The Georgetown County Planning Commission will hold its regular monthly meeting, on Thursday, July 16th, at 5:30 p.m. The meeting will be held at the Howard Auditorium located at 1610 Hawkins Street in Georgetown.

Enclosed please find an agenda and all applicable materials for this meeting. Also, enclosed is the Land Use Element review document. The review meeting has been scheduled for 5:30 on Tuesday, July 14th at the Howard Auditorium.

/tmc
GEORGETOWN COUNTY PLANNING COMMISSION  
HOWARD AUDITORIUM  
1610 HAWKINS STREET, GEORGETOWN  
JULY 16, 2020  
5:30 PM  
AGENDA  

I. PUBLIC INPUT PERIOD  

II. REZONINGS  

A. A REQUEST FROM JILL RUSSELL TO REZONE ONE PARCEL LOCATED AT THE NORTHEAST CORNER OF MACKLEN AVENUE AND SPANNER WAY IN MURRELLS INLET FROM GENERAL RESIDENTIAL (GR) TO MEDICAL DISTRICT (MD). TMS# 41-0108-003-01-00. CASE NUMBER REZ 6-20-25561.  
   1. PUBLIC HEARING  
   2. RECOMMENDATION TO COUNCIL  
   3. RECOMMENDATION ON FLU MAP  

B. A REQUEST FROM ALEXANDER HALL OF THE TIECKEN LAW FIRM, LLC AS AGENT FOR CENTRAL ELECTRIC POWER COOPERATIVE, INC. TO ESTABLISH A SOLAR ENERGY FACILITY FLOATING DISTRICT FOR THE PURPOSE OF CONSTRUCTING A SOLAR FARM. THE PROPERTY IS LOCATED IN THE GEORGETOWN COUNTY BUSINESS CENTER ON HIGHWAY 521. TMS # 02-0416-035-06-04. CASE # RZPD 6-20-25631.  
   1. PUBLIC HEARING  
   2. RECOMMENDATION TO COUNCIL  

III. CELL TOWER  

A. A REQUEST FROM ARTHUR BROWN OF SANTEE COOPER, TO ERECT A 350-FOOT GUYED COMMUNICATIONS TOWER TO BE LOCATED AT 661 STEAM PLANT DRIVE IN GEORGETOWN. TMS 01-1009-004-00-00. CASE # CELL 6-20-25580.  
   1. PUBLIC HEARING  
   2. RECOMMENDATION TO COUNCIL  

IV. OTHER BUSINESS  

A. ATTENDANCE REPORT  

V. MINUTES – JUNE 18, 2020  

VI. STATUS REPORT  

VII. LETTER OF CREDIT REPORT  

VIII. ADJOURNMENT
GEORGETOWN COUNTY PLANNING COMMISSION

DATE: July 16, 2020

AGENDA ITEM: An amendment to the Georgetown County Zoning Map

ISSUE UNDER CONSIDERATION: A request from Jill Russell to rezone a parcel located at the northeast corner of Macklen Avenue and Spanner Way in Murrells Inlet from General Residential (GR) to Medical District (MD). TMS 41-0108-003-00. Case Number REZ 6-20-25561.

CURRENT STATUS: The property is currently contains a one-story single family structure.

POINTS TO CONSIDER:

1. The parcel is located at 646 Macklen Avenue and contains approximately 20,513 square feet. The owner would like to use the site for medical massage, physical therapy and a chiropractor office. The site meets the minimum lot area requirement for the MD zoning district which is 10,000 square feet.

2. The site currently contains a single family home and associated outbuildings.

3. Surrounding tracts to the north, east and south are zoned GR (General Residential). The two parcels to the west are zoned MD (Medical District.) Surrounding uses are duplexes, single family residential and utilities. Medical uses are located within 250 feet of the site along Highway 17 Bypass.

4. The adjacent parcels to the west (TMS 41-0108-006-00-00 and 41-0108-003-00-00) were rezoned in May of 2016 from General Commercial to Medical District.

5. According to Article XI of the Zoning Ordinance, medical offices require 1 parking space for every 250 square feet of gross floor area. If the existing structure is used in its entirety for medical offices, 10 parking spaces would be required.

