

**MINUTES  
TOWN OF FORT MILL  
PLANNING COMMISSION MEETING  
July 20, 2021  
112 Confederate Street  
6:30 PM**

**Live Viewing Online: Request Access by emailing before 5:00 pm on Tuesday, July 20, 2021 to  
Penelope G. Karagounis, Planning Director at [pkaragounis@fortmillsc.gov](mailto:pkaragounis@fortmillsc.gov)  
Public Access by Phone: Dial (toll free) 1-877-309-2073 and use access code 226-332-805**

Present: James Traynor, Dan Stout, Hynek Lettang, Chris Wolfe, Ben Hudgins, Planning Director Penelope Karagounis, Senior Planner Alex Moore, Planner II Nick Cauthen, Tom Arcoria (Applicant), Shawn Mottern (LS3P), Walter McNeil (SC Hondros); Daniel Hines (Bohler), Shannen Thompson (Land Design) and Kevin Roth (Empire Homes).

Absent: Matt Lucarelli and Andy Agrawal

Chairman James Traynor called the Planning Commission meeting to order at 6:30 pm on Tuesday, July 20, 2021. Chairman Traynor gave opportunity to the Planning Commission to review and comment on the June 15, 2021 meeting minutes. Chairman Traynor asked to add explanation that he abstained from the vote on the new street names for the Springfield community. Commissioner Lettang mentioned to correct his name in one of the paragraphs that mentioned his last name as Hynek instead of Lettang. Commissioner Wolfe made a motion to approve the minutes with the conditions and Commissioner Stout seconded the motion. The minutes for June 15, 2021 were approved with conditions by a vote of 5-0. Commissioner Lucarelli and Commissioner Agrawal were absent.

**NEW BUSINESS ITEMS**

**1. Commercial Review Appearance: SC Hondros and Associates**

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 proposed landscape supply company. The Planning Department recommended approval of the request, contingent upon staff being able to approve minor adjustments. Staff also noted the plans had been updated since the previous request that was deferred by the Commission in May of 2021 due to a lack in quality of building materials.

The applicant presented material samples and described the new proposed building materials. Mr. Wolfe asked if the windows were faux in the rear and the applicant said all the windows are real.

Mr. Wolfe stated the new proposed building materials are much improved and exactly what the Commission is looking for in regards to quality and appearance.

Mr. Traynor asked if a sample of the metal panel was available to view but the applicant stated they did not have a sample but that it was an architectural metal panel that is much more durable than the previous corrugated that was proposed. Mr. Traynor also stated that he appreciated the updates to the building after the comments from the prior meeting.

Mr. Wolfe asked if there was a berm between the subject property and the adjacent residential property. The applicant stated evergreen trees had already been planted along that side and the neighbor is happy with the current appearance because the trees have already grown up quite a bit.

Mr. Stout asked about the proposed lighting of the property in respect to how it would potentially affect the neighbors. The applicant stated there are two existing security lights out there and no additional lighting is planned for the site.

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

Mr. Lettang made a motion to grant commercial appearance review approval with the condition for the landscape plan to meet all ordinance requirements. Mr. Wolfe added an amendment to the motion for staff to have the ability to approve minor modifications to the site plan and elevations if needed. Mr. Hudgins seconded the motion. The motion was approved by a vote of 5-0.

## **2. Preliminary Plat (revision): Massey Phase III**

Senior Planner Alex Moore provided a brief overview of the request, the purpose of which was to review and consider granting approval for a preliminary plat revision. The request was submitted by LandDesign on behalf of EHC Homes LP and involved a portion of the Massey Phase III Preliminary Plat.

Moore stated that the Massey Phase III Preliminary Plat was originally approved in January 2014. To date, 89 lots have been approved within Massey Phase III which leaves 24 lots remaining to be recorded within this phase.

Moore then pointed out that the proposed amendment involved the amenity area with the intension of altering the approved design for this element of the project. He indicated that this would include removing most of the parking adjacent to the Catawba River Access point and replacing this with two pull-in parking spaces along Marquis Hills Drive.

He additionally stated that the original concept plan for this phase of the Massey PND showed that a planned network of trails along with a proposed nature center were not carried over to the approved preliminary plat. Rather, these were replaced with the currently approved parking and river access point.

Moore went on to say that on November 21<sup>st</sup>, 2017, the current applicant and property owner, then known as Shea Homes, came before Planning Commission to request a preliminary plat revision at the same location. That request contemplated the complete removal of the parking adjacent to the river access point along with the addition of one lot to Phase III. This request was denied 6-0 by Planning Commission. The reasoning cited by Planning Commission for that denial was that this access point to the Catawba River, along with the associated parking, was deemed to be very beneficial to the community.

