

**MINUTES  
TOWN OF FORT MILL  
PLANNING COMMISSION MEETING  
June 21, 2016  
112 Confederate Street  
7:00 PM**

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

Absent: Hynek Lettang

Guests: Larry Huntley (Town Council), Trudie Heemsoth (Town Council), Chris Blanton (Haire Property), Emily Buehrer (Bloc Design), Robert Drayton (Carolinas HealthCare System), Ben Johnson (Robinson Bradshaw), John Marks (Fort Mill Times)

Chairman Traynor called the meeting to order at 7:00 pm.

Planning Director Cronin stated that he had heard from Mr. Lettang prior to the meeting. Mr. Lettang was out of town, and would be unable to attend the meeting.

Mr. Adams made a motion to approve the minutes from the June 6, 2016, special called meeting, with a second by Mr. Wolfe. The minutes were approved by a vote of 6-0.

**PUBLIC HEARING**

1. **Street Renaming Request: Self Street**: Chairman Traynor opened the public hearing and asked whether anyone wished to comment on the proposed renaming of three non-contiguous sections of Self Street. No one wished to speak, and the public hearing was closed.

**OLD BUSINESS ITEMS**

1. **Street Renaming Request: Self Street**: Planning Director Cronin provided a brief overview of the request, the purpose of which was to consider a street renaming request from the York County E-911/Addressing Office for three non-contiguous sections of Self Street. The proposed names for each section were as follows:

**Section 1: Calhoun Street to Sidney Johnson Street**

Current Name: Self Street

Proposed Name: Looms Way

**Section 2: Sidney Johnson Street to Jackson Street**

Current Name: Self Street

Proposed Name: Spindle Street

### **Section 3: Jackson Street to Morgan Street**

Current Name: Self Street

Proposed Name: Bobbin Street

Planning Director Cronin noted that the westernmost segment of Self Street, between Jackson Street and Morgan Street, would retain the Self Street name.

Mr. Adams made a motion to approve the street renaming requests as presented, and to authorize staff to prepare and record an appropriate instrument to formalize the renaming of these three sections. Mr. McMullen seconded the motion. The motion was approved by a vote of 6-0.

2. **Annexation Request: Haire Village:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to consider an annexation request for York County Tax Map Number 738-00-00-045, containing approximately 13.5 +/- acres located along Haire Road, between N Dobys Bridge Road and Fort Mill Parkway. Planning Director Cronin noted that the Planning Commission had considered a request to annex this parcel in April 2016, along with York County Tax Map Numbers 738-00-00-046 and 738-00-00-077. At the time, the Planning Commission expressed concern about the impact that 305 market rate apartments, as well as 80 age-restricted residential units, would have on Fort Mill Parkway, and requested that a traffic impact analysis (TIA) be completed before making a recommendation. Because Fort Mill Parkway was not yet open to traffic, it was not possible at the time to complete a TIA. The town and SCDOT also generally require that TIA's be completed during the school year, so as to ensure accurate daily traffic counts. As a result, the applicant was seeking to move forward with annexation of York County Tax Map Number 738-00-00-045, and would submit a request at a later date for the remaining parcels. The applicant requested a zoning designation of MXU Mixed Use. The proposed project would contain a continuing care retirement facility with up to 200 dwelling units (restricted to residents age 55+), as well as a minimum of 10,000, and a maximum of 36,000, square feet of retail, office and/or municipal uses. Planning Director Cronin stated staff's opinion that the request was consistent with the town's comprehensive plan, and therefore, staff recommended in favor of annexation with MXU zoning.

Chairman Traynor asked whether the project would contain open space, as required by the MXU district. Chris Blanton, speaking on behalf of the applicant, responded that the project would contain at least 20% open space, as required by the MXU district. This would be included in amenity areas, an internal trail system, as well as the required buffer areas. Mr. Traynor also asked whether the retirement facility would be a for-profit business. Mr. Blanton responded that it would be for-profit.

Mr. McMullen questioned whether there was a true mixture of uses. Mr. Blanton responded that the project would include an age-restricted residential component, as well as commercial buildings. The applicant anticipated a mixture of medical and service uses in the commercial portions of the property. He added that the applicant was currently in

discussions with a speech therapist about constructing a commercial building on the property.

