

**MINUTES**  
***Town of Lexington***  
**PLANNING COMMISSION MEETING**  
April 23, 2014

-----

The Town of Lexington's Planning Commission held a meeting on April 23, 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, Edwin Gerace, and Lisa Gibson. Commissioner Brian Amick was 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, Engineer Rosemarie Nuzzo, Director of Parks, Streets and Sanitation Dan Walker, Network Administrator Darrell Pritchard and Assistant Municipal Clerk Karen Hanner.

Approximately twenty five members of the public 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. Vice-Chairman Berry gave the invocation. Chairman Frost led in the Pledge of Allegiance and called the meeting to order at 8:04 a.m.

**DELETIONS TO AGENDA:** Chairman Frost noted that there were no items on the agenda to be deleted.

**APPROVAL OF MINUTES**

A motion was made by Commissioner Gibson and seconded by Vice Chairman Berry to approve the Planning Commission Minutes from March 19, 2014 as submitted. The vote on the motion to approve the Minutes was unanimous in favor.

**OLD BUSINESS:** None

**NEW BUSINESS ITEMS:**

**1. Shops at Hope Ferry Commercial Center Located Near the Intersection of Hope Ferry Road and Sunset Boulevard: *site plan approval***

Director of Planning, Building and Technology John Hanson presented the request from Mr. Cameron Zurbruegg for site plan approval for a commercial center to be located near the intersection of Hope Ferry Road and Sunset Boulevard. The development will encompass approximately 18.1 acres and have one outparcel. It will have 75,750 square feet of commercial space in the same area where a grocery store center was proposed in 2009. Unlike the previous proposal however, this site plan does not include a second outparcel owned by The Cromer/Sale Family Partnership and it does not include a second full service

access on Hope Ferry Road. Access to the development will occur through two existing limited service driveways on Sunset Boulevard and one existing full service driveway on Hope Ferry Road. The Commission may wish to consider the impact this Center could have on the future development of the Cromer/Sale parcel on the front as well as the nine acre parcel on the rear but it appears the plan meets all zoning requirements presuming the outparcel and the rear detention area are annexed with General Commercial zoning.

Mr. Hanson added he had received an email that will be added to the record of this meeting from Cameron W. Smith of InSite Holdings, LLC concerning connectivity with the 1.25 acre west side parcel (attached).

Chairman Frost invited Mr. Cameron Zurbruegg to offer a presentation on the project. Mr. Cameron Zurbruegg thanked the Commission and asked to show what Hendon Properties would like to do. He stated they are working with a national retailer, Hobby Lobby, who is coming to the Lexington market and chose the location despite some of the challenges of the site. Mr. Zurbruegg introduced several associates on the project who are present to answer any questions. Mr. Jeff Strickland with Hanes Gibson is the civil engineer and worked on the Aldi project across Hope Ferry Road from this project. Mike Ridgeway with SRS Engineering did the traffic engineering and assisted on the Aldi project. Chris Lake is with Palmetto Environmental Consulting and has helped with wetlands identification. Bill Smith is with WS Commercial Real Estate and represents the seller.

Mr. Zurbruegg said they have been under contract for this project for over a year. Hobby Lobby hopes to be able to open by spring of 2015. In 2006, this site was considered for Kroger but it was never put under contract. From 2007-2008, Kahn Development was marketing the property for a grocery store and movie theater but it didn't work out. In 2009, a Piggly Wiggly site plan was approved and the property was annexed into the Town. The infrastructure was put in and Walgreens was completed. Now in 2014, they are working to meet the challenges of the site. They have worked closely with Walgreens to meet the requirements of the Easements, Covenants and Restrictions Document. Mr. Zurbruegg said they have been in communication with Northwood Baptist Church regarding access. They have talked with Insight Development regarding the west parcel. They have been in touch with Bob Blose and the Hope Ferry Plantation subdivision.

