

Town of Lexington
BOARD OF APPEARANCE
Minutes

January 10, 2022

MEMBERS PRESENT Board Members Wayne Rogers, Bob Britts, Carlton “Cocky” Oswald and Ian MacLean were present. Board Chair Larry Wilund was absent. Board Member Rogers presided over the meeting. 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, Digital Media Coordinator Libby Dallis and Municipal Clerk Becky Hildebrand.

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

Board Member Rogers 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 MacLean and seconded by Board Member Britts to approve the minutes from the Board of Appearance meeting held on October 14, 2021 as submitted. The motion was unanimously carried by all those present.

NEW BUSINESS

1. **Review of a Revised Proposal to Construct an All-Star Storage Facility at 5223 Sunset Boulevard:** Director of Planning, Building and Technology presented and update on the item. He stated that Mr. Charlie Baker submitted a third elevation for a climate-controlled storage facility being planned at 5223 Sunset Boulevard. The project is back to a three-story building with a plan to retain the existing building on the site in front of this proposed project. Mr. Hanson explained that the existing building is the old Fiat building and the plan is for it to stay. The Board was provided new elevation plans. No information had been provided on how the existing building may be used or altered. This project was reviewed by the Board in May and August and has been resubmitted for additional review. He added that some areas where Staff was still a little unclear was regarding the proposed lighting and Mr. Baker may be able to elaborate on that proposal. Mr. Hanson stated that the proposal includes a dumpster corral and it is unclear if it is tall enough to meet the Code requirement because it has to be two feet taller than the dumpster that it is screening or a minimum of six feet tall. He added that the proposal does not include the black steel gate that the manual

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recommends. Mr. Hanson stated that there were two different landscape plans submitted (one from the Engineer and one from Saluda Hills), but he did not want to get too far into the landscape requirements today because the Staff member that handles Landscape Reviews has been in touch with the applicants and is working directly with the designer. He added that regardless of what the Board decides today, the landscape requirements will have to be met and will be handled through Staff.

The Board's package included the following Sections from the Town of Lexington's Architectural and Appearance Design Manual as previously submitted.

Section SG1 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.”* This project will be located centrally along Sunset Boulevard. Buildings in the immediate area such as Lidl, Aldi, Walgreens, Doctor's Care and all three shopping centers are primarily constructed of brick and stucco on all sides.

Section SG2 states to: *“Ensure that the structure is not of such mass that is dominates its surroundings or adjacent development. Use architectural form and detailing to reduce the appearance of the mass of the structure. Design upper areas of taller structures to minimize their visual appearance. Larger structures will require a greater degree of sensitivity to site location and inclusion of larger forms of landscaping.”* The building will be located 200 feet from Sunset Boulevard, but it will be the largest building in the area. The Staff Committee felt dominant mass of this building should be primary consideration for this project.

Section SG3 states to: *“Create a transition in the scale and density of the built form on the site when located next to lower density neighborhoods to mitigate any potential impact.”* The project will be located on the high side of a slope that overlooks smaller office buildings at the rear.

Section SG4 states to: *“Provide significant architectural features to emphasize the public streets and enhance the streetscape.”*

Sections SG11 through SG14 refer to site lighting. State remains unclear about the proposed lighting for this site. These manual sections require lighting that:

- *“is appropriate to the ground-floor use and that focuses on pedestrian areas”*
- *“creates a natural color balance for safety and security”*
- *“does not spill over onto or cast a glare to adjacent uses”*
- *“is in accordance with the design style of the project and is compatible with the surrounding property”*

Section SG17 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 garbage dumpsters.”* The submittal includes a dumpster corral, but it is unclear if it is tall enough to meet the Code requirement and the proposed gates are not the black steel gates recommended in the manual.

Chapter 4 of the manual addresses landscaping and site design. A new compliant landscape plan was not submitted for review prior to preparation for this meeting. Chapter 4 recommends:

- *“landscape features to emphasize the public streets and enhance the streetscape”*
- *“landscaping that is of a scope and size that is in proportion to the scale of the development”*
- *“landscaping the areas in front of blank walls that face public streets or other public areas”*

Chapter 6 of the manual addresses sign related items and states: *Signage is permitted under a separate permit but the Board should consider the number, size, color and illumination of the signs to ensure that the signage does not overwhelm the site.* The submittal only shows one sign on the front of the storage building. A combined monument sign that allows access to both buildings on the site is recommended.

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

Board Member Rogers called on the applicant for comments.

