



Designation of Agent for Zoning Map  
Amendment and for Special Exception Application

Chester County, South Carolina

Pinnacle Partners, Inc. hereby appoints Benjamin A. Thompson, Director of Greenfield Development for Luck Stone Corporation d/b/a Luck Companies, as its agent to represent it in connection with applications to Chester County, South Carolina for a Zoning Map Amendment (Rezoning) and for a Special Exception with respect to the property described below:

Property Address Information

Property Address: 1113 Lancaster Highway, Chester, SC 29706  
Tax Map Number: 089-00-00-008-000 Acres: 66.24

Applicant:

Luck Stone Corporation d/b/a Luck Companies  
515 Stone Mill Drive  
Manakin-Sabot, Virginia 23103  
Attention: Benjamin A. Thompson  
Telephone: Office: [REDACTED] Cell: [REDACTED]

Owner:

Pinnacle Partners, Inc.  
541 Windward Pt. Ct.  
Columbia, South Carolina 29212  
Telephone: Home/Office: ( ) \_\_\_\_\_; Cell: [REDACTED]

I hereby agree that this information I have presented is correct.

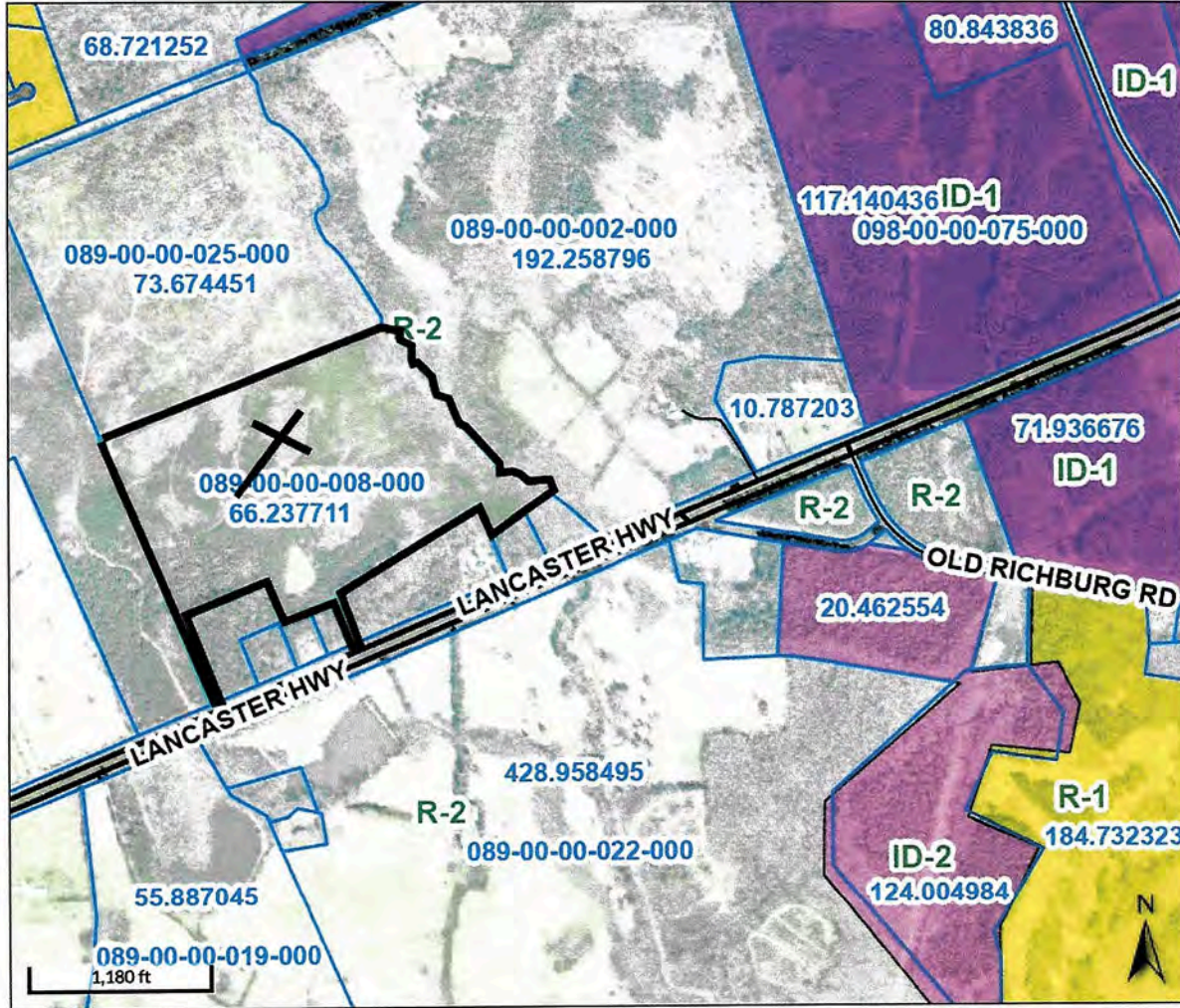
Owner's signature:

PINNACLE PARTNERS, INC.

By: Harold Williams  
Harold Williams  
Its PRESIDENT

Date: November 3<sup>rd</sup>, 2022

Doc#133266766



Overview



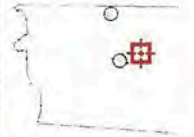
Parcel ID	089-00-00-008-000	Alternate ID	n/a	Owner Address	PINNACLE PARTNERS INC
Sec/Twp/Rng	n/a	Class	LA		PO BOX 3167
Property Address	1113 LANCASTER HWY	Acreage	66.238		ROCK HILL SC 29732
District	02				
Brief Tax Description	LANCASTER RD				
	(Note: Not to be used on legal documents)				

Date created: 12/16/2022  
 Last Data Uploaded: 12/16/2022 3:41:06 AM

Developed by  **Schneider**  
 GEOSPATIAL



Overview



Parcel ID	089-00-00-008-000	Alternate ID	n/a	Owner Address	PINNACLE PARTNERS INC
Sec/Twp/Rng	n/a	Class	LA		PO BOX 3167
Property Address	1113 LANCASTER HWY	Acreage	66.238		ROCK HILL SC 29732
District	02				
Brief Tax Description	LANCASTER RD				
	(Note: Not to be used on legal documents)				

Date created: 11/18/2022  
 Last Data Uploaded: 11/18/2022 3:11:25 AM

Developed by  Schneider  
 GEOSPATIAL

Next Year (2023) Changes



Search Options

Map Number  Real  History Year

Name 1  Other Map Number



Alerts

Has Additional Comments

Owner Information

Post Initials  Reason for Change

Name 2

Address 1

Address 2

Zip Code

Codes

District

Town

Subdivision

Description

Legal

Activity Date

Land Value

Building Value

Total Market Value

Total Tax Value

Fire Code  CITY SUB

Neighborhood  RURAL 2

Use Class

Location

Street Number

Street Name

Suffix

Direction

Additional Information

Appraisal Appeal

Agricultural Use

Rollback

Owner Occupied

Reappraisal Notice

TIF

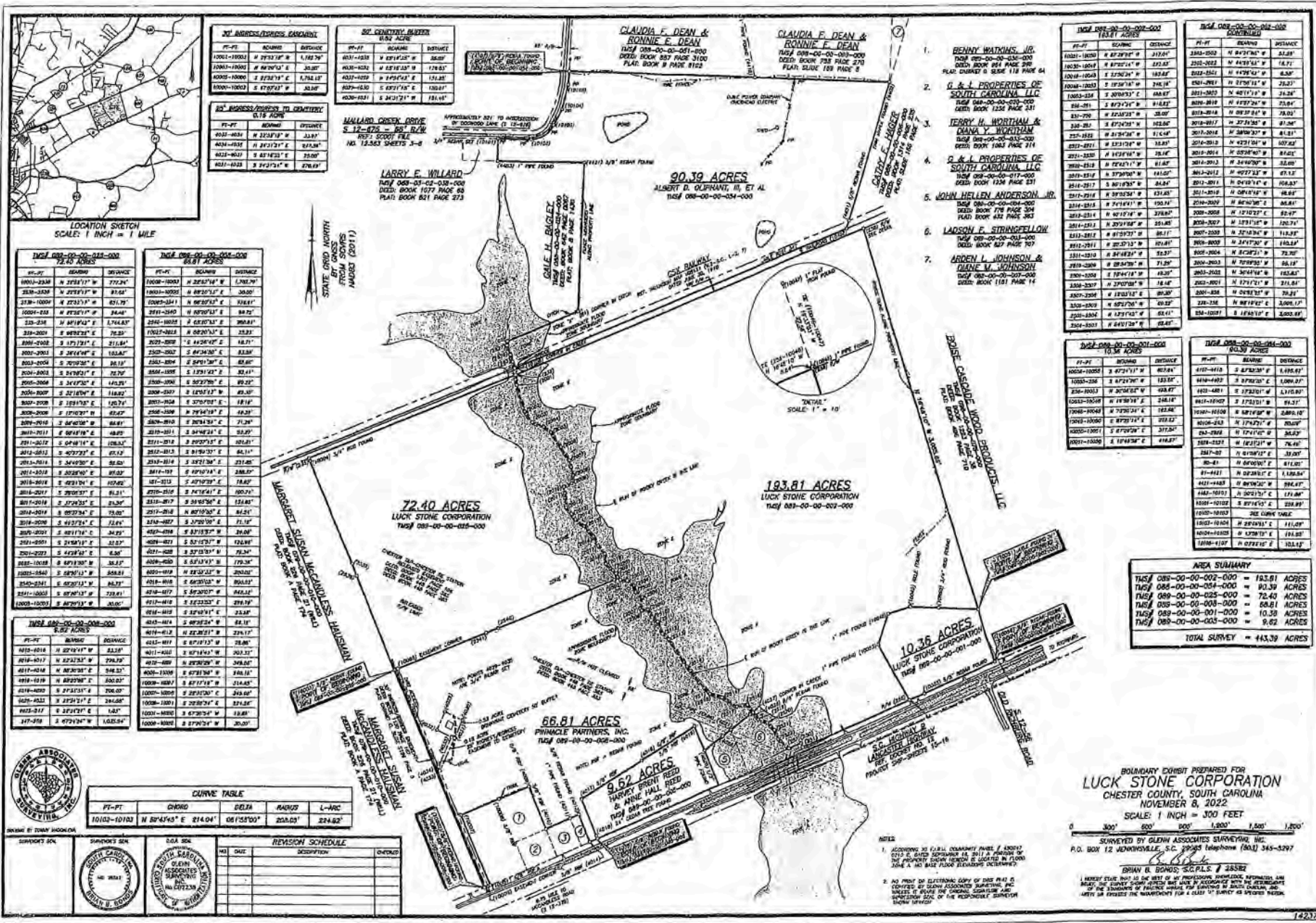
MCIP

Exempt

Base

Industrial Park ID

Scroll by: MAP#



**N. ADDRESS (ADDRESS EASIMENT) 0.15 ACRES**

PT-PT	BEARING	DISTANCE
1001-1001	N 27°31'18" W	1,182.76'
1001-1001	N 87°28'14" E	35.87'
1001-1001	N 87°28'14" E	1,742.12'
1001-1001	S 87°28'14" E	35.87'

**S. ADDRESS (ADDRESS EASIMENT) 0.15 ACRES**

PT-PT	BEARING	DISTANCE
1001-1001	N 27°31'18" W	1,182.76'
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1001-1001	N 87°28'14" E	1,742.12'
1001-1001	S 87°28'14" E	35.87'

**INSE 088-00-00-000-000 72.40 ACRES**

PT-PT	BEARING	DISTANCE
1001-1001	N 27°31'18" W	1,182.76'
1001-1001	N 87°28'14" E	35.87'
1001-1001	N 87°28'14" E	1,742.12'
1001-1001	S 87°28'14" E	35.87'

**INSE 088-00-00-000-000 66.81 ACRES**

PT-PT	BEARING	DISTANCE
1001-1001	N 27°31'18" W	1,182.76'
1001-1001	N 87°28'14" E	35.87'
1001-1001	N 87°28'14" E	1,742.12'
1001-1001	S 87°28'14" E	35.87'

**INSE 088-00-00-000-000 10.36 ACRES**

PT-PT	BEARING	DISTANCE
1001-1001	N 27°31'18" W	1,182.76'
1001-1001	N 87°28'14" E	35.87'
1001-1001	N 87°28'14" E	1,742.12'
1001-1001	S 87°28'14" E	35.87'

**INSE 088-00-00-000-000 9.62 ACRES**

PT-PT	BEARING	DISTANCE
1001-1001	N 27°31'18" W	1,182.76'
1001-1001	N 87°28'14" E	35.87'
1001-1001	N 87°28'14" E	1,742.12'
1001-1001	S 87°28'14" E	35.87'

**CURVE TABLE**

PT-PT	CHORD	DELTA	RADIUS	L-ARC
10103-10103	N 80°45'3" E 214.04'	061°33'00"	205.03'	224.82'

**REVISION SCHEDULE**

NO.	DATE	DESCRIPTION	OVERLAY

**ASSOCIATED SURVEYORS**

**DRYAN B. BOND, S.C.P.L.S. # 26582**

**DRYAN B. BOND, S.C.P.L.S. # 26582**

**DRYAN B. BOND, S.C.P.L.S. # 26582**

1. **BEHNY WATKINS, JR.**  
TRAC 088-00-00-000-000  
DEED BOOK 861 PAGE 298  
PLAT COUNTY B SIDE 118 PAGE 64
2. **G & L PROPERTIES OF SOUTH CAROLINA, LLC**  
TRAC 088-00-00-000-000  
DEED BOOK 1236 PAGE 231
3. **TERRY H. WORTHAM & EMMA V. WORTHAM**  
TRAC 088-00-00-000-000  
DEED BOOK 1063 PAGE 211
4. **G & L PROPERTIES OF SOUTH CAROLINA, LLC**  
TRAC 088-00-00-000-000  
DEED BOOK 1236 PAGE 231
5. **JOHN HELLEN ANDERSON, JR.**  
TRAC 088-00-00-000-000  
DEED BOOK 778 PAGE 304  
PLAT BOOK 432 PAGE 363
6. **LADSON F. STRANGFELLOW**  
TRAC 088-00-00-000-000  
DEED BOOK 827 PAGE 767
7. **ARDEN L. JOHNSON & DIANE M. JOHNSON**  
TRAC 088-00-00-000-000  
DEED BOOK 1181 PAGE 14

**INSE 088-00-00-000-000 13.36 ACRES**

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1001-1001	S 87°28'14" E	35.87'

**AREA SUMMARY**

TRAC 088-00-00-000-000	= 193.81 ACRES
TRAC 088-00-00-004-000	= 93.39 ACRES
TRAC 088-00-00-005-000	= 72.40 ACRES
TRAC 088-00-00-006-000	= 66.81 ACRES
TRAC 088-00-00-001-000	= 10.36 ACRES
TRAC 088-00-00-003-000	= 9.62 ACRES
<b>TOTAL SURVEY</b>	<b>= 443.39 ACRES</b>

**BOUNDARY EXHIBIT PREPARED FOR LUCK STONE CORPORATION CHESTER COUNTY, SOUTH CAROLINA NOVEMBER 8, 2022**

**SCALE: 1 INCH = 300 FEET**

**SURVEYED BY GLENN ASSOCIATES SURVEYORS, INC. P.O. BOX 12 JENKINSVILLE, SC 29026 Telephone: (803) 345-3297**

**DRYAN B. BOND, S.C.P.L.S. # 26582**

**I HEREBY STATE THAT I AM THE BEST OF MY KNOWLEDGE AND BELIEVE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF SOUTH CAROLINA, AND I AM NOT PROVIDING THIS INFORMATION FOR ANY OTHER PURPOSE THAN THAT FOR WHICH I AM PROVIDING IT.**

**NOTES**

1. ACCORDING TO PUBLIC COUNTY FILE # 20072 2013 & 2015 SEPARATELY IS 2013 A PARTIAL OF THE PROPERTY EXHIBIT (SECTION C) LOCATED IN PLAT BOOK 432 PAGE 363.
2. NO PORTION OF ELECTRONIC COPY OF THIS PLAT IS CONTAINED BY GLENN ASSOCIATES SURVEYORS, INC. AND THE STATE OF SOUTH CAROLINA, AND ANY REVISIONS TO THIS PLAT MUST BE MADE BY THE SURVEYOR RESPONSIBLE FOR THE ORIGINAL SURVEY.

PLAT OF SURVEY FOR  
 HAROLD M. WILLIAMS  
 LOCATED ON S.C. HIGHWAY 9  
 CHESTER TOWNSHIP, CHESTER COUNTY, SOUTH CAROLINA  
 AUGUST 9, 2013  
 REFERENCED TO RECORDS 00-00-001  
 D.B. 1090 P.G. 201, 212, 166 P.G. 117.

20130878401  
 Title Map Shows in  
 CHESTER COUNTY SC  
 S.W. - ASSISTANT CLERK OF COURT  
 08-15-2012 P.C. 0304100 PH.  
 PLAT 10.00  
 Volume \_\_\_\_\_ Page \_\_\_\_\_

MAGNETIC NORTH



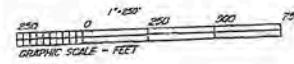
DEALS ON CREEK "AT TO "B"

S 17-20-37 E 7.51'	S 28-37-25 E 156.20'
S 60-20-13 E 21.50'	S 26-13-45 E 41.00'
S 80-10-08 E 79.23'	S 27-19-45 E 26.00'
S 22-23-31 E 32.84'	S 43-28-23 E 236.20'
S 68-20-27 E 50.00'	S 07-55-35 E 14.76'
S 13-00-20 E 32.95'	S 22-10-17 E 24.27'
S 18-20-02 W 62.22'	S 22-46-05 E 31.92'
S 21-03-14 E 23.42'	S 68-03-23 E 103.00'
S 22-02-21 E 42.35'	S 33-04-08 E 26.35'
S 36-10-43 E 28.70'	S 20-01-29 E 32.00'
S 40-11-00 E 50.27'	N 70-00-17 W 40.01'
S 18-18-11 E 27.81'	S 23-13-44 E 46.24'
S 20-27-14 E 62.51'	S 10-40-20 E 28.09'

NOTE:  
 EX = EXISTING IRON PIN  
 NP = NEW IRON PIN  
 PK = PLY NAIL  
 RH = RAILROAD SPIKE  
 P.P. = PINCHED PIPE  
 ALL CORNERS ARE HD REBAR(F) UNLESS NOTED

NO NEW LOTS OR LINES ESTABLISHED

HIPP LAND SURVEYING, INC.  
 3242 VICTORIAN HILLS DRIVE  
 RICHBLURG, S.C. 29729  
 PHONE (803) 783-3716

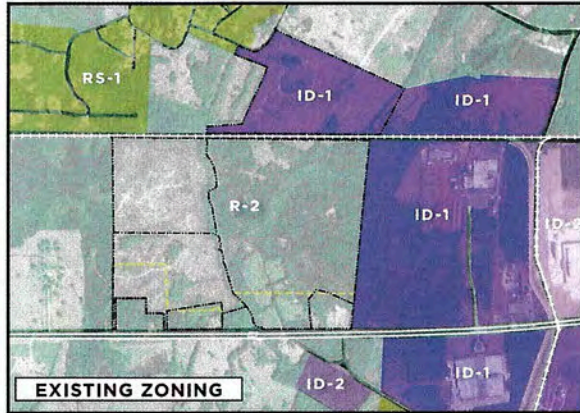


THE BOUNDARIES SHOWN HEREIN HAVE BEEN RE-SURVEYED AND FOUND TO BE CORRECT AND ACCURATE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOUTH CAROLINA SURVEYING ACT OF 1962 AND THE SOUTH CAROLINA SURVEYING ACT OF 1976. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SOUTH CAROLINA SURVEYING ACT OF 1962 AND THE SOUTH CAROLINA SURVEYING ACT OF 1976. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SOUTH CAROLINA SURVEYING ACT OF 1962 AND THE SOUTH CAROLINA SURVEYING ACT OF 1976.

8-15-13

Original D Slide 198 475

PARCEL #089-00-00-008-000



PROPOSED ZONING

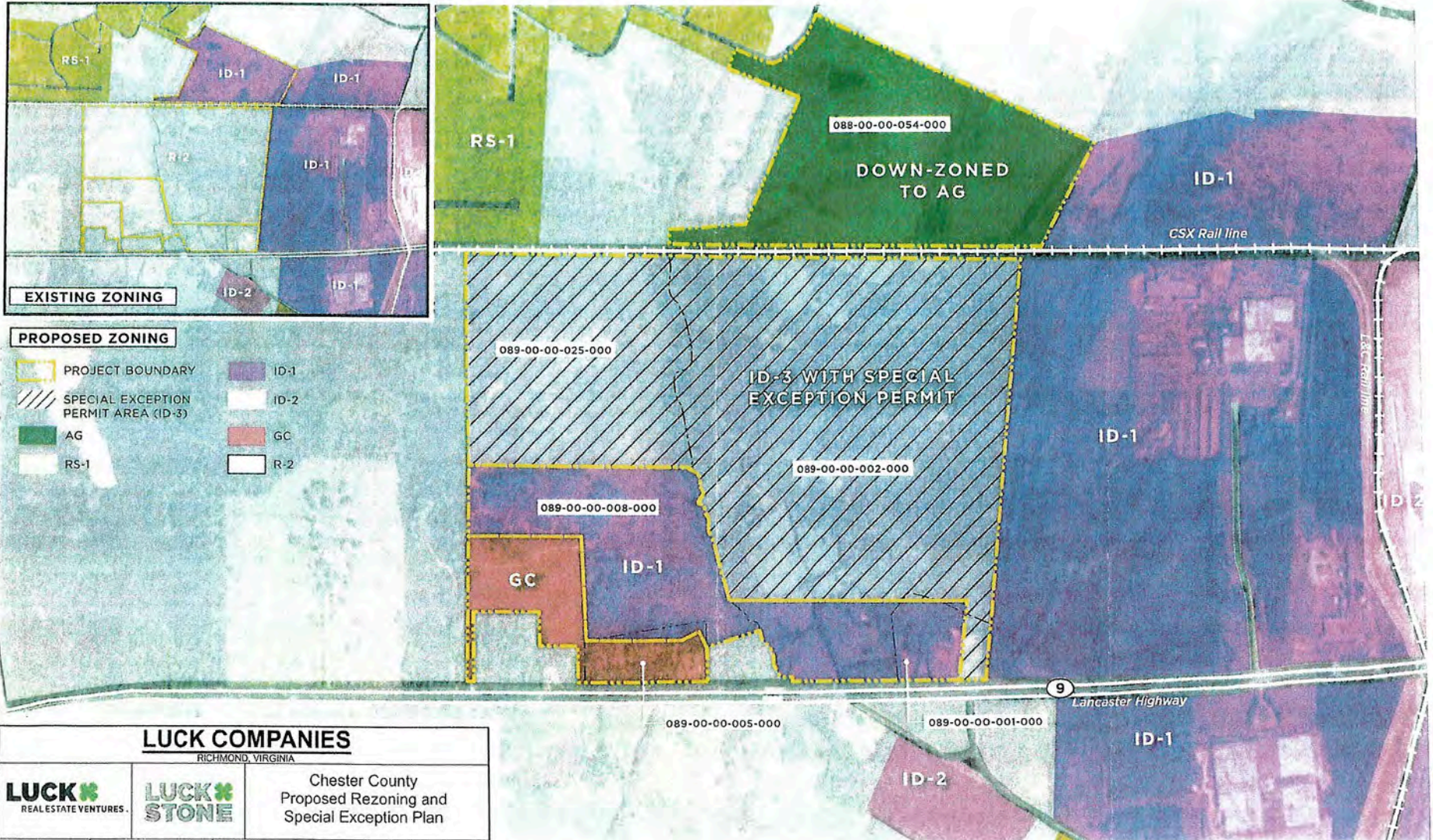


9 Lancaster Highway





# PROPOSED REZONING AND SPECIAL EXCEPTION PLAN



<b>LUCK COMPANIES</b> RICHMOND, VIRGINIA				
<b>LUCK</b> REAL ESTATE VENTURES		<b>LUCK</b> <b>STONE</b>		
Chester County Proposed Rezoning and Special Exception Plan				
Date	Source	Scale	Page	Drawn by
11/11/22	Chester County GIS, Google Maps	As Shown, 1" = 200'	3 OF 4	Patrick Hess
<small>NOT A SURVEY. THIS PLAN IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE ACCURACY OF THIS PLAN IS NOT GUARANTEED. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THIS PLAN AND FOR OBTAINING NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.</small>				

**Luck Companies**

**Chester County, SC: Rezoning & Special Exception Summary**

Parcel ID	Owner	Address	Survey Acreage	Current Zoning	Desired Zoning	Desired Zoning Acreage (Per GIS)	Special Exception Application	Summary of Use
089-00-00-005-000	Harvey and Anne Reed	1207 Lancaster HWY Chester, SC 29706	9.62	R-2	GC	7.8	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	1.82	n/a	Business Park
089-00-00-008-000	Pinnacle Partners INC	1113 Lancaster HWY Chester, SC 29706	66.81	R-2	GC	17.92	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	48.89	n/a	Business Park
088-00-00-054-000	Albert D Oliphant III	n/a	90.39	I-1	AG	90.39	n/a	Agricultural Education
089-00-00-002-000	Luck Stone Corporation	1421 Collie Lane Chester, SC 29706	193.81	R-2	ID-3 w/ Special Exception	174.46	✓	Quarry and Ancillary Uses
					ID-1	19.35	n/a	Business Park
089-00-00-025-000	Luck Stone Corporation	n/a	72.4	R-2	ID-3 w/ Special Exception	72.4	✓	Quarry and Ancillary Uses
089-00-00-001-000	Luck Stone Corporation	1297 Lancaster HWY Chester, SC 29706	10.36	R-2	ID-3 w/ Special Exception	1.01	✓	Quarry and Ancillary Uses
					ID-1	9.35	n/a	Business Park

Total GC Rezoning Area	25.72
Total ID1 Rezoning Area	79.41
Total ID3 w/ Special Exception Rezoning Area	247.87
Total AG Rezoning Area	90.39

## A note from Luck Companies:



Since becoming a member of the South Carolina business community in 2018, our family-owned company has created strong and lasting relationships with business partners and community members. Luck Companies has been welcomed as an active participant in the **Kershaw County, Fairfield County, and Spartanburg County**

communities. Growth through new locations provides Luck Companies the opportunity to expand our mission of igniting human potential and positively impacting the lives of others.

Chester is uniquely positioned for growth, with proximity to natural resources and economic trends in the county's favor. We want to support this growth with locally produced, high-quality materials and development that can serve as the county's foundation. Our excitement for a potential partnership with the Chester County community led us to our previous application effort which began in 2019. However, prioritizing health and safety during the pandemic and feedback from the community led us to withdraw our application in 2020. We have used the past two years to engage with and learn from community residents, schools, business owners and non-profit organizations. This time has provided us the opportunity to finalize the purchase of the land considered in our previous application, introduce additional property in Chester County and solicit input and approval from the state agencies responsible for regulating our three business units.

The community's input and Chester County's updated Comprehensive and Economic Development Plans have informed our revised approach. Luck Companies has prepared a new application which aligns to community goals, passions, and culture.

Our project will create:

- local jobs
- tax revenue for the county
- outdoor recreation areas for the community
- a community impact fund
- business park and retail space

Key amendments to our application include:

- Down-zoning an adjacent parcel** to provide additional buffer from a northern residential neighborhood and facilitate agricultural education opportunities
- New development to accommodate a market void** of medium square footage business park space
- Large dedicated acreage** for governmental use, developed in coordination with the Board of Commissioners, and structured to facilitate citizen tax dollar savings

We are inspired by the opportunity to be longstanding members of the Chester community and look forward to continuing our conversation. We remain committed to collaboratively working towards a sustainable development plan that benefits Chester County now and for generations to come.

Sincerely,

Ben Thompson,  
Director, Greenfield Development

### Our Ask



**APPROVE A REZONING**  
to support a Quarry



**APPROVE A REZONING**  
to support a Business Park  
and Retail Center



**APPROVE A DOWNZONING**  
to eliminate industrial use and  
provide additional buffer for  
residential neighbors



**BLESS THE CREATION**  
of a Community Fund that  
administers 1% of annual net sales  
(of the Chester County Quarry)  
up to \$35k to Chester County  
Non-profits and initiatives



**BLESS THE CONDITIONS**  
of the associated rezonings  
to further ensure responsible  
actions and enable the donation  
of recognized acreage for  
Chester County Government use  
and growth

Conditions applicable to properties included within the Luck Stone Corporation (the "Applicant") application for rezoning of properties located in Chester County, South Carolina shown on the plan dated November 11, 2022, entitled "Proposed Zoning and Special Exception Plan" as (i) "ID1" containing 79.41 acres (the "ID1 Property"), (ii) "GC" containing 25.72 acres (the "GC Property"), (iii) "ID3" containing 247.87 acres (the "ID3 Property") and (iv) "AG" containing 90.39 acres (the "AG Property").

**Condition applicable to all properties:**

Prior to issuance of any County permits for development of the parcels included within the application for rezoning, the Applicant shall submit an application for subdivision/boundary line adjustment of all parcels included within the application for rezoning to provide for the adjustment of parcel boundaries by zoning classification so that no parcel shall be split-zoned (include more than one zoning classification) and that all parcels are in compliance with the County subdivision ordinance.

**Conditions applicable to the ID1 Property:**

1. Prohibited Uses. No portion of the ID1 Property shall be used for any of the following uses:
  - i. Grain Milling
  - ii. Reconstituted wood products
  - iii. Converted Paper Products
  - iv. Mineral and Earth
  - v. Misc. Nonmetallic Mineral
  - vi. Aluminum Production
  
2. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.
  
3. Entrance Landscaping and Beautification. The entrance to the ID1 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID1 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the GC Property and the ID3 Property to provide a consistent appearance for all such entrances.

**Conditions applicable to all areas rezoned to the GC classification (the "GC Property"):**

1. **Dedication of Property for Governmental Use.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County of one or more parcels containing a total of not less than fifteen (15) acres for governmental uses (the "Governmental Use Property") as generally shown on the plan included in this application entitled "Updated and Compiled General Development Plan". The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a current survey of the Governmental Use Property and payment of costs to prepare and record the deed of dedication. The deed of dedication shall restrict use of the Governmental Use Property to use by the County or other governmental entities unless otherwise approved by the owner of the ID3 Property.
2. **Entrance Landscaping and Beautification.** The entrance to the GC Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the GC Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the ID3 Property to provide a consistent appearance for all such entrances.
3. **Cemetery Access.** The cemetery located on the GC Property will remain undisturbed and reasonable access will be provided to relatives and descendants of persons buried in the cemetery for the limited purposes of visiting graves, maintaining the gravesite or cemetery or conducting genealogy research. Such access shall not include the right to operate motor vehicles on the GC Property other than within any driveways and parking areas as may be located on the GC Property from time to time.

**Condition applicable to the area rezoned to the AG classification (the "AG Property"):**

The Applicant will enter into discussions with representatives of the County schools to explore the use of a portion of the AG Property for an agricultural education program which may include the cultivation of trees or other crops to provide a hands-on learning experience. If the County schools are interested, the Applicant will work with the County schools in good faith to agree upon the terms and conditions of a lease of up to one half (1/2) of the AG Property for \$1.00/year for a term of up to fifteen (15) years or as may otherwise be agreed upon by the County schools and the Applicant.

**Conditions applicable to all areas rezoned to the ID3 classification (the "ID3 Property"):**

1. No portion of the ID3 Property shall be used for any of the following uses:
  - i. Biological and allied wholesaling
  - ii. Manufacturing of animal, chemical, gas, or arms and munitions
  - iii. Petroleum storage for wholesaling (except to supply uses on the ID3 Property)
  - iv. Fuel dealers, retail (except to supply uses on the ID3 Property)
  - v. Hazardous waste carriers
  - vi. Municipal solid waste landfill
  - vii. Airport
  
2. Entrance Landscaping and Beautification. The entrance to the ID3 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID3 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the GC Property to provide a consistent appearance for all such entrances.
  
3. Screening and Visual Line of Sight. Mining activities and related uses on the ID3 Property shall be screened from visibility from Highway 9 using berms and landscaping or other means proposed by the Applicant and approved by the County in connection with the review and approval of a site plan for development of the ID3 Property.
  
4. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.

**Conditions for a Special Exception to Allow Mining Operations and Associated Uses on the ID3 Property ("Mining Operations")**

Development and use of the ID3 Property for Mining Operations pursuant to the requested Special Exception shall be subject to the following conditions:

1. Hours of Operation. Hours of operation shall be limited as follows:
  - (a) Extraction Area, Primary Plant and Equipment: 6:00 a.m. to 9:00 p.m. Monday through Saturday ("Standard Operating Hours") only except as provided below.
  - (b) Shipping, Loading and Limited Processing: Standard Operating Hours except as otherwise required in the event a federal, state or local agency or authority requests or requires that such activities be conducted during other hours.
  - (c) Processing Plant (secondary and/or finishing phases of plant operations): Hours of operation for the processing plant shall be unrestricted when operated without the use of trucks and loaders utilizing audible back-up alarms (when operated with trucks and loaders utilizing audible back-up alarms, Standard Operating Hours shall apply). Any vehicular operations during hours other than Standard Operating Hours shall be for processing activities only and shall not be for extraction activities.
  - (d) Blasting. Blasting shall not occur before 9:30 a.m. or after 5:00 p.m. Monday through Friday, except when a blasting charge has been set before 5:00 p.m. and is delayed due to reasons beyond the reasonable control of Operator or due to safety considerations. In such a case, Operator may then complete the blast after 5:00 p.m. but no later than thirty (30) minutes after sunset. There shall be no blasting on Saturdays or Sundays except to complete a blast where the charge was set and blasting delayed as described above.
2. Buffers. Buffers shall be provided in the locations and of the widths shown on the on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP"). Buffers shall consist of undisturbed natural vegetation supplemented by berms, additional vegetation or otherwise as necessary to comply with the requirements of the mining permit (the "State Mining Permit") issued to Operator for Mining Operations by the South Carolina Department of Health and Environmental Control ("DHEC"). Encroachments into buffers shall be allowed for utility lines, roads, access points and such other encroachments or breaks as necessary to conduct Mining Operations in accordance with the State Mining Permit.
3. No Trespassing Signs. "No Trespassing" signs shall be posted and perpetually maintained around the perimeter of the processing and extraction areas. Signs shall not be more than 300 feet apart.
4. Wetlands. All necessary permits to allow disturbance of jurisdictional wetlands on the ID3 Property shall be obtained from the applicable governmental authority (e.g., U.S. Army Corps. of Engineers, Chester County Government, or DHEC).

5. DHEC Mining, Water Discharge and Air Permits.

(a) Prior to commencement of any land disturbance associated with Mining Operations, Operator shall obtain the State Mining Permit from DHEC. The State Mining Permit shall address all relevant issues including soil erosion, stormwater management, air quality and reclamation. Completion of the reclamation plan shall be secured by a bond posted with DHEC in accordance with its regulations.

(b) Prior to commencement of Mining Operations, Operator shall obtain an NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities from the DHEC Bureau of Water pursuant to the Pollution Control Act of South Carolina and the Federal Clean Water Act which is administered by DHEC in South Carolina.

(c) Prior to commencement of Mining Operations, Operator shall obtain an Air Quality Permit from the DHEC Bureau of Air Quality to ensure compliance with the Federal Clean Air Act which is administered by DHEC in South Carolina. In connection with the issuance of the Air Quality Permit, Operator shall develop and implement a facility-wide plan for controlling fugitive dust and emissions from Mining Operations including process operations, truck traffic, storage piles, and any other areas within the ID3 Property where fugitive dust emissions can be generated. Fugitive dust generated from direct Mining Operations shall be controlled by wet suppression and/or dry dust collection systems. Fugitive dust generated by vehicular traffic within Mining Operations shall be controlled by the application of water or equivalent wetting agent to roadways and other traveled surfaces on the ID3 Property.

(d) Operator shall maintain copies of all federal and state records pertaining to permits and approvals on-site and, upon reasonable prior notice from County zoning officials, Operator shall make copies of permits and approvals to County zoning officials for review.

6. Entrance Road.

(a) Operator shall pave and maintain in good condition the entrance road providing access to Mining Operations from Highway 9 for a distance of approximately 1000 feet as generally shown on the on the GDP.

