



**Forest Acres Planning Commission
Minutes
December 19, 2017 6:00 P.M.
Forest Acres Council Chambers
5205 N. Trenholm Rd.**

1. Call to order - determination of a quorum.

Joe Gentry, Chair, called the meeting to order at 6:05 P.M. and a quorum was determined by the presence of Ellis Creel, Will Dillard, Jack Cantey, Stephen Powell, Ralph Bailey and Joe Gentry. Pendleton Grove was absent.

2. Approval of Previous Meeting Minutes: September 19, 2017

Ellis Creel noted that he wasn't included in the attendee list in the draft minutes but that he was present at the meeting.

Mr. Cantey made a motion to approve the September 19, 2017 minutes with the addition of Ellis Creel's name in the attendee list; Mr. Creel seconded. With that change, minutes were approved unanimously.

3. Request to rezone 5838 Spring Court (TMS 14209-03-12) from Commercial C-3 to Commercial C-1

Shaun Greenwood, City Administrator, introduced the agenda item noting that the applicant is requesting the rezoning in order to facilitate a potential sale of part of the property. He deferred to applicant to explain the matter further.

Property owner, Larry Eleazer, spoke on behalf of he and his sister (co-owners). They inherited the house after their mother died several years ago and rented the house for a while but the house was unoccupied for over a year. He had been unaware that allowing the house to cease being used for residential purposes for over a year rendered it ineligible for future residential use as a C-3 property. He wishes to rezone it to C-1 which would allow it to be used as a residential property going forward; there are parties interested in buying the house for that use and another part of the property for use by a church.

Keith Lindler, City Engineer/Building Official, noted that C-1 allows residential use and is consistent with other surrounding properties (also zoned commercial), which is why the applicant is suggesting C-1 rather than a residential designation.

Mr. Cantey asked about zoning of adjacent properties and Andy Smith, Assistant City Administrator/Finance Director used the Richland County GIS mapping to show that adjacent properties on the Forest Acres side of Two Notch Rd. were all C-3.

Mr. Cantey made a motion to recommend approval of the requested rezoning to City Council. Mr. Creel seconded. As a matter of discussion, Mr. Cantey asked what the implications for the change are for other properties on Two Notch Rd. Mr. Greenwood noted that, typically, “downzoning” (e.g., C-3 to C-1) within the same general category of use (commercial) is a relatively benign change as it pertains to the effects on future rezoning in the area. The motion passed unanimously.

4. Continued Discussion of update to the Forest Acres Comprehensive Plan

The Planning Commission continued its standing discussion of the update to the Forest Acres Comprehensive plan.

Mr. Greenwood noted that he requested this agenda item primarily to bring himself up-to-speed on certain areas given that he’s coming into the discussion in the middle of it. Mr. Gentry asked if this item was properly noticed and Mr. Greenwood confirmed that it was. Mr. Greenwood noted that today’s discussion would be a matter of clarifying previous discussion and that future meetings with substantive discussion of and decision-making on future land use will only follow outreach to residents who have specifically requested to be part of the discussion.

Mr. Greenwood asked about the Commission’s previous discussion of “Conservation” designation on the future land use map. Mr. Greenwood noted that this is appropriate for the area beside and behind Trenholm Plaza but not for city and county parks. The Commission agreed with Mr. Greenwood that developed parks should be designated “Public/Semi-Public/Institutional” not “Conservation”.

Mr. Greenwood asked about the “Predominantly Commercial/Transitional” designation. His suggestion is that if the Planning Commission wished to show a “step-down” commercial possibility on the Future Land Use map, they should use a second category. The existing “Predominantly Commercial/Transitional” is too broad to allow the Future Land Use map to be useful for administration when considering rezoning applications. Mr. Dillard noted that the intent of the Planning Commission was to simplify the map (i.e., going lot-by-lot was too complex a process for the Planning Commission at this stage) but to include discussion in the narrative of the Comprehensive Plan tasking the City with moving toward a zoning ordinance amendment down the road that would include the creation of one or more “transitional” zoning designations. Mr. Greenwood noted that there may be other tools that could be used to accomplish this goal (e.g., creation of an overlay district); he noted that he would look into these possibilities for the next version of the Comprehensive Plan map.

Mr. Greenwood noted that these were all the questions he currently had.

Mr. Gentry noted that this was not a public hearing, but he would allow some brief comments from those in the audience.

- Ms. Dottie Reynolds updated the Planning Commission on the status on the rezoning request of the parcel on the corner of Coker and Trenholm. She noted that the neighborhood had presented evidence of covenants that would restrict the property from anything other than residential uses and that City Council received guidance from the City Attorney not to hear the rezoning request (*n.b. the applicant rescinded the rezoning request before Council made any determination*) because of the

covenants. Two neighbors of the property in question have been summoned to mediation by the rezoning applicant who is arguing that precedent has been set that the covenants have not been followed. She's concerned that this process of hiring an attorney to fight a rezoning request will happen every time a rezoning request comes up and that this is too great a burden. She noted that she thinks the City is not respecting the neighborhood's covenants.

