

**MINUTES
TOWN OF FORT MILL
PLANNING COMMISSION MEETING
June 1, 2016
112 Confederate Street
6:00 PM**

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

Absent: Chris Wolfe

Guests: Mayor Guynn Savage, Councilman Larry Huntley, Councilwoman Trudie Heemsoth, Councilwoman Lisa McCarley, Councilman Chris Moody, John Spratt (Kanawha Land LLC), Catherine Spratt (Kanawha Land LLC), Hank Burney (Kanawha Land LLC), Steve McCrae (K&L Gates), Shaw Kuester (Kuester), Chris Mannix (Kuester), David Swenson (York County Economic Development), Marc Howie (York Electric Coop), Tim Smoak (Comporium), Singleton Kimmel (Nichols Company), Dan Evans (USA Folios LLC), Brady Moore (Resident), Dee Hartman (Resident), Jim Scott (Resident), John Marks (Fort Mill Times),

Chairman Traynor called the meeting to order at 6:00 pm and welcomed everyone in attendance.

Planning Director Cronin stated that he had heard from Mr. Wolfe in advance of the meeting. Mr. Wolfe was out of town and unable to attend the meeting.

Mr. Adams made a motion to approve the minutes from the May 17, 2016, meeting, with a second by Mr. Lettang. The minutes were approved by a vote of 5-0.

NEW BUSINESS ITEMS

- 1. Annexation Request: Kanawha Farms, LLC:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation on the proposed annexation of York County Tax Map Numbers 661-00-00-002, 708-00-00-017, 708-00-00-018 (less and except a 0.98-acre portion of York County Tax Map Number 708-00-00-018 described in deed of 1/3 interest to John M. Spratt recorded in Deed Book 1715 Page 123), and 661-00-00-014. These parcels, in the aggregate, contain approximately 688 +/- acres located on or near Spratt Street (U.S. Highway 21 Business), Brickyard Road and Fort Mill Parkway. The property is currently zoned LI Light Industrial in York County. Planning Director Cronin stated that the property is owned by Kanawha Farms, LLC. The applicant was seeking annexation of 688 acres, rezoning of 23 acres which are currently in the town limits, as well as a development agreement covering all parcels subject to the annexation and rezoning requests. The proposed uses and densities are addressed in the proposed development agreement (see New Business Item #3). Planning Director Cronin stated that the town's future land use map, last updated in May

2016, identified the future land use as “mixed use.” Therefore, staff recommended in favor of the request with MXU zoning.

Mr. Adams made a motion to recommend in favor of the annexation request with a zoning designation of MXU. The motion died for lack of a second, and additional discussion took place.

Mr. McMullen made a motion to recommend in favor of the annexation request with a zoning designation of MXU. Mr. Petty seconded the motion. The motion was approved by a vote of 5-1, with Mr. Lettang opposed.

2. **Rezoning Request: Kanawha Farms, LLC**: Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation on the proposed rezoning of York County Tax Map Numbers 020-06-01-050, 020-01-21-002 and 020-01-22-012 from R-10 Residential and R-15 Residential to MXU Mixed Use. These parcels, in the aggregate, contain approximately 23 +/- acres located on or near Kanawha Street and Brickyard Road. Planning Director Cronin stated that the property is owned by Kanawha Farms, LLC. The applicant was seeking to incorporate these parcels, along with the 688 acres proposed for annexation, into a master planned mixed use community. If approved, the proposed uses and densities would be addressed in the proposed development agreement (see New Business Item #3). Planning Director Cronin stated that the town’s future land use map, last updated in May 2016, identified the future land use in this area as “medium density residential.” Based on the proposed development agreement and concept plan, as well as the fact that these parcels are in common ownership with the 688 acres proposed for annexation with MXU zoning, staff recommended in favor of the request to rezone these parcels from R-10 and R-15 to MXU.

Mr. Adams made a motion to recommend in favor of the rezoning request from R-10 and R-15 to MXU. The motion died for lack of a second, and additional discussion took place.

Mr. McMullen made a motion to recommend in favor of the rezoning request from R-10 and R-15 to MXU. Mr. Petty seconded the motion. The motion was approved by a vote of 5-1, with Mr. Lettang opposed.

