

**CITY OF FLORENCE PLANNING COMMISSION MINUTES
TUESDAY, JULY 13, 2021 AT 6:00 PM**

MEMBERS PRESENT: Thurmond Becote, Drew Chaplin, Betty Gregg, Robby Hill, Charles Howard, Vanessa Murray and Bryant Moses

MEMBERS ABSENT: Dorothy Hines and Derrick Owens

STAFF PRESENT: Jerry Dudley, Alane Zlotnicki, and Danny Young for IT

APPLICANTS PRESENT: Raj Patel, Sam Patel, Tim Waters, Terry Alexander

CALL TO ORDER: Chairman Drew Chaplin called the July 13, 2021 regular meeting to order at 6:00 p.m.

APPROVAL OF MINUTES AND INVOCATION:

Chairman Chaplin asked Mr. Becote to provide the invocation, which he did.

Chairman Chaplin asked Commissioners if any changes needed to be made to the June 8, 2021 meeting minutes. There being none, Mr. Howard made a motion to approve the minutes and Mr. Hill seconded the motion. The motion passed unanimously (7-0).

PUBLIC HEARINGS AND MATTERS IN POSITION FOR ACTION:

PC-2021-22 Request to amend the Unified Development Ordinance regarding conditional use requirements within the Commercial Reuse zoning district.

Chairman Chaplin read the introduction to PC 2021-22. He asked Mr. Dudley to update the Commission on the status of the situation. Mr. Dudley explained that at the request of Council, staff has looked at other municipalities and put together a list of guidelines for the Commission to consider in the rezoning request. City Council asked that the Planning Commission explore the option of expanding the conditions for the CR district in light of the request for rezoning on Oakland Avenue.

Mr. Dudley explained that the rezoning request was tabled to allow the Commission to explore the intent of the CR zoning district in neighborhoods. He reiterated and clarified that the use as a private club that serves alcohol or a liquor store are not permitted in the CR district as the ordinance stands now. Nothing proposed in this ordinance changes allowing private clubs in any district. He stated that the Commission needs to be aware of unintended consequences because any change to the ordinance affects parcels all over the City, including Coit Street and Evans Street corridors where there's a lot of CR zoning. It provides a buffer between residential and commercial areas. He said that staff didn't rewrite anything between last month and this month.

Chairman Chaplin opened the meeting to discussion between Commissioners and staff. Ms. Gregg asked that if they don't do anything, what would happen? Mr. Dudley explained that the convenience store on Oakland is allowed to keep operating as they've been, but if the rezoning goes through the only condition is that they couldn't exceed 10,000 square feet in area, which they couldn't do anyway because of the size of the lot. They could redevelop the site but would have to meet the parking, landscaping, and buffering requirements if it's redeveloped and the rezoning is approved by City Council.

She asked what the owners planned for the rest of the land. What would they put there? Mr. Dudley went through the uses permitted under the CR district as listed in the UDO.

Mr. Moses stated that his main concern with the property on Oakland Avenue is the park across the street, and his fears that a private club would be allowed to go in there. Mr. Moses said his fear was that they would apply for a liquor license in the future. Mr. Dudley read the definition of a private club from the ordinance, which means organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. Examples of private clubs include (but are not limited to) 4-H Clubs, veteran organizations, Boy Scout and Girl Scout facilities, Elks Lodges, YMCA, YWCA, private community clubhouses, golf clubhouses, and fraternities and sororities that do not include residential facilities. The phrase "private club" does not include organizations with a principal purpose of serving alcoholic beverages to its members or others. Night clubs would not be permitted, but clubs like the YMCA would.

Ms. Murray clarified that if they don't recommend the rezoning, nothing would change. Mr. Dudley explained that the rezoning was already recommended to Council, and that the Commission is now looking at changing the conditions for a CR zoning, reminding them that any conditions they impose would apply to all CR districts, not just the Oakland Avenue parcel. Some may be too restrictive in other sites.

