

# MINUTES

## LEXINGTON COUNTY PLANNING COMMISSION

March 21, 2013

The Lexington County Planning Commission held its regular monthly meeting on Thursday, March 21, 2013, at 8:04 a.m. in the Council Chambers on the second floor of the County Administration Building. Attendance for the meeting was as follows:

**Members Present:**

Rock Lucas  
Lee Matthews  
Robert Spires  
Keith Myhand  
Andy White  
Pat Dunbar  
Michael Shealy

**Staff Present:**

Charlie Compton  
Sharon Willis  
Chris Folsom  
Walt McPherson  
Janet Turner  
Rebecca Conway  
Jack Maguire  
Chris Stone  
Gayle Packard

**Members Absent:**

Warren Cope  
David Laird

**Others Present:**

Stan Mack  
Frank Conder  
Karl Krautler

The meeting for March 21, 2013, was called to order at 8:04 a.m. by Chairman Rock Lucas. Robert Spires gave the invocation for the meeting.

**Minutes:** Chairman Lucas stated that the first item on the agenda was the minutes from the February meeting at Tab L. Andy White made the motion to approve the February minutes and Michael Shealy seconded the motion. There was no further discussion and the votes for approval of the February minutes were as follows:

In Favor: Dunbar  
Matthews  
Shealy  
White  
Lucas  
Spires  
Myhand

Opposed: none

Not Present: Laird  
Cope

**Activity Reports:** Chairman Lucas stated that the next items on the agenda were the Activity Reports at Tabs M and N. Charlie Compton reported on the latest Census numbers. The estimate for Lexington County is now 270,000 showing a growth of about one percent. Mr. Compton compared that with the residential permit numbers since 2010. He also explained that population projections for the Transportation Plan Update for the Central Midlands Metropolitan Planning Area are allowed to be different than the Census projections. For that purpose they are showing an estimated population for 2040 of 477,000 and 319,000 for 2020.

Mr. Compton continued by stating that February was another strong month for residential permitting in Lexington County. There were 102 permits for site-built homes and 16 permits for manufactured housing. For the first fifteen days of March 42 permits were issued for site-built homes and 26 permits for manufactured homes. He reminded the Commission that these numbers do not include permits issued within the municipalities.

**Private Road Subdivision Windward Lane (Leigh Ann Conder Trebesh, et al/applicant:** Chairman Lucas stated that the next item on the agenda was the Private Road Subdivision Windward Lane with Leigh Ann Conder Trebesh, et al, as applicant). Janet Turner presented this to the Commission with map slides and ground photos of the area. She also stated that Mr. Conder was in attendance representing the applicant.

Leigh Ann Conder Trebesh and three other grandchildren were given an approximate 0.67-acre lot on Windward Lane, a 15-foot wide paved private road off of Windward Point Road, a State paved road, on Lake Murray by their grandfather, Louie W. Conder, Jr. Mrs. Trebesh and her sister wish to subdivide their portion out of this lot to sell in the future. The remaining portion would be owned by their cousins who propose to deed it back to their mother and father, Louie W. Conder III, who owns the adjoining estate. This 0.67-acre lot was subdivided out of the larger 8.727-acre estate by a Deed of Distribution in 2009 but was never presented for review by the Planning Commission. Some of the property owners along Windward lane have signed an agreement to maintain the road as part of a recent paving project, however, this document is not in a recordable form. Approval of this request will create the 14<sup>th</sup> lot using Windward Lane.

The proposed Road Maintenance Agreement has been modified from the Planning Commission’s standard since the road was paved by the existing property owners and they only collect money as repairs are needed. This agreement will probably only be signed by the owners of the 0.67-acre lot being subdivided.

There was some discussion and questions that Mr. Conder answered concerning the type septic system that would be used for this lot.

Andy White made the motion to approve this private road subdivision request provided the road maintenance agreement is executed. Pat Dunbar seconded the motion and with no discussion the vote for the approval of Windward Lane was as follows:

<u>In Favor:</u>	Dunbar Matthews Shealy White Lucas Spires Myhand	<u>Opposed:</u>	none	<u>Not Present:</u>	Laird Cope
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**Zoning Map Amendment #M13-01 (3506 Bush River Road):** Chairman Lucas stated that the next item on the agenda was the Zoning Map Amendment #M13-01 at Tab Q. Walt McPherson presented this to the Commission with map slides and ground photos of the area. Mr. McPherson also stated that the applicants were not present at the meeting.

