

**MINUTES  
TOWN OF FORT MILL  
PLANNING COMMISSION MEETING  
October 18, 2022  
112 Confederate Street  
6:00 PM**

Present: James Traynor, Dan Stout, Hynek Lettang, Jason Therrell, Matthew Lucarelli, Senior Planner Alex Moore, Planning Director Penelope Karagounis, Wesley H., Lynn Wilson, Chris Robusto, Melissa Burklin, Ben Hudgins, and Andreas Schuhmacher

Absent: Mark Kerr, Sarah Curtis,

Chairman James Traynor called the Planning Commission meeting to order at 6:00 pm on Tuesday, October 18, 2022.

**DISCUSSION OF MINUTES**

There were no minutes to approve since there was not a meeting on September 20, 2022. However, staff provided information that the August 2022 Planning Commission meeting minutes will be on the agenda in November for the Planning Commission to review and approve.

**NEW BUSINESS ITEMS**

**1. Annexation Request: Shirley Wilson Sexton and Debra Wilson submitted by Chris Robusto, DRB Group**

Planning Director Penelope Karagounis read the staff report. Chris Robusto from DRG Group would like to annex York County Tax Map Number 704-00-00-002 and 705-00-00-012 which consists of vacant land located at the intersection of JW Wilson Road and 537 Canyon Trail. The applicant has requested to annex +/- 40.16 acres of this property. Pending successful annexation, the applicant proposes to combine the two parcels to develop a subdivision with 80 single-family homes. The R-10, One-Family Residential District allows for low-to-medium density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on zoning lots having an area of 10,000 square feet or more. Minimum lot width measured at the building line is 75 feet; front setback is 35 feet; side setback is 10 feet; and rear setback is 35 feet.

The property is located within an area that has been designated as “Residential – Low Density” on the Town of Fort Mill’s Future Land Use Map from December 2020. This land use category is intended for single family detached neighborhoods with up to two dwellings units per acre. The neighborhoods character is not simply limited to the number of allowed dwelling units per acre. Low density residential neighborhoods typically have average lot size of 25,000 square feet or greater, lack off-street pedestrian facilities and have larger setbacks. The annexation/rezoning request for R-10 does not meet the intent of the future land use map with the Town of Fort Mill 2040 Comprehensive Plan.

The annexation development application required the completion of a traffic impact analysis (TIA). Preparation of the TIA was completed by the Town’s traffic engineering consultant and included coordination with SCDOT and the County. Completion of this TIA indicated the necessity of off-site transportation improvements to mitigate the development’s impact to the transportation network. Construction of these off-site transportation improvements will be the responsibility of the developer.

The applicant Chris Robusto from DRB Group which is Dan Ryan Builder Group (also known as the residential single-family component of their parent company Crescent Homes who built Masons Bend subdivision) provided a brief presentation and introduction for their proposal to why they would like to annex and rezone to R-10 for a future site of an 80-unit single-family homes. He mentioned this subdivision would have no vinyl and have quality architectural standards.

Mr. Robusto mentioned the proposed property was not landlocked but had easements to the property. He will buy the easements to be able to upgrade the gravel road to a paved ditched road with York County standards if he is able to build a subdivision. He has had discussions with Darin Wilson to buy right-of-way for a future access road into his proposed subdivision. Mr. Robusto he is proposing the roads in his subdivision would be private roads and not be the responsibility of the Town to maintain. He is also proposing to donate 4 to 5 acres to the Town, where he can connect trails to the existing Banks Athletic Park, build either a splash pad for children or a splash pad for dogs where he would dedicate \$100,000 to the Town to use for this proposed park that would be open to all residents. He also mentioned that a TIA was completed, and he is in the final stages of signing the Transportation Mitigation Agreement.

Chairman Traynor mentioned the park addition is a nice proposal for the proposed subdivision. He asked if this land was buildable, and Chris Robusto mentioned it was suitable land to build a park and it was not in floodplain. Chris Robusto said he would build something that the Town desires with his \$100,000 contribution to the park.

