



A regular meeting of the Planning Commission was held Tuesday, November 5, 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, Keith Martens, and Nathan Mallard

MEMBERS ABSENT None

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

1. Approval of minutes of the October 8, 2019, meeting.

Commissioner Christopher made a motion to approve the minutes from the October 8, 2019, meeting. Commissioner Mallard seconded, and the motion passed unanimously by a vote of 7-0.

PUBLIC HEARING ITEMS

- 2. Hold public hearing and consider a recommendation to City Council on petition M-2019-24 by The Hutchison Family Ltd Partnership to rezone approximately 285 acres including a portion of 2394 Eden Terrace (tax parcel number 664-00-00-022), two unaddressed parcels (tax map numbers 664-01-02-003 and 665-00-00-095), and portions of three unaddressed parcels (tax map numbers 664-00-00-011, -020, and -021) from Residential Conservation District I (RC-I), Residential Development District I (RD-I), and Urban Development District (UD) in York County to Master Planned Commercial (MP-C). The subject properties are proposed to be annexed into the City of Rock Hill.**
- 3. Hold public hearing and consider a recommendation to City Council on petition M-2019-25 by The Hutchison Family Ltd Partnership to establish a Land Development Agreement upon the same properties listed in M-2019-24. The project is intended to be a mixed-use community anchored by sports' practice/training fields and headquarters' offices, and a sports/entertainment venue, and is proposed to include residential, public and commercial, and industrial uses.**

Chairman Graham noted that both items would be considered concurrently.

Planning & Zoning Manager Leah Youngblood presented the staff report. Planning & Development Director Bill Meyer presented the Traffic Impact Analysis portion of the staff report.

Commissioner Christopher referred to the current plan for Mt. Gallant to be widened to three lanes with the TIA recommending it to be widened to five in relation to this project, asking if there had been discussion with the state and York County to modify the current plan. Mr. Meyer stated there had been discussion with the county of the potential to merge both projects and have the five lanes completed earlier than originally planned. He added there was a commitment on both sides to get these road projects done sooner rather than later.

Commissioner Christopher asked if Eden Terrace Extension would connect to I-77. Mr. Meyer stated it would not, that it would remain as an overpass.

Ms. Youngblood completed the staff presentation, adding that several items of concern addressed in the staff report had been resolved with the applicant, including the parking measure for the multi-family development outside of the core area, construction of alleys for the single-family attached units inside the core area, off-site noise impacts, and further clarification as to the wind power turbines being located within an enclosed tunnel rather than the tall structures usually associated. She noted there were still areas of concern, including parking measures for the sports/entertainment venue, estimated frequency of special events, signage, temporary uses, mutually agreeable flexibility of the overall site, and which types of uses require a building permit. She added staff also had concerns over the allowance of several issues not currently permitted.

Commissioner Christopher stated the overall plan was good and commented on its close proximity to an existing railroad line, asking if there had been talk of future light rail connections to the site. Mr. Meyer stated the applicant could best address this.

Commissioner Martens asked how the wind power issue had been resolved. Ms. Youngblood stated staff's original understanding of the turbines had been of tall structures as seen in other areas of the country to generate electricity but that staff had been informed the turbines proposed would be enclosed within tunnels such as those in use at other sports facilities.

Commissioner Martens asked if the turbines were to capture energy or generate power. Ms. Youngblood stated it was both, but the applicant could probably best explain this concept.

Chairman Graham asked if this concern had been alleviated as the building design incorporated the turbines. Ms. Youngblood stated this was correct.

Commissioner Christopher asked if the recommendation was to exclude the request for bars to stay open past 2 a.m., gaming establishments, tattoo and piercing uses, and cigar bars. Ms. Youngblood stated the Commission could exclude those, that staff just wanted to bring those items to their attention as concerns directly related to existing regulations.

Chairman Graham observed that staff could not make a recommendation on those items that were in opposition to current regulations. Commissioner Christopher asked if those items were being requested by the applicant. Chairman Graham stated that was his understanding.

