

**Project Staff Report**

CU21-002 ABLE Kids Services, LLC

Prepared by: Kuleigh Baker

Hearing Date: March 11, 2021

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**SECTION 1: PROJECT SUMMARY**

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Project Name	ABLE Kids
Applicant	ABLE Kids Services, LLC
Engineer	N/A
Address/Location	714 Carolina Ave
Parcel Number	007-10-09-001
Total Development Size	±1.22 ac
Existing Zoning	D, Downtown
Overlay	NP, Neighborhood Preservation Overlay District
Traffic Impact Tier	Tier 1
Proposed Use	Use 9.9 Medical and dental clinics or offices with outpatient care

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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.

#### **5.5.4 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

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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 February 24, 2021.

### SECTION 4: SITE HISTORY

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The property was most recently used as a childcare facility. Carolina West, LLC began site renovations in 2020 for a paint store and commercial office space. Site work on the Carolina Avenue storefront is incomplete at this time.

### SECTION 5: EXISTING SITE CONDITIONS

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	<u>Existing Land Use</u>	<u>Future Land Use</u>	<u>Zoning</u>
Subject Parcel	Commercial	Mixed Use	D, Downtown
North	Commercial/Residential	Mixed Use/Low Density Residential	D, Downtown/R-7, Small Lot, Single-Family Residential
South	Commercial/Residential	Mixed Use	D, Downtown
East	Public Park	Mixed Use	P, Public Use
West	Commercial/Residential	Mixed Use/Low Density Residential	D, Downtown/R-7, Small Lot, Single-Family Residential

**Access** – The subject parcel has access from West Avenue and West Forrest Avenue. The Carolina Avenue access was closed at the recommendation of SCDOT for this project.

**Topography** – Having been previously graded, subject parcel is relatively flat.

**Utilities** – Existing water and sanitary sewer are available.

**Floodplain** – The subject property does not appear to have any federally designated floodplains or wetlands.

**Drainage Basin** – The subject property is located in the Waterworks basin. The basin handles stormwater from commercial and residential development from Knox Ave downtown towards Maude Edenfield Park. The stormwater eventually converges in the ponds of the River Golf Club. The Waterworks stream channel is currently not effective at transporting current loads of stormwater during heavy storm events. Channel erosion is evident and banks are repeatedly overtopped. Improvements to infrastructure are needed to alleviate flooding issues along Buena Vista Avenue. The overall water quality at the outfall of the basin remains good but sample locations prior to the River Golf Club contain higher levels of pollutants. The City continues to monitor the basin and implement improvements to stabilize the basin.

## **SECTION 6: STAFF EVALUATION AND ANALYSIS**

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This Conditional Use is for Use 9.9 Medical and dental clinics or offices with outpatient care. Following is a review of the above outlined Approval Criteria. Commentary is provided in italics.

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. Business hours in the Neighborhood Preservation Overlay District are limited to the period from 7 a.m. to 9 p.m.*

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 medical offices with outpatient care requires no additional exterior building alterations, however, staff is aware that additional ADA alterations have been proposed. The owner has been advised that these alterations must be shown on the approved site and building plans. The proposed therapy office is to be located in an existing building undergoing site renovations. The building meets the standards required by the Neighborhood Preservation Overlay District for existing structures.*

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 office will be opened in an established mixed use development with various other commercial, service, medical, and professional uses 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 commercial 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:

*Staff specifies the following conditions:*

- 1) Site plan improvements for MSP19-001 Carolina-West Project and in-progress modifications must be completed to City and SCDOT standards prior to issuance of a C.O. for the Carolina Avenue suites. The site plan will need to verify parking for this use in addition to the retail use. It is recommended to include any other suites in the calculations.*
- 2) An approved Certificate of Zoning Compliance will be required prior to C.O.*
- 3) A sign zoning review and approval will be required prior to any changes to the sign or sign face, or installation of any wall or window signage on the property.*

