

**MINUTES
TOWN OF FORT MILL
PLANNING COMMISSION MEETING
May 26, 2015
112 Confederate Street
7:00 PM**

Present: Chairman James Traynor, Ben Hudgins, Hynek Lettang, John Garver, Chris Wolfe, Tom Petty, Jay McMullen, Planning Director Joe Cronin, Assistant Planner Chris Pettit

Absent: None

Guests: Bayles Mack (Downtown Partners), Matt Levesque (ESP Associates), Ken Starrett (Gross Builders), Aaron Gross (Gross Builders), Matt Mandle (ESP Associates), Bryan Tuttle (Tuttle Co.), Hamilton Stolpen (Ryland Homes), Robert Cash (EMH&T), Duane Christopher (EMH&T), Connie Howard (Fort Mill Housing Authority), Becky Campbell (Resident), Al Rogat (Resident), and Marie Smith (Resident)

Chairman Traynor called the meeting to order at 7:00 pm and welcomed everyone in attendance.

APPROVAL OF MINUTES

Mr. Hudgins made a motion to approve the minutes from the April 28, 2015, meeting, as presented. Mr. Petty seconded the motion. The motion was approved by a vote of 7-0.

OLD BUSINESS ITEMS

- 1. Sketch Plan: Kimbrell Property:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and approve a sketch plan for a 29 acre site near the intersection of N Dobys Bridge Road and Kimbrell Road. Planning Director Cronin noted that this was a continuation of the discussion from the March and April Planning Commission meetings. In addition to the modifications that were incorporated into the first revision submitted in April, the applicant included subsequent amendments to the layout in an effort to preserve one of the two significant live oaks on the property. One of the planned roads at the north end of the property was converted into a cul-de-sac, and some of the proposed lots were shrunk to the minimum width of 50' width and minimum area of 5,000 square feet. This allowed the developer to maintain the same number of lots allowed by the development agreement (100), but also to save one of the two large trees.

Duane Christopher of EMH&T and Hamilton Stolpen of Ryland Homes provided additional information on the revised layout. Mr. Christopher again stated that the removal of the existing home and septic tank on the property would adversely impact the root system of the second live oak, resulting in the gradual deterioration of that tree's health

over time; however, the other tree could be preserved with an adequate buffer and the implementation of protective measures during land disturbing and construction activities.

Mr. Hudgins asked for additional information regarding the buffer around the live oak proposed to be preserved. Mr. Stolpen stated that a buffer was provided around the tree, and to protect the tree's root system, the buffer was proposed to be two times larger than the area of the tree canopy. Mr. Hudgins then asked what species of trees were proposed for the replanting, to which Mr. Christopher replied that the five replacement trees would all be live oaks.

Mr. Wolfe asked about the trees shown on the proposed landscape plan. Mr. Christopher stated that additional street trees would be planted throughout the subdivision, as required by the town's code.

Planning Director Cronin stated staff's opinion that the proposed subdivision plan complied with the requirements of the zoning ordinance, as well as the development agreement.

Chairman Traynor thanked the applicant for addressing the Planning Commission's concerns that were expressed during the last two meetings. He then called for a motion.

Mr. Garver made a motion to approve the revised sketch plan for the Kimbrell Road property, with a second by Mr. Wolfe. The motion was approved by a vote of 7-0.

2. **Subdivision Plat: 202, 204, & 206 Main Street:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to approve the subdivision of York County Tax Map Number 020-03-01-003, located at the intersection of Main and Confederate Streets, into six parcels ranging in size from 0.03 acre to 0.56 acre. Planning Director Cronin noted that two of the six proposed lots were non-conforming with the requirements of the Local Commercial district due to a lot width of less than 20' and a lot area of less than 1,500 square feet; however, the applicant had submitted a lot variance request for the Planning Commission's consideration. Planning Director Cronin stated that the proposed lot lines followed existing interior walls between buildings in the historic district, and a strict application of the LC requirements would necessitate lot lines running through the middle of buildings, rather than existing boundaries between buildings. Believing that this would create a substantial hardship for current and future owners and tenants, staff recommended in favor of the variance. Bayles Mack provided additional information on behalf of the applicant, Downtown Partners.

Mr. Wolfe asked the applicant the purpose for the subdivision request. Mr. Mack stated that he intended to sell the buildings, and that subdivision of the property would provide the flexibility to sell each building individually, or with other buildings.

