

Project Staff Report

CU21-007 Jackson Square
Prepared by: Kuleigh Baker
Hearing Date: July 13, 2021

SECTION 1: PROJECT SUMMARY

Project Name	Jackson Square
Applicant	Brett Brannon, Pensco Trust Co.
Designer	Todd Yeager, Bellwether Landscape Architects
Address/Location	336 Georgia Ave.
Parcel Number	007-14-03-005 (portion of)
Total Development Size	±0.17 ac
Existing Zoning	D, Downtown
Overlay	G, Georgia Avenue Overlay District
Traffic Impact Tier	Tier 1
Proposed Use	Use 8.7, Entertainment Establishments

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.

5.5.4 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, www.northaugusta.net, on June 24, 2021.

SECTION 4: SITE HISTORY

Jackson Square was approved as an infill commercial retail and office development by the Planning Commission at the January 13, 2006 regular meeting. In 2007 and 2008, a drive-through teller and outbuilding were added to the West Avenue frontage. In 2012, site plans for Phase I Parking Additions were approved. In 2013, site plans for the West Avenue Commercial Buildings and Phase II Parking Additions were approved. The parking lot additions provided additional parking for Jackson Square businesses between existing parking and the public alley that separates Wade Hampton Veterans Park. The project that is the subject of this application is proposed to be located on the site of the former Truck Stop at Jackson Square food truck court.

SECTION 5: EXISTING SITE CONDITIONS

	<u>Existing Land Use</u>	<u>Future Land Use</u>	<u>Zoning</u>
Subject Parcel	Parking Lot	Mixed Use	D, Downtown
North	Commercial	Mixed Use	D, Downtown
South	Park	Mixed Use	P, Public Use
East	Commercial	Mixed Use	D, Downtown
West	Parking Lot	Mixed Use	D, Downtown

Access – The subject parcel has access from Georgia Avenue, West Buena Vista Avenue, and West Main Street.

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

Utilities – The site has access to water and sewer lines from Georgia Avenue.

Floodplain and Environmental Conditions - The site is not within federally designated floodplain or wetlands. There are no environmentally sensitive areas currently identified within this project site in need of protection.

Drainage Basin – This site is located within the Crystal Lake Basin. The Crystal Lake basin is located in the area of the city that encompasses parts of Jackson Avenue, Mokateen, Crystal Lake Drive, Forest and Lake Avenues, lower West Avenue, Bluff and Cumberland Avenues and Crystal Lake. The Crystal Lake basin perennial stream (Crystal Creek) is routinely inundated with stormwater flows that exceed its capacity. The preliminary physical stream assessments at Crystal Creek indicate that this stream channel is currently not effective at transporting loads of stormwater during heavy storm events. Channel erosion is evident, trash and debris are present, and the banks frequently overtop in some locations during heavy storms. This stream system is in a highly residential area, and this usually results in nutrient loads to the system from many sources including possible leaking sewer lines, pets, and over fertilization of gardens and lawns. The stream channel will not sustain further development without implementing measures to mitigate for stormwater runoff being added to the current system.

SECTION 6: STAFF EVALUATION AND ANALYSIS

This Conditional Use is for Use Use 8.7, Entertainment Establishments, Table 3-2, Use Matrix of the North Augusta Development Code. 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 use is located, designed, and proposed to be operated to maintain the public health, safety, and general welfare. Alcohol sales will be regulated by the state. Noise and other negative effects are regulated by the hours of operation prescribed by the Municipal Code and enforceable by Public Safety.

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;

This Conditional Use Permit is being considered for approval for Use 8.7, Entertainment establishments. The site plan submitted for the improvements on the subject lot noted the location of a stage. As there are no other primary uses on the property, the

allowance of an entertainment stage is a conditional use per Table 3-2. Use 8.7 includes "Entertainment Establishments, such as lounges, discos, nightclubs, private clubs, and music or dance establishments (not including Adult Businesses)." Staff notes the site plan is generally compliant with the required regulations and standards of the NADC but any required waivers or variances shall appeal to the Planning Commission or Board of Zoning appeals, as applicable. Any additional requirements will be verified prior to site plan approval.

