



A regular meeting of the Planning Commission was held Tuesday, August 6, 2019, at 6:00 PM in City Council Chambers, City Hall, 155 Johnston Street, Rock Hill, South Carolina.

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

MEMBERS ABSENT Keith Martens

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

1. Approval of minutes of the July 9, 2019, meeting.

Mr. Christopher asked staff to include the comments he made after making the motion to approve case #M-2019-10. Dr. Robinson made a motion to approve the minutes from the July 9, 2019, meeting as amended. Mr. Christopher seconded, and the motion passed unanimously by a vote of 6-0 (Martens absent).

PUBLIC HEARING ITEMS

2. Hold public hearing and consider a recommendation to City Council on petition M-2019-16 by Boyd Hill Baptist Church to rezone approximately 0.9 acres at 309 Branch Street; 304, 310, & 322 Glenn Street; and adjacent right-of-way from Multi-Family 15 (MF-15) to Office and Institutional (OI). Tax parcels 598-01-07-020 to -023.

Staff member Shana Marshburn, Planner I, presented the staff report.

Dr. Robinson asked if the church was only renting the family life center to another entity for the daycare. Ms. Marshburn stated this was correct.

Dr. Robinson asked if there would be any structural changes. Ms. Marshburn stated none were indicated. She noted she had received two phone calls requesting information about the request and if there would be any further development of the property, noting there were no plans for additional development on the property.

Dr. Robinson asked if the daycare would have access to the church's parking lot across Glenn Street. Ms. Marshburn stated it would, adding there was parking to the rear of the family life center but the church was allowing parking for the daycare.

Mr. Smith asked if the church owned parcels other than the four on which the family life center was located. Ms. Marshburn stated the church owned several other properties in the area. She added staff had reached out to the church about rezoning the other properties but was told the church would have to approve of the process before proceeding.

Mr. Graham commented on the number of single-family residential properties in the area that were zoned multi-family and asked how this occurred. Ms. Marshburn stated during the City-initiated multi-family rezoning cases several years before, only those vacant properties were examined, not active residential areas.

Mr. Smith asked if there were other areas like this. Ms. Marshburn stated there were. There was general discussion on proceeding with rezonings for areas such as this.

Mr. Lawrence Berry, 1277 Colby Avenue, applicant and church representative, stated the church had previously had a daycare 10-12 years ago when the property was zoned for this use. He stated the daycare was forced to close due to the economic downturn. He noted when the church was approached to open a daycare again, the zoning no longer allowed for a daycare use and needed to go through the rezoning process. He stated the building had originally been built to house a daycare as well as office and church use including a drive in the back of the family life center for drop off. He added there would be no additional construction on the site.

Dr. Robinson asked how many children would be at the daycare. Mr. Berry stated the Department of Social Services had originally licensed the facility for 40, and said they planned for this same number. He added the church didn't want to operate the daycare itself, instead reaching out to several daycare services to operate in this facility.

Mr. James Crome, 481 Redwood Road, spoke regarding his concerns over the amount of water runoff occurring during significant rain, future development of the property that may prohibit his ability to sell the property, and whether his property located at 309 Branch Street would be affected by the rezoning if someone wanted to construct an apartment building. Mr. Graham stated that the proposed rezoning would not affect his property and it could be developed with apartments under the Multi-Family 15 zoning district if all conditions were met.

Dr. Robinson presented the motion to recommend to City Council approval of Office and Institutional (OI) zoning on the properties as indicated and presented by staff. Mr. Christopher seconded.

Mr. Mallard stated his concern that this would create a spot zoning situation with a zoning district that was out of character in a residential area.

Mr. Graham addressed Ms. Marshburn, noting while he had no issue with a daycare or OI zoning in the area, he would rather see the entire church facility come in under the same zoning in order to be consistent with the use. Ms. Marshburn stated staff had discussed this with Mr. Berry but was told there were a number of church committees that needed to agree with the process. She added OI zoning was the least intense district that allowed daycare uses, that others districts also allowed for more commercial uses.

