

**CITY OF CONWAY  
PLANNING COMMISSION MEETING  
THURSDAY, JANUARY 5, 2023  
Planning & Building Dept. Conference Room – 196 Laurel Street**

Present: Julie Hardwick, David Sligh, Kendall Brown, Brian O’Neil, Jessica Wise, Danny Hardee  
Absent: Chris Guidera, Samantha Miller, Ellen Watkins  
Staff: Jessica Hucks, Planning Director; Adam Emrick, City Administrator; Brent Gerald, Planner; Anne Bessant, Planning Assistant; Marcus Cohen, IT  
Others: J. Stephen Greens, Colby Hudson, Hannah Oskin, Brent Schulz, Rein Mungo, Brett Callaghan, Sharon Garlion, Tina Maccalous, Michael Maccalous, Earl Botkin, Sarah Botkin, Edd Garbin, Nancy Lowman, Mel Lowman, Michael Bazur, Maggie Bazur, Kathy Rics, Oliver Shamberger, Michael Maloon, Donna Griffin, Joe Griffin, Tim Lucas, Donna Lucas, Ed Roberson. Robert Meyers, Jeff Hannington, Jimmy Hammond & others

**I. CALL TO ORDER**

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

**II. ELECTION OF OFFICERS**

Sligh made a motion to elect O’Neil as the Chairperson of the Planning Commission for 2023. Hardee seconded the motion and the motion carried unanimously.

O’Neil made a motion to elect Wise as the Vice-Chairperson of the Planning Commission for 2023. Sligh seconded the motion and the motion carried unanimously.

**III. APPROVAL OF MINUTES**

Sligh made a motion, seconded by Wise to approve the December 8, 2022 minutes as written. The vote in favor was unanimous. The motion carried.

Hucks stated that staff would like to move up item VI. C. of the Public Hearings.

**C. LAND DEVELOPMENT AGREEMENT**

1. **Proposed development agreement by DDC Engineers / Bolton & Menk, Inc. (applicants) for development of property located on Collins Jollie Road, known as the Collins Jollie Conservation Subdivision, containing +/-828 acres, (PINs 295-00-00-0010, 295-00-00-0035, 295-00-00-0036, and 295-00-00-0037).**

Emrick stated a Master Plan for the Collins Jollie Conservation Subdivision was reviewed and conditionally approved by the City’s Technical Review Committee a couple of years ago. Since

that time, preliminary plans for a couple of the individual subdivisions within the overall Master Plan have been submitted. One of those subdivisions, Westwood Reserve, recently received preliminary plan approval from Planning Commission as well as conditional approval from the Technical Review Committee (TRC). It is the first Conservation Subdivision that has been approved for development in the City limits. Another subdivision – Kingston Oaks – is part of this overall plan as well, and is currently in development review.

The Collins Jollie Conservation Subdivision is +/- 809.36 acres, with +/- 536 acres being uplands and +/- 273.36 acres being wetlands. The net buildable acreage is +/- 300.16 acres. The underlying zoning district (as identified on the official zoning map) is R-1 (low/medium density residential). Under the R-1 zoning district, the allowed density for the net buildable acreage is a maximum of 1,743 units. Utilizing the Conservation Subdivision design, a maximum of 2,789 units could be permitted (provided all incentives are utilized); however, the Master Plan proposes a total of 1,333 units (single-family detached and single-family attached) across the entire 809 acres.

**OWNERSHIP.** The tract of land proposed for development as a Conservation Subdivision is permitted to be held in single, separate, or multiple ownership. However, the ordinance requires that if held in multiple ownership, the site shall be developed according to a single plan with common authority and common responsibility. Further, prior to a land disturbance permit being issued, the ordinance requires that an instrument of permanent protection, such as a conservation easement or restrictive covenant, be placed on the open space.

