

Chester County Planning Commission Minutes of May 15, 2018

The May 15, 2018 meeting of the Chester County Planning Commission was held at 6:30 pm in Council Chambers at the R. Carlisle Roddey Government Building in Chester, SC.

Notice of Meeting: Public Notices providing time, date and place for this meeting were posted in the Chester County Government Complex, Chester County Court House, Chester County Building and Zoning Dept.; and published in the April 27, 2018 Chester News & Reporter. All properties were also posted.

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

Absent: No commissioners were absent.

Staff: Director Mike Levister and Nicole Hutchins were present.

Call to Order Chairman Raines called the meeting to order and asked Commissioner Grant to open the meeting with prayer.

Approval of Agenda: Chairman Raines asked if there were any additions or amendments to the Agenda as presented by staff. There were none. Commissioner Grant made the motion to approve the agenda as presented; seconded by Vice Chairman Cabrey. Vote was 7-0 to approve.

Approval of Minutes: Chairman Raines asked if there were any additions or amendments to the April 17, 2018 minutes. Vice Chairman Cabrey indicated one correction was needed, change wording on page five, third paragraph, fifth sentence, from ~~fess~~ to ~~fees~~. Chairman Raines made the motion to approve the minutes with this correction; seconded by Vice Chairman Cabrey. Vote was 7-0 to approve.

Chester County Zoning Ordinance – Rezoning Requests:

CCAM18-12 – Ronald Clark request Tax Map # 101-00-00-001-000, located at 1635 Great Falls Hwy. Blackstock, SC be rezoned from R2 (General Residential) to GC (General Commercial)

Chairman Raines called Mr. Clark to the podium. He stated his name as Ronald Clark of 1635 Great Falls Hwy. He is requesting this rezoning to go back to commercial. Bought a 20 x 25 metal building with two roll up doors. Chairman Raines asked if it's like a Mesco, carport building. Mr. Clark stated yes. Chairman Raines asked what his intentions were if they passed this rezoning request. Mr. Clark said he has a few cars, corvettes and stuff, and wants to storage them. Chairman Raines then asked Mr. Clark if this would be just for storage, with no restrooms? Mr. Clark said that was correct, no one would be going in and out of the building. Mr. Clark then presented a sketch of the building to Chairman Raines. Chairman Raines said it wasn't much detail, just dimensions, height, width with a side view of the building. Commissioner Tate asked if this would be a business. Chairman Raines said no, just a storage location. Vice Chairman Cabrey then asked who owned the property. Mr. Clark stated that he owns the property, with the fence and has a well and septic system behind the fence, just a one-acre lot. Vice Chairman Cabrey asked whatever happened to the guy that was raising cattle, and sued the County when we were talking about the trucking company going down there? Chairman Raines replied, I think he's sitting in the audience tonight. That was several years ago with Mr. Clack, and his trucking

company. Vice Chairman Cabrey said he thinks that was the first time the county council voted against us. Chairman Raines asked if anyone had any further questions. He then asked Mr. Clark if staff told him he had to be zoned commercial to put a garage there. Mr. Clark said he would have to build a house, and then a shop, and I don't want to build a house. Chairman Raines then asked if anyone had any other questions for the applicant. There being none, he then asked if any member of the public would like to speak in favor or in opposition of this request. A gentleman in the audience raised his hand and Chairman Raines asked him to step to the podium. He stated his name as Tom Miller of 1682 Pleasant Grove Rd and said he was the gentleman Jack referred to earlier. He stated he's in opposition of this request. Does not wish to see commercial property along Highway 97. It's a pastoral entrance into Chester and it's inconsistent use. He appreciates the gentleman's desire to build a barn for storage for his cars, but don't feel the necessity to have it zoned commercial. Who knows what it could be in the future. Don't think this serves the community in its best interest at this time. Chairman Raines asked if any other member would like to speak in opposition of this request? Commissioner Grant said his only concern with changing it to commercial was future use, anything could go in its place, and I'm not in favor of it. Chairman Raines said he had to agree. Not keeping the current zoning in the general area opens up a large influx of other opportunities. He seconded the motion to reject the zoning request as presented, and asked if anyone had any further discussion? A member of the public asked to speak. He said he didn't know the gentleman but had a question. Chairman Raines asked him to step to the podium. He stated his name as Bobby Dutton of 7 Hill St. If the gentleman is not going to use it as commercial, and only use it for storage, why can't he put a building on it? Would it be a problem to just put a building on it? Chairman Raines said he didn't know the logistics of it, and don't know the advice he's been given. I just know what his intentions are. Then Mr. Dutton ask why he can't just leave it residential and put a storage building on it. Chairman Raines said he didn't know the legality of that, and that's not what we've been charged to decide. Vice Chairman Cabrey asked the staff what they had to say about this? Director Levister stated the Zoning Ordinance does not allow an accessory structure without a primary structure in residential zoning. So, he can't have a building without a house being built first. Commissioner Tate asked if it had to be commercial. Director Levister said that's the zoning Mr. Clark picked. He just can't use it with the zoning he has and what he wants to put on there now. Chairman Raines said back to the motion on the table – motion to reject the rezoning as requested, and a second, any questions? Vote was 7 – 0 to reject. Chairman Raines wanted to state for the record that our opinion was advisory, county council will have three readings on this and will reject or change our ruling as they see fit. Vice Chairman Cabrey wanted to suggest that Mr. Clark get with staff to see if any other zoning would fulfill his needs and fulfill the law. Chairman Raines said he would encourage that.

