

MINUTES
LEXINGTON COUNTY PLANNING COMMISSION
October 20, 2011

The Lexington County Planning Commission held its regular monthly meeting on Thursday, October 20, 2011, at 8:00 a.m. in the Council Chambers on the second floor of the County Administration Building. Attendance for the meeting was as follows:

Members Present:

Warren Cope
Rock Lucas
Robert Spires
Andy White
Michael Shealy
Pat Dunbar
David Laird
Keith Myhand

Staff Present:

Charlie Compton
Jack Maguire
Bruce Hiller
Janet Turner
Valerie Gray
Chris Stone
Ralph Ford

Members Absent:

Lee Matthews

Others Present:

Jackie Spires
Richard Lawson
Ashton Sutler
Joe Jur
James Schwartzkopf
Jeanette Schwartzkopf
Mike Bouknight
Earl McLeod
Barry Davis

The meeting for October 20, 2011, was called to order at 8:00 a.m. by Chairman Rock Lucas. Robert Spires gave the invocation for the meeting.

Minutes: Chairman Lucas stated that the first item for approval would be the minutes at Tab A. Pat Dunbar made the motion to approve the October 2011 minutes and Warren Cope seconded the motion. There was no discussion and the vote for approval was as follows:

In Favor: Cope
Dunbar
Laird
Lucas
Myhand
Shealy
Spires
White

Opposed: none

Not Present: Matthews

Activity Reports: Chairman Lucas stated that the next item on the agenda was the Activity Report at Tab B. Charlie Compton stated that the recent three months for single-family permits

were better than the same period last year. He added that the report for July shows 66 site-built residential permits, 90 permits in August, and 75 permits for September. Charlie noted that this is certainly a good trend.

Access Policy Variance – Verna Lea Rish Estate (Jackie K. Spires/applicant): Chairman Lucas stated that the next item on the agenda was the Access Policy Variance for the Verna Lea Rish Estate located at Tab F. Janet Turner presented this item to the Commission using maps, plats, aerials, and ground photography.

Jackie K. Spires is one of the heirs to the Verna Lea Rish Estate, a 66.35-acre tract located on Ball Park Road near Gaston. She and the other heirs would like to subdivide the property into three lots. Parcel #3 will need to be accessed by a 50-foot wide driveway proposed to be located adjacent to an existing flag lot on the south side of the property. This seemed to be the best location for the access due to poor sight distance at the north side of the property and two existing home sites on the front center of the property.

A variance would be needed since the Planning Commission’s Access Policy does not allow a 50-foot wide flag lot accessing a 2⁺-acre lot to be located adjacent to a 25-foot wide flag lot. Another variance will be needed if the access exceeds the 1500-foot maximum length when it is actually surveyed. If these variances are approved, the Access Policy would not allow approval of any further subdividing of this lot using this same access without Planning Commission approval.

Michael Shealy made the motion to approve the Access Policy Variance and Robert Spires seconded the motion. With no further discussion the vote was as follows:

<u>In Favor:</u>	Cope Dunbar Laird Lucas Myhand Shealy Spires White	<u>Opposed:</u> none	<u>Not Present:</u> Matthews
------------------	---	----------------------	------------------------------

Private Road Subdivision – Renee Court/Hancock Property (Sylvia Lucas Hancock/applicant): Chairman Lucas stated that the next item on the agenda is the Private Road Subdivision for the Renee Court/Hancock Property at Tab G. Janet Turner stated that Ms. Hancock was not present for the meeting. However, Ray Doucette was present to represent her for any questions that may arise. Ashton Sutler was also present. He is the grandson of Ms. Hancock and the recipient of the .75 acre-lot she wishes to subdivide. Mrs. Turner presented the request to the Commission using maps, plats, aerials, and ground photography.

Sylvia Lucas Hancock currently owns three acres on Renee Court, a privately-maintained dirt road off Graball Road, a county-maintained dirt road, near Gaston. Ms. Hancock originally owned four acres but deeded out a one-acre lot in 1996 which was not reviewed or approved by the Planning Commission. She now wishes to give her grandson a .75-acre lot so he can build his home behind his parents.