Mr. Charlie Baker, Architectural Concepts, stated that he had another perspective that he distributed to the Board. (Copy attached.) He also had a finish board to show the Board. Mr. Baker stated that with both perspectives he has shown it from the Lidl side from the road showing the existing building that is still on the site as well as their new building just to show the scale between Lidl and their building. He added that there is a retail shopping center on the other side as well as their building. Mr. Baker stated that by showing them the left side and the right side, it would give the Board a feel of the overall scale of the building that they are proposing. He added that with the overall design of the building itself, he added more glass to the building and did away with some exterior overhead doors to give the building the feel of an office building in order to blend into the community. Mr. Baker stated that color wise and scale wise he has addressed everything that was of concern before regarding the building. He stated that they would address the gate as well as the lighting. Mr. Baker stated that they have no wall packs and there is lighting only at each exterior exit doors as well as canopies. He added that they would address perimeter lighting around the property and then their signage would be in the middle of the building which is part of the overall structure on the front. Mr. Baker stated that the dumpster

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corral would be out of the same concrete blocks and it would be two feet higher than the size they decide to go with for the dumpster. He asked the Board if they had any questions regarding the overall design.

Board Member Rogers asked the Board Members if they had any questions or concerns.

Board Member Oswald asked if a decision had been made about the small building out front.

Mr. Albert Heyward, All Star Storage, stated that he had concerns about that building too, because their clients would be looking for a storage building and it's buried 100 feet behind that existing building. He hopes they can address that issue through signage and some other things. Mr. Heyward stated that the plan is to use the building right now, but that may change; however, he has control of what goes in the building out front, plus Mr. Hanson would have to approve it. He added that he might split the building out but he still has control of what goes in it because he would not want something put there that would block out his building in the back.

Board Member Britts stated that he was glad the building was not going to be two stories with a basement. Mr. Heyward stated that they thought about a basement until he received the cost estimates. He asked the Board to keep in mind that they were in the storage business, not the office business and he thought the new design turned out nice.

Board Member Rogers asked Mr. Baker if he could describe the parapet on the building, possibly on three sides. Mr. Baker responded that it has a parapet on the front of the building so he created two slightly taller towers on either corner to visibly break up the building and make it appear shorter. He added that there is also a parapet that has turned the corner down to the first tower, plus another parapet at the two canopies about half way down each side of the building. Mr. Baker stated that he had repeated it at the end of the building itself and you would be able to see the gutter in between the towers on either side. He added that on the rear of the building, they are using the same materials all the way around which is block and horizontal hardy plank with no metal. Mr. Baker stated that you would be able to see the slope of the roof from the rear of the building, but the towers break up the overall architecture of the building and adds an architectural feature at each corner. Mr. Baker explained that the right and left elevations are basically the same except for the right end of the building, he has an inset, as shown on the site plan, just so the building fits on the site itself. He added that he has the same style on the other side it is just inset 20 feet.

Board Member Rogers stated that to make the grading work on the building, it appears the floor slopes a bit with two or three 10 inch slopes inside the slab. Mr. Baker responded that they have two 10 inch slopes. Board Member Rogers stated that if he counted contours right it looks like a 10 foot hill from the grocery side up to the pad. Mr. Baker responded that if you look at the right side perspective

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you can get an overall feel for the change in elevation. He added that the overall grade goes from Lidl to their site and up just a little more on the right side. Mr. Baker stated that he was the architect on the retail space to the right.

Board Member Rogers stated that the note from Staff that caught his attention the most was under SG1 which states the new development be compatible with adjacent neighborhood. He added that it has been said that this is a different kind of building and Staff's comments stated that the project would be centrally located on Sunset Boulevard and buildings in the immediate area are primarily constructed of brick and stucco on all sides. He stated that he was struggling with the use of hardy plank and it seems like a material that better belongs in the neighborhood. Board Member Rogers stated that he understands the mask concerns and he appreciated the work to create perspective to show the building hunkered back in the property and he was sorry it was sitting up on a hill because it makes it harder. He also appreciated the towers and the glass and other openings that addressed their concerns. Board Member Rogers added that he is still struggling most with materials. Mr. Baker confirmed that Board Member Rogers meant just the hardy plank. Board Member Rogers responded that he was thinking about a metal building with big gutters with hardy plank below it which feels very residential in scale on a building that is actually big. He stated that he is only one voice on the Board, but he thought it was an odd material to use. Mr. Baker stated that he understood and that is why he broke it up with the towers and he was using hardy plank as a different type of material in between. Board Member Rogers responded that he thought the different material was a good idea and he did not object to the split face, but he wondered if it was stucco would it have looked better sitting back behind the other buildings. He stated that they were trying to break up the scale of the building and make it feel not too large and yet have materials that are appreciate for the scale of the building. Mr. Baker asked what if they had the split face and stucco on the towers, could the Board live with hardy plank in between. He added that he offered that as something they could do to come to an agreement. Mr. Baker stated they could do all stucco on the front and towers and still have hardy plank in between.

