

A public hearing of the Zoning Board of Appeals was held Tuesday, September 19, 2023, at 6 p.m. in Council Chambers at City Hall, 155 Johnston Street, Rock Hill SC.

MEMBERS PRESENT: Charlotte Brown, Barry Chitwood, Matt Crawford, James Hawthorne, Stacey Reeves (present for items 1 through 5.b), Nathaniel Robinson

MEMBERS ABSENT: Rodney Cullum

STAFF PRESENT: Amy Britz, Diana Fragomeni, Shana Marshburn

Legal notices of the public hearing were published in *The Herald* on Friday, September 1, 2023. Notice was posted on all property considered. Adjacent property owners and tenants were notified in writing.

1. Call to Order

Chair Crawford called the meeting to order at 6:00 p.m.

2. Recite the Pledge of Allegiance.

3. Approval of Minutes of the August 15, 2023, meeting.

a.) Ms. Reeves made a motion to approve the minutes as submitted. Mr. Robinson seconded, and the motion carried by a vote of 6-0 (Cullum absent).

4. Approval of Orders of the August 15, 2023, meeting.

a.) Ms. Reeves made a motion to approve the orders as submitted. Mr. Robinson seconded, and the motion carried by a vote of 6-0 (Cullum absent).

5. Public Hearing Items

a.) **Appeal Z-2023-24. Request by Eric Roque Valentin for a special exception for residential use and variance to the buffer standards at 544 North Jones Avenue. The property is zoned General Commercial (GC). Tax map number 628-13-01-005.**

Amy Britz, Zoning Coordinator, presented the staff report.

Mr. Hawthorne asked if the houses located to the north are zoned General Commercial (GC) and if they are residential uses. Ms. Britz stated yes.

Mr. Hawthorne asked for confirmation the special exception would just allow the use and not change the zoning. Ms. Britz confirmed that is correct.

Mr. Crawford asked why the applicant didn't apply to rezone the property since General Commercial is being phased out. Ms. Britz stated the applicant is only concerned with this single property and a rezoning would need to include all the adjacent properties. Because General Commercial is being phased out, this area may be rezoned in the future.

Chair Crawford opened the floor to the applicant. Eric Roque Valentin, 15837 Circle Green Dr, Charlotte, NC.

Mr. Hawthorne asked how soon construction would start if the special exception is granted. Mr. Valentin stated construction would start within the year.

Mr. Crawford asked the applicant if he is willing to meet the landscape buffer

requirement. Mr. Valentin stated he was fine with this requirement.

Chair Crawford opened the floor for public comment and there was none.

Mr. Hawthorne made a motion to approve the special exception for residential use at 544 North Jones Avenue with the condition that the applicant provide the required buffer within 10-feet of the abutting commercial property at 803 Willowbrook Avenue. The motion was seconded by Ms. Reeves and was approved by a vote of 6-0 (Cullum absent).

Mr. Robinson asked if the house would be facing Spring St. Ms. Britz stated once the actual house plans are submitted, the address would be discussed and updated if needed prior to permitting.

Mr. Hawthorne presented the findings, noting the proposed use meets the use-specific standards; it is appropriate for the location and compatible with nearby uses; there will be no adverse impacts, no environmental impacts, no traffic issues, no injury to neighboring lands or property values; and the site plan submitted complies with all ordinances and laws.

b.) Appeal Z-2023-25. Request by Clark Wicklund with Alliant Engineering for a separation reduction from residential for an auto body shop use at 1182 Anderson Road. The property is zoned General Commercial (GC). Tax map number 662-07-01-006.

Shana Marshburn, Planner II, presented the staff report.

Mr. Hawthorne asked if the storage is separate from the proposed building. Ms. Marshburn stated the storage area will be located by the parking lot behind enclosed fencing.

Mr. Hawthorne asked if lighting will be provided in the parking lot area. Ms. Marshburn stated lighting is not required, yet if provided, the lighting would have to meet standards.

Ms. Reeves asked if the applicant is not in agreement with changing the location of the building as suggested by Staff. Ms. Marshburn stated that is correct, they do not want to move the building.

Mr. Hawthorne asked if moving the building as suggested by Staff would impact the location of the stormwater pond. Ms. Marshburn stated there is existing stormwater detention on the site and moving the building would not be an issue.

