

Chester County Planning Commission Minutes

February 28, 2023

1. **Call to Order** – Chairman Raines called meeting to order.

Quorum Established: Chairman Raines, Commissioners, Azzie Lee Hill, Carolyn Williams, Nancy Walley, Marvin Grant, with Douglas Josey and Shawn Hough present but unable to vote due to training required, and County Attorney Joanie Winters.

Staff: Mike Levister, Jaime Chappell, and Karen Lee

2. **Approval of Agenda** – Chairman Raines motioned to approve, second by Commissioner Williams. Vote 5-0 to approve.

3. **Approval of Minutes from December 20, 2022, Meeting**

Planning Director Mike Levister With the members that was missing on December the 20th meeting. and with the new members that were appointed, you'll never have a quorum to vote. So as the zoning administrator talking with Joanie Winters, I'm going to have to use my authority to approve the minutes.

County Attorney Joanie Winters stated we don't have a quorum to vote. Because of the transfer from one year to the next. We've checked the statute and the ordinances and Mr. Levister has the ability to approve them. We think it's the first time really that's ever happened. But if we can have the record reflect why you came up here and did that that would be helpful.

Quorum not established due to previous members absent that who were present for the December 20, 2022, meeting. Approval of minutes by Planning Director Mike Levister.

4. **Approval of Minutes from January 24, 2023, Meeting** – Commissioner Grant motioned to approve, second by Commissioner Walley. Vote 5-0 to approve.
5. **Election of New Chairman** - Commissioner Hill made a motion to elect Robert Raines as Chairman; seconded by Commissioner Walley. Vote 4-0 to elect Robert Raines.
6. **Election of Vice Chairman** - Commissioner Grant made a motion to elect Azzie Lee Hill as Vice Chairman; seconded by Commissioner Walley. Vote 4-0 to elect Azzie Lee Hill.

7. **New Business**

- a. **RNC23-01 Jerry and Kristie Jacobs request naming an Access Easement on Tax Map #093-00-00-001-000. The name requested is Razorback Ridge and approved by the 911 Address Coordinator.** Commissioner Grant motioned to approve, second by Commissioner Walley. Vote 5-0 to approve.

- b. **CCPCLDP23-01 Chris Bridges, PE request approval of Preliminary Plat for Land Development of Tax Map Numbers 079-04-02-020-000, 079-00-00-032-000, and 079-04-02-088-000.**

Chris Bridges PE stated he was with R J Harris, address 13215 Poncha Train Ave., Charlotte, NC. The preliminary plat drawings that we've presented have followed the approved rezoning plan. Don't know when that was approved and has also been reviewed by planning staff and subsequently approved.

Chairman Raines stated so you've had several discussions with them, and you've come to an agreement that this meets all our requirements and things that you're willing to do to develop this property?

Mr. Bridges answered Yes.

Commissioner Hill motioned to approve, second by Chairman Raines. Vote 5-0 to approve.

- c. **CCMA23-01 Advanced Chester, LLC request Tax Map #145-00-00-090-000 at 510 Junior's Place, Richburg, SC 29729 to be rezoned from Limited Industrial District (ID-2) to General Industrial District (ID-3).**

Andrew Rogers stated he was with AECOM, an engineering firm out of Columbia, South Carolina. The address is 101 Research Drive, Columbia, South Carolina 29203. This statement shows, if you accept it will apply for the next two items on the agenda 02 and 03. One second while we set up an exhibit.

Chairman Raines asked Mr. Rogers if he was saying that the same business applications go with that property also.

Mr. Rogers said yes.

Mr. Rogers stated the proposed I believe you guys have an exhibit in your packets if that's in front of you as the same exhibit that we're presenting here. The proposed development is for an industrial process, industrial facility. The proposed development will include administrative buildings warehouses that will store non-processed material storage areas for the finished goods and railcar loading. The site is a 700-acre site, and a significant buffer has been planned around the perimeter of the site. We're not allowed to say the company name. Confidentiality is inherent to their processes. They're under a site selection process right now and there's a good bit of economic development activity surrounding this project. The company is however a domestic company and looking to create a community partnered development. The company has a proven track record of safety and environmental stewardship. And we'd be happy to answer any questions you may have regarding this proposed development.

Commissioner Grant stated since you are going to ID-3 that lets chemical plants in as well. Is that right Mike?

Planning Director Levister said yes.

Commissioner Grant asked is any of that planned or is this just a processing warehouse facility?

Mr. Rogers stated the company we use chemicals in this process however, it's not a chemical processing facility.

Commissioner Grant asked what their process would be?

Mr. Rogers stated we are not allowed to say that at this time due to confidentiality.

Commissioner Grant stated that you're asking us to prove it through you without knowing what's going in there.

Mr. Rogers answered yes sir.

Chairman Raines stated in your opinion, the chemicals that we'll be using is there anything that would be considered overly dangerous.

Mr. Rogers stated no sir that the community has, I mean the company will follow any of their standard industrial processes to protect against such concerning items. There are lots of regulations in place to protect against such things that I think Mr. Grant is alluding to.

Commissioner Grant stated you plan a buffer around this facility. Is that correct? And how far away would it be from the property line?

Mr. Rogers stated that's correct. As it's shown that's 1000 feet to comply with. That is 1000-foot buffer.

Commissioner Grant asked how high is the buffer going to be? Are you going to build a berm or what?

Mr. Rogers stated that's just the footage from the property line that's proposed at this time with this application.

Chairman Raines asked would it be trees and things?

Mr. Rogers stated trees that would inhibit any noise or for light or any of those items.

Chairman Raines stated no berm but leaving the vegetation that's in place.

Mr. Rogers stated although I guess the final layout is still in the works. So that is a conceptual layout to show the conceptually planned development.

Commissioner Grant stated so y'all have already cleared the corner what is that number nine and Bryant Corner Road. Is that correct?

