

# Planning Commission



## Minutes of the Thursday, July 18, 2019 Regular Meeting

### *Members of the Planning Commission*

Briton Williams  
*Chair*

Leonard Carter, Jr.  
Timothy V. Key  
Larry Watts

Bob Clark  
JoAnn McKie  
Dr. Christine Crawford

1. **Call to Order** - The regular meeting of July 18, 2019, having been duly publicized, was called to order at 7:00 p.m.
2. **Roll Call** - Members present were Commissioners Dr. Christine Crawford, Bob Clark, Timothy Key, JoAnn McKie, and Larry Watts. Chairman Briton Williams and Commissioner Leonard Carter, Jr. were absent. Also in attendance were Libby Hodges, Director of Planning and Development, the press, and members of the public.
3. **Approval of Minutes** - The minutes from the Regular Meeting of June 20, 2019 were approved as written.
4. **Confirmation of Agenda** – There were no changes to the agenda.
5. **Application RZM19-002** - A request by Margaret B. Copenhaver to rezone ± 31.55 acres of land located on River Oak Drive, Aiken County Tax Parcel Number 003-08-07-001 from CR, Critical Area to R-14, Large Lot Single-Family Residential.
  - a. Public Hearing
  - b. Consideration of the Map Change application by the Commission
  - c. Recommendation

Vice-Chairman Clark read the application summary for Application RZM19-002, a request to rezone ± 31.55 acres of land located on River Oak Drive, Aiken County from CR, Critical Area to R-14, Large Lot Single-Family Residential and asked Mrs. Hodges if she had any information she would like to share.

Mrs. Hodges stated this property currently shows eleven lots off of what is currently the end of River Oak Drive and they are proposing to extend the roadway. She

explained that the staff report noted some of the conditions on the site effecting topography and city facilities that are of concern in this area.

Commissioner Clark invited comments or questions from the public.

Mr. Tom Zeaser, 607 Stanton Drive, North Augusta, SC requested that the applicant consider modifying the application to exclude the strip of land between the greenway and the Hammond Hills subdivision from the rezoning request. He said they have indicated in the application that they do not intend to develop that strip of land for it is largely encumbered by both SCE&G and Georgia Power overhead power lines and transmission lines. Mr. Zeaser stated that allowing that tract to remain undeveloped is critical and will give the adjoining neighborhood some peace of mind that should those encumbrances ever be removed in the future that the tract would remain as a buffer between any proposed development and the neighborhood.

Commissioner Clark asked if the applicant's representative would like to respond.

Mr. Rett Harbeson, 23 Brookview Court, North Augusta, SC replied that they would be open to rezoning a portion of the property.

After further discussion, all comments and questions were addressed and the public hearing was closed.

Commissioner Clark asked Mrs. Hodges how the request was to be addressed. Mrs. Hodges replied that it is her recommendation that if the Commission does not want to move forward with the application as stated that the Commission table it until the next meeting when it can be reintroduced with a revised site plan.

Mr. Harbeson provided a new site plan for review that the applicant would be willing to move forward with.

Commissioner Watts questioned if the applicant was proposing in the new site plan to rezone for five lots and leave 16-acres as open space.

Commissioner McKie asked if this revision to the site plan removes the steepness and problem areas with just the five lots. Mr. Harbeson answered that is correct.

Commissioner Crawford asked Mrs. Hodges if this site plan addressed the topography and the environmental concerns. Mrs. Hodges replied that most of the observed and endangered plant species are on the southern side of the site. She said there will still be some topography concerns along the back of the houses.

Commissioner Key questioned if the road coming into the site would be private or built to specs and deeded over to the City. Mrs. Hodges explained that if it were private it would have to be built to public road standards. She said the road is currently public.

Commissioner Watts stated he does not think it is in the best interest of the public if the lot were cleared to expose the river to this type of runoff. Mrs. Hodges stated the city would have limited means to prohibit that. She said there is a portion that is within the 100-year flood plain and that is not completely prohibited from being developed, but there are increased engineering standards and once it is in a single-family lot it is more difficult to enforce.

Commissioner Crawford stated her concern is if there has been sufficient time for staff to ascertain whether or not the potential run-off issues that have been discussed and those concerns still being considered. She said the endangered plants have been addressed but she is not comfortable making a recommendation until the topography and run-off issues are addressed. Commissioner McKie and Commissioner Watts agreed.

Mr. Mac Breazeale, 4 Indian Rock Court, North Augusta, SC stated two lots prior to his grandfather's property are still vacant and there are 5-acres that have not been developed. He stated he has family that lives in this location and they have decks that overlook the river but none of them have built below their property. He said removing trees and staying within the Corp of Engineers restrictions would be impossible.

