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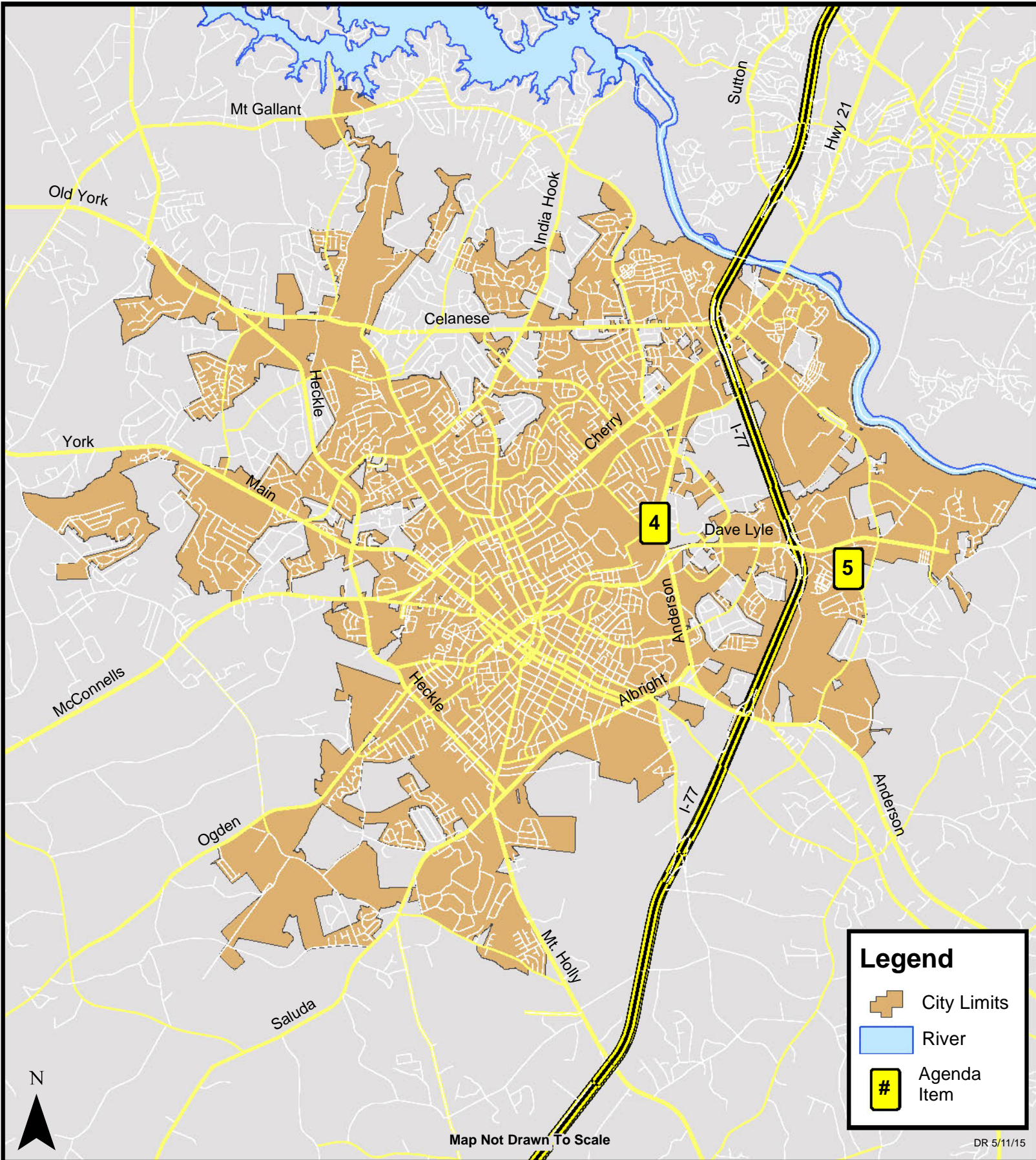
Rock Hill Zoning Board of Appeals
January 21, 2020

1. Call to Order
2. Approval of Minutes from the December 10, 2019, meeting.
3. Approval of Orders from the December 10, 2019, meeting.
4. Appeal Z-2020-01: Request by Nmer Kanbar of Kanbar LLC for a special exception to reduce the required separation from residential uses for a gasoline station use located at 265, 267 & 271 N. Anderson Rd. The properties are zoned General Commercial (GC). Tax map numbers 630-03-06-005, -006 & -007
5. Appeal Z-2020-02: Request by David Norman of First Land Co. for a special exception to re-establish a non-conforming mobile home use at 1198 Springdale Rd. The property is zoned Limited Commercial (LC). Tax map numbers 669-04-01-073.
6. Other Business
 - a. Continuing Education
7. Adjourn.

Zoning Board of Appeals Agenda Items



City of Rock Hill, SC
January 21, 2020
Zoning Board of Appeals



Zoning Board of Appeals

City of Rock Hill, South Carolina

December 10, 2019

A public hearing of the Zoning Board of Appeals was held on Tuesday, December 10, 2019, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, South Carolina.

MEMBERS PRESENT: Matt Crawford, Keith Sutton, Michael Smith, Rodney Cullum

MEMBERS ABSENT: Stacy Reeves, Randy Sturgis

STAFF PRESENT: Melody Kearse, Shana Marshburn, Leah Youngblood,
Janice Miller

Legal notice of the public hearing was published in *The Herald*, Saturday, November 30, 2019. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

1. Call to Order

Chair Matt Crawford called the meeting to order at 6:00 p.m.

2. Approval of minutes of the November 19, 2019, meeting.

Mr. Smith presented the motion to approve the minutes as submitted. Mr. Sutton seconded, and the motion carried unanimously by a vote of 4-0 (Reeves and Sturgis absent).

3. Approval of Orders from November 19, 2019, meeting.

Mr. Sutton made a motion to approve the orders as distributed. Mr. Smith seconded the motion, and the minutes were approved unanimously by a vote of 4-0 (Reeves and Sturgis absent).

4. Appeal Z-2019-28: Request by Mike and Yolanda Licea, Milk & Sugar Spa and Salon, for a variance from the side-yard setback standards for an addition to an existing building at 1156 Ebenezer Road. The property is zoned Office and Institutional (OI). Tax map number 596-05-01-041.

Staff member Melody Kearse presented the staff report.

Mr. Sutton asked whether any plans had been submitted by Oakland Baptist for the parking area. Ms. Kearse stated that there had been none submitted at this time.

Michael and Yolanda Licea, 808 Creek Bluff Road, applicants, provided background on their company and information regarding the addition, including a picture of the existing deck. The applicant specifically stated that the deck was an eyesore that they wished to replace with interior space that would create a more comfortable environment and enhance their customers' experience. They noted that they had gone above and beyond the City's requests to mitigate the stormwater runoff since opening in September of 2018. They have also worked with their architect to change the pitch of the roof for the addition to direct the water to the front yard. The new roof would not be a shed roof and would be a continuation of the existing roofline.

Mr. Crawford asked how long the business has been at this location. Mrs. Licea stated that they had been at this location for one year in October and at another location down the street for five years prior.

Mr. Crawford asked about the number of customers served per day. Mrs. Licea stated that they have nine on staff and they are booked three weeks out. She stated that they had served close

to 6,000 customers in the last year at this location, approximately 100 per day on a good day. She added their hours were 8 a.m. to 8 p.m. Monday through Saturday. Mr. Licea reiterated that they would not be adding more staff, but were only looking to provide a better and more relaxing environment for their customers.

Mr. Nick LaFave, 1177 Winthrop Drive, spoke in opposition to the request, noting that his home was located directly behind the business. He went through each of his specific concerns starting with the size of the proposed addition, which according to his understanding of the plan was a 122% increase, and that is not similar to the existing structure in terms of water run-off. He went over findings #1 and 2, stating that they only addressed the neighboring property, the church, which is an empty lot, and that his notification was by the postcard. He stated that in terms of an eye-sore, the biggest one was the people parking on the grass behind the parking lot. He stated that in regards to finding of fact #3, the current zoning was already in place when they purchased the property, and the only thing that has changed is an increase in their business. He further stated that the zoning was not prohibitive or restrictive simply because a business has outgrown a space that was designed for a lighter use than 6,000 customers a year or 100 a day. Mr. LaFave stated that his daughter's swing set backs up against the property. He stated that he feels he already covered finding #4. Mr. LaFave spoke about the changes already made to the rear parking area, and he stated that even today there were two cars parked off the parking area in the grass. He stated that nothing had been done to decrease the stormwater runoff with the addition of this new parking, and that in regards to Oakland Baptist's plan, they have tried expanding parking before. He said that they would need signatures from the majority of the homeowners in the neighborhood before they move forward with that, and that the idea has been shut down twice in the five years that he has lived there. Mr. LaFave stated that he had not seen any recent plans of the church, but that for him and his neighbors the biggest concern is stormwater.

Mr. Sutton asked Mr. LaFave if he contacted staff regarding the hearing. Mr. LaFave stated that he had not.

Mr. Crawford asked Mr. LaFave if he would be more accepting of the request if something were done about the stormwater issues. Mr. LaFave stated that the stormwater issue was his chief concern.

Ms. Brenda Nichols, 1167 Winthrop Drive, spoke in opposition to the request. She noted that she had been dealing with the stormwater issues for a long time, since around 1996. Ms. Nichols stated that they had no issues with the business and they were trying to be good neighbors, but people parking on the grass did really bother all of them because it creates muddy water that drains to their backyard when it rains. She added that in 2016 she had more than \$30,000 in damage to her home due to stormwater runoff. She stated that she knew they were parking on the church's property and on the grass on their lot, and that the increase in the business was a problem. Ms. Nichols stated that she had spoken with the City numerous times about the issues, and that officials within the stormwater department had come to look at the issue. She said that there had been talk of a berm but nothing has happened. She added that the big water run-off issues started in 1996 with the construction of the bank across the street. Ms. Nichols stated that the business is between them and the bank, and that the water is coming off Winthrop's campus across Cherry Road and down through the parking areas and into their backyard. So therefore, any increase in impervious surface is going to impact their lots.

Mr. Jeremy Dreier, 1159 Winthrop Drive, spoke in opposition to the request. He stated that the existing infrastructure cannot handle the amount of water. Besides the bank, there have been a number of other developments between their homes and Winthrop that have increased the

impervious surface in the area. Mr. Dreier said that he believes there were some adjustments made to the area between Ebenezer and Cherry, which allowed for a slightly different use, which led to more off-street parking and impervious surface. He further stated that the trend over the past 25 to 30 years has been more impervious surface, which has led to a significant increase in stormwater upstream from them. Mr. Dreier also stated that they have seen no evidence of any improvements being made to Ebenezer Road to address the stormwater issues, and he reiterated that water streams around the spa, around the real estate office and through each of the lots. He further stated that you do not need a 100-year rain to be able to launch a canoe between their two houses. Mr. Dreier also noted that a few years ago water came within half an inch of their vents, and if there had been three-quarters of an inch more water that they would have lost their furnace, their water heater and probably the integrity of their foundation. He reiterated that the stakes for them were incredibly high, and that they have tried to work with all of the neighbors, the City and the State to find a resolution to this issue. Mr. Dreier stated that they are not satisfied with what they have seen done so far.

Mr. Cullum asked for additional information about the concrete pad located at the rear of the subject property as shown during staff's presentation. Ms. Kearse noted there were two parking spaces that had been built there.

Mr. Cullum asked whether these spaces had created any issues when added. Mr. Dreier stated that any impervious surface is an increase in impervious surface, and that he is opposed to any changes that would add to the impervious surfaces adjacent to their neighborhood. He stated that there was another property owner nearby who has serious problems with cupping floors and floor damage from persistent sheet run-off underneath his house.

Mr. Wayne Holmes, 4655 Kyle Drive, spoke in favor of the request, specifically to the character of the applicants. He stated that they had gone through efforts to improve the water runoff issues including changes to the design of the addition. He stated that most of the stormwater issues appear to be coming off the road, not the building. Mr. Holmes also stated that the applicant had removed some of the concrete so more of the water would get absorbed, and he spoke to Mr. Licea's willingness to add landscaping or a berm to mitigate the issues. He also stated that there is a need for a bigger plan to help with the water run-off coming from the road.

Ms. Andrea Bennett, 1185 Winthrop Drive, spoke to the stormwater issues she experienced on her property. Specifically, that between her home and the neighbor's home that there is a 6-foot wide area, like a river, anytime there is a heavy rain, and it flows through her yard onto Winthrop Drive. She also explained that she had some cupped floors in her home too, but not any water under her home yet.

