

**CITY OF CONWAY**  
**PLANNING COMMISSION MEETING**  
**THURSDAY, JUNE 3, 2021**  
**PUBLIC SAFETY FACILITY - 5:30 P.M.**

Present: Jessica Wise, Gloria Robinson-Cooper, Brian O’Neil, Mark Stanley, Kendall Brown, John Thomas, David Sligh, Chris Guidera,

Absent: Brantley Green

Staff: Mary Catherine Hyman, Deputy City Administrator / Planning and Development Director; Jessica Hucks, Planner; Alicia Shelley, Planning Assistant

Others: Janice Cutts, Jesse Gardner, Edward Cutts, David Gant, Felix Pitts, Ryan Harvey

**I. CALL TO ORDER**

Vice Chairman O’Neil called the meeting to order at 5:30 p.m.

**II. APPROVAL OF MINUTES**

Guidera made a motion, seconded by Stanley to approve the May 6, 2021 minutes as written. The vote in favor was unanimous. The motion carried.

**III. ANNEXATIONS**

- A. Request to annex approximately 1.02 acres of property located at 2893 Church Street (PIN 337-03-01-0004) and request to rezone from Horry County Highway Commercial (HC) to City of Conway Highway Commercial (HC).

Hyman stated that staff received a request to annex approximately 1.02 acres of property located at 2893 Church Street and a request to rezone from Horry County Highway Commercial to City of Conway Highway Commercial. This is an existing business that would like to receive city sewer.

Hyman then stated that the applicants were present.

There was no public input.

Guidera made a motion to recommend approval to City Council as presented. Sligh seconded the

motion and the motion carried unanimously.

- B.** Request to annex approximately 182.22 acres of property located along Highway 378 (PIN 369-00-00-0044) and request to rezone from Horry County Commercial Forest Agriculture (CFA), Residential Single Family 40 (SF40) and Residential Single Family 20 (SF20) to City of Conway Low Density Residential (R1).

Hyman stated that Timbervest Partners filed an application for annexation and rezoning of property located along Highway 378. The request is to rezone from Horry County Commercial Forest Agriculture, Single Family, SF20 and SF40 to City of Conway R1. The developer plans to utilize the conservation subdivision for the design of a single family residential development.

Felix Pitts, applicant further explained the request.

There was no public input.

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

- C.** Request to annex approximately .95 acres of property located at the corner of Cultra Road and Cochran Street (PIN 325-15-01-0002) and request to rezone from Horry County Residential MSF10 (MSF10) to City of Conway Neighborhood Commercial (NC).

Hyman stated that the applicant was not present and that it was up to the board to hear the case or defer.

The board decided to move the agenda item to the end of the meeting in hopes that the applicant would soon arrive.

#### **IV. REZONINGS**

- A.** Request to rezone approximately 67.37 acres of property located at 501 Liz Lane (TMS 136-00-05-009 | PIN 369-00-00-0028) from City of Conway Low-Density Residential District (R) to Light Industrial (LI).

Hyman stated that this parcel was recently annexed into the city as R to relocate 4 diesel generating units, which is allowed in R. After the annexation, it was discovered that the plan also included metal office buildings, which are not allowed in R. Santee Cooper is requesting to rezone from R to Light Industrial (LI).

The applicant was not present.

Wise had concerns that if the parcel was ever split later that anything allowed in the LI zoning district would be allowed.

Sligh made a motion to recommend approval to City Council as presented. Brown seconded the motion and the motion carried 7-1, with Wise voting no.

## **V. SUBDIVISIONS**

### **A. Rosehaven Phase 3 Letter of Credit (LOC) reduction and extension.**

Hucks stated that the letter of credit to cover sidewalks, street trees and grassing in Phase 3 of the Rosehaven development was set to expire on June 18, 2021. The amount of the current letter of credit is \$355,146.00 and is from United Community Bank, letter of credit number 5522100365P. The reduced letter of credit amount is \$135,763.00. Hucks then said that because only 61% of the lots have been developed, and new homes have been permitted and constructed in this development in the last six months, staff recommends extending the letter of credit for an additional year at the requested reduced amount of \$135,763.00.

Wise made a motion to approve the reduction and renewal. Sligh seconded the motion and the motion carried unanimously.

### **B. Kingston Bay subdivision – preliminary review, street names review, and block length / cul-de-sac modifications.**

Hucks stated the Kingston Bay is requesting preliminary plan approval, modifications to a block length and cul-de-sac length, and approval of street names.