Mr. Mark Hart, 525 S Church Street, Charlotte, applicant, commended staff, property owners, and neighbors on their willingness to work with them on this project. He noted Carolina Panthers owner, David Tepper, wanted this project to be a positive impact on the community and that they all had a commitment to do this project well.

Mr. Jeff Brown, 1348 Biltmore Drive, Charlotte, applicant's representative, provided a brief overview of the project, particularly the use of the site as an entertainment destination and mixed use development that would benefit the community as a whole. He stressed the site was unique in that it was located near industrial uses and added the overall desire to protect nearby residential properties with significant buffer areas that included open spaces and other environmental features. He added the Land Development Agreement would add much needed infrastructure work to the area. He addressed staff comments regarding the four regulatory concerns, stating the desire to

have those uses already included in the Master Plan/Terms & Conditions document in the event state law and local regulations change that would allow those particular uses so they would not have to go through the rezoning process to include those uses. He noted they were aware that gaming and gambling establishments and alcohol service after 2 a.m. were state law requirements, and that cigar bars were subject to the City's no-smoking ordinances. He stated the desire was to have tattoos/body piercings be an accessory use to a salon. He added the owners simply wanted to have a variety of uses on the site with the ability to adapt.

Commissioner Smith asked how the hours of operation for a casino and restaurant/bar compared to North Carolina. Mr. Brown stated both North and South Carolina prohibited casino, but North Carolina did have extended hours past 2 a.m.

Commissioner Christopher asked if any of the buildings would be LEED construction. Mr. Brown stated they were not in the position to construct LEED buildings at this time but all the projects were planned with sustainability in mind.

Commissioner Christopher asked about the potential of a light rail system. Mr. Brown stated he would defer to others to answer but did note that this had been in discussion as well as how this would be implemented. He added the Land Development Agreement did have this as a consideration.

Commissioner Martens asked how the Commission could make a recommendation to City Council if four of the items were considered illegal. Mr. Brown replied that it could be stated in the Terms & Conditions documents that these uses can only exist when the laws allowing these uses go into effect. He added the desire to not have to go through the rezoning process to include those uses.

Mr. Hart addressed the Commission regarding the light rail, noting Mr. Tepper and others believed the viability of this connection should be further explored, and that while it may not happen immediately, it was constantly under consideration. In reference to Commissioner Christopher's question regarding LEED construction, he stated he deferred to the architects on this decision but believed the vision to build a "Smart City" with use of current technologies for construction and community value.

Commissioner Christopher asked if the developer would be paying for Duke Power to move the existing power lines. Mr. Brown stated he would defer to others to answer.

Commissioner Christopher referred to the residential property nearby and asked if they were looking at that area for open space. Mr. Brown stated there would be an easement once the electric lines were moved, creating a buffer.

Chairman Graham expressed concerns over the building heights proposed, specifically noting that while there was a proposed separation of 150' it may affect the sight line for the residents of the area. He asked that they be conscientious of this fact when submitting the site plans for review.

Mr. Keith Rains, 1139 Hermitage Road, spoke in support of the request, stating he saw this as a positive impact on the area.

Commissioner Smith asked Ms. Youngblood, if the Commission approved the request as submitted including the four regulatory issues, how this may impact decisions on future plans brought forward. Ms. Youngblood stated requests for cigar bars had been requested recently that had to be turned down because of the City regulations, that an individual requesting to open a tattoo parlor had been denied but was currently circulating a petition to present to City Council, and that any requests of either of these

natures needed to apply across the board while the City still enforced these regulations.

Commissioner Smith asked if Charlotte allowed these, when did the issue have enough value to change in Rock Hill. Ms. Youngblood stated it depended, but noted that the police did have concerns if the state law changed to allow alcohol sales after 2 a.m.

Chairman Graham expressed concerns about the precedent set if the Commission recommended approval as submitted, stating it may show preferential treatment. He added he believe a small start-up had the same rights as a large corporation and the Commission shouldn't be expected to make an exception in this instance.

