

Chester County Planning Commission

April 20, 2021

The April 20, 2021 meeting of the Chester County Planning Commission was held at 6:30 pm at The Government Complex Center located at 1476 JA Cochran Bypass, Chester, SC

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 March 31, 2021 Chester News & Reporter. All properties were also posted.

Quorum Established: Chairman Raines, Vice Chairman Smith, Commissioners Hill, Howell, Walley and Williams were present.

Absent: Commissioner Grant was absent with prior notification.

Staff: Mike Levister, Nicole Hutchins and Morgan Carelock were present

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

Approval of Agenda: Chairman Raines asked if there were any additions or amendments to the agenda presented by staff. There were none. Vice Chairman Smith made a motion to approve the agenda as presented; seconded by Commissioner Howell. Vote 6-0 to approve.

Approval of Minutes: Chairman Raines asked if there were any additions or amendments to the March 16, 2021 minutes as presented by staff. Commissioner Hill pointed out on page 14, fourth paragraph, represent should be re-present. Commissioner Hill made a motion to approve the minutes with this correction; seconded by Commissioner Walley. Vote 6-0 to approve.

New Business:

CCLDV21-03: Charles Dennis Murphy request Street Access Easement for Tax Map # 126-00-00-050-000 located along Hunter Road, Richburg SC, 29729

Mike Weir of Weir Land and Timber stepped to the podium to represent Charles Dennis Murphy. They are requesting to subdivide the property for smaller individual lots for homes and have a deeded easement for the back portion of the property. This way it's a nice square lot. It's not a flag lot. With the county rules, we can't subdivide again based on the flag lot rules of one thousand foot. This would alleviate this problem for the four partners involved. This would help them to sell the property and bring housing to Richburg, Chester County.

Chairman Raines asked if anyone had any questions. Commissioner Hill asked how many homes are you anticipating building? Mr. Weir said at this time possibly four. We have three 2 ½ acres lots on the frontage and then one of the lots would give a deed easement to their 16 acres portion and that would be just a single-family home or maybe a family complex. It is zoned R2 so you could build a home every two acres for a family.

Vice Chairman Smith made a motion to approve the easement as requested; seconded by Commissioner Williams. Vote was 6-0 to approve.

CCLDV21-04: Opal S. Oates request Street Access Easement for Tax Map # 048-00-00-036-000 located at 1389 Country Pines Drive, Chester, SC, 29706

Opal S. Oates stepped to the podium and stated her name as Opal Oates of 1389 Country Pines Drive, Chester SC. Basically, we are trying to get an easement through my mother's property to build a house. Chairman Raines said this is strictly for access to a new home on her property. Ms. Oates said yes sir.

Chairman Raines asked if anyone had any questions for the applicant. Commissioner Hill asked if the home would be to the side of the home that's already there? Ms. Opal said it will be behind it.

Commissioner Hill made a motion to approve the easement as requested; seconded by Commissioner Howell. Vote was 6-0 to approve.

CCLDV21-05: Dorothy P. Grooms request Street Access Easement for Tax Map # 133-00-00-055-000 located along Harmony Church Road, Edgemoor, SC, 29712.

Mike Weir of Weir Land and Timber stepped to the podium to represent Dorothy Groom, the seller. Here again we have the same rules about a flag lot. It's a 20.53 acres piece of property. We are proposing to put in one shared driveway and have a 10-acre parcel and a 10.5-acre parcel that gives deeded easement to the 10 acres. It basically splits the property in half.

Chairman Raines asked if anyone had any questions. There were none.

Commissioner Howell made a motion to approve the easement as requested; seconded by Vice Chairman Smith. Vote was 6-0 to approve.

RNC21-03: Dorothy P. Grooms request new easement for Tax Map # 133-00-00-055-000 located along Harmony Church Road, Edgemoor, SC be named **Grooms Drive.**

Chairman Raines made a motion to approve the name Grooms Drive as requested; seconded by Vice Chairman Smith. Vote was 6-0 to approve.

CCMA21-12: Michael D. Cannon of M C Real Estate, LLC request Tax Map # 125-00-00-010-000 located on Colonels Point Parkway be rezoned from ID-2 (Limited Industrial) to ID-3 (General Industrial)

Robert Long, director of Chester County Economic Development. This is an economic development project. I've been working with Mr. Cannon over six months now. Colonels Point Industrial Park is an Industrial Park that is truly designed for small industrial users. The particular site he is looking at is already defined by two existing buildings. It's about 3 acres. The remaining acreage in that park is about 50 acres. It's not been subdivided even though it's already defined. It is part of the bigger tract that is zoned ID-2. Mr. Cannon is interested in building a 10,000 square foot facility as a recycling operation. He will be taking used oil and grease from restaurants. All he is doing is taking it, he warms it up. Cleans it. Filters it. Then puts it back into containers and sells it. He is not making any kind of product such as bio diesel or anything like that. This is a fairly straight forward operation. Based on his NAICS code is the reason we need to do the ID-3 rezone. One thing I am excited about, this is not a huge project, but it's an important project. All projects are important to us as a community. One thing I am excited about is he is looking to build some additional space. For his use, he only needs about 5,000 feet of space. He is proposing to build a 10,000 corporate space meaning there will 5,000 square foot space for other industrial users. I can tell you now, the vacancy rate across the board for industrial space is very limited, with the exception of larger spaces such as the former Katherine Plant and also the former Superior Essex. Those have their own