(b) Permanent access to Mining Operations shall be limited to a single point on Highway 9 as generally shown on the GDP and approved by SC Department of Transportation. The portion of such access located between Highway 9 and the area used for active mining may be shared by other uses as authorized by Operator.

(c) Operator shall inspect the intersection of the Mining Operations entrance road and Highway 9 daily for loose stone. Operator shall remove any loose stone material at or around the entrance road outside of the right of way of Highway 9 if removal can be completed safely and without interruption of traffic on Highway 9. Operator shall solicit the assistance of the appropriate agency (SCDOT, County Sheriff, etc.) with respect to removal of stone within the right of way of Highway 9 or as otherwise required for safe removal without interruption of traffic on Highway 9.

7. Monitoring Wells. Operator shall construct five (5) monitoring wells at locations determined by an independent qualified professional (i.e., certified hydrologist or



geologist) and approved by DHEC. A plan describing the procedures and timing of observance for the monitoring wells shall be developed by an independent qualified professional and approved by DHEC and to be followed by Operator.

8. Water Well Impacts. Upon submission of a formal complaint by an adjacent property owner or as requested by the County, pursuant to the State Mine Permit DHEC shall determine if any activity associated with Mining Operations has caused a well or wells on the adjacent property owner's land to become dry. If DHEC determines that Mining Operations has caused the drying of the property owner's well, Operator shall be responsible for providing an alternative water source (e.g., drill well deeper, new well, or connect to public water source at the discretion of Operator) for the aggrieved party at Operator's expense.
  
9. Blasting.
  - (a) Blasting Data shall be monitored and recorded for all blasts, shall be maintained on-site at the scale house for a period of three (3) years and shall be made available to County zoning officials for review at the scale house. Blasting Data shall include the time and date of blast, pounds of blasting material per delay, total pounds of blasting materials per blast, seismograph readings of ground vibration levels and air over-pressure levels in decibels.
  
  - (b) Operator shall provide notice prior to the first blast associated with Mining Operations (not site development/construction) either by (i) written notice via direct mail to all property owners and/or occupants of existing dwellings within one-half (1/2) mile of the areas where blasting will occur or (ii) advertisement two (2) times in a local newspaper of general circulation at least ninety (90) days prior to the first blast associated with Mining Operations blast. Upon receipt, pursuant to the above described notice, by DHEC and Operator of a written request from the owner of any existing structures within one-half (1/2) mile of the areas where blasting will occur, a third party consultant selected and engaged by Operator shall conduct an inspection of the applicable structures to determine the structural condition of the structures prior to the first blast associated with Mining Operations. The property owner shall have the right to supervise the inspection by the third-party consultant and shall be provided with a copy of the consultant's report.
  
  - (c) Ground vibration caused by blasting activity shall not exceed the maximum peak particle velocity allowed pursuant to South Carolina Code of Regulations Section 89-150(E) as measured at the immediate location of any dwelling, public building, school, church, or commercial or institutional building existing as of the date of approval of the Special Exception to allow Mining Operations. The maximum peak particle velocity requirement does not apply to structures within the permitted area, or any area that is owned or leased by Operator or any structures on which Operator has acquired waiver to damage rights.
  
  - (d) If a formal claim is made by any private or public landowner that the landowner or the property (real or personal) of the landowner has been damaged by blasting activities associated with Mining Operations, whether by ground vibration, air over-pressure or otherwise, an independent, qualified professional with experience in the effects of blasting shall be engaged to determine if any damage was caused by blasting activities associated with Mining Operations. If it is determined that damage was caused by blasting activities

associated with Mining Operations, Operator shall correct the damage or reimburse the landowner for such damage. The amount of any reimbursement shall be determined by an independent, competent professional with expertise in estimating the damage (for example, a licensed builder or building contractor where the damage is to a residence). The independent professionals performing assessments pursuant to this paragraph shall be agreed upon by both Operator and the property owner and retained at the expense of Operator.

10. Lighting. Exterior light fixtures associated with Mining Operations shall be of a type and installed in a manner to reasonably minimize light spillage from Mining Operations onto adjoining parcels.
11. Noise. Airborne noise produced from Mining Operations other than blasting shall not exceed 80dba of continuous noise for greater than five (5) minutes at any one time as measured along the northern and western boundaries of the ID3 Property (the "Noise Limit"). The Noise Limit shall not apply to individual events lasting less than five (5) minutes. Operator shall install monitoring devices on the northern and western property lines of the ID3 Property to monitor decibel levels to assure that noise from Mining Operations does not exceed the Noise Limit.
12. Reclamation Plan. As a condition of the Special Exception, the reclamation plan approved by DHEC as part of the State Mining Permit shall be complied with by Operator, including, but not limited to, the following tasks which shall be completed upon completion of Mining Operations:
  - (i) all debris, scrap metal, concrete foundations, sidewalks and structures will be removed and
  - (ii) the stockpile, office and plant areas will be graded, sloped back to as natural a contour as reasonably possible (but no steeper than a 3h:1v slope) and seeded. Perimeter berms and buffers may be left in place and the pit area may be allowed to fill up with water.
13. Community Interest Engagement Group. Operator shall work with interested parties in the community to establish a Community Interest Engagement Group (the "CIEG") comprised of representatives of homeowner associations or similar residential groups and interested individual property owners located within a two (2) mile radius of Mining Operations. Operator shall facilitate meetings with the CIEG on a quarterly basis or as otherwise mutually determined by Operator and the CIEG to allow for information exchanges with respect to historical Mining Operations, future plans for Mining Operations and other community issues or opportunities of concern or interest of the CIEG and Operator. This condition is intended to provide a forum for communications among the CIEG and Operator and does not grant any approval rights to the CIEG with respect to Mining Operations.
14. Community Fund. Annually, Operator shall contribute the lesser of (i) one percent (1%) of the adjusted net sales of construction aggregate materials excavated from the ID3 Property and sold to third parties during the year or (ii) Thirty Five Thousand Dollars (\$35,000.00) to one or more organizations within Chester County in support of local Chester County non-profit initiatives, workforce development programming or general community improvement opportunities. This funding will be managed by Operator and distributed to organizations selected by Operator after consultation with the CIEG. For purposes of this condition, "adjusted net sales" shall mean total sales dollars of construction aggregate materials mined or extracted from the ID3 Property excluding any transportation (whether by truck, rail or other method), hauling, loading or unloading charges and less deductions for cash discounts, price

adjustments, additive materials, allowances, volume discounts and sales, use and other similar taxes or governmental charges. Annually, a report of contributions made by Operator pursuant to this condition shall be provided to the CIEG and to the County.

Chester County Planning Commission Minutes

December 20, 2022

CCMA22-29 Luck Companies request Tax Map # 088-00-00-054-000 off Mallard Creek Dr., Chester, SC 29706 to be rezoned from Restricted Industrial District (ID-1) to Agricultural District (AG). Vice Chairman motioned to approve, second by Commissioner Howell. Vote 5-0 Approved.



**Chester County, South Carolina**  
 Department of Planning, Building & Zoning  
 1476 J.A. Cochran Bypass  
 Chester, SC 29706

**Zoning Map Amendment (Rezoning) Application**

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 12.20.22 Case # CCMA22-29 Invoice # 5948

The applicant hereby requests that the property described to be rezoned from ID-1 to AG

**Please give your reason for this rezoning request:**

Zoning amendment recognizes the importance of buffer and agricultural education. Please see included "Luck Companies Chester County Ecomic Development Project Rezoning and Special Exeption Application and Conditions".

*Copy of plat must be presented with the application request*

**Designation of Agent (complete only if owner is not applicant):** I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: \_\_\_\_\_

**Property Address Information**

Property address: \_\_\_\_\_  
 Tax Map Number: 088-00-00-054-000 Acres: 90.39

Any structures on the property: yes \_\_\_\_\_ no . If you checked yes, draw locations of structures on plat or blank paper.

**PLEASE PRINT:**

**Applicant (s):** Luck Companies  
 Address PO BOX 29682 Richmond, VA 23242  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**Owner(s) if other than applicant(s):** Albert D Oliphant III - see attached Designation of Agent letter  
 Address: PO Box 794 Chester SC 29706  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.**

**Owner's signature:** see attached Designation of Agent letter **Date:** \_\_\_\_\_

**Applicant signature:**  **Date:** 11/11/22

**CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.**

Designation of Agent for Zoning Map  
Amendment and for Special Exception Application

Chester County, South Carolina

I hereby appoint Benjamin A. Thompson, Director of Greenfield Development for Luck Stone Corporation d/b/a Luck Companies, as my agent to represent me in connection with applications to Chester County, South Carolina for a Zoning Map Amendment (Rezoning) and for a Special Exception with respect to the property described below:

Property Address Information

Property Address: Mallard Creek Drive, Chester, SC 29706  
Tax Map Number: 088-00-00-054-000 Acres: 90.39

Applicant:

Luck Stone Corporation d/b/a Luck Companies  
515 Stone Mill Drive  
Manakin-Sabot, Virginia 23103  
Attention: Benjamin A. Thompson  
Telephone: Office: [REDACTED]; Cell: [REDACTED]

Owner:

Albert D. Oliphant, III  
P. O. Box 794  
Chester, South Carolina 29706  
Telephone: Home/Office: ( ) \_\_\_\_\_; Cell: [REDACTED]

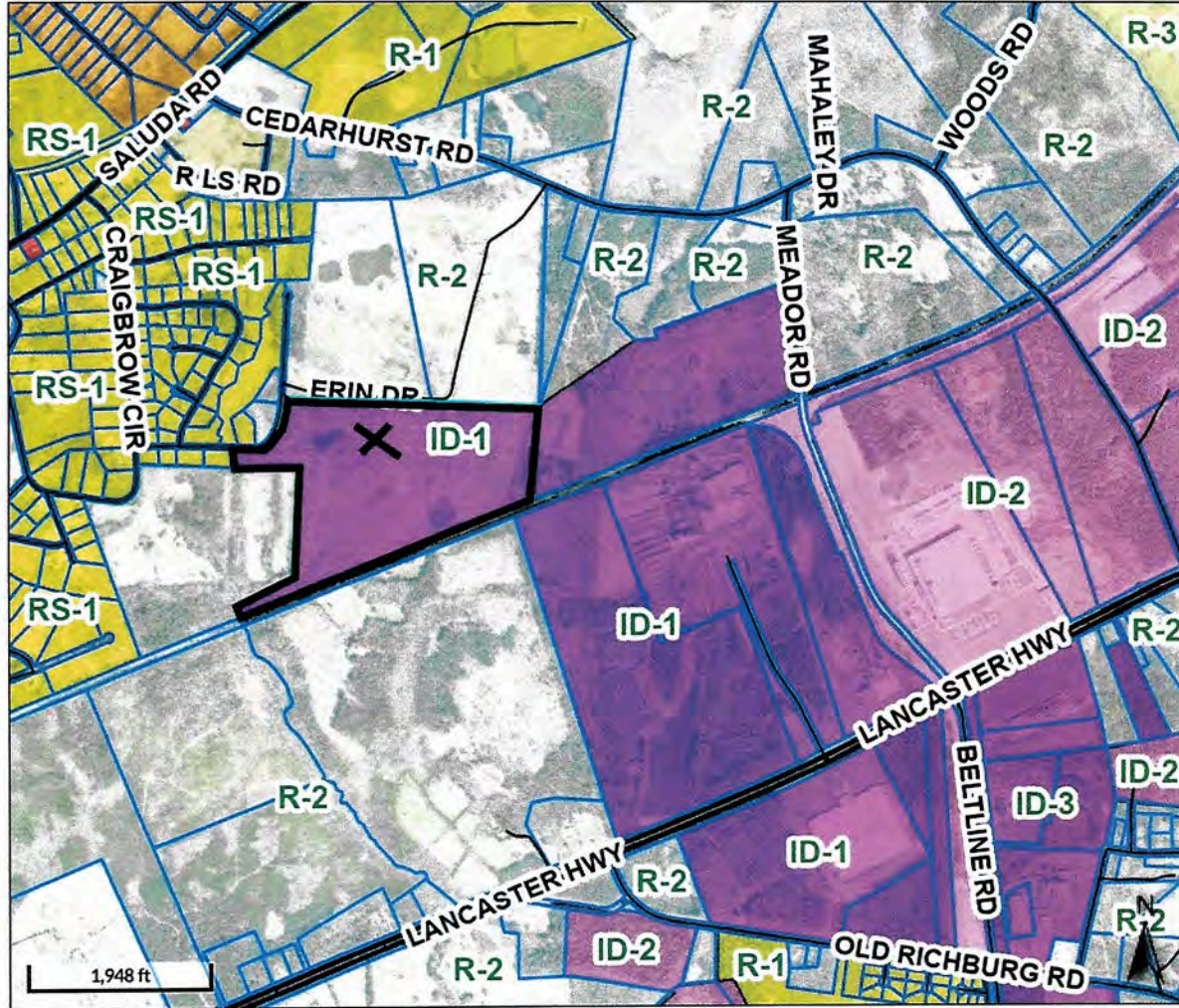
I hereby agree that this information I have presented is correct.

Owner's signature: \_\_\_\_\_

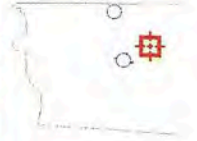
Albert D. Oliphant, III

Date: November 7, 2022

Doc#133265629



Overview



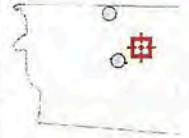
Parcel ID	088-00-00-054-000	Alternate ID	n/a	Owner Address	OLIPHANT ALBERT D III
Sec/Twp/Rng	n/a	Class	LA		P O BOX 794
Property Address		Acreage	90.689		CHESTER SC 29706
District	02				
Brief Tax Description	TRACTS 2 & 3				
	(Note: Not to be used on legal documents)				

Date created: 12/16/2022  
 Last Data Uploaded: 12/16/2022 3:41:06 AM

Developed by  **Schneider**  
 GEOSPATIAL



Overview



Parcel ID	088-00-00-054-000	Alternate ID	n/a	Owner Address	OLIPHANT ALBERT D III
Sec/Twp/Rng	n/a	Class	LA		P O BOX 794
Property Address		Acreage	90.689		CHESTER SC 29706
District	02				
Brief Tax Description	TRACTS 2 & 3				
	(Note: Not to be used on legal documents)				

Date created: 11/18/2022  
 Last Data Uploaded: 11/18/2022 3:11:25 AM

Developed by  Schneider  
 GEOSPATIAL



### Next Year (2023) Changes



- Search Options

Map Number **088-00-00-054-000** Real  00615693

History Year



- Alerts

Name 1 OLIPHANT ALBERT D III

Other Map Number

- Owner Information

Post Initials  Reason for Change

Activity Date 06/04/2021

Name 2

Land Value 445,000

Address 1 P O BOX 794

Building Value

Address 2 CHESTER SC

Total Market Value 445,000

Zip Code 29706

Total Tax Value 7,150

Codes

District

Fire Code  CITY SUB

Town

Neighborhood  RESTRICTED INDUSTRIAL

Subdivision

Use Class

Description TRACTS 2 & 3

Legal

Location

Street Number  Street Name

Suffix  Direction

Additional Information

Appraisal Appeal

Owner Occupied

TIF  Base

Agricultural Use

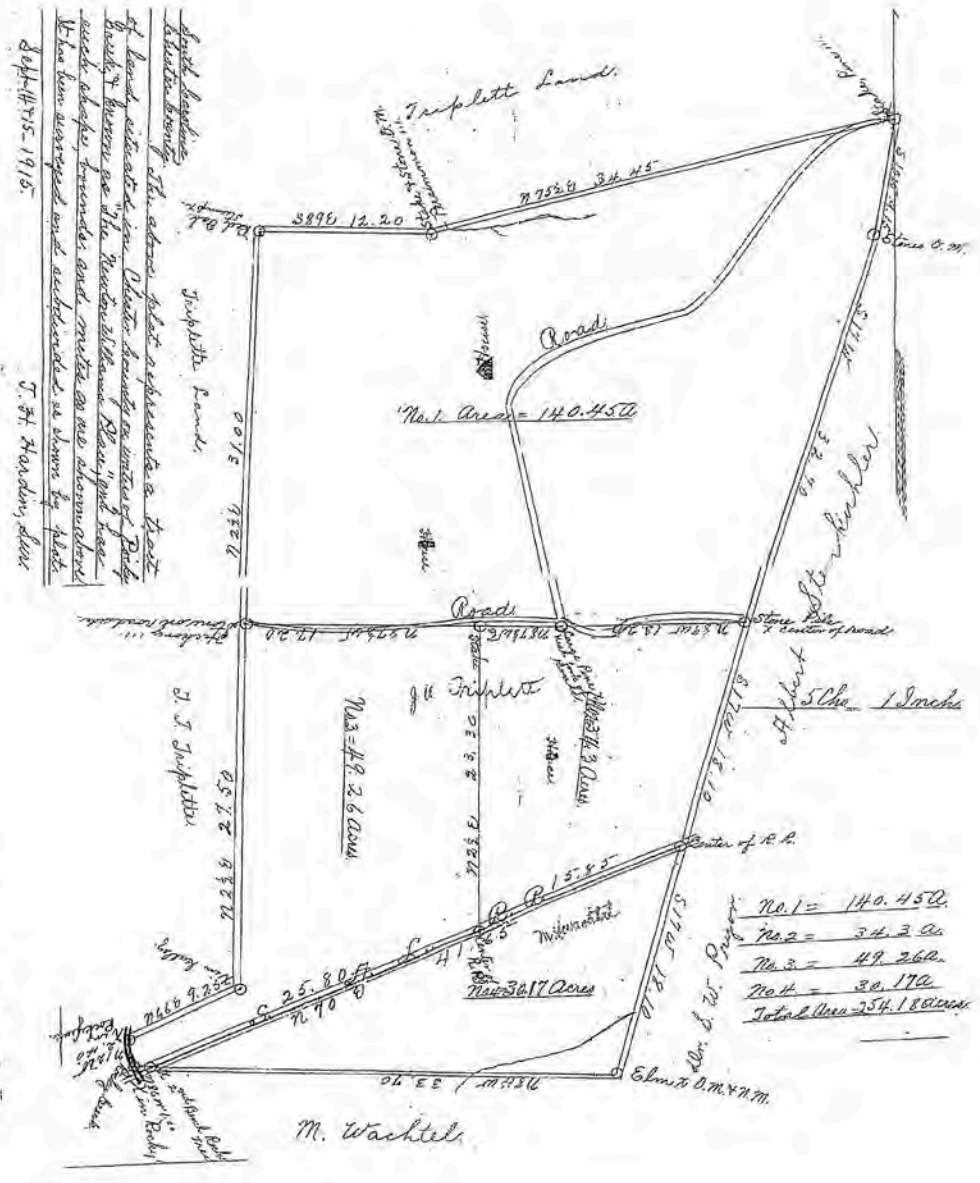
Reappraisal Notice

MCIP  Industrial Park ID

Rollback

Exempt

Scroll by: MAP#



80th-115-1915  
 J. J. Tripplitt, owner

Received from Dept. of Agr.  
 June 25, 1913  
 National B.L. 511

111-100-1111111111

BOUNDARY SURVEY PREPARED FOR  
**LUCK STONE CORPORATION**  
 CHESTER COUNTY, SOUTH CAROLINA  
 NOVEMBER 8, 2022  
 SCALE: 1 INCH = 300 FEET  
 SURVEYED BY GIBSON ASSOCIATES SURVEYING, INC.  
 1010 BOX 12, JENSENVILLE, S.C. 29556 (Maplewood Road) 254-2217  
 SURVEYED BY GIBSON ASSOCIATES SURVEYING, INC.  
 1010 BOX 12, JENSENVILLE, S.C. 29556 (Maplewood Road) 254-2217  
 THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SOUTH CAROLINA SURVEYING BOARD'S REGULATIONS AND THE SOUTH CAROLINA SURVEYING ACT OF 1971, AS AMENDED.  
 THE SURVEYOR'S OFFICE IS LOCATED AT 1010 BOX 12, JENSENVILLE, S.C. 29556 (Maplewood Road) 254-2217.  
 THE SURVEYOR'S LICENSE NO. IS 1010 BOX 12, JENSENVILLE, S.C. 29556 (Maplewood Road) 254-2217.

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NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10

STATE OF SOUTH CAROLINA  
 SURVEYING BOARD  
 REGISTERED PROFESSIONAL SURVEYOR  
 GIBSON ASSOCIATES SURVEYING, INC.  
 LICENSE NO. 1010 BOX 12, JENSENVILLE, S.C. 29556 (Maplewood Road) 254-2217

**ADJACENT PARCELS**

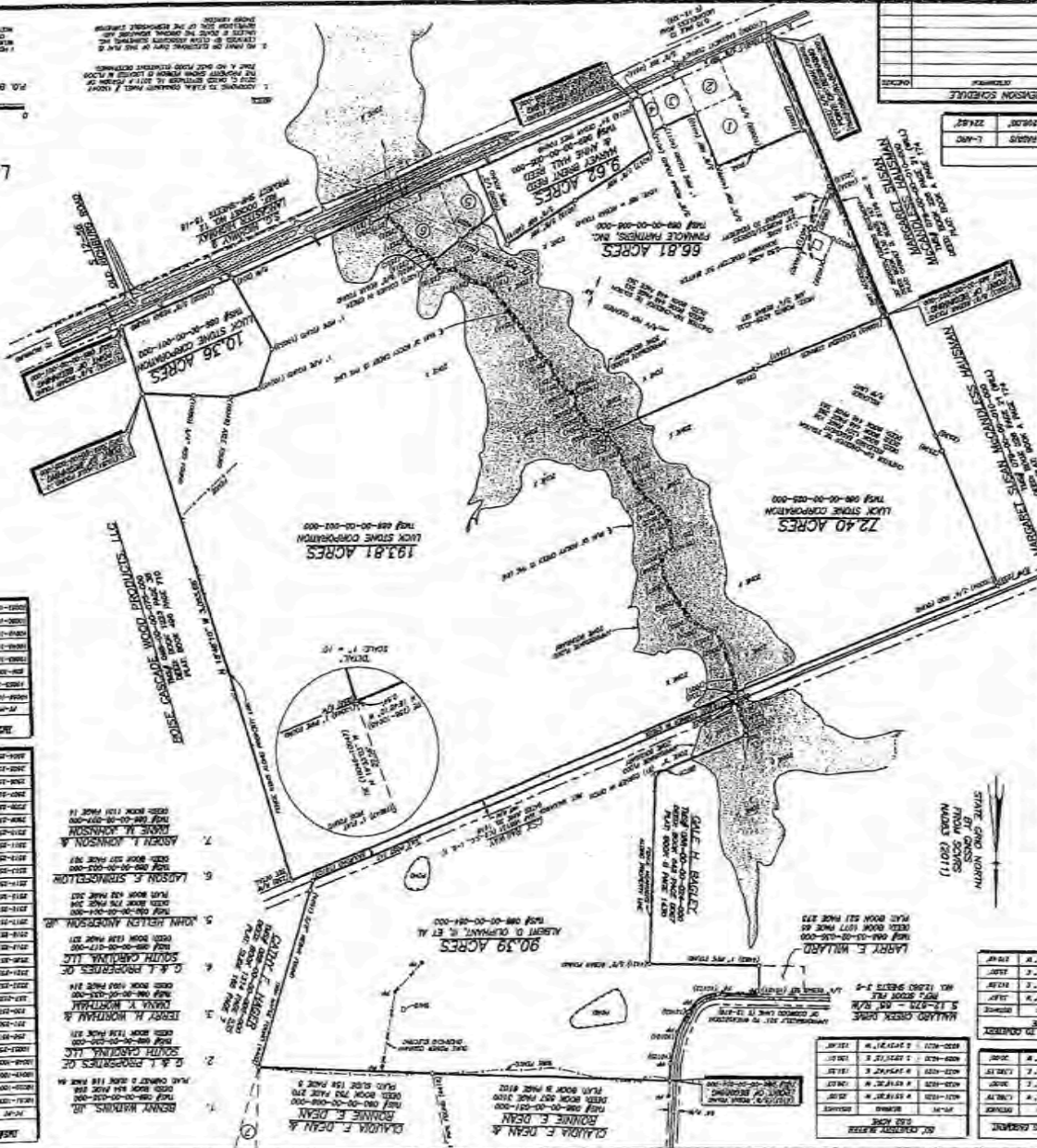
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6.62 ACRES	FRANKIE HARRIS, INC.
66.81 ACRES	FRANKIE HARRIS, INC.
22.40 ACRES	LUCK STONE CORPORATION
193.81 ACRES	LUCK STONE CORPORATION
90.39 ACRES	LUCK STONE CORPORATION
44.13 ACRES	LUCK STONE CORPORATION

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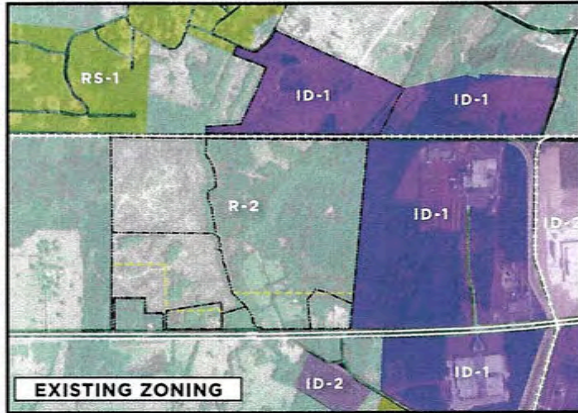
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193.81 ACRES	LUCK STONE CORPORATION
90.39 ACRES	LUCK STONE CORPORATION
44.13 ACRES	LUCK STONE CORPORATION

SCALE: 1 INCH = 1 MILE

LOCATION SKETCH

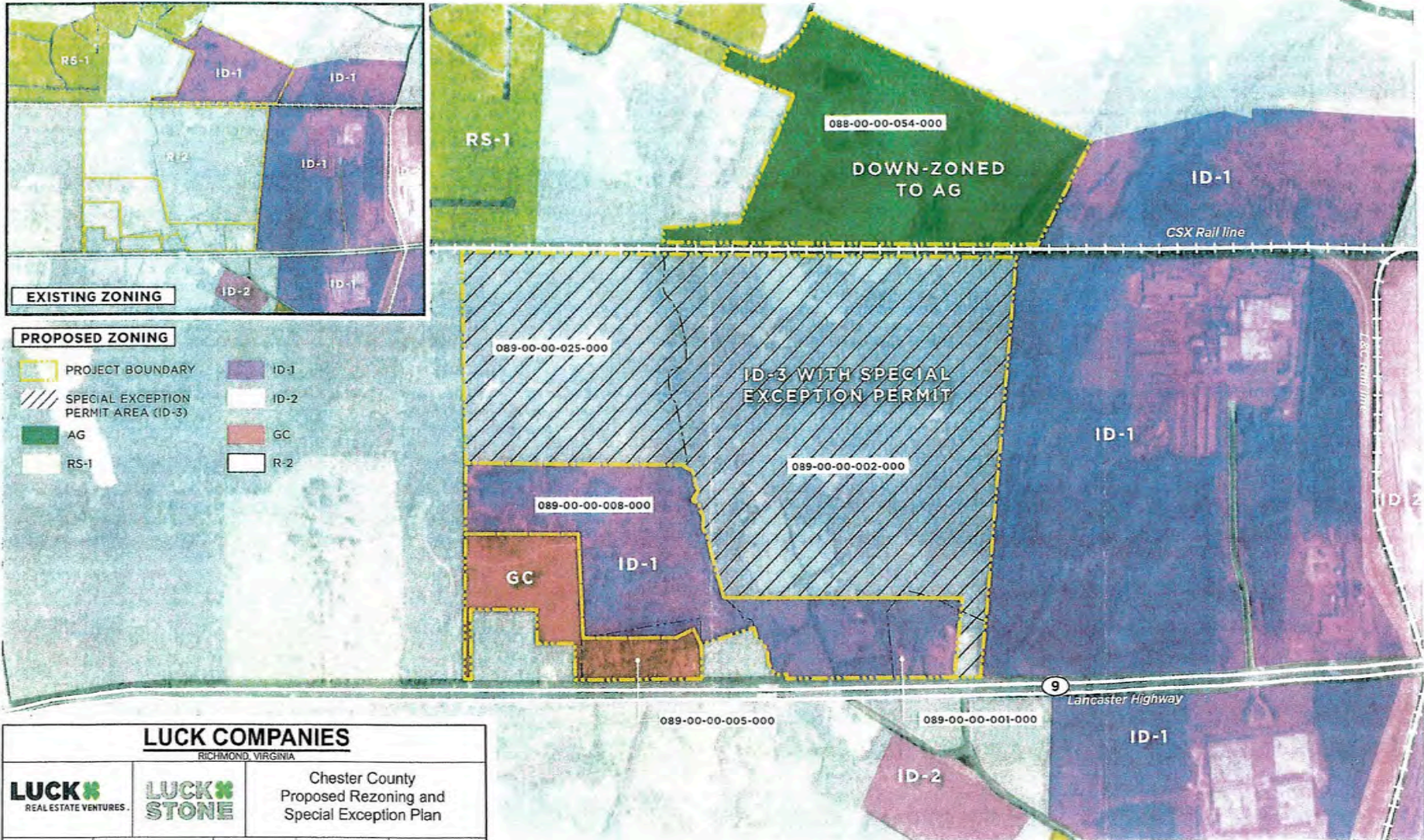
PARCEL #089-00-00-054-000



PROPOSED ZONING



# PROPOSED REZONING AND SPECIAL EXCEPTION PLAN



<b>LUCK COMPANIES</b> RICHMOND, VIRGINIA			
<b>LUCK</b> REAL ESTATE VENTURES.	<b>LUCK</b> <b>STONE</b>	Chester County Proposed Rezoning and Special Exception Plan	
Date 11/11/22	Source Chester County GIS, Google Maps	Scale Approx. 1" = 700'	Page 3 OF 4
Drawn by Patrick Hess			
No warranty is made by the author for the accuracy, completeness, or timeliness of the information presented herein. The user assumes all liability for any use of the information presented herein.			



## A note from Luck Companies:



Since becoming a member of the South Carolina business community in 2018, our family-owned company has created strong and lasting relationships with business partners and community members. Luck Companies has been welcomed as an active participant in the **Kershaw County, Fairfield County, and Spartanburg County**

communities. Growth through new locations provides Luck Companies the opportunity to expand our mission of igniting human potential and positively impacting the lives of others.

Chester is uniquely positioned for growth, with proximity to natural resources and economic trends in the county's favor. We want to support this growth with locally produced, high-quality materials and development that can serve as the county's foundation. Our excitement for a potential partnership with the Chester County community led us to our previous application effort which began in 2019. However, prioritizing health and safety during the pandemic and feedback from the community led us to withdraw our application in 2020. We have used the past two years to engage with and learn from community residents, schools, business owners and non-profit organizations. This time has provided us the opportunity to finalize the purchase of the land considered in our previous application, introduce additional property in Chester County and solicit input and approval from the state agencies responsible for regulating our three business units.

The community's input and Chester County's updated Comprehensive and Economic Development Plans have informed our revised approach. Luck Companies has prepared a new application which aligns to community goals, passions, and culture.

### Our project will create:

- local jobs
- tax revenue for the county
- outdoor recreation areas for the community
- a community impact fund
- business park and retail space

### Key amendments to our application include:

- **Down-zoning an adjacent parcel** to provide additional buffer from a northern residential neighborhood and facilitate agricultural education opportunities
- **New development to accommodate a market void** of medium square footage business park space
- **Large dedicated acreage** for governmental use, developed in coordination with the Board of Commissioners, and structured to facilitate citizen tax dollar savings

We are inspired by the opportunity to be longstanding members of the Chester community and look forward to continuing our conversation. We remain committed to collaboratively working towards a sustainable development plan that benefits Chester County now and for generations to come.

Sincerely,

Ben Thompson,  
Director, Greenfield Development

## Our Ask



**APPROVE A REZONING**  
to support a Quarry



**APPROVE A REZONING**  
to support a Business Park  
and Retail Center



**APPROVE A DOWNZONING**  
to eliminate industrial use and  
provide additional buffer for  
residential neighbors



**BLESS THE CREATION**  
of a Community Fund that  
administers 1% of annual net sales  
(of the Chester County Quarry)  
up to \$35k to Chester County  
Non-profits and initiatives



**BLESS THE CONDITIONS**  
of the associated rezonings  
to further ensure responsible  
actions and enable the donation  
of recognized acreage for  
Chester County Government use  
and growth

Conditions applicable to properties included within the Luck Stone Corporation (the "Applicant") application for rezoning of properties located in Chester County, South Carolina shown on the plan dated November 11, 2022, entitled "Proposed Zoning and Special Exception Plan" as (i) "ID1" containing 79.41 acres (the "ID1 Property"), (ii) "GC" containing 25.72 acres (the "GC Property"), (iii) "ID3" containing 247.87 acres (the "ID3 Property") and (iv) "AG" containing 90.39 acres (the "AG Property").

**Condition applicable to all properties:**

Prior to issuance of any County permits for development of the parcels included within the application for rezoning, the Applicant shall submit an application for subdivision/boundary line adjustment of all parcels included within the application for rezoning to provide for the adjustment of parcel boundaries by zoning classification so that no parcel shall be split-zoned (include more than one zoning classification) and that all parcels are in compliance with the County subdivision ordinance.

**Conditions applicable to the ID1 Property:**

1. **Prohibited Uses.** No portion of the ID1 Property shall be used for any of the following uses:
  - i. Grain Milling
  - ii. Reconstituted wood products
  - iii. Converted Paper Products
  - iv. Mineral and Earth
  - v. Misc. Nonmetallic Mineral
  - vi. Aluminum Production
  
2. **Dedication of Easement for Public Park.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.
  
3. **Entrance Landscaping and Beautification.** The entrance to the ID1 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID1 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the GC Property and the ID3 Property to provide a consistent appearance for all such entrances.

**Conditions applicable to all areas rezoned to the GC classification (the "GC Property"):**

1. **Dedication of Property for Governmental Use.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County of one or more parcels containing a total of not less than fifteen (15) acres for governmental uses (the "Governmental Use Property") as generally shown on the plan included in this application entitled "Updated and Compiled General Development Plan". The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a current survey of the Governmental Use Property and payment of costs to prepare and record the deed of dedication. The deed of dedication shall restrict use of the Governmental Use Property to use by the County or other governmental entities unless otherwise approved by the owner of the ID3 Property.
2. **Entrance Landscaping and Beautification.** The entrance to the GC Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the GC Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the ID3 Property to provide a consistent appearance for all such entrances.
3. **Cemetery Access.** The cemetery located on the GC Property will remain undisturbed and reasonable access will be provided to relatives and descendants of persons buried in the cemetery for the limited purposes of visiting graves, maintaining the gravesite or cemetery or conducting genealogy research. Such access shall not include the right to operate motor vehicles on the GC Property other than within any driveways and parking areas as may be located on the GC Property from time to time.

**Condition applicable to the area rezoned to the AG classification (the "AG Property"):**

The Applicant will enter into discussions with representatives of the County schools to explore the use of a portion of the AG Property for an agricultural education program which may include the cultivation of trees or other crops to provide a hands-on learning experience. If the County schools are interested, the Applicant will work with the County schools in good faith to agree upon the terms and conditions of a lease of up to one half (1/2) of the AG Property for \$1.00/year for a term of up to fifteen (15) years or as may otherwise be agreed upon by the County schools and the Applicant.



**Conditions applicable to all areas rezoned to the ID3 classification (the "ID3 Property"):**

1. No portion of the ID3 Property shall be used for any of the following uses:
  - i. Biological and allied wholesaling
  - ii. Manufacturing of animal, chemical, gas, or arms and munitions
  - iii. Petroleum storage for wholesaling (except to supply uses on the ID3 Property)
  - iv. Fuel dealers, retail (except to supply uses on the ID3 Property)
  - v. Hazardous waste carriers
  - vi. Municipal solid waste landfill
  - vii. Airport
2. Entrance Landscaping and Beautification. The entrance to the ID3 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID3 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the GC Property to provide a consistent appearance for all such entrances.
3. Screening and Visual Line of Sight. Mining activities and related uses on the ID3 Property shall be screened from visibility from Highway 9 using berms and landscaping or other means proposed by the Applicant and approved by the County in connection with the review and approval of a site plan for development of the ID3 Property.
4. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.

