

**CITY OF CONWAY
PLANNING COMMISSION MEETING
THURSDAY, JULY 13, 2023
Planning & Building Dept. Conference Room – 196 Laurel Street**

Present: Danny Hardee, Kendall Brown, David Sligh, Ellen Watkins, Samantha Miller

Absent: Jessica Wise, Brian O’Neil, Virginia Norris

Staff: Jessica Hucks, Planning Director; Mary Catherine Hyman, Deputy City Administrator; Jasmin Waites Parker, City Attorney; Brent Gerald, Planner; June Wood, Public Information Officer; Tyler Swanson, Police Officer; Katie Dennis, Planning Concierge; Charlie Crosby IT; Anne Bessant, Planning Assistant

Others: Barbara Goodman, Jack Goodman, Connie Hicks, James Hicks, Dana Natale, Maryann Massengill-Black, Walter Johnson, Suzette Johnson, Mike Ziegler, Cheryl Strunge, Val Grassi, Joe Grassi, John Polivitch, Harold Phillips, Henry Thomas, Michael Visnich, Annette Lawrance, Janice Skalski, Jim Skalski, Aphonso McCray, Marc Schofel, Charles Jordan, Karen White, Bob Parro, Clint Richarson, Martha Conniff, Jane Realmonte, Caroline Richardson, Pamela Diclintio, Mark Hoban, Nancy Hoban, Tim Wolfe, D Huggins Wolfe, Bobbi Ann Dragone, Wanda Dillard, Jordan Dillard, Cheryl Jalbert, Brandon Truesdale, Roger Colby, Felix Pitts, Paul Ridgaud, Michelle Ridgaud, Robert Posner, Mary Posner, Elin Lindsay Kemp, Connie Kemp, Patt Quin, Shep Guyton, Joe Ellzondo, Candy Deane, Dick Twigg, Constance Whallen, Steve Trull, Ashley Proctor, Dean Shank, Robert Gardiner, Linda Chang, Carol Restauri, Wayne Finney, Mary Nelson, Rodney Harris, & others

I. CALL TO ORDER

Commissioner Sligh called the meeting to order at approximately 5:30 p.m. Sligh mentioned the absence of both Chairman and Vice-Chairperson. Hardwick made a motion to elect Sligh to Chair the meeting and seconded by Watkins. The vote in favor was unanimous and the motion carried.

II. APPROVAL OF MINUTES

Hardee made a motion, seconded by Hardwick to approve the May 17, 2023 Workshop minutes and the June 1, 2023 minutes as written. The vote in favor was unanimous. The motion carried.

III. SUBDIVISIONS

A. Colonial Farms, phases 1& 2 – requesting street name approval and preliminary plan approval (located on Hwy 548).

Hucks stated that the applicant, David Norris, DN Engineering Inc., request preliminary approval of phases 1 and 2 of the subdivision and development of PIN: 326-00-00-0027 and 326-00-00-0047, located on S.C. Hwy 548, with frontage on and access to S.C. Hwy 501.

Phase 1 is a 131-lot single-family subdivision, located on: PIN 326-00-00-0027. The tract contains: 65.03-acres, which would be a calculated gross density of: 2.01 units per acre. This parcel is zoned: R-1, which requires a minimum lot size of: 7,500 sq. ft. and 75-ft. minimum lot width for single-family lots. This phase provides a total 28.34-acres of Open Space with 14.28-acres excluding; ponds, wetlands and buffers. Phase 1 proposes two points of access onto S.C. Hwy 548 and a connection to the roadway system in Phase 2, as well as a stub-out to adjacent PIN: 327-00-00-0035.

Phase 2 is a 97-lot fee-simple townhome development, located on PIN: 326-00-00-0047. The tract contains: 19.12-acres, which would be a calculated gross density of: 5.07 units per acre. This parcel is zoned: R-2, which requires a minimum lot size of: 2,000 sq. ft and an 18-ft. minimum lot width for townhome lots. This phase provides a total 3.30-acres of Open Space with 2.80-acres excluding; ponds, wetlands and buffers. Phase 2 proposes two additional points of access; one on S.C. Hwy 548 and another on S.C. Hwy 501 and will provide connectivity for Phase 1, as well as a stub-out to adjacent PIN: 326-00-00-0029.

