

Project Staff Report

CU20-002 Victory Learning Center

Prepared by: Libby Hodges

Hearing Date: September 1, 2020 via GoToMeeting

SECTION 1: PROJECT SUMMARY

| | |
|------------------------|--|
| Project Name | Victory Learning Center |
| Applicant | Victory Baptist Church |
| Engineer | NA |
| Address/Location | 620 W. Martintown Rd. |
| Parcel Number | 006-13-09-026 |
| Total Development Size | 5.68 ac |
| Existing Zoning | R-14, Large Lot, Single-Family Residential |
| Overlay | NA |
| Traffic Impact Tier | 1 |
| Proposed Use | Childcare Center |

SECTION 2: APPLICABLE CODES

Section 5.5 of the North Augusta Development Code (NADC) provides uniform approval procedures for conditional uses.

5.5 CONDITIONAL USE PERMITS

5.5.1 Purpose

The purpose of this section is to establish procedures and standards for the processing and approval of conditional use permits. Conditional use permits provide a form of limited discretionary approval for certain uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration. Conditional uses ensure the appropriateness of the use at a particular location within a given zoning district.

5.5.2 Applicability

Only those uses that are enumerated as conditional uses in a zoning district, as set forth in the Use Matrix, Table 3-2, shall be authorized by the Director.

5.5.3 Approval Procedure

5.5.3.1 No conditional use permit shall be authorized, developed, or otherwise carried out until the applicant has secured approval of the conditional use and approval of a final site plan by the Planning Commission or Director, as applicable.

5.5.3.2 A proceeding for approval of a conditional use shall be initiated by filing an application with the Department. A pre-application meeting with the Department prior to filing is required.

5.5.3.3 Major Site Plans –

(omitted, does not apply in this case)

5.5.3.4 Minor Site Plans –

5.5.3.4.1 Minor site plan applications **shall be filed concurrently with conditional use permit applications**. The information shall be reviewed concurrently with the review of the minor site plan.

5.5.3.4.2 The Director shall conduct a quasi-judicial administrative hearing and shall deny the request, approve the request, or approve the request with conditions.

5.5.3.4.3 The Director may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the conditional use permit approval and shall be included in the final site plan approval.

5.5.3.4.4 An applicant may appeal a denial of a conditional use permit or any condition applied to the use by the Director to the Planning Commission. The Planning Commission shall conduct a quasi-judicial hearing in accordance with the requirements of §5.1.4.5 prior to making a decision on a conditional use appeal.

5.5.3.5 An application for a conditional use permit that has been denied may be resubmitted only if there has been a substantial change in circumstances, as determined by the Director, or if substantial revisions have been made to the application for development approval. A determination by the Director may be appealed to the Board of Zoning Appeals.

5.5.3.5 An application for a conditional use permit that has been denied may be resubmitted only if there has been a substantial change in circumstances, as determined by the Director, or if substantial revisions have been made to the application for development approval. A determination by the Director may be appealed to the Board of Zoning Appeals.

5.5.4 Approval Criteria

The following conditions, restrictions, and limitations shall apply to any conditional use and may be specified in detail as conditions of an approval.

5.5.4.1 The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

5.5.4.2 The use or development complies with all required regulations and standards of this Chapter, including all applicable provisions of Article 3, Zoning Districts, and with all other applicable regulations;

5.5.4.3 The use or development is located, designed, and proposed to be operated so as to maintain the value of contiguous property, or that the use or development is a public necessity; and

5.5.4.4 The use or development conforms with the provisions and policies of the Comprehensive Plan.

5.5.4.5 Conditions that may be specified as a requirement for a conditional use permit include:

- a. Relationship of allowable uses.
- b. Protective screening and/or buffering of property perimeter.
- c. Protective screening/location of dumpsters, mechanical systems and loading docks.
- d. Landscaping relative to screening, buffering and ingress/egress control and not solely for beautification purposes.
- e. Lighting.
- f. Height limitations.
- g. Required setbacks.
- h. Parking. The location of parking and in some instances reduction in the amount of parking to be allowed.
- i. Access, circulation, ingress and egress.
- j. Hours of operation for special conditional uses permitted in, or adjacent to, residential zoning districts.
- k. Signage.
- l. Performance standards relative to: air pollution, noise, glare and heat, vibration, noxious odors, toxic and liquid wastes, fire and explosion, radioactivity and electromagnetic radiation.
- m. Building design.

