

Aiken City Council Minutes

October 13, 1997

Present: Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Papouchado, Perry, Price, and Radford.

Others Present: Steve Thompson, Gary Smith, Roger LeDuc, Al Cothran, Ron Shelley, Ed Evans, Andy Anderson, Sara Ridout, Tom Smith of the Aiken Standard, Chasiti Kirkland of the Augusta Chronicle, and 7 citizens.

Mayor Cavanaugh called the meeting to order at 7:40 P.M. Mayor Cavanaugh led in prayer which was followed by the pledge of allegiance to the flag. The minutes of the regular meeting of September 22, 1997, were considered for approval. Councilwoman Papouchado moved that the minutes of September 22, 1997, be approved as written. The motion was seconded by Councilman Radford and unanimously approved.

BOARDS AND COMMISSIONSAppointmentsGeneral Aviation CommissionHaythorn, Robert

Mayor Cavanaugh stated Council needed to consider an appointment to the General Aviation Commission.

Mr. Thompson stated City Council appoints volunteers to the Boards and Committees of the city, and Council needs to consider an appointment to the General Aviation Commission.

The process adopted by City Council includes nomination by individual members of Council for these volunteers, with confirmation by the full Council. Councilman Perry has suggested reappointment of Robert Haythorn to the General Aviation Commission.

Councilman Perry moved that Robert Haythorn be reappointed to the General Aviation Commission with the term to expire September 1, 1999. The motion was seconded by Councilman Anaclerio and unanimously approved.

ZONING ORDINANCE - ORDINANCES.C. 118S.C. 19 N.Rutland DriveJackson, Thelma - OwnerKirchner, Gregg - RepresentativeTax Parcel No. 00-154.0-01-003-0000

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing of an ordinance to rezone property at the corner of S.C. 19 and Rutland Drive from R-1A Single Family Residential to Neighborhood Business and Light Industrial.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE ZONING OF REAL ESTATE LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF HIGHWAY 19 AND RUTLAND DRIVE (SOUTH CAROLINA HIGHWAY 118), TAX MAP PARCEL NUMBER 00-154.01-003, FROM SINGLE FAMILY RESIDENTIAL TO NEIGHBORHOOD BUSINESS AND LIGHT INDUSTRIAL.

Mr. Thompson stated City Council has received a petition to rezone 51.2 acres of property located at the intersection of Highway 19 and Rutland Drive. This property is presently zoned R-1A Residential, and the owners have requested rezoning to a combination of Neighborhood Business and Light Industrial.

The Planning Commission reviewed the issues involved in the rezoning request, and has recommended approval of the request with conditions that will limit the impact of this development on the area:

1. that there be only two curb cuts along the Rutland Drive frontage in addition to an access road with a right-of-way one hundred (100') feet in width designed to City of Aiken road standards to provide access to the Light Industrial portion of the property from Rutland Drive; and that, if possible, any driveways be aligned with

driveways on the other side of the street or offset in a manner consistent with standards of the South Carolina Department of Transportation;

2. that there be only one curb cut along the SC 19 frontage;
3. that there be only three (3) free-standing signs along the NB frontage along Rutland Drive and two (2) along the SC 19 frontage;
4. that proof be provided of recording of a plat creating a lot line to correspond with any new zoning boundary created; and
5. that all requirements of the City Engineer be met.

Mr. Thompson stated the city staff met with Mr. Gregg Kirchner, of Country Club Realty, representing the applicant, today regarding the number of curb cuts. Mr. Kirchner has made a request to Council asking that the property be allowed to have three curb cuts plus the access road instead of the two curb cuts recommended by the Planning Commission. The staff recommendation was that with the amount of frontage of this property on Rutland Drive that three curb cuts are reasonable. It is recommended that the curb cuts be no closer than 100 feet to the intersection with S.C. 19 which is in keeping with all properties near intersections to avoid traffic congestion at the intersection.

Mr. Thompson stated City Council approved this request on first reading at the meeting of September 8, 1997. He said if Council approves the request regarding three curb cuts, then Council would need to amend the ordinance allowing up to three curbs no closer than 100 feet from the intersection on the Rutland Drive frontage.

Mayor Cavanaugh asked Mr. Kirchner why three curb cuts were being requested.

