



FORT MILL

TOWN OF FORT MILL PLANNING COMMISSION MEETING

July 28, 2015
112 Confederate Street
7:00 PM

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Regular Meeting: June 23, 2015 *[Pages 3–9]*

OLD BUSINESS ITEMS

1. **Subdivision Plat: Avery Plaza** *[Pages 10–12]*

Request from Pittman Professional Land Surveying, on behalf of Springland Associates LLC, to approve the subdivision of York County Tax Map Number 020-08-01-002, containing approximately 22.7 +/- acres at the intersection of SC 160 and Springfield Parkway, into five parcels ranging in size from 1.63 acres to 10.93 acres

NEW BUSINESS ITEMS

1. **Annexation Request: Pulte Home Corporation** *[Pages 13–21]*

An ordinance annexing York County Tax Map Number 728-00-00-002

2. **MXU Concept Plan & Development Conditions: Orchards Project** *[Pages 22–34]*

An ordinance adopting a Mixed Use Concept Plan & Development Conditions for the Orchards MXU Project

ITEMS FOR INFORMATION / DISCUSSION

1. **Impact Fee Ordinance Update**

2. **Preliminary Plat: Massey Phase 2** *[Pages 35–36]*
3. **Preliminary Plat: Kingsley Road B & Kingsley Town Center** *[Page 37]*
4. **Final Plat: Carolina Orchards Blvd & Villages A,B,F,G** *[Pages 38-42]*
5. **Upcoming UDO Advisory Committee Meetings**
 - August 5, 2015 – 6:30 PM
 - August 18, 2015 – 6:30 PM
 - September 16, 2015 – 6:30 PM

ADJOURN

**MINUTES
TOWN OF FORT MILL
PLANNING COMMISSION MEETING
June 23, 2015
112 Confederate Street
6:30 PM**

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

Absent: Hynek Lettang

Guests: Larry Huntley (Town Council), Chipper Wilkerson (Interim Fire Chief), Nick Vrettos (One on One Design), Joe Clark (A Lock-It Self Storage), Terry Van Dervort (Fort Mill Chiropractic), Brandon Pridemore (R. Joe Harris), Patrick Murphy (R. Joe Harris), Kevin Granelli, Jason Schwartz, Matt Roper

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

Mr. Hudgins made a motion to approve the minutes from the May 26, 2015, regular meeting, with a second by Mr. Garver. Planning Director Cronin stated that the minutes should be amended to include Chairman Traynor's recusal form. Chairman Traynor also stated that it should be noted that Gross Builders agreed that the senior mixed use apartments on River Crossing Drive would be subject to commercial appearance review. The minutes were approved, as amended, by a vote of 6-0.

Mr. Petty made a motion to approve the minutes from the June 2, 2015, special called meeting, with a second by Mr. Garver. The minutes were approved by a vote of 6-0.

Mr. McMullen made a motion to approve the minutes from the June 15, 2015, special called meeting, with a second by Mr. Hudgins. The minutes were approved by a vote of 6-0.

NEW BUSINESS ITEMS

1. **Commercial Appearance Review: A Lock-It Self Storage:** Assistant Planner Pettit provided an overview of the request, the purpose of which was to review and approve three proposed public storage buildings at 1399 SC Highway 160 East. Two internal buildings (Buildings Y and Z) were proposed to be constructed with metal, while a third building (Building X), which would be visible from SC 160, would be constructed with enhanced materials, and would serve to screen Buildings Y and Z. Mr. Clark of A Lock-It Storage provided additional information regarding the request. A discussion then took place.

Chairman Traynor expressed concerns about the scale of a 230' long building on SC 160, adding that it would look too monolithic. He added that it may be preferable to break that building up into two or three smaller buildings. He stated that if Building Y cannot be

completely screened by Building X and/or suitable landscaping, then portions of Building Y visible from the street should contain the same materials and design as Building X. He also requested additional photos or samples of the proposed materials, so that the Planning Commission could review colors and textures.

Mr. Petty inquired as to the proposed relief, or depth, of the architectural elements along the facade, stating that these details were not adequately shown on the site plan. He stated that he would like to see a plan showing the finished floor elevations, as well as the building height.

Mr. McMullen questioned the types of landscaped screening for buildings X and Y, adding that suitable screening should be required for any metal building visible from SC 160.

Mr. Wolfe and Mr. Hudgins recommended adding other enhancements, such as faux windows, glass, awnings, doors and accent lighting to further break up the monotony of Building X along SC 160.

Mr. Hudgins made a motion to defer consideration of the request, and asked the applicant to bring back revisions that take the Planning Commission's comments into consideration. Mr. McMullen seconded the motion. The motion to defer was approved by a vote of 6-0.

- 2. Commercial Appearance Review: Fort Mill Chiropractic:** Assistant Planner Pettit provided an overview of the request, the purpose of which was to review and approve a proposed 14' x 36' storage building at 306 Tom Hall Street. The proposed building would be wrapped in a khaki colored vinyl siding. Assistant Planner Pettit added that the property was located within the Tom Hall Corridor Overlay District. Mr. Van Dervort of Fort Mill Chiropractic provided additional information regarding the request. A discussion then took place.

Chairman Traynor asked whether this would be a front load storage unit, with the door visible from Tom Hall Street. The applicant responded in the affirmative. Chairman Traynor noted that building had a long setback and minimum exposure from the right of way, but questioned the use of vinyl siding in the overlay district.

Mr. Wolfe expressed concern about approving a vinyl building within the overlay district, as it would set a precedent for future requests within the district. He added that Hardie plank would be preferable to vinyl siding. The applicant responded that he would be open to using Hardie plank instead of vinyl.

Mr. Hudgins made a motion, seconded by Mr. Garver, to approve the proposed design, size and location of the storage building, with the contingency that the building should be wrapped in Hardie plank rather than vinyl siding, in a color to match the existing building. The motion was approved by a vote of 6-0.

- 3. Rezoning Request: 113 Railroad Avenue:** Assistant Planner Pettit provided an overview of the request, the purpose of which was to review and provide a recommendation on the

rezoning application for 113 Railroad Avenue. The property is currently zoned LC Local Commercial. The applicant requested a rezoning to GI General Industrial. Assistant Planner Pettit stated that the applicant (Rustic Label) wished to expand its existing commercial printing operation. Assistant Planner noted that the GI district was inconsistent with the comprehensive plan's recommendations within the downtown node, and therefore, staff recommended in favor of denial.

Mr. Hudgins noted that this was an existing business in the LC district. He asked whether there were any alternatives to accommodate the expansion without rezoning the property to GI.

Planning Director Cronin stated that the LC district allows "print shops," but those uses were not defined in the zoning ordinance. In the context of the LC district, it was staff's interpretation that a print shop was intended to be used for on-premises retail printing and copying services, such as a FedEx Office, UPS Store or Post Net. It was staff's understanding that the existing business does not have a retail component, and the primary services provided are wholesale in nature. Therefore, staff felt that the business was better classified as an industrial or manufacturing use, rather than a retail use. One possible alternative would be for the applicant to appeal staff's interpretation of the "print shop" definition before the Board of Zoning Appeals.

Mr. McMullen made a motion to defer the request, and ask the applicant to pursue a possible appeal before the Board of Zoning Appeals in lieu of a rezoning. Mr. Garver seconded the motion. The motion to defer was approved by a vote of 6-0.

- 4. Annexation Request: 1086 N Dobys Bridge Road:** Assistant Planner Pettit provided an overview of the request, the purpose of which was to review and provide a recommendation on an annexation application for 1086 N Dobys Bridge Road. The applicant had requested a zoning designation of HC Highway Commercial. Assistant Planner Pettit noted that because the property was under two acres, the code requires the property to be an extension of a neighboring district. Since the property was contiguous only to HC zoned property (Fort Mill Square), staff recommended in favor of the HC zoning designation.

Mr. Hudgins expressed concern that the property was adjacent to residential properties, and stated that he did not support commercial encroachment into the neighboring residential areas. Other members concurred with this sentiment.

Planning Director Cronin reminded members that the Planning Commission's role is to recommend in favor of a zoning designation. Even though the applicant has requested HC zoning, the Planning Commission could recommend in favor of another designation. He added, however, that based on the zoning ordinance, this property should only be eligible for HC zoning, unless additional parcels were assembled to meet the two acre threshold for an alternate zoning designation.

