

Chester County Planning Commission
September 15, 2020

The September 15, 2020 meeting of the Chester County Planning Commission was held at 6:30 pm at The Government Complex Center located at 1476 JA Cochran Bypass, Chester, SC

Notice of Meeting: Public Notices providing time, date, and place for this meeting were posted in the Chester County Government Complex, Chester County Court House, and published in the August 26, 2020 Chester News & Reporter. All properties were also posted.

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

Absent: Commissioners Howell, Walley, and Grant were absent with prior notification

Staff: Mike Levister and Nicole Hutchins were present

County Attorney: Attorney Winters was present

Call to Order: Chairman Raines called the meeting to order

Approval of Agenda: Chairman Raines asked if there were any additions or amendments to the agenda presented by staff. There were none. Vice Chairman Smith made a motion to approve the agenda as presented; seconded by Commissioner Hill. Vote 4-0 to approve

Approval of Minutes: Chairman Raines asked if there were any additions or amendments to the August 18, 2020 minutes as presented by staff. There were none. Chairman Raines made a motion to approve the minutes as presented; seconded by Commissioner Williams. Vote 3-0 to approve (Chairman Raines did not vote on the minutes due to being absent for the August 18, 2020 meeting)

New Business:

Chester County Zoning Ordinance

CCMA20-09: Matthew Lawson request a 2.994 portion of Tax Map # 133-00-00-023-000 located off Edgeland Road, Edgemoor, SC be rezoned from R2 (Rural Two) to ID-2 (Limited Industrial)

Director Levister called Matthew Lawson to the podium. Mr. Lawson stated he started a small trucking company about four years ago. What helped make the business successful was that he operated and stored his trucks on his property and didn't have to go out and purchase a building or land. He grew to five trucks and graded the property where he parks the trucks. He stated all drivers are from Chester County, so he supplies five jobs for Chester County. He plans on landscaping and making it look good for the county. Waiting on y'all's approval. Hopefully he can get that and move on.

Chairman Raines asked Mr. Lawson, you have a total of five trucks? Mr. Lawson said yes sir. Chairman Raines asked if that would be the most trucks on the property at one time? Do you have any satellite drivers that would occasionally park trucks there? Mr. Lawson said no sir, we are all local. Everything we do is local. We haul a lot of concrete for the Richburg plant. He stated his ultimate goal is continue growing. He hopes to one day build a building and move away from his home and grow from there. Chairman Raines asked you live on this property? Mr. Lawson said yes sir, on the Westbrook side. Chairman Raines asked you've been at this location the whole time you've been in business and you've always parked your trucks there? Mr. Lawson said yes sir. Chairman

Raines then asked how long have you been there? Mr. Lawson said four and a half years, maybe five years. It started off in my parent's name, the house, until I got stable enough with my business. When you're first starting out, no one will give you a new mortgage on a new business. When I was established enough, I got a loan and put the business in my name. Chairman Raines asked again, but the entire time you've been parking trucks at this parcel that you're asking to be rezoned? Mr. Lawson said yes sir. Chairman Raines said you just didn't know you were out of compliance with the zoning? Mr. Lawson said I just got the trucks this year. I only had one truck the majority of the time. This year, around February is when I bought the rest of them. Chairman Raines said according to your drawing, the access would be off the side road? Mr. Lawson said the access would be off 901, not the side road.

Chairman Raines asked the commissioners if they had any other questions for the applicant. There were none.

Director Levister called David Culp to the podium. Chairman Raines asked Mr. Culp if he was here to speak in opposition to this rezoning request. He said yes. Mr. Culp stated his name as David Culp of 2046 Westbrook Road. Mr. Culp said I have property that joins the area that Mr. Lawson is wanting to rezone. I feel like if it was to go to an ID-2 it would drop my property value. It is a residential area. I was able to pull up the PDF on the internet and go through to find what the R2 meant. There's a lot you can do to the property, I was surprised, being zoned R2. But then I went to the ID-2 and that just opens it up to all types of industrial things that can be done with the property. Mr. Lawson can say he's going to do just this or just that but if for some reason down the road he doesn't own the property anymore and someone else got it, who knows what would come in there. Like I say, it's residential so I feel like it should stay residential. There is a place for industrial everywhere and right there is not it.

