**Chester County Planning Commission**

**September 17, 2019**

The September 17, 2019 meeting of the Chester County Planning Commission was held at 6:30 pm in Council Chambers at the R. Carlisle Roddey Government Building in 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 August 28, 2019 Chester News & Reporter. All properties were also posted.

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

**Absent:** Commissioner Walley was absent

**Late Arrival:** Commissioner Walley arrived at 6:32 pm (after the vote to approve the agenda and minutes)

**Staff:** Director Mike Levister, Nicole Hutchins, and Katie Jordan 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. Commissioner Hill made the motion to approve the agenda; seconded by Commissioner Howell. Vote was 6-0 to approve the agenda.

**Approval of Minutes:** Chairman Raines asked if there were any additions or amendments to the August 20, 2019 minutes as presented by staff. There were none. Commissioner Howell made the motion to approve the minutes; seconded by Commissioner Grant. Vote was 6-0 to approve.

**New Business:**

**RNC19-01:** Robert & Leigh Anne Bickett, Tax Map Number: 090-00-00-136-000 request South Ridge Farm Lane for the Private Drive located on Williamsville Church Road.

Chairman Raines asked Mr. Bickett if he had any comments, and if this was the name he wanted use. Mrs. Bickett said any of the three were fine. Chairman Raines said he would consider the one listed as the primary choice.

Chairman Raines made the motion to approve the Private Drive named South Ridge Farm Lane; seconded by Commissioner Grant. Vote was 7-0 to approve.

Chairman Raines stated to let the record reflect that Commissioner Walley was now present.

**RNC19-02:** MikeCannon, Tax Map Number: 116-00-00-101-000 request Pond View Lane for the Private Drive located on Goblet Road

Mr. Cannon was not in attendance at the meeting.

Commissioner Howell made the motion to approve the Private Drive named Pond View Lane; seconded by Vice Chairman Smith. Vote was 7-0 to approve.

**CCPCLD19-01:**  Bohler Engineering request approval of Preliminary Plat for Land Development of Tax Map Numbers 124-00-00-048-000 and 124-00-00-080-000

Chairman Raines stated this is a total of 98.3 acres to be divided into 295 lots.

Chairman Raines called the representative for Bohler Engineering to step to the podium. Daniel Renckens approached the podium and thanked the committee for gathering this evening. We are representing LGI Homes, a civil engineer, and we’ve been involved with this project since 2017. The project has received a cluster development approval for the by right use of 295 proposed residential homes that are shown on this preliminary plat. Its our understanding that this plan meets the intent of the regulations of Chester County and I know LGI Homes is looking forward to being good neighbors to the surrounding folks in Chester County. I’ll be here to answer any questions, but that’s kind of the summary of what we’re proposing here this evening.

Chairman Raines said we have a document here from the Dennis Corporation. It says they have reviewed some stuff and provided some comments. He asked Mr. Renckens if he had seen this document. Mr. Renckens said they had just received and reviewed that document today. Mr. Levister provided those to us. We are willing and able to meet the requirements of the ordinance and adjust the site plan as needed to work with planning to resolve these issues. Chairman Raines said so these items will be incorporated in to the final plat. Mr. Renckens said that’s correct. It’s our understating that the preliminary plat can be approved with conditions. Those conditions can include the comments from the Dennis Corporation and will be reflected on the final plat.

Chairman Raines then asked about the items from the State Department of Transpiration. Mr. Renckens said we are currently working SCDOT. The roundabout that’s actually reflected on that plan is no longer being composed based on feedback that we’ve had from the district engineer. We have the feedback from SCDOT and are working with them concurrently to achieve the request and get the permits needed from them as well.

Chairman Raines asked if anyone had any further questions.

Commissioner Grant asked specifically where the entrance to the subdivision is. Is it the logging road that goes out into that field? Mr. Renckens said that’s correct. There are currently two entrances proposed off of Edgeland Road. Commissioner Grant asked two entrances? Mr. Renckens said yes sir. Two entrances off of Edgeland Road as well as a connection to the Victorian Hills cul-de-sac via the public right of way. There is a total of three entrances into the subdivision. Commissioner Grant asked so where is the other entrance in relation to that little driveway. Mr. Renckens said he would have to measure it off but would say its about two hundred feet north along Edgeland. You have a small medical office building just north of that.

