MAYOR Barbara Jo Blain

MAYOR PRO TEM
Larry A. White



COUNCIL MEMBERS
Amanda Butler
William M. Goldfinch IV
Julie Ann Hardwick
Beth Helms
Justin D. Jordan

PLANNING & DEVELOPMENT PLANNING COMMISSION MEETING AGENDA

Thursday, March 7, 2024 | 5:30 p.m.
Planning & Building Dept. Conference Room – 196 Laurel Street

I. CALL TO ORDER – 5:30 p.m.

II. MINUTES

- A. Approval of the December 20, 2023 Planning Commission Workshop Meeting Minutes
- **B.** Approval of February 1, 2024 Planning Commission Meeting Minutes

III. PUBLIC INPUT

IV. OLD BUSINESS

A. DESIGN MODIFICATION

1. **2208** Sixth Ave – requesting a design modification to allow a structure to be constructed on an existing lot of record that lacks the required frontage on to a public maintained (and improved) street.

V. NEW BUSINESS

A. PUBLIC HEARINGS

1. ANNEXATION & REZONING REQUEST(S)

a. DEFERRED...Request to annex approximately 7.4 acres of property located off of Hwy 905 (PIN 339-16-04-0006), and rezone from the Horry County Commercial Forest Agriculture (CFA) district to the City of Conway Low/Medium Density Residential (R-1) district.

2. REZONING REQUEST(S) / FUTURE LAND USE MAP AMENDMENT(S)

- **a.** Amendment to the City of Conway *Comprehensive Plan 2035*, to amend the Future Land Use Map (FLUM), for property located on Sixth Ave, identified by PIN 338-13-03-0006.
- **b.** Request to rezone approximately 0.31 acres of property located on Sixth Ave (PIN 338-13-03-0006) from City of Conway Low/Medium Density Residential (R-1) district to the Professional (P) district.

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VI. SUBDIVISIONS

- **A.** Chapman Village requesting a design modification and preliminary plan approval for a 45-lot single-family subdivision, located along Medlen Parkway.
- **B.** Country Manor requesting a design modification from the access management standards of the City of Conway *Unified Development Ordinance (UDO)*.
- C. **Maple Grove** requesting street name approval, conceptual master plan approval, and a design modification from the access management standards of the City of Conway *Unified Development Ordinance (UDO)*.

VII. BOARD INPUT

VIII. STAFF INPUT

IX. UPCOMING MEETINGS

<u>MEETING</u>	DATE	TIME	<u>LOCATION</u>	ADDRESS
Community Appearance Board (CAB)	March 13, 2024	4:00 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
City Council	March 18, 2024	4:00 p.m.	City Hall	229 Main St
Community Appearance Board (CAB)	March 27, 2024	4:00 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
Board of Zoning Appeals (BZA)	March 28, 2024	5:30 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
Community Appearance Board (CAB)	April 10, 2024	4:00 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
Planning Commission	April 11, 2024	5:30 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.

X. ADJOURNMENT

CITY OF CONWAY PLANNING COMMISSION WORKSHOP WEDNESDAY, DECEMBER 20, 2023

Planning & Building Dept. Conference Room – 196 Laurel Street

Present: Brian O'Neil, Jessica Wise, Danny Hardee, Julie Hardwick, Kendall Brown, David Sligh,

George Ulrich

Absent: Samantha Miller, Ellen Watkins

Staff: Jessica Hucks, Planning Director; Brent Gerald, Planner; Katie Dennis, Planning

Concierge; Brandon Harrelson, Public Works Director; Le Hendrick, Fire Chief; David Parker, Fire Marshall; James Friday, Public Utilities Director; Johnny Lewis, Public

Utilities; Charlie Crosby, IT; Anne Bessant, Planning Assistant

Others: Walter Warren, Scott Withington, Charles Jordan, Jamie Steele, McKenzie Jordan, Charlie

Jordan, & others

I. CALL TO ORDER

Chairman O'Neil called to order at 3:00 p.m.

II. DESIGN MODIFICATION

A. *Previously Deferred* ...2208 Sixth Ave – requesting a design modification to allow a structure to be constructed on an existing lot of record that lacks the required frontage onto a publicly maintained (and improved) street.

Hucks stated that in November of 1941 lot 90 was created via a subdivision map recorded at Horry County Clerk of Court in plat book 2 page 118.

A paved street was constructed within the adjacent 40-ft wide right-of-way; such street extended from Pittman Street, yet terminating before reaching the subject property. Maintenance of the street is South Carolina Department of Transportation (SCDOT).

In July of 2023 a permit application was submitted to construct a single-family residence on the subject lot. The prospect of a residents being constructed along an un-improved section of roadway raises two primary concerns:

- (a.) Will the physical condition of the land, by which the lot is accessed, delay or even prevent emergency apparatus and/or city service vehicles from performing their duties?
- (b.) If improved to any lesser standard, then that of a public street, who will assume responsibility for the perpetual maintenance of the drive?

The creation of this lot pre-dates municipal design standards, such as: lot dimensions, access managements standards or subdivision regulations, thus as it sits, is a legal non-conforming lot. However the proposed

development on this site does trigger roadway improvements as stated in both: Section 10.5.2, A: "Any existing street segment that has not been accepted for maintenance by either the City of Conway, Horry County or the South Carolina Department of Transportation, and that is to serve as the required frontage for one or more lots created pursuant to these regulations, shall be improved and dedicated to the public, as provided for above, in such a way that the street segment meets the standards of these regulations for the particular classification of street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street accepted for maintenance by either the City of Conway, Horry County or the South Carolina Department of Transportation. No development shall be permitted on any street that is an "island" not connected directly to the public street system".

Section 12.4.1, D of the UDO states: "Where an existing nonconforming structure or site is nonconforming in regard to street access, the site shall be brought into conformity with the provisions of this UDO for street access or shall be brought as close to conformity as the physical circumstances made possibly allow".

Beyond the paved section of 6th Ave, the remainder of the roadway appears to be untreated soil...

Uncompacted soil, when dry, may support the weight of an average passenger vehicle; such as;

- a compact car (average weight of 2,500-lbs),
- a mid-sized vehicle (average weight of 3,000-lbs),
- an SUV or pick-up truck (average weight of 4,000-lbs) or
- a full-size truck (which can weigh anywhere between 4,000 to 5,700-lbs).

However uncompacted soil will not support the weight of emergency apparatus or city service vehicles such as;

- Fire Engines (equipped with gear to put the fire out, including water tanks, pumps, and hoses), which typically weigh between: 35,000 to 40,000-lbs,
- Fire Trucks (full of rescue and ventilation equipment to safely and efficiently rescue victims), which typically weigh between: 36,000 to 60,000-lbs, or non-emergency city service vehicles such as
- Sanitation trucks which can weigh between: 20,000 to 30,000-lbs.

As a comparison: suitable sub-grade materials (select soil base materials to be laid beneath any all-weather surface material) is required to be compacted to 95% modified proctor to sufficiently support a 40,000-lbs loaded tandem axle dump truck temporarily (as exposure to inclement weather will rapidly deteriorate the base road materials), and another 8 to 11-inches of all-whether surface material (such as coquina or GABC), compacted to 100% modified proctor, would need to be laid atop the sub-grade to support such weight long-term. Sufficient drainage facilities and a minimum 2-inches of "Type 1" asphalt would be required to meet the standards of a "Local Access Street".

<u>Maintenance</u>: staff also has concerns regarding, who will be take on responsibility to perpetually maintain the drive/access? as the state likely will not construct nor may not extend their maintenance system to cover

this section of roadway, even if such roadway is constructed, and, the owner of the subject lot does not appear to own the underlying property to which the road right-of-way was dedicated.

Staff recommends a thorough review of the applicant's request.

Jamie Steele, Diamond Shores, agent for owner was present to answer any questions.

After much discussion, O'Neil made a motion to deny the design modification based on staff's concerns outlined in their report; however, after discussion, he withdrew his motion, as the motion made was too broad and the board suggested that the PC's authority, specific to the request, should be more narrow than broad. Sligh made a motion to deny the design modification request as presented. Wise seconded the motion and the motion carried unanimously.

III. DISCUSSION

A. Request to annex and/or rezone approximately 486 +/- acres of property, located at or near the corner of HWY 378 & Juniper Bay Rd, HWY 378 & Airport Rd, Dayton Drive, and on Dunn Shortcut Rd (PIN's 336-00-00-0043, -0044, -0045, 336-13-04-0006, 336-14-04-0011, 336-15-03-0003, 337-00-00-0009, -0011, -0012, 337-08-01-0004, 370-00-00-0011, and 370-04-01-0004), and rezone from the Horry County Commercial Forest Agriculture (CFA), Horry County Highway Commercial (HC), Horry County Residential, no mobile homes allowed (SF40), the City of Conway Heavy Industrial (HI), City of Conway Low/Medium-Density Residential (R-1), and City of Conway High-Density Residential (R-3) districts to the City of Conway Planned Development (PD) district.

Hucks stated that the applicants are seeking to annex and/or rezone the aforementioned properties for the purposes of developing as a Planned Development (PD). Also proposed is a Development Agreement for the subject property.

Per the applicant's submittal, the planned development envisions a mixed-use community consisting of differing types and styles of single-family homes and a variety of commercial uses to meet the needs of the existing and future residents of Conway. The development will be accessed from Hwy 378, Juniper Bay Rd, Dunn Shortcut Rd, Airport Rd (commercial tract) and Dayton Dr.

The proposed PD will also be bound by a Development Agreement; the details of which are included in this packet (*draft document*), and is on this agenda for consideration.

Per the most recent master plan submitted, the proposed density was 1,459 units. However, there are a couple of tracts within the master plan that are "flex tracts", which could contain multifamily uses instead of commercial, bringing the maximum density to 1,767 units. Refer to the table provided in the narrative for density proposed for each tract within the PD. With the exception of these flex tracts, the residential will consist of single-family detached, single-family semi-attached, and townhouses.

There are no flood zones within the project area. There are approximately 59 acres of wetlands identified on the Open Space Master Plan.

Current Zoning of properties currently in the county's jurisdiction include: Commercial Forest Agriculture (CFA), Highway Commercial (HC), and Residential, no mobile homes allowed (SF40).

This project is within the City's utility service area.

The City's Future Land Use Map identifies these properties as the following:

PIN's 336-00-00-0043, -0044, -0045, and 370-00-00-0011: identified as *Industrial* on the future land use map. The future land use map does not distinguish between Light and Heavy Industrial.

PIN's 336-13-04-0006, 336-15-03-0003, 336-14-04-0011, and 370-04-01-0004: identified as *Highway Commercial (HC)* on the future land use map.

PIN's 337-00-00-0009, -0012, and 337-08-01-0004: identified as *Low-Density Residential* on the future land use map.

PIN 337-00-00-0011 is identified as *High-Density Residential* on the future land use map.

Proposed Modifications from Design Standards (Section 5 of PD Narrative):

- 1. Landscape buffers to not be required between commercial uses.
- 2. Where multipurpose trails are proposed in landscape buffers, buffer widths to be reduced to a Type A (5' width) buffer.
- 3. Minimum block lengths to be 270' (v. the standard of 400')
- 4. Landscape buffers on the F-2 tract to meet the Type A (5') buffer requirements on side and rear property lines.
- 5. To exempt sidewalk and pathway requirements on the perimeter of the PD (*i.e.* portions of tracts that abut Hwy 378, Juniper Bay Rd, Dunn Shortcut Rd, Airport Rd, and Dayton Dr.).
- 6. Streets to be designed and constructed per the Street Cross Section exhibits provided in the narrative (attached).
- 7. Up to 50% of garages facing the street on single-family detached and duplex semi-attached units shall be eligible to protrude more than 10' past the front façade. In such instances, garage faces shall have decorative design treatments to minimize their appearance.

One deviation that was not mentioned above is the interconnectivity requirements between developments. Tract R-4 abuts the existing Macala Acres subdivision. The UDO would typically require that a stub-out be provided to connect to future development. In this case, when Macala Acres was platted, there was property platted as future access on the Final Plat for Phase 3 of Macala Acres. This can be found between lots 87 and 88 on the plat, recorded in Plat Book 222 at Page 187 (copy of plat attached). The applicant has shown a stub out to be provided on Tract R-4. This does not achieve the required connection, and the residents of Macala Acres do not wish to have the connection made. At the time of the plat approval for this phase of Macala Acres, it is unclear whether the requirement to install the stub-out would have been required, or reserving access only. The current requirements dictate that a stub-out be provided for future connection, or that the connection be made if a stub-out on the adjoining property or access has been set aside, if recommended by the Technical Review Committee.

Planning Commission will need to decide if the connection should be installed, on both sides (R-4 tract and Macala Acres access), whether the stub-out should be provided only on the R-4 tract, or whether the connection can be omitted entirely.

Walter Warren, Scott Withington, Charles Jordan, Charlie Jordan, and McKenzie Jordan, applicants were present and further explained the request.

The commissioners, applicants and staff discussed the request in length.

The following items were discussed during the meeting:

- Flex districts
- Stormwater concerns. (The need a detailed stormwater management plan)
- Infrastructure concerns for the area (traffic improvements needed)
- Connection to Macala Acres (staff supports the connection)
- Street width within the development (pavement width should be a min of 24')
- Residential design standards (snout houses) (PC would prefer all lots to meet the design standards, but a reduction in the percentage of lots that would be considered a snout house would have to be reduced)
- Development agreement (Development agreement enhancement fees, potential land swaps, city park acreage, canal trail, etc.)
- Lot size requirements for the single-family portion of the development (PC seems to support a min. of 50')
- Landscape buffer & trail (applicant seeking a reduction in buffer to a Type A buffer along the canal trail)
- Connectivity of the R-5 tract to the rest of the development (possible connection to be made in the form of a pathway / open space connection. Some members of PC would prefer that interconnectivity be provided via a road system, or to remove the R-5 tract from the PD)
- Proposed roadway connection on City property (applicant states they do have another option if necessary and are looking to do a land swap (potentially) with the city).
- Possible future strains of city utility services for the develop. The need for a new water tower with the addition of the project.
- Distance from closest fire station. Le Hendrick stated that the 5-mile radius to maintain the city current ISO rating would be maintained (addition of county fire station on el bethel rd.)
- Fire training facility located on the stormwater pond side of the proposed roadway going through city shops training facility is brand new and there are no other locations for the facility to be located at this time.
- PC requested a schematic of a block in the development to see what a typical street would look like with the requested lot widths and the style of homes proposed.
- Revise a portion of the Flex district tract(s) to a Commercial only tract (portion fronting on Hwy 378).

IV. ADJOURMENT

A motion was made to adjourn the meeting adjourned at approximately	C	r was unanimous. The motion c	arried. The
Approved and signed this	day of	, 2024.	
	Brian O'Neil, Chairpers	son	

CITY OF CONWAY

PLANNING COMMISSION MEETING

THURSDAY, FEBRUARY 1, 2024

Planning & Building Dept. Conference Room – 196 Laurel Street

Present: Kendall Brown, Jessica Wise, Ellen Watkins, George Ulrich, Danny Hardee, David Sligh,

Thomas J. Anderson III

Absent: Brian O'Neil, Samantha Miller

Staff: Jessica Hucks, Planning Director; Brent Gerald, Planner; Katie Dennis, Planning Concierge;

Charlie Crosby, IT; Anne Bessant, Planning Assistant

Others: Brandon Truesdale, Shep Guyton, James Sturgeon, Jamie Steele, Joshua Cox, Martin A. Cauz,

Nicole Sansing, Jim Ney, Daniel Ben-Yisrael, & others

I. CALL TO ORDER

Vice-Chairperson Wise called the meeting to order at approximately 5:30 pm.

Wise made a motion for reconsideration of a design modification for 2208 Sixth Avenue that was voted on at the December 20, 2023 Planning Commission Workshop meeting based on new information. Sligh seconded the motion and the motion carried unanimously.

II. APPROVAL OF MINUTES

Ulirch made a motion, seconded by Brown to approve the January 4, 2024 minutes as written. The vote in favor was unanimous. The motion carried.

III. PUBLIC INPUT

There was no public input.

Wise made a motion, seconded by Ulrich, to close public input. Motion carried unanimously.

Wise made a motion to combine items V.B. 3 & 4. Ulrich seconded the motion and the motion carried unanimously. Wise also made a motion to move V.B. 3 & 4 to be heard first on the agenda. Sligh seconded the motion and the motion carried unanimously.

IV. SUBDIVISIONS

A. Pelican Pointe – The applicant, G3 Engineering, is requesting that Planning Commission approve two design modifications, for a proposed Conservation Subdivision, located at the corner of Hwy 378 and Hemingway Chapel Rd., on Pin: 369-00-00-0044

Hucks stated that on October, 24, 2023, a Master Plan for a conservation subdivision, named Pelican Pointe (name not approved by Council yet), was submitted for review. Comments from the Technical Review

Committee were returned to the applicant on November 22, 2023. On January 5, 2024, an application for the following requests was submitted by the project manager from: G3 Engineering;

- (1.) To allow the use of a temporary emergency access easement & all-weather surface road, for Phase 1 of the multi-phased development.
- (2.) To allow the open space to be dedicated consecutively, with each phase of development, instead of initially with the first phase.

<u>Access Management Modification</u>: The first phase of development (as shown in revised master plan provided by applicant) proposes 182 single-family lots.

The applicant proposes to provide one enlarged entrance (containing three travel-lanes) off Hwy 378, and a temporary emergency access, extending to Tampa Lane (a paved county-maintained road), with phase 1. The temporary emergency access, off of Tampa Lane, will be removed during the construction of Phase 2, whereas a second development entrance, on Hemingway Chapel Road, will be installed.