Mr. Kirchner pointed out that the length of the frontage along Rutland Drive is in excess of 2500 feet. He said there is a provision for a 100 foot wide road to access the Light Industrial area. Based upon the location of that road to get access to the Industrial area, curb cuts were placed along the property. It became near the intersection of Rutland Drive and Laurens Street (S.C. 19) there would be a need for an additional curb cut to provide easy access to the businesses to be located on the corner. With the addition of a third curb cut there would be approximately one city block between each of the curb cuts. He pointed out the curb cuts would not necessarily be one block apart as the Planning Commission had asked that the curb cuts be placed to coincide with the streets opposite the property on Rutland Drive.

Council discussed the request pointing out that this was a very large area for development and a very large area to be zoned Neighborhood Business, and they were concerned about traffic in the area.

Mr. Kirchner stated the proposal is to provide or make available for development a contiguous large piece of land. He pointed out that much of the Neighborhood Business in the area consists of very small parcels. The proposal would allow the potential development of a continuous area of Neighborhood Business that may not be available any other way in that part of the city. Mr. Kirchner provided Council with a conceptional design for the property. He said the design gives some idea of what could be placed on the property.

Mayor Cavanaugh asked Buzz Jackson, representing the Planning Commission, why the Planning Commission recommended only two curb cuts.

Mr. Jackson stated the Planning Commission was concerned about the traffic in the area and tried to minimize the curb cuts and encourage a connector road or parallel road to be used for the traffic going in and out and into the various neighborhood businesses to try to keep the traffic to a minimum, which could be better controlled by two curb cuts.

Councilman Perry moved, seconded by Councilwoman Price, that the ordinance rezoning property along Rutland Drive be amended to allow three curb cuts plus an access road cut along the Rutland Drive frontage with no curb cut being closer than 100 feet to the intersection of Rutland Drive and S.C. 19 subject to approval by the Department of Transportation.

Mayor Cavanaugh stated he felt that two curb cuts plus the access road would be enough cuts for the property considering the traffic in the area.

Mayor Cavanaugh called for a vote on the motion to amend the ordinance to allow three curb cuts along Rutland Drive. In favor was Councilman Perry.

Opposed to the motion was Mayor Cavanaugh, Councilmembers Anaclerio, Clyburn, Papouchado, Price and Radford. The motion was defeated.

Mayor Cavanaugh stated Council would now hold the public hearing on the original ordinance. No one spoke.

Councilman Anaclerio stated he realized the plan presented was a conceptual plan. He stated, however, he was concerned about such a big area zoned Neighborhood Business, the close proximity of the property to the business area on York Street, and the types of businesses that could go into the area that could be very tempting to the school children in the area. He felt the proposal would not be good planning for that large tract of land.

Councilman Radford stated he agreed with Councilman Anaclerio and was concerned about the zoning for such a large area of property.

Councilman Anaclerio moved, seconded by Councilman Radford, that the ordinance to rezone property along Rutland Drive be denied.

Councilman Perry pointed out that the Planning Commission studied the request and recommended the rezoning. He pointed out there was nothing around the property which would suggest that the property be used for single family housing. He stated the proposed zoning is the highest and best use of the property.

Councilwoman Clyburn stated she had some concerns about the rezoning request. She pointed out that the residents along Peach Orchard Road had not objected to the proposed zoning. She stated the conceptual plan was not that bad, but she was concerned as to whether the plans would come to fruition. She was concerned about the large area, pointing out that 51 acres is larger than several of the other shopping areas combined. She felt the developed area could provide jobs, but she was concerned about the size of the project.

Mayor Cavanaugh stated the project is a large area, but he would support the project with only two curb cuts. He pointed out that something will be built on the property and the zoning could provide some controls.

Mayor Cavanaugh called for a vote on the motion to deny the request for rezoning of property along Rutland Drive. In favor of denying the request was Councilmembers Anaclerio, Clyburn, Papouchado and Radford. Opposed to the motion was Mayor Cavanaugh and Councilman Perry. Councilwoman Price did not vote. The motion passed to deny the rezoning of the property.

Councilman Perry pointed out that if Council wants the property developed in smaller parcels, that will cause more curb cuts along the property frontage. He was concerned about development of the property in small parcels. Other Councilmembers were concerned about such a large area being zoned Neighborhood Business.

