



Zoning Amendment-Report to City Council

Case No. M-2009-14

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

SITE INFORMATION

Petitioner/Owner: Millwood Plantation Holdings, LLC (Tony Berry)
Rock Hill, SC
803.328.8799

Proposal: Text amendment to existing PUD Master Plan to extend operating hours to 12:00 midnight for commercial uses.

Location: Herlong Avenue

Tax Parcels: 594-09-06-018, -280, & -281

Acreage: Approx.4.06 acres

EXPLANATION OF PROPOSAL

The approved PUD Master Plan limits commercial uses to the hours of 6:00 AM – 10:00 PM. The applicant has existing and prospective restaurant tenants that want to operate until 12:00 midnight to better serve their clientele. The applicant originally requested that the extended hours apply to all of the commercial property within Millwood Plantation but due to concerns raised at the Planning Commission meeting, the request was amended to apply only to the areas designated as E1, E2, & E3 on the PUD plan. The proposed amendment would only affect Note #8 of the Master Plan which would be amended as follows:

“8. Hours of operation will be 6:00 AM to 12:00 midnight for Areas E1, E2, & E3 and 6:00 AM to 10:00 PM for all other commercial areas and all commercial buildings will be limited to two stories tall.”

The permitted uses for the commercial property in Millwood are governed by the permitted uses of the Neighborhood Commercial (NC) zoning district. No changes to the permitted uses are proposed.

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 20- Rezoning notification postcards sent to property owners within 300' of the subject property. A total of 285 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 June 29, 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. Graham asked for the approximate distance between the commercial parcels along Herlong Avenue and the residential area to the rear. He added that this was pertinent to the discussion as to possible effects on the neighborhood. Mr. Hawkins stated that the parcels that front Herlong are approximately 400' from the residential property to the north. Mr. Peeples asked if the extended hours would apply to all of the commercial property or only the property that fronts Herlong. Mr. Hawkins stated that the application requested extended hours for all of the commercial property and that the property closest to the neighborhood is designated for office use only. The Commission expressed concerns about extending the hours for all of the commercial property within Millwood due to potential impacts on the neighborhood.

Public Hearing

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

Mr. Joe Mitchell, 262 Grady Drive, stated that the neighborhood would like the businesses that would be open until midnight to be reviewed on a case-by-case basis.

Ms. Sarah Cholewinski, 2010 Downey Street, referred to an article in The Herald which stated a number of residents were opposed to the change. She stated that if a business owner stated that they would not stay open past 10 it should not be changed.

Ms. Marcia Williams, 13 Watts Street, York, and Ms. Janet Hefney, 330 Finley Square, presented information about a restaurant they are planning to open at Millwood and stated that having extended hours would help with revenue. They stated that they had met with the neighbors and that there were no objections to this use. The proposed location (295-404 Herlong Ave.) is approximately 375' away from residential areas and will not be run as a bar.

Mr. Siler Chapman, 2474 Red Main Lane, Fort Mill, stated that he is a part owner of Donato's, a family pizza restaurant. He added that the additional hours would not only help his business revenue, it would also increase tax money for the City. He added that they do not serve beer or alcohol and that they would not have additional traffic after 10 pm.

Tony Berry, 2137 Cavendale Drive (applicant), stated that he would modify his application so that the extended hours would only apply to areas E1, E2, and E3 as shown on the Millwood PUD plan.

Discussion followed on the possibility of reviewing businesses on a case-by-case basis. Mr. Meyer stated that a case-by-case review cannot be done and advised that criteria would have to be established that would apply to any business so that subjective judgment would be avoided.

