

**Project Staff Report**

**CU20-006 Victory Learning Center**

**Prepared by: Libby Hodges**

**Hearing Date: December 17, 2020 via GoToMeeting**

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**SECTION 1: PROJECT SUMMARY**

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Project Name	Victory Learning Center
Applicant	Victory Baptist Church
Engineer	NA
Address/Location	628 W. Martintown Rd.
Parcel Number	006-13-09-023
Total Development Size	5.94 ac
Existing Zoning	R-14, Large Lot, Single-Family Residential
Overlay	Highway Corridor, partial
Traffic Impact Tier	1
Proposed Use	Childcare Center

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**SECTION 2: APPLICABLE CODES**

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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)

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## SECTION 3: PUBLIC NOTICE

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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, [www.northaugusta.net](http://www.northaugusta.net), on December 2, 2020.

## SECTION 4: SITE HISTORY

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The subject property is part of an existing church located at 628 W. Martintown Rd. The church property spans 3 parcels with 4 buildings. On August 10, 2020 the Director of Planning and Development approved a Conditional Use Permit for a childcare facility located at 620 W. Martintown Rd., Parcel 006-13-09-026. The proposed new childcare facility is to be located in a separate existing building and parcel at 628 W. Martintown Rd., TPN 006-13-09-023.

## SECTION 5: EXISTING SITE CONDITIONS

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	<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, a large basin that drains older neighborhoods such as Lynnhurst, the North Augusta Greenway Trail along Bolin Road,

Knollwood, Hammond Pond and associated neighborhoods near it. In addition, newer residential areas are drained to the Pretty Run basin including; the Rapids, Herron Cove, and others along Martintown Road and the North Augusta Greenway Trail. Pretty Run basin is located in a highly dense residential part of North Augusta. Overall sampling results indicate that the basin water quality in Pretty Run Basin is low. 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. Contamination in Pretty Run creek is from urban runoff (includes pet waste), leaking sewers, and possibly failing septic systems.

## SECTION 6: STAFF EVALUATION AND ANALYSIS

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Use 5.20: Child Care.

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

Section 5.5.4 of the Development Code provides the following review criteria:

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 generally be no negative impact to 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 and/or Public Safety 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 development the childcare center is proposed to locate inside an existing non-conforming site; however, an approved Minor Site Plan application is required for any exterior modifications. Any interior renovations will be required to be permitted through Building Standards and must comply with ADA 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. Required fencing will reduce any visual impact from the required outdoor play area.*

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 North end of the property. Such renovations require permits from the Building Standards Department as appropriate. The childcare center will utilize an existing playground. The playground must be screened with a 6 ft solid fence.*

*Should the exterior of the site be modified, staff will require a complete, engineered minor site plan application that addresses parking, screening, and landscaping at a minimum. The site plans should also provide details for any proposed handicap ramps or accessibility modifications.*

In addition to the standards outlined above, Section 4.10 requires the following:

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 required Minor Site Plan will reflect any site changes required by this use.*

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. and shall be reflected on any site plan.*

Staff proposes the following conditions:

- 1) A complete, professionally sealed, minor site plan will be required to address any required sit improvements including parking, playground screening, landscaping and accessibility (ADA) improvements.
- 2) No CO will be issued until site plans are complete and approved by staff, and any needed maintenance or performance guarantees are provided.