Mr. Rogers stated he thinks that was a different development that was planned for a spec building and that has now ceased.

Commissioner Grant stated that there is no buffer between Bryant Corner Rd other than trees. Is that what you are saying?

Mr. Rogers said at this time, yes sir.

Commissioner Hough stated so you're saying that parcel on the corner there, but it's gonna become part of the entire thing now, is that what you're saying? Are there any plans in the future to reduce that buffer? Is that kind of gonna be slated to remain there?

Mr. Rogers answered yes and stated there's another application that would, you know, offer, or ask for a variance and special exception. At this time, we're just asking for the rezoning of the parcel.

Commissioner Hough stated so I'm just asking this question. So, is it going to stay the 1000 or is that going to change?

Mr. Rogers stated that there was a proposal on the table to change the 1000 for certain classifications of the development.

Commissioner Hough asked what was that? Do you have any idea where the new buffer would be with that change?

Sarah White stated Global Location Strategies. 310 Mills Avenue, Greenville, South Carolina. I just wanted to add a little bit more context on that. So, the original side that the spec building that was not us that clear that but that has now since been added to the property there. So, we're currently still going through iterations of looking at maximizing the layout while also leaving the buffers there. And so, we're looking at a possible variance application, but it would still keep the core processing in within that buffer there so that would be more for administrative type uses that would be closer to the road on that. Warehousing to sorry so it'd be more of those non process parts that would encroach that.

Chairman Raines stated that so long story short things it would be permitted under current zoning, so to speak, would be a shorter setback than the ID-3 purpose you are asking for.

Ms. White answered Yes, and the others would be closer to you. They would be in the core of the site there. So, that's what we did when I knowledge that it would be with it would adhere to the normal setbacks for administrative or warehousing type facilities.

Commission Hough stated that the reason I asked that was because that road is so heavily residential there. The other question I have is, is the access for this site going to be off 9 or is it going to be coming off Bryant Corner Rd?

Ms. White stated that yeah, and I think those are still working through in the layouts and actually going through a traffic analysis right now to see what would be the best configuration on that we don't anticipate traffic impacts, or you know, very minimal would be working with DOT and Chester County to make sure those are minimal during construction and operation on that. So, but that's what is continuing to look to the layout we would work with the county on that.

Commissioner Grant stated that I don't believe Bryant Corner Rd is built to stand trailer trucks now. Do you know where the access points are going to be.

Ms. White stated that yeah, that's what and that's what the impact analysis is looking at right now to see if any improvements are going to be needed to the different interchange. So, I think we're looking at where to put those admin and warehousing on that. A lot of it's also looking at there's going to be rail on site. So as part of the logistics analysis to see how much can be rail versus trucks and passenger on that.

Chairman Raines asked what would be your rough percentage of the business you're gonna do would it be half of it be rail and half of that be truck.

Ms. White stated that they're still working through that from raw materials and origin destinations on that and so I think there is, you know, a leniency trying to put more on rail just from different congestion, different things EST all of that, looking at that from that criteria to minimize the traffic they are but we're still working through those volumes and understanding that as part of that overall logistics analysis right now.

Mr. Rogers stated that did you see the two areas that are marked there but to your point Bryant Corner is not rated or road that we put down, you know, have industrial traffic running through as the results of the traffic study may show that improvements are needed online to accommodate such an access. But that's something that's still in the works.

Commissioner Hough stated that we see that you got juniors place here. Is that the initial points of entry planned.

Mr. Rogers stated that again the results of the traffic impact analysis might show that where we were the facility would need entrance improvements or not so just know.

Commissioner Hough stated that coming in on Bryant Corner Rd that'd be detrimental. Yeah, that would pretty much be pretty tough for everybody living there.

Mr. Rogers stated that there's a kind of a turnaround access right there now, and that that kind of opens up to junior's place that might shift as a result of the traffic impact analysis come to fruition.

Ms. White stated that juniors' place was left from that spec development. So that was that original. So that's why that's still in you know incorporating that into the layout to see where it would be the least impact locations for industrial traffic and passenger traffic.

Chairman Raines stated that which your intention is to have your main access off number nine with some improvement to the road based on a traffic study?

Mr. Rogers stated that yes, sir. At this time, what we know is that the intention is to have the main access off of 9. Did I effectively answer your question, Mr. Grant?

Commissioner Grant stated that if it was accessed off of 9, I would like that better. But you already got you already got a railroad. So, it looks to me like a railroad new railroad crossing there as well.

Ms. White stated that yes, and we're evaluating the rail crossings, including a bridged crossing that would go over the highway as well. So that's part of the analysis right now to limit impacts.

Commissioner Grant stated cause historically railroad crossing runs in Chester County not quite what we're gonna be desired because they're all rough. So, what can you say in possibly a bridge over this rail railroad?

Ms. White stated that one of the alternatives that we're looking at for the rail crossing is to bridge it over Highway 9 into the site. So, we're looking at all the different things from an engineering perspective, again, working through the layout and, you know, trying to see what's the best way or at least impacts on that. But one of those is a bridged grade separated crossing.

Commissioner Grant asked who would require you to do the bridge?

Ms. White stated that well, I think this is something that the company is looking at, they would work closely with the rail provider and DOT to look at you know, the best location for that for that rail crossing.

Commissioner Walley asked what kind of traffic are we talking about going to the industry?

Ms. White stated that employee traffic will be spread in a 24-hour facility. So, it will be spread over two 12 hour shifts, and so there'll be more from the passenger and again, going back to is going to depend a little bit more on the rail and truck combination, looking at the logistics on that. So those numbers haven't been finalized quite yet. But it will be spread over you know, again, 24 hours and once. So, we'll work the company we also work with the rail provider to also look at when our optimal times for things you know, and from trucks and things just when our optimal times from traffic schedules, sporting events, different things like that to minimize that.

Commissioner Walley stated that normally for this, whatever this company is, you would have a good many tractor trailer trucks and rail both.

