

MINUTES
Town of Lexington
PLANNING COMMISSION MEETING
June 19, 2013

The Town of Lexington's Planning Commission held a meeting on June 19, 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, Edwin Gerace, and Lisa Gibson. Commissioners Jamie Fite and Sammy Hendrix were absent (excused).

Others in attendance were: Town Council Member Steve MacDougall, 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.

Twenty one 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 Gerace to approve the Planning Commission Minutes from May 22, 2013 as submitted. The vote on the motion to approve the Minutes was unanimous in favor by those present.

OLD BUSINESS: None

NEW BUSINESS ITEMS:

1. 294 Cedarcrest Drive: *Recommendation on rezoning classification*

Director of Planning, Building and Technology John Hanson presented the request from Mr. Thomas Peele to rezone a property located at 294 Cedarcrest Drive from Protected Residential (PR) to a commercial zoning. The property is currently undeveloped and there is no specific commercial use proposed for the property at this time.

Since this parcel is zoned Protected Residential, it may be used only for residential uses or for other uses that are inherently compatible with a residential setting. If the property was rezoned to a commercial zoning classification, it could be used for a variety of commercial uses, provided that the use could meet the zoning as well as all associated land development requirements.

The property is bordered by Cedarcrest Drive and Freedom Drive. Cedarcrest Drive is classified as a Collector Road and Freedom Drive is classified as a Local Road.

This item was deferred last month to give Mr. Peele an opportunity to provide additional information about the intended use for the property should it be rezoned.

Chairman Frost invited Mr. Robert Peele to present an update. Mr. Peele brought a photograph of one of his properties on Wade Street in West Columbia to share with Commission members. Mr. Peele stated of the three hundred twenty one feet of the parcel along Freedom Drive, they would like to request to have the front two hundred feet for commercial use and the back part of one hundred twenty one feet for residential. Chairman Frost confirmed that the request was for a split zoning with the front portion some type of commercial zoning and the back residential. Mr. Peele said that was correct.

Chairman Frost asked Mr. Peele if he had contacted the neighbors in the area. Mr. Peele said he had and they requested one hundred sixty feet as commercial but he felt two hundred feet were needed to build something there. Chairman Frost asked about access. Mr. Peele responded they would use the existing curb cut on Cedarcrest Drive. Chairman Frost asked about the different classifications for commercial zoning. Mr. Peele said they had talked with Mr. Hanson about Limited Commercial.

Chairman Frost asked other speakers regarding this property to state their name and address and please limit comments to three minutes.

Mr. Allen Waln introduced himself and stated he and his wife live at 125 Freedom Drive. He stated Freedom Drive is a nice, quiet residential area that is incompatible with a commercial property. He asked that the zoning request be denied and that the property remain Protected Residential. Mr. Waln said there is a big difference between Cedarcrest Drive and Freedom Drive. He stated Cedarcrest Drive is a combination of businesses and residences while Freedom Drive and the roads that branch off of it is all residential. He added that the Butler Laser property on the corner of Freedom Drive is screened by trees but the property being considered has very few trees so anything built there would have an influence on Freedom Drive. Mr. Waln said he spoke to Mr. Peele about creating three residential lots but Mr. Peele said he wanted to build the office/warehouse building. Mr. Waln stated he visited Mr. Peele's office/warehouse building in West Columbia. The front appearance was clean but it still looked like a business. He complained that the back of the business had piles of pallets and a rusted dumpster. Chairman Frost asked if the revised zoning request of part commercial and part residential was more acceptable. Mr. Waln responded that the revision was not enough to change his mind. He presented a petition with seventeen signatures requesting that the Town of Lexington Planning Commission deny the change of zoning and keep the property as currently zoned, Protected Residential.

Ms. Amber Woodard introduced herself and stated she lives at 113 Freedom Drive. She stated she had talked to Mr. Peele about the proposed split zoning of the property. She said the two hundred foot commercial portion would extend past her residence across the street. Ms. Woodard stated she bought her property about six years ago and chose it because it was a nice residential community. She requested that the Planning Commission deny the rezoning request and keep the property residential.

