



**Forest Acres Planning Commission
Minutes
September 18, 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 6:00PM and noted that there was a quorum. Mr. Joe Gentry, Mr. Ralph Bailey, Mr. Jack Cantey, Ms. Beronica Whisnant, Mr. Ellis Creel, Mr. Will Dillard, and Mr. Stephen Powell were present. He further reminded everyone that the Planning Commission meetings are recorded.

II. Approval of Minutes

- 1. August 21, 2018**

Mr. Gentry requested that going forward the time of the end of meetings be included in the minutes.

Mr. Creel made a motion to approve the August meeting minutes. The motion was seconded by Mr. Cantey. Without further discussion, the minutes were approved as written, unanimously.

III. New Business

- 1. Rezoning request**

A request by the owner to rezone property at 3278 Bagnal Drive (TMS 14001-08-19) from Residential District (R-1) to an Office and Limited Commercial District (C-1).

A. Opening Statement – Mr. Gentry announced this rezoning request and invited Mr. Greenwood to speak. Mr. Greenwood noted that this is a request from the prior month's meeting, with the owner amending the application to request C-1 rather than C-3. He noted that while there is no C-1 parcel contiguous to the property, there is other (heavier intensity) commercial zoning contiguous to the property and our ordinance would allow this change.

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

- Ms. Patterson, the applicant and owner of the property, spoke, noting that she wants to turn the property into an office for commercial real estate and property management. She noted that there would be very little traffic associated with the proposed use.
- Ms. Buckner on Bagnal Dr. noted her continued opposition to the proposed change (and to any commercial whatsoever).
- Mr. Hottel, Bagnal Dr., asked how permanent such a change in zoning is. Mr. Gentry noted that someone could buy the house in the future and

request that it be rezoned back to residential, going through this same process. Mr. Greenwood noted that single family dwellings are allowed in C-1, so a zoning reversion would not be necessary in this hypothetical scenario.

- The applicant noted the plan is to use it as residential for the immediate future but that they hope to convert it to an office in the future.

C. Motion

Mr. Dillard made a motion to recommend to City Council denial of the zoning request. Mr. Creel seconded.

Mr. Dillard noted that his reasoning is that this is back in the neighborhood and distinguishable from other residential property in the area in that it is more affected by adjacent commercial. He noted that rezoning this parcel could be an impetus for further commercial creeping into the neighborhood. He further noted that while the current applicant's use seems low-impact, the zoning change would allow other uses in the future that could be quite high-impact. He noted that the Future Land Use map currently recommended to City Council did roll back to residential the proposed commercial zoning for these parcels that existed on the previous Future Land Use map.

Mr. Gentry called for the vote, noting that voting in the affirmative is to recommend to City Council that the rezoning request not be granted.

Voting in the affirmative: Ms. Whisnant, Mr. Dillard, Mr. Bailey, and Mr. Ellis

Voting in the negative: Mr. Cantey, Mr. Powell, and Mr. Gentry

The motion passed 4-3.

Mr. Greenwood noted that the City Council will still hear this request in public hearing and have two readings. Council will take into consideration the Planning Commission's recommendation and any comment made during the public hearing before making their final decision.

2. Discussion of Planned Development District (PDD) regulations

Mr. Gentry opened the floor to Mr. Greenwood who introduced the topic. He noted that Commission members were given a packet with the city's ordinance regarding PDD's and additional language from other cities around the state. The intention is for the Commission to review this information and note the things they like and dislike about our PDD ordinance and those of other cities. Mr. Greenwood noted that he wanted to give the Commission the opportunity to review and potentially amend the PDD ordinance given some recent concerns.

Mr. Cantey asked if this was a staff concern or Council concern. Mr. Greenwood noted that he is responding to comments in Planning Commission meetings and in Council meetings – from elected and appointed officials and comments from the public. Mr. Cantey noted that he'd like for staff to note specific areas where the ordinance is causing concern.

Mr. Greenwood noted that there's not much undeveloped land in Forest Acres so most proposals going forward will be infill redevelopment, which poses its own issues. He recommends approaching any change in the PDD ordinance with that in mind.

Mr. Greenwood then went through the PDD ordinance as it currently exists (Sec. 21-128 through Sec. 21.130) in the Zoning Ordinance, discussing each item in the tables listed on pp. 43-44 of the Zoning Ordinance.

Mr. Cantey asked about process – in particular how refined a plan typically is once it reaches the Planning Commission and Council. Mr. Greenwood noted that it's tricky, but staff tries to strike the right balance, getting enough information from applicants to allow Planning Commission and Council to make good decisions without making it prohibitive and unfriendly to developers. Staff does a good bit of legwork beforehand, trying to build consensus, while always warning developers that there are no guarantees at any stage in the process, until a final vote; Planning Commission and Council has ultimate discretion in their respective deliberation and voting processes.

Mr. Greenwood noted that one area of concern from recent PDD rezoning processes has been making sure properties adjacent to any given PDD are protected, to the extent possible, with buffering and signage limitations. Currently, our PDD ordinance is weak in this area. Mr. Greenwood further noted that he thinks we need to strengthen the infrastructure bonding requirements of developers in the PDD ordinance to reflect our requirements in the rest of the Zoning Ordinance. Mr. Greenwood would also see increased emphasis on the descriptive statement in any PDD application and would like to make it a requirement for a developer to have a pre-application meeting with staff (this currently happens as a matter of procedure with every application but is not required by ordinance).

Mr. Greenwood noted that he wants the Commission to consider what minimum elements they want to see on paper before they make decisions regarding PDD going forward. These minimum elements should be incorporated in any potential PDD ordinance change. He also wants to better codify what constitutes a major change vs. a minor change (the latter, allowing staff approval); currently, the distinction between the two is not sharply drawn in the ordinance. He would also like to clarify what constitutes "failure to begin,... progress,... and complete" a proposed PDD development and what would trigger the return to prior zoning if developer doesn't meet their proposed timeline.

Mr. Cantey asked and Mr. Greenwood clarified what current law (in light of the Sinkler case) requires of PDDs, with respect to mixed usage. Mr. Greenwood noted that currently any PDD requires at least one commercial use and one residential use.

Mr. Dillard suggested including in the Ordinance a checklist, based on issues raised in recent PDD rezoning processes, for the developer to consider (these would be suggestions, not requirements), both for the developer's own planning and for the city's benefit in considering the proposal (e.g., location and screening of dumpsters, specification of uses, other benchmarks). Mr. Greenwood noted that some cities put such a checklist of considerations/suggestions in their application.

Mr. Powell noted that the Commission should consider issues raised in the public comment portion of recent PDD rezoning proposals. Several Commission members

noted that some of that discussion revolved around elements that the City ultimately defers to the County on (e.g., stormwater management).

There was brief discussion on the timeline of modifying the ordinance with Mr. Greenwood noting that there's no rush, but that he would like for the Commission to be prepared to discuss specifics in the next few months.

IV. Other Business

There was no other business.

V. Adjournment – Mr. Cantey made a motion to adjourn; Mr. Bailey seconded. Motion passed. Meeting adjourned at 6:58p.

Respectfully Submitted,

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