

**MINUTES**  
Town of Lexington  
**PLANNING COMMISSION MEETING**  
June 18, 2014

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The Town of Lexington's Planning Commission held a meeting on June 18, 2014 at 8:00 a.m. in the Council Chambers at Town Hall, 111 Maiden Lane, Lexington, South Carolina. The meeting was attended by: Chair Keith Frost, Vice-Chair Frank Berry and Commissioners Brian Amick, John Bartlett, Roscoe Caughman, Jamie Fite, Lisa Gibson, recently reappointed Sammy Hendrix and new member Jeanne Michaels.

Others in attendance were: 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, Customer Service Representative Tori Coker, Events and Media Coordinator Jennifer Dowden, and Municipal Clerk Becky Hildebrand.

There were approximately five (5) members of the public present and no one from the news media.

**INVOCATION, PLEDGE AND CALL TO ORDER**

Chair Frost introduced himself and welcomed everyone to the Planning Commission meeting. He announced that due to a computer issue at Time Warner, the meeting would not air live this morning, but would be recorded and replayed several times during the week. He later introduced new Planning Commissioner Jeanne Michaels and welcomed Commissioner Hendrix following his leave to serve on the County's Penny Tax Committee. Commission members and Staff introduced themselves. Commissioner Gibson gave the invocation. Chair Frost led in the Pledge of Allegiance and called the meeting to order at 8:04 a.m.

**APPROVAL OF MINUTES:** A motion was made by Vice-Chair Berry and seconded by Commissioner Gibson to approve the Planning Commission Minutes from May 21, 2014 as submitted. The motion was unanimously carried.

**PRESENTATIONS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS**

1. **The Cromer/Sale Partnership: 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.** The Cromer/Sale Partnership owns approximately 19 acres on three parcels located near the intersection of Sunset Boulevard and Hope Ferry Road and have requested to annex the property. A Commercial Center is planned for a large portion of the property.

Last month the Commission recommended General Commercial (GC) zoning on the front two parcels and the rear portion of the property required for the development's detention pond and buffer area. The Commission also recommended that the remaining 7 acres of the property be zoned Protected Residential (PR) and requested the annexation be brought back for an additional review after the detention pond has been engineered. Since then the property owners have requested consideration of a new plan that enlarges the detention pond area to approximately 8 acres and reduces the Protected Residential portion of the property from 7 to 5 acres. This plan is being offered with the prospect of the detention pond being sized to accept storm water from the Northwood Baptist Church property. Accepting the water from the Church property would increase the overall watershed area by approximately 3.5 acres and it was the understanding of Mr. Hanson that no formal agreement exists for this to occur at this time. Additionally, the Town has

not received engineered plans for the detention pond as was suggested at the last Planning Commission meeting. With these factors in mind and considering the fact that the adjacent homeowners as well as the Hope Ferry Home Owners Association seemed to agree with the Commission's previous recommendation, the Staff recommendation is to deny the request to increase the General Commercial portion of the site.

Chair Frost asked if there were any questions for Mr. Hanson. There were none. Chair Frost asked Mr. Bill Smith (W. S. Commercial Real Estate) or Mr. Cameron Zurbruegg (Development Partner with Hendon Properties) if they would like to speak.

**Mr. Cameron Zurbruegg** apologized to Mr. Bill Smith for his absence in recent meetings and leaving him to answer development questions, but he was unable to attend due to family issues. He wished to give a general overview of where they are and hopefully come to some common ground to finalize the process. Mr. Zurbruegg stated that they assumed from the beginning that they could buy the entire piece of property and planned for it to be zoned General Commercial. He added that in consultation with the Cromers that is what they asked for on 24 acres, which has not been annexed. He stated that they thought it would be efficient and enough property to allow buffers for the neighborhood. He thought if it was all annexed and rezoned at the same time, it would give the Town the protection it needed to control the process. He stated that they came in with a site plan before it was rezoned and that was not the easiest way. Mr. Zurbruegg stated that five years ago 8 acres was annexed and rezoned, but it did not include the detention pond. He added that at that time the remainder of the property was not designated and left in the County and one out parcel was not annexed or rezoned. He stated that they were trying to bring it all back into focus and control their destiny by controlling the property with one zoning. He stated that at a meeting he did not attend the recommendation was made for a residential zoning of Protected Residential, yet they had not asked for or anticipated it. Mr. Zurbruegg was advised by Mr. Smith that the Cromers would be happy with that zoning, so they proceeded to think through the impact of the development. He added that it had multiple impacts including the size and design of the pond, which is why Mr. Hanson does not have engineering drawings. He stated that it also impacts buffers, run off, calculations, downstream water quality issues, etc., so they slowed down the process of the final design because they did not know the final residual property. Mr. Zurbruegg stated all along that they did not know what would happen to the back property and now it has somewhat been determined for them. He added that they did not have to purchase that property. He added that he was not sure the new zoning would protect the neighborhood as well as General Commercial, but he did not understand all the buffer issues. He stated that they looked at a 5 acre versus a 7 acre proposal. He stated that in effect when you have the 7 acres as Protected Residential, you have buffers on both sides and if it was General Commercial you would not have buffers on each side. He would then need to consider the delineation line to determine the buffers and if it is 70 feet, then it is a 9 acre impact instead of a 7 acre impact because there is about an 80 foot difference between the two. He added that not knowing which it was going to be made them change their thinking regarding the pond. Mr. Zurbruegg stated that regarding off site, there is already significant water flow coming from the church property, Highway 378, and from impervious surface that exists. He added that the runoff is in part going to the small pond developed for Walgreen, but it is not all being captured by that pond and is flowing on to the property, so they have to capture it going forward. He stated that they had asked the adjacent property owners to see if they wanted to size their pond for future development. He thought the Town would be happy to have a master detention pond for all of the acreage so as not to have to worry about another pond and another impact on the neighborhood. Mr. Zurbruegg stated that he still wished they could have General Commercial, but he was afraid that is off the table. He added that he would like for it to be 5 acres because the buffer on the General Commercial side has an impact on them, but he would also like to finish because they have time constraints with their tenants. He stated that it would be easy to accept the 7 acres, draw a line, survey it, delineate it,

