

MINUTES
Town of Lexington
PLANNING COMMISSION MEETING
September 17, 2014

The Town of Lexington's Planning Commission held a meeting on September 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, Sammy Hendrix and Jeannie Michaels. Commissioners Brian Amick and Lisa Gibson were absent (excused).

Others in attendance were: Town Councilmember Kathy Maness, 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.

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

Chairman Frost advised the Commission that New Business Items 4, 5, and 6 have been deleted from the Agenda.

OLD BUSINESS: None

NEW BUSINESS ITEMS:

1. Election of Officers:

Director of Planning, Building and Technology John Hanson explained the requirement to hold an election of a Chairman and Vice-Chairman for the Planning Commission. He asked for nominations for Chairman of the Planning Commission. Commissioner Hendrix nominated Keith Frost as Chairman. Commissioner Berry seconded the nomination. There were no other nominations. All members present voted in favor. Mr. Hanson requested nominations for Vice-Chairman of the Planning Commission. Chairman Frost nominated Frank Berry as Vice-Chairman. Commissioner Hendrix seconded the nomination. There were no other nominations. All members present voted in favor.

APPROVAL OF MINUTES

A motion was made by Vice-Chairman Frank Berry and seconded by Commissioner Michaels to approve the Planning Commission Minutes from August 20, 2014 as submitted. The vote on the motion to approve the Minutes was unanimous in favor.

2. Senior Living Communities Located Near 5449 Sunset Boulevard: *site plan approval*

Director of Planning, Building and Technology John Hanson presented the request from Senior Living Communities to obtain preliminary sketch plan approval of a mixed use assisted living facility. The facility will be developed on 18.4 acres with 14 detached patio homes, a club house, an assisted living unit and a memory care unit. The assisted living and memory care units will have a total of 231 beds. It appears the plan meets all zoning requirements for a mixed use development if the property is annexed with General Commercial zoning. However, the Commission may want to consider approving this project as a Planned Development and explore the possibility of requiring additional access to the facility.

Mr. McSwain Bell introduced himself as Vice President of Development with the Maxwell Group and Senior Living Communities, a Charlotte based company with nine CCRC type communities throughout the Southeast and said they were here to speak about Wellmore in Lexington. He distributed a handout showing the project to Commission members (attached). He introduced Matt Levesque from Esp Associates as the civil engineer and Patrick Chambers from NAI Avant as the land broker.

Mr. Matt Levesque stated they have worked on a couple of these projects with Maxwell Group and they have been successful with bringing them into different zoning districts and implementing them into land use plans. He described the site as roughly 20 acres currently in the county. They are requesting a General Commercial zoning with the assisted living facility as shown in the handout. Mr. Levesque stated they feel this is a great transitional use with the benefit of a lower traffic impact than other commercial uses. He stated Maxwell Group has had three meetings with adjacent neighbors and felt like they made good progress.

Mr. Levesque said they have one access point off of Sunset Boulevard that is shared with the commercial outparcel and a boulevard entry into the project. There are plans for detached patio homes along the boulevard which leads to a courtyard with the assisted living units and a grand entry. Further back is a main clubhouse and memory care facilities to the rear. There will be a perimeter access road to facilitate emergency service vehicles which also spreads out parking as specified in the land use plan. Mr. Levesque described the project as a high amenities facility with nice landscaping and architecture to meet a growing demand.

Mr. McSwain Bell said Maxwell Group and Senior Living Communities do a full continuum of care for independent living, assisted living, skilled nursing and Alzheimer's facilities. He stated there is a Wellmore under development in Tega Cay, SC that is due to open in 2015. One of the main focuses for Wellmore is to help people live healthier, happier lives as they age with indoor pools, therapy rooms and activities to meet the growing need. The buildings have a brick façade with precast columns for a grand entrance. Mr. Bell said he understood the traffic concern for Highway 378 and felt this use would be the lowest impact on traffic with shift employees driving during off peak hours. He said they would be paying taxes but would not impact the schools. There would not be a lot of noise or crime.

Commissioner Hendrix asked about the planned shared access and the two existing curb cuts. Mr. Levesque explained that the plan calls for a shared access with the commercial parcel at the front on Highway 378. Mr. Patrick Chambers added that the commercial outparcel plan calls for putting in the road way and a shared access along the line between the two parcels that would eliminate the two existing curb cuts. Mr. Hendrix asked if there were any plans to work with the bank to provide an additional access through to Summer Duck Trail. Mr. Chambers stated that he is working to try to set up a meeting with Mike Crapps at the bank but has no indication at this point that they are willing to do that. He referred to significant grade changes on the parcels that would need off-site work to be done and an agreement with the bank to move that forward. Chairman Frost responded that there had been an indication that the bank was agreeable to the plan. Mr. Chambers said he did not have that answer yet but they were doing their best to try to provide some connectivity.

