



A public hearing of the Planning Commission was held on Tuesday, September 1, 2020, at 6 p.m. electronically via the Zoom teleconference platform in response to Rock Hill City Council's emergency ordinance in response to the COVID-19 pandemic situation.

**MEMBERS PRESENT** Randy Graham, Duane Christopher, Gladys Robinson, Justin Smith, Shelly Goodner, Nathan Mallard, Keith Martens

**MEMBERS ABSENT** None

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

Chairman Randy Graham noted that agenda items 2 and 5 had been deferred to the October 6th public hearing.

## 1. Approval of minutes of the August 4, 2020, meeting.

Vice Chairman Christopher made a motion to approve the minutes from the August 4, 2020, meeting. Commissioner Shelly Goodner seconded. Chairman Graham polled the Commissioners, and the motion passed unanimously by a vote of 7-0.

## PUBLIC HEARING ITEMS

**2. Hold public hearing and consider a recommendation to City Council on petition M-2020-09 by Middlebridge LLC (Stephen McCarthy) to rezone approximately 0.75 acres of property adjacent to 611 Wilkerson Road from Business Development District III (BD-III) in York County to Industry General (IG). The subject property is proposed to be annexed into the City of Rock Hill. Tax parcel 662-00-00-036.**

This item was deferred to the October meeting.

**3. Hold public hearing and consider a recommendation to City Council on petition M-2020-16 by COGUM Global (Vincent James) to amend the Three Points on Saluda Master Planned-Commercial (MP-C) zoning on approximately 6.8 acres at 1405 & 1439 Saluda Street, 766 Heckle Boulevard, and adjacent right-of-way. Tax parcels 623-01-01-010, -013, & -021.**

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

Vice-Chairman Christopher noted that many of the proposed parking spaces needed to serve the apartments were located far away from them.

The applicant, Vincent James, COGUM Global, 1227 Saluda Street, listed six points about the proposal:

- the request meets the current requirements for a mixed-use development;
- the local government wants to see the vacant commercial building be redeveloped;
- his architect drew the site plan based on the code requirements for residential and commercial uses;
- the area needs quality housing;

- the commercial space would meet the needs of the surrounding community; and
- the plan is providing an appropriate amount of commercial space with so many retail businesses closing nationwide.

He added that the owner of the Shrimp Boat business across the street was supportive of the proposed apartments.

Russ Angelo, Angelo Architects, 2526 Plantation Center Dr., Matthews, NC, noted that the plans had been revised several times based on staff comments. He added that the applicant had discussed grocery store tenants with two brokers but had been informed that grocery stores preferred to build on three or more acres. He also noted that the plan could add 20 to 30 more parking spaces by reducing the amount of green space within the project, but that the applicant did not want to have smaller the building footprints because that would affect the economic viability of the project.

Mr. James commented that Family Trust was willing to share parking with the site.

Chairman Graham stated that the project does not meet code standards as had been stated by the applicant because he is requesting a 20% reduction in the amount of required parking. Mr. Hawkins explained that staff had been comfortable recommending approval of the previous plan's request for a reduction in the number of parking spaces based on the mix of commercial and residential uses because they have different peak parking hours. However, staff is not comfortable with the requested reduction on the number of parking spaces on the current plan because the amount of commercial space was so much less.

Chairman Graham commented on the need for mixed uses within the area, and asked how the property was zoned before it was rezoned to Master Planned-Commercial recently. Mr. Hawkins stated that it had previously been zoned General Commercial (GC). Chairman Graham asked whether apartments would be allowed in the GC zoning district. Mr. Hawkins stated that they would not have been allowed in that zoning district since 2015.

Vice-Chairman Christopher observed that the development might work better if the apartments were located along the Saluda Street side of the site and further commented on the location of the parking in relation to the apartments.

Commissioner Mallard stated that he would have liked to see documentation regarding the contact with grocery stores. He also stated that while this plan was different from the previous vision for the property, it would redevelop an antiquated building, which would be good for the community.

Commissioner Mallard added that he did not have a lot of concern about the proposed reduction in the number of parking spaces since the amount of commercial space was so much less. Chairman Graham explained that the amount of parking being requested included no parking for the commercial uses, which was of concern to him. Commissioner Mallard stated that he viewed the commercial and residential uses as still being able to share some of the parking spaces.