Mr. Garver made a motion to recommend in favor of the annexation with a zoning designation of R-25 residential. Mr. McMullen seconded the motion. The motion was approved by a vote of 5-1, with Mr. Petty opposed.

5. **Annexation Request: Scott Wells Property:** Assistant Planner Pettit provided an overview of the request, the purpose of which was to review and provide a recommendation on an annexation application for approximately 2.46 acres located at I-77 and Sutton Road. The applicant had requested a zoning designation of HC Highway Commercial, and staff recommended in favor of approval.

Chairman Traynor asked if staff knew what the applicant wanted to develop on the property. Planning Director Cronin stated that the applicant intends to develop a hotel and restaurant on the site. Chairman Traynor stated that he was concerned with another heavy use, such as the nearby truck stop, and did not support a zoning designation that would support such a use.

Mr. Garver stated that the location at the Sutton Road interchange was appropriate for a hotel, and therefore, he supported the request.

Mr. McMullen stated that the property is currently zoned BD-III in the county, which is the county's heaviest commercial zoning designation.

Nick Vrettos spoke on behalf of the applicant, and presented two conceptual layouts for the project. Planning Director Cronin noted that any new development on the site would be subject to the town's new Corridor Overlay District (COD-N), as well as the appearance review process.

Mr. McMullen made a motion to recommend in favor of the annexation with a zoning designation of HC. Mr. Garver seconded the motion. The motion was approved by a vote of 5-1, with Chairman Traynor opposed.

6. **Request to Approve Road Names: Kingsley:** Planning Director Cronin provided an overview of the request, the purpose of which was to review and approve a master road name list for Kingsley Roads A-C, Kingsley Town Center, and private roads serving the Lash Group and LPL Financial corporate offices. The applicant requested approval of the following road names: Textile Way, Wamsutta Mills Drive, Kingsley Springs Boulevard, Broadcloth Street, Innovation Point, and LPL Way. Planning Director Cronin added that all names have been approved and reserved through the county's addressing office.

Mr. Hudgins made a motion to approve the master road name list as requested, with a second by Mr. Petty. Chairman Traynor stated that he was employed by the applicant and would refrain from voting on the request. The motion was approved by a vote of 5-0, with Chairman Traynor abstaining.

7. **Preliminary Plat: Pecan Ridge:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and approve a preliminary plat for the

Pecan Ridge subdivision on Whites Road. Planning Director Cronin noted that a sketch plan had been approved in January 2014 with 199 single-family lots, but the number has since been reduced to 192 lots. The preliminary plat was consistent with the requirements of the R-5 zoning district, as well as the 2014 development agreement. Staff recommended in favor of approval, with the following notes/conditions: a turnaround facility should be included at the stub out near lots 24 and 25; sidewalks should be included on at least one side of Whites Road; the off-site improvement recommended in the traffic study should be installed on Whites Road; and cul-de-sacs should include landscaped medians. Brandon Pridemore and Kevin Granelli provided additional information on behalf of the applicant. A discussion also took place regarding the proposed removal of several large pecan trees (30"+ caliper) on the property.

Mr. Wolfe made a motion to approve the preliminary plat, with the following conditions: a turnaround facility shall be included at the stub out near lots 24 and 25; sidewalks shall be included on at least the eastern frontage along Whites Road; the off-site improvement recommended in the traffic study shall be installed on Whites Road; cul-de-sacs shall include landscaped medians; and staff shall be delegated with the authority to review and approve a tree survey and replanting plan, consistent with the zoning ordinance. Mr. Garver seconded the motion. Chairman Traynor called for a vote.

<u>In Favor of the Motion</u>	<u>Opposed to the Motion</u>
Traynor	Hudgins
Garver	McMullen
Wolfe	
Petty	

The motion was approved by a vote of 4-2.

Chairman Traynor called for a five minute recess at 9:30 pm. The Planning Commission reconvened at 9:35 pm.

- 8. Development Impact Fee Ordinance:** Planning Director Cronin provided an overview of the draft impact fee ordinance, which was finalized and presented following two Planning Commission workshops on June 2nd and June 15th. As drafted in the ordinance, development impact fees would apply to all new development within the Town of Fort Mill. Fees would be assessed at the time a building permit is issued, and must be paid no later than the issuance of a certificate of occupancy. As allowed by the Act, the ordinance provides an exemption for affordable housing units. However, based on the legal advice of the town attorney, the town's bond attorney, and a legal opinion from the South Carolina's Attorney General's Office, no other exemptions have been incorporated into the ordinance.

Impact fees would be based on a defined formula established within the ordinance. This formula is based upon the findings and assumptions contained within the Impact Fee Study Report, prepared by Stantec, and accepted by Town Council in April of 2015. The development impact fee formula for each category is based upon several variables, such as: number of units (housing units, commercial square footage, etc.); persons per

household, employee space ratio, or number of daily trips; cost; and any discount rates adopted by town council. In instances where an applicant disagrees with standard assumptions, the ordinance allows the applicant to conduct an independent calculation for a more customized fee amount.

The draft ordinance recommends the following discount rates: 10% discount for Fire Protection, Parks and Recreation and Municipal Facilities; and a phased-in discount for Transportation beginning at 90% upon adoption, and decreasing by ten percentage points on January 1st of each year until reaching a 50% discount rate in 2019. These discount rates would apply uniformly, regardless of whether the fee amount was based on the standard formula or an independent calculation.

As required by the Act, the ordinance establishes four new trust funds for each impact fee category. The ordinance contains provisions and procedures related to impact fee credits, reimbursements, appeals, and where appropriate, refunds. The ordinance requires an annual report outlining the revenues and expenditures from impact fees, and also includes a sunset provision that would terminate each fee 15 years from the date of adoption. As written, the ordinance would become effective immediately upon adoption by town council.

Mr. Wolfe made a motion to recommend in favor of the ordinance adopting a development impact fees, as presented by staff. The motion included a recommendation for council to adopt a resolution calling on the legislative delegation to amend the Development Impact Fee Act to allow an exemption for schools. Mr. McMullen seconded the motion. Mr. Petty offered an amendment that council should also consider amendments to the building permit fee schedule as a partial offset to the adoption of impact fees. Mr. Wolfe and Mr. McMullen accepted Mr. Petty's amendment. The motion, as amended, was approved by a vote of 5-0, with Chairman Traynor abstaining.

- 9. Capital Improvements Plan Ordinance:** Planning Director Cronin provided an overview of the draft capital improvements plan (CIP). Should council elect to adopt impact fees, state law also requires the adoption of a CIP, by ordinance, following review and recommendation by the Planning Commission. Planning Director Cronin stated that the draft CIP had been further refined since the previous workshop, and some items had been removed. The items included in the draft CIP reflect the highest priority facility and equipment needs related to growth among the town's various departments. The draft CIP included a list of projects broken out by fee category: Fire Protection, Parks and Recreation, Municipal Facilities and Transportation. The draft CIP includes an explanation and justification of each project, anticipated start and end year, funding sources, and estimated project costs. The draft CIP was prepared with feedback and participation among all affected departments.

Mr. Wolfe made a motion to recommend in favor of the ordinance adopting a capital improvements plan, as presented by staff, with a second by Mr. Petty. The motion was approved by a vote of 5-0, with Chairman Traynor abstaining.

10. Comprehensive Plan Amendment: Planning Director Cronin informed members that the state's Comprehensive Planning Enabling Act requires the inclusion of a priority investment element in the town's comprehensive plan. The priority investment element should include a list of public infrastructure and facility projects over the next ten years. Because the items contained in the draft CIP are not currently included in the town's comprehensive plan, last updated in January 2013, staff recommended amending the comprehensive plan to incorporate the CIP, by reference, into the priority investment element contained within Volume 2: Fort Mill Tomorrow. This will ensure consistency between the town's CIP and comprehensive plan.

Mr. Wolfe made a motion to recommend in favor of the ordinance amending the comprehensive plan, with a second by Mr. Garver. The motion was approved by a vote of 5-0, with Chairman Traynor abstaining.

