

**CITY OF CONWAY  
PLANNING COMMISSION MEETING  
THURSDAY, JANUARY 4, 2024  
Planning & Building Dept. Conference Room – 196 Laurel Street**

**Present:** Brian O’Neil, Kendall Brown, Jessica Wise, Ellen Watkins, George Ulrich

**Absent:** Danny Hardee, David Sligh, Samantha Miller, Thomas J. Anderson III

**Staff:** Jessica Hucks, Planning Director; Brent Gerald, Planner; Katie Dennis, Planning Concierge; Charlie Crosby, IT; Anne Bessant, Planning Assistant

**Others:** McKenzie Jordan, Greg Bryson, Walter Warren, Perry White, Tommy Wade, Mary Seeley, Mary Kirkland, Sonia Hernandez, John Danford, Chuck Jordan, Mark Frank, Mary Frank, Adam Crunk, Emma Howes, Tasha Middleton, Greg Bratcher, Connie Wilson, Tim Meyler, & others

**I. CALL TO ORDER**

Chairman O’ Neil called the meeting to order at approximately 5:30 pm.

**II. ELECTION OF OFFICERS**

Wise made a motion to elect O’Neil as the Chairperson of the Planning Commission for 2024. Ulrich 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 2024. Ulrich seconded the motion and the motion carried unanimously.

**III. APPROVAL OF MINUTES**

Wise made a motion, seconded by Ulrich to approve the November 27, 2023 minutes as written. The vote in favor was unanimous. The motion carried.

**IV. PUBLIC INPUT**

Randall Johnson, Mary Frank, Perry White, Tommy Wade, Matthew Galloway, Connie Wilson, Greg Wilson, and Evelyn Sherman spoke during public input with concerns of flooding, traffic, and access connectivity for the Tributary tract property.

O’Neil made a motion, seconded by Brown, to close public input. Motion carried unanimously.

**V. SUBDIVISIONS**

**A. Mills Pointe (PIN’s 368-01-01-0009 & 368-01-01-0013) – requesting preliminary plan approval.**

Hucks stated that around December of 2022, the initial set of preliminary plans were submitted and reviewed for the proposed development. On February 20, 2023 the subdivision name was approved by City Council and Planning Commission gave street name approval for this development on April 6, 2023. A variance was granted

by the Board of Zoning Appeals to allow the trash handling facilities and associated screening to be located forward of the proposed building. And as of December 5, 2023, the 5<sup>th</sup> submittal of the Preliminary Plan and the 1<sup>st</sup> submittal of the Architectural Plans were submitted for review. Both plans still have outstanding comments.

This development proposes 2 phases of development, on each side of Belladora Road (between Hwy 378 and the Rosehaven subdivision). The subject properties are currently zoned: R2 (Medium Density Residential District).

**Phase 1** (located on PIN 368-01-01-0013): 48 townhome units proposed in 8 six-unit buildings

- 32 two-bedroom units & 16 three-bedroom units
- 103 off-street parking spaces (5 of which are handicap spaces)
- access being provided via: 2 commercial driveways off the western side of Belladora Road

**Phase 2** (located on PIN 368-01-01-0009): 18 townhome units proposed in 3 six-unit buildings

- 12 two-bedroom units & 6 three-bedroom units
- 39 off-street parking spaces (2 of which are handicap spaces)
- access being provided via: 1 commercial driveway off the eastern side of Belladora Road

**Open Space**

- 1.89-acres of Passive Open Space are provided on-site and (per agreement with City Council) Active Open Space was provided via off-site mitigation of 1.55-acres conveyed to the City of Conway for the expansion of Rose Hill Cemetery in 2022.

**Street Names (previously approved):**

Fireproof; Monument (*staff to determine proper suffixes*)

If Planning Commission recommends approval of the applicant's requests, staff recommends that it be contingent upon the applicant addressing the remaining comments by the Technical Review Committee (TRC).

The applicant was not present.