Chairman Raines asked of the commissioners had any questions for Mr. Culp. Vice Chairman Smith asked Mr. Culp if he would have any objections if we put a reverter clause? Chairman Raines explained several times we have approved a rezoning as long as it's for this use. If the property changed hands or was sold, it would go back to its original zoning. Like you said it's a broad classification. Everything in ID-1 as well as ID-2 would be permitted. Mr. Culp said I don't know that I would be totally opposed to that. That would help some. I'm afraid, I don't know if most of you are aware, that they are trying to put a development across the road from there. They had some issues. But if this one gets zoned ID-2 I'm sure they will be looking at it and then here they come. They would be wanting to have their side rezoned so they can do something with it. Turn it into a rock quarry, who knows. There are creeks all around. There are creeks at the back of his property. The Fishing Creek. I just don't think it will be a good idea to be industrial in that area.

Chairman Raines asked if any commissioners had any questions. Commissioner Hill asked Mr. Culp how much acreage do you own? Mr. Culp said about twenty-eight acres. Commissioner Hill asks some of your land backs up to the creek? Mr. Culp said yes. Some of the other landowners in the area wanted to come tonight and couldn't but they are in agreement that it should stay residential or rural.

Chairman Raines asked the commissioners if they had any other questions. There were none. Director Levister stepped in the hall to see if there were anyone else present to speak in favor or in opposition of this rezoning request. There were none.

Vice Chairman Smith made a motion to approve containing the reverter clause that if Mr. Lawson were to sell the business or sell the property it would revert back to the current zoning. Vice Chairman Smith said he wasn't sure how detailed he could get with the reverter clause, but he wanted to limit the business to five trucks or less. Attorney Winters stated you can put whatever restrictions you want. Commissioner Hill asked if he is going to pave it or gravel it? Vice Chairman Raines said gravel I believe.

Chairman Raines asked the applicant to step back to the podium. Mr. Lawson stated he did not plan to make this permanent. I just need two or three years where I can get enough up and hopefully find some land. I've been looking for land, it's just nothing in my value that I can afford. I'm just looking for a couple years to keep it there

and park. Chairman Raines asked Mr. Lawson if he was planning on building any kind of structure on this for this company? Mr. Lawson said no sir. I solely need to park right now until I can get somewhere else. I want it separated from my land, my house. And I want it to be a business on its own somewhere else, eventually. It's graveled right now. I plan on doing landscaping. I stopped doing the landscaping to see what was going on. But I plan on putting Leyland and Cypress, trying to block it a little bit. And landscaping the entrance to make it look decent. Chairman Raines asked what time his drivers leave in the mornings? Mr. Lawson said we actually leave at 9:00 PM. My trucks run at night. They're gone at night and back around 9:00 AM or 10:00 AM. Chairman Raines said with this development, by definition, this is spot zoning. I'm willing to entertain a reverter clause. Mr. Lawson said when I'm done with it, I want it back to what it is. I wouldn't want ID-2 when I move the business off of it.

Director Levister stepped to the podium. I would suggest, if he's telling the county that he's going to use it for a period of time why don't we put in the reverter clause that once he moves his business, it reverts back to R2. Vice Chairman Smith said that was my next question. Attorney Winters said I think that was Mr. Smith's intent. Chairman Raines asked Vice Chairman Smith if he wanted to add a time frame to it. Vice Chairman Smith said yes, I want to withdraw my motion and make a new motion with a reverter clause with the time frame of three years max from when, if its approved from county council. And with the restriction that there are no more trucks. That it doesn't grow anymore as far as trucks. Mr. Lawson asked, it can't grow anymore in the three years? Vice Chairman Smith said correct. Mr. Lawson said that's my whole value is to get where I can grow. Attorney Winters asked what's your target, realistically? Mr. Lawson said realistically, I mean anybody would want a bunch, but mine where I would like to be is between ten and thirteen. But I would not have ten to thirteen in three years. Chairman Raines said you will not have? Mr. Lawson said no. It would be nice, but its not realistic. Chairman Raines said what about eight. Mr. Lawson said there is a chance for eight. Chairman Raines said you can live with eight for three years? Mr. Lawson said I could.