There was general discussion regarding how the four regulatory issues would be resolved, especially as the allowance of tattoo/body piercing uses as an accessory use would be permitted if approved.

Mr. Brown stated the Commission was correct in that they could not do anything about the bars or gaming establishments due to state laws, and local ordinances regarding the cigar bars, but reiterated the tattoo/body piercing use would only be an accessory use as part of a salon or grooming facility.

Chairman Graham stated his concern about approving something that may be allowed by law but could be an issue.

Commissioner Christopher expressed concern on morality issues of gaming establishments.

Commissioner Mallard asked if the Commission recommended approval to City Council as written, might it send a message that it was time to reconsider those two items currently under the City's regulations. Chairman Graham stated this was a possibility but that his concern centered over the setting of a precedence recommending approval of something currently against regulations.

Commissioner Robinson asked if the four regulatory concerns could be removed from the documents. Mr. Brown asked that these items remain and that they continue discussions with staff to come up with possible resolutions in how they would be dealt with in the documentation.

There was general discussion regarding the separate motions for the rezoning aspect and Land Development Agreement. Chairman Graham reiterated the Commission would see the major site plan in the future.

Commissioner Martens asked for clarification on which regulations affected the four issues, that he knew the gaming and bar requests were state law. Ms. Youngblood stated the cigar bar request fell under the City's smoking ordinance and the tattoo/body piercing were under Zoning Ordinance regulations.

Commissioner Martens stated that because they could not approve those issues under state law, he did not feel comfortable approving those items the state had jurisdiction over, but that he was okay with those regulated on the local level.

On petition M-2019-24, Commissioner Christopher presented the motion to recommend to City Council approval of Master Planned Commercial (MP-C) zoning on the properties as presented subject to staff comments and including staff's recommendation on the four regulatory items, and for the developers to look at public transportation specifically the light rail system in the future. Commissioner Martens seconded.

Commissioner Smith commented he did not agree, questioning why the Commission

was considering the four regulatory items they had no control over.

Commissioner Graham expressed concern that the request created enforcement issues for future residents and was seen as being preferential.

Commissioner Mallard noted the possibility that gaming establishments may be considered in the state's next session as other states were beginning to allow these uses. He also stated it was up to Council to decide on how this project should be handled.

Commissioner Goodner stated she believed this should be allowed to move forward.

Chairman Graham called for a vote and the motion failed by a vote of 3-4, with Chairman Graham and Commissioners Christopher and Robinson voting in favor, and Commissioners Martens, Goodner, Smith, and Mallard voting against.

On petition M-2019-24, Commissioner Smith presented the motion to recommend to City Council approval of the Master Planned Commercial (MP-C) zoning on the properties as presented subject to staff comments but excluding the four regulatory items provided these were in compliance with all local and state regulations. Commissioner Martens seconded, and the motion carried by a vote of 5-2, with Commissioners Robinson, Martens, Goodner, Smith, and Mallard voting in favor, and Chairman Graham and Commissioner Christopher voting against.

On petition M-2019-25, Commissioner Christopher presented the motion to recommend to City Council approval of the Land Development Agreement as presented. Commissioner Martens seconded, and the motion carried unanimously by a vote of 7-0.

Chairman Graham requested a five-minute recess at 7:30 p.m.

Chairman Graham called the hearing back to order at 7:35 p.m.

- 4. Hold public hearing and consider a recommendation to City Council on petition M-2019-26 by InChem Rock Hill LLC to rezone approximately 7.5 acres of property located at 787 Dunkins Ferry Road and 2750, 2754, 2758, & 2762 Eden Terrace Extension from Industry General (IG) in the City of Rock Hill and Industry Development District (ID) in York County to Commercial Industrial (CI). The subject properties are proposed to be annexed into the City of Rock Hill. Tax parcels 662-07-01-315 (portion) & 663-00-00-042.**

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

No one from the public spoke on this request.

