MAYOR Barbara Jo Blain

MAYOR PRO TEM
Larry A. White



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

PLANNING & DEVELOPMENT PLANNING COMMISSION MEETING AGENDA

Thursday, August 1, 2024 | 5:30 p.m.
Planning & Building Dept. Conference Room – 196 Laurel Street

- I. CALL TO ORDER 5:30 p.m.
- II. MINUTES
 - **A.** Approval of the July 11, 2024, Planning Commission Meeting Minutes
- III. PUBLIC INPUT
- IV. SUBDIVISIONS
 - **A. Rivers Edge Village** requesting street name approval for the project located on both East Country Club Dr. and John Doctor Rd. (PIN 339-00-0023).
 - **B.** Peanut Road requesting street name approval of an unnamed right of way adjacent to the Peanut Warehouse, located between Laurel Street and Second Ave.

V. PUBLIC HEARINGS

A. ANNEXATION/REZONING REQUEST(S)

- 1. Request 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.
- 2. Request 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.

MAYOR Barbara Jo Blain

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B. TEXT AMENDMENTS

1. Amendment(s) to Article 10 – Subdivision and Land Development, of the City of Conway Unified Development Ordinance (UDO), regarding revisions to the requirements for Parks and Open Space Dedication.

VI. BOARD INPUT

VII. STAFF INPUT

VIII. UPCOMING MEETINGS

<u>MEETING</u>	DATE	TIME	<u>LOCATION</u>	ADDRESS
City Council	August 5, 2024	4:00 p.m.	City Hall	229 Main St.
Community Appearance Board (CAB)	August 14, 2024	4:00 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
City Council	August 19, 2024	4:00 p.m.	City Hall	229 Main St.
Board of Zoning Appeals (BZA)	August 22, 2024	5:30 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
Community Appearance Board (CAB)	September 28, 2024	4:00 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.
City Council	September 3, 2024	4:00 p.m.	City Hall	229 Main St.
Planning Commission (PC)	September 5, 2024	5:30 p.m.	Planning & Building Dept. Conference Room	196 Laurel St.

IX. ADJOURNMENT

CITY OF CONWAY PLANNING COMMISSION MEETING THURSDAY, JULY 11, 2024

Planning & Building Dept. Conference Room – 196 Laurel Street

Present: Jessica Wise, Kendall Brown, Ellen Watkins, George Ulrich, Thomas J. Anderson III, Greg

Bryson, David Sligh, Danny Hardee

Absent: Brian O'Neil

Staff: Jessica Hucks, Planning Director; Kym Wilkerson, Zoning Administrator; Brent Gerald, Planner;

Katie Dennis, Planner; Vick Stone, Zoning Officer; Charlie Crosby, IT; Anne Bessant, Planning

& Development Coordinator

Others: William Ishmael, Everette Mitehum

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Sligh made a motion, seconded by Ulrich to approve the June 6, 2024 minutes as written. The vote in favor was unanimous. The motion carried.

III. PUBLIC INPUT

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

IV. SUBDIVISIONS

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

Ulrich made a motion to postpone the item indefinitely, seconded by Sligh, to close public input. Motion carried unanimously.

V. PUBLIC HEARINGS

A. ANNEXATION/REZONING REQUEST(S)

1. Request 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) district to the City of Conway Highway Commercial (HC) district.

Hucks gave an overview of the applicant's request, stating that this annexation and rezoning request is a result of letters that were sent out by administration recently that required the property owners to submit an

annexation petition to come into the city limits in accordance with restrictive covenants that are recorded for properties in order to receive city water and/or sewer services.

The current zoning of the property is Horry County HC. The City's future land use map also identifies the property as HC. However, surrounding properties are zoned Light Industrial or are split-zoned LI and HC. The current use of the property is manufactured home sales, which is only permitted in the LI and HI districts. Even though the zoning classification being requested is HC, staff recommends that Planning Commission consider recommending that the property be zoned LI upon annexation.

The applicant was not present.

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

Wise made a motion to recommend approval of the request to City Council with staff's recommendation to change the zoning district from Horry County Highway Commercial to City of Conway Light Industrial. Bryson seconded the motion and the motion carried unanimously.

B. TEXT AMENDMENTS

1. Amendment(s) to Article 2 – Definitions, 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 currently, the UDO combines both car washing and auto detailing facilities as a single use, rather than separating out the 2. Car washing facilities are typically 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. Conditions include:

- A min. of 5 vehicle stacking spaces for each car wash bay.
- A min. lot size of 20,000 sq. ft.
- May not be located within 100' of a residential district.
- Exit drives a min. of 100' in length required, measured from the vehicle exit of the car wash to the edge of the street.
- Surface and drainage treatment at the exit drive must be designed so that no water accumulates on the surface or onto the public right of way or adjoining properties.

For car washing facilities, these conditions are appropriate. However, auto-detailing – while some may have a brick-and-mortar commercial establishment, many are mobile only. 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.

Even if someone requests approval to have a car wash facility or an auto-detailing facility in the HC, LI or HI district, the property must be compliant with all of the aforementioned conditions, and unless someone builds the facility from the ground up, most sites would not be able to comply. Recently, someone requested a

business license for an auto-detailing business that classifies themselves as a waterless car wash and detailing business, to be located and based at a trade shop in the Commerce Plaza industrial park. Their license was denied because the property, which contains a trade shop with many different trade shop uses, could not comply with the requirements of the UDO for car wash and detailing facilities.

Additionally, Horry Georgetown Tech is bringing back their automotive program after 30 years and will offer automotive reconditioning as a course study within the program. It will be difficult for the college to comply with the standards currently in place aside from constructing a new car wash facility.

Staff proposes to amend the UDO regarding car washing & detailing facilities, to separate the 2 uses and provide a different set of conditions for auto detailing, including mobile detailing, and also a set of standards for waterless car wash & detailing facilities.

There are a few amendments that staff would like to add to the current draft – a copy of the amendment is in front of you to review as well, but the very first condition for Mobile Car Wash & Detailing should be the districts the use is permitted, and to specify that the use would also be permitted as a home-based business, subject to the conditions stated in *Section 5.2.4* of the UDO for home-based businesses.

Another addition to the amendment, which is included in the revision you have, is to simplify the table of allowed home-based businesses, which is a bit antiquated. 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 specific, so as to exclude new business types that are created. For example, about every single type of contractor is listed in the table, but all of those are office use only. 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 in most cases, all business is conducted offsite. 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

Another thing added to the home-based business ordinance is a condition to address an issue that has been encountered a few times with larger contractor operations with multiple employees: a condition that would prohibit employees from parking at the residence and then going to the job site from there, leaving their vehicles or work trucks at the residence where the business is based.

William Ishmael and Everette Mitehum spoke during public input. Ulrich made a motion, seconded by Anderson, to close public input. Motion carried unanimously.

The board and staff discussed the amendment at length.

Sligh made a motion to recommend approval of the requested text amendment regarding mobile car wash/detailing facilities to City Council as presented with the conditions that staff will add the permitted

districts as discussed, as well as adding the districts permitted for waterless car washes. Ulrich seconded the motion and the motion carried unanimously.

1. Amendment(s) to 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 this amendment is really just to provide much needed clarity to residents 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, or 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; however, those that already exist are considered legal nonconforming. 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 in the UDO, or a 10' buffer if will contain a privacy fence at least 5 ft in height.

For the lots that do exist without this buffer, they have no rear yard and what would otherwise be their rear yard is treated as a front yard. For example, fence heights cannot exceed 4-ft in height in front yards. Typically, fences in rear yards could go up to 8' in height, but if it's a lot with double frontage and backs up directly to an external road, the fence could not exceed 4' in height, like a front yard. 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, a true hardship exists because lots with double frontage are considered legal nonconforming, in that the creation of lots with double frontage is prohibited now, but were, at some point, allowed. Many of the existing lots with double frontage already contain accessory structures or fencing exceeding the height limit, but if any of these structures needed to be replaced, they could not be without being granted a variance. 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 in existing developments 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. This amendment does not change the restrictions for lots with double front yards – it simply seeks to provide clarification to the public when applying for permits for certain types of structures when they have a corner lot or a lot with double frontage.

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

The board and staff discussed the amendment at length.

Sligh made a motion to recommend approval of the requested amendment to City Council as presented. Ulrich seconded the motion and the motion carried unanimously.

2. Amendment(s) 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.

Hucks stated the amendment regarding signs in ROWs was already recommended by Planning Commission back in April, which really amended Section 11.1.3 of the sign ordinance to give staff more teeth in enforcing the ordinance. It also specified that each violation of the ordinance would be a civil infraction, punishable by a fine of \$50.

Following Planning Commission, staff researched how this would be enforced, and because the rights of Planning staff and zoning officials is given through the comprehensive planning act, we can only issue ordinance summons, which has a set penalty in the UDO and the general code. Uniform Summons, like traffic tickets, encompass more than just violations involving vehicles, and those can only be issued by those who have the power to arrest.

Staff consulted the attorney with the Municipal Association, and he recommended that the penalty of the civil infraction be specified in the UDO. Staff has added this amendment to Article 15 – Enforcement and readvertised the amendment for a public hearing to include the penalty of a civil infraction with a fine of \$50. There was no public input. Wise made a motion, seconded by Ulrich, to close public input. Motion carried unanimously.

Sligh made a motion to recommend approval of the requested amendment to City Council as presented with the condition of removing C from the section completely. Ulrich seconded the motion and the motion carried unanimously.

VI. DISCUSSION

A. Future Land Use Map Amendment for properties on Main Street and surrounding area(s).

Hucks gave an overview, stating that the city's future land use map is part of the Land Use Element of the Comprehensive Plan. It differs from the current zoning map of property, in that the current zoning of a property regulates uses that would be currently permitted on property. Future land use maps guide the future growth and development of the city. Typically, you would want the future land use map to be consistent with how property is currently zoned; but future land use maps are not always parcel-based, even though Conway's future land use map is specific to each parcel. When someone requests to rezone their property for a use that is not permitted under the current zoning of the property, staff looks at a few things:

- 1. that the requested zoning classification is the same for the surrounding properties;
- 2. how many acres is the property requesting the rezoning; and
- 3. is the zoning classification being requested consistent with the future land use map of the comprehensive plan.

If the property is less than 3 acres in size, and the requested zoning is different from the surrounding zoning of adjacent properties, the requested zoning must be consistent with the future land use map or a request to amend the future land use map must accompany the request to rezone.

The map shown on the screen is a fairly recent future land use map amendment for a property that contains a church adjacent to a residential area zoned mostly R-1 (low/medium density residential), including the property the church is located on, as churches are permitted uses in most zoning districts, with conditions, but also adjacent to Highway Commercial. The property owner at the time was selling to someone who wanted to have a daycare at that location. Current zoning did not permit a daycare; however, the church has been on the property since 1970 according to county land records. Even if the property owner demolished the church, the permitted uses wouldn't have changed. The FLUM also identified the property as residential and it is less than 3 acres in size, so to avoid having a *spot zoning* issue, staff recommended that the future land use map be amended with the rezoning request. Highway Commercial zoning is just across the road from the property, but that was not a district staff could support encroaching further into the residential area. The Professional district is considered the least intense commercial district that exists, and it serves as a transitional zone between more intense commercial uses and residential uses. Professional also allows both residential and limited commercial uses, including daycare facilities, so that is why that district was chosen to rezone to. Both the future land use map amendment and rezoning request were successfully approved, and the new owners are currently working toward getting the daycare open.

Even though future land use would typically match the current zoning of a property, it does not mean that the current zoning of a property is the preferred zoning or that the current use of the property is permitted in the current zoning. This is the case with several properties just outside of the downtown area. Residential areas located a block or so off of Main Street, between 5th and 16th Ave, have uses that are not permitted in the current zoning district, and the future land use map designation is also inconsistent with how the property is currently being used. This may not ever become an issue for most properties; however, the City's *Unified Development Ordinance* also prevents uses that are "abandoned" or "destroyed" due to natural disasters or fires, from ever being re-established. So, when you have a duplex or a quadplex on a property currently zoned R-1, which only permits single-family residential, and the future land use map also identifies the property as R-1, if the use were abandoned or destroyed beyond a certain percentage, the use could not be re-established.

