CITY OF CONWAY
COMMUNITY APPEARANCE BOARD MEETING
WEDNESDAY, APRIL 10, 2019
CITY HALL CONFERENCE ROOM – 229 MAIN STREET – 4:00 P.M.

Present: Troy Roehm, Matt Richardson, Craig Smith, Brenda Ivester

Absent: Jason Pippin, Heather Whitley, Sheila Walberg-O’Neil

Staff: Jessica Hucks, Zoning Administrator; Alicia Shelley, Secretary

Other: Sam Abrams, Grady Richardson, Hillary Howard, Edward DeLonge
Arthur Solomon, Chris Snyder, JB Clark, Russell Fowler, Debbie Jenkins

I. CALL TO ORDER

Vice Chairman Roehm called the meeting to order at approximately 4:01 p.m.

II. APPROVAL OF MINUTES

Smith made a motion to accept the minutes as written and it was seconded by Ivester to approve the March 27, 2019 minutes. The vote in favor was unanimous. The motion carried.

Roehm stated that they would move the Parklet issue to the beginning of the agenda due to the number of people in attendance for this public hearing.

III. PARKLET APPROVAL

A. Crooked Oak Tavern – 328 Laurel Street, Unit 108: The applicant, Chris Snyder, requests approval of a parklet, to be located in 2 parking spaces in front of the restaurant (Crooked Oak Tavern) at 328 Laurel Street (TMS: 137-02-02-010 | PIN: 36804020092).

Hucks presented the case: She stated that the applicant would like to construct a “parklet” in 2 parking spaces in front of the Crooked Oak Tavern, located at 328 Laurel Street. Council passed an ordinance in 2018 regarding the use of parklets in the Central Business District. This is the first known parklet in the city limits since the ordinance allowing them was passed. A rendering of what is proposed is included in this packet. Per the ordinance, a public hearing is required by this Board for the request. The request has been advertised and the property has been posted, in accordance with the requirements of Section 5.1.23 (C) – Parklets (9). A parklet is defined as an area in a public right of way (parking space) used by a restaurant to provide outdoor tables and seating to their patrons.
Hucks read aloud Section 5.1.23 Sidewalk Café’s, Outdoor Dining, and Parklets, of the UDO:

- (C) Parklets: Shall be permitted in City-owned rights-of-way (parking spaces) in the CBD Zoning District with the following conditions:
  1. Parklets shall only be an accessory use to a permitted operating restaurant.
  2. The parklet area must be maintained in a safe, clean, orderly and sanitary condition.
  3. The proposed parklet may occupy and/or displace a max of 2 parking spaces per restaurant. The spaces must be a minimum of 20-ft from a corner and protected by planters, bollards, soft hit posts, sidewalk bulb-out, or other similar features.
  4. A list of requested parking spaces must be provided to the City. The applicant must submit a site plan, to scale, for all proposed locations for Commercial Plan Review by the Technical Review Committee (TRC).
  5. The proposed location should have a posted speed of 25 mph or less.
  6. Raised flooring or decking is required when using a parking space for dining. The area shall be constructed and/or installed to conform to the applicable provisions, rules, regulations and guidelines of the adopted building code and the Americans with Disabilities Act (ADA). A building permit is required for this structure.
  7. An outdoor dining area shall be delineated by a removable physical barrier or base wall separating patrons from pedestrian traffic no larger than 30-in. in height. Acceptable delineators shall be paneled flower boxes, flower box posts and chains, wrought iron fencing, wooden fencing, picket fencing (with blunt pickets) and posts and chairs.
  8. An unobstructed travel way of 4 feet of clear passage in the pedestrian public right-of-way must be maintained at all times.
  9. All parklets must be approved by the Community Appearance Board (CAB). In cases involving parklet requests, a notice of a parklet request shall be posted on or adjacent to the affected property in a conspicuous place 15 days prior to the date of the scheduled meeting. The notice shall be visible from each public right-of-way that abuts the property. Public notice of hearing of the Board shall be published in a local newspaper at least 15 days prior to the hearing, and notices will be sent to all property owners located within 200-ft of the proposed parklet. The notice shall contain a description of each matter to be heard and identify the applicant and property affected.
  10. Non-permanent tables, chairs, and potted plants are the only objects permitted in the public right-of-way in conjunction with a parklet.
  11. Removable umbrellas may be permitted subject to the following:
      a. Umbrellas may not obstruct the required 4 feet of clear passage as required above.
      b. Umbrellas may be no less than 7 feet in height.
      c. Umbrellas must be designed and installed to be secure in windy conditions, weather resistant and made of fire treated or nonflammable materials.
      d. Umbrellas must be of a color scheme that compliments the adjacent storefront.
      e. Umbrellas may not extend beyond the footprint of a parklet.
  12. Outdoor heaters may be utilized upon the review and approval of the Conway Fire Dept. as part of the sidewalk café permitting process.
13. Decking, barriers, and outdoor dining furnishings must be removed when directed by the City for special events or utility work.

