

Planning Commission

City of Rock Hill, South Carolina

November 13, 2018

A regular meeting of the Planning Commission was held Tuesday, November 13, 2018, at 6:00 PM in City Council Chambers, City Hall, 155 Johnston Street, Rock Hill, South Carolina.

MEMBERS PRESENT Duane Christopher, Gladys Robinson, Justin Smith, Nathan Mallard

MEMBERS ABSENT Randy Graham, Shelly Goodner, Keith Martens

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

In the absence of Chair Randy Graham, Mr. Duane Christopher assumed the role of chair.

1. Approval of minutes of the October 9, 2018, meeting.

Mr. Mallard made a motion to approve the minutes from the October 9, 2018, meeting. Mr. Smith seconded, and the motion passed unanimously by a vote of 4-0 (Graham, Goodner, and Martens absent).

PUBLIC HEARING ITEMS

2. Hold public hearing and consider a recommendation to City Council on petition M-2018-23 by Iglesia Cristiana el Siloe to rezone approximately 0.4 acres at 986 Myrtle Drive from Single-Family Residential-4 (SF-4) to Office & Institutional. Tax parcel 629-18-01-003.

Mr. Hawkins presented the staff report.

Mr. Mallard asked if this would create a single tax parcel or would they remain separate. Mr. Hawkins stated they could combine the parcels but did not know their intention in doing so.

Mr. Smith asked about the required buffer from the adjacent residence. Mr. Hawkins stated it would depend upon the use. In the Old Town area, a 20' buffer with 6' solid fence is required for more intense uses and a 10' buffer with 6' solid fence is required for less intense uses. He added a variance would be required in order to reduce the buffer in the area along the driveway.

Mr. Christopher asked the use of the building currently, if it was still a residence. Mr. Hawkins stated it was most recently residential and it may have originally been a parsonage, years ago.

Pastor Carlos Suarez, 1314 Land Grant Road, Charlotte, (applicant) was available to answer questions. He first apologized for the lack of a translator, stating he would try to answer questions as best he could. He stated the church wished to use the property for a green space for the children of the church as the church property itself did not have any green area. He added the house would be used for visiting pastors but no one else. He stated they did not want to create any issues with the neighbors and would build a fence.

Mr. Smith asked if the building would be used as an office. Pastor Suarez stated it would not.

Mr. Mallard asked if he would be opposed to leaving the property as is with the current zoning. Pastor Suarez stated their intention was to only use the backyard as a play area and no changes would be made to the house itself.

Dr. Robinson asked if the playground use required a change in zoning. Mr. Christopher stated it did.

Dr. Robinson asked if the church had any long range plans for the church. Pastor Suarez stated they would add shrubs and paint in order to improve the look of the house and did not want to change anything.

Mr. Hawkins further clarified that because the church planned to use the residential structure in conjunction with the church, it was required to have the same zoning.

Mr. Smith asked how the rezoning was initiated. Mr. Hawkins stated a neighbor had contacted the City when church members began clearing some vegetation on the property. Staff asked the church about their plans for the property and let them know that it could not be used for church purposes under the current zoning.

Mr. Christopher asked Pastor Suarez if they had talked to the neighbors. Pastor Suarez stated they had spoken with two or three neighbors but had started to clean the property before speaking with anyone as children had started going over to the property to play.

Mr. Les Dickert, 848 Eden Terrace, spoke in opposition of the rezoning as representative of the Historic Winthrop Farms Neighborhood Association. He noted that there are over 150 homes in the neighborhood, one of the oldest neighborhoods in Rock Hill, and all are zoned residential with no office or institutional uses. He stated they are opposed to a rezoning of anything other than residential. He provided a petition with over 120 signatures against the rezoning and indicated the number of neighbors in attendance who are opposed to the rezoning. He added the concern over "creeping commercialization" with the rezoning and stated a line needs to be drawn to keep this from occurring in residential neighborhoods. He mentioned the mix of commercial and residential uses along Ebenezer Road, which was originally residential in nature. He concluded that the concern is not over the church itself but of future uses allowed by Office & Institutional zoning if the church should sell.

Mr. Christopher asked if the pastor had come to speak with him. Mr. Dickert stated he had not as he lived a number of houses away from the property.

Mr. Christopher asked for confirmation that he was not opposed to the church use. Mr. Dickert stated he was not opposed to the church use, just what it could become if the church is sold.

Mr. Christopher asked if he represented everyone at the meeting. Mr. Dickert stated he only represented the neighborhood association.