Chainman Raines said you say there’s a third proposed….. Mr. Renckens continued connection to Victorian Hills which we understand is a requirement based on fire code. Chairman Raines said ok. Mr. Renckens said that’s via public right of way, sixty-six foot right of way that connects to Victorian Hills subdivision cul-de-sac to the subject property. Chairman Raines asked so you’re planning on exercising that as a third entrance? Mr. Renckens said that’s correct. All of the proposed roads in the subdivision are proposed to be public and taken over by the County upon completion of construction, including that public right of way. Chairman Raines said it will be two entrances off of Edgeland and one out of Victorian Hills cul-de-sac. Mr. Renckens said yes sir.

Chairman Raines asked if there were any further questions.

Vice Chairman Smith asked if there was going to be a pump station. Mr. Renckens said there will be a pump station. We had a very productive meeting with Chester County Waste Water Recovery about three or four weeks ago and that is going to be operated and maintained by Chester County Waste Water Recovery, and we’re in the process of permitting that as well.

Commissioner Howell asked if any property would be set aside for utility equipment, phone, power? Mr. Renckens said currently were showing all of the public utilities within the public street rights of way. All of the dry utilities, electric, gas that you mention would run through those public roads which are stubbed at the property for future connectivity incase that adjacent land was to need it. Commissioner Howell said so you have no proposals for additional sewer, water pump stations? Mr. Renckens said the pump station was being sized to accommodate additional lots in the case that adjacent land does develop. LGI has worked with Chester County Waste Water to build that pump station to allow for that future development and they’re going to put that in now to allow, I want to say an additional 500 or so lots, if that were needed. Commissioner Howell said my question is there is nowhere to put in a phone switch or a power substation? Mr. Renckens said that’s something we could look into on the site, however currently, LGI is not planning to construct that for their project. It will just have to be a conversation that we look at. We can look into it if that’s something that’s requested. It’s hard to say right now but can look into that for sure.

Commissioner Howell then asked if this development would have fire hydrants every 500 feet. Mr. Renckens said that’s correct. We’ve looking into the fire hydrant placement and are placing them accordingly.

Vice Chairman Smith asked about the density of the neighborhood as far as if you take out the wetlands, what are we looking at as far as houses per acre? Mr. Renckens the lots are a minimum of fifty feet wide. Our cluster prevision allowed three dwelling units per acre maximum,

Chairman Raines asked if anyone had any other questions. There were none. He then asked Mr. Renckens if that completed his presentation. Mr. Renckens said yes.

Chairman Raines asked if any member of the public wished to speak in favor of this rezoning request. There were none.

Chairman Raines said he had five people signed up to speak, assuming they were opposed, or at least have questions to the request. He asked them to limit their comments to three minutes, which is a policy of the board, to try to be brief, and not be repetitive of points made already if possible.

Chairman Raines said the first speaker is Bill Hipp. Mr. Hipp stepped to the podium and stated his name as Bill Hipp of 3574 Victorian Hills Drive, Richburg. He said he wasn’t going to go into all the stuff about whether or not they should develop the property and how they should develop it some of that has already been discussed and some of it actually has been approved. I’d like to bring your attention to some documents that I gave Mike earlier tonight, and I believe he’s made copies and presented them to y’all. February 2, 1996 I was deeded lot twenty-one, Victorian Hills subdivision, before the subdivision was actually made. There was no Victorian Hills Drive. Nothing else was there. The reason for this was so the developer could get the money to make Victorian Hills Drive. He and I guess struck a deal. If you’ll buy lot twenty-one now, we’ll start building the road. At the time, as you can see by the document I gave you, my plat, there is no thirty-three foot right a way to the north east of lot twenty one. There never has been. If you look at my deed it does not say anything about a thirty-three foot right away. When Victorian Hills subdivision plat was recorded on 8-1-96, some six months after my deed was recorded, my plat, they added the sixty-six foot right away. Then so they encumbered upon my property thirty-three foot without my permission and have not got permission since. So, in my opinion there is no thirty-three feet, therefore there is no sixty-six feet, therefore there is no third in and out for the subdivision. I own my thirty-three feet in full. Mr. Hipp then said if that takes my three minutes I’ll gladly sit down. Chairman Raines said I’m not sure what to tell you. Mr. Hipp said It’s a legal matter. Chairman Raines said we don’t deal with legal matters here. Mr. Hipp said I don’t have anything to say about how they are going to develop, or anything that much. Chairman Raines said it’s quite a dilemma when you don’t know you’re dealing with that situation, and then its thrust upon you. Mr. Hipp said I’m sure they did a title search, but they missed this little part. Mr. Hipp then thanked everyone.