Mr. Graham addressed Mr. Berry, stating churches and schools were part of OI zoning and that it would much easier if the church and family life center were rezoned together. He asked Mr. Berry if the church would be willing to consider OI zoning for the church building as well. Mr. Berry stated he was not sure, adding the church owned approximately 16-18 parcels as well as the church and family life center buildings. Mr. Graham noted only the church building would be included in the OI zoning district with the family life center. Mr. Berry stated he would have to discuss this with the church.

Mr. Graham presented a friendly amendment to Dr. Robinson's motion that the Commission strongly encouraged and recommended the sanctuary be rezoned to OI in addition to the family life center. Dr. Robinson agreed to the amendment, and Mr. Christopher seconded.

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

3. Hold public hearing and consider a recommendation to City Council on petition M-2019-17 by David Hoe, Hoe Family Veterinary Holdings, LLC, to rezone

approximately 0.88 acres at 933 Cel-River Road from Business Development III (BD-III) to Community Commercial (CC). The subject property is proposed to be annexed into the City of Rock Hill. Tax parcel 662-00-00-050.

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

Mr. David Hoe, 20617 Bethelwood Lane, Cornelius NC, applicant, provided a brief history of the company. He stated this particular facility would be approximately 4200 square feet and would not include boarding.

Mr. Graham asked the difference between a veterinary hospital and clinic. Mr. Hoe stated most times the terms were used interchangeably but a hospital had surgical facilities while a clinic may or may not.

Mr. Graham asked if regular appointments would be offered. Mr. Hoe stated they would.

Mrs. Goodner asked if the facility would be an urgent care and provide afterhours care. Mr. Hoe stated it would not, it would only be open Monday through Friday, 8 a.m. to 6 p.m., and Saturday, 8 a.m. to noon.

There were no further questions or comments.

Mr. Mallard presented the motion to recommend to City Council approval of Community Commercial zoning as presented. Mr. Smith seconded, and the motion carried unanimously by a vote of 6-0 (Martens absent).

4. Hold public hearing and consider a recommendation to City Council on petition M-2019-18 by Strategic Capital Partners to rezone approximately 84 acres at 175 Cel-River Road; 2701, 2710, 2713, 2725, 2734, 2752, 2754, 2757, 2767, 2777, 2781, & 2785 Lynderboro Street; and adjacent right-of-way from Residential Conservation District I (RC-I), Residential Conservation District II (RC-II), and Industrial Development District (ID) in York County to Industry General (IG). The subject properties are proposed to be annexed into the City of Rock Hill. Tax parcels 665-00-00-014 to -024 and 665-00-00-094.

Mr. Hawkins presented the staff report.

Mr. Christopher asked if a site plan such as the one provided as part of the presentation had been included in the staff report. Mr. Hawkins stated it was not available when the reports were sent out.

Mr. Chris Thomas, Childress-Klein, 301 S College Street, Charlotte, representing two of the property owners, spoke in support of the request.

Mr. Graham asked the date of ground breaking. Mr. Thomas stated the plan was to begin in the spring of 2020.

Mr. Christopher asked if Cel-River Road would be completed by this time. Mr. Thomas stated the widening was an approved project. Mr. Hawkins added the road widening was currently in the preliminary design phase and may still take some time before road construction began.

There were no further questions or comments.

Mr. Christopher presented the motion to recommend to City Council approval of Industry General (IG) zoning as presented. Mr. Mallard seconded, and the motion carried unanimously by a vote of 6-0 (Martens absent).

5. Hold public hearing and consider a recommendation to City Council on petition

M-2019-19 by Wooden Eye LLC and Workman-Greene Co. Inc. to rezone approximately 2.85 acres at 2145, 2155, 2213, & 2225 Celanese Road and adjacent right-of-way from Business Development District I (BD-I) in York County to Neighborhood Commercial (NC). The subject properties are proposed to be annexed into the City of Rock Hill. Tax parcels 634-11-07-003 & -004, and 634-11-09-004.

