



Rezoning Analysis-Report to City Council

Meeting Date: November 23, 2009

Location:	801 N. Cherry Rd (corner of Cherry Rd and Evergreen Cir), Tax parcels 631-07-07-001 & 002
Site Area:	Approx. 2.69 acres
Request:	Rezone property from SF-3 to OI.
Proposed Development:	Church addition.
Applicant/Owner:	Woodland United Methodist Church

Site Description

The subject property is currently the location of Woodland United Methodist Church. Structures on the property include the main church buildings and a former home that is used for church activities. It is located just north of the Old Town area and fronts on Cherry Road (principal arterial), Evergreen Circle (local), and Woodland Drive (local). Surrounding uses include residential, office, and commercial in residential and commercial zoning districts.

The subject property was formerly subject to a restrictive covenant that prevented anything other than residential uses. The applicant has worked with the neighborhood to have the restrictive covenants amended to allow a church use on the property, subject to certain conditions. A copy of the covenant amendment is attached.

Development Proposal

The applicant is requesting the rezoning in order to facilitate an addition to the sanctuary, construction of a new educational building, and additional parking. The Church is a non-conforming use in the SF-3 zoning district and cannot be expanded unless the property is rezoned. The proposed educational building would be two stories and approximately 13,000 square feet in size and would also be used for a half-day child enrichment program. The existing building at the corner of Cherry Rd & Woodland Dr would be removed. Additional landscape buffering will be required in conjunction with any new construction.

Existing Zoning District Summary

Single-Family Residential-3 (SF-3)- The SF-3 district is established as a district in which the principal use of land is single-family detached residential development at a moderate density. The regulations of this district are intended to discourage any use that would substantially interfere with the development of single-family detached dwellings and that would be detrimental to the quiet residential nature of the district. Complementary uses customarily found in residential zone districts, such as community facilities, religious institutions, parks and playgrounds, and elementary schools, are also allowed. The minimum lot area for development is fourteen thousand (14,000) square feet and the maximum density allowed is three (3) units per acre.

Proposed Zoning District Summary

Office and Institutional (OI)- The OI district is established to provide a wide variety of professional and business offices and institutions proximate to residential and more intense business districts so as to satisfy the City's demand for services. These regulations are

designed to encourage the formation and continuance of a quiet, compatible, and uncongested environment for offices intermingled with residential and institutional uses. This district is different from the other business districts in that Retail Sales and Services uses are generally prohibited. Some limited retail uses may be allowed as a conditional or special exception use, subject to specific standards, and provided their primary purpose is to serve the office workers in the district. Multiple family residential uses, community facilities, and religious institutions are also allowed. The maximum residential density allowed is five (5) dwelling units per acre, and the minimum lot area for development for all non-residential uses is one (1) acre. Live/work dwellings and upper story dwellings over a street-level non-residential use may be included at densities of eight (8) units an acre.

INFRASTRUCTURE CONSIDERATIONS

Transportation

The property has frontage on Cherry Rd (principal arterial), Evergreen Circle (local), and Woodland Dr (local). There is an existing access to the parking lot from Evergreen Cir and three curb-cuts from Woodland Drive to the former home site. Access to the new parking area is planned from Woodland Dr. and the old curb-cuts will be removed. The restrictive covenants on the property prohibit a through-connection between Woodland and Evergreen. There are existing sidewalks along all adjacent streets.

Historic traffic volumes in the area are shown below:

Street	Vehicles Per Day				Capacity*
	2008	2003	1998	1993	
Cherry Rd	23,500	21,500	24,800	23,200	33,600

*Capacity denotes Level of Service "C".

Public Utilities

All necessary utilities are available to the site.

RELATIONSHIP TO PUBLIC PLANS

Comprehensive Plan

The City's Livable Land Use Map indicates that this property has an Urban Residential land use designation. 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.

Conclusion

The requested rezoning from Single-family -3 (SF-3) to Office Institutional (OI) is generally consistent with the City of Rock Hill Comprehensive Plan and Livable City Land Use Map.

PUBLIC INVOLVEMENT

The following public notification actions have been taken:

- October 4 & 18: Planning Commission public hearing advertisements published in *The Herald*.
- October 16: Rezoning notification signs posted on subject property.
- October 16: Rezoning notification postcards sent to property owners within 300' of the subject property. A total of 40 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 November 3, 2009. One person spoke in opposition and the applicant presented information about the proposal.

Elizabeth Herring, 1014 Woodland Drive, expressed concerns about traffic and stated that she already has trouble getting out of her driveway at certain times.

Mr. Ed Ewald, 1885 Overbrook Drive, spoke on behalf of the applicant. He stated that the property that the sanctuary is on was not encumbered by covenants. He stated that the main concern was over covenants on the youth house property. The planned addition will be located on that lot back towards the existing parking area. He stated that the new plans will include additional parking that will be adjacent to the existing area. He stated that detailed engineering drawings are not yet done and they will make any adjustments necessary. He explained the process they went through to amend the covenants. He explained that upon agreement with the neighborhood, the covenants were changed so that the property could be used for religious purposes and that while other uses were allowed under OI zoning, this site could only be used for religious purposes. He added that part of the agreement with the neighborhood was that no other lots within Beaty Estates would be affected by this action. He stated that 132 of 199 lot owners agreed to the change and that only 50% was needed to make the change to the covenants. Many of the remaining owners are absentee owners and once the 50% requirement had been met, they did not pursue follow up with these owners. He added that communications with Mr. Jim Watkins, president of the homeowner association, were positive in the process that had been followed.

