



Rezoning Analysis-Report to City Council

Meeting Date: October 24, 2011

Location:	West side of Heckle Boulevard, south of West Main Street. Tax Map #595-03-01-001 (portion) & 595-00-00-162 (portion).
Site Area:	One parcel of approximately 2.67 acres and one parcel of approximately 2.76 acres. Approximately 5.43 acres total.
Request:	Rezone property from Single-family Residential-4 (SF-4) to Limited Commercial (LC).
Proposed Development:	Commercial
Owner/Applicant:	Alan M. Nichols Rock Hill, SC 803.329.1509

Site Description

The subject property consists of two separate, non-adjoining portions of the parcel at the southwest corner of Heckle Boulevard and West Main Street (see attached Rezoning Map). The property was previously platted as single-family residential lots as part of the Pineridge subdivision. The property is currently undeveloped and wooded. It is located on the west side of the City and fronts on two arterial roadways (West Main Street and Heckle Boulevard). Surrounding uses include single-family residential, multi-family residential, government office, and undeveloped property in residential, commercial, and Planned Unit Development zoning districts. A perennial stream runs along the rear of the property, roughly parallel to Heckle Boulevard. A large portion of the property closest to the corner of Heckle Boulevard and West Main Street is within the 100-year floodplain associated with the stream.

Development Proposal

The applicant is requesting the rezoning in order to facilitate future commercial development on the property. The applicant has no specific development proposal at this time. Access would be provided from Heckle Boulevard. Environmental buffers associated with the perennial stream will need to be taken into account with any development of the property.

Existing Zoning District Summary

Single-Family Residential-4 (SF-4)- The SF-4 district is established as a district in which the principal use of land is single-family residential development. Complementary uses customarily found in single-family residential zone districts, such as community facilities, religious institutions, parks and playgrounds, and elementary schools are allowed uses in the SF-4 district. The minimum lot area for development is nine thousand (9,000) square feet, and the maximum residential density allowed is four (4) units per acre.

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. Uses in this district are intended to serve groups of neighborhoods instead of individual neighborhoods.

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

The subject property was included in a larger rezoning proposal in 2007 that included the entire 9+ acres along Heckle Boulevard, south of West Main Street. The previous applicant proposed to rezone the property to Limited Commercial (LC). The Planning Commission recommended denial of the application and it was withdrawn prior to consideration by City Council. See attached minutes from the August 7, 2007, Planning Commission minutes.

INFRASTRUCTURE CONSIDERATIONS

Transportation

The property has frontage on West Main Street (arterial) and Heckle Boulevard (arterial). The site will be accessed from Heckle Boulevard. Sidewalks exist along West Main Street. The proposed Heckle Trail corridor runs along Heckle Boulevard, as shown in the Rock Hill Trails & Greenways Master Plan.

Historic traffic volumes in the area are shown below:

Street	Vehicles Per Day				Capacity*
	2009	2004	1999	1994	
West Main Street	15,600	14,900	7,900	6,200	25,100
Heckle Boulevard	14,200	13,300	12,400	10,000	29,200

*Capacity denotes Level of Service "C".

Public Utilities

All necessary utilities are available to the site.

RELATIONSHIP TO PUBLIC PLANS

Vision 2020 Comprehensive Plan

The City's Vision 2020 Land Use Map indicates that these parcels are within the Existing Suburban Neighborhoods Character Area and immediately adjacent to a designated Community Suburban Mixed Use Center. The Existing Suburban Neighborhoods Character Area represents the established suburban land use pattern which is dominated by single family subdivisions and individual commercial developments. The vision for this area is to better connect neighborhoods as well as integrate and mix land uses in a more pedestrian and bicycle-friendly way. Planning principles for this area seek to expand and reinforce neighborhood cohesiveness and design. Compatible mixtures of uses are encouraged; and new commercial and office

uses generally are encouraged to locate in focused Suburban Mixed Use Centers. Efforts to enhance mobility and livability in these areas are important. Higher density and intensity uses should be focused in and immediately surrounding Suburban Centers and along major corridors, or in other locations where they relate to unique institutions and amenities and can be designed with minimal land use impacts. The LC zoning district provides for a variety of mid-level intensity commercial and non-residential uses intended to serve groups of surrounding neighborhoods.

Conclusion

The requested rezoning is generally consistent with the City of Rock Hill Vision 2020 Comprehensive Plan and Vision 2020 Land Use Map.

