

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

**Rezoning Request: Harris Teeter Properties LLC**

An ordinance amending the Zoning Map of the Town of Fort Mill so as to change the zoning designation for York County Tax Map Numbers 020-12-01-120 and 020-12-01-202, containing approximately 32.1 +/- acres located at the intersection of Fort Mill Parkway and S Dobys Bridge Road, from PND Planned Neighborhood Development to HC Highway Commercial

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**Background / Discussion**

The town has received a rezoning application from Mary Hinson Limited Partnership, and Marshall Hinson, the owners of York County Tax Map Numbers 020-12-01-120 and 020-12-01-202, respectively. (Note: York County Tax Map Number 020-12-01-120 was subdivided earlier this year. A new tax map number has been assigned to the remaining portion that was removed from 020-12-01-120, so the annexation request will cover the entirety of both tax map numbers referenced above.) Combined, these two parcels contain a total of 32.1 +/- acres located at the intersection of Fort Mill Parkway and S Dobys Bridge Road. The property is currently under contract for sale to Harris Teeter Properties LLC, who is serving as the applicant.

The applicant has requested a rezoning of the property from PND Planned Neighborhood Development to HC Highway Commercial. The majority of the property is currently vacant; however, a small portion has been leased to the Crossings Ministries for use as a church. If approved, the applicants intends to develop the property as a grocery-anchored neighborhood shopping center.

According to the zoning ordinance, the intent of the PND District is to allow for flexible combinations of residential and neighborhood-oriented commercial and professional uses within a single development. The PND district is geared primarily toward residential development, allowing no more than 10% of the project area to be developed for commercial use. PND projects must contain a minimum of 20 acres, and a specific development plan is generally adopted prior to development.

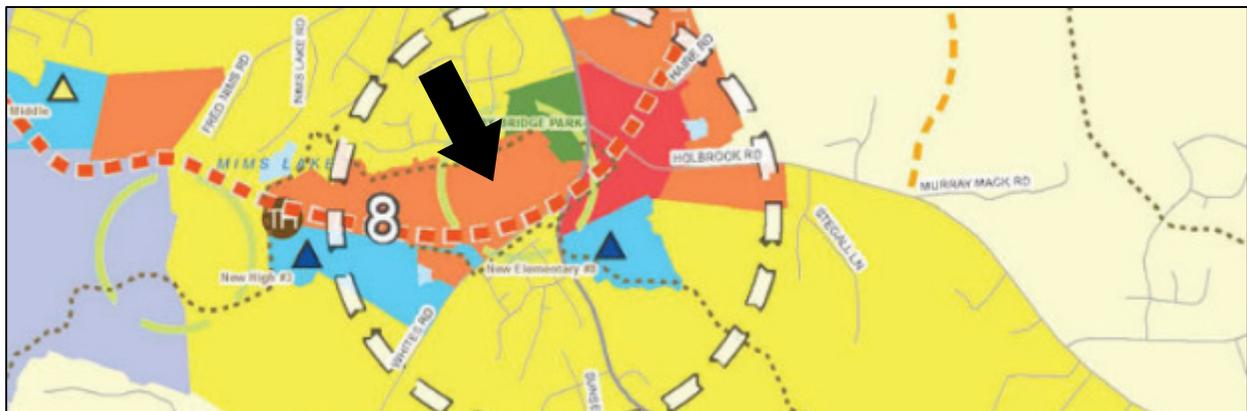
The HC Highway Commercial district, as recommended, allows a variety of commercial and office uses. Unlike the PND district, the HC district does not currently allow any residential uses, other than nursing and personal care facilities. The HC district requires a minimum lot area of 10,000 square feet, a 75' minimum lot width, and setbacks of 35' in the front and rear, and 10' on the sides. Because the property is located along the Fort Mill Southern Bypass, the majority of the site will also be subject to the requirements of the Corridor Overlay District (COD-N). The COD-N district will generally require larger buffers along residential property lines, enhanced architectural materials and design, pedestrian connectivity, and additional restrictions on permitted uses which would otherwise be allowed in the HC district (such as car dealerships, check cashing establishments, sexually oriented businesses, etc.)

A draft rezoning ordinance is attached for review.

### **Recommendation**

The parcels are located at the center of Node 8 on the town's future land use map, last updated in January 2013. While the parcels are designated as "high density residential" on the future land use map, the vision for the node was defined in the comprehensive plan as follows:

Development in Node 8 will primarily be higher density residential near the center of the node and along the Fort Mill Southern Bypass, with neighborhood commercial near the intersection of Doby's Bridge Road and the Bypass, and medium density residential near the periphery including townhomes and apartments, transitions to single family detached homes to the east and south near the river.