**Conditions for a Special Exception to Allow Mining Operations and Associated Uses on the ID3 Property ("Mining Operations")**

Development and use of the ID3 Property for Mining Operations pursuant to the requested Special Exception shall be subject to the following conditions:

1. Hours of Operation. Hours of operation shall be limited as follows:
  - (a) Extraction Area, Primary Plant and Equipment: 6:00 a.m. to 9:00 p.m. Monday through Saturday ("Standard Operating Hours") only except as provided below.
  - (b) Shipping, Loading and Limited Processing: Standard Operating Hours except as otherwise required in the event a federal, state or local agency or authority requests or requires that such activities be conducted during other hours.
  - (c) Processing Plant (secondary and/or finishing phases of plant operations): Hours of operation for the processing plant shall be unrestricted when operated without the use of trucks and loaders utilizing audible back-up alarms (when operated with trucks and loaders utilizing audible back-up alarms, Standard Operating Hours shall apply). Any vehicular operations during hours other than Standard Operating Hours shall be for processing activities only and shall not be for extraction activities.
  - (d) Blasting. Blasting shall not occur before 9:30 a.m. or after 5:00 p.m. Monday through Friday, except when a blasting charge has been set before 5:00 p.m. and is delayed due to reasons beyond the reasonable control of Operator or due to safety considerations. In such a case, Operator may then complete the blast after 5:00 p.m. but no later than thirty (30) minutes after sunset. There shall be no blasting on Saturdays or Sundays except to complete a blast where the charge was set and blasting delayed as described above.
2. Buffers. Buffers shall be provided in the locations and of the widths shown on the on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP"). Buffers shall consist of undisturbed natural vegetation supplemented by berms, additional vegetation or otherwise as necessary to comply with the requirements of the mining permit (the "State Mining Permit") issued to Operator for Mining Operations by the South Carolina Department of Health and Environmental Control ("DHEC"). Encroachments into buffers shall be allowed for utility lines, roads, access points and such other encroachments or breaks as necessary to conduct Mining Operations in accordance with the State Mining Permit.
3. No Trespassing Signs. "No Trespassing" signs shall be posted and perpetually maintained around the perimeter of the processing and extraction areas. Signs shall not be more than 300 feet apart.
4. Wetlands. All necessary permits to allow disturbance of jurisdictional wetlands on the ID3 Property shall be obtained from the applicable governmental authority (e.g., U.S. Army Corps. of Engineers, Chester County Government, or DHEC).

5. DHEC Mining, Water Discharge and Air Permits.

(a) Prior to commencement of any land disturbance associated with Mining Operations, Operator shall obtain the State Mining Permit from DHEC. The State Mining Permit shall address all relevant issues including soil erosion, stormwater management, air quality and reclamation. Completion of the reclamation plan shall be secured by a bond posted with DHEC in accordance with its regulations.

(b) Prior to commencement of Mining Operations, Operator shall obtain an NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities from the DHEC Bureau of Water pursuant to the Pollution Control Act of South Carolina and the Federal Clean Water Act which is administered by DHEC in South Carolina.

(c) Prior to commencement of Mining Operations, Operator shall obtain an Air Quality Permit from the DHEC Bureau of Air Quality to ensure compliance with the Federal Clean Air Act which is administered by DHEC in South Carolina. In connection with the issuance of the Air Quality Permit, Operator shall develop and implement a facility-wide plan for controlling fugitive dust and emissions from Mining Operations including process operations, truck traffic, storage piles, and any other areas within the ID3 Property where fugitive dust emissions can be generated. Fugitive dust generated from direct Mining Operations shall be controlled by wet suppression and/or dry dust collection systems. Fugitive dust generated by vehicular traffic within Mining Operations shall be controlled by the application of water or equivalent wetting agent to roadways and other traveled surfaces on the ID3 Property.

(d) Operator shall maintain copies of all federal and state records pertaining to permits and approvals on-site and, upon reasonable prior notice from County zoning officials, Operator shall make copies of permits and approvals to County zoning officials for review.

6. Entrance Road.

(a) Operator shall pave and maintain in good condition the entrance road providing access to Mining Operations from Highway 9 for a distance of approximately 1000 feet as generally shown on the on the GDP.

(b) Permanent access to Mining Operations shall be limited to a single point on Highway 9 as generally shown on the GDP and approved by SC Department of Transportation. The portion of such access located between Highway 9 and the area used for active mining may be shared by other uses as authorized by Operator.

(c) Operator shall inspect the intersection of the Mining Operations entrance road and Highway 9 daily for loose stone. Operator shall remove any loose stone material at or around the entrance road outside of the right of way of Highway 9 if removal can be completed safely and without interruption of traffic on Highway 9. Operator shall solicit the assistance of the appropriate agency (SCDOT, County Sheriff, etc.) with respect to removal of stone within the right of way of Highway 9 or as otherwise required for safe removal without interruption of traffic on Highway 9.

7. Monitoring Wells. Operator shall construct five (5) monitoring wells at locations determined by an independent qualified professional (i.e., certified hydrologist or

geologist) and approved by DHEC. A plan describing the procedures and timing of observance for the monitoring wells shall be developed by an independent qualified professional and approved by DHEC and to be followed by Operator.

8. Water Well Impacts. Upon submission of a formal complaint by an adjacent property owner or as requested by the County, pursuant to the State Mine Permit DHEC shall determine if any activity associated with Mining Operations has caused a well or wells on the adjacent property owner's land to become dry. If DHEC determines that Mining Operations has caused the drying of the property owner's well, Operator shall be responsible for providing an alternative water source (e.g., drill well deeper, new well, or connect to public water source at the discretion of Operator) for the aggrieved party at Operator's expense.
9. Blasting.
  - (a) Blasting Data shall be monitored and recorded for all blasts, shall be maintained on-site at the scale house for a period of three (3) years and shall be made available to County zoning officials for review at the scale house. Blasting Data shall include the time and date of blast, pounds of blasting material per delay, total pounds of blasting materials per blast, seismograph readings of ground vibration levels and air over-pressure levels in decibels.
  - (b) Operator shall provide notice prior to the first blast associated with Mining Operations (not site development/construction) either by (i) written notice via direct mail to all property owners and/or occupants of existing dwellings within one-half (1/2) mile of the areas where blasting will occur or (ii) advertisement two (2) times in a local newspaper of general circulation at least ninety (90) days prior to the first blast associated with Mining Operations blast. Upon receipt, pursuant to the above described notice, by DHEC and Operator of a written request from the owner of any existing structures within one-half (1/2) mile of the areas where blasting will occur, a third party consultant selected and engaged by Operator shall conduct an inspection of the applicable structures to determine the structural condition of the structures prior to the first blast associated with Mining Operations. The property owner shall have the right to supervise the inspection by the third-party consultant and shall be provided with a copy of the consultant's report.
  - (c) Ground vibration caused by blasting activity shall not exceed the maximum peak particle velocity allowed pursuant to South Carolina Code of Regulations Section 89-150(E) as measured at the immediate location of any dwelling, public building, school, church, or commercial or institutional building existing as of the date of approval of the Special Exception to allow Mining Operations. The maximum peak particle velocity requirement does not apply to structures within the permitted area, or any area that is owned or leased by Operator or any structures on which Operator has acquired waiver to damage rights.
  - (d) If a formal claim is made by any private or public landowner that the landowner or the property (real or personal) of the landowner has been damaged by blasting activities associated with Mining Operations, whether by ground vibration, air over-pressure or otherwise, an independent, qualified professional with experience in the effects of blasting shall be engaged to determine if any damage was caused by blasting activities associated with Mining Operations. If it is determined that damage was caused by blasting activities

associated with Mining Operations, Operator shall correct the damage or reimburse the landowner for such damage. The amount of any reimbursement shall be determined by an independent, competent professional with expertise in estimating the damage (for example, a licensed builder or building contractor where the damage is to a residence). The independent professionals performing assessments pursuant to this paragraph shall be agreed upon by both Operator and the property owner and retained at the expense of Operator.

10. Lighting. Exterior light fixtures associated with Mining Operations shall be of a type and installed in a manner to reasonably minimize light spillage from Mining Operations onto adjoining parcels.
11. Noise. Airborne noise produced from Mining Operations other than blasting shall not exceed 80dba of continuous noise for greater than five (5) minutes at any one time as measured along the northern and western boundaries of the ID3 Property (the "Noise Limit"). The Noise Limit shall not apply to individual events lasting less than five (5) minutes. Operator shall install monitoring devices on the northern and western property lines of the ID3 Property to monitor decibel levels to assure that noise from Mining Operations does not exceed the Noise Limit.
12. Reclamation Plan. As a condition of the Special Exception, the reclamation plan approved by DHEC as part of the State Mining Permit shall be complied with by Operator, including, but not limited to, the following tasks which shall be completed upon completion of Mining Operations:
  - (i) all debris, scrap metal, concrete foundations, sidewalks and structures will be removed and
  - (ii) the stockpile, office and plant areas will be graded, sloped back to as natural a contour as reasonably possible (but no steeper than a 3h:1v slope) and seeded. Perimeter berms and buffers may be left in place and the pit area may be allowed to fill up with water.
13. Community Interest Engagement Group. Operator shall work with interested parties in the community to establish a Community Interest Engagement Group (the "CIEG") comprised of representatives of homeowner associations or similar residential groups and interested individual property owners located within a two (2) mile radius of Mining Operations. Operator shall facilitate meetings with the CIEG on a quarterly basis or as otherwise mutually determined by Operator and the CIEG to allow for information exchanges with respect to historical Mining Operations, future plans for Mining Operations and other community issues or opportunities of concern or interest of the CIEG and Operator. This condition is intended to provide a forum for communications among the CIEG and Operator and does not grant any approval rights to the CIEG with respect to Mining Operations.
14. Community Fund. Annually, Operator shall contribute the lesser of (i) one percent (1%) of the adjusted net sales of construction aggregate materials excavated from the ID3 Property and sold to third parties during the year or (ii) Thirty Five Thousand Dollars (\$35,000.00) to one or more organizations within Chester County in support of local Chester County non-profit initiatives, workforce development programming or general community improvement opportunities. This funding will be managed by Operator and distributed to organizations selected by Operator after consultation with the CIEG. For purposes of this condition, "adjusted net sales" shall mean total sales dollars of construction aggregate materials mined or extracted from the ID3 Property excluding any transportation (whether by truck, rail or other method), hauling, loading or unloading charges and less deductions for cash discounts, price

adjustments, additive materials, allowances, volume discounts and sales, use and other similar taxes or governmental charges. Annually, a report of contributions made by Operator pursuant to this condition shall be provided to the CIEG and to the County.

Chester County Planning Commission Minutes

December 20, 2022

**CCMA22-30 Luck Companies request a portion (174.46 acres) of Tax Map # 089-00-00-002-000 at 1421 Collie Lane, Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Commissioner Howell motioned to approve, second by Commissioner Grant. Vote 5-0 Approved.**



**Chester County, South Carolina**  
 Department of Planning, Building & Zoning  
 1476 J.A. Cochran Bypass  
 Chester, SC 29706

**Zoning Map Amendment (Rezoning) Application**

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 12-20-22 Case # CCMA22-30 Invoice # 5948

The applicant hereby requests that the property described to be rezoned from R-2 to ID-3

Please give your reason for this rezoning request:

Zoning amendment enables economic development upon the property. Please see included "Luck Companies Chester County Economic Development Project Rezoning and Special Exception Application and Conditions".

*Copy of plat must be presented with the application request*

Designation of Agent (complete only if owner is not applicant): I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: \_\_\_\_\_

**Property Address Information**

Property address: 1421 Collie Ln Chester, SC 29706  
 Tax Map Number: 089-00-00-002-000 (portion) Acres: 174.46 Acres Rezoned to ID-3 out of total 193.81 Acre Parcel

Any structures on the property: yes  no \_\_\_\_\_ . If you checked yes, draw locations of structures on plat or blank paper. See attached "Proposed Rezoning and Special Exception Plan" for aerial photo

**PLEASE PRINT:**

Applicant (s): Luck Companies  
 Address PO BOX 29682 Richmond, VA 23242  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Owner(s) if other than applicant(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.**

Owner's signature: [Signature] Date: 11/11/24  
 Applicant signature: [Signature] Date: 11/11/24

**CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.**





**Chester County, South Carolina**  
Department of Planning, Building & Zoning  
1476 J.A. Cochran Bypass  
Chester, SC 29706

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Date: November 29, 2022

From: Chester County Planning Development

1476 J A Cochran Bypass

Chester, SC 29706

803-581-0942

Reference: # CCMA22-30

Please advise that applicant Luck Companies has made an application with Chester County Planning Commission to rezone property located on 1421 Collie Lane, Chester, SC 29706.

This property is identified as Tax Map # 089-00-00-002-000. The property is currently zoned R2 (Rural Two District) and the request is to change a portion (174.46 acres) of the zoning to ID-3 (General Industrial District).

This application will be presented to the Planning Commission at its December 20, 2022, meeting. The meeting is scheduled to begin at 6:30 PM at the R. Carlisle Roddey Complex in the Council Chambers. Adjoining landowners are invited to attend.

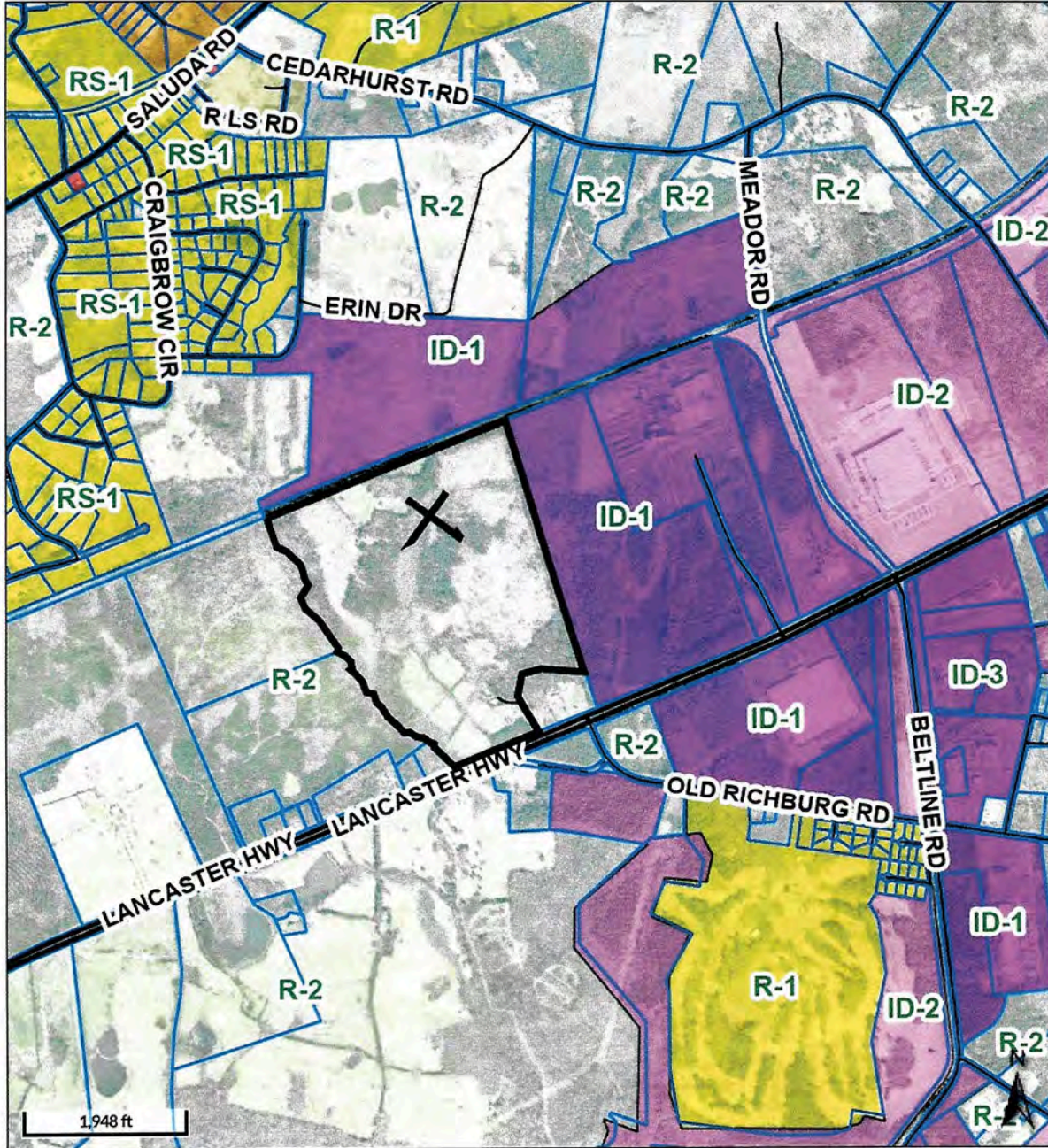
Please see the attached map for the location of the request is drawn in black with an X in the middle.

Thank you,

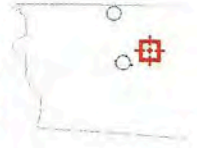
Chester County Planning Department

Telephone: 803-581-0942

Fax: 855-930-0979



Overview

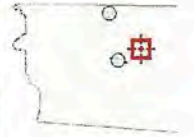


Date created: 12/16/2022  
Last Data Uploaded: 12/16/2022 3:41:06 AM

Developed by  Schneider  
GEO SPATIAL



Overview



Parcel ID	089-00-00-002-000	Alternate ID	n/a	Owner Address	LUCKSTONE CORPORATION
Sec/Twp/Rng	n/a	Class	RN		PO BOX 29682
Property Address	1421 COLLIELN	Acreage	192.259		RICHMOND VA 23242
District	02				
Brief Tax Description	LANCASTER RD				
	(Note: Not to be used on legal documents)				

Date created: 11/18/2022  
 Last Data Uploaded: 11/18/2022 3:11:25 AM

Developed by  Schneider  
 GEOSPATIAL

Next Year (2023) Changes

Search Options

Map Number: 089-00-002-000 Real 00641193 History Year

Name 1: LUCK STONE CORPORATION Other Map Number



Alerts

Has Additional Comments

Owner Information

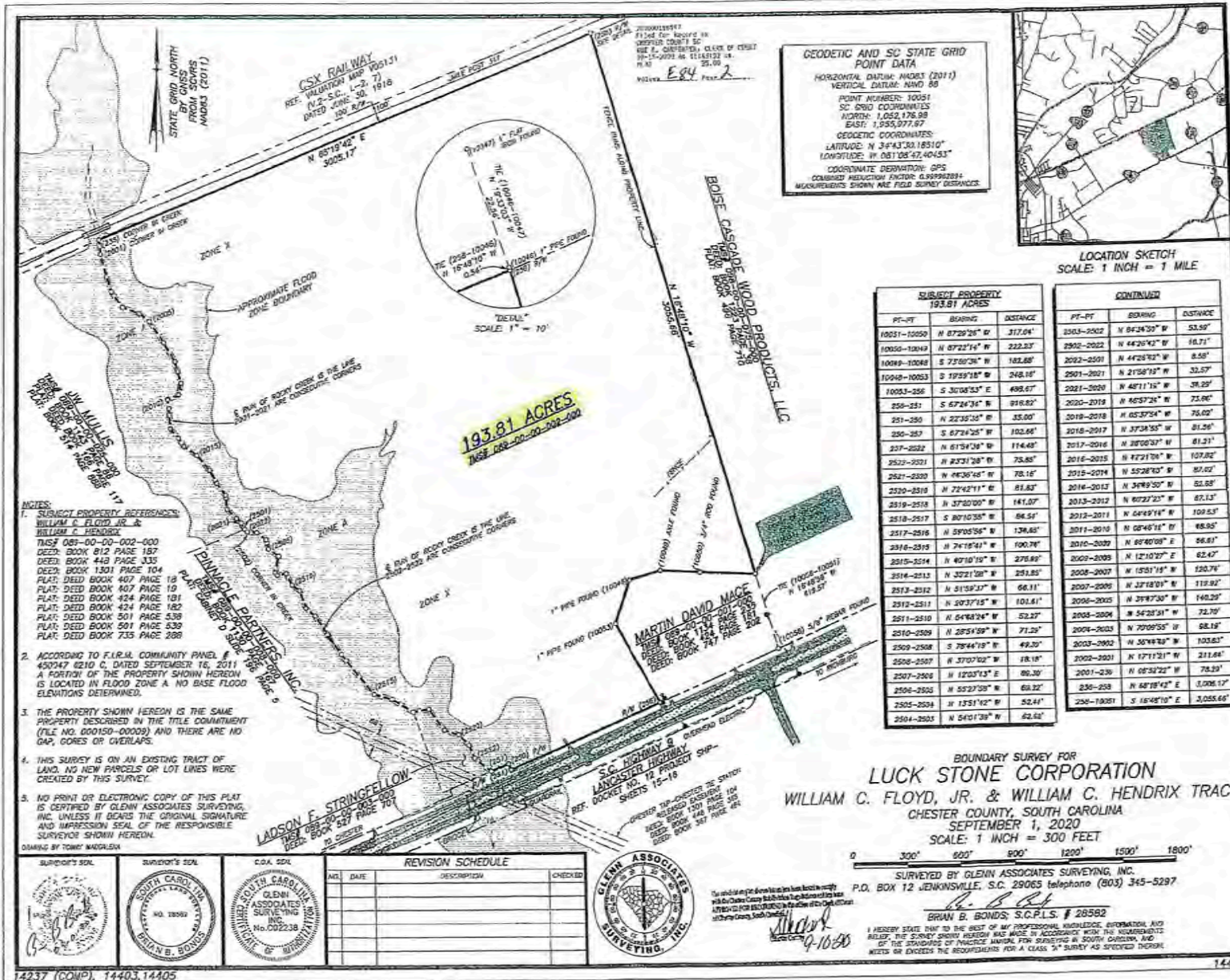
Post Initials	CW	Reason for Change		Activity Date	06/04/2021
Name 2				Land Value	2,336,000
Address 1	PO BOX 29682			Building Value	54,600
Address 2	RICHMOND VA			Total Market Value	2,390,600
Zip Code	23242			Total Tax Value	93,900

Codes		Fire Code	CS	CITY SUB
District	02	Neighborhood	R2	RURAL 2
Town		Use Class		
Subdivision				
Description	LANCASTER RD			
Legal				

Location: Street Number 1421 Street Name COLLIE LN Suffix Direction

Additional Information			
Appraisal Appeal	Owner Occupied	TIF	Base
Agricultural Use	Reappraisal Notice	MCIP	Industrial Park ID
Rollback		Exempt	

Scroll by: MAP#



**GEODETIC AND SC STATE GRID POINT DATA**

HORIZONTAL DATUM: MADRS (2011)  
 VERTICAL DATUM: NAVD 80

POINT NUMBER: 10051  
 SC GRID COORDINATES  
 NORTH: 1,052,176.98  
 EAST: 1,955,977.67

GEODETIC COORDINATES  
 LATITUDE: N 34°43'30.18310"  
 LONGITUDE: W 081°08'42.40453"

COORDINATE SYSTEM: GPS  
 CONTROL REFERENCE FRAME: GRS99/82894  
 MEASUREMENTS SHOWN ARE FIELD SURVEY DISTANCES



**SUBJECT PROPERTY 193.81 ACRES**

PT-PT	BEARING	DISTANCE
10051-10050	N 87°29'28" W	317.04'
10050-10049	N 87°22'14" W	223.23'
10049-10048	S 77°00'34" W	162.66'
10048-10053	S 19°59'18" W	248.18'
10053-258	S 30°08'53" E	498.67'
258-251	S 67°24'34" W	919.82'
251-250	N 22°35'38" W	35.00'
250-253	S 67°24'35" W	102.66'
253-252	N 61°54'38" W	114.48'
252-2521	N 27°31'28" W	75.85'
2521-2520	N 46°36'45" W	78.16'
2520-2519	N 72°42'11" W	81.83'
2519-2518	N 37°50'00" W	141.07'
2518-2517	S 80°10'35" W	64.54'
2517-2516	N 59°05'58" W	134.63'
2516-2515	N 74°18'41" W	100.79'
2515-2514	N 40°18'18" W	276.89'
2514-2513	N 30°21'28" W	251.85'
2513-2512	N 51°59'28" W	66.11'
2512-2511	N 30°37'15" W	102.41'
2511-2510	N 64°48'24" W	52.37'
2510-2509	N 28°54'39" W	71.29'
2509-2508	S 78°44'19" W	49.20'
2508-2507	N 37°07'02" W	18.18'
2507-2506	N 12°03'13" E	90.30'
2506-2505	N 53°27'59" W	69.32'
2505-2504	N 12°51'42" W	52.41'
2504-2503	N 54°01'28" W	62.62'

**CONTINUED**

PT-PT	BEARING	DISTANCE
2503-2502	N 84°24'30" W	53.59'
2502-2502	N 44°20'42" W	18.71'
2502-2501	N 44°28'42" W	8.50'
2501-2501	N 21°58'13" W	32.57'
2501-2501	N 48°11'10" W	38.29'
2501-2501	N 66°57'24" W	73.00'
2501-2501	N 65°37'54" W	76.02'
2501-2501	N 37°34'55" W	81.26'
2501-2501	N 38°00'30" W	81.31'
2501-2501	N 47°17'04" W	107.02'
2501-2501	N 59°28'10" W	87.02'
2501-2501	N 38°48'50" W	52.68'
2501-2501	N 67°22'22" W	67.13'
2501-2501	N 64°49'14" W	109.51'
2501-2501	N 62°45'14" W	68.95'
2501-2501	N 82°40'00" E	56.61'
2501-2501	N 12°10'20" E	62.47'
2501-2501	N 15°51'18" W	120.76'
2501-2501	N 37°18'01" W	118.82'
2501-2501	N 39°47'30" W	140.29'
2501-2501	N 54°28'51" W	72.70'
2501-2501	N 70°09'55" W	58.18'
2501-2501	N 30°48'48" W	103.63'
2501-2501	N 17°12'11" W	211.64'
2501-2501	N 05°32'22" W	78.29'
250-253	N 48°18'42" E	1,006.17'
250-10051	S 16°48'10" E	2,055.66'

- NOTES:**
- SUBJECT PROPERTY REFERENCES:  
 WILLIAM C FLOYD, JR & WILLIAM C HENDRIX  
 TMSF 081-00-00-002-000  
 DEED BOOK 812 PAGE 187  
 DEED BOOK 448 PAGE 335  
 DEED BOOK 1301 PAGE 104  
 PLAT: DEED BOOK 407 PAGE 18  
 PLAT: DEED BOOK 407 PAGE 18  
 PLAT: DEED BOOK 424 PAGE 182  
 PLAT: DEED BOOK 424 PAGE 182  
 PLAT: DEED BOOK 501 PAGE 538  
 PLAT: DEED BOOK 501 PAGE 539  
 PLAT: DEED BOOK 735 PAGE 288

- ACCORDING TO F.L.R.M. COMMUNITY PANEL # 450047 4210 C, DATED SEPTEMBER 16, 2011 A PORTION OF THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE A NO BASE FLOOD ELEVATIONS DETERMINED.
- THE PROPERTY SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN THE TITLE COMMITMENT (FILE NO. 600150-0000) AND THERE ARE NO GAP, GORES OR OVERLAPS.
- THIS SURVEY IS ON AN EXISTING TRACT OF LAND, NO NEW PARCELS OR LOT LINES WERE CREATED BY THIS SURVEY.
- NO PRINT OR ELECTRONIC COPY OF THIS PLAT IS CERTIFIED BY GLENN ASSOCIATES SURVEYING, INC. UNLESS IT BEARS THE ORIGINAL SIGNATURE AND IMPRESSION SEAL OF THE RESPONSIBLE SURVEYOR SHOWN HEREON.

**SURVEYOR'S SEAL**

**SURVEYOR'S SEAL**

**C.O.A. SEAL**

**GLENN ASSOCIATES SURVEYING, INC.**  
 No. 022238

**REVISION SCHEDULE**

NO.	DATE	DESCRIPTION	CHECKED



Surveyed by GLENN ASSOCIATES SURVEYING, INC.  
 P.O. BOX 12 JENKINSVILLE, S.C. 29065 Telephone (803) 345-5297  
 BRIAN B. BONDS, S.C.P.L.S. # 28582



PT.-PT.	BORING	DISTANCE
1000-1000	N 27°25'13" W	1.300.11
1000-1001	N 67°52'37" E	66.00
1000-1002	S 27°25'13" W	1.300.11
1000-1003	S 67°52'37" E	66.00

PT.-PT.	BORING	DISTANCE
1003-1004	N 27°25'13" W	1.300.11
1003-1005	N 67°52'37" E	66.00
1003-1006	S 27°25'13" W	1.300.11
1003-1007	S 67°52'37" E	66.00

PT.-PT.	BORING	DISTANCE
1001-1002	N 27°25'13" W	1.300.11
1001-1003	N 67°52'37" E	66.00
1001-1004	S 27°25'13" W	1.300.11
1001-1005	S 67°52'37" E	66.00

PT.-PT.	BORING	DISTANCE
1002-1001	N 67°52'37" E	66.00
1002-1002	S 27°25'13" W	1.300.11
1002-1003	N 67°52'37" E	66.00
1002-1004	S 27°25'13" W	1.300.11

PT.-PT.	BORING	DISTANCE
1004-1005	N 27°25'13" W	1.300.11
1004-1006	N 67°52'37" E	66.00
1004-1007	S 27°25'13" W	1.300.11
1004-1008	S 67°52'37" E	66.00

PT.-PT.	BORING	DISTANCE
1005-1006	N 27°25'13" W	1.300.11
1005-1007	N 67°52'37" E	66.00
1005-1008	S 27°25'13" W	1.300.11
1005-1009	S 67°52'37" E	66.00

PT.-PT.	BORING	DISTANCE
1006-1007	N 27°25'13" W	1.300.11
1006-1008	N 67°52'37" E	66.00
1006-1009	S 27°25'13" W	1.300.11
1006-1010	S 67°52'37" E	66.00

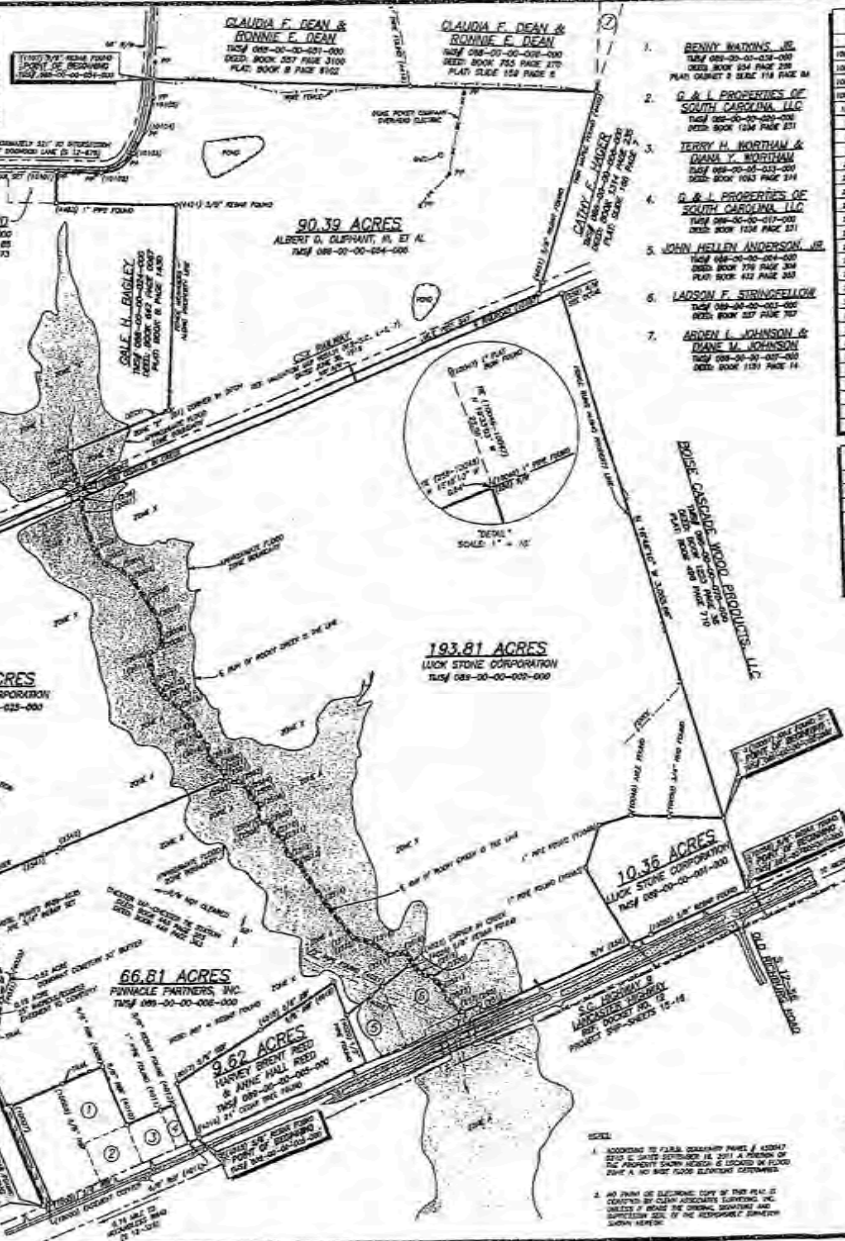
PT.-PT.	BORING	DISTANCE
1007-1008	N 27°25'13" W	1.300.11
1007-1009	N 67°52'37" E	66.00
1007-1010	S 27°25'13" W	1.300.11
1007-1011	S 67°52'37" E	66.00

PT.-PT.	BORING	DISTANCE
1008-1009	N 27°25'13" W	1.300.11
1008-1010	N 67°52'37" E	66.00
1008-1011	S 27°25'13" W	1.300.11
1008-1012	S 67°52'37" E	66.00

PT.-PT.	BORING	DISTANCE
1009-1010	N 27°25'13" W	1.300.11
1009-1011	N 67°52'37" E	66.00
1009-1012	S 27°25'13" W	1.300.11
1009-1013	S 67°52'37" E	66.00



PT.-PT.	BORING	DISTANCE
1001-1002	N 27°25'13" W	1.300.11
1001-1003	N 67°52'37" E	66.00
1001-1004	S 27°25'13" W	1.300.11
1001-1005	S 67°52'37" E	66.00

PT.-PT.	BORING	DISTANCE
1002-1003	N 27°25'13" W	1.300.11
1002-1004	N 67°52'37" E	66.00
1002-1005	S 27°25'13" W	1.300.11
1002-1006	S 67°52'37" E	66.00

PT.-PT.	BORING	DISTANCE
1003-1004	N 27°25'13" W	1.300.11
1003-1005	N 67°52'37" E	66.00
1003-1006	S 27°25'13" W	1.300.11
1003-1007	S 67°52'37" E	66.00

PT.-PT.	BORING	DISTANCE
1004-1005	N 27°25'13" W	1.300.11
1004-1006	N 67°52'37" E	66.00
1004-1007	S 27°25'13" W	1.300.11
1004-1008	S 67°52'37" E	66.00



PT.-PT.	BORING	DELTA	RADIUS	L-ARC
1010-1011	N 87°45'24" E	214.64'	601'53.00"	506.65'
1011-1012	S 87°45'24" E	214.64'	601'53.00"	506.65'



NO.	DATE	DESCRIPTION	DRAWN

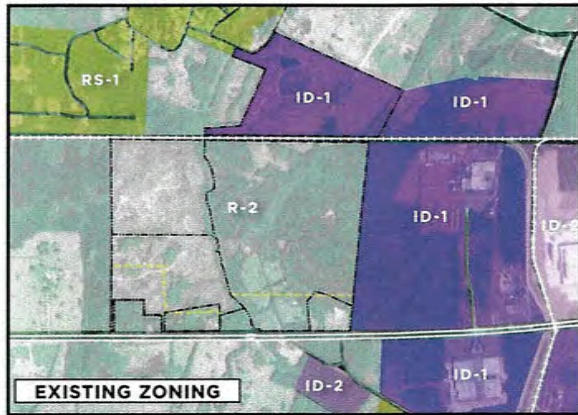
TRAP 089-00-00-000-000	193.81 ACRES
TRAP 089-00-00-104-000	93.39 ACRES
TRAP 089-00-00-008-000	72.40 ACRES
TRAP 089-00-00-000-000	66.81 ACRES
TRAP 089-00-00-001-000	10.36 ACRES
TRAP 089-00-00-005-000	9.62 ACRES
<b>TOTAL SURVEY</b>	<b>443.39 ACRES</b>

BOUNDARY EXHIBIT PREPARED FOR  
LUCK STONE CORPORATION  
CHESTER COUNTY, SOUTH CAROLINA  
NOVEMBER 8, 2022  
SCALE: 1 INCH = 300 FEET  
SURVEYED BY GLEN ASSOCIATES SURVEYING, INC.  
P.O. BOX 12 JONASVILLE, S.C. 29066 Telephone: (803) 545-5297  
BRYAN B. SANDS SCPLS / 20222

1. ACCORDING TO PLATS AND RECORDS PAGES & PLATS OF THE COUNTY OF CHESTER, SOUTH CAROLINA, I AM A MEMBER OF THE PROFESSION OF SURVEYORS AND I CERTIFY IN FORNEY THAT I AM NOT UNDER ANY DISQUALIFYING CIRCUMSTANCES.

