

MINUTES
TOWN OF LEXINGTON
PLANNING COMMISSION MEETING
January 19, 2022

The Planning Commission held a meeting on January 19, 2022 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, Roscoe Caughman, Jamie Fite and Joe Robertson. Commissioner Jeannie Michaels was absent (excused).

Others in attendance were Town Councilmember Ron Williams, Town Administrator Britt Poole, Planning, Building and Technology Director John Hanson, Assistant Zoning Administrator Jessica Lybrand, Town Attorney Brad Cunningham, Transportation Director Randy Edwards, Digital Media Coordinator Libby Dallis and Assistant Municipal Clerk Karen Hanner. Thirty citizens were present and no one was present from the news media.

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. Chairman Berry gave an invocation and led the Pledge of Allegiance.

Chairman Frank Berry called the meeting to order at 8:05 AM.

DELETIONS: None.

APPROVAL OF MINUTES: A motion was made by Vice Chairman Jarett Harrelson and seconded by Commissioner Robertson to approve the Minutes from the Planning Commission Meeting on November 17, 2021, as submitted. There was no further discussion. The motion was carried unanimously in favor.

NEW BUSINESS:

1. Resolution Recommending Town Council Adopt the 2022 Comprehensive Plan – Action Requested: Approval of Resolution.

Planning, Building and Technology Director John Hanson stated that State law requires municipalities to update their Comprehensive Land Use Plans every ten years. Over the last year the Commission has been working with outside consultants and stakeholders to complete a full review and rewrite of the Town's 2016 plan. A primary focus of this effort has been to develop a plan that is consistent with the Vision Plan adopted by Town Council and to update the plan with the latest maps and census data. To move the process forward the Commission needs to adopt the attached Resolution recommending the Town Council adopt the 2022 Comprehensive Plan.

A motion was made by Vice Chairman Jarett Harrelson to approve the Resolution Recommending Town Council Adopt the 2022 Comprehensive Plan. The motion was seconded by Commissioner Fite. There was no further discussion. The vote was unanimous in favor.

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Director Hanson added there will be a public stakeholder meeting regarding this item and the next one on January 26 from 2:00 to 5:00 PM in the Conference Center. The Comprehensive Plan is posted on the Town website along with a form for comments.

2. Recommendation to Town Council to Adopt the New Land Development and Zoning Ordinances - Action Requested: Recommendation to Approve the New Land Development and Zoning Ordinances.

Planning, Building and Technology Director John Hanson said over the last 14 months the Planning Commission has diligently worked with staff, community stakeholders, Town Council and outside consultants to fundamentally overhaul the Town's Land Development and Zoning Ordinances. This process culminated with a joint Work Session with Town Council and the Planning Commission on November 30th. During that meeting there was broad support among both bodies to adopt the proposed Ordinances. In fact, Town Council passed First Reading of these Ordinances at their December 6th meeting so the Pending Ordinance Doctrine could be applied to all new developments. To finalize this process the Commission needs to approve a formal recommendation to Town Council to adopt the new Ordinances.

A motion was made by Vice Chairman Jarett Harrelson to approve the New Land Development and Zoning Ordinances. The motion was seconded by Commissioner Fite. There was no further discussion. The vote was unanimous in favor.

3. Rezoning of Lexington County Tax Map Number 004335-03-009 Located at 402 East Butler Street – Action Requested: Recommendation on the Rezoning

Planning, Building and Technology Director John Hanson presented the request from Atwater and Associates who submitted a request to rezone a parcel located at 402 E. Butler Street from Protected Residential to Office Commercial. The applicant is requesting to rezone the property to allow a legal office to be located on the site. Properties adjacent to this one are zoned Protected Residential. He added that there is a Uses Allowed List in the Commissioner's packet which tells what is allowed in Office Commercial zoning and due to the classification of the roads in the area, the allowed uses would be less than shown. He continued that some of the essential services or medical extensive or intermediate would not be allowed.

Mr. Burt Keeney introduced himself as the owner of 402 E. Butler Street. He stated he and his wife purchased 402 E. Butler Street from Sylvia Miller on August 9, 2019, in order to provide a home for their niece and her children. He continued that they loved the historic character of the house and wanted to restore it. He added Sylvia Miller was excited to have the home which was built in 1913 restored. Mr. Keeney said his niece and her family moved in and lived there about five months but she did not care for the old house. He said they got complaints about her behavior, her children and her dogs so they asked her to move out. The house sat vacant for fifteen months and they repaired the damages. He stated they prayed about where to go and the lord directed them to their friends Todd and Beth Atwater. They knew Sylvia had operated a hair salon on East Butler and asked the Atwaters if they wanted to use it for office space. Mr. Keeney said many people were working from home due to Covid and he felt it would be a good fit for the neighbors with no traffic and no kids or dogs barking. He stated they did not intend to do anything wrong, they wanted to care for a home, help some friends and be a good neighbor. He said the Atwaters moved in in October 2021 and they are caring and good people who will be good neighbors for everyone on East Butler. He continued that they love the old house and when the Atwaters move, it will remain a historic home and not a business.