5.5.5 Scope of Approval

5.5.5.1 The approval of a conditional use permit shall authorize the applicant to apply for final site plan approval pursuant to §5.6. All approvals of conditional use permits require approval of the site plan. Any conditional use permit approval shall not be in effect unless a required site plan is approved. No building permit may be issued until the final site plan and conditional use permits are approved. Approval of a conditional use permit does not authorize any development activity.

5.5.5.2 Minor field alterations or minor revisions to approved conditional uses may be approved by the Director if the conditional use still meets the intent of the standards established within the original approval. Minor alteration/revisions shall be limited to

changes that do not increase the intensity, density, or character of the use. If the Director determines that the change is not minor, the applicant shall apply for a revised conditional use permit. The applicant may appeal the decision of the Director to the Board of Zoning Appeals.

5.5.5.3 Violations of any of the conditions applied to a conditional use permit shall be treated in the manner as set forth in §§5.1.6 and 5.11.

5.5.6 Recordation

The department shall certify the approved conditional use permit, and shall record it with the associated site plan in the office of the Register of Mesne Conveyance (RMC) of Aiken County. The conditional use approval is perpetually binding on the property, unless another conditional use permit request is brought and approved or the underlying zoning is changed that establishes the conditional use by right subject to no conditions.

5.5.7 Subsequent Applications

In the event that an application for a conditional use permit is denied by the Director, or the Planning Commission on appeal, or the application is withdrawn after it is advertised, the Department may not accept another application for the same amendment on the same property or any portion of the same property within one (1) year of the original hearing. However, the Department may consider such application within that time if relevant evidence that was not reasonably available at the time of the original hearing is presented.

5.5.8 Expiration and Extension of Approval

A conditional use approval, a site specific development plan for the purposes of this section, and the associated site plan shall expire two (2) years from the date of approval unless a building permit has been issued and construction has commenced or, if no construction is required, the approved conditional use has been initiated. The applicant may apply for and the Planning Commission or Director, as applicable, may grant extensions on such approval for additional periods up to one (1) year each, but not to exceed five (5) extensions. If an amendment to this Chapter is adopted by the City Council subsequent to the conditional use or associated site plan approval that would preclude the initial approval, a request for an extension may not be granted. (Adopt. 8-16-10; Ord. 2010-12)

SECTION 3: PUBLIC NOTICE

Per NADC Table 5-1, internet only public notice is required for a conditional use permit. A notice for the Administrative Hearing was placed on the City website, northaugusta.net, on August 12, 2020.

SECTION 4: SITE HISTORY

The subject property is part of an existing church located at 620 W. Martintown Rd. The church spans 3 parcels with 4 buildings.

SECTION 5: EXISTING SITE CONDITIONS

| | <u>Existing Land Use</u> | <u>Future Land Use</u> | <u>Zoning</u> |
|----------------|---------------------------|-----------------------------------|--|
| Subject Parcel | Religious/Institutional | Mixed Use | R-14, Large Lot, Single-Family Residential |
| North | Residential | Mixed Use | R-14, Large Lot, Single-Family Residential/PD, Planned Development |
| South | Commercial/Residential | Mixed Use/Low Density Residential | PD, Planned Development/R-7, Small Lot, Single-Family Residential |
| East | Residential/Institutional | Mixed Use | R-7, Small Lot, Single-Family Residential |
| West | Residential/Institutional | Mixed Use/Low Density Residential | R-14, Large Lot, Single-Family Residential |

Access – The site currently accessible from W. Martintown Rd. and Bunting Dr.

Topography – The portion of the site to be developed is relatively flat. The elevation drops approximately 50 ft from West to East, with the lowest portions of the property along the entrance at W. Martintown Rd.

