Planning Commission
November 7, 2019

CITY OF CONWAY
PLANNING COMMISSION MEETING
TUESDAY, NOVEMBER 7, 2019
CITY HALL COUNCIL CHAMBERS – 229 MAIN STREET – 5:30 P.M.

Present: Brantley Green, Chris Guidera, Alex Hyman, Brian O’Neil, Chris Sansbury, Gloria Robinson-Cooper

Absent: Mark Stanley, Kendall Brown, John Thomas

Staff: Mary Catherine Hyman, Planning Director; Alicia Shelley, Secretary; Jessica Hucks, Planner; Wanda Lilly, Arborist; Adam Emrick, City Administrator

Others: Jimmy Paul Jordan, Jimmy Gerald, Marc Thomas, John Gaddy, Rusty Helm, Randy Beverly, Charles Byrd, Kaci Sansbury, Kevin Sansbury, Archie Shaw, Joe Jennings, Jason Faulkner

I. CALL TO ORDER

Chairman Green called the meeting to order at 5:30 p.m.

II. APPROVAL OF MINUTES

A Hyman made a motion, seconded by Guidera to approve the September 12, 2019 minutes as written. The vote in favor was unanimous. The motion carried.

III. PLANNED DEVELOPMENT AMENDMENT

A. Request to amend a portion (49.5 acres) of the Wild Wing Planned Development (PD) identified as PIN 38313020072, PIN 38416010030, PIN 38300000321, PIN 38313020070, and PIN 38300000337 to include the Institutional Zoning classification, including its uses and height restrictions.

M Hyman stated that on October 11, 2019, staff received a request from Jimmy Jordan, agent for Carolina Properties LLC and JP Jordan and Associates LLC to amend the Wild Wing Planned Development (PIN 38313020072, PIN 38416010030, PIN 38300000321, PIN 38313020070, and PIN 38300000337) to include the Institutional Zoning classification, including its uses and height restrictions. With the proposed amendment, the total density for these parcels would remain the same (663 units total, 49.5 acres). However, the applicant is requesting that the density be allowed to be shifted among these five parcels through a minor amendment handled at staff level.
The current multi-family height maximum on these parcels is 40’, and the current single-family height maximum is 35’. With the proposed amendment, Institutional uses would allow a height of 80’.

In addition, the applicant is requesting that these parcels be exempt from the City’s tree ordinance. The original PD was passed in 2000, and the tree ordinance was adopted in 2007. However, the original PD states “all plans for development within this PUD shall be in accordance with the current City of Conway Land Development Regulations in effect at the time of permit approval.”

The applicant, Jimmy Jordan further explained the request. He stated that they are planning to build an elderly care facility on the front 7 acres that will likely be four stories. He said the density and number of units would remain the same on the 49 acres but would like to be able to move from parcel to parcel on a case by case basis without specific density being assigned to certain parcels. He stated that the PD was approved in 2000 and there was no tree ordinance but that they would abide by the 25’ buffer that was placed on the PD for the perimeter of said parcels. He said this represents about 25% of the property that they would lose so they are requesting to be exempt from Conway’s Tree Ordinance.

A Hyman asked if he thought about resurveying the parcels to make one property. Jordan said that they were owned by different entities.

Green asked if he had a tree survey done. Jordan said no.

Robinson Cooper asked about traffic patterns or a study. Jordan said that there was a stop light at Aldi but that no study had been done as there was plenty of access.

M Hyman said that through the City’s Technical Review process that fire and police would review.

Sansbury asked how high the facility he wants to build would be. Jordan said approximately 57’ high.

There was no public input.

A Hyman made a motion to recommend approval of the institutional use and the density flexibility. Guidera seconded the motion and the motion carried unanimously.

