



**Forest Acres Planning Commission  
Minutes  
June 14, 2017 6:00 P.M.  
Forest Acres Council Chambers  
5205 N. Trenholm Rd.**

**1. Call to order - determination of a quorum; Point of order.**

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, and Joe Gentry. Jack Cantey, Pendleton Grove and John Boylston were absent.

Mr. Gentry noted that several key points were raised at the first meeting discussing the rezoning request of 5103 Trenholm Rd., and that he would not entertain those points again since the Planning Commission was already aware of them. He noted that the Planning Commission did not feel comfortable at its prior meeting making a recommendation on the rezoning request and took the matter under advisement which is why the current meeting was needed.

**2. Request of Bryan Wingate, to rezone 5103 Trenholm Rd. (TMS 14013-03-16) from Single Family Residential District (R-1) to Office and Limited Commercial District (C-1).**

At Mr. Gentry's request, Mr. Williams, City Administrator, introduced this item. Mr. Williams noted that one of the key issues that came up at the last meeting was the question of restrictive covenants that applied to the Jackson Heights development and a court case from the 1960s that might have relevance. Mr. Williams noted that the City Attorney has been in conversation with the applicant's attorney and that we don't currently have information to resolve that question, but the applicant's attorney is planning to explain what he thinks the existence of the covenants means for purposes of the current rezoning request.

Mr. Gentry invited Mr. Bob Fuller, the applicant's attorney, to speak. Mr. Fuller noted that he and the applicant believe that the information provided to this point (namely at the last meeting) was sufficient for the Planning Commission to make a decision on this matter, the question of covenants and a 1960's court case notwithstanding. Mr. Fuller notes that he believes that the covenants and the case are not applicable but that, in any event, the Planning Commission is not the forum to resolve that question. Mr. Fuller contends that the property in question is not now and never was part of the Jackson Heights development plan and, as such, is not governed by any covenants that were put in place over the years. Mr. Fuller then noted that the restrictions from the court case mentioned may apply to the property in question, but that they were not heeded or invoked when the lots adjacent to the property in question were subdivided and rezoned in the past. Mr. Fuller noted that it is

his position (and that of his client, the applicant) that the Planning Commission has enough information now to make its decision for recommendation to City Council; they do not intend to present any new information.

Mr. Gentry restated the Planning Commission's position on the public's involvement in meetings. As in the prior meeting, he noted that this was not a public hearing, but simply a rezoning request to be heard by the Planning Commission. He noted that, nevertheless, it has been the practice of the Planning Commission to allow people in the audience to speak, particularly when the issue at hand had an element of disagreement. He noted that people were invited to speak for a short period of time as long as comments aren't repetitive. He again discouraged comments that were raised in the prior meeting.

Mr. Gentry asked for those opposed to the rezoning to speak first, encouraging the delegation of one or a few spokespersons:

- A resident from Clemson Ave. for 47 years noted that she's seen a lot of growth in the neighborhood – from Crayton Middle, St. Martin in the Fields preschool, city parks, etc. She noted that she's concerned primarily with safety of children and pedestrians in the area. She also noted a concern with property values that comes with increased traffic.
- A resident who lives on the corner of Citadel Ave. and Chicora St., noted that her concern is that this rezoning will lead to further rezoning down Trenholm Dr. toward Chicora (i.e., slippery-slope). Increase in traffic is a danger to the quality of the neighborhood.
- A resident on Winthrop Ave. noted that her road is already a cut-through for traffic and that this rezoning would only make that worse. She asked if there's any attempt to install speed humps or other precautionary measures. Mr. Gentry noted that that might be a good matter to bring to City Council
- A resident from Coker St. is concerned about the aesthetics and having to see a commercial business as a neighbor.
- A resident also from Coker St. is concerned about congestion at the intersection of Forest Dr. and Trenholm Rd., which causes people to treat Coker and Clemson as cut-throughs—creating increased traffic and potholes. He's also concerned that the City seems to be considering the needs of one person (the applicant) over that of many others (i.e., those in the neighborhood). Mr. Gentry noted that the Planning Commission's job is to follow the overall Comprehensive Plan for the city, and while they're not insensitive to the desires of residents, it's not their function to take a vote of the neighborhood.
- Another resident from Coker St. noted his concern that future growth consistent with comprehensive planning might squeeze them out of their current homes. He's worried about degradation of the neighborhood and decline in property values.
- A resident from Citadel Ave. responded to Mr. Fuller's comments regarding the fact that two lots subject to the 1960s court case had already been rezoned commercial; she noted that this shouldn't have any bearing on the current rezoning question. Mr. Gentry noted that the Planning Commission would be making a non-legally-binding recommendation to City Council, with respect to overall city comprehensive planning, only and wouldn't be able to address these legal matters directly.