Utilities – All exiting utilities will remain.

Floodplain – The subject property is not located within a federally designated floodway.

Drainage Basin – This site is located within the Pretty Run Basin as designated on the City of North Augusta Stormwater Management’s Drainage Basin Map. The Pretty Run Basin has an overall water quality rating of Poor. Pretty Run basin is located in a highly dense residential part of North Augusta. The preliminary physical stream assessments at two reaches of the stream indicate that this stream channel is currently not effective at transporting current loads of

stormwater during heavy storm events. Based on this assessment, it appears that urban runoff is the primary cause of pollution in Pretty Run creek. Studies and outreach activities continue

SECTION 6: STAFF EVALUATION AND ANALYSIS

Use 5.20: Child Care.

This use allowed only as a Conditional Use in the R-14, Large Lot, Single-Family Residential Zoning District.

The following conditions are reviewed in order to allow this Conditional Use:

4.10 DAY CARE FACILITIES The following requirements apply to registered family homes, group day care homes, nursery schools, and day care centers.

a. License and registration: All group daycare homes, nursery schools, and day care centers shall have a current license, registration or certification issued by the State of South Carolina. Registered family homes shall maintain a current registration with the State of South Carolina.

Zoning approval is required prior to issuance of SCDHEC licenses. Final issuance of any CO will require confirmation of licensure by SCDEHC.

b. Standards within Residential Districts: Day care facilities located in residential districts shall comply with the Home Occupation requirements of §4.14 and outdoor play space shall not be permitted within the front yard area.

The proposed play space is currently located in the side and rear yard of the existing building. Final approval of the play area will be required through the issuance of a Minor Site Plan. No CO's will be issued until site plans are approved and all improvements are finalized as permitted.

c. Outdoor recreation or play space for day care centers, group day care homes, and nurseries which abut or are located within a residential zoning district shall be enclosed by a six (6) foot solid (opaque) fence.

Confirmation of fencing installation is required prior to issuance of a C.O.

5.5.4.1 The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

Staff finds that there will be no negative impact to the general public health, safety and welfare with the allowance of this use. Staff notes Victory Baptist Church operates an existing school. If the use causes any future traffic or other issues, staff will address with the church at that time.

5.5.4.2 The use or development complies with all required regulations and standards of this Chapter, including all applicable provisions of Article 3, Zoning Districts, and with all other applicable regulations;

The allowance of a childcare center as a conditional use will require exterior improvements, specifically site improvements related to parking, landscaping, playgrounds, and ADA access. The development the childcare center is proposed to locate inside an existing non-conforming site; however, an approved Minor Site Plan application is required for the exterior modifications. Any interior renovations will be required to be permitted through Building Standards.

5.5.4.3 The use or development is located, designed, and proposed to be operated so as to maintain the value of contiguous property, or that the use or development is a public necessity; and

The use should have limited effects on contiguous property. The childcare center will be opened in an established commercial corridor with other medical and professional offices, churches, and schools nearby.

5.5.4.4 The use or development conforms to the provisions and policies of the Comprehensive Plan.

The project is an infill project in an existing mixed use development and generally conforms to encouragement of commercial infill development.

5.5.4.5 Conditions that may be specified as a requirement for a conditional use permit:

The plans for the childcare center include renovation of the interior of an existing building located at the West end of the property. A new sidewalk ramp, canopy, and play area are to be added. The improvements will remove approximately 8 parking spaces. No details have been provided at this time.

Staff requires a complete, engineered minor site plan application that addresses parking, screening, and landscaping at a minimum. The site plans should also provide details for the proposed handicap ramp and address any modifications to the exterior of the building.