Chairman Raines said the second speaker is Terry Fellowes. Mr. Fellowes stepped to the podium and stated his name as Terry Fellowes of 3537 Victorian Hills. He says, with an English accent, obviously I’m not from here so if you don’t understand anything I say, please tell me. I have lived in Victorian Hills and been a tax payer for twenty years. We, I think as a community, don’t see a problem with development. But when we moved there, we saw development happen. What we do see is a complete change to our lifestyle. Because if these developers here are going to build 295 houses, then that means there is going to be somewhere in the region of 600 vehicles just on this initial phase. I understand the problem of getting the vehicles in and getting the vehicles out. Unfortunately, if you look at these types of development, what tends to happen is the garages tend to get filled up with stuff, and the cars tend to be parked on the roads. Therefore, the vehicles are going to give problems of access to any fire equipment that’s going to be going up and down these roads. The other questions I have is concerning the density. Our friend here gave us the density of three houses per acre. Is that taking the entire lot? Or is that the parcel? Or is that just looking at the places where the houses are built, not taking into effect any open areas, any recreational spaces? Are other house going to be closer together? I can see that we as residences are going to lose several things. One thing is, that road as it is now, we have a couple of residences that are well known for speeding. We wanted to put speed bumps in there, but everyone gets talked down. We do have new families moving in with small children. They are not going to play on the roads. We are going to have to be careful when we are coming out of our driveways. We’re going to have problems. Quite frankly it’s going to be a complete change of lifestyle from what it is now. We’re semi-rural, it’s going to change, and it’s going to become much more urbanized. We’re going to see a lot of vehicles moving up and down there. If there is an alternative to that exit out of Victorian Hills, I think it should be found. That’s all I’ve got to say. Thank you.

Chairman Raines said the next speaker will be Susan Helms. Ms. Helms stepped to the podium and stated her name as Susan Helms, and I live on Gaston Farm Road. But I lived across from this subdivision growing up. And I hate to see cookie cutter houses going up across from where I live. When we heard about 800 and something houses, and I talked against it, and the reason the county voted against it was because of safety issues. Because the houses are like twenty feet apart. So, just like Sun City, when one house caught on fire, two others were damaged. I don’t mind houses. We need houses cause were trying to pass a hundred sixteen and half million-dollar school bond. And we need the tax money. But I want to see appropriate housing for this area. I do not want people endangered. Now I did not see but one entrance coming in when I looked at the map. He said two comes out. But still on Edgeland Road, 901, that’s going to be a hazard too. 600 cars coming out at one time because these are going to be people that work. And they’re all going to be going to work at the same time. Please consider the safety issue here. Please consider how close these houses are going to be and just like Terry (Fellowes) said, they’re going to be parked on the road and fire trucks and emergency vehicles will have a hard time coming in if there is an emergency. Please, look out for our county. Thank you.

Chairman Raines said the next speaker will be Lyle Dickerson. Mr. Dickerson stepped to the podium. Good evening. I’m not going to bother to repeat what everybody else has said but I agree with them. But on that sixty-six foot right of way that’s only thirty-three foot, y’all just consider that it’s going through a wet land and it is noted. And to build that up, you’re not going to have a road, even with sixty-six feet going through a wetland as big as that is. Thirty-three feet you can’t put a road in. There’re just two entrances there on Edgeland Road, it’s not adequate. We need houses. But we need them like they said for Chester County, not Fort Mill. Thank you.

Chairman Raines said the next speaker will be Daniel Renckens. Mr. Renckens said no, I signed the paper….. and Chairman Raines said he didn’t recognize the name.

Chairman Raines said so we have heard the proposal for what they want to do. Two entrances off of Edgeland Road, one from Victorian Hills. Some contingent about that right of way, out of our control. However, it is recorded in the deed, and we’ve also heard concerns about access, fires and things of that nature. Is it not true that it’s illegal to block a road like that with personal vehicles and that would be a law enforcement issue? Director Levister said correct, and I think Mr. Judson said there will be something in the homeowner’s association also to address that.