Commissioner Watts asked Mrs. Hodges if there was a right-of-way that the city controls on the property. Mrs. Hodges answered there is and the use of the property under or over the easement would be restricted.

After further discussion all comments and questions were addressed.

Commissioner Clark invited the Planning Commission to make a motion. Commissioner Key motioned to adopt the revised plat for Application RZM19-002, River Oak Drive, Aiken County Tax Parcel Number 003-08-07-001, showing the R-14 revision of five lots and the remaining lots to remain CR. Commissioner Watts offered a second. The Planning Commission unanimously voted in favor of a recommendation to City Council to approve the revised rezoning request.

6. **Application MW19-003, Austin Heights (FKA Summerfield)** - A request by the Summerfield SC LLC to waive the requirements of Section 14.4 of the North Augusta Development Code.
  - a. Receipt of Testimony
  - b. Consideration of the Waiver application by the Commission
  - c. Recommendation

Vice-Chairman Clark asked that Mrs. Hodges explain the quasi-judicial protocol for the application request. Mrs. Hodges stated the waiver request presented is a quasi-

judicial hearing where each waiver and its findings are found in the affirmative. She explained speakers will be sworn in and the Commission will receive testimony based on fact not hearsay or emotion. Mrs. Hodges provided a handout describing how to make the motion at the end of the testimony.

Commissioner Clark read the application summary for Application MW19-003, Austin Heights waiver request. He stated there are two waivers on this subdivision, one of which is to allow a longer than standard block length, and the second is to reduce the width of the streets. Commissioner Clark asked if Mrs. Hodges had information she would like to share.

Mrs. Hodges stated the waivers have been processed in accordance with the development code, are quasi-judicial, and the findings will have to be made for each waiver separately.

The Commissioners were sworn in by Vice-Chair Commissioner Clark.

The applicants were sworn in by Vice-Chair Commissioner Clark and asked to address Waiver A. Mrs. Hodges explained that block length is measured from each intersection and the portions are longer than the allowed block length in the development code.

Commissioner McKie asked if the request is for the block lengths to be 200-feet longer. Mr. Bryant answered yes, due to topography of the property. He explained if they were to shorten the block lengths it would leave a fair amount of the space unusable because there is no other way to make the connections to use the location. Mr. Bryant stated it was a mining pit at one time and the back area is fairly steep and if they were to make the block lengths the way they are, the reduction in yield would be considerable. He stated they are at forty-percent greenspace on the project and would be fifty to fifty-five percent or more if the road is cut back. Mr. Bryant explained that the fire code is 1,000-feet on the blocks.

After further discussion all comments and questions were addressed.

Commissioner Clark stated the Commission is to determine the following for Waiver A, Block Length:

- 1) The proposed waiver does not appear to conflict with the goals and policies of the Comprehensive Plan or the purposes underlying the standard.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

- 2) The applicant demonstrates, through documentation and/or studies, based on generally accepted engineering principles, that adherence to the standard provided by this Chapter would pose a threat to health and safety or would undermine a policy set forth in the Comprehensive Plan or the purposes underlying the standard.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

- 3) The applicant consents to an alternative standard, and the Planning Commission finds that such standard is consistent with the Comprehensive plan will protect the public health, safety, and general welfare and is consistent with the purposes underlying the standard.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

- 4) The economic burden imposed on the applicant to comply with the generally applicable standard outweighs the public purpose for such standard.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

- 5) Compliance with the generally applicable standard is impracticable due to unique topographical or other site conditions.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

Commissioner Clark invited the Planning Commission to make a motion. Commissioner Crawford motioned that Application MW19-003, Austin Heights (FKA Summerfield) a request by the Summerfield SC LLC to waive the requirements of Section 14.4, Table 14.2, Block Length of the North Augusta Development Code be granted with the following agreements and/or conditions:

- 1) Final approval of the Major Subdivision Preliminary Plat application will be granted by staff when the plans are in substantial compliance with the requirements of the North Augusta Development Code and any proposed conditions recommended by the Planning Commission in regard to the Major Waiver application.
- 2) The waivers granted apply only to this project and will not apply to any future development on the site should this plan not be developed.

- 3) If the site plan is substantially revised, the site plan and any additional waivers will require Planning Commission approval as determined by the Planning Director.

Commissioner Key offered a second. The Planning Commission unanimously voted in favor of the waiver.

Commissioner Clark stated the Commission is to determine the following for Waiver B, Pavement Width:

- 1) The proposed waiver does not appear to conflict with the goals and policies of the Comprehensive Plan or the purposes underlying the standard.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

- 2) The applicant demonstrates, through documentation and/or studies, based on generally accepted engineering principles, that adherence to the standard provided by this Chapter would pose a threat to health and safety or would undermine a policy set forth in the Comprehensive Plan or the purposes underlying the standard.