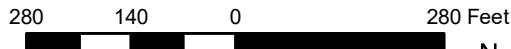
## SECTION 7: ATTACHMENTS

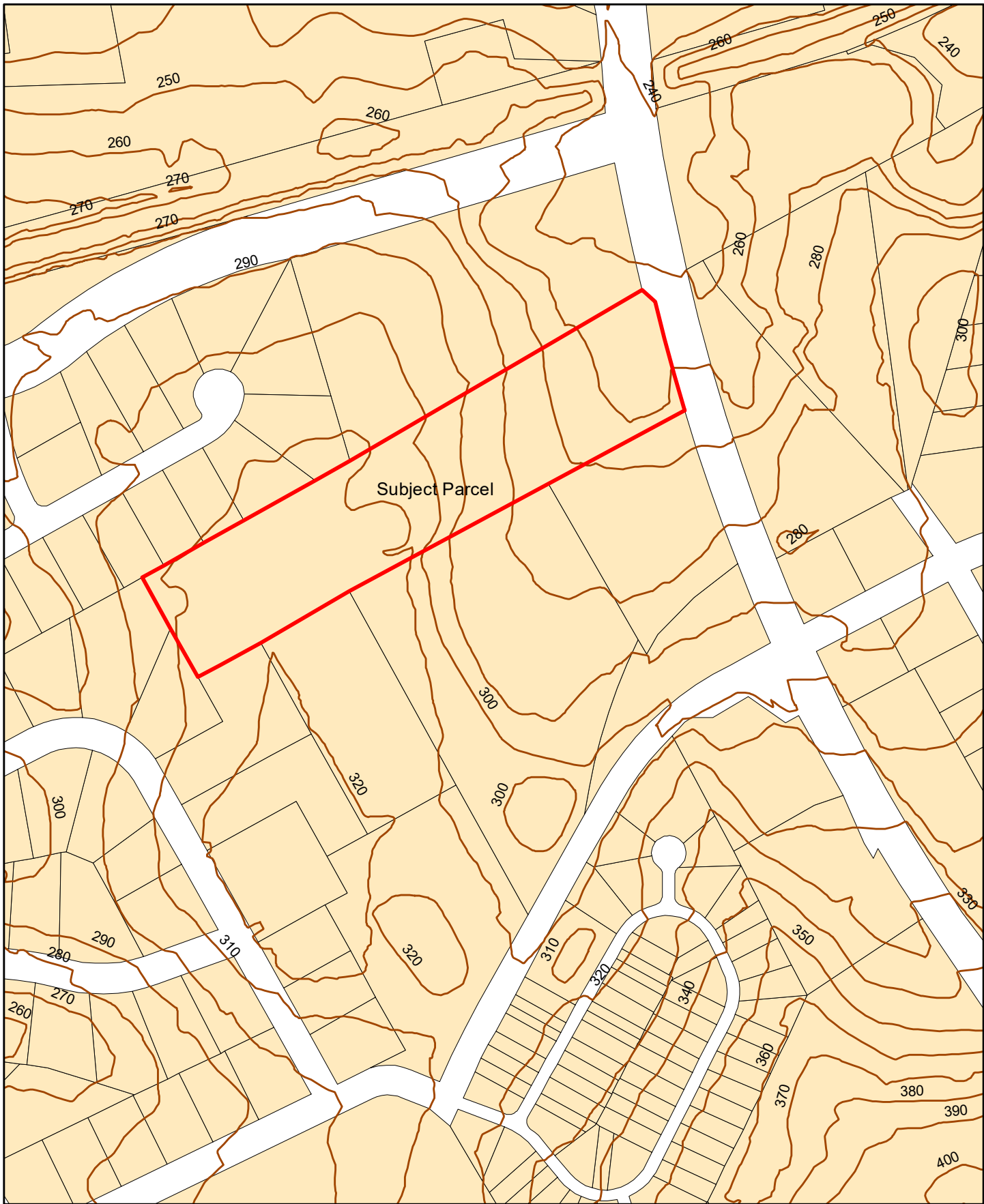
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Site Aerial  
Application Materials

Cc: Bethany Stafford, [Bethany\\_stafford@comcast.net](mailto:Bethany_stafford@comcast.net)