In our opinion, the HC zoning designation would be consistent with the comprehensive plan, as neighborhood commercial centers are expressly envisioned as a future use within this node. Given the fact that there are over 5,000 new residential units planned to be built over the next ten years, we have no concerns with eliminating the ability to locate residential development on these parcels. Therefore, staff recommends in favor of the rezoning to HC.

We do have two additional items to note: 1) The existing church, which leases land from the Hinson family, would become a non-conforming use; and 2) A traffic impact analysis would be required to determine any off-site impacts and improvements prior to any development activities taking place.

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

Planning Director Cronin provided a brief overview of the request, the purpose of which is to consider a rezoning application for York County Tax Map Numbers 020-12-01-120 and 020-12-01-202, containing 32.1 +/- acres at the intersection of S Doby's Bridge Road and Fort Mill Parkway. The property is currently zoned PND Planned Neighborhood Development, and the applicant has requested a rezoning to HC Highway Commercial. Staff noted that the property is also subject to the requirements of the COD-N Corridor

Overlay District. The property is currently under contract for sale from the Hinson family to Harris Teeter Properties LLC, who intends to develop a grocery anchored retail center at this location. Planning Director Cronin noted that the property is located within Node 8 on the future land use map, which specifically envisions a neighborhood retail center for this location. Therefore, staff recommended in favor of approval. Walter Fields provided additional information on behalf of the applicant.

Mr. Wolfe and Chairman Traynor expressed concerns about the types and intensity of commercial uses in the HC district. Planning Director Cronin noted that the COD-N overlay would provide some additional protections from certain types of undesirable uses which would otherwise be allowed in the HC district. He noted that property across Fort Mill Parkway and N Dobys Bridge Road from the site were both zoned HC. He also stated that the Planning Commission and council could amend the permitted uses in the HC district as part of the UDO process, if they wish to remove specific uses from the district. Mr. Hudgins asked about the church which currently leases a portion of the property. Planning Director Cronin stated that churches are not currently permitted in the HC district. The existing church on the property would become non-conforming, but would be grandfathered under the new zoning district.

Mr. Hudgins made a motion to recommend in favor of rezoning the property from PND to HC. Mr. Garver seconded the motion. Mr. Petty stated that he was under a contractual relationship with an affiliate of the applicant and would recuse himself from voting on the request. The motion was approved by a vote of 6-0, with Mr. Petty not voting.

Joe Cronin  
Planning Director  
September 24, 2015

**TOWN OF FORT MILL**  
APPLICATION FOR ZONING MAP AMENDMENT

APPLICANT(S): Harris Teeter Properties LLC

NAME	ADDRESS	PHONE NUMBER
Harris Teeter Properties LLC	PO Box 10100 Matthews NC 28106-0100	704-844-3100

*Scott H. Wippel*  
President



Area of Subject Property: \_\_\_\_\_ acres and/or \_\_\_\_\_ square feet

What is the CURRENT zoning for the parcel(s)? PND

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

Does the applicant own all of the property within the zoning proposal? Under contract

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

to allow for the development of a neighborhood, grocery anchored shopping center

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
<u>portion of 0201201120</u>	<u>1475 Ft. Mill Parkway</u>	<u>Mary Hanson Limited Partnership</u>	<i>[Signature]</i>
<u>0201201202</u>	<u>not assigned</u>	<u>Marshall Hansen</u>	<i>[Signature]</i>

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

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF FORT MILL SO AS TO CHANGE THE ZONING DESIGNATION FOR YORK COUNTY TAX MAP NUMBERS 020-12-01-120 AND 020-12-01-202, CONTAINING APPROXIMATELY 32.1 +/- ACRES LOCATED AT THE INTERSECTION OF FORT MILL PARKWAY AND S DOBYS BRIDGE ROAD, FROM PND PLANNED NEIGHBORHOOD DEVELOPMENT TO HC HIGHWAY COMMERCIAL

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 ENACTED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

Section I. The Zoning Map of the Town of Fort Mill is hereby amended to change the zoning classification for York County Tax Map Numbers 020-12-01-120 and 020-12-01-202, containing approximately 32.1 acres located at the intersection of Fort Mill Parkway and S Dobys Bridge Road from PND Planned Neighborhood Development to HC Highway Commercial. A property map of the parcels subject to this rezoning ordinance is hereby attached as Exhibit A.

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

Section IV. Effective Date. This ordinance shall be effective from and after the date of adoption.

**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

TOWN OF FORT MILL

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Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

\_\_\_\_\_  
Barron B. Mack, Jr, Town Attorney

\_\_\_\_\_  
Dana Powell, Town Clerk

Exhibit A  
Property Map

