



**Forest Acres Planning Commission  
Minutes  
June 18, 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 6:05PM and noted that there was a quorum. Mr. Gentry, Mr. Ralph Bailey, Ms. Beronica Whisnant, Mr. Ellis Creel, Mr. Will Dillard, Mr. Jack Cantey, and Mr. Stephen Powell were present.

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

**II. Approval of Minutes**

- 1. March 19, 2019**

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

**III. New Business**

**IV. Old Business**

- 1. Continued discussion of Planned Development District regulations**

Mr. Greenwood began discussion by noting that staff had reviewed language from the prior drafts of the proposed PDD ordinance, given discussion from the prior meeting, and added Mr. Dillard's proposed checklist. He also noted that he brought a recent PDD application to the meeting so that the Commission could see how an application would "work" under the new ordinance, application, and checklist.

Mr. Greenwood noted that we do have to come up with better language on signage because simply saying that it must conform to our sign regulations in the zoning ordinance is too restrictive for a true PDD, as was just noted with the Cardinal re-development. Mr. Greenwood recommends allowing parameters with percentage-caps rather than hard number caps. He further noted that staff will work on this and bring this back to the Planning Commission. Ms. Whisnant asked about how signage for shopping centers are currently handled and Mr. Greenwood noted that we recently considered a variance with Lowes Foods because the zoning ordinance doesn't currently use percentage caps. Mr. Gentry noted that development is moving away from major anchors and to boutique shops; we need to take that into consideration with

whatever approach we take to signage. Mr. Greenwood concurred and noted that the sign ordinance itself needs to be updated to reflect modern development trends; we could leave the current signage language in the PDD (i.e., signage will not conflict with zoning ordinance) and change the language in the sign ordinance first.

Mr. Greenwood noted that we may still want to create specific guidelines for infrastructure, plat approval and site approval, but typically those are handled in land development regulations. Our current land development regulations are over 25 years old and probably need to be updated. They set forth the procedures under which a developer builds within the city. His recommendation is to keep the PDD ordinance streamlined and refer to the land development regulations (which will soon be updated). Mr. Gentry asked and Mr. Greenwood noted that the land development regulations will be among the next things the Planning Commission needs to consider (in addition to sign ordinance and cluster/group housing).

Mr. Greenwood noted that lighting is addressed in the checklist proposed by Mr. Dillard, so we didn't think we needed specific language in the ordinance. Mr. Gentry noted that he would like to see some metric that determines "increase" in lighting.

Mr. Greenwood then addressed what should constitute a "major change" with respect to building size. As written, any change of 10% to any building would constitute a major change. Mr. Gentry noted that most plans are made without engineering and engineering often results in unanticipated changes (like Tuscan Gardens recently experienced). The question is what percentage constitutes a "major" change. Mr. Gentry noted that the key is "impact" on the site, not necessarily footprint. Mr. Dillard noted that we're trying to avoid too much gray area for staff in determining what constitutes "major", so we probably do have to put a number on the change. Mr. Greenwood noted that we need to write it such that anyone (i.e., future Planning Commission members and city staff) can understand and interpret. Mr. Dillard noted his concern with item number 10 under "Site Development Plan", because he thinks that its incumbent upon the city to make sure anything promised in a Planning Commission meeting becomes part of the plan. He said that he'd be happy with a % limit (say 10%) with the clause "or if the Zoning Administrator determines its major..." or the like rather than #10 as written. Mr. Gentry noted that the ambiguity around changes promised during a meeting could be alleviated by requiring site plan at the Planning Commission. The Commission members discussed examples of public concern expressed in meetings and developer responses to such concern and how those fall into the question of subsequent major/minor changes. Mr. Dillard noted that there will always be ambiguity, failure of memory, etc. His opinion is that we develop guidelines that are as clean as possible for staff determination and then allow developers to use the appeal process. The consensus was that item #10 is too broad. Ms. Whisnant said her opinion is that the hard percentage of 10% is appropriate. Mr. Gentry and Mr. Cantey noted that we should avoid relying on what was said in meetings and place emphasis on written submissions. Mr. Greenwood noted that the Planning Commission could require any changes during development, engineering and construction be submitted in written form. Mr. Cantey asked and Mr. Greenwood noted that the Planning Commission can make a motion that approves a plan with a certain stipulation (e.g., "to include an 8-foot wall along a certain property line..."). The Planning Commission can also require the developer to come back with a written plan showing a change that comes out of meeting discussion (and can call a special meeting to hear it). The general consensus was that

10% (or anything that the Zoning Administrator considers a significant impact on the site) is appropriate threshold for a major change and that item #10 should be made less ambiguous or eliminated. Mr. Greenwood reminded the Commissioners that even minor amendments get reported to City Council with public notice on the agenda and a 30-day appeal period.