More recently, a request to rezone a property just off of Main Street from the R-1 district to the Professional district to construct a duplex on the property, was denied, due to concerns with commercial uses encroaching further into the residential areas. Due to the size of the property and the surrounding zoning of adjacent properties, the only zoning district that could be requested was the Professional district. Staff has gone through several parcels along Main Street and the surrounding blocks to see what uses currently exists on many of the properties that are currently zoned R-1 as well as properties that may be inappropriately zoned due to their location. Some of these areas are shown in the presentation. Staff identified several properties that contain a duplex, a quadplex, and even a multifamily development in the R-1 district, which again, only permits single-family detached residential dwellings. Another issue we noticed directly on Main Street were a few properties that were zoned Neighborhood Commercial — one with a single-family residence and the other next to the Library, where Shine Café was previously located. Residential uses are not permitted in NC. The better zoning district for these properties may be Professional, which allows some commercial uses along with some residential uses. The only other properties

zoned NC (on Main) contain an auto repair shop, a gas station, or vacant property, as well as the old Barker's gas station location at the corner of Main and 6th Ave, which is proposed to be redeveloped as a gas and service station. Staff discussed this issue with council during the workshop portion of one of their recent council meetings, and they expressed support in amending the future land use map for some of these properties, which because most (if not all) of them are less than 3 acres in size, the only zoning districts that could be supported by staff is the district or use that is identified on the current future land use map.

This is just a discussion item at this point, but staff is looking at bringing some of these parcels forward for consideration within the next few months, so we wanted to bring it to you and see if you had any specific questions, comments, or concerns about what is proposed. ...and for clarity, amending the future land use map does NOT change the current zoning district of any of the properties nor does it change any of the uses that are currently permitted unless the property is successfully rezoned, and the future land use map amended. What it would do is permit property owners with property zoned R-1 the ability to request that their property be rezoned to a district that provides housing options outside of single-family detached dwellings. It would also ensure that if some of the R-1 zoned properties containing duplexes or quadplexes wanted to rebuild after sustaining substantial loss due to fire or other natural disaster, that they would have the ability to go through the amendment process.

VII. DECEMBER 2024 MEETING DATE

Hucks stated the scheduled tree lighting date is on December 5^{th} and staff would like to reschedule the meeting for the following Thursday December 12^{th} .

Wise made a motion to change the December 5th Planning Commission meeting date to December 12th. Ulrich seconded the motion and the motion carried unanimously.

VIII. BOARD INPUT

Ulrich and Wise thanked staff for all of their hard work.

IX. STAFF INPUT

Hucks mentioned the upcoming items for the August 1st meeting which would include open space text amendment and Brookhaven, formally known as Tributary.

Wilkerson also mentioned to the board if they knew of anyone who wanted to serve on the board of zoning appeals to send them our way.

X. ADJOURNMENT

A motion was made to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 6:38 pm.

Approved and si	gned this	d	lay of	, 2024.
		Brian O'l	Neil, Chairmar	1

DATE: August 1, 2024 AGENDA ITEM: IV.A.

ISSUE:

Rivers Edge Village – The applicant is requesting approval for one new street in: Rivers Edge Village. This project is a 127-lot, conservation subdivision on PIN: 339-00-00-0023, which received Planning Commission approval at the June 6th P.C. meeting.

BACKGROUND:

June, 2024 Project layout and requested design modifications along with street names were

presented to Planning Commission... While the overall project and requested waivers were approved in their entirety, one of the requested street names was denied, as committee members recognized that such street name (Snow Hill Way) was a duplicate of an existing street... Planning Commission approved the other street names and instructed the applicant to supply an alternative name for

the new street.

July, 2024 Revised preliminary plans were submitted for review, proposing the alternative

name (Deborah Ann Way)

The plans are still being reviewed by the Technical Review Committee (TRC).

Street names:

The applicant is requesting approval of the following street name. Horry County has reserved this name for this development:

Deborah Ann Way

RECOMMENDATION:

Staff recommends a thorough review of the applicant's request. If Planning Commission recommends approval of the applicant's requests, staff recommends that it be contingent upon final review and approval of the Technical Review Committee (TRC). Future phases for Westwood Reserve will also be subject to PC review and approval.

 From:
 Crawford, Yasmine

 To:
 Brent Gerald

 Cc:
 Gregory Smith

 Subject:
 RE: Rivers Edge Village

Date: Wednesday, July 10, 2024 2:25:29 PM

Attachments: <u>image003.png</u>

image005.png image007.png image008.png

Hey,

Yes we have Deborah Ann Way reserved for Rivers Edge Village.

Respectfully,

Yasmine Crawford | Senior Planner

Horry County Government

Planning & Zoning

1301 2nd Avenue Ste. 1D09 Conway, South Carolina 29526

Tel: (843) 915-8731 | Fax: (843) 915-6340 | <u>Crawford.Yasmine@horrycountysc.gov</u>

NOTE – My primary email address has changed. Please update your records accordingly if applicable

Follow us on <u>Facebook</u>. You can also download our <u>HCConnect</u> app for Apple and Android to stay up-to-date on rezoning cases.

All Zoning Ordinance requirements can be accessed with the hyperlink

https://www.horrycountysc.gov/media/iopfcm2o/zoning-ordinance.pdf

IMAGINE 2040 Comprehensive Plan can be accessed with the hyperlink below.

https://www.horrycountysc.gov/media/54ymmrnu/adopted-imagine-2040-with-12-08-2020-amendment-compressed.pdf

All e-mail correspondence to and from this address may be subject to public disclosure under the South Carolina Freedom of Information Act (FOIA). This correspondence is intended exclusively for the individual or entity to which it is addressed and may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.

Sent: Tuesday, July 9, 2024 3:09 PM

To: Crawford, Yasmine < Crawford. Yasmine@horrycountysc.gov>

Cc: Gregory Smith <gsmith@g3engineering.org>

Subject: FW: Rivers Edge Village

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey, Yasmine:

Can you confirm that: <u>**Deborah Ann Way**</u> has been reserved with you guys, for: Rivers Edge Village, off of E. Country Club Drive.

As always, I appreciate you..

Brent Gerald | Planner

City of Conway

Planning & Development Dept.

196 Laurel Street: PO Drawer 1075, Conway, SC 29528

Ph: (843) 488-9888 (main) | D: (843) 488-7857

www.cityofconway.com

Note: my new email address is: bgerald@conwaysc.gov



Use the following link to access:

City of Conway's Unified Development Ordinance

https://www.cityofconway.com/UDO%20(last%20amended%205.15.23).pdf

From: Gregory Smith <gsmith@g3engineering.org>

Sent: Tuesday, July 9, 2024 2:42 PM

To: Brent Gerald < bgerald@conwaysc.gov>

Subject: Re: Rivers Edge Village

Yes, we did. We resubmitted the plans with the new road name "Deborah Ann Way" which replaced "Snow Hill Way"

Yasmine Crawford at Horry County has already reserved the road name for our project

DATE: AUGUST 1, 2024 AGENDA ITEM: IV.B.

ISSUE:

Request to name an unnamed right-of-way adjacent to the Peanut Warehouse, located from Laurel Street to Second Ave.

BACKGROUND:

At the July 15th Council meeting, the Police Dept. presented a proposal to City Council to name the right-of-way that runs adjacent to the Peanut Warehouse, from Laurel Street to Second Ave. The Police Dept. patrols, manages events, and responds to calls for service in the area near the unnamed road. To provide better service and quicker responses in an emergency, a proper name is necessary. Naming the road will allow it to be added to the Horry County 9-1-1 system and allow a precise location to be used for dispatching all emergency service needs, not just the Police Dept., to assist with emergency services dispatch needs.

A map of the unnamed road is included in the packet.

The Police Chief has proposed "Peanut Road" for the unnamed roadway to honor the historic building already present and fronting the road, which would memorialize the area.

Horry County has reserved the proposed name for this roadway.

This proposed road is not fee simple and has not been dedicated as right of way; however, driveways within major developments, mostly multifamily, are named for emergency services purposes. Concerns have been raised about what difficulties naming this roadway would have on the Peanut Warehouse, as out of town clientele depends on way-finding devices/apps to get them to correct locations and what lag time there would be between the new address being assigned and when the way finding apps would update, as well as the marketing that has been done with the current address that has been provided.

RECOMMENDATION:

Staff recommends that Planning Commission give a thorough review of the request.





PROPOSED STREET NAME



DATE: August 1, 2024 AGENDA ITEM: V.A.1

ISSUE:

Request by Shridhar Kamma of Enoree River Investments LLC, applicant, 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 <u>Section 3.2.10</u> 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)*.

STAFF RECOMMENDATION:

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

ATTACHMENTS:

Application;

GIS Maps

MAYOR
Barbara Jo Blain-Bellamy



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

MAYOR PRO TEM
Larry A. White

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 C

- 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.



(Print)

(Print)

PETITION FOR ANNEXATION

Staff U	Jse Only
Receive	
BS&A	#:

Phone: (843) 488-9888 City of Conway Planning Department 196 Laurel Street, 29526 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: ; HWY 501 ACREAGE: 0.67 _{PIN:} 399-01-04-0008 PROPERTY ADDRESS: 3045 E HWY 501, Conway, SC 29526 PROPERTY OWNER MAILING ADDRESS: 1270 BURCALE RD MYRTLE BEACH SC 29579 PROPERTY OWNER TELEPHONE NUMBER: Shriosunhouse petroleum.com PROPERTY OWNER EMAIL APPLICANT'S EMAIL: IS THE APPLICANT THE PROPERTY OWNER? CIRCLE: IF NOT: PLEASE INCLUDE A LETTER OF AGENCY OR POWER OF ATTORNEY FROM THE OWNER ADDIGNING RESPONSIBILITY TO THE APPLICANT.
PROPERTY OWNERS (Attach additional slices if necessary) ridhar Kamma

(Signature)

DATE:



planning@cityofconway.com

PETITION FOR ANNEXATION

Staff Use Only	
Received: BS&A#:	-

Is there a structure on the lot: Yes Structure Type: Structure Type:
Current Use: Re-taes place
Are there any wetlands on the property?
CIRCLE: YES O NO O
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 O NO O
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 O
If yes, please describe.
Are there any building permits in progress or pending for this property?
CIRCLE: YES NO O
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



Zoning Map Amendment Application

Staff Use Only	
Received:	80
BS&A #:	. 11

0

Incomplete applications will not be accepted.

City of Conway Planning Departmen	t
196 Laural Straat 20526	

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.

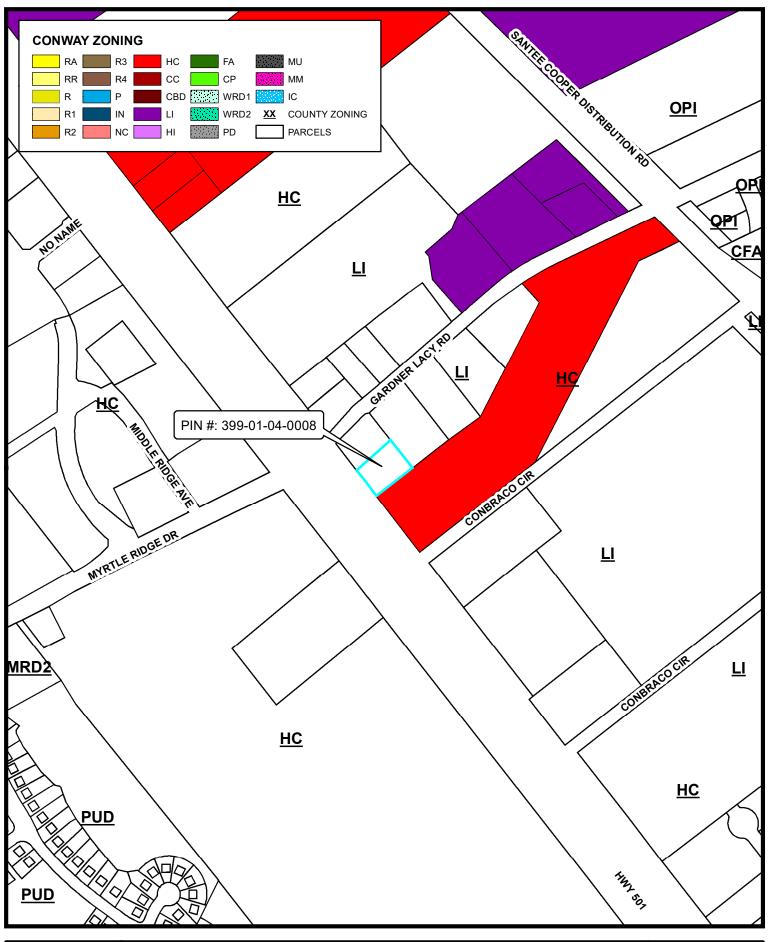
PHYSICAL ADDRESS OF PROPERTY: 3045 E HWY 501, 0	Conway, SC 29526 FEE PAID ()YES ()NO
AREA OF SUBJECT PROPERTY (ACREAGE): 0.67	PIN: 399-01-04-0008
CURRENT ZONING CLASSIFICATION: Horry Co	unty Highway Commercial
COMPREHENSIVE PLAN 2035 FUTURE LAND USE: Hi	
REQUESTED ZONING CLASSIFICATION: City of C	
NAME OF PROPERTY OWNER(S):	
ENOREE RIVER INVESTME	NTS LLC PHONE # 478.390.39
*	PHONE #
MAILING ADDRESS OF PROPERTY OWNER(S):	
1270 BURCALE RD MYRTLE BEACH SC 29	9579
1270 BURCALE RD MYRTLE BEACH SC 29	9579
**************************************	**************************************
I (we) the owner(s) do hereby certify that all Amendment Application is correct.	l information presented in this Zoning Map
1. dhar	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.