Ms. White stated that there's a mix of both. And so, this one and this is where they're really looking at optimizing on the rail for this one to really put more, take more trucks off the road and really put them more on the rail.

Commissioner Williams stated that since you're going to be operating 24 hours, 12-hour shift. Isn't there a school down there? How would that affect the school?

Ms. White stated that's what they'll look at. All of those into consideration when they're looking at the impacts.

Chairman Raines asked would the shifts be from 6 to 6?

Ms. White stated that I don't have the exact times, but I think that's something that they would look at to understand what would be any impacts around the area on that and when would be those optimal times.

Commissioner Grant stated that so, you got trucks coming in and out and railcars coming in and out 24/7, is that correct?

Ms. White stated that it is a 24/7 operation. I don't know the exact schedule of when trucks would be coming but is a continuous operation.

Commissioner Grant stated that you're not putting a berm between the railroad between this unloading rail car thing and Bryant Corner Rd. You're not putting a berm in that?

Mr. Rogers stated that's not known at this time. That would be vetted during final design. With the county that's something that the company could potentially put in but again, that's unknown presently. I think the intent is to put have trees either replant the area that was previously cleared or some sort of vegetative buffer to shield any light noise. That sort of visual aesthetic, you know from highway 9.

Chairman Raines asked does your design as far as the plant or the facility, take into account lights it will have so much glare and you know they'll let the New Age type thing.

Mr. Rogers said yes sir. There will be a photometric study performed. And that just means you know, taking the what the intensity of the bulbs that will be used, how far their effective brightness will be, what area they will affect and then also to the intent is to point the lighting inward to minimize that. But yeah, there will be a plan engineering type plan drawn to help with that.

Chairman Raines stated that going back to the buffers and the setbacks. How would you determine which piece of property the setbacks stayed the same and which were reduced on? Is that going to be based on the codes in the book? The NAISC or whatever you call it codes?

Ms. White said yes. And that's what I think the intention is to put more of the administrative and warehousing parts of that process if you see that indicating those would be the areas that would encourage more of the 1000-foot setback those would be more of those more typical setbacks. I'm trying to say 150 feet off the top of my head for that for those uses. And so, but again, the core of the site would be in the processing in the center of the site and so that would be more within that larger buffer.

Chairman Raines stated that would be presumed we're also talking about berm sources, regular buffers, right? In that bottom right hand corner. And that's a way to sort of take the neighbors a little bit, give them some relief from such a change in the from what it is now to a heavier usage.

Ms. White stated that's what the site's over 720 acres and so that's larger than what's needed. So that's why we had that to accommodate and then just to have that buffer there, the natural buffer.

Commissioner Hough stated I have one final question. I'm sure if your plan is to reduce the buffer on is there going to be on the Bryant Corner side, you're gonna be reducing the buffer or is it gonna be an entire site, reducing the buffer, and if you're reducing the buffer on the Bryant Corner side to do administrative stuff, then is the traffic and administrative stuff going to dump onto Bryant Corner Road? That's my main question is really what how it's gonna affect that. I mean, I understand DOT. I do commercial construction, so do to handle the traffic with the decell lines and stuff like that. I'm not concerned about any of that. But it's more about how's it's going to affect that residential area, you know what I mean? For the people over there. There's also a small parcel on the opposite side of Bryant Corner Road that is part of this zoning. Is it part of that plan of any at all because at that point, isn't wrapped around residential area. So, is that at that point? Is it a part of any plan or is because it's going to have that same zoning at that point?

Ms. White stated that it would have that same zoning because it is part of that same tax parcel, but there's no intention to do. There's no development on that, as of now. So, all the layouts do not have that. So, again, I think on the logistics, I'll have to go through and understand that there's any improvements for Bryant Corner if it is just some passenger traffic there or anything on that when looking at what that layout will do. But it really again, it's just more of those administrative type of uses that would encroach more on that I think industrial traffic would be separated.

Chairman Raines asked if there were any further questions?

County Attorney Joanie Winters stated that Mr. Chairman, I have a question. And it really doesn't have anything to do with design. So, your letter to planning, building, and zoning indicates that you have an option on the property. So, you've got a prospective purchaser on the property with an option. And if they don't go through with the purchase, then you're saying that you would ask for a reverter back to its original classification, which is very common with this commission is what they do. They put reverter clauses on when they approve things like this. If they approve of things like this, I'm confused. It does say that you're going to notify Planning and Zoning no later than November 30, 2023, to trigger that reverter clause, the appraisal card says the date of sale is January 12, 2024.

Ms. White stated so that would be, so the project is still on the site selection decision process right now. And so, we would anticipate that a decision would be made by that timeline. And so, then we could say, we are coming, or we aren't coming in case the reverter clause needed to go ahead. So, that would be more of that timeline of when a decision would be made from site selection.

County Attorney Joanie Winters said Okay, thank you.

Chairman Raines asked is that going to restrict our reverter clause.

County Attorney Joanie Winters stated that now and there they are suggesting that they be given a reverter clause, which y'all normally do anyway? And for those of you who are new on the commission, the reverter clause is very common. It's if y'all say that if you don't go, if you don't develop within a certain number of months if you change what you're applying for, what the purpose of this business is. So, we've had businesses that were, I don't know, we don't know if you have any examples. But the business is X, and it changes to Y they lose the new zoning classification automatically reverts back to the original zoning, and these folks are actually asking for that to automatically occur. But no wouldn't restrict.

Chairman Raines stated that so can we just make a general statement that it will revert if it doesn't, property is not purchased, then whatever date it reverts back, we don't need to set a date necessarily in this instance.

County Attorney Joanie Winters stated that they don't go into operation or don't start construction within a certain period of time where we can talk about what that is reasonably and may maintain the NAICS code that they've applied for. So, if they deviate from the NAICS code which is 32518, then it could be subject to reverter.