Mr. Hawthorne asked about feedback from neighbors. Ms. Marshburn stated staff has not received any feedback.

Mr. Crawford asked if the separation requirement would be met if the building was moved. Ms. Marshburn stated the project would still require a separation reduction and referred to the map demonstrating why the separation requirement was needed.

Chair Crawford opened the floor to the applicant. Clark Wicklund, 733 Marquette Avenue South 700, Minneapolis, MN, and Kimberly Waldera, 1017 Tiger Blvd., Clemson, SC provided a slide presentation discussing the industry overview, company history, daily operations, building footprint, and maps of the location.

Todd Bonnett, 1985 Old Union Church Road, Salisbury, NC, Director of Real Estate

for Aldi (property owner), stated all the benefits of having the Gerber company by the Aldi's building on Anderson Road.

Mr. Hawthorne asked if there would be a physical barrier between the proposed parking and Aldi's existing parking and if it would be open to all patrons. Mr. Bonnett stated his understanding is the customer and employee parking for Gerber would flow into the existing Aldi's parking lot.

Mr. Hawthorne asked if there has been a parking lot design study. Mr. Bonnett stated parking requirements will be met for both uses.

Mr. Hawthorne asked if traffic would flow seamlessly with the new traffic pattern. Mr. Bonnett stated yes.

Mr. Hawthorne asked if there would be lighting in the vehicle storage area. Mr. Wicklund stated there would be some minor lighting in the area for security reasons and he would work with Staff to figure out the amount of lighting required.

Mr. Hawthorne asked if there would be lighting on the building. Ms. Waldera stated they would work with Staff since every municipality has different guidelines. Ms. Marshburn stated lighting is not required, yet lighting would need to meet specific guidelines.

Mr. Hawthorne asked if a building elevation has been done for this site. Mr. Wicklund stated he did not have any for the meeting since it was not part of the application process, yet Staff was provided with two alternative building elevations. Ms. Marshburn stated this parcel is in the DOD which has heightened site and building requirements and gave examples.

Mr. Hawthorne asked if the eight-foot fence would be a privacy fence or a shadow box fence. Mr. Wicklund stated the fence would be a privacy fence with no visibility through it.

Mr. Crawford asked about the active versus the inactive parking spaces. Ms. Waldera stated normally there are on an average 35 vehicles on the site at a time.

Mr. Hawthorne asked why there is a model of five in, five out per day for servicing vehicles. Ms. Waldera stated it is controlled by the insurance company.

Mr. Crawford asked if there was a dumpster in the corner on the map. Mr. Wicklund stated yes.

Mr. Crawford asked if the dumpster could be relocated to another area of the site due to the noise that the apartment residents would experience given its current proximity. Mr. Wicklund stated a different location could be determined by working with Staff.

Mr. Crawford asked if the colors on the map could be explained. Mr. Wicklund stated the dark green area is a 65-foot offset from the east property, the light green area serves as an additional buffer area and there would be no landscaping near the existing pond.

Mr. Crawford asked what type of mitigation would be proposed for the reduced separation. Mr. Wicklund stated the mitigation would be the buffer required by the ordinances.

Mr. Crawford asked if a fence was being proposed. Mr. Wicklund stated an eight-foot

vinyl solid fence would run from the northeast corner of the building down to the southwest corner of the building.

Mr. Hawthorne asked how noise would be mitigated. Ms. Waldera stated the building would be well insulated.

Mr. Hawthorne asked if water and sewer would be made available to the site. Mr. Wicklund stated yes.

Mr. Hawthorne asked if the size of service is sufficient for your type of use. Mr. Wicklund stated yes.

Mr. Crawford asked when the two deliveries a day previously referenced would occur. Ms. Waldera stated deliveries would be between 8 a.m. and 5 p.m. in the northwest corner of the building.

Chair Crawford opened the floor for public comment and there was none.

The board members discussed the case.

Mr. Crawford made a motion to approve a separation reduction from residential for an auto body shop use at 1182 Anderson Road with the condition that the applicant work with Staff regarding a more suitable location for the dumpster. The motion was seconded by Ms. Brown and was approved by a vote of 6-0 (Cullum absent).