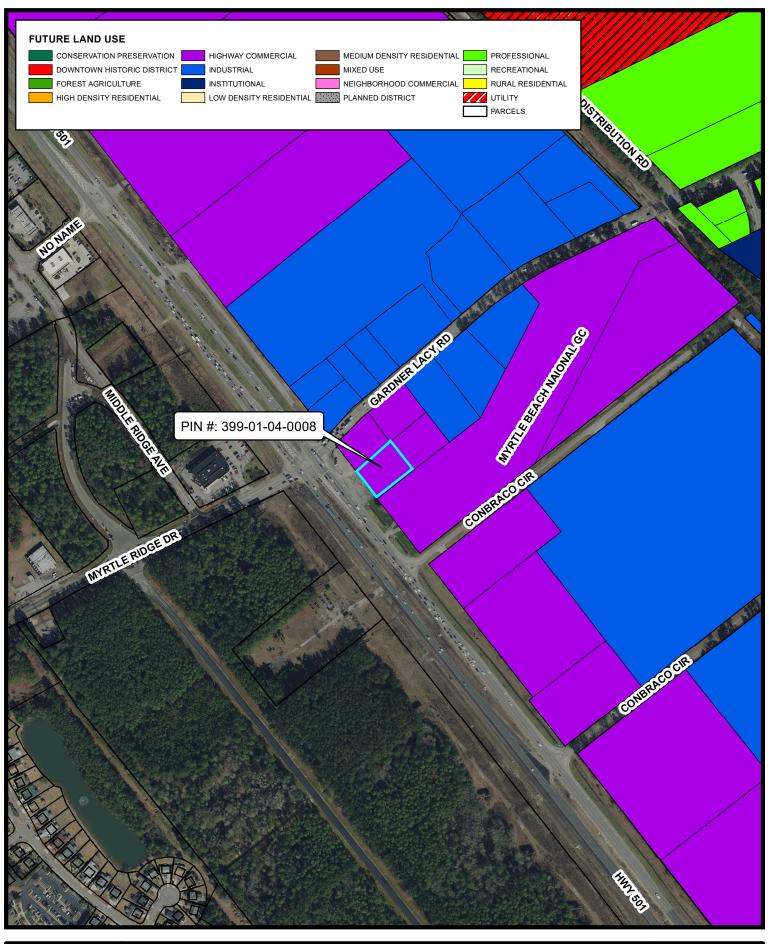






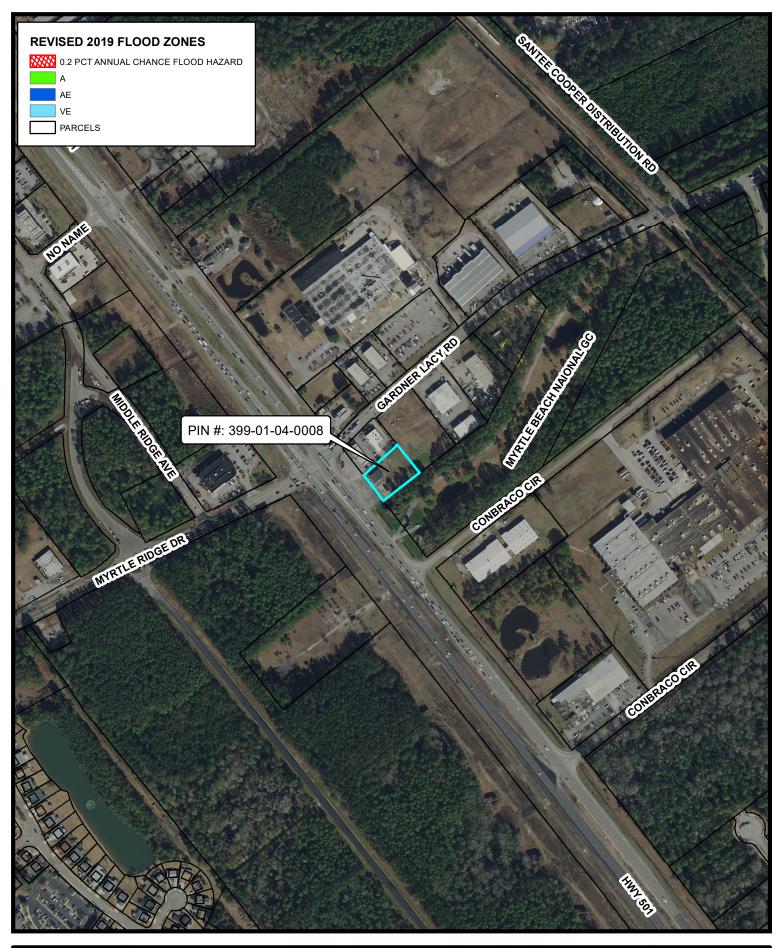
















DATE: AUGUST 1, 2024 AGENDA ITEM: V.A.2

ISSUE:

Request (amended) by Thomas & Hutton, applicant, 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, 370-00-0011, 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, residents, 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.
- 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.
- 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).
- 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.

- 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.
- Municipal Improvement District (MID): no additional comments at this time.
- Enhancement fees: Fees will be required to be included in 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

Property (Tract)	Use / dwelling type(s)		Dimensional Standards _{2, 3}
	G: 1 6 1 (GE) 1 1 1	634	SF DETACHED – 35' lot width
SF-1	Single-family (SF ₁) detached		Lot depth: SF detached – 110'
	Duplex (SF semi-attached) 92		Lot size: SF detached – 3,850 sf
			Setbacks: Front – 15'; Side – 5'; Rear – 20'; Corner front – 10'
	Total Units SF-1	726	Max bldg. height: 40'
	G: 1 6 :1 (GE) 1 4 1 1	265	SF DETACHED – 40' lot width
	Single-family (SF) detached	203	Lot depth: SF detached – 120'
SF-2	Develop (CF - one of the dead)		Lot size: SF detached – 4,800 sf
	Duplex (SF semi-attached) 46		Setbacks: Front – 15'; Side – 5'; Rear – 20'; Corner front – 10'
	Total Units SF-2	311	Max bldg. height: 40'
	Single-family (SF) detached	200	SF DETACHED – 50' lot width
		14	Lot depth: SF detached – 120'
SF-3	Duplex (SF semi-attached)		Lot size: SF detached – 6,000 sf
-			Setbacks: Front – 15'; Side – 5'; Rear – 20'; Corner front – 10'
	Total Units SF-3		Max bldg. height: 40'
			SF SEMI ATTACHED (DUPLEX) – 34' lot width
	Commercial (HC ?)		Lot width: 80'
			Lot depth: 100'
			Lot size: 8,000 sf
			Setbacks: Front – 30'; Side – 15'; Rear – 20'; Corner front – 20'
Flex Tract			Max bldg. height: 65'
F-1			Lot width: 18'
			Lot depth: 100'
	Townhome (SF attached)		Lot size: 1,800 sf
			Setbacks: Front: 15'; Side – 0'/5'; Rear – 20'; Corner front – 10'
	Total (useidential) units Tuest E 1	10	Max bldg. height: 40'
	Total (residential) units Tract F-1	10	Lot width: 80'
	Highway Commercial (HC)		Lot width: 80 Lot depth: 100'
C-1			Lot depth: 100 Lot size: 8,000 sf
C-1			Setbacks: Front – 30'; Side – 15'; Rear – 20'; Corner front – 20'
			Max bldg. height: 65'
			Same as above
	Highway Commercial (HC)		
C-2	Light Industrial (LI)		Lot width: 75'
			Lot depth: 200'
			Lot size: 15,000 sf
C 2	Highway Commercial (HC)		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	1.061	NA
Factnotos	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:

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.

Pages from the County's zoning ordinance relating to the overlay zone has been included in your packet.

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. Below is a link that will provide additional details about compatible land uses near airports; in this case, the Conway Airport on Hwy 378, which is under the purview of the Horry County Division of Airports.

PLANNING COMMISSION:

PC MTG - November 2023:

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.

PC Workshop – December 2023:

Discussion / comments from the workshop included the following:

• **Flex districts** (F-1; F-2 tracts) and multifamily use/density;

- Applicant explained the reasoning behind the multifamily use on the F-1 and F-2 tracts (flex) and that the desired use was commercial, but in the event that the property is still vacant in the future rather than it continue to sit vacant, that the use of multifamily be permitted if the market was suited for that use at such future time.
- Discussion regarding limiting a portion of the F-1 tract to commercial only (portion with frontage on Hwy 378).
- **Stormwater concerns** the need for a detailed stormwater management plan, as the general stormwater plan submitted was only for 10% of the project area;
- Street (asphalt) width in development: some of the streets are shown to be 22' in width and should be a min. of 24';
- Requested modification from the residential design standards; specifically, the request to allow snout houses (garages to protrude more than 10' from front façade of house) for 50% of the lots;
 - PC may be amenable to allowing some of the lots to include "snout" houses, but at a much smaller percentage.
- Land swap for the proposed roadway going through the city shop complex and other options for a connection between tracts on Dayton Drive (R-3 and R-4) to the remainder of the development;
- Connection from the R-5 tract fronting on Dunn Shortcut Rd to the remainder of the development;
 - Applicant may install an open space connection (i.e. pedestrian / bicycle / golf cart) that some sort of interconnectivity is provided.
- Connection (interconnectivity requirement) through the Macala Acres subdivision: staff continues to support the connection. The applicant is not opposed to installing the connection. The residents of Macala Acres are opposed to the connection.
 - The connection would provide another means of travel for the residents of Macala Acres and the residents of the proposed development and keep some of the traffic off of Hwy 378.
 - All roads in Macala Acres are public roads owned and maintained by the City of Conway. The same will be true of the roads within the proposed (Tributary PD) project.
- Lot sizes/lot widths proposed throughout the development 20' wide is too narrow. PC asked that the applicant submit something that shows what the development would look like with 20' 40' lot widths, and that 50' widths is as low as they would typically like to see;
 - o PC asked if a schematic of a typical block in the proposed development could be provided showing the requested lot widths and style of homes proposed.
 - Applicant stated that the smallest single-family (detached) lot width shown on their site plan (submitted with PD) is 37'.
- Landscape buffers / trail connection(s) applicant would like a reduction in the required buffer to a Type A (5' width) buffer along the canal trail only;

- Staff will need to ensure that the original perimeter buffer of 25' is maintained. That is a requirement of the PD ordinance; however, staff is OK with the canal trail and Type A buffer being located within the canal trail if going to be retained/maintained by developer and/or HOA. This may need additional discussion.
- O When the 50' buffer width was discussed, the applicant stated that a 50' distance could be maintained, short of including boundaries that needed improved stormwater infrastructure (i.e. boundary closest to Juniper Bay Rd); however, a 25' buffer was platted on the site plan. With the wetlands, trail, etc., most boundaries exceeded the 25' buffer distance from adjacent properties.
- **Distance from the closest fire station** was discussed. Chief Le Hendrick stated that the 5-mile radius to maintain the city's ISO rating would be maintained with the addition of a county fire station on El bethel Rd;
- **Fire training facility at City shop complex**: facility is located on the stormwater side of the proposed road going through the city's shop complex. The facility was recently built, and there are no other locations for the facility to relocate to at this time.