- A resident from Coker St. noted that this particular parcel is integral to the Jackson Heights neighborhood as an “entrance” to the neighborhood in a way that the dentist office next to it and the other parcels from there to Forest Drive are not. She then questioned how the two lots mentioned by Mr. Fuller have any bearing on this particular parcel and how rezoning this lot would help the city meet its master planning objectives.
- Another resident from Coker spoke in opposition asking the Planning Commission to consider the overall effect on the neighborhood.
- A resident asked whether the city’s intent was to extend commercial zoning to Chicora. Another resident, two houses down from the parcel in question, followed that by asking whether the matter should be tabled until the question of whether commercial zoning should extend to Chicora is answered. Mr. Gentry noted that the Planning Commission would, in the current meeting, only be considering the rezoning of the parcel in question based on whether that rezoning was consistent with the Comprehensive Plan.
- In response to comments from another resident, Mr. Gentry noted again that the Planning Commission wouldn’t entertain petitions.

Mr. Gentry asked for those in favor of the rezoning to speak, encouraging the delegation of one or a few spokespersons:

- A resident noted that she’s lived in many areas around the world, including Cary, NC and Raleigh, NC which have seen significant growth. As a result of good planning in those areas, growth was managed and property values increased. She sees the same things happening here. She acknowledged that it’s scary, but that with cooperation it can work and benefit everyone.
- A resident on Wofford noted that the property in question is on Trenholm Rd which has commercial activity. He noted that he’s a retired physician and his wife is a dentist and that a dental office typically produces two cars an hour per dentist, which is not significant. He noted that this type of use for the parcel would actually shield the neighborhood rather than put a blight on it.

The Planning Commission then engaged in its own discussion. Mr. Ralph Bailey asked for further discussion on driveways (i.e., ingress and egress). Mr. Fuller noted that the SC DOT controls Trenholm and Coker and, as such, they determine where any access might exist. They will not allow access to Trenholm Rd., because of existing ingress/egress points for Trenholm Plaza and Coker Drive prohibit that according to the DOT. Dr. Wingate has extensively discussed the feasibility of “directing” traffic leaving the parcel away from the neighborhood and toward Trenholm Rd. in order to minimize the traffic load on the neighborhood. Ms. Dodenhoff, a resident, noted for the record that Alison Lockhart, owner of the adjacent commercial property, didn’t agree to share ingress/egress because of her own concerns about her own property and its retention pond. Mr. Dillard asked Mr. Williams to clarify that the City Attorney had been briefed on the issue of restrictive covenants and that the determination is that that issue is not something the Planning Commission have jurisdiction over (i.e., that their only duty is to determine zoning use not the enforceability of restrictive covenants). Mr. Williams confirmed that that’s correct.

Mr. Dillard made a motion to approve the application (i.e., recommend to City Council that the parcel be rezoned in accordance with the application). The motion was seconded by Ralph Bailey. Mr. Gentry asked for discussion. Mr. Dillard noted that he understands the traffic concerns and that he sees that as a general concern for the neighborhood and the city. He does not see, though, that this one change will impact traffic. He also noted that the issue of creeping commercial use up Trenholm Rd. is important and that the transition of commercial to residential along Trenholm should be discussed and considered by the Planning Commission and the broader community, but that he does not see that this property is the natural place to terminate that commercial use. Rather, this property and its proposed use seems to be a good buffer between commercial and residential. Mr. Gentry notes that it took the Planning Commission a long time and much work to develop the Comprehensive Plan. He noted that meetings around its consideration and adoption were noticed and open to the public but there was very little public input, but that when an opportunity arises to follow the plan through this type of rezoning that there is significant push back. He's not insensitive to residents' concerns but noted that planning endeavors really need the involvement of citizens. Mr. Dillard noted that we're looking now to update the 2009 Comprehensive Plan, including the land-use map, but that ultimately these are political decisions handled by City Council; he encouraged citizens to get involved in the process from Planning Commission on through to the City Council.

Mr. Gentry called for a vote on the motion. The motion passed unanimously.

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 21.146 HOME OCCUPATIONS OF SAID CODE; PROVIDING FOR ADDITIONAL REQUIREMENTS.**
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 21.7.2 PARKING AND STORAGE REQUIREMENTS OF SAID CODE; PROVIDING FOR CHANGES IN RESIDENTIAL DISTRICTS.**

Mr. Gentry noted that these items would be deferred until a future meeting.

6. **Adjourn**

Mr. Gentry made a motion to adjourn.

Respectfully Submitted,

---

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