Use 5.64, Outdoor Café, subject to Art. 4.32, cannot be permitted on the property as it is a stand-alone property and cannot be classified as an accessory use.

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 outdoor seating and entertainment stage uses will be operated in an established commercial corridor with various other commercial uses nearby. Noise, public safety, and any other application Municipal codes will be enforced by the appropriate agency.

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. The development is also part of a strategic opportunity area identified in Chapter 10, A Vibrant Downtown & Riverfront in the 2017 Comprehensive Plan.

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

Staff specifies the following conditions:

- 1) A site plan must be approved by the City. This Conditional Use does not provide any waiver or variance for any other development code requirements at this time.*
- 2) The development must meet all other requirements of the Georgia Avenue Overlay District.*
- 3) An approved Certificate of Zoning Compliance will be required prior to C.O.*
- 4) A sign zoning review and approval is required prior to installation of any signage on the property.*

Conditional Use Staff Report

CU21-007 Jackson Square

Prepared by: Kuleigh Baker

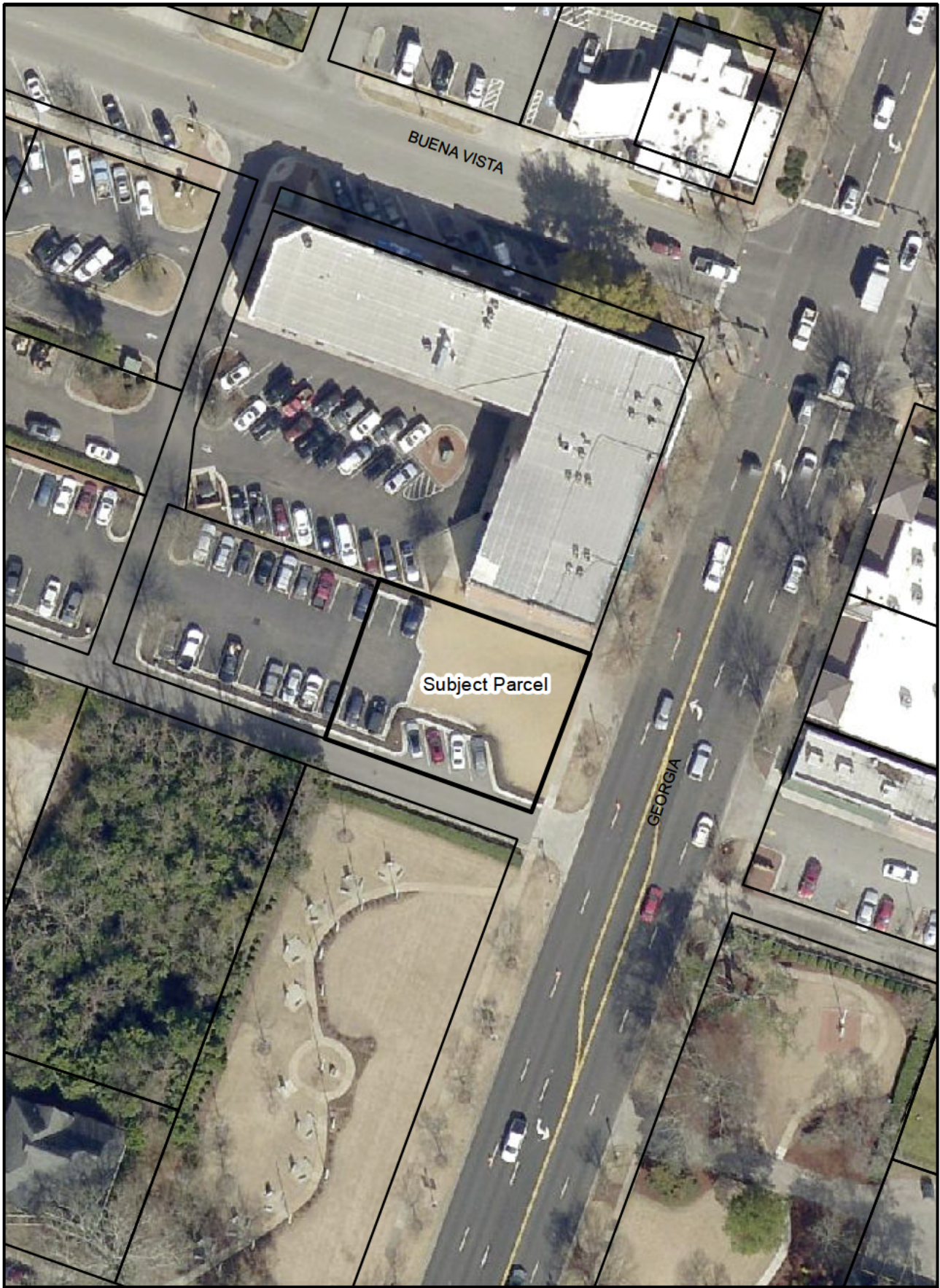
Hearing Date: July 13, 2021

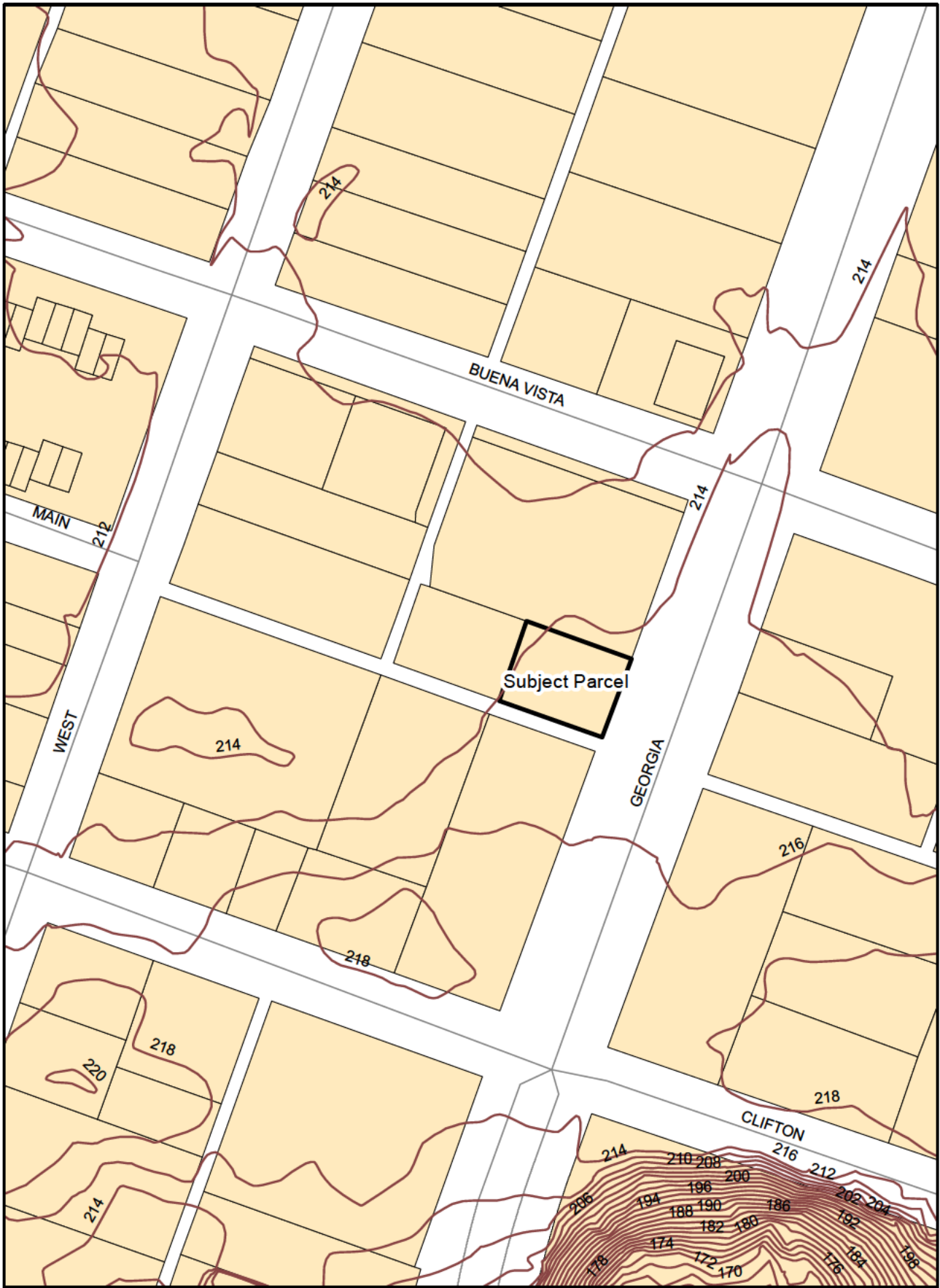
- 5) *The Conditional Use granted apply only to the indicated parcel, and the conditional use will not apply to any future development on the site should this plan not be developed.*