Access Management is traditionally enforced by the Conway Fire Department, so this request was sent to them for a recommendation. David Parker, Fire Inspector for Conway Fire Department, stated that "We are good with the temporary emergency access off Tampa Lane with the conditions as outlined below";

Prior to Construction;

- All required Fire Department Access Roads shall be installed to an extent that will provide all-weather
 paved access for emergency vehicles prior to combustibles being brought to the site or combustible
 construction taking place.
- Water supply and Fire Hydrants for fire protection are required to be installed. Such protection shall be installed and made serviceable prior to and during the time of construction.
- Temporary street signs shall be installed at each street intersection where construction of new roadways allows passage by vehicles. Temporary signage at the end of Tampa Lane indicating emergency access to Pelican Pointe.
- The Fire Code Official shall be contacted and do an onsite visit to determine the adequacy of the access roads, water supply, signage prior to and during construction.

Fire Apparatus Requirements;

- Surface Fire apparatus access roads shall be designed, constructed and maintained to support the imposed loads of not less than 75,000 pounds and shall be constructed of asphalt, concrete or other approved all weather driving surface.
- Vertical Clearance Fire Apparatus Access Roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.
- Grade Fire apparatus access roads shall not exceed 10 percent (10%) in grade longitudinally.
 - The Cross Slope of a road section or within a turnaround area shall not exceed five percent (5%).
 - The Angles of approach and departure, the gradient in fire access roads shall not exceed a five percent (5%) change along any ten (10) foot section.
- Width Fire apparatus access roads shall have a minimum unobstructed width (exclusive of shoulder) of not less than the following:

- o No Parking 20', Parking one side 26', Parking both sides 32"
- Turning Radius Fire apparatus access road shall be designed to accommodate the following turning radius:
 - o 35-foot minimum inside turning radius. 55-foot minimum outside turning radius.
- Turnarounds Dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with International Fire Code Table D103.4 & D103.10.

Open Space Modification: Although the plans provided are conceptual in nature, they depict a 3-Phase development, containing a total of: 407-single-family Lots, being designed as a Conservation Subdivision. The conceptual plans also cite a proposed total of: 45.07-acres of Open Space, plus 44.08-acres of Conservation Area (which will also have to be dedicated as Open Space on the final plats).

Section 10.3.9 B (1.) of the Unified Development Ordinance (UDO) states the following: "Developers shall provide all open space during the initial phase of development, even if the subdivision is divided into future phases." and while the subject parcel is zoned R-1, as a Conservation Subdivision, the lots therein will have a reduction of both the minimum lot size and minimum lot width. However, unlike traditional major subdivision Open Space standards (that calculate the Open Space by the number of lots), the required Open Space in a Conservation Subdivision is 30% of the net buildable area.

Additionally, per *Section 10.4.1 (N.2, N.3)*, an instrument of permanent protection, such as a conservation easement or permanent restrictive covenant, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit. This would mean that before any site construction could commence, ALL open space that is required as part of the conservation subdivision design would have to be platted as a permanent easement or restrictive covenant. This ensures perpetual protection of the open space and the conservation areas identified in the plan. A legal instrument of permanent protection is also required, in accordance with *Section 10.4.1 (O.)*.

If Planning Commission recommends approval of the applicant's requests, staff recommends that it be contingent upon the conditions above and all other applicable requirements.

Shep Guyton, agent for applicant was present on further explained the request.

After much discussion, Sligh made a motion to recommend approval of both design modifications with the following conditions; 1. that all comments provided by the Technical Review Committee are addressed and complied with; 2. The open space modification as presented will be memorialized by either a restricted covenant or a development agreement, depending on Council's preference. Wise seconded the motion and the motion carried with Hardee voting no.

B. Wild Wing Plantation, phase 5-A – the developer for: Wild Wing Plantation, phase 5-A, would like to change the street name of a road, within this phase, from: "Harwood Court", to: "Hardwood Court".

Hucks stated that on May 19, 2009, preliminary plan approval was given to Phase 5 construction plans for: Wild Wing Plantation. Such plans labeled the street as: "Cast Court". Submittal 1 of Revised preliminary plans for: Wild Wing, phases 5-A and 5-B were submitted for review on June 23, 2021 with no street names shown on either the plans or plats. "Harwood Court" (along with 10 other street names) were reserved by

Horry County for: Wild Wing Plantation, phase 5 on June 29, 2021. Submittal 2 of the revised preliminary construction plans labeled the street as "Harwood Court" was submitted on Oct. 25, 2021. However, the preliminary plats, with that same submittal, labeled the street as "Hardwood Court". At the Feb. 3, 2022 meeting, Planning Commission approved "Harwood Court" (along with the 10 other street names) for this development. Revised construction plans were approved on Aug. 3, 2023, sub-phasing Phase 5 into Phases: 5-A and 5-B, still showing the street name as "Harwood Court". The 1st submittal of final plats for: Phase 5-A were taken for review on Aug. 10, 2023, labeling the street as "Hardwood Court". Roadway Dedication Documents were submitted to the Planning Dept on Sep. 8, 2023, listing "Hardwood Court" as being one of the two roads being dedicated to the city. The signed final plats for: Phase 5-A were approved for recording on Dec. 21, 2023, showing the street name as "Hardwood Court" and such plat recorded on the same day in: Plat book 318 pages 249 & 250. On Jan. 4, 2024, the discrepancy was detected when GIS was assigning addresses to the new lots, the project manager was contacted and requested that "Hardwood" be utilized. Horry County Planning Department was contacted and approved the use of "Hardwood" for this project.

The applicant is requesting approval of the following street name. Horry County has reserved the name for this development:

Hardwood Court

Staff recommends approval of the street name.

The applicant was not present.

Wise made a motion to approve the request as presented. Ulrich seconded the motion and the motion carried unanimously.

V. PUBLIC HEARINGS

A. ANNEXATION & REZONING REQUEST(S)

 Request by Founders National Golf, LLC, to annex approximately 11.47 acres of property located at/near the intersection of Gardner Lacy Rd and Hwy 501 (PIN 399-00-00-0403), and rezone from the Horry County Highway Commercial (HC) to the City of Conway Highway Commercial (HC) zoning district.

Hucks stated that on January 5th, the applicant submitted a rezoning application for the subject property, located at the intersection of Gardner Lacy Rd and Hwy 501. The property is currently zoned Horry County Highway Commercial (HC), and is currently vacant, with the exception of signage. The application to rezone does not specify the proposed use of the property, and it is not required that the use be provided. Any use in the requested zoning district would be permitted should the request be approved.

The property abuts parcels zoned City of Conway Light Industrial (LI). Other adjacent zoning classifications are Horry County Light Industrial (LI) and Horry County Highway Commercial (HC). Uses include both vacant property and a gas station (zoned HC), the property also abuts properties with manufacturing facilities (zoned County LI), and distribution centers (zoned LI).

The future land use map of the Comprehensive Plan identifies the entire parcel as Highway Commercial (HC).

Staff recommends that Planning Commission give a thorough review of the request and make an informed recommendation to City Council.

Shep Guyton, agent for applicant, was present and further explained the request.

There was no public input. Wise made a motion, seconded by Ulrich, to close public input. Motion carried unanimously.

Wise made a motion to recommend approval of the request to City Council as presented. Ulrich seconded the motion and the motion carried unanimously.

B. REZONING REQUEST(S) / FUTURE LAND USE MAP AMENDMENT(S)

- 1. *WITHDRAWN*...Request to rezone approximately 0.24 acres of property located at 610 Main Street (PIN 338-13-02-0035) from the Low/Medium-Density Residential (R-1) district to the Professional (P) district.
- 2. *WITHDRAWN*...Request to amend the City's Future Land Use Map (FLUM) of the City of Conway Comprehensive Plan (2035), relative to property located at 610 Main Street (PIN 338-13-02-0035), consisting of approx. 0.24 acres, from the Low/Medium-Density Residential (R-1) district to the Professional (P) district.
- 3. Request to amend the City's Future Land Use Map (FLUM) of the *City of Conway Comprehensive Plan 2035*, relative to property located at 1904 Rose Hill Drive (PIN 338-16-03-0005), consisting of approximately 0.43 acres, from the Medium Density Residential (R-2) zoning district to the Highway Commercial (HC) zoning district.
 - -and-
- 4. Request by Bethlehem Lodge No. 327, to rezone approximately 0.43 acres located at 1904 Rose Hill Road from Medium Density Residential (R-2) to Highway Commercial (HC) (PIN 338-16-03-0005).

Hucks stated that on January, 3 2022, the applicant submitted a rezoning application for the subject property, located 1904 Rose Hill Road. The property is currently zoned Medium Density Residential (R-2). The property currently contains one structure. It is not a requirement for an applicant to disclose any future plans for a property, however, it is staff's understanding that this property would be included in a Parker's Kitchen design plan.

The future land use map of the *Comprehensive Plan* identifies the property as Medium Density Residential (R-2).

The subject property is surrounded by several different zoning districts and uses, including Highway Commercial (HC), and Medium Density Residential (R-2). Uses include a cemetery (across the street), and wooded lots.

Since updating the Future Land Use Map of the Comprehensive Plan for the City in 2019, staff will occasionally review annexation and/or rezoning requests for zones that don't match the zone envisioned

in the current Future Land Use Map (2019-2029). When a request is approved that is out of alignment with the Future Land Use Map of the Comprehensive Plan, the map must be updated to reflect this change.

In July 2021, Council passed an ordinance providing for a method by which the Comprehensive Plan, in particular the Future Land Use map, may be amended. In the case of PIN 338-16-03-0005, currently zoned City of Conway Medium Density Residential (R-2), the city's Future Land Use Map (2019-2029) shows the entire property as Medium Density Residential (R-2). The property does currently contain on structure, and is directly adjacent to a cemetery. The property located to the rear of the subject property is currently zoned Highway Commercial (HC), and identified as HC on the city's FLUM.

Per <u>Section 6.1.4</u> of the UDO, "No tract(s) of land shall hereafter be rezoned for a zoning classification different from that of the surrounding properties unless such tract(s) is a minimum of three (3) acres in area. Tracts less than three (3) acres in area annexed into the City limits, may be zoned for a classification different from that of the surrounding in-city properties provided such zoning classification is consistent with the Future Land Use Map of the Conway Comprehensive Plan."

Staff recommends that Planning Commission give a thorough review of the request and make an informed recommendation to City Council after said review and if Planning Commission recommends approval of the requested zoning of the property, staff recommends approval of the Future Land Use Map (FLUM) amendment for the property identified by PIN 338-16-03-0005.

Daniel Ben-Yisrael, applicant was present to answer any questions.

There was no public input. Sligh made a motion, seconded by Ulrich, to close public input. Motion carried unanimously.

Sligh made a motion to recommend approval of the request to City Council as presented. Brown seconded the motion and the motion carried unanimously.

VI.	BOARD	INPUT

None

VII. **STAFF INPUT**

None

VIII. **ADJOURNMENT**

A motion was made to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 6:06pm.

Approved and signed this	day of	, 2024.
	Brian O'Neil, Chairman	

Item IV.A.1

DATE: November 27, 2023 March 7, 2024

ITEM: IV.A.1

ISSUE:

PIN: 368-07-01-0101 (**Lot 90, Rollingson Subdivision**) – The applicant, Jamie Steele, Diamond Shores, is requesting a design modification to allow for the issuance of a building permit on an existing lot of record that lacks frontage onto a *publicly maintained* street.

BACKGROUND:

Nov. 1941	Lot 90 was created via a subdivision map recorded at Horry County Clerk of
	Court in plat book 2 page 118.
Undetermined	a paved street was constructed within the adjacent 40-ft wide right-of-way
	such street extended from Pittman Street yet terminating before reaching the
	subject property. Maintenance of the street is assumed to be South Carolina
	Department of Transportation (SCDOT).
July 2023	a permit application was submitted to construct a single-family residence on
	the lot.
July 20, 2023	The applicant was informed that a permit could not be issued due to the fact
	that the lot did not front a "public" street.
Nov. 2023	The applicant formally applied for a design modification from the
	requirement that the lot have proper frontage onto a publicly maintained
	street.
Nov. 27, 2023	Planning Commission considered the request and deferred the item to give
	staff time to consult legal counsel for an official opinion.
Dec. 20, 2023	The design modification was considered again at the Dec. 2023 PC
	Workshop, in which staff informed PC of the opinion of legal counsel, and
	the request was denied.
Jan. 2024	The applicant filed an appeal at circuit court (required to be filed within 30
	days from the date the decision is made)
Feb. 1, 2024	Planning Commission moved to reconsider the design modification request.
	Request to be considered at the March Planning Commission meeting.

ANALYSIS:

The prospect of a residence being constructed along an un-improved section of roadway raises two primary concerns:

- (a.) Will the <u>physical condition</u> of the land, by which the lot is accessed, delay or even prevent emergency apparatus and/or city service vehicles from performing their duties?
- (b.) If improved to any lesser standard, then that of a public street, who will assume responsibility for the perpetual <u>maintenance</u> of the drive?

Physical Condition: The creation of this lot pre-dates municipal design standards, such as: lot dimensions, access managements standards or subdivision regulations, thus as it sits, is a legal non-conforming lot. However the proposed development on this site does trigger roadway improvements as stated in both: Section 10.5.2 A: "Any existing street segment that has not been accepted for maintenance by either the City of Conway, Horry County or the South Carolina Department of Transportation, and that is to serve as the required frontage for one or more lots created pursuant to these regulations, shall be improved and dedicated to the public, as provided for above, in such a way that the street segment meets the standards of these regulations for the particular classification of street, including right-of-way width. Such street segment shall be directly connected to the existing public street system by way of at least one public street accepted for maintenance by either the City of Conway, Horry County or the South Carolina Department of Transportation. No development shall be permitted on any street that is an "island" not connected directly to the public street system."

- and -

Section 12.4.1 D: "Where an existing nonconforming structure or site is nonconforming in regard to street access, the site shall be brought into conformity with the provisions of this UDO for street access or shall be brought as close to conformity as the physical circumstances made possibly allow".

NOTE: the above referenced sections of the UDO are not an either/or situation, but both sections of the UDO are relevant. Even if the road were to be improved to meet city standards, there is no entity to dedicate the road to and the applicant does not own the property to be able to dedicate it. The lot in question will still not be connected directly to the public street system.

Beyond the paved section of 6th Avenue, the remainder of the roadway appears to be untreated soil... Uncompacted soil, when dry, may support the weight of an average passenger vehicle; such as:

- a compact car (average weight of 2,500-lbs),
- a mid-sized vehicle (average weight of 3,000-lbs),
- an SUV or pick-up truck (average weight of 4,000-lbs) or
- a full-size truck (which can weigh anywhere between 4,000 to 5,700-lbs).



However uncompacted soil will not support the weight of emergency apparatus or city service vehicles such as;

- Fire Engines (equipped with gear to put the fire out, including water tanks, pumps, and hoses), which typically weigh between: 35,000 to 40,000-lbs,
- Fire Trucks (full of rescue and ventilation equipment to safely and efficiently rescue victims), which typically weigh between: 36,000 to 60,000-lbs, or non-emergency city service vehicles such as
- Sanitation trucks which can weigh between: 20,000 to 30,000-lbs.

As a comparison: suitable sub-grade materials (select soil base materials to be laid beneath any all-weather surface material) is required to be compacted to 95% modified proctor to sufficiently support a 40,000-lbs loaded tandem axle dump truck temporarily (as exposure to inclement whether will rapidly deteriorate the base road materials), and another 8 to 11-inches of all-whether surface

material (such as coquina or GABC), compacted to 100% modified proctor, would need to be laid atop the sub-grade to support such weight long-term. Sufficient drainage facilities and a minimum of 2-inches of "Type 1" asphalt would be required to meet the standards of a "Local Access Street".

<u>Maintenance</u>: staff also have concerns regarding who will take on responsibility to perpetually maintain the drive/access? as the state likely will not construct nor may not extend their maintenance system to cover this section of roadway, even if such roadway is constructed – and - the owner of the subject lot does not appear to own the underlying property to which the road right-of-way was dedicated.

