

## Chester County Planning Commission Minutes of September 18, 2018

The September 18, 2018 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, Chester County Building and Zoning Dept.; and published in the August 31, 2018 Chester News & Reporter. All properties were also posted.

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

**Absent:** No commissioners were absent

**Staff:** Nicole Hutchins was 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 as presented by staff. Chairman Raines made the motion to combine the six properties for purpose of discussion into one case. Commissioner Grant asked if they would be able to deviate between each case, Chairman Raines answered yes. Motion was seconded by Commissioner Smith. Vote was 7-0 to approve.

**Approval of Minutes:** Chairman Raines asked if there were any additions or amendments to the August 21, 2018 minutes as presented by staff. There were none. Commissioner Hill made the motion to approve the minutes as presented; seconded by Commissioner Grant. Vote was 7-0 to approve.

Chairman Raines started the meeting by reading the six cases below for Richburg Magnolias requesting to be rezoned to ID-2

**CCMA18-20:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 135-00-00-019-000, located North of Highway #9, be rezoned from ID-1 (Restricted Industrial) to Limited Industrial (ID-2)

**CCMA18-21:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 135-00-00-012-000, located North of Highway #9, be rezoned from ID-1 (Restricted Industrial) to Limited Industrial (ID-2)

**CCMA18-22:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 135-00-00-032-000, located North of Highway #9, be rezoned from R2 (Rural Two) to Limited Industrial (ID-2)

**CCMA18-23:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 135-00-00-020-000, located North of Highway #9, be rezoned from R2 (Rural Two) to Limited Industrial (ID-2)

**CCMA18-24:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 145-00-00-007-000, located North of Highway #9, be rezoned from R2 (Rural Two) to Limited Industrial (ID-2)

**CCMA18-25:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 135-00-00-011-000, located North of Highway #9, be rezoned from AG (Agricultural) to Limited Industrial (ID-2)

Chairman Raines called Mr. Odell Steele to the podium. He stated his name as Odell Steele of 1744 Old Richburg Road. Mr. Steele said the purpose of this is to be consistent with the Highway 9 industrial corridor. Chairman Raines asked if his intent was to create an industrial park and keep all the property in one group. Mr. Steele replied yes sir, his architect is coming up with a plan, it just takes time. Chairman Raines asked if there had been any site work or site prep done. Mr. Steele said no, just in the stage of conceptual design. Chairman Raines asked if he intended to have any mixed type retail or just strictly industrial. Mr. Steele said he didn't have a plan yet. Vice Chairman Cabrey stated that in all you have around 1000 acres you're asking to be rezoned. Mr. Steele replied its actually 1200 acres. Chairman Raines asked if anyone had any other questions. There were none.

Chairman Raines asked if any member of the public would like to speak in opposition of this rezoning request. He called Brad Hubbard from the sign in sheet to step to the podium and state his name and address for the record. He stated his name as Brad Hubbard of 4692 Bryant Corner Road. Mr. Hubbard stated he had concerns with CCMA18-25. This property is directly across from the property he owns. It's now listed as AG and he wants to rezone it ID2. What are the plans for this property? Will it be accessed from our road, which the road can't handle? Will there be a buffer zone between our road and his buildings or industrial zone? Mr. Hubbard said he's against it. He sees no reason for it. He bought his property for peace and quiet but understands there's progress. In lieu of that these real-estate brokers have to keep in mind of the people that live in that area. That's why we have these meetings. There are no plans right now to do anything with the land, it's in the works. He wants to rezone for the heck of it and don't know what he wants to do with it. As far as 18-25, that's at the beginning of our road and my father in law, Kenneth A Gets, owns two properties across from that property, with intent of peace and quiet. If he wants to develop property then sell him 5335 Richburg Road, the Chester County Industrial Park that's just sitting there. Chairman Raines said he's not aware of that. Mr. Hubbard said at any rate, he's against it, 24 and 25 rezoning to ID2. Chairman Raines asked if he currently lives there. Mr. Hubbard said yes, I live at 4692 Bryant Corner Road directly across from CCMA18-25. Chairman Raines asked if anyone had any other questions for this citizen. There were none.