Mr. Graham noted he had been involved with the original sale of the property but had no vested interest in the current development, adding he would recuse if the other Commissioners saw fit for him to do so. None of the Commissioners stated objection to Mr. Graham remaining at the dais.

Mr. Hawkins presented the staff report, noting the Commission had been provided with an email he received that day from Ms. Debbie Starnes, 2116 Country Court.

Mr. Smith asked if the two buildings to the right of Hilltop would remain. Mr. Hawkins stated they would, that there was no new development proposed for those properties at this time.

Mr. Christopher asked if the buildings were part of the new development. Mr. Hawkins stated they were not and were under different ownership.

Mr. Randall Bozard, 3017 Golden Dale Lane, Charlotte, applicant's representative, stated that the 10,000 square foot building will include a 6,000 square foot eye doctor's office and the remaining 4,000 square feet will be leased out to other tenants. He added the property had already gone through the extensive rezoning process with York County in order to allow for the use and was approached by the City to be annexed in in order to have City services provided to the site.

There were no further questions or comments.

Mr. Christopher presented the motion to recommend to City Council approval of Neighborhood Commercial (NC) zoning as presented. Mr. Smith seconded, and the motion carried unanimously by a vote of 6-0 (Martens absent).

- 6. Hold public hearing and consider a recommendation to City Council on petition M-2019-20 by Augusta Place Patio Home Association and NewStyle Communities to amend the Augusta Place Planned Unit Development (PUD) zoning on approximately 39.46 acres located at Adelaide Way; Balfe Drive, Chalmers Row; Hallmark Crossing; Quinby Way; Wrenfield Mill; 4346, 4348, 4366, 4368, 4380, & 4392 Laurel Creek Drive; and 850, 878, 930, 942, 954, & 998 Twin Lakes Road. The proposed amendments would update regulations with respect to courtyard setbacks. Tax parcels 635-07-01-029 to -055; 635-07-01-057; 635-07-01-079 to -090; 635-07-01-092 to -121; 635-08-01-001 to -031; and 635-09-01-001 to -059.**

Mr. Christopher recused, citing a conflict of interest as member of the Laurel Creek Architectural Review Board.

Mr. Hawkins presented the staff report, noting the Commission had been provided with additional information from Ms. Brenda Martin, resident of Augusta Place.

Mr. Graham asked for clarification that the benefitted property owner had door access to the easement area whereas the burdened property owner did not. Mr. Hawkins stated this was correct.

Mr. Graham asked how the ownership of the burdened lot was affected. Mr. Hawkins stated this allowed the benefitted property owner to use the burdened neighbors' lot for

outside improvements.

Mr. Graham asked if improvements had been built without permits. Mr. Hawkins stated that some had and City staff had discovered these improvements after the fact. He added these amendments were designed to clarify that any improvements that may be approved by the community's architectural review board still needed to be reviewed by the City whether a permit was needed or not.

Mr. Graham asked for clarification using the example that if a benefitted lot could build a grill to the property line but not past it. Mr. Hawkins stated this was correct.

Mr. Graham asked about swings. Mr. Hawkins stated any free standing swing structures could be placed in the easement area, but those that required in-ground installation could not.

Mr. Graham, referring to paver and hardscape installation, asked how drainage would be controlled. Mr. Hawkins stated these would require City review and permitting. He added the community architectural review board had included a statement on their form that City review was required prior to construction.

Mr. Graham asked if the only item allowed in the easement would be hardscape features approved by the City and any moveable items. Mr. Hawkins stated this was correct.

Dr. Robinson stated her concern that so many structures had been built. Mr. Hawkins stated there were many projects constructed by people who did not realize a building permit was required.

Dr. Robinson asked how this would be regulated in the future. Mr. Hawkins stated the City has communicated with the developer and the inclusion of the statement about City review prior to construction on the architectural review board form should help.

