

CITY OF CONWAY
PLANNING COMMISSION MEETING
THURSDAY, SEPTEMBER 7, 2023
Planning & Building Dept. Conference Room – 196 Laurel Street

- Present:** Brian O’Neil, Virginia Norris, Samantha Miller, Danny Hardee, Kendall Brown, David Sligh, Jessica Wise; Julie Hardwick
- Absent:** Ellen Watkins
- Staff:** Jessica Hucks, Planning Director; Brent Gerald, Planner; Katie Dennis, Planning Concierge; Charlie Crosby, IT; Ben Lawson, Police; Heath Watford, Police; Anne Bessant, Planning Assistant
- Others:** Barbara Goodman, Les Natale, Dana Natale, Roger Colby, Janice Skalski, James Skalski, Mary Posner, Robert Posner, Jill Miller, Joel Elizoudo, Jane Realmote, Sharon Miller, Cynthia Holdorft, Patricia Ochs, Warren Ochs, David Victor, Gina Petrone, Chris Taylor, Debbie LeBuis, Bruce Downs, Rip Pauley, Mark Carlson, Connie Kemp, Elaine Kemp, Stephanie Chiappettu, Ralph Lawrance,Jr., Mark Hutchinson, George Dobuzisly, Gene Elliott, Tere Elliott, Christine Seveins, David Lange, Jeff Miller, Cheryl Talbert, Bob Mclovell, Annette Lawrence, Valerie Grassi, Jack Goodman, Vickie Hutchinson, Constance Volalen, Michelle Grandell, Dawn Martino, Jackie Tay, Nita Lucke, Cheryl Strange, Nicholas Twigg, Joseph Prugg, Juantia Burnett, Mary Nelson, & others

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Wise made a motion, seconded by Brown to approve the August 3, 2023 minutes as written. The vote in favor was unanimous. The motion carried.

III. PUBLIC INPUT

Stefanie Chiappetta, Annette Lawrance, Dana Natale, Barbara Goodman, Vicki Hutchinson, Gina Petrone, Elaine Kemp, Sam Viola, Debbie LeBuis, and Mary Posner spoke during public input with concerns about flooding, infrastructure, schools, Public Safety, traffic and wildlife concerns.

IV. OLD BUSINESS

A. ANNEXATION / REZONING REQUEST(S)

1. **PREVIOUSLY DEFERRED**...(*items IV.B.3 – IV.B.6 from July 13, 2023 agenda have been combined*) Request to annex approximately 1,763 acres (+/-) of property located on or near the

intersection of HWY 701 S and Pitch Landing Rd, Hwy 701 S and Wildair Circle, and Hwy 701 S, Pitch Landing Rd, and Blaze Trail (PIN 381-00-00-0003, 381-08-01-0006, 381-08-04-0009, 381-08-04-0010, 380-00-00-0038, 403-00-00-0001, 403-00-00-0002, and 403-00-00-0022), and rezone from the Horry County Highway Commercial (HC), Commercial Forest Agriculture (CFA), and Community Retail Services (RE2) districts to the City of Conway Planned Development (PD) district.

Hucks stated Last year, staff began discussions with an engineering firm on annexation of the properties. 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. 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.

The smaller outparcels that are identified as the commercial tracts initially intended to be annexed as Highway Commercial; however, the requests were amended to be included in the overall Planned Development. The requests were re-advertised as a PD. The ads, as placed in the Horry Independent, and were included in your packet for August 3rd.

The applicant has provided updated documents, as of August 21st and August 24th. These updated documents were included in the packet, and summary information is provided in this report.

The proposed PD will also be bound by a Development Agreement; the details of which were included in the packet (draft document), and is on this agenda for consideration. City Council is currently scheduled to hold the 2nd required public hearing on the development agreement at their September 18, 2023 meeting.

Per the applicant's updated PD Narrative, the intent of the Planned Development 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.

The total acreage, including the parcels that were not part of the original request, is approx. 1,765 (+/-) acres.

The proposed PD will contain a mixture of single-family detached dwellings, single-family attached dwellings, townhomes, multifamily units, and commercial outparcels.