and present it for the ordinance approval in July. He added that he is ready to do that because the Cromers have said that is what they prefer. He stated that they have never been shown the detention pond any other way than the way it is shown now. He added that only the grading has changed due to looking at different volumes, but they will meet the ordinance with the pond because if they don't, they won't get their permit. He stated that there is nothing immediate about the design of the pond that relates to annexing and zoning except that it helps draw the line. Mr. Zurbruegg stated that if the Commission is prepared to accept the 7 acre line for a minimum requirement, then they should go that route.

Chair Frost thanked Mr. Zurbruegg and added that the design of the storm water pond is imperative to establish the line for the annexation, which is what the Commission is being asked to do. He added that it is important to see the information including the engineered drawings, the calculations to determine size which they have not yet seen. Mr. Zurbruegg asked if the Commission would not trust Staff to handle and permit. Chair Frost responded that when the Commission is asked to make a determination of property boundaries and assign zoning designations for Council's approval, they would like to see all the factors. He added that last month they made some concessions that they would move the line to 7 acres if they saw drawings this month, but they still do not have those. He stated that they did not receive the information that they had asked about for the last two months. Chair Frost stated that from his perspective he would like to retain the motion that was made last month and stick with the 7 acres; however, he is only one voice. He asked if the Commissioners had any questions for the developer.

Vice-Chair Berry asked how much longer they would need for the engineered drawings. Mr. Zurbruegg responded that it is a tough question because once the line is established they will have to look at the buffers and look at the impacts downstream because of a second piece of property not owned by them. He added that they are also still talking with members of the church but they are no more than 30 days out on the final design. He stated that his first choice is to have the line where it is being talked about.

Commissioner Hendrix asked if he was willing to go along with the 7 acres and would it eliminate him having to go back to the church. Mr. Zurbruegg responded yes and he could still go back to the church to make sure the pond has the volume needed. Commissioner Hendrix stated that is a puzzle to him because he understands consulting with the church, but not knowing if the pond can handle the volume without first seeing it. He would like to see the engineered drawings with the 7 acres minus the church. He did not know how they could approve something that was also unknown to them. Mr. Zurbruegg stated that they could design the pond in several different ways because currently they are designing it with the least amount of cost to have the maximum amount of slope and as large as the ordinance will allow. He added that if they decided to add walls and change the depth, they could and the church was not dictating to them. He stated that he offered the church to participate and it is a non-factor in that they have to capture their existing water. He added that the question is - do they make the calculation to capture the additional water from the other 3 ½ acres. He stated that he cannot wait for the church, nor can the design of the pond wait. Mr. Zurbruegg stated that there is no issue with the church but he would let them know that they can participate now, but they have to capture their offsite water that is flowing there now which is the same as the parcel on Highway 378. He confirmed that they can try to provide the engineered drawings in 30 days, but he needs to know that the line is going to be there and that he has annexation and rezoning because he cannot push annexation out 60 days.

Chair Frost confirmed that the Planning Commission made a recommendation to Council which has had first reading and the second reading will be done in July. He stated that they can make a recommendation back to Council if there are any alterations and Mr. Zurbruegg can submit storm water drawings and calculations to Town Staff. Chair Frost stated his concern is moving a line

without any concrete numbers and figures and since they have gone with 7 acres so far, they should stick to that number and the developer will have to work with the County and Town Staff for storm water issues. Mr. Zurbruegg stated that they are prepared to do that and it is the normal course of business. He added that he cannot get a permit until he does everything required by the Town and he thought Staff was very capable of making those judgements.

Commissioner Gibson asked about the Planning Commission's obligations regarding the motion that was already in place from the previous meeting for them to come back to confirm the property line. Municipal Attorney Cunningham responded that the previous motion could simply be restated as a new motion.

