

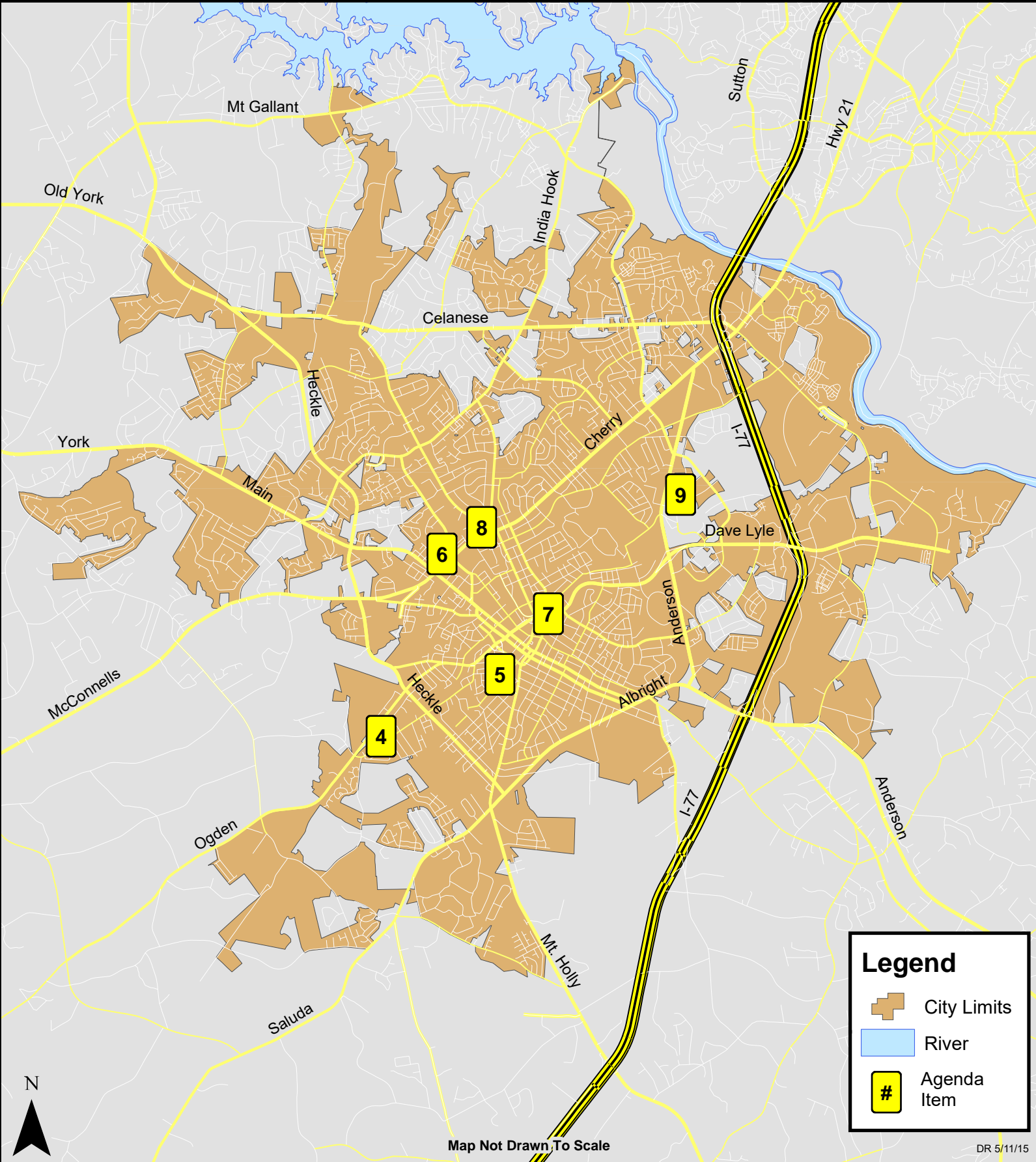
A G E N D A

Rock Hill Zoning Board of Appeals
December 15, 2020

1. Call to Order
2. Approval of Minutes from the November 17, 2020 meeting.
3. Approval of Orders from the November 17, 2020 meeting
4. Appeal Z-2020-28: Request by Charlie Robinson with VFW Post No. 3746 for a special exception for an event venue use and a request to reduce the required separation from a residential use at 1404 Crawford Road, which is zoned Office & Institutional (OI). Tax map number 599-02-01-002.
5. Appeal Z-2020-31: Request by Magloire Lubika of Green Box Market for a modification to an existing special exception to extend the trial period for the re-establishment of a non-conforming convenience store use at 455 Green Street, which is zoned Single-Family Residential-4 (SF-4). Tax map number 600-02-03-037.
6. Appeal Z-2020-32: Request by Jade Washington for a special exception to establish a non-conforming personal services establishment, type A (spa) use at 324 Pursley Street, which is zoned Single-Family Residential-5 (SF-5). Tax map number 598-02-03-015.
7. Appeal Z-2020-33: Request by Jeff Miller on behalf of York County Ballet for a special exception to establish an indoor recreational use greater than 3,000 sq. ft. and for a variance from the side buffer yard requirements at 420 Dave Lyle Blvd, which is zoned Neighborhood Office (NO). Tax map number 627-11-01-028.
8. Appeal Z-2020-34: Request by Joseph Stokes for a special exception to establish a residential infill use at 1046 Ebenezer Avenue Extension, which is zoned Multi-Family Residential-15 (MF-15). Tax map number 596-03-05-010 **Applicant has asked to defer till spring.**
9. Appeal Z-2020-35: Appeal by Mary Victoria Beam, Jameson's Lounge, of Director's decision to revoke zoning approval of an extended hours restaurant serving alcohol located at 524 & 522 N. Anderson Road, which is zoned General Commercial (GC). Tax map number 630-04-01-016 & -017.
10. Other Business
11. Adjourn.

Zoning Board of Appeals Agenda Items

City of Rock Hill, SC
December 15, 2020
Zoning Board of Appeals



Zoning Board of Appeals

City of Rock Hill, South Carolina

November 17, 2020

A public hearing of the Zoning Board of Appeals was held Tuesday, November 17, 2020, at 6 p.m. in City Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Matt Crawford, Keith Sutton, Michael Smith, Rodney Cullum, Randy Sturgis, Chad Williams

MEMBERS ABSENT: Stacey Reeves

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

Legal notice of the public hearing was published in *The Herald*, Friday, October 30, 2020. 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 October 20, 2020, meeting.

Mr. Michael Smith presented the motion to approve the minutes as presented. Mr. Chad Williams seconded, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

3. Approval of Orders of the October 20, 2020, meeting.

Mr. Chad Williams presented the motion to approve the orders as presented. Mr. Smith seconded, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

4. Appeal Z-2020-27: Request by Rich Bridwell with Bridwell Homes for a variance from the secondary front setback standards for a fence on a corner lot at 302 State Street, which is zoned Single-Family Residential-4 (SF-4). Tax map number 600-02-03-036.

Staff member Shana Marshburn presented the staff report.

The applicant, Rich Bridwell, 7333 Starvalley Drive, Charlotte, NC, was available to answer questions.

Mr. Williams asked if the large tree on the lot would be saved. Mr. Bridwell stated it would.

Chair Crawford asked if there had been any consideration to moving the fence closer to the structure. Mr. Bridwell stated they had tried to place the fence in a suitable sideyard location that would allow for access by both the resident and utility services.

Chair Crawford asked if he had considered stopping the 6-foot section at the rear plane of the structure. Mr. Bridwell replied they had, but because the living room and dining room were located on the right side of the house and that side tended to have more foot traffic, the 6-foot fence would be more for privacy rather than security, especially with the apartments located behind the property.

Chair Crawford referred to the two types of fences proposed, asking which was preferred. Mr. Bridwell stated the shadowbox type was preferred as it was still hard to see through but looked nicer than the other type.

Lawrence Sanders, 604 ½ Saluda Street, spoke in support of the request, stating that the property owner next to 608 Saluda Street is a friend of his, and he had helped install a fence but most times people trespassing did not care how high the fence was as they would jump over it. He stated a fence was needed to protect the residents of the home, adding he hoped the owners of the store would work with the residents to protect everyone. He stated that a fence would help with security as well as be good for the neighborhood.

There being no further discussion, Chair Crawford closed the floor.

Vice Chair Keith Sutton presented the motion to approve the variance from the required front setback standards for a fence as presented by staff. Mr. Randy Sturgis seconded, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

Vice Chair Sutton presented the findings, specifically noting the property was located on a corner lot, security concerns to keep trespassers off the property, the lot was most affected by cut through traffic than other lots in the area, that a 4-foot tall fence would not be sufficient for security, and the fact that there was another property in the area with a 6-foot fence along the same façade.

5. Appeal Z-2020-28: Request by Charlie Robinson with VFW Post 3746 for a special exception for an event venue use at 1404 Crawford Road, which is currently under consideration for rezoning to Office and Institutional (OI). Tax map number 599-02-01-002.

This item was deferred until December 15, 2020, public hearing.

6. Appeal Z-2020-29: Request by Digestive Disease Associates for a variance from the side-yard buffer for a parking lot use at 171 Glenwood Drive, which is zoned Office and Institutional (OI). Tax map number 594-01-03-011.

Staff member Dennis Fields presented the staff report.

Vice Chair Sutton asked if staff had any concern of employees crossing the street. Mr. Fields stated Glenwood Drive was not considered a busy or high-traffic road like Constitution Boulevard nearby, adding the parking lot would be mainly for employee use.

Mr. Rodney Cullum asked if handicapped patients needed to park in the lot, would they have difficulty crossing. Mr. Fields stated there would be additional handicap parking in the lot attached to the facility, but that there is an issue currently with having enough parking for patients and employees.

Mr. Sturgis stated that, as a patient of the facility on occasion, there was little parking available on site, and that he recalled requiring the need to wait until a vehicle left before being able to park.

Chair Crawford asked for clarification that the variance was required for the fence side next to the single-family residence. Mr. Fields stated this was correct, that a 10-foot was required for a solid fence.

There being no further discussion, Chair Crawford closed the floor.

Chair Crawford commented that the closest house being located some distance from the site mitigated some of the issues. The Board discussed the location of the townhomes nearby and the existing privacy fence.

Mr. Williams presented the motion to approve the variance from the side-yard buffer for a parking lot use as presented by staff. Vice Chair Sutton seconded the motion, and the motion

carried unanimously by a vote of 6-0 (Reeves absent).

Mr. Williams presented the findings, specifically noting this lot was the only one not used as a residence, that the parking could not be expanded at the facility itself, the adjoining homes was located over 130' away, and that a 6-foot solid privacy fence would be installed.

7. Appeal Z-2020-30: Request by Dennis Plassart of Southern Rock Villas LLC for a special exception for a residential infill use at 906 Saluda Street, which is zoned Mixed Use Corridor (MUC). Tax parcel 600-01-05-004.

Staff member Dennis Fields presented the staff report.

Chair Crawford asked the siding material of the other residential structures nearby. Mr. Fields stated these were vinyl lap siding and other traditional building materials, although he was not quite sure of exactly the type.

Chair Crawford asked the siding material of the existing home. Mr. Fields stated it was asbestos.

The applicant, Dennis Plassart, 5209 Sequoia Lane, Waxhaw NC, was available to answer questions.

Mr. Williams asked the advantage of having units one over the other rather than side by side. Mr. Plassart stated the desire was for the duplexes to appear as a single-family residence, adding that what was presented was a concept and that the configuration could change.

Chair Crawford referred to the site plan, asking the amount of green space included. Mr. Plassart stated there would be trees placed along the front. Mr. Fields further explained there were indicated planting areas on the plan and landscaping would be required.

Mr. Cullum asked if the driveway was wide enough to accommodate two cars passing. Mr. Fields stated the driveway was 16-foot wide but could allow for two-way traffic if both cars moved slowly.

Mr. Michael Smith asked the age of the existing house. Mr. Plassart stated it had been built in the 1940s, adding it was not feasible to repair it to current standards.

Chair Crawford referred to the elevations and asked what the exterior materials and colors were to be. Mrs. Patricia Plassart, 5209 Sequoia Lane, Waxhaw, NC, replied that the exterior would be gray vinyl siding with a charcoal gray roof, adding there may be brick around the doorways. She noted the elevations presented were a concept only.

Chair Crawford asked if the other buildings had vinyl siding. Mr. Fields stated there was a variety of siding materials up and down Saluda Street.

Chair Crawford asked if the materials proposed for this building was consistent with the other residential structures nearby. Mr. Fields stated they were.

Chair Crawford asked if staff was satisfied with having parking spaces located at the front of the building. Mr. Fields stated it was not ideal but having these spaces in the front allowed for outdoor amenities in the back yard that they would otherwise not be able to have.

There being no further discussion, Chair Crawford closed the floor.

Mr. Sturgis presented the motion to approve the special exception for a residential infill use as presented by staff. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

Mr. Sturgis presented the findings, specifically noting the proposal met all the use-specific

standards as presented by staff, the proposed construction was visually compatible with the surrounding area, there would be no environmental impact, the roads were adequate to serve the area, the new construction would not diminish neighboring property values, and a site plan had been submitted.

8. Other Business

a. 2021 Board Calendar

Staff member Melody Kearse presented the 2021 meeting calendar. Mr. Williams presented the motion to approve the calendar as presented. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

7. Adjourn

There being no other business, Mr. Williams made a motion to adjourn. Vice Chair Sutton seconded, and the meeting adjourned at 6:51 p.m.

DRAFT



Zoning Board of Appeals Order

Z-2020-27

The Zoning Board of Appeals held a public hearing on Tuesday, November, 17, 2020, to consider a **request by Rich Bridwell with Bridwell Homes for a variance from the secondary front setback standards for a fence on a corner lot at 302 State Street, which is zoned Single-Family Residential-4 (SF-4). Tax map number 600-02-03-036.**

Board members in attendance included: Matt Crawford, Keith Sutton, Michael Smith, Rodney Cullum, Randy Sturgis, Chad Williams (Stacey Reeves absent)

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

1. The site may be identified as 302 State Street.
2. The property owner is Bridwell Homes LLC.
3. This property is zoned Single-Family Residential-4 (SF-4).
4. The request was for a variance from the secondary front setback standards for a fence on a corner lot.
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:
 - October 28: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - October 30: Public Hearing notification signs posted on subject property.
 - October 30: 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.

The applicant, Rich Bridwell, 7333 Starvalley Drive, Charlotte, NC, was available to answer questions.

Mr. Williams asked if the large tree on the lot would be saved. Mr. Bridwell stated it would.

Chair Crawford asked if there had been any consideration to moving the fence closer to the structure. Mr. Bridwell stated they had tried to place the fence in a suitable sideyard location that would allow for access by both the resident and utility services.

Chair Crawford asked if he had considered stopping the 6-foot section at the rear plane of the structure. Mr. Bridwell replied they had, but because the living room and dining room were located on the right side of the house and that side tended to have more foot traffic, the 6-foot fence would be more for privacy rather than security, especially with the apartments located behind the property.

Chair Crawford referred to the two types of fences proposed, asking which was preferred. Mr. Bridwell stated the shadowbox type was preferred as it was still hard to see through but looked nicer than the other type.

Lawrence Sanders, 604 1/2 Saluda Street, spoke in support of the request, stating that the property owner next to 608 Saluda Street is a friend of his, and he had helped install a fence but most times people trespassing did not care how high the fence was as they would jump over it. He stated a fence was needed to protect the residents of the home, adding he hoped the owners of the store would work with the residents to protect everyone. He stated that a fence would help with security as well as be good for the neighborhood.

There being no further discussion, Chair Crawford closed the floor.

Vice Chair Keith Sutton presented the motion to approve the variance from the required front setback standards for a fence as presented by staff. Mr. Randy Sturgis seconded, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

Vice Chair Sutton presented the findings, specifically noting the property was located on a corner lot, security concerns to keep trespassers off the property, the lot was most affected by cut through traffic than other lots in the area, that a 4-foot tall fence would not be sufficient for security, and the fact that there was another property in the area with a 6-foot fence along the same façade.

THE BOARD, THEREFORE, ORDERS:

That the request by Rich Bridwell with Bridwell Homes for a for a variance from the secondary front setback standards for a fence on a corner lot, 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: _____



Zoning Board of Appeals Order

Z-2020-29

The Zoning Board of Appeals held a public hearing on Tuesday, November, 17, 2020, to consider a **request by Digestive Disease Associates for a variance from the side-yard buffer for a parking lot use at 171 Glenwood Drive, which is zoned Office and Institutional (OI). Tax map number 594-01-03-011.**

Board members in attendance included: Matt Crawford, Keith Sutton, Michael Smith, Rodney Cullum, Randy Sturgis, Chad Williams (Stacey Reeves absent)

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

1. The site may be identified as 171 Glenwood Drive.
2. The property owner is Samuel W. Matthews Etal.
3. This property is zoned Office and Institutional (OI).
4. The request was for a variance from the side-yard buffer for a parking lot 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:
 - October 28: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - October 30: Public Hearing notification signs posted on subject property.
 - October 30: 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 Dennis Fields presented the staff report.

Vice Chair Sutton asked if staff had any concern of employees crossing the street. Mr. Fields stated Glenwood Drive was not considered a busy or high-traffic road like Constitution Boulevard nearby, adding the parking lot would be mainly for employee use.

Mr. Rodney Cullum asked if handicapped patients needed to park in the lot, would they have difficulty crossing. Mr. Fields stated there would be additional handicap parking in the lot attached to the facility, but that there is an issue currently with having enough parking for patients and employees.

Mr. Sturgis stated that, as a patient of the facility on occasion, there was little parking available on site, and that he recalled requiring the need to wait until a vehicle left before being able to park.

Chair Crawford asked for clarification that the variance was required for the fence side next to the single-family residence. Mr. Fields stated this was correct, that a 10-foot was required for a solid fence.

There being no further discussion, Chair Crawford closed the floor.

Chair Crawford commented that the closest house being located some distance from the site mitigated some of the issues. The Board discussed the location of the townhomes nearby and the existing privacy fence.

Mr. Williams presented the motion to approve the variance from the side-yard buffer for a parking lot use as presented by staff. Vice Chair Sutton seconded the motion, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

Mr. Williams presented the findings, specifically noting this lot was the only one not used as a residence, that the parking could not be expanded at the facility itself, the adjoining homes was located over 130' away, and that a 6-foot solid privacy fence would be installed.

THE BOARD, THEREFORE, ORDERS:

That the request by Digestive Disease Associates for a variance from the side-yard buffer for a parking lot use, 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 forth 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-2020-30

The Zoning Board of Appeals held a public hearing on Tuesday, November, 17, 2020, to consider a **request by Dennis Plassart of Southern Rock Villas LLC for a special exception for a residential infill use at 906 Saluda Street, which is zoned Mixed Use Corridor (MUC). Tax parcel 600-01-05-004.**

Board members in attendance included: Matt Crawford, Keith Sutton, Michael Smith, Rodney Cullum, Randy Sturgis, Chad Williams (Stacey Reeves absent)

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

1. The site may be identified as 906 Saluda Street.
2. The property owner is Southern Rock Villas LLC.
3. This property is zoned Mixed Use Corridor (MUC).
4. The request was for a special exception for a residential infill 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:
 - October 28: Public Hearing notification postcards sent to property owners and tenants within 300 feet of the subject property.
 - October 30: Public Hearing notification signs posted on subject property.
 - October 30: 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 Dennis Fields presented the staff report.

Chair Crawford asked the siding material of the other residential structures nearby. Mr. Fields stated these were vinyl lap siding and other traditional building materials, although he was not quite sure of exactly the type.

Chair Crawford asked the siding material of the existing home. Mr. Fields stated it was asbestos.

The applicant, Dennis Plassart, 5209 Sequoia Lane, Waxhaw NC, was available to answer questions.

Mr. Williams asked the advantage of having units one over the other rather than side by side. Mr. Plassart stated the desire was for the duplexes to appear as a single-family residence, adding that what was presented was a concept and that the configuration could change.

Chair Crawford referred to the site plan, asking the amount of green space included. Mr. Plassart stated there would be trees placed along the front. Mr. Fields further explained there were indicated planting areas on the plan and landscaping would be required.

Mr. Cullum asked if the driveway was wide enough to accommodate two cars passing. Mr. Fields stated the driveway was 16-foot wide but could allow for two-way traffic if both cars moved slowly.

Mr. Michael Smith asked the age of the existing house. Mr. Plassart stated it had been built in the 1940s, adding it was not feasible to repair it to current standards.

Chair Crawford referred to the elevations and asked what the exterior materials and colors were to be. Mrs. Patricia Plassart, 5209 Sequoia Lane, Waxhaw, NC, replied that the exterior would be gray vinyl siding with a charcoal gray roof, adding there may be brick around the doorways. She noted the elevations presented were a concept only.

Chair Crawford asked if the other buildings had vinyl siding. Mr. Fields stated there was a variety of siding materials up and down Saluda Street.

Chair Crawford asked if the materials proposed for this building was consistent with the other residential structures nearby. Mr. Fields stated they were.