Upon completion of both phases, this development will have: 228 residential units with four points of access and inner-connectivity provided to adjacent parcels both on the east and south of the development.

In September 30, 2019 the tracts were separated, while still in Horry County, August 16, 2021 a sketch plan for the entire project was submitted for review, December 20, 2021 both tracts were annexed into and rezoned by: The City of Conway, December 14, 2022 preliminary plans were submitted for Phase 1, January 31, 2023 preliminary plans were submitted for: Phase 2, May 26, 2023 revised plans were submitted for: Phase 2, and on June 7, 2023 revised plans were submitted for Phase 1. The plans are still being reviewed by the Technical Review Committee (TRC).

The applicant is requesting approval of the following street names. Horry County has already reserved these names for this development: **Colonial Farms, Dissident, Dragoon, Freedom, Haversack, Little Mill, Old Wagon, Parapet, and Skirmish**. The suffixes for the street names were intentionally left off to allow for any subsequent changes between now and preliminary approval by TRC. City Council is required to approve the names of subdivisions / developments. The name of this development is scheduled for consideration by Council at their July 17th meeting.

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

Clint Richardson, Beverly Homes was present to answer any questions.

Sligh made a motion to recommend approval of the preliminary plan for Colonial Farms, as well as approval of all the street names presented. Hardwick seconded the motion and the motion carried unanimously.

IV. PUBLIC HEARINGS

A. REZONING REQUESTS

- 1. Request to rezone approximately 15.61 acres of property located at 300 Bellamy Ave (PIN 383-00-00-0381) from City of Conway Institutional (IN) to High-Density Residential (R-3).**

Hucks stated that on May 23, 2023, the applicants submitted a rezoning application for the subject property, located on Bellamy Lane. The property is currently zoned Institutional (IN). The property is accessed via Bellamy Lane, an entrance off Lonestar Street and within Commerce Plaza; a primarily industrial area.

The property was annexed into the City limits in 2017 as Institutional (IN), in order to facilitate the development of student housing. Per Article 4 – Use Tables, of the UDO, student housing is identified as an “accessory use” to a college or university. Some of the student housing developments along HWY 544 are zoned IN as well for this reason. However, current staff has come to interpret this “use” as only being permitted in conjunction with a principal use on the same property in which the student housing is proposed to be constructed (i.e. dormitory). Construction of the Bellamy Student Housing development began in 2018, and the units were issued a certificate of occupancy in the same year.

The applicants have not specified a reason for the rezoning, other than that the proposed buyer(s) are concerned with the residential use of the property under the current zoning, as they intend to rent entire units to families (lease entire units), rather than to lease individual bedrooms to college students. However, the zoning of the property does not dictate “who” the units can be leased to. Evidence suggests that since the buildings were completed, the units have been leased to anyone who qualifies, not just college students.

Per *Section 3.2.5* of the UDO, the intent of the High-Density Residential (R-3) district is to provide areas for high-density attached, detached, semi-attached, and multifamily residential development in the City of Conway and to prohibit uses that would substantially interfere with the development or continuation of residential structures in the district.

The property is directly adjacent to Commerce Plaza, with parcels zoned City Heavy Industrial (HI). Property behind the development is zoned Horry County CFA and property beside the development is zoned Horry County PUD and MA2 (a manufacturing district).

The future land use map of the Comprehensive Plan also identifies the property as being High-Density Residential (R-3).

While staff supports the City’s Future Land Use Map of the Comprehensive Plan, there are concerns that some of the existing uses (businesses or properties) within the commerce plaza industrial area will become legal-nonconforming, based on their distance from the subject property, as there are certain uses that must be a minimum distance from residentially zoned property. For example, per *Section 5.1.24* of the UDO, tattoo parlors and body piercing establishments are required to be located a minimum of 600-ft from all residential zoning districts. If the subject property is rezoned to R-3, an existing tattoo parlor that directly abuts the property will become legal-nonconforming. The existing business can continue, but if it were to cease operating at the location for 180 days or longer, it cannot be re-established at the current location, nor can any other use that is required to be a certain distance from residentially zoned property.

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

Charles Jordan Jr., agent for applicant, was present and further explained the request.

Barbara Goodman, Michael Visnich, and Gina Patron spoke with concerns during public input.