Mr. Zurbruegg stated that if they get to a final decision today he anticipated giving Staff additional conceptual plans showing the buffers on all sides, adding sidewalks, recalculating the parking, and giving definition to the Cromer's remaining outparcel. He stated that they have done all of that and have not received any feedback nor did they ask for any and now the Commission is setting a line. He added that if the line is set, and following the deadline of July 16<sup>th</sup>, they have a final site plan that meets all the conditions, but also a line delineating the 7 acres that is on the survey meets and bounds. He stated that as far the ordinance, it has all the details and specifications met and then they proceed with engineering and permitting through Staff as normal.

Chair Frost stated that part of the concern at the last meeting was their motion to approve what had been presented with a line at 7 acres that would be set and brought back to this meeting. He added that they were given 5 acres and now they are back to where to put the line and how to address it prior to Council's next meeting. Mr. Zurbruegg stated that if it is set at 7 acres then the engineering part goes to Staff. He presented a drawing of the plan to demonstrate where the original line was placed and the shape of the pond. He stated that the first line was a 7 acre project line from the back of the Cromer's property line and the second line is the 5 acre line. He added that he placed lines there to see the difference which is 80 feet. The width of the 80 feet only fell inside one property lot. Mr. Zurbruegg stated that if the line is at 7 acres, then he will need to work with Staff to determine the buffers and rework the pond. He added that at 7 acres everything behind that is Protected Residential. Vice-Chair Berry confirmed that Mr. Zurbruegg was fine with that plan. Mr. Hanson confirmed that you can have passive usage of a detention pond in a buffer. Mr. Zurbruegg stated that made him more than fine. He added that he had not anticipated Protected Residential so they did not know what the buffer would be. He confirmed with Mr. Hanson that the pond could encroach on the 70 feet.

Chair Frost asked if anyone else wished to speak regarding the item. Commissioner Hendrix asked how to restate the motion. Chair Frost stated that the issue they have is to address the portion where a firm fine line has to be brought back to Planning and presented to Staff prior to Council's consideration.

A motion was made by Commissioner Bartlett and seconded by Vice-Chair Berry to restate and confirm their previous motion with the assumption that the line will be set at 7 acres as Protected Residential. Previous motion from May 21, 2014: *"That the zoning classification be Protected Residential with a minimum of seven (7) acres from the northernmost rear property line...with clarification that the remaining parcel zoning recommendation is General Commercial."* The motion was unanimously carried.

- Rolling Meadows, LLC – Annexation of 4801 and 4901 Sunset Boulevard, Lexington County Tax Map #3500-04-022 and #3500-04-023:** Rolling Meadows, LLC owns 27.9 acres on two parcels located at 4801 and 4901 Sunset Boulevard and petitioned for annexation. Victoria Lakes Mobile Home Park is located on the properties. Properties in Town near this property are zoned

General Commercial (GC), Protected Residential (PR), and Protected Residential 2 (PR2). Sunset Boulevard is classified as an Arterial Road. Due to the surrounding conditions and use of the property, the recommended zoning for the property is General Commercial (GC) and the recommended classification of Sunset Boulevard is an Arterial Road.

Chair Frost stated that he was fine with the first parcel on Highway 378 being General Commercial, but he had concerns with the entire piece of parcel two being Commercial since it has the access road and goes back to Woodside. He proposed doing a split zoning with the front parcel being General Commercial and the second (rear) parcel being Protected Residential or PR2. He added that this could be another commercial center backing up to neighborhoods, even though this is currently a mobile home park, at some point redevelopment could be planned in the future.

A motion was made by Commissioner Hendrix and seconded by Vice-Chair Berry to zone the first (front) parcel #3500-04-022 as General Commercial and the second (rear) parcel #3500-04-023 zoned Protected Residential. Chair Frost stated that it would line up with surrounding properties. The motion was unanimously carried.

**OTHER BUSINESS** (Information Only.)

**Vice-Chair Berry** gave a Traffic Committee update and stated that Phase I should be complete next month. Chair Frost confirmed with SCDOT that the gaps between the sidewalk and the asphalt on Park Road would be filled in.

**Town Administrator Poole** relayed that Councilmember Maness was unable to attend today due to work obligations. He reminded everyone to come to the Town's Farmer's Market this Saturday from 9:00 to 12:00 at the Lexington Square. He added that the Market is bigger and better this year at its new location.

**Chair Frost** stated that they missed Councilmember Maness this morning and he thanked Councilmember Williams for coming by to meet with them earlier.

**PUBLIC COMMENTS:** None.

**QUESTIONS FROM THE NEW MEDIA:** None.

**ADJOURNMENT:** A motion was made by Commissioner Gibson and seconded by Commissioner Michaels to adjourn the Planning Commission meeting. The motion was unanimously carried and the meeting adjourned at 8:34 a.m.

Respectfully submitted by:

Becky P. Hildebrand, CMC  
Municipal Clerk

APPROVED BY:

Keith Frost, Chair