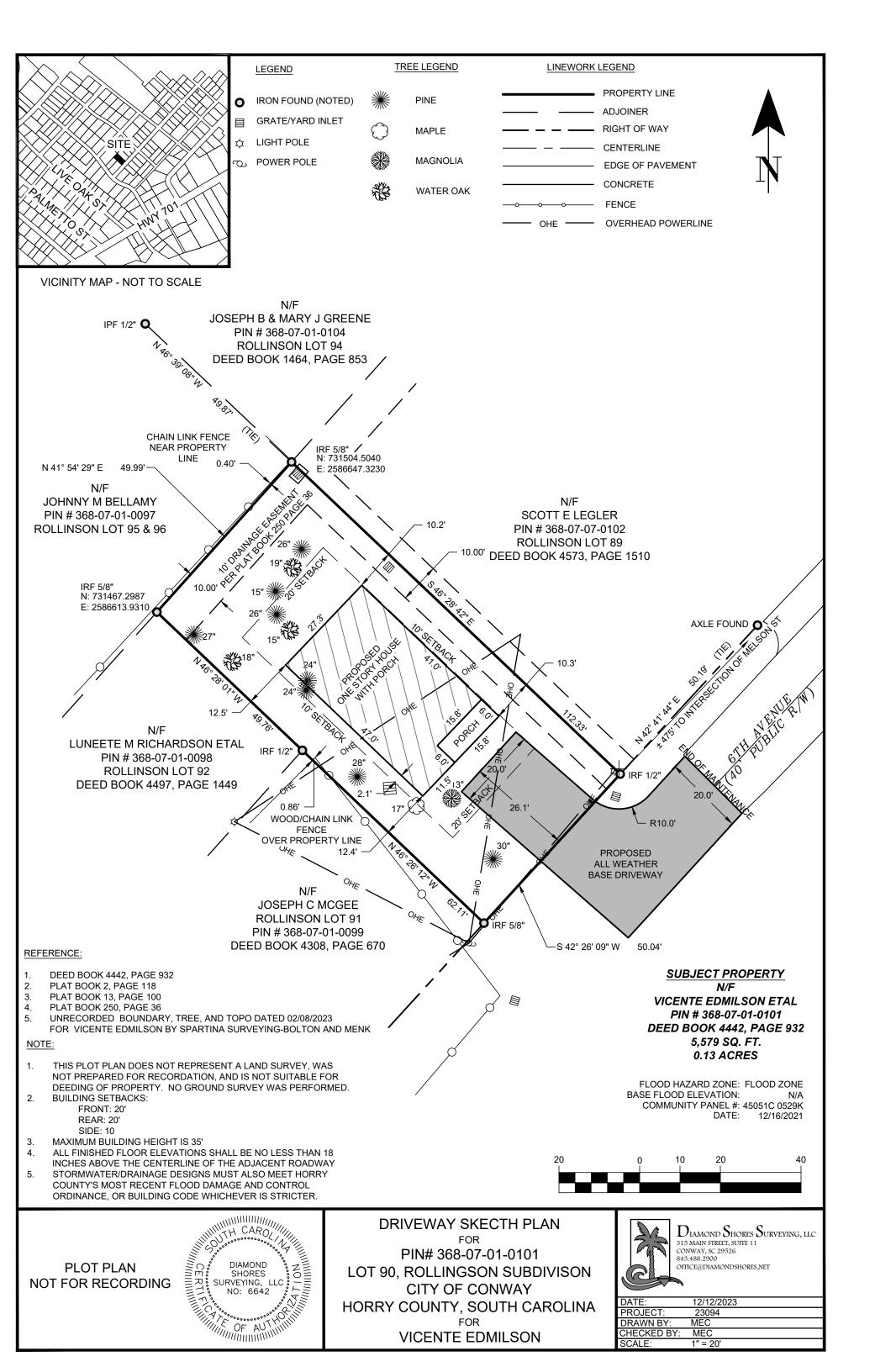
Additional Information (provided for the March 7th, 2024 PC Meeting):

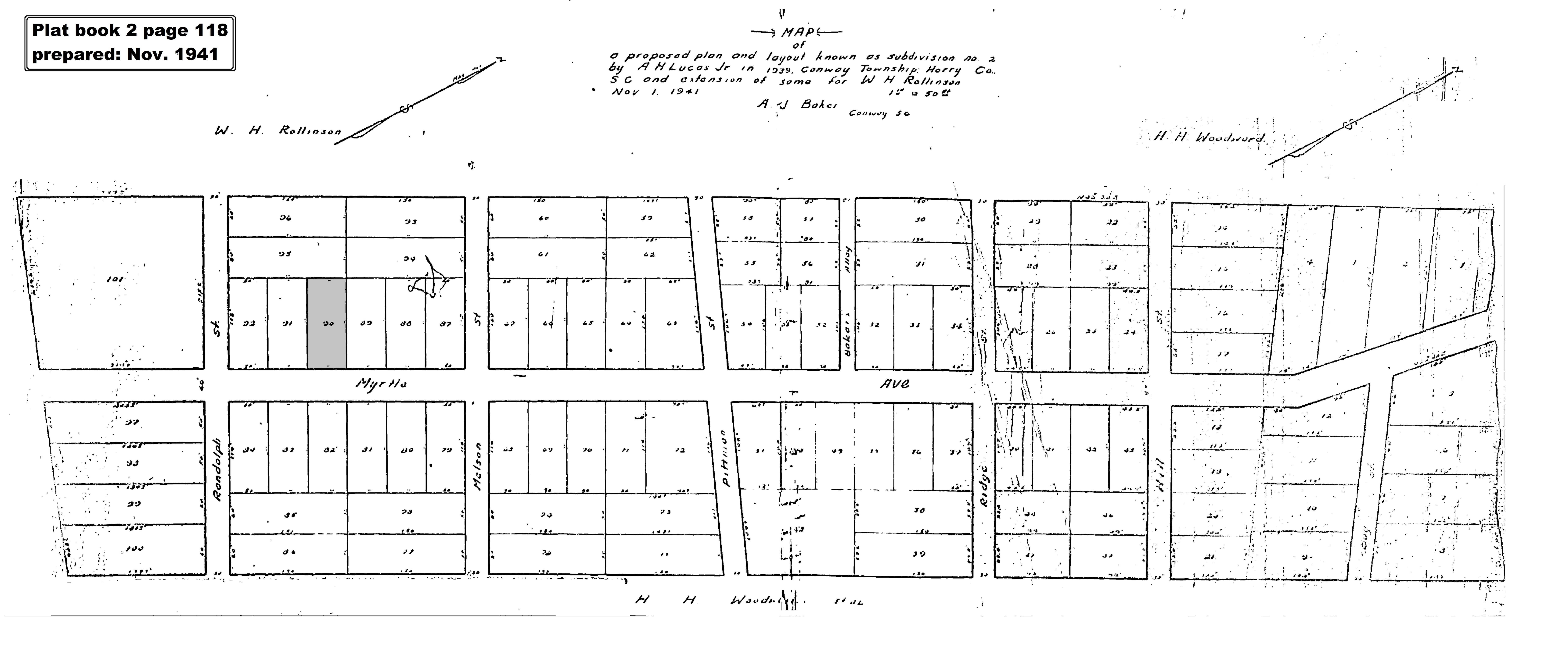
Following the decision of Planning Commission at their December 20, 2023 workshop, in which the design modification request was denied, the applicant filed an appeal in circuit court on January 19, 2024. At the February 1st Planning Commission meeting, the request was reconsidered and scheduled to be heard at the next Planning Commission meeting.

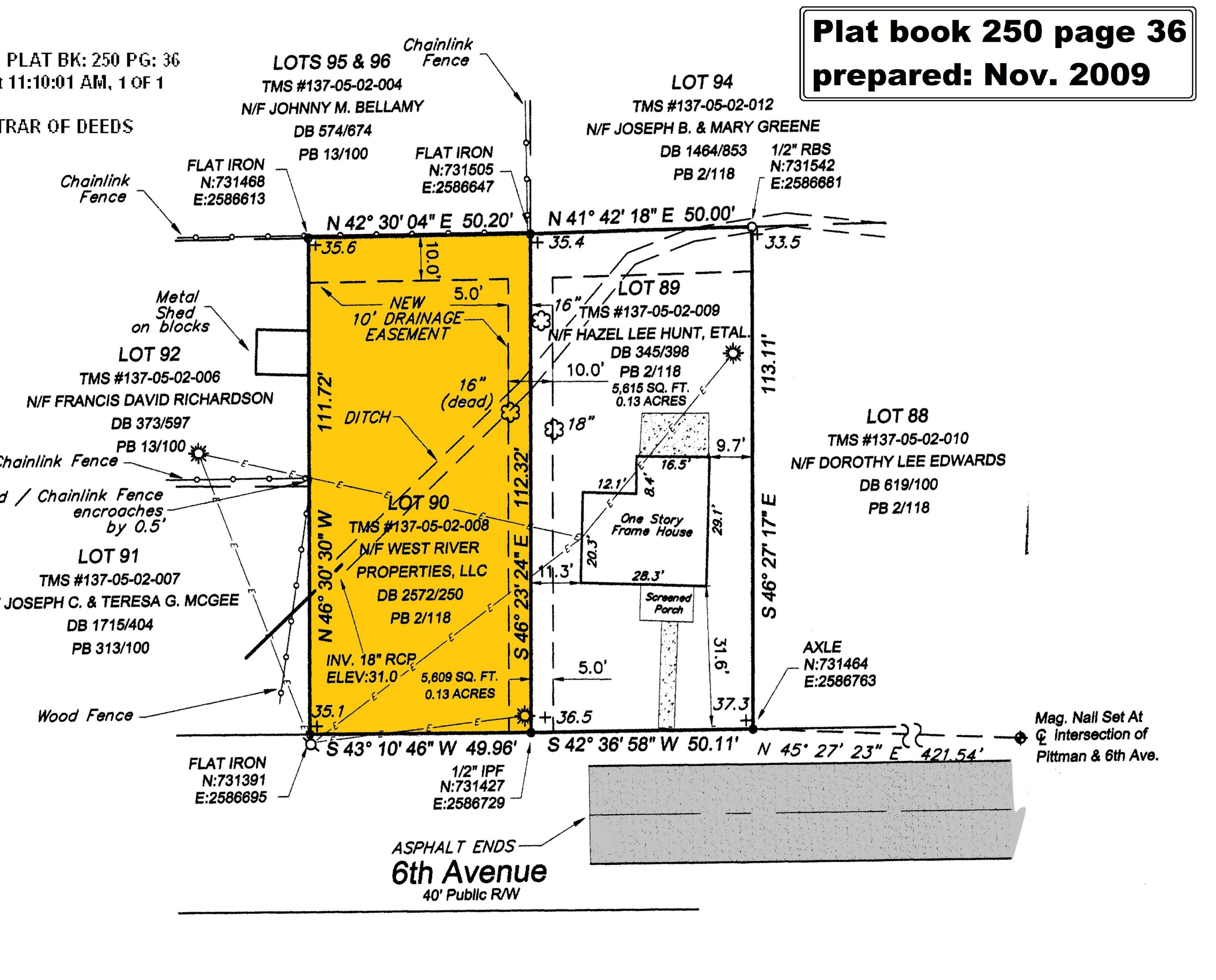
A copy of the transcripts for the November 27, 2023 Planning Commission meeting and the December 20, 2023 Planning Commission workshop for the portion of the meeting where the design modification was discussed has been included in your packet.

RECOMMENDATION:

Staff recommends a thorough review of the applicant's request.









Transcript of November 27, 2023 Planning Commission Meeting

Includes portion of meeting relevant to 2208 Sixth Ave design modification request only

City of Conway

Planning Commission Meeting

Monday, November 27, 2023

Planning & Building Dept. Conference Room located at 196 Laurel Street, Conway, SC 29526

transcript of a portion of the meeting relating to the design modification request only

V. DESIGN MODIFICATION(S)

A. 2208 Sixth Ave – applicant requesting a design modification to allow a structure to be constructed on an existing lot of record that lacks the required frontage onto a publicly maintained and improved street.

Jessica Wise (Planning Commission Vice-Chairperson):

Alright, moving on to design modifications, item A - 2208 Sixth Ave

Jessica Hucks (City Staff):

(no audio or video at start of staff presentation)

...on an existing lot of record that lacks (*gap in audio / video*) ...the creation of the lot predates municipal design standards, as the lots were subdivided via a plat dated 1941.

It is considered a legal nonconforming lot of record.

A paved street was constructed at some point in time to provide the required access and frontage for the lots prior to reaching the subject property, as you can see here, and maintenance of the existing street belongs to SCDOT.

The UDO, Section 10.5.2, requires that any existing street segment that is to serve as the frontage for one or more lots that have not been accepted for maintenance by the city, county, or DOT must be improved and dedicated to the public and must meet minimum requirements specified in the UDO.

No development is permitted on any street that is an island, not connected directly to the public street system. Additionally, Article 12, the nonconformities article of the UDO, requires that nonconforming sites with nonconforming street access be brought into conformity with the provisions of the UDO for street access, as close as physical circumstances allow.

The two primary concerns for staff is the condition of the property and the portion of the unimproved roadway preventing emergency apparatus or city vehicles from accessing the proposed residence.

While this portion of Sixth Avenue has not been inspected, the remaining unimproved portion of the road appears to be untreated soil, and untreated, uncompacted soil will not support the weight of emergency apparatus equipment, and if approved to a lesser standard then that of a public street, who will assume responsibility for maintenance.

The state is unlikely to construct or extend their maintenance system to cover this section of the roadway, even if the roadway were to be constructed, and the owner of the subject property does not appear to own the underlying property to which the road right of way was dedicated. The applicant is present to explain this request in further detail or answer any questions that you have This is not a public hearing.

David Schwerd (applicant):

Hello...David Schwerd, Diamond Shores...uh...survey. Um...you did an excellent job handling the large crowd that you had before you (inaudible) that part, so...from experience.

This particular project...I normally would not come and ask for a design modification for anything because there's a reason there's regulations.

This project, however, Sixth Ave is a state road and it stops 12 feet short of the property line. Um...for us to be able to build the road – that's one thing...to be able to dedicate to a public is another thing, so there's a couple different things that go on here.

One, the property has legal access...um...via the plat, and through legal court actions, anybody who's ever done title search...and if you don't know, amongst you – one of the best people I know that know anything about easements and he'll never tell you is that gentleman, Mr. Brent, sitting in the corner.

Um...we have legal rights to the access to the road.

We have legal rights to make an improvement to get access to the road.

We do not have legal rights to dedicate that road to the county, to the city, to the state...any of those rights, but we do have the right to build a driveway and the rig- ...right to build and improve the street access to it.

In 2011, there was a ditch that ran through the property...um...in 2011, the applicants or owner at the time worked with the city to realign the drainage.

There used to be a ditch that kind of cut through the middle. There's a catch basin that's actually...it's not shown on this plat, but there is a newer...a different plat that does show that, that we submitted as part of the plot plan originally and I don't know-...but that was submitted with the building permit originally so they may not have submitted it, but it actually shows the catch basin...I'll make sure you have a copy of it (*speaking to staff*).

Jessica Hucks:

Thank you.

David Schwerd:

Um...there's a catch basin, which – you can go to the other...there's a catch basin right here (*pointing to screen*)...that's actually city-maintained catch basin...sits right there, and there's a catch basin right here, so water from here goes this way, and then the water that actually comes off the end of the...the street – here...goes into a catch basin here that goes back to...in that direction.

We actually had met public works out on site a long time ago to go over that location and drive...um...what we're asking to do it basically to build a driveway off the end of the existing state road.

You have the...as a design modification, the Planning Commission has the ability to make a condition on what those improvement standards are.

Um...as opposed to requiring us to build a road that we can't dedicate, and since we can't dedicate the road to a public entity...that actually means I can't build at all on the lot, so you have an existing lot of record and as we had the discussion earlier, you got to be able to build right, so the idea is to have a design modification with the condition that you make us design a 20-foot wide all-weather surface that provides access as a driveway.

If I had a 200-foot long driveway off of an existing county road or state road or a city road, it would be no different than having a...an additional 12-foot of driveway coming off at the end of Sixth Avenue, which is basically what we're asking for.

Most of the houses that are along Sixth Avenue now don't even have a very good driveway...some of them have gravel. Some of them don't have anything but grass.

If you go back, I think you had a picture that was in the packet looking down the road and you can see most of those people don't have any kind of driveway and we're talking about installing a nice 20-foot wide GABC – a graded aggregate base, if you don't know what that means, but basically that's the base that you put underneath of a paved road.

We're going to build the 20-foot driveway back onto the property and it'll be just like a driveway to any other house...um...extending it is not really an option.

If you look in the picture, and I'll try to point it out. Rufus Street is down here to the left...these people use that section of right of way as part of their yard, so us extending it down to here is just going to stop at that location anyway because I don't think the city or the state ever want to extend it to those people's yards.

It's never been there.

There's no need for that connection right now and making that extension is going to do nothing but make your citizens angry so...we're proposing, like I said, to keep it simple, build a driveway...we're the last lot on the road, there are no other lots on the road to be built.

If there were, I wouldn't be in here for the design modification because there'd be a reason for building the road. In this case, there's no reason to build the road other than it's a requirement because in 99.9% of the circumstances, it should be.

In this case, you're asking us to build...you know...a 12-foot extension of an existing road and like I said, we legally don't have the rights to dedicate that to a public entity, so there's no way for us to bring it into compliance with that public roadway standard, but we do have legal access and we propose to just build a 20-foot wide graded base road that would be capable of handling emergency vehicles on a temporary basis, as she stated in her regulations.

Um...it would be engineered and designed just like we would for any other road, it'd just be a base instead of paving it...so...and as far as turning around or legal access, as you can see right now, there isn't one.

Now, when we build the driveway, at least it'll be a little bit safer to turn around on, and they will have to clear it, build it, grade it...just as you would any other thing, and if you make it a condition, it'll be subject to the condition, and when it does onto the building permit, the city will be able to enforce that condition.

Inaudible discussion

Jessica Wise:

That was going to be my question...about the turnaround.

Jessica Hucks:

Typically, a turnaround is something that the fire department would require if the um.... if it extends so many feet past the end of the pavement, so if you are creating a subdivision...we don't allow a dead-end road; you would have to provide a turnaround.

Um...I think the biggest issue for us is one...I mean, the applicant is not the underlying property owner. If they were to install the improvements to where fire could access it, who is responsible for maintaining that...I think is one question that we have.

David Schwerd:

And from the applicant's point of view is...if I had a driveway on my property, it's my responsibility to have a driveway in my property to get back and forth to my house...I mean, I'm not going to not have a driveway to my house.

This is going to be a driveway to an individual home.

There's going to be a resident in that house who's going to be owning the drive-...owning the house and having to get back and forth out of the driveway...no different than any other driveway...it's just going across another person's property.

There's people who have easements all the time and that's what this is, is an easement.

It'd be like uh if I lived...the city doesn't really do that but in the county, they allow a shared private driveway easement or any other kind of access easement where I have the right to cross somebody else's property to get out.

In this case, I have the legal right to cross somebody else's property – whoever that was in plat book 2, who developed all of Rufus Street and Sixth Avenue, and all the other streets that were right there...we have the legal rights to cross it, so it's an easement, and I'm just building a driveway within that easement as if I would on any other easement access that I have.

So, like I said, 99.95% of the time, I would not ever come in for a design modification for something that didn't...in this particular case, there's no legal way for me to dedicate that to public.