Chairman Raines called Billy Player from the signup sheet to come to the podium. He stated his name as Billy Player of 4706 Bryant Corner Rd. He stated his concern is the property located across from him is currently zoned AG, and he's worried about them using their road. The tax map numbers are 011 and 007. Will there be buffers between our part and the industrial part? Are they going to use our road? Are they going to change the taxes on our property? Chairman Raines asked if he was asking if it would raise his property taxes. Mr. Player answered yes. Chairman Raines said he would think it would make your property more profitable if something like this would occur. He also wanted to point out that the whole corridor from the railroad all the way to Chester is noted as a growth zone for industrial/commercial growth, in the comprehensive plan for the county. Mr. Player said he and Brad were also talking about plants and a lot of noise 27/7 being a concern. Chairman Raines mentioned the zoning classification would specify setbacks. Mr. player said he had no problem with this as long as they are not using their road, and there is a buffer between the road and where it's gone be. He stated there are four different places where roads were going to come in from number nine at one time. Chairman Raines mentioned the guidelines would have to be met for all roads, and any improvements would have to be completed to meet the guidelines.

Chairman Raines then called for Marc Player from the sign in sheet. Mr. Marc Player stated from the audience that Mr. Billy Player had covered all of his concerns.

Chairman Raines asked if any member of the public would like to speak in favor of this rezoning request. Ms. Dean stepped to the podium. She stated her name as Karlisa Parker Dean, the Economic Development Director for Chester County. Ms. Dean stated she didn't think there would be an interest with Bryant Corner being a main entrance to an industrial park. What's going to sell this is the fact that it's on Highway Nine. Right now, the current zoning requires that you buffer between agriculture and residential. It's one hundred and fifty feet or if

you leave the current trees that are there, its a seventy-five-foot wide buffer. Mr. Steele is here tonight to hear what others are concerned with and would give some consideration to that with some buffering along Bryants Corner Road. Certainly, we would work with him on that. She wanted to clarify that there are natural creeks on this property, waterways on this property, that really make it individually three, four or five pieces of property. It's not going to be one major industrial park. We're looking to replace some of the property that we have sold for industrial growth so were looking for new product development. If you look across the street at the neighbors you have in this area, you have Allvac, Guardian Glass, UNFI, Porter Warner, Eldeco and then you have Jones Hamilton on the corner which is an ID3 piece of property. It is a growth corridor with a mixture of industrial and commercial. She said she would be assisting Mr. Steele with marketing the sale and promoting Exit 62 from the interstate, right into the site. Commissioner Grant asked if we put all six of these together, that makes it all continent. Ms. Dean said it is continuous but there are creeks that separate it, it's not going to be one giant industrial park. The center largest piece, with the AG piece and the piece that's closer to number nine, the twenty acres, to me that's one site. There's a site at the end of Sloan Road. Then there's two additional sites to the left. One next to the medical clinic that's always been ID1. Then there's the piece behind that the 288 acres. So, it is different sites. We had hoped it would be one so we could have another mega site but the natural features on the property kind of preclude that. Chairman Raines asked so it will be approximately five properties? Ms. Dean replied yes. Commissioner Tate asked if this goes hand in hand with the master plan? Ms. Dean replied yes sir.

Chairman Raines asked if any other member of the public wished to speak in favor of this rezoning request. There were none. Commissioner Grant asked if they could vote on the cases individually. Chairman Raines said yes, they can. Commissioner Grant made the motion to vote individually; seconded by Commissioner Smith.

**CCMA18-20:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 135-00-00-019-000, located North of Highway #9, be rezoned from ID-1 (Restricted Industrial) to Limited Industrial (ID-2) Motion to approve by Vice Chairman Cabrey; seconded by Commissioner Smith. Vote was 7-0 to approve.

