

**MINUTES**  
***Town of Lexington***  
**PLANNING COMMISSION MEETING**  
December 17, 2014

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The Town of Lexington's Planning Commission held a meeting on December 17, 2014 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 John Bartlett, Roscoe Caughman, Jamie Fite, Lisa Gibson, Sammy Hendrix and Jeannie Michaels. Commissioner Brian Amick was absent (excused).

Others in attendance were: Town Councilmembers Kathy Maness and Todd Carnes, Town Administrator Britt Poole, Town Attorney Brad Cunningham, Planning, Building and Technology Director John Hanson, Chief Building Inspector Charly Thomas, Parks, Streets and Sanitation Director Dan Walker, IT Manager Bea Daniels, Network Administrator Darrell Pritchard and Assistant Municipal Clerk Karen Hanner.

There were nineteen members of the public in attendance. No one was present from the news media

**INVOCATION AND CALL TO ORDER:** Chairman Keith 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 Lisa 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 Commissioner John Bartlett and seconded by Commissioner Sammy Hendrix to approve the Planning Commission Minutes from November 19, 2014 as submitted. The vote on the motion to approve the Minutes was unanimous in favor.

**OLD BUSINESS:** None

**NEW BUSINESS ITEMS:**

**1. Request to Rezone 409 Scotland Drive:** *recommendation on zoning change*

Director of Planning, Building and Technology John Hanson presented the request from Golden Hills, Inc. to rezone 409 Scotland Drive from Protected Residential (PR) to Office Commercial. The request is being made to allow the building to be leased as a construction company office. The building has been used commercially in the past but the 2007 Zoning Ordinance Update zoned the property Protected Residential (PR) and made the golf course as well as the pool, the clubhouse and all associated buildings allowable neighborhood accessories in Protected Residential (PR) zones.

Chairman Frost asked if a representative from Golden Hills Inc. wished to speak. Ms. Dian Berry introduced herself as one of the owners of Golden Hills who submitted the rezoning request for specific buildings of about 2000 square feet. An additional building is being used as a cart shed and no changes are planned for that. She stated that the smaller of two buildings has been considered for lease to North Lake Construction to use as a business office with two to four employees with use of the club house parking area. She added that they are looking at the building which was previously leased as The Body Shop.

Chairman Frost clarified that access would be at Scotland Drive where it connects to Highway 378 near the number one tee box with open access. Ms. Berry confirmed that the lease would be for the building to have normal operating hours like the club with the gate locked overnight.

Chairman Frost invited anyone who wished to speak to this issue to come forward. Mr. Martin Lefkowitz introduced himself and added that he is a resident of Golden Hills and president of the Golden Hills Homeowners Association. He asked if the Commission had received a copy of their position paper (attached). Chairman Frost confirmed that they have a copy. Mr. Lefkowitz stated he wished to reiterate that one of their main concerns regards the agreement that was done around 2008 and the possible effect of rezoning on that agreement.

Ms. Berry responded that if they are referring to the buffer agreement, it applies to residences that are abutting a tee, fairway or green. She stated their request for rezoning is just for the building and doesn't include any part of the golf course.

Chairman Frost commented that the Commission had worked with Council on an ordinance to address golf course amenities and from a planning perspective, rezoning this to General Commercial just did not make sense in his opinion. Ms. Berry stated that this would be for office space. Chairman Frost clarified that it would be going from a Protected Residential use to General Commercial. He added that there is an ordinance that addresses those uses in residential communities and this one does not fit. He stated he did not think that rezoning this to Commercial is the appropriate thing to do from a planning perspective.

Ms. Dian Berry stated that the building is vacant and she has worked with Mr. Hanson to try to find something that would hopefully fit within the Town which would be the most restrictive, like the office space. It would not be retail with high traffic. The façade would not change and there would not be any signage on the building. Ms. Berry said her father began the company in 1988 and they have a vested interest in this property. She added that a large investment is planned for the next year to improve the golf course and they did not want to do anything that might negatively impact the neighborhood.

Commissioner Jamie Fite asked for clarification regarding the stated 2000 square feet and the request form which states 5800 square feet. Ms. Berry explained that the portion which is a cart shed would stay the same and the vacant building would be used for the office space.

Chairman Frost asked Director Hanson to clarify that if rezoned, the entire space could be used for any purpose that fits within that zoning. Mr. Hanson stated that is correct.