STAFF RECOMMENDATION

The closest single-family residential properties to the commercial area of Millwood Plantation are located across Herlong Avenue, a five-lane, minor arterial roadway. Other surrounding residential

properties are either within the development or separated by substantial buffers that were established by the Millwood PUD Master Plan. Staff recommends approval of the proposed Millwood PUD amendment to extend the operating hours for commercial uses to 6:00 AM – 12:00 midnight

PLANNING COMMISSION RECOMMENDATION

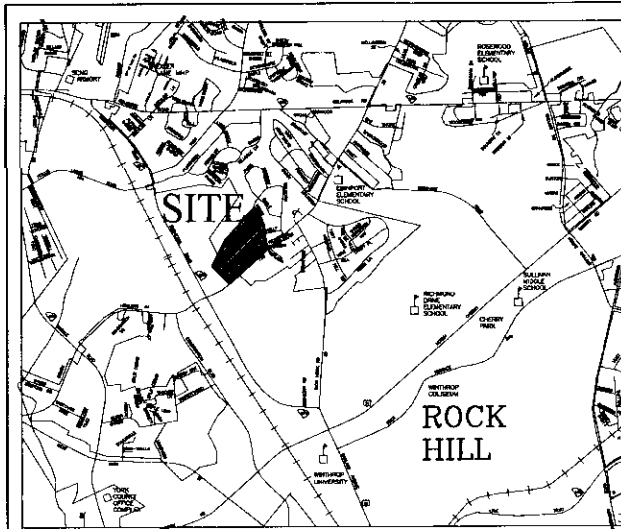
Following the public hearing at their August meeting, the Planning Commission voted 5-0 (Roper recused) to recommend approval of the PUD amendment, subject to the condition that the extended hours only apply to areas E1, E2, & E3 as shown on the PUD plan. The Commission stated that the 400' separation and the 75' buffer is a sufficient transition between the area with extended hours and the residential property.

ATTACHMENTS:

- Millwood Plantation PUD Master Plan
- Neighborhood Meeting Summary

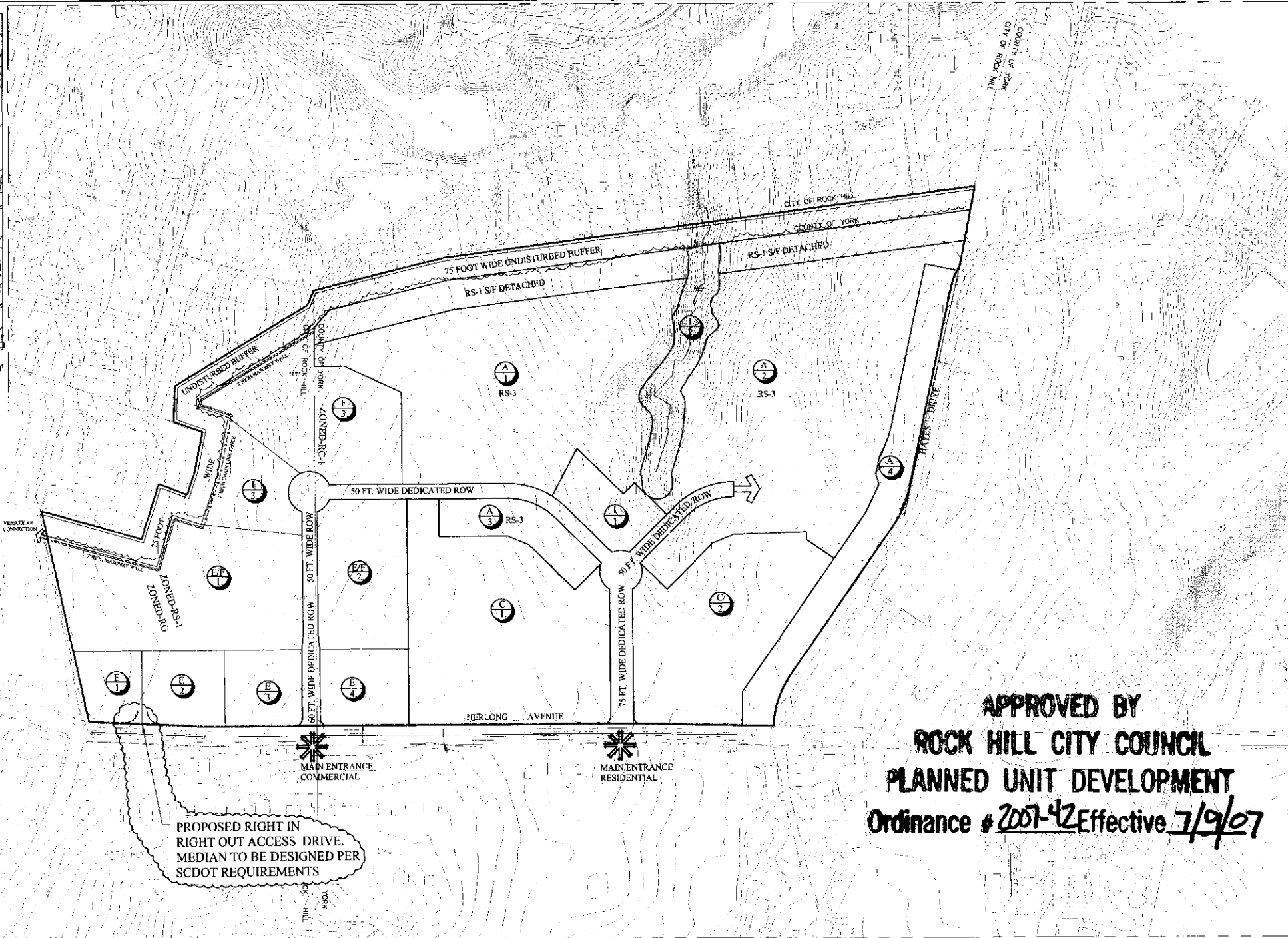
For copies of the following attachments, see the digital version of the report on the City's website:

- Rezoning Application
- Public Notice Affidavits



VICINITY MAP

SCALE: 1"=2500'



APPROVED BY
ROCK HILL CITY COUNCIL
PLANNED UNIT DEVELOPMENT
Ordinance # 2007-42 Effective 7/9/07

PROPOSED RIGHT IN RIGHT OUT ACCESS DRIVE. MEDIAN TO BE DESIGNED PER SCDOT REQUIREMENTS

PLANNING OBJECTIVES:

- DESIGN SENSITIVELY WITH EXISTING NEIGHBORHOODS
- LINK PROPOSED NEIGHBORHOODS CONVENIENTLY TO PROPOSED COMMERCIAL USES BY VEHICULAR/PEDESTRIAN ACCESS
- PROVIDE AN ORDERLY AND TRADITIONAL OVERALL DESIGN SCHEME

OVERALL SITE DATA:

AREA DESIGNATION	PROPOSED USE	AREA	UNITS/SQUARE FEET
A	TOTAL SINGLE FAMILY LOTS	37.99 AC.	135 LOTS
C	TOTAL TOWNHOUSE UNITS:	15.79 AC.	185 UNITS
E	COMMERCIAL SPACE: NC USUS (SFE #7) (OFF FIELDS #1, 1 & 4)	5.90 AC.	40,000 S.F.
EF	TOTAL COMMERCIAL SPACE: NC USUS (GENERAL RETAIL OFFICE)	10.27 AC.	100,000 S.F.
F	OFFICE SPACE: O1 USES	4.45 AC.	50,000 S.F.
I	TOTAL OPEN / RECREATIONAL SPACE: 100' WIDE STRIP OF BUFFER, (1 & 3) TREE SAVEL/DETENTION AREA (2)	9.23 AC.	N/A
	10' WIDE STRIP OF BUFFER	0.89 AC.	N/A
ROW	DEDICATED ROW MAIN INTERNAL ROADS	3.97 AC.	N/A

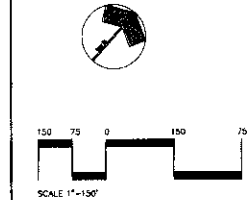
*TOTAL ACREAGE: 90.68 ACRES

DEVELOPER'S COMMITMENT STATEMENTS:

- DEVELOPER SHALL NOT EXCEED THE COMMERCIAL SQUARE FOOTAGES AS OUTLINED IN THE SITE DATA TABLE AND AS DESIGNATED ON THE MAP.
- DEVELOPER SHALL SET ASIDE THE OPEN SPACE/RECREATIONAL AREA AND BUFFER AREA AS SHOWN ON THE PLAN AND PRESERVE, AS A MINIMUM, THE ACREAGE AS OUTLINED IN THE SITE DATA TABLE FOR THESE USES.
- DEVELOPER SHALL CONSTRUCT THE INTERNAL ROADWAY INFRASTRUCTURE, WHICH WILL ULTIMATELY BE DEDICATED AS PUBLIC RIGHT OF WAY, TO THE DEVELOPMENT STANDARDS AS REQUIRED BY THE CITY OF ROCK HILL. DEVELOPER FURTHER AGREES TO CONSTRUCT SIDEWALKS ON BOTH SIDES OF ALL INTERNAL STREETS.
- DEVELOPER SHALL SETUP A HOME OWNERS' ASSOCIATION FOR THE COMMERCIAL AND RESIDENTIAL ENTITIES OF THE PROPOSED DEVELOPMENT TO INCLUDE THE MAINTENANCE OF BUFFERS, COMMON OPEN SPACE, RECREATIONAL AREAS, SIDEWALKS, PARKING, PRIVATE STREETS & OTHER PRIVATELY OWNED COMMON FACILITIES SERVING THE PROJECT. THE CITY ATTORNEY WILL HAVE FINAL APPROVAL REGARDING THIS DOCUMENT.
- ALL REQUIRED STANDARDS FOR DEVELOPMENT SET FORTH BY THE CITY OF ROCK HILL AND SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR STORM WATER MANAGEMENT AND UTILITY INFRASTRUCTURE WILL BE MET BY THIS DEVELOPMENT.
- DEVELOPER RESERVES THE RIGHT TO AMEND THE DESIGNATED PHASING OF THIS DEVELOPMENT BASED ON MARKET CONDITIONS. POTENTIAL PHASING AMENDMENTS WILL BE ADMINISTERED BY CITY STAFF AND WILL BE APPROVED BY STAFF BEFORE DEVELOPER PROCEEDS WITH CONSTRUCTION.
- E1 - E4 TO BE NC SINGLE TENANT TO INCLUDE BUT NOT LIMITED TO BANK WITH DRIVE THRU, RESTAURANT, FAST FOOD WITH DRIVE THRU, CONVENIENCE STORE WITH DRIVE THRU & DRUG STORE WITH DRIVE THRU.
- HOURS OF OPERATION WILL BE 6 AM TO 10 PM FOR ALL COMMERCIAL AREAS AND ALL COMMERCIAL BUILDINGS WILL BE LIMITED TO TWO STOREYS TALL.
- BUFFER WILL BE UNDISTURBED EXCEPT WHERE CLEARCUT FOR REQUIRED UTILITY EASEMENTS. THE DEVELOPER WILL FAVOR TO MAKE THE UTILITY CROSSING AT AN ANGLE THAT IS NOT PERPENDICULAR TO THE BUFFER.
- IF MORE THAN 1/2 ACRE OF HARDWOODS IS REMOVED FROM THE RAVINE (AREA I-2 ON PLAN), AN EQUAL AREA OF HARDWOODS WILL BE RETAINED ELSE WHERE ON THE SITE. FOR EXAMPLE, IF 1 ACRE OF TREES IS REMOVED FROM I2, THE DEVELOPER WOULD BE REQUIRED TO SAVE 1/2 ACRE OF EXISTING HARDWOODS ELSEWHERE ON THE SITE.
- THE WALL ADJACENT TO E1 AND THE FENCE ADJACENT TO E3 WILL BE BUILT WHEN THE BUILDING PERMITS ARE PULLED OR WHEN THE PROPERTY IS CLEARED FOR E1, WHICHEVER IS EARLIER. THE WALL ADJACENT TO E3 WILL BE BUILT WHEN PERMITS ARE PULLED OR WHEN PROPERTY IS CLEARED FOR E3, WHICHEVER IS EARLIER. IN THE EVENT I3 IS DEVELOPED PRIOR TO E1, THE CHAIN LINK FENCE WILL BE BUILT SIMULTANEOUSLY WITH THE DEVELOPMENT OF E1.
- PHASE I 24 MONTHS FROM PROJECT START DATE
 PHASE II 24 MONTHS FROM THE END OF PHASE I
 PHASE III 24 MONTHS FROM THE END OF PHASE II
 PHASE IV 24 MONTHS FROM THE END OF PHASE III
 PHASE V 24 MONTHS FROM THE END OF PHASE IV