**CCMA18-21:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 135-00-00-012-000, located North of Highway #9, be rezoned from ID-1 (Restricted Industrial) to Limited Industrial (ID-2) Motion to approve by Vice Chairman Cabrey; seconded by Commissioner Hill. Vote was 7-0 to approve.

**CCMA18-22:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 135-00-00-032-000, located North of Highway #9, be rezoned from R2 (Rural Two) to Limited Industrial (ID-2) Motion to approve by Vice Chairman Cabrey; seconded by Commissioner Williams. Vote was 7-0 to approve.

**CCMA18-23:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 135-00-00-020-000, located North of Highway #9, be rezoned from R2 (Rural Two) to Limited Industrial (ID-2) Motion to approve by Commissioner Hill; seconded by Vice Chairman Cabrey. Vote was 7-0 to approve.

**CCMA18-24:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 145-00-00-007-000, located North of Highway #9, be rezoned from R2 (Rural Two) to Limited Industrial (ID-2) Motion to approve by Commissioner Tate; seconded by Commissioner Smith. Opposed by Commissioner Grant. Vote was 6-1 to approve.

**CCMA18-25:** Richburg Magnolias LLC, owned by Odell Steele, request Tax Map # 135-00-00-011-000, located North of Highway #9, be rezoned from AG (Agricultural) to Limited Industrial (ID-2) Motion to approve by Vice Chairman Cabrey; seconded by Commissioner Tate. Opposed by Commissioner Grant. Vote was 6-1 to approve.

Chairman Raines addressed the applicant of these cases that these opinions are advisory. The county council will have three readings of this and they will approve or disapprove. They will have the final say.

**CCMA18-26:** Derick Close, represented by Darrell Walters, request Tax Map # 165-00-00-079-000, located at 2404 Catawba River Rd, Ft Lawn, be rezoned from Limited Industrial (ID-2) to Rural Residential (R-2)

Chairman Raines called Darrell Walters to the podium. He stated his name as Darrell Walters of Lancaster County, here to represent Mr. Close and his business interest in Chester County. He stated the purpose of this rezoning is to build a cabin on the lake. The property will always be for Derrick and his hunting and fishing. The property is surrounded by a conservation easement. Chairman Raines asked how many acres were in the conservation easement? Mr. Walters replied 188 acres. The total acres are 467 acres.

Chairman Raines asked if any member of the public would like to speak in favor or in opposition of this rezoning request. There being none, Commissioner Grant made the motion to approve; seconded by Vice Chairman Cabrey. Vote was 7-0 to approve.

**CCLDV18-6:** Lex Taylor, represented by William Butler, request approval of ingress/egress to Tax Map # 058-00-00-017-000 located off Dublin Rd, Chester SC

Chairman Raines called William Butler to the podium. He stated he was wanting to purchase some property and is asking for an easement to that property. Chairman Raines asked if he owned the entire property that the easement is coming across? Mr. Butler replied no. Chairman Raines asked if he owned the 50 acres. Mr. Butler replied not yet, but that is what he wanted to purchase. Chairman Raines asked if the first part of the easement was already there. Mr. Butler replied yes, the easement is all the way up to the property. Commissioner Grant asked if he had any future plans for the property. Mr. Butler said the only thing he intends to do now is a tree farm and hunting. Commissioner Grant asked what it is presently zoned. Nicole Hutchins of the staff replied R2. Commissioner Grant asked if he wanted to subdivide for a subdivision, he would have to come back before us. Ms. Hutchins replied, yes.

Chairman Raines asked if any member of the public wanted to speak in opposition to this? Otis Lutz stepped to the podium. He said he owns the property adjacent to it, just South of it. He was asking where the fifty acres is that's being sold and how the easement will be. Chairman Raines held up his plat to show the easement across the transmission line. Ms. Hutchins walked to the podium to show him her copy for a clear view. She pointed out the back tract to be sold and the easement on the plat. Mr. Lutz asked the size of the easement. Ms. Hutchins stated it's a 25 ft easement. Mr. Lutz said basically a driveway. Chairman Raines replies yes, just access to his property.

