

**Town Council Meeting  
December 14, 2015  
New Business Item**

**Annexation Request: Patterson Property**

An ordinance annexing York County Tax Map Numbers 736-00-00-079, 736-00-00-129, 736-00-00-132 & 736-00-00-311, containing approximately 8.10 +/- acres at 1122 Hensley Road

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**Background / Discussion**

The town has received an annexation application from Woodrow W. Patterson, Jr., Patricia C. Patterson, and Teresa P. Weyeneth, for York County Tax Map Numbers 736-00-00-079, 736-00-00-129, 736-00-00-132 & 736-00-00-311. These parcels contain a total of approximately 8.10 +/- acres located at 1122 Hensley Road. A property map and description are attached for reference.

The subject parcels are adjacent to the Savannah Place subdivision (zoned R-15), and across Hensley Road from the Friendfield subdivision (zoned R-15).

The subject property is currently zoned RC-I per York County GIS. The county's RC-I district allows single-family residences and modular homes (min. 10,000 sf per dwelling). Other permitted uses include agricultural (field crops and orchards/groves), equestrian uses, day care homes, religious institutions, parks, and schools. The RC-I District also requires 20% min. open space.

The applicant has requested a zoning designation of R-5 Residential upon annexation. The R-5 district allows single-family residential uses, with a permitted density of up to 3 units per acre by right, and up to 5 units per acre with an approved development agreement. Single-family residential lots must have a minimum lot size of 5,000 square feet, a 50' minimum lot width, and minimum setbacks of 10' (front), 5' (sides) and 15' (rear). A limited number of non-residential uses, such as public facilities, religious institutions, and customary home occupations, are also permitted within the R-5 district. The R-5 district contains a minimum open space requirement of 20%, as well as a project edge buffer of 35' along property lines adjacent to existing residential development.

The property is currently under contract for sale to a developer. The prospective owner's intended use is to develop single-family residential homes on the property. The R-5 district would allow for up to 3 dwelling units per acre, for a maximum of 24 single-family residential units.

**Recommendation**

The property is contiguous to the town limits and is, therefore, eligible for annexation.

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 Planning Department supports the annexation request with a zoning designation of R-5 Residential. Below is a summary of relevant information pertaining to our recommendation:

**Density / Zoning Designation**

The applicant has requested a zoning designation of R-5 Residential. The R-5 district allows residential densities of 3 to 5 dwelling units per acre, which would be consistent with the recommended densities contained within the town’s future land use map and comprehensive plan. Because the property is too small to be eligible for a development agreement, the maximum allowable density would be 3 DUA, or a maximum of 24 single-family units.

Below is a summary of neighboring subdivisions and densities:

**Savannah Place** (R-15, Town): 45 lots on 18.0 +/- acres = 2.50 DUA

**Friendfield** (R-15, Town): 43 lots on 24.0 +/- acres = 1.79 DUA

**Heritage Court** (RC-I, County): 20 lots on 18.7 +/- acres = 1.07 DUA

**McKendry** (R-10, Town): 61 lots on 25.3 +/- acres = 2.41 DUA

**Stirling Heights** (R-10, Town): 31 lots on 13.2 +/- acres = 2.35 DUA

**Traffic Impact**

Because the property would contain less than 100 residential units, the town’s zoning ordinance would not require a traffic study; however, a study may still be required by SCDOT as part of the encroachment permit process. According to SCDOT traffic counts, Hensley Road currently operates at 19% capacity. The construction of 24 single-family housing units would add an estimated 229 daily trips to the existing count of 1,700 trips per day on Hensley Road (+12.9%), with a nominal impact to N Dobys Bridge Road and Fort Mill Parkway (Phase 2) is also anticipated.

### **Utility Impact**

The subject parcels are located in the county's service area, and would be served by the town's water and sewer system. As with all other projects, any upgrades necessary to serve the project would be borne by the applicant.

### **Fire Service**

The subject property is located approximately 1.4 miles (ordinary driving distance) from the town's fire station on Tom Hall Street, which is well within the ISO recommended distance of 5 miles.

### **School Impact**

The property is planned to contain up to 24 single-family housing units. Based on the school district's enrollment assumptions, an estimated 16 additional students would be expected. Future homes will be subject to the School District's one time impact fee of \$2,500 per residence (est. \$60,000 total), as well as the school district's bond millage of 98.2 mills in 2015. (24 homes x \$250,000/home + \$25,000 vehicle value/home x 98.2 mills = \$27,103/year).

For these reasons, staff recommends in favor of annexation with a zoning designation of R-5.

The Planning Commission reviewed the request for the first time on October 27, 2015. Below is an excerpt from the meeting minutes:

Planning Director Cronin stated that the property owners had submitted an annexation application for four parcels containing a total of 8.1 acres (previously listed as 7.85 acres, but since re-surveyed at 8.1 acres) located at 1122 Hensley Road. The parcels are immediately adjacent to the Savannah Place subdivision, and across Hensley Road from the Friendfield subdivision. The applicants requested a zoning designation of R-5 Residential upon annexation.

