

MINUTES

TOWN OF LEXINGTON PLANNING COMMISSION MEETING April 20, 2016

The Planning Commission held a meeting on April 20, 2016 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, Commissioners John Bartlett, Roscoe Caughman, Lisa Gibson, Sammy Hendrix and Jeannie Michaels. Commissioners Jamie Fite and Brian Amick were absent (excused).

Others in attendance were: Town Councilmembers Kathy Maness, Todd Carnes and Ron Williams, Town Administrator Britt Poole, Director of Planning, Building & Technology John Hanson, Municipal Attorney Brad Cunningham, Chief Building Inspector Charly Thomas, Engineer Rosemarie Nuzzo, Network Administrator Darrell Pritchard and Assistant Municipal Clerk Karen Hanner. Three citizens were in attendance. No one was present from the news media.

CALL TO ORDER & INVOCATION: Chairman Frost welcomed everyone to the meeting and introduced the Commissioners. 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 an invocation and Chairman Frost led in the Pledge of Allegiance.

Chairman Frost called the meeting to order at 8:03.

APPROVAL OF MINUTES: A motion was made by Commissioner Gibson and seconded by Vice-Chairman Frank Berry to approve the Minutes from March 23, 2016 as submitted. The motion was unanimously carried.

Chairman Frost announced that Item 2 would be considered first followed by consideration of Item 1.

NEW BUSINESS:

- 2. Annexation of Lexington County Tax Map #4200-02-112 Located at 284 Highway 378 West - Action Requested: recommendation on Zoning and Road Classification.**
Director of Planning, Building and Technology John Hanson presented the request from Chad Counts who owns 64 acres located at 284 Highway 378 West and has petitioned to annex the property. Mungo Homes is planning a 201 unit subdivision on the property.

Properties in Town near this one are zoned Protected Residential and Protected Residential 2 (PR2) and Highway 378 West is classified as an Arterial Road. Due to the

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surrounding conditions and the intended use of the property the recommended zoning is Protected Residential 2 (PR2) and the recommended classification for Highway 378 West is an Arterial road.

Commissioner Bartlett stated there had been discussion during the work session regarding a PR1 zoning for this property. He asked if there were any allowances in a PR1 to relax any of the requirements. Director Hanson said they would have to request a variance to ask for exceptions to that zoning classification.

Chairman Frost commented that during their discussion about growth of the Town the consensus seemed to be that PR1 was appropriate in this area. A site plan that meets those requirements could be approved at the staff level and would not need to be delayed and brought back to the Planning Commission.

Commissioner Gibson asked if the property was contiguous to PR1 properties. Director Hanson responded that it touches one PR2 and two large PR1 neighborhoods.

Commissioner Bartlett made a motion to approve the annexation with PR1 zoning and Highway 378 West as an Arterial road. Commissioner Gibson seconded. There was no further discussion. The vote was six in favor, one opposed (Vice-Chair Berry).

1. Site Plan Approval for the Madison Park Subdivision - *Action Requested: Consideration of Site Plan.*

Director Hanson commented that the review was done on a site plan with the requested PR2 zoning. He noted that the average lot size is close to meeting PR1 requirements but the applicant would need to determine if they want to move forward.

Chairman Frost stated that they had looked at the revised site plan information and it would be beneficial to hear from the applicant.

Mr. Bill Dixon from the Mungo Company stated he understood the PR1 designation required ten foot side setbacks which would significantly affect the density of the project. He added it would require study but he thought it would make this project economically unfeasible.

Chairman Frost commented that the PR1 designation with approval at the staff level gives a clear indication of what is wanted and avoids the discussion of wider roadways and going back and forth for several months. He added that density setbacks are one of the things being addressed in the planning for future growth.

Mr. Dixon stated he felt they had addressed the concerns about the width of the roadways in the site plan revision. Chairman Frost responded that they would like to see if it could be made to work as a PR1 so it would not be held up again.

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Director Hanson confirmed that if the site plan comes back and meets the PR1 requirements, the Commission would not need to review it again. Chairman Frost stated he felt that would be okay for approval at the staff level. He added that if that can't be worked out, there may be an option to look at PR2 zoning with larger front setbacks or other requirements.

Chairman Frost asked if Mr. Dixon was withdrawing the site plan to resubmit at a later date. Mr. Dixon confirmed that as correct.

Commissioner Caughman asked if staff would have final approval on the site plan. Chairman Frost confirmed that staff could approve the site plan if it met PR1 requirements. If the plan is submitted at PR2 it would need to come back to the Planning Commission for review.

Vice-Chairman Berry asked about a thirty foot setback option. Director Hanson stated the standards defined in the Ordinance are the minimum. He said a thirty foot front setback revision on the PR2 site plan would exceed the standard and might address some of the concerns expressed by the Commission.

Vice Chairman Frank Berry and Commissioner Jeannie Michaels submitted Recusal Statements for **Item 3**.

