

CITY OF CONWAY
PLANNING COMMISSION SPECIAL MEETING
THURSDAY, NOVEMBER 27, 2023
Planning & Building Dept. Conference Room – 196 Laurel Street

- Present:** Danny Hardee, Kendall Brown, David Sligh, Jessica Wise, Julie Hardwick, Samantha Miller, Ellen Watkins, George Ulrich
- Absent:** Brian O’Neil
- Staff:** Jessica Hucks, Planning Director; Brent Gerald, Planner; Katie Dennis, Planning Concierge; Charlie Crosby, IT; Anne Bessant, Planning Assistant
- Others:** John Campbell, McKenzie Jordan, David Schwerd, Veronica Thomas, Greg Bryson, Emma Howes, Dennis Powell, Tasha Middleton, Emma Middleton, Gregory Bratcher, Scott Withington, Charlie Jordan, Jordan Hadwin, Marilyn Stalvey, Jeff Horrington, Tim Kirwan, Chris Sansbury, Vanessa Mortara Max Mortara, Tommy Wade, Perry White, Edward Cutts, Janice Cutts Randall Johnson, Nathan Pound, Connie Wilson, Dottie Jean Bessent Hardwick, Susan Deane, Betsy Fruhling, Kathy Wade, Bruce Robinson, Tom Danielson, Clint Richardson Walter Warren, & others

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Sligh made a motion, seconded by Hardwick to approve the October 5, 2023 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 Sligh, to close public input. Motion carried unanimously.

IV. PUBLIC HEARINGS

A. ANNEXATION/REZONING REQUEST(S)

1. Request to annex approximately 9.24 acres of property located at 2325 Hwy 501 East (PIN 383-11-01-0004), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

Hucks stated that on November 2nd, the applicant submitted an annexation and rezoning application for the subject property, located at 2325 Hwy 501 East. The property is currently in Horry County’s jurisdiction, zoned Highway Commercial (HC). The property is currently being use for an automobile

dealership. Until the applicant submitted the annexation application, there had not been restrictive covenants on file for this property; however, there are now recorded restrictive covenants on file, as of November 3, 2023.

The applicant is being required to request annexation from the Public Utilities Dept., as they need to tap into the City's water main to set a fire hydrant, and this is considered an extension of service. The plans have been in review at Horry County Code Enforcement for several months, as this issue of requiring annexation has been ongoing during the county's review process.

The site has undergone several site improvements over the past decade, including additions, sign installations or replacements, and stormwater as a result of new structures. In 2016, they were issued a permit from Horry County for an addition valued at \$1.7 million.

Per *Section 3.2.10* of the UDO, the intent of the (City of Conway) 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 two properties that are located on each side of the subject property are zoned City of Conway Highway Commercial (HC). The future land use map of the *Comprehensive Plan* also identifies the subject property as Highway Commercial (HC).

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

Bruce Robinson, G3 Engineering, was present to answer any questions.

Jordan Hadwin, owner, further explained the request.

There was no public input.

Wise 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. Ulrich seconded the motion and the motion carried unanimously.

2. ***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, 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 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 was provided in the meeting packet.

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 (that have been identified). 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).

Refer to the November 27, 2023 PC packet for additional information regarding the county zoning districts and intent statements.

The requested zoning designation upon annexation is (City of Conway) Planned Development (PD) District.

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.

Refer to the Nov. 27, 2023 PC packet for additional information regarding future land use designations.

Proposed (design) Modifications from Design Standards (Section 5 of Narrative) included (as of 11.27.23):

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.

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

Walter Warren, Thomas & Hutton, was present and further explained the request.

The board, application, and staff discussed the request at length. The following people spoke during the public hearing on the request:

Tommy Wade, Tiny Wilson, Tim Kirwin, Tasha Middleton, Dottie Jean Hardwick, Greg Bratcher, Barry White, Matthew Galloway, Randy Johnson, and Greg Bryson spoke during public input with concerns of traffic congestion and safety, infrastructure issues, and the potential for flooding.