## **SECTION 7: ATTACHMENTS**

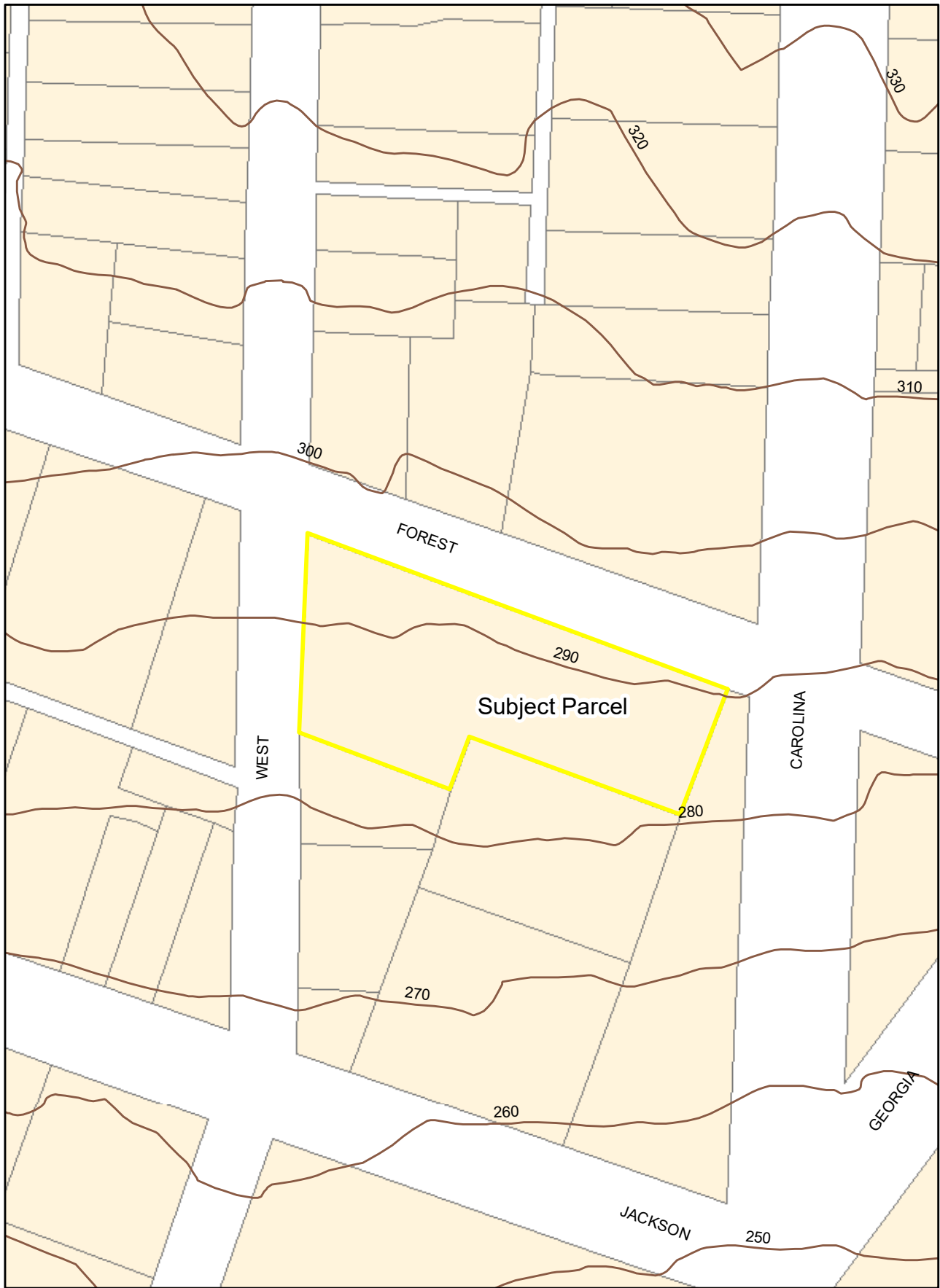
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