Chairman Frost thanked them for meeting with the neighbors in Mallard Lakes and Golden Hills and asked what type of feedback they have been getting. Mr. Bell responded that feedback has been different from the different groups but for the most part residents of Mallard Lakes were concerned about water runoff but were supportive of the project. The Golden Hills residents expressed concerns about traffic and buffers with proper landscaping and lighting.

Chairman Frost asked if the indicated number of units included the building close to the front shown on the plan as a future expansion. Mr. Bell confirmed that as the total for the whole project.

Chairman Frost said the Commission has recently evaluated a traffic study and noted that a single project does not have the impact that the combination of multiple projects can have. This project sends people out to Highway 378 trying to make left hand turns which is a significant hazard. He stated there are possibilities for secondary access to a traffic signal and he felt it should be seriously considered and worked on.

Commissioner Hendrix asked if internal sidewalks are included in this project. Mr. Bell confirmed that sidewalks are part of the plan.

Commissioner Caughman asked about the placement of a patio home on the plan that appears to encroach on the setback. Mr. Levesque explained that the setback lines up with an internal lot setback for the depth of the patio home lot. Mr. Bell stated that would be double-checked.

Cathy Dolan of 100 Scotland Court in Golden Hills stated Mr. Bell had met with some of the adjacent property owners about two weeks ago and they felt this could be a compatible project for that property. Some of their concerns included the traffic impact and the ingress and egress issues, silt runoff from land clearing, the loss of natural landscaping, mature trees and buffers and setbacks. Ms. Dolan said they were very concerned about maintaining the character of their neighborhood. They asked for increased buffers and setbacks from 30 to 50 for buffers and 50 to 75 for a building setback.

Alisa Mosley of 112 Scotland Drive in Golden Hills stated she agreed with Ms. Dolan but wanted to make sure individual property owners get protection for property values particularly with increased buffers and setbacks and preservation of mature trees.

Chairman Frost asked how the requested increased setback and buffer would impact the project. Mr. Matt Levesque explained that water runoff requirements call for grading changes affecting the natural landscape and any buffer increase should not include the undisturbed amount. Mr. Bell added that there is a lot of grade work required on this property that will necessitate removal of trees to complete their project without using steps. Vice Chairman Berry observed that the plan shows a 30 foot undisturbed buffer and a 50 foot setback and asked if the undisturbed could also be at 50 foot. Mr. Levesque said they wouldn't want to increase the undisturbed due to the extent of the grade change on the property. The property would be replanted with evergreen trees which can be more effective at buffering than deciduous trees.

Chairman Frost observed that there is a significant slope on the parcel and asked if there is a plan to bring dirt into the site. Mr. Levesque stated they haven't worked on that level yet and they were still working with the GIS and topo.

Chairman Frost stated that a number of recently approved projects in the Town have appeared to be speculative without much progress. He said he felt this plan was a good use for the parcel but he was concerned about the General Commercial zoning and should this project go away there would be a Commercial zoned property open to a lot of different developments. Chairman Frost said the only way he felt they could provide the Town and citizens some protection while allowing this project some flexibility is to consider bringing this as a Planned Development. Mr. McSwain Bell stated they would rather not do that but would rather move forward as quickly as possible. He said they have financing in place and could start construction in the second quarter of 2015. Mr. Frost said his concern was the recommendation to Council for rezoning this property to Commercial and open it to development of whatever fits into Commercial. He didn't think that was fair to the residents of Golden Hills or Mallard Lakes to proceed in that direction.

Mr. Patrick Chambers asked about the Comprehensive Plan and the plan for Highway 378. He said this parcel is contiguous to other Commercial zoned property. Chairman Frost responded that without a site plan for the property, an annexation presented to the Planning Commission would likely zone the parcel Protected Residential. He repeated that they believe the project is a good fit for the parcel but they would like to tidy up the loopholes. The Planned Development will provide flexibility and protection for the Town.

Mr. McSwain Bell stated if the project did not go forward, that would leave the property owner with a parcel zoned for PDD. Chairman Frost responded that to be developed, this property needs to come into the Town for water and sewer and any proposed project would come before this group and Council for review and approval. The Planned Development overlay would not impact a future use.

Commissioner Caughman asked if the PD designation stays with the project or the parcel. Mr. John Hanson clarified that it stays with the parcel. A new project would need to request the zoning.

Commissioner Hendrix commented that based on past issues with this parcel, Council is not likely to agree with the Planning Commission recommendation if it is anything other than Planned Development.

Commissioner Bartlett asked if the Commercial zoning could be applied conditionally for this project. Chairman Frost said no and Town Attorney Cunningham agreed that the property is zoned, not the project.

Vice Chairman Berry asked if they could approve it as a Planned Development based on what has been submitted. Mr. Cunningham responded that it hasn't been requested. Chairman Frost added that a PDD allows for negotiation and adjustment of buffers, landscaping and some of the things that are specifically outlined in ordinances. If the request for PDD is made, the buffers and setbacks are presently proposed in the site plan but other things in the plan can be negotiated with staff. The submitted plan does not have to be changed to be a Planned Development plan.