Because the Conservation Subdivision is being split into multiple tracts for development, there are multiple owners/developers involved. Each tract that is split off will be developed in accordance with the approved Master Plan, and the way the ordinance is currently written, before any plans could be issued approval for land disturbance, all of the areas proposed to be used as the required open space – across all tracts – must be recorded and developed according to a “single” plan, rather than individually (for each development). If the entire tract was developed with “single ownership”, this would not be an issue. However, because development of individual tracts will take place at different times, based on when plans are approved or when tracts of land are sold for development, it is not feasible for developers to have to wait until all tracts across the entire 809 acres to be sold for development before being able to proceed with land disturbance. There is also concern from the applicant that there is nothing on record that guarantees that the open space (specifically wetlands / conservation areas) are applicable across the entire tract at issue within the project as a whole, regardless of how it is subdivided in land or ownership.

In order to guarantee that the requirement of the instrument of permanent protection is put into place without requiring that it be done across the entire project as a whole prior to any land disturbance permits being issued, staff proposes that a development agreement be executed between the City and the owner(s).

South Carolina law authorizes binding agreements between local governments and developers for long-term development of large tracts of land. A development agreement gives a developer a vested

right for the term of the agreement to proceed according to land use regulations in existence on the execution date of the agreement. Principal among the General Assembly's statement of findings for the Act was the desire to provide some measure of certainty as to applicable land development law for developers who made financial commitments for planned developments. The Act also expresses the intent to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities, encourage the use of resources and reduce the economic cost of development (Comprehensive Planning Guide, 2018).

The length of the development agreement varies, and depends on the size of the property to be included in the agreement. The minimum size for a property to be included in any development agreement is 25 acres of highland – which is determined by local ordinance (i.e. land above the 100-year flood plain). Property containing 250 to 1000 acres of highland is limited to a term of up to 10 years.

Prior to adoption of a development agreement, the governing body must hold at least two (2) public hearings, which if authorized by the governing body, can be conducted by Planning Commission. Notice of the intent to consider a development agreement must be published in a newspaper of general circulation, which should include the property location, proposed uses, and a place where a copy of the agreement can be obtained. The date, time and place of the second hearing must be announced at the first hearing.

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

The following people spoke during public input:

Brent Schulz, the applicant was present to answer any questions.

Earl Botkin, 4214 Ridgewood Drive, spoke with concerns of flooding in the area.

Oliver Shamberger, 4008 Ridgewood Drive, spoke with concerns of flooding and Collins Jollie road improvements.

Jeff Hannington, 4218 Ridgewood Drive, spoke with questions on the development of phases.

Nancy Lowman, 4058 Tupelo Court, spoke with questions about the timeline to build.

Jimmy Hammond, 1515 Churchill Drive, spoke with concerns if public safety being in the area.

Joe Roberson, 4230 Ridgewood Drive, spoke with concerns of flooding.

Tim Lucas, 4208 Ridgewood Drive, spoke with concerns of traffic.

Donna Lucas, 4208 Ridgewood Drive, spoke with concerns of responsibilities for cleaning drainage ditch behind her house.

Sligh made a motion, seconded by Hardwick, to close public input. Motion carried unanimously.

The board, applicant and staff discussed in length.

Sligh made a motion to recommend approval for this request to City Council as presented with adding the additional language “*as of the date of this agreement*” to the end of the first sentence in section 4.6 of the land development agreement. Wise seconded the motion unanimously.

#### IV. LETTERS OF CREDIT

##### A. OAK TREE FARM, PHASE 1 – Letter of Credit (LOC) renewal

Hucks stated that the Technical Review Committee approved civil plans for Oak Tree Farm in 2019. Oak Tree Farm is an affordable housing community designed for individuals with autism and intellectual disabilities. Phase 1 of the development consisted of 34 units at the time. Plans have since been revised for the development, and the number of units in Phase 1 have been significantly reduced, with other phases having more units proposed. However, most of the required landscaping and the Life Skills Center / Amenity Center remains in Phase 1. Planning has also approved permits for the construction of the Life Skills Center, which is expected to be soon.

