

Chester County Planning Commission

July 20, 2021

The July 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 June 30, 2021 Chester News & Reporter. All properties were also posted.

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

Absent: No Commissioners were absent

Staff: Mike Levister, Nicole Hutchins and Morgan Carelock were present. Attorney Winters was also 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 7-0 to approve.

Approval of Minutes: Chairman Raines asked if there were any additions or amendments to the June 15 2021, minutes as presented by staff. There were none. Chairman Raines made a motion to approve the minutes as presented; seconded by Vice Chairman Smith. Vote 7-0 to approve.

RNC21-05: Ethel F. Halsey request naming their current private rural community drive located on West End Road which access her property identified as Tax Map #: 033-00-00-015-000. She requests ***Leroy Namon Road***, which has been approved by our 911 addressing coordinator, Sally Hudson.

Ms. Halsey, nor a representative, was present to present this case.

Chairman Raines made a motion to approve the name for the Private Rural Community drive as requested, seconded by Commissioner Walley. Vote was 7-0 to approve.

CCMA21:20: Todd Marion Love request Tax Map # 115-00-00-023-000 located on Lancaster Highway, Chester, SC be rezoned from GC (General Commercial) and R2 (Rural Two) to ID-2 (Limited Industrial)

Mr. Love, nor a representative, was present to present his case.

Chairman Raines said we're not sure what he is going to do with the property, but it is in the area where there are other businesses. It looks like it would be appropriate zoning for that area according to our comprehensive plan that whole corridor is commercial, industry property. That's all I can specify on that without having the applicant here.

Chairman Raines then asked if any member of the public would like to speak in favor or in opposition of this rezoning request. There were none.

Commissioner Grant asked if we knew what he (Mr. Love) was going to put there? Attorney Winters asked if staff knew. Ms. Hutchins from staff said Mr. Stephenson does, and asked him to step to the podium. Kevin Stephenson of 2735 Lakeshore Drive, Chester stepped to the podium. Mr. Stephenson said from his understanding after speaking with Todd on the phone, he is not going to sell the property. He is just going to rezone it incase someone comes along to buy the property. Chairman Raines said he has no plans for the property at this time, he just wants to get the property more in line of what he feels like it could be used for? Mr. Stephenson said yes sir.

Commissioner Grant said I would like to know more of what this property is going to be intended for. Chairman Raines said there are a lot of other ID-2 around it. It wouldn't be out of order to rezone this to match continuous properties.

Attorney Winters asked Nicole with staff if the NAICS codes that he has listed, do you know if that 's what he has intended to use the property for? Ms. Hutchins replied I think that's more in line of what Mr. Stephenson's property will be used for. Attorney said so this is not an indicator of what it will be used for. Ms. Hutchins said no.

Commissioner Grant made a motion to disapprove until we know for sure what's going on here; seconded by Commissioner Howell. Chairman Raines asked if we could table this until we get more information? Commissioner Grant said we can table it if he wants to come back and talk to us.

Chairman Raines asked staff if he knew about the meeting. Ms. Hutchins said he did, and Mike has a note here that he was actually going to rezone it to ID-2, to combine it with his other property beside it that's already ID-2. Chairman Raines asked, so he owns the property that continuous to this piece? Ms. Hutchins said right, and its already ID-2.

Commissioner Grant withdrew his motion, and Commissioner Howell withdrew his second. Chairman Raines stated the first motion to deny and the second has been withdrawn. Chairman Raines also stated if that is the case, and this property borders it anyway, it makes more since to have it all the same zoning.

Chairman Raines made a motion to approve the rezoning based on zoning around the continuous property. Commissioner Grant said he would still like to know what he is going to use this for and would like to motion to table this until he can come before us. Vice Chairman Smith seconded the motion to table the case. Chairman Raines withdrew his motion to approve. Vote was 7-0 to table.

CCMA21-21: HLC Holdings, LLC request Tax Map # 115-00-00-144-000 located on Lancaster Highway, Chester, SC be rezoned from GC (General Commercial to ID-2 (Limited Industrial)

Chris Gaddy, of 1189 Deer Run, Chester stepped to the podium. I am here to represent HLC Holdings along with Kevin Stephenson. We also have Pete Smith here who is with WBT Trucking. We are on the corner of Gaston Farm and Highway 9. We have a sale pending with WBT Trucking which is contingent on them being able to use it on ID-2. That's why we are requesting this. Just a couple of facts about that

area, the property right adjacent to us is owned by Ed's Trucking Company, which is ID-2. Al Trucking Company, which is right down the road, is ID-2. That whole area is ID-2 along with the property Todd owns, that's right across the street. WBT, if I have these facts right, they are a truck and dispatch and truck maintenance company. They 're relocating here to expand or add to where they are and they currently employ twelve people in Chester County and expect to increase to twenty-five employees.

Chairman Raines asked if any commissioners had any questions for the representative. There were none. Chairman Raines asked if anyone was here to speak in favor or in opposition of the rezoning request. There were none.