Mr. Kenneth Siegfried introduced himself as a resident of Golden Hills and a member of the board of the Homeowners Association. He stated he wanted to emphasize the one area of major concern in the Property Agreement with the Town. There is a clause that says “if either party should obtain relief from any obligation in this Agreement after the above date, relief from all obligations for the other party shall be immediate and self-executing without the need for judicial involvement”. Mr. Siegfried stated that their concern is that this modification opens the door to the argument that the whole agreement is no longer valid.

Chairman Frost thanked Mr. Siegfried and commented that he understood the concerns about whether or not this change would affect the agreement but he still felt this was not an appropriate change to make from a planning perspective in his opinion.

Commissioner Sammy Hendrix made a motion to deny the request for rezoning. Commissioner Caughman seconded the motion.

Town Attorney Cunningham clarified that a yes vote would be in favor of denying the request. Chairman Frost asked Commissioner Hendrix if he would consider modifying his motion to support maintaining the current zoning. Commissioner Hendrix stated that he would modify his motion. Commissioner Caughman agreed.

The vote was seven in favor, one opposed (Bartlett).

**2. Annexation of 115 Park Road, Lexington County Tax Map #4324-05-001:**  
*recommendation on zoning and road classification*

Director of Planning, Building and Technology John Hanson presented the request from Cole and Leah Winn who own .36 acres located at 115 Park Road and have petitioned to annex the property. A private residence is located on the property. Properties in Town near this one are zoned General Commercial or Limited Commercial and Park Road is classified as a Collector Road.

Due to the surrounding conditions and the use of the property, the recommended zoning classification is General Commercial (GC) and the recommended classification of Park Road is a Collector road.

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

Commissioner Caughman asked if the property next to this one was zoned Commercial. Chairman Frost confirmed that the adjacent property is in Town and zoned Commercial.

**3. Annexation of 5400 Augusta Road, Lexington County Tax Map #4300-03-054:**  
*recommendation on zoning and road classification*

Director of Planning, Building and Technology John Hanson presented the request from Clarence and Betty Pope who own 3.7 acres located at 5400 Augusta Road and have petitioned to annex the property. Carolina Turf Grass and Landscape Supply is located on the property. Properties in Town near this one are zoned General Commercial (GC) and Protected Residential (PR). Augusta Road is classified as an Arterial Road.

Due to the surrounding conditions and the use of the property the recommended zoning is General Commercial (GC) and the recommended classification for Augusta Road is an Arterial road.

Commissioner Michaels made a motion to approve the annexation with the recommended zoning and road classification. Commissioner Gibson seconded the motion. Vice-Chairman Berry asked about Appearance requirements. Director Hanson responded that there would be requirements on any additional development. Temporary signage would have to be removed. There was no further discussion. The vote was unanimous in favor.

**4. Annexation of Lexington County Tax Map #4300-05-007 located Near the Intersection of Old Cherokee Road and Cherokee Trail: *recommendation on zoning and road classification***

Director of Planning, Building and Technology John Hanson presented the request from The John Wingard Estate which owns approximately 35 acres near the intersection of Old Cherokee Road and Cherokee Trail and has petitioned to annex approximately 31 acres of the property. The property is currently undeveloped but a developer is planning to construct a neighborhood on this property and the adjacent property. (Item 5 on the agenda). Properties in Town near this one are zoned Protected Residential (PR) and Old Cherokee Road is classified as a Collector Road.

Due to the surrounding conditions and the intended use of the property the recommended zoning for this property is Protected Residential 2 (PR2) and the recommended classification for Old Cherokee Road is a Collector road.

Mr. Jordan Hammond introduced himself and stated he was with DR Horton-Crown, LLC. He stated that they are looking at the 31 acre tract and the 21 acre tract for annexation. Mr. Hammond said the golf course would go and the driving range would stay. Chairman Frost clarified that they were considering a portion of two different tracts. Mr. Hammond confirmed that they would assemble two tracts and subdivide from them.

Chairman Frost noted that other subdivisions along Pilgrim Church Road are zoned Protected Residential and this request is for Protected Residential 2. He asked if Protected Residential would work for the development that is planned. Mr. Hammond responded that as he understood it, that wouldn't work due to the setbacks. He added that their preliminary drawing has lots that are approximately 60' wide and 120' deep.