Mr. Bryant stated the requirements for the subdivision is a wider road and they have found that at 24-feet it allows one vehicle to be parked on the road with safe passage during construction. He said by allowing that one vehicle the narrower roads act as a traffic calming and with 30-feet to 36-feet there would be more cars parked on the road and vehicles going much faster than normal. Mr. Bryant explained if they go lower than that it becomes an issue during construction. He said if they had gone with wider lot they would have lost an entire block based on the topography.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

- 3) The applicant consents to an alternative standard, and the Planning Commission finds that such standard is consistent with the Comprehensive plan will protect the public health, safety, and general welfare and is consistent with the purposes underlying the standard.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission found this consideration negative.

- 4) The economic burden imposed on the applicant to comply with the generally applicable standard outweighs the public purpose for such standard.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

- 5) Compliance with the generally applicable standard is impracticable due to unique topographical or other site conditions.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

Commissioner Clark invited the Planning Commission to make a motion. Commissioner Crawford motioned that Application MW19-003, Austin Heights (FKA Summerfield) a request by the Summerfield SC LLC to waive the requirements of Section 14.4, Table 14.2, Pavement Width of the North Augusta Development Code be granted with the following agreements and/or conditions:

- 1) Final approval of the Major Subdivision Preliminary Plat application will be granted by staff when the plans are in substantial compliance with the requirements of the North Augusta Development Code and any proposed conditions recommended by the Planning Commission in regard to the Major Waiver application.
- 2) The waivers granted apply only to this project and will not apply to any future development on the site should this plan not be developed.
- 3) If the site plan is substantially revised, the site plan and any additional waivers will require Planning Commission approval as determined by the Planning Director.

Commissioner Key offered a second. The Planning Commission unanimously voted in favor of a recommendation to City Council to approve the waiver.

7. **Application PP19-001, Austin Heights (FKA Summerfield)** - A request by Summerfield SC LLC, for approval of the Major Subdivision/Preliminary Plat.
  - a. Consideration of the Major Subdivision approval by the Commission
  - b. Recommendation

Vice-Chairman Clark read the application summary for Application PP19-001, Austin Heights (FKA Summerfield) – a request for approval of the Major Subdivision/Preliminary Plat and asked Mrs. Hodges if she had any information she would like to share.

Mrs. Hodges explained this is the site plan that is in conjunction with the waivers that were previously approved and this would allow us to move forward with the final approval of that major subdivision.

Commissioner Clark asked for questions from the Planning Commission for Mrs. Hodges.

Commissioner Clark invited comments or questions from the public.

Commissioner Clark invited the Planning Commission to make a motion. Commissioner Key motioned to approve Application PP19-001, Austin Heights (FKA Summerfield) - A request by Summerfield SC LLC for approval of the Major Subdivision/Preliminary Plat. Commissioner Watts offered a second and the motion was approved unanimously.

8. **Application MW19-002, Stowaway Storage** - A request by AIK Partners to waive the requirements of PD Ord 2007-16, I.N.12 foundation/perimeter landscaping, PD Ord 2007-16, Parking, PD Ord 2007-16, I.F. and N., and NADC 3.8.5.8.5, Table 3-9 Landscape buffer
- a. Receipt of Testimony
  - b. Consideration of the Waiver applications by the Commission
  - c. Recommendation

Vice-Chairman Clark read the application summary for Application MW19-002, Stowaway Storage, a request for waivers mini-storage building development off Stevens Farm Lane. Vice-Chair Commissioner Clark asked Mrs. Hodges if she had any information she would like to share.

Mrs. Hodges stated these waivers are being requested through the PD Ordinance that is applicable to the site. She said it allows the Planning Commission to hear these as Waivers. Mrs. Hodges explained there are three separate Waivers; Foundation/perimeter landscaping, Parking, and the relocation of a landscape buffer along Stevens Farm Lane.

Waiver A. PD Ord 2007-16, I.N.12 foundation/perimeter landscaping:

The applicant, Mr. George Snelling, 4487 Columbia Road, Suite 701, Martinez, GA, introduced himself and gave an overview of the project.

Commissioner Key questioned the purpose of a 5-foot buffer. Mrs. Hodges replied it is the requirement of the PD and her understanding is to help soften between a parking lot or exterior from the site and the building itself.

Commissioner Crawford asked if there was a drawing of the landscaping.

Commissioner McKie questioned the lack of shrubbery for the site.