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

- 1,892 single-family detached (Tracts D, F, G, H, I, and J)
- 1,648 single-family attached (townhomes) or multifamily units (Tracts A, C, E, L, M, and N)

The Master Site Plan Summary table in the PD narrative shows a total residential unit number of 3,316.

The applicant would also like to be able to shift densities between tracts / areas with like uses.

The applicant states the commercial square footage across all tracts proposing a commercial use will not exceed 2,051,000 sq. ft. Commercial uses are planned for Tracts B, O, P, Q, R, S, and T, and are identified as Commercial Type 1, Type 2, or Type 3.

The Development Agreement (DA) proposed allows the length of the initial agreement to be for a period

of 20 years, which is based on the highland acreage of the project. The DA may be extended for up to three (3), five (5) year increments; provided that the developer is not determined to be in default of the agreement.

Per the PD narrative, subject to the current market demands, the developer anticipates a period of approx. 18 months from approval of the PD for design and permitting, and an additional 12 months from the date of issuance of permits and approval for installation of required infrastructure. One-fifth of the project to be completed in 5 years from approval of the PD, and an additional one-fifth of project to be completed in each subsequent 5-year periods.

The timing for completion of the project is approx. 25 years for full buildout.

The first public hearing was scheduled for the May 4th Planning Commission meeting. However, 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. The concerns raised included:

- Issues with contiguity
- Strain on city services
- Traffic concerns
- Lack of needed infrastructure
- Strain on affordable housing
- Cost of the development to the city
- Comments made during a request on East Cox Ferry annexation discussion a few months prior compared to now
- Concerns with having a gas station across the street from a residence

A public hearing on the requests was held at the July 13 meeting. The conference room of the building was at capacity, with several people outside waiting to come inside. An estimate of the number of people present to speak at the meeting is approx. 60-70 people. All those who spoke were in opposition to the request. Their concerns included: Existing and future traffic on Highway 701 South and surrounding roadways, strain on emergency services, lack of water / sewer facilities, capacity of public schools in area Higher taxes on surrounding residents as a result of development of the property, stormwater runoff, distance from residences immediately adjacent to property, uncontrolled growth, concern with area becoming like Carolina Forest, flooding of surrounding properties as a result of this development, tree removals, destruction of forestland and animal habitats, lack of hospitals on the west side of the Waccamaw, multifamily and townhouse dwellings – too dense for area, as well as more cookie-cutter developments.

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

Shep Guyton, applicant, was present and further explained the request.

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

Sligh made a motion to recommend approval for this request to City Council with the following conditions, comments, and statement for Council to consider moving forward; to include the staff prepared comment checklist, the enhancement fees are sufficient, completion of the spine road, the timing of the traffic improvements are to a line with city recommendations and the TIA, as well as sidewalk comments as statement by Wise. O'Neil seconded the motion. The motion carried with Brown and Hardee voting no.

B. LAND DEVELOPMENT AGREEMENT

- 1. PREVIOUSLY DEFERRED...** Proposed development agreement by G3 Engineers and Shep Guyton (applicants) for development of property located on / near the intersection of Pitch Landing Rd and Hwy 701 S, known as the Warden Station tracts, containing +/-1763 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).

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)).

The second public hearing is currently scheduled (and was re-advertised for) for the September 18th City Council mtg. Public notice of that meeting was advertised in the Horry Independent on August 17th. Staff will also announce the meeting date at the Planning Commission meeting.

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, applicant, was present and further explained the request.

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

Sligh made a motion to recommend approval for this request to City Council with the condition comments called out by staff to be address, echoing previous motion and also language clarification. Norris seconded the motion and the motion carried with Brown and Hardee. *Voting 10.*

V. PUBLIC HEARINGS

A. ANNEXATION / REZONING REQUESTS

1. ***DEFERRED to the October 5th meeting*** ... Request to annex approximately 15 acres of property located at 154 Winyah Rd (PIN 383-00-00-0339), and rezone from the Horry County Limited Industrial (LI) district to the City of Conway Heavy Industrial (HI) district.

Planning Commission amended the agenda to hear items A.2 & A.3 together.

