

**MINUTES
TOWN OF FORT MILL
PLANNING COMMISSION MEETING
January 19, 2021
112 Confederate Street**

Virtual Meeting

**Live Viewing Online: Request Access by emailing before 5:00 pm on
Tuesday, January 19, 2021 to
Penelope G. Karagounis, Planning Director at pkaragounis@fortmillsc.gov
Public Access by Phone: Dial (toll free) 1-877-309-2073
and use access code 787-755-773**

AGENDA

6:30 PM

Present: James Traynor, Dan Stout, Andy Agrawal, Hynek Lettang, Chris Wolfe, Ben Hudgins, Planning Director Penelope Karagounis, Planner II Nick Cauthen, Planner Zach Driggers

Guests: Jim Bareiter (Eternal Church), Kathy Patterson, Cooper Willis (Pleasant Vista MXU), Ashley Harris and Amanda Taylor

Absent: Matthew Lucarelli

ELECTION OF CHAIR AND VICE CHAIR FOR 2021

Chairman Traynor requested nominations for the position of Chair. Mr. Wolfe nominated Mr. Traynor. Mr. Agrawal seconded the motion. There being no further nominations, the question of electing Mr. Traynor was put to a vote. The vote passed 5-0. Mr. Traynor abstained from voting and Matt Lucarelli was absent.

Chairman Traynor requested nominations for the position of Vice Chair. Mr. Agrawal made a motion to nominate Mr. Hudgins as Vice Chair. Mr. Lettang seconded the motion. There being no further nominations, the question of electing Mr. Hudgins as Vice Chair was put to a vote. The vote passed 5-0. Mr. Hudgins abstained from voting and Matt Lucarelli was absent.

Chairman Traynor gave opportunity to the Planning Commission to review and comment on the December 15, 2020 meeting minutes as presented within the meeting packet. Vice Chairman Ben Hudgins made a motion to approve the minutes. Dan Stout seconded the motion. By a vote of 6-0, the Planning Commission approved the December 12, 2020 meeting minutes. *Commissioner Lucarelli was absent.

NEW BUSINESS ITEMS

1. **Commercial Appearance Review – Eternal Church:** Mr. Cauthen provided a brief overview of the request, the purpose of which was to review and consider granting commercial appearance review approval for a new church located at the end of O’Henry Road. The proposal included a 24,000 sq. ft. building and 215 parking spaces. Staff noted the case was deferred from the December meeting due to a lack of material samples and the only change was the addition of a rear parapet that was reflected in the packet provided. The Planning Department recommended approval of the new updated request with the condition for staff to be able to approve minor adjustments.

Mr. Agrawal asked for elaboration regarding the TIA requirements.

Staff noted the section of O’Henry Road leading to the project would have to be resurfaced and striped after construction was completed.

Mr. Traynor asked if it was staff’s opinion that the traffic improvements were satisfactory. Staff responded that between the collaboration of Kimley Horn, SCDOT, and York County, the Town is confident in the recommendations made based upon the TIA memorandum.

Mr. Lettang commended the applicant on the planting schedule as well as being able to keep such a large undisturbed area.

Mr. Stout asked, considering the topography challenges, if the stormwater pond was in a sufficient location. The applicant stated a Civil Engineer has performed those calculations and the plan has been engineered. Mr. Stout also stated concern regarding the narrowness of Central Avenue leading to the project. Staff noted the mitigation requirements required a gravel portion of Central Ave. be paved along with the resurfacing and striping of the section of O’Henry Rd. affected by the project.

Mr. Wolfe asked about signage plans. The applicant stated a sign is planned but the location has not been finalized at this point. Staff noted off premise signage would not be allowed. Mr. Hudgins noted off premise signage has been a concern of his considering the high amount that appear to be located around Town.

Mr. Wolfe thanked the builder and staff for coordinating the material samples. He stated it was very helpful and he was impressed with the materials. Mr. Traynor agreed.

After no further questions or comments Chairman Traynor asked for a motion.

Mr. Wolfe made a motion to grant commercial appearance review approval with the conditions that the sign must be constructed on the premises, with similar materials as the building, along with the ability for staff to approve minor modifications to the site plan and elevations if needed. Mr. Lettang seconded the motion. The motion was approved by a vote of 6-0.

2. **Annexation Request: Edward and Kathy Patterson:** Planning Director provided an overview of the annexation request for a portion of York County Tax Map Number 709-00-00-057 (portion) containing +/- .70 acres off Tom Hall Street. The York County Tax Map Number 709-00-00-057 consists of a single-family home. However, the applicant would like to annex the .70 +/- acre site, which is currently vacant wooded land. The portion of the property that would like to be annexed into the Town fronts on Tom Hall Street. The adjacent property is already located inside the Town limits and is currently zoned HC and the business is the Shell Rapid Lube and Service Center.