Chairman Raines said with the development across the street and the rural nature of the area, if it was general commercial that would be one thing but ID-2. Mr. Lawson asked is that what it has to be to be able to park trucks there? Chairman Raines said apparently. Attorney Winters said yes. Chairman Raines said from the planning staff, they wouldn't have given you something that was too heavy or too industrial if you didn't need that. It's their job to help determine that. If you look at the list of what is allowed in addition to what you're wanting to do, it's a lot of stuff that you got with no business in that area, with the rural setting that you have now. Forget about the housing development across the street. Mr. Lawson asks, with the restriction that you applied, it would be better, right? Chairman Raines said yes, it's better because it limits what you can do for three years with a maximum of eight trucks.

Director Levister stepped to the podium again. He mentioned that the commissioners asked about a structure. He said there is already a structure out there. Does he need to remove that structure? Chairman Raines asked what type of structure is out there? Mr. Lawson said I think it's a 12 x 8 storage building. Director Levister said with a porch on the front. This is how we found out about this, Mr. Lawson wanted to get power to the building. Chairman Raines asked Mr. Lawson what the building is being used for? Mr. Lawson said he uses it for a drop box for the keys and routes for the trucks and the drivers. They all have a code to enter the building and pick up keys and routes. He doesn't like the drivers to keep the keys incase someone calls out and he needs another driver to drive the truck. Commissioner Hill said so this serves kind of like an office. Mr. Lawson said kind of yes mam. Its just an open building.

Chairman Raines asked how expensive is property that would suite your purpose? Mr. Lawson said he's found some. I only need three acres. That what I've been looking for. The parts that I've found, they won't sell just three acres. I found one in the business park over there it's got five acres. Three is useable, and two of it is not usable. They want to sell it all together. I just can't afford to buy five acres. I had another guy over there wanting to sell some, but there are family issues, so he's had to stop, and he's not selling at the moment.

Chairman Raines asked if anyone had any other questions. Vice Chairman Smith said I need to withdraw my motion and make a new motion to approve with the reverter clause where the business stays where it is, with the temporary structure, a maximum of eight trucks and a time frame of three years. And, if anything else happens, it reverts back to R2.

Chairman Raines asked staff if landscaping is tied to that, is that required? Director Levister said it is required because it's a business, and this is listed in land development.

Chairman Raines said we have a motion to approve with a three-year time limit, eight truck limit, only the structure that's on this property now and that's it. Motion was seconded by Commissioner Hill. Vote was 4 to 0 to approve with reverter clause.

Chairman Raines explains county council will have three consecutive readings and they will vote. We're advisory only. Their decision has legal weight. You can check with staff on the schedule and you're welcome to show up there. I understand it's hard to get things started when you don't have money and you've got to try and grow and everything. This is pushing the limits of what I feel comfortable doing and I think most of the rest of the commission too. I trust you to do the right thing. There a lot of growth going on down there and a lot of things heading in the right direction. I think this will temporarily help you out and in the long term get back to ground zero to where we're at.

Attorney Winters said Mr. Lawson if I can just tell you procedurally, as Chairman Raines said, county council will read this three times. Three different meetings. This is the public hearing so there won't be a public hearing when county council entertain the question. They do have a form at the beginning of their meeting called citizens comments. Anyone can sign up, and sign up in advance, anyone can do that. You get three minutes. They won't exchange conversation with you. They'll listen. They won't make comment or ask questions or anything like that. That is available to you if you think you need to do that. Otherwise they will have three readings at three consecutive meetings. They meet the first and third Monday of every month. And presumably, we're going live on Monday, so we should be off Zoom and back here live. We will be limiting the number of people that come in. As Mr. Raines said, just pay attention to that, how that changes if you do want to show up.

RNC20-02: Brian VanGelder request road name change for Willamette Industries Road to Boise Cascade Drive, which is located at Tax Map # 098-00-00-046-000.

