



A regular meeting of the Planning Commission was held Tuesday, February 4, 2020, at 6:00 PM in City Council Chambers, City Hall, 155 Johnston Street, Rock Hill, South Carolina.

MEMBERS PRESENT Randy Graham, Duane Christopher, Shelly Goodner, Keith Martens, and Nathan Mallard

MEMBERS ABSENT Gladys Robinson, Justin Smith

STAFF PRESENT Eric Hawkins, Dennis Fields, Leah Youngblood, Shana Marshburn, Bill Meyer, Janice Miller

1. Approval of minutes of the January 7, 2020, meeting.

Vice-Chairman Christopher made a motion to approve the minutes from the January 7, 2020, meeting. Commissioner Goodner seconded, and the motion passed unanimously by a vote of 5-0 (Robinson and Smith absent).

PUBLIC HEARING ITEMS

2. Hold public hearing and consider a recommendation to City Council on petition M-2020-03 by J.D. Rinehart Jr. to rezone approximately 14.76 acres of unaddressed property located between Farrow Drive and McConnells Highway from Residential Development District I (RD-I) in York County to Single-Family Residential-3 (SF-3). The subject property is proposed to be annexed into the City of Rock Hill. Tax parcel 535-00-00-013.

Staff member, Eric Hawkins, Planner III, presented the staff report.

Commissioner Martens asked if the rezoning was approved, would the property be part of the Meadow Lakes II HOA and subject to those covenants. Mr. Hawkins stated that the applicant is willing to join the HOA so the property will be subject to the covenants and standards of Meadow Lakes II. It will be up to the HOA to accept the property into the HOA.

Commissioner Martens asked if the HOA had received information about the request. Mr. Hawkins stated they had.

Chairman Graham observed that there would be no access to McConnells Highway because of Tools Fork Creek and the flood plain on that part of the property.

Mr. Jay Rinehart, 1339 Ebenezer Road, applicant's representative, responded to Commissioner Martens' question regarding the HOA, stating he had personally spoken with the HOA president as well as several adjacent property owners and neighbors about the project. He noted there was a question as to the process to add this property to the Meadow Lakes II HOA but that the owner would prefer to petition the neighborhood and join.

Ms. Sylvia Thorp, 1759 Farrow Drive, requested additional information, observing that the sizes of the lots for the proposed additional home sites may not be of the same dimensions as existing home sites. Chairman Graham stated the Commission could not consider this as part of the current request but the application to subdivide into more

than three lots would come before them in the future. Ms. Thorp stated she was glad the property was not going to be developed into multi-family units or be accessed via McConnells Highway.

Mr. Thomas Fara, 1623 Farrow Drive and owner of 1613 & 1631 Farrow Drive, spoke in support of the request but added his concern over potential lot sizes.

Vice-Chairman Christopher presented the motion to recommend approval of the proposed Single-Family Residential-3 (SF-3) zoning. Commissioner Mallard seconded, and the motion carried unanimously by a vote of 5-0 (Robinson and Smith absent).

3. Hold public hearing and consider a recommendation to City Council on petition M-2020-04 by Bill Berry to rezone approximately 10.75 acres at 891 Albright Road, adjacent unaddressed property, and adjacent right of way from Urban Development District (UD) in York County and General Commercial (GC) to Commercial Industrial (CI). The subject property is proposed to be annexed into the City of Rock Hill. Tax Parcels 623-03-01-002 & 623-00-00-005.

Staff member Dennis Fields, Planner II, presented the staff report.

Commissioner Mallard asked if the property to the rear would be cut off. Mr. Fields stated this property was owned separately.

Vice-Chairman Christopher asked if the adjoining property would be landlocked. Mr. Hawkins noted that it has frontage on Blackmon Street.

Mr. Wes Tuttle, 2066 Masons Bend Drive, Fort Mill, applicant's representative, stated his client had a buyer interested in developing the property as a car lot and retail strip center. He noted they were currently working through the process for water and sewer service to the site, adding that even if the current interested buyer did not purchase the site, improvements would still be desirable and the proposed zoning district was best for any future uses.

