

**CITY OF CONWAY
PLANNING COMMISSION MEETING
THURSDAY, MARCH 7, 2024
Planning & Building Dept. Conference Room – 196 Laurel Street**

- Present:** Brian O’Neil, Kendall Brown, Ellen Watkins, George Ulrich, Danny Hardee, David Sligh, Thomas J. Anderson III
- Absent:** Jessica Wise
- Staff:** Jessica Hucks, Planning Director; Brent Gerald, Planner; Katie Dennis, Planning Concierge; Jeff Leveille, IT; Anne Bessant, Planning Assistant, Paul Lawson, Attorney
- Others:** John Danford, Anna Lewis, Brady Gnatt, Jamie Steele, David Schwerd, John Richards, Jim Lindsey, Jerri Lindsey, David Nye, Jeremy Cox, Tyler Thomas, & others

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Ulrich made a motion, seconded by Hardee to approve the December 20, 2023 minutes as written. The vote in favor was unanimous. The motion carried.

Sligh made a motion, seconded by Ulrich to approve the February 1, 2024 minutes as written. The vote in favor was unanimous. The motion carried.

III. PUBLIC INPUT

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

IV. OLD BUSINESS

A. DESIGN MODIFICATION

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

Hucks stated that the above item was initially considered at the November (2023) Planning Commission (PC) meeting but was deferred to a workshop held in December (2023) in which Planning Commission denied the applicant’s request for a design modification that would have allowed the applicant to construct a single-family structure on an existing lot of record that lacks the required frontage onto a publicly maintained street. At the February (2024) Planning Commission meeting, PC moved to reconsider the design modification.

Hucks further stated that the lot in question predates municipal design standards (i.e. dimensional standards, access management standards, etc.), making the lot legal nonconforming, in that it does not meet the minimum lot width requirements for the R-1 zoning district nor does the lot meet the requirement that all lots shall front a public street that has been dedicated for maintenance by the city, county, or state, as required per the city’s residential design standards and the city’s land development regulations; specifically, *Section 10.5.2 (A)* of the UDO. Other Articles / Sections of the UDO also convey the same message that lots must front a public street, including *Art. 6, Section 6.2.1 (Dimensional Requirements)*; *Art. 7, Section 7.1.12* regarding prohibiting private streets, half streets, reserve strips, etc.; and *Art. 12 – Nonconformities*.

Staff has performed an exorbitant amount of research on this issue which has resulted in the same conclusion. All evidence suggests to staff that while 6th Ave is an SCDOT “right-of-way”, any maintenance of 6th Ave end just short of where the lot in question begins. Even if the applicant were willing to improve the road to city standards, they would not have the right to dedicate the road to the city. The applicant has stated they would be willing to improve the road to meet the minimum standards for emergency vehicle, including the installation of a dust-free surface that would support the weight of fire apparatus and sanitation trucks. Regardless, the lot would still be considered an “island”, not directly connected to the public street system, and as such, staff is unable to approve the permit to construct the home.

The city’s attorney at the time this issue first came about, along with city staff, reached out to the Municipal Association for guidance, but they were not aware of any case law in South Carolina that had previously established precedent for a situation like the one being considered. Additionally, the city attorney at the time was of the opinion that this issue was best resolved through the court system, and staff agrees.

Hucks added that as rare as this issue may seem, there are several other existing lots of record on other streets in the city limits – in close proximity to the subject property – that were platted decades ago and the platted right-of-way was never dedicated to the city, county, or state for maintenance, and in those cases, staff has consistently denied any permits for construction due to the fact that the lots did not comply with the requirement to front a public street.

David Schwerd, applicant and agent for the property owner, stated that their attorney was not able to be present for the meeting and requested to defer to the next Planning Commission meeting. David Sligh made a motion to defer, seconded by George Ulrich. The motion carried unanimously.

V. NEW BUSINESS

A. PUBLIC HEARINGS

1. ANNEXATION & REZONING REQUEST(S)

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

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

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

The above items, 2.a and 2.b, were considered together, as they are relative to the same property.

Hucks provided an overview of the applicant's requests. The property is currently zoned Low/Medium-Density Residential (R-1). The property is currently vacant and is directly behind the old Barker's gas station at the corner of Main St and Sixth Ave that is proposed to be renovated to a Sinclair's gas and convenience station (*zoned Neighborhood Commercial- NC*). The applicant have expressed their design to construct a duplex on the subject property.

The applicant is requesting to rezone the subject property to the Professional (P) district. If the rezoning is successful, any use permitted in the Professional district would be allowed on this property. There are two other properties abutting the subject property that are currently zoned Professional that front on Main Street. The city's future land use map of the *Comprehensive Plan* identifies the property as Low/Medium-Density Residential (R-1).

