



## Planning Commission Minutes

July 6, 2021

A public hearing of the Planning Commission was held on Tuesday, July 6, 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, Keith Martens, Justin Smith

**MEMBERS ABSENT** Gladys Robinson

**STAFF PRESENT** Dennis Fields, Chris Herrmann, Leah Youngblood, Janice E Miller

### 1. Approval of minutes of the June 1, 2021, meeting.

Vice-Chair Christopher made a motion to approve the minutes from the June 1, 2021, meeting. Commissioner Goodner seconded, and the motion passed unanimously by a vote of 6-0 (Robinson absent).

### PUBLIC HEARING ITEMS

2. **Hold public hearing and consider a recommendation to City Council on petition M-2021-21 by Cultivate Rock Hill LLC (Charlotte Brown) to rezone approximately 0.68 acres at 315 East Main Street from Downtown (DTWN) to Master Planned Commercial (MP-C). Tax parcel 627-16-02-004. WITHDRAWN BY APPLICANT.**

Chair Graham noted this item had been withdrawn at the request of the applicant.

3. **Hold public hearing and consider a recommendation to City Council on petition M-2021-22 by Woda Cooper Companies (Denis Blackburne) to rezone approximately 18.39 acres at 1055 Finley Road from Neighborhood Commercial (NC) to Multi-Family Residential (MFR) and Office and Institutional (OI). Tax parcel 597-04-01-166. DEFERRED BY APPLICANT TO AUGUST MEETING.**

Chair Graham noted this item was being deferred until the August 3, 2021 Planning Commission meeting at the request of the applicant.

4. **Hold public hearing and consider a recommendation to City Council on petition T-2021-01 by City of Rock Hill Planning Commission to amend the Zoning Ordinance of the City of Rock Hill by making text changes affecting Chapter 2: Administration and Chapter 7: Construction Standards for Subdivisions, Public Improvements, and Site Infrastructure, in relation to flood hazard and stormwater pond standards.**

Planning & Development Director, Leah Youngblood, presented the staff report.

Vice Chair Christopher asked if the certified check or bond was required only after the work was not completed or up front prior to development. Ms. Youngblood stated this would be up front in order to have the developer's commitment the ponds would be taken care of before being turned over to the HOA.

Vice Chair Christopher asked how the cost was determined. Ms. Youngblood stated this would be assessed by the engineer.

Vice Chair Christopher asked if this would be based on what was already completed or the entire project. Ms. Youngblood replied this would depend on the engineer's assessment of the cost needed for completion.

Commissioner Smith asked if the engineer would be a third party. Ms. Youngblood replied this was correct.

Vice Chair Christopher asked if a landscape architect could determine the cost as well as an engineer. Ms. Youngblood stated if this was part of the license issued by the state, they could do this. Vice Chair Christopher further commented on the qualifications of professionals with the ability to perform this assessment.

Commissioner Martens asked if a professional license was required under state law. Ms. Youngblood replied that it was.

Commissioner Martens asked the method for enforcement. Ms. Youngblood stated that regulations detailed in the Zoning Ordinance were enforceable through several means, including fines and court actions, adding that the court process would be the main enforcement tool for these particular violations.

Commissioner Smith observed developers would also forfeit their bond. Ms. Youngblood stated this was correct, adding that Commissioner Martens was referring specifically to quit-claim deeds.

Commissioner Martens commented on several aspects of the quit-claim deed process, observing that this may appear to be overreaching on the part of the City. Ms. Youngblood replied that developers currently used the quit-claim deed process and the City was working to provide reasons for developers to not create this type of situation. She noted that if a deed was recorded, the City may not be aware of this.

Commissioner Martens further commented that the regulations presented were designed to prohibit surreptitious conveyance of property to an uninformed HOA, expressing further concern on the quit-claim deed process and his concern as to how the HOA was informed of their ownership of the property.

Commissioner Mallard asked what would happen if a developer went out of business before the development was completed. Commissioner Goodner commented that this was where the letter of credit would be used to complete the work.