CCMA18-13 - Ronald C. Bowden request Tax Map # 160-02-00-032-000, located on Bowen Dr. Great Fall, SC be rezoned from RG1 (Multi-Family Residential) to RG2 (General Residential)

Chairman Raines called Mr. Bowden to the podium. He stated his name as Ronald Bowden of 5221 Bowden Dr. Great Falls. He is requesting the rezoning of this property, which has been in the family for years and is directly across from his property, for his son, wife and grandson to put a mobile home there. The current zoning does not accommodate a mobile home. DHEC has checked the property, and it has been approved to construct onsite wastewater permit. Chairman Raines asked if anyone had any questions for the applicant. There being none, he then asked of any member of the public would like to speak in favor or in opposition of this request. A lady from the audience approached the podium, she stated her name as Geraldine Bowden of 5221 Bowden Dr. also, and that was her husband that just spoke. He failed to mention that we had asked the neighbors would they be in objection to a mobile home, and we have a paper where they all say they are in favor of it. He also failed to say that at one time, we had mobile homes up there and didn't realize that it had been rezoned where we can't bring mobile homes in. Actually, part of our home is a mobile home. Our daughter-n-law and our son have purchased a mobile home already, before we realized it wasn't allowed. Chairman Raines said it was good to know that you've talked with your neighbors and they are in favor of this. He then asks if anyone would like to

Speak in opposition of this request. There being none, Vice Chairman Cabrey made a motion to approve the request, seconded by Commissioner Hill. Vote was 7-0 to approve.

CCMA18-14 – David J. Wilson request Tax Map # 154-00-00-007-000, located at 3534 Catawba River Rd. Fort Lawn, SC be rezoned from R2 (Rural Two) to AG (Agricultural)

Chairman Raines called Mr. Wilson to the podium. He stated his name as David Wilson of 5116 Wylies Mill Rd. He stated his reason for rezoning is because he's in the poultry business. We have chicken houses and we're wanting to add more. It's easier to add more when the zoning is agricultural. If it's R2 you have to go through a variance and we just prefer to change it to AG. We also have two chicken houses on a piece of property that joins that. And we have chicken houses on Wylies Mill Rd where we live, and on Canal Rd. Which my property joins the guy on Canal Rd. He also has chicken houses. Chairman Raines said he looked at Google Earth, if you're standing at the road, looking into your property, you have chicken houses on the right, and some on down on the left. He asked Mr. Wilson if these were all his. Mr. Wilson stated four are mine and two are Mr. Turners. Chairman Raines asked if anyone had any questions. With no questions, he asked if any member of the public would like to speak in favor or in opposition of this request. There being none, Chairman Raines made a motion to approve the request with a seconded by Vice Chairman Cabrey. Vote was 7-0 to approve.