SECTION 7: ATTACHMENTS

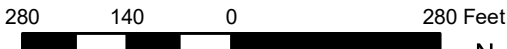
Site Maps
Application Materials

Cc: Bethany Stafford, Bethany_stafford@comcast.net



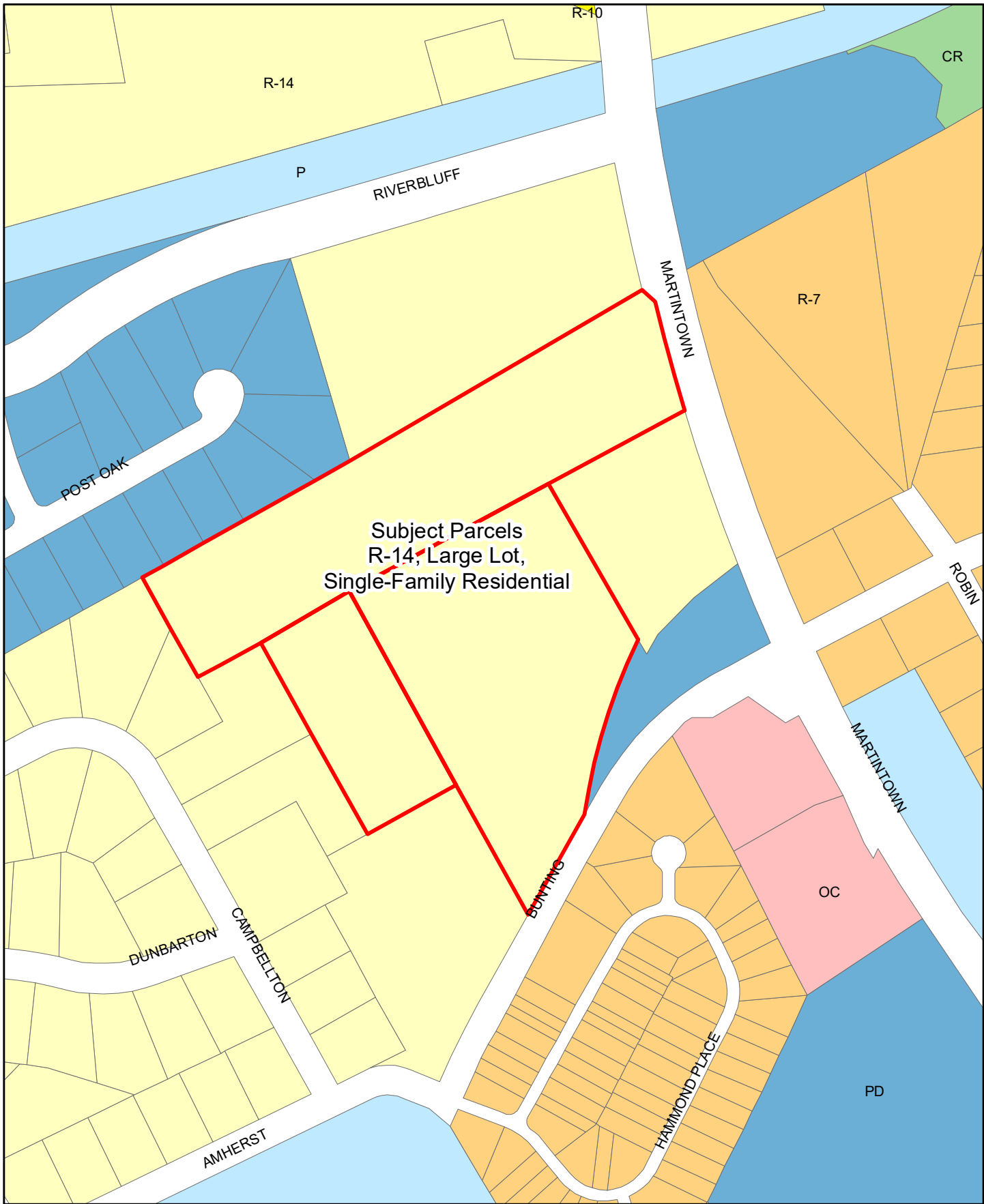
Subject Parcels

Proposed Childcare Center location



Aerial Map
Application CU20-002
Victory Learning Center
620 W Martintown Rd
TPN 006-13-09-023