Commissioner Martens commented that the HOA needed the Zoning Ordinance to fall back on the developer to accept responsibility to complete the work.

Vice Chair Christopher asked if the ownership and responsibility for maintaining stormwater areas was under the HOA. Ms. Youngblood stated this was correct, but that it was the developer's responsibility to complete the work and have it approved by DHEC before it was turned over to the HOA. She added the regulations were designed to keep developers from shirking their responsibility.

Chair Graham asked the process for moving the amendment forward. Ms. Youngblood stated the Commission would take a vote and their comments would be included for review by City Council.

Chair Graham noted for the record there were no other attendees at the public hearing other than those listed to comment or ask questions.

Commissioner Mallard made the motion to recommend to City Council approval of the amendments as presented with comments as made by the Commission.

Commissioner Martens seconded, and the motion carried unanimously by a vote of 6-0 (Robinson absent).

**5. Hold public hearing and consider a recommendation to City Council on petition T-2021-02 by the Rock Hill City Manager to amend the Zoning Ordinance of the City of Rock Hill by making certain text changes affecting Chapter 3: Zoning Districts and Chapter 8: Development Standards, in relation to a road corridor protection overlay district and traffic impact standards.**

Transportation Planner, Chris Herrmann, presented the staff report.

Commissioner Smith asked when the Gold Hill intersection would be opening. Mr. Herrmann stated later 2021 to early 2022.

Chair Graham asked how the setbacks would be measured. Mr. Herrmann stated this would be from the centerline of the road, adding that neither York County nor Fort Mill had received much opposition from property owners.

Vice Chair Christopher described a concept he saw for a raised traffic circle for larger interchanges area, stating this would eliminate the need for traffic signals, further asking if Staff had seen this type of interchange before. Mr. Herrmann stated this was not seen in the United States as Americans still had some apprehension navigating traffic circles in less congested areas.

Commissioner Martens asked if the new setbacks would affect existing structures. Mr. Herrmann stated these would remain but would be affected by any future expansions or alterations.

Commissioner Martens if the setbacks would keep others from building on those undeveloped areas. Mr. Herrmann stated this may or may not happen, that the review for possible construction in the setbacks would show any possible issues with future right-of-ways and utility improvements acquisitions.

Commissioner Goodner asked for clarification that this would affect only new projects, not those currently under construction. Ms. Youngblood stated this was correct, that any vested rights would retain the right for continuing with current projects but that staff would have the ability to review and make suggestions regarding any future roadway plans that may create an impact.

Chair Graham asked how the setbacks would impact properties, whether owners would essentially lose 20' or 40' on each side. Mr. Herrmann referred to the map to show possible impacts depending upon the location of the property.

Commissioner Smith presented the example as to how Outback on Celanese Road would be impacted if they wished to make improvements, such as add a drive-through. Mr. Herrmann stated they would have to confer with SCDOT to make certain the addition would comply with any possible future right-of-way work.

Chair Graham observed that the gas station planned for the Cherry Road / Celanese Road intersection could not have been developed if these setbacks were in place. Mr. Herrmann stated this was correct. Ms. Youngblood added that the RFATS Policy Committee had approached the City in the spring asking for the regulations to be put into place, and that once more was known staff would be able to work with property owners to find solutions.

There was general discussion regarding how property owners would not be able to develop within the proposed setback areas and the loss of opportunities for those

owners. Ms. Youngblood reiterated that any active building permit or vested projects would not be affected by these regulations, adding that once the right-of-way setbacks were determined, Staff could continue to work with owners to potentially reduce adverse affects. Mr. Herrmann stated an instance where RFATS committed \$1 million to the Carowinds Blvd/Pleasant Road interchange improvements but due to increased construction costs and right-of-way and utility access costs, the price increased to \$3 million.