PUBLIC INVOLVEMENT

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

- September 4 & 18: Planning Commission public hearing advertisements published in *The Herald*.
- September 16: Rezoning notification signs posted on subject property.
- September 16: Rezoning notification postcards sent to 36 property owners within 300' of the subject property.

Public Hearing

The Rock Hill Planning Commission held a public hearing on this application on October 4, 2011. The applicant presented information about the proposal and one person spoke in opposition.

Dr. Alan M. Nichols, applicant, 2518 Meredith Court, stated that a rezoning request had been made regarding this property in 2007 but was rejected. At that time, the scope of the development project was much larger. He noted that once he walked the property, he realized that only the south end at Heckle Boulevard and Mulberry Circle, and the corner at Heckle and West Main Street, were the only developable areas. He stated that the middle connecting parcel was low ground that would not be developed. He added that the properties located on the corner directly across West Main Street were zoned more intensely, and that the area was a major thoroughfare with 30,000 cars traveling through the area each day, according to a 2008 traffic study. He noted that the goal was not to build a destination retail establishment, but would be limited in scope. He added that as a property owner it was reasonable to expect properties to develop and that this property was not suitable for residential use because of the location of driveways on Heckle.

Mrs. Phyllis Hyatt, 1692 Mulberry Circle, spoke as the Pine Ridge neighborhood representative in opposition to the application. She stated that many developers and realtors meet with their neighbors about prospective plans but that Dr. Nichols did not speak with them until after the public hearing by the Planning Commission had been arranged. She stated that they had a right to know about plans prior to any development and that when she asked Dr. Nichols about future development, he did not answer. She added that there had been 219 accidents at Heckle Boulevard and West

Main Street and traffic is a concern in the area. She stated that any type of business would bring additional traffic to the area.

RECOMMENDATIONS

Staff Assessment

Although single-family parcels exist near the subject property, it is separated from them by West Main Street and Heckle Boulevard. The property fronts on arterial roads that have experienced large increases in traffic over the last ten to fifteen years. The size and configuration of the property, as well as development limitations imposed by environmental buffers, will limit the size and intensity of future development on the property. The proposed zoning is consistent with the Comprehensive Plan and provides a transition from the more intense General Commercial (GC) zoning across West Main Street to the single-family residential zoning across Heckle Boulevard.

Staff Recommendation

Staff recommends approval of the proposed rezoning.

Planning Commission Discussion

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

Mr. Graham asked Dr. Nichols to elaborate on the main developable areas. Dr. Nichols stated that the developable area was small scale at the West Main Street/Heckle Boulevard intersection and that the area to the south at Mulberry Circle was higher ground and could support something like an ambulance station. He added that Mulberry was a deeded road to the creek that could potentially connect to Cardinal Pointe Drive but that there would be extensive engineering required to build a bridge across the creek.

Dr. Robinson asked if Mrs. Hyatt was aware of the legal ad in the newspaper and if she was notified by postcard about the rezoning. Mrs. Hyatt stated that she had received the postcard, that her concern was that usually developers would arrange for a neighborhood meeting to discuss future plans for a parcel.

Dr. Robinson asked that since there was a limited scope for the type of development, what the owner's justification was for rezoning when it was unclear on how the property would be used. Dr. Nichols stated that the best and most appropriate use for the property was commercial. He stated that the zoning would make the property more marketable as permitting could be done to make the property more suitable due to the topography. He also addressed Mrs. Hyatt's request for a neighborhood meeting, stating that he had contacted Mrs. Hyatt and she gave him the impression that no development would be acceptable.

Mr. Christopher stated that the corner was more appropriate for LC development, but that the residents had legitimate concerns when they had not seen what the possibilities for development of the area were.

Mrs. Easley stated that her inclination was to see LC at the corner but that it was a problem to rezone the lower area as commercial as well. The property is on the edge of the City and commercial zoning seems premature.

Mr. Greene asked what the zoning was when Dr. Nichols purchased the property. Mr. Hawkins stated that it was the same as current, SF-3 and SF-4.

There was general discussion as to the changes in the area since 2006 regarding commercial development versus residential development, and the location of driveways along Heckle Boulevard.

Mr. Greene asked if the parcels had to be rezoned together or separately. Mr. Hawkins stated the application was proposed for the parcels to be treated as one rezoning, but that the Commission could recommend a more restrictive zoning than what was applied for, for all or a portion of the property.

There was general discussion regarding LC and NC zoning uses and restrictions.

