

## Aiken City Council Minutes

July 15, 2002

### WORKSESSION

Present: Mayor Cavanaugh, Councilmembers Clyburn, Cuning, Price, Smith, Sprawls, and Vaughters

Others Present: Roger LeDuc, Bill Huggins, Gary Smith, Ed Evans, Sandra Korbelik, Sara Ridout, Charles and Larry Holley, Richard Alvanos, Mark Graham, Ed Woltz, Lynn Zody, Jim Stucko and Jim Wetzel.

Mayor Cavanaugh called the meeting to order at 7 A.M. He stated Council needed to continue their study of the Comprehensive Plan for the south side. He said there were three items particularly that would take some time, those being the Introduction paragraph, mixed use development 2.2, and Planned Unit Development.

### COMPREHENSIVE PLAN

#### Southside

Councilman Smith stated he was still concerned about the introduction and the purpose of the Comprehensive Plan. He said his feeling was that the Plan should be more than just a guideline. He said he felt the state law provides more than just a guideline concept for the Comp Plan. He read his proposed change to the Introduction: "The Plan must be followed and, in the case of a proposed deviation from the Plan, the deviation will occur only when the affected property owners concur and when the deviation is found to be in the public interest. The foregoing facts supporting the deviation shall be set forth in any motion, resolution, or ordinance made in variation to the plan." He said in the proposed Plan the change states: "The Plan should be followed unless there is a reason not to." He said he was concerned about the word "reason."

Mayor Cavanaugh stated he disagreed. He stated he had asked that the state law wording be included in the Plan. He said previously the wording had been that the Comprehensive Plan is a document setting forth policies for guiding the physical development in the community. He said the Comprehensive Plan is generally a concept and not a legislative document. He stated he felt Councilman Smith's wording states the Plan must be followed and almost makes the Plan a legislative document. He pointed out there are other considerations to be taken into account, such as the differences in jurisdictions and laws of the city and county.

Councilman Smith stated his concern was the Planning Commission stating the Plan is just a guideline and then approving plans contrary to the Plan without justification. He said the Comprehensive Plan is more than a guideline.

This matter was discussed at length and after discussion Councilmembers felt the wording of Councilman Smith should not be included, but the Introduction should be left as previously worded in the proposed change.

The next item discussed was the Planned Unit Development (PUD). Mr. Ed Woltz stated members of the Task Force wanted to talk to Council regarding the recommendation to include PUD for areas inside the city limits. He said they understood that Council did not want to include PUD for areas inside the city limits and the Task Force felt there must be some misunderstanding of what a PUD is.

Mr. Jim Stucko, an attorney and a member of the Comprehensive Task Force, explained to Council their reasons for recommending that PUDs be included in the Comp Plan for areas inside the city as well as areas being annexed to the city. He said his experience had been that the use of the PUD has been one of the most effective zoning tools developed over the last 25 years. He said the PUD gives the municipality much more control than any other specific zoning technique. He said when property is zoned a specific classification the person has the right to use the property for whatever purposes

are allowed in that district. The PUD is a site specific zone tool which gives the municipality the right to impose specific conditions, review a concept plan, review the final plans, and pinpoint exactly what is going to happen in every portion of the property. He said the PUD gives the Planning Commission and Council more input and leverage in the development of property than they would have in reviewing a simple rezoning application. He said he understood some concerns were that a PUD would create an opportunity for uses which are not consistent with other properties in the area, such as commercial uses in a residential district. He pointed out some of the present requirements for a PUD, such as a minimum size of 5 acres, commercial uses being limited to 5% of the entire area, a density standard of 12 units, and a specific provision for open space of 20% or more. He said if it is felt the standards must be stricter then the standards could be changed, but he felt the tool should be made available to properties within the city. He said in addition in the PUD there are design standards and a series of tests which must be met before the PUD could be granted or considered. He said he felt there were requirements to protect from inappropriate uses and projects the city would not like. He said the PUD is a tool that the city can use to approve only the projects which they like.

Mr. Mark Graham stated he felt there were a number of properties outside of the historic district and horse district inside the city where there are presently only one or two houses, but because of the current zoning at least 8 single family residences could be constructed on the property and meet the current zoning. He said, however, if the PUD was allowed there could be planning of the property with buffers and certain standards.

Council discussed the matter of allowing PUDs. It was pointed out presently the city doesn't allow PUDs inside the city with 5% commercial, but allows Planned Commercial areas.

Councilwoman Vaughters stated she was opposed to the PUD in areas already inside the city as she felt they were not effective and that they would not be good for neighborhoods. She stated she wanted to see that homeowners were protected. She did not want to provide an ordinance to allow PUDs, but deal with issues when they happen. She said presently an owner has to notify property owners to get property rezoned which gives the property owners the right to know what is going on. She stated Council will always look at a good plan so she sees no reason to include the PUD now. She stated she could not think of any areas in the city that a PUD would be desirable. She said Council could always create the tool if it is wanted and needed. She said unless she knows of a particular property where there is a compelling need for a PUD she could not support it. She said she did not feel that homeowners would feel that a PUD is a great thing for the city. She felt Council should look at zoning area by area instead of allowing PUDs. She felt there were other tools that could be used to get green space and a good development.

Whether to include the allowance of PUDs in the Comprehensive Plan in areas already inside the city was discussed at length. After much discussion it was the feeling of the majority of Council that PUDs should be included in the Comprehensive Plan to be allowed in areas inside the city if meeting certain criteria.