14. SCDOT approval is required for the placement of sidewalk furniture in any SCDOT right-of-way.

15. The owner shall complete a release and indemnification agreement, which will hold the City of Conway harmless for any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by a person as a result of the negligent installation, use, or maintenance of a permitted public space within the City of Conway.

16. The owner shall submit a Certificate of Insurance verifying the following minimum coverage and specifically identifying the City of Conway as an additional insured. The mobile vendor will not be permitted to operate without a Certificate of Insurance. The City of Conway must also be listed as the “Certificate Holder” on the Certificate of Insurance. Minimal acceptable coverage:
   a. Each occurrence: $1,000,000
   b. Personal Injury: $1,000,000
   c. General Aggregate: $2,000,000

17. Parklets must obtain an annual zoning compliance. Parklet permits issued under this ordinance will be valid beginning on date of this ordinance’s enactment until June 30 of the ensuing year. In the following year, a permit shall be from July 1 until June 30 of the ensuing year.

Hucks stated that the CAB guidelines did not currently address parklets.

Smith asked what kind of written agreement does someone wanting to do this have with the city and who owns the property that can grant the lease. Hucks said it if were in an SCDOT right-of-way, it would need their approval, but this particular location was in a city right-of-way. They would have to submit an indemnification agreement with the city that holds the city harmless and protects them from any liability or damage that may incur.

Smith asked what kind of revenue would the city gain from this? Hucks said none, but that she was not the one to ask about additional tax revenue there might be, and as far as any sales for food that is served in the parklet, there was no lease agreement that they have to pay monies outside of typical building permit fees, zoning compliance fees. City taxes, etc.

Richardson asked about the 1-year permit. Hucks said it was her understanding that it would have to be renewed by staff every year to continue. She said that if any changes were made it may need to go back before the CAB but if it was to remain exactly the same that staff could renew it.

Ivester asked what stage of the process are we at now. Hucks said that this is the public hearing and the property has been posted, advertised was placed in the newspaper and notices have been mailed to property owners within 200 ft. They will still need to go through technical review.

Chris Snyder, applicant, stated it would be a complete wood structure and would have to make a level surface as the street is not level, like a deck in the back yard. He added the back will be the base, it will have bench seating all the way around.
JB Clark stated that the structural part for safety reasons will be built out of 5 quarter decking. There is a planter box on the back of it. It is broken up into 10-ft. sections so that it can be picked up and moved. There will be bollards built into the structure at each end for the patron’s protection. It is 44 feet long and how far it comes over the curb will be dictated so a flat surface can be built from the street. He added that it would go over the curb onto the sidewalk. He said that was a good thing as it would not hinder any type of water flow.

Smith asked about alcohol use in the parklet. Hucks said that the city does not have any specific requirements and that they (the applicant) would have to mitigate that. It would be treated the same as outdoor dining and that patrons would not be able to walk around the city with alcoholic drinks. It would have to be confined to the parklet area, but would have to comply with the state licensing agency. In addition, the zoning compliance (issued in conjunction with the building permit for the parklet) will state that the applicant(s) is to meet all state laws and requirements. It would not be for the city to “regulate” (the outdoor dining). They applicant would need to be in compliance with all state and local laws.

