



## Rezoning Analysis-Report to City Council

Meeting Date: September 27, 2010

---

<b>Location:</b>	481 & 489 S. Herlong Ave., Tax Parcels 593-00-00-005 & -006
<b>Site Area:</b>	Approx. 3.15 acres
<b>Request:</b>	Annex property into the City and rezone from Business Development-III (BD-III) in York County to Limited Commercial (LC).
<b>Proposed Development:</b>	None- existing development.
<b>Owner/Applicant:</b>	Nancy Smith Rock Hill, SC 803.329.1294

---

### Site Description

The subject properties are currently developed as a child day care center (481 S. Herlong) and a multi-tenant commercial building (489 S. Herlong). The properties are located on the northwest side of the City and front on a minor arterial roadway (Herlong Ave). Surrounding uses include undeveloped property, office, retail, restaurant, and single-family residential in commercial, planned unit development, and residential zoning districts. No new development is planned for these properties.

---

### Background

The City is requiring annexation of these properties in accordance with City Council's goal of annexing enclave areas that are completely surrounded by the City Limits. In accordance with City policy, annexation agreements were signed when the properties were initially developed in 1986 and 1989. This area is now surrounded by the City Limits and an effort is being made to annex these properties. Mrs. Smith was required to sign an annexation petition last year when there were some tenant changes in the multi-tenant building. The property is served by City water and sewer and is subject to annexation at the City's discretion. Annexation of enclaves promotes greater efficiency in City services and supports compact infill development and redevelopment that is consistent with strategies identified in the Comprehensive Plan.

---

### Existing Zoning District Summary

Business Development District III (BD-III)- Permitted uses include personal service establishments, i.e. beauty shops; Laundromats; restaurants; convenience retail establishments, i.e. grocery stores; professional services, i.e. business or financial offices; commercial recreation establishments, i.e. game rooms; churches, clinics, office buildings, educational institutions, commercial schools, research facilities, townhouses, museums, motels, primary and secondary retail establishments, commercial parking lots, general business services, funeral homes, mini-warehouses, automobile service and repair shops.

### **Proposed Zoning District Summary**

Limited Commercial (LC)- The LC district is established as a mid-level intensity commercial district that allows a wider range of non-residential uses at increasing intensities than the NC district. The uses allowed in this district include a wide range of general retail, business, and service uses, as well as professional and business offices along with integrated residential uses as allowed in the NC district, but not intensive commercial or other business activities. Uses in this district are intended to serve groups of neighborhoods instead of individual neighborhoods.

The existing child day care use is a special exception use in the LC district. This use would be grandfathered as long as it is continued, even if the ownership changes. If the use were vacated for a period of more than six months, a special exception approval by the Zoning Board of Appeals would be required to re-establish the use.

---

### **INFRASTRUCTURE CONSIDERATIONS**

The properties are fully developed and there will be no additional impacts on the transportation or utility systems.

---

### **RELATIONSHIP TO PUBLIC PLANS**

#### **Comprehensive Plan**

The City's Livable Land Use Map indicates that this parcel has a Community Mixed Use (CMU) land use designation. The Community Mixed Use classification is intended to create a regional destination environment providing housing, shopping, entertainment, employment, and gathering opportunities, located on or adjacent to major transportation corridors that provide high levels of access and visibility. These parcels are located along a major arterial, Herlong Avenue South. Appropriate land uses should include a mix of relatively intense nonresidential uses integrated with the highest density housing, including high density residential, commercial, office, services, entertainment, educational, civic and other appropriate uses. The CMU classification should not be used to support or continue "strip type" commercial development. Industrial type uses (i.e. manufacturing, assembly, warehousing, etc.) should not be permitted.

#### **Conclusion**

The requested annexation and rezoning from County Business District-III (BD-III) to Limited Commercial (LC) is generally consistent with the City of Rock Hill Comprehensive Plan and Livable City Land Use Map.

---

### **PUBLIC INVOLVEMENT**

Staff hereby certifies that the required public notification actions have been completed as follows:

- August 8 and 22: Planning Commission public hearing advertisements published in *The Herald*.
- August 20: Rezoning notification signs posted on subject property.

- August 20: Rezoning notification postcards sent to property owners within 300' of the subject property. A total of 12 postcards were sent to properties within rezoning area and surrounding areas.