2. NO PART OF THIS EXHIBIT IS A COPY OF AN INSTRUMENT, RECORD, OR MAP OR ANY OTHER INSTRUMENT, RECORD, OR MAP WHICH IS THE PROPERTY OF ANY OTHER PERSON OR ENTITY, AND WHICH IS A PART OF THE ORIGINAL INSTRUMENT, RECORD, OR MAP OF THE INSTRUMENT, RECORD, OR MAP WHICH IS THE PROPERTY OF ANY OTHER PERSON OR ENTITY.

PARCEL #089-00-00-002-000



PROPOSED ZONING

CSX Rail Line

089-00-00-002-000

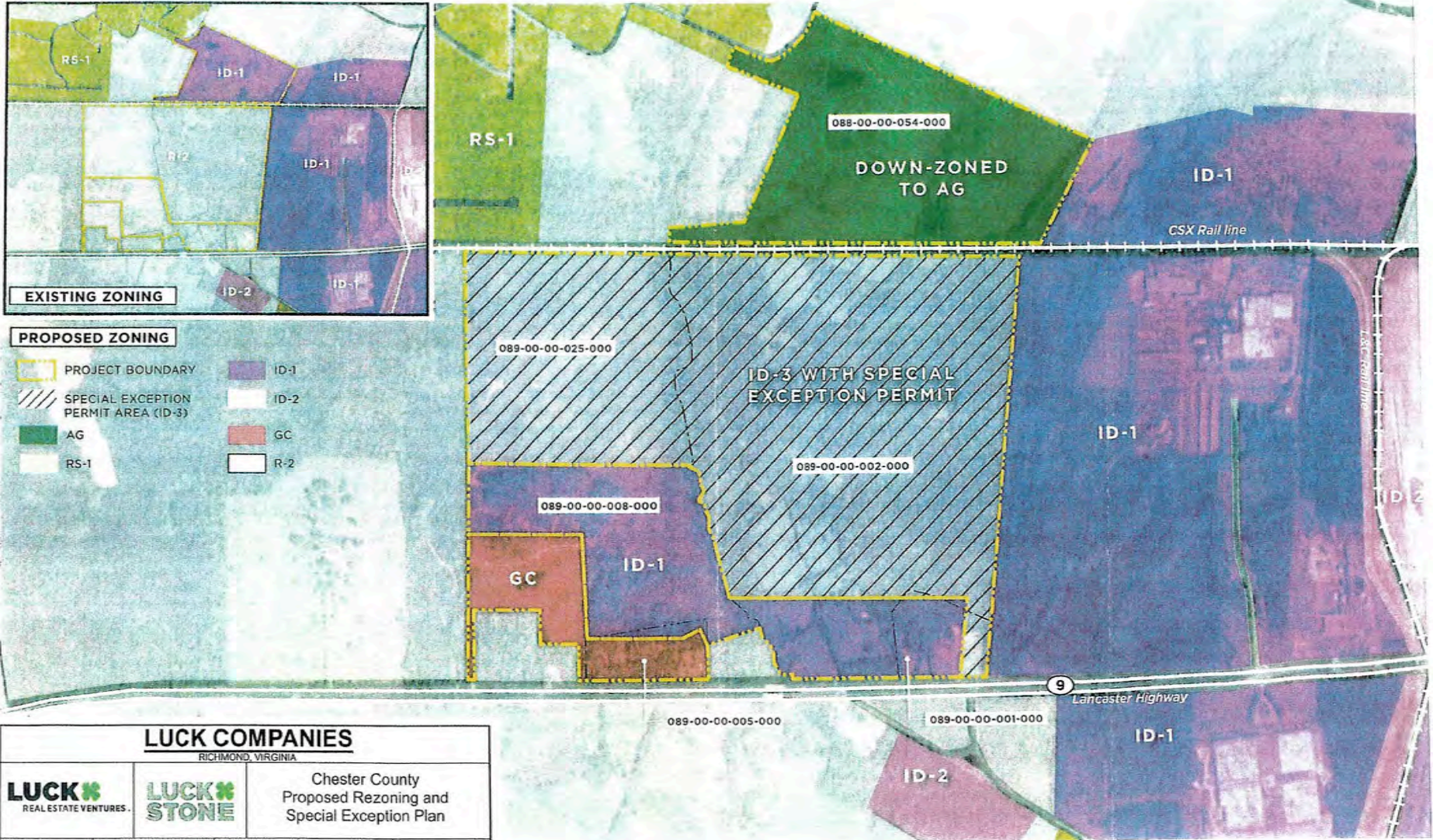
174.46ac, ID-3 with  
Special Exception

19.35ac, ID-1

9 Lancaster Highway



# PROPOSED REZONING AND SPECIAL EXCEPTION PLAN



<b>LUCK COMPANIES</b> RICHMOND, VIRGINIA			
<b>LUCK</b> REAL ESTATE VENTURES	<b>LUCK</b> STONE	Chester County Proposed Rezoning and Special Exception Plan	
Date: 11/11/22	Base: Chester County GIS, Google Maps	Scale: Approx. 1" = 700'	Page: 3 OF 4
All zoning information herein is for informational purposes only and does not constitute an offer of any financial product. This report is not to be used for any other purpose, and all users are advised to consult with a professional engineer or architect.			
Prepared by: Patrick Hess			





**Luck Companies**

**Chester County, SC: Rezoning & Special Exception Summary**

Parcel ID	Owner	Address	Survey Acreage	Current Zoning	Desired Zoning	Desired Zoning Acreage (Per GIS)	Special Exception Application	Summary of Use
089-00-00-005-000	Harvey and Anne Reed	1207 Lancaster HWY Chester, SC 29706	9.62	R-2	GC	7.8	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	1.82	n/a	Business Park
089-00-00-008-000	Pinnacle Partners INC	1113 Lancaster HWY Chester, SC 29706	66.81	R-2	GC	17.92	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	48.89	n/a	Business Park
088-00-00-054-000	Albert D Oliphant III	n/a	90.39	I-1	AG	90.39	n/a	Agricultural Education
089-00-00-002-000	Luck Stone Corporation	1421 Collie Lane Chester, SC 29706	193.81	R-2	ID-3 w/ Special Exception	174.46	✓	Quarry and Ancillary Uses
					ID-1	19.35	n/a	Business Park
089-00-00-025-000	Luck Stone Corporation	n/a	72.4	R-2	ID-3 w/ Special Exception	72.4	✓	Quarry and Ancillary Uses
089-00-00-001-000	Luck Stone Corporation	1257 Lancaster HWY Chester, SC 29706	10.36	R-2	ID-3 w/ Special Exception	1.01	✓	Quarry and Ancillary Uses
					ID-1	9.35	n/a	Business Park

Total GC Rezoning Area	25.72
Total ID1 Rezoning Area	79.41
Total ID3 w/ Special Exception Rezoning Area	247.87
Total AG Rezoning Area	90.39

## A note from Luck Companies:



Since becoming a member of the South Carolina business community in 2018, our family-owned company has created strong and lasting relationships with business partners and community members. Luck Companies has been welcomed as an active participant in the **Kershaw County, Fairfield County, and Spartanburg County**

communities. Growth through new locations provides Luck Companies the opportunity to expand our mission of igniting human potential and positively impacting the lives of others.

Chester is uniquely positioned for growth, with proximity to natural resources and economic trends in the county's favor. We want to support this growth with locally produced, high-quality materials and development that can serve as the county's foundation. Our excitement for a potential partnership with the Chester County community led us to our previous application effort which began in 2019. However, prioritizing health and safety during the pandemic and feedback from the community led us to withdraw our application in 2020. We have used the past two years to engage with and learn from community residents, schools, business owners and non-profit organizations. This time has provided us the opportunity to finalize the purchase of the land considered in our previous application, introduce additional property in Chester County and solicit input and approval from the state agencies responsible for regulating our three business units.

The community's input and Chester County's updated Comprehensive and Economic Development Plans have informed our revised approach. Luck Companies has prepared a new application which aligns to community goals, passions, and culture.

Our project will create:

- local jobs
- tax revenue for the county
- outdoor recreation areas for the community
- a community impact fund
- business park and retail space

Key amendments to our application include:

- **Down-zoning an adjacent parcel** to provide additional buffer from a northern residential neighborhood and facilitate agricultural education opportunities
- **New development to accommodate a market void** of medium square footage business park space
- **Large dedicated acreage** for governmental use, developed in coordination with the Board of Commissioners, and structured to facilitate citizen tax dollar savings

We are inspired by the opportunity to be longstanding members of the Chester community and look forward to continuing our conversation. We remain committed to collaboratively working towards a sustainable development plan that benefits Chester County now and for generations to come.

Sincerely,

Ben Thompson,  
Director, Greenfield Development

### Our Ask



**APPROVE A REZONING**  
to support a Quarry



**APPROVE A REZONING**  
to support a Business Park  
and Retail Center



**APPROVE A DOWNZONING**  
to eliminate industrial use and  
provide additional buffer for  
residential neighbors



**BLESS THE CREATION**  
of a Community Fund that  
administers 1% of annual net sales  
(of the Chester County Quarry)  
up to \$35k to Chester County  
Non-profits and initiatives



**BLESS THE CONDITIONS**  
of the associated rezonings  
to further ensure responsible  
actions and enable the donation  
of recognized acreage for  
Chester County Government use  
and growth

Conditions applicable to properties included within the Luck Stone Corporation (the "Applicant") application for rezoning of properties located in Chester County, South Carolina shown on the plan dated November 11, 2022, entitled "Proposed Zoning and Special Exception Plan" as (i) "ID1" containing 79.41 acres (the "ID1 Property"), (ii) "GC" containing 25.72 acres (the "GC Property"), (iii) "ID3" containing 247.87 acres (the "ID3 Property") and (iv) "AG" containing 90.39 acres (the "AG Property").

**Condition applicable to all properties:**

Prior to issuance of any County permits for development of the parcels included within the application for rezoning, the Applicant shall submit an application for subdivision/boundary line adjustment of all parcels included within the application for rezoning to provide for the adjustment of parcel boundaries by zoning classification so that no parcel shall be split-zoned (include more than one zoning classification) and that all parcels are in compliance with the County subdivision ordinance.

**Conditions applicable to the ID1 Property:**

1. **Prohibited Uses.** No portion of the ID1 Property shall be used for any of the following uses:

- i. Grain Milling
- ii. Reconstituted wood products
- iii. Converted Paper Products
- iv. Mineral and Earth
- v. Misc. Nonmetallic Mineral
- vi. Aluminum Production

2. **Dedication of Easement for Public Park.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.

3. **Entrance Landscaping and Beautification.** The entrance to the ID1 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID1 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the GC Property and the ID3 Property to provide a consistent appearance for all such entrances.

**Conditions applicable to all areas rezoned to the GC classification (the "GC Property"):**

1. **Dedication of Property for Governmental Use.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County of one or more parcels containing a total of not less than fifteen (15) acres for governmental uses (the "Governmental Use Property") as generally shown on the plan included in this application entitled "Updated and Compiled General Development Plan". The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a current survey of the Governmental Use Property and payment of costs to prepare and record the deed of dedication. The deed of dedication shall restrict use of the Governmental Use Property to use by the County or other governmental entities unless otherwise approved by the owner of the ID3 Property.
2. **Entrance Landscaping and Beautification.** The entrance to the GC Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the GC Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the ID3 Property to provide a consistent appearance for all such entrances.
3. **Cemetery Access.** The cemetery located on the GC Property will remain undisturbed and reasonable access will be provided to relatives and descendants of persons buried in the cemetery for the limited purposes of visiting graves, maintaining the gravesite or cemetery or conducting genealogy research. Such access shall not include the right to operate motor vehicles on the GC Property other than within any driveways and parking areas as may be located on the GC Property from time to time.

**Condition applicable to the area rezoned to the AG classification (the "AG Property"):**

The Applicant will enter into discussions with representatives of the County schools to explore the use of a portion of the AG Property for an agricultural education program which may include the cultivation of trees or other crops to provide a hands-on learning experience. If the County schools are interested, the Applicant will work with the County schools in good faith to agree upon the terms and conditions of a lease of up to one half (1/2) of the AG Property for \$1.00/year for a term of up to fifteen (15) years or as may otherwise be agreed upon by the County schools and the Applicant.

**Conditions applicable to all areas rezoned to the ID3 classification (the "ID3 Property"):**

1. No portion of the ID3 Property shall be used for any of the following uses:
  - i. Biological and allied wholesaling
  - ii. Manufacturing of animal, chemical, gas, or arms and munitions
  - iii. Petroleum storage for wholesaling (except to supply uses on the ID3 Property)
  - iv. Fuel dealers, retail (except to supply uses on the ID3 Property)
  - v. Hazardous waste carriers
  - vi. Municipal solid waste landfill
  - vii. Airport
2. Entrance Landscaping and Beautification. The entrance to the ID3 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID3 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the GC Property to provide a consistent appearance for all such entrances.
3. Screening and Visual Line of Sight. Mining activities and related uses on the ID3 Property shall be screened from visibility from Highway 9 using berms and landscaping or other means proposed by the Applicant and approved by the County in connection with the review and approval of a site plan for development of the ID3 Property.
4. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.

**Conditions for a Special Exception to Allow Mining Operations and Associated Uses on the ID3 Property ("Mining Operations")**

Development and use of the ID3 Property for Mining Operations pursuant to the requested Special Exception shall be subject to the following conditions:

1. Hours of Operation. Hours of operation shall be limited as follows:
  - (a) Extraction Area, Primary Plant and Equipment: 6:00 a.m. to 9:00 p.m. Monday through Saturday ("Standard Operating Hours") only except as provided below.
  - (b) Shipping, Loading and Limited Processing: Standard Operating Hours except as otherwise required in the event a federal, state or local agency or authority requests or requires that such activities be conducted during other hours.
  - (c) Processing Plant (secondary and/or finishing phases of plant operations): Hours of operation for the processing plant shall be unrestricted when operated without the use of trucks and loaders utilizing audible back-up alarms (when operated with trucks and loaders utilizing audible back-up alarms, Standard Operating Hours shall apply). Any vehicular operations during hours other than Standard Operating Hours shall be for processing activities only and shall not be for extraction activities.
  - (d) Blasting. Blasting shall not occur before 9:30 a.m. or after 5:00 p.m. Monday through Friday, except when a blasting charge has been set before 5:00 p.m. and is delayed due to reasons beyond the reasonable control of Operator or due to safety considerations. In such a case, Operator may then complete the blast after 5:00 p.m. but no later than thirty (30) minutes after sunset. There shall be no blasting on Saturdays or Sundays except to complete a blast where the charge was set and blasting delayed as described above.
2. Buffers. Buffers shall be provided in the locations and of the widths shown on the on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP"). Buffers shall consist of undisturbed natural vegetation supplemented by berms, additional vegetation or otherwise as necessary to comply with the requirements of the mining permit (the "State Mining Permit") issued to Operator for Mining Operations by the South Carolina Department of Health and Environmental Control ("DHEC"). Encroachments into buffers shall be allowed for utility lines, roads, access points and such other encroachments or breaks as necessary to conduct Mining Operations in accordance with the State Mining Permit.
3. No Trespassing Signs. "No Trespassing" signs shall be posted and perpetually maintained around the perimeter of the processing and extraction areas. Signs shall not be more than 300 feet apart.
4. Wetlands. All necessary permits to allow disturbance of jurisdictional wetlands on the ID3 Property shall be obtained from the applicable governmental authority (e.g., U.S. Army Corps. of Engineers, Chester County Government, or DHEC).

5. DHEC Mining, Water Discharge and Air Permits.

(a) Prior to commencement of any land disturbance associated with Mining Operations, Operator shall obtain the State Mining Permit from DHEC. The State Mining Permit shall address all relevant issues including soil erosion, stormwater management, air quality and reclamation. Completion of the reclamation plan shall be secured by a bond posted with DHEC in accordance with its regulations.

(b) Prior to commencement of Mining Operations, Operator shall obtain an NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities from the DHEC Bureau of Water pursuant to the Pollution Control Act of South Carolina and the Federal Clean Water Act which is administered by DHEC in South Carolina.

(c) Prior to commencement of Mining Operations, Operator shall obtain an Air Quality Permit from the DHEC Bureau of Air Quality to ensure compliance with the Federal Clean Air Act which is administered by DHEC in South Carolina. In connection with the issuance of the Air Quality Permit, Operator shall develop and implement a facility-wide plan for controlling fugitive dust and emissions from Mining Operations including process operations, truck traffic, storage piles, and any other areas within the ID3 Property where fugitive dust emissions can be generated. Fugitive dust generated from direct Mining Operations shall be controlled by wet suppression and/or dry dust collection systems. Fugitive dust generated by vehicular traffic within Mining Operations shall be controlled by the application of water or equivalent wetting agent to roadways and other traveled surfaces on the ID3 Property.

(d) Operator shall maintain copies of all federal and state records pertaining to permits and approvals on-site and, upon reasonable prior notice from County zoning officials, Operator shall make copies of permits and approvals to County zoning officials for review.

6. Entrance Road.

(a) Operator shall pave and maintain in good condition the entrance road providing access to Mining Operations from Highway 9 for a distance of approximately 1000 feet as generally shown on the on the GDP.

(b) Permanent access to Mining Operations shall be limited to a single point on Highway 9 as generally shown on the GDP and approved by SC Department of Transportation. The portion of such access located between Highway 9 and the area used for active mining may be shared by other uses as authorized by Operator.

(c) Operator shall inspect the intersection of the Mining Operations entrance road and Highway 9 daily for loose stone. Operator shall remove any loose stone material at or around the entrance road outside of the right of way of Highway 9 if removal can be completed safely and without interruption of traffic on Highway 9. Operator shall solicit the assistance of the appropriate agency (SCDOT, County Sheriff, etc.) with respect to removal of stone within the right of way of Highway 9 or as otherwise required for safe removal without interruption of traffic on Highway 9.

7. Monitoring Wells. Operator shall construct five (5) monitoring wells at locations determined by an independent qualified professional (i.e., certified hydrologist or

geologist) and approved by DHEC. A plan describing the procedures and timing of observance for the monitoring wells shall be developed by an independent qualified professional and approved by DHEC and to be followed by Operator.

8. Water Well Impacts. Upon submission of a formal complaint by an adjacent property owner or as requested by the County, pursuant to the State Mine Permit DHEC shall determine if any activity associated with Mining Operations has caused a well or wells on the adjacent property owner's land to become dry. If DHEC determines that Mining Operations has caused the drying of the property owner's well, Operator shall be responsible for providing an alternative water source (e.g., drill well deeper, new well, or connect to public water source at the discretion of Operator) for the aggrieved party at Operator's expense.
9. Blasting.
  - (a) Blasting Data shall be monitored and recorded for all blasts, shall be maintained on-site at the scale house for a period of three (3) years and shall be made available to County zoning officials for review at the scale house. Blasting Data shall include the time and date of blast, pounds of blasting material per delay, total pounds of blasting materials per blast, seismograph readings of ground vibration levels and air over-pressure levels in decibels.
  - (b) Operator shall provide notice prior to the first blast associated with Mining Operations (not site development/construction) either by (i) written notice via direct mail to all property owners and/or occupants of existing dwellings within one-half (1/2) mile of the areas where blasting will occur or (ii) advertisement two (2) times in a local newspaper of general circulation at least ninety (90) days prior to the first blast associated with Mining Operations blast. Upon receipt, pursuant to the above described notice, by DHEC and Operator of a written request from the owner of any existing structures within one-half (1/2) mile of the areas where blasting will occur, a third party consultant selected and engaged by Operator shall conduct an inspection of the applicable structures to determine the structural condition of the structures prior to the first blast associated with Mining Operations. The property owner shall have the right to supervise the inspection by the third-party consultant and shall be provided with a copy of the consultant's report.
  - (c) Ground vibration caused by blasting activity shall not exceed the maximum peak particle velocity allowed pursuant to South Carolina Code of Regulations Section 89-150(E) as measured at the immediate location of any dwelling, public building, school, church, or commercial or institutional building existing as of the date of approval of the Special Exception to allow Mining Operations. The maximum peak particle velocity requirement does not apply to structures within the permitted area, or any area that is owned or leased by Operator or any structures on which Operator has acquired waiver to damage rights.
  - (d) If a formal claim is made by any private or public landowner that the landowner or the property (real or personal) of the landowner has been damaged by blasting activities associated with Mining Operations, whether by ground vibration, air over-pressure or otherwise, an independent, qualified professional with experience in the effects of blasting shall be engaged to determine if any damage was caused by blasting activities associated with Mining Operations. If it is determined that damage was caused by blasting activities



associated with Mining Operations, Operator shall correct the damage or reimburse the landowner for such damage. The amount of any reimbursement shall be determined by an independent, competent professional with expertise in estimating the damage (for example, a licensed builder or building contractor where the damage is to a residence). The independent professionals performing assessments pursuant to this paragraph shall be agreed upon by both Operator and the property owner and retained at the expense of Operator.

10. Lighting. Exterior light fixtures associated with Mining Operations shall be of a type and installed in a manner to reasonably minimize light spillage from Mining Operations onto adjoining parcels.
11. Noise. Airborne noise produced from Mining Operations other than blasting shall not exceed 80dba of continuous noise for greater than five (5) minutes at any one time as measured along the northern and western boundaries of the ID3 Property (the "Noise Limit"). The Noise Limit shall not apply to individual events lasting less than five (5) minutes. Operator shall install monitoring devices on the northern and western property lines of the ID3 Property to monitor decibel levels to assure that noise from Mining Operations does not exceed the Noise Limit.
12. Reclamation Plan. As a condition of the Special Exception, the reclamation plan approved by DHEC as part of the State Mining Permit shall be complied with by Operator, including, but not limited to, the following tasks which shall be completed upon completion of Mining Operations:
  - (i) all debris, scrap metal, concrete foundations, sidewalks and structures will be removed and
  - (ii) the stockpile, office and plant areas will be graded, sloped back to as natural a contour as reasonably possible (but no steeper than a 3h:1v slope) and seeded. Perimeter berms and buffers may be left in place and the pit area may be allowed to fill up with water.
13. Community Interest Engagement Group. Operator shall work with interested parties in the community to establish a Community Interest Engagement Group (the "CIEG") comprised of representatives of homeowner associations or similar residential groups and interested individual property owners located within a two (2) mile radius of Mining Operations. Operator shall facilitate meetings with the CIEG on a quarterly basis or as otherwise mutually determined by Operator and the CIEG to allow for information exchanges with respect to historical Mining Operations, future plans for Mining Operations and other community issues or opportunities of concern or interest of the CIEG and Operator. This condition is intended to provide a forum for communications among the CIEG and Operator and does not grant any approval rights to the CIEG with respect to Mining Operations.
14. Community Fund. Annually, Operator shall contribute the lesser of (i) one percent (1%) of the adjusted net sales of construction aggregate materials excavated from the ID3 Property and sold to third parties during the year or (ii) Thirty Five Thousand Dollars (\$35,000.00) to one or more organizations within Chester County in support of local Chester County non-profit initiatives, workforce development programing or general community improvement opportunities. This funding will be managed by Operator and distributed to organizations selected by Operator after consultation with the CIEG. For purposes of this condition, "adjusted net sales" shall mean total sales dollars of construction aggregate materials mined or extracted from the ID3 Property excluding any transportation (whether by truck, rail or other method), hauling, loading or unloading charges and less deductions for cash discounts, price

adjustments, additive materials, allowances, volume discounts and sales, use and other similar taxes or governmental charges. Annually, a report of contributions made by Operator pursuant to this condition shall be provided to the CIEG and to the County.

Chester County Planning Commission Minutes

December 20, 2022

**CCMA22-31 Luck Companies request a portion (19.35 acres) of Tax Map # 089-00-00-002-000 at 1421 Collie Lane, Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Commissioner Grant motioned to approve, second by Commissioner Howell. Vote 5-0 Approved.**



**Chester County, South Carolina**  
 Department of Planning, Building & Zoning  
 1476 J.A. Cochran Bypass  
 Chester, SC 29706

Zoning Map Amendment (Rezoning) Application

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 12-20-22 Case # CCMA22-31 Invoice # 5948

The applicant hereby requests that the property described to be rezoned from R-2 to ID-1

**Please give your reason for this rezoning request:**

Zoning amendment enables economic development upon the property. Please see included "Luck Companies Chester County Economic Development Project Rezoning and Special Exception Application and Conditions"

*Copy of plat must be presented with the application request*

**Designation of Agent (complete only if owner is not applicant):** I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: \_\_\_\_\_

**Property Address Information**

Property address: 1421 Collie Ln Chester, SC 29706  
 Tax Map Number: 089-00-00-002-000 (portion) Acres: 19.35 Acres Rezoned to ID-1 out of total 193.81 Acre Parcel

Any structures on the property: yes  no . If you checked yes, draw locations of structures on plat or blank paper. See attached "Proposed Rezoning and Special Exception Plan" for aerial photo

**PLEASE PRINT:**

Applicant (s): Luck Companies  
 Address PO BOX 29682 Richmond, VA 23242  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

Owner(s) if other than applicant(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.**

Owner's signature: [Signature] Date: 11/11/22  
 Applicant signature: [Signature] Date: 11/11/22

**CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.**



## **Chester County, South Carolina**

Department of Planning, Building & Zoning

1476 J.A. Cochran Bypass

Chester, SC 29706

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Date: November 29, 2022

From: Chester County Planning Development

1476 J A Cochran Bypass

Chester, SC 29706

803-581-0942

Reference: # CCMA22-31

Please advise that applicant Luck Companies has made an application with Chester County Planning Commission to rezone property located on 1421 Collie Lane, Chester, SC29706.

This property is identified as Tax Map # 089-00-00-002-000. The property is currently zoned R2 (Rural Two District), and the request is to change a portion (19.35 acres) of the zoning to ID-1 (Restricted Industrial District).

This application will be presented to the Planning Commission at its December 20, 2022, meeting. The meeting is scheduled to begin at 6:30 PM at the R. Carlisle Roddey Complex in the Council Chambers. Adjoining landowners are invited to attend.

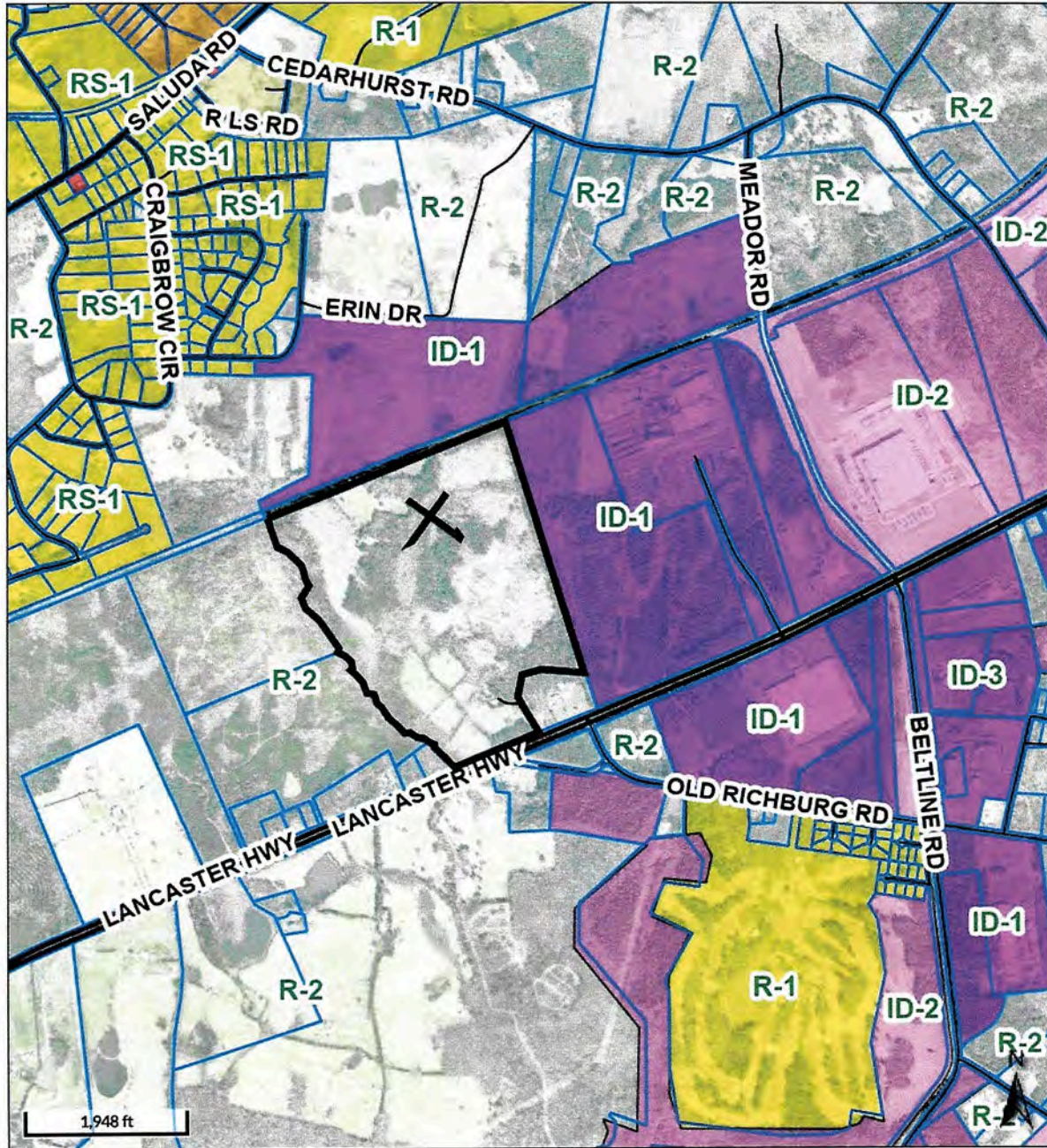
Please see the attached map for the location of the request is drawn in black with an X in the middle.

Thank you,

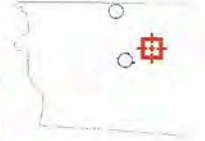
Chester County Planning Department

Telephone: 803-581-0942

Fax: 855-930-0979



Overview

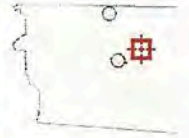


Date created: 12/16/2022  
Last Data Uploaded: 12/16/2022 3:41:06 AM

Developed by  Schneider  
GEOSPATIAL



Overview



Parcel ID	089-00-00-002-000	Alternate ID	n/a	Owner Address	LUCKSTONE CORPORATION
Sec/Twp/Rng	n/a	Class	RN		PO BOX 29682
Property Address	1421 COLLIE LN	Acreage	192.259		RICHMOND VA 23242
District	02				
Brief Tax Description	LANCASTER RD				

(Note: Not to be used on legal documents)

Date created: 11/18/2022  
Last Data Uploaded: 11/18/2022 3:11:25 AM

Developed by  **Schneider**  
GEO SPATIAL

### Next Year (2023) Changes



Search Options

Map Number:  Real  History Year:

Name 1:  Other Map Number:



Alerts

Has Additional Comments

Owner Information

Post Initials:  Reason for Change:

Name 2:

Address 1:  Activity Date:

Address 2:  Land Value:

Zip Code:  Building Value:

Total Market Value:

Total Tax Value:

Codes

District:  Fire Code:  CITY SUB

Town:

Neighborhood:  RURAL 2

Subdivision:

Use Class:

Description:

Legal:

Location

Street Number:  Street Name:  Suffix:  Direction:

Additional Information

Appraisal Appeal:  Owner Occupied:

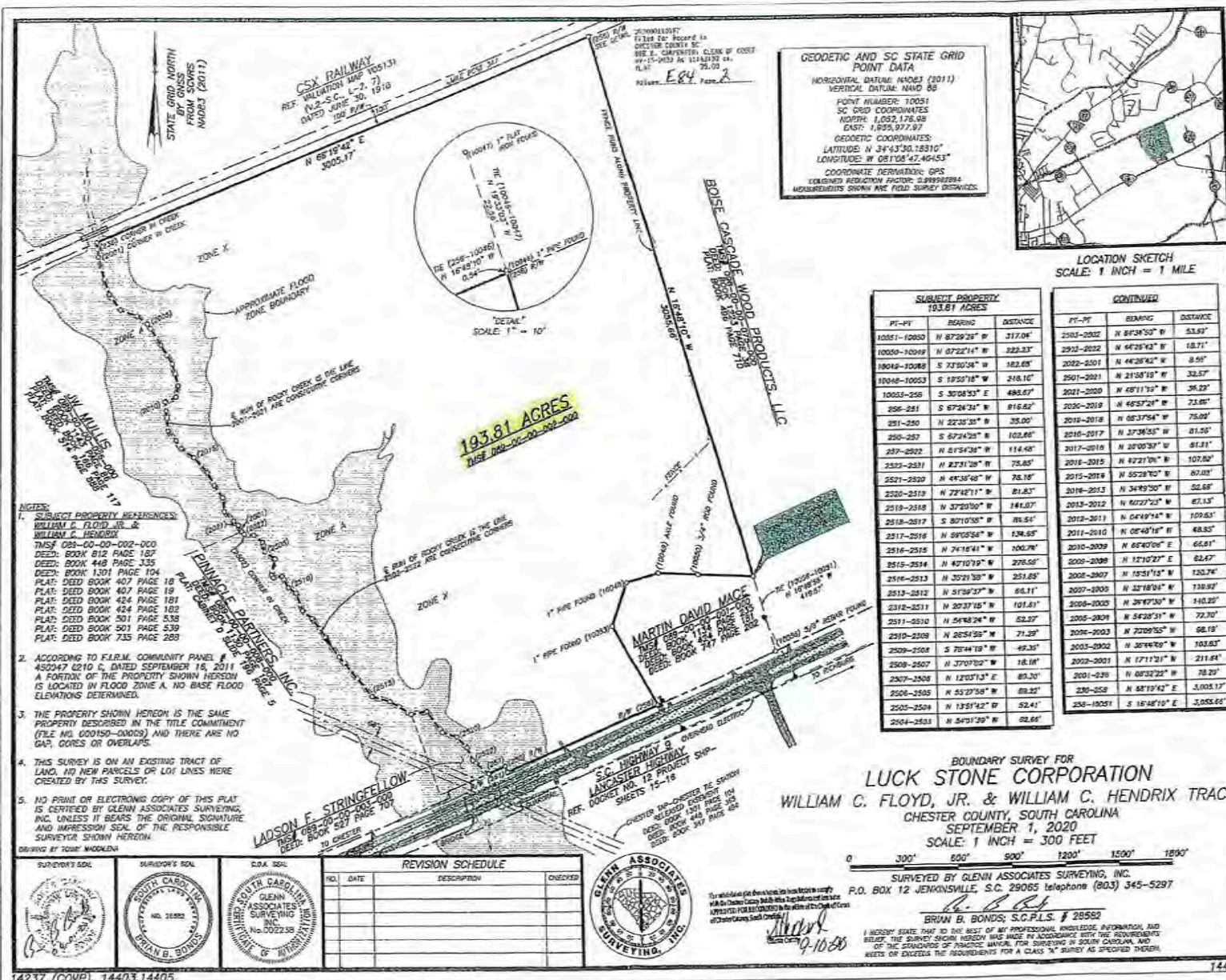
Agricultural Use:  Reappraisal Notice:

Rollback:  TIF:  Base:

MCIP:  Industrial Park ID:

Exempt:





**GEODEIC AND SC STATE GRID POINT DATA**  
 HORIZONTAL DATUM: NAD83 (2011)  
 VERTICAL DATUM: NAVD 83  
 POINT NUMBER: 10051  
 SC GRID COORDINATES  
 NORTH: 1,052,176.08  
 EAST: 1,929,977.97  
 GEODEIC COORDINATES  
 LATITUDE: N 34°43'30.18310"  
 LONGITUDE: W 081°08'47.40463"  
 COORDINATE DEFINITION: GPS  
 COORDINATE REDUCTION FACTOR: 2.89998994  
 MEASUREMENTS SHOWN ARE FIELD SURVEY DISTANCES



SUBJECT PROPERTY 193.81 ACRES			CONTINUED		
PT-PT	BEARING	DISTANCE	PT-PT	BEARING	DISTANCE
10851-10850	N 87°29'28" W	317.04'	2505-2502	N 84°38'50" W	53.69'
10000-10049	N 57°22'14" W	323.33'	2923-2922	N 64°28'42" W	18.71'
10048-10048	S 73°50'58" W	182.63'	2022-2001	N 44°28'42" W	8.56'
10048-10053	S 19°59'18" W	218.10'	2501-2001	N 21°58'19" W	32.57'
10024-258	S 30°48'53" E	488.67'	2021-2020	N 45°11'53" W	38.22'
258-281	S 87°24'34" W	816.62'	2020-2019	N 46°57'24" W	73.65'
281-250	N 22°35'35" E	35.00'	2018-2018	N 68°37'54" W	75.00'
250-257	S 87°24'25" W	102.66'	2010-2017	N 37°36'25" W	81.55'
257-2922	N 81°54'34" W	114.48'	2017-2016	N 30°00'39" W	81.81'
2922-2921	N 82°31'28" W	78.85'	2016-2015	N 42°21'06" W	107.80'
2921-2920	N 49°35'40" W	78.18'	2015-2014	N 50°29'50" W	80.03'
2920-2919	N 72°42'11" W	81.83'	2014-2013	N 40°27'23" W	87.13'
2919-2918	N 37°29'30" W	146.07'	2013-2012	N 34°49'50" W	52.68'
2918-2917	S 80°10'30" W	86.54'	2012-2011	N 04°19'44" W	109.63'
2917-2916	N 59°05'56" W	138.65'	2011-2010	N 08°48'18" W	88.83'
2916-2915	N 74°15'41" W	100.78'	2010-2009	N 69°40'04" E	66.81'
2915-2914	N 40°10'19" W	278.05'	2009-2008	N 12°10'27" E	82.67'
2914-2913	N 35°21'39" W	251.85'	2008-2007	N 15°31'15" W	120.74'
2913-2912	N 51°59'37" W	86.11'	2007-2005	N 32°18'04" W	138.92'
2912-2911	N 20°37'15" W	101.11'	2006-2005	N 36°49'30" W	140.25'
2911-2910	N 54°48'24" W	62.37'	2005-2004	N 54°49'31" W	79.70'
2910-2909	N 28°51'29" W	71.29'	2004-2003	N 72°29'52" W	58.19'
2909-2908	S 78°44'19" W	49.33'	2003-2002	N 35°46'59" W	103.83'
2908-2907	N 37°07'02" W	18.16'	2002-2001	N 17°11'21" W	211.64'
2907-2906	N 12°03'13" E	85.30'	2001-235	N 68°32'22" W	78.29'
2906-2905	N 52°29'58" W	68.32'	235-259	N 82°19'42" E	3,005.17'
2905-2904	N 13°51'42" W	52.41'	238-10051	S 16°48'10" E	3,058.65'
2904-2903	N 54°31'39" W	82.64'			

- NOTES:**
- SUBJECT PROPERTY REFERENCES:  
 WILLIAM C. FLOYD, JR. & WILLIAM C. HENDRIX  
 TMSF 088-00-00-002-000  
 DEED: BOOK 618 PAGE 187  
 DEED: BOOK 448 PAGE 335  
 DEED: BOOK 1301 PAGE 104  
 PLAT: DEED BOOK 407 PAGE 18  
 PLAT: DEED BOOK 407 PAGE 19  
 PLAT: DEED BOOK 424 PAGE 181  
 PLAT: DEED BOOK 424 PAGE 182  
 PLAT: DEED BOOK 531 PAGE 538  
 PLAT: DEED BOOK 501 PAGE 539  
 PLAT: DEED BOOK 733 PAGE 288
  - ACCORDING TO E.L.R.M. COMMUNITY PANEL # 452047 0210 C, DATED SEPTEMBER 18, 2011 A PORTION OF THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE A. NO BASE FLOOD ELEVATIONS DETERMINED.
  - THE PROPERTY SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN THE TITLE COMMITMENT (FILE NO. 000150-00005) AND THERE ARE NO GAP, GORES OR OVERLAPS.
  - THIS SURVEY IS ON AN EXISTING TRACT OF LAND. NO NEW PARCELS OR LOT LINES WERE CREATED BY THIS SURVEY.
  - NO PRINT OR ELECTRONIC COPY OF THIS PLAT IS CERTIFIED BY GLENN ASSOCIATES SURVEYING, INC. UNLESS IT BEARS THE ORIGINAL SIGNATURE AND IMPRESSION SEAL OF THE RESPONSIBLE SURVEYOR SHOWN HEREON.

