

Zoning Board of Appeals

City of Rock Hill, South Carolina

August 20, 2019

A public hearing of the Zoning Board of Appeals was held on Tuesday, August 20, 2019, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill, South Carolina.

MEMBERS PRESENT: Matt Crawford, Michael Smith, John Antrim, Rodney Cullum

MEMBERS ABSENT: Keith Sutton, Stacy Reeves, Randy Sturgis,

STAFF PRESENT: Melody Kearse, Janice Miller, Leah Youngblood

Legal notice of the public hearing was published in *The Herald*, Saturday, August 3, 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 p.m.

2. Approval of minutes of the July 16, 2019, meeting.

Mr. Antrim presented the motion to approve the minutes as submitted. Mr. Cullum seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Sturgis absent).

3. Approval of Orders from July 16, 2019, meeting.

Mr. Antrim made a motion to approve the orders as distributed. Mr. Cullum seconded the motion, and the minutes were approved unanimously by a vote of 4-0 (Sutton, Reeves, and Sturgis absent).

4. Appeal Z-2019-16: Request by Bowman Consulting Group on behalf of InChem Rock Hill, LLC for a variance from the side yard setback at 800 Cel-River Road, Suite 119, which is zoned Industry Heavy (IH). Tax map number 662-07-01-315.

Staff member Melody Kearse presented the staff report. Mrs. Kearse noted that staff had received a phone call from a neighbor asking how they could address the Board. She reiterated that the request for the variance was for the existing InChem property, not the proposed Circle K gas station. She presented the City Council video regarding the rezoning request where discussion centered mainly on increasing landscaping and request for deceleration lane to enter the site off Cel-River Road.

Mr. Cullum asked if both InChem and Circle K were both responsible for the landscaping. Ms. Kearse stated the landscaping would be installed on the InChem property as the Circle K would have an easement to access the site.

Mr. Crawford asked if the City Council had already approved the rezoning request with the landscaping stipulations at first reading, was the Board still required to make this a condition of approval. Ms. Youngblood stated the Board did need to include this condition in the event it was not addressed in second reading.

Mr. Crawford asked if the list of landscaping plants had been submitted. Ms. Kearse stated many had but not all and provided the Board with a list of proposed evergreen trees and shrubs.

Mr. Crawford asked if the gate was a future access onto the site. Ms. Kearse stated this was a current access point.

Mr. Paul Lawler, 950 North Point Parkway Suite 200, Alpharetta GA, applicant, provided additional information regarding the request, including that the landscaping plan the Board reviewed in their staff reports was a preliminary one and a more thorough final plan would be submitted in the future.

Mr. Crawford asked if the plantings in the easement area could be staggered. Mr. Lawler stated they could.

Mr. Crawford asked if he was willing to work with the City's landscape architect. Mr. Lawler stated he would be.

Mr. Cullum asked about the possibility of the deceleration lane as requested by City Council. Mr. Lawler stated his company was working on a traffic study and would provide a turn lane as required. He noted the South Carolina Department of Transportation (SCDOT) noted there may not be enough traffic currently to warrant a dedicated turn lane.

Mr. Cullum noted several issues regarding traffic, including the increasing size of the residential area behind this development which would create additional traffic and the City's plans to create a more aesthetically pleasing image for Cherry Road.

Mr. Crawford asked how far in the future the traffic study would consider. Mr. Lawler stated he did not know for sure, only that it would look at the potential for future growth.

Mr. Antrim noted that in his experience as a traffic engineer, an entry further back from the corner is much better to avoid vehicular conflicts. Mr. Lawler stated they had moved the access back further at the request of SCDOT.

General discussion centered over the traffic study and SCDOT requirements.

With there being no questions for the applicant and no one signed-up to speak, the Board closed the floor for discussion.

Mr. Smith presented the motion to approve the variance from the side yard setback with the conditions that additional landscaping and screening be installed along the easement as noted by staff. Mr. Antrim seconded, and the motion carried unanimously by a vote of 4-0 (Sutton, Reeves, and Sturgis absent).