Mr. Robert Butler introduced himself and stated he and his wife live at 220 Isobel Court. He stated the proposed change would infringe upon the residential area. He stated he was concerned about the difference between what the developer said they intended to do and what they actually would do. He asked the Planning Commission to protect their property values, their quality of life and their families.

Mr. Tommy Richardson introduced himself and gave his address as 292 Cedarcrest Drive. He said he is the longest resident on Cedarcrest Drive. The area has grown into a nice, safe community. He asked that the request to rezone be denied and the property be kept residential. Commissioner Bartlett asked Mr. Richardson if he operated a business on his property. Mr. Richardson said yes, he operates a welding business and has his home on the property which is zoned in the County as Limited Manufacturing.

Ms Sharon Whitacre introduced herself and gave her address as 212 Isobel Court. She stated all of the parcels that border the property being considered were residential and she felt the property should remain residential. She said she wouldn't want the view from her kitchen window to be a pile of pallets and a dumpster. She asked that the property being considered today remain zoned residential.

Ms. Linda Cooley introduced herself and gave her address as 113 Walter Hutto Court. She stated her concern regarding the vacant lot next to the property being considered that could become commercial as the next encroachment. She said it would depreciate the value of their property. Ms. Cooley said commercial property should not encroach upon Freedom Drive which has always been residential.

Mr. Tom Whitacre introduced himself and gave his address as 212 Isobel Court. He said he thought this area would remain residential. He stated he was concerned about the multiple uses allowed under this zoning and what might be built. Chairman Frost responded that specific uses are defined by each type of zoning classification.

Mr. Chris Shealy introduced himself and gave his address as 133 Walter Hutto Court. He said the consensus of the neighborhood is to keep it residential only. He stated they are concerned with the spread of commercial properties. He asked that the zoning remain residential.

Chairman Frost asked the residents their feeling regarding the split zoning request for the property. Ms. Woodard responded that the commercial lot extends too far and they do not support that request.

Mr. James Swisher introduced himself and gave his address as 184 Freedom Drive. He stated he bought a corner lot in 2002 and built a log home there. The area is very quiet and he chose it for the many amenities. He said allowing the commercial encroachment would have a devastating effect. He requested the zoning change be denied.

Commissioner Gerace asked if the split zone designation would allow footage for the required buffers and fencing. Mr. Hanson responded that depending on the use, the buffer would be

twenty feet and the setback would be thirty feet. An eight foot fence would be required on the residential side.

Vice-Chairman Berry asked if there were some specific plans for the property. Mr. Peele responded that they would probably construct a building one hundred feet long and forty feet wide for various tenants such as a chiropractic office or hair salon. Mr. Berry clarified that there wouldn't be an auto repair or that type of business. Mr. Peele replied no.

Chairman Frost asked Mr. Peele if they had talked to Mr. Hanson about limited and intermediate Office Commercial zoning and asked if that would meet their requirement for what they plan to put on the property. Mr. Peele replied yes. Chairman Frost said Neighborhood Commercial would be appropriate for limited or intermediate office space which would exclude the extensive designation for something needing large garage doors. Mr. Peele said he didn't think it would be big enough and he didn't have any intentions for manufacturing of any type there. Commissioner Bartlett stated Office Commercial would take out some of the increased traffic uses like food service business. Mr. Peele stated he thought that would work.

Ms. Woodard stated Mr. Peele told her if the property wasn't zoned commercial he would put government housing there. Chairman Frost clarified that any group housing would not be appropriate use for that property and would not fit on the zoning that exists. Mr. Peele said he temporarily stored a modular unit on the property.

Mr. Robert Butler stated many years ago he sued Tommy Richardson over the welding shop and now there are screening fences there. He said to use the fact that a commercial property is already there to allow the rezoning would be a gross injustice. Chairman Frost observed that the property in the Town on Cedarcrest Drive is residential while almost all of the property in the County is commercial.

