

**MINUTES  
TOWN OF FORT MILL  
PLANNING COMMISSION SPECIAL CALLED MEETING  
June 15, 2015  
215 Main Street  
6:30 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: Larry Huntley (Town Council), Matt Noonkester (Stantec), Louis Roman (Historic Review Board/FMEC/Resident), Al Rogat (Resident), John Marks (Fort Mill Times)

Chairman Traynor called the meeting to order at 6:30 pm and welcomed everyone in attendance.

Chairman Traynor stated that he had sought legal advice from an outside attorney regarding his participation in the discussion regarding impact fees given his position with Clear Springs. He added that while he would continue participating in discussions regarding impact fees, he would not vote on the final recommendations.

**ITEMS FOR INFORMATION / DISCUSSION**

1. **Review of Legal Opinions:** During the meeting on June 2, 2015, the Planning Commission requested legal opinions to the following questions:
  - 1) Can the town legally exempt schools and religious facilities?
  - 2) Can the town charge different discount rates for residential and commercial development?
  - 3) Can the town charge different discount rates for projects within a priority investment area?

Planning Director Cronin distributed and provided an overview of three legal opinions from the South Carolina Attorney General, Town Attorney Barry Mack, and Bond Attorney Theo DuBose. In these opinions, it was revealed that the town does not have the authority under the Development Impact Fee Act to exempt schools and religious uses. Mr. DuBose also opined that varying discount rates among commercial and residential uses would likely expose the town to a potential lawsuit on equal protection grounds; however, varying discount rates in priority investment areas may potentially be used if the town followed the criteria used under state law for establishing TIF district eligibility. Chairman Traynor stated that he had spoken to an outside attorney, and disagreed with Mr. DuBose's

opinion that a variation in fees among uses would be discriminatory as it would further the town's interest in generating a larger commercial tax base.

2. **Draft Impact Fee Ordinance:** Since the discussion at the last meeting revolved largely around the effect of transportation fees on commercial development, Planning Director Cronin presented two new options for the Planning Commission's consideration. The "all-in" option would set the transportation discount rate from day one, at a rate recommended by the Planning Commission and approved by town council. This discount would range anywhere from 0% to 100%. The second option would be a "phased-in" approach which would implement the transportation fee with a large discount (90% to 100%), and reduce the discount by 10% on January 1<sup>st</sup> of each subsequent year until reaching the recommended discount rate. Mr. Wolfe, Mr. Petty, Mr. Garver and Mr. Hudgins recommended in favor of a phased approach, with a 90% discount in the first year, and an annual reduction in the discount rate by 10% each year until reaching 50%. Mr. McMullen recommended in favor of the all-in approach at a 50% discount, stating that to do otherwise would miss the residential peak of the next 1-2 years, but added that he could support a phased in approach if the discount in the first year started at less than 100%. Mr. Lettang recommended an all-in approach with a 25%-50% discount, and revisit the rates in the future if the fees are found to adversely impact economic development. Chairman Traynor stated that he was opposed to making commercial development pay a disproportionate share, but that a 90% discount on transportation would be better than 25%.

Additional items were also discussed with Matt Noonkester of Stantec, the consultant who completed the town's impact fee study earlier this year. Mr. Wolfe questioned the rationale for using employees per 1,000 square feet for establishing the fees for commercial development. Mr. Noonkester stated that this data provided national averages or standards that were commonly used throughout the industry. Chairman Traynor asked about trips that did not originate or end in Fort Mill. Mr. Noonkester stated that these trips were addressed multiple ways. First, the trip data was based on trip ends rather than total trips, which automatically reduced the number of trips per use by 50%. Second, some uses are eligible for through trip discounts. Finally, as a matter of policy, a higher discount rate could be set to take non-Fort Mill trips into consideration.

Planning Director Cronin asked if there were any other items that members wished to discuss. Mr. Hudgins asked if the town could set up a grant or offset program to assist commercial projects. Planning Director Cronin stated that this was something that the town had explored previously with the Fort Mill Economic Council. If council wanted to proceed, this is something that could be done separate from the impact fee ordinance. Mr. McMullen stated his opinion that commercial development will follow the rooftops, regardless of whether the town adopts an impact fee ordinance. Mr. Lettang reiterated his statement from the last meeting that the purpose of impact fees needs to be about maintaining the town's excellent quality of life.

Mr. Wolfe and Mr. Hudgins asked how the town could encourage a legislative solution to exemptions for schools and religious uses. Planning Director Cronin recommended that the Planning Commission's final recommendations could include language encouraging the

town council and the legislative delegation to work with MASC and other cities and counties to change the law to allow such exemptions. Mr. Wolfe also recommended reviewing the fee system within 2-5 years, rather than the 5 years required by law. Planning Director Cronin stated that the fees, as well as the CIP, could be reviewed and updated as needed when the town does its next comprehensive plan update in 2017-18.

3. **Draft Capital Improvements Plan (CIP)**: Planning Director Cronin gave a brief update on the CIP. A final version of the document will be distributed to the Planning Commission in advance of the meeting on June 23<sup>rd</sup>.

Planning Director Cronin stated that there was a full agenda for the June 23<sup>rd</sup> meeting. Mr. Hudgins recommended starting the meeting at 6:30 pm instead of 7:00 pm. There was consensus among members of the Planning Commission to start the meeting 30 minutes earlier.

There being no further business, the meeting was adjourned at 9:07 pm.

Respectfully submitted,

Joe Cronin  
Planning Director