LEGEND

- IMPORTANT NOTES
- AREA DESIGNATIONS
- POTENTIAL INGRESS CORSESS (OTHER DESCRIBED BY PROPERTY)
- AREA DESIGNATIONS
- PARCELS I-1, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-2, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-3, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-4, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-5, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-6, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-7, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-8, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-9, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-10, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-11, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-12, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-13, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-14, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-15, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-16, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-17, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-18, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-19, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-20, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-21, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-22, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-23, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-24, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-25, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-26, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-27, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-28, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-29, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-30, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-31, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-32, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-33, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-34, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-35, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-36, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-37, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-38, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-39, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-40, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-41, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-42, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-43, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-44, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-45, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-46, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-47, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-48, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-49, PHASE I (1.0 AC. COMMERCIAL)
- PARCELS I-50, PHASE I (1.0 AC. COMMERCIAL)



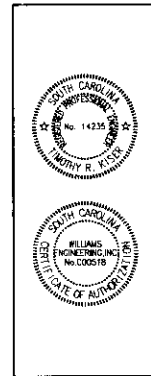
OWNER/DEVELOPER:
Manchester Associates, LLC
HERLONG MIXED USE

ROCK HILL, SOUTH CAROLINA

P.U.D. ANNEXATION/REZONING EXHIBIT

Williams Engineering Inc.
 215 Hampton Street, Suite 100
 Rock Hill, SC 29730
 Phone: 803-324-3192
 Fax: 803-324-8919
 A Subsidiary of
 K&W & Wood, Inc.

This drawing and the design shown on the property of K&W & Wood, Inc. The reproduction, copying or other use of this drawing without written consent is prohibited and any infringement will be subject to legal action.
 © 2007 K&W & Wood, Inc.



HERLONG MIXED USE PLAN AMENDMENT
 HERLONG ROAD
 ROCK HILL, SOUTH CAROLINA
ANNEXATION/REZONING EXHIBIT
BASE PLAN

Division President

Job Captain
BRAD YOUNG
 Drawn By
SWY
 Date Drawn
 6/24/07
 Drawing File Name
 REZONING PLAN
 Revisions

No.	Date	Description
No. 1	Date 2/20/07	
No. 2	Date 3/17/07	
No. 3	Date 3/26/07	
No. 4	Date 10/7/07	
No. 5	Date 1/28/07	
No. 6	Date 3/24/07	
No. 7	Date	
No. 8	Date	
No. 9	Date	
No. 10	Date	
No. 11	Date	
No. 12	Date	
No. 13	Date	
No. 14	Date	
No. 15	Date	
No. 16	Date	
No. 17	Date	
No. 18	Date	
No. 19	Date	
No. 20	Date	
No. 21	Date	
No. 22	Date	
No. 23	Date	
No. 24	Date	
No. 25	Date	
No. 26	Date	
No. 27	Date	
No. 28	Date	
No. 29	Date	
No. 30	Date	
No. 31	Date	
No. 32	Date	
No. 33	Date	
No. 34	Date	
No. 35	Date	
No. 36	Date	
No. 37	Date	
No. 38	Date	
No. 39	Date	
No. 40	Date	
No. 41	Date	
No. 42	Date	
No. 43	Date	
No. 44	Date	
No. 45	Date	
No. 46	Date	
No. 47	Date	
No. 48	Date	
No. 49	Date	
No. 50	Date	