The next item discussed was Objective 2.2 regarding mixed-use development with a predominance of residential use in certain areas in the Whiskey Road corridor. Councilman Cuning stated he and Councilman Smith had met with Ed Evans and Sandra Korbelik of the Planning staff. After much discussion it was felt that possibly the areas should be Planned Commercial and then the decision would be how much green space would be allowed in the Planned Commercial. He said he had suggested 25% and Councilman Smith suggested 30%. He said he felt Planned Commercial would fit what was in 2.2.

Mr. Evans stated Planned Commercial was created in the Zoning Ordinance which was adopted in November, 1999. A developer has to submit a concept plan for Council's approval and Council can put various design requirements on the development. The area could all be commercial if approved by Council. It also allows for up to 50% of the project to be residential, single-family or multi-family. He said in that respect the wording sort of fits in with the previous wording of 2.2 of 50% commercial and 50%

residential. He said both Planned Commercial and General Business require 20% open space.

Councilman Cuning stated he felt this would make for a better plan, as Council would have to approve a concept plan. He said the question remains about the open or green space, whether 25% or 30%.

Councilman Smith stated he was in favor of the pure commercial development if there was at least 30% green space, which is really the average of what was under the mixed-use concept of 40% for the residential and 20% for the commercial, so the developer still gives on an average the same amount of green space as he would have under the original concept.

Councilman Cuning was concerned about the development which would occur under the way 2.2 was presented. He said 49% would be commercial and on the back of the development where 51% residential is allowed one could have the highest residential density, which was about 7 units per acre, and there would not have to be green space.

Councilman Smith stated the words "either a PUD as set forth in 2.31 or a planned commercial" should be inserted after "Development along the Whiskey Road corridor can be." He said the logic is that they would never oppose the concept of a Planned Unit Development with a small commercial component on Whiskey Road.

Councilman Cuning stated he was concerned about how the developers felt about 25% or 30% green space.

Mr. Lynn Zody expressed concern about the increase in the percent of green space. He said just recently the green space had been increased from 15% to 20% and now there is talk about increasing the green space to 25% or 30%. He said this is a big increase of a developer's land as green space.

Mr. Charles Holley also expressed concern about green space and stated he would like for open space to be left at 20%, which is in the current Tree Ordinance. He was concerned about increasing the open space and forcing commercial to other areas because the city's requirements may be too stringent.

Mr. Larry Holley also expressed concern about increasing the open space to 25% or 30%. He said he was concerned that the city may be discouraging commercial development inside the city and force the development outside the city. He also pointed out the percentage was a minimum percentage, and when the plans get to Council they may want more than the minimum.

The matter was discussed at length. There was discussion on small areas such as 5 acres and the requirement for green space. It was stated under the proposed concept it would be difficult for a developer to develop 5 acres and designate 30% of it as green space. It was pointed out by Councilman Cuning that the proposal now is that 5 acres or less would be treated as standard commercial.

At this time it was the feeling of Council to leave the green space requirement at a "minimum of 20%" with the understanding that the matter would be discussed further.

Council also discussed that they need to be careful that what they develop for Whiskey Road is something that they can use in other areas of the city that will develop, such as the north side.

Mayor Cavanaugh pointed out a term used throughout the Comprehensive Plan, "Old Aiken." He felt this should be "downtown Aiken." In 2.9 Council agreed to delete "especially in Old Aiken."

Mayor Cavanaugh also pointed out 4.3 "Consider landscaped medians" in the heading, and then in the wording it states "Medians should be installed." He said he had a

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problem with the inconsistency of "consider" and then "should be." It was agreed that "considered" would be added after "should be."

In 4.4 "Old Aiken area" was changed to "some areas."

Councilwoman Price asked that 3.4 regarding locating clean industrial uses close to low-income neighborhoods be deleted and Council agreed.

Council briefly discussed 4.6 curb cuts and the space required between curb cuts. Ms. Korbek pointed out Aiken County requires 300 feet between curb cuts. Mr. Evans pointed out 300 feet between curb cuts is a County requirement, not a City requirement. The City does not have any limitations.

Mayor Cavanaugh pointed out 4.12 states "Where economically feasible..." and then the next sentence says "Wiring should be." Most of Council had no problem with the wording in 4.12 so no changes were suggested. Council then discussed the progress in undergrounding of utility wires and the problems involved.

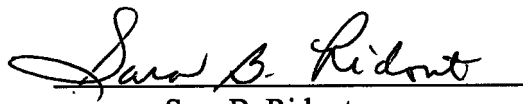
Mayor Cavanaugh stated Council needed to discuss when to hold another meeting to continue study of the Comprehensive Plan. He said usually Council does not have the Council meeting on the fourth Monday in July. He said, however, Council had decided to have that meeting to have second reading on the Comprehensive Plan. He pointed out Council had not finished review yet nor had they held first reading. He said he felt it would take another couple of meetings to be ready for first reading on the Comp Plan. After discussion it was decided to meet at 7 A.M. on Wednesday morning, July 17, 2002.

Council then discussed 5.1 and "A citizens committee appointed by City Council." Mayor Cavanaugh felt "appointed" should be "approved" by City Council. After discussion it was felt "appointed" should remain.

On 5.4 it was suggested that "Consider" be used instead of "encourage a set of architectural."

Mr. LeDuc pointed out there would be a meeting at 10 A.M. with someone regarding conservation easements and green space. He also pointed out the city has a signed option on the yellow house on Barnwell Avenue at York Street.

The meeting adjourned around 9 A.M.

  
Sara B. Ridout  
City Clerk