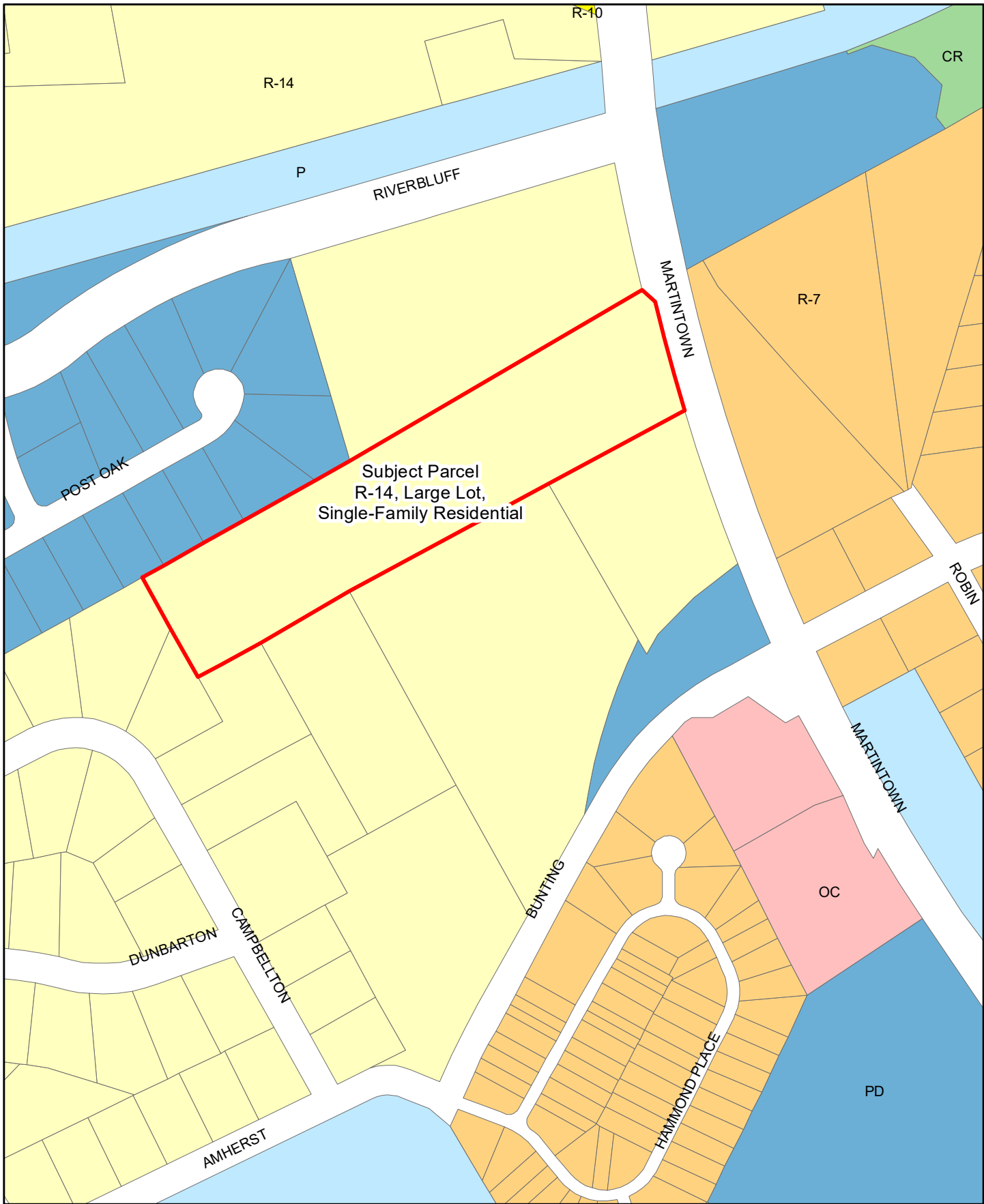
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Date: 12/8/2020



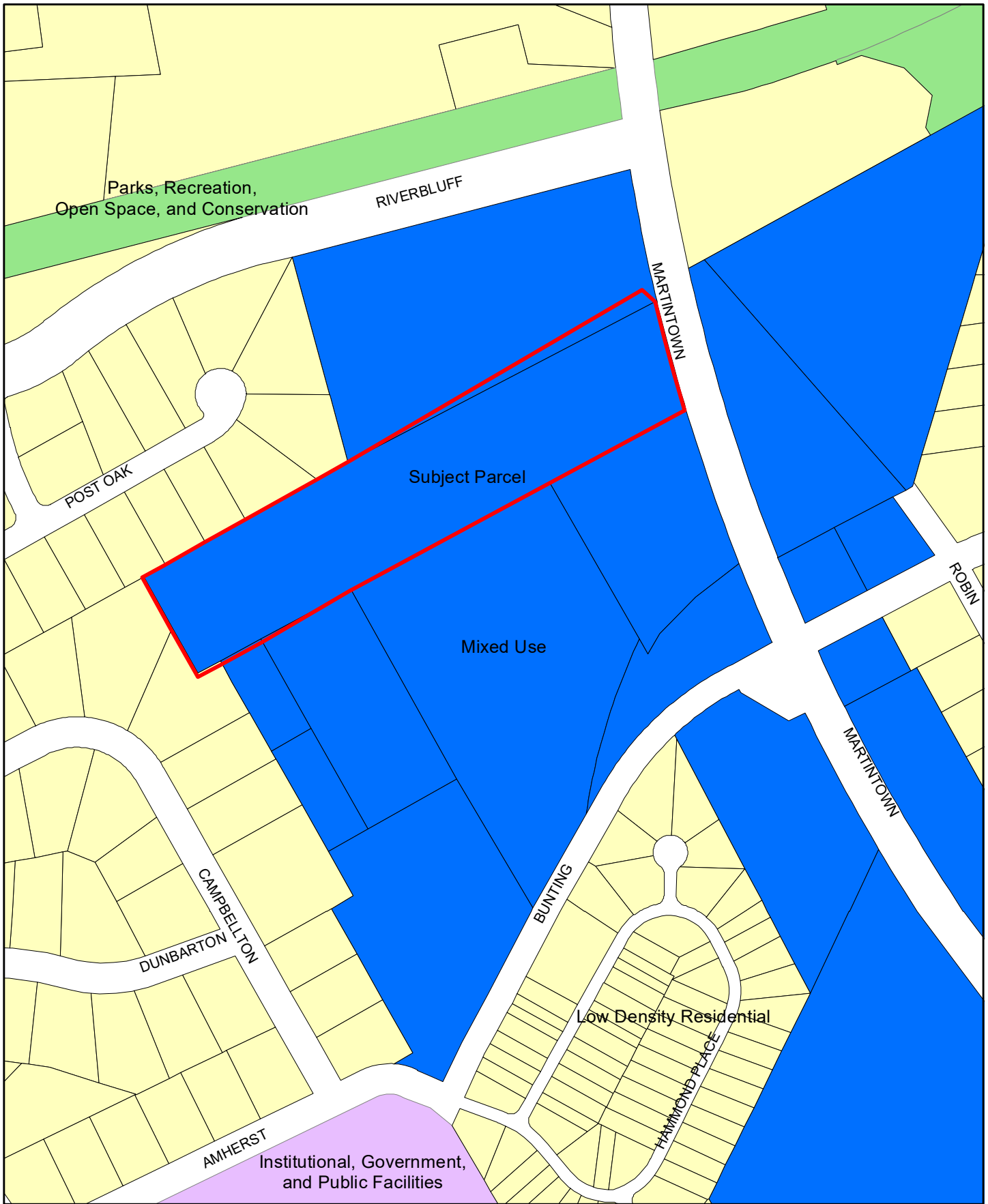
Topography Map  
Application CU20-006  
Victory Learning Center  
628 W Martintown Rd  
TPN 006-13-09-023