Ms. Betsy Dreier, 1159 Winthrop Drive, spoke about the proposal of the slope and pitch of the roof, in that it is designed to push water towards Ebenezer. Ms. Dreier stated that Ebenezer is the beginning of a lot of issues, and that any water pushed to Ebenezer was just going to come back down into their lots. She stated that there are not enough inlets for the water and that the infrastructure under Ebenezer is not large enough to carry all the water. She further stated that changing the direction of where the roof puts the water was not going to do any good because water sheets across the entire area from Tillman Hall on Winthrop's campus. Ms. Dreier also let the Board know that she is a member of the Storm Water Advisory Board.

Mr. Smith asked whether the City evaluates stormwater issues prior to approving building permits. Ms. Kearse stated that the subject request had been reviewed by staff. She noted that the concrete area in the front of the site shown on the aerial photographs no longer exists, and explained that it had been replaced by a lawn area. Ms. Kearse stated that this had been done when the additional parking had been added to the rear of the site. She added that the plans

submitted for the proposed addition shows that it would be smaller than the existing deck, and she directed the Board to the sketch that shows the proposed addition and the existing deck area.

Mr. Smith asked whether the changing the roofline would create stormwater issues. Ms. Kearse stated that staff does not believe that it would.

Mr. Crawford asked whether there would be an increase in the impervious surfaces if the addition were built. Ms. Kearse stated that there would not be.

Mr. Crawford asked whether the deck would be removed. Ms. Kearse stated that portions would be removed and the center portion would be used for the addition.

Mr. Crawford asked whether this could be a condition for approval. Ms. Kearse stated that it could and that the Board could place other conditions on the approval as well.

Mr. Crawford allowed Mr. Licea to rebut comments. Mr. Licea stated that on September 19, the City asked him to remove 11.2 yards of concrete in the front yard in exchange for adding 5.6 yards of parking area in the rear. He also added that he had built a half-berm along the rear of the property while the City was doing sewer work to help alleviate water runoff.

Mr. Crawford asked whether the impervious area would be increased if the addition were built. Mr. Licea stated that based on the design by their architect, the impervious area would not be increased.

Mr. Crawford asked whether he would agree to this being a condition of approval. Mr. Licea stated that he would.

With no other speakers, Mr. Crawford closed the floor and took the matter before the Board for discussion.

Discussion centered around whether the roofline change would create stormwater issues and whether the addition would result in an expansion of the impervious area.

Mr. Cullum asked staff if the Board should wait for the City engineer to look at the plans. Ms. Kearse stated that the City's engineer had already looked at the property previously, and that staff would review stormwater again when construction plans were submitted.

Mr. Sutton presented the motion to approve the variance request as submitted with the condition that there is no increase in impervious surface area created by the addition. Mr. Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Reeves and Sturgis absent).

Mr. Sutton presented the findings, noting specifically the existing structure was within the allowed setback, the unique condition of its location on the property, that without this variance the applicants would be deprived of the full use of their property, and that the addition would not be detrimental to the adjacent lands.

5. Appeal Z-2019-29: Request by Jim Gordon, BrandPro, for a special exception to establish a retail use at 922 West Main Street and 170 Chester Street. The properties are zoned Office & Institutional (OI). Tax map numbers 598-05-03-001 and -002.

Ms. Kearse presented the staff report.

Mr. Sutton asked whether the landscaping would be placed between the sidewalk and building. Ms. Kearse stated that this was correct and that there would be a narrow planting strip and maybe some foundation plantings.

Mr. Crawford asked whether there would be any improvements along Chester Street. Ms.

Kearse stated no.

The applicant, Mr. Jim Gordon, 980 Myrtle Drive, stated that he was willing to add landscaping to enhance the West Main Street area.

With no other speakers, Mr. Crawford closed the floor and took the matter before the Board for discussion.

There were no further questions or comments.

Mr. Smith presented the motion to approve the special exception as requested with the condition that landscaping be added along West Main Street façade as suggested by staff. Mr. Sutton seconded, and the motion carried unanimously by a vote of 4-0 (Reeves and Sturgis absent).

Mr. Smith presented the findings, specifically noting that the use-specific standards had been met, the use was appropriate for the location, the site was developed previously, and that the use would not injure neighbors.

6. Appeal Z-2019-30: Request by Magloire Lubika for a special exception to re-establish a non-conforming convenience store use at 455 Green Street. The property is zoned Single-Family Residential-4 (SF-4). Tax map number 600-02-03-037.

Staff member Shana Marshburn presented the staff report.

Mr. Sutton asked for confirmation that the feasibility study had been done in October. Ms. Marshburn stated that this was correct.

Ms. Marshburn presented the Board the list of phone calls received from those in support of the use.

Mr. Crawford asked staff to explain the trial period concept. Ms. Marshburn explained that at the end of a trial time period established by the Board, the applicant would return in order to address any concerns or complaints, and then at the time the request will be re-evaluated by the Board. Mr. Sutton observed that this would be a conditional approval but that the applicant would still have to spend money on repairs to bring the structure up to code. Mr. Crawford stated that this was correct.

The applicant, Mr. Magloire Lubika, 6304 Trevor Simpson Dr, Indian Trail NC, provided his family's history with their businesses and an overview of his goals for reopening the store as the Green Box Market. He explained that it would be a convenience store, kitchen and market. It would offer meals, individually or for groups, and select produce. Their goal is to be socially responsible in the neighborhood, hosting annual back-to-school drives, scholarships, and community events, such as basketball tournaments.

Mr. Smith asked whether they had a liquor license. Mr. Lubika stated that they had not applied for one yet.

Mr. Smith asked whether there was a liquor license at the family's other location. Mr. Lubika stated that there was.

Mr. Smith asked the hours of operation. Mr. Lubika stated that 8 a.m. to 10 or 11 p.m.

Mr. Sutton asked the amount of money necessary to bring the building up to code. Mr. Lubika stated that they had consulted with a local contractor who estimated their cost to be approximately \$50,000, but that this also included the construction of a ramp for ADA entry and the paving of the ADA parking space.

Mr. Crawford asked whether he had any objections to the trial period. Mr. Lubika stated that he

liked the idea but could not afford to operate under the limited six-month time frame as he needed three months to upfit the building and with only three months to turn a profit, he did not see this as enough time.

Ms. Marshburn stated that the six-month time period did not have to begin that day, that the Board could clarify when the time frame would begin.

Mr. Smith asked when the store could open. Mr. Lubika stated that it could open in approximately five to eight months.

Mr. Smith asked whether he would be open to the six-month trial upon completion of the repairs. Mr. Lubika stated that he was.

Mr. Lawrence Sanders, 604 ½ Saluda Street, spoke in favor of the request, specifically noting the need for a business such as this in the area and the positive impact it would have. He asked the Board to give them the chance to help the community out.

Mr. Joe Adams, 721 Ogden Road, spoke in opposition to the request, noting the issues he had experienced with the family's other store at 702 Ogden Road, such as the condition of the parking lot. He also stated that there are plenty of other stores in the area with alcohol sales and that he did not want to see another one open. Mr. Adams added that he had looked up "green box" on the internet and that it was seen as an illegal trade outlet, and he wanted to know why that wasn't brought up by the City. He stated that he was disappointed that this information was not given to the Board.

Mr. Derrick Lindsay, 1223 Autumn Breeze Court, spoke in favor of the request, stating that he had grown up on Green Street and knew the former George Franklin store very well. He stated that he agreed with a trial period and suggested a one-year time frame, adding that he would like to see the scholarship program Mr. Lubika spoke of along with the addition of cameras and other security measures on the premises in order to deter drugs and prostitution.

Mr. Antonio Mickel, 1034 Flint Hill Street, expressed concerns about the application, stating that the community did not need another convenience store in the area providing alcohol, and the real need was for fresh foods, fruits and vegetables to serve the community. He quoted some statistics about poverty in the community. He stated that he also would be in favor of the trial period if what was presented today by the applicant about his vision for the store was true.

Mr. Lonnie Sims, 467 Green Street, spoke in opposition to the request, stating that once the store had closed, the neighborhood residents had worked to get rid of the drugs, alcohol abusers, and prostitutes in the area. He stated that Saluda Street has other stores providing similar goods to what the applicant was proposing to sell, and that the neighbors did not want this store to reopen. He said that the neighborhood has worked too long and too hard to clean up the community, and that the store will become an issue like it was before.

Ms. Mary Brown, 462 Green Street, spoke in opposition to the request, stating that she and the other residents had worked hard with the City and the Police Department to clean up the community, and she had concerns about her personal safety, especially if the store were to remain open until 11 p.m. She stated that there would not be enough foot traffic to support the store with all the other stores that were nearby already. She noted traffic concerns in that she would be unable to back out of her driveway if there were cars parked in front of the store, especially as the store did not have the area for a parking lot.

Mr. Crawford allowed Mr. Lubika time for rebuttal. Mr. Lubika stated that he appreciated the concerns of the neighbors. He stated that he had been working at the store for the past three months and had seen police patrols every day. He added that he wanted to alleviate the issues

of the food desert in the area by providing grocery sales to the immediate area. He added that he wanted the store to be a positive influence on the neighborhood and to be an inspiration to the young folks in the community.

Mr. Crawford asked about security measures. Mr. Lubika stated that they would have cameras but noted that, at the other location, they had not had major trouble as they had a good relationship with their customers who tended to look after them.

Mr. Crawford asked for clarification on the hours of operation. Mr. Lubika stated that he would like to be open from 8 a.m. to 11 p.m. He also spoke in response to the trash in the neighborhood.

Mr. Cullum, referring to Mr. Adams' comment, asked where the name "Green Box Market" had come from. Mr. Lubika stated that it was part of an overall business plan he had developed, The Box Company.

Mr. Crawford asked whether this was a business practice. Mr. Lubika stated that it was not, that it was just a name.

With no other speakers, Mr. Crawford closed the floor and took the matter before the Board for discussion.

Discussion focused on conditions for approval, the amount of time for the trial period, and security. Mr. Cullum observed that the majority of those in attendance were the ones who would be most affected by the reopening of the store because they live the closest to it. He noted that while there were a lot of people who called in, the ones that showed up tonight are in opposition to its reopening, and that he has concerns about that. Mr. Smith stated that the applicant would want to start out on the right foot, and if they do not do the right thing, then when they come back after a trial period, the Board could stop the use from continuing. There was further discussion on this issue.

Mr. Smith presented the motion to approve the special exception as presented with the condition that the applicant has a one-year trial period starting that evening. Mr. Sutton seconded, and the motion carried by a vote of 3-1, with Mr. Cullum voting in opposition (Reeves and Sturgis absent).

Mr. Smith presented the findings, specifically noting that the use existing previously, the site was developed as a store, conversion to residential use would be cost-prohibitive, and the applicant was agreeable to the trial period.

Mr. Crawford called for a recess at 7:41 p.m.

Mr. Sutton called for a motion to reconvene at 7:46 p.m. Mr. Smith seconded, and the motion to reconvene carried unanimously by a vote of 4-0 (Reeves and Sturgis absent).

7. Appeal Z-2019-31: Request by Mac Alavi, NFF Outlet LLC, for a special exception to establish a commercial truck rental use at 1460 East Main Street. The property is zoned General Commercial (GC). Tax map number 628-09-05-007.

Ms. Kears presented the staff report.

Mr. Crawford asked whether this would be an accessory use to the furniture store. Ms. Kears stated that it would.

Mr. Crawford noted that the reason for the application was because the business had more than 10 rental trucks. Ms. Kears stated that this was correct, that the store would still operate as a furniture store with full service U-Haul truck rentals as an additional use.

Mr. Mac Alavi, 1464 East Main Street, applicant, stated that he had operated the U-Haul business for four to five years, and that he planned on using the area he had previously used as a car lot for U-Haul vehicle storage.

Mr. Crawford asked whether Mr. Alavi would keep the trucks located in the front as pictured in the back. Mr. Alavi stated that he would.

Mr. Eddie Murdock, 2001 Olde Oxford Court, stated that he owned the adjacent property and expressed concerns about people parking in his lot and crossing over to Mr. Alavi's business to rent trucks, sometimes leaving vehicles for several days. He stated that he had seen a truck get stuck trying to leave Mr. Alavi's site and that it had blocked the road until a wrecker could come move the truck. He added that Mr. Alavi had a number of junk vehicles located towards the rear of the property.

Ms. Kearsse stated that staff was aware of the derelict vehicles and other violations on Mr. Alavi's site and that they were being addressed. She stated that staff would continue to monitor the site for compliance.

Mr. Crawford asked the number of trucks that could be displayed in the proposed area. Ms. Kearsse stated that it would be between eight and ten.

Mr. Crawford observed this was approximately the number allowed currently. Ms. Kearsse stated that this was correct, but that the trucks would not be allowed to be parked along the side as they have been.

Mr. Smith stated that he had visited the site over the weekend and the trucks had been moved. Ms. Kearsse stated that Mr. Alavi had moved the trucks as directed by the code enforcement officer.

Mr. Cullum noted the large building was being used for the furniture store and asked whether the smaller building was used for the U-Haul rental. Ms. Kearsse stated that the small building was not currently in use.

