

**MINUTES**  
***Town of Lexington***  
**PLANNING COMMISSION MEETING**  
January 21, 2015

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The Town of Lexington's Planning Commission held a meeting on January 21, 2015 at 8:00 a.m. in the Council Chambers at Town Hall, 111 Maiden Lane, Lexington, South Carolina. The meeting was attended by: Vice-Chairman Frank Berry and Commissioners Brian Amick, John Bartlett, Roscoe Caughman, Jamie Fite, Sammy Hendrix and Jeannie Michaels. Chairman Keith Frost and Commissioner Lisa Gibson were absent (excused).

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

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

**INVOCATION AND CALL TO ORDER:** Vice-Chairman Frank Berry 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 Jeannie Michaels gave the invocation. Vice-Chairman Frank Berry 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 Sammy Hendrix to approve the minutes with one correction on page five, paragraph two correcting the title from "Chairman" to "Commissioner". The motion was seconded by Commissioner John Bartlett to approve the Minutes with the correction as noted. The vote on the motion to approve the Minutes was unanimous in favor.

**OLD BUSINESS:** None

**NEW BUSINESS ITEMS:**

**1. 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 which was previously considered along with New Business Item 2 at the December 2014 Planning Commission meeting. The developer is asking to annex approximately 52 acres near the Old Cherokee Road and Cherokee Trail intersection. Last month the Planning Commission reviewed this annexation and recommended Protected Residential zoning for the property. This resulted in the annexation being withdrawn primarily so Crown Communities could

provide the Commission with additional information about the proposed development to support their request for PR2 zoning on the property. A presentation from Crown Communities with additional information about the proposed development was included in the meeting materials. Actual site plan approval for this development will come at a later date if the annexation moves forward. Due to the intended use of the property, the requested zoning for this annexation and the adjacent property remains Protected Residential 2 (PR2) and the recommended classification for Old Cherokee Road is a Collector road.

Jordan Hammond introduced himself and stated they have approximately 52 acres of property under contract. They are requesting annexation to provide water and sewer services to the site. He stated the plan is preliminary and not ready to submit for site approval. They are still working with wetlands consultants and the SCDOT. Mr. Hammond said the typical lot size would be 60' wide and 120' deep. He stated most lots comply with PR zoning of 30' front and 10' rear setbacks but they require a 20' front and 20' rear setback to provide a backyard feature. The 5' side setback will allow construction of a house footprint and floorplan that is attractive. Mr. Hammond said they are prepared to commit to a maximum lot count with all allowances under PR2 zoning with no attached or condominium housing.

Robert Haney introduced himself and said the plan for the project is a single family detached brick and stone home at a price point goal ranging from 175 to 250. He reported it would be similar to their other projects in Falling Waters, Lexington Heights and Grey Oaks. Mr. Haney stated he is from Lexington and is committed to this market.

Commissioner Michaels asked how many houses are planned. Mr. Hammond responded that the site plan has 157 lots but they are still working with their wetlands consultant and the traffic study to consider additional lots up to a possible total of 175. Vice Chairman Berry asked where those additional lots would come from. Mr. Hammond responded that there is an area along Old Cherokee Road shown on the drawing as detention that could have additional lots depending on the eventual detention size. Vice Chairman Berry asked if there was a pond currently on the site. Mr. Hammond confirmed that as correct. He stated the site plan is nearly ready to present to Council prior to any decision being made.

Director John Hanson clarified that the site plan going to Council would be for annexation only, not site plan approval. Vice Chairman Berry stated that changing the zoning classification could open it up to redesign. Mr. Hanson said discussions have indicated the developer is prepared to bring a site plan for approval before the Final Reading of Council and the Commission could make their recommendation contingent upon that taking place.

Commissioner Hendrix commented that it seemed a little vague to him. He stated that if the zoning was changed to PR2 and the project doesn't go through, it is open to anything that wants to go there. He didn't want to recommend PR2 without more information.

