

MINUTES
TOWN OF FORT MILL
PLANNING COMMISSION REGULAR MEETING
August 26, 2014
112 Confederate Street
7:00 PM

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

Absent: Tony White, Tom Petty

Guests: Kevin Granelli (Hunton Capital Partners), John Talkington, Delores Talkington, Justin Talkington, Jason Talkington, Larry Long (Forestar Development), John Marks (Fort Mill Times)

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

Mr. Garver made a motion to approve the minutes from the July 22, 2014, meeting as presented. Mr. Lettang seconded the motion. The motion was approved by a vote of 5-0.

Chairman Traynor stated that he had a conflict of interest on New Business Item #8 (Subdivision request from Clear Springs Land Company, LLC) and asked if that item could be moved to the end of the agenda. There was no objection and the agenda was reordered.

Planning Director Cronin stated that he had heard from Mr. Petty and Mr. White prior to the meeting. Mr. Petty had a prior obligation and would be unable to attend the meeting. Mr. White had a work commitment and was also unable to attend.

Planning Director Cronin introduced Chris Pettit, who was recently hired as a planner in the Planning Department. Members of the commission welcomed Mr. Pettit to the town.

OLD BUSINESS ITEM

1. **Annexation Request: Talkington Property**: Planning Director Cronin provided a brief update regarding the request, the purpose of which was to review and provide a recommendation on the annexation and zoning designation for approximately 168 acres on S. Dobys Bridge Road.

At the July meeting, commission members expressed concern about traffic impact related to the project and asked the applicant, Kevin Granelli of Hunton Capital Partners, to bring back options or recommendations to mitigate the anticipated traffic impact on S. Dobys Bridge Road.

Mr. Granelli presented a proposal whereby the applicant would agree to donate sufficient right-of-way for the future widening of S. Dobys Bridge Road, and would make a voluntary contribution in the amount of \$150,000 toward future traffic improvements in the town.

Chairman Traynor thanked Mr. Granelli for bringing back an option for additional consideration. Chairman Traynor stated that this contribution and dedication was a good faith effort to address the commission's concerns. He added that it would not be fair to penalize the current applicant for failures of the past, and that the town needs to be respectful of private property rights.

Mr. Wolfe stated that he didn't believe that additional restrictions would be an infringement on private property rights, since the property owners and applicant could still develop the property today, albeit in the county, with well and septic and lower permitted densities.

Mr. Wolfe asked what it would cost to construct additional travel lanes in front of the Talkington parcels. Planning Director Cronin stated that he did not have a firm answer, and that this question would best be addressed by a qualified transportation engineer. Mr. Lettang stated that he had looked up national averages for the cost of adding additional capacity along major roadways, and determined that the cost would likely be over \$4 million per lane mile. Using these averages, Mr. Lettang estimated that the cost to add a single lane along the front of the project (approximately 800 linear feet) would be more than \$600,000.

Mr. Wolfe inquired as to the total density of the project. Mr. Granelli stated that he anticipated the project would yield no more than 386 residential lots, or approximately 2.3 units per acre. Mr. Wolfe asked staff what the future land use map in the comprehensive plan recommended for this area. Planning Director Cronin stated that the map identified the property as "low density residential" and envisioned up to two dwelling units per acre. Planning Director Cronin discussed a discrepancy in the comprehensive plan where low density is defined as up to 2 DUA, and medium density as 3-5 DUA. Densities ranging from 2-3 DUA are a "gray area" requiring further interpretation. Staff recommended that densities under 2.5 DUA be considered as low density, and 2.5 DUA and above as medium density. However, the commission and council could also consider 2 DUA as a hard cap for low density residential. If 2 DUA was indeed considered as a maximum, then the total number of lots per the comp plan would be 336. This was essentially a policy decision.

Mr. Lettang stated that everyone acknowledges Dobys Bridge Road is inadequate for current traffic volumes, and that the problem will continue to get worse as existing projects like Massey and Riverchase build out over time. The central question is whether the town should continue to allow incremental increases in density knowing that the road is already over capacity.

Mr. Hudgins inquired as to how the donation of right-of-way and dollars would be formalized. Planning Director Cronin recommended a development agreement as the best approach. Chairman Traynor agreed with the staff recommendation that any voluntary

donations would be in addition to future traffic impact fees, if such fees are adopted by council in the future.

Mr. Hudgins made a motion to recommend in favor of the annexation request with a zoning designation of R-5 residential, subject to the following conditions:

- The town and applicant shall enter into a development agreement for the property on terms that are mutually agreeable to both parties.
- The development agreement should cap the total number of units at 386, or approximately 2.3 dwelling units per acre.
- The development agreement shall require the dedication of sufficient right-of-way for the future widening of S. Dobys Bridge Road.
- The development agreement shall formalize the applicant's voluntary financial contribution of \$150,000 toward future transportation improvements, and stipulate that this contribution would be in addition to future development impact fees (if any) paid for transportation improvements.

