

# MINUTES

## TOWN OF LEXINGTON PLANNING COMMISSION MEETING NOVEMBER 18, 2009

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The Planning Commission met in the Town Hall at 8:00 a.m. with the following members present: Chairman Keith Frost, Vice-Chairman Frank Berry, Brian Amick, Mike Anderson, John Bartlett, Chris Berry, Roscoe Caughman, Edwin Gerace and Sammy Hendrix.

Others in attendance were Town Administrator Jim Duckett, Town Attorney Brad Cunningham, Assistant Town Administrator Britt Poole, Zoning Administrator Leah Youngblood, Director of Parks, Streets & Sanitation Dan Walker, Engineer Rosemarie Nuzzo, Council Liaison Richard Thompson, Central Midlands Advisor Wayne Shuler, Assistant Town Clerk Beverly Moore, and Network Administrator Darrell Pritchard. Eight citizens were in attendance. No one was present from the news media.

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**CALL TO ORDER & INVOCATION:** Chairman Keith Frost called the meeting to order, led in the Pledge of Allegiance and gave the invocation.

**ADDITIONS/DELETIONS:** New Business Item #5 “Recommendation about a Zoning Ordinance Amendment to Create New Industrial Park Categories” was deleted prior to the meeting.

**MINUTES:** Vice-Chairman Berry made a motion to approve the September 23<sup>rd</sup> Planning Commission minutes and was seconded by Mr. Hendrix. The minutes were unanimously approved as submitted.

### **OLD BUSINESS:**

1. **Consideration of Revision to Approved Site Plan for Railroad Avenue Commercial Park:** On September 23, the Planning Commission approved a sketch plan for the Railroad Avenue Commercial Park at TMS #5497-04-10, contingent upon the Board of Zoning Appeals granting the project a variance from the required number of parking spaces. The Board of Zoning Appeals has since granted this variance. The sketch plan approved by the Planning Commission in September showed a road, Thain Avenue, running in a “U” shape on the property and serving the 16 buildings.

Now the applicant is requesting to have this commercial park served by a driveway instead of a road. The exact use of the buildings is unknown because Mr. Thain is building them speculatively, but expected uses include offices and storage areas for retail and contractors/subcontractors. A driveway does not require a paved surface, installation of curbs and gutters, installation of sidewalks and does not receive a name that buildings would use for addressing purposes.

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Mr. Bill Davis with BP Barber was present to answer any questions. The Planning Commission discussed the issues inherent to a graveled driveway including accessibility by emergency vehicles, concrete aprons for truck tire traction as well as sidewalks and parking for handicap access.

Mr. Bartlett made a motion recommending approval of the revised sketch plan to allow this commercial park to be served by a driveway instead of a road, with the following stipulations: (1) 55 foot asphalt aprons at each entrance into the office park with a 5 foot concrete key at each entrance into the office park. (2) Installation of a concrete sidewalk on the private property along Railroad Avenue (or payment into the town's sidewalk fund). The motion was seconded by Mr. Hendrix and unanimously carried.

**NEW BUSINESS:**

1. **Recommendation about Zoning District & Road Classification for Annexation of Rite Stop Food Mart:** Boxley Enterprises, inc., has petitioned for the annexation of approximately .75 acres at 1200/1202 West Main Street (TMS #004326-07-002). The Rite Stop Food Mart is currently located on this parcel. The requested zoning district is General Commercial with the Commercial Corridors and Preservation Corridors special overlay districts; Hwy. 1 and Hwy. 378 are arterial roads.

Vice-Chairman Berry made a motion recommending Council approve annexation of 1200/1202 West Main Street with a zoning district of General Commercial with the Commercial Corridors and Preservation Corridors special overlay districts and road classification for Hwy. 1 and Hwy. 378 is arterial. Mr. Bartlett seconded the motion and it was unanimously carried.

2. **Recommendation about Zoning District & Road Classification for Annexation of NaturChem:** Kellis Joint Ventures, LLC, has petitioned for annexation of two parcels on Bruner Road at TMS #005497-04-080 and #005497-04-087. NaturChem, which provides vegetation management services, is located on the parcels. The requested zoning district is General Commercial; Bruner Road has not yet been classified but is recommended to be classified as a Local road. -

The Planning Commission questioned whether the parcels should be zoned Industrial instead of General Commercial. The Zoning Administrator explained that the property is next to the old Town landfill which may become a recreational park in the future. A zoning of Industrial would not be appropriate in that case. A motion was made by Mr. Hendrix recommending Council approve annexation of two parcels on Bruner Road at TMS #005497-04-080 and #005497-04-087 with a zoning district of General Commercial and road classification of Bruner Road as Local. Vice-Chairman Berry seconded the motion and it was unanimously carried.