Board Member Britts asked Mr. Baker if he meant there would be more brick and stucco and less hardy plank. Mr. Baker responded that he was just throwing out some ideas.

Mr. Albert Heyward stated that he had an objection to the hardy plank because he built a project in Charleston with a 100,000 feet of hardy plank and he was not happy with the appearance of the hardy plank and it did not have the structural members on the inside. He added that he was very specific with these contractors that he did not want to see any waving of the hardy plank and if he did they would have to tear it out.

Board Member Rogers agreed with Mr. Heyward and added that hardy plank is such a thin material that tends to show any wave in the framing. He added that he struggled with if that was the right material to use in a commercial warehouse type of building and he appreciated the nod toward glass. Board Member Rogers

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stated that he wasn't sure he wanted to add another material and have too many different types. He added that he would lean toward replacing hardy plank on the building with stucco but that was not what was submitted. He again referenced SG1 and stated that Staff had captured it very well in their comments.

Mr. Baker responded that he believed they would go all stucco and do away with all the hardy plank.

Board Member Oswald wished to clarify, if the stucco is only on the front of the building, would hardy plank remain on the sides and rear of the building. Mr. Baker confirmed that stucco would be on the front, as well as the towers, the sides of the towers, the middle of the building with the drive-thru, and at the rear of the building. He added that they would go with hardy plank between the towers on the sides of the building.

Board Member Rogers stated that they would come back to that. He asked the Board, regarding SG2, if they were comfortable with the building mass sitting where it was shown. He added that Mr. Baker has worked hard to break this building up, but it is still a big box. He thought those were the main issues and everything else was landscaping and lighting.

Board Member Oswald stated that the small building out front could be to their advantage too to help break up the size of the larger building size wise. Mr. Baker agreed and stated that is why he drew that building in as close to scale as he could, and his building in the back is twice the height of the one in the front. Board Member Oswald asked if the existing building was going to be remodeled to have the appearance of the warehouse. Board Member Rogers stated that was not part of this project and anything they do to it has to go through Mr. Hanson's office for approval.

Mr. Baker stated that he has walked the site more than a few times and even though the building is three stories it is approximately 150 feet back off the road and there is a building in front. He added that he has a very attractive building as soon as they decide on materials. Mr. Baker stated that he also tried to show the overall size of Lidl even though the elevation is down about 10 feet. He added that his building will blend in with the other buildings along the road.

Board Member Rogers stated that it is not this Board's purview to critic landscape as it would have to meet the Town's criteria, but he wished to comment on what Saluda Landscape had submitted. He added that it may be important as to what happens with the landscaping on the left and right of this building because it could help screen the mass of the building. It would matter to him if they knew that the 10 foot tall hill could have some sizable vertical growth on it. Mr. Baker responded that is the side that they have some space and they could do even more landscaping on that side. He added that it was the other side, next to the retail center, that is very narrow but they have some space to do something visually, even more than what is draw. Mr. Baker confirmed that there is five feet on the retail center or west side. Mr. Hanson stated that he can clarify that the

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Landscape Ordinance sets a minimum requirement and the Architectural and Appearance Manual goes beyond that with an entire chapter. He added that Staff can insure that the minimum is met; however, for the purpose of the mass of the building, if the Board feels like there needs to be more to break up the size of the building then it is within this Board's purview. Board Member Rogers stated that is where he was headed in trying to figure out what this Board could do to alleviate some of the concerns of the mass of the building by using plant material. Mr. Hanson agreed that was a good point. He referenced Chapter 4 which states to "provide landscaping that is of a scope and size that is in proportion to the scale of the development" which is direct on point with what Board Member Rogers was struggling with now. Mr. Baker stated that if it is the right side of the building they have the pond and on the left side they have space to address it between his building and Lidl's. Board Member Rogers confirmed that there is a fence around this property and asked if the fence is on the property line. Mr. Baker responded that the fence is following the high contour. Board Member Rogers stated that he was trying to figure out how to use landscaping to reduce the site lines down the building. He added that on the Lidl side it looks like there is room but on the retail center side it will be a challenge. Mr. Hanson stated that he struggles with landscape plans himself because they always look great on paper and then a one inch tree is installed which may not meet the requirement. He would need the Town's Landscape Reviewer (Parks and Sanitation Director Dan Walker) to review it and offer advice to the Board for how the landscaping could be enhanced. Mr. Hanson stated that if they could get some agreement on the building they could probably work through the other issues. He added that the biggest concern that Staff had, the Board has discussed with regard to the size of the building. Mr. Hanson stated that it is fairly common knowledge that there is another storage building business proposed right down the street, so they want to make sure that Sunset Boulevard does not start looking like a warehouse district.