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

After much discussion, Ulrich made a motion to defer the request to schedule a workshop with applicant. Wise seconded the motion and the motion carried unanimously.

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 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

A draft of the proposed development agreement was included in the meeting packet.

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.

Pages from the County's zoning ordinance relating to the overlay zone were included in the packet.

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. Below is a link that will provide additional details about compatible land uses near airports; in this case, the Conway Airport on Hwy 378, which is under the purview of the Horry County Division of Airports.

Staff held a meeting with the applicants after to the scheduled PC meeting on Nov. 2nd (which was canceled due to lack of a quorum), in which the applicants are requesting revisions to their previously submitted PD that include deviations from the City’s Design Standards. A revised PD narrative was submitted on November 16th.

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

There was no public input.

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

Wise made a motion to defer the request to schedule a workshop with applicant. Hardwick seconded the motion and the motion carried unanimously.

C. REZONING REQUEST(S)

1. **WITHDRAWN** ...Request to rezone approximately 4.2 acres of property located at **1520 Grainger Rd** (PIN 368-01-02-0027) from the Low/Medium-Density Residential (R-1) district to a Planned Development (PD) district.
2. Request to rezone approximately 1.84 acres of property located at/near the corner of Medlen Parkway & Oak Street (PIN 338-02-01-0038) from City of Conway Neighborhood Commercial (NC) to Medium Density Residential (R-2).

Hucks stated that the applicant submitted a rezoning application for the subject property, located on Medlen Parkway, at the intersection with Oak Street. The property is currently zoned Neighborhood Commercial (NC), and is currently vacant. The application to rezone does not specify the proposed use

of the property; however, anything permitted in the R-2 district would be permitted if the rezoning request is granted if the proposed use can comply with the requirements/conditions for such use.

The current zoning of the property is Neighborhood Commercial (NC). The requested zoning was Medium-Density Residential (R-2). Definitions / intent statements of both districts were included in the PC packet.

The subject property abuts property that is currently vacant, but has been previously identified as future phases of the Elmhurst subdivision (phases 5, 6). Also abutting the subject property is the existing North Oaks Apartments development, which fronts on Oak Street. Both of these properties are zoned R-2.

On the other side of Medlen Parkway is the Midtown Village subdivision and the newer Midtown Oaks subdivision; both of which are zoned R-3 (high-density residential). On the other side of Oak Street is the Kingston Bay subdivision, zoned R-2.

The future land use map of the Comprehensive Plan identifies the subject property as Conservation Preservation (CP), likely due to the fact that almost, if not all, of the parcel is within the AE flood zone, with a portion in a floodway, which will require that any structure(s) constructed on the property be elevated to the established base flood elevation (BFE) per the latest FIRM maps, and NO land disturbance can occur in a floodway without a No Rise Certification being issued. Definition / intent statement of the CP district was included in the PC packet.

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

David Sligh recused himself from this agenda item.

Chris Sansbury, agent for owner, 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.

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

Wise made a motion to deny the request and the motion failed due to a lack of a second.

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

D. TEXT AMENDMENT(S)

1. Amendment to *Article 11 – Definitions and Article 5 – Specific Use Regulations*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding the requirements for electric vehicle charging stations and associated service equipment.

Hucks stated that many cities and towns across the country are amending their general code or zoning ordinance to address the growing popularity of electric vehicles. In South Carolina, cities such as Greenville and Hilton Head have existing ordinances pertaining to electric vehicle charging stations, and the City of Charleston is currently working on an ordinance to address electric vehicle infrastructure.

Charleston’s code would require that at least a dryer-type outlet with wiring and a junction box be installed in new single-family homes. New shopping centers and food stores would need one charging station per 50 spaces and at least one spot ready to handle portable chargers for every 10 spaces. While many states across the US offer incentives relating to electric vehicle charging stations, there are also several states that require them, or that require new buildings to be “EV ready”.