Mr. Smith presented the findings, specifically noting that land had unique conditions regarding future development, the strict application of the Ordinance would deprive the owner of use, the desire for improvements along Cherry Road, and there would be no detrimental impact to the surrounding area.

5. Appeal Z-2019-17: Request by Aaron Conley of Third Act Solutions on behalf of 132 Rock Hill MRP, LLC for a special exception to establish an elder care use at 102, 104, 110, 120, 126, 132, & 146 West Main Street, 107 & 109 West White Street, and one unaddressed parcel, which are zoned Downtown (DTWN). Tax map numbers 627-20-02-001 to -004, 627-20-02-021 to -023, & 627-20-02-028.

Mr. Crawford recused, citing a conflict of interest as his company is working with the applicant on this project. In the absence of Vice Chair Keith Sutton, Mr. Smith assumed the role of Chair for this item.

Planning & Zoning Manager Leah Youngblood presented the staff report.

Mr. Smith asked if the buildings indicated with the pink X on the plans shown were available for purchase. Ms. Youngblood stated some were available for purchase but that the City would retain ownership of those properties for the time being.

Mr. Smith asked about the ownership of the other properties on the same block such as the auto sales. Ms. Youngblood stated the auto sales was currently looking into other properties but that others were privately owned.

Mr. Smith asked if the auto sales decided to remain in that location would this stop the development from occurring. Ms. Youngblood stated it would not.

Mr. Smith asked if the parking was adequate and would fit on the site. Ms. Youngblood stated yes, there was, and that a parking structure of approximately 350 spaces was planned. She added the City would construct the garage and retain adequate parking for other uses in the area.

Mr. Smith asked the completion date. Ms. Youngblood stated she was not aware of when the project would be completed.

Mr. Antrim asked for confirmation there would be only assisted and independent living, not skilled nursing care. Ms. Youngblood stated this was correct, that the proposal was for mainly independent living. She added the assisted living component was considered elder care use and the facility could have been approved on the staff level as a multi-family residential project if there had not been an assisted living component proposed.

Mr. Cullum asked if the walkway over the railroad line was a City project. Ms. Youngblood stated the project was currently under discussion and would more than likely be a public/private partnership.

Mr. Cullum noted concern that there would be many people using the walkway that would not have a connection with the development. Ms. Youngblood stated the developer understood this and was planning on adding areas that would be open for public use.

Mr. Cullum asked if this was the final design. Ms. Youngblood stated it was not.

Mr. Cullum asked why the end point did not go all the way over to White Street. Ms. Youngblood stated the project and final design were still in discussion and the walkway access location could shift.

Mr. Cullum noted the pink X's indicated a brewery, asking if there were any concerns over noise on Friday and Saturday evenings. Ms. Youngblood replied this was one reason why the elder care use required the special exception process. She noted people who chose to live in this location were looking for this type of living situation. She added the walkway was designed mainly for use when the train was stopped, blocking pedestrian access.

Mr. Cullum observed Winthrop students would be using the walkway as well. He asked if the City had looked at other areas where this project may exist, such as the Five Points area in Columbia, SC. Ms. Youngblood stated the Planning & Development Department did not look into this although other departments may have. She added she was not aware if this type of project had been done in South Carolina but it may be done in other urban areas of the country.

Mr. Antrim asked if the railroad had specific clearance requirements for the height of the walkway. Ms. Youngblood stated it did as well as other specifications that would need to be met.

Mr. Antrim noted the walkway might be at a significant height. Ms. Youngblood agreed, stating either a long slow walk or elevators would be used on each side. There was general discussion over the design of the proposed walkway.