Commissioner Smith observed areas along Mt Gallant Road included residential structure, noting that if an owner wanted to build a garage, they couldn't because of the right-of-way. Mr. Herrmann stated this may not be the case, that staff wanted the opportunity to review to make sure there would be no adverse impact on either the owner or any future roadway projects. Ms. Youngblood added they may also not be able to construct a garage.

Commissioner Martens asked if there was an alternative. Mr. Herrmann commented that roadway projects took about 7 years in planning with design, obtaining right-of-way agreements, and other details necessary, adding that the US-21 project involved collecting over 100 right-of-way agreements over a two-year span of time. He added this process will help in making the road improvement process much faster and less expensive.

Vice Chair Christopher asked if the roads involved were state owned. Mr. Herrmann stated there was a mix of state and local roads.

Vice Chair Christopher asked the ownership of Mt Gallant. Mr. Herrmann replied the state.

Commissioner Smith asked if some of the roads were located in the county. Staff member Dennis Fields, Planner III, stated roads located in the county were subject to York County's review based upon their standards, but that the county has already adopted a similar road protection corridor.

Commissioner Martens asked if this action in other communities triggered an inverse condemnation claim. Mr. Herrmann and Ms. Youngblood stated they were not aware of any of these claims.

Commissioner Smith asked the path forward for the amendments. Ms. Youngblood stated City Council would likely have the same type of discussion as the Commission was currently, but that these amendments had come at the request of the RFATS Policy Committee. Mr. Herrmann added that this had been in discussion for a long time.

Chair Graham observed the proposed setback area around Home Depot and Petsmart would potentially be lost to future roadway development. Mr. Herrmann stated this was possible for right-of-way and possible utility relocation.

Chair Graham noted areas within the Riverwalk development that would be affected, asking if a new building constructed might possibly have to be condemned in order to obtain the right-of-way. Ms. Youngblood stated this may happen. Vice Chair Christopher observed that this was the situation with Independence Boulevard in Charlotte.

Chair Graham noted the regulations in place would make the roadway development process easier, asking if someone could build with these in place. Ms. Youngblood stated that if SCDOT says the area has a potential for a right-of-way, then no, they

could not.

There was general discussion regarding compensation to owners and how areas would sit vacant until rights-of-way were resolved. Mr. Fields added that not all buildings within an area would be affected but that the regulations would be a proactive step in order to look at any possible impact prior to constructing new buildings and signs within areas that are likely to be impacted.

Commissioner Smith asked if the amendments would still go to City Council if the Commission did not recommend approval. Ms. Youngblood stated that it would, but that a synopsis of the Commission's discussion would be included. Mr. Herrmann added that York County had had regulations in place since 2002-03 and Fort Mill since 2005.

Commissioner Martens asked the number of miles impacted by these regulations. Mr. Herrmann stated he would have to calculate this based on previous projects.

Commissioner Mallard observed that the only way to make certain all those affected were aware of this process would be to mail every property owner along the proposed corridors, expressing concern that people were unaware these regulations were being considered since there was no one present at the meeting to comment. Chair Graham agreed that all properties affected would need to be notified.

Commissioner Smith asked about current projects down Celanese and Mt Gallant. Mr. Herrmann stated the widening of Celanese to Twin Lakes Road was currently being planned, and the India Hook / Celanese Road right-of-way acquisition was currently underway.

Commissioner Mallard commented that the regulations were a good idea in theory but the application would be difficult.

Commissioner Smith presented the motion to recommend to City Council approval of the amendments as presented. Vice Chair Christopher seconded.

Commissioner Mallard commented that this should have been made part of the comprehensive plan update. Ms. Youngblood agreed, noting that the request had come after all the work on the comp plan had been completed.

Chair Graham called for a vote, and the motion failed by a vote of 0-6 (Robinson absent).

Commissioner Smith commented that he would like to see a process that would be more forward-thinking and not reactionary.

Commissioner Martens expressed concern over the inability for property owners to develop properties within the setback areas for an extended period of time.