Planning Director Cronin stated that the parcels were located in an area designated on the town's future land use map as "medium density residential," with a recommended density of 3-5 dwelling units per acre. Planning Director Cronin added that the R-5 district would allow a maximum of 3 DUA by right, for a maximum of 24 single-family lots. Given the small size of the property, staff felt that the traffic impact would be negligible. Staff recommended in favor of the annexation request with a zoning designation of R-5.

Bryan Tuttle of the Tuttle Co. provided additional information on behalf of the applicants. He also presented a concept plan showing how the property may be developed in the future.

Chairman Traynor asked if anyone in the audience wished to speak in regards to the application. Patti Schmidt of the Savannah Place subdivision asked how the buffers would be applied. Planning Director Cronin stated that the R-5 district requires a 35' buffer along

the perimeter of the property. Buffers typically remain natural, but a replanted buffer may be provided if a portion of the buffer area must be cleared and graded. The size of the buffer may also be reduced if a wall or fence is provided along the property line. Charles Roseberry, also a resident of Savannah Place, asked where the utilities would connect. Planning Director Cronin answered that the developer would need run all connections, and would be responsible for acquiring any easements, if necessary. Mr. Tuttle added that water was available on Hensley Road, and sewer plans were still being evaluated. Ms. Schmidt also stated that she was not opposed to the request, as anything on that site would be better than what is there today.

Mr. McMullen asked what portion of the 20% open space requirement was included in the buffer areas. Mr. Tuttle did not have a specific percentage, but did note that there was an existing pond on the site which could be amenitized as usable open space. Mr. Wolfe added that he would like to see more usable open space within the project if R-5 zoning was approved. Planning Director Cronin reminded commission members that the layout was only conceptual, and not a part of the annexation and zoning request. Those items would typically be addressed during the platting process. Mr. Wolfe also expressed concerns about the consistency of smaller lots when most of the surrounding properties were zoned for lower density. He asked staff if they knew the overall density of the neighboring communities. Planning Director Cronin stated that they did not have it off hand, but could obtain that information.

Chairman Traynor asked if the applicants had met with neighboring property owners. Mr. Tuttle stated that they had not, but would be willing to do so. Chairman Traynor recommended deferring the request for one month to allow for a meeting to take place, which was agreeable to the applicant.

Mr. Petty made a motion to defer consideration of the request so that the applicant could have time to meet with surrounding property owners. Mr. Garver seconded the motion. The motion to defer was approved by a vote of 6-0.

The Planning Commission considered the request for the second time on November 24, 2014. Below is an excerpt from the meeting minutes:

Planning Director Cronin Cronin provided a brief overview of the request, the purpose of which was to consider a rezoning application from the Crossings Ministries for York County Tax Map Numbers 020-11-01-110 and 020-11-01-111, containing approximately 7.6 +/- acres at 1462 and 1466 N Dobys Bridge Road. The applicant was requesting a rezoning of the property from R-15 Residential to GR-A Residential. A previous request to rezone the same parcels from R-15 to HC Highway Commercial was denied by town council earlier this year. Pastor Randy Lee stated that the property was originally zoned for commercial use in the county at the time of purchase, but was later rezoned to R-15 at the time of annexation. The church is now seeking to sell the property, and would like to upzone the property to recoup as much of the original investment as possible.

Planning Director Cronin stated that the property was located in an area designated as “medium density residential” on the town’s future land use map, with a recommended density of 3-5 dwelling units per acre. While staff would support a zoning designation of R-5 Residential or RT-4 Townhome at this location, it was recommended that GR-A, with a maximum allowable density of 8 units per acre, was inconsistent with the comprehensive plan. Staff did note, however, that the property is adjacent to the existing Walnut Lane Apartments, which are also zoned GR-A.

Members of the commission expressed concern about the proposed density being inconsistent with the town’s comprehensive plan. Mr. McMullen stated that he didn’t think that this location was suited for townhomes or apartments. Chairman Traynor asked if the applicant would be open to either the R-5 or RT-4 zoning designations, as these would be more consistent with the density allowances envisioned by the comprehensive plan. Pastor Lee stated that the church would be open to exploring these options and potentially revising its application to one of these districts. Planning Director Cronin stated that the request could be deferred until December, and the applicant can determine whether to withdraw or revise the existing application.

Mr. McMullen made a motion to defer consideration of the request in order to allow the applicant to evaluate alternate zoning designations, and to possibly amend the rezoning request. Mr. Garver seconded the motion. The motion to defer was approved by a vote of 4-0.

Joe Cronin  
Planning Director  
November 25, 2015

Date: SEPTEMBER 25, 2015

Dennis Pieper  
Town Manager  
Town of Fort Mill  
PO Box 159  
Fort Mill, SC 29716

Re: Request for Annexation

Dear Mr. Pieper:

As the owners of the property indicated below, I/we respectfully request that the Town of Fort Mill annex the property into the Town limits. I/we also request that the property be zoned upon annexation as indicated. Thank you for your consideration.