Councilwoman Price stated she was concerned about questioning zoning of a large area on the north side when acreage is not usually questioned for developments on the south side of Aiken. She pointed out the north side had pushed for economic development. She stated she was concerned, however, about what might be developed on the property.

T-HANGAR - ORDINANCE 101397

Corporate Hangar
Lease Agreement
Phelon Corporation
Commercial Hangar
Airport
Av Serv LLC

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to amend the lease agreement with Av Serv to clarify the company's access to its commercial hangar.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A FIRST AMENDMENT TO LEASE AGREEMENT OF REAL ESTATE LOCATED AT THE AIKEN MUNICIPAL AIRPORT TO AV SERV, LLC FOR THE PURPOSE OF CLARIFYING AV SERV LLC'S ACCESS TO ITS COMMERCIAL HANGAR.

Mr. Thompson stated the City has a lease with Av Serv, to provide commercial hangar space for the Phelon Corporation. The lease does not specify that the company has access through an easement or road to the property, and the bank carrying the financing for this hangar would like to have assurance that the company does have access. The proposed ordinance will amend the lease with Av Serv to clarify the company's right to have access to its commercial hangar.

Under this amendment, the company would have access to the property through the existing roadway at the airport. This easement gives the company access to a 50 foot right of way extending from the cul-de-sac located near the terminal building to the hangar. The company does accept the existing street roadway as that access. We have been able to better define the description of the easement.

The public hearing was held and no one spoke.

Councilwoman Papouchado moved, seconded by Councilwoman Clyburn, and unanimously approved, that the ordinance amending the lease agreement with Av Serv, LLC, for the purpose of clarifying the company's access to its commercial hangar be passed on second and final reading to become effective immediately.

TREE PROTECTION ORDINANCE 101397A

Landscape Ordinance

Single Family Residential Projects

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to amend the Tree Protection and Landscaping Ordinance requirements for Single Family Residential projects with attached units.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION 3.2 OF THE CITY OF AIKEN TREE PROTECTION AND LANDSCAPING ORDINANCE.

Mr. Thompson stated the Tree Protection and Landscaping Ordinance generally does not apply to single family homes. However, there is a different type of single family home developing in Aiken with several developments which include single family homes with common walls with attached units or apartments. Several of the subdivisions are developed along that concept. In many ways this is similar to an apartment complex because it adds density in the subdivision and impacts adjacent property owners.

Mr. Thompson stated for some time, the Planning Commission has considered changes to the Tree Protection and Landscaping Ordinance that would require landscaping around the outer edges of single family homes that have common walls with attached units or apartments. At this time the Zoning Ordinance does not apply to single family homes, and the Planning Commission has recommended that under certain circumstances a landscape buffer would be appropriate around these types of projects. This does not include interior landscaping, but would protect significant and specimen trees in the buffer. The ordinance would not require the individual property owners to maintain these buffers, but instead would require that these buffers be maintained as community property so it would clarify who is responsible for maintenance and replacement of the trees and shrubs in the buffer. The Planning Commission recommends the ordinance to City Council.

The public hearing was held and no one spoke.

Councilwoman Price moved, seconded by Councilwoman Papouchado and unanimously approved, that Council pass the ordinance on second and final reading amending the Tree Protection and Landscaping Ordinance to require a landscaped buffer around single family residential projects with attached units with the ordinance to become effective immediately.

ZONING ORDINANCE - ORDINANCE 101397BMulti-Family Residential
Density
Central Business District

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to amend the Zoning Ordinance to allow greater multi-family residential units by right within the Central Business District.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING SECTION VI.I OF THE ZONING ORDINANCE TO AMEND THE TYPES OF RESIDENTIAL USES TO BE PERMITTED IN AREAS ZONED CENTRAL BUSINESS DISTRICT (CBD).

Mr. Thompson stated for the past few years there has been discussion on the need to increase the housing density in Aiken's downtown, and the Housing Subcommittee of the Aiken Corporation has recommended that the Zoning Ordinance be changed to increase the number of apartments available above stores and buildings in Aiken's downtown.

Under the existing ordinance, a property owner may develop one apartment unit by right above a store in the downtown, but must request permission from the city to develop additional units. The Housing Subcommittee, the Aiken Corporation and the Planning Commission have recommended that the Zoning Ordinance be amended to allow apartments to encourage more multi-family or apartment units in the Central Business District.