Chairman Raines asked do we need to specify all that language?

County Attorney Joanie Winters said yes.

Chairman Raines asked if there were any further questions.

Chairman Raines stated okay, I got Scott Rice. Are you pro?

Scott Rice stated from the audience that he was seeking information.

Chairman Raines stated Go here real quick. Okay, so we have four sign ups opposing and two Pro. Think they're all the same. These are three cases. So, for purposes of discussion, we're going to be considering CCMA23-02 for tax map number 145- 00-00-007-000 and also CCMA23-03 for tax map 135-00-012-000. Both of these properties are Richburg Magnolias, LLC, located on Lancaster Hwy. And like I said all three of these parcels are continuous. It is the whole requesting rezoning from ID-2 to general industrial ID-3. So, Brad, are you present, would you like to speak? Okay, state your name and address so we have it here for the record, and if you can try to limit it to three minutes or so be as brief as possible.

Brad Hubbard stated he lives at 4692 Bryant Corner Rd., Richburg South Carolina. In regard to 23-01, 23-02, and 23-03, as the looking at the proposal they had up here on the easel. There was a truck loading road down at the end of Bryant Corner Road. It came to Bryant Corner Road. And Bryant Corner Road is eight tenths of a mile. That truck loading zone appears to be after those eight tenths of a mile. In regard to the lot that already has the proposed spec building on a 22-acre lot. According to that diagram they had up here it was 1000-foot setback. That prepared ground is within 200 feet of Bryant Corner Road.

So, it's well within or outside the setback however you want to put it the 1000-foot setback that whole entire property is inside that 1000-foot setback that they've already prep gone. Somebody else. Not these people. As far as the property there, is anyone aware there's monitoring wells on this on the 22-acre lot and adjacent lots across highway nine or across Bryant Corner Road monitoring wells for leaking tanks from across the road years ago. I guess that had been come up tested hot so to speak. The environmental assessment on this property, this 700-acres has that been done. Does the county request that, is the state request that when this land was first rezone to ID-2 in 2018. There was a bald eagle standing there, right, right on the side of that road across from ATI. There are woodpeckers over there every day. What kind of woodpeckers I don't know couldn't tell you. There's a bunch of wetlands on this property. There's a bunch of creeks that run through this property and run off from this property from Highway nine from Bryant Corner Road. What's going to be done with the wetlands, the rail cars, trucks 24 hours a day. I didn't buy that property but put up with it to listen to that. I understand that progress is progress, but there's no need to rezone something in the name of progress just for progress's sake. Where if there were these assessments, environmental site assessments where they have you all seen them, have you all looked at them? Are they available to you? They're asking to rezone this property, yet they don't know what they're gonna do with it yet. These chemicals I said are not going to process chemicals but to bring in chemicals on a copy of the properties. Is that going to be held in the railcar? Is it going to be held in the warehouses? Are the county and local emergency services prepared for this? What they bring on this property? This property, the back of this property borders fishing Creek if someone had fishing Creek drains in the Catawba River. Catawba River is where Chester County gets its drinking water along with serving it to its parts to York and Lancaster County. And then you got Great Falls down the way. I have some notes here as far as the question. About the two Oh ask if there is a there's 1000-foot setback right now is there in the plans to reduce that well right now there's yes there's meetings requesting from the set the setback or buffer to be reduced from 1000 feet to 700 feet on most of their property. Then on the site that's already prepared or has a prep site on it. They're asking that the site itself to be reduced from 1250 P. So it's already prepared by another company that's well within or outside of the 1000 P set. I have those numbers here CCSE, CCB, I think they were all 2301 2302 2303 also that's coming up March 14. Thank you.

Julie Moore stated that she lives at 642 Chips Meadow Loop, Richburg. My concern is they say chemical plant, but the zoning would allow for mining. You know the schools are within 3000 feet of the border of the property off of Sloane road. Chemicals vapors, you know, sports fields are all right there. In addition to what he had said. No, I have lots of other concerns. They've been told a lot of them. You know, chemicals, you know, they can't state what they are.

Chairman Raines stated that It's my understanding that, it's all within code and the usages code will be stated later. And they'll at that time, the generalizations will be taken away and they'll be given permission based on what they're applying for. And mines and things like that would be a totally different ballgame. They would have to come back and seek special exemptions for it.

Julia Moore asked what kind of chemical it is.

Chairman Raines stated that chemicals are allowed under ID-2. Which is done and for now. I mean, I don't think anybody's even hinted it is going to be at a chemical company. But I mean chemicals are used in just

about everything. Right? I think that's the angle was being looked at from the yes, there's chemicals involved, but it's not. It's not Sequa chemicals or whatever. Cross the streets call now. It's not that type of facility. Is what I'm hearing.

Marc Player was next to speak, and he said his questions had already been answered.

Barry Strickland stated that here for 2712 Bryant Corner Rd which is supplied by well water. I think a number of other homes around the area to or supply about private well water is not a water sewer brought to that area from the municipal standpoint. We are concerned about blasting, how much blasting, drilling, and indoor boring will be taking place, because we have fractures in a lot of rock in the area, we've seen certain projects stay under a grinding halt because all the net of the minerals they run into and we have fractures and rock lines we have the opportunity for water, groundwater to infiltrate well water at a quicker pace before we get perk out. We are concerned too about the traffic going up and down the road. He said we're going from Highway Nine that will provide it will need to an interchange to do that but at the same time if they come up Highway Nine. It was that guy's name of the corner spot out the other somebody's what's the name of the park where they enter Highway Nine. it was called something. It's the parcel that they bought had a name and something. Is juniors place far enough away from Bryant Corner for them to be able to have a steady interchange? Are we gonna have no changes at both places to get there from Bryant Corner. I mean it's at the proximity to range about how we're going to be able to make this 24/7, school, and residential area be able to blend now we're going to set up we'll rattle our country stretch of highway and have two interchanges side by side as the discussions that don't have answers to but mainly the mainly the well water.

