

MINUTES
Town of Lexington
PLANNING COMMISSION MEETING
May 21, 2014

The Town of Lexington's Planning Commission held a meeting on May 21, 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 Brian Amick, John Bartlett, Roscoe Caughman, Jamie Fite and Lisa Gibson.

Others in attendance were: Town Councilmembers Kathy Maness and Ron Williams, Town Administrator Britt Poole, Town Attorney Cliff Koon, Director of Planning, Building and Technology John Hanson, Chief Building Inspector Charly Thomas, Engineer Rosemarie Nuzzo, Director of Parks, Streets and Sanitation Dan Walker, IT Manager Josh Emory and Assistant Municipal Clerk Karen Hanner.

Approximately eighteen 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. Commissioner Gibson gave the invocation. Chairman Frost led in the Pledge of Allegiance and called the meeting to order at 8:02 a.m.

Chairman Frost announced that Item # 6 would be considered first and then they will continue with Item #1. There was no objection.

APPROVAL OF MINUTES

A motion was made by Vice Chairman Berry and seconded by Commissioner Gibson to approve the Planning Commission Minutes from April 23, 2014 as submitted. The vote on the motion to approve the Minutes was unanimous in favor.

OLD BUSINESS: None

NEW BUSINESS ITEMS:

6. Annexation of Property Located Near the Intersection of Sunset Boulevard and Hope Ferry Road, Portions of Lexington County Tax Map # 4496-01-003 and 4496-01-021:
recommendation on zoning and road classification

Director of Planning, Building and Technology John Hanson presented the request from The Cromer/Sale Partnership which owns approximately 18 acres on three parcels located near the intersection of Sunset Boulevard and Hope Ferry Road and has requested to begin the annexation process. A Commercial Center is planned for a large portion of the property. Properties in Town near this property are zoned General Commercial (GC) and Protected Residential (PR). Sunset Boulevard is classified as an Arterial Road and Hope Ferry Road is classified as a Collector Road.

Due to the surrounding conditions and the intended use of the property, the recommended zoning is General Commercial (GC) on the front two parcels and the rear portion of the property that is required for the development's detention pond and buffer area. The recommended zoning for the remainder of the property is Protected Residential (PR). At this time final documents establishing the commercial center parcel and detention area have not been submitted so if the Commission agrees with the zoning recommendation then a dividing line between the different zoning classifications will need to be established. The recommended classification of Sunset Boulevard is an Arterial Road and the recommended classification of Hope Ferry Road is a Collector Road.

Chairman Frost welcomed Mr. Bill Smith of WS Commercial Real Estate representing the Cromer Family. Mr. Smith reviewed the prior project for Piggly Wiggly when an eight acre site was annexed into the Town. He stated this is a completely different project. The present contractor has one of the two outparcels under contract and an option to purchase the rear parcel that borders the Hope Ferry Plantation subdivision. He said he felt the best protection for the neighborhood would be to request General Commercial zoning for the entire tract because there would be more buffers and it would allow the developer flexibility but he did not think there was an objection to the PR zoning of the rear parcel. He stated he did not know what the plan was for the rear parcel at this time.

Chairman Frost asked Mr. Smith if the developer was under any contractual obligation regarding the rear parcel. Mr. Smith stated the developer has the option to buy the rear parcel and has the front parcel, which includes the former Piggly Wiggly site along with the two outparcels, under contract. Chairman Frost clarified that the Cromer Family owners did not object to the Protected Residential zoning on the rear parcel. Mr. Smith confirmed that but said he was not speaking for the developer. He said if a plan for development was made they would need to come before the Planning Commission again to request rezoning. Chairman Frost clarified that the detention pond is planned for the front parcel zoned as Commercial and the property line could be adjusted for the back parcel. Mr. Smith said the engineers are still working on the site plan. They are adjusting for the water coming onto the property from the church and resizing the detention pond. Chairman Frost clarified that at this time the property line has not been established. He stated that he felt they didn't have the information they needed to make a decision today.

Commissioner Caughman asked about the developer's contract. Mr. Smith responded that the developer has a contract on the 8 acre site that was previously planned for the Piggly Wiggly and was annexed into the Town. Also under contract is one of the outparcels on Highway 378. The remaining rear parcel is under an option to buy. He said they were working on a serious time element and he felt the property line would be fixed within thirty days before Council has their final reading.

Chairman Frost asked how that would work if the developer hasn't put the parcel on the rear under contract but the detention pond could be enlarged onto that parcel. Mr. Smith stated they would work that out.

Chairman Frost asked if there were others who wished to speak to this issue.