BOUNDARY SURVEY FOR  
**LUCK STONE CORPORATION**  
 WILLIAM C. FLOYD, JR. & WILLIAM C. HENDRIX TRACT  
 CHESTER COUNTY, SOUTH CAROLINA  
 SEPTEMBER 1, 2020  
 SCALE: 1 INCH = 300 FEET

0 300' 600' 900' 1200' 1500' 1800'

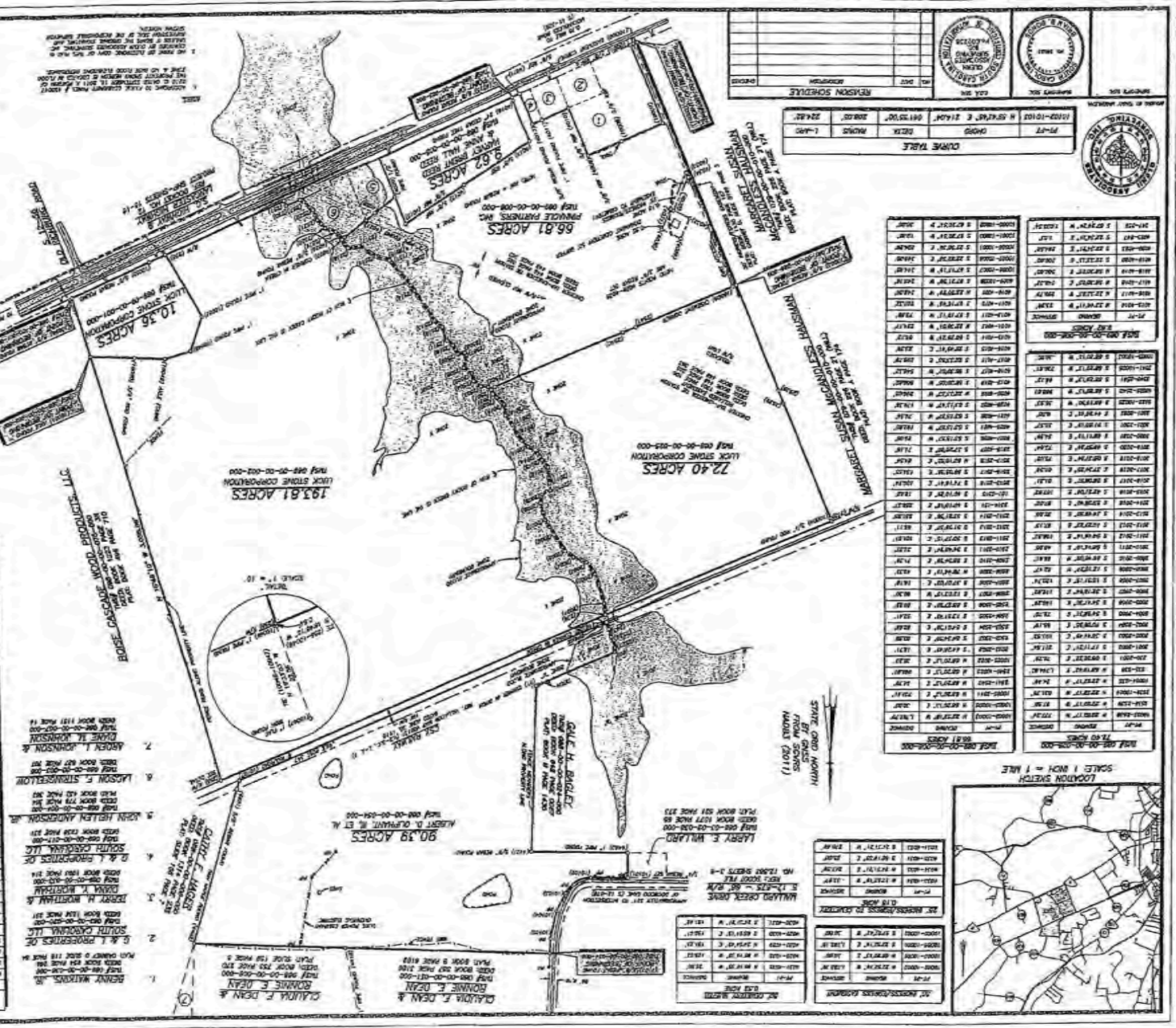
SURVEYED BY GLENN ASSOCIATES SURVEYING, INC.  
 P.O. BOX 12 JENKINSVILLE, S.C. 29065 telephone (803) 345-5297

**GLENN ASSOCIATES SURVEYING, INC.**  
 BRUN B. BONDS, S.C.P.L.S. # 28582

A WRITING STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THIS SURVEY BEING HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "X" SURVEY AS SPECIFIED THEREIN.

SURVEYOR'S SEAL GLENN ASSOCIATES SURVEYING, INC. BRUN B. BONDS	SURVEYOR'S SEAL SOUTH CAROLINA NO. 28582 BRUN B. BONDS	C.P.A. SEAL GLENN ASSOCIATES SURVEYING, INC. NO. 002238	REVISION SCHEDULE
			NO. DATE DESCRIPTION CHECKED

BOUNDARY SURVEY PREPARED FOR  
**LUCK STONE CORPORATION**  
 CHESTER COUNTY, SOUTH CAROLINA  
 NUMBERED B 2022  
 SCALE 1 INCH = 300 FEET  
 1000' 300' 1000'



**ANGS SURVEY**

THIS 089-00-00-000-000 = 44.59 ACRES
THIS 089-00-00-001-000 = 9.87 ACRES
THIS 089-00-00-002-000 = 66.81 ACRES
THIS 089-00-00-003-000 = 22.40 ACRES
THIS 089-00-00-004-000 = 90.39 ACRES
THIS 089-00-00-005-000 = 193.81 ACRES

**ADJACENT PARCELS**

OWNER	TRACT	ACRES
BOBBE CASCADE WOOD PRODUCTS, LLC	089-00-00-000-000	44.59
LUCK STONE CORPORATION	089-00-00-001-000	9.87
LUCK STONE CORPORATION	089-00-00-002-000	66.81
LUCK STONE CORPORATION	089-00-00-003-000	22.40
LUCK STONE CORPORATION	089-00-00-004-000	90.39
LUCK STONE CORPORATION	089-00-00-005-000	193.81

**ADJACENT PARCELS (Continued)**

OWNER	TRACT	ACRES
CLAUDE F. DEAN & BONNIE E. DEAN	089-00-00-000-000	44.59
CLAUDE F. DEAN & BONNIE E. DEAN	089-00-00-001-000	9.87
CLAUDE F. DEAN & BONNIE E. DEAN	089-00-00-002-000	66.81
CLAUDE F. DEAN & BONNIE E. DEAN	089-00-00-003-000	22.40
CLAUDE F. DEAN & BONNIE E. DEAN	089-00-00-004-000	90.39
CLAUDE F. DEAN & BONNIE E. DEAN	089-00-00-005-000	193.81

**REVISION SCHEDULE**

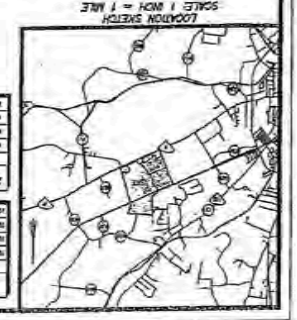
NO.	DATE	REVISION
1	01/12/2022	INITIAL
2	02/15/2022	AMEND
3	03/20/2022	AMEND
4	04/25/2022	AMEND

**CURVE TABLE**

STATION	CHORD	ANGLE	CHORD	ANGLE	STATION
1000+00.00	1000.00	90.00	1000.00	90.00	1000+00.00
1000+00.00	1000.00	90.00	1000.00	90.00	1000+00.00

**ADJACENT PARCELS (Continued)**

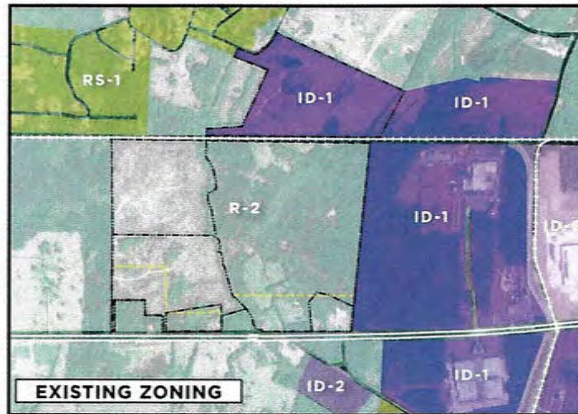
OWNER	TRACT	ACRES
ADJACENT PARCELS	089-00-00-000-000	44.59
ADJACENT PARCELS	089-00-00-001-000	9.87
ADJACENT PARCELS	089-00-00-002-000	66.81
ADJACENT PARCELS	089-00-00-003-000	22.40
ADJACENT PARCELS	089-00-00-004-000	90.39
ADJACENT PARCELS	089-00-00-005-000	193.81



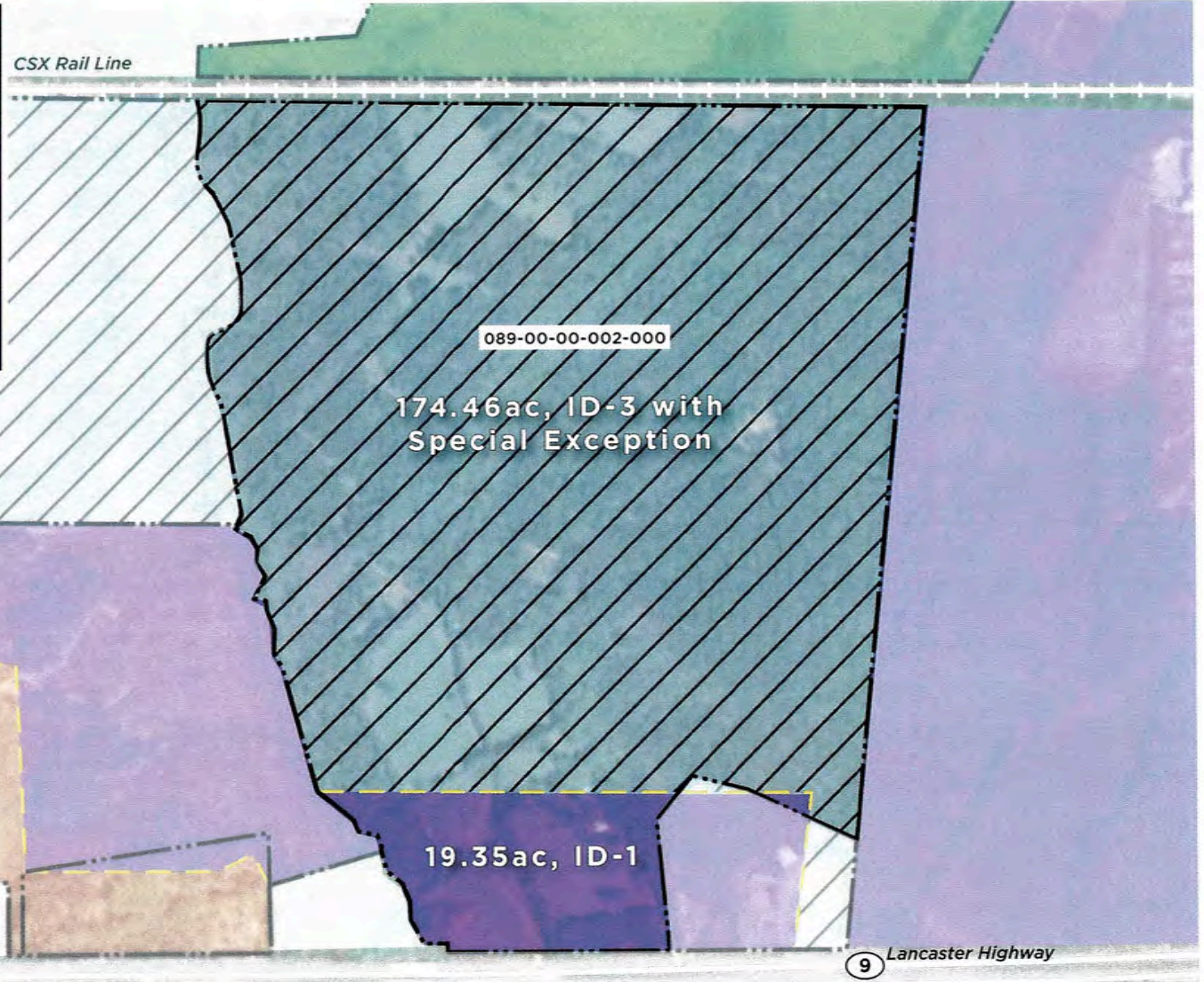
DATE: 08-09-2022

DATE: 08-09-2022

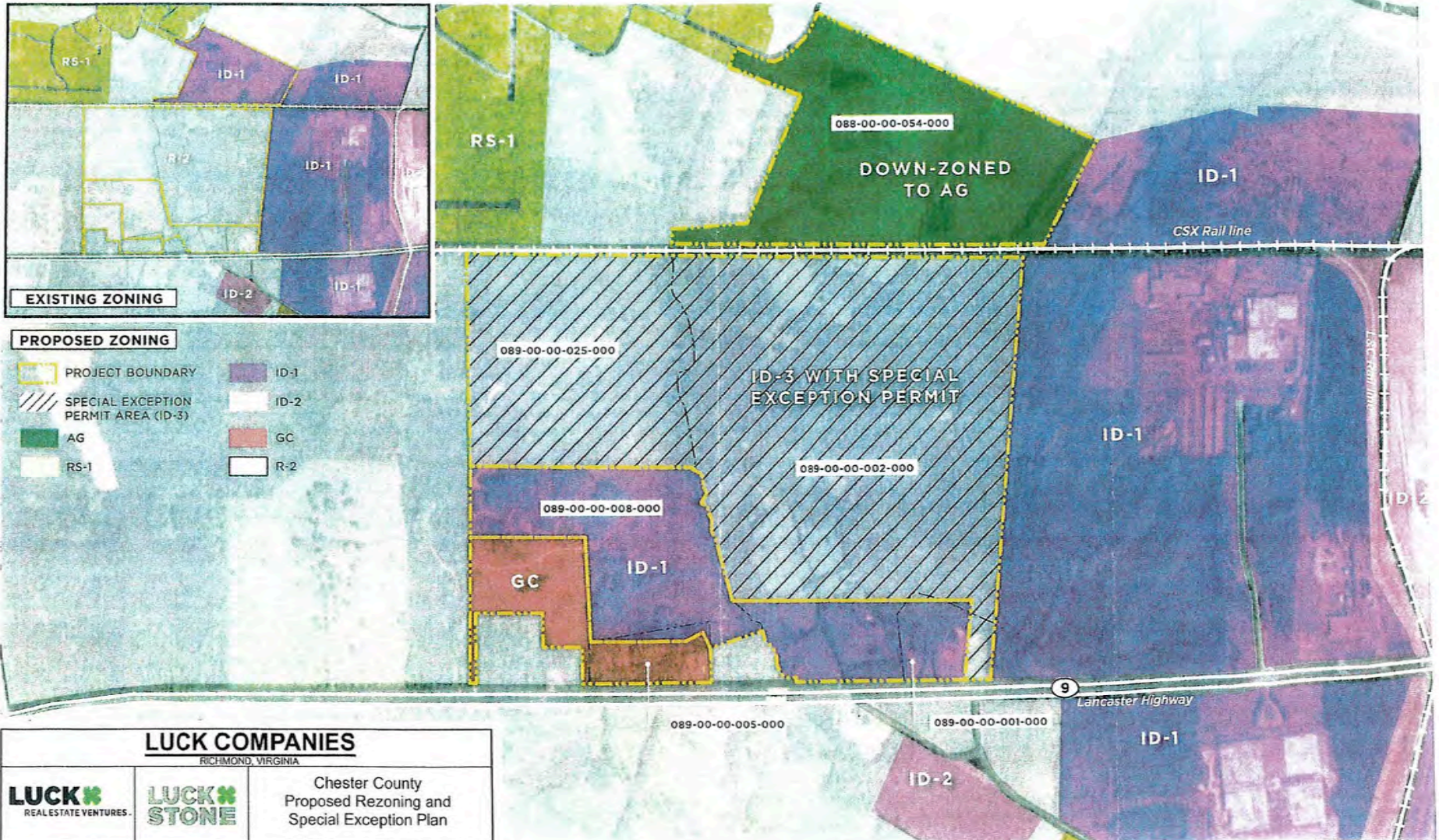
PARCEL #089-00-00-002-000



PROPOSED ZONING



# PROPOSED REZONING AND SPECIAL EXCEPTION PLAN



<b>LUCK COMPANIES</b> RICHMOND, VIRGINIA			
<b>LUCK</b> REAL ESTATE VENTURES	<b>LUCK</b> STONE	Chester County Proposed Rezoning and Special Exception Plan	
Date 11/11/22	Source Chester County GIS, Google Maps	Scale Approx. 1" = 200'	Page No. 3 OF 4 Prepared By Patrick Hess
We warrant that the information contained herein was prepared by the engineer or architect and is true and correct to the best of our knowledge and belief, and we warrant that the information is true and correct to the best of our knowledge and belief.			



**Luck Companies**

**Chester County, SC: Rezoning & Special Exception Summary**

Parcel ID	Owner	Address	Survey Acreage	Current Zoning	Desired Zoning	Desired Zoning Acreage (Per GIS)	Special Exception Application	Summary of Use
089-00-00-005-000	Harvey and Anne Reed	1207 Lancaster HWY Chester, SC 29706	9.62	R-2	GC	7.8	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	1.82	n/a	Business Park
089-00-00-008-000	Pinnacle Partners LLC	1113 Lancaster HWY Chester, SC 29706	66.81	R-2	GC	17.92	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	48.89	n/a	Business Park
088-00-00-054-000	Albert D Oliphant III	n/a	90.39	I-1	AG	90.39	n/a	Agricultural Education
089-00-00-002-000	Luck Stone Corporation	1421 Collie Lane Chester, SC 29706	193.81	R-2	ID-3 w/ Special Exception	174.46	✓	Quarry and Ancillary Uses
					ID-1	19.35	n/a	Business Park
089-00-00-025-000	Luck Stone Corporation	n/a	72.4	R-2	ID-3 w/ Special Exception	72.4	✓	Quarry and Ancillary Uses
089-00-00-001-000	Luck Stone Corporation	1257 Lancaster HWY Chester, SC 29706	10.36	R-2	ID-3 w/ Special Exception	1.01	✓	Quarry and Ancillary Uses
					ID-1	9.35	n/a	Business Park

Total GC Rezoning Area	25.72
Total ID1 Rezoning Area	79.41
Total ID3 w/ Special Exception Rezoning Area	247.87
Total AG Rezoning Area	90.39

## A note from Luck Companies:



Since becoming a member of the South Carolina business community in 2018, our family-owned company has created strong and lasting relationships with business partners and community members. Luck Companies has been welcomed as an active participant in the **Kershaw County, Fairfield County, and Spartanburg County**

communities. Growth through new locations provides Luck Companies the opportunity to expand our mission of igniting human potential and positively impacting the lives of others.

Chester is uniquely positioned for growth, with proximity to natural resources and economic trends in the county's favor. We want to support this growth with locally produced, high-quality materials and development that can serve as the county's foundation. Our excitement for a potential partnership with the Chester County community led us to our previous application effort which began in 2019. However, prioritizing health and safety during the pandemic and feedback from the community led us to withdraw our application in 2020. We have used the past two years to engage with and learn from community residents, schools, business owners and non-profit organizations. This time has provided us the opportunity to finalize the purchase of the land considered in our previous application, introduce additional property in Chester County and solicit input and approval from the state agencies responsible for regulating our three business units.

The community's input and Chester County's updated Comprehensive and Economic Development Plans have informed our revised approach. Luck Companies has prepared a new application which aligns to community goals, passions, and culture.

### Our project will create:

- local jobs
- tax revenue for the county
- outdoor recreation areas for the community
- a community impact fund
- business park and retail space

### Key amendments to our application include:

- **Down-zoning an adjacent parcel** to provide additional buffer from a northern residential neighborhood and facilitate agricultural education opportunities
- **New development to accommodate a market void** of medium square footage business park space
- **Large dedicated acreage** for governmental use, developed in coordination with the Board of Commissioners, and structured to facilitate citizen tax dollar savings

We are inspired by the opportunity to be longstanding members of the Chester community and look forward to continuing our conversation. We remain committed to collaboratively working towards a sustainable development plan that benefits Chester County now and for generations to come.

Sincerely,

Ben Thompson,  
Director, Greenfield Development

## Our Ask



**APPROVE A REZONING**  
to support a Quarry



**APPROVE A REZONING**  
to support a Business Park  
and Retail Center



**APPROVE A DOWNZONING**  
to eliminate industrial use and  
provide additional buffer for  
residential neighbors



**BLESS THE CREATION**  
of a Community Fund that  
administers 1% of annual net sales  
(of the Chester County Quarry)  
up to \$35k to Chester County  
Non-profits and initiatives



**BLESS THE CONDITIONS**  
of the associated rezonings  
to further ensure responsible  
actions and enable the donation  
of recognized acreage for  
Chester County Government use  
and growth

Conditions applicable to properties included within the Luck Stone Corporation (the "Applicant") application for rezoning of properties located in Chester County, South Carolina shown on the plan dated November 11, 2022, entitled "Proposed Zoning and Special Exception Plan" as (i) "ID1" containing 79.41 acres (the "ID1 Property"), (ii) "GC" containing 25.72 acres (the "GC Property"), (iii) "ID3" containing 247.87 acres (the "ID3 Property") and (iv) "AG" containing 90.39 acres (the "AG Property").

**Condition applicable to all properties:**

Prior to issuance of any County permits for development of the parcels included within the application for rezoning, the Applicant shall submit an application for subdivision/boundary line adjustment of all parcels included within the application for rezoning to provide for the adjustment of parcel boundaries by zoning classification so that no parcel shall be split-zoned (include more than one zoning classification) and that all parcels are in compliance with the County subdivision ordinance.

**Conditions applicable to the ID1 Property:**

1. **Prohibited Uses.** No portion of the ID1 Property shall be used for any of the following uses:
  - i. Grain Milling
  - ii. Reconstituted wood products
  - iii. Converted Paper Products
  - iv. Mineral and Earth
  - v. Misc. Nonmetallic Mineral
  - vi. Aluminum Production
  
2. **Dedication of Easement for Public Park.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.
  
3. **Entrance Landscaping and Beautification.** The entrance to the ID1 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID1 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the GC Property and the ID3 Property to provide a consistent appearance for all such entrances.

**Conditions applicable to all areas rezoned to the GC classification (the "GC Property"):**

1. Dedication of Property for Governmental Use. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County of one or more parcels containing a total of not less than fifteen (15) acres for governmental uses (the "Governmental Use Property") as generally shown on the plan included in this application entitled "Updated and Compiled General Development Plan". The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a current survey of the Governmental Use Property and payment of costs to prepare and record the deed of dedication. The deed of dedication shall restrict use of the Governmental Use Property to use by the County or other governmental entities unless otherwise approved by the owner of the ID3 Property.
2. Entrance Landscaping and Beautification. The entrance to the GC Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the GC Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the ID3 Property to provide a consistent appearance for all such entrances.
3. Cemetery Access. The cemetery located on the GC Property will remain undisturbed and reasonable access will be provided to relatives and descendants of persons buried in the cemetery for the limited purposes of visiting graves, maintaining the gravesite or cemetery or conducting genealogy research. Such access shall not include the right to operate motor vehicles on the GC Property other than within any driveways and parking areas as may be located on the GC Property from time to time.

**Condition applicable to the area rezoned to the AG classification (the "AG Property"):**

The Applicant will enter into discussions with representatives of the County schools to explore the use of a portion of the AG Property for an agricultural education program which may include the cultivation of trees or other crops to provide a hands-on learning experience. If the County schools are interested, the Applicant will work with the County schools in good faith to agree upon the terms and conditions of a lease of up to one half (1/2) of the AG Property for \$1.00/year for a term of up to fifteen (15) years or as may otherwise be agreed upon by the County schools and the Applicant.



**Conditions applicable to all areas rezoned to the ID3 classification (the "ID3 Property"):**

1. No portion of the ID3 Property shall be used for any of the following uses:
  - i. Biological and allied wholesaling
  - ii. Manufacturing of animal, chemical, gas, or arms and munitions
  - iii. Petroleum storage for wholesaling (except to supply uses on the ID3 Property)
  - iv. Fuel dealers, retail (except to supply uses on the ID3 Property)
  - v. Hazardous waste carriers
  - vi. Municipal solid waste landfill
  - vii. Airport
  
2. Entrance Landscaping and Beautification. The entrance to the ID3 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID3 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the GC Property to provide a consistent appearance for all such entrances.
  
3. Screening and Visual Line of Sight. Mining activities and related uses on the ID3 Property shall be screened from visibility from Highway 9 using berms and landscaping or other means proposed by the Applicant and approved by the County in connection with the review and approval of a site plan for development of the ID3 Property.
  
4. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.

**Conditions for a Special Exception to Allow Mining Operations and Associated Uses on the ID3 Property ("Mining Operations")**

Development and use of the ID3 Property for Mining Operations pursuant to the requested Special Exception shall be subject to the following conditions:

1. Hours of Operation. Hours of operation shall be limited as follows:
  - (a) Extraction Area, Primary Plant and Equipment: 6:00 a.m. to 9:00 p.m. Monday through Saturday ("Standard Operating Hours") only except as provided below.
  - (b) Shipping, Loading and Limited Processing: Standard Operating Hours except as otherwise required in the event a federal, state or local agency or authority requests or requires that such activities be conducted during other hours.
  - (c) Processing Plant (secondary and/or finishing phases of plant operations): Hours of operation for the processing plant shall be unrestricted when operated without the use of trucks and loaders utilizing audible back-up alarms (when operated with trucks and loaders utilizing audible back-up alarms, Standard Operating Hours shall apply). Any vehicular operations during hours other than Standard Operating Hours shall be for processing activities only and shall not be for extraction activities.
  - (d) Blasting. Blasting shall not occur before 9:30 a.m. or after 5:00 p.m. Monday through Friday, except when a blasting charge has been set before 5:00 p.m. and is delayed due to reasons beyond the reasonable control of Operator or due to safety considerations. In such a case, Operator may then complete the blast after 5:00 p.m. but no later than thirty (30) minutes after sunset. There shall be no blasting on Saturdays or Sundays except to complete a blast where the charge was set and blasting delayed as described above.
2. Buffers. Buffers shall be provided in the locations and of the widths shown on the on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP"). Buffers shall consist of undisturbed natural vegetation supplemented by berms, additional vegetation or otherwise as necessary to comply with the requirements of the mining permit (the "State Mining Permit") issued to Operator for Mining Operations by the South Carolina Department of Health and Environmental Control ("DHEC"). Encroachments into buffers shall be allowed for utility lines, roads, access points and such other encroachments or breaks as necessary to conduct Mining Operations in accordance with the State Mining Permit.
3. No Trespassing Signs. "No Trespassing" signs shall be posted and perpetually maintained around the perimeter of the processing and extraction areas. Signs shall not be more than 300 feet apart.
4. Wetlands. All necessary permits to allow disturbance of jurisdictional wetlands on the ID3 Property shall be obtained from the applicable governmental authority (e.g., U.S. Army Corps. of Engineers, Chester County Government, or DHEC).

5. DHEC Mining, Water Discharge and Air Permits.

(a) Prior to commencement of any land disturbance associated with Mining Operations, Operator shall obtain the State Mining Permit from DHEC. The State Mining Permit shall address all relevant issues including soil erosion, stormwater management, air quality and reclamation. Completion of the reclamation plan shall be secured by a bond posted with DHEC in accordance with its regulations.

(b) Prior to commencement of Mining Operations, Operator shall obtain an NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities from the DHEC Bureau of Water pursuant to the Pollution Control Act of South Carolina and the Federal Clean Water Act which is administered by DHEC in South Carolina.

(c) Prior to commencement of Mining Operations, Operator shall obtain an Air Quality Permit from the DHEC Bureau of Air Quality to ensure compliance with the Federal Clean Air Act which is administered by DHEC in South Carolina. In connection with the issuance of the Air Quality Permit, Operator shall develop and implement a facility-wide plan for controlling fugitive dust and emissions from Mining Operations including process operations, truck traffic, storage piles, and any other areas within the ID3 Property where fugitive dust emissions can be generated. Fugitive dust generated from direct Mining Operations shall be controlled by wet suppression and/or dry dust collection systems. Fugitive dust generated by vehicular traffic within Mining Operations shall be controlled by the application of water or equivalent wetting agent to roadways and other traveled surfaces on the ID3 Property.

(d) Operator shall maintain copies of all federal and state records pertaining to permits and approvals on-site and, upon reasonable prior notice from County zoning officials, Operator shall make copies of permits and approvals to County zoning officials for review.

6. Entrance Road.

(a) Operator shall pave and maintain in good condition the entrance road providing access to Mining Operations from Highway 9 for a distance of approximately 1000 feet as generally shown on the on the GDP.

(b) Permanent access to Mining Operations shall be limited to a single point on Highway 9 as generally shown on the GDP and approved by SC Department of Transportation. The portion of such access located between Highway 9 and the area used for active mining may be shared by other uses as authorized by Operator.

(c) Operator shall inspect the intersection of the Mining Operations entrance road and Highway 9 daily for loose stone. Operator shall remove any loose stone material at or around the entrance road outside of the right of way of Highway 9 if removal can be completed safely and without interruption of traffic on Highway 9. Operator shall solicit the assistance of the appropriate agency (SCDOT, County Sheriff, etc.) with respect to removal of stone within the right of way of Highway 9 or as otherwise required for safe removal without interruption of traffic on Highway 9.

7. Monitoring Wells. Operator shall construct five (5) monitoring wells at locations determined by an independent qualified professional (i.e., certified hydrologist or

geologist) and approved by DHEC. A plan describing the procedures and timing of observance for the monitoring wells shall be developed by an independent qualified professional and approved by DHEC and to be followed by Operator.

