

**Town Council Meeting
September 28, 2015
New Business Item**

MXU Concept Plan & Development Conditions: Carolina Orchards “Culp” MXU

An ordinance adopting a Mixed Use Concept Plan & Development Conditions for the Carolina Orchards “Culp” MXU Project

Background / Discussion

Council is asked to consider a mixed use concept plan and development conditions for York County Tax Map Number 728-00-00-011. These parcels contain a total of 30.94 acres located at 101 Hunter Oaks Lane. The property owner, John Franklin Culp, has requested annexation of this parcel into the town limits with a zoning designation of MXU Mixed Use. The annexation request is listed as a separate action item on the agenda. The property is currently under contract for sale to the Pulte Group, who has been authorized by the property owner to serve on behalf of the applicant.

As shown in the attached concept plan and development conditions, the applicant is requesting approval to develop a maximum of 90 single-family residential dwelling units on the property (2.91 units per acre).

As required by the MXU ordinance, the concept plan includes a minimum of 20% open space. Additional development standards, including lot dimensions and setbacks, are shown in the proposed development conditions. Because the parcel is adjacent to property which will be developed as the Carolina Orchards by Del Webb project, the applicant has requested the elimination of the MXU district’s 35’ perimeter buffer along this project edge. All other project edge’s will observe the minimum 35’ buffer requirement. The surrounding parcels are currently owned by Clear Springs Land Co. and Springland Inc., and are included as part of the 347 +/- acre “Tract 4 – Springfield Tract” covered by the 2008 development agreement between the town and Clear Springs et al.

New residential development on the property will be accessed internally from the Carolina Orchards development. Therefore, no additional access points have been shown.

The draft concept plan and development conditions requested by the applicant are attached for consideration. Large copies of the concept plan and development conditions will be available for review during the meeting.

Recommendation

As noted in the previous agenda item, the subject property is located within an area that has been designated as “Medium-Density Residential” on the Town of Fort Mill’s Future Land Use Map, last updated in January 2013. The comprehensive plan identifies “Medium Density” as 3-5

dwelling units per acre. The proposed density of 3.0 DUA is consistent with the recommendations of the 2013 Comprehensive Plan update.

The applicant recently completed a realignment of Hammond Road, and the old road section is currently in the process of abandonment. The applicant has also completed a traffic circle on York Southern Road, and will install a traffic signal at the intersection of York Southern Road and Old Nation Road, per the recommendations of a previously completed traffic study. Staff would recommend in favor of updating the existing traffic study for the Orchards project to determine whether any additional off-site improvements will be required, including possible construction of a cul-de-sac on Hunter Oaks Lane.

As mentioned in the annexation request, another possible concern is the distance between the property to the town's existing fire station. One item which may be considered in the development conditions would be a phasing plan that delays construction to allow for construction of a fire station in the Springfield corridor.

Though the property does not include a non-residential use, we note that the subject parcel is directly adjacent to the Springs' "Springfield Tract," which allows up to 680 residential units and up to 290,000 SF of commercial development, per the 2008 development agreement. A portion of the Springfield Tract has been or will be sold to Pulte for development of the Carolina Orchards project. Therefore, staff recommends in favor of approval, noting the items referenced above.

The Planning Commission reviewed this request during its meeting on September 22, 2015. Below is an excerpt from the meeting minutes:

Planning Director Cronin stated that Pulte's proposed development conditions for the Culp MXU project would allow for up to 90 additional single-family lots (2.91 units per acre). It was staff's opinion that this density was consistent with the medium density designation contained within the comprehensive plan, as well as the development plan for the surrounding Carolina Orchards project. Staff recommended in favor of approval. Mr. Hudgins made a motion to recommend in favor of the proposed concept plan and development conditions, to include a note in the development conditions that the project will be limited to up to 90 age-restricted, single-family units. Mr. McMullen seconded the motion. Chairman Traynor noted for the record that although his employer was under contract to sell the neighboring property to Pulte, neither he nor his employer had any interest in the property subject to the request. The motion was approved by a vote of 7-0.