Vice Chairman Smith made a motion to approve the rezoning request as presented; seconded by Commissioner Williams. Vote was 7-0 to approve.

Chairman Raines stated to the applicant that the Planning Commission is advisory to County Council. County Council will have three readings on the request, and they could follow up with staff for more information.

CCMA21-22: Earl L. Evans request Tap Map # 069-07-01-026-000 located at 528 West End Road, Chester, SC be rezoned from RG-2 (General Residential) to GC (General Commercial)

Quantavious Hopkins, of 660 Center Road, Chester stepped to the podium. He stated his Dad wanted to use this as a mechanic shop. Chairman Raines asked has this been a mechanic shop in the past? Mr. Hopkins said, I guess. Chairman Raines asked if he currently has a business? Mr. Hopkins said yes sir. He had to move. The owner sold the one he had so he bought the land there. Chairman Raines asked how long has he been in business? Mr. Hopkins stated seven or eight years.

Chairman Raines asked the commissioners if they had any questions. Commissioner Grant asked if he was going to use the existing building that's already there. Mr. Hopkins said he's building another one. Chairman Raines asked if he would tear the other down completely. Mr. Hopkins said yes.

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

Commissioner Grant made a motion to approve the rezoning request as presented; seconded by Commissioner Hill.

Chairman Raines stated he had one concern. He said we've been down this road several times. That's a main thoroughfare into town. The appearance of these places, and there are several. I'm not disparaging you sir, there are several places in town when you come by there, they've got junk cars sitting out or cars being worked on. Chairman Raines asked staff what's your roll in preventing that, making them put up screening and that kind of stuff, is that part of your office and duties. Director Levister stepped to the podium and stated basically the ordinance says in that section, which is GC General Commercial, wrecked or junk vehicles prohibited. Outdoor storage of materials used in assembly, fabrication or processing limited to 25% of floor area of building on same lot is permitted if screened from view from

public right-of-way. Chairman Raines said we've seen equipment with engine block still hooked to them. Engine lifts and that type of stuff. Chairman Raines asked can you follow up and make sure that type of stuff don't happen. Director Levister said correct. Commissioner Howell asked if that's something we need to add as a clause to this. Director Levister said you have the opportunity to put whatever you want to put in the motion. Vice Chairman Smith asked isn't that a county wide ordinance as far as junk cars. Director Levister said yes. Commissioner Walley asked your office is the one that will follow up on that in the county. Director Levister said junk cars, that's T J Martin. Commissioner Grant said well if he puts a new building up that will be improvements to the piece of property next door.

Chairman Raines asked if anyone wishes to change their motion or second based on that information. Motion stood. Vote was 7-0 to approve.

CCMA21-23: Mattie Howze request Tax Map # 160-00-00-025-000 located on Georgetown Road, Great Falls, SC be rezoned from R1 (Rural One) to RG-2 (General Residential)

Mattie Howze of 5262 George Beard Avenue in Great Falls. I want to get the land rezoned to put a mobile home on it. Chairman Raines asked is there a structure there now? Ms. Howze said no sir. Chairman Raines asked has there ever been a structure there. Ms. Howze said no sir. Chairman Raines asked about the well and septic. Ms. Howze said it's city water and sewer.

Chairman Raines asked the commissioners if they had any questions for the applicant. Commissioner Howell asked if the house would be a single wide or a double wide. Ms. Howze said a double wide.

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

Roxie Trotter, of 2385 Winter Crest Drive, Rock Hill SC stepped to the podium. (She requested Ms. Hutchins pass handouts she provided to the commissioners) My husband and I are the property owners of 139 acres at the end of George Town Road. We are Tax Map 105-00-00-041-000. This property has been in our family since 1936. What I'm handing out to you, if you will look at the first two pages, this is Ms. Mattie Howze's deed. Highlighted at the bottom of page one, it says the forgoing conveyance is subject to Restrictive Covenants recorded in the Deed Book. If you flip to page three, four, five and six in your packet. Highlighted on page three of your packet is no building shall be erected on the lots nearer than fifty feet to the front lot line of the lot nor nearer than ten feet to any side lot line, nor nearer than thirty feet from the back lot line. If you flip over to the next page, number seven, it says no trailer, mobile home, tent, shack, barn or other outbuilding shall be erected on the lots nor used for a residence, temporarily or permanently. If you go back to her deed, it does mention that on page one. It also mentions on page two of the deed. The subdivision was created in 1988 by Carl Player. The restrictive covenants were signed in 1992. Ms. Howze deed, on page two, is from 2005. And her page two is from 2009, agreeing to the covenants for that property. There are seven lots right now on George Town Road that are still zoned as R1. Four of these have houses on them already. Lot one, two and three, which hers is lot three, does not have any buildings or houses on them.