Mr. Smith asked whether there was a cut through to Mr. Murdock's property. Mr. Murdock stated that there was not, but that Mr. Alavi's customers did park in Mr. Murdock's lot and walk over to rent trucks.

Mr. Alavi stated that employees of the businesses located on the adjacent property, which include a car rental office, nail salon, hair salon, and loan company, parked in the furniture company lot.

Mr. Crawford asked Mr. Alavi if he would agree to not park the rental trucks and trailers along the property line. Mr. Alavi stated that he would agree.

With no further comments or questions, Mr. Crawford closed the floor for Board discussion.

Mr. Crawford presented the motion to approve the special exception as presented. Mr. Sutton seconded, and the motion carried unanimously by a vote of 4-0 (Reeves and Sturgis absent).

Mr. Crawford presented the findings, specifically noting that the U-Haul business was already in operation on the site, that the applicant agrees to abide by the use specific standards, that the use is compatible for the area, that the site is in an automobile-dominated area, that the site design would minimize impacts, that the site was already developed, and that a site plan had been submitted.

8. Other Business

Ms. Kearsse noted that the calendar for continuing education sessions for 2020 had been included in the Board's packet.

9. Adjourn

There being no other business, Mr. Sutton made a motion to adjourn. Mr. Smith seconded, and the meeting adjourned at 8:06 p.m.

DRAFT



Zoning Board of Appeals Order

Z-2019-28

The Zoning Board of Appeals held a public hearing on Tuesday, December 10, 2019, to consider a **request by Mike and Yolanda Licea of Milk and Sugar Spa and Salon for a variance from the side-yard setback standards for an addition to an existing building at 1153 Ebenezer Road. The property is zoned Office and Institutional (OI). Tax map number 596-05-01-041.**

Board members in attendance included Matt Crawford, Keith Sutton, Michael Smith, and Rodney Cullum.

Stacey Reeves and Randy Sturgis were absent.

After consideration of the evidence and arguments presented, the Board voted to approve the request based on the following findings of fact:

1. The site may be identified as 1156 Ebenezer Road.
2. The property owner is Mike and Yolanda Licea.
3. This property is zoned Office and Institutional (OI).
4. The request was for a variance from the side-yard setback standards for an addition to an existing building.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - November 22: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - November 22: Public Hearing notification signs posted on subject property.
 - November 23: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Melody Kearse presented the staff report.

Mr. Sutton asked whether any plans had been submitted by Oakland Baptist for the parking area. Ms. Kearse stated that there had been none submitted at this time.

Michael and Yolanda Licea, 808 Creek Bluff Road, applicants, provided background on their company and information regarding the addition, including a picture of the existing deck. The applicant specifically stated that the deck was an eyesore that they wished to replace with interior space that would create a more comfortable environment and enhance their customers' experience. They noted that they had gone above and beyond the City's requests to mitigate the stormwater runoff since opening in September of 2018. They have also worked with their architect to change the pitch of the roof for the addition to direct the water to the front yard. The new roof would not be a shed roof and would be a continuation of the existing roofline.

Mr. Crawford asked how long the business has been at this location. Mrs. Licea stated that they had been at this location for one year in October and at another location down the street for five years prior.

Mr. Crawford asked about the number of customers served per day. Mrs. Licea stated that they have nine on staff and they are booked three weeks out. She stated that they had served close to 6,000 customers in the last year at this location, approximately 100 per day on a good day. She added their hours were 8 a.m. to 8 p.m. Monday through Saturday. Mr. Licea reiterated that they would not be adding more staff, but were only looking to provide a better and more relaxing environment for their customers.

Mr. Nick LaFave, 1177 Winthrop Drive, spoke in opposition to the request, noting that his home was located directly behind the business. He went through each of his specific concerns starting with the size of the proposed addition, which according to his understanding of the plan was a 122% increase, and that is not similar to the existing structure in terms of water run-off. He went over findings #1 and 2, stating that they only addressed the neighboring property, the church, which is an empty lot, and that his notification was by the postcard. He stated that in terms of an eye-sore, the biggest one was the people parking on the grass behind the parking lot. He stated that in regards to finding of fact #3, the current zoning was already in place when they purchased the property, and the only thing that has changed is an increase in their business. He further stated that the zoning was not prohibitive or restrictive simply because a business has outgrown a space that was designed for a lighter use than 6,000 customers a year or 100 a day. Mr. LaFave stated that his daughter's swing set backs up against the property. He stated that he feels he already covered finding #4. Mr. LaFave spoke about the changes already made to the rear parking area, and he stated that even today there were two cars parked off the parking area in the grass. He stated that nothing had been done to decrease the stormwater runoff with the addition of this new parking, and that in regards to Oakland Baptist's plan, they have tried expanding parking before. He said that they would need signatures from the majority of the homeowners in the neighborhood before they move forward with that, and that the idea has been shut down twice in the five years that he has lived there. Mr. LaFave stated that he had not seen any recent plans of the church, but that for him and his neighbors the biggest concern is stormwater.

Mr. Sutton asked Mr. LaFave if he contacted staff regarding the hearing. Mr. LaFave stated that he had not.

Mr. Crawford asked Mr. LaFave if he would be more accepting of the request if something were done about the stormwater issues. Mr. LaFave stated that the stormwater issue was

his chief concern.

Ms. Brenda Nichols, 1167 Winthrop Drive, spoke in opposition to the request. She noted that she had been dealing with the stormwater issues for a long time, since around 1996. Ms. Nichols stated that they had no issues with the business and they were trying to be good neighbors, but people parking on the grass did really bother all of them because it creates muddy water that drains to their backyard when it rains. She added that in 2016 she had more than \$30,000 in damage to her home due to stormwater runoff. She stated that she knew they were parking on the church's property and on the grass on their lot, and that the increase in the business was a problem. Ms. Nichols stated that she had spoken with the City numerous times about the issues, and that officials within the stormwater department had come to look at the issue. She said that there had been talk of a berm but nothing has happened. She added that the big water run-off issues started in 1996 with the construction of the bank across the street. Ms. Nichols stated that the business is between them and the bank, and that the water is coming off Winthrop's campus across Cherry Road and down through the parking areas and into their backyard. So therefore, any increase in impervious surface is going to impact their lots.

Mr. Jeremy Dreier, 1159 Winthrop Drive, spoke in opposition to the request. He stated that the existing infrastructure cannot handle the amount of water. Besides the bank, there have been a number of other developments between their homes and Winthrop that have increased the impervious surface in the area. Mr. Dreier said that he believes there were some adjustments made to the area between Ebenezer and Cherry, which allowed for a slightly different use, which led to more off-street parking and impervious surface. He further stated that the trend over the past 25 to 30 years has been more impervious surface, which has led to a significant increase in stormwater upstream from them. Mr. Dreier also stated that they have seen no evidence of any improvements being made to Ebenezer Road to address the stormwater issues, and he reiterated that water streams around the spa, around the real estate office and through each of the lots. He further stated that you do not need a 100-year rain to be able to launch a canoe between their two houses. Mr. Dreier also noted that a few years ago water came within half an inch of their vents, and if there had been three-quarters of an inch more water that they would have lost their furnace, their water heater and probably the integrity of their foundation. He reiterated that the stakes for them were incredibly high, and that they have tried to work with all of the neighbors, the City and the State to find a resolution to this issue. Mr. Dreier stated that they are not satisfied with what they have seen done so far.

Mr. Cullum asked for additional information about the concrete pad located at the rear of the subject property as shown during staff's presentation. Ms. Kearse noted there were two parking spaces that had been built there.

Mr. Cullum asked whether these spaces had created any issues when added. Mr. Dreier stated that any impervious surface is an increase in impervious surface, and that he is opposed to any changes that would add to the impervious surfaces adjacent to their neighborhood. He stated that there was another property owner nearby who has serious problems with cupping floors and floor damage from persistent sheet run-off underneath his house.

Mr. Wayne Holmes, 4655 Kyle Drive, spoke in favor of the request, specifically to the

character of the applicants. He stated that they had gone through efforts to improve the water runoff issues including changes to the design of the addition. He stated that most of the stormwater issues appear to be coming off the road, not the building. Mr. Holmes also stated that the applicant had removed some of the concrete so more of the water would get absorbed, and he spoke to Mr. Licea's willingness to add landscaping or a berm to mitigate the issues. He also stated that there is a need for a bigger plan to help with the water run-off coming from the road.

Ms. Andrea Bennett, 1185 Winthrop Drive, spoke to the stormwater issues she experienced on her property. Specifically, that between her home and the neighbor's home that there is a 6-foot wide area, like a river, anytime there is a heavy rain, and it flows through her yard onto Winthrop Drive. She also explained that she had some cupped floors in her home too, but not any water under her home yet.

Ms. Betsy Dreier, 1159 Winthrop Drive, spoke about the proposal of the slope and pitch of the roof, in that it is designed to push water towards Ebenezer. Ms. Dreier stated that Ebenezer is the beginning of a lot of issues, and that any water pushed to Ebenezer was just going to come back down into their lots. She stated that there are not enough inlets for the water and that the infrastructure under Ebenezer is not large enough to carry all the water. She further stated that changing the direction of where the roof puts the water was not going to do any good because water sheets across the entire area from Tillman Hall on Winthrop's campus. Ms. Dreier also let the Board know that she is a member of the Storm Water Advisory Board.

Mr. Smith asked whether the City evaluates stormwater issues prior to approving building permits. Ms. Kearse stated that the subject request had been reviewed by staff. She noted that the concrete area in the front of the site shown on the aerial photographs no longer exists, and explained that it had been replaced by a lawn area. Ms. Kearse stated that this had been done when the additional parking had been added to the rear of the site. She added that the plans submitted for the proposed addition shows that it would be smaller than the existing deck, and she directed the Board to the sketch that shows the proposed addition and the existing deck area.

Mr. Smith asked whether the changing the roofline would create stormwater issues. Ms. Kearse stated that staff does not believe that it would.

Mr. Crawford asked whether there would be an increase in the impervious surfaces if the addition were built. Ms. Kearse stated that there would not be.

Mr. Crawford asked whether the deck would be removed. Ms. Kearse stated that portions would be removed and the center portion would be used for the addition.

Mr. Crawford asked whether this could be a condition for approval. Ms. Kearse stated that it could and that the Board could place other conditions on the approval as well.

Mr. Crawford allowed Mr. Licea to rebut comments. Mr. Licea stated that on September 19, the City asked him to remove 11.2 yards of concrete in the front yard in exchange for adding 5.6 yards of parking area in the rear. He also added that he had built a half-berm along the rear of the property while the City was doing sewer work to help alleviate water runoff.

Mr. Crawford asked whether the impervious area would be increased if the addition were built. Mr. Licea stated that based on the design by their architect, the impervious area would not be increased.

Mr. Crawford asked whether he would agree to this being a condition of approval. Mr. Licea stated that he would.

With no other speakers, Mr. Crawford closed the floor and took the matter before the Board for discussion.

Discussion centered around whether the roofline change would create stormwater issues and whether the addition would result in an expansion of the impervious area.

Mr. Cullum asked staff if the Board should wait for the City engineer to look at the plans. Ms. Kearse stated that the City's engineer had already looked at the property previously, and that staff would review stormwater again when construction plans were submitted.

Mr. Sutton presented the motion to approve the variance request as submitted with the condition that there is no increase in impervious surface area created by the addition. Mr. Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Reeves and Sturgis absent).

Mr. Sutton presented the findings, noting specifically the existing structure was within the allowed setback, the unique condition of its location on the property, that without this variance the applicants would be deprived of the full use of their property, and that the addition would not be detrimental to the adjacent lands.

THE BOARD, THEREFORE, ORDERS:

That the request by Mike and Yolanda Licea of for a variance from the side-yard setback standards for an addition to an existing building at 1156 Ebenezer Road, which is zoned Office and Institutional (OI), is APPROVED WITH CONDITIONS.

CONDITIONS: 1. Stormwater review to ensure there is no increase in impervious surface area.

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____



Zoning Board of Appeals Order

Z-2019-29

The Zoning Board of Appeals held a public hearing on Tuesday, December 10, 2019, to consider a **request by Jim Gordon, BrandPro, for a special exception to establish a retail use at 922 West Main Street and 170 Chester Street. The properties are zoned Office and Institutional (OI). Tax map numbers 598-05-03-001 & -002.**

Board members in attendance included Matt Crawford, Keith Sutton, Michael Smith, and Rodney Cullum.

Stacey Reeves and Randy Sturgis were absent.

After consideration of the evidence and arguments presented, the Board voted to approve the request based on the following findings of fact:

1. The site may be identified as 922 West Main Street and 170 Chester Street.
2. The property owner is Harris Business Properties LLC.
3. This property is zoned Office and Institutional (OI).
4. The request was for a special exception to establish a retail use for a small embroidery and screen-printing shop.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - November 22: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - November 22: Public Hearing notification signs posted on subject property.
 - November 23: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Melody Kearse presented the staff report.