6. The western and northern boundaries of this parcel both abut multifamily uses (duplexes) so a Level 1 buffer would be required if this property develops as a medical district according to Article XII of the Zoning Ordinance.

7. The FLU map designates this property as medium density residential. The two parcels to the west are designated as transitional which supports the Medical District zoning. A change to the Future Land Use Map would be necessary to facilitate this request.

FINANCIAL IMPACT: Not applicable for Planning Commission

OPTIONS:
1. Recommend approval as requested by applicant.
2. Recommend approval as amended by Planning Commission.
3. Recommend denial of request.

**STAFF RECOMMENDATION:** Staff recommends approval for the proposed rezoning from GR to MD based on the MD zoning and transitional land use designation of the adjacent two lots as well as the existing medical uses along Highway 17 Bypass.

**ATTACHMENTS:**
1. Rezoning Application and Attachments
2. Location Map
3. Zoning Map
4. FLU Map
5. Aerial Map
6. Adjacent Property Notice
7. Resolution

---

Boyd Johnson  
Director of Planning and Code Enforcement

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**Public Notification Information:**
Date Advertised: 7/1/2020 (Georgetown Times); 7/2/2020 (Coastal Observer)
Date Property Posted/By: 6/30/2020 Terri Davis
Date of Notification: 6/25/2020  Number Notified: 23

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Case Number/Staff Contact: REZ 6-20-25561  
Report Completion Date: 7-7-2020  Revision Date:
PROPOSED ZONING AMENDMENT

COMPLETED APPLICATIONS FOR ZONING AMENDMENTS MUST BE SUBMITTED ALONG WITH THE REQUIRED FEE, AT LEAST FORTY-FIVE (45) DAYS PRIOR TO A PLANNING COMMISSION MEETING.

THE APPLICANT IS REQUESTING: (Indicate one)

(✓) A change in the Zoning Map.

( ) A change in the Zoning Text.

The following information must be provided for either request:

Property Information that you are requesting the change to:

Tax Map (TMS) Number: 41-0108-003-01-00

Street Address: 646 Maclean

City / State / Zip Code: Murrells Inlet, SC 29576

Lot Dimensions / Lot Area:

Plat Book / Page: 14-513

Current Zoning Classification: CR

Proposed Zoning Classification: MD
Property Owner of Record:

Name: Jill Russell
Address: 312 Meadow Ave
City/ State/ Zip Code: 12140, Murrells Inlet, SC 29576
Telephone/Fax Numbers: 843-247-2247
E-mail: livingood11c@yahoo.com
Signature of Owner / Date: Jill Russell

I have appointed the individual or firm listed below as my representative in conjunction with this matter related to the rezoning request.

Agent of Owner: N/A

Name: 
Address: 
City / State / Zip Code: 
Telephone/Fax: 
E-mail: 
Signature of Agent/ Date: 
Signature of Property Owner: 

Contact Information:

Name: Jill Russell
Address: 312 Meadow Ave, Murrells, SC 29576
Phone / E-mail: 843-247-2247
Please provide the following information.

1. Please submit 12 copies of the site plan or plat (size: 11 x 17 or 24 x 26, as needed)

2. Please explain the rezoning request for this property.  

I'm a licensed massage therapist and live at this property. I would like to have medical massage and incorporate physical therapy and possibly a chiropractor at this location. I am in the medical district and the two properties adjacent to are zone medical/residential.

Please provide the following information for a Zoning Text Amendment.

1. Indicate the section of the Zoning Ordinance that you are proposing to be changed:


2. Indicate the reasons for the proposed changes:


Fee required for all applications at the time of submittal:

Rezoning Applications $250.00
Text Amendments $250.00

Adjacent Property Owners Information required:

1. The person requesting the amendment to the Zoning Map or Zoning Text must submit to the Planning office, at the time of application submittal, stamped envelopes for each resident within Four Hundred Feet (400) of the subject property. The following return address must appear on the
envelope: “Georgetown County Planning Commission, 129 Screven St. Suite 222, Georgetown, SC 29440.”

2. A list of all persons (and related Tax Map Numbers) to whom envelopes are addressed must also accompany the application.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

Please submit this completed application and appropriate fee to Georgetown County Planning Division at 129 Screven St. Suite 222, Georgetown, S. C. 29440. If you need additional assistance, please call our office at 843-545-3158.