Points to consider:

- The property is within the city's utility service area, and annexation will be required (for parcels not already in the city limits) to be requested before permits are applied for if a connection to city utilities are necessary. It does not have to be annexed as the applicant's desired zoning designation. The default zoning upon annexation is "R", which would not require PC review. 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.
- Both tracts off of Dayton Street (tracts R-3 and R-4) are already in the city limits. Tract R-4 (directly adjacent to Macala Acres subdivision) is currently zoned R-1 (low/medium density residential). Tract R-3 is zoned R-3 (high-density residential) and by right can be developed as high-density residential, including multifamily development under the current R-3 zoning.
- Timing of traffic improvements, enhancement fees, land swaps, conveyance of City park acreage etc. when considering the development agreement.
- Other large annexation / rezoning request(s) recently considered were asked to provide a more detailed H&H study (or ICPR study) for stormwater calculations; however, it cannot legally be required if the properties are annexed under straight zoning of R (or R-1 zoning).
- Staff would prefer that the road issue be resolved prior to First Reading of the request. The applicants have recently discussed a second option with Public Works.
- 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*.

PC MTG - January 2024

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

CITY COUNCIL:

City Council approved First Reading of the revised request at their July 15th mtg. City Council also discussed the request, along with a proposed development agreement, at the workshop portion of the July 15th mtg.

STAFF RECOMMENDATION:

This item has been advertised for another public hearing. Staff recommends that Planning Commission give a thorough review of the request and make an informed recommendation to City Council.

ATTACHMENTS:

- PD Narrative w/ exhibits (updated June 2024);
- Master Plan (updated June 2024);
- Development Agreement (*draft*)
- GIS maps



A written project description of

BROOKHAVEN

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

June 26, 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

PD DISTRICT DOCUMENT TABLE OF CONTENTS

PD DISTRICT NARRATIVE

Section 1:	PURPOSE AND INTENT STATEMENT
occuon 1.	

Section 2: LEGAL DESCRIPTION

Section 3: PROJECT DEVELOPER AND TITLE

Section 4: MASTER SITE PLAN

Section 5: DEVELOPMENT DESCRIPTION

Section 6: PERMITTED USES AND DIMENSIONAL STANDARDS

Section 7: ADDITIONAL REQUIREMENTS THROUGHOUT THE PD DISTRICT

Section 8: DESIGN MODIFICATIONS

Section 9: RESIDENTIAL REGULATIONS

Section 10: COMMERCIAL REGULATIONS

Section 11: MAINTENANCE AND CONTROL

Section 12: CONSTRUCTION SCHEDULE

Section 13: AMENDMENTS AND ENFORCEMENT

APPENDICES: (Submitted by Separate Supplement)

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
- (12) Conceptual Streetscapes

Appendix B: Existing Conditions:

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

Appendix C: Project Traffic Report

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:

- 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 incommon); 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 379 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, with a Southern leg intended to provide pedestrian access from the City Park to the pedestrian trail along the canal. The installation of this trail must be in accordance with the City's Pathway's and

Trails Plan, adopted in 2022, and the same must be completed 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 Grand Strand Water and Sewer Authority ("<u>GSWSA</u>"), 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 by the State of South Carolina, or the United States Department of Transportation, Developer will be relieved of such obligation 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-ofway 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) Conveyance to the City of approximately 22 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 conveyed 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 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 reference recreational facilities;
- (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 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.
- (H) Installation of a Canal Trail connection, 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. This Canal Trail connection shall be completed or bonded for completion, on or before the date on which the Developer has completed the improvements within the City Recreation Acreage.
- (I) <u>Tree Preservation</u>. Developer and City recognize the public benefit of tree preservation, and therefore agree that, a tree survey including all trees other than Pine trees, in excess of 6" DBH, shall be provided for each Tract within the PD at the time of plan submittal, and before land disturbance for such Tract(s) is approved.
- (J) 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 ("<u>PD Document</u>" or "<u>PD District</u> <u>Document</u>") 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 "<u>Project</u>"), 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 densities for the PD are set forth on the Master Site Plan Summary Table 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 of the City of Conway Unified Development Ordinance.*

ROADWAY IMPROVEMENT TABLE

ROLD WILL ROLL TIBEE								
<u>Area</u>	Roadways	<u>Improvements</u>	Date for completion					
Airport Rd. & U.S. Hwy. 378	Airport Rd. and C-1 Commercial Entrance	Roadway alignment and intersection improvements to access the PD.	completion					
Dirty Branch Rd. & U.S. Hwy. 378	Dirty Branch Rd. and C-3 Commercial Entrance	Roadway alignment and intersection improvements to access the PD.						
Juniper Bay Rd. & Internal Spine Road	Juniper Bay Rd.	Improvements to connect internal roadway to Juniper Bay Rd, providing additional access to the PD.						
Dunn Short Cut Rd. & Internal Road	Dunn Short Cut Rd.	Improvements to connect internal roadway to Dunn Short Cut Rd. providing additional access to the PD.						
Boundary of Project	U.S. Hwy. 378	Widening of U.S. Hwy. 378						

^{*}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, Developer shall be relieved of the obligation to complete such improvements.

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 <u>Existing Conditions</u> <u>Appendix B</u> 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

<u>Appendix A</u> 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 ("<u>Master Site Plan</u>"). The Master Site Plan shall be binding on the Subject Parcels and any materially major departure, other than as set forth in Section 6 and 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 Seven (7) phases, including Three (3) 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.

[SEE MASTER SITE PLAN SUMMARY TABLE ON FOLLOWING PAGE]

MASTER SITE PLAN SUMMARY TABLE

Use District	Туре	# 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	255.7					
	Residential SF-1 Total	726						
	Single-Family Detached	265	00.0	87.9	1.9	3.5	3.5	20%
Residential SF-2	Duplex Semi-Attached	46	89.8					20%
	Residential SF-2 Total	311						
	Single-Family Detached	200	75.4	72.8	2.6	2.8	2.9	17%
Residential SF-3	Duplex Semi-Attached	14	75.4					
	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. Density may be shifted between residential tracts/areas with like uses (i.e. single-family detached to singlefamily detached) and may be considered a "minor" amendment to the PD, provided that the overall (total) density is not increased and remains constant.
- 2. Attached Duplex/Townhome tracts/areas may be developed in-common. Development Standards for incommon development may differ from fee-simple development.
- 3. Refer to Table 2 in the PD document for dimensional standards applicable to all Tracts.
- 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.
- 5. 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.
- 6. 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 "<u>CCRs</u>"). 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. The Project incorporates a significant flood plain area, which contributes to the Developer's efforts to separate uses, provide buffers between neighborhoods, and preserve the flood plain areas and wetlands in order to accommodate any rising water during an historical storm event. Portions of the flood plain area within the PD may be supplemented with docks, recreation lawns and preservation of existing vegetated border areas. 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, including open space, flood plain areas, 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. To the extent any area within the PD is, at the time of the development of the Phase in which such area is located, designated as a jurisdictional or non-jurisdictional wetland, or required wetland buffer, then, and only then, will the same be conveyed by Developer to the City, provided, however, that the Developer, its successors and assigns, including the owners of the individual parcels comprising the Subject Parcels, such conveyance shall be subject to reservations of ingress, egress, access and the installation, extension, tie-in, repair, maintenance and replacement of utilities serving the Subject Parcels.

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 Grand Strand Water & Sewer Authority. 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 that 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 ("<u>POA</u>") or homeowners association ("<u>HOA</u>") and/or an architectural review board ("<u>ARB</u>").

SECTION 6: PERMITTED USES AND DIMENSIONAL STANDARDS

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

1. Permitted Residential Uses:

- (A) Single Family Detached Residential Units.
- (B) Single Family Attached or Semi-Attached Duplex Residential Units.

2. Permitted Flex Tract Uses:

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

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

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

4. Commercial District C-2 Uses:

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

5. Additional Commercial Uses:

- (A) 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.
- (B) Developer may construct up to Two (2) single family detached model homes within the Tracts designated for single family detached homes under the PD following the approval of a preliminary plat, but prior to the recording of a final plat for the residential lots on which such single-family detached homes will be located, provided, however that such model homes will not be issued certificates of occupancy prior to the date on which a final plat has been recorded.

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

PROPOSED DIMENSIONAL STANDARDS TABLE

		Min.	Min. Lot Depth	Setbacks				
Use	Lot Area	Lot Width		Front	Side	Rear	Side Corner	Height
Residential Districts								
35' SF Detached	3,850 sf	35'	110'	15'	5'	20'	10'	40'
40' SF Detached	4,800 sf	40'	120'	15'	5'	20'	10'	40'
50' SF Detached	6,000 sf	50'	120'	15'	5'	20'	10'	40'
Duplex Semi-Attached	3,700 sf	34'	120'	15'	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'	15'	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

SECTION 7: ADDITIONAL REQUIREMENTS THROUGHOUT THE PD DISTRICT

- A. <u>Densities</u>. 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 trees, as defined under the City's Tree Preservation Ordinance, shall be removed without a Protected Tree 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 trees will be removed without proper permitting and mitigation.
- C. <u>Development Activity, Clearing and Grading</u>. 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

^{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.

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. <u>Temporary Storm Drainage Maintenance</u>. 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. <u>Signage</u>. 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. <u>Parking</u>. 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. <u>Buffers</u>. Applicable buffers, including wetland buffers, perimeter buffers and buffers separating specific uses shall be noted on the Buffer Plan. The perimeter buffer of the PD shall be not less than 25'. Landscape buffers within the PD shall be not less than 10'. Wetland buffers within the PD shall be not less than 30'. Buffer between single family detached and single family attached shall be not less than 20'. Buffers between residential and commercial shall be not less than 50'. Such buffers being set noted on the Buffer Plan submitted as part of the PD. 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

Fiant quantities per					
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'	2	2	18
C-2 to Hwy 378	GCO	10'	2	2	18
C-3 to Hwy 378	GCO	10'	2	2	18
F-1 to Juniper Bay Rd	Street	10'	2	2	18
F-1 to External Perimeter	Type A	5'	N/A	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
Local Streets	Street	8'	2	2	15
Parking Lots	Parking Lot	5'	1 per 12 spaces	N/A	25
Landscape Islands	9' x 19' Island	N/A	1	N/A	5

^{1.} GCO = Gateway Corridor Overlay, Article 6.5.2 of the Conway UDO

H. Utilities.

- (i) Electric services to be provided by Santee Cooper.
- (ii) Water services to be provided by Grand Strand Water & Sewer Authority.
- (iii) Sewer services to be provided by Grand Strand Water & Sewer Authority.
- (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.

I. <u>Other Services</u>. Residents and businesses within the PD will be served by Horry County Schools, Conway Police, Conway Fire and EMS, Conway Parks and Recreation.

^{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 6.5.2.J of the Conway UDO.

^{*}All utilities to be placed underground.

- J. <u>Governing Documents</u>. 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.
- K. <u>Design Standards</u>. Residential Design standards shall be applicable to all structures, single family detached, single family attached or multi-family, and shall be determined at the tie of permit submittal, based on the then current design standards.
- L. <u>Complete Streets</u>. 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
- M. <u>Offsite Road and Traffic Improvements</u>. Offsite road and traffic improvements associated with Brookhaven PD shall be installed per the SCDOT approved Traffic Impact Analysis.
- N. <u>Block Length</u>. Blocks shall not exceed a length of 2,000 linear feet.
- O. Cul-De-Sacs.
 - (i) Cul-de-sacs shall not exceed a length of 1,200 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.
- P. <u>Connectivity</u>. 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.
- Q. <u>Project Ingress/Egress</u>. 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.
- R. 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 POA. Neighborhood scale open space (pocket parks, mini parks, etc.) shall be exempt from the Suitability Requirements as defined in the City of Conway Unified Development Ordinance Section 10.3.9.