Commissioner Grant asked the staff, this is marked street access easement, street access has got to be better than fifty feet or sixty feet, is that correct, and a Private Rural Drive is twenty-five feet minimum. Ms. Hutchins replied this is a continuation of a twenty-five-foot easement that already exist. Commissioner Grant asked why would it be marked street access? Ms. Hutchins said because this is not a private rural community drive. This is just to extend an easement. Commissioner Grant said so what you're telling me is if he wants to come back and put a street in there and develop it in the future, he will have to come back and put in a wider road. Ms. Hutchins said yes, and that will have to be approved. She stated he could build a home, but he couldn't put a development there with this easement. Commissioner Grant then stated that we have made things clear now. Vice Chairman Cabrey made the motion to approve; seconded by Commissioner Smith.

A member of the public asked to ask a question. Chairman Raines asked that he come to the podium to state his name for the record. He stated his name as Gus Stringfellow of 154 Jeter Street. Mr. Stringfellow stated he had a concern with the easement and the hunting club. He has purchased thirty-five acres near the hunting club and wanted to see the easement in writing. Ms. Hutchins shared her copy of the plat with the easement for him to see. Chairman Raines asked if his concern was that he would have a hunting club or shoot back there. Mr. Stringfellow asked if all the people back there had been notified that a hunting club would be back there. Ms. Hutchins said it's not a hunting club per say, it's just him hunting, which he already hunts there. He's just bought the land. Mr. Stringfellow asked who all will be hunting there other than him. Mr. Butler answered from the audience just himself and one other person. He stated the only reason there would be another person is because he's getting too old to hunt by himself. Chairman Raines stated that the question is not the intended or permitted use of the property, it's just the access to it. We're not discussing if it's zoned for a hunting club, versus commercial property, versus houses, we're just discussing the fact that he would like to have access to his property. That's the only issue here. He said I understand your concerns but that's not really the question. Mr. Stringfellow asked how much of the easement would be taken from his property. Ms. Hutchins replied it's not going to take your property. Chairman Raines said it's just a legal means for him to have access to his property. It's not taking your property, it's an allowance for him to get to his property physically because it's landlocked by other properties. Ms. Hutchins pointed out the current easement already shown on the beacon map. Mr. Stringfellow said he is very familiar with the property but was confused with what we were saying. Ms. Hutchins again produced the plat and beacon map to him to show the current easement that's already recorded. Chairman Raines asked Mr. Stringfellow if he was clear with what we were doing. Mr. Stringfellow replied no sir I'm not clear, but I won't stand in your way. This goes straight through my property and I'm not giving permission for that. I don't have no control of it. Chairman Raines asked staff to state how this works. Ms. Hutchins stated the existing easement has already been approved. Chairman Raines asked from Dublin Road. Ms. Hutchins said correct, the only thing we are approving at this time is to extend through the first fifty acres that he already owns, to the back fifty acres. Chairman Raines says we have a legal right to grant access, is that correct. Ms. Hutchins said yes. Chairman Raines said this is just a legality for access to reach property, not taking property. Ms. Hutchins said correct. Chairman Raines asked Mr. Stringfellow if he now understand and he replied no. Chairman Raines said the law states that you have to, with our approval, grant this gentleman access to this property. Mr. Butler spoke from the audience again to Mr. Stringfellow that he didn't want any confusion, they would get an agreement in writing for him to access the property to hunt.

Commissioner Grant asked the Chairman to call for the question again please. Chairman Raines asked Mr. Butler if he wished to maintain his application. Mr. Butler said yes, Chairman Raines mentioned that the applicant stated that he has no intentions of a hunt club or anything. He's just requesting access to his property and this is an established legal principal that's applied every day to various places. It's not a taking of the property. Chairman Raines stated we had a motion to approve, we've had discussion, with no further discussion. Vote was 7-0 to approve.

Chairman Raines instructed Mr. Butler to follow up with staff for final direction, that this action will not go before county council.

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

This is a summary of proceedings at the September 18, 2018 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.

