

**MINUTES**  
***Town of Lexington***  
**PLANNING COMMISSION MEETING**  
September 18, 2013

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The Town of Lexington's Planning Commission held a meeting on September 18, 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, Roscoe Caughman, Edwin Gerace, and Lisa Gibson. Commissioners Jamie Fite and John Bartlett were absent (excused).

Others in attendance were: Town Councilmember 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.

Six 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.

Chairman Frost announced that New Business Agenda Items 4, 6 and 7 were being deferred to a later meeting in order to obtain additional information.

**APPROVAL OF MINUTES**

A motion was made by Vice Chairman Berry and seconded by Commissioner Gerace to approve the Planning Commission Minutes from August 21, 2013 as submitted. The vote on the motion to approve the Minutes was unanimous in favor.

**OLD BUSINESS:** None

**NEW BUSINESS ITEMS:**

**1. Commercial Center: *site plan approval***

Director of Planning, Building and Technology John Hanson presented the request from Mr. Tony Berry who has submitted a site plan for a commercial center and apartment development that will be located near the 4800 block of Sunset Boulevard. The development will encompass approximately 69.77 acres of land. As currently proposed, the development will have approximately 129,500 square feet of commercial space, a 55,000 square foot movie theater and an apartment complex with 234 units. Eight commercial outparcels are also included in the site plan. Access to the development will occur through two full service driveways and one restricted access driveway. One of the full service driveways will be

signalized. It appears that the plan meets all zoning requirements presuming annexation is completed with General Commercial and High Density Residential zoning classifications.

Chairman Frost referred to the above described two full service driveways and one restricted access driveway. He said the submitted plan showed only one full service driveway and one restricted driveway with an additional driveway shown on an adjacent parcel not part of the site plan being considered today. John Hanson said that was correct, the plan being considered today shows one full service driveway and one restricted access driveway.

Mr. Tony Berry introduced himself and stated he is with Berry and Company out of Rock Hill, SC. He introduced his team members; Kelly High and Casey Brock with Berry and Company, Todd Salvagin with SRS Engineering who did the traffic study, and Tom Britt with HP Engineering who performed the civil engineering on the project. Mr. Berry said they are excited to bring a "Class A" apartment complex with 234 units, a multiplex theater and 125,000 square feet of retail and restaurant space to Lexington.

Chairman Frost asked about the road plan fitting into the existing footprint of US 378. Mr. Berry explained that some of the right of way on their side of 378 would be used to accommodate the dual left lanes and the deceleration lane at the main signalized intersection. He added that there will be dual right and dual left lanes exiting the project. Vice Chairman Berry asked if the deceleration lane would be extended in the future. Mr. Todd Salvagin responded that the Corleys will maintain the parcel shown on the western side of the project for future development but SCDOT had requested a traffic plan for the project as a whole. Vice Chairman Berry asked about the traffic signal installation. Mr. Salvagin said it would need to meet the warrant requirements by the federal standards and signaling dual left and right turns are part of the plan. Chairman Frost asked if the signal would be in compliance with the adaptive signalization system the Town is preparing to implement. Mr. Salvagin responded that compliance is part of the recommendation in the report and is one of the SCDOT requirements for the signalization design.

Commissioner Gibson asked Mr. Berry about the previous project at this site and the plan to wait for commitments on other parcels before the theater construction. Mr. Berry responded that this time they will use a different approach. He stated they are confident about the development of the apartments and already have some interest from restaurants.

Commissioner Caughman asked if the civil engineering plan included any stub outs for the future development portion of the project. Mr. Berry said yes, the entire project will share the stormwater detention area at the eastern side of the project. Water and sewer stub outs will be constructed for future development to tie into the existing system.

Chairman Frost clarified that today's consideration is for approval of the project as presented at this date and does not include the future development on the adjacent property. Mr. Berry responded that the traffic study included potential development of that adjacent property in the plan.

Chairman Frost asked about security at the apartments and would the complex be gated. Mr. Berry responded that the individual buildings are gated with video cameras. Mr. Frost asked about the balconies shown in the drawing. Mr. Berry stated all units have porches.

