

**MINUTES
TOWN OF FORT MILL
PLANNING COMMISSION SPECIAL CALLED MEETING
September 16, 2014
112 Confederate Street
6:30 PM**

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

Absent: None

Guests: Larry Huntley (Fort Mill Town Council), Dan Mummey (Clear Springs), Joe Walker (Crescent Communities), James Martin (Crescent Communities), Dan Ballou (Hamilton Martens Ballou & Carroll, LLC), Raynell Swanson (Resident), William Swanson (Resident), Rob Walsh (Campco Engineering), Theodore DuBose (Haynsworth Sinkler Boyd, PA)

Chairman Traynor called the meeting to order at 6:31 pm and welcomed everyone in attendance.

Mr. Hudgins made a motion to approve the minutes from the August 26, 2014, meeting as presented. Mr. Garver seconded the motion. The motion was approved by a vote of 7-0.

OLD BUSINESS ITEMS

Chairman Traynor stated that he had a conflict of interest on Old Business Item #1. Chairman Traynor recused himself from the discussion, and left the meeting at 6:32 pm. Vice-Chairman Wolfe assumed the duties of acting Chairman in Mr. Traynor's absence.

- 1. Subdivision Request: Clear Springs Land Company LLC:** Planning Director Cronin reminded Planning Commission members that this request had been deferred at the prior meeting, and that the Planning Commission had requested additional information about the purpose of the request. Dan Mummey of Clear Springs addressed commission members, and stated that the intent of the subdivision was for tax purposes. By subdividing out the "excess" land surrounding the Peachtree Apartments multi-family residential community, the property could be classified as "agricultural" for tax purposes. Planning Director Cronin stated that the zoning of the property would remain unchanged (GR-A), and that should the applicant ever choose to develop the 3.07 acre parcel, they would not be able to develop anything that could not already be built today. Planning Director Cronin added that the new lot would not create any new non-conformities for the existing apartment parcel. Mr. Petty made a motion to approve the subdivision request, with a second by Mr. Hudgins. The motion was approved by a vote of 6-0.

Chairman Traynor returned to the meeting at 6:37 pm.

NEW BUSINESS ITEMS

Mr. Petty stated that he had a conflict of interest on New Business Items #1 and #2. Mr. Petty recused himself from the discussion, and left the meeting at 6:43 pm.

- 1. Development Agreement Amendment: SDG Properties LLC:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review proposed modifications to the existing development agreement between the town and SDG Properties, LLC (the “Kanawha” agreement). James Martin of Crescent Communities made a brief PowerPoint presentation highlighting the proposed modifications. Mr. Martin stated that Crescent was under contract to purchase the Kanawha property, with the intent of combining the property with their neighboring site to develop a single subdivision called “Mason’s Bend.” The most significant change to the development agreement was in regard to utilities. The agreement, as revised, would allow the developer to tie in to a Tega Cay sewer interceptor, which is located on the property, and allow for wastewater to be transmitted to Rock Hill for processing, rather than the town’s sewer plant. Paul Mitchell, the town’s engineer, stated that this arrangement would mean higher rates for future residents of the Mason’s Bend subdivision, but would result in savings to both the developer and the town. Mr. Martin explained several other proposed changes, including a reduction in residential density, the donation of a 1.5 acre site for a future municipal use, the donation of \$150,000 for recreational purposes, removing the language regarding municipal improvement district (MID) financing, eliminating the 35’ perimeter buffer between the two sites, and extending the agreement for 10 years. Attorney Theodore DuBose of Haynsworth Sinkler Boyd, representing the town in the negotiations, provided additional background regarding the proposed amendments. Mr. DuBose explained several additional changes to the agreement, including a provision that would relieve the developer from installing infrastructure on the museum property, inclusion of language regarding Thread Trail cooperation, a 30-day notice period for a material breach of the agreement, and protections for the Schweinitz’s sunflower population (a federally recognized endangered species) located on the property. Mr. Wolfe made a motion to recommend in favor of adopting the amendments to the development agreement, to include the modifications discussed above, and allowing staff and the town attorney to make any subsequent amendments deemed necessary prior to second reading. Mr. Garver seconded the motion. The motion was approved by a vote of 6-0.
- 2. Development Agreement Amendment: Sustainable Development Group, Inc:** Planning Director Cronin provided a brief overview of the request, the purpose of which was to review proposed modifications to the existing development agreement between the town and Sustainable Development Group, Inc. for the Museum of Life and the Environment property (or “MLE” agreement). Attorney Theodore DuBose of Haynsworth Sinkler Boyd, representing the town in the negotiations, provided additional background regarding the proposed amendments. Mr. DuBose stated that since the amendments to the Kanawha agreement would relieve SDG Properties, LLC (or its successors) from extending infrastructure into the MLE site, the MLE development agreement needed to be amended to reflect that change as well. Mr. DuBose stated that this was the only substantive change to the agreement. Mr. Wolfe made a motion to recommend in favor of adopting the

amendments to the development agreement, and to allow town staff and the town attorney to make any subsequent amendments deemed necessary prior to second reading. Mr. White seconded the motion. The motion was approved by a vote of 6-0.

