



Zoning Amendment-Report to City Council

Case No. M-2009-15

Meeting Date: August 24, 2009
Staff Contact: Eric S. Hawkins, AICP, Planner III

SITE INFORMATION

Petitioner/Owner: Robert Beaty
Rock Hill, SC
803.327.3602

Proposal: Amend existing PUD Master Plan to regarding permitted uses, hours of operation, landscaping, and vehicular circulation.

Location: 2037-2079 Celanese Road

Tax Parcels: 634-01-03-011, -012, & -013

Acreage: Approx 1.2 acres

EXPLANATION OF PROPOSAL AND STAFF COMMENTS

This property was annexed and zoned PUD in 2006. The following amendments to the approved PUD Master Plan are proposed:

- Removal of the access drive to the rear of the building. This drive was originally planned to be used by the applicant's retail store which receives numerous truck deliveries. He located his store elsewhere and there has been no need for the rear drive for the existing tenants. The applicant does not foresee the need to accommodate large delivery trucks in the future based on his experience with the current and prospective tenants. There is an area at the front of the parking lot that could be designated as a loading zone. The applicant is also concerned about the potential for criminal activity and litter if the rear of the building is more accessible.
Staff comment: If the rear drive is not constructed, a loading zone needs to be provided elsewhere on the site.
- Revision of the landscaping plan to eliminate the evergreen trees between the rear of the building and the wall along the rear property line. The applicant proposes to install landscaping on the outside of the wall only and still provide the solid screen intended by the plan. The plan specifically states that landscaping must be installed on both sides of the wall. The applicant is concerned that the landscaping as required by the PUD plan will not be visible between the building and the wall.
Staff comment: The applicant has worked with the City's Landscape Architect to install landscaping that will provide a solid screen along the rear property line as originally intended.
- Removal of "Drop-off Laundries" from the list of prohibited uses. The applicant feels that this is the type of neighborhood service use that should be permitted. The dry-cleaning for this type of use would be done off-site at a dry-cleaning plant.
Staff comment: The permitted uses for the PUD are based on the Neighborhood Commercial zoning district. Drop-off laundries fall into the "Personal Services Establishment" category

and are a conditional use in the NC district. The site provides good access for this type of use and it would not result in traffic, noise, or other negative impacts to the adjacent residential area.

- Revision of hours of operation to permit non-retail activity between 10:00 PM and 6:00 AM. The applicant has a prospective tenant that wants to operate a fitness center that would be accessible to its members 24 hours a day. The following language is proposed to be added to the PUD plan to accommodate uses of this type:

24-hour access may be provided for the clients of certain personal service (non-retail) establishments that meet the following criteria:

- Exercise-only facility that provides only fitness equipment, restrooms/showers, and limited related equipment that allows for individual self-directed exercise after the regular staffed business hours. The external windows of the facility must be kept clear of obstructions to allow clear views into and out of the building. The staffed hours must be clearly posted at the entrance, and are limited to between 6:00 AM and 10:00 PM. No group classes may be conducted between the hours of 10:00 PM and 6:00 AM. Between the hours of 10:00 PM and 6:00 AM and at any other time that staff is not on site, the facility must maintain a controlled-access system that only permits entry to members of the facility. The facility must also maintain video surveillance and security systems that are remotely monitored and allow immediate notification of police and/or other emergency services. Records from these systems must be made available to the proper authorities for review in the event of an emergency service call involving the facility.
- Businesses that provide controlled access to established clientele for purposes of picking up and dropping off mail or conducting similar activities during times that no staff is on site and no services are provided or products sold.
- It is the intent of this section to permit specialized business the ability to provide controlled access for a small percentage of their clientele outside of regular business hours and when there is no staff on site. No more than 15% of the weekly visits to these businesses may occur between the hours of 10:00 PM and 6:00 AM. These businesses are expected to maintain security systems that protect their clientele and the public at large. The activities conducted outside of normal business hours can be characterized as “self-service” and no services may be performed or products sold at these times. The Planning & Development Director may permit uses similar to those above that meet the intent of this section.

Staff Comment: The criteria outlined in the proposed wording are intended to ensure that uses with 24-hour access generate a very low volume of activity between 10:00 PM and 6:00 AM. The uses that would fall into this category are typically neighborhood-oriented and compatible with nearby residential uses.

PUBLIC NOTIFICATION

The following public notification actions have been taken:

- July 5 & 19- Planning Commission public hearing advertisements published in *The Herald*.
- July 17- Rezoning notification signs posted on subject property.
- July 17- Rezoning notification postcards sent to property owners within 300' of the subject property. A total of 34 postcards were sent to properties within rezoning area and surrounding areas.

PUBLIC FEEDBACK

No comments received to date.

PUBLIC MEETINGS

Neighborhood Meeting

A neighborhood meeting was held on July 2, 2009. A meeting summary is attached.

Planning Commission Discussion

After presentation of the staff report at the Planning Commission's August meeting, the following discussion was held:

Mr. Roper asked if emergency vehicles could access the parking lot from Celanese Road, if necessary. Mr. Hawkins stated they could.