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

**VI. PUBLIC HEARINGS**

**A. ANNEXATION & REZONING / FUTURE LAND USE MAP AMENDMENT REQUEST(S)**

1. Request to annex approximately 8.96 acres of property located at/near the intersection of Hwy 501 (Church St) and Mill Pond Rd (PIN 338-10-01-0015), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district; and
2. Request to amend the City's Future Land Use Map (FLUM) of the City of Conway Comprehensive Plan (2035), relative to property located at/near the intersection of Hwy 501 (Church St) & Mill Pond Rd (PIN 338-10-01-0015), consisting of approx. 8.96 acres, from the Conservation Preservation (CP) district to the Highway Commercial (HC) and Conservation

Preservation (CP) districts.

Hucks stated on November 28<sup>th</sup>, the applicant submitted a rezoning application for the subject property, located at the intersection of Mill Pond Rd and Hwy 501. The property is currently zoned Horry County Highway Commercial (HC), and is currently vacant. 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; however, in discussions with the applicant, the current proposed use relates to medical uses; specifically, a freestanding emergency room (ER).

There is a portion of the property that contains flood zones as well as a portion of a floodway. Without a site plan to indicate the proposed location of structures and access points for the project, staff cannot determine if there would be any impact to either the flood zone or floodway. Any proposed encroachments within the floodway must provide a no rise or no impact certification, stating that the proposed work will not create any rise within the floodplain. This certification must be done by a registered engineer and must have hydrologic and hydraulic data supporting the certification.

Per *Section 3.2.10* of the UDO, the intent of the Highway Commercial (HC) district is to *provide compatible locations to serve the automobile-oriented commercial activities in harmony with major highway developments, reduce traffic congestions and to enhance the aesthetic atmosphere of the City.*

The property abuts parcels (on all sides but one) zoned City of Conway Highway Commercial (HC). Other adjacent uses include a gas station (zoned HC), a vacant parcel (zoned County HC), and a Restaurant (zoned HC).

A 2023 amendment to the UDO regarding the split-zoning of parcels carves out an exception to prohibiting split-zoning, which gives Planning Commission the ability to recommend portions of property be zoned as CP upon annexation/rezoning if such areas of property included in the request contains environmentally-sensitive areas (*i.e.* flood zones, floodways, wetlands, *etc.*) (*Section 6.1.14 – Split Zoning of Parcels*). If Planning Commission recommends annexation/rezoning of the subject property, **the portion of property that contains such environmentally-sensitive areas could be recommended to be zoned CP upon annexation, and it would be staff's recommendation to do so in this instance to ensure perpetual protection of the floodway shown on the property;** provided that by doing so, the applicants plan for development of the property would not be significantly impacted.

The future land use map of the *Comprehensive Plan* identifies the entire parcel as *Conservation Preservation (CP)* likely due to the presence of flood zones and a portion of the floodway being encompassed on this property.

Per *Section 3.2.15* of the UDO, the intent of the *Conservation Preservation (CP) district* is to provide needed open space for general outdoor and indoor recreational uses, and to protect environmentally sensitive areas and flood prone areas from the encroachment of any residential, commercial, industrial, or other uses capable of adversely affecting the relatively undeveloped character of the district.

This request will include a Future Land Use Map amendment to the *Comprehensive Plan* as well. Due to advertising requirements, a public hearing is required to be held by the *governing* body, and will need to occur at final reading of the proposed annexation/rezoning request, scheduled for the February 5, 2024 Council meeting, should Planning Commission recommend approval of the request and first reading be approved at the Jan. 16,

2024 Council meeting.

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

Adam Crunk, 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.

After much discussion with staff and the applicant, Wise made a motion to recommend approval of the request to City Council as recommended by staff to include the CP split zone in the AE flood zone and floodway, and to amend the future land use map for this property. Ulrich seconded the motion and the motion carried unanimously.

- 3. **PREVIOUSLY DEFERRED** ...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, Hwy 378 & Dayton Dr., 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.