S. <u>Required Open Space</u>. 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. Total required open space is as calculated below, and set forth in the table below:

 $1,261 \times 2.6 \times .008 = 26.3$ acres total open space

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				

T. <u>Design Modifications</u>. 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.
 - (ii) The PD external perimeter buffer adjacent to the existing canal (Oakey Swamp) shall be reduced to a Type A buffer in width and plant quantity and will be contained within the canal trail parcel.
 - (iii) Minimum block length shall be 270 linear feet.
 - (iv) 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. No rear landscape buffer shall be required.
 - (v) Sidewalks and pathways shall not be required on the perimeter of the PD.
 - (vi) Tract SF-3 shall be connected via multi-purpose path to Tract SF-2.
 - (vii) 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. <u>Geographic Description</u>. 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. <u>Public Purpose</u>. 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. <u>Residential Design Standards</u>. 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. <u>Geographic Description</u>. 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. <u>Public Purpose</u>. 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. <u>Commercial Design Standards</u>. 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 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 Sixteen (1,216) total 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

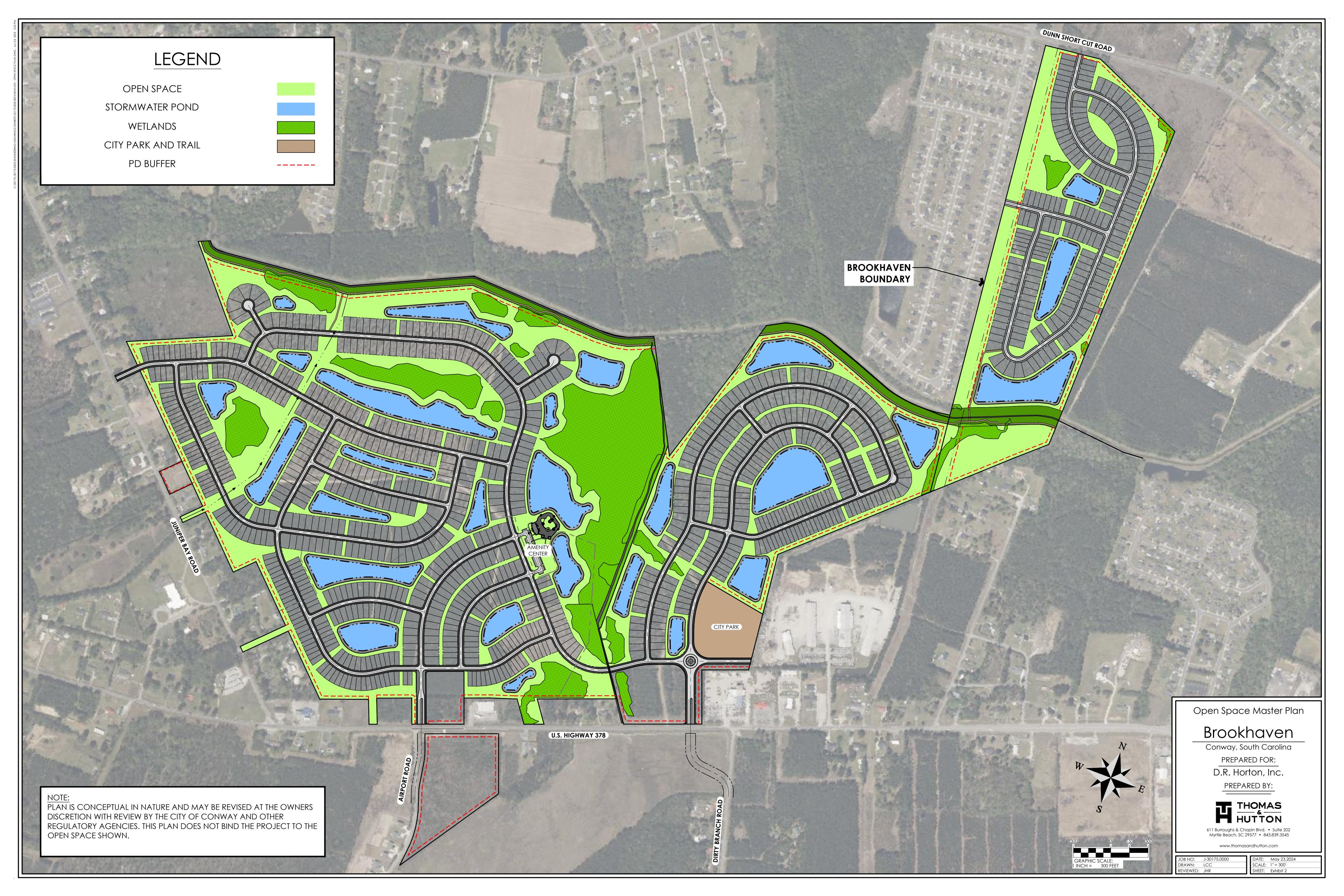
Existing Conditions

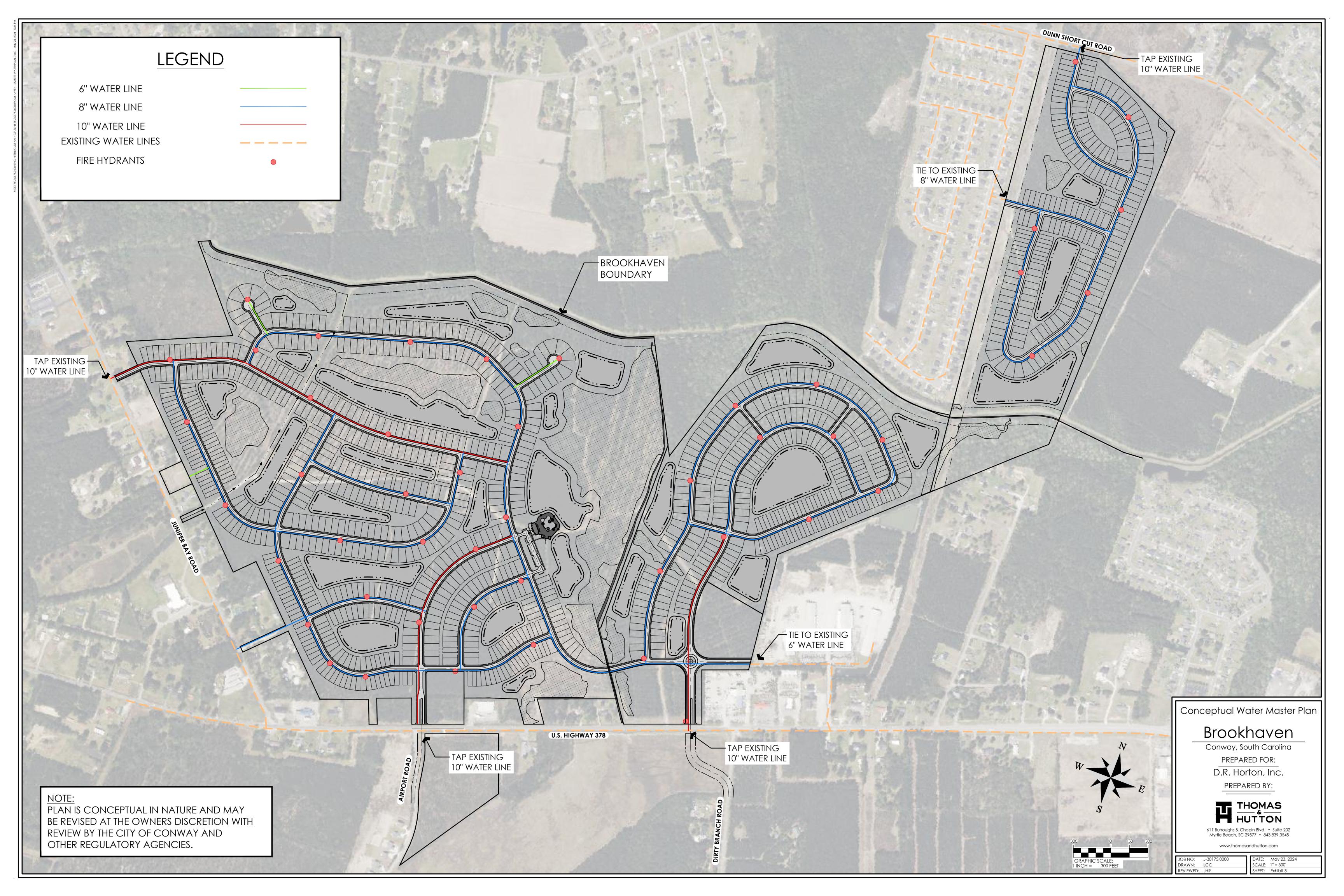
- Compiled Boundary Survey Wetland Information (1)
- (2)
- Downstream Stormwater Analysis (3)
- Area Zoning Map (4)