**6. Hold public hearing and consider a recommendation to City Council on petition T-2021-03 by the Rock Hill City Manager to amend the Zoning Ordinance of the City of Rock Hill by making certain text changes affecting Chapter 9: Site and Building Design Standards, in relation to residential design standards for single-family development.**

Planning & Development Director, Leah Youngblood, presented the staff report.

Commissioner Mallard asked where these regulations would apply. Ms. Youngblood stated they would only apply to new projects.

Chair Graham asked if these types had happened and where. Ms. Youngblood stated

they had occurred but did not wish to disclose the locations at this time.

Commissioner Smith stated he understood the intention but asked the difference in these regulations and the master planned process. Ms. Youngblood stated that these regulations would apply only under standard zoning district design regulations, adding that within the master planned process there were compromises made for particular design elements that would not normally be allowed under current regulations.

Commissioner Smith observed that the 35% rule seemed to be somewhat arbitrary, especially if a 50' wide lot with a 24' wide garage was involved, stating that it appeared the requirements were designed to not approve a project. He noted that it would seem that a project he designed on Waverly Avenue would not have been approved under these regulations. Ms. Youngblood stated the intent was to not allow construction of elements out of scale with the structure, specifically a garage that appears to be the dominant feature.

Commissioner Smith asked why the City was getting involved in the design process. Ms. Youngblood stated this was a concern brought up by City Council.

There was general discussion over design elements, perspective, and proportion. Ms. Youngblood reiterated that an infill project could go in the direction of meeting the architecture of the surrounding neighborhood or meet the regulations of the Zoning Ordinance.

Commissioner Martens noted that modifications to the ordinance were allowed by means of variance requests.

Commissioner Smith asked that staff consider taking minimal lot widths into account for these regulations, noting for the record that he did not agree with the 35% rule.

There was further discussion over the standards and the application of those standards. Mr. Fields noted that developers had found that by moving the garage doors to the side rather than the front allowed them to circumvent the house width requirements.

Commissioner Martens made a motion to recommend to City Council approval of the amendments as proposed by staff. Vice Chair Christopher seconded, and the motion carried by a vote of 5-1, with Graham, Christopher, Martens, Goodner, and Smith voting in favor, and Mallard voting against (Robinson absent).

## **NEW BUSINESS**

### **7. Other Business.**

Staff member Dennis Fields Planner III noted the status update for previous cases had been provided to the Commission for review and that if they wanted to discuss the previous cases at future meetings, it would need to be made part of the agenda. He stated that the Commissioners could contact him directly about any past case they wished to discuss.

### **8. Adjourn.**

There being no further business, the meeting adjourned at 7:15 p.m.