Ms. Kearse presented the staff report.

Mr. Sutton asked whether the landscaping would be placed between the sidewalk and building. Ms. Kearse stated that this was correct and that there would be a narrow planting

strip and maybe some foundation plantings.

Mr. Crawford asked whether there would be any improvements along Chester Street. Ms. Kearse stated no.

The applicant, Mr. Jim Gordon, 980 Myrtle Drive, stated that he was willing to add landscaping to enhance the West Main Street area.

With no other speakers, Mr. Crawford closed the floor and took the matter before the Board for discussion.

There were no further questions or comments.

Mr. Smith presented the motion to approve the special exception as requested with the condition that landscaping be added along West Main Street façade as suggested by staff. Mr. Sutton seconded, and the motion carried unanimously by a vote of 4-0 (Reeves and Sturgis absent).

Mr. Smith presented the findings, specifically noting that the use-specific standards had been met, the use was appropriate for the location, the site was developed previously, and that the use would not injure neighbors.

THE BOARD, THEREFORE, ORDERS:

That the request by Jim Gordon, BrandPro, for a special exception to establish a retail use at 922 West Main Street and 170 Chester Street, which are zoned Office and Institutional (OI), is APPROVED WITH CONDITIONS.

CONDITIONS: 1. Landscaping be added along West Main Street façade as suggested by staff.

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____



Zoning Board of Appeals Order

Z-2019-30

The Zoning Board of Appeals held a public hearing on Tuesday, December 10, 2019, to consider a **request by Magloire Lubika for a special exception to re-establish a non-conforming convenience store use at 455 Green Street. The property is zoned Single-Family Residential-4 (SF-4). Tax map number 600-02-03-037.**

Board members in attendance included Matt Crawford, Keith Sutton, Michael Smith, and Rodney Cullum.

Stacey Reeves and Randy Sturgis were absent.

After consideration of the evidence and arguments presented, the Board voted to approve the request based on the following findings of fact:

1. The site may be identified as 455 Green Street.
2. The property owner is Mayimona Makumzungani Jean Claude Lutuangu Lubika.
3. This property is zoned Single-family Residential-4 (SF-4).
4. The request was for a special exception to re-establish a non-conforming store use.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - November 22: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - November 22: Public Hearing notification signs posted on subject property.
 - November 23: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Shana Marshburn presented the staff report.

Mr. Sutton asked for confirmation that the feasibility study had been done in October. Ms. Marshburn stated that this was correct.

Ms. Marshburn presented the Board the list of phone calls received from those in support of the use.

Appeal No. Z-2019-30

Magloire Lubika

455 Green Street

Page 1

Mr. Crawford asked staff to explain the trial period concept. Ms. Marshburn explained that at the end of a trial time period established by the Board, the applicant would return in order to address any concerns or complaints, and then at the time the request will be re-evaluated by the Board. Mr. Sutton observed that this would be a conditional approval but that the applicant would still have to spend money on repairs to bring the structure up to code. Mr. Crawford stated that this was correct.

The applicant, Mr. Magloire Lubika, 6304 Trevor Simpson Dr, Indian Trail NC, provided his family's history with their businesses and an overview of his goals for reopening the store as the Green Box Market. He explained that it would be a convenience store, kitchen and market. It would offer meals, individually or for groups, and select produce. Their goal is to be socially responsible in the neighborhood, hosting annual back-to-school drives, scholarships, and community events, such as basketball tournaments.

Mr. Smith asked whether they had a liquor license. Mr. Lubika stated that they had not applied for one yet.

Mr. Smith asked whether there was a liquor license at the family's other location. Mr. Lubika stated that there was.

Mr. Smith asked the hours of operation. Mr. Lubika stated that 8 a.m. to 10 or 11 p.m.

Mr. Sutton asked the amount of money necessary to bring the building up to code. Mr. Lubika stated that they had consulted with a local contractor who estimated their cost to be approximately \$50,000, but that this also included the construction of a ramp for ADA entry and the paving of the ADA parking space.

Mr. Crawford asked whether he had any objections to the trial period. Mr. Lubika stated that he liked the idea but could not afford to operate under the limited six-month time frame as he needed three months to upfit the building and with only three months to turn a profit, he did not see this as enough time.

Ms. Marshburn stated that the six-month time period did not have to begin that day, that the Board could clarify when the time frame would begin.

Mr. Smith asked when the store could open. Mr. Lubika stated that it could open in approximately five to eight months.

Mr. Smith asked whether he would be open to the six-month trial upon completion of the repairs. Mr. Lubika stated that he was.

Mr. Lawrence Sanders, 604 ½ Saluda Street, spoke in favor of the request, specifically noting the need for a business such as this in the area and the positive impact it would have. He asked the Board to give them the chance to help the community out.

Mr. Joe Adams, 721 Ogden Road, spoke in opposition to the request, noting the issues he had experienced with the family's other store at 702 Ogden Road, such as the condition of the parking lot. He also stated that there are plenty of other stores in the area with alcohol sales and that he did not want to see another one open. Mr. Adams added that he had looked up "green box" on the internet and that it was seen as an illegal trade outlet, and he

wanted to know why that wasn't brought up by the City. He stated that he was disappointed that this information was not given to the Board.

Mr. Derrick Lindsay, 1223 Autumn Breeze Court, spoke in favor of the request, stating that he had grown up on Green Street and knew the former George Franklin store very well. He stated that he agreed with a trial period and suggested a one-year time frame, adding that he would like to see the scholarship program Mr. Lubika spoke of along with the addition of cameras and other security measures on the premises in order to deter drugs and prostitution.

Mr. Antonio Mickel, 1034 Flint Hill Street, expressed concerns about the application, stating that the community did not need another convenience store in the area providing alcohol, and the real need was for fresh foods, fruits and vegetables to serve the community. He quoted some statistics about poverty in the community. He stated that he also would be in favor of the trial period if what was presented today by the applicant about his vision for the store was true.

Mr. Lonnie Sims, 467 Green Street, spoke in opposition to the request, stating that once the store had closed, the neighborhood residents had worked to get rid of the drugs, alcohol abusers, and prostitutes in the area. He stated that Saluda Street has other stores providing similar goods to what the applicant was proposing to sell, and that the neighbors did not want this store to reopen. He said that the neighborhood has worked too long and too hard to clean up the community, and that the store will be become an issue like it was before.

Ms. Mary Brown, 462 Green Street, spoke in opposition to the request, stating that she and the other residents had worked hard with the City and the Police Department to clean up the community, and she had concerns about her personal safety, especially if the store were to remain open until 11 p.m. She stated that there would not be enough foot traffic to support the store with all the other stores that were nearby already. She noted traffic concerns in that she would be unable to back out of her driveway if there were cars parked in front of the store, especially as the store did not have the area for a parking lot.

Mr. Crawford allowed Mr. Lubika time for rebuttal. Mr. Lubika stated that he appreciated the concerns of the neighbors. He stated that he had been working at the store for the past three months and had seen police patrols every day. He added that he wanted to alleviate the issues of the food desert in the area by providing grocery sales to the immediate area. He added that he wanted the store to be a positive influence on the neighborhood and to be an inspiration to the young folks in the community.

Mr. Crawford asked about security measures. Mr. Lubika stated that they would have cameras but noted that, at the other location, they had not had major trouble as they had a good relationship with their customers who tended to look after them.

Mr. Crawford asked for clarification on the hours of operation. Mr. Lubika stated that he would like to be open from 8 a.m. to 11 p.m. He also spoke in response to the trash in the neighborhood.

Mr. Cullum, referring to Mr. Adams' comment, asked where the name "Green Box Market"

had come from. Mr. Lubika stated that it was part of an overall business plan he had developed, The Box Company.

Mr. Crawford asked whether this was a business practice. Mr. Lubika stated that it was not, that it was just a name.

With no other speakers, Mr. Crawford closed the floor and took the matter before the Board for discussion.

Discussion focused on conditions for approval, the amount of time for the trial period, and security. Mr. Cullum observed that the majority of those in attendance were the ones who would be most affected by the reopening of the store because they live the closest to it. He noted that while there were a lot of people who called in, the ones that showed up tonight are in opposition to its reopening, and that he has concerns about that. Mr. Smith stated that the applicant would want to start out on the right foot, and if they do not do the right thing, then when they come back after a trial period, the Board could stop the use from continuing. There was further discussion on this issue.

Mr. Smith presented the motion to approve the special exception as presented with the condition that the applicant has a one-year trial period starting that evening. Mr. Sutton seconded, and the motion carried by a vote of 3-1, with Mr. Cullum voting in opposition (Reeves and Sturgis absent).

Mr. Smith presented the findings, specifically noting that the use existing previously, the site was developed as a store, conversion to residential use would be cost-prohibitive, and the applicant was agreeable to the trial period.

Mr. Crawford called for a recess at 7:41 p.m.

Mr. Sutton called for a motion to reconvene at 7:46 p.m. Mr. Smith seconded, and the motion to reconvene carried unanimously by a vote of 4-0 (Reeves and Sturgis absent).

THE BOARD, THEREFORE, ORDERS:

That the request by Magloire Lubika for a special exception to re-establish a non-conforming convenience store use at 455 Green Street, which is zoned Single-Family Residential-4 (SF-4), is APPROVED WITH CONDITIONS

CONDITIONS: 1. The applicant has a one-year trial period starting that evening.

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

Appeal No. Z-2019-30

Magloire Lubika

455 Green Street

Page 4

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____



Zoning Board of Appeals Order

Z-2019-31

The Zoning Board of Appeals held a public hearing on Tuesday, December 10, 2019, to consider a **request by Mac Alavi, NFF Outlet LLC, for a special exception to establish a commercial truck rental use at 1460 East Main Street. The property is zoned General Commercial (GC). Tax map number 628-09-05-007.**

Board members in attendance included Matt Crawford, Keith Sutton, Michael Smith, and Rodney Cullum.

Stacey Reeves and Randy Sturgis were absent.

After consideration of the evidence and arguments presented, the Board voted to approve the request based on the following findings of fact:

1. The site may be identified as 1460 E. Main Street.
2. The property owner is The Drayton E & Doris H Blackwell Family Ltd Partnership.
3. This property is zoned General Commercial (GC).
4. The request was for a special exception to establish a commercial truck rental use.
5. The request was advertised to the public according to state law and the City of Rock Hill Zoning Ordinance. The following public notification actions were taken:
 - November 22: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - November 22: Public Hearing notification signs posted on subject property.
 - November 23: Zoning Board of Appeals public hearing advertisement published in *The Herald*.
 - Information about the application was posted on the City's website.
6. During the public hearing, the following comments were heard by the Board:

Staff member Melody Kearse presented the staff report.

Mr. Crawford asked whether this would be an accessory use to the furniture store. Ms. Kearse stated that it would.

Mr. Crawford noted that the reason for the application was because the business had

more than 10 rental trucks. Ms. Kearse stated that this was correct, that the store would still operate as a furniture store with full service U-Haul truck rentals as an additional use.

Mr. Mac Alavi, 1464 East Main Street, applicant, stated that he had operated the U-Haul business for four to five years, and that he planned on using the area he had previously used as a car lot for U-Haul vehicle storage.

Mr. Crawford asked whether Mr. Alavi would keep the trucks located in the front as pictured in the back. Mr. Alavi stated that he would.

Mr. Eddie Murdock, 2001 Olde Oxford Court, stated that he owned the adjacent property and expressed concerns about people parking in his lot and crossing over to Mr. Alavi's business to rent trucks, sometimes leaving vehicles for several days. He stated that he had seen a truck get stuck trying to leave Mr. Alavi's site and that it had blocked the road until a wrecker could come move the truck. He added that Mr. Alavi had a number of junk vehicles located towards the rear of the property.

Ms. Kearse stated that staff was aware of the derelict vehicles and other violations on Mr. Alavi's site and that they were being addressed. She stated that staff would continue to monitor the site for compliance.

Mr. Crawford asked the number of trucks that could be displayed in the proposed area. Ms. Kearse stated that it would be between eight and ten.

Mr. Crawford observed this was approximately the number allowed currently. Ms. Kearse stated that this was correct, but that the trucks would not be allowed to be parked along the side as they have been.

Mr. Smith stated that he had visited the site over the weekend and the trucks had been moved. Ms. Kearse stated that Mr. Alavi had moved the trucks as directed by the code enforcement officer.

Mr. Cullum noted the large building was being used for the furniture store and asked whether the smaller building was used for the U-Haul rental. Ms. Kearse stated that the small building was not currently in use.

Mr. Smith asked whether there was a cut through to Mr. Murdock's property. Mr. Murdock stated that there was not, but that Mr. Alavi's customers did park in Mr. Murdock's lot and walk over to rent trucks.

