CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
229 MAIN STREET, CONWAY, SC 29526
MONDAY, AUGUST 19, 2024 - 4:00 PM

PLEASE SILENCE ALL ELECTRONIC DEVICES

I. CALL TO ORDER

II. INVOCATION/PLEDGE OF ALLEGIANCE – Erik Roberts, The Rock Church

III. CONSENT AGENDA

A. Final Reading of Ordinance #ZA2024-08-19 (B) to annex approximately 0.8 acres of property located at 420 Maplewood Circle (PIN 324-06-04-0013), and rezone from the Horry County Residential District (SF40), no mobile homes allowed to the City of Conway Low/Medium Residential (R-1) District.

B. Final Reading of Ordinance #ZA2024-08-19 (C) to annex approximately 1.02 acres of property located at 4221 Siwel Road (PIN 295-16-01-0010), and rezone from the Horry County Commercial Forest Agriculture district (CFA) to the City of Conway Low/Medium Residential (R-1) District.

C. Final Reading of Ordinance #ZA2024-08-19 (D) to annex approximately 0.34 acres of property located at 5205 Columbia Street (PIN 383-08-02-0045), and rezone from the Horry County Residential District (SF10), no mobile homes allowed to the City of Conway Low/Medium Residential (R-1) District.

D. Final Reading of Ordinance #ZA2024-08-19 (E), amending *Article 4 – Use Tables* and *Article 5 – Specific Use Regulations*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding mobile car wash / detailing facilities and/or businesses.

E. Final Reading of Ordinance #ZA2024-08-19 (F), amending *Article 2 – Definitions, Article 5 – Specific Use Regulations,* and *Article 6 – Design Standards*, of the City of Conway *Unified Development Ordinance (UDO),* regarding requirements for corner lots and lots with double frontage.

F. Final Reading of Ordinance #ZA2024-08-19 (G), amending *Article 11 – Signage* and *Article 15 – Enforcement*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding signs placed on public property and/or within public rights-of-way, as well as violations of the UDO and penalties for such violations.

"I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city."

G. Approval of a Purchase of a Sewer Camera System with Transit Van (budgeted)

H. Approval of August 5, 2024 Council Meeting Minutes

IV. PUBLIC INPUT

V. SPECIAL PRESENTATION

A. Presentation of Resolution Honoring James Friday

B. Presentation of Employee of the Month for August 2024 – Public Works

C. Presentation of a Proclamation Honoring WMBF News for Earning the National NABJ Award

VI. SECOND/FINAL READING

A. Final Reading of Ordinance #ZA2024-08-19 (A) to annex approximately 5 acres of property located at 2493 Highway 501 (PIN 383-14-02-0002), and rezone from the Horry County Highway Commercial (HC) to the City of Conway Highway Commercial (HC) district. (Hucks)

B. Final Reading of Ordinance #ZA2024-02-05 (B) to annex approximately 446+/- acres of property, located at or near the corner of Hwy 378 & Juniper Bay Rd, Hwy 378 & Airport Rd, and on Dunn Shortcut Rd (PIN's 336-00-00-0043, -0044, -0045, 336-13-04-0006, 336-14-04-0011, 336-15-03-0003, 337-00-00-0009, 337-08-01-0004, 370-00-00-0011, and 370-04-01-0004), and rezone from the Horry County Commercial Forest Agriculture (CFA) district, Horry County Highway Commercial (HC) district, Horry County Residential, no mobile homes allowed (SF40) district, the City of Conway Heavy Industrial (HI) district, and City of Conway Low/Medium-Density Residential (R-1) district, to the City of Conway Planned Development (PD) district. (Hucks)

C. Final Reading of Ordinance #ZA2024-02-05 (A) of a request for the City of Conway to enter into a Development Agreement, for proposed development of approximately 446 +/- acres of property located on or near the corner of Hwy 378 & Juniper Bay Rd, Hwy 378 & Airport Rd, and on Dunn Shortcut Rd (PIN's 337-00-00-0009; 336-00-00-0043, -0044, and -0045; 337-08-01-0004; 336-13-04-0006; 336-14-04-0011; 336-15-03-0003; 370-00-00-0011; and 370-04-01-0004). (Hucks)

VII. FIRST READING

A. First Reading of Ordinance #ZA2024-09-03 (A) to annex approximately 0.36 acres located at 163 Lander Drive (PIN 383-15-01-0026), and rezone from the Horry County Residential, no mobile homes allowed (SF10) district to the City of Conway Low/Medium-Density Residential (R-1) district. (Dennis)

"I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city."

B. First Reading of Ordinance #ZA2024-09-03 (B) to annex approximately 0.67 acres of property located at 3045 E Hwy 501, (PIN 399-01-04-0008), and rezone from the Horry County Highway Commercial (HC) to the City of Conway Highway Commercial (HC) zoning district. (Dennis)

VIII. CONSIDERATION

A. Consideration of a request for a waiver of sidewalk requirements for the EME Apartments located at 1911 Ninth Avenue, a multi-family development that is proposing a new sixteen (16) unit building on the backside of the existing site. (PIN 368-02-04-0015). (Hucks)

B. Consideration of a 4 Way Stop at the Intersection of Wood Stork Drive and Whooping Crane Drive (Long)

C. Consideration of Selection of Contractor for the Highway 701 South Water Main Relocation (Dudley)

IX. CITY ADMINISTRATOR'S REPORT

X. COUNCIL INPUT

XI. WORKSHOP

XII. EXECUTIVE SESSION

A. Consideration of Appointments to Boards, Commissions and Committees for the Board of Zoning Appeals [pursuant to SC Code §30-4-70(A) (1)].

B. Discussion on Contractual Negotiations Incident to the Potential Acquisition of Property near Crabtree Swamp [pursuant to SC Code §30-4-70 (A) (2)].

XIII. RECONVENE FROM EXECUTIVE SESSION

XIV. POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION

XV. ADJOURNMENT

Any citizen of the municipality may make an appearance before City Council concerning any municipal matter with the exception of personnel matters. Persons desiring to speak must notify the City Clerk prior to the beginning of the meeting. However, if you are speaking regarding a public hearing item, then you would do so during that time on the agenda. Please address Council from the podium stating your name, address, and the subject you would like to discuss. The public may also access the meeting at https://www.conwaysc.gov/ under the "Latest Events" tab on the home page. If you are unable to attend and would like to voice your concerns or comments regarding a request, please call the City Hall at 843-248-1760 or email ashelley@conwaysc.gov to be received prior to 12:00 noon on August 19, 2024. To ensure proper recording of public comments left on the City's voicemail, callers are urged to clearly pronounce their names and addresses, preferably providing spelling for both.

"I pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of my city."

DATE: AUGUST 19, 2024
ITEM: III.A.

ISSUE:

Final Reading of Ordinance #ZA2024-08-19 (B) to annex approximately 0.8 acres located at 420 Maplewood Circle (PIN 324-06-04-0013), and rezone from the Horry County Residential District (SF 40), no mobile homes allowed to the City of Conway Low/Medium Residential (R-1) district.

BACKGROUND:

An application was submitted by Meredith Dudley on July 3, 2024, as a requirement to connect to water and/or sewer utilities. According to Horry County Land Records, the property was transferred into the applicant's name on June 25, 2024. The property is within the Maplewood subdivision, located off Long Avenue Extension. There is an existing single-family residence on the property.

***CITY OF CONWAY COMPREHENSIVE PLAN*:**

The Future Land Use Map of the *Comprehensive Plan* identifies this parcel as Low/Medium Density Residential (R-1).

The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.

CITY COUNCIL:

City Council approved First Reading of the ordinance at their August 5, 2024, meeting.

STAFF RECOMMENDATION:

Staff recommends **approval of Final Reading of Ordinance #ZA2024-08-19 (B)**.

ORDINANCE #ZA2024-08-19 (B)

AN ORDINANCE TO ANNEX APPROXIMATELY 0.8 ACRES OF PROPERTY LOCATED AT 420 MAPLEWOOD CIRCLE (PIN 324-06-04-0013), AND REQUEST TO REZONE FROM THE HORRY COUNTY RESIDENTIAL, NO MOBILE HOMES ALLOWED, (SF40) DISTRICT TO THE CITY OF CONWAY LOW/MEDIUM DENSITY RESIDENTIAL DISTRICT (R-1) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 0.8 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantageof the municipality.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, andmade a part of the City of Conway, South Carolina, to wit:

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.34 acres of property located at 420 Maplewood Circle (PIN 324-06-04-0013), and request to rezone from the Horry County Residential, no mobile homes allowed (SF40) district to the City of Conway Low/Medium Residential (R-1) district.

This annexation includes all waterways, roads, and rights-of-way adjacent to the property. For a more specific description of said property, see attached map.

SECTION 2. APPLICATION OF ZONING ORDINANCE:

The property is admitted as City of Conway Low/Medium Density Residential District (R-1) area under the zoning laws of the municipality.

SECTION 3. EFFECTIVE DATE:

The annexation is effective as of the date of the final reading of this Ordinance.

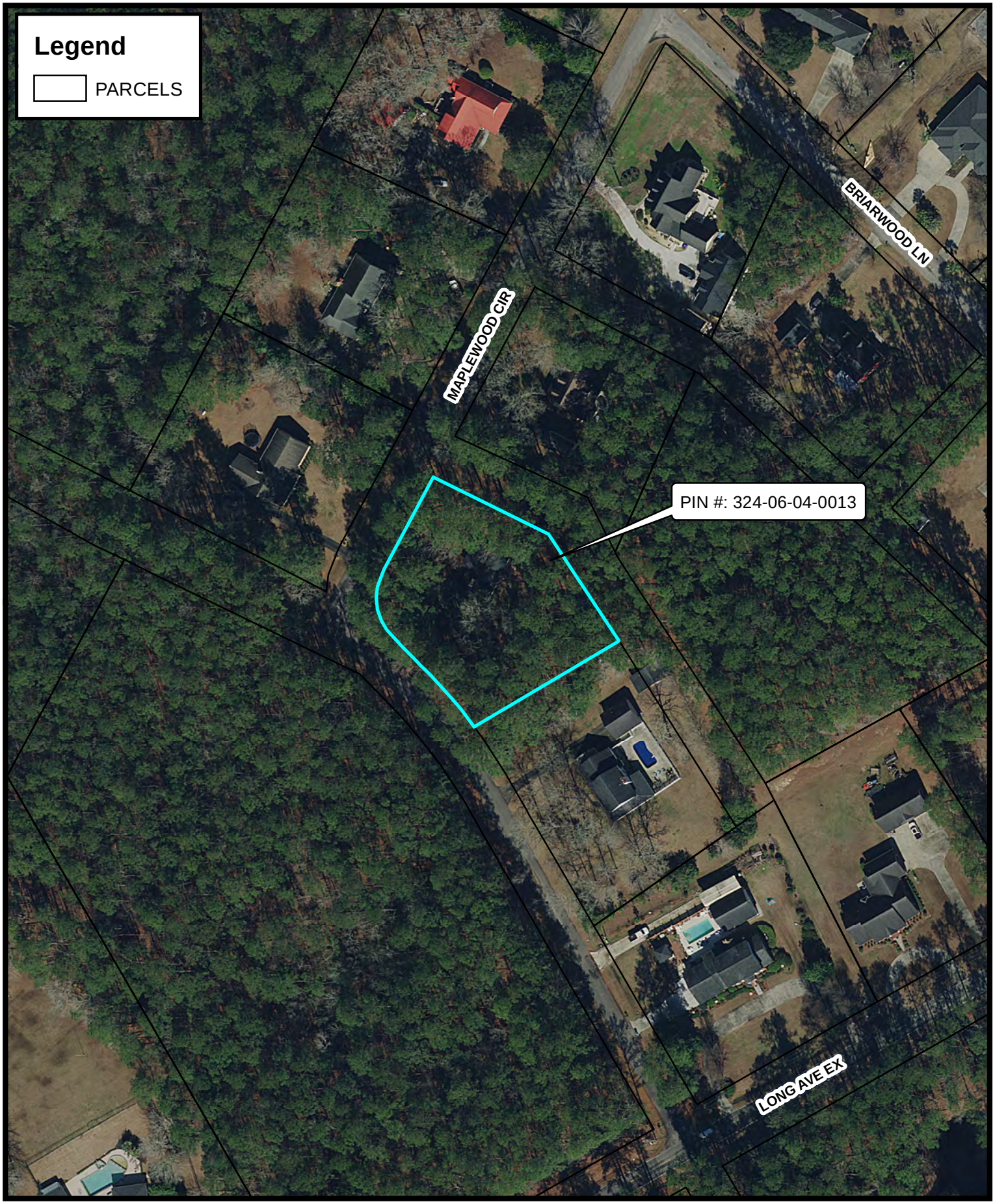
AND BE IT FURTHER ORDAINED that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

RATIFIED BY CITY COUNCIL, duly assembled, this_____day of _____, 2024.

Barbara Jo Blain, Mayor	Larry A. White, Mayor Pro Tem
Amanda Butler, Council Member	William M. Goldfinch IV, Council Member
Julie Ann Hardwick, Council Member	Beth Helms, Council Member
Justin D. Jordan, Council Member	ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9890 fax

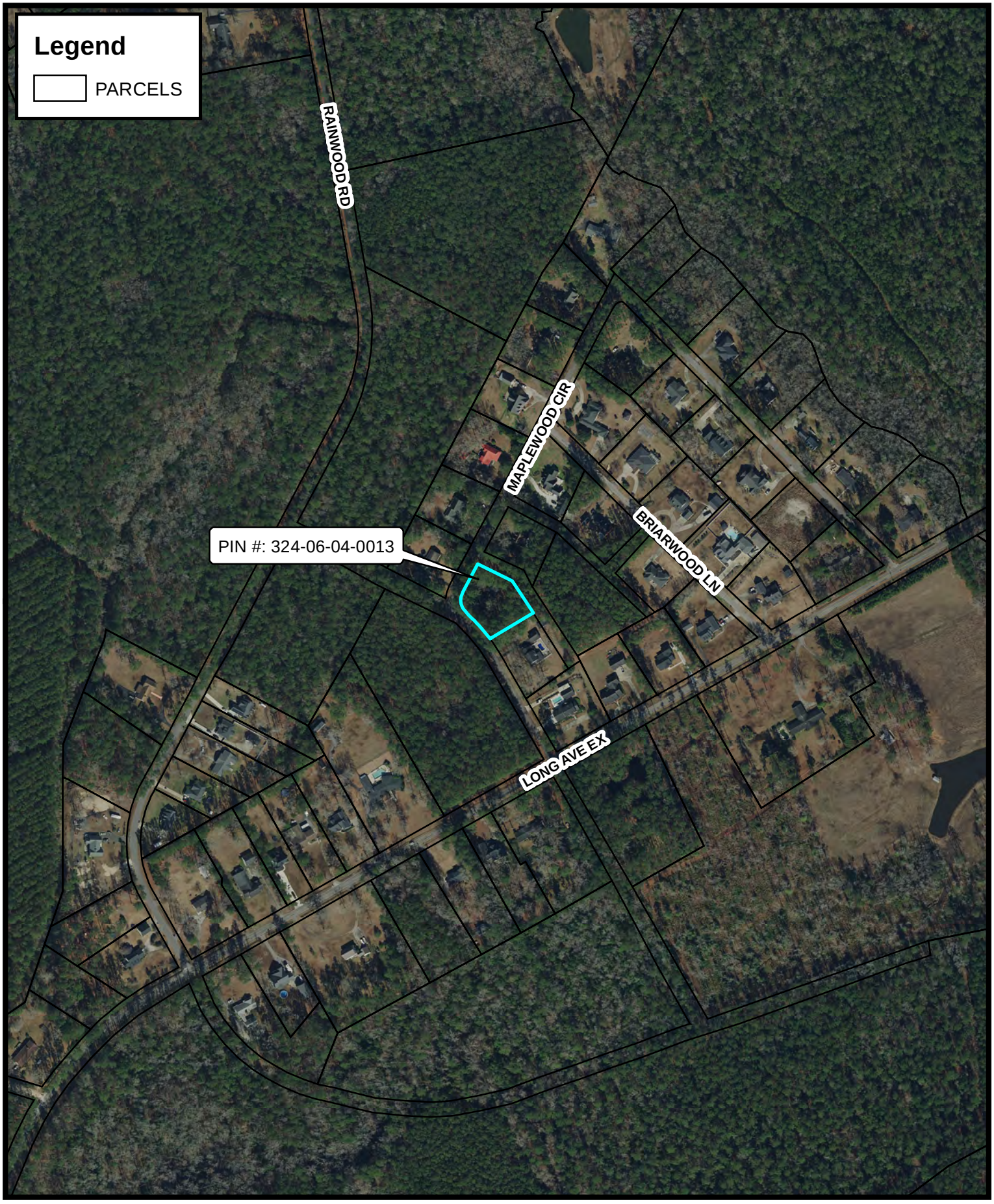
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 32406040013
TMS #: 1100002091
420 MAPLEWOOD CIR
(P24-0172)

City of CONWAY SOUTH CAROLINA

Date: 7/5/2024 Time: 7:30:47 AM Path: \\Coc-srv2\4310\ANNEXATIONS\IR1 ANNEXATIONS\2024\420 Maplewood Circle\GIS\ZOOMED IN AERIAL MAP FOR 420 MAPLEWOOD CIR.mxd



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9830 fax

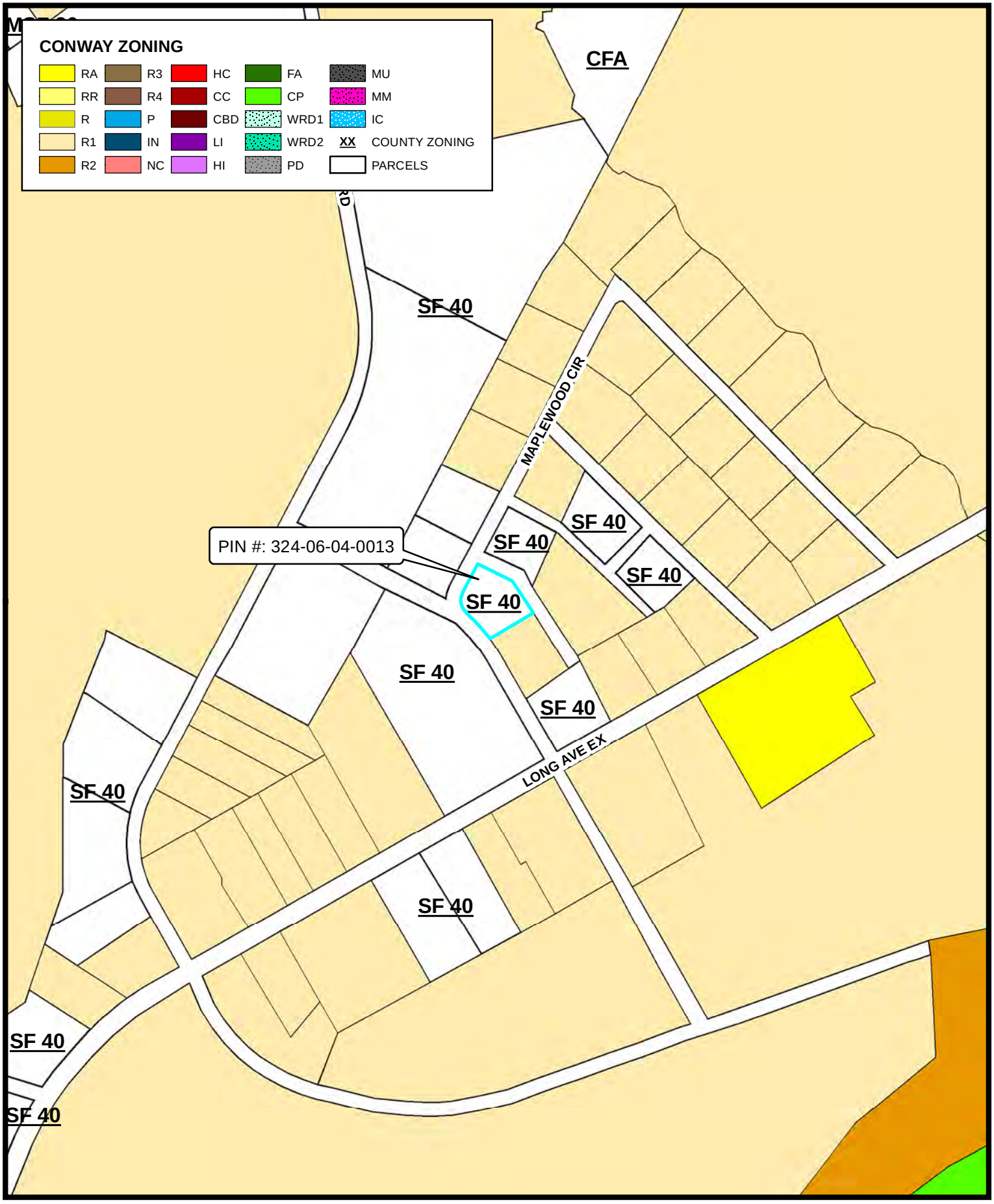
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N

PIN #: 32406040013
TMS #: 1100002091
420 MAPLEWOOD CIR
(P24-0172)

City of CONWAY SOUTH CAROLINA

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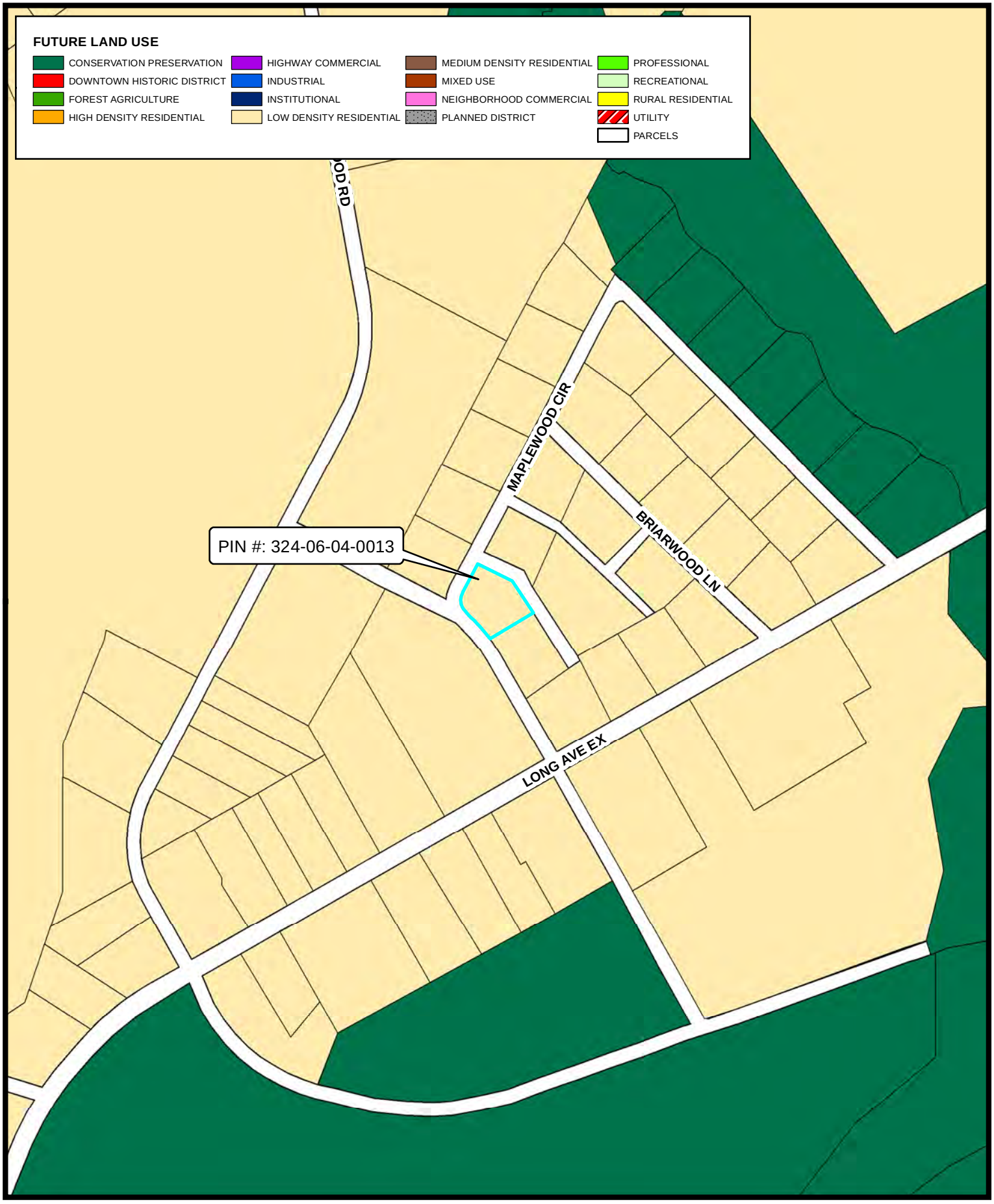


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N

PIN #: 32406040013
TMS #: 1100002091
420 MAPLEWOOD CIR
(P24-0172)

Date: 7/5/2024 Time: 7:24:15 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!R1 ANNEXATIONS\2024\420 Maplewood Circle\GIS\ZONING MAP FOR 420 MAPLEWOOD CIR.mxd



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N

PIN #: 32406040013
TMS #: 1100002091
420 MAPLEWOOD CIR
(P24-0172)

City of CONWAY SOUTH CAROLINA

Date: 7/5/2024 Time: 7:25:14 AM Path: \\Coc-srv2\4310\ANNEXATIONS\IR1 ANNEXATIONS\2024\420 Maplewood Circle\GIS\FUTURE LAND USE MAP FOR 420 MAPLEWOOD CIR.mxd

PETITION FOR ANNEXATION

Staff Use Only
Received
BS&A #

City of Conway Planning
Department 196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

PETITION FOR ANNEXATION

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

PROPERTY LOCATION/SUBDIVISION: MAPLEWOOD; LT 29

PIN: 32406040013 ACREAGE: 0.8 Acres

PROPERTY ADDRESS: 420 Maplewood Circle

PROPERTY OWNER MAILING ADDRESS: 420 maplewood circle

PROPERTY OWNER TELEPHONE NUMBER: 908-752-2650

PROPERTY OWNER EMAIL: meredithcdudley@gmail.com

APPLICANT: Meredith C Dudley

APPLICANT'S EMAIL: meredithcdudley@gmail.com

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES ☒ NO ☐

IF NOT: PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDIGNING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

Meredith Dudley Meredith Dudley DATE: 12-23-2024

(Print) (Signature)

_____ _____ DATE: _____

(Print) (Signature)

PETITION FOR ANNEXATION

Staff Use Only
Received:
BS&A #:

Is there a structure on the lot: yes Structure Type: house

Current Use: primary residence

Are there any wetlands on the property?

CIRCLE: YES ◯ NO ⊘

If yes, please include valid wetland delineation letter from army corps of engineers.

Is the property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted or proposed use of the land?

CIRCLE: YES ◯ NO ⊘

If yes, please explain and provide a copy of covenant and/or restriction.

Is the city a party to any deed restrictions or easements existing on the property?

CIRCLE: YES ◯ NO ⊘

If yes, please describe.

Are there any building permits in progress or pending for this property?

CIRCLE: YES ◯ NO ⊘

If yes, please provide permit number and jurisdiction.

FEES ARE DUE AT SUBMITTAL.

RI ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - $ 250

PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT

planning@cityofconway.com

Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only
Received:_____
BS&A #:_____

City of Conway Planning Department
196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of $250.00 at the time this application is submitted. Planned Development rezonings are $2,500.00 and Planned Development Amendments are $500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: 420 Maplewood Circle FEE PAID ( ) YES ( ) NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.8 Acres PIN: 32406040013

CURRENT ZONING CLASSIFICATION: SF 40

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Low Density Residential

REQUESTED ZONING CLASSIFICATION: R-1

NAME OF PROPERTY OWNER(S):

Meredith Dudley PHONE # [redacted]

_____ PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

420 Maplewood Circle

Conway, SC 29526

****

I (we) the owner(s) do hereby certify that all information presented in this *Zoning Map Amendment Application* is correct.

Meredith Dudley 6.28.2024

PROPERTY OWNER'S SIGNATURE(S) DATE

_____

PROPERTY OWNER'S SIGNATURE(S) DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

DATE: AUGUST 19, 2024
ITEM: III.B.

ISSUE:

Final Reading of Ordinance #ZA2024-08-19 (C) to annex approximately 1.02 acres located at 4221 Siwel Road (PIN 295-16-01-0010), and rezone from the Horry County Commercial Forest Agriculture district (CFA) to the City of Conway Low/Medium Residential (R-1) district.

BACKGROUND:

The annexation application was submitted by James Tyson Bo Soles on July 16, 2024, as a requirement to connect to water and/or sewer utilities. According to Horry County Land Records, the property was transferred into the applicant's names on July 16, 2024. The property is within the Maple Hill subdivision, located between Collins Jollie Road and Long Avenue Extension. There is an existing single-family residence on the property. A restrictive covenant was recorded for this property on December 12, 1996.

***CITY OF CONWAY COMPREHENSIVE PLAN*:**

The Future Land Use Map of the *Comprehensive Plan* identifies this parcel as Low/Medium Density Residential (R-1).

The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.

CITY COUNCIL:

City Council approved First Reading of the ordinance at their August 5, 2024, meeting.

STAFF RECOMMENDATION:

If it is the long-term goal of Council to annex the area, staff recommends continued annexation of properties in the area, and **approval of Final Reading of Ordinance #ZA2024-08-19 (C)**.

ORDINANCE #ZA2024-08-19 (C)

AN ORDINANCE TO ANNEX APPROXIMATELY 1.02 ACRES OF PROPERTY LOCATED AT 4221 SIWEL ROAD (PIN 295-16-01-0010), AND REQUEST TO REZONE FROM THE HORRY COUNTY COMMERICAL FOREST AGRICULTURE DISTRICT (CFA) TO THE CITY OF CONWAY LOW/MEDIUM DENSITY RESIDENTIAL DISTRICT (R-1) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 1.02 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantageof the municipality.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, andmade a part of the City of Conway, South Carolina, to wit:

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.51 acres of property located at 4221 Siwel Road (PIN 295-16-01-0010), and request to rezone from the Horry County Commercial Forest Agriculture District (CFA) to the City of Conway Low/Medium Residential (R-1) district.

This annexation includes all waterways, roads, and rights-of-way adjacent to the property. For a more specific description of said property, see attached map.

SECTION 2. APPLICATION OF ZONING ORDINANCE:

The property is admitted as City of Conway Low/Medium Density Residential District (R-1) area under the zoning laws of the municipality.

SECTION 3. EFFECTIVE DATE:

The annexation is effective as of the date of the final reading of this Ordinance.

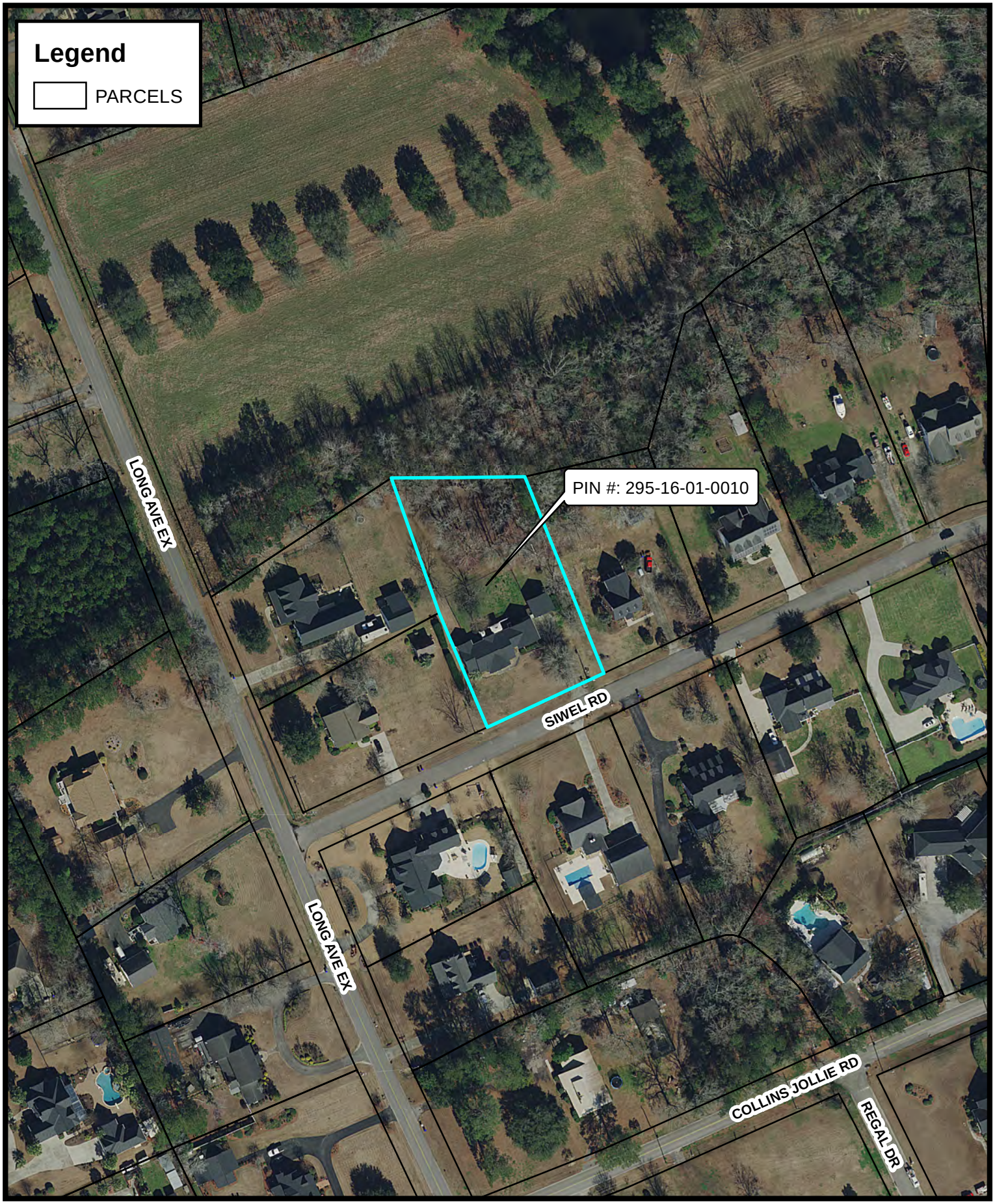
AND BE IT FURTHER ORDAINED that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

RATIFIED BY CITY COUNCIL, duly assembled, this_____day of _____, 2024.

Barbara Jo Blain, Mayor	Larry A. White, Mayor Pro Tem
Amanda Butler, Council Member	William M. Goldfinch IV, Council Member
Julie Ann Hardwick, Council Member	Beth Helms, Council Member
Justin D. Jordan, Council Member	ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____



City of CONWAY GIS
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N

PIN #: 295-16-01-0010
TMS #: 111-00-02-055
4221 SIWEL RD
(P24-0180)

City of CONWAY SOUTH CAROLINA

Date: 7/17/2024 Time: 7:33:15 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!R1 ANNEXATIONS\2024\4221 Siwel Road\GIS\ZOOMED IN AERIAL MAP FOR 4221 SIWEL RD.mxd



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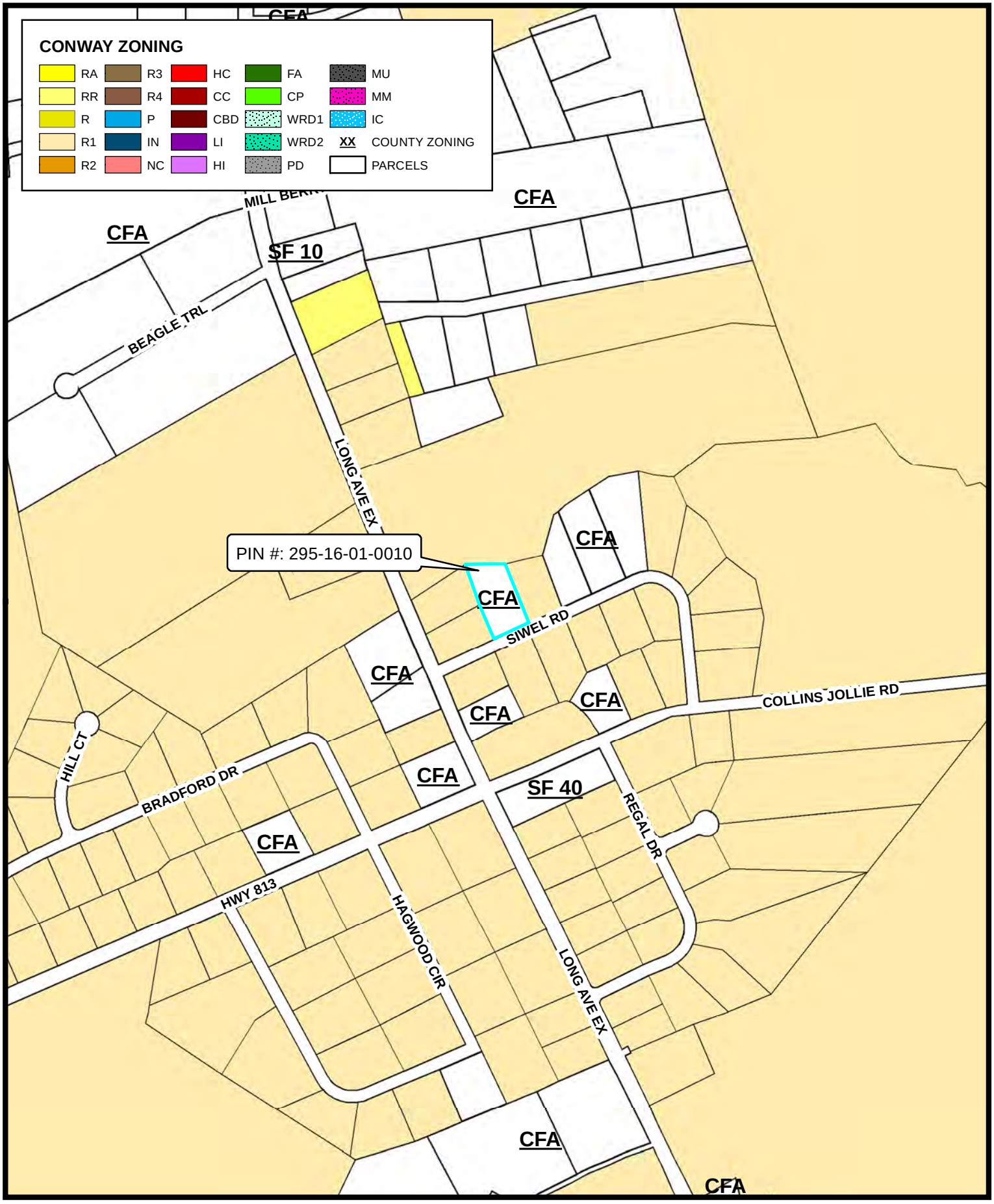
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N

PIN #: 295-16-01-0010
TMS #: 111-00-02-055
4221 SIWEL RD
(P24-0180)

City of CONWAY SOUTH CAROLINA

Date: 7/17/2024 Time: 7:31:59 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!R1 ANNEXATIONS\2024\4221 Siwel Road\GIS\ZOOMED OUT AERIAL MAP FOR 4221 SIWEL RD.mxd

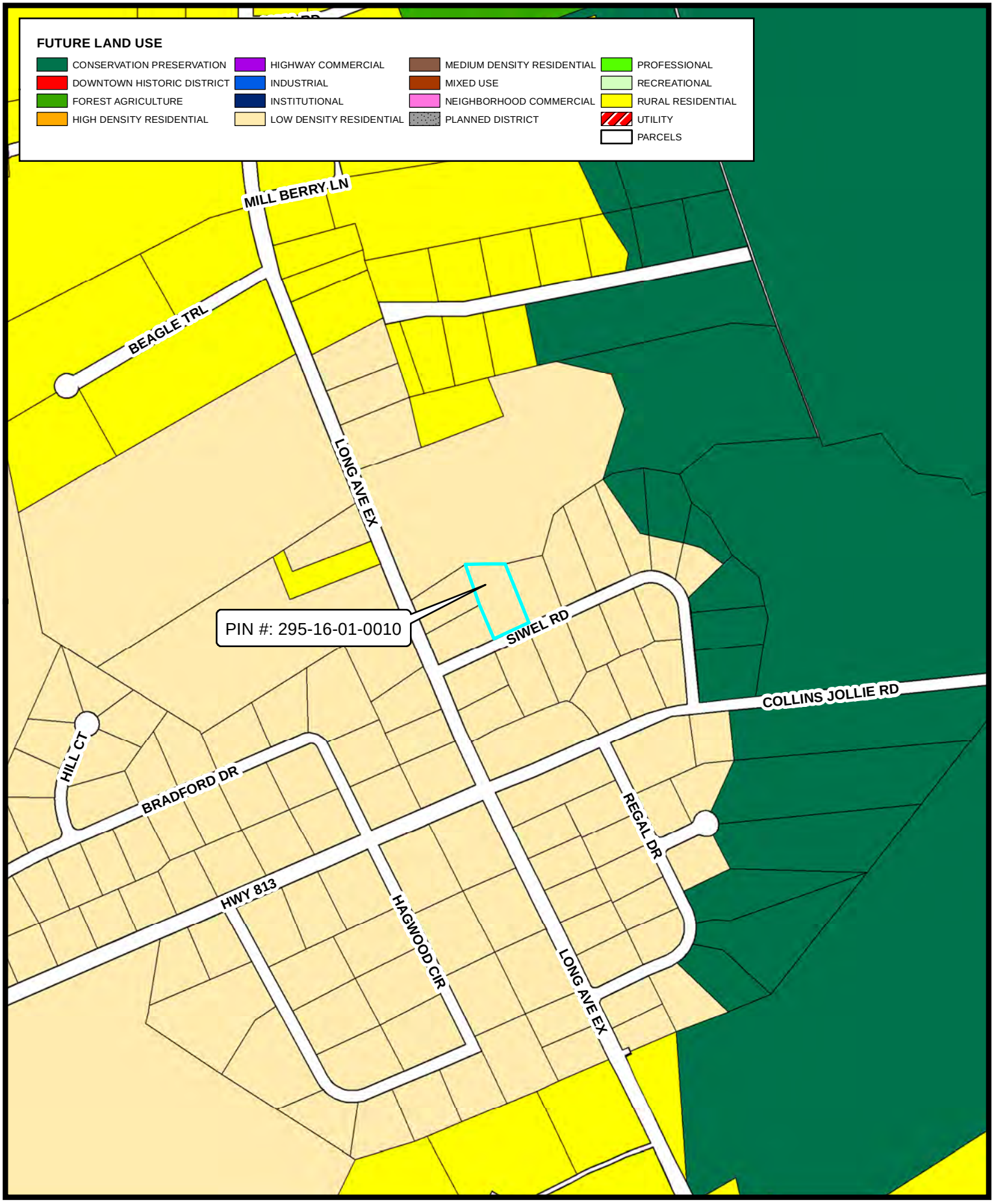


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N

PIN #: 295-16-01-0010
TMS #: 111-00-02-055
4221 SIWEL RD
(P24-0180)

Date: 7/17/2024 Time: 7:24:59 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!R1 ANNEXATIONS\2024\4221 Siwel Road\GIS\ZONING MAP FOR 4221 SIWEL RD.mxd



City of CONWAY GIS
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N

PIN #: 295-16-01-0010
TMS #: 111-00-02-055
4221 SIWEL RD
(P24-0180)

City of CONWAY SOUTH CAROLINA

Date: 7/17/2024 Time: 7:25:58 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!R1 ANNEXATIONS\2024\4221 Siwel Road\GIS\FUTURE LAND USE MAP FOR 4221 SIWEL RD.mxd

PETITION FOR ANNEXATION

Staff Use Only
Received:_____
BS&A #:_____

City of Conway Planning
Department 196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

PETITION FOR ANNEXATION

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

PROPERTY LOCATION/SUBDIVISION: Maple Hill

PIN: 29516 01 0010 ACREAGE: _____

PROPERTY ADDRESS: 4221 Sivel Road, Conway SC 29526

PROPERTY OWNER MAILING ADDRESS: ↑

PROPERTY OWNER TELEPHONE NUMBER: 843-254-7624

PROPERTY OWNER EMAIL: bo.soles@gmail.com

APPLICANT: James Soles

APPLICANT'S EMAIL: Same as above

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES [X] NO [ ]

IF NOT: PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDIGNING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

James Soles (Print) _____ (Signature) DATE: 7/16/24

_____ (Print) _____ (Signature) DATE: _____

PETITION FOR ANNEXATION

Staff Use Only

Received:_____
BS&A #:_____

Is there a structure on the lot: yes Structure Type: House

Current Use: Primary Residence

Are there any wetlands on the property?

CIRCLE: YES ◯ NO ⊗

If yes, please include valid wetland delineation letter from army corps of engineers.

Is the property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted or proposed use of the land?

CIRCLE: YES ◯ NO ⊗

If yes, please explain and provide a copy of covenant and/or restriction.

_____

_____

_____

Is the city a party to any deed restrictions or easements existing on the property?

CIRCLE: YES ◯ NO ⊗

If yes, please describe.

_____

_____

_____

Are there any building permits in progress or pending for this property?

CIRCLE: YES ◯ NO ⊗

If yes, please provide permit number and jurisdiction.

_____

_____

_____

FEES ARE DUE AT SUBMITTAL.

RI ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - $ 250

PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT

planning@cityofconway.com

Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received:_____
BS&A #:_____

City of Conway Planning Department
196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of $250.00 at the time this application is submitted. Planned Development rezonings are $2,500.00 and Planned Development Amendments are $500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: 4221 Sivel Road FEE PAID ( ) YES ( ) NO

AREA OF SUBJECT PROPERTY (ACREAGE): 1.02 PIN: 295 16 01 0010

CURRENT ZONING CLASSIFICATION: CFA

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Low Density Residential

REQUESTED ZONING CLASSIFICATION: R1

NAME OF PROPERTY OWNER(S):

James Sobes PHONE # 843-254-7624

_____ PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

4221 Sivel Road

Conway, SC 29526

****

I (we) the owner(s) do hereby certify that all information presented in this *Zoning Map Amendment Application* is correct.

PROPERTY OWNER'S SIGNATURE(S) DATE 6/16/24

PROPERTY OWNER'S SIGNATURE(S) DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

DATE: AUGUST 19, 2024
ITEM: III.C.

ISSUE:

Final Reading of Ordinance #ZA2024-08-19 (D) to annex approximately 0.34 acres located at 5205 Columbia Street (PIN 383-08-02-0045), and rezone from the Horry County Residential District (SF 10), no mobile homes allowed to the City of Conway Low/Medium Residential (R-1) district.

BACKGROUND:

An application was submitted by Treena Thibodeau on July 2, 2024, requesting annexation as a condition of connecting to city utilities. According to Horry County Land Records, the property has been owned by the applicant since April 5, 2004. The property is within the College Park subdivision, located off Hwy 501. There is an existing single-family residence and two storage buildings on the property.

Council has annexed approximately twelve properties within the College Park Subdivision.

***CITY OF CONWAY COMPREHENSIVE PLAN*:**

The Future Land Use Map of the *Comprehensive Plan* identifies this parcel as Low/Medium Density Residential (R-1).

The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.

CITY COUNCIL:

City Council approved First Reading of the ordinance at their August 5, 2024, meeting.

STAFF RECOMMENDATION:

Staff recommends **approval of Final Reading of Ordinance #ZA2024-08-19 (D)**.

ORDINANCE #ZA2024-08-19 (D)

AN ORDINANCE TO ANNEX APPROXIMATELY 0.34 ACRES OF PROPERTY LOCATED AT 5205 COLUMBIA STREET (PIN 383-08-02-0045), AND REQUEST TO REZONE FROM THE HORRY COUNTY RESIDENTIAL, NO MOBILE HOMES ALLOWED, (SF10) DISTRICT TO THE CITY OF CONWAY LOW/MEDIUM DENSITY RESIDENTIAL DISTRICT (R-1) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 0.34 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantageof the municipality.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, andmade a part of the City of Conway, South Carolina, to wit:

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.34 acres of property located at 5205 Columbia Street (PIN 383-08-02-0045), and request to rezone from the Horry County Residential, no mobile homes allowed (SF10) district to the City of Conway Low/Medium Residential (R-1) district.

This annexation includes all waterways, roads, and rights-of-way adjacent to the property. For a more specific description of said property, see attached map.

SECTION 2. APPLICATION OF ZONING ORDINANCE:

The property is admitted as City of Conway Low/Medium Density Residential District (R-1) area under the zoning laws of the municipality.

SECTION 3. EFFECTIVE DATE:

The annexation is effective as of the date of the final reading of this Ordinance.

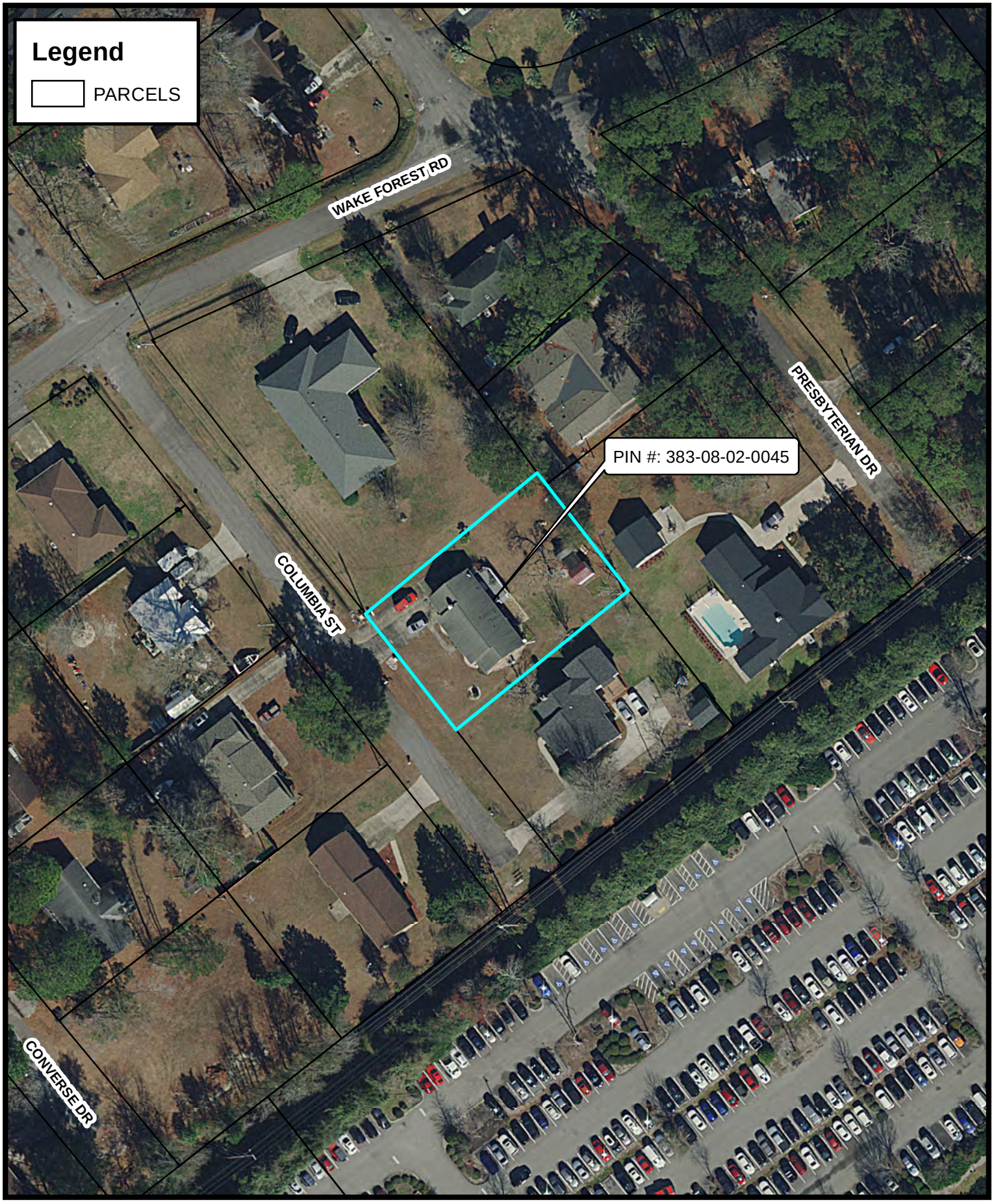
AND BE IT FURTHER ORDAINED that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

RATIFIED BY CITY COUNCIL, duly assembled, this_____day of _____, 2024.