Mr. Bogue Wallin, 24 Ruskin Square, Greenville SC, applicant, provided general information about the project, including the desire for the project to be in an active area in order for residents

to be able to participate in events. He noted the location was desirable and would include ground floor amenities for residents, including a brewpub, office space, multipurpose room, pool, workout facility, gardening areas, playroom, and shared workspace. He stated the upper floors would be residential with some assisted living, noting the desire to attract active adults in their 70s & 80s who may contract with services as needed. He added that this generation was more mobile than previous, as they tended to migrate where their grandchildren were located. He indicated the outdoor activity areas were designed to be part of the overall community, adding the walkway bridge was an improvement for their development.

Mr. Smith asked the time for completion. Mr. Wallin stated that if all their plans went smoothly, they expected to break ground in the late first quarter of 2020 with a goal to be open within 24-30 months.

Mr. Smith asked the price range. Mr. Wallin stated active adults with no services would be approximately \$1100 – 1300 for a one-bedroom unit, and \$2000+ with services included.

Mr. Antrim asked if the assisted living units were open only to those individuals already living within the independent living units. Mr. Wallin stated this would be the case.

Mr. Cullum asked if this project would allow younger relatives to move in, referring specifically to the Sun City development in Indian Land, SC. Mr. Wallin stated, as most residents would be in their 70s, they would probably not come in with younger children. He added that Sun City did not have medical services for the residents.

Mr. Cullum asked if a couple where one spouse was significantly younger could move in. Mr. Wallin stated they could.

Mr. Cullum asked if this was seen as a complement to the downtown area. Mr. Wallin stated they believed it was as there was a need for all age groups and amenities in the downtown area.

Mr. Antrim asked if this plan had come from scratch or if there were other models of this concept elsewhere. Mr. Wallin stated this had come from elsewhere, that they were trying to fill a middle area for active adult communities.

Mr. Antrim expressed concern over the assisted living issue, noting there was no arrangement for a next level of care for residents. Mr. Wallin stated the transition to provide full care was a different type of licensure. Mr. Antrim suggested the facility have agreements with other facilities that provide this level of care. Mr. Wallin was in agreement with this suggestion.

Mr. Essmaeil Maghsoud, owner of 174 West Main Street, expressed concerns over increased traffic generated from the living facility, the number of college students coming downtown, and asked if this was an appropriate use of the site. He noted the need for revitalization of the downtown area but that other things needed to be taken into consideration. He stated specifically his concern that the units would be turned into apartments if there were not enough older residents to live there.

Mr. Cullum asked Mr. Wallin if there were other facilities like this in the US. Mr. Wallin stated this would be the first in the US as these were mainly in Canada.

Mr. Antrim asked the parking ratio. Mr. Wallin stated the facility would be assigned 200 spaces in the deck, which would cover 80% of the units. He added his partners experienced in other facilities that only 60% of the units required parking spaces.

Mr. Antrim asked if the parking would be on site. Mr. Wallin stated these would, mainly in the parking garage.

Mr. Antrim asked about others using the parking garage. Mr. Wallin stated the garage was planned to have 350 spaces total with the facility using 200. He noted the City would assess the parking to see if more would be required.

Mr. Antrim asked if the facility residents would have gated parking. Mr. Wallin stated restrictions on parking would be put in place.

With there being no questions for the applicant and no one signed-up to speak, the Board closed the floor for discussion.

Mr. Cullum presented the motion to approve the special exception for elder care use as presented by staff. Mr. Antrim seconded, and the motion carried unanimously by a vote of 3-0 (Crawford recused; Sutton, Reeves, and Sturgis absent).

Mr. Cullum presented the findings, specifically noting there would be no adverse impact to the surrounding area, the development would improve the area, the development was compatible with the 2020 comprehensive plan, the road capacity would serve the site, and the City would investigate additional parking as needed.

Mr. Crawford returned to the dais and resumed as Chair.

6. Other Business

a. Continuing Education Opportunities

The Board received information about continuing education opportunities in its packets.

7. Adjourn.

There being no other business, Mr. Smith made a motion to adjourn. Mr. Cullum seconded and the meeting adjourned at 7:20 p.m.