Dr. Robinson asked if this could happen in any other community. Mr. Hawkins stated it could but this was a unique situation with the easement provisions and small size of the lots.

Mr. Smith asked if language for cantilevers and overhangs could be added. Mr. Hawkins stated these would be considered part of the structure but would further clarify this in the amendments.

Mr. Brock Fankhauser, 2125 South End Drive, Charlotte, applicant for Phase II, stated this type of community had been constructed in other areas but had not experienced this particular issue. He noted that if he builds another community in Rock Hill in the future, the easement would be eliminated and there would be zero lot lines in order to avoid these complications.

Mr. Ronnie Abernathy, 309 Quinby Way, HOA President and Phase I applicant, stated the HOA voted to support the petition. He noted Phase I was part of the Laurel Creek HOA, adding the HOA had approved improvements in place and that homeowners within the area believed they met the qualifications to construct those improvements.

Mr. Graham asked Mr. Fankhauser if he agreed with the amendments as proposed. Mr. Fankhauser stated he did.

Mrs. Brenda Martin, 116 Hallmark Crossing, spoke regarding the email provided to the Commissioners, noting that Augusta Place I is one neighborhood. The developer has made it clear in the declarations that it is one neighborhood and all lots are subject to

the same conditions. Mrs. Martin also noted that the declarations do not mention pavers and she is not in favor of having pavers on her property in the easement area. She stated that as she has no access to a portion of her property and she is not allowed to step on it without giving two weeks notice to the adjacent property owner. She requested that the reference to pavers on one's neighbor's property be removed from the proposed amendment. Mrs. Martin noted that paragraph two of the Background section of the staff report is incorrect in that it states "each lot" has an easement. She stated that each lot does not have an easement because she does not have an easement and there are others that do not have an easement. She expressed concerns about the easement agreement and acknowledged that the agreement is not in the Commission's purview.

Mr. Graham asked Mr. Fankhauser if he had any response to Mrs. Martin's statements. Mr. Fankhauser stated the easements were recorded and were a matter of public record.

Mr. Graham asked Mrs. Martin about the allowance for pavers. Mrs. Martin stated she owned land she was not able to use, she did not want the pavers as close as 18" to her house as she did not like the look or how the pavers created drainage issues. She added her concern as to how the situation would be when she placed the property up for sale.

Mr. Mallard asked if she had purchased the property when constructed. Mrs. Martin stated she had.

Mr. Mallard asked if this information about the easements had been disclosed to her at closing. Mrs. Martin stated it had not, that she was told by four people that her yard extended further to the brick columns and that she could use the space as she saw fit.

Mr. Smith asked for the reasoning behind the 18" distance. Planning & Zoning Manager Leah Youngblood stated the amendments were written to follow closely with how the easements were written and the 18" separation requirement was in the covenants.

Dr. Robinson stated it was difficult to decide without having a resolution for those previously impacted and asked if there was any recourse or correction for those improvements already in place. Mr. Graham asked if these violations would be subject to code enforcement. Mr. Hawkins responded yes but it is hard to deal with things that have been there for years.

Mr. Smith asked if there are current situations where trellises are attached. Mr. Hawkins stated there are and at some point those will have to be dealt with as building code violations. Staff does not have a plan for how to deal with those yet.

Mrs. Goodner clarified that there is nothing the Commission can do about the existing easement agreement. All we can do is try to put some guidelines in place to help remedy the situation. Mr. Graham stated this was correct.

There were no other questions or comments.

Mr. Smith presented the motion to recommend to City Council approval of the request to amend the Augusta Place Planned Unit Development (PUD) zoning regarding courtyard setbacks with the condition that language pertaining to overhangs be added. Mrs. Goodner seconded, and the motion carried unanimously by a vote of 5-0 (Christopher recused; Martens absent).

7. Hold public hearing and consider a recommendation to City Council on petition

M-2019-21 by Adam Fiorenza to rezone approximately 49.11 acres at 2114 Riverchase Boulevard and adjacent right-of-way from Planned Unit Development (PUD) to Master Planned Residential (MP-R). Tax parcel 662-05-01-003.