issues with low ceiling height and so forth. For folks looking for smaller space, they have no options. In fact, I have an active project in Rock Hill now that's been trying to grow and expand and looking to come here to Chester. I just don't have any options for them. This may be an opportunity here with this project. He has a very successful operation. He is an entrepreneur. He has several operations one of which is in the Columbia area, another in the Greenville-Spartanburg area. He has never had any issues with the neighbors about odor or anything associated with that. More importantly, he is now a resident of Chester County. He has moved and built here. This is an expansion. This is not a relocation of his other operations.

Commissioner Howell asked if you are rezoning the whole property? Mr. Long said no. We are looking to subdivide. He wants the 3 acres zoned to ID-3. Obviously, the owner of the property doesn't want to rezone the entire thing, the whole 50 acres. Its basically just to rezone the 3 acres and then of course he would move forward with the purchase of the property once he knows he has the proper zoning. Commissioner Howell asked if he needed the full 3 acres to build his small warehouse? Mr. Long said between the setbacks and parking it's fairly narrow. I think 10,000 is all the area would support, plus you know tie parking and so forth. Commissioner Howell then said, this property backs up to the school, correct? Mr. Long said no, he is actually on the other side. The middle school is actually a little further towards the interstate. He is actually between Outokumpu and one of the other business there. I don't believe that he backs up to the school. Commissioner Raines said it is fairly close to the High School. Commissioner Walley then states that she does not like what's happening. I think he needs to present first, and then if he wants to tell us in favor of it he can talk afterwards. Mr. Long said I will turn it over to Mr. Cannon.

Mike Cannon of 512 Pond View Lane, Richburg, SC stepped to the podium. I am the owner operator of Providence Environmental. We are a pump and haul operation. We are backing trucks. I have a business with three components to it. Government contracting. Grease trap. Oil water separator service. And used cooking oil. I bought a used cooking oil business about 5 years ago from some gentleman in Spartanburg called Panacea Biofuels. They didn't make any biofuel, but they collected used cooking oil which is a raw material for the bio diesel industry. The objective of used cooking oil, everyone has been to a restaurant and eaten fried food. Cooking oil gets old. You take it out back and put it in a bin. Someone has to come around and pick it up, and that's us. We have I think 400 restaurants across the state. We collect it. Bring it to our shop where we consolidate it. Give it a little bit of heat. Oil floats to the top. Water floats to the bottom. We send the water, via vacuum truck, to a permitted disposal site in Bishopville, SC and the oil is filtered and sold to a broker which it could go anywhere. This operation, which I would like to put near my home, just because I'm getting older, and I would like to be able to go to work 5 minutes from my house rather than all the way to Greenville-Spartanburg. We generate no waste in Chester County. Waste that is generated is trucked off site to permitted disposal site in Bishopville, SC. That's the long and short of it. Its not a very big operation. One guy runs the operation. That dewateres the used cooking oil. I have a driver and a half that is going around the state picking up.

Commissioner Raines asked how many gallons would you process per day? Mr. Cannon said, raw, per day 1,500 or so. We try to ship out a 6,000-gallon tanker. If I get one every 10 days, I am happy. So, the raw oil coming in, roughly is about 50% water in it. In order to make 6,000 gallons of finished product I have to bring in 12,000 gallons. Our truck is a non CLD truck. It's a short six wheel. Anyone can drive it. He fills it once a day. If he is in Columbia, he fills up twice. It's not a high-volume operation. Chairman Raines asked once or twice a day raw product. Mr. Cannon said yes. Chairman Raines asked if operation would be 24-hours a day. Mr. Cannon said no sir. Currently we run 8-5 or 8-4.

Vice Chairman Smith asked which state agency regulates biofuel? Mr. Cannon said I'm not in biofuel. Vice Chairman Smith said, the business you're in is there a state or federal agency? Mr. Cannon said the business I am in, I'm regulated by DHEC on the grease trap side. On the used cooking oil side, I'm not aware of anybody that regulates that. It's really considered a waste. Our biggest problem that we have is theft. Because its commodity.