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

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

B. REZONING/ANNEXATION REQUESTS

- 1. Request to annex approximately 7.18 acres of property located on HWY 501 [PIN's 338-09-02-0008 (2197 Church Street), 338-09-02-0009, 338-09-02-0010 (2199 Church Street), 338-09-02-0011 & 338-09-02-0014 (2201 Church Street)], and rezone from the Horry County Highway Commercial (HC) to City of Conway Highway Commercial (HC).**

Hucks stated that in May, the applicant submitted annexation and rezoning applications for the subject property, located on HWY 501. The property is currently in Horry County's jurisdiction, zoned Highway Commercial (HC).

The applicant is seeking to annex the property into the City limits to facilitate development of commercial/retail establishments. Staff has reviewed one conceptual plan of the proposed layout, and comments regarding the conceptual plan were sent back to the applicant last month. The conceptual (sketch) plan that was reviewed by TRC in April is included in your packet.

One of the current uses of one of the properties is the Roadrunner Antiques store.

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 properties are surrounded by property in the City limits, already zoned Highway Commercial. The High School, located on the other side of the HCS Transportation office, is zoned Institutional (IN). Property behind these parcels is zoned Conservation Preservation (CP); likely due to the proximity of the Crabtree Swamp in relation to these parcels.

The future land use map of the Comprehensive Plan identifies the properties with frontage along HWY 501 as HC and the remaining parcel (PIN 338-09-02-0014) as HC and Conservation Preservation (CP), as this parcel is within the AE flood zone and contains wetlands.

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.

Staff supports the City's Future Land Use Map zoning classifications. Earlier this year, Council passed an ordinance that addressed the split zoning of parcels. In general, split-zoning is not permitted. However, in cases where the Future Land Use Map identifies parcels (or portions) as Conservation Preservation (CP) which are seeking annexation and/or rezoning of property and/ or containing environmentally-sensitive areas (i.e. flood zones, flood ways, wetlands), Planning Commission may recommend to council zoning these parcels

(or portions containing the environmentally-sensitive areas) as Conservation Preservation. This language is found in *Section 6.1.14* of the UDO; a copy of which is included with the packet.

The City's Future Land Use Map identifies PIN 338-09-02-0014 (also the largest parcel included in this request) shows the entire parcel as CP.

Per the conceptual plan submitted by the applicant, approximately 3.02 acres of PIN 338-09-02-0014 is within a flood zone or contains wetlands, leaving approx. 2.2 acres of the parcel that could be zoned HC upon annexation. Should split zoning of the parcel be recommended, the final determination of acreage to be zoned CP would be determined via a survey and/or wetlands delineation. Additionally, per the conceptual plan, no development is proposed to occur in the wetlands that were identified. There does appear to be a portion of the parking lot proposed for this parcel to be within the X-shaded area (flood zone) but not the AE flood zone.

Note: The applicant has requested that the entirety of all the parcels be zoned HC upon annexation.

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

Mike Zeigler, agent for owners was present and further explained the request.

There was no public input.

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

Sligh made a motion to recommend approval for this request to City Council contingent on split zoning to Highway Commercial and Conservation Preservation. Hardwick seconded the motion and the motion carried unanimously.

2. Request to annex approximately 0.09 acres of property located on HWY 501 (PIN 338-09-02-0007), and rezone from the Horry County Highway Commercial (HC) to City of Conway Highway Commercial (HC).

Hucks stated in May, the applicant submitted annexation and rezoning applications for the subject property, located on HWY 501. The property is currently in Horry County's jurisdiction, zoned Highway Commercial (HC).

The applicant is seeking to annex the property into the City limits to facilitate development of commercial/retail establishments. Staff has reviewed one conceptual plan of the proposed layout, and comments regarding the conceptual plan were sent back to the applicant last month. The conceptual (sketch) plan that was reviewed by TRC in April was included in the packet.

This property is currently vacant.

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 is surrounded by property in the county's jurisdiction, zoned HC, some of which is proposed to be annexed into the city limits as well. Current uses adjacent to this property include the Roadrunner Antiques

store, a vape/smoke shop, and on the opposite side (although not abutting) is a retail sports store (N2WIN Sports), which is within the city limits.

The Future Land Use Map of the City's Comprehensive Plan also identifies this parcel as Highway Commercial (HC).

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

Mike Ziegler, agent for owners was present and further explained the request.

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

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

Sligh asked that Item IV.B.6 be moved up on the agenda, as it included a bulk of the information pertaining to Items IV.B.3-5 as well.