They're willing to build it to an all-weather surface, 20-foot wide, while most of the residents don't even have an actual driveway...they just pull off onto the grass in that area...um...so it'll probably be the sturdiest driveway on the entire length of Sixth Avenue, so...um...

Jessica Wise:

So, public works' position again is like who maintains this, or...

Jessica Hucks:

Right. I mean, the public works isn't going to accept it for any type of maintenance right now...I mean, it's DO...DOT, but that's where the maintenance ends...is that...I don't even know if they actually maintain (inaudible), so yeah...

David Schwerd:

It's striped, so would say that DOT probably maintains it all the way to the end but DOT won't accept any new local roads period.

That's not even like...they don't do that anywhere in the state, let alone in the city, and the counties where they're trying to give the roads away as fast as they can.

If they could figure out a political way to give it to the City of Conway, they probably would.

Jessica Hucks

...and they probably will.

David Schwerd:

I think they've given over probably about 300 miles of roads within Horry County to different jurisdictions over the last 20 years, so there-...there's nobody going to maintain it until the city takes over ownership of that road, and then the city doesn't...right now...I...and I still, even if the city maintained it, I don't have the legal right to dedicate that road.

I could build it, but I don't have the legal right to dedicate it, and therefore, it would never be public.

Jessica Hucks:

Because the plat was done in 1941, and by approving the plat, or creation of the plat...it implies that access is allowed, like David explained...trying to back and figure out who owns the underlying property to get certain, you know...to get like maybe a new official easement would probably be next to impossible.

David Schwerd:

And I don't think the city or the state want to go through the uh action of condemnation to clear up the title, which I know some people up here would definitely know about.

If you wanted to clear up the title in a condemnation action and then take over maintenance, that would be the only way to make it a public road, and until such time, we're proposing to build a 20-foot aggregate road, which is a driveway...which will be a good driveway; much better than the other driveways that are mostly along that road...um...and you have that ability to make a condition as far as enforcement...people got to get in and out of their house.

I make sure my driveway is clear in the morning.

I would hope the new resident would be able to make sure they could get out.

If this was a public way or future public extension, I'd have a different opinion and I'd make my client go ahead and build it, but in this case, it just doesn't seem to make sense to build a road that can't be dedicated, and I can make them build it to a base road so that it'll be a good driveway.

Jessica Wise:

So, the base road is what you're offering? You don't want to do an asphalt extension and then have a base...

David Schwerd:

But then who's going to maintain it at that point? I mean, it's an asphalt road for two cars...

Jessica Wise:

What... what's the city's preference in material for it?

Jessica Hucks:

What's the city's preference? Paved.

David Schwerd:

They have a requirement for pavement...that's (inaudible)

Jessica Hucks:

Because, here's the...(inaudible)

Danny Hardee (PC member):

(inaudible) all the way through...

Jessica Wise:

It's a weird situation.

Danny Hardee:

I'm looking at it on the GIS (inaudible)

David Schwerd:

Correct...we don't own that property.

Danny Hardee:

No, I'm wondering why when they built Sixth...the-...they've got it drawn all the way...(inaudible)

David Schwerd:

Yeah...I have...

Jessica Hucks:

Yeah, and it's fenced in. Somebody's fenced it in and put shed and stuff in it.

David Schwerd:

Yeah, I've been here for a long time, but I wasn't here in 1941 to '51 when they paved that road, somewhere in that timeframe.

I wish I knew why he did that because it sure would have saved me at least a couple of hours tonight.

Jessica Hucks:

And David is correct – I mean, the owner has an interest in making sure that they can continue to get access to their property.

If the property were to be built or constructed, and like what happened, a lot of times, somebody buys it – other than the person who builds it...the first thing that we're concerned with is that they're going to call like I can't get to my property.... whose road is this?

You know, they don't know anything about the circumstances of...to which a design modification was granted, so how do we assign responsibility to property....

David Schwerd:

We put a sign at the end that says private drive so that whoever buys it knows they have to maintain it, and a end of state maintenance sign as well is often used...um...where you put a big sign and it has to be there...if its not there, I can't get a CO on a house...but, I mean...its as in any other easement if I have to cross somebody else's property, there's easement rights that has to be shown on the plat.

I mean...I don't.... there's thousands upon thousands of properties in Horry County and even in the city that have nothing but access via easement.

It's really nothing different in this case; except that there was a platted right of way there previously.

Jessica Wise:

So, it sounds like, from what I'm hearing, we need to enable this lot access, so how do we want to require that...is kind of my take. Um...what it...and it has to extend 12 feet past the property line – is that what we're...or just to the property line?

Jessica Hucks:

He's just wanting to get it to the driveway, like just...just far enough to where there's a driveway to get to (inaudible)

David Schwerd:

Yeah, basically what happens is the asphalt stops 12 feet short of the property line now.

We want to build an all-weather driveway; not only the 20 feet from there, but all the way up to provide the required parking spaces on the lot, and...I mean...a real driveway in front of the house and a place for you to park your cars and stuff like that...like you would at any other single-family home in the City of Conway, or not all of the city homes cause a lot of them don't have any parking at all downtown.

David Sligh (PC member):

Alright, so I (inaudible)

Jessica Wise:

So, he's 12-feet short of that property line, so he's got to go at least 12 feet to get access to his lot, and then it's like do we want an all-weather surface...what do we want cause nobody's going to maintain it.

David Schwerd:

And we had provided a plot plan with the property when we submitted for the building permit and it-...basically, you have the ability to require me to build the road, not only the 12 feet, but also, up onto the property and provide the required two parking spaces and the vehicle turnaround and all that other stuff on the lot.

Right now, the house is proposed to be about 30 feet back off the property line anyway.

You build the 20-foot drive and you build the parking spaces on the lot and the ability to turn around in the parking spaces, back up, and leave, just like you would in any other driveway.

I mean, you can see the house next to us, they have a long area to get back to where their house...our house is proposed to be just not – not too far forward of that existing house that is there on the lot to the right...actually, farther back than their screen porch that's on the front.

David Sligh:

Help me through this.

So, I mean...I want to get there...um, the only thing I can think of that's got me hung up on this...alright, we're four lengths forward in the chain of title after we've done this, and I'm not a dirt lawyer, and so, I'm ill-suited to ask this hypothetical, but what is going to show up in...I mean, because we'll still be working off of this plat, right?

This is the - are we doing anything new?

David Schwerd:

There's nothing being changed – the only thing that this plat did different than the one in plat book 2 was that it granted the easement for the City of Conway for their drainage system and catch basins that are out there.

David Sligh:

So, they'll still...they should have an understanding moving forward that it's the same plat, there's no...they don't own it...it will be clear to whoever closes it that they don't own it and they'll have this thing...whether they recognize that or remember that is another thing, but is there anything else we can do to make sure it was clear cause that (inaudible)

David Schwerd:

I mean, you can make a condition...we've done a survey of the property.

If you want us to record a new plat that indicates the end of county maintenance as it's shown here, or end of state maintenance, and that...that point past it is private right of way, and make that the current plat of record...you can make that a condition.

We've already got it done and drawn that way.

David Sligh:

That...that seems to (inaudible)

David Schwerd:

That would...the plat that could be used for description.

David Sligh:

(inaudible) ...concern about somebody...I mean, it doesn't address maintenance, but at least its nobody saying hey why don't...why aren't you doing "X" so it should be clear...

David Schwerd:

And we do have that plat done that shows...as you can see...where the asphalt ends, and more than happy to indicate...record a plat.... that has to be recorded prior to issuance of a building permit that indicates that section is private and not maintained by the state or the city.

Jessica Wise:

So, my inclination though to is...just me speaking...to have the asphalt go to the lot, because then, if you have gravel, that's going to get kicked around everywhere...I'm thinking for a fire truck access, so you have like an asphalt drive to that lot for a vehicle to access that's going to stay there, whether it's maintained or not, more than just like grass or gravel or whatever, so that....that's my inclination personally.

David Schwerd:

The only problem is that when we go to build, DOT – to get approval from them to extend that road, as opposed to just getting a normal single-family driveway encroachment permit, it's going to be a little bit more difficult for DOT to…because they've already had to wrestle with the same issue that you have, and they (inaudible)

Jessica Wise:

So, if you record the plat though, and then you can do the driveway?

David Schwerd:

I can do a driveway now as a single-family driveway and DOT doesn't have the issue.

If I go to start building the road off of it, then I got to get a whole different...it's got to go from the local DOT to the Florence office because they don't handle roadways, they handle driveways locally. It's just a different review process, and like I said, we can pave it to the property, but doing that, it doesn't give any better turnaround, it doesn't give anybody a different driveway...it's just an added expense that doesn't improve the situation for anybody.

Otherwise, like I said, I wouldn't be here...I...anybody who knows me, I don't look for changes in regulations if it's not needed.

Jessica Hucks:

And I know that, you know, for temporary turnaround purposes in subdivisions, um, fire department would require that it be a-I think an eight-inch GABC...um...is there some type of report that you would have to turn in to ensure that...Geotech...?

David Schwerd:

Typically, you would have to do a Geotech report if you were going to – if you had bad subsurface soils or anything like that.

You can also do a proof roll without doing that...um...by just – actually, a proof roll is nothing more than taking a weighted vehicle out on the ground and actually verifying that it doesn't sink; which is what we would prefer to do because a Geotech is going to be...you know...anybody who's done that just to get them to come out there – first of all is going to take a couple of months and then second of all, it's going to be several thousand dollars for them to take two soil samples that I can prove with a heavy loaded dump truck to come out prove the same exact thing.

Jessica Wise:

(speaking to another PC member) I liked your idea.

Julie Hardwick (PC member):

What would be...and I may be – we're getting here late now...what would be the liability to the city...let's say if they needed – if the house was on fire and they're trying to get a fire truck there and the...and the truck can't get there?

Jessica Hucks:

That is staffs concern.

Julie Hardwick:

I mean, that's...that's going to come back to the city, ultimately...am I thinking about this correctly? (inaudible)

Jessica Hucks:

Yeah, because ultimately, the lot is what's owned by the property owner...the road is – I mean, I guess you could say that the plat, when it was recorded, is implied that whoever owned that property at the time essentially has an easement and rights to access to that lot but the person buying it today owns the lot, not...um, you know, that is staff's concern.

I...I will say that we did send this out to all departments...um, the fire department didn't – said that review was not required...um, but I'm not really sure why...um, I'm not sure if maybe they just didn't understand what was being requested.

That could be something that staff could have a meeting with them about because this has never – we've never gone this far before; this is the first time, so David is the guinea pig here.

David Schwerd:

And like I said, I would not normally be the guinea pig because I used to write regulations.

This particular one; however, if my driveway was a 300-foot driveway at my house, I'd be the one liable for maintaining my driveway and if the fire department couldn't get there...anybody could sue the city...okay...

Jessica Hucks:

That's right.

David Schwerd:

It doesn't matter what it's for, but its whether or not – in this case you're at least going to have a better driveway than you would if I had a paved road in front of me because you don't have any enforcement on what my driveway looks like, as evidenced by the rest of Sixth Avenue where they have hardly any driveways if anything...it's usually sand and leaves and a little bit of gravel here and there.

In this case, you have the ability to put a condition on it that I'm building at least a 20-foot wide GABC road with adequate parking onsite for a turnaround.

It'll probably last longer than the asphalt road that's there already if the DOT has to continue to maintain it, because you see what a job they do.

So, all I can do is plead for this person...they have to have the ability to build on their lot and that's the problem that we're at now, is the current regulations say I have to have a public road...I can't make that happen.

Jessica Wise:

Alright y'all, let's talk this through...it's getting late.

David Sligh:

So, the staff...staff would like to see...um...if we said approval subject to review from technical review committee, would that be sufficient to address any fire requirement?

Jessica Hucks:

You could...you could place...you could do what we do with plan review is that Planning Commission would recommend approval on the condition that all comments from the technical review committee have been satisfied. That would exclude us because that's why they're here before you, but if there is something from the fire department that supersedes what the UDO says, to provide adequate turnaround space or an eight-inch GABC, or whatever reports would be required, that would be above and beyond us, but we couldn't say subject to TRC

blank-...you know, just blanket say that because if you approve it, then you're basically stating that they don't have to comply with the UDO – they're getting a design modification, but we would...you could say subject to um, compliance with any uh fire uh department requirements, making sure that they comply with fire code.

Julie Hardwick:

Can I just go back? I want to back up just one second...sorry guys.

So, am I still looking...there is a drainage dich that goes parallel through this property?

David Schwerd:

No, that ditch was abandoned by that plat and...

Julie Hardwick:

Okay, that's the one that y'all realigned right?

David Schwerd:

...and the new easement realigned it down the property line

Julie Hardwick:

Okay.

So, again, I understand wanting to build a house there but currently there's no house there, but I do think we need to be very careful in the decision making to make sure we protect the city as far as legalities.

David Schwerd:

(Hands staff a copy of the easement plat)

Danny Hardee:

(inaudible) a lot on this side of the street that can be built on too, right?

Jessica Hucks:

I think it's already developed, isn't it?

Danny Hardee:

I don't think there's anything on it.

David Schwerd:

No, you can't see it underneath of your...pavement; it actually faces the other way.

Jessica Hucks:

Yeah, initially...um, this plat – if you look where the star is, that is where the lot is, and then those other two lots were facing the were facing the same direction.

Now, at some point, those lots were changed...

Danny Hardee:

How did they – if there's something built...go back one...how, if there's something built on the lot across, how are they accessing it?

Ellen Watkins (PC member):

You mean across the street.... across Sixth Avenue?

Danny Hardee:

Yeah

Jessica Hucks:

They're reoriented a different way, I think is what David is saying...is that those lots; maybe except that one lot directly across the street and it's hard to tell, but David could be – I mean, that could be correct, is that there is a lot directly across from it...you'll have the same issue come up, but it looks like the other lots are actually facing Rufus Street.

David Schwerd:

I'm pulling it up myself just to confirm that because I do not want to provide misinformation, so...

David Sligh:

Danny might be right.

David Schwerd:

There it is.

Jessica Wise:

It's just a bunch of trees.

David Schwerd:

Yeah, I'm trying to see where they...they already live on Rufus Street...that's what it is.

Danny Hardee:

I'm just...by my...I'm just looking at the Horry County map and I'm just not seeing an access to the lot across the street.

David Schwerd:

Yeah, the owner of that property is the owner of the house behind it...that's what it is, which you can't see.

This lot owner here...408...owns that or actually, sorry...this lot that's off the map here cause you don't have GIS up but this map...there's this house...there's another house here, so this is...408 sits right here, and 408 owns that lot – it's part of their lot.

They bought it as one track; even though they're shown as two separate parcels, cause that's the way they were created, it's actually the same owner who owns both.

Anne Bessant (staff member)
Jessica, do you want me to pull up the other (inaudible).
Jessica Hucks:
I just can't get mine to load up.
David Schwerd:
It's hard to show, but herethis is 408 and the owner (inaudible) over at 408.
Jessica Hucks:
They could potentially, even though that is a separate lot, it's a separate low and it's owned by the same person, they could potentially (inaudible)
David Schwerd:
submit something – correct, they could.
Jessica Hucks:
and the same situation would apply.
David Schwerd:
and I
Danny Hardee:
And, see, I'm showing different owners.
David Schwerd:
They arethey live in one and rent the other as an LLC supposedly is what they – the owner
Danny Hardee:
No, the lot – I'm just confused.
David Schwerd:
Yeah, (inaudible) the two owners are different
Danny Hardee:
The lot across the street is empty, right?
David Schwerd:
It is vacant, yes.
Danny Hardee:
Okay, and that's a (inaudible) Anderson or what?

David Schwerd:

Correct, and they live at 408...408 has a different owner because it's owned by an LLC company.

Danny Hardee:

Okay.

David Schwerd:

It's their company they created to own their house for tax purposes supposedly.

Jessica Hucks:

Yeah.

Danny Hardee:

Okay, so then you get into another thing – if they were to sell that and – not that lot...

Jessica Hucks:

...and they could.

David Sligh:

So, what – and looks like there's a bunch of those lots...just back, um...Sixth Avenue, same setup.

David Schwerd:

There shouldn't be any more on Sixth Avenue that don't have paved...

David Sligh:

No, it's one back – it looks like the way it's platted at least on county GIS, you got these phantom roads running through there (inaudible) another block.

Jessica Hucks:

Yeah, this is actually a very common scenario in several areas that are...that have been around for decades...um...

David Sligh:

So, do we have to do that for everybody that owns those lots?

Jessica Hucks:

That...well, that's the thing is we've told people that you cannot develop the property until the road has been installed, but in those cases – in most of those cases, they're city roads or they're county...you know, the right of way is there, and um, the only issue is...we actually have...

Country Manor has a lot; a subdivision, where the road was not completed to go past the lots, and that lot – we've said no, you cannot be issued a building permit until you install the road and the sidewalks and the curb and gutter to go past the lot – can't do it, but it is a city right of way.

So, the situation here, which I'm not saying doesn't exist in other places, is there is no...there is nobody to maintain it.

There's nobody to give maintenance to.

A lot of the other situations, it is a city road, or it's a paper road owned and could be dedicated to somebody...and they may have to install it the whole width...the whole length of the roadway...um, so that makes this a little bit different but it does exist in several areas...um, on Four-...Fourth Avenue, the Racepath Area, because it's...a lot of it is heir's property too – it's been in the same family for several generations...um, prior to the existence of land development regulations in the city...um...

David Schwerd:

It was developed by W.H. Rollinson, so if anybody is...knows who that is, I mean...I'd be happy to contact them, but, I mean, I don't have the ability to do it and I don't have the power of condemnation.

The city does.

I mean, there are quiet title actions and quick claim deeds and, you know, we could file a suit in the court to try to claim it as ours, but it was a dedicated road right of way.

At some point, it was dedicated to the public to take access.