Commissioner Michaels made a motion to recommend PR2 zoning with the contingency that the developer bring the site plan to the Planning Commission for approval before a Final Reading by Council. Commissioner Bartlett seconded the motion. The motion carried 5 in favor and 2 opposed (Hendrix and Caughman).

**2. 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 stated this Item is the counterpart to Item number one that was just discussed.

Commissioner Bartlett made a motion to approve the recommended zoning and road classification with the contingency that the site plan be brought to the Planning Commission before Council has a Final Reading on the annexation. Commissioner Michaels seconded. There was no further discussion. The motion carried 5 in favor and 2 opposed (Hendrix and Caughman).

**3. Site Plan Approval for an Apartment Complex Located on Darby Ambrose Lane: *site plan approval***

Director of Planning, Building and Technology John Hanson presented the request from Mr. Tony Berry for preliminary sketch plan approval of an apartment complex being planned on 29.2 acres located on a proposed extension of Northside Boulevard. The project is also adjacent to Darby Ambrose Road/Darby Ambrose Lane. The facility will consist of 321 units. Except for the proposed new development sign and sidewalks not being shown on any of the adjacent roadways, a staff review of the proposal showed that the project meets the minimum requirements of the zoning ordinance assuming it is annexed with the proper zoning and road classification.

Other items the Commission may wish to consider relate to traffic concerns in the area. The plan shows an emergency gate accessing a portion of Darby Ambrose Road that was recently improved. The Commission should consider allowing this to be used as a secured gate for residents to enter or exit the property. This would help to reduce the impact the development would have on Sunset Boulevard by lowering the number of cars utilizing the signalized intersection near the main entrance of the complex. This would require reclassifying the improved portion of Darby Ambrose Road to a Local road.

Additionally, the Commission may wish to consider requiring Darby Ambrose Lane (the dirt portion showing as a closed road on the site plan) to be improved and dedicated as a public road so vehicles exiting the apartments and the subdivision proposed on the next agenda item can travel parallel to Sunset Boulevard all the way to Park Place Court. This would also reduce the amount of traffic using the signalized Sunset Boulevard intersection. For this to occur, the apartment development would need a variance from the buffer and setback requirements for multi-family developments.

Finally, the western portion of Darby Ambrose Road adjacent to the site is currently an unimproved public dirt road. The Commission should consider requiring this to be improved to meet County/Town standards for a paved road.

Mr. Tony Berry introduced himself and Mr. Casey Brock. Mr. Berry stated the project had been started some time ago and they are working to bring a high quality apartment

community to the Drafts property. They have worked with seven different property owners and nine property parcels to gain access to the traffic signal at Northside Boulevard and Highway 378.

Mr. Berry said they are in agreement with staff regarding the second point of egress shown on the plan as an emergency exit to be gated and allowable at all times for residents to come and go so all of the traffic would not have to go directly to Highway 378.

Mr. Berry stated that regarding the portion of Darby Ambrose Lane on the property, they would like to propose an agreement on their part to grant an easement to the County for a road to be built across that property in the future. They will work with staff to go through the zoning variance process to accommodate being able grant that as a Right of Way.

Mr. Berry added that regarding the paving of Darby Ambrose Road adjacent to the property, if that is something they have to do, they will do it but they ask that the Planning Commission to take into consideration the extent and the lengths they have gone to in order to get to Highway 378. It has been a complicated and expensive endeavor and they would like to ask that the plan be approved without requiring them to do that.

Mr. Berry introduced Todd Salvagin who prepared the traffic impact analysis and Tom Britt who is the civil engineer who did all the plans and who can answer any questions.

Commissioner Hendrix asked which access shown on the map would connect to Highway 378. Mr. Berry indicated on the map the parcel where Murphy Express is located at the signal for Northside Boulevard and Highway 378. He said their original plan was to use Darby Ambrose Road but they were able to reach an agreement with the adjacent property owner and they will install a new deceleration lane off of Highway 378 with improvements to the road entering the Murphy Express which would continue back and connect with a new subdivision, the apartment complex and the Draft family property.