Commissioner Smith commented the proposal seemed to be what the City set out trying to prevent with the changes to the Zoning Ordinance in 2015, but that he area needs more residences before a grocery store is likely to locate there. He also agreed with Commissioner Christopher that it seems more appropriate for the residential portion of the project to be located along Saluda Street.

Commissioner Martens stated that the City needs to anticipate growth needs over the next 10 to 15 years in this area, and that he was concerned that allowing a mostly residential development at this location would mean that commercial development would be unable to go there in the future. He added that he had been excited about the mix-used components of the previous plan.

Vice-Chairman Christopher made the motion to recommend that City Council deny the proposed changes to the zoning of the site. The motion failed due to the lack of a second, so the Planning Commission further discussed the request.

Commissioner Smith pointed out that that the request was to change the project from a mixed-use development to a mostly residential one that cannot be parked. Chairman Graham agreed that he had substantial concerns about parking if any of the commercial development that was being proposed happens.

Commissioner Goodner asked whether the commercial component would be speculative in nature or if the developer had interested tenants. Mr. James stated that a restaurant tenant had been interested previously but decided not to locate there because of the economy. He then described the plan for the proposed day care and learning center, which would teach children of all ages entrepreneurship skills. He explained that the venture would be non-profit. He also added that he would be happy to provide information about his team's contact with potential grocery stores.

Commissioner Robinson asked whether Mr. James had an entity that was committed to running the day care. Mr. James stated that his team would be creating the program itself.

Commissioner Mallard made the motion to recommend approval of the amendments as requested with the condition that Building 1 be used only as a farmer's market. Commissioner Robinson asked whether this would help or hurt the parking situation. Commissioner Mallard stated that he did not think it would affect the parking situation but that at least one of the buildings would remain a commercial use.

Vice-Chairman Christopher seconded the motion.

Vice-Chairman Christopher asked whether there was any guarantee that any of the commercial (the day care, the farmers market, etc.) would be developed, and if so, when or during what phase of the project. Mr. Hawkins stated that the request did not include a commitment for that to be developed, nor a phasing plan for the different components of the plan.

Commissioner Robinson asked whether there were incentives available to attract commercial tenants, and whether the additional residential units would help draw more commercial development to the area. Mr. James stated that having a farmer's market and day care facility were a convenience but that the site needed more than that to be successful. He noted that if the request is approved, he plans to start clearing the site by the end of the year. He added that he farmer's market was designed to serve the area with quality, fresh products as this is currently non-existent in the area.

Commissioner Goodner asked Commissioner Mallard if the motion might be amended to require the developer to better address the parking demands of the development. Discussed centered around that possible amendment to the motion. Mr. Hawkins explained that the previous proposal would have required substantially fewer spaces for the residents, and this proposal would change that in a significant way. He explained that the peak parking hours for the apartments and the commercial uses all

seem to be the same, which makes a shared parking scenario inviable. He explained that the applicant had expressed interested in allowing the day care to be open for day and night shift workers, which would mean that its peak parking demand would come at the same time as those of the apartments. He added that the peak parking hours of the farmer's market are likely to be in the evenings, at the same time that many of the residents would be coming home from work and needing to park themselves.

Chairman Graham polled the Commission for their votes. The motion to recommend approval of the amendments as presented, with Building 1 being required to be a farmer's market, failed with a vote of 1 to 6, with only Commissioner Mallard voting in favor.

There was discussion as to whether another motion was necessary to recommend denial of the amendments as proposed without the condition regarding Building 1. After discussion, it was determined that another motion was not needed.

Chairman Graham reiterated that the Commission was a recommending body and the item would move forward to City Council for a final decision.

- 4. Hold public hearing and consider a recommendation to City Council on petition M-2020-21 by WRBR Limited LLC (Frankie Wright) to rezone approximately 1.75 acres at 2500 Ebenezer Road from Urban Development District (UD) in York County to Limited Commercial (LC). The subject property is proposed to be annexed into the City of Rock Hill. Tax parcel 591-00-00-003.**

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

The property owner, Frankie Wright, 2500 Ebenezer Rd., stated that the City had required him to sign an annexation agreement in order for utility services to be continued a few years ago. He stated that he hired an attorney to fight that, and that an agreement was reached to annex him now instead of then. He expressed concern about whether the zoning district would limit the types of businesses that could locate on the property in the future more than what the current County zoning district allows. Chairman Graham stated that staff recommended the most appropriate zoning classification in comparison with how the property was zoned in York County.

