

Planning Commission



Minutes of the Thursday, September 3, 2015 Special Meeting – CORRECTED

Members of the Planning Commission

Woods Burnett

Chairman

Leonard Carter, Jr.

Bob Clark

Richard Fletcher

Timothy V. Key

JoAnn McKie

Larry Watts

1. **Call to Order** – The special called meeting of September 3, 2015, having been duly publicized, was called to order by Chairman Woods Burnett at 7:00 p.m.
2. **Roll Call** – Members present were Chairman Burnett and Commissioners Len Carter, Bob Clark, Richard Fletcher and Larry Watts. Commissioners Tim Key and JoAnn McKie were absent. Also in attendance were Scott Sterling, AICP, Director of Planning and Development; Christine DeCamp, AICP, Planner; Todd Glover, City Administrator; and Wesley Summers, BZA Chairman.
3. **Confirmation of Agenda** – There were no changes to the agenda.
4. **Application RZT 15-002** – A request by the City of North Augusta to amend the following standards in Article 3, Zoning Districts, of the North Augusta Development Code (NADC):
 - A. Line 8.16 of Table 3-1, Use Matrix, to conditionally allow “Recreation, Outdoor Commercial” uses in the GC, General Commercial District;
 - B. Section 3.8.5.8.4 to modify dumpster pad dimensions in the HC, Highway Corridor Overlay District; and
 - C. Section 3.8, Corridor Overlay Districts, to codify the Director of Planning and Development’s authority to interpret Corridor Overlay District development requirements.

Public Hearing – Chairman Burnett opened the public hearing at 7:03 p.m.

Mr. Sterling reviewed the application as outlined in Staff Memorandum 15-38, providing the opportunity for Commissioners’ questions after each of the proposed amendments.

Proposed Amendment A. – Commissioners asked questions about the conditional use review and approval process; current uses permitted in the GC, General Commercial zoning district; and minor and major site plan criteria.

Proposed Amendment B. – Chairman Burnett noted that the requested dumpster pad dimension represented a 39% increase in area. There were no other comments or questions.

Proposed Amendment C. – Commissioners asked questions about the current process for waivers or other relief from corridor district requirements; the statutory variance review process; and Section 18.4.4 of the Development Code which grants the BZA the authority to waive corridor overlay development standards through the variance process. They briefly discussed each of the three overlay districts and requested specific examples of corridor overlay requirements that might benefit from increased flexibility. Commissioners generally agreed that each of the three districts, along with all NADC requirements, were established to provide a strong guideline to the staff and are effective. They noted the particular importance of the Georgia Avenue Overlay in the downtown, which is essential to the City's character. Commissioners stated that some flexibility on minor issues could be possible in the other two overlays, but not in the Georgia Avenue Overlay. If flexibility is needed, amendments to the NADC may be required. Commissioners collectively indicated their willingness to meet more frequently if needed to support the staff in making decisions and to shorten the development review process where possible. Finally, Commissioners questioned whether the proposed text amendment, if approved, would result in subjective judgments that could deviate from the intent and objectives of the Development Code and could also represent a step backward for the City.

Todd Glover, City Administrator, representing the applicant, provided some additional background information on the three text amendment requests with a focus on Amendment C. Mr. Glover stated that the basis for the proposed amendment is the City's commitment to economic development. He stated that the current project review timeline is too long and can be a hardship or deterrent for some applicants. The proposed Amendment C. could shorten the timeline by providing the opportunity for increased staff flexibility and eliminating the need, in some cases, to present applications to the Planning Commission and/or the BZA.

Mr. Glover discussed current examples where proposed Director discretion would improve the review and approval process, citing a proposed prompt care facility in the Georgia Avenue Overlay and potential shopping center redevelopment in the Highway Corridor Overlay. Applicants in each of these examples have stated that they cannot comply with some Corridor Overlay requirements.

Mr. Sterling and Mr. Glover responded to all comments and questions.

Wesley Summers, 987 Campbellton Drive, Chairman of the Board of Zoning Appeals, stated his concern that modifying the NADC to give increased authority to the Director of Planning, the City Administrator and the City Attorney to waive or alter NADC development standards removed the opportunity for public comment that the BZA and the Planning Commission provide. He stated that the proposed change might place unanticipated pressure on the Planning Director and staff. Mr. Summers further stated that the Board of Zoning Appeals makes every effort within the law to provide relief to applicants and the Board is available to meet more often if important issues arise.

There were no other public comments. Chairman Burnett closed the public hearing at 8:02 p.m.

Consideration of Application RZT 15-002 – Commissioners agreed to consider each of the three proposed text amendments separately. All motions are recommendations to the City Council.

Proposed Amendment A –

Commissioner Fletcher moved to recommend that the City Council approve a text amendment to Line 8.16 of Table 3-2, Use Matrix, of the NADC to conditionally allow “Recreation, Outdoor Commercial (including amusement parks, paintball)” uses in the GC, General Commercial District.