Mr. Greenwood noted that the draft updated PDD document shows that the appeals process goes back to the Planning Commission, rather than the ZBA (as the current PDD ordinance requires). Mr. Dillard requested that the City Attorney be consulted on this and that there is clarity on where final determination lies (Planning Commission or a two-part appellate process with ZBA involvement) before an appeal would move beyond the City and go on to Circuit Court.

Mr. Greenwood then discussed the language of recording PDD determinations with the Richland County RMC office. He noted that not all PDD changes would need to be recorded and that we'll need to clarify which changes do need to be recorded (e.g., change in district boundaries or relocation of a stormwater drain in *as-built*s) and which don't (e.g., minor amendment such as signage changes). Staff will research this some more.

Mr. Greenwood invited Mr. Dillard to discuss his proposal for a checklist. Mr. Dillard noted that PDD's are designed to encourage innovative site design, but the trade-off is that the developer has flexibility. He noted that his primary concern for Forest Acres is to allow flexibility while making sure the developer is, to the extent possible, protecting existing residential areas from impacts. He thinks his proposed checklist would function as a list of guidelines (with "yes" or "no" answers) and that none of it would be mandatory. He said developers should explain, though, if they don't meet the suggested guidelines in the checklist. He also noted that the details of the checklist could be changed by the Planning Commission, but he offers the existing list as a jumping off point for discussion. This list would encourage buffering, lessened noise impact, avoidance of high intensity uses next to existing residential, preservation of existing trees, etc. Mr. Dillard sees this as an extension of the Comprehensive Plan. His intent is to encourage protection of residential areas and help developers understand what the City's overall planning concerns are.

Mr. Creel noted that he thinks a questionnaire could speed up the approval process, because developers will know up front what they should address. Mr. Gentry noted that we want to make sure not to turn developers off to possibilities entailed in a given site; he noted that this shouldn't be seen as an attempt to shut down all commercial development. Mr. Dillard noted again that the specifics of the list could be adjusted to reflect the Commission's wishes with respect to developers. Mr. Cantey noted that he doesn't like the idea of a questionnaire because the questions are part of the process already; he later noted that perhaps they could be open-ended questions (e.g., "How are you going to address X...?") rather than yes/no questions. Mr. Gentry noted his concern that a questionnaire will be interpreted by the public as a law rather than guidelines. Mr. Dillard noted that perhaps we should be clear that this is not legally binding and that the intent is to help developers address matters that will come up at Commission meetings. Mr. Greenwood noted his opinion that from a staff perspective, the questionnaire, if well constructed, could be a benefit to the City in the process; he also

noted that it could help the public have correct information. Mr. Gentry reiterated that it's good to give guidelines, but not in a manner that inhibits development overall. Mr. Greenwood noted that the questionnaire wouldn't have to be part of the PDD ordinance, but could be simply a procedural matter (with the questionnaire/checklist appended to the PDD application and that the questionnaire/checklist could be easily updated by the Planning Commission). He noted that a good bit of public feedback about recent PDD rezonings was that many felt like they weren't aware of all of the issues and how the process works. He further noted that this PDD ordinance amendment is attempting to ensure the following three things (and that a potential questionnaire should be crafted to help with these):

1. Developers have better idea of what to expect
2. Citizens have better idea of what's going on in the process
3. Planning Commission has the information it needs to make a recommendation

Mr. Gentry offered the example of the Cardinal PDD application by the Beach Company as one in which the City's PDD ordinance, along with public input and Planning Commission process, worked fairly well (despite some opposition to the plan). Mr. Greenwood noted that the Cardinal project was fairly large for Forest Acres and the amendments to the PDD ordinance now under consideration will help smaller developers, who don't have the same resources as the Beach Company, to know what to expect from the process and to know how to prepare. Mr. Greenwood reminded the Commission that the interaction between a developer and the Commission takes on the character of a negotiation and, further, that a developer can still move forward to City Council without a Planning Commission recommendation.

Mr. Dillard requested that, at whatever meeting of the Planning Commission the final amended PDD ordinance is decided on, the substance of a questionnaire be considered even if not everyone agrees that we should have a questionnaire. Mr. Cantey reiterated that he would be much more comfortable with a questionnaire that's open-ended rather than one that has a yes/no format (i.e., the developer can leave the question blank if they wish).

Mr. Gentry noted that the Planning Commission submitted a Comprehensive Plan to the Council which they then approved. He further noted that the Commission works at the pleasure of the Council, but that they are not otherwise bound by anything political. They should be making decisions based on the Comprehensive Plan.

Mr. Greenwood clarified that by the next meeting a final version of the amended PDD ordinance will come before the Commission and that the Commission will need to clarify the substance of a checklist before then. Any final version of the amended PDD will go through the City Attorney for review.

## **V. Adjournment –**

Mr. Cantey made a motion to adjourn; Mr. Baily seconded. Motion passed. Meeting adjourned at 8:02p.

Respectfully Submitted,

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