

MINUTES

TOWN OF LEXINGTON PLANNING COMMISSION MEETING OCTOBER 20, 2010

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, Mike Anderson, John Bartlett, Carl Berry, Roscoe Caughman and Sammy Hendrix. The following members were absent: Brian Amick and Edwin Gerace (both excused).

Others in attendance were Council Liaison Richard Thompson, Town Administrator Britt Poole, Town Attorney Brad Cunningham, Director of Planning, Building & Technology Leah Youngblood, Director of Parks, Streets & Sanitation Dan Walker, Engineer Rosemarie Nuzzo, Building Inspector Charly Thomas, Assistant Municipal Clerk Beverly Moore, and Network Administrator Darrell Pritchard. Three citizens were in attendance. No one was present from the news media.

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

MINUTES: September 22, 2010 made a motion to Mr. Sammy Hendrix approve the Planning Commission minutes and was seconded by Mr. Carl Berry. The minutes were unanimously approved with a correction to Old Business #1 to read “The motion was carried with seven votes and two opposed (Mr. Caughman and Mr. Anderson)”.

NEW BUSINESS:

1. **Consideration of the Site Plan for a Church’s Chicken:** Bhupendra Patel would like to build a Church’s Chicken at 711 West Main Street, which is the location of an existing Exxon. The gas station/convenience store would remain.

The Planning Commission denied a site plan request for a Church’s Chicken at this location in June and July. Since July, the applicant has worked with his engineer to amend the site plan plans. A few of the parking spaces have been reoriented on this new site plan, but other than that, it remains very similar to the previous submittals.

A landscaping plan has not been submitted yet, but it appears that this site plan would be unlikely to meet the requirements of the Landscaping and Tree Ordinance as currently shown due to no land on the inside of the parcel being allocated for landscaping. If approved, this project would be required to meet Architectural and Appearance Standards.

After a discussion of the revised site plan, the Planning Commission’s concluded that there were still many issues that needed to be addressed. Landscaping would still not meet Town requirements. Traffic flow has not been improved and there are still safety concerns with parking. The Town’s Building Official pointed out that it is required for handicapped parking have a 60-inch access next to

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it. The Director of Planning, Building & Technology stated a fire separation of 20 feet between buildings or have no window openings. Also, there must be a 22 foot fire lane for emergency vehicles. There is also a problem with having only one dumpster and grease trap.

Mr. Carl Berry made a motion recommending approval the plan as submitted with two conditions to be established: 1) Fire Separation must be addressed and requirements met and 2) a Landscaping Plan must meet Town's buffering and setback requirements. Mr. John Bartlett seconded the motion. The motion failed with a vote of two yeas (Mr. Berry and Mr. Bartlett) and five nays.

2. **Recommendation about Rezoning 12-Mile Ridge Subdivision:** David Parr of Power Engineering has requested to rezone the 12-Mile Ridge Subdivision from General Commercial to Protected Residential.

This subdivision was originally designed as a residential neighborhood with the Planning Commission giving it preliminary plat approval in December 2006. In February 2008, the Planning Commission approved a change of use from residential to commercial because the owner at that time wanted to develop it as an office park. No rezoning was needed at that time because the property was already zoned General Commercial.

Now the property has changed hands, and the current owner would like to rezone the property to Protected Residential. An approved plat for a residential development in the location retains its vested rights status. Additionally, according to Mr. Parr, the roads were built to residential, not commercial, standards. The front portion of the development would retain its commercial zoning districts and special overlay districts

Mr. David Parr was present to answer any questions. Commission members questioned Mr. David Parr about road standards in the commercial portion of the property. The town's engineer stated that the Town did not take over commercial roads.

Mr. John Bartlett made a motion recommending Council approve rezoning the 12-Mile Ridge Subdivision from General Commercial to Protected Residential. The motion was seconded by Vice-Chairman Frank Berry and it was unanimously carried.

3. **Recommendation about Zoning District & Road Classification for Annexation of Midlands Christian Church:** Midlands Christian Church has petitioned for annexation of property at 1314 West Main Street. A church is located on the parcel. The requested zoning district is General Commercial with the Commercial Corridors and Preservation Corridors special overlay districts. West Main Street is an arterial road.

Mr. Mike Anderson made a motion recommending Council approve annexation of 1314 West Main Street with a zoning district of General Commercial with the Commercial Corridors and Preservation Corridors special overlay districts and road classification as arterial. Vice-Chairman Frank Berry seconded the motion and it was unanimously carried.

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4. **Recommendation about Zoning District & Road Classification for Annexation of 723 South Lake Drive:** Charles Harmon has petitioned for annexation of property at 723 S. Lake Drive. A medical office is located on the parcel. The requested zoning district is General Commercial with the Commercial Corridors and Preservation Corridors special overlay districts. South Lake Drive is an arterial road.

A motion was made by Mr. Sammy Hendrix recommending Council approve annexation of 723 S. Lake Drive with a zoning district of General Commercial with the Commercial Corridors and Preservation Corridors special overlay districts and road classification as arterial. The motion was seconded by Vice-Chairman Frank Berry and it was unanimously carried.

OTHER BUSINESS: INFORMATION ONLY

Council Liaison: Councilmember Richard Thompson reminded everyone of the upcoming “Big Thursday” dinner and the Police Department’s Fall Festival as well as the Veterans Day Parade.

Chairman Keith Frost stated that Council, at the last Work Session, commended the Planning Commission for our diligence and hard work.

Mr. Mike Anderson asked that former Councilmember Constance Character in our prayers.

The Director of Parks, Streets & Sanitation said that the Gibson Road sidewalks should be finished in February.

The Assistant Town Administrator reminded everyone that Halloween is on October 31st.

ADJOURNMENT: There being no further business to come before the Planning Commission, Mr. Sammy Hendrix made a motion to adjourn and was seconded by Vice-Chairman Frank Berry. The motion was unanimously carried and the meeting adjourned at 8:50 a.m.

Respectfully Submitted,

Beverly Moore
Assistant Town Clerk

APPROVED:

Keith Frost
Chairman