Commissioner Howell asked is a modular home restricted under this? Ms. Trotter said I'm just going by what the deed says. It says trailer, mobile home, tent, shack, barn or other outbuilding. Commissioner

Howell said so if it has no frame under it, it's a house, correct? Director Levister says that depends on how its classified. That's from the manufactured specs.

Chairman Raines stated so we're looking at what's the definition of the things listed in the deed, correct. Commissioner Howell said yes, that's what it comes down to. Commissioner Howell asked Ms. Howze the unit you're looking at, how is it classified? Is it classified as a modular? Ms. Howze said I haven't found anything yet. When I asked about it, I was told it had to be rezoned for a mobile home. I didn't purchase that land in 2005. I got it from my sister. I can't remember the date but not 2005. It was in Mary Howze name first. I'm Mattie. Commissioner Howell said it all comes down to from what I see, staff, the unit going there has to be a modular home and not a mobile home, is that correct? Attorney Winters said I think the commission needs to look at number three also. No structure shall be erected on the lots other than one detached single-family dwelling not to exceed two- and one-half stories in height and a one or two car garage. Attorney Winters states the restrictive covenants are not just for no mobile home, they are pretty restrictive as far as easements, if anything can be built, where it can be built. Commissioner Grant said it's basically down to a stick built is that right. Attorney Winters said that's about it. Chairman Raines asked it doesn't allow any type of manufacturing housing, it has to be stick built. Attorney Winters said it doesn't say that, but it does say, number four does say, one detached family dwelling. Vice Chairman Smith asked Attorney Winters, regardless of the zoning, does the covenants and restrictions supersede that? Attorney Winters said it follows the land, yes unless and until Mr. Carl Plyer removes them, they follow the title. Chairman Raines asked if anyone had any other questions. There were none.

Russ Trotter, of 626 Park Drive, Rock Hill stepped to the podium. (He provided handouts as well for the commissioners) I'm going to walk you guys through this, and I think this will clear up some of the issues for Mr. Howell about the parameters and such. My Father and Mother began inquiring this property from other members in late 2016 early '17. It's been in the family since 1936. This is the deed recorded in the courthouse, that first page. If you flip to the next page, I want to show you a plat from 1919. You'll see some circles around what's called road to Stoll's. I've made some markings; you can see Highway 99, Highway 97, Or what becomes those roads. 100 years ago. If you will look at the dotted line that goes down into the North corner called the Stoll Lands. That is what that 1936 deed references. Bounded by Stoll Lands. That is the creation of George Town Road. That North corner at the very end is the property we are speaking to in question. Now the problem with all of this and how I'm going to wrap all of this together, Chester County has failed to declare that last 300 feet after the pavement ends, county roadway. We went through 2 ½ years struggling to try to prove that we have rights to cross that dirt section of road in order to get to our property. Our fear is that, if someone were to build there without having the actual road defined, per Chester County code, or an easement defined, descriptive easement per SC Law, showing that we have rights to cross that, someone is going to hinder our ability to get to our property. It's nothing malicious. It's nothing personal. But we don't want any hindrance. We don't want to have to go into any legal battle in order to get to ours and without that roadway being defined. It's going to be really hard for Ms. Howze, or whoever else were to come along to build anything to be able to meet the meets and bounds and off sets of that right away. We can flip on now to the next few pages. The next pages from the University of South Carolina Archives, this is a 1942 road map from SCDOT. I've highlighted on the left side an occupied farm unit. This is the legend. The next page also has a highlighted area right there along Beckamville. The "y" shaped road, you have Cloud Road which you can reference Frances Cloud's name from the 1919 plat. Georgetown Road is the road defined here. At the very end of

that road you will see an occupied farm unit. That would be the house in question from 1942 when it was still being used as a homestead by my family at that point. The next page shows the same thing from 1958. At this point you see that the road has ended. That is when we assume the gate has been erected. It has been fenced off. We have shut off part of that county road at that time. Georgetown Road was paved in the late 50's and early 60's. And for whatever reason, on the next page the 1959 USDA archives arial, you will see the entirety of that road up to the property line is wooded property. Why the state decided to stop 2 or 300 feet before our gate I assume is because there is no plan to build or what have you at that point. However, our concern is we have spoken in 2 ½ years, multiple times with the county. State. Everyone. No one will give us the time of day to reclaim that road as county property which I believe with everything that I am. I mean a road can't just go away and we'd be cut off after 100 years over that last 2 or 300 feet. The next page is the arial from 1980 which is sitting in the Chester County Tax Assessor office, it shows that same thing. These lots were not subdivided until 1988. The conveyances were put into place in 1992. And a lot of those lots there towards the end, five six, one, two three were sold in the early 90's. '94 '95 '96 so forth. You can see that on the next plat, which is the actual subdivision plat from 1988 that Carl Player did. And you will see on the next one, the same thing. The one that I also will speak to, on that 1988 subdivision plat, is if you will look online and look at how all those properties are being appraised, Ms. Howze's lot is being appraised at .54 acres. It is not. It is .467 as per this plat. Lot number two, which is owned by Matt D. Young, is being appraised at .79 acres. It is not. It is .461. Beacon online can not be taken for correct as far as property lines so on and so forth. So once again, I'll restate our fear, without the county reclaiming that section of roadway, it is going to be impossible for someone to meet the proper offsets and bounds in order to meet the lot restrictions that are one in the covenants that my Mother just spoke of and the county ordinance. You can see, the last three pages shows how beacon illustrates those lines and the incorrects they have. The last statement I'll make is based on the development of these properties, now this is just personal statement. I graduated in 2014 from Charleston Southern with a degree in Wildlife Biology. My Grandfather kept cattle on that property for my entire adult life. It hasn't had cattle on it for maybe five years, maybe. We know this subdivision has already had run ins with other members in the subdivision wanting to put cattle and whatnot. We do prescribe burns because all we do is hunt and use it for agricultural purposes. South Carolina Forest Law, well it's actually a DHEC regulation, says that we are not allowed to burn fields, forest things like that within 1000 feet of a structure. A house going into that property steps into us 250 feet. We're not allowed to fire a firearm with 100 yards of a residential area or a residential structure per the county ordinance. Our hands become tied. The main point I am here to make is without proper definition of that roadway the last 300 feet of Georgetown Road the proper offsets and bounds can not be met.