Joe Cronin
Planning Director
September 24, 2015

TOWN OF FORT MILL
APPLICATION FOR ZONING MAP AMENDMENT

APPLICANT(S):

NAME	ADDRESS	PHONE NUMBER
Cisco Garcia Pulte Group	11121 Carmel Commons Boulevard Suite 450, Charlotte, NC 28226	(704) 414-7007

Area of Subject Property: 30.94 acres and/or 1,347,746 square feet

What is the CURRENT zoning for the parcel(s)? UD - York County

What is the proposed zoning for the parcel(s)? MXU

Does the applicant own all of the property within the zoning proposal? No

State the proposed change and reason(s) for request: (Attach additional sheets if needed)

To allow development as permitted within the MXU zoning district standards consistent with the adjacent Carolina Orchards project.

As Owner(s) of the property described below, I/we request that our property be rezoned as indicated.

TAX MAP NUMBER	PROPERTY ADDRESS	OWNER	OWNER'S SIGNATURE
728000011	101 Hunter Oaks Lane Fort Mill, SC 29715	John Franklin Culp	See attached Joinder Agreement Form

Please return application and fee to: Town of Fort Mill, PO Box 159, Fort Mill, SC 29716

Tax Parcel ID: 728-0000-011

Petitioner Joinder Agreement- Town of Fort Mill- Annexation & MXU Rezoning

The undersigned, as the owner of the parcel of land located at 101 Hunter Oaks Lane in York County, South Carolina that is designated as Parcel Identification Number 728-0000-011 on the York County Tax Map and which is the subject of the attached Annexation Request & MXU Rezoning, hereby join and give permission to Pulte Homes to request and file this Annexation Request & MXU Rezoning with the Town of Fort Mill for the Parcel referenced above.

This 2 day of September 2015
(day) (month)

By: John F. Culp
(Owner Signature)

SIGN HERE

John Franklin Culp
101 Hunter Oaks Lane
Fort Mill SC 29715

South
County of York

John F. Culp, appearing before the undersigned
Name of Property Owner (printed)

Notary and being duly sworn, says that:

- 1. I am the owner of the property described above
- 2. All statements above are true and correct

Property Owners Signature

Sworn to (or affirmed) and subscribed before me this the 2 day of September, 2015.

(Official Seal)

SWAN W ANKINS
Official Signature of Notary

SIGN HERE

SWAN W ANKINS, Notary Public
Notary's Name (printed)

My commission expires: 5-17-23

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2015-__

AN ORDINANCE ADOPTING A MIXED USE CONCEPT PLAN & DEVELOPMENT
CONDITIONS FOR THE CAROLINA ORCHARDS “CULP” MXU PROJECT

WHEREAS, the parcel currently or formerly known York County Tax Map Number 728-00-00-011, containing approximately 30.94 acres at 101 Hunter Oaks Lane, was annexed to and made a part of the Town of Fort Mill by ordinance adopted on October 12, 2015; and

WHEREAS, by ordinance of the Fort Mill Town Council, the above referenced parcel was zoned as follows: MXU Mixed Use; and

WHEREAS, Article II, Section 19(5)(D)(1)(a), of the Zoning Ordinance for the Town of Fort Mill, requires as part of the approval process that a Mixed Use Development Project shall contain a concept plan and, if applicable, development conditions; and

WHEREAS, the applicant has submitted Development Conditions as shown within the attached “Exhibit A,” and a Concept Plan as shown within the attached “Exhibit B,” both of which have been reviewed by the Fort Mill Planning Commission and the Fort Mill Town Council and found to be consistent with the Town’s Comprehensive Plan;

NOW, THEREFORE, pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

Section I. Pursuant to Article II, Section 19(5)(D)(3), of the Zoning Ordinance for the Town of Fort Mill, the Development Conditions for the Carolina Orchards “Culp” MXU Project are hereby adopted as shown within the attached “Exhibit A.” Where any conflicts exist between the Development Conditions and the Subdivision Ordinance or Zoning Ordinance for the Town of Fort Mill, the provisions specified within the Development Conditions shall apply. A copy of these development conditions shall be maintained on file in the office of the Town Clerk and the Zoning Administrator.

Section II. Pursuant to Article II, Section 19(5)(D)(4), of the Zoning Ordinance for the Town of Fort Mill, the Concept Plan for the Carolina Orchards “Culp” MXU Project is hereby adopted as shown within the attached “Exhibit B.” A copy of this Concept Plan shall be maintained on file in the office of the Town Clerk and the Zoning Administrator.

Section III. The provisions of this ordinance shall apply to the parcel currently or formerly known as York County Tax Map Number 728-00-00-011, containing approximately 30.94 acres at 101 Hunter Oaks Lane.

