

**BOARD OF APPEARANCE
Minutes**

October 14, 2021

MEMBERS PRESENT: Chair Larry Wilund and Board Members Bob Britts, Carlton “Cocky” Oswald and Ian MacLean were present. Board Member Wayne Rogers was absent. The meeting was held at Town Hall in the Council Chambers at 9:00 a.m.

Other Staff members in attendance were Director of Planning, Building, and Technology John Hanson, Assistant Zoning Administrator Jessica Lybrand, Municipal Attorney Brad Cunningham, Town Engineer Rosemarie Nuzzo, Digital Media Coordinator Darrell Pritchard and Municipal Clerk Becky Hildebrand.

Three (3) citizens were present and no news media were present.

Chair Wilund read an introduction to the Board of Appearance meeting and called the meeting to order at 9:00 a.m.

ADDITIONS/DELETIONS: None.

APPROVAL OF MINUTES

A motion was made by Board Member Oswald and seconded by Board Member MacLean to approve the minutes from the Board of Appearance meeting held on August 10, 2021 as submitted. The motion was carried with three (3) three in favor and (1) one abstained (Britts) who was not present at the August meeting.

NEW BUSINESS

1. **Tint World – 520 N. Lake Drive:** Director of Planning, Building, and Technology Hanson introduced the item. He stated Mr. Jason Dimov appealed a Staff decision related to signage for the Tint World located at 520 N. Lake Drive. The Staff Committee reviewed Mr. Dimov’s sign proposal and agreed to a compromise that limited the number and illumination of signs on the site. This was done to allow the applicant the opportunity to open the business and appeal any additional sign requests to this Board for review. (Copies attached.)

The business is located at a prominent location of the Historic Triangle downtown area. The Staff Committee viewed the applicant’s desire to use backlit bright yellow signage as inconsistent with the directives and intent of both the Town of Lexington Vision Plan and the Appearance Manual for this area. The Guiding Principles of the Town of Lexington Vision Plan state:

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- (1) Sustain Main Street and Downtown as the heart of Lexington from the Old Mill to Sunset Boulevard, Historic Triangle area, the original boundaries of the Town and the government center.
- (2) Strive for intentional, sustainable and authentic development that enhances Lexington's natural beauty, sense of community, history, and opportunities for prosperity.
- (3) Require the highest quality design and development in all projects and developments in order to reflect the spirit of Lexington and the intent and values of the Vision Plan.

Additionally, Chapter 6 (Signs) of the *Architectural and Appearance Design Manual* also addresses this issue:

Section S-3 states to: *“Allow for retailer brand identification, but avoid individual corporate image, color and back-lit signs from dominating the site.”*

Section S-4 states: *“Design sign illumination to be task oriented and avoid glare/light spillover toward adjacent land uses.”*

Section S-5 states: *“Locate and design wall mounted signs to complement the character and scale of the area.”*

Section S-7 states: *“Sign color must be low reflecting and subtle. Use warm, muted colors that have low reflectivity.”*

The Board was asked to review this appeal and determine if illumination and additional signage should be allowed on this site.

Mr. Hanson added that Mr. Dimov included in his application that he would like to illuminate the sign on the building and he would like the option of a logo placement on the front window. A proposal for the window signage has not been submitted.

Chair Wilund called on the applicant for comments.

Mr. Jason Dimov, Tint World, stated that he agreed 100% with Mr. Hanson's comments. He added that they changed the color of the logo and he understood why the Committee did not approve their original color so they muted it down. He stated that he was here to ask to illuminate the sign especially for the evening hours because it does not change the color so much and he had sent samples and pictures. He added that every other business around the area has illuminated signs and he understands that he is at the Historic Triangle corner. Mr. Dimov stated that he is right next to the electrical site and across the street from Pelican's neither of which are very historical. He added that he had rehabbed the building and had done everything he could so it would not be an eyesore. Mr. Dimov stated that he was ok with the color as approved through Ms. Lybrand, he just wants to illuminate it. He explained what he meant by adding a logo, because

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there is no way to differentiate where his front door is located so he would like a logo there to show where the door is to enter.