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Ms. Beth Atwater of 2521 Feather Run Trail introduced herself and stated they work at 402 E. Butler Street. She said they are like people who simply work out of their house. She added they are attorneys but don't practice in the traditional sense but do mostly government relations and business negotiations with most of their work done downtown. She said they are not open to the public and they do not have a sign. Ms. Atwater said they understood this would require a rezone request for Office Commercial as the most restrictive zoning designation which would only permit a business such as theirs and would be for their lot only. She noted the area is already a mixed use area with East Butler Street bookended by Lexington Baptist and the Snell Law Firm and they would not be adding any traffic or delivery trucks. She handed out copies of a flyer that the residents in the area distributed (attached #1) and also their response. She observed it says the rezoning would "change the complexion of the neighborhood" and responded the only change would be a positive one. She said the historic nature of the house has been preserved and the building appears to be a residence. She noted the flyer said this would make taxes go up and any kind of business could come in and neither statement is true. Ms. Atwater noted Mr. Keeney had stated the previous owner, Sylvia Miller, had a home business and they thought their rental arrangement was proper based on prior use. She stated there is no present negative impact on the street or the neighborhood and the only issue they see is the future. They don't see this as a legal precedent as everything is taken on a case-by-case basis. She noted Mr. Keeney has said they don't plan to sell and they only rented the property based on a close personal friendship. Ms. Atwater stated they love the house and appreciate the value and they will be a good neighbor.

Ms. Cathy Miller of 410 East Butler Street introduced herself. She stated she talked to Ms. Atwater and welcomed her into the neighborhood. During their second conversation Ms. Atwater stated she wasn't staying there overnight. Ms. Miller said she thought she was a resident. She added the lawyer office at the end of the street faces Harmon Street and the church faces Main Street and are not in their resident area. She said the streets could not handle traffic and another part of the history of Lexington is being lost. She added when Sylvia Miller had her salon they didn't have the zoning laws they have today. They are part of the downtown historical area and they are being squeezed out. She stated they need to keep the area residential so families can feel safe without traffic and speeding issues. She asked for it not to be rezoned to keep a little part of the historical section of Lexington intact.

Ms. Amy Corbett of 406 East Butler Street introduced herself and noted she lives next door to the property under consideration today. She said she moved to the area four years ago and fell in love with the house, the neighborhood and the Town of Lexington. She noted the house next door was remodeled and rented to a family member but it didn't work out and renovations were done a second time. She said Atwater and Associates moved in couple of months ago and she has not been approached or spoken to by anyone from the firm. She was told a business was being run out of the home and thought it was American Leadership Academy in Lexington. She referred to the response from the Atwaters in the handout regarding not being open to the public and not having clients at the house but information on the alaskools.org website refers to a monthly board meeting and gives the 402 East Butler Street address. She called the Town of Lexington and was told the house was not zoned for a business. She asked why the owner was not petitioning for the change as it should come from the owner. Ms. Corbett said this neighborhood is very quiet and a beautiful historic neighborhood in the heart of Lexington. She noted the church was a neighbor and had bought some of the old homes but that was different than a business. She added the street is one step above an alley and doesn't need any businesses. She asked how they could know this

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will not have a domino effect and wondered what the next rezoning request would be or the next occupant of 402 East Butler Street. She stated she watches out for her neighbors but with a business next door there is no neighborhood security. She said it was kind of creepy having an empty building next door even with a security light that shines onto her front porch. She continued that the owner of 402 East Butler Street had said they own other rental properties and wondered if Atwater and Associates could go to one of those. Ms. Corbett said she had taken pictures of commercially zoned available properties that are in or near the downtown area of Lexington that would be suitable for office space. She added many people work from home today but they sleep in their homes at night and if Atwater did that it would be completely different. She continued that they don't know who the next tenant could be and this is a slippery slope for their neighborhood. She said having a business there does not improve the value of their homes and they don't want to go the way of some other neighborhoods that got pushed out by business. She asked to keep 402 East Butler Street zoned Residential. She distributed copies of the pictures of the commercial business properties (handout #2).