Site visits to the property, by County employees, are essential to process this application. The owner/applicant as listed above, hereby authorize County employees to visit and photograph this site as part of the application process.

A sign is going to be placed on your property informing residents of an upcoming meeting concerning this particular property. This sign belongs to Georgetown County and will be picked up from your property within five (5) days of the hearing.

All information contained in this application is public record and is available to the general public.

Please submit a PDF version of your plans if available. You may e-mail them to csargent@georgetowncountysc.org or include with your application.
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RESOLUTION

WHEREAS, the Georgetown County Comprehensive Plan establishes the goals of providing appropriate area for commercial development; and

WHEREAS, Jill Russell filed a request to rezone a parcel located at 646 Macklen Avenue on the northeast corner of Macklen Avenue and Spanner Way from General Residential (GR) to Medical District (MD); and

WHEREAS, the Future Land Use Map for this area, as contained in the Georgetown County Comprehensive Plan, designates this area as Medium Density Residential;

NOW, THEREFORE, BE IT RESOLVED, that the Georgetown County Planning Commission hereby recommends to the Georgetown County Council that the Future Land Use Map in the Georgetown County Comprehensive Plan be amended to designate TMS parcel 41-0108-003-01-00 as transitional.

______________________________
Elizabeth Krauss, Chairperson
Georgetown County Planning Commission

ATTEST:

______________________________
Tiffany Coleman
Georgetown County Planning
NOTICE OF PUBLIC HEARING

The Planning Commission will consider a request from Jill Russell to rezone one parcel located at the northeast corner of Macklen Avenue and Spanner Way in Murrells Inlet from General Residential (GR) to Medical District (MD). TMS# 41-0108-003-01-00. Case Number REZ 6-20-25561.

The Planning Commission will be reviewing this request on Thursday, July 16, 2020 at 5:30 p.m. in the Howard Auditorium at 1610 Hawkins Street in Georgetown, South Carolina.

If you wish to make public comments on this request, you are invited to attend this meeting. If you cannot attend and wish to comment please submit written comment to:

Georgetown County Planning Commission

PO Box 421270

Georgetown, South Carolina 29440

Telephone (843) 545-3158

Fax (843) 545-3299

E-mail: tcoleman@gtcounty.org
GEORGETOWN COUNTY PLANNING COMMISSION

DATE: July 16, 2020

AGENDA ITEM: An amendment to the Georgetown County Zoning Map to create a Solar Energy Facility Floating District (SEFFD) on a 4.64 acre parcel on Highway 521 east of Andrews. The site is currently zoned Heavy Industry (HI).

ISSUE UNDER CONSIDERATION: A request from Alexander G. Hall, Tiencken Law Firm, LLC as agent for Central Electric Power Cooperative to rezone a 4.64 acre parcel, identified as tax parcel 02-0416-035-06-04, from HI to a SEFFD. A solar farm is proposed for the site.

CURRENT STATUS: The property is currently zoned HI and is vacant. The site is located in the Georgetown County Business Center.

POINTS TO CONSIDER:

1. Central Electric Power Cooperative purchased 4.64 acres from Georgetown County in 2019 for the purpose of constructing a solar farm. This site is located in the County industrial park on Highway 521 east of Andrews.

2. In anticipation of future development of solar farms, the County adopted a solar farm ordinance in 2018. The regulations create a floating district that is overlayed on a site upon receipt of an application. Creation of each district requires a zoning map amendment which mandates the Planning Commission to hold a public hearing and three readings by County Council.

3. The site is zoned HI and a SEFFD is allowed. A minimum of 3 acres is required for a SEFFD and the site is 4.64 acres.

4. The requirements in Section 2004, Solar Energy Floating District, of the Zoning Ordinance are attached. These regulations include the following standards:
   - Site must be a minimum of 3 acres.
   - Any portion of a solar farm must be located within 2 miles of an existing electrical transmission line.
   - A conceptual plan must be submitted.
   - County Council, at its discretion, may require a development agreement which could include a decommissioning plan and financial guarantees.
   - Setbacks equal buffers.
   - The Zoning Ordinance requires a 100 foot buffer from industrial property.
   - Buffers call for the saving of trees and the use of natural vegetation to act as a visual screen.
   - Landscaping that will achieve a minimum of 10 feet in height within 3 years is required.
• Means to reduce glare from solar panels is required.
• Safety signs are required.
• Entrance roads are to include a dogleg to obscure vision.
• Access to the site must be controlled by a security gate.
• Lighting shall not shine toward other parcels.
• A Decommissioning Plan is called for unless otherwise agreed to by County Council.