Mr. Garver seconded the motion. The motion was approved by a vote of 4-1, with Mr. Lettang opposed.

NEW BUSINESS ITEMS

1. **Annexation Request: White Property:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review and provide a recommendation on the annexation and zoning designation for approximately 35 acres on Whites Road.

Kevin Granelli of Hunton Capital Partners was called upon to provide additional details about the intent of the annexation and rezoning request. Mr. Granelli stated that the property was intended to be developed as a single-family residential neighborhood with less than 100 homes, most likely in the range of 75-90 units. The neighborhood was envisioned to be similar in size and scope to the Forest at Fort Mill subdivision on S. Dobys Bridge Road.

Mr. Wolfe asked about the future land use designation for the property in the comprehensive plan. Planning Director Cronin stated that the future land use map identified the property as medium density residential, with a recommended density of 3-5 dwelling units per acre. One hundred units would put the total density of the project at slightly less than 3 per acre.

Mr. Hudgins asked about traffic impact to Whites Road. Planning Director Cronin stated that the SCDOT did not publish traffic counts for Whites Road. Counts for the bypass are also unavailable since the bypass has only been open for less than a month. Planning Director recommended that, if approved, a traffic impact study should be required prior to development, even though the total number of units may not require one under the zoning ordinance.

Planning Director Cronin also stated that the proposed project entrance would be located directly across from property owned by the Fort Mill School District, the future site of the third Fort Mill High School. Staff recommended that the applicant coordinate with the school district and SCDOT regarding future access locations on Whites Road.

Mr. Wolfe asked Mr. Granelli if he would be willing to make a contribution to transportation improvements, similar to that offered for the Talkington Property. Mr. Granelli stated that based on the anticipated unit count, the proportional equivalent would be around \$35,000-\$40,000 for this project, which he would offer to donate.

Mr. Wolfe made a motion to recommend in favor of the annexation request with a zoning designation of R-5 residential, subject to the following conditions:

- The town and applicant shall enter into a development agreement for the property on terms that are mutually agreeable to both parties.
- The development agreement should cap the total number of units at 99, or approximately 2.83 dwelling units per acre.
- The development agreement shall require the completion of a traffic impact analysis.
- The development agreement shall formalize the applicant's voluntary financial contribution of \$40,000 toward future transportation improvements, and stipulate that this contribution would be in addition to future development impact fees (if any) paid for transportation improvements.
- The developer shall coordinate access location(s) on Whites Road with the Fort Mill School District and SCDOT.

Mr. Hudgins seconded the motion. The motion was approved by a vote of 5-0.

2. **Text Amendment: Nonconforming Uses and Structures:** Planning Director Cronin stated that town staff had been contacted by several property owners, appraisers and real estate agents representing the Cascades at River Crossing and the Townes at River Crossing subdivisions. Based on the town's current codes, the non-conforming uses section of the zoning ordinance would not allow a non-conforming townhome in a commercial zoning district to be rebuilt in the event it was destroyed by fire or other causes. The existing ordinance stipulates that any structure that is damaged beyond 50% of its value may only be rebuilt if it is conforming with the current zoning requirements. After reviewing similar sections from the York County, Tega Cay and Rock Hill zoning ordinances, staff recommended increasing the threshold from 50% to 75%. Staff also recommended allowing any residence that is destroyed by fire or other natural causes, regardless of the extent of the damage, to be rebuilt, as long as the new residence is no less conforming than the one it replaces, and as long as a permit is obtained within 6 months from the date the damage occurs. Planning Director Cronin added that there were a few additional amendments included in the draft ordinance, including specifying the length of time for what constitutes a "discontinuance" of a nonconforming use.

Mr. Wolfe asked whether 6 months was sufficient time to pull a permit for rebuilding after a residence is damaged or destroyed by fire. He stated that dealing with insurance and other investigations could take an extended period of time, and that 6 months may be too short. Planning Director Cronin stated that the ordinance could be amended to give the zoning administrator the discretion to extend the period for an additional 6 months if the property owner can provide documentation that they are in the process of moving forward with reconstruction.

Mr. Garver made a motion to recommend in favor of the ordinance, with an amendment to Section 3(5) that would allow a one-time administrative extension to the 6-month timeframe, as recommended by Mr. Wolfe. Mr. Lettang seconded the motion. The motion was approved by a vote of 5-0.