Mr. Moses repeated that the Commission has often granted variances for subdivisions. He said they are asking about Oakland Avenue here, not the entire CR district. He is concerned that they're now discussing the whole CR district, but he's talking just about Oakland Avenue. If they could look at conditions for one subdivision, why can't they just talk about the park and Oakland Avenue. He wanted to know why they can't address just this site. Mr. Dudley explained that the subdivisions with special setbacks were in Planned Developments, where specific conditions could be applied. This parcel is zoned CR like many others, and the code doesn't have a legal mechanism to apply conditions to a single parcel.

Chairman Chaplin opened the public hearing and reminded the audience to address their comments to the Commissioners.

Mr. Raj Patel, the owner of the parcel at 900 Oakland Avenue, said his family has owned that parcel for 30 years and he just wants to rebuild the same store and sell the same items, and that the ABC in Columbia will not let him have a liquor store or private club there. Chairman Chaplin asked him what his plan was for the property next to it. Mr. Patel said he didn't have any plans right now.

Mr. Becote asked Mr. Patel about the expansion of the existing building with a new one, would he just be selling more of what he sells now. Mr. Patel said that he'd like to include a laundromat in the new building. Mr. Hill asked how much his capital investment would be. He said it would be almost a million dollars with the new investment.

Mr. Becote asked him what he'd do about traffic in the area. Mr. Patel said he'd use 3 lots for the store. He asked what Mr. Patel would do for the residents living next to his lots. Ms. Murray asked if that's where the buffer zone would come in. Mr. Dudley pointed out where everything is on a map. He said a buffer would be required between the houses and any new development, and that Mr. Patel's proposal was to use both lots to accommodate new parking in addition to the updated building. He wouldn't be able to have people using right of way to park as they do now, so it would help with congestion by getting parking off the street.

Mr. Terry Alexander addressed the Commission. He said he grew up about 3 blocks away from this site. He asked about preexisting underground storage tanks from his childhood. He has concerns about the environmental issues with those tanks. He doesn't like the uncertainty about what's being done there. Mr. Hill explained that he just purchased property with underground storage tanks, and that property owners are required to provide \$10,000 in good faith money to DHEC to clean it up as necessary.

Mr. Alexander repeated his concerns about them. Mr. Howard said that they are not allowed to leave abandoned tanks with product in it. Mr. Alexander said that it's a Black neighborhood and DHEC wasn't even around when he was a child when the tanks were abandoned. Chairman Chaplin pointed out that they are always emptied out, and that fuel oil tanks are all over the place, but that DHEC is very careful about such things, and that the discussion tonight is about rezoning, not environmental issues.

Mr. Alexander said he's concerned about the health impacts on the community if the zoning is changed. Chairman Chaplin said that investment of a million dollars in the area would be a positive.

Mr. Tim Waters addressed the Commission. He said that he is concerned that Planning Commissioners are appointed by a City Council person and thus are not accountable to the residents like City Council members are. He said the comprehensive plans done for the City left corridors leading to Black neighborhoods commercial. He told Mr. Patel that he's not against the store, but because it's been there doesn't make it right. He asked each of the commissioners if they want to come home to a convenience store in their neighborhoods. He said he's not fighting against a business but for his neighborhood. He doesn't like having signage for cigarettes and alcohol next to the park. He wants them to zone for the community rather than the business. He asked them what they'd want their child to see when they go to the park. There's another place to buy a beer 63 steps away, and within the neighborhood are places to get liquor. He's fighting for future generations because today's stores aren't run the way they used to be, that kids can get alcohol and cigarettes at these stores. They have a chance to change things in Florence. City Council passed it to Planning Commission because no one wants to change the commercial zoning in Black areas.

