CITY OF CONWAY
PLANNING COMMISSION MEETING
THURSDAY, SEPTEMBER 4, 2014
CITY HALL CONFERENCE ROOM – 5:30 P.M.

Present: Gerald Wallace, Brantley Green, Jim Young, Tammy Hughes, Chris Guidera, Howard Henry, David Jordan, Hank Grabarz, Larry Foye

Absent: N/A

Staff: Michael Leinwand, Planning Director; Barbara Tessier, Secretary

Others: Terry Watson, Arnold Johnson, Betty Huntley

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Green made a motion, seconded by Guidera, to approve the August 7, 2014 minutes as written. The vote in favor was unanimous. The motion carried.

III. LETTER OF CREDIT

A. Midtown Village

Leinwand reminded the board this item had come before them at the August 7, 2014 meeting, and it had been tabled at that time.

Leinwand said this letter of credit was for sidewalks and street trees. He said although there had been some activity in the subdivision, there were still 120 vacant single family lots and 29 townhouse lots.

Leinwand said the developer had requested to renew at the same amount for an additional year. Leinwand said staff recommended extending the letter of credit for an additional year in the same amount of $180,220.38.

Wallace asked if this amount was a good amount lower than the original letter of credit. Leinwand said it was.
Young made a motion, seconded by Grabarz, to approve the extension of the letter of credit for an additional year. The vote in favor was unanimous. The motion carried.

Guidera asked why the city drew down on the first letter of credit. Leinwand said Portrait Homes went into foreclosure and did not renew the letter of credit. He said that letter of credit was for asphalt and utilities. He said the city recently took care of those items. Jordan asked if it cost the city money. Leinwand said it did not.

IV. COMPREHENSIVE PLAN AMENDMENT

A. Request by Joseph Guidera to amend the City of Conway Comprehensive Plan to change the future land use of the property located at 165 Highway 905 from Mixed Use (MU) to Neighborhood Commercial (NC). (TMS# 137-00-01-001 / PIN 33916040002)

Chris Guidera recused himself because he is related to Joseph Guidera.

Leinwand said Guidera had recently purchased this property, and would like to convert the existing building into a retail flooring store. In order to change the land use, a rezoning from Low Density Residential (R-1) to Neighborhood Commercial (NC) would need to be approved by Conway City Council.

Leinwand said because the property was less than three acres and because it was surrounded by properties zoned Low Density Residential (R-1) and Waccamaw Riverfront District (WRD), an amendment to the City of Conway Comprehensive Plan to change the future land use would have to be approved first.

Leinwand said in order to create a transition area between downtown Conway and the more rural areas along Highway 905, staff recommended approving the request to amend the City of Conway Comprehensive Plan to change the future land use of the property from Mixed Use (MU) to Neighborhood Commercial.

Wallace asked Leinwand if there was anything in the ordinance that would prohibit this because of the small size of the property. Leinwand said it was less than three acres and there could not be spot zoning there. He said that is what would occur if the future land use was not changed.

Henry asked if the land use amendment was strictly for that piece of property. Leinwand said it was just for that piece of property. Wallace said it would open up the possibility of an adjacent parcel asking to rezone to Neighborhood Commercial.
Jordan made a motion, seconded by Hughes, to approve the request to amend the City of Conway Comprehensive Plan to change the future land use of the property located at 165 Highway 905 from Mixed Use (MU) to Neighborhood Commercial (NC). The vote in favor was unanimous, with Guidera having recused himself. The motion carried.

V. REZONINGS

A. Request by Joseph Guidera to rezone approximately 0.46 acres of property located at 165 Highway 905 from Low Density Residential (R-1) to Neighborhood Commercial (NC). (TMS# 1370-00-01-001 / PIN 33916040002)

Chris Guidera also recused himself for this agenda item.

Leinwand said Guidera had recently purchased this property, and would like to convert the existing building into a retail flooring store. In order to change the land use, a rezoning from Low Density Residential (R-1) to Neighborhood Commercial (NC) would need to be approved by Conway City Council.

Leinwand said in addition to the proposed use, all permitted uses in the Neighborhood Commercial (NC) Zoning District would be permitted if the rezoning was approved.

Leinwand said in order to create a transition area between downtown Conway and the more rural areas along Highway 905, staff recommends approving the request to rezone the property located at 165 Highway 905 from Low Density Residential (R-1) to Neighborhood Commercial (NC).

Hughes made a motion, seconded by Jordan, to approve the rezoning request. The vote in favor was unanimous, with Guidera recusing himself. The motion carried.

B. Request by Jamestown Baptist Church to rezone approximately 9.4 acres of property located at 2913 Ninth Avenue from Low Density Residential (R-1) to Conservation Preservation (CP). (TMS # 136-00-05-002/ PIN 36808030005)

Leinwand said in the near future the church would like to develop this property to include recreational uses such as athletic fields, picnic shelter, restrooms, etc. He said if the church decided to construct a multipurpose facility, gymnasium, or sanctuary, the zoning would have to be changed to Planned Development District (PD). These recreational uses would not be permitted in an R-1 zoning district.
Leinwand said in 2010, the Planning Commission discussed the church’s request to rezone the property to PD, but the request never went forward to the Conway City Council as the plans were not fully developed by the church.