Commissioner Hendrix clarified that the emergency access shown on the plan is agreed to be changed to a gated card access. Mr. Berry stated that was correct.

Commissioner Hendrix asked about Darby Ambrose Lane and if they agreed to the staff proposal. Mr. Berry said they would agree to grant an easement for a future road to be built but they are asking not to be required to construct the road.

Director John Hanson stated the staff concern with closing that portion of Darby Ambrose Lane, is that residents in the proposed new single family subdivision would not have the additional access points to Highway 378. It would also serve as an additional access route for the proposed development by Palmetto Health.

Commissioner Hendrix clarified that the developer's proposal is to close the lane and grant an easement for future construction. Mr. Berry stated that is correct. Mr. Casey Brock added that Darby Ambrose Lane is a private road owned by the Draft family.

Vice Chairman Berry commented that traffic flow and safety are improved by limited curb cuts and interconnectivity along Highway 378. Mr. Tony Berry stated that it took a herculean effort to get access to the signal light and they hoped the Commission would take that into consideration. He added that weekday school mornings seem to be the biggest problem at the intersection of Highway 378 at Northside Boulevard with more traffic using Northside Boulevard than last year. Left turn traffic heading back into Town is already happening. Traffic from the new development would be turning left at the same time and wouldn't stop traffic on Highway 378 more than it is already being stopped. Mr. Berry added that the topography on Highway 378 falls 100 feet. Building the road along Darby Ambrose Lane would require elevating the site six to eight feet at the back requiring more retaining walls and grading, a cost issue. Their goal would be to start behind the Murphy station and grade the property down to help avoid such large retaining walls.

Vice Chairman Berry said that if the road is not built now but an easement is granted for some point in the future, with the topo there it won't work and the issue should be addressed now. Mr. Brock stated that there is a big topo issue from the front to the back already. Mr. Berry said that when listing the things that everybody would want, getting to the signal light was the most important and the suggestion for changing the emergency access to a gated access is very good. When looking at the traffic, which they don't think would be very great moving from the entrance road to Darby Ambrose Road, considering what would be involved to do that, they ask that they not be required to do that.

Commissioner Hendrix noted that with 321 apartments and the new subdivision, traffic will stay backed up and moving traffic is a great concern. He stated that construction of the apartments will change the topo and the situation should be addressed at this point in time.

Director of Transportation Randy Edwards stated the interconnectivity would help to reduce the amount of time Northside Boulevard would be green with traffic stopped on Highway 378. The new traffic signaling system will work best with less traffic introduced to Highway 378. He stated the system will allow for both left turn movements to occur at the same time but a new movement will be introduced with crossover occurring for school traffic.

Commissioner Bartlett asked if the main access road shown for the complex was not built in favor of a road to the gated access, was it feasible to swap one piece of road for another. Mr. Berry stated there is a sewer line on the rear of the Murphy parcel that is a high point for where the road construction could move down. Commissioner Bartlett observed that with the grading, there would not be the opportunity to do the road at a later time. Mr. Berry asked if there was a possibility for a two lane private road that could be super elevated to get down quicker than a big 50' right of way. Town Administrator Britt Poole noted that there is a mechanism in the ordinance that allows for a private road. The standards it would have to be built to are essentially the same.

Mr. Tom Britt of HB Engineering stated that the idea of changing the main access to turn off and enter at the point of the gated access is feasible but would introduce substantial retaining walls. He said it is possible but would be very expensive. Commissioner Bartlett stated that if the road is built, that issue would remain.

Transportation Director Randy Edwards offered the idea of moving the proposed road closer to the site of the apartment complex to tie into the entrance road. Mr. Britt stated there is about a 20' elevation drop along there. The same issue exists with the requirement for retaining walls and substantial cost.