Chair Crawford asked if staff was satisfied with having parking spaces located at the front of the building. Mr. Fields stated it was not ideal but having these spaces in the front allowed for outdoor amenities in the back yard that they would otherwise not be able to have.

There being no further discussion, Chair Crawford closed the floor.

Mr. Sturgis presented the motion to approve the special exception for a residential infill use as presented by staff. Vice Chair Sutton seconded, and the motion carried unanimously by a vote of 6-0 (Reeves absent).

Mr. Sturgis presented the findings, specifically noting the proposal met all the use-specific standards as presented by staff, the proposed construction was visually compatible with the surrounding area, there would be no environmental impact, the roads were adequate to serve the area, the new construction would not diminish neighboring property values, and a site plan had been submitted.

THE BOARD, THEREFORE, ORDERS:

That the request by Dennis Plassart of Southern Rock Villas LLC for a special exception for a residential infill use, 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-2020-28

Requests: Special exception for an event venue use and a request to reduce the required separation from a residential and a religious institutional use

Address: 1404 Crawford Road

Zoning District: Office and Institutional (OI)

Applicant: Charlie Robinson with VFW Post No. 3746





Requests: Special exception to establish an event center use, and a reduction in the required separation for the event center use from residential uses.

Address: 1404 Crawford Rd.

Tax Map No.: 599-02-01-002

Zoning District: Office and Institutional (OI)

**Property Owner/
Applicant:** Trustees of the VFW Post# 3746
 1404 Crawford Rd.
 Rock Hill, SC 29730

Background

Request for special exception for event center use

The Veterans of Foreign Wars (VFW) Post No. 3746 (the Post) is requesting to establish an event center use at 1404 Crawford Rd. The post, which is primarily classified as a fraternal lodge, would like to be able to rent the facility for private events such as wedding receptions and the like.

The property was recently rezoned to Office and Institutional (OI), which allows event center uses only through special exception approval by the Zoning Board of Appeals.

Primary use table excerpt <ul style="list-style-type: none"> •Blank cell = prohibited •S = Special exception •C = Conditional use •P = Permitted use 	USE	BUSINESS DISTRICTS										
		NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG
	Event Center			S	C	C	C	C	C	C	S	
Definition of proposed use	Event venue: A facility for lease by private parties for events that are not open to the general public, such as parties, banquets, or receptions. Food may be prepared on-site or brought in from off-site.											

(Prior to constructing its new post at this location, the VFW had used its former building on the property as an event center. However, since there has been a substantial lapse of time since the property was used in that manner, a special exception is needed to allow the use going forward.)

Request to reduce the required separation distance for an event center from residential uses

The event center use is required to have a 150-foot separation from residential uses. The site is bordered by residential uses to the west and south. These uses are within 150 feet of the proposed event center; therefore, the VFW Post No. 3746 is requesting a reduction in the required separation to residential uses.

Site Description

The property is located in a predominately single-family residential area along Crawford Road that is zoned Single-Family Residential-4 (SF-4). It is located directly adjacent to the Mt. Sinai Church of Christ, which is zoned Neighborhood Office (NO).

Office and Institutional (OI) Zoning District Description of Intent

The OI district is established to provide a wide variety of professional and business offices and institutions proximate to residential and the more intense business districts so as to satisfy the City's demand for services. The regulations for this zoning district are designed to encourage the formation and continuance of a quiet, compatible, and uncongested environment for offices intermingled with residential and institutional uses.

Analysis of Requests 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 applicable standards listed below are met. The Board may find that not all of these standards are applicable to every request for a special exception use.

1. ***Complies with Use-Specific Standards:*** *The proposed use complies with all use-specific standards. In this case, the applicable use-specific standards are shown below in italics, followed by staff's assessment of each standard in non-italicized font.*

A. Separation:

1. *The building must be located at least 150 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.*

The applicant is seeking a reduction in the separation requirements.

2. *Outdoor areas located within 200 feet of any of the following must not operate the outdoor portions of the use after 10 p.m.: any existing residential uses, any undeveloped residential zoning districts, and any undeveloped portions of a Master Planned (MP) zoning district designated for residential use.*

There are no anticipated outdoor activities for the event center use.

3. **Management of Impacts Plan:** *Event venue uses must provide a written plan to manage potential impacts on the surrounding neighborhoods and businesses, including:*

- a. *Acknowledgement of the City noise ordinance standards and monitoring noise created by the establishment and its patrons.*
- b. *Provision of lighting to secure parking lots and other outside areas while complying with the lighting standards of Chapter 8: Development Standards.*
- c. *Provision of appropriate security to control crowds based on size and type of activity, including the discouragement of parking lot loitering.*
- d. *Advising patrons to park only in appropriate locations on the establishment's property or neighboring properties where written permission has been granted.*

Staff has received a Management of Impacts Plan which shows how each of the potential impacts will be addressed.

4. **Not a Bar/Nightclub:** *Event venues are prohibited from offering their facilities for lease for others to hold promoted parties or otherwise operating as a bar/nightclub even on an occasional basis unless they are also approved as a bar/nightclub.*

In terms of the event center part of the application, the group is aware that they cannot lease the space out for promoted parties and the like, as this would be acting as a nightclub. The rentals would be only for private parties such as weddings and for other community and veteran- related gatherings. A key difference between promoted parties and private parties is that promoted parties are open to the public, whereas private parties have a pre-determined guest list.

2. **Compatibility:** *The proposed use is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands.*

The Post has seen very few calls to the police for service since 2015; however, for the last two years the site has been under construction for the new building. Prior to 2015, the location had seen a few calls, mostly in the years of 2005 to 2008, that were concerning. A copy of the calls since 2000 have been included.

However, since the Post's inception nearly 80 years earlier, the site has been a site for the community to gather for veteran-related and non-veteran-related community activities, and the Post has seen ongoing community support for its continued use through the redevelopment process; the Post held two separate neighborhood meetings during the rezoning process associated with the redevelopment, and enjoyed support at both meetings. Staff has not heard concerns about the proposed event center use from neighboring property owners or tenants.

Staff views the event center use as being compatible with the nearby residential uses because the site had been used in that manner for many prior decades. However, the following conditions of approval would help to ensure continued compatibility:

- A member of Post No. 3746 must attend every event that is not hosted by the Post itself.
- All events must end no later than midnight, and the facility must be vacated completely by 1 a.m.
- Event rentals are not allowed to hold activities outside. Only events held by the Post itself can take place outdoors.
- The primary use of site must be by a nationally recognized fraternal organization in order for the rental use to be allowed.
- The approval is for this application only. Any similar application for this property in the future that is not for the VFW must be re-evaluated through a new special exception process before the Zoning Board of Appeals and otherwise must be based on whatever standards are in place in the Zoning Ordinance at that time.

These conditions have been discussed with the applicant, who is amenable to having them be required. The conditions are similar to those that the ZBA has placed on other event center uses associated with fraternal organizations in the past few years.

- 3. *Design Minimizes Adverse Impact:*** *The design of the proposed use minimizes adverse effects, including visual impacts on adjacent lands; furthermore, the proposed use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance.*

This is a new facility that meets the current site and architectural design standards of the Zoning Ordinance. The Post also has provided a signed parking agreement for overflow parking between itself and the adjacent church.

The Post also states in the application that it is developing a set of operational standards for all activities on the site, and projects that these standards will include:

- A requirement for security to be on site during events.
- A requirement for a Post member to be on site during events.
- Rentals will not be provided to anyone under the age of 25.
- No weapons or drugs are allowed on the premises.
- The rental applicant is responsible for all clean-up, inside and out, and the Post will hold a deposit will be held to ensure that the work is completed.
- The only space that can be rented is the community room.
- No rentals are allowed during scheduled service hours of the adjacent church.

- 4. Design Minimizes Environmental Impact:** *The proposed use minimizes environmental impacts and does not cause significant deterioration of water and air resources, significant wildlife habitat, scenic resources, and other natural resources.*

The site is developed with no new design changes proposed at this time, so no environmental impacts are expected.

- 5. Roads:** *There is adequate road capacity available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.*

The roads are adequate for both of the proposed uses.

- 6. Not Injure Neighboring Land or Property Values:** *The proposed use will not substantially and permanently injure the use of neighboring land for those uses that are permitted in the zoning district, or reduce property values in a demonstrative manner.*

The event center is not seen as injuring neighboring lands or property values if the aforementioned conditions are put in place and the Post manages the activities tightly.

- 7. Site Plan:** *A site plan has been prepared that demonstrates how the proposed use complies with the other standards of this subsection.*

A site and landscape plan is attached.

- 8. Complies with All Other Relevant Laws and Ordinances:** *The proposed use complies with all other relevant City laws and ordinances, state and federal laws, and regulations.*

The applicant must comply with all other relevant laws and ordinances.

Analysis of Request to Reduce Required Separation Distance

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.*

As stated above, this use has existed on the site for many years prior to the building being reconstructed. Therefore, neighboring properties and users should experience no greater impact than that of the past with the re-establishment of the use. Staff has not heard from any neighboring tenants or owners with concerns about the use.

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.*

The site has been redeveloped under current standards and will have a 20-foot landscaped buffer in place and a 6-foot privacy fence against the residential use. A 10-foot landscaped buffer will be placed along the church use.

Public Input

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

- November 20: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- November 20: Posted public hearing signs on subject property.
- November 27: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has not heard any concerns from the public at the time of this report.

Staff Recommendation

Staff recommends approval of the special exception for the event center use and the request to reduce the required separation based on the analysis above. The site has been used by the Post for nearly 80 years, and it has leased the facility for private events for many decades. The community has supported the Post through the rezoning process associated with the reconstruction process, and staff has heard no concerns from neighboring property owners and tenants.

Adding the following conditions would help ensure that the Post's event center activities remain compatible with the surrounding residential area:

- A member of Post No. 3746 must attend every event that is not hosted by the Post itself.
 - All events must end no later than midnight, and the facility must be vacated completely by 1 a.m.
 - Event rentals are not allowed to hold activities outside. Only events held by the Post itself can take place outdoors.
 - The primary use of site must be by a nationally recognized fraternal organization in order for the rental use to be allowed.
 - The approval is for this application only. Any similar application for this property in the future that is not for the VFW must be re-evaluated through a new special exception process before the Zoning Board of Appeals and otherwise must be based on whatever standards are in place in the Zoning Ordinance at that time.
-

Attachments

- Application and supporting materials
- Approved site and landscaping plan
- Summary of police activities
- Zoning map

Staff Contact:

Melody Kearse, Zoning Coordinator

803.329.7088

melody.kearse@cityofrockhill.com

From: Williams, Damien

Sent: Wednesday, June 24, 2020 1:11 PM

To: Youngblood, Leah <Leah.Youngblood@cityofrockhill.com>; Stinson, Rod <Rod.Stinson@cityofrockhill.com>

Cc: Blue, Destiny <Destiny.Blue@cityofrockhill.com>

Subject: RE: VFW on Crawford Rd.

Good afternoon, Captain can definitely give his specific thoughts on 1404 Crawford Rd. I remember a few incidents of shots/shootings there. I pulled calls for service (just citizen initiated) going back to January 2000, those in yellow would give me pause as not to mention the assaults/disorderly conducts because those are basically "fights" that probably would take more than 2 officers to respond.

Shooting with victim calls/reports were in 2008 and 2005. Shots Fired calls 2007 and 2006. Obviously very few calls since 2015.

DOC : Disorderly Conduct	19
INVEST : Miscellaneous Investigation	6
ASSA : Assault	5
HANG : 911 Hang up	4
MVC : Motor Vehicle Collision	2
SHOH : Shots Heard	2
SHOT : Shots Fired	2
SHOV : Shooting w/Victim	2
ROBB : Robbery	1
FRAU : Fraud	1
SUSV : Suspicious Vehicle	1
FOLL : Follow-Up	1
RECK : Reckless Driver	1
JUV : Juvenile Complaint	1
TRES : Trespassing	1
LARC : Larceny	1
MANG : Man With A Gun	1

SPECIAL EXCEPTION APPLICATION

Plan Tracking # 20160444 Date Received: 10/26/2020 Case # Z-2020-29

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: 1404 CRANFORD RD, Rock Hill, SC 29730

Tax parcel number of subject property: 599-02-01-02

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 Y

If yes, please describe the requirements: N/A

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
<u>CHARLIE ROBINSON FOR TRUSTEES</u>	<u>1404 CRAWFORD RD</u>	<u>803-230-3325</u>	<u>CHARLIE.M.ROBINSON@YAHOO.COM</u>
<u>6FVFW POST 3746</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) TRUSTEES OF 6FVFW POST 3746

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: Charlie Robinson for Trustees of 6FVFW Date: 10/23/20
POST 3746

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 the type of use for which you are requesting a special exception?

~~ABC LICENSE~~ EVENT CENTER USE

Special exception 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. If your proposed use has any use-specific standards, how do you propose to meet them? (Staff can help you determine whether your use has any use-specific standards.)

BUILDING WILL BE USED FOR A VARIETY OF
COMMUNITY AND VETERAN SUPPORTED ACTIVITIES.

2. How is the proposed use appropriate for its location and compatible with surrounding land and uses?

YES, THE BUILDING WAS CONSTRUCTED TO
HOUSE VETERAN ~~AND~~ AND COMMUNITY ACTIVITIES

3. What steps are you taking to minimize any adverse impacts on surrounding properties?

WE HAVE DEVELOP A LIST OF STANDARDS THAT
WILL BE FOLLOWED DURING ALL ACTIVITIES
HELD IN THE FACILITY. NO ACTIVITIES IN THE
FACILITY WILL INTERFERE ON SURROUNDING
PROPERTY OWNERS. SEE ATTACHED

4. How would the use impact the environment (water, natural resources, wildlife habitat, etc.)?

NONE

5. How would the use impact traffic issues (road capacity, safety of those coming into or leaving the site, etc.)?

NONE

6. How would the use impact the ability of neighboring land owners to use their properties in a way that is allowed under the Zoning Ordinance, and their property values?

NONE

INFORMATION ABOUT REQUEST

What is your proposed use? Request to reduce the required separation for an event center use from a residential use.

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)

NO, THIS PRIVATE NON-PROFIT EVENT CENTER

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?

NO

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

See Attached

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 *SEE ATTACHED*

Photos of property that is the subject of the request

ATTACHED



GRAY COCKERELL POST NO. 3746
P.O. Box 37886
Rock Hill, South Carolina 29732

December 17, 2018

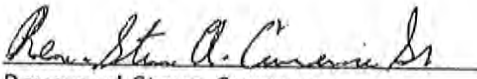
Subject: Overflow Parking

To: City of Rock Hill Planning Department:

The Mount Sinai Church is located at 1402 Crawford Road and is adjacent to the Gray-Corkerell Veterans of Foreign Wars (VFW) Post located at 1404 Crawford Road. Over the years, the church and the VFW have had an informal agreement allowing the VFW to use the church's property for overflow parking during special events and the church is allowed to use the VFW property when additional parking is needed.

This letter is to formalize that agreement and to add the stipulation that each party assumes full and complete responsibility for ensuring that the property used for overflow parking is maintained free of trash, bottles, cans and any other type of litter whenever it is used by the other party.

This agreement further requires that if either party fails to follow through with the cleaning responsibility, the offending party will be required to pay the other party a reasonable fee, as determined by the property owner, for the employment of labor to clean the property. In order to maintain a harmonious and respectful relationship each party will routinely notify the other when special events are planned.


Reverend Steve Currence
Pastor and Founder, Mount Sinai Church


John Thorne, Commander
Gray-Corkerell VFW Post 3746

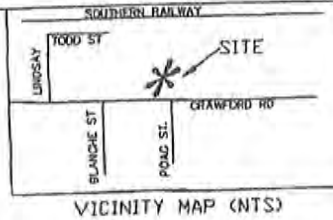
Date: 12/17/18

I HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS AS SPECIFIED THERE IN

E. Burnett Jenkins 10/25/17
 E. BURNETT JENKINS, P.L.S. # 16811

YORK COUNTY ASSESSOR
 Tax Map:
 Date: 10/25/2017

E H



NO NEW LOTS OR PROPERTY LINES ESTABLISHED

EIP EXISTING IRON PIN
 NIP NEW IRON PIN

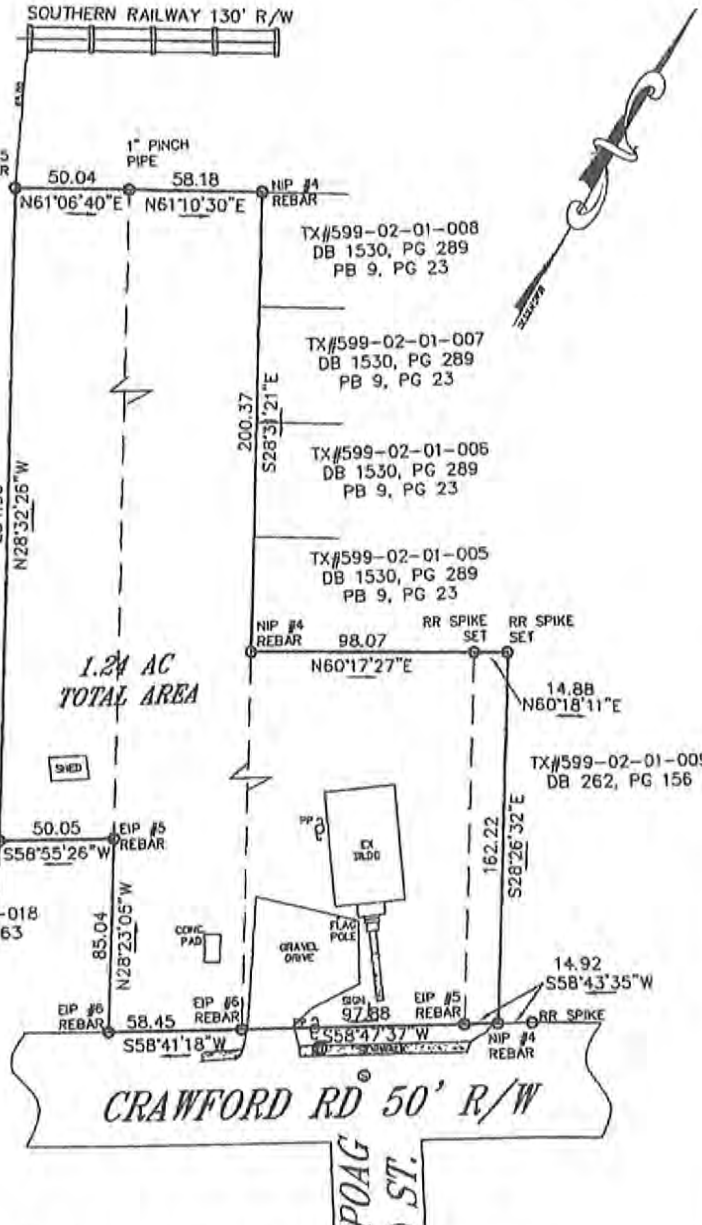
THIS PLAT IS TO COMBINE THE FOLLOWING PROPERTIES.
 TAX# 599-03-01-017,
 599-02-01-001,
 599-02-01-002 ALSO SHOWN IN PB 9, PG 23.



2017046207
 PLAT LARGE RECORDING FEES \$10.00

PRESENTED & RECORDED:
 10-25-2017 02:59:43 PM
 DAVID HAMILTON
 CLERK OF COURT
 YORK COUNTY, SC
 BK: PLAT 156
 PG: 31

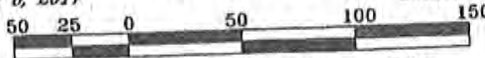
TX#599-03-01-001
 DB 14607, PG 270



RECOMBINATION PLAT OF PROPERTY OF
TRUSTEES OF THE VFW POST #3746
 LOCATED ON CRAWFORD ROAD
 ROCK HILL, S.C.

OCTOBER 8, 2017

SCALE 1" = 50'



E. Burnett Jenkins, PLS

3480 PENSURST RD.
 ROCK HILL, SC 29745
 (803)242-8219

Planning and Development Department - Permit Application Center

P.O. Box 11706 or 155 Johnston St., Rock Hill, SC 29731-1706

Ph: 803-329-5590 Fax: 803-329-7228

Email: openforbusiness@cityofrockhill.com Website: www.cityofrockhill.com



MANAGEMENT OF IMPACTS PLAN

ADDENDUM TO ZONING AND BUILDING CODE COMPLIANCE APPLICATION

(For bar/nightclub, teen club, event venue, restaurant that serves alcohol and is open after midnight, or craft brewery only)

Business Name: VFW Post 3746 Event Center

Property Address: 1404 Crawford Rd

Provide a written plan to manage potential impacts on the surrounding neighborhoods and businesses. Use additional paper if needed.

Noise: Initial to certify that you have received a copy of the City's noise ordinance and understand its standards. _____
How will you monitor and control noise created by your establishment and its patrons?

A post member will be present at all events with the Authority to close building if noise is out of control.

Lighting: How will you provide lighting to secure the parking lot and other outside areas while complying with the Zoning Ordinance's lighting standards?

General Contractor was hired to ensure the lighting requirements for the building and ^{PARKING} AREA met required zoning ordinance's lighting standards.

Security: How will you provide appropriate security to control crowds based on size and type of activity, including the discouragement of parking lot loitering?