This amendment request is for the property address of 3506 Bush River Road Columbia, S.C. The current zoning classifications are C1 (Neighborhood Commercial) and the proposed zoning request is for C2 (General Commercial). The C1 zoning classification does not allow food services activities and the current owner wishes to have a combination culinary school and fine dining restaurant.

Comments from the public hearing on March 12, 2013, were shared with the members as well as the written submissions to County Council. The following is a summary of many of the issues discussed by the Commission:

Keith Myhand asked about the zoning of the adjacent properties based on the list of activities allowed in C1 and C2. Mr. McPherson outlined that information including some of the most recent changes from C1 to C2 in the area.

Andy White asked about some of the more intensive uses allowed in a C2 classification such as an airport, or helicopter landing pad. He also explored some of the related activities that might be associated with a food service category.

Lee Matthews referred to the nice buffer between the owner and the neighbors but he questioned the survival of a restaurant. He also explored the possible future of the pond with Mr. McPherson, noting that the pond is not there for detention purposes.

Mr. White asked if there is a floodway or floodplain involved with this property. Charlie Compton stated that the floodplain from the Saluda River does come across the railroad tracks onto this property but that the floodway is closer to the River. He did add that any change in the terrain or water flow would have to satisfy the stormwater and flood requirements of the County.

Mr. Matthews asked additional question about the pond and also received clarification from Mr. McPherson concerning the actual proposed use of the property as a combination culinary school and fine dining restaurant and the proposed ownership of the property and activities.

Mr. Myhand explored the possibilities if the restaurant does not succeed which opened some discussion of the differences in buffers, setbacks, and screening requirements for more intensive activities. Michael Shealy and Andy White then explored the specifics of what could be located in the setbacks versus the buffers. Mr. White then noted that the property that is involved with this proposed amendment is adjoined by a C2 district, railroad tracks, apartments, etc.

Charlie Compton reminded the Commission that they will be voting on a recommendation for County Council where the final decision will be made.

Lee Matthews asked about the option of recommending approval contingent on the applicant not changing the proposed use of the property from the submitted plans. Mr. Compton explained why that is generally referred to as "contract zoning" which is not allowed. Pat Dunbar also made reference to the outlawing of many PUD classifications in South Carolina as being a version of contract zoning.

Mr. Shealy had Mr. McPherson clarify the use of part of the building as a photography business. Charlie Compton then reviewed history of zoning in the Seven Oaks area, specifically describing this area of neighborhood commercial that began with only C1 zoning. He noted that the

evolution of some of the parcels to C2 was an attempt to create more options for businesses that could survive in this more isolated location.

Making reference to the more extensive buffering requirements for more extensive activities and the need to use that to support the revitalization of this area, Andy White moved that the Planning Commission recommend approval of Zoning Map Amendment #M13-01. Michael Shealy seconded the motion.

Mr. Matthews and Mr. Myhand asked additional clarifying question concerning existing activities and zoning districts as well as how changes in the proposed activities would be handled. Mr. Compton also explained that all activities would have to comply with the County's noise restrictions.

With no further discussion the vote to recommend approval of Zoning Map Amendment #M13-01 was as follows:

<u>In Favor:</u> Dunbar Matthews Shealy White Lucas Spires Myhand	<u>Opposed:</u> none	<u>Not Present:</u> Laird Cope
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**Subdivision Bonds:** Chairman Lucas stated that the next item on the agenda was Subdivision Bonds at Tab R. Janet Turner stated that the report was for information only.

**Road Classifications:** Chairman Lucas stated that the next item on the agenda was the Road Classifications at Tab S. Andy White made the motion to approve the road classifications as recommended and Robert Spires seconded the motion. With no further discussion the vote for approval of the road classifications was as follows:

<u>In Favor:</u> Dunbar Matthews Shealy White Lucas Spires Myhand	<u>Opposed:</u> none	<u>Not Present:</u> Laird Cope
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**Adjournment:** With no further business the meeting was adjourned at 8:48 a.m.

Respectfully submitted,

Approved,

*(signature on file)*  
Charlie Compton  
Secretary

*(signature on file)*  
Rock Lucas  
Chairman