Chairman Raines asked you have sewer and well water. Everybody on the street has that set up for there. It's not a community well, its individual wells.

Mr. Strickland stated that it's individual wells. 4712 has individual well.

Chairman Raines asked if there was anyone else opposed?

Mr. Hubbard stated from his seat that everyone on Bryant Corner Rd had individual well and individual septic. No public water or sewer.

Chairman Raines state that the next two speakers are in favor of this.

Kris Phillips stated that he lives at 6921 Wanamaker Lane in Charlotte, and I'm the Assistant Director of Economic Development for Chester County. I appreciate having the opportunity to stand up here and speak this evening to you all. To answer an earlier question, we have done an environmental study. We've done an endangered species assessment. We've done wetlands delineation and assessments on this property. So, all the things that have been looked at and a lot of that is built into the design that this company had up here. When we look at recruiting businesses for Chester County and recruiting industry to Chester County. It's very important to us that we recruit businesses and industry that we as a county can be proud of. We don't recruit. Economic development does not actively recruit things like slaughterhouses. Companies that are going to be dangerous for our communities, as well as companies

that are going to be dangerous for our environment. Looking at the air, looking at the water, looking at the land, all across the board. What we have with this project is a company that checks all our boxes and that we can be very proud of to have here. Throughout this process and I've been working on this project for almost a year working with this company. Working with their consultants. Working with their engineers. The company itself across that time has been vetted by the Department of Commerce in South Carolina, as well as us utilizing the resources that we have available to. To make sure that this is a good fit. When we look at this company, they take the environment extremely seriously. They're great stewards of the environment all across the board and all through operations. As the gentleman who spoke earlier pointed out, this is a domestic company. It's a United States company. Founded in it's based in the southeast, and right now they're looking at a number of locations including Chester County, as well as some locations in two other states. At the end of the day, this is a company that would be a great community partner. They've already started working within the community to see that if Chester County is a selected location, how can they help with our school systems? How can they help kind of go in and provide that support for the children of Chester County as well as all the citizens and supporting nonprofits and things of that nature? And again, that being an environmentally conscious company, they're very aware of the schools that are nearby. And part of again, part of the design part of looking at the logistics of trains and trucks. They are working with firms to take into account things like when does school start, when does school let out, looking at sporting events, things of that nature, the L & C railroad in particular has been instrumental and kind of looking at train schedules and make sure that they're that those impacts aren't existing and or at least, at most minimalized and that's also where the discussion of looking at bridging the rail over Highway Nine to the site came into play and an effort to help minimize some of those impacts. The last thing that I'll say, and this is extremely important, is that this company is looking to make a generational investment in Chester County. From not just from a financial perspective, this is a project that would generate significant revenues for the county and both building, equipment, all across the board, but also to create a lot of very good high paying jobs. You know, when we look at companies that are coming into Chester County, we're not looking to attract companies that are going to pay below average wage for Chester County. This company in particular has outlined a plan to hire very high-level positions that are going to be paying, you know, very high wages very good wages. So, while it does seem that because we are under nondisclosure agreements as they're going through the process to help protect the company from competition and things like that. Please, I implore you to be assured that this has been looked at from all angles, both on a local and state level. And again, this is definitely a project and a company that we can be proud of that to call a Chester County company. So, thank you very much for your consideration.

County Attorney Joanie Winters stated that if we could just let the record reflect that we did afford everyone at least five minutes typically we it's three but we did allow five for any speaker that wanted to take that time. Also. I would just let everybody know that this is the public hearing tonight. And I think Mr. Raines did elaborate on that, but this is the public hearing. There is not a public hearing in front of Chester County Council. They will review the requests and they will have three readings but there will not be another public hearing. We just want to make that clear.

Chairman Raines stated Mr. Rice can you step to the podium please? So, we can have it on record. Please state your name and address.

Scott Rice stated that he lives 4627 Betty Dixon Road, Richburg. Thanks for letting me speak that I was getting passed over there for a minute because I didn't declare pro or con.

Chairman Raines stated that I didn't think you thought you were just here to listen.

Mr. Rice stated that here to get information, so I do have some questions that I'd like you guys to consider. So that's okay, I raised my hand you'll give me a chance to appreciate or be brief. I don't have any prepared, but you know, generally this is this is sounds like a major decision here a lot of acreage being affected. You're talking about bringing rail across a four-lane highway. I don't know when the last time that happened, if ever in Chester County. That's a pretty major deal right there and, you know, bridges across highway Nine. I'm skeptical, whether that's gonna happen or not. But anyway, you know, I appreciate the confidential nature of the client and the business and all that stuff, but the information was pretty, pretty bland, pretty sketchy. So, as you know, 720-acre parcel, rail access, you know, chemicals, that's all we know. I'm pretty sure some more information can be disclosed to you guys. So, you can make an informed decision. Another thing I don't really get is a 700 plus acre parcel the client I guess if you want to call it that, so they don't need all that parcel. Well then why do you need to rezone it? All you know how about the parcel across Bryant corner. Why don't you leave that Id-2 or whatever it is. The admin building doesn't need to be ID-3. So how about you break it up and only rezone ID-3 what you need? And I definitely have concerns about you know what this industry is what they're bringing in how many jobs haven't heard that number? You know, what's the economic impact? I'm not anti-industry, I mean, industry feeds my family. So, I just I'm seeking answers to questions like others who have spoken here, and I think you need to get those questions answered before you take a vote. On this. So that's my stance. Thank you.

Chairman Raines stated we have heard from proposed developer. We heard from Economic Development. We heard pros and cons on both sides. Anyone have a recommendation.