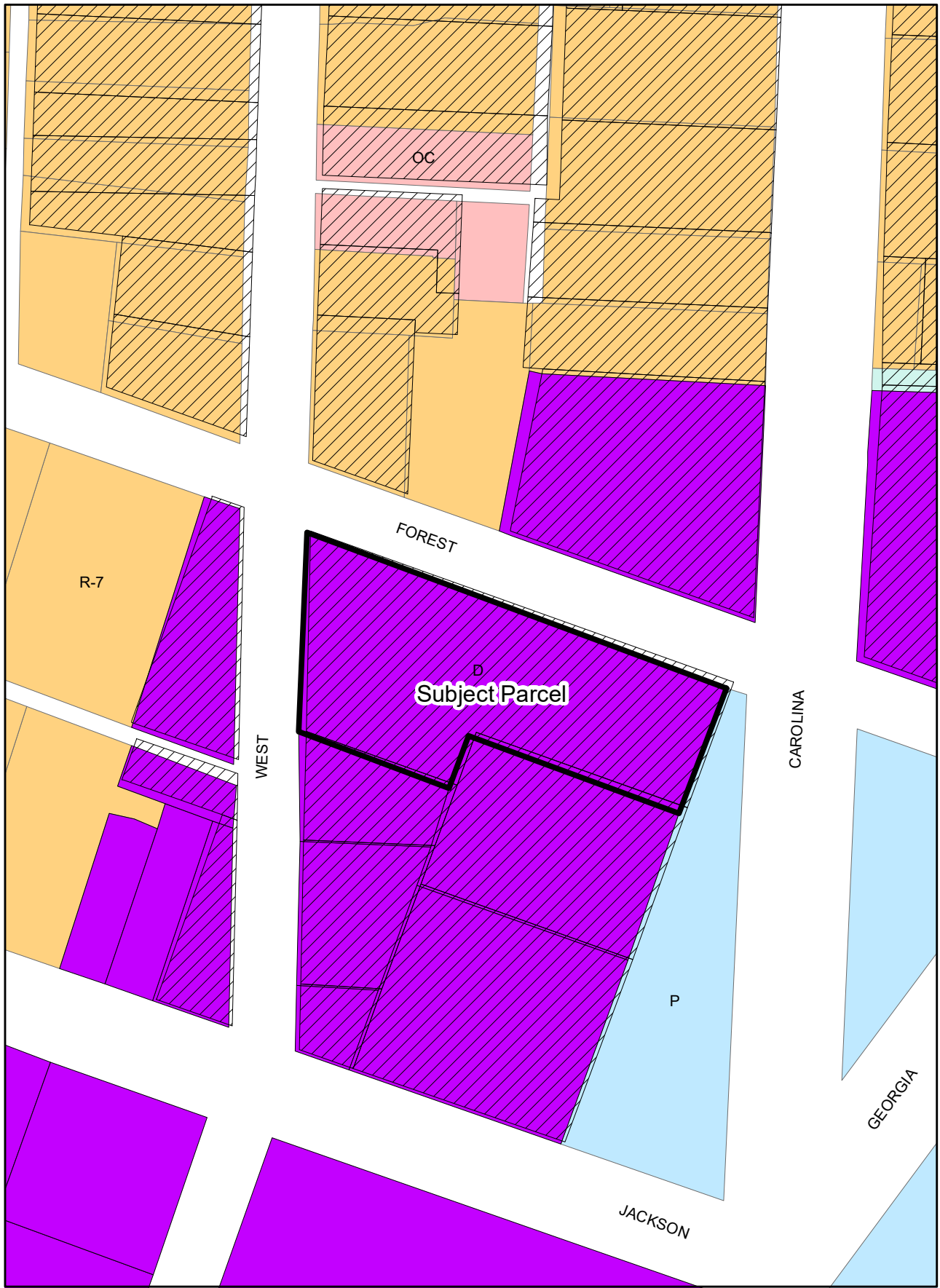
Site Maps  
Public Notice  
Application Materials