Ms. Cathy Miller introduced herself and said she owns a home at 410 East Butler Street. She stated that every time something new comes in, something else dies. She said expansion was wonderful but she didn't want the Town to be forgotten. She continued that many small towns have downtowns that are ghost towns. Vice Chairman Berry responded that Lexington is growing and, for example, the old Taco Bell building and the old Blockbuster building are being redeveloped.

Commissioner Gerace made a motion to approve the plan and amended his motion to be contingent upon the proper zoning, that the property be annexed and that the proposed traffic signal meets the requirements of the adaptive traffic signal plan. Vice Chairman Berry seconded. There was no further discussion. The vote was unanimous in favor.

**2. Annexation of TMS# 3500-03-020, 021, 023, 067, 117, 126, and 149 Located Neat the 4800 Block of Sunset Boulevard: *recommendation on zoning and road classification***

Director of Planning, Building and Technology John Hanson presented the request from Mr. Dwight L. Corley and Mr. Samuel M. Corley who own 69.77 acres of property located near the 4800 block of Sunset Boulevard and have requested to begin the annexation process. A commercial center containing approximately 129,500 square feet of commercial space, a 55,000 square foot movie theater, a 234 unit apartment complex and eight commercial outparcels is being planned for the site. Due to the surrounding conditions and the intended use of the property, the requested zoning for all parcels except for parcel two is General Commercial (GC). The requested zoning for parcel two is High Density Residential. The recommended road classification for Sunset Boulevard is Arterial.

Chairman Frost asked if the interior road would be privately owned and maintained. Mr. Hanson confirmed that as correct.

Vice Chairman Berry made a motion to approve annexation with the requested zoning and road classification. Commissioner Gerace seconded the motion. There was no further discussion. The vote was unanimous in favor.

**3. Annexation of 351 Porsche Drive, Lexington County Tax Map # 5498-05-005: *recommendation on zoning and road classification***

Director of Planning, Building and Technology John Hanson presented the request from Mr. Clanton C. Austell who owns .98 acres of property located at 351 Porsche Drive and has petitioned for annexation. A warehouse is currently located on the property. Properties in Town near this property are zoned Industrial (IND) and Porsche Drive is classified as a Local 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 Porsche Drive is Local.

Chairman Frost asked if the two adjacent parcels were annexed within the last year. Mr. Hanson confirmed that adjacent parcels on Industrial Drive were annexed.

Commissioner Gerace made a motion to approve the annexation with the requested zoning and road classification. Vice Chairman Berry seconded the motion. There was no further discussion. The vote was unanimous in favor.

**4. 2013 Comprehensive Land Use Plan: *deferred to a later meeting***

**5. Recommendation from the Historic Preservation Board to Apply a Historic Special Overlay to 11 Properties Along Creps, Butler and Efird Streets: *consideration of zoning request***

Director of Planning, Building and Technology John Hanson presented the request from The Historic Preservation Board who received petitions from seventeen property owners requesting that their properties be zoned with an historic overlay. The Board reviewed these petitions and has recommended that the requested overlay be placed on 11 of the properties. The recommendation is based on the fact that those properties are included in the Town's Historic Inventory and the Board's belief that they meet the requirements to be designated as historic under paragraphs 5 and 9 of Section 152.02.18 of the Town Code. The recommended properties are: 501 East Butler Street, 503 East Butler Street, 504 East Butler Street, 508 East Butler Street, 511 East Butler Street, 403 East Butler Street, 410 and ½ East Butler Street, 303 Creps Street, 202 Creps Street, and 207 Efird Street.

Ms. Cathy Miller stated they were trying to preserve a part of Lexington. She said Mr. Chuck Corley had told her this would be a good idea and some homeowners agreed but some disagreed. Ms. Miller said they wanted the streets to stay residential and doesn't become anything else. Chairman Frost asked which home she lived in and she stated 410 East Butler Street. Ms. Miller conveyed the worry that families would sell properties to whoever wanted to buy it and they were concerned about who would move in next door. Chairman Frost asked Ms. Miller about 410 and 410 ½ East Butler Street. She stated the wooden structure shown on the Historic Inventory as number 7 is no longer there and she wasn't sure if that was 410 or 410 ½ but it was all on one parcel.

Chairman Frost stated when they looked at the overlay last month; some of the 17 homes had been built since 1995 so they requested that the board identify which structures were historic. The list now has 11 properties. He stated he personally felt they didn't have enough information to make this decision. Mr. Frost said he was aware of the side issues and he thought that the historic designation process was an inappropriate mechanism to try to provide some protection. He stated that they have worked with the church and properties in that area to do development the right way. The zoning ordinances are there for a reason and they provide the appropriate protections.