ITEMS FOR INFORMATION / DISCUSSION

1. Final Plat Update: Preserve at River Chase Phase 4: Planning Director Cronin stated that he had been in contact with the applicant regarding the installation of a canoe/kayak launch at the Preserve at River Chase. The applicant stated that it was their intent to install a launch as a neighborhood amenity at a later date. Mr. Hudgins stated that he thought they were required to install one based on the MXU development conditions. Planning Director Cronin responded that they were permitted to install one, but it was not required. Meritage has advertised a future launch as part of their marketing materials, so it is assumed that they will install one at a later date.

There being no further business, the meeting was adjourned at 10:46 pm.

Respectfully submitted,

Joe Cronin
Planning Director

**Planning Commission Meeting
July 28, 2015
Old Business Item**

Subdivision Request: Avery Plaza

Request from Pittman Professional Land Surveying, on behalf of Springland Associates LLC, to approve the subdivision of York County Tax Map Number 020-08-01-002, containing approximately 22.7 +/- acres at the intersection of SC 160 and Springfield Parkway, into five parcels ranging in size from 1.63 acres to 10.93 acres

Background / Discussion

The Planning Commission is asked to consider a request from Pittman Professional Land Surveying, submitted on behalf of the property owners, Springfield Associates LLC, to approve a subdivision plat for York County Tax Map Number 020-08-01-002. The property contains a total of 22.7 +/- acres located at the northeast quadrant of SC Highway 160 and Springfield Parkway. The property contains the existing Avery Plaza (anchored by the Food Lion grocery store), as well as several other commercial uses. The property is proposed to be subdivided as follows:

<u>Parcel</u>	<u>Acreage</u>
Lot 1	10.93
Lot 2	3.55
Lot 3	1.80
Lot 4	1.63
Lot 5	4.89

The subject property is currently zoned HC Highway Commercial. The HC district contains the following requirements for lots:

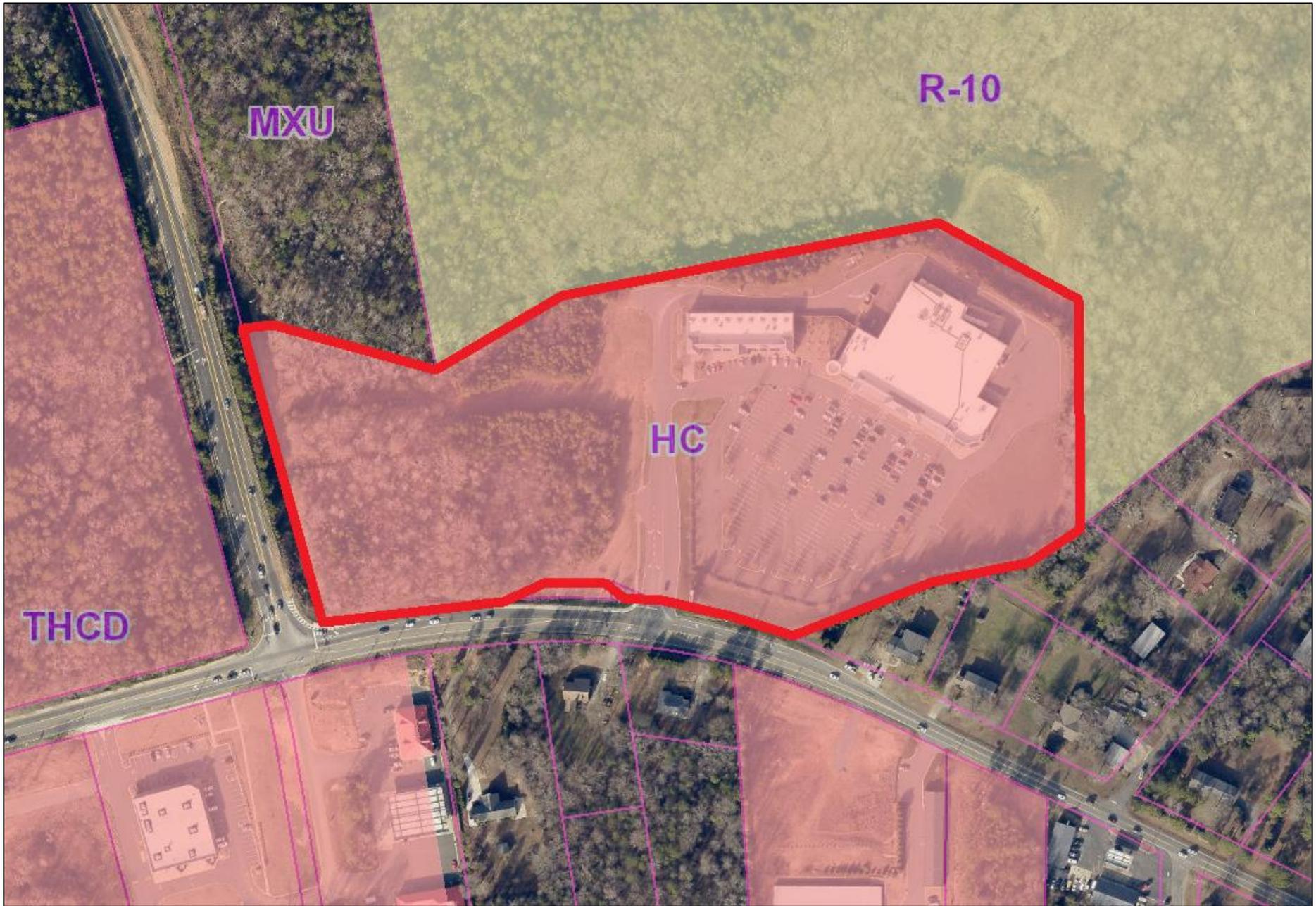
- Minimum lot area: 10,000 square feet
- Minimum lot width (at building line): 75 feet
- Minimum front yard: 35'
- Minimum side yard: 10'
- Minimum rear yard: 35'

Large copies of the subdivision plat will be available during the meeting on July 28th.

Recommendation

Based on the HC district regulations, the proposed parcels will be in conformity with the minimum requirements of the zoning ordinance. Therefore, staff recommends in favor of approval.

Joe Cronin
Planning Director
July 23, 2015



**Planning Commission Meeting
July 28, 2015
New Business Item**

Annexation Request: Pulte Home Corporation

An ordinance annexing York County Tax Map Number 728-00-00-002

Background / Discussion

The town has received an annexation application from Cisco Garcia, on behalf of Pulte Home Corporation, for York County Tax Map Number 728-00-00-002. This parcel contains approximately 3.644 acres located at 154 York Southern Road. A property map and description are attached for reference.

The subject property constitutes a “doughnut hole” that was created by the annexation of Springs-related parcels in 2008. The subject property is bordered on all four sides by parcels owned by Clear Springs Land Co. and Springland Inc. All surrounding parcels are contained within “Tract 4 – Springfield Tract,” of the 2008 Development Agreement between the town and Clear Springs et al. A sketch plan and preliminary plat for the 622-unit Carolina Orchards project (to be developed by Pulte Homes as an age-restricted Del Webb community) have been approved for the surrounding parcels.

The subject property is currently zoned AGC Agricultural Conservation District per York County GIS. The county’s AGC district allows farming and agricultural uses, keeping and raising of livestock, animal hospitals and clinics, kennels, campgrounds, churches, schools, day care homes, and recreation centers. Residential dwellings, including single family, manufactured and modular homes, are also allowed. Single family residential density is limited to one residence per three acres, with the minimum lot size being one acre. The following uses are allowed in the AGC district as special exceptions: Airports, bed and breakfasts, landfills, racecourses, and composting facilities.

The applicant has requested a zoning designation of MXU Mixed Use. The MXU district allows any mixture of permitted uses proposed by the applicant and approved by the town council. Such uses and densities must be defined and approved in project-specific development standards/conditions, or in a development agreement between the applicant and the town. Note: The proposed concept plan and development standards/conditions are included as a separate agenda item.

The minimum lot size for residential uses in the MXU district varies from 2,400 SF for residential “cottages,” to 1,100 SF per unit for townhouses, rowhouses and multi-family uses. Commercial, office, and civic uses have no minimum lot area, while industrial uses must be located on lots 20,000 SF or greater. The MXU 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.