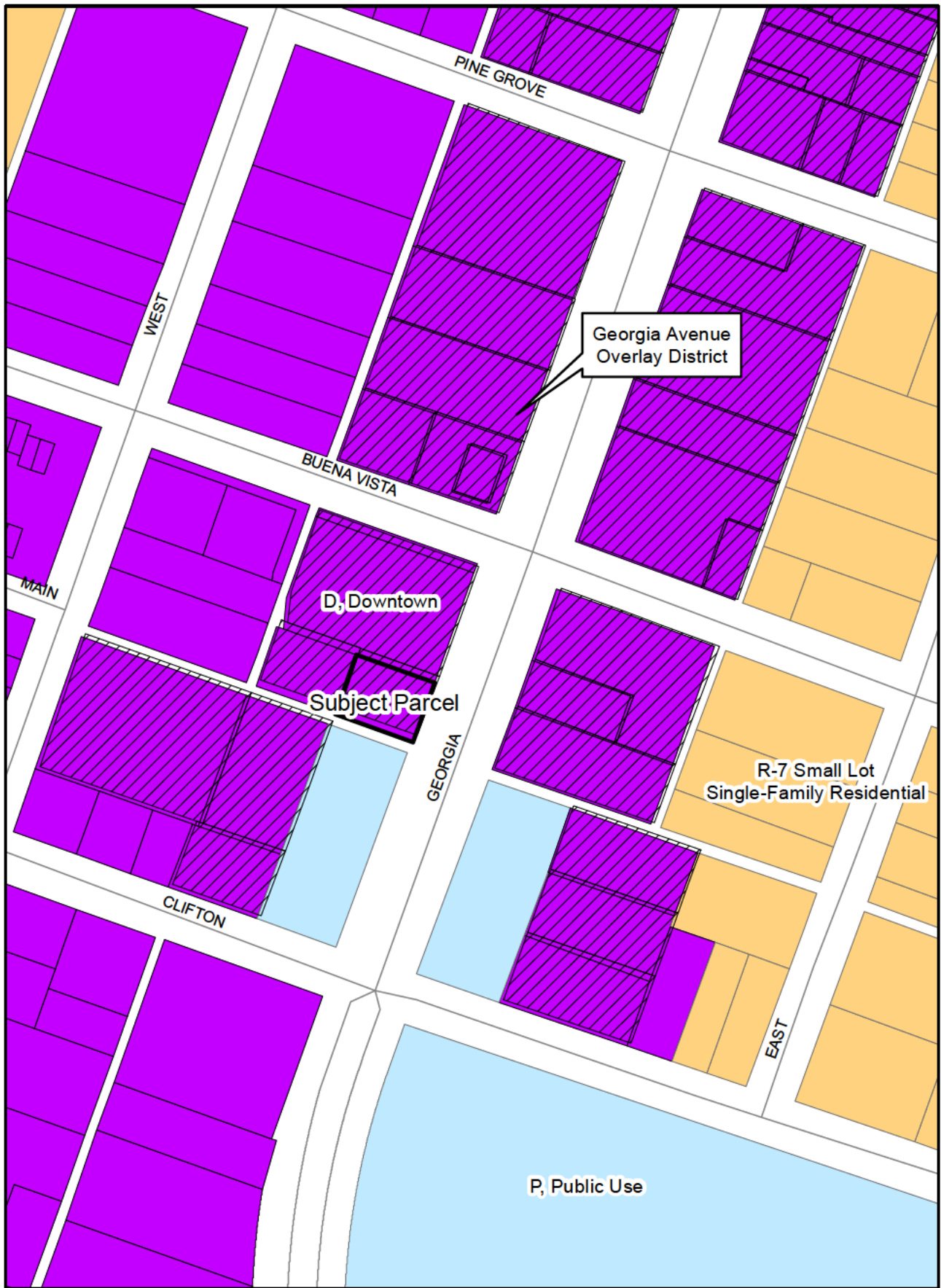
SECTION 7: ATTACHMENTS

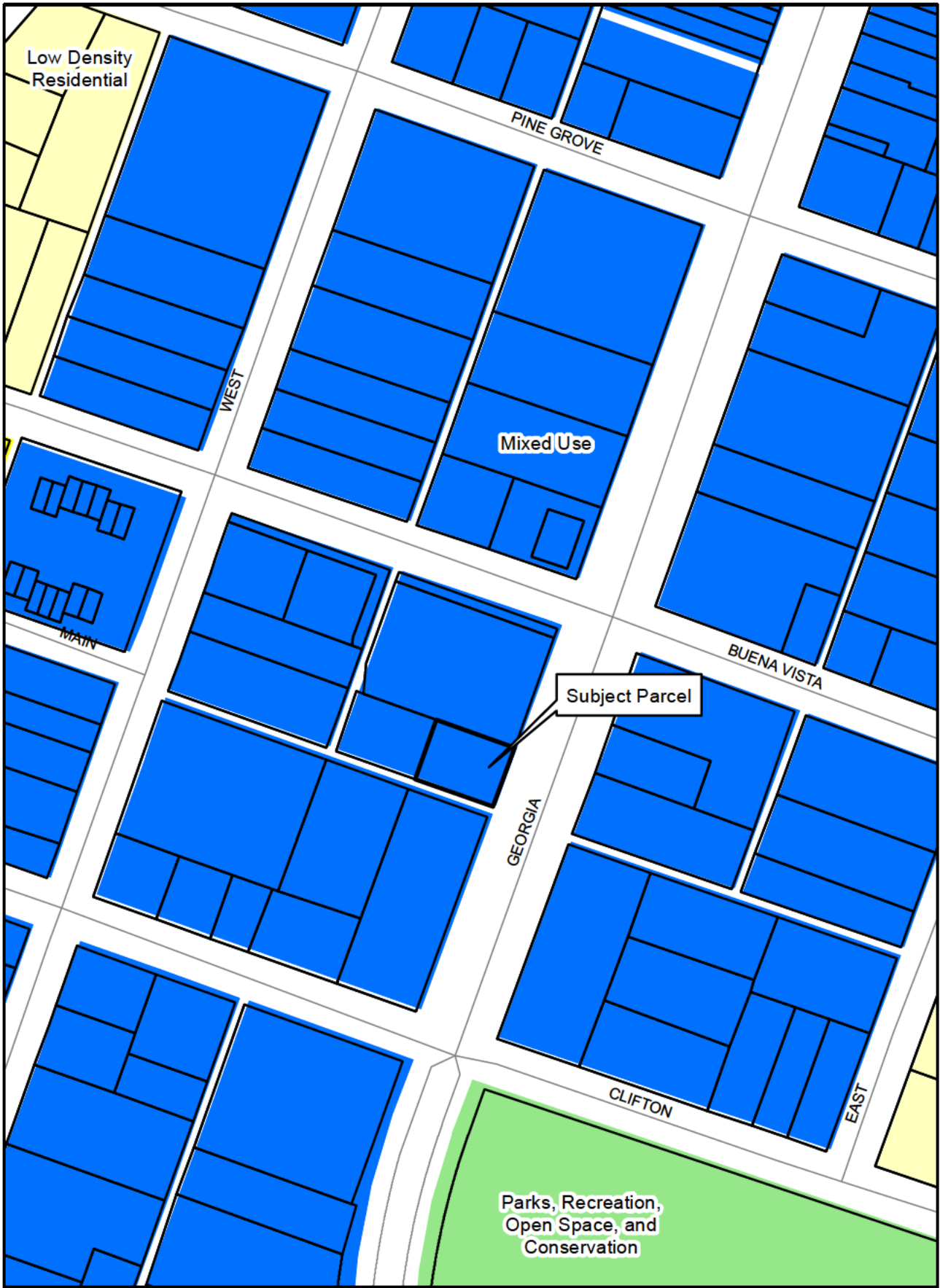
- 1) Aerial Map
- 2) Topography Map
- 3) Zoning Map
- 4) Future Land Use Map
- 5) Public Notice
- 7) Application Documents