Smith said that since city council has passed this, that we really can’t say anything. Hucks said that the CAB would approve the appearance. City Council has already approved the Ordinance to allow parklets in the CBD zoning district and Hucks felt certain all factors were taken into account.

Roehm asked if it is allowed to go over the curb and sidewalk. Hucks said yes and that they will have to comply with all building code requirements. JB said that he would only go on the sidewalk approximately 10” to 2’ at max. Russell Fowler said the sidewalk is 11 feet.

Roehm asked if there were tree grades in that area. Fowler said no, it is just past this area.

Sam Abrams, adjacent property owner had concerns with stormwater and asked how much clearance will the decking give for stormwater. JB said he thinks there is about 6-8” of clearance but that he would check on that.

Hucks stated that it would be reviewed by all departments as part of our Technical Review process including Public Works and Public Utilities.

Roehm has concerns with the structure on the curb and sidewalk. JB explained the parklet again.

Hucks stated that it will need to be compliant with ADA requirements and as part of the Technical Review process the Building Department will review.

Arthur Soloman, adjacent property owner, has concerns with parking, how it will impact the development of his lot and any construction that may take place on his empty lot if the property is sold or developed.

Hucks stated that the CBD does not require parking for businesses in that district and that this should have no impact at all on development of his lot. Hucks said that parking will still be available in the spaces on each side of the parklet. The parklet will only be allowed 2 parking spaces. She also said that there is a
noise ordinance that is enforced.

JB said the parking spaces are 22 feet long in this area.

Smith said that if they are 22 feet long on this side that the other side of the street should be consistent.

There was further discussion regarding the drawing and the layout.

Smith had concerns with filling up Laurel Street with parklets if more restaurants are in this area.

Hucks said that the parklet would be approved for one (1) year by CAB and would also have to go through the Technical review process. If there are any concerns during this time, similar to a pilot program (although this was not), staff would take note. This could be a guide as to whether or not CAB approved other parklets or whether or not staff wanted to allow the use of the existing parklet. If there are unforeseeable issues, it is possible that there could be a text amendment to this ordinance; however, staff is not certain of what, if any, issues may occur due to the existence of a parklet.

Soloman stated that he is only here to make sure that no issues will affect his property that he has owned for 70 years. Hucks stated that is why they are only restricted to restaurants and not all businesses.

Hillary Howard stated that parklets are only permitted on city streets, Laurel Street and Second Avenue not on State streets such as Third Avenue or Main Street. This was put forward to City Council to help revitalize those areas and especially for properties that are empty and waiting for development. This will bring more development and vitality to this district. It should only help those property values and hopefully in the future will help development of those locations. You will lose 2 parking spaces but I think that the attention that will be brought to this section of downtown.

Snyder said that his vision for this is to bring business to Laurel Street. If you are coming to Laurel Street, it has to be destination and I think this can be a huge catalyst to bring more people here and to the other businesses on Laurel Street.

The board agreed that this would create more excitement while bringing more people to visit all the businesses on Laurel Street and the downtown area.

Hucks said just for clarification that the CAB must approve the parklet even though the district allows it.

Smith asked what is the City going to do for Grady’s. The city is not getting any income; why doesn’t Grady’s get something. The city is showing preferential treatment to a restaurant vs. a jewelry store. I do not think it is right that they get it for free. This is giving this restaurant a way to increase their square footage. He thinks you should do something similar or either charge. Hucks said she really was not in a position to say why the city does or does not not charge for something. These concerns would be better addressed by the Administrator or City Council.

Richardson said that he did not think that it would be a very good economical idea to have jewelry outside
in a parklet. The big benefit to having a parklet is to increase traffic. If more people are walking towards the parklet to eat, then they will also walk to the other surrounding businesses.