Planning Director Penelope Karagounis states these are great questions, but we need to keep in mind tonight we are hearing the proposal for an annexation/rezoning request and not a subdivision request. Also, some of these extra details and contributions can

be reflected in a development agreement. The annexation/rezoning request proposal does qualify to enter in a development agreement because the two properties are over 25 acres. However, this is not our decision or the Planning Commission's decision to enter in a development agreement. These discussions can be made with Town Council if Town Council and Mr. Chris Robusto would like to enter in a development agreement. Director Karagounis explained how the development agreement can lock in the agreements between the two parties to make sure these contributions are being met.

The Planning Commission members discussed how the proposal has 2 units per acre, but the lot size is much smaller than the intent of the future land use map designation of low density residential. The low-density residential neighborhood typically has an average lot size of 25,000 square feet or greater and this proposal has a minimum lot size of 10,000 square feet. Commissioner Lucarelli suggested perhaps the residential zoning designation should be R-15 or R-25. Mr. Robusto mentioned the impact of the cost of building a better County Road to access the property is not feasible to have a residential subdivision of less than 80 units and therefore he is asking for the R-10 zoning classification if these parcels are annexed into the town limits of Fort Mill.

Commissioner Lettang mentioned the zoning proposal is going against the future land use map and we should not go against the future land use map. Chairman Traynor did mention in the past, Town Council has amended the future land use map in the Comprehensive Plan. Planning Director Karagounis said that during her time here at the Town, we have amended the future land use map during the rewrite of the 2040 Town of Fort Mill Comprehensive Plan and during the Crossroads MXU, Development Agreement process. One of the requirements to enter in a development agreement, is if the project meets the future land use map. The Town needed to amend the future land use map with Crossroads to enter in a development agreement. There is a process that we have done in the past where it goes through the Planning Commission and then Town Council for a vote to amend the future land use map. At this time, staff has not received any notice to amend the future land use map in this area. Therefore, the properties in consideration for the annexation/rezoning request to R-10 is designated as low density residential on the future land use map.

Planning Director Karagounis mentioned that the past 7 months, we have worked with Chris Robusto and our traffic consultant Kimley-Horn to conduct a Traffic Impact Analysis for the annexation/rezoning request. The TIA has been completed and approved and we are waiting for the applicant to sign the Transportation Mitigation Agreement.

Commissioner Lettang asked if the citizens have been informed about this annexation/rezoning request. Planning Director Karagounis mentioned that the public hearing is not until the Town Council meeting, so we do not provide notices to the public at the Planning Commission level. A public notice is only submitted to the media 15 days before the public hearing at Town Council and 15 days before the public hearing

Planning Staff does post the property for the upcoming Public Hearing meeting at Town Council. Staff did receive one email from an adjacent property owner asking questions about the annexation/rezoning request of DRB Group. Chris Robusto mentioned that he reached out to the Waterside at Catawba HOA and they were not able to meet with him due to changes of the HOA board. He plans to meet with them at the HOA earliest convenience.

Commissioner Lettang mentioned that he did not see a recommendation line from the Planning staff in the report. Planning Director Karagounis mentioned that Planning staff does not state a recommendation in the staff report but only state if this annexation/rezoning request meets the criteria to apply for an annexation.

There was discussion on how the area has changed dramatically in the vicinity of this property. The surrounding properties have been approved with either development agreements and MXU zoning or with a zoning district of R-5 that no longer exists for the regulations of the Town of Fort Mill. Chairman Traynor stated Town Council will need to make the decision if they will enter in a development agreement with the applicant. There could be discussions of look into another residential district if Town Council decides to annex the two properties. Commissioner Lucarelli mentioned it is a slippery slope to recommend approval when it does not comply with the future land use map.

Commissioner Stout made a motion to recommend approval of the annexation/rezoning request of R-10 and Commissioner Therrell seconded the motion. The Planning Commission made a recommendation to approve the annexation/rezoning request by a vote of 3-2.

