the four. Just keep that in mind as you're, as we're moving forward.

Commissioner Hough stated I would have a little bit of concern with putting manufactured housing in that single family housing and that could affect the values of the property. I would think single family houses versus manufactured house pretty big difference.

Chairman Raines stated you're in the building businesses, is manufactured housing require a brick underpinning.

Commissioner Hough stated masonry underpinning, not brick. I could do a hardiplank siding or anything. Typically, on a double wide you would do a brick underpinning and if you do a brick and print it has a foundation but to me it is different than a stick the home for sure.

The gentleman from the audience had something to say but did not sign up to speak.

Chairman Raines stated okay, step to the podium. State your name and address please.

Juan Rivera stated I live directly across the street from these four properties. That was once one property. My address is 619 Fernwood Drive and right across the street. We've been looking at woods

for 10 years. And then all of a sudden, they came and cleared this property. There was still a house there. They tore it down. So many different things is going to happen to this property. So, all four houses we could sit on our front porch and there they are, right in our face, four trailers. Nobody wants to say that. A house is built on its foundation. A trailer, the foundation is put around it. So, I mean, nobody wants to wake up and come on their porch and say four trailers. Just think about the cars, we live, it's a dead-end road. At least four cars per house, that's 16 cars. I just don't see that happening. I mean, that's up to you guys. But I just don't see how that can be changed like that. And I just wanted to voice my concerns about that.

Chairman Raines stated if somebody has a motion, we will discuss it.

Vice Chairman Hill asked if Mrs.'s what's her name?

Chairman Raines stated Debra Person.

Vice Chairman Hill stated did he want to speak.

Chairman Raines stated she did.

Vice Chairman Hill stated no, her husband.

Commissioner Walley asked Mr. Person if there was something you wanted to add to.

Mr. Person stated from the audience that when they cleared that property, they left a lot of garbage.

Chairman Raines stated if you could state your name and address and make your remarks brief, because we got to speak people speaking it didn't sign up and, you know.

Mr. Person stated I was signed up, but my wife wanted to speak instead.

Chairman Raines stated go ahead and stated your name and address.

Steven Person stated my name is Steven Person. I'm her husband, and we live at 744 Spirit Circle. We're both retired military. We moved here to live behind our daughter. Who lives on Morningside. Now the property goes down at a 35-degree angle from the road. There are no drains, there's one ditch on our side of the road. That's it and all the houses around that side set down 8 feet below the road. When we get rain, I paid to have a french drain put in all the way around my yard because when it rains, we had water. I have a back drive where I put in so we can unload groceries to our house in our freezer. The rain comes across my driveway this deep. I put the french drain in, and it drains into Fernwood on one side and Spirits Circle on the other side of my house. That property goes down at 35 degrees and angle to a small bunch of trees that are left and there's a creek down there. Now Miss Roberts, Linda Roberts who lives at 628, she is not here because she's very handicapped. Her yard goes down at 45 degrees and her back fence is in the creek because the water has come up from the rain recently. We're concerned that they're either gonna build that land up a lot, which will push the water to other parts of the properties

or else they're gonna put down some sort of foundation, which will be this high, the front and this high in the back because there's they're gonna take. I'm retired military, and I would say that would take probably 160 tons of dirt to bring that up to be level even close to the road and our nearest two neighbors are sitting below the road by six to 12 feet which means the water would run to their yards. And that was the reason I put the french drain into the one ditch that's going down Fernwood towards the big drain which every time somebody comes by one of those big lawn tractors and they knock it off the bricks and it collapses. So, my concern was the fact that the ground if you, if you see it out there, you'd realize that oh, my god from the top of the road to the back of the yard. It's at least 60 feet down. Thank you.

Chairman Raines stated does anyone have a motion.

Commissioner Grant stated I'll motion we disapprove Mr. Chairman.

Chairman Raines stated okay, motion to disapprove and second from Mr. Hough. Okay explain your reason. Let's have a little discussion.

Commissioner Hough stated I'm concerned not reason I would second as I'm concerned about the fact that mobile homes over time, they wear a little faster and houses you know, I mean, they don't last as long. Therefore, to appreciate something I'm concerned about his biggest property by being attacked. That's why it's making it hard on you. I'm sorry. Did you want me to repeat? What I said was I'm concerned with the fact that mobile homes tend to wear faster than stick built home you know, they're made of quite the same material, so they were out a little faster the doors were out the interior parts carpets, cabinets, they were out faster. Therefore, they depreciate when they do wear so I would be concerned about the depreciation of the manufactured home affecting the pricing of the set of single-family home stick-built homes that are there. That's why I second it.

Commissioner Grant stated my concern you all, I don't see why I couldn't build a house as cheap as putting in a manufactured home. They put it in a small home all over the county and York County right now so and they sell like hotcakes. Let him come back with a stick-built home.