Mr. Christopher asked if Mulberry Circle across Heckle from the Pine Ridge neighborhood could disappear. Mr. Hawkins stated that it would need to be abandoned through the legal process as the right-of-way was previously platted.

Mrs. Easley asked for clarification on the application as to whether it had to be approved or denied as presented, or if the rezoning of one parcel could be approved and the other parcel be denied. Mr. Hawkins stated the Commission could recommend that only a portion of the property be rezoned as requested or could recommend a more restrictive zoning than what had been proposed, for all of the property or for a portion.

Mr. Graham asked if the Commission could recommend denial of the zoning request on one and approval on the other even though these were on the same application. Mr. Hawkins stated that the recommendation would have to be the same or more restrictive than what was requested, and that the two portions of the property could be treated separately.

Planning Commission Recommendation

Following the public hearing at their October meeting, the Planning Commission voted 4-2 (Greene & Robinson opposed) to recommend approval of LC zoning only for the northernmost portion of the property (located at the corner of West Main Street and Heckle Boulevard) and to recommend that the southern portion of the property remain SF-4. The area that the Commission recommended to remain SF-4 is noted on the attached rezoning map.

Attachments

- Rezoning Map
- August 7, 2007, Planning Commission Minutes

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

- Rezoning Application

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Rock Hill
SOUTH CAROLINA

M-2011-17

Legend

- City Limit
- Zoning District Boundaries
- Area of Interest

Zoning Data

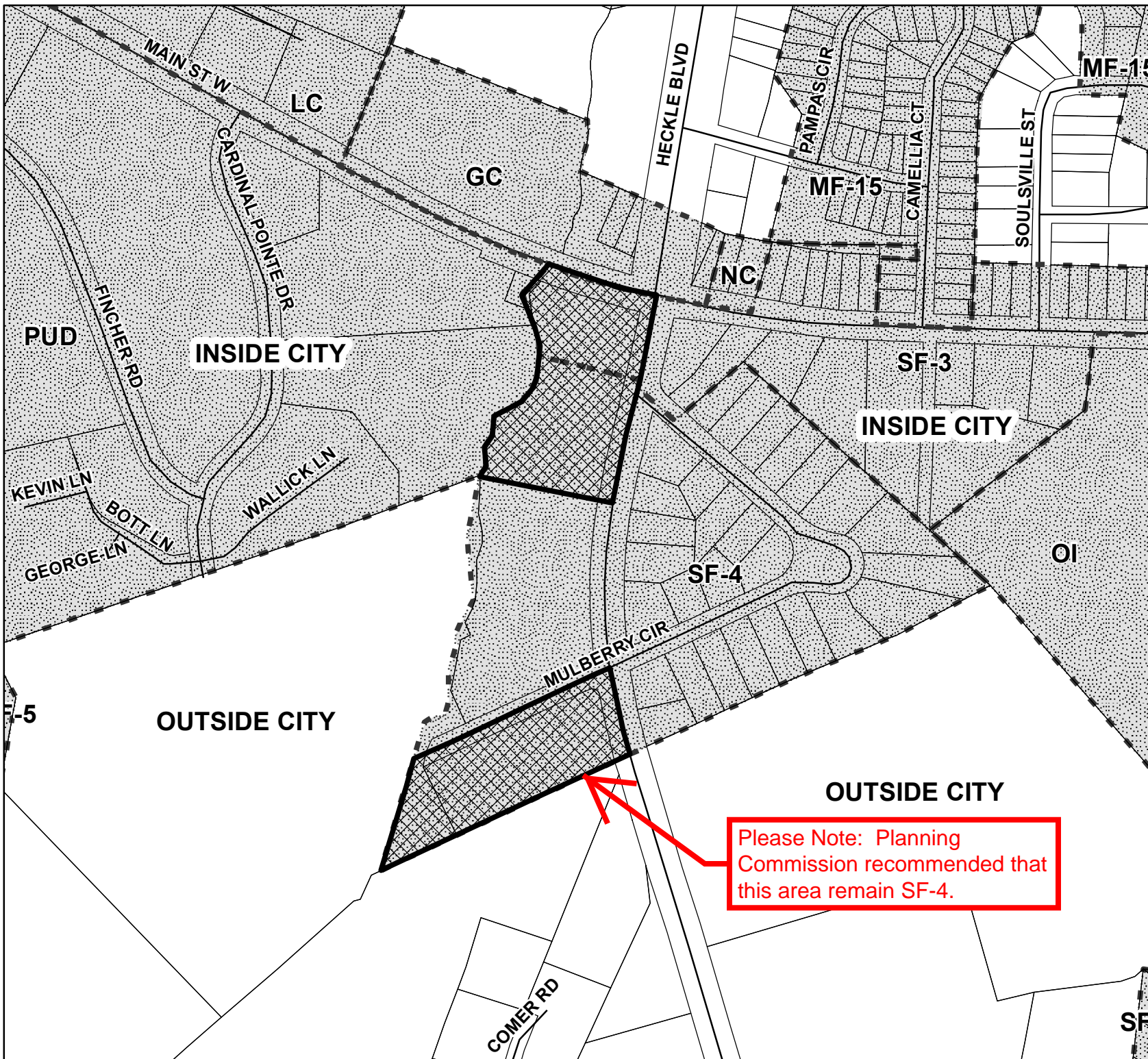
Current: SF-3,
SF-4

Proposed: LC



0 270 540
Feet

Planning & Development
Services Department
City of Rock Hill
9/19/11



Please Note: Planning Commission recommended that this area remain SF-4.

adjoining industrial landowners about the uses around their property and the land uses have been planned in the area around that use to address some of their concerns.

Mr. Herring asked if the properties on Eden Terrace Extension are in the County and if they are being landlocked. Mr. Meyer stated that they are in the County and are not being landlocked. Other properties to the southwest are in the County.

Mr. Roper called upon those signed up to speak.

Mitzy Rock, 122 Cel-River Rd. Stated she has tried to follow the meetings regarding the Celanese site, and was wondering who was going to pay for the road improvements. Mr. Roper stated that it was going to be a public-private partnership between the city, county, state, and developer.