Ms. Judy Ball of 207 Efir Street introduced herself and stated after reading some of the zoning laws in the Town of Lexington and the Limited Commercial designation which allows businesses to benefit public health, safety and general welfare and asked how does this fit in with that? She said their response states that patrons or clientele would not be served on the premises and asked what guarantees they had for this. She added she was not as concerned about their business but wondered what would happen when they move on. Ms. Ball said she is the 6th generation to live on Efir Street which is around the corner from this site and she doesn't want to see that harmed. She stated she wants to see future generations be able to continue to live in that neighborhood and walk the streets. Ms. Ball said she is very concerned what this may do in the future when this particular business leaves and she was concerned how a business is currently operating in a residential home without this zoning change. She asked the Commission to think about the future and there are so few homes left in the area. She said when she moved in 39 years ago there were eight homes on the street and now there are only three. She stated some of the homes were the first homes built in the Town of Lexington. She asked the Commission to consider this as they make their decision.

Ms. Martha Hanks of 504 East Butler Street introduced herself and stated she also owns 508 East Butler Street. She said she refers to the neighborhood as "Factory Hill" which references the Old Mill which was originally the Lexington Manufacturing Company. She stated the lots where her house is built were Factory Hill lots 18, 19 and 20 which speaks to the historical nature of the neighborhood which was part of the mill village. She referred to the 2022 Comprehensive Plan which states that the intent of the Town Council is to maintain historic properties in the triangle. She added the future land use map states the triangle area should be preserved in its historic nature. She quoted from page 68 of the Plan, "the neighborhoods within the triangle should be representative of the original development pattern of the Town and the growth of the historic and older neighborhoods". She commended the Commission on this Plan to preserve neighborhoods like Factory Hill. She said they are very interested in maintaining the historic nature of that neighborhood. She stated there are 36 homes in the neighborhood, 33 are occupied and 3 are owned by the church. The missionaries that stay in the house on East Butler are welcomed as neighbors. She reported that one third of the 36 homes are over 100 years old and two thirds are owner occupied. She urged the Planning Commission to recommend to Town Council to deny the rezoning request and assist the current business to find a more suitable location.

Ms. Jorene Decell of 501 East Butler Street introduced herself and added her mother owns two properties on East Butler Street. She said she lives in what she calls the “hysterical” neighborhood over near the museum and she knows her neighbors and doesn’t want anything to happen to the neighborhood which is the oldest neighborhood in Lexington. She added it is a residential neighborhood. Ms. Decell stated something needs to be saved.

Planning, Building and Technology Director John Hanson stated he would like to make clarifications regarding two comments that were made. He said the request is for a change from Protected Residential to Office Commercial and the reference to Limited Commercial is a different classification which allows different things. He noted there was a question about the property owner not being the applicant. On the actual application provided in the packet shows the applicant as Atwater and Associates and has the property owner’s information and signature which is required for a rezoning request.

Ms. Miller asked how they could move in without a permit. Chairman Berry stated that is not for the Planning Commission to authorize and called the question.

A motion was made by Vice Chairman Jarett Harrelson made a motion to deny the rezoning and keep the property Protected Residential. Commissioner Fite seconded the motion. Commissioner Amick stated he thought there was great respect for the Atwaters and there was concern for what would happen if they moved on. Chairman Berry stated that was his concern as well and noted the prior Chair was very adamant about protection of the residential areas in the Town. He noted this property is on the line between commercial and residential and he understood the concern about the streets, safety and traffic. The vote was unanimous in favor.

Chairman Berry called for a two minute recess.

4. Sketch Plan Approval for a New Subdivision Located at 112 Maxie Road – Action Requested: *Applicants have requested approval of the sketch plan as submitted assuming annexation with the appropriate zoning*

Planning, Building and Technology Director John Hanson stated he would present the item but there was no one present from the applicant. Chairman Berry stated they have some questions.

Director Hanson presented the request from Civil Engineering of Columbia who is asking for sketch plan approval for a new subdivision being planned on 6.53 acres located at 112 Maxie Road. The proposal consists of 26 Townhomes.

Density: The allowable density of residential development is determined by the zoning classification of the property. If the property is annexed with PR2 zoning, the allowable density would be 8 units per acres. This development will have 3.9 units per acre.

Lot size: To be compliant with the zoning ordinance the property must be annexed with PR2 zoning. Properties with this zoning classification 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 25-foot front setbacks, 20-foot rear setbacks and 6-foot setbacks between buildings.

Open space: The new Town Land Development Ordinance requires 20% of the site to be reserved as open space with 50% of that space being improved active recreation space with developed recreation amenities. Using this calculation, the project needs 1.3 acres of open space with at least .65 acres of active open space. This project has been proposed to have 1.97 acres of open space with a proposed walking trail that will encompass 1.07 acres.