Date: 8/25/2020



280 140 0 280 Feet



Zoning Map
 Application CU20-002
 Victory Learning Center
 620 W Martintown Rd
 TPN 006-13-09-023

Date: 8/25/2020

Application for Development Approval

Please type or print all information



Staff Use

Application Number CU20-002

Date Received 03-09-2020

Review Fee \$2500

Date Paid 03-09-2020

1. Project Name Victory Learning Center
Project Address/Location 620 W. Martintown Rd.
Total Project Acreage less than an acre Current Zoning R-14
Tax Parcel Number(s) _____

2. Applicant/Owner Name Bethany Newton Applicant Phone 706 231 5938
Mailing Address 207 Briarcliff Rd
City NA ST SC Zip 29841 Email bethany-newton@comcast.net

3. Is there a Designated Agent for this project? Yes No
If Yes, attach a notarized Designation of Agent form. (required if Applicant is not property owner)

4. Engineer/Architect/Surveyor _____ License No. _____
Firm Name _____ Firm Phone _____
Firm Mailing Address _____
City _____ ST _____ Zip _____ Email _____
Signature _____ Date _____

5. Is there any recorded restricted covenant or other private agreement that is contrary to, conflicts with or prohibits the use or activity on the property that is the subject of the application?
(Check one.) yes no

6. In accordance with Section 5.1.2.3 of the North Augusta Development Code, I hereby request the City of North Augusta review the attached project plans. The documents required by the City of North Augusta, as outlined in Appendix B of the North Augusta Development Code, are attached for the City's review for completeness. The applicant acknowledges that all required documents must be correct and complete to initiate the compliance review process.

7. Bethany Newton 2-25-20
Applicant or Designated Agent Signature Date

Bethany Newton
Print Applicant or Agent Name

Designation of Agent

Please type or print all information



This form is required if the property owner is not the applicant.

Staff Use Only

Application Number CU 20-002

Date Received 03-09-2020

1. Project Name Victory Learning Center
Project Address/Location 620 W. Martintown Rd.
Project Parcel Number(s) _____

2. Property Owner Name Victory Baptist Church Owner Phone 803-278-2138
Mailing Address 620 W. Martintown Rd.
City N. Augusta ST SC Zip 29841 Email Victory Baptist Church SC@Comcast.net

3. Designated Agent Bethany Newton
Relationship to Owner _____
Firm Name _____ Phone 706-831-5938
Agent's Mailing Address 207 Briarcliff Rd
City NA ST SC Zip 29841 Email bethany-newton@comcast.net
Agent's Signature [Signature] Date 2/27/20

4. I hereby designate the above-named person (Line 3) to serve as my agent and represent me in the referenced application.
Edward Martin (TRUSTEE)
Owner Signature _____ Date 2/27/2020

5. Sworn and subscribed to before me on this 27th day of February, 20 20.
Beverly S Purvis
Notary Public _____
03/18/2023
Commission Expiration Date _____

Certificate of Zoning Compliance

§§5.2.3, B.2.1, North Augusta Development Code



Home Occupation ^{CHECK ONE} New Business Relocation Ownership Change

PLEASE PRINT ALL REQUESTED INFORMATION.

CZC # 20-039

Business Name Victory Early Learning Center

Business Address/Zip 620 W Martin town Rd NA SC 29841

Business Owner Name Bethany Newton Contact Phone 706-831-5938

Business Owner Address/Zip _____

Owner Email bethany-newton@comcast.net

Describe the proposed business, including products/services to be provided Child Care Facility - (Faith-Based) lowks - 3yrs

Number of employees including yourself _____ Number of off-street parking spaces on-site _____

to be determined

Is there any recorded restricted covenant or other private agreement that is contrary to, conflicts with or prohibits the use or activity on the property that is the subject of the application? yes no

Bethany Newton
Signature

Director
Title

Bethany Newton
Print Name

3/6/20
Date

NOTE

1. A Certificate of Zoning Compliance is not an approval for occupancy.
2. A new business, a home occupation, or a business that is relocating or changing owners may need one or more additional approvals before a business license can be issued. Additional approvals may include Site Plan Approval, Conditional Use Permit, Building Permit and/or Certificate of Occupancy.
3. Approved home occupations must comply with the City's Home Occupation Regulations.
4. Site modifications, including grading, parking, lighting, landscaping, etc., will require site plan approval.
5. Building modifications, including electrical, mechanical, plumbing, new walls, demolition, etc., will require a building permit.
6. A separate zoning review is required for all proposed wall and/or exterior signs.