The remaining infrastructure for Phase 1 that had not yet been installed at the time the first Certificate of Occupancy (CO) had been requested included sidewalks, required landscaping and irrigation (within landscape buffers), street trees, etc. To date, only one residential structure in Phase 1 has been completed, a duplex – completed in 2020. However, before a CO could be issued for the duplex, all remaining infrastructure in Phase 1 unless a Letter of Credit was provided. In January 2021, Council accepted a Letter of Credit for the remaining infrastructure to be installed in Phase 1.

Per *Section 10.6.2 – Duration of Financial Guarantees (A)*, of the UDO, the initial duration of a financial guarantee (letter of credit) shall be a maximum of 12 months, approved by City Council. TRC can review and renew the financial guarantee for an additional 12 months, but Planning Commission is required to review and renew them after two (2) years. Because the initial approval was given in January 2021, and TRC renewed in 2022, Planning Commission must review and renew the Letter of Credit for an additional 12 months. The applicant is NOT seeking a reduction in the amount; only approval to be renewed.

City Council is set to consider a Letter of Credit (LOC) for Phase 3 on January 3, 2023.

The amount of the current LOC for Phase 1 is \$90,000. The City has a cash amount of \$943.13 that has been held since the original LOC was accepted by Council in January 2021. The LOC in the amount of \$90,000 is from South State Bank, LOC number 1445.

Staff recommends extending the letter of credit for one more year, at the original amount of \$90,000.

Brett Callaghan, applicant was present to answer any questions.

Sligh made a motion to approve the request as presented. Hardwick seconded the motion and motion carried unanimously.

**V. SUBDIVISIONS**

**A. KINGSTON OAKS – Street Names approval**

Hucks stated that Kingston Oaks is a single-family development located on Collins Jollie Road, and is one of the properties within the Collins Jollie Conservation Subdivision. The development will consist of 186 single-family lots. The preliminary plans are currently being reviewed by the Technical Review Committee (TRC). Staff is still waiting on a resubmittal of the preliminary plan set that will address comments provided in the first submittal; however, the applicant wishes to move forward with street names approval. Preliminary plan approval will be forthcoming at a future meeting date. The following street names are proposed for the development, and have also been reserved by Horry County Addressing:

**Bear Oaks Loop**

**King Oaks Loop**

**English Oaks Street**

**Water Oaks Way**

**Willow Oaks Way**

Being that Horry County Addressing has approved and reserved the proposed street names for this development, staff recommends approval.

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

**B. HAINER PLACE– Street Names approval**

Hucks stated that Hainer Place is a proposed single-family development located on Hwy 65, Hwy 813 and Lite Rd. The development will consist of 53 single-family lots. The preliminary plans are currently being reviewed by the Technical Review Committee (TRC), and staff is waiting on a resubmittal of the preliminary plan set that addresses TRC comments sent to the applicant on October 19, 2022. Preliminary plan approval will be forthcoming at a future meeting date. The following street names are proposed for the development, and were reserved by Horry County Addressing in 2019 when the plans were being reviewed by Horry County, prior to annexing into the City limits (known as Homewood Estates at that time):

**Homewood Estates Drive**

**Cherry Sunburst Drive**

**High Valley Drive**

Being that Horry County Addressing has approved and reserved the proposed street names for this development, staff also recommends approval.

Sligh made a motion to approve the request as presented. O’Neil seconded the motion and the motion carried unanimously.

## VI. PUBLIC HEARINGS

### A. ANNEXATION/REZONING REQUESTS

- 1. Request to annex approximately 0.62 acres of property located at 615 Hwy 544 (PIN 382-05-02-0009), and rezone from Horry County Highway Commercial (HC) to City of Conway Institutional (IN).**

Hucks stated that the applicant recently finalized an annexation petition that was started in September 2022. According to County Land Records, the subject parcel was transferred to Coastal Educational Foundation on September 9, 2022. Prior to that, it was owned by the same property owner since 2000 and operated as an independent university bookstore (ACE University Bookstore).

The adjacent parcel is the university, also zoned Institutional (IN).

