

**MINUTES**  
**TOWN OF LEXINGTON**  
**PLANNING COMMISSION MEETING**  
**October 20, 2021**

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The Planning Commission held a meeting on October 20, 2021 at 8:00 AM in the Council Chambers at Town Hall, 111 Maiden Lane, Lexington, South Carolina. The meeting was attended by: Chairman Frank Berry, Vice-Chairman Jarett Harrelson, Commissioners Brian Amick, Chris Brownlee, Jeannie Michaels and Joe Robertson. Commissioners Roscoe Caughman, Jamie Fite and Sammy Hendrix were absent (excused).

Others in attendance were Town Administrator Britt Poole, Planning, Building and Technology Director John Hanson, Assistant Zoning Administrator Jessica Lybrand, Town Attorney Brad Cunningham, Parks and Sanitation Director Dan Walker, Transportation Director Randy Edwards, Engineer Rosemarie Nuzzo, IT Manager Bea Daniels, IT Specialist Alan Parker, Digital Media Coordinator Darrell Pritchard and Assistant Municipal Clerk Karen Hanner. Nine citizens were present and no one was present from the news media.

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**CALL TO ORDER & INVOCATION:** Chairman Frank Berry welcomed everyone to the meeting. He announced that the meeting was being broadcast on the Town's information cable channel 1301 and would also be available for viewing on the Town's website. Planning Commission members introduced themselves. Commissioner Michaels gave an invocation and Chairman Berry led the Pledge of Allegiance.

Chairman Frank Berry called the meeting to order at 8:02 AM.

**DELETIONS:** None.

Chairman Berry requested that the Commission hear Item #3 first since this project has been considered before. There was no objection.

**APPROVAL OF MINUTES:** A motion was made by Vice Chairman Harrelson and seconded by Commissioner Brownlee to approve the Minutes from the Planning Commission Meeting on September 22, 2021, as submitted. There was no further discussion. The motion was carried unanimously in favor.

**NEW BUSINESS:**

**3. Sketch Plan Approval for a Townhome Subdivision to be Located on Tom Corley Place –**  
*Action Requested: Approval of the Sketch Plan*

Planning, Building and Technology Director John Hanson presented the request from Keisler Family Properties who is requesting sketch plan approval for a 35-unit Townhome project located on 7.67 acres on Tom Corley Place.

Density: The allowable density of residential development is determined by the classification of the street providing access to the property. Tom Corley Place is classified as a Local Road which allows up to 8 units per acre for Townhome projects. The proposed development has 4.5 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. This project appears to meet the setback requirements. It is unclear whether each unit can meet the driveway requirement although the plan does include 24 overflow spaces. Director Hanson added he believed they have accounted for that but they won't know specifically until they receive building plans for each unit since parking is based on the number of bedrooms.

Open space: The Town's Land Development Ordinance requires at least 15% of the area to be dedicated open space with at least 50% of the open space being active recreation space. Using this calculation, the project needs 1.15 acres of open space with at least .57 acres of active open space. The submitted plan provides 2.57 acres of open space with .73 acres of active open space that includes a play area, dog park and a fitness trail around the detention pond.

Access: Access will be obtained through a single entrance from Tom Corley Place. The plan also shows a location for a future road that the Town is considering installing. This road location traverses a portion of the green space so Green Space A has been removed from the open space calculation which was discussed previously. The developer has also agreed to complete the installation of the turn lane on Sunset Boulevard in front of the Lidl Grocery Store.

Considerations: The project appears to meet all zoning and land development requirements and addresses the concerns raised by the Commission during the August review.

Mr. David Parr from Power Engineering introduced himself and said he would answer any questions.

Commissioner Michaels asked what was worked out regarding the turn lane. Mr. Parr stated they have agreed to complete the turn lane at Lidl all the way to Tom Corley Place.

Vice-Chairman Harrelson asked about the plan from the previous meeting for an unpaved walking trail and the request for a more permanent solution. Mr. Parr responded that the added detail to the plan shows a five foot concrete path with three and a half feet on either side as grass.

