



**Forest Acres Planning Commission
Minutes
July 18, 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 6:00 P.M. and a quorum was determined by the presence of Ralph Bailey, Ellis Creel, Will Dillard, Jack Cantey, and Joe Gentry. Pendleton Grove and John Boylston were absent.

2. Approval of Previous Meeting Minutes: June 14, 2017

Mr. Dillard noted that he had a request for one minor revision in the last full paragraph in section 3 of the minutes to include the word "not": *...but that he does **not** see that this property is the natural place to terminate that commercial use.*

The Commission did not take action to approve the minutes. The above correction will be made and the minutes will be presented for approval at a future meeting.

3. AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, SECTION 21.3, BE AMENDED BY REVISING THE DEFINITION OF SIGNIFICANT TREE; BE FURTHER AMENDED BY REVISING SECTIONS 21.152.2(4) AND (4) GENERAL REQUIREMENTS, IN ORDER TO EXCLUDE CERTAIN TYPES OF TREES AND PROVIDE FOR REPLACEMENT TREES; BE FURTHER AMENDED BY REVISING SECTION 21.152.5 ZONING ORDINANCE OF SAID CODE PROVIDING FOR REPLACEMENT TREES IN SINGLE FAMILY DISTRICTS; BE FURTHER AMENDED BY REVISING SECTION 21.156 TO ADD ADDITIONAL EXEMPTIONS AND EXCLUSIONS; AND FURTHER AMENDED BY REVISING APPENDIX D TO DELETE CERTAIN RECOMMENDED TREES AND ADD CERTAIN TREES TO AVOID

(At Mr. Mark Williams' suggestion, the Planning Commission entertained the ordinances on its agenda first beginning with item #6 on the agenda and working in reverse order from there throughout the rest of the meeting.)

Mr. Williams noted that this proposed ordinance change would attempt to create a more workable ordinance for staff and citizens. He noted that as currently written, it is difficult to enforce and frustrating to many residents – many residents don't like being denied the opportunity to make decisions about trees on their property in general. This ordinance change, in particular, would change significant/old-growth pines out of regulation (i.e., allowing them to be cut without a permit).

Mr. Williams noted that this ordinance would also de-regulate “nuisance” trees (e.g., cherry laurels, sweet gums, etc.), allowing them to be cut without a permit.

Mr. Gentry asked for clarification about whether the City’s problem with the current ordinance is enforcement. Mr. Williams confirmed that it is – and that this entails many things (non-compliance with the ordinance, resident complaints, residents angry about having to get a city determination about whether a tree is dead).

Mr. Creel noted that he has concerns about excluding pines universally – some pines are much sturdier and safer than others and ought to continue to be regulated.

Mr. Williams noted that an arborist (Andy Boone, Dendro Diagnostics) stated that in his experience in the city and surrounding area (particularly with Forest Lake club) that 80-90% of the pines in the area that are “significant trees” are reaching the end of their expected life span.

Mr. Gentry noted that while pines can be a nuisance with respect to raking needles, etc., that overall they give back more than they take – with respect to air quality. Mr. Creel also noted the importance of trees including pines as noise buffer from main roads through town. Mr. Gentry noted that because of this, he’s opposed to the ordinance change as written because the community needs to save the trees it can, including pines.

Mr. Cantey noted that if we’re concerned with canopy cover and buffering, then we can’t deregulate the “nuisance trees” either, because they accomplish that goal. He noted that we should be consistent if our reasoning is buffering. Mr. Cantey noted that it sounds like the current tree ordinance is so cumbersome that it needs some attention and that City Council will likely take it up anyway. Mr. Williams confirmed to Mr. Cantey that the Planning Commission is currently tasked with either recommending or not recommending the current proposed changes and that some citizens seem to be asking Council to consider some deregulation to the ordinance. He noted that the City staff will do what it has to do to enforce the ordinance, however it is written.

Mr. Williams noted that the ordinance was enacted in response to some extreme actions from some residents to clear-cut lots, but that the impact of the ordinance has been inordinately directed toward people wishing to cut individual trees from yards.

Mr. Cantey, Mr. Williams, and Mr. Gentry discussed the replanting provisions in the ordinance and their impact.

Mr. John Kososki, in the audience, noted that he and his wife were instrumental in starting the tree ordinance when two neighbors clear-cut 80-90 trees. Mr. Kososki noted that there is provision in the ordinance to establish a lawn for new construction that allows for the cutting of many significant trees but the ordinance was attempting to prohibit clear-cutting. Mr. Kososki noted that you are likely not hearing from people who are happy with the ordinance, just those that don’t like it. He further noted that without the ordinance residents have no power to resist the re-shaping of the character of their neighborhoods when some clear-cuts. He also noted that Forest Acres receives permitting and licensing fees and fines from the ordinance, particularly when violators are caught. He also emphasized the importance of trees in the city for wildlife and birds and he noted that the pine needle is the “logo” for the city, on its letterhead.

Mr. Dillard noted that he's opposed to this ordinance change. He said that if the question is one of safety, that perhaps more provisions regarding the question of safety could be included in the ordinance. How can we make it easier administratively and for the applicant to quickly remove problem/unsafe trees? He doesn't want the wholesale cutting of trees, including pines. Mr. Creel concurred and noted that his family was drawn to Forest Acres because of the trees.