Moore then reiterated what the proposed preliminary plat amendment before Planning Commission entailed. This would include two pull-in parking spaces along Marquis Hills Drive along with an extended trail to the Catawba River. He then opened the floor to questions from Planning Commission members.

Planning Commission Chairman James Traynor asked if the proposed trail as configured would run parallel to the Catawba River.

Senior Planner Moore responded that the trail would be perpendicular to the river and terminate at a given point along the river.

Chairman Traynor then asked if the town had worked with other property owners within this area to acquire trail easements to tie into a greater trail network.

Planning Director Penelope Karagounis responded that such an initiative by Fort Mill had not occurred in this area of town.

Planning Commissioner Chris Wolfe then underscored the importance of trails and access to the Catawba River for projects within proximity to this resource. With this he noted the previous denial by Planning Commission in November 2017 for the Massey Phase III Preliminary Plat amendment.

Mr. Wolfe then requested clarification on what the applicant was attempting to accomplish with the current proposal.

Planning Director Karagounis then stated that Kevin Roth from LandDesign was in attendance and that he could provide additional insight on this request.

Mr. Roth then stated that the main impetus behind the request for preliminary plat modification was to eliminate the parking element which would be implemented behind future homes within this portion of Massey Phase III. He then indicated that both LandDesign and the developer, EHC Homes, LP, believed that this future condition could pose safety issues with individuals congregating within the parking area at inappropriate times of day.

Planning Commissioner Dan Stout then asked Mr. Roth what would be at the river with this proposal.

Mr. Roth stated that this would consist of a mulched nature trail which terminated at a point adjacent to the Catawba River. He then indicated that there would likely be a problem with the stability of this mulched trail due to its location within the 100-year floodplain, which in this instance floods frequently.

Mr. Stout asked about the possibility of a kayak launch at the trail's terminus.

Mr. Roth indicated that he believed the floodplain would be an impediment to this.

Mr. Wolfe then reaffirmed his belief that river access would be of great benefit to the residents of the community. Such access, he noted, did not need to be an elaborate boat launch, but simply a place to park and get to the river.

Mr. Roth then restated his design firm's findings that the access to the river at this location was not easy. In addition to crossing approximately 300 feet of floodplain, the issue of getting down to the river could be problematic due to the existing slope.

Planning Director Karagounis then stated that the PND conceptual plan as originally approved by the Town of Fort Mill did not actually include direct access to the Catawba River.

Chairman Traynor then noted that this conceptual plan also contained a nature center. Moreover, he emphasized that there are many areas of Fort Mill and Tega Cay which indeed have amenities located within floodplain and that such places cannot be used when extremely wet conditions are in place.

Mr. Stout then indicated that most of the Carolina Thread Trail in Mason's Bend is in floodplain, and it is consistently used. Additionally, he stated that he believed that the two parking spaces as now proposed would be inadequate.

Planning Director Karagounis stated that Planning Commission should keep in mind that any trails within this project would be privately owned by the Massey HOA and not maintained by the Town of Fort Mill.

Mr. Roth then interjected that he had in hand a letter from the Massey HOA indicating that they did not want the parking lot as proposed because they did not wish to maintain it.

Planning Commissioner Ben Hudgins then noted that the Massey Phase III amenity area had been greatly reduced from what was originally planned with a nature center to the applicant now coming back before the board to request that additional development requirements be eliminated.

Mr. Roth then reiterated that this amenity area is intended for the use of the Massey community rather than the general public. Thus, the developer believed that a reduction in parking spaces within this section of Massey Phase III would not harm the pedestrian focused nature of this amenity.

Moore then stated that the existing, approved preliminary plat indicated eleven parking spaces within the amenity area. This included one handicapped accessible parking space.

Mr. Roth stated that the Massey Phase III amended plan also proposed a trail connecting the Trelawn Street cul-de-sac to the Marquis Hills Drive cul-de-sac.

Ms. Shannen Thompson of LandDesign further stated that this trail would be paved and ADA compliant. The current, approved plan did not include a paved, ADA compliant design for this particular trail between the two cul-de-sacs.

Chairman Traynor then asked if the trail from the parking area to the river would be ADA compliant.

Mr. Roth stated that the trail to the river would be a nature trail and would not be ADA compliant. Additionally, the portion of the trail providing immediate access to the Catawba River would include an approximate thirty-percent slope.

Chairman Traynor asked Mr. Roth if there would be design elements such as “switch-backs” to facilitate better pedestrian access to the river.

Mr. Roth stated that the current trail design did not include this due to the necessity for extensive tree removal.

Chairman Traynor replied that this was indeed a severe slope.

Mr. Wolfe then asked Mr. Roth if reduction in parking spaces from 11 to 2 was based solely on the desire to eliminate the area for off-hours congregating.

