



Rezoning Analysis-Report to City Council

Meeting Date: September 27, 2010

Location:	528 S. Cherry Rd, Tax Map #'s 598-07-01-002 (portion) & 598-07-01-003
Site Area:	Approx. 1.2 acres
Request:	Rezone property from Limited Commercial (LC) and Multi Family-15 (MF-15) to Industry General (IG).
Proposed Development:	None at this time- existing limited wholesale/warehouse use.
Owner/Applicant:	Baxter Simpson Rock Hill, SC 803.324.3104

Site Description

The subject property is most recently the location of E.J. Smith Group, a limited wholesale/warehouse use. It is located north of downtown and fronts on a minor arterial roadway (Cherry Rd). There is a portion of the property that fronts Bynum Ave. that was platted as a residential lot and is zoned MF-15. This property has been a part of the 528 S. Cherry Rd. parcel for many years and should have the same zoning as the remainder of the parcel. There is no vehicular access to the property from Bynum Ave. The proposed rezoning area also includes a portion of the parcel immediately to the west which contains a portion of the parking lot for 528 S. Cherry Rd. The applicant has submitted a plat exemption (attached) to shift the property line between these properties to the west so the entire parking lot for 528 S. Cherry Rd. will be on the same parcel as the building. Surrounding uses include single family residential, office, retail, and institutional uses in residential, commercial, and industrial zoning districts.

Development Proposal

The applicant is requesting the rezoning in order to maintain the ability to lease the property for industrial uses. The existing use (limited wholesale/warehouse) is non-conforming in the LC zoning district. The applicant is concerned about losing the grandfathered status of the current use if the building experiences an extended period of vacancy. The applicant has stated that the existing building is only suitable for warehouse/distribution and light manufacturing uses due to the size of the building and the limited parking available on the site.

Existing 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.

Proposed Zoning District Summary

Industry General (IG)- The IG District is established and intended to provide lands for light industrial uses that can be operated in a relatively clean and quiet manner and that will not be obnoxious to adjacent residential or business districts. Allowable uses include limited manufacturing and functionally related uses such as distribution, storage, and processing. Some heavier industrial uses may be permitted with a Special Exception (see Section 2-300(D)). Commercial uses are allowed, but are considered incidental to the predominantly light industrial nature of the district. Residential uses, other than caretaker dwellings, and uses that generate hazardous wastes are not permitted.

Zoning History of the Property and Previous Rezoning Cases in the Area

The subject property and the adjoining properties fronting Cherry Road were rezoned from IG to LC in January, 2007, as part of the City-initiated rezoning of the South Cherry Road area between Camden Ave. and Grandview Memorial Park.

In April, 2007, a zoning ordinance text amendment was approved that provides a five year window wherein nonconforming uses in the S. Cherry Rd. LC district can be re-established, even if the vacancy period lasts more than six months (attached). This provision expires on January 31, 2012.

INFRASTRUCTURE CONSIDERATIONS

The property is 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 both Community Mixed Use (fronting Cherry Road) and Urban Residential land use designations.

The Urban Residential classification is primarily a single-family residential land use classification intended to create high quality residential neighborhoods with a variety of housing choices. Residential development should have approximate residential densities of up to three dwelling units per acre. Higher densities may be appropriate for Conservation Subdivisions or Traditional Neighborhood Development (TND) communities. Neighborhoods in the UR community should generally allow for a mix of single-family housing types such as detached houses, attached town homes, attached patio homes, and condominiums. In limited instances, neighborhood-scale nonresidential land uses that generally serve the UR community such as public parks and recreation facilities, other public facilities and utilities, golf courses, places of worship, educational facilities, libraries, post offices, and the once common "corner store" may be appropriate.

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. This parcel has direct visibility and access to South Cherry Road. CMU areas should be very pedestrian oriented and feature pedestrian sidewalks, walkways, and bicycle facilities that connect individual sites to each other and the public sidewalk system. 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 in the CMU classification.

Conclusion

The requested rezoning from Limited Commercial (LC) to Industry General (IG) is generally not consistent with the City of Rock Hill Comprehensive Plan and Livable City Land Use Map. Appropriate land uses should consist of residential, commercial, office, services, entertainment, educational, civic, or other similar uses. Industrial type uses should not be permitted. Rezoning to a less intense commercial district or Industry Business (IB) could be supported by the 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 & 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 46 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. No one from the public spoke on the application. The applicant presented information about the proposal.