Mr. Graham recused, citing a conflict of interest. Mr. Christopher assumed the role of chair.

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

Mr. Mallard asked the reason for the smaller lot frontages. Mr. Fields deferred to the applicant and stated that it is his understanding that the applicant is trying to create a more urban scale development.

Dr. Robinson asked if Riverchase Boulevard would be the only access point. Mr. Fields stated that it would and the property doesn't have frontage on any other streets that could be accessed.

Mr. Adam Fiorenza, 301 Fieldbrook Place, Charlotte, provided information about what he wants to achieve with the project. He outlined the following factors that influence the approach to the development:

- Walkable communities: Baby Boomer generation and retirees want to stay active rather than staying in a traditional single family home or move into retirement communities.
- Millennial generation wants to blend urban wants and desires with suburban needs as they age.
- Millennials and Boomers want to live where they can live, work, & play in the same community. They are willing to have less space in favor of more flexible working situations, quality homes and full amenities
- Retirees are looking for greater accessibility and multi-generational households are becoming more popular.

Mr. Fiorenza noted that he is working with designers that have a wealth of knowledge and experience in multi-family and mixed-use development. He provided information about the three proposed product types:

- Patio homes: units targeted towards active adults (Boomers & empty nesters) with private outdoor areas, detached garages, and unique architecture not found in the market. Units will be 1,200-2,000 square feet.
- 45' wide lots: same product is being built in Matthews, NC, and has been well-received. Targeted towards first and second time buyers who want functional, efficient space, amenities, and low maintenance. Units will be 2,600- 3,200 square feet.
- Apartments: Important for buildings to look great as it will be the first thing you see coming into the City on I-77.

Mr. Fiorenza noted that access to the Catawba River is the main driver behind the development as it creates the opportunity to focus on the outdoors and fitness. These are two of the key decision-making factors for buyers and renters. The development will include an extensive trail system and eventually a connection to the Carolina Thread Trail that will provide cohesiveness with the larger community.

Mr. John Mang, Intec Group, 18 Hummingbird Court, Lake Wylie, provided information on the modern farmhouse architectural design as well as the amenities and connectivity of the overall site. The plan has different scales of buildings, similar to what is seen in a farm environment. The trail system creates unique spaces that become part of the lifestyle of the community and carries through a connection from the houses to the river.

Mr. Christopher stated that while he liked the overall concept, he noted issues with the prominence of the garage door on the front façade, especially with the larger single door instead of two individual doors. He also noted that having guest parking and on-street parking will be important to avoid cars dominating the fronts of the lots. He also noted that although there is no good solution, there are traffic issues at the Riverchase/Celanese intersection.

Mr. Fiorenza stated there are plans in place to reroute the traffic from the Riverchase Boulevard intersection to relieve congestion. He noted he was open to suggestions regarding the garage doors but stated a single door was much easier for cars to navigate than double doors, especially with limited space available. He added that there are only 40 of these types of lots so there won't be a tremendous amount of them. They are also looking at ways to increase the parking to prevent overloading the driveways. There are a lot of variables with the property, including topography, sewer easements, high pressure gas line, and rocky terrain that necessitated reducing the lot sizes to get the density to a manageable number.

Mr. Smith asked for further clarification on how many units were planned for each of the orange squares depicted on the submitted plans. Mr. Fiorenza stated each square would contain three units.

Mr. Smith asked the price points for each section. Mr. Fiorenza stated the patio homes would start under \$250,000 and the 45' lots could be anywhere from the high \$200,000's to \$400,000.

Mr. Smith asked if there would be a commercial component within the community. Mr. Fiorenza stated there would not.

Mr. Smith noted that his understanding of a walkable community was that there would be commercial conveniences available for those living in the community. Mr. Fiorenza stated in this instance, the concept of the walkable community meant that residents would have easy access to amenities and nature.