Cc: Dan McNichol, ABLE Kids Services, LLC, via email

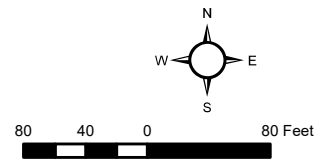






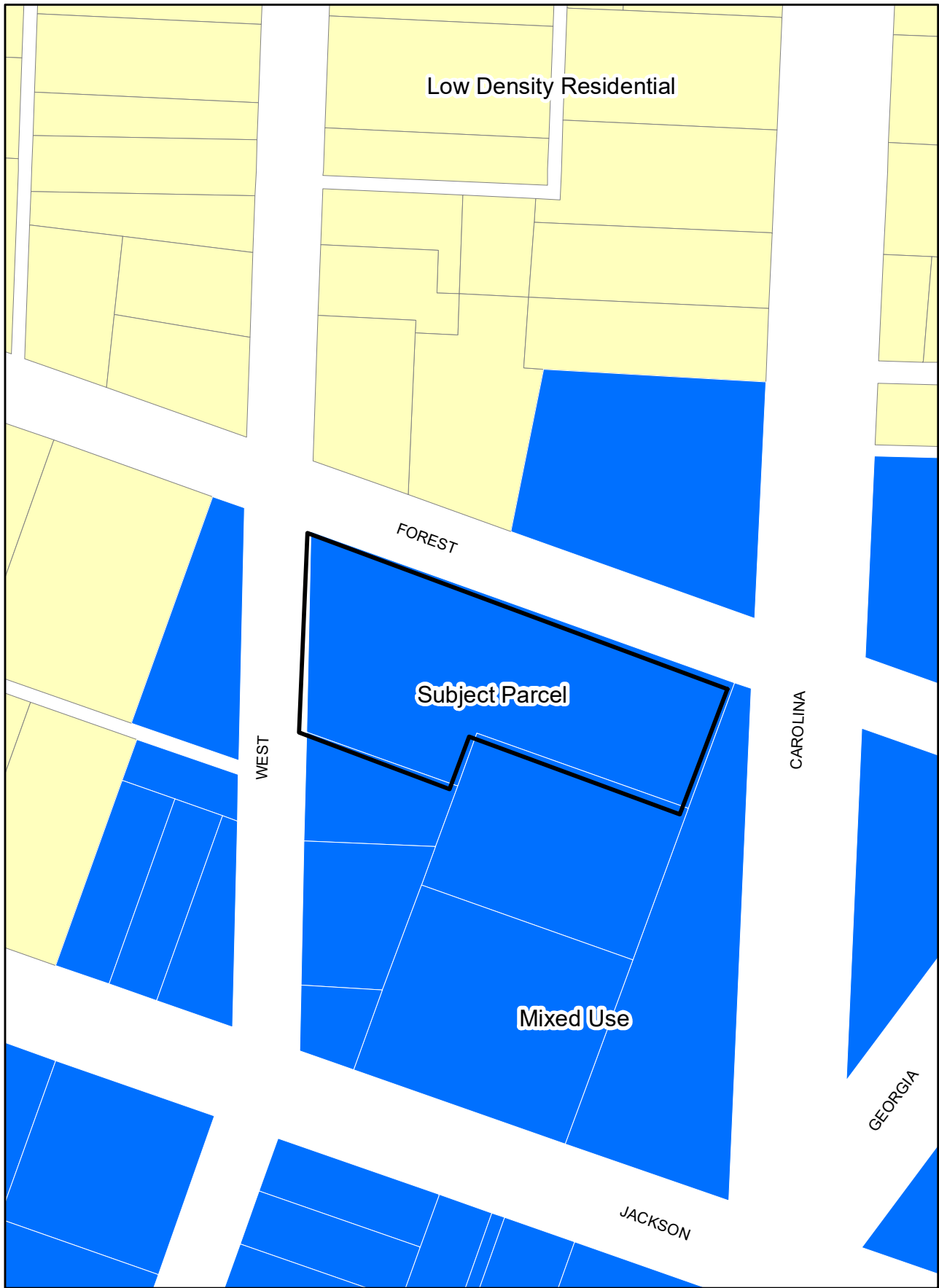


Zoning Map  
 Application CU21-002  
 714 Carolina Ave, TPN 007-10-09-001  
 Approx 1.22 ac  
 D, Downtown