Vice Chairman Berry asked about putting in a road or easement in that location, there would be a need to get a variance for the setbacks. Director Hanson agreed that would be correct.

Mr. Tony Berry asked that the discussion happen without it being deferred. They are willing to grant a 50' right of way and 20' construction easement for a road to be built. They agree to change the emergency gate to a full access. He stated Darby Ambrose Road was a long stretch of road to pave but if it is required, they want to do the project. Director Edwards pointed out that it is a County requirement to pave a dirt road for development. Town Administrator Poole added that the Planning Commission does have the authority to make that a contingency with public safety as a concern.

Mr. Brock said they looked at installing a signal for Darby Ambrose Road at Park Place Trail and Highway 378 but there did not appear to be enough setback to do a full road and meet the standards. Director Hanson stated the main concern with keeping that access open applies partly to the apartment development but also the subdivision development and the potential Palmetto Health development fronting Highway 378.

Mr. Todd Salvagin of SRS Engineering stated he did the traffic study which included projections for the Palmetto Health development. He stated SCDOT has approved an access to Highway 378 for the Palmetto Health project. The church will move their current right in right out access to line up with that access. Connectivity for the apartment and the subdivision will be acquired through the Palmetto Health development. Mr. Hanson commented that none of this has been presented yet and the project would have to come before the Planning Commission.

Commissioner Hendrix asked if the staff proposal of three items included the easement. Mr. Hanson stated he had suggested they dedicate the right of way so the road can be put in for future development as well as the gated access and the County required improvement on Darby Ambrose Lane. He added they have done what was asked of them a year ago in gaining access to the traffic signal and he thought this was a reasonable compromise. If there is additional development, other issues could be addressed at that time.

Commissioner Bartlett asked about the setback variance. Mr. Hanson stated that would go before the Board of Zoning Appeals. He added the Planning Commission could make that a recommendation that it is a part of the site plan approval with a request that their setbacks and buffers be reduced.

Commissioner Amick asked who the easement would be granted to and if it would be to the County. Mr. Hanson said it could be indicated on the site plan as a dedicated right of way for future road development.

Vice Chairman Berry asked if there had been any discussion regarding cost participation between the two parties. Mr. Hanson stated he has not been involved in any conversations.

Mrs. Ann Drafts Koch, a property owner, stated the family chose The Berry Company for their integrity and their use of the land that they felt their parents intended which is to create homes and preserve as much nature as possible. They are in agreement with the plan and they appreciate the work Mr. Berry has done for this development.

Mrs. Trudy Drafts Wales, a property owner, stated she has recently returned after living in Minnesota. She stated when Tony Berry and Casey Brock first approached them, the thought of it just made her sick but after seeing the proposal and working with them, she is very pleased with what they have come up with and she is excited about the opportunity to continue to live on the property. She would rather live next to an upscale neighborhood and had feared it would be sold and developed into a shopping center or whatever. A friend lives on Mountain Laurel Court which backs up to the property and they discussed the plans. Her friend told her he couldn't think of a better development for that property. She respectfully asked for approval of the project.

Vice Chairman Berry stated that Highway 378 is going to develop and it is going to grow rapidly as the economy continues to improve. Their focus is on the traffic and safety for the Town of Lexington.

Commissioner Hendrix made a motion to approve with the addition the staff recommendations listed as 1) the improvement of the emergency gate to a full access carded gate, 2) the pavement improvement of Darby Ambrose Road to the limits of their property line and 3) the granting of an easement for a road with 50' right of way and 20' construction slope contingent upon a setback variance being sought and received. Commissioner Michaels seconded the motion. There was no further discussion. The vote was unanimous in favor.