Mr. Howard repeated that Mr. Patel's been doing this for 30 plus years. Mr. Waters said that didn't make it right. Mr. Howard said that these things have been going on for 35 years and the Patels want to improve the area. He said that the Planning Commission tries to improve the community. These men are willing to invest a million dollars into the community, to replace a dilapidated building with a new welcoming building, risking their own money, not asking to sell something they're not already selling, so they can sell things that the neighbors need. Mr. Howard said his family has been in the convenience store business for many years, with stores all over town. The Patels have the ability and the right to sell whatever the law dictates, and are willing to invest in a new building, even though they could continue indefinitely in the old building.

Mr. Waters said he won't believe the Patels are going to spend that amount of money there until they show documentation proving it. He said no one has invested that much money in a store in north Florence. Chairman Chaplin asked him to quit interrogating the commissioners. He said he understands Mr. Waters' passion, but asked him to have a seat.

Mr. Sam Patel spoke, saying that if he sells alcohol to people under 21, he'll lose his license and thus his business, so since he wants to grow his business, he won't sell alcohol or tobacco to minors. He also has a store on West Darlington Street that he is adding a laundromat to, spending more than \$450,000. He is willing to show Mr. Waters the receipts.

Mr. Moses asked Mr. Patel if they sell loose cigarettes. He said no, they are not allowed to, and they could ask anyone. Mr. Moses asked about the expansion of the store on West Darlington Street. He said it's going to be a laundromat and tobacco store.

Mr. Hill asked the chairman to focus the discussion. Chairman Chaplin closed the public hearing and thanked people for being cordial and called for a motion. There was confusion about what the motion would be. He clarified that the rezoning was approved two months ago and sent to City Council. He told Mr. Waters that the Planning Commission was purely a recommending board and that the real fight was with City Council. City Council asked Planning Commission to come up with something that works, but they want to send it back to Council. He asked Mr. Dudley what the options are.

Mr. Dudley said they can vote to approve the proposed code amendment; deny the proposed code amendment, which would maintain the status quo; or someone can make a motion to approve the amendment with further amendment.

Ms. Murray asked if they vote to keep it, could the Patels reopen and continue as they have been for the last 35 years? If they approve the amendments, could he do the new store? Mr. Dudley clarified that the rezoning to CR was already recommended to Council, but Council wasn't comfortable approving the CR rezoning without further restrictions on this parcel. The only way to do that is to change the conditions in the CR, which affects everyone. Mr. Howard said he's concerned about that, too.

Mr. Dudley said one option was deed restrictions which can be applied to a specific parcel, but he'd have to consult with the City attorney. Chairman Chaplin clarified that those restrictions would go with the property and could limit uses on that specific parcel regardless of who owns it, without changing the conditions for everyone else. The argument is not what they do now, but what would be allowed in the future. He asked Mr. Dudley to discuss it with the City attorney so they wouldn't have to change the code and affect everyone.

Mr. Moses said they don't want any alcohol sales at all, not just restricting liquor. He wants the City to condemn the building so the grandfathering of the use goes away. Chairman Chaplin said that the Planning Commission's job is to be neutral.

Chairman Chaplin called for a motion to postpone the decision on the amendment to give Mr. Dudley the chance to discuss deed restrictions with the City attorney. Mr. Hill moved that the request be deferred; Ms. Murray seconded, and the motion to defer passed 6-1, with Mr. Moses voting no.

PC-2021-23 Request to zone NC-15, pending annexation, the parcel located at 1524 McKenney Court, specifically identified as Florence County Tax Map Number 01461-02-005.

Chairman Chaplin read the introduction to PC 2021-23 and asked staff for their report. Mrs. Zlotnicki gave the staff report as submitted to the Planning Commission.

There being no one to speak for or against the request, and no questions for staff, Chairman Chaplin called for a motion. Mr. Becote moved that the request be approved as submitted; Mr. Howard seconded, and the motion passed unanimously (7-0).

ADJOURNMENT: There being no other business, Chairman Chaplin asked for a motion to adjourn. Mr. Moses so moved and the meeting was adjourned at 7:20 p.m. The next meeting is scheduled for August 10, 2021.

Respectfully submitted,
Alane Zlotnicki, AICP
Senior Planner