RECOMMENDATIONS

Staff Assessment

The Church has been at this location for many years and has expanded over time. The Church provides separation between Cherry Road and the residential area adjacent to the church. The proposal is consistent with the land use plan and the development standards of the zoning ordinance will minimize impacts on the adjoining residential property.

Staff Recommendation

Staff recommends approval of the proposed Office and Institutional (OI) zoning.

Planning Commission Discussion

At their November meeting, the Planning Commission discussed the proposed location of the proposed building additions, parking areas, and buffers. The Commission requested an opportunity to review the site plan to ensure compatibility with the adjacent residential neighborhood.

Planning Commission Recommendation

Following the public hearing at their November meeting, the Planning Commission voted 6-0 (Peeples recused) to recommend approval of the rezoning.

Attachments

- Rezoning Map
- Restrictive Covenant Amendment

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

- Rezoning Application
 - Public Notice Affidavits
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ROCK HILL
SOUTH CAROLINA

M-2009-19

Legend

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

Zoning Data

Current: SF-3

Proposed: OI



Development Services
Department
City of Rock Hill
10/29/09



Duplicate

*200 lots
129 yrs*

State of South Carolina

Amendment of Restrictive
Covenants

County of York

Whereas Woodland Methodist Church of Rock Hill, Inc. is the Owner of the following property:

All that certain piece, parcel or lot of land lying, being and situate in the State of South Carolina, County of York, City of Rock Hill, and being more particularly described as follows: Beginning at a stake at the intersection of Charlotte Highway (aka Cherry Road) and Evergreen Circle and running thence with Evergreen Circle in a curve 401.2 feet to a stake; thence N. 57-45 E. 183.7 feet to a stake; thence S 23-15 E 160 feet to a stake; thence 45-45 E. 10 feet to a stake; thence S 44-15 E 200 feet to a stake on Charlotte Highway; thence with Charlotte Highway S 45-45 W 227.8 feet to the beginning. This being the identical property conveyed to the Trustees of Woodland Methodist Church by deed from the Trustees of St. John's Methodist Church recorded in Deed Book D 184, Page 491.

Also including the following property: All that certain piece, parcel or lot of land located, lying and being in the City of Rock Hill, Ebenezer Township #3, York County, South Carolina, designated and shown as Lot #3 in Block H of Cherry's Broad Acres, Map #2, prepared May 15, 1946 by H.H. White, E.E., said lot being more particularly described as follows: Beginning at a stake at Northwestern corner of intersection of Cherry Road and Woodland Drive, and running thence with right of way of said Cherry Road S 45 45 w. 112 feet to stake, front corner of lots 2 and 3 in Block H; thence with dividing line between lots 2 and 3. N 44 15 W. 200 feet to stake in side line of Lot 4; thence with dividing line between lots 3 and 4, N 45 45 E 180 feet to stake on Woodland Drive; thence with said Woodland Drive in a Southeastern curve, 210.4 feet to the beginning point on Cherry Road. This being the identical property conveyed to the Trustees of Woodland Methodist Church by deed from Lucile W. Dandy dated September 22, 1956, recorded October 17, 1957.

Whereas said property is restricted by Restrictive Covenants recorded in Book 114, Page 328 and in Deed Book 144, Page 20 and any other restrictions for Cherry's Broad Acres covering above described property.

Whereas Woodland Methodist church of Rock Hill, Inc. desires to amend said restrictions to allow for the property to be used for religious purposes.

It is hereby agreed the Restrictive Covenants recorded in Book 114, Page 328 and in Deed Book 144, Page 20 and any other restriction covering the above described property shall be amended as follows:

1. The property described above can be used for the construction of a building for religious purposes. Said use shall include but not be limited to a daily nursery, Sunday school classrooms, preschool classrooms and church meeting rooms. Said use shall specifically not include Parochial School Classes Grades 1 through 12, Agriculture and Agriculture support and services; Commercial Animal Care facilities, Eating Establishments (exclusive of any church function,) Health Care Facilities, Assisted Living facilities, Multifamily Household Living including Live/Work, Dwellings, Upper Dwelling Above Non-Residential Use, and Multi-Family Dwellings, Group Living, Government Facilities, Hotels or Motels; Bed and Breakfasts, Research and Development Industrial Services, Business Services, Retail Sales and Services such as Convenient Stores, Financial Institutions, Laundromats, Small Loan Companies, and Commercial parking, Personal Service Establishments, and Community Services Facilities such as Community Centers, Art Galleries, Cultural Facilities and Libraries.
2. The building for the Church shall be allowed to be a height no greater than five feet above the existing sanctuary building.
3. The Church must construct the parking in such a way as not to allow for a parking lot which connects Woodland Drive and Evergreen Circle.

No other lots in this Subdivision shall be amended by this amendment.

It is hereby agreed this 12 day of December 2008.

Block D

Lot 3

Witnessed by:

Julianne R. P. Hunsucker

Karen L. Kline

Randall P. Hunsucker, II

Melissa A. Hunsucker
Melissa A. Hunsucker