

MINUTES
Town of Lexington
PLANNING COMMISSION MEETING
April 17, 2013

The Town of Lexington's Planning Commission held a meeting on April 17, 2013 at 8:00 a.m. in the Council Chambers at Town Hall, 111 Maiden Lane, Lexington, South Carolina. The meeting was attended by: Chairman Keith Frost, Vice-Chairman Frank Berry and Commissioners Brian Amick, John Bartlett, Roscoe Caughman, Jamie Fite, Edwin Gerace, Lisa Gibson, and Sammy Hendrix.

Others in attendance were: Council Liaison Kathy Maness, Town Administrator Britt Poole, Municipal Attorney Brad Cunningham, Director of Planning, Building and Technology John Hanson, Chief Building Inspector Charly Thomas, Director of Parks, Streets and Sanitation Dan Walker, Engineer Rosemarie Nuzzo, Network Administrator Darrell Pritchard and Assistant Municipal Clerk Karen Hanner.

Four citizens were in attendance. No one was present from the news media

INVOCATION AND CALL TO ORDER: Chairman Frost introduced himself and welcomed everyone to the Planning Commission meeting. He announced that the meeting was being broadcast live on the Town's Time Warner Channel 2 and would be replayed several times during the week. Commission members and Staff then introduced themselves. Commissioner Gibson gave the invocation. Chairman Frost led in the Pledge of Allegiance and called the meeting to order at 8:03 a.m.

APPROVAL OF MINUTES

A motion was made by Vice-Chairman Berry and seconded by Commissioner Hendrix to approve the Planning Commission Minutes from March 20, 2013 as submitted. The vote on the motion to approve the Minutes was unanimous in favor.

OLD BUSINESS: None

NEW BUSINESS ITEMS:

1. Annexation of 169 Highway 378 West, Lexington County Tax Map # 4218-02-006

Recommendation on zoning and road classification

Director of Planning, Building and Technology John Hanson presented the request from Ms. Linda M. Hoover who has petitioned for annexation. The property of 1.35 acres currently has three buildings with a couple of different businesses located on the site. Properties in Town near this property are zoned General Commercial (GC) and Highway 378 West is classified as an Arterial Road.

Due to the surrounding conditions and the use of the property, the requested zoning for the parcel is General Commercial (GC). The recommended road classification for Highway 378 West is Arterial.

A motion was made by Vice-Chairman Berry to recommend Council approval to annex 169 Highway 378 West with zoning for the parcel as General Commercial (GC) and the recommended road classification for Highway 378 West is Arterial. Commissioner Hendrix seconded the motion. There was no additional discussion. The vote was unanimous in favor.

2. Annexation of 297 Industrial Drive, Lexington County Tax Map # 5498-05-018

Recommendation on zoning and road classification

Director of Planning, Building and Technology John Hanson presented the request from Schwan's Home Service, Inc. who has petitioned for annexation of the property of 1.55 acres. The business is currently located on the site. Properties in Town near this property are zoned Industrial (IND) and Industrial Drive is classified as an Arterial Road.

Due to the surrounding conditions and the use of the property, the requested zoning for the parcel is Industrial (IND). The recommended road classification for Industrial Drive is Arterial.

A motion was made by Commissioner Gerace to recommend Council approval to annex 297 Industrial Drive with zoning for the parcel as Industrial (IND) and the recommended road classification for Industrial Drive is Arterial. Commissioner Bartlett seconded the motion. There was no additional discussion. The vote was unanimous in favor.

3. Annexation of 293 Industrial Drive, Lexington County Tax Map # 5498-05-0020

Recommendation on zoning and road classification

Director of Planning, Building and Technology John Hanson presented the request from Roho, LLC, who has petitioned for annexation the property of 3.3 acres. A floor manufacturing business is currently located on the site. Properties in Town near this property are zoned Industrial (IND) and Industrial Drive is classified as an Arterial Road.

Due to the surrounding conditions and the use of the property, the requested zoning for the parcel is Industrial (IND). The recommended road classification for Industrial Drive is Arterial.

