

ROCK HILL PLANNING AND ZONING MEETING

WEDNESDAY MAY 5, 2021

1. This meeting was called to order at 6:30 P.M.
2. Members in attendance: David Lancaster –Chairman, Clint Heath-Vice Chairman Mark McCarthy, Jeff Schimek, Larry Schneider, Stacie Williams, Bridget Geiss, and Jennifer Yackley – City Administrator/City Planner.

Absent: Arthur Mitchell & Alderwoman Sabrina Westfall
3. Approval of the April 7, 2021 Meeting Minutes:

A motion was made by Clint Heath and seconded by Larry Schneider to approve the Minutes for the April 7, 2021 Planning and Zoning meeting. The motion passed unanimously.
4. Approval of the Agenda for the May 5, 2021 Meeting:

A motion was made by Clint Heath and seconded by Larry Schneider to approve the agenda for the May 5, 2021 Meeting. The motion passed unanimously.
5. Public Comment:

Jennifer Yackley-City Administrator/City Planner read letters from current residents Edna Ewing Johnson, Josephine Clark, Jarreau Randolph and Scott Stinson.

How far is the building from the eastern lot line? Can the building be moved farther to the east?

How far in the buffer area would you be able to move the building?

Where variances from the Board of Intrusion obtained? Can the building be moved forward?

What effects would it have on the old City Hall property and parking lot?

How does the plan differ from the previous plan presented to Board of Aldermen?

Can the builder be smaller? Is the concern of the residents, the additional traffic?

Can the petitioner access the building one way?

The petitioner’s attorney, Helmut Starr asked to recommend a waiver as well as allow intrusion into the buffer zone by 2ft. He has commented that the land is unsuitable for residential use.
6. Request to rezone 326 W. Thornton Avenue from “A” Residence Districts to “PD-I” Planned District-Industrial.

City Administrator/City Planner Jennifer Yackley explained that a request was submitted by Jeremy Ketterer of Kettco LLC for a change of zoning for .32 acres of property located 326 W. Thornton Avenue (Locator# 22L641352). The petitioner is requesting to change the zoning from “A” Residence District to “PD-I” Planned Development Industrial to allow for the indoor storage of building materials,

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contractor's equipment, lumber or other similar uses approved by the Zoning Administrator. The requested uses also include an ancillary office space directly related to and subservient to the primary use of the property.

In 2019 the property along with 322 & 320 W. Thornton were rezoned to "PD-C" Planned Development-Commercial at the request of Jose R. Ponce Holdings LLC. Jose R. Ponce Holdings LLC intended to use the existing building at 320 W. Thornton and the existing parking lot at 322 for a private gym. The property at 326 W. Thornton was going to be used as an additional drive aisle and parking that would connect with the parking at 322 W. Thornton. The Board of Aldermen approved the rezoning request via Ordinance 1988 in January 2020. Shortly thereafter Jose R. Ponce Holdings LLC notified the city that it would not be moving forward with the development.

In April 2020, the City initiated a petition to remove the Planned Development-Commercial zoning and revert the three properties back to their previous zoning designation. The Board of Aldermen approved Ordinance 1992 which rezoned 326 W. Thornton Avenue to "A" Residence District on June 2, 2020.

During this same time period, April-June 2020, the City reviewed a petition submitted by Jeremy Ketterer to rezone 326 W. Thornton avenue to "D" Business District. Mr. Ketterer intended to use the property for a warehouse or storage building. Warehouse/Storage is an allowed use in the "D" Business District. On June 2, 2020 the Board of Aldermen by a vote of 1-5 failed to pass Bill No. 1797 authorizing the rezoning to "D" Business District.

