



**Forest Acres Planning Commission
Minutes
June 16, 2020
Zoom – Virtual Meeting
6:00 PM**

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. Ellis Creel, Mr. Jack Cantey, Mr. Will Dillard, Ms. Beronica Whisnant, and Mr. Stephen Powell were present via Zoom. Mr. Ralph Bailey 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. May 19, 2020**

Mr. Cantey made a motion to approve as written. Ms. Whisnant seconded. Motion passed unanimously.

III. New Business

- a. Minor Amendment Application – A request by the Beach Company to subdivide the existing PDD at the Cardinal Crossing. Staff has approved the request and is notifying the Planning Commission for the official record.

Mr. Gentry asked for questions or comments. There were none. Mr. Gentry noted for the record that the Planning Commission was properly notified of this request and staff approval.

IV. Old Business

1. Text Amendment – A request by City Staff to amend City of Forest Acres Zoning Ordinance related to: the definitions of Accessory Structures, Cannabis Products, and Hemp; C-2, C-2a, C-3, C-4, and C-5 District Regulations; and Minimum Land Area requirements for change in zoning district or creation of new zoning district.

Mr. Greenwood noted that staff has done additional research on these proposed changes since the last meeting.

For Minimal Land Area (Sec. 21-272), the City was looking at the potential to add language to the Zoning Ordinance to allow down-zoning of properties contiguous to R-3; the proposal is to allow down-zoning to R-2 rather than strict R-3 only. Mr. Greenwood noted that this has come on the heels of several recent requests to rezone property to more intense zoning than R-1, but without the needed density of multi-family R-3. Mr. Greenwood noted staff's only real concern is that allowing this sort of transitional possibility between existing R-1 and R-3 zoning in some areas of the City could impact the overall character of the neighborhood. **Without discussion, Mr. Dillard made a motion to recommend to Council approval of this language as presented; Mr. Creel seconded. The motion passed unanimously.**

Accessory Structures. The City was discussing size and setbacks given recent requests. Staff and the City Attorney discussed the fact that the concerns are mostly about side setbacks, so the recommendation is to leave the rear setback at 5-feet. Accessory structures would also be subject to a 5-foot side setback *unless* the accessory structure exceeds 750 sq. ft, in which case it would have to have the same setback as the principle structure. With respect to regulating the height of accessory structures: at the last meeting, there was concern that an accessory structure should be allowed to match the roof line of its primary structure while another concern was that an accessory structure should not be visible over the top of a primary structure from the road. Mr. Gentry noted that neighborhood character is subjective and that we don't have a design review board. There was discussion about the role of the Zoning Ordinance for establishing a framework, with the variance process used for hardships. City Attorney, Lee Holloway, noted that it's possible to introduce a graduated schedule (i.e., the larger the setback from the property line, the higher and/or larger the accessory structure could be). Mr. Cantey suggested making a simple requirement that an accessory structure can be no higher than the principle structure. There was then discussion about how lot topography might affect this. Mr. Dillard introduced the idea of speaking in terms of *elevation* of the roof (i.e., accessory structure height can't exceed elevation of height of principle structure). Mr. Cantey noted the problems of having a lot that rises in the rear, but further noted that this would be a grounds for a variance. Mr. Dillard suggested using elevation of the primary structure as a threshold or 15 feet from ground to peak of accessory structure (whichever is greater). Mr. Greenwood noted that staff and Mr. Holloway would work on that language and bring it back to the Planning Commission.

Cannabis products. The Planning Commission previously posed questions about regulating CBD uses. If the Commission addresses the definition in 21.3, it will apply to all of the commercial zoning categories. Mr. Creel had asked about whether its possible to regulate the method of use (e.g., vaping accessories) without regulating the product itself (Cannabis-based products). Mr. Holloway noted that he doesn't think that there's a way to make that distinction when regulating. Mr. Dillard noted that the proposed existing language does a good job of balancing his concerns while allowing existing uses to continue. Mr. Cantey clarified that the proposed language states that in C-2, and C-3, we will be limiting the floor area (%) allowed for the sale of such products while C-4 will allow for the sale of such products without floor area limitation. Mr. Cantey asked about the sale of such products in doctor's offices. Mr. Creel then extended that question to included massage therapists and physical therapy. Mr. Dillard suggested inserting the same provision proposed for C-2 to C-1, acknowledging that medical practices and similar enterprises will likely want to sell CBD products. That was the general

consensus. **Mr. Cantey made a motion to keep the language for C-2, C-3, and C-4 and add a similar recommendation to C-1 and recommend these changes to Council. Mr. Creel seconded. The motion passed unanimously.**

C-5 changes. Mr. Greenwood noted that staff put together a memo to clarify the justifications for the proposed changes to C-5, in light of Forest Drive corridor plans and the overall vision for the City. The Planning Commission also had questions about the legality of these changes. Mr. Holloway was available to discuss this. Mr. Dillard and Mr. Holloway discussed the potential need to have this discussion in executive session. The consensus was to proceed without executive session and to speak generally about the issues at stake and only go into executive session if necessary. Mr. Cantey and Mr. Gentry noted their continued concerns with changing provisions to C-5 at the current time. Mr. Dillard noted that we tend to think of this as a particular parcel, but that it's really a zoning district and that's how we have to look at it. He noted that some of the proposed changes seem to be trying to avoid any single use dominating redevelopment of a C-5 property. He thinks that it's not unreasonable to consider such changes – to put in additional guidelines, but to continue to allow a wide range of uses. Mr. Gentry noted his concerns about placing too much restriction, especially given the timeline of the City's adoption of C-5 zoning. Mr. Holloway noted that the current C-5 parameters were put in place in 2012, in part with the input of developers, to spur redevelopment of a site. That anticipated redevelopment has not happened. Mr. Dillard and Mr. Holloway noted that the current C-5 zoning may best be redeveloped as a PDD, regardless. There was some confusion regarding the way limits on uses would be applied within C-5 zoning (e.g, by the entire zone, as in a PDD, or by parcel), given the current language. The general consensus was that staff and the City Attorney needed to look at this particular matter further, to consider the implications of either option, and reintroduce the topic at the next meeting.

Mr. Dillard noted that the earlier motion on CBD/Cannabis didn't consider C-5. He wanted to know if the Planning Commission wanted to consider/clarify this. Mr. Greenwood suggested waiting and including it in an overall motion about C-5 at the next meeting. The Planning Commissioners concurred.

V. Adjournment –

Mr. Cantey made a motion to adjourn; Mr. Dillard seconded. Motion passed unanimously. Meeting adjourned at 7:28p.

Respectfully Submitted,

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