Mr. Alavi stated that employees of the businesses located on the adjacent property, which include a car rental office, nail salon, hair salon, and loan company, parked in the furniture company lot.

Mr. Crawford asked Mr. Alavi if he would agree to not park the rental trucks and trailers along the property line. Mr. Alavi stated that he would agree.

With no further comments or questions, Mr. Crawford closed the floor for Board discussion.

Mr. Crawford presented the motion to approve the special exception as presented. Mr. Sutton seconded, and the motion carried unanimously by a vote of 4-0 (Reeves and Sturgis absent).

Mr. Crawford presented the findings, specifically noting that the U-Haul business was already in operation on the site, that the applicant agrees to abide by the use specific standards, that the use is compatible for the area, that the site is in an automobile-dominated area, that the site design would minimize impacts, that the site was already developed, and that a site plan had been submitted.

THE BOARD, THEREFORE, ORDERS:

That the request by Mac Alavi, NFF Outlet LLC, for a special exception to establish a commercial truck rental use at 1460 East Main Street, which is zoned General Commercial (GC), is APPROVED

Section 2.12.1 (C) of the Zoning Ordinance states:

Any person having a substantial interest affected by a decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court in and for York County by filing with the Clerk of the Court a petition setting for plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within 30 days after the decision of the Zoning Board of Appeals is mailed. For the purposes of this subsection, "person" includes persons jointly or severally aggrieved by the decision of the Zoning Board of Appeals.

AND IT IS SO ORDERED.

Matt Crawford, Chairman

Date the Order Was Approved by the Board: _____

Date the Decision of the Board Was Mailed to the Applicant: _____

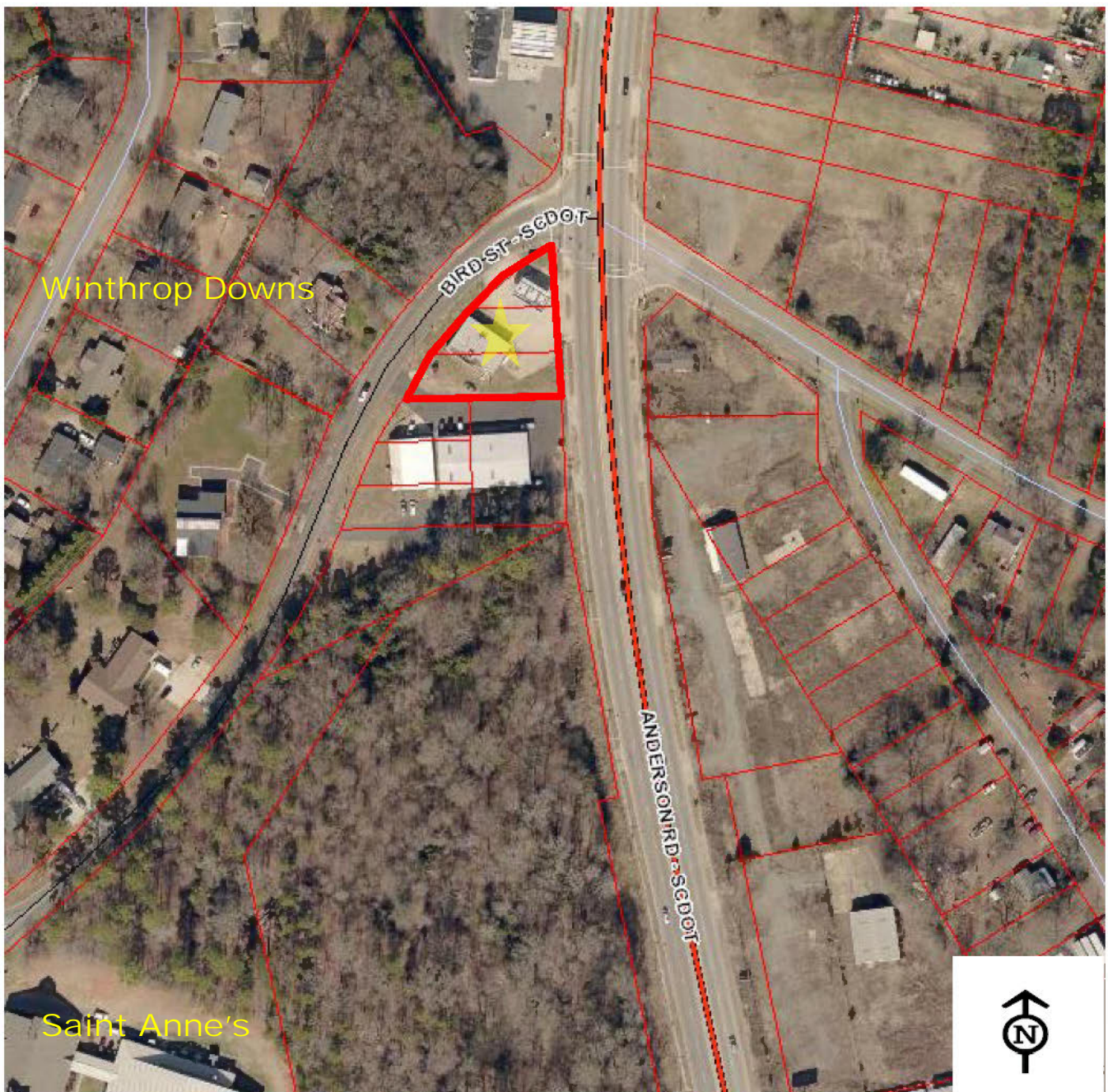
Z-2020-01

Requests: Special Exception to reduce the required separation from residential uses for a gasoline station use.

Address: 265, 267 & 271 N. Anderson Rd.

Zoning District: General Commercial (GC)

Applicant: Nmer Kanbar of Kanbar LLC





Request:	Special Exception to reduce the required separation from residential uses for a convenience store that sells gasoline
Address:	265, 267 & 271 N. Anderson Road
Tax Map No.:	630-03-06-005, -006 & -007
Zoning District:	General Commercial (GC)
Applicant/Owner:	Nmer Kanbar of Kanbar, LLC 922 Coach House Ct. Rock Hill, SC 29730

Background

Nmer Kanbar would like to re-open a convenience store that sells gasoline at the corner of Bird Street and North Anderson Road. The property is zoned General Commercial (GC).

A convenience store that does not sell gasoline is considered an indoor retail sales use; a convenience store that sells gasoline is a distinct use type. Both are considered conditional uses in the GC zoning district, which means they are allowed if all associated use-specific standards can be met.

If gasoline were not proposed to be sold at this location, the indoor retail use would be allowed; the use-specific standards for an indoor retail use are not applicable in this case because they only apply if the use involves a drive-through facility or is located in an industrial zoning district.

However, because gasoline is proposed to be sold at this location, we must look at whether the use-specific standards for that use type are met. In this case, two of the use-specific standards do not apply—one relates to the architectural design of the building if it is new construction, and the other applies only in industrial zoning districts. The third use-specific standard is the subject of this application, and involves a required 250-foot separation between gas station uses and several different use types, including single-family residential.

This property is located approximately 56 feet away from the closest residential property, measured lot line to lot line, and the gasoline pumps are located approximately 190 feet away from the closet residential structure. Therefore, a convenience store that sells gasoline cannot operate at this location without a reduction in the required separation, which can only be granted by the Zoning Board of Appeals (ZBA).

The last gasoline station use at this site closed in the early spring of 2013.

Zoning Ordinance Chapter 4, Section 4.3.3.3.14 D.

Use-specific standards for gasoline stations/convenience stores that sell gasoline

1. **Separation:** Convenience store/gasoline station uses must be located at least 250 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

This standard does not apply when the use that necessitates the separation is located in the Downtown (DWTN) or Mixed Use (MX) zoning district, or a Master Plan (MP) where the Terms and Conditions contemplated a mix of uses including convenience stores/gasoline stations.

2. **Design:** Primary gasoline station buildings must be designed like traditional commercial structures, to include wooden or vinyl siding, stone, brick, or stucco-type exterior and a sloped roof or a flat roof that is screened with a parapet façade. Gasoline pump canopies must mimic rooflines and surface materials of the roof of the principal structure. Gasoline pumps must be located to the side or rear of buildings to allow for direct pedestrian connection from the building to the primary street. Layouts with pumps between the street and building may be approved by the Planning & Development Director for highway-oriented locations where automobile-serving land uses predominate, and pedestrian activity is limited.
3. **In Industrial Districts:** Convenience stores/gasoline stations located in the Industry Business (IB) or Industry General (IG) zoning districts must be located in designated or clustered retail service areas at entrances to or locations central to major employment areas. They must be designed and located such that customer traffic or other impacts do not adversely affect nearby businesses, or otherwise change the business and industrial character of the district.

Site Description

The property is located on the corner of Bird Street and North Anderson Road across from the closed Lucky Express Market. The site is surrounded by retail and office uses and vacant land in the GC zoning district. Residential uses also exist nearby in the Single-Family Residential-3 (SF-3) zoning district, and a religious institution and education use are located south of the site in the Office and Institutional (OI) zoning district.

Description of Intent for the General Commercial (GC) Zoning District

Although originally established to apply to lands being used commercially that did not fit into one of the other commercial districts, it is now the intent of this ordinance that the GC district be phased out over time by not allowing new rezonings to the district.

Analysis of Request for Special Exception

Staff will base its recommendation on an analysis of the below standards, and the Zoning Board of Appeals may approve a special exception use only upon a finding that the applicant has demonstrated that the following standards are met.

The applicable are shown below in italics, followed by staff's assessment of each standard in non-italicized font.

Possible Reduction in Separation Requirements: After the separation requirement has been determined, a use may receive a reduction in the separation requirements down to any number, including zero, if the approving authority for the particular use determines that the following two standards are met:

- 1. The uses that necessitate the separation would experience no greater adverse impacts from the proposed use than those that are generally experienced in the area from permitted uses in the district. For this standard, the impacts measured may include but are not limited to noise, lighting, and traffic.*

The applicant would be allowed to open a convenience store without gasoline sales at this location without any public process. The reason for the separation reduction request is because he would like to sell gasoline, which until recently has taken place for many years on the property, since at least the early 1980s.

The difference between the impacts of a convenience store use that does not sell gasoline and a convenience store use that sells gasoline are likely to be minimal.

The primary reason that gasoline sales uses require separation from residential uses is to protect against possible environmental impacts from the Underground Storage Tanks and the gasoline pumps. These elements of the property would need to be approved by the South Carolina Department of Health and Environmental Control prior to being used.

Traffic impacts would likely be similar whether gasoline is sold or not. Staff recommends that the curb-cut closest to the traffic signal along Anderson Road be closed due to safety reasons.

The site has existing lighting, and the applicant has not proposed any changes to it. The direction of the current lighting appears to be towards the center of the parking lot.

The current dumpster is toward the rear of the site, facing Bird Street. Changes to the dumpster location would trigger the requirement of a dumpster enclosure. However, the current location of the dumpster has been its location for many years.

Staff received a letter from some concerned members of St. Anne's Catholic Church and School. Among other issues addressed above, the letter expressed concerns about possible criminal activity associated with the use. In order to research this concern, staff looked into crime data for two small convenience stores that are located nearby. Both stores have seen very few calls for service, and would be considered low crime locations according to the Police Department.

2. *Any impacts of the proposed use can be mitigated through buffering, screening, or other mechanisms that are made a part of the site plan for the property.*

Staff has looked into areas that improvements to the site could help beautify it and bring it into more conformity with modern design standards. We suggest that the applicant work with the City's landscape architect to develop a planting plan to help soften view of the building along Bird Street. This would be a tremendous benefit to the residences behind the store not only in terms of aesthetics, but it also would help obscure vehicle headlights when they enter or exit the site. This landscaping could also help screen the view of the dumpster, which is currently not enclosed.

Public Input

Staff has taken the following actions to notify the public about this public hearing:

- January 3: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- January 3: Posted public hearing signs on subject property.
- January 3: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

As explained above, staff received feedback from a group from Saint Anne's Catholic Church. The concerns included a possible increase in violent crime, alcohol and tobacco sales on the property, loitering, and fire risks due to the gasoline sales use. A copy of the letter is attached to this report.

Staff also received one phone call from someone just asking for more information about the use.

Staff Recommendation

Staff recommends approval of the separation reduction request based on the findings above, specifically noting that gasoline sales have existed on the site since the early 1980s and that staff has not heard concerns from any directly affected residents.

Most of the concerns described in the letter from the St. Anne's parishioners do not directly relate to the gasoline sales component of the business. Staff has explained that a convenience store use without gasoline sales would be allowed on this property without the need for this application before the Zoning Board of Appeals. Importantly, DHEC would need to approve the use of the gasoline tanks as well, so appropriate safeguards exist from that perspective as well.

Staff recommends that the Board add the following conditions of approval:

- Close the second curb cut closest to the traffic signal on the Anderson Road side.
- Work with staff to develop a landscape plan that helps screen areas of the site from the residential uses.

