

**Forest Acres Planning Commission**  
**Tuesday, November 19, 2024**  
**City Council Chambers**  
**6:00 PM**  
**Minutes**

**I. Call to order**

1. Determination of a Quorum
2. Statement of Notification

A quorum was determined by the presence of Jack Cantey, Ellis Creel, Marshall Minton, Stephen Powell, Kristin Hudson, and Ralph Bailey. Lyle Lee was absent.

Mr. Jack Cantey, Chair, called the meeting to order at 6:00 PM and confirmed the quorum.

Andy Smith, Assistant City Administrator and Laura Boatright, Zoning Tech, were also present.

**II. Approval of Minutes**

1. September 17, 2024

Ms. Minton made a motion to approve the September minutes; Mr. Powell seconded. The motion passed unanimously.

**III. New Business**

1. AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY ADDING A SECTION OF SAID CODE; PROVIDING FOR THE ANNEXATION OF 4713 NORWOOD ROAD, RICHLAND COUNTY TAX MAP NUMBER 14111-03-04.

Mr. Cantey introduced the item. Mr. Smith identified this property on the zoning map and contiguity was demonstrated. **Mr. Creel made a motion to approve. Ms. Minton seconded. Motion passed unanimously.**

2. AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, RESOLVING TO CONSIDER AN AMENDMENT TO THE CODE OF ORDINANCES, CHAPTER 21 (ZONING ORDINANCE) TO ADD PROVISIONS REGULATING HOURS OF OPERATION OF BUSINESSES OPEN TO THE PUBLIC.

Mr. Cantey introduced the item. Mr. Smith discussed that this ordinance was being considered based on broad trends of various types of businesses starting to want to operate on a 24-hour basis. It would limit the operating hours, not allowing operations from 5am – Midnight, with some exceptions for medical offices, fitness centers, gas stations and gas stations with convenience stores. Other businesses can apply for exceptions under a conditional use subject to the Zoning Administrator's determination that the applicant meets certain delineated conditions.

Ms. Minton asked if we don't have a current ordinance pertaining to this situation, which Mr. Smith confirmed that we don't.

Mr. Creel expressed concern that there is no definition of "security personnel."

Mr. Powell questioned whether one gas station is currently the only business that is operating on a 24-hour basis. Mr. Smith noted that per the police department, that is correct. Confirmation will be made before any final action is taken.

Ms. Minton asked if there was any concern about vehicles not having access to gas in the city outside of the proposed hours. Mr. Creel mentioned 24-hour gas pumps that are open even when the associated convenience store is not. Mr. Smith noted that whether these would be allowed would likely be an interpretation of the Zoning Administrator. Mr. Creel suggested putting gas stations with self-serving pumps under conditional uses.

Ms. Minton brought up the issue of businesses holding holiday celebrations, such as for New Year's Eve, and their needs to be open past the proposed hours.

**Mr. Creel made a motion to approve the ordinance with amendments for self-serve portions of gas stations to be moved to the exception category and to allow for permits to be applied for by restaurants for holiday celebrations.** Mr. Smith clarified that what was being motioned for in relation to gas stations was for the self-serve portion of a gas station to move to exceptions but keep the convenience store part in the early opening exceptions. **After confirmation, Mr. Bailey seconded the motion.**

Mr. Cantey questioned the need for this ordinance. Mr. Creel stated that passing this ordinance wouldn't change any of the current business's operations, only future businesses. Mr. Cantey mentioned not wanting to have a potential issue of not passing the ordinance, having a business then start operating 24 hours and not being able to come back and now try to fix the issue.

Mr. Creel and Ms. Minton mentioned needing special events to be added to the conditional uses category.

Mr. Bailey mentioned that gas stations and those with convenience stores were available further down the road, closer to I-77 that travelers could use. Mr. Cantey offered the notion that convenience stores should be included with the exceptions. Mr. Smith explained that the thought process related to the gas stations and gas stations with convenience stores was that many of them are near or next to residential areas so the category they were placed in was a bit of a balance between the stations operating and not disturbing the residential areas at unreasonable times.

**Mr. Cantey confirmed the motion made by Mr. Creel and seconded by Mr. Bailey (amended through discussion to move gas stations and pumps to conditional uses rather than having gas pumps alone as exceptions and to include special events in conditional uses) to approve the ordinance with the amendments... Motion passed unanimously.**

#### **IV. Adjournment**

**Mr. Creel made a motion to adjourn the meeting. Mr. Powell seconded the motion. The meeting adjourned at 6:39 pm.**