Chairman Raines asked if anyone had any questions. Attorney Winters says I take exception to the statement that that no one's given Mr. Trotter and his family the time of day because I did meet with Mr. Trotter and his Father. I've met with Mr. Levister regarding the road issue. We're really trying to figure it out. I want the commission to know that we are trying to figure it out. The extra road, these 300 feet. Mike Levister and I have spent hours trying to figure it out. We have a county engineer going out there to actually look at the piece to try and figure out what happened. Mr. Trotter is correct that we've got this mystery piece. How it became a mystery piece. He's done a tremendous research as you can see. I just want the commission to understand the county is working on this road issue. So, how that plays into your decision, I don't know but I just want that on the record, that the county is working on it. Mr. Trotter said yes mam I appreciate your help last week and apologize I left you out.

Commissioner Walley asked Mr. Trotter just out of curiosity, is there a creek right there? Mr. Trotter said no mam.

Vice Chairman Smith said I don't think the road access is a topic really for the commission. Statewide, there are a lot of situations just like that and it seems like they get solved through private litigation. I'm concerned about the covenants and restrictions though. Chairman Raines said I agree with you. We need three or four lawyers here to figure this out. I don't see how you can get past the deed restrictions to build anything anyway. I don't know if that was common knowledge or if it was just discovered. The road issue is certainly beyond this meeting and this commission.

Chairman Raines made a motion to deny the request based on legalities beyond our control. Commissioner Grant seconded the motion. Vote was 7-0 to deny.

Chairman Raines told Ms. Howze to follow up with staff. If this can be worked out it will probably take a while. Ms. Howze said what do you mean it can be worked out. Are you saying that I can't put a mobile home there, but I can do a modular on my property right? Chairman Raines said it's all got to do with definitions. You check with the staff, and you probably need to get you a lawyer and find out exactly...it's rather vague the way it's written because everybody uses different terminology for mobile homes and modular homes and stick built. I just say you need to get an attorney to find out exactly what that covenant restriction means and where that leaves you. Ms. Howze said ok because it's already two modulares on that same side. He's right to certain extent about the road if you start running a road though there or some kind of easement and all that puts you in another violation of the covenant because of the setbacks and stuff. You need to clarify that first. Ms. Howze said running a road through where my property is? Attorney Winters said I think we are entering in kind of legal advice. Chairman Raines said follow up with staff and see if they can give you some advice on where to go and get some clarification on that deed.

Vice Chairman Smith wanted to mention that anyone can leave if they have already read their case. They don't have to stick around if they don't want to. Chairman Raines said yes, I should have said that earlier. Anyone that's addressed your portion of the meeting you're welcome to leave. You don't have to stay.

CCMA21-24: US Developments request Tax Map # 079-04-02-020-000 located on Village Drive, Chester, SC be rezoned from LC (Limited Commercial) to PD (Planned Development)

Steven Rosenburgh, of 14822 Resolves Lane, Charlotte NC with US Developments, stepped to the podium. The county is doing an amazing job to attract industry and jobs. We'd like to be part of that to bring residential units here. We have a PUD plan proposed which will be commercial, multi, and single family. We have two pieces of property involved in this. We're very close to the school. One of the things we would like to work with, the school board, is to have a walking trail so residence could walk their students there instead of having to use bus or car. We think it's an advantage for single parents that don't have the resources to drive or two parties to take them to school. We have presented the presentation which I believe you have in front of you or on your screen. That shows you what we're proposing. Single family, Multi family, and then the commercial sites. We're working with the national builder to bring them here to this property. We are a land developer, so we don't do the vertical. We work with most of

the major national builders. We think that is good for the community. They are very good at marketing, so they'll bring people here. They provide a good product. We've put some samples of homes in here to show you. The development summary, it's 111 acres that we have. The single family lots are 50 foot. Minimum lot size is 6000 square feet. There's 10.83 acres of commercial. 8.99 acres of multifamily with a maximum of 215 units. Again, because it's very close to the city there is available water and sewer. There is a great road network in place. And of course, the school is right there so we believe that the services that are required for a good community are already in place. Our discussions with the county lead us to believe that having additional residential is positive with the jobs that are coming here. Now, I will be quiet unless there are any questions.

