



## Planning Commission Minutes

June 1, 2021

A public hearing of the Planning Commission was held on Tuesday, June 1, 2021, at 6 p.m. in City Council Chambers, 155 Johnston Street, Rock Hill SC.

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

**MEMBERS ABSENT** Keith Martens

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

### 1. Approval of minutes of the May 4, 2021, meeting.

Vice-Chair Christopher made a motion to approve the minutes from the May 4, 2021, meeting. Commissioner Smith seconded, the motion passed unanimously by a vote of 6-0 (Martens absent).

Commissioner Smith asked the status of the request for updates on previously approved projects. Staff member Dennis Fields stated beginning in July staff would be including quarterly status reports to the Commission on past cases.

Chair Graham asked if the request for proposed workshops with City Council were considered. Leah Youngblood, Planning & Development Director, advised that City Manager David Vehaun would discuss this with City Council.

### **PUBLIC HEARING ITEMS**

#### **2. Hold public hearing and consider a recommendation to City Council on petition M-2021-19 by LRB Property LLC (Mark Van Sickle) to rezone approximately 3.85 acres at 129 Oakland Avenue; 136, 140, & 144 Ebenezer Avenue; and adjacent right-of-way from General Commercial (GC) and Neighborhood Office (NO) to Limited Commercial (LC). Tax parcels 627-21-02-007, -018, -020 & -021.**

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

Commissioner Smith asked the status of the adjacent parcel, which was not included in the request. Mr. Fields stated the applicants might best provide the answer for this but that his understanding was that the current owner had previously had a house, and an accessory dwelling on the site. The home was demolished, which left only the single dwelling unit remaining. The property owner was hoping to build another residential structure to replace the one that had been demolished, however two dwelling units are not allowed on a single property, without obtaining a special exception for residential infill. He noted the Legal Remedy Brewing site would have to provide adequate buffers since there was an existing residential use adjacent to the property.

The applicant, Mark Van Sickle, 2542 Lower Assembly Drive, Fort Mill, stated the owner of the property not included had been approached but that the owner was under the impressions a new house could be constructed on the lot.

Chair Graham asked the products that would be stored. Mr. Van Sickle stated this

building would be used for to-go distribution orders and empty beer can storage.

Chair Graham asked if a tractor-trailer could pull through the site off Oakland Avenue. Mr. Van Sickle stated these vehicles could access the site from Oakland Avenue.

Chair Graham asked if a tractor-trailer could access the site from Ebenezer Avenue. Mr. Van Sickle stated once the site was fully developed, a tractor-trailer would be able to pull through to Ebenezer Avenue, that currently they had to perform a U-turn. He added that the intent was to move the pizza restaurant located across Oakland Avenue to a new location on this site and to have event space available for receptions and gatherings. He noted the concept was still evolving.

Vice-Chair Christopher observed that the building indicated on the site plan provided was simply an envelope and asked for clarification that the building would be approximately 15-18 feet tall. Mr. Van Sickle stated this was correct, that the building would be same height as nearby buildings.

Vice-Chair Christopher asked if the parking lot for the restaurant structure would connect to the existing parking lot. Mr. Van Sickle stated it would not, that cars would not be able to get through to the existing lot, adding that this parking lot was dedicated for the new space.

Mr. Marty McCauley, 1211 Hastings Court, owner of nearby property, stated he had no objection to the request, that he only wanted to know how this would affect his property. Chair Graham replied that the Commission was only recommending approval to City Council to change the zoning to allow uses of the property as the owners saw fit.

Chair Graham noted the development of the property would be a staff level approval and the Commission would not see development plans. Mr. Fields stated this was correct that the Commission would not be required to see this as a major site plan review but that the Zoning Board of Appeals was required to approve the use and any variances required, especially with respect to the buffer affecting the adjacent residential use.

Commissioner Smith expressed concern over the parking provided. Mr. Fields stated there was an error in the staff report, that the 9800 square feet shown on the site plan included the building and all outdoor seating areas, but that parking would be reviewed as part of the ZBA appeal process.