Ms. Rock asked if there were any businesses interested in locating on the Cherry Rd. portion of the site to help increase tax revenue. Mr. Roper stated that he doesn't believe that there are any lined up at this time, but that the phasing of the project is such that the industrial is first, the residential, second, and commercial last. However, the commercial development along Cherry Rd. might take place at an earlier time.

Beth Carrouth, 3265 Eden Terrace Ext. Ms. Carrouth stated that she owns property in the area. She moved away from the property a year and a half ago and is not sure what is really going on with the property but is concerned if her house is going to stay, or have to go? Mr. Roper stated that her house will stay there, and will not be annexed into the city.

Ms. Carrouth then asked if all she really needed to be concerned about was the increase in traffic, and the development around where the home is now. Mr. Roper said that's correct.

Mr. Roper called upon the applicant.

Dave Williams, 233 Horton Grove, Ft. Mill, stated the vision behind the project and offered to answer any questions.

Mr. Roper commended Mr. Williams for the development, and the impact it is going to have on the area.

Mr. Herring made a motion to table the request until the Land Development Agreement is brought forward. Mr. Smalls seconded the motion and it was passed unanimously.

4. Hold public hearing and consider a recommendation to City Council on petition M-2007-21 by Little Development Group to rezone approximately 28 acres at 1740 Mulberry Circle from Residential Development-I (RD-I) in York County to Single-family Residential-5 (SF-5). The subject property is proposed to be annexed into the City of Rock Hill. Tax parcel 595-00-00-162.

Mr. Hawkins presented the staff report.

Mr. Roper asked if there would be access to this site from Heckle Blvd and where would the access be on the site? Mr. Hawkins stated there would be, and based on preliminary conversations, the access would be lined up with the southern end of Mulberry Circle and there would also be a connection to Cardinal Pointe Drive. Mr. Roper asked if there is any likelihood of signalization on Heckle Blvd at the access point. Mr. Hawkins stated that the intersection could be signalized if the warrants are met.

Mr. Smalls asked how many feet back from Main St. would the potential access be? Mr. Hawkins estimated about 900 ft.

Mr. Roper asked if Heckle was 4 or 5 lanes at the proposed intersection. Mr. Hawkins stated that it is 5 lanes.

Mr. Peeples asked if there will be any connections between the proposed residential site and the proposed commercial site other than through Mulberry Drive. Mr. Hawkins stated that has not been determined yet.

Mr. Peeples asked if there would be another curb-cut between Main Street and the main access at Mulberry. Mr. Hawkins stated that no additional full-access points would be permitted.

Mr. Roper called upon those signed up to speak.

