



**Forest Acres Planning Commission  
Minutes  
December 17, 2019 6:00 P.M.  
Forest Acres Council Chambers  
5205 N. Trenholm Rd.**

**I. Call to order**

- 1. Determination of a Quorum**
- 2. Statement of Notification**

Mr. Joe Gentry called the meeting to order at 6:07PM and noted that there was a quorum. Mr. Gentry, Mr. Ellis Creel, Mr. Jack Cantey (arrived at 6:17PM), Mr. Ralph Bailey, Ms. Beronica Whisnant, and Mr. Stephen Powell were present. Mr. Will Dillard was absent.

Mr. Gentry and Mr. Shaun Greenwood, City Administrator, noted that proper public notice had been given for this meeting.

**II. Approval of Minutes**

- 1. September 17, 2019**

Mr. Powell made a motion to approve the minutes as written; Ms. Whisnant seconded. Motion passed, unanimously.

**III. New Business**

- 1. A request by the owner to annex property at 6601 Eastbrook Road (TMS 16808-05-04) and to establish R-1 (Single Family Residential) zoning.**

Mr. Greenwood introduced this request for annexation and discussed the specifics of the request – zoning category (R-1), location/map, proximity with and contiguity to other Forest Acres parcels, etc. Mr. Greenwood noted that neither the police department nor sanitation department would see any significant burden from this annexation and staff's recommendation is that the Planning Commission send this to council with a recommendation to establish R-1 zoning and allow annexation.

After brief conversation, Ms. Whisnant made a motion to recommend to City Council R-1 zoning and annexation of this property into Forest Acres. Mr. Creel seconded. Motion passed unanimously.

- 2. A request to rezone properties at 3500 Forest Drive (TMS 14005-07-01) and 2200 N. Beltline Blvd. (TMS 14005-07-02) from Commercial District (C-1) to a General Commercial District (C-3).**

Mr. Greenwood introduced this request noting that this had been a bank and that C-1 zoning includes banks. Mr. Greenwood noted that this area is our primary commercial corridor and that each of the other 3 corners of the intersection are C-3. He noted that C-1 is intended to be a transitional zoning between commercial and other types of zoning (e.g., residential). As these two parcels don't abut anything but other commercial parcels, staff's interpretation that C-3 zoning would be appropriate.

Mr. Gentry turned the floor over to Macon Lovelace who represents the ownership group, Edens Corporation. He noted that they're looking to rezone the property to C-3 as part of a redevelopment effort for the site. The redevelopment would include retail uses that require C-3 zoning. He also briefly discussed conceptual ideas for the redevelopment.

Mr. Gentry asked for comments:

- Mary Beth and Bob Moore, residents of Verner St., noted their concern that this could include a drive-in restaurant. Mr. Lovelace noted that he anticipates that DOT would likely reduce the number of curb-cuts and the configuration of the site renders drive-in situations untenable. Ms. Moore further noted her concerns about landscaping on commercial properties on Forest Drive, so she wanted to know that the developer would follow the landscaping ordinance. Mr. Gentry noted that this question wasn't part of the rezoning question before the Planning Commission. There was brief discussion about parking requirements and potential (though not likely needed) cross-easements with adjacent property parking. Ms. Moore finally asked that the property owner and the City consider possibilities for recognizing a police officer who was killed in the line of duty on this corner.
- Mr. Creel asked how redevelopment might affect the use of this area as a cut-through from landmark Drive. Mr. Lovelace noted that the developers would seek to deter this practice.
- Mr. Cantey sought clarification about the rezoning process – i.e., this is not like a PDD in that if it's rezoned the Planning Commission doesn't have any say in design or placement, etc. Mr. Greenwood confirmed but also noted that if the applicant needed a variance from the zoning category they're, they'd go to the ZBA. Mr. Greenwood noted that a public hearing at City Council would be next and that a site plan (with potential planting, etc.) would not be part of that consideration.

Mr. Cantey made a motion to recommend to Council approval of the rezoning request; Mr. Bailey seconded. The motion passed unanimously.

### **3. Discussion of ordinance for placement of small wireless facilities.**

Mr. Greenwood noted that new trends in wireless technology—particularly 5G networks—includes the implementation of small wireless facilities (rather than large cell towers, these are smaller boxes that attach to existing utility poles). Mr. Creel noted that he'd like to see the City be open to any 5G developments that may come, as businesses are increasingly demanding this technology. Mr. Greenwood noted that right now, these are not allowed but that wireless companies can seek federal relief if we don't implement an ordinance that regulates them.

Mr. Greenwood noted that he already has a draft ordinance and that the City Attorney has reviewed it and redlined it with his changes. This edited draft will come before the Planning Commission at the next meeting in January.

#### IV. Old Business

##### 1. Continued discussion of Planned Development District regulations

Mr. Greenwood noted that he had emailed all Planning Commission members an email with a version of the PDD ordinance with the City Attorney's redlined edits. The City Attorney cleaned up some language and section numbers and added items for clarification. He then led a conversation about specific recommendations:

- Need to state maximum number of residential units per acres (rather than leaving that open)
- Height restrictions reduced from 3 stories to 2 stories (with a cap of 35 feet with perimeter structures abutting residential areas)
- Mr. Dillard suggested striking some language regarding buffering
- Reconsider language about subsidiary forms that can be adopted apart from the PDD ordinance and changed later without amending the ordinance. He found the language, but not necessarily the concept, to be problematic. *[After some discussion among the Planning Commission members and at the request of Mr. Gentry, Mr. Greenwood noted that he'd work with the attorney and with Mr. Dillard on rewording this while keeping the spirit]*
- City attorney didn't like the idea of requiring a pre-application conference, but Mr. Greenwood noted that this is consistent with modern land development regulations.
- Add "not to include height" and reduce 10% to 5% in the section discussing size variance that constitutes a major change. *[There was some discussion about this % change with the final consensus being that 5% is appropriate and that it should be any change (down or up) to any individual building in the plan]*
- Clarification of process for appeal. Appeals of Zoning Administrator decision must go to ZBA as the appropriate quasi-judicial body as delineated by state law. But, we are inserting another layer of due process – a consultation with the Planning Commission after a Zoning Administrator decision with which the Applicant disagrees.

There was some discussion about increased involvement of the Planning Commission in approval of project specifics even if they aren't in PDDs. Mr. Greenwood noted that this is common in form-based codes, but not in straight zoning models such as ours. Mr. Greenwood noted that, while form-based codes would be too staff intensive for our current staff, we could implement design guidelines under our current zoning framework. The design guideline manual would dictate design options available to developers, without an official architectural review board. We could (but wouldn't have to) require the developer to come back to the Planning Commission with a plan. Mr. Cantey noted his concern with such guidelines in that what constitutes good design and be subjective and

could hinder development. Mr. Gentry noted that his concern is not to hamper developers and creativity, but rather to prevent the worst. Mr. Greenwood noted that staff would conduct research and include discussion of design guideline with some examples at an upcoming meeting.

**V. Adjournment –**

Ms. Whisnant made a motion to adjourn; Mr. Baily seconded. Motion passed. Meeting adjourned at 7:20p.

Respectfully Submitted,

Andy Smith, Asst. City Administrator/Finance Director  
*(Administrative support of Planning Commission)*