It has value. We have people that come around and cut our locks and steal. We can't get the backing of law enforcement because they think people are stealing garbage. Vice Chairman Smith asked if you have annual inspection from DHEC? Mr. Cannon said well I have, in Richland County, a storm water walk through. We pass with flying colors. I'm well respected by DHEC. I hold permits in North Carolina, Virginia, Georgia and of course South Carolina. Commissioner Walley asked, leaving your facility, would be what type of truck? Mr. Cannon said it's an 18-wheeler, 63,000-gallon tanker. Commissioner Walley asked how often would you say that would be traveling out of your facility? Mr. Cannon said if I could do it once a week, I would be happy. But reality, once every 10 days. Commissioner Walley said just one truck every ten days? Mr. Cannon said leaving the facility, yes. We will pick up oil every day. Commissioner Walley said so you're moving your whole thing from Wellford to Richburg. Mr. Cannon said yes mam. That's a one-person operation. When I bought the business, four years ago, it was a multi-tenant operation there. Chairman Raines said you will have the same amount of waste. Another tanker with your waste? You're saying you have a tanker of the finished product every day, will you have the same with the waste? Mr. Cannon said the waste is consolidated in the same manner as the finished product. So, I misspoke, it would really be two. You take the finished product off, but then you have to take the waste off. Two tractor trailers every ten days. Commissioner Howell asked the tanker that you're bring in, is it an open container truck or closed container? Mr. Cannon said it is a closed container. It's vacuum trucks.

Chairman Raines asked if there any other questions. There were none. Chairman Raines asked if any member of the public would like to speak in opposition of this request. There were none. Chairman Raines asked if any member of the public would like to speak in favor of this request. There were none.

Chairman Raines asked Mr. Long if there was anything that he would like to add. Commissioner Walley apologized for interrupting earlier. Mr. Long said the parcel is already defined roughly as 3 acres. But it is part of the 50 acres track that's never been subdivided. That bigger track is zoned ID-2. Because of the NAICS code they do need ID-3. They are looking to rezone the 3 acres to ID-3. And I'm excited about the extra space to give us a small amount of space, 5,000 square feet, that we can market, and I've already got some projects that would be great fits for it. Commissioner Walley said repeat that sentence again for me. Mr. Long said he is building more space than he needs. He is building a 10,000 square foot building and would only occupy half the space so there will be at least 5,000 square feet that's going to be marketable for other tenants. Commissioner asked if it would be one building split into or two separate buildings. Mr. Long said it will be one building divided. A small industrial flex building. Commissioner Walley asked does he see expanding his business to need the rest of that building? Mr. Long said I guess it really depends on how well his business goes. Theoretically, he is leasing the space. If his business grows fantastically, and he needs the space. He could just not renew the lease to his tenant and take over the space. I don't think that's his plan. I think his plan is that 5,000 is greatly large enough for the foreseeable future for his operation. Chairman Raines said this is just an opportunity for other business to move in. Mr. Long said yes, and I have one active project right now that is looking for right at 5,000 square feet.

Commissioner Howell said on exhibit A on this paper we have, Lewisville High School backs up to this property. We were told just now by this gentleman that this property did not back up to the school. Mr. Long said I apologize. Chairman Raines said I understood that he was under the misconception that we were talking about the middle school. Mr. Long said that is correct. Commissioner Howell asked Chairman Raines if he would entertain a reverter clause for this property if it ever quits being this waste oil? Chairman Raines said yes that is something we can consider; it is heavier industrial. Chairman Raines explained the reverter clause to Mr. Cannon that we conditionally approve the rezoning. Mr. Cannon said I was actually going to suggest that. I'm 56 years old. My objective is to bring the operation over here. Build something that I can rent when I am finished. That's why I spoke with Robert initially. Have a marketable piece of property that I can lease when I retire. Chairman Raines said so you are good with the reverter clause. Mr. Cannon again said yes. Chairman Raines said the only sticky part of that I can think of is if he has his business inside of his building and another business in the other side. If he ceases to operate, both businesses would revert back to ID-2, regardless of what the other half was.

Commissioner Walley said so the whole 3 acres would revert back. Chairman Raines said yes. Then at that point they could come back. Reapply and we could consider what they are doing.

Commissioner Howell made a motion to approve the rezone with the reverter clause if the business cease to exist, the zoning will revert back to ID-2; seconded by Vice Chairman Smith. Vote was 6-0 to approve.

CCMA21-13: Michael R. Mills, agent for JAH Properties LLC request Tax Map # 087-00-00-001-000 (portion of) located along Darby Road, Chester SC be rezoned from R2 (Rural Two) to RS-1 (Single Family)

The applicant nor a representative for the applicant was present for the meeting.

Chairman Raines asked if anyone wished to speak in favor or in opposition to this rezoning request.

Director Levister said they are requesting to rezone 6.38 acres. The owner owns both R2 and RS-1. He wants to combine them to make one tax map number. That's the whole purpose so he can combine both properties together.

Vice Chairman Smith made a motion to approve the rezone as requested; seconded by Commissioner Howell. Vote was 6-0 to approve.

Discussion:

Chairman Raines asked staff if they had anything for discussion. Commission Howell asked if we had a meeting next month. Ms. Hutchins from staff said we do.

Commissioner Walley made a motion to adjourn; seconded by Commissioner Williams. Vote was 6-0 to adjourn.

This is a summary of proceedings at the April 20, 2021 meeting of the Planning Commission: 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.