8. Water Well Impacts. Upon submission of a formal complaint by an adjacent property owner or as requested by the County, pursuant to the State Mine Permit DHEC shall determine if any activity associated with Mining Operations has caused a well or wells on the adjacent property owner's land to become dry. If DHEC determines that Mining Operations has caused the drying of the property owner's well, Operator shall be responsible for providing an alternative water source (e.g., drill well deeper, new well, or connect to public water source at the discretion of Operator) for the aggrieved party at Operator's expense.
9. Blasting.
  - (a) Blasting Data shall be monitored and recorded for all blasts, shall be maintained on-site at the scale house for a period of three (3) years and shall be made available to County zoning officials for review at the scale house. Blasting Data shall include the time and date of blast, pounds of blasting material per delay, total pounds of blasting materials per blast, seismograph readings of ground vibration levels and air over-pressure levels in decibels.
  - (b) Operator shall provide notice prior to the first blast associated with Mining Operations (not site development/construction) either by (i) written notice via direct mail to all property owners and/or occupants of existing dwellings within one-half (1/2) mile of the areas where blasting will occur or (ii) advertisement two (2) times in a local newspaper of general circulation at least ninety (90) days prior to the first blast associated with Mining Operations blast. Upon receipt, pursuant to the above described notice, by DHEC and Operator of a written request from the owner of any existing structures within one-half (1/2) mile of the areas where blasting will occur, a third party consultant selected and engaged by Operator shall conduct an inspection of the applicable structures to determine the structural condition of the structures prior to the first blast associated with Mining Operations. The property owner shall have the right to supervise the inspection by the third-party consultant and shall be provided with a copy of the consultant's report.
  - (c) Ground vibration caused by blasting activity shall not exceed the maximum peak particle velocity allowed pursuant to South Carolina Code of Regulations Section 89-150(E) as measured at the immediate location of any dwelling, public building, school, church, or commercial or institutional building existing as of the date of approval of the Special Exception to allow Mining Operations. The maximum peak particle velocity requirement does not apply to structures within the permitted area, or any area that is owned or leased by Operator or any structures on which Operator has acquired waiver to damage rights.
  - (d) If a formal claim is made by any private or public landowner that the landowner or the property (real or personal) of the landowner has been damaged by blasting activities associated with Mining Operations, whether by ground vibration, air over-pressure or otherwise, an independent, qualified professional with experience in the effects of blasting shall be engaged to determine if any damage was caused by blasting activities associated with Mining Operations. If it is determined that damage was caused by blasting activities

associated with Mining Operations, Operator shall correct the damage or reimburse the landowner for such damage. The amount of any reimbursement shall be determined by an independent, competent professional with expertise in estimating the damage (for example, a licensed builder or building contractor where the damage is to a residence). The independent professionals performing assessments pursuant to this paragraph shall be agreed upon by both Operator and the property owner and retained at the expense of Operator.

10. Lighting. Exterior light fixtures associated with Mining Operations shall be of a type and installed in a manner to reasonably minimize light spillage from Mining Operations onto adjoining parcels.
11. Noise. Airborne noise produced from Mining Operations other than blasting shall not exceed 80dba of continuous noise for greater than five (5) minutes at any one time as measured along the northern and western boundaries of the ID3 Property (the "Noise Limit"). The Noise Limit shall not apply to individual events lasting less than five (5) minutes. Operator shall install monitoring devices on the northern and western property lines of the ID3 Property to monitor decibel levels to assure that noise from Mining Operations does not exceed the Noise Limit.
12. Reclamation Plan. As a condition of the Special Exception, the reclamation plan approved by DHEC as part of the State Mining Permit shall be complied with by Operator, including, but not limited to, the following tasks which shall be completed upon completion of Mining Operations: (i) all debris, scrap metal, concrete foundations, sidewalks and structures will be removed and (ii) the stockpile, office and plant areas will be graded, sloped back to as natural a contour as reasonably possible (but no steeper than a 3h:1v slope) and seeded. Perimeter berms and buffers may be left in place and the pit area may be allowed to fill up with water.
13. Community Interest Engagement Group. Operator shall work with interested parties in the community to establish a Community Interest Engagement Group (the "CIEG") comprised of representatives of homeowner associations or similar residential groups and interested individual property owners located within a two (2) mile radius of Mining Operations. Operator shall facilitate meetings with the CIEG on a quarterly basis or as otherwise mutually determined by Operator and the CIEG to allow for information exchanges with respect to historical Mining Operations, future plans for Mining Operations and other community issues or opportunities of concern or interest of the CIEG and Operator. This condition is intended to provide a forum for communications among the CIEG and Operator and does not grant any approval rights to the CIEG with respect to Mining Operations.
14. Community Fund. Annually, Operator shall contribute the lesser of (i) one percent (1%) of the adjusted net sales of construction aggregate materials excavated from the ID3 Property and sold to third parties during the year or (ii) Thirty Five Thousand Dollars (\$35,000.00) to one or more organizations within Chester County in support of local Chester County non-profit initiatives, workforce development programming or general community improvement opportunities. This funding will be managed by Operator and distributed to organizations selected by Operator after consultation with the CIEG. For purposes of this condition, "adjusted net sales" shall mean total sales dollars of construction aggregate materials mined or extracted from the ID3 Property excluding any transportation (whether by truck, rail or other method), hauling, loading or unloading charges and less deductions for cash discounts, price

adjustments, additive materials, allowances, volume discounts and sales, use and other similar taxes or governmental charges. Annually, a report of contributions made by Operator pursuant to this condition shall be provided to the CIEG and to the County.

Chester County Planning Commission Minutes

December 20, 2022

**CCMA22-32 Luck Companies request Tax Map # 089-00-00-025-000 off Lancaster Hwy., Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3).**

**Commissioner Howell motioned to approve, second by Commissioner Grant. Vote 5-0 Approved.**



**Chester County, South Carolina**  
 Department of Planning, Building & Zoning  
 1476 J.A. Cochran Bypass  
 Chester, SC 29706

**Zoning Map Amendment (Rezoning) Application**

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 12.20.22 Case # CCMA22-32 Invoice # 5948

The applicant hereby requests that the property described to be rezoned from R-2 to ID-3

**Please give your reason for this rezoning request:**

Zoning amendment enables economic development upon the property. Please see included "Luck Companies Chester County Economic Development Project Rezoning and Special Exception Application and Conditions".

*Copy of plat must be presented with the application request*

**Designation of Agent (complete only if owner is not applicant):** I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: \_\_\_\_\_

**Property Address Information**

Property address: \_\_\_\_\_  
 Tax Map Number: 089-00-00-025-000 Acres: 72.4

Any structures on the property: yes \_\_\_\_\_ no X . If you checked yes, draw locations of structures on plat or blank paper.

**PLEASE PRINT:**

**Applicant (s):** Luck Companies  
**Address** PO BOX 29682 Richmond, VA 23242  
**Telephone:** \_\_\_\_\_ **cell** \_\_\_\_\_ **work** \_\_\_\_\_  
**E-Mail Address:** \_\_\_\_\_

**Owner(s) if other than applicant(s):** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Telephone:** \_\_\_\_\_ **cell** \_\_\_\_\_ **work** \_\_\_\_\_  
**E-Mail Address:** \_\_\_\_\_

**I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.**

**Owner's signature:** [Signature] **Date:** 11/11/22  
**Applicant signature:** [Signature] **Date:** 11/11/22

**CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.**





**Chester County, South Carolina**  
Department of Planning, Building & Zoning  
1476 J.A. Cochran Bypass  
Chester, SC 29706

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Date: November 29, 2022

From: Chester County Planning Development

1476 J A Cochran Bypass

Chester, SC 29706

803-581-0942

Reference: # CCMA22-32

Please advise that applicant Luck Companies has made an application with Chester County Planning Commission to rezone property located off Lancaster Hwy.

This property is identified as Tax Map # 089-00-00-025-000. The property is currently zoned R2 (Rural Two District) and the request is to change a portion (72.40 acres) of the zoning to ID-3 (General Industrial District).

This application will be presented to the Planning Commission at its December 20, 2022, meeting. The meeting is scheduled to begin at 6:30 PM at the R. Carlisle Roddey Complex in the Council Chambers. Adjoining landowners are invited to attend.

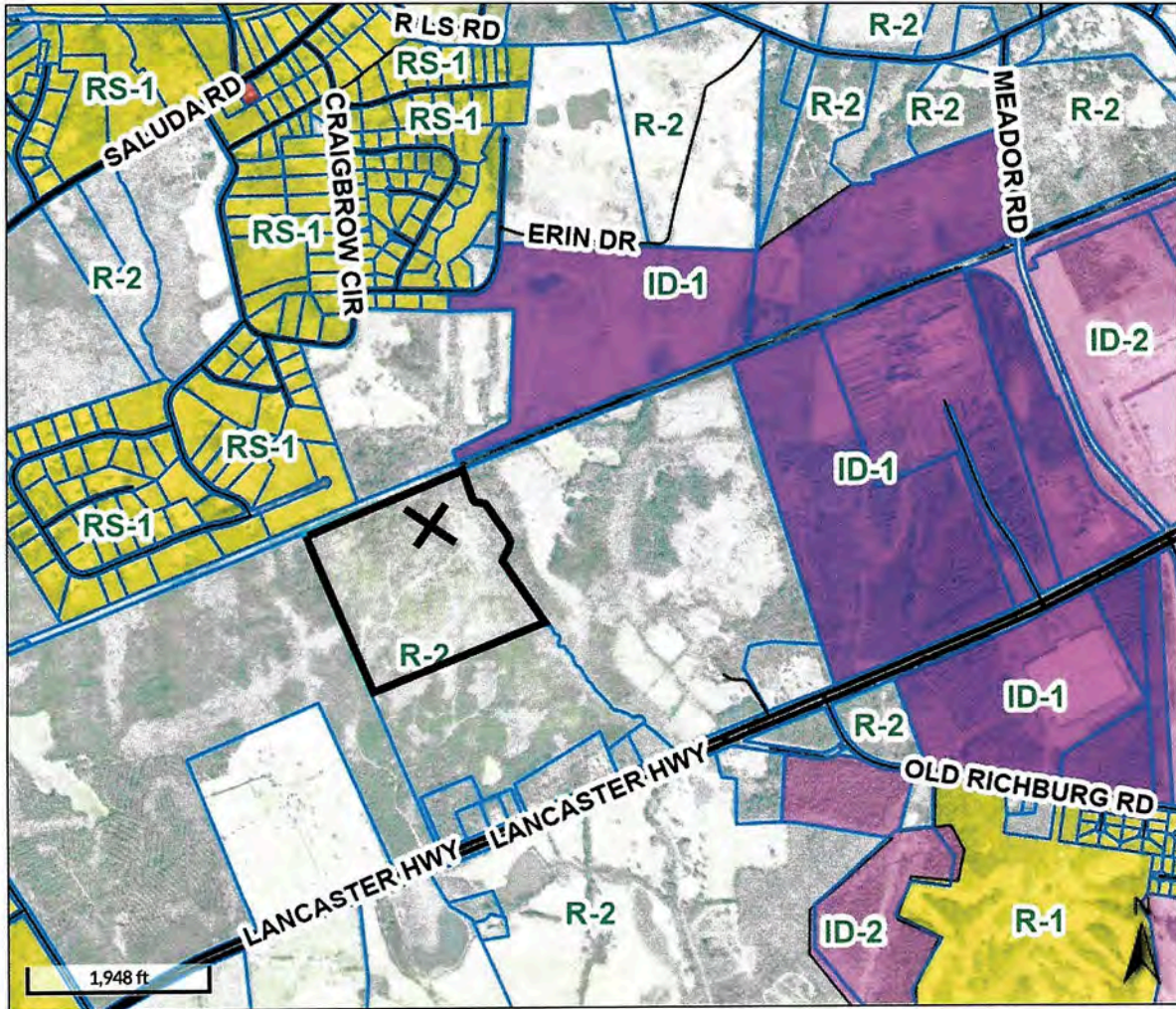
Please see the attached map for the location of the request is drawn in black with an X in the middle.

Thank you,

Chester County Planning Department

Telephone: 803-581-0942

Fax: 855-930-0979



Overview



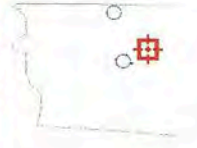
Parcel ID	089-00-00-025-000	Alternate ID	n/a	Owner Address	LUCK STONE CORPORATION
Sec/Twp/Rng	n/a	Class	AC		PO BOX 29682
Property Address		Acreage	73.674		RICHMOND VA 23242
District	02				
Brief Tax Description	LANCASTER RD (Note: Not to be used on legal documents)				

Date created: 12/16/2022  
 Last Data Uploaded: 12/16/2022 3:41:06 AM

Developed by  **Schneider**  
 GEOSPATIAL



Overview



Parcel ID	089-00-00-025-000	Alternate ID	n/a	Owner Address	LUCK STONE CORPORATION
Sec/Twp/Rng	n/a	Class	AC		PO BOX 29682
Property Address		Acreage	73.674		RICHMOND VA 23242
District	02				
Brief Tax Description	LANCASTER RD				
	(Note: Not to be used on legal documents)				

Date created: 12/16/2022  
Last Data Uploaded: 12/16/2022 3:41:06 AM

Developed by  Schneider  
GEO SPATIAL

### Next Year (2023) Changes



Search Options

Map Number:  Real  History Year:

Name 1:  Other Map Number:

Alerts

Has Additional Comments

Owner Information

Post Initials:  Reason for Change:

Name 2:

Address 1:  Activity Date:

Address 2:  Land Value:

Zip Code:  Building Value:

Total Market Value:

Total Tax Value:

Codes

District:  Fire Code:  CITY SUB

Town:

Neighborhood:  RURAL 2

Subdivision:

Use Class:

Description:

Legal:

Location

Street Number:  Street Name:  Suffix:  Direction:

Additional Information

Appraisal Appeal:  Owner Occupied:

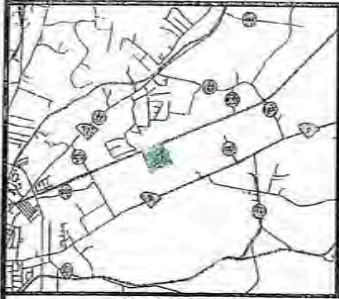
Agricultural Use:  Reappraisal Notice:

Rollback:  TIF:  Base:

MCIP:  Industrial Park ID:

Exempt:

Scroll by: MAP#



LOCATION SKETCH  
SCALE: 1 INCH = 1 MILE

SUBJECT PROPERTY 72.40 ACRES			
PT.-PT.	BEARING	DISTANCE	
10003-2533	N 22°52'12" W	771.24'	
2533-2539	N 22°52'17" W	97.68'	
2539-10004	N 22°52'17" W	581.79'	
10004-202	N 22°52'17" W	24.43'	
202-238	N 63°19'42" E	1,744.83'	
238-2001	S 06°32'22" E	78.28'	
2001-2002	S 17°11'21" E	211.84'	
2002-2003	S 30°44'49" E	103.83'	
2003-2004	S 20°09'28" E	93.19'	
2004-2005	S 5°47'31" E	72.70'	
2005-2006	S 34°47'30" E	140.89'	
2006-2007	S 32°18'04" E	118.92'	
2007-2008	S 19°21'15" E	120.74'	
2008-2009	S 12°10'27" W	62.47'	
2009-2010	S 08°40'00" W	88.61'	
2010-2011	S 09°46'19" E	48.65'	
2011-2012	S 01°48'14" E	109.53'	
2012-2013	S 40°27'23" E	87.13'	
2013-2014	S 34°49'50" E	52.68'	
2014-2015	S 55°28'40" E	87.07'	
2015-2016	S 43°21'04" E	109.82'	
2016-2017	S 28°08'30" E	81.21'	
2017-2018	S 37°34'55" E	81.56'	
2018-2019	S 05°37'54" E	74.02'	
2019-2020	S 46°37'24" E	73.64'	
2020-2021	S 45°11'19" E	34.59'	
2021-2021	S 31°20'16" E	32.59'	
2021-2022	S 44°20'42" E	6.68'	
2022-10025	S 66°19'30" W	35.23'	
10025-2540	S 68°20'13" W	806.81'	
2540-2541	S 68°20'13" W	86.72'	
2541-10005	S 68°20'13" W	730.61'	
10005-10003	S 68°20'13" W	30.00'	

- NOTES:
- SUBJECT PROPERTY REFERENCES:  
N.E. MULLIS  
TMS# 089-00-00-025-000  
DEED: BOOK 1143 PAGE 85  
DEED: BOOK 448 PAGE 363  
DEED: BOOK 1301 PAGE 106  
PLAT: DEED BOOK 448 PAGE 369  
PLAT: DEED BOOK 166 PAGE 117  
PLAT: BOOK 514 PAGE 898
  - ACCORDING TO FJRAL COMMUNITY PANEL # 450047 0210 G, DATED SEPTEMBER 16, 2011 A PORTION OF THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE A. NO BASE FLOOD ELEVATIONS DETERMINED.
  - THE PROPERTY SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN THE TITLE COMMITMENT (FILE NO. 000130-00000) AND THERE ARE NO GAP, GORES OR OVERLAPS.
  - THIS SURVEY IS ON AN EXISTING TRACT OF LAND. NO NEW PARCELS OR LOT LINES WERE CREATED BY THIS SURVEY.
  - NO PRINT OR ELECTRONIC COPY OF THIS PLAT IS CERTIFIED BY GLENN ASSOCIATES SURVEYING, INC. UNLESS IT BEARS THE ORIGINAL SIGNATURE AND IMPRESSION SEAL OF THE RESPONSIBLE SURVEYOR SHOWN HEREON.

DRAWN BY TERRY HADZICHA



REVISION SCHEDULE			
NO.	DATE	DESCRIPTION	CHECKED



14237 (COMP), 14404, 14405

14403-3



**GEODEIC AND SC STATE GRID POINT DATA**  
 HORIZONTAL DATUM: NAD83 (2011)  
 VERTICAL DATUM: NAVD 83  
 POINT NUMBER: 10003  
 SC GRID COORDINATES  
 NORTH: 1,051,734.55  
 EAST: 1,551,301.19  
 GEODEIC COORDINATES:  
 LATITUDE: N 34°43'25.74081"  
 LONGITUDE: W 081°09'42.70724"  
 COORDINATE DISTORTION: GPS  
 COGNATE REDUCTION FACTOR: 0.9999984  
 MEASUREMENTS SHOWN ARE FIELD SURVEY DISTANCES.

**30' INGRESS/EGRESS EASEMENT**

PT.-PT.	BEARING	DISTANCE
10002-10003	N 22°52'15" W	1,782.79'
10003-10009	N 68°20'13" E	30.00'
10005-10000	S 22°52'18" E	1,782.15'
10000-10002	S 67°07'42" W	30.00'

2010010004  
 Filed for Record in:  
 CHESTER COUNTY SC  
 FILE E, COMPARTMENT 025 OF 04  
 07-25-2010 IN 1141912 ON  
 PLAT  
 E 84  
 75.00  
 11/20/10, 1 Page, 1

BOUNDARY SURVEY FOR  
**LUCK STONE CORPORATION**  
 J.W MULLIS TRACT  
 CHESTER COUNTY, SOUTH CAROLINA  
 SEPTEMBER 1, 2020  
 SCALE: 1 INCH = 300 FEET

SURVEYED BY GLENN ASSOCIATES SURVEYING, INC.  
 P.O. BOX 12 JENKINSVILLE, S.C. 29066 telephone (803) 345-5297  
 BRIAN B. BONDS, S.C.P.L.S. # 28582

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYORS IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.



SE CORNER ADJACENT SECTIONS

PT-PT	Bearing	Distance
1000-1003	N 32°31'14" W	4,768.79
1000-1002	N 82°51'14" E	33.07
1000-1005	S 22°21'14" E	1,262.33
1000-1001	S 82°51'14" E	33.07
1000-1004	S 27°21'14" E	33.07

SE CORNER ADJACENT SECTIONS

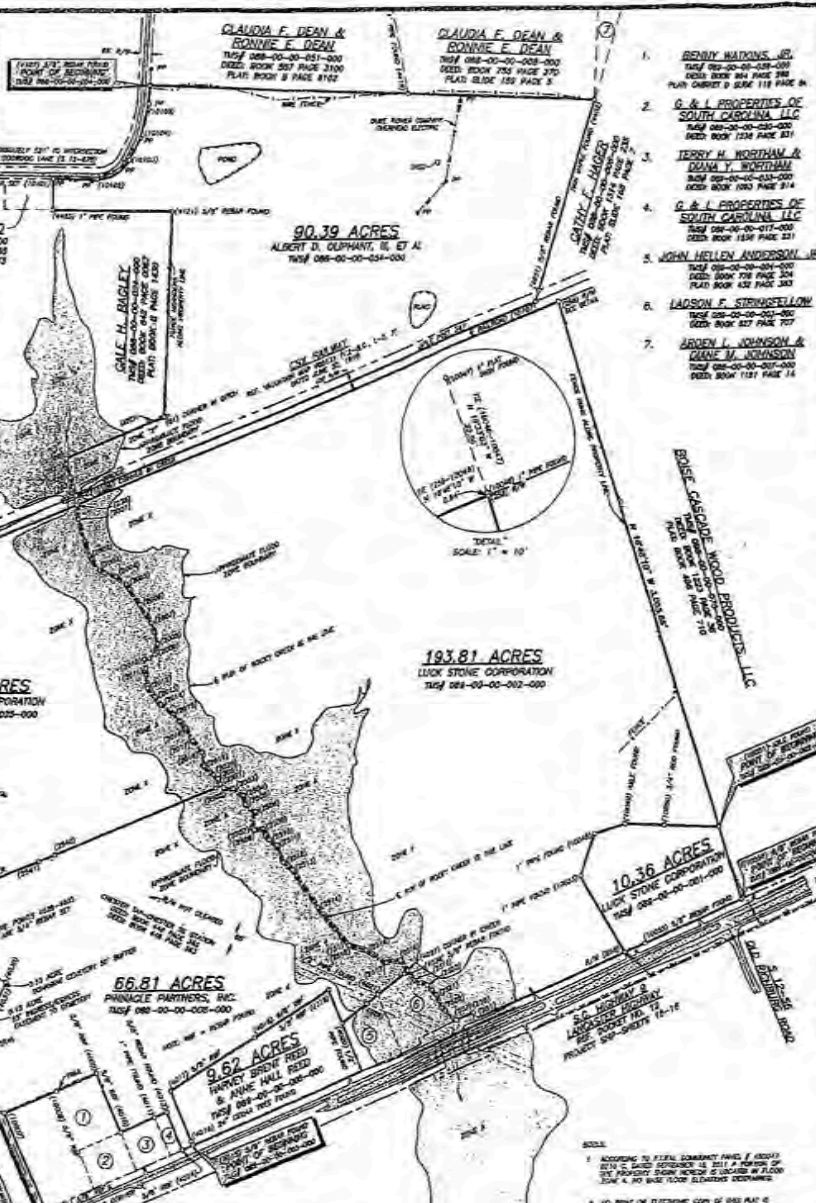
PT-PT	Bearing	Distance
1001-1023	N 82°51'14" W	33.07
1001-1022	N 27°21'14" E	33.07
1001-1024	N 82°51'14" E	33.07
1001-1021	S 82°51'14" E	33.07
1001-1025	S 27°21'14" E	33.07

SE CORNER ADJACENT SECTIONS

PT-PT	Bearing	Distance
1022-1024	N 82°51'14" W	33.07
1022-1023	N 27°21'14" E	33.07
1022-1025	N 82°51'14" E	33.07
1022-1021	S 82°51'14" E	33.07
1022-1026	S 27°21'14" E	33.07

SE CORNER ADJACENT SECTIONS

PT-PT	Bearing	Distance
1023-1025	N 82°51'14" W	33.07
1023-1024	N 27°21'14" E	33.07
1023-1026	N 82°51'14" E	33.07
1023-1022	S 82°51'14" E	33.07
1023-1027	S 27°21'14" E	33.07



72.40 ACRES

PT-PT	Bearing	Distance
1000-1003	N 32°31'14" W	4,768.79
1000-1002	N 82°51'14" E	33.07
1000-1005	S 22°21'14" E	1,262.33
1000-1001	S 82°51'14" E	33.07
1000-1004	S 27°21'14" E	33.07
1001-1023	N 82°51'14" W	33.07
1001-1022	N 27°21'14" E	33.07
1001-1024	N 82°51'14" E	33.07
1001-1021	S 82°51'14" E	33.07
1001-1025	S 27°21'14" E	33.07

193.81 ACRES

PT-PT	Bearing	Distance
1000-1003	N 32°31'14" W	4,768.79
1000-1002	N 82°51'14" E	33.07
1000-1005	S 22°21'14" E	1,262.33
1000-1001	S 82°51'14" E	33.07
1000-1004	S 27°21'14" E	33.07
1001-1023	N 82°51'14" W	33.07
1001-1022	N 27°21'14" E	33.07
1001-1024	N 82°51'14" E	33.07
1001-1021	S 82°51'14" E	33.07
1001-1025	S 27°21'14" E	33.07

6.62 ACRES

PT-PT	Bearing	Distance
1001-1023	N 82°51'14" W	33.07
1001-1022	N 27°21'14" E	33.07
1001-1024	N 82°51'14" E	33.07
1001-1021	S 82°51'14" E	33.07
1001-1025	S 27°21'14" E	33.07

10.36 ACRES

PT-PT	Bearing	Distance
1001-1023	N 82°51'14" W	33.07
1001-1022	N 27°21'14" E	33.07
1001-1024	N 82°51'14" E	33.07
1001-1021	S 82°51'14" E	33.07
1001-1025	S 27°21'14" E	33.07



CURVE TABLE

PT-PT	CHORD	DELTA	RADIUS	L-ARC	
10100-10103	N 57°47'40" E	214.04	691'25" 00"	208.05'	224.82'

REVISION SCHEDULE

NO.	DATE	DESCRIPTION	CHECKED

10.36 ACRES

PT-PT	Bearing	Distance
1001-1023	N 82°51'14" W	33.07
1001-1022	N 27°21'14" E	33.07
1001-1024	N 82°51'14" E	33.07
1001-1021	S 82°51'14" E	33.07
1001-1025	S 27°21'14" E	33.07

72.40 ACRES

PT-PT	Bearing	Distance
1000-1003	N 32°31'14" W	4,768.79
1000-1002	N 82°51'14" E	33.07
1000-1005	S 22°21'14" E	1,262.33
1000-1001	S 82°51'14" E	33.07
1000-1004	S 27°21'14" E	33.07
1001-1023	N 82°51'14" W	33.07
1001-1022	N 27°21'14" E	33.07
1001-1024	N 82°51'14" E	33.07
1001-1021	S 82°51'14" E	33.07
1001-1025	S 27°21'14" E	33.07

AREA SUMMARY

TMS 080-00-00-002-000	= 193.81 ACRES
TMS 080-00-00-094-000	= 90.39 ACRES
TMS 080-00-00-025-000	= 72.40 ACRES
TMS 080-00-00-008-000	= 66.81 ACRES
TMS 080-00-00-001-000	= 10.36 ACRES
TMS 080-00-00-005-000	= 9.62 ACRES
TOTAL SURVEY = 443.39 ACRES	

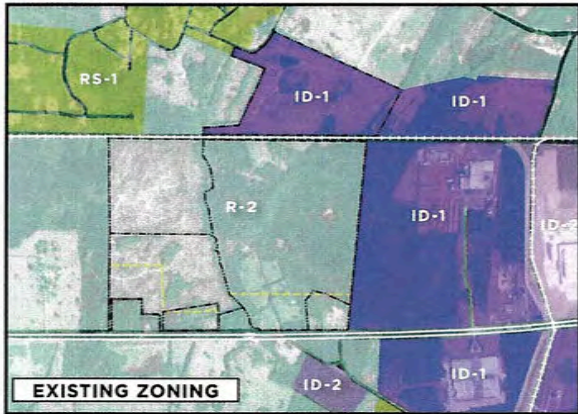
BOUNDARY EXHIBIT PREPARED FOR  
LUCK STONE CORPORATION  
CHESTER COUNTY, SOUTH CAROLINA  
NOVEMBER 8, 2022  
SCALE: 1 INCH = 300 FEET

1. ACCORDING TO FEELING DOCUMENT FILE # 80011, THIS IS A CORRECTED COPY OF THE ORIGINAL SURVEY AND IS BEING REPRODUCED AS SUCH.  
2. NO POINT ON ELECTRONIC COPY OF THIS PLAN IS TO BE INTERPRETED AS A POINT OF ERROR OR AS A POINT OF AMBIGUITY.  
3. THIS SURVEY IS SUBJECT TO ANY AND ALL RIGHTS RESERVED BY THE ORIGINAL SURVEYOR AND ANY SUCCESSORS THEREOF.  
4. THIS SURVEY IS SUBJECT TO ANY AND ALL RIGHTS RESERVED BY THE ORIGINAL SURVEYOR AND ANY SUCCESSORS THEREOF.  
5. THIS SURVEY IS SUBJECT TO ANY AND ALL RIGHTS RESERVED BY THE ORIGINAL SURVEYOR AND ANY SUCCESSORS THEREOF.

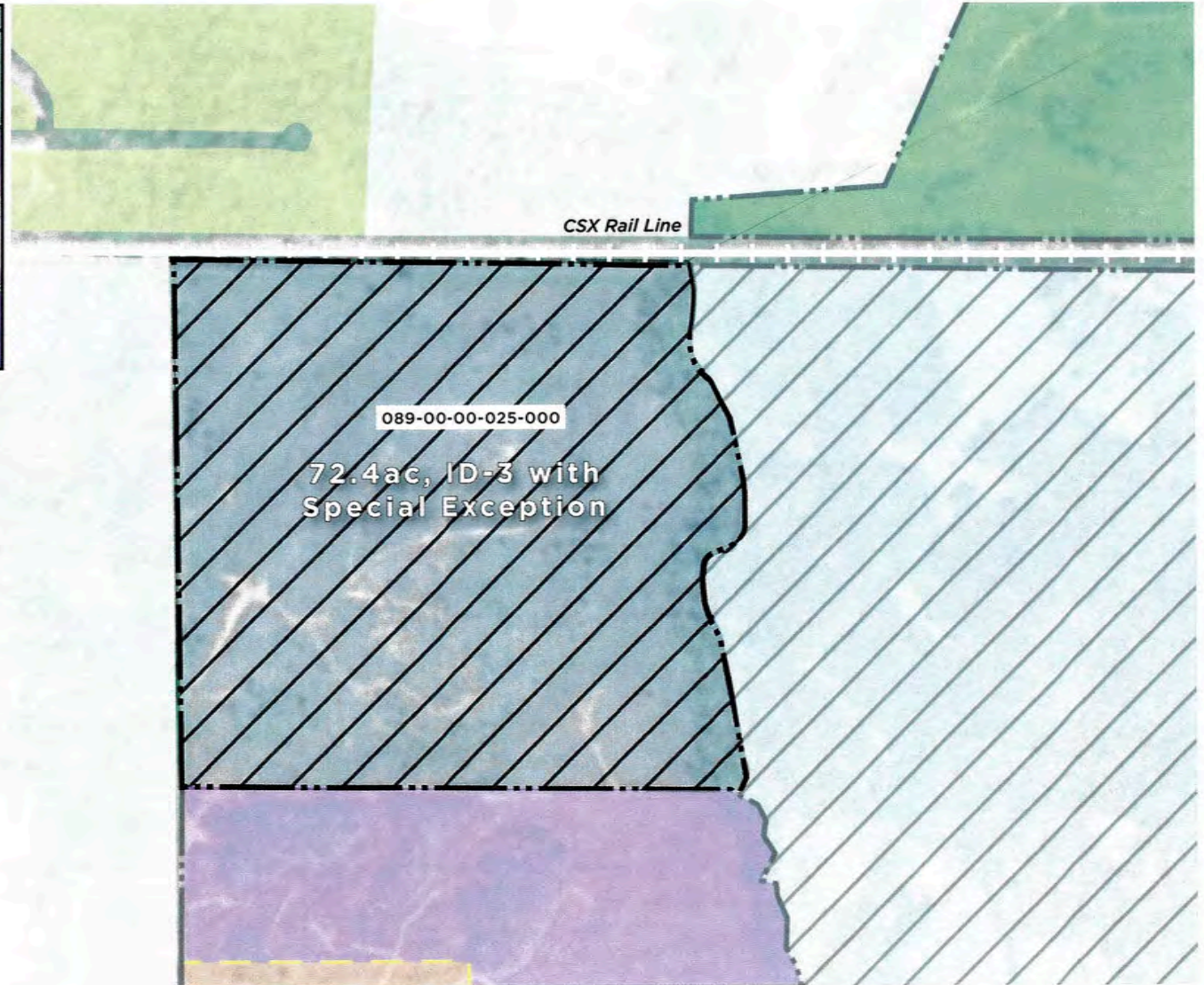
SURVEYED BY BRIAN B. BONDS, SURVEYOR, INC.  
P.O. BOX 12 JENKINSVILLE, S.C. 29098 Telephone: (803) 345-5297

Brian B. Bonds, SCS, PLS # 28682

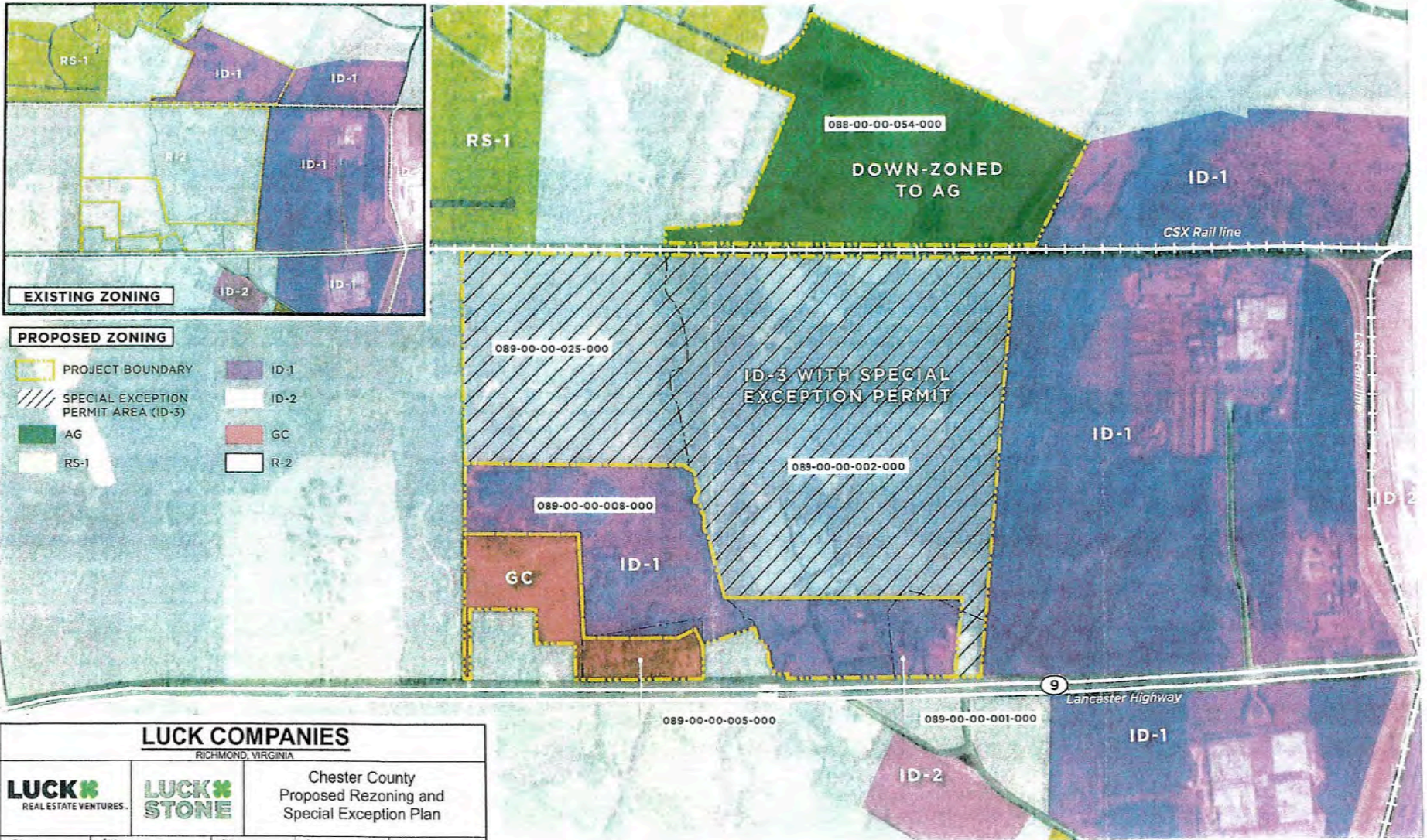
PARCEL #089-00-00-025-000



PROPOSED ZONING



# PROPOSED REZONING AND SPECIAL EXCEPTION PLAN



<b>LUCK COMPANIES</b> RICHMOND, VIRGINIA			
<b>LUCK</b> REAL ESTATE VENTURES	<b>LUCK</b> STONE	Chester County Proposed Rezoning and Special Exception Plan	
Date: 11/11/22	Base: Chester County GIS, Google Maps	Scale: Approx. 1" = 700'	Page: 3 OF 4
NOT every effort has been made to ensure the accuracy, completeness and timeliness of actual property data. This data is provided for informational purposes only and does not constitute a warranty or representation of any kind. Accuracy of data is dependent on the accuracy of the data provided by the data source.			