A motion was made by Commissioner Gerace to recommend Council approval to annex 293 Industrial Drive with zoning for the parcel as Industrial (IND) and the recommended road classification for Industrial Drive is Arterial. Commissioner Fite seconded the motion. There was no additional discussion. The vote was unanimous in favor.

4. Annexation of property on Riverchase Way, Lexington County Tax Map # 3698-03-101

Recommendation on zoning and road classification

Director of Planning, Building and Technology John Hanson presented the request from Wells Fargo Bank, N.A., who owns 41.81 acres on Riverchase Way and has petitioned for annexation. The property is currently undeveloped. Properties in Town near this property are zoned General Commercial (GC) and Limited Commercial (LC). Portions of Riverchase Way that are in Town and near this property are classified as a Collector Road. Wells Fargo has requested that 36.61 acres of the property be zoned High Density Residential (HDR) and 5.20 acres of the property be zoned General Commercial (GC) as shown in the attached exhibit.

Due to the surrounding conditions and the intended use of the property, the requested zoning for the parcel is High Density Residential (HDR) and General Commercial (GC). The recommended road classification for Riverchase Way is Collector Road.

Chairman Frost commented that the Planning Commission has reviewed this property before. Director Hanson confirmed that a PUD request on this property was withdrawn after the First Reading. Vice Chairman Berry asked what the current zoning is for the parcel. Mr. Hanson answered IDD in the County. Vice Chairman Berry asked what the density is in the County. Mr. Hanson responded that it is classified in the County as a Local Road and would allow 8 units per acre. The Town would allow 9 units for a Local Road and 11 units for a Collector Road.

Frank Strasburger with McGee Real Estate introduced himself along with Ted McGee and Randy Davis as representing Wells Fargo. He stated the request is for roughly 36 acres to be High Density Residential and 5 acres as General Commercial. He said a group from Augusta, Georgia, The Giddings Group, has a contract with plans to put 256 units on the property which is a little more than 7 units per acre. No specific plans are in place for the General Commercial portion. They felt this would fit in with being across from the fire station and recycling center. He stated they have talked with several neighbors in adjoining neighborhoods and have had a pretty favorable response. He said the big issue, of course, is traffic. He hopes the County and School District are close on the traffic circle project plans. SCDOT has already let the contract to improve 378. He said if the right of way issues are worked out, Riverchase would benefit.

Chairman Frost agreed that traffic was a major concern the last time the Commission looked at this property. Vice Chairman Berry asked if a site plan for the project, assuming the request is approved, would be different than the previous proposal. Mr. Strasburger stated it would be very different. Commissioner Hendrix asked what school district the parcel is in. Mr. Strasburger responded that it is in District Two.

Chairman Frost clarified that today's consideration would be for the recommendation on zoning and road classification. The plan proposal won't be seen for some time and the number of units is subject to change. He cautioned that there were issues regarding traffic on the previous proposal and it will be a larger issue now that there is a new high school down the road. Mr. Hendrix requested an explanation on the difference between a Collector Road and a Local Road. Chairman Frost responded that the Zoning Ordinances identify roads through a classification system primarily to determine what the road is used for and designed for but also what uses are appropriate and what densities are appropriate. A Collector Road is designed for certain types of development and allows a density of 11 units per acre where a Local Road allows only 9. There are also certain types of commercial activity that can take place on a Collector Road that cannot take place on a Local Road. Commissioner Hendrix noted that in the packet provided, a portion of Riverchase is shown as a Collector Road, from Corley Mill Road to the fire station, and from that point on it becomes a Local Road in the County. Chairman Frost confirmed that as correct with the main difference between the designations being the density and the uses. Commissioner Bartlett asked a question about commercial issues on a Local Road. Mr. Hanson responded that a Local Road has some limitations on the types of commercial use.

A motion was made by Vice Chairman Berry to recommend Council approval to annex the property with the zoning as stated, High Density Residential (HDR) and General Commercial (GC), with the classification of the portion of Riverchase Way remaining as zoned by the County, Local. Commissioner Hendrix seconded the motion. Commissioner Amick stated he would recuse his vote on this matter. (statement attached) Commissioner Hendrix asked about a site plan on the project. Chairman Frost responded that it would depend on the developer. The vote was unanimous in favor.