Board Member Rogers stated that looking at the right side of the building as you approach the large gate and the pedestrian gate, is it necessary that the right asphalt line is straight or could they create some room for landscape in that area outside the fence. He added that he was looking for an opportunity to place a few significant trees that would help the site line. He estimated the asphalt line is 15 feet wide. Mr. Baker confirmed they were discussing the right side of the building looking from the front, they could definitely weave that line in. Board Member Rogers stated that if it could weave in and leave the two gates, then you could create a canopy of trees and improve the canopy that goes in the five foot landscape area. Board Member Rogers added that the fence needs to be submitted to the Town to make sure it meets the standards. Mr. Hanson stated that this Board has been very clear about the type of fencing that is allowed. He thought this particular applicant would want something that law enforcement can see through so that would put it back to some type of vinyl, wrought iron looking fence much like what was required at Goodwill on West Main Street, which is the only thing his Staff would permit unless the Board instructed otherwise. Board Member Rogers stated that his idea was to make more room for landscaping. Mr. Baker agreed that was a good idea because once you go through the gate they

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have eliminated all the overhead doors that were on the first level of the building so they just have a drive which he can maneuver to add landscape plus some trees.

Board Member Britts stated that in a previous review he looked at the driveway width and he saw 23 feet from the edge of the building to the property line which is more than enough room for a car or truck to drive North only on one side and South only on the other side. He added that there would also be pedestrians walking and there is enough room now for all that but if you take some away he was concerned about hazards for the pedestrians. Mr. Baker stated that there is very little traffic through there anyway, but he could pick up another couple feet and still have a two way drive and if it is one way you would still have room to walk, but it would be one way around the building. Mr. Hanson stated that they may run into a fire truck issue if they narrow the drive way. Mr. Baker responded that it would still be wide enough for a drive and walking and a fire truck would be able to go all the way around the building.

Board Member Britts added that on a personal note, he goes to Dunkin Donuts all the time which is in the retail center next door and he turns left then right to get back on Sunset Boulevard. He jokingly told the server at Dunkin that it would be nice if he could cut through to Lidl to avoid the traffic jam on Sunset Boulevard. He asked Mr. Baker if that was possible. Mr. Hanson responded, that is required. Mr. Baker stated that it is on the drawing. He added that is one good thing about Lexington is that you can go from building to building without having to get out on the main road which is an excellent plan.

Board Member Rogers stated that this comes down to three general areas of concern:

- (1) Materials on the building.
- (2) Mass of the building.
- (3) Landscape to help reduce the feel of the mass of the building.

He added that if they can get some direction for landscape to help mask the size of the building he thought they could handle the other items. Board Member Rogers stated that this would be a better neighbor to the adjacent buildings if it were brick (masonry) or stucco and not hardy plank. He asked the other Board Members for their thoughts. Mr. Hanson stated that if the Board was ready to approve or disprove the request, they could make that part of the motion. He further recommended that since the Board had reviewed this request three times they should give some direction on what they will approve. Board Member Rogers agreed.

Board Member Britts asked if the proposal for brick or stucco was just on the front of the building or all the way around. Board Member Rogers responded that it is for all the way around.

Board Member Rogers stated that he paused here because he would like to ask Mr. Walker how he would propose a landscape plan that would work. Mr.

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Hanson responded that Mr. Walker is on his way here, but he did not know how long it would take him to arrive. Board Member Rogers stated that he did not mind treading water for just a minute and he could make a conceptual motion but he did not want to get Mr. Walker in a box he could not get out of. Mr. Hanson recommended that Board Member Rogers proceed with his motion and Staff would work it out. Mr. Baker stated that he would be glad to work with Mr. Tom Britt to improve the landscape. Board Member Rogers paused the motion upon the arrival of Mr. Walker.