If Planning Commission recommends approval of the requested zoning of the property, staff recommends *approval* of the Future Land Use Map (FLUM) amendment for the property as well.

Tyler Thomas, agent for applicant, was present and further explained the request.

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

Sligh made a motion to recommend approval of the rezoning request and future land use map amendment to City Council as presented. Ulrich seconded the motion and the motion carried unanimously.

VI. SUDIVISIONS

A. Chapman Village – requesting a design modification and preliminary plan approval for a 45-lot single-family subdivision, located along Medlen Parkway.

Hucks presented the request to Planning Commission. The first set of preliminary plans for Chapman Village were submitted for review in December of 2022. The current submittal for the proposed development was submitted in January (2024). The property is 11.83 acres and is zoned High-Density Residential (R-3). The plans propose 45 single-family lots to be developed, ranging in lot sizes from 5,457 to 5,995 sq. ft. City Council approved the subdivision name in February of 2023 and Planning Commission approved the street names for the project in March of 2023.

Access to the development would be provided via Medlen Parkway and a secondary, emergency access drive on the existing driveway (easement) to Conway Christian School, which will be split from the parent tract and combined with the school. A stub-out is also being provided to the adjacent tract (PIN 338-00-00-0001). This adjacent tract currently has plans in review that propose to extend Eloise Way, connecting this project with the two proposed Medlen Parkway entrances in the future as well as the Hwy 501 entrance through Carsen's Ferry subdivision and the Cultra Road entrance via Rivertown Row / Tiger Grand subdivisions.

Since the project only proposes 45-lots, the amount of required open space is less than 1-acre (0.94-ac), and per the UDO (*Section 10.3.9, B.4*), "if less than one acre is required for any major subdivision, the developer *shall* submit a fee in lieu of providing the open space." After the initial comments were returned to the applicant, the applicant inquired whether the developer could opt to provide an adequate amount of open space rather than pay the fee in lieu. Staff informed the applicant that if the developer would rather provide suitable open space rather than submit the fee in lieu in accordance with the UDO, it would need to be reviewed (and approved) by Planning Commission. However subsequent plans failed to provide suitable open space areas within the project.

When evaluating suitability of Open Space, staff is bound by the standards set forth in *Section 10.3.9, C*, of the UDO, which are used when determining whether such property is acceptable for open space. These standards include Unity, Location, Accessibility, Usability, Connectivity, and Conformity. Additionally, *Section 10.3.9, B.2*, of the UDO states that: "*If more passive open space is provided than active open space, then more total open space will be required.*" Within the on-site Open Space, a sufficient amount of *Active Open Space* is required to be provided as well. *Section 2.2.1* defines *Active Open Space* as follows: "*Areas where group or team activities take place with formal designated fields, outdoor courts (basketball, volleyball, tennis) and/or outdoor amenities (skate park, frisbee, golf, etc.)*"

Based on staff's review of the preliminary plans, it was determined that:

- Open Space #1 failed to provide enough area (approximately: 0.47-ac) meeting the "Usability" standards, as only a portion is centrally located, and a majority of that area is encumbered by a retention pond (which includes 25% of the pond qualified by the installation of a fountain).
- Open Space #2 & Open Space #3 failed to meet the "Unity", "Location", "Usability", "Connectivity" and "Conformity" standards listed above, and No Open Space has been provided on-site, that may be qualified as "Active."

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

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

Brady Gnat, applicant was present and further explained the request. He stated that they would like to *withdraw the design modification portion of the request* related to open space suitability and would instead continue with the fee-in-lieu option of providing open space, but to move forward with the preliminary plan approval.

O'Neil made a motion to recommend approval of the request, seconded by Brown. The motion carried unanimously.

B. Country Manor – requesting a design modification from the access management standards of the City of Conway *Unified Development Ordinance (UDO)*.

Hucks gave an overview of the applicant's request. Final plats for phases one (1) through seven (7) of this development were approved between January of 2001 to August of 2006. Construction plans for phase 8 were approved in March of 2008; however vested rights expired in March of 2010. Staff received a design modification for the completion of phase 8 in February of this year.

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

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

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

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

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

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).

Jamie Steele, applicant was present and further explained the request.

Sligh made a motion to recommend approval of the request. Ulrich seconded the motion and the motion carried unanimously.

C. Maple Grove – requesting street name approval, *conceptual* master plan approval, and a design modification from the access management standards of the City of Conway *Unified Development Ordinance (UDO)*.

Hucks provided an overview of the applicant's requests. In February of 2023, The Development Agreement / Conceptual Plan was approved by Council for the development of "Tracts A thru I" as a conservation subdivision. Master Plans were submitted and reviewed, revising the layout and sequence

of development for “Tracts E, F & G” of the original Collins Jollie development in December of 2023. The applicant applied for Design Modification in February of this year.

