



**Forest Acres Planning Commission
Minutes
December 18, 2018 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. Gentry called the meeting to order at 6:02PM and noted that there was a quorum. Mr. Joe Gentry, Mr. Ralph Bailey, Ms. Beronica Whisnant, Mr. Ellis Creel, Mr. Will Dillard, Mr. Jack Cantey, and Mr. Stephen Powell were present.

II. Approval of Minutes

- 1. November 20, 2018**

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

III. Continued Business

- 1. Discussion of Planned Development District (PDD) regulations**

Mr. Greenwood noted that this is intended to be another brainstorming session comparing the City's current PDD ordinance to PDD ordinances from other SC cities, highlighting changes the Commission would like to see in our ordinance.

Mr. Creel began a discussion of what constitutes a major and minor amendment to the PDD in our ordinance. Mr. Greenwood noted that our ordinance leaves a great deal of discretion to the Zoning Administrator to determine this, particularly as it pertains to what constitutes changing the "character of the development". There could be more quantitative measures and specific lists to help make this distinction. There was further discussion about how to structure such quantitative measures and lists so that they're as all-encompassing as possible, while recognizing that some items will be ambiguous. Mr. Dillard noted that there are two approaches: Make a list of minor changes (and everything not on the list is major) or make a list of major changes (and everything else is minor). He noted that perhaps the best approach would be to create a list of items that are automatically major amendments (with everything else being minor), but to have a bullet point at the end of the list of major amendments that reads something like, "or anything deemed major by the Zoning Administrator" (this would reduce ambiguity but still allow for discretion by the Zoning Administrator). Mr. Greenwood noted that what he as Zoning Administrator would consider major is influenced, at least in part, on the nature of Public, Commission, and Council discussion in the original PDD approval process (e.g., if signs were a major concern in the public discussion, then he would be more likely to consider any change to signage major).

Additional concerns on the major/minor amendment question:

- Mr. Creel pointed to the Fountain Inn PDD for structuring major vs minor changes;
- Mr. Gentry noted that he wanted to make sure that, however it's structured, it's not overly cumbersome on the developer. To accomplish this there has to be a degree of discretion left with administration;
- Mr. Dillard noted his concern that the neighborhoods' interests be considered when structuring this section;
- Mr. Creel wants to make sure that future interpreters of the PDD document (administration, Planning Commission, etc.) have clear guidance with as little ambiguity as possible. Mr. Dillard concurred that too much discretion granted to staff can put undue pressure on staff.

Mr. Dillard suggested that Commission members come up with a list of major amendments and a list of minor amendments. Mr. Greenwood noted that staff would do that and bring back to the Commission a working draft of the PDD taking into consideration the major/minor amendment discussion tonight. He noted that there will be language that any appeal of an administrative decision regarding a minor change would come to the Planning Commission. Mr. Dillard requested that, additionally, any change that specifically references using another section of the zoning ordinance should be considered "major".

Mr. Greenwood then asked a broader question of the Commission: how much does the Commission want the developer to have done (i.e., how much hard engineering, etc.) before they bring a plan to the Commission for consideration as a PDD? Mr. Gentry noted that, from his perspective, the Planning Commission should be willing to deal with matters at the conceptual stage, if a developer needs that. Mr. Gentry said that there should be more requirement for detail (earlier in the process) for any part of a PDD that borders residential zoning.

There was brief discussion on such topics as landscaping and parking requirements for PDDs and how difficult it is to provide much structure in the ordinance for these areas because each PDD is different with a different mix of uses.

Mr. Creel asked about infrastructure bonding. Mr. Greenwood noted that this is mostly handled now though the county's stormwater management function.

Ms. Whisnant asked whether the 30-day approval timeline. Mr. Greenwood noted that his opinion is that it should be extended to 45 days, with general agreement from the Commission.

[There was brief discussion about recusal. Mr. Greenwood note that there are specific rules dictated by the SC ethics commission regarding recusal and that he's available to discuss them if questions ever arise. He also noted that if you're present and you don't vote, it's the same as a "yes".]

Mr. Dillard noted that he'd like to see a statement in PDD applications noting the developer's conformance (or lack of conformance) with neighborhood characteristics (e.g., lighting, timing for dumpsters, etc.). These could be "yes" or "no" questions with an opportunity to explain if they answer "no". Mr. Greenwood noted that you could incorporate this into the descriptive statement of the PDD and then, in a more thorough manner, in the application.

Mr. Greenwood invited further comment from Commission members by email. He noted that staff will come up with a draft for the Planning Commission and that after working through it, it will go to the city attorney for review.

IV. Adjournment – Mr. Cantey made a motion to adjourn; Mr. Bailey seconded. Motion passed. Meeting adjourned at 7:10p.

Respectfully Submitted,

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