5. The proposed project is not in the Andrews Airport Overlay Zone.

6. Due to the nature of a solar farm, parking is not an issue on this 4.64 ac site. Access will be provided by a 25 foot access easement crossing County property at the rear of the site. As the parcel has 602 feet of width along Hwy. 521, room exists for a driveway if desired. SCDOT would have to issue an encroachment permit for any driveway on Hwy. 521.

7. A County stormwater permit is needed. No final construction permits will be issued without a stormwater permit. However, the ground underneath solar panels is pervious so rain water typically runs from a panel and falls to the pervious ground which enhances stormwater management.

8. The Zoning Board of Appeals heard a variance request from the applicant on June 4, 2020. See the attached letter from Central Electric Power dated April 24, 2020 and a Waiver of Declaration of Covenants, Conditions, Restrictions, and Easements & Acknowledgement of Termination of Development Agreement dated August 1, 2019 that were given to the BZA. Variances to the requirements in the Zoning Ordinance were granted to the applicant such that a facility could be constructed based on the enclosed site plan dated December 18, 2019. This primarily involved the buffers and landscaping. The applicant successfully maintained that trees had to be removed to promote the needed availability of sunlight to the panels. They established that this facility was intended to serve as an educational facility that would promote the use of solar power. To drastically obscure views of the project would negatively affect that primary goal of the project.

9. A Decommissioning Plan has not been provided and was not discussed when the County sold the property to Central Electric for a solar farm. Staff believes such a plan will not be required. County Council should make this decision and a decision as to whether a development agreement is warranted when the request is before them for approval.

10. Georgetown County owns all adjacent property which is zoned I1. Obviously the County as an adjacent property owner does not object to the project as it sold the land for this purpose.

**FINANCIAL IMPACT:** Not applicable for Planning Commission

**OPTIONS:**
1. Recommend approval as requested by applicant.
2. Recommend approval as amended by Planning Commission.
3. Recommend denial of request.

**STAFF RECOMMENDATION:** Staff recommends approving the request as the Zoning Board of Appeals granted a variance to the site for the proposed plan. A security gate and safety signs should be required.

**ATTACHMENTS:**
1. Application
2. Location Map
3. Zoning Map
4. Future Land Use Map
5. Site Map
6. Adjacent Property Notice
9. Correspondence

[Signature]
Boyd Johnson
Director of Planning and Code Enforcement

Public Notification Information:
Date Advertised: 7-1-2020 (Georgetown Times); 7-2-2020 (Coastal Observer)
Date Property Posted/By: 6-30-2020/Terri Davis
Date of Notification: 6-25-2020  Number Notified: 2

Case Number/Staff Contact: RZPD 6-20-25631/Boyd Johnson
Report Completion Date: 07-08-20  Revision Date:
APPLICATION FOR REZONING TO A PLANNED DEVELOPMENT

COMPLETED APPLICATIONS MUST BE SUBMITTED ALONG WITH THE REQUIRED FEE, AT LEAST FORTY-FIVE (45) DAYS PRIOR TO A PLANNING COMMISSION MEETING.

Name of Proposed Development: Santee Electric Co-op Community

Check one:

( ) Industrial PD, ten (10) acre minimum.

( ) Medical Center, shopping center, commercial, residential, and mixed use developments, two (2) acre minimum.

Conceptual Plan requirements include the following:

Please submit 12 copies (7 large: 24 x 26 and 5 small: 11 x 17).

- Scaled Site Plan:
  Location map, owners names, location of structures, types of uses, total acreage, lot sizes, traffic patterns, screening and buffering borders, building heights, density, layout of sidewalks and parking areas, open spaces labeled and title block.