Hired professional security personnel will be on sight for all event center activities.

Parking: Staff will review whether your parking areas meet the requirements of the Zoning Ordinance.

Do you plan to share any parking with adjacent properties, or use any parking areas other than those on your property? (In the case of a multi-tenant center, do you plan to share any parking with or use any parking areas on properties other than where the center itself is located?) Yes No

- a. If no, initial here to certify that you will advise patrons to park only in parking spaces on your establishment's property (In the case of a multi-tenant center, initial that you will advise patrons to park only in parking spaces on the center's property.) _____
- b. If yes, discuss with staff whether an Alternative Parking Plan might be an option for your use, and how to submit a proposal for an Alternative Parking Plan. (Letter from adjacent owner is on file)

Other: Please provide any additional information that you think would be helpful for us to know about your operations.

Veteran organization open only to members and guest. Post will serve as a location for numerous community based activities (tutoring, summer feed, neighborhood meetings, etc) meeting place for ^{other} fraternal org.

OFFICE USE ONLY
 Planning & Develop. Director/Designee _____ Approval Date: _____
 Comments: _____

Special Certifications for the Below-Listed Business Types

By signing below, the business owner/manager certifies the following:

I have read and understand the below definitions. I understand that these are different types of uses, and that I am approved only for the use type listed on my Zoning and Building Code Compliance Certificate.

- **Restaurant (without alcohol):** An establishment where food and beverages other than alcohol are served to customers for consumption on the premises.
- **Restaurant serving alcohol:** An establishment where food and beverages are served to customers for consumption on the premises, and where the vast majority of customers consume full meals during conventional meal times. The serving of alcoholic beverages, provision of a bar area, or provision of entertainment is clearly secondary to meal service.
- **Extended hours' restaurant serving alcohol:** An establishment where the primary business is the serving of meals or prepared food during conventional meal times, but the business may stay open until 2 a.m. Such restaurants often feature televised sporting events or late night entertainment, but food is available until closing.
- **Bar/nightclub:** An establishment where the primary business is the sale of alcoholic beverages, which may be in conjunction with the provision of live music, dancing, or other entertainment, such as comedy, theatre, or the viewing of televised sporting events. Food may be served, but is not the primary focus of the establishment.
 - *Special notes:*
 - State alcohol licensing classification, such as but not limited to classification as a "private club" or "non-profit organization," does not determine the City's classification of the use.
 - Any other use type in this ordinance that holds promoted parties, offers its facilities for lease for others to hold promoted parties, or otherwise operates as a bar/nightclub even on an occasional basis must also be approved as a bar/nightclub.
- **Teen club:** An establishment similar to a nightclub but that is geared towards people under age 21 and does not provide alcohol. It is different from a youth center community services' use because a teen club generally involves dancing, music, and other entertainment, whereas a youth center generally is operated by a public agency, or non-profit or charitable organization that provides ongoing activities for the general benefit of youth in the community, such as educational enhancement, training or tutorial experiences; arts classes; general health, wellness, and nutrition activities; and recreation or social activities.
- **Event venue:** A facility for lease by private parties for events that are not open to the general public, such as parties, banquets, or receptions. Food may be prepared on-site or brought in from off-site.
- **Craft brewery:** facility that brews beer primarily for on-site consumption and retail sale, but also including wholesale or off-site sales, consistent with State law and the use-specific standards of this ordinance. Such uses may or may not include an on-site tasting room (brewpub) or food service.

I understand that if I begin operating as a different use from the use for which I have been approved to operate without getting new approvals from the City for the new use, the City may need to require me to cease operating.

Chub's, Inc.
Business Owner/Manager Signature *for VC #1 post 3746* Date *12/10/20*

TYPE OF IMPERVIOUS AREA	NEW (SF)	EXISTING (SF)
ROOF	5,381	1,501
ASPHALT	17,833	0
CONCRETE	1,572	400
OTHER HARD SURFACE (GRAVEL, ETC)	0	4,351
WATER SURFACE (WET POND)	6,142	0

CHURCH MT SINAI OF
FAITH OF ROCK HILL
TM# 599-02-01-009
ZONING : NO
EXIST. USE : CHURCH

CHURCH MT SINAI OF
FAITH OF ROCK HILL
TM# 599-02-01-008
ZONING : NO
EXIST. USE : VACANT

CHURCH MT SINAI OF
FAITH OF ROCK HILL
TM# 599-02-01-007
ZONING : NO
EXIST. USE : VACANT

CHURCH MT SINAI OF
FAITH OF ROCK HILL
TM# 599-02-01-006
ZONING : NO
EXIST. USE : VACANT

CHURCH MT SINAI OF
FAITH OF ROCK HILL
TM# 599-02-01-005
ZONING : NO
EXIST. USE : VACANT

S32° 10' 52" E - 162.17'

N56° 33' 37" E - 113.25'

S32° 26' 50" E - 201.06'

N32° 17' 22" W - 285.15'

EDWARD MARSHALL
TM# 599-03-01-001
ZONING : SF-4
EXIST. USE : VACANT

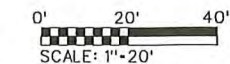
S32° 09' 13" W - 85.04'


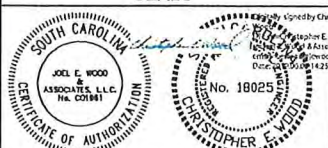
PEARLINE PATTERSON
TM# 599-03-01-018
ZONING : SF-4
EXIST. USE : RESIDENTIAL
ELEV=589.00
E=1983996.29
N=1119125.75

RIM=589.89
OUT=583.99

RIM=588.52
IN(W DROP)=581.82
IN(W)=578.50
IN(E)=578.55
OUT=578.31

COMMERCIAL CONCRETE
DRIVE (SCDOT STD.
720-405-00)
REPLACE UNUSED
DRIVEWAY W/CURB &
SIDEWALK PER
SCDOT STDS.
720-150-00 &
720-150-01



APPROVALS	PREPARED BY	SEALS	PROJECT	SHEET TITLE	NO.	DATE	REVISIONS	BY	SCALE: 1" = 20'
Project Engr: _____ Drawn By: _____ Checked By: _____	 JOEL E. WOOD & ASSOCIATES PLANNING • ENGINEERING • MANAGEMENT P.O. BOX 296 CLOVER, SC 29710 (803) 684-3390		PROJECT VFW POST 3746 ROCK HILL, SOUTH CAROLINA PREPARED FOR VFW POST 3746	SHEET TITLE SITE PLAN	1	5/21/19	PER CITY COMMENTS	CEW	DATE: 7/16/2018
Review: _____ Bid: _____ Construction: _____					2	6/5/19	PER CITY COMMENTS	CEW	
									SHEET C300

GENERAL PLANTING NOTES

GENERAL:
 1. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF QUANTITIES IN THIS PLAN SET. ANY DISCREPANCIES BETWEEN QUANTITIES ON PLAN AND PLANT MATERIAL SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER OF LANDSCAPE ARCHITECT. ANY FIELD ADJUSTMENTS OR QUANTITY ADJUSTMENTS MUST BE APPROVED PRIOR TO PLANTING.

DESCRIPTION OF WORK:
 This specification pertains to planting, fertilizing, and cultivating grass on or off of 20 inches, and areas and grades shall be established by installation of the utilities. Established areas and landscaped areas damaged by construction are to be restored to their former condition by seeding or sodding.

SUBMITTALS:
 Submit seed vendor's certified statement for each grass seed mixture required, stating botanical and common name, percentage to weight, percentage of purity, germination, and seed test for each grass seed mixture.

DELIVERY, STORAGE AND HANDLING:
 Deliver packaged material in condition showing weight, contents, and name of manufacturer. Protect material from deterioration during delivery, and while stored at the site.

INSTALLATION:
 This specification is intended to provide a complete grassing procedure which is to be carried out by the contractor. The contractor shall consult with the Engineer, as to all matters involving weather and soil conditions. Proceed with and complete grassing work as rapidly as portions of the project are become available.

SPECIAL PROJECT REQUIREMENTS:
 Mow grassing throughout the specified maintenance period, and until final acceptance.

PART 2 - PRODUCTS

SOIL AMENDMENTS:
 1. **Topsoil:** Natural granular limestone containing not less than 85% CaCO₃ equivalent with a minimum of 30% magnesium carbonate, ground so that not less than 200 mesh will pass and not less than 500 mesh will pass a 100-mesh sieve.
 2. **Substrate:** Substrate mixture of treated manure, 20% phosphate phosphoric acid, complete fertilizer of neutral character, with some elements derived from organic sources and containing the following percentage of available plant nutrients:
 For grasses: 24% available phosphoric acid, and 12% available potash. Nitrogen is to be a form that will be available to grass during the initial growth period. At least 50% nitrogen is to be organic form. 50% slow release.
 For grasses in unimproved areas, provide fertilizer with not less than 58 total nitrogen, 15% available phosphoric acid, and 12% available potash.

GRASS MATERIALS:
 1. **Seed:** Single fresh, clean, freeze seed complying with tolerance for purity and germination established by Official Seed Analysts of North America.
 2. **Anti-erosion materials:** Match: Provide clean, seed-free hay or strawed straw of wheat, rye, oats, or barley. Silt-erosion: Provide silt eraser or equivalent equal to flow-forming agent designed to permit transportation but retard excessive size of moisture. Deliver in manufacturer's factory specified conditions and mix in accordance with manufacturer's instructions.
 3. **Liquid silt eraser (benzene thinned):** to be used during breaking weather. Liquid silt eraser is to be either rapid or medium curing.
 4. **Emulsified asphalt (water thinned):** to be used when temperatures are above freezing.

PART 3 - EXECUTION

PREPARATION:
 1. **Preparation of Planting Site:** Mix lime with dry soil prior to mixing of fertilizer. Seed bed to be prepared by hand or machine.
 2. **Application of Fertilizer:** Apply phosphoric acid fertilizer (other than that constituting a portion of complete fertilizer) directly to substrate before sowing seed and sowing.
 3. **Preparation of Seed Bed:** Loosen substrate of area to be grassed to a minimum depth of 4". Remove stones of 1/2" in any dimension and sticks, roots, rubbish and other extraneous matter. Limit preparation to areas which will be planted promptly after preparation.
 4. **Seed Bed:** Seed bed is to conform to ground elevations as shown on the Construction Drawings, or as was existing prior to construction. Light raking and natural settlement should be taken into account. The complete seed bed should be hand uniformly into the surrounding topography.
 5. **Good surface drainage of the bed must be provided. Visible ponding will not be allowed.** Apply specified commercial fertilizer at the specified rates, and thoroughly mix into the upper 2" of the seed bed. Delay application of fertilizer if lawn planting will not follow within a few days.
 6. **In established lawn areas, the grass seed bed is to be smooth, even surface with loose, uniform fine texture.** Remove surface of area to be grassed and 6" depression as required to meet finished grade. Limit fine grading to areas which can be planted immediately after grading.
 7. **Mulch prepared lawn areas before sowing of seed is dry.** Water thoroughly and allow surface moisture to dry before planting. Do not create a muddy soil condition. Prepare seed beds to specified conditions if sodded or otherwise disturbed after fine grading and prior to planting.

SEEDING:
 Do not use wet seed or seed which is moldy or otherwise damaged in transit or storage. Sow seed using a sower or seeding machine. Do not use seed which is not velocity sowing in less than 1/2" depth. Distribute seed evenly over entire area by sowing equal quantity in two directions at right angles to each other.
 Do not use more than the quantity of seed specified.
 Sow seed lightly into the top 1/2" inch of soil, roll lightly, and water with a fine spray. Protect seeded slopes against erosion by spreading specified straw mulch after completion of seeding operations. Sow seed uniformly to form a continuous blanket not less than 1/2" inch, loose measurement, over seeded areas.

MAINTENANCE:
 Mix specified seed, fertilizer, and pulverized manure in water, using equipment specifically designed for hydrated application. Continue mixing until uniformly blended into homogeneous slurry, suitable for hydraulic application.
 Apply slurry uniformly to all areas to be seeded. Rate of application is to be as required to obtain specified seed sowing rate.
MULCHING RATE:
 After fertilizing, seeding, raking, and rolling, dried straw is to be uniformly spread over the area at the rate of 20 pounds per 1000 square feet. Straw is to be applied with liquid silt eraser to bond and anchor it.
 Liquid silt eraser (benzene thinned) is to be applied at a rate of 150 gallons per ton of straw (approximately 7 gallons per 1000 square feet).
Preparation of Planting Site: Mix lime with dry soil prior to mixing of fertilizer. Seed bed to be prepared by hand or machine.
 2. **Application of Fertilizer:** Apply phosphoric acid fertilizer (other than that constituting a portion of complete fertilizer) directly to substrate before sowing seed and sowing.
 3. **Preparation of Seed Bed:** Loosen substrate of area to be grassed to a minimum depth of 4". Remove stones of 1/2" in any dimension and sticks, roots, rubbish and other extraneous matter. Limit preparation to areas which will be planted promptly after preparation.
 4. **Seed Bed:** Seed bed is to conform to ground elevations as shown on the Construction Drawings, or as was existing prior to construction. Light raking and natural settlement should be taken into account. The complete seed bed should be hand uniformly into the surrounding topography.
 5. **Good surface drainage of the bed must be provided. Visible ponding will not be allowed.** Apply specified commercial fertilizer at the specified rates, and thoroughly mix into the upper 2" of the seed bed. Delay application of fertilizer if lawn planting will not follow within a few days.
SEEDING:
 Do not use wet seed which is moldy or otherwise damaged in transit or storage. Protect seeded slopes against erosion by spreading specified straw mulch after completion of seeding operations.
MAINTENANCE:
 Begin maintenance immediately after planting.
 Maintain seeded areas for not less than 60 days after substantial completion, and longer as required to establish an acceptable stand. If stand is full and not given full 60 days of maintenance, or if maintenance is completed at that time, continue maintenance the following spring until an acceptable stand is established.
 Maintain grassing by watering, fertilizing, seeding, mowing, liming, and other operations such as rolling, raking and repairing as required to establish a smooth, acceptable lawn, free of eroded bare areas.

INSPECTION AND MAINTENANCE:
 When grassing is completed including maintenance, the Landscape Architect will upon request, make an inspection to determine acceptability.
 Grassing may be inspected for acceptance in parts accessible to the Landscape Architect, provided work offered for inspection is complete, including maintenance.
 When inspected grassing does not comply with the requirements, replace rejected work and continue specified maintenance until inspected by the Landscape Architect and found acceptable.

SEASONAL SEEDING MIXTURES AND RATES OF APPLICATION:
 Seasonal seeding mixtures and rates of application shall be as follows. All rates are in pounds per 1000 square feet.
 Seeding within right-of-way of state roadways will be accomplished in accordance with the requirements pertaining to maintained lawns.
 Slopes otherwise required by the State or the Engineer (pursuant to potential erosion of steep slopes) shall within road right-of-way will be treated the established laws.

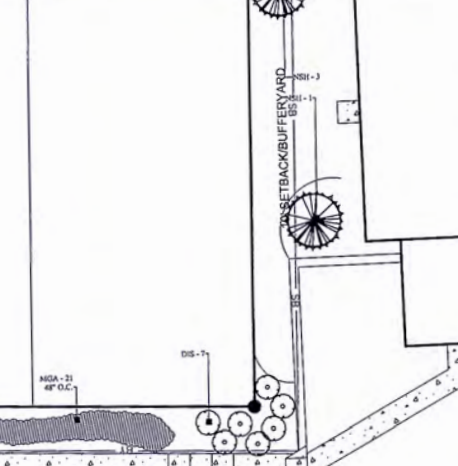
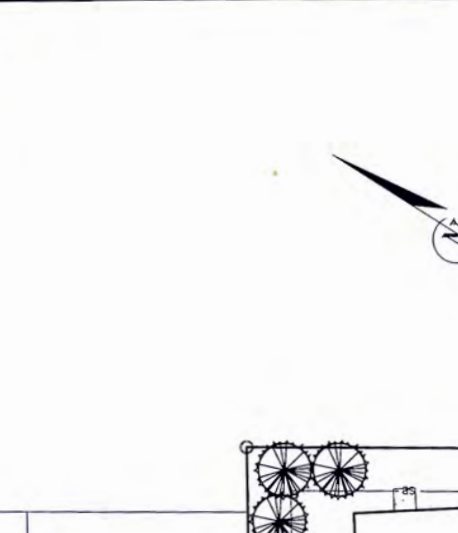
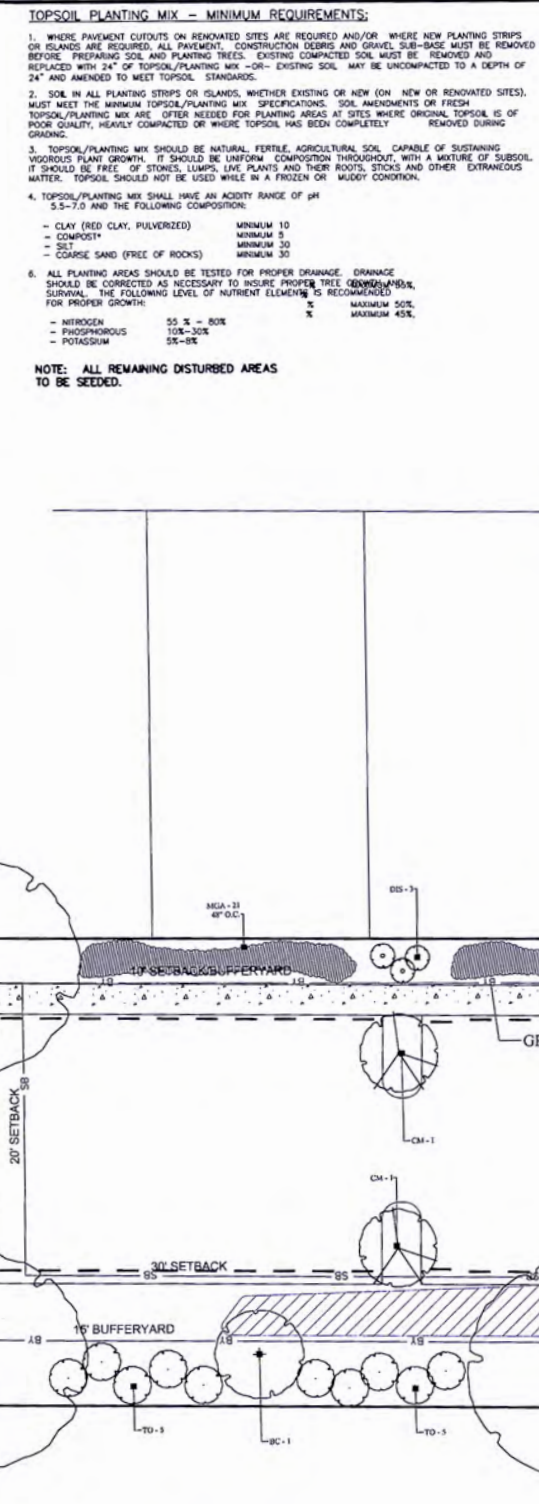
TOPSOIL PLANTING MIX - MINIMUM REQUIREMENTS:

- WHERE PAVEMENT CUTOFFS ON RENOVATED SITES ARE REQUIRED AND/OR WHERE NEW PLANTING STRIPS OR ISLANDS ARE REQUIRED, ALL PAVEMENT, CONSTRUCTION DEBRIS AND GRAVEL SUB-BASE MUST BE REMOVED BEFORE PREPARING SOIL AND PLANTING TREES. EXISTING COMPACTED SOIL MUST BE REMOVED AND REPLACED WITH 24" OF TOPSOIL/PLANTING MIX -OR- EXISTING SOIL MAY BE UNCOMPACTED TO A DEPTH OF 24" AND AMENDED TO MEET TOPSOIL STANDARDS.
- SOIL IN ALL PLANTING STRIPS OR ISLANDS, WHETHER EXISTING OR NEW (ON NEW OR RENOVATED SITES), MUST MEET THE MINIMUM TOPSOIL/PLANTING MIX SPECIFICATIONS. SOIL AMENDMENTS OR FRESH TOPSOIL/PLANTING MIX ARE OFTEN NEEDED FOR PLANTING AREAS AT SITES WHERE ORIGINAL TOPSOIL IS OF POOR QUALITY, HEAVILY COMPACTED OR WHERE TOPSOIL HAS BEEN COMPLETELY REMOVED DURING GRADING.
- TOPSOIL/PLANTING MIX SHOULD BE NATURAL, FERTILE, AGRICULTURAL SOIL, CAPABLE OF SUSTAINING VIGOROUS PLANT GROWTH. IT SHOULD BE UNIFORM COMPOSITION THROUGHOUT, WITH A MIXTURE OF SUBSOIL. IT SHOULD BE FREE OF STONES, LUMPS, LIVE PLANTS AND THEIR ROOTS, STICKS AND OTHER EXTRANEOUS MATTER. TOPSOIL SHOULD NOT BE USED WHILE IN A FROZEN OR MUDDY CONDITION.
- TOPSOIL/PLANTING MIX SHALL HAVE AN ACIDITY RANGE OF pH 5.5-7.0 AND THE FOLLOWING COMPOSITION:
 - CLAY (RED CLAY, PULVERIZED) MINIMUM 10
 - COMPOST* MINIMUM 5
 - SILT MINIMUM 30
 - COARSE SAND (FREE OF ROCKS) MINIMUM 30
- ALL PLANTING AREAS SHOULD BE TESTED FOR PROPER DRAINAGE. DRAINAGE SHOULD BE CORRECTED AS NECESSARY TO INSURE PROPER TREE SURVIVAL. THE FOLLOWING LEVEL OF NUTRIENT ELEMENTS IS RECOMMENDED FOR PROPER GROWTH:
 - NITROGEN 55% - 80% % MAXIMUM 45%
 - PHOSPHOROUS 10% - 30% %
 - POTASSIUM 2% - 8% %

NOTE: ALL REMAINING DISTURBED AREAS TO BE SEEDDED.