Commissioner Smith asked if a variance for parking would be required. Mr. Fields stated he did not know if a variance would be required for parking at this time, but that other reductions to buffers and separation requirements are likely needed because of the adjacent residential use.

Commissioner Smith observed that this was essentially choking out the residential use and expressed concern that this may possibly force the use out of the area even with a 6' fence and buffer. Mr. Fields provided information on the buffer requirements that would be required in order to minimize impact on the adjacent residential use.

Commissioner Smith reiterated his concern over the parking, adding that he did not think there was enough parking to accommodate a building of this size. Mr. Fields stated the current GC zoning district allowed for the restaurant use without the requested zoning, adding that the need for the rezoning was to combine all the properties under the same zoning district, since the City was phasing out GC.

Commissioner Mallard observed that Ebenezer Road was the buffer area between neighborhood Office and Downtown districts, adding that DTWN allowed for reductions in parking. Mr. Fields stated staff has been discussing whether DTWN zoning would make more sense for the entire block south of Wilson Street and West of Oakland Avenue, given that it was adjacent to the DTWN district and the uses within that area were consistent with the mixed-use character of the downtown area.

Commissioner Graham observed that if they applied for other uses, the ZBA would be the deciding factor. Mr. Fields stated this was correct.

Commissioner Mallard made the motion to recommend to City Council approval of the Limited Commercial (LC) zoning as presented. Vice-Chair Christopher seconded.

Commissioner Smith commented that the adjacent owner had been notified and was not present to object to the request.

Chair Graham commented that this was a great development project, adding that he did not want this to be overdeveloped and under-parked.

Chair Graham called for a vote, and the motion carried unanimously by a vote of 6-0 (Martens absent).

Chair Graham asked when the ZBA would hear this case. Mr. Fields stated it was tentatively scheduled to be on the July 20 public hearing agenda.

**3. Hold public hearing and consider a recommendation to City Council on petition M-2021-20 by June Engineering Consultants Inc. (Jimmy Dunn) to rezone approximately 14.2 acres at 2253 Cherry Road; 2260 Farlow Street; 1102, 1106, 1204, 1216, 1220, 1236 & 1302 Burton Street and two adjoining un-addressed parcels; and adjacent right-of-way from Residential Conservation District II (RC-II) and business Development District III (BD-III) in York County to Limited Commercial (LC) and Office and Institutional (OI). Tax parcels 634-00-00-003, -004, -031, -081, -081 to -083, -107 to -109, & -111.**

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

Chair Graham observed this might be a good possibility for master planned zoning, noting the Commission could not make recommendations for specific conditions to be in place for approval. He asked if a special exception from the ZBA could tie conditions to the approval for the use or variances required. Mr. Fields stated the ZBA could include conditions for approval since a special exception was required to allow the storage use. He added that staff would recommend conditions of approval for items such as increased buffer requirements, removal of the existing billboards, and approved road access points.

Commissioner Smith asked if the site would be platted as one parcel. Mr. Fields stated it would.

Commissioner Smith referred to the City's moratorium on storage facilities, asking the consensus on how these types of projects would proceed. He noted this project seemed to meet all the requirements, that it was an infill project along a busy corridor. Mr. Fields stated the text changes actually required this type of layout, with the self-storage component behind commercial uses, adding the design standards would take the nearby adjacent developments into account in terms of style and building heights.

Commissioner Mallard asked if the nearby intersection was signalized. Mr. Fields stated there was a signal into the adjacent shopping center. There was general

discussion over the location of existing lanes and how vehicles would best access the site.

Vice-Chair Christopher asked if a more intense use other than storage was proposed would ZBA approval be required. Mr. Fields stated the proposed OI zoning district did not allow for a lot of intense uses, mainly churches, but there may be other uses that would require a special exception.

The applicant's representative, Mr. Keane McLaughlin, ESP Associates, 3475 Lakemont Blvd, Fort Mill, stated the site plan provided was conceptual in nature and that once they could examine the site for any constraints they would have a better idea for building layout. He noted the site currently had a number of dilapidated buildings.

