



**Forest Acres Planning Commission
Minutes
March 19, 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, 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. January 19, 2019**

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

III. New Business

- 1. Annexation request**

A request by the owner to annex property at 4644 Sylvan Drive (TMS 14115-03-06) and to establish R-1(Single Family) zoning.

Mr. Greenwood noted that with annexations the City needs to establish zoning, which requires a recommendation from the Planning Commission. The property owners are requesting to come into the City with the same zoning as adjacent properties, which is R-1.

Mr. Dillard made a motion to recommend to City Council R-1 zoning for this property. Mr. Creel seconded. The motion passed unanimously.

- 2. Minor Amendment updates to Cardinal Crossing**

Mr. Greenwood noted that there are two minor amendment applications with respect to the Cardinal Crossing property.

The first is that they wish to replace a planned temporary roof over an outdoor seating area with a permanent, covered area. This requires the relocation of two parking spaces. Mr. Powell asked and Mr. Greenwood confirmed that they're not

losing any spaces, just relocating. As a minor amendment, the staff has discretion to approve this and has done so. Mr. Greenwood noted that there's a 30-day period during which an aggrieved party can appeal any minor amendment decision to the ZBA.

The second Cardinal Crossing minor amendment has to do with signage. In the PDD, the developer adopted the City's sign ordinance. The ordinance does not address mixed use sites well with respect to temporary signage or major tenants. They want a temporary fence wrap which will advertise their development with a proto-type rendering and some graphics. This will shield Forest Drive from construction dirt and debris. Mr. Dillard asked and Mr. Greenwood confirmed that this would just be during the construction phase. Mr. Gentry asked and Mr. Greenwood confirmed that the sign would be solid but slotted to allow wind to come through. Further, the developer is asking to be treated as a "shopping center" as defined in the sign ordinance. This will allow signage similar to the adjacent Forest Park shopping center wherein there is an anchor tenant (Lowe's Foods) with larger signage based on overall retail square footage and smaller signage for the smaller tenants. In Cardinal Crossing's case, they're asking that the apartments, while not retail, be treated as the "anchor tenant" with the larger signage and the smaller retail establishments will have signage in conformity with the sign ordinance's treatment of smaller tenants in shopping centers. Mr. Greenwood noted that he conferred with the City attorney and reviewed minutes from the PDD public meetings (looking for any specific discussion about signage that would render this a change in the character of the development) and, through that process, determined that this is not a change in character and, therefore, constitutes a minor amendment. Mr. Gentry noted for the minutes that, while this was presented to the Commission for information and no formal vote is necessary, there was no opposition to these administrative decisions from the Planning Commission.

3. Minor Amendment updates to Tuscan Gardens

Tuscan Gardens would like to make the footprint of their main building smaller and make their stormwater plan more efficient. Now that they're done with the "hard engineering", they determined that this smaller building and fewer parking spaces was most efficient. Mr. Greenwood noted that the number of units stays the same but some of the common areas will be smaller than anticipated. They've also determined that a single, more efficient stormwater retention pond will be more appropriate for the site. They're not infringing upon the floodway, the large buffers to adjacent neighborhoods established in the PDD, or the front setback. Because of this and that they're reducing the overall footprint, this is a minor amendment and has received staff approval.

IV. Old Business

1. Continued discussion of Planned Development District regulations

Mr. Greenwood noted that the Commission now has a draft of the changed PDD ordinance, based on comments from discussion in previous Planning Commission meetings and ordinances from other cities. Mr. Greenwood noted that he wants the Commission to let staff know if they're on track and that next steps would be a mock PDD application to see how it would work with the new ordinance. There are some areas that need clarification (highlighted in the draft).

Mr. Cantey noted that, in general, he thinks the ordinance should be set to delegate as much as possible (e.g., site plan and plat approval, infrastructure bonding) to the staff level with provision for the applicant to appeal administrative decisions to the Planning Commission. Mr. Creel and Ms. Whisnant concurred, noting that staff is competent and requiring a developer to continually come back to the Planning Commission slows down the process.

Mr. Greenwood noted that in the revised ordinance, the intent is for the plan to be a lot less conceptual when it reaches the Planning Commission and certainly when it makes it to City Council for approval than is sometimes the case under our current ordinance. Changes to the plan from that point forward will be more clearly defined and can be categorized as major or minor.