Director Levister said also while I’m standing up here, just to let y’all know, roads of an existing subdivision shall not be used as a sole means of egress or ingress in the development of a new subdivision or extending an existing one unless approved by the Planning Commission. So, they won’t be able to use that road even if the legal matter works out to be a sole egress or ingress without the approval of the Planning Commission per section 5.2 under streets. Just to let y’all be aware of that. Chairman Raines said ok, and there is no requirement for multiple entrances? Director Levister said no sir. Chairman Raines said one entrance would suffice? Director Levister said this was done before…. After this was approved for the cluster development is when the county readdressed that issue. Chairman Raines said ok, so the two entrances off of Edgeland would be suitable? Director Levister said correct.

Commissioner Walley asked, Mike before you leave can I ask a question? Director Levister said yes ma’am. Commissioner Walley said, I don’t know, is there anything you have on your things in your office to address what Mr. Hipp was talking about. Director Levister said that’s going to be a legal matter. Commissioner Walley said yes, I understand. Director Levister said Bill talked to me recently this week, and we talked about it. Basically, that’s going to be between their attorneys between Billy and Lyle and LGI or Bohler Engineering or whoever wants to address that issue to figure out if it does exist or don’t exist. Chairman Raines said but as you just stated, we have to grant that since it’s going …… Director Levister said if it’s going to be a sole ingress or egress of an existing subdivision it has to be approved by the Planning Commission. Commissioner Howell said which is not being asked at this time. Director Levister said correct.

Commissioner Howell said if I understand this right, this is only a utility approval, tonight. Director Levister said what for the road? Commissioner Howell said what I’m asking is, what their requesting is utilities and roads today correct? Director Levister said correct. This is actually to approve the preliminary plat that’s in front of you. Chairman Raines said the number of lots is already approved. Director Leister said correct, what we’re to do, the plat had to be approved to make sure all the zoning and the land development regulations for a subdivision. Commissioner Grant said this is just for a preliminary. Director Levister said correct, there’s going to have to be changes. They know there’s got to be changes. Commissioner Grant said he’s got to come back to us again, or come to you? Director Levister said yes, for a final. With the comments that was addressed with the Dennis Corporation they know they have to address those issues, and redo a plat, and present it back. Commissioner Grant said so if I’m reading this correct, what he got from the highway department and the Dennis Corporation, he’s got to comply with these. Director Levister said correct. The comments from Dennis Corporation is actually what comes out of the road’s standards for the subdivision out of our land development regulations. Commissioner Grant said ok. Director Levister said now the SCDOT we don’t enforce that. The SCDOT will and they will provide them with a permit for construction.

Commissioner Grant said Mike I’ve got one more question. Is there any zoning requirements that he have subdivision restrictions when they build the subdivision? Director Levister said as far as restrictions as in? Commissioner Grant said the people owning it more or less take care of it. Director Levister said that was addressed in the HOA that Judson Stringfellow presented to the ZBA when they got the cluster development and I addressed that with Daniel to make sure they were aware of what was addressed and what was talked about. Commissioner Grant said so it’s got to come back to us for that also. Director Levister said correct, they will present us whatever their homeowners association is I’m assuming. Commissioner Grant said I gotcha. Chairman Raines said whatever covenants they decide to assign to the homeowner’s association would be …… Director Levister said they are aware of everything that was asked by the ZBA as far as homeowner association, the size of houses, how many stories and all that. That was all addressed at that time and I made sure that Daniel and them got relayed that message since Bohler Engineering and LGI is involved in it now and not Judson Stringfellow.

Chairman Raines said to Director Levister, you being a building inspector, the codes give some leeway for distance between houses for fire barriers, rated fire barriers for…. Director Levister said they are no where near that. They are outside that five foot. Chairman Raines said I realize they had that fire up there in Sun City and who knows what happened there, but that kind of stuff is typical. This is not the first time this has ever been done in the world. Director Levister said correct. Chairman Raines said a lot of cities and towns in South Carolina and the whole country, same kind of density, same kind of spacing between houses. And that’s generally considered to have been address in building codes. Director Levister said correct. He had the option in cluster development requirements, he could have asked for zero lot lines, and he didn’t ask for any. He wanted to stick to the same existing setbacks.

Chairman Raines asked if there were any further questions or discussion. There were none.

Commissioner Grant made a motion to approve the preliminary plat.

Chairman Raines said he would like to amend that motion, that we approve it with the stipulation that we do not allow the access in Victorian Hills. I’m not sure its necessary. I think it just complicates….Commissioner Grant said Mr. Chairman I would agree with that. Chairman Raines said if we have to give that approval, I don’t think that’s a good idea to give that approval. That clears up some of the other.