## **2. Final Plat Amendment: Pecan Ridge Phase II, Map 1**

Senior Planner Alex Moore provided a brief overview of the request, the purpose of which was to review and consider granting approval of a revised final plat. The request was submitted by the applicant, R. Joe Harris & Associates. The property owner is Pecan Ridge Homeowner's Association. The property is zoned R-5. The current parcel consists of 21.8 acres and is part of Pecan Ridge Phase II, Map 1 final plat. The applicant has applied for a revision of this final plat with the proposal for the creation of a lot consisting of 6,751 square feet (0.155-acre). The purpose of this is so that the existing sewer pump station will be on a unique, individual lot.

A sewer pump station is permitted within the R-5 zoning district as a public utility.

The conditional requirements for such a use are met:

- (1) Such use is enclosed by a fence or wall at least six feet in height, or by some other screening material deemed appropriate as part of the appearance review process.

- (2) There is neither office nor commercial operation nor storage of vehicles or equipment on the premises.
- (3) A landscaped strip not less than ten feet in width is planted and maintained around the facility.

Senior Planner Moore then noted the attachments to the staff report and application which included a letter from the town engineer indicating the necessity of the final plat revision, photographs of the site, the existing final plat, and the proposed, revised final plat.

Moore stated that creation of this lot could not be done administratively due to the development agreement for Pecan Ridge not including language to allow for such an administrative action. Thus, only Planning Commission can give final approval of the revised final plat as proposed. Moore then asked the Planning Commissioners if there were any questions about the application for the revised final plat as submitted.

Chairman Traynor asked for confirmation that the lot being subdivided was indeed the proposal and that the pump station was already there. Moore confirmed that the pump station was in place and operational and that the proposed lot was being created due to Town of Fort Mill Utility Department requirements.

Senior Planner Moore then indicated that Melissa Burklin with LGI Homes was in attendance if Planning Commissioners wished to ask her any questions. LGI Homes is the project developer. Chairman Traynor indicated that he was satisfied with the existing natural landscaping that was in place around the pump station.

Planning Commissioner Dan Stout asked how the pump station was currently shown on the existing final plat. Senior Planner Moore clarified the existing location of the proposed lot on the current final plat and indicated that the pump station was now located within a larger 21.8-acre parcel of property. The proposal was now to create the smaller, 6,751 square foot parcel within this larger tract. The newly created parcel would then be deeded to the Town of Fort Mill.

Planning Commissioner Dan Stout noted that Planning Commission had seen a similar case before. Moore indicated that there had been a similar case within The Forest at Fort Mill where a lot was created so that an existing pump station would be located within an individual lot to be deeded to the Town of Fort Mill.

Planning Commissioner Matt Lucarelli then asked if this parcel needed to have frontage on a public road. Senior Planner Moore responded that there was no language in the ordinance to require that a public utility such as this to have public road frontage. He stated that the proposed lot did meet minimum lot size and lot width requirements for the R-5 zoning district. He indicated that requiring deed road frontage necessitate, in this instance, conveying property from existing lots which could possibly create non-conforming residential lots. The current condition of an easement across the two residential lots, along with a paved access road within the easement,

seemed to work well for this pump station. However, he noted that Mr. Lucarelli's question was well-taken and a good one.

Planning Commissioner Dan Stout then asked who owned the easement. Chairman Traynor stated that the town owns the easement.

Planning Commissioner Stout then asked who was responsible for the maintenance of the easement.

Senior Planner Moore asked Ms. Melissa Burklin of LGI Homes if she was aware of any agreements on the maintenance of this respective easement. Ms. Burklin stated that it was her understanding that there would be language in the deed which indicated that maintenance of the easement would be the responsibility of the Town of Fort Mill. Planning Director Penelope Karagounis stated that this was her understanding as well.

Chairman Traynor stated that in his experience in dealing with the county utilities department on such easements that the county would ultimately take over maintenance of such easements. He then stated that he believed that the current action to create a new lot by way of the final plat revision is a routine request.

There being no other comments or questions, Chairman Traynor entertained a motion. Planning Commissioner Lucarelli made a motion to approve the application for the proposed revision of the Pecan Ridge Phase II, Map 1 final plat, resulting in the creation of a lot consisting of 0.155-acre parcel as submitted. Planning Commissioner Lettang seconded the motion. The final plat was approved by a vote of 5-0.

There being no further business, the meeting was adjourned at 7:05 pm.