3. **Recommendation about Rezoning Silvercreek Associates:** Jackie Wilke of Silvercreek Associates has requested the rezoning of approximately four acres of a parcel on the southeast corner of Highway 1 and Carlen Avenue (TMS #005596-01-039). The entire parcel currently is zoned HDR (High-Density Residential) because it was originally part of the Lauren Ridge apartment complex. Mr. Wilke would like for the front portion of the parcel (see plat) to be rezoned to GC (General

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Commercial) because he intends to develop it commercially in the future. If the front portion of the parcel is rezoned with an underlying zoning of General Commercial, the entire tract would retain the Commercial Corridors Special Overlay District and the Preservation Corridors Special Overlay District.

The Zoning Administrator clarified that the development is expected to house typical commercial activities such as office parks and restaurants; there would be no industrial activity. Vice-Chairman Berry made a motion recommending that the a portion of the parcel on the southeast corner of Highway 1 and Carlen Avenue (TMS #005596-OI-039) be rezoned General Commercial retaining the Commercial Corridors Special Overlay District and the Preservation Corridors Special Overlay District. The motion was seconded by Mr. Gerace and unanimously carried.

4. **Consideration of Site Plan (Approval of Which Would be Contingent Upon the Creation of a Planned Development Special Overlay District on the Parcel) & recommendation about creating Planned Development Special Overlay District on parcel for Pebble Creek:** Bradley Lexington Seniors, LLC, would like to build a 48-unit rental community for senior citizens at 136 Library Hill Lane. This project would have some medical components in that the company would work with the Lt. Governor's Office on Aging as well as local service providers to provide its residents with health and wellness services; moreover, the project would have some mixed-use in the form of an on- site beauty salon and community rooms serving a variety of purposes.

As such, the company is requesting to build this project as a Planned Development. In order to do that, the property would need to be rezoned from General Commercial to General Commercial with the Planned Development Special Overlay District. Town Council has given first reading to an ordinance creating the Planned Development Special Overlay District on the property and is scheduled to give final reading to the ordinance in December. Bradley Lexington Seniors, LLC is also requesting site plan approval for the project. Town staff recommends that the following conditions be placed upon any site plan approval:

1. That the site be required to meet the Town's Architectural and Appearance Standards
2. That the site be required to meet the Town's Landscaping and Tree Ordinance
3. That the site meet the Town's Sign Ordinance standards
4. That the site be required to have some outdoor recreational space for residents, such as a gazebo and a paved walking trail around its perimeter with park benches and picnic tables periodically spaced along it

Mr. Robert Fuller, Attorney for the Pebble Creek Project, and Mr. Chris Whitener with Bradley Development were present to answer questions. Mr. Fuller stated that the development would be comprised of one building with 48 one and two bedroom apartments. The terrain would dictate the location of the building with the rest of the property as green space. He also confirmed that the mixed-use amenities would be for residents only. Planning Commission members questioned the 28 parking spaces planned for the 48 apartments plus any employees of the development. They also discussed the age restrictions being 55 years old and up. The Planning Commission also suggested that sidewalks be tied in, if possible, to Library Hill Lane and that the common recreational areas be tied in if a similar

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facility is built next door. Mr. Fuller stated that they are ready to proceed with the project and wanted to ensure that all requirements and stipulations made by the Commission and Staff are met.

Chairman Frost made a motion first recommending approval of the Pebble Creek site plan (approval of which would be contingent upon the creation of a Planned Development Special Overlay District on the parcel) with the following conditions: (1) that the site be required to meet the Town's Architectural and Appearance Standards (2) that the site be required to meet the Town's Landscaping and Tree Ordinance (3) that the site meet the Town's Sign Ordinance standards (4) That the site be required to have some outdoor recreational space for residents, such as a gazebo and a paved walking trail around its perimeter with park benches and picnic tables periodically spaced along it that connects to surrounding similar properties (5) 48 or more parking spaces would be required (6) the on-site businesses would be for residents use only, not for the general public; and second recommending Council approval to create a Planned Development Special Overlay District on the parcel for the Pebble Creek project. Mr. Hendrix seconded the motion and it was unanimously carried.

**5. Deleted**

**OTHER BUSINESS: INFORMATION ONLY**

**Scheduling of Work Shops:** The usual Planning Commission meeting in December falls on December 23<sup>rd</sup> when many people are expected to be on vacation. Therefore, if we must hold a Planning Commission meeting in December because someone submits an item to which state law gives you a limited time to respond, it will be held at 8:00 a.m. on Wednesday, December 16<sup>th</sup>. The corresponding workshops will take place if needed on Tuesday, December 15 at 6:00 p.m. and Wednesday, December 16<sup>th</sup> at 7:30 a.m.

**Council Liaison:** Councilmember Thompson reminded everyone that Town Hall would be closed two days for Thanksgiving.

**ADJOURNMENT:** There being no further business to come before the Planning Commission, Vice-Chairman Berry made a motion to adjourn and was seconded by Mr. Hendrix. The motion was unanimously carried and the meeting adjourned at 9:00 a.m.

Respectfully Submitted,

Beverly Moore  
Assistant Town Clerk

APPROVED:

Keith Frost  
Chairman