Commissioner Grant stated that Mr. Chairman, I have two concerns. They're both concerning the property. I'm concerned about a new railroad crossing. And I'm also concerned that there's no berm on Bryant Corner Rd for the homes that are down there. That's my two concerns. Now I'd like to see development coming to Chester County, but I'm not sure that railroad crossing or a berm, lack of berm is good for the residents on Bryant Corner Road. I think this was ten of them. I believe, anybody know. At least 10 residences. I realize that's not much, but you know I don't want my life upset by construction. Y'all wouldn't my life upset by railroad cars and trucks coming in right by my house without a berm? That's my comment.

Commissioner Walley stated that I have a question. I know he stated a while ago that there were going to be a lot of high-level paying jobs. But I never did, I'm kind of like this gentleman. And I know you want everything secret, but I never heard about how many jobs the place would employ. Can you tell that?

Mr. Phillips stated Thank you very much for that question. Working with this company. The final numbers are not disclosed yet. What I can tell you is that it's not going to be as large as what we see at Giti tire as far as the number of jobs.

Commissioner Walley stated give me an average. You don't have to get within 200. Just give me an average number. Yeah, about how many they will employ.

Mr. Phillips stated It'll be it'll probably be more than 200 but not 400.

Chairman Raines asked if you can't comment on the wages.

Ms. White stated that the wages will be above the Chester County average on that. So, there'll be competitive and above that. There'll be a variety of different types of operators, maintenance, administrative, all those different types of roles in a plant there.

Chairman Raines asked what, I'm not knowledgeable what is a Chester County average do you know?

Ms. White stated that I don't have my financials in front of me right now.

Mr. Phillips stated that now on the manufacturing side, it's actually pushing \$20 an hour right now.

Chairman Raines stated so you're speaking to it in terms of average wage not income for the year.

Chairman Raines okay, so I think for discuss anymore, we probably need to have a motion to so we can move forward.

County Attorney Joanie Winters asked Mr. Chairman, are you doing these individually? Are you looking for a motion on CCMA?

Chairman Raines stated Yeah, I mean, we'll go back individually but our discussion was aggregate all three properties, and that's why I read them upfront.

Chairman Raines motioned to approve, second by Commissioner Williams.

Chairman Raines asked Okay, well, since we already had discussion. So, what are the questions? What conditions do you want to put on it other than reverter clause.

Commissioner Grant asked if there was a reverter clause on the ID-2 part?

Chairman Raines stated no. If we specified reverted clause, it would take it back to ID-2 which is the base zoning at this point.

County Attorney Joanie Winters stated that and the applicant has requested the reverter actually kick in applicant shall be entitled buyers so notifying Chester County in writing not later than November 30, 2023, to cause the zoning classification to kick back to the original so they've proposed that date.

Chairman Raines stated that now, I guess let me back up here because this may go back and forth two or three times. Ms. Williams, will you resend your second and I'll resend my original motion and make a motion based on reverter clause and we can come back and revisit anything else?

Commissioner Williams resend her second.

Chairman Raines resend his original motion.

Chairman Raines asked Ms. Winters can we stipulate berms and things like that?

County Attorney Joanie Winters answered sure.

Chairman Raines asked if that was a deal breaker?

Mr. Rogers stated I don't think it'd be a deal breaker for the Layout Revision. If you wanted to specify that landscaping, wind, or you know, open it up to include more than just a berm. But maybe landscape buffers, earthen berms where the special, you know, as we mentioned before, the special exception, the variants application, where those things do not apply, and we could probably you know where those things applied to break it up to where a buffer zone is in between what would meet the ID-2 and ID-3 classifications or warehousing and administrative buildings. So, say and just you got administrative building here. And then opening to the back is going to be your ID-3 classification. You know, make the decision here to allow that exception or to specify that as a condition of disapproval, that that buffer zone is included in that layout.

Chairman Raines stated that okay internal to the property. Then there will be buffer or berm, we specified shielding, street noise, things of that nature from the residential.

Mr. Rogers stated that right. and Ms. Winters maybe I was given 20 minutes or so I could help you craft from language but I don't know if you can come up with answers.

County Attorney Joanie Winters stated that no, but we can probably craft something. I think if you just give it rough, we'll clean it up. Whatever restrictions, are there any current requirements for buffers and things like that in the zoning?

Planning Director Levister stated that they are already proposing a 1000 FT buffer with nature vegetation.

Commissioner Grant stated that I disagree because the railroad comes inside that buffer. If you look at it, put his plan up again and you'll see they have 1000-foot buffer now, but the railroad track comes within that.

McSwain Armfield stated that he was AECOM located at 101 Research Dr., Columbia, SC and wanted to add more detail to the berm and that stuff. You know, we're talking about noise screening and visual screening. In addition to that vegetative buffer that we've mentioned a couple times. You know, there's also an elevation difference right from the roadway and from where those residents are. It drops down

into the site towards those wetlands towards those tributaries. So, you know, adding a berm on top of that. I don't think that would be a deal breaker, if that's if that's a requirement, but there is there is that elevation difference to consider that kind of achieves that same effect that that putting a berm there would if that makes sense.

County Attorney Joanie Winters stated that, and I would add to the Commission's trying to figure this out, remember that county council also has the ability to place certain restrictions on them in accordance with either approving or not the application. So, if there's something that you're concerned about that you've talked about, and we don't get the language right, the county council still has the opportunity.

Commissioner Grant stated one final question and maybe somebody can answer this. Is the approval of this contingent on the sale of property to fund a new entity to come here.

County Attorney Joanie Winters stated that's what the applicants suggested, Mr. Grant, and that's where that November date comes from. They're pretty much saying that if the option is an exercise by that date that they would ask that it just revert back to the original zoning.

Commissioner Grant stated that Mr. Raines should put that in your motion on November 23.

Chairman Raines asked if that was good date.

County Attorney Joanie Winters stated that's what we heard. November 30, 2023, is the date.