Leinwand said even though the Comprehensive Plan identified the parcel as Existing Residential, staff recommended approving the request to rezone the property from Low Density Residential (R-1) to Conservation Preservation (CP). He said the TRC would still evaluate any proposed development to ensure appropriate landscaping, parking and drainage are provided.

Wallace asked Leinwand what about church meetings taking place at the picnic shelter. Leinwand said this would not be permitted since religious institutions were not permitted in the Conservation Preservation District.

Arnold Johnson stated his name for the record. He said they were just going to do the soccer field in the beginning. He said there would be no meetings in the picnic shelter, and the shelter would come later on.

Betty Huntley, of 506 Perry Street, stated her name for the record. She said she represented some of the neighbors. She said they were not happy about the church’s plans. She said they had not been happy since they cut down all the trees, seeded the property, poisoned the property, and burned the trees, which caused smoke damage to her home.

She said several years ago they wanted to build a sanctuary there and now this recreational field. She said they had no money to do any of it. She wanted to know how they were going to supervise the property. She said there were crack pipes on the field where they sat under the big tree. She said people broke her fence along the road. She said they were proposing to make it more convenient for the crack heads. She wanted to know what the neighbors were supposed to do.

Wallace asked Johnson to respond to Huntley statements. Johnson said they would fence in the property. Huntley asked when they planned to put in the fence. He said they didn’t have plans right now to put in a shelter. He said they just wanted to put in a recreational field now and then fence it in. He said they were trying to get it rezoned to be able to do that. Huntley said she did not think the property was wide enough for a soccer field without encroaching on the properties around it. Johnson said it was wide enough without encroaching on anybody’s property.

Huntley said there was a private lane. She said in their previous application the church mentioned paving the lane. She said the lane did not belong to the church, and they needed to leave it alone. She said a lot more investigation needed to be done on the property before they gave them carte blanche with a rezoning.

Green asked where the lane was. Wallace spoke to Watson, who was with Johnson. He asked Watson if he did any deed searches when he was doing
the survey of the property. Watson said it was a 25' service lane. Huntley said it had been deeded to the property owners by Mr. Quattlebaum. Wallace said he had asked the question of Watson and asked him to continue. Watson said the service lane was recorded in Plat Book 47 at page 96. Watson said it was owned by all the owners in the subdivision. Watson said the church’s plans did not include the service lane.

Huntley asked who was going to keep the church people off the lane. Wallace said it was public property. Huntley begged to differ. She said it was private property with a sign at either end. Wallace asked to whom it was private. Huntley said it was private to the residents.

Wallace told Huntley some of the things she was getting into was for the Technical Review Committee and not this board. Huntley again said more investigation had to be done before any rezoning was approved. Wallace said anything they wanted to do with the property had to be approved by the city before it could be built. He said this board did not have the power to tell them what they could do.

Huntley said there was nothing that required them to put up a fence. She said there was nothing that said they had to respect their property rights. Young thought the change in use would alleviate some of her concerns. Huntley said she would rather no changes be made until they came up with a program the residents could live with. Huntley said they would put up a fence, but they had also said they would build a church. She said if they had an unsupervised open area, at which time Wallace interjected, it was what they had now, they would be providing a nice picnic area where they already had a drug problem. She said the problem would only get worse by making the property nicer. Wallace suggested if the church made it nicer and used the property, it might keep some of the other people from using it. She said it would not help in the middle of the night.

Green asked Leinwand if the City Police Department had the right to use the lane for patrol. Before Leinwand could reply, Huntley said she could answer him. She said the police said with the Crime Watch the residents had, the police could not use the lane without specific permission from them. She said they had to grant the police the use, which they had done.

Johnson said their plans were to enhance the area. He said they knew the city would have to approve any plans for the property. He said they had no plans to downgrade the area. Huntley said they had no record of trying to make it better. She said they cut down the trees, poisoned the grass, and polluted. She said the church had done nothing to make the residents happy with their actions. Johnson said all he could do now was apologize. Huntley asked why they should believe they would be installing a fence or why they should believe anything they said.
At this time, Wallace stopped Huntley by saying these were past issues and berating Johnson was not helping at this point. Wallace suggested the Crime Watch members and the church members get together and discuss the issues. Huntley said this plan did not require any fencing or security. Wallace said nothing was required that was not there now. He suggested the residents get the police involved. Grabarz said it was not the fault of the church what activities were currently going on out there. Huntley said they were fighting for their neighborhood. She said when the church made it easier, more convenient, and more pleasant for the illicit activities to happen, it would increase.

Wallace spoke to Huntley explaining no matter what action the board took tonight, this request would still have to go before City Council for their review. He told her she and the Crime Watch members were welcome to go to the City Council hearings.

Green asked Johnson if there were no trespassing signs on the property. Johnson said there were none.

Jordan made a motion, seconded by Henry, to approve the rezoning. The vote in favor was unanimous. The motion carried.

Leinwand said no public hearing date had been set, and letters would be sent to the property owners when it had been. He said the notice would also appear in the Horry Independent.

Huntley said when her property value fell, she would know who to talk to.

VI. PUBLIC INPUT

There was none.

VII. ADJOURN

There being no further business to come before the board, the meeting adjourned at 6:00 p.m.

Approved and signed this Sixth day of November, 2014.

Gerald C. Wallace, III, Chairman