Property Address: 1122 HENSLEY RD, FORT MILL SC 29715

Tax Map Number: 736-00-00-079, 736-00-00-129,

736-00-00-132 AND 736-00-00-311

Total Acreage: +/- 7.85

Zoning Designation Requested: R-5

Property Owners:

Print Name(s):

Signature(s):

WOODROW W. PATTERSON, JR.

Woodrow W. Patterson Jr.

PATRICIA C. PATTERSON

Patricia C. Patterson

TERESA P. WEYENETH

Teresa P. Weyeneth

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# Conceptual Layout



STATE OF SOUTH CAROLINA  
TOWN COUNCIL FOR THE TOWN OF FORT MILL  
ORDINANCE NO. 2016-\_\_\_

AN ORDINANCE ANNEXING YORK COUNTY TAX MAP NUMBERS 736-00-00-079, 736-00-00-129, 736-00-00-132 & 736-00-00-311, CONTAINING APPROXIMATELY 8.10 +/- ACRES AT 1122 HENSLEY ROAD

WHEREAS, a proper petition was submitted to the Fort Mill Town Council on September 25, 2015, by Woodrow W. Patterson, Jr., Patricia C. Patterson, and Teresa P. Weyeneth, (the "Property Owners"), requesting that York County Tax Map Numbers 736-00-00-079, 736-00-00-129, 736-00-00-132 & 736-00-00-311, such parcels being owned fully by the Property Owners, be annexed to and included within the corporate limits of the Town of Fort Mill under the provisions of S.C. Code Section 5-3-150(3); and

WHEREAS, the Planning Commission of the Town of Fort Mill, in a duly called meeting on November 24, 2015, made its recommendation in favor of annexation, and that upon annexation, the aforesaid area shall be zoned under the Town's Zoning Code, as follows: R-5 Residential; and

WHEREAS, a public hearing was advertised and held at 7:00 pm on December 14, 2015, during a duly called regular meeting of the Town Council of the Town of Fort Mill; and

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina, as amended, provides that any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete; and

WHEREAS, using the definition of "contiguous" as outlined in S.C. Code Section 5-3-305, the Town Council has determined that the above referenced property is contiguous to property that was previously annexed into the corporate limits of the Town of Fort Mill; and

WHEREAS, the Town Council has determined that annexation would be in the best interest of both the property owners and the Town of Fort Mill;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Fort Mill in Council assembled:

SECTION I. Annexation. It is hereby declared by the Town Council of the Town of Fort Mill, in Council assembled, that the incorporated limits of the Town of Fort Mill shall be extended so as to include, annex and make a part of said Town, the described area of territory above referred to, being more or less 8.10 acres, the same being fully described in Exhibit "A" attached hereto, and contiguous to land already within the Town of Fort Mill. Pursuant to S.C. Code Section 5-3-110, this annexation shall include the whole or any part of any street, roadway, or highway abutting

the above referenced property, not exceeding the width thereof, provided such street, roadway or highway has been accepted for and is under permanent public maintenance by the Town of Fort Mill, York County, or the South Carolina Department of Transportation.

SECTION II. Zoning Classification of Annexed Property. The above-described property, upon annexation into the corporate limits of the Town of Fort Mill, shall be zoned, as follows: R-5 Residential.

SECTION III. Voting District. For the purpose of municipal elections, the above-described property, upon annexation into the incorporated limits of the Town of Fort Mill, shall be assigned to and made a part of Ward Three (3).

SECTION IV. Notification. Notice of the annexation of the above-described area and the inclusion thereof within the incorporated limits of the Town of Fort Mill shall forthwith be filed with the Secretary of State of South Carolina (SCSOS), the South Carolina Department of Public Safety (SCDPS), and the South Carolina Department of Transportation (SCDOT), pursuant to S.C. Code § 5-3-90(E).

SECTION V. Severability. 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 VI. Effective Date. This ordinance shall be effective from and after the date of adoption.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2016, having been duly adopted by the Town Council for the Town of Fort Mill on the \_\_\_\_ day of \_\_\_\_\_, 2016.

First Reading: December 14, 2015  
Public Hearing: December 14, 2015  
Second Reading: January 11, 2016

TOWN OF FORT MILL  
  
\_\_\_\_\_  
Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

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

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Virginia Burgess, Town Clerk

## EXHIBIT A

### Property Description

All those certain pieces, parcels or tracts of land lying, being and situate in Fort Mill Township, County of York, State of South Carolina, containing 8.10 acres, more or less, containing all the property shown in the map attached as Exhibit B, and being more particularly described as York County Tax Map Numbers 736-00-00-079, 736-00-00-129, 736-00-00-132 & 736-00-00-311.

Pursuant to S.C. Code Section 5-3-110, this annexation shall include the whole or any part of any street, roadway, or highway abutting the above referenced property, not exceeding the width thereof, provided such street, roadway or highway has been accepted for and is under permanent public maintenance by the Town of Fort Mill, York County, or the South Carolina Department of Transportation.

EXHIBIT B

Property Map  
York County Tax Map Numbers 736-00-00-079, 736-00-00-129,  
736-00-00-132 & 736-00-00-311