3. Request to annex approximately (+/-) 1,740 acres of property located on HWY 701 S., Pitch Landing Rd, and Blaze Trail (PIN's 380-00-00-0038, 403-00-00-0001, 403-00-00-0002, and 403-00-00-0022), and rezone from the from Horry County Commercial Forest Agriculture (CFA) district to the City of Conway Planned Development (PD) District.

Hucks stated that last year, staff began discussions with an engineering firm on annexation of this property. At that time, the property was not contiguous to property in the City. Since then, Dollar General at 3546 Hwy 701 South was annexed February 6th, Bucks Township Storage at 3550 Hwy 701 South was annexed on March 20th. However, Council voted NOT to annex The Gun Store, located at 3594 Hwy 701 South at their June 20th meeting, due to property owner concerns with becoming a legal nonconforming use if annexed into the city limits. In lieu of annexing The Gun Store, the property owner of The Gun Store and the adjacent property owned by White Oak Forest, LLC (PIN 381-00-00-0003) had a combination plat done (and recorded) that combined a rear portion of PIN 381-01-04-0022 (The Gun Store) to PIN 381-00-00-0003 (White Oak Forest, LLC), which accomplishes the contiguity needed to proceed with the annexation requests of the Warden Station tracts. Plat Book 313 at Page 296 was provided in the packet.

This project is outside of the City's utility service area. Sewer would be provided via GSWSA and water would be provided via Bucksport Water Systems.

The total acreage, when including the parcels that were not originally part of the request, is approximately 1,763 (+/-) acres.

This application for annexation encompasses a majority of the acreage to be included in the Warden Station Planned Development – an approximate 1,740 acres. The PD will contain a mixture of fee-simple single-family lots, in-common townhomes, multifamily units, and commercial outparcels.

The total number for each type of dwelling unit includes the following:

- 1,303 single-family detached
- 1,031 single-family attached (townhome)

- 928 multifamily units

The applicant states that the development is intended to promote the conservation and stewardship of the natural resources located on the property by creating a centralized Master Open Space at the heart of the site, which preserves the existing wetlands and creates a network of open space, pathways, waterbodies, and amenities that draw the sub-developments together. Per an ACOE preliminary jurisdictional determination (PJD) letter dated January 6, 2021, the property contains 714.3 acres of wetlands. Additionally, approx. 507 acres of the tract is located within the AE flood zone. The wetlands and the flood zone overlap in some areas (as seen on the preliminary site plan for the project).

The anticipated start date of the first phase of development is in late 2024. Remaining phases to be determined by owner and as lot inventory is required unless otherwise specified in the PD. The timing for completion of the project is approx. 20-25 years for full buildout.

The current zoning of the property is Horry County Commercial Forest Agriculture (CFA). Per Horry County's Zoning Ordinance, Section 201 – Districts Intent Statements, the CFA district is intended to be reserved and utilized for agriculture, forestry, residential, commercial, social, cultural, recreational, and religious uses.

Permitted or conditional uses in CFA, per the county's Zoning Ordinance (Section 204 – Zoning Use Tables) include (but not limited to): residential uses: manufactured homes, multiple single-family homes on a single parcel (conditional), single-family, townhomes; lodging & transient accommodation uses: non-profit and/or religious spiritual centers/retreat, bed and breakfasts (with a special exception granted by BZA), group homes (not fraternities & sororities), campers and/or RV's as temporary living accommodations; animal facility uses: animal facilities, fishery/hatchery, animal services, livestock/agricultural auction facility, commercial agricultural facility up to 500,000 lbs. (conditional), commercial animal raising facilities (conditional), agricultural uses: commercial crop production, horticulture farm, produce stand (conditional), value-added product processing (conditional), beer, wine, and spirit production, tastings, and retail sales of related merchandise (conditional) storage uses: accessory outdoor storage (conditional); repair & service uses: vehicle & equipment repairs (conditional), boat service, repair services; outdoor amusement uses (limited): golf course, firearm training & sports facilities (conditional); transportation uses: residential subdivision airparks (conditional), commercial marina, fishing and shipping facility, railroad depot, water transportation service (not casino boats); medical uses: medical offices and clinics; professional uses: banks, beauty salons, commercial cemeteries/mausoleums (conditional), community/personal services, laundromat, offices (i.e. administrative, business, general, etc.), therapeutic massage (conditional); industrial uses: trade shops (conditional), warehouse retail uses: bait & tackle, grocery stores, retail, lawn/garden, etc. high bulk retail uses: bulk landscape material supplier, hardware store, bottled gas dealer less than 1,000 gallons; other commercial uses: ATM & ice vending machines (conditional); commercial centers, gas stations, mini-warehouse/self-storage, restaurants/bars (with special exception); institutional uses: civic/fraternal/social associations (conditional); private schools (conditional). Individual / specific uses, along with conditions associated with some uses, can be found in the county's zoning ordinance.