Project Number
101658700
 Sheet 1 of 1



July 1, 2009

City of Rock Hill Development Services
155 Johnston Street
Rock Hill, SC 29732

Re: Millwood Plantation PUD Amendment

A public meeting was held on June 29, 2009 at the Rock Hill Airport by Millwood Plantation Holdings, LLC to discuss plans to amend the current PUD which would extend the hours of operation until midnight. Tony Berry, the developer of Millwood, opened the meeting with a welcome and introduction. Mike Kropp with the City of Rock Hill Neighborhood Empowerment and Chuck Chorak with the City of Rock Hill Zoning department were also in attendance.

The hours of operation have been discussed for over a year by several businesses. The current hours of operation in the PUD state all businesses must be closed by 10:00 p.m. Two businesses in the Millwood Plaza would like to extend their hours of operations to midnight and they are Donatos a current business and W's a potential new business.

Siler Chapman owner of Donatos in the Millwood Plaza, provided a history of Donatos. Siler stated why the biggest reason for Donatos wanting to stay open past 10:00 p.m. is to provide service to his customers. Siler has received several e-mails and comments requesting service past 10:00 p.m. Donatos is a family style pizza restaurant with delivery.

Marcia Williams and Janet Hefney, the partners of the W's the potential new restaurant planned for Millwood, introduced themselves and gave an overview of their new restaurant. They described the eloquent casual dining experience that they would be providing. They introduced their new Executive Chef Edward Henderson and also had sample menus on hand for the residents.

After the businesses gave their introduction and why they want the PUD amended the floor was opened to any residents that had any questions or concerns.

Howard Craft of Millwood asked Marcia and Janet if W's would have any mixed drinks, they responded with yes, it will be a full wine/bar. Howard also had some concern about the late hours of operations but welcomed W's to Millwood.

THE BERRY COMPANY
LAND DEVELOPMENT

Joe Mitchell of Grady Drive and Millwood asked is there a way that this extension of hours can be on a case by case basis. Chuck Chorak answered, yes, that it could be and the planning department could approve or disapprove.

Tony Berry is in agreement that the businesses at Millwood must comply with all required zoning and he is fine with going with a case by case basis. He is also in agreement to have the amendment worded for a case by case basis.

The overall comments from the neighbors was extremely positive and in favor of the amendment. The neighbors were informed that all city noise and traffic ordinances would be strictly adhered.

Enclosed you will find a sign in sheet of all the residents that attended the meeting. If you have any questions please contact Allison McQueen with The Berry Company at 803-328-8799.

Millwood On Herlong
 PUD Amendment Meeting
 Monday, June 29, 2009
 Rock Hill Airport

Name	Address	E-mail
Von & Marilyn Noel	709 Winding Way Rock Hill, SC 29732	lenoel@comporium.net
Jose & Evelyn Quinones	728 Winding Way Rock Hill, SC 29732	quinonesev@yahoo.com
Jamie Holliday	354 Grady Drive Rock Hill, SC 29732	
Joe & Marilyn Mitchell	262 Grady Drive Rock Hill, SC 29732	
Kevin Cox	2169 Windemere Road Rock Hill, SC 29732	kccox@comporium.net
Howard & Merle Craft	579 Cotton Field Road Rock Hill, SC 29732	choward@comporium.net
Anthony & Rebecca Mestas	750 Winding Way Rock Hill, SC 29732	remestas@yahoo.com
Reggie & Priscela Books	134 Audubon Drive Rock Hill, SC 29732	
Veronica Goree	643 Ann Carson Court Rock Hill, SC 29732	vgoree@comporium.net
Pete Green	1321 Shimmer Light Circle Rock Hill, SC 29732	
Berry Roddey	2009 Fox Crossing Court Rock Hill, SC 29732	