Planning Director Cronin recommended that the Planning Commission vote on the variance request separately, in advance of taking up the subdivision request.

Mr. Wolfe made a motion to approve the lot variance request for parcels B and E, as requested by the applicant. Mr. McMullen seconded the motion. The motion was approved by a vote of 7-0.

Mr. Wolfe then made a motion to approve the subdivision request as submitted. Mr. Hudgins seconded the motion. The motion was approved by a vote of 7-0.

- 3. Rezoning Request: 1462 & 1466 N Dobys Bridge Road:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to provide a recommendation on the request to rezone York County Tax Map Numbers 020-11-01-110 and 020-11-01-111, located on N Dobys Bridge Road, from R-15 Residential to HC Highway Commercial. During the last meeting, the applicant stated their belief that the property had been assigned a commercial zoning designation at the time of annexation. Planning Director Cronin stated that staff had done some additional research and found that the applicant did request R-15 zoning at the time the properties were annexed, and that the properties were in fact zoned R-15 in January 2006 at the annexation ordinance was adopted. Planning Director Cronin stated that the town's future land use plan identifies this area as medium-density residential, and therefore, staff recommended in favor of denial.

Mr. Hudgins made a motion to recommend in favor of denial of the rezoning request from R-15 to HC, with a second by Mr. Lettang. The motion was approved by a vote of 7-0.

NEW BUSINESS ITEMS

- 1. Rezoning Request: Fort Mill Housing Authority:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to provide a recommendation on the request to rezone York County Tax Map Number 020-04-35-081 from TC Transitional Commercial to GR-A General Residential. The property is adjacent to existing Fort Mill Housing Authority property at the end of Bozeman Drive. The applicant had previously requested a zoning designation of RT-12 Residential; however, following their deferral at the April meeting and a subsequent meeting with town staff, the applicant has withdrawn the RT-12 request and has instead submitted a request for GR-A zoning.

Planning Director Cronin stated that the GR-A district would allow up to 8 dwelling units per acre. Though this was slightly higher than the future land use map's recommendation of medium-density residential (3-5 units per acre), staff recommended in favor of the request given the small size of the property (2 acres), and the fact that the neighboring Housing Authority property was already zoned GR-A.

Mr. McMullen asked whether the existing apartments on Bozeman Drive met the density requirements of the GR-A district. Connie Howard, executive director of the Fort Mill Housing Authority, stated that there were a total of 96 units, but neither she nor town staff had the exact acreage readily available. Planning Director Cronin stated that given the fact that there are a mixture of single- and multi-family units on the site, the total net density probably does not exceed 8 per acre.

Mr. Hudgins made a motion to recommend in favor of the rezoning request from TC to GR-A, with a second by Mr. Garver. The motion was approved by a vote of 6-1, with Mr. McMullen opposed.

2. **Rezoning Request: River Crossing Senior Living Project:** Planning Director Cronin provided an overview of the request, the purpose of which was to rezone York County Tax Map Number 020-20-01-016, located at the intersection of River Crossing Drive and Sutton Road, from HC Highway Commercial to MXU Mixed Use. The applicant had previously requested a zoning designation of UD Urban Development; however, following their deferral at the April meeting and a subsequent meeting with town staff, the applicant has withdrawn the UD request and has instead submitted a request for MXU zoning. A mixed use concept plan and development conditions were also reviewed. The proposed plan would allow for the development of up to 255 senior apartments (approximately 17.7 units per acre), and up to 10,000 square feet of office space.

In providing the staff recommendation, Planning Director Cronin stated that the project would offer many benefits, such as no negative impact to the school district, 6% property tax rates, business license revenue, minimal traffic impact, and diversification of housing options. However, the primary concern expressed by staff was that this request was primarily residential and nature, and in staff's opinion, it was inconsistent with the comprehensive plan's recommendation to preserve areas near I-77 for future commercial and employment related projects. Therefore, staff recommended in favor of denial.

Ken Starrett of Gross Builders and Bryan Tuttle spoke on behalf of the applicant. Mr. Tuttle stressed the projected tax and impact fee benefits of the project, and added that there are a significant number of commercial and industrial zoned properties that remain along the corridor. He added that the subject parcel has been vacant for 10 years.

Matt Levesque of ESP Associates also spoke on behalf of the applicant. Mr. Levesque stated that the property has no real frontage on Sutton Road, and the limited visibility makes it less suitable for commercial development. He added that the apartments and office uses would have approximately 15 employees, and could bring new energy and more development to the corridor.