Commissioner Mallard presented the motion to recommend to City Council approval of Commercial Industrial (CI) zoning as presented. Vice-Chairman Christopher seconded, and the motion carried unanimously by a vote of 5-0 (Robinson and Smith absent).

4. Hold public hearing and consider a recommendation to City Council on petition T-2020-01 by Rock Hill City Council to amend the Zoning Ordinance affecting Chapter 4: Land Use: Primary Uses, and Chapter 5: Land Use: Accessory and Temporary Uses, in relation to regulations for short-term rentals.

Chairman Graham recused citing a possible conflict of interest. Vice-Chairman Christopher assumed the role of chair.

Staff member, Leah Youngblood, Planning & Zoning Manager, presented the staff report.

Vice-Chairman Christopher asked what the City considered short-term and long-term rentals. Ms. Youngblood stated any rentals longer than 30 days were considered long-term with short-term rentals usually being a week or weekend.

Vice-Chairman Christopher asked how enforcement would occur and if the hosts reported voluntarily. Ms. Youngblood stated staff had done research by GIS and internet platforms to determine the number of short-term rentals in the City but that it was unknown exactly how many were active. She added it was hoped that hosts would reach out as part of the enforcement process.

Vice-Chairman Christopher asked how HOA's that currently did not allow short-term rentals would enforce. Ms. Youngblood replied that the state required any property owner to disclose to the City of any HOA requirements prior to doing anything requiring City approval, including building permits and home occupations. She stated staff would check with the HOA first before permitting.

Commissioner Mallard asked if the requirement under (g) pertained to a unit. Ms. Youngblood stated this pertained to rooms in houses and was suggested by a host in one of the workshops, that as long as the host was present, multiple groups would be acceptable.

Commissioner Mallard asked if the City would be subjected to any liability issues and if proof of insurance would be required. Ms. Youngblood stated the City would not be involved with liability issues and noted that while some platforms may require additional insurance, the hosts would not be required to produce proof.

Commissioner Martens referred to the penalty requirements, noting they seemed particularly harsh if a host was unaware of the regulations and asked if there would be a grace period. Ms. Youngblood stated this could certainly be looked into adding that the penalty was standard language related to misdemeanors.

Commissioner Martens stated he felt the increasing penalty was vague, asking what violators would be subjected to. Ms. Youngblood stated the penalty statement came from the City's municipal code but that staff was willing to work with people. She noted the main enforcement tool was the revocation of the permit.

Vice-Chairman Christopher asked for clarification as to whether the first penalty would come after the three reported violations. There was general discussion as to when the penalties would be enforced, with Ms. Youngblood reiterating staff would work with the hosts to make certain the regulations were fair to everyone.

Vice-Chairman Christopher asked how the taxes would be collected and if they would be collected once a year. Ms. Youngblood stated this was still being contemplated but her understanding was that one platform, Airbnb, collected and paid the taxes for the hosts. She added the collection of these taxes was throughout the country.

Commissioner Martens asked if the accommodations tax was the same as the hospitality tax. Ms. Youngblood stated it was not as hospitality taxes were assessed on restaurant purchases.

Vice-Chairman Christopher asked the percentage of tax collected. Ms. Youngblood responded 3%.

Mr. Tom Hutto, 1820 Sharonwood Lane, spoke in favor of the request, informing the Commission that Airbnb charged and paid the state taxes outright, while the host set the local tax with Airbnb collecting this tax and paying it directly to the host. He noted several issues with the proposed ordinance as written, specifically:

- 11-363-(c): include statement that if the HOA restrictive covenants state short-term rentals are not allowed;
- 11-363-(e)-ii: reduction in parking requirements;
- 11-363-(f): change "destination" to "event".

Vice-Chairman Christopher requested clarification that an organization of eight members could not have a meeting at a host site. Mr. Hutto stated his understanding

was that they could only sleep at the location, not have a meeting there.

Mr. Hutto continued with comments:

- 11-363-(h): change the access time for the owner/responsible agent from 30 minutes as presented in the meeting back to 45 minutes;
- 11-363-(l): hosts not be required to have actual address of guest.

Commissioner Goodner asked if there was a guest register. Mr. Hutto stated there was but that Airbnb allowed each host to set up the parameters for potential guests.