Case #	LOCATION/SUBJECT	REQUEST	APPLICANT	PURPOSE	PLANNING COMMISSION	CITY COUNCIL ACTION/STATUS
M-2021-20	2253 Cherry Road, 2260 Farlow Street, 1102,1106, 1204, 1216, 1220, 1236, 1302 Burton Street + 2 adjacent parcels	RC-II & BD-III to LC & OI	June Engineering Consultants, Inc. (Jimmy Dunn)	Annex & rezone to construct a self-storage facility behind commercial uses on Cherry Rd	6/1/2021	<b>ONGOING</b>
M-2021-19	129 Oakland Ave & 144, 140, & 136 Ebenezer Ave	NO & GC to LC	Legal Remedy Brewing (Mark Van Sickle)	Rezoning to expand the Craft Brewery use & have consistent zoning on property.	6/1/2021	<b>ONGOING</b>
M-2021-18	1798 Fire Tower Road	ID & UD to IG	Firetower Logistics @ 77, LLC (Anthony Parker)	Rezone to construct an industrial building	5/4/2021	<b>ONGOING</b>
M-2021-17	623 Crawford Road	SF-4 to OI	First Calvary Baptist Church (William Buie Jr.)	Rezone to allow adult daycare use for future development	5/4/2021	6/14/21 - Approved
M-2021-16	805 Heckle Blvd	NC & SF-5 to MFR	Greenway Residential Development	Rezone to construct Multi-family apartments	4/13/2021	4/26/2021 - DENIED 5/24/21 – Reconsidered 6/28/2021 Approved
M-2021-15	2150 Cherry	GC - MFR	Morgan Square LP (Connelly Development)	Rezone to construct Multi-family apartments	4/13/2021	4/26/21-DENIED
M-2021-14	2229 Celanese Rd + adjacent parcel	BD-I to NC		Annex & Rezone to construct additional parking for eye clinic	4/13/2021	5/10/2021 - Approved
M-2021-13	803 Augustus Ln	Amend PUD to remove historic designation	Clifford & Valerie Sands	Remove PUD designation of historic site in order to build a house.	3/2/2021	4/12/2021 - Approved
M-2021-12	642 Morris St (portion)	SF-5 to SF-A	Bridwell Homes (Rich Bridwell)	Rezoning to facilitate combination with adjoining property.	2/2/2021	3/8/2021 - Approved
M-2021-11	2027 Celanese Rd	BD-I to LC	Clutch Coffee Bar	Annex & rezone to access City utilities for commercial development.	2/2/2021	3/8/2021 - Approved
M-2021-10	751, 757, 801, 823, 826, and 833 Cel-River Rd, 2 unaddressed parcels on Cel-River Rd, & 822 Wilkerson	SF-3, BD-III, & RC-I to LC	Keith Bauer	Annex a portion of the property to access City utilities and rezoning to permit an independent living facility.	2/2/2021	3/8/2021 -Approved
M-2021-09	1856 Baskins Rd & 1643 Trimnal Ln	UD to MFR	Baskin Road Properties (Darrell Palasciano)	Annex & rezone to access City utilities for multi-family development.	2/2/2021	2/22/21-DENIED
M-2021-08	Between Dave Lyle Blvd & Sturgis Rd, including 1705 & 1725 Sturgis Road, 146 Waterford Park Drive, 2652 Dave Lyle Boulevard (portion)	IG, SF-3, & RUD to MP-R	Mattamy Homes (Jerry Whelan)	Annex & rezoning to permit single-family attached and detached development.	3/2/2021	<b>ONGOING</b>
M-2021-07	750, 754, 758, 762, 766, 770, 782, & 784 S Heckle Blvd and 1405 & 1439 Saluda St	MP-C to LC	Cogum Global (Vincent James)	Rezone to permit retail development.	1/5/2021	2/8/2021-Approved
M-2021-06	North side of Celanese Rd, generally between Aldersgate and west side of Dutchman Dr, Celanese Rd/Rosewood Dr Area I	BD-I, RC-I, & RD-I to NC & SF-3.	Rock Hill City Council	City-initiated annexation of an enclave area.	1/5/2021	2/8/2021-Approved
M-2021-05	730 N. Anderson Rd, Rock Hill Industrial Park Area III Annexation	UD to IG	Aquasol Acquisition, LLC	City-initiated annexation in accordance with agreement from 2018.	1/5/2021	2/8/2021 - Approved
M-2021-04	321 Hampton St.	MF-15 to SF-5	PSBuilders (Joseph Sprouse)	Rezone to permit single-family use.	1/5/2021	2/8/2021 - Approved
M-2021-03	313 N. Wilson St	GC to NO with HOD	Marvin & Irma Frockt	Establish Historic Overlay District and to permit single-family residential use.	1/5/2021	3/8/2021 - Approved
M-2021-02	703 & 717 East Main St and 706 East White St	IH to OI	Park Baptist Church (Pastor David Kiehn)	Rezone to bring all property under the same zoning district.	1/5/2021	2/8/2021 - Approved
M-2021-01	526 Hampton St.	MF-15 to NC	Robinson Funeral Home	Rezone to bring all property under the same zoning district and combine lots.	1/5/2021	2/8/2021 - Approved