Mr. Traynor asked whether the property would be subject to the town's commercial appearance review requirements. Assistant Planner Pettit pulled up the requirements of the COD/COD-N overlay district on the monitor, and determined that the appearance review requirement applied only to non-residential projects. Chairman Traynor asked the applicant if they would be open to amending the development conditions to require appearance review. Mr. Starrett stated that they intended to use brick, stone, hardie plank and other quality materials, but that they would be open to an architectural review requirement.

Mr. Hudgins stated that he understands the concerns about preserving the corridor for commercial, but he believes that this would be a good use of the property as it would generate property taxes for the town and school district, but would have little to no impact on school enrollment or traffic concerns.

Mr. McMullen stated that there is definitely a need for this type of project, but that the proposed location is not a good location for residential development. He added that this corridor should be protected for commercial development, as recommended by the comprehensive plan.

Mr. Wolfe stated that he believes Sutton Road will turn into a commercial artery with more traffic using the Sutton Road/I-77 interchange, especially upon completion of the Fort Mill Southern Bypass. He added that putting high density residential along this corridor would change the future perception of the corridor.

Mr. Garver stated that as a senior citizen, he would be the type of person to which the applicant would be marketing. However, he had concerns about the lack of pedestrian, commercial and neighborhood type amenities near the project. He added that there was a definite need for this type of project, but he had concerns about the location.

Mr. Lettang also spoke about walkability and accessibility at the proposed location. He stated that he could see this type of project downtown or in a development node closer to grocery stores, restaurants and other amenities, but that such amenities were lacking in this location.

Mr. Petty questioned whether the apartments were to be senior-restricted based on the development conditions. Mr. Starrett responded that this was their intent. Mr. Petty added that this project could be a catalyst for additional development on surrounding properties.

Chairman Traynor asked if anyone else wished to speak regarding the request.

Al Rogat stated that he is a resident of Peachtree Apartments on SC 160. Even though there is a grocery store and other businesses adjacent to the apartment complex, he added that very few people ever walk to those locations from the apartments.

Marie Smith spoke in regards to the need for additional senior housing in the Fort Mill area, particularly affordable housing units, including Section 8 apartments.

Chairman Traynor noted that the proposed apartments were not planned to be affordable units, but would be market-rate luxury apartments.

Mr. Lettang inquired as to the anticipated rental rates for these apartments. Mr. Starrett stated that the units would start in the mid-\$800's per month for 1 bedroom apartments, and over \$1,000 per month for 2 bedroom units.

A discussion then took place regarding the proposed development conditions.

Chairman Traynor stated that the term "senior apartments" should be defined in the development conditions. He also asked the applicant whether they would be open to including a minimum square footage requirement for the commercial portion. Mr. Starrett

stated that the applicant would be open to amending the development conditions to include a minimum of 5,000 square feet, and a maximum of 10,000 square feet, of commercial development.

Planning Director Cronin stated that should the Planning Commission decide to recommend in favor of approval, then staff would recommend the following changes to the development conditions:

Paragraph 4: Include a requirement to install sidewalks within the project, and along all road frontages. A requirement to construct all required off-site improvements referenced in the TIA should also be included;

Paragraph 6: Open space areas (min. 20% of gross land area) should be defined and adequately protected;

Paragraph 13(b): Minimum impervious area for the site should be reduced from 100% to 80%, since a minimum open space requirement will apply;

Paragraph 9: Because the property is located within the COD/COD-N overlay district, a minimum height requirement will also apply.

New Paragraph: Include a requirement that all new development shall be subject to the requirements of the COD/COD-N overlay district. In the event the requirements of the overlay district are stricter than the underlying zoning district or the development conditions, then the provisions of the overlay district shall apply.

New Paragraph: 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 to such term in the South Carolina Development Impact Fee Act, Sections 6-1-910, et seq, of the SC Code of Laws.

Mr. Hudgins made a motion to recommend in favor of the rezoning request from HC to MXU, as well as the concept plan and development conditions, inclusive of the appearance review requirement, a definition of “senior apartments,” a minimum commercial requirement of 5,000 square feet, and the modifications recommended by staff. Mr. Petty seconded the motion. Chairman Traynor called for a vote by a show of hands:

In Favor of the Motion

Traynor
Garver
Hudgins
Petty

Opposed to the Motion

Lettang
Wolfe
McMullen

The motion was approved by a vote of 4-3.

