

# MINUTES

## TOWN OF LEXINGTON PLANNING COMMISSION MEETING October 16, 2019

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The Planning Commission held a meeting on October 16, 2019, at 8:00 AM in the Council Chambers at Town Hall, 111 Maiden Lane, Lexington, South Carolina. The meeting was attended by: Vice-Chairman Frank Berry, Commissioners Chris Brownlee, Roscoe Caughman, Sammy Hendrix, Jarett Harrelson and Jeannie Michaels. Chairman Keith Frost, Commissioners Brian Amick and Jamie Fite were absent (excused).

Others in attendance were: Town Councilmembers Kathy Maness and Ron Williams, Assistant Town Administrator Stuart Ford, Director of Planning, Building and Technology John Hanson, Assistant Zoning Administrator Jessica Lybrand, Municipal Attorney Brad Cunningham, Chief Building Inspector Charly Thomas, Parks and Sanitation Director Dan Walker, Town Engineer Rosemarie Nuzzo, Transportation Director Randy Edwards, Digital Media Coordinator Darrell Pritchard and Assistant Municipal Clerk Karen Hanner. Five citizens were present and no one was present from the news media.

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**CALL TO ORDER & INVOCATION:** Vice-Chairman Berry welcomed everyone to the meeting. He announced that the meeting is being broadcast on the Town's information cable channel 1301 and the video would be replayed several times during the week. Commission members and Staff then introduced themselves. Commissioner Michaels gave an invocation and Vice-Chairman Berry led in the Pledge of Allegiance.

Vice-Chairman Berry called the meeting to order at 8:04 AM.

**DELETIONS TO THE AGENDA:** None.

**APPROVAL OF MINUTES:** A motion was made by Commissioner Michaels and seconded by Commissioner Hendrix to approve the Minutes from the Planning Commission Meeting on September 18, 2019, as submitted. There was no further discussion. The motion was unanimous in favor.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

- 1. Approval of a Recommendation to Adopt a New Development Impact Fee for the Town that includes a Development Impact Fee Study, a Housing Affordability Analysis, a Development Impact Fee Ordinance and a Capital Improvement Plan - Recommendation to Town Council**

Planning, Building and Technology Director John Hanson stated in March, Town Council adopted a Resolution directing the Planning Commission to begin preparing the required studies and the Ordinance needed for the Town to implement a Development

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Impact Fee. For the Town to adopt a Development Impact Fee the Commission must recommend approval of four different items. These items are: the Development Impact Fee Study, a Housing Affordability Study, a Capital Improvements Plan and a Development Impact Fee Ordinance. Staff has prepared a short presentation on the impact fee package for the Town. At the conclusion of the presentation, the Commission will be asked to formally recommend approval of the impact fee package including all four required documents. Director Hanson began the presentation to the Commission.

The Town Council Resolution was approved on March 4, 2019 requesting the study for a Development Impact Fee which was prepared in accordance with the South Carolina Development Impact Fee Act and provides the maximum allowable impact fees, a Housing Affordability Study, the Capital Improvement Plan and the Development Impact Fee Ordinance.

The Development Impact Fee represents a financial payment made to a local government by a developer to fund certain off-site capital improvements necessary to accommodate future growth and the legality for collecting impact fees is expressed in the South Carolina Development Impact Fee Act.

The Development Impact Fee Study Report documents existing conditions, anticipates future year needs and their implementation costs and recommends maximum allowable impact fees by category. The report addresses Parks and Recreation, Municipal Facilities and Equipment and Transportation.

Director Hanson noted the law allows different zones for collection and application of Development Impact Fees and in this case the entire Town is considered as a single zone. Some of the data used in the study included the US Census Longitudinal Employer-Household Dynamics data, the US Census Bureau American Community Survey and the Institute of Transportation Engineers, Trip Generation, Ninth Edition. Director Hanson noted the Tenth Edition has been produced and will be used for updating before a final adoption.