- Environmental Plan:
  Contours, drainage plan, flood prone areas, marsh area or wetlands and any other principle geographic features.

- Water and Sewer Plan:
  Shall meet the requirements of the Georgetown County Water and Sewer District extension policy.

- Utilities Plan:
Layout and easements for other utilities.

- Type of development with text describing the requirements and amenities proposed.

Upon approval of the conceptual plan by County Council, the zoning map will be changed accordingly.

**Final Plan requirements include the following:**

- **Scaled Detailed Site Plan:**
  Includes everything submitted on the concept plan plus phase of development with timetable, ingress and egress lanes, setbacks, lot sizes, street names, type of pavement, exact dimensions of structures, public access and open space, density, final layout of sidewalks and pathways and title block.

- **Environmental Plan:**
  Includes everything submitted on the concept plan plus dumpster location and erosion control methods.

- **Water and Sewer Plan:**
  Includes everything submitted on the concept plan plus the sign-off on the plans.

- **Utilities Plan:**
  Includes everything submitted on the concept plan.

- **Exterior Appearance:**
  Need to submit elevations of the proposed buildings.

- **Soil, trees, and other information required by staff.**

**Property Information:**

(02-0416-035-06-00)

TMS Number: **02-0416-035-06-04**

Street Address: 

City / State / Zip Code: _Andrews, SC 29510_

Lot / Block / Number: 

Current Zoning Classification: **HI**

Existing Use: **None - vacant**

Proposed Use: **Solar Farm**

Number of Acres: **4.64** Net Density **3000 CPH**
Property Owner of Record:

Name: Central Electric Power Cooperative, Inc.
Address: 20 Cooperative Way
City/ State/ Zip Code: Columbia, SC 29110
Telephone/Fax: 803-779-4975 / 803-561-9366
E-Mail: G.Fleming@CEPCI.org
Signature of Owner / Date: 

Contact Information: Name: Gerry Fleming Phone 698-836-3636

I have appointed the individual or firm listed below as my representative in conjunction with this matter related to the Planning Commission of proposed new construction or improvements to the structures on my property.

Agent of Owner:

Name: Alexander Hall, The Trenchen Law Firm, LLC
Address: 234 Seven Farms Drive, Suite 114
City / State / Zip Code: Daniel Island, SC 29492
Telephone/Fax: 843-397-8415 / 843-877-8419
E-Mail: ahall@trenchenlaw.com
Signature of Agent/ Date: Alexander Hall 6/23/2020

Signature of Owner / Date: 

Contact Information:

Name: 
Address: 
Phone / E-mail: 

Fee Schedule: Planned Developments.
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Adjacent Property Owners Information required:

1. The person requesting the amendment to the Zoning Map or Zoning Text must submit to the Planning office, at the time of application submittal, stamped envelopes addressed with name of each resident within **Four Hundred Feet (400)** of the subject property. The following return address must appear on the envelope: “Georgetown County Planning Commission, 129 Screven St. Suite 222, Georgetown, SC 29440.”

2. A list of all persons (and related Tax Map Numbers) to whom envelopes were addressed to must also accompany the application.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

Please submit this **completed application** and appropriate **fee** to Georgetown County Planning Division at 129 Screven St, Suite 222 Georgetown, S. C. 29440. If you need any additional assistance, please call our office at 843-545-3158.

Site visits to the property, by County employees, are essential to process this application. The owner/applicant as listed above, hereby authorize County employees to visit and photograph this site as part of the application process.

A sign is going to be placed on your property informing residents of an upcoming meeting concerning this particular property. This sign belongs to Georgetown County and will be picked up from your property within five (5) days of the hearing.

All information contained in this application is public record and is available to the general public.
April 24, 2020

Mr. Boyd Johnson
Director of Planning & Code Enforcement
Georgetown County
P.O. Drawer 421270
Georgetown, SC 29442-4200
bjohnson@gctcounty.org

RE: Solar Ordinance Variance for Santee Electric Cooperative, Inc. Community Solar Farm Located on TMS# 02-0416-035-06-04

Dear Mr. Johnson,

As you are aware, Central Electric Power Cooperative, Inc. ("Central") purchased a 4.64-acre parcel of property located on US Highway 521 and identified as TMS# 02-0416-035-06-04 (the "Property") from Georgetown County on August 2, 2019. Central purchased the Property to be used for the construction and operation of a solar energy facility to generate electricity for citizens of Georgetown County who are members of Santee Electric Cooperative, Inc. ("SEC"). This new Community Solar Farm will give SEC’s members the opportunity to share in the benefits of renewable solar power, even if they cannot, or prefer, not to install solar panels on their property.