Mr. Gentry encouraged the Planning Commission to vote and hold to their vote – and going to City Council meetings to explain their position.

Mr. Williams noted that the City is lenient on permitting trees for removal if there is legitimate concern about the tree's health or if (more recently) there's an assertion from the resident's homeowner's insurer that they will not renew policies without the trees being removed. Mr. Cantey said that there ought to be a way to amend the tree ordinance to allow it to continue to prevent clear cutting while also being more lenient on individual homeowners.

Mr. Bailey noted that there was clear-cutting on Satchelford Rd. near where he lives and that that changed the character of the neighborhood. Mr. Williams confirmed that there were significant problems on that site, particularly with land disturbance activity that killed trees which then were permissible for removal. Mr. Williams noted that the owner effectively went around our ordinance by killing the trees.

After brief discussion, Mr. Creel made a motion to not recommend the ordinance changes. Will Dillard seconded the motion. Mr. Cantey noted that he still thinks the tree ordinance can and should be improved while prohibiting clear cutting. Mr. Dillard and Mr. Creel reiterated that the ordinance change as currently written and before the Commission would completely write out pine-trees as regulated, so clear cutting of pines would be allowed. Mr. Cantey noted that he still has a concern that residents don't currently have enough flexibility. Mr. Creel made a recommendation that we encourage a further look at the ordinance but to deny the current proposed change. Mr. Gentry noted that at this point all they could really do address the motion on the table.

The Planning Commission voted 4-1 to approve the motion (to not recommend the proposed ordinance changes), with Mr. Cantey opposed.

4. 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 SECTION 21.136 OF SAID CODE, IN ORDER TO PROVIDE FOR LIMITATION OF TERMS OF MEMBERS OF THE ZONING BOARD OF APPEALS

Mr. Williams noted that City Council is considering limiting terms on the ZBA to 2 consecutive terms (i.e., 6 years) with a two-year break before being eligible for reappointment after service 2 consecutive terms. Mr. Williams noted that this proposal would likely eventually extend to the Planning Commission and the Code Board of Appeals as well. The idea is that this would encourage more citizen participation.

Mr. Creel asked if there are a lot of people who want to serve on these boards who aren't getting to. Mr. Williams said that there aren't but that Council would like to encourage more of a rotation.

Mr. Dillard expressed his opinion that he's not opposed to term limits in principal but that a 2-term limit might be too short as most of these commissions and committees benefit for longevity and experience.

Mr. Gentry further noted that the appointees on these committees serve at the pleasure of City Council and that they can choose not to renew members' terms individually. Mr. Gentry, Mr. Creel, and Mr. Cantey all agreed that experience is important on these committees and that Council can re-appoint or not at the time of the renewal of a term (and, as Mr. Williams noted, can remove a member at any time *for cause*). Mr. Dillard noted that there typically isn't a contest for any of these seats.

Mr. Dillard noted that the Planning Commission's role is primarily advisory to Council while the ZBA does have instances where their determination is final. His opinion is that that distinction might be important in considering the question of term limits, but even then two terms is too short.

Mr. Cantey made a motion not recommend this ordinance change as drafted but to recommend drafting a different revision to the ordinance that allows for limits to the number of terms but that that number should be more than two terms. Ralph Bailey seconded. Mr. Gentry noted for the record that if this a mechanism that's being proposed as a result of a specific vote or decision made by one of these bodies, that it is ill placed. The motion passed 5-0.

5. **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 SECTION 21.273 OF THE ZONING ORDINANCE OF SAID CODE; PROVIDING FOR THE PLANNING COMMISSION TO STUDY AND REPORT TO COUNCIL; AND FURTHER AMENDED BY REVISING SECTION 21.275 OF THE ZONING ORDINANCE OF SAID CODE, PROVIDING FOR NOTICE TO ADJOINING PROPERTY OWNER(S) AND OTHER INTERESTED PARTIES**

Mr. Williams introduced these proposed changes noting that this is to align the city's ordinance with state statute (where previously the two were incongruent), regarding the Planning Commission and its timeline to act on an item on its agenda. Also, the proposed ordinance would change the requirement for zoning notices on properties up for rezoning, changing the requirement from one every 100ft of the road frontage of the property to one sign on every side of a property that fronts a road or street. This also adds giving 10 days notice to adjoining property owners.

The Planning Commission discussed the current signs and their size/viewability. Mr. Williams noted that the signs currently used are standard zoning signs that are used by other local governments.

Jack Cantey made a motion to recommend this ordinance change to City Council. Will Dillard seconded. After no discussion, the motion passed 5-0.

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

Mr. Williams noted that he has drafted a version of the Comprehensive Plan (a “staff-edited” version) based on previous comments by the Planning Commission. The Planning Commission reached a consensus that the best plan of action would be to take this edited version and review it at home and be prepared to meet again to consider it.

Mr. Andy Smith noted that the edited version was available in sections on the City’s website and Mr. Williams noted that, alternatively, he was happy to provide an electronic version to anyone who needed it on a flash drive. Mr. Cantey encouraged everyone to review this document and be prepared to reconvene and walk through it together from the beginning.

Mr. Williams encouraged the Planning Commission to pay particular attention to the future land use map, particularly given contentious recent rezoning discussions at the city.

7. Adjourn

Mr. Gentry made a motion to adjourn.

Respectfully Submitted,

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