### **Public Hearing**

The Rock Hill Planning Commission held a public hearing on this application on September 7, 2010. One member of the public spoke on the application, and the applicant presented concerns about the proposed zoning.

Mr. Robert Bryson, 1690 Huntmoor Drive (tenant), spoke in opposition to the annexation. Mr. Roper noted that this hearing was only for the rezoning request and that the Planning Commission does not consider the merits of the annexation, but only what the property is zoned if annexed by City Council.

Mrs. Nancy Smith, 1452 Museum Road (owner), noted that her concern was for two of her tenants that would be affected as result of the zoning classification, mainly the dry cleaning establishment and the daycare, as both of these uses were not allowed in the Limited Commercial (LC) district. She noted that she had received a letter from Mr. Bill Meyer stating that both businesses would be grandfathered in and would be allowed to exist in their current locations. She stated her additional concern was that the daycare had been built specifically as a daycare and that if it were to close, she may have difficulty in leasing the space within six months. She added that several of her tenants had experienced difficulty in acquiring electricity over the past several years even though the annexation agreement had been signed in 1989.

---

## **RECOMMENDATIONS**

### **Staff Assessment**

The proposed zoning is consistent with the City's Land Use Plan and is compatible with surrounding uses.

### **Staff Recommendation**

Staff recommends approval of the proposed Limited Commercial (LC) zoning.

### **Planning Commission Discussion**

At their Sept. 7 meeting, the Planning Commission held the following discussion:

Mr. Roper stated that he intends to discuss with staff the zoning classifications for commercial daycare under Limited Commercial (LC) zoning and allowing its existence outright in the LC district.

Mr. Christopher asked if Mrs. Smith was in favor of the zoning classification. Mrs. Smith stated that she was with the exception of the daycare and dry cleaners.

Mr. Roper asked if the dry cleaners could exist under a Special Exception. Mr. Meyer stated that the dry cleaning plant part could not.

Mr. Roper asked how long the dry cleaners had been in operation. Mrs. Smith stated two years.

Mr. Roper asked if a dry cleaner had been there before. Mrs. Smith stated there had not.

Mr. Roper asked which zoning classifications would allow a dry cleaning plant. Mr. Hawkins stated that it could exist in Community Commercial (CC), General Commercial (GC), Industry General (IG), Industry Heavy (IH) and as a Special Exception in Industry Business (IB).

Mr. Roper asked if it could exist as a Special Exception in the Limited Commercial (LC) zoning. Mr. Hawkins stated that it could not, that it could only be grandfathered in.

### **Planning Commission Recommendation**

Following the public hearing at their September meeting, the Planning Commission voted 4-0 to recommend approval of the proposed LC zoning.

---

### **Attachments**

- Annexation Map
- Rezoning Map

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

- Annexation Application
  - Rezoning Application
- 

**Staff Contact:** Eric S. Hawkins, AICP, Planner III  
[ehawkins@cityofrockhill.com](mailto:ehawkins@cityofrockhill.com)  
803.329.8763