Section IV. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

Section V. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section VI. Effective Date. This ordinance shall be effective from and after the date that the Property Owners transfer the above-described property to the Pulte Group through a deed recorded in the Office of the Register of Deeds, York County, South Carolina. If the property is not transferred within ninety (90) days from the date of adoption, this ordinance shall be of no force or effect.

SIGNED AND SEALED this _____ day of _____, 2015, having been duly adopted by the Town Council for the Town of Fort Mill on the _____ day of _____, 2015.

First Reading: September 28, 2015
Public Hearing: October 12, 2015
Second Reading: October 12, 2015

Closing Date: _____
Deed Book/Page: _____

LEGAL REVIEW

Barron B. Mack, Jr, Town Attorney

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

ATTEST

Dana Powell, Interim Town Clerk

Exhibit A.

**Development Standards & Conditions
Carolina Orchards “Culp” MXU Project**

Development Standards

Carolina Orchards Culp MXU - Project Conditions

1. Purpose of district

The purpose of the mixed-use development (MXU) district is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the provision of infrastructure, and to preserve the natural and scenic features of open areas. This district is intended for the appropriate integration of a wide range of residential and non-residential uses. The district is intended for use in connection with developments where the town has determined that the quality of a proposed new development will be enhanced by flexibility in the planning process.

2. Platting Requirements

Platting requirements will be in accordance with Article II-PLAT REQUIREMENTS, of Chapter 32-SUBDIVISIONS, of the Town of Fort Mill Municipal Ordinance. Where possible, plats will comply with Article II, Section 19.3(C) of the Zoning Ordinance.

3. Bonding Requirements

Bonding requirements will be in accordance with Section 32.104-SURETY BOND, Article IV-REQUIRED IMPROVEMENTS, of Chapter 32, of the Town of Fort Mill Municipal Ordinance.

Orchards Culp MXU Conditional Notes

1. General Provisions

Each proposal for the development under MXU district is anticipated to be unique. Except as provided by this section, an MXU district shall be subject to all of the applicable standards, procedures and regulations in other sections of the zoning ordinance.

The development depicted on the Mixed Use Development Site Plan is intended to reflect the arrangement of proposed uses on the site, but the final configuration, placement and the size of individual site elements may be altered or modified within the limits of the Ordinance and the standards established on the Development Standards Sheet during design development and construction phases. Street alignment and lot layout width and depth dimensions may be modified to accommodate final building layout and lot locations. The Petitioner reserves the right to modify the total number of lots identified within individual parcels or phases, reallocate units from a parcel or phase to another, or reconfigure lots and street layouts, provided the total number of lots for the entire residential development does not exceed the maximum total number permitted.

These standards, as established by the Technical Sheet, as set out below and as depicted on the Mixed Use Development Site Plan shall be followed in connection with development taking place on the site. Standards established by The Carolina Orchards Culp Technical Data Sheet and The Carolina Orchards Mixed Use Development Site Plan shall supersede the Fort Mill Subdivision Ordinance and Zoning Ordinance in effect at the date of approval.

2. Permitted Uses

A) Residential

i) Subject to the requirements set out below, a maximum of 90 age-restricted dwelling units may be constructed on the site.

ii) Single-Family Detached Homes: Age-restricted single family detached homes shall be allowed throughout all areas of the residential development having minimum dimensional standards as specified in section 15, along with any incidental or accessory uses in connection therewith, which are permitted by right or under prescribed conditions in the Mixed Use Zoning District or as part of The Carolina Orchards Culp Mixed Use Development.

iii) Common Open Space: May include landscaping, active and passive Recreation, pedestrian and multi-use paths, utilities and associated infrastructure, and utility easements.

iv) Amenities: Amenity uses including buildings, pool and pool facilities, athletic fields, trails, playground equipment, picnic shelters and other accessory uses commonly associated with amenity facilities are allowed if located on this parcel.

3. Density

The maximum Gross Residential Unit density will not exceed 4.12 units per acre and/or 90 total units. Open space areas shall be included in the calculations for gross residential density.