In the concept plan and development conditions to be considered as part of the corresponding agenda item, Pulte is proposing to develop up to 15 single-family residential dwelling units on the property (4.12 units per acre). However, based on the draft concept plan, it is anticipated that the property will contain 9 additional lots (2.47 units per acre) once landscaped buffers and common open space are taken into account.

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.



Though the proposed concept plan and development conditions contain only a single use (single-family detached residential units), the property is completely surrounded by MXU zoned parcels which are part of the larger Del Webb Carolina Orchards project (Pulte) and Springfield Town Center (Clear Springs). Though the surrounding parcels are covered by a separate development agreement, it makes sense for the smaller 3.644 acre parcel to carry the same zoning designation, and to be folded in to the larger master plan for the Carolina Orchards project. This annexation request will also eliminate an unincorporated doughnut hole on York Southern Road.

Based on the future land use map and recommendations from the 2013 Comprehensive Plan update, staff believes that the zoning request (and accompanying concept plan) are consistent with previously adopted plans. Therefore, staff recommends in favor of annexation with a zoning designation of MXU.

Joe Cronin
Planning Director
July 23, 2015

Date: **July 6, 2015**

Dennis Pieper
Town Manager
Town of Fort Mill
PO Box 159
Fort Mill, SC 29715

Re: Request for Annexation- York County Tax Parcel Number 728-0000-002

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: **154 York Southern Road, Fort Mill SC 29715**

Parcel Number: **728-0000-002**

Total Acreage: **3.44 Acres**

Zoning Designation Requested: **MXU**

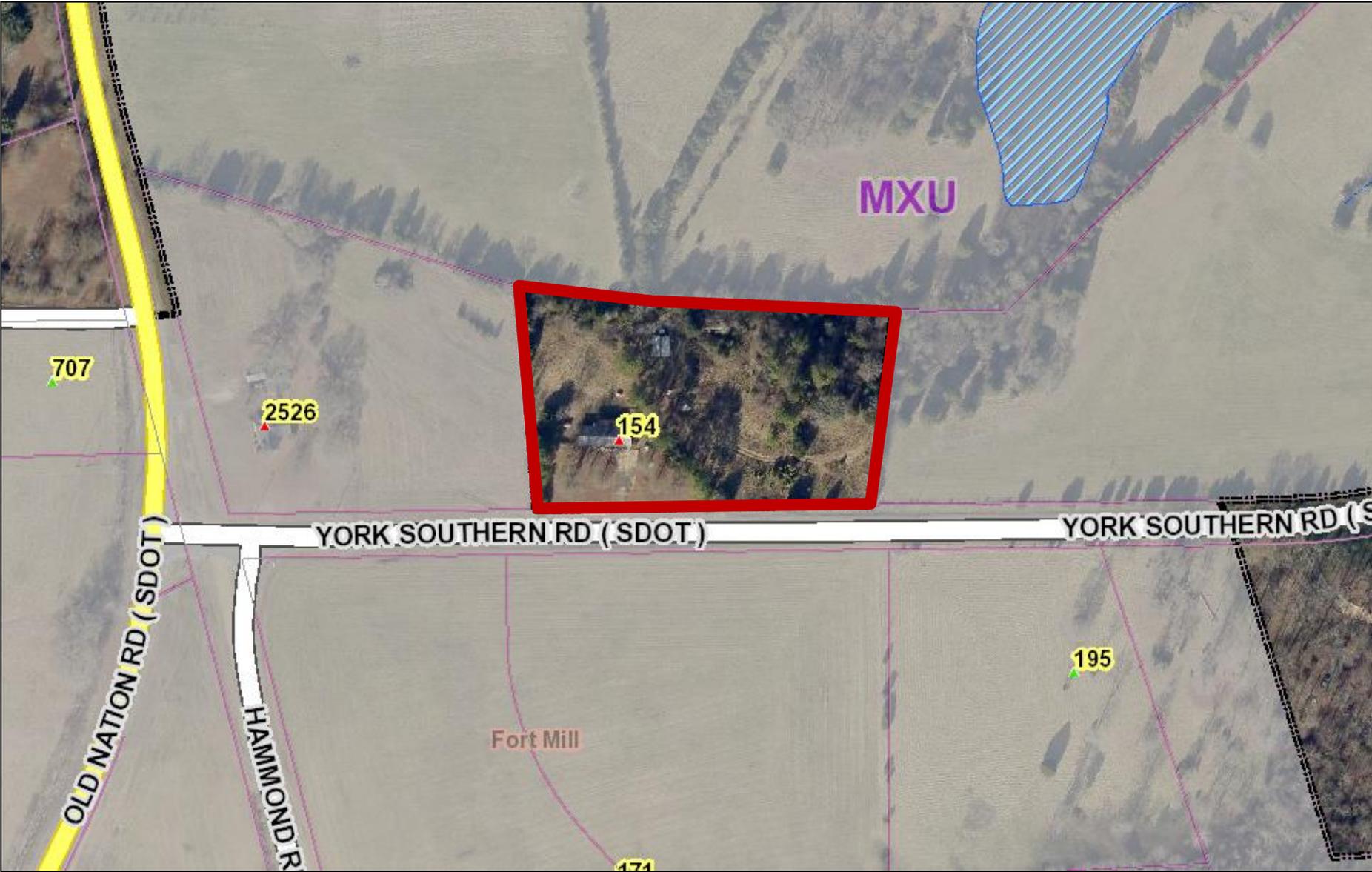
Property Owners: **Pulte Home Corporation**

Signature(s):



Mr. Cisco Garcia, PE
Vice President of Land
Pulte Home Corporation

Property Map



STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

ORDINANCE NO. 2015-___
AN ORDINANCE ANNEXING YORK COUNTY
TAX MAP NUMBER 728-00-00-002

WHEREAS, a proper petition was submitted to the Fort Mill Town Council on July 6, 2015, by Cisco Garcia, on behalf of Pulte Home Corporation, (the “Property Owner”), requesting that York County Tax Map Number 728-00-00-002, such parcel being owned fully by the Property Owner, 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 July 28, 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: MXU Mixed Use; and

WHEREAS, a public hearing was advertised and held at 7:00 pm on September 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 3.644 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: MXU Mixed Use.

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 Two (2).

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 _____, 2015, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2015.

First Reading: August 10, 2015
Public Hearing: September 14, 2015
Second Reading: September 14, 2015

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Dana Powell, Interim Town Clerk