- Another resident noted that they simply want the parcels on Trenholm Rd that are currently residential to be shown as residential on the Future Land Use map in the Comprehensive Plan.
- Mr. Whitworth on Winthrop Avenue noted that it's difficult to have commercial uses adjacent to your property. He asks that homeowners and covenants be respected. And, he reiterates the concern about continuous lawsuits each time a property comes up for rezoning.

Mr. Gentry noted that the Planning Commission doesn't have the prerogative to defend neighborhood covenants and that their concern is at a higher (i.e., city-wide) level. Mr. Gentry notes that a future meeting with a draft statement will allow room for further public comment.

- Ms. Reynolds asked why the Commission thinks it would be in the best interest of the city as a whole for certain lots on Trenholm Rd. to be rezoned commercial. Mr. Gentry noted that low-impact commercial may be better in some places where the character of residential uses and owner-occupation is changing. Mr. Greenwood further noted that the Comprehensive Plan is not saying what *should* happen, but rather what the *trends* are actually showing.
- Ms. Dana Peale asked how the decision was previously made to change the lots from residential to commercial on the Future Land Use map. Mr. Greenwood noted that the commercial designation coincides with commercial/institutional uses across Trenholm Rd (i.e., the cut off from commercial to residential is the church on Trenholm Rd). Mr. Dillard noted that the boundaries are based on the existing Land Use Map which was put in place nearly 10 years ago and he confirmed Mr. Greenwood's comment regarding uses across the street. Mr. Dillard then discussed the intended use of a neighborhood/commercial designation to soften any potential transition from residential to commercial in that area. Mr. Gentry reiterated that the Future Land Use map is a guide, not a zoning "cure-all".
- Ms. Robertson, who lives on Furman Avenue, noted her concerns about high noise levels and pollution from Forest Dr. and Trenholm Rd. She's concerned about increased commercialization as it pertains to these quality of life issues. Mr. Gentry noted her comments and noted that other city and county departments address these types of concerns.
- Another resident mentioned his concern about traffic and encroaching commercial uses in the neighborhood. He noted that commercialization will encourage rental uses rather than home ownership of the remaining residential lots.

- Ms. Reynolds asked about the requirement of contiguity for rezoning. Mr. Gentry noted that a rezoning does generally require that at least one adjacent property must have the same use as the proposed zoning change, but that the request still has to go through the proper channels (application, administrative review, Planning Commission recommendation, and Council approval). Mr. Greenwood clarified that there is a 2-acre threshold in effect; if property owners with neighboring parcels over 2 acres were to collectively request rezoning, then the city would have to consider the request regardless of what's around the tract (though it would still be subject to the entire process, including City Council approval).

There was a brief discussion of curb cuts for commercial properties and what the DOT generally allows.

There was additional concern from residents regarding the "signal" that the Future Land Use map and rezoning requests sends to investors and developers who want to build commercially.

5. **Street name request at The Cardinal site (Forest Drive/Gamewell Drive)**

Mr. Greenwood introduced Mr. Ned Miller, Development Manager at The Beach Company. Mr. Miller noted that permits are mostly done on the development and that they're hoping for a first quarter 2018 start to construction. Mr. Miller further noted that they'd been working with the Roman Catholic Diocese regarding appropriate naming of the components of the property (e.g., the apartments will be called "The Cardinal" and the retail area, "Cardinal Crossing"); they also reached out to the diocese and the school concerning the naming of the new road off of Gamewell that will be built to accommodate the townhouses in the rear of the property (note: the retail areas will have Forest Drive addresses, so the road into the property from Forest Drive will not be specifically named). Originally, they considered naming it after the first principal, Fr. Kelly, but Richland County wouldn't allow it because of existing streets by that name. So, they elected to use "Beryl Dr." after the longest-serving principal at the school. The County and DOT approved the name, so Forest Acres Planning Commission approval is the last step. Mr. Cantey asked and Mr. Greenwood noted that petitioning and canvassing the neighborhood were not necessary in this case as this is a new road and not the renaming of an existing road.

Mr. Cantey made a motion to approve the street name and Mr. Bailey seconded. The motion passed unanimously.

6. **AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY REVISING ARTICLE XIII, PLANNED DEVELOPMENT DISTRICT (PDD), SECTION 21-128 PURPOSE.**

Mr. Greenwood noted that he has proposed fairly minor changes to the PDD ordinance to reduce confusion, particularly in the purpose statement. He noted that current language of the City's PDD ordinance purpose statement makes it seem like the intent for any PDD is for there to be two types of residential uses and that there *may* be a commercial or industrial use. He noted that current case law says nothing about multiple types of use in a particular

category (e.g. residential), but does require that there be both a residential and commercial (or industrial) component. So, the proposed language changes the PDD purpose statement by requiring a minimum of one kind of residential use (rather than two) *and* one kind of commercial or industrial use (making this required rather than optional).

Mr. Cantey made a motion to recommend the changes proposed by the City Administrator; Mr. Creel seconded. The motion passed unanimously.

Adjourn

Mr. Cantey made a motion to adjourn at 7:10 pm.

Respectfully Submitted,

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