Mr. Bob Blose of 189 Hickory Meadow Road introduced himself as the Hope Ferry Plantation Homeowners Association President. He stated there have been many discussions about what would be best for the neighborhood and they felt the best protection for the neighborhood would be to support Mr. Hanson's recommendation for zoning the rear parcel Protected Residential. They want to make sure that there is a transition from the planned commercial development on the front parcel to the residential property at the rear.

Mr. Don Rawls of 104 Addison Court in Hope Ferry Plantation said he was concerned by things that Mr. Smith didn't know. He said he supported the recommendation for Protected Residential on the rear but he was concerned that the tract could be reduced to only 3 acres. Chairman Frost agreed with the concern about a fluid property line.

Town Administrator Poole clarified that before Council gives final reading approval the parcel line will be made clear. Chairman Frost stated it was a concern that the size of the parcel could be greatly reduced.

Commissioner Bartlett asked if the developer would be required to come back to the Planning Commission for zoning if the detention pond occupies the parcel zoned as Protected Residential. Administrator Poole said he understood the recommendation to be the front parcel as General Commercial and the rear parcel, wherever the property line might be determined, is zoned as Protected Residential. When Council reads the Ordinance, there would be a clear line. He stated the Planning Commission could make a recommendation with certain parameters established. Commissioner Bartlett asked if it was understood by everyone about the different buffers on General Commercial versus Protected Residential. Mr. Hanson stated that was covered in a major portion of the meeting with the Homeowners Association.

Commissioner Gibson asked if the motion could be done on a hypothetical parcel. Mr. Koon stated a specific number of acres could be put into the recommendation for zoning. Mr. Hanson asked if the motion could be stated as the detention pond area being General Commercial and the remainder as Protected Residential with a limit on the minimum size of the parcel. Mr. Koon responded that the more vague the motion is, the less you have to support a decision but a minimum could be included in the recommendation. Vice-Chairman Berry asked about the final size of the design of the detention pond growing into the PR parcel. Mr. Koon agreed that the parcel would need to be rezoned before the Commission.

Chairman Frost clarified that the Town's Landscape and Tree Ordinance would not apply to a residential development in that area.

Mr. Poole offered the option to make a recommendation but add the item to the next Planning Commission agenda. Council will meet June 2 for the first reading but won't hold a second reading until July 21. There would be time to modify a recommendation between the two readings.

Vice-Chairman Berry made a motion that the zoning classification be Protected Residential with a minimum of seven acres from the northernmost rear property line and to add the item to the next Planning Commission agenda to confirm the property line. Chairman Frost clarified that the remaining parcel zoning recommendation is General Commercial. Mr. Berry agreed. Commissioner Gibson seconded the motion. There was no further discussion. The vote was unanimous in favor.

(Commissioner Bartlett left the meeting at this time.)

1. Annexation of 105 Corley Mill Road Lexington County Tax Map #3698-04-001:
recommendation on zoning and road classification

Director of Planning, Building and Technology John Hanson presented the request from the Harman Family Real Estate LLC, who owns 2.17 acres located at 105 Corley Mill Road and has petitioned for annexation. Palmetto Lawn and Leisure is located on the property. Properties in Town near this property are zoned General Commercial (GC) and Corley Mill Road is classified as a Collector Road. The portion of Riverchase Way bordering this property is also classified as a Collector Road and Sunset Boulevard is classified as an Arterial Road.

Due to the surrounding conditions and the use of the property, the recommended zoning for the property is General Commercial (GC). The recommended classification of Sunset Boulevard is an Arterial Road. Corley Mill Road and Riverchase Way are recommended to be classified as Collector Roads.

Commissioner Gibson made a motion to approve the annexation with the requested zoning and road classification. Vice Chairman Berry seconded the motion. Mr. Berry asked about the signage along the curve of the road. Mr. Hanson stated the non-conforming signs have ten years to be removed but can't be replaced if they are knocked down. There was no further discussion. The vote was unanimous in favor.

2. Annexation of 912 South Lake Drive, Lexington County Tax Map #5498-05-001:
recommendation on zoning and road classification

Director of Planning, Building and Technology John Hanson presented the request from Gwen and Daniel Backman who own .95 acres located at 912 South Lake Drive and have petitioned for annexation. Carquest Auto Parts is located on the property. Properties in Town near this property are zoned General Commercial (GC) and Industrial (IND). South Lake Drive and Industrial Drive are both classified as Arterial Roads.

Due to the surrounding conditions and the use of the property, the recommended zoning is General Commercial (GC). The recommended road classification for both South Lake Drive and Industrial Drive is Arterial.