Date: 3/1/2021

NP, Neighborhood Preservation Overlay District



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

In accordance with §5.5 of the North Augusta Development Code, the Director of Planning and Development will hold a virtual administrative hearing for a Conditional Use Permit at **10 a.m. on Thursday, March 11, 2021** via teleconference to consider the following application:

**CU21-002**– A request by ABLE Kids Services, LLC for a Conditional Use Permit to allow for an outpatient therapy office on ±1.22 acres located at 714 Carolina Avenue, Tax Parcel Number 007-10-09-001, zoned D, Downtown Mixed Use and within the NP, Neighborhood Preservation Overlay District.

Residents and Property Owners interested in expressing a view on the request are encouraged to submit comments. Comments will be collected via email at [planning@northaugusta.net](mailto:planning@northaugusta.net) or voicemail at 803-441-4221 until 5 p.m. on Wednesday, March 10, 2021. Documents related to the application will be available after Thursday, March 4, 2021 at <https://www.northaugusta.net/government/city-departments/planning-development>.

# Application for Development Approval

Please type or print all information



Staff Use

Application Number \_\_\_\_\_ Date Received \_\_\_\_\_  
Review Fee \_\_\_\_\_ Date Paid \_\_\_\_\_

1. Project Name ABLE Kids Services, LLC  
Project Address/Location 714 Carolina Avenue  
Total Project Acreage \_\_\_\_\_ Current Zoning Downtown Mixed use  
Tax Parcel Number(s) 007-10-09-001

2. Applicant/Owner Name Dan McNichol Applicant Phone [REDACTED]  
Mailing Address [REDACTED]  
City Augusta ST GA Zip 30907 Email [REDACTED]

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. [Signature] \_\_\_\_\_ Date 2-10-21  
Applicant or Designated Agent Signature  
Dan McNichol  
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 _____	Date Received _____

1. Project Name ABLE Kids Services, LLC  
Project Address/Location 714 Carolina Ave N. Augusta, SC 29841  
Project Parcel Number(s) 007-10-09-001

2. Property Owner Name CAROLINA-WEST LLC Owner Phone [REDACTED]  
Mailing Address [REDACTED]  
City AIKEN ST SC Zip 29802 Email [REDACTED]

3. Designated Agent Dan McMichael  
Relationship to Owner Lessee  
Firm Name \_\_\_\_\_ Phone [REDACTED]  
Agent's Mailing Address [REDACTED] Street Augusta, GA 30901  
City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_ Email [REDACTED]  
Agent's Signature [Signature] Date 2-10-21

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

[Signature] \_\_\_\_\_ February 10, 2021  
Owner Signature Date

5. Sworn and subscribed to before me on this 10<sup>th</sup> day of February, 2021.

Brittany Egbert  
Notary Public

11-08-2021  
Commission Expiration Date



Certificate of Zoning Compliance

1. This form is required for any new business, home occupation, business relocation, or business owner change.
2. Some projects may require additional approvals before a business license can be issued. This may include Site Plan Approval, Conditional Use Permit, Building Permit and/or Certificate of Occupancy.
3. A Certificate of Zoning Compliance is not an approval for occupancy. Building modifications, including electrical, mechanical, plumbing, new walls, demolition, etc., will require a separate building permit. Please contact Building Standards for additional information.
4. Home Occupations applications must comply with the City's Home Occupation Regulations.
5. Food Truck applications must provide additional information to comply with the City's Food Truck Regulations.
6. All signage is permitted separately. Please contact Planning and Development for additional information.
7. After approval, this document must be presented to the Finance Department in order to be issued a City of North Augusta Business License.
8. Additional resources are available in the City of North Augusta New Business Guide.