Staff advised the applicant that a walking trail may not meet the developed recreation amenities open space requirements but if it did the trail would need to be a 10-foot wide multi-use path paved with asphalt or concrete and at least 10 feet of cleared area on both sides. Staff also requested a more detailed breakdown of the open space calculations provided on this plan to verify the calculations provided and it has not been submitted.

Access: Access to the development is proposed to occur through a single entrance from Maxie Road. Several months ago the applicants conceptually agreed with staff to complete preliminary work to improve the intersection of Maxie Road and Old Chapin Road. This intersection is identified in the Town's Long Range Transportation Improvement Plan as one that needs improvement. However, the submittal for this project was not received until after Town Council began to adopt the new Ordinances and applied the pending Ordinance Doctrine to all new developments last month.

Section 154.05.02 (E) of the new Ordinance says "whenever topography will permit, the arrangements of streets in a subdivision may be required to provide for the alignment and continuation or projection of existing and proposed streets in and into adjoin areas. Staff's interpretation of this Ordinance is that it is appropriate for this development to connect the street and sidewalks to Buckhaven Way which dead ends into the subject parcel. This interpretation is also supported by the description of this area in the new Comprehensive Land Use Plan.

Considerations: This project is proposed in an area identified in the Comprehensive Plan as Suburban Residential. The plan describes development in the Suburban Residential area as low-density single family, detached housing on large lots. We-designed smaller lot neighborhoods that enhance the area and provide appropriate vehicular and pedestrian connectivity may be considered on a limited basis. Streets and connections in Suburban Residential areas are further described as follows: "Building and enhancing streets and sidewalk connections within neighborhoods and to other neighborhoods is key to creating vibrant, walkable neighborhoods and to building lasting communities. New developments should connect with adjacent neighborhoods when possible." To be compliant with the Comprehensive Plan, the Commission should first consider if this project meets the intent of the Suburban Residential character area.

Additionally, although the applicants have confirmed that each unit will have four parking spaces, it is unclear whether these spaces will meet the size requirement. Required guest parking also has not been included on the plan. The new Ordinance requires one guest parking space for every five units.

Finally, the new Ordinance requires sidewalks to be installed along the perimeter of the site. Perimeter sidewalk is not show on this plan.

Chairman Berry noted the applicant was not present to address their comments. Town Attorney Brad Cunningham added it should be noted the applicant was invited with the date and time of this meeting. Director Hanson confirmed and stated the same applicant was at the November Planning meeting. Assistant Zoning Administrator Jessica Lybrand reported they were notified on January 10 via email.

Vice Chairman Harrelson made a motion to decline approval of the sketch plan due to questions that need to be answered. Commissioner Robertson seconded the motion. Chairman Berry asked if the applicant could resubmit next month or is there a waiting period. Director Hanson stated they could come back next month. The vote was unanimous in favor.

Planning, Building and Technology Director John Hanson noted the next Item is connected to the Sketch Plan approval and if denied, the applicant typically doesn't want to move forward on the annexation. Town Attorney Cunningham researched the time limits on those requests.

OTHER BUSINESS: Councilmember Ron Williams announced the Lexington County Chili Cook-Off on February 20 at the Icehouse Amphitheater. The St. Patrick's Parade and Concert will be on March 12. The Spring Lexington Live Concerts Series starts on April 7 and will continue each Thursday until the end of May. Councilmember Williams thanked the Commission and staff for their work on the Comprehensive Plan.

Town Administrator Poole stated the Commission would need to make a recommendation on the Request to Annex due to the thirty day time limit.

5. Annexation of Lexington County Tax Map #4300-04-044 Located at 112 Maxie Road –
Action Requested: Recommendation on Zoning and Road Classification

Planning, Building and Technology Director John Hanson presented the request from Jeff Lacey who owns 6.52 acres located at 112 Maxie Road and has petitioned to annex the property. A 26 unit townhome subdivision is being planned on the site. Properties in town near this one are zoned Protected Residential 2 and Maxie Road is not currently classified.

For the project proposed on this site to be compliant with the Zoning Ordinance the property will need to be annexed with Protected Residential 2 zoning. The recommended classification of Maxie Road is a Local road.

Vice Chairman Harrelson made a motion to recommend declining to annex the property. Commissioner Robertson seconded the motion. Chairman Berry noted the recommendation would go to Town Council for a First Reading. Town Administrator Poole said Council could table the item as their decision does not have a time limitation. The vote was unanimous in favor.

Town Administrator Poole thanked the Planning Commission for their time and effort on the Comprehensive Plan along with the Land Use and Zoning Ordinances. Chairman Berry stated they all like living in Lexington and it is nice to be able to have a say in what happens.

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ADJOURNMENT: Vice Chairman Harrelson made a motion to adjourn. Commissioner Fite seconded the motion. The vote was unanimous.

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

The meeting adjourned at 9:03 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