Green made a motion to table the tree ordinance exemption request until a tree survey has been done and presented to Planning Commission. A Hyman seconded the motion and the motion carried unanimously.
IV. 540 REVIEW

A. 540 Review for Horry County School District Education Center

M Hyman stated that pursuant to Section 6-29-540 of the 1994 S. C. Planning Enabling Legislation, the Planning Commission is required to review proposals for all new public facilities. The proposed Horry County School District Education Center property is located on Four Mile Road adjacent to the Horry County Schools District Office (PIN 326-00-00-0043). Site plans have been submitted to the City and are currently being reviewed by the Technical Review Committee, which consists of all departments within the city. Staff recommends approval of this request for this school location as it is consistent with the comprehensive plan.

There was no public input.

A Hyman made a motion to approve this request. O’Neil seconded the motion and the motion carried unanimously.

V. LETTERS OF CREDIT

A. Letter of Credit for Woodland Lakes Phase 1

M Hyman stated that the letter of credit to cover sidewalks, and street trees at Woodland Lakes Phase 1 is set to expire on December 5, 2019, and the amount is $244,800.00. The applicant is requesting to reduce the amount to $58,250 to only include the remaining sidewalk and street tree work to be completed. The UDO states that since over 75% percent of the lots have been issued building permits, the infrastructure shall be installed with no renewal of the letter of credit. However, all work will be completed except some street trees and sidewalks. If street trees and sidewalks are installed prior to home construction, the construction can cause damage to the sidewalks and trees. New homes have been permitted and constructed in this development in the last six months, therefore staff recommends extending the letter of credit for an additional year in the proposed reduced amount for the remaining street trees and sidewalks.

Sansbury made a motion to approve this request. Guidera seconded the motion and the motion carried unanimously.

B. Letter of Credit for Rivertown Row Phase 2B

M Hyman stated that the letter of credit to cover streets, sidewalks, infrastructure, and street trees at Rivertown Row Phase 2B is set to expire on November 13, 2019, and the amount is $376,351.64. The applicant is requesting to reduce the amount to $108,706.38 to only include the remaining side walk and street tree work to be completed. The UDO states that since over 75% percent of the lots have been issued building permits, the infrastructure shall be installed with no renewal of the letter of credit. However, if street
trees and sidewalks are installed prior to home construction, the construction can cause
damage to the sidewalks and trees. New homes have been permitted and constructed in
this development in the last six months, therefore staff recommends extending the letter
of credit for an additional year in the proposed reduced amount for the remaining street
trees and sidewalks.

Guidera made a motion to approve this request. Sansbury seconded the motion and the
motion carried unanimously.

VI. TEXT AMENDMENTS

A. Discussion of design standards for residential subdivisions.

M Hyman stated that due to concern with the quality of small lot subdivisions, City Council
has asked staff to consider the addition of design standards for residential subdivisions.
The issues were discussed at multiple Planning & Development Committee Meetings and
Council Meetings. Staff has recommended several options, including adding design
standards to current residential districts, creation of a new zoning district, or amending the
current Conservation Subdivision Ordinance. Council directed staff to conduct a visual
preference survey and this survey was released to Council, City staff, and the public. The
results showed that each group preferred foundation landscaping, full front porches, hardi-
plank with brick, crawlspace/elevated slab, side garages, roads with sidewalks but no
curb/gutter, 20’ street width, and large planting strips for street trees. Also, included in the
boards packet are proposed amendments to the existing UDO to add design elements to
Multi-Family and Single Family Developments. These amendments are not meant to
include all suggestions from previous discussions and may not solve all of the concerns
that have been previously expressed. These amendments are, however, a first step in
addressing higher quality housing.

M Hyman highlighted some of the proposed changes but stated that they are all included
in the boards packet:

1. All newly constructed garages and/or carports shall be located a minimum of three
   feet (3’) behind the build-to line of the primary residential structure.

2. On all R-1, R-2, R-3, or R-4 zoned single family developments, no vinyl siding is
   permitted (trim elements may be exempted by Planning Director). Fiber cement,
   brick or an equivalent quality material as approved by the Planning Director is
   required on all exterior surfaces of all structures within the development including
   accessory structures. Additions to existing structures with non-conforming exterior
   surfaces may be allowed to continue the non-conformity with the approval of the
   Planning Director.