**PLEASE CHECK WITH THE APPROPRIATE DEPARTMENT BEFORE BEGINNING ANY SITE,  
BUILDING OR SIGN WORK.**

Check all of the following that apply:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> New Business       | <input type="checkbox"/> Existing Business Name Change      |
| <input type="checkbox"/> Existing Business Relocations | <input type="checkbox"/> Existing Business Ownership Change |
| <input type="checkbox"/> Home Occupation               | <input type="checkbox"/> Food Truck                         |

Business Name

ABLE Kids Services, LLC

Date

02/10/2021

Business Address

714 Carolina Avenue, North Augusta, SC

Applicant Name:

Dan McNichol

Applicant Address:

██████████ August, GA

Phone:

██████████

E-mail

██████████

Business Owner Information (if different than applicant):

Allan Soto, ██████████

**Describe the business, including products or services provided:**

Provide outpatient therapy for children with Autism Spectrum Disorder.

Number of Employees (including yourself):

11

Number of off-street parking spaces on site:

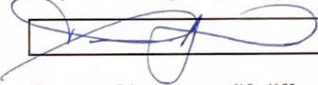
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**Applicant Certifications -- Please Read**

1. I hereby certify that all information provided is true and correct to the best of my knowledge.
2. I certify that I am the person listed below and am authorized to make this application.
3. I understand that providing false or fraudulent information may result in penalties, business license revocation and/or prosecution to the fullest extent possible.
4. I am aware of and understand the jurisdiction's requirements and codes, and the issuance of a business license is contingent upon strict and consistent compliance with all of the jurisdiction's requirements.
5. I understand that failure to comply with these requirements may result in business license revocation as well as other compliance or legal efforts.
6. I hereby certify that there are no restrictive 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 this application.
7. I also understand and authorize the jurisdiction and its agents to utilize all information on this application to ensure compliance with all other federal, state and local laws.

I agree

Applicant Signature (type name or print and sign to indicate acceptance):



Owner Signature (if different than applicant):



The complete application with all required documentation may be submitted:

- Via email to [planning@northaugusta.net](mailto:planning@northaugusta.net)
- Via mail:  
Planning and Development Department, City of North Augusta, PO Box 6400, North Augusta, SC 29861
- In person:  
Planning and Development Department, 2nd Floor, 100 Georgia Avenue, North Augusta, SC 29841

Submit Form Via Email



**THIS SECTION FOR OFFICE USE ONLY**

Parcel Number

Case Number

Use Matrix Reference

NAICS Reference

Additional Reviews Required:

- Site Plan Approval
- Building Permit
- Certificate of Occupancy
- Business License
- Other

Zoning

Approved By:

Date:

Other notes or conditions:



3736 EXECUTIVE CENTER DRIVE  
AUGUSTA, GA 30907

To Whom It May Concern:

ABLE Kids clinics are dedicated to helping children with special needs live beyond life's expectations. We currently have four clinics in Savannah, Evans, and Augusta, Georgia. Due to high demand and our solid reputation in the industry we have an opportunity to greatly expand throughout the Southeast. That is why we are seeking approval to open an ABLE Kids clinic in North Augusta, SC.

The proposed location is 714 Carolina Avenue. We have already reached an agreement with the owner of the building and have the financing and staffing to occupy the space. This clinic's staff will consist of a Board-Certified Behavior Analyst, and Occupational Therapist, Speech Therapist, 5-10 Registered Behavioral Technicians, and an Office Coordinator. We will have the capability to provide service to up to 8 Autistic children. Our experience has proven that this is the optimal staff to patient ratio to provide the best care to our patients.

The floor plan has been built out to suit our needs and is equipped with 7 individual therapy rooms, an open communal space for the patients, 12 parking spaces, a break room with kitchenette, 3 ADA compliant restrooms, and 4 ADA compliant entry egress points and our office hours will be 8am-4:30pm, Monday-Friday.

ABLE Kids provides ABA Therapy, Occupational Therapy, Speech therapy, early intervention, professional development and educational support and advocacy to children with Autism. Though we fall into a similar category as other clinics and doctor's offices, we are unique in that we will be the only clinic in the North Augusta area that offers these services to autistic children and their families.

We appreciate your consideration and are looking forward to being a part of the North Augusta community.

Daniel J McNichol  
CIO, ABLE Kids

