

**PLANNING COMMISSION MEETING MINUTES
THURSDAY, DECEMBER 6, 2007 - 5:30 P.M.
CITY HALL CONFERENCE ROOM**

Present: Chris Guidera, Gerald Wallace, Julia Long, Mark Wilson, Betty Woodward

Absent: Larry Foye, William Gobbel, Terry Watson, William Goldfinch

Staff: Karen Godin Scott; Planning Directors; Steve Tanner, Senior Planner;
Barbara Tessier, Secretary

Others: Tom Pegram, Pegram and Associates

I. CALL TO ORDER

Chairman Wallace called the meeting to order at 5:45 p.m.

II. APPROVAL OF MINUTES

Long made a motion, seconded by Guidera, to approve the November 1, 2007 minutes as written. The vote in favor was unanimous. The motion carried.

III. ANNEXATION REQUEST

A. Request to annex approximately 12.24 acres of property located on Highway 501 and zone the property Planned District (PD) at annexation.

Godin Scott said this item had come before the Board in October as a sketch plan. She said since then two significant changes had been made, which were the number of housing units had increased from 144 units to 168 units and the retail space had decreased from 134,000 sq. feet to 19,200 sq. feet. The proposed plan district is currently two separate parcels, which would have to be combined prior to any construction on the site. She said this was also outside the bounds of the City's Future Land Map. She said ten years ago, the City did not anticipate growing out that far. Godin Scott said there was one outstanding Technical Review Committee issue, which was a BMP for stormwater at the two outfalls at the main channel should be included so that the water from the parking lot isn't dumping directly into the main stormwater pipe in the back of the property. She said a preliminary review by DOT resulted in some comments, which are the western curb cut on 501 should be limited access and access along the rear property line should be incorporated. She said the entrance to Wild Wing on 501 is scheduled to be signalized intersection. She said they want all the surrounding parcels to leave an attachment of property to loop back around to Wild Wing to get to that traffic light. She said they were asking for a future access point maybe to the rear of the property to the neighboring

property so when that one develops, that would be their link to Wild Wing Boulevard. She believes the applicant fixed those issues on the new set of plans.

She said the Zoning Ordinance specifies the minimum requirements for a Planned District. She said this proposed development did meet the minimum requirements; however, the Planning Department as a Staff is offering the following recommendations for the Commission to consider regarding this development. She said the open space is 15% of the parcel, about 1.8 acres. She said just for comparison if this were to be developed as an R-3, it would need just over 4 acres of open space. She said this was a pretty densely populated Planned District. She said; however, that some recreational amenities were being proposed.

She said the maximum height of any multi-family structures is 35". She said the proposed height on these structures is 42'. She said most student housing does not meet just the minimum parking requirements of 2 parking spots. She said most of them will do one parking spot per bedroom. She said this is fully supported by Staff.

She said because of the extra parking, there ends up being a lot more impervious area on the site. She said over the past several years, the City has been able to work out more pervious surface to about 50% with other housing developments. She said the applicant between the sketch and now had added some pervious area to the edges, but they don't guarantee it will work because they haven't checked the soils yet. She said if they were able to do the pervious area around the edges, it would only bring the impervious ratio down to 73%, which is still significantly higher than two other recent housing developments.

She said the density will be 16.5 units an acre if you look at just the residential portion. Comparing that to other recent developments, Campus Edge and university housing combined is about 10 units per acre and University Suites would be about 10 units per acre, Rivertown Landing is just about 10 units per acre and this proposed one would be about 16.5 units per acre.

She said the last item was the scale. She said the explanation of the Planned District is a mixed commercial/student housing concept. She said the concept is something that staff 100% supports. However, looking at the layout of the commercial development and how foot traffic will work around the site, it's not really laid out as a pedestrian access type building. She said it's more of a traditional strip mall. She said the rear of the building would typically be loading docks. She said the rear of the building needed to be more pedestrian-oriented to make it a true mixed use development. She said there would be about 500 students at build-out and that would be a lot of people to be walking through the driveways and parking lot to get to the commercial building. She said the concept was great, but perhaps making it more pedestrian scale, at least on the rear part, to be sure there was that kind of access.