EXHIBIT A

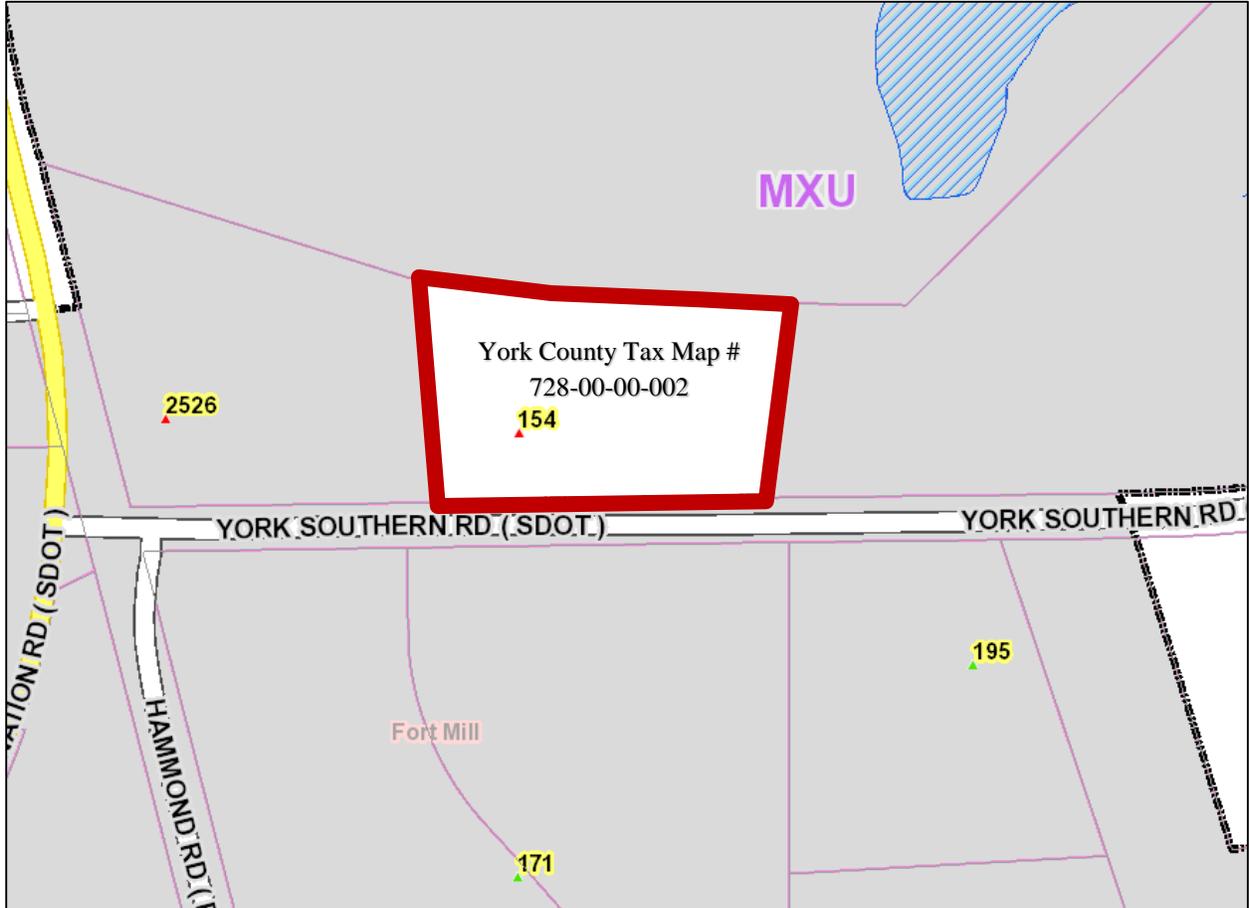
Property Description

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 3.644 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 Number 728-00-00-002.

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 # 728-00-00-002



**Planning Commission Meeting
July 28, 2015
New Business Item**

Mixed Use Concept Plan & Development Conditions: Orchards MXU Project

An ordinance adopting a Mixed Use Concept Plan & Development Conditions for the Orchards MXU Project

Background / Discussion

The Planning Commission is asked to consider a mixed use concept plan and development conditions for York County Tax Map Number 728-00-00-002. These parcels contain a total of 3.644 acres located at 154 York Southern Road. The property owner, Pulte Home Corporation, has requested annexation of this parcel into the town limits with a zoning designation of MXU Mixed Use. The annexation request is listed as a separate action item on the agenda.

As shown in the attached concept plan and development conditions, the applicant is requesting approval to develop a maximum of 15 single-family residential dwelling units on the property (4.12 units per acre). However, based on the draft concept plan, it is anticipated that the property will contain 9 lots (2.47 units per acre), as well as a roadway, once landscaped buffers and common open space are taken into account. The development conditions would also allow common open space and neighborhood amenities to be located on the parcel.

As required by the MXU ordinance, the concept plan includes a minimum of 20% open space. Additional development standards, including lot dimensions and setbacks, are shown in the proposed development conditions. Because the parcel is completely surrounded by property which will be developed as the Del Webb Carolina Orchards project, the applicant has requested the elimination of the MXU district's 35' perimeter buffer. The surrounding parcels are currently owned by Clear Springs Land Co. and Springland Inc., and are included as part of the 347 +/- acre "Tract 4 – Springfield Tract" covered by the 2008 development agreement between the town and Clear Springs et al.

New residential development on the property will be accessed internally from the Carolina Orchards development. Therefore, no additional access points have been shown on York Southern Road.

The draft concept plan and development conditions requested by the applicant are attached for consideration. Large copies of the concept plan and development conditions will be available for review during the meeting.

Recommendation

As noted in the previous agenda item, 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 proposed density is consistent with the recommendations of the 2013 Comprehensive Plan update.

The applicant recently completed a realignment of Hammond Road, and the old road section is currently in the process of abandonment. The applicant has also completed a traffic circle on York Southern Road, and will install a traffic signal at the intersection of York Southern Road and Old Nation Road, per the recommendations of a previously completed traffic study.

Staff would recommend in favor of the following amendments to the development conditions:

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.

Though the property does not include a non-residential use, we note that the subject parcel is completely encapsulated by the “Springfield Tract,” which allows up to 680 residential units and up to 290,000 SF of commercial development, per the 2008 development agreement. Given this fact, along with the small size of the property, staff recommends in favor of approval.

Joe Cronin
Planning Director
July 23, 2014

STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2015-__

AN ORDINANCE ADOPTING A MIXED USE CONCEPT PLAN & DEVELOPMENT
CONDITIONS FOR THE ORCHARDS MXU PROJECT

WHEREAS, the parcel currently or formerly known York County Tax Map Number 728-00-00-002, containing approximately 3.644 acres at 154 York Southern Road, was annexed to and made a part of the Town of Fort Mill by ordinance adopted on September 14, 2015; and

WHEREAS, by ordinance of the Fort Mill Town Council, the above referenced parcel was zoned as follows: MXU Mixed Use; and

WHEREAS, Article II, Section 19(5)(D)(1)(a), of the Zoning Ordinance for the Town of Fort Mill, requires as part of the approval process that a Mixed Use Development Project shall contain a concept plan and, if applicable, development conditions; and

WHEREAS, the applicant has submitted Development Conditions as shown within the attached “Exhibit A,” and a Concept Plan as shown within the attached “Exhibit B,” both of which have been reviewed by the Fort Mill Planning Commission and the Fort Mill Town Council and found to be consistent with the Town’s Comprehensive Plan;

NOW, THEREFORE, pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF FORT MILL:

Section I. Pursuant to Article II, Section 19(5)(D)(3), of the Zoning Ordinance for the Town of Fort Mill, the Development Conditions for the Orchards MXU project are hereby adopted as shown within the attached “Exhibit A.” Where any conflicts exist between the Development Conditions and the Subdivision Ordinance or Zoning Ordinance for the Town of Fort Mill, the provisions specified within the Development Conditions shall apply. A copy of these development conditions shall be maintained on file in the office of the Town Clerk and the Zoning Administrator.

Section II. Pursuant to Article II, Section 19(5)(D)(4), of the Zoning Ordinance for the Town of Fort Mill, the Concept Plan for the Orchards MXU project is hereby adopted as shown within the attached “Exhibit B.” A copy of this Concept Plan shall be maintained on file in the office of the Town Clerk and the Zoning Administrator.

Section III. The provisions of this ordinance shall apply to the parcel currently or formerly known as York County Tax Map Number 728-00-00-002, containing approximately 3.644 acres at 154 York Southern Road.

Section IV. 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 V. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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

SIGNED AND SEALED this ____ day of _____, 2015, having been duly adopted by the Town Council for the Town of Fort Mill on the ____ day of _____, 2015.

First Reading: August 10, 2015
Public Hearing: September 14, 2015
Second Reading: September 14, 2015

TOWN OF FORT MILL

Danny P. Funderburk, Mayor

LEGAL REVIEW

ATTEST

Barron B. Mack, Jr, Town Attorney

Dana Powell, Interim Town Clerk

Exhibit A.

**Development Standards & Conditions
Orchards MXU Project**

Development Standards

Orchards MXU - Project Conditions

1. Purpose of district

The purpose of the mixed-use development (MXU) district is to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character, and quality of new development; to facilitate the provision of infrastructure, and to preserve the natural and scenic features of open areas. This district is intended for the appropriate integration of a wide range of residential and non-residential uses. The district is intended for use in connection with developments where the town has determined that the quality of a proposed new development will be enhanced by flexibility in the planning process.

2. Platting Requirements

Platting requirements will be in accordance with Article II-PLAT REQUIREMENTS, of Chapter 32-SUBDIVISIONS, of the Town of Fort Mill Municipal Ordinance. Where possible, plats will comply with Article II, Section 19.3(C) of the Zoning Ordinance.

3. Bonding Requirements

Bonding requirements will be in accordance with Section 32.104-SURETY BOND, Article IV-REQUIRED IMPROVEMENTS, of Chapter 32, of the Town of Fort Mill Municipal Ordinance.