Hucks said that the applicant is requesting preliminary review and approval of Kingston Bay, located between Cultra Road and Oak Street. There are a total of 155 lots proposed, which includes a majority of pre-existing lots formerly proposed for Cultra Point that was granted preliminary approval by Planning Commission in November of 2020. The total acreage of the proposed development is 110.85 acres (disturbed area: 54.60 acres). The required amount of open space is 3.14 acres. The amount shown to be provided is 3.15 acres, with .78 acres (25%) of the required open space being a pond. Most of the lots that were proposed for Cultra Point will now be part of the Kingston Bay development. City Council approved the name of the subdivision at their October 5<sup>th</sup>, 2020 meeting. At the same Council meeting, a fee-in-lieu of installing sidewalks along Cultra Road was also approved, as SCDOT had safety concerns with a sidewalk along Cultra Road, and the GSATS long-range plans show Cultra Road being widened.

Hucks then presented the block length and cul-de-sac lengths stating that Per *Section 7.1.10 – Blocks*, of the UDO, blocks shall not be less than 400 nor more than 1,200 feet in length, except as Planning Commission considers necessary to secure efficient use of land or desired features of street pattern. The applicant is requesting one (1) waiver for block lengths: 169.96 feet in length (shown as Medlen Parkway on plan). *Section 7.1.11 (A.1), Design Standards for Cul-de-sacs*, the maximum length of a cul-de-sac shall be 800-ft, unless necessitated by topography or property accessibility and approved by the Planning Commission. The applicant is requesting one (1) cul-de-sac length waiver for a cul-de-sac proposed to be 1,179 feet. Planning Commission previously approved a cul-de-sac length for this particular cul-de-sac of 1,090 feet, but staff is bringing it back to this Board for review because the requested length is greater than what was previously approved.

Hucks announced the street names as Riverboat Way, Black Lake Way, and Revolutionary Way. Medlen Parkway is being extended into the entrance of this development.

Ryan Harvey further explained the request and answered the boards questions.

Sligh made a motion to approve the preliminary plan as requested, contingent upon final review of TRC. Thomas seconded the motion and the motion carried unanimously.

Guidera made a motion to approve the block length and cul-de-sac length modifications. Brown seconded the motion and the motion carried unanimously.

Stanley made a motion to approve the street names as presented. Thomas seconded the motion and the motion carried unanimously.

## **VI. TEXT AMENDMENTS**

- A. Discussion of proposed amendments to *Article 5 – Specific Use Regulations*, *Article 6 – Design Standards*, and *Article 10 – Subdivision and Land Development*, of the Unified Development Ordinance (UDO), regarding requirements for fences and walls.

Hucks stated that the UDO prohibits chain link fencing on properties located within the Gateway Corridor Overlay (GCO), which includes all major roadways entering the City along Highway's 90, 378, 501, 501 Bus., 544, 701, and 905, as well as properties within the Village Corridor Overlay (VCO), which includes El Bethel, Cultra, Mill Pond Roads and Sixteenth Ave, between Main Street and Church Street. The exception being utility substations which require the use of chain link fencing, if no other practical alternative is available. Additionally, the Gateway Corridor Overlay specifically exempts parcels zoned CC and CBD from the overlay standards. With regard to the Historic Design Review Districts, which includes the Commercial Historic Design Review District (HDRD), Main Street HDRD, and the Waccamaw Riverfront HDRD, there is no blanket prohibition on chain link fencing.

The Community Appearance Guidelines only addresses chain link in the Main Street Corridor (5th Ave to 16th Ave) guidelines, which states if chain link fences are found to be appropriate and necessary, use only in the back yard and in dark green or black to blend into landscape. The issue of allowing chain link in the downtown area was raised at a recent Community Appearance Board meeting, when a black vinyl-coated chain link fence was approved for a location (zoned CBD) downtown in the Commercial HDRD. Staff has drafted an amendment to the UDO which would prohibit chain link fencing (with or without barbed wire) in the CBD district, which will include most (but not all) parcels located downtown in the Commercial HDRD. In addition to the amendment prohibiting chain link fencing in the Central Business District (CBD), the amendment also addresses another issue that staff has been faced with in conducting permit reviews for fences/walls, in establishing where the right-of-way lines are for fence requests on corner lots. Currently, fences or walls located on a corner lot may be up to 6-ft in height provided it meets a mandatory 10-ft setback from the “public right-of-way or lot line” (requirement does not apply if fence is a maximum of 4-ft in height). The amendment would eliminate the language regarding rights-of-way, and retain only the language requiring fences/walls in corner front yards to be a minimum of 10-ft from the “property” line. Finally, the amendment addresses the issue regarding fences and walls in public drainage easements. Currently, there is no language in the UDO that prohibits fences or walls in public drainage easements. To date, they have always been permitted to be placed in easements; however, this has caused issues for City staff when the easements need maintenance, in that City staff has to notify the property owner in advance of upcoming maintenance and many times, has to remove the fencing before the scheduled maintenance can occur and then re-install it. Public Works is in the process of updating their stormwater ordinance to address this issue, and in order to maintain consistency, staff proposes to amend the UDO to prohibit fences or walls in public drainage easements.