Attachments

- Application and supporting materials
- Police call records from nearby gasoline station uses
- Letter from St. Anne's Catholic Church and School
- Feasibility study
- Zoning map

Staff Contact:

Melody Kearse
803.329.7088
melody.kearse@cityofrockhill.com

SEPARATION REDUCTION APPLICATION

Plan Tracking # 20190289 Date Received: 11/21/19 Case # Z- 2020-01

Please use additional paper if necessary, for example to list additional applicants or properties, or to elaborate on your responses to the questions about the request. You may handwrite your responses or type them. You may scan your responses and submit them by email (see the above fact sheet), since we can accept scanned copies of signatures in most cases.

PROPERTY INFORMATION

Street address of subject property: 267 N Anderson, Rock Hill, SC

Tax parcel number of subject property: 630-03-06-005

Property restrictions

Do any recorded deed restrictions or restrictive covenants apply to this property that would prohibit, conflict with, or be contrary to the activity you are requesting? For example, does your homeowners association or property owners association prohibit the activity or need to approve it first? Yes No

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
<u>Nmer M. Kanbar</u>	<u>922 Coach House CT, Rock Hill 29730</u>	<u>803-280-7181</u> <u>704-819-8857</u>	<u>nmktigerusa@yahoo.com</u>

Are you the owner of the subject property? Yes No

If you are not the owner of the subject property, what is your relationship to it (e.g., have it under contract to purchase, tenant, contractor, real estate agent) _____

I certify that I have completely read this application and instructions, that I understand all it includes, and that the information in the application and the attached forms is correct.

Signature: [Signature] Date: 11-18-19

If you are not the owner of the subject property, the *property owner* must complete this box.

Name of property owner: _____

If property owner is an organization/corporation, name of person authorized to represent its property interests: _____

I certify that the person listed in the person listed above has my permission to represent this property in this application.

Signature: _____ Date: _____

Preferred phone number: _____ Email address: _____

Mailing address: _____

INFORMATION ABOUT REQUEST

What is your proposed use? operate a gas station that is less than 250 feet away from Residential area.

Separation reduction standards

Please explain to the Board why you believe your request meets these standards. These are the standards the Board will consider when deciding whether to approve your request, although it may find that not all are applicable to your request.

1. Would your proposed use create any adverse impacts to those uses from which separation is required greater than the impacts generally experienced in the area from other permitted uses in the district? (consider noise, lighting, traffic, and any other relevant impacts)

I do not believe that my proposed use will create negative impact in the area for many reasons; First, this location has always been a gas station, so it was built to be flexible with traffic hours, and to meet security safety for the location its self and surrounding areas. Second, the location does not belong to any popular commercial brand, meaning it creates its own operation hours, taking into consideration neighbors' demands. Third, the location would protect the character of the city because it ensures business development.

2. Can any impacts of the proposed use be mitigated through buffering, screening, or other mechanisms that are made a part of the site plan for the property?

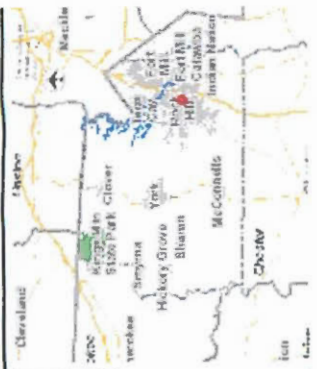
Although the possibilities for negative impacts are low, there are several mechanisms to deal with any encountered impacts. To illustrate, the location is community friendly, and it is already working with the three impacted houses to meet a common ground about operation hours, lighting, traffic, and safety. Also, with this form, attached a map to show traffic flow during busy hours. It's our responsibility to serve the community and make it satisfied.

Exhibits

Please list any documents that you are submitting in support of this application. The ones listed below are suggested, but you may provide others that you believe would be helpful, and in some cases, staff or the Zoning Board of Appeals may request other exhibits as well.

- Site plan
- Photos of property that is the subject of the request

MAP shows traffic flow



Legend

- Address ▲ Occupied
- Meter ▲
- Vacant ▲

1: 720



Notes

Enter Map Description



0.0 0.01 0.0 Miles



0 0

0.0

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Printed: 1/13/2019

NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet_intl
GIS@YorkCountyGov.com

THIS MAP IS NOT TO BE USED FOR NAVIGATION

ANDERSON RD - SCDOT

PIN: 6300306007

271

PIN: 6300306006

267

PIN: 6300306005

265

PIN: 6300306018

BIRD ST - SCDOT

out

In

out

In

out

In

PIN: 6300306008

PIN: 6300306009



Crime stats for small-scale convenience stores with gasoline sales along Anderson Road
as reported by Rock Hill Crime Analyst
Dated 1/1/2017 to present day

661 N. Anderson:

Aggravated Assault- 1 (assault with a weapon or serious injury)

Simple Assault- 1 (less serious assault)

Theft from Building- 2

Theft from Vehicle- 1

Credit Card Fraud- 1

DUI- 1

505 S. Anderson:

Robbery- 1 (2017)

Aggravated Assault- 1

Burglary- 1

Credit Card Fraud- 1

Kearse, Melody

From: Tonia Bohnen <tbohnen@sasrh.com>
Sent: Friday, January 10, 2020 7:39 PM
To: Kearse, Melody
Subject: Re: Concern regarding Re Zoning from St. Anne School

Thank you for your help! We truly appreciate it!

I know we will have some parents at the meeting. I teach a night class at Winthrop on Tuesday nights, so I have to miss the meeting. Everything happens at the same time.

Again, thank you for your assistance.

Tonia

From: Kearse, Melody <Melody.Kearse@cityofrockhill.com>
Sent: Friday, January 10, 2020 10:54 AM
To: Tonia Bohnen <tbohnen@sasrh.com>
Subject: RE: Concern regarding Re Zoning from St. Anne School

Tonia,

Thank you for your letter. I will be incorporating some of your concerns into my staff report as well as a copy of the letter. I am going to label it as a letter from members of Saint Anne's if that is alright with you.

There are a couple of things I wanted to quickly address that you may not be aware of but were brought up in your letter. The separation is only required for the gasoline sales. The reason the separation is in place is for environmental reasons mostly, leaks from the USTs into ground water and other faulty equipment concerns that would directly affect nearby residents. We also consider the sale of gasoline in addition to the normal convenience store use to be an increase in its intensity, such that there will be inherently more automobile traffic in and around the store. The convenience store use itself is allowed by right, i.e. no special approvals are necessary, in the General Commercial (GC) zoning district. The sale of alcohol and tobacco is regulated at the State and Federal level. You can protest an alcohol license application by filing the attached ABL-20 form with the State. The contact information for the department of Alcohol Beverage Licensing (ABL) is listed at the top of the form. I have no record of a license being filed for at this time. Once the license is applied for a legal ad will be ran in the Herald and the property will be posted. The posting will be done by SLED and it is usually on the front door of the business. I am not sure on any other notifications that they may do, so you may wish to contact them.

You or a group of members may still wish to appear and be heard by the Zoning Board in person, that way the Board may have a direct dialog with you and the applicant together. The meeting will be held on January 21 at 6:00 pm in City Council's chambers. Please let me know if you have additional questions.

Sincerely,

Melody Kearse

Zoning Coordinator
Planning & Development
City of Rock Hill
P.O. Box 11706
155 Johnston Street (29730)
Rock Hill, South Carolina 29731-1706
o: 803-329-7088

Melody.Kearse@cityofrockhill.com
www.cityofrockhill.com

From: Tonia Bohnen <tbohn@sasrh.com>
Sent: Friday, January 10, 2020 8:55 AM
To: Kearse, Melody <Melody.Kearse@cityofrockhill.com>
Subject: Concern regarding Re Zoning from St. Anne School

Tonia Bohnen has shared a OneDrive for Business file with you. To view it, click the link below.

 [Gas Station Re Zoning.docx](#)

Melody -

Thank you for allowing me to submit written comments. If you have questions, please let me know.

I appreciate your time.

Tonia Bohnen

Here are the concerns from St. Anne Catholic School:

Increased Risk of fire and explosion

Due to the property being unused for a significant amount of time, we have a concern about the maintenance of the equipment at the location. There is a documented record of fire and explosions associated with Underground Storage Tanks. According to the National Fire Protection Association, on a yearly average, one (1) in thirteen (13) gas stations have a fire each year. That equates to 48 civilian injuries, 2 civilian deaths and over \$20 million in property damage each year. This is an increased risk of damage to all properties in the neighborhood.

Additionally, a gas station fire is not like a typical commercial or building fire due to the chemicals in petroleum. For a petroleum fire, common extinguishers and chemicals used by the fire department cannot successfully extinguish the fire. A gas station fire requires Halon extinguishing tanks, which are typically not on hand with the local Rock Hill fire department. If a fire or explosion were to occur at this location, the housing, nearby forest and other buildings in the area will be in immediate danger. It would be appropriate for the gas station to provide a risk reaction plan and have the proper extinguishers on hand to combat any fire that may occur on the property as we have approximately 300 children (at St. Anne School) within a close range of the property that could be hurt if a fire or explosion were to occur.

Application does not provide detailed information to the type of other business to be conducted on the property

First, will there be a convenience store operated at the property? In a brief review of FBI crime statistics from 2018, robberies at gas stations account for 3.2% of all the robberies in the U.S. Convenience stores alone account for 7% of all robbery locations. In combining the two, a gas station/convenience store accounts for the location of 10% of all the robberies in the U. S. This represents a significant risk of increased crime due to the gas station operating at the proposed location.

If a convenience store will be operated, will alcohol and tobacco products be sold? Many homeless and transient people are located in this area. It is possible the gas station will become a place for loitering. While we as a school and church are serving the homeless with food and other support, we do have a concern if alcohol can be purchased so close to us as it could increase the incidents of intoxicated people on school grounds. There are many questions that are left unanswered that need to be addressed before the zoning is changed.

Second, what security precautions is the owner taking to prevent drug deals and human trafficking that could take place at this location? Will there be a security guard in place? What security precautions are being taken to ensure that there will be proper crime deterrents in place considering its close proximity to two schools (St. Anne Catholic School and Legion Academy)?

This is not an unusual request, as gas stations are not immune to crime. Here is just a quick recap of crime at York County gas stations in the past 16 months (reported in local publications):

Sept. 6, 2018 – Man opened fire and hit 3 people at gas station in York, then shot self

Aug. 24, 2019 – Circle K robbed by gunpoint

Nov. 20, 2019 – Armed robbery and stolen car at a Quick Trip in Lake Wylie

Dec. 16, 2019 – Woman released from a kidnapping at a York County gas station

Finally, there was a reason why the city has an ordinance requiring gas stations to be 250 feet from residences – to protect the neighborhood. What has changed since the ordinance went into place? What safety measures have changed to ensure public safety? Can Kanbar, LLC, ensure the neighborhood will not experience or be exposed to increased crime and property damage due to the nature of this business?

Letter of Notification for Plan Review

Convenience Store/Restaurant/Gas Station

Plan Reviewed:
Feasibility Survey Report

Status:
Not Approved

20190289
Convenience Store/Restaurant/Gas Station
267 N. Anderson Rd.

Feasibility Survey Report -

Project Contact:

Nmer Kanbar
Kanbar LLC
922 Coach House Ct
Rock Hill, SC 29730

Phone: 704-819-8837
Email: nmktigerusa@yahoo.com

The feasibility survey is designed to help you anticipate changes that might be required for code compliance which will help you to anticipate associated costs with starting your business. It is based (in part) on information provided by the client, which has not been verified by the City of Rock Hill. The report usually contains 3 sections: Zoning, Building, and Fire. Each section will state the changes that need to be made before we can allow you to occupy the space.

WARNING: THIS INFORMATION IS NOT ALL-INCLUSIVE.
DO NOT RELY ON THIS REPORT TO MAKE THE DECISION TO BUY A PROPERTY OR SIGN A LEASE. IF THIS REPORT IS BASED OFF OF A PRE-INSPECTION INTERVIEW RATHER THAN AN ON-SITE SURVEY, THE REPORT SHOULD NOT BE USED AS FACTUAL INFORMATION AS IT IS BASED ON APPLICANT'S KNOWLEDGE OF THE SITE, AND IT HAS NOT BEEN VERIFIED.

Please consult an architect, engineer, licensed inspector, and/or contractor. Your business/organization is not permitted to open or operate until you have a Business License specific to this location.

Most alterations to commercial buildings require a licensed contractor to obtain a permit from our department before the work is completed. If you are making alterations, please give a copy of this report to your contractor so that they can understand what will be required.

Please feel free to respond to this email if you have any questions about what is included in this report or if you don't understand it.