The property is contiguous to the Town limits and is, therefore, eligible for annexation. The applicant lives at 1193 Kanawha Court and would like to only annex/rezone a portion of their property. That is why we did not include the physical address of the single-family home because the applicants would like for the home to be left in York County. The .70 acre is the portion of the property that is requesting annexation and rezoning to HC. This portion will front on Tom Hall Street. Based upon the information above and the recommendations of the Comprehensive Plan, staff would recommend in favor of approval of the annexation request with a zoning designation of HC. The proposed property is adjacent to a Highway Commercial District which is the Shell Rapid Lube and Service Center. Staff believes it would be appropriate for the +/- .70 acre portion be rezoned to HC because the property fronts on Tom Hall Street.

Nothing in this report shall be deemed a guarantee that water and/or sewer service/capacity will be available at the time of development. As noted, any future development may also be subject to a TIA prior to any construction approvals. Any improvements deemed necessary as a result of the TIA would be the responsibility of the owner/developer.

The applicant does not have a potential commercial use for the site at this time and they understand before the site is developed for a commercial use, a TIA will be required before any construction.

Chairman Traynor had concerns about the buffer protecting the adjacent property owners. Planning Director Karagounis mentioned the applicant does not have a proposed use for the site. However, when the applicant brings the property forward with the Commercial Appearance Review process, the Planning Commission and staff will be reviewing the landscaping and buffer requirements. It was noted, when appropriate the Planning Commission will be expecting a robust buffer for the commercial property.

Commissioner Agrawal asked Mrs. Patterson if there have been any interested parties looking at the property for a commercial business? Mrs. Patterson mentioned one realtor had a client that was interested to build a small office building, but no offer has been made.

Commissioner Wolfe asked the Planning Director Karagounis if the property has been subdivided? Planning Director Karagounis answered no and explained York County Register of Deeds office will not record a subdivided plat until the property has been

approved for annexation/rezoning with the Town of Fort Mill. York County waits to have the signed Ordinance of approval from the Town of Fort Mill. The applicant has submitted a draft of the proposed subdivision of the property.

Commissioner Wolfe asked if this portion of the property is part of the Tom Hall Overlay District and any limitations for the Overlay District? Planner Nick Cauthen stated the portion of the property fronting on Tom Hall Street is part of the Tom Hall Overlay. The Tom Hall Overlay restricts some of the uses and provides an option to reduce the front setback if the applicant would like to take advantage of the reduction. Planning Director Karagounis mentioned that the portion of the property that would be annexed into the Town, would be Highway Commercial with the Tom Hall Overlay District. This is an extra layer to the HC zoning district.

Commissioner Wolfe made a motion to approve the annexation request with the HC rezoning and Tom Hall Overlay District and Commissioner Stout seconded the motion. The motion was approved 6-0.

3. Annexation Request: Pleasant/Vista MXU Project - Cooper Willis

Planning Director Karagounis provided an overview of the annexation request of York County Tax Map Number 716-00-00-028 containing approximately 1.66 +/- acres located at 2081 Vista Road. The property is currently developed with a single-family mobile home and includes a portion of a powerline easement that runs through the property. The property is adjacent to property owned by the applicant. The Pleasant/Vista MXU was previously annexed into the town limits in 2008 with a zoning designation of MXU Mixed Use. Pleasant Knoll Elementary and Pleasant Knoll Middle School are located to the south and southwest of the Pleasant/Vista MXU. The applicant has requested a zoning designation of MXU Mixed Use upon annexation into the Town of Fort Mill. The applicant intends to amend the Pleasant/Vista MXU Concept Plan and Development Conditions to include this parcel, which is included as a separate agenda item.

The property is contiguous to the town limits and is, therefore, eligible for annexation. In staff's opinion, the annexation request with a zoning designation of MXU is consistent with the recommendations of the comprehensive plan and with the designation of nearby properties largely due to the property being adjacent to MXU zoned parcels which are part of the larger Pleasant/Vista MXU. In Staff's opinion it makes sense for the smaller 1.66 +/- acre parcel to carry the same zoning designation, and to be folded into the plan for the Pleasant/Vista MXU.

Based on the future land use map and recommendations from the 2040 Comprehensive Plan update, staff believes that the zoning request is consistent with previously adopted plans. Therefore, staff recommends in favor of annexation with a zoning designation of MXU.

Nothing in this report shall be deemed a guarantee that water and/or sewer service/capacity will be available at the time of development. As noted, any future development may also be subject to a TIA prior to any construction approvals. Any improvements deemed necessary as a result of the TIA would be the responsibility of the owner/developer.