3. **Development Agreement: Kanawha Land, LLC**: Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation on a proposed development agreement and concept plan for York County Tax Map Numbers 661-00-00-002, 708-00-00-017, 708-00-00-018 (less and except a 0.98-acre portion of York County Tax Map Number 708-00-00-018 described in deed of 1/3 interest to John M. Spratt recorded in Deed Book 1715 Page 123), 661-00-00-014, 020-06-01-050, 020-01-21-002 and 020-01-22-012. These parcels contain, in the aggregate, more than 710 acres located on or near Spratt Street (U.S. Highway 21 Business), Brickyard Road, Kanawha Street and Fort Mill Parkway, and are subject to proposed annexation and rezoning ordinances (see New Business Items #1 and #2).

The proposed development plan would permit a minimum of 250,000 and a maximum of 500,000 square feet of commercial development on 35.03 acres; up to 2,900 residential units on 547.88 acres, including up to 1,700 single-family and 1,200 “other” residential, including apartments and townhomes); donation of a 3.0 acre site for expansion of the town’s wastewater treatment plant; 63.65 acres of public park land, including river access via Spratt Island; and 63.81 acres of conservation land/open space. Staff also summarized additional provisions contained within the proposed development agreement

Hank Burney spoke on behalf of the applicant, and provided additional information in regards to the request. Mr. Burney stated that the land has been in the Spratt family for more than 250 years, and it was Mr. Spratt’s desire for this property to reflect the Spratt family’s legacy in Fort Mill. He also introduced members of Mr. Spratt’s local project management team.

John Spratt of Kanawha Land, LLC, thanked members of the Planning Commission for considering this request, and stated his hope that members would look upon this request favorably.

A discussion then took place. Chairman Traynor began by asking why the applicant was proposing to rezone the property from Light Industrial to Mixed Use, particularly to include such a sizable residential component.

Steve McCrae of K&L Gates, who represents the Spratt Family, stated that the property had previously been zoned Agricultural in York County, but the property was rezoned to LI approximately 25 years ago (around the time Fort Mill Parkway was constructed) at the request of the county. Mr. McCrae stated that at the time, the county’s zoning ordinance permitted residential development in the LI district, but the ordinance was subsequently changed to no longer allow residential uses. He added that there was a subsequent lawsuit in regards to this change. Mr. Burney stated that it was never Mr. Spratt’s intent to develop industrial on the property. Mr. Burney also discussed some of the uses permitted in industrial districts, and whether they would be the best uses for such a visible gateway into Fort Mill.

Mr. Hudgins inquired about the status of the intersection realignment at Spratt Street and Fort Mill Parkway. Planning Director Cronin stated that the applicant was informed of this pending project during discussions with town staff. According to the York County Pennies for Progress website, the county was originally planning to begin right-of-way acquisition in the late winter/early spring of 2016; however, that date appears to now have been pushed back to the fall of 2016, with an estimated completion date of 2018. Mr. Burney stated that no one from the county has contacted Mr. Spratt about acquiring right-of-way for the project. Since development would not be expected to begin until after the property is sold sometime in 2017, there would be sufficient time for right-of-way acquisition to take place before commencement of any development activity. Mr. Hudgins stated that the realignment should be taken into consideration, since we don’t want to permit construction of commercial buildings where a future road improvement will soon be constructed.

Chairman Traynor and Mr. Lettang both spoke in regards to traffic impact. Mr. Lettang said that 2,900 residential units would have a significant impact on the town's road network. Planning Director Cronin responded that the development agreement requires the developer to complete a traffic impact analysis (TIA) once the actual uses and densities have been finalized and the site-specific plan has been laid out, but before any physical development takes place on the property. In addition, the developer would be responsible for any off-site road improvements deemed necessary by the town and SCDOT to mitigate the anticipated traffic impact. Since mixed use projects are flexible by design, this is how the town has handled similar projects in the past, including Kingsley. Mr. Burney added that the project will be developed in phases over a 20-year period, so any off-site traffic impact would not be immediate. Mr. Burney also stated that mixed use zoning would limit 18-wheeler traffic, which would be expected if the property was developed with industrial uses, particularly distribution facilities.

Mr. Hudgins spoke in regards to tree preservation, and specifically, his desire for the property not to be clear cut and mass graded. Mr. Burney responded that if the property were to stay industrial, it would likely need to be mass graded for large commercial uses. The applicant was proposing, however, to allow cluster type development in an effort to minimize clear cutting and mass grading, and to preserve a large amount of open space. Mr. Burney estimated that the project's total open space, including parks and recreation areas, could approach 50%, even though the MXU district requires only 20%.

