

Forest Acres Planning Commission
Tuesday, February 18, 2025
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, Ralph Bailey, Steven Powell, Ellis Creel, Lyle Lee, and Marshall Minton. Kristin Hudson was absent. Shaun Greenwood, City Administrator, and Laura Boatright, Zoning Tech. were also present, along with Kelly Cousino and Tyson Smith with White Smith Cousino. Will Dillard, City Attorney, was present by Zoom.

II. Approval of Minutes

- 1. December 17, 2024**

Ms. Minton made a motion to approve the December 17, 2024 minutes; Mr. Powell seconded. The motion passed unanimously.

III. New Business

- 1. Election of Officers and approval of 2025 Calendar**

Mr. Lee made a motion to approve the 2025 Calendar; Ms. Minton seconded. The motion passed unanimously.

Ms. Minton made a motion to nominate Mr. Creel for Chairman; Mr. Lee seconded. The motion passed unanimously.

Mr. Creel made a motion to nominate Ms. Minton for Vice Chairman; Mr. Powell seconded. The motion passed unanimously.

Ms. Minton made a motion to nominate city staff member Laura Boatright as the commission's secretary; Mr. Bailey seconded. The motion passed unanimously.

- 2. *Zoning Map Amendment—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 4201 SANDWOOD ROAD, RICHLAND COUNTY TAX MAP NUMBER 16808-11-16.***

Mr. Cantey introduced the next item. Mr. Greenwood stated that this property is currently in a donut hole area and aligns with Council's push to bring those properties into the City. It is City staffs recommendation that the annexation be granted. Ms. Minton asked if this is a street that the City is already servicing, which Mr. Greenwood confirmed.

Ms. Minton made a motion to approve the annexation; Mr. Bailey seconded. The motion passed unanimously.

IV. Old Business

1. *Zoning Text Amendment - 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. Greenwood made a request to move this item up to being heard after the annexation request as several people are here to listen to this before they must leave for other meetings. Mr. Powell made a motion to amend this item on the agenda to be heard in the spot as Mr. Greenwood suggested; Mr. Bailey seconded. The motion passed unanimously.

Mr. Cantey introduced the item. Mr. Greenwood said the City Attorney, based on comments given by the Planning Commission at their last meeting, added in the language that was requested, then presented it to City Council. City Council and the Mayor asked for it be sent back to Planning Commission to further consider and to make sure that all the exceptions and conditions are appropriate for the community and whether certain types of businesses, such as grocery stores, should be open 24 hours a day. Should grocery stores be removed from conditional uses, not requiring them to have certain criteria in place to be able to operate 24 hours a day. Councilman Oliver spoke up at the City Council meeting that he didn't think grocery stores or pharmacies should be limited in being able to open 24 hours a day.

Mr. Creel made the comment that we currently don't have any ordinance saying a business can't be open 24 hours a day, which Mr. Greenwood confirmed. Mr. Creel stated that he doesn't want businesses limited that could turn a profit or provide a service to the community. Mr. Greenwood stated that the ordinance isn't just geared towards pharmacies and grocery stores, many other types of businesses, such as drive-thrus, restaurants, etc. are included. Mr. Powell expressed his agreement with Mr. Creel. Mr. Lee asked if the current 24-hour store, Circle K, meets the proposed criteria. Mr. Greenwood stated he wasn't sure, but that Circle K would most likely be grandfathered in as they currently operate. Ms. Minton then expressed her agreement with allowing grocery stores and pharmacies to be open 24 hours.

Mr. Cantey asked what the two sides of the ordinance were. Is one side, they can open 24 hours a day as long as they meet the criteria, or we shouldn't limit

grocery stores and pharmacies even if they don't meet the criteria? Mr. Greenwood stated that he believes there are three issues: they can't be open 24 hours at all, they can stay open 24 hours as long as they meet the criteria or they would be exempt from the ordinance altogether. Mr. Dillard clarified that the question from the Council is whether grocery stores and pharmacies should be allowed to be open 24 hours at all. Mr. Cantey stated that if that this the main question the Council has, he doesn't want to tell a grocery store or pharmacy that they can't be open 24 hours a day. Many places already have security measures in place.

Mr. Powell asked how the City was going to monitor businesses that possibly go from not being open 24 hours, to being 24 hours and then changing back to their previous non-24-hour hours. Mr. Greenwood stated that enforcement would be done through our zoning enforcement, especially if any complaints were received. He also explained that the definition of a pharmacy would be the same as what is stated in state law in accordance with this ordinance. Mr. Dillard mentioned that drive-thru windows wouldn't be allowed to be open during late night hours for pharmacies, gas stations wouldn't be required to have a security guard and items related to special events would be added.

Ms. Minton asked about ATM machines. Mr. Greenwood explained that since those are unmanned and 24 hours by nature, they wouldn't fall within this ordinance. Mr. Dillard stated that those types of items could be listed as exempt if this board suggests this for the Council's consideration. Mr. Cantey stated the list would then have to be quite extensive and unnecessary. Mr. Dillard said he thinks it would be a good idea to specify these items in the ordinance.

Mr. Powell made a motion to amend the ordinance to include automated machines on the exempt list and have the definition of pharmacies be as defined in state law; Mr. Creel seconded. The motion passed unanimously.

V. New Business

3. Presentation of Module 3 of the Zoning Ordinance Update

Mr. Cantey introduced the next item. Ms. Kelly Cousino, with White Smith Cousino, was first to present Module 3, providing an update on the continued information gathering and writing/drafting process. This particular module has six articles. All of the procedures have been consolidated into one article for ease and to reduce redundancy. When discussing short-term rentals, Mr. Creel asked if Airbnb was in that category. Ms. Cousino confirmed that and explained that short-term rentals are defined in the article as being 30 days or less.

Mr. Smith, with White Smith Cousino, presented the other articles of Module 3. Non-Conforming lots were discussed, allowing slight flexibility for the Zoning Administrator concerning setback relief. Mr. Greenwood explained that this

would only affect those lot types which are already non-conforming currently. This would help reduce variance requests for those wanting to do minor updates to their properties. Mr. Smith brought attention to the difference in fine amounts for a tree violation versus a standard fine. Mr. Greenwood explained that the tree violation amount was set to be lower, the thought being that each tree is considered a separate fine, which could add up significantly depending on the number of trees removed in violation of the tree ordinance. Mr. Greenwood stated that this is something we don't have a lot of issues with as our tree ordinance is well known. Mr. Creel stated that he would love to see it raised to the same amount as the standard fee. Mr. Cantey stated that if there wasn't currently a problem, he doesn't see a need to change it. The rest of the board agreed to leave the fee as is. Height measurement changes for buildings were also discussed to have the ordinance match the building code definition. Mr. Cantey stated that we would then have to figure out a maximum height allowed. Mr. Powell asked how this would be in relation to accessory structures, which Mr. Smith then explained had a separate height definition.

VI. Adjournment

Mr. Lee made a motion to adjourn the meeting; Mr. Bailey seconded. The motion passed unanimously. The meeting was adjourned at 7:34 pm.