The Service Units used for Parks and Recreation included Population; for Municipal Facilities and Equipment, Population and Employment; and for Transportation, Vehicle Trips. The major components for Parks and Recreation include replacement value, other available funding sources and total replacement cost at \$9.9 million to calculate a cost per capita of \$483.32. The major components for Municipal Facilities and Equipment include replacement value, other available funding sources at \$733,000, total replacement cost at \$28 million, Town resident to employee ratio, cost per capita and cost per employee to calculate a cost per capita/employee of \$81.39. The major components for Transportation include traffic volumes, maximum service capacity, facility link analysis, impacts of anticipated growth, facility improvement costs, credits and offsets, recommended road projects and cost per trip to calculate a cost per trip of \$87.70.

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Director Hanson noted the Affordable Housing Analysis ensures that the maximum fees being proposed are not making housing unaffordable in the Town. The conclusion of the report is that the additional cost to the homeowners or renters in the Town of Lexington caused by the proposed development impact fees is not large enough to exceed cost burden criteria published by the US Housing and Urban Development Department.

Director Hanson described some examples from the report. The total impact fee for a single family home would be a total of \$2329; for a 3000 sq. ft. restaurant it would be \$13,731 and for a 100 room hotel, \$77,900. He added the fees would be dedicated to specific projects listed in the Capital Improvements Plan and commercial development does not pay a fee to Parks and Recreation. He continued that the law allows a discount rate which applies to maximum allowable impact fees to provide a reasonable fee for continued residential investment and to ensure that impact fees collected do not exceed the cost of providing capital facilities that support new development. He noted the discussion at the work session was in favor of not applying a discount fee at this point.

The Development Impact Fee Ordinance enacts the rules and requirements formally adopted by Town Council for establishing and enforcing a development impact fee system.

Director Hanson described the Capital Improvements Plan as a blueprint for future capital expenditures over a fixed period of time to meet anticipated demands. It includes the projects eligible for impact fee funding, a project description, start and completion dates, revenue and expenditure summary and a funding source and schedule. He noted it can be updated at any time and the law requires the entire package to be updated at least every five years. The Parks and Recreation Proposed Projects include the expansion and renovation of Virginia Hylton Park, the construction of a Pavilion at the Icehouse Amphitheater and the development of the Old Mill Pond Park. The Transportation Projects include Intersection Improvements at Old Cherokee Road and Sunset Boulevard, Whiteford Way and Sunset Boulevard and at Gibson Road, US 1 and US 378. The Municipal Facilities Projects include the renovations at the Clark House, a Signal Shop, Bruner Road Covered Storage and a new Parks Headquarters.

Director Hanson explained the next steps as a formal recommendation from the Planning Commission to Town Council followed by a Public Hearing and the adoption by Town Council.

Vice-Chairman Berry stated there was a lengthy discussion at the Planning Work Session Tuesday night and he felt it was the direction that they need to move.

Commissioner Harrelson made a motion that a recommendation be made to Town Council to adopt the Development Impact Fee Study, the Housing Affordability Study, the Capital Improvement Plan and the Development Impact Fee Ordinance. Commissioner Michaels seconded. There was no further discussion. The vote was unanimous in favor.

**2. Sketch Plan Approval for a Townhome Subdivision to be Located in the 100 Block of Parker Street - *Sketch Plan Approval***

Planning, Building and Technology Director John Hanson presented the request from Kevin Steelman who is requesting sketch plan approval for a Townhome project being planned on two parcels located in the 100 block of Parker Street. The project will have 100 lots on 12.5 acres. The Commission reviewed this project in July and requested additional information and enhancements to the plan. The items discussed in July were:

- Identify parking specifically for each unit with the number of bedrooms for that unit
- Indicate areas where parking restrictions would be in place to allow police enforcement
- Provide more specifics on green space showing the location of the dog park and what is not counted in the total green space area
- Show a connection or multiple connections to the planned Old Mill Pond walking trail
- Work with staff to determine the visibility of the pump station
- Provide a traffic impact study and a plan for road improvements
- Indicate the actual road widths for each road.