Commissioner Hough stated can I add one thing? And I would like to say to you guys, I mean, there's you can't stop the development as a man owns the property. He cleared the property. The property is zoned what it's zoned for it's not, I understand you have woods there at one time, but development comes. I mean, people's children grow up, they need a place to live. I mean, it's just yeah, I agree. But if it's approved through zoning, then we don't have a say in how they develop it. Something's going to come here. Nobody's gonna buy property, clear, and spend that money and not do something.

Chairman Raines stated under his current zoning, he could build four houses there that are stick built. Wouldn't be is already zoned out couldn't do anything about it. Yeah. And that's one of the concerns I had, you know, if they do change gears, there's nothing we can do about the drainage. And I understand that.

Mr. Rivera stated from the audience that there's going to be a lot of maintenance that's going to have to go along that road. It's already sinking down on Miss Linda.

Chairman Raines stated it's not a great road anyway.

Commissioner Hough stated yeah, but our concern is more for the fact that is conducive to what's there with you guys. So that's really what we're here for. We can't do that by the drainage is more of an Army Corps of Engineers type thing, anything to do with us. We're more concerned with zoning and being conducive to what's there.

Commissioner Grant motioned to deny, second by Commissioner Hough. Vote 6-0 to deny.

- c. **CCMA24-03 Trent Erving for EP Group LLC request Tax Map #079-04-04-027-000 located at 620 Fernwood Drive, Chester, SC 29706 to be rezoned from Single Family Residential District (RS-1) to General Residential District (RG-2).**

Commissioner Grant motioned to deny, second by Commissioner Hough. Vote 6-0 to deny.

- d. **CCMA24-04 Trent Erving for EP Group LLC request Tax Map #079-04-04-028-000 located at 622 Fernwood Drive, Chester, SC 29706 to be rezoned from Single Family Residential District (RS-1) to General Residential District (RG-2).**

Commissioner Grant motioned to deny, second by Commissioner Hough. Vote 6-0 to deny.

- e. **CCMA24-05 Trent Erving for EP Group LLC request Tax Map #079-04-04-029-000 located at 624 Fernwood Drive, Chester, SC 29706 to be rezoned from Single Family Residential District (RS-1) to General Residential District (RG-2).**

Commissioner Grant motioned to deny, second by Commissioner Hough. Vote 6-0 to deny.

Chairman Raines stated now, I'll say that is we might have heard tonight county council has to vote on this. They are the ones to make it official. So, follow up staff and see when they the meetings are they meet like twice a month on Tuesday nights. Is that correct? Yeah, but I have no idea what the dates are. Monday night, I'm sorry, Monday nights. So, every other week basically. So, and I'd ask those in attendance. If you're in a meeting next time, sign up to speak. You can always say I don't want to speak but I like to work out for this sheet, and I know I hesitate. But meetings get really cluttered up like that and everything. So, it's a lot cleaner if you can do that. So, I appreciate it. Thank you. Alright, y'all have a good night. Be careful.

8. Comments/Discussion

Chairman Raines stated Okay, so let me staffs got some paperwork, I think so let's just go ahead and wrap this up from official standpoint, pulling together information in your packet for meetings for the

coming year. Deadlines for applications to be submitted for that month's business and a new Mileage sheet and everything.

Commissioner Hough stated how does the mileage sheet work guys? I don't know. First, I've seen of one or heard of one.

Chairman Raines stated I've never used it.

Commissioner Walley stated the first I've seen of one.

Commissioner Grant stated I've never used it either.

Commissioner Hough stated what was it for, a tax deduction like the fire department or something.

Planning Director Mike Levister stated of you want to get reimbursed for your mileage. They are working on exempting that because you know you took the position as a volunteer, but we have a few commissioners on the ZBA and the planning commission, that turns it in for reimbursement.

Chairman Raines asked what is the mileage, the rate for mileage.

Planning Director Mike Levister stated \$.67 or something like that.

Commissioner Walley stated so the ones that turn it in they are getting paid for mileage.

Planning Director Mike Levister stated yeah for now.

Chairman Raines stated I think in the time I've been on the commission; I've heard a handful of people mentioned it but probably no more than two.

Commissioner Hough state but you said they are looking to eliminate it.

Planning Director Mike Levister said yes.

Chairman Raines stated so does anybody else have anything, um are you going to discuss training later?

Planning Director Mike Levister stated yeah.

9. Adjourn Commissioner Grant motioned to adjourn, seconded by Chairman Raines. Vote 6-0 to adjourn. Time 7:07 PM.

Notice of Meeting: Public Notices providing time, date, and place for this meeting were posted in the Chester County Government Complex, Chester County Court House, and published in the **December 27, 2023,** The News and Reporter. All properties were also posted.