Snyder said that the City’s benefit is that if I increase my revenue, then that is increased tax revenue that goes to the City.

Snyder said it would be more of a natural stain color and isolated lighting. They talked about the tables, chairs and planter boxes. He said that the umbrellas would be donated by Sam Adams. Hucks said that umbrellas with signage or advertisement of a product could be considered as off premise signage.

Ivester made a motion to approve the parklet to be located in the 2 parking spaces as requested with the condition that they come back before CAB with a rendering of what it will look like including all details. Richardson seconded the motion. The motion carried with Smith voting no.

IV. CERTIFICATE OF APPROPRIATENESS

A. **CCNB – 900 (C) Main Street:** The applicant, Tyson Sign Co., requests approval of various signs (monument, wall, window/door graphics, directional signage) to be installed for Coastal Carolina National Bank, to be located at 900-C Main Street (TMS: 123-14-18-006 | PIN: 33813010029).

Hucks stated that the applicant proposes to install two (2) wall signs, a monument sign, window/door graphics and directional signage for Coastal Carolina National Bank (CCNB), currently being constructed at 900-C Main Street. The current proposal exceeds the number of signs permitted per tenant space in the Professional zoning district. The board may consider today the front wall sign, monument sign, window/door graphics and the directional signage. The applicant will need to obtain a variance by the Board of Zoning Appeals for the rear wall sign and then bring that one back to the CAB for approval. Hucks said that the sign area is compliant with the UDO.

Debbie Jenkins further explained the sign materials.

Smith made a motion, seconded by Ivester, to approve the request as presented. The vote in favor was unanimous. The motion carried.

B. **Derrick Law Firm – 901 Main Street:** The applicant, Tyson Sign Co., requests approval of a monument sign and wall signage for Derrick Law Firm, currently under construction at 901 Main Street (TMS: 123-14-18-006 | PIN: 33813010029).

Hucks stated that the applicant proposes to install two (2) wall signs and a monument sign for Derrick Law Firm, currently under construction at 901 Main Street. The current proposal exceeds the number of signs permitted per tenant space in the Professional zoning district. The board may consider today the front wall sign and the monument sign for approval, but the applicant will need to obtain a variance from the Zoning Board of Appeals for the rear wall sign and then bring that back to CAB for approval.
Hucks said that the proposed mullion-style wall sign(s) measures 4.25-ft in height/width (diameter). They are shaped like a circle. The radius of the proposed sign is 2.13-ft. The entire area of the sign (each) is 14.25 sq. ft. in area. Both wall signs (for front & rear) total 28.5 sq. ft. They are 2” deep fabricated aluminum circular backer with 2” deep reverse aluminum channel letters. Sign(s) will not be internally illuminated. The back will be painted black and the letters will be white.

Hucks further stated that the proposed monument sign is a fabricated aluminum sign cabinet, with a routed top face section ¾” thick clear acrylic push-thru logo, letters and bar with transparent white vinyl overlay. The tenant section in the middle will have 3/16” white #7328 acrylic panel with opaque black vinyl overlay and white copy void from background. Sign will have internal LED illumination and white surface vinyl street numerals (901) (non-illuminated) as shown. Sign area measures 3.84’ (H) x 6.84’ (W), totaling approx. 24 sq. ft.

Jenkins further explained the sign request.

Smith made a motion, seconded by Richardson, to approve the request as presented. The vote in favor was unanimous. The motion carried.

V. PUBLIC INPUT

Debbie Jenkins stated that to see parklets throughout downtown is a fabulous idea. She wants to see more uniqueness, liveliness and creativity in the city. She added that she has been here for 32 years and loved this city. We need more exciting things going on downtown.

VI. BOARD INPUT

None.

VII. STAFF INPUT

None

The next meeting is April 24, 2019.

VIII. ADJOURN

There being no further business to come before the Board, a motion was made and seconded, to adjourn the meeting at 5:07 p.m. The vote in favor was unanimous. The motion carried.

Approved and signed this 8th day of May, 2019.

Heather Whitley, Chairman