

CITY OF CONWAY
PLANNING COMMISSION MEETING
THURSDAY, JUNE 6, 2024
Planning & Building Dept. Conference Room – 196 Laurel Street

Present: Jessica Wise, Kendall Brown, Ellen Watkins, George Ulrich, Thomas J. Anderson III, Greg Bryson, David Sligh, Danny Hardee

Absent: Brian O’Neil

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

Others: Michael Redmond, Cookie McMillan, Rob Tanner, Nanny Hernandez, Brandon Trusdale, & others

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Ulrich made a motion, seconded by Anderson to approve the May 2, 2024 minutes as written. The vote in favor was unanimous. The motion carried.

III. PUBLIC INPUT

Cookie McMillan spoke during public input with concerns of Buccanan Lane. Wise made a motion, seconded by Sligh, to close public input. Motion carried unanimously.

IV. SUBDIVISIONS

A. *Deferred* – Buchanan Lane- applicant(s) requesting approval of a design modification regarding roadway design standards (PIN 324-16-01-0005).

B. **Rivers Edge Village** – applicant(s) requesting approval to develop a conservation subdivision, consisting of 127 single family lots as well as requesting a design modification for the roadway design standards and street name approval for the project located on both East Country Club dr. and John Doctor Rd. (PIN 339-00-00-0023).

Hucks gave an overview of the applicant’s request. The proposed subdivision is located on East Country Club Drive and will be developed using the conservation subdivision design. It will consist of 127 single-family lots within 2 phases of development. Phase 1 will contain 31.09 acres of open space and phase 2 will contain 8.45 acres of open space. The remainder of the tract, approx. 51 acres, will remain conservation open space, as it is entirely blanketed by a flood zone. The conservation subdivision design requires that 75% of the lots directly abut or be directly across from conservation areas, and approx. 98% of the lots within this development will be meeting this standard, which far exceeds the 75% minimum. The project will have 100’

buffers from East Country Club Drive and John Doctor Rd, and 50' buffers along all other project boundaries. In addition to preliminary plan approval, the applicant is seeking a design modification for one block length for the proposed Snow Hill Way, which measures 1,610 linear feet. The maximum permitted per the ordinance is 1,200 linear feet unless a modification is granted by Planning Commission as necessary to secure efficient use of land or desired features of street pattern within a development. Finally, the applicant is also requesting approval of street names: Horonzy, Lisa Ann, Nigel, and Snow Hill; all of which have been reserved by Horry County Addressing.

Brady Gantt, G3 Engineering, applicant, was present and further explained the request.

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

Sligh made a motion to approve the design modification request as presented, including preliminary plan approval and street name approval except for Snow Hill Way. The motion was seconded by Ulrich and the motion carried unanimously.

C. Spring Oaks- Letter of Credit renewal and reduction.

Hucks stated that a letter of credit in Spring Oaks is to cover any remaining required infrastructure, which in this instance includes remaining street trees, sidewalks, curb & gutter repair/replace, and the surface layer of asphalt for the roadways, is set to expire on June 30, 2024. All other infrastructure has been installed. The amount of the *current* letter of credit is \$360,900.00 and is from Anderson Brother Bank, letter of credit number 150538143. **The reduced letter of credit amount is \$258,100.00.**

36 of the lots in this development have been completed and 58 lots are either vacant or under development, and there have been new homes permitted and constructed in this development in the last six months. Staff recommends extending the letter of credit for one more year, at the requested reduced amount of \$258,100.00.

Mike Redmond, Carolina Engineering Services, LLC, applicant, was present to answer any questions.

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

V. PUBLIC HEARINGS

A. ANNEXATION/REZONING REQUEST(S)

1. Request to annex approximately 11.22 acres of property located on Hwy 501, past the intersection of Hwy 501 and Wild Wing Blvd (PIN 383-00-00-0323), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

Hucks gave an overview of the request. The property is located a little past the intersection of Wild Wing Blvd, on the left side of Hwy 501 heading toward the beach. Last year, the adjacent property was annexed into the city as Highway Commercial, for development of 2 fast food chains. Properties on either side are already within the city limits, essentially making this property a donut hole, and requiring annexation in order to connect to city utilities at the time any development is proposed. The property is currently zoned Highway

Commercial in the county's jurisdiction, and the requested zoning classification, if annexed, is also HC. The city's future land use map also identifies the property as HC.

The applicant was not present.

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 requested to City Council as presented. Anderson seconded the motion and the motion carried unanimously.

B. REZONING REQUESTS

1. Request to rezone approximately 3.31 acres of property located at 695 Century Circle (PIN 383-06-03-0005) from the City of Conway Planned Development (PD) district to the Light Industrial (LI) district.

Hucks stated that the property is located on Century Circle, inside the Atlantic Center Industrial Park. Majority of the properties within the Atlantic Center are in the County's jurisdiction and zoned Planned Unit Development, or PUD, which is the older version of the Planned Development District. This property was annexed in 2006 as a Planned Development, as that was the property's zoning in the county as part of the Atlantic Center Planned Development. Further, the property was not developed at the time of annexation. In addition to the zoning, the property is also subject to Protective Covenants and Easements that, among other things, outlines the permitted and prohibited uses. The ordinance for the Planned Development also mirrors the protective covenants for the Atlantic Center, which lists the permitted and prohibited uses.

In July 2022, staff received a request for a zoning determination letter, in which the Zoning Administrator responded to, stating that the proposed use of the property – H&E Equipment Services, would not be a permitted use based on the PD documents and the protective covenants for the property.