LANDSCAPE REQUIREMENTS:

- THIS SITE IS SUBJECT TO THE CITY OF ROCK HILL TREE CONSERVATION.
- THE SITE IS CURRENTLY CLEARED.
- ALL NEW TREES WILL BE PLANTED IN ACCORDANCE WITH THE CITY OF ROCK HILL TREE CONSERVATION. TREES MUST BE AT LEAST 2" CALIPER TO COUNT TOWARD THE SPECIAL REQUIREMENTS.
- ONLY TREE SPECIES SPECIFIED IN THE CITY OF ROCK HILL TREE CONSERVATION WILL BE USED TOWARD THE LANDSCAPE REQUIREMENTS.



Trees	Quantity	Species	Height
4	BC	Taxodium distichum 'Autumn Gold'	Autumn Gold Bald Cypress 6-8' Ht
3	CM	Lagerstroemia indica 'Muskogee'	Muskogee Crape Myrtle 6-8' Ht
4	QR	Quercus rubra	Northern Red Oak 2" cal.
5	ZGV	Zelkova serrata 'Green Vase'	Green Vase Zelkova 2" cal.

Shrubs	Quantity	Species	Height
33	DIS	Dietylium myricoides 'Blue Cascade'	Blue Ilex 24" Ht
56	MGA	Miscanthus sinensis 'Adagio'	Miscanthus Grass 15" Ht
47	MUH	Muhlenbergia capillaris	Muhly Grass 3 gal.
8	NSH	Ilex x 'Nellie Stevens'	Nellie Stevens Holly 18" Ht.
22	TO	Osmanthus fragrans	Tea Olive 18" Ht.

NOTE: BOTTOM OF FENCE SHALL STOP 6 IN. ABOVE GRADE TO ALLOW DRAINAGE







APPROVED-SUBJECT TO COMPLIANCE with the City of Rock Hill Stormwater Management & Sediment Control Ordinance. Revised by _____ DATE _____ CHANGES/ALTERATIONS NOT NOTED ON THESE PLANS MAY VOID THIS PERMIT # _____



APPROVALS Project Engr: _____ Drawn By: _____ Checked By: _____ Review: _____ Bid: _____ Construction: _____		PREPARED BY JOEL E. WOOD & ASSOCIATES PLANNING • ENGINEERING • MANAGEMENT P.O. BOX 296 CLOVER, SC 29710 (803) 684-3390		SEALS 		PROJECT VFW POST 3746 ROCK HILL, SOUTH CAROLINA PREPARED FOR VFW POST 3746		SHEET TITLE LANDSCAPING PLAN		<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISIONS</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>5/21/19</td> <td>PER CITY COMMENTS</td> <td>CEW</td> </tr> <tr> <td>2</td> <td>6/5/19</td> <td>PER CITY COMMENTS</td> <td>CEW</td> </tr> </tbody> </table>		NO.	DATE	REVISIONS	BY	1	5/21/19	PER CITY COMMENTS	CEW	2	6/5/19	PER CITY COMMENTS	CEW	SCALE: 1" = 20' DATE: 7/16/2018 JOB NO.: 180707 SHEET: C600	
NO.	DATE	REVISIONS	BY																						
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2	6/5/19	PER CITY COMMENTS	CEW																						

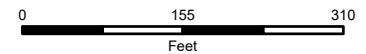


Z-2020-28

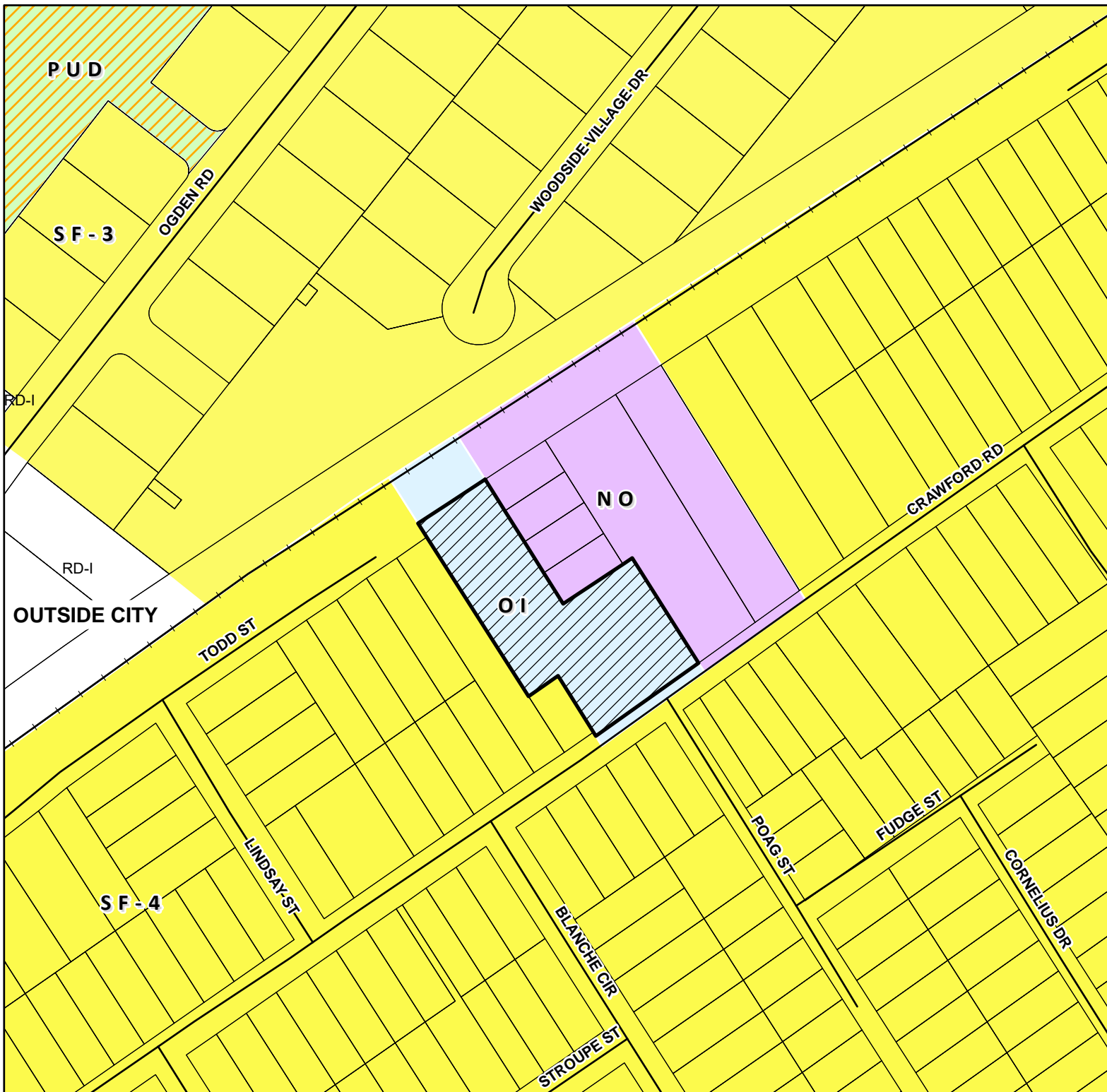
-  Subject Property
- Zoning Districts**
-  Neighborhood Office (NO)
-  Office and Institutional (OI)
-  Planned Unit Development (PUD)
-  Single-Family 3 (SF-3)
-  Single-Family 4 (SF-4)

Zoning Data

Current Zoning
OI



Planning & Development
Department
City of Rock Hill
12/15/20



Z-2020-31

Requests: Modification to an existing special exception to extend the trial period for the re-establishment of a non-conforming convenience store use

Address: 455 Green Street

Zoning District: Single-Family Residential-4 (SF-4)

Applicant: Maqloire Lubika of Green Box Market





Request: Modification of an existing special exception to extend the trial period for the re-establishment of a non-conforming convenience store use.

Address: 455 Green St.

Tax Map No.: 600-02-03-037

Zoning District: Single Family-4 (SF-4)

Applicant: Magloire Lubika
6304 Trevor Simpson Dr.
Indian Trail, SC 28079

Property Owner: Mayimona Makumzungani
Jean Claude Lutuangu Lubika
6304 Trevor Simpson Dr.
Indian Trail, SC 28079

Background

In December 2019, the Zoning Board of Appeals heard a request from the applicant, Magloire Lubika, to re-establish a small convenience store at 455 Green St. The ZBA approved the request with a one-year trial period.

Due to the recent COVID-19 pandemic, however, the applicant has been unable to open the store yet. For this reason, he is asking that the trial period be extended by a period of 18 months.

The staff report and minutes from the December 2019 request are attached. New relevant information includes the following:

- The subject property has had one call for police service since the December 2019 hearing, which involved a welfare check for a possible unconscious person lying on the ground just outside of the building.
- The subject property has had a code enforcement complaint for trash which has been resolved. The complainant has asked that his email be made part of the record of this staff report.
- The applicant's family also owns a convenience store on Ogden Road that was the subject of conversation during the public hearing about the request to re-open the convenience store on Green Street.

- Since December 2019, there have been four police calls involving the Ogden Road location. In one of those instances, police were called to the scene to find that a person had been shot following an argument that began in the parking lot. The other three calls included two motor vehicle collisions and one harassment call. (An assault also occurred at a nearby location, and was called in from the store, so that shows up in the record as well but staff does not consider it relevant to the Board's consideration of this request.)
 - Following the December 2019 hearing, staff received a complaint involving the parking lot of the Ogden Road location being in severe disrepair. The parking lot has since been repaired.
-

Public Input

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

- November 20: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- November 20: Posted public hearing signs on subject property.
- November 27: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff received feedback from Lawrence Sanders of 604 ½ Saluda St., who supports the extension of the trial period.

Staff also received a request from Lonnie Sims for all documents pertaining to this current request and all previous requests to re-establish the convenience store.

Staff Recommendation

Because the building was built for commercial use and converting it to a residential structure would be costly, staff can support the proposed use, provided that any concerns voiced during the public hearing by nearby property owners, residents, or the business community are addressed. While staff does view the shooting that occurred at the applicant's other location since this request last came before the ZBA as very serious, there does not appear to be a pattern of violent crime that occurs there due to mismanagement of the store.

The applicant has requested that the trial period be extended by a period of 18 months, so that is up to the Board's discretion if it sees fit to grant the extension.

Attachments

- Staff report and minutes from the December 2019 hearing
- Police records from 455 Green St. and 702 Odgen Rd. since December 2019
- Email: trash complaint
- Application and supporting materials

- Zoning map

Staff Contact:

Shana Marshburn, Planner I
803.326.2456
shana.marshburn@cityofrockhill.com



Request: Special Exception to re-establish a nonconforming convenience store use in a residential zoning district.

Address: 455 Green St.

Tax Map No.: 600-02-03-037

Zoning District: Single Family-4 (SF-4)

Applicant: Magloire Lubika
6304 Trevor Simpson Dr.
Indian Trail, SC 28079

Property Owner: Mayimona Makumzungani
Jean Claude Lutuangu Lubika
6304 Trevor Simpson Dr.
Indian Trail, SC 28079

Background

Magloire Lubika would like to re-open a small neighborhood convenience store at 455 Green St. A neighborhood convenience store was first established in that location in 1951. George Franklin purchased the business in 1971, and it remained operational until 2012.

The property is zoned Single Family-4, which does not allow indoor retail sales, such as convenience stores. However, the Zoning Ordinance has a provision that allows businesses to re-establish in residential districts through a special exception process if certain criteria can be met. Mr. Lubika is requesting a special exception to re-establish the store under this provision. His family owns a similar neighborhood convenience store, Mama Yala Mini Mart, located at 702 Ogden Rd., about one mile away.

Zoning Ordinance Chapter 10, Section 10.4.6 (B)(3)

A nonconforming use in an established residential district may be permitted to be reestablished by a special exception under the following criteria. The ordinary standards for special exception uses in *Chapter 2: Administration* do not apply.

- The proposed use is permitted by right, conditional use, or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district and the proposed use is no more intense than the historical use of the property.

- The existing structure is specialized to nonconforming use such that conversion to the conforming use would not be economically feasible. Historical nonconforming uses in converted residential structures would generally not be seen as meeting this standard.
- No functional expansion of the use is permitted. Modifications for code compliance and aesthetic enhancement are permitted.
- There is a demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of documented complaints, calls for police service, or other operational concerns such as traffic, parking, or other similar impacts.
- Reestablishment of use may be permitted for a trial period to determine if impacts are mitigated to the extent anticipated.

In 2013, another person tried to re-establish the store on Green Street under the same provision; however, the Zoning Board of Appeals did not approve the request. The staff report and minutes from two separate meetings where the request was considered are attached. Some neighbors expressed concerns involving trash, a decrease in property values, increases in vehicular traffic, and alcohol sales. Others spoke in favor of the re-establishment of the store, noting that it could be accessed by foot, and that the neighborhood needed a store on this side of Saluda Street.

Site Description

The property is located on Green Street near the intersection of State Street and Moore Street in the southwest area of the City. It is mainly surrounded by single-family homes that are also zoned SF-4. Some multi-family residences also exist in the vicinity. The property is across from Moore Street Park and other property owned by the City of Rock Hill.

Description of Intent for Single-Family Detached Zoning Districts

These residential districts are established to primarily provide for single-family detached residential development. A few complementary uses customarily found in residential zoning districts, such as religious institutions, may also be allowed.

The primary difference between these districts is the minimum lot size for development and other dimensional standards that are listed in full in *Chapter 6: Community Design Standards*. The following chart summarizes the differences in lot sizes for single-family residential development.

Zoning District	Minimum Lot Size for Single-Family Residential Development
SF-2	20,000 square feet
SF-3	14,000 square feet

SF-4	9,000 square feet
SF-5	7,500 square feet

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 use is permitted by right, conditional use, or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district, and the proposed use is no more intense than the historical use of the property.*

Convenience stores without gasoline sales are considered an indoor retail use. That use type is currently permitted by special exception in the Neighborhood Office zoning district and by conditional use in the Neighborhood Commercial zoning district.

RESIDENTIAL								BUSINESS											
SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH
							c	s	c	s	c	c	c	c	c	c	c	s	s

The proposed use is the same as has been on the property historically. The building was used as a convenience store for many years, up until a few years ago.

- (b) *The existing structure is specialized to nonconforming use such that conversion to the conforming use would not be economically feasible. Historical nonconforming uses in converted residential structures would generally not be seen as meeting this standard.*

The building was designed for commercial use. Converting it to a residential use would be costly.

- (c) *No functional expansion of the use is permitted. Modifications for code compliance and aesthetic enhance are permitted.*

The applicant is not proposing to expand the use. Some specific modifications to the building and site would be required to meet current building and fire codes. These are detailed in the attached feasibility study.

(d) There is demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of demonstrated complaints, calls for police service, or other operational concerns such as traffic, parking, or other similar impacts.

Complaints/code enforcement cases:

The applicant's family purchased the subject property in November 2018. Since then, it has not had any code enforcement violations.

Moreover, the convenience store owned by the applicant's family on Ogden Road has been the subject of only one code enforcement case since he purchased the property in April 2015. It involved a nonconforming sign structure that was no longer being used; the applicant's family removed the sign structure immediately upon learning that he needed to do so. The City does not have any records of other complaints on that property.

For historical context on the subject property, the City's complaint tracking system shows four code enforcement cases in recent years prior to the applicant's ownership of it—two for overgrown grass and two for minor property maintenance code violations involving the structure itself. All were either abated by the property owner at the time or were dismissed in court.

Calls for police service:

Since the applicant's family purchased the subject property, it has had one call for police service. The nature of the call was for suspicious activity. A locksmith had been on the scene and noticed damage to a door. It was later determined that the damage to the door was actually caused by the owner.

Similarly, calls for service related to the convenience store owned by the applicant's family at 702 Ogden Rd. have been low. Seventeen calls have been generated from the property since the family purchased it in April 2015. Most if not all of these calls appear to have been made by the business owners themselves, and were mostly related to motor vehicle collisions (6), larceny/shoplifting (3), and disorderly conduct/suspicious persons (3).

Based on concerns heard during the previous request to re-establish a convenience store at this location, staff is also providing the following historical context for the subject property, prior to the applicant's ownership of it. In the four years preceding the former store's closing and an additional year afterward (March 2008 through March 2013), the records show 60 calls for service. These calls were primarily related to drug/alcohol/disorderly conduct/public display of intoxication (11), suspicious persons (7), larceny (5), and assaults or persons with guns (5).

Traffic:

Since it is designed as a neighborhood store, the proposed use is unlikely to generate substantial traffic counts. Some patrons would be expected to walk from their homes nearby.

Parking:

The property has sufficient room for one handicapped parking space (which would need to be improved from its current condition) but no other parking. If this use were being established new, five parking spaces would be required (one space per 250 square feet of building area, with a 20% discount for being located in the Old Town area; the building is approximately 1,500 square feet). Because the request is not for a new building but rather to reestablish a nonconforming use, the Zoning Board needs to evaluate whether the amount of existing on-site parking is sufficient to serve the business. (Note: The feasibility study states that a variance would be required, but this special exception process to re-establish a nonconforming use is designed to consider that aspect of the proposal instead.)

Because the property can only accommodate one parking space on site, which must be reserved as a handicapped space, one part of the parking analysis must be whether Green Street can accommodate on-street parking for the use. Green Street is classified as a major collector but functions more as a residential collector. Its travel lanes vary between 28 to 30 feet wide in this area, which is considered sufficient to accommodate on-street parking on one side of the street. (Two 10-foot travel lanes and one 8.5-foot parking lane are considered adequate.) The City's Transportation Manager does not recommend the formalization of these on-street parking spaces through striping because doing so would change the location of the centerline and would effectively prohibit parking on the opposite side of the street. Instead, he recommends that patrons be allowed to park on the street in an informal way, which is how the street functions today. Because the nature of a convenience store involves brief stops, it is not expected that patrons would be parked on the street for extended periods of time.

Sanitation

One of the concerns raised during the last request to re-open a convenience store in this area related to potential litter on the site. In order to address this concern, the applicant will need to develop a plan to handle waste, as the property does not appear have enough room to accommodate a dumpster of any size.

(e) *Reestablishment of the use may be permitted for a trial period to determine if impacts are mitigated to the extent anticipated.*

The Board is allowed to require a trial period for the re-establishment of the use if it sees a need for one. The applicant has concerns about a trial period due to the cost of the work that would be required to bring the building up to code, but may be willing to discuss this concept with the Board more.

Public Input

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

- November 22: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- November 22: Posted public hearing signs on subject property.
- November 23: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff received feedback from Lonnie Sims, who owns and lives in 467 Green Street near this parcel. He initially indicated concerns about the use, but later stated that he may be able to support the reopening of the store if it were to offer items not readily available in the area, such as fresh foods, and did not sell items such as alcohol and cigarettes.

Staff Recommendation

Because the building was built for commercial use and converting it to a residential structure would be costly, staff can support the proposed use, provided that any concerns voiced during the public hearing by nearby property owners, residents, or the business community are addressed. The applicant's family has been able to manage a similar store in a way that has not had a negative impact on the community in terms of crime or property management.

Attachments

- Application and supporting materials
- Police call records
- Feasibility study
- Staff reports, minutes and order from April and May 2013 hearings
- Zoning map

Staff Contact:

Shana Marshburn, Planner I
803.326.2456
shana.marshburn@cityofrockhill.com

**SPECIAL EXCEPTION APPLICATION FOR RE-ESTABLISHING
A NON-CONFORMING USE IN A RESIDENTIAL ZONING DISTRICT**

Plan Tracking # 20191498 Date Received: 11-15-2019 Case # Z- 2019-30

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: 455 Green St, Rock Hill, SC _____

Tax parcel number of subject property: 600 - 02 - 03 - 037

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 **X**

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Magloire Lubika	6304 Trevor Simpson Dr, Indian Trail, NC 28079	(704) 618-6521	Magloirelubika@gmail.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) Son

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: Magloire Lubika Date: 11/15/19

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

<p>Name of property owner: <u>Lutanga Lubika</u></p> <p>If property owner is an organization/corporation, name of person authorized to represent its property interests: _____</p> <p>I certify that the person listed in the person listed above has my permission to represent this property in this application.</p> <p>Signature: <u>Lutanga Lubika</u> Date: <u>11/15/19</u></p> <p>Preferred phone number: <u>(704) 290-6246</u> Email address: <u>Jeman40@gmail.com</u></p> <p>Mailing address: <u>6304 Trevor Simpson Dr, Indian Trail, NC 28079</u></p>
--

INFORMATION ABOUT REQUEST

What is the type of use for which you are requesting a special exception?