Chair Wilund confirmed that Mr. Dimov wanted to utilize the current lighting that says Tint World at the top of the building and back lighting it. Mr. Dimov explained that the sign is already an illuminated sign so all he has to do is turn the switch on. He added that they have not illuminated it per Ms. Lybrand's request. Chair Wilund asked if there was any other signage. Mr. Dimov responded that there is no other signage because he knew how strict it was for the Town, plus he did not even ask for a sign out front. Mr. Hanson asked Mr. Dimov to give the width of the logo sign over the door. Mr. Dimov responded that it would be the width of a window which would be approximately 48 inches by 8 inches and it would be a product sign to say what they do. He added that he does not like a lot of stuff in the windows. Mr. Dimov stated that he has five bays and people try to walk in through the bays instead of the front door. Chair Wilund stated that he understood there has already been some compromise made. Mr. Dimov responded yes, they had changed their color palette so it was not so bright and everyone is ok with it. Chair Wilund stated that his initial review when he drove by the site was that the color was fine for the scale of the signage.

Mr. Hanson stated that the discussion with the Staff Committee and Mr. Dimov involved limiting the number of signs on this site because the business has two road frontages and the Sign Ordinance would allow it to have four signs. He added that Mr. Dimov had agreed to one sign, and now the logo, and he also agreed to mute the yellow color so he could open. Mr. Dimov stated that he jumped into the building while the town was doing road construction and he understood that his side road was going to be eliminated. Mr. Hanson responded that is true, but the site was reviewed under current circumstances. Mr. Hanson added that Mr. Dimov has vastly improved the condition of the building. Mr. Dimov commented that he had also talked to the Code Enforcement Officer and asked him to describe every landscape complaint he had ever had on the property, after which he told his landscape guy that he never wanted to see the Code Enforcement Officer again.

Chair Wilund stated that he sounded like there has been good compromises and it still fits within the guidelines of the manual.

Chair Wilund stated that since there were no further questions or comments he would make a motion to approve the appeal as submitted to allow the back lighting of the sign letters and to allow the logo over the door after it is submitted to Staff for approval. The motion was seconded by Board Member Oswald. The motion was unanimously carried by all those present.

- Freddy's Custards – 111 Swartz Road:** Director of Planning, Building, and Technology Hanson introduced the item. He stated Mr. Brett Rickert submitted a proposal to construct a Freddy's Custards at the corner of Est Main Street and Swartz Road. The Staff Committee reviewed the proposal and referred it to the

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full Board primarily due to the prominent use of bright colors on the building; as well as lighting to enhance those colors; the visibility of the detention facilities on the site; and, the project's location on the border of the Downtown Historic Triangle. During the Staff review several items that appeared to conflict with the requirements in the manual were noted. (Copies attached.)

(The following Sections are from the Town of Lexington's Architectural and Appearance Design Manual.)

Section SG-1 states to: *“Design new development to be compatible with the general physical character of adjacent neighborhoods. Protect and respond to the positive elements of the existing community fabric by including significant buildings, pedestrian routes and amenities and public facilities in the design by keeping the existing building height orientation and architectural styles of the community. Individual corporate image, trademark or marketing architectural design elements and colors shall be incorporated only as secondary design elements to the development and not as dominant elements. These design elements shall be compatible with surrounding developments and shall not define the character or style of the building.”* The Staff Committee was concerned about the project's overall compatibility with the surrounding area and the use of marketing architectural design elements and colors that define the character of the building.

Section SG-8 states to: *“Use warm, muted colors that have a low reflectivity. Avoid the use of high intensity colors.”*

Section SG-9 states to: *“Use richer or deeper hues only to accent door or window trim and other small architectural details.”* The Staff Committee was concerned about the significant amount of red proposed for the building awnings, and wall lighting. Additionally, the submittal includes red strip lighting along the top of the building as well as backlighting under the awnings. Finally, it is also important to note that while the signage is not part of this review a previous submittal also included red backlit signage. Combined, these features are inconsistent with the intent of both the Appearance Manual and the Town of Lexington Vision Plan. Mr. Hanson added that they have seen other Freddy's that use a black and their architect stated that could be an option and may be a topic for the Board to discuss.