Barbara Jo Blain, Mayor	Larry A. White, Mayor Pro Tem
Amanda Butler, Council Member	William M. Goldfinch IV, Council Member
Julie Ann Hardwick, Council Member	Beth Helms, Council Member
Justin D. Jordan, Council Member	ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-5888 ph (843) 488-9830 fax

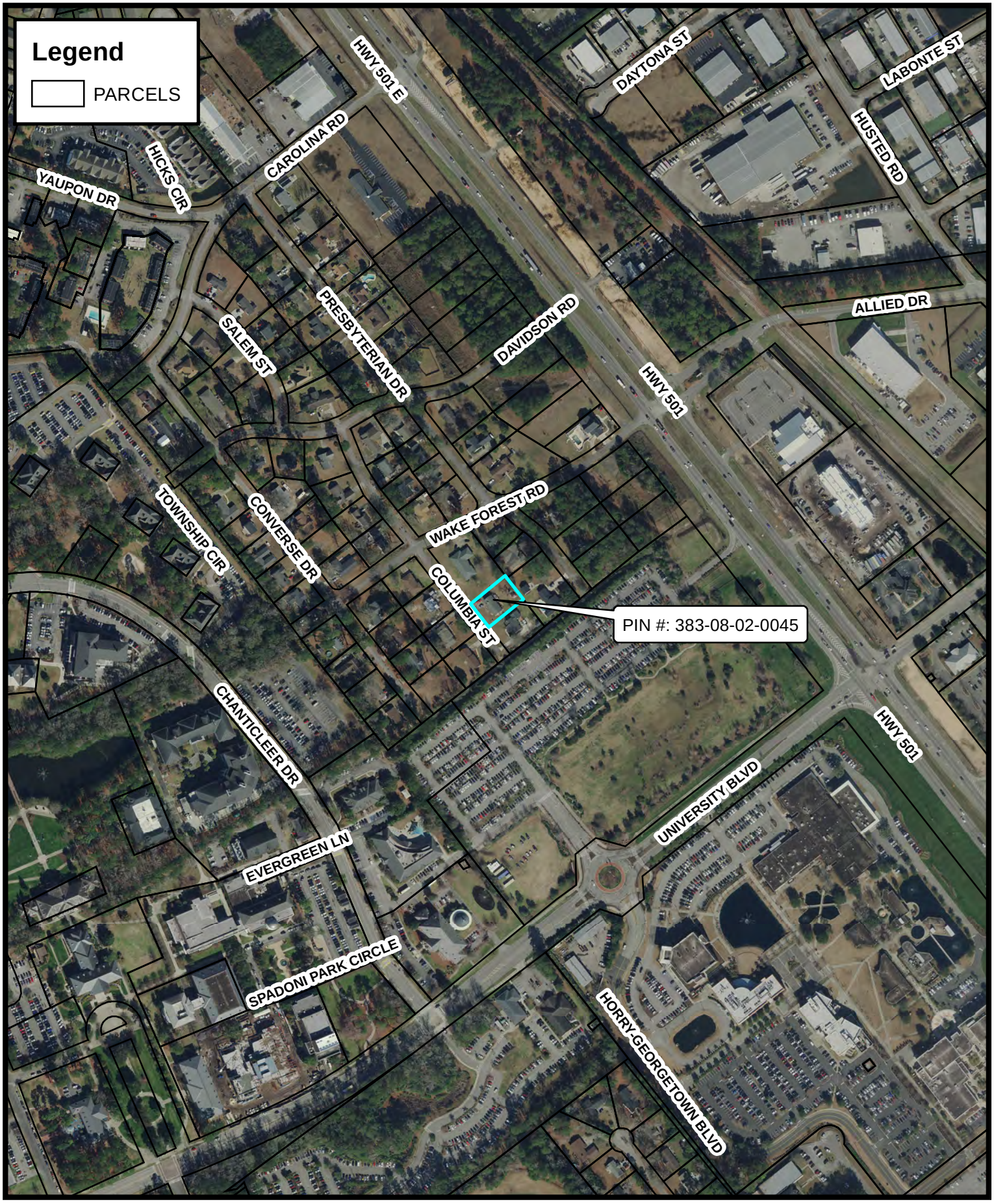
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 383-08-02-0045
TMS #: 151-18-05-006
5205 COLUMBIA ST
(P24-0171)

City of CONWAY SOUTH CAROLINA

Date: 7/3/2024 Time: 7:42:30 AM Path: \\Coc-srv2\4310\ANNEXATIONS\IR1 ANNEXATIONS\2024\5205 Columbia Street\GIS\ZOOMED IN AERIAL MAP FOR 5205 COLUMBIA ST.mxd



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9830 fax

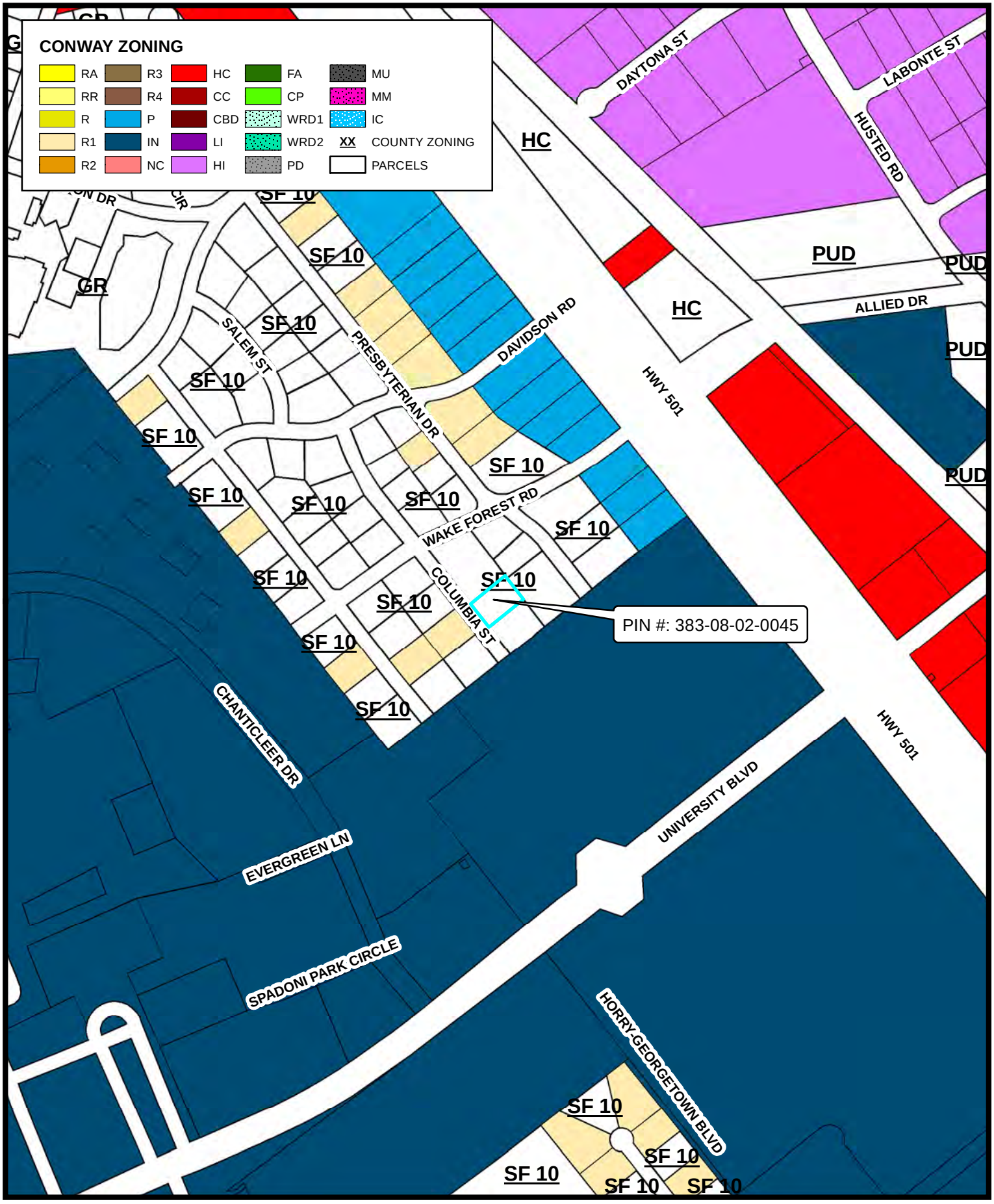
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 383-08-02-0045
TMS #: 151-18-05-006
5205 COLUMBIA ST
(P24-0171)

City of CONWAY SOUTH CAROLINA

Date: 7/3/2024 Time: 7:41:35 AM Path: \\Coc-srv2\4310\ANNEXATIONS\IR1 ANNEXATIONS\2024\5205 Columbia Street\GIS\ZOOMED OUT AERIAL MAP FOR 5205 COLUMBIA ST.mxd

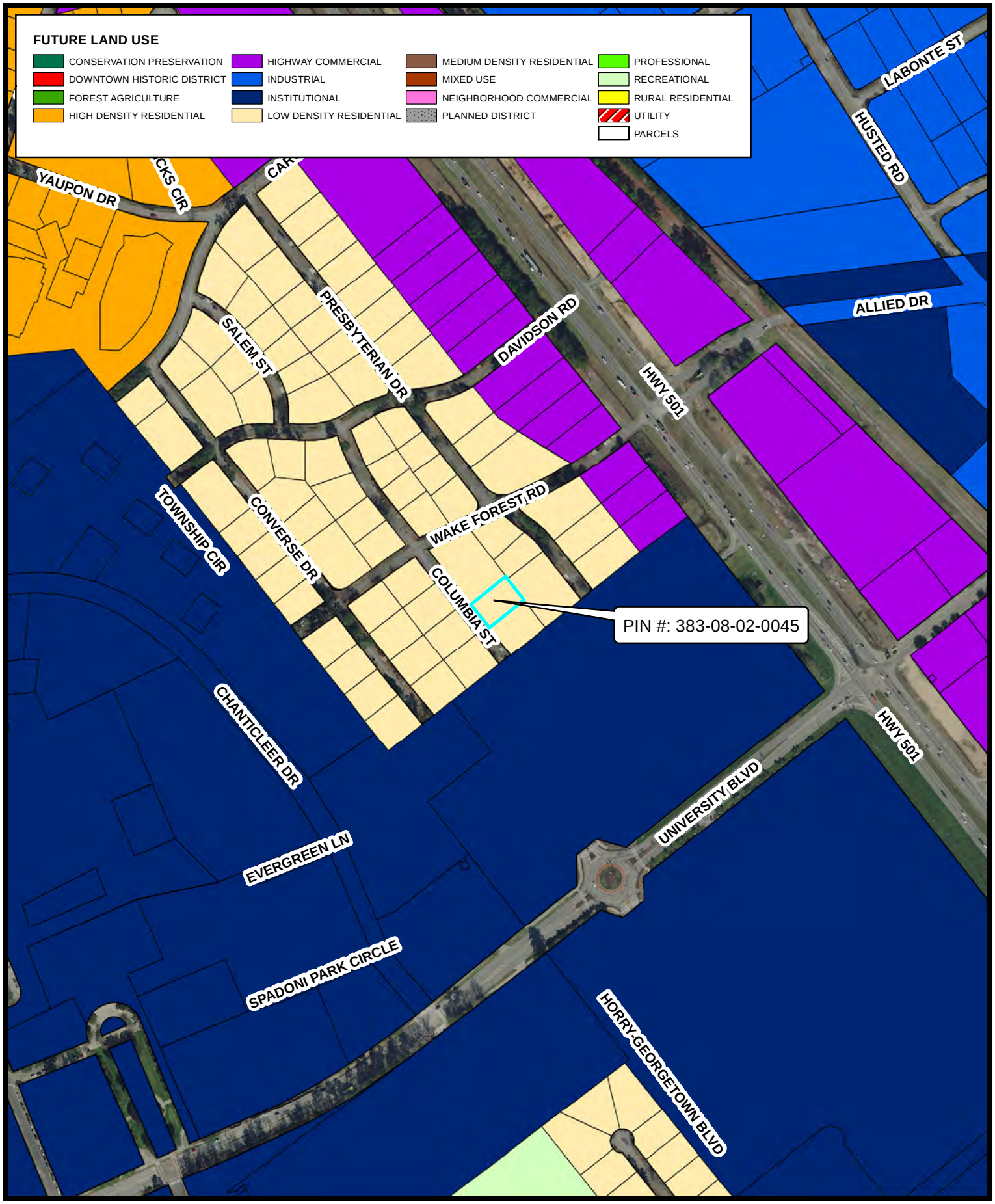


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N

PIN #: 383-08-02-0045
TMS #: 151-18-05-006
5205 COLUMBIA ST
(P24-0171)

Date: 7/3/2024 Time: 7:36:54 AM Path: \\Coc-srv2\4310\ANNEXATIONS\IR1 ANNEXATIONS\2024\5205 Columbia Street\GIS\ZONING MAP FOR 5205 COLUMBIA ST.mxd



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9890 fax

Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 383-08-02-0045
TMS #: 151-18-05-006
5205 COLUMBIA ST
(P24-0171)

City of CONWAY SOUTH CAROLINA

Date: 7/3/2024 Time: 7:38:49 AM Path: \\Coc-srv2\4310\ANNEXATIONS\IR1 ANNEXATIONS\2024\5205 Columbia Street\GIS\FUTURE LAND USE MAP FOR 5205 COLUMBIA ST.mxd

PETITION FOR ANNEXATION

Staff Use Only
Received:
BS&A #:

City of Conway Planning
Department 196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

PETITION FOR ANNEXATION

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

PROPERTY LOCATION/SUBDIVISION: College Park

PIN: 38308020045 ACREAGE: _____

PROPERTY ADDRESS: 5205 Columbia St, Conway SC 29526

PROPERTY OWNER MAILING ADDRESS: 5205 Columbia St, Conway SC, 29526

PROPERTY OWNER TELEPHONE NUMBER: 843-424-8663

PROPERTY OWNER EMAIL: tthibodeau69@hotmail.com

APPLICANT: Treena Thibodeau

APPLICANT'S EMAIL: tthibodeau69@hotmail.com

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES ☑ NO ☐

IF NOT: PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDIGNING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

Treena Thibodeau (Print)	Treena Thibodeau (Signature) Treena Thibodeau	DATE: 7/2/24
Roger Thibodeau (Print)	Roger Thibodeau (Signature)	DATE: 7/2/24

PETITION FOR ANNEXATION

Staff Use Only
Received:
BS&A #:

Is there a structure on the lot: yes Structure Type: House, two baby barns

Current Use: Personal Home

Are there any wetlands on the property?

CIRCLE: YES ◯ NO ⊗

If yes, please include valid wetland delineation letter from army corps of engineers.

Is the property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted or proposed use of the land?

CIRCLE: YES ◯ NO ⊗

If yes, please explain and provide a copy of covenant and/or restriction.

Is the city a party to any deed restrictions or easements existing on the property?

CIRCLE: YES ◯ NO ⊗

If yes, please describe.

Are there any building permits in progress or pending for this property?

CIRCLE: YES ◯ NO ⊗

If yes, please provide permit number and jurisdiction.

FEES ARE DUE AT SUBMITTAL.

RI ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - $ 250

PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT

planning@cityofconway.com

Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received:_____
BS&A #:_____

City of Conway Planning Department
196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Notice

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PHYSICAL ADDRESS OF PROPERTY: 5205 Columbia Street FEE PAID ( ) YES ( ) NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.34 PIN: 38308020045

CURRENT ZONING CLASSIFICATION: SF10

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: low density residential

REQUESTED ZONING CLASSIFICATION: R1

NAME OF PROPERTY OWNER(S):

TREENA THIBODEAU PHONE # 843-424-8663

PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

_____

_____

****

I (we) the owner(s) do hereby certify that all information presented in this *Zoning Map Amendment Application* is correct.

Treena Thibodeau 7/2/24
PROPERTY OWNER'S SIGNATURE(S) DATE

7/2/24
PROPERTY OWNER'S SIGNATURE(S) DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

DATE: AUGUST 19, 2024
ITEM: III.D.

ISSUE:

Final Reading of Ordinance #ZA2024-08-19 (E), amending *Article 4 – Use Tables* and *Article 5 – Specific Use Regulations*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding mobile detailing and car wash facilities.

BACKGROUND:

Currently there are no provisions for the lawful permitting of mobile car wash/detailing businesses within any zoning district in the City of Conway. Mobile car wash/detailing businesses are on the rise and without regulations in place, City staff can only advise interested parties that this is not a permitted use.

From the discussions that staff has had with CCU alumni, this may become a future curriculum at Horry Georgetown Technical College. HGTC has brought back their automotive program after 30 years and the goal of several individuals is to get automotive reconditioning offered as a course of study in the automotive program.

Currently, Horry County allows Mobile Car Detailing as a Home-Based Business with the condition that vehicles are not brought back to the applicants home for washing. Staff has also reached out to DHEC and OSHA for any requirements they may have.

Furthermore, there has been recent interest in waterless vehicle detailing based out of trade shop locations in the industrial districts. The waterless wash process is as simple as spraying a product on a painted surface, wiping said product from the surface and going behind with a clean microfiber towel to ensure the excess product is gone. This process is typically done inside of the trade shop location. With this process there is no need to introduce water to clean a vehicle; therefore, eliminating any stormwater run-off.

The proposed amendments separate car washing facilities from mobile auto detailing and also creates a subsection for “waterless” car wash facilities.

PLANNING COMMISSION:

Planning Commission held the required public hearing on the proposed amendment(s) at their July 11th meeting, and recommended approval of the amendment(s), with revisions.

CITY COUNCIL:

This issue was first discussed with City Council during the workshop portion of their June 17th meeting. Council recommended approval of First Reading of the request at their August 5th meeting.

STAFF RECOMMENDATION:

Approve **Final Reading of Ordinance #ZA2024-08-19 (E)**.

ORDINANCE #ZA2024-08-19 (E)

AMENDMENT TO *ARTICLE 4 – USE TABLES* AND *ARTICLE 5 – SPECIFIC USE REGULATIONS*, OF THE *CITY OF CONWAY UNIFIED DEVELOPMENT ORIDNANCE* (*UDO*) REGARDING MOBILE DETAILING AND CAR WASH FACILITIES.

WHEREAS, Pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as Amended known as the "South Carolina Local Government Comprehensive Planning Enabling Act of 1994" enabled the City of Conway to adopt the *Unified Development Ordinance* (*UDO*) of the City of Conway, South Carolina; and

WHEREAS, Article 13, Section 13.1.7 of the *UDO* provides that the regulations, restrictions, and boundaries set forth in said Ordinance may from time be amended, supplemented, changed, or repealed in accordance with S.C. State Code §6-29-760; and

WHEREAS, there has been interest in adding automotive reconditioning as a course of study in the automotive program at Horry-Georgetown Technical College; and

WHEREAS, the *UDO* does not currently address mobile auto detailing; and

WHEREAS, the proposed amendment would allow staff to regulate mobile auto detailing; and

WHEREAS, mobile auto detailing permits would require a yearly review prior to obtaining a City of Conway business license; and

WHEREAS, the amendments would separate car washing facilities from mobile auto detailing and also create a subsection for "waterless" car wash facilities. Therefore, be it

ORDAINED by the City Council of the City of Conway, in Council duly assembled, that the *UDO* be amended as attached hereto; and be it further

ORDAINED, that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE: This ordinance shall become effective upon final reading.

RATIFIED BY CITY COUNCIL, duly assembled this ___ day of _____, 2024.

Barbara Jo Blain, Mayor	Larry A. White, Mayor Pro Tem
Amanda Butler, Council Member	William M. Goldfinch IV, Council Member
Julie Ann Hardwick, Council Member	Beth Helms, Council Member
Justin D. Jordan, Council Member	ATTEST: Alicia Shelley, City Clerk

First Reading: 8/5/2024

Final Reading: _____

Article 4. Use Tables

I. HIGHWAY COMMERCIAL	SPECIFIC USES	RA	RR	R1	R2	R3	R4	P	NC	HC	MU[2]	CC	CBD	WRD[5]	IN	LI	HI	FA	CP	Applicable Standards
Auto-Oriented Uses	Auto Accessory Store									P		P				P	P			
	Automobile Dealership									P		P	P			P	P			
	Car Wash **Facility** ~~& Detailing~~									C						C	C			5.1.6
	Mobile Car Detailing							C	C	C	C	C	C	C	C	C	C	C		**5.1.6**
	Rental Car Agency									P	C					P	P			
	Truck & Auto Repair Service									P						P	P			
	Waterless Car Wash & Detailing Facility															C	C			**5.1.6**
Supply & Wholesale	Building Supply, Equipment Sales									P						P	P			
	Office Supply Store									P	C	P	P		P	P	P			
	Paint, Wallpaper, Flooring Supply & Sales									P	C	P				P	P			
Entertainment Venues	Arcades, Billiard									P		P_a	P_a	P_a						
	Bingo Establishment									P										
	Bowling Alley									P										
	Multiplex Movie Theater									P	C									
	Drive-In Movie Theater															P	P			
	Amphitheaters															C	C			5.1.34
	Theater									P	C	P	P							
Other	Farmers' Market								C	C	C	C	C	C				C	C	5.1.10
	Fitness Center, Athletic Club								P	P	C	P	P		P_a[3]	P	P	P	P	
	Hotel, Motel, Inn							P	P	P	C	P	C	P	P_a[3]	P	P			
	Restaurant w/ Drive-thru									P										

Section 5.1 – Conditional Uses

- 5.1.1 Adult Entertainment Establishments
- 5.1.2 Bail Bond Establishments
- 5.1.3 Banquet Halls
- 5.1.4 Bed & Breakfast Homes
- 5.1.5 Commercial Short-Term Rentals
- 5.1.6 Car Wash ~~& Detailing~~ Facilities**, Waterless Car Wash / Detailing Facilities, and Mobile Detailing**
- 5.1.7 Day Care Facilities & After School Programs
- 5.1.8 Dry Cleaners with Drive-Through Services
- 5.1.9 Educational Facilities
- 5.1.10 Farmers Markets
- 5.1.11 Flea Markets
- 5.1.12 Funeral Homes & Mortuaries
- 5.1.13 Grocery Stores
- 5.1.14 Group Homes
- 5.1.15 Hunting
- 5.1.16 Mobile Vending
- 5.1.17 Modular Homes
- 5.1.18 Open Air Storage
- 5.1.19 Open Display
- 5.1.20 Produce Stands
- 5.1.21 Public Utility Facilities
- 5.1.22 Religious Institutions
- 5.1.23 Sidewalk Cafés and Outdoor Dining
- 5.1.24 Tattooing/Tattoo Parlors
- 5.1.25 Taverns, Bars, Night Clubs, Teen Clubs
- 5.1.26 Transit Shelters
- 5.1.27 Transmission Towers, Wireless, Cellular or Communication Towers
- 5.1.28 Veterinarian / Animal Clinic
- 5.1.29 Mini Storage Units
- 5.1.30 Nurseries, Garden Centers, and Greenhouses
- 5.1.31 Doggie Daycare and Spas
- 5.1.32 Community Support Services (Support Facilities & Outpatient Treatment Facilities)
- 5.1.33 Parking as a Stand-Alone Use
- 5.1.34 Amphitheaters
- 5.1.35 Indoor and Outdoor Shooting Ranges
- 5.1.36 Electric Vehicle Charging Stations (EVCS)

5.1.6 Car Wash ~~& Detailing~~ Facilities, Waterless Car Wash / Detailing Facilities, and Mobile Detailing

A. **Car Wash~~es~~ Facilities.** Car Wash Facilities are permitted in the HC, LI, and HI Zoning Districts, subject to the following conditions:

1. **Minimum Lot Size**: A minimum lot size of 20,000 square feet shall be required for a car wash facility.
2. Vehicle Stacking: A minimum of 5 stacking spaces for queuing of cars shall be provided per car wash bay.
3. Required Yard Activity: Car wash facilities shall not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within any landscape areas.
4. Distance from Residential Districts: The establishment shall not be located within one hundred (100) feet, measured in any direction, of a residential district. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the protected district except when such establishment is separated from such protected district by an intervening street.
5. Exit Drives: The establishment shall provide exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
6. Surface Drainage: The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way or adjoining properties as a result of the car wash operations.

B. **Waterless Car Wash / Detailing Facilities.** Waterless car wash / detailing facilities are permitted in the LI and HI zoning districts, subject to the following conditions:

1. A Waterless Car Wash shall not create any standing water and shall not drain directly into the drainage system.
2. Required parking and site circulation for existing use(s) shall be maintained.
3. The facility being used for the Waterless Car Wash and Detailing business shall be permitted and have received a Certificate of Occupancy as a trade shop use by the City of Conway Building Dept.
4. The facility shall pass Fire Inspection prior to a City of Conway Business License being issued.

C. **Mobile Car Washing & Detailing.** Mobile car washing and detailing shall be permitted as a conditional use in any commercial zoning district, subject to the following provisions:

1. **Business License.** The Mobile Car Detailer shall obtain and carry at all times a valid City of Conway Business License.
2. **Zoning Compliance.** The Mobile Car Detailer shall obtain an annual Zoning Compliance. The Zoning Compliance shall be valid from May 1 until April 30 of the ensuing year to run concurrent with the City of Conway Business License.
3. **Other Approvals/Licensing.** The Mobile Car Detailer shall be responsible for providing all required licensing and/or approvals from the appropriate agencies at the time of application.
4. **Prohibited Activities.** In the operation of a mobile car wash/auto detail business, it is unlawful for a principal, employee or agent of the business to:
   - **a.** Engage in washing the exterior of a vehicle upon any public street or public right-of-way, or upon any vacant property or unimproved lot.
   - **b.** Interfere with the ingress or egress of the abutting property owner or tenant or create or become a public nuisance, increase traffic congestion or delay or constitute a hazard to traffic, life or property or an obstruction to adequate access to fire, police or sanitation vehicles.
   - **c.** Engage in washing or cleaning a motor vehicle engine.
   - **d.** Leave any location without first picking up, removing and disposing of all trash, materials or refuse

remaining from mobile car wash/auto detail activities.

e. Advertise that services are available at a specific location, or otherwise invite customers to come to a specific location to receive services provided by the business.

f. Erect or place advertising of the business at any location the business may operate.

g. Operate at a fixed location.

h. Operate a mobile car wash/auto detail business to provide services at any location without the consent of the property owner or authorized tenant.

i. Violate any provision of SC State Law or of the City of Conway Code of Ordinances pertaining to water conservation, stormwater system or noise.

5. **Registration & Insurance.** Each vehicle that is used by a mobile car wash/auto detail business in performing services must be properly registered and insured.

6. **Signage.** Each licensee that uses a vehicle in its business operation may display the business name and telephone number on one or both sides of the vehicle (or on any attached mobile unit or trailer). The displayed graphics must be in the form of paint, decals, or magnetic stickers affixed to the vehicle or trailer body.

7. **Time Limits.** A mobile car wash/auto detail business may operate between the hours of 7am – 8pm and cannot be at a particular location for more than four (4) hours.

8. The limitation above does not apply to a licensed mobile car wash business during any period in which the business:

a. Is washing vehicles consisting of the inventory of a motor vehicle dealer licensed in the City of Conway to sell or lease motor vehicles; or

b. Pursuant to the written agreement with another business, is washing the vehicles that are used by the other business or vehicles that belong to employees of the other business.

9. **Location Restrictions.** No mobile car wash/auto detail business may operate within one hundred fifty feet (150) of any location at which any other mobile car wash/auto detail business is providing services during the period of those services.

10. Mobile Car Washing & Detailing (including waterless) may also be permitted as a home-based business, subject to the requirements in *Section 5.2.1 – Home Based Business*.

5.2.4 Home-Based Business

A gainful occupation conducted in an office within a residential structure, by a resident of the home, with no outward appearances of a business within the premise. Services of the business that are not office-related are conducted off-premises.

A. Home-based businesses shall be subject to the following requirements:

1. No retail sales shall be permitted from the home;
2. No visible indication the residence is being used as a business location shall be permitted;
3. No stock or equipment shall be stored at the residence except in a vehicle used in conjunction with the business;
4. ~~Such business shall employ only the business owner and members of the immediate family currently residing at the business address;~~ Employees, other than members of the immediate family currently residing at the business address, shall not be permitted to park vehicles, store or park equipment, or meet at the location of the home-based business;
5. No clients or customers of such business shall be permitted to receive services at the business location;
6. No accessory structure shall be used in conjunction with the business and only ten percent (10%) or one (1) room of the residence shall be used in conjunction with the business;
7. No deliveries shall be permitted other than by regular mail or overnight mail services;
8. No tractor trailers shall be permitted in conjunction with home-based businesses;

9. All signage shall be subject to the requirements set forth in Article 11.
10. The following ~~list~~ table contains the *type* of permitted home-based businesses that may use the home for office use only. Any similar home-based businesses shall be reviewed and approved by the Planning Director or their designee.
11. Violations of this section may result in the revocation of the zoning approval issued in conjunction with the business license as well as the issuance of a uniform ordinance summons to appear in municipal court.

~~Auto Wrecker Service~~	~~Brick Mason~~	~~Carpenter~~
~~Carpet or Rug Cleaning~~	~~Carpet & Tile Contractor~~	~~Consulting Services~~
~~Drywall & Painting Contractor~~	~~Electrical Contractor~~	~~Errand/Shopping Service~~
~~Fencing Contractor~~	~~Fire Extinguisher Service~~	~~Floor Finishing Contractor~~
~~General Contractor~~	~~Heating/Air Conditioner Contractor~~	~~Ice Cream Vendor~~
~~Insulation Contractor~~	~~Janitorial Services~~	~~Landscaping/Lawn Care Services~~
~~Locksmith~~	~~Mail Order Business~~	~~Pest Control Service~~
~~Plumbing Contractor~~	~~Pool Installation~~	~~Pool Service~~
~~Roofing Contractor~~	~~Security Services~~	~~Septic/Sewer Services~~
~~Siding Contractor~~	~~Sprinkler Contractor~~	~~Stucco Contractor~~
~~Tree Surgery~~	~~Window Washing Service~~	~~Windshield Repair~~

Any Professional Services Office *(ex. Cleaning Service, Pool Installation, Pest Control Service, Landscape Service - all work shall be performed off premises)*	**Contractors Office** *(ex. General Contractor, Roofing Contractor, Electrical Contractor - all work shall be performed off premises & material shall be delivered to the jobsite)*	**Online Sales of Merchandise Office** *(no retail sales permitted from the home – customers are not permitted other than online)*	**Mobile Food Vending Office** *(Vendor shall provide the location of an appropriate storage facility where the vending unit is kept when not in operation. Refer to Section 5.1.16 for additional information.*	**Mobile Vehicle Detailing Office** *(Mobile Vehicle Detailing shall remain mobile. The home may not be advertised as a Mobile Detail location, nor shall any vehicles be brought back to the home for detailing. Refer to Section 5.1.6 for additional information*

DATE: AUGUST 19, 2024
ITEM: III.E.

ISSUE:

Final Reading of Ordinance #ZA2024-08-19 (F), amending *Article 2 – Definitions, Article 5 – Specific Use Regulations,* and *Article 6 – Design Standards*, of the *City of Conway Unified Development Ordinance (UDO)*, regarding requirements for corner lots and lots with double frontage.

BACKGROUND

Currently, a Double Front Yard is only discussed in the UDO for proposed lots (*not existing legal non-conforming lots*). The attached proposed amendments will better serve the residence and aid in their understanding of what the UDO defines as "Yards".

The sections / items proposed to be amended within the UDO include the following:

- Section 2.2.1 - Definitions
- Section 5.2.3 – Fences and Walls
- Section 6.1.9 – Setbacks for Corner Lots

PLANNING COMMISSION:

Planning Commission held the required public hearing on the proposed amendment(s) at their July 11th meeting, and unanimously recommended approval of the amendment(s).

CITY COUNCIL:

This issue was first discussed with City Council during the workshop portion of their May 6th meeting. Council approved First Reading of the amendment at their August 5th meeting.

STAFF RECOMMENDATION:

Approve **Final Reading of Ordinance #ZA2024-08-19 (F)**.

ORDINANCE #ZA2024-08-19 (F)

AMENDMENT TO *ARTICLE 2 – DEFINITIONS, ARTICLE 5 – SPECIFIC USE REGULATIONS AND ARTICLE 6 DESIGN STANDARDS,* OF THE *CITY OF CONWAY UNIFIED DEVELOPMENT ORIDNANCE* (*UDO*) REGARDING CORNER LOTS AND LOTS WITH DOUBLE FRONTAGE.

WHEREAS, Pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as Amended known as the "South Carolina Local Government Comprehensive Planning Enabling Act of 1994" enabled the City of Conway to adopt the *Unified Development Ordinance* (*UDO*) of the City of Conway, South Carolina; and

WHEREAS, Article 13, Section 13.1.7 of the *UDO* provides that the regulations, restrictions, and boundaries set forth in said Ordinance may from time be amended, supplemented, changed, or repealed in accordance with S.C. State Code §6-29-760; and

WHEREAS, there is confusion explaining the requirements of corner front lots vs double front lots; and

WHEREAS, the *UDO* does not currently address existing double front lots; and

WHEREAS, the proposed amendment would illustrate the difference between corner front lots vs double front lots; and

WHEREAS, the yard and setback requirements for corner front lots vs double front lots would be clearer and more precise; and

WHEREAS, the proposed amendment would allow staff to better assist the citizens of the City of Conway; Therefore, be it

ORDAINED by the City Council of the City of Conway, in Council duly assembled, that the *UDO* be amended as attached hereto; and be it further

ORDAINED, that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE: This ordinance shall become effective upon final reading.

RATIFIED BY CITY COUNCIL, duly assembled this __ day of _____, 2024.

Barbara Jo Blain, Mayor	Larry A. White, Mayor Pro Tem
Amanda Butler, Council Member	William M. Goldfinch IV, Council Member
Julie Ann Hardwick, Council Member	Beth Helms, Council Member
Justin D. Jordan, Council Member	ATTEST: Alicia Shelley, City Clerk

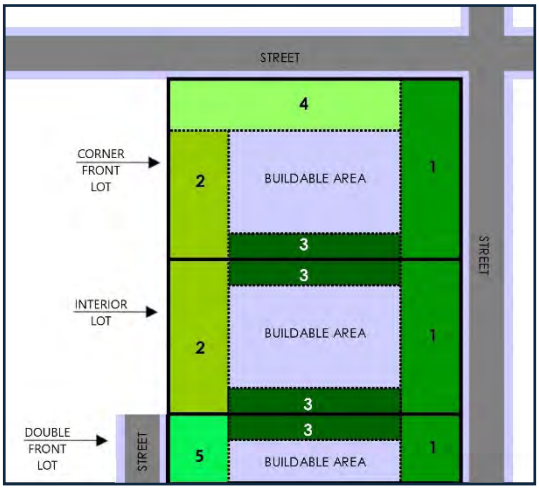
First Reading: 8/5/2024

Final Reading: _____

Article 2 - Definitions

2.2.1 General Definitions

Yard: A required undeveloped area of a property that lies between the principal building or buildings and the nearest lot line.



- **Front Yard (1):** A space extending the full width of the lot between any building and the front lot line. For corner lots, both yards lying between the primary structure and the intersecting streets shall be considered front yards; however, the front lot line shall be designated by the shorter of the two property lines adjacent to the street. The other front yard ~~at the side property line~~ adjacent to the street, shall be known as a **Corner Front Yard (4).**
- **Rear Yard (2)**: A space extending across the full width of the lot between the principal building and the rear lot line. For corner lots, the rear yard shall be that yard on the opposite side of the building from the front lot line.
- **Side Yard (3)**: A space extending from the front yard to the rear yard between the principal building and the side lot line.
- **Double Front Yard (5)**: A space extending across the full width of the lot between the rear of the principal building and the adjacent street. Double Front Yards do not have a Rear Yard. (See Figure)

Article 5 – Specific Use Regulations

5.2.3 Fences & Walls

A fence or wall, constructed of wood, vinyl, brick, stone, ornamental (iron / aluminum), chain link (where permitted) and other similar materials approved by the Zoning Administrator (or their designee), may project into or enclose required yards (but not over any boundary) in all zones providing that a maximum height, measured from the natural grade at which the fence or wall occurs, does not exceed the following: *[ZA2018-10-15 (E); ZA2020-09-21 (B); ZA2021-07-19(C)]*

A. Commercial and Residential:

1. Front Yards - 4 feet
2. Double Front Yards – 4 feet
3. Corner Front Yards - 6 feet (*provided it meets a 10-foot setback from the property line*)
4. Side Yards - 6 feet
5. Rear Yards - 8 feet

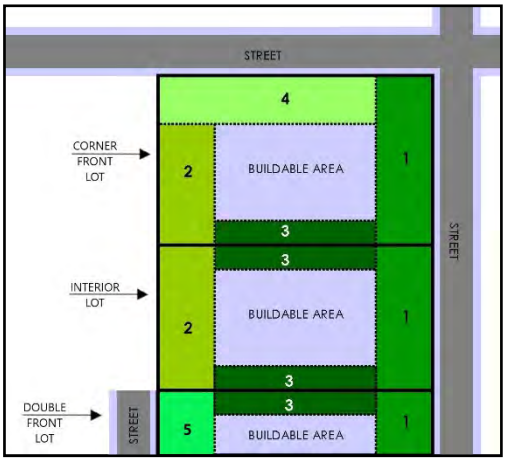
B. Industrial Zoning Districts:

1. Front Yards - 6 feet (*not permitted in any required front setback*)
2. Double Front Yards – 6 feet (*not permitted in any required double front yard setback*)
3. Corner Front Yards – 6 feet
4. Side Yards - 10 feet
5. Rear Yards - 10 feet

Article 6 – Design Standards

6.1.9 ~~Side Yard~~ Setbacks for Corner Front Lots and Double Front Lots

In the case of any lot that adjoins two or more streets, yards abutting streets shall be treated as front yards. The ~~side~~ yards with street frontage (corner front or double front) ~~on corner lots~~ shall be subject to the setback requirements set forth in Table 6.1.



A space extending the full width of the lot between any building and the front lot line is the **Front Yard (1).** For **Corner Lots**, both yards lying between the primary structure and the intersecting streets shall be considered front yards; however, the front lot line shall be designated by the shorter of the two property lines adjacent to the street. The other front yard ~~at the side property line~~ adjacent to the street, shall be known as a **Corner Front Yard (4).**

The space extending across the full width of the lot between the rear of the principal building and the adjacent street shall be known as a **Double Front Yard (5)**.

DATE: AUGUST 19, 2024
ITEM: III.F.

ISSUE:

Final Reading of Ordinance #ZA2024-08-19 (G), to amend to *Article 11 – Signage* and *Article 15 – Enforcement*, of the City of Conway *Unified Development Ordinance (UDO)*, regarding signs placed on public property and/or within public rights-of-way, as well as violations of the UDO and penalties for such violations.

BACKGROUND:

In April of this year, Planning Commission recommended approval of a text amendment to Article 11 of the UDO regarding signs located on public property and/or within public rights-of-way. Following that recommendation, staff held discussions with the Police Dept. and Administration about the proper methods of enforcement and issuing citations for violations of the proposed amendment; particularly with regard to the fine for the "civil infraction" as being the penalty for the violation. The rights of Planning/Zoning Officials comes from the Comprehensive Planning Enabling Act, which gives such officials the authority to issue a uniform ordinance summons for violations of the UDO only. There is no language within the UDO that gives Planning/Zoning Officials the authority to issue a Uniform Traffic Ticket/Summons, and because there is nothing in the City's general code that authorizes Planning/Zoning Officials to issue such citations, only law enforcement officers are able to enforce the civil infraction penalty for the violation. Law enforcement officers have the unique authority to detain individuals while Planning/Zoning officials lack such authority. However, law enforcement officers are authorized to issue a uniform ordinance summons for violations of the UDO.

Staff reached out to the Municipal Association for guidance on the matter, and it was recommended that the penalty for a civil infraction be adopted within the UDO in the appropriate section, specifying that violations of the UDO are a "misdemeanor" offense, except as otherwise specified as a civil infraction. These recommended amendments have been included in the proposed amendment to Article 15 of the UDO. Rather than moving the previous amendment to Article 11 of the UDO forward to Council for first reading by itself, staff felt that it would be best to keep the amendments to Article 11 and Article 15 together for the sake of record-keeping and transparency.

PLANNING COMMISSION:

Planning Commission held the required public hearing at their July 11th meeting. There was no public input. Planning Commission recommended approval of the proposed amendments to Article 11 and Article 15, with the condition that *Section 11.1.3, C* be *excluded* from the amendment, which stated the following: *11.1.3, C. "The City of Conway reserves the right to exercise prosecutorial discretion when enforcing this Section and may choose to issue fines for only the most egregious violations."*

CITY COUNCIL:

City Council held a workshop on this issue at their May 6, 2024 meeting. Council approved first reading of the proposed amendments at their August 5th meeting.

STAFF RECOMMENDATION:

Approve **Final Reading of Ordinance #ZA2024-08-19 (G)**.

ORDINANCE #ZA2024-08-19 (G)

AMENDMENT TO *ARTICLE 11 – SIGNAGE* AND *ARTICLE 15 – ENFORCEMENT*, OF THE *CITY OF CONWAY UNIFIED DEVELOPMENT ORIDNANCE* (*UDO*) REGARDING SIGNS PLACED ON PUBLIC PROPERTY AND/OR WITHIN PUBLIC RIGHTS-OF-WAY, AS WELL AS VIOLATION OF THE UDO AND PENALTIES FOR SUCH VIOLATIONS.

WHEREAS, Pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as Amended known as the "South Carolina Local Government Comprehensive Planning Enabling Act of 1994" enabled the City of Conway to adopt the *Unified Development Ordinance* (*UDO*) of the City of Conway, South Carolina; and

WHEREAS, *Article 13, Section 13.1.7* of the *UDO* provides that the regulations, restrictions, and boundaries set forth in said Ordinance may from time be amended, supplemented, changed, or repealed in accordance with S.C. State Code §6-29-760; and

WHEREAS, The rights of Planning/Zoning Officials comes from the Comprehensive Planning Enabling Act; and

WHEREAS, the sign ordinance is being amended regarding signs in rights-of-ways or public property, to include a monetary civil infraction for removal of such signs; and

WHEREAS, currently, there is nothing in the City's general code or UDO that authorizes Planning/Zoning Officials to issue a Uniform Traffic Ticket/Summons; only a Uniform *Ordinance* Summons; and

WHEREAS, after consulting the Municipal Association, *Article 15 – Enforcement*, of the UDO is also being amended in addition to *Article 11 – Signage*, to ensure that Planning/Zoning officials are authorized to issue a civil infraction for signs in rights-of-ways versus an ordinance summons, and to add language authorizing the immediate disposal of any signs removed found to be in violation of this section.

WHEREAS, Planning Commission held the required public hearing on the proposed amendments to the UDO and made a recommendation in favor of such amendment(s). Therefore, be it

ORDAINED by the City Council of the City of Conway, in Council duly assembled, that the *UDO* be amended as attached hereto; and be it further

ORDAINED, that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE: This ordinance shall become effective upon final reading.

RATIFIED BY CITY COUNCIL, duly assembled this __ day of _____, 2024.

Barbara Jo Blain, Mayor	Larry A. White, Mayor Pro Tem
Amanda Butler, Council Member	William M. Goldfinch IV, Council Member
Julie Ann Hardwick, Council Member	Beth Helms, Council Member
Justin D. Jordan, Council Member	ATTEST: Alicia Shelley, City Clerk

First Reading: 8/5/2024

Final Reading: _____

ARTICLE 11. SIGNAGE

Section 11.1 – General Provisions

11.1.3 Removal of Signs Erected on Public Property and/or Rights-of-Way

It shall be unlawful to erect, use or maintain a sign or sign structure on public property or public right-of-way without the approval of the City of Conway. ~~The City of Conway shall be authorized to remove such signs.~~

A. Each sign or sign structure found to be in violation of this Section shall be considered a separate offense and punishable as a civil infraction with a fine of $50 per violation.

B. The City of Conway shall be authorized to remove and immediately discard such signs.

Article 15. Enforcement

Section 15.1 – Enforcement

15.1.1 Violations

If the Planning Director **or other designated administrative officer** shall find that any of the provisions of the City of Conway Unified Development Ordinance are being violated, ~~he or she~~ **they** shall notify in writing the owner or tenant of the property, indicating the nature of the violation and order the action necessary to correct it. ~~He or she~~ **They** shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by the *UDO* to ~~insure~~ **ensure** compliance with, or to prevent violation of its provisions.

15.1.2 Complaints Regarding Violations

Whenever a violation of the *UDO* occurs, or is alleged to have occurred, any person may file verbal complaint. The complaint stating fully the causes and basis thereof, shall be filed with the Planning Director **or other designated administrative officer**. ~~The Planning Director~~ **They** shall record the complaint properly, investigate promptly, and take action thereon as provided by the *UDO*.

15.1.3 Remedies

A. It shall be unlawful to construct, reconstruct, alter, demolish, change the use of or occupy any land, building, or other structure without first obtaining the appropriate permit or permit approval. No permit shall be issued or approved unless the requirements of the *UDO* are complied with. It shall be unlawful for other officials to issue any permit for the use of any land, building, or structure, or the construction, conversion, demolition, enlargement, movement, or structural alteration of a building or structure without the approval of the Planning Director **or other designated administrative officer**. A violation of any section of the *UDO* shall constitute a misdemeanor**, except where specified throughout the UDO as being a civil infraction**. In case a building, structure, or land is or is proposed to be used in violation of any requirements set forth herein, the Planning Director or other appropriate administrative officer, or adjacent or neighboring property owner who would be directly damaged by the violation may in addition to other remedies, institute injunction, mandate, or other appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate the violation, or to prevent the occupancy of the building, structure, or land. Each day the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be considered a separate offense.

B. In case a building, structure, or land is or is proposed to be used in violation of the *UDO* adopted pursuant to this chapter, the Planning Director or other designated administrative officer may in addition to other remedies issue and serve upon a person pursuing the activity or activities a stop order requiring that entity stop all activities in violation of the *UDO*.

15.1.4 Penalties for Violation

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any structure or land is used in violation of this chapter; or there is a violation of any condition or requirement in connection with variances under the terms of the *UDO*, that violation shall constitute a misdemeanor**, except where specified throughout the UDO as being a civil infraction**. Violation of the *UDO* or failure to comply with any requirements stated herein shall be a misdemeanor**, except where specified throughout the UDO as being a civil infraction**. Each day such violation continues after due notice to discontinue such violation shall be

considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and/or any architect, surveyor, builder, engineer, contractor, agent, or other person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City of Conway from taking such other lawful action as is necessary to prevent or remedy any violation.

A. Civil Infractions. Where penalties of the UDO are specified as being a civil infraction, such penalty for violation shall be fifty dollars ($50).

15.1.5 Legal Status Provisions

A. Conflict with Other Laws: Whenever the regulations of the *UDO* require a greater width or size of yards or require a greater percentage of lot to be left unoccupied or impose other more restrictive standards than are required in or under any other statue, the requirements of the *UDO* shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

B. Severability: If any section or provision of the *UDO* should be declared invalid or unconstitutional by any court or competent jurisdiction, such declaration shall not affect the validity of the *UDO* as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

C. Repeal of Conflicting Ordinances: All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give the *UDO* full force and effect.

D. Effective Date: The *UDO* shall take effect and be in force from and after the date of its adoption by the City Council of the City of Conway.

DATE: AUGUST 19, 2024
ITEM: III.G.

ISSUE:

Purchase Sewer Camera System with Transit Van (budgeted)

BACKGROUND:

The Utilities Department budgeted $170,000 for a Sewer Camera System with a Transit Van. Public Utilities staff received quotes from Jet-Vac utilizing Government Procurement Contracts for a total of $237,000. City Procurement staff reviewed the Government purchasing contract and approved the use of cooperative purchasing.

The price difference is $67,000 short. The additional money will be moved from SCADA which is in the same line item (30-811-750.370).

RECOMMENDATION:

Approval to purchase the much-needed camera system.



Date: 03/08/2024

Quoted To:
City of Conway, SC
Attn: Accounts Payable*
ap@conwaysc.gov
Conway SC 29528

Location: SUMTER
Quote Number: Q01042
Expiry Date: 04/07/2024
Salesperson: Callie Hodge
callie@jet-vac.com
Responsible: HILARY HODGE
(803) 494-4430
hilary@jet-vac.com
Attention: David Crotts

We propose to furnish the equipment described herein in accord with the specification, terms, and conditions outlined.

ORION 3.0 Zoom HD/SD Adaptive PAN & TILT CAMERA	22,027.00
T66.1 HD Camera Tractor	13,506.00
Camera Connection Type 2-8 SD/HD for SD cameras and ORION 3 (SD or HD modes)	2,267.00
BS7-10X Vehicle Mounted Control	33,298.00
KW505 FO2 4K Synchronized Power Cable Reel	38,357.00
HD FO4 Camera Cable Type 00/12	11,478.00
19" Industrial PC Package	6,435.00
Ford Transit Van Wagon XL	63,736.00
Cargo Van Conversion	27,994.00
MEPS 6.3Kw, 120VAC for Ford Transit	13,284.00

Additional Charges	
EQP SOURCEWELLDISCOUNT	-9,729.04
JET-VAC DISCOUNT	-2,500.00
TRAINING	3,500.00
EQP SHIPPING	2,500.00

Parts	
Pressure Test S	529.00
VESA75 MNT PLAT	41.00
DBL SOCKET ARM	48.00
9BU9" MODL TRAC	38.00
TRAC BOLT /BALL	36.00
10" TOUCH SCRN	664.00
GRAPHIC CARD	92.00
KUV 2.7 Cable D	756.00
STD/HD VID CAP	3,510.00
MONITOR 22 WDSC	2,526.00
MONITOR MNT DBL	308.00
KW CABINET REEL	2,296.00

Comments

Sourcewell Contract #120721-RVL
RapidView - Underground Infrastructure
Maturity Date: 01/17/2026
****
Beginning July 1, 2017, vehicles, trailers, semi-trailers and other items required to be registered with the SC DMV are exempt from the Max Tax Sales Tax and subject to the new Infrastructure Maintenance Fee instead. This fee is 5% of the gross sales price or $500, whichever is less. This fee has NOT been collected for this sale, as it must be paid to SC DMV when the vehicle is registered.

Selling Price:	236,996.96
Tax:	
Net Selling Price:	236,996.96

Accepted by: _____ **Prepared by:** _____

CITY OF CONWAY
CITY COUNCIL MEETING
CONWAY CITY HALL
229 MAIN STREET, CONWAY
MONDAY, AUGUST 5, 2024 - 4:00 P.M.

PRESENT: Mayor Pro Tem Larry White, Amanda Butler, William Goldfinch, Julie Hardwick, Beth Helms, Justin Jordan. **ABSENT:** Mayor Barbara Jo Blain

STAFF: Adam Emrick, City Administrator; Mary Catherine Hyman, Deputy City Administrator; John Rogers, Deputy City Administrator; June Wood, Public Information Officer; Charlie Crosby, Technology Services Deputy Director; Timmy Williams, Hospitality & Beautification Director; Lynn Smith, Human Resources Director; Dale Long, Police Chief; Ted Dudley, Public Utilities Deputy Director; Kayla Fleming, Municipal Judge; Jessica Hucks, Planning and Development Director; Le Hendrick, Fire Chief; Reggie Jenerette, Solid Waste Director; Ashley Smith, Parks and Recreation Director; Robert Cooper, Construction Services Director; Allison Williams, Finance Director; Rock Rabon, Fleet Maintenance Director; Katie Dennis, Planner; and Alicia Shelley, City Clerk.

OTHERS: Hillary Howard, Joe Meckley. There were approximately 25 others in attendance.

CALL TO ORDER: Mayor Pro Tem White called the meeting to order. Rev. Robert Bannan, Kingston Presbyterian gave the invocation and led the Pledge of Allegiance.

The requirements for posting notice of this meeting under South Carolina's Freedom of Information Act (FOIA) were met.

CONSENT AGENDA:

A. **Final Reading of Ordinance #ZA2024-08-05 (A) to annex approximately 127 acres of property located on John Doctor Road and Highway 905 (PIN 339-00-00-0013), and rezone from the Horry County Commercial Forest Agriculture (CFA) district, Residential, no mobile homes allowed (SF40) district, and Residential, no mobile homes allowed (SF20) district to the City of Conway Low-Density Residential (R) district.**

B. **Final Reading of Ordinance #2024-08-05 (B), an ordinance to adjust the tax millage rate in the FY 24-25 budget.**

C. **Final Reading of Ordinance #2024-08-05 (C), an ordinance granting a water and sewer utility easement to 1707 9th Avenue (PIN 368-02-02-0028) across property of the City of Conway (PIN 368-02-02-0036) running from Wright Blvd to 1707 9th Avenue.**

D. **Approval of the Purchase of a Wheel Loader and Excavator for the Public Works Department (Budgeted)**

E. Approval of a Special Event – Halloween Golf Cart & CCU Homecoming Parade – October 19, 2024

F. Approval of Purchase of Vehicles for Police Department (budgeted)

G. Approval of Purchase of Water Meters for Public Utilities (budgeted)

H. Approval of Purchase of a Vehicle for IT Department (budgeted)

I. Resolution Accepting Dedication of Roadways & Drainage System in the Wild Wing, Phase 5A Subdivision (Barrington Way, Brook Park Place, and Hardwood Court)

J. Approval of July 15, 2024 Council Meeting Minutes

APPROVAL OF CONSENT AGENDA: **Motion:** Hardwick made a motion, seconded by Butler to approve the August 5, 2024 consent agenda. **Vote**: Unanimous. Motion carried.

PUBLIC INPUT:

Ron Matta – spoke in opposition of the Highway 378 annexation and land acquisitions by the city. He then requested a meeting with the Mayor and possibly other council members.

Joe Meckley – spoke regarding the Brookhaven PD and had concerns regarding new families vs. retirees, infrastructure needs, road improvements, population, schools, flooding, and traffic.

Alan Todd – informed council of the mission of the Conway Architecture and Salvage. Todd told Council that he reapplied for the Conway Artisans Festival and requested council's support.

There was no further public input. **Motion:** Goldfinch made a motion, seconded by Jordan, to close public input. **Vote:** Unanimous. Motion carried.

SPECIAL PRESENTATION:

Presentation of Longevity Awards – July 2024 – 5 Years: William "Ashley" Smith, Recreation; 5 Years: Robert DeGiovine, Public Utilities; 5 Years: Jarred Hucks, Public Utilities; 10 Years: Matthew "Garth" Holt, Police; 10 Years: Ancil "Monty" Martin, Hospitality & Beautification; 10 Years: Bryson Gillig, Hospitality & Beautification; 10 Years: Michael Greene, Recreation (absent); 10 Years: James Floro, Recreation; 20 Years: Lynn Smith, Human Resources; 20 Years: Bryan Williams, Recreation – Emrick and Jordan presented the longevity awards.