Commissioner Clark seconded the motion. The motion passed on a 4-1 vote*, with Commissioner Carter opposed.

Proposed Amendment B –

Commissioner Carter moved to recommend that the City Council approve a text amendment to Section 3.8.5.8.4.f.2 of the NADC to modify minimum dumpster pad dimensions from 8 x 18 feet to 10 x 20 feet.

Commissioner Watts seconded the motion. The motion passed unanimously.

Proposed Amendment C –

Commissioner Burnett moved to recommend that the City Council disapprove a text amendment to add a new Section 3.8.3.2 to Article 3, Zoning Districts, of the NADC to provide additional discretion to the Director, in consultation with the City Administrator and the City Attorney, in the interpretation of Corridor Overlay District development requirements.

Commissioner Fletcher seconded the motion. The motion passed on a 5-0 vote.

In order to avoid possible confusion and concern on this issue, Commissioner Watts restated the earlier motion to recommend that the City Council approve a text amendment to add a new Section 3.8.3.2 to Article 3, Zoning Districts, of the NADC to provide additional discretion to the Director, in consultation with the City Administrator and the City Attorney, in the interpretation of Corridor Overlay District development requirements.

Commissioner Carter seconded the motion. The motion failed on a 5-0 vote.

Chairman Burnett distributed proposed alternative text to replace Proposed Amendment C. The proposal would apply selected language found in Article 5, Approval Procedures, to Article 3, Zoning Districts, of the NADC and would amend Section 18.4.4. of Article 18, Administration. The proposed amended language was reviewed. New language is underlined. Language proposed to be deleted is struck through.

3.8.3.1 District Purposes and Standards

The purposes, zoning standards, site design and access standards, and building form standards for each corridor district are described in §3.8.4 for the Georgia Avenue Overlay District, §3.8.5 for the Highway Corridor Overlay district and §3.8.6 for the Neighborhood Preservation Corridor Overlay District.

3.8.3.2 Planning Commission Waivers

The Planning Commission may approve waivers to the development standards contained in this Chapter except where the authority to grant waivers, variances and adjustments is vested in the Board of Zoning Appeals. Such waivers shall be approved as part of the underlying application for development approval upon a written finding, supported by substantial competent evidence. The Planning Commission may waive such standards where:

- a. After obtaining the recommendation of the Director, the Planning Commission determines that the proposed waiver does not conflict with the goals and policies of the Comprehensive Plan or the purposes underlying the standard; and
- b. The applicant demonstrates through documentation and/or studies, based on generally accepted engineering principles, that adherence to the standard provided by this Chapter would pose a threat to health and safety or would undermine a policy set forth in the Comprehensive Plan or the purposes underlying the standard; and
- c. The applicant consents to an alternative standard, and the Planning Commission finds that such a standard is consistent with the Comprehensive Plan, will protect the public health, safety and general welfare, and is consistent with the purposes underlying the standard; and
- d. The economic burden imposed on the applicant to comply with the generally applicable standard outweighs the public purpose for such standard; and

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

3.8.3.3 Minor Waivers

The Director may approve minor waivers unless a condition of development approval requires referral to the Planning Commission in which case such referral shall be considered in accordance with §3.8.3.2. Minor waivers to the development standards include setbacks, landscaping, access and parking within fifty percent (50%) of the applicable standard or standards. The applicant or any aggrieved party as provided by law may appeal the Director's decision to the Planning Commission.

18.4.4 Purpose

The purpose of this section is to protect the rights of applicants, landowners and affected persons by providing procedures for appeals from decisions of administrative officials and variances from the provisions contained in Articles 3, 4, 5, 7, 9, 13, 18 and 19 of this Chapter. Appeals from the provisions of all other articles contained in this Chapter shall be considered by the Planning Commission in accordance with §3.8.3.2 and 5.9. This section implements the provisions of S.C. Code §6-29-800 and applies to the following appeals:

- a. Appeals from and review of any order, requirement, decision or determination made by an administrative official charged with enforcing this Chapter;
- b. ~~An application for a variance from a requirement of Article 3, Zoning Districts; or~~
- e. b. An application for a special exception use as listed in the Table 3-2, Use Matrix.

Consideration of the Proposed Alternative Language – Mr. Glover requested that the process be simplified and that a threshold be set for items that are suitable for the Director's discretion. Commissioner Fletcher requested that "setbacks" be removed from Section 3.8.3.3. The proposed revised Section 3.8.3.3 would read:

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Commissioner Fletcher moved to recommend that City Council approve Chairman Burnett's proposed alternative language to Sections 3.8 and 18.4.4 of the Development Code with deletion of the word "setbacks" from Section 3.8.3.3.

Commissioner Clark seconded the motion with a request, if the proposed amendments are not approved, that the City Council offer alternative language.

The motion passed unanimously.

- 4. Adjourn** – With no objection, Chairman Burnett adjourned the meeting at 8:47 p.m.

Respectfully Submitted,

Scott Sterling, AICP, Director
Department of Planning and Development
Secretary to the Planning Commission