Section SG-11 states to: *“Provide lighting that is appropriate to the ground-floor use and that focuses on pedestrian areas.”*

Section SG-13 states to: *“Design lighting that light does not spill over onto or cast glare onto adjacent uses.”* This project is adjacent to residential areas. It is not clear if additional parking lot lighting is intended but if so, a design and photometric plan should be submitted and reviewed. Mr. Hanson added that he had heard from the closest resident who was concerned about the project.

Section SG-15 states to: *“Enclose all utility equipment within buildings or screen it from both the public street(s) and other public areas.”*

Section SG-17 states to: *“Design garbage enclosures that are external to the building with the same materials as the building and ensure that the wall height is sufficient to completely conceal the garbage dumpster.”* The location of the dumpster corral was concerning to the Staff Committee due to its visibility from Swartz Road. Additionally, the submittal did not contain information about the design of the corral. Finally, the submittal includes a pump station at the rear of the project that utilizes chain link fencing. This type of fencing has not previously been approved and does not provide the necessary screening of the pump station.

Section LD-1 thru LD-5 discusses landscape design requirements. A noncompliant landscape plan was provided with the submittal. Mr. Hanson stated that this would be handled at a Staff level, but the project will need additional landscaping to be approved.

Section LD-6 states: *“While function is important in the design and location of stormwater retention areas, aesthetic considerations must also be addressed. Whether dry or wet, the shape and appearance should look natural and not detract from the overall site design.”* The proposed location and design of the detention pond for this project created a significant concern for the Staff Committee. It is proposed to be located on the corner of the property adjacent to East Main Street and Swartz Road. Previous projects proposed along East Main Street in this area have been required to place detention facilities at the rear of the site or underground. Mr. Hanson added that very few new buildings have been constructed in this area since the adoption of the Architectural and Appearance Design Manual. He stated that one new building under construction is Palmetto Mortgage which is adjacent to this project and a second one is the Dollar General which is close to the Woodcreek subdivision which this Board reviewed three times. Mr. Hanson stated that originally the Dollar General was going to be on the site that is now Palmetto Mortgage and one reason it moved was due to the detention pond issues. Mr. Hanson distributed building elevation plans of those buildings so the Board could see what Staff has approved in that area.

The Board was asked to review the resubmittal to determine whether it meets the Town’s appearance standards.

Chair Wilund called on the applicant for comments.

Mr. Brett Rickert, Freddy’s Custards, 1121 Congaree Bluff Avenue, Cayce, SC, asked the Board if they had any questions for him. Chair Wilund asked Mr. Rickert if he any particular thoughts on the project. Mr. Rickert stated that as far as SG-1 they were happy to be as compatible as it needs to be. He stated that regarding SG-8 and 9 he had talked with his corporate office and they no longer approve black as mentioned by Mr. Hanson so they would just have to continue to remove some of the red items, but the only thing they cannot get rid of is the sign. Mr. Rickert stated that regarding SG-11 all of their lighting is currently over

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concrete and SG-13 they typically have four to five LED parking lot lights and they could use whatever is suggested. He added that regarding SG-15 the dumpster corral is located where the truck can get in and out without circling the parking lot. Regarding LD-1 they can add landscape they just need to be told how much and what to add. Mr. Rickert stated that with LD-6 the elevation of the property dictated where they could put the detention pond. He distributed additional pictures to the Board of other dumpster corrals hidden by landscape. He also distributed several photographs of other businesses in Lexington where red was used on their buildings.

Chair Wilund stated that he had a few concerns and stated that in his initial review he was not as concerned with the red canopies but he did have a heartache with the continuous red lighting along the top perimeter parapet cap. He added that it comes across as more of a signage like a billboard issue and according to the applicant's details it is installed by the sign contractor. He did not feel that the glow around the top of the building meets the Town's appearance standards. Chair Wilund stated that the red canopies with a balance of other colors would work better. Mr. Rickert stated that if the awnings could stay red he might could get the corporate office to delete the red lights at the top. Chair Wilund used the store in West Columbia as an example of red canopies with a balance of other colors. He added that all the lighting at the top perimeter would have to come off. He added that he preferred not to see the red cap, but not the red lighting for sure. He thought it would look cleaner to keep the center parapet cap the same color as the bottom part of the cap. Chair Wilund stated that other concerns were to make sure they submit a compliance landscape plan and determine other options for the detention pond out front. He added that in past projects they have had compromises when it could not be located in the back to require it to go underground which they are trying to eliminate and no longer have them out front. Chair Wilund stated that his recommendation is if they have to keep it in the front, then make it an underground pond. Mr. Rickert stated that would be a significant cost. Chair Wilund agreed that it would cost, but they have had to do it on some projects including some design work done at Lexington High School which had to go underground in front of the Technology Center for the same reason since it had to go out front. Mr. Rickert was concerned about the wetlands but stated if they have to put it underground they will. Chair Wilund stated that was the only solution he can see based on the site because there is nowhere else to put it. He asked the other Board Members if they had any concerns.