Mr. Adams asked whether the residential units would be subject to the school district's impact fees. Planning Director Cronin responded that he was not certain whether the district's impact fees would apply to a retirement facility, but as a residential use, he anticipated that they would apply. Mr. Blanton stated that he had assumed that impact fees would be charged when performing a financial feasibility study of the project. Mr. Adams added that he would like to see this stated explicitly in the development conditions.

Mr. Adams 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 6-0.

**3. Mixed Use Concept Plan & Development Conditions: Haire Village:** Planning Director Cronin provided a brief overview of the request. The mixed use concept plan and development conditions were a companion ordinance for the preceding annexation request. The proposed project would allow a continuing care retirement facility with up to 200 dwelling units (restricted to residents age 55+), as well as a minimum of 10,000, and a maximum of 36,000, square feet of retail, office and/or municipal uses. Planning Director Cronin stated staff's opinion that the request was consistent with the town's comprehensive plan, and therefore, staff recommended in favor of the concept plan and development conditions. Staff also recommended the following amendments to the proposed development conditions:

- Section 3: Amend the gross residential density from “will not exceed 20.0 units per acre and/or 200 total units” to “15.0 units per acre, not to exceed 200 total units for the entire project.”
- Section 3: Amend the retail/office density from “will not exceed more than 10,000 square feet per acre and/or 36,000 total square feet” to “will not exceed 10,000 square feet per acre, and 36,000 square feet for the entire project.”
- Section 15(a): Amend the maximum residential density to “15.0 units per acre, not to exceed 200 total units for the entire project.”
- Section 15(b): Amend maximum retail/office density to “10,000 square feet per acre, and 36,000 square feet for the entire project.”
- New Section: “All streams and waterways on the Haire Village MXU Project drain to an impaired waterway (Sugar Creek). Therefore, a natural buffer of 45’ (average) shall be provided on each side of all streams and waterways.”
- New Section: Portions of the Haire Village MXU project are located within the Corridor Overlay District. As such, development on the site shall be subject to the requirements of Article II, Section 24 (COD/COD-N Corridor Overlay District

Standards. In the event that the requirements of the overlay district are stricter than those in the underlying zoning district or the proposed development conditions established within these Development Conditions, then the provisions of the overlay district shall apply. The provisions of the “COD-N” overlay shall apply to all portions of the property which fall within the Corridor Overlay District, including areas which may be located outside a “Node,” as defined in the Town’s Comprehensive Plan.

- New Section: Primary exterior building materials for the proposed structures that are to be constructed on site shall include a combination of the following materials: brick, stone, fiber cement siding, and other high quality materials. As part of the Corridor Overlay District, building elevations for commercial and multi-family structures will be subject to appearance review before the Planning Commission.

Chairman Traynor stated that Section 15(g) allows a fence to be used to reduce the required buffer. He added that if a fence is used, then it should be landscaped to improve the aesthetic appeal. He also recommended adding language that natural buffers should be supplemented, if necessary, to provide an adequate screening effect.

Mr. Adams recommended adding a new section to require that all residential units shall be subject to the school district’s impact fee.

Planning Director Cronin also recommended adding a paragraph under Section 2(b) stating that any commercial use permitted within the HC Highway Commercial and LC Local Commercial zoning districts would be permitted on the property.

Mr. Adams made a motion to recommend in favor of approval of the proposed concept plan and development conditions, including the modifications recommended by staff and the Planning Commission. Mr. Hudgins seconded the motion. The motion was approved by a vote of 6-0.

## **NEW BUSINESS ITEMS**

1. **Annexation Request: Chase Property**: Planning Director Cronin provided a brief overview of the request, the purpose of which was to consider the annexation of York County Tax Map Numbers 736-00-00-028, 736-00-00-032, and the portion of 736-00-00-031 lying west of the Future Fort Mill Parkway right-of-way. In the aggregate, these parcels contain approximately 28.6 +/- acres located along Tom Hall Street and the future Fort Mill Parkway. The parcels are currently under contract for sale to the Charlotte-Mecklenburg Hospital Authority (CMHA), along with two neighboring parcels which are already located in the town limits. CMHA intends to build a medical office on the property, as well as other commercial uses on outparcels along Tom Hall Street and Fort Mill Parkway. The applicant requested a zoning designation of HC Highway Commercial. Planning Director Cronin stated staff’s opinion that the request was consistent with the town’s comprehensive plan, and therefore, staff recommended in favor of annexation with HC zoning. A proposed development agreement was also discussed as a separate item.