3. **Text Amendment: Amending R-5/Creating RT-4, RT-8 and RT-12 Districts:** Planning Director Cronin provided a brief overview of the draft ordinance, the purpose of which was to amend the R-5 zoning district to remove townhomes from the list of permitted uses, and to create three new townhome-specific zoning districts. Planning Director Cronin stated that in addition to removing townhomes from the R-5 district, the draft ordinance would also place a cap on total density within the R-5 district at 3 dwelling units per acre by right, or up to 5 DUA with an approved development agreement. This would keep the R-5 district in line with its intended purpose of providing a district for medium-density (3-5 DUA) residential development. Planning Director Cronin also provided additional information in regards to the new RT-4, RT-8 and RT-12 residential districts. These districts would apply specifically to townhome developments, but would also allow religious institutions. As the total allowable density increases to 4, 8 or 12 DUA, staff recommended that the minimum open space and buffer requirements should also increase.

Mr. Wolfe stated that he liked the concept of increasing open space and buffer requirements as a tradeoff for receiving higher density, but added that 12 DUA may be excessively high. Planning Director Cronin stated that certain areas of the comprehensive plan allowed densities above 8 DUA, particularly in designated development nodes. Planning Director Cronin added that no properties would be rezoned to RT-12 by adopting the ordinance. Instead, the ordinance would create a tool which council could use in the future when considering properties for possible rezoning, particularly in higher density development nodes.

Mr. Traynor stated that he thought the enhanced buffers in the RT-8 and RT-12 districts were excessive along public rights-of-way. Planning Director Cronin stated that the enhanced buffer would apply only along adjacent side and rear property lines, and not along road frontages, similar to the current language in the R-5 district.

Mr. Lettang made a motion to recommend in favor of the ordinance as drafted by staff. Mr. Garver second the motion. The motion was approved by a vote of 5-0.

4. **Rezoning Ordinance: Cascades at River Crossing:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to rezone the Cascades at River

Crossing subdivision, containing 216 parcels on 24.3 acres +/- on US Highway 21 Bypass, from HC to RT-8. Planning Director Cronin stated that the existing townhomes were a nonconforming use in the HC district, and that staff recommended in favor of rezoning the properties from HC to RT-8. Planning Director Cronin added that more than 100 residents of the Cascades had signed a petition requesting the rezoning. Mr. Garver made a motion to recommend in favor of approving the ordinance to rezone the subdivision from HC to RT-8, pending council approval of the new RT-8 district. Mr. Lettang seconded the motion. The motion was approved by a vote of 5-0.

5. **Rezoning Ordinance: Townes at River Crossing**: Planning Director Cronin provided a brief overview of the request, the purpose of which was to rezone the Townes at River Crossing subdivision, containing 144 parcels on 13.8 acres +/- on US Highway 21 Bypass, from HC to RT-8. Planning Director Cronin stated that the existing townhomes were a nonconforming use in the HC district. Similar to the Cascades at River Crossing subdivision, staff recommended in favor of rezoning the properties from HC to RT-8. Planning Director Cronin added that the Board of Directors for the Townes at River Crossing HOA had submitted a letter of support in favor of the rezoning. Mr. Garver made a motion to recommend in favor of approving the ordinance to rezone the subdivision from HC to RT-8, pending council approval of the new RT-8 district. Mr. Lettang seconded the motion. The motion was approved by a vote of 5-0.
6. **Rezoning Ordinance: Lighthouse Pentecostal Holiness Church**: Planning Director Cronin provided a brief overview of the request, the purpose of which was to rezone a 1.4 acre lot, located at 333 US Highway 21 Bypass, from HC to RT-8. Planning Director Cronin added that the existing church was a nonconforming use in the HC district. Based on the recommendation to rezone the adjacent Cascades at River Crossing and Townes at River Crossing subdivisions from HC to RT-8, staff recommended rezoning the church property to RT-8 as well, since religious institutions would be a permitted use under the current draft of the RT-8 ordinance. Mr. Garver made a motion to recommend in favor of approving the ordinance to rezone the property from HC to RT-8, pending council approval of the new RT-8 district. Mr. Lettang seconded the motion. The motion was approved by a vote of 5-0.
7. **Final Plat Review: Preserve at River Chase Phase II**: Mr. Pettit provided a brief overview of the request, the purpose of which was to review and approve the proposed street names for the Preserve at River Chase Phase II. Mr. Pettit stated that as an MXU project, the subdivision plat may be reviewed and approved administratively; however, state law requires planning commission approval on all proposed street names prior to recording. Mr. Pettit added that the proposed names – Arges River Drive, Slaney Court, and Thames Circle – have all been approved by the York County Addressing Office. Mr. Wolfe made a motion to approve the street names as requested, with a second by Mr. Garver. The motion was approved by a vote of 5-0.
8. **Subdivision Request: Clear Springs Land Company, LLC**: Consideration of this item was moved to the end of the agenda. (See below)