Orchards MXU Conditional Notes

1. General Provisions

Each proposal for the development under MXU district is anticipated to be unique. Except as provided by this section, an MXU district shall be subject to all of the applicable standards, procedures and regulations in other sections of the zoning ordinance.

The development depicted on the Mixed Use Development Site Plan is intended to reflect the arrangement of proposed uses on the site, but the final configuration, placement and the size of individual site elements may be altered or modified within the limits of the Ordinance and the standards established on the Development Standards Sheet during design development and construction phases. Street alignment and lot layout width and depth dimensions may be modified to accommodate final building layout and lot locations. The Petitioner reserves the right to modify the total number of lots identified within individual parcels or phases, reallocate units from a parcel or phase to another, or reconfigure lots and street layouts, provided the total number of lots for the entire residential development does not exceed the maximum total number permitted.

These standards, as established by the Technical Sheet, as set out below and as depicted on the Mixed Use Development Site Plan shall be followed in connection with development taking place on the site. Standards established by The Orchards Technical Data Sheet and The Orchards Mixed Use Development Site Plan shall supersede the Fort Mill Subdivision Ordinance and Zoning Ordinance in effect at the date of approval.

2. Permitted Uses

A) Residential

i) Subject to the requirements set out below, a maximum of 15 dwelling units may be constructed on the site.

ii) Single-Family Detached Homes: Single family detached homes shall be allowed throughout all areas of the residential development having minimum dimensional standards as specified in section 15, along with any incidental or accessory uses in connection therewith, which are permitted by right or under prescribed conditions in the Mixed Use Zoning District or as part of The Orchards Mixed Use Development.

iii) Common Open Space: May include landscaping, active and passive Recreation, pedestrian and multi-use paths, utilities and associated infrastructure, and utility easements.

iv) Amenities: Amenity uses including buildings, pool and pool facilities, athletic fields, trails, playground equipment, picnic shelters and other accessory uses commonly associated with amenity facilities are allowed if located on this parcel.

3. Density

The maximum Gross Residential Unit density will not exceed 4.12 units per acre and/or 15 total units. Open space areas shall be included in the calculations for gross residential density.

4. Streets

Minimum dimensions and design standards for each street type shall follow a consistent standard. The standards for each street shall follow one of the following:

a) Public Residential Street: In accordance with the Town standards outlined in the Fort Mill Subdivision Ordinance.

b) All Residential Streets: Shall be designed to provide a stop condition no more than 2,000 feet apart. This will be accomplished by "T" intersections where practical. Where this is not practical due to site constraints, posted stop signs at intersection (s) within the 2,000-foot street length will be installed.

c) Cul-de-sacs: Shall conform to standards in the Fort Mill Subdivision Ordinance, except that alternative cul-de-sacs and loop streets shall be permitted to have landscaped islands, provided that the dimensions of these islands will accommodate the turn-around of fire trucks without backing up. Subdrains will be provided behind the island curb if irrigation is installed within the cul-de-sac island. Cul-de-sac lengths may vary as shown on The Orchards MXU Site Plan. The Orchards Mixed Use Development will provide landscaped island where feasible. Landscaped islands are subject to approval of the Town of Fort Mill Fire department.

Sidewalks: Will be installed on at least one side of all streets. At the Developer's option, additional sidewalks may be installed.

e) Block Lengths: Block lengths shall be a maximum of 2,000 feet.

5. Vehicular Access and Road Improvements

Vehicular access shall be provided through adjacent Springs MXU development in the general location as shown on the Mixed Use Development Site Plan. Minor adjustments to the locations of street and driveway entrances may occur, as required to meet state and local agency standards, or as a result of further site investigation and coordinate with final subdivision and site plan design.

6. Landscaping

Landscaping shall be provided in accordance with Article II, Section 19.4(J) of the Zoning Ordinance and along York Southern Road in areas generally depicted on the Mixed Use Development Site Plan.

7. Open Space

Common open space will be provided, to be platted and recorded separately from other uses. Open space will be owned and maintained by a Homeowner's Association or Property Owners Association. Any dedicated landscaping, buffers, or greenways will be included in allowable open space calculations. A minimum of 20% of the site area shall be open space.

8. Parking and Loading

Parking, loading, and other requirements for each permitted use and platted lot will be in accordance with the requirements of Article I, Section 7, Subsection I for the Fort Mill Zoning Ordinance subject to the petitioner's ability to include parking spaces located within units with garages as eligible spaces meeting said requirements.

9. Access to Lots

Access (curb cuts) to each platted lot must comply with standards set forth in the Fort Mill Zoning and Subdivision Ordinances. Vehicular access shall be provided through adjacent Springs MXU development in the general location as shown on the Mixed Use Development Site Plan. Minor adjustments to the locations of street and driveway entrances may occur, as required to meet state and local agency standards, or as a result of further site investigation and coordinate with final subdivision and site plan design.

10. Signage

A proposed project signage package shall be provided for approval by the town. All signs shall meet the requirements of Article II, Section 19.4(1), Subsections 1, and 2 of the Zoning Ordinance. Approval to not be unreasonably withheld.

11. Building Heights

Proposed building heights will not exceed 45 feet. Building height shall be measured in accordance with Article II, Section 19.4(D) of the Zoning Ordinance.

12. Improvements

The developer will be responsible for installation of required streets, utilities, common areas, amenity improvements, open space, and buffer yards, which pertain specifically to the project.

13. Changes

a) Petitioner/Developer understands that upon approval of the Mixed Use Development by the Town Council, any changes that are proposed which are considered to be of a minor nature such as adjustments or relocation of streets, lots, and open space; or adjustments to interior parcel boundaries, parcel sizes, or lot sizes and quantities, may be approved by the Fort Mill staff through an administrative review process. Other minor changes may be made to the list of permitted uses, unit mixture, reallocation of unit types, relocation of uses, buffer yards, landscaping and open space standards throughout the project, shall be subject to review and approval through an administrative process by the Fort Mill staff.

b) Significant changes to the Mixed Use Development Site Plan which include changes increasing overall project dwelling unit count, land use summary, and adding acreage are all considered to be major site plan changes and are subject to approval by the Town Council in accordance with Chapter 32 of the Fort Mill Municipal Ordinance.

14. Construction Schedule and Phasing

This development will be constructed in one phase. The project will be developed with the adjacent Springs MXU and shall be approved during the Preliminary Plat process for the Overall Orchards Development including the Springs and orchards MXU zonings.

15. Development Standards

Design Standards-Storm drainage and utilities (including sanitary sewer, gas, electric, telephone and cable television) may occur within landscape corridors/areas.

- a) Maximum Residential Density: 4.12 dwelling units per acre
- b) Maximum number of Residential Units: Up to 15
- c) Impervious Surface Ratio: 80% for single family detached, 85% remaining uses
- d) Single Family Detached Development
 - i. Minimum front building setbacks (from street r/w): 20 feet
 - ii. Minimum side yard: 5 feet
 - iii. Minimum side yard at corner lots (from street r/w): 10 feet
 - iv. Minimum rear yard: 10 feet
 - v. Minimum lot width: 30 feet
 - vi. Minimum lot size: 2,400

***NOTE:**

1. Steps that provide direct access to the entrance of a principal structure may extend 50 percent into a required front yard to the property (right-of-way) line. Balconies and awnings may extend up to 50 percent into a required front, side, or rear yard, provided a minimum vertical clearance of nine feet measured from the finished grade is maintained. Other appurtenances, such as a stoop, open porch, or bay window may extend up to 10 feet into the required front yard, provided such features do not impede pedestrian circulation, or extended more than 50 percent into the required yard. Such appurtenances may extend up to 25 percent into a required side or rear yard.

2. Single Family detached lots of less than 40' in width are permitted provided they are rear loaded with alley access.

d) Buffer Yards: Perimeter Buffer yards between The Orchards Mixed Use Development and adjacent properties will not be required because the adjacent property is part of the Springs MXU Zoning.

e). Perimeter buffer will not be required between The Orchards MXU project and the Carolina Orchards development which is part of the Springs MXU Zoning.

16. Model Homes

Model homes may be constructed within residential areas at the developer's discretion. Mobile temporary sales offices shall be allowed on site at the developer's discretion.