Mr. Dillard noted that for purposes of zoning, the Council meeting is final but asked where approval is granted if there's a subdivision question. Mr. Greenwood noted that the subdivision question is really one of ownership at that point and is not something that necessarily needs "approval" by the City. Mr. Smith noted that, to avoid confusion, perhaps we should change the language in the District Regulations section to say *preliminary* plat approvals and *preliminary* site plan with staff review during a pre-application conference with developers; then, the final plat and site plan are part of the developer's formal application process, with the *overall* application subject to Planning Commission recommendation and Council approval. Mr. Dillard recalled a previous instance where a developer came before the Planning Commission with a preliminary plan that wasn't well thought out. He asked, and Mr. Greenwood confirmed that this revised PDD ordinance intends to avoid this situation. The developer will have to reach a certain point in the process (i.e., meet a specific set of criteria) before receiving a hearing from the Planning Commission. Mr. Greenwood noted further that, since the Public Hearing is the next step after the Planning Commission, the plan should be substantively complete when it reaches the Planning Commission. Mr. Cantey and Mr. Greenwood noted that with the updated ordinance we're trying to be as clear as possible with developers up front before they reach the Planning Commission while also allowing the Planning Commission to evaluate the character of the proposed development and make a corresponding decision (even if the developer meets all of the technical guidelines).

Mr. Dillard asked if a change between Planning Commission recommendation and Council approval would require a re-hearing by the Planning Commission. Mr. Greenwood noted that it depends. If Planning Commission's recommendation was conditioned on the change, then it wouldn't require a re-hearing. Mr. Gentry asked what would happen if the change wasn't a condition for recommendation, but it was a "decrease" in intensity/intrusion (e.g., decrease in retail space), would it have to come back to the Planning Commission. Mr. Greenwood noted that as long as it was "less" than what was recommended, it would still move forward to Council. Mr. Greenwood noted that there could still be a form of "negotiation" between the developer and City Council after Planning Commission's recommendation. This wouldn't happen at the public hearing, but at the first or second reading; the public has to have heard and have been able to comment on the plan as approved without any substantive change.

Mr. Creel asked about the proposed 45-day timeline from the Zoning Administrator's determination that the application meets requirements to Planning Commission's

hearing. Mr. Smith noted that currently it's 30 days, but 45 allows for scheduling flexibility. Mr. Creel asked about 60 days and Mr. Greenwood noted that 60 days is really too long for a "reasonable" timeframe from the standpoint of due process.

Mr. Dillard noted that he'll work on a proposed "checklist" as an attachment to the PDD application. The Commission members saw no problem with making a reference to such a checklist in the ordinance.

Mr. Greenwood noted that we made a list of specific major changes and asked if the Commission was ok with the list. In particular, the question of how we should address increases in lighting was noted. Mr. Gentry said that his understanding is that we would tie this provision to a photo-metric grid study and anything that would increase light pollution on neighboring properties. He noted that they can keep lighting to the lot line with down lighting, etc. Mr. Smith asked if a lighting study should be part of the design criteria in the site plan in the original application and added to the lighting item in the major change section of the ordinance. The Commission discussed that it should be part of both. Mr. Dillard asked if it should be included in general development standards for all commercial property (including those not in a PDD). Mr. Greenwood noted that there is a general note in the ordinance that you have to control your light pollution, but that there's no reference to a study. He noted that when we redo our land development regulations that we could add language requiring a study.

Mr. Greenwood notes that in the current ordinance, the ZBA hears any appeals of the decision of the Zoning Administrator regarding a minor amendment. He notes that the ZBA will not have heard anything about the PDD to that point. He noted that perhaps this should change to allow appeal to the Planning Commission; Commission was in general agreement. Mr. Greenwood noted that there would be opportunity to appeal beyond the Planning Commission, as well.

Mr. Greenwood noted that we'll look into the question of whether a PDD needs to be recorded in the RMC office for Richland County and whether this requirement for zoning and building permits needs to stay in the ordinance.

The Commission and staff discussed the "Failure to Begin... Make Adequate Progress. Complete" section and noted that there's not much that can be done to the language to make it stronger.

Mr. Dillard asked, and Mr. Greenwood confirmed that the "Boundary Change" subsection in the Major Changes section of the ordinance refers to adding or taking away acreage or reconfiguring the external boundaries of the overall parcel, not necessarily uses within the PDD.

Mr. Cantey asked about the 2-acre requirement and whether additions to an existing PDD have to be 2-acres in size. Mr. Greenwood noted that additions adjacent to an existing PDD don't have to be 2-acres; the overall PDD does. Mr. Greenwood further noted that the original PDD standards apply unless the major change to the original PDD (which would be needed to add the new section to the PDD) specifically excludes them from the added section. Mr. Greenwood noted that when property is added to an existing PDD, it's done so by major amendment and that major amendments essentially creates a new overall PDD and goes through the same review process as a new PDD.

V. Adjournment –

Mr. Cantey made a motion to adjourn; Mr. Dillard seconded. Motion passed. Meeting adjourned at 7:02p.

Respectfully Submitted,

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