By way of background, in August of 2017, SEC began discussions with the County about this Community Solar Farm project and purchasing land from the County in the Georgetown County Commerce Center. The County subsequently selected the current location of the Property based on the site layout options provided by Central/SEC. In its correspondence with the County, SEC informed the County that it intended to use the location of the Community Solar Farm itself, for marketing purposes, which is why having great visibility from US Highway 521 – Georgetown Highway was so important to Central and SEC.

To ensure the property was properly zoned to allow for the construction of the community solar farm, the Purchase Contract between Central and the County included language requiring the County to “have the Property re-zoned to a Georgetown County zoning classification that permits the Property to be used as community solar generation facility. Said re-zoning to be completed at the sole cost and direction of Seller, at least fifteen (15) days prior to Closing.”

To further evidence the County’s approval of the layout and use of the Property for a solar farm and to document that no other covenants or restrictions applied to the 4.64 acre Property, Central prepared a "WAIVER OF DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS & ACKNOWLEDGEMENT OF TERMINATION OF DEVELOPMENT
AGREEMENT" (the "Waiver") which was signed by the County at closing and recorded in the Georgetown County Register of Deeds Office. The Waiver, a copy of which is enclosed herewith, includes the following language:

"WHEREAS, it is the purpose of this Waiver to permit Central Electric’s use of the Property for construction and operation of a solar energy facility to generate electricity for citizens of Georgetown County who are members of Santee Electric Cooperative, Inc."

"NOW THEREFORE, KNOW ALL BY THESE PRESENTS THAT in accordance with and in consideration of the recitals hereinabove stated and incorporated herein by reference, and the sum of Five and No/100 Dollars ($5.00), the receipt and legal sufficiency of which are hereby acknowledged, Georgetown County hereby waives, terminates, and removes any and all rights, conditions, and restrictions contained in the Declaration, with regard to the Property. Furthermore, Georgetown County hereby specifically acknowledges and approves Central Electric’s proposed use of the Property for the construction and operation of a solar farm. This Waiver shall be binding upon the parties hereto, their successors and assigns forever." (emphasis added)

In light of the prior correspondence and agreements between Central/SEC and the County leading up to Central’s purchase of the Property, please accept this letter as Central’s formal written request for a variance of the provisions of Georgetown County Zoning Ordinance Article XX, Section 2004, Solar Energy Facility Floating District (Amended Ord. 2018-30) (the “Solar Ordinance”), to allow Central to construct SBC’s Community Solar Farm as shown on the enclosed Site Layout.

More specifically, Central requests a variance of the following provisions in the Solar Ordinance:

2004.1011 Acreage -- Variance to allow a solar farm which consists of less than three (3) acres, as shown on the Site Layout.

2004.202 Setbacks & 2004.205 Buffers -- Variance to allow Central to use the following buffer requirements which were set forth in the 2018 draft version of the Solar Ordinance:

<table>
<thead>
<tr>
<th>Use</th>
<th>Buffer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Dwelling</td>
<td>100'</td>
</tr>
<tr>
<td>Other Residential</td>
<td>100'</td>
</tr>
<tr>
<td>Commercial/Office</td>
<td>50'</td>
</tr>
<tr>
<td>Industrial</td>
<td>50'</td>
</tr>
<tr>
<td>Churches/Non-Profits</td>
<td>100'</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>100'</td>
</tr>
</tbody>
</table>
Central also requests a variance of 2004.205, to allow the cutting and clearing of trees around the Community Solar Farm in order for the solar panels to have an unobstructed view of the sun.

**2004.206 Landscaping** – Variance to allow Central to screen and landscape the Community Solar Farm in a manner that maintains clear visibility from US Highway 521 – Georgetown Highway.

In light of the circumstances, and in order to avoid further construction delays and cost expenditures for SBC’s Community Solar Farm, Central formally requests that the Planning Commission provide expedited review and approval of the variance requested herein.