Mr. Roth concurred that this was the primary reason. The developer wished to reduce the possibility that any type of illegal activities taking place there.

Planning Director Karagounis then stated that Mr. Shea, the representative for EHC Homes, had contacted her that afternoon and shared with her a similar situation in Union County, NC. The cited project, known as “Hollister”, is located across from Weddington High School. She stated that Mr. Shea related instances of high school students congregating within a parking lot within Hollister.

Chairman Traynor then stated that there would certainly not be many residents attempting to traverse the thirty-percent slope to get to the river. But he indicated that there were certainly ways to mitigate this slope which would necessitate removing trees.

Mr. Roth interjected that rock would also have to be removed from the site.

Chairman Traynor asked if the trail could be relocated to another location within the project site to facilitate easier access to the river. He stated that Planning Commission has worked hard in other instances to get river access within developments that include property along

the Catawba. He indicated that Planning Commission would like to see subsequent projects retain this momentum.

Chairman Traynor then asked Mr. Roth if the parking spaces that were proposed to be removed from the amenity area could be located to another location.

Mr. Roth responded that some of the parking could be positioned as parallel spaces adjacent to Park 6 as shown on the preliminary plat.

Mr. Wolfe then stated that he would be willing to work with the developer on the parking issue if appropriate access to the river was maintained. He noted that expenses previously reserved for the ADA compliant trail between the Trelawn Street cul-de-sac to the Marquis Hills Drive cul-de-sac might be better allocated toward improving the trail access to the Catawba River.

Mr. Hudgins stated that there has been much emphasis on making Fort Mill a walking community. To Chairman Traynor's point, he emphasized the Planning Commission's interest in creating access to the river even if it meant removing trees. Designing a more accessible trail to the river might serve to ameliorate the loss of the nature center and other trails which did not come to fruition. He stated he wanted to see a more concerted effort to allow people to get to the river and make it enjoyable. This would allow people of all ages to make their way to the Catawba, and in the future, it might serve to connect with an external trail system.

Planning Commission member Hynek Lettang then suggested that the entirety of the parking lot be done away with so that all resources could be invested into the river access.

Mr. Wolfe then provided as an illustration the trail at Masons Bend which he indicated consists of gravel that will not easily wash out. This portion of the trail then connects with a concrete trail.

Mr. Stout asked for clarification on who would be able to use this access to the Catawba River.

Mr. Roth responded that residents from other sections of Massey would not be prohibited from using this river access.

Mr. Wolfe stated that he remained open to a reduced parking lot if the river access trail could be enhanced so that it is usable.

Chairman Traynor then asked Mr. Roth if he thought there might be any pushback from the HOA regarding any future, externally connected, trail easements that might be sought to access the river access area.

Mr. Roth stated that he did not believe that there would be.

Mr. Hudgins then asked Mr. Roth for clarification on the trail connection between the Trelawn Street cul-de-sac to the Marquis Hills Drive cul-de-sac.

Mr. Roth responded that if the Planning Commission wished, this could remain a soft-surface, natural type trail. The money that was to be devoted toward making this respective connection a paved trail could then be used toward the trail connection directly to the Catawba River.

Mr. Wolfe concurred with this idea.

Mr. Hudgins agreed as well.

Planning Director Karagounis suggested the trail to the Catawba River not be comprised of mulch, but rather a material that could be maintained and not wash away during rainstorms.

Mr. Roth responded that at the least it would need to be comprised of a heavier, gravel material. He also indicated that while this trail could be made to be usable, he did not believe it could be designed to be ADA accessible due to the site conditions.

The Planning Commission concurred with the idea that it would not be practical to make this trail ADA accessible.

Mr. Hudgins then asked in what form did this trail design need to be presented for review to the town.

Mr. Wolfe asked Planning Director Karagounis if the applicant needed to put something together on the proposed trail design and come back before Planning Commission.

Ms. Karagounis stated that she understood that time was of the essence to the applicant.

Chairman Traynor stated that staff could be authorized staff to proceed with the review upon Planning Commission approval of the preliminary plat amendment.

Ms. Karagounis agreed and noted that within their motion to approve, Planning Commission should state that the trail needed to be functional and usable for the conditions of the site.

Mr. Roth then stated that they would leave the two pull-in parking spaces as proposed and then add approximately five parallel parking spaces along Marquis Hills Drive.

Mr. Hudgins then made a motion to approve the preliminary plat amendment with the condition that five additional, parallel parking spaces be added along Marquis Hills Drive and adjacent to Park 6, and an improved trail design, a minimum of five-feet wide, facilitating access to the Catawba River to be reviewed and approved by town staff. Part of this respective trail would be natural, and part would be more permanent, comprised of

gravel, or some other more permanent, weather resistant material. This is not required to be an ADA compliant access.