Unfortunately, they only built a portion of it.

I imagine what really happened was there was a road built for whatever houses were being built, and then over time, DOT – there was enough houses there, they got DOT to come in and pave it; probably back in the '60s, and called it a day...and they've been somewhat maintaining it since then...would be my guess...that's what happened with most of the roads, but we don't have the ability to make it a public right of way there.

That option doesn't exist because I can't build it and dedicate it to the state – the state won't take it, so at least the road that we'd be building – I mean, even if you wanted to make it a 22-foot wide base, at least that would be the base that would be required for the road if it ever did get built by a public entity or could be maintained, which would be just as wide as any other access that anybody had.

I'm just looking for a way of...the man's rafter's and timber that he's already got ordered and is sitting now in a building somewhere doesn't...I mean, he's got to have the ability to build on a piece of property.

Legally, he's got to be able to build.

There's got to be an alternative to making it a public road; whatever that middle ground is that you as a board find, but we were proposing to make it just like we would a driveway.

It's a single-family, it's 20-foot wide all-weather GABC, so that – you can have the technical review committee it, we could do a proof roll on it before they get a CO...I mean, whatever the conditions are just so the man can actually construct a house on it.

Jessica Wise:

So, we would be setting a precedent though for this situation?

Jessica Hucks:

Yes ma'am

Jessica Wise:

So, do we need; I mean I would hate to – (inaudible)

David Schwerd:

I would argue that though.

Design modifications do not set precedential value...um, but that's...

Jessica Hucks:

Well, as far as – yes, I'm sorry, you would not be setting a precedent for design modifications, but for Planning Commission, that this grant-...that something of this nature being granted by Planning Commission is a first.

Doesn't mean it'll be the last...um, in fact, I do foresee another issue coming before you for another property off of...um, Graham Road and Country Club Road...(inaudible) a little bit of a different situation because that is currently a private road which is going to be – has the ability to be dedicated to the public by all of the owners who would utilize that road, and that's the issue here, or one of the issues here.

Jessica Wise:

So, do we need any kind of like legal counsel from the city before we make a decision?

Jessica Hucks:

It may not be a bad idea...it may not be a bad idea to have the city attorney...um look at this to see...um...if there's any other avenue that could be pursued...um...

This could be something that we could...um defer to the workshop so that the applicant does not have to wait to...um another...another, you know, the next months, or the January meeting.

David Schwerd:

We have no issue – we're just trying to work through a process, because like I said, we literally can't make it a city or state road, so (inaudible)...

Jessica Wise:

At the beginning, I thought this would be easy... (audible laughter) ... I don't (inaudible)...

Julie Hardwick:

Yeah, I do think...

David Schwerd:

Well, it could have been, and you could have just approved it and we could have gone on, but no, we had a bunch of questions. (audible laughter)

Julie Hardwick:

No, we already got a (inaudible)

Julie Hardwick:

I do think this deserves maybe a little closer look cause I do think there's some legalities that I would like to know the answers to...um...

David Schwerd:

I'm more than happy to work with the commission or your legal counsel; whoever has questions to resolve it. Like I said, I — we just don't have the ability to make it public.

Julie Hardwick:

I mean, the lots been there for...since 1942 and hadn't been built on.

I don't think 30 days or 15 days – I'm sorry for y'all, but...(inaudible) being cautious.

David Schwerd:

No, its not me, its my client, but its been a lot longer than that; its just taken us this long to get it to the point where we got to get it on the agenda.

Jessica Hucks:

Yeah, and David, (inaudible)

David Schwerd:

Its been since March when I was working with Public Works, so...

Jessica Hucks:

We're going to hold a workshop – this doesn't need a public hearing...when we hold the workshop, I don't see any reason why this could not be added.

David Schwerd:

We have no issues with that.

Like I said, we're just trying to get it figured out so that everybody's on the same page, and at least if you ever do run into an instance like this exact scenario again, you might have an idea of what kind of regulations you want to impose on them.

Jessica Wise:

So, if we were going to do that for legal counsel, would we also want to do it for TRC circulation so we make sure we have everyone's (inaudible).

Jessica Hucks:

It was circulated to TRC...several, but we'll have to follow up with of the departments on that.

I mean, Public Works obviously doesn'tthey don't really have a dog in the fight, so to speak, because it could not be dedicated to them.
Jessica Wise: For the fire code(inaudible)
David Schwerd: Fire code also doesn't deal with individual single-family on driveways, so there's that issue, and also – it's a 40-foot right of way. Legally and physically, there's no physical way to actually construct a turnaround that meets fire code within that, because it requires a minimum radius of 40, which would be 80-foot across, or 120; depending on if I did a T-intersection or a Y-intersection or a cul-de-sac. A regular cul-de-sac would have a 40-foot radius on the actual travel surfacethis is only a 40-foot wide right of way to begin with, so it's only half the width that I would need to meet those fire regulations, soit's not physically possible.
Jessica Wise: Okay, well, I will make a motion that we deferuh, pending some legal advice and the workshop.
Julie Hardwick: Second
Danny Hardee: Second
Jessica Wise: Okay, all in favor?
Danny Hardee, Ellen Watkins, Kendall Brown, David Sligh, Samantha Miller, Julie Hardwick: Aye
Jessica Wise: All opposed? Alright
David Schwerd: Thank you for your considerationI look forward to working with the counselhopefully coming back with a solution.
Jessica Wise: Thank you. End of transcript

Transcript of December 20, 2023 Planning Commission Workshop

Includes portion of meeting relevant to 2208 Sixth Ave design modification request only

City of Conway

Planning Commission Workshop meeting Wednesday, December 20, 2023

Planning & Building Dept. Conference Room located at 196 Laurel Street, Conway, SC 29526

transcript of a portion of the meeting relating to the design modification request only

I. Call to order

Chairman Brian O'Neil:

Okay, good afternoon everybody.

I hope everyone is staying warm today on this fun, cold, summer day, but I wanted to welcome everybody and call this Planning Commission workshop to order.

We have a few things on the docket today; a design modification, and also a discussion on a development, so with that...Jessica...

II. Design Modification

2208 Sixth Ave – applicant requesting a design modification to allow a structure to be constructed on an existing lot of record that lacks the required frontage onto a publicly maintained and improved street.

Jessica Hucks (City Staff):

Sure...I'll be happy to go into as much detail as you would like.

For those that were not here last month – at the November 27th meeting, Planning Commission wanted to defer the design modification for 2208 Sixth Avenue so that staff could seek a legal opinion about the possibility of the design modification being granted.

Basically, what they want is to have the applicant be able to pull a building permit for a single-family home on an existing lot of record that lacks the required frontage onto a publicly maintained street that meets city standards.

The creation of the lot predated municipal design standards...they were subdivided via a plat in 1941; it's considered legal nonconforming.

A paved street was constructed at some point in time to provide the required access and frontage for the lots prior to reaching the property, and maintenance of the existing street belongs to SCDOT.

The Unified Development Ordinance requires that any existing street segment that is to serve as the frontage for one or more lots that have not been accepted for maintenance by the city, county, or DOT must be improved and dedicated to the public and meet the requirements specified in the ordinance.

No development is permitted on any street that is an island not connected to the public street system.

Additionally, our nonconformities section of the UDO requires that nonconforming sites with nonconforming street access be brought into conformity with the provision of the UDO for street access as close as physical circumstances allow.

The two primary concerns of the staff at the November 27th meeting was the condition of the property and the portion of the unimproved roadway that would prevent emergency apparatus and/or city vehicles from accessing the proposed residence, and while this portion of Sixth Avenue has not been inspected, the remaining unimproved portion of the road is currently untreated soil and untreated, uncompacted soil will not support the weight of emergency apparatus equipment...and if improved to a lesser standard than that of a public street, who would assume responsibility for maintenance.

The state is unlikely to construct or extend their maintenance system to cover this section of the roadway, even if the roadway were to be constructed, and the owner of the property does not own the underlying for the right of way...so even if they did build the street, they would not have the right to convey it to the city...um the applicant(s) are present to explain the request or answer any additional questions.

We did reach out to the Municipal Association and unfortunately, this is...um, I think this has stumped everybody...because in some situations it's a city right of way or it's a right of way that could be extended and dedicated but in this case its so...the lots have been there since 1940...probably at some point the state came in and paved it until the point there was actual lots and maybe maintains that but it doesn't mean they're going to maintain anything further, so if the design modification is approved, you would essentially have a private driveway off of an SCDOT road.

It would not front a public roadway or a public street system as required by our ordinance.

Chairman Brian O'Neil:

Just a question looking at the map...looks like back in the 40s when it was done...you could see how the road looks like it would've continued all the way through...that was probably the original idea. Who owns that strip of land then that was originally intended for the road? Is that...(inaudible)

Jessica Hucks:

When the plat was created in the 1940's, it was assumed that anybody who...ya know...anybody who lived there would have rights to access those lots, but short of doing some type of quiet title action to where they could petition the court for ownership and then possibly build a road and then convey it to the city, the city would also have to be willing to accept ownership of that portion of roadway, so um...who owns the property?...they may not be living today.

Chairman Brian O'Neil:

So, the records may be lost or unknown at this point since its been so long, and no one (inaudible)...looking at the pictures of the road, no one's maintaining that at all, so...

Jessica Hucks:

Not that portion.

It's unclear as to whether the state is still maintaining it...it's assumed that they are...that they're still maintaining that portion that has been installed but would not continue...(inaudible) it's the end of state maintenance...where it stops, that's the end of state maintenance...

Chairperson Brian O'Neil:

...where the pavement stops

Jessica Hucks:

Correct.

Chairperson Brian O'Neil:

...and the pavement stops at the last house that was built...nothing was ever built on that lot so they never continued the road any further and now we really don't know who owns it but if someone wants to petition the courts just like you were saying, or...wow...okay.

Alright.

David Sligh (PC member):

OK I've got a question...does this fall...is this one of the things we decide solely or are we making a recommendation to council...(inaudible)...the design modification?

Jessica Hucks:

This is something that Planning Commission would decide, and if the applicant has the ability, to appeal the Planning Commission's decision to circuit court; much like the Board of Zoning Appeals.

David Sligh:

OK so what criteria are we supposed to follow in making our decision or...it's not like the Board of Zoning Appeals?

Jessica Hucks:

Correct.

Staff supports the Unified Development Ordinance, and the Unified Development Ordinance...I mean, you could place certain conditions...I believe that Mr. Schwerd had recommended – had stated that there could be conditions that even if Planning Commission were to recommend or to approve the design modification, that there could be a sign installed and a plat done showing that was the end of state maintenance and that way anybody who bought the property knew that they were assuming the responsibility to keep that (inaudible) driveway improved...um but there...short of that...I mean, you could do that and it would be up to staff to make sure that is done, but staff supports the UDO and staff is concerned about the precedent that this would set for several other lots, including the one directly across the street from it that would...um...potentially have the same issue.

David Sligh:

So, what design...I know this sounds moronic but that's where I am, but how far – what are we modifying? Are we modifying this plan that is (points to screen) right here?

Jessica Hucks:

The Land Development Regulations says that no lots can be an island...they have to be connected directly to the public street system, so that is one that you're...(inaudible).

David Sligh:

We're modifying that requirement for this one...okay.

Jessica Hucks:

Yes.

Chairman Brian O'Neil:

And its not like they can have a legal easement to be able to drive on...we don't even know who owns it so, I mean, they couldn't really do that, plus the question of the fire trucks and everybody else being able to get to the house...they can't do that.

Jessica Hucks:

Yes, the applicant is willing from what I understand to install the necessary improvements for...um the fire apparatus and the fire department is present as well as public works – there is somebody present from public works if you have any questions directly for them.

Chairman Brian O'Neil:

Anyone else have any questions right now on the Board? Is the applicant here? Come on up and just state your name and all that for us for the record.

Jamie Steele (applicant's agent):

Jamie Steele, Diamond Shores, 315 Main. Um, we're proposing a connection...proposing an all-weather surface, 20-foot wide, and uh the owners would install it and then (inaudible) for maintenance.

Chairman Brian O'Neil:

OK, would you...I mean...would you like to convey that to the city, or...you would basically just be building it and keeping up the maintenance on it on the part where the SCDOT ends to the point of the house and they would have standards that aren't (inaudible) that street currently has I would imagine...

Jamie Steele:

Yes...well it would be an all-weather surface, 20-foot width...(inaudible) for fire access, ya know...stuff like that.

Jessica Hucks:

For clarification, he could not convey it to the city because he doesn't own the property to be able to convey it.

Chairman Brian O'Neil:
But how can he build on it we don't know who owns it?
$Wow, so\ Horry\ County so\ no\ one\ actually\ has\ any-there\ no\ documentation\ on\ really\ who\ owns\ this\ from\ back$
then, at this pointI mean, you haven't found anything on (directed towards Mr. Steele).
Jamie Steele: (shaking his head) Nowe've done research upon research on itDOTs not going to maintain it, so
Julie Hardwick (PC member):
Could you explain to me the different between an all-weather surface and an asphalt drive?
Jamie Steele:
There's just ait's going to be the material that we useit's still suitable for fire access.
Julie Hardwick:
So, what typewhat type of materials for all access?
Jamie Steele:
We're talking coquina versus regular asphalt and GABCI think that the uh – (inaudible)
Jessica Hucks:
It has to be dust free also
Julie Hardwick:
Has to be what?
Jessica Hucks:
Dust free
Dust free
Brent Gerald (staff member):
So, not coquina
Jamie Steele:
Oh, you're not allowed to use coquina? OK(inaudible)
Chairman Brian O'Neil:
So, we're talking base material, pavement on top of thatthe normal (inaudible) be able to hold fire trucks and
the trash (inaudible)
Jamie Steele:
That's correct

Jessica Wise (PC member):

(inaudible) not going be pavement on top of the (inaudible)

Jamie Steele:

No, it's going to be...like he said – dust free

Chairman Brian O'Neil:

Yeah, you'd have to dig it all out and make a road (inaudible)...you can, but we don't know who owns it.

Jamie Steele:

That's correct

David Sligh:

Is it possible – I'm not suggesting this is a good idea, but would it even be possible for the city to say OK, we're going to agree to pave this X-number of feet and um agree to maintain it in perpetuity...and uh then I guess it's no longer an island if they were to do that. Is that possible?

Jessica Hucks:

If the city paves that portion of the roadway, and the city is making improvements on property that's not owned by them and not, ya know, they don't have the right to have it dedicated to them.

Our concern really is if this person builds this house, and then he sells the property...ya know, once the house is built – the person who buys the property...even if they are willing to install the driveway and it meets fire code requirements...that person who buys the property isn't going to know about a design modification and they are going to be calling wanting to know how they get potholes fixed...ya know, who is going to legally maintain it and how do you require whoever is installing that material to maintain it...and this is why we require all lots to front a public street that would be dedicated – either to the city or by the county or DOT.

George Ulrich (PC member):

What was the concern about the property across the street that you mentioned earlier?

Jessica Hucks:

So there is property directly across from this one, so if it's approved, then you would have the same situation, potentially, across the street, but there are other situations in the city where we...may be a little bit different from this because it's city right of way and they could potentially build the road and then dedicate those portions to the city, but then we would probably start seeing requests for same situations to not install the road or to only install the road to meet the minimum for fire trucks, so staffs opinion is that it may be something that is best resolved in the court system so that there is an actual legal precedence that is set that we could go by.

Jessica Wise:

That was going to be my question is...what's the legality if we were to deny it...I mean, we're setting a precedent obviously if we approve, and that precedent includes whatever the base material is, but if we deny, are we denying his right to build on property that he owns...is that (inaudible)

Jessica Hucks:

It is not staff's opinion that you are denying him the ability to build his home.

He has every right to build his home, but in doing so, the minimum requirements must be adhered to, which include fronting a public street.

So, you're not preventing somebody from building their home...just that they don't meet the minimum requirements for frontage or access...and again, this is a very new situation for staff...it's something that even attorney's at the state level do not know enough about...I guess there's not enough legal precedence that um...I know there was an issue whether or not this may be a taking, and I am not an attorney, but it's of our opinion that it is not a regulatory taking.

Chairman Brian O'Neil:

Well that is really what it all comes down to is who owns it...you, you can't just build on it without having ownership of it, cause then you own it, maintain it – you take care of it, but we don't know who own-and we don't...I'm sure you've already researched all this, but no one – has this ever come up before, where we have property that no one has ownership of, that...(inaudible)...yeah...

Jessica Hucks:

No, not this

Chairman Brian O'Neil:

Yeah, and that's where the legal system makes sense, so let them make the precedent, let them make the decision...cause this is a legal decision...if we let his happen as a board, we're setting the precedent but we're also granting right away without any legal authority.

Jessica Hucks:

Well, every situation is different.

Just because a design modification may be granted in this instance does not necessarily mean that it would be granted in the same or similar circumstances for different properties going forward, cause everything is on a case-by-case basis, and obviously this is one that is different and unique from other properties, because in those cases it might be city right of way that was just never completed, but it's city right of way...um but there are other lots in this immediate area where this same situation could arise.

Chairman Brian O'Neil:

What does our attorney say about um the situation overall...what are their recommendations?

Jessica Hucks: That it would be best settled through the court.
Chairman Brian O'Neil: Okayand I'm sorry – is there anything else you would like to add, or (directed to applicant)
Jamie Steele: There's nothing else at this timeit's pretty clear what we're (inaudible) facing herea legal issue.
Chairman Brian O'Neil: I mean, you understand(inaudible)
Jamie Steele: (shaking head) Right, yeah(inaudible)
Chairman Brian O'Neil: Yeah, causeit's the ownership issue of the road. It would be very hard for us to (inaudible) say yeah, when we don't really know who owns it.
Jamie Steele: Yeah, cause you're opening the door for others(inaudible) and setting a precedentI get it
Chairman Brian O'Neil: OK, thank you. Any other conversation on this matter right nowor any other questions? Alright, well, thank you for the information, and um we will be seeing this next month (directed to staff)
Jessica Hucks: No, you can make a vote on it today.
Chairman Brian O'Neil: We can?
Jessica Hucks: Um hmmit's not a public hearing item.
Chairman Brian O'Neil: I gotcha.
Jessica Hucks: I mean you can defer it to the January meeting; that would be your purview to do so.