The subject area, 326 W. Thornton Avenue is currently zoned "A" Residence District. The vacant house on the property has been removed. The city's records indicate that the house had been vacant since at least 2007. The subject area is adjacent to industrial property to the east and north, and residential property to the west. The parking lot at 322 W. Thornton immediately to the east is zoned "A" residence District but is used as a parking lot for the building at 320 W. Thornton. 320 W. Thornton is zoned "E" Industrial District. Rock Hill Creek abuts the subject area to the south.

The City's Planned Development District was enacted to provide developers flexibility in design and zoning regulations in return for innovative and enhanced developments that would not be possible if the property were developed under the city's conventional zoning districts. The Planned Development District regulations allow the Board of Aldermen to approve a planned development if the proposal meets one of the following seven objectives.

1. Environmental design in the development of the land that is of higher quality than is possible under the regulations otherwise applicable to the property.

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2. Diversification is the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
3. Preservation of natural features of a development site
4. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
5. Rational and economic development in relation to public services.
6. Efficient and effective traffic circulation, both within and adjacent to the development site.
7. The utilization of land for purposes not otherwise permitted by the land's applicable zoning regulations. When The Board of Aldermen determines that the size, location, proposed use or other existing circumstances of the land and limiting development conditions to be imposed, warrant a planned development classification.

The rezoning request is consistent with the city's Comprehensive Plan. The city code allows uses from the city's "D" Business District and "E" Industrial District to be permitted uses within the "PD-I" Planned Development-Industrial District. The proposed use indoor storage of building materials, contractor's equipment or lumber is consistent with building material storage yard, contractor's equipment storage yard and lumberyard use permitted in the "E" Industrial District. Additionally, the requested ancillary office use that is directly related to and subservient to the primary use is consistent with the accessory use permitted in the "E" Industrial District.

The requested use "similar uses as approved by the Zoning Administrator" is included as a permitted use in the "E" Industrial, "D" Business and "C" Commercial zoning districts. In those districts it is intended to act as a catchall use for business enterprises that are similar but did not exist at the time the regulations were written. The city code stipulates that applicants whose business falls into permitted use obtain a Special Use Permit. The most relevant example is doggie day care businesses. These types of businesses were not contemplated when the code was revised in 2002. For example, No Leash Needed received a Special Use Permit because other canine associated businesses allowed in the "C" Commercial District.

A motion was made by Stacie Williams and seconded by Larry Schneider for a continuance regarding a decision to rezone 326 W. Thornton Avenue from "A" Residence District to "PD-I" Planned District-Industrial until the June 2nd 2021. The motion passed unanimously.

7. Site plan review for 326 W. Thornton Avenue.

City Administrator/City Planner Jennifer Yackley explained that a request was submitted by Jeremy Ketterer of Kettco LLC for a change of zoning for .32 acres of property located 326 W. Thornton Avenue (Locator# 22L641352). The petitioner is requesting to change the zoning from "A" Residence District

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to “PD-I” Planned Development Industrial to allow for the indoor storage of building materials, contractor’s equipment, lumber or other similar uses an approved by the Zoning Administrator. The requested uses also include an ancillary office space directly related to and subservient to the primary use of the property.

In this instance, the petitioner is seeking to use the land for indoor storage of building materials, contractor’s equipment or lumber. The petitioner would also like to include the use “similar uses as approved by the Zoning Administrator”. The intent of this use is to allow uses similar to the indoor storage uses specifically listed. The petitioner is also asking for an ancillary office use that would be directly related to and subservient to the primary indoor storage use.

The planned Development District has a minimum lot size of 2.5 acres. The subject area is 0.32 acres in size. The city code does allow the Board of Aldermen, upon recommendation from the Planning and Zoning Commission, to waive the minimum lot size if the parcel in question has certain unique characteristics such as floodplain areas, unusual shape or proportions or if it is determined that the proposed use is desirable or necessary in relationship to the surrounding neighborhood.

The site abuts Rock Hill Creek to the south and is therefore subject to the city’s Stream Buffer Regulations. These regulations prohibit development within a 50-foot buffer from the top of the stream bank and prohibit impervious surfacing for an additional 25 feet beyond the 50-foot buffer. The proposed building as shown on the site plan does not encroach into the required buffers.

