



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

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

II. Approval of Minutes

- 1. April 21, 2020**

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

III. New 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 introduced this topic. He noted that this is an accumulation of a number of items in the Zoning Ordinance that staff and Council determined needed review and consideration for change. Much of this has been identified over the last few years.

- The first topic is the definition of ‘accessory structures’. Mr. Greenwood noted that most cities have 5-ft side-setback (rather than our 3-ft. side setback). He noted that some cities establish the setback as the same as the primary structure while others established setbacks by size (e.g., if the accessory structure is over a certain size, it must meet the same setback as the primary structure). We also measure the height of the structure to the eave of the roof, which means that the pitch and height of the roof itself are not considered. The proposed changes to accessory structures would establish a 15ft overall

height, a standard 5ft side setback, and would require the same side setback as the primary structure if the accessory structure is over 750 sq ft. Mr. Cantey noted his concern with the 15-ft height limit, because many accessory structures are built to match the primary structure (including pitch of the roof). Mr. Greenwood asked if establishing a standard that linked the height of an accessory structure to that of the primary structure (rather than a strict limit to the height at the peak) would be better. Mr. Cantey noted that, depending on the wording, this would address his concerns. Mr. Creel noted his concern with the fact that accessory structures can't be placed in the side yard [*note: Mr. Greenwood initially noted that accessory structures were explicitly prohibited in the side and front yard and that placement on the lot is therefore not eligible for a ZBA variance, but later corrected this to note that this placement wasn't prohibited by the zoning classifications but rather established by definition and is therefore eligible for ZBA variance consideration*]. Mr. Gentry and Mr. Cantey expressed their interest in not being too restrictive with residential accessory structure height and size, with a preference for trying to allow accessory structures to match existing primary structures. Ms. Whisnant noted that at the least, the accessory structure should be no higher than the primary structure (emphasizing visual appeal from street level). There was some discussion about the effect lot-slope would have on these limits. Mr. Greenwood noted that staff would do research to try to bring an example that relates the height of an accessory structure to a primary structure. Mr. Dillard recommended that staff work closely with Mr. Gentry and Mr. Cantey as construction subject-matter experts.

- The second topic is whether and how to regulate cannabis products in the City. Mr. Greenwood noted that the City Attorney defined cannabis product in the proposed changes. He noted that in the current draft, cannabis sales wouldn't be allowed in C-1, but would be allowed (but limited to square footage of floor area) in other commercial districts. There was discussion about the regulation of CBD and the fact that many different types of retail establishments are selling it (e.g., conventional pharmacy chains, whole foods stores, etc.). Mr. Powell noted his interest in focusing in on the vaping aspect of these products, given that CBD itself is available and legal nationwide. Mr. Creel concurred that the important distinction to try to make is between vaping and non-vaping CBD products rather than floor area of sales within an establishment. Mr. Dillard asked and Mr. Greenwood confirmed that existing establishments would be grandfathered in. Mr. Dillard wanted to make sure that the City makes clear *why* any CBD regulations are put in place. Mr. Greenwood noted that he will ask the City Attorney to come to the next meeting and have those types of discussions. Mr. Greenwood noted that he and the City Attorney have looked broadly at what other cities are doing. Mr. Dillard asked if it made sense to regulate based on proximity to certain other types of uses (e.g., schools).
- The next topic was discussion of C-5 district. This was a district created as a commercial redevelopment zone to encourage redevelopment of significant properties. Currently, only the Richland Mall property qualifies and is zoned as C-5. The proposed changes would eliminate certain uses that would not necessarily apply to commercial redevelopment – single family residential, schools, country clubs, community centers. There's also language to limit the

size of certain uses to prevent certain uses from being an “anchor” tenant – e.g., nursing/convalescent homes, lodges, hospitals/medical treatment facilities, government buildings/services. The emphasis is trying to limit any one use from taking over the enterprise zone and to encourage the highest and best use of C-5 properties overall. Mr. Cantey noted his concern that the market should determine the highest and best use of C-5 property. He wanted more discussion on the types of uses proposed for removal. Mr. Dillard noted his belief that any significant redevelopment of the existing C-5 parcels would likely be through a PDD. Mr. Greenwood noted that the current C-5 zoning is so broad and flexible that a potential developer may not have to create a PDD. Mr. Gentry noted his concern with changing the zoning right now and Mr. Powell asked for clarification on the intent of the changes, particularly whether there is an attempt to open up to new uses (e.g., beer gardens/breweries). Mr. Greenwood noted that the intent is to narrow some uses and broaden others to try to guide redevelopment in an enterprise zone in line with the current vision for the city. Mr. Cantey and Mr. Bailey noted their concerns about making these changes given the current condition of the property. Mr. Dillard noted his desire to identify specific reasons for limiting uses (e.g., the noise from emergency vehicles associated with medical facilities). [*Virginia Bolland, a resident on Bethel Church, noted her interest in encouraging such modern development trends as breweries/beer gardens*]. Planning Commissioners wanted to know more about the history of the current C-5 property – its ownership changes and when C-5 designation was enacted. Mr. Greenwood noted that C-5 currently allows a large digital sign and that has been removed in this proposal. Mr. Dillard noted his support for this change. Mr. Gentry and Mr. Cantey both noted their interest in getting more information and having more deliberation on all of the proposed C-5 changes.

- There’s also clarifying language about warehouse and storage in all commercial districts.

IV. Old Business

1. Continued discussion of Planned Development District Regulations and Application

Mr. Greenwood introduced this continuing topic and the latest version of the proposed PDD ordinance. This reflects the latest conversation at Planning Commission meetings. He noted that in researching how to implement an application process for PDDs, he discovered an application template that seems to meet all of the desires of Planning Commissioners. He also introduced a tool to help staff, Planning Commission, and Council evaluate proposed PDD plans. The goal is to make the PDD ordinance user friendly and comprehensive, while also taking into consider PDD proposals of various sizes and levels of complexity. One point of emphasis in this PDD ordinance and application is to have the applicant clearly identify how they intend to deviate from existing zoning (this is intended, in part, to help the public understand what’s at stake in the rezoning).

Mr. Dillard asked whether the template would be part of the ordinance. Mr. Greenwood noted that it would not; it would be a matter of policy rather than

ordinance. Mr. Dillard asked and Mr. Greenwood responded that such a policy would not have to be explicitly approved by the Planning Commission but that he would like the blessing of Planning Commission and Council. Mr. Gentry requested and Mr. Greenwood provided clarity on how the two documents (ordinance and application) would work together, particularly from the perspective of the PDD applicant.

Mr. Greenwood noted that there are minor changes to be made to the proposed PDD ordinance (i.e., adding section numbers, minor grammatical changes), but that it's ready for action.

Mr. Dillard made a motion to leave consideration of C-5 changes to a later meeting, but to recommend the PDD ordinance to City Council for approval. Mr. Cantey seconded. The motion passed unanimously.

Mr. Greenwood introduced the topic of "down-zoning" in residential areas (we currently allow the equivalent in commercial districts). Council has asked the Planning Commission to look at this topic. This would help transition from, for example, R-3 to R1 in residential areas. There have been several rezoning requests lately that would have benefited from this option. Mr. Greenwood noted that there's no action needed tonight, but he wanted to introduce the topic and the language for consideration. Mr. Cantey asked and Mr. Greenwood responded that this language was crafted by the City Attorney. Mr. Greenwood noted that he'll continue to research the matter and bring it back at the next meeting.

V. Adjournment –

Mr. Creel made a motion to adjourn; Mr. Cantey seconded. Motion passed unanimously. Meeting adjourned at 7:52p.

Respectfully Submitted,

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