Ms. Virginia Williams, 984 Myrtle Drive, spoke in opposition to the rezoning request, stating she had no issue with the church use or the playground adjacent to her, just the rezoning that might allow for the construction of a parking lot next to her property that already had flooding issues. She noted a parking lot would also negatively affect her property value. She added there were 136 signatures on the petition.

Mr. Smith asked if it would still be an issue having a parking lot next door, knowing the applicant would have to deal with the flooding issues and adding a buffer. Ms. Williams stated she would still be opposed; adding that she had tried to purchase the property from an investor who had sold it to the church instead after a deal had not materialized.

Mr. Don Belk, 34 Twin Oaks Lane, Isle of Palms, SC, adjacent commercial property owner, stated that he allows the church to use the parking on his property as needed for services. He noted the difficulties in rezoning particular properties to suit particular uses.

Mr. Ed Ballard, 808 Eden Terrace, president of the Historic Winthrop Farms Neighborhood Association, spoke in opposition of the rezoning, noting specifically the request for the funeral home by a previous owner.

Mr. Don Sinclair, 948 Myrtle Drive, spoke in opposition to the request, specifically noting the loss of control on how the property would be used.

Dr. Robinson asked if the Commission could place conditions on the property without rezoning. Mr. Hawkins replied that any uses in support of the church were required to have the same zoning classification.

Mr. Christopher noted the properties could be combined and a Master Planned zoning district could be put into place that would restrict the uses. Mr. Hawkins stated this would be a separate process.

Ms. Youngblood stated the possibility of rezoning the property to Single-Family Residential-5 (SF-5) which would allow a large church use as a special exception approved by the Zoning Board of Appeals.

Mr. Smith asked other uses in the SF-5 zoning district that required special exceptions. Ms. Youngblood stated uses allowed as a special exception were generally the same as those allowed by special exception in all the residential zoning districts.

Mr. Christopher stated SF-5 would not allow for office or commercial uses. Ms. Youngblood stated this was correct, but staff needs to take a look at how appropriate this zoning would be for the area.

Mr. Smith observed the necessity to table the item due the lack of a translator, expressing concern that Pastor Suarez may not understand the direction the Commission was taking with a new zoning classification.

Mr. Mallard asked if the size of the parcel prohibited redevelopment. Mr. Hawkins stated it did as it would not meet the required dimensions but if the two properties were combined, there would be over an acre available for commercial development.

Mr. Smith asked Mr. Dickert if SF-5 zoning would be acceptable. Mr. Dickert stated they would have to discuss this option.

Dr. Robinson presented the motion to defer the item until the December hearing. Mr. Smith seconded.

Discussion by the Commission centered on the possible effects of a new proposed zoning classification. Mr. Christopher asked if the application were denied, would the applicant be required to wait a year before presenting a rezoning. Mr. Hawkins

stated SF-5 would be a completely different application and would not require a one-year waiting period.

Dr. Robinson requested a translator be in attendance for Pastor Suarez at the next public hearing.

Mr. Christopher called for a vote to defer until the December 4 public hearing, and the motion carried unanimously by a vote of 4-0 (Graham, Goodner, and Martens absent).

NEW BUSINESS

3. Consideration of a request by EMH&T, Inc. for preliminary plat approval for Riverwalk Townhomes, Phase 1. (Plan #20181060)

Mr. Fields presented the staff report.

Mr. Christopher asked if the building would be three stories. Mr. Fields stated he did not know at this time, that the request was only for preliminary plat approval in order to subdivide the land.

Mr. Smith presented a motion to approve the preliminary plat as proposed, subject to staff comments. Dr. Robinson seconded, and the motion carried unanimously by a vote of 4-0 (Graham, Goodner, and Martens absent).

4. Consideration of meeting calendar for 2019 regular Planning Commission meetings.

Mr. Hawkins presented the calendar for the Commission's consideration, noting specifically the October meeting date was tentative pending final decision regarding the date for National Night Out. He also noted the Commission may consider moving the July 2nd meeting to the next week due to its proximity to the July 4th holiday.

Dr. Robinson presented the motion to approve the meeting calendar as presented. Mr. Smith seconded, and the motion carried unanimously by a vote of 4-0 (Graham, Goodner, and Martens absent).

5. Other Business.

Mr. Christopher asked for an update on the Legion Collegiate Academy rezoning application. Mr. Hawkins stated that second reading of the rezoning to OI was not approved and this prevents the school proposal from moving forward on this site. Mr. Christopher asked if they were looking at other properties in the City. Mr. Hawkins stated he did not know of any sites within the City limits but did know they have been looking at sites in the county.

7. Adjourn

There being no further business, the meeting adjourned at 7:02 pm.