Chairman Frost stated that when looking at the Comprehensive Plan, which includes a number of PR2 subdivisions, the vision for the area around the outside of the Town and especially near the lake is for larger single family homes on larger lots.

Mr. Hammond stated the site was still being studied with environmental inspections and test holes being done. The plan layout could change depending on what is found.

Chairman Frost clarified that the plan could change but would be for single family homes. He asked if it would be acceptable to do a PR zoning and when the final site plan is prepared, they could come back to request a PR2 zoning if that was needed. Mr. Hammond asked for information on the setbacks for PR. Director Hanson reported PR as a 30' front yard setback and 10' on each side. PR2 is a 15' front yard setback with either a 0' and 6' or 5' and 5' on the sides with a 10' rear yard setback. Mr. Hammond stated based on that, they would need to get the PR2 zoning.

Chairman Hendrix stated he would like to respectfully request a denial of the request for PR2 but would recommend the Protected Residential zoning and Old Cherokee Road as a Collector road in keeping with the other properties on Pilgrim Church Road. Commissioner Michaels seconded the motion. There was no further discussion. The vote was unanimous in favor.

**5. Annexation of Lexington County Tax Map #3400-05-018 Located Near the Intersection of Pilgrim Church Road and Cherokee Trail: *recommendation on zoning and road classification***

Director of Planning, Building and Technology John Hanson presented the request from Cushfield, LLC which owns 29.3 acres near the intersection of Pilgrim Church Road and Cherokee Trail and has petitioned to annex approximately 21 acres of the property. The property is currently undeveloped but a developer is planning to construct a neighborhood on this property and the adjacent property. Properties in Town near this one are zoned Protected Residential (PR) and Pilgrim Church Road is classified as a Collector Road.

Due to the surrounding conditions and the intended use of the property the recommended zoning for this property is Protected Residential 2 (PR2) and the recommended classification for Pilgrim Church Road is a Collector Road.

Mr. Hammond stated they would not pursue annexation based upon a PR zoning. Chairman Frost asked if he was withdrawing his request. Mr. Hammond stated they would not pursue annexation with a PR zoning. Chairman Frost clarified that the Commission is asked to address items on the agenda and the Commission's recommendation at this time is if they are going to annex this parcel, it would be recommended as a PR zoning at least until they see a more defined plan. If he would prefer it not be addressed at all, he has the option to withdraw it. Mr. Hammond agreed that it would be best to withdraw.

Chairman Frost asked if the withdrawal would apply to Item 4 since it has already been voted on for recommendation. Director Hanson responded that if the developer withdraws the item, it would not go to Council.

Chairman Frost restated that the Item has been withdrawn. Mr. Hammond agreed that is what he wants to do now. Chairman Frost commented that if the site plan becomes more defined it could be brought back before the Planning Commission.

**6. Annexation of 141 Brickyard Road, Lexington County Tax Map #5596-01-048: *recommendation on zoning and road classification***

Director of Planning, Building and Technology John Hanson presented the request from H & W Investment Properties, LLC who recently purchased 7.6 acres located at 141 Brickyard Road and has petitioned to annex the property. A heavy equipment sales and service business will be locating on the property. Properties in Town near this one are zoned General Commercial (GC) and Industrial (IND). Brickyard Road is classified as a Collector Road. Augusta Road and Interstate 20 are both classified as Arterial Roads.

Due to the surrounding conditions and the use of the property the recommended zoning classification is Industrial (IND). The recommended classification for Brickyard Road is a Collector Road. Augusta Road and Interstate 20 are recommended to be classified as Arterial Roads.

Commissioner Gibson made a motion to approve the annexation with the recommended zoning and road classifications. Vice-Chairman Berry seconded the motion. There was no further discussion. The vote was unanimous in favor.

**OTHER BUSINESS:** (Information Only)

Councilmember Kathy Maness announced Town Hall would be closed for the holidays on December 24, 25, 26 and January 1. She reported a great turnout for the Snowball Festival at the lighting of the Christmas tree on Friday evening and the parade on Sunday afternoon. The amphitheater project is expected to go out for bids in January. She wished everyone a very Merry Christmas.

Commissioner Hendrix congratulated Dan Walker and his crew for their hard work on the Christmas decorations in Town.

**ADJOURNMENT:** There being no further comments or questions, a motion was made by Commissioner Hendrix 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 8:34 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.*