Design Modification 1: Access Management

Access Management Requirements, per *Section 7.2.1, E.* of the UDO, state that “*for single-family developments consisting of thirty or more lot, the City shall require a minimum of two points of ingress and egress, in compliance with applicable fire code(s).*” Although Phase 1 has two external access points (Autumn Maple Drive & Red Maple Drive), the roadway design creates a single choke point beyond the intersection of Red Maple Drive... internal access to 33-Lots will be funneled through the aforementioned choke point.

With 60-Lots, the construction of Phase 2, will increase the number of lots receiving access, through the choke point in Phase 1, to 93. Also, the additional 63-Lots in Phase 3 will increase to the total number lots receiving access through Phase 1 to: 156... a second internal point of access will not be available until the construction of Phase 5 occurs (connecting Phase 1, 2 & 3 with the access point being constructed in Phase 4).

Phase 4 proposes to access 49 Lots from one enlarged access point (Silver Maple Drive), unless the “Amenity” site is constructed prior to the construction of Phase 4, this will be the only external access point for this phase... until the construction of Phase 5 occurs (connecting Phase 4 with the two external access points constructed in Phase 1).

Design Modification 2: Block Lengths

Design Standards for Blocks, per *Section 7.1.10* of the UDO states that “*blocks shall not be more than twelve hundred feet in length, except as the Planning Commission considers necessary to secure efficient use of land or desired features of street pattern.*” Phase 1 proposes to create a block (along Autumn Maple Drive), approximately 1,250-feet in length, between the Entrance of Autumn Maple Drive and the intersection of Red Maple Drive. Phase 5 proposes to create a block (along Painted Drive), approximately 1,470-feet in length, between the intersections of Mountain Maple Drive and Crimson Maple Drive.

Design Modification 3: Cul-de-sacs

Design Standards for Cul-de-sacs, per *Section 7.1.11* of the UDO states that “*the maximum length of a cul-de-sac shall be 800 feet, unless necessitated by topography or property accessibility and approved by the Planning Commission.*” Phases 1 and 2 will create (in the interim) a dead-end cul-de-sac (on Autumn Maple Drive), approximately 2,010-feet in length... such length will be reduced with the roadway systems in Phase 3, which will dissect the roadway into inner-connecting blocks. Phase 2, however proposes to create a permanent dead-end cul-de-sac (on Autumn Maple Drive), approximately 870-feet in length.

Master Plan, overall

The overall master plan for “Tracts E, F & G” differs from the original Master Plan as follows:

“Tracts E & F” were originally approved for: 509-single-family lots as well as a total of: 64.25-acres of Open Space (with interior & exterior soft paths) ... the revised master plan, proposes: 512-single-family lots and 72.05-acres of Open Space (with an amenity center, pool & only exterior soft paths).

“Tract G” was originally approved for: 175-townhome units as well as a total of: 9.65-acres of Open Space (with interior & exterior soft paths) ... the revised master plan, proposes: 180-duplex units and 12.58-acres of Open Space (containing an amenity center, pool, dog park & only exterior soft paths).

The original master plan provided soft trails around the retention ponds within isolated open space areas... the revised master plan, proposes to remove the internal trails within the Open Space, along the rear of the residential lots.

The original master plan provided a total of: 73.90-acres of Open Space (31.59-acres active & 42.31-acres passive) in “Tracts E, F & G” ... the revised master plan, proposes a total of: 103.24-acres (with active & passive areas delineated on the plans).

Street Names

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

Samaras	Red Maple	Orangeola	Autum Maple	Mountain Maple
Polynoses	Acer	Sap	Silver Maple	Coral Bark
Painted	Amur	Full Moon	Thee Leaf	Crimson Maple

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).

John Danford, applicant, was present and further explained the request.

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

VII. BOARD INPUT

None

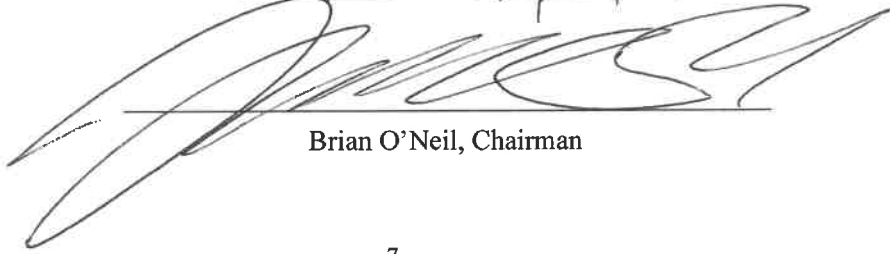
VIII. STAFF INPUT

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 6:21 pm.

Approved and signed this 4 day of April, 2024.



Brian O’Neil, Chairman