The Planning Commission has recommended the following:

1. Apartments would be allowed over business or office space in existing buildings, without limit, and by right. The minimum floor area for each apartment would be 450 square feet.
2. Apartments in existing buildings without business or professional uses would be allowed only as a conditional use.
3. Apartments in new buildings would require conditional use approval by City Council. In other words, new apartment buildings are not allowed by right, but would instead be individually approved by City Council.
4. The requirement for off-street parking would be eliminated under this amendment, and the occupants would be encouraged to use on street parking.

Mr. Thompson stated this would meet City Council's goal of increasing density in the downtown if the areas are developed above the businesses in the downtown.

The public hearing was held and no one spoke.

Councilman Radford moved, seconded by Councilwoman Papouchado and unanimously approved, that the ordinance amending the Zoning Ordinance regarding multi-family residential in the Central Business District Zone be passed on second and final reading to become effective immediately.

ANNEXATION - ORDINANCE 101397CWilkes, Charles K.
726 Maple Street
Elm Street
Forest Heights Subdivision
Tax Parcel No. 30-076.0-04-017

Mayor Cavanaugh stated this was the time advertised for the second reading and public hearing on an ordinance to annex property at the intersection of Maple Drive and Elm Street owned by Charles Wilkes.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF AIKEN CERTAIN PROPERTY CONSISTING OF 0.17 ACRES, MORE OR LESS, OWNED BY CHARLES K. WILKES, LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF MAPLE DRIVE AND ELM STREET WITH TAX MAP PARCEL NUMBER 30-076.0-04-017, AND TO ZONE THE SAME SINGLE FAMILY RESIDENTIAL (R-1C).

Mr. Thompson stated City Council has received a request from Charles K. Wilkes, asking that the city annex his home located at 726 Maple Drive, in the Forest Heights Subdivision. The Planning Commission has reviewed this request, and recommends annexation to City Council.

Mr. Wilkes requested sewer service for his home, and needed access to the city's service as quickly as possible. The city provided sewer service on the condition that the property be annexed, and this request is based on the availability of sewer services. Mr. Wilkes has requested zoning of R-1C, and this zoning is consistent with the zoning pattern of area properties.

The public hearing was held and no one spoke.

Councilman Anaclerio moved, seconded by Councilwoman Papouchado and unanimously approved that the ordinance annexing property owned by Mr. Charles K. Wilkes, located at 726 Maple Drive at the intersection of Maple Drive and Elm Street be passed on second and final reading to become effective immediately.

TAXES - ORDINANCE

Penalty Dates 1997-98

Mayor Cavanaugh stated an ordinance had been prepared to adopt penalty dates for collection of taxes for fiscal year 1997-98.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE TO TEMPORARILY AMEND CHAPTER 21, CODE OF ORDINANCES OF THE CITY OF AIKEN, SOUTH CAROLINA, ENTITLED "TAXATION," BY AMENDING SEC. 21-9 THEREOF FOR FISCAL YEAR 1997-1998.

Mr. Thompson stated for the past several years the city has had a difficult time obtaining the information for the tax rolls necessary to send out bills for taxes for the fiscal year. Again this year the city is unable to send out the tax notices at the usual time, and the staff is recommending that City Council adjust penalty dates to apply to the present fiscal year.

Under state law the city is required to accept tax records and information from Aiken County, and Aiken County is continuing to struggle with problems with their tax records. The city's standard penalty dates are based on distribution of the tax bills right after Labor Day of each year, but we have just received the tax information from Aiken County, and we hope to mail out the bills within the next few weeks. Based on this schedule, the staff is recommending that the penalty dates be shifted to start on December 8, 1997. We do not recommend that we move this to coincide with the penalty dates of Aiken County. We have found that many of our customers have a difficult time paying both taxes at the same time. In the long term we hope to go back to the schedule of sending the tax bills out in September of each year.

Councilman Radford moved, seconded by Councilman Anaclerio and unanimously approved that Council pass on first reading an ordinance to adopt a temporary new payment and penalty schedule for taxes for the fiscal year beginning July 1, 1997, establishing penalty dates for late payment after December 8, 1997, with the second reading and public hearing set for the next regular meeting of Council.