Attorney Ben Johnson of Robinson Bradshaw provided additional information regarding the project on behalf of the applicant.

Chairman Traynor asked if any utility upgrades would be necessary to serve the project. Planning Director Cronin responded that any utility upgrades, whether on- or off-site, would be the responsibility of the applicant.

Mr. Wolfe stated that he was happy to see that this project would be strictly commercial, and would not include any residential component.

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

2. **Development Agreement: CMHA:** Planning Director Cronin stated that this was a companion ordinance to the previous annexation request. The applicant, CMHA, was seeking approval of a development agreement for York County Tax Map Numbers 736-00-00-028, 736-00-00-032, and the portion of 736-00-00-031 lying west of the Future Fort Mill Parkway right-of-way, which are subject to pending annexation, as well as York County Tax Map Numbers 020-08-01-004 and 020-08-01-005, which are already located in the town limits with a zoning designation of HC. In the aggregate, these parcels contain approximately 38.6 +/- acres. CMHA is currently under contract to purchase each of these parcels, with the intent of developing a medical office building, as well as commercial buildings on outparcels fronting Tom Hall Street and Fort Mill Parkway.

Attorney Ben Johnson of Robinson Bradshaw provided additional information regarding the project on behalf of the applicant. He also introduced members of the project team, including Robert Drayton of Carolinas HealthCare System, and Emily Buehrer of Bloc Design.

Planning Director Cronin stated that the proposed development agreement was fairly straightforward. The agreement would allow for any commercial use permitted in the HC and LC zoning districts, including medical office buildings, hospitals, general offices, and drug stores. Because there is a stream which runs through the property, the applicant was seeking approval to build up to 50' in height, which is above the 35' normally permitted in the HC district. Future development would include enhanced architectural materials, including brick, stone, stucco, wood and/or fiber cement siding. At staff's request, a 50' buffer was also included along adjacent residential boundaries.

Mr. McMullen stated that he was happy to see the buffer included, but would support a larger buffer in return for allowing buildings up to 50' in height.

Mr. Wolfe stated that he was comfortable with increasing the maximum height to 50', as that would be preferable to impacting the existing stream and any wetlands which may be on the property. Planning Director Cronin noted that while the Leroy Springs Complex

property across the street was zoned HC, a 2008 development agreement would allow development up to 60' in height should that property be redeveloped in the future. In addition, CMHA's proposed concept plan would meet or exceed the buffer requirement along the stream.

Mr. Adams made a motion to recommend in favor of approving the development agreement, as proposed. Mr. Wolfe seconded the motion. The motion was approved by a vote of 6-0.

3. **Final Plat: Oakland Pointe, Phase 1, Maps 1 & 2:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and approve a final plat for Phase 1, Maps 1 and 2, of the Oakland Pointe subdivision on Kimbrell Road. The subdivision will contain a total of 100 lots on approximately 28.96 +/- acres. Planning Director Cronin stated that the plats were generally consistent with the approved preliminary plat; however, all required infrastructure had not yet been completed, and that approval should be contingent upon the applicant securing a bond for 125% of the cost of any unfinished infrastructure. He also added that the proposed road names (Ashton Court, Garrett Green Way, Garrison Oak Court and Hazel Park Drive) were different than those previously approved by the Planning Commission. Large copies of the plat were reviewed by members of the commission.

Mr. Petty questioned why the sidewalks along Kimbrell Road were shown on one of the maps, but not the other. Planning Director Cronin responded that staff was aware of the discrepancy, and had asked the applicant to correct this in the final version of the plat, prior to signature and recording, along with a couple other minor revisions.

Mr. Hudgins asked about the status of the live oak tree at the front of the property. Planning Director Cronin responded that the tree had been protected during development, and will be located on a common open space lot, as shown on the plat.

Mr. Adams made a motion to approve the preliminary plat, contingent upon the applicant securing the required bond, and authorizing staff to approve any minor revisions which may be required by the planning, engineering and/or fire departments. The proposed road names would be contingent upon approval by the York County E-911/Addressing Office. Mr. Petty seconded the motion. Mr. Wolfe offered an amendment that all items contained within the approved preliminary plat, including sidewalks, should be included in the final plat. Mr. Adams and Mr. Petty accepted this amendment. The motion, as amended, was approved by a vote of 6-0.