Mr. Wolfe seconded the motion.

There being no other questions or comments, Chairman Traynor asked those in favor to indicate their approval by saying “aye.”

The motion carried by an affirmative vote of 5-0.

### **3. Text Amendment Request: Signs**

Planning Director Karagounis introduced the staff report for the ordinance amending the zoning ordinance for the Town of Fort Mill; Article II, Requirements by District; Section 24, COD/COD-N Corridor Overlay District; Subsection 12, Signs; To delete pole signage; Article III, Signs; to amend the requirements for temporary signage and to delete pole signage; Article VI, Administration, Enforcement, Penalties, and Fees; Section 4, Temporary Uses and Special Events; Subsection E, Temporary Signs; to amend the consecutive day limit as to reflect changes in Article III.

Due to an increase in development and marketing opportunities staff has seen an influx in promotional temporary signage within the Town limits. Many of these signs are illegal under the current zoning ordinance but a need to strengthen the code to make it more concise regarding the problem areas was identified by staff. These areas primarily include subdivision directional signs along with other temporary promotional signs. Staff has received numerous complaints relating to these issues.

This text amendment would primarily:

- Remove pole signs as an allowable sign. Staff has not permitted a new pole sign in quite some time as ground/monument signage is much preferred, but they are allowed under the current code in some zoning districts.
- Add feather flags to the list of prohibited signs. Feather flags are not expressly prohibited and have become a nuisance across Town.
- Delete language that allows for off premise real estate directional signage. The current section of the ordinance that bans off-premise signage adds a caveat that allows for off-premise real estate directional signage. This creates a loophole that can create an issue for staff during enforcement.
- Include yard sale signage in the “signs allowed without a permit” section of the ordinance. Yard sale signs are minor in nature and the current staff has never received an application for a yard sale sign.
- Amend real estate accessory signage, such as for open houses, and add to the “signs allowed without a permit” section of the ordinance. Staff does realize the need for a real estate accessory sign on occasion but also added language to limit the size, number, and location of such signs as to not clutter intersections in Town with no relation to the property.

- Reduce the number of temporary subdivision signs allowed to one per project entrance. One temporary subdivision sign per project entrance gives developers ample ability to identify and advertise their product.
- Reduce the duration, size, and number of temporary promotional signs allowed. Currently there is not a cap on the number of temporary promotional signs a property can have at one time and the duration is 60 days, twice a year, which could result in signs being up for one third of every year.

Staff recommends in favor of the proposed text amendment as it will:

- Strengthen vague language as it pertains to temporary signage while still providing businesses and other uses within the community reasonable identification for new projects/promotions.
- Alleviate the Town from becoming marred by an excessive number of oversized and poorly designed signs that could ultimately adversely affect residential and business properties throughout the community.
- Give staff the ability to better enforce the signage code while also giving prospective sign applicants more precise language as to what is allowed.

Chairman Traynor asked if the existing pole signs would be grandfathered? Staff responded yes; this text amendment would grandfather any existing pole signs. Commissioner Wolfe asked do monument signs have a height limit and staff answered yes, the maximum height for a monument sign is 8 feet.

Commissioner Wolfe did ask what the next steps would be to enforce the proposed text? Planning Director Karagounis mentioned that this text amendment would go to Town Council with a public hearing and there would be two readings for Council to vote on. If the text amendment for signs is approved by the Town Council, then this would be new regulations for temporary signs. Chris Ray is the new code enforcer that works in the Building Department, and he will make violators aware of the new regulation and work with them to remove any illegal temporary signs.

Commissioner Hudgins praised staff on their hard work on researching and revising the sign ordinance.

Commissioner Wolfe suggested to add language to Section 3, General Provisions under Subsection 2, to clarify “durable materials.” The agreement was to add after durable materials “to be approved by the Town.”

Commissioner Stout asked about political signs. Staff mentioned that the political signs cannot be in the right-of-way, you must receive permission from the property owner to place your political signs and no political signs are allowed on the town’s property. Staff mentioned that the Town of Fort Mill has a policy memo that they give to the Voter Registration office in York County when applicants file for political candidacy. This memo lays out the rules and the policy to remove the signs after the election.

Chairman Traynor then asked if there were any questions or comments on the text amendment. There were no more questions and Commissioner Hudgins made a motion to approve the text amendment with the added language to the durable materials in Section 3, General Provisions under Subsection 2. Commissioner Wolfe seconded the motion. A roll call vote was taken and the motion to recommend approval of the text amendment with the condition was confirmed by a vote of 5-0. This will now go to the Town Council for a final vote.

There being no further business, the meeting was adjourned at 7:51 pm.