



**Forest Acres Planning Commission
Minutes
January 21, 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 6:02PM and noted that there was a quorum. Mr. Gentry, Mr. Ralph Bailey, Mr. Ellis Creel, Mr. Will Dillard, Ms. Beronica Whisnant, and Mr. Stephen Powell were present. Mr. Jack Cantey 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. December 17, 2019**

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

III. New Business

- 1. A request to rezone properties at 310 Robert Springs Road (TMS 14008-06-02) from Single Family Residential (R-1) to a Multifamily Residential (R-3)**

Mr. Greenwood introduced this request for rezoning noting that we had been contacted by the owner to determine what could be done with the property (re: subdividing). R-1 requires 15,000 sq ft. lot and this lot has 25,000 sq ft, so it couldn't be subdivided as an R-1 lot. The lot is contiguous to R-3, so this request meets contiguity requirements. He then turned the floor over to the owner.

Mr. Joe Bowie noted that he bought the property at auction and would like to develop it and that rezoning to R-3 would be best for his plans. He would like to divide the lot into two smaller lots.

Mr. Gentry asked if he had talked to the neighbors and he noted that he hasn't, but that a good bit of the property around is either far away or wooded.

Mr. Dillard noted that he would prefer a lower intensity residential zoning category (R-2 or R-1a). Mr. Dillard also asked about phone calls the city received from neighbors. Mr. Greenwood noted that their questions pertained to whether this redevelopment would be for apartments. He noted that the developer represented that this is not his intent but that it's possible under R-3 zoning.

There was some discussion about what would be possible on this lot size under R-3 zoning, with respect to duplexes and apartments. Duplexes would require lot sizes of 15,000 sq ft. (10,000 for main unit, 5,000 for additional units), so it wouldn't be possible to build two duplexes on this lot if subdivided. If not subdivided, under R-3, it would be possible to get 4 units on the lot (subject to setbacks, lot coverage, etc.).

Mr. Creel made a motion to recommend this zoning change to City Council. Ms. Whisnant seconded. Motion passed unanimously.

2. Discussion of Small Wireless Facilities ordinance

Mr. Greenwood noted that the environment is changing for these wireless facilities and that Forest Acres had been approached by two wireless carriers about implementing them. Mr. Greenwood noted that the Municipal Association of SC had crafted a model ordinance and that the State Legislature is considering legislation that would allow these facilities. Mr. Greenwood noted that the Planning Commission had before them the model ordinance with the City Attorney's edits, which is an attempt to implement regulation in advance.

Mr. Greenwood described some of the options for poles and wireless facility size. He noted that if we want to control how these look, we would have to pass an overlay district or an aesthetic district. So far, the carriers are looking at residential areas rather than the main thoroughfares. There was some discussion about revenue to the city from these facilities and Mr. Greenwood noted that there can be a fee (i.e., per pole) but because they aren't burying lines there will be no associated franchise fees (and that carriers are fighting efforts to implement fees). The wireless carriers do have to get an encroachment permit from the DOT to put these in the DOT right-of-way and, right now, the DOT is denying all applications in Forest Acres because we don't allow these facilities.

Mr. Dillard asked about limits on new poles they might want to install, particularly in residential areas. Mr. Greenwood noted that there are height limits in the model ordinance and that location will be determined by identifying "holes" in their coverage area. Mr. Creel asked if we can deny permits for new poles. Mr. Greenwood said that yes, but that applications meeting the ordinance will have to be approved (and federal law can override our ordinance). Mr. Creel noted that in the current environment there is emphasis on deregulation for communications, so federal law may limit what we can do. Mr. Dillard asked if there's a way to encourage wireless providers to choose sites such as the corner of lots (i.e., at the property line) rather than right in front of houses. Mr. Creel asked if a higher fee might deter arbitrary or haphazard placement of poles; Mr. Greenwood noted that he would look into it but that we probably can't raise fees to a point that it would be considered punitive. Mr. Dillard encouraged language that would require certain size, materials, and location for poles in residential areas, with emphasis on mitigating impact on adjacent property owners. Mr. Greenwood noted that we can probably only accomplish this by adopting overlay districts. Ms. Whisnant asked about business licensing on these facilities; Mr. Greenwood noted that there's no revenue specific to each pole/facility that could be used to calculate a business license. Mr. Greenwood and Mr. Creel reviewed a section of the model ordinance that indicates some recurring fees (i.e., *fee in lieu of taxes*), but this is still a bit up in the air.

Mr. Dillard noted that the model ordinance contemplates some element of administrative review of applications for poles. Mr. Creel noted that most carriers will probably want to use their own poles but that the model ordinance encourages co-location. Mr. Creel would like to encourage co-location, perhaps through pole fees.

Mr. Dillard asked about the timeline. Mr. Greenwood noted that carriers are ready now, but that our timeline probably needs to be 90-120 days. Mr. Greenwood noted that he'd ask this question of other managers in the state. Mr. Greenwood clarified that these have to go on light poles not power line poles. Mr. Dillard requested to see pictures and examples in Columbia.

Mr. Dillard, Mr. Creel, and Mr. Gentry all emphasized the importance of getting ahead of this to give the City as much oversight over this as possible.

This will be discussed further at the next meeting.

IV. Old Business

1. Continued discussion of Planned Development District regulations

Mr. Greenwood noted that there hadn't been much change in the PDD ordinance update because staff has not had time to fully research and craft draft design standards. Staff will have more information available at the next meeting.

V. Adjournment –

Ms. Dillard made a motion to adjourn; Ms. Whisnant seconded. Motion passed. Meeting adjourned at 6:59p.

Respectfully Submitted,

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