Chairman Traynor asked if the Commission had any other questions or comments for Mr. Cooper? Chairman Traynor stated that this small piece of parcel seems to fit well with the overall MXU plan. It did not seem to be a particularly controversial or difficult decision but certainly he was happy to entertain any questions or thoughts to the contrary.

The applicant, Cooper Willis confirmed the parcel is a landlocked piece and it made sense to add the parcel to the Pleasant/Vista MXU.

Commissioner Hudgins made a motion to recommend the approval of the annexation ordinance, with the zoning designation of MXU and Commissioner Lettang seconded the motion. The motion was approved 6-0.

4. Amendment Request: Pleasant/Vista MXU Project - Cooper Willis

Planning Director Karagounis providing an over of the ordinance request amending the Mixed Use Concept Plan & Development Conditions for the Pleasant/Vista MXU Project, consisting of parcels currently or formerly known as York County Tax Map Numbers 020-09-01-027, 020-09-01-028, 020-09-01-030, 020-09-01-31, 020-09-01-032, 020-09-01-033, 020-09-01-034, 020-09-01-035, 020-09-01-036, 020-09-01-078, 020-09-01-079 and 716-00-00-028 such parcels containing approximately 158.62 +/- acres located at the intersection of Pleasant Road and Vista Road.

Approximately 8 acres of the 156.96 consists of the Fort Mill Legacy Apartments have been developed. These parcels were previously annexed into the town limits in 2008 with a zoning designation of MXU. Pleasant Knoll Elementary and Pleasant Knoll Middle School is located to the south and southwest of the Pleasant/Vista MXU. The schools are zoned Institutional District and the other surrounding properties are zoned in York County. York County Tax Map Number 716-00-00-028 is currently pending annexation with a requested zoning classification of MXU and this would add 1.66 acres to total 158.62 acres of the Pleasant/Vista MXU.

The Town has received an amendment application for the Development Standards and Conditions to add a list of permissible uses for the commercial portion of the project and to add York County Tax Map Number 716-00-00-028. The subject property consists of 1.66 +/- acres that is located at 2081 Vista Road. The 1.66 acres property is currently developed with a single-family mobile home and includes a portion of a powerline easement that runs through the property. The property is adjacent to property owned by the applicant. The Pleasant/Vista MXU was previously annexed into the town limits in 2008 with a zoning designation of MXU Mixed Use. Pleasant Knoll Elementary and Pleasant Knoll Middle School are located to the south and southwest of the Pleasant/Vista MXU.

The MXU district is intended 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 there under will be enhanced by flexibility in the planning process. Any use proposed by an applicant and considered by the town council as compatible with the surrounding area may be permitted within the project area upon approval by the town council.

The applicant is proposing to add a list of permissible uses for the commercial portion of the project and to add parcel York County Tax Map Number 716-00-00-028.

On August 25, 2014, the Town of Fort Mill approved Ordinance No. 2014-16 establishing the Development Standards and Conditions and the Concept Plan for the Pleasant/Vista MXU. On October 26, 2020, the Town of Fort Mill approved Ordinance 2020-30 amending the aforementioned Development Standards and Conditions and the Concept Plan. The properties shown on the Concept Plan as parcels 1, 2, 3, 4, 4a, 5a, 5b, 5c, 5d, 5e, 6a, 6b, 7a, and 7b are principally owned by the following entities and/or persons: ABI Pleasant Road Land I LLC, ABI Pleasant Road Land II LLC, ABI Pleasant Road Land III, LLC, Vista Road Rentals LLC, Legacy Fort Mill 98 LLC, CSC Inc., and C. Cooper Willis. As a principal owner of each of the aforementioned entities and as a separately named property owner, I submit this letter regarding proposed changes to the Pleasant/Vista MXU.

Below are the following amendments to the Development Standards and Conditions for the Pleasant/Vista MXU: (a) Commercial/Mixed Use:

(i) The following commercial land use activities, as defined in Article I, Section 1 of the Zoning Ordinance for the Town of Fort Mill, shall be allowed within the Pleasant/Vista Mixed Use Development:

- a. Hospital
- b. Medical Facility
- c. Medical Office Buildings (single or multistory)
- d. General Office Buildings (single or multistory)
- e. Office/Warehouse ("flex") Buildings
- f. General Retail Buildings ("Shopping Center").
- g. Ancillary retail space that is located on the first floor of a multi-level, multifamily building. Such ancillary retail space to be excluded from the designation "designated for commercial development" as outlined in Section 3 below
- h. Health Club, Gymnasium or Spa
- i. Day Care Centers (children or seniors) and/or Preschools
- j. Retirement Center, Nursing Home, Assisted Living, Independent Living, Continuing Care Retirement Community

Subject to the information listed below, a minimum of 10,000 square feet to a maximum of 80,000 square feet of building space may be designated for commercial/mixed use. Retail space will be limited to 15,000 square feet.