Chairman Brian O'Neil:

Any other discussion amongst the board...I mean, I think I have a proposal I want to make (inaudible)...I'm going to make a motion uh that we deny this request for multiple issues, but mostly the legality of who owns the property...we don't know, and that's not something I believe this board can decide on legally and set that precedent, so that's the motion.

David Sligh:

I uh (inaudible), I mean that, just as a...I think its an issue narrower than that, and it's whether or not we want to approve this design modification regarding an island – that's independent of title to the property...this is...I think it makes more sense to think of this through a more narrow lens, and in light of the issues with ongoing maintenance and ownership and access to city vehicles...all of those things, which are a much narrower concern, and so...my point is...I don't think we need to attach it to the hip of some title opinion about who owns it – that's not our business or problem...our lane is do we need to modify that requirement or not, so anyway...um, to the extent that we're voting today and this is going to be scrutinized, I think it would be wise to...

Jessica Wise:

Clarify?

David Sligh:

Well, just to – that's what we're doing...whether or not to modify that particular design...um...or requirement, so the motions the same; I just was (inaudible)...

Chairman Brian O'Neil:

Yeah, I see – you kind of added to the motion really, or...

Jessica Wise:

Clarified the reason behind it...

Chairman Brian O'Neil:

Yeah...I guess, how should we rephrase that? I mean, ya know, make a motion that we're OK with a design modification but we're not okay with the legal aspect...is that what we're saying?

David Sligh:

How about this – will you withdraw your motion?

Chairman Brian O'Neil:

I will withdraw my motion.

David Sligh:

I will make a motion to...to deny the request for a design modification.

Jessica Wise:
I'll second.
Chairman Brian O'Neil: OK, we have a first, second. All in favor?
All PC members present voted Aye (Danny Hardee, David Sligh, Brian O'Neil, Jessica Wise, George Ulrich, Julie Hardwick, and Kendall Brown).
Chairman Brian O'Neil:
Any nays? The aye's have it.
Thank you.
End of transcription.

Item V.A.1(a)

Deferred

Item V.A.2(a)

DATE: March 7, 2024

ITEM: V.A.2(a)

ISSUE:

Request to amend the City's Future Land Use Map (2019-2029) (FLUM) of the *City of Conway Comprehensive Plan*, relative to property located on Sixth Ave (PIN 338-13-03-0006), consisting of approximately 0.31 acres, from the Low/Medium Density Residential (R-1) zoning district to the Professional (P) zoning district.

BACKGROUND:

The South Carolina Planning Enabling Act of 1994 defines the Comprehensive Plan adoption process for all jurisdictions in South Carolina. This is to ensure consistency with the public hearing and revision process for Comprehensive Plans. Section 6-29-510 of the SC Code of Laws addresses re-evaluation of the Comprehensive Plan, stating that the "local planning commission shall develop and maintain a planning process which will result in the systematic preparation and continual re-evaluation and updating of those elements considered critical, necessary, and desirable to guide the development and redevelopment of its area of jurisdiction."

Since updating the Future Land Use Map of the Comprehensive Plan for the City in 2019, staff will occasionally review annexation and/or rezoning requests for zones that don't match the zone envisioned in the current Future Land Use Map (2019-2029). When a request is approved that is out of alignment with the Future Land Use Map of the *Comprehensive Plan*, the map must be updated to reflect this change.

In July 2021, Council passed an ordinance providing for a method by which the *Comprehensive Plan*, particularly the Future Land Use map, may be amended. <u>Section 13.1.17 (E)</u> of the UDO states that a proposed amendment to the Comprehensive Plan (the entire document or singular elements) may be initiated by the City of Conway City Council, Planning Commission, Board of Zoning Appeals, Zoning Administrator, or Planning Director.

In the case of PIN 338-13-03-0006, currently zoned City of Conway Low/Medium Density Residential (R-1), the city's Future Land Use Map (2019-2029) shows the entire property as Low/Medium Density Residential (R-1). The property is currently vacant and is directly behind the old Barker's gas station at the corner of Main St and Sixth Ave that is proposed to be renovated to a Sinclair's gas station and convenience station (*zoned Neighborhood Commercial-NC*). The applicants have not disclosed their intentions or reasoning for the rezoning request as it is not a requirement.

The applicant is requesting to rezone the subject property to the Professional (P) district. If the rezoning is

successful, any use permitted in the Professional district would be allowed on this property. There are two other properties abutting the subject property that are currently zoned Professional that front on Main Street.

Per Section 3.2.7 of the UDO, the intent of the Professional (P) district is to accommodate office, institutional, and residential uses in areas whose character is neither exclusively business nor residential in nature. This district is intended to establish areas that provide professional services to the public, which do not materially detract from nearby residential areas. More specifically, this district should serve as a transitional zone between more intensive commercial areas and residential areas. This district is not intended for businesses that engage in retail sales.

SURROUNDING USES / ZONING DISTRICTS:

Surrounding properties are currently zoned R-1, NC, and P, and uses include residential homes, office space and a proposed gas station and convenience store.

CITY OF CONWAY COMPREHENSIVE PLAN:

The *CURRENT* future land use map of the *Comprehensive Plan* also identifies the entire parcel as being Low/Medium Density Residential (R-1).

STAFF RECOMMENDATION:

Staff recommends that Planning Commission give a thorough review of the request and make an informed recommendation to City Council.

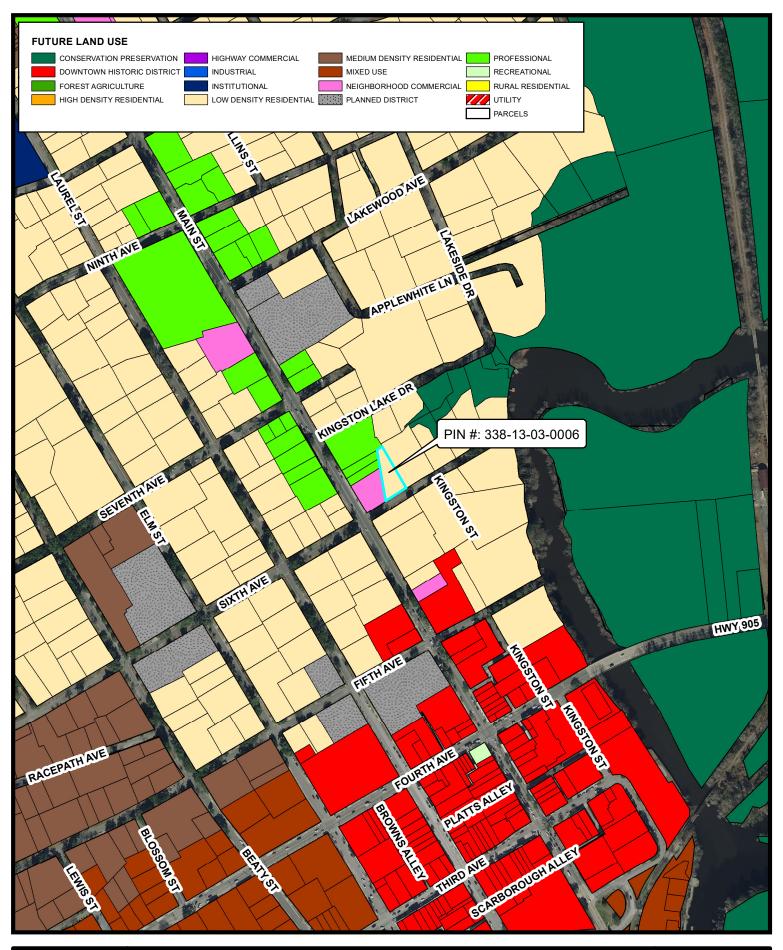
ATTACHMENTS:

GIS Maps

Resolution amending the Future Land Use Map for the subject property on the following page.

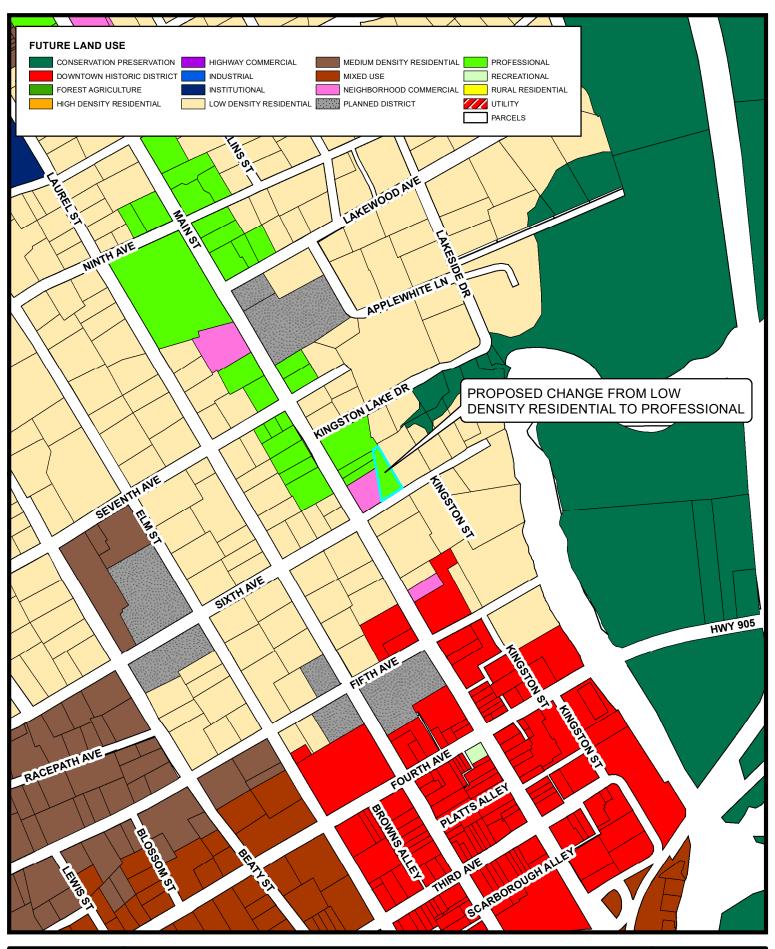
STATE OF S COUNTY OI CITY OF CO	,	RESOLUTION:
COMPREHE	ENSIVE PLAN (2035) F	OR PIN 338-13-03-0006 FROM THE LOW/MEDIUM-RICT TO THE PROFESSIONAL (P) DISTRICT.
WHEREAS	•	of Conway adopted the Land Use Element of the City of Conway), containing the Future Land Use Map (2019-2029) on January
WHEREAS	recommend the Comprehe	29-520 establishes the requirements to create, amend and nsive Planning elements, which requires the City of Conway view and make recommendations to City Council; and
WHEREAS	J	a amendment to the Unified Development Ordinance (UDO) on a process for amending the Future Land Use Map of the
WHEREAS	rezoning of the property (P	operty owner(s) have requested a zoning classification upon IN 33813030006) to a district other than what it is identified as Use Map (FLUM) of the Comprehensive Plan; and,
WHEREAS	•	ing Commission, having held a public hearing on the request, mendment to the Future Land Use Map of the City of Conway is necessary; and
for the City of (2035), amend Low/Medium resolution to C	f Conway, that the adoption ding the Future Land Use N	ED by the Planning Commission (S.C.§6-29-520 and 6-29-230) of the amendment to the City of Conway Comprehensive Plan Map for PIN 33813030006, consisting of 0.31 acres, from the strict to the Professional (P) district, is hereby recommended by ption.

Brian O'Neil, Planning Commission Chairperson











PROPOSED AMENDMENT TO FUTURE LAND USE MAP FOR PIN #: 338-13-03-0006 SIXTH AVE (P24-0031)



Item V.A.2(b)

ISSUE:

Request by Truett's Holding Co., LLC, applicant, to rezone approximately 0.31 acres of property located on Sixth Ave from the Low/Medium Density Residential (R-1) district to the Professional (P) district (PIN 338-13-03-0006).

BACKGROUND:

On February 5, 2024, the applicant submitted a rezoning application for the subject property, located on Sixth Ave. The property is currently zoned Low/Medium-Density Residential (R-1). The property is currently vacant, and is directly behind the old Barker's gas station at the corner of Main St and Sixth Ave that is proposed to be renovated to a Sinclair's gas and convenience station (*zoned Neighborhood Commercial-NC*). The proposed use has not been disclosed at this time, but there have been discussions about constructing a duplex on the property, which is not permitted in the R-1 district.

The applicant is requesting to rezone the subject property to the Professional (P) district. If the rezoning is successful, any use permitted in the Professional district would be allowed on this property. There are two other properties abutting the subject property that are currently zoned Professional that front on Main Street.

Per Section 3.2.7 of the UDO, the intent of the Professional (P) district is to accommodate office, institutional, and residential uses in areas whose character is neither exclusively business nor residential in nature. This district is intended to establish areas that provide professional services to the public, which do not materially detract from nearby residential areas. More specifically, this district should serve as a transitional zone between more intensive commercial areas and residential areas. This district is not intended for businesses that engage in retail sales.

CITY OF CONWAY COMPREHENSIVE PLAN:

The future land use map of the *Comprehensive Plan* identifies the property as Low/Medium-Density Residential (R-1).

Per Section 3.2.3 of the UDO, the intent of the R-1 district is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.

STAFF RECOMMENDATION:

Staff recommends that Planning Commission give a thorough review of the request and make an informed recommendation to City Council. A Future Land Use Map amendment will accompany this request.

ATTACHMENTS:

Application;