Mr. Petty returned to the meeting at 7:28 pm.

ITEMS FOR INFORMATION / DISCUSSION

- 1. Impact Fee Study Update:** Planning Director Cronin stated that the impact fee consultant, Stantec, has completed Chapter 1 (Introduction) and Chapter 2 (Parks and Recreation) of the impact fee study. He added that the first chapters were delayed due to the need to hire an appraiser to generate updated, and legally defensible, values for existing town-owned properties. Planning Director Cronin then welcomed Matt Noonkester of Stantec, who provided a brief summary of the introductory chapter, and then presented a detailed explanation of the methods and data used for generating per capita replacement costs for parks and recreational facilities. Based on the value of existing facilities and amenities, Mr. Noonkester stated that the per capita replacement cost was estimated at \$562.76 per person, which would correspond to an impact fee of \$1,513 per single family residence, \$2,025 per mobile home, and \$703 per multi-family dwelling unit. Mr. Noonkester stated that he was still working on the remaining sections (Fire Protection, Municipal Facilities and Transportation), as well as the housing affordability analysis. Chairman Traynor thanked Mr. Noonkester for his work to date, and stated that the commission looked forward to reviewing additional chapters in the coming months.
- 2. Joint Meeting with Fort Mill Town Council:** Planning Director Cronin stated that he had presented the commission's request for a joint meeting with town council for the purpose of discussing traffic and transportation related issues. The council has agreed to a joint meeting. Staff is requesting the availability for all council members and planning commissioners for the following dates: Sept. 30th, Oct. 2nd, Oct. 7th and Oct. 9th. Staff will send out an email to members to verify availability on those dates, and will let everyone know once a date has been finalized.
- 3. August 2014 Development Activity Report:** Planning Director Cronin stated that a copy of the Development Activity Report for the month of August 2014 was included in the agenda packet for information.
- 4. Zoning Code Re-Write:** Planning Director Cronin stated that the current version of the FY 2014-15 budget includes funding for a zoning code re-write. Assistant Planner Pettit has prepared a draft RFP to solicit responses from qualified zoning consultants. Once council finalizes the budget, staff intends to publish the RFP and begin the procurement process. Planning Director Cronin added that staff recommends replacing the town's current zoning, land development and subdivision ordinances with a Unified Development Ordinance (UDO). Staff estimated that it would take approximately 18 months to complete the UDO, and that there would be opportunities for public participation and comment throughout the process. Planning Director Cronin also stated that development of such ordinances typically fall under the purview of the Planning Commission. Given the

increased commitment required over the last year, including 1-2 meetings per month as well as additional time commitments with the impact fee study, staff asked whether all commissioners wished to be involved, or whether commission members would rather create a subcommittee. The consensus of the commission was that all members wished to participate in the process. Planning Director Cronin recommended reaching out to the Board of Zoning Appeals and Historic Review Board for participation as well, similar to the process used for the comprehensive plan update in 2012-13. Planning Director Cronin will provide an update at the next meeting once final reading of the budget ordinance has been adopted.

There being no further business, the meeting was adjourned at 8:28 pm.

Respectfully submitted,

Joe Cronin
Planning Director

RECUSAL STATEMENT

Member Name: JAMES TRAYNOR
Meeting Date: SEPT 16, 2014
Agenda Item: Section OLD BUSINESS Number: #1
Topic: SUBDIVISION REQUEST: CLEAR SPRINGS LAND CO, LLC

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: I AM AN EMPLOYEE & OFFICER
OF CLEAR SPRINGS LAND CO.

Date: 9/15/14 J Traynor
Member

Approved by Parliamentarian: _____

RECUSAL STATEMENT

Member Name: Tom Petty

Meeting Date: September 16, 2014

Agenda Item: **Section** New Business **Number:** Item 1 and 2

Topic: Development Agreement Amendment: SDG Properties

Development Agreement Amendment: Sustainable Dev. Group Inc

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.

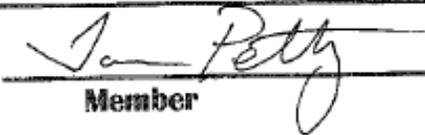
Justification to Recuse:

 X **Professionally employed by or under contract with principal**

 Owens or has vested interest in principal or property

 Other: _____

Date: September 16, 2014


Member

Approved by Parliamentarian: _____