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

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

Rein Mungo, applicant was present to answer any questions.

There was no public input.

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

Wise made a motion to recommend approval for this request to City Council as presented. O'Neil seconded the motion unanimously.

- 2. Request to annex approximately 1.47 acres of property located at 3546 Hwy 701 South (PIN 382-01-04-0019), and rezone from Horry County Retail with Accessory Outdoor Storage District / High Bulk Retail (RE4) to City of Conway Highway Commercial (HC).**

Hucks stated that this property has a signed restrictive covenant, signed in 2007, that was completed (and recorded) from a previous property owner in order to receive city water and/or sewer services. By signing restrictive covenants, the then owners of the subject property agreed that once the property became contiguous to the City limits, they or any future owners of the subject property would agree to petition for annexation into the City limits (per Section 5-3-150 (3) of the Code of Laws for the State of SC). The subject property is now contiguous to property in the City limits (across Hwy 701 S) and staff notified the current property owner in June of this year that annexation is now required. A second notice was sent to the property owner in November. On November 16th, the property owner submitted the required signed annexation / rezoning applications. The property is currently being used for retail services, with an existing Dollar General onsite.

The future land use map of the Comprehensive Plan identifies the property as being Highway

Commercial (HC).

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

The applicant was not present.

There was no public input.

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

Sligh made a motion to recommend approval for this request to City Council as presented. Hardwick seconded the motion unanimously.

## **B. REZONING REQUESTS**

### **1. Request to rezone approximately 1.6 acres of property located on Westridge Blvd (PIN 337-13-03-0056) from City of Conway Highway Commercial (HC) and Conservation Preservation (CP) to Medium Density Residential (R-2).**

Hucks stated that On November 16, 2022, the applicant submitted a rezoning application for the subject property, located on Westridge Blvd. The property is currently zoned Highway Commercial (HC) and Conservation Preservation (CP). The parcel has frontage directly on Westridge Blvd. The property is currently vacant. The applicant proposes to construct duplexes on the property, and has recently split 1.6 acres from the parent tract where Geometrics is located.

The future land use map of the Comprehensive Plan identifies the property as split between Highway Commercial (HC) (front half of property) and Conservation Preservation (CP) (back half of property).

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

The applicant was not present.

There was no public input.

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

Wise made a motion to recommend approval for this request to City Council as presented. Brown seconded the motion unanimously.

**D. TEXT AMENDMENTS**

**1. Amendment to Article 6 – Design Standards, of the City of Conway Unified Development Ordinance (UDO), regarding the split-zoning of parcels in the City limits.**

Hucks stated The City's UDO does not currently address nor define split zoning of parcels; however, it has been staff policy that, in general, split zoning of parcels is not permitted. This is due to several factors: plats do not show (nor should they) how much of the parcel is zoned one district vs. another, and certain uses require that parcels be a minimum acreage to accommodate the proposed use. In researching this issue, staff was unable to find general consensus of whether split-zoning of parcels is widely regulated; however, Charleston County adopted an ordinance in October 2021 regulating the split zoning of parcels, and James Island has similar language in their Code (this information provided to PC in their packet).

Staff discussed two options with City Council at a workshop this past December:

(1) – That the policy of generally not permitting split zoning of parcels be maintained and codified into the UDO. However, staff proposes an exception to this policy, in that when a parcel – seeking annexation and/or rezoning, containing environmentally sensitive areas, such as a flood zone/flood way and when the Future Land Use Map of the Comprehensive Plan identifies of the parcel as being zoned Conservation Preservation (CP), that the portion of the property containing these sensitive areas and shown as being zoned CP on the Future Land Use Map shall be rezoned to the CP zoning district or a Comprehensive Plan amendment be filed; or

(2) – That staff adopt an ordinance similar to that of Charleston County and James Island, which would regulate and/or prohibit split zoning of parcels and where parcels are split zoned and/or shown as being split zoned on the City's Future Land Use Map – that the most restrictive zoning district shown on the parcel (either currently zoned or as shown on the Future Land Use Map) will apply to the entire parcel unless the property is rezoned or a Comprehensive Plan amendment is filed. In some instances, both would be required.