Mr. Hudgins also questioned why there were three "doughnut holes" on the concept plan which were not included in the project. Planning Director Cronin stated that the property closest to Archie Street is owned by the town. This one-acre site includes an existing sewer lift station, and is subject to a subsequent annexation request (see New Business Item #4). Another parcel is owned by a church, and is not included. In regards to the third parcel, Mr. Spratt controls only a 1/3 interest, with the remainder being owned by dozens of heirs. Mr. Burney said that it would be nearly impossible to track down all the heirs and acquire clear title. Mr. Burney also added that Kanawha Farms, LLC, would grant an easement to the town across its property to formalize access to the lift station site.

Chairman Traynor thanked Mr. Spratt, Mr. Burney and Mr. McCrae for their comments. He asked if anyone else in the audience wished to speak in regards to the request.

Dan Evans, a resident of Fort Mill, thanked Mr. Spratt for offering to donate land for public recreation and athletic fields. He stated that he and his family must frequently leave Fort Mill to participate in youth sports tournaments. He added that the town needs more tournament facilities, and highlighted the economic impact that such facilities have had in Rock Hill and elsewhere in the Charlotte area. He also stated that Mr. Spratt's proposed development plan would complement what is taking place across the river at Riverwalk in Rock Hill.

Brady Moore, a resident of Brickyard Road, expressed concern about having a park near Spratt Cemetery, particularly in regards to potential crime in the area. He also expressed concern about the traffic impact related to the project.

Jim Scott, a resident and neighboring property, expressed support for the project, and added that he hopes to act in conjunction with the Kanawha Farms project.

Chairman Traynor thanked Mr. Evans, Mr. Moore and Mr. Scott for offering their comments. Planning Director Cronin reminded commission members and those in the audience that the official public hearing has been scheduled to take place on June 13th before Town Council.

Mr. Adams made a motion to recommend in favor of approving the development agreement. The motion died for lack of a second, and additional discussion took place.

Chairman Traynor stated that he had a couple additional questions. Given the topography and floodplain on the property, he asked whether 2,900 residential was achievable on the site. Mr. Burney responded that there were some challenges on the site, and that the actual density would likely be less than the maximum permitted. Planning Director Cronin highlighted several other MXU and PND projects, noting that once the site is laid out, most projects will yield significantly less than the maximum number of permitted units.

Chairman Traynor also asked about the proposed tunnel under Fort Mill Parkway. Mr. Burney responded that this was something that the town requested in order to link the greenway trail network on both sides of Fort Mill Parkway. Planning Director Cronin added that this would be similar to other pedestrian tunnels under Sutton Road (Baxter) and Springfield Parkway (ASC Greenway).

Mr. McMullen asked about the proposed lot standards in the development agreement, specifically the 30' minimum lot width. Mr. Burney stated that the lot dimensions were taken straight from the town's MXU ordinance. Mr. McMullen stated that 30' is a pretty narrow lot, and that he would support increasing the size in the development agreement.

Mr. McMullen questioned whether the conservation areas would still be used for passive recreational use, or if they would be strictly for conservation. Mr. Burney responded that the conservation areas were intended to be used strictly for conservation.

Mr. McMullen also asked whether a guarantee could be put into the agreement to ensure that public access would be provided to the river. Mr. Burney responded that the property would be donated to the town, and the town could use it for any recreational purpose it sees fit. Mr. McCrae added that if this was an issue, it could be placed in a deed restriction that the town must ensure river access. Planning Director Cronin cautioned against binding the town to specific improvements or timelines, and recommended that this issue be considered by town council.

Mr. Petty posed a question in regards to the partial exemption from the Corridor Overlay District requirements, specifically, whether a single building with 25,000 or more square feet would be allowed to locate parking between the bypass and the building entrance, or if it would apply to any collection of buildings totaling more than 25,000 square feet on a

single lot. Planning Director Cronin responded that the intent was that it would only apply to single buildings of 25,000+ square feet, and that any building containing less than 25,000 square feet must comply with the COD/COD-N requirements.

Mr. Hudgins also asked about the exemption from COD/COD-N for minimum spacing for access points. Planning Director Cronin stated that the applicant has requested that each parcel should be permitted to have at least one access point, even if it was in conflict with the requirements of COD/COD-N. Since Fort Mill Parkway is a state right-of-way, the project must still meet SCDOT driveway separation criteria.

Lastly, Mr. Petty stated that there is a huge difference between age-restricted and age-targeted development. Mr. Burney stated that the applicant has requested flexibility in order to respond to market demands. Mr. McMullen suggested that if age-targeted was going to be used to satisfy the 15% requirement, then the development agreement should define what constitutes an “age-targeted” product. Chairman Traynor added that from the standpoint of traffic and school impact, age-restricted would be preferable.