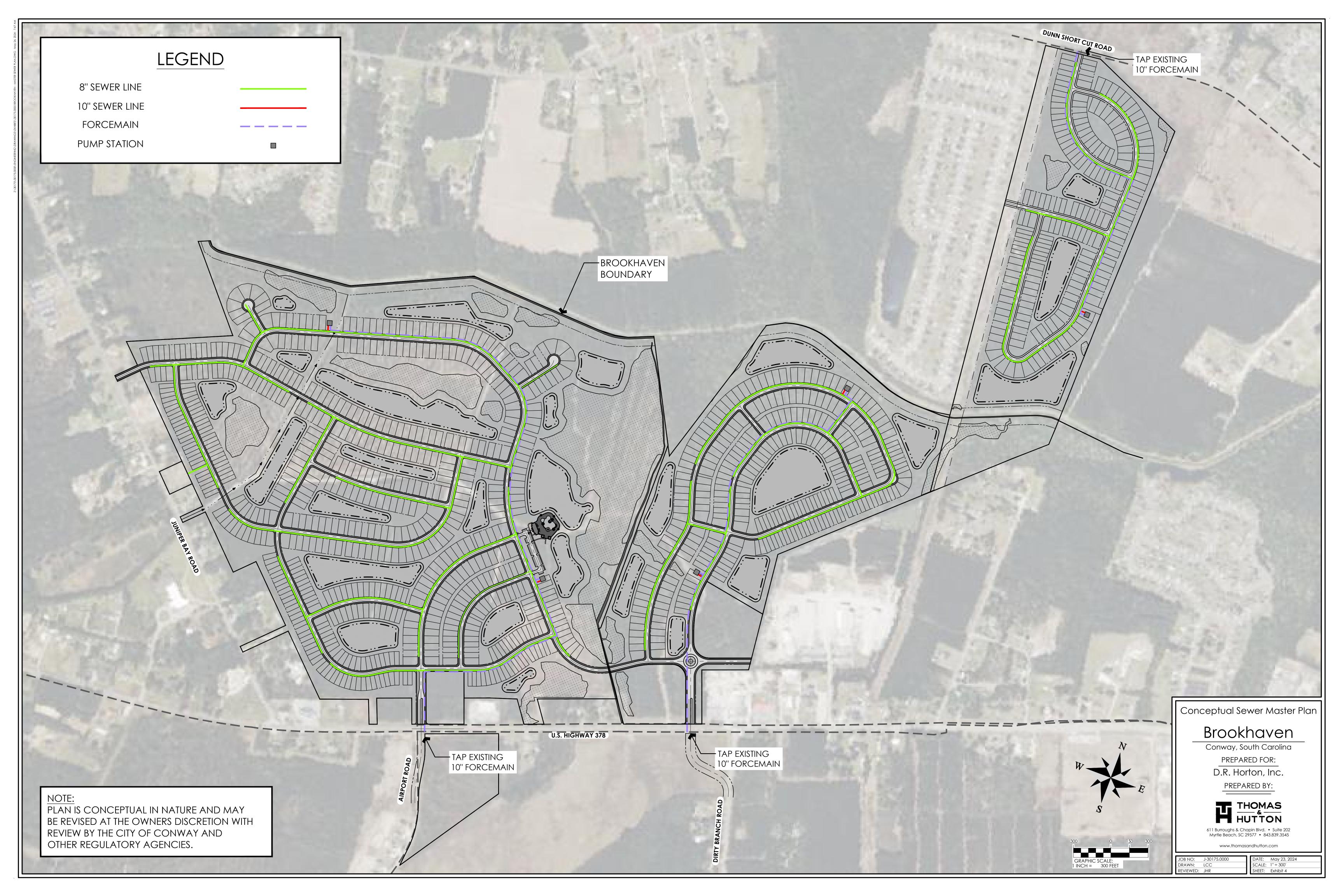
APPENDIX C

Project Traffic Report

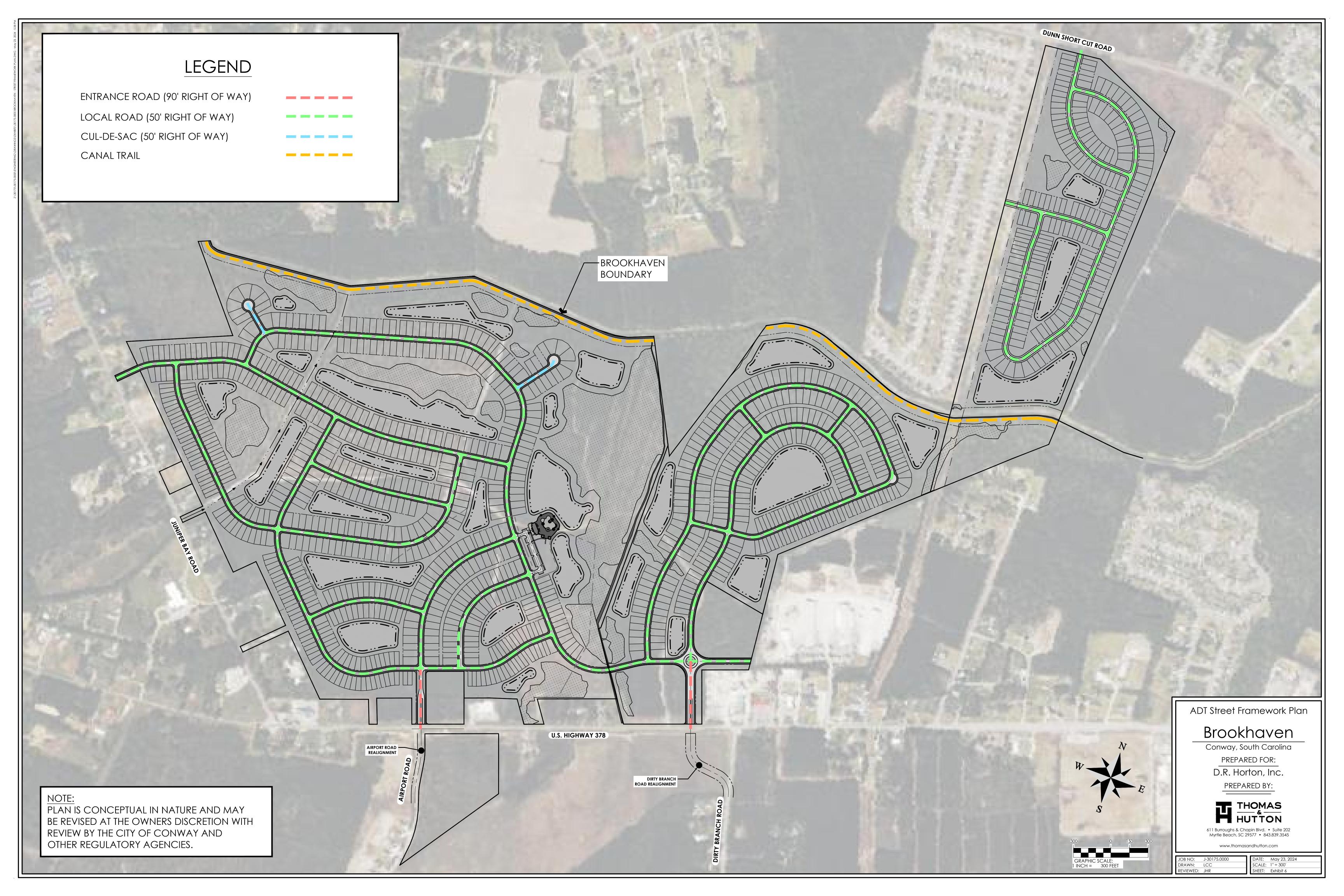






















1774 SQ. FT. | 4 BED 2 BATH 1 STORY 2 CAR





Elevation A





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.





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









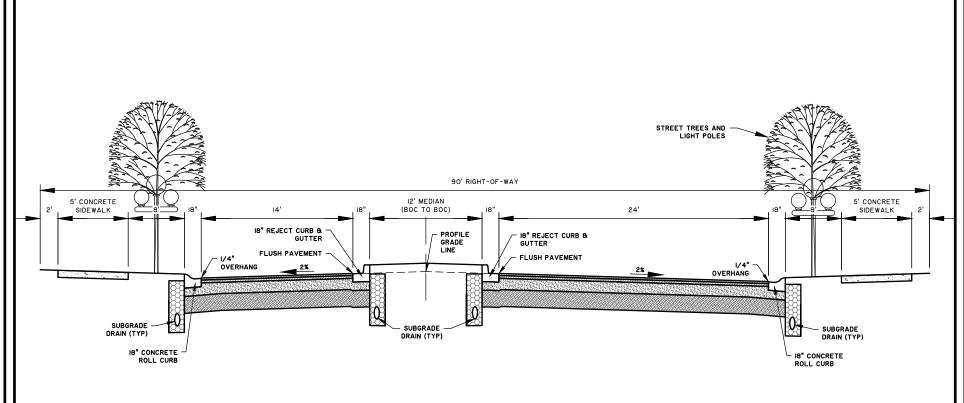
Elevation A







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. 3.15.23 Update



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

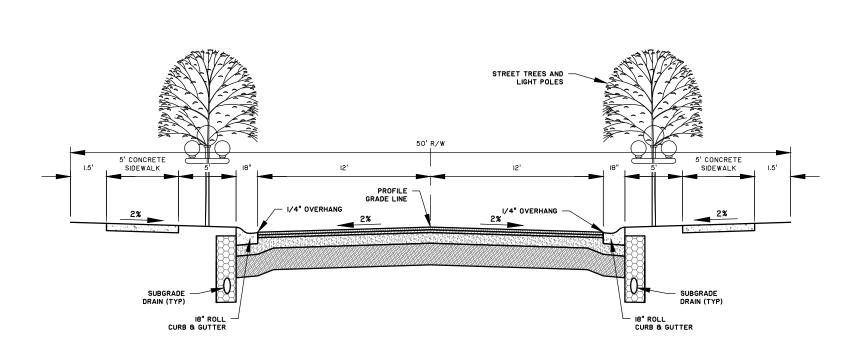
DATE: MAY 2024 JOB NUMBER: J-30175.0000 DRAWN BY: LCC REVIEWED BY: JHR

SHEET: 1 OF 3 SCALE: NTS



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www.thomasandhutton.com



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

JOB NUMBER: J-30175.0000

DRAWN BY: LCC REVIEWED BY: JHR SHEET: 2 OF 3 SCALE: NTS



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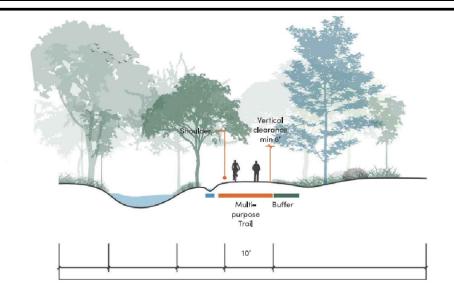


Table 11: Design Guidelines table

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

JOB NUMBER: J-30175.0000

DRAWN BY: LCC REVIEWED BY: JHR

SHEET: 3 OF 3 SCALE: NTS

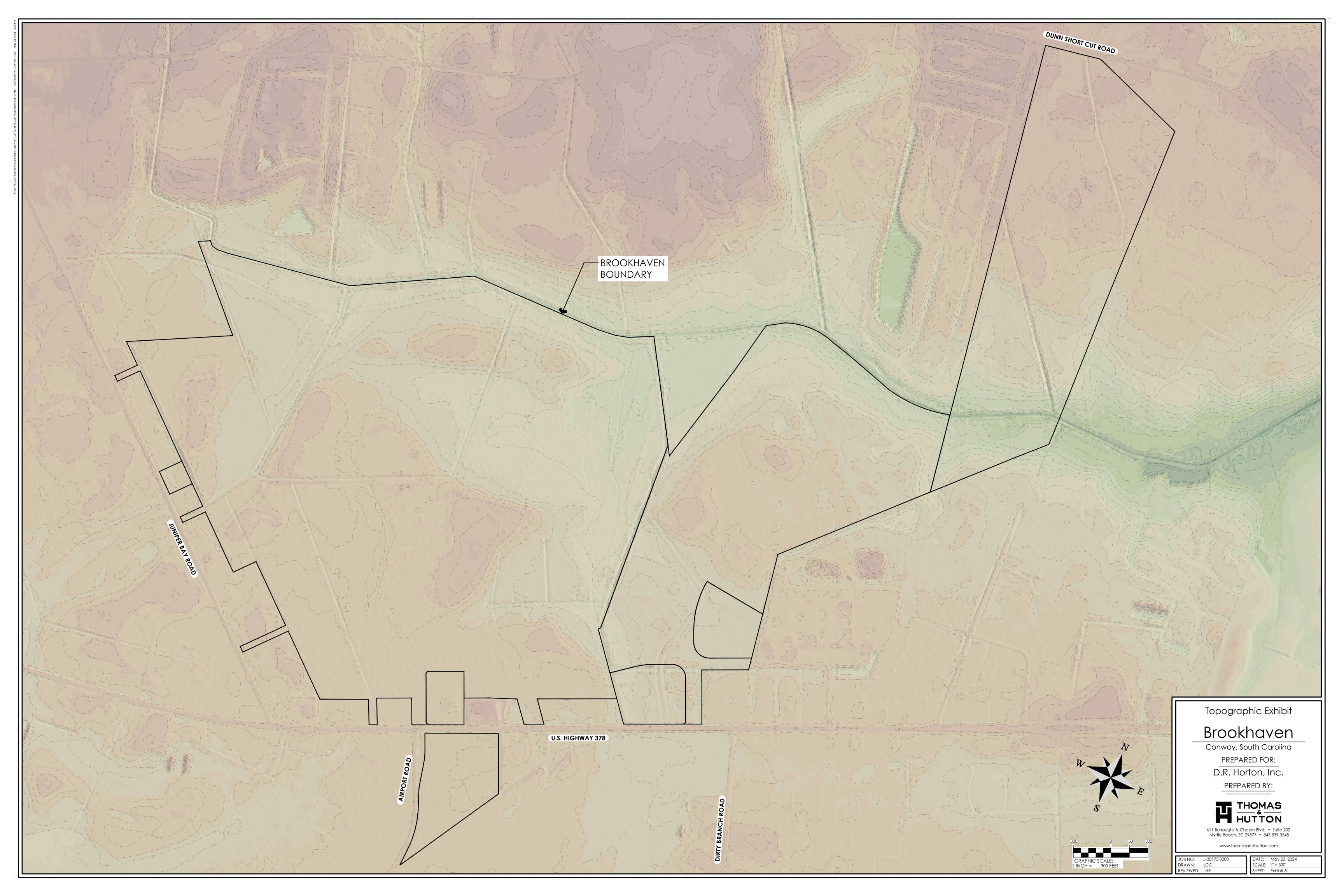
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NOTE:

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





BROOKHAVEN

2024	DRAFT
June	DIVALL

PREPARED FOR:

THOMAS & HUTTON

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

TRAFFIC IMPACT ANALYSIS

ALONG US 378 IN CONWAY, SOUTH CAROLINA





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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:

- US 378 & Juniper Bay Road;
- 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 twoway 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

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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 rightturn 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.

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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.		

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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:

- US 378 & Juniper Bay Road;
- US 378 & Project DW #1;
- 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%.

THOMAS & HUTTON 1.1

Exhibit 1.1 – Brookhaven Location Map

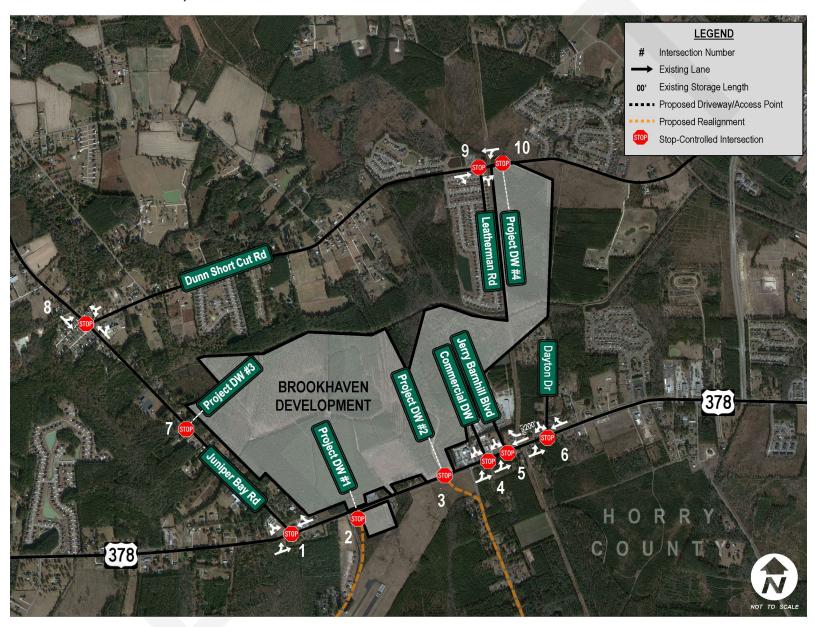


Exhibit 1.2 – Brookhaven Site Plan



THOMAS & HUTTON

DATE: AUGUST 1, 2024 AGENDA ITEM: V.B.1

ISSUE:

Proposed amendment(s) to Article 10 – Subdivision and Land Development, of the City of Conway Unified Development Ordinance (UDO), regarding revisions to the requirements for Parks and Open Space Dedication.