Commissioner Brownlee made a motion to approve. Vice-Chairman Harrelson seconded the motion. There was no further discussion. The vote was unanimous in favor.

Chairman Berry thanked Mr. Parr for working with staff to address the concerns.

**1. Site Plan Approval of a Renovation and Addition to 100 Snelgrove Road – Action Requested:**

*Approval of Site Plan*

Planning, Building and Technology Director John Hanson presented the request from JE Capital Holdings which has submitted a site plan to renovate and expand a building located at 100 Snelgrove Road. It appears that this plan may meet zoning requirements but it is not possible to confirm this based on the submittal. Some of the needed information that has been omitted from the plan to confirm that it does meet zoning requirements includes: 1) the intended use of the property, 2) the total square footage of the project, 3) a dumpster pad if appropriate and 4) the buffer and setback dimensions. Director Hanson added that they have met with the developer and there was a discussion of various types of office uses and the highest use would be a medical

office but they don't yet know. He noted the square footage of the addition is shown on the plan but the square footage of the existing building is not noted on the plan so there isn't a total square footage.

Additionally, Snelgrove Road is classified as a Limited Local Road. A Limited Local Road is described in the Zoning Ordinance as:

**“a street that contains a location or design flaw that limits traffic movements or volumes. The conditions of the problem should be unlikely to be improved. Access to this type of street will be limited.”**

Access to this project occurs from Snelgrove Road. The Town's Long Range Transportation Improvement Plan recommends improving Snelgrove Road at both the Park Road and Old Chapin Road intersections. The applicant requested Commission review of this project to determine the appropriate transportation improvements needed for its approval.

Chairman Berry asked Transportation Director Randy Edwards about Snelgrove Road and the traffic issues at both intersections. Director Edwards noted in 2017 Council requested evaluation of intersections in the Town which led to the creation of the Local Transportation Improvement Plan with identification of 30 locations that were potentially to be impacted by future development. He stated Snelgrove Road was identified in its entirety as a problematic road with varied widths and curves which did not meet local standards. Director Edwards said this was brought to the attention of the developer during discussions and noted there were two ongoing projects which they could participate in to fill a gap, the Sandpiper townhomes project at the Flight Deck which will extend to the driveway of Connelly Builders with a planned road widening to three full lanes and the Lakeland Apartments project which would extend a taper to just beyond Snelgrove Road. During discussions with this developer, staff suggested in lieu of Snelgrove Road improvements. He said they were asked to participate to fill in that gap of about 100 foot full width tapered road. Director Edwards said based upon a plan submittal, it is no longer needed as the apartment complex plan will close the gap with improvements extending from the Flight Deck and Sandpiper entrance to Lakeland Apartments. He added that now they are looking at improvements on Snelgrove Road that would mitigate the traffic and additional trips from this project.

Mr. John Stevens of Crescent Engineering introduced himself as the civil engineer and said this was not the latest site plan but they will revise the setbacks and square footage and resend. Mr. Stevens said since the improvement plans that were required have been covered by the other projects, he asked why they were here. Vice Chairman Harrelson noted the LTIP identified both ends of Snelgrove Road and not just the Old Chapin intersection. Director Edwards stated the details of the LTIP were presented to the developer and since there was a gap between the other two Old Chapin Road projects and they were on the corner of Snelgrove, they could forego Snelgrove improvements in exchange for filling the gap. He continued they didn't want to do that and work was done with the other developers to close the gap. Director Edwards continued that Snelgrove Road has numerous issues. Chairman Berry clarified that the 100 foot gap was absorbed by the Lakeland project and now Snelgrove Road becomes the issue that the developer seeking approval of this project has to address.