3. A sidewalk shall be installed connecting the front door to the street-front sidewalk
   or driveway.
4. All construction shall be on an elevated slab or crawl space of a minimum elevation of 18" above the grade elevation.

5. A minimum overhang/eave of 12" shall be required on all new single family construction.

6. Block Diversity
   i. A variety of housing styles shall be required in all new residential subdivisions.
   ii. No same house design or mirrored house design shall be located within five houses on the same side of the street from itself. No same house design shall be located across the street from itself.
   iii. A block diversity plan illustrating all lots and home design location shall be submitted to the Planning Department prior to any building permits for housing construction being issued.
   iv. Any building not conforming to this ordinance shall not be eligible for a zoning appeal after constructed.

7. For any development of more than 150 lots, roundabouts shall be constructed at appropriate intersections to improve vehicular and pedestrian safety. Any median landscaping of the roundabout shall be the responsibility of the Homeowners Association to maintain.

8. Pathways shall be constructed connecting all designated open space within the community. The TRC has the discretion to allow modifications to this requirement. All open space shall be connected to the sidewalk network by Pathways.

9. Sidewalks shall be constructed adjacent to the street right-of-way line with a minimum separation between the sidewalk and the roadway of three (3) five (5) feet. Street trees shall be planted within this five (5) foot planting bed.

10. Parking shall be prohibited on any residential street for which the total pavement width is less than 24' from curb to curb or for which the posted speed exceeds 35 miles per hour. No parking on street signs shall be provided by the developer at each entrance to the development.

11. Street trees shall be planted in the five (5) foot landscaping strip between the back of curbing and sidewalk, as stated 7.1.1.(c)(4), unless otherwise approved by the Planning Director.

12. Street trees shall be maintained by the Owner and/or Homeowners Association in perpetuity. Trees that die due to natural causes, neglect, or utility/road maintenance repair shall be replanted by the Owner and/or Homeowners Association unless otherwise directed by the City of Conway. Maintenance responsibilities shall be clearly defined in all encroachment permits, covenants and restrictions.
13. Water lines shall be extended across the property line of the development to the public right of way, allowing for future development to connect to the water lines and to allow for future improvements, such as looping the system.

14. Sewer lines shall be extended across the property line of the development to the public right of way, allowing for future development to connect to the sewer system and to allow for future improvements.

15. License Plate Readers (LPRs) shall be installed at every entrance to new major subdivisions. LPRs shall be compatible with the system currently in use by the City of Conway. Once installed, the cameras shall be transferred in ownership and control to the City of Conway. After transfer, all maintenance, replacement, and/or upgrades shall be at the discretion and expense of the City.

16. For any major development in an R-1, R-2, R-3, or R-4 subdivision, at least one suitable storage location shall be provided for Recreational Vehicles. The perimeter of this storage area shall be enclosed in an opaque fence, no higher than 6' on the front and 8' on the sides and rear. The 6' front height shall be an exception to the fence height regulation set forth in 5.2.3.

17. Cluster mailboxes shall be provided in all new residential subdivisions per USPS requirements.

A Hyman made a motion to form a committee consisting of staff, PC members, builders, developers, and the real estate market to review the proposed residential design standards. Guidera seconded the motion. The motion carried unanimously.

M Hyman stated that she will start putting the committee together and if anyone was interested in serving to let her know.

B. Discussion of possible amendments to Article 2 – Definitions, Article 4 – Use Tables, and Article 5 – Specific Use Regulations, of the Unified Development Ordinance (UDO), regarding Short Term Rentals (STR’s).

Hucks presented the possible amendment. She stated that Airbnb’s, Home Away, Vacation Rentals by Owner (VRBO’s), etc., are home sharing sites which have become a popular way for people to rent unused rooms within their homes or their entire homes to earn income. It has also become a more affordable way for people to have housing accommodations without renting hotel/motel rooms. They are similar to bed and breakfast establishments, and are commonly referred to as a Short Term Rental (STR). People who want to turn their unused rooms or entire homes into a short term rental must register on the individual website and the site then charges a commission rate upon the listed property being rented.
Currently, this use is not regulated in the City.