Chairman Raines asked the statistics that you gave, that's the entire project. Not just this case. Mr. Rosenburg said that's correct. I apologize. I should have said my remarks will address all three because it's three separate parcels.

Vice Chairman Smith said you said the minimum lot size are 6000 square feet? Mr. Rosenburgh said correct.

Mr. Rosenburgh said I want to thank staff for working with us because we have met with them several times to make sure we are within the parameters that exist today for zoning.

Commissioner Howell said you have only a minimum of five feet between the houses and the property line. Mr. Rosenburg said correct. Commissioner Howell said most air conditioners are five feet now. Mr. Rosenburgh said yes, what they try to do is put them at the back. Commissioner Howell said I understand what you're saying but I was a fireman earlier in my life and I know what five-foot property lines do for you. You burn three houses when you burn one. Commissioner Howell said I'd like to see you extend it to 10 foot. I know it would cut down on your amount of houses but you're looking at life and property also. Mr. Rosenburgh said right. As land has got more and more expensive as you know homes have gotten closer together. And I don't believe it reaches any fire code, but our engineer is here with us. Brandon can you address that?

Brandon Pridemore, with R. Joe Harris and Associates of 1186 Stonecrest Blvd, Tega Cay stepped to the podium. To address your question Mr. Howell, I know you worked for the fire department, but what we have to do is base it off the international fire code which says the five-foot side yard is sufficient. So, you have 10 feet between homes at a bare minimum. I'm not sure we're in violation. I do understand your request Mr. Howell and that's just something we would have to discuss. Commissioner Howell then said you also have to understand that because the houses are so close together, you've got to put in a bigger water line. Mr. Pridemore said yes sir, with the more recent adopted ones we'll have to have fire flow to 1000 gallons a minute to be able to sustain fires to single family homes. Commissioner Howell then said it also puts the fire hydrants closer together also. Mr. Pridemore said yes sir it can. I can't argue that I'm not a fireman by any means. In my experience I do know fires happen. They are not as frequent with modern day codes with the code improvements that have happened. Case in point would be Statesville, we do a lot of work up there. We've had that issue over and over and over. They've gotten comfortable with five foot. As they look at their history of fire responses, they have been in the homes that were built prior to 1990. They've had zero calls on newer infrastructure.

Commissioner Howell asked is this going to be Section 8 homes? Mr. Pridemore said no sir these are going to be market rate homes. Well, I'll let Steven (Mr. Rosenburgh) answer that. Technical questions I am here for. Anything for the market and homes, that will be Steven.

Commissioner Howell said the other question I have, I see your green space here is all flood plains, which is typically not useable. Mr. Rosenburgh said this is not flood plains in the since that there is water on it. You can't build on it under the national building code, but it's certainly good open space to use. And to answer your question, these are not Section 8. These are homes for sale to individuals. We want to meet the market need here, that the employment that you are generating is going to create.

Commissioner Williams asked, you said these are not Section 8 homes. What are the square footage of these homes and cost wise? Mr. Rosenburgh said that's an interesting question mam. Home prices have been soaring lately. These homes would be an average of 2000, 2200-foot range, it's really hard to build anything less than \$260,000 to \$280,000 today with the price of 2x4's as you know dimensional lumber hit \$1900. It's crazy.

Commissioner Howell asked do you have any commercial lined up to go on this property? Mr. Rosenburgh said no we haven't yet. You've got to get those, in my experience....Commissioner Howell said you got to get the rooftops first. Mr. Rosenburgh said you took the words right out of my mouth. Commissioner Howell asked if there are any particular retail you're looking to attract? Mr. Rosenburgh said what we would attract would be what the community needs as a service point of view. We'd meet with your economic developer and sit down and say what does the community need and that is what we would go after. We've got a whole team that would reach out to do that.

Vice Chairman Smith asked have you developed any other properties with similar densities? Mr. Rosenburgh said yes, unfortunately I'm not smart enough to do anything else, so I have been doing this for thirty-five years and we've got things in the Charlotte region. Things in Denver. In Charleston. I don't know if you're a golfer or not, Legend Oaks, which is in Charleston, 850 homes. We did that with some commercial and with some apartments. Vice Chairman Smith asked do you mind giving some of those examples in the Charlotte market. Mr. Rosenburgh said Stonebridge, if you've ever been a golfer. That's the largest one we did. Greens of Birkdale is a very, very successful development. Highway 77 North in Huntersville, I'm not even sure they are ten feet apart there. It was a zero-lot line project. We had a zero-lot line project in Charlotte on the South Side. Zero lot line on one side you really have no distance. The house sits on the property line, and you have five feet on the other. Vice Chairman Smith said thank you that gives me a frame of reference.