MINUTES  
TOWN PLANNING COMMISSION  
October 20, 2021

Julian Wilson introduced himself as the owner of the property. He said he grew up in Lexington County and was an Army signal and logistics officer. He stated he has been a corporate site selection developer for about fifteen years and transitioned into corporate real estate. Mr. Wilson said once a year he finds a blighted property and turns it into something to be proud of. He said there were two reasons he wanted to do this, one was his wife told him he couldn't do it because it was too ugly and the other was the structure had good bones and he thought he could make his community better.

Mr. Wilson stated that when he had the idea of doing this they discussed that a medical office would be the highest and best use of the property which used to be the old Jaycee hut. He said he was surprised to find there was no access on Old Chapin Road. He was told that he would need to contribute to the widening of a three lane road that he wouldn't have access to and it would be greater than the entire cost of the property. He said this is something he does as a labor of love for the community and he enjoys driving down the road and looking at something that was once blighted and makes the community look better.

Mr. Wilson added he realized there were things like the setbacks and dumpster pad needed on the plan and they have been updated on the most recent plan but all of the civil questions have been answered.

Chairman Berry stated that if this is not the latest submittal or the correct site plan, why are we here today. They have what was sent to the Commission by staff. Director Hanson noted they could work out the dimensions and it appears to meet zoning but they don't know the use so it can't be confirmed. Chairman Berry agreed and stated if they don't know the use they cannot make a decision as a Planning Commission. He referred to the previously considered project which was presented to the Commission and there were questions. They worked with staff and brought the project back for consideration. He continued that what he has on this project he would consider an incomplete package and there are two options, the request can be withdrawn or the Commission could vote on it and it would probably not be favorable in the condition as presented. Mr. Wilson responded that it was discussed in the meeting with staff that a medical office could be the use but he would defer to the engineer for that. Mr. Stevens asked if it was incomplete because it didn't have a use or because those items were not on there. Chairman Berry responded items on there and they take guidance from staff. Mr. Stevens asked how they accept an incomplete package to go to Planning Commission. Director Hanson responded the applicant requested the plan to go to the Planning Commission. Mr. Stevens noted the items mentioned have been addressed and asked if they are not going to talk about the widening. Chairman Berry said they would talk about what was submitted which has four omitted items listed and the use is not listed for a decision on zoning the property and classifying the road. He repeated the two options, to withdraw it and work with staff to bring it back or they could vote on this. Vice Chairman Harrelson restated that if it is withdrawn they could go back to the staff and work on it.

Mr. Wilson stated he would withdraw and he hoped staff will give it a fair look. Chairman Berry stated staff would work with them as shown by the previous project. Vice-Chairman Harrelson added they definitely want the area improved. Mr. Wilson responded they will withdraw, work with staff and then resubmit.

**2. Site Plan Approval for Freddy's Frozen Custards at 111 Swartz Road – Action Requested:**  
*Approval of Site Plan*

Planning, Building and Technology Director John Hanson presented the request from Brett Rickert who has submitted a site plan to construct a Freddy's Frozen Custard on the corner of Swartz Road and East Main Street. The project consists of a 2400 square foot fast food restaurant with a drive thru. Access to the site will be obtained from Swartz Road. Assuming the appropriate approval is obtained from the Army Corp of Engineers, the project appears to meet zoning requirements except that the preservation corridor special overlay that requires a 20-foot buffer on the East Main Street side of the property has not been accounted for. On this side of the project area, a portion of the detention pond appears to be located within this buffer area.

During a staff review of the project concerns were raised about the traffic impact this project will have on the intersection of Swartz Road and East Main Street. Several options were discussed with the applicant to potentially mitigate these impacts. In lieu of including any of these options in the plan the applicant requested the Commission review the project.

Chairman Berry asked Transportation Director Randy Edwards about any review and input regarding traffic issues at this intersection. Director Edwards stated they have had discussion with the applicant and that this is a problematic intersection but nothing was proposed. He added he was told they met with DOT and DOT liked the plan. He noted this intersection is not identified in the LTIP because there was not a good mitigation plan at this location. Director Edwards said there are challenging sight distances at that location and a high left turn volume onto Swartz Road. He added there were some possible mitigation factors suggested and it was discussed that the developer should seek some information regarding the apartment complex property at the exit on Swartz Road.