Lastly a portion of the property is within the floodplain are subject to the city’s Floodplain Management Regulations. The proposed building, as shown on the site plan does not encroach into the floodplain area.

The Comprehensive Plan completed in 2003, memorializes the city’s vision for the future growth and development within the city.

The subject area is designated as Industrial on the Comprehensive Plan’s Future Land Use map. This land designation is intended to allow warehousing storage, wholesaling and light manufacturing uses. These uses are consistent with the uses requested by the petitioner.

The petitioner has stipulated that they do not intend to use this use as a general catchall for any other industrial type use. They intend for the use to be applied to those uses which are similar to the requested indoor storage use only. For example, if in the future, the petitioner seeks to use the property for the indoor storage of landscaping equipment that use would fall into the “similar uses as approved by the Zoning Administrator” because it isn’t specifically listed as a use. It is however, similar to the specifically listed uses and would be allowed. If, however, the petitioner sought to use the property for furniture manufacturing under the “similar uses as approved by the Zoning Administrator” it would not be allowed because it isn’t similar to the indoor storage uses.

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Staff recommends that the site-specific ordinance for the property include language that clarifies the intention beyond the requested “similar uses as approved by the Zoning Administrator” use. The proposal language could be written as follows:

Primary Use: Indoor storage of building materials, contractor’s equipment or lumber.

Ancillary Use: Office space directly related to and subservient to the primary use.

The Zoning Administrator may approve uses that are similar to the primary use without the need for a Special Use Permit.

The site does not meet the minimum 2.5-acre lot size for a Planned Development District. As noted previously, the Board of Aldermen may waive the minimum lot size upon recommendation of the Planning and Zoning Commission. The property is subject to both the city’s Stream Buffer Protection and Floodplain Management regulations. These regulations limit the developable area on the property. The submitted site plan shows that the proposed building does not encroach upon either the stream buffer or the floodplain. The Commission will need to decide on a recommendation concerning the minimum lot size.

Landscape Plan

4 trees are proposed for the site; 2 maples and 2 oak trees. All four trees are along parking area. The existing trees within the Stream Buffer area at the rear of the property will remain.

Lighting

The petitioner does not propose to add any lighting to the site. The building code requires at least one light at the door. Staff recommends that any required lighting fixtures be residential in nature and that flood lights and wall pack lighting be prohibited.

Architectural Elevations

The proposed building will be black metal with a pitched black metal roof. A 14 ft wide garage door is located on the front façade along with a man door and a window. The west side elevation has no windows, neither does the rear elevation. The east side elevation has three windows.

Action by the Planning and Zoning Commission

The Planning and Zoning Commission is being asked to provide a recommendation to the Board of Aldermen regarding this rezoning request. The Commission may do one of the following:

Recommend approval

Recommend approval with conditions

Recommend denial

A motion was made by Stacie Williams and seconded by Larry Schneider for a continuance regarding the Site Plan review for 326 W. Thornton Avenue from “A” Residence District to “PD-I” Planned District-Industrial until the June 2nd 2021. The motion passed unanimously.

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8. Closed Session

A motion was made by Bridget Geiss and seconded b Jeff Schimek to hold a closed meeting with closed record and closed voting pursuant to Subsection (2) of Section 610.021, RSMo, 2004, in order to discuss confidential or privileged communications between a public governmental body and its attorneys. Members of the Commission voting in favor were:

David Lancaster

Clint Heath – yes

Stacie Williams- yes

Larry Schneider-yes

Jeff Schimek-yes

Bridget Geiss-yes

The motion passed.

9. Adjournment

The meeting adjourned at 8:14 P.M.

_____ Date: _____

Stacie Williams, Secretary

_____ Date: _____

David Lancaster, Chairman