4. Streets

Minimum dimensions and design standards for each street type shall follow a consistent standard. The standards for each street shall follow one of the following:

a) Public Residential Street: In accordance with the Town standards outlined in the Fort Mill Subdivision Ordinance.

b) All Residential Streets: Shall be designed to provide a stop condition no more than 2,000 feet apart. This will be accomplished by "T" intersections where practical. Where this is not practical due to site constraints, posted stop signs at intersection (s) within the 2,000-foot street length will be installed.

c) Cul-de-sacs: Shall conform to standards in the Fort Mill Subdivision Ordinance, except that alternative cul-de-sacs and loop streets shall be permitted to have landscaped islands, provided that the dimensions of these islands will accommodate the turn-around of fire trucks without backing up. Subdrains will be provided behind the island curb if irrigation is installed within the cul-de-sac island. Cul-de-sac lengths may vary as shown on The Carolina Orchards Culp MXU Site Plan. The Carolina Orchards Culp Mixed Use Development will provide landscaped island where feasible. Landscaped islands are subject to approval of the Town of Fort Mill Fire department.

Sidewalks: Will be installed on at least one side of all streets. At the Developer's option, additional sidewalks may be installed.

e) Block Lengths: Block lengths shall be a maximum of 2,000 feet.

5. Vehicular Access and Road Improvements

Vehicular access shall be provided through adjacent Springs MXU development in the general location as shown on the Mixed Use Development Site Plan. Minor adjustments to the locations of street and driveway entrances may occur, as required to meet state and local agency standards, or as a result of further site investigation and coordinate with final subdivision and site plan design.

6. Landscaping

Landscaping shall be provided in accordance with Article II, Section 19.4(J) of the Zoning Ordinance and along York Southern Road in areas generally depicted on the Mixed Use Development Site Plan.

7. Open Space

Common open space will be provided, to be platted and recorded separately from other uses. Open space will be owned and maintained by a Homeowner's Association or Property Owners Association. Any dedicated landscaping, buffers, or greenways will be included in allowable open space calculations. A minimum of 20% of the site area shall be open space.

8. Parking and Loading

Parking, loading, and other requirements for each permitted use and platted lot will be in accordance with the requirements of Article I, Section 7, Subsection I for the Fort Mill Zoning Ordinance subject to the petitioner's ability to include parking spaces located within units with garages as eligible spaces meeting said requirements.

9. Access to Lots

Access (curb cuts) to each platted lot must comply with standards set forth in the Fort Mill Zoning and Subdivision Ordinances. Vehicular access shall be provided through adjacent Carolina Orchards development (Springs MXU) in the general location as shown on the Carolina Orchards Mixed Use Development Site Plan via extension of the public right of way for Carolina Orchards Boulevard. Minor adjustments to the locations of street and driveway entrances may occur, as required to meet state and local agency standards, or as a result of further site investigation and coordinate with final subdivision and site plan design.

10. Signage

A proposed project signage package shall be provided for approval by the town. All signs shall meet the requirements of Article II, Section 19.4(1), Subsections 1, and 2 of the Zoning Ordinance. Approval to not be unreasonably withheld.

11. Building Heights

Proposed building heights will not exceed 45 feet. Building height shall be measured in accordance with Article II, Section 19.4(D) of the Zoning Ordinance.

12. Improvements

The developer will be responsible for installation of required streets, utilities, common areas, amenity improvements, open space, and buffer yards, which pertain specifically to the project.

13. Changes

a) Petitioner/Developer understands that upon approval of the Mixed Use Development by the Town Council, any changes that are proposed which are considered to be of a minor nature such as adjustments or relocation of streets, lots, and open space; or adjustments to interior parcel boundaries, parcel sizes, or lot sizes and quantities, may be approved by the Fort Mill staff through an administrative review process. Other minor changes may be made to the list of permitted uses, unit mixture, reallocation of unit types, relocation of uses, buffer yards, landscaping and open space standards throughout the project, shall be subject to review and approval through an administrative process by the Fort Mill staff.

b) Significant changes to the Mixed Use Development Site Plan which include changes increasing overall project dwelling unit count, land use summary, and adding acreage are all considered to be major site plan changes and are subject to approval by the Town Council in accordance with Chapter 32 of the Fort Mill Municipal Ordinance.

14. Construction Schedule and Phasing

This development will be constructed in phases. Phasing to be determined and approved during the preliminary plat process.

15. Development Standards

Design Standards–Storm drainage and utilities (including sanitary sewer, gas, electric, telephone and cable television) may occur within landscape corridors/areas.