ITEMS FOR INFORMATION / DISCUSSION

1. **Development Activity Report: July 2014:** Planning Director Cronin presented the monthly development activity report for the month of July 2014. Members thanked staff for compiling and presenting this information.
2. **Preliminary Plat Update: Waterside at the Catawba:** Planning Director Cronin stated that staff was in the final phases of reviewing and approving the preliminary plat for the Waterside at the Catawba (MXU) subdivision located at the end of Whites Road. Though staff has the authority to approve the plats under the MXU ordinance and the project conditions, the planning commission will still need to review and approve street names before final plats are recorded. Planning Director Cronin stated that staff would like to present a master list of all street names to the commission in September for review and approval. Assuming the commission approves all street names at one time, this will eliminate the need to bring each phase back to the commission prior to recording, provided all street names comply with the approved master list.
3. **Kanawha/SDG Development Agreement Amendment:** Planning Director Cronin stated that there was a pending amendment to the Kanawha/SDG development agreement related to the pending sale of the property to Crescent Communities. To maintain the current schedule, the planning commission will need to hold a special called meeting between first reading (September 8, 2014) and second reading (September 22, 2014). After discussing several dates, the consensus was to schedule a special called meeting for Tuesday, September 16, 2014, at 6:30 PM.
4. **Text Amendment: Commercial Appearance Review:** Planning Director Cronin stated staff was still working on a draft text amendment. The ordinance should be ready by September or October.
5. **Discussion of Traffic Issues:** As a follow up to the discussion which took place at the July meeting, Planning Director Cronin provided a list of options which could be reviewed and implemented for the purpose of addressing the growing traffic issues in the town. Mr. Wolfe stated that it would be beneficial to schedule another joint meeting between the planning commission and town council for the purpose of discussing traffic issues. Other members agreed that a joint meeting was warranted. Chairman Traynor asked staff to submit a meeting request to town council and report back with possible dates and times.

Chairman Traynor stated that he had a conflict of interest on the following item. Chairman Traynor left the meeting at 9:23 pm. Vice-Chairman Wolfe assumed the duties of Chairman in Mr. Traynor's absence.

NEW BUSINESS ITEMS (CONTINUED)

8. **Subdivision Request: Clear Springs Land Company, LLC:** Mr. Pettit provided a brief overview of the request, the purpose of which was to approve the subdivision of a new 3.07 acre parcel from York County Tax Map Number 020-09-01-003 (Peachtree Apartments).

Mr. Pettit stated that there were two other items on the proposed subdivision plat which could be reviewed and approved administratively. The first would create a separate parcel for 14 acres of excess common area land for the apartment complex. The second would recombine a half acre portion of the apartment parcel containing a small parking area with the neighboring Peach Stand parcel. The remaining 3.07 acre lot was not eligible for administrative review, and would require Planning Commission approval.

Mr. Hudgins questioned the purpose of the subdivision. Planning Director Cronin stated that the applicant wished to create a separate parcel for tax purposes, as the vacant lots could be designated as non-developed, agricultural lots. Planning Director Cronin added that after the changes were made to the existing parcel, the existing parcel containing the Peachtree Apartments would still meet all setback, area, and density requirements of the GR-A district.

Mr. Wolfe inquired as to what could be built on the new parcel. Planning Director Cronin stated that the zoning designation would remain GR-A, and nothing new could be built on the new parcel that couldn't already be built today.

Mr. Wolfe stated that he would like to obtain additional information from the applicant in regards to the purpose of the request before voting on the issue.

Mr. Hudgins made a motion to defer consideration of the request, with a second by Mr. Lettang. The motion to defer was approved by a vote of 4-0.

There being no further business, the meeting was adjourned at 9:46 pm.

Respectfully submitted,

Joe Cronin
Planning Director

RECUSAL STATEMENT

Member Name: JAMES TRAYNOR

Meeting Date: AUGUST 26, 2014

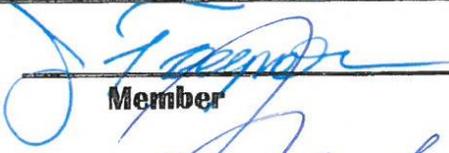
Agenda Item: Section NEW BUSINESS Number: 8

Topic: CSLC REQUESTS TO SUBDIVIDE A PORTION OF TAX MAP 020-09-01-003 TO CREATE A NEW 3.02 PARCEL

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

Justification to Recuse:

- Professionally employed by or under contract with principal
- Owns or has vested interest in principal or property
- Other: _____

Date: 8/25/14 
Member

Approved by Parliamentarian: 