5. Regulating Occupancy in Residence

Director of Planning, Building and Technology John Hanson presented the request from Town Council to discuss the possibility of enacting regulations that limit the number of people that can live in a residence. This is typically done two ways. The first way is through the use of the building code. The second way is by including a definition of a family in the zoning ordinance. Town Council has asked the Planning Commission to study this issue and provide a recommendation to Council.

He read the definition proposed during the Work Session discussion: “A Family means one or more persons related by blood, marriage, legal adoption or guardianship living together or a group of individuals of not more than four persons not related by blood, marriage, legal adoption or guardianship but living together as a single housekeeping unit.”

Commissioner Hendrix commented that this is already in place in neighboring cities and counties. Chairman Frost stated that the issue was brought to Council as a concern regarding potential future issues. They looked at the decisions made by Columbia and Irmo to come up with a definition that would provide adequate flexibility and protection.

A motion was made by Commissioner Gibson to recommend to Council approval of the definition of family as presented. Vice Chairman Berry seconded. There was no additional discussion. The vote was unanimous in favor.

6. Aldi Food Stores 5184 Sunset Boulevard

Site plan approval

Director of Planning, Building and Technology John Hanson presented the request from Mr. Jeff Strickland who has submitted a site plan to build a new 16,399 square foot Aldi Food Store on 2.99 acres of land at the corner of Hope Ferry Road and Sunset Boulevard. He stated it appears that the plan meets all zoning requirements.

Mr. Todd Bonnett introduced himself as the Director for Aldi Real Estate and offered to answer any questions. Commissioner Hendrix asked about the full access entrance from Highway 378. He stated it would be better as a Right In/Right Out due to another entrance being located close by in the adjacent shopping center. Mr. Bonnett stated he didn't think that would be any problem and that the plan has been sent to SCDOT showing full access but they have not heard back on it yet. Chairman Frost commented that it appears there is full access to the shopping center next door.

Mr. Bonnett told the Commission that the appearance of the building would be a newer design similar to the one built on Clemson Road with four sided brick and an awning over the entryway.

A motion was made by Commissioner Hendrix to approve the site plan as submitted with the amended change of the Right In/Right Out entrance on Sunset Boulevard. Vice Chairman Berry seconded the motion. Administrator Poole asked that the Right In/Right Out design be submitted to staff to ensure that signage and curbing are not issues. Vice Chairman Berry clarified that the signage would be to SCDOT standards. There was no additional discussion. The vote was unanimous in favor.

Chairman Frost stated the last item in the information packet is For Your Information and contains Chapters 4 through 6 of the 2013 Comprehensive Land Use Plan update. Mr. Hanson will continue to update the chapters each month. A work session will be scheduled to review the complete revision.

Commissioner Gibson gave a Traffic Committee report. Phase 1 of the Improvement Plan is 20% completed. Work on the project will continue at night.

COMMENTS

There were no comments from Administrator Poole.

Councilmember Maness reminded everyone about the public input sessions for Project Icehouse on April 24 at 9 a.m. 12 noon and 6 p.m. April 27 is Kid's Day and will be on Butler Street from 10 am to 2 pm. The Wine Walk will be on May 11 and tickets are limited.

ADJOURNMENT: There being no further comments or questions, a motion was made by Vice-Chairman Berry and seconded by Commissioner Gerace to adjourn Planning Commission meeting. The vote on the motion was unanimous in favor by all those present.

The Planning Commission Meeting was adjourned at 8:38 a.m.

Chairman Frost thanked everyone for attending the Planning Commission meeting and stated that it would be replayed on the Town's Channel 2 several times during the week.

Respectfully submitted,

Karen Hanner
Assistant Municipal Clerk

APPROVED:

Keith Frost
Chairman

FOIA COMPLIANCE – Public notification of this meeting was published, posted and mailed in compliance with the Freedom of Information Act and the Town of Lexington requirements.

RECUSAL STATEMENT

Member Name: Brian Amick

Meeting Date: 4-17-13

Agenda Item: Section New Business Number 4

Topic: Annexation of Lexington County

Tax Map No. 3696-03-101 located on
Reverchase Way

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: _____

Date: 4/17/13 Member: Brian Amick

Approved by Parliamentarian: [Signature]