Board Member Britts stated that he was not very familiar with underground detention ponds and asked if he could later be given some examples from the past eight years. Mr. Hanson responded that Aldi's was a recent example of an underground detention pond. He added that it is usually not the preferred solution to those that are paying for it. Mr. Rickert stated that there may be some property for sale behind their site.

Chair Wilund asked if there was anyone else to speak regarding the proposed project.

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Mr. Tripp Davis, 426 S. Lake Drive, and they are expecting the CO today or tomorrow for Palmetto Mortgage located at 925 East Main Street, adjacent to the proposed project. He stated that their only concerns about having a fast food restaurant beside them is seeing that they are held to the same aesthetics and standards that they were. He added that they made a significant investment in their site. Mr. Davis stated that there is a very nice office complex just outside Lexington and they tried to make their property as nice if not nicer than it. He added that an underground detention pond does cost more, but at the end of the day they are very proud of what they have done. He added that their site is very similar to Freddie's site in that it slopes to the front and half is in wetlands. Mr. Davis stated that they had the same issue but if you move enough dirt you can make it run to the back of the property, which is how their detention pond got moved to the back. He stated that he had two questions. He asked if you take a tear drop shaped and half is wetlands, you fill half of it all the water is forced to the next project. His second question was regarding landscaping. He stated that one ordinance mentions the down lighting and lighting being cast to the side. Mr. Davis added that they have a significant use for the north side of their building that faces the proposed project and bright lights coming from Freddy's would impede the use of that side of their building.

Chair Wilund called on Mr. Hanson to address Mr. Davis' questions since some of them were not handled by this Board. Mr. Hanson stated that as mentioned, this project still has to go before the Planning Commission. He added that the site plan does notate some encroachment into the wetlands and he believed they would have to get an Army Corp of Engineers permit before they can start any construction, plus obtain a Lexington County Land Disturbance permit. Mr. Hanson stated that with regard to the lighting, there is a standard that requires commercial lighting to be limited to no more than one foot candle at the property line. He added that without a lighting plan, they do not know what is planned in order to know what the impact will be. Mr. Hanson stated that this Board's prevue is to the use of the lighting and the style of lighting, whereas the amount of lighting is addressed in the Zoning Ordinance. He added that this Board would be more concerned with approving the style of lighting on the building and/or in this case, up-lighting the canopies. Chair Wilund stated that in regard of lighting to the building, the lighting he has seen the red lights seem fine from a design point, but he did have a problem with the red strip lighting at the top which they discussed. He added that parking lot lighting would be addressed at a Staff level. Mr. Hanson stated that would be dependent upon how this Board wanted to proceed and if they would like to review a resubmittal, which might be appropriate in this case due to the outstanding questions and give Mr. Rickert some guidance as to the Board's expectations. He added or they could give Staff the Board's parameters.

Chair Wilund stated that his recommendation would be for them to go back and look at the detention pond location and how to resolve it. He made a motion for the applicant to resubmit the application based on revising the design/location of the underground detention pond; removing the red strip lighting; submitting a compliant landscape plan; address

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proper exterior parking lot lights; and, address proper fencing at the dumpster station for Staff's review. Board Member Oswald seconded the motion. The motion was unanimously carried by all those present.

ADJOURNMENT: There being no further comments or questions, Chair Wilund made a motion to adjourn the meeting which was seconded by Board Member MacLean. The motion was unanimously carried by all those present. The Board of Appearance meeting adjourned at 9:41 a.m.

Respectfully submitted by:

Becky P. Hildebrand, CMC
Municipal Clerk

APPROVED:

Larry Wilund
Chair

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.