Cc: Brett Brannon, via email









Application for Development Approval

Please type or print all information



Staff Use

Application Number C421-007

Date Received 5/20/21

Review Fee \$31.25

Date Paid 5/20/21

1. Project Name Jackson Square Parking Addition

Project Address/Location 336 Georgia Avenue

Total Project Acreage .17 Current Zoning D

Tax Parcel Number(s) 007 14 03 005

Perco Trust Co H40

2. Applicant/Owner Name Brett Brannon et al Applicant Phone [REDACTED]

Mailing Address 338 West Ave

City North Augusta ST SC Zip 29841 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 Todd Yeager License No. 754

Firm Name Bellweather Landscape Architects Firm Phone 404 996 1232

Firm Mailing Address 300 West Wicoma Rd Ste 216

City Atlanta ST GA Zip 30342 Email [REDACTED]

Signature [Signature] Date 5/20/21

see stamped & signed plans previously submitted

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]
Applicant or Designated Agent Signature

5.20.2021
Date

Brett Brannon
Print Applicant or Agent Name

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

Jackson Square LLC

Date

5/20/2021

Business Address

339 West Avenue

336 Georgia Avenue

Applicant Name:

Brett Brannon

Applicant Address:

339 West Avenue

Phone:

E-mail

Business Owner Information (if different than applicant):

Describe the business, including products or services provided:

OUTDOOR SEATING AREA

Number of Employees (including yourself):

0

Number of off-street parking spaces on site:

0

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):

BRETT BRANNON

Owner Signature (if different than applicant):

[Signature]

The complete application with all required documentation may be submitted:

- Via email to 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

007-14-03-002

Case Number

02021-071

Use Matrix Reference

NAICS Reference

Additional Reviews Required:

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

Zoning

D/G

Approved By:

Date:

Other notes or conditions:

Please accept the following as our statement for Item E. of our Conditional Use Permit:

This parcel will be used as a seating and relaxation area for Downtown shoppers and diners. All seating areas will have movable furniture. The area will be landscaped. There will be a 4" high wooden platform (deck) designed specifically to accommodate tables and chairs for seating. While there are no other planned uses of the platform at this time, we have been asked to comment on what uses the platform might have over the entire Life of the Platform. Given that list could include any number of things, it is possible that the tables and chairs would be temporarily moved thereby allowing it to be used for a variety of activities to potentially include an occasional Entertainer of some kind. When such temporary uses are complete, the platform would again be used for seating via tables and chairs.

Hours of operation: The space would be available during normal business hours for dining and shopping.

Parking: There is ample parking on the parcel with 8 spots and there is also adequate on-street public parking in the immediate Downtown area.

Employees: None.