Chairman Raines asked what would be the smallest square foot house, you said it would average? Mr. Rosenburgh said probably.... it's hard to do anything less than 1,800 square feet today to meet peoples demands. Chairman Raines said some would be 2,400. Mr. Rosenburgh said yes. 24, 26. Builders will love to take it up because they get more to build more. Chairman Raines said economy to scale. Mr. Rosenburgh said exactly. The smaller the house, the less profit. It's really not a good economic thing.

Commissioner Howell asked, these homes will have garages? Mr. Rosenburgh said yes sir. Commissioner Howell said there will be no on street parking? Mr. Rosenburgh said whatever your local municipal code is for parking. They all have garages. We're not doing a home without garages.

Commissioner Howell asked what the distance from the home to the back of the sidewalk is going to be, what's your restriction? Mr. Pridemore said we have it listed on the zoning plan but we're going to have 20 feet from the right of way, so from the sidewalk itself to the right of way you've got about twenty-five feet to park a vehicle and stay clear of the sidewalk, which wouldn't impede the sidewalk. Typical household vehicle is going to be around sixteen to seventeen feet. So, the intent I think, that answers the question about parking. We can't control who parks in the street and who doesn't. We don't ever encourage it or advertise it. That's probably a question for Mike and his staff. The intent is to have a two-car garage and two parking spaces for each home. Commissioner Howell said so you're leaving only sixteen feet from the garage and the back of the sidewalk basically? Mr. Pridemore said no sir. When we look at it, you're going to have, from the garage to the right of way, it's twenty feet and then the right of way to the sidewalk is three to four feet, so you've got twenty feet to park exclusive of the garage. Commissioner Howell asked the road of way is going to stop where on the property? Mr. Pridemore said the right of way is going to be the front lot line so it's going to be twelve feet off the back of the curb, and then we start the twenty-foot gap to where the house would be.

Chairman Raines asked if anyone had any more questions. Attorney Winters asked I'm curious as to in your agreement for the sale and purchase of the property, on page two, seller hereby appoints the purchaser as its agent for purposes of filing for annexation. Do you plan on doing that? Mr. Rosenburgh said we put that in if required. We're not planning to annex at this time. Attorney Winters asked, if required, why? What would require annexation? Mr. Pridemore said the discussion at the time was that we didn't know if this was going to be better suited for the City of Chester or Chester County. But the decision was made after they signed the contracts that we would like to keep this as a county project. Attorney Winters said ok. Mr. Pridemore said that's the only reason, they just wanted to cover and not have to make an amendment in case something changed. Attorney Winters said sure, thank you.

Commissioner Grant said one last question, do you intend to have restrictive covenants that's similar to this? Mr. Rosenburgh said yes sir. Mr. Pridemore said that is for the specific partner we are working with so it's very specific to them.

Chairman Raines asked if anyone had any further questions.

Mr. Rosenburgh said Mr. Chairman, member of the commission, I'd like to give my personal thanks. I served for eight years on the Charlotte Planning Commission. Six years as the Chairman. I understand how much work and effort this is to review these documents and understand what's coming before you. Thank you. Chairman Raines said Thank you. Attorney Winters said then as you likely know, I just want to reiterate for the record this commission is advisory, and they will advise whatever their decision will be to County Council. Then there will be three readings by County Council. This is your public hearing. There will not be another public hearing. Mr. Rosenburgh said thank you for that clarification, we are used to another public hearing. Attorney Winters said I know, that's why I told you. You do however have the ability to speak; County Council does have citizens comments at the beginning of every meeting. It's three minutes. You can sign up. The sign up is usually in the hallway or you can tell the clerk that you want to be on the agenda. So, if you want to address council that's how you will do it. Mr. Rosenburgh said thank you for that clarification as well. So, as the applicant we do not have the right to speak. We have to sign up to speak. Attorney Winters said yes sir.

Chairman Raines asked if any member of the public tonight would like to speak in opposition or in favor of this rezoning request.

Brady Bell, an owner of Bell Auto Body Repair, which is a second-generation business, with his younger brother Ben Bell, stepped to the podium. Me, him, my late Dad, and my late Grandfather have owned three generations of business within this area. So, growth in this area is great. I'm in 100% agreeance with it. It's got to come. You can look at York County. Lancaster County. Growth has got to come. The only concern, Mr. Grant made, I would like to see a copy of the covenants and restrictions for the planned neighborhood because...in the past two generations of family, the neighborhood behind us has gone to mess and pop basically. It is a freaking mess back there. I want to make sure the future, not my generation cause Lord knows forty to fifty years from now I'll be gone Lord willing, future generations I want to make sure the same thing is not accruing because this is going to be a long-term endeavor project. The second thing is, water and sewer, has any of that stuff been addressed because that stuff is very old and outdated. I have issues with where I'm at, there is phone issues. What they are talking about bringing is going to take a lot of infrastructure. All that terracotta piping is past gone in the ground. The water line, the phone, that stuff I have questions about. I'm in agreeance with the growth but I have basically two questions this evening.