Special exception to re-establish a convenience store.

Special exception 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. Is the proposed use allowed by right, conditional use or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district? If so, please demonstrate how you plan to meet the use-specific standards for the use:

Yes, the proposed use is allowed by conditional use of neighborhood commercial.

2. Is the existing structure specialized to a non-conforming use, such that conversion to a conforming use would not be economically feasible?

Yes, the existing structure was built for commercial use, it will not be easily converted.

3. Would the non-conforming use be functionally expanded in any way?

No.

4. Is there a demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of documented complaints, calls for police service, or other operational concerns such as traffic, parking or other similar impacts?

Within the past 10 years, there has been 60 police calls pertaining to the 455 Green st property. A significant amount of the calls were related to suspicious persons, trespassing, alarms going off (not break-ins) accidental calls, and property checks.

After review of the 2013 zoning appeal, and having several conversations with members of the community. We've been able to address any issues that may still linger over the past six years and work towards satisfying those request. Such as a ramp for accessibility for senior citizens and other concerns.

5. If the Board so chooses, re-establishment may be permitted for a possible trial period to determine if impacts are mitigated to the maximum extent possible; is the applicant agreeable to such trial period?

We will be open to a trial period, if the decision came down to it.

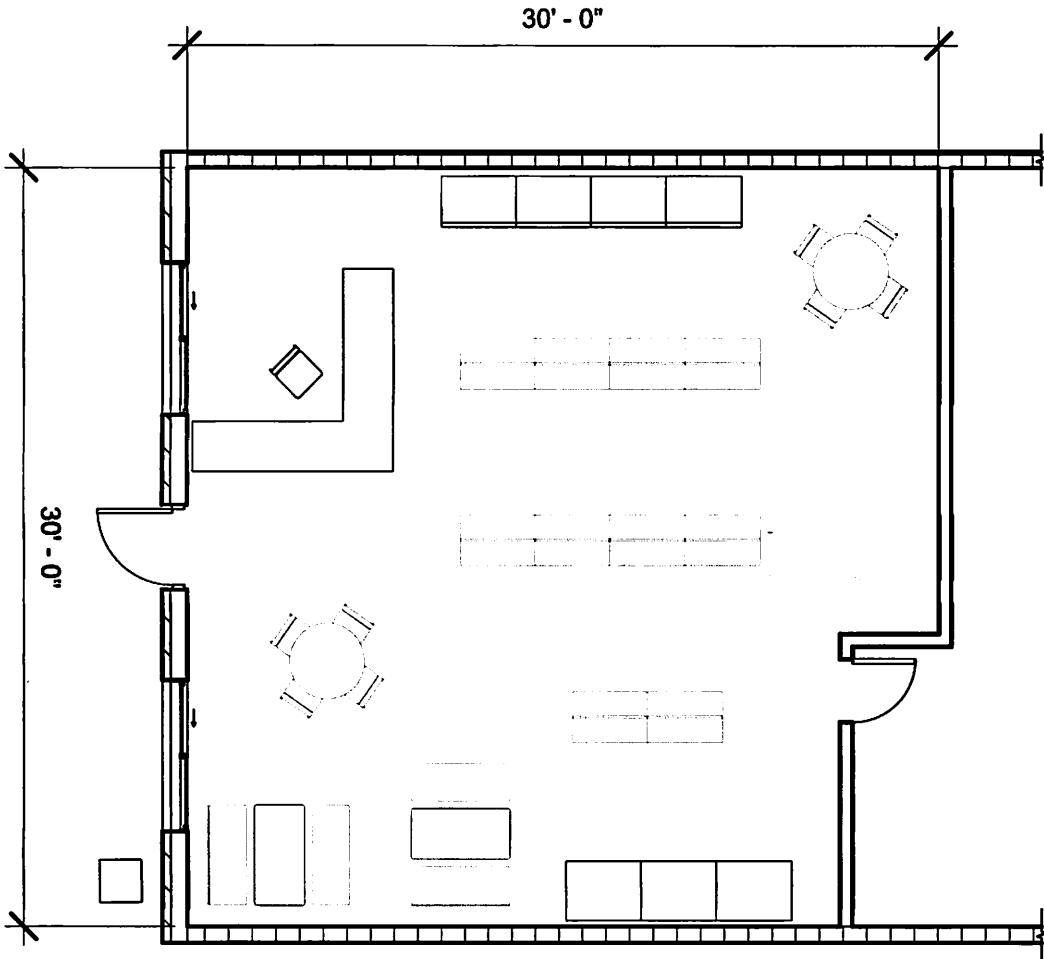
Exhibits

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

Please see the attached preliminary drawings.









Police calls at 455 Green Street, April 2013 to present

PROC : Property Check	5
SUSP : Suspicious Person	4
DRUG : Drug Investigation	3
SUSA : Suspicious Activity	2
INVEST : Miscellaneous Investigation	2
ASTO : Assist Other Agency	1
TRES : Trespassing	1
DOM : Domestic	1
ABDV : Abandoned Vehicle	1
NOIS : Noise Complaint	1
JUV : Juvenile Complaint	1
MANG : Man With A Gun	1

Police calls at 702 Ogden Road, April 2015 to present

Description	Date
DOC : Disorderly Conduct	08/10/19
SHOP : Shoplifting	01/17/19
DOC : Disorderly Conduct	12/26/18
SHOP : Shoplifting	12/13/18
MVC : Motor Vehicle Collision	11/27/18
LARC : Larceny	07/02/18
MVC : Motor Vehicle Collision	01/29/18
TRES : Trespassing	01/05/18
MVC : Motor Vehicle Collision	10/25/17
MVC : Motor Vehicle Collision	08/15/17
ASTO : Assist Other Agency	07/29/17
MVC : Motor Vehicle Collision	07/16/17
FOLL : Follow-Up	04/17/17
WARR : Warrant Service Attempt	01/17/17
FOLL : Follow-Up	01/14/17
VAND : Vandalism	01/14/17
SUSP : Suspicious Person	07/15/16

Letter of Notification for Plan Review

Convenience store with food - 455 Green St. - Feasibility

Plan Reviewed:
Feasibility Survey Report

Status:
Not Approved

20191498
Convenience store with food - 455 Green St. - Feasibility
455 Green St.

Feasibility Survey Report -

Project Contact:

Magloire Lubika

Rock Hill, SC 29730

Phone: 704-618-6521

Email: magloirelubika@gmail.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.

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455 Green St.

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 - Karen Kane - karen.kane@cityofrockhill.com -

Not Approved

Review Comments:

1. Buildings in occupancy Group A having occupant load of 300 or less, Group B, F, M and S, and places of religious worship, the main door or doors are permitted to be equipped with key-operated locking devices from the egress side provided:

2.1 The locking device is readily distinguishable as locked.

2.2 A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED. The sign shall be in letters 1 inch (25mm) high on a contrasting background. in letters 1 inch (25mm) high on a contrasting background. This sign needs to be posted on front door.

2. 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. Install 5-LB ABC fire extinguishers. At least two extinguishers needed by exit doors.

3. 1010.1.9.4 Bolt Locks. Manually operated flush bolts or surface bolts are not permitted. Remove bar that is on the door.

4. 1008.3 Emergency Power for Illumination. The power supply for means of egress illumination shall normally be provided by the premises' electrical supply. Install emergency lights.

5. 1013.3 Illumination. Exit signs shall be internally or externally illuminated at all times. Install exit lights.

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. Exposed wiring and open junction boxes need to be covered.

7. 609.2 Where Required. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors. (If cooking.)

8. 1013.4 Braille Exit Signs. A sign stating EXIT in visual characters, raised characters and braille and complying with ICC A117.1 shall be provided adjacent to each door to an area of refuge, and exterior area for assisted rescue, and exit stairway or ramp, and exit passageway and the exit discharge. (Recommended)

9. Ceiling/walls need to be repaired.

Inspections - William Ashley - william.ashley@cityofrockhill.com - 803-329-5581

Not Approved

Review Comments:

1. The proposal is to re-open a former roughly 1,440 sq.ft. Neighborhood Store which is a Mercantile (Use category).

2. Plumbing, Mechanical, Electrical, HVAC and all building components must be in good, working order and

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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.

3. With the building being in disrepair, please provide a list of things that you would like to do in order to get the store up and running. Dependent upon this list, it can be determined if it would reflect a alteration or a repair. If its an alteration, it would trigger certain requirements with respect to accessibility for the structure. If they are just repairs, accessibility may not be required under the existing building code.

4. The ceiling is in dis-repair, several large holes are located in the ceiling exposing the attic area and rafters. The ceiling would be required to be repaired and be in good condition.

5. There are several areas where there are exposed wires from missing appliances and old lighting fixtures. These shall be capped and covered by a licensed electrician.

6. If cooking is to be done. A type I hood would be required to capture any grease latent vapors. Currently there is a hood located in the kitchen area, it would need to be determined what type hood it is and if it is in need of repair or replacement.

7. Any cooking would trigger certain requirements with disposal of grease. You would need to contact our F.O.G. (fats, oils, grease) dept. in order to understand the requirements that would need to be met.

Zoning - Melody Kearsse - melody.kearsse@cityofrockhill.com - 803-329-7088

Not Approved

Review Comments:

The proposed use is to re-open a Convenience Store (C-Store) use in the Single-Family Residential-4 (SF-4) zoning district. There is a desire to offer food service at this location in the future. The uses are both considered non-conforming, but may be re-established with a special exception. A special exception can only be granted by the Zoning Board of Appeals (ZBA) through a public hearing process. The application has been attached to this report. The application deadline for the December 10th meeting is November 15th. A special exception was applied for and previously denied in 2013. I have attached the minutes and the signed order from those ZBA meetings for the applicant's use in understanding some of the challenges this request is likely to face from neighboring properties.

There are hours of operation restrictions that would apply to this use; these are the same that apply with this use in the NO or NC zoning district. However, the ZBA could require a condition of approval for stricter standards than those that apply (limited operating hours of 6:00am -10:00pm).

The site does not offer adequate parking for the use. The building is 1,508 SF, and the c-store use requires 1 space per 250 SF of gross floor area. After the Old Town status discount is applied 5 parking spaces are required. Only 1 non-conforming parking space is available on site, and it is in need of repair work. A variance will be need for the other 4 parking spaces. This is also a public hearing process through the ZBA. The variance application has been provided as part of this report. The variance and special exception application can be turned in together, and only one application fee will apply.

The following signage options are available: Wall sign: size is allotted based on the tenant space width, 1 SF of sign per 1 Linear Foot of tenant wall width. Window sign: size is allotted at the same amount as the permissible wall signage or 50% of the window area (whichever is less). Projecting sign: a projecting sign is based on a Type D corridor maximum size, which is a maximum of 20 SF and 15 feet in height or building height (whichever is less).

There are improvements that should be considered by the applicant, such as: Removing the old kerosene pump, kerosene tank, landscaping and accessibility into the space. These and other improvements may be required by the Board as conditions of approval.

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

Not Approved

Review Comments:

A code compliant GRD must be installed before any food service operation may commence. Please visit www.cityofrockhill.com/fog for more information, including the FOG Ordinance and Policy.

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. Kears 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. Kears stated that there would not be.

Mr. Crawford asked whether the deck would be removed. Ms. Kears 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. Kears 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. Kears 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. Kears presented the staff report.

Mr. Sutton asked whether the landscaping would be placed between the sidewalk and building. Ms. Kears 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. 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.

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.

Police calls at 455 Green Street since December 2019

Description	Date
WELF : Welfare Check	1/12/20

Police calls at 702 Ogden Road since December 2019

Description	Date
HAR: Harassment	12/7/20
MVC: Motor Vehicle Collision	6/7/20
MVC: Motor Vehicle Collision	4/19/20
ASSA: Assault	3/16/20
SHOV: Shooting w/ Victim	12/28/19

RE: 455 Green

Tuesday, December 1, 2020 12:36 PM

Subject	RE: 455 Green
From	Raymes, Dart
To	Kearse, Melody
Sent	Tuesday, October 27, 2020 9:39 AM

I will contact Jean Claude.

Dart Raymes

Zoning Inspector

Planning & Development

City of Rock Hill

P.O. Box 11706

155 Johnston Street (29730)

Rock Hill, South Carolina 29731-1706

o: 803-326-3749

m: 803-417-5857

f: 803-329-7228

Dart.Raymes@cityofrockhill.com

www.cityofrockhill.com

From: Kearse, Melody <Melody.Kearse@cityofrockhill.com>

Sent: Tuesday, October 27, 2020 9:12 AM

To: Raymes, Dart <Dart.Raymes@cityofrockhill.com>

Subject: FW: 455 Green

Can you reach out to the owners about the trash. Whole property needs to be cleaned up asap. They are the same family that owns Ma Ma Ya La.

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: Dean Sims <deansims@hotmail.com>

Sent: Monday, October 26, 2020 2:26 PM

To: Kearse, Melody <Melody.Kearse@cityofrockhill.com>

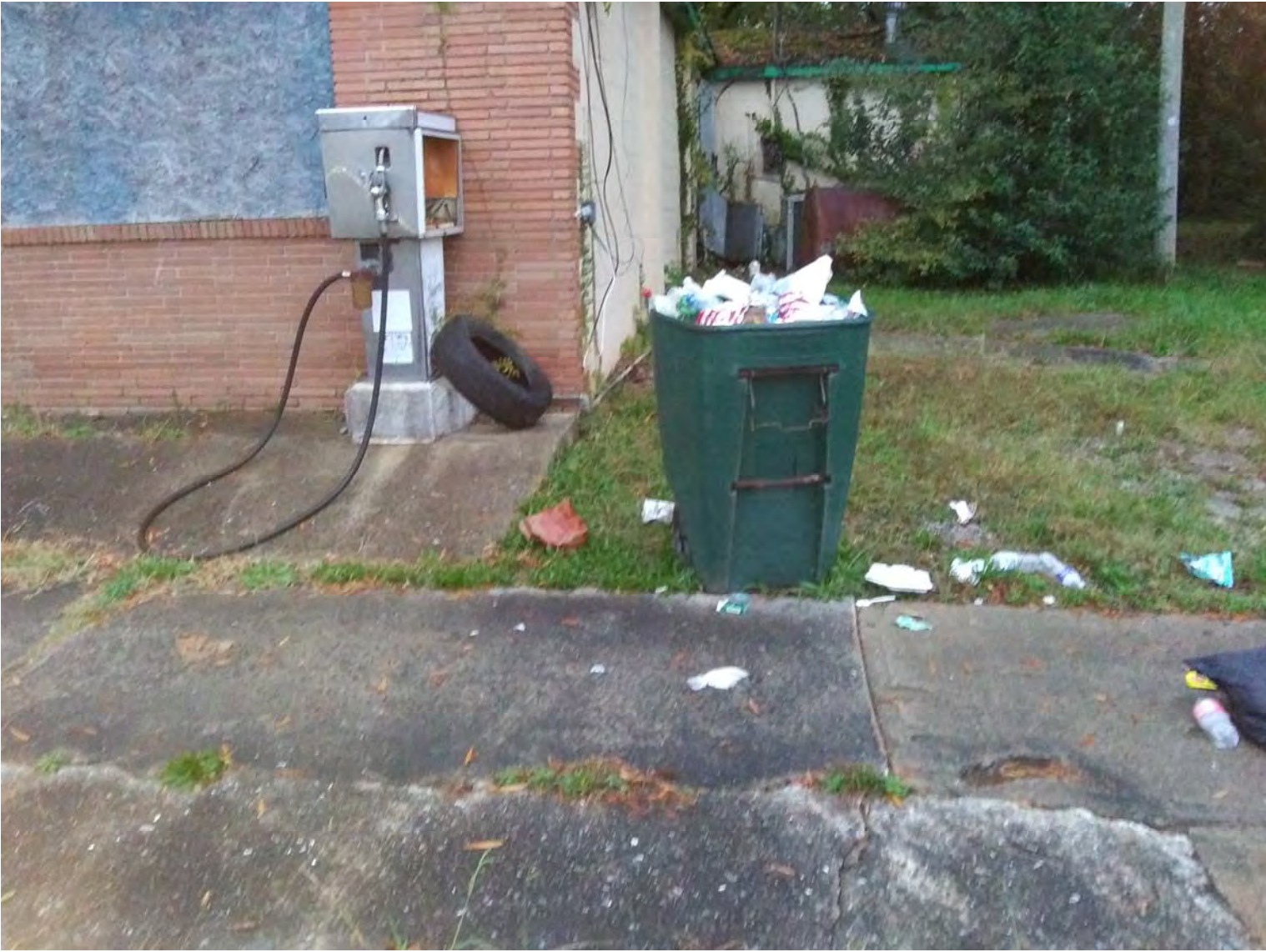
Subject: 455 Green

Ms kearse: attached are current photo of trash and debris at the 455 Green. This applicant has failed to remove or clean up since late july. Would you please include photo for record of compliance, for any future applications to the Zoning Board.











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SPECIAL EXCEPTION APPLICATION FOR RE-ESTABLISHING A NON-CONFORMING USE IN A RESIDENTIAL ZONING DISTRICT

Plan Tracking # 20191498 Date Received: _____ Case # Z-

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: 455 Green St, Rock Hill, SC 29730

Tax parcel number of subject property: 6 0 0 . 0 2 . 0 3 . 0 3 7

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 X

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Magloire Lubika	6304 Trevor Simpson Dr Indian Trail, NC 28079	(704) 618-6521	Magloireboxco@gmail.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) Son

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: _____ Date : _____

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

Name of property owner: Mayimona Makumzungani and Jean Claude Lutuangu Lubika

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: Magloire Lubika Date: 11/16/2020

Preferred phone number: (704) 618-6521 Email address: Magloireboxco@gmail.com

Mailing address: 6304 Trevor Simpson Dr, Indian Trail, NC 28079

INFORMATION ABOUT REQUEST

What is the type of use for which you are requesting a special exception?

Special exception to re-establish a convenience store/Extension

Special exception 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. Is the proposed use allowed by right, conditional use or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district? If so, please demonstrate how you plan to meet the use-specific standards for the use:

Yes, the proposed use is allowed by conditional use of neighborhood commercial.

2. Is the existing structure specialized to a non-conforming use, such that conversion to a conforming use would not be economically feasible?___

Yes, the existing structure was built for commercial use, it will not be easily converted.

3. Would the non-conforming use be functionally expanded in any way?

No.

4. Is there a demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of documented complaints, calls for police service, or other operational concerns such as traffic, parking or other similar impacts?

Within the past 10 years, there has been 60 police calls pertaining to the 455 Green st property. A significant amount of the calls were related to suspicious persons, trespassing, alarms going off (not break-ins) accidental calls, and property checks.

5. If the Board so chooses, re-establishment may be permitted for a possible trial period to determine if impacts are mitigated to the maximum extent possible; is the applicant agreeable to such trial period? _____

We will be open to a trial period, if the decision came down to it.

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

Business Plan

Unofficial Design Ideas

Green Box Market



Green Box Market
455 Green St
Rock Hill, South Carolina 29730
(704) 618-6521
Magloireboxco@gmail.com

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Green Box Market

Confidentiality Statement

The information, data and drawings embodied in this business plan are strictly confidential and supplied with the understanding that they will be held in confidence and not disclosed to third parties without the prior written consent of _____.

(Counselor)

Date

Executive Summary

My parents immigrated to The United States of America in 1991 with \$50 and a dream. Through many trials, tribulations, and sacrifices, they were able to turn those dreams into a reality. First, in 2003 when they opened up their first convenience store, Jeman Express, in Charlotte, North Carolina, and in 2012, Sunset Park Groceries, in Rock Hill. I asked them one day, what were their dreams? My father said, "We dreamt of one day being able to provide for a family, now we dream of you doing better than we did." Throughout their 18-year career in this industry, my brothers and I have been by our parent's side, learning what it takes to build a successful business.

Green Box Market is much more than fulfilling my parent's dream for me, but my idea of redefining the American c-store experience.

Green box Market is a convenience store with a modern twist, fulfilling a need that will continue to exist in the future - the need for convenience and comfort – a genuine neighborhood market. Green Box market will be the first store of its kind in the city of Rock Hill. We are ditching the "grab and go system," and develop a strategic plan to have our clientele "grab and stay," whether that be to stay and enjoy a specialty item lunch or provide a place to host gatherings. We believe in delivering the need for convenience and comfort; we can undercut our competition. The possibilities for expansion are excellent, not only in the local area but also in neighboring communities.

Green Box Market will offer a range of fresh, organic produce, drinks (alcoholic and nonalcoholic), prepackaged pastries, pet foods, medicines, etc. All products will be locally or nationally branded, such as Frito-Lay, Coca-Cola, Annies, Charmin, etc. Also, Green Box Market will utilize 280sq ft of the store to a kitchen. The kitchen will provide breakfast, lunch, coffee, tea, and cold drinks. In addition, the market will be a comfortable place to meet and shop in the community.