Mr. Zurbruegg explained the plan to use the annexed eight acres as the site for the shopping center with the 55,000 square foot Hobby Lobby occupying about 73% of the total 75,750 square foot retail space. There is an outparcel building of 8400 square feet and about 12,500 square feet next to Hobby Lobby which represents a tenant who has expressed interest.

He said the site plan will utilize the existing access points which were previously approved by SCDOT. The difference between this plan and the prior Piggly Wiggly store site plan is there is no plan for a secondary access on Hope Ferry Road in part due to the different requirements of a grocery store and Hobby Lobby. They determined that the second access was not needed.

In 2009, a fifty foot natural buffer was approved on the site plan. The 2014 plan has the new standard seventy foot buffer along the residential side. Mr. Zurbruegg showed a poster of the proposed site plan showing the approximately eighteen acre plan area with the detention pond at the rear. He explained that the site is getting water from the church property and Highway 378 and the oversized pond is needed to capture all of that. He said they plan to use dirt available on the site to bring up the site. He indicated the one acre outparcel on Highway 378 that the Cromers will retain but it will be graded and utilities will go in. He showed the undeveloped parcel behind the detention pond and said they have an option to purchase. He said they have taken the framework of the plan that was already approved and will be using the infrastructure and honoring the residential buffers.

Chairman Frost asked Town Attorney Brad Cunningham to clarify the point of site plan approval on property that is not already annexed into the Town. Mr. Cunningham stated that site plan approval could be contingent upon annexation approval.

Chairman Frost invited Mr. Bob Blose to speak on behalf of the residents of the Hope Ferry Plantation subdivision. Mr. Blose introduced himself as a resident of Hope Ferry Plantation at 189 Hickory Meadow Road and a representative of the Home Owners Association. He outlined three things that the subdivision was asking for: 1) the buffer which was originally fifty feet but is now seventy feet, 2) the detention pond shift away from the buffer as much as possible, and 3) use of diffused lighting. Mr. Blose stated that Mr. Zurbruegg indicated a light matrix study would be done upon completion of the project to address any concerns about lighting. There has been a more recent concern expressed about the dirt required to build up the site. He asked if all of the fill dirt was expected to come from the detention pond site or if something was planned for the rear nine acre parcel which serves as a buffer along the entrance road into their community.

Chairman Frost thanked Mr. Blose and asked Commission members if they had any questions. Vice-Chairman Berry said he would like to ask about the plans for access to the additional parcel. Mr. Zurbruegg stated the parcel was not under contract but they believe SCDOT would not permit another curb cut along Highway 378 and access would be within the development. Mr. Bill Smith of WS Commercial Real Estate stated that the access to that parcel would be from a driveway along either side. He said it was their intention to lower the lot six to eight feet to eliminate the hill that would enter the lot. He agreed that there would not be another access along Highway 378. Mr. Zurbruegg referred to the original site plan for the grocery which shows an access to that parcel from the Walgreens driveway.

Vice-Chairman Berry asked about the deceleration lane on Highway 378 shown as a separate lane between the right in right out and the full access entrance. Mike Ridgeway with SRS Engineering explained that you wouldn't want someone exiting at the right in right out access to use that as an acceleration lane and compete with traffic slowing down to turn right into the center. He explained that it was safer for the vehicle exiting the center to wait for an opening in traffic flow than to try to merge into traffic and perhaps create a slowdown in the flow of traffic on Highway 378.

Commissioner Gibson asked about the removal of some of the protected trees when the site was first cleared and the original site plan showing a natural area along Hope Ferry Road as a buffer. Chairman Frost added that the original agreement called for a natural area along Hope Ferry Road beside the detention pond at Walgreen's. Mr. Zurbruegg agreed that the natural buffer along Hope Ferry Road of twenty feet with a thirty foot setback is not indicated on the site plan and will be included. He stated it was his understanding that the trees were removed at the Walgreen's parcel and the extension along Hope Ferry Road was intended to serve as a mitigation area. Mr. Hanson advised Mr. Zurbruegg that the code requires seventy feet buffer zone all around. Mr. Zurbruegg stated he wasn't previously aware of that and would address it in terms of a revised site plan.