Chairman Raines asked didn't we have information, Director Levister said it's in your packet. Attorney Winters said we have a letter from CMD. Chairman Raines said the sewer district says they can handle. I don't think they addressed the structure itself. They have they capacity to take this on. But whether the pipes are new or old, your end would be older. The other end at Second Baptist Church I would think would be much newer infrastructure. Maybe that's what they're talking about using. I have no idea, but that would just be an assumption on my part. It would make since, if you will. Otherwise, I can't answer your question for sure.

Steve Bishop of 531 Sherwood Circle Chester stepped to the podium. I am the pastor of Chester Freedom Ministries and part of the land they are talking about purchasing is land that we own. We purchased the land twenty years ago to build houses on. To build residential space for people because it was such a need then, no where near as badly as it is today. We've been in that process; we built the HUD 202 for senior adults, and we wanted to continue to do that to provide housing for people of different income levels. We looked at different projects over the years and had some that looked promising but none that ever materialized. When we were approached by this company with their plan, and I went and visited the sites that they've given to you personally to see what their construction looked like. What their communities looked like and was pleased with that. So, our desire is to provide housing for people in Chester County. A lot of the housing will be for people like fireman, policemen and teachers. It's a good plan to help the community. At least that's our view. When I say our view, I'm speaking of the elders of Chester Freedom Ministry. As far as Mr. Bells concern about the sewage and water, we put in new lines when we put in housing and our church seventeen, eighteen years ago. I don't know all parts of that, but I know we ran the line from Highway 9 and then we ran the sewage from Robin Circle. Those are the things we're doing. Again, we're in hopes of providing housing for people that will be coming to Chester. Those that are here of course, as always. But people that may come to Chester County as well. That's reason for being part of this as it were. Like I say, we typically do our research and this company seems

to measure with us as far as quality and being willing to do what they say they will do and so that's our reason for being involved.

Commissioner Grant wanted to expand on Mr. Bell's question. Homeowner restrictions or Homeowners Association take care of the property. And the restrictions they put in place help maintain value of your property over the years. That's the purpose of them. And if he institutes these right here, based on me living in a homeowner's association subdivision before I moved here, these are very restrictive.

Chairman Raines asked if there were any other discussion. Commissioner Howell said he would like to see a little more distance between the houses. I mean this is, I understand it's land and land is expensive. I just don't see houses ten feet apart wall to wall. Chairman Raines asked the setbacks now meet the requirements of the district, correct without any issues? Director Levister said you've got to realize that when you create a plan development that the developer designs the project with setbacks that he thinks is suitable for the project. Chairman Raines said it undoes the whole project, essentially. Director Levister said yes. Chairman Raines said we've addressed this before but going forward... Director Levister said the PD section doesn't have a minimum set back. The developer presents it to the county and the county makes the decision if they want to increase it at the next level. Chairman Raines said the whole purpose is you get higher density. Director Levister said correct. Chairman Raines said setbacks shrink based on that, and it does meet NFP code. Director Levister said yes. Chairman Raines said I understand what Mr. Howells is saying but it's done other places. Director Levister said correct.

Commissioner Grant said well this is no different than any other subdivision I've seen put around here. And if that's what the residents want, that's what the resident can have as far as I am concerned. As far as distance between houses, I've seen them even closer than this, quite closer as a matter of fact, probably by ten feet. So, when you burn one, you burn the other one. I understand Mr. Howells's question but that's left up to the homeowner because if they are building somewhere up around 2,000 square foot homes, if the homeowner wants that, fine with me. Commissioner Howell said I withdraw my request.

Vice Chairman Smith said I think the issue is more on the county's side not the developer side. We don't really have a footprint, a blueprint for this. It seems like in all these projects, the key issue is the high density. Chairman Raines said, yep. Vice Chairman Smith said I think that needs to be resolved from the county's perspective. Chairman Raines said you want a complete plat of the things laid out? Vice Chairman Smith said I'd just like a more detailed assessment of the density in these planned developments. Chairman Raines said conceptually you've got ten feet between houses. Commissioner Grant said that happens when he comes back with a master plan. Isn't that right Mike? Director Levister said well he's already presenting what the density is in the packet you've already received. He's already telling you it's a minimum of 6,000 square foot lot. He's telling you the density is like 2.86 in single family. It's less than the current ones that's already been through the system. Chairman Raines said some of those were four and a quarter. Director Levister said correct. He's presented everything that is required in the Planned Development section of the Chester County Zoning Ordinance. Chairman Raines said the way I understand these types of issues, the NFPA codes are studied by people that understand that stuff and you're hanging your hat on a lot of building methods with material, fire rated walls that are long enough for the fire department to get there. Occasionally you do have two or three houses burn down,

like it happened in Indian Land not too long ago, but I don't know that that's the scope of this commission.