Density: The allowable density of residential development is determined by the classification of the street providing access to the property. Parker Street is classified as a Local Road which allows up to 8 units per acre for this type of project. The proposed development will have 8 units per acre.

Lot size: Properties with PR2 zoning do not have a minimum lot size as long as the homes can meet the setback and driveway requirements. The project meets the setback requirements with twenty foot front and rear setbacks as well as five foot setbacks between each multi-unit building. According to the submitted plan adequate driveway parking is provided for each unit only if the garages are included and if the number of bedrooms are limited. In July, Mr. Steelman stated that the builder could build two bedroom units, build additional garage space or seek a variance to address this concern. The updated plan does not identify the specific off-street parking available or the number of bedrooms planned for each unit. There are 54 unassigned overflow parking spaces scattered throughout the subdivision.

Open Space: The Town's Land Development Ordinance requires at least 20% of the area to be dedicated open space with at least 50% of the open space being active recreation space. The project is required to have 2.5 acres of open space with at least 1.25 acres of active open space. It is proposed to have 4.42 acres of open space with 1.51 acres of active open space. The active open space includes an open field, a picnic pavilion and four pickle ball courts. No information has been provided on the specific area or areas that are included in the space calculations.

The plan shows sidewalks on both sides of the streets and space is reserved for the Town to install the Old Mill Pond walking trail through the project area. There is no direct

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connection shown on the plan between the subdivision sidewalks and the Old Mill Pond walking trail.

Access: Access to the development will be obtained through a single entrance on Parker Street. As requested the plan does show the actual road widths of the internal roads and a traffic impact study has been provided.

Commissioner Hendrix asked of the seven items requested at the July meeting how many were provided. Director Hanson responded two and a half. Vice-Chairman Berry commented that he didn't see significant changes on the site plan about the items they discussed and they needed to see everything on a plan to be able approve it.

Mr. Kevin Steelman stated that two big issues at the last meeting were traffic and parking. He said they have a Transportation Impact Assessment and they went through the plan and identified areas where on street parking would be permitted. Parking would be prohibited everywhere else. He noted they have widened the pavement and provided the pavement detail on the alley units. Mr. Steelman said they are not the builder so they cannot know how many bedrooms are in any particular unit but they know the Ordinance requires two parking spaces for a two bedroom unit and three for a three bedroom. He stated that 52 out of 100 alley units all have four parking spaces which would meet the requirement. The front loaded units have enough room for a minimum of two spaces but could accommodate three spaces by widening the pavement. He stated they don't know how many bedrooms the builder will have in each unit so there is no way to show it.

Commissioner Michaels asked about the parallel parking. Mr. Steelman stated the main roads that run parallel to Parker Street show the parallel parking spaces on one side of the street. He added there is pavement for two lanes of travel and parking spaces. The alley units would have two parking spaces on the rear with a two space garage. He continued that the front loading units would need to be two bedrooms or on some lots there could be a bigger setback to accommodate additional parking.

Mr. Steelman noted another issue was the need for active open space. The previous site plan showed a village green area and for this plan they've shown the pickle ball courts which are increasing in popularity. Commissioner Michaels asked about parking for that area. Mr. Steelman stated there is parking around the cul de sac with 15 or 16 spaces there. He added there are plans for two connections to the Town's trail that are not shown on the plan, one between the picnic pavilion and the pickle ball court and another with a wide sidewalk next to the last row of townhome units facing the mill pond. He noted they are also providing land for the Town's trail.