- a) Maximum Residential Density: 3.0 units per acre
- b) Maximum number of Residential Units: Up to 90
- c) Impervious Surface Ratio: 80% for single family detached, 85% remaining uses
- d) Single Family Detached Development
 - i. Minimum front building setbacks (from street r/w): 20 feet
 - ii. Minimum side yard: 5 feet
 - iii. Minimum side yard at corner lots (from street r/w): 10 feet
 - iv. Minimum rear yard: 10 feet
 - v. Minimum lot width: 30 feet
 - vi. Minimum lot size: 2,400

***NOTE:**

1. Steps that provide direct access to the entrance of a principal structure may extend 50 percent into a required front yard to the property (right-of-way) line. Balconies and awnings may extend up to 50 percent into a required front, side, or rear yard, provided a minimum vertical clearance of nine feet measured from the finished grade is maintained. Other appurtenances, such as a stoop, open porch, or bay window may extend up to 10 feet into the required front yard, provided such features do not impede pedestrian circulation, or extended more than 50 percent into the required yard. Such appurtenances may extend up to 25 percent into a required side or rear yard.

2. Single Family detached lots of less than 40' in width are permitted provided they are rear loaded with alley access.

d) Buffer Yards

i. Perimeter buffer will not be required between The Carolina Orchards Culp MXU project and the Carolina Orchards development which is part of the Springs MXU Zoning.

ii. Perimeter buffers for areas not adjoining the Carolina Orchards Development (Springs MXU) shall be in accordance with Article II Section 19.4(K) of the Zoning Ordinance. Buffer Yard shall be natural, undisturbed and wooded where possible and shall count towards the provision of open space for the development where the buffer is not platted and made part of an individual privately owned lots. Where an existing natural undisturbed wooded area does not exist, a planted buffer shall be required in conformance with the buffer standards of Article II, Section 19.4(K).

iii. Petitioner reserves the right to construct a minimum 6' (six) high opaque fence, wall berm, or combination thereof in order to satisfy buffer and/or screening requirements. In the event that the petitioner or their assignee decides to install a fence, wall or berm they may reduce the buffer area dimensions by 33%. Buffer yards will be designed in a manner to allow openings of an appropriate width in order to allow pedestrian connectivity. Utilities and right of ways are allowed to be located in buffer areas where needed.

16. Model Homes

Model homes may be constructed within residential areas at the developer's discretion. Mobile temporary sales offices shall be allowed on site at the developer's discretion.

17. Lot Transfer and Recording

Lots may be transferred or recorded by means of posting appropriate surety bonds as referenced in Sec. 32.104.

18. Water and Sewer

The Developer understands that water and sewer will be provided by York County for all lots within the Mixed Use Development. The Developer shall construct or cause to be constructed at Developer's cost all necessary water and sewer service infrastructure to, from, and within the Property. The developer will comply with all DHEC and York County water and sewer specifications. A water and sewer "willingness and capability letter" must be received from the York County Engineering Department prior to obtaining a grading permit for any portion of the development utilizing York County water and sewer.

19. Applicable Ordinances

This development will be subject to the standards and requirements for the Fort Mill Subdivision Ordinance and Zoning Ordinance in effect at the date of approval by the Town of Fort Mill or as superseded by the provisions of The Orchards Mixed Use Development Site Plan and Technical Data Sheet, as approved by the Town of Fort Mill.

20. Ten Year Vested Right

Due to the size of the overall Carolina Orchards proposed development and the level of Petitioner's investment, the Petitioner requests a ten (10) year vested right for construction of this project.

21. Binding Effect of the Rezoning Documents

If this Rezoning Petition is approved, all conditions applicable to development of the site imposed under the Rezoning Site Plan and Development Standards Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the site and their respective successors in interest and assigns.

22. Restrictive Covenants

Restrictive Covenants will be created and recorded with the office of the county clerk of court prior to the approval of a plat or issuance of a building permit for a vertical building on the property. Covenants shall be in accordance with Article II, Section 19.3(D) of the Fort Mill Zoning Ordinance.

23. Development Impact Fees

The property shall be subject to all current and future development impact fees imposed by the Town, provided such fees are applied consistently and in the same manner to all similarly situated property within the Town limits. For the purpose of this Agreement, the term "development impact fees" shall include, but not be limited to, the meaning ascribed in the South Carolina Development Impact Fee Act, Sections 6-1-910, et seq, of the SC Code of Laws.

Exhibit B.

**Concept Plan
Carolina Orchards “Culp” MXU Project**