Chair Graham asked if they anticipated that the front strip facing Cherry Road would be a strip retail center. Mr. McLaughlin stated it was hard to say exactly but the plan was to have a commercial component located in that area. He added this area would be the definite access drive for the entire site, serving both the commercial component and storage facility from Cherry Road, noting that he doubted there would be any access, emergency or otherwise, off Farlow Street unless required.

Vice-Chair Christopher asked if they had spoken to the owner of the adjacent property off Cherry Road. The applicant, Mr. Jimmy Dunn, June Engineering Consultants, Inc, 23 W Joiner Street, Winter Garden FL, replied they were currently in process to purchase the residential property off Burton Street. He added they would like to have the right-of-way addressed as 1102 Burton vacated, and stated they were committed to installing the 50' buffer as shown on the site plan in order to protect the nearby residential properties.

Planning & Zoning Manager Eric Hawkins clarified that the property Vice-Chair Christopher referred to was the property directly adjacent to Cherry Road. Mr. Dunn stated they had not contacted that property owner. Mr. Fields noted the Commission would see the additional rezoning application if the residential property was purchased by the applicant.

Vice-Chair Christopher made the motion to recommend to City Council approval of Limited Commercial (LC) and Office and Institutional (OI) zoning as presented. Commissioner Smith seconded.

Vice-Chair Christopher commented that this project made sense for this site.

Chair Graham agreed, further commenting the proposed storage use would have created concern since it would be placed between two residential developments, but with the site location directly off Cherry Road, the removal of two billboards, and the fact no traffic would be able to access the site from Burton or Farlow Streets, this project made sense.

Chair Graham called for a vote and the motion carried unanimously by a vote of 6-0 (Martens absent).

## **NEW BUSINESS**

### **4. Consideration of a request by City of Rock Hill Housing and Neighborhood Services for road name approval for Village at Osceola. (Plan 20200275)**

Staff member Dennis Fields Planner III presented the staff report.

Commissioner Smith asked for details for this project. Mr. Fields explained this was a master planned residential development approved by the Commission a few years before. He added it included single family homes, duplexes, and townhomes.

Vice-Chair Christopher made the motion to approve the road name as presented. Commissioner Mallard seconded, and the motion carried unanimously by a vote of 6-0 (Martens absent).

**5. Consider sponsorship of amendments to the text of the Zoning Ordinance of the City of Rock Hill regarding flood protection and detention ponds.**

Leah Youngblood, Planning & Development Director, presented the request for sponsorship.

Chair Graham asked the process if the HOA already had possession of the detention pond area before it was completed. Ms. Youngblood stated if this happened, they would need to figure out how to get the developer to take care of the situation as HOAs were not necessarily equipped to obtain permits to convert the pond from construction activity over to its purpose to serve as a detention pond.

Commissioner Smith asked if CCRs were part of the development agreement. Ms. Youngblood stated they were if part of a master plan but this did not always happen.

Commissioner Smith asked if trigger points for this action were to be determined. Ms. Youngblood stated this was correct, that it may happen when a certain number of homes were constructed. She noted that in several older neighborhoods, the issue was that there were ponds that should have been turned over to the HOA as detention ponds for maintenance but had not.

Chair Graham observed there needed to be some action in order for maintenance of these areas to occur. Ms. Youngblood agreed, stating the ponds were built mainly for construction use and were converted to detention ponds then turned over to the HOA to maintain.

Commissioner Mallard stated this action was needed for ponds statewide due to flooding the Columbia area where ponds failed, adding that DHEC may have the enforcement power needed. Ms. Youngblood stated the City wanted to be able to have some control, and that HOAs don't necessarily know what needs to be done to obtain permits. She added staff was still working through what the process would be.

Vice-Chair Christopher made a motion to sponsor the text amendments as presented. Commissioner Goodner seconded, and the motion passed unanimously by a vote of 6-0 (Martens absent).

**6. Other Business.**

There was no other business for the Commission to consider.

**7. Adjourn.**

There being no further business, the meeting adjourned at 7:03 p.m.