FIRST READING:

A. First Reading of Ordinance #ZA2024-08-19 (A) to annex approximately 5 acres of property located at 2493 East Highway 501 (PIN 383-14-02-0002), and rezone from the Horry County Highway Commercial (HC) to the City of Conway Light Industrial (LI) district. Hucks said that this request came about as a result of one of letters sent to several properties a couple of months ago by administration requiring annexation, as they

have now become contiguous to property in the city limits and receive city water and/or sewer. This request was discussed at the July 15th council meeting as well. The application submitted by the applicant is to annex the property as Highway Commercial. The city's future land use map identifies the property as Highway Commercial as well. Planning Commission recommended Light Industrial, based on staff's recommendation, because the current use is not a permitted use in the Highway Commercial district. The property is currently used as a manufactured home sales business. Per the UDO, this use is permitted as a conditional use in the LI and HI districts. The surrounding businesses, Tyson Sign Co. and Extra Space storage, are zoned LI, with Tyson Signs being split zoned LI and HC. Extra Space storage rezoned the property from HC to LI in 2019. While rezoning the property HC upon annexation does not have any implications for how the property is currently being used, it would prevent the business from expanding outside its current footprint. When posting the property for the public hearing, the business owner spoke with staff, and stated that they would potentially be seeking to build a new office onsite, and that could be prohibited if the use is legal nonconforming, as legal nonconforming uses are prohibited from expanding outside of their current footprint. However, being that their office is located within one of the modular units, a site-built office could be considered an improvement to the site, rather than an increase in the level of nonconformity, but that would be a decision that would be left to the zoning administrator or planning director at the time in which plans are submitted. Hucks stated that based on the current use of the property, the surrounding zoning, and knowing that there is another property not far from this one that will be requesting annexation in the near future for the same use that they are also seeking to expand, staff recommends LI for this property.

There was some discussion regarding allowing LI on a major corridor such as Highway 501, the legal non-conforming status and the Future Land Use Map designation.

Motion: Goldfinch made a motion, seconded by Jordan, to approve first reading of Ordinance #ZA2024-08-19 (A) to rezone to the City of Conway Highway Commercial (HC). **Vote:** Butler, Helms, Goldfinch, Jordan voted yes. Hardwick and White voted no. Motion carried with a 4-2 vote.

B. First Reading of Ordinance #ZA2024-08-19 (B) to annex approximately 0.8 acres of property located at 420 Maplewood Circle (PIN 324-06-04-0013), and rezone from the Horry County Residential District (SF40), no mobile homes allowed to the City of Conway Low/Medium Residential (R-1) District. Dennis said that the applicant submitted an annexation and rezoning application on July 3 for the subject property as a requirement to connect to city water and sewer services. The property was transferred into the applicant's name on June 25 of this year. The property is located within the Maplewood subdivision, located between located off of Long Ave Extension. There is an existing single-family residence on the property. The future land use map does identify the property as R-1 and staff does recommend approval.

Motion: Helms made a motion, seconded by Goldfinch, to approve first reading of Ordinance #ZA2024-08-19 (B) as presented. **Vote:** Unanimous. Motion carried.

C. First Reading of Ordinance #ZA2024-08-19 (C) to annex approximately 1.02 acres of property located at 4221 Siwel Road (PIN 295-16-01-0010), and rezone from the Horry County Commercial Forest Agriculture district (CFA) to the City of Conway Low/Medium Residential (R-1) District.

Motion: Goldfinch made a motion, seconded by Jordan, to approve first reading of Ordinance #ZA2024-08-19 (C). **Vote:** Unanimous. Motion carried.

D. First Reading of Ordinance #ZA2024-08-19 (D) to annex approximately 0.34 acres of property located at 5205 Columbia Street (PIN 383-08-02-0045), and rezone from the Horry County Residential District (SF10), no mobile homes allowed to the City of Conway Low/Medium Residential (R-1) District. Dennis said that this annexation and rezoning application was submitted on July 2nd for the subject property as a requirement to connect to city water and sewer services. The property was transferred into the applicant's name on April 5th of 2004. The property is located within the College Park subdivision, located off of Hwy 544. There is an existing single-family residence and two storage buildings on the property. Council has annexed approximately 12 other properties within the College Park Subdivision. The future land use map does identify the property as R-1 and staff does recommend approval.

Motion: Butler made a motion, seconded by Helms, to approve first reading of Ordinance #ZA2024-08-19 (D). **Vote:** Unanimous. Motion carried.

E. First Reading of Ordinance #ZA2024-08-19 (E), amending *Article 4 – Use Tables* and *Article 5 – Specific Use Regulations,* of the City of Conway *Unified Development Ordinance (UDO),* regarding mobile car wash / detailing facilities and/or businesses. Hucks stated that this proposed text amendment was initially discussed at a workshop during the June 17 council meeting. Currently, the UDO combines both car washing and auto detailing facilities as a single use. Car washing facilities are mostly self-serve while auto detailing is done by someone else, and many times, the auto detailer comes to the customer. Even so, per the current ordinance, the use of auto-detailing must adhere to the same standards as car wash facilities, and they are only permitted in the HC, LI and HI districts, with conditions, which include minimum lot size requirements, minimum vehicle stacking lanes, a minimum distance from residential districts, and surface and drainage requirements, even on properties that are zoned appropriately for the use. For car washing facilities, these conditions are appropriate. However, auto-detailing itself tends to be more of a mobile business, unless they are part of a car wash facility. City staff receives requests for business license approval of mobile detailing regularly, and each time, the license is denied because the use is not permitted in general, nor as a home occupation. More recently, staff received a request for a business license for an auto-detailing facility that classifies themselves as a waterless car wash and detailing business, proposed to be located and based in a trade shop in the Commerce Plaza Industrial Park. Even this request was denied because the property, which contains a trade shop with multiple trade shop uses, could not comply with the requirements of the UDO for car wash and detailing facilities under the current ordinance. The proposed amendment seeks to separate mobile car washing and detailing from the car wash facilities section of the UDO, as well as add a section for waterless car wash and detailing facilities, with separate conditions for each.

The amendment would also permit auto-detailing as a home-based business, subject to the conditions of the home-based business ordinance.

Hucks said that another proposed addition to the amendments to Article 5 is to simplify the table of permitted home-based businesses. Rather than list what is permitted as a home-based business, staff proposes to list the types of services or businesses that could be based from the home and not be so specific that it excludes new business types that are always being created. For example, almost every single type of contractor is listed in the table, but those are only office uses. Also currently listed as a permitted use as a home-based business is an auto-wrecker service, although the UDO doesn't address this use anywhere and if someone did apply for a home-based business for an auto wrecker service, it would be necessary to have specific requirements for the use, including where the vehicles would be stored, as storage of vehicles would be limited to the HC, LI and HI districts. However, removing this doesn't affect any that may currently be operating in the city. So, the list of uses would be condensed to 5 categories: Professional Services office; Contractors' office; Online sales of merchandise; Office for mobile vending (such as food trucks); and Mobile auto-detailing office. Technology has enabled many different professions to base their business from their home office rather than leasing a commercial space, as most of their business can be conducted entirely online. The most important condition of a home-based business is that the residence has no outward appearance of being a business and that all business is conducted offsite.

Hucks then added that one more specific detail in the home-based business ordinance that is proposed to be amended is one of the conditions of a home-based business, which currently states that such home-based business shall employ only the business owner and immediate family currently residing at the address. Unfortunately, this is very difficult to enforce. Staff would not have a way of knowing who lives at the address, and the complaints we receive never involve who is working for the business but instead, the number of vehicles or equipment that is parked at the home-based business location by employees of the business. Under the current ordinance, there is nothing that gives staff the ability to use the home-based business ordinance as being violated. The proposed revision to this condition of the ordinance would state "*employees, other than members of the immediate family currently residing at the business address, shall not be permitted to park vehicles, store or park equipment, or meet at the location of the home-based business*."

Hucks said that these amendments were considered by Planning Commission at their July 11 meeting, where a public hearing on the amendments were held and where Planning Commission recommended approval of the amendments. Staff also recommends approval of the proposed amendments.

Motion: Goldfinch made a motion, seconded by Hardwick, to approve first reading of Ordinance #ZA2024-08-19 (E). **Vote:** Unanimous. Motion carried.

F. First Reading of Ordinance #ZA2024-08-19 (F), amending *Article 2 – Definitions,* *Article 5 – Specific Use Regulations,* and *Article 6 – Design Standards,* of the City of Conway *Unified Development Ordinance (UDO),* regarding requirements for corner lots and lots with double frontage. Hucks stated that this amendment was presented at a

council workshop back in May and is being brought forward to provide more clarity to residents or contractors when applying for permits for accessory structures in the hopes of reducing the number of variance requests that are received for accessory structures or fences located in corner front yard or lots that have double frontage. Many lots throughout the city, already existing, have double frontage, which are lots that are adjacent to a roadway in front of and behind the home. Lots with double frontage are no longer permitted to be created; any new developments with lots that are proposed to back up to exterior roadways are required to install a landscape buffer, a minimum of 15' in width with planting equivalent to a Type B buffer, per the landscaping ordinance. Existing lots with double frontage are considered to be legal nonconforming, in that the creation of lots with double frontage is prohibited now, but were, at some point, allowed. For those lots that exist without the buffer, they have no rear yard because those yards are treated as a front yard since they are adjacent to a street. To give an example, fence heights cannot exceed 4-ft in height in front yards. Fences can be up to 8' in height in rear yards, but for lots with double frontage, the fence could not exceed the height that is permitted in front yards, which is 4.' Additionally, accessory structures like storage buildings or swimming pools are not permitted in front yards. A lot with double frontage would not be permitted to have these structures in their double front yard unless a variance is granted to be able to do so. In these cases, the argument could be made to the board that there is a hardship because lots with double frontage are not permitted to be created any longer. The same is true of many existing lots with double frontage that already contain accessory structures or fences exceeding the height limit. If any of these structures needed to be replaced, it would not be permitted to be replaced without first being granted a variance.

Hucks said that the only place that currently contains language prohibiting double frontage is in Article 10, which is the city's land development regulations. Residents who purchase homes or fence contractors typically would have no need to review the land development regulations, as those are typically only applicable to new development, so this amendment will provide a definition for a double front yard, regulations for fences in double front yards, and an illustration of setbacks applicable to corner front and double front yards.

Hucks said that Planning Commission considered the proposed amendments and held the required public hearing at their July 11 meeting, and recommended approval. Staff also recommends approval of the request.

Motion: Hardwick made a motion, seconded by Butler, to approve first reading of Ordinance #ZA2024-08-19 (F). **Vote:** Unanimous. Motion carried.

G. First Reading of Ordinance #ZA2024-08-19 (G), amending *Article 11 – Signage* and *Article 15 – Enforcement,* of the City of Conway *Unified Development Ordinance (UDO),* regarding signs placed on public property and/or within public rights-of-way, as well as violations of the UDO and penalties for such violations. Hucks said that this proposed amendment regarding signs in Right of Ways (ROW) was discussed at council's budget retreat earlier this year and was initially given a favorable recommendation by Planning Commission back in April, which included an amendment to *Section 11.1.3* for removal of signs erected on public property or rights-of-way of the sign ordinance. The amendments proposed included a provision to make each violation of this section a civil infraction, punishable by a fine of $50 per violation, and to authorize

staff to immediately remove and discard signs found to be in violation of the ordinance. One of staffs concerns with the inclusion of the "civil infraction" penalty was how it would be enforced, since the rights of Planning and Zoning officials comes from the comprehensive planning enabling act, which allows violations of zoning or land development regulations to be cited with a uniform ordinance summons, and which has a set penalty in the city's general code. Uniform traffic summons, which are issued by law enforcement, encompass many violations other than traffic violations according to state law, and would have been the best way to address the civil infraction; however, these types of tickets can only be issued by those who have the power to arrest. Planning / Zoning officials, nor Code Enforcement officers, have no such power. Additionally, Article 15 of the UDO specifically states that violations of the UDO would be a misdemeanor offense if found guilty, which starts with the issuance of a uniform ordinance summons being given to the offender.

Hucks stated that staff ultimately reached out to the Municipal Association for clarification, and it was recommended that the penalty of a civil infraction be specified in the UDO. As such, staff added proposed amendments to Article 15 – the Enforcement section of the UDO, to specify that violations of the UDO shall constitute a misdemeanor offense, except where specified as being a civil infraction, and included a section that specifies what the penalty for a civil infraction is.

Hucks said that staff readvertised the amendment and Planning Commission held the required public hearing on the amendment at the July 11 meeting., where they also recommended approval, but with one amendment. The version that has been provided is recommended by Planning Commission. Staff also recommended approval of the amendments, as recommended by Planning Commission.

Motion: Jordan made a motion, seconded by Hardwick, to approve first reading of Ordinance #ZA2024-08-19 (G). **Vote:** Unanimous. Motion carried.

H. First Reading of Ordinance #2024-08-19 (H), to close and abandon an unimproved 25-ft Private Alley and a 35-ft Private Right of Way (PIN 338-09-02-0014, 338-09-02-0011, 338-09-02-0010, 338-09-02-0009, 338-09-02-0008 and 338-09-02-0007). (Hucks)

Hucks stated that per City Code, prior to the closing of any abandoned street, the applicant for such an ordinance is required to publish notice of the proposed closing in 3 issues of a newspaper having general circulation in the city stating description of the street to be closed, and the date which the application is proposed to be presented to council, which should be at least 1 week following the last notice. These properties were annexed last year, zoned Highway Commercial for most of the lots, and Conservation Preservation for a portion of the property in the rear. The applicant is proposing to redevelop the site, which will require that the lots be combined, and in doing so, the private alley and street will also need to be abandoned. The request was advertised in the July 24, July 25, and July 26th issues of the Sun News. The alley and right of way are both private, not public, and are located on property owned by the applicant. Hucks said that staff recommends approval of the request.

Emrick stated that the applicants followed state ordinance requirements by filing a civil action and when approached staff told them that they had to follow our Ordinance which requires an Ordinance with 2 readings. Emrick said that staff has since gotten legal guidance from MASC who believes that council can just consent to this request and not in Ordinance form.

Motion: Helms made a motion, seconded by Goldfinch, to give consent to close and abandon the private alley and street. **Vote:** Unanimous. Motion carried.

CONSIDERATION:

A. Consideration of Bid for Public Works Annual Asphalt Contract – Hyman said that this request is the annual contract for the asphalt resurfacing of the city roads. The city advertised publicly and received two bids. Hyman stated that staff recommends the low bid of King Asphalt.

Motion: Goldfinch made a motion, seconded by Jordan, to approve staff's recommendation and award the bid to King Asphalt. **Vote:** Unanimous. Motion carried.

White asked that the pothole on Smith Street and Sixth Avenue be repaired with this contract.

B. Consideration of a Special Event – Rivertown Reindeer Run – December 7, 2024 – Rogers said that the Conway Rotary Club has applied for the annual Rivertown Reindeer Run. Rogers said that earlier this year Council approved a standard 5K route and the Rotary Club would like to stay with their usual route.

David Welbourne, past president of the Conway Rotary Club explained the special event request. Welbourne stated that the race has been going for 18 years and would like to use their traditional route for the Reindeer Run. Welbourne said that the Rotary Club usually raises $15,000-$20,000 from this event and he then told of how the money is used in the community.

There was some discussion regarding the number of races each year, the extra costs of the traditional route used, the grandfathering of the Reindeer Run, negative impacts with using the standard route, dates of the Reindeer Run and Under the Lights with an advantage of having 2 different routes since so close, costs and neighborhood impacts of the route, becoming a slippery slope where other runs want to use a different route since this was approved.

Welbourne said that the Rotary Club would be willing to help absorb some of the extra costs and would work with the city to make that happen. Emrick said that if the organization was not non-profit, that they would have to pay those costs as the city does that now for a number of events that ask for help.

Goldfinch asked that this be included in the minutes and stated that the next non-profit that has never done a 5K in Conway or comes to Conway and wants to do one has to use the city standard route, as this one he believes as stated earlier should be grandfathered.

Motion: Goldfinch made a motion, seconded by Jordan, to grant the Rotarys request to use their traditional route and have them to work with city staff to make whole and in going forward find money in the budget, not out of the Police budget to make them whole. **Vote:** Unanimous. Motion carried.

C. **Consideration of Emergency Ordinance –** Emrick stated that Hendrick would give an update on Hurricane Debby and that this would also serve as the Administrators report. Hendrick said that Tropical Storm Debby soon to be possibly Hurricane Debby was a very big storm. He then updated Council with the current conditions, timeline, and future predictions of the storm. Hendrick then told Council of the preparations that staff has begun.

Emrick stated that Council had a State of Emergency in front of them and that for any large-scale storm as the city brings in staff for overtime and equipment that costs the city a lot of money. Emrick said that one of the tools in the toolbox is the State of Emergency that allows reimbursement from the Federal Government for a lot of the expenses that the city is faced with. Emrick said that staff has mobilized resources over the weekend and that will count back towards the State of Emergency Declaration. Emrick said that staff has been door to door to residents that have previously flooded and that they may flood again. Emrick said that he hopes that the preparation done since the events in 2016 and 2018 have prepared the city to be in a much better situation today. Emrick then talked about flash flooding and riverine flooding.

Motion: Goldfinch made a motion, seconded by Hardwick, to approve the Emergency Ordinance declaring a State of Emergency due to Hurricane Debby. **Vote:** Unanimous. Motion carried.

Emrick encouraged everyone to follow the city on social media.

CITY ADMINISTRATOR'S REPORT: None

COUNCIL INPUT:

Helms asked that the City Procurement Department reach out to local vehicle dealers and purchase locally in the future. Helms then asked about the 2-hour parking signs downtown. Helms would like to talk about moving the splash pad over by the playground at the Riverwalk. Helms then talked about the great article in the paper about tourism and suggested spending money on advertising on how great our Conway recreation is. Helms hopes all is safe and appreciates all that staff does.

Butler thanked Ashley and his crew along with the other organizations that partnered with the Back-to-School supply give away on Saturday. Butler thanked staff in advance of Hurricane Debby for the preparations. Butler then asked to keep students and teachers in thoughts and prayers as school will soon start back,

Goldfinch said he was grateful for the committed staff as he saw them out yesterday preparing for the storm. Goldfinch congratulated Melissa Jefferson for winning the bronze medal. Goldfinch

asked if Light Industrial is going to be on 4 lane roads can the city ask for landscape requirements out at the road. Goldfinch said that he met with the gentleman that spoke first at public input three times. Goldfinch then told of the enhancement fees that new development will be paying, not the existing citizens and that the subdivisions will be a much better product than if built in Horry County. Goldfinch then told of a house fire recently on Sycamore Street and said that the report came into dispatch at Horry County at 5:07 p.m. Conway Fire Department was not toned out until 5:23 p.m. and he said that is unacceptable. Goldfinch said there were complaints that it took the CFD 20 minutes to get there but it didn't, it took CFD 3 minutes, and he said that had we been notified when the call first came in maybe the fire would not have spread from the shed to the house. Goldfinch then reiterated that it was unacceptable as Conway City residents also pay Horry County taxes.

Hardwick spoke on the splash pad move suggested by Helms said that she liked having two different avenues for the children to be exposed to in the city. Hardwick also thanked the Recreation Department for the book bags for the children. Hardwick echoed what Goldfinch said regarding the new development. Hardwick said that she got the opportunity to go to the Emergency Preparedness training that staff put on as it was great and thinks that the training will pay off with Debby approaching. Hardwick told all to be safe with the storm. Hardwick spoke of the first Rocking on the River saying it was a great event.

White announced that the new Whittemore Park Middle School just opened and that the grand opening was put together very well.

Harwick then spoke of the new Whittemore Park Middle School.

WORKSHOP: Deferred to next meeting.

EXECUTIVE SESSION: **Motion**: Goldfinch made a motion, seconded by Jordan to enter into Executive Session for the following: (A) Discussion Incident to the Employment of a Public Utilities Employee [pursuant to SC Code §3-4-70 (A) (1)]; and (B) Discussion Relative to Contractual Services [pursuant to SC Code §30-4-70 (A) (2)].

RECONVENE FROM EXECUTIVE SESSION: **Motion**: Helms made a motion, seconded by Butler to leave Executive Session. **Vote:** Unanimous. Motion carried.

POSSIBLE ACTION ON MATTERS DISCUSSED IN EXECUTIVE SESSION: **Motion:** White made a motion, seconded by Hardwick to appoint Ted Dudley as Interim Director of Public Utilities for 6 months. **Vote:** Unanimous. Motion carried.

ADJOURNMENT: **Motion:** Goldfinch made a motion, seconded by Helms to adjourn the meeting. **Vote:** Unanimous. Motion carried.

APPROVAL OF MINUTES: Minutes approved by City Council this _____day of _____, 2024.

_____
Alicia Shelley, City Clerk

DATE: AUGUST 19, 2024
ITEM: V.A.

Presentation of Resolution Honoring James Friday

DATE: AUGUST 19, 2024
ITEM: V.B.

Presentation of Employee of the Month for August 2024 – Public Works

DATE: AUGUST 19, 2024
ITEM: V.C.

Presentation of a Proclamation Honoring WMBF News for Earning the National NABJ Award

DATE: AUGUST 19, 2024
ITEM: VI.A.

ISSUE:

Final Reading of Ordinance #ZA2024-08-19 (A) to annex approximately 5 acres of property located at 2493 Hwy 501, (PIN 383-14-02-0002), and rezone from the Horry County Highway Commercial (HC) to the City of Conway Highway Commercial (HC) zoning district.

BACKGROUND:

On June 17th, 2024, the applicant submitted an annexation and rezoning application for the subject property, located at 2493 Hwy 501. The property is currently zoned Horry County Highway Commercial (HC) and is currently the location of the business Clayton Homes. The property is a donut hole along this portion of Hwy 501, and the adjacent parcels have been within the City of Conway for a number of years. The property has a restrictive covenant on file and annexation is being required at this time, in accordance with the conditions of the existing restrictive covenant agreement.

Surrounding uses/Zoning Districts:

The property abuts parcels zoned City of Conway Light Industrial (LI), and City of Conway Highway Commercial. Adjacent uses is a self-storage facility, and Tyson Sign company office space; both of which are zoned LI (Tyson Signs split zoned LI and HC).

CITY OF CONWAY COMPREHENSIVE PLAN:

The future land use map of the *Comprehensive Plan* identifies the entire parcel as *Highway Commercial (HC).*

PLANNING COMMISSION:

Planning Commission recommended approval of the request with staff's recommendation to change the zoning district from Horry County Highway Commercial to City of Conway Light Industrial.

CITY COUNCIL:

Staff initially recommended LI for the property, due to the current use of the property not being a permitted use in the HC district. If zoned HC upon annexation, the current use, although legally established in Horry County, will become legal nonconforming. Additionally, several properties – both adjacent and throughout the city, have either been annexed as LI or been rezoned LI for a particular use. However, the fact that the current use will be legal nonconforming once annexation is complete does not require the property owner to immediately come into compliance with the UDO; it only prohibits expansion of the nonconforming *use*. It would be up to the Zoning Administrator to determine if any future expansions or improvements of the site would be considered an expansion of the nonconforming *use*. Council approved first reading of the request at their August 5th meeting to zone the property HC upon annexation, not LI.

STAFF RECOMMENDATION:

Approve **Final Reading of Ordinance #ZA2024-08-19 (A)**.

ATTACHMENTS: Application; GIS Maps

ORDINANCE #ZA2024-08-19 (A)

AN ORDINANCE TO ANNEX APPROXIMATELY 5 ACRES OF PROPERTY LOCATED AT 2493 HWY 501, (PIN 383-14-02-0002), AND REZONE FROM THE HORRY COUNTY HIGHWAY COMMERCIAL (HC) TO THE CITY OF CONWAY HIGHWAY COMMERCIAL (HC) ZONING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 5 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantage of the municipality.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, and made a part of the City of Conway, South Carolina, to wit:

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 5 acres of property located at 2493 Hwy 501 (PIN 383-14-02-0002), and request to rezone from the Horry County Highway Commercial (HC) district, to the City of Conway Highway Commercial (HC) district.

> This annexation includes all waterways, roads, and rights-of-way adjacent to the property. For a more specific description of said property, see attached map.

SECTION 2. APPLICATION OF ZONING ORDINANCE:

The property is admitted as Highway Commercial (HC) area under the zoning laws of the municipality.

SECTION 3. EFFECTIVE DATE:

The annexation is effective as of the date of the final reading of this Ordinance.

AND BE IT FURTHER ORDAINED that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

RATIFIED BY CITY COUNCIL, duly assembled, this_____day of _____, 2024.

Barbara Jo Blain, Mayor	Larry A. White, Mayor Pro Tem
Amanda Butler, Council Member	William M. Goldfinch IV, Council Member
Julie Ann Hardwick, Council Member	Beth Helms, Council Member
Justin D. Jordan, Council Member	ATTEST: Alicia Shelley, City Clerk

First Reading: 8/5/2024

Final Reading: _____



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9890 fax

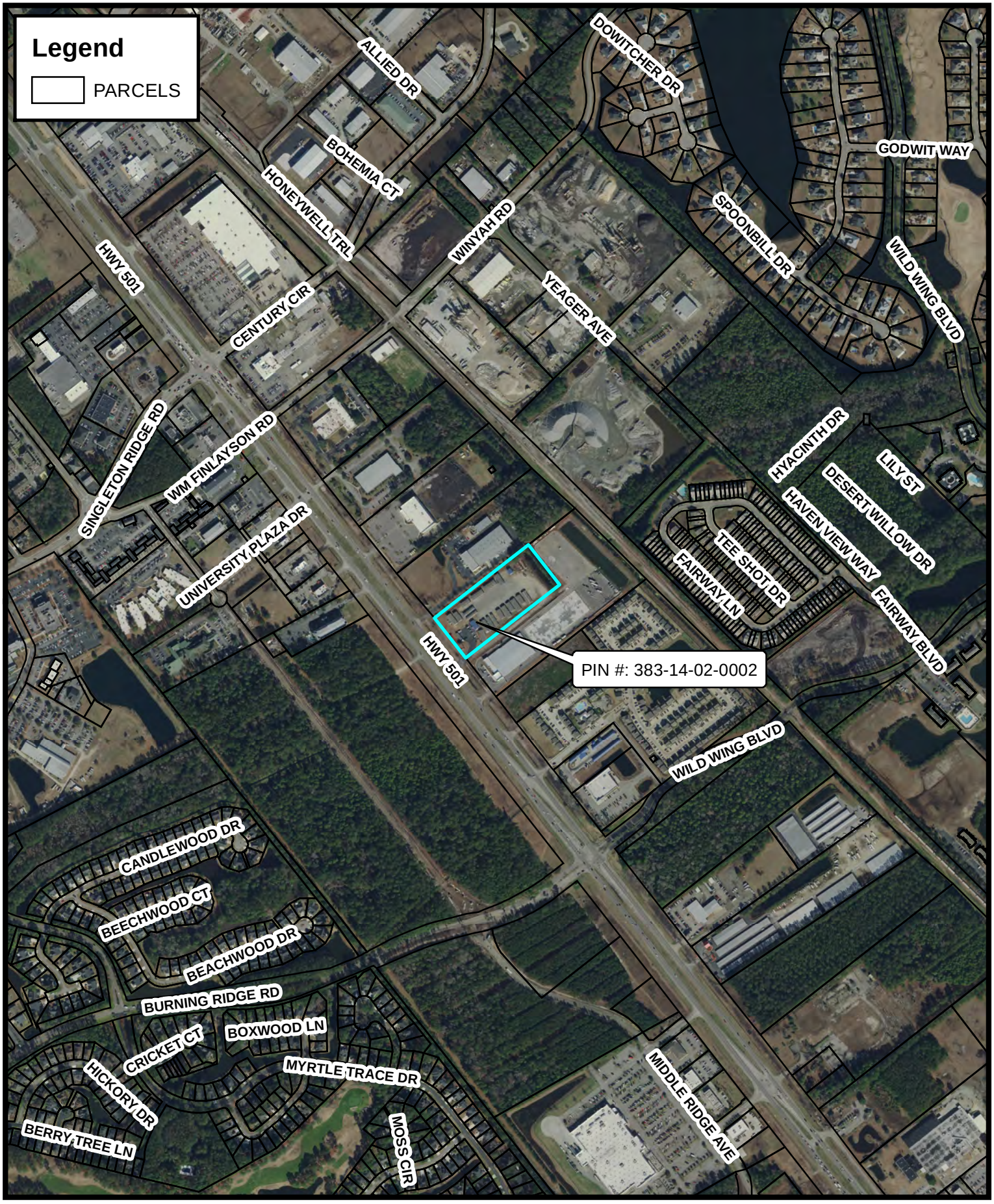
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 383-14-02-0002
TMS #: 151-00-03-049
2493 E HWY 501 (CLAYTON HOMES)
(P24-0155)

City of CONWAY SOUTH CAROLINA

Date: 6/18/2024 Time: 10:32:39 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!2024\2493 E HWY 501 - Clayton Homes\GIS\ZOOMED IN AERIAL MAP FOR 2493 E HWY 501 CLAYTON HOMES.mxd



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9890 fax

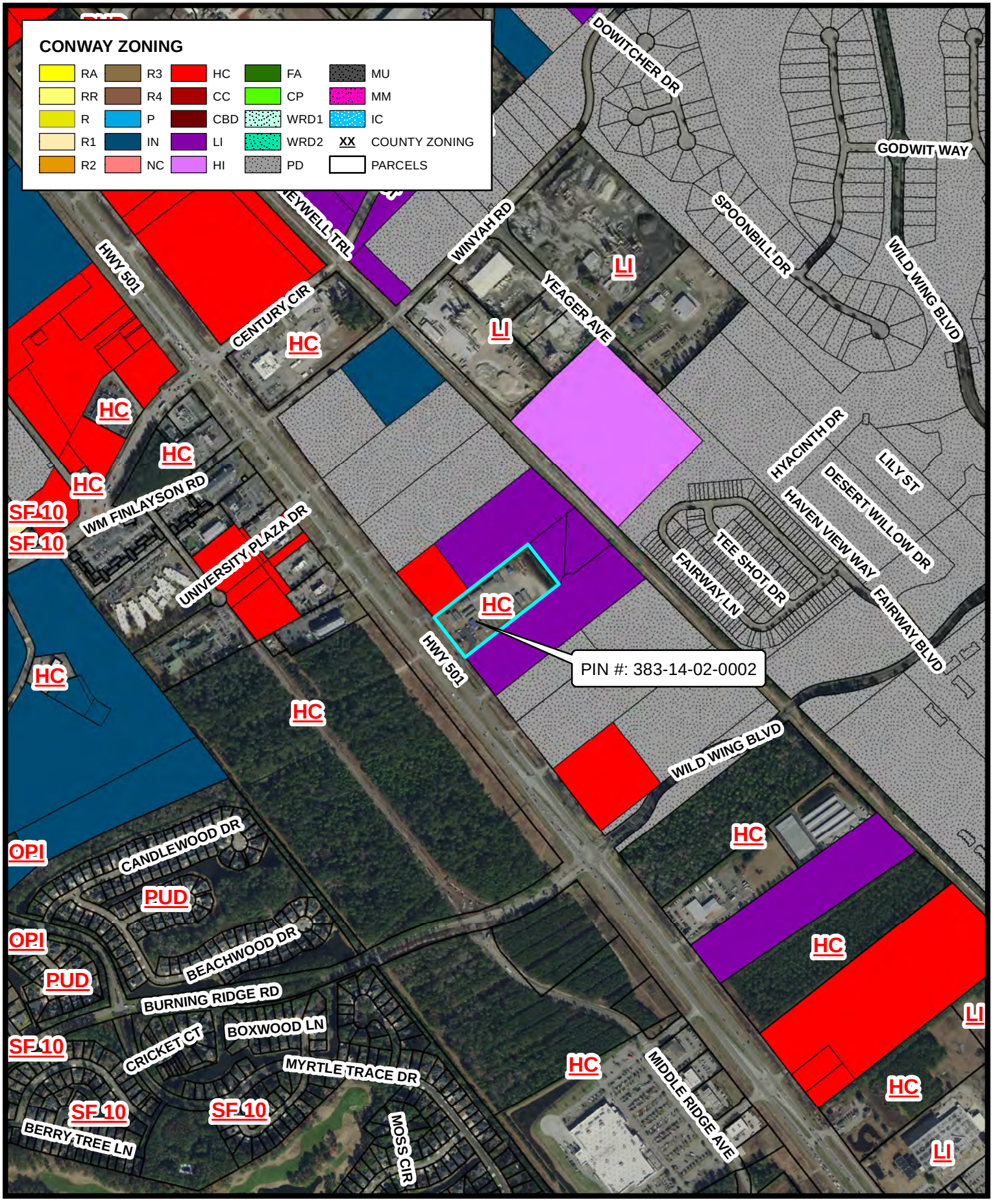
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N

PIN #: 383-14-02-0002
TMS #: 151-00-03-049
2493 E HWY 501 (CLAYTON HOMES)
(P24-0155)

City of CONWAY SOUTH CAROLINA

Date: 6/18/2024 Time: 10:31:43 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!2024\2493 E HWY 501 - Clayton Homes\GIS\ZOOMED OUT AERIAL MAP FOR 2493 E HWY 501 CLAYTON HOMES.mxd



City of CONWAY GIS

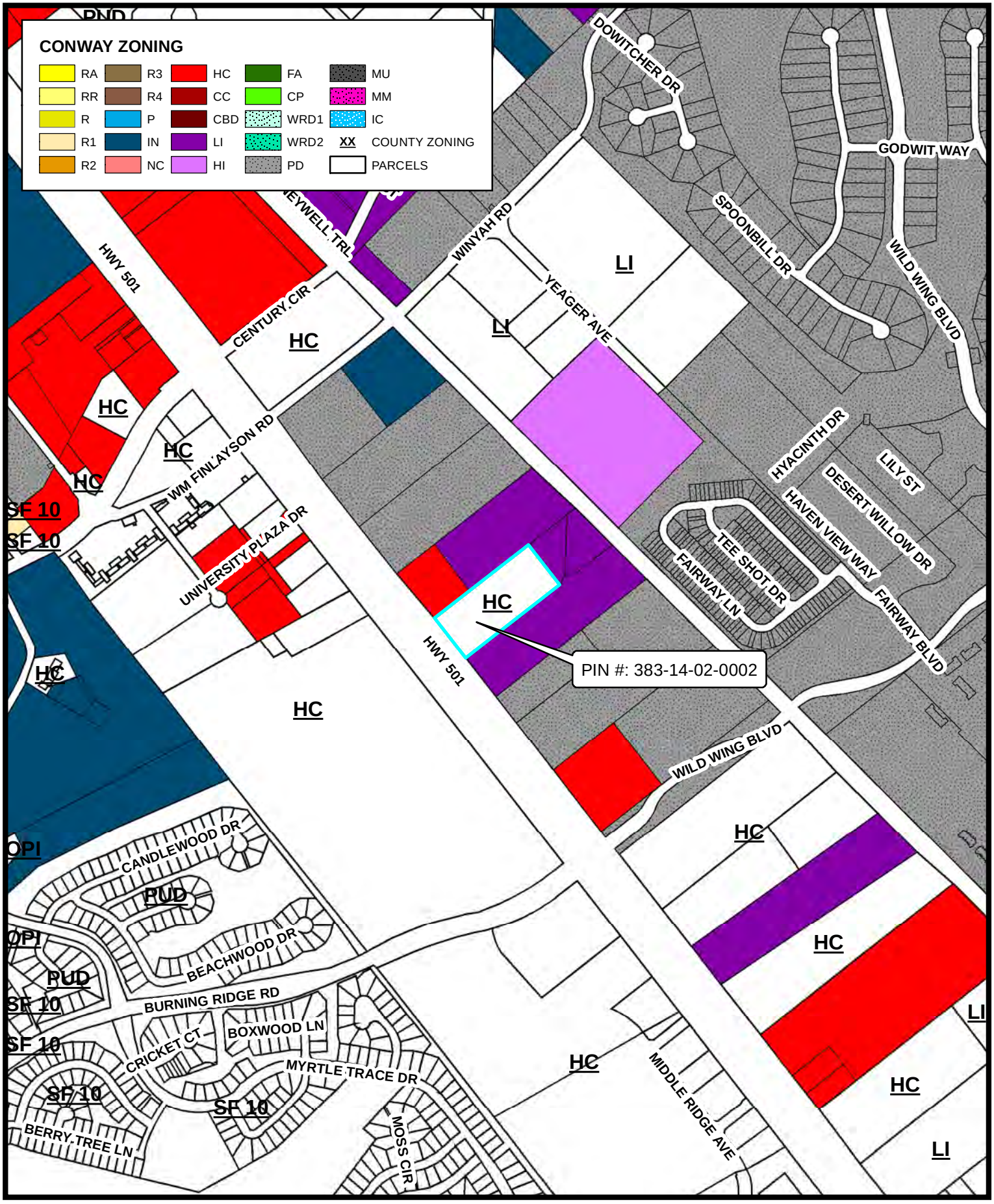
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 383-14-02-0002
TMS #: 151-00-03-049
2493 E HWY 501 (CLAYTON HOMES)
(P24-0155)

City of CONWAY SOUTH CAROLINA

Date: 6/18/2024 Time: 10:25:39 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!2024\2493 E HWY 501 - Clayton Homes\GIS\ZONING MAP FOR 2493 E HWY 501 CLAYTON HOMES.mxd

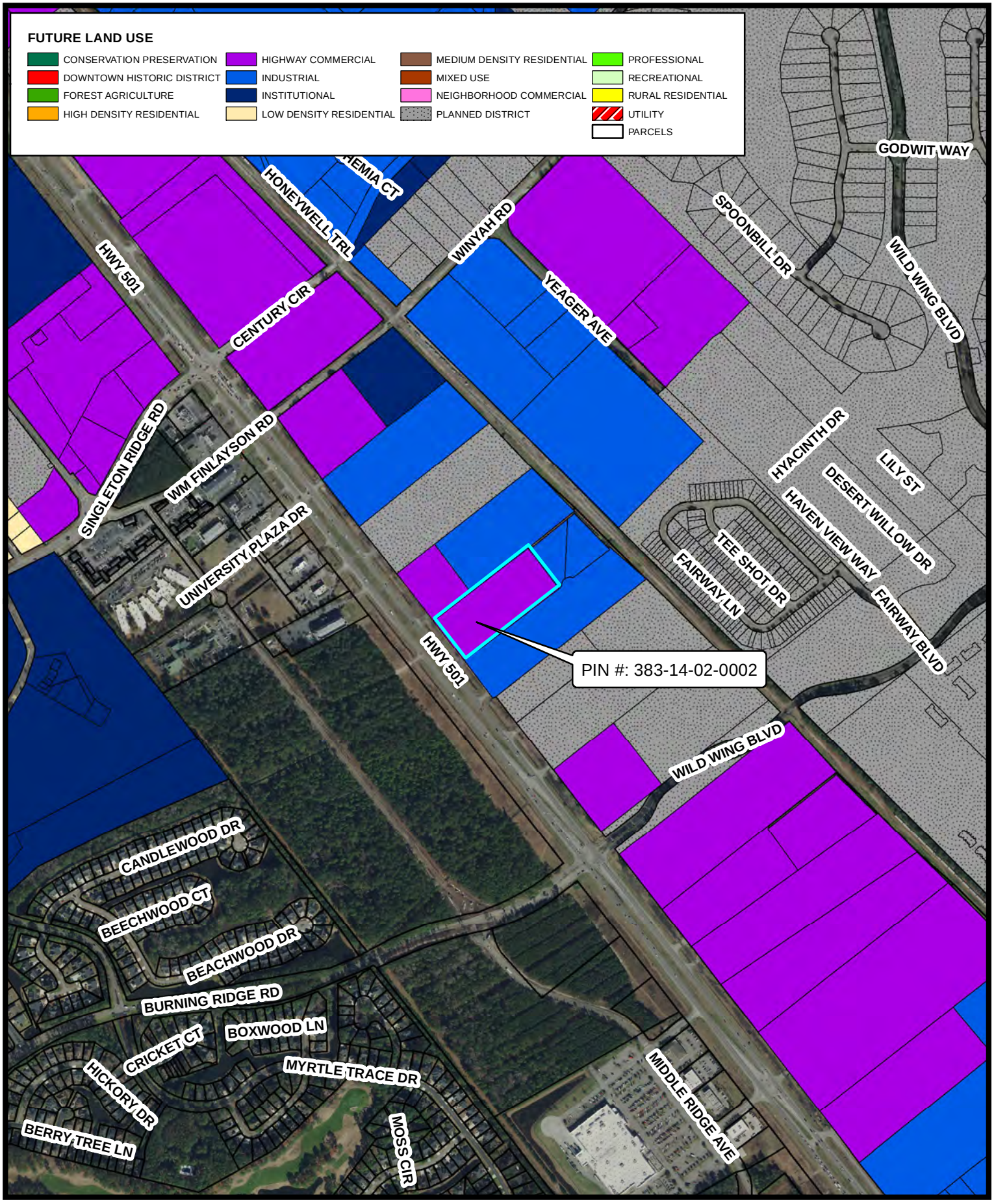


Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 383-14-02-0002
TMS #: 151-00-03-049
2493 E HWY 501 (CLAYTON HOMES)
(P24-0155)

Date: 6/18/2024 Time: 10:26:52 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!2024\2493 E HWY 501 - Clayton Homes\GIS\ZONING MAP FOR 2493 E HWY 501 CLAYTON HOMES.mxd



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9890 fax

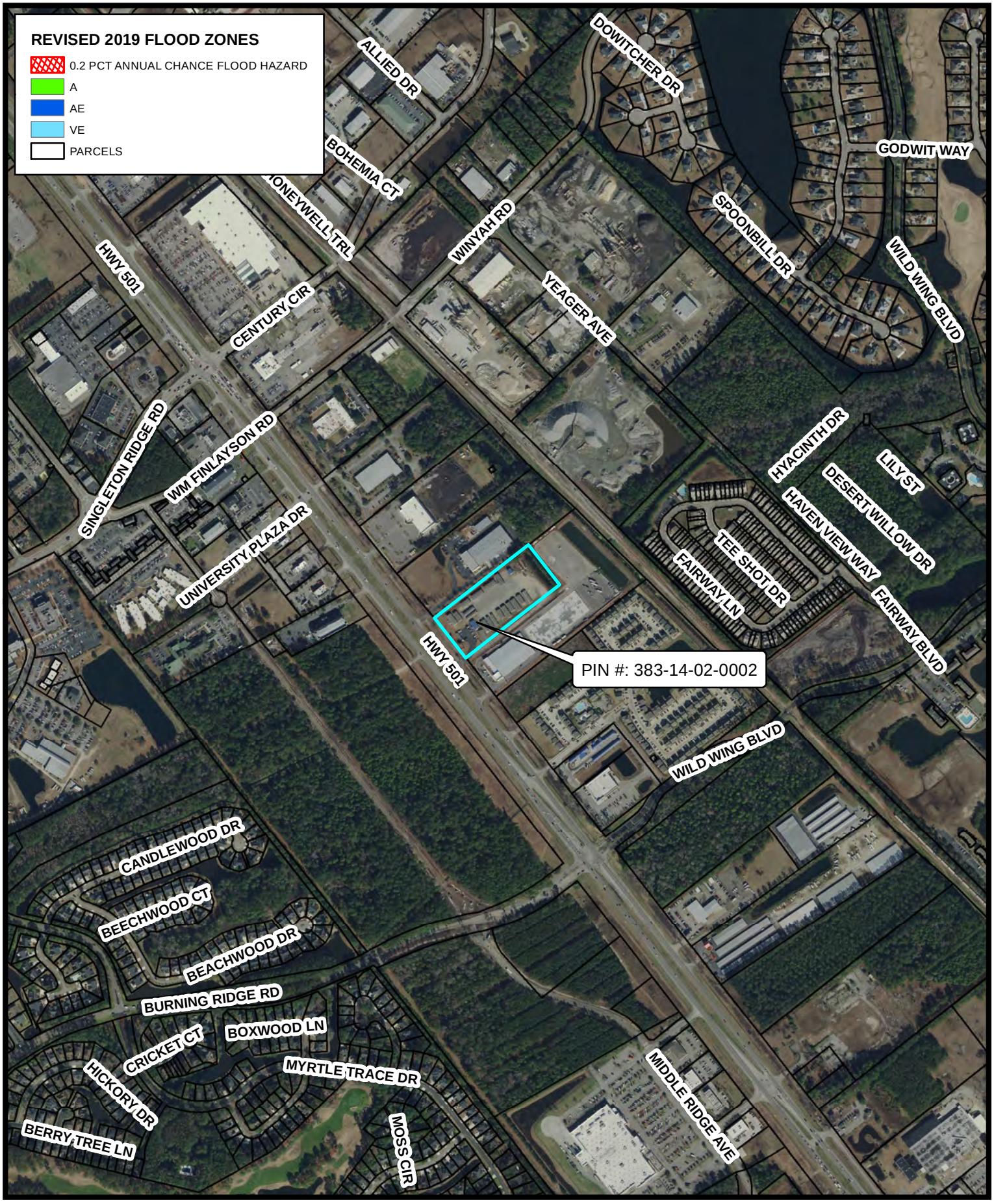
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PIN #: 383-14-02-0002
TMS #: 151-00-03-049
2493 E HWY 501 (CLAYTON HOMES)
(P24-0155)

City of CONWAY SOUTH CAROLINA

Date: 6/18/2024 Time: 10:28:22 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!2024\2493 E HWY 501 - Clayton Homes\GIS\FUTURE LAND USE MAP FOR 2493 E HWY 501 CLAYTON HOMES.mxd



City of CONWAY GIS
2960 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-5888 ph (843) 488-9830 fax

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PIN #: 383-14-02-0002
TMS #: 151-00-03-049
2493 E HWY 501 (CLAYTON HOMES)
(P24-0155)

City of CONWAY SOUTH CAROLINA

Date: 6/18/2024 Time: 10:30:09 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!2024\2493 E HWY 501 - Clayton Homes\GIS\FLOOD ZONE MAP FOR 2493 E HWY 501 CLAYTON HOMES.mxd

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MAYOR
Barbara Jo Blain-Bellamy

MAYOR PRO TEM
Larry A. White

City of CONWAY
SOUTH CAROLINA

ADMINISTRATION

COUNCIL MEMBERS
Amanda Butler
William M. Goldfinch IV
Julie Ann Hardwick
Beth Helms
Justin D. Jordan

June 7, 2024

CMH Homes Inc
Retail Prop Dept #295
Maryville TN 37802-9790

Re: PIN # 383-14-02-0002 Legal Description: ; LOT B

Your property is adjacent to Conway City Limits, and the City of Conway is requesting you to annex into the City limits and rezone it from Horry County Highway Commercial (HC) zoning district to City of Conway Highway Commercial (HC) zoning district.

The annexation process is not complicated, and all associated fees will be waived. Staff will walk you through the entire process. For most single-family residential homes, the annexation process includes two readings of the annexation request at City Council. For all other uses, the annexation process requires City of Conway Planning Commission approval in addition to the two City Council readings.

To begin the process, you will need to fill out the attached forms. We have already filled out some portions for you; please fill out the remaining portions. On the Zoning Map Amendment Application, we have added our recommendation for the "Requested Zoning Classification". You can contact the Planning Department to discuss the requested zoning classification and its allowed uses at 843-488-9888. Once the forms have been completed, they can be sent via email to aemrick@conwaysc.gov or mailed to the address below:

City of Conway
Attn: Adam Emrick
PO Drawer 1705
Conway, SC 29528
(843) 488-248-1760

Please call if you have any questions, and we look forward to welcoming you to the City of Conway!

Sincerely,

Adam Emrick
City Administrator

229 Main Street ◊ Post Office Box 1075
Conway, South Carolina 29528-1075
Telephone (843) 248-1760 ◊ Fax (843) 248-1769
www.cityofconway.com

DocuSign Envelope ID: E6FA0B9A-B8A6-49FE-8D20-64DDDC80C0D7

Pros of Annexation into the City:

1. **Decreased Water Rates:** Upon incorporation into the city, water rates are slashed, offering significant savings on water consumption for residents and businesses alike.

2. **Improved Garbage Collection Services:** Enjoy more efficient and cost-effective garbage collection services, ensuring cleaner neighborhoods and reducing environmental impact.

3. **Discounted Rates for Commercial Dumpster Services:** Businesses benefit from discounted rates for both dumpster rentals and purchases, helping to manage waste disposal costs effectively.

4. **Lower Fire Insurance Premiums:** Annexation into the city results in lower fire insurance premiums for property owners, contributing to overall cost savings and improved safety measures.

5. **Community Representation:** Residents gain a voice in local governance and decision-making processes, ensuring their interests are represented and addressed by elected officials.

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PETITION FOR ANNEXATION

Staff Use Only
Received:
BS&A #:

City of Conway Planning
Department 196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

STATE OF SOUTH CAROLINA)
) **PETITION FOR ANNEXATION**
COUNTY OF HORRY)

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

PROPERTY LOCATION/SUBDIVISION: ; LOT B

PIN: 383-14-02-0002 ACREAGE: 5

PROPERTY ADDRESS: 2493 W HWY 501, Conway, SC 29526

PROPERTY OWNER MAILING ADDRESS: CMH Homes, Inc. POB 4098 MARYVILLE TN 37802-9790

PROPERTY OWNER TELEPHONE NUMBER: 865 380 3000

PROPERTY OWNER EMAIL: RTLLICENSE@CLAYTONHOMES.COM

APPLICANT: CMH HOMES, INC. dba CLAYTON HOMES #295

APPLICANT'S EMAIL: RTLLICENSE@CLAYTONHOMES.COM IS

THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES ☐ NO ☐

IF NOT: PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDIGNING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

(Print)	(Signature)	DATE:
Larry Carter	Larry Carter	6/17/2024
(Print)	(Signature)	DATE:

DocuSign Envelope ID: E6FA0B9A-B8A6-49FE-8D20-64DDDC80C0D7

Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received:_____
BS&A #:_____

City of Conway Planning Department
196 Laurel Street, 29526
Phone: (843) 488-9888
Conway, South Carolina
www.cityofconway.com

Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of $250.00 at the time this application is submitted. Planned Development rezonings are $2,500.00 and Planned Development Amendments are $500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: 2493 W HWY 501, Conway, SC 29526 FEE PAID ( ) YES ( ) NO

AREA OF SUBJECT PROPERTY (ACREAGE): 5 PIN: 383-14-02-0002

CURRENT ZONING CLASSIFICATION: Horry County Highway Commercial

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Highway Commercial

REQUESTED ZONING CLASSIFICATION: City of Conway Highway Commercial

NAME OF PROPERTY OWNER(S):

CMH HOMES INC PHONE # _____

_____ PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

CMH HOMES, INC.dba Clayton Homes #295

PO Box 4098, Maryville, TN 37802

****

I (we) the owner(s) do hereby certify that all information presented in this *Zoning Map Amendment Application* is correct.

Larry Carter 6/17/2024

PROPERTY OWNER'S SIGNATURE(S) DATE

PROPERTY OWNER'S SIGNATURE(S) DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

DATE: AUGUST 19, 2024
ITEM: VI.B.

ISSUE:

Final Reading of Ordinance #ZA2024-02-05 (B) to annex approximately 446+/- acres of property, located at or near the corner of Hwy 378 & Juniper Bay Rd, Hwy 378 & Airport Rd, and on Dunn Shortcut Rd (PIN's 336-00-00-0043, -0044, -0045, 336-13-04-0006, 336-14-04-0011, 336-15-03-0003, 337-00-00-0009, 337-08-01-0004, 370-00-00-0011, and 370-04-01-0004), and rezone from the Horry County Commercial Forest Agriculture (CFA) district, Horry County Highway Commercial (HC) district, Horry County Residential, no mobile homes allowed (SF40) district, the City of Conway Heavy Industrial (HI) district, and City of Conway Low/Medium-Density Residential (R-1) district, to the City of Conway Planned Development (PD) district.

BACKGROUND:

Updated:

The applicant is seeking to annex and/or rezone the aforementioned properties for the purposes of developing as a Planned Development (PD). Also proposed is a Development Agreement for the subject property. The properties total approximately 446 acres, and are currently zoned Horry County CFA, SF40 and HC, and City of Conway HI and R-1. This is a revised request of the project formerly known as the "Tributary" PD. Now called "*Brookhaven*", the revised request now excludes two (2) parcels located on Dayton Drive from the project. Other revisions have also been made to address concerns that have been relayed by staff and Council. Below is a list of comments that were relayed by Council earlier this year at budget retreat:

- Density: Tracts R-4 and R-5 (R-4 located on Dayton Dr. & R-5 located on Dunn Shortcut Rd) should be developed and/or zoned Low/Medium-Density Residential (R1) to be consistent with density of adjacent properties. These tracts were removed from the PD.
- Park: Additional details on the park needed (i.e. amenities, layout, parking, etc.). This park should be a high-quality city park since the location of the park is not currently centrally or ideally located. Details provided in DA and was relocated to be more central to the development; however, there is concerns regarding the connection between the new park location and the proposed canal trail.
- Flex tract(s): The flex tract(s) closest to Hwy 378 should be reserved for all commercial, not residential. Remove the flexibility of the tract(s). Flex tracts on Hwy 378 reclassified.
- ~~Trail system: Need additional details on the trail system. Trail should connect around the entire perimeter of the property so it can be connected immediately and not wait for future property acquisitions.~~
- Road through City Shops: Remove the proposed road/access going through the City shop complex. Done.

- Proposed lot widths: there are concerns with the proposed lot widths for some of the lots; however, lot widths are acceptable if quality design and aesthetics are assured and provided that design is regulated internally. Lot widths revised.
- Municipal Improvement District (MID): no additional comments at this time. Status unknown.
- Enhancement fees: Fees will be required to be included in DA. Fees added to both the PD and DA.

The proposed development will be accessed from Hwy 378, Juniper Bay Rd, and Dunn Shortcut Rd. The proposed PD will also be bound by a Development Agreement; a draft of which is also included.