Mr. Renckens said I just want to confirm that’s ok by the fire marshal. Just from our stand point, I think we would be completely open to that motion. However, I just want to make sure the fire marshal is ok with that. Chairman Raines asked if that was specifically talked about, three entrances vs two? Mr. Renckens said it is my understanding that is a requirement of the fire marshal. Again, we are ok with eliminating that access point considering that the fire marshal accepts that removal. Commissioner Grant said so you’re saying that the fire marshal wants two entrances, right? Chairman Raines said he wants three. He wants two off of Edgeland Road.

Commissioner Wally said alright Mike… Director Levister said I will make an offer that I will be willing to reach out to the fire marshal to see what his input is about eliminating that drive. Chairman Raines said ok. It’s only seventy feet deep into that drive. It’s not like it’s a rear access or anything like that. I can’t see where that buys you a whole lot, in most instances. Director Levister said correct, I understand. I’m willing to reach out if y’all want me to reach out to him to see what his feedback is, or if he still requires it and why he requires it. If y’all want me to address that with him. As soon as I get feedback, I will relay that. Chairman Raines said I’m going to leave it in the motion. Director Levister said that will be fine, then we can address as needed at the next….Chairman Raines said ok, that’s fine. Get us an answer on that.

Chairman Raines said I amended a motion, that we do not allow the third entrance from Victorian Hills, but we approve the preliminary plat as stated.

Mr. Renckens said he would hate for this to get approved without that entrance and then it be required per code. Is there a way that it could either be contingent on the requirement, or we’re also willing to make it a fire access only if it is indeed required? I would just hate for this to get conditionally approved, assuming that access goes away, and then all of a sudden, we find out that access is required.

Chairman Raines said I’d be willing to do that. Director Levister said I guess what I would say too, I can’t tell y’all how to vote or whatever, but we need to make sure that when you make the motion and vote, that we make sure and document that we’ve got to make the modifications from the comments that was given back on the preliminary plat. Chairman Raines said on the third entrance. Director Levister said well I’m talking about the ones you got from Dennis Corporation. We need to make sure we document that for the record that those modifications need to be addressed for the next plat approval. We don’t want to approve it without the modifications. Chairman Raines said and the state stuff, that’s not really considered a modification. That’s just an issue with them. Director Levister correct.

Chairman Raines made the motion to approve this preliminary plat that’s been presented, with the stipulations that the Dennis Corporation items have to be addressed and included in the preliminary plat and the fact that the third access from Victorian Hills would be emergency fire access only and not a public road, or if the fire marshal gives concurrence to staff, the entrance will be eliminated totally and there will only be two entrances.

Commissioner Grant said Mr. Chairman you’ve got two motions on the floor so I’m going to solve your problem. I’ll withdraw my motion. Chairman Raines said thank you Mr. Grant.

Chairman Raines said so Commissioner Grant has made a motion to withdraw his motion, second from Commissioner Howell.

Chairman Raines said now my motion with the stipulations approving the items with the Dennis Corporation, and either eliminating the third access or have it be emergency only; seconded by Commissioner Howell. Vote was 6-0 to approve. Vice Chairman Smith opposed.

Chairman Raines said we’ll await your follow up Mike on the question of the access for fire, the third access. Director Levister said as soon as I get comment I’ll be glad to present it.

Chairman Raines said I agree in principal with what everybody is saying. The way things have been done in Chester county for the past forty years, with big lots and stuff, it isn’t economically feasible. I think this is the type development you’re going to see with going forward with any developer. I’d ask you to bear with us, we live in this community too. We’re not trying to make a mess. I have no financial stake in any of this. We’re not trying to make developers rich or anything like that, but we do have to work with them. I appreciate your consideration of that if you will.

Chairman Raines asked if anyone had any other business for council tonight. He said I’ll mention that you got a letter a week or so ago about training, continuing training. Check with staff, they have the latest dates if you think you….. Commissioner Grant said its my understanding we don’t have to attend this one if we attended the one in February or March. Ms. Hutchins from the staff said that’s correct. Commissioner Grant said we’ll have another session in February or March is that correct? Ms. Hutchins said correct. The only one that I needed from your board to register has already registered. You’re good. Chairman Raines said once a year you have to do three hours of continuing education.

Chairman Raines asked any further comments. There were none.

Commissioner Grant made the motion to adjourn; seconded by Commissioner Hill. Vote was 7-0 to adjourn.

This is a summary of proceedings at the September 17, 2019 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.