4. **Subdivision Plat: 206 & 208 Calhoun Street:** Planning Director Cronin stated that the owners of 206 and 208 Calhoun Street have submitted a subdivision plat to shift the existing lot line between York County Tax Map Numbers 020-01-08-017 and 020-01-08-018. There is an existing residence on each lot, and the lot line currently bisects an existing driveway and garage. The applicant is seeking to sell one of the lots, and wanted the driveway and garage to be located entirely on one of the two lots. Planning Director Cronin noted that by shifting the lot line, 206 Calhoun Street would be reduced from approximately

9,600 square feet to approximately 8,300 square feet. Because the property is zoned R-10, which required a minimum lot area of 10,000 square feet, 206 Calhoun Street would become more non-conforming than it is today. He added that the town's subdivision code authorizes the Planning Commission to grant a "lot variance" in instances where the commission determines that an unusual condition exists that would result in a substantial hardship for a property owner.

Mr. McMullen questioned whether the existing garage would meet the setback requirement if the lot line was shifted towards 206 Calhoun Street. Planning Director Cronin responded that while the garage would not meet the 5' side yard setback for accessory uses, the garage would be less non-conforming than it is today. An existing garage on 206 Calhoun Street would still meet the 5' side yard requirement.

Mr. Wolfe added that it is common in older neighborhoods in Fort Mill to have a shared driveway and garage sitting on a lot line.

Mr. Adams made a motion to grant a lot variance, and to approve the subdivision plat as submitted by the applicant. Mr. Hudgins seconded the motion. The motion was approved by a vote of 5-1, with Mr. McMullen opposed. Planning Director Cronin stated that a lot variance requires an affirmative vote by two-thirds of the Planning Commission, and that the two-thirds requirement had been satisfied.

5. **Commercial Appearance Review: A Lock-It Self Storage:** Assistant Planner Pettit stated that the owners of A Lock-It Self Storage were seeking approval to modify their previously approved plan from August 2015 for "Building X," located at 1399 Highway 160 E. The original approval for Building X included painting the building sections with alternating shades of red and green. The applicant was now seeking approval to move forward without painting those sections. A photo of the existing building was reviewed with members of the Planning Commission.

Mr. Wolfe stated that the addition of colors was used to break up the monotony of the building. He added that he felt that the applicant should complete the project, as approved by the Planning Commission. Mr. Hudgins stated his agreement with this comment.

Mr. Petty stated that color is usually mixed in before the EIFS treatment is added to the building. It is possible that even if the building is painted, it may look good for a couple years, but the finish would likely deteriorate over time.

Mr. McMullen stated that he would be open to reviewing an alternate design, if the applicant was willing to enhance the landscaping in front of the building.

Mr. Hudgins made a motion to defer consideration of the request, and asked the applicant to provide additional information, and possible amendments. Mr. Petty seconded the motion. The motion was approved by a vote of 6-0.

- 6. Request to Approve Road Names: Massey Phase III:** Assistant Planner Pettit provided a brief overview of the request, the purpose of which was to review and approve a revised road name list for Massey Phase III. Assistant Planner Pettit stated that the applicant was requesting approval for “Marquis Hills” for the street formerly called Corriedale Street. The remaining street names – Bend Road, Knotgrass Drive, Penny Royal Avenue, Trelawn Street and Sweet Woodruff Lane – were unchanged.

Mr. Adams made a motion to approve the revised road name list, to include Marquis Hills Drive in place of Corriedale Street. Mr. Wolfe seconded the motion. The motion was approved by a vote of 6-0.

#### **ITEMS FOR INFORMATION / DISCUSSION**

- 1. Annexation Request: Huntington Place (25% Petition & Election):** Planning Director Cronin notified members of the commission that the Huntington Place annexation petition had been certified by both the town and county, and that a special election has been scheduled for August 23, 2016. Should the residents of Huntington Place vote in favor of annexation, the Planning Commission will review and provide a recommendation on the zoning designation for the neighborhood before an ordinance is finalized and approved by town council.
- 2. Spratt Property Update:** Chairman Traynor asked for an update on the Spratt property. Planning Director Cronin stated that council had given first reading approval of the annexation, rezoning, and development agreement ordinances on June 13, 2016. All three ordinances are scheduled to be on the agenda for second reading on June 27, 2016. Staff anticipates that there may be some revisions to the development agreement, as requested by council, prior to second reading.

There being no further business, the meeting was adjourned at 9:04 pm.

Respectfully submitted,

Joe Cronin  
Planning Director