Commissioner Martens asked for clarification on the location of the request and access points.

Commissioner Martens presented the motion to recommend to City Council approval of Commercial Industrial (CI) zoning as presented. Commissioner Christopher seconded, and the motion carried unanimously by a vote of 7-0.

- 5. Hold public hearing and consider a recommendation to City Council on petition T-2019-02 by the Rock Hill City Manager to amend the Zoning Ordinance affecting Chapter 4: Land Use: Primary Uses and Chapter 10: Nonconformities, in relation to alternative financial uses.**

Ms. Youngblood presented the staff report.

Commissioner Goodner asked if a business wanted to relocate and found a location

that was restricted, would they go through the Zoning Board of Appeals process for approval. Chairman Graham stated the current Zoning Ordinance restrictions made it impossible for a business to relocate.

Chairman Graham asked for clarification on the types of alternative financial services affected by the amendments. Ms. Youngblood noted only debt relief companies and small loan companies would be changed, that all the other uses under the alternative financial services would remain as written in the Zoning Ordinance.

Chairman Graham asked if the amendments proposed created a loophole. Ms. Youngblood stated staff and the City's attorneys had written the amendments so that the wording would not create a loophole.

No one from the public spoke on this request.

Commissioner Mallard presented the motion to recommend to City Council approval of the Zoning Ordinance amendments to classify small loan and debt relief companies as an office use as presented by staff. Commissioner Christopher seconded the motion, and the motion carried by a vote of 6-1, with Commissioner Martens voting in opposition.

Chairman Graham asked Commissioner Martens his concerns over the proposed amendments. Commissioner Martens stated he saw this as manipulating the Zoning Ordinance for one individual and possibly setting a precedence for future amendments.

NEW BUSINESS

6. Consideration of a request for approval of a regular food truck location at The Warehouses on White, 130 W. White Street. (Plan #20180388).

Ms. Youngblood presented the staff report.

Chairman Graham asked about the concern over the use of the alley (site #4). Ms. Youngblood stated the current owners may be moving to a new location and that new owners may want to have access via that alley.

Chairman Graham asked if the issue was the width of the truck. Ms. Youngblood stated this was correct.

Commissioner Martens asked why the location of food trucks in the photos presented were not included as a proposed parking option. Ms. Youngblood stated it was included as an option.

Commissioner Goodner asked if this one had always been used or was an alternate. Ms. Youngblood stated it was an alternate.

Commissioner Smith asked if the applicants understood this was a temporary allowance if conditions were imposed. Ms. Youngblood stated they did.

Commissioner Mallard asked if a restaurant was built within 300' then there would be no more food trucks allowed at this location. Ms. Youngblood stated this was correct, that City Council had put regulations in place so that food trucks would not impede on the brick and mortar restaurants.

Commissioner Martens asked about the lot across the street being development as a retirement community, asking if a cafeteria built for the residents was built, if this would impact the food trucks. Ms. Youngblood stated it would but that current plans submitted proposed restaurants open to the public.

Commissioner Robinson asked about restroom facilities. Ms. Youngblood stated The Mercantile provided these facilities for the food truck employees.

Commissioner Smith asked for confirmation on all food trucks coming to the Planning Commission except for private special events. Ms. Youngblood stated this was correct, that the only other time the Commission considered these were for York Tech. She stated the issue was one of safety, adding the property owner feels that area proposed by staff was too steep.

Chairman Graham asked about the preference for a single location. Ms. Youngblood stated the applicant's preferences were listed as 1 through 4, with staff's recommendation being indicated by a star.

Commissioner Smith asked who would be responsible for removing the median. Ms. Youngblood stated it would be the City but that this was no longer a viable option as the Fire Department was concerned it would not be able to access its connection.

There was general discussion regarding the width of the street (10' as compared to 12'), parking of the trucks and traffic movement, and pedestrian safety.

Commissioner Smith asked how the food trucks were operating now. Ms. Youngblood stated they were operating illegally.

There was further discussion over the locations proposed and any additional suitable locations.