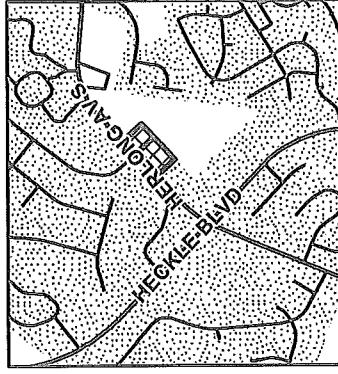


**ROCK HILL**  
SOUTH CAROLINA

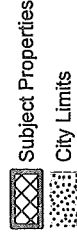
**ANNEXATION MAP**

**Heckle Blvd/Herlong Ave  
Area 3**

**ANNEXATION TO THE  
CITY OF ROCK HILL**

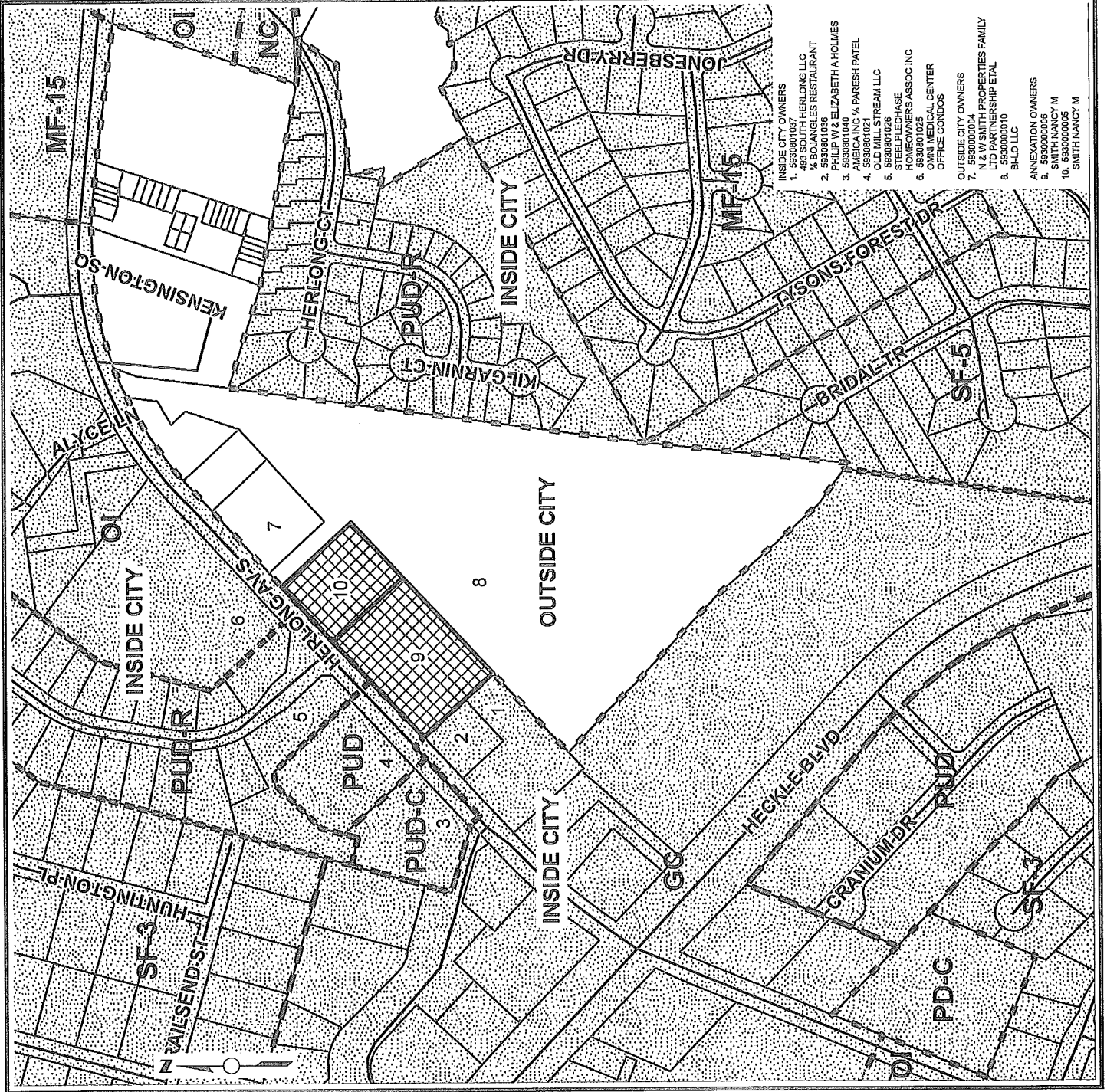


**ZONING: LC  
WARD: WARD 4  
ACREAGE: 3.15 (2.0 + 1.15)**



THIS MAP WAS COMPILED FROM PLATS AND  
OTHER AVAILABLE INFORMATION.  
NO ACTUAL FIELD SURVEY WAS PERFORMED.

DATE 9-2-08  
GIS ADMINISTRATOR *[Signature]*









**ROCK HILL**  
SOUTH CAROLINA

**M-2010-11**

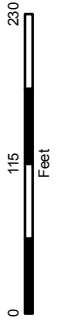
**Legend**

-  City Limit
-  Building
-  Zoning District Boundaries
-  Area of Interest

**Zoning Data**

**Current: BD-III  
(County)**

**Proposed: LC**



Development Services  
Department  
City of Rock Hill  
9/1/10