2. Request to annex approximately 2.38 (total) acres of property located at, and the vacant parcel adjacent to, 588 Hwy 544 (PIN's 382-04-04-0001 and 382-05-01-0001), and rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

Hucks stated that the annexation application was submitted by Chris Cummings (applicant), Stef Properties, LLC, as a requirement to connect to city water/sewer service at 588 Hwy 544 (parcel B-1). Stef Properties, LLC also owns the adjacent property (PIN 382-05-01-0001), which abuts the Aptitude CCU student housing development (zoned Institutional), making Parcel B-2 contiguous. Per Section 4-1-12 (e) of the City's Code of Ordinances, "Any person, firm, corporation, or subdivider requesting an extension of water and/or sewer connection for land outside the corporate limits of the city as a condition of service of water and/or sewer shall be required to annex said land and all property of the owner contiguous to said land into the city."

There is an existing single-family structure on the property located at 588 Hwy 544 (Parcel B-1). Restrictive covenants were recorded for this property (PIN 382-04-04-0001) on June 21st, 2023.

Per Section 3.2.10 of the UDO, "The intent of the 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."

There is a majority of student / multifamily housing in the immediate area. Some of the multifamily development (directly across the subject property) is still within the county's jurisdiction. There are also 2 gas stations in the vicinity, and CCU is across Hwy 544. The dominant city zoning in the immediate area is Institutional (IN), with a couple of parcels zoned Highway Commercial (HC) and Mixed Use (MU).

The surrounding County zoning designations are mainly Highway Commercial and one property across Hwy 544 zoned (Horry County) GR (General Residential).

The Future Land Use Map of the Comprehensive Plan also identifies this property as Highway Commercial (HC).

Additional Information (included in issue paper to Council at their July 17th mtg.):

Section 6.1.4 – Minimum Area of Zoning District of the UDO states the following:

“No tract(s) of land shall hereafter be rezoned for a zoning classification different from that of the surrounding properties unless such tract(s) is a minimum of 3 acres in area. Tract(s) less than 3 acres in area annexed into the city limits, may be zoned for a classification different from that of the surrounding in-city properties provided such zoning classification is consistent with the Future Land Use Map of the City’s Comprehensive Plan.”

Initially, the requested zoning classification in the original annexation application was to annex into city as Low-Density Residential (R); however, that zoning classification is not consistent with the surrounding properties OR the city’s Future Land Use Map, which classifies both parcels as Highway Commercial (HC). However, upon annexation into the City as HC, the existing home will become a legal nonconforming use and structure on the property, and be subject to the requirements of Article 12 – Nonconformities, of the UDO.

Note: The Horry County Highway Commercial (HC) district allows single-family detached homes as a permitted use – the City of Conway’s HC district does not permit any residential uses.

July 17th City Council mtg.

Initially, the annexation request was to be zoned R (low-density residential) upon annexation. City Council gave first reading of the request to be zoned Highway Commercial (HC) instead of R upon annexation, as the City’s Future Land Use Map of the Comprehensive Plan identifies the property as HC and the current zoning of the property in Horry County’s jurisdiction is also HC.

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

Once a recommendation is provided, the request will be forwarded to the City Clerk for inclusion on the next available Council agenda for second reading of Ordinance #ZA2023-08-07 (H).

3. Request to annex approximately 1.46 (total) acres of property located at 610 Hwy 544 and 624 Hwy 544 (PIN’s 382-05-01-0003 and 382-05-01-0004), and rezone from the Horry County Highway Commercial (HC) and Convenience & Auto-Related Services (RE3) district to the City of Conway Highway Commercial (HC) district.

Hucks stated on July 21, the applicant submitted an annexation and rezoning application for the subject properties, located 610 & 624 Hwy 544, as a requirement to connect to city utility services. The properties are currently in Horry County’s jurisdiction, zoned Highway Commercial (HC) and Convenience & Auto-Related Services (RE3). Both properties contain a single-family residence, and are both rental properties. Restrictive covenants were recorded for 610 Hwy 544 on July 21st.

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 across from and abutting the Institutional (IN) zoning district and also adjacent to Horry County Highway Commercial (HC) zoned property. Surrounding uses include student housing, the old university bookstore, a gas station, and a wrecker business.