Proposed Density:

The previous project, Tributary, had a proposed density of 1,459 units, which included single-family detached, single-family attached (townhomes) and duplex units, with the option of an additional 300 multifamily units on one of the flex tracts, which would have brought the total number of units proposed to 1,767. With the removal of the properties on Dayton Drive (tracts R-3 and R-4) being included in the PD along with the removal of the multifamily option on the flex tracts, the revised number of units has **decreased to 1,261**. The residential dwelling types that are proposed remain unchanged. Tracts previously labeled R-1, R-2, and R-5 have been renamed to SF-1, SF-2, and SF-3. Tracts R-3 and R-4 were removed from the PD.

Other changes include, but are not limited to:

- Road removed that went through the city shop complex;
- Park relocated to a more central location;
- Neighborhood amenity center moved to a more central location;
- Flex tracts near the corner of Hwy 378 and main entrance removed (one tract now C-3 (commercial) and the other flex tract converted to additional single family residential.

THE FOLLOWING PAGE PROVIDES A TABLE SHOWING TRACT DENSITIES AND DIMENSIONAL STANDARDS

Permitted Uses & Dimensional Standards *(also amended to include requested revisions recommended by PC)*

Property (Tract)	Use / dwelling type(s)		Dimensional Standards[2, 3]
SF-1	Single-family (SF[1]) detached	634	**SF DETACHED – ~~35'~~ 37' lot width** Lot depth: 110' Lot size: ~~3,850~~ **4,070** sf Setbacks: Front – ~~15'~~ **20'**; Side – 5'; Rear – 20'; Corner front – 10'
	Duplex (SF semi-attached)	92	
	Total Units SF-1	**726**	**SF DETACHED – 40' lot width** Lot depth: 120' Lot size: 4,800 sf Setbacks: Front – ~~15'~~ **20'**; Side – 5'; Rear – 20'; Corner front – 10'
SF-2	Single-family (SF) detached	265	
	Duplex (SF semi-attached)	46	
	Total Units SF-2	**311**	**SF DETACHED – 50' lot width** Lot depth: 120' Lot size: 6,000 sf Setbacks: Front – ~~15'~~ **20'**; Side – 5'; Rear – 20'; Corner front – 10'
SF-3	Single-family (SF) detached	200	
	Duplex (SF semi-attached)	14	**SF SEMI-ATTACHED (DUPLEX) – 34' lot width** Lot depth: 120' Lot size: ~~3,700~~ **4,080** sf Setbacks: Front – ~~15'~~ **20'**; Side(s) – 0'/5'; Rear – 20'; Corner front – 10'
	Total Units SF-3	**214**	MAXIMUM BLDG. HEIGHT: 40'
Flex Tract F-1	Commercial (Highway Commercial uses)		Lot width: 80' Lot depth: 100' Lot size: 8,000 sf Setbacks: Front – 30'; Side – 15'; Rear – 20'; Corner front – 20' Max bldg. height: 65'
	Townhome (SF attached)		Lot width: 18' Lot depth: 100' Lot size: 1,800 sf Setbacks: Front: ~~15'~~ **20'**; Side – 0'/5'; Rear – 20'; Corner front – 10' Max bldg. height: 40'
	Total (residential) units Tract F-1	**10**	
C-1	Highway Commercial (HC)		Lot width: 80' Lot depth: 100' Lot size: 8,000 sf Setbacks: Front – 30'; Side – 15'; Rear – 20'; Corner front – 20' Max bldg. height: 65'
C-2	Highway Commercial (HC)		*Same as above*
	Light Industrial (LI)		Lot width: 75' Lot depth: 200' Lot size: 15,000 sf Setbacks: Front – 30'; Side – 20'; Rear – 20'; Corner front – 25'
C-3	Highway Commercial (HC)		*Same standards as in F-1, C-1 and C-2*
City Park	Park		NA
	Total number of residential units	**1,261**	

Footnotes:

1 **SF** = Single-Family

2 **Duplex semi-attached** shall have a 0' side wall setback where common walls are utilized.

3 **Commercial uses** in Flex & Commercial districts have 0' side-to-side minimums when lot lines are internal to differing tenants in same building.

ADDITIONAL INFORMATION PREVIOUSLY PROVIDED:

COMPREHENSIVE PLAN

The City's Future Land Use Map identifies these properties as the following:

PIN's 336-00-00-0043, -0044, -0045, and 370-00-00-0011: identified as ***Industrial*** on the future land use map. The future land use map does not distinguish between Light and Heavy Industrial.

> Per *Section 3.2.13* of the UDO, *the intent of the **Light Industrial (LI)** district is to provide for light industrial uses, such as manufacturing, processing, repairing of goods, wholesaling, storage, packaging, distribution, and retailing while ensuring adjacent and nearby properties are not adversely impacted*.
>
> Per *Section 3.2.14* of the UDO, *the intent of the **Heavy Industrial (HI)** district is to accommodate areas for heavy manufacturing, distribution, and processing*.

PIN's 336-13-04-0006, 336-15-03-0003, 336-14-04-0011, and 370-04-01-0004: identified as ***Highway Commercial (HC)*** on the future land use map.

> 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*.

PIN's 337-00-00-0009 and 337-08-01-0004: identified as ***Low-Density Residential*** on the future land use map.

> Per *Section 3.2.17* of the UDO, *the intent of the **low-density residential** district is to provide for the preservation and expansion of areas for low density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area*.

CURRENT ZONING OF PROPERTY

Current Zoning of properties currently in the county's jurisdiction include: Commercial Forest Agriculture (CFA), Highway Commercial (HC), and Residential, no mobile homes allowed (SF40).

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 **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.

The **SF40 district** is *intended to be utilized in areas when, due to its remoteness, the impermeability of soil, soil characteristics or the absence of the necessary urban services, development or higher density is undesirable or infeasible. A primary objective of the one-acre residential district is to prevent undesirable urban sprawl and to exclude land uses which demand a level of urban services which are impossible to provide.*

PROPOSED ZONING OF PROPERTY

The requested zoning designation upon annexation is (City of Conway) 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*.

PUBLIC UTILITIES

Water / Sewer Availability: This project is within the City's utility service area.

TRAFFIC IMPROVEMENTS

The following traffic improvements were recommended in the "draft" traffic impact analysis provided in 2023, and later updated in June 2024. The same improvements were recommended.

Phase 1 (by 2029):

- US Hwy 378 & Juniper Bay Rd
  - Install an exclusive eastbound left-turn lane along Hwy 378
  - Install an exclusive westbound right-turn lane along Hwy 378
- US Hwy 378 & Airport Rd / Project Driveway #1
  - Install a signal when warranted
  - Install an exclusive left-turn lane on all approaches
  - Install an exclusive westbound right-turn lane along Hwy 378

Phase 2 (by 2034):

- US Hwy 378 & Dirty Branch Rd / Project Driveway #2
  - Install a signal when warranted
  - Install exclusive left-turn lanes on all approaches
  - Install an exclusive westbound right-turn lane along Hwy 378

- Dunn Shortcut Rd & Project Driveway #4
  - Install an exclusive westbound left-turn lane along Dunn Shortcut Rd
- Widen US Hwy 378 (from two-lane to five-lanes) from west of project driveway #2 to Dayton Drive (from Dayton Drive to Dirty Branch Rd)

HORRY COUNTY AIRPORT OVERLAY ZONE

The property is within the County's Airport Environs Overlay Zone. This overlay, per the County's Zoning Ordinance, exists to ensure current operations and future expansions of the County's publicly owned and operated aviation facilities are not hindered by encroachment of structures or objects into required aircraft approach paths or airspace.

Additionally, ***SC Code of Laws, Title 55, Ch. 13 – Protection of Airports and Airport Property***, states the following:

> *Land use decisions by county and municipal governments and local agencies shall take into account the presence of airport land use zones and airport safety zones and consult with the division, when possible, prior to making land use decisions within airport land use zones and airport safety zones. If the division provides comments, within 30 days, the governmental body must respond substantively in writing to each comment, separately stated before the issuance of the permit or approval. If the division believes the proposed project may have a substantial impact on aviation safety, create an imminent or foreseeable hazard to aviation safety, or result in a nuisance or an incompatible land use, the division may seek relief, including enjoining the activity or abatement of the condition giving rise to the division's comments.*

While the City does not currently have an airport overlay adopted for this area, because there is state law addressing the issue, state law will take precedence. The Conway Airport on Hwy 378 is under the purview of the Horry County Division of Airports.

Staff notified Horry County in accordance with the state law in 2023. The County's attorney recommended that the city defer to the county's airport overlay and zoning requirements for the proposed development within the Airport Environs Overlay. They also informed staff that a large national flight school has recently selected Myrtle Beach International Airport for the establishment of their east coast campus and has since began operations and anticipates that there would be an increase in operations at the Conway Airport, which would include the additional use by student pilots.

PLANNING COMMISSION / CITY COUNCIL MEETINGS:

NOVEMBER 2023 PLANNING COMMISSION MTG:

The public hearing was held. Several people spoke in opposition to the request. Their concerns included traffic congestion, lack of infrastructure, stormwater & flooding, and density. PC deferred the requests

(annexation/rezoning and development agreement) so that a workshop could be held with the applicants for additional discussion.

DECEMBER 2023 PLANNING COMMISSION WORKSHOP:

Discussion from the workshop held included the following (more in-depth comments previously provided):

- Flex districts (F-1; F-2 tracts) and multifamily use/density;
- Stormwater concerns – the need for a detailed stormwater management plan and/or downstream analysis;
- Width of streets in development, as shown on road profiles;
- Requested modifications from the residential design standards;
- Roadway going through the city shop complex;
- Connection from the R-5 tract fronting on Dunn Shortcut Rd to the remainder of the development;
- Connection (interconnectivity requirement) through the Macala Acres subdivision;
- Lot sizes/lot widths proposed throughout the development;
- Landscape buffers / trail connection(s);
- Distance from the closest fire station;
- Fire training facility at City shop complex

JANUARY 2024 PLANNING COMMISSION MTG:

Planning Commission recommended approval of the annexation and rezoning of the subject properties, with amendments, and for all outstanding staff comments to be addressed.

JULY 15th CITY COUNCIL MEETING:

At the July 15th Council meeting, the applicants requested first reading of the request, with the understanding that **1)** there will be a workshop held at the same meeting in which first reading is given; and **2)** final reading cannot occur until after Planning Commission has provided a recommendation on the revised request and all comments (TRC, Staff, PC, or Council comments) have been addressed and/or satisfied.

AUGUST 1st PLANNING COMMISSION MEETING:

Planning Commission held a public hearing on the request at their August 1st meeting. Several people spoke in opposition to the request. Concerns that were expressed during public input included but were not limited to: density, stormwater runoff / flooding, lack of infrastructure to support the development, and traffic along Hwy 378, Juniper Bay Rd and Dunn Shortcut Rd. Planning Commission recommended approval, but with the following amendments/revisions, in addition to addressing all outstanding comments from TRC:

1. Address the connectivity issue between the location of the city park and the trail location, including the parking for the trail access;
2. Revise front yard setbacks to be a minimum of 20-feet;
3. Revise the 35-ft lot width for the single-family detached dwellings to be a minimum of 37-ft;
4. A maximum of 12% of the single-family detached lots to have a lot width of 37-ft.

Final points to consider:

- The property is within the city's utility service area, and annexation is required to be requested (for parcels not already in the city limits). It does not have to be annexed as the applicant's desired zoning designation. The default zoning upon annexation is "R", and under the R designation (low-density residential), the applicants could utilize the conservation subdivision design when developing. Under a conservation subdivision design, the lot sizes would be required to be 6,000 sq. ft. vs. the 10,000 sq. ft. lot size requirement, and the min. lot width required would be 60' rather than the 100' lot width required under the R zoning. However, through default zoning, many of the items being required to be provided by the developer would not be installed, and furthermore, while lot sizes may be larger, it does not necessarily reduce overall density and could result in more widespread sprawl of the property through the development of more single-family lots with more overall impervious area.
- A Planned Development (PD) district provides for large-scale, quality development projects with mixed land uses which create a superior environment through unified development and provides for the application of design ingenuity while protecting surrounding developments.
- In addition to Planning Commission's recommended revisions, staff made the following observations and comments upon additional review of the PD document:
    - Conveyance of real property – City Park / Trail System [Section 1 (G)] – the language should be updated specifying that the property will be "dedicated" to the city, with all associated costs of doing so at developer's expense, not the city's.
    - Tree Preservation language needs to be revised in Section 1 (I) of the PD narrative to ensure that all trees identified as being protected or landmark trees per the City's tree preservation ordinance, as in effect at the time of plan submittal, shall be provided before at the time plans are submitted for each development, and will also be applicable to mass grading plans.
    - Roadway Improvement Table (in PD and DA) need to include the correct triggers for installation of road improvements.
    - Other revisions as included in the revisions previously emailed to applicants.

STAFF RECOMMENDATION:

Staff recommends approval of **Final Reading of Ordinance #ZA2024-02-05 (B)**.

ATTACHMENTS:

- PD Narrative w/ exhibits (updated August 2024);
- Master Plan (updated July/August 2024);
- Development Agreement *(draft)*, as amended
- ***NEW*** - Stormwater downstream analysis exhibit
- GIS maps

ORDINANCE #ZA2024-02-05 (B)

AN ORDINANCE TO ANNEX APPROXIMATELY 446 +/- ACRES OF PROPERTY, LOCATED AT / NEAR THE CORNER OF HWY 378 & JUNIPER BAY RD, HWY 378 & AIRPORT RD & ON DUNN SHORTCUT (PIN's 336-00-00-0043, -0044, -0045, 336-13-04-0006, 336-14-04-0011, 336-15-03-0003, 337-00-00-0009, 337-08-01-0004, 370-00-00-0011, and 370-04-01-0004), AND REZONE FROM THE HORRY COUNTY COMMERCIAL FOREST AGRICULTURE (CFA), HIGHWAY COMMERCIAL (HC); RESIDENTIAL, NO MOBILE HOMES ALLOWED (SF40), THE CITY OF CONWAY HEAVY INDUSTRIAL (HI), AND LOW/MEDIUM-DENSITY RESIDENTIAL (R-1) DISTRICTS TO THE CITY OF CONWAY PLANNED DEVELOPMENT (PD) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 486 +/- (total) acres of property described herein and represented on a map.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, and made a part of the City of Conway, South Carolina, to wit:

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 446 +/- acres of property, located at or near the corner of Hwy 378 & Juniper Bay Rd, Hwy 378 & Airport Rd, and on Dunn Shortcut Rd (PIN's 336-00-00-0043, -0044, -0045, 336-13-04-0006, 336-14-04-0011, 336-15-03-0003, 337-00-00-0009, 337-08-01-0004, 370-00-00-0011, and 370-04-01-0004), and rezone from the Horry County Commercial Forest Agriculture (CFA), Highway Commercial (HC), Residential, no mobile homes allowed (SF40), the City of Conway Heavy Industrial (HI) and Low/Medium-Density Residential (R-1) districts to the City of Conway Planned Development (PD) district;

> This annexation includes all waterways, roads, and rights-of-way adjacent to the property. For a more specific description of said property, see attached map.

SECTION 2. APPLICATION OF ZONING ORDINANCE:

The property is admitted as City of Conway Planned Development (PD) district under the zoning laws of the municipality.

SECTION 3. EFFECTIVE DATE:

The annexation is effective as of the date of the final reading of this Ordinance.

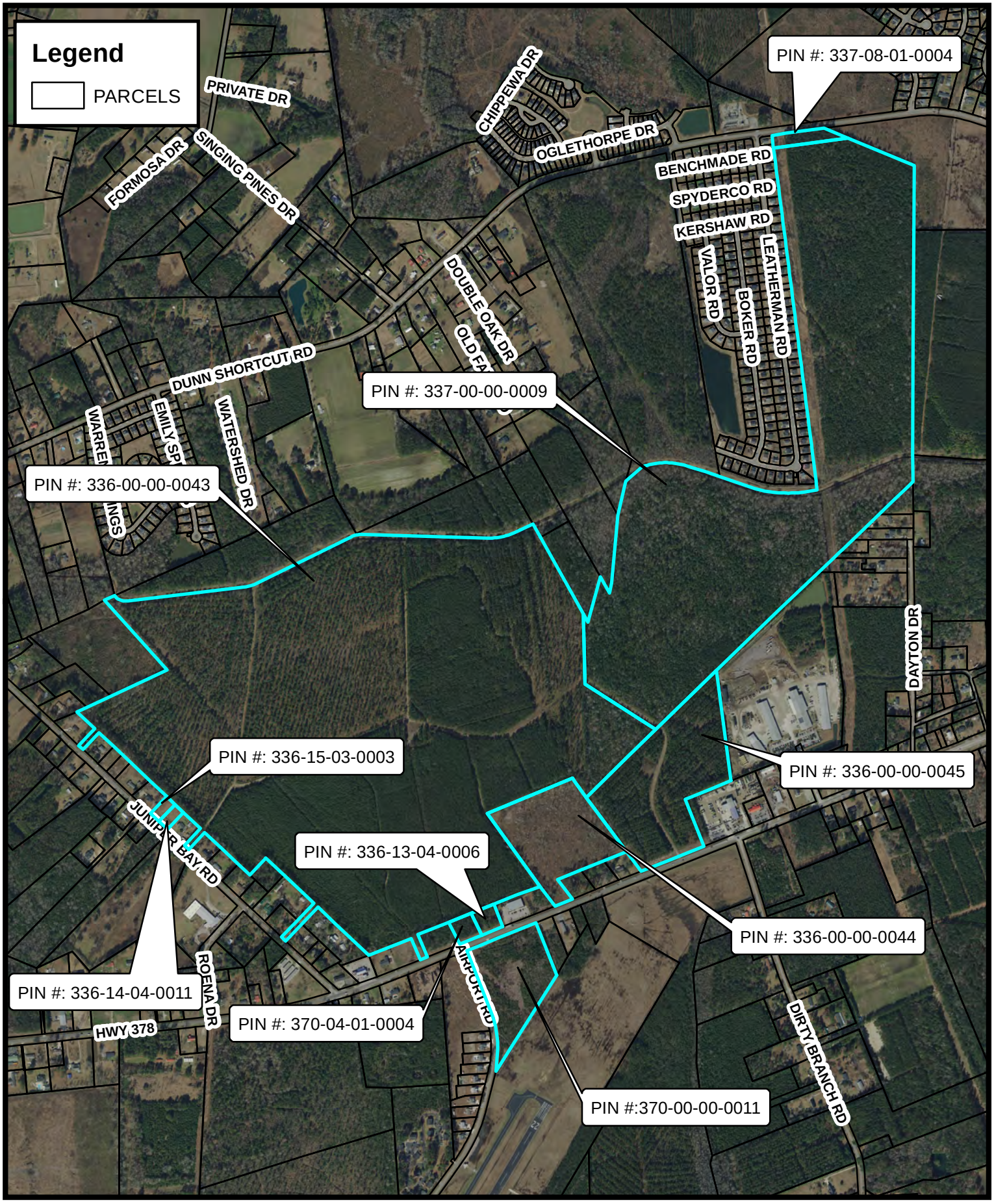
AND BE IT FURTHER ORDAINED that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

RATIFIED BY CITY COUNCIL, duly assembled, this_____day of _____, 2024.

Barbara Jo Blain, Mayor	Larry A. White, Mayor Pro Tem
Amanda Butler, Council Member	William M. Goldfinch IV, Council Member
Julie Ann Hardwick, Council Member	Beth Helms, Council Member
Justin D. Jordan, Council Member	ATTEST: Alicia Shelley, City Clerk

First Reading: 7/15/2024

Final Reading: _____



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9890 fax

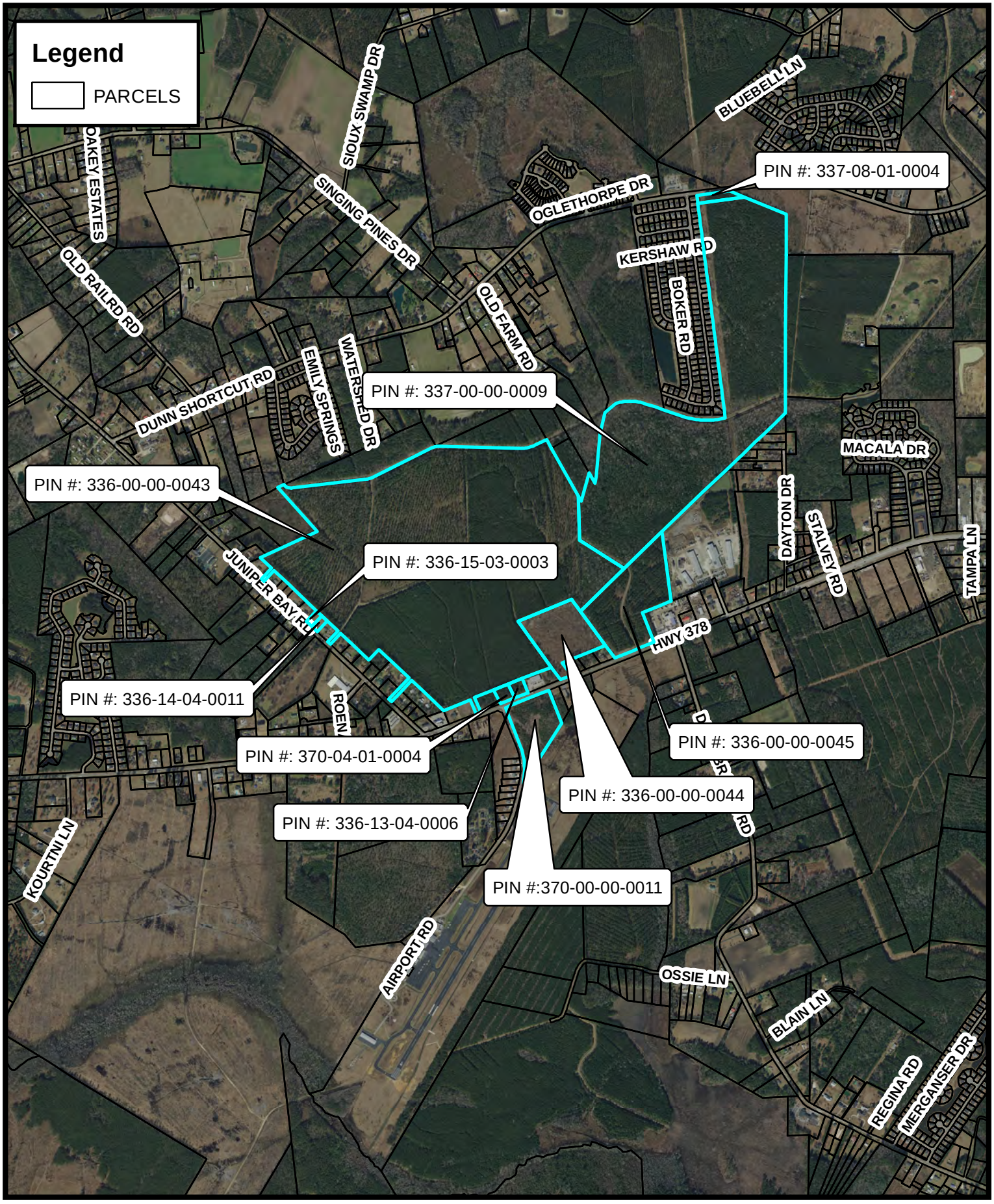
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

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BROOKHAVEN FKA
TRIBUTARY PROPERTIES

City of CONWAY SOUTH CAROLINA

Date: 7/8/2024 Time: 7:16:55 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!Previous Years\2023\Brookhaven FKA Tributary (Jordan Tract)\GIS MAPS REVISED 7-5-2024\ZOOMED IN AERIAL MAP FOR BROOKHAVEN FKA TRIBUTARY



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(843) 488-9888 ph (843) 488-9830 fax

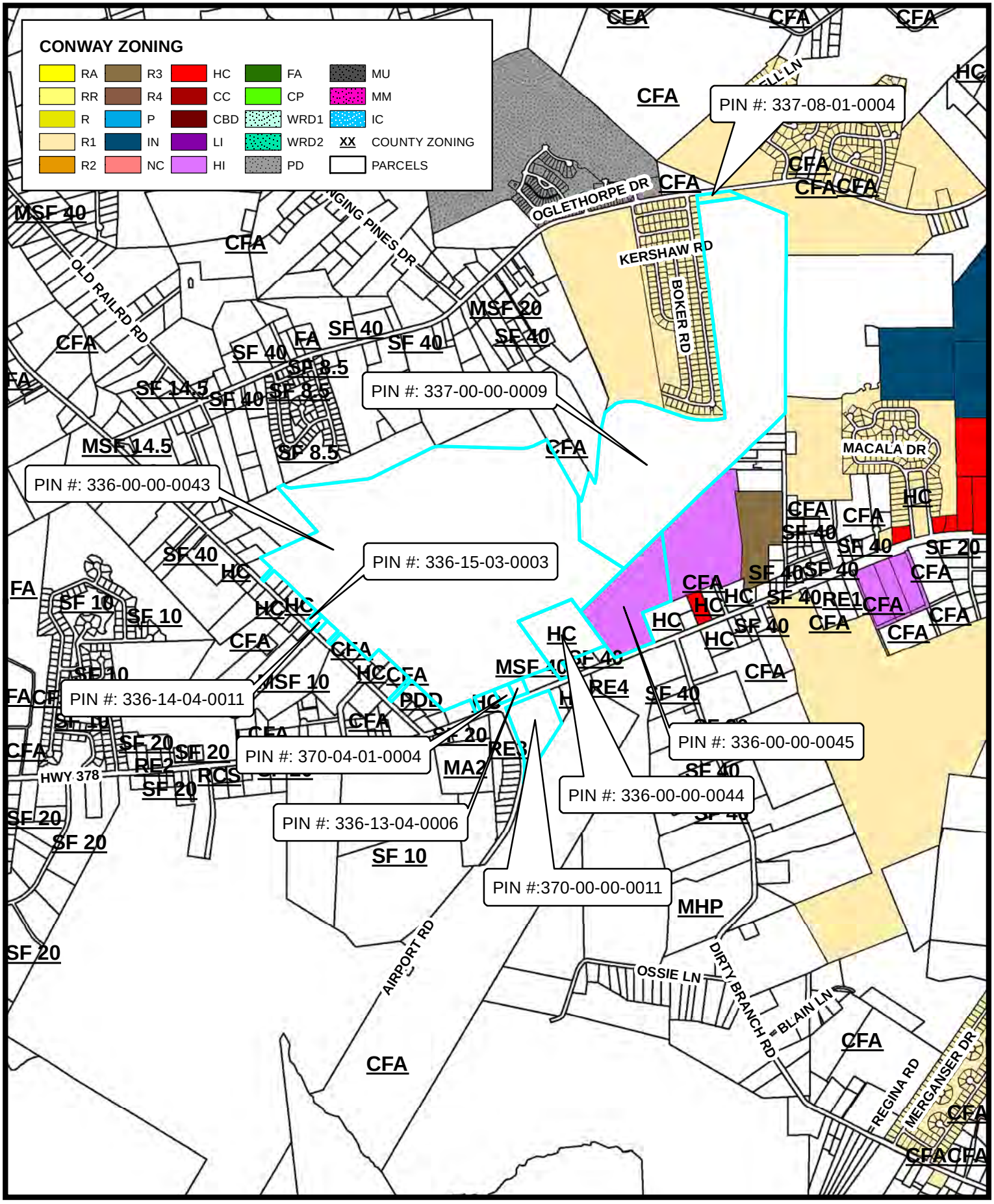
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BROOKHAVEN FKA
TRIBUTARY PROPERTIES

City of CONWAY SOUTH CAROLINA

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(843) 488-9888 ph (843) 488-9890 fax

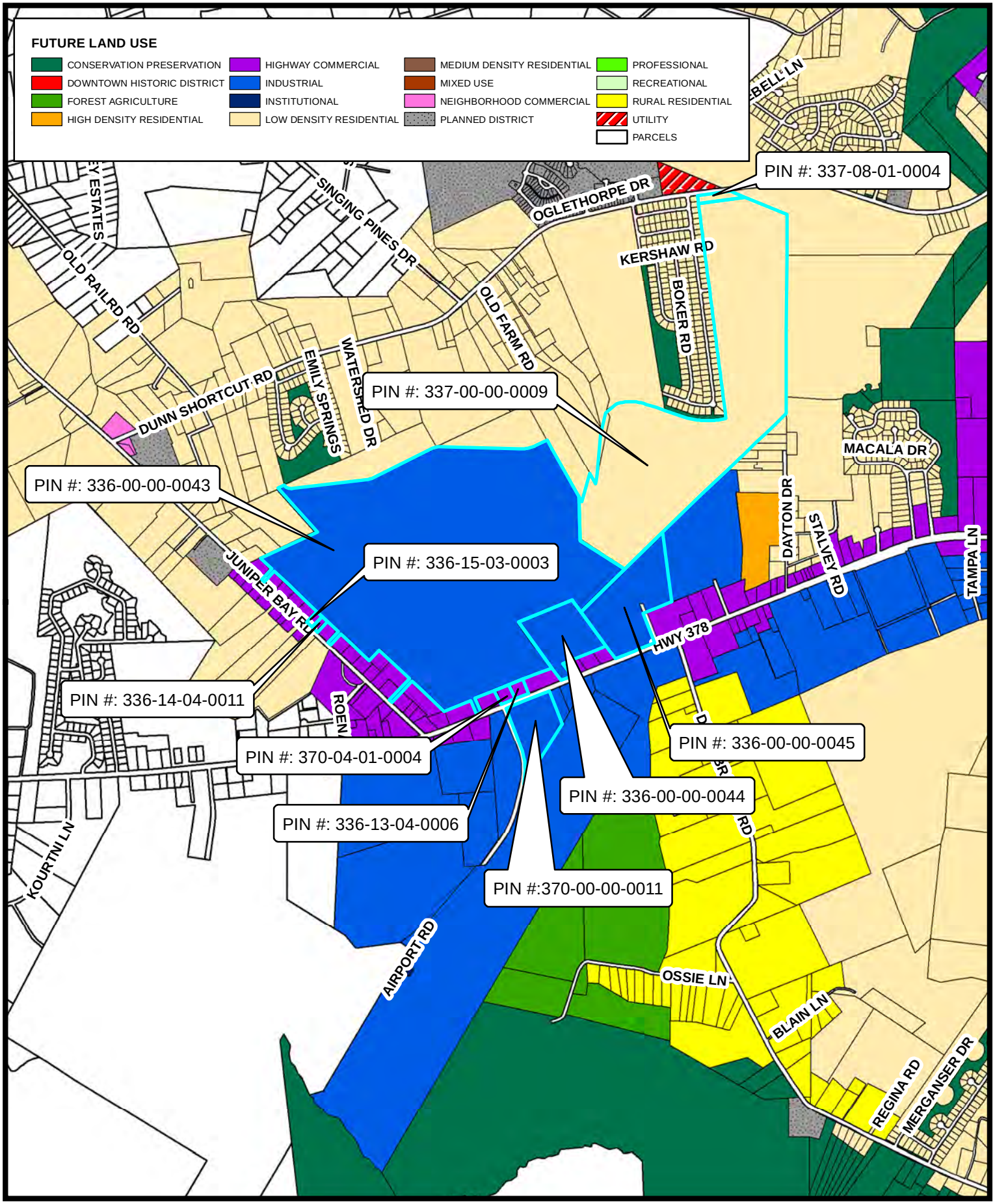
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BROOKHAVEN FKA
TRIBUTARY PROPERTIES

City of CONWAY SOUTH CAROLINA

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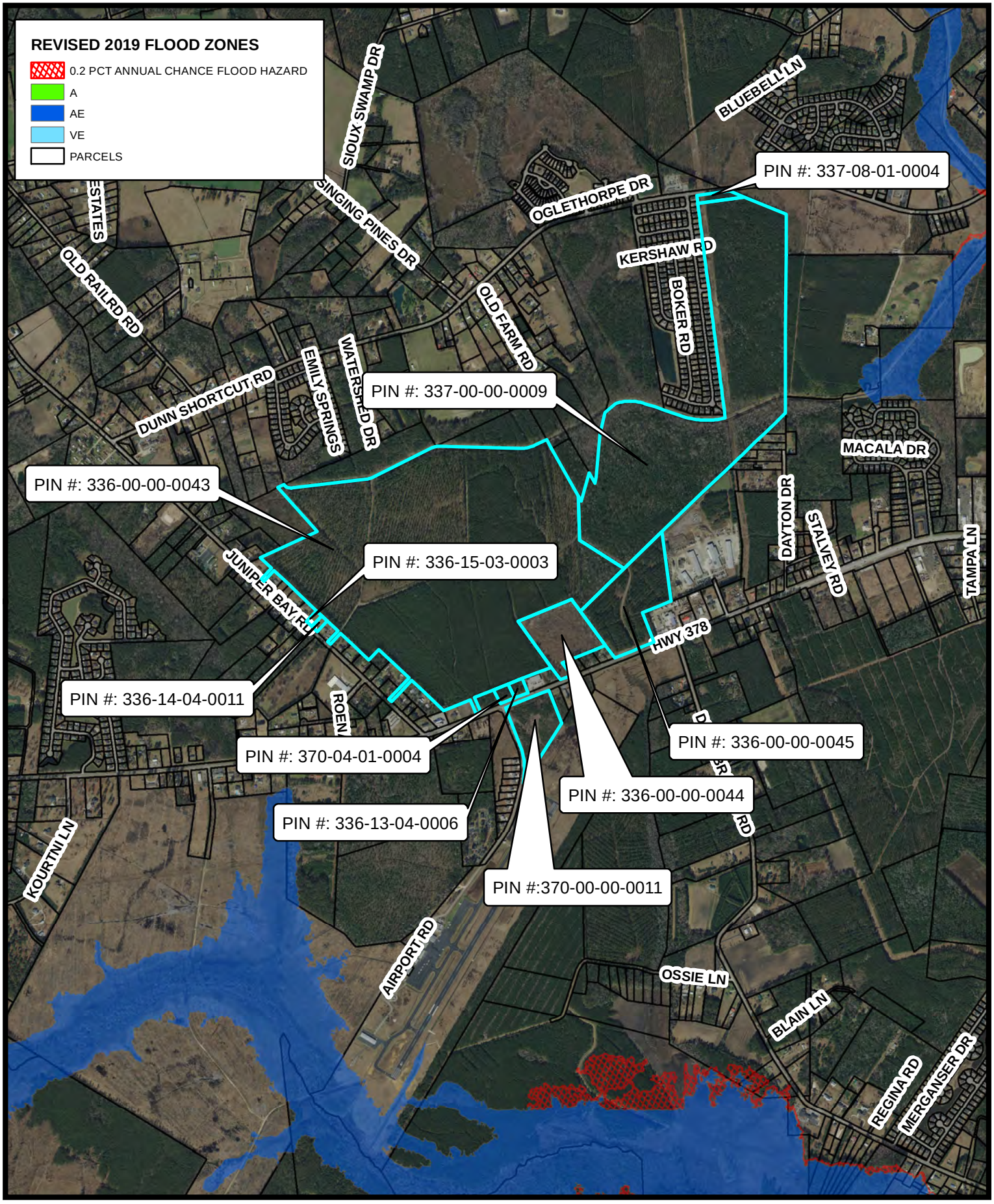


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TRIBUTARY PROPERTIES

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BROOKHAVEN FKA
TRIBUTARY PROPERTIES

City of CONWAY SOUTH CAROLINA

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A written project description of

BROOKHAVEN (Formerly known as Tributary)
PLANNED DEVELOPMENT
DISTRICT (PD District)

June 26, 2024
Last Amended August 9, 2024

Prepared by:

Robert S. Guyton, P.C.
4605 B Oleander Drive, Suite 202
Myrtle Beach, SC 29577
(843) 839-2100

And

Thomas & Hutton
611 Burroughs & Chapin Blvd.
Myrtle Beach, SC 29577
(843) 839-3545

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Section 6: PERMITTED USES AND DIMENSIONAL STANDARDS
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Section 9: RESIDENTIAL REGULATIONS
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SECTION 1: PURPOSE AND INTENT STATEMENT

The intent of the Planned Development District (PD District) is to provide for large-scale, quality development projects (three acres of 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. More specifically, the intent of the PD District is to permit:

(A) Flexibility in design to take the greatest advantage of natural land, trees, historical and other features;

(B) Accumulation of large areas of usable open space for recreation, preservation of natural amenities, and provision of community facilities;

(C) Creation of a variety of residential and compatible neighborhood arrangements that give the home occupant greater choice in selecting types of environment and living units;

(D) Clustering of one residential type for better use of the land and open space;

(E) Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance visual character of the city;

(F) Efficient use of land which may result in reduction in development and maintenance cost of street and utility systems;

(G) Simplification of the procedure for obtaining approval of proposed development through simultaneous review by the city of proposed land use, site consideration, lot and setback consideration, public needs and requirements, and health and safety factors [*City of Conway Unified Development Ordinance Adopted December 12, 2011*].

The real property that is the subject of this PD District consist of approximately Four Hundred Forty Six and 90/100 (446.90) Acres, more or less (the "***Subject Parcels***"). The Subject Parcels are located within the Conway and Bucks Township Sections of Horry County, but outside of the jurisdiction of the City of Conway, bounded generally by U.S. Highway 378, Juniper Bay Road and Dunn Short Cut Road. Simultaneously with the adoption of this PD District, the Subject Parcels will be annexed into the City of Conway, by separate petition for annexation (the "***Annexation Agreement***"), and will be subjected to the terms of a separate development agreement between Highway 378 Land Holdings, LLC, a South Carolina limited liability company (the "***Developer***"), with a joinder from any additional owners of the Subject Parcels, their respective successors and assigns and the City of Conway (the "***Development Agreement***"), which Development Agreement will also be adopted simultaneously with the adoption of this PD District. For purposes of this PD District, each property owner within the PD District, from time to time,

shall be considered a "Developer". The Subject Parcels are generally bounded by U.S. Highway 378, Juniper Bay Road and Dunn Short Cut Road.

Pursuant to the terms of the Development Agreement and the requirements of the City's Unified Development Ordinance (the "***City's UDO***"), public benefit is not required under the City's UDO as a part of the PD District, the Developer, and its successors and assigns, have nevertheless agreed to provide certain public benefits, which are as follows:

1. The Developer, and its respective successors and assigns agree that the then current owner of the Property or any portion thereof, shall pay to the City, the enhancement fees for the purpose of enhancing City services (collectively the "***Enhancement Fees***") in an amount equal to Five Thousand Seven Hundred Fifty and No/100 ($5,750.00) Dollars per single family detached Residential Unit (whether subdivided, condominium, or in-common); Four Thousand Twenty Five and No/100 ($4,025.00) Dollars per single family attached Residential Unit, which includes duplexes (2 attached units) and townhomes (3 to 8 attached units) (whether subdivided, condominium or in-common); and Two Thousand Eight Hundred Seventy Five and No/100 ($2,875.00) per multi-family Residential Unit (whether condominium or in-common), each of which shall be payable at the time of building permit application. Developer further agrees that each of the above Enhancement Fees shall be subject to an annual increase, beginning on January 1, 2026, in an amount equal to the lesser of (i) the increase in the Consumer Price Index, published by the U.S. Bureau of Labor Statistics ("***CPI***") between the beginning and end of the most recent calendar year; or (ii) Five (5%) percent per annum, which increase is intended to ensure that the Enhancement Fees continue to reflect the City's on-going increases in the costs of services provided. Developer will provide the Enhancements Fees, together any additional public benefits, as follows:

(A) The creation of a direct internal roadway network with public rights-of-way ranging in width from 50' to 66', including an internal right-of-way connection from U.S. Highway 378 to Juniper Bay Road, with variable widths internal of not less than 50', and the roadway improvements thereon (the "***Spine Road***"), such Spine Road to be completed in more than one phase, each of which shall be completed with any adjacent subdivisions requiring access, whether directly or indirectly from the Spine Road, or, in the alternative, bonded for completion in accordance with the requirements of the City.

(B) The installation of a 5' sidewalk on each side of both internal Collector Roads and Local Roads, to be complete simultaneously with the respective portion of the internal roadway providing access, directly or indirectly, to one or more subdivisions within the PD is completed. In the event the installation of such sidewalk is delayed beyond completion of the corresponding portion of the internal roadway, then, in such event the sidewalk shall be bonded for completion, in accordance with the bonding requirements of the City.

(C) The installation of a 10' pedestrian trail along the existing canal which borders boundary of the PD generally from West to East (the "***Canal Trail***"), with a Southern leg intended to provide pedestrian access from the City Park to the pedestrian trail along the canal by way of the internal sidewalk system, as well as

public parking for trail access nearest the Juniper Bay boundary of the PD with the existing canal. The installation of this Canal Trail must in in accordance with the City's Pathway's and Trails Plan (adopted in 2022). Refer to the Trail Section detail submitted with the Exhibit Supplement for appropriate trail materials, widths, locations, etc. To the extent any approvals and coordination are required with agencies other than the City, including but not limited to U.S. Army Corps of Engineers and South Carolina Department of Health and Environmental Control with regards to any wetland impacts or the materials or methods of trailway construction, Developer shall be solely responsible for approvals and coordination. The installation of this Canal Trail must be completed and dedicated to the City, on or before the date on which Five Hundred (500) building permits has been issued for Residential Units within the PD.

(D) As a requirement, the installation of at least One (1) new sewer pump station on the Subject Parcels, and, to the extent required in order to provide sufficient capacity as necessary for the proposed development of the Project, a second sewer pump on the Subject Parcels. Sewer pump installation shall be in accordance with the requirements of the City, or such other agency then providing sanitary sewer service to the Subject Parcels.

(E) Stormwater conveyance and retention facilities sufficient in capacity to accommodate the storm water generated from the Subject Parcels, and provide the City with evidence of the necessary and required permanent and perpetual easements necessary to facilitate such drainage from the Subject Parcels. All stormwater shall be designed to meet or exceed the City's Stormwater Ordinance that is in effect at the time of plan submittal.

(F) The installation of roadway improvements to Four (4) separate existing roadway intersections, each lying on the boundary of the Subject Parcels, together with the widening of U.S. Highway 378, in accordance with the terms of the Development Agreement. To the extent any of such roadway improvements are funded and scheduled for improvement by the State of South Carolina, or the United States Department of Transportation, Developer will be relieved of such obligation to the extent of such funding, upon the final approval of such funding respectively. Provided, however, that, in the event any of such roadway intersection improvements require the acquisition of additional right-of-way not located on the Subject Parcels, which Developer has no means of acquiring then, in such event the City may (i) acquire the additional right-of-way not located on the Subject Parcels for such roadway intersection improvements and provide access to the Developer for the installation of such improvements, provided that the Developer shall be obligated to reimburse the City for the costs of such right-of-way acquisition, not to exceed the appraised value, within 90 days of such acquisition, or, (ii) in the event the City declines to acquire such additional required right-of-way, the Developer may, in lieu of installing such roadway intersection improvements, instead pay to the City any amount equal to the then current engineer's estimated costs of such roadway intersection improvements, as approved by the City under

the ordinances and regulations of the City, in satisfaction of Developer and/or the Project's obligations with regards to such roadway intersection improvements lying outside of the existing right-of-way, with the City then having the right, but not the obligation, of installing such roadway intersection improvements outside of the existing right-of-way, at a time and under the conditions as determined by the City to be reasonable.

(G) Dedication to the City of approximately 6 acres of real property, shown and delineated on the Master Site Plan (the "***City Recreation Acreage***"), which City Recreation Acreage also comprises open space in accordance with the requirements of the PD, and as indicated on the Open Space Plan submitted as part of the Exhibit Supplement, which City Recreation Acreage may be dedicated in one or more parcels, each dedicated on the date that is not later than the Third (3rd) anniversary of the recording of this Agreement. In addition, prior to the date on which the City Recreation Acreage is conveyed to the City, Developer shall have completed, or caused to be completed, the following improvements, each to be shown on the Open Space Plan:

(i) Installation of a floodproof playground, materially comparable in size, equipment and other improvements to the existing Collins Park, owned by the City;

(ii) Installation of parking areas sufficient in size, to accommodate visitors to the above referenced recreational facilities, to include the Canal Trail, as defined below;

(iii) Notwithstanding any other provision herein, the City Recreation Acreage shall be deemed a portion of the Open Space required under the PD, without regards to the dedication of such City Recreation Acreage to the City.

(iv) To the extent any of the above referenced improvements of the City Recreation Acreage are not complete and dedicated to the City from the Developer to the City at the time in which a final plat for any residential tracts within the PD are submitted for approval, Developer shall provide a financial guarantee the completion of the same, in accordance with the City's standard procedures for bonds and financial guarantees.

(H) Tree Preservation. Developer and City recognize the public benefit of tree preservation, and therefore agree that, a tree survey including all trees identified as being protected and/or landmark trees per the City's Tree Preservation Ordinance, shall be provided for each Tract within the PD at the time of plan submittal, and/or before land disturbance for any such Tract(s) is approved, including to the extent mass grading is proposed for any portion of the PD.

(I) Developer shall install, at each entrance to the PD, cameras, which capture identification of each vehicle entering the PD. The ongoing costs of such cameras, which costs shall be paid by Developer, or, any Owners Association to which Developer assigns the rights and obligations of maintenance, and which costs per

camera are to be determined at the time of acquisition, shall include both acquisition costs and monthly cellular fees, if any.

2. It is the specific intent of this PD document ("***PD Document***" or "***PD District Document***") approved by the City on or about the ____ day of _____, 2024, to create and maintain an interconnected pedestrian and active lifestyle driven residential community which includes a variety of single family areas, a limited number of commercial areas, open spaces, common areas, and amenities, including parks, recreational and passive spaces, which are together referred to as "**Brookhaven PD District**" (the "***Project***"), in accordance with the City's UDO, which are specifically addressed as follows:

(A) The proposed land uses within the PD are a combination of various residential uses, including single family detached homes, single family subdivided attached homes ranging from Two (2) unit duplexes to townhomes of Three (3) to Eight (8) homes per individual building, which, dependent upon the product, may be offered for sale or rent, or a combination of both, together with those amenities and recreational facilities as set forth herein. The commercial component of the PD consists of approximately 19.50 Acres, which may include many different commercial uses which would typically be associated with a development of this scale, such uses being set forth herein. The proposed land uses for the Project were selected in an effort to compliment and blend with the existing surrounding uses, while exemplifying the primary components of the active lifestyle market for both families and retirees. The proposed gross and net residential densities for the PD are set forth on the Master Site Plan Summary Table in Section 4 below.

(B) Pathways adjacent to public rights-of-way, and pedestrian and bicycle connections reflected on the Master Plan to be constructed within the PD provide for safe and accessible travel for pedestrians and bicycles.

(C) The variety of housing products provided within the PD are intended to appeal to single adults, working families, pre-retirees, early retirees and late in life retirees by providing opportunities for home ownership at a variety of price points.

(D) Streets follow the City's design standards, except to the extent revised standards are included within the PD District Appendices, reflecting a revised design standard, and where varied, consist of wider green space, and sidewalks, rather than additional asphalt. Build-out demand considerations have been incorporated in the initial project design, including exterior connections from the PD to existing public roadways to avoid constricting traffic flow.

(E) The PD incorporates both water, open space and passive amenities, among the Subject Parcels, that may include, at the election of the Developer with regards to each individual parcel, swimming pool, neighborhood clubhouse, docks, shelters and open air gazebos to encourage resident's maximization of outdoor spaces, and these improvements shall be a master amenity for the benefit of the Residential Units within the PD, as shown on the Master Site Plan, provided that Developer

reserves the right to exclude any portion of the Residential Units within the PD from access to such master amenity. Site design has been guided, and actual construction will be guided by an effort to maintain key trees and environmentally sensitive areas, to meet all regulatory requirements. All stormwater will be designed to meet or exceed the standards within the City's Stormwater Ordinance that is in effect at the time of plan submittal.

All development within this Project will be regulated by the terms of the master site plan, approved ordinance, the City's UDO, the Development Agreement, and other applicable codes and ordinances of the City of Conway. *The definitions applicable throughout this Document are set forth in Article 2 – Definitions, of the City of Conway Unified Development Ordinance.*

ROADWAY IMPROVEMENT TABLE

Area	Roadways	Improvements	Date for completion
Airport Rd. & U.S. Hwy. 378	Airport Rd. & US Hwy 378 (DW #1) C-1 Commercial Entrance	Roadway alignment and intersection improvements to access the PD: -Install exclusive left turn lanes on all approaches - Install exclusive westbound right turn lane along US Hwy 378 -Install signal when warranted	
Dirty Branch Rd. & U.S. Hwy. 378	Dirty Branch Rd. & US Hwy 378 (DW #2) C-3 Commercial Entrance	Roadway alignment and intersection improvements to access the PD: -Install exclusive left turn lanes on all approaches -Install exclusive westbound right turn lane along US Hwy 378 -Install signal when warranted	
Juniper Bay Rd. & Internal Spine Road	Juniper Bay Rd. (DW #3)	Improvements to connect internal roadway to Juniper Bay Rd, providing additional access to the PD, but without turn lane.	
Dunn Short Cut Rd. & Internal Road	Dunn Short Cut Rd. (DW #4)	Improvements to connect internal roadway to Dunn Short Cut Rd. providing additional access to the PD: -Install exclusive westbound left turn lane along Dunn Shortcut Rd.	
US Hwy 378 & Juniper Bay Rd. Intersection	US Hwy 378 & Juniper Bay Rd.	-Install exclusive eastbound left turn lane along US Hwy 378 -Install an exclusive westbound right turn lane along US Hwy 378	
Boundary of Project	U.S. Hwy. 378	Widening of U.S. Hwy. 378 -Widen US Hwy 378 (from 2 lanes to 5 lanes) from west of project DW #2 to Dayton Drive	

*To the extent any of the above improvements are included in an approved budget by either the State of South Carolina or the U.S. Department of Transportation, then upon installation by either of such agencies, Developer shall be relieved of the obligation to complete such improvements. To the extent required by the City based upon the volumes set forth in the TIA, Developer will also install receiving lanes the length and design of which shall be in accordance with SCDOT standards.

SECTION 2: LEGAL DESCRIPTION

The Subject Parcels are described as all of those certain pieces, parcels or tracts of land lying and situate near the City of Conway, Horry County, South Carolina, and being more particularly depicted on the complied Boundary Survey shown in Existing Conditions **Appendix B** of the separate Appendix Supplement submitted herewith.

SECTION 3: PROJECT DEVELOPER AND TITLE

The Project title of this development is "***Brookhaven PD***", although the Project may be branded among various neighborhoods within the Project following the approval of this PD by the City. The developer for the Project is Highway 378 Land Holdings, LLC, although the Residential Units within the PD will be developed by a builder other than Highway 378 Land Holdings, LLC. The term "***Developer***" throughout this Document will include all subsidiaries and affiliates of Highway 378 Land Holdings, LLC, and the term will also include any of its successors in interest or successors in title and/or assigns by virtue of assignment or other instrument.

SECTION 4: MASTER SITE PLAN

Appendix A of this Document, attachment hereto, contains the PD Documentation, and the neighborhoods to be improved with Residential Units, together with the commercial parcels located on each side of the Spine Road, within the Project ("***Master Site Plan***"). The Master Site Plan shall be binding on the Subject Parcels and any materially major departure, other than as set forth in Section 6 an Section 8 below, shall be authorized by amendment only. The controlling Master Site Plan shall negate any contradiction between the Master Site Plan and any other plan, and this PD Document.

A. This Project will ultimately include up to Fourteen (14) phases, including Ten (10) phases of Residential Units, One (1) phase of Flex acreage, which may be developed as either of commercial products or Residential Units, and Three (3) phases of commercial product, together with amenity areas, park and open space areas, and each of such components may be developed at various times relative to the residential development and commercial development portion of the PD, any one of which may be further developed in sub-phases, and any of which may be developed in any particular order, with all homes remaining under ownership of the Developer, its successors and assigns, until such time as a final plat approved by the City may be recorded in the public records of Horry County, South Carolina. Although the timing of completion of any particular Phase of the PD is subject to then current market demands, the Developer anticipates a period of approximately Eighteen (18) months from approval of the PD for design and permitting, and additional period of approximately Twelve (12) months from the issuance of permits and approvals for the installation of initial required infrastructure, and that approximately One-Third of the Project would be complete within Five (5) years of approval of the PD, with an additional One-Third of the Project being completed in each of the subsequent Five (5) year periods, with a projected build-out period for the Project of Fifteen (15) years. A general description of each Phase of the Project is set forth in the Tables included herein. The relevant infrastructure necessary for development of the individual Phases

of the PD , including water, sewer, drainage and other supporting utilities and other improvements will be installed in accordance with construction plans to be approved by and in accordance with the requirements as per City departmental reviews.