HIGHLAND PARK GOLF COURSE- ORDINANCE

Sale of Lots Reardon, Kenneth Highland Park Drive Golf Course

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to allow construction on property conveyed to Kenneth Reardon.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE AMENDING THE DEED TO HIGHLAND PARK COUNTRY CLUB TO CONFORM TO SOUTH CAROLINA DEED REQUIREMENT.

Mr. Thompson stated that Mr. Kenneth Reardon has requested that City Council lift the restriction against construction on his lot that he has purchased from the Highland Park Country Club.

In February, 1996, City Council approved the sale of five lots taken from the Highland Park Country Club at the request of Mr. James McNair, owner of the Golf Course. At the meeting in February, Mr. McNair suggested that if he is allowed to sell off five lots from the Country Club property, that it would allow him to improve the property and to make it more competitive with other public and private golf courses in the area. City Council approved the sale of five lots from the Country Club with the restriction on the sale of the property to be purchased by Mr. Kenneth Reardon, of Hillcrest Avenue. With Mr. Reardon's consent, this was restricted from construction, and is listed as an unbuildable lot. There were some concerns about visibility to the golf course at that time.

Mr. Reardon would like to extend his home at some future point into this lot. Mr. Gary Smith, the City Attorney, has pointed out that City Council would also have to look at this as allowing a new home to be built on this lot, as the property owner would have the ability to build a new home or other structure on this lot with this consent.

Councilman Radford moved, seconded by Councilwoman Clyburn and unanimously approved, that the ordinance be passed on first reading amending the ordinance allowing the sale of 5 lots from the Highland Park Golf Course to allow construction on the lot sold to Mr. Kenneth Reardon and that second reading and public hearing be set for the next regular meeting of Council.

STREET - ORDINANCE

Aberdeen Drive
Woodwinds Estates
Hickory Ridge Drive

Mayor Cavanaugh stated an ordinance had been prepared to accept dedication of Aberdeen Drive into the city street system.

Mr. Thompson read the title of the ordinance.

AN ORDINANCE ACCEPTING THE DEDICATION OF A PORTION OF A FIFTY (50') FOOT RIGHT OF WAY OWNED BY HOUNDSLAKE CORPORATION CONSISTING OF A PORTION OF ABERDEEN DRIVE.

During the development of Woodwinds Estates, the developer requested that the city accept the streets and utilities into the city's system. The request did not include a portion of Aberdeen Drive between Woodwinds Estates and Hickory Ridge Drive, and the developer has asked that the city accept ownership through a quit claim deed on this street.

The staff has evaluated the street and is satisfied that the street is at least constructed to the same standards of the other streets and utilities in Woodwinds Estates, and the staff is recommending acceptance to City Council.

Councilman Anaclerio moved, seconded by Councilwoman Price and unanimously approved, that Council pass the ordinance on first reading accepting ownership of Aberdeen Drive into the city street system and that second reading and public hearing be set for the next regular meeting of Council.

VERENES INDUSTRIAL PARK

Teledyne Building
Aiken County
Training Facility
Aiken Technical College
Industrial Park
Airport
U. S. 1 North
Bridgestone

Mayor Cavanaugh stated a request had been received from Aiken County for approval of a training center in Verenes Industrial Park.

Mr. Thompson stated Aiken County is in the process of purchasing the Teledyne building at the Verenes Industrial Park for use as a training facility, and the Economic Development Partnership has asked permission to place a training

center at this Park. A training facility is not spelled out as an industrial use, and the restrictive covenants do restrict development within the Park to industrial operations, and the County would like a determination that the building would be allowed to be used for a training operation. This does not require a change in the restrictive covenants, but does require City Council to approve this as an industrial operation. He said he felt that if the building is used for training it could be a type of industrial support operation. He said, however, Council does have other concerns such as will the training facility be open for other industries for training or just for Bridgestone. Also, will the future use of the building change from use as a training center.

Councilman Perry moved, seconded by Councilwoman Papouchado and unanimously approved, that Council delay action on the request for use of the Teledyne building in Verenes Industrial Park as a training center until some concerns and questions of Council are addressed by the County.

ADJOURNMENT

There being no further business the meeting adjourned at 8:30 P.M.



Sara B. Riddout
City Clerk