Mr. Adams again made a motion to recommend in favor of approving the development agreement.

Mr. McMullen offered an amendment to recommend that the minimum lot width be increased from 30’ to 40’. Mr. Adams accepted the amendment. Mr. McMullen then seconded the motion, as amended.

Mr. Hudgins offered an amendment to recommend that a minimum of 15% of all residential units shall be age-targeted, rather than age-targeted and/or age-restricted. Mr. Adams and Mr. McMullen accepted the amendment.

Mr. Petty offered an amendment that the special COD/COD-N provisions relating to the location of parking areas shall apply only to single commercial buildings with 25,000 or more square feet, and not to a collection of buildings containing 25,000 square feet or more on a single parcel. Mr. Adams and Mr. McMullen accepted the amendment.

There being no further discussion, Chairman Traynor called for a vote. The motion, as amended, was approved by a vote of 6-0.

4. **Annexation Request: 969 Archie Street:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation on the proposed annexation of York County Tax Map Number 708-00-00-021, containing 1.0 acre located at 969 Archie Street. The property is currently zoned ID Industrial in York County. Planning Director Cronin stated that the property is owned by the Town of Fort Mill, and is currently used for a sewer lift station. The property is completely surrounded by property owned by Kanawha Farms, LLC. Should council approve the Kanawha Farms, LLC, annexation request, the lift station site would become an unincorporated “doughnut hole.” It was staff’s recommendation to annex the property with a zoning designation of MXU Mixed Use, which was the same zoning designation recommended for the Kanawha

Farms, LLC, property. He added that the town's zoning ordinance requires that parcels less than two acres in size must be an extension of a neighboring district. In this case, the property would be completely surrounded by MXU zoned property.

Mr. Adams made a motion to recommend in favor of the annexation request with a zoning designation of MXU. Mr. Lettang seconded the motion. The motion was approved by a vote of 6-0.

5. **Annexation Request: 1474 SC Highway 160 E:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation on the proposed annexation of York County Tax Map Number 737-00-00-073, containing 3.62 acres located at 1474 SC Highway 160 E. The property is currently zoned BD-I in York County, and the applicant (Kuester) was requesting a zoning designation of HC Highway Commercial. Planning Director Cronin stated that the future land use map identifies this property as "commercial" and, therefore, staff recommended in favor of the request with HC zoning.

Mr. Hudgins questioned whether there were neighboring residences to the east and west of the property. Assistant Planner Pettit showed an aerial image of the property on the screen, and identified existing residences on both sides of the property. Planning Director Cronin noted that several of the current residences adjacent to the property were currently being marketed for sale, and it was staff's opinion, based on the town's future land use map, that this corridor would gradually transition from residential to commercial over time. He also added that the property was currently zoned for commercial use in the county.

Mr. Adams made a motion to recommend in favor of the annexation request with a zoning designation of HC. Mr. Hudgins seconded the motion. The motion was approved by a vote of 6-0.

ITEMS FOR INFORMATION / DISCUSSION

1. **Annexation Request: Huntington Place Subdivision:** Planning Director Cronin stated that residents of the Huntington Place subdivision have submitted an annexation petition using the 25% petition and election method of annexation. A total of 101 signatures were included on the petition. The petition has been submitted to the York County Registration and Elections Office to certify whether 25% of more of the registered voters within Huntington Place have signed the petition. Assuming the petition is certified, a special election will be held in the Huntington Place subdivision on the question of annexation. Planning Director Cronin added that the petition includes a requested zoning designation of GR-A General Residential; however, that district is proposed to be eliminated in the new UDO. Commission members were asked to give some thought as to the recommended zoning designation. This item will be brought back to the Planning Commission for formal a recommendation once the county has completed its review of the petition.
2. **Reminder of Upcoming UDO Meetings:** Planning Director Cronin reminded commission members that the final meeting of the UDO Advisory Committee has been scheduled for

Monday, June 6th. During that meeting, the committee will review and discuss revisions to the third draft of the UDO, and report out its final recommendations. A special called meeting of the Planning Commission will take place immediately after the UDO Advisory Committee meeting, so that the Planning Commission may provide a formal recommendation on the document before submitting it to Town Council for review and approval.

There being no further business, the meeting was adjourned at 8:25 pm.

Respectfully submitted,

Joe Cronin
Planning Director