Mr. Crawford presented the findings, noting there are no greater adverse impacts; impacts from the proposed use would be mitigated through buffering; and the change would not impact the area by creating additional noise.

At the conclusion of this agenda item, Mr. Crawford made a motion to take a five-minute break. The motion was seconded by Mr. Hawthorne and approved unanimously. Ms. Reeves was excused from the meeting during the break due to a family emergency. The Board re-convened at approximately 8:28 pm.

c.) Appeal Z-2023-26. Request by Superior Washer and Gasket (Wes Tuttle) for a variance to buffer standards at 662 Bryant Boulevard and 590 Bryant Boulevard. The property is zoned Industry General (IG). Tax map number 589-01-01-027 and 589-01-01-032.

Shana Marshburn, Planner II, presented the staff report.

Chair Crawford opened the floor to the applicant. Wes Tuttle, 2066 Masons Bend Drive, Fort Mill, SC, presented information about the history of Superior Washer and Gasket. Mr. Tuttle stated there is a large tree buffer on the rear of the adjoining residential lots and should be an adequate buffer.

Mr. Hawthorne asked if the trees he referenced were on the adjacent single-family properties. Mr. Tuttle stated yes.

Mr. Hawthorne asked if there would be sufficient vegetation on the adjoining parcels between the proposed drive and the houses. Ryan Doherty, the architect for the project, stated yes and referred to an exhibit showing the existing vegetation. Mr. Doherty stated the new fence will be kept in line as much as possible with the existing fence.

Mr. Hawthorne asked who owns the tower. Mr. Tuttle stated American Tower owns the tower, and Optima Towers owns the larger parcel surrounding it.

Mr. Crawford asked how many truck deliveries would occur daily. Mr. Tuttle stated probably one delivery a day.

Mr. Crawford asked what the business hours were. Mr. Tuttle stated the business hours are 7 a.m. to 5 p.m.

Mr. Crawford asked if there are additional loading docks. Mr. Tuttle stated there are additional loading docks located by the communication tower box, on the side of the building, referencing the site plan the Board was being shown.

Chair Crawford opened the floor for public comment. Nedra Barker, 663 Ottawa Drive, was concerned about the stormwater and the trees falling which would reduce the buffer.

Mr. Hawthorne made a motion to approve the variance to the buffer standards at 662 Bryant Boulevard and 590 Bryant Boulevard with the condition that plans be reviewed thoroughly for stormwater and erosion control to avoid impacts to adjacent properties. The motion was seconded by Mr. Chitwood and was approved by a vote of 5-0 (Cullum and Reeves absent).

Mr. Hawthorne presented the findings, noting the land does have extraordinary and exceptional conditions due to the existing building and communications tower; the conditions are unique to this property due to the tower; strict application would limit the applicant's use of the land if the variance were not granted; and the public good, adjacent land, or the character of the area would not be harmed by the granting of the variance.

d.) **Appeal Z-2023-27. Request by Jim Hills for a special exception for heavy equipment sales use at 5025 Old York Road. The property is zoned Industry Business (IB). Tax map number 542-07-01-022.**

Shana Marshburn, Planner II, presented the staff report.

Mr. Hawthorne asked if SCDOT has spoken with the applicant regarding Old York Road. Ms. Marshburn stated she was not sure, and she would have the applicant verify this. She noted that Staff mentioned what would be required in the sketch plan comments.

Mr. Crawford asked about the future collector road and how it would connect to the site. Ms. Marshburn stated a collector road is planned to the rear of the site and if this site is redeveloped, a connection could be made to the road in the future.

Mr. Crawford asked if sewer could be extended to this site. Ms. Marshburn stated it could, provided the recently rezoned Master Planned property is developed as intended, as it would bring sewer in close proximity to this property.

Mr. Crawford asked what the pink area on the map was zoned. Ms. Marshburn stated it was zoned Limited Commercial.

Mr. Crawford asked if a special exception would be needed for this use in the Limited Commercial zoning district. Ms. Marshburn stated the use is not permitted in Limited Commercial.

Mr. Crawford asked if a traffic study was required. Ms. Marshburn stated no.