Chairman Raines stated that okay, so back to my original intent here. I would like to make a motion that we approve tax map. CCMA23-01 Advanced Chester LLC, tax map number 145-00-00-090-000. Make a motion to approve this rezoning as has been requested with the addition of a reverter clause that is set to sunset, November 30, 2023. And that the applicant will build a 20-foot berm between their houses along that side of the property whichever parcel that that entails. And vegetation and stuff for visual training as well. I realized what you said about the topography of the site, and it being a lower area and stuff. And maybe that can be revisited at best just totally outside the bounds, but I'd say in 20 feet put you up are pretty good if you got to fall off on the other side. Then that would probably accomplish some of that. Do we have a second.

Commissioner Williams second.

Planning Director Mike Levister stated he has one question. So do you want to put a width restriction also, because they could put it as one foot and 20 foot tall. So, I just want to make sure that we have everything covered.

Chairman Raines asked what would be a standard, I'm not an engineer.

Mr. Armfield stated 30 to 40 feet wide.

Chairman Raines stated he will say 40 ft then. He asked Ms. Williams to resend her second.

Commissioner Williams said she withdrew her second.

Chairman Raines stated Okay, well, I withdraw my original motion. Now. Third motion is that we approved this discussion, these parcels we discussed with reverter clause that sunsets on November 30, 2023. With the stipulation that a berm is built between the residential structures and the facility along their property lines. A berm 40 feet wide. 20 feet high. Okay. Any other concerns? Discussions? Anybody have anything they want to talk about?

Chairman Raines motioned to approve reverter clause that sunsets on November 30, 2023. With the stipulation that a berm is built between the residential structures and the facility along their property lines. A berm 40 feet wide. 20 feet high, second by Commissioner Williams. Vote 3-2 to approve.

- d. **CCMA23-02 Richburg Magnolias, LLC request Tax Map #145-00-00-007-000 off Bryant Corner Rd and Lancaster Hwy to be rezoned from Limited Industrial District (ID-2) to General Industrial District (ID-3).**

Chairman Raines motioned to approve reverter clause that sunsets on November 30, 2023. With the stipulation that a berm is built between the residential structures and the facility along their property lines. A berm 40 feet wide. 20 feet high, second by Commissioner Williams. Vote 3-2 to approve.

- e. **CCMA23-03 Richburg Magnolias, LLC request Map #135-00-00-012-000 at 4375 Lancaster Hwy, Richburg, SC 29729 to be rezoned from Limited Industrial District (ID-2) to General Industrial District (ID-3).**

Commissioner Walley stated she just would like to make a statement. Okay. In my opinion, I'm kind of like where Marvin came from at the beginning of the meeting. There's too many unknowns. Too many studies is going to be studied that's gonna be done. We don't know what's happening. We don't know what's gonna be there. It's just that's my concern. Too many unknowns. I can understand keeping the name of the company secret, but there's too many unknowns. Too many studies to be done, too many unanswered questions that are just wanted to make that statement.

Chairman Raines stated Personally, I'm willing to trust economic development. I mean, this whole thing is a process no matter what we're talking about doing and they're there to serve that purpose. And as gentleman stated, I trust I'm not bringing anything in here that's going to be detrimental to the community in any way. It's like everything else we talk about plethora of environmental rules to follow permits to get I mean, and civil penalties for violating and that are self-evident. So, I mean, that kind of thing. You talk about that happening, but really it doesn't I mean, no reputable company that they're gonna consider is gonna go down that road. I don't think. You know, I'm trusting that's in place. If it's not the county councilman, they have more knowledge and us they can undo what we do. All we got to do is voted down not from a standpoint of planning, from a standpoint of land use, if you want to call it that from a standpoint of is this practical for here? I think clearly it is. And that's what I'm voting on tonight, not what it is. I mean, there are legal ramifications. They are privacy things. I mean, it's a competitive world out there. So that's why they've asked for this leeway. That's my thinking along these lines.

Commissioner Grant stated he just bring it one point, Mr. Chairman. This CCMA23-03, that's the 469-acre parcel for everybody's information, and that's away from Bryant Corner Rd.

Chairman Raines motioned to approve reverter clause that sunsets on November 30, 2023. With the stipulation that a berm is built between the residential structures and the facility along their property lines. A berm 40 feet wide. 20 feet high, second by Commissioner Williams. Vote 4-1 to approve.

Chairman Raines stated so, as we talked about all this tonight our decision is advisory. The County Council has to have three readings on this, and they will approve or disapprove it. As Miss Winters stated, you can go, and this is the public hearing. You can go and think the council allows three, maybe five minutes you can make a statement. And it is that they're listened to you. Won't engage or anything like that. So, you're welcome to do that. You know, talk to your representative, whatever you feel like you need to do, but you're welcome to do you know the purpose of public hearing was fulfilled tonight.

Mr. Hubbard from Bryant Corner Rd asked from the audience what the dates were for the County Council meetings.

Clerk of Council Karen Lee answered that the first reading would be tomorrow at 5. The second meeting will be March 3, 2023, at 6, and the third meeting will be March 13, 2023, at 5.

County Attorney Joanie Winters asked Mr. Hubbard if he got that information.

Mr. Hubbard repeated the dates and times of the County Council meetings from the audience.

f. CCTA23-01 ID-3 – Chester County Zoning Ordinance – Text Amendments

General Industrial District Chapter 4 § 4-121 ID-3 Permitted Uses

New Text:

All uses permitted in ID-1 and ID-2

NAICS DESCRIPTION SEE ID-1 and ID-2

PARKING SPACES REQUIRED SEE ID-1 and ID-2

Chairman Raines stated so last order of business. CCTA23-01, Chester County zoning ordinance text amendments and it deals with ID-3 permitted uses and the new text all uses permitted and ID-1 and ID-2 will be permitted in ID-3, is that correct, Mr. Levister?

Planning Director Levister said correct.

Chairman Raines stated so just in general terms, if you move in upscale anything that would be a lesser ID permitted use will still be applicable and ID-3.