Chairman Frost asked Parks, Streets and Sanitation Director Dan Walker about his understanding of the original offset and buffer and whether it came all the way down Hope Ferry Road or just along the Walgreen's parcel. Mr. Walker stated he did not recall exactly how far back the property went for the natural area. Chairman Frost referred to the Minutes of the 2009 Planning Commission meeting which mentioned a natural vegetative area on both sides of the entrance. That entrance has now been removed but it seems to indicate that the natural area went further down Hope Ferry Road. Mr. Walker agreed that it was his understanding that the natural area went past the Walgreen's property and extended into a wetlands area which was set aside. Vice-Chairman Berry stated that no buffer is shown on the site plan and asked what the plan was for the area inside the sewer easement. Mr. Zurbruegg said Chris Lake had prepared a study for the Corps of Engineering to re-verify what is out there. The sewer line, stream and buffers make that area essentially undevelopable. He said the need to cross the sewer line and stream was one of the reasons for removing the secondary access point.

Chairman Frost asked if the property is undevelopable due to the wetlands and sewer line easement, would they contemplate establishing a protected area. Mr. Zurbruegg stated there is property next to the easement, stream and buffers which is along Hope Ferry Road and it is not undevelopable. Chairman Frost stated it was their understanding from the discussion about the previous site plan that because protected trees were removed from that property, there was an agreement that they would set aside property along the entire length of Hope Ferry Road as a protected area. Mr. Zurbruegg said that Mr. Bill Smith could answer that. Chairman Frost pointed out that the presented site plan has key areas that are not consistent with the previously approved plan and that have caused some concern. He asked if they are willing to agree to what is believed to have been an agreement with the previous developer and ensure that this is a protected area all the way to the rear of the property. Mr. Zurbruegg answered that he didn't read that in the 2009 Minutes. He said he was not trying to avoid an obligation; he was trying to interpret something that was not clear.

Mr. Hanson clarified that a Commercial Center requires a seventy foot buffer and a hundred foot setback. If the developable area outside of the sewer easement is cut out as an outparcel separate from the Commercial Center, it would require a twenty foot buffer and a thirty foot setback from Hope Ferry Road.

Chairman Frost stated he had two concerns. First, are several pieces of property here that seem to be part of a larger project but there isn't a "master plan" for development of the site. They worked for several months with Bill Smith and Piggly Wiggly on a plan to address all aspects of this property. He said he didn't understand the lack of coordination with the Cromer family and working through issues of egress, providing access and what is going to be there. Mr. Zurbruegg said there was 100 percent cooperation with the Cromers, Bill Smith, Walgreens, Northwoods and the subdivision. He showed the previously approved site plan and noted Walgreens was in place, there was no clear definition for the outparcels and the offsite detention pond was not located in a good place for the subdivision. Mr. Zurbruegg then showed the current plans with the defined outparcel and the eight acre site with the detention pond. Chairman Frost said he would be more comfortable if the plan had more of the conceptual access shown. He asked if the outparcel on Hope Ferry Road would be accessed through the development or with another curb cut on Hope Ferry Road.

Chairman Frost said his second concern was the elimination of the full access on Hope Ferry Road. The previous plan made the access at Walgreen's right in right out which eliminated significant congestion close to the traffic signal at Highway 378 and moved staging lanes and turn lanes further down Hope Ferry Road. He felt that was a significant issue. Mr. Zurbruegg asked Mike Ridgeway to address that. (At this time, Chairman Frost requested a two minute recess.) Mr. Ridgeway mentioned the difficulty of putting an access across a wetland area. He noted the traffic backups in the morning extending down Hope Ferry Road. The tenant for this project doesn't open until 9:00 a.m. He pointed to the full access on Highway 378 allowing traffic from Lexington to enter without going to the traffic signal. Chairman Frost stated he was concerned that adding to the full access at Aldi's with another access to this site that close to the traffic signal would not be a good solution. He felt that traffic coming from Highway 378 would stop on Hope Ferry Road to turn left and create a backup that would present an unacceptable risk. Mr. Zurbruegg stated that was not something they would be able to do. They discussed it with SCDOT and they would address any issues presented by SCDOT.