Hucks then summarized that the amendments proposed are as follows: (1) Prohibit chain link fencing (with or without barbed wire) in the Central Business District (CBD). (2) Amend language with regard to fences / walls on corner lots by deleting “right-of-way” and changing “lot” line to “property” line. (3) Prohibit fences/walls to be located within public drainage easements.

Hucks said that the proposed amendments were discussed at the May 3<sup>rd</sup> City Council meeting as a workshop item.

The board discussed the fences being in public drainage easements.

Sligh made a motion to recommend approval of the proposed amendment as presented to City Council. Guidera seconded the motion and the motion carried unanimously.

- B.** Discussion of proposed amendments to *Article 10 – Subdivision and Land Development*, *Article 13 – Administrative Agencies* and *Article 14 – Boards and Procedures*, of the Unified Development Ordinance (UDO) to further define the Comprehensive Plan adoption and amendment process, which includes a process for amending the Future Land Use Map.

Hucks stated that 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 timeframes across all communities that have comprehensive plans. Consistency is important, as comprehensive plans provide local governments with the authority to establish and implement zoning, land development regulations, capital improvements programs, development agreements, and impact fees. Since updating the Future Land Use Map of the Comprehensive Plan for the City in 2019, staff has seen a number of rezoning requests come through for property that does not match the current Future Land Use Map (2019-2029). When staff reviews rezoning request, support for such request is dependent on what the Future Land Use Map shows for the parcel in question. When a rezoning request is approved that contradicts the Future Land Use Map of the Comprehensive Plan, the map must be updated to reflect this change; however, there is currently no adopted process for doing so. Staff reached out to Horry County to see how they handled this process, and until 2020, they did not have the comprehensive plan adoption process spelled out in their own code. They have since done so and added a provision to allow the future land use map to be amended as well. Horry County runs the future land use map amendment concurrently with the rezoning request and requires a 15-day publicly advertised hearing at Planning Commission, as well as a 30-day publicly advertised hearing at County Council. They also revised their rezoning application to include a future land use map amendment as an option and created a standalone application for amending the future land use map. Such requests are also required to be property-owner initiated so that the general public is not able to change the future land use map designation of someone else's property. Staff also reached out to the City of Charleston. The City of Charleston has a city-initiated process for amending their future land use map, but not a formal application process for doing so. It's usually done following an important update or unique places within the City, and are typically large areas, not parcel-by-parcel. To amend the future land use map, staff takes the amendment to City Council to request that the Comprehensive Plan be updated to incorporate the changes to the future land use map. They have only had to do so twice in the last 10 years. If an individual landowner wishes to amend the future land use map, it would require the landowner to generate the support of their elected representatives who, upon agreement that the change is proper, would instruct staff to create an ordinance (amendment) to go before both Planning Commission and City Council.

Hucks said that staff has drafted an amendment using language from Horry County's process for amending comprehensive plans, but also included the Comprehensive Plan adoption process, as the City's UDO does not currently address this as part of the functions of the City's Planning Commission. In addition to this, staff has included a proposed amendment to Section 10.3.4 of the UDO, which currently refers to the 2019 Transportation Plan, and should refer to the most current Transportation Element of the City of Conway Comprehensive Plan.

Robinson-Cooper made a motion to recommend approval of the proposed amendment as presented to City Council. Guidera seconded the motion and the motion carried unanimously.

The applicant regarding Agenda item III. C. was still not present for the meeting. Guidera made a motion to table this request to the next meeting. Wise seconded the motion and the motion carried unanimously.

**VII. PUBLIC INPUT**

None

**VIII. ADJOURNMENT**

A motion was made and seconded to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 6:15 p.m.

Approved and signed this 1 day of July, 2021.



Brantley Green, Chairman