Director Levister called Brian VanGelder to the podium. Mr. VanGelder stated that Boise Cascade purchased this facility in 2013. The previous owner, actually there has been a few previous owners, one of them being Willamette Industries. We just think its time to change the name to what the facility actually is, Boise Cascade. It's no longer Willamette Industries.

Chairman Raines said you just want to make it more appropriate for the business that occupies it. Mr. VanGelder said yes sir. Chairman Raines made a motion to approve the name change as presented by staff; seconded by Vice Chairman Smith. Vote was 4-0 to approve

Chairman Raines instructed Mr. VanGelder to follow up with staff, this doesn't require county council, to get road signs and 911 address change.

RNC20-05: Marshall and Lori Queen request street access easement to Tax Map # 139-00-00-037-000, located in Richburg, SC be named *Jesus Way*

The applicant was not present for the meeting.

Chairman Raines stated this sounds like a new access easement and this is the name they want for it. This isn't a change. This is just the process of naming a road and getting an address, is that correct? Director Levister said the easement has to be named because Ms. Queen bought something, right at thirty acres, in the back parcel. It's

already two residences back there. The code of ordinance says if you've got two or more residences, the road has to be named, or the easement for 911 purposes.

Vice Chairman Smith made a motion to approve the road name request as presented; seconded by Commissioner Hill. Vote was 4-0 to approve.

Chairman Raines asked if any member of the commission had anything they would like to discuss. He reminded everyone of the training in October.

Vice Chairman Smith had a question for the staff, as far as the reverter clause, how will that be enforced? Director Levister said we will have to make a note. We've never had one like that before, so we will have to put something on a calendar to recheck it. Or how ever the county attorney would like to guide us in that direction. Attorney Winters said I know you don't have staff that can be driving around the county and checking on these, but certainly...neighbors pay attention to this. I think if he's got twelve trucks out there, they are going to get a call. And at that time, I know you would send someone out. Vice Chairman Smith said he was just curious if there was a procedure on the reverter clause where there..... Director Levister said I thought he was asking the questions like if the three years was up, that's why I was saying we would have to mark it on the calendar. Attorney Winters said right. Chairman Raines said I think that was his original question, right? Vice Chairman Smith said well I was just wondering if he had twenty trucks or....Director Levister said we could have a whole different staff so we would have to make a documentation somewhere. Chairman Raines asked if you have a rolling calendar like that you would refer to for other issues? Attorney Winters said you can use outlook electronically. Director Levister said yes outlook, go out three years from whenever he gets approved, if he gets approved from council and it will send us a reminder. Chairman Raines suggested two years and nine months to give him a heads up and see where he stands. He could very well forget it. Chairman Raines said that's the awkwardness of doing something like that, it doesn't follow your process and leaves you open to some things.

Chairman Raines asked staff if they had anything. Attorney Winters asked if we wanted to mention anything about the recent court case. Director Levister said if you want to. Attorney Winters said the planning commission wasn't necessarily sued. But y'all will remember, perhaps remember, the Hicklin's came before y'all for a zoning change. Y'all went through a number of different folks that came and talked for, no, actually none came and talked for, they all came and spoke against because the cows were roaming freely and it's in a residential area. You may or may not remember. Chairman Raines and Commissioner Hill both said Great Falls, yes. Attorney Winters said the Hicklin's ultimately sued county council, not y'all. I'm not sure why they sued county council. But they did and we recently went to court, I guess its been about two weeks now, asking the court to dismiss it saying there is no material issue of fact. There is nothing here that the court could even rule on because the commission is put together by statue. Y'all operated absolutely appropriate that night. County council did what they were supposed to do. Actually, allowing people to come up and talk even though y'all hold the public hearing. So, the judge the other day granted our motion for summary judgement, so it's been dismissed. Which means there is no rezoning and they are in violation of their current zoning classification. Chairman Raines stated that s the one with the son from California. Attorney Winters said yes, he was actually at the hearing with the judge. Just so this commission knows it's gone, It's off the table. Y'all never even got sued. Mentioned, but not sued.

Chairman Raines said if nothing else, I make a motion to adjourn; seconded by commissioner Williams. Vote was 4-0 to adjourn.

This is a summary of proceedings at the September 15, 2020 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.