Baxter Simpson, 1324 Black St. (owner/applicant) gave a brief history of the building's previous uses. He noted that the uses allowed under the Industry Business (IB) zoning, which had been recommended by staff, would limit the building's potential. He noted that there was additional insulation in the building and that the closest neighbor to the property complained only when the grass needed cutting. He pointed out the limited parking area that would eliminate a retail use and added that there was a limited turnaround area where only two large trucks could be in the parking lot at one time. He noted that the surrounding neighborhood was declining.

RECOMMENDATIONS

Staff Assessment

Staff is concerned that certain uses that are permitted in the IG district will be incompatible with the adjacent residential properties. The following uses are permitted outright in the IG district and may present compatibility issues: auto painting/body shop, auto wrecker service, general industrial service, laundry/dry cleaning/carpet cleaning facilities, and general manufacturing. In recognizing the constraints presented by the existing building and site layout and the presence of IG zoning across Cherry Road, an alternative district that may be more appropriate for this location is Industry Business (IB). The IB district would permit many of the less intense uses that the building is particularly well suited for, including limited manufacturing and limited wholesale/warehouse. The IB district would also require the more intense uses listed above (such as general industrial service and general wholesale/warehouse) to be reviewed by the Zoning Board of Appeals as Special Exceptions. This would allow conditions to be placed on these uses to insure that they are operated in a manner that is not disruptive to the adjacent residential property.

Staff Recommendation

In order to accommodate a range of uses that the existing building is particularly well suited for and to provide a mechanism to protect the adjoining residential properties from negative impacts of certain uses, staff recommends approval of Industry Business (IB) zoning rather than the Industry General (IG) zoning requested by the applicant.

Planning Commission Discussion

At their September meeting, the Planning Commission held the following discussion:

Mr. Roper noted that the building had been used as some type of manufacturing operation since construction 65 years before.

Mr. Christopher asked if the building could be split into more than one operation. Mr. Simpson stated that it could not easily be split, but that it did have a sprinkler system and air conditioning system with 1500 square feet of office space.

Mr. Roper noted that during the Cherry Road rezoning hearings there was concern brought up by both Mr. Simpson and Mr. Graham regarding the new zoning classification and how this would affect potential tenants.

Planning Commission Recommendation

Following the public hearing at their September meeting, the Planning Commission voted 5-0 to recommend approval of the proposed IG zoning as requested by the applicant.

Attachments

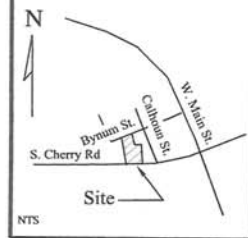
- Property Plat
- RHZO Section 8-200.D.3
- Rezoning Map

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

- Rezoning Application

Staff Contact: Eric S. Hawkins, AICP, Planner III
ehawkins@cityofrockhill.com
803.329.8763

I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN. THE PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN, AS SHOWN ON FEMA MAP 45091C0316E WITH AN EFFECTIVE DATE OF 9/26/2008.