There are different levels of EV charging stations, from EVSE (Electric Vehicle Supply Equipment) – which provides the necessary charging interface to charge a plug-in vehicle; a Level 1 Charger, which uses a 120-volt AC plug – used most often in homes; a Level 2 charger, which uses a 240-volt AC plug for commercial use (provides 10-20 miles of range per hour of charging); and Level 3, or DC (direct-current) Fast Charging (DCFC), which uses 480-volt AC Plug that can charge a vehicle (to +/- 80% charge) in 30 minutes. Tesla’s “Supercharger” sites are the DC Fast Charging types. These types of charging types are best for highway sites to enable longer vehicle trips.

The City of Myrtle Beach drafted an amendment to their code in February of this year to address EVCS’s (Ord. 2023-4). Per the amendment, Level 1 and 2 chargers are permitted as an accessory use for all permitted uses and zoning districts. Level 3 chargers, also called “Direct Current Fast Charging (DCFC)” stations, are also permitted for all uses and zoning districts, but with conditions, including parking requirements, setback requirements, and landscaping. All EVCS must be reviewed by the City’s Community Appearance Board if they are visible from rights-of-way.

In the City limits of Conway, there are a few locations that have Level 2 charging stations (i.e. the County Library); however, there are currently no Level 3 charging stations (DCFC) in the city limits. City staff has received inquiries as to where they are permitted and the requirements for installation.

A Tesla Supercharger site, for example, looks like the ones located in the parking lot at Coastal Mall. There are not only the charging stations to consider but also the substation and other equipment associated with the chargers. These types of charging stations may be considered unsightly if allowed to be constructed in the downtown area; specifically, the areas under the purview of the City’s Community Appearance Board (CAB). Supercharging stations, or Level 3 stations would be better suited for automobile-oriented areas, such as Hwy 501, Hwy 701 (N and S), Hwy 378, etc., in shopping Centers and grocery store parking lots that are better equipped to accommodate charging stations that are considered DC Fast Chargers (i.e. superchargers) that use 480-volt plugs for each charging unit.

This amendment to the UDO proposes to allow Level 1 and 2 Chargers anywhere in the city limits, as an accessory use in all zoning districts. Level 3 charging stations, or DCFC stations, would be permitted as an accessory use in any zoning district that permits a gas/service station; provided that such use will not be located on property within a CAB review district. If the property where the use is proposed is within a CAB review district, a level 3 charging station would be prohibited, regardless of the zoning district.

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

The board and staff discussed the amendment at length.

There was no public input.

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

Sligh made a motion to recommend approval of the requested amendment to City Council as presented.

Ulrich seconded the motion and the motion carried unanimously.

V. DESIGN MODIFICATION(S)

A. 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. 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 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: “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 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 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”.

Maintenance: 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 recommended a thorough review of the applicant’s request.

David Schwerd, Diamond Shores LLC, agent for owner, was present and further explained the request at length.

After much discussion, Wise made a motion to defer the request to give staff an opportunity to seek a legal opinion of the request. Hardwick seconded the motion and the motion carried unanimously.

B. Riverwood at Sherwood Forest (subdivision)– requesting a design modification to allow a portion of a property that is currently split-zoned to be subdivided as part of a major subdivision.

Hucks stated that in May of 2015, a 1.86-acre tract was subdivided from the predominate tract, Pin: 324-00-00-0017 (while the property was still in the jurisdiction of Horry County). This parcel was assigned 324-16-04-0041. In July of 2015, PIN 324-16-04-0041 was annexed onto the City of Conway and zoned: “R1”.

After the property was annexed into the City of Conway in May of 2016, PIN 324-16-04-0041 was subdivided. In addition to the 6-lots created (called: Country Club Landing), an 0.28-acre open space parcel was also split/dedicated, yet this open space lot was not conveyed from the developer.

PIN 324-00-00-0017 was annexed into the City of Conway and zoned: “R” in May of 2019.

Around December of 2020, the initial sketch plan was submitted and reviewed for the proposed development – and - a revised sketch plan was submitted and reviewed in February. The proposed street

names for the development were approved by the Planning Commission in March of 2021 and on March 4th & March 15th the proposed subdivision name was approved by City Council. Lastly, in January 2023, a full set of preliminary plats and construction plans were submitted to and reviewed by: TRC – and – a subsequent resubmittal submitted/reviewed in June.