MASTER SITE PLAN SUMMARY TABLE

Use District	Type	# of units	Acreage	Upland	Wetland	Gross Density	Net Density	% of Project
Residential SF-1	Single-Family Detached	634	255.7	216.6	39.1	2.8	3.4	57%
	Duplex Semi-Attached	92						
	Residential SF-1 Total	**726**						
Residential SF-2	Single-Family Detached	265	89.8	87.9	1.9	3.5	3.5	20%
	Duplex Semi-Attached	46						
	Residential SF-2 Total	**311**						
Residential SF-3	Single-Family Detached	200	75.4	72.8	2.6	2.8	2.9	17%
	Duplex Semi-Attached	14						
	Residential SF-3 Total	**214**						
Flex District F-1	Commercial or Townhome	10	0.9	0.9	0.0	10.9	10.9	0%
Commercial C-1	Highway Commercial	N/A	3.0	3.0	0.0	N/A	N/A	1%
Commercial C-2	Highway Commercial & Light Industrial	N/A	10.6	10.6	0.0	N/A	N/A	2%
Commercial C-3	Highway Commercial	N/A	5.9	5.3	0.6	N/A	N/A	1%
City Park	Park	N/A	5.7	5.7	0.0	N/A	N/A	1%
Total		**1,261**	**447.0**	**402.8**	**44.2**	**2.8**	**3.7**	

Notes to Master Site Plan Summary Table:

1. Single-Family Detached lots include 37', 43' and 53' lots, provided that 37' lots may not exceed 12% of the total Single-Family Detached lots within the PD.
2. Density may be shifted between residential tracts/areas with like uses (*i.e.* single-family detached to single-family detached) and may be considered a "minor" amendment to the PD, provided that the overall (total) density is not increased and remains constant, excluding the Flex District F-1 Tract, which is the only tract that may include townhome style residential dwellings, and provided that no such shift shall result in the the gross density of of the phases varying by more than 10% of the gross density approved for the PD.
3. Attached Duplex/Townhome tracts/areas may be developed in-common. Development Standards for in-common development may differ from fee-simple development.
4. Refer to Dimensional Table appearing in Section 6 in the PD document for dimensional standards applicable to all Tracts.
5. Unless otherwise specified in the PD, all uses permitted in the Highway Commercial (HC) district per the City of Conway's Unified Development Ordinance (UDO) shall be permitted in the Commercial District C-1 and Commercial District C-3.
6. Unless otherwise specified in the PD, all uses permitted in the Highway Commercial (HC) / Light Industrial (LI) districts, per the City's UDO, shall be permitted on tracts/areas identified as Commercial District C-2,

including outdoor storage whether such use is expressly permitted under either Highway Commercial (HC)/Light Industrial (LI) districts under the City's UDO.

7. For purposes of the PD, single family attached Residential Units or single family semi-attached Residential Units shall include Duplexes of Two (2) units, and Townhomes of Three (3) to Eight (8) units, consistent with the definitions in the City's UDO.

SECTION 5: DEVELOPMENT DESCRIPTION

The Project is planned to include a mix of land uses, which together form an integrated active lifestyle community. The Project will be the subject of master covenants, conditions and restrictions, which will apply to the community as a whole, as well as additional covenants, conditions and restrictions which may be applicable only to certain portions of the community (collectively the "***CCRs***"). The CCRs will define the building size, aesthetic style and shared amenities and open spaces of each of the respective neighborhoods within the Project.

The Developer, and each of the successor developers have significant experience in bringing new communities that meet the needs of both the local community and the new residents. By being involved in the creation of the new development and dictating the key components, the Developer is able to insure the desires of future homebuyers are incorporated in the initial land design, and carried through consistently to the completion of the final home. Often in today's market, the Developer is disconnected from the builder's targeted homebuyer, and that disconnect can have a significant impact on the success of the community. For this PD, the Developer has planned the amenities and the product offerings to reflect an active lifestyle to accommodate families, soon to be retirees and retirees. The key word in the phrase "Master Planned Community", is Community, since success for an active community is dependent upon substantial amenities encouraging an active lifestyle with outdoor activity and interaction among residents. In today's real estate market, communities are typically a collection of one or more neighborhoods, with compatible architectural character, promoting a way of life and diversity with a common purpose. The Project is designed to anticipate a variety of users, and to balance the environment between them.

Neighborhoods are the building blocks of a community. The neighborhood is where we experience our family and friends, it's where life happens, and it's where we tell people we live. Residents are offered a range of options for getting where they want to go rather than having to depend solely on their automobile. Each neighborhood within the PD will offer distinctive product type, to appeal to the needs of a particular targeted resident. The offering of various product types further encourages the diversity of both residents and their interests. In addition, the covenants, conditions and restrictions for the various neighborhoods within the PD will provide for limitations on certain types of uses that conflict with the target resident for that particular neighborhood. As an example, private restrictions that are not a part of the PD may dictate that a particular neighborhood may be restricted for leases terms of not less than One (1) year, while other neighborhoods are intentionally design to attract the short-term, transition resident, who may be building, or are anticipating the building of a permanent residence within another area of the PD.

Public spaces are the social heart of communities. Today, modern development has arranged public space into two forms; the first being activity areas for organized leisure activities and sports; and the second being preservation areas such as lakes, wetlands, pocket parks, groves of preserved

trees, and drainage channels. The recreational areas are designed to accommodate leisure activities and sports, but also to create places where one can go simply to be outside, enjoy nature and maybe have a picnic. The relationship between leisure and recreation has to be better understood. Leisure is time and experience based, while recreation is activity and space based. One is aesthetically oriented and the other is functionally oriented. While a good community should provide both, the two are not the same, and must be balanced so the needs of the residents are being met in equal proportion. Public space and green areas help provide a transition between the various neighborhoods and residences, and provide a sense of movement, and enhances the feeling of being in a distinct place. The interconnection of activities, through the use of pathways, provides opportunities for activities to all residents.

The public spaces, to the extent the same include any open space, jurisdictional and non-jurisdictional wetlands, to be conveyed by Developer, its successors and assigns, including the owners of the individual parcels comprising the Subject Parcels, to the City, shall be conveyed in conjunction with the development of the individual Phases, on or before the date on which the development within a particular Phase has been completed.

The arterial roadway providing access through the Project from U.S. Highway 378 to Juniper Bay Road, will function as a spine road, is anticipated to be a variable width public roadway. The interior roadways within the Project, to the extent the same meet with requirements of the City for a public roadway, are also anticipated to be public roadways. Roadways within the Project, in addition to public roadways, may include private roadways, internal drives and other areas where subdivision from a public right-of-way is not required and planned by the Developer. Setbacks and easements will be arranged so as to allow for off-street parking of at least one car in depth for the residences. All water and sewer systems within the Project, upon completion, will be dedicated to the City. The neighborhoods within the Project may consist of detached single family lots of varying width, single family subdivided attached units ranging from Two (2) unit Duplexes to Three (3) to Eight (8) unit townhomes and many different commercial uses within the commercial areas of the PD. The architectural style of the homes will be consistent and compatible, but will also allow for an identity to be established within each neighborhood by its distinctive elements. Elevated entries, varying rooflines, oversized windows and durable but distinctive roofing materials will be present in each of the neighborhoods, the elements and style of each neighborhood being reflected in the appendixes attached to this PD Document. Structures within the PD will comply with City's Design Standards for residential and non-residential structures are in effect at the time of plan and/or permit submittal.

Single Family residences may include Detached Single Family, Attached Single Family ranging from Two (2) unit Duplexes to Three (3) to Eight (8) unit Townhomes per building. Single Family Attached may be subdivided, or may be in common. To the extent such units are subdivided, each unit shall comply with the subdivision requirements of the City, including, but not limited to the requirement that in order to be subdivided, lots must adjoin (front) a public right-of-way.

The Commercial areas may include subdivided commercial lots, shopping centers and commercial condominium complexes, combining various uses within a single development.

Architecture, signage design and landscaping are proposed to be controlled with detailed design guidelines, which will be administered by a Subject Parcels under a property owners association ("***POA***") or homeowners association ("***HOA***") and/or an architectural review board ("***ARB***").

SECTION 6: PERMITTED USES AND DIMENSIONAL STANDARDS

The permitted uses described within the PD District shall be as follows:

A. Permitted Residential Uses:

(i) Single Family Detached Residential Units.
(ii) Single Family Attached or Semi-Attached Duplex Residential Units.

B. Permitted Flex Tract Uses:

(i) All uses allowed in the Highway Commercial (HC) district under the City's UDO.
(ii) Single Family Attached Townhome Residential Units (3-8 Units).

C. Commercial District C-1 & C-3 Uses:

(i) All uses allowed in the Highway Commercial (HC) district under the City's UDO.

D. Commercial District C-2 Uses:

(i) All uses allowed in the Highway Commercial (HC) district under the City's UDO.
(ii) All uses allowed in the Light Industrial (LI) district under the City's UDO.
(iii) Indoor/Outdoor Storage without regard to whether the same are allowed in the HC or LI districts under the City's UDO.

E. Additional Commercial Uses:

(i) Prior to the completion of the Project, and the sale of all homes from the Developer to third party purchasers, the Developer may operate a commercial sales center and a design center, as a freestanding structure, within any model home, or as a part of any Amenity buildings within the PD District, which uses shall be in addition to the commercial uses set forth above.

The table below identifies the dimensional standards for each of the proposed uses within the PD District.

PROPOSED DIMENSIONAL STANDARDS TABLE

Use	Lot Area	Min. Lot Width	Min. Lot Depth	Setbacks				Max Height
				Front	Side	Rear	Corner Front	
Residential Districts								
37' SF Detached	4,070 sf	37'	110'	20'	5'	20'	10'	40'
40' SF Detached	4,800 sf	40'	120'	20'	5’	20'	10’	40’
50' SF Detached	6,000 sf	50'	120'	20'	5’	20'	10’	40’
Duplex Semi-Attached	4,080 sf	34'	120'	20'	0'/5’	20'	10’	40’
Flex District								
Commercial Uses	8,000 sf	80'	100'	30'	15'	20'	20'	65'
Townhome	1,800 sf	18'	100'	20'	0'/5’	20'	10’	40’
Commercial Districts								
Commercial Uses	8,000 sf	80'	100'	30'	15'	20'	20'	65'
Light Industrial Uses	15,000 sf	75'	200'	30'	20'	20'	25'	50'

1. SF = Single-Family

2. Duplex Semi-Attached shall have a 0' side setback where common walls are utilized.

3. Commercial uses in the Flex and Commercial Districts may have 0’ side-to-side minimums, when lot lines are internal to differing tenants within the same building.

SECTION 7: ADDITIONAL REQUIREMENTS THROUGHOUT THE PD DISTRICT

A. Densities. The overall density for the Project through all Phases, as shown on the Master Site Plan, shall not exceed 1,261 total Residential Units, and total commercial square footage not exceeding the maximum square footage for the Three (3) Commercial Tracts and the One (1) Flex Tract shall not exceed 320,000 square feet.

B. Tree Preservation. All of the Subject Parcels shall comply with the City of Conway’s Tree Preservation Ordinance that is in effect at the time of plan submittal. No protected and/or landmark trees, as defined under the City’s Tree Preservation Ordinance shall be removed without a Protected/Landmark Tree Removal Permit and the submission of a tree survey. Tree surveys indicating the location of all protected trees under the City’s Tree Preservation Ordinance shall be submitted for each Tract or parcel within the PD at the time of plan submittal, and prior to the approval of any land disturbance, clearing, grading, confirming that development will not occur without verification by the City’s staff that no protected and/or landmark trees, as specified in the Tree Preservation Ordinance, will be removed without proper permitting and mitigation.

C. Development Activity, Clearing and Grading. The Subject Parcels which are the subject of the PD, are primarily undeveloped. Clearing and Grading of the PD will require both removal of inferior materials, and replacement with structurally sound materials, in addition to providing for storm water and erosion control measures over the Subject Parcels, in accordance with the requirements of the Stormwater Management and Sediment

Control Ordinance for the City of Conway, South Carolina, Ordinance #2015-05-04(C) and any subsequent amendments to such ordinance.

D. Temporary Storm Drainage Maintenance. Developer will provide temporary storm drainage measures, which incorporate storm drainage facilities located on the Subject Parcels to the reasonable satisfaction of the Public Works Director for the City, such that prior to commencement of Development Activities, the Subject Parcels shall continue to maintain the existing storm drainage facilities until the storm drainage facilities which are a part of the Development Activities for each respective Phase of the PD are complete, and the same are dedicated to the City.

E. Signage. Signage within the PD District shall comply with the requirements of the City's UDO, as in effect at the time a permit is requested for a sign. The Subject Parcels designated as Flex, Commercial District C-1, Commercial District C-2 or Commercial District C-3, shall also comply with the Gateway Corridor Overlay, and to the extent such Subject Parcel includes more than One (1) business, a sign easement may be created and reserved by the owner of the respective parcel, for the installation of a multi-tenant pylon sign at the road frontage of such respective parcel.

F. Parking. Parking with the PD District shall comply with the City's UDO, and the following additional provisions:

(i) Unless otherwise specified within this PD, on-street parking shall be prohibited in public rights-of-way.

(ii) All uses specified in the Use Tables within this PD shall comply with the minimum off-street parking requirements for such proposed in accordance with the City's UDO.

G. Buffers. Applicable buffers, including wetland buffers, perimeter buffers and buffers separating specific uses shall be noted on the Buffer Plan, and as specified below:

(i) The perimeter buffer of the PD shall be not less than 25'.
(ii) Landscape buffers within the PD shall be not less than 10'.
(iii) Wetland buffers within the PD shall be not less than 30'.
(iv) Buffer between single family detached and single family attached shall be not less than 20'.
(v) Buffers between residential and commercial shall be not less than 50'.
(vi) Such buffers being set noted on the Buffer Plan submitted as part of the PD.

H. Buffers shall be recorded of record as a part of the respective final plat for each Tract, or any portion thereof.

[LANDSCAPE BUFFER AND PLANT QUANTITIES TABLE BELOW]

LANDSCAPE BUFFERS AND QUANTITIES TABLE

Plant quantities per 100 lf of buffer

Landscape Areas	Landscaping Type	Minimum Width	Canopy	Understory	Tall Shrub
PD External Perimeter	Type C	25'	3	5	25
Residential					
PD External Perimeter	Type C	25'	3	5	25
SF-1 to C-1	Type B	15'	2	3	20
SF-1 to F-1	Type C	25'	3	5	25
SF-2 to City Park	Type C	25'	3	5	25
Flex/Commercial					
PD External Perimeter	Type C	25'	3	5	25
C -1 to Hwy 378	GCO	10'-15'	2	2	18
C-2 to Hwy 378	GCO	10'-15'	2	2	18
C-3 to Hwy 378	GCO	10'-15'	2	2	18
F-1 to Juniper Bay Rd	Street	10'	2	2	18
F-1 to SF-1	N/A	N/A	N/A	N/A	N/A
C-1 to SF-1	Type B	15'	2	3	20
C-3 to SF-1	Type B	15'	2	3	20
Parking Lots	Parking Lot	5'	1 per 12 spaces	N/A	25
Landscape Islands (refer to City landscaping requirements for specifications).	9' x 19' Island	N/A	1	N/A	5

1. GCO = Gateway Corridor Overlay, Article 6 City of Conway UDO
2. Buffer width and plant quantities as shown for GCO are minimums required by the Overlay and subject to increase based on the actual size of adjacent parking lots per Cityof Conway UDO.
3. Planting shall comply with the minimum size and type specified in the landscaping and buffer requirements of the City of Conway UDO.

I. Stormwater Studies. Downstream analysis, ICPR (interconnected pond and channel routing) H&H study, or other study reasonably requested by the City, to the extent not provided as part of this PD Submittal, will be provided to the City for review at the time in which the first set of preliminary civil plans are submitted, to include grading/drainage plans.

J. Utilities.

(i) Electric services to be provided by Santee Cooper.
(ii) Water services to be provided by City of Conway.
(iii) Sewer services to be provided by City of Conway.
(iv) Telecommunication/Cable Service. Telecommunication and cable services to be provided by Horry Telephone Cooperative and/or

Spectrum Service to be extended as needed in order to serve each of the Subject Parcels.

*All utilities to be placed underground.

K. Other Services. Residents and businesses within the PD will be served by Horry County Schools, Conway Police, Conway Fire and EMS, Conway Parks and Recreation.

L. Governing Documents. To the extent the provisions of the approved PD could be read so as to conflict with the City's UDO, and the other ordinances of the City, the PD shall be deemed to govern, as an approved, intended departure, written into this PD District Ordinance, amending the standards otherwise applicable to the Subject Parcels under the City's UDO and other ordinances.

M. Design Standards. Residential Design standards shall be applicable to all structures, single family detached, single family attached or multi-family, and shall be determined at the time of permit submittal, based on the design standards in effect at such time.

N. Complete Streets. Streets within the PD shall be designed and constructed per the cross sections included in the Appendix Supplement submitted herewith, and referenced as follows:

(i) Collector Road with Median
(ii) Local Street

O. Offsite Road and Traffic Improvements. Offsite road and traffic improvements associated with Brookhaven PD shall be installed per the SCDOT approved Traffic Impact Analysis, and as required pursuant to the Brookhaven Development Agreement.

P. Block Length. As a design modification, block length shall not exceed 2,000 linear feet, which exceeds the standard block length of 1,200 linear feet under the City's UDO.

Q. Cul-De-Sacs.

(i) As a design modification, cul-de-sac length shall not exceed1,200 linear feet, which exceeds the standard cul-de-sac length of 850 linear feet.
(ii) The use of cul-de-sacs shall be at the discretion of the developer and approved by the Planning Director when there are no other reasonable alternatives.
(iii) Cul-de-sacs shall not originate from a dead-end street.

R. Connectivity. Streets classified as a Local Street, or any street carrying less than 2,000 ADT's, shall not be required to connect (stub-out) to vacant, undeveloped properties adjacent to the Brookhaven PD unless otherwise shown on the PD Master Plan approved with this Ordinance. Developer will be required to install a stub-out to adjacent properties

where connectivity can be reasonably anticipated, an example of which would be to St. John's Ridge adjacent to the PD.

S. Project Ingress/Egress. There are multiple points of external ingress/egress into Brookhaven PD from the surrounding street network. The main entrance from SC Hwy 378 shall feature signage, landscaping, a center median and a minimum three (3) lanes (one inbound and two outbound). In all instances the developer shall be responsible for constructing ingress/egress to the project in accordance with the SCDOT approved TIA. To the extent required by the City based upon the volumes set forth in the TIA, Developer will also install receiving lanes the length and design of which shall be in accordance with SCDOT standards.

T. Open Space. Open space is being provided within the Brookhaven Planned Development by way of a City Park, City Canal Trail, and neighborhood scale open space owned and maintained by the HOA/POA. Neighborhood scale open space (pocket parks, mini-parks, etc.) shall be exempt from the Suitability Requirements for Parks and Open Space, as defined in the City of Conway UDO.

U. Required Open Space. Required open space is a derivative of the total number of lots (1,261) multiplied by Average Household size per the latest US Census (2.6) multiplied by .008 per the Conway UDO (as in effect as the time of adoption of this PD). Total required open space is as calculated below, and set forth in the table below:

1,261 x 2.6 x .008 = 26.3 acres total open space required.

OPEN SPACE TABLE

Use District	Required Open Space	Provided Open Space	Upland Open Space	Wetland	Canal Trail	Ponds
Residential SF-1	15.1 ac	120.0 ac	50.0 ac	39.1 ac	6.2 ac	24.4 ac
Residential SF-2	6.5 ac	30.0 ac	13.0 ac	1.9 ac	3.0 ac	11.9 ac
Residential SF-3	4.5 ac	25.0 ac	13.0 ac	2.6 ac	2.9 ac	6.3 ac
Flex District F-1	0.2 ac	0.0 ac	0.0 ac	0.0 ac	0.0 ac	0.0 ac
City Park	N/A	5.7 ac	5.7 ac	0.0 ac	0.0 ac	0.0 ac
City Canal Trail	N/A	12.6 ac				
TOTALS	**26.3 ac**	**193.3 ac**	**81.7 ac**	**43.6 ac**	**12.1 ac**	**42.6 ac**

V. Design Modifications. Certain modifications of the City's design standards set forth in the City's UDO shall be allowed within the PD, as set forth in the table below.

SECTION 8: DESIGN MODIFICATIONS APPROVED AS A PART OF PD

A. Certain modifications of the City's design standards set forth in the City's UDO shall be allowed within the PD, as set forth below:

(i) Landscape buffers between Commercial uses shall not be required, except to the extent the same are subdivided, in which event a 5' buffer shall be required. To the extent a Commercial use abuts U.S. Highway 378, the Gateway Corridor Overlay buffers shall apply.

(ii) The PD external perimeter buffer adjacent to the existing canal (Oakey Swamp) shall be reduced to a Type A buffer within the parcel retained by Developer, in width and plant quantity and will not be contained within the canal trail parcel to be conveyed to the City.

(iii) Minimum block length shall be 270 linear feet. Maximum block length shall be 2,000 linear feet.

(iv) Cul-de-sac maximum length shall be 1,200 linear feet.

(v) The Flex Use District landscape buffers shall meet the Type A buffer requirements of the City's UDO on the side property lines. A 25' perimeter PD External Buffer shall be provided in Tract SF-1 along the rear property line of the Flex Use District, provided, however that this buffer shall meet the Type B buffer requirements. No rear landscape buffer shall be required.

(vi) Sidewalks and pathways shall not be required on the perimeter of the PD.

(vii) Tract SF-3 shall be connected via multi-purpose path to Tract SF-2, within the public right-of-way, or be easement for the benefit of the City.

(viii) Streets within the PD shall be designated and constructed in accordance with the cross sections included in the Appendix Supplement.

SECTION 9: RESIDENTIAL REGULATIONS

A. Geographic Description. The residential regulations applicable to the single family homes portions of the Project shall be included in a set of restrictive covenants, either applicable to all residential neighborhoods as a master declaration, or applicable to each neighborhood individually, or both.

B. Public Purpose. The public purpose of the Residential Regulations is to establish and thereafter maintain for its residents, tenants and visitors a sense of community through the design of exterior spaces and buildings at a human scale with appropriate architectural transitions. The sense of community will be further enhanced by the utilization of generous vegetation in and around the residential portion of the Project.

C. Residential Design Standards. All residential development within the PD shall comply with the City's Residential Design Standards in effect at the time of plan and/or permit submittal.

SECTION 10: COMMERCIAL REGULATIONS

A. Geographic Description. The commercial regulations applicable to the Commercial portions of the Project, shall be included in a set of restrictive covenants, either applicable to all commercial areas as a master declaration, or applicable to the commercial area.

B. Public Purpose. The public purpose of the Commercial Regulations is to establish and thereafter maintain for its residents, tenants and visitors a sense of community through the design of exterior spaces and buildings at a human scale with appropriate architectural transitions. The sense of community will be further enhanced by the utilization of generous vegetation in and around the residential portion of the Project.

C. Commercial Design Standards. All commercial development within the PD shall comply with the City's Non-Residential Design Standards in effect at the time of plan and/or permit submittal, and, where applicable, the Gateway Corridor Overlay.

SECTION 11: MAINTENANCE AND CONTROL

Roadways within the PD are public roadways unless specifically indicated on the Master Site Plan. It will be the responsibility of the Developer to maintain or provide for the maintenance of the Subject Parcels within the PD, including any pathways and driveways. The Developer's maintenance responsibilities and restrictions will cover the driveways, landscape areas, trees, parking areas, pathways, walkways, open space, common areas, stormwater conveyance and retention facilities, buildings and other features of the development as appropriate under this Document, applicable City UDO provisions and other ordinances. Upon execution and recording of the declarations of conditions, covenants and restrictions, which must occur prior to the conveyance of any single family residential lot to a third party buyer, the foregoing responsibilities shall be assumed by the applicable HOA/POA. In addition to the standards set forth within the PD, the CCRs will establish additional requirements for landscaping, particularly foundation landscaping and layering, signage and materials for single family residences.

SECTION 12: CONSTRUCTION SCHEDULE

Construction will begin following receipt of permits from the City and from other regulatory bodies. The nature of this Project, together with the current economic conditions, prevents the Developer from providing exact dates for commencement of future phases or exact completion dates. Although the timing of completion of any particular Phase of the PD District is subject to then current market demands, the Developer anticipates a period of approximately Eighteen (18) months from approval of the PD for design and permitting, and an additional period of Twelve (12) months from the issuance of permits for the installation of initial required infrastructure. Developer estimates that approximately One-Fifth of the Project would be complete within Five (5) years of approval of the PD District, with an additional One-Fifth of the Project being completed in each of the subsequent Five (5) year periods. Notwithstanding the fluid nature of development, and that various Phases of the PD District may be developed in non-numerical order, the number of building permits issued for Residential Units shall not exceed One Thousand Two Hundred Sixty One (1,261) total Residential Units.

SECTION 13: AMENDMENTS AND ENFORCEMENT

For purposes of this Ordinance, amendments to the PD District shall be determined as Minor or Major, by the Planning Director for the City.

Notwithstanding the classification of amendments to the PD District, revisions to the approved Master Site Plan made during the preparation of construction design documents to account for topography, soil quality, trees, grading, minor adjustments to roadway alignment, and changes to the location of lot lines, provided such revisions do not increase the maximum allowable density of the PD District, shall be deemed Minor amendments to the PD District, subject to the review of the City's planning Director.

The Developer shall record the approved ordinance in the public records of Horry County and return two (2) time-stamped copies to the City.

Expansions and further amendments to this PD District shall not be permitted without review by the Planning Director and approval as prescribed by the City's UDO.

[APPENDIX SUPPLEMENT ALSO INCLUDED IN SUBMITTAL]

APPENDIX A

(1) Master Site Plan
(2) Phasing Plan
(3) Open Space Plan
(4) Conceptual Master Water Plan
(5) Conceptual Master Sewer Plan
(6) Conceptual Storm Water Plan
(7) ADT Street Framework Plan
(8) Collector Street Section
(9) Local Street Typical Section
(10) Trail Section
(11) PD Topographic Exhibit

APPENDIX B

Existing Conditions

(1) Compiled Boundary Survey
(2) Wetland Information
(3) Downstream Stormwater Analysis
(4) Area Zoning Map

APPENDIX C

Project Traffic Report

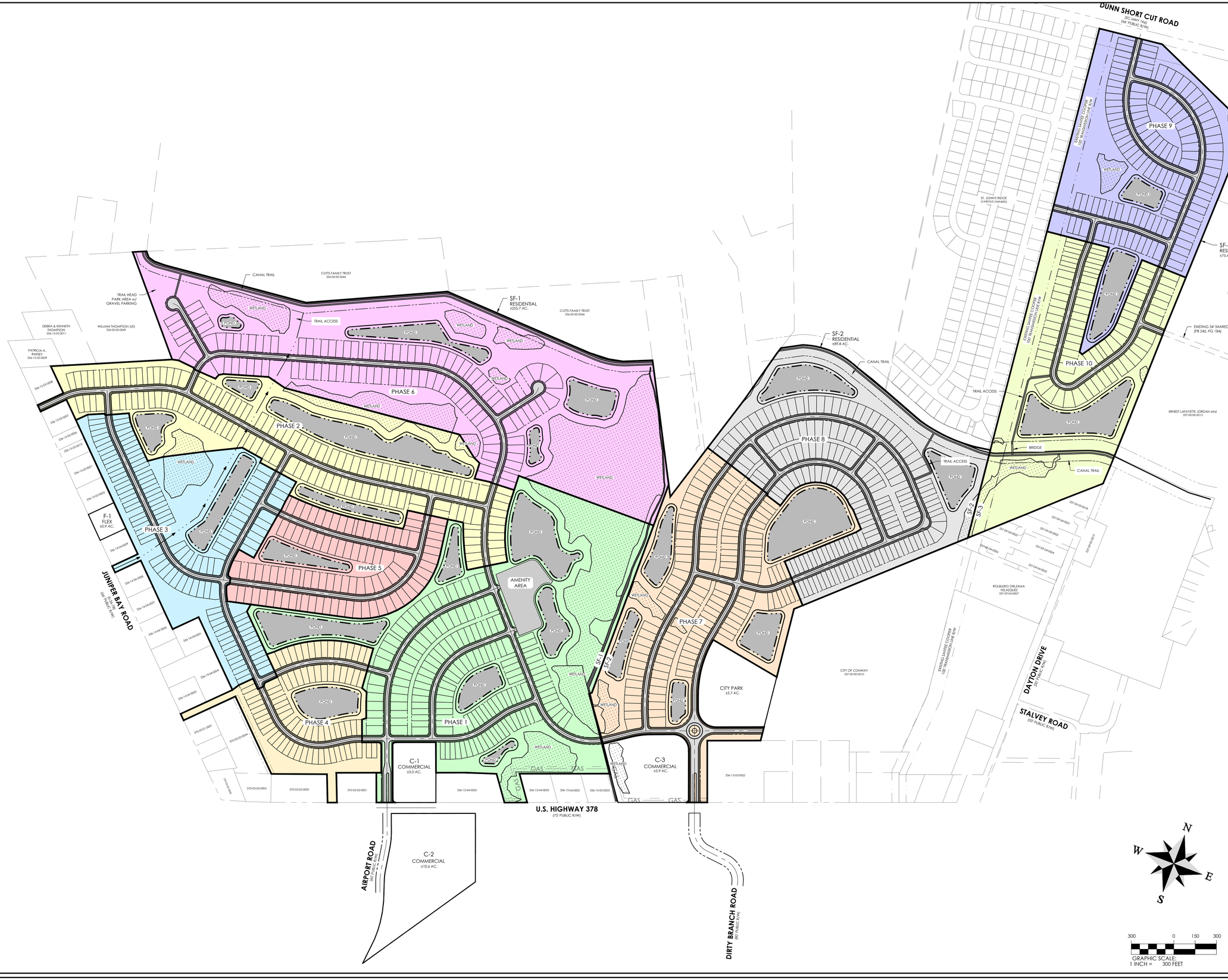
ROADWAY IMPROVEMENT TABLE

**To be incorporated in PD and DA docs*

Area	**Roadways**	**Improvements**	**Residential Unit Building Permit Limit for Completion**
Airport Rd. & U.S. Hwy. 378	Airport Rd. & US Hwy 378 **(DW #1)** C-1 Commercial Entrance	Roadway alignment and intersection improvements to access the PD: -Install exclusive left turn lanes on all approaches - Install exclusive westbound right turn lane along US Hwy 378 -Install signal when warranted	150 Building Permits
Dirty Branch Rd. & U.S. Hwy. 378	Dirty Branch Rd. & US Hwy 378 **(DW #2)** C-3 Commercial Entrance	Roadway alignment and intersection improvements to access the PD: -Install exclusive left turn lanes on all approaches -Install exclusive westbound right turn lane along US Hwy 378 -Install signal when warranted	600 Building Permits
Juniper Bay Rd. & Internal Spine Road	Juniper Bay Rd. **(DW #3)**	Improvements to connect internal roadway to Juniper Bay Rd, providing additional access to the PD, *but without turn lane*.	350 Building Permits
Dunn Short Cut Rd. & Internal Road	Dunn Short Cut Rd. **(DW #4)**	Improvements to connect internal roadway to Dunn Short Cut Rd. providing additional access to the PD: -Install exclusive westbound left turn lane along Dunn Shortcut Rd.	800 Building Permits
US Hwy 378 & Juniper Bay Rd. Intersection	US Hwy 378 & Juniper Bay Rd.	-Install exclusive eastbound left turn lane along US Hwy 378 -Install an exclusive westbound right turn lane along US Hwy 378	550 Building Permits
Boundary of Project	U.S. Hwy. 378	Widening of U.S. Hwy. 378 -Widen US Hwy 378 (from 2 lanes to 5 lanes) from west of project DW #2 to Dayton Drive	750 Building Permits

*To the extent any of the above improvements are included in an approved budget by either the State of South Carolina or the U.S. Department of Transportation, then upon installation by either of such agencies, Developer shall be relieved of the obligation to complete such improvements. To the extent required by the City based upon the volumes set forth in the TIA, *Developer will also install acceleration lanes the length and design of which shall be in accordance with SCDOT standards, subject to SCDOT issuance of encroachment permits for such improvements*.


Z:\30175\30175.0000\ENGINEERING\DRAWINGS\EXHIBITS\30175.0000 BROOKHAVEN - MASTER PLAN.DWG - Aug 13, 2024 - 8:17 AM
DUNN SHORT CUT ROAD
(SC HWY 166)
(66' PUBLIC R/W)
ST. JOHN'S RIDGE
(VARIOUS OWNERS)
EXISTING SANTEE COOPER
100' TRANSMISSION LINE R/W
SF-1
RESIDENTIAL
±255.7 AC.
SF-2
RESIDENTIAL
±89.8 AC.
SF-3
RESIDENTIAL
±75.4 AC.
CANAL TRAIL
CUTTS FAMILY TRUST
336-00-00-0046
TRAIL HEAD
PARK AREA w/
GRAVEL PARKING
TRAIL ACCESS
DEBRA & KENNETH
THOMPSON
336-15-02-0011
WILLIAM THOMPSON (LE)
336-00-00-0049
PATRICIA A.
RAINEY
336-15-02-0009
336-15-02-0008
336-15-02-0007
336-15-02-0006
336-15-02-0013
336-15-03-0001
336-15-03-0002
F-1
FLEX
±0.9 AC.
336-14-04-0009
336-14-04-0008
336-14-04-0007
336-14-04-0006
336-14-04-0001
336-14-04-0004
336-14-04-0003
370-03-01-0001
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370-03-02-0003
370-03-02-0002
370-03-02-0001
336-13-04-0005
336-13-04-0003
336-13-04-0002
336-13-03-0003
336-13-03-0002
JUNIPER BAY ROAD
(S-26-78)
(66' PUBLIC R/W)
WETLAND
POND
AMENITY
AREA
BRIDGE
ERNEST LAFAYETTE JORDAN etal
337-00-00-0013
EXISTING 34' SHARED ROAD
(PB 245, PG 184)
337-09-03-0018
337-09-04-0001
337-09-04-0002
337-09-04-0003
337-09-04-0004
337-09-04-0005
337-09-04-0006
337-09-03-0019
ROLBLERO ORLZAMA
VELAZQUEZ
337-09-04-0007
CITY OF CONWAY
337-00-00-0010
CITY PARK
±5.7 AC.
C-1
COMMERCIAL
±3.0 AC.
C-2
COMMERCIAL
±10.6 AC.
C-3
COMMERCIAL
±5.9 AC.
U.S. HIGHWAY 378
(75' PUBLIC R/W)
AIRPORT ROAD
(60' PUBLIC R/W)
DIRTY BRANCH ROAD
(80' PUBLIC R/W)
DAYTON DRIVE
(50' PUBLIC R/W)
STALVEY ROAD
(50' PUBLIC R/W)
U.S. HWY. 501
DUNN SHORTCUT RD
EL BETHEL RD
JUNIPER BAY RD
U.S. HWY. 378
CONWAY-HORRY
COUNTY AIRPORT
DIRTY BRANCH RD
U.S. HWY. 701
SITE
LATITUDE: 33°50'31" N
LONGITUDE: 79°07'10" W
VICINITY MAP
SCALE: 1" = 5000'
LEGEND
37' LOT WIDTH, SF DETACHED
43' LOT WIDTH, SF DETACHED
53' LOT WIDTH, SF DETACHED
34' LOT WIDTH, DUPLEX SEMI-ATTACHED
FLEX TRACT
COMMERCIAL
CITY PARK / TRAIL
OPEN SPACE AREA
WETLAND
POND
N
E
S
W
300 0 150 300
1 INCH = 300
Master Plan
Brookhaven
City of Conway, South Carolina
PREPARED FOR:
D.R. Horton, Inc.
PREPARED BY:
THOMAS & HUTTON
611 Burroughs & Chapin Blvd. • Suite 202
Myrtle Beach, SC 29577 • 843.839.3545
www.thomasandhutton.com
JOB NO: 30175.0000
DRAWN: KWL
REVIEWED: JHR
DATE: July 18, 2024
SCALE: 1" = 300'
SHEET: 1 of 1



Phasing Plan

Brookhaven

Conway, South Carolina

PREPARED FOR:

D.R. Horton, Inc.

PREPARED BY:

THOMAS & HUTTON

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Myrtle Beach, SC 29577 • 843.839.3545

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JOB NO:	J-30175.0000
DRAWN:	LCC
REVIEWED:	JHR
DATE:	August 13, 2024
SCALE:	1" = 300'
SHEET:	Exhibit 1-A

LEGEND

- OPEN SPACE
- STORMWATER POND
- WETLANDS
- CITY PARK AND TRAIL
- PD BUFFER

DUNN SHORT CUT ROAD

BROOKHAVEN BOUNDARY

JUNIPER BAY ROAD

AMENITY CENTER

CITY PARK

U.S. HIGHWAY 378

AIRPORT ROAD

DIRTY BRANCH ROAD

NOTE:
PLAN IS CONCEPTUAL IN NATURE AND MAY BE REVISED AT THE OWNERS DISCRETION WITH REVIEW BY THE CITY OF CONWAY AND OTHER REGULATORY AGENCIES. THIS PLAN DOES NOT BIND THE PROJECT TO THE OPEN SPACE SHOWN.

N
W
E
S

300 0 150 300
GRAPHIC SCALE:
1 INCH = 300 FEET

Open Space Master Plan

Brookhaven

Conway, South Carolina

PREPARED FOR:
D.R. Horton, Inc.

PREPARED BY:

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Myrtle Beach, SC 29577 • 843.839.3545
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JOB NO:	J-30175.0000
DRAWN:	LCC
REVIEWED:	JHR
DATE:	May 23,2024
SCALE:	1" = 300'
SHEET:	Exhibit 2

LEGEND

- 6" WATER LINE
- 8" WATER LINE
- 10" WATER LINE
- EXISTING WATER LINES
- FIRE HYDRANTS

BROOKHAVEN BOUNDARY

DUNN SHORT CUT ROAD

TAP EXISTING 10" WATER LINE

TIE TO EXISTING 8" WATER LINE

TAP EXISTING 10" WATER LINE

JUNIPER BAY ROAD

TIE TO EXISTING 6" WATER LINE

U.S. HIGHWAY 378

AIRPORT ROAD

TAP EXISTING 10" WATER LINE

DIRTY BRANCH ROAD

TAP EXISTING 10" WATER LINE

NOTE:
PLAN IS CONCEPTUAL IN NATURE AND MAY BE REVISED AT THE OWNERS DISCRETION WITH REVIEW BY THE CITY OF CONWAY AND OTHER REGULATORY AGENCIES.

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300 0 150 300
GRAPHIC SCALE:
1 INCH = 300 FEET

Conceptual Water Master Plan

Brookhaven

Conway, South Carolina

PREPARED FOR:
D.R. Horton, Inc.

PREPARED BY:

THOMAS & HUTTON
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Myrtle Beach, SC 29577 • 843.839.3545
www.thomasandhutton.com

JOB NO:	J-30175.0000
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REVIEWED:	JHR
DATE:	May 23, 2024
SCALE:	1" = 300'
SHEET:	Exhibit 3

LEGEND

- 8" SEWER LINE
- 10" SEWER LINE
- FORCEMAIN
- PUMP STATION

DUNN SHORT CUT ROAD

TAP EXISTING
10" FORCEMAIN

BROOKHAVEN
BOUNDARY

JUNIPER BAY ROAD

U.S. HIGHWAY 378

AIRPORT ROAD

TAP EXISTING
10" FORCEMAIN

TAP EXISTING
10" FORCEMAIN

DIRTY BRANCH ROAD

NOTE:
PLAN IS CONCEPTUAL IN NATURE AND MAY BE REVISED AT THE OWNERS DISCRETION WITH REVIEW BY THE CITY OF CONWAY AND OTHER REGULATORY AGENCIES.

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S

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GRAPHIC SCALE:
1 INCH = 300 FEET

Conceptual Sewer Master Plan

Brookhaven

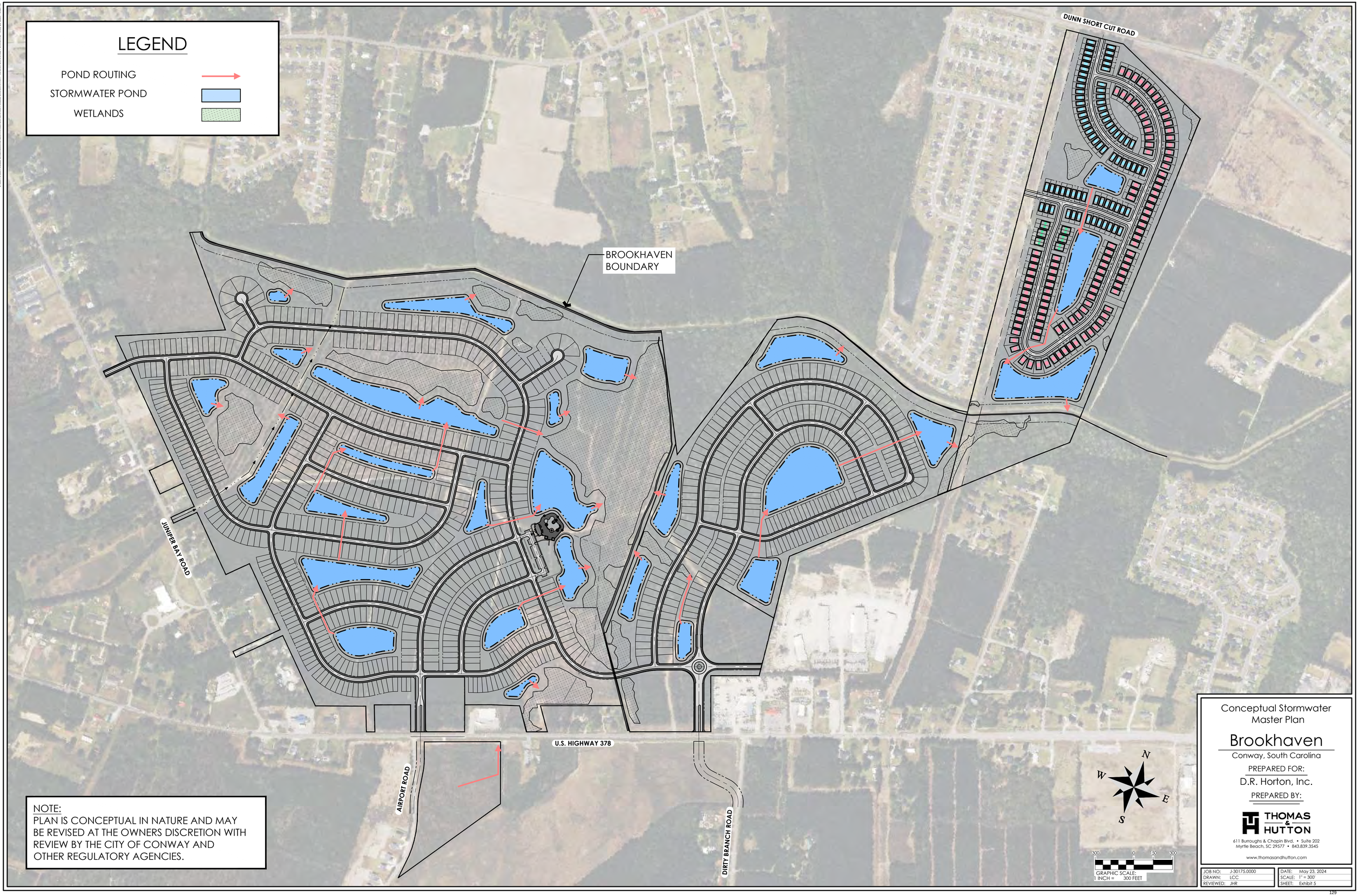
Conway, South Carolina

PREPARED FOR:
D.R. Horton, Inc.

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DATE:	May 23, 2024
SCALE:	1" = 300
SHEET:	Exhibit 4



NOTE:
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Conceptual Stormwater Master Plan

Brookhaven

Conway, South Carolina

PREPARED FOR:

D.R. Horton, Inc.

PREPARED BY:

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REVIEWED:	JHR
DATE:	May 23, 2024
SCALE:	1" = 300'
SHEET:	Exhibit 5

LEGEND

- ENTRANCE ROAD (90' RIGHT OF WAY)
- LOCAL ROAD (50' RIGHT OF WAY)
- CUL-DE-SAC (50' RIGHT OF WAY)
- CANAL TRAIL

BROOKHAVEN BOUNDARY

DUNN SHORT CUT ROAD

JUNIPER BAY ROAD

U.S. HIGHWAY 378

AIRPORT ROAD REALIGNMENT

AIRPORT ROAD

DIRTY BRANCH ROAD REALIGNMENT

DIRTY BRANCH ROAD

NOTE:
PLAN IS CONCEPTUAL IN NATURE AND MAY BE REVISED AT THE OWNERS DISCRETION WITH REVIEW BY THE CITY OF CONWAY AND OTHER REGULATORY AGENCIES.

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W
E
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300 0 150 300
GRAPHIC SCALE:
1 INCH = 300 FEET

ADT Street Framework Plan

Brookhaven

Conway, South Carolina

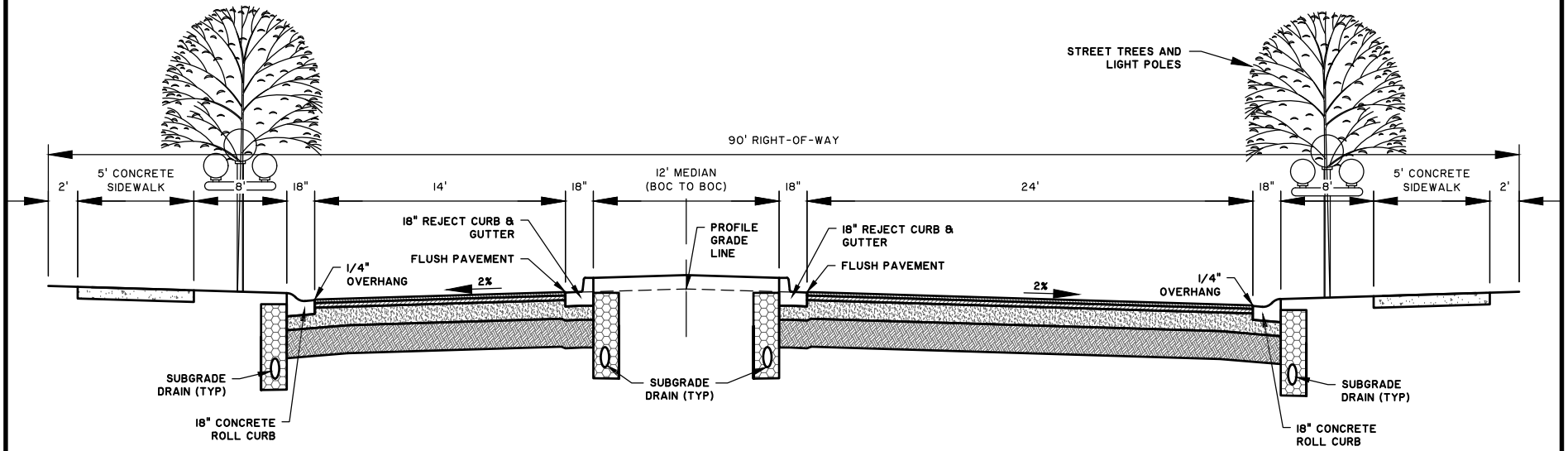
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DATE:	May 23, 2024
SCALE:	1" = 300'
SHEET:	Exhibit 6

Z:\30175\30175.0000\ENGINEERING\DRAWINGS\EXHIBITS\30175.0000 BROOKHAVEN - TYPICAL ROAD SECTIONS.DWG - May 23, 2024 - 5:56 PM



COLLECTOR ROAD WITH MEDIAN (ENTRANCE) TYPICAL SECTION

NOT TO SCALE

EXHIBIT 7 - COLLECTOR ROAD

PROJECT:
BROOKHAVEN

CLIENT:
D.R. HORTON, INC.

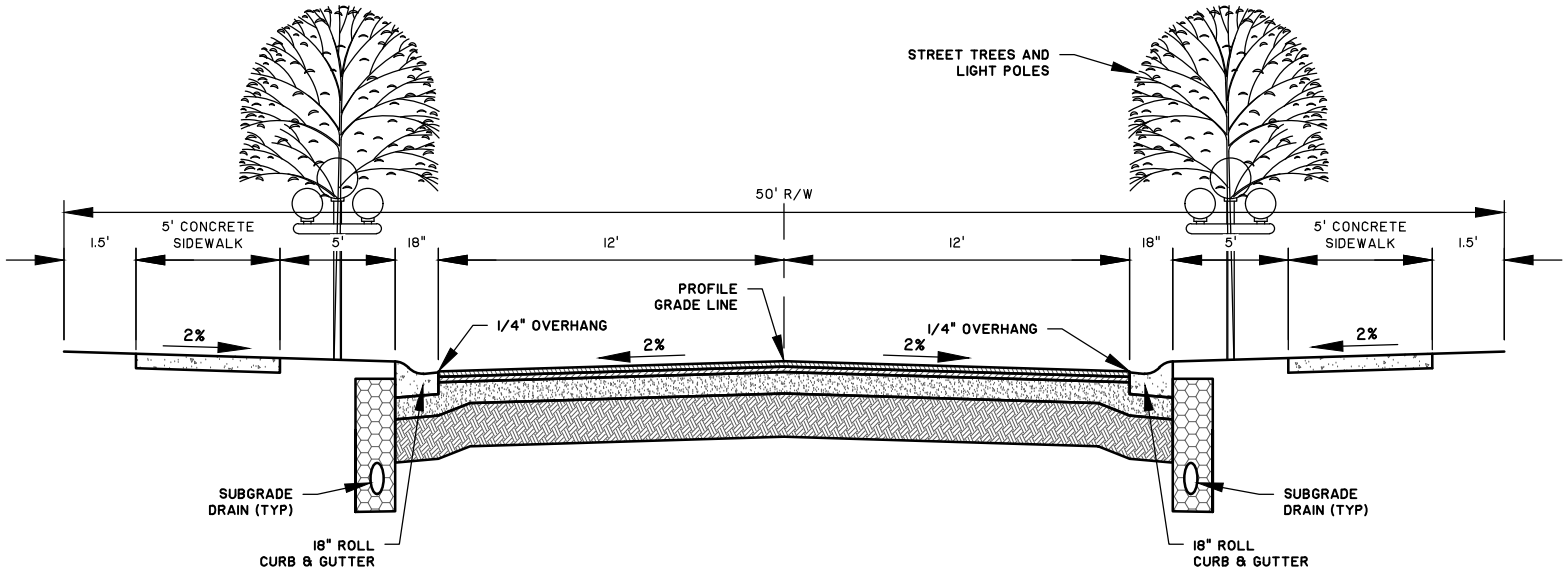
LOCATION: CITY OF CONWAY, SOUTH CAROLINA
DATE: MAY 2024 DRAWN BY: LCC SHEET: 1 OF 3
JOB NUMBER: J-30175.0000 REVIEWED BY: JHR SCALE: NTS

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Z:\30175\30175.0000\ENGINEERING\DRAWINGS\EXHIBITS\30175.0000 BROOKHAVEN - TYPICAL ROAD SECTIONS.DWG - May 24, 2024 - 7:45 AM



LOCAL STREET TYPICAL SECTION

NOT TO SCALE

EXHIBIT 7 - LOCAL STREET

PROJECT:
BROOKHAVEN

CLIENT:
D.R. HORTON, INC.

LOCATION: CITY OF CONWAY, SOUTH CAROLINA
DATE: MAY 2024 DRAWN BY: LCC SHEET: 2 OF 3
JOB NUMBER: J-30175.0000 REVIEWED BY: JHR SCALE: NTS

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Z:\30175\30175.0000\ENGINEERING\DRAWINGS\EXHIBITS\30175.0000 BROOKHAVEN - TYPICAL ROAD SECTIONS.DWG - May 23, 2024 - 5:56 PM

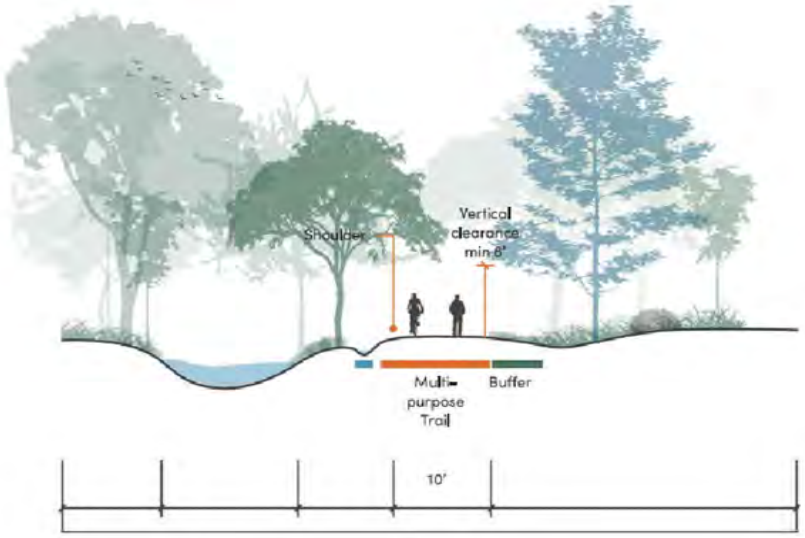


Table 11: Design Guidelines table

Users	Pedestrians and bicycle users
Contexts	Floodplains
Typical Tread Widths	10'
Materials	Natural soil surface, wood mulch, sand
Buffers and Clearance	Min 8' vertical clearance, railing or fence 54" tall when adjacent to a drop-off of 1' or greater / Resting places every 200' for slopes less than 8.33%, every 30' for slopes 8.33% to 10%, and every 10' for slopes greater than 10%

SWAMP, LEVEE OR CANAL TRAILS

NOT TO SCALE

EXHIBIT 7 - TRAIL SECTION

PROJECT:
BROOKHAVEN

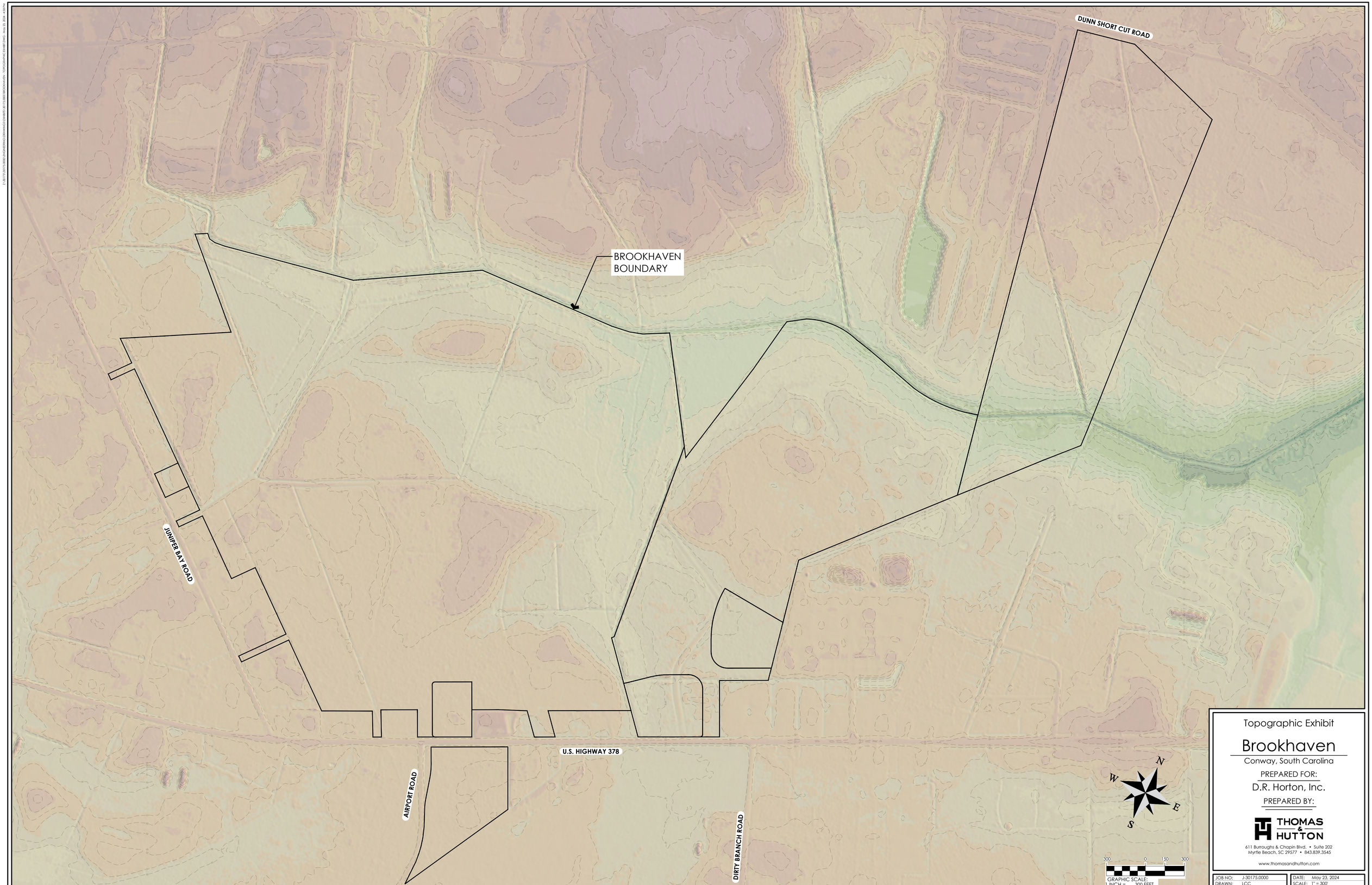
CLIENT:
D.R. HORTON, INC.