Vice-Chairman Berry asked why that was not shown on the submitted plan. Mr. Steelman said he didn't know but they had discussed it and it should have been on there. Vice-Chairman Berry said when they get a plan, it is on record as what is approved. Mr. Steelman acknowledged that conditions for approval could be added. Vice-Chairman

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Berry said sometimes they get left off or go back and forth with the staff. Mr. Steelman stated they planned two connections and he wasn't sure why it isn't shown. Mr. Steelman stated they modified the pump station location slightly to make it easier to screen from the units and still provide good access for the Town.

Commissioner Harrelson commented about the sidewalk connections that are not shown and stated they would like know that it had been engineered and to be able to see that on the completed site plan for approval.

Vice-Chairman Berry asked about sidewalks on Parker Street. Mr. Steelman stated they have not proposed any sidewalks on Parker Street and there are not any there currently. He added they have a buffer between the rear of the units and Parker Street.

Vice-Chairman Berry asked Director Hanson about the Ordinance requiring adequate parking for the number of units on the property. Director Hanson responded that the Ordinance requires so many per bedroom. Mr. Steelman stated they proposed 54 parking spaces for guests and they aren't counting those as part of the required parking. He added they don't want parking randomly on the streets so they created spaces on each street. He continued there is additional space where more parking could be added if there is an issue.

Commissioner Harrelson asked about the front entrance access and if there would be a left out and right out. Mr. Steelman responded that is the plan. They will do that as part of the DOT permitting. Commissioner Michaels asked if the developer would be opposed to putting a sidewalk on Parker Street. Mr. Steelman stated he would be opposed if he was building a sidewalk to nowhere with no connecting sidewalks on Parker Street. Vice-Chairman Berry asked if a developer does not build a sidewalk on a major road does it apply to the sidewalk fund. Director Hanson stated the sidewalk fund requirements apply to a development's internal sidewalks. Mr. Steelman stated they have plans for sidewalks on both sides of the streets inside the development. He stated they could extend the sidewalk to Parker Street. Vice-Chairman Berry asked about the Town's Vision Plan regarding Parker Street. Transportation Director Randy Edwards responded there is not currently a plan for sidewalks on Parker Street. At the July Council Retreat, there was discussion of a Comprehensive Evaluation for sidewalks in the Town. He noted the ability to connect to a sidewalk should be considered.

Mr. Steelman stated the connection to the Town's trail doesn't specify the materials that will be used for the trail. He stated they know where it will be and have set aside land for that. He continued that they would want something that delineates that the development's amenities are not part of the Town's trail.

Director Hanson reported that the list of questions from July included to identify parking specific for each unit. He noted Mr. Steelman said the parking on the street is for visitors and indicates the builder will meet that requirement. Vice-Chairman Berry asked if that would require a variance request. Director Hanson responded that they don't know exactly what is being built. Commissioner Michaels noted that if a three

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bedroom unit is built, it would require additional parking with it. Director Hanson noted in July there was a discussion of a “No Parking” designated area so the police could enforce it and he didn’t see that indicated on the submitted plan. He added that in July the calculation of the green space didn’t specify if it included the detention pond and the portion of the Town’s walking trail that crosses the property. Mr. Steelman responded there are 4 acres of open space and 1.5 acres of active space provided which does not include the walking trail but the detention pond is included. He said they can remove that from the calculations. Commissioner Harrelson asked how large the detention area is. Mr. Steelman answered it is less than 10,000 square feet and serves as a water quality pond to trap sediment.

Mr. Steelman continued that they did traffic counts on SC 6, Parker Street and Swartz Road. They proposed adding a right turn lane on Parker Street and modifying the radius on the right turn onto Parker Street from SC6, also re-striping Parker Street and Swartz Road to create a non-stop on Parker Street and move the stop sign to Swartz with SCDOT approval.

Traffic Director Randy Edwards stated a Traffic Engineering Study has been submitted and it complemented the Town’s LTIP study which identified the two intersections near this site which are in need of mitigation. He noted it would make sense to align Parker Street and Swartz Road to eliminate that odd alignment. He added it would require some widening at Swartz. Director Edwards said that there is a need to have the free right turn lane from Parker Street onto SC 6.