- 3. Rezoning Request: 314 N White Street:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to provide a recommendation on the request to rezone York County Tax Map Number 020-04-04-004 from R-15 Residential to GI General Industrial. The property is currently used as a non-conforming (grandfathered) auto repair garage. It was staff's opinion that GI zoning was inconsistent with the future land use map, as well as the comprehensive plan's vision for the downtown development node. Therefore, staff recommended in favor of denial.

Mr. Wolfe stated that the existing business has probably been there since before the current zoning districts were adopted. He stated that N White Street is a gateway to downtown Fort Mill, and had concerns about encouraging industrial uses in the downtown area.

Mr. McMullen questioned whether the existing business would lose its grandfathered status if there was ever a temporary discontinuance. Planning Director Cronin stated that the town's zoning ordinance allows a grandfathered use to continue as long as there is no discontinuance of 12 months or longer. He added that existing buildings could be renovated, but the business could not be expanded.

Mr. McMullen made a motion to recommend in favor of denial of the rezoning request from R-15 to GI, with a second by Mr. Lettang. The motion was approved by a vote of 7-0.

- 4. Subdivision Request: Avery Plaza:** Planning Director Cronin stated that the applicant had requested deferral of this request. Chairman Traynor stated that he was employed by a company affiliated with the property owner and would recuse himself from voting.

Mr. McMullen made a motion to defer consideration of the request, with a second by Mr. Garver. The motion was approved by a vote of 6-0, with Chairman Traynor recused.

ITEMS FOR INFORMATION / DISCUSSION

- 1. Preserve at River Chase, Phase 4: Final Plat:** Planning Director Cronin stated that staff had received the final plat for the last remaining section in the Preserve at River Chase subdivision. Because the Planning Commission has approved all road names, this plat may be reviewed and approved administratively, once a bond has been received from the applicant. Mr. Petty inquired as to whether Meritage would be installing a canoe/kayak launch on the Catawba River, as was previously discussed. Planning Director Cronin stated that he would contact the developer and provide a report at a subsequent meeting.
- 2. Pending Commercial Appearance Review: A Lock-It Self Storage:** Assistant Planner Pettit stated that the owner of A Lock-It Storage was planning to submit a commercial appearance review application for three new buildings at the next Planning Commission meeting. In the meantime, the applicant was seeking to begin grading work for the upcoming project. To complete the grading, they would need to remove an existing landscaped berm in front of a metal building that was previously approved by the town.

Because this berm was a condition of the building's approval, staff wanted to discuss the plan with Planning Commission members before authorizing the grading work to commence. Chairman Traynor stated that the approval process could take an extended period of time, and that he would like to see the architectural plans before authorizing the removal of the berm. Other members of the commission echoed these sentiments. Assistant Planner Pettit stated that he would pass this message along to the owners of the storage facility.

3. **Impact Fee Study Update:** Planning Director Cronin stated that town staff had completed a draft capital improvements plan (CIP) related to development impact fees. The CIP will be forwarded to commission members for review in advance of an upcoming special called meeting.
4. **Special Called Meeting: June 2, 2015 (6:30 PM):** Planning Director Cronin reminded members of an upcoming special called meeting on June 2nd at 6:30 PM in the Spratt Building. The purpose of this meeting is to discuss the impact fee ordinance, recommended discount rates, and the draft CIP.
5. **UDO Advisory Committee Meeting: June 10, 2015 (6:30 PM):** Planning Director Cronin reminded members of an upcoming meeting of the UDO Advisory Committee on June 10th at 6:30 PM in the Spratt Building. The purpose of this meeting will be to review and discuss draft sections of the new unified development ordinance.

There being no further business, the meeting was adjourned at 9:05 pm.

Respectfully submitted,

Joe Cronin
Planning Director

RECUSAL STATEMENT

Member Name: JAMES TRAYNOR
Meeting Date: MAY 26, 2015
Agenda Item: Section NEW BUSINESS Number: #4
Topic: AVERY PLAZA

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: OWNED BY RELATED COMPANY OF

MY EMPLOYER & AN AFFILIATED CO I WORK FOR
IS INVOLVED IN THE SUBDIVISION PROCESS

Date: 5/22/15 JAMES TRAYNOR
Member

Approved by Parliamentarian: _____