Board Member Rogers summarized the project for Mr. Walker stating that it is for an All Star Storage in the building that was previously a used car dealership. He restated the three issues as previously addressed and requested Mr. Walker's help with how to landscape to minimize the mass of the building. He pointed out his areas of concern for the landscaping which included: (1) at the front left and right corners which appears to have some square footage to work with on the left side and on the front right corner there may be a five foot area which could be improved by moving the drive way over. He would like to include in the motion that the front left and right corners contain areas for a tree canopy to help mask the site lines down the sides of the building. He asked if that was an appropriate thing to do and was it adequate language. Mr. Walker responded yes, and they could work with the applicant to make that happen and it may include some large evergreen trees.

Board Member Rogers wished to make a motion. A motion was made by Board Member Rogers to approve the project submitted with the following conditions:

- (1) The building materials be changed to split face CMU (concrete masonry unit) and stucco and not hardy plank.
- (2) In order to reduce the appearance of the building's mass and size, significant landscape areas need to be created on the front right and left corners to help obstruct site lines down the right and left elevations.
- (3) The other items in the report (site lighting, fencing, dumpster screening) all need to be coordinated with Staff

The motion was seconded by Board Member Oswald. Board Member Rogers asked the Board if there were any further conversation or concerns. Hearing none he called for a vote. The motion to approve with conditions was unanimously carried by all those present.

OTHER BUSINESS

1. **Board of Appearance Meeting Schedule:** Board Member Rogers wished to address when the Board of Appearance meets and to establish a regular scheduled date and time.

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Mr. Hanson stated that it would be helpful to get some idea while we are here. He gave the example of this applicant came in before Christmas, yet it was difficult to communicate when this Board would meet again. He added that he needs to coordinate with the Board Members, Staff and the Judge to determine a date that works for everyone and that has become difficult. Mr. Hanson stated that his previous communications with the Board indicated that everyone agreed that a set date and time and that Tuesdays may work well for the Board, but it did not work well for the court unless this meeting was held late in the afternoon no earlier than 5:30. He gave the example of the Board of Zoning has a set schedule for the first Thursday of each month at 5:30. He would like for this Board to also have a set schedule and possible meet the first or second Tuesday of each month at 5:30 but he did not want to do that if it created a conflict for the Board.

Board Member Rogers stated that he had hesitated to respond to Mr. Hanson's email because he hated to ask Staff to be here at 5:30 on a weekday. He preferred to do it during their work day but he had to admit he thought it would be more convenient for the Board to meet at 5:30. He stated that he now travels a lot at the end of the week so Tuesday are best for him.

Mr. Hanson stated that the Municipal Clerk loves to come in at 5:30. He added that even though the Board of Zoning has a set time each month, they only meet about six times a year whereas this Board meets about four or five times a year.

Board Member Rogers received confirmation from the other Board Members present that they were all good with meeting any Tuesday during the month at 5:30. He added that Mr. Hanson could pick which Tuesday. Mr. Hanson stated that he would prefer to stay away from the first Tuesday of the month because Council and the Board of Zoning meet during the first week of the month. Board Member Rogers confirmed that the second Tuesday of each month at 5:30 would be the set schedule for the Board of Appearance and the meeting would be cancelled if not needed. He added that they could all put it on their calendar so they would be available. Mr. Hanson agreed and added that it would be easier if an applicant came in today it could tell them exactly when the next meeting/hearing would take place. Board Member Oswald confirmed that they would no longer have meetings in the middle of the day. Mr. Hanson stated that he was going to move everything to 5:30 or after, but he could double check the availability of room, etc. and would confirm with the Board via email.

2. **Comprehensive Plan Stakeholder Meeting:** Mr. Hanson advised the Board that on January 26, 2022 there would be a stakeholders meeting in the Conference Center from 2:00 to 5:00 to review and comment on the Town's revised Comprehensive Plan and Land Development and Zoning Ordinance. He added that this Board was welcome to attend and when he finished that, they would start working on the Board of Appearance Manual.
3. **Central Midlands Traffic Study:** Board Member Rogers stated that he read that the Central Midlands Council of Government Report 2045 list widening Main Street in Lexington as a number one priority. He asked Mr. Hanson if that was a

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real issue. Mr. Hanson stated that he read that but he did not know. Board Member Rogers commented that you cannot five lane Main Street in Lexington without tearing up all the work that has been done which took a long time to do it.

ADJOURNMENT: There being no further comments or questions, Board Member Rogers called to adjourn the meeting. The Board of Appearance meeting adjourned at 9:46 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.