Commissioner Mallard made a motion to recommend to City Council approval of Limited Commercial (LC) zoning as presented. Commissioner Robinson seconded. Chairman Graham polled the Commission, and the motion passed by a vote of 6-1, with Commissioner Martens voting in opposition.

- 5. Hold public hearing and consider a recommendation to City Council on petition M-2020-22 by Southern Street Development (Heath Sessions) to rezone approximately 3.75 acres at 167 Lee Street and adjacent right-of-way from Single-Family Residential-5 (SF-5) to Master Planned-Residential (MP-R). Tax parcel 598-10-02-024.**

This item was deferred to the October meeting.

- 6. Hold public hearing and consider a recommendation to City Council on petition M-2020-23 by Fiorenza Properties LLC (Adam Fiorenza) to rezone approximately 41.64 acres at 2114 Riverchase Boulevard from Planned Unit Development (PUD) to Master Planned-Residential (MP-R). Tax parcel 662-05-01-003.**

Chairman Graham recused himself this agenda item, citing a conflict of interest. Vice-

Chairman Christopher assumed the role of Chairman.

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

Commissioner Smith asked the reason for the reduced foundation heights. Mr. Fields stated that the applicant had stated that this was mainly for easier transition from interior to exterior spaces.

Commissioner Smith asked about the siding requirements. Mr. Fields stated that at least 50% of the front façade of single-family residential uses must be some type of brick, stone, or stucco finish. Planning & Zoning Manager Leah Youngblood added that this is not necessarily required within some Master Planned developments when their design standards allow for some other type of exterior siding.

There was discussion about the requirements for masonry versus lap siding on residential construction.

Vice-Chairman Christopher asked whether there was a significant difference in the number of single-family units proposed now versus when the applicant brought forward a similar proposal last year. Mr. Fields stated that this plan had fewer units than were originally proposed.

Vice-Chairman Christopher asked about why the original proposal had not been approved by City Council. Mr. Fields explained that Council had primarily expressed concern about the traffic situation at the intersection of Riverview Road and Celanese Road due to its close proximity to I-77. He noted that the applicant had been willing to bring back a proposal for the site once the traffic improvements at that intersection had been completed.

The applicant, Adam Fiorenza, Fiorenza Properties LLC, 301 Fieldbrook Pl., Charlotte, stated that the delay allowed him to revisit the project and come up with a better plan, adding that he had been able to complete new traffic counts after the intersection improvements had been made but before the pandemic situation began affecting traffic patterns. He added that his new proposed housing styles would work best with the topography and would eliminate unnecessary infrastructure to the site.

Commissioner Smith asked Mr. Fields whether the Planning Commission would review the major site plan later if the rezoning request is approved. Mr. Fields explained that the Planning Commission would review the major site plan and a preliminary plat for the development.

Commissioner Smith expressed concern that what was being presented may not be what would actually be constructed. He referred to the Allston project that the applicant had brought forward for rezoning a few years ago, and said that he had noticed that the architectural renderings he had seen on the MLS listing were different from what the Commission had seen during that rezoning request, and that he was disappointed about that. Mr. Fiorenza explained that he had tried to keep the plans as close to the Master Plan renderings as possible but that he had to make some changes to them once they were designed. He added that he had worked with staff on the changes to try to keep as high of a quality product as possible.

Mr. Fiorenza explained that his request for a waiver of the 18-inch foundation requirement was based on a desire for flexibility due to working with the existing topography. Vice-Chairman Christopher asked whether the buildings would be constructed on slab foundations. Mr. Fiorenza stated that this was correct and added that most builders do not building crawlspaces anymore.

Commissioner Martens asked that if the rezoning is approved without the 18-inch foundation requirement, the developer include some units that were truly handicap accessible. Mr. Fiorenza stated that he is devoted to providing products suitable for people with special needs and for older clientele.

Commissioner Mallard made the motion to recommend that City Council approve the Master Planned-Residential (MP-R) zoning as presented. Commissioner Martens seconded. Vice-Chairman Christopher polled the Commission for their votes, and the motion passed unanimously by a vote of 6-0 (Graham recused).

Chairman Graham resumed as Chairman.