Commissioner Brownlee asked about the sight distance, the retention wall and turn lanes and if those issues would be addressed in a traffic impact study. Director Edwards stated they could be but a study was not done here. He added they did not request one but some mitigating factors were suggested but nothing came back. He said the sight distance technically meets standard but there is enough going on that you have to put yourself out there to get that sight distance. Director Edwards added that DOT has done some temporary solutions but there are right lane by-passers all the time. He stated it is a problematic intersection. He added the discussion with the developer was that they could not make it worse and without any mitigation it would certainly be worse.

Commissioner Michaels commented that this body is to go beyond DOT and what they might say. She added we know what traffic problems we have.

Mr. Harry Dickson from Callison, Tighe and Robinson introduced himself as representing Brett Rickert who submitted the request. Brett Rickert introduced himself as the franchise owner for Freddy's and said he owns and operates four stores in the Midlands and would like for the Lexington location to be his fifth.

Mr. Rickert stated they are mitigating the wetlands and do not foresee any issues with the Army Corps of Engineers. He added their project meets zoning requirements but if they have to adjust the detention pond to meet the buffer requirements they will do so. Mr. Rickert stated that during the pre-development meeting Director Edwards said that he believed there would be an impact near the intersection of the development but he disagrees with that statement. Mr. Rickert stated

MINUTES  
TOWN PLANNING COMMISSION  
October 20, 2021

the suggestions would cost a developer up to \$200,000 that was not budgeted. He asked that the current site plan be approved to bring the concept to the Town of Lexington. He added that Swartz Road and East Main Street are state owned roads and SCDOT did not require any additional road improvements. He stated they will be bringing 75+ jobs, tax revenues and great hospitality with burgers and custard for the community.

Commissioner Brownlee asked if they were opposed to getting a traffic impact study. Mr. Rickert stated they were not opposed. Commissioner Brownlee stated he recognized it is a state road and DOT has given approval but traffic is the only thing that people in the community talk about. He continued that the sight line bothers him as he recently drove by. Mr. Rickert noted Director Edwards stated it was not a hot spot and that he will pay impact fees which will not go towards that intersection. He continued that they are making him do road improvements to a road that he doesn't own.

Chairman Berry stated in the development community, a lot have to do that and he knows all about it. He added it is what is required when you are impacting the traffic especially at a high volume intersection which is a cut through from Highway 1 to Highway 6. Chairman Berry said the improvements done a few years ago when they did restriping has helped but has not alleviated the problem. Now they are looking at a fast food restaurant with a drive through, stacking, parking at a high volume intersection and they need to address the traffic issue. Mr. Rickert responded for a Freddy's that is not considered a high volume intersection. Chairman Berry replied for the Town of Lexington it is.

Commissioner Michaels asked if any other location for the drive through was considered. Mr. Rickert stated they put it where DOT asked them to place it.

Commissioner Robertson noted most traffic would be coming from US1 which would increase turning movements onto Swartz. He asked what the spacing was from the driveway to US 1. Mr. John Stevens with the Wooten Company introduced himself and replied DOT determined the placement of the driveway but it was 170 or 175. Commissioner Robertson stated his concern was those exiting Swartz Road onto US1 who could queue up across the driveway. If a vehicle on Swartz wanted to make a left turn into the site, it would back up traffic onto US1. He continued that without a traffic study it is hard to make a decision on whether improvements are needed or not. He added they do not have enough information at this point.

Mr. Stevens asked what gives the Town the authority, if you look at the zoning ordinance, to request a traffic impact study or improvements, what is the mechanism that allows the Town to do this since that is what the zoning ordinance is for. Commissioner Brownlee stated he wanted to get clarity on what could be mitigated and with a traffic study those variables are addressed.