CCMA18-15 – Juliette Dutton request Tax Map # 161-04-05-008-000, located on Scott Rd, Great Falls, SC be rezoned from RG1 (Multi-Family Residential) to R2 (Rural Two)

Chairman Raines called Ms. Dutton to the podium. She stated her name as Juliette Dutton of 7 Hill St. Great Falls. She said they bought the property around eight years ago and they haven't been able to do anything with it. It's supposed to be a modular or a stick built house, which are expensive. Doublewide's are a little bit cheaper. That's why we want to get it rezoned. Chairman Raines asked if anyone had any questions for the applicant. With no questions, he asked if any member of the public would like to speak in favor or in opposition of this request. There being none, Vice Chairman Cabrey made a motion to approve, seconded by Commissioner Smith. Chairman Raines asked if there was any further discussion. Vice Chairman Cabrey said to Chairman Raines that he wanted to share a story for the record. He stated that he could not find this property because the maps he had didn't have Scott Rd. on it. Said he rode around for a bit and couldn't find it. He came back to Chester and decided to look for a map. The only place that had one was the Chamber of Commerce. And it was \$5.00. When he looked at the map, it was printed in 2007! He said it's disgraceful that there's not a map of Chester County a little younger than 2007. Chairman Raines thanked Vice Chairman Cabrey for that story, and said with no further discussion, let's take a vote. Vote was 7-0 to approve.

Chester County Land Development

CCLDV18-02 – Donald S. Mobley request approval of ingress/egress to a two-acre portion of Tax Map # 067-00-00-051-000, located at 1611 Armory Rd, Chester SC

Chairman Raines called Mr. Mobley to the podium. He stated his name as Donald Steve Mobley Jr of 1611 Armory Rd. He's requesting approval for this ingress/egress on behalf of the Mobley's. He stated his youngest son wants to put a house on the farm, and his drive way is the only way in. We're hoping he can put a residence out there that won't send our taxes up too high. With no public input on this request, Chairman Raines made a motion to approve seconded by commissioner Smith. Vote was 7-0 to approve.

CCCLTA18-16 - Article 13 § 13-5: Legal Status Provisions

Change: ~~Council~~ to **Planning Commission**, ~~thirty (30)~~ days to **fifteen (15)** days
and delete ~~and not more than forty-five (45) days~~

Chairman Raines states this is just a text amendment to the article as it's written at this time, and asks for comment. Vice Chairman Cabrey ask why county council wanted planning commission to do this? Chairman Raines asked staff for insight. Director Levister said the planning commission is the first to get a text amendment, so we're just correcting the wording. Everything already works on a fifteen-day notice, not thirty days with a maximum of forty-five. So, I met with the county attorney and the clerk to council, and we made the decision to go to this Planning Commission first, with the fifteen-day notice, which is how we already conduct county business. Commissioner Grant asked if this really should have already said planning commission instead of county council a long time ago. Director Levister said correct. Chairman Raines asked if this was just an over sight? Director Levister said he's only been in this position for five months so I can't answer that. Chairman Raines made a motion to approve, seconded by commissioner Grant. Vote was 7-0 to approve.

Comments/Discussion

Chairman Raines states this concludes any business for the meeting tonight and asks if anyone had any comments, or wanted to address the council, and that it's unusual for us to have common visitors. A lady from the audience came to the podium and stated her name as Cynthia Fleming of 1946 Hardin Strait Rd. Chester, which is right off Armory Rd. Mr. Mobley here is my neighbor. How is it that you can give a man permission to build a house and a building in a cemetery and tear all the rocks down? How does he get permission to do that? Chairman Raines stated that he had no idea what she was talking about. He said that he didn't mean to be rude, but didn't recall hearing a case about tearing rocks down and putting anything in a cemetery. Commissioner Grant said that he could remember an incident, long before he was even on the planning commission, an individual tried to put a road through an old, old cemetery not far from his home. They didn't realize the cemetery was there. The planning commission disapproved it based upon finding out that knowledge. Chairman Raines asked her to talk with staff. He said I'm sure there are rules but he's not sure who is in charge of that. It seems as if there is a committee for that. Ms. Fleming said its on Armory Rd. just across from Mr. Mobley's property. Brown Chapel church use to be there and it was moved to Capers Chapel. It had a nice cemetery there. Two houses are there now, where the church was at. Chairman Raines told her that maybe the historical preservation activist in the community would be who to talk with. Ms. Fleming stated that at one-time Elvis Pressley's great granddaddy was buried in that cemetery. That's history. No one should be able to tear up the graves. Chairman Raines agreed.

Chairman Raines asked if anyone had any other questions or comments. There being none, he made the motion to adjourn with a second by Vice Chairman Cabrey. Vote was 7-0 to adjourn.

This is a summary of proceedings at the May 15, 2018 meeting of the Planning Commission; and not a verbatim transcript of the meeting. This summary, and an audio recording of the meeting, is retained by the Chester County Building & Zoning department, and available if requested. This summary represents the facts of this meeting; not the opinion or interpretation of the Secretary.