20190289
Convenience Store/Restaurant/Gas Station
267 N. Anderson Rd.

Feasibility Survey Report -

The following comments are grouped as "**Review Comments**" or "**Advisory Comments**". "Review Comments" are items related to your plan review that require action on your part. "Advisory Comments" are informational notes that may be important in the future and are for your information.

Feasibility Survey Report -

Plan Review Comments

Fire - Travis McDaniel - travis.mcdaniel@cityofrockhill.com -

Not Approved

Review Comments:

M to M

No cooking will occur.

Tanks (gas) need to be approved by third party before put in use. Fire will test the emergency stop once the tanks are approved for use.

1. 312.2 Post. Guard post shall comply with all of the following requirements: 1. Constructed of steel not less than 4 inches in diameter & concrete filled. 2. Spaced not more than 4 feet between post on center. 3. Set not less than 3 feet deep in a concrete footing of not less than a 15-inch diameter. 4. Set with the top of the post not less than 3 feet above ground. 5. Located not less than 3 feet from the protected object. (Kerosene Tanks)
2. 505.1 Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and place in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall not be less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the fire code official, address identification shall be provided in additional approved location to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.
3. 906.1 Where required. Portable fire extinguishers shall be installed in Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.
4. 1010.1.9.1 Hardware. Door handles, pulls, latches, locks and other operating devices on doors shall not require tight grasping, tight pinching or twisting of the wrist to operate.
5. 605.5 Extension Cords. Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.
6. 605.6 Unapproved conditions. Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.
7. 5307.1 General. Carbon dioxide systems with more than 100 pounds of carbon dioxide used in beverage dispensing applications shall comply with Sections 5307.2 through 5307.5.2.
8. 5307.5 Required protection. Where carbon dioxide storage tanks, cylinders, piping and equipment are located indoors, rooms or areas containing carbon dioxide storage tanks, cylinders, piping and fittings and other areas where a leak of carbon dioxide can collect shall be provided with either ventilation in accordance with Section 5307.5.1 or an emergency alarm system in accordance with Section 5307.5.2.

Inspections - Mike Nugent - mike.nugent@cityofrockhill.com - 803-329-5598

Not Approved

Review Comments:

The proposal is to reopen the former app. 3,000 sq.ft. convenience store (Mercantile Use category) without

Feasibility Survey Report -

alterations.

The interested indicated that no cooking would be done at this location. If food is to be prepared, a type I exhaust hood and wastewater grease interceptor may be required.

The Diesel fuel tank on the rear will require vehicle additional impact protection as follows:

Guard posts shall comply with all of the following requirements:

1. Constructed of steel not less than 4 inches in diameter and concrete filled.
2. Spaced not more than 4 feet between posts on center.
3. Set not less than 3 feet deep in a concrete footing of not less than a 15-inch diameter.
4. Set with the top of the posts not less than 3 feet above ground.
5. Located not less than 3 feet from the protected object.

Electrical repairs are required. There are conductors associated with the panel that are improperly terminated etc.(exterior rear).

Carbon dioxide systems with more than 100 pounds of carbon dioxide used in beverage dispensing applications must provide additional ventilation or a special alarm system as required by Section 5307 of the 2015 S.C. Fire Code. To summarize additional ventilation/ exhaust or a special detector and alarm is required.

If there are no alterations and no change of use, there is no requirement for accessibility upgrades under the building code. The new occupant may be responsible for accessibility upgrades under the ADA, The City recommends that the Business consult an ADA specialist to understand any obligations under the Federal law.

Plumbing, Mechanical, Electrical, HVAC and all building components must be in good, working order and functional for the intended use. Any repairs, installations or modifications to these systems must be performed by properly licensed tradespersons with State and City of Rock Hill licenses. Repairs, installations and alterations require permits.

Zoning - Dennis Fields - dennis.fields@cityofrockhill.com - 803-329-5687

Not Approved

Review Comments:

The proposed use as a gas station and convenience store is a Conditional use in the General Commercial (GC) zoning district. There is a use specific standard that is required for this use:

Separation: Convenience store/gasoline station uses must be located at least 250 feet from all existing residential uses, all undeveloped residential zoning districts, and all undeveloped portions of a Master Planned (MP) zoning district designated for residential use.

Since this site does not meet this separation standard, a special exception to reduce the separation is required. This special exception must be approved by the Zoning Board of Appeals (ZBA).

Staff discussed closing the second curb cut closest to the intersection on Anderson Rd, and installing landscaping for screening in these areas. These are conditions that the ZBA can add to the approval of the special exception.

Parking is calculated at 1 space per 150 square feet. The site would normally require about 18 parking spaces, however the site is existing and has about 8 parking spaces.

20190289
Convenience Store/Restaurant/Gas Station
267 N. Anderson Rd.

Feasibility Survey Report -

All signage must be reviewed with a separate sign permit application.

**Industrial Pre-Treatment - Eric Gensemer - eric.gensemer@cityofrockhill.com -
803-329-8703**

Not Approved





Review Comments:

A code-compliant Grease Removal Device must be installed before any food service establishment may operate. Please visit www.cityofrockhill.com/fog for more information.

Z-2020-01

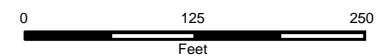
 Subject Property

Zoning Districts

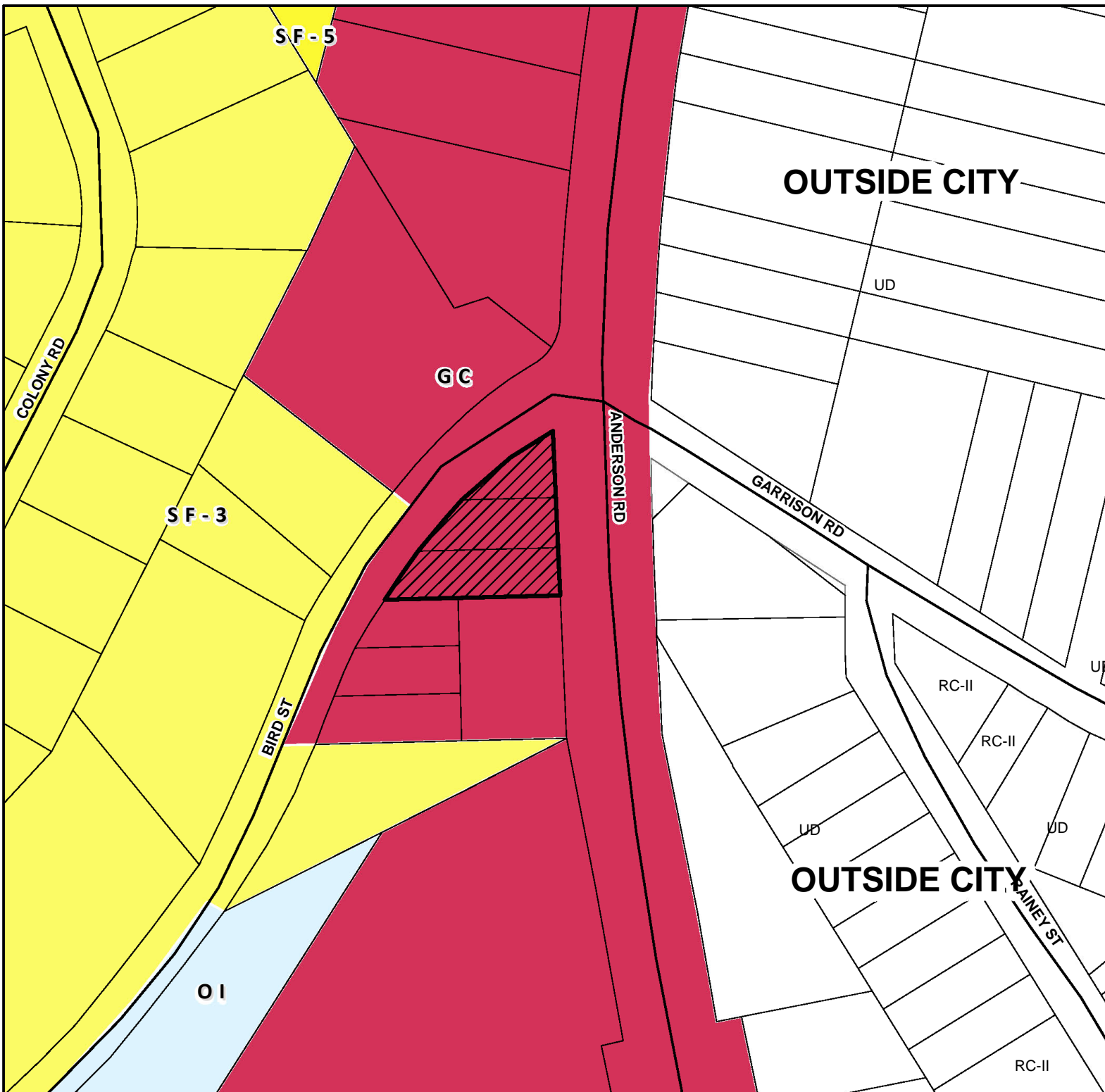
-  General Commercial (GC)
-  Office and Institutional (OI)
-  Single-Family 3 (SF-3)
-  Single-Family 5 (SF-5)

Zoning Data

Current Zoning
GC



Planning & Development
Department
City of Rock Hill
01/21/20



Z-2020-02

Requests: Special Exception to re-establish a nonconforming mobile home use.

Address: 1198 Springdale Rd.

Zoning District: Limited Commercial (LC)

Applicant: David Norman of First Land Company





Request:	Special Exception to re-establish a nonconforming mobile home use
Address:	1198 Springdale Rd.
Tax Map No.:	669-04-01-073
Zoning District:	Limited Commercial (LC)
Applicant/ Property Owner:	First Land Company (David Norman) PO Box 36518 Rock Hill, SC 29732

Background

David Norman, representing First Land Company, which owns 1198 Springdale Rd., would like to re-establish a non-conforming mobile home use there. Mobile homes are no longer an allowed use type in the City, but the Zoning Ordinance allows the Board of Zoning Appeals (ZBA) to consider the approval of nonconforming uses under certain circumstances.

Because the general intent of nonconforming uses is that they will transition to conforming ones over time, the Zoning Ordinance explains that non-conforming *commercial/industrial* uses cannot take certain actions that would prolong their existence, such as expanding, unless the ZBA approves such an action. The ZBA must make a finding that the proposed action would have no adverse impacts and that it would make the situation more conforming or otherwise improved in some respect.

The Ordinance goes on to state that it is not the intent to prohibit *residential* uses from conducting any of the activities that are prohibited for non-conforming commercial/industrial uses. It then gives a few examples of actions that non-conforming residential uses would be allowed to undertake: renovating; altering the interior and/or exterior of dwelling unit; and expanding into new areas of the site.

Unfortunately, the Ordinance is silent as to whether the *replacement* of a mobile home would be allowed under the residential exception or not. It also is silent as to a process to make this determination. Because of this, staff believes that the most appropriate process is the same as it would be if the question were for a commercial/industrial use type instead of a residential one—namely, the ZBA may approve the replacement of the mobile home if it is able to make a finding that doing so would not have any adverse impacts and would make the situation more conforming or otherwise improved in some respect.

The Zoning Ordinance sections we look to for guidance in this matter include the following, in relevant part:

Zoning Ordinance Chapter 10, Section 10.4.6

A. Non-residential Uses:

1. Prohibited Actions: The following are prohibited actions for nonconforming non-residential uses:

- The expansion, extension, or relocation of a non-conforming use, in whole or in part, to any other structure or location on the lot that has not previously been used by the nonconforming use;
- The devotion of additional floor area within a structure to the non-conforming use, unless such floor area was built and designed for such use prior to the date the use became a nonconforming use;
- The enlargement or structural alteration of a structure devoted to a nonconforming use; and
- The intensification of a nonconforming use, which may include but is not limited to increasing hours of operation, increasing the number of parking spaces, reducing total land area through a subdivision, or increasing the seating or occupancy capacity of any use.

2. Exceptions: The Zoning Board of Appeals may consider a request for a special exception to allow any of the above otherwise prohibited actions, and may approve it upon a finding that the proposed action has no adverse impacts and that the proposed action makes the situation more conforming or otherwise improved in any respect. If the Board determines that these criteria are met, it may require conditions that mitigate any impacts of the request or other improvements to the building or property that are related to the request.

B. Residential Uses: It is not the intent of this Ordinance to prohibit residential uses from conducting any of the activities that are listed above for nonconforming non-residential uses. For example, they are explicitly allowed to renovate or structurally alter the interior and/or exterior of the dwelling unit(s) and to expand into new areas of the site.

Site Description

The property is located off Springdale Road south of the commercial Dave Lyle Boulevard area. It is surrounded by a mix of commercial and residential uses. The residential uses

are both multi-family (a couple of apartment complexes are located across Springdale Road from the site) and single-family residential (individual residences are present on both sides of it, some of which are stick-built construction and some of which are mobile homes). Surrounding zoning districts in the area are numerous and include Community Commercial (CC), General Commercial (GC), Limited Commercial (LC), Master-Plan Commercial (MP-C), Multi-Family Residential (MFR) and PUD (Planned Unit Development) in the City, and Business Development I (BD-1) and Residential Conservation II (RC-II) in York County's jurisdiction.