Mr. Smith stated that it looks like three individual projects. He noted that he likes the patio home concept although he is unsure of the marketability at the price points presented. Mr. Fiorenza noted that there is a huge need for the 45' lot product in the market and similar units are commanding the prices noted. He added that the architecture will be further refined to tie the different product types together and ensure that it will not feel like three separate projects.

Mr. Smith asked about the phasing. Mr. Fiorenza stated that it will all be graded in one phase, then the patio homes and 45' lots will be constructed first, followed by the apartments later. He noted that the clubhouse will be done with the apartments and pointed out a number of trails that will be installed with the patio homes and 45' lots.

Mr. Mallard asked about the view into the site when coming across the river. Mr. Fiorenza stated there will be buffers along the river with buildings beyond.

Mr. Christopher stated that they should consider making the trail system wide enough

for golf carts. Mr. Fiorenza stated that the road system will be available for those types of vehicles.

Mr. Mallard asked if the patio homes will be sold as condominiums. Mr. Fiorenza responded no, each unit will be on a separate lot.

Mr. Christopher asked if there would be any easements on the lots. Mr. Fiorenza responded no.

Mr. Christopher asked if the Commission was required to make a decision on either of the options presented. Mr. Fiorenza stated he would like the flexibility to decide on either of the options depending upon sales studies. Mr. Fields noted that the second option allows them to do something different if it turns out that the patio homes are not viable in this market.

There were no further questions or comments.

Mr. Smith presented the motion to recommend to City Council approval of the Master Planned Residential (MP-R) rezoning as submitted by staff. Mr. Mallard seconded.

Mr. Smith commented that Mr. Fiorenza has followed through with other projects within the City and he believes this will be a nice community. Mr. Christopher stated he agreed with Mr. Smith, adding he would like to see improvements in parking, access, garage doors, and location of these doors as the plan moves ahead.

Mr. Christopher called for a vote, and the motion carried unanimously by a vote of 5-0 (Graham recused; Martens absent).

NEW BUSINESS

8. Consideration of a request by The Isaacs Group for Major Site Plan approval for Old York/Secession Way Development. (Plan #20191031)

Mr. Graham recused, citing a conflict of interest. Mr. Christopher assumed the role of chair.

Mr. Fields presented the staff report.

Mr. Smith asked who made the recommendation for a right in/right out only entry along Old York Road. Mr. Fields stated South Carolina Department of Transportation (SCDOT) approved all entries onto Old York Road.

Mr. Tom Lowell, Casto, 215 E Chatham Street, Cary, NC, applicant, provided additional information about the project, stating the largest structure on the site was approximately 23,000 square feet and his company was actively looking for tenants. He added they would do the rezoning in the near future as they were making certain the major site plan for the project would be approved first.

Mr. Smith asked about if the access had been approved by SCDOT. Mr. Lowell stated it was.

Mr. Smith noted the proximity of the traffic signal to this access point. There was general discussion on how SCDOT required right in/right out access near signalized intersections, regardless of how busy they were.

Mr. Christopher asked if Casto would remain as owner of the buildings and would lease to outside companies. Mr. Lowell stated this was correct.

Mr. Lowell added that Secession Way would be an access easement and not be a City street. Planning & Development Director Bill Meyer stated there were other access

points in the City designed the same way, such as in the commercial section of Millwood Plantation. There was general discussion over traffic use in the area.

Mr. Christopher asked if bike racks would be installed. Mr. Fields stated these would as well as other sidewalk improvements.

There were no further questions or comments.

Mrs. Goodner presented the motion to approve the Major Site Plan as submitted, subject to staff comments. Dr. Robinson seconded, and the motion carried unanimously by a vote of 5-0 (Graham recused; Martens absent).

Mr. Graham resumed his seat at the dais.

9. Other Business.

Staff did not have any other business to present to the Commission.

10. Adjourn.

There being no further business, the meeting adjourned at 8:40 p.m.