LOCATION: CITY OF CONWAY, SOUTH CAROLINA
DATE: MAY 2024 DRAWN BY: LCC SHEET: 3 OF 3
JOB NUMBER: J-30175.0000 REVIEWED BY: JHR SCALE: NTS

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NOTE:
TRAIL SECTION PER "*CITY OF CONWAY PATHWAYS AND TRAILS PLAN*" DATED SEPTEMBER 2022.



Topographic Exhibit

Brookhaven

Conway, South Carolina

PREPARED FOR:

D.R. Horton, Inc.

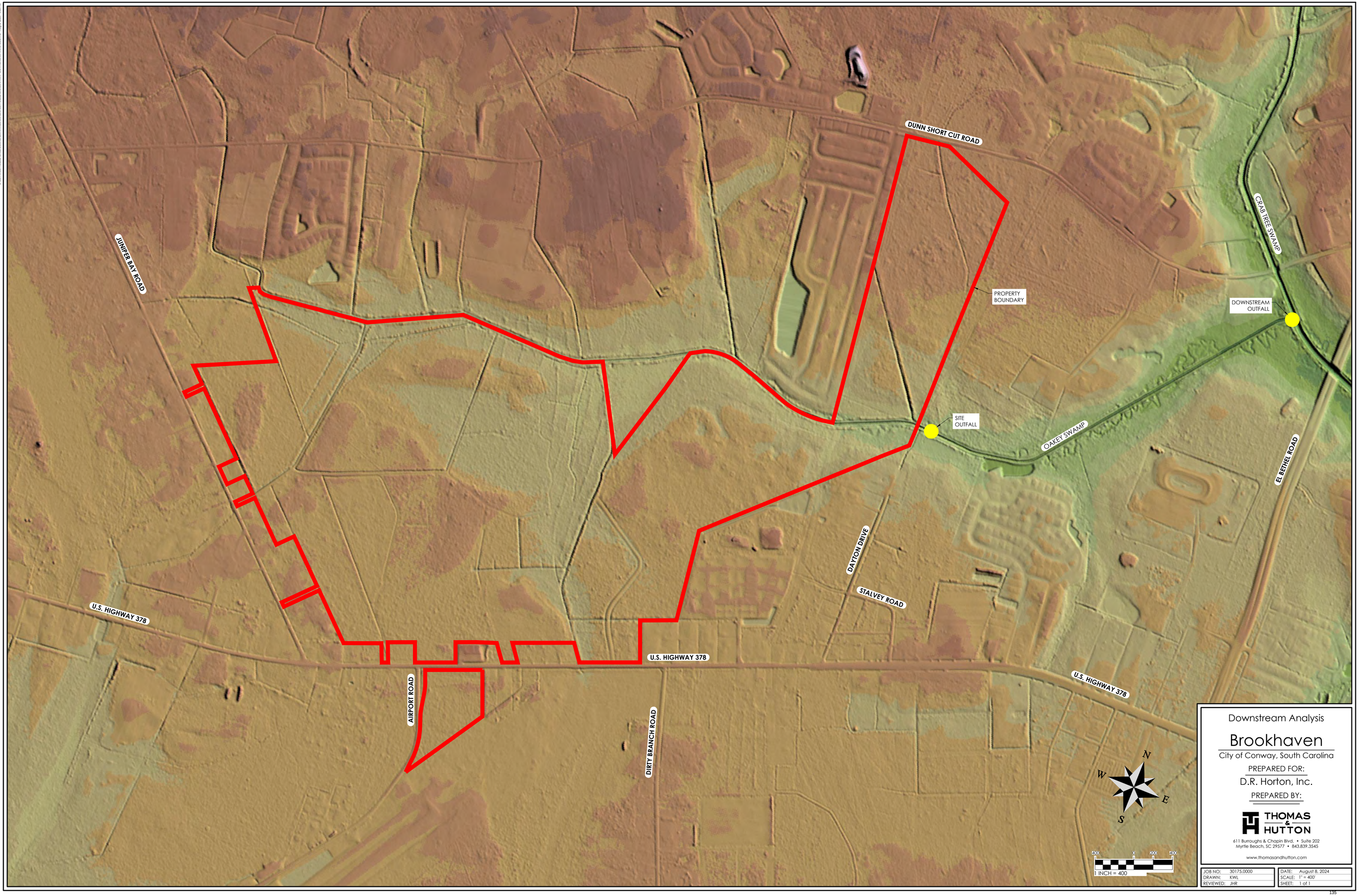
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DRAWN:	LCC
REVIEWED:	JHR
DATE:	May 23, 2024
SCALE:	1" = 300'
SHEET:	Exhibit B



Downstream Analysis

Brookhaven

City of Conway, South Carolina

PREPARED FOR:

D.R. Horton, Inc.

PREPARED BY:

THOMAS & HUTTON

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Myrtle Beach, SC 29577 • 843.839.3545

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JOB NO:	30175.0000	DATE:	August 8, 2024
DRAWN:	KWL	SCALE:	1" = 400'
REVIEWED:	JHR	SHEET:	1 of 1

BROOKHAVEN

2024
June

DRAFT

PREPARED FOR: THOMAS & HUTTON

50 PARK OF COMMERCE WAY // SAVANNAH, GA, 31405

TRAFFIC IMPACT ANALYSIS

ALONG US 378
IN CONWAY, SOUTH CAROLINA



PREPARED BY: STANTEC CONSULTING SERVICES INC. // N. CHARLESTON, SC

DRAFT

BROOKHAVEN
TRAFFIC IMPACT ANALYSIS

The conclusions in the Report titled "Brookhaven Traffic Impact Analysis" are Stantec Consulting Services Inc. ("Stantec") professional opinion, as of the time of the Report, and concerning the scope described in the Report. The opinions in the document are based on conditions and information existing at the time the scope of work was conducted and do not take into account any subsequent changes. The Report relates solely to the specific project for which Stantec was retained and the stated purpose for which the Report was prepared. The Report is not to be used or relied on for any variation or extension of the project, or for any other project or purpose, and any unauthorized use or reliance is at the recipient's own risk. Stantec has assumed all information received from Thomas & Hutton (the "Client") and third parties in the preparation of the Report to be correct. While Stantec has exercised a customary level of judgment or due diligence in the use of such information, Stantec assumes no responsibility for the consequences of any error or omission contained therein.

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Prepared by: _____

Claudia Thompson

Reviewed by: _____

Josh Mitchell, PE

Approved by: _____

Stuart Day, PE, PTOE

June 2024

DRAFT

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EXECUTIVE SUMMARY

A traffic impact analysis was conducted for the Brookhaven development in accordance with SCDOT and the City of Conway guidelines. The proposed Brookhaven development is located along US 378 and for the purposes of this analysis was assumed to be completed in two general phases – Phase 1: 2029 and Phase 2: 2034.

Phase 1 consists of the western portion of the site, consisting of up to 634 single family detached housing units, 102 single family detached housing units, a 5,000 square foot convenience store, 20,000 square feet of strip retail plaza, and an 80,000 square foot mini-warehouse. Phase 2 consists of the eastern portion of the site consisting of up to 465 single-family detached housing units, 60 single-family attached housing units, a 8,000 square foot fast casual restaurant, and 27,000 square feet of strip retail plaza.

Access to the development is proposed to be provided via four full access driveways, all of which meet the SCDOT spacing requirements.

- Project DW #1 is proposed to be located along US 378 opposite realigned Airport Road;
- Project DW #2 is proposed to be located along US 378 opposite realigned Dirty Branch Road;
- Project DW #3 is proposed to be located along Juniper Bay Road; and
- Project DW #4 is proposed to be located along Dunn Short Cut Road.

The extent of the roadway network analyzed consisted of the ten (10) intersections of:

1. US 378 & Juniper Bay Road;
2. US 378 & Airport Road/Project DW #1;
3. US 378 & Dirty Branch Rd/Project DW #2;
4. US 378 & Commercial DW;
5. US 378 & Jerry Barnhill Boulevard;
6. US 378 & Dayton Drive;
7. Juniper Bay Road & Project DW #3;
8. Dunn Short Cut Road & Juniper Bay Road;
9. Dunn Short Cut Road & Leatherman Road; and
10. Dunn Short Cut Road & Project DW #4.

Based on SCDOT's *Roadway Design Manual* considerations and per the criteria documented in *Section 5D-4* of SCDOT's *Access and Roadside Management Standards (ARMS,* 2008), exclusive right-turn lanes are recommended at the following intersections:

Phase 1

- Westbound right-turn lane at the intersection of US 378 & Airport Road/Project Driveway #1 (to consist of a total of 350 feet, with 150 feet of storage and a 200-foot taper); and
- Westbound right-turn lane at the intersection of US 378 & Juniper Bay Road (to consist of a total of 300 feet, with 100 feet of storage and a 200-foot taper). Note that the intersection of US 378 & Juniper Bay Road warrants this turn lane with or without the proposed Brookhaven development.

Phase 2

- US 378 & Project Driveway #2 (to consist of a total of 350 feet, with 150 feet of storage and a 200-foot taper).

Based on SCDOT's *Roadway Design Manual* considerations and per the criteria documented in *Section 5D-4* of SCDOT's *Access and Roadside Management Standards (ARMS,* 2008*)*, exclusive left-turn lanes are recommended at the following intersections:

Phase 1

- Eastbound left-turn lane at the intersection of US 378 & Airport Road/Project Driveway #1 (to consist of a total of 350 feet, with 150 feet of storage and a 200-foot taper);
- Westbound left-turn lane at the intersection of US 378 & Airport Road/Project Driveway #1 (to consist of 350 feet, with 150 feet of storage and a 200-foot taper); and
- Eastbound left-turn lane along US 378 at Juniper Bay Road (to consist of a total of 350 feet, with 150 feet of storage and a 200-foot taper). Note that the intersection of US 378 & Juniper Bay Road warrants this turn lane with or without the proposed Brookhaven development.

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Phase 2

- US 378 & Project Driveway #2 (to consist of a total of 350 feet, with 150 feet of storage and a 200-foot taper); and
- US 378 & Project Driveway #4 (to consist of a total of 330 feet, with 150 feet of storage and a 180-foot taper).

The results of the analysis for Phase 1 indicate that the study intersections currently operate and are expected to continue to operate at an acceptable LOS with the proposed Brookhaven Phase 1 development, with six exceptions:

- The intersection of US 378 & Juniper Bay Road currently experiences undesirable delay and is projected to continue to experience undesirable delay with or without the proposed Brookhaven development. However, the anticipated traffic from the proposed development is anticipated to significantly increase delay at the intersection. Based on SCDOT's *Roadway Design Manual* considerations, this intersection warrants the installation of an exclusive eastbound left-turn lane and an exclusive westbound right-turn lane with or without the proposed Brookhaven development. Therefore, it is recommended to install an exclusive eastbound left-turn lane and an exclusive westbound right-turn lane in order to mitigate the increased delay.

- The intersection of US 378 & Airport Road/Project Driveway #1 is projected to experience undesirable delay with the proposed Brookhaven development. A signal warrant analysis was performed with projected 2029 Build traffic volumes which indicates that the 8-hour, 4-hour, and peak hour warrants are likely to be met. Therefore, it is recommended to signalize this intersection when warranted and to provide exclusive left-turn lanes at all intersection approaches as well as eastbound and westbound right-turn lanes along US 378.

- The intersection of US 378 & Dirty Branch Road/GFL Environmental Driveway is projected to experience undesirable delay in both peak hours of the 2029 No Build and Build Conditions. However, this projected delay is likely due in part to the conservative nature of the *HCM 6th Edition* unsignalized methodology and is not an uncommon condition for two-way stop control during the peak hours of the day. This increased delay will be mitigated in Brookhaven Phase 2; therefore, no improvements are recommended in Phase 1.

- The intersection of US 378 & Commercial Driveway is projected to experience undesirable delay in the PM peak hour of the 2029 No Build and Build Conditions. However, this projected delay is likely due in part to the conservative nature of the *HCM 6th Edition* unsignalized methodology and is not an uncommon condition for two-way stop control during the peak hours of the day; therefore, no improvements are recommended to mitigate this delay.

- The intersection of US 378 & Jerry Barnhill Boulevard currently experiences undesirable delay and is projected to continue to experience undesirable delay with or without the proposed Brookhaven development. However, this projected delay is likely due in part to the conservative nature of the *HCM 6th Edition* unsignalized methodology and is not an uncommon condition for two-way stop control during the peak hours of the day; therefore, no improvements are recommended to mitigate this delay.

- The intersection of US 378 & Dayton Drive is projected to experience undesirable delay in the AM peak hour with or without the proposed development. However, this projected delay is likely due in part to the conservative nature of the *HCM 6th Edition* unsignalized methodology and is not an uncommon condition for two-way stop control during the peak hours of the day; therefore, no improvements are recommended to mitigate this delay

DRAFT

The results of the analysis for Phase 2 indicate that the study intersections currently operate and are expected to continue to operate at an acceptable LOS with the proposed Brookhaven development, with six exceptions:

- The intersection of US 378 & Juniper Bay Road currently experiences undesirable delay and is projected to continue to experience undesirable delay with or without the proposed Brookhaven development. As mentioned previously, it is recommended to install an exclusive eastbound left-turn lane and an exclusive westbound right-turn lane in order to mitigate the increased delay in Phase 1 which is projected to improve the LOS. While the LOS is projected to be undesirable with the ultimate buildout in Phase 2, the Phase 1 turn lane improvements are projected to provide improved LOS over the No Build Conditions.

- The intersection of US 378 & Airport Road/Project Driveway #1 is projected to experience undesirable delay in the AM peak hour with the proposed Brookhaven development at full-buildout, with the recommended signalization from Phase 1. While the LOS is projected to be LOS E in the AM peak hour of 2033 at full buildout, the delay is projected to be slightly above the LOS E threshold of 55.0 s/veh. Therefore, no further improvements (beyond the Phase 1 improvements) are recommended.

- The intersection of US 378 & Dirty Branch Road/Project Driveway #2 is projected to experience undesirable delay in both peak hours of the 2034 No Build and Build Conditions. A signal warrant analysis was performed with projected 2034 Build traffic volumes which indicates that the 8-hour, 4-hour, and peak hour warrants are likely to be met. Therefore, it is recommended to signalize this intersection when warranted and to provide exclusive left-turn lanes at all intersection approaches as well as a westbound right-turn lane on US 378. This intersection is projected to experience an undesirable LOS F even with signalization; therefore, it is recommended to extend the widening of US 378 from where it ends east of Dayton Drive to the west of this intersection, narrowing back to two lanes west of Dirty Branch Road.

- The intersection of US 378 & Commercial Driveway is projected to experience undesirable delay in the PM peak hour of the 2034 No Build and Build Conditions. However, this projected delay is likely due in part to the conservative nature of the *HCM 6th Edition* unsignalized methodology and is not an uncommon condition for two-way stop control during the peak hours of the day. The proposed US 378 widening from Dayton Drive to west of Dirty Branch Road will improve the LOS, however no additional improvements are recommended to mitigate this delay.

- The intersection of US 378 & Jerry Barnhill Boulevard currently experiences undesirable delay and is projected to continue to experience undesirable delay with or without the proposed Brookhaven development. However, this projected delay is likely due in part to the conservative nature of the *HCM 6th Edition* unsignalized methodology and is not an uncommon condition for two-way stop control during the peak hours of the day. The proposed US 378 widening from Dayton Drive to west of Dirty Branch Road will improve the LOS, however no additional improvements are recommended to mitigate this delay.

The intersection of US 378 & Dayton Drive is projected to experience undesirable delay in the AM peak hour of the 2034 No Build Conditions and is projected to experience undesirable delay in both peak hours of the 2034 Build Conditions. However, this projected delay is likely due in part to the conservative nature of the *HCM 6th Edition* unsignalized methodology and is not an uncommon condition for two-way stop control during the peak hours of the day. The proposed US 378 widening is anticipated to improve the LOS in the AM peak hour. Therefore, no additional improvements to mitigate this delay are recommended.

The recommended mitigation, including both turn lanes warranted based on SCDOT's turn lane criteria as well as additional improvements to mitigate projected delay, is listed in Table E.1 on the following page.

Table E.1 - Proposed Improvements

Intersection		Proposed Improvement	
		Phase 1 - 2029	Phase 2 - 2034
1	US 378 & Juniper Bay Road	❖ Install an exclusive EB left-turn lane along US 378. ❖ Install an exclusive WB right-turn lane along US 378.	-
2	US 378 & Airport Road/Project DW #1	❖ Install a Signal when warranted. ❖ Install exclusive left-turn lanes on all approaches. ❖ Install an exclusive WB right-turn lane along US 378.	-
3	US 378 & Dirty Branch Road/ Project DW #2	-	❖ Install a Signal when warranted. ❖ Install exclusive left-turn lanes on all approaches. ❖ Install an exclusive WB right-turn lane along US 378.
4	US 378 & Commercial DW	-	-
5	US 378 & Jerry Barnhill Boulevard	-	-
6	US 378 & Dayton Drive	-	-
7	Juniper Bay Road & Project DW #3	-	-
8	Dunn Short Cut Road & Juniper Bay Road	-	-
9	Dunn Short Cut Road & Leatherman Road	-	-
10	Dunn Short Cut Road & Project DW #4	-	❖ Install an exclusive WB left-turn lane along Dunn Short Cut Road.
			Widen US 378 (from two-lanes to five-lanes) from west of Project Driveway #2 to Dayton Drive.

DRAFT

1.0 INTRODUCTION

1.1 PROJECT BACKGROUND

The purpose of this report is to document the procedures and findings of a traffic impact analysis for the proposed Brookhaven development in accordance with SCDOT and the City of Conway guidelines. The proposed Brookhaven development is located along US 378, as shown in Exhibit 1.1, and will consist of the following land uses, with anticipated completion by 2029 (Phase 1) and 2034 (Phase 2):

- 80,000 square feet mini-warehouse;
- 1,099 single-family detached housing units;
- 162 single-family attached housing units;
- 5.7 acre public park;
- 47,000 square feet strip retail plaza;
- 5,000 square feet convenience store;
- 8,000 square feet fast casual restaurant.

Phase 1 consists of the western portion of the site, consisting of up to 634 single family detached housing units, 102 single family detached housing units, a 5,000 square foot convenience store, 20,000 square feet of strip retail plaza, and an 80,000 square foot mini-warehouse. Phase 2 consists of the eastern portion of the site consisting of up to 465 single-family detached housing units, 60 single-family attached housing units, a 8,000 square foot fast casual restaurant, and 27,000 square feet of strip retail plaza.

Access to the development will be provided through four full access driveways and via Dayton Drive, as shown in the site plan in Exhibit 1.2. The traffic impact analysis considers the weekday AM peak hour (between 7:00 AM and 9:00 AM) and the weekday PM peak hour (between 4:00 PM and 6:00 PM) as the study time frames. The extent of the existing roadway network to be studied consists of the ten (10) intersections of:

1. US 378 & Juniper Bay Road;
2. US 378 & Project DW #1;
3. US 378 & Dirty Branch Rd/GFL Environmental DW/Project DW #2;
4. US 378 & Commercial DW;
5. US 378 & Jerry Barnhill Boulevard;
6. US 378 & Dayton Drive;
7. Juniper Bay Road & Project DW #3;
8. Dunn Short Cut Road & Juniper Bay Road;
9. Dunn Short Cut Road & Leatherman Road; and
10. Dunn Short Cut Road & Project DW #4.

1.2 EXISTING ROADWAY CONDITIONS

US 378 is a two-lane principal arterial that primarily serves residential and commercial land uses. The posted speed limit is 55 mph and the average annual daily traffic (AADT) in 2024 was 11,800 vehicles/day. Based upon existing turning movement counts, the percentage of heavy vehicles along US 378 is approximately 3%. Dunn Short Cut Road is a two-lane local roadway that primarily serves residential land uses. The posted speed limit is 45 mph. Based upon existing turning movement counts, the percentage of heavy vehicles along Dunn Short Cut Road is approximately 3%. Juniper Bay Road is a two-lane major collector that primarily serves residential land uses. The posted speed limit is 45 mph. Based upon existing turning movement counts, the percentage of heavy vehicles along Juniper Bay Road is approximately 2%. Dayton Drive is a two-lane local roadway that primarily serves residential land uses. The posted speed limit is 15 mph. Based upon existing turning movement counts, the percentage of heavy vehicles along Dayton Drive is approximately 2%. Jerry Barnhill Boulevard is a two-lane local roadway that primarily serves commercial land uses. The posted speed limit is 15 mph. Based upon existing turning movement counts, the percentage of heavy vehicles along Jerry Barnhill Boulevard is approximately 10%. Dirty Branch Road is a two-lane local roadway that primarily serves residential land uses. The posted speed limit is 25 mph. Based upon existing turning movement counts, the percentage of heavy vehicles along Dirty Branch Road is approximately 2%. Leatherman Road is a two-lane local roadway that primarily serves residential land uses. The posted speed limit is 25 mph. Based upon existing turning movement counts, the percentage of heavy vehicles along Leatherman Road is approximately 3%.

DRAFT

Exhibit 1.1 – Brookhaven Location Map

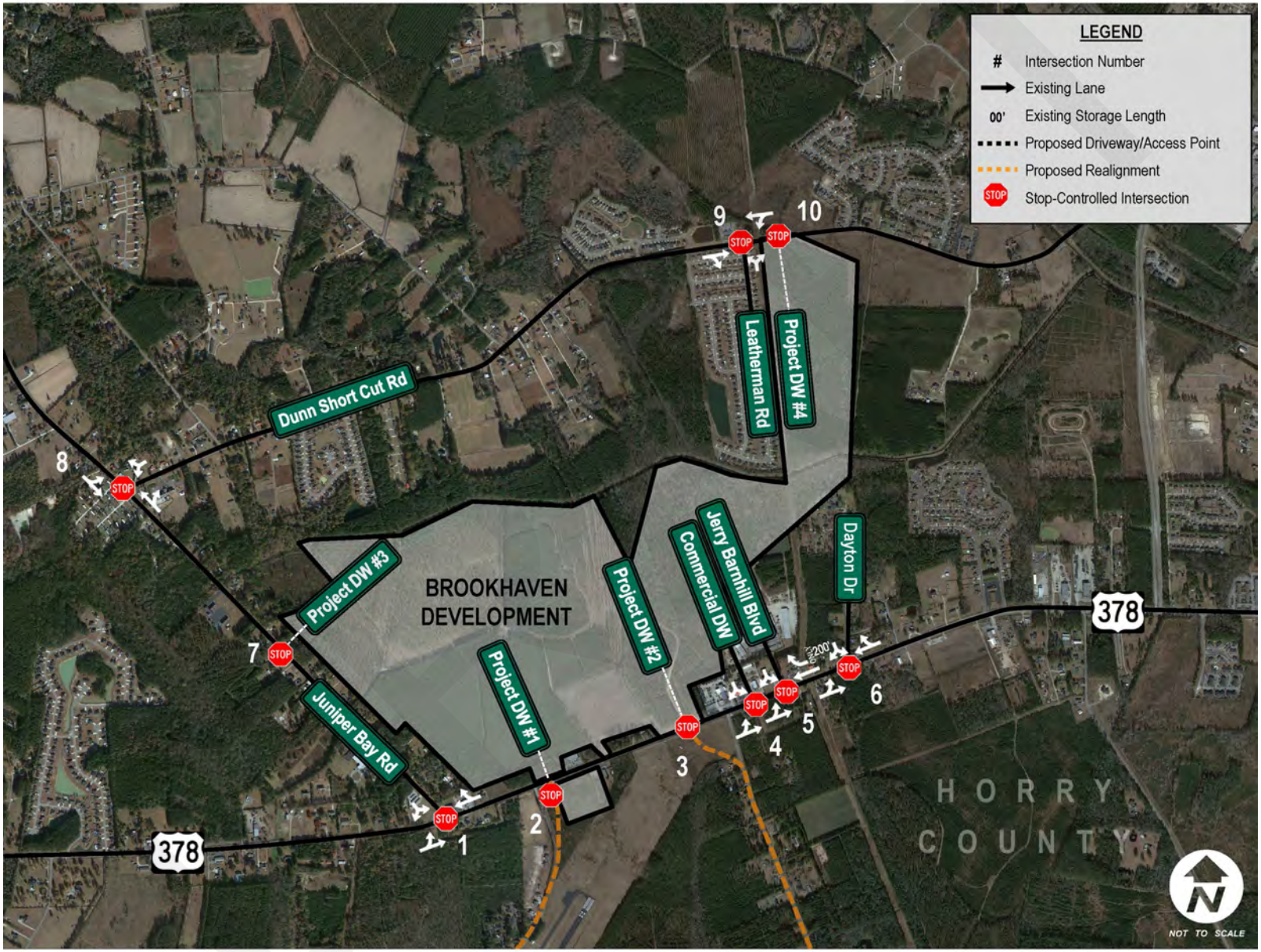
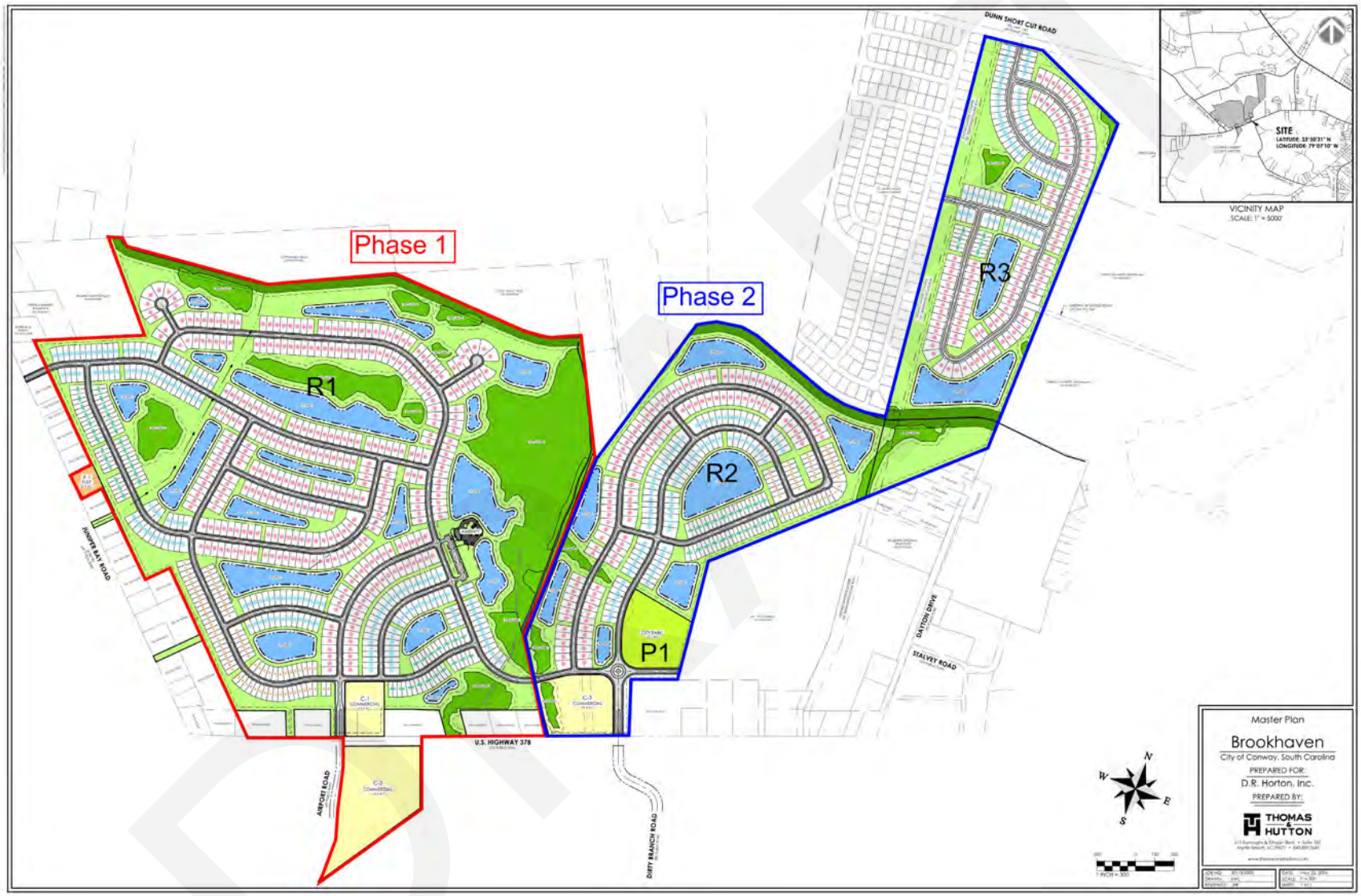


Exhibit 1.2 – Brookhaven Site Plan











THE CALI

1774 SQ. FT. | **4** BED **2** BATH **1** STORY **2** CAR



Elevation A



Elevation B



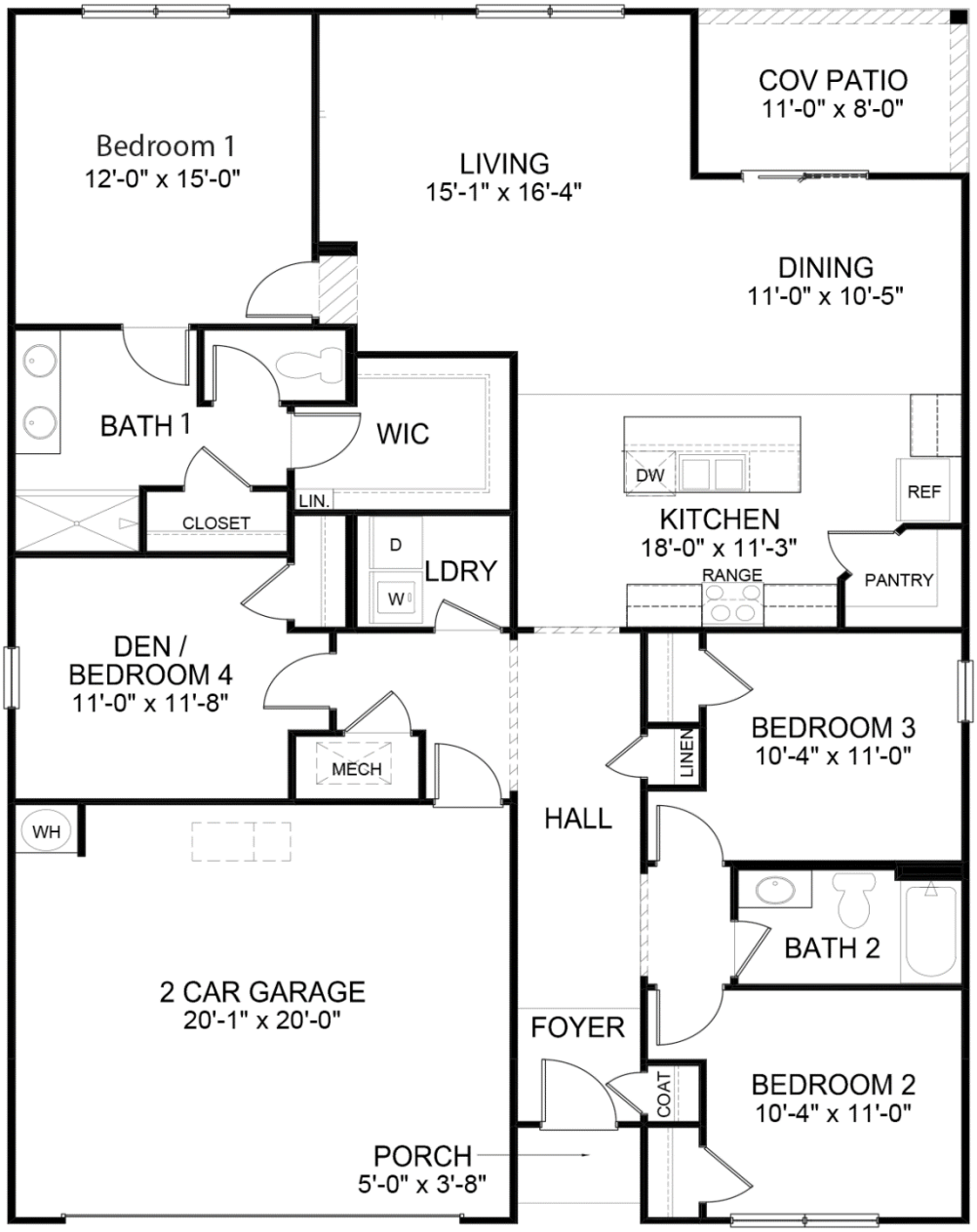
Elevation C



Elevation S

D.R. Horton is an Equal Housing Opportunity Builder. Home and community information, including pricing, included features, terms, availability and amenities, are subject to change and prior sale at any time without notice or obligation. Pictures, photographs, colors, features, and sizes are for illustration purposes only and will vary from the homes as built. Square footage dimensions are approximate. Buyer should conduct his or her own investigation of the present and future availability of school districts and school assignments. D.R. Horton has no control or responsibility for any changes to school districts or school assignments should they occur in the future. Rendering 2.26.24 update.

The Cali



Jde-1774
11.11.22 Update
11.11.22 Plan

The Harbor Oak

The Harbor Oak

Elevations A, B, C, D

3129 SQ. FT. | **4** BED **3** BATH **2** STORY **2** CAR



Elevation A



Elevation B

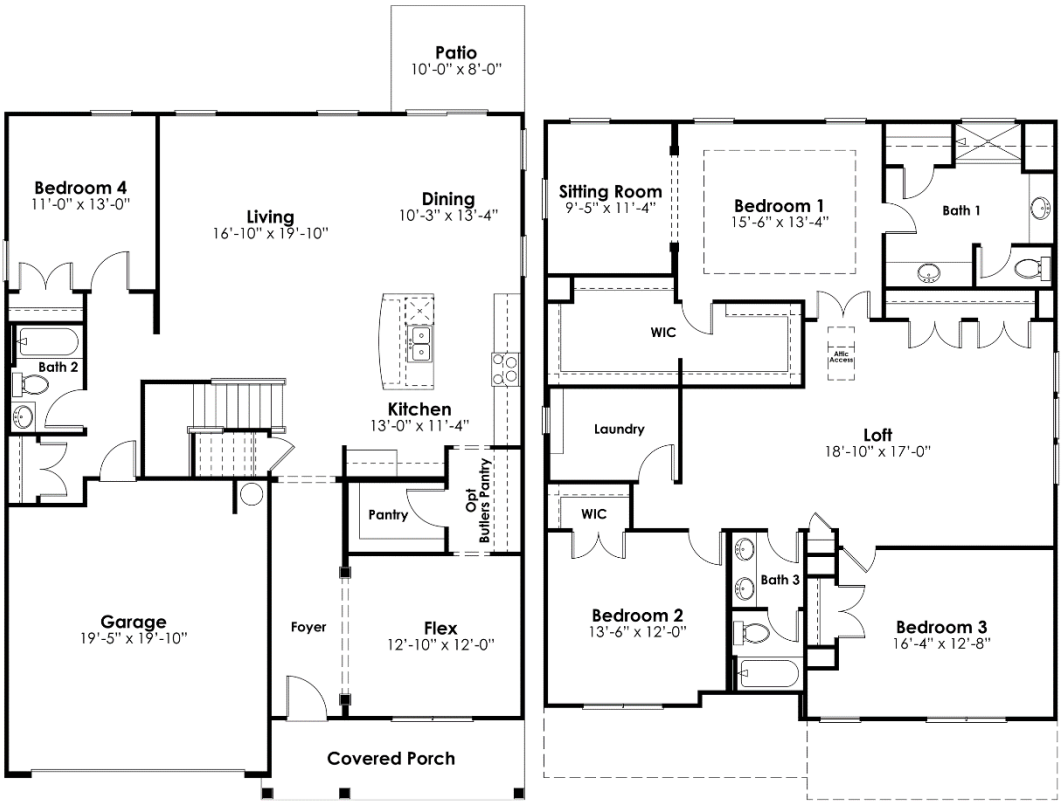


Elevation C



Elevation D

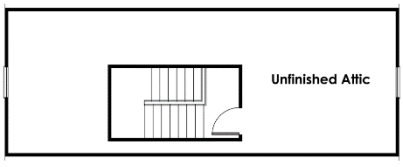
D.R. Horton is an Equal Housing Opportunity Builder. Home and community information, including pricing, included features, terms, availability and amenities, are subject to change and prior sale at any time without notice or obligation. Pictures, photographs, colors, features, and sizes are for illustration purposes only and will vary from the homes as built. Square footage dimensions are approximate. Buyer should conduct his or her own investigation of the present and future availability of school districts and school assignments. D.R. Horton has no control or responsibility for any changes to school districts or school assignments should they occur in the future. Rendering 12.21.22 update



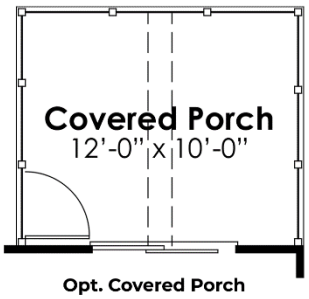
First Floor Plan

Second Floor Plan

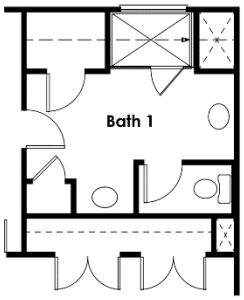
Two Story Plan & Options



3rd Floor Opt. Unfinished Attic
Not available on elevation B



Opt. Covered Porch



Opt. Tile Shower Bath 1

Jde-3129
3.6.24 Update
2.5.24 Plan



The Perry

The Perry

Elevations A, B, C

1045 SQ. FT. | **2** BED **2** BATH **1** STORY



Elevation A

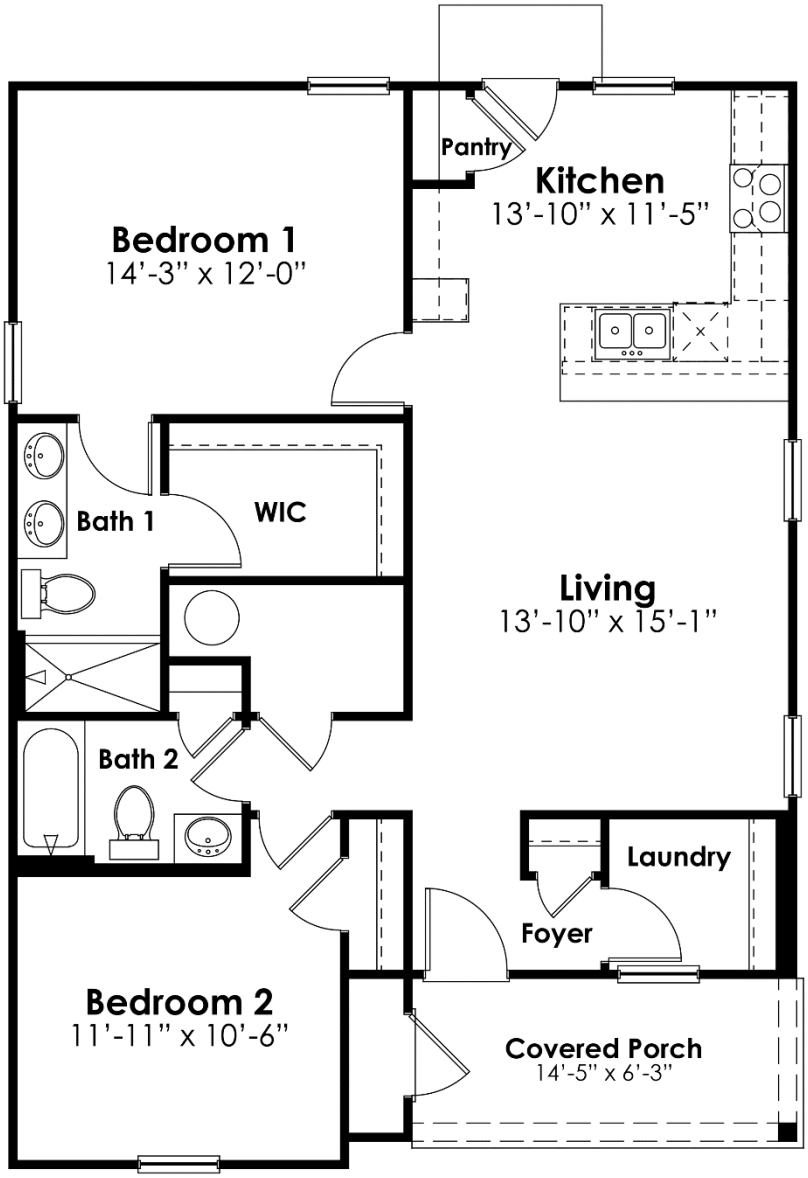


Elevation B



Elevation C

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Jde – 1045
1.16.24 Update
6.7.23 Plan

DATE: AUGUST 19, 2024
ITEM: VI.C.

ISSUE:

Final Reading of Ordinance #ZA2024-02-05 (A) of a request for the City of Conway to enter into a Development Agreement, for proposed development of approximately 446 +/- acres of property located on or near the corner of Hwy 378 & Juniper Bay Rd, Hwy 378 & Airport Rd, and on Dunn Shortcut Rd (PIN's 337-00-00-0009; 336-00-00-0043, -0044, and -0045; 337-08-01-0004; 336-13-04-0006; 336-14-04-0011; 336-15-03-0003; 370-00-00-0011; and 370-04-01-0004).

BACKGROUND:

Formerly known as the Tributary project, the revised name of the project is "*Brookhaven*." The applicants are requesting to enter into the development agreement with the City of Conway is: Highway 378 Land Holdings, LLC (current owner of properties). The subject property is proposed to be annexed into the City as a Planned Development (PD). The proposed length of the development agreement is for an initial 10-year period.

The required public hearings, in accordance with state law, were held on November 27th, 2023 (Planning Commission) and City Council held the second public hearing on the development agreement at the January 16th, 2024 regular meeting. Following public hearing on the development agreement at the January 16th council meeting, the requests were deferred until such time that Council could hold a workshop to discuss the requests in further detail. Both the development agreement and the proposed annexation of the property was discussed at the budget retreat earlier this year.

DEVELOPMENT AGREEMENTS.

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).

This development agreement is proposed to be for a period of 10 years, and the subject property contains 250 acres +/- of highland.

PUBLIC HEARINGS REQUIRED. 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)]*.

PLANNING COMMISSION:

Planning Commission held the first of the two required public hearings on the development agreement at their November 27, 2023 meeting. Several people spoke in opposition to the request at the public hearing as well as other meetings that were held at Planning Commission, where this item was scheduled to be considered. The request was deferred at the November PC mtg. so that a workshop with the applicants could be held. A workshop was held on December 20, 2023, where additional discussion regarding the annexation/rezoning request occurred. At the January 4, 2024 Planning Commission meeting, Planning Commission recommended approval of the development agreement.

CITY COUNCIL:

City Council held the second required public hearing at the January 16th, 2024 Council meeting; however, First Reading of both the development agreement and the annexation/rezoning request was deferred until a workshop could be held to allow the requests to be discussed in further detail. At the 2024 budget retreat, Council discussed the requests in further detail, and the following comments/observations were made (*also outlined in the issue paper for the annexation/rezoning*):

- The density of properties located on Dayton Drive and on Dunn Shortcut Rd should be developed and/or zoned as low-density residential to be consistent with the density of the adjacent developments. *(removed from PD)*
- Additional details on the proposed park and location needed. *City park acreage relocated to be more centrally located; however, there is connectivity concerns between the location of the park and the trail.*
- The tracts identified as Flex Tracts on the Highway 378 side should be reserved for commercial only; no residential. *(Flex Tracts on 378 side of project revised – portion reserved for commercial only)*
- ~~Additional details on the trail system needed. Trail should connect around entire property perimeter and be connected immediately; not wait for future property acquisitions.~~
- Proposed road/access through City shop complex should be removed. *Done*

- Concerns with the proposed lot widths for some of the lots; however, lot widths are acceptable if quality design and aesthetics are assured. Design will need to be regulated internally as well. *Lot widths revised in recent PD revision.*
- No additional comments on the Municipal Improvement District (M.I.D.). *Status unknown.*
- Enhancement fees will be required as part of the development agreement. *Added to PD and DA*

Highlights (and required sections of the development agreement) of the amended draft of the development agreement include (but not limited to) the following:

AGREEMENT BETWEEN: Highway 378 Land Holdings, LLC and The City of Conway

1. INCORPORATION
2. DEFINITIONS
3. TERM OF AGREEMENT *(min. of 250 acres of highland required)*
   - 10-year term
   - Automatic extension of up to three (3) five (5) year terms if project not completed.
4. DEVELOPMENT OF THE PROPERTY
5. VESTED RIGHTS
6. CONVEYENCES OF PROPERTY AND ASSIGNMENT OF DEVELOPMENT RIGHTS AND OBLIGATIONS
7. DEVELOPMENT SCHEDULE
   - Exhibit “E” to include a development schedule
8. EFFECT OF FUTURE LAWS
9. INFRASTRUCTURE AND SERVICES
   - Public roads – all roads to be public and dedicated to the city. Roads to meet minimum city standards unless specifically modified within agreement (and via a design modification granted by PC).
   - Storm drainage system – shall be designed in accordance with city ordinances. *Downstream analysis exhibit provided by applicant on 8/9/2024.*
   - Solid waste / recycling collection – to be provided by city (typical)
   - Other sections under infrastructure and services include:
     - Police protection
     - Fire services
     - Emergency medical services
     - School services
     - Private utility services
     - Streetlights
     - No donation of acreage for sewer plant expansion
     - No required donations for civic purposes

- *Note:* developer has agreed to convey, in consideration of obligations set forth in the agreement and in the PD, and without payment from the city to the developer, those parks, recreational areas and athletic facilities for public use as shown on the Master Site Plan, attached as "***Exhibit C***".
    - Easements
    - Ponds and Lakes
    - Flood Damage Prevention (*staff note: language will need added that ensures that the developer will adhere to the Flood Damage and Prevention Ordinance that is in effect at the time of plan submittal*) – added
    - Tree Preservation – revisions requested.

10. IMPACT FEES
    - Property to be subject to any impact fees imposed by the city at time of the agreement.
11. ADDITIONAL FEES, OBLIGATIONS AND PUBLIC BENEFITS
    - Enhancement Fees
        - $5,750 per single-family detached residential unit;
        - $4,025 per single-family attached residential unit;
        - $2,875 per multi-family residential unit (not applicable since no multifamily is proposed in this project);
        - Fees subject to annual increase of an amount equal to the increase in the Consumer Price Index (CPI), but not to exceed 5% for any respective calendar year.
    - Installation of a 5' sidewalk on both sides of the collector roads (in accordance with city requirements)
    - At least one (1) new sewer pumps station, and to the extent required to provide sufficient capacity, a second sewer pump station.
    - Stormwater conveyance and retention facilities. All stormwater is to be designed to meet or exceed the city's stormwater ordinance in effect at the time of plan submittal.
    - Installation of roadway improvements to four (4) separate roadway intersections, and the widening of Hwy 378 from the existing 2 lanes to 5 lanes from where 5 lanes currently end (Dayton Drive) to project driveway #2 (Dirty Branch Rd, where shown to be realigned).
    - Conveyance and dedication to City of approx. 22 acres of real property (shown as City recreational acreage on Master Site Plan).
        - *Staff note:* the master site plan shows a city park and the trail system, but it does not specify "city recreational acreage" as described in DA.
    - Installation of Trail connection (however, language in DA needs to be corrected)
12. PROTECTION OF ENVIRONMENT AND QUALITY OF LIFE
13. COMPLIANCE REVIEWS
14. DEFAULTS
15. MODIFICATION OF AGREEMENT (misnumbered as a duplicate #14; should be #15)
16. RESTRICTIVE COVENANTS (should be #16)

17. NOTICES (should be #17)
18. GENERAL (should be #18)
19. DESCRIPTION OF LOCAL DEVELOPMENT PERMITS NEEDED (should be #19)
20. STATEMENT OF REQUIRED PROVISIONS (should be #20)
21. ***Exhibits:***
    - Exhibit A: SC Local Government Development Agreement Act
    - Exhibit B: Survey of Property (this should be the Master Site Plan)
    - Exhibit C: Master Site Plan
    - Exhibit D: Approved PD Ordinance (including narrative)
    - Exhibit E: Development Schedule

RECOMMENDATION:

Approve **Final Reading of Ordinance #ZA2024-02-05 (A)**; provided that all outstanding comments have been satisfied and/or addressed.

Attachments:

Revised Draft of proposed Development Agreement

ORDINANCE #ZA2024-02-05 (A)

AN ORDINANCE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF CONWAY AND HIGHWAY 378 LAND HOLDINGS, LLC.

WHEREAS, the S. C. Local Government Development Agreement Act of 1993 (*S.C. Code Title 6, Chapter 31, § 6-31-10*) authorizes binding agreements between local governments and developers for the long-term development of land tracts of land; and

WHEREAS, the City of Conway is a duly charted municipal corporation, organized and existing under laws of the State of South Carolina; and

WHEREAS, on May 25, 1998, Conway City Council amended the City Code of Ordinances to allow the City to enter into a Land Development Agreement with developers who meet the necessary criteria to participate in such agreement; and

WHEREAS, Conway City Council feels it is in the best interest of the City to enter into a Development Agreement with Highway 378 Land Holdings, LLC; and

WHEREAS, the Development Agreement is in reference to the proposed *Brookhaven* Project, consisting of approximately 446 +/- acres of land; and

WHEREAS, included within the Development Agreement are obligations of the Developer, including, but not limited to, building & zoning requirements (PD); conveyance / dedication of property to the City of Conway for city park acreage and trail connection; and enhancement fees to for the purpose of enhancing city services. Development to commence in accordance with the agreement and PD; projected to be completed over a 10-year construction period; and

WHEREAS, it is recognized that the Development Agreement does not apply to any development which occurs after the expiration of its 10-year term unless the agreement has been extended pursuant to state law; and

WHEREAS, the required public hearings, in accordance with *S.C. Code § 6-31-50* have occurred (on November 27, 2023 and on January 16, 2024), and Planning Commission has recommended approval of the Development Agreement; and

WHEREAS, the Development Agreement, as proposed, is attached and shall be adopted by reference made a part hereof as if fully incorporated. Therefore, be it

ORDAINED that the Development Agreement between Highway 378 Land Holdings, LLC, and the City of Conway be hereby adopted by reference and made a part hereof as if fully incorporated, as attached hereto; and be it further

ORDAINED that all ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE: This Ordinance shall become effective upon final reading.

RATIFIED BY CITY COUNCIL, duly assembled, this_____day of _____, 2024.

Barbara Jo Blain, Mayor	Larry A. White, Mayor Pro Tem
Amanda Butler, Council Member	William M. Goldfinch IV, Council Member
Julie Ann Hardwick, Council Member	Beth Helms, Council Member
Justin D. Jordan, Council Member	ATTEST: Alicia Shelley, City Clerk

First Reading: 7/15/2024

Final Reading: _____

STATE OF SOUTH CAROLINA	)	**DEVELOPMENT AGREEMENT FOR**
	)	**BROOKHAVEN (Formerly known as**
COUNTY OF HORRY	)	**Tributary)**

THIS DEVELOPMENT AGREEMENT ("***Agreement***") is made and entered this ___ day of _____, 2024, by and between **HIGHWAY 378 LAND HOLDINGS, LLC**, a South Carolina limited liability company, its affiliates, subsidiaries, successors and assigns ("***Developer***"), and the governmental authority of the **CITY OF CONWAY**, a body politic under the laws of the State of South Carolina ("***City***").