Commissioner Hendrix asked Director Hanson if they could see a complete site plan with everything shown that was discussed for approval. Director Hanson stated the request must be approved or denied within a certain amount of time or there could be a request to withdraw and resubmit.

Mr. Steelman stated they can resubmit next month and they will work with staff to address the open items. Commissioner Harrelson commented it was hard to approve something that was not shown on the site plan. Mr. Steelman agreed they could show detail on the site plan regarding the types of open space and the two sidewalk connections. Commissioner Michaels added the parking spaces could be shown. Vice-Chairman Berry added the approximate location of the trail could be shown with the notation that the exact location will be determined at a later date. Mr. Steelman said they would work with the Town to finalize the locations of the connections to the trail but there will be two. Commissioner Harrelson added that the detention pond calculations should be separated from the total open space.

Mr. Steelman stated they will withdraw and come back with those items addressed clearly. Vice-Chairman Berry commented that they are comfortable with the findings of the Traffic Study. Mr. Steelman said they would contact SCDOT to obtain clarity regarding the proposed mitigation. Vice-Chairman Berry said they want to get it right. Commissioner Caughman noted there was no question about parking for a two bedroom unit. Mr. Steelman agreed and noted the addition of a third bedroom would require

either widening the pavement or increasing the setback to provide the additional parking space. Vice-Chairman Berry asked for them to work with staff to consider the sidewalk on Parker Street. Commissioner Michaels asked about the Town's recourse regarding street parking in high density developments. Director Hanson responded the Town can enforce only if they are parking illegally.

**3. Annexation of Lexington County Tax Map #5311-01-131 Located at Asa Rose Lane**  
*- Action Requested: Recommendation on Zoning and Road Classifications*

Planning, Building and Technology Director John Hanson presented the request from Phu Bao Tran and Xuyen Tran who own a parcel located at 324 Asa Rose Lane and have petitioned to annex the property. A single family home is located on the site. Properties in Town near this one are zoned Protected Residential 2. Asa Rose Lane is currently not classified and River Falls Lane is classified as an RL-4 road.

Due to the surrounding conditions and the use of the property Protected Residential 2 zoning is recommended for the property and RL-4 road classification is recommended for both adjacent roads.

Commissioner Harrelson made a motion to approve as recommended. Commissioner Hendrix seconded. There was no further discussion. The vote was unanimous in favor.

**REPORT FROM COUNCIL LIAISON:** Councilmember Maness thanked the Commissioners for their work for the Town. She announced there are a lot of things going on in the Town: on October 17, Will Hoge from Nashville will be at the Icehouse Amphitheater; on Friday, the Trick or Treat Trail will be in Virginia Hylton Park; the annual Fall Fest will be Tuesday, October 22; on Thursday, October 31 will be the Mayor's Prayer Breakfast at the Blowfish Stadium; the Veteran's Day Parade will be on Sunday, November 3 at 3 PM; and the Movies in the Park start November 8 with Toy Story 4 at the Icehouse. Councilmember Williams also thanked the Commission members.

**PUBLIC COMMENTS:** Mr. Earl McLeod, the Executive Director of the Building Industry Association introduced himself and requested that the Planning Commission consider allowing distribution of materials being considered at the meeting in advance. He said they were not aware of exactly what was being proposed until they arrived. Mr. McLeod stated most other jurisdictions provide a link to materials prior to a meeting.

He added he would like the Planning Commission to recommend to Town Council to hold stakeholder meetings regarding the Impact Fee to engage the public, business community and development community. Mr. McLeod asked for Council members to be aware of the section of state law that deals with the proportionate share of development costs and funding for improvements that the Town would provide.

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**ADJOURNMENT:** There being no further business, Vice Chairman Berry stated that without objection, the Planning Commission meeting would adjourn at 9:02 AM.

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 requirement*