Thank you for your assistance on this matter. Should you have any questions or need any additional information, I can be reached by phone at 803-834-7956 or by email at gfleming@CEPCI.ORG

Sincerely,

[Signature]

Gerry Fleming, CPM
Director of Power Supply Operations
Central Electric Power Cooperative, Inc.

**Enclosures:** Site Layout
Waiver of Declaration of Covenants, Conditions, Restrictions and Basements & Acknowledgement of Termination of Development Agreement

cc: Brian Tucker – Georgetown County (via email only)
Allan Fortner – Land Planning Associates, Inc. (via email only)
Robert F. Higbe III, P.E. – Santee Electric Cooperative, Inc. (via email only)
Alexander G. Hall – The Tieneken Law Firm, LLC (via email only)
STATE OF SOUTH CAROLINA

COUNTY OF GEORGETOWN

WAIVER OF DECLARATION OF COVENANTS
COVENANTS, CONDITIONS, RESTRICTIONS,
AND EASEMENTS & ACKNOWLEDGEMENT OF
TERMINATION OF DEVELOPMENT AGREEMENT

THIS WAIVER OF DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS
AND EASEMENTS & ACKNOWLEDGEMENT OF TERMINATION OF DEVELOPMENT
AGREEMENT ("Waiver") is entered into to be effective as of this 12th day of August, 2019, by
GEORGETOWN COUNTY, SOUTH CAROLINA, a body politic and corporate and a political
subdivision of the State of South Carolina (hereinafter referred to as "Georgetown County").

WITNESSETH

WHEREAS, MWV and Georgetown County entered into a Development Agreement dated
November 18, 1999 (the "Development Agreement") in order to develop what is currently known as the
Georgetown County Business Park located on U.S. Hwy 521 near the Town of Andrews in Georgetown
County and subsequent to the execution of the Development Agreement, MWV conveyed the fee simple
title to all of the property subject to the Development Agreement, to Georgetown County; and

WHEREAS, Georgetown County, as the sole owner of the real property subject to the
Development Agreement, terminated the Development Agreement as set forth on that certain
"Termination of Agreement" dated April 14, 2014, a copy of which is attached hereto as Exhibit A and
incorporated herein; and

WHEREAS, the Development Agreement included a Declaration of Covenants, Conditions,
Restrictions and Easements of the Georgetown County Commerce Center ("Declaration") as set forth in
Georgetown County Ordinance No. 2006-64 dated September 26, 2006 containing certain conditions,
restrictions and limitations for the real property known as the Georgetown County Business Park located
on U.S. Hwy 521; and

WHEREAS, although the Development Agreement has been terminated as set forth above, a
formal termination of the Declaration has not been recorded in the Georgetown County Registrar of
Deed’s Office, and as such, the Declaration remains on the chain of title for the property known as the
Georgetown County Business Park located on U.S. Hwy 521; and

WHEREAS, Georgetown County has agreed to convey the 4.64-acre parcel of real property as
shown on the plat prepared by Glenn Associates Surveying dated February 13, 2019 and recorded in the
Georgetown County Registrar of Deed’s Office on July 22, 2019 in Plat Book 580 at Page 5 (the "Property"), to Central Electric Power Cooperative, Inc. (hereinafter referred to as “Central
Electric”) in order for Central Electric to construct a solar farm on the Property; and

WHEREAS, it is the purpose of this Waiver to permit Central Electric’s use of the Property for
construction and operation of a solar energy facility to generate electricity for citizens of Georgetown
County who are members of Santee Electric Cooperative, Inc.

NOW THEREFORE, KNOW ALL BY THESE PRESENTS THAT in accordance with and in
consideration of the recitals hereinafore stated and incorporated herein by reference, and the sum of Five
and No/100 Dollars ($5.00), the receipt and legal sufficiency of which are hereby acknowledged,
Georgetown County hereby waives, terminates, and removes any and all rights, conditions, and
restrictions contained in the Declaration, with regard to the Property. Furthermore, Georgetown County
hereby specifically acknowledges and approves Central Electric’s proposed use of the Property for the construction and operation of a solar farm. This Waiver shall be binding upon the parties hereto, their successors and assigns forever.