Upon receiving complaints about this use and uses similar to an Airbnb, staff began looking at other cities ordinances to see if and how the use was being regulated in surrounding areas. The general consensus of the places that chose to adopt regulations was that absent appropriate controls on the number and manner of places of operation of short term rentals, neighborhoods stand to be harmed by undue commercialization and disruption to the primary purpose of a neighborhood being first and foremost a residential community where people live; not a place of transient occupancy. However, many cities and towns who adopted regulations also found that these type of accommodations can be beneficial under certain circumstances, and if properly regulated, provide a means of assisting property owners keep their properties in good order and repair, which can assist in stabilizing home ownership, maintaining property values and strengthening the city’s economy.

This issue was discussed at the September 16th, 2019 Planning & Development Committee Meeting. Council directed staff to draft an ordinance regarding short term rentals, and to bring back to the next Planning & Development Committee Meeting for further discussion. The purpose of the proposed ordinance is to define Short Term Rentals (STR’s) and related terms, and to provide regulations for the short term rental of immovable property for lodging and sleeping purposes.

The proposed ordinance would permit short term rentals, with conditions, in the CC, CBD and WRD zoning districts. In these zoning districts, property owners could rent out rooms within their home or their entire home for the duration of the lodging period and are not required to be present during the stay.

In addition, the proposed ordinance would permit a “homestay” short term rental in the R, R-1, R-2, R-3, R-4, and P zoning districts, as well as Planned Developments which contain residential structures, with conditions. In this instance, the homestay must be managed and carried on by the fulltime, primary resident of the property who shall be present and residing at the home when lodgers are present. Primary resident means that the property must be the property owner’s bona fide principal home, as indicated by the Horry County Tax Assessor (i.e. primary residence receiving 4% assessment).

The proposed ordinance would require that short term rentals obtain a City of Conway business license and be subject to all applicable taxes (i.e. accommodations, sales); however, it will not create a separate application process which requires review by the Planning Dept., which could create a financial and administrative burden on the City.
Instead, the ordinance will be governed as most of the City’s other uses in the UDO are
governed, and properties will be subject to notice of violation and subsequent penalties for
violation if they do not comply with City ordinance. Because the language requiring a City
business license has been included, the Zoning Administrator or their designee will have
an opportunity to review and approve short term rental requests.

After discussion amongst the board and staff regarding HOA approval, accessory
structures, enforcement of violations, A Hyman made a motion to recommend approval as
presented. Sansbury seconded the motion and the motion carried unanimously.

VII. SUBDIVISION REVIEW

A. Midtown Oaks - Midtown Oaks. Amber Wall with Wall Engineering on behalf of
RE1 Land Company, LLC, requests preliminary approval of Midtown Oaks
consisting of 20 lots currently zoned R3 located on the corner of Oak Street and
Medlin Parkway (PIN 32515030031).

M Hyman stated that Amber Wall requests preliminary approval of Midtown Oaks
located on the corner of Oak Street and Medlin Parkway, which will contain
approximately 20 lots. The Technical Review Committee is currently reviewing the
plans. The street name, Moen Loop, was previously approved by the Planning
Commission.

A Hyman made a motion to approve the subdivision. Guidera seconded the motion and
the motion carried unanimously.

VIII. COMPREHENSIVE PLAN

A. Review of the Land Use Element

M Hyman presented the board with a copy of the draft Land Use Element for review and
asked them to send comments to staff within the next two weeks.

IX. PC MEETING CALENDAR

A. December 2019 Meeting Date

M Hyman reminded the board that the December 2019 meeting would be held on
Tuesday, December 3.

B. 2020 Meeting Dates

M Hyman presented the board with the 2020 Planning Commission meeting dates.
The board approved the 2020 meeting schedule unanimously.

X. PUBLIC INPUT

None.

XI. ADJOURN

A motion was made and seconded to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 6:27 p.m.

Approved and signed this 3 day of Dec, 2019.

Brantley Green, Chairman