PLEASE CHECK WITH THE CITY BEFORE BEGINNING ANY SITE, BUILDING OR SIGN WORK.

(OFFICE USE ONLY)

Property tax parcel number _____ Current zoning _____

Use Matrix reference _____ NAICS reference _____

| Additional Requirements: | Required? | Contact |
|--------------------------|-----------|---|
| Site Plan Approval | _____ yes | Planning & Development 803-441-4221 (2 nd floor) |
| Building Permit | _____ yes | Building Standards 803-441-4223 or 803-441-4227 (1 st floor) |
| Certificate of Occupancy | _____ yes | Building Standards 803-441-4223 or 803-441-4227 (1 st floor) |
| Business License | _____ yes | Finance 803-441-4214 (1 st floor) |

Approved By _____ Initials _____ Date _____
(Print)

Return to: Department of Planning and Development, 100 Georgia Avenue, 2nd floor
Phone: 803-441-4221 Mail: P.O. Box 6400, North Augusta, SC 29861 Fax: 803-441-4232

To Whom It May Concern,

Please accept the following as my statement for a conditional use permit for a Faith-based childcare facility in our church building. I am a member of Victory Baptist Church and currently hold all required qualifications for directorship for such a facility. The church is located at 620 W. Martintown Rd.; North Augusta, South Carolina. The property is zoned R-14, and I understand that I need to seek approval of a conditional use permit in order to operate a childcare facility within my church. Following zoning approval, we will be submitting an application to the South Carolina Department of Social Services for registration as a Faith-based childcare center.

Hours of operation:

Hours of operation would be Monday through Friday from 6:30 AM until 6:00 PM

Number of children:

Our facility has the square footage for us to care for up to 115 children.

Employees:

I expect to operate our facility with one full-time director and a full-time teacher in every room with an assistant teacher scheduled daily and consistently per ratio purposes.

Arrival schedule:

I anticipate that 10% of our children will arrive between the hours of 6:30 AM to 7:30 AM. One director will be present with a teacher for the appropriate age groups. I anticipate to run at full capacity with all lead and assistant teachers from 7:30 AM until closing at 6 PM

Departure schedule:

I anticipate that the majority of our children will be picked up between the hours of 3:30 PM to 5:30 PM with a remainder of 10% or less of our children being picked up by 6:00 PM. We will be adequately staffed per ratio

Parking:

We have adequate parking surrounding our building. A specific area will be marked for drop off and pick up of the children and another area specifically marked for employee parking and visitor parking.

Area served:

I fully intend to serve the North Augusta area, or any family that is in need of our services. We anticipate the majority of our children will be from our current church members, prospective church members, and siblings of our day school which is already in operation.

Operations:

As stated above, we will be using our church facilities at 620 W. Martintown Rd. We already have specified areas reserved for children only.

Hazardous or toxic substances:

Our childcare area and play area will be free from hazardous or toxic substances. No hazardous materials will be generated, utilized, stored, treated, and or disposed of on site.

Zoning ordinance compliance:

The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, set request has been specifically noted with a justification for such modification.

Outdoor play area: We have a projected outdoor area for play directly beside the building.