The development proposes three entrances on three separate roads; an enlarged (3-lane) primary entrance off of Country Club Drive and secondary (2-lane) entrances off of both: Graham Road and Long Road.

While there is a total of 12.64-acres of Open Space proposed on the most recent submittal, reconfiguration of such parcels may be necessary to qualify such areas as suitable and/or active Open Spaces.

The project development area consists of two different zoning classifications:

- PIN 324-00-00-0017 is the approx. 62-acre majority of this project, currently zoned: “R”, has a minimum lot size requirement of: 10,000-sq. ft, a min. lot width of: 100-ft and a min. lot depth of: 100-ft.
- PIN 324-16-04-0013 is an approx. 3.8-acre portion of the project zoned: “R-1”, having a minimum lot size requirement of: 7,500-sq. ft, a min. lot width of 75-ft and a min. lot depth of: 100-ft.
- PIN 324-16-04-0046 is a 0.28-acre strip of property also zoned: “R-1”. This narrow strip was already dedicated as Open Space in a previous plat for: Country Club Landing, yet the property was not transferred and thus remains in the ownership of: Country Club Properties Inc. (developers/owners of Riverwood at Sherwood Forest).

The lot dimensions within the project are adjusted to meet the requirements of the underlying zoning districts, however the abandoning of existing property lines/zoning lines will combine the “R” and “R1” districts within two of the open space parcels and the public right-of-way.

The applicant proposes to combine all of PIN: 324-16-04-0046 and a portion of PIN: 324-16-04-0013 (the “R-1” zoned properties) with portions of PIN: 324-00-00-0017 (the parcel zoned: “R”) for dedication as Open Space, as depicted on the attached “Zoning Map”.

While the combination of dissimilarly zoned parcels has been traditionally discouraged in the past (via internal policies), a recent revision (Ord. #ZA2023-02-06 D) to the Unified Development Ordinance made the combination/split-zoning of property prohibited.

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).

Clint Richardson, applicant, was present to answer any questions.

The request was discussed at length.

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

VI. SUBDIVISIONS

A. Riverwood at Sherwood Forest – requesting preliminary plan approval.

Hucks stated that in May of 2015, a 1.86-acre tract was subdivided from the predominate tract, PIN 324-00-00-0017 (while the property was still in the jurisdiction of Horry County). This parcel was assigned 324-16-04-0041. In July of 2015, PIN 324-16-04-0041 was annexed onto the City of Conway and zoned: "R1". After the property was annexed into the City of Conway in May of 2016, PIN 324-16-04-0041 was subdivided. In addition to the 6-lots created (called: Country Club Landing), an 0.28-acre open space parcel was also split/dedicated, yet this open space lot was not conveyed from the developer. PIN 324-00-00-0017 was annexed into the City of Conway and zoned: "R" in May of 2019.

Around December of 2020, the initial sketch plan was submitted and reviewed for the proposed development – and - a revised sketch plan was submitted and reviewed in February. The proposed street names for the development were approved by the Planning Commission in March of 2021 and on March 4th & March 15th the proposed subdivision name was approved by City Council. Lastly, in January 2023, a full set of preliminary plats and construction plans were submitted to and reviewed by: TRC – and – a subsequent resubmittal submitted/reviewed in June.

The development proposes three entrances on three separate roads; an enlarged (3-lane) primary entrance off of Country Club Drive and secondary (2-lane) entrances off of both: Graham Road and Long Road. While there is a total of 12.64-acres of Open Space proposed on the most recent submittal, reconfiguration of such parcels may be necessary to qualify such areas as suitable and/or active Open Spaces. The project development area consists of two different zoning classifications (as previously provided in aforementioned request):

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).

Clint Richardson, applicant, was present to answer any questions.

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

B. Kingston Oaks, Phase 2 – requesting preliminary plan approval, including approval of street names.

Hucks stated that in January of 2023, the subdivision name was approved by City Council. On February 6, 2023, the Development Agreement for the Collins Jollie conservation subdivision was approved by City Council. May of 2023, previous phase 1 for this subdivision was approved by Planning Commission, along with the street names for those roads being extended within these new phases.