Mr. Amiel Maness of 208 Hickory Meadow Road stated he was the Homeowners Association President during the discussions for the previous development plan. There are two issues of concern; 1) the lighting for the development will be situated higher than the homes in the subdivision and it was a major issue for the previous plan, and 2) the preservation of the natural areas in keeping with the appearance of the subdivision. The previous developer took out many of the trees on the property. He wanted to ensure that trees in the buffer were preserved. He agreed with not putting the additional access on Hope Ferry Road in a curve in the road.

Mr. John Fellows of 149 Hickory Meadow Road stated he was a city planner for a different municipality but was speaking on his own behalf. He stated it was not clear on the site plan where the outflow for the detention pond was located. He wanted to be sure that it wasn't in the direction of the subdivision. He repeated the concern about lighting. He noted the design guidelines for the Town suggest development be of original, flexible and innovative design and he encouraged the Commission to review the plans for those standards. Mr. Fellows commented about the noise concerns with the dumpsters and loading areas of the

development facing the subdivision with the homes located in a low area and sound carrying across. He asked if a landscape buffer or timing could be considered. Chairman Frost commented that the noise issue was addressed by a recent Ordinance restricting the time frame that commercial garbage can be collected. Mr. Fellows noted that an increasing number of pedestrians and cyclists are using Hope Ferry Road to access the retail areas. He asked if the developer could consider the sidewalk connections

Ms. Claire Tidwell of 349 Spruce Glen Road said her family's home is directly behind the truck access and dumpster areas of the development and the noise is a concern. She asked about buffers for the lighting. Chairman Frost commented that a lighting plan is not required but is strongly encouraged. He explained the limitations and fine structure for violations of the Town Ordinances. Ms. Tidwell asked about expanding the buffer along the homes to follow the curve of the road. She questioned safety measures such as security fencing. Chairman Frost said fencing is not a requirement. Ms. Tidwell said they were not contacted about the coming development.

Chairman Frost asked if there were any more questions. He told Mr. Zurbruegg he felt they should consider some of the concerns and bring it back next month. Mr. Zurbruegg stated the secondary access on Hope Ferry Road would not be reconsidered based on timing and economics. He said the only thing lacking for a master plan is the definition for the Cromer middle outparcel. Chairman Frost asked about the section between the stream and Hope Ferry Road. Mr. Zurbruegg said he was prepared to seek approval for the plan as it is and did not want to delay the plan for another month. He said a photometric study is planned.

Ms. Kelly Blose of 189 Hickory Meadow Road said she worked with the Homeowners Association on the previous plan for the Piggly Wiggly. She felt the addition of a curb cut on Hope Ferry Road would not work and be more dangerous. She stated she was in favor of the Hobby Lobby development.

Vice-Chairman Berry asked Mike Ridgeway about the traffic impact of the grocery store plan versus the Hobby Lobby plan. Mr. Ridgeway said morning traffic would be much less since the Hobby Lobby did not open until 9 a.m.

Commissioner Bartlett made a motion to approve the site plan contingent upon final annexation. Vice Chairman Berry seconded the motion and asked to amend the motion regarding adding the 70 foot buffer along Hope Ferry Road and the Cromer parcel access on the plan and a lighting study be performed. Commissioner Bartlett agreed with the amended motion and Vice Chairman Berry seconded the amended motion. There was no further discussion. The vote was five in favor (Bartlett, Berry, Fite, Gerace, Gibson) and two opposed (Frost, Caughman). The motion carried.

Chairman Frost stated that in light of the length of today's meeting, agenda items 2, 3 and 4 regarding annexations would be postponed until next month.

**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 9:41 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