Mr. Crawford asked if traffic counts would be required if the special exception is

approved. Ms. Marshburn stated yes, counts would be done at Hampton Ridge Road to determine if the striping needs to be changed. Mr. Crawford asked who determines this. Ms. Marshburn stated it would ultimately be up to SCDOT since it is a State road.

Mr. Crawford asked if any architectural plans have been submitted. Ms. Marshburn stated only a site plan was submitted.

Chair Crawford opened the floor to the applicant. Jim Hills, 1014 Atlas Way, Columbia, SC, talked about the traffic and the operations of the business.

Mr. Crawford asked if most of the equipment sales are lawn mowers and excavators. Mr. Hills stated they sell bulldozers and excavators, and SCDOT is one of his customers.

Ms. Brown asked if the company delivers the equipment. Mr. Hills stated some customers pick up their equipment, and some equipment is delivered to the customers.

Mr. Hawthorne asked if the public could rent equipment. Mr. Hills stated his company only supplies long-term rental equipment with the option to buy for licensed contractors.

Mr. Crawford asked if all the equipment are new items. Mr. Hills stated rental equipment items are from 12 to 18 months old and the rest of the equipment items are new.

Mr. Chitwood asked about the septic tank. Mr. Hills stated he is willing to relocate the tank.

Mr. Crawford asked where the outdoor storage will be located. Mr. Hills pointed on the map where inventory would be located towards the back of the building.

Chair Crawford opened the floor for public comment. Jim Hardin, 333 Berkeley Road, stated he is in opposition to the proposal due to the recent growth of non-industrial businesses in the area.

Mr. Crawford asked what would be done to the building. Mr. Hills stated the interior would have offices and an area to store parts. Mr. Crawford asked about the exterior of the building. Mr. Hills stated he would paint the exterior of the building, replace any damaged doors and do quite a bit of landscaping for beautification. Mr. Crawford asked if the building was primarily a metal building. Mr. Hills stated yes.

Mr. Hawthorne asked if there would be landscaping to the rear of the building. Mr. Hills stated yes.

Mr. Hawthorne asked if the storage of equipment would be visible from the road or would it be behind the building. Mr. Hills stated the equipment would be behind the building.

Discussion followed about the storage, turnaround, and setback areas shown on the plan.

Mr. Crawford asked Staff what the comprehensive plan is for this corridor and if there are any overlay standards. Ms. Marshburn stated there is not a small area plan for Old York Road. She stated this area is in the Community Commercial character area on the Future Land Use plan and provided the description of the area as follows: "Auto-

centric, community-wide commercial use types. Emphasize (re)development of new and old centers as adaptable centers with joint access, shared use parking, and accommodate all modes of transportation within and adjacent to the site". Mr. Crawford asked if the area was recently annexed. Ms. Marshburn stated it was annexed in 2011 and rezoned to Industry Business (IB). She explained at the time, staff rezoned the parcel to a district allowing the then machine shop use, rather than zoning it to a district deeming the machine shop use non-conforming. She stated today, the more appropriate zoning district for this property, considering both the surrounding uses and zoning districts, is the Limited Commercial (LC) zoning district.

The Board discussed the proposal, noting concerns about compatibility with the surrounding zoning and uses.

Ms. Brown made a motion to approve the special exception for heavy equipment sales use at 5025 Old York Road. The motion was seconded by Mr. Robinson and failed by a vote of 2 in favor to 3 opposed (Brown, Hawthorne, and Crawford opposed; Cullum and Reeves absent).

Mr. Crawford noted the proposal did not pass, mainly due to incompatibility with the surrounding area.

6. Other Business.

a.) Calendar Review

Ms. Britz noted the next meeting is scheduled for Oct. 24 due to a conflict with the municipal election on Oct. 17.

b.) Continuing Education Opportunities

Ms. Fragomeni noted a one-hour continuing education session will be held on Oct. 13, at 10 am.

7. Adjourn.

There being no further business, Mr. Hawthorne made a motion to adjourn. The motion was seconded by Mr. Robinson and approved by a vote of 5-0 (Cullum and Reeves absent). The meeting adjourned at 8:52 p.m.