**Luck Companies**

**Chester County, SC: Rezoning & Special Exception Summary**

Parcel ID	Owner	Address	Survey Acreage	Current Zoning	Desired Zoning	Desired Zoning Acreage (Per GIS)	Special Exception Application	Summary of Use
089-00-00-005-000	Harvey and Anne Reed	1207 Lancaster HWY Chester, SC 29706	9.62	R-2	GC	7.8	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	1.82	n/a	Business Park
089-00-00-008-000	Pinnacle Partners INC	1113 Lancaster HWY Chester, SC 29706	66.81	R-2	GC	17.92	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	48.89	n/a	Business Park
088-00-00-054-000	Albert D Oliphant III	n/a	90.39	I-1	AG	90.39	n/a	Agricultural Education
089-00-00-002-000	Luck Stone Corporation	1421 Collie Lane Chester, SC 29706	153.81	R-2	ID-3 w/ Special Exception	174.46	✓	Quarry and Ancillary Uses
					ID-1	19.35	n/a	Business Park
089-00-00-025-000	Luck Stone Corporation	n/a	72.4	R-2	ID-3 w/ Special Exception	72.4	✓	Quarry and Ancillary Uses
089-00-00-001-000	Luck Stone Corporation	1257 Lancaster HWY Chester, SC 29706	10.36	R-2	ID-3 w/ Special Exception	1.01	✓	Quarry and Ancillary Uses
					ID-1	9.35	n/a	Business Park

Total GC Rezoning Area	25.72
Total ID1 Rezoning Area	79.41
Total ID3 w/ Special Exception Rezoning Area	247.87
Total AG Rezoning Area	90.39

## A note from Luck Companies:



Since becoming a member of the South Carolina business community in 2018, our family-owned company has created strong and lasting relationships with business partners and community members. Luck Companies has been welcomed as an active participant in the **Kershaw County, Fairfield County, and Spartanburg County**

communities. Growth through new locations provides Luck Companies the opportunity to expand our mission of igniting human potential and positively impacting the lives of others.

Chester is uniquely positioned for growth, with proximity to natural resources and economic trends in the county's favor. We want to support this growth with locally produced, high-quality materials and development that can serve as the county's foundation. Our excitement for a potential partnership with the Chester County community led us to our previous application effort which began in 2019. However, prioritizing health and safety during the pandemic and feedback from the community led us to withdraw our application in 2020. We have used the past two years to engage with and learn from community residents, schools, business owners and non-profit organizations. This time has provided us the opportunity to finalize the purchase of the land considered in our previous application, introduce additional property in Chester County and solicit input and approval from the state agencies responsible for regulating our three business units.

The community's input and Chester County's updated Comprehensive and Economic Development Plans have informed our revised approach. Luck Companies has prepared a new application which aligns to community goals, passions, and culture.

Our project will create:

- local jobs
- tax revenue for the county
- outdoor recreation areas for the community
- a community impact fund
- business park and retail space

Key amendments to our application include:

- **Down-zoning an adjacent parcel** to provide additional buffer from a northern residential neighborhood and facilitate agricultural education opportunities
- **New development to accommodate a market void** of medium square footage business park space
- **Large dedicated acreage** for governmental use, developed in coordination with the Board of Commissioners, and structured to facilitate citizen tax dollar savings

We are inspired by the opportunity to be longstanding members of the Chester community and look forward to continuing our conversation. We remain committed to collaboratively working towards a sustainable development plan that benefits Chester County now and for generations to come.

Sincerely,

Ben Thompson,  
Director, Greenfield Development

### Our Ask



**APPROVE A REZONING** to support a Quarry



**APPROVE A REZONING** to support a Business Park and Retail Center



**APPROVE A DOWNZONING** to eliminate industrial use and provide additional buffer for residential neighbors



**BLESS THE CREATION** of a Community Fund that administers 1% of annual net sales (of the Chester County Quarry) up to \$35k to Chester County Non-profits and initiatives



**BLESS THE CONDITIONS** of the associated rezonings to further ensure responsible actions and enable the donation of recognized acreage for Chester County Government use and growth

Conditions applicable to properties included within the Luck Stone Corporation (the "Applicant") application for rezoning of properties located in Chester County, South Carolina shown on the plan dated November 11, 2022, entitled "Proposed Zoning and Special Exception Plan" as (i) "ID1" containing 79.41 acres (the "ID1 Property"), (ii) "GC" containing 25.72 acres (the "GC Property"), (iii) "ID3" containing 247.87 acres (the "ID3 Property") and (iv) "AG" containing 90.39 acres (the "AG Property").

**Condition applicable to all properties:**

Prior to issuance of any County permits for development of the parcels included within the application for rezoning, the Applicant shall submit an application for subdivision/boundary line adjustment of all parcels included within the application for rezoning to provide for the adjustment of parcel boundaries by zoning classification so that no parcel shall be split-zoned (include more than one zoning classification) and that all parcels are in compliance with the County subdivision ordinance.

**Conditions applicable to the ID1 Property:**

1. **Prohibited Uses.** No portion of the ID1 Property shall be used for any of the following uses:
  - i. Grain Milling
  - ii. Reconstituted wood products
  - iii. Converted Paper Products
  - iv. Mineral and Earth
  - v. Misc. Nonmetallic Mineral
  - vi. Aluminum Production
  
2. **Dedication of Easement for Public Park.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.
  
3. **Entrance Landscaping and Beautification.** The entrance to the ID1 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID1 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the GC Property and the ID3 Property to provide a consistent appearance for all such entrances.

**Conditions applicable to all areas rezoned to the GC classification (the "GC Property"):**

1. **Dedication of Property for Governmental Use.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County of one or more parcels containing a total of not less than fifteen (15) acres for governmental uses (the "Governmental Use Property") as generally shown on the plan included in this application entitled "Updated and Compiled General Development Plan". The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a current survey of the Governmental Use Property and payment of costs to prepare and record the deed of dedication. The deed of dedication shall restrict use of the Governmental Use Property to use by the County or other governmental entities unless otherwise approved by the owner of the ID3 Property.
2. **Entrance Landscaping and Beautification.** The entrance to the GC Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the GC Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the ID3 Property to provide a consistent appearance for all such entrances.
3. **Cemetery Access.** The cemetery located on the GC Property will remain undisturbed and reasonable access will be provided to relatives and descendants of persons buried in the cemetery for the limited purposes of visiting graves, maintaining the gravesite or cemetery or conducting genealogy research. Such access shall not include the right to operate motor vehicles on the GC Property other than within any driveways and parking areas as may be located on the GC Property from time to time.

**Condition applicable to the area rezoned to the AG classification (the "AG Property"):**

The Applicant will enter into discussions with representatives of the County schools to explore the use of a portion of the AG Property for an agricultural education program which may include the cultivation of trees or other crops to provide a hands-on learning experience. If the County schools are interested, the Applicant will work with the County schools in good faith to agree upon the terms and conditions of a lease of up to one half (1/2) of the AG Property for \$1.00/year for a term of up to fifteen (15) years or as may otherwise be agreed upon by the County schools and the Applicant.

**Conditions applicable to all areas rezoned to the ID3 classification (the "ID3 Property"):**

1. No portion of the ID3 Property shall be used for any of the following uses:
  - i. Biological and allied wholesaling
  - ii. Manufacturing of animal, chemical, gas, or arms and munitions
  - iii. Petroleum storage for wholesaling (except to supply uses on the ID3 Property)
  - iv. Fuel dealers, retail (except to supply uses on the ID3 Property)
  - v. Hazardous waste carriers
  - vi. Municipal solid waste landfill
  - vii. Airport
2. Entrance Landscaping and Beautification. The entrance to the ID3 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID3 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the GC Property to provide a consistent appearance for all such entrances.
3. Screening and Visual Line of Sight. Mining activities and related uses on the ID3 Property shall be screened from visibility from Highway 9 using berms and landscaping or other means proposed by the Applicant and approved by the County in connection with the review and approval of a site plan for development of the ID3 Property.
4. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.

**Conditions for a Special Exception to Allow Mining Operations and Associated Uses on the ID3 Property ("Mining Operations")**

Development and use of the ID3 Property for Mining Operations pursuant to the requested Special Exception shall be subject to the following conditions:

1. Hours of Operation. Hours of operation shall be limited as follows:
  - (a) Extraction Area, Primary Plant and Equipment: 6:00 a.m. to 9:00 p.m. Monday through Saturday ("Standard Operating Hours") only except as provided below.
  - (b) Shipping, Loading and Limited Processing: Standard Operating Hours except as otherwise required in the event a federal, state or local agency or authority requests or requires that such activities be conducted during other hours.
  - (c) Processing Plant (secondary and/or finishing phases of plant operations): Hours of operation for the processing plant shall be unrestricted when operated without the use of trucks and loaders utilizing audible back-up alarms (when operated with trucks and loaders utilizing audible back-up alarms, Standard Operating Hours shall apply). Any vehicular operations during hours other than Standard Operating Hours shall be for processing activities only and shall not be for extraction activities.
  - (d) Blasting. Blasting shall not occur before 9:30 a.m. or after 5:00 p.m. Monday through Friday, except when a blasting charge has been set before 5:00 p.m. and is delayed due to reasons beyond the reasonable control of Operator or due to safety considerations. In such a case, Operator may then complete the blast after 5:00 p.m. but no later than thirty (30) minutes after sunset. There shall be no blasting on Saturdays or Sundays except to complete a blast where the charge was set and blasting delayed as described above.
2. Buffers. Buffers shall be provided in the locations and of the widths shown on the on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP"). Buffers shall consist of undisturbed natural vegetation supplemented by berms, additional vegetation or otherwise as necessary to comply with the requirements of the mining permit (the "State Mining Permit") issued to Operator for Mining Operations by the South Carolina Department of Health and Environmental Control ("DHEC"). Encroachments into buffers shall be allowed for utility lines, roads, access points and such other encroachments or breaks as necessary to conduct Mining Operations in accordance with the State Mining Permit.
3. No Trespassing Signs. "No Trespassing" signs shall be posted and perpetually maintained around the perimeter of the processing and extraction areas. Signs shall not be more than 300 feet apart.
4. Wetlands. All necessary permits to allow disturbance of jurisdictional wetlands on the ID3 Property shall be obtained from the applicable governmental authority (e.g., U.S. Army Corps. of Engineers, Chester County Government, or DHEC).

5. DHEC Mining, Water Discharge and Air Permits.

(a) Prior to commencement of any land disturbance associated with Mining Operations, Operator shall obtain the State Mining Permit from DHEC. The State Mining Permit shall address all relevant issues including soil erosion, stormwater management, air quality and reclamation. Completion of the reclamation plan shall be secured by a bond posted with DHEC in accordance with its regulations.

(b) Prior to commencement of Mining Operations, Operator shall obtain an NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities from the DHEC Bureau of Water pursuant to the Pollution Control Act of South Carolina and the Federal Clean Water Act which is administered by DHEC in South Carolina.

(c) Prior to commencement of Mining Operations, Operator shall obtain an Air Quality Permit from the DHEC Bureau of Air Quality to ensure compliance with the Federal Clean Air Act which is administered by DHEC in South Carolina. In connection with the issuance of the Air Quality Permit, Operator shall develop and implement a facility-wide plan for controlling fugitive dust and emissions from Mining Operations including process operations, truck traffic, storage piles, and any other areas within the ID3 Property where fugitive dust emissions can be generated. Fugitive dust generated from direct Mining Operations shall be controlled by wet suppression and/or dry dust collection systems. Fugitive dust generated by vehicular traffic within Mining Operations shall be controlled by the application of water or equivalent wetting agent to roadways and other traveled surfaces on the ID3 Property.

(d) Operator shall maintain copies of all federal and state records pertaining to permits and approvals on-site and, upon reasonable prior notice from County zoning officials, Operator shall make copies of permits and approvals to County zoning officials for review.

6. Entrance Road.

(a) Operator shall pave and maintain in good condition the entrance road providing access to Mining Operations from Highway 9 for a distance of approximately 1000 feet as generally shown on the on the GDP.

(b) Permanent access to Mining Operations shall be limited to a single point on Highway 9 as generally shown on the GDP and approved by SC Department of Transportation. The portion of such access located between Highway 9 and the area used for active mining may be shared by other uses as authorized by Operator.

(c) Operator shall inspect the intersection of the Mining Operations entrance road and Highway 9 daily for loose stone. Operator shall remove any loose stone material at or around the entrance road outside of the right of way of Highway 9 if removal can be completed safely and without interruption of traffic on Highway 9. Operator shall solicit the assistance of the appropriate agency (SCDOT, County Sheriff, etc.) with respect to removal of stone within the right of way of Highway 9 or as otherwise required for safe removal without interruption of traffic on Highway 9.

7. Monitoring Wells. Operator shall construct five (5) monitoring wells at locations determined by an independent qualified professional (i.e., certified hydrologist or

geologist) and approved by DHEC. A plan describing the procedures and timing of observance for the monitoring wells shall be developed by an independent qualified professional and approved by DHEC and to be followed by Operator.

8. Water Well Impacts. Upon submission of a formal complaint by an adjacent property owner or as requested by the County, pursuant to the State Mine Permit DHEC shall determine if any activity associated with Mining Operations has caused a well or wells on the adjacent property owner's land to become dry. If DHEC determines that Mining Operations has caused the drying of the property owner's well, Operator shall be responsible for providing an alternative water source (e.g., drill well deeper, new well, or connect to public water source at the discretion of Operator) for the aggrieved party at Operator's expense.
9. Blasting.
  - (a) Blasting Data shall be monitored and recorded for all blasts, shall be maintained on-site at the scale house for a period of three (3) years and shall be made available to County zoning officials for review at the scale house. Blasting Data shall include the time and date of blast, pounds of blasting material per delay, total pounds of blasting materials per blast, seismograph readings of ground vibration levels and air over-pressure levels in decibels.
  - (b) Operator shall provide notice prior to the first blast associated with Mining Operations (not site development/construction) either by (i) written notice via direct mail to all property owners and/or occupants of existing dwellings within one-half (1/2) mile of the areas where blasting will occur or (ii) advertisement two (2) times in a local newspaper of general circulation at least ninety (90) days prior to the first blast associated with Mining Operations blast. Upon receipt, pursuant to the above described notice, by DHEC and Operator of a written request from the owner of any existing structures within one-half (1/2) mile of the areas where blasting will occur, a third party consultant selected and engaged by Operator shall conduct an inspection of the applicable structures to determine the structural condition of the structures prior to the first blast associated with Mining Operations. The property owner shall have the right to supervise the inspection by the third-party consultant and shall be provided with a copy of the consultant's report.
  - (c) Ground vibration caused by blasting activity shall not exceed the maximum peak particle velocity allowed pursuant to South Carolina Code of Regulations Section 89-150(E) as measured at the immediate location of any dwelling, public building, school, church, or commercial or institutional building existing as of the date of approval of the Special Exception to allow Mining Operations. The maximum peak particle velocity requirement does not apply to structures within the permitted area, or any area that is owned or leased by Operator or any structures on which Operator has acquired waiver to damage rights.
  - (d) If a formal claim is made by any private or public landowner that the landowner or the property (real or personal) of the landowner has been damaged by blasting activities associated with Mining Operations, whether by ground vibration, air over-pressure or otherwise, an independent, qualified professional with experience in the effects of blasting shall be engaged to determine if any damage was caused by blasting activities associated with Mining Operations. If it is determined that damage was caused by blasting activities



associated with Mining Operations, Operator shall correct the damage or reimburse the landowner for such damage. The amount of any reimbursement shall be determined by an independent, competent professional with expertise in estimating the damage (for example, a licensed builder or building contractor where the damage is to a residence). The independent professionals performing assessments pursuant to this paragraph shall be agreed upon by both Operator and the property owner and retained at the expense of Operator.

10. Lighting. Exterior light fixtures associated with Mining Operations shall be of a type and installed in a manner to reasonably minimize light spillage from Mining Operations onto adjoining parcels.
11. Noise. Airborne noise produced from Mining Operations other than blasting shall not exceed 80dba of continuous noise for greater than five (5) minutes at any one time as measured along the northern and western boundaries of the ID3 Property (the "Noise Limit"). The Noise Limit shall not apply to individual events lasting less than five (5) minutes. Operator shall install monitoring devices on the northern and western property lines of the ID3 Property to monitor decibel levels to assure that noise from Mining Operations does not exceed the Noise Limit.
12. Reclamation Plan. As a condition of the Special Exception, the reclamation plan approved by DHEC as part of the State Mining Permit shall be complied with by Operator, including, but not limited to, the following tasks which shall be completed upon completion of Mining Operations:
  - (i) all debris, scrap metal, concrete foundations, sidewalks and structures will be removed and
  - (ii) the stockpile, office and plant areas will be graded, sloped back to as natural a contour as reasonably possible (but no steeper than a 3h:1v slope) and seeded. Perimeter berms and buffers may be left in place and the pit area may be allowed to fill up with water.
13. Community Interest Engagement Group. Operator shall work with interested parties in the community to establish a Community Interest Engagement Group (the "CIEG") comprised of representatives of homeowner associations or similar residential groups and interested individual property owners located within a two (2) mile radius of Mining Operations. Operator shall facilitate meetings with the CIEG on a quarterly basis or as otherwise mutually determined by Operator and the CIEG to allow for information exchanges with respect to historical Mining Operations, future plans for Mining Operations and other community issues or opportunities of concern or interest of the CIEG and Operator. This condition is intended to provide a forum for communications among the CIEG and Operator and does not grant any approval rights to the CIEG with respect to Mining Operations.
14. Community Fund. Annually, Operator shall contribute the lesser of (i) one percent (1%) of the adjusted net sales of construction aggregate materials excavated from the ID3 Property and sold to third parties during the year or (ii) Thirty Five Thousand Dollars (\$35,000.00) to one or more organizations within Chester County in support of local Chester County non-profit initiatives, workforce development programming or general community improvement opportunities. This funding will be managed by Operator and distributed to organizations selected by Operator after consultation with the CIEG. For purposes of this condition, "adjusted net sales" shall mean total sales dollars of construction aggregate materials mined or extracted from the ID3 Property excluding any transportation (whether by truck, rail or other method), hauling, loading or unloading charges and less deductions for cash discounts, price

adjustments, additive materials, allowances, volume discounts and sales, use and other similar taxes or governmental charges. Annually, a report of contributions made by Operator pursuant to this condition shall be provided to the CIEG and to the County.

Chester County Planning Commission Minutes

December 20, 2022

**CCMA22-33 Luck Companies request a portion (9.35 acres) of Tax Map # 089-00-00-001-000 at 1295 Lancaster Hwy., Chester, SC 29706 to be rezoned from Rural Two District (R2) to Restricted Industrial District (ID-1). Vice Chairman Smith motioned to approve, second by Commissioner Howell. Vote 5-0 Approved.**

County Attorney Joanie Winters stated Mr. Chairman, if I may, I just want the commission to recognize that everyone that you're approving is also contingent on the conditions that are attached to the application that were presented by Luck. And they'll be required. It's almost like when you all do a reverter clause. If these conditions aren't met, then essentially would revert. So, these conditions are hard and fast. They're part of the application you're approving. I just want to make sure you all understand that.

Commissioner Howell stated that it's basically they've put their money where their mouth is and they don't if they don't do what they say, they lose what they asked for.

County Attorney Joanie Winters stated well, they've set the rules and y'all had an opportunity to read them. So, when you're approving the application, you're also approving those conditions.



**Chester County, South Carolina**  
 Department of Planning, Building & Zoning  
 1476 J.A. Cochran Bypass  
 Chester, SC 29706

**Zoning Map Amendment (Rezoning) Application**

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 12.20.22 Case # CCMA 22-33 Invoice # 5948

The applicant hereby requests that the property described to be rezoned from R-2 to ID-1

**Please give your reason for this rezoning request:**

Zoning amendment enables economic development upon the property. Please see included "Luck Companies Chester County Economic Development Project Rezoning and Special Exception Application and Conditions".

*Copy of plat must be presented with the application request*

**Designation of Agent (complete only if owner is not applicant):** I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE: \_\_\_\_\_

**Property Address Information**

Property address: 1295 Lancaster HWY Chester, SC 29706  
 Tax Map Number: 089-00-00-001-000 (portion) Acres: 9.35 Acres Rezoned to ID-1 out of total 10.36 Acre Parcel

Any structures on the property: yes  no \_\_\_\_\_. If you checked yes, draw locations of structures on plat or blank paper. See attached "Proposed Rezoning and Special Exception Plan" for aerial photo

**PLEASE PRINT:**

**Applicant (s):** Luck Companies  
 Address PO BOX 29682 Richmond, VA 23242  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**Owner(s) if other than applicant(s):** \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.**

Owner's signature: [Signature] Date: 11/11/22  
 Applicant signature: [Signature] Date: 11/11/22

**CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.**



**Chester County, South Carolina**  
Department of Planning, Building & Zoning  
1476 J.A. Cochran Bypass  
Chester, SC 29706

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Date: November 29, 2022

From: Chester County Planning Development

1476 J A Cochran Bypass

Chester, SC 29706

803-581-0942

Reference: # CCMA22-33

Please advise that applicant Luck Companies has made an application with Chester County Planning Commission to rezone property located on 1295 Lancaster Hwy, Chester, SC 29706.

This property is identified as Tax Map # 089-00-00-001-000. The property is currently zoned R2 (Rural Two District), and the request is to change a portion (9.35 acres) of the zoning to ID-1 (Restricted Industrial District).

This application will be presented to the Planning Commission at its December 20, 2022, meeting. The meeting is scheduled to begin at 6:30 PM at the R. Carlisle Roddey Complex in the Council Chambers. Adjoining landowners are invited to attend.

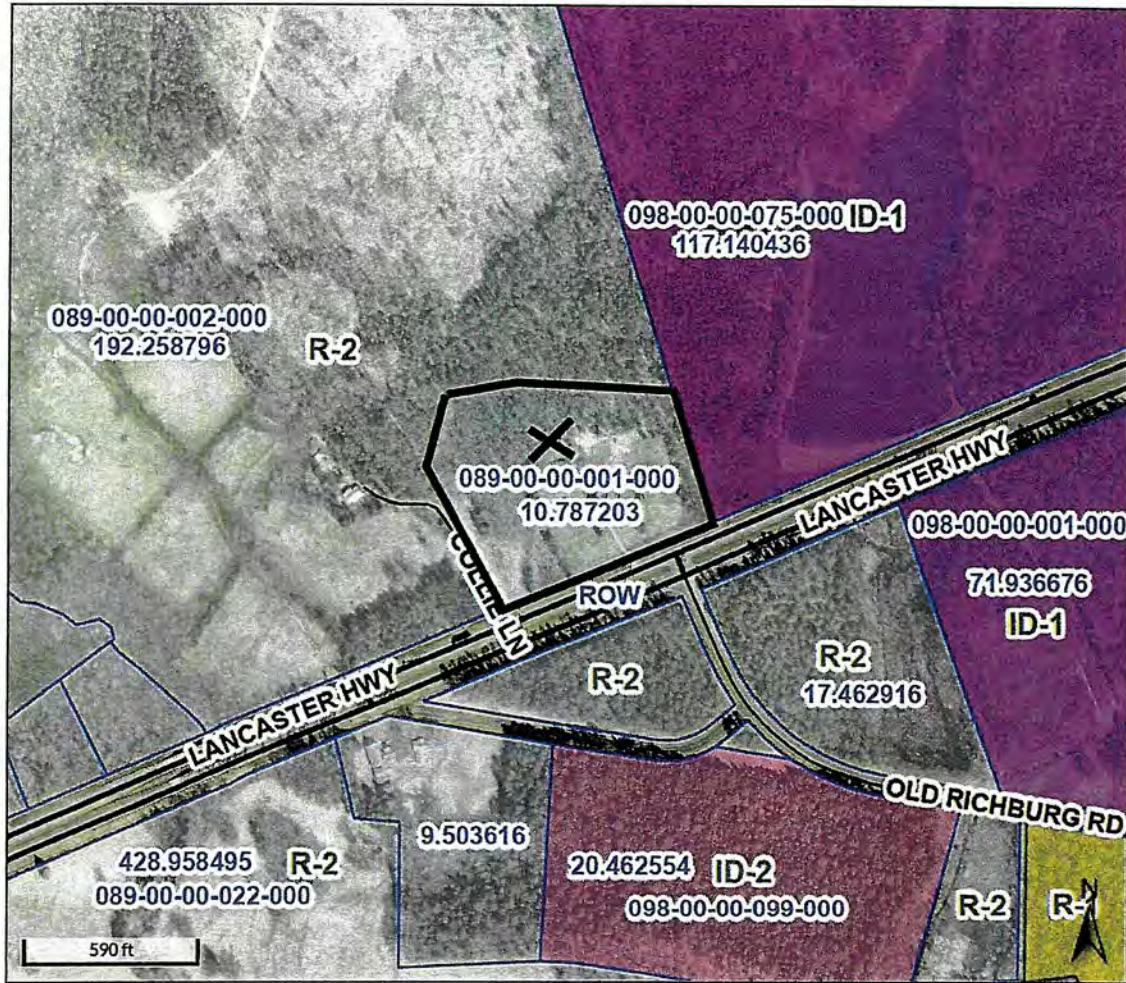
Please see the attached map for the location of the request is drawn in black with an X in the middle.

Thank you,

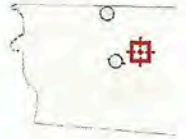
Chester County Planning Department

Telephone: 803-581-0942

Fax: 855-930-0979



Overview



Parcel ID	089-00-00-001-000	Alternate ID	n/a	Owner Address	LUCKSTONE CORPORATION
Sec/Twp/Rng	n/a	Class	RN		PO BOX 29682
Property Address	1295 LANCASTER HWY	Acreage	10.787		RICHMOND VA 23242
District	02				
Brief Tax Description	LANCASTER RD				
	(Note: Not to be used on legal documents)				

Date created: 11/18/2022  
 Last Data Uploaded: 11/18/2022 3:11:25 AM

Developed by  Schneider  
 GEOSPATIAL



Parcel ID	089-00-00-001-000	Alternate ID	n/a	Owner Address	LUCKSTONE CORPORATION
Sec/Twp/Rng	n/a	Class	RN		PO BOX 29682
Property Address	1295 LANCASTER HWY	Acreage	10.787		RICHMOND VA 23242
District	02				
Brief Tax Description	LANCASTER RD				

(Note: Not to be used on legal documents)

Date created: 12/16/2022  
Last Data Uploaded: 12/16/2022 3:41:06 AM

Next Year (2023) Changes

Search Options

Map Number 089-00-00-001-000 Real 00641093 History Year

Name 1 LUCK STONE CORPORATION

Other Map Number



Find

Alerts

Has Additional Comments

Owner Information

Post Initials CW Reason for Change

Activity Date 06/04/2021

Name 2

Land Value 128,000

Address 1 PO BOX 29682

Building Value 132,900

Address 2 RICHMOND VA

Total Market Value 260,900

Zip Code 23242

Total Tax Value 153,400

Codes

District 02

Fire Code CS CITY SUB

Town

Neighborhood R2 RURAL 2

Subdivision

Use Class

Description LANCASTER RD

Legal SEE COMMENTS

Location Street Number 1297 Street Name LANCASTER HWY

Suffix Direction

Additional Information

Appraisal Appeal

Owner Occupied

TIF Base

Agricultural Use

Reappraisal Notice

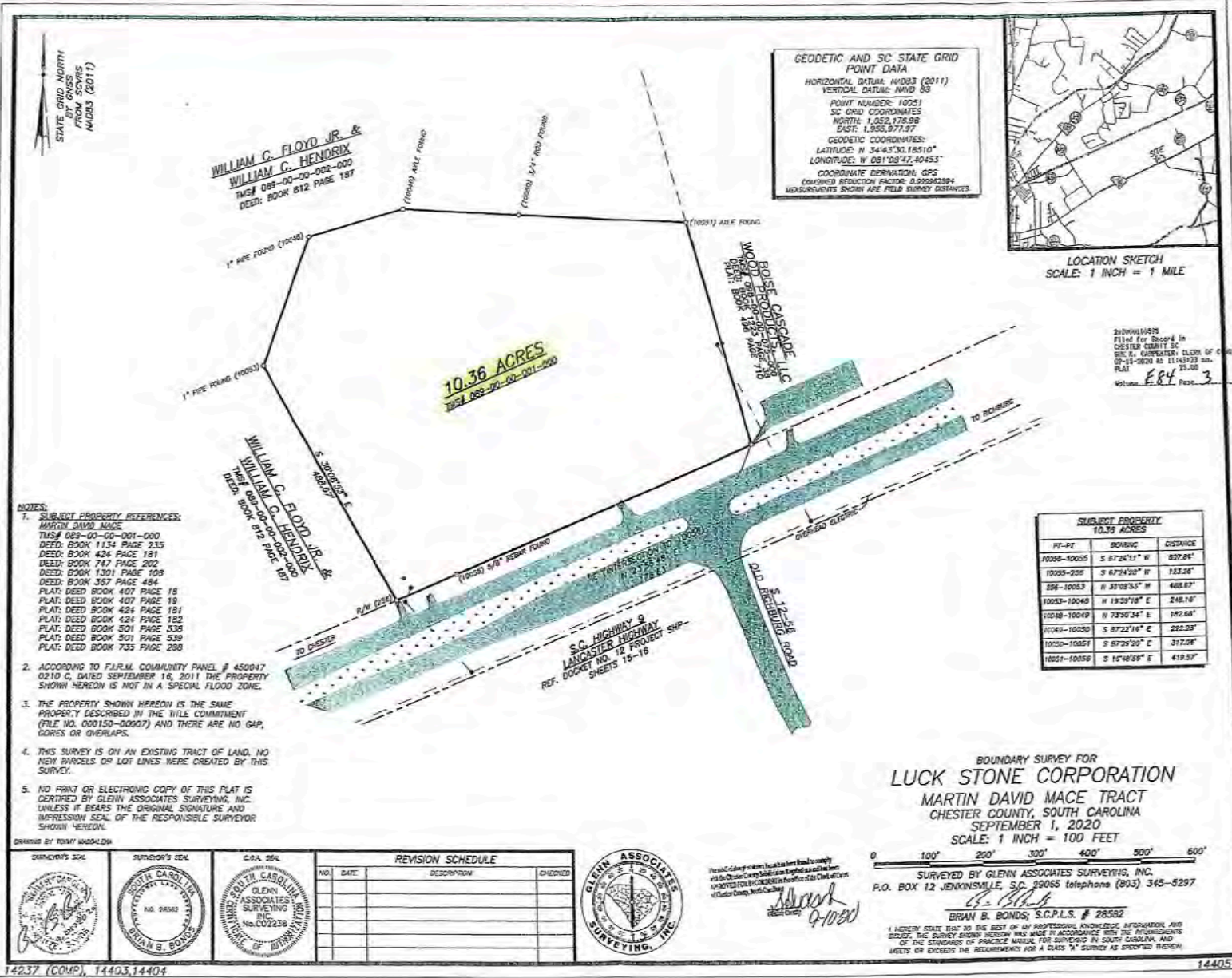
MCIP Industrial Park ID

Rollback

Exempt

Scroll by: MAP#





**GEODEIC AND SC STATE GRID POINT DATA**  
 HORIZONTAL DATUM: NAD83 (2011)  
 VERTICAL DATUM: NAVD 83  
 POINT NUMBER: 10251  
 SC GRID COORDINATES  
 NORTH: 1,552,178.88  
 EAST: 1,555,977.87  
 GEODEIC COORDINATES:  
 LATITUDE: N 34°43'30.18510"  
 LONGITUDE: W 081°02'47.40453"  
 COORDINATE DERIVATION: GPS  
 CORRECTED REDUCTION FACTOR: 0.00002894  
 MEASUREMENTS SHOWN ARE FIELD SURVEY DISTANCES



2/20/2019/1975  
 Filed for Record in  
 CHESTER COUNTY SC  
 BY: S. CARPENTER, GLENN ASSOCIATES SURVEYING, INC.  
 09-15-2020 AS 11:43:23 am  
 PLAT 25.08  
 Volume **EBV** Page **3**

**NOTES:**

- SUBJECT PROPERTY REFERENCES:**  
 MARTIN DAVID MACE TRACT  
 TMS# 025-00-00-001-000  
 DEED: BOOK 1134 PAGE 235  
 DEED: BOOK 424 PAGE 181  
 DEED: BOOK 747 PAGE 202  
 DEED: BOOK 1301 PAGE 108  
 DEED: BOOK 357 PAGE 484  
 PLAT: DEED BOOK 407 PAGE 18  
 PLAT: DEED BOOK 407 PAGE 19  
 PLAT: DEED BOOK 424 PAGE 181  
 PLAT: DEED BOOK 424 PAGE 182  
 PLAT: DEED BOOK 501 PAGE 538  
 PLAT: DEED BOOK 501 PAGE 539  
 PLAT: DEED BOOK 733 PAGE 288
- ACCORDING TO F.I.R.M. COMMUNITY PANEL # 450047 0210 C, DATED SEPTEMBER 16, 2011 THE PROPERTY SHOWN HEREON IS NOT IN A SPECIAL FLOOD ZONE.
- THE PROPERTY SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN THE TITLE COMMITMENT (FILE NO. 000150-00007) AND THERE ARE NO GAP, GORES OR OVERLAPS.
- THIS SURVEY IS ON AN EXISTING TRACT OF LAND. NO NEW PARCELS OR LOT LINES WERE CREATED BY THIS SURVEY.
- NO PRINT OR ELECTRONIC COPY OF THIS PLAT IS CERTIFIED BY GLENN ASSOCIATES SURVEYING, INC. UNLESS IT BEARS THE ORIGINAL SIGNATURE AND IMPRESSION SEAL OF THE RESPONSIBLE SURVEYOR SHOWN HEREON.

**SUBJECT PROPERTY 10.36 ACRES**

PT-PT	BEARING	DISTANCE
10025-10025	S 87°24'11" W	507.84'
10025-250	S 67°24'20" W	183.26'
250-10053	N 33°09'53" W	408.18'
10053-10048	N 19°09'18" E	246.16'
10048-10049	N 73°07'34" E	182.60'
10049-10050	S 87°22'16" E	222.23'
10050-10051	S 87°20'20" E	317.26'
10051-10056	S 15°48'59" E	419.37'

BOUNDARY SURVEY FOR  
**LUCK STONE CORPORATION**  
 MARTIN DAVID MACE TRACT  
 CHESTER COUNTY, SOUTH CAROLINA  
 SEPTEMBER 1, 2020  
 SCALE: 1 INCH = 100 FEET

SURVEYED BY GLENN ASSOCIATES SURVEYING, INC.  
 P.O. BOX 12 JENKINSVILLE, SC 29055 Telephone (803) 345-5297  
 Brian B. Bonds  
 BRIAN B. BONDS, S.C.P.L.S. # 28592

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND FAITHFUL BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS DEFINED THEREIN.

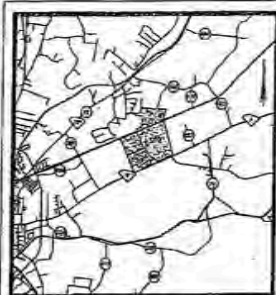
SURVEYOR'S SEAL		C.P.A. SEAL		REVISION SCHEDULE		
				NO.	DATE	DESCRIPTION



The seal of a surveyor is to be used to certify that the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class "A" Survey as defined therein.