Chairman Frost asked if there were any nonconforming issues on this property. Mr. Dan Walker responded that there are nonconforming landscaping issues but they would be grandfathered in.

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

3. Annexation of 247 Parker Street, Lexington County Tax Map #5423-03-001: *recommendation on zoning and road classification*

Director of Planning, Building and Technology John Hanson presented the request from Shelley Tate who owns .23 acres located at 247 Parker Street and has petitioned for annexation. A single family residence is located on the property. Properties in Town near this property are zoned Protected Residential (PR) and Parker Street is classified as a Local Road.

Due to the surrounding conditions and the use of the property, the recommended zoning is Protected Residential (PR). The recommended classification of Parker Street is a Local Road.

Commissioner Gibson 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. Annexation of 5449 Sunset Boulevard, Lexington County Tax Map #4300-03-015 and a portion of 4300-03-031: *recommendation on zoning and road classification*

Director of Planning, Building and Technology John Hanson presented the request from Eddy A. Huckabee and Eugenia M. Huckabee who own approximately 1.41 acres on two parcels located at 5449 Sunset Boulevard and have requested to begin the annexation process. A vacated veterinary practice is located on approximately one acre of the property. Properties in Town near this property are zoned General Commercial (GC) and Protected Residential (PR). Sunset Boulevard is classified as an Arterial Road.

Due to the surrounding conditions and the intended use of the property, the recommended zoning for the property is General Commercial (GC). The recommended classification of Sunset Boulevard is an Arterial Road.

Commissioner Gibson 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.

5. Commercial Center Located at 5449 Sunset Boulevard: *site plan approval*

Director of Planning, Building and Technology John Hanson presented the request from Mr. Bill Owen who has submitted a site plan for a commercial center to be located at 5449 Sunset Boulevard. A veterinary clinic that will be removed as part of this project is currently located on the property. The development will have three commercial units in one 9600 square foot building on 1.4 acres of land. Access to the development will occur through one shared full service driveway with one entrance lane and two exit lanes. The Commission may wish to consider the impact this Center could have on the future development of the remaining 19 acres located behind this center and explore the possibility of the center accessing Summer Duck Trail which is located near the rear of the project. But it appears,

with the exception of providing connectivity to the adjacent property, the plan meets all zoning requirements presuming it is annexed with General Commercial zoning.

Mr. Bill Owen of Owen Real Estate stated they are under contract to purchase this property from the Huckabees. He said in the past they have built small retail centers. The plan is to develop space for up to five tenants in this center which will be very similar to the recently completed building on Lake Murray Boulevard with the Dunkin Donuts, Marcos Pizza and Smashburger occupants. Mr. Owen stated they had contacted the bank several times regarding connectivity with Summer Duck Trail and have gotten a strong “no” every time. Chairman Frost asked if they had asked the bank for access at the rear of the building and Mr. Owen responded that they would like to have the connectivity at any location but the bank said no. Mr. Britt Poole stated there have been discussions with the bank over the years and the bank has maintained their position. Chairman Frost stated that in his opinion it puts future development in this location in a bad spot. Mr. Hanson commented that a proposed location for connectivity should be shown on the site plan in the event of any future redevelopment. Mr. Dan Creed of Heritage Engineering stated that the stub out shown on the site plan was drawn for that purpose. Chairman Frost asked about the existing well shown on the drawing at the rear corner. Mr. Owen stated he believed that was used by the veterinarian office. Chairman Frost asked if it would be closed and Mr. Owen and Mr. Creed confirmed that was the intention.

Vice Chairman Berry made a motion to approve the site plan as submitted. Commissioner Gibson seconded the motion. There was no further discussion. The vote was unanimous in favor.

COMMENTS

Chairman Frost reported on the Traffic Committee meeting on Tuesday. The Phase One project is mostly complete with work being done on punch list items. The signal project is due to be let in late fall. Mr. Poole confirmed that it is planned for November.

Councilmember Maness thanked Mr. Poole and Mr. Hanson for meeting with the residents of Hope Ferry Plantation on Sunday regarding the planned development at Hope Ferry Road. She reminded everyone that Town Hall would be closed on Monday for Memorial Day. The Farmer’s Market resumes on Saturday, June 7, from 9 a.m. to noon at the Lexington Square. Town Council will hold a combined Work Session and Council Meeting on June 2. She wished Mayor Pro-Tem Hazel Livingston a happy birthday on May 22.

Chairman Frost congratulated all the new graduates and wished his son happy birthday this week.

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 8:50 a.m.

Planning Commission
April 23, 2014

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.