Mr. Waln submitted his photos of the property on Wade Street in West Columbia and the Butler Laser property from Cedarcrest Drive and from Freedom Drive.

Vice-Chairman Berry asked about the current use of the building on Wade Street. Mr. Peele responded that his tenants at that location include a medical equipment sales office, a vacuum store and an ambulance service office.

Commissioner Caughman made a motion to deny the request and keep the zoning as Protected Residential. The motion died for lack of a second.

Commissioner Bartlett made a motion to approve the split zoning request of two hundred feet along Freedom Drive as Office Commercial and one hundred twenty one feet as Protected Residential. Vice-Chairman Berry seconded the motion and asked to amend the motion and add a request for the site plan to be brought to the Planning Commission. Commissioner Bartlett agreed and seconded the amended motion. There was no further discussion. The vote was six in favor and one against (Caughman).

Chairman Frost clarified that this recommendation goes before Council in July with a Public Hearing and Final Reading in August.

2. Consideration of a Proposal to Limit the Time of Day That Commercial Garbage Collection Can Occur in Town: *recommendation on new collection restrictions*

Director of Planning, Building and Technology John Hanson presented the request from Town Council to the Planning Commission for a recommendation of an ordinance to limit the time of day that bulk commercial garbage collection can occur in Town. During last month's work session, the consensus of the of the Commission was to Recommend limiting the hours that bulk commercial container collection can occur in Town to 7 a.m. to 7 p.m.

Chairman Frost invited anyone who wished to speak to this issue to please state their name and address.

Mr. Tom Mack introduced himself and stated he lives at 381 Spruce Glen Road in the Hope Ferry Plantation subdivision. He stated that when he bought his home it backed up to a heavily wooded lot belonging to a church that later sold the property. Now there is a Chicago Pizza Uno, 14 Carrot and Express Lube and the noise of the dumpsters being serviced at 5:15 a. m. has been an ongoing problem. Mr. Mack said he has talked to Dan Walker and Britt Poole about the issue but the noise only decreases for a short period of time. He stated that being awakened twice a week in the middle of the night is not something the Town should allow. He has been told it would be a problem for the trucks to come later in the day. Mr. Mack said he works for FedEx and knows large trucks can maneuver in daytime traffic. He said it was a quality of life issue and asked that the members of the Commission consider the best interests of the residents.

Chairman Frost asked if there were any representatives from the dumpster collection service. There were none.

Commissioner Bartlett made a motion to recommend to Council the limited hours for dumpster collection of 7 AM to 7 PM. Commissioner Gibson seconded. There was no further discussion. The vote was unanimous in favor by those present.

3. Consideration of Residential Density Limits in Town: *recommendation on possible revisions*

Director of Planning, Building and Technology John Hanson presented the consensus from the last work session to recommend a proposal reducing the Town's density allowance on Zero Lot Line Condominiums, Townhouses, and Residential Multiple developments located on Local roads from nine units to eight units per acre as shown in the table in the information packet.

Chairman Frost stated he felt the Town should be consistent with Lexington County. There was no one wishing to speak to the issue.

Commissioner Gibson made a motion to recommend the reduced density as defined. Commissioner Bartlett seconded. There was no further discussion. The vote was unanimous in favor by those present.

Commissioner Gibson gave a Traffic Committee report. The Phase One project is 25% complete and moving forward. She asked for everyone to have patience while the improvements are being done.

COMMENTS

Town Administrator Poole advised caution around the large orange barrels.

Councilmember MacDougall thanked everyone for their time and effort. He reminded everyone about the Farmer's Market held on Saturdays at 206 North Church Street, from 9:00 a.m. to 12 noon. He announced the partnership between the Town and Lexington County Recreation to hold the Movie in the Park and Camp Out on Friday night June 21 at the Gibson Road Soccer Complex. The event is free but registration is requested.

Chairman Frost wished his daughter a happy 23rd birthday.

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

The Planning Commission Meeting was adjourned at 8:59 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.