INDUSTRY OVERVIEW

- Auto Body industry has changed over the last 20 years and moving to consolidators
- The traditional “mom and pop” body shops are no longer standard in the industry
- Consolidators develop the new state of the art Direct Repair Plan (DRP) shops, while also operating existing shops they acquire. Those older shops are unable to operate as do the new Greenfield facilities
- Modern body shops are fully enclosed, no damaged cars outside in view (some may be parked in the fenced secure area) or open work garages
- Paint booths are fully enclosed, located in the interior of the building
- Minimal noise due to all work performed interior and ample insulation of buildings
- Buildings are higher end construction and architecture and blend well with office, retail and residential
- Is now considered an attractive, low-impact use for developments

OPERATION

- Open Monday-Friday, 8:00am-5:00pm
- 14-18 employees at each location, 10-12 of these employees are “Head of Household” positions earning \$80,000 - \$200,000 annually
- Daily average of customers at a busy shop is five vehicles incoming and five vehicles outgoing per day
- Usually no more than 35 cars on site at any given time
- No insurance adjustors, estimators, or related claims personnel are on-site. Now, Repair Plans are all written and sent electronically
- Parts – maximum delivery for a busy shop is twice daily, all parts stored indoors

OPERATOR/OWNER

- Gerber Collision: 80 year old company, operated in the U.S., and owned by Boyd Group, a publicly traded company on the Canadian stock exchange and a leader in the 37+ billion dollar auto body industry
- Realty Income: S&P 500 company, structured as a REIT. Owner of multiple Gerber Collision & Glass locations, as well as Caliber Collision and ABRA Auto Body, in addition to a myriad of other commercial properties



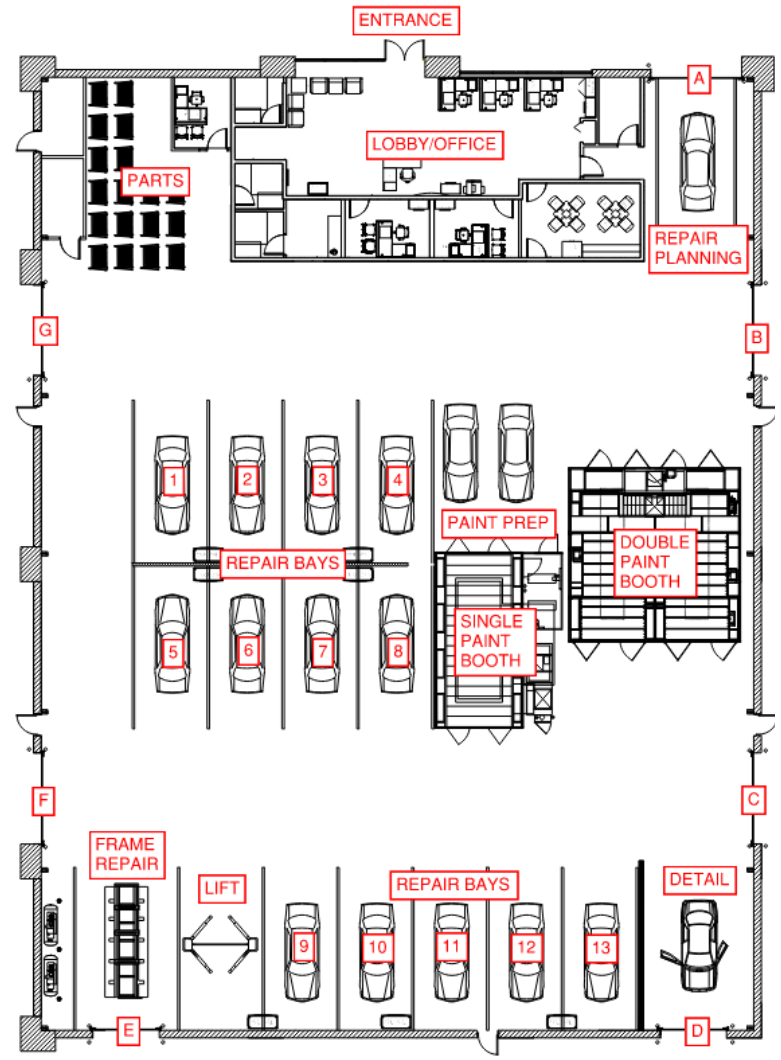
SEPARATION EXHIBIT

- 250' setback from property line to residential
- Patriot Crossing Apartments within setback area
 - 10 Buildings / 1 Clubhouse
- 1 building (10%) within 250' of NW residential property corner
- Apartments approved as Special Exception in 1996 by ZBA