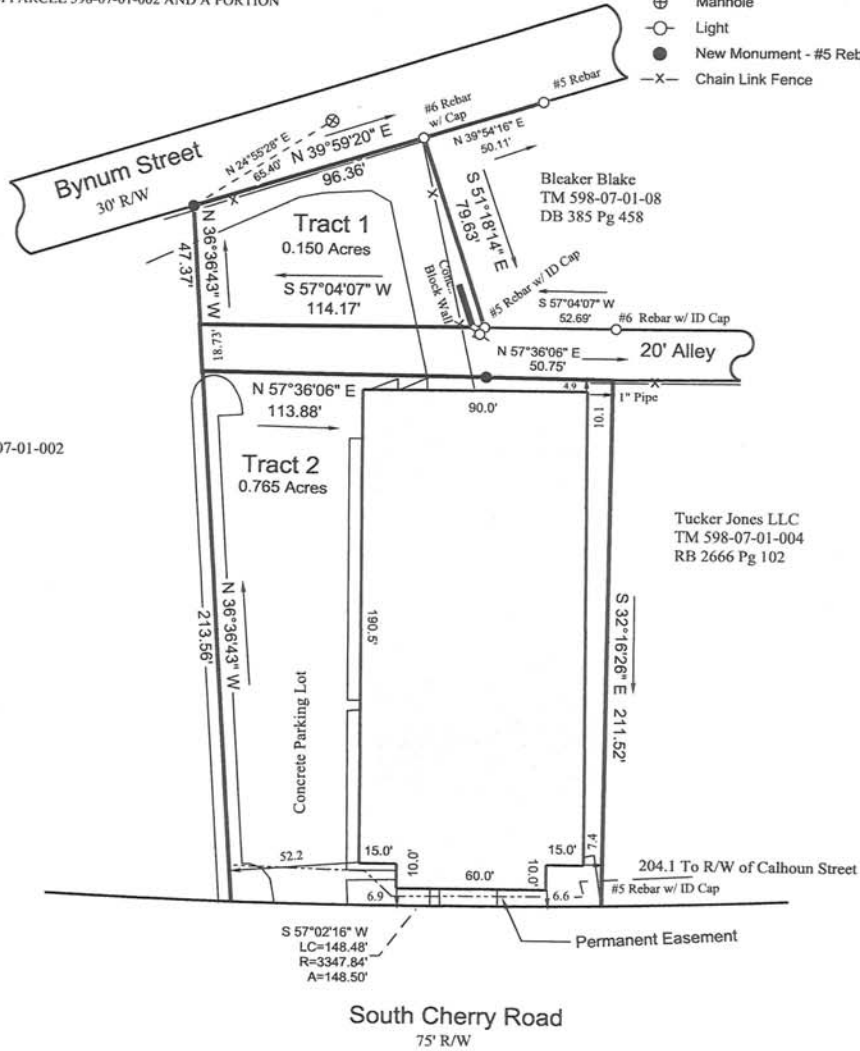
WILLIAM C. WHITE JR. P.L.S. #11077

THIS IS SHOWN AS TM PARCEL 598-07-01-002 AND A PORTION OF 598-07-01-002

LEGEND

- Old Monument - as noted
- ⊕ Manhole
- Light
- New Monument - #5 Rebar with ID Cap
- X- Chain Link Fence

Baxter Simpson Jr.
Remainder of tm 598-07-01-002
RB 6207 Pg 46



PLAT OF PROPERTY OF

BAXTER G. SIMPSON JR.

528 S. CHERRY RD.
ROCK HILL, S.C.

SEPTEMBER 13, 2010 SCALE 1" = 50'



WHITE LAND SURVEYING

P.O. BOX 685
421 E. BLACK STREET
ROCK HILL, S.C. 29730
803-327-5758 Job: 92038

Rock Hill Zoning Ordinance, Section 8-200.D.3:

(3) Non-conforming Uses in the Limited Commercial (LC) District

Any use lawfully established and existing in the Industry General (IG) district on March 1, 2006, and subsequently rezoned to the Limited Commercial (LC) district on January 31, 2007 shall be subject to the following provisions through January 31, 2012:





- (a)** Such a use shall be allowed to remain and recommence operations even after a period of vacancy, abandonment, or discontinuance of six (6) months or longer.
- (b)** Such a use can only be changed to a use permitted in the Limited Commercial district.
- (c)** If such a use is replaced by a conforming use under the Limited Commercial district, it can not be subsequently changed back to the previous or any other non-conforming use.
- (d)** The structure housing such a use may be renovated or expanded in accordance with the standards of this Code and Section 8-600, *Correction of Other Nonconformities*. In the event the structure housing such a nonconforming use is intentionally destroyed or demolished such that the cost of restoration or reconstruction exceeds fifty-one percent (51%) of the structure's assessed value prior to the demolition or destruction, the use occupying the rebuilt or reconstructed portion of the structure shall conform to the Limited Commercial district standards.
- (e)** After January 31, 2012, the above provisions shall expire, and the use shall be subject to all of the requirements of Article 8 of this Code.



ROCK HILL
SOUTH CAROLINA

M-2010-10

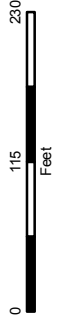
Legend

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

Zoning Data

**Current: LC,
MF-15**

Proposed: IG



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