142.37 (COMP), 14403,14404

14405-3



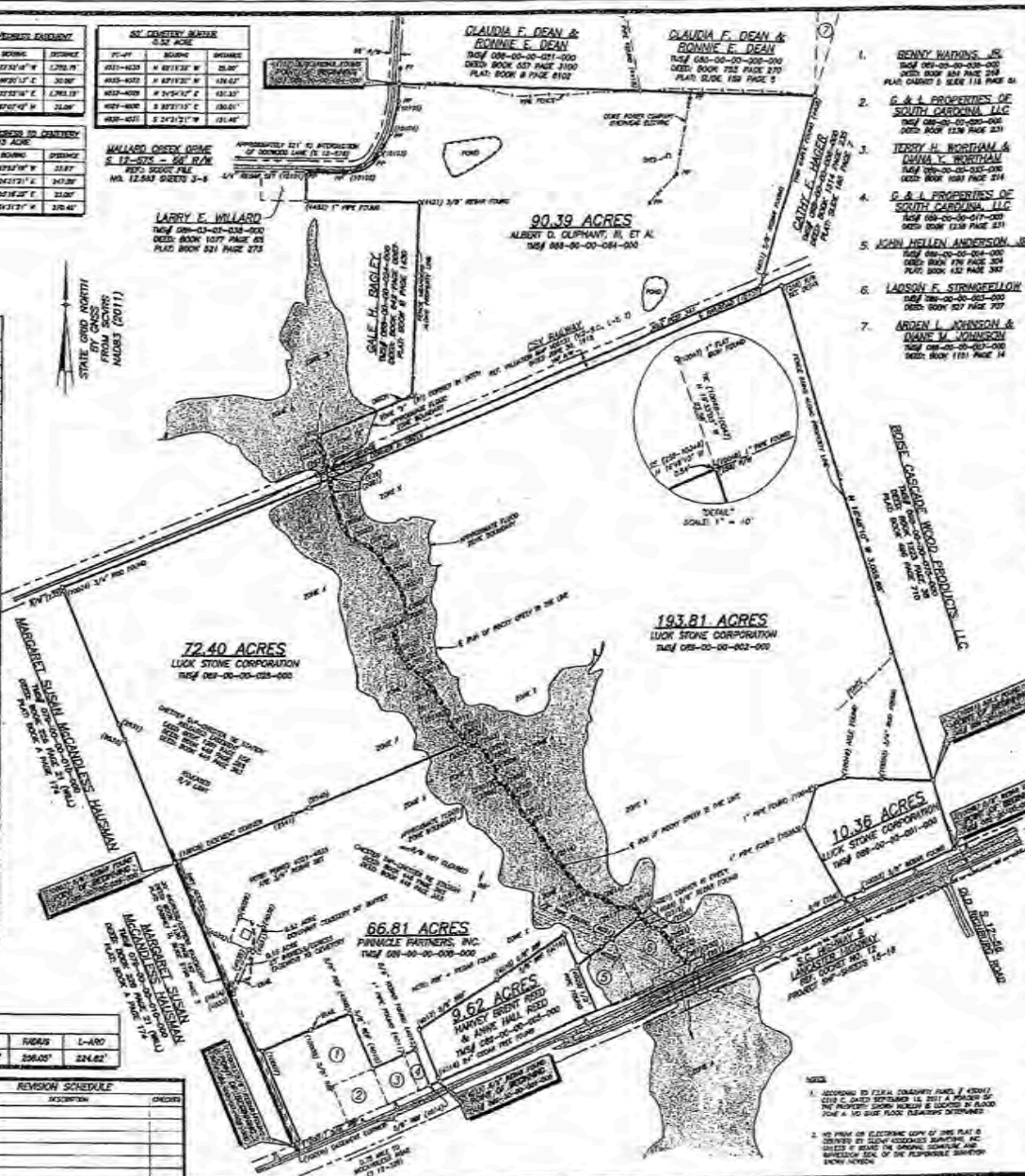
N/1 SECTION 36, T12N, R10E			N/1 SECTION 37, T12N, R10E		
PT-PT	Bearing	Distance	PT-PT	Bearing	Distance
1000-1001	N 87°12'48" E	2,702.19	1011-1012	N 87°12'48" E	2,702.19
1001-1002	N 87°12'48" E	30.00	1012-1013	N 87°12'48" E	146.67
1002-1003	S 87°12'48" E	1,263.19	1013-1014	N 87°12'48" E	146.67
1003-1004	S 87°12'48" E	30.00	1014-1015	S 87°12'48" E	146.67
1004-1005	S 87°12'48" E	2,702.19	1015-1016	S 87°12'48" E	2,702.19

72.40 ACRES			90.39 ACRES		
PT-PT	Bearing	Distance	PT-PT	Bearing	Distance
1000-1001	N 87°12'48" E	2,702.19	1011-1012	N 87°12'48" E	2,702.19
1001-1002	N 87°12'48" E	30.00	1012-1013	N 87°12'48" E	146.67
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1004-1005	S 87°12'48" E	2,702.19	1015-1016	S 87°12'48" E	2,702.19

PT-PT	CHORD	DELTA	PIVOT	L-ARC
10102-10103	N 59°45'48" E	214.04'	041°33'30"	236.00'
				224.82'

NO.	DATE	REVISION	BY	CHECKED



72.40 ACRES			90.39 ACRES		
PT-PT	Bearing	Distance	PT-PT	Bearing	Distance
1000-1001	N 87°12'48" E	2,702.19	1011-1012	N 87°12'48" E	2,702.19
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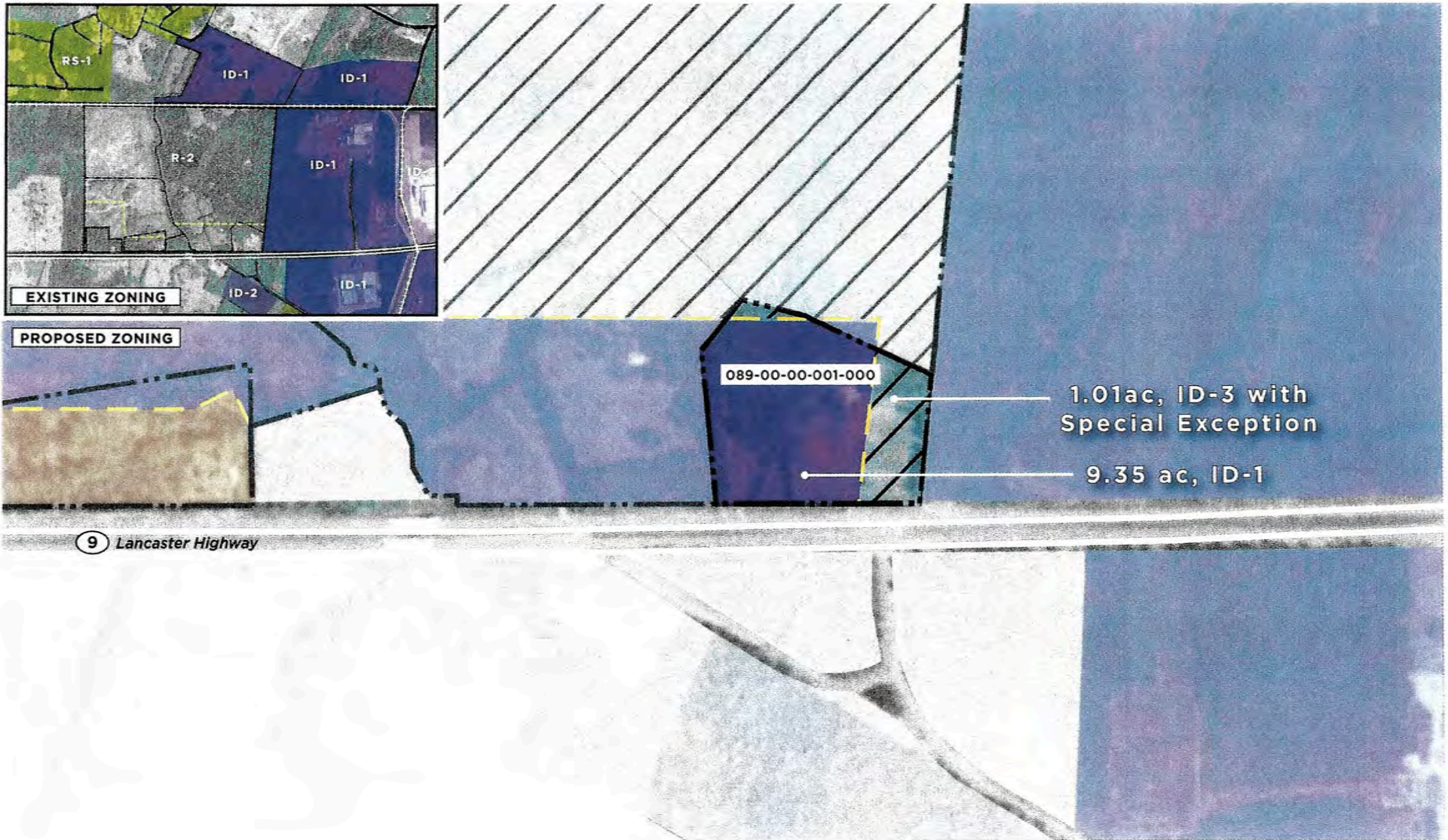
BOUNDARY EXHIBIT PREPARED FOR  
**LUCK STONE CORPORATION**  
 CHESTER COUNTY, SOUTH CAROLINA  
 NOVEMBER 8, 2022  
 SCALE: 1 INCH = 300 FEET

1. ACCORDING TO FIELD CONDUITY JUNE 7, 2022  
 2. THIS EXHIBIT IS A PART OF A SURVEY MADE BY THE SURVEYOR IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL SURVEYING ACT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

GLENN ASSOCIATES SURVEYING, INC.  
 P.O. BOX 12, JENKINSVILLE, S.C. 29036 Telephone: (803) 345-5297

BRIAN B. BOWEN, S.C. # 20582

PARCEL #089-00-00-001-000



9 Lancaster Highway

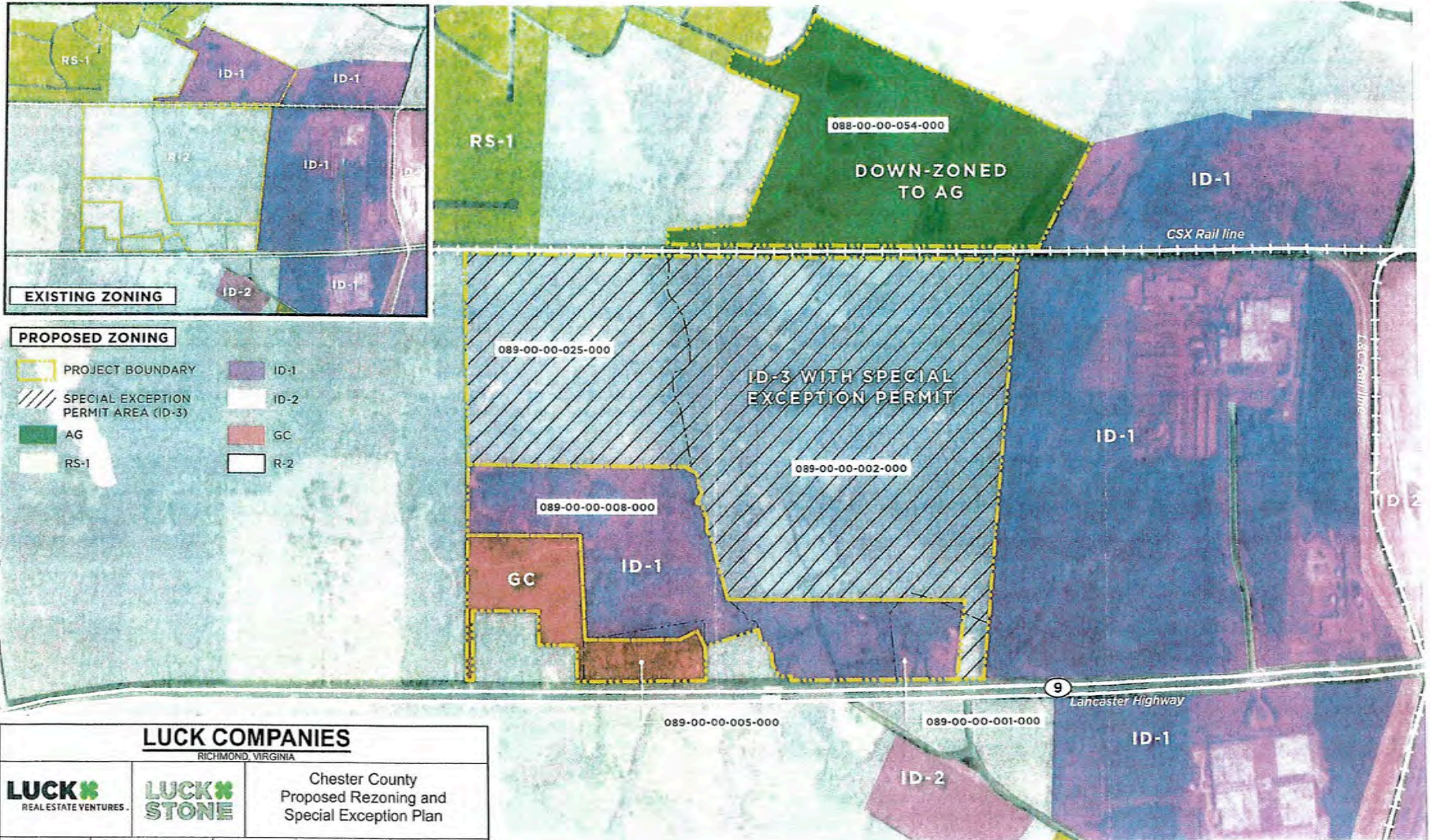
089-00-00-001-000

1.01ac, ID-3 with Special Exception

9.35 ac, ID-1



# PROPOSED REZONING AND SPECIAL EXCEPTION PLAN



**LUCK COMPANIES**  
RICHMOND, VIRGINIA

**LUCK**  
REAL ESTATE VENTURES

**LUCK**  
**STONE**

Chester County  
Proposed Rezoning and  
Special Exception Plan

Date: 11/11/22    Source: Chester County GIS, Google Maps    Scale: Approx. 1" = 700'    Page: 3 OF 4    Preparer: Patrick Hess

We warrant that we have made every effort to ensure the accuracy, completeness and timeliness of the information presented, but we do not warrant that the information is error-free. We are not responsible for any errors or omissions in this document, and we do not intend to provide any warranty or representation regarding this document.



**Luck Companies**

**Chester County, SC: Rezoning & Special Exception Summary**

Parcel ID	Owner	Address	Survey Acreage	Current Zoning	Desired Zoning	Desired Zoning Acreage (Per GIS)	Special Exception Application	Summary of Use
089-00-00-005-000	Harvey and Anne Reed	1207 Lancaster HWY Chester, SC 29706	9.62	R-2	GC	7.8	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	1.82	n/a	Business Park
089-00-00-008-000	Pinnacle Partners LLC	1113 Lancaster HWY Chester, SC 29706	66.81	R-2	GC	17.92	n/a	Commercial Store Fronts, Government Building (Land for such donated to Chester County)
					ID-1	48.89	n/a	Business Park
088-00-00-054-000	Albert D Oliphant III	n/a	90.39	I-1	AG	90.39	n/a	Agricultural Education
089-00-00-002-000	Luck Stone Corporation	1421 Collier Lane Chester, SC 29706	193.81	R-2	ID-3 w/ Special Exception	174.46	✓	Quarry and Ancillary Uses
					ID-1	19.35	n/a	Business Park
089-00-00-025-000	Luck Stone Corporation	n/a	72.4	R-2	ID-3 w/ Special Exception	72.4	✓	Quarry and Ancillary Uses
089-00-00-001-000	Luck Stone Corporation	1257 Lancaster HWY Chester, SC 29706	10.36	R-2	ID-3 w/ Special Exception	1.01	✓	Quarry and Ancillary Uses
					ID-1	9.35	n/a	Business Park

Total GC Rezoning Area	25.72
Total ID1 Rezoning Area	79.41
Total ID3 w/ Special Exception Rezoning Area	247.87
Total AG Rezoning Area	90.39

## A note from Luck Companies:



Since becoming a member of the South Carolina business community in 2018, our family-owned company has created strong and lasting relationships with business partners and community members. Luck Companies has been welcomed as an active participant in the **Kershaw County, Fairfield County, and Spartanburg County**

communities. Growth through new locations provides Luck Companies the opportunity to expand our mission of igniting human potential and positively impacting the lives of others.

Chester is uniquely positioned for growth, with proximity to natural resources and economic trends in the county's favor. We want to support this growth with locally produced, high-quality materials and development that can serve as the county's foundation. Our excitement for a potential partnership with the Chester County community led us to our previous application effort which began in 2019. However, prioritizing health and safety during the pandemic and feedback from the community led us to withdraw our application in 2020. We have used the past two years to engage with and learn from community residents, schools, business owners and non-profit organizations. This time has provided us the opportunity to finalize the purchase of the land considered in our previous application, introduce additional property in Chester County and solicit input and approval from the state agencies responsible for regulating our three business units.

The community's input and Chester County's updated Comprehensive and Economic Development Plans have informed our revised approach. Luck Companies has prepared a new application which aligns to community goals, passions, and culture.

Our project will create:

- local jobs
- tax revenue for the county
- outdoor recreation areas for the community
- a community impact fund
- business park and retail space

Key amendments to our application include:

- **Down-zoning an adjacent parcel** to provide additional buffer from a northern residential neighborhood and facilitate agricultural education opportunities
- **New development to accommodate a market void** of medium square footage business park space
- **Large dedicated acreage** for governmental use, developed in coordination with the Board of Commissioners, and structured to facilitate citizen tax dollar savings

We are inspired by the opportunity to be longstanding members of the Chester community and look forward to continuing our conversation. We remain committed to collaboratively working towards a sustainable development plan that benefits Chester County now and for generations to come.

Sincerely,

Ben Thompson,  
Director, Greenfield Development

### Our Ask



**APPROVE A REZONING**  
to support a Quarry



**APPROVE A REZONING**  
to support a Business Park  
and Retail Center



**APPROVE A DOWNZONING**  
to eliminate industrial use and  
provide additional buffer for  
residential neighbors



**BLESS THE CREATION**  
of a Community Fund that  
administers 1% of annual net sales  
(of the Chester County Quarry)  
up to \$35k to Chester County  
Non-profits and initiatives



**BLESS THE CONDITIONS**  
of the associated rezonings  
to further ensure responsible  
actions and enable the donation  
of recognized acreage for  
Chester County Government use  
and growth

Conditions applicable to properties included within the Luck Stone Corporation (the "Applicant") application for rezoning of properties located in Chester County, South Carolina shown on the plan dated November 11, 2022, entitled "Proposed Zoning and Special Exception Plan" as (i) "ID1" containing 79.41 acres (the "ID1 Property"), (ii) "GC" containing 25.72 acres (the "GC Property"), (iii) "ID3" containing 247.87 acres (the "ID3 Property") and (iv) "AG" containing 90.39 acres (the "AG Property").

**Condition applicable to all properties:**

Prior to issuance of any County permits for development of the parcels included within the application for rezoning, the Applicant shall submit an application for subdivision/boundary line adjustment of all parcels included within the application for rezoning to provide for the adjustment of parcel boundaries by zoning classification so that no parcel shall be split-zoned (include more than one zoning classification) and that all parcels are in compliance with the County subdivision ordinance.

**Conditions applicable to the ID1 Property:**

1. Prohibited Uses. No portion of the ID1 Property shall be used for any of the following uses:
  - i. Grain Milling
  - ii. Reconstituted wood products
  - iii. Converted Paper Products
  - iv. Mineral and Earth
  - v. Misc. Nonmetallic Mineral
  - vi. Aluminum Production
2. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.
3. Entrance Landscaping and Beautification. The entrance to the ID1 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID1 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the GC Property and the ID3 Property to provide a consistent appearance for all such entrances.

**Conditions applicable to all areas rezoned to the GC classification (the "GC Property"):**

1. **Dedication of Property for Governmental Use.** Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County of one or more parcels containing a total of not less than fifteen (15) acres for governmental uses (the "Governmental Use Property") as generally shown on the plan included in this application entitled "Updated and Compiled General Development Plan". The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a current survey of the Governmental Use Property and payment of costs to prepare and record the deed of dedication. The deed of dedication shall restrict use of the Governmental Use Property to use by the County or other governmental entities unless otherwise approved by the owner of the ID3 Property.
2. **Entrance Landscaping and Beautification.** The entrance to the GC Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the GC Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the ID3 Property to provide a consistent appearance for all such entrances.
3. **Cemetery Access.** The cemetery located on the GC Property will remain undisturbed and reasonable access will be provided to relatives and descendants of persons buried in the cemetery for the limited purposes of visiting graves, maintaining the gravesite or cemetery or conducting genealogy research. Such access shall not include the right to operate motor vehicles on the GC Property other than within any driveways and parking areas as may be located on the GC Property from time to time.

**Condition applicable to the area rezoned to the AG classification (the "AG Property"):**

The Applicant will enter into discussions with representatives of the County schools to explore the use of a portion of the AG Property for an agricultural education program which may include the cultivation of trees or other crops to provide a hands-on learning experience. If the County schools are interested, the Applicant will work with the County schools in good faith to agree upon the terms and conditions of a lease of up to one half (1/2) of the AG Property for \$1.00/year for a term of up to fifteen (15) years or as may otherwise be agreed upon by the County schools and the Applicant.



**Conditions applicable to all areas rezoned to the ID3 classification (the "ID3 Property"):**

1. No portion of the ID3 Property shall be used for any of the following uses:
  - i. Biological and allied wholesaling
  - ii. Manufacturing of animal, chemical, gas, or arms and munitions
  - iii. Petroleum storage for wholesaling (except to supply uses on the ID3 Property)
  - iv. Fuel dealers, retail (except to supply uses on the ID3 Property)
  - v. Hazardous waste carriers
  - vi. Municipal solid waste landfill
  - vii. Airport
2. Entrance Landscaping and Beautification. The entrance to the ID3 Property from Highway 9 shall be landscaped in accordance with a plan to be submitted by the Applicant to the County as part of the site plan for development of the ID3 Property. The design and materials included in the landscape plan for this entrance shall be similar to the design and materials included in the landscape plans for entrances to the ID1 Property and the GC Property to provide a consistent appearance for all such entrances.
3. Screening and Visual Line of Sight. Mining activities and related uses on the ID3 Property shall be screened from visibility from Highway 9 using berms and landscaping or other means proposed by the Applicant and approved by the County in connection with the review and approval of a site plan for development of the ID3 Property.
4. Dedication of Easement for Public Park. Subject to and upon approval of the rezoning of the ID3 Property, approval of a special exception for mining activities and related uses on the ID3 Property and commencement of mining activities on the ID3 Property, the Applicant shall offer for dedication to the County an easement over an across the area containing approximately fifteen (15) acres (the "Park and Trail Easement") shown on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP") on commercially reasonable terms and conditions for a public park and trail system along Rocky Creek together with a right of access to and from Highway 9 as shown on the GDP. The County may accept the offer of dedication at any time within five (5) years after commencement of mining activities on the ID3 Property. If the offer of dedication is not accepted within such period, the offer of dedication shall be void and of no further effect. The Applicant shall be responsible for preparation, at its expense, of a survey of the Park and Trail Easement and payment of costs to prepare and record the easement agreement.

**Conditions for a Special Exception to Allow Mining Operations and Associated Uses on the ID3 Property ("Mining Operations")**

Development and use of the ID3 Property for Mining Operations pursuant to the requested Special Exception shall be subject to the following conditions:

1. Hours of Operation. Hours of operation shall be limited as follows:
  - (a) Extraction Area, Primary Plant and Equipment: 6:00 a.m. to 9:00 p.m. Monday through Saturday ("Standard Operating Hours") only except as provided below.
  - (b) Shipping, Loading and Limited Processing: Standard Operating Hours except as otherwise required in the event a federal, state or local agency or authority requests or requires that such activities be conducted during other hours.
  - (c) Processing Plant (secondary and/or finishing phases of plant operations): Hours of operation for the processing plant shall be unrestricted when operated without the use of trucks and loaders utilizing audible back-up alarms (when operated with trucks and loaders utilizing audible back-up alarms, Standard Operating Hours shall apply). Any vehicular operations during hours other than Standard Operating Hours shall be for processing activities only and shall not be for extraction activities.
  - (d) Blasting. Blasting shall not occur before 9:30 a.m. or after 5:00 p.m. Monday through Friday, except when a blasting charge has been set before 5:00 p.m. and is delayed due to reasons beyond the reasonable control of Operator or due to safety considerations. In such a case, Operator may then complete the blast after 5:00 p.m. but no later than thirty (30) minutes after sunset. There shall be no blasting on Saturdays or Sundays except to complete a blast where the charge was set and blasting delayed as described above.
2. Buffers. Buffers shall be provided in the locations and of the widths shown on the on the plan included in this application dated November 11, 2022 and entitled "Updated and Compiled General Development Plan" (the "GDP"). Buffers shall consist of undisturbed natural vegetation supplemented by berms, additional vegetation or otherwise as necessary to comply with the requirements of the mining permit (the "State Mining Permit") issued to Operator for Mining Operations by the South Carolina Department of Health and Environmental Control ("DHEC"). Encroachments into buffers shall be allowed for utility lines, roads, access points and such other encroachments or breaks as necessary to conduct Mining Operations in accordance with the State Mining Permit.
3. No Trespassing Signs. "No Trespassing" signs shall be posted and perpetually maintained around the perimeter of the processing and extraction areas. Signs shall not be more than 300 feet apart.
4. Wetlands. All necessary permits to allow disturbance of jurisdictional wetlands on the ID3 Property shall be obtained from the applicable governmental authority (e.g., U.S. Army Corps. of Engineers, Chester County Government, or DHEC).

5. DHEC Mining, Water Discharge and Air Permits.

(a) Prior to commencement of any land disturbance associated with Mining Operations, Operator shall obtain the State Mining Permit from DHEC. The State Mining Permit shall address all relevant issues including soil erosion, stormwater management, air quality and reclamation. Completion of the reclamation plan shall be secured by a bond posted with DHEC in accordance with its regulations.

(b) Prior to commencement of Mining Operations, Operator shall obtain an NPDES General Permit for Discharges Associated with Nonmetal Mineral Mining Facilities from the DHEC Bureau of Water pursuant to the Pollution Control Act of South Carolina and the Federal Clean Water Act which is administered by DHEC in South Carolina.

(c) Prior to commencement of Mining Operations, Operator shall obtain an Air Quality Permit from the DHEC Bureau of Air Quality to ensure compliance with the Federal Clean Air Act which is administered by DHEC in South Carolina. In connection with the issuance of the Air Quality Permit, Operator shall develop and implement a facility-wide plan for controlling fugitive dust and emissions from Mining Operations including process operations, truck traffic, storage piles, and any other areas within the ID3 Property where fugitive dust emissions can be generated. Fugitive dust generated from direct Mining Operations shall be controlled by wet suppression and/or dry dust collection systems. Fugitive dust generated by vehicular traffic within Mining Operations shall be controlled by the application of water or equivalent wetting agent to roadways and other traveled surfaces on the ID3 Property.

(d) Operator shall maintain copies of all federal and state records pertaining to permits and approvals on-site and, upon reasonable prior notice from County zoning officials, Operator shall make copies of permits and approvals to County zoning officials for review.

6. Entrance Road.

(a) Operator shall pave and maintain in good condition the entrance road providing access to Mining Operations from Highway 9 for a distance of approximately 1000 feet as generally shown on the on the GDP.

(b) Permanent access to Mining Operations shall be limited to a single point on Highway 9 as generally shown on the GDP and approved by SC Department of Transportation. The portion of such access located between Highway 9 and the area used for active mining may be shared by other uses as authorized by Operator.

(c) Operator shall inspect the intersection of the Mining Operations entrance road and Highway 9 daily for loose stone. Operator shall remove any loose stone material at or around the entrance road outside of the right of way of Highway 9 if removal can be completed safely and without interruption of traffic on Highway 9. Operator shall solicit the assistance of the appropriate agency (SCDOT, County Sheriff, etc.) with respect to removal of stone within the right of way of Highway 9 or as otherwise required for safe removal without interruption of traffic on Highway 9.

7. Monitoring Wells. Operator shall construct five (5) monitoring wells at locations determined by an independent qualified professional (i.e., certified hydrologist or

geologist) and approved by DHEC. A plan describing the procedures and timing of observance for the monitoring wells shall be developed by an independent qualified professional and approved by DHEC and to be followed by Operator.

8. Water Well Impacts. Upon submission of a formal complaint by an adjacent property owner or as requested by the County, pursuant to the State Mine Permit DHEC shall determine if any activity associated with Mining Operations has caused a well or wells on the adjacent property owner's land to become dry. If DHEC determines that Mining Operations has caused the drying of the property owner's well, Operator shall be responsible for providing an alternative water source (e.g., drill well deeper, new well, or connect to public water source at the discretion of Operator) for the aggrieved party at Operator's expense.
9. Blasting.
  - (a) Blasting Data shall be monitored and recorded for all blasts, shall be maintained on-site at the scale house for a period of three (3) years and shall be made available to County zoning officials for review at the scale house. Blasting Data shall include the time and date of blast, pounds of blasting material per delay, total pounds of blasting materials per blast, seismograph readings of ground vibration levels and air over-pressure levels in decibels.
  - (b) Operator shall provide notice prior to the first blast associated with Mining Operations (not site development/construction) either by (i) written notice via direct mail to all property owners and/or occupants of existing dwellings within one-half (1/2) mile of the areas where blasting will occur or (ii) advertisement two (2) times in a local newspaper of general circulation at least ninety (90) days prior to the first blast associated with Mining Operations blast. Upon receipt, pursuant to the above described notice, by DHEC and Operator of a written request from the owner of any existing structures within one-half (1/2) mile of the areas where blasting will occur, a third party consultant selected and engaged by Operator shall conduct an inspection of the applicable structures to determine the structural condition of the structures prior to the first blast associated with Mining Operations. The property owner shall have the right to supervise the inspection by the third-party consultant and shall be provided with a copy of the consultant's report.
  - (c) Ground vibration caused by blasting activity shall not exceed the maximum peak particle velocity allowed pursuant to South Carolina Code of Regulations Section 89-150(E) as measured at the immediate location of any dwelling, public building, school, church, or commercial or institutional building existing as of the date of approval of the Special Exception to allow Mining Operations. The maximum peak particle velocity requirement does not apply to structures within the permitted area, or any area that is owned or leased by Operator or any structures on which Operator has acquired waiver to damage rights.
  - (d) If a formal claim is made by any private or public landowner that the landowner or the property (real or personal) of the landowner has been damaged by blasting activities associated with Mining Operations, whether by ground vibration, air over-pressure or otherwise, an independent, qualified professional with experience in the effects of blasting shall be engaged to determine if any damage was caused by blasting activities associated with Mining Operations. If it is determined that damage was caused by blasting activities

associated with Mining Operations, Operator shall correct the damage or reimburse the landowner for such damage. The amount of any reimbursement shall be determined by an independent, competent professional with expertise in estimating the damage (for example, a licensed builder or building contractor where the damage is to a residence). The independent professionals performing assessments pursuant to this paragraph shall be agreed upon by both Operator and the property owner and retained at the expense of Operator.

10. Lighting. Exterior light fixtures associated with Mining Operations shall be of a type and installed in a manner to reasonably minimize light spillage from Mining Operations onto adjoining parcels.
11. Noise. Airborne noise produced from Mining Operations other than blasting shall not exceed 80dba of continuous noise for greater than five (5) minutes at any one time as measured along the northern and western boundaries of the ID3 Property (the "Noise Limit"). The Noise Limit shall not apply to individual events lasting less than five (5) minutes. Operator shall install monitoring devices on the northern and western property lines of the ID3 Property to monitor decibel levels to assure that noise from Mining Operations does not exceed the Noise Limit.
12. Reclamation Plan. As a condition of the Special Exception, the reclamation plan approved by DHEC as part of the State Mining Permit shall be complied with by Operator, including, but not limited to, the following tasks which shall be completed upon completion of Mining Operations:
  - (i) all debris, scrap metal, concrete foundations, sidewalks and structures will be removed and
  - (ii) the stockpile, office and plant areas will be graded, sloped back to as natural a contour as reasonably possible (but no steeper than a 3h:1v slope) and seeded. Perimeter berms and buffers may be left in place and the pit area may be allowed to fill up with water.
13. Community Interest Engagement Group. Operator shall work with interested parties in the community to establish a Community Interest Engagement Group (the "CIEG") comprised of representatives of homeowner associations or similar residential groups and interested individual property owners located within a two (2) mile radius of Mining Operations. Operator shall facilitate meetings with the CIEG on a quarterly basis or as otherwise mutually determined by Operator and the CIEG to allow for information exchanges with respect to historical Mining Operations, future plans for Mining Operations and other community issues or opportunities of concern or interest of the CIEG and Operator. This condition is intended to provide a forum for communications among the CIEG and Operator and does not grant any approval rights to the CIEG with respect to Mining Operations.
14. Community Fund. Annually, Operator shall contribute the lesser of (i) one percent (1%) of the adjusted net sales of construction aggregate materials excavated from the ID3 Property and sold to third parties during the year or (ii) Thirty Five Thousand Dollars (\$35,000.00) to one or more organizations within Chester County in support of local Chester County non-profit initiatives, workforce development programming or general community improvement opportunities. This funding will be managed by Operator and distributed to organizations selected by Operator after consultation with the CIEG. For purposes of this condition, "adjusted net sales" shall mean total sales dollars of construction aggregate materials mined or extracted from the ID3 Property excluding any transportation (whether by truck, rail or other method), hauling, loading or unloading charges and less deductions for cash discounts, price

adjustments, additive materials, allowances, volume discounts and sales, use and other similar taxes or governmental charges. Annually, a report of contributions made by Operator pursuant to this condition shall be provided to the CIEG and to the County.

Chester County Planning Commission Minutes

December 20, 2022

**CCMA22-34 Luck Companies request a portion (1.01 acres) of Tax Map # 089-00-00-001-000 at 1295 Lancaster Hwy., Chester, SC 29706 to be rezoned from Rural Two District (R2) to General Industrial District (ID-3). Commissioner Howell motioned to approve, second by Commissioner Grant. Vote 5-0 Approved.**



**Chester County, South Carolina**  
 Department of Planning, Building & Zoning  
 1476 J.A. Cochran Bypass  
 Chester, SC 29706

**Zoning Map Amendment (Rezoning) Application**

Fee: Residential \$150.00, Non-Residential \$300.00, Planned Development \$1000.00

Meeting Date: 12-20-22 Case # CCMA22-34 Invoice # 5948

The applicant hereby requests that the property described to be rezoned from R-2 to ID-3

**Please give your reason for this rezoning request:**

Zoning amendment enables economic development upon the property. Please see included "Luck Companies Chester County Economic Development Project Rezoning and Special Exception Application and Conditions"

*Copy of plat must be presented with the application request*

Designation of Agent (complete only if owner is not applicant): **I (we) hereby appoint the person named as applicant as my (our) agent to represent me (us) in this request for rezoning. A Corporate Resolution letter or a permission letter must be presented at the time of application request. NAICS CODE:** \_\_\_\_\_

**Property Address Information**

Property address: 1295 Lancaster HWY Chester, SC 29706

Tax Map Number: 089-00-00-001-000 (portion) Acres: 1.01 Acres Rezoned to ID-3 out of total 10.36 Acre Parcel

Any structures on the property: yes  no \_\_\_\_\_. If you checked yes, draw locations of structures on plat or blank paper. See attached "Proposed Rezoning and Special Exception Plan" for aerial photo

**PLEASE PRINT:**

Applicant (s): Luck Companies

Address PO BOX 29682 Richmond, VA 23242

Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Owner(s) if other than applicant(s): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ cell \_\_\_\_\_ work \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**I (we) hereby agree that this information I (we) have presented is correct. Insufficient information may result in a denial of your request.**

Owner's signature: [Signature] Date: 11/11/22

Applicant signature: [Signature] Date: 11/11/22

**CANCELLATION MAY RESULT IN AN ADDITIONAL FEE OF \$150.00. SOMEONE MAY REPRESENT YOU AT THE MEETING.**





## **Chester County, South Carolina**

Department of Planning, Building & Zoning  
1476 J.A. Cochran Bypass  
Chester, SC 29706

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Date: November 29, 2022

From: Chester County Planning Development

1476 J A Cochran Bypass

Chester, SC 29706

803-581-0942

Reference: # CCMA22-34

Please advise that applicant Luck Companies has made an application with Chester County Planning Commission to rezone property located on 1295 Lancaster Hwy, Chester, SC 29706.

This property is identified as Tax Map # 089-00-00-001-000. The property is currently zoned R2 (Rural Two District), and the request is to change a portion (1.01 acres) of the zoning to ID-3 (General Industrial District).

This application will be presented to the Planning Commission at its December 20, 2022, meeting. The meeting is scheduled to begin at 6:30 PM at the R. Carlisle Roddey Complex in the Council Chambers. Adjoining landowners are invited to attend.

Please see the attached map for the location of the request is drawn in black with an X in the middle.

Thank you,

Chester County Planning Department

Telephone: 803-581-0942

Fax: 855-930-0979