Following this, there were discussions as to whether the proposed use could be permitted with the approval of the Property Owner's Association or if the original developer would have to lift the restriction. By August of 2022, a determination was made that the use could be permitted with approval from the Atlantic Center Property Owner's Association. Subsequently, a letter from the POA was provided by the owner approving the use with conditions that were later satisfied, giving the property owner approval to move forward with permitting.

It wasn't until a Certificate of Occupancy for the building was requested a few months ago, that current staff realized the zoning of the property did not permit the use that had been constructed on the site, and regardless of the approval from the Property Owner's Association, it did not change the permitted or prohibited uses for the property, per the Planned Development district ordinance at the time the property was annexed, which mirrored the protective covenants for the Atlantic Center.

Though the Certificate of Occupancy was granted, the use that exists is considered legal nonconforming, even though the use was recently created. Under the current ordinance, a legal nonconforming use cannot be expanded outside the current building footprint and if the current use were to cease operation or the building were to be vacated, the use could not be re-established after 180 days.

Aside from that, a Planned Development District is required to consist of a mixture of uses, including different residential dwelling types, different densities, as well as commercial uses. A single use Planned Development does not meet the intent of a Planned Development District.

Therefore, staff reached out to the property owner detailing this concern and proposed to rezone the property to the Light Industrial (LI) district, which in turn would permit the use already established on the property. This is why the City is listed as the designated agent for the rezoning request. 6 other properties within the Atlantic Center are in the city limits, with 5 of them zoned Light Industrial. The other property, directly beside the subject property, is zoned Institutional.

Regardless of the property's zoning, all properties within the Atlantic Center will continue to be subject to the Protective covenants for the Atlantic Center Industrial Park.

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

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

VI. TEXT AMENDMENTS

1. Amendment to *Article 10 – Subdivision and Land Development*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding revisions to various standards contained within Article 10.

Hucks gave an overview, stating that staff began going through the UDO towards the end of 2022/beginning of 2023 to identify any inconsistencies or incorrect information contained within each article of the UDO. At the 2023 budget retreat, staff presented Council with a proposal to bring forward a text amendment for each article of the UDO to make the necessary corrections, and to include any other items that were not yet included but may already be policy. However, 2023 was a challenging year for Planning, with several large-scale annexations and projects being submitted, so these amendments were temporarily put on hold along with several other items on our to-do list.

Now that we are starting to see several projects come through for review; many of which are a result of the annexations we've received over the last year and a half or so, staff agreed that Article 10 – which contains the City's Land Development Regulations, should be the first article of the UDO to be amended.

For clarity, while a majority of the Unified Development Ordinance contains zoning regulations, Article 10 contains regulations which control site design, street layouts, provisions for utility services, requirements for preliminary plan and final plat approvals, among other subdivision regulations.

Zoning regulations control what can be developed on a property and how land is developed *vertically*, while land development regulations govern how that land is developed *horizontally*.

Some of the biggest items included in the amendment includes requiring a master plan to be submitted for conservation subdivisions and Planned Developments, for wetlands to be platted outside of lots intended to be developed and instead keeping in common areas of open space requiring lots to be accessed internal to subdivisions only and not outside of the subdivision, as well as the revisions to Wastewater Pump facilities; remove the requirement for Council to approve letters of credit for subdivisions and to accept approval of the letter of credit contingent on approval of the Technical Review Committee. While it doesn't happen often,

there are times where scheduling can cause delays in getting final plats approved for individual phases of development because we cannot approve the plats that would create the lots without the letter of credit being approved and received from the bank.

Other revisions are mostly housekeeping changes to clarify what is already practiced or what is current policy. What is not included in this current amendment are revisions to open space requirements as well as revisions to the conservation subdivision design standards; both of which are contained in Article 10. Because of the changes being proposed for requirements for open space and the conservation subdivision design, staff proposes to bring those sections of Article 10 to Planning Commission separately, as their own amendment. Open Space amendments is another item that had been discussed at the City Council budget retreat in 2023 and how amendments could be made to the city's open space requirements that could include options to address the city's park expansion plans.

Staff is hoping to get the text amendment for open space revisions on the July Planning Commission agenda for consideration and public hearing. As for the amendments to Article 10, Council discussed the proposed text amendment during a workshop at their meeting this past Monday. Since the amendments were sent to you with the packet, there have been additional proposed changes; some of which were submitted from Public Works to include in their road design standards, and all other changes have been provided to you on a handout.

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 amendments to City Council as presented. Ulrich seconded the motion and the motion carried unanimously.

VII. BOARD INPUT

Wise gave a shout out to the City for requiring the hundred foot buffers to conservation subdivisions and stated that it works very well. She also encouraged others to go take a look at the one on Collins Jollie Road for reference.

Watkins added that the new Conway sign on Fourth Avenue near Palmetto Taps looks great.

Ulrich thanked staff for all of their hard work.

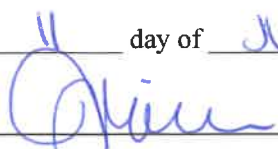
VIII. STAFF INPUT

Hucks mentioned that there will be several text amendments for next month's Planning Commission meeting and provided a brief overview of the signs in right of ways amendment, which had been previous reviewed by Planning Commission and has since been revised.

IX. ADJOURNMENT

A motion was made to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 6:13 pm.

Approved and signed this 11 day of JULY, 2024.



Brian O'Neil, Chairman

JESSICA WIFE, VICE CHAIRMAN