There is an existing 16-foot wide easement road which accesses a 2.51-acre tract behind Ms. Hancock’s tract which they would like to use for access to the new lot. This would require a variance to the Access Policy since the 16-foot wide easement road would now cross over the one-acre parcel that was previously deeded and the proposed .75-acre lot to access the 2.51-acre tract. Ms. Hancock and the owner of the 2.51-acre tract signed an “Access Road Agreement and Property Restrictions” in 1986 for the access road but it was not recorded. Both of these lots would need to be included in this request since a plat of the one-acre lot has never been approved for recording. There are at least 12-14 lots which use Renee Court for access. The Planning Commission’s maximum number of lots allowed for the staff to approve on a privately-maintained dirt road is ten.

Pat Dunbar made a motion to approve the request of subdividing the Renee Court/Hancock property and Keith Myhand seconded the motion. With no further discussion the vote was as follows:

<u>In Favor:</u>	Cope Dunbar Laird Lucas Myhand Shealy Spires White	<u>Opposed:</u> none	<u>Not Present:</u> Matthews
------------------	---	----------------------	------------------------------

Private Road Subdivision – Waltalma/Laurel Creek Lane (R. “Mike” Bouknight, Jr./ applicant): Chairman Lucas stated that the next item on the agenda is the Private Road Subdivision Waltalma/Laurel Creek Lane at Tab H. Janet Turner stated that she also received an additional letter from Mike Bouknight and gave a copy to each of the Commissioners. She also stated that Mr. Bouknight was present for any questions. Mrs. Turner presented the request to the Commission using maps, plats, aerials, and ground photography.

Mr. Robert “Mike” Bouknight, Jr. is representing the family property of 17.96 acres located on Laurel Creek Lane, a privately-maintained dirt road off Duchess Trail, a county-maintained paved road in the Grayland Forest Subdivision near Lexington. The Planning Commission approved a five-lot private road subdivision “Waltalma” for the Bouknight family in 2002. They now would like to cut out four additional lots for a total of nine lots using the private road Laurel Creek lane for additional family members. There is an existing dedicated 50-foot right-of-way and they are proposing to plat a standard turn-around. However, the actual road bed does not lie within the right-of-way entirely.

There were some questions directed to Chris Stone, County Floodplain Manager, concerning the conditions of the roads. Mr. Stone stated that the existing roadway was in pretty good shape and only had a few low spots at the entrance. Mr. Bouknight stated that the photos were taken immediately after a very hard rain and that maintenance had not been a problem for the family members. Michael Shealy made a motion to approve the subdividing of Waltalma/Laurel Creek Lane and Pat Dunbar seconded the motion. With no further discussion the vote was as follows:

<u>In Favor:</u>	Cope Dunbar Laird Lucas Myhand Shealy Spires White	<u>Opposed:</u> none	<u>Not Present:</u> Matthews
------------------	---	----------------------	------------------------------

Private Road Subdivision –Lawson Subdivision/Mae Court (Richard E. Lawson/applicant): Chairman Lucas stated that the next item on the agenda was the Lawson Subdivision/Mae Court request at Tab I. Janet Turner stated that Mr. Lawson was present for any questions. She presented the request to the Commission using maps, plats, aerials, and ground photography.

Richard E. Lawson owns three parcels of land on Mae Court, a privately-maintained dirt road off Burton Gunter Road, a County-maintained dirt road. He would like to cut a ten-acre parcel out of the 65.24-acre parcel to give to a family member. Mr. Lawson will provide a 50-foot wide right-of-way along Mae Court on his property and a turn-around at the end. The other property owners between Lawson’s property and Burton Gunter Road are family and have no interest in giving any right-of-way for Mae Court but do not oppose Mr. Lawson subdividing his property. Mr. Lawson currently maintains all of Mae Court.

Pat Dunbar made a motion to approve Lawson Subdivision/Mae Court and Warren Cope seconded the motion. With no further discussion the vote was as follows:

<u>In Favor:</u>	Cope Dunbar Laird Lucas Myhand Shealy Spires White	<u>Opposed:</u> none	<u>Not Present:</u> Matthews
------------------	---	----------------------	------------------------------

Private Road Subdivision – Schwartzkopf Subdivision (James and Jeanette Schwartzkopf/applicants): Chairman Lucas stated that the next item on the agenda was the Schwartzkopf Subdivision at Tab J. Janet Turner stated that James and Jeanette Schwartzkopf were present for any questions. She presented the request to the Commission using maps, plats, aerials, and ground photography.