Green Box Market's competitive edge is its location, its focus on customer service, experience, innovation, and knowledge of the owner. Also, the Green Box Market will give back to the community. We will participate in community projects and host fund-raisers for local community services.

Goals/Objectives

These are the goals for the next three years for the Green Box Market:

- Become an established community destination with a customer satisfaction rate of 90% by the end of the first year
- Achieve gross margin of 6 ½ % end of the first year
- Achieve a net Profit of 8% by year 3
- Hiring (4) part-time staff members by year 3

Mission Statement

The Green Box Market is a modern-day convenience store that values convenience and comfort.

Company

Green Box Market is a start-up venture. The store will occupy a property located on 455 Green St, Rock Hill, South Carolina. This 2,557sq ft lot is in the South Central, Rock Hill neighborhood, and surrounded by the Marion historical district, Flint Hill, and 0.47 miles to Downtown, Rock Hill, and six minutes from Winthrop University. Magloire Lubika will own and operate the Green Box Market. At start-up, there will be two other employees, which will increase as the market shows demand for more assistance.



The proposed location for Green Box Market

Company Ownership

The company is incorporated in South Carolina and owned by Lutuangu Magloire Lubika. Funds for the start-up will come from Lubika and a \$150,000 loan. Before starting Green Box Market, Magloire Lubika worked as a manager for both of his family's convenience stores and has over ten years of experience in this industry at ground and management levels.

Model Projects

Green Box Market is the first of its kind in Rock Hill, South Carolina. This project will follow the trend of modern-day convenience stores. It will be sharing similarities with other modern c-stores, such as Choice Market in Denver, Colorado, and The Rhino Market, in Charlotte, North Carolina. Both of these businesses redefine the c-store industry with their modern-day design, technology, healthier food options, and creating an interactive experience for their customers.



Rhino Market - Charlotte, North Carolina



Choice Market- Denver, Colorado



Choice Market- Denver, Colorado

Start-up Summary

Funding for the business will come from a combination of owner investment and bank funding. The main cost of start-up will be the purchasing of inventory and equipment. We've estimated that the initial inventory/equipment purchase will be \$67,000. The building had occurred some interior and exterior damages since its abandonment. We've obtained a feasibility report, stating the changes that need to be made for the building to be up to code, and a quote from Steve Moore construction (Located In Appendix A1) to reflect those updates. In addition, \$63,550 to be allocated to renovations, fixtures, and fittings for the store.

Start-Up Costs and Capitalization

START-UP REQUIREMENTS

Start-up Expenses	
License	\$700
Construction	\$56,000
Inventory	\$33,000
One Time Equipment	\$34,000
Furniture & Fixtures	\$5,500
Advertising & Promotion	\$500
Prepaid Insurance	\$275
Computer	\$3,300
Security System	\$750

Utility Deposit	\$500
Shop Equipment	\$2,000
Other	\$3,300
TOTAL START-UP EXPENSES	\$139,825
Start-up Assets	
Working Capital	\$12,500
Start-up Inventory	\$0
Other Current Assets	\$0
Long-term Assets (Property/equipment)	\$1,038
TOTAL ASSETS	\$13,538
Total Requirements	\$153,363

Product(s)/Service(s)

Green Box Market will include a variety of alcohol and non-alcohol beverages, lotto, tobacco products, and cold snacks. Green Box will also offer a range of fresh and local organic produce, prepackaged pastries, healthy food options, medicines, craft, and domestic alcohol, etc. All products will be locally or nationally branded, such as Frito-Lay, Coca-Cola, Old town farmers market, Catawba, Annie's, etc. The kitchen will provide breakfast and lunch options.

Three things that we will provide that will separate us from our competitors;

- **Cooked Food Items**
 - When it comes to food, we want to have quality over quantity at our location. Focusing on a minimal food menu and doing it well, allows our company to master that item and develop brand recognition. (+) Exceeding our competitors.
- **Organic Produce**
 - The produce in our market will cater to the needs of the communities we serve. If we can sell the need, our margin of loss will be low compared to selling assumptions. (+) Exceeding our competitors.
- **Healthy Food Options**
 - Provide our customers with the freshest, organically grown fruits and vegetables.
 - Offer foods without artificial colors, flavors, or additives.
- **Community Space**
 - With the idea of being a neighborhood market, we also want to have space allocated for neighborhood gatherings, studying, and relaxing. (+) Exceeding our competitors.

- **Community Support**

- The Green Box Market is a community market that will give back to the community. We will participate in community projects like the area's food bank and community programs for children. The Green Box Market will also host several community events.

Description of Product/Service

- **Cooked Food Item**

- Fries, Deli, Salads

- **Snacks/Beverages/Tobacco**

- Pepsi products, Frito-Lay, ITG Brands, etc.

- **Fresh Local Produce Market**

- Fresh produce from local food partners

Market Analysis

- **Industry Analysis**

“According to the National Association of Convenience Stores,” the convenience store industry sales rose 8.9% last year. Overall, U.S. retail sales grew by only 6.3%, and in-store purchases followed with 2.2% growth, proving that the convenience store industry has become a dominant force in U.S. retailing. Foodservice sales accounted for 22.6% of in-store purchases, a category that continues to be a key focus area for the convenience store channel. Foodservice is a broad category that mostly encompasses prepared food (69% of both category sales and profits) and commissary foods and hot, cold, and frozen dispensed beverages.

- Gross profits are typically 20 - 22%, with net profits

Here are overall merchandise sales groups as a percentage of overall merchandise sales:

- Cigarettes: 31% of in-store sales
- Foodservice (prepared and commissary food; hot, cold and dispensed beverages): 22.6%
- Packaged beverages (carbonated soft drinks, energy drinks, water, sports drinks, juices, and teas): 15.3%
- Center of the store (salty, candy, packaged sweet snacks, and alternative snacks): 10.4%
- Other tobacco products: 6.7%

- Beer: 6.3% (12.4% for stores selling beer)
- Other: 7.7%

Market Forecast/Target Market:



Our target market for our store encompasses a .8-mile radius. Average traffic count: 1,888 per SCDOT (Red heart indicates Green Box Market location)

- **Market Segmentation**

The approximate population of the city is 75,048, with 24,364 sharing our 29730 zip code. (based on census information). The majority of the residents in this area are Caucasian (53.6%) Black (39.3%) and Hispanic (5.6%) with occupations classified as professional/technical, homemaker, or retired. The majority of household incomes range from \$38,000 - \$47,000, yet there are also affluent household incomes ranging from \$80,000 - \$120,000. The typical "head of household" age is 25 - 34 (22.4%) or age 34 - 44 (23.1%), with a median age of 44.4 years old and an average age of 32 years old.

The market segments identified below are the key groups that live closest to Green Box Market. These groups are chosen because of their geographical location as well as their income levels and lifestyles.

The "neighbors" are individuals aged between 28 - 56. Their household income is between \$36,000 and \$45,000; they live within proximity of less than a .8 mile radius from the Green Box Market. Convenience is essential to them due to the lack of food access in the area.

The "Young Professionals" are singles or couples aged 24 - 34. Their household income is between \$55,000 and \$75,000; They are professionals that live, work, and play near the area. They also have a focus on fun and looking for a comfortable environment in which to enjoy a drink, read a book, or just shop.

The "Healthy Middles" have the highest income of \$90,000 to \$120,000. Enjoy buying healthier options for their families, typically shopping at Whole Foods, Harris Teeter, and Trader Joes. The "Healthy Middles" is the smallest market, but potentially the most lucrative for Green Box Market.

Young professionals are the next most lucrative group. Although they have smaller household incomes than the "Healthy Middles" group, they have more significant disposable income, since they have no children.

Each market segment consists of people who live, work, or vacation in the Rock Hill area. Each market will be seeking an establishment that will meet their desire for convenience, healthy food, quality service, and a pleasant atmosphere.

Competition

Although they will focus more on the in-and-out customer, we will be able to provide the same speed with better quality and service.

Three nearest competitors:

- 1) Saluda discount Food-Beverages (Business level – Increased) .22 miles away
 - a. Saluda Discount has seen an increase in business due to the rise of clientele from the Green ST community since the store closed in 2012. Saluda Discount offers the typical convenience store set up. The majority of business generated comes from Arch Dr. Community and drivers passing by. (Located directly across from Arch Mart.)
- 2) Arch Mart (Business level – Increased) .21 miles away
 - a. Arch Mart has seen an increase in business, due to the increase of clientele from the Green ST community since store closing in 2012. The store offers the typical convenience store set up. The majority of business generated comes from Arch Dr Community and drivers passing by. (Located directly across from Saluda discount Food-beverages.)

- 3) Family Dollar ((Business level – Increasing, due to variety) .17 miles away
 - a. The store provides a variety of items such as household products, school supplies, beer, clothing, etc.

Keys to Success

For Green Box Market to remain competitive in its target market, the business must focus on competitive qualities.

- Offer a variety of high-quality foods sold at a fair price in a clean, authentic, comfortable environment.
- Our customers will know that they can get what they need at our market at a fair price. This will reduce their need to travel to get desired items or order them online.
- Providing quality and healthy products
- Superior customer service will attract customers to come into the store more often.
- A high-tech environment that will retain customers
- Understanding our clientele and what they want. Our challenges are to keep enough popular items in stock for repeat customers while introducing new and seasonal items and specials frequently enough to keep buyers intrigued.
- Located near a university, hospital, several small businesses, and local tourist attractions, the customer base will be ever-growing.
- Encourage the two most important values in business: brand and image.

SWOT Analysis

- **Strengths of the company**
 - Young Founder
 - Highly Experienced Owner
 - High Visibility of Store
 - Limited Startup Risk
 - Innovative Approach
 - Organic Produce Market
 - Socially Responsible

- **Weaknesses of the company**
 - Competitors can offer similar products
 - Limited flexibility in pricing

- **Opportunities for the company**
 - Growing Community
 - Ability to Develop Additional Stores
 - Affiliate Relationships with Related Vendors
 - Development of Wholesale Distribution Relationships
 - Branding as a “community market.”

- **Threats to the company**
 - Products Already Sold by Competitors
 - Change in Regulations Can Impact the Business
 - Health of Owner
 - Pandemic

Business Strategy and Implementation

- The Green Box Market will not have a typical convenience store feel, nor characteristics. The store's competitive edge is its prominent location. Green Box is located within walking distance of its targeted residence, allowing us to create a customer base with little marketing and advertising. By focusing on nostalgia and relaxation, and experience, we want customers to expect the quality and price to be dependable and constant.

- **Organic Produce Market**
 - The produce in our market will cater to the needs of the communities we serve. If we can sell the need, our margin of loss will be low compared to selling assumptions.

- **Cooked Food Items**
 - When it comes to food, we want to have quality over quantity at our location. Focusing on a minimal food menu and doing it well, allows our company to master that item and develop brand recognition.

- **Community space**

- With the idea of being a neighborhood market, we also want to have space allocated for neighborhood gatherings, studying, and relaxing.
- **Community Support**
 - The Green Box Market is a community market that will give back to the community. We will participate in community projects like the area's food bank and community programs for children. The Green Box Market will also host several community events.
- **Healthy Food Options**
 - Provide our customers with the freshest, organically grown fruits and vegetables.
 - Offer foods without artificial colors, flavors, or additives.

Advertising/marketing/promotion

- Word-of-mouth will be our largest market promoter. Residents and business people will find the convenience and quality of Green Box Market to be one that others should know. To reach customers outside of our target area, the distribution of flyers will be an inexpensive way of notifying and the use of social media.
- Social Media will be the next best tool. We are taking advantage of the low-cost advertising features of social networks to promote our business and exclusive offers. It will also give us the power to learn more about our audience, their interests, and collect feedback.

Marketing Strategy

Marketing will promote awareness, build immediate traffic, and establish our brand image via several methods:

- Public relations/publicity
- Direct mail
- Word of mouth
- Local print and broadcast media
- Design and packaging
- Community involvement
- Social Media
- Superior location
- Desirable store ambiance

The goal of the PR/publicity is to achieve local market awareness and establish the brand on a broader scale to set the stage for future expansion. Local market awareness is vital because more than 50% of sales will come from people living within a 5-mile radius of the store. National recognition will help drive the expansion by generating opportunities created by the media buzz and familiarizing people with our brand name. It will help set the stage for future brand identification.

Sales Plan

Similar to that of our marketing strategy, most of our sales strategy is related to location. To keep sales high, Green Box Market will provide a relaxed atmosphere while offering a full stock of goods. By starting with a 2-month inventory, we will be able to see the initial customer's demands and work with our distributors to maintain a variety of goods at low costs in a time-efficient manner.

Strategic Alliances

With Magloire's several years of experience in the industry and managing his father's store in Rock Hill (.72 miles away), he has built a strong relationship with distributors in the Area. With those connections, Green Box Market seems more like an expansion than a start-up venture to distributors' eyes. It adds a great benefit already to have a family business less than a mile away, the alliance between the two provides a substantial competitive advantage.

Organization

Magloire will be the owner and manager of the Green Box Market. For the past ten years, Magloire has worked in a management position at both of his family's convenience stores. He has extensive knowledge of the retail industry and is passionate about the business. In addition, his positions have given him exposure to a large number of food vendors in the area, and he has good relationships with this group. Magloire and his two brothers will manage the store until we need to hire additional staff.

Management Team

Owner/Manager (Magloire Lubika): Administrator/Kitchen Manager

- Manages deli
- Works with Merchandise Manager
- Does hiring
- Order kitchen items
- Pays taxes
- Does payroll
- Community liaison

Manager (Joel Lutuangu): Merchandise Manager/ Register

- Makes merchandise decisions

- Works with Kitchen Manager
- Orders Merchandise
- Does marketing/promotions
- Tends register

Manager (Edric Lutuanu): Register

- Tends register
- Orders Merchandise
- Helps with store operations

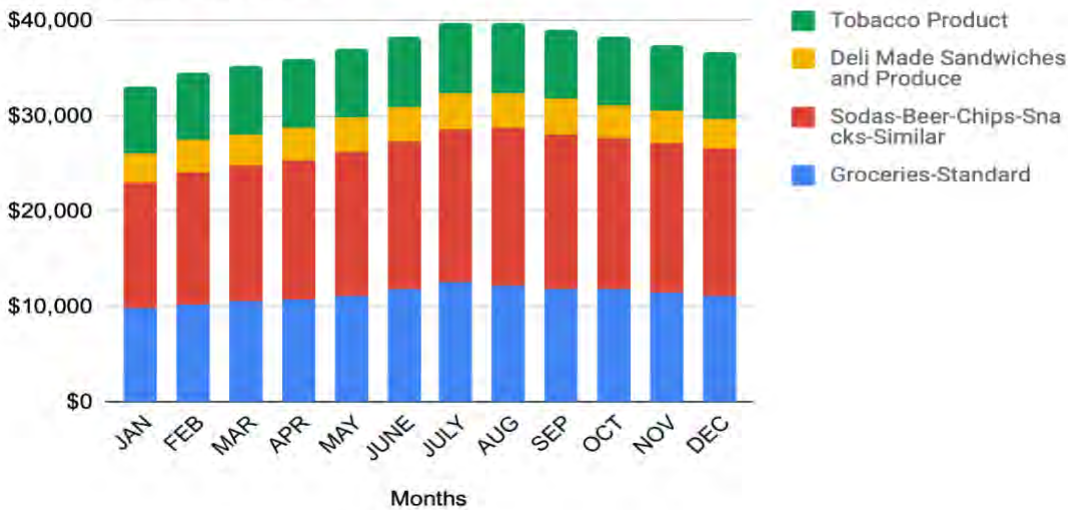
Financial Analysis

- Growth will be moderate, cash flows steady
- The company will use tight inventory controls to manage costs
- The company will gain higher grow margins than industry averages, due to its centralized location

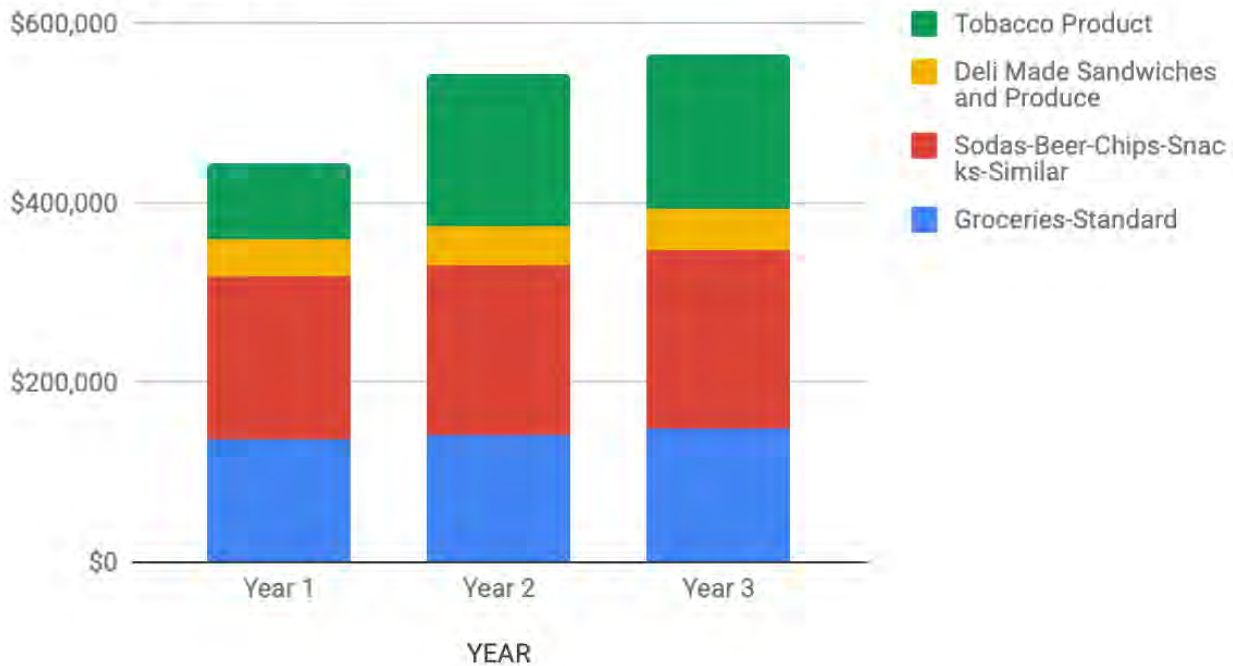
Financial Assumptions

The following table explains our itemized costs and determines the gross and net margin. Please note that these predictions are weighted toward having higher prices in comparison to revenues in case unexpected hidden costs arise. The charts give a visual representation of the data.

MONTHLY SALES



Sales by Year



SALES FORECAST

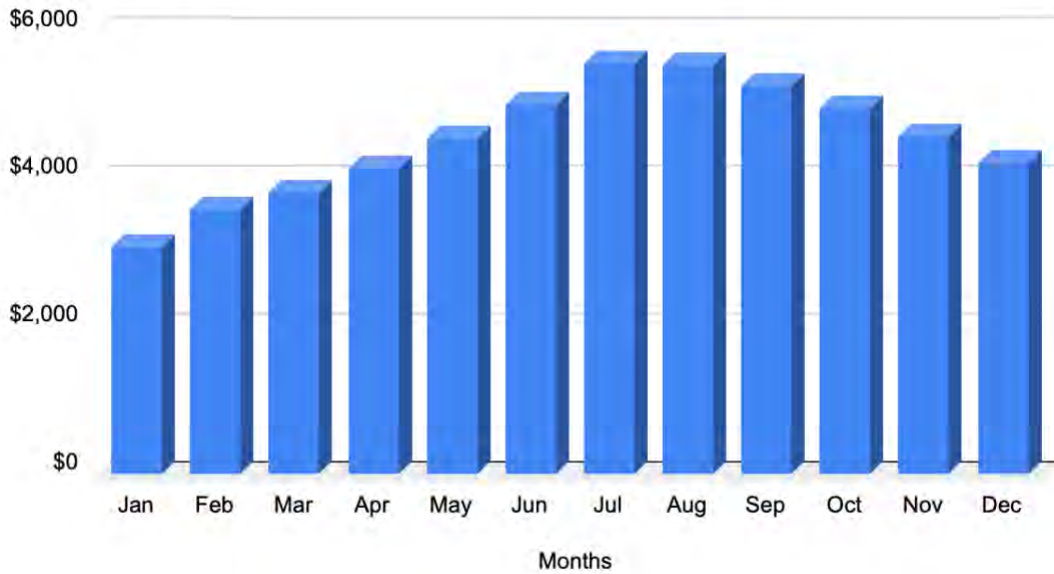
	YEAR 1	YEAR 2	YEAR 3
Sales			
Groceries-Standard	\$135,660	\$141,086	\$148,141
Sodas-Beer-Chips-Snacks-Similar	\$182,325	\$189,618	\$199,099
Deli Made Sandwiches and Produce	\$41,510	\$43,170	\$45,329
Tobacco Product	\$85,960	\$170,334	\$173,735
TOTAL SALES	\$445,455	\$544,208	\$566,304

We expect growth to occur across all categories at about 5% annually as the business becomes more established, well-known, 200+ customers per day within a year, and more than 400+ within three years.