BUILDING FOOTPRINT

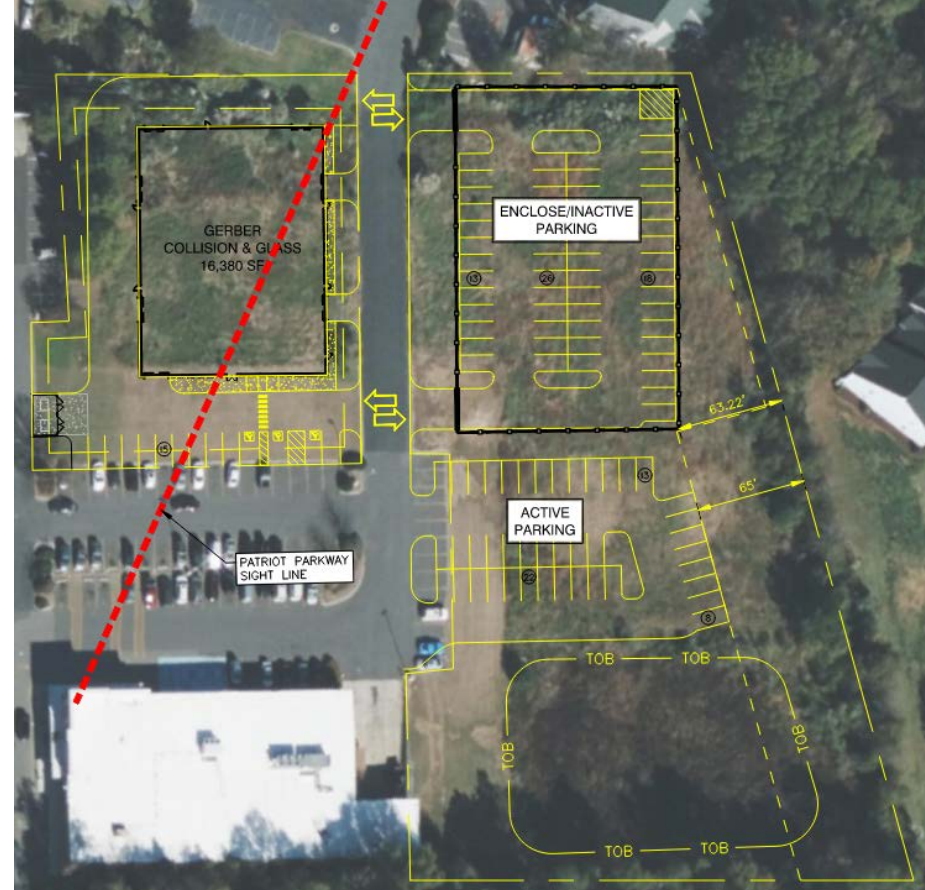
- 13 repair bays + tool/equipment
- 2 paint prep. areas
- Lift
- Frame repair
- Repair planning
- Office/lobby
- Parts
- 7 overhead doors
- HVAC- dust & moisture control





PREFERRED DEVELOPMENT PLAN

- 16,380 SF auto body repair
- 47 inactive/enclosed vehicle stalls
- 70 active/available vehicle stalls
- 65' landscape buffer + 8' vinyl fence
- Vehicle storage contained & accessible to building
- Building & fencing buffer to active parking & ALDI traffic to Patriot Parkway
- Maintains ALDI sight line to Patriot Parkway



BUILDING WEST PLAN

- 16,380 SF auto body repair
- 57 inactive/enclosed vehicle stalls
- 58 active/available vehicle stalls
- 65' landscape buffer + 8' vinyl fence
- Vehicle storage detached from building
- Active parking & ALDI traffic not buffered
- ALDI not visible from Patriot Parkway

PATRIOT PARKWAY SIGHTLINE



Type of approval mechanism	Explanation
P = Permitted use	Allowed by right in the zoning district with no associated use-specific standards
C = Conditional use	Allowed in the zoning district if all associated use-specific standards are met; see Ch. 4 of the Zoning Ordinance
S = Special exception use	Zoning Board of Appeals determines whether to allow the use; the use may or may not have use-specific standards, and the ZBA may add additional standards if it deems that appropriate