17. Lot Transfer and Recording

Lots may be transferred or recorded by means of posting appropriate surety bonds as referenced in Sec. 32.104.

18. Water and Sewer

The Developer understands that water and sewer will be provided by York County for all lots within the Mixed Use Development. The Developer shall construct or cause to be constructed at Developer's cost all necessary water and sewer service infrastructure to, from, and within the Property. The developer will comply with all DHEC and York County water and sewer specifications. A water and sewer "willingness and capability letter" must be received from the York County Engineering Department prior to obtaining a grading permit for any portion of the development utilizing York County water and sewer.

19. Applicable Ordinances

This development will be subject to the standards and requirements for the Fort Mill Subdivision Ordinance and Zoning Ordinance in effect at the date of approval by the Town of Fort Mill or as superseded by the provisions of The Orchards Mixed Use Development Site Plan and Technical Data Sheet, as approved by the Town of Fort Mill.

20. Ten Year Vested Right

Due to the size of the overall Carolina Orchards proposed development and the level of Petitioner's investment, the Petitioner requests a ten (10) year vested right for construction of this project.

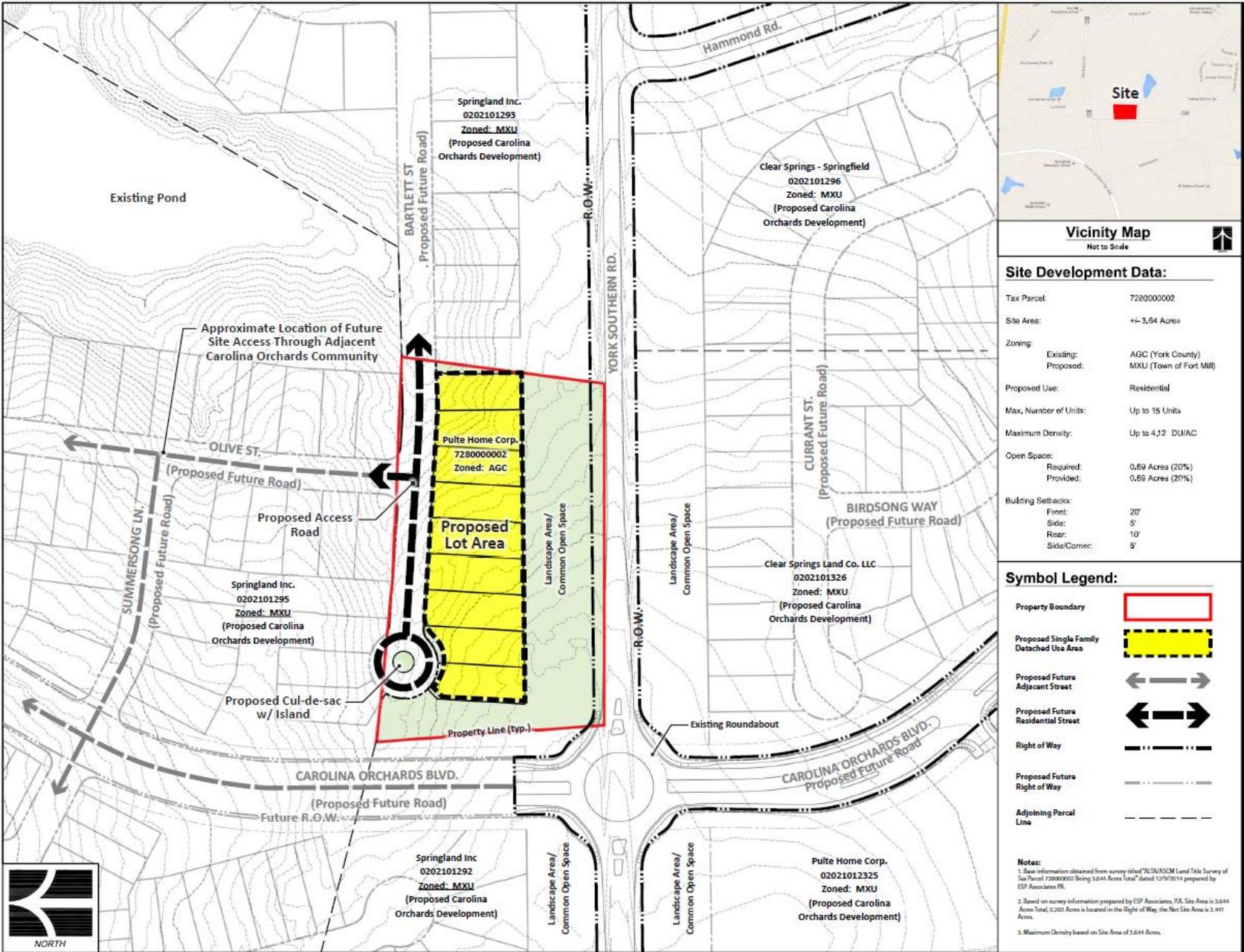
21. Binding Effect of the Rezoning Documents

If this Rezoning Petition is approved, all conditions applicable to development of the site imposed under the Rezoning Site Plan and Development Standards Sheet will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the site and their respective successors in interest and assigns.

22. Restrictive Covenants

Restrictive Covenants will be created and recorded with the office of the county clerk of court prior to the approval of a plat or issuance of a building permit for a vertical building on the property. Covenants shall be in accordance with Article II, Section 19.3(D) of the Fort Mill Zoning Ordinance.

Exhibit B.
Concept Plan
Orchards MXU Project



This drawing and/or the design shown are the property of ESP Associates, P.A. The reproduction, alteration, copying or other use of this drawing without their written consent is prohibited and any infringement will be subject to legal action. ESP Associates, P.A.



Vicinity Map
Not to Scale

Site Development Data:

Tax Parcel:	728000002
Site Area:	+/- 3.64 Acres
Zoning:	Existing: AGC (York County) Proposed: MXU (Town of Fort Mill)
Proposed Use:	Residential
Max. Number of Units:	Up to 15 Units
Maximum Density:	Up to 4.12 DU/AC
Open Space:	Required: 0.69 Acres (20%) Provided: 0.69 Acres (20%)
Building Setbacks:	Front: 20' Side: 5' Rear: 10' Side/Corner: 5'

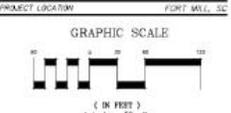


MXU SITE PLAN

ORCHARDS MXU CAROLINA ORCHARDS

Symbol Legend:

Property Boundary	
Proposed Single Family Detached Use Area	
Proposed Future Adjacent Street	
Proposed Future Residential Street	
Right of Way	
Proposed Future Right of Way	
Adjoining Parcel Line	

