CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, MAY 23, 2019
CITY HALL CONFERENCE ROOM – 229 MAIN STREET – 5:30 P.M.

Present: Davis Inabnit, James Shelley, Charles Byrd, Catherine Dingle
Absent: Travis Dannelly, Lindsay Wallace, George Ulrich
Staff: Jessica Hucks, Zoning Administrator
Others: Robert Hucks, Dirk Derrick, Keith Benton, Xveio Chuton

I. CALL TO ORDER

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

Chairman Inabnit swore all the applicants in.

II. APPROVAL OF APRIL 25, 2019 MINUTES

Shelley made a motion, seconded by Dingle, to approve the April 25, 2019 minutes as written. The vote in favor was unanimous. The motion carried.

III. CRITERIA

Chairman Inabnit read the four criteria required to be met in order for the Board to grant a variance. They are:

1. **Extraordinary conditions:** There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. **Other Property:** The extraordinary and exceptional conditions do not generally apply to other property in the vicinity;
3. **Utilization:** Because of the extraordinary or exceptional conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;
4. **Detriment:** The authorization of a variance will not be of substantial detriment to the adjacent property or the public good and the character of the district will not be harmed by granting a variance.

Chairman Inabnit announced that they would move the last request up to the front of the agenda.
IV. VARIANCE REQUESTS

A. Celebration Square – Benton Rentals, LLC: The applicant, DN Engineering, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), from Article 8 – Off-street Parking & Loading and Article 9 – Landscaping and Buffer Requirements, for property located at the corner of Mill Pond Rd and Church Street (TMS: 123-00-01-009, 011 | PIN’s: 33810010002 & 33810020001 and TMS: 123-13-07-016 | PIN: 33810010001).

Hucks stated that the applicant is requesting a variance from landscaping requirements as well as off-street parking and loading requirements for a proposed building (Celebration Square) on property located at the corner of Mill Pond Rd and Church Street. Civil plans were submitted in March for the proposed project. Upon staff review, and a follow-up meeting with the engineer, there were some comments that staff made regarding the proposed site layout that could only be remedied by receiving a variance from this Board. This includes the following items:

- **Drive-thru stacking lane requirements**
  - The site was originally designed so that there was sufficient area for semi-trucks to be able to gain access and use such area, which is required in Section 8.3.3 – Off-Street Loading Space Standards. This is located in the rear of the lot, between the rear facade of the proposed building and the dry pond shown on the site plan. These areas should be a minimum of 12’ in width, a vertical clearance of 16’ and a minimum length of 30’ for local delivery and 60’ for semi-trailers. The applicant also wishes to use this area for a customer pick up lane for each of the two (2) restaurants proposed (see “requested” site plan). The UDO does not differentiate between a “pickup” lane and a drive-thru. As such, a stacking lane of at least 8 vehicles is required, for each pickup area. These areas are not proposed to be “curb-side” pickup areas or parking spaces for vehicles to pick up orders to go, but rather serve the same purpose as a drive-thru window at a drive-thru restaurant, without the ordering menu or drive-thru window. It is staff’s understanding that orders will be made through a mobile app. The applicant is requesting a variance from the stacking lane requirements of Section 8.2.11 – Queuing Lanes, Table 8.2: Queuing Lane Requirements, to eliminate the stacking requirement entirely. The ordinance requires a minimum of 8 car lengths per window for restaurants.

- **Landscaping Requirements for the Interior Parking Areas:**
  - Section 9.3.4 (G) requires every third group of rows of parking to be separated from one another by a 6’ landscape island that extends the entire length of the row of parking spaces, containing 1 canopy tree and 10 shrubs per 100 linear feet. Nearly half of this parcel has overhead power lines, and the rear / side of this property contains wetlands, which the applicant states constrain this lot in terms of buildable area as well as sufficient areas for parking and other infrastructure requirements associated with this project. With the requirement of the 6’ landscape island (as shown on the “required” layout), there is insufficient area to
include the required number of parking spaces elsewhere on the property that would also meet spacing requirements.

Additionally, because of the overhead utility lines, the applicant may be restricted in terms of what type of trees may be planted underneath them; specifically, in terms of height. The applicant will be required to install a 15’ landscape buffer on the Church Street and Mill Pond Rd sides of the property due to the parking area being over 30,000 sq. ft. in size. These buffers shall contain 3 canopy trees, 2 understory trees and 20 shrubs per 100 linear feet. However, as provided for in Section 9.4.6 – Overhead Utility Service, of the UDO, consideration shall be given to the estimated “mature” height of required plant materials when the configuration of a structure and parking area are such that the required landscaping has to be placed under overhead utility service. Per Section 9.4.6 (A), understory trees which have an estimated mature height less than that of the overhead utility service may be substituted on a 1:1 ratio for canopy trees. Per Section 9.4.6 (B), tall shrubs that have an estimated mature height in excess of 8’ and can be pruned to resemble a small tree may be substituted on a 2:1 ratio for canopy trees provided the shrubs are a minimum of 7 gallons at the time of installation.

Staffs’ concern with requiring the 6’ landscape island the entire length of a row of parking spaces is having a raised landscape island with curbing and/or gutter on top of an already impervious surface, which could lead to increased ponding of water in the parking areas during times of heavy rainfall.

The applicant, Keith Benton was present to answer questions.