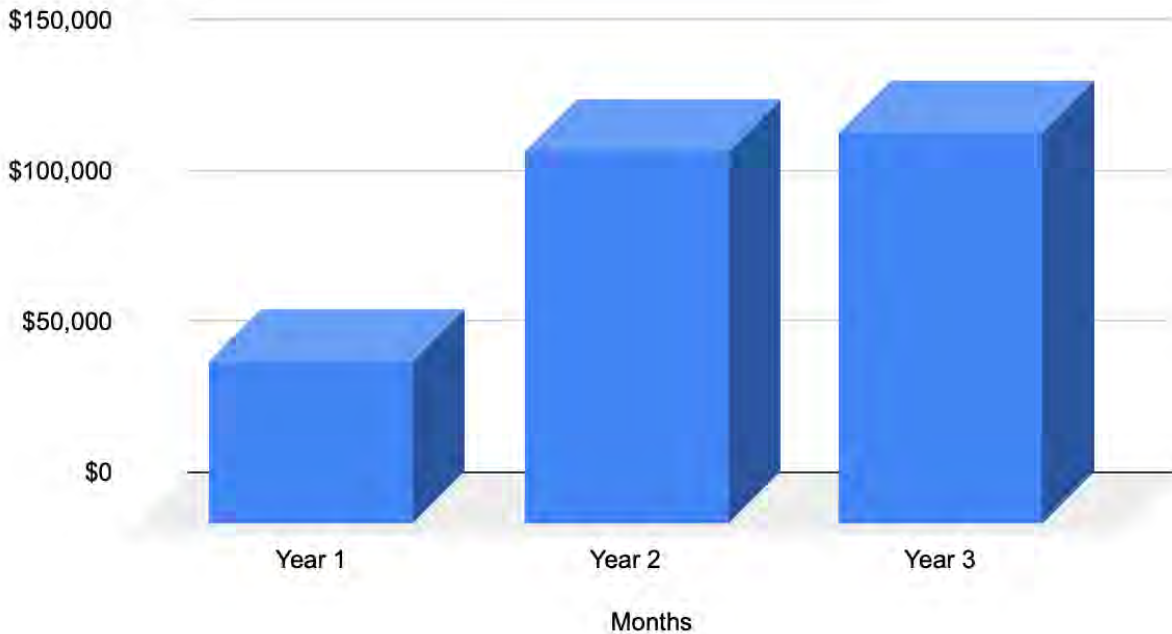
Projected Profit and Loss

Projected profit and loss illustrated in the following table and charts. Green Box Market will be profitable early in the first year, with net profit rising over the next two years.

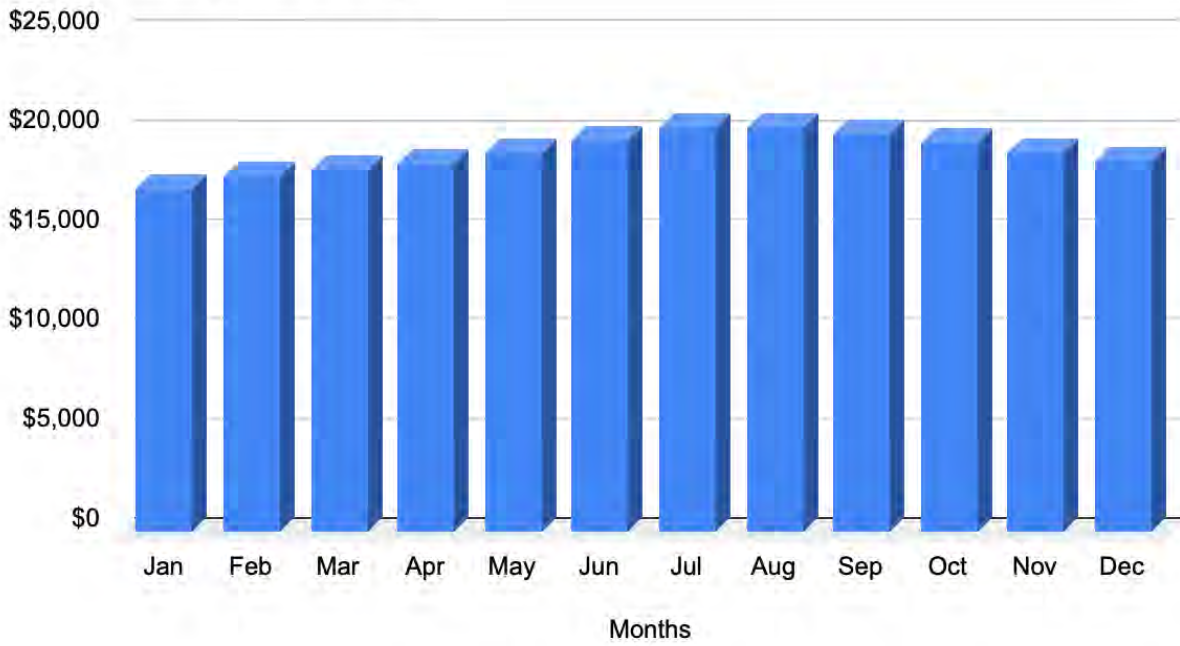
Profit Monthly



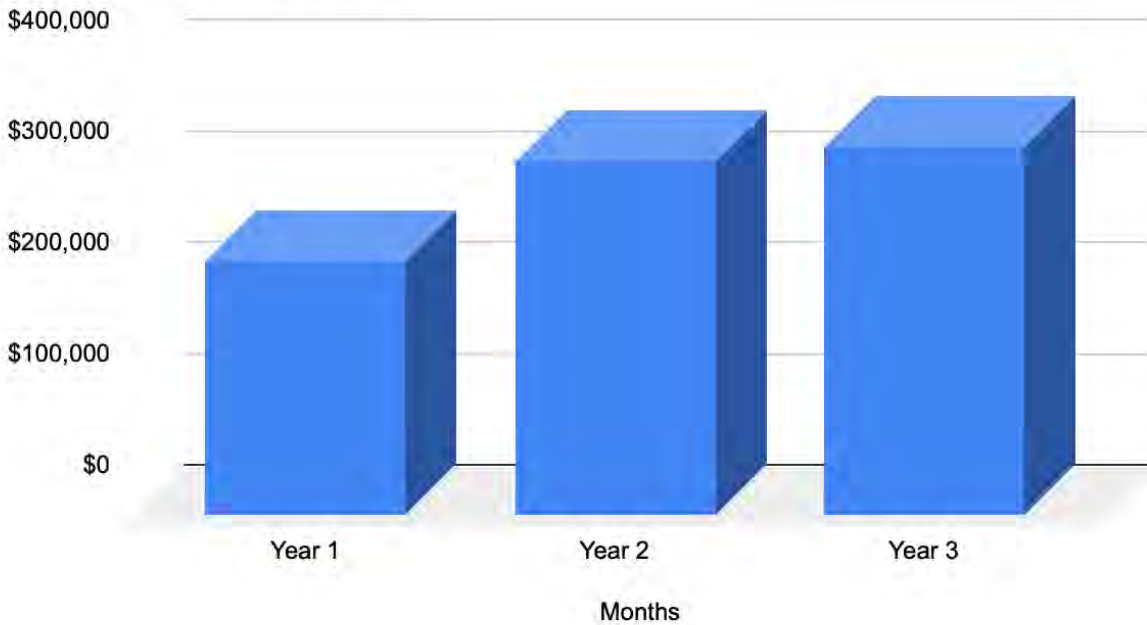
Profit Yearly



Gross Margin Monthly



Gross Margin Monthly



Future Plans

- Establish ourselves as the top convenience store in the area.
- Continue to be innovative and tweak our business model.
- Expand business to create micro supply chains by year 3.

Exit Strategy

The owner of Green Box Market will exit this endeavor after they have created a flourishing business that could be sold for a substantial profit and/or as a franchise that could serve rural communities across the country. It is the owners' intention to run this business until he is ready to retire or have decided to sell the business and start another.

In the event the proposed plan is not successful the owner will implement necessary measures to exit the business endeavor with minimal damage to him and investors. All equipment and merchandise will be sold to cover any outstanding debts. Any remaining debt will be paid by the owner in the form of monthly payments until all debts are paid in full.

Appendix



Moore Contruction

313 Bailey Avenue
 Rock Hill, SC 29732
 803.322.7088
gstevejr@hotmail.com

	Allowances	Subs	Price
Supervision			\$ 600
Building Permit		Allowance	\$ 500
Insurance			\$ 300
Final Cleanup			\$ -
Waste Disposal			\$ 500
Truck Time			\$ 150
General Conditions			\$ 2,050
Carpentry		Faille Construction	\$ 9,840
Interior Materials		Carler Lumber	\$ 1,250
Plumbing		Burt Plumbing	\$ 5,000
Painting			\$ -
Asphalt Paving & Striping		CPS	\$ 1,250
Electrical		Rippy	\$ 3,500
Sheetrock work		Freeland	\$ 1,300
HVAC		Andrews	\$ 10,500
Shingle reroof		Everlasting Vinyl Systems	\$ 4,770
Insulation		Hyatt	\$ 1,750
		Subtotal	\$ 41,210
		Overhead	\$ 4,121
		Profit	\$ 6,182
		TOTAL	\$ 51,513




A1



Z-2020-31

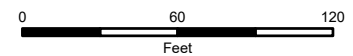
 Subject Property

Zoning Districts

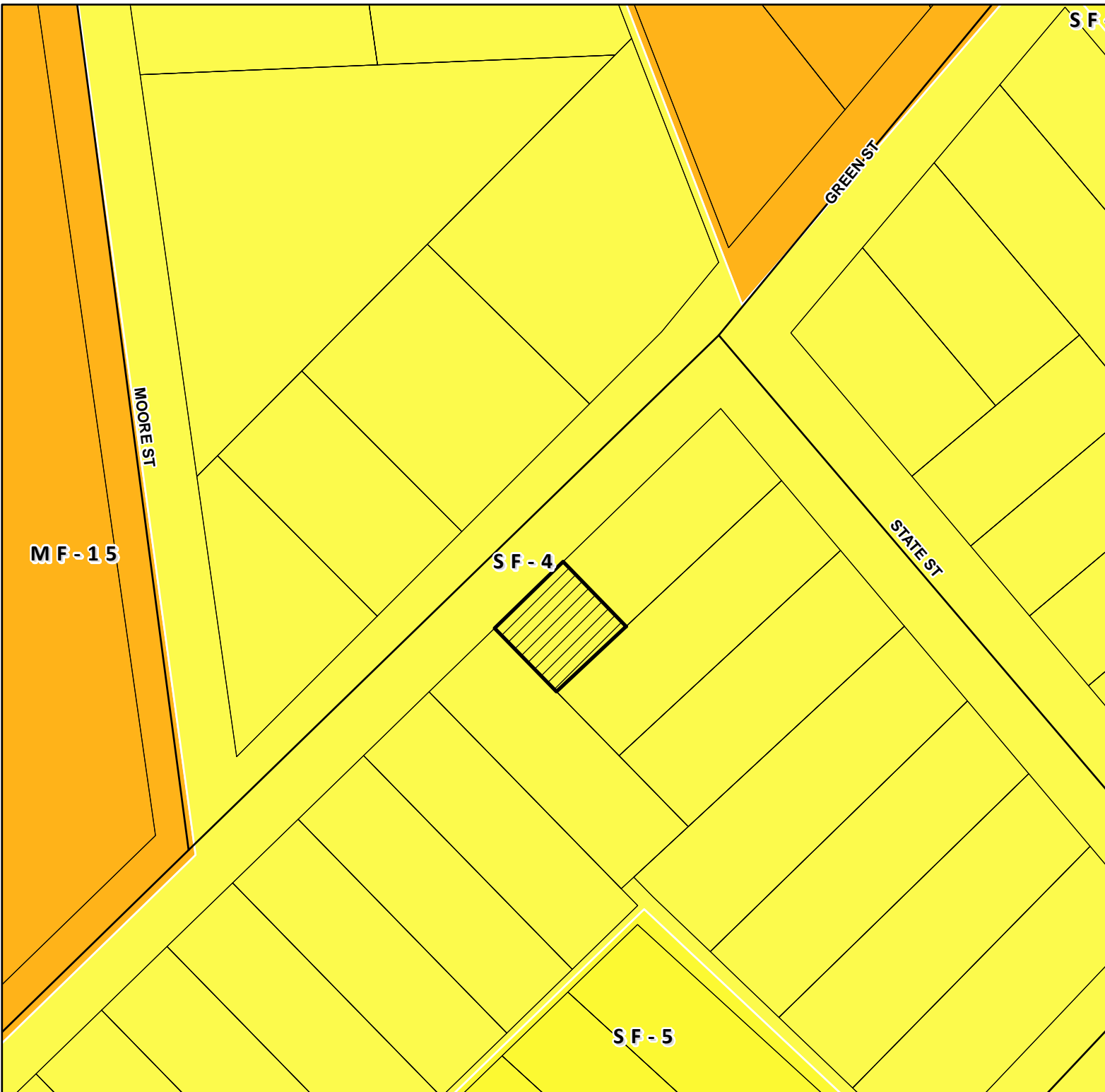
-  Multi-Family 15 (MF-15)
-  Single-Family 4 (SF-4)
-  Single-Family 5 (SF-5)

Zoning Data

**Current Zoning
SF-4**



Planning & Development
Department
City of Rock Hill
12/15/20



Z-2020-32

Requests: Special exception to establish a non-conforming personal services establishment, type A (spa) use

Address: 324 Pursley Street

Zoning District: Single-Family Residential-5 (SF-5)

Applicant: Jade Washington





Request: Special Exception to re-establish a nonconforming spa, a personal services establishment (Type A) use, in a residential zoning district.

Address: 324 Pursley St.

Tax Map No.: 598-02-03-015

Zoning District: Single Family-5 (SF-5)

Applicant: Jade Washington
301 Center Street, No. 7
Chester, SC 29706

Property Owner: Brenda McKinney & Daryal Mayfield
1166 Stanley Drive
Rock Hill, SC 29732

Background

A salon/barbershop was located at 324 Pursley St. for many years before being discontinued approximately six to seven years ago. The applicant, Jade Washington, is seeking to establish a spa use on the property now. However, the property is zoned Single-Family 5 (SF-5), and spas are not allowed in that zoning district at this time.

The Zoning Ordinance allows certain types of businesses to reestablish in residential zoning districts by means of a special exception under certain conditions (see "Analysis of Criteria for Special Exception" section below for a list). Ms. Washington is therefore requesting a special exception to reestablish the salon use under this provision.

Zoning Ordinance Chapter 10, Section 10.4.6 (B)(3)

A nonconforming use in an established residential district may be permitted to be reestablished by a special exception under the following criteria. The ordinary standards for special exception uses in *Chapter 2: Administration* do not apply.

- The proposed use is permitted by right, conditional use, or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district and the proposed use is no more intense than the historical use of the property.
- The existing structure is specialized to nonconforming use such that conversion to the conforming use would not be economically feasible. Historical nonconforming uses in converted residential structures would generally not be seen as meeting this standard.

- No functional expansion of the use is permitted. Modifications for code compliance and aesthetic enhancement are permitted.
- There is a demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of documented complaints, calls for police service, or other operational concerns such as traffic, parking, or other similar impacts.
- Reestablishment of use may be permitted for a trial period to determine if impacts are mitigated to the extent anticipated.

Site Description

The property is located on Pursley Street off Cherry Road, behind the AB & Poe Farmer Exchange. The site is surrounded by other single-family detached development permitted in the both the surrounding Multi-family residential (MF-15) and Single-family residential (SF-3) zoning districts in addition to commercial uses permitted in the Limited Commercial (LC) zoning district.

Description of Intent for Single-Family Detached Zoning Districts

These residential districts are established to primarily provide for single-family detached residential development. A few complementary uses customarily found in residential zoning districts, such as religious institutions, may also be allowed.

The primary difference between these districts is the minimum lot size for development and other dimensional standards that are listed in full in *Chapter 6: Community Design Standards*. The following chart summarizes the differences in lot sizes for single-family residential development.

Zoning District	Minimum Lot Size for Single-Family Residential Development
SF-2	20,000 square feet
SF-3	14,000 square feet
SF-4	9,000 square feet
SF-5	7,500 square feet

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 use is permitted by right, conditional use, or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district, and the proposed use is no more intense than the historical use of the property.*

The proposed use is allowed as a conditional use in the Neighborhood Office (NO) zoning district and the Neighborhood Commercial (NC) zoning district.

RESIDENTIAL									BUSINESS										
SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH
							C	C	C	C	C	C	C	C	C	C	S	S	

The proposed use is the similar to the use that has historically existed on the property. The site was historically used as a salon.

- (b) *The existing structure is specialized to nonconforming use such that conversion to the conforming use would not be economically feasible. Historical nonconforming uses in converted residential structures would generally not be seen as meeting this standard.*

The building was designed for commercial use. Converting it to a residential use would be costly.

- (c) *No functional expansion of the use is permitted. Modifications for code compliance and aesthetic enhancement are permitted.*

The applicant is not proposing to expand the use.

- (d) *There is demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of demonstrated complaints, calls for police service, or other operational concerns such as traffic, parking, or other similar impacts.*

The use does not have history of being a nuisance to the surrounding neighborhood, as neighbors have voiced support of the reestablishment of the use in the past. Parking is available to the front and rear of the building. The existing gravel lot does need some vegetation cleared in order to use the lot completely. However, the proposed use will only have one employee, Ms. Washington, and one client at a time. No more than two spaces are needed.

- (e) *Reestablishment of the use may be permitted for a trial period to determine if impacts are mitigated to the extent anticipated.*

There are no foreseeable impacts caused the by use that would need to be mitigated, so a trial period is not necessary.

Public Input

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

- November 20: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- November 20: Posted public hearing signs on subject property.
- November 27: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff received one phone call from a member of the Boyd Hill community who was seeking further information about the use, the user and the zoning implications for the surrounding neighborhood. Staff explained that the exception for the use only applies to this property. The neighbor stated she would reach out to the applicant and property owners to find out more, and that she would likely also attend the public hearing.

Staff Recommendation

The reestablishment of the use meets the intent for reestablishing certain non-conforming uses within established residential districts. The proposed use is compatible with the surrounding uses. The site can accommodate the use in terms of traffic flow and parking. Hours of operation would conform to those allowed in the Neighborhood Commercial zoning district (6 a.m. to 10 p.m.). For these reasons, staff recommends approval of the special exception to reestablish a spa, a personal services establishment (Type A) use, at this location.

Attachments

- Application
- Zoning map

Staff Contact:

Melody Kearse, Zoning Coordinator

803.329.7088

melody.kearse@cityofrockhill.com

**SPECIAL EXCEPTION APPLICATION FOR RE-ESTABLISHING
A NON-CONFORMING USE IN A RESIDENTIAL ZONING DISTRICT**

Plan Tracking # 20171061 Date Received: 11-16-20 Case # Z- 2020-32

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: 324 PURSLEY ST, Rock Hill, SC 29732

Tax parcel number of subject property: 59 8 . 0 2 . 0 3 . 0 1 5

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
Jade Washington	301 Center St #7 Chester SC 29706	704-807-3302	JadeWashington2000@gmail.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) tenant

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: Josh Warr Date: Nov. 16, 2020

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

Name of property owner: Brenda McKinney / Darzyl Mayfield

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: Darzyl Mayfield Date: Nov 17, 2020

Preferred phone number: 704-408-0638 Email address: dmayfield01@att.net
803-328-0674

Mailing address: 1166 Stanley Drive Rock Hill SC 29732

INFORMATION ABOUT REQUEST

What is the type of use for which you are requesting a special exception?

Body Contouring Spa

Special exception 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. Is the proposed use allowed by right, conditional use or special exception in the Neighborhood Office (NO) or Neighborhood Commercial (NC) zoning district? If so, please demonstrate how you plan to meet the use-specific standards for the use:

The proposed use is in a Neighborhood Commercial zoning district. I plan to meet the use of character of the city while encouraging sustainable growth. Yes, serving customers with Non-invasive Cavitation treatments, Body Contouring vacuum therapy, Sauna Detox. All services offered are Non-Surgical. Also due to COVID-19 will be assisting customers by appointment 1 at a time.

2. Is the existing structure specialized to a non-conforming use, such that conversion to a conforming use would not be economically feasible?

No

3. Would the non-conforming use be functionally expanded in any way?

No

4. Is there a demonstrated history of compatibility with the surrounding neighborhood including, but not limited to, a lack of documented complaints, calls for police service, or other operational concerns such as traffic, parking or other similar impacts?

I am not aware of a history of any complaints, operational concerns, or similar impacts.

