

# Planning Commission



## Minutes of the Thursday, June 20, 2013 Meeting

*Members of the Planning Commission*

Woods Burnett

*Chairman*

Leonard Carter, Jr.

Bob Clark

Richard Fletcher

Timothy V. Key

JoAnn McKie

Larry Watts

### **REGULAR MEETING**

1. **Call to Order** – The regular meeting of June 20, 2013, 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 Bob Clark, Richard Fletcher, JoAnn McKie and Larry Watts. Commissioner Tim Key arrived after roll call at 7:03 p.m. Commissioner Len Carter was absent. Also in attendance were Scott Sterling, AICP, Interim Director of Planning and Development; Christine DeCamp, AICP, Planner; the applicant; and the public.
3. **Approval of Minutes** – The minutes of the Regular Meeting of December 20, 2012 were approved as written.
4. **Confirmation of Agenda** – There were no changes to the agenda.
5. **Application DA 13-001** – A request for a modification to parking lot requirements for the approved minor site plan for House of the Potter Church.

Mr. Sterling reviewed the modification request as outlined in Memo 13-21 stating that the applicant has requested a waiver from Sections 12.3.4 and 12.3.5 of the Development Code which require hard surface paved off-street parking with concrete curb and gutter and also prohibit gravel as an alternative parking lot material.

Commissioners asked questions about parking calculations, alternative parking lot materials, site location and neighboring properties, the property's annexation history, pervious surface alternatives and the level of public services provided to the site. Mr. Sterling responded to all questions.

Ken Newsome, a local contractor representing the applicant, addressed Commissioners to request a waiver from paved parking requirements listed in Section 12.3.4 of the NADC due to the site location and also budgetary constraints of the applicant. Mr. Newsome stated that, based on estimates he had collected, the expense of constructing the parking lot as required in Section 12.3.4 was cost-prohibitive and impracticable in light of its intermittent demand. Mr. Newsome asked Commissioners to allow an alternative paving surface as permitted in Section 12.3.5. He offered to construct a concrete parking area that would comply with the parking design approved on the approved minor site plan for the property. Mr. Newsome also requested that curb and gutter not be required on the site due to its unique location in close proximity to several Aiken County commercial properties without curb and gutter. He further stated that the waiver was appropriate due to the negligible value of curb and gutter beyond aesthetics on this particular site.

**Consideration of Application DA 13-001** – The Development Code allows the Planning Commission to approve waivers to NADC development standards. Such waivers shall be approved as part of the Development Approval Modification application upon written findings, supported by substantial competent evidence. Commissioners addressed each of five factors to consider in approving a waiver:

*5.9.1.1 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)*

No staff recommendation was provided. Commissioners determined, based on the intended use, that the proposed waiver does not conflict with the goals and policies of the Comprehensive Plan.

*5.9.1.2 The applicant demonstrates, through documentation and/or studies, based on generally accepted engineering principals, 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)*

Commissioners determined that the applicant did not demonstrate that adherence to Sections 12.3.4 and 12.3.5 posed a threat to health and safety. Alternatively, Commissioners determined that, in this case, full adherence to the requirements of Section 12.3.4 undermined the Comprehensive Plan's Quality Development Principle #9 which calls for development decisions to be cost effective. The estimated cost of full-scale parking improvements to a site that will serve a small church with limited and intermittent parking demand is cost prohibitive.

- 5.9.1.3 *The applicant consents to an alternative standard, and the Planning Commission finds that such standard is consistent with the Comprehensive Plan, will protect the public health, safety and general welfare, and is consistent with purposes underlying the standard; (and)*

In her request letter, the applicant proposed construction of a gravel parking lot. At the meeting, an alternative proposal to construct a concrete parking lot was made. Commissioners determined that construction of a concrete parking area is at least equivalent to the originally-proposed asphalt and is consistent with the Comprehensive Plan and with the purposes underlying Sections 12.3.4 and 12.3.5.

- 5.9.1.4 *The economic burden imposed on the applicant to comply with the generally applicable standard outweighs the public purpose for such a standard; (and)*

Commissioners determined that the economic burden imposed on the applicant to fully comply with Sections 12.3.4 and 12.3.5 outweighs the public purpose for the Section requirements.

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

Commissioners determined that, due to the unique location of the property, site conditions in the immediate vicinity and the level of service in this area, full compliance with the requirements of Sections 12.3.4 and 12.3.5 is impracticable.

**Commissioner Watts moved to approve the applicant's request for a modification to parking lot requirements for the approved minor site plan for House of the Potter Church, subject to the following conditions:**

- 1. A concrete parking area, minimum six inches (6") in depth and providing the ten (10) required parking spaces illustrated on the approved minor site plan is approved as an alternative to the proposed asphalt. Other material approved by the City Engineer may substitute for the concrete.**
- 2. The requirement in Section 12.3.4 to construct concrete curb and gutter is waived.**
- 3. Should either the tenant (House of the Potter Church) or use on the site change at any time in the future, Conditions 1 and 2 are null and void, and the original parking area requirements shown on the approved minor site plan are reinstated.**

4. **All site requirements of the minor site plan approved on February 27, 2013 for House of the Potter Church, with the exception of those related to Conditions 1 and 2 above, must be met.**

**Commissioner Clark seconded the motion. The motion passed unanimously.**

6. **Staff Reports** – Mr. Sterling:

- Referenced the May monthly report as well as supplemental reading material included in the Commission agenda packet.
- Updated Commissioners on current staff projects, including floodway map revision; multiple administrative development application approvals; and involvement in the planning of the next Greenway segment. Mr. Sterling also reviewed the Planning and Development department presentation at the North Augusta Forward retreat in May, which included a mass grading slide show.
- Briefly discussed potential development projects that will require Planning Commission review over the next several months.
- Reminded Commissioners of their obligation to attend three hours of continuing education before the end of the year and offered alternatives, stating that a group (Planning Commission and Board of Zoning Appeals) training session will be scheduled in September or October.
- Notified Commissioners that the Friends of the Greenway group are requesting a permanent Planning Commission appointee. Commissioners agreed to review participation requirements prior to deciding on an appointee.

7. **Adjourn** –With no objection, Chairman Burnett adjourned the meeting at 8:45 p.m.

Respectfully Submitted,

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