Mr. Patrick Chambers asked for clarification on how the PD process worked. Chairman Frost stated the Planned Development Special Overlay is a zoning classification recommendation made to Council. He said normally staff and developers would negotiate the site plan to present to the Planning Commission but since they already have a site plan, they could move forward without starting the process over again if the developer agreed to apply the overlay to the plan that has been submitted. Mr. Bell said he felt the process works but he expressed concern regarding the seller. Mr. Chambers agreed that if approved with the PDD today and the landowner had some reluctance, it could still be pulled before it went to Council. Mr. Hanson confirmed that it could be pulled by the landowner.

Chairman Frost stated there was another issue of the site needing access to a traffic signal but he didn't want to hold things up. He asked if they could agree to approval contingent upon acquiring access to a signal. Mr. McSwain Bell said there are two things to consider; one is the approval and the other is the grade elevations and changes that would be required. Vice Chairman Berry asked how the traffic study addressed the ingress/egress point on Highway 378 versus coming to a traffic light. Mr. Bell stated the study agreed it would be best to have a traffic signal connection. Mr. Matt Levesque added that this use would have minimal traffic compared to some others but the concern is tying approval to getting access with an adjacent property and the large grade change. Vice Chairman Berry asked about average daily trips from the traffic study. Mr. Bell said he didn't have that figure but it was less than a single family residential subdivision and perhaps 90% of their residents don't drive. Chairman Frost added that it was a safety concern that needs to be addressed.

Commissioner Hendrix made a motion to approve the site plan pending final annexation of the property with Planned Development Special Overlay zoning. Vice Chairman Berry seconded the motion. Chairman Frost commented that while most of the residents won't drive and there would be numerous visitors and employees each day. He said while a motion couldn't be open ended and say "strongly encourage a signal connection", it could be made as a contingency and he felt that was prudent as a safety issue. The vote was five in favor and two opposed (Frost and Caughman opposed.)

3. Annexation of 140 Laurel Ridge Road, Lexington County Tax Map #4300-03-031: *recommendation on zoning and road classification*

Director of Planning, Building and Technology John Hanson presented the request from Eddy and Eugenia Huckabee who own 18.4 acres located at 140 Laurel Ridge Road and have petitioned to annex the property. A mixed use assisted living facility is planned for the site. 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 the planned use of the property, the recommended zoning is General Commercial with a Planned Development Special Overlay and the recommended classification for Sunset Boulevard is Arterial.

Commissioner Michaels made a motion to approve the annexation with the recommended zoning and road classification. Commissioner Bartlett seconded the motion. There was no further discussion. The vote was unanimous in favor.

(Items 4, 5, and 6 were deleted from the Agenda)

7. Annexation of Lexington County Tax Map #5498-05-009 Located Near the Intersection of Industrial Drive and Porsche Drive: *recommendation on zoning and road classification*

Director of Planning, Building and Technology John Hanson presented the request from Scepter Enterprises, LLC who owns 25.7 acres located near the intersection of Industrial Drive and Porsche Drive and has requested to begin the annexation process. An industrial equipment repair and maintenance facility is planned on the site. Properties in Town near this property are zoned Industrial (IND). Interstate 20 and Industrial Drive are classified as Arterial roads. Porsche Drive is classified as a Local road.

Due to the surrounding conditions and the intended use of the property, the same zoning and road classifications are recommended for this property.

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

8. Annexation of 200 Fergon Road, Lexington County Tax Map #5596-01-017:
recommendation on zoning and road classification

Director of Planning, Building and Technology John Hanson presented the request from Fergon Tool and Machine Company who owns 1 acre located at 200 Fergon Road and has petitioned to annex the property. An industrial tool and machine shop is located on the site. Properties in Town near this property are zoned General Commercial (GC) and Industrial (IND). Fergon Road is not currently classified.

Due to the surrounding conditions and the use of the property, the recommended zoning is Industrial (IND) and the recommended road classification for Fergon Road is a Local road.

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

OTHER BUSINESS: (Information Only)

Councilmember Maness thanked the Commission for their hard work. She reminded everyone that the Farmer's Market is open on Saturdays from 9 a.m. to noon at the Lexington Square. The 14 Mile Creek Trail Grand Opening is scheduled for Tuesday, September 30 at 10:30 a.m. Voter registration is open for the November 4 election. The Penny for Progress will be on that ballot. Information sessions are scheduled at Town Hall on Wednesday, October 29 at 9 a.m. and 6 p.m.

ADJOURNMENT: There being no further comments or questions, a motion was made by Vice Chairman Berry and seconded by Commissioner Hendrix to adjourn the Planning Commission meeting. The vote on the motion was unanimous in favor. The Planning Commission meeting was adjourned at 9:12 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.