#### **4. Preliminary Sketch Plan Approval for a new Subdivision to be Located Near Darby Ambrose Lane: *preliminary sketch plan approval***

Director of Planning, Building and Technology John Hanson presented the request from Lexington Land Development Company for preliminary sketch plan approval for a new single family subdivision. Fifty-seven homes are planned on 7.59 acres. No specific information is provided about the type of homes planned on the property. However, with the lot sizes indicated and through discussions with the developer, it appears that zero lot line homes would most likely be placed on the property requiring the property to be annexed with Protected Residential 2 (PR2) zoning.

Density: The allowable density of residential developments is determined by the classification of the street that provides access to the property. As submitted, the development will have 7.5 units per acre. For it to meet the requirements of the zoning ordinance, the internal roads for the subdivision as well as the proposed new road leading to the site will need to be classified as Collector Roads.

Lot size: Properties with a PR2 zoning do not have a minimum lot size as long as the homes being constructed can meet the minimum yard setbacks and driveway requirements. This subdivision has a minimum lot area of 2450 sft. The average lot area is 3362 sft and the maximum lot area is 5640 sft. With these lot sizes it is difficult to see that all of the lots in the development will support the driveway requirements and setbacks for zero lot line homes particularly after sidewalks are placed on one side of each street.

Open space: The Town's Land Development ordinance requires at least 15% of the project area to be open space. Additionally, the ordinance requires at least 50% of the open space to be improved active recreation space with tennis courts, swimming pools or other approved amenities. The plan shows 1.21 acres of recreations space and .57 acres of improved recreational space. This amount of space meets the requirement of the ordinance but access to some of the space appears to be through two developable lots and there has been no information given about the type of recreational amenities that will be provided.

Access: Access to the development will be obtained through a single entrance that is offset from the entrance to the proposed apartment complex. Optimum traffic flow into and out of this site as well as the apartments would be better achieved if the two access points were across from each other.

Mr. Patrick Chambers stated this plan is very preliminary in nature and is for 57 detached single family homes with zero lot lines on 35' wide lots with access from the intersection of Northside Boulevard and Sunset Boulevard to across from Mr. Tony Berry's complex. He said they have not gotten into a target market for these units so the amenities haven't been decided at this point. Mr. Chambers said they have maintained access for the property owner at the rear corner.

Vice Chairman Berry asked about the open space and amenities. Mr. Chambers responded that there has been a reservation of land but since they have not determined the target market, they haven't decided on which amenities would be added. Mr. Berry noted there is not a proposed access to the active recreational space in the center of the project. Mr. Chambers stated the access is shown on the plan along the proposed new public road. Mr. Berry stated it was his opinion that access needed to come from the interior subdivision street. Mr. Hanson stated that they wanted to get something in front of the Planning Commission to show what was planned along the extension of Northside Boulevard but he didn't think the site plan was ready yet. Mr. Berry said staff would work with the developer to come up with a solution to bring back.

Mr. Chambers pointed out that this road dead ends with this property. There is a parcel that could potentially connect in the future but there is very limited developable area due to wetlands. He stated that according to the traffic impact analysis, it would add about 40 vehicles to peak times with a single family low impact traffic use. They see it as the highest and best use of the property.

Commissioner Bartlett made a motion to deny the approval of the site plan at this time due to the lack of information. Commissioner Hendrix seconded. There was no further discussion. The vote was unanimous.

**OTHER BUSINESS:** (Information Only)

Councilmember Kathy Maness announced that on January 24 from 6:00 to 10:00 p.m. the Lexington County Museum will be doing their fundraiser at the Conference Center. Mayor MacDougall will present the State of the Town address on Monday, March 2, 2015 at 6:30 p.m.

**ADJOURNMENT:** There being no further comments or questions, a motion was made by Commissioner Hendrix and seconded by Commissioner Bartlett to adjourn the Planning Commission meeting. The vote on the motion was unanimous in favor. The Planning Commission meeting was adjourned at 9:21 a.m.

Vice-Chairman Frank Berry 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:

Frank Berry  
Vice-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.*