- 7. Hold public hearing and consider a recommendation to City Council on petition M-2020-24 by Bryan Gladden to rezone approximately 2.46 acres at 761 Riverview Road and adjacent right-of-way from Business Development District III (BD-III) to Community Commercial (CC). The subject property is proposed to be annexed into the City of Rock Hill. Tax parcel 662-00-00-027.**

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

The applicant, Bryan Gladden, 2773 Harlinsdale Drive, stated that he was planning to convert the former nightclub at this location into an automobile body shop. He added that he plans to update the façade, add landscaping, and add a parapet wall for curb appeal.

Vice-Chairman Christopher made the motion to recommend that City Council approve the rezoning to Community Commercial as presented by staff. Commissioner Robinson seconded. Chairman Graham polled the Commissioners, and the motion carried unanimously by a vote of 7-0.

- 8. Hold public hearing and consider a recommendation to City Council on petition T-2020-05 by Rock Hill Planning Commission to amend the Zoning Ordinance affecting Chapter 4: Land Use: Primary Uses; Chapter 7: Construction Standards for Subdivision, Public Improvements, and Site Infrastructure; and Chapter 8: Development Standards, in relation to parking standards, flood protection standards, extended hours restaurants serving alcohol, and special heavy industrial uses.**

Planning & Zoning Manager Leah Youngblood presented the staff report.

Chairman Graham asked whether a 20% reduction in parking requirements in Old Town would still be allowed if adjacent parking is available that could be shared. Ms. Youngblood explained that shared parking would still be an option across the City in situations where that would make sense.

Commissioner Smith asked how the Downtown Parking Management area was determined. Ms. Youngblood explained that the boundaries are set through a Downtown Parking Management Study that is updated every few years. She added that the Study should be updated again soon.

Commissioner Smith asked whether three spaces, not counting garages, would be required for single-family attached residential uses. Ms. Youngblood stated that this was correct, unless the community has restricted covenants in place that require residents to park in the garage. Commissioner Smith asked whether this would be the case for a Master Planned community. Ms. Youngblood stated that this may be part of the regulations for an MP, but that it also would apply in traditional zoning districts

where community covenants were enforced.

Commissioner Smith and Chairman Graham complimented staff on proposing amendments to the regulations so quickly after the Planning Commission had brought up the concern a couple of months ago when it was reviewing some projects in the Downtown area. Ms. Youngblood explained that staff agreed that the regulations needed to be revisited quickly since the City is seeing so many development proposals Downtown. She also noted that the regulations may need to be tweaked again in the future based on any insights generated during the next Downtown Parking Management Study update.

Vice-Chairman Christopher made a motion to recommend that City Council approve the amendments as presented by staff. Commissioner Mallard seconded. Chairman Graham polled the Commissioners, and the motion carried unanimously by a vote of 7-0.

## **NEW BUSINESS**

### **9. Consideration of a request by Bohler Engineering NC, PLLC, for Major Site Plan and Preliminary Plat approval for Aspen Business Park. (Plan #20170177)**

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

Vice-Chairman Christopher asked whether property lines could move based upon the user. Mr. Fields stated that these could move as needed as development occurred, but major changes would require additional review by the Commission.

Vice-Chairman Christopher asked whether the road layout and overall layout were required to remain as presented. Mr. Fields stated that there was a limitation on the square footage overall and access points, but minor changes could occur without Commission approval.

Chairman Graham referred to the area marked "Museum Road" asking if there would be multiple lanes with turn lanes. Mr. Fields stated that there would be as directed by the traffic impact study and were designed to reduce any impact to the residents along Hollis Lakes Road.

The applicant, Daniel Renckens, Bohler Engineering, 1927 S Tryon Street, Charlotte, stated that there would be three lanes on what was currently marked "Museum Road."

Chairman Graham asked when they planned to break ground. Mr. Renckens stated that sewer and road plans were underway with projected plans to begin road construction by the third or fourth quarter of 2021.

Vice-Chairman Christopher made the motion to approve the major site plan as submitted. Commissioner Goodner seconded. Chairman Graham polled the Commissioners, and the motion carried unanimously by a vote of 7-0.

### **10. Other Business.**

There was brief discussion over Continuing Education credits for the year. Staff member Janice Miller stated that most of the Commissioners had completed their credits for this year and would notify them of the possibility of online opportunities for 2021.

### **11. Adjourn.**

There being no further business, the meeting adjourned at 8:35 p.m.