Benton stated that Santee Cooper is very strict with what is placed in their right of way. He said that they have told him what to do and have already approved what I am required to have. He stated that if he has to put in the 6’ landscape island that he would also lose parks. He also informed the board that McAllister’s is not a drive thru restaurant in such that you order and pay for your food online and then you drive up to the window to pick up your food only.

There was no public input.

After the boards discussion, Shelley made a motion to grant the variances to eliminate the queuing lane requirement and to eliminate the 6’ landscape island for every third row of parking spaces requirement. The motion was seconded by Dingle. The vote was unanimous and the motion carried.

**B. 901 Main Street:** The applicant, Tyson Sign Co., requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, from *Article 11 – Signage*, regarding sign requirements in the Professional (P) zoning district, for property at 901 Main Street (TMS: 123-14-06-004 | PIN: 33813010036).
Hucks stated that Derrick Law Firm, currently being constructed, recently submitted a sign package for review and approval. Upon review, staff could not approve all of the signage because the amount of signage requested exceeded what is permitted in the Professional (P) zoning district. In the P district, a max of two (2) signs are permitted per tenant space, and a max of 50 sq. ft. in sign area. The Community Appearance Board (CAB) reviewed two of the three signs that are proposed: one wall sign (front of the building) and a monument sign. The applicant would also like to install a wall sign on the rear of the building, above the rear entrance.

Section 11.4.1 – Wall Signs, of the UDO, permits a second wall sign on another façade of the building if it is located on a corner lot or if there is a second public entrance. However, per Section 11.3: Table 11.1 – Sign Standards by District, the Professional (P) district permits only 2 signs per tenant space and does not give additional allowances for buildings located on corner lots. The applicant could install both wall signs, however they would be unable to install the monument sign without applying for a variance because they would have reached the maximum number of signs permitted with both wall signs. CAB will not be able to consider the additional wall sign proposed for the rear entrance unless this board grants a variance for the additional sign. If a variance is granted, CAB will need to review and approve the additional sign before a permit can be issued.

The wall sign is a Mullion style wall sign. It is 4.25’ in height/width (diameter) and is shaped like a circle. The radius of the proposed sign is 2.13’. The entire sign area of the proposed wall sign is approx. 14.25 sq. ft. Hucks said that staff feels that this is an inconsistency within the ordinance.

Inabnit swore in Dirk Derrick, whom further explained the request.

There was no public input.

Shelley made a motion to grant the variance to allow one additional sign over what is permitted, for a total of 3 signs for this tenant. The motion was seconded by Dingle. The vote was unanimous and the motion carried.

C. CCNB – 900 C Main Street: The applicant, Tyson Sign Co., requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), from Article 11 - Signage, regarding sign requirements in the Professional (P) zoning district, for property at 900-C Main Street (TMS: 123-14-18-006 | PIN: 33813010029).

Hucks announced that this request was exactly the same as what the board just discussed.

Hucks stated that Coastal Carolina National Bank (CCNB), currently being constructed, recently submitted a sign package for review and approval. Upon review, staff could not approve all of the signage because the amount of signage requested exceeded what is permitted in the Professional (P) zoning district.
In the P district, a max of two (2) signs are permitted per tenant space, and a max of 50 sq. ft. in sign area. The Community Appearance Board (CAB) reviewed (and approved) their entire sign package, with the exception of the wall sign proposed for the rear entrance of the building, which will require a variance to be granted before CAB and staff can approve.

Section 11.4.1 – Wall Signs, of the UDO, permits a second wall sign on another façade of the building if it is located on a corner lot or if there is a second public entrance. However, per Section 11.3: Table 11.1 – Sign Standards by District, the Professional (P) district permits only 2 signs per tenant space and does not give additional allowances for buildings located on corner lots. The applicant could install both wall signs, however they would be unable to install the monument sign without applying for a variance because they would have reached the maximum number of signs permitted with both wall signs. If a variance is granted for the additional wall sign, CAB will need to review and approve before a permit can be issued.

The wall sign on the rear is a fabricated aluminum reverse channel letter construction, “CCNB”. The letters measure 1’ in height and 3.6’ in width, totaling 3.6 sq. ft. in sign area.

The renderings include all signs that are proposed for this location, including the wall signage on the front, the monument sign, window/door graphics, wall signage for the rear and directional signage. Staff considered the wall signage on the front as one wall sign. Window/door graphics, per Section 11.4.2 – Window Signs of the UDO, window signs shall not count towards the cumulative number of signs permitted. Directional signage, which does not have a specific section in the sign requirements of the UDO, is considered as being signage exempt from permitting requirements and is limited to the conditions of Section 11.2.1 – Signs Exempt from Permit Procedures, item (J).

Robert Hucks was present to answer questions.

There was no public input.

Shelley made a motion to grant the variance to allow one additional sign over what is permitted, for a total of 3 signs for this tenant. The motion was seconded by Dingle. The vote was unanimous and the motion carried.

V. PUBLIC INPUT

None.

VI. BOARD INPUT

None.
VII. STAFF INPUT

None.

VIII. ADJOURN

There being no further business to come before the Board, Dingle made a motion, seconded by Byrd, to adjourn the meeting. The vote in favor was unanimous. The motion carried.

Approved and signed this 27 day of June, 2019.

[Signature]

Davis Inabnit, Chairman