Commissioner Goodner stated any identification presented would have the address and the police could get address information if necessary. Mr. Hutto agreed, adding that Airbnb collected the street address of each guest. There was general discussion over the process of obtaining address information.

Mr. Hutto continued by commenting on 11-367-2(a)-v, noting the host should have the ability to contact the police if the guest is unruly and not have this count against the host. Mr. Hutto indicated an instance where he was notified by a neighbor of a guest issue and responded himself, then contacted the police as the guest continued to create problems. He asked that a citation issued by the police be the penalty instead. He also requested that each property be cited rather than the entity. Mr. Hutto asked why any appeal would be addressed by the City Manager rather than the Zoning Board of Appeals.

Ms. Youngblood responded to several of Mr. Hutto's comments, noting most were not a concern. She stated the formalization of parking was important as it related to how cars were parked throughout a neighborhood and the host could always submit an alternative parking plan. In relation to the access time, she noted that the 45-minute time allowed for hosts to live as far away as Huntersville, NC, and Gaffney, SC, which defeated the purpose of having someone address issues quickly.

Commissioner Goodner asked if a mileage radius would be more acceptable. Ms. Youngblood stated staff had looked at this option but it depended upon how fast a host or responsible party could respond to issues.

With respect to having a guest's street address, Ms. Youngblood stated they saw this as necessary especially if there was a need for police involvement.

She continued stating that the regulations were designed to allow hosts who followed regulations to continue but those that did not would be stopped. She referred to Mr. Hutto's statement regarding the entity, stating any violations was intended to be per property, not host, adding that most of the complaints received regarding short-term rentals were being directed towards the zoning staff not the police department. In response to Mr. Hutto's question regarding the appeal process, she stated this statement came directly from the City's municipal code not the Zoning Ordinance.

Commissioner Mallard asked for clarification on the term "destination." Ms. Youngblood explained this was to avoid weddings, bachelor and bachelorette parties, frat parties, and other types of events that would disturb the neighborhood, adding that business meetings may be allowed.

Commissioner Martens noted there were B&B's in Rock Hill but those places appreciated having weddings, asking how this type of business would be impacted by the regulations. Ms. Youngblood stated B&B's were treated as a separate commercial use than short-term rentals.

Commissioner Martens stated he understood this to pertain only to a single bedroom in a house. Ms. Youngblood replied this was correct, reiterating the proposed regulations were designed to protect the surrounding residents of a neighborhood.

Commissioner Goodner asked if Mr. Hutto's statement regarding the restrictive covenants could be added. Ms. Youngblood stated they could.

Mr. Milt Delair, 1686 Essex Hall Drive, spoke to the challenges it took for an HOA to change their covenants and restrictions, specifically noting short-term rental rules were vague in his neighborhood's CCR document.

Mr. Ronald Blackburn, 1583 Essex Hall Drive, Seven Oaks HOA president, stated his neighborhood was looking for a way to place this type of restriction in the CCR document especially as parking was tight. He asked how the fines would be collected. Vice-Chairman Christopher replied that the magistrate's office could be involved after several attempts to collect via invoice had been unsuccessful.

Mr. Blackburn noted B&B's were required to follow health regulations and asked how cleanliness would be regulated with short-term rentals. Commissioner Mallard stated that, as a previous host, the platforms tended to self-regulate as both the host and the guest have requirements to follow and are rated for future rentals.

Mr. Blackburn asked how background checks would be regulated. Commissioner Mallard stated this worked the same way on the platforms with Airbnb being stricter than others.

Mr. Larry Schindel, 1598 Williamsburg Drive, Stoneridge Hills HOA president, stated his concern over the access time and requesting that a 15-mile radius map be used instead.

Commissioner Martens asked why the requirement was 30 minutes as opposed to being within the City. Ms. Youngblood stated this was an easy way to address concerns over amount of time in response to site issues.

Commissioner Martens asked if the host would be required to get certification that a responsible agent could be on site within 30 minutes. Ms. Youngblood stated they would.

Mr. Schindel asked how HOAs would receive notification of the regulations. Ms. Youngblood stated information would be sent through Housing & Neighborhood Services to the HOAs and neighborhood representatives.