The main goal of the proposed amendment is to first, codify staff policy on the split zoning of parcels, which is that generally, it is not permitted.

Second, the proposed amendment, while it would not necessarily prohibit development in environmentally sensitive areas, it would provide staff (and Planning Commission) with the necessary framework to guide future development in areas deemed environmentally sensitive when making recommendations for annexations and rezoning requests.

Additionally, the amendment does not address existing parcels within the city limits that are already split-zoned. The purpose of this amendment is to protect areas that are prone to flooding when new territory is added to the city limits or when new development is proposed on property that is currently undeveloped.



Staff recommended approval of the proposed amendment to *Article 6 – Design Standards*, of the UDO, regarding split-zoning of parcels.

There was no public input.

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

Sligh made a motion to recommend approval of the amendment to City Council as presented. Wise seconded the motion unanimously.

**2. Amendment to *Article 6 – Design Standards*, of the City of Conway Unified Development Ordinance (UDO), regarding building height limitation in the High-Density Residential (R-3) zoning district.**

Hucks stated that the current maximum height allowed in all of the residential zoning districts is 40-ft.

Last year, the height limit in the Highway Commercial (HC) district was amended to 65-ft in order to facilitate development of property within the Gateway Corridor Overlay (GCO) due to the recent approval of the Hotel Incentive Program, as the 50-ft height limit in HC was a possible deterrent for hotels that may choose to locate in the city limits and within the GCO.

In order to promote denser development along the city's major corridors and in conjunction with new commercial development that will have frontage along Hwy 501 or other major roadways throughout the city, staff proposes to increase the height limit of the High-Density Residential District (R-3) to a maximum of 75-ft above base flood elevation for multifamily development. This height limit will also be subject to applicable fire codes.

Hucks provided a comparison the county's zoning districts that provided a higher height limitation compared to the City, for properties along major roadways in the City.

Staff presented the proposal to increase the height limit in the R-3 zoning district only to City Council during a workshop at the December 5, 2022 meeting, and council was receptive to increasing the height limit in the R-3 district for multifamily development.

Staff recommended consideration and approval of the proposed amendment.

There was no public input.

Sligh made a motion, seconded by Hardwick, to close public input. Motion carried unanimously.

The commissioners and staff discussed the amendment in length.

O'Neil made a motion to table until the next meeting to allow staff to provide more information. Sligh seconded the motion unanimously.

**E. UPDATES TO THE COMPREHENSIVE PLAN**

- 1. Public hearing to amend and update the Population and Housing Elements of the City of Conway 2035 Comprehensive Plan.**

- and -

**F. ADDITIONS TO THE COMPREHENSIVE PLAN**

- 1. Public hearing to amend and update the City of Conway 2035 Comprehensive Plan, to include the addition of a Resiliency Element.**

Hucks stated that staff is requesting deferral for items E. and F. in order to provide more information.

There was no public input.

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

Sligh made a motion to table both items until the next meeting to allow staff to provide the needed information. Wise seconded the motion unanimously.

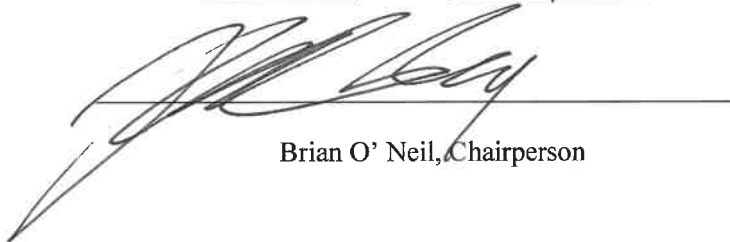
**VII. PUBLIC INPUT**

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 7:06 pm.

Approved and signed this 2nd day of February, 2023.



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Brian O' Neil, Chairperson