



**Forest Acres Planning Commission  
Minutes  
November 20, 2018 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. Gentry called the meeting to order at 6:06PM and noted that there was a quorum. Mr. Joe Gentry, Mr. Ralph Bailey, Ms. Beronica Whisnant, Mr. Ellis Creel, Mr. Will Dillard, and Mr. Stephen Powell were present. Mr. Jack Cantey recused himself from the rezoning requests on the agenda and was absent. He further reminded everyone that the Planning Commission meetings are recorded.

**II. Approval of Minutes**

- 1. September 18, 2018**

The minutes were approved as written, unanimously.

**III. New Business**

- 1. Rezoning request**

*A request by the owner to rezone property at 1615 Valley Road (TMS 14005-02-04) from Residential District (R-1) to a Multifamily Residential District (R-3).*

[Mr. Greenwood and Mr. Gentry agreed to consider items #1 and #2 under new business together because, while they separate parcels, the application to rezone them is one application that includes both]

- 2. Rezoning request**

*A request by the owner to rezone property at NX1615 Valley Road (TMS 14005-02-05) from Residential District (R-1) to a Multifamily Residential District (R-3).*

- A. Opening Statement** – Mr. Gentry announced this rezoning request and invited Mr. Greenwood to speak. Mr. Greenwood noted that this is a request to rezone two parcels from R-1 to higher density R-3, which can include multifamily use. He noted that the applicant was present to make a presentation and invited the Chair to receive information directly from the applicant.

The applicant, John Blackmon, introduced himself. He noted that under current zoning he could subdivide the two parcels into 4 single family lots but wants to rezone to R-3 to allow for 6 single family lots. He notes that rezoning to R-3 is the only avenue to get there. He noted that he could deed-restrict the property before the rezoning to ensure that there would be no multifamily units. He noted that his plan is to build six (6) 2,800 – 3,200 sq ft houses with 4-5

bedrooms. The lots would be 10,000 sq. ft. He noted that these would not be patio homes. He noted recent similar house construction he's been involved in on Trenholm Rd. in and just outside of Forest Acres.

Mr. Blackmon showed the Commission a drawing of the proposed lot layout of the site.

Mr. Gentry asked for clarification regarding deed restriction. Mr. Greenwood noted that deed restriction is something that a developer can do, but that the City cannot put conditions upon requests for rezoning. The Planning Commission's recommendation to council will have to consider the zoning in totality (in this case, *all* R-3 uses); there's no legal way for the City to bind a developer to a promise to deed restrict.

Mr. Blackmon noted that he could deed restrict the property before it goes to City Council. He noted that he would not expect Council to approve R-3 for these parcels without his having placed the deed restriction beforehand.

**B. Public Comment** – Mr. Gentry invited comment from the public.

There were no additional comments in favor of the request.

There were several comments opposed to the request (with Mr. Gentry encouraging like-minded folks to aggregate their thoughts and present as a whole):

- Ms. De'wein, 2 Prior Ct., noted her concerns about the entrances and exits to the property, traffic, roads, and infrastructure (water/sewer). She's also concerned that City Council would not turn down an R-3 rezoning here (even if the deed restrictions weren't put in place in time for their meeting) if it were to come with a recommendation from the Planning Commission.
- Ms. Nye, Walden Ct. asked about access to the property – i.e., from Valley Rd. or from Groggy Lane/Yates Circle. Mr. Blackmon noted that one lot would be accessed from Groggy Lane/Yates Circle, while the remaining five would be accessed from Valley Rd., each lot having its own driveway. Ms. Nye and others noted their concern about the narrowness of Valley Rd. and the complications of adding five houses to this road.
- Mr. Bryan, Walden Ct., noted his concern about runoff. He said that Valley Rd. is bad in this regard and that there are no drains and numerous springs in the area; the water runs straight to Forest Drive. Mr. Blackmon noted that the lots will drain away from Valley and toward Yates Circle as Yates Circle is several feet lower than Valley. Mr. Greenwood also noted that, under current stormwater regulations, developers have to get approval from Richland County which requires retaining or detaining stormwater. He noted that much of the stormwater issues in Forest Acres come from development that happened before these regulations. He also noted that the developer would have to get DOT approval for curb cuts for driveways.

Mr. Greenwood further noted (in response to a resident question) that R-2 would not meet the developer's wishes because it still requires 15,000 sq. ft. lots; R-3 allows 10,000 sq. ft. lots which is what the developer would like.

- Ms. Scott, Walden Ct., asked how traffic and curb parking would work on Valley Rd. after adding 5 or 6 houses, particularly given the curve on Valley.
- Ms. McCormick, Walden Ct., noted her concern about the effect this may have on the only entrance into Walden Ct.
- Mr. Parnell, John Francis Ct., noted that from his house, he would look straight at the lots under consideration. He's worried about density in this area and the loss of trees. He noted how narrow these lots would be compared to others in the area including his own lot.
- Mr. McCutchin, Valley Rd., noted that doesn't have objection to the project but would like to see more enforcement (through police and signs) of people using Valley Rd. as a cut-through.
- Ms. Cantey, Valley Rd., noted her concern with the number of driveways and suggested driveway sharing options.

Mr. Gentry asked for comment from Commission members:

- Mr. Creel noted his concerns about the Valley Rd./John Francis Ct. intersection, the narrowness of the roads, and the prevalence of street parking in these areas.
- Mr. Bailey asked Mr. Greenwood about standard width of roads and the accessibility of emergency vehicles. Mr. Greenwood noted that firetrucks typically need at least 20 feet in width, but preferably 25 ft., but that DOT would ultimately have to approve the curb cuts and would likely take road width into consideration.
- Mr. Dillard asked if there's a reason beyond profit (which, he noted is a valid reason) for the desire to have 6 rather than 4 lots. Mr. Blackmon noted that the financial issues were the primary driver of the request to rezone, particularly the asking price of the land. Mr. Dillard noted that there was a recent rezoning and deed restriction in the area that went to R-3; he noted his concern about the Planning Commission considering deed restriction in recommending a rezoning (concurring with what Shaun said earlier). He noted the zone purpose statements for R-1 and R-3 and that he doesn't think this neighborhood matches the purpose statement for R-3 particularly given that there's no hardship under the current zoning.

### **C. Motion**

Mr. Gentry made a motion to recommend the rezoning to City Council. Ms. Whisnant seconded. The motion failed 4-2, with Mr. Dillard, Mr. Creel, Mr. Bailey, and Mr. Powell opposed.

Mr. Gentry noted that the developer's request will still go to City Council, just without recommendation from Planning Commission.

Mr. Greenwood noted to the audience that the Planning Commission is a recommending body, but that the request would still have to have an official public hearing and two readings by City Council. The City will schedule the official public hearing with proper notice given (including signs on the property), with the public having an opportunity to make comment to City Council; Council will not take a vote that night. They will take two subsequent votes.

#### **IV. Other Business**

##### **1. Discussion of Planned Development District (PDD) regulations**

After some discussion, the Planning Commission determined that they'd like to defer discussion of this until January.

There was a brief discussion about what constitutes a major amendment according to our PDD ordinance, particularly as it relates to activity at Cardinal Crossing.

Mr. Greenwood also noted that, after addressing the PDD regulations, he'd like to have the Commission review the City's sign ordinance.

##### **V. Adjournment** – Mr. Dillard made a motion to adjourn; Mr. Bailey seconded. Motion passed. Meeting adjourned at 7:15p.

Respectfully Submitted,

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