WHEREAS, the legislature of the State of South Carolina has enacted the "South Carolina Local Government Development Agreement Act", as set forth in Sections 6-31-10 through 6-31-160 of the South Carolina Code of Laws (1976), as amended; and

WHEREAS, Section 6-31-10(B)(1) of the Act, as defined below, recognizes that "[t]he lack of certainty in the approval of development can result in a waste of economic and land resources, can discourage sound capital improvement planning and financing, can cause the cost of housing and development to escalate, and can discourage commitment to comprehensive planning"; and

WHEREAS, Section 6-31-10(B)(6) of the Act, as defined below, also states that "[d]evelopment agreements will encourage the vesting of property rights by protecting such rights from the effect of subsequently enacted local legislation or from the effects of changing policies and procedures of local government agencies which may conflict with any term or provision of the development agreement or in any way hinder, restrict, or prevent the development of the project. Development agreements will provide a reasonable certainty as to the lawful requirements that must be met in protecting vested property rights, while maintaining the authority and duty of government to enforce laws and regulations which promote the public safety, health, and general welfare of the citizens of our State"; and

WHEREAS, the Act, as defined below, further authorizes local governments, including municipal governments, to enter into development agreements with developers to accomplish these and other goals as set forth in Section 6-31-10 of the Act; and

WHEREAS, the City seeks to protect and preserve the natural environment and to secure for its citizens quality, well planned and designed development and a stable and viable tax base; and

WHEREAS, Developer is, or will be, the legal owner of the Property hereinafter defined and is authorized to enter into this Agreement with the City; and

WHEREAS, the City finds that the program of development for this Property (as hereinafter defined) proposed by Developer over approximately the next Ten (10) years or as extended as provided herein is consistent with the City's comprehensive land use plan and land development regulations, and will further the health, safety, welfare and economic wellbeing of the City and its residents, in accordance with Section 6-31-70 of the Act; and

WHEREAS, the development of the Property and the program for its development presents an opportunity for the City to secure quality planning and growth, protection of the environment, and to strengthen the City's tax base; and

WHEREAS, the City, at the request of the Developer, has annexed the real property more particularly described on **Exhibit "B"** attached hereto (the "***Property***"), and simultaneously approved under an amendment to the zoning ordinances of the City to create the Brookhaven Planned Development ("***PD***") under the ordinances of the City of Conway, together with this Agreement, on or about the ____ day of _____, 2024; and

WHEREAS, this Agreement is being made and entered into between Developer and the City, under the terms of the Act, for the purpose of providing assurances to Developer that it may proceed with its development plan under the terms hereof, consistent with its annexation and approved zoning (as hereinafter defined) without encountering future changes in certain laws which would materially affect the Developer's ability to develop the Property under its approved zoning, and for the purpose of providing important protection to the natural environment and long term financial stability and a viable tax base to the City;

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and other good and valuable consideration, including the potential economic benefits to both the City and Developer by entering this Agreement, and to encourage well planned development by Developer, the receipt and sufficiency of such consideration being hereby acknowledged, the City and Developer hereby agree as follows:

1. **INCORPORATION**. The above recitals are hereby incorporated into this Agreement, together with the South Carolina General Assembly findings as set forth under Section 6-31-10(B) of the Act.

2. **DEFINITIONS**. As used herein, the following terms mean:

"***Act***" means the South Carolina Local Government Development Agreement Act, as codified in Sections 6-31-10 through 6-31-160 of the Code of Laws of South Carolina (1976), as amended; attached hereto as **Exhibit "A"**.

"***Code of Ordinances***" means the Code of Ordinances for the City, as amended and in effect as of the date hereof, as the same may be amended from time to time, a complete copy of which is on file in the City's office.

"***Developer***" means Highway 378 Land Holdings, LLC, a South Carolina limited liability company, all of its permitted assignees, and all current owners of any portion of the Property at the time of this Agreement, or any of their respective successors in title or lessees who undertake development of the Property as a Developer or who are transferred Development Rights and Obligations.

"***Developer Default***" for purposes of this Agreement, Developer Default shall mean that (i) Developer has breached the specific obligations of this Agreement, and, following prior written notice from the City, has failed to cure such breach within Thirty (30) days of the date of written notice from the City; or (ii) once commenced, Developer has failed to continue with Development Work, as defined in this Agreement, on the Property for a period of more than Six (6) months, and, following prior written notice from the City, has failed to cure such breach within Thirty (30) days of the date of written notice from the City.

"***Developer Default Remedy***" notwithstanding any other remedy that may be available to the City at law, or in equity, as a result of a Developer Default, Developer and the City agree that the City may elect to (i) withhold issuance of building permits until such Developer Default is cured; (ii) seek injunctive relief to stop any such continuing Developer Default, or (iii) any other remedy available at law or in equity.

"***Development Rights and Obligations***" means the rights, obligations, benefits and approvals of the Developer(s) under the PD and this Agreement.

"***Development Work***" means the periodic operation of development activities on the Property, which include, but are not limited to clearing, grading, erosion control, site work, and landscaping under the terms of a written contract with the Developer.

"***Effective Date***" means the date on which the last of the parties has executed this Agreement.

"***Jurisdictional and Non-Jurisdictional Waters of the State of South Carolina and the United States***" means those areas identified by the United States Army Corps of Engineers ("***Corps***") and/or the South Carolina Department of Health and Environmental Control ("***DHEC***") or any other applicable governmental authority as wetland areas subject to the regulation of the Corps and/or DHEC.

"***Land Development Regulations***" means the Land Development Regulations for the City, as amended and in effect as of the date hereof, or further amended from time to time pursuant to this Agreement.

"***Master Site Plan***" means that certain master site plan prepared by Developer, which Master Site Plan depicts the portion of the Property, for purposes of showing the density, site arrangement, and responsibilities for off-site roadway improvements, and a copy of such Master Site Plan being attached to the PD, and also being attached hereto as **Exhibit "C"**.

"***Owners Association***" means a legal entity formed by Developer or its successors pursuant to South Carolina statutes which is responsible for the enforcement of neighborhood restrictions and covenants, and for the maintenance and upkeep of any common areas and/or community infrastructure developed under this Agreement, but not accepted by the City for perpetual ownership and maintenance, to include but not be limited to: private drives and alleyways, common areas, neighborhood parks and recreational facilities, wetlands and storm water management systems not otherwise conveyed to the City or its designee.

"***PD***" means the Brookhaven Planned Development, under the Code of Ordinances for the City, as amended, a complete copy of which is attached hereto as **Exhibit "D"**, or as further amended from time to time.

"***Project***" means a master planned community to include single family detached lots, single family attached lots, single family attached condominiums, single family in common, multi-family and various commercial and recreational uses, in a single project envisioned by the Master Site Plan and approved by the City pursuant to this Agreement and the Code of Ordinances, as the same may be amended from time to time pursuant to this Agreement.

"***Property***" means those parcels of land more particularly shown and depicted on **Exhibit "B"** attached hereto.

"Residential Unit" means a single family home, whether attached or detached, a single family attached condominium, single family home in-common (whether attached or detached), or a multi-family home, within the Property, as shown and depicted on the Master Site Plan, as the same may be amended.

"Term" means the duration of this Agreement as set forth in Section 3 hereof.

3. **TERM**. The Developer represents and warrants that the Property consists of a total of not less than 250 acres and not more than 1,000 acres of "highland" within the meaning given that term by the Act. The term of this Agreement shall commence on the date on which this Agreement is executed by the City and the Developer and shall terminate on the date which is Ten (10) years from the date of execution. Notwithstanding such termination date, provided that the Developer is not in default (after being provided with notice and opportunity to cure as set forth below) of this Agreement, Developer has diligently pursued development of the Property, and the Project has not been completed, at the conclusion of the initial Ten-year term, the termination date of this Agreement shall automatically be extended for up to Three (3) additional Five (5) year terms. At the conclusion of the initial Five (5) year extension of the Term, provided that the Developer is not in default (after being provided with notice and opportunity to cure as set forth below) of this Agreement, Developer has diligently pursued development of the Property, and the Project has not been completed, at the conclusion of the initial five-year extension of the Term, the termination date of this Agreement shall automatically be extended for up to Two (2) additional Five (5) year terms. Notwithstanding the terms and provisions in this Section or elsewhere in this Agreement to the contrary, if a court of competent jurisdiction hereafter determines that the length of the Term, or the provision for extension of the Term set forth above, exceeds the maximum term allowed under the Act and if all applicable judicial appeal periods have expired without such determination being overturned, then the Term of this Agreement relative to all or specific affected portions of the Property shall be reduced to the maximum permissible term under the Act, as determined by a court of competent jurisdiction.

4. **DEVELOPMENT OF THE PROPERTY**. The Property shall be developed in accordance with this Agreement, the PD, including the Code of Ordinances, and other applicable land development regulations required by the City, State, and/or Federal Government. The City shall, throughout the Term, maintain or cause to be maintained a procedure for the processing of reviews as contemplated by this Agreement and the Code of Ordinances. The City shall review applications for development approval based on the development standards adopted as a part of the Code of Ordinances, unless such standards are superseded by the terms of this Agreement, in which case the terms of this Agreement shall govern.

5. **VESTED RIGHTS**. This Agreement confirms the simultaneous establishment of the applicable zoning designation of the Property as PD under the Code of Ordinances as of the date of this Agreement. The development rights contained in the PD, as well as any differences between the PD and any applicable overlay zone under the Code of Ordinances shall be deemed vested in the Developer, its successors and assigns, subject to the terms of this Agreement, and the agreements, obligations and commitments contained herein, shall run with the Property, and may not be amended or modified without the express written consent of the Developer, its successors and assigns, except as provided herein or as allowed by the Act.

6. **CONVEYANCES OF PROPERTY AND ASSIGNMENT OF DEVELOPMENT RIGHTS AND OBLIGATIONS**. The City agrees with Developer, for itself and its successors and assigns, including successor Developer(s), as follows:

(A) **Conveyance of Property**. In accordance with the Act, the burdens of this Agreement shall be binding on, and the benefits of this Agreement shall inure to, all successors in interest and assigns of all parties hereto, except for Excluded Property, as such term is defined below. For the purposes of this Agreement, "***Excluded Property***" means property that is conveyed by the Developer to a third party and is: (i) a single-family residential lot for which a certificate of occupancy has been issued; (ii) a parcel for which certificates of occupancy have been issued and on which no additional residential structures can be built under local ordinances governing land development; (iii) any other type of lot for which a certificate of occupancy has been issued and which cannot be further subdivided into one or more unimproved lots or parcels under local ordinances governing land development; or (iv) a single-family residential lot which has been subdivided and platted and is not capable of further subdivision without the granting of a variance. Excluded Property shall at all times be subject to the Code of Ordinances of the City, and those incorporated in this Agreement. The conveyance by a Developer of Excluded Property shall not excuse that Developer from its obligation to provide infrastructure improvements within such Excluded Property in accordance with this Agreement.

(B) **Assignment of Development Rights and Obligations**. The Developer, or any subsequent developer, shall be entitled to assign and delegate the Development Rights and Obligations to a subsequent purchaser of all or any portion of the Property with the consent of the City, provided that such consent shall not be unreasonably withheld or delayed. The City understands that any such assignment or transfer by the Developer of the Development Rights and Obligations shall be non-recourse as to the assigning Developer. Upon the assignment or transfer by Developer of the Development Rights and Obligations, then the assigning Developer shall not have any responsibility or liability under this Agreement. For purposes of this Section 5, the following activities on the part of Developer shall not be deemed "development of the Property": (i) the filing of this Agreement, the Master Site Plan and the petitioning for or consenting to any amendment of this Agreement or the Code of Ordinances, including the PD; (ii) the subdivision and conveyance of any portions of the Property to the City as contemplated under this Agreement; (iii) the subdivision and conveyance of the portion of the Property designated as "***Open Space***" on the Master Site Plan to any person or entity so long as the same shall be restricted in use to "open space"; (iv) the subdivision and conveyance of portions of the Property, not to exceed in the aggregate one (1) acre, more or less, provided that such conveyances shall be deed-restricted to single-family residential use; (v) the conveyance of easements and portions of the Property for public utility purposes; (vi) the conveyance of portions of the Property to public entities in the case of any road realignments or grants of road rights of way; (vii) the marketing of the Property as contemplated under this Agreement; and (viii) any other activity which would not be deemed "development" under the Act.

7. **DEVELOPMENT SCHEDULE**. The Property shall be developed in accordance with the development schedule, attached as **Exhibit "E"** (the "***Development Schedule***"). Developer shall keep the City informed of its progress with respect to the Development Schedule as a part of the required Compliance Review process set forth in Section 14 below. Pursuant to the Act, the failure of the Developer to meet the development schedule shall not, in and of itself, constitute a material breach of this Agreement. In such event, the failure to meet the development schedule shall be judged by the totality of circumstances, including but not limited to any change in economic

conditions, the occurrence of an act of God (including natural disasters), an act of war, an act of terrorism, civil disturbance, strikes, lockouts, fire, flood, hurricane, unavoidable casualties, a health crisis which results in a limitation on business activities in the City extending for a period of more than Thirty (30) days, or any other cause or causes beyond the reasonable control of the Developer (collectively "***Force Majeure***"), and the Developer's good faith efforts made to attain compliance with the development schedule. As further provided in the Act, if the Developer requests a modification of the dates set forth in the development agreement and is able to demonstrate that there is good cause to modify those dates, such modification shall not be unreasonably withheld or delayed by the City.

8. **EFFECT OF FUTURE LAWS**. Developer shall have vested rights to undertake development of any or all of the Property in accordance with the Code of Ordinances and the Land Development Regulations, as amended and in effect at the time of this Agreement, for the entirety of the Term. Future enactments of, or changes or amendments to the Code of Ordinances and the Land Development Regulations, which conflict with this Agreement shall apply to the Property only if permitted pursuant to the Act, and agreed to in writing by the Developer and the City. The parties specifically acknowledge that building moratoria or permit allocations enacted by the City during the Term of this Agreement or any adequate public facilities ordinance as may be adopted by the City shall not apply to the Property except as may be allowed by the Act or otherwise agreed to in writing by the Developer and the City. The parties further acknowledge and agree that, notwithstanding the above limitation on future changes in ordinances, all future stormwater runoff, drainage, retention and treatment improvements within the Property shall be designed in accordance with the Code of Ordinances, as the same may be amended from time to time.

The parties specifically acknowledge that this Agreement shall not prohibit the application of any present or future building, housing, electrical, plumbing, gas or other standard codes, of any tax or fee of general application throughout the City, provided such fees are applied consistently and in the same manner to all single family properties within the City. Notwithstanding the above, the City may apply subsequently enacted laws to the Property only in accordance with the Act and this Agreement.

9. **INFRASTRUCTURE AND SERVICES**. The City and Developer recognize that the majority of the direct costs associated with the development of the Property will be borne by the Developer. Subject to the conditions set forth herein, the parties make specific note of and acknowledge the following:

Notwithstanding the provisions referenced above, nothing in this Agreement shall preclude the City and Developer from entering into a separate utility agreement for cost-sharing of water transmission systems or sewer transmission systems when such agreement may be of mutual benefit to both parties. Nothing herein shall be construed as precluding the City from providing potable water to its residents in accordance with applicable provisions of laws.

(A) **Public Roads**. All roads within the Project serving the Residential Units and commercial development within the Project shall be public roads, unless otherwise indicated on the Master Site Plan. All public roadways shall be constructed to City standards unless specifically modified herein, will be approved by the City Planning Commission as part of the subdivision plat approval process, and will be dedicated to, conveyed, maintained and repaired by the City.

(B) **Storm Drainage System**. All stormwater runoff, drainage, retention and

treatment improvements within the Property shall be designed in accordance with the Code of Ordinances, as the same may be amended, in accordance with Section 7 above. All stormwater runoff and drainage system structural improvements, including culverts and piped infrastructure, will be constructed by the Developer and dedicated to the City. Upon final inspection and acceptance by the City, the Developer shall provide a one-year warranty period for all drainage system structural improvements within the Project. Retention ponds, ditches and other stormwater retention and treatment areas will be constructed and maintained by the Developer and/or one of more Owners Association, as appropriate, and will not be accepted or maintained by the City, with the specific exception of those retention ponds, ditches and other stormwater retention and treatment areas located on property conveyed to the City by the Developer, for which the Developer will retain an easement for transmission of stormwater, but upon which the City will exclusively maintain.

(C) **Solid Waste and Recycling Collection**. The City shall provide solid waste and recycling collection services to the Property on the same basis as is provided to other residents and businesses within the City. Payment for such services to the City by Developer, an Owners Association or each individual purchaser or owner of any portion of the Property is required in return for such service for each owner within the Property. The City reserves the right to contract with a third party, which may include another governmental entity for the provision of such services or the billing of such services to Developer, an Owners Association or each individual owner of any portion of the Property, and the City reserves the right to terminate or discontinue such service(s) to any owner of any portion of the Property until such payment(s) have been made.

(D) **Police Protection**. The City shall provide police protection services to the Property on the same basis as is provided to other residents and businesses within the City.

(E) **Fire Services**. The City shall provide fire services to the Property on the same basis as is provided to other residents and businesses within the City, which services may be provided by way of a mutual services agreement with Horry County, if the City is unable to provide such services directly.

(F) **Emergency Medical Services**. The City shall provide emergency medical services to the Property, on the same basis as it provided to other residents and businesses within the City, which services may be provided by way of a mutual services agreement with Horry County, if the City is unable to provide such services directly.

(G) **School Services**. The City neither provides nor is authorized by law to provide public education facilities or services. Such facilities and services are now provided by the Horry County School District. The person or entity, whether it be homebuilder or another assignee of Developer, who actually initiates the building permit shall be responsible for paying all impact fees levied by the School District for each residential unit constructed prior to the issuance of a certificate of occupancy.

(H) **Private Utility Services**. Private utility services, including electric, natural gas, and telecommunication services (including telephone, cable television, and internet/broadband) shall be provided to the site by the appropriate private utility providers based upon designated service areas. All utilities on the Property shall be located underground, and shall be placed in locations approved by the City so as to reduce or eliminate potential conflicts within utility rights-of-way.

(I) **Streetlights**. Developer shall install or cause to be installed streetlights within the Project. To the extent that the City provides the same benefit to other similarly-situated neighborhoods within the City, the City shall contribute toward the monthly cost for each streetlight in an amount equal to the costs for the base street light fixture offered by the utility provider. The remaining monthly cost for each streetlight, including additional charges associated with an enhancement street light fixture, if any, shall be borne by the Developer and/or Owners Association.

(J) **No Donation of Acreage for Sewer Plant Expansion**. The City shall not require, mandate or demand that, or condition approval(s) upon a requirement that the Developer donate, use, dedicate or sell to the City or any other party for public purposes any portion of the Property or any other property owned by the Developer or any affiliate of the Developer for sewer plant expansion by the City, provided, however, that this provision shall not be deemed to preclude the City from requiring additional sewer pump station facilities, to subsequently be dedicated and conveyed to the City.

(K) **No Required Donations for Civic Purposes**. The City shall not require, mandate or demand that, or condition approval(s) upon a requirement that, the Developer donate, use, dedicate or sell to the City or any other party for public purposes any portions of the Property or any other property owned by the Developer (or any of the entities or parties comprising the Developer) or any affiliate of the Developer, provided, however, that the Developer has agreed to convey, in consideration of obligations set forth in this Agreement, and in the PD, and without payment from the City to the Developer those parks, recreational areas and athletic facilities for public use are shown on the Master Site Plan attached hereto as **Exhibit "C"**.

(L) **Easements**. Developer shall be responsible for obtaining, at Developer's cost, all easements, access rights, or other instruments that will enable the Developer to tie into current or future water and sewer infrastructure on adjacent properties.

(M) **Ponds and Lakes**. As an obligation, Developer shall install pond(s) or lake(s) as shown on the approved Master Site Plan for the Property. The City agrees to cooperate with the Developer in the permitting process for such pond(s) and lake(s), it being understood that the City will not accept maintenance responsibility or any other liability for such pond(s) and lake(s) except those pond(s) and lake(s) located upon any portion of the Property conveyed to the City by the Developer, and that all other such pond(s) and lake(s) shall either be (i) maintained by the Developer; or (ii) conveyed to an Owners Association for on-going maintenance following completion of the Project.

(N) **Flood Damage Prevention**. Developer shall adhere to the City's Flood Damage Prevention Ordinance, as existing on the date of plan submission.

(O) **Tree Preservation**. All tree preservation efforts shall be made in accordance with the City's Tree Preservation Ordinance. Developer shall also adhere to the City's Tree Preservation Ordinance that is in effect at the time of plan submittal. Developer's obligation to deliver a tree survey shall be limited to those trees that are defined as being protected within the City's Tree Preservation Ordinance, and such tree survey shall depict the location, specimen, and D.B. H. of all protected trees under the City's Tree Preservation Ordinance to be submitted for each tract or parcel within the Project at the time of plan submittal, and prior to any land disturbance on such tract or parcel.

10. **IMPACT FEES**. The Property shall be subject to all development impact fees imposed by the City at the time of this Agreement, provided such fees are applied consistently and in the same manner to all similarly-situated property within the City limits. All such impact fees shall not be due and payable until an application of any person or entity for a building permit for the vertical development of any subdivided lot or portion of the Property. In particular, the Developer agrees that it shall not seek any exemptions for any portions of the Property from any current development impact fees (so long as such development impact fees are applied consistently and in the same manner to all similarly-situated property within the City limits) for any reason.

11. **ADDITIONAL FEES, OBLIGATIONS AND PUBLIC BENEFITS**. The Developer, and its respective successors and assigns agree that the then current owner of the Property or any portion thereof, shall pay to the City, the enhancement fees for the purpose of enhancing City services (collectively the "***Enhancement Fees***") in an amount equal to Five Thousand Seven Hundred Fifty and No/100 ($5,750.00) Dollars per single family detached Residential Unit (whether subdivided, condominium, or in-common); Four Thousand Twenty Five and No/100 ($4,025.00) Dollars per single family attached Residential Unit (whether subdivided, condominium or in-common); and Two Thousand Eight Hundred Seventy Five and No/100 ($2,875.00) per multi-family Residential Unit (whether condominium or in-common), each of which shall be payable at the time of building permit application. Developer further agrees that each of the above Enhancement Fees shall be subject to an annual increase, beginning on January 1, 2026, in an amount equal to the increase in the Consumer Price Index, published by the U.S. Bureau of Labor Statistics ("***CPI***") between the beginning and end of the most recent calendar year, but in no event shall such annual increase exceed Five (5%) percent for any respective calendar year. This annual increase is intended to ensure that the Enhancement Fees continue to reflect the City's on-going increases in the costs of services provided. Developer will provide the Enhancements Fees, together any additional public benefits, as follows:

(A) As a requirement, the installation of a 5' sidewalk on both sides of the collector roadways, in accordance with the requirements of the City for other similar-situated properties, to be complete on or before the date on which the respective one or more subdivisions within the PD is completed. In the event the installation of such sidewalk is delayed beyond completion of the corresponding subdivision portion of the Project, then, in such event the sidewalk shall be bonded for completion, in accordance with the bonding requirements of the City.

(B) As a public benefit, the install of a 10' pedestrian trail along the existing canal which borders the boundary of the PD generally from West to East (the "***Canal Trail***"), with a Southern leg intended to provide pedestrian access from the City Park to the pedestrian trail along the canal by way of the internal sidewalk system, as well as public parking for trail access nearest the Juniper Bay boundary of the PD with the existing canal. The installation of this Canal Trail must be in accordance with the City's Pathways and Trails Plan (adopted in 2022). Refer to the Trail Section detail submitted with the Exhibit Supplement to the PD for appropriate trail materials, widths, locations, etc. To the extent any approvals and coordination are required with agencies other than the City, including but not limited to U.S. Army Corps of Engineers and South Carolina Department of Health and Environmental Control with regards to any wetland impacts or the materials or methods of trailway construction, Developer shall be solely responsible for approvals and coordination. The installation of this Canal Trail must be completed on or before the date on which Five Hundred (500) building permits have been issued for Residential Units within the PD.

(C) As a requirement, the installation of at least One (1) new sewer pump station on the Property, and, to the extent required in order to provide sufficient capacity as necessary for the proposed development of the Project, a second sewer pump on the Property. Sewer pump installation shall be in accordance with the requirements of the City, or such other agency then providing sanitary sewer service to the Property.

(D) Stormwater conveyance and retention facilities sufficient in capacity to accommodate the storm water generated from the Property, and provide the City with evidence of the necessary and required permanent and perpetual easements necessary to facilitate such drainage from the Property. All stormwater shall be designed to meet or exceed the City's Stormwater Ordinance that is in effect at the time of plan submittal.

(E) The installation of roadway improvements to Four (4) separate roadway intersections, and the widening of SC Highway 378 from the existing two-lanes to five-lanes from West of the Project Driveway #2 to Dayton Drive, in accordance with the Transportation Impact Analysis submitted as part of the Exhibit Supplement, and in accordance with the following Table:

ROADWAY IMPROVEMENT TABLE

Area	Roadways	Improvements	Date for completion
Airport Rd. & U.S. Hwy. 378	Airport Rd. & US Hwy 378 (DW #1) C-1 Commercial Entrance	Roadway alignment and intersection improvements to access the PD: -Install exclusive left turn lanes on all approaches - Install exclusive westbound right turn lane along US Hwy 378 -Install signal when warranted	
Dirty Branch Rd. & U.S. Hwy. 378	Dirty Branch Rd. & US Hwy 378 (DW #2) C-3 Commercial Entrance	Roadway alignment and intersection improvements to access the PD: -Install exclusive left turn lanes on all approaches -Install exclusive westbound right turn lane along US Hwy 378 -Install signal when warranted	
Juniper Bay Rd. & Internal Spine Road	Juniper Bay Rd. (DW #3)	Improvements to connect internal roadway to Juniper Bay Rd, providing additional access to the PD, but without turn lane.	
Dunn Short Cut Rd. & Internal Road	Dunn Short Cut Rd. (DW #4)	Improvements to connect internal roadway to Dunn Short Cut Rd. providing additional access to the PD: -Install exclusive westbound left turn lane along Dunn Shortcut Rd.	
US Hwy 378 & Juniper Bay Rd. Intersection	US Hwy 378 & Juniper Bay Rd.	-Install exclusive eastbound left turn lane along US Hwy 378 -Install an exclusive westbound right turn lane along US Hwy 378	
Boundary of Project	U.S. Hwy. 378	Widening of U.S. Hwy. 378 -Widen US Hwy 378 (from 2 lanes to 5 lanes) from west of project DW #2 to Dayton Drive	

*To the extent any of the above improvements are included in an approved budget by either the State of South Carolina or the U.S. Department of Transportation, then upon installation by either of such agencies, Developer shall be relieved of the obligation to complete such improvements. To the extent required by the City based upon

the volumes set forth in the TIA, Developer will also install receiving lanes the length and design of which shall be in accordance with SCDOT standards.

To the extent any of such roadway improvements are funded and scheduled for improvement by the State of South Carolina, or the United States Department of Transportation, Developer will be relieved of such obligation to the extent of such funding, upon the final approval of such funding respectively. Provided, however, that, in the event any of such roadway intersection improvements require the acquisition of additional right-of-way not located on the Property, which Developer has no means of acquiring the, in such event the City may (i) acquire additional right-of-way not located on the Property for such roadway intersection improvements and provide access to the Developer for the installation of such improvements, provided that Developer shall be obligated to reimburse the City for the costs of such right-of-way acquisition, or (ii) in the event the City declines to acquire such additional right-of-way, the Developer may, in lieu of installing such roadway intersection improvements, instead pay to the City an amount equal to the then current engineer's estimated costs of such roadway intersection improvements, as approved by the City under the ordinances and regulations of the City, in satisfaction of Developer and/or the Project's obligation with regards to such roadway intersection improvements lying outside of the existing right-of-way, with the City then having the right, but not the obligation, of installing such roadway intersection improvements outside of the existing right-of-way, at a time and under the conditions determined by the City to be reasonable.

(F) Conveyance and dedication to the City of approximately 6 acres of real property, shown and delineated on the Master Site Plan (the "***City Recreation Acreage***"), which City Recreation Acreage also comprises open space in accordance with the requirements of the PD to be conveyed and dedicated to the City at no cost to the City (including but not limited to title searches and abstracts, surveys and plats, deed preparation, recording fees or other fees imposed for the conveyed and dedication of such property), and includes uplands, wetlands and flood plain areas for ownership, perpetual maintenance and preservation, also as indicated on the Open Space Plan submitted as part of the Exhibit Supplement, which City Recreation Acreage may be conveyed and dedicated in one or more parcels, each conveyed on the date that is not later than the Third (3rd) anniversary of the recording of this Agreement. In addition, prior to the date on which the City Recreation Acreage is conveyed and dedicated to the City, Developer shall have completed, or caused to be completed, the following improvements, each to be shown on the Open Space Plan:

(i) Installation of an ADA compliant floodproof playground, materially comparable in size, equipment and other improvements to the existing Collins Park, owned by the City, to include a sidewalk encompassing the entire park, swings, basketball courts, tennis courts, pickleball courts and public restrooms, together with two shelters;

(ii) Installation of parking areas sufficient in size, to accommodate visitors to the above reference recreational facilities, to include the Canal Trail as defined above;

(iii) Notwithstanding any other provision herein, the City Recreation Acreage shall be deemed a portion of the Open Space required under the PD, without regards to the conveyance of such City Recreation Acreage to the City.

(iv) To the extent any portion of the City Recreation Acreage includes stormwater lakes and ponds serving the PD, Developer may convey such stormwater lakes and ponds to the City, subject to an easement in favor of Developer, which

provides for the continuing flow of storm water through such stormwater lakes and ponds..

(v) To the extent any of the above referenced improvements are not complete at the time of conveyance of the City Recreation Acreage from Developer to the City, Developer shall bond the completion of the same, in accordance with the City's standard procedures for bonds and financial guarantees.

(G) **Uses and Density**. As a public benefit, Development of the Property shall be determined in accordance with the Code of Ordinances, as the same may be amended from time to time pursuant to this Agreement, provided that the Property and the applicable approved Master Plan which is consistent with the approved PD for the Property, each of which shall provide for not more than 1,261 total Residential Units.

(H) **Road Standards and Traffic Impact**. As an obligation, all public roads within the Project shall be constructed to City specifications. The exact location, alignment, and name of any public road within the Project, shall be subject to review and approval by the City Planning Commission as part of the subdivision platting process. The Developer shall be responsible for maintaining all public roads until such roads are offered to, and accepted by, the City for ownership and maintenance.

Notwithstanding any provision herein to the contrary, this Agreement does not obligate the City to expend any funds of the City or borrow any sums in connection with improvements to the roads subject to this Section 11(H).

(I) **Stormwater and Drainage**. As an obligation, Developer shall provide stormwater conveyance and retention facilities sufficient in capacity to accommodate the storm water generated from the Property, and provide the City with evidence of the necessary and required permanent and perpetual easements necessary to facilitate such drainage from the Property.

(J) **Jurisdictional and Non-Jurisdictional Waters**. As an obligation, Jurisdictional and Non-Jurisdictional Waters of the State of South Carolina and the United States within the Project which are not mitigated, filled or otherwise modified, shall be surrounded by an undisturbed water quality buffer of not less than Thirty (30) feet in width. Developer will convey all Jurisdictional and Non-Jurisdictional Waters of the State of South Carolina and the United States located within the Project to the Owner's Association for maintenance and operation not later than the date on which the Project is complete.

(K) **Floodways and Flood Hazard Areas**. As an obligation, Developer agrees that no portion of the Property which is located in a floodway or Flood Zone, if any such areas are located on the Property, shall be improved with Residential Units, or parking improvements to accommodate Residential Units. The intent of this provision is to insure that the flood hazard protections afforded Residential Units exceeds such flood hazard protections as would otherwise be required under the Code of Ordinances.

(L) **Recording**. Pursuant to Title 6, Chapter 31, Section 120 of the Code of Laws for the State of South Carolina, this Agreement shall be recorded in the public records of Horry County, South Carolina, on or before the date which is Fourteen (14) days following the date on

which the City enters into this Agreement.

12. **PROTECTION OF ENVIRONMENT AND QUALITY OF LIFE**. The City and Developer recognize that development can have negative as well as positive impacts. Specifically, the City considers the protection of the natural environment and nearby waters, and the preservation of the character and unique identity of the City, to be important goals. Developer shares this commitment and therefore agrees to abide by all provisions of federal, state and local laws and regulations for the handling of storm water.

13. **COMPLIANCE REVIEWS**. Developer, or its assigns, shall meet with the City, or its designee, at least once per year during the Term to review development completed in the prior year and the development anticipated to be commenced or completed in the ensuing year as compared to the Development Schedule. The City shall provide written notice to the Developer of the date for such compliance review not less than Five (5) business days in advance, provided such notice shall not be applicable to standard reviews and inspections otherwise performed by the City as to the improvement of the Property. The Developer must demonstrate good faith compliance with the terms of this Agreement. The Developer, or its designee, shall be required to provide such information as may reasonably be requested by the City. The Development Schedule attached to this Agreement is only a projection, and Developer's obligation at each respective Compliance Review shall be to reconcile the projected Development Schedule attached to this Agreement with the actual schedule of development for the Project at each respective Compliance Review. Failure to meet the Development Schedule attached to this Agreement shall not constitute a default hereunder.

14. **DEFAULTS**. Notwithstanding the provisions of Section 6 above, Developer shall continuously and diligently proceed with Development Work on the Property. Developer's failure to proceed with Development Work on the Property for a period of more than Six (6) months, other than as a result of Force Majeure, as defined in Section 6 above, shall constitute a default hereunder on the part of Developer. In the event of a default, the City shall provide written notice to Developer of such default, and Developer shall have a period of Thirty (30) days in which to cure a default by commencement of Development Work with regards to the next portion of the Property to be developed in accordance with phasing plan of the Project as set forth on the Master Site Plan attached hereto as **Exhibit "C"**, and set forth in the approved PD. The failure of the Developer to comply with the terms of this Agreement shall constitute a default, entitling the City to pursue such remedies as deemed appropriate, including withholding the issuance of building permits in accordance with the provisions of this Agreement, specific performance and the termination or modification of this Agreement in accordance with the Act; provided however no termination of this Agreement may be declared by the City absent its according the Developer the notice and opportunity to cure in accordance with the Act.

15. **MODIFICATION OF AGREEMENT**. This Agreement may be modified or amended only by the written agreement of the City and the Developer. No statement, action or agreement hereafter made shall be effective to change, amend, waive, modify, discharge, terminate or effect an abandonment of this Agreement in whole or in part unless such statement, action or agreement is in writing and signed by the party against whom such change, amendment, waiver, modification, discharge, termination or abandonment is sought to be enforced except as otherwise provided in the Act.

15. **RESTRICTIVE COVENANTS**. The obligations and public benefits agreed to and accepted by Developer set forth in this Agreement (collectively the "***Restrictive Covenants***") shall survive and continue in full force and effect without regard to the termination of this Agreement for a period ending on the earlier of (i) Fifty (50) years after the Term of this Agreement; or (ii) such time as the parties hereto, or their respective successors and assigns, have recorded a fully executed and effective termination of the Restrictive Covenants in the Office of the Register of Deeds for Horry County. Developer further covenants and agrees that, to the extent the Property is encumbered by covenants, conditions and restrictions (the "***CCRs***"), whether administered by an Owners Association or not, such CCRs shall include the Restrictive Covenants, the effect of which shall be to extend the term of the Restrictive Covenants, the same thereafter running with the Property as continuing obligations, public benefits and restrictions.

17. **NOTICES**. Any notice, demand, request, consent, approval or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided. All notices, demands, requests, consents, approvals or communications to the City shall be addressed to the City at:

City of Conway
101 Third Avenue
Conway, SC 29526
Attention: City Manager

With a copy to:
City of Conway
Conway, SC 29526
Attention: City Attorney

And to the Developer at:
Highway 378 Land Holdings LLC
1314 Professional Drive
Myrtle Beach, SC 29577
Attention: Charles B. Jordan, Jr., Esq.

With a copy to:
Robert S. Guyton, Esq.
Robert S. Guyton, P.C.
4605 B Oleander Drive, Suite 202
Myrtle Beach, SC 29577

18. **GENERAL**.

(A) **Subsequent Laws**. In the event state or federal laws or regulations are enacted after the execution of this Agreement or decisions are issued by a court of competent jurisdiction which prevent or preclude compliance with the Act or one or more provisions of this Agreement ("***New Laws***"), the provisions of this Agreement shall be modified or suspended as may be necessary to comply with such New Laws. Immediately after enactment of any such New Law, or court decision, a party designated by Developer and the City shall meet and confer in good faith

in order to agree upon such modification or suspension based on the effect such New Law would have on the purposes and intent of this Agreement. During the time that these parties are conferring on such modification or suspension or challenging the New Laws, the City may take reasonable action to comply with such New Laws. Should these parties be unable to agree to a modification or suspension, either may petition a court of competent jurisdiction for an appropriate modification or suspension of this Agreement.

(B) **Estoppel Certificate**. The City or any Developer may, at any time, and from time to time, deliver written notice to the other applicable party requesting such party to certify in writing, within Thirty (30) days of such written notice, that this Agreement is in full force and effect, that this Agreement has not been amended or modified, or if so amended, identifying the amendments, whether, to the knowledge of such party, the requesting party is in default or claimed default in the performance of its obligations under this Agreement, and, if so, describing the nature and amount, if any, of any such default or claimed default, and whether, to the knowledge of such party, any event has occurred or failed to occur which, with the passage of time or the giving of notice, or both, would constitute a default and, if so, specifying each such event.

(C) **Entire Agreement**. This Agreement sets forth, and incorporates by reference all of the agreements, conditions and understandings between the City and the Developer relative to the Property and its development and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.

(D) **No Partnership or Joint Venture**. Nothing in this Agreement shall be deemed to create a partnership or joint venture between the City or any Developer or to render such party liable in any manner for the debts or obligations of another party.

(E) **Exhibits**. All exhibits attached hereto and/or referred to in this Agreement are incorporated herein as though set forth in full.

(F) **Construction**. The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits hereto.

(G) **Transfer of Title**. Transfers of title to the Property, in whole or in part, may be made, at any time and to any person or entity, without the consent of the City.

(H) **Binding Effect**. The parties hereto agree that this Agreement shall be binding upon their respective successors and/or assigns.

(I) **Governing Law**. This Agreement shall be governed by the laws of the State of South Carolina, and the parties further agree that venue shall be proper, without regards to any conflict of law principals, in a court of competent jurisdiction in Horry County, or such other jurisdiction in South Carolina as is appropriate and necessary under the circumstances.

(J) **Counterparts**. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the

same instrument.

(K) **Eminent Domain**. Nothing contained in this Agreement shall limit, impair or restrict the City's right and power of eminent domain under the laws of the State of South Carolina.

(L) **No Third Party Beneficiaries**. The provisions of this Agreement may be enforced only by the City and the Developer. No other persons shall have any rights hereunder, unless specified in this Agreement.

(M) **Release of Developer**. Subject to Section 5.B, in the event of conveyance of all or a portion of the Property, the Developer shall be released from any obligations and liabilities with respect to this Agreement as to the portion of Property so transferred, and the transferee shall be substituted as the Developer under the Agreement as to the portion of the Property so transferred; provided, however, the transferee(s) of the one acre contemplated for subdivision and conveyance under Section 5.B shall not be deemed to succeed to any Development Rights and Obligation of Developer under this Agreement.

19. **DESCRIPTION OF LOCAL DEVELOPMENT PERMITS NEEDED**. The development of the Property shall be pursuant to this Agreement, the Land Development Regulations, and Code of Ordinances, as amended; provided, however, in the event of any conflict between this Agreement and the Land Development Regulations, and/or the Code of Ordinances, the provisions of this Agreement shall control. Necessary permits include, but may not be limited to, the following: building permits, zoning compliance permits, sign permits (permanent and temporary), temporary use permits, accessory use permits, driveway/encroachment/curb cut permits, clearing/grading permits, and land disturbance permits. Notwithstanding the foregoing, the City acknowledges that City Planning and Development Director or the City Planning Commission approval of plats will be given if any such plats are materially consistent with the Master Site Plan of the Project, subject to any Master Site Plan Revisions. It is specifically understood that the failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions. It is expressly understood and acknowledged by all parties to this Agreement that any portions of the Property donated or sold by any Developer to the City shall not be subject to any private declaration of restrictions or property owners association(s) created by any Developer for any subsequent subdivision of the Property.

20. **STATEMENT OF REQUIRED PROVISIONS**. In compliance with Section 6-31-60(A) of the Act, the Developer represents that this Agreement includes all of the specific mandatory provisions required by the Act, addressed elsewhere in this Agreement.

[Signature Pages Follow]

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the day and year first above written.

DEVELOPER:

WITNESSES:

HIGHWAY 378 LAND HOLDINGS LLC, a South Carolina limited liability company

_____
Witness #1

By: _____
Name: _____
Title : _____

_____
Witness #2

STATE OF _____)
)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ___ day of _____, 2024, by _____, as _____ of HIGHWAY 378 LAND HOLDINGS LLC, a South Carolina limited liability company. He or she personally appeared before me and is personally known to me.

_____
Notary Public
Name: _____
My Commission Expires: _____

IN WITNESS WHEREOF, the parties have entered into this Agreement as of the day and year first above written.

CITY:

WITNESSES:

CITY OF CONWAY

_____
Witness #1

By: _____
Name: _____
Title: _____

_____
Witness #2

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

The foregoing instrument was acknowledged before me this _____day of_____, 2024 by_____, the of the CITY OF CONWAY. He or she personally appeared before me and is personally known to me.

_____
Notary Public
My Commission Expires: _____

EXHIBIT "A"

South Carolina Local Government Development Agreement
Act as Codified in Sections 6-31-10 through 6-31-160
of the Code of Laws of South Carolina (1976), as amended

[TO BE ATTACHED]

EXHIBIT “B”

Survey of Property

[TO BE ATTACHED]

EXHIBIT “C”

Master Site Plan

[TO BE ATTACHED]

EXHIBIT “D”

Approved PD Ordinance Narrative

[TO BE ATTACHED]

EXHIBIT "E"

Development Schedule

Construction will begin following receipt of permits from the City of Conway and from other regulatory bodies. The nature of this Project, together with the current economic conditions, prevents the Developer from providing exact dates for commencement of future phases or exact completion dates. Although the timing of completion of any particular Phase of the Project is subject to then current market demands, the Developer anticipates starting the installation of the infrastructure within a period of approximately Twenty-four (24) months from approval of this Agreement to allow for design, permitting and mobilization. The Project would be complete within Fourteen (14) years of approval of this Agreement.

DATE: AUGUST 19, 2024
ITEM: VII.A.

ISSUE:

First Reading of **Ordinance #ZA2024-09-03 (A)** to annex approximately 0.36 acres located at 163 Lander Drive (PIN 383-15-01-0026), and rezone from the Horry County Residential, no mobile homes allowed (SF10) district to the City of Conway Low/Medium-Density Residential (R-1) district.

BACKGROUND:

The annexation application was submitted by Michael Hall, as a requirement to connect to city utility services. According to Horry County Register of Deed's website, the property has been in the applicant's name since September 13, 2013. The property is within the Coastal Heights subdivision near Singleton Ridge Road and Myrtle Trace Drive. There is an existing single-family structure on the property. Restrictive covenants were recorded for this property on February 20, 1997.

There have been many other properties within the Coastal Heights subdivision that have been annexed over the years. Those properties were zoned R-1 (Low/Medium-Density Residential) upon being annexed into the City.

***CITY OF CONWAY COMPREHENSIVE PLAN*:**

The Future Land Use Map of the *Comprehensive Plan* identifies this parcel as Low/Medium-Density Residential (R-1).

The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area.

STAFF RECOMMENDATION:

If it is the long-term goal of Council to annex the area, staff recommends continued annexation of properties in the area, and approval for First reading of **Ordinance #ZA2024-09-03 (A).**

ORDINANCE #ZA2024-09-03 (A)

AN ORDINANCE TO ANNEX APPROXIMATELY 0.36 ACRES OF PROPERTY LOCATED AT 163 LANDER DR (PIN 383-15-01-0026), AND REQUEST TO REZONE FROM THE HORRY COUNTY RESIDENTIAL, NO MOBILE HOMES ALLOWED (SF10) DISTRICT TO THE CITY OF CONWAY LOW/MEDIUM DENSITY RESIDENTIAL DISTRICT (R-1) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 0.36 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantage of the municipality.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, andmade a part of the City of Conway, South Carolina, to wit:

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.36 acres of property located at 163 Lander Drive (PIN 383-15-01-0026), and request to rezone from the Horry County Residential, no mobile homes allowed (SF10) district, to the City of Conway Low/Medium-Density Residential (R-1) district.

This annexation includes all waterways, roads, and rights-of-way adjacent to the property. For a more specific description of said property, see attached map.

SECTION 2. APPLICATION OF ZONING ORDINANCE:

The property is admitted as City of Conway Low/Medium Density Residential District (R-1) area under the zoning laws of the municipality.

SECTION 3. EFFECTIVE DATE:

The annexation is effective as of the date of the final reading of this Ordinance.

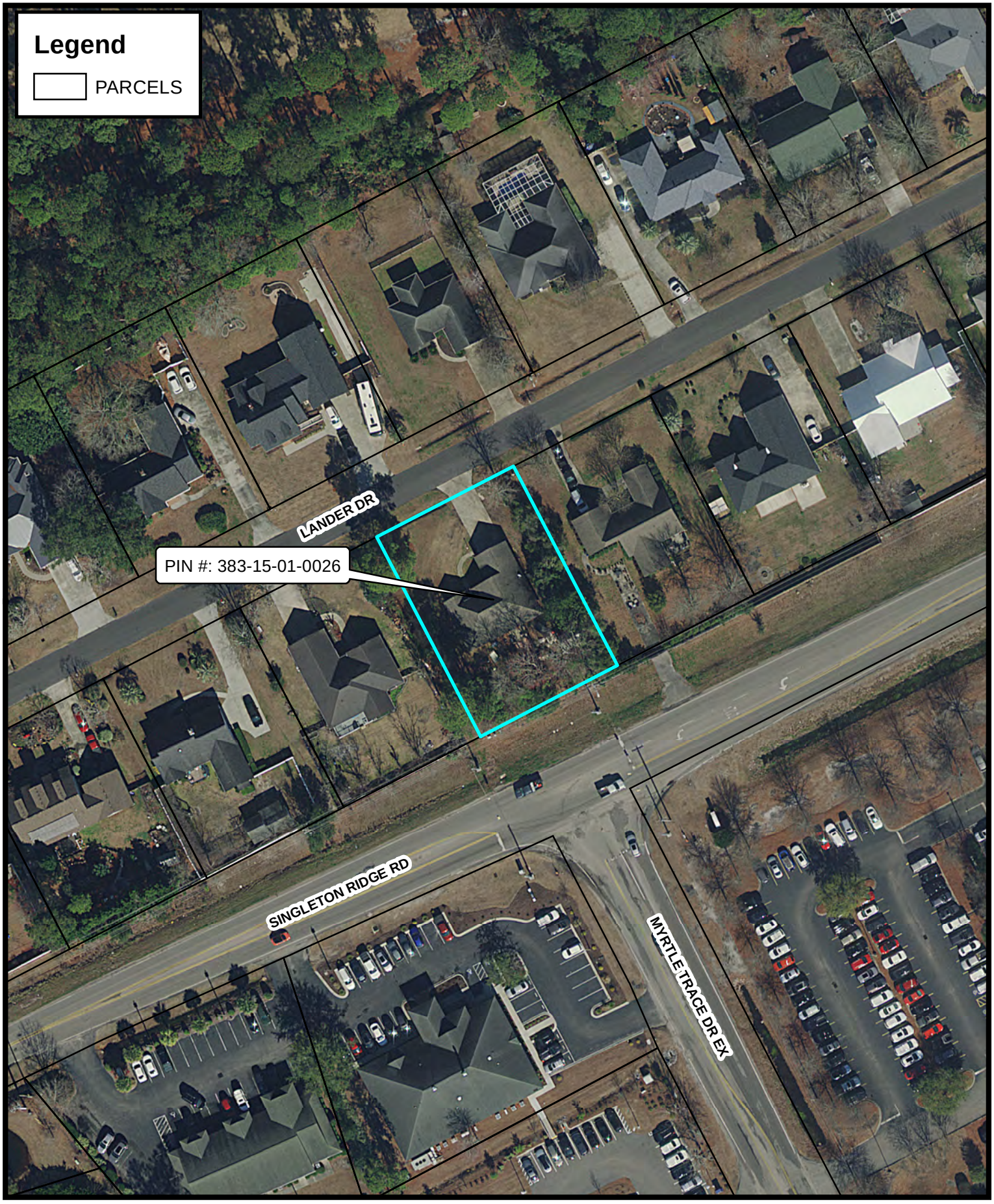
AND BE IT FURTHER ORDAINED that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

RATIFIED BY CITY COUNCIL, duly assembled, this_____day of _____, 2024.