BACKGROUND:

In June of this year, Planning Commission recommended approval of several amendments to Article 10 of the UDO. During the June meeting, staff explained that two separate sections within Article 10 would be forthcoming as separate amendments, as they were more comprehensive in nature. These sections included the Parks and Open Space Requirements (Sec. 10.3.9) and the Conservation Subdivision standards (Sec. 10.4). In 2023, Council discussed several changes within the UDO, including the City's parks and open space requirements. The changes discussed came about as a result of the National Recreation and Park Association (NRPA) guidelines for the quantities of park and recreation facilities related to population size. Based on the city's growing population, additional parks and recreation areas will be needed to accommodate this growing population. Below are guidelines that the NRPA has established to be used to determine the need for new parks.

Pocket Park (less than an acre in size):

- Service area: less than ½ mile radius
- Use: Specialized facilities that serve a concentrated or limited population or specific group
- Site Location: May be in residential neighborhoods or commercial centers that currently lack convenient access to a neighborhood park or as part of a planned residential development.

Neighborhood Park (3-15 acres in size):

- Service Area: 1/4 1/2 mile radius
- Use: Area for active recreational facilities such as field games, play court game, crafts area, play apparatus area, skating, shelter, open play area
- Site Location: Easily accessible to neighborhood population by foot or bike; centrally located with safe and convenient walking and biking access

Community Play Field (25-50 acres in size):

- Service Area: 3 5 Neighborhoods: 1.5 2 Mile Radius
- Use: Area for active recreational facilities such as athletic fields for youth and adult league use, and could include neighborhood park uses
- Site Location: Easily accessible by motor vehicle; edge of neighborhood or in non-residential area

Community Park (25-30 acres in size):

- Service Area: 3 5 Neighborhoods: 1.5 2 Mile Radius
- Use: Area of natural or ornamental quality for outdoor recreation such as walking, viewing, sitting, picnicking; could have some field and court games; could include neighborhood

• Site Location: Proximity to community facilities and natural resources

Staff researched several options that would increase the amount of parks and recreation space within the city limits that would best serve the residents; current and future, and then compared the current requirements with other cities / towns. A comparison table has been included in your packet for review. Some of the options that staff considered are below:

Option 1:

For new residential development located more than 2 miles from publicly owned parks, and in lieu of providing the required open space within a residential development, the developer may provide adequate area adjacent to the residential development that would be deeded to the City of Conway. These areas should do the following:

- a. Provide a sufficient amount of uplands, graded during the development process, and be external to the project boundaries (not solely accessible by internal streets);
- b. Have sufficient frontage provided within the adjoining public roadway for pedestrian accessibility; and
- c. Be approved by City Council.

Incentives could be offered to the developer for deeding the property adjacent to the development to the city (*i.e.* density bonuses).

Option 2:

Another option would be to increase the amount of the open space fee in lieu that is required for developments where less than one acre would be required (which shall pay the fee in lieu), or for proposed developments who opt to pay the fee in lieu. If a fee in lieu is either required or proposed, the applicant is required to submit a "satisfactory" written appraisal of the market value of the property - as if the development has been completed according to the development plans submitted. The value determined on the appraisal is divided by the total area in the development and then multiplied by the open space area that is otherwise required in order to determine the necessary fee. Currently, the UDO has another option for determining such value: Planning Commission has the option to accept other documentation evidencing the market value of the development which in the opinion of PC reasonably estimate the land values as required. Council may still require an appraisal by an SC licensed real estate appraiser in order to accept the fee in lieu.

An option would also be to add an additional 25% fee to the value that has been determined to account for the rising costs associated with the park equipment and property acquisitions.

RECOMMENDATION:

This item has been advertised for a public hearing. Staff recommends that Planning Commission review the proposed amendments and discuss the proposed amendments with staff. However, staff recommends that the proposed amendment be deferred until the September / October meeting so that staff can update the amendment to include any changes discussed as a result of PC review.

10.3.9 Park and Open Space Dedication

A. General Requirements for Parks and Open Space Dedication for Major Residential Developments

- 1. The applicant of any major residential development or Planned Development District (fee-simple or incommon) shall reserve allocate a sufficient amount of land for open space. Such areas shall be designed to serve the residents of the foster good stewardship of our natural environment, provide recreational opportunities as well as community involvement for the residents of the proposed development and residents of the immediate neighborhood of the development and facilitate perpetual maintenance of required infrastructure and vegetative/non-vegetative screening. This land shall be designated for ownership and maintenance by a property owner's association.
- 2. Ownership and maintenance of open space shall be designated to a homeowners or property owner's association, horizontal property regime, or a property management group who shall perpetually maintain all open space, detention ponds, amenities, landscape areas or other commonly owned facilities Proper notations shall be provided on the subdivision plat to indicate the entity to which such responsibility is given.
- 3. All required open space shall be preserved as such in perpetuity.
- 4. Major recreational facilities, such as those containing swimming pools or similar amenities, proposed for installation by the developer and shown on the approved preliminary plan set, shall be installed in the initial phase of the development, even if the development is divided into future phases. Open space improvements shall be installed or financially guaranteed prior to the recording of a final plat. A financial guarantee, as provided for in Section 10.6, may be approved by TRC to allow such facilities to be constructed after the final plat for the first phase has been approved; however, such facilities shall be installed no later than 50% of the approved lots and/or units have been issued building permits. For multi-family developments or in-common developments, such facilities shall be installed no later than 50% of the units have been issued building permits.

B. Residential Subdivision Development and Planned District Development Minimum Open Space Required

- Each Major residential developments shall provide a minimum of 1,000 square feet of suitable open space area per lot or unit to be calculated as the number of lots and/or units in the development multiplied by the average household size according to the latest US Census multiplied by .008, considered the amount of open space required by each individual (# of lots X average household size X .008 = required open space). This shall apply to major subdivisions (five or more lots). Developers shall provide all open space during the initial phase of development, even if the subdivision development is divided into future phases. Open Space improvements shall be installed prior to the recording of a final plat. [ZA2020 09 21(A)]
- 2. If more passive open space is provided than active open space, then more total open space will be required. A minimum of twenty-five percent (25%) of the required open space shall be suitable for active areas and/or features as defined in Section 10.3.9, C. The remainder of the required open space shall be suitable passive areas as defined in Section 10.3.9, C.
 - While Ancillary areas are to be located within open space, such areas are not attributable to the required amount of open space, unless qualified as active or passive per Section 10.3.9, C.
- C. Open Space areas shall be comprised of three (3) main elements: Passive, Active, and Ancillary Areas
 - Passive Open Space Areas. Passive areas within open space are characterized as un-encumbered upland areas, dedicated to preserve the existing natural environment for the enjoyment of the residents of the community. Passive areas have no designated sports fields. Criteria for suitable passive areas are defined below:
 - **a. Unity:** passive areas are to be provided within a parcel of a minimum one acre in size and designed to minimize the number of open space lots being split.

- **b. Location:** passive areas may be centrally located or utilized to enlarge or provide special buffering along the perimeter of the project.
- **c. Accessibility:** passive area(s) are to have a minimum of fifteen (15) feet of frontage along and direct access to the public street/sidewalk system within the project.
- **d. Usability:** passive areas are to be upland area(s) only, excluding all easement areas and required landscape buffers.
- **e. Connectivity:** passive areas shall have internal pedestrian access and shall not be isolated by topographical constraints.
- f. Conformity: preferably, passive areas should preserve existing on-site woodlands (interior to or along the perimeter of the project), safeguard protected and landmark trees in their natural state and create a spatial buffer around wetlands, ponds and floodways that may still be enjoyed by the residents of the community.

2. Active Open Space Areas and Features

- a. Active Open Space Areas. Active areas within open space are characterized as amenity sites and/or features to provide members of the community with opportunities for recreational activity as well as social interaction. Such areas shall be appropriately sized for amenities or common recreational facilities. Criteria for suitable active areas are defined below:
 - i. **Unity:** active areas are to be provided within a parcel a minimum of one acre in size and designed to minimize the number of open space lots being split.
 - ii. **Location:** amenity sites shall be centrally located within the project. Whereas active features may be located throughout the development.
 - iii. Accessibility: amenity sites are to have a minimum of seventy-five (75) feet of frontage along and direct access to the public street/sidewalk system within the project. The frontage shall be in a sufficient location to install a commercial drive-cut for vehicular access. Active features are to be accessible via pedestrian travel from the internal sidewalk system and/or a community facility (i.e. clubhouse, park, community parking, etc..).
 - iv. **Usability:** Amenity sites are to be a minimum of ten thousand (10,000) square foot in size and meet the minimum lot depth requirement of the underlying zoning district. Active features are to be within upland area(s) only, free of obstructions and topographical constraints that would impede pedestrian access.
 - v. **Connectivity:** Amenity Sites areas shall have both pedestrian and vehicular access and shall not be isolated by topographical constraints. Active features shall provide adequate pedestrian access internal to the project.
 - vi. **Conformity:** Amenity Sites shall be incorporated into the Stormwater Management and Sediment Control plans to be elevated to at least two (2) feet above the one hundred (100) year flood elevation and provide positive drainage away from the building site.
- b. Active Open Space Features. Active Features within Open Space are characterized as tangible facilities designated to facilitate community and recreational activities. Such features will need to be shown on the preliminary plans and for features that require vertical construction, a separate commercial plan review will need to be done and the cost of such facilities will need to be included in the cost estimate / letter of credit for the initial phase. Moreover, installation of such features will be required before building permits may be issued to more than 50% of the lots/units within that phase. Suitable active features may include, but not be limited to items listed below:
 - i. amenity centers / clubhouses / gymnasium and/or fitness centers,
 - ii. community pools & pool houses,
 - iii. playgrounds / tot lots,

- iv. athletic courts and/or designated sport fields,
- v. community gardens,
- vi. walking trails / bike paths / boardwalks,
- vii. elevated wetland trails / pedestrian and/or bike water body crossings,
- viii. existing homes, barns or buildings of historic value,
- ix. any additional features as deemed acceptable by Planning Commission.
- c. Excluding onsite parking areas, active features shall count atop the active area they occupy.
- 3. **Ancillary Areas.** Ancillary Areas within open space are characterized by essential features, contributory to development (e.g. retention/detention basins, landscape buffers and areas already encumbered by Public rights-of-way, etc....), as well as areas containing existing topographical characteristics constraining development (e.g. wetlands, existing water bodies and floodways).

a. Suitable Ancillary Areas to be qualified as Passive area

i. 25% of a water surface (measured at NWL) that has a size appropriate fountain installed in the pond.

b. Suitable Ancillary Areas to be qualified as Active area

- i. 25% of a water surface (measured at NWL) that has a stationary or floating dock suitable for boating and/or fishing within the pond.
- ii. 25% of a water surface (measured at NWL) that has a walking trail, bike paths and/or boardwalks alongside the pond.
- iii. 25% of a jurisdictional wetland area when elevated boardwalks for pedestrian and/or bike crossings are provided.