James and Jeanette Schwartzkopf own Lot 11 (6.61 acres) in the Brookview Trace Subdivision located off of Peach Festival Road, a State-paved road, and partially within the Town of Gilbert. They would like to give their daughter, Jennifer, a one- to two-acre lot on which to build a home. They propose to dedicate their 15-foot wide portion of the existing driveway as road right-of-way. They will give a 20-foot wide access easement to the daughter’s lot from the end of the private road. Mr. Schwartzkopf maintains the road and plans to continue the maintenance.

Andy White made a motion to approve Schwartzkopf Subdivision and Robert Spires seconded the motion. With no further discussion the vote was as follows:

<u>In Favor:</u>	Cope Dunbar Laird Lucas Myhand Shealy Spires White	<u>Opposed:</u> none	<u>Not Present:</u> Matthews
------------------	---	----------------------	------------------------------

Review of Waterfront Height Restrictions: Chairman Lucas stated that the next item on the agenda was Review of Waterfront Height Restrictions located at Tab K. Charlie Compton presented this item to the Commission beginning with a detailed review of the original adoption in 2006. He stated that some of the local homebuilders had communicated concern with the complexity of the process needed to ascertain compliance with the waterfront height restrictions. Mr. Compton introduced Earl McLeod, Joe Jur, and Barry Davis in attendance for the meeting as key individuals who had been involved in bringing this problem to the attention of the County staff.

Mr. Compton reviewed several changes that could be made to the actual regulations that would make them much easier to implement for all activities, not just site-built homes. It was then suggested by the builders present that since the *International Residential Code for One- and Two-family Dwellings* allows no more than three stories above-grade, Residential Detached or Residential Attached (2 dwelling units) activities could be considered to have met these standards without the complex review.

Several members of the Commission expressed support for submitting a text amendment to the Zoning Ordinance that would incorporate this procedure. The discussion then centered around the possibility of having County Council give such an amendment first reading at their next meeting and invoking the Pending Ordinance Doctrine with the vote so that the new procedure could begin immediately. Mr. Compton suggested that we also consider doing the same thing with the other height restrictions.

Pat Dunbar made the motion that since the *International Residential Code for One- and Two-family Dwellings* allows no more than three stories above-grade, a zoning text amendment is to be submitted that states that Residential Detached or Residential Attached (2 dwelling units) activities are to be considered to have met the waterfront height restrictions. He also clarified that the amendment should also include the other changes initiated by the staff. Andy White seconded the motion. With no further discussion the vote was as follows:

<u>In Favor:</u>	Cope Dunbar Laird Lucas Myhand Shealy White	<u>Opposed:</u> Spires	<u>Not Present:</u> Matthews
------------------	---	------------------------	------------------------------

Subdivision Bonds: Chairman Lucas stated that the next item on the agenda was Subdivision Bonds at Tab L. Janet Turner reported that a letter of credit was collected for an old subdivision

bonded in 1998, Wild Meadows Phase 9 built by Dale Ness. Also a letters of credit were collected for Woodland Pond built by Jeff Crolley and Carmel Pines off of Shirway Road built by Richard Romero.

Road Classifications: Chairman Lucas stated that the next item on the agenda was the road classifications at Tabs M, N and O. Andy White mentioned that the spelling of an August Road Classification name was incorrect and should read Glade Spring Drive.

Robert Spires made the motion to approve the road classifications as recommended and Andy White seconded the motion. With no further discussion the vote was as follows:

<u>In Favor:</u>	Cope Dunbar Laird Lucas Myhand Shealy Spires White	<u>Opposed:</u>	none	<u>Not Present:</u>	Matthews
------------------	---	-----------------	------	---------------------	----------

Adjournment: With no further business or discussions the meeting was adjourned at approximately 10:00 a.m.

Respectfully submitted,

Approved,

(signed copy on file)

(signed copy on file)

Charlie Compton
Secretary

Rock Lucas
Chairman