The following street name has been proposed by the applicant and reserved for this project, by Horry County:

Blackjack Oaks

The suffix has been intentionally omitted in case Addressing has need for it to be changed.

While being located within tract "C" as depicted on the "Conservation Subdivision Plan", these 37-additional lots will continue and complete the Kingston Oaks neighborhood.

This neighborhood is comprised of a total: 223-single-family lots, 186-lots in Phase 1 (Tract D) + 37-lots in Phase 2 (Tract C).

This 27.13-acre phase of development is proposing to dedicate: 16.69-acres of Open Space, 16.07-acres of which are for Primary Conservation areas. Within these open spaces, approximately 1,790-linear foot of soft trails are being constructed, internal to this phase of development.

Along with the: 25.03-acres of open space being dedicated in Phase 1, the Kingston Oaks neighborhood (Phases 1 & 2) will be dedicating a total of: 41.72-acres of Open Space.

No new external access points are being constructed with this phase. Instead the two-roadway terminuses of Bear Oaks Loop (proposed in Phase 1) will extended to completion, and once constructed, will provide two external access points through Phase 1.

The expansion of Bear Oaks Loop will include the sidewalks and street trees (not installed) in Phase 1, as expressed in a design modification approved by Planning Commission on: 4/6/23.

The layout of these phases is consistent with that shown on the aforementioned "Conservation Subdivision Plan" as well as the overall plan approved by Planning Commission (November of last year), for this development.

The Master Plan for the development agreement are included in the packet for your review.

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).

Tom Danielson, applicant, was present to answer any questions.

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

C. Coastal Point West, Phase 2 – Letter of Credit renewal and reduction.

Hucks stated the letter of credit to cover any remaining required infrastructure in Coastal Point West, Phase 2, which in this instance includes remaining sidewalks and the surface layer of asphalt for the roadways, is set to expire on December 6, 2023. All other infrastructure has been installed, and any remaining street trees will be installed and inspected prior to the issuance of any certificate of occupancies. The amount of the current letter of credit is \$349,598.50 and is from US National Bank, letter of credit number SLCMSP002057. The reduced letter of credit amount is \$94,428.20.

A majority of the lots in this phase have been developed or are currently being developed, and the UDO specifies that once 75% of the lots have been constructed that any remaining infrastructure that was included in the financial guarantee must be installed. However, the final layer of asphalt has not yet been installed, and while there is a roadway warranty in place, that warranty surety covers damages that occur once the road is completed, and since the final layer has not yet been installed and was part of the initial letter of credit for this phase, the City must retain a financial guarantee until the final layer has been installed. This issue has brought a greater issue to light, in that in most instances, the final layer of asphalt is not installed until construction is complete, due to the fact that construction vehicles could damage the final layer if installed in advance, and in many cases, it takes a year or longer for all of the homes in the

phase to be completed, which contradicts the requirement of a (separate) roadway warranty to be provided for a 3-year period following the completion of the roadway in conjunction with the road dedication, and prior to ANY homes being issued a Certificate of Occupancy (CO). For this reason, staff recommends extending the letter of credit for another year, at the reduced amount of \$94,428.20 to cover the cost of the final (surface) layer of asphalt and the remaining sidewalks to be installed in Phase 2 of Coastal Point West.

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

VII. DECEMBER PLANNING COMMISSION MEETING

Sligh made a motion to cancel the December 5th Planning Commission meeting. Wise seconded the motion and the motion carried unanimously.

VIII. 2024 PLANNING COMMISSION MEETING SCHEDULE

Wise made a motion to approve the 2024 meeting schedule as presented. Hardee seconded the motion and the motion carried unanimously.

IX. BOARD INPUT

None


X. STAFF INPUT

None

XI. ADJOURNMENT

A motion was made to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 8:51 pm.

Approved and signed this 9 day of January, 2024.



Brian O'Neil, Chairman