Mr. Schindel stated he did not have any issue with short-term rentals but that he did not want to see HOAs have to hire lawyers to revise existing covenants.

Commissioner Mallard presented the motion to recommend approval of the amendments subject to inclusion of the comments by Mr. Hutto. Commissioner Martens seconded, and the motion carried unanimously by a vote of 4-0 (Graham recused, Robinson and Smith absent).

Chairman Graham resumed to chair the meeting.

- 5. Hold public hearing and make a recommendation to City Council on petition T-2020-02 by Rock Hill City Council to amend the Zoning Ordinance affecting Chapter 4: Land Use: Primary Uses; Chapter 6: Community Design Standards; Chapter 8: Development Standards; and Chapter 9: Site and Building Design Standards, in relation to regulations for residential infill uses.**

Commissioner Goodner recused citing a possible conflict of interest.

Ms. Youngblood presented the staff report.

Chairman Graham stated he could understand the special exception requirement but asked if there were zoning districts where this was outright permitted. Ms. Youngblood stated it was permitted in MF-15 zoning but not others.

Commissioner Mallard noted that although it was outright permitted, development might not meet the acreage restrictions. Ms. Youngblood stated this was correct.

Commissioner Mallard asked the location of the SF-8 zoning districts. Ms. Youngblood stated it was not widespread but was located in some of the older sections of the City.

Commissioner Mallard asked if the pictures presented as part of the amendments would be a true intention for affordable housing development. Ms. Youngblood stated the goal was to show the different types of acceptable development for these areas but the goal was to make sure the architecture was appropriate for the surrounding area. She added staff had received clear direction from City Council that affordable housing was a must but that these also needed to meet the City's design standards.

Commissioner Mallard asked for clarification on the regulations surrounding the design standards. Ms. Youngblood stated the new construction and use needed to be compatible with surrounding uses, adding the regulations were not specifically targeted to affordable housing as much as they were to address a shortcoming in the Zoning Ordinance. Chairman Graham reiterated the development was required to take the surrounding area into account.

Commissioner Mallard questioned the outdoor requirements, asking if a backyard would be required. Ms. Youngblood stated this was situational based upon who the end user would be and that staff would work with the applicant on what they wanted to achieve. She provided examples such as a play area being suitable for an area with young families while a courtyard might be better for an area where Winthrop students would be living, stating it would be project specific.

Vice-Chairman Christopher asked what would be considered project specific. Ms. Youngblood stated that it depended upon what made sense for the surrounding area, and may not necessarily be about the style but the scale of the project.

Commissioner Martens stated concern over the architectural conditions as possibly being too expensive and questioned the manner of the approval process by the Zoning Board of Appeals. Ms. Youngblood replied that the main point was having a public hearing so those directly affected by the development could have a say in what was being proposed. She stated the ZBA had the authority to place conditions of approval on the project depending upon each situation. As far as the concern over the architectural standards, Ms. Youngblood noted that all buildings had to meet architectural standards and that these could be done affordably. She stated the City was not willing to sacrifice design standards to construct affordable housing, especially as there were several projects of public/private partnerships in existence such as Cotton Mill Village.

There was general discussion regarding the proposed amendments, with Chairman Graham expressing concern that this type of development was not allowed outright in several zoning districts but that having the added review process was better than not allowing development at all. Commissioner Mallard expressed belief that MF-15 should allow for development of any project under 25 units, but did agree that this was a step in the right direction.

Commissioner Mallard presented the motion to recommend to City Council approval of the amendments as presented by staff. Vice-Chairman Christopher seconded.

Commissioner Martens expressed concern that this process might be too cumbersome for a single-family residence to be converted to a duplex but agreed it was a step in the right direction.

Chairman Graham called for a vote, and the motion carried unanimously by a vote of 4-0 (Goodner recused, Robinson and Smith absent).

NEW BUSINESS

6. Consideration of a request by Keck & Wood Inc. for Major Site Plan approval for The Herald Site. (Plan #20191062)

Staff member, Shana Marshburn, Planner I, presented the staff report.

Chairman Graham requested clarification that the issue was related to traffic movement at the entry onto the site. Ms. Marshburn stated this was correct.