GIS Maps



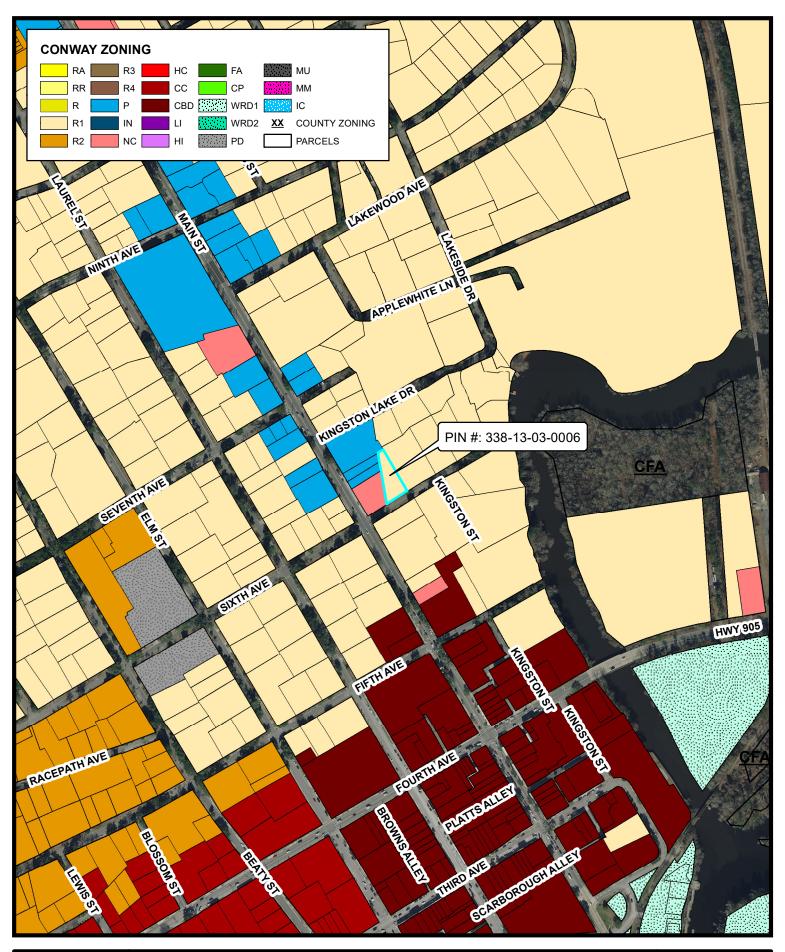






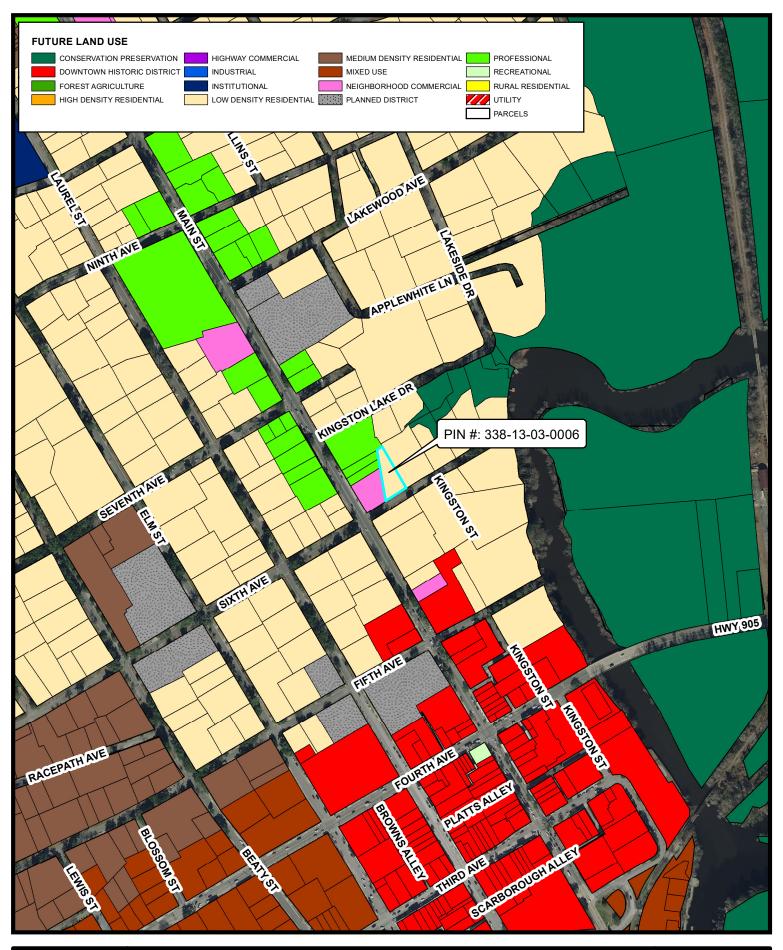






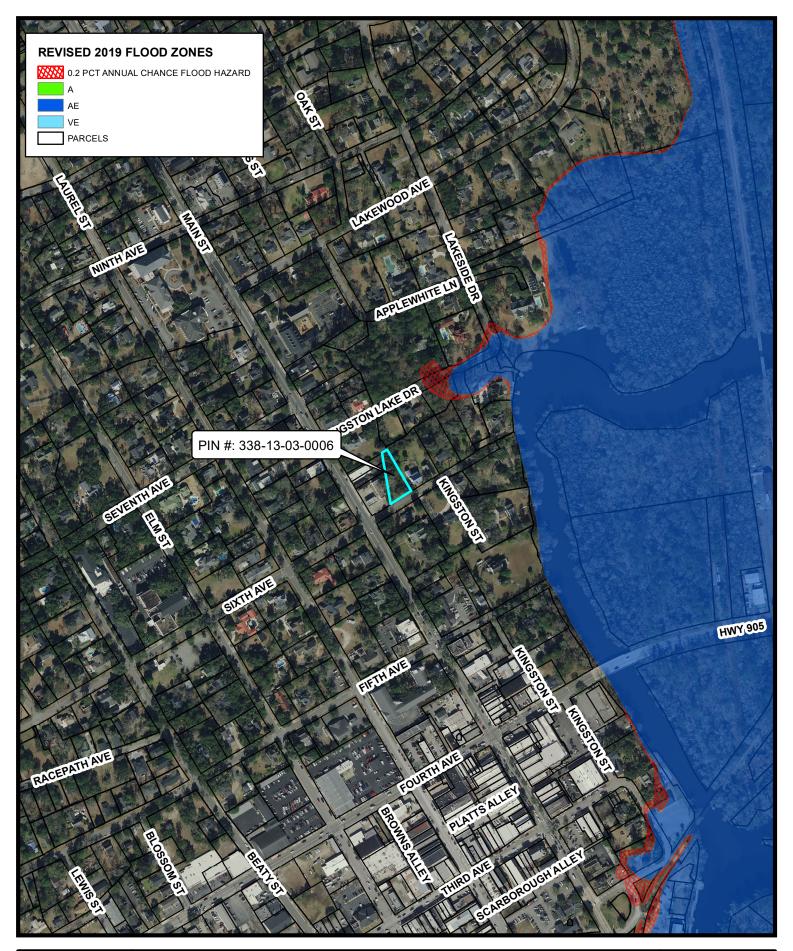


















Zoning Map Amendment Application

Staff Use Only	
Received:	
BS&A #:	

Incomplete applications will not be accepted.

City of Conway Planning Department 196 Laurel Street, 29526 Phone: (843) 488-9888 Conway, South Carolina

www.cityofconway.com

Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of \$250.00 at the time this application is submitted. Planned Development rezonings are \$2,500.00 and Planned Development Amendments are \$500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

	The state of the s
PHYSICAL ADDRESS OF PROPERTY: 6th Avenue	FEE PAIDYESNO
AREA OF SUBJECT PROPERTY (ACREAGE): 0.31	PIN: 33813030006
CURRENT ZONING CLASSIFICATION: R1	· · · · ·
COMPREHENSIVE PLAN 2035 FUTURE LAND USE: R1 - Requesting	a future land use amendment
REQUESTED ZONING CLASSIFICATION: Professional	
NAME OF PROPERTY OWNER(S):	
TRUETT'S HOLDING CO LLC	PHONE #
	PHONE #
MAILING ADDRESS OF PROPERTY OWNER(S):	
190 Rodeo Dr, Myrtle Beach, SC 29579	``
**************************************	**************************************
I (we) the owner(s) do hereby certify that all information Amendment Application is correct.	
Alsol	2-5-2029 DATE
PROPERTY OWNER'S SIGNATURE(S)	DATE
PROPERTY OWNER'S SIGNATURE(S)	DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.



PLANNING DEPARTMENT

196 LAUREL STREET
CONWAY, SOUTH CAROLINA 29526
843-488-9888
www.CityofConway.com

DESIGNATION OF AGENT

(If the Property Owner Wishes To Appoint an Agent to Represent Him or Herself)

Agents Name: Tyler I nomas	- Sellers General Construction	
Address: 5085 Highway 70	01 N	
Telephone: 843-907-0437	Email: sellersgeneralconstruction@yahoo.com	

I hereby appoint the person(s) listed above as agent to act on my behalf for the purpose of filing such application for a variance/rezoning request as he/she shall deem necessary and proper.

Jimmy Truett

PROPERTY OWNER(S) NAME (PRINT)

PROPERTY OWNER SIGNATURE

2-6-2024

DATE



Item VI.A

DATE: March 7, 2024

AGENDA ITEM: VI.A

ISSUE:

Chapman Village: the applicant is requesting a design modification and Planning Commission approval for a 45-lot single-family subdivision, located along Medlen Parkway, on PIN 338-00-00-0003.

BACKGROUND:

December 2022: First set of Preliminary Plans for: Chapman Village were submitted for review

and comments returned.

February 2023: City Council approved the subdivision name.

March 2023: Planning Commission approved street names for the project.

April 2023: Second set of Preliminary Plans were submitted for review and comments

returned.

November 2023: Third set of Preliminary Plans were submitted for review and comments returned.

January 2024: Fourth set of Preliminary Plans were submitted for review and are currently in

review. An application for Design Modification was also submitted.

ANALYSIS:

The site for this subdivision is an 11.83-acre parcel, zoned: R-3. a high-density residential zoning district. The plans propose 45-single-family lots, ranging from: 5,457 sq. ft to: 5,995 sq. ft.

Access to said lots is provided via a single two-lane entrance off Medlen Parkway and a secondary, emergency access drive onto the existing driveway to Conway Christian School. The existing driveway to Conway Christian School is located within the project development tract, but is to be split and combined with the adjacent parcel, containing the school. A stub-out is also being provided, in this project, to adjacent tract: 338-00-00-0001. This adjacent tract currently has plans in review that propose to extend Eloise Way, connecting this project with the two proposed Medlen Parkway entrances in the future as well as the Hwy 501 entrance through Carsen's Ferry subdivision and the Cultra Road entrance via Rivertown Row / Tiger Grand subdivisions.

Design Modification: Since the project only proposes 45-lots, the amount of required open space is less than 1-acre (0.94-ac). Regarding the provision of on-site open space, Sec. 10.3.9 B (4) states: "If less than one acre of open space is required for any major subdivision, the developer shall submit a fee in lieu of providing the open space". After the initial comments were returned to the applicant, the project

manager contacted staff to inquire if the project could provide adequate open space on-site, instead of paying the fee. Staff's reply was as follows: "if you would rather provide a suitable open space parcel on-site, that option will need to be approved by Planning Commission since the UDO expressly states that the fee shall be required, however this can be done when the project goes before PC for preliminary plan approval". However subsequent plans failed to provide suitable open space areas within the project.

When evaluating suitability of Open Space, staff is bound by Sec. 10.3.9, C, provided below to determine whether such property is acceptable:

- 1. <u>Unity</u>: The preferred land should be one parcel with a width not significantly greater than the depth. The minimum size of any individual open space parcel shall be one (1) acre. If the open space area is less than one (1) acre, then all required open space shall be provided in one (1) parcel with a width not significantly greater than the depth.
- 2. <u>Location</u>: The preferred land should be centrally located relative to the development and neighborhood.
- 3. <u>Accessibility</u>: The preferred land should have easy, direct access to the public street system and be accessible by both vehicular and pedestrian traffic.
- 4. <u>Usability</u>: The preferred land should be usable for active recreation facilities and/or passive open space.
- 5. <u>Connectivity</u>: Open space should be located, if possible, to take advantage of other existing or planned open space, trails, sidewalks, recreational amenities, or bike paths within the immediate area.
- 6. <u>Conformity</u>: The open space should complement and meet the objectives of the City of Conway Greenway Plan and the Recreation & Open Space Element goals of the Comprehensive Plan.

Also, Sec. 10.3.9, B (2) states that: "If more passive open space is provided than active open space, then more <u>total</u> open space will be required" ... so within the on-site Open Space, a sufficient amount of Active Open Space is required to be provided as well. Sec. 2.2.1 defines Active Open Space as follows: "Areas where group or team activities take place with formal designated fields, outdoor courts (basketball, volleyball, tennis) and/or outdoor amenities (skate park, frisbee, golf, etc.)"

Staff determined that:

Open Space #1 failed to provide enough area (approximately: 0.47-ac) meeting the "Usability" standards, as only a portion is centrally located, and a majority of that area is encumbered by a retention pond (which includes 25% of the pond qualified by the installation of a fountain).

Open Space #2 & Open Space #3 failed to meet the "Unity", "Location", "Usability", "Connectivity" and "Conformity" standards listed above, and No Open Space has been provided on-site, that may be qualified as "Active."

(such Open Space lots shown on staff illustration)

However, Item: 7 of the suitability standards (Sec. 10.3.9 C) states that: "The Planning Commission may accept as suitable any land which meets an entirely different set of criteria when in its opinion such land meets the purpose of this section in providing for the particular circumstances and needs of the development and neighborhood" and an "Open Space Exhibit" has been provided by the applicant to depict how they propose to provide the required Open Space on-site.

RECOMMENDATION:

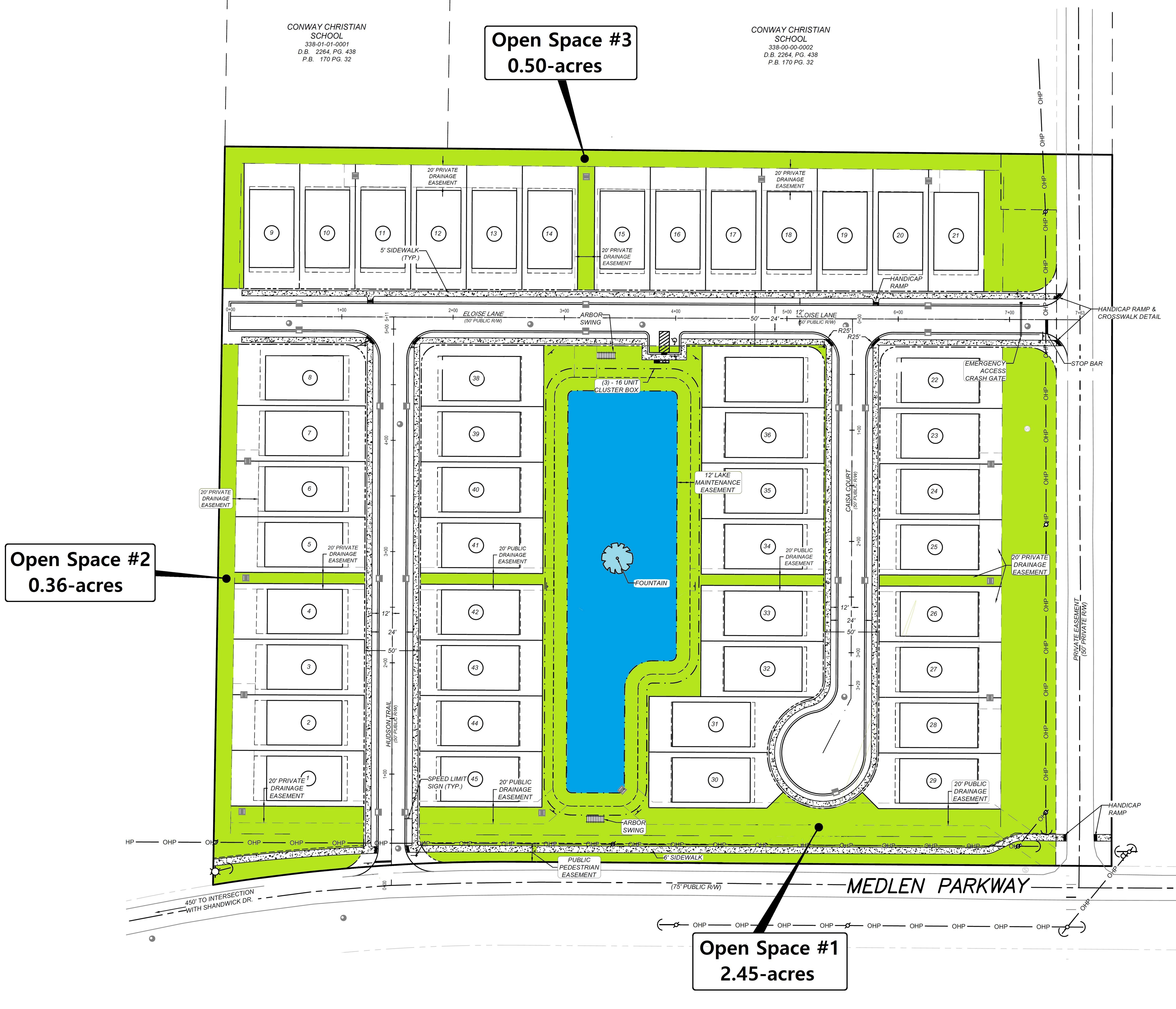
If Planning Commission recommends approval of the applicant's requests, staff recommends that it be contingent upon final review and approval of the Technical Review Committee (TRC).



PLANNING & DEVELOPMENT

DESIGN MODIFICATION REQUEST
Address/ PIN:
On Medlen Parkway between Hwy 501 & Oak Street: PIN#: 338-00-00-0003
Project:
Chapman Village (G3 Project #: 22009)
Contact Name:
Brady Gantt (G3 Engineering & Surveying), Anna Lewis (Forestar Real Estate Group)
Email Address/Telephone Number:
brady@g3engineering.org / (843) 655-0086, annalewis@forestar.com / (843) 535-8188
Describe the Proposal in Detail:
Request approval from Planning Commission of a design modification from UDO Sec 10.3.9 C regarding open space usability in order to opt out of the fee-in-lieu requirement; refer to attached exhibits.
**FEE OF \$100 IS DUE WITH APPLICATION

Staff Use Only:	
Date Received:	Planning Commission Meeting:
City Council Meeting:	BS&A Case #:
,	
Fee:	(check/credit card/cash)
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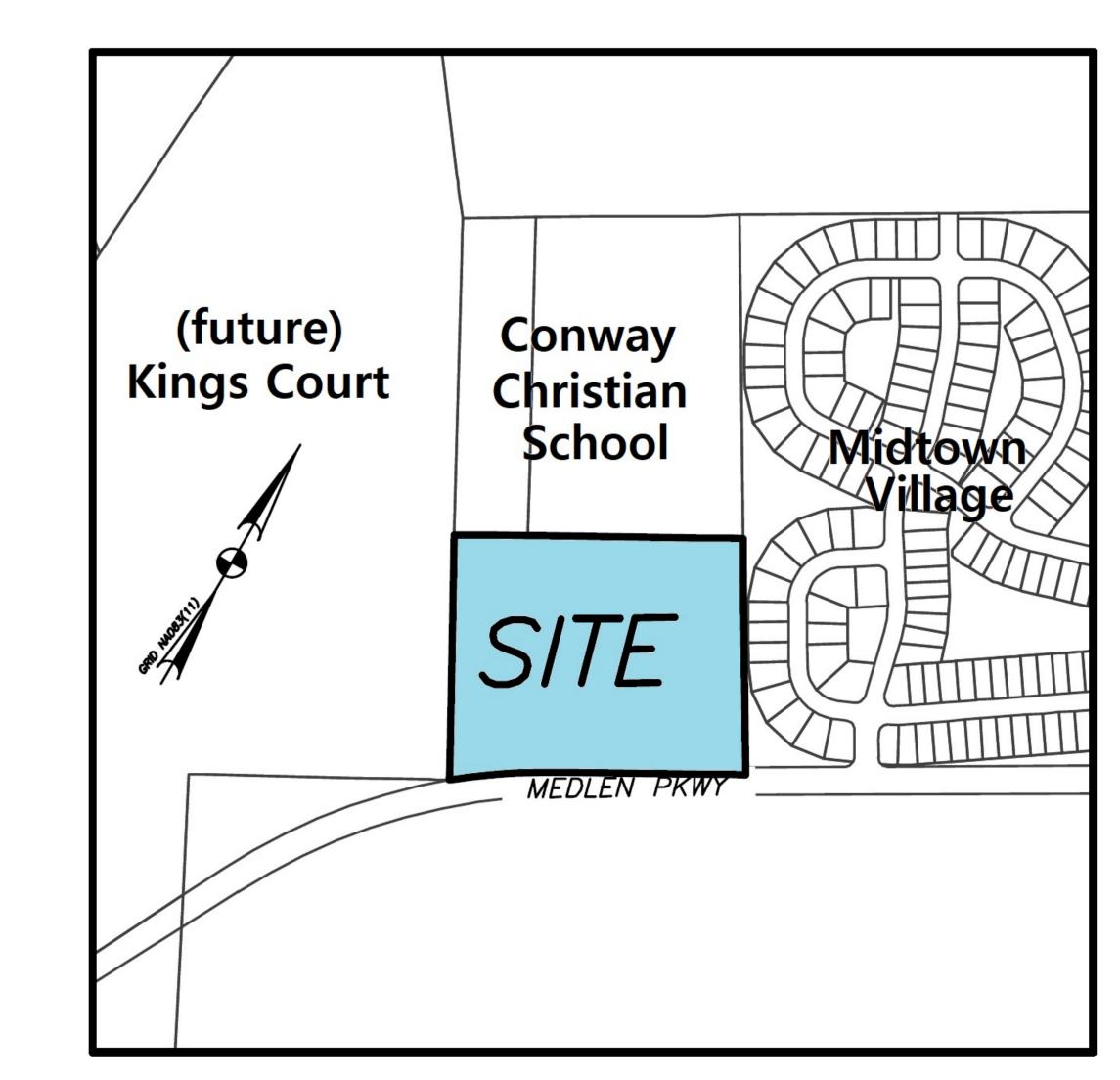


CHAPMAN VILLAGE

PIN NO: 338-00-00-0003 CURRENT OWNER: HONEST EFFORT LLC

BREAKDOWN	
DESCRIPTION	
TOTAL PARCEL (AC)	11.83
TOTAL AREA (AC)	11.10
PONDS (AC)	0.73
PUMP STATION	0
WETLANDS (AC)	0
OPEN SPACE (AC)	3.31
RIGHT-OF-WAY (AC)	1.97
LOT AREA (AC)	5.82
NUMBER OF LOTS	45
NET DENSITY (LOT/ACRE)	4.54
GROSS DENSITY (LOT/ACRE)	3.80







Item VI.B

DATE: March 7, 2024

AGENDA ITEM: VI.B

ISSUE:

Country Manor – The applicant, Jamie Steele of: Diamond Shores Inc, is requesting a waiver from the access management standards of the City of Conway's Unified Development Ordinance.