GREATER OR EQUAL PERMITTED USES

1. Youth Community Center
2. Theatre/indoor concert hall/auditorium
3. Emergency response facilities
4. Post office
5. Manufacturing research & development
6. Printing & publishing
7. Warehouse flex space & docks

USE CATEGORY	USE TYPE		
RESIDENTIAL			
Household living	Single-family detached	S	
	Group home (Type A)	S	
Group living	Group home (Type B)	S	
	Hallway house	S	
Elder care	Assisted living facility; nursing home facility; continuing care facility	P	
PUBLIC AND COMMERCIAL			
Agriculture and hunting	Community garden	C	
	Farmers' market	C	
	Urban farm	C	
	Plant nursery (production)	P	
	Hunting with bow or cross bow—as regulated by City Code of Ordinances and S.C. Department of Natural Resources		
Animal services	Animal care (limited)	C	
	Animal care (general)	C	
Cemeteries, columbaria, and mausoleums	Cemetery; columbaria; mausoleum	C	
	Community center; youth center; senior center	P	
Community services	Museums and libraries	P	
	Adult day care center	S	
Day care	Child day care center/Preschool	S	
	School, elementary	S	
Educational institutions	School, middle/junior or senior high	S	
	Vocational/trade school	S	
	Adult entertainment	C	
Event and entertainment	Bar/nightclub	S	
	Conference center/convention center	C	
	Event venue	C	
	Teen club	S	
	Theater/indoor concert hall/auditorium	P	
	Fraternal organization or lodge	C	
	Food service	Commissary/catering kitchen/food production	C
		Restaurant (without alcohol sales)	C
Restaurant serving alcohol		C	

USE CATEGORY	USE TYPE	
	Extended hours restaurant serving alcohol	C
	Specialty eating establishment	C
	Craft brewery	C
Government facilities	Emergency response facilities (fire, EMS, police)	P
	Government operations center	P
Health care	Post office (regional or headquarters)	P
	Hospice	P
Offices	Business or professional office	P
	Contractor's office (Type A)	C
	Contractor's office (Type B)	C
Parking & transportation	Parking lot/structure	P
	Passenger bus terminal	S
Recreation	Indoor recreation uses of ≤3,000 sf	P
	Indoor recreation uses of >3,000 sf	P
	Commercial outdoor recreation (Type A)	C
Religious institution	Public parks and neighborhood common areas	C
	Religious institution (small)	P
	Religious institutions (medium)	C
Retail	Religious institution (large)	C
	Alternative financial services	S
	Bank/credit union	C
	Flea market	S
	Funeral home	P
	Gasoline station/convenience store that sells gasoline	C
	Liquor store	C
	Personal instruction	P
	Personal services (Type A)	P
	Personal services (Type B)	S
	Retail sales or services (indoor)	C
	Retail sales or services (outdoor); outdoor storage (as a principal use)	C
Self-storage	Self-storage	S
	Minor utilities	C
	Major utilities (Type A)	C
	Major utilities (Type B)	S



POINTS OF CONSIDERATION SUMMARY

- The subject property and abutting/surrounding properties are zoned General Commercial. Auto Body Repair is a permitted use.
- Patriot Crossing Apartments is zoned General Commercial and was approved as a Special Exception to the zoning. Auto Body Repair did not require separation at that time.
- Seven (7) permitted uses having equal or greater adverse impacts are allowed and do not require separation.
- The applicant's preferred (east) building location provides for the following advantages:
 - A continuous buffer of building and screened/inactive parking east of the active parking fields and drive lanes to the west.
 - Thirteen (13) repair stations and necessary equipment is provided within the building for the repair of damaged vehicles.
 - Parts storage and delivery will occur in the northwest corner of the building and away from the apartments to the east.
 - Limited vehicle and pedestrian crossing of ALDI access drive to Patriot Parkway.
 - Preservation of ALDI sightlines and access from Patriot Parkway.
 - Central active parking field available evenings and weekends to grocery/retail during peak hours and if necessary.
- Equal or greater buffering & screening have been provided to the east and per the requirements of the Zoning Ordinance.