Vice-Chairman Christopher asked if the drive would be private. Ms. Marshburn stated this was a public road.

Vice-Chairman Christopher asked if the drive would be owned by the City. Ms. Marshburn stated it would and clarified that Road C indicated on the plan was the public road.

Vice-Chairman Christopher observed the drive was approximately 250' from the intersection. Ms. Marshburn stated this was correct. She noted staff had requested the drive be moved farther but the applicant stated that it would have to move the building closer to the railroad track.

Commissioner Martens asked if elevations had been submitted. Ms. Marshburn stated these had not yet been provided.

Mr. Matt Crawford, Keck & Wood Inc., 300 Technology Way, Suite 400, applicant, stated in reference to the drive entry they had been working with a traffic engineer to quantify the location of the entrance, specifically noting this entry would be used by visitors to the site as most residents would use the Wilson Street entrance.

Vice-Chairman Christopher asked if the majority of the parking would be off Wilson Street. Mr. Crawford stated this was the goal, to direct people to use the Wilson Street and White Street entrances.

Commissioner Mallard asked if the parking garage would be accessible from the 16-space parking lot off Wilson Street. Mr. Crawford stated it would.

There was general discussion regarding issues involving the proximity of the entry to the intersection and dealing with the train stopping and blocking traffic.

Chairman Graham noted this was a high-density development, asking if staff would be able to judge the parking requirements. Mr. Crawford stated the parking study had been done to determine needs for mostly residential use and mostly commercial use and that while they had estimated high parking counts, they believed the City will determine the number of spaces required.

Commissioner Goodner asked if the townhomes would have parking below each unit or utilize the parking garage. Mr. Crawford stated they would use the garage.

Commissioner Martens asked who owned the properties. Mr. Crawford stated there was

a variety of owners and that a list had been provided in the staff report.

Chairman Graham asked if there would be a park area. Mr. Crawford stated there would and it would be owned by the City.

Vice-Chairman Christopher asked how stormwater would be handled. Mr. Crawford stated this currently being examined, but underground detention seemed to be the best option for this site.

Chairman Graham asked the level of care for the elder care facility. Mr. Crawford stated it would be progressive in that the initial level was independent with a la carte services added as needed. Mr. Bogue Wallin, PO Box 26462, Greenville SC, provided additional information, noting this project was being developed with the City to include age restricted elder care and active adult units with 24 beds for assisted living. He stated units in the development would be rentals, not purchased, and indicated the improvements along West Main Street were driven by the future pedestrian bridge and parking garage. He added the reason for the location of the entrance was in order to keep the building protected from sound, most notably the railroad.

Vice-Chairman Christopher asked if the building would be as large as Westminster Towers. Mr. Wallin stated it would be five or six floors, not eight as originally proposed, mainly due to the parking.

Vice-Chairman Christopher observed it would be fewer than 300 units. Mr. Wallin stated this was correct but more may be added later.

Vice-Chairman Christopher asked the architectural style of the building. Mr. Wallin stated it would be beautiful but did not elaborate. Mr. Crawford stated some sketches had been submitted early in the process but may have changed.

Chairman Graham asked how they had addressed staff's concerns. Mr. Wallin replied they were involved in the City's parking studies and the proposed development was less intense than other developments within the same area.

Vice-Chairman Christopher presented the motion to approve the major site plan as submitted, subject to staff comments and contingent upon traffic study.

There was general discussion regarding the relocation of Road C on the site. Mr. Meyer stated there were two options to consider for the site, either the left turn would not have any detrimental affect or there would be a median installed with right in-right out only movement. He added there was a major study going on examining the lights and flow of traffic in the Main Street/Dave Lyle Boulevard area that included better signage and possibility of having a green left turn arrow onto Dave Lyle Boulevard.

There being no further comments, Chairman Graham called for a second to Vice-Chairman Christopher's motion. Commissioner Mallard seconded. Chairman Graham stated it was exciting to see this type of development going on in the downtown area. He called for a vote and the motion carried unanimously by a vote of 5-0 (Robinson and Smith absent).

7. Other Business.

There being no further business, the meeting adjourned at 8:15 p.m.