Description of Intent for Limited Commercial Zoning District

Limited Commercial (LC): The LC district is established as a mid-level intensity commercial district that allows a wider range of non-residential uses at increasing intensities than the Neighborhood Commercial (NC) district. The uses allowed in this district include a wide range of general retail, business, and service uses, as well as professional and business offices as allowed in the NC district. Uses in this district are intended to serve groups of neighborhoods instead of individual neighborhoods.

Analysis of Request for Special Exception

Staff will base its recommendation on an analysis of the below standards, and the Zoning Board of Appeals may approve a special exception use only upon a finding that the applicant has demonstrated that the following standards are met.

The applicable are shown below in italics, followed by staff's assessment of each standard in non-italicized font.

(a) *The proposed action would not have any adverse impacts.*

A couple of years ago, City Council made mobile homes a nonconforming use in the City, the general rationale being that stick-built homes provide greater safety and more lasting value for the owners, and that they better further community goals of creating and maintaining strong neighborhoods. Council has also expressed the desire to have affordable housing options, whether multi- or single-family, meet the same architectural design standards as market-rate housing options.

The question for this case is therefore whether allowing a mobile home use to perpetuate on the property would adversely impact these goals or the surrounding community in any way. Staff believes that in this location, the replacement of an existing mobile home unit with a newer model should not have any substantial negative impacts on either. This is because the property is likely to develop with a permanent use at some point, likely a light commercial one. Allowing the property to be used until then with a residential use that can be installed at a lower cost than if the applicant were to build a residence there seems to make sense. Additionally, because the area has a wide mix of commercial and

residential uses, and because other mobile home units exist in the area already, continuing to have one on this property should not negatively impact property values in the vicinity.

(b) The proposed action would make the situation more conforming or otherwise improved in any respect.

The replacement of a 1974 mobile home with one that was constructed in 1986 on this property would make the situation improved in some respect. The 1986 unit, while still more than 30 years old, is nonetheless more than 10 years newer than the one that is currently on the property.

(c) If the Board determines that these criteria are met, it may require conditions that mitigate any impacts of the request or other improvements to the building or property that are related to the request.

Staff does not see any conditions that need to be required if this request is approved.

Public Input

Staff has taken the following actions to notify the public about this public hearing:

- January 2: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- January 3: Posted public hearing signs on subject property.
- January 2: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff Recommendation

Because the subject location is surrounded by a mix of commercial and residential uses, including mobile homes and multi-family complexes, and is likely to be developed with a permanent use in the future, staff does not see that allowing the replacement of an existing mobile home use here would have any adverse community impacts. Additionally, allowing an older unit to be replaced with a newer one would make the situation better for the future tenant of the land. Staff does not see any conditions that need to be added to this request if the ZBA approves it.

Attachments

- Application

- Zoning map

Staff Contact:

Dennis Fields
Planner II
dennis.fields@cityofrockhill.com
803.329.5687

SPECIAL EXCEPTION APPLICATION

Plan Tracking # 20191719 Date Received: 12-12-19 Case # Z- 2020-03

Please use additional paper if necessary, for example to list additional applicants or properties, or to elaborate on your responses to the questions about the request. You may handwrite your responses or type them. You may scan your responses and submit them by email (see the above fact sheet), since we can accept scanned copies of signatures in most cases.

PROPERTY INFORMATION

Street address of subject property: 1198 Springdale Rd., Rock Hill, SC 29730

Tax parcel number of subject property: 669-04-01-073

Property restrictions

Do any recorded deed restrictions or restrictive covenants apply to this property that would prohibit, conflict with, or be contrary to the activity you are requesting? For example, does your homeowners association or property owners association prohibit the activity or need to approve it first? Yes No

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
First Land Co.	P.O. Box 36518 Rock Hill, SC 29732	803.366.8141	info@warrennormaninc.com

Are you the owner of the subject property? Yes No

If you are not the owner of the subject property, what is your relationship to it (e.g., have it under contract to purchase, tenant, contractor, real estate agent) _____

I certify that I have completely read this application and instructions, that I understand all it includes, and that the information in the application and the attached forms is correct.

Signature: [Signature] Date: 12/13/19

If you are not the owner of the subject property, the *property owner* must complete this box.

Name of property owner: First Land

If property owner is an organization/corporation, name of person authorized to represent its property interests: _____

I certify that the person listed in the person listed above has my permission to represent this property in this application.

Signature: _____ Date: _____

Preferred phone number: _____ Email address: _____

Mailing address: _____



Warren Norman
COMPANY INC.

December 12, 2019

City of Rock Hill
Planning & Development Department
155 Johnston Street
Rock Hill, SC 29730

RE: Special Exception Application

To Whom It May Concern:

Please find enclosed the Special Exception Application for 1198 Springdale Road, tax parcel # 669-04-01-073.

I would like to remove the 1974 trailer currently on the property and replace it with the 1986 trailer. I have attached pictures of both trailers along with proof of age.

If you have any additional questions, please call me at 803-242-0756 (cell) or 803-366-8141 (office).

Thank you,

David Norman

YORK COUNTY TREASURER
 PO BOX 116
 YORK SC 29745-0116



2019 YORK COUNTY PROPERTY TAX BILL

8186016-1333-3 1 2 *****AUTO**5-DIGIT 29702



Do you have questions about this bill? Please see the back for more information.

FIRST LAND CO
 ATTN: RALPH W NORMAN JR
 PO BOX 36518
 ROCK HILL SC 29732-0509

Tax Receipt Number		Map Reference Number	
038529-19-3		669-04-01-073	
Values And Prior Year Information			
Taxable Value	\$0.00	\$67,000.00	\$67,000.00
Assessment Ratio	0.00	6.00	
Assessed Value	0	4,020	4,020
Prior Year Tax			\$1,709.30

Description of Property	
1 AC / TRACT A / SPRINGDALE LANDSCAPE MAINT	
District	3X
City Code	RL
School District	ROCK HILL
City	CITY OF RH LMD

Where Your Tax Dollars Go		
The tax amount for each fund listed in the description below is calculated by multiplying the assessed value by the millage rate. This does not apply to "fee" amounts.		
Description	Millage	Tax
School Operations	0.19540	\$785.51
School Debt Service	0.05200	\$209.04
City Operations	0.09350	\$375.87
City Debt Service	0.00000	\$0.00
City Special Assessment	0.00710	\$28.54
General Fund Operations	0.02920	\$117.38
General Fund Sheriff	0.02610	\$104.92
General Fund Solicitor	0.00380	\$15.28
Reserve Fund	0.00290	\$11.68
County Debt Service	0.01040	\$41.81
Library	0.00480	\$19.30
Cultural and Heritage	0.00260	\$10.45
York Technical College	0.00370	\$14.87
Unincorporated	0.00000	\$0.00
Special Fire District	0.00000	\$0.00
Fishing Creek Watershed	0.00000	\$0.00
Lake Wylie Recreation	0.00000	\$0.00
Gross Taxes	0.43150	\$1,734.63

Taxes and Fees	
Gross Taxes	\$1,734.63
Less Exemptions:	
School Tax Credit	\$0.00
Homestead Exemption	\$0.00
Industrial Abatement	\$0.00
Plus City Fees: (CONTACT CITY FOR MORE INFORMATION)	
	\$0.00
TOTAL TAXES & FEES DUE BY January 15, 2020	\$1,734.63

To pay online visit: Yorkcountygov.com
 To pay by phone call: 866-541-4097

2019 YORK COUNTY PROPERTY TAX BILL

Tax Year	Tax Receipt Number	Map Reference Number
2019	038529-19-3	669-04-01-073

Penalty Amounts Due After January 15, 2020		
Total Taxes & Fees Due By January 15, 2020		\$1,734.63
Jan. 16 - Feb. 3, 2020	3%	\$1,786.67
Feb. 4 - March 16, 2020	10%	\$1,908.09
After March 17, 2020	15%	\$1,994.82

If Your Address Has Changed, Please Indicate New Address Below:

Please Make Checks Payable and Remit To:

FIRST LAND CO
 ATTN: RALPH W NORMAN JR
 PO BOX 36518
 ROCK HILL SC 29732-0509



YORK COUNTY TREASURER
 PO BOX 116
 YORK SC 29745-0116



11236PPTN 10/29/19 300, Y, K per 3.5

MOBILE HOME MOVING PERMIT

PRESENT LOCATION

ADDRESS: 563 RED RIVER ROAD

DECAL NUMBER:

CITY: ROCK HILL

STATE: SC

COUNTY: YORK

FUTURE LOCATION:

ADDRESS: 923 WAXHAX VILLAGE ROAD

CITY: LANCASTER

STATE: SC

COUNTY : LANCASTER

DESCRIPTION OF MOBILE HOME:

MANUFACTURER: SUMMITT

MODEL:

YEAR BUILT: 1986

LENGTH : 66

WIDTH: 14

SERIAL NUMBER:

PERMIT ISSUED TO: TERRY SMITH

OWNER/AGENT: Terry Smith
SIGNATURE

ISSUED BY: JM

DATE: 11/27/95

1986
trailer

MOBILE HOME MOVING PERMIT

COUNTY OF: York PERMIT NO.:

1. MOBILE HOME TO BE MOVED: PRESENT COUNTY M/H DECAL NO.:

MANUFACTURER: Summitt MODEL:

SERIAL NO.: 66 LENGTH: 14 WIDTH: 1986 YEAR BUILT:

2. PRESENT LOCATION:

Street or Rt. No.: 563 Red River Rd

City or Town: Rock Hill, SC

County: York

3. FUTURE LOCATION:

Street or Rt. No.: 923 Waxhax Village Rd

City or Town: Lancaster, SC

County: Lancaster

4. PERMIT ISSUED TO: Terry Smith

OWNER/AGENT: X Terry M. Smith

ISSUED BY: SM DATE: 11-27-95

Signature

NOTE: This moving permit must be displayed so as to be readily visible from the rear of the mobile home while it is being moved.

IMPORTANT: This moving permit must be submitted to Licensing Agent where mobile home is being relocated to obtain new license.









TAX BILL NO. 075990-15-3

RECEIPT FOR PAYMENT OF PROPERTY TAXES

BG2 DATE PAID 01/21/2016

YORK COUNTY TREASURER P.O. BOX 116 YORK, S.C. 29745

APPRaised VALUE				ASSES. %	ASSESSED VALUE	LEVY	LESS EXEMPTIONS	TOTAL TAXES PAID
PERSONAL	LAND	BUILDING	TOTAL					
		2500	2500	4%	100	308.7	17.74	13.13
DISTRICT	CITY CODE	SCHOOL DISTRICT	CITY					
3		ROCK HILL	DESCRIPTION OF PROPERTY: TRL 12X60 FRONTIER 1974					
MAP REFERENCE NUMBER		ACRES	LOTS	BLDGS.				
9-2202				1				
\$	22.94	SCH TAXES	\$	.00	CITY TAXES			
\$	5.25	CNTY OPER	\$	.00	CITY SPEC ASSMNT			
\$	.63	CNTY BONDS	\$	.45	LIBRARY			
\$	.26	CULTURE	\$	.38	YORK TECH			
\$	.00	SPEC. FIRE	\$	.96	UNINCORP.			
			30.87		GROSS TAX			
TAXES LEVIED BY SCHOOL BOARD				TAXES LEVIED BY COUNTY COUNCIL				
22.94				7.93				
MOORE ROGER D % FIRST LAND CO PO BOX 36518 ROCK HILL S C 29732					075990-15-3		TOTAL AMOUNT PAID 13.13	
						York County SOUTH CAROLINA		
						Check your payment status on-line at www.YORKCOUNTYGOV.com		

TAX BILL NO. 075990-15-3

RECEIPT FOR PAYMENT OF PROPERTY TAXES

BG2 DATE PAID 01/21/2016

YORK COUNTY TREASURER P.O. BOX 116 YORK, S.C. 29745

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9-2202				1				
TAXES LEVIED BY SCHOOL BOARD				TAXES LEVIED BY COUNTY COUNCIL				
22.94				7.93				
MOORE ROGER D % FIRST LAND CO PO BOX 36518 ROCK HILL S C 29732					075990-15-3		TOTAL AMOUNT PAID 13.13	
						York County SOUTH CAROLINA		
						Check your payment status on-line at www.YORKCOUNTYGOV.com		







1974
trailer







Z-2020-02

-  Subject Property
- Zoning Districts**
-  MF-R
-  CC
-  Limited Commercial (LC)
-  MP-C
-  Planned Unit Development (PUD)

Zoning Data

Current Zoning
LC



Planning & Development
Department
City of Rock Hill
01/21/20