5. If the Board so chooses, re-establishment may be permitted for a possible trial period to determine if impacts are mitigated to the maximum extent possible; is the applicant agreeable to such trial period?

yes

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

Z-2020-32

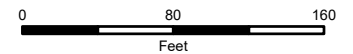
 Subject Property

Zoning Districts

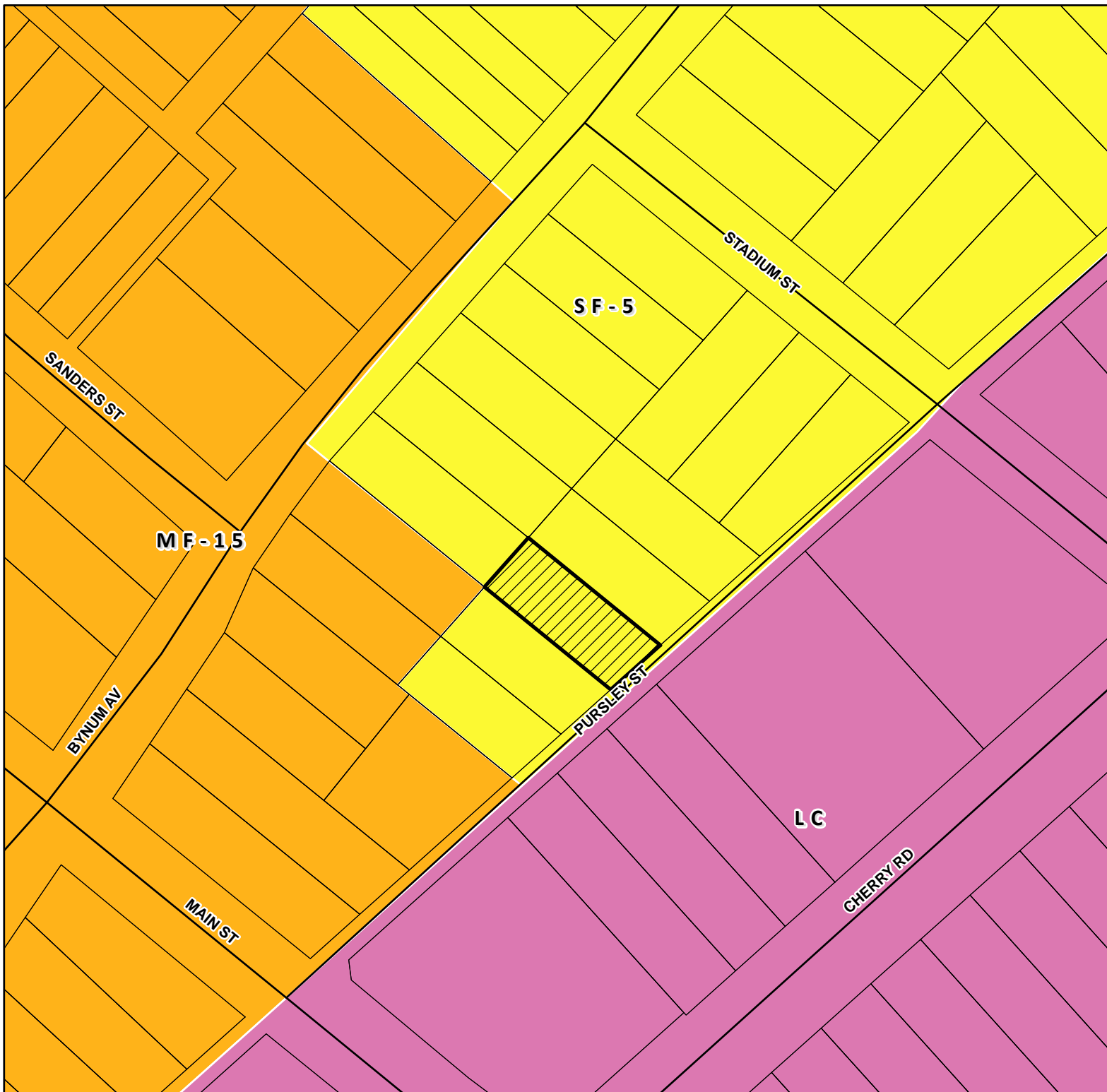
-  Limited Commercial (LC)
-  Multi-Family 15 (MF-15)
-  Single-Family 5 (SF-5)

Zoning Data

**Current Zoning
SF-5**



Planning & Development
Department
City of Rock Hill
12/15/20



Z-2020-33

Requests: Special exception to establish an indoor recreational use greater than 3,000 sq. ft. and for a variance from the side buffer yard requirements

Address: 420 Dave Lyle Blvd

Zoning District: Neighborhood Office (NO)

Applicant: Jeff Miller on behalf of York County Ballet





Requests: Special exception to establish an indoor recreation use greater than 3,000 square feet and a variance from the side buffer yard requirements

Address: 420 Dave Lyle Blvd.

Tax Map No.: 627-11-01-028

Zoning District: Neighborhood Office (NO)

Owner: Jeff Miller
 935 E. Main St., Ste. 101
 Rock Hill, SC 29730

Applicant: York County Ballet

Proposal

The applicant, York County Ballet, is proposing to locate its ballet studio at 420 Dave Lyle Blvd.

Special exception for indoor recreation use greater than 3,000 square feet

The ballet studio use is considered an indoor recreation greater than 3,000 square feet, which is allowed only through special exception approval by the Zoning Board of Appeals in the Neighborhood Office (NO) zoning district. The building on the subject property is 4,000 square feet.

TABLE OF PRIMARY USES																						
P = Permitted Use C = Conditional Use S = Special Exception Blank Cell = Prohibited																						
USE TYPE	RESIDENTIAL							BUSINESS														
	SF-2	SF-3	SF-4	SF-5	SF-8	SF-A	MFR	MF-15	MX	NO	NC	OI	LC	GC	CC	CI	DTWN	MUC	IB	IG	IH	
Indoor recreation uses of >3,000 sf									S	S	S	S	P	P	P	P	P	P	S	S		

Variance to reduce the required side yard buffer width

The site has a small, 11-space parking lot in front of the building. It also has a fenced outdoor storage area to the side of the building, adjacent to a single-family residence. The applicant would like to change the outdoor storage area into an additional customer parking area by removing the nonconforming fence, installing a 6-foot tall solid fence along the residential property line, and paving the area. This would add approximately 13 additional parking spaces to the site.

Given the existing building placement, providing the required 10-foot buffer with a solid fence along the proposed parking area is not possible. Therefore, the applicant is

requesting a variance to the required side buffer yard against the adjacent residential property from 10 feet to 5 feet with a solid screen fence.

The purpose of buffer yards is to mitigate the impacts of higher-intensity uses abutting lower-intensity uses. A buffer yard is a measurable distance from a shared property line to the abutting use's activity area. This area must remain undisturbed, planted with vegetation, and may not contain any activity from the use.

Site Description

The property is located on the corner of Dave Lyle Boulevard and Annie Lane. Adjacent uses include the Salvation Army to the west, single-family homes to the south, and a vacant commercial building to the east across Annie Lane.

Neighborhood Office (NO) Zoning District Description

The NO district is established to provide for a mix of small-scale professional office uses together with limited service uses and single-family detached dwellings in close proximity to one another, subject to design and compatibility standards. Non-residential uses must be located in buildings that are consistent with surrounding residential uses in physical design, scale, and character, and they must not exceed 10,000 square feet in area.

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 applicable standards listed below are met. The Board may find that not all of these standards are applicable to every request for a special exception use.

- 1. *Complies with Use-Specific Standards:*** *The proposed use complies with all use-specific standards.*

In this case, the one use-specific standard listed for indoor recreation uses only applies to industrially-zoned property.

- 2. *Compatibility:*** *The proposed use is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands.*

This property is located along a major road corridor and is zoned for light commercial and office uses. The staff believes that the proposed use as a ballet studio is compatible with both the surrounding commercial uses and the adjacent and nearby residential uses. Staff sees the redevelopment of the exterior storage yard to a surface parking area as a positive change adjacent to the residential lots.

- 3. *Design Minimizes Adverse Impact:*** *The design of the proposed use minimizes adverse effects, including visual impacts on adjacent lands; furthermore, the proposed use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance.*

Although the applicant is requesting a reduction to the side buffer yard, it is proposing a 6-foot solid fence to screen the proposed parking area. The existing fence surrounding the outdoor storage area is chain link and does not provide any screening function. The solid fence should help mitigate any noise or light impacts from the proposed parking area.

- 4. *Design Minimizes Environmental Impact:*** *The proposed use minimizes environmental impacts and does not cause significant deterioration of water and air resources, significant wildlife habitat, scenic resources, and other natural resources.*

The property has no known significant environmental concerns. During the plan review process, City staff would review the proposed site plan and civil plan documents for compliance with all environmental laws and standards.

- 5. *Roads:*** *There is adequate road capacity available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.*

Dave Lyle Boulevard is classified as an expressway, and has a left turn lane onto Annie Lane where the driveway access for this property is located. Both roads have plenty of capacity to serve the proposed use without any necessary changes.

- 6. *Not Injure Neighboring Land or Property Values:*** *The proposed use will not substantially and permanently injure the use of neighboring land for those uses that are permitted in the zoning district, or reduce property values in a demonstrative manner.*

The proposed use would be fully indoors. Redevelopment of the property, including the removal of the exterior storage area and installation of a privacy fence, should enhance the appearance of the site.

- 7. *Site Plan:*** *A site plan has been prepared that demonstrates how the proposed use complies with the other standards of this subsection.*

A site plan is attached to this report.

- 8. *Complies with All Other Relevant Laws and Ordinances:*** *The proposed use complies with all other relevant City laws and ordinances, state and federal laws, and regulations.*

The applicant agrees to conform to all other relevant laws and ordinances.

Analysis of Requests for Variance

Required Findings of Fact

Staff will base its recommendation on an analysis of the below findings. The Zoning Board of Appeals may approve a variance only upon finding that the applicant has demonstrated that **all four** of the below findings are met.

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

1. Extraordinary and Exceptional Conditions

There are extraordinary and exceptional conditions pertaining to the particular piece of land.

The site has an existing 4,000-square-foot building on a relatively small corner lot near Downtown. Given the layout of the building on the site, the property has limited options for additional parking spaces. The side of the building facing the residential uses has an overhead door and was used for storage of larger vehicles and equipment.

2. Unique Conditions

These conditions do not generally apply to other property in the vicinity.

Many of the similarly-sized commercial properties in the immediate area are separated by a public street from the residential homes, or are much smaller in size, which would require less parking.

3. Strict Application Deprives Use

Because of the conditions, the application of this Ordinance to the land would effectively prohibit or unreasonably restrict the utilization of the land.

If the variance is not granted, the applicant would not be able to expand the parking area and provide a viable use for the size of the building. Many of the allowed uses in the Neighborhood Office zoning district would require additional parking due to the size of the existing building.

4. Not Detrimental

The authorization of the Variance Permit will not result in substantial detriment to adjacent land, or to the public good, and the character of the district will not be harmed by the granting of the variance.

The proposed use as a ballet studio is compatible with both the surrounding commercial uses and the nearby residential uses. Staff sees the redevelopment of the exterior storage yard to a surface parking area as a positive change adjacent to the residential lots, and the applicant would install a 6-foot solid fence to help mitigate any impact on the adjacent single-family homes. Staff also has not heard any concerns from adjacent or nearby residents about the proposed use or buffer width reduction.

Not Grounds for Variance

Variance requests cannot be based on the ability of the land to be used more profitably if the requests are granted. In this case, the granting of the variance requests would allow the subject portion of the property to be used as a parking lot for an existing commercial business.

Public Input

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

- November 20: Sent public hearing notification postcards to property owners and tenants within 300 feet of the subject property.
- November 20: Posted public hearing signs on subject property.
- November 20: Advertised the Zoning Board of Appeals public hearing in *The Herald*.

Staff has not heard of any feedback from the public about the requests.

Staff Recommendation

Staff recommends approval of the special exception to allow the indoor recreation use greater than 3,000 square feet, and recommends approval of the variance to the side buffer yard requirements based on the above findings of fact, specifically noting the following:

- The indoor recreation use is not expected to have any negative impacts on nearby properties. The area already has a mix of commercial and residential uses.
 - An additional parking area is likely to be viewed would be an improvement to the property over the existing outdoor storage area. The applicant would install a 6-foot solid fence on side property line to mitigate any potential impacts of transforming the outdoor storage area to additional parking.
 - Staff has not heard any concerns from any adjacent property owners about either the use or the buffer width reduction.
-

Attachments

- Application and supporting materials
 - Zoning map
-

Staff Contact:

Dennis Fields, Planner II

803.329.5687

dennis.fields@cityofrockhill.com

SPECIAL EXCEPTION APPLICATION

Plan Tracking # 20202031 Date Received: 11/18/2020 Case # Z-2020-34

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: 420 Dave Lyle Blvd, Rock Hill, SC 29730

Tax parcel number of subject property: 6 2 7 - 1 1 - 0 1 - 0 2 8

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
Jeff Miller	935 East Main Street, Suite 101 Rock Hill SC 29730	803.322.6002	jmiller@hardyharris.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: Jeff Miller Date: 11/17/2020

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 the type of use for which you are requesting a special exception?

Convert existing 3500 SQ FT Business Use to Assembly -3

Special exception 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. If your proposed use has any use-specific standards, how do you propose to meet them? (Staff can help you determine whether your use has any use-specific standards.)

2. How is the proposed use appropriate for its location and compatible with surrounding land and uses?

The proposed use will bring a presence to the neighborhood extending the Arts District and unifying the revitalization of the area

3. What steps are you taking to minimize any adverse impacts on surrounding properties?

There will be no adverse impacts that we know of.

4. How would the use impact the environment (water, natural resources, wildlife habitat, etc.)?

The use will not impact the environment

5. How would the use impact traffic issues (road capacity, safety of those coming into or leaving the site, etc.)?

The only traffic impacts will be during the class drop-off / pickup times. The proposed parking lot layout accommodates for these specific issues.

6. How would the use impact the ability of neighboring land owners to use their properties in a way that is allowed under the Zoning Ordinance, and their property values?

We feel this change will not negatively impact neighboring land owners.

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

VARIANCE APPLICATION

Plan Tracking # 20202031 Date Received: 11/18/2020 Case # Z- 2020-33

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: 420 Dave Lyle Blvd, Rock Hill, SC 29730

Tax parcel number of subject property: 6 2 7 - 1 1 - 0 1 - 0 2 8

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 X

If yes, please describe the requirements: _____

APPLICANT/PROPERTY OWNER INFORMATION

Applicant's name	Mailing address	Phone number	Email address
Jeff Miller 420 Dave Lyle LLC	935 East Main Street, Suite 101 Rock Hill SC 29730	803.322.6002	jmiller@hardyharris.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: Jeff Miller Date: 11/18/2020

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

<p>Name of property owner: _____</p> <p>If property owner is an organization/corporation, name of person authorized to represent its property interests: _____</p> <p>I certify that the person listed in the person listed above has my permission to represent this property in this application.</p> <p>Signature: _____ Date: _____</p> <p>Preferred phone number: _____ Email address: _____</p> <p>Mailing address: _____</p>

INFORMATION ABOUT REQUEST

General description of your request

variance for a reduction in the required buffer from the neighboring residential use.

Request to change 10-foot fence with a 6-foot privacy fence.

Findings of fact

Under state law, in order to grant a variance, the Zoning Board of Appeals must find that **all four** of the following statements are true about your request. Please explain why you believe your request is true regarding these four statements.

1. Your land has extraordinary and exceptional conditions that pertain to it.

In order to expand the Parking and allow for a two way traffic flow we would like to reduce the 10 Foot Buffer to a 5 Foot Buffer.

2. Other property in the vicinity of your land does not generally have those same extraordinary and exceptional conditions.

This property is the only commercial property that fronts Dave Lyle Boulevard.

3. If the City applied its regular zoning requirements to your property, your use of the land would be unreasonably restricted or effectively prohibited.

Yes, It would reduce the ability to provide sufficient parking.

4. If the Zoning Board of Appeals grants the variance request, it will not harm adjacent land or the public good.

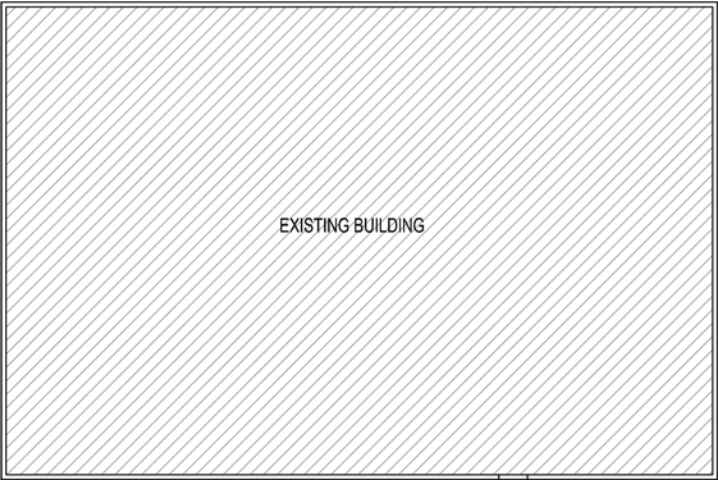
No, It will add value to adjacent land.

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 the area of the property that is the subject of the request



EXISTING BUILDING

3

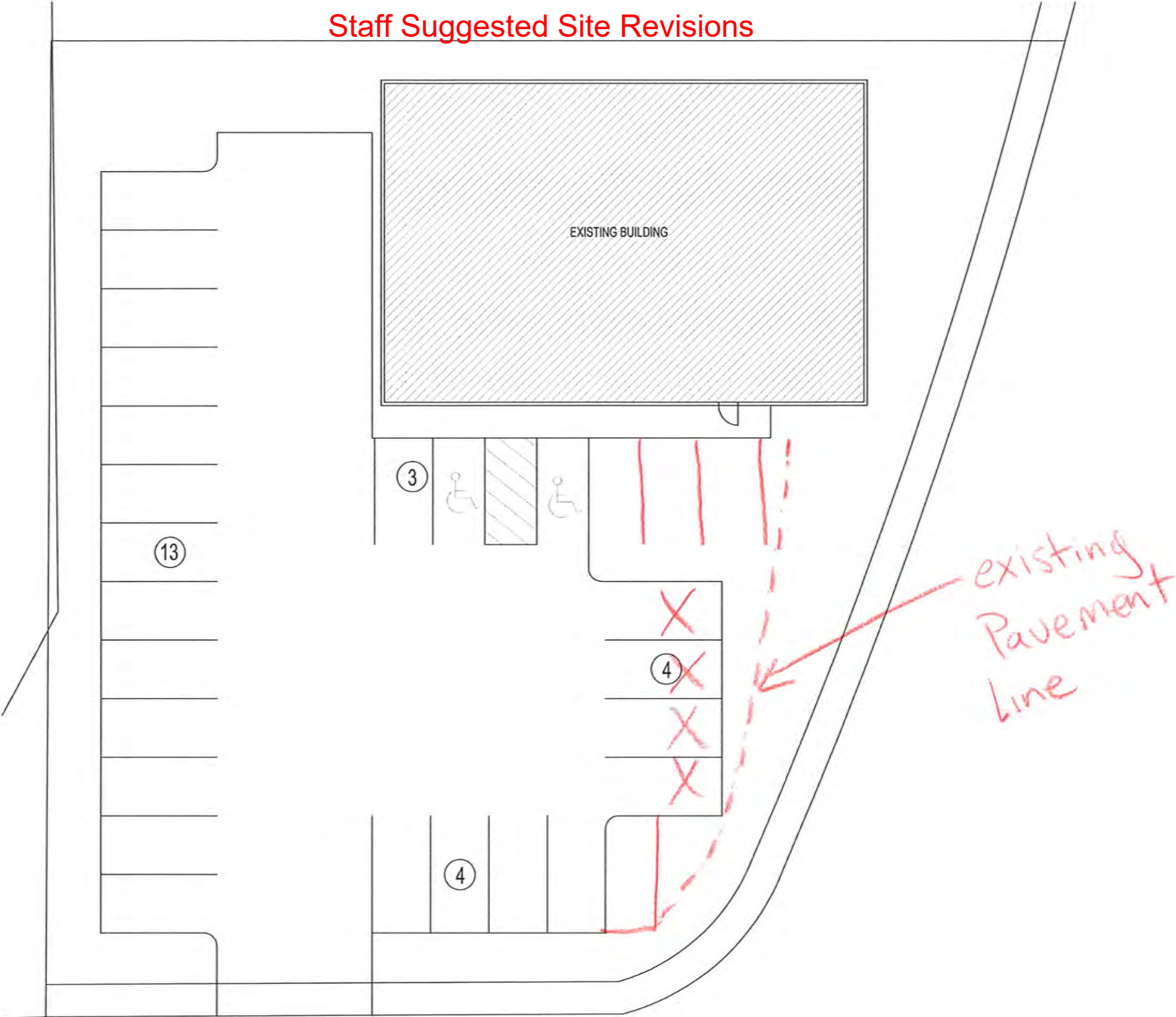


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Staff Suggested Site Revisions



Z-2020-33

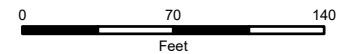
 Subject Property

Zoning Districts

-  Downtown (DTWN)
-  General Commercial (GC)
-  Industry General (IG)
-  Neighborhood Office (NO)
-  Single-Family 5 (SF-5)

Zoning Data

Current Zoning
NO



Planning & Development
Department
City of Rock Hill
12/15/20

