



YORK COUNTY
PLANNING COMMISSION
MINUTES • DECEMBER 13, 2021
FINAL



Planning Commission

York County Government Center
6 South Congress Street
York, SC 29745

6:00 PM

Chairwoman Jamie Henrickson: Present, Larry Barnett: Present (6:06 AM), Aubrie Parham: Present, Kate Kraxberger: Present (6:06 AM), Matthew Velkovich: Present, Antonio Mickel: Present, Montrie Belton: Present (6:07 AM), Greg Simmons: Present, Debi Cloninger: Present, Planning Manager Diane Dil: Present, Planning & Development Director Johnathan Buono: Present, Transportation Planner Chris Stephens: Present, Long Range Planner Brian Ford: Present, Planner Marion Ray: Present, County Attorney Michael Kendree: Present, Deputy County Attorney Laura Dover: Present, Secretary Bonnie Marsiglia: Present.

Approval of the Agenda

With no changes the agenda was approved with a motion by Debi Cloninger and a second by Matt Velkovich.

Adoption of Minutes

1. Approval of October 25, 2021 Special Called Meeting Minutes

Absent from the vote: Larry Barnett, Kate Kraxberger, Montrie Belton.

ACCEPTED [Unanimous]

MOVANT: Greg Simmons

SECOND: Antonio Mickel

2. Approval of November 8, 2021 Planning Commission Minutes

Absent from the vote: Larry Barnett, Kate Kraxberger, Montrie Belton.

ACCEPTED [Unanimous]

MOVANT: Antonio Mickel

SECOND: Matthew Velkovich

New Business

1. Subdivision: Hopes Corner Applicant: JCM Corporation of York County Tax Map Numbers: 444-00-00-003, and -114 through - 123 Total Acreage: 63.13 acres Total Lots: 35 single-family lots Council District #3: Robert Winkler Zoning District: Rural Development (RUD)

Marion Ray presented the preliminary plat request. Marion showed and explained the changes to Lot 11 originally in Phase One of the development. Antonio Mickel motioned to approve. Matt Velkovich seconded the motion that was passed unanimously.

PASS [Unanimous]

MOVANT: Antonio Mickel

SECOND: Matthew Velkovich

AYES: Henrickson, Parham, Kraxberger, Velkovich, Mickel, Simmons,
Cloninger

ABSENT: Larry Barnett, Montrio Belton

2. Subdivision: Edmunds Farm Applicant: May Green Properties, LLC Tax Map Numbers: 282-00-00-001 Total Acreage: 123.07 acres Total Lots: 62 single-family lots Council District #2: Allison Love Zoning District: Rural Development (RUD) & Agricultural Conservation (AGC)

Marion Ray presented the preliminary plat request. Jamie Henrickson motioned to approve. Matt Velkovich seconded the motion that was passed unanimously.

PASS [Unanimous]

MOVANT: Jamie Henrickson

SECOND: Matthew Velkovich

AYES: Henrickson, Barnett, Parham, Kraxberger, Velkovich, Mickel, Belton,
Simmons, Cloninger

3. Rezoning 21-02; Sheldon Brown (Applicant/Owner); requesting to rezone one +/- 1.93 acre parcel from RC-II to BD-I. The subject parcel is located at 5001 W. Liberty Hill Road, York. The property is referenced as tax map number 555-00-00-044; Council District 2 - Allison Love.

Diane Dil presented the request. This rezoning request was submitted in response to a zoning complaint regarding this facility's impact on the neighboring residential area. The existing baseball training facility was constructed without obtaining proper permits and is not a permitted use in the RC-II zoning district, that is intended primarily for low density housing.

Some of the buildings on the property were permitted as residential structures with residential setbacks and buffers. There was no understanding that this property would be used for non-residential purposes, which would require a commercial site plan with parking requirements and increased setbacks and buffers. If this request is approved, the applicant will have to go through the variance process for further approvals.

The property owner, Sheldon Brown of 2702 Windswept Cove, spoke to the Commissioners regarding the property and buildings. He stated the property was originally used to store his RV, boats, and equipment. Kids used the buildings to practice sports in and as they outgrew the buildings he added more. He stated that the property is not being used for a commercial business, but rather as a place to practice and people can just come and go. Any money collected goes towards tournaments.

Jamie Henrickson motioned to deny the request. Matt Velkovich seconded the motion to deny that was passed 6/1.