Note: The Horry County Highway Commercial (HC) allows single-family detached homes as a permitted use – the City of Conway’s HC district does not permit any residential uses.

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.

Once a recommendation is provided, the request will be forwarded to the City Clerk for inclusion on the next available Council agenda for First Reading.

The applicant was not present.

There was no public input.

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

Wise made a motion to recommend approval for requested items A.2 & A.3 to City Council as presented.

Brown seconded the motion and the motion carried unanimously.

B. REZONING REQUESTS

1. **DEFERRED to the October 5th meeting** ...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.

C. LAND DEVELOPMENT AGREEMENT(S)

1. **DEFERRED to the October 5th meeting** ...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).

D. TEXT AMENDMENTS

1. **DEFERRED**...Amendment to *Article 10 – Subdivision and Land Development*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding various revisions to standards contained within *Article 10*, including but not limited to: review procedures, minor development & platting action requirements, subdivision design standards, parks & open space dedication, requirements for conservation subdivisions, required improvements, guarantee of required improvements, and general requirements.
2. Amendment to *Article 6 – Design Standards*, of the City of Conway Unified Development

Ordinance, regarding the height limit in the Waccamaw Riverfront Districts 1 and 2 (WRD1 / WRD2).

Hucks stated that in the last few months, staff has been approached by multiple property owners and/or developers in regards to the building height limit in the Waccamaw River Districts one (1) and two (2). Property owners and/or developers have shown interest in our growing riverfront and have asked staff to pursue the possibility of increasing the building height limit from 35 feet to 50 feet.

This request comes after meetings and discussions with staff on the current regulations in the Unified Development Ordinance (UDO). The discussions included the possibility of providing additional lodging, restaurants and commercial opportunities to our river front. With the restricted amount of available property along the river front owners and/or developers are required to be creative in designs and use all available space for the footprint as well as vertical options to the benefit of the project.

A large portion of properties located within the WRD 1 and 2 zoning districts are also impacted by a flood zone. These zones are restricted by federal, state and local regulations. Due to these regulations a portion of the building height is used to meet elevation/ floodproofing requirements and can take away from the usable space of the building. The City of Conway Flood Damage Prevention Ordinance requires a 2-foot freeboard above the base flood elevation when elevation is being used.

In 2021, staff presented an amendment to Council to amend the height limit in the CBD and WRD districts; however, at that time, Council chose to amend the height limit in the Central Business District (CBD) only, from 45' to 60'.

Staff recommends that Planning Commission give a thorough review of the proposed amendment to Article 6 of the UDO and make an informed recommendation to City Council.

There was no public input.

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

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

3. Amendment to *Article 4 – Use Tables, Article 6 – Design Standards, and Article 10 – Subdivision and Land Development*, of the City of Conway Unified Development Ordinance, regarding requirements related to Conservation Subdivision Design.

Hucks stated that the UDO currently allows for Single Family detached as well as Single Family attached dwellings in a Conservation Subdivision. (Section 10.4.1, D)

Collins Jollie is a Conservation Subdivision that was approved earlier this year. Several tracts within the Conservation Subdivision are currently in technical review. Per the Master Plan for the project, Tract G proposes to develop 175 townhomes. As currently written, the dimensional standards for a Conservation Subdivision (Section 10.4.1, E) requires 6,000 square feet minimum lot sizes. This minimum lot size is sufficient for Single Family detached but not for Single Family attached. If developed fee-simple, this would mean that each unit would have to have 6,000 sq. ft. of lot area and while in-common or multifamily style townhome developments could be developed, individual lots would not be possible.

In order to clarify the dimensional requirements for Single Family attached dwelling types, and rather than require one tract within the Collins Jollie Conservation Subdivision to have to rezone (which would make one tract zoned differently than the rest of the tracts, and may be inconsistent with the comprehensive plan), staff proposes adding a footnote to the Use Tables in Article 4. The Single Family attached would then have to meet the dimensional requirements of the R2 zoning district, for which they are allowed.

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

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 for this request to City Council as presented. Norris seconded the motion and the motion carried unanimously.

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 8:07 pm.

Approved and signed this 5 day of October, 2023.



Brian O'Neil, Chairman