**-and-**

**B. LAND DEVELOPMENT AGREEMENT(S)**

- 1. **PREVIOUSLY DEFERRED** ...Proposed Development Agreement by Lennar Carolinas, LLC and Thomas & Hutton, for proposed development of property located on Highway 378, Juniper Bay Rd, and Dunn Shortcut Rd, to be known as the Tributary Planned Development (PD), and consisting of approximately 486 +/- acres (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).

Hucks stated that the applicant is 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, Stalvey Rd, 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).

The requested zoning designation upon annexation is (City of Conway) Planned Development (PD) District. Per *Section 3.3.2 – Planned Development (PD) District*, of the UDO, *the intent of the PD District is to provide for large-scale, quality development projects (3 acres or larger) with mixed land uses which create a superior environment through unified development and provide for the application of design ingenuity while protecting surrounding developments.*

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.

A table provided in the PD Narrative documentation provides buffer widths and required plantings. The PD perimeter buffer is stated as being 25' in width; however, there has been at least one property owner that has requested that the perimeter buffer be increased to 50' in width in areas that but existing residential.

The traffic impact analysis (TIA) provided by the applicant was completed by Stantec Consulting Services, Inc. The recommendations provided in the TIA were in accordance with SCDOT and City of Conway guidelines. The report assumed that the project would be completed in 2 primary phases, Phase 1 and Phase 2, and the recommendations for each phase of the project were provided in the report.

Per *Title 6, Chapter 31, § 6-31-10* of the SC Code (SC Local Government Development Agreement Act, 1993), 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).

The Tributary development agreement is proposed to be for a period of 10 years, and the subject property contains 250 acres +/- of highland.

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 (per SC Code § 6-31-50(A)). 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 (SC Code § 6-31-50(B)).

Some items that will be considered by Council, to be contained within the development agreement include:

- The required offsite improvements (*i.e.* traffic improvements)
- Access through the city shop complex (*i.e.* land swap)
- City Park acreage
- Installation of trail system / connection
- Possible enhancement fees

The property is within the County's Airport Environs Overlay Zone. This overlay, per the County's Zoning Ordinance, exists to ensure current operations and future expansions of the County's publicly-owned and operated aviation facilities are not hindered by encroachment of structures or objects into required aircraft approach paths or airspace.

Additionally, *SC Code of Laws, Title 55, Ch. 13 – Protection of Airports and Airport Property*, states the following: Land use decisions by county and municipal governments and local agencies shall take into account the presence of airport land use zones and airport safety zones and consult with the division, when possible, prior to making land use decisions within airport land use zones and airport safety zones. If the division provides comments, within 30 days, the governmental body must respond substantively in writing to each comment, separately stated before the issuance of the permit or approval. If the division believes the proposed project may have a substantial impact on aviation safety, create an imminent or foreseeable hazard to aviation safety, or result in a nuisance or an incompatible land use, the division may seek relief, including enjoining the activity or abatement of the condition giving rise to the division's comments.

While the City does not currently have an airport overlay adopted for this area, because there is state law addressing the issue, state law will take precedence. *As of December 29, 2023, staff has not received any new information from the County Division of Airports regarding comments on the request other than acknowledgement of receiving the information from the Airport Director.*

The public hearing was held on November 27, 2023. Several people spoke in opposition to the request. Their concerns included traffic congestion, lack of infrastructure, stormwater & flooding, and density. PC deferred the requests (annexation/rezoning and development agreement) so that a workshop could be held with the applicants for additional discussion.

A Planning Commission workshop was held on December 20, 2023 and discussion from the workshop included the following:

- **Flex districts** (F-1; F-2 tracts) and multifamily use/density;
- **Stormwater concerns** – the need for a detailed stormwater management plan, as the general stormwater plan submitted was only for 10% of the project area;
- **Street (asphalt) width in development:** some of the streets are shown to be 22' in width and should be a min. of 24';
- **Requested modification from the residential design standards;** specifically, the request to allow snout houses (garages to protrude more than 10' from front façade of house) for 50% of the lots;