PASS [8 to 1]

MOVANT: Jamie Henrickson

SECOND: Matthew Velkovich

AYES: Henrickson, Parham, Kraxberger, Velkovich, Mickel, Belton, Simmons, Cloninger

NAYS: Larry Barnett

4. Rezoning 21-23; Lee Whitley (Applicant) W.F. Papke III/Income Expense, LLC (Owner); requesting to rezone one +/- 1.0 acre parcel from RC-I to BD-III. The subject parcel is located at 6166 Charlotte Highway, Clover. The property is referenced as tax map number 484-00-00-024; Council District 2 - Allison Love.

Brian Ford presented the request. Matt Velkovich motioned to approve with staff recommended condition of approval.

1. The property shall be recombined into Parcel Number 484-00-00-005 prior to site plan approval for development.

Larry Barnett seconded the motion that was passed unanimously.

PASS [Unanimous]

MOVANT: Matthew Velkovich

SECOND: Larry Barnett

AYES: Henrickson, Barnett, Parham, Kraxberger, Velkovich, Mickel, Belton, Simmons, Cloninger

Old Business

1. Planning Commission to review and provide a recommendation to repeal and replace Chapter 154: Subdivision Code and 155: Zoning Code; to adopt a new Zoning Map which renames certain zoning districts, consolidates the AGC-I and AGC districts into a single AGC district, and consolidates the RUD-I and RUD districts into a single RUD district; to relocate section 154.038 Development Agreements to Chapter 153: Planning and Development; to relocate certain code sections pertaining to tax districts from the Zoning Code to Chapter 35: Taxation and Finance; and to approve the York County Land Development Manual related to the implementation of the requirements of Chapter 154.

The item had been deferred from the October 25, 2021 Special Called Meeting in order for the consultant to provide comments regarding the Commissioners' concerns of the October 8, 2021 draft of the *Zoning Code, Land Development Code, and Land Development Manual*.

The Commissioners discussed the memo provided by the consultants as well as the updated "First Reading Draft" version of the *Zoning Code, Land Development Code, and Land Development Manual*.

After discussion, Jamie Henrickson made a motion to approve the "First Reading Draft" incorporating recommended changes as itemized by the chair.

1. Revise §155.152, the provision that allows the Zoning Administrator to make use determinations, by reverting to the existing language prohibiting uses not expressly permitted.
2. Remove the provision in §155.612 that allows the Zoning Administrator to consider Administrative Adjustments.
3. School Capacity - Include a statement that would require a willingness and capability letter from the school district as part of the approval criteria for preliminary plats for residential uses.
4. Revert the process outlined in Chapter 154, Subchapter G, Part 4: *Preliminary Plats* to the existing process, wherein the Planning Commission is the approval body for preliminary plats.
5. Revise §155.153 *Use Table* to prohibit townhomes in the RMX-20 district.
6. Require construction bonds to include all items within the road right-of-way instead of the current limitation to roads and sidewalks.
7. Add the following provision to the appropriate Part in Chapter 154: "Infrastructure shall be designed to minimize the alternation of site topography. Infrastructure shall accommodate natural grades to the maximum feasible extent; minimize the removal of existing ground cover and subsoil; and minimize the importation of fill material."
8. Revise §155.153 *Use Table* to re-establish "Liquor Sales" as a distinct use, and permit them by-right in the General Commercial (GC) district and require a Special Exception in Neighborhood Commercial (NC) district.
9. Revise Chapter 154, Subchapter G, Part 7: *Traffic Impact Analysis* to lower the threshold at which a developer is required to install a transportation improvement when the increased delay is some number less than the current 80% or more.
10. Revise Chapter 154, Subchapter C, Part 2: *Streets* to allow gravel roads within rural areas.

While not included within the chapters and scope of the Recode Project, included in the Planning Commission's motion was a recommendation that Council re-examine Chapter 153, related to vested rights. The commissioners requested clarification as to whether §153.92(C) grants them the authority to deny a vested rights extension if they determine that there is not just cause for the extension and that the public interest is adversely affected.

PASS [Unanimous]

MOVANT: Jamie Henrickson

SECOND: Matthew Velkovich

AYES: Henrickson, Barnett, Parham, Kraxberger, Velkovich, Mickel, Belton, Simmons, Cloninger

Other Business

1. Adoption of the 2022 Planning Commission Calendar

The calendar for 2022 was adopted with a motion by Montrio Belton and a second by Greg Simmons.

PASS [Unanimous]

MOVANT: Montrio Belton

SECOND: Greg Simmons

AYES: Henrickson, Barnett, Parham, Kraxberger, Velkovich, Mickel, Belton, Simmons, Cloninger

2. Rezoning Tracking Sheet

The Tracking sheet was accepted.

Adjournment

The meeting was unanimously adjourned at 7:46 p.m.