Barbara Jo Blain, Mayor	Larry A. White, Mayor Pro Tem
Amanda Butler, Council Member	William M. Goldfinch IV, Council Member
Julie Ann Hardwick, Council Member	Beth Helms, Council Member
Justin D. Jordan, Council Member	ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-5888 ph (843) 488-9830 fax

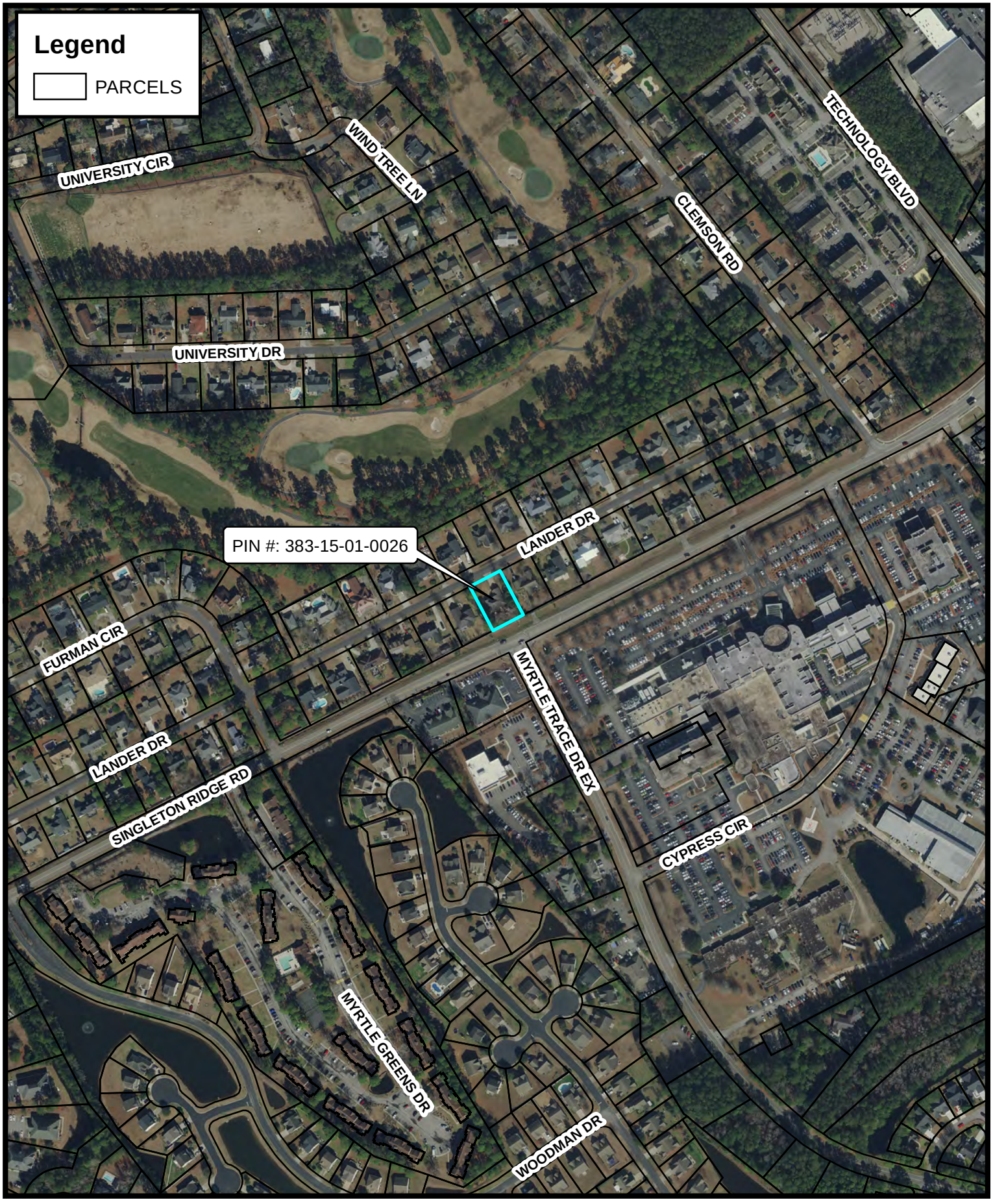
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 383-15-01-0026
TMS #: 151-28-03-047
163 LANDER DR
(P24-0202)

City of CONWAY SOUTH CAROLINA

Date: 8/2/2024 Time: 7:53:16 AM Path: \\Coc-srv2\4310\ANNEXATIONS\IR1 ANNEXATIONS\2024\163 Lander Drive\GIS\ZOOMED IN AERIAL MAP FOR 163 LANDER DR.mxd



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-5888 ph (843) 488-9830 fax

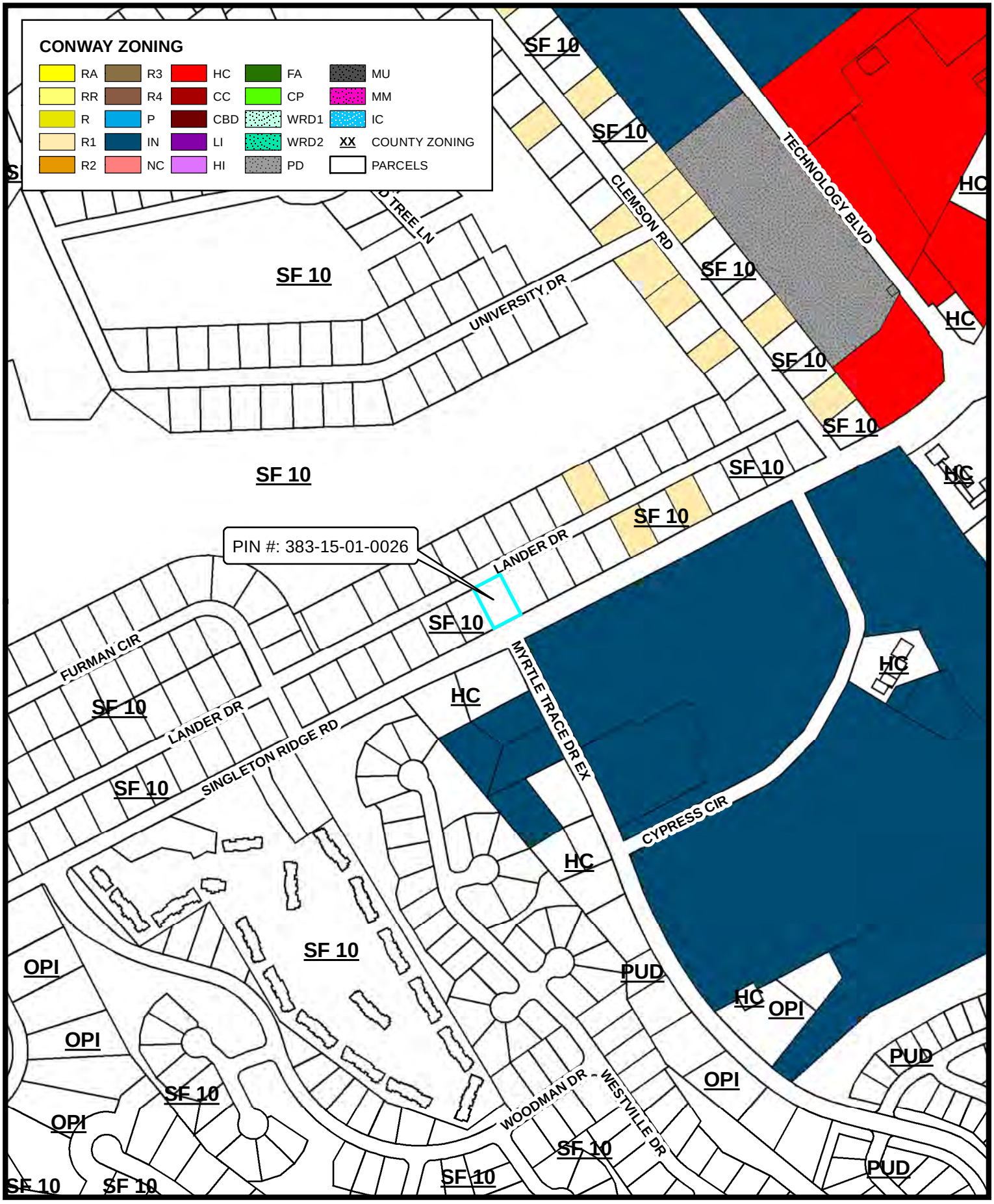
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 383-15-01-0026
TMS #: 151-28-03-047
163 LANDER DR
(P24-0202)

City of CONWAY SOUTH CAROLINA

Date: 8/2/2024 Time: 7:52:00 AM Path: \\Coc-srv2\4310\ANNEXATIONS\IR1 ANNEXATIONS\2024\163 Lander Drive\GIS\ZOOMED OUT AERIAL MAP FOR 163 LANDER DR.mxd

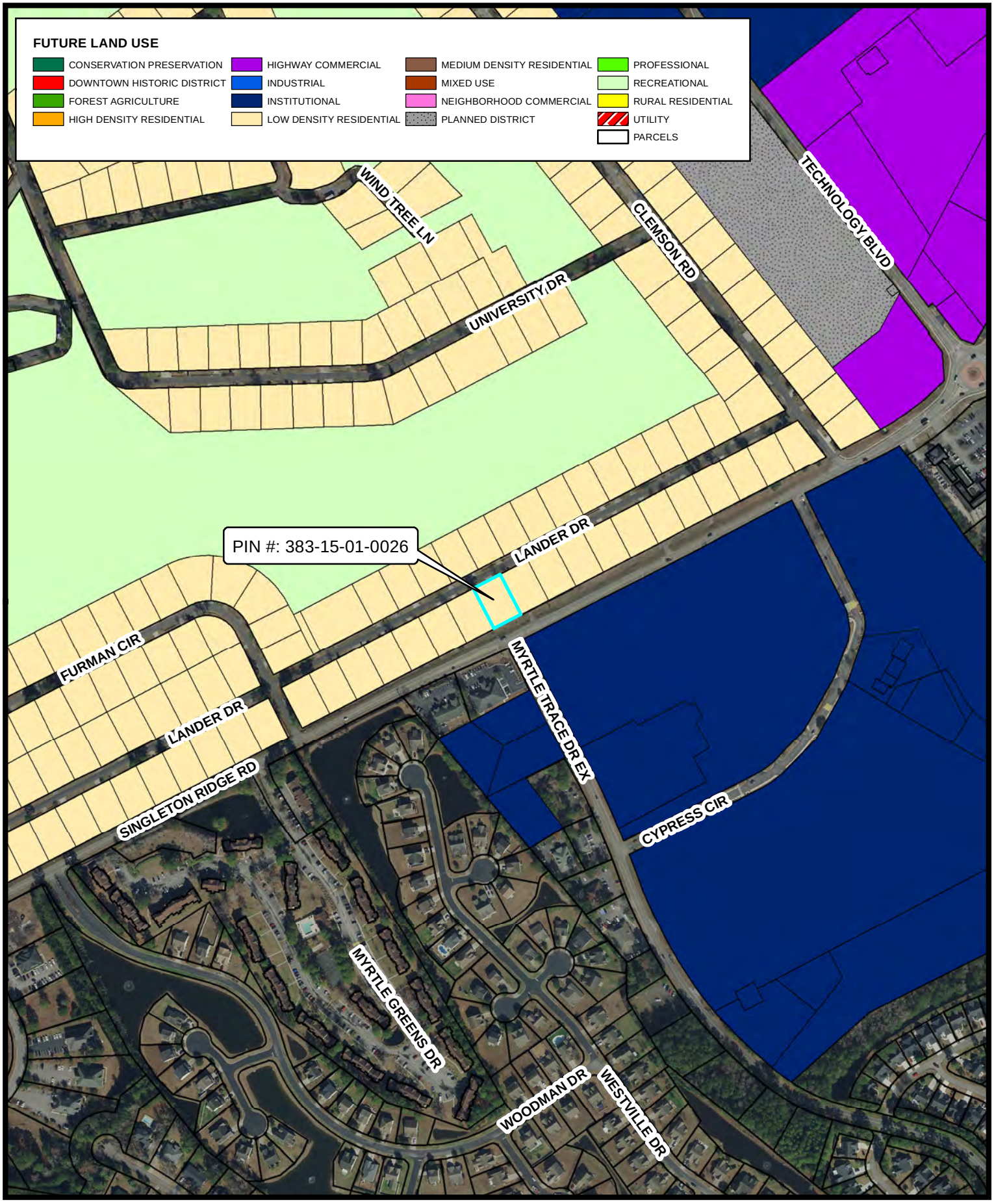


Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 383-15-01-0026
TMS #: 151-28-03-047
163 LANDER DR
(P24-0202)

Date: 8/2/2024 Time: 7:39:34 AM Path: \\Coc-srv2\4310\ANNEXATIONS\IR1 ANNEXATIONS\2024\163 Lander Drive\GIS\ZONING MAP FOR 163 LANDER DR.mxd



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9830 fax

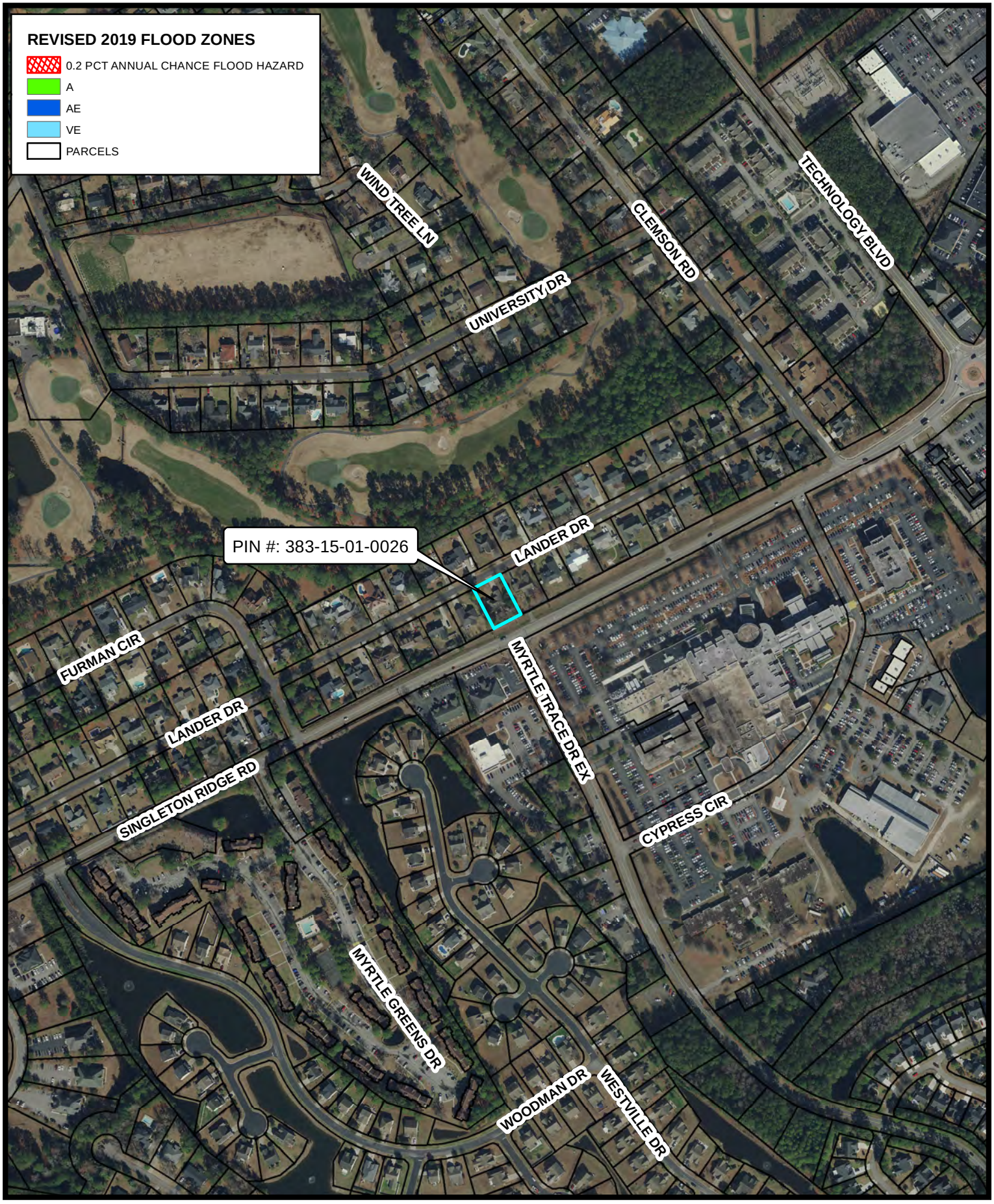
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 383-15-01-0026
TMS #: 151-28-03-047
163 LANDER DR
(P24-0202)

City of CONWAY SOUTH CAROLINA

Date: 8/2/2024 Time: 7:42:25 AM Path: \\Coc-srv2\4310\ANNEXATIONS\IR1 ANNEXATIONS\2024\163 Lander Drive\GIS\FLOOD ZONE MAP FOR 163 LANDER DR.mxd



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9890 fax

Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 383-15-01-0026
TMS #: 151-28-03-047
163 LANDER DR
(P24-0202)

City of CONWAY SOUTH CAROLINA

Date: 8/2/2024 Time: 7:43:31 AM Path: \\Coc-srv2\4310\ANNEXATIONS\IR1 ANNEXATIONS\2024\163 Lander Drive\GIS\FLOOD ZONE MAP FOR 163 LANDER DR.mxd

PETITION FOR ANNEXATION

Staff Use Only
Received:
BS&A #:

City of Conway Planning
Department 196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

STATE OF SOUTH CAROLINA)
) **PETITION FOR ANNEXATION**
COUNTY OF HORRY)

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

PROPERTY LOCATION/SUBDIVISION: 1163 Lander Dr. Coastal Heights Lt 41 BL. B

PIN: 383-15-01-00216 ACREAGE: _____

PROPERTY ADDRESS: 1163 Lander Dr. Conway SC 29526

PROPERTY OWNER MAILING ADDRESS: 803 EDISO COURT M.B. SC 29588

PROPERTY OWNER TELEPHONE NUMBER: 917-567-7554

PROPERTY OWNER EMAIL: mikehall4@gmail.com

APPLICANT: _____

APPLICANT'S EMAIL: _____

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES ☐ NO ☐

IF NOT: PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDIGNING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

Michael Hall (Print) _____ (Signature) DATE: 7/31/24

_____ (Print) _____ (Signature) DATE: _____

PETITION FOR ANNEXATION

Staff Use Only
Received:
BS&A #:

Is there a structure on the lot: Yes Structure Type: Single family + Shed

Current Use: Residential

Are there any wetlands on the property?

CIRCLE: YES ◯ NO ✓

If yes, please include valid wetland delineation letter from army corps of engineers.

Is the property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted or proposed use of the land?

CIRCLE: YES ◯ NO ✓

If yes, please explain and provide a copy of covenant and/or restriction.

Is the city a party to any deed restrictions or easements existing on the property?

CIRCLE: YES ◯ NO ✓

If yes, please describe.

Are there any building permits in progress or pending for this property?

CIRCLE: YES ◯ NO ✓

If yes, please provide permit number and jurisdiction.

FEES ARE DUE AT SUBMITTAL.

RI ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - $ 250

PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT

planning@cityofconway.com

Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received:_____
BS&A #:_____

City of Conway Planning Department
196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of $250.00 at the time this application is submitted. Planned Development rezonings are $2,500.00 and Planned Development Amendments are $500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: 1163 Lander Dr. FEE PAID ( ) YES ( ) NO

AREA OF SUBJECT PROPERTY (ACREAGE):_____ PIN: 383-15-01-0026

CURRENT ZONING CLASSIFICATION: Horry County SF-10

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: R1

REQUESTED ZONING CLASSIFICATION: R1

NAME OF PROPERTY OWNER(S):

Michael Hall PHONE # 917-567-7554

_____ PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

803 EDISTO COURT M.B. S.C. 29585

_____

****

I (we) the owner(s) do hereby certify that all information presented in this *Zoning Map Amendment Application* is correct.

_____ 7/31/24
PROPERTY OWNER'S SIGNATURE(S) DATE

_____
PROPERTY OWNER'S SIGNATURE(S) DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

DATE: AUGUST 19, 2024
ITEM: VII.B.

ISSUE:

First Reading of Ordinance #ZA2024-09-03 (B) to annex approximately 0.67 acres of property located at 3045 E Hwy 501, (PIN 399-01-04-0008), and rezone from the Horry County Highway Commercial (HC) to the City of Conway Highway Commercial (HC) zoning district.

BACKGROUND:

On June 19th, 2024, the applicant submitted an annexation and rezoning application for the subject property, located at 3045 E Hwy 501. The property is currently zoned Horry County Highway Commercial (HC) and is currently the location of a title loan business. The property is a donut hole along this portion of Hwy 501, and the adjacent parcel, Founders National Golf LLC, was annexed into the City of Conway earlier this year. The property does have a restrictive covenant on file and is requesting annexation at the city's request as a part of the restrictive covenant agreement.

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*.

Surrounding uses/Zoning Districts:

The property abuts parcels zoned City of Conway Light Industrial (LI), and City of Conway Highway Commercial. Adjacent uses is a gas station, vacant land and Myrtle Beach International Golf Course entrance signage.

CITY OF CONWAY COMPREHENSIVE PLAN:

The future land use map of the *Comprehensive Plan* also identifies the entire parcel as *Highway Commercial (HC).*

PLANNING COMMISSION:

Planning Commission held the required public hearing on the request at their August 1st meeting, and recommended approval of the request to annex and rezone to HC.

STAFF RECOMMENDATION:

Staff recommends approval of First Reading of **Ordinance #ZA2024-09-03 (B)** to annex and rezone the property to the City of Conway Highway Commercial (HC) district.

ATTACHMENTS:

Application;
GIS Maps

ORDINANCE #ZA2024-09-03 (B)

AN ORDINANCE TO ANNEX APPROXIMATELY 0.67 ACRES OF PROPERTY LOCATED AT 3045 E HWY 501 (PIN 399-01-04-0008), AND REQUEST TO REZONE FROM THE HORRY COUNTY HIGHWAY COMMERCIAL (HC) DISTRICT TO THE CITY OF CONWAY HIGHWAY COMMERCIAL (HC) DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY:

SECTION 1. FINDINGS:

A petition has been submitted to the City Council of the City of Conway to annex approximately 0.67 acres of property described herein and represented on a map. The City Council of the City of Conway has determined that the annexation of this area into the City of Conway will be to the advantageof the municipality.

The area proposed for annexation is adjacent to the present City limits. The petition for annexation of land and declared zoning is hereby accepted by the governing body of the municipality of Conway, andmade a part of the City of Conway, South Carolina, to wit:

ALL AND SINGULAR, those certain parcels, lots, or tracts of land in Conway Township, County and State aforesaid, containing approximately 0.67 acres of property located at 3045 E Hwy 501 (PIN 399-01-04-0008), and request to rezone from the Horry County Highway Commercial (HC) district to the City of Conway Highway Commercial (HC) district.

This annexation includes all waterways, roads, and rights-of-way adjacent to the property. For a more specific description of said property, see attached map.

SECTION 2. APPLICATION OF ZONING ORDINANCE:

The property is admitted as City of Conway Highway Commercial (HC) area under the zoning laws of the municipality.

SECTION 3. EFFECTIVE DATE:

The annexation is effective as of the date of the final reading of this Ordinance.

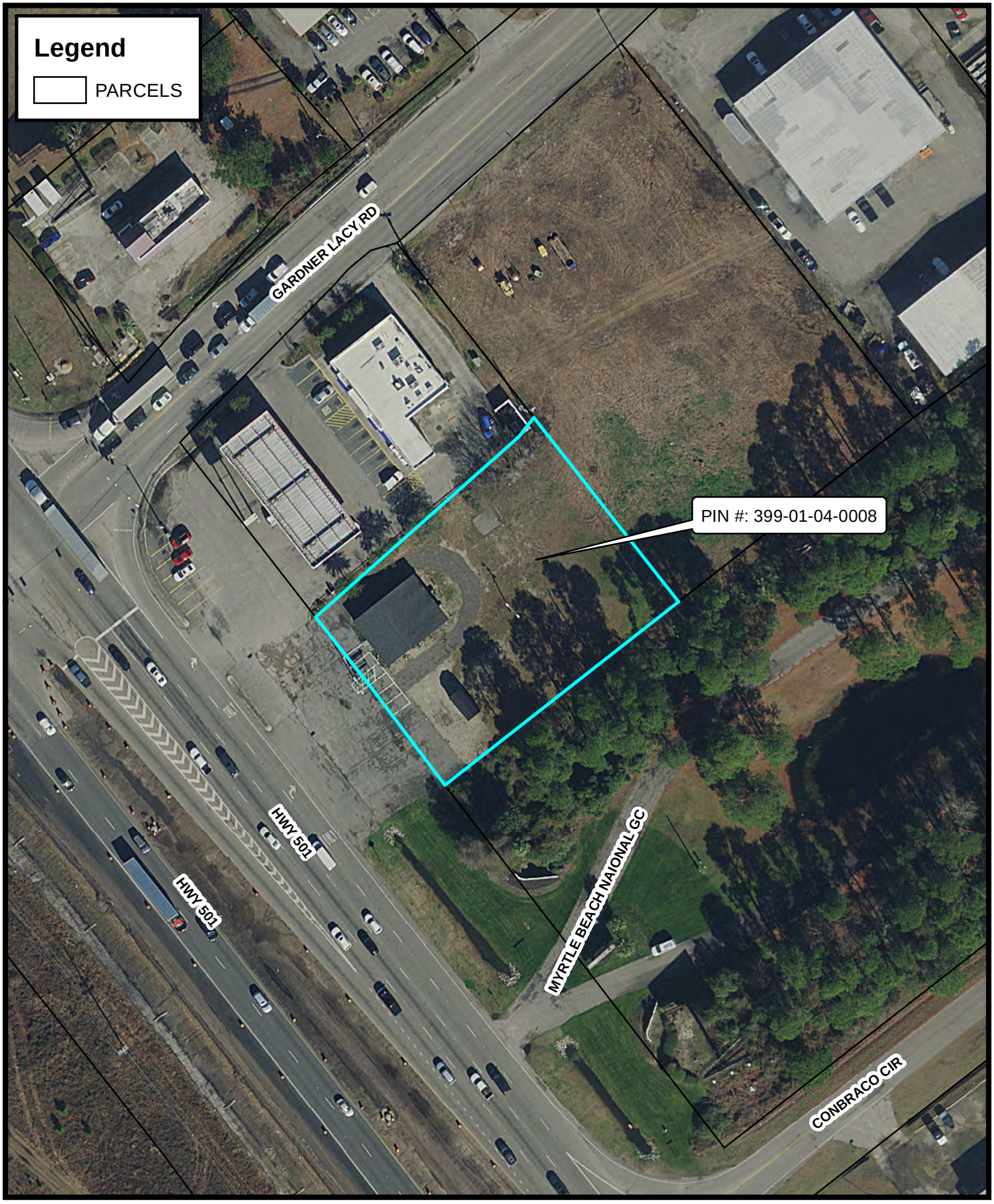
AND BE IT FURTHER ORDAINED that such changes shall be made on the Official Zoning Map. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

RATIFIED BY CITY COUNCIL, duly assembled, this_____day of _____, 2024.

Barbara Jo Blain, Mayor	Larry A. White, Mayor Pro Tem
Amanda Butler, Council Member	William M. Goldfinch IV, Council Member
Julie Ann Hardwick, Council Member	Beth Helms, Council Member
Justin D. Jordan, Council Member	ATTEST: Alicia Shelley, City Clerk

First Reading: _____

Final Reading: _____



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9830 fax

Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 399-01-04-0008
TMS #: 151-00-03-017
3045 E HWY 501
(P24-0162)

City of CONWAY SOUTH CAROLINA

Date: 6/25/2024 Time: 7:54:34 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!2024\3045 Hwy 501\GIS\ZOOMED IN AERIAL MAP FOR 3045 E HWY 501.mxd



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-8888 ph (843) 488-9890 fax

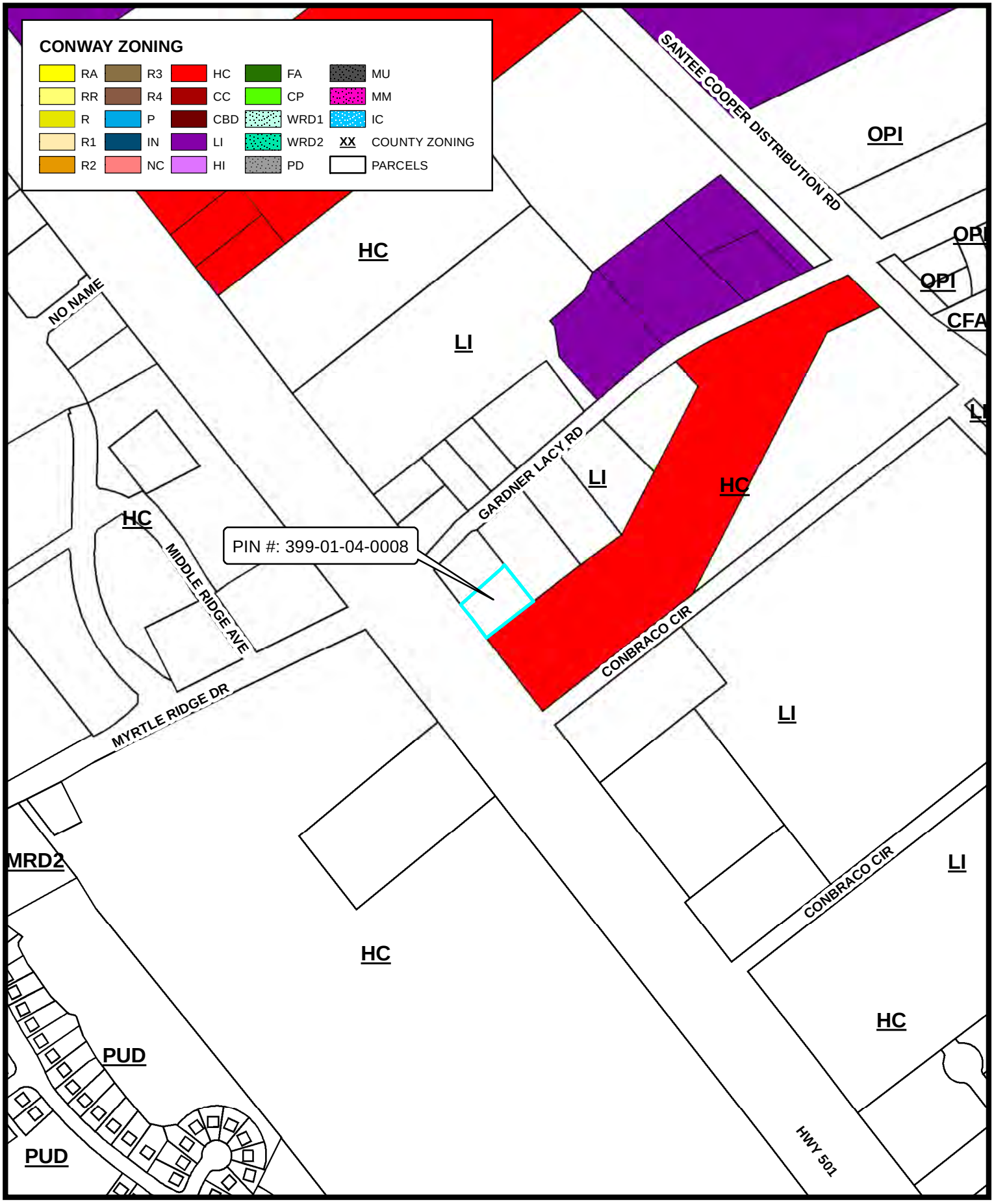
Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 399-01-04-0008
TMS #: 151-00-03-017
3045 E HWY 501
(P24-0162)

City of CONWAY SOUTH CAROLINA

Date: 6/25/2024 Time: 7:52:20 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!2024\3045 Hwy 501\GIS\ZOOMED OUT AERIAL MAP FOR 3045 E HWY 501.mxd

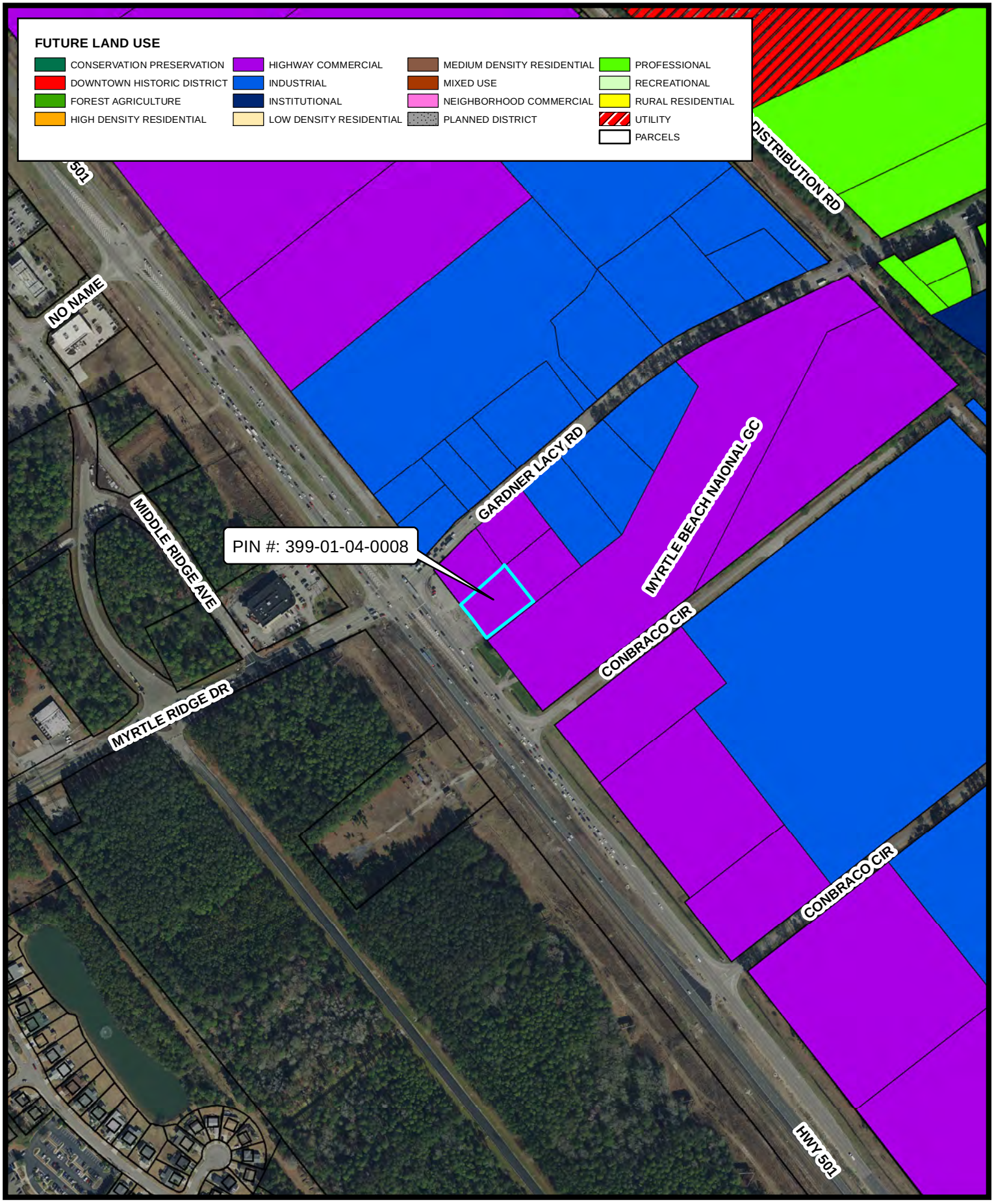


Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 399-01-04-0008
TMS #: 151-00-03-017
3045 E HWY 501
(P24-0162)

Date: 6/25/2024 Time: 7:46:49 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!2024\3045 Hwy 501\GIS\ZONING MAP FOR 3045 E HWY 501.mxd



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-8888 ph (843) 488-9830 fax

Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 399-01-04-0008
TMS #: 151-00-03-017
3045 E HWY 501
(P24-0162)

City of CONWAY SOUTH CAROLINA

Date: 6/25/2024 Time: 7:48:37 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!2024\3045 Hwy 501\GIS\FUTURE LAND USE MAP FOR 3045 E HWY 501.mxd



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-8888 ph (843) 488-8830 fax

Disclaimer: This map is a graphic representation only. It is NOT a survey. All efforts have been made to ensure its accuracy. However, the City of Conway disclaims all responsibility & liability for the use of this map.

N

PIN #: 399-01-04-0008
TMS #: 151-00-03-017
3045 E HWY 501
(P24-0162)

City of CONWAY SOUTH CAROLINA

Date: 6/25/2024 Time: 7:51:19 AM Path: \\Coc-srv2\4310\ANNEXATIONS\!ANNEXATION REZONINGS\!2024\3045 Hwy 501\GIS\FLOOD ZONE MAP FOR 3045 E HWY 501.mxd

MAYOR
Barbara Jo Blain-Bellamy

MAYOR PRO TEM
Larry A. White

City of CONWAY
SOUTH CAROLINA

ADMINISTRATION

COUNCIL MEMBERS
Amanda Butler
William M. Goldfinch IV
Julie Ann Hardwick
Beth Helms
Justin D. Jordan

June 7, 2024

Enoree River Investments LLC
1270 Burcale Rd
Myrtle Beach SC 29579

Re: PIN # 399-01-04-0008 Legal Description: ; HWY 501

Your property is adjacent to Conway City Limits, and the City of Conway is requesting you to annex into the City limits and rezone it from Horry County Highway Commercial (HC) zoning district to City of Conway Highway Commercial (HC) zoning district.

The annexation process is not complicated, and all associated fees will be waived. Staff will walk you through the entire process. For most single-family residential homes, the annexation process includes two readings of the annexation request at City Council. For all other uses, the annexation process requires City of Conway Planning Commission approval in addition to the two City Council readings.

To begin the process, you will need to fill out the attached forms. We have already filled out some portions for you; please fill out the remaining portions. On the Zoning Map Amendment Application, we have added our recommendation for the "Requested Zoning Classification". You can contact the Planning Department to discuss the requested zoning classification and its allowed uses at 843-488-9888. Once the forms have been completed, they can be sent via email to aemrick@conwaysc.gov or mailed to the address below:

City of Conway
Attn: Adam Emrick
PO Drawer 1705
Conway, SC 29528
(843) 488-248-1760

Please call if you have any questions, and we look forward to welcoming you to the City of Conway!

Sincerely,

Adam Emrick
City Administrator

Pros of Annexation into the City:

1. **Decreased Water Rates:** Upon incorporation into the city, water rates are slashed, offering significant savings on water consumption for residents and businesses alike.

2. **Improved Garbage Collection Services:** Enjoy more efficient and cost-effective garbage collection services, ensuring cleaner neighborhoods and reducing environmental impact.

3. **Discounted Rates for Commercial Dumpster Services:** Businesses benefit from discounted rates for both dumpster rentals and purchases, helping to manage waste disposal costs effectively.

4. **Lower Fire Insurance Premiums:** Annexation into the city results in lower fire insurance premiums for property owners, contributing to overall cost savings and improved safety measures.

5. **Community Representation:** Residents gain a voice in local governance and decision-making processes, ensuring their interests are represented and addressed by elected officials.

PETITION FOR ANNEXATION

Staff Use Only
Received:_____
BS&A #:_____

City of Conway Planning
Department 196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Instructions:

- Fill out all 3 pages
- Submit signed forms to City of Conway Planning Department

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

PETITION FOR ANNEXATION

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CONWAY

WHEREAS, § 5-3-150 (3) of the Code of Laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation; and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation; and

WHEREAS, the area requesting annexation is described as follows, to wit:

NOW, THEREFORE, the undersigned petition the City Council of Conway to annex the below described area into the municipal limits of the City of Conway.

PROPERTY LOCATION/SUBDIVISION: ; HWY 501

PIN: 399-01-04-0008 ACREAGE: 0.67

PROPERTY ADDRESS: 3045 E HWY 501, Conway, SC 29526

PROPERTY OWNER MAILING ADDRESS: 1270 BURCALE RD MYRTLE BEACH SC 29579

PROPERTY OWNER TELEPHONE NUMBER: 478-390-3900

PROPERTY OWNER EMAIL: Shri@sunhousepetroleum.com

APPLICANT: Shri Kamma

APPLICANT'S EMAIL: Shri@sunhousepetroleum.com

IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: YES ☑ NO ☐

IF NOT: PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDIGNING RESPONSIBILITY TO THE APPLICANT.

PROPERTY OWNERS (Attach additional sheets if necessary)

Sridhar Kamma (Print) _____ (Signature) DATE: 06/19/24

_____ (Print) _____ (Signature) DATE: _____

PETITION FOR ANNEXATION

Staff Use Only
Received:
BS&A #:

Is there a structure on the lot: Yes Structure Type: Stick building

Current Use: Retail place

Are there any wetlands on the property?

CIRCLE: YES ◯ NO ✓

If yes, please include valid wetland delineation letter from army corps of engineers.

Is the property restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted or proposed use of the land?

CIRCLE: YES ◯ NO ✓

If yes, please explain and provide a copy of covenant and/or restriction.

Is the city a party to any deed restrictions or easements existing on the property?

CIRCLE: YES ◯ NO ✓

If yes, please describe.

Are there any building permits in progress or pending for this property?

CIRCLE: YES ◯ NO ✓

If yes, please provide permit number and jurisdiction.

FEES ARE DUE AT SUBMITTAL.

RI ZONING DISTRICT – NO FEE ALL OTHER ZONING DISTRICTS - $ 250

PLEASE SUBMIT TO THE PLANNING & DEVELOPMENT DEPARTMENT

planning@cityofconway.com

Zoning Map Amendment Application

Incomplete applications will not be accepted.

Staff Use Only

Received:_____
BS&A #:_____

City of Conway Planning Department
196 Laurel Street, 29526

Phone: (843) 488-9888
Conway, South Carolina

www.cityofconway.com

Notice

All zoning map amendments shall follow the procedures set forth in Section 13.1.7 of the City of Conway Unified Development Ordinance. Amendments to the Official Zoning Map shall be initiated by members of City Council, the Planning Commission, the Planning Director, or owner(s) of the subject property. In order to partially defray the administrative cost of zoning map amendments, the applicant shall pay a filing fee to the City of Conway in the amount of $250.00 at the time this application is submitted. Planned Development rezonings are $2,500.00 and Planned Development Amendments are $500.00, and due at the time of submission. A plat of the property to be rezoned may be required with this application.

PHYSICAL ADDRESS OF PROPERTY: 3045 E HWY 501, Conway, SC 29526 FEE PAID ( ) YES ( ) NO

AREA OF SUBJECT PROPERTY (ACREAGE): 0.67 PIN: 399-01-04-0008

CURRENT ZONING CLASSIFICATION: Horry County Highway Commercial

COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Highway Commercial

REQUESTED ZONING CLASSIFICATION: City of Conway Highway Commercial

NAME OF PROPERTY OWNER(S):

ENOREE RIVER INVESTMENTS LLC PHONE # 478.390.3900

_____ PHONE # _____

MAILING ADDRESS OF PROPERTY OWNER(S):

1270 BURCALE RD MYRTLE BEACH SC 29579

1270 BURCALE RD MYRTLE BEACH SC 29579

****

I (we) the owner(s) do hereby certify that all information presented in this *Zoning Map Amendment Application* is correct.

_____ 06/19/24
PROPERTY OWNER'S SIGNATURE(S) DATE

_____
PROPERTY OWNER'S SIGNATURE(S) DATE

THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE MEETING.

DATE: AUGUST 19, 2024
ITEM: VIII.A.

ISSUE:

Request for a waiver of sidewalk requirements for the EME Apartments located at 1911 Ninth Avenue, a multi-family development that is proposing a new sixteen (16) unit building on the backside of the existing site. (PIN 368-02-04-0015).

BACKGROUND:

The applicant, Venture Engineering, requests a waiver of sidewalk requirements for the existing "*Nonconforming*" site, located at 1911 Ninth Avenue and surrounded by Ridge Street and Pittman Street.

Section 7.1.2 Complete Streets, of the Unified Development Ordinance (UDO), requires that sidewalks be constructed along the frontage of all properties abutting arterial or local non-residential streets. These sidewalks are required to be a minimum of five (5) feet in width, and a minimum of four (4) inches in thickness. Under the current regulations, 618 linear feet (LF) of sidewalk would be required along the frontage at Ridge Street and 809 linear feet (LF) of sidewalk would be required along the frontage of Pittman Street, totaling 1,427 linear feet (LF).

If a property owner or developer requests a waiver of the requirement to construct a sidewalk because there is no foreseeable connectivity, the waiver is presented to City Council for consideration. In accordance with this section of the UDO, the exemption of sidewalk requirements can be granted only by City Council. Should the waiver be granted, the property owner and/or developer is required to contribute, in lieu of the sidewalk, an amount equal to the construction cost of the required sidewalk, including any required infrastructure improvements for the sidewalk. The payment is to be used by the City to build or complete pedestrian, bikeway, and/or pathway systems.

Section 7.1.2 Complete Streets, of the Unified Development Ordinance (UDO), also states that in cases where a property is a *Nonconforming Site* as specified in *Section 12.1.4*, with or without existing structures, Council may choose to grant a waiver of sidewalk installation and reduce or eliminate the fee-in-lieu amount(s), if recommended by TRC.

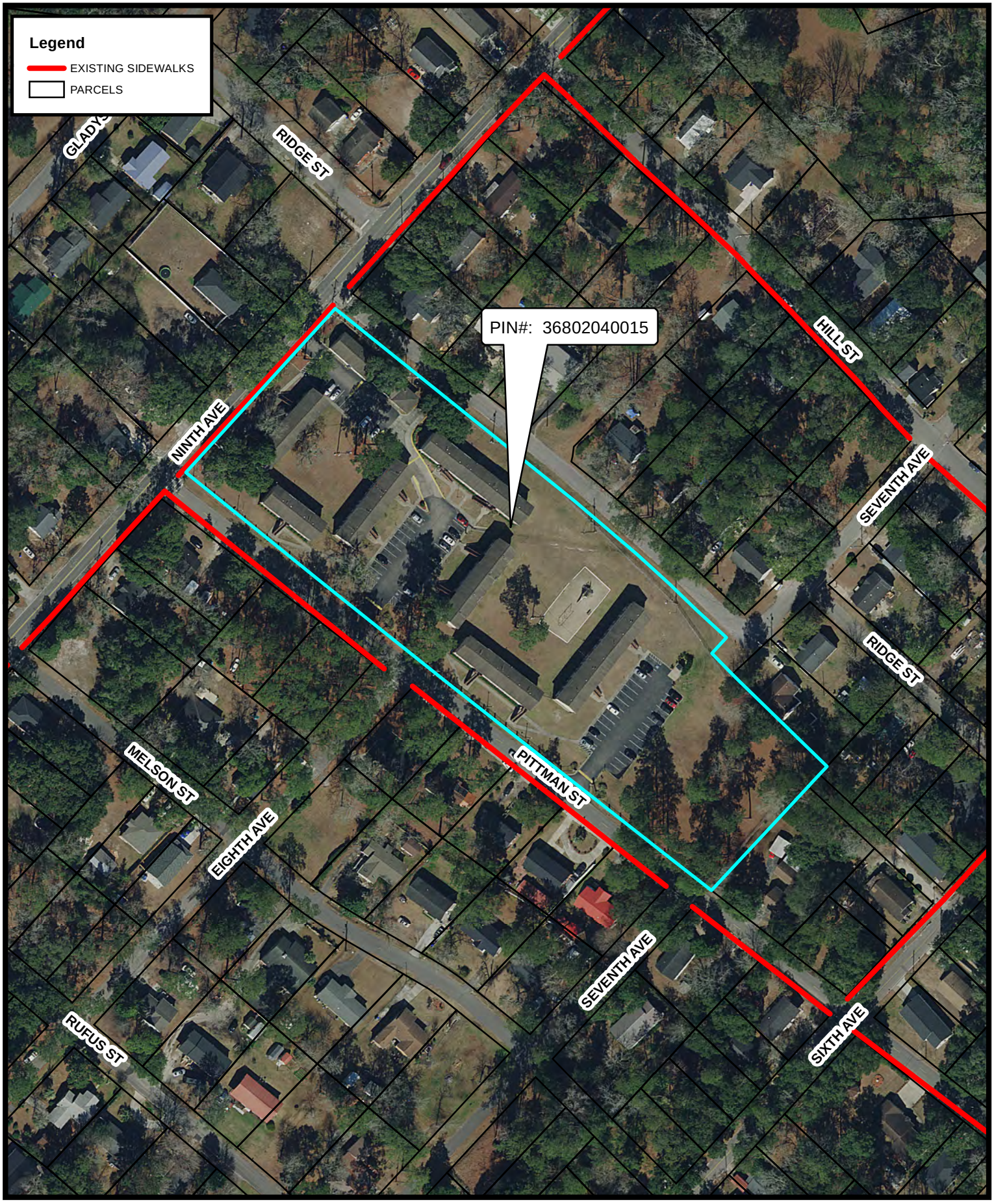
Using $30 per linear foot for labor and construction, the estimate for a payment in lieu of sidewalk construction including the sidewalk, grading, and clearing, is **$42,810**.

The property does have sidewalks along Ninth Avenue.

RECOMMENDATION:

This is a multifamily development, and if the property was currently vacant and the applicants were only constructing the one building, proposed to contain 16 one-bedroom units, sidewalks would still be required to be installed around the property perimeter, which is also surrounded by a street on three sides (of parcel). Sidewalks currently exist on the Ninth Ave side of the property, but not the other 2 streets

that front the property. Staff continues to support the installation of sidewalks where the UDO requires them; however, this property is considered a nonconforming site, in that several standards for landscaping and sidewalk installation was not completed under the current requirements of the UDO. Staff continues to support the installation of sidewalks where required per the UDO.



City of CONWAY GIS
2940 JERRY BARNHILL BLVD - CONWAY, SC 29527
(843) 488-9888 ph (843) 488-9890 fax

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N

SIDEWALKS AROUND
PIN#: 36802040015

City of CONWAY SOUTH CAROLINA

Date: 8/12/2024 Time: 6:42:25 AM Path: \\coc-gis1\GIS_DATA\DEPARTMENTS\PLANNING\KYM\SIDEWALK WAIVER MAPS\SIDEWALK WAIVER MAP FOR PIN 36802040015.mxd

PLANNING & DEVELOPMENT

SIDEWALK WAIVER REQUEST

Address/ PIN: PIN: 368-02-04-0015 TMS: 137-05-03-001

Located off of Ninth Avenue near Ridge Street and Pittman Street

Project: Emanuel Morris Brown Ebenezer Apartments (EME Apartments)

Contact Name:

Venture Engineering - Cassidy Callaghan

Email Address/Telephone Number:

ccallaghanventure@gmail.com

Office: 843-347-5851
Cell: 843-957-9781

Roads / linear footage:

Ridge Street → 617.95'
Pittman Street → 808.46'

Section 7.1.2 - Complete Streets (F-3-i) of the UDO
"... council may choose to grant a waiver of sidewalk installation & reduce/eliminate fee in lieu, if recommended by TRC."

Staff Use Only:

Date Received: 8.1.24 Council Meeting Date: 8.19.24

BS&A case #: P24-0204

DATE: AUGUST 19, 2024

ITEM: VIII.B.

ISSUE:

Speed calming measures by adding four-way stop intersection (map included)

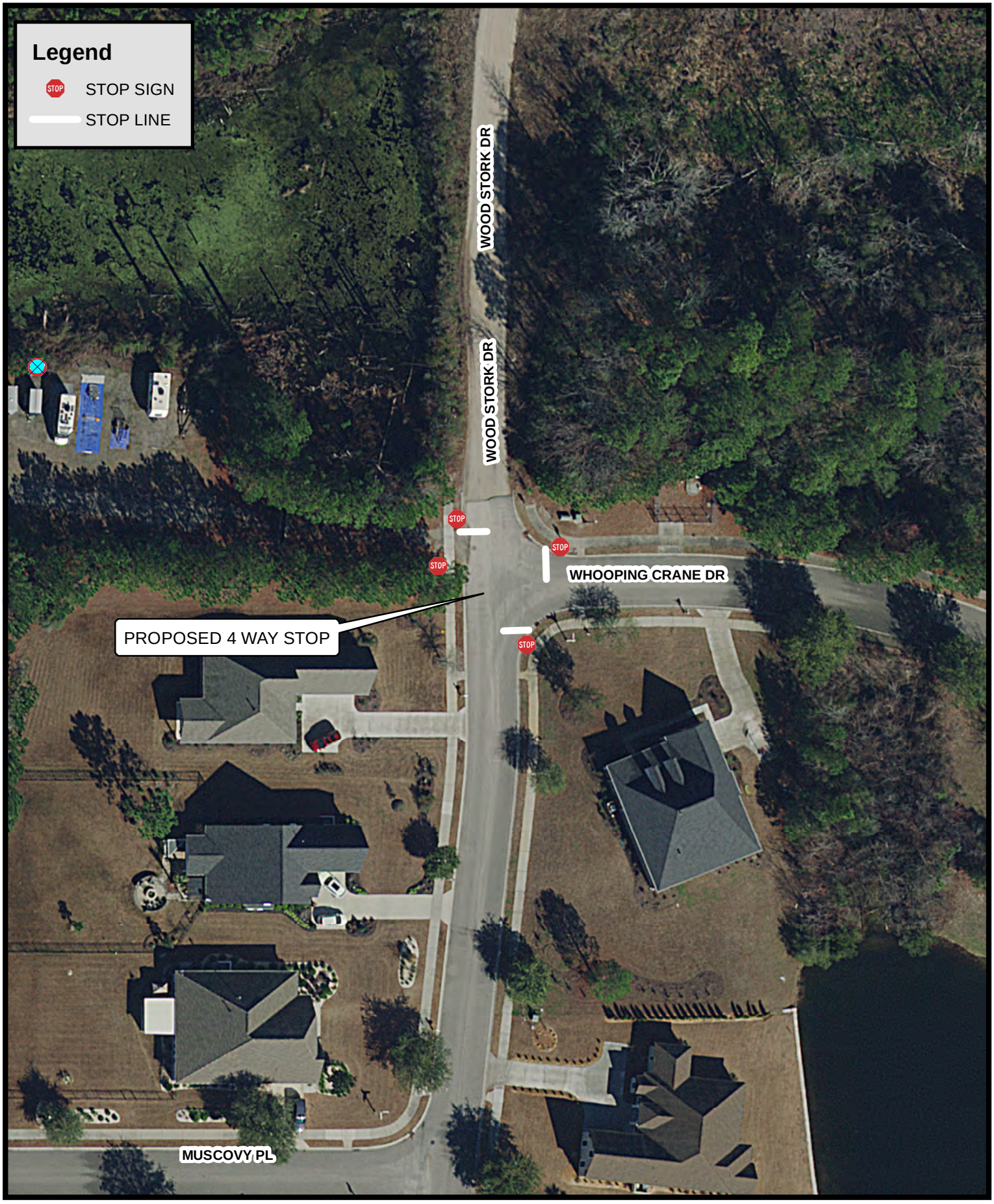
BACKGROUND:

The police department received a request by the Community Association Manager representing Waccamaw Management to add the four-way signs at the listed intersection. The newest phase built in this immediate area has added many houses, additional traffic, and an improved road upgrading the dirt road previously servicing the area. (email copy included)

Whooping Crane Drive currently has a stop sign, and Wood Stork Drive is a through street with the right-of-way. There is a private property service road to the HOA storage area at the same intersection, and it already has a stop sign.

RECOMMENDATION:

Add stop signs on Wood Stork Drive at Whooping Crane Drive intersection, making it a four-way stop intersection.



City of CONWAY GIS
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(843) 488-9888 ph (843) 488-9890 fax

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N

PROPOSED 4 WAY STOP AT
WOOD STORK DR AT
WHOOPING CRANE DR

City of CONWAY SOUTH CAROLINA

Date: 8/12/2024 Time: 9:15:30 AM Path: \\coc-gis1\GIS_DATA\DEPARTMENTS\POLICE\DALE LONG\PROPOSED 3 WAY STOP LONGWOOD LN\PROPOSED 4 WAY STOP WOOD STORK DR AT WHOOPING CRANE DR.mxd

From: Becky Lee <BeckyL@waccamawmanagement.com>
Sent: Thursday, August 1, 2024 2:24 PM
To: Reggie Hill <rhill@conwaysc.gov>
Subject: Wild Wing Plantation - Stop Sign

Good Afternoon Mr. Hill,

One of the members of the community brought me your business card today. Her name is Mary Jean and she says she has been speaking to you about getting a stop sign added here in Wild Wing. She asked me to reach out to you, I wanted to let you know that the Board would agree a stop sign would be helpful. Not sure if there is something you need from me, but if there is just let me know!

Thanks!!

Best Regards,

Becky Lee
Community Association Manager
Waccamaw Management,
An Associa® Company
Email: beckyl@waccamawmanagement.com
(800) 537-0641
Myrtle Beach, SC 29579

If I have provided you with 5 star customer service, please leave us a 5 star Google review HERE!

www.waccamawmanagement.com

DATE: AUGUST 19, 2024
ITEM: VIII.C.

ISSUE:

Recommendation on selection of contractor for the Highway 701 South Water Main Relocation for a new Santee Cooper substation.

BACKGROUND:

Santee Cooper Corp. is installing a new substation at Liz Ln and Hwy 701 South (PIN 369-00-00-0027) to keep up with the growing population in the area. The construction of this substation will require the City to relocate approximately 2,537 ft of an existing 24 inch water line. Since the City has a prior rights agreement, Santee Cooper will reimburse all costs of the project to the City of Conway. The City advertised publicly in July to select a contractor. Bids were required to be submitted to the City no later than August 15, 2024. Contractors submitting proposals and their costs will be shared during the August 19, 2024 City Council Meeting.

Should City Council approve the lowest bid, the City will enter into negotiations for a contract for services immediately.

RECOMMENDATION:

Staff recommends selection of the most qualified bid for the water main relocation at Highway 701 South for a new Santee Cooper substation and authorize the City Administrator to enter into a contract.