- **Land swap for the proposed roadway going through the city shop complex** and other options for a connection between tracts on Dayton Drive (R-3 and R-4) to the remainder of the development;
- **Connection from the R-5 tract** fronting on Dunn Shortcut Rd to the remainder of the development;
- **Connection (interconnectivity requirement) through the Macala Acres subdivision:** staff continues to support the connection. The applicant is not opposed to installing the connection. The residents of Macala Acres are opposed to the connection.
- **Lot sizes/lot widths proposed throughout the development** – 20' wide is too narrow. PC asked that the applicant submit something that shows what the development would look like with 20' – 40' lot widths, and that 50' widths is as low as they would typically like to see;
- **Landscape buffers / trail connection(s)** – applicant would like a reduction in the required buffer to a Type A (5' width) buffer along the canal trail only;
- **Distance from the closest fire station** was discussed. Chief Le Hendrick stated that the 5-mile radius to maintain the city's ISO rating would be maintained with the addition of a county fire station on El Bethel Rd;
- **Fire training facility at City shop complex:** facility is located on the stormwater side of the proposed road going through the city's shop complex. The facility was recently built, and there are no other locations for the facility to relocate to at this time.

The property is within the city's utility service area, and annexation will be required (for parcels not already in the city limits) to be requested before permits are applied for if a connection to city utilities are necessary. It does not have to be annexed as the applicant's desired zoning designation. The default zoning upon annexation is "R", which would not require PC review. Under the R designation (low-density residential), the applicants could utilize the conservation subdivision design when developing. Under a conservation subdivision design, the lot sizes would be required to be 6,000 sq. ft. vs. the 10,000 sq. ft. lot size requirement, and the min. lot width required would be 60' rather than the 100' lot width required under the R zoning.

Both tracts off of Dayton Street (tracts R-3 and R-4) are already in the city limits. Tract R-4 (directly adjacent to Macala Acres subdivision) is currently zoned R-1 (low/medium density residential). Tract R-3 is zoned R-3 (high-density residential) and by right can be developed as high-density residential, including multifamily development under the current R-3 zoning.

Timing of traffic improvements, enhancement fees, land swaps, etc. can all be negotiated with City Council when considering the development agreement.

Other large annexation / rezoning request(s) recently considered were asked to, and did provide a more detailed H&H study (or ICPR study) for stormwater calculations; however, it cannot legally be required if the properties are annexed under straight zoning of R (or R-1 zoning).

Staff would prefer that the road issue be resolved prior to moving forward to Council for consideration; whether that would be a potential land swap and training facility relocation / agreement, or the applicants to provide a plan showing another option that does not include the city shop complex.



A Planned Development (PD) district provides for large-scale, quality development projects with mixed land uses which create a superior environment through unified development and provides for the *application of design ingenuity while protecting surrounding developments.*

Staff recommended that after holding the required public hearing on the requests, that Planning Commission thoroughly review the applicants requests and make an informed recommendation to City Council.

Walter Warren, Thomas & Hutton, was present to answer any questions.

The board, staff, & applicant discussed the request at length.

Wise made a motion to recommend approval to City Council of the request and the Development Agreement request with the proposed revisions except for the connection to Macala Acres, only the area will be preserved with no stub out or infrastructure required; snout house requirement will be reduced from 22 feet to 15 feet; the minimum percentage of the 52 foot lots will be at least 40 percent of the whole total; and pending any additional staff comments. O'Neil seconded the motion and the motion carried unanimously.

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

1. **REQUESTING DEFERRAL**...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. **DEFERRED**...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.

**VII. BOARD INPUT**

Ulrich thanked staff on the work they did for the Tributary project. Wise thanked the public for coming and providing their input. Wise asked staff to provide some information to the public on information of where to go & who to call regarding traffic and road improvements for our area. Hucks advised.

**VIII. STAFF INPUT**

None

**IX. ADJOURNMENT**

A motion was made to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 7:51pm.

Approved and signed this 1 day of February 2024.



~~Brian O'Neil, Chairman~~

9 JESSICA WISE, VICE CHAIRMAN