D. Open Space Mitigation

- 1. Off-site Mitigation. In instances where on-site open space is unavailable or the community would be better served with the provision/expansion of a public park and/or trail, the applicant of the development may volunteer to provide additional land and/or amenities to the City of Conway. In such instances:
 - **a.** The off-site location and amenity features must be presented to Planning Commission for recommendation to and subsequently approved by City Council prior to preliminary plan approval.
 - **b.** Off-site mitigation may be a collaboration with neighboring projects or may be provided via expansion of an existing public facility in close proximity to the project(s).
 - **c.** The park must have access to external roadways yet also be accessible via pedestrian travel to the project(s) in which the mitigation is to serve.
 - **d.** Commercial Site Plans and preliminary plats will need to be reviewed and approved by the Technical Review Committee.
 - **e.** The underlying property is to be deeded fee-simple to the City of Conway prior to the release of any financial guarantees for on-site improvements.

2. Fee-in-lieu of Required Open Space.

a. As part of the review of a major residential subdivision or residential development plan, the applicant or subdivider may request to pay the fee in lieu of open space dedication. The TRC or #f the Planning Commission may recommend to City Council that the applicant make a payment in lieu of all or part of the required open space dedication, whereby the City may acquire or improve recreational park and open space area(s) to serve the development or developments in the City or upon finding that the recreational needs of the proposed development can be met by other park, greenway (including pedestrian / bicycle pathways & trails), or recreational facilities planned

- or constructed by the City or County. Planning Commission shall forward its recommendation regarding payment of the fee in lieu of open space to City Council for review and a final decision.
- **b.** When proposed developments require less than one-acre (43,560-sq.ft) of open space, the applicant may opt to / shall pay a fee in lieu of providing such open space on-site.
- **c.** Appraisal Requirements.
 - i. The applicant will need to provide a satisfactory current written appraisal of the market value of the land to be developed, as if the development has been completed according to the plans submitted. Such evaluation is to be performed by a South Carolina licensed real estate appraiser,
 - ii. The value determined will be divided by the total area in the development and multiplied by the open space area required to determine the necessary fee. The fee amount must be presented to Planning Commission for recommendation to and subsequently approved by City Council prior to preliminary plan approval.
- **d.** The fee in lieu of open space dedication shall be paid prior to recording any lot(s) in the subdivision to which the fees relate. The fee in lieu of open space compensation for the entire development, regardless of the number of proposed phases, shall be made prior to the recording of lot(s) for the first phase of development.

E. Project Data

- 1. An Open Space Matrix will need to be provided with the preliminary plans citing the following information for each individual proposed open space parcel:
 - a. total area,
 - **b.** wetlands, floodway & pond area,
 - **c.** areas encumbered by buffers & easements,
 - **d.** suitable passive area, suitable active area,
 - e. area of active features

F. Exemptions from Park and Open Space Dedication

- 1. Minor subdivisions or minor developments as defined in this Section are exempt from the open space requirements.
- 2. If a parent tract has undergone five (5) or more parcel splits, meeting the definition of a major subdivision, any additional splits from the tract are considered major development and subject to the requirements of a major development, including open space dedication. A parent tract is defined as the original lot, parcel, or tract of land, as established in the Horry County Assessor's records, from which the proposed subdivided lot(s) will be split from. For the purposes of determining minor or major development status, a parent tract is reviewed to determine the total number of parcel splits within a 10-year period. [Amended 4/4/16]
- 3. Once a subdivision or developments actions classifies a parcel status as a major subdivision/development, any subsequent development is considered an expansion of that major subdivision/development. (Amended 7/15/24)
- G. All major subdivisions and other developments with common areas shall form a Homeowners or Property Owners Association who shall perpetually maintain all open space, detention ponds, amenities, landscape areas and other commonly owned facilities. [ZA2020-09-21 (B)] (relocated under 10.3.9, A)

Criteria	City of Conway, SC	Greenville Co., SC	Lexington Co., SC	High Point, NC
Minimum Open Space Requirement (general)	# of lots X average household size X .008 = Required Open Space	20%-40% of site area	20% of the total land area of the subdivision	SF detached: 850 sq. ft. per dwelling unit; SF attached: 435 sq. ft. per dwelling unit; MF development: 250 sq. ft. / 435 sq. ft. (depends on acreage); PDs: depends on # of units per acre (e.g. 5-16 units per acres / 16 or more units per acre); nonresidential
Types of Permissible Open Space	Passive Use Parks and Active Use Parks	Natural / agricultural areas; community, neighborhood, linear, pocket parks; greenways; active civic/recreation areas; square/green, plaza (size requirements apply to each type). Tree preservation standards also apply.	Natural features, transitional buffers, active and passive recreation, land occupied by golf courses, landscape buffers or landscape common areas.	
Design / Suitability Standards	Unity, Location, Accessibility, Usability, Connectivity, Conformity	Contours, sustainability and compatibility. Consider (site) constraints	Accessibility in location (focal point), access within a residential lot or right-of-way, interconnection with trails, buffer areas, scenic corridors, natural features, or stormwater management system, protection of nature, etc.	Open space min. size: 24' width min. and 1,000 sq. ft. in area min.; urban features
Maintenance Responsibilities	This land shall be designated for ownership and maintenance by a property owner's association.	The open space owner or entity identified in the land development restrictions as having control over the open space area.	NA	Owned and maintained by HOA/POA
Exemptions, Fees, or Waivers for Certain Types of Development	Yes – fee in lieu of providing required amount of open space, subject to approval by City Council.	N/A	Yes	N/A

Sources: City of Conway UDO; High Point, NC Code of Ordinances; Lexington Co. Code of Ordinances; Greenville, SC Code of Ordinances

<u>Highlights of Regulations</u> (other than City of Conway's)

Greenville County, SC

11.2.1 PURPOSE

All proposed subdivisions and group developments shall be designed to facilitate the most advantageous development of the entire County and shall bear a reasonable relationship to the Comprehensive Plan. The general design of subdivisions and group developments shall:

- **A. Contours.** Take advantage of and be adjusted to the contours of the land so as to produce usable building sites and streets of reasonable gradients;
- **B.** Suitability and Compatibility. Consider the suitability of the land and its capability to support and maintain the proposed development;
- C. Constraints. Consider site constraints, such as:
 - 1. Topography
 - 2. Rock outcrops
 - 3. Flood damage prevention
 - 4. Erosion control
 - 5. Wetland preservation
 - 6. Stormwater management
 - 7. Solar energy
 - 8. Tree preservation
 - 9. Noise and pollution control
 - 10. Habitat for endangered species
 - 11. Areas of historical, archaeological, or architectural significance
 - 12. Land use relationships
 - 13. Other additional factors prescribed by this Ordinance

D. Areas Counted as Open Space.

- 1. Types of Open Space. Open space shall be comprised of two or more of the types described in Table 11.4.4-2: Types of Open Space.
- Active Civic / Recreation Areas. Up to one-third of required open space may be comprised
 of areas for active civic and recreational uses as described in Table 11.4.4-2: Types of Open
 Space.
- 3. Buffers. Buffers required by Article 6: Buffers & Screening may constitute up to one-third of required open space if the buffers meet the other requirements of this Section. Buffers are considered a "natural area" open space type.

11.4.5 NATURAL VEGETATION IN REQUIRED OPEN SPACE

- **A. Tree Preservation.** Tree preservation requirements, as established in Article 7: Tree Preservation, may be met with trees located within required open space.
 - 1. Preserved trees shall be clearly identified and labeled as such on all development plans.
 - 2. A Tree Protection Plan shall be submitted and approved along with the Preliminary Plan or Group Development Plan, as applicable.

Table 11.4.4-2: Types of Open Space		
Type of Open Space	Description	Size (min)
Natural Area	An area of undisturbed or minimally disturbed vegetation. Examples include woodlands, wetlands, and steep slopes. A natural area may contain multi-use paths to accommodate pedestrians, bicyclists, and equestrians, but typically does not contain structures or other improvements.	1,000 sf
Agricultural Area	An area that is actively used for farming. May include crop lands, orchards, grazing lands, and pastures. Often contains structures such as barns, stables, fences, and silos.	1,000 sf
Community Park	An open space available for civic and recreational purposes. Serves multiple neighborhoods or developments. May contain a limited number of athletic fields.	5 ac
Neighborhood Park	An open space available for civic purposes, unstructured recreation, and limited amounts of structured recreation. Typically serves a single neighborhood or development.	0.25 ac

Type of Open Space	Description	Size (min)	
Linear Park	A linear open space available for civic purposes and unstructured recreation. Dwelling units and neighborhood amenity buildings typically front a linear park. Serves a single neighborhood or development.	20 ft in width	
Pocket Park	An open space available for informal activities in close proximity to dwellings and/or workplaces. Often contains benches or other seating areas.	1,000 sf	
Greenway	A linear open space that links multiple neighborhoods, developments, or open spaces. May follow natural corridors, such as rivers and creeks. Greenways often contain multi-use trails to accommodate pedestrians, bicyclists, and equestrians.	20 ft in width	
Active Civic/Recreation Area	An open space designed for specific, active civic or recreational uses such as clubhouses, swimming pools, tennis courts, ballfields, golf courses, and similar uses.	1,000 sf	
Square/Green	An open space available for civic purposes, unstructured recreation, and limited amounts of structured recreation. Typically serves a single neighborhood or development in a prominent location. Includes landscaped areas and lawns with or without trees and shrubs. May include limited hardscaping.	0.25 ac	
Plaza	A formal open space available for civic purposes or commercial activity. Located in commercial and mixed use areas, typically at the intersection of important streets or other significant locations. Predominantly hardscaped.	0.5 ac	

Lexington County

4.1.1 Residential Subdivisions

Residential subdivisions that have less than 10 lots or residential subdivisions with average residential lot sizes greater than 1.5 acres do not require open space.

Residential attached land uses not located within a subdivision, residential attached units within a horizontal property regime, and mobile home parks shall be regulated as required in other sections of this Ordinance.

4.1.2 Quantity of Open Space

The following shall be counted toward this minimum open space requirement provided they are actually set aside on property separate from the subdivision parcels dedicated for residential use and located within the parameters of the residential subdivision boundaries:

- A. Natural features (riparian areas, wetlands, natural ponds, streams, wildlife corridors, steep slopes, etc.), natural hazard areas (floodplains, floodways, etc.), stormwater features (drainage channels, ditches, ponds, water quality buffers, etc.), and land area occupied by Low Impact Development (LID)stormwater devices; Landscape and Open Space Ordinance 29
- B. Land designated as open space as a result of the Scenic Corridor;
- C. Transitional Buffers, which are designated and maintained as permanent open space;
- D. Land occupied by active and passive recreational uses such as pools, playgrounds, tennis courts, jogging trails, ball fields, and clubhouses used primarily for recreation purposes, and/or other amenity for the residential development;
- E. Land occupied by landscaped buffers or landscaped common areas; and,
- F. Land occupied by golf courses.

4.1.9 Access

Open space not contained within a residential lot or right-of-way shall either front on the road right-of-way within the subdivision or shall have a minimum 20-foot dedicated right-of-way or easement between lots or along property lines to the open space. Separately platted open space that is predominately land locked between residential lots, adjacent Landscape and Open Space Ordinance 35 properties, or in a similar manner shall require at least one additional access point for every 10 residential lots which adjoin the open space.

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5.12.3. - Exemptions

Open space requirements are exempted for development in the CB, MS, and MX districts.

TABLE 5.12.4.A: MINIMUM OPEN SPACE AMOUNT			
TYPE OF DEVELOPMENT	MINIMUM OPEN SPACE REQUIREMENT		
Single-family detached residential subdivisions of more than 5 acres in area in the R-7 district	850 sf/dwelling unit		
Single-family attached residential development of more than 5 acres	435 sf/unit		

Multi-family development	Less than 3 acres in area	250 sf/unit
Moni-lanniy developmeni	3 or more acres in area	435 sf/unit
	Residential area with less than 5 units per acre	20% of area
	Residential area units with 5 to 16 units per acre	15% of area
Development in a PD-P district	Residential area with 16 or more units per acre	10% of area
	Nonresidential development	10% of gross floor area
Development in a PD-CC dis	5% of development area	

- **C. Design** Except for environmentally sensitive lands, landscaping, farmland, forestry lands, and urban features, credited open space shall meet the following design standards:
 - 1. Configuration
 - a. Open space shall be at least 24 feet in width and 1,000 square feet in area.
 - b. Urban features credited towards the requirements in this section shall maintain a minimum width of 24 feet and a minimum area of at least 600 square feet.
- **G. Ownership and Maintenance.** Open space areas shall be owned and maintained in accordance with Section 7.3, Homeowners' or Property Owners' Association.