Town Administrator Poole responded that the Zoning Ordinance states that a traffic impact study can be required of any project which is up to the approving authority which is either staff or the Planning Commission. He added the Comprehensive Planning Act of South Carolina makes it clear that decisions based on public safety can be used as a deciding factor in zoning decisions and it has always extended to traffic and traffic safety. Mr. Stevens asked which one was used. Mr. Poole responded they use both. He noted a project was rejected because of public safety in the Town of Lexington that went to the Supreme Court and was won a number of years ago. He continued that they feel very strongly that the authority is very well supported by this body. Mr.

MINUTES  
TOWN PLANNING COMMISSION  
October 20, 2021

Stevens responded that the section in the Zoning Ordinance that has been cited is subdivision related.

Commissioner Robertson stated that the drive thru looks like it feeds right into the driveway and it is hard to gauge if the drive thru could back up into the driveway which could cause a backup onto Swartz. Mr. Stevens said it meets all the DOT requirements. Mr. Rickert added they don't typically have 30 cars in the drive thru but maybe opening week they would have to hire someone to help with traffic. Commissioner Robertson said they see it sometimes where traffic gets backed up onto the road and they wouldn't want that to be occurring here.

Chairman Berry stated another concern, assuming there is approval from the Corps of Engineers, is the preservation corridor special overlay 20 foot buffer. He asked how they plan to address that. Mr. Stevens said there are factors to address with the detention pond but there is a steep slope and the berm has to go into the buffer. He added they can make sure the pond is outside of the buffer. Chairman Berry responded that a buffer is a buffer and it cannot be disturbed. Director Hanson stated the purpose of the preservation corridor overlay is to preserve right of way for future road widening and if a detention pond is put in, it would need to be moved if there was a future project.

Jason Falls introduced himself as the seller's agent for the property. He said most of their contacts have not proceeded due to complications from the wetlands and now they have someone willing to develop or it could sit like this forever. He added they will bring jobs and income to the area and add a great restaurant. Mr. Falls stated they are doing their best and more than others have been willing to do.

Chairman Berry stated this body is tasked with dealing with traffic issues in Lexington. He added one of the first things looked at on every project is making sure everybody works with the traffic engineer to come up with the best possible solution for the project.

Commissioner Michaels made a motion that the developer do a traffic impact study and bring it back to staff. Commissioner Amick seconded the motion. Chairman Berry noted the traffic study would determine improvements that would be required. He added they need to approve or deny what was submitted today. Mr. Dickson stated they would withdraw and resubmit to work out some issues. Chairman Berry asked them to work with staff because traffic at that location is a hot topic. Town Attorney Cunningham noted there is a motion to require the traffic study. The vote was unanimous in favor.

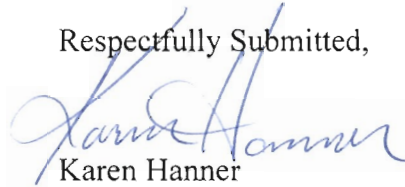
**OTHER BUSINESS:** Town Administrator Britt Poole reminded everyone of the upcoming Town Election on November 2. There are four candidates running for three Council seats. The Icehouse Amphitheater will have Fallapalooza on October 22 and the Tokyo Joe Anniversary on October 29. The Boards and Commissions Dinner will be Thursday, November 4. The Veterans Parade will be held on November 7 with a rain date of November 14 if needed. The Town of Lexington Snowball Festival will take place December 2 to 5. There will be a Santa Scavenger Hunt on Main Street with Town swag for prizes.

MINUTES  
TOWN PLANNING COMMISSION  
October 20, 2021

**ADJOURNMENT:** Chairman Frank Berry thanked everyone for attending and announced a recording is available on the Town of Lexington information channel 1301 and on the website.

Vice-Chairman Harrelson made a motion to adjourn. Commissioner Robertson seconded the motion. There was no objection. The meeting adjourned at 8:50 AM.

Respectfully Submitted,



Karen Hanner  
Assistant Municipal Clerk

APPROVED:



Chairman Frank Berry

*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*