The requested zoning designation upon annexation is 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. Planned Developments are also subject to the standards contained within Article 6 – Design Standards, Section 6.4.2 of the UDO. This property is not currently identified on the City’s Future Land Use Map of the Comprehensive Plan. It is identified on Horry County’s Imagine 2040 Comprehensive Plan as 3 future land uses: Scenic and Conservation Areas, Rural, and Rural Communities.

The City’s Technical Review Committee (TRC) met on May 3rd to discuss the request. Planning Commission Workshop met on May 17th to discuss the request. If Planning Commission provides a recommendation for council following this public hearing, First Reading of the annexation and rezoning requests could tentatively be scheduled for the August 7th OR August 21st Council meeting agendas. However, the development agreement would need to be advertised 30 days in advance of the council meeting agenda, and that has not yet occurred.

Staff recommends that Planning Commission give a thorough review of the request and make an informed recommendation to Council after said review. Staff sent comments relating to the PD Narrative on May 30, 2023. Staff received the proposed development agreement (draft) on June 5th. The proposed development agreement was advertised in the Horry Independent on June 8th (requires a 30-day public hearing notice). The annexation / rezoning requests were advertised in the Horry Independent on June 15th (requires a 15-day public hearing notice).

Staff emailed the applicant on June 30th regarding the status of updated information for Planning Commission, as the other parcels surrounding this proposed PD amended their request to also be a PD. As such, the conceptual plans would need revisions. The applicant replied that they planned to have the information to us the following week. A link was provided in the response to be able to access files that were previously submitted. There was one new additional document included in the link – the “Warden Tract Theme Book.”

When the packet was sent out, staff had not received any updated information. This request has been advertised for a public hearing twice. The first public hearing was scheduled for the May 4th Planning Commission meeting. The applicants requested deferral to the July PC meeting, and the agenda for the May meeting stated the requests had been deferred. Therefore, the public hearing was not held. There was public input at the end of the PC agenda, where several people spoke in opposition to the requests. Development agreements require 2 public hearings: one at Planning Commission and one at City Council. Staff has not advertised the public hearing for City Council, as there are additional discussion and revisions needed to the development agreement before it can be considered.

Hucks noted that staff did receive updated information just a day ago and staff had not had an opportunity to review the information in its entirety.

Shep Guyton, Felix Pitts, and Brandon Trusedale, agent for owners was present and further explained the request.

Tim Wolfe, Sam Viola, Steve Trull, Connie Kemp, Donna Nelson, Michael Visnich, Maryann Massengill-Black, Barbara Goodman, Robert Posner, Anne Bowman, Robert Gardiner, and Gina Patron spoke in opposition of the request during public input.

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

4. Request to annex approximately 12.56 acres of property located near the intersection of HWY 701 S. and Pitch Landing Rd (PIN 381-00-00-0003), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Planned Development (PD) district.

Hucks provided an overview, similar to that of the previous requests related to the Warden Station. Information specific to this request that is different is included below.

The current zoning of the property is Horry County Highway Commercial (HC). Per Horry County's *Zoning Ordinance, Art. 2 – Established Districts, Sec. 201 – Districts Intent Statements*, the HC district is intended to establish and appropriate land reserved for general business purposes and with particular consideration for the automobile-oriented commercial development existing or proposed along the county's roadways. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible and economically healthy environment for business, financial, service, amusement, entertainment, and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment by industrial or other uses capable of adversely affecting the basic commercial character of the district.

This project is outside of the City's utility service area. Any development which would require utilities would be provided sewer via GSWSA and water via Bucksport Water Systems.

Previously, the requested zoning upon annexation was Highway Commercial (HC). The applicants recently revised the request, in order to include this property with the Warden Station PD.