Mr. Roper asked about the elimination of the required inside wall trees, whether these could be required up to the line drawn on the site plan and if these included the dumpster area. He noted as a compromise that landscaping should be in place from the street to the back of the building but not the unexposed rear. Mr. Hawkins stated that the owner did do additional landscaping that had not been required and that this would be an acceptable compromise in the event the neighbors did remove trees in their yard.

Mr. Roper asked about the exercise facility and stated that he did not want to allow something that could not be monitored. He commented upon the use of the facility and the assumption of minor usage (referring to the 15% after hours usage time allowed). Mr. Hawkins stated that because of the system being used, a report could be generated. Mr. Roper asked if the reports would be monitored to ensure that no more than 15% of the weekly visits would be after hours. Mr. Hawkins stated that it would not be monitored, but if there are complaints, a report can be produced to show if this condition is being met.

Public Hearing

A public hearing on this application was held on August 4, 2009, before the Rock Hill Planning Commission. Two members of the public spoke and the applicant presented information about the proposal.

Ms. Sarah Cholewinski, 2010 Downey Street, presented issues regarding traffic and the concern that once a use is established, other tenants with different uses would continue under the same hours. Mr. Roper addressed this issue by stating that only clients with key access would be able to use the

facility and that only 15% of the weekly visits could occur after 10 pm with 85% occurring during regular business hours. Ms. Cholewinski stated that she understood this point and stated that she is concerned that it would increase crime in the area.

Mr. Keith McCorkle, 2010 Downey Street, also stated his concerns over traffic problems. Mr. Graham asked if his main concern dealt with traffic, not this specific use. Mr. McCorkle stated that traffic was his main concern.

The applicant, Mr. Robert Beaty, 3102 Pinetuck Lane, addressed the concern over crime by stating that cameras would be placed inside the facility as well as in the parking lot. With regards to the wall behind the building, he stated that he had built it where required by the City.

Mr. Roper stated that he had no opposition to removing the driveway and that the trees from the front building edge to the unexposed building edge could be installed to provide a buffer. Mr. Beaty stated that he placed trees where requested by Mr. Danny Jones, City Landscape Architect, as well as around the dumpster area. Mr. Roper asked if the applicant would plant trees on the inside of the wall from the back corner of the building to the street to provide a buffer. Mr. Beaty stated that he had no issue with doing that.

STAFF RECOMMENDATION

The proposed amendments are consistent with the neighborhood commercial nature of the site as outlined in the comments above. Staff recommends approval of the proposed amendments to the Graystone PUD Master Plan, subject to the designation of a loading zone on the site.

PLANNING COMMISSION RECOMMENDATION

Following the public hearing at their August meeting, the Planning Commission voted 5-1 (Graham opposed) to recommend approval of the rezoning, subject to the following conditions:

- records of nighttime utilization must be available for zoning compliance review when necessary
- additional landscaping must be provided on the inside of the fence between the northeast corner of the building and Madison St.

ATTACHMENTS:

- Graystone PUD Master Plan
- Neighborhood Meeting Summary

For copies of the following attachments, see the digital version of the report on the City's website:

- Rezoning Application
- Public Notice Affidavits

Minutes to Neighborhood Meeting

On July 2, 2009, at 5:30 pm, in Greystone Station, Unit 2049, Celanese Road, the required neighborhood meeting was held per City of Rock Hill code.

Several people from the neighborhood and City Staff were in attendance.

See attached registration sheet.

Items discussed were as indicated in the required post card mailer. Including:

1. Removal of Rear Drive

We explained: Rear drive was not needed as no deliveries come to rear door of center. Eco-friendly sod is preferred to asphalt (or concrete) to aid in water absorption instead of rapidly running off. Removal of rear drive enhances security and reduces vandalism and loitering on property. This is a tremendous safety advantage to the neighbors, as we discussed.

2. Revision of Landscaping Plan

Plantings between rear building and masonry wall, (8ft. x 250 ft.) can't be seen by anyone because rear drive has not been installed.

3. Add drop off/pickup dry-cleaning as a permitted use

This already is included in current *Neighborhood Commercial Zoning*.

4. Modify Hours to Permit Non-Retail Activity between 10pm. and 6am.

Summary:

Based on neighborhood discussion, neighbors and city staff agreed that language could be written to permit a specific use during these hours and specific location.

After approximately 1 hour, of discussion, the neighbors and city staff seemed to agree that all of the above required changes were reasonable and should be no problem to implement

to everyone's satisfaction. The meeting was adjourned with friendly conversation at approximately 6:30pm.

Submitted by applicant


Robert Beaty

Date: 7/6/09

Gaystone Station Celan Road
Public Meeting - July 2 2009 5:30pm

- 1 Robert Barty
- 2 Randy Jigon P.O. Box 4815 A. Hill, S.C.
- 3 Kathy (diswell)
- 4 Eva Selunson) 2050 Celanese
5. Brian Buhneman
6. CHUCK CHORAK - CRH