



**Forest Acres Planning Commission
Minutes
July 16, 2024
City Council Chambers
6:00 PM**

I. Call to order

- 1. Determination of a Quorum**
- 2. Statement of Notification**

A quorum was determined with the presence of Jack Cantey, Ellis Creel, Marshall Minton, Stephen Powell, Lyle Lee, and Ralph Bailey. Nola Armstrong was absent.

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

Shaun Greenwood, City Administrator, and Will Dillard, City Attorney, were also present.

II. Approval of Minutes

- 1. April 16, 2024** –Mr. Creel made a motion to approve the April minutes; Mr. Powell seconded. Motion passed unanimously.

III. New Business

1. Map Amendment—A request to annex and rezone properties at 4629 Sandy Ridge Road (TMS 14115-03-17) and to establish R-1 (Single Family Residential) zoning.

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

2. Map Amendment—A request to annex and rezone properties at 5800 Pinebranch Road (TMS 16905-05-06) and to establish R-1 (Single Family Residential) zoning.

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

3. Zoning 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 REVISING CHAPTER 21 (ZONING ORDINANCE) TO ADD PROVISIONS GOVERNING SMOKE OR VAPE SHOPS.

Mr. Cantey introduced the item and turned the floor over to Mr. Greenwood and Mr. Dillard.

Mr. Dillard noted that this is a proposal to amend the zoning ordinance, in a manner similar to an ordinance at the City of Columbia, that endeavors to prevent “clustering” of certain uses (smoke or vape shops) and proximity of those uses to certain other uses (e.g., schools, daycares, churches, etc.). He noted that, currently, the zoning ordinance addresses this tangentially but not directly by regulating CBD shops and cannabis sales (allowed in C4 and in certain other commercial districts with floor space limitations). This is similar but not the same as regulating smoke and vape shops.

He noted that this proposal incorporates the definitions of smoke or vape shops used by City of Columbia in their ordinance. It defines this in such a manner as to distinguish between businesses that sell these products as an ancillary part of their business (e.g., cigarettes at a gas station) and those that sell these products as their sole or primary line of business.

Further, he noted that the proposal implements spacing regulations. Smoke or Vape shops would have to be 1,000 feet from each other and from other specific uses (schools, daycares, etc.). He noted that the Planning Commission may want to change the distances between these, but that this proposal begins with 1,000 feet.

Mr. Powell asked and Mr. Dillard confirmed that existing non-conformities to these regulations would be “grandfathered” (i.e., allowed to continue).

Ms. Minton asked about precedent for establishing spacing regulations and non-clustering clauses. Mr. Greenwood noted that this has been implemented extensively in the past in various jurisdictions, in particular with predatory lending uses, and there is case law allowing this in principle.

Mr. Dillard noted that the proposal would not treat different businesses with this use differently, so there’s uniformity within a given *use* (e.g., smoke and vape shops) in establishing these limitations.

Mr. Creel asked and Mr. Greenwood discussed how such provisions would be enforced by the City. Mr. Creel noted his concern with the revenue impacts of limiting these types of businesses.

There was some discussion about a reasonable distance that will functionally prevent clustering but will still allow the use in the City (given the number of churches, schools, parks, etc. within the City).

Mr. Dillard noted that the city has the authority to regulate these in this manner as a matter of public health and public welfare.

Ms. Minton noted that she thinks it's important to limit proximity to schools, playgrounds, etc., but is less concerned about the issue of clustering. She sees this as a delicate balance between protecting certain areas of the City while also allowing businesses to operate.

Mr. Dillard noted that staff will take under advisement the comments from tonight and try to amend the provisions as to distances/spacing. Mr. Lee recommended that some analysis be done to show what it would look like on our zoning map to have 1,000 feet distance as the standard. Would there be opportunity to establish these businesses under this standard? Mr. Greenwood provided a brief demonstration of where 1,000 feet would be from the existing business with this use, demonstrating that there would be opportunity.

There was discussion about ensuring that what we do is driven by reasonable public policy dictated by precedent.

Mr. Cantey noted that his sense is that the body supports these provisions in principle, but that we need a little more analysis and a more final proposal to consider at the August meeting.

IV. Old Business

1. **None.**

V. Adjournment

Mr. Creel made a motion to adjourn. Mr. Lee seconded. Motion passed unanimously. Meeting adjourned at 6:50 PM.

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