Permitted or conditional uses in HC, per the county's *Zoning Ordinance (Section 204 – Zoning Use Tables)* include single-family residential, hotel/motels, group homes, campers/RV's as temporary living accommodations (with conditions), agricultural uses, animal services, storage-related uses (with conditions), sales/rental uses, repair/service uses, indoor amusement uses, certain outdoor amusement uses (some with conditions or temporary), some transportation uses, medical uses (some which require that a special exception be granted by the Board of Zoning Appeals), professional uses, limited industrial uses (i.e. salvage yard, trade shops with conditions, warehouse), retail uses, including high-bulk retail, other commercial uses (ATM, gas stations, mini-warehouse/self-storage, restaurants/bars – which could be subject to additional restrictions, etc.), and institutional uses. Individual / specific uses, along with conditions associated with some uses, can be found in the county's zoning ordinance.

The requested zoning designation upon annexation is 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.

Planned Developments are also subject to the standards contained within *Article 6 – Design Standards, Section 6.4.2* of the UDO. This property is not currently identified on the City's Future Land Use Map of the

Comprehensive Plan. It is identified on Horry County's Future Land Use Map (Imagine 2040 Comprehensive Plan) as Rural Communities.

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

Because the request was revised to be a PD and is proposed to be part of the Warden Station PD, the applicant should provide updated plans to reflect the inclusion of this property in the PD so that it can be reviewed by staff and to ensure the most current information is being considered.

Shep Guyton, Felix Pitts, and Brandon Trusedale, agent for owners were present to answer any questions.

Randy Stacey and Michael Visnich spoke in opposition for this request during public input.

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

5. Request to annex approximately 5.26 acres of property located at the corner of HWY 701 S. and Pitch Landing Rd, and Wildair Circle (PIN 381-08-01-0006), and rezone from the Horry County Community Retail Services (RE2) district and Commercial Forest Agriculture (CFA) district to the City of Conway Planned Development (PD) district.

Hucks provided an overview, similar to that of the previous requests related to the Warden Station. Information specific to this request that is different is included below.

This property originally was requested to be zoned HC upon successful annexation into the City limits. The applicants have revised the application to instead request the PD district to tie into the Warden Station PD. Additionally, in April of this year, the property owner combined and added all of the tracts (including an additional tract not part of the original request) which now make up the 5.26 acres of property being considered for annexation and rezoning, via Plat Book 311 at Page 343 (partially redacted copy was in the packet).

Per the applicant's revised application, the current zoning of the property is Horry County Community Retail Services (RE2) and Commercial Forest Agriculture (CFA). Per the County's GIS, if any of the property is zoned CFA following the platting action, it is a minimal amount, and would not be enough property to be developed as CFA on its own. Per Horry County's Zoning Ordinance, *Art. 2 – Established Districts, Sec. 201 – Districts Intent Statements*, the RE2 district is intended to provide opportunities to locate and develop businesses primarily engaged in the sale, rental, and provision of goods or merchandise for personal or household use. Uses within this district are generally located outside or on the edge of established residential developments along transportation corridors providing easy access to established business. Uses permitted in this district may be freestanding or located in minor retail centers with out-parcel development. Uses permitted in this district are intended to not impair existing or future residential development.

Permitted or conditional uses in RE2, per the county's Zoning Ordinance (*Section 204 – Zoning Use Tables*) include (but not limited to) multi-family residential, quadruplexes and townhome developments, single-family residential, hotel/motels, animal services, repair services, car washes, auditorium/theaters, medical offices and clinics, professional uses (i.e. banks, beauty salons, fitness centers, spas, office uses, etc.), retail uses (i.e. grocery stores, retail sales, lawn & garden), other commercial uses (i.e. ATM/Ice Vending Machine, gas stations, restaurants/bars – which may require a special exception, etc.), and institutional uses

(civic/fraternal/social clubs and specialty schools). Individual / specific uses, along with conditions associated with some uses, can be found in the county's zoning ordinance.

The requested zoning designation upon annexation is 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. Planned Developments are also subject to the standards contained within *Article 6 – Design Standards, Section 6.4.2* of the UDO.

This property is not currently identified on the City's Future Land Use Map of the Comprehensive Plan. It is identified on Horry County's Future Land Use Map (Imagine 2040 Comprehensive Plan) as Rural Communities.