Ms. Brittany Kelly, 521 Forest Lane, applicant, provided an overview of how the food trucks were currently situated on the site, adding that they had provided this location for the Old Town Association events and other Economic & Urban Development Food Truck events. She noted the City buses were the only vehicles that could have an issue but had not noted any issues with the buses moving around the food trucks. She added trucks were on location twice a day, during lunch and dinner, and that while she would prefer to park the trucks in their current location along the street, options #2 (further back along W White Street) and #3 (parking lot across the street), were the next best.

Chairman Graham noted the current food truck location was not one of the options proposed. Ms. Kelly stated she would like for it to be located there, that trucks had been parking in that location for over a year with no issue.

Commissioner Robinson asked the maximum number of food trucks on the site. Ms. Kelly stated they had had as many as five at one time but four was the optimum number.

Commissioner Robinson asked how many Ms. Kelly would like to have. Ms. Kelly stated four, that they would continue to have only one and lunch and dinner, and would continue with the organized food truck events.

Commissioner Smith asked if there were any other corrective measures, adding he liked the idea of closing the area in but people parked across the street would be subject to life and safety issues. He asked if a better marked pedestrian walkway would be installed. Ms. Youngblood stated the City would not support a mid-street pedestrian walkway.

Ms. Kelly stated she understood that Gary Williams, the owner of Williams & Fudge, was removing the current chainlink fencing and moving it to another location in order to block off another area of parking.

Commissioner Martens stated he believed a truck parked in front of the building was safer than in a parking lot. There was general discussion regarding pedestrian safety in the area.

Ms. Youngblood noted that option #3 would need to be removed from consideration if the area was fenced off. There was general discussion regarding the viability of the remaining parking options.

Chairman Graham stated there were not many options and that while it may not be ideal, W White Street was not a busy street. Ms. Youngblood reiterated the smaller width of the street and travel lanes.

Ms. Kelly stated she was willing to set a limit on the truck length in order to decrease the amount of space trucks could fill.

Commissioner Smith asked if the food trucks impacted her business. Ms. Kelly stated she noticed a significant increase in business when the food trucks were present.

There was general discussion on how the number of trucks that could be placed along the street. Mr. Meyer requested the Commission place the condition that trucks must be located within the white lines.

Commissioner Robinson asked if the possibility of future parking meters might adversely affect food truck parking. Ms. Youngblood stated Parking Management did have some concern regarding this.

Commissioner Smith asked how this would be enforced. Ms. Youngblood stated this would be under zoning code enforcement.

Commissioner Smith asked if this could come back and be amended. Ms. Youngblood stated it could potentially.

Commissioner Robinson asked if this was approved and parking meters were installed, how binding would the Commission's approval be. Ms. Youngblood stated it was binding and that food trucks may have to pay the meter fees.

Chairman Graham expressed his concern was more in favor of supporting local businesses.

Commissioner Mallard presented the motion to approve food truck parking in option #2 and behind that, from 11 a.m. to 3 p.m. and 4 to 9 p.m., and that trucks must be parked within the lines. There was general discussion regarding a limit on the days of the week food trucks could be located on the site.

Commissioner Martens seconded the motion, and the motion carried by a vote of 6-1 with Commissioner Robinson voting in opposition, stating she believed the Commission should follow staff recommendation.

7. Consideration of meeting calendar for 2020 regular Planning Commission meetings.

Mr. Hawkins presented the calendar.

There was general discussion regarding the April dates due to the school district's spring break.

Commissioner Smith stated he preferred the 4:30 p.m. workshop time as it established a hard time for completion with the Commission meeting beginning at 6 p.m.

Commissioner Christopher presented the motion to approve the calendar as discussed

with the April hearing being held on April 14 and the workshop times being set for 4:30 p.m. on Commission hearing dates. Commissioner Goodner seconded, and the motion carried unanimously by a vote of 7-0.

8. Other Business.

There was no further business to discuss.

9. Adjourn.

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