Mrs. Hodges stated staff is unable to categorically say you do not have to put in shrubs. She explained that the applicant is requesting a waiver for the foundation and perimeter plantings so they are not be required to put those in. Mrs. Hodges stated with the materials the applicant has furnished to her they are requesting not to put in any



foundation plantings around the building. She said the PD specifically states there is to be a 5-foot landscape strip around the perimeter of all buildings and it does not specify what kind.

After further discussion, all comments and questions were addressed.

Commissioner Clark motioned to table the first Waiver for Application MW19-002 Stowaway Storage, Waiver A. PD Ordinance 2007-16, I.N.12 foundation/perimeter landscaping until such time a landscape plan is presented by staff. Commissioner Key offered a second and the motion was approved unanimously.

Waiver B. PD Ord 2007-16, Parking:

Commissioner Clark read the application summary for Waiver B of Application MW19-002, Stowaway Storage, PD Ordinance 2007-16, Parking and asked Mr. Snelling if he had any comments.

Mr. Snelling stated there is plenty of parking space available but if a tree island or a curbed island were required a truck would not be able to move down the aisles.

After no further comments or questions were made from the public, Commissioner Clark Commissioner Clark stated the Commission is to determine the following for Waiver B, PD Ordinance 2007-16, Parking:

- 1) The proposed waiver does not appear to conflict with the goals and policies of the Comprehensive Plan or the purposes underlying the standard.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

- 2) The applicant demonstrates, through documentation and/or studies, based on generally accepted engineering principles, that adherence to the standard provided by this Chapter would pose a threat to health and safety or would undermine a policy set forth in the Comprehensive Plan or the purposes underlying the standard.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

- 3) The applicant consents to an alternative standard, and the Planning Commission finds that such standard is consistent with the Comprehensive plan will protect the public health, safety, and general welfare and is consistent with the purposes underlying the standard.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

- 4) The economic burden imposed on the applicant to comply with the generally applicable standard outweighs the public purpose for such standard.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

- 5) Compliance with the generally applicable standard is impracticable due to unique topographical or other site conditions.

Commissioner Clark asked if the Planning Commissioners agreed. The Planning Commission replied in affirmation.

Commissioner Clark invited the Planning Commission to make a motion. Commissioner Crawford made a motion for Application MW19-002 Stowaway Development, for a variance pursuant to PD Ordinance 2007-16, Parking, to be granted with the following agreements, stipulations, and directives:

- 1) All future developments must meet the standards at the time of submittal;
- 2) These waivers do not apply to any future phases or other parcels within the planned development;
- 3) All previous conditions of the special exception must be met.

Commissioner McKie offered a second and the motion was approved by a vote of 4 to 0. Commissioner Key abstained.

Waiver C of Application MW19-002, Stowaway Storage, PD Ordinance 2007-16, Landscape buffer:

Mrs. Hodges read the application summary for Waiver C of Application MW19-002, Stowaway Storage, PD Ordinance 2007-16, Landscape buffer. She explained that the PD requires the buffer to meet the highway corridor standards and the current plan and the request by the applicant appear to have requested to place these shrubs and trees elsewhere on the site.

Mr. Snelling stated he cannot move forward without a site plan approval. Mrs. Hodges reiterated that she does not have the power to unilaterally say what can be put in place and this is why the waivers exists. She stated the PD requires it to come back to the Planning Commission.

Commissioner McKie stated Mrs. Hodges should not be held responsible for the landscaping plan.

Commissioner Clark invited the Planning Commission to make a motion. Commissioner Crawford motioned to table Application MW19-002 Stowaway Storage, Waiver C. PD Ordinance 2007-16, landscape buffer, until such time a landscape plan is presented by staff. Commissioner Key offered a second and the motion was approved unanimously.

9. **Application SP18-004, Stowaway Development** – A request by AIK Partners to approve the Major Site Plan.
- a. Consideration of the Major Site Plan application by the Commission
  - b. Recommendation

Commissioner Clark motioned to table the discussion of Application SP18-004, Stowaway Development, until such time that a final site plan is presented by staff. Commissioner McKie offered a second and the motion was approved unanimously.

**10. Staff Report**

- a. June Performance Report

Mrs. Hodges stated we have seen a slight uptick in work. She stated from this time last year in code enforcement to this time this year we have almost doubled the number of cases opened. She said she will present budget proposals at the next Planning Commission meeting.

Mrs. Hodges stated there is a public information meeting Thursday, July 25, 2019, at Paul Knox Middle School at the media center about the upcoming bridge replacements over the Greenway, over SC-19, S-980, and South Edisto River.

**Adjourn**-- With no objection, Commissioner Clark adjourned the meeting at approximately 9:10 p.m.

Respectfully Submitted,



Libby Hodges, AICP, Director  
Department of Planning and Development  
Secretary to the Planning Commission