Commercial use shall be restricted to parcels 2 and 3 and shall have 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 Pleasant/Vista Mixed Use Development.

The addition of the list of permissible uses for the commercial portion of the property will be beneficial to understand what type of commercial uses are allowed in the Pleasant/Vista MXU. Staff approached the applicant to request this amendment when the applicant was also adding the 1.66 annexation request and amendment to the MXU. Pleasant/Vista MXU and the Rutledge MXU are two MXU's the Town has that do not clearly state the permissible uses for the commercial portion of their projects. This amendment does not change the unit count for the Pleasant/Vista MXU. The addition of the +/- 1.66-acre property (contingent upon annexation with and a zoning designation of MXU) is adjacent to land owned by the applicant. This parcel is land locked by a powerline easement on the opposite side. The addition of the 1.66 acres will not increase the unit count that has been approved. However, the density does decrease to 5.86 from the 5.93 per acre. Staff recommends in favor of approval of the ordinance amending the Pleasant/Vista MXU Concept Plan and Development Conditions Project.

Chairman Traynor stated that amendment of adding the permissible uses was appropriate and consistent with the ordinance and adding the additional 1.66 acres to the MXU.

Commissioner Wolfe asked the question if Mr. Willis was decreasing the density with the new annexation? Mr. Willis stated that he was adding the 1.66 acres to the MXU but leaving the overall density the same, so it lowers the density slightly.

Commissioner Wolfe voiced his concern of having the word "warehouse" as a permissible use for the Office/Warehouse ("flex") Buildings. He did not believe a warehouse was appropriate in the Pleasant/Vista MXU. Mr. Willis noted that the property acquired from the Murray family is precluded from any Industrial use and bulk warehouse would be prohibited. He stated he would be fine to delete the word "Warehouse" from the Office ("flex") Buildings permissible commercial uses.

Commissioner Agrawal stated that some of the permissible use terms overlap and if we could be more precise. Planning Director Karagounis stated the examples of permissible uses are listed to be consistent with other lists of MXU permissible uses.

Planning Director Karagounis welcomed Ashley Harris to the virtual Planning Commission Meeting. Ms. Harris lives in the Habersham neighborhood and it interested to know about future connections with Pleasant/Vista MXU to the schools. Planning Director Karagounis mentioned that Liz Duda from York County Bike/Pedestrian Coalition has been in contact with Mr. Willis. Mr. Willis's Pleasant/Vista MXU regulations require trails to be established in his development and Ms. Karagounis introduced Mr. Willis to Ms. Harris. Commissioner Wolfe also stated that the Planning Commission is emphasizing the connection of bike/pedestrian trails to connect to green space in the Town of Fort Mill.

Chairman Traynor voiced his concern about the language on page 65 (Section 16 Model Homes) in regard to the number of model homes for the development. The text read a minimum of 4 model homes should be built and Chariman Traynor wanted to know if this were a scrivener's error and if the text should read "maximum of four model homes could be built"? Discussion followed by the Commissioners and the applicant and a suggestion was made to delete the last sentence "The developer will be permitted a minimum of 4 model homes with offices or mobile temporary sales offices and mobile temporary construction offices." Chairman Traynor also asked staff if a model home with a sales office would be an issue? Planner Cauthen stated it would not be an issue because model homes can have a sales office in the home.

After no further discussion, Chairman Traynor called for a motion. Commissioner Wolfe made a motion to approve the amendment request to the Mixed Use Concept Plan and Development Conditions for the Pleasant/Vista MXU Project with the following conditions:

1. To approve the annexation of the 1.66 acres into the MXU Development Regulations and Conditions.
2. To delete the word "Warehouse" from the commercial use list and for the use to be read Office ("flex") Buildings.
3. In Section 16, Model Homes to delete the last sentence that reads "The developer will be permitted a minimum of 4 model homes with offices or mobile temporary sales offices and mobile temporary construction offices."

Commissioner Stout seconded the motion. The motion was approved 6-0 with those conditions.

Information/Discussion

1. **Potential Ordinance Revision:** Planning Director Karagounis discussed how we would wait to proceed with the small wireless facilities ordinance since the state is amending the model ordinance. Karagounis did provide some photographs of current small wireless facilities in Charlotte. The Town will wait to bring forward the model ordinance once we receive a copy from the state so we can review and bring the ordinance to the Planning Commission later.

There being no other business, Chairman Traynor adjourned the meeting at 8:46 PM.