BACKGROUND:

January 2001	Final Plats approved for Phase 1A (creating	: 4 townhome lots & 6-duplex lots)
December 2001	Final Plats were approved for: Phase 2A	(creating: 4-duplex lots)
January 2002	Final Plats were approved for: Phase 3	(creating: 6-lots)
June 2002	Final Plats were approved for: Phase 1B	(creating: 2-lots)
May 2003	Final Plats were approved for: Phase 4	(creating: 5-lots)
March 2004	Final Plats were approved for: Phase 5	(creating: 19-lots)
March 2004	Final Plats were approved for: Phase 2C	(creating: 5-duplex lots)
October 2005	Final Plats were approved for: Phase 2B	(creating: 7-duplex lots)
March 2006	Final Plats were approved for: Phase 6	(creating: 31-lots)
August 2006	Final Plats were approved or: Phase 7	(creating:45-lots)
March 2008	Construction Plans approved for Phase 8	(but not developed)
March 2010	Vested Rights for Phase 8 expired	
February 2024	Design Modification for the completion of l	Phase 8 was submitted

ANALYSIS:

Phases 1 through 7 have created a total of 156-residential lots/units, all accessed via one enlarged entrance, off Four Mile Road. Current Access Management Requirements state that: "For single-family developments consisting of thirty or more lots, the City shall require a minimum of two points of ingress and egress, in compliance with applicable fire code(s)" Sec. 7.2.1 E.

Phase 5 created a portion of Hamilton Way, terminating with a temporary dead-end.

Phase 6 constructed a separate portion of Hamilton Way and created Murphy Way but terminated both streets with temporary dead-ends.

Phase 7 extended both Hamilton Way and Murphy Way but did not include the connection/completion of Hamilton Way nor the installation of the intersection for Murphy Way.

While the additional 11 lots would add more residential units to a currently non-conforming roadway system, the proposed road improvements would both complete Hamilton Way and create an intersection with Murphy Way, thus promoting inner connectivity for residential traffic as well as city services.

RECOMMENDATION:

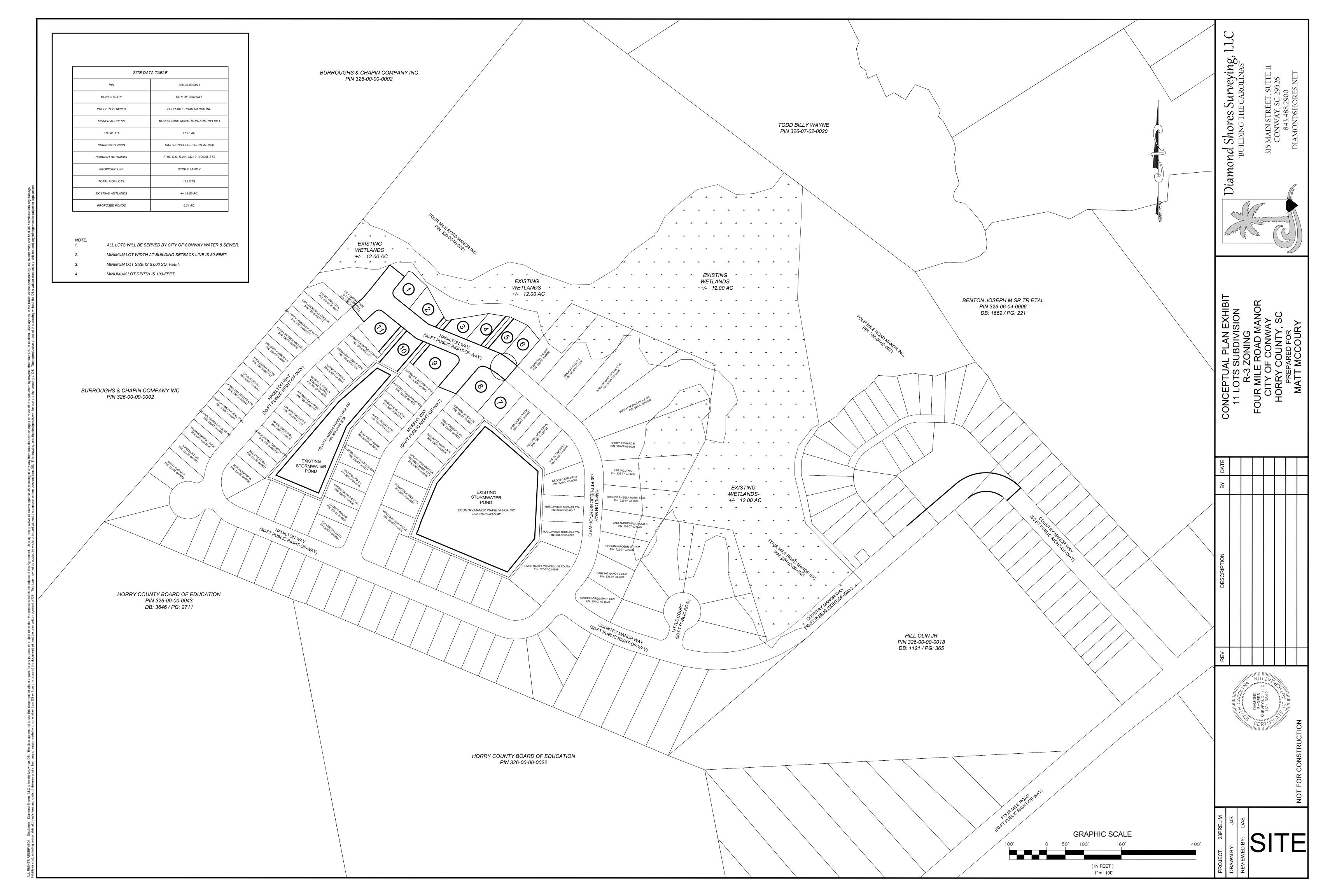
If Planning Commission recommends approval of the applicant's requests, staff recommends that it be contingent upon final review and approval of the Technical Review Committee (TRC).



PLANNING & DEVELOPMENT

DESIGN MODIFICATION REQUEST		
Address/ PIN: PIN: 326-00-00-0021 Four Mile Road and Country Manor Road,		
<u>Project:</u> 11 single family lots Phase 8 Country Manor.		
Jamie Steele - Diamond Shores 315 Main Street, Conway, SC 29526		
Email Address/Telephone Number: jamie@diamondshores.net 843-488-2900 x401		
Describe the Proposal in Detail:		
Section 7.2.1 E in the U.D.O. states 30 or more requires a minimum of two access points of ingress and egress in compliance with applicable fire codes. We are looking to alleviate that requirement since these lots were previously approved as part of the Country Manor Subdivision Developer Agreement. Completing the roads within the subdivision would benefit the residents for vehicular access and emergency vehicles.		
**FEE OF \$100 IS DUE WITH APPLICATION		

Staff Use Only:		
Date Received:	Planning Commission Meeting:	
City Council Meeting:	BS&A Case #:	
Fee:	(check/credit card/cash)	





Item VI.C

ISSUE:

Maple Grove (aka Collins Jollie) – The applicant, John Richards of: Thomas & Hutton Inc., is requesting a waiver from the access management and design standards of the City of Conway's Unified Development Ordinance. In addition, the applicant is seeking approval of the revised conceptual master plan and street names for the internal roads. (PIN 295-00-00-0037)

BACKGROUND:

February 2023 The Development Agreement / Conceptual Plan was approved by Council for the development of "Tracts A thru I" as a conservation subdivision.

December 2023 Master Plans were submitted and reviewed, revising the layout and sequence of development for "Tracts E, F & G" of the original Collins Jollie development.

February 2024 Application for Design Modification was submitted.

ANALYSIS:

- A. <u>Access</u> Management Requirements, state: "For single-family developments consisting of thirty or more lot, the City shall require a minimum of two points of ingress and egress, in compliance with applicable fire code(s)." (Sec. 7.2.1 E)
 - 1. Although Phase 1 has two external access points (Autumn Maple Drive & Red Maple Drive), the roadway design creates a single choke point beyond the intersection of Red Maple Drive... internal access to 33-Lots will be funneled through the aforementioned choke point.
 - a. With 60-Lots, the construction of Phase 2, will increase the number of lots receiving access, through the choke point in Phase1, to 93.
 - b. Also, the additional 63-Lots in Phase 3 will increase to the total number lots receiving access through Phase 1 to: 156... a second internal point of access will not be available until the construction of Phase 5 occurs (connecting Phase 1, 2 & 3 with the access point being constructed in Phase 4).
 - 2. Phase 4 proposes to access 49 Lots from one enlarged access point (Silver Maple Drive), unless the "Amenity" site is constructed prior to the construction of Phase 4, this will be the only external access point for this phase... until the construction of Phase 5 occurs (connecting Phase 4 with the two external access points constructed in Phase 1).

depicted on the illustration entitled: "Access Management Requirements."

- B. Design Standards for: <u>Blocks</u>, state: "Blocks shall not be more than twelve hundred feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern." (Sec. 7.1.10)
 - 1. Phase 1 proposes to create a block (along Autumn Maple Drive), approximately 1,250-feet in length, between the Entrance of Autumn Maple Drive and the intersection of Red Maple Drive.
 - 2. Phase 5 proposes to create a block (along Painted Drive), approximately 1,470-feet in length, between the intersections of Mountain Maple Drive and Crimson Maple Drive.
- C. Design Standards for: Cul-de-sacs, state: "The maximum length of a cul-de-sac shall be 800 feet, unless necessitated by topography or property accessibility and approved by the Planning Commission." (Sec. 7.1.11)
 - 1. Phases 1 and 2 will create (in the interim) a dead-end cul-de-sac (on Autumn Maple Drive), approximately 2,010-feet in length... such length will be reduced with the roadway systems in Phase 3, which will dissect the roadway into inner-connecting blocks.
 - 2. Phase 2, however proposes to create a permanent dead-end cul-de-sac (on Autumn Maple Drive), approximately 870-feet in length.

depicted on the illustration entitled: "Design Standards"

- D. Overall Master Plan: The overall master plan for "Tracts E, F & G" differs from the original Master Plan in as:
 - 1. "Tracts E & F" were originally approved for: 509-single-family lots as well as a total of: 64.25-acres of Open Space (with interior & exterior soft paths) ... the revised master plan, proposes: 512-single-family lots and 72.05-acres of Open Space (with an amenity center, pool & only exterior soft paths).
 - 2. "Tract G" was originally approved for: 175-townhome units as well as a total of: 9.65-acres of Open Space (with interior & exterior soft paths) ... the revised master plan, proposes: 180-duplex units and 12.58-acres of Open Space (containing an amenity center, pool, dog park & only exterior soft paths).
 - 3. The original master plan provided soft trails around the retention ponds within isolated open space areas... the revised master plan, proposes to remove the internal trails within the Open Space, along the rear of the residential lots.
 - 4. The original master plan provided a total of: 73.90-acres of Open Space (31.59-acres active & 42.31-acres passive) in "Tracts E, F & G" ... the revised master plan, proposes a total of: 103.24-acres (with active & passive areas delineated on the plans)

Street Names:

The applicant is also requesting approval of the following street names. Horry County has reserved these names for this development (suffixes have been intentionally omitted in case a change is necessary);

•	Red Maple	•	Sap	•	Orangeola
•	Autumn Maple	•	Mountain Maple	•	Polynoses
•	Samaras	•	Silver Maple	•	Coral Bark,
•	Acer	•	Crimson Maple	•	Three Leaf
•	Amıır	•	Painted	•	Full Moon

RECOMMENDATION:

If Planning Commission recommends approval of the applicant's requests, staff recommends that it be contingent upon final review and approval of the Technical Review Committee (TRC).



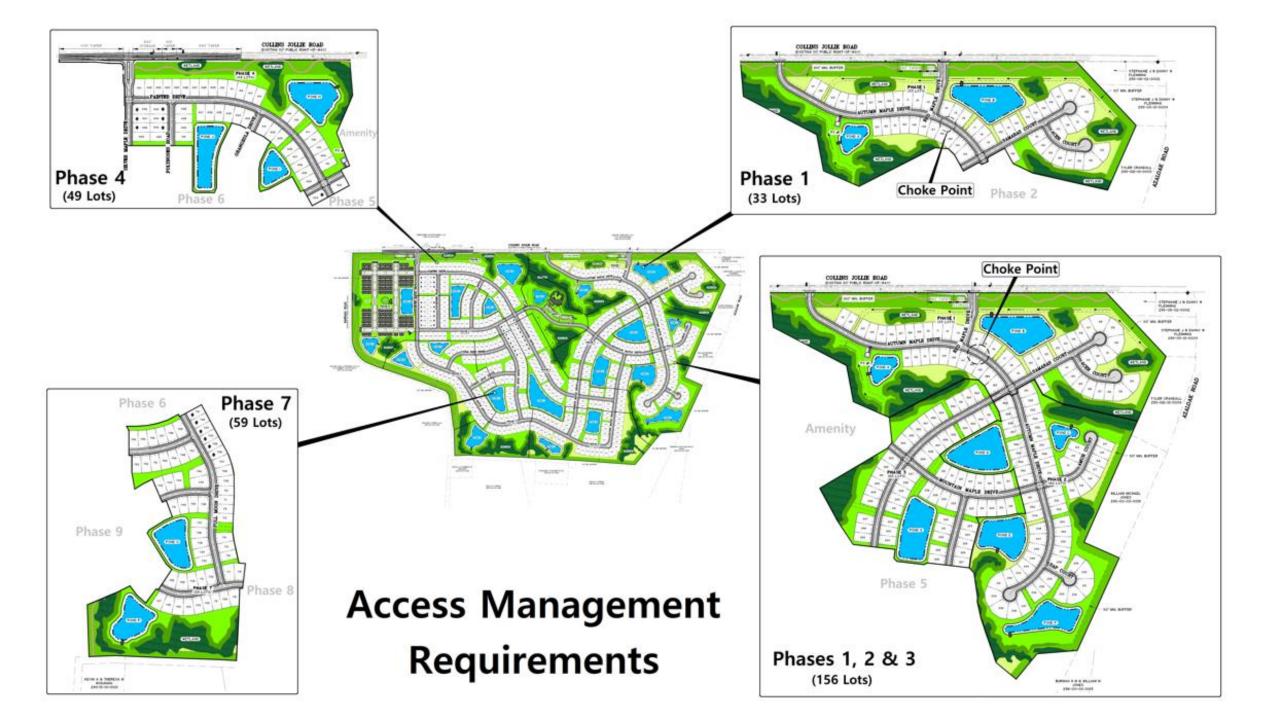
PLANNING & DEVELOPMENT

DESIGN MODIFICATION REQUEST		
Address/ PIN:		
295000000037		
Project:		
Maple Grove		
Contact Name:		
John Richards, PE / Thomas & Hutton		
Email Address/Telephone Number:		
richards.j@tandh.com / 843-458-0455		
Describe the Proposal in Detail:		
	- This occurs in Phase 1 along Autumn Maple Dr when Phases 2 and 3 are constructed, and is Phase 7 along Full Moon Dr, and is eliminated when Phases 8 or 9 are constructed.	
- External Access Management (30 or more lots on a single access) - This occurs in Phase 4 along Silver Maple Dr, and is eliminated when Phase 5 is constructed.	
- Maximum length of cul-de-sac (Phase 2) - The length of the Autumn Maple Dr cul-de-sac in Phase 2 is approximately 2,000 LF, and is reduced to approximately 870 LF once Phase 3 is constructed.		
- Maximum block length (Phases 1 & 5): The length of Autumn Magfrom Mountain Maple Dr to Crimson Maple Dr is approximately 1,48	ole Dr from Collins-Jollie Rd to Red Maple Dr is approximately 1,250 LF. The length of Painted Dr 80 LF.	
**FEE OF \$100 I	S DUE WITH APPLICATION	
Staff Use Only:		
Date Received:	Planning Commission Meeting:	
City Council Meeting:	BS&A Case #:	

Fee: _____ (check/credit card/cash)











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