Phyllis Hyatt, 1692 Mulberry Circle. Ms. Hyatt voiced many concerns with the potential development. Concentrating on traffic and increased congestion in the area around her neighborhood, she gave some examples of problems they currently have. Ms. Hyatt also gave a little history on the area surrounding her neighborhood and the trouble that residents have had for years trying to pull out on Heckle.

Mr. Roper then made a statement that this agenda item and the next are extremely closely related and asked if it would be ok for the record to reflect comments made on this agenda item to be taken under consideration for the next agenda item as well. He then addressed Ms. Hyatt's concerns by explaining what could be allowed on the property. Mr. Roper stated that the board would take her other comments under consideration for the commercial rezoning on the next agenda item.

Sandy Martin, 541 Stonehenge Drive, manager of Cardinal Pointe Apartments, stated that she was representing the apartment residents. She feels like if a road is created from Mulberry Circle to Cardinal Pointe Drive, then it will be used as a major cut thru for traffic going from Heckle to West Main St. She said this is a concern because there is a lot of foot traffic along Cardinal Pointe Drive from the adjacent adult care center and the residents of her apartment complex.

Mr. Herring said that he could see this being used as a cut through, but more for going from Highway 5 over the Heckle than going from Heckle to 5.

Mr. Roper pointed out that it won't necessarily be a straight road, and that roads can be aligned in the development to discourage cutting through.

Mr. Roper called upon the applicant to speak. The applicant was not present.

Mr. Roper clarified that the board will make a recommendation on the rezoning. Anything that comes back to the board, such as a development plan, will address more of the concerns, such as street and lot layout, that were raised by the concerned neighbors.

Mr. Herring made a motion to deny the request to zone the property SF-5. Mrs. Gathings seconded the motion.

Mr. Roper asked staff that if they deny the request for the rezoning, does the board have to recommend something.

Mr. Hawkins stated that since it's an annexation request also, the board will have to make a recommendation as to what the property should be zoned should City Council see fit to annex the property.

Mr. Hawkins gave some examples of other residential zoning districts the board could recommend.

Mr. Roper said he would prefer SF-4 zoning to keep with the adjacent zoning of the properties surrounding the subject site.

Mr. Peeples then asked staff why this case and the next case are not combined under a single plan. Mr. Hawkins stated that the applicant wanted the cases considered separately in case one or the other does not get approved. Mr. Peeples said that doesn't make sense to him and he wished the applicant was there to answer their questions.

Mr. Herring then stated the main reason he was voting against the request was because the developer didn't have the courtesy to show up for the hearing.

The motion to deny the SF-5 rezoning was approved 5-1 (Mr. Williams voted against).

Mr. Smalls made a motion to recommend the property be zoned SF-4. Mr. Roper seconded the motion. The motion passed 4-2 (Mr. Herring and Mrs. Gathings voted against).

5. Hold public hearing and consider a recommendation to City Council on petition M-2007-22 by Little Development Group to rezone approximately 8 acres at the intersection of Heckle Blvd and West Main St from Single-family Residential-3 (SF-3) and Single-family Residential-4 (SF-4) to Limited Commercial (LC). Tax parcels 595-03-01-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, &-019.

Mr. Roper stated that this property is already in the city, and that this case is a straight rezoning.

Mr. Hawkins presented the staff report.

Mr. Roper asked about the differences between NC zoning and LC zoning. Mr. Hawkins explained that NC is less intense overall than LC. NC also has restrictions on hours of operation.

Mr. Williams asked if the existing platted lots will remain and have the right to be developed individually if the property is rezoned. Mr. Hawkins stated that the lots may have to be consolidated to be developed commercially and that he would need to discuss this further with the Development Services Director.

Mr. Roper stated he had a problem calling the zoning district NC, when it's obviously going to serve more than a neighborhood. Mr. Hawkins understood his concern and stated that the district names are based on the level of intensity and the nature of the uses that are permitted in the district.

Mr. Roper asked that the comments from those who signed up to speak on the previous agenda item be noted as comments for this agenda item. He then asked if there were any additional comments other than what has already been said and there were none.

Mr. Peeples made a motion to recommend denial of the request, with the recommendation that staff discuss with the applicant the need to come up with an appropriate plan to handle access and circulation between this property and the adjacent property proposed to be annexed (Case #M-2007-21). Mr. Williams seconded the motion, and the motion passed unanimously 6-0.

6. Hold public hearing and consider a recommendation to City Council on petition M-