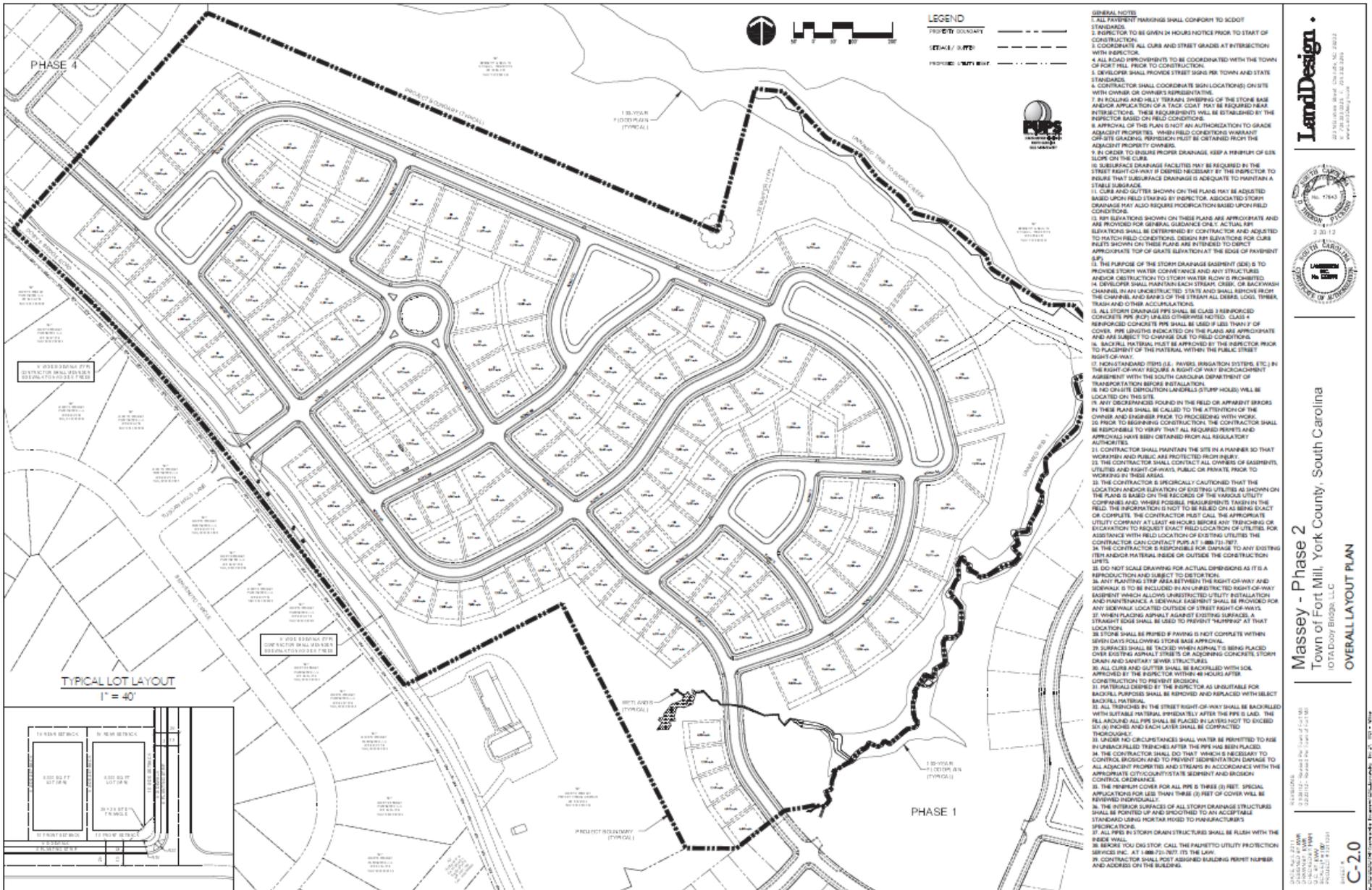


PROJECT NO.	BPT1-100		
DRAWING	BPT1 - Site Plan		
DATE	July 9, 2015		
DRAWN BY	MM		
CHECKED BY	ML		
AGENCY / SUBMITTAL	REVISION		
NO.	DATE	BY	REVISION

Notes:
 1. Base information obtained from survey titled "ALTA/ASCOM Land Title Survey of Tax Parcel 728000002 Being 3.644 Acres Total" dated 12/19/2014 prepared by ESP Associates PA.
 2. Based on survey information prepared by ESP Associates, P.A. Site Area is 3.644 Acres Total, 0.203 Acres is located in the Right of Way, the Net Site Area is 3.441 Acres.
 3. Maximum Density based on Site Area of 3.644 Acres.



Massey Phase 2 – Preliminary Plat (Original)



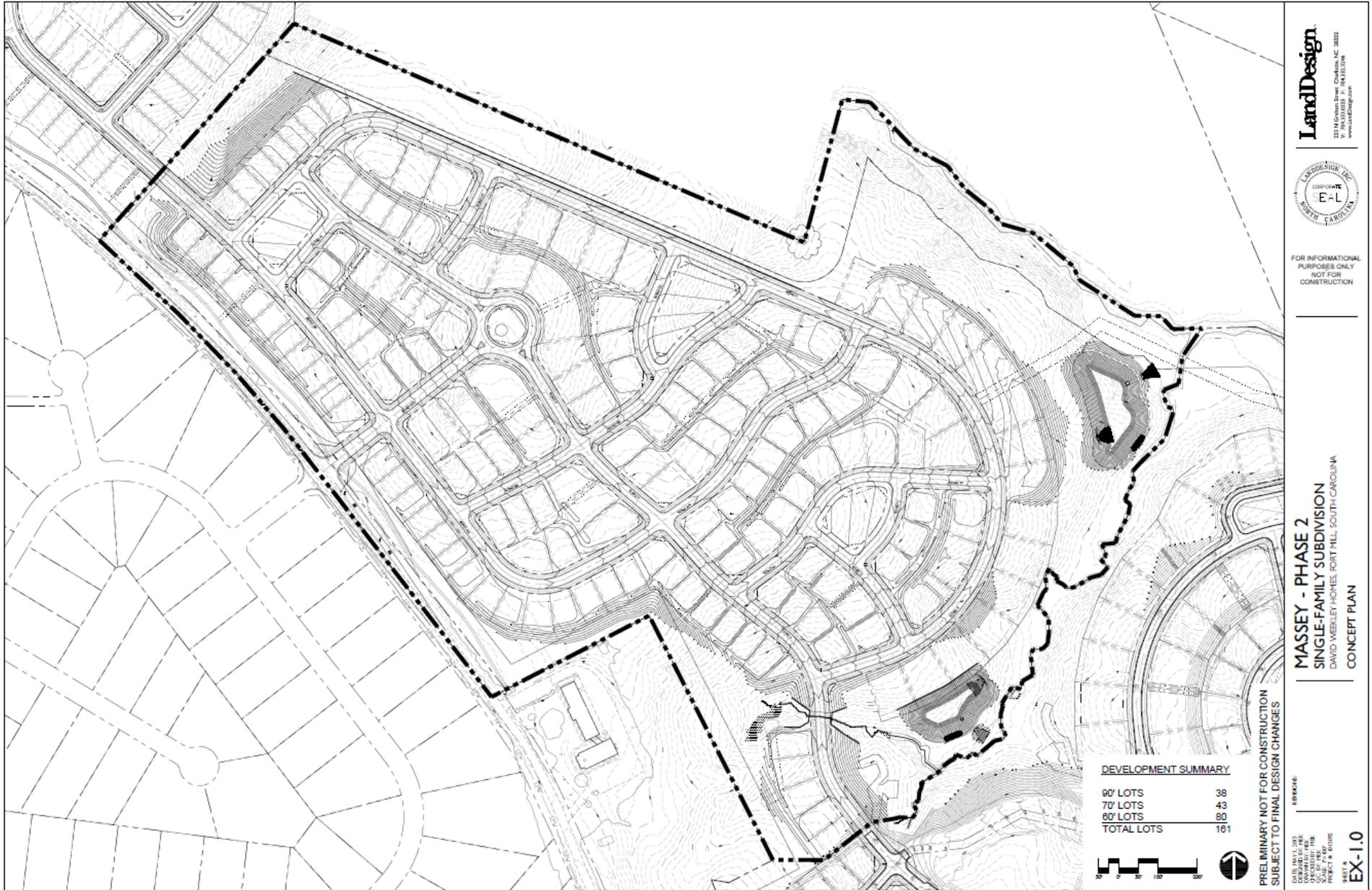
LandDesign
1200 W. 10th Street, Suite 100
Fort Mill, SC 29504
Tel: 803.547.2222
www.landdesign.com



Massey - Phase 2
Town of Fort Mill, York County, South Carolina
JOTA Doby Buggs, LLC
OVERALL LAYOUT PLAN

C-2.0

Massey Phase 2 – Preliminary Plat (Revised)



Kingsley Town Center – Preliminary Plat



811 Know what's below. Call before you dig.

SCALE: 1" = 60'

LandDesign.
 1700 Lakeshore Drive, Suite 200, NC 28003
 www.LandDesign.com



KINGSLEY COMMERCIAL-PHASE I
TOWN CENTER COMMERCIAL PACKAGE
 FORT MILL, SC (YORK COUNTY)
PRELIMINARY PLAT

CLEAR SPRINGS
 1700 LAKESHORE DRIVE, SUITE 200, FORT MILL, SC 29003

DATE: JANUARY 28, 2015
 DRAWN BY: J. D. HARRIS
 C.C. BY: J. D. HARRIS
 PROJECT # 15-000000
 SHEET # 1
C-1.4

Carolina Orchards Village B – Final Plat