Commissioner Grant asked can I make a motion, so we don't beat this horse to death. Chairman Raines said yes.

Commissioner Grant made a motion to approve the rezoning request as presented; seconded by Chairman Raines. (CCMA21-24 only) Vote was 5-2 to approve with Commissioners Howell and Williams opposed.

Commissioner Grant said the only other discussion I have is that I want to see rooftops.

Chairman Raines made a request to combine the last two cases CCMA21-25 and CCMA21-26 both requesting to be rezoned from RG-1 (Multi Family) to (PD Planned Development). Applicant presented these cases along with CCMA21-24. Commissioner Grant made the motion to combine to two; seconded by Chairman Raines. Vote was 7-0 to combine.

CCMA21-25: US Developments request Tax Map # 079-04-02-088-000 located on Village Drive, Chester, SC be rezoned from RG-1 (Multi Family) to PD (Planned Development)

CCMA21-26: US Developments request a 28-acre portion of Tax Map # 079-00-00-032-000 located on Village Drive, Chester, SC be rezoned from RG-1 (Multi Family) to PD (Planned Development)

Chairman Raines said as mentioned we've already heard the presentation for the three cases combined. We discussed many issues such as setbacks and water and sewer. I will ask the questions, is there any member of the public that would like to speak in favor or in opposition of this rezoning request. There were none.

Chairman Raines made a motion to approve the rezoning request for CCMA21- 25 and CCMA21-26 as presented; seconded by Commissioner Grant. Vote was 5-2 to approve with Commissioners Howell and Williams opposed.

Chairman Raines instructed the applicant to follow up with staff to confirm the dates of the next meetings and to sign up if he wished to speak his three minutes.

Attorney Winters asked Mike if Todd Love was still here. Director Levister said he was, he has just text him to come back to the council chambers.

CCMA21:20: Todd Marion Love request Tax Map # 115-00-00-023-000 located on Lancaster Highway, Chester, SC be rezoned from GC (General Commercial) and R2 (Rural Two) to ID-2 (Limited Industrial)

Todd Love stepped to the podium. Mr. Love said I own the piece of property right here that joins the piece of property beside Fastenal. I purchased it in 2012, 2013. I found out there was a little piece that

belonged to Jimmy Long that actually jutted into this piece of property we're talking about. I went and purchased it from Jimmy Long. It's a small piece and I found out from Williams Trucking when they were purchasing it from K&K, one is zoned ID-2 one is zoned commercial. I guess it's just that little piece. My plan is to make all of this the same, so I don't have to do all of this when I get ready to sell the property where one piece is ID-2. I don't think it's big enough to build on it. The piece that juts out across the road the State of South Carolina actually has that for a road right of way. It's just the piece of property right beside Fastenal that's ID-2. There is a little piece that juts out that you're seeing and it's probably .16 acres that needs to be rezoned ID-2 so the whole square right there will be ID-2. Chairman Raines said it's 085 according to this. Mr. Love said I plan on having the property resurveyed that whole square will actually end up being ID-2. Chairman Raines said you don't have any plans right now? Mr. Love said right now the plans are, if I did anything with the property would be to sell it, or to put a building on it the same as Fastenal or one of the buildings right there beside it, all right there in the same area. That would be the plans if I did decide to do anything. Right now, I have no plans to do anything but to square it up and avoid going through this in the future for that little piece of property that we found out was zoned different on that side of the road than the other side of the road.

Chairman Raines asked if anyone had any questions. There were none. Director Levister said he just wanted to say that once he submitted his packet they worked together and that's when Mr. Love realized the triangle on the opposite side of the road is actually owned by the state now. When you look in the packet there where it says General Commercial, was taken by the state when Gaston Farm Road was put in. Basically, where it says R2, he wants to ID-2 that and then combine that to have one tax map number. Chairman Raines said the piece across the road is immaterial. Director Lever said that ain't even his anymore. He found out by research and having the surveyor come out he don't even own that; it was taken by the state. I just wanted to verify so you would know about both triangles.

Vice Chairman Smith asked if we need to make a motion to withdraw the table motion? Attorney Winters said not necessarily because when you did make a motion you didn't table it for a date certain, so you tabled it to the end of the meeting.

Commissioner Walley made a motion to approve the rezoning request as presented; seconded by Commissioner Howell. Vote was 7-0 to approve.

Chairman Raines asked staff if they had anything. Ms. Hutchins said no. Chairman Raines asked if everyone would be available for the workshop Aug 9th. Ms. Hutchins confirmed with Mr. Grant he could attend to have full attendance.

Commissioner Walley made a motion to adjourn; seconded by Vice Chairman Smith. Vote was 7-0 to adjourn.

This is a summary of proceedings at the July 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.