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

Date: 12/8/2020





Date: 12/8/2020



Future Land Use Map  
 Application CU20-006  
 Victory Learning Center  
 628 W Martintown Rd  
 TPN 006-13-09-023

# Application for Development Approval

Please type or print all information



### Staff Use

Application Number CU20-006

Date Received 10-21-2020

Review Fee \$25<sup>00</sup>

Date Paid 10-21-2020

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) 006-13-09-023
2. Applicant/Owner Name Bethany Stafford Applicant Phone 706-831-5938  
Mailing Address 410 Gilmore Ave.  
City N. Augusta ST SC Zip 29841 Email bethany-stafford@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 Richard Fletcher License No. \_\_\_\_\_  
Firm Name Cheatham Fletcher Scott Firm Phone 706-724-2668  
Firm Mailing Address 420 1/2 Eighth Street  
City Augusta ST Ga Zip 30901 Email richard@cfscarchitect.com  
Signature \_\_\_\_\_ Date 10-20-20
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 Stafford 10-20-20  
Applicant or Designated Agent Signature Date  
Bethany Stafford  
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 CU20-006

Date Received 10-21-2020

1. Project Name Victory Learning Center

Project Address/Location 620 W Martin town Rd

Project Parcel Number(s) 006-13-09-023

2. Property Owner Name WILLIAM B BLAIR, JR Owner Phone 304-444-3576

Mailing Address 531 NASSAU PASS

City North Augusta ST SC Zip 29841 Email BILL@VICTORYSC.COM

3. Designated Agent Bethany Stafford

Relationship to Owner \_\_\_\_\_

Firm Name \_\_\_\_\_ Phone 706-831-5938

Agent's Mailing Address 410 Gilmore Ave.

City N.A. ST SC Zip 29841 Email \_\_\_\_\_

Agent's Signature [Signature] Date 10/20/20

4. I hereby designate the above-named person (Line 3) to serve as my agent and represent me in the referenced application.

[Signature]  
Owner Signature

10/20/2020  
Date

5. Sworn and subscribed to before me on this 20<sup>th</sup> day of October, 2020.

Beverly Purvis  
Notary Public

03/18/2023  
Commission Expiration Date

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 628 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 an 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 Stafford



**City of North Augusta, South Carolina**  
**PUBLIC NOTICE**  
**Conditional Use Administrative Hearing**

In accordance with North Augusta Development Code §5.5, the Director of Planning and Development will hold an administrative hearing at 3:00 p.m. on Thursday, December 17, 2020, via teleconference to consider the following application:

CU20-006 – A request by Victory Baptist Church for a Conditional Use Permit to allow for a childcare center located at 628 W. Martintown Rd., Tax Parcel Number 006-13-09-023, in the R-14, Large Lot, Single-Family Residential Zoning District and located within the HC, Highway Corridor Overlay District.

Concerned residents interested in expressing a view on the request are encouraged to submit comments via email at [planning@northaugusta.net](mailto:planning@northaugusta.net) or voicemail at 803-441-4221 until 12 p.m. on December 17, 2020. Documents related to the application will be available after December 10, 2020 at <https://www.northaugusta.net/government/city-departments/planning-development>.



playground

Victory Christian School

Victory Baptist Church

The Wilson Farms  
North Augusta

Google