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

Because the request was revised to be a PD and is proposed to be part of the Warden Station PD, the applicant should provide updated plans to reflect the inclusion of this property in the PD so that it can be reviewed by staff and to ensure the most current information is being considered.

Shep Guyton, Felix Pitts, and Brandon Trusedale, agent for owners were present to answer any questions.

Michael Visnich, David Victor, Connie Kemp, and Mary Nelson spoke in opposition for this request during public input.

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

6. Request to annex approximately 4.56 acres of property located near the southwest intersection of HWY 701 S. and Pitch Landing Rd (PIN's 381-08-04-0009 and -0010), and rezone from the Horry County Commercial Forest Agriculture (CFA) district to the City of Conway Planned Development (PD) district.

Hucks provided an overview, similar to that of the previous requests related to the Warden Station. Information specific to this request that is different is included below.

This property originally was requested to be zoned HC upon successful annexation into the City limits. The applicants have revised the application to instead request the PD district to tie into the Warden Station PD.

Per the applicant's revised application, the current zoning of the property is Horry County Community Commercial Forest Agriculture (CFA).

The current zoning of the property is Horry County Commercial Forest Agriculture (CFA). Per Horry County's Zoning Ordinance, Section 201 – Districts Intent Statements, the CFA district is intended to be reserved and utilized for agriculture, forestry, residential, commercial, social, cultural, recreational, and religious uses.

The requested zoning designation upon annexation is 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. Planned Developments are also subject to the standards contained within *Article 6 – Design Standards, Section 6.4.2* of the UDO.

This property is not currently identified on the City’s Future Land Use Map of the Comprehensive Plan. It is identified on Horry County’s Future Land Use Map (Imagine 2040 Comprehensive Plan) as Rural Communities.

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

Because the request was revised to be a PD and is proposed to be part of the Warden Station PD, the applicant should provide updated plans to reflect the inclusion of this property in the PD so that it can be reviewed by staff and to ensure the most current information is being considered.

Shep Guyton, Felix Pitts, and Brandon Trusedale, agent for owners were present to answer any questions.

James Hicks and Michael Visnich spoke in opposition for this request during public input.

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

Sligh made motion to defer items IV. B. 3, 4, 5, & 6 until the next meeting to give staff & commissioners the opportunity to review the updated information that was just received. Hardwick seconded the motion and the motion carried unanimously.

C. LAND DEVELOPMENT AGREEMENT

1. Proposed development agreement by G3 Engineers (applicant) for development of property located on Pitch Landing Road and Hwy 701 South, known as the Warden Station, containing +/-1763.28 acres, (PINs 381-00-00-0003, 381-08-04-0009, 381-08-04-0010, 380-00-00-0038, 381-08-01-0006, 403-00-00-0001, 403-00-00-0002, and 403-00-00-0022).

Hucks stated that the applicants are seeking to enter into a development agreement for development known as the Warden Station, also proposed to be annexed into the City as a Planned Development (PD). These requests were included and considered on the same meeting agenda. Please refer to Items IV.B.3 to IV.B.6 on this PC agenda. 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).

Property with 1,000 to 2,000 acres of highland is limited to a term of 20 years.

Prior to adoption of a development agreement, the governing body must hold at least two (2) public hearings, which if authorized by the governing body, can be conducted by Planning Commission (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)).

Additional information regarding development agreements can be provided if needed. A DRAFT of the proposed development agreement, as well as a copy of the ad that ran in the Horry Independent on June 8, 2023, was included in the packet.

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

Shep Guyton, Felix Pitts, and Brandon Trusedale, agent for owners were present to answer any questions.

Walter Johnson and Michael Visnich spoke in opposition for this request during public input.

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

Sligh made motion to defer this item until the next meeting to give staff & commissioners the opportunity to review the update information that was just received. Hardwick seconded the motion and the motion carried unanimously.

V. PUBLIC INPUT

None

VI. BOARD INPUT

None

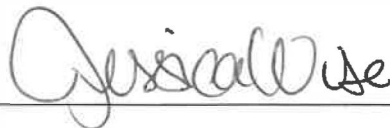
VII. STAFF INPUT

None

VIII. ADJOURNMENT

A motion was made to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 8:09 pm.

Approved and signed this 3 day of AUGUST, 2023.



Jessica Wise, Vice Chairperson