Ms. Miller stated unfortunately in the past, things have been done that she didn't feel were up to the Town of Lexington's restrictions. She said some residents wanted to do the next step to protect themselves. She said they were open to anything.

Mr. Roscoe Caughman asked if the request to the Historic Preservation Board was done individually or by petition. Ms. Miller said she purchased the house two years ago and she was approached by one of the homeowners who wanted to get this done to protect some of the old houses. She said the group met with the Town and Mr. Corley gave her a form to fill out. Mr. Caughman said last month the request had 17 parcels and this month the request has 11 parcels. He stated the only reason they know about is the age of the house. Ms. Miller stated most of the homes are over 50 years old and a few dropped off because some owners didn't want to get involved or didn't understand how it would affect what they could do or not do to their property. She said most of the homes have been redone and don't have original siding or roofing.

Chairman Frost stated the Town's list of Historic Inventory updated several years ago was anything 50 years or older. He said he wasn't sure that simply "old" meant "historic". Mr. Frost asked Ms. Miller what additional protections she felt would be obtained by the historic overlay. Ms. Miller said she was concerned about the Sox house and didn't want to see it go and that was what started this. She stated the church had said they will preserve it but they wondered what house was going to be next and if property would be commercial or a parking lot. Chairman Frost responded that any zoning change would have to come before the Commission and the church had made requests in the past that had been denied due to some of the concerns in the community.

Commissioner Gibson asked Ms. Miller if the house on East Butler Street was her residence. Ms. Miller stated she lived off of Barr Road but she is working on the house on East Butler and hopes to live in it one day.

Commissioner Gibson made a motion to send the request back to the Historic Review Board for more information. Chairman Frost stated the request has been sent back before and he felt a recommendation to Council was needed. Commissioner Gibson withdrew her motion.

Vice-Chairman Berry asked if the zoning ordinances and zoning classification of the properties along with the Comprehensive Plan give the properties protection. Mr. John Hanson responded that yes, the zoning provides protection. He stated that if the property is Protected Residential, it can only be used for residential purposes. The previous proposal from the church to remove the Sox house and build an athletic field there required a re-zoning which was eventually withdrawn. The Commission had recommended against the re-zoning.

Commissioner Caughman made a motion that the request be denied. Commissioner Gibson seconded the motion. Town Attorney Brad Cunningham clarified that a vote in favor supports the denial and if the motion fails there has been no decision. Chairman Frost commented that it could be restated as a recommendation to retain the existing zoning that applies to these properties. Commissioner Caughman agreed to amend his motion to that statement with zoning remaining Protected Residential. There was no further discussion. The vote was unanimous in favor.

6. **Establishment of a Community Revitalization Development Plan: *deferred to a later meeting***
7. **Zoning Amendment Restricting the Location Items Defined in the Town's Drug Paraphernalia Ordinance Can Be Sold: *deferred to a later meeting***

**COMMENTS**

Commissioner Gibson gave a traffic report. The Phase 1 project is 45% complete and progressing well. Vice Chairman Berry asked about the apparent slow lights at night. Chairman Frost stated the signal at US1 and Park Road seems to be long on Park Road. Town Administrator Poole responded that the construction process has disabled the magnetic signals to the signals and SCDOT is using a camera system at those intersections. During off hours, the signals revert to default timing. Mr. Cunningham added that he had been asked if the cameras were taking photographs for the Town and the answer is "no".

Councilmember Kathy Maness thanked the Commission members for their work. The Farmer's Market continues on Saturdays from 9 a.m. to 1 p.m. through October. The Boards and Commissions Oyster Roast is scheduled for October 10 at Gibson Pond Park. The Big Thursday event will be on October 24 sponsored by the Lexington Sertoma Club in support of Gibson Pond Park. Oktoberfest is October 26 and Councilmember Todd Shevchik is Chairman for that event.

Commissioner Gibson announced the Art in the Garden event scheduled on October 4 at Wingard's Garden Center which will benefit the Lexington Interfaith Community Services.

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

The Planning Commission Meeting was adjourned at 8:51 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.*