County Attorney Joanie Winters stated and right now Mr. Raines, it's vague. So, ID-2 says everything that's in ID-1 is also an ID-2 but then ID-3 just doesn't say that. And so, since ID-3 is the highest, the most stringent, it will just be normal and common that should include ID-1 and ID-2. So that's why we've changed it. It's very confusing.

Chairman Raines stated so with omission and the original zoning language.

Planning Director Mike Levister said Yes. Well, it would also help with not having to rezone of your property as ID-3, but it's something that's permitted Id-1 and you don't have to have it downgraded on the zoning. Just to make sure it meets the NAICS code. Because right now you might have NAICS code that is permitted in ID-1 and ID-2, but your property is ID-3 so you're not permitted to do it. You have to down zone.

Chairman Raines stated okay, this has never come up I guess, never been noticed before.

County Attorney Joanie Winters stated It's just a housekeeping issue. We're trying to go through many of these to fix and y'all are probably going to see many text amendments come across your way. First of all, because we've changed the form of government, we have to change a lot of that. And then secondly because things like this exist that have never been really drilled down.

Commissioner Grant motioned to approve, second by Commissioner Hill. Vote 5-0 to approve.

Chairman Raines asked if the staff had any new business?

Planning Director Mike Levister stated just a reminder we have training on Saturday at 8:30 AM.

Commissioner Grant asked, is that everybody?

County Attorney Joanie Winters said yes, everyone that needs it. Mr. Grant, you are good.

Planning Director Mike Levister stated if you came to the last training you wouldn't have to come until the end of this year.

County Attorney Joanie Winters it's once a year once you are fully certified. And don't anybody be angry with us, it's not our requirement, it's a state requirement.

Chairman Raines stated now the new folks that haven't been to the initial training, Do they have to come, or I mean, obviously, I think it would help them to come but it's not a requirement for them to go in and do it.

County Attorney answered they can't vote until they do.

Chairman Raines stated but once they have the initial training, they're good to go without it continuing with training for that year, right? Okay, yeah, they don't have to do they don't have to come to this. They go to their initial training, and it'd be good to vote until next year.

County Attorney Joanie Winters stated that no Saturday is their initial training. Saturday is their initial training. They have to get six credit hours. Y'all only have to get three credit hours.

Commissioner Hough asked when will be the second training.

Planning Director Mike Levister stated we are planning to have that on our schedule in the next following month.

Commissioner Hough asked before the next meeting?

County Attorney Joanie Winters said yes to try to get you guys up to speed before the next meeting.

Commissioner Hough stated it's hard to represent your district.

County Attorney Joanie Winters stated Yeah, it's hard because you can't vote. So that was our plan to try to get y'all this Saturday and then hopefully a month from now.

Chairman Raines stated like tonight you didn't withhold any comments.

Commission Hough stated yeah, I did. I couldn't vote so it didn't make any difference. But if I could have voted then the first votes may have gone differently.

Chairman Raines asked did you say everything you wanted to say.

Commissioner Hough stated not really because they are trying to reduce this buffer. My concern is that is the residential area on that road. That's my concern. And I'm going to be looking at this after this too, and I want to talk to Mike after I leave here about preserving that 1000 foot buffer, just along Sloan Road because if you do that, I mean the property needs to be developed, it's going to be developed.

Chairman Raines stated but that's a ZBA issue. We approved the 1000 ft buffer right, but ZBA has to make that decision.

Commission Hough stated but we could have required that to stay in place, knowing that they're trying to reduce it already. You know what I mean?

County Attorney Joanie Winters stated that it does have go before ZBA. So, you can't overrule them, but you can certainly appear before them.

Chairman Raines stated we could specify you got to keep a 700- or 800-foot buffer, ZBA could say 300.

County Attorney Winters stated they could, but Council has to approve it.

Commissioner Hough stated my concern is most people you know, the residential. I got a bunch of phone calls. Karen told me that I will be getting, my buddy I did. And WOW. I mean, my whole day was spent with this today. I mean, nothing else done.

Chairman Raines stated I should probably should have said you all are full participating members, which can't vote. That's the only difference. Is that correct. I apologize if I didn't say that. But that was my intention for you to be at that point.

Commissioner Hough said that was his only concern. But that shows that 1000-foot buffer zone is the concern I had. I mean the only because I know that. I mean, I do commercial construction. So, I understand a buffer and if you get a buffer that large it would really almost affect those people. Honestly because other than their traffic on nine a buffer that large might you know, a lot of have a 10-foot buffer between residential areas and commercial areas. So, 1000 foot would be incredibly advanced foliage and, and especially the berm you put in place, you don't I mean, but as they reduce that, the more they reduce it, the more effects the people.

Chairman Raines stated I mean, I've always looked at it there again, the process if we voice it here, they read our minutes. So, you know that's considered it's not like they read and recreate the wheel with this whole process. I think they talk about look at what we discussed. And I'm sure the same thing is going to be mentioned to them.

Commissioner Hough stated I didn't have a vote. So, I didn't have a voice to say that but that would have been a requirement of modular tying that 1000 foot down salon and you or I would have voted no.

County Attorney Joanie Winters stated that you absolutely can show up at the council meeting and address them. They do three minutes of citizens comments. So, it's not like it was tonight's public hearing. But you can introduce yourself as a member of the planning commission, wasn't able to vote, but here was my thought if I had been able to vote I probably would have asked for this to be added or whatever. You're absolutely welcome to do that. And Mr. Raines is right, they read your minutes, they read your minutes.

8. Comments/Discussion No additional comments.

9. Adjourn Commissioner Grant motioned to adjourn, seconded by Commissioner Williams. Vote 5-0 to adjourn. Time 7:57 PM

Notice of Meeting: Public Notices providing time, date, and place for this meeting were posted in the Chester County Government Complex, Chester County Court House, and published in the **February 8th, 2023**, News and Reporter. All properties were also posted.