3. **Sign Ordinance Revision to Address Weekend Directional Signs** - *Action Requested: Recommendation on Sign Ordinance Revision.*

Director of Planning, Building and Technology John Hanson reported the Supreme Court recently ruled in the Reed v. Town of Gilbert, AZ that sign ordinances cannot treat temporary signs differently based on the content of the sign. The Town ordinance currently treats weekend directional signs differently than other temporary signs putting this section of the sign ordinance in conflict with the Court's decision. As a result, it has been recommended that the Town remove the weekend directional sign provision from the sign ordinance.

Mr. Earl McLeod of 317 Country Lake Court in Lexington introduced himself as the Executive Director of the Building Industry Association. He stated weekend directional signs for new home communities and the real estate community for open houses are a valuable marketing tool. New communities can't be located using GPS because it doesn't keep up.

He noted the court case had differing opinions. He shared copies of articles from the National Association of Realtors and a business article from Greenville, SC. He stated they make the point that there isn't a law of the land but different interpretations of those opinions. He stated Greenville had tweaked their weekend directional sign ordinance to continue to allow them.

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Mr. McLeod asked for time to sit down and meet with the stakeholders to work through the issues and satisfy all the concerns. He requested that the Commission defer a recommendation against weekend directional signs.

Mr. Karl Haslinger of Gilbert, SC introduced himself as the owner of Essex Homes. He stated the weekend directional signs are one of the top drivers of traffic and sales in the industry and they are very important. It would hurt the economy in this area if sales were down because customers could not get to the neighborhoods. He asked if they would be treated differently than another group that would put signs up such as political signs. He asked for more time to address this issue. Chairman Frost commented that political signs are not allowed in the Right of Way within the Town but only on private property.

Chairman Frost said he felt this needs to move to Council and he believes there is time for further discussion and consideration before the Council's second reading. Commissioner Hendrix asked if the building industry had an exception to the Ordinance as it is written now. The Town Attorney stated that the way the Ordinance is written, there are sign rules and weekend directional signs are exempted from those rules. The point is to treat them all the same without reference to their content.

Mr. McLeod stated the ruling is about content. He said the current ordinance does not specifically refer to home builders but to weekend directional signs giving directions. Mr. McLeod said there was no reason for immediate action and asked for an opportunity to meet prior to a recommendation to Council.

Commissioner Gibson clarified that an approval from the Planning Commission would go to Council where the interested groups would have time and opportunity to present their concerns. Chairman Frost confirmed that as correct.

Commissioner Hendrix made a motion to defer a recommendation, to send the item back to Work Session and work with the builders and staff. Commissioner Caughman seconded the motion. Mr. Haslinger said he talked to an attorney who said there were a lot of different interpretations and different ways of addressing it. Commissioner Bartlett added that he felt the Planning Commission should work it out and send a recommendation to Council that was agreed. The vote was unanimous with two recused (Berry and Michaels).

4. **2016 Comprehensive Land Use Plan Update** - *Action Requested: Approval of a Resolution Recommending Adoption of the Comprehensive Plan*

Director of Planning, Building and Technology John Hanson reported State law requires municipalities to update their Comprehensive Land Use Plans every five years. Last fall, Town Council requested the Planning Commission update Lexington's plan to reflect the large amount of growth that has occurred since the 2013 Plan was adopted. Since then, staff has updated all of the data in the plan with the latest census information, added information about the many new projects that have occurred in Town and updated the

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plan maps. To move the process forward the Commission will need to adopt a Resolution recommending the plan to Town Council.

Commissioner Hendrix asked if the changes under discussion would lead to another Comprehensive Plan Update. Chairman Frost confirmed that this would give direction to areas that were not included in the last update.

Commissioner Hendrix made a motion to approve the recommendation. Commissioner Bartlett seconded the motion. Chairman Frost thanked Director John Hanson for doing a very good job on this process. Commissioner Bartlett noted that the map noted as Exhibit 5 shows a vision for the Town. It is a good tool to plan for the Town. The vote was unanimous in favor.

Chairman Frost asked for an email to go out to set a Work Session to work on these Items.

OTHER BUSINESS: Councilmember Kathy Maness thanked the Commissioners for everything they do. She announced the start of the Farmers Market at Lexington Square on May 7. Kid's Day is Saturday April 30 from 10 a.m. to 2 p.m. in Virginia Hylton Park. The River Bluff High School Gator Band is having a Food Truck Rally on Saturday, April 23 with the movie Finding Nemo. Tonight the SC State Teacher of the Year will be selected and Lexington One's Sheryn Billue is a finalist.

ADJOURNMENT: There being no further business to come before the Planning Commission, Vice-Chairman Berry made a motion to adjourn. The motion was seconded by Commissioner Gibson and unanimously carried.

The Planning Commission meeting adjourned at 8:44 a.m.

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.