Dated on the day and year first above written.

SIGNED, SEALED, AND DELIVERED IN THE PRESENCE OF:

GEORGETOWN COUNTY, SOUTH CAROLINA, a body politic and political subdivision of the State of South Carolina

By: __________________________
Name: H.E. Hemingway, Jr.
Title: County Administrator

Witness No. 1

Witness No. 2

STATE OF SOUTH CAROLINA } PROBATE
COUNTY OF GEORGETOWN }

I, Ollie N. Lewis, a Notary Public for South Carolina, do hereby certify that GEORGETOWN COUNTY, a body politic and corporate and a political subdivision of the State of South Carolina, by H.E. Hemingway, Jr., its County Administrator, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal (where official seal is required by law) official seal this 15th day of August, 2019.

Ollie N. Lewis (SEAL)
Notary Public for South Carolina
My commission expires 12/22/2025
STATE OF SOUTH CAROLINA  
COUNTY OF GEORGETOWN  

TERMINATION OF AGREEMENT

THIS TERMINATION OF AGREEMENT ("Agreement") dated as of ____, 2014, between MWV-GEORGETOWN BUSINESS PARK, LLC (the "MWV") and GEORGETOWN COUNTY, (the "County") provides:

WITNESSETH

WHEREAS, MWV and Georgetown County entered into a Development Agreement dated November 18, 1999 (the "agreement") in order to develop what is currently known as the Georgetown County Business Park located on U.S. Hwy 521 near the Town of Andrews in Georgetown County; and

WHEREAS, subsequent to the execution of the original agreement, MWV and the County have amended the agreement, the latest amendment being executed by the County on September 27, 2010; and

WHEREAS, MWV has since conveyed the fee simple title to the subject property (being the only property contemplated in the development agreement) to the County and is no longer involved with the development of the business park; and

WHEREAS, Section 3.2 of the agreement provides that termination of the agreement can occur upon the mutual consent of both MWV and the County; and

WHEREAS, both parties are desirous of terminating this agreement.

NOW, THEREFORE, for and in consideration of the recitals, the promises, covenants, agreements and obligations of MWV and County as herein contained, and the sum of Five and No/100 Dollars ($5.00) to each in hand paid by the other, the receipt and sufficiency of which is hereby acknowledged, both parties agree as follows:

1. In accordance with the terms of Section 3.2, entitled "Termination of Agreement", as set forth in the Development Agreement dated November 18, 1999, both parties hereby consent to a full and complete termination of the agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Termination of Agreement to be duly executed and sealed as of the year and day first written above.

GEORGETOWN COUNTY

[Signature]
By: [Signature]
Its: County Administrator

WITNESS 1

WITNESS 2

Notary
STATE OF SOUTH CAROLINA  
COUNTY OF GEORGETOWN

I, Wesley Coggit, do hereby certify that Sel Hemingway personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 14th day of April, 2014.

NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: October 12, 2017

MWV-GEORGETOWN BUSINESS PARK, LLC

Witness 1  
By: James A. Lee  

Witness 2/Notary

STATE OF SOUTH CAROLINA  
COUNTY OF Berkeley

I, Miriam L. Holladay, do hereby certify that James H. Hill personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 7th day of April, 2014.

NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: May 8, 2018
NOTICE OF PUBLIC HEARING

The Planning Commission will consider a request from Alexander Hall of The Tineskean Law Firm, LLC as agent for Central Electric Power Cooperative, Inc. to establish a Solar Energy Facility Floating District for the purpose of constructing a solar farm. The property is located in the Georgetown County Business Center on Highway 521. TMS # 02-0416-035-06-04. Case # RZPD 6-20-25631.

The Planning Commission will be reviewing this request on Thursday, July 16, 2020 at 5:30 p.m. in the Howard Auditorium at 1610 Hawkins Street in Georgetown, South Carolina.

If you wish to make public comments on this request, you are invited to attend this meeting. If you cannot attend and wish to comment please submit written comment to:

Georgetown County Planning Commission
PO Box 421270
Georgetown, South Carolina 29440

Telephone (843) 545-3158
Fax (843) 545-3299
E-mail: tcoleman@gtcounty.org