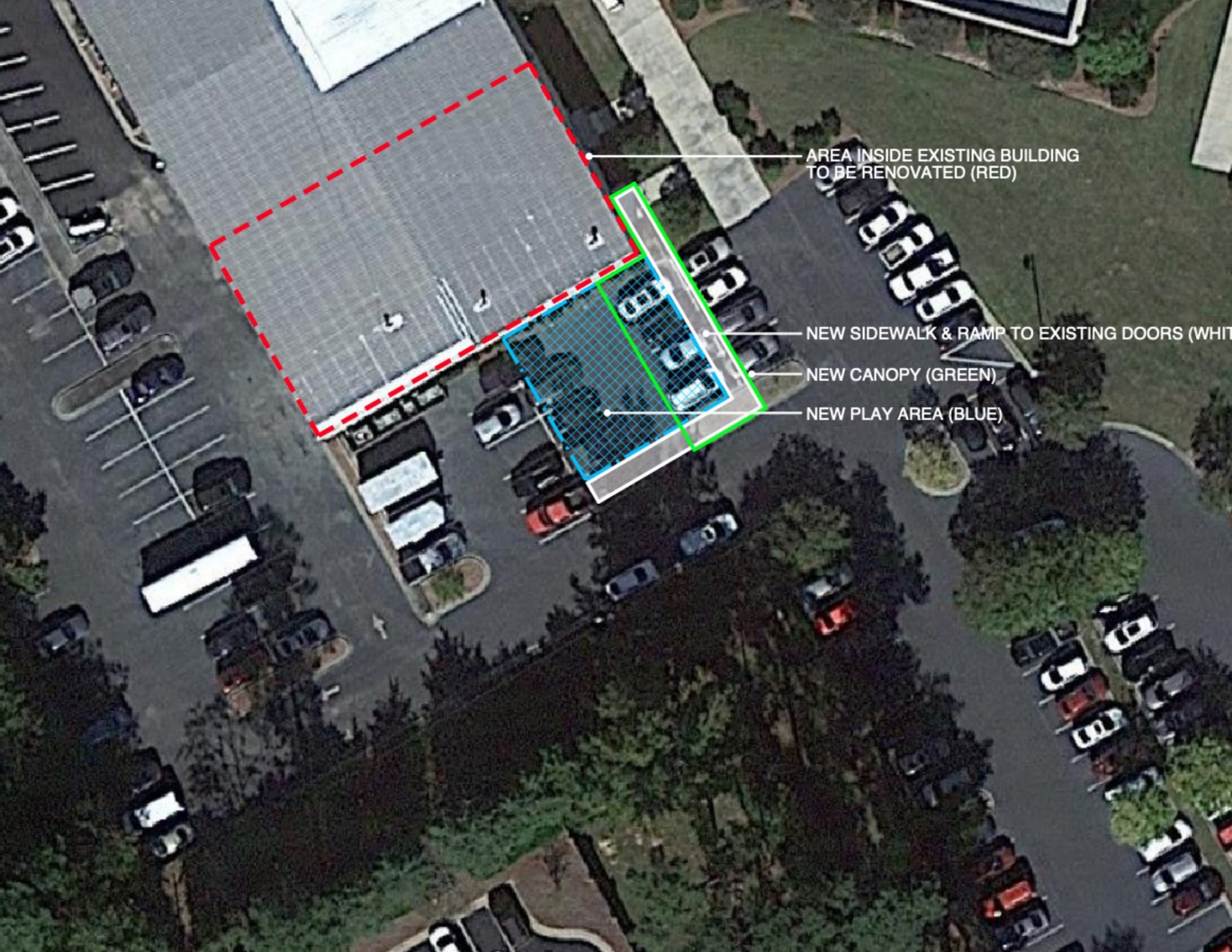
In conclusion, I believe that our Faith-based childcare facility will greatly enhance our community and meet many needs of our growing church, school, and neighborhood. We believe this facility will fulfill a need in our community for another Faith-based learning center and hope you will consider approving our request.

Sincerely,
Bethany Newton



EXISTING AREA TO BE
RENOVATED FOR NEW
CHILDCARE CENTER

±115'



AREA INSIDE EXISTING BUILDING TO BE RENOVATED (RED)

NEW SIDEWALK & RAMP TO EXISTING DOORS (WHITE)

NEW CANOPY (GREEN)

NEW PLAY AREA (BLUE)