She said the overall recommendation from Staff is that whole concept of this development and its location is great, but she felt it was necessary to look at the density, scale, height and the open space to see if there was a way to make the development better. She said particularly the scale and the pervious surfaces were important.

Tom Pegram handed out a layout of the site with a couple of changes on it. He said that when he meets with SCDOT, they didn't want a connection going from the west rear end of the commercial building into the rear parking lot. He showed that the plans now have the area closed with landscaping material. This would keep the students from being able to drive completely around the building. He said SCDOT wanted everybody to go in and out the same way. However, if you were at the shopping center you could exit taking a right and head back toward Conway. He said the only down side was that a restaurant owner wanted to have a drive thru window, but that would not be feasible now.

Pegram said one of Staff's earlier comments was that there be room for the fire trucks to turn around. He said they did a "T" turn to allow the fire trucks to turn. He then showed the phasing of the plans. The first portion built would be the commercial area and the first 4 student housing buildings. He said they did another "T" turn in this area as well. He said the second phase would be center section of 10 buildings and the common building and the basketball court. The third phase would be 4 buildings. There was discussion about an access road. Pegram also spoke about two drainage ditches that will be piped.

He then talked about the pervious area. He said there was a lot of gumbo around the perimeter and they were assuming that it may work as pervious area. Guidera asked if the pervious was limited to just the perimeter of the property. Pegram said there could be more if the Board decided they wanted more.

Pegram talked about the pond that was on the property. He said it had been there for a long time.

Guidera asked if the walls and gate would still be going up. Pegram said they'd like to put a chain link fence around it. He said that would be based on what the City wanted. The discussion then turned to Coastal providing a shuttle to pick up students so they didn't have to drive their own vehicles to and from the college.

Wallace spoke of pervious surfaces again. He asked if the courtyards were going to be slab. Pegram said a bunch of the courtyards could be pervious because they were just going to put slabs out there where the kids could go out and sit at tables or play games. Wallace asked if he had considered pavers on a soil base. Godin Scott said the courtyards between the buildings were grass. She said that the area on the plan that was hatched was not paved. Pegram said it was, but he said they'd try to pave it with pervious materials. Pegram said they were trying to find a definition of open space. He said if she wanted the courtyards to be grass, they would make it grass. She said you can't count it as open space if it's concrete. She said she assumed the courtyards were grass and had been calculated into the open space requirements. Wilson asked if pavers were acceptable for open space.

Godin Scott said there were pavers that were reinforced grass that could be mowed and then there were brick pavers. Wallace said if the pavers were put on compacted sand base, it was then pervious. He said he would recommend that and it looked good as well. Pegram said the only real hard surface would be the basketball court and around the pool. Pegram said there would be a wooden deck that went over the pond where the kids could walk across it.

Wallace asked Godin Scott as far as the agenda went this evening the Board was or was not approving the PD plan. She said that was the request. He said he knew they were approving the PD, but were they also approving the PD plans at this time. She said they were. He said the Board could make a few recommendations into the motion.

Guidera asked what the other issues Staff had. Godin Scott said the two biggest issues were the pedestrian scale and impervious surface. Woodward said she thought the pedestrian scale needed to be addressed. There was more discussion about the pedestrian-oriented scale. Godin Scott said the back end of a retail structure generally has the A/C units and loading docks in the rear. She said Staff was more interested in the rear of the building reflect more of the intent, which would be to allow students to come from the back to enter the retail spaces. Guidera asked Pegram if there was the intention to have entrances at the front and rear of the building. He said he had come tonight to get the plans approved and then come back with an amendment for the front and rear entrances. He said when the owner decided on what tenants would be leasing the spaces, they'd come back with an amendment to show that there were front and rear entrances.

Long asked if the motion would include the two fronts to the commercial building. Godin Scott said the Board could send a recommendation to Council to accept with the following conditions or ask for the plans to come back to the Planning Commission. She said it was up to the Board. Guidera said if they Board could come up with some guidelines that they were comfortable with they could sent it on to City Council.

Wallace asked if the commercial building would be looked at by the Community Appearance Board. Godin Scott said it would. She said if the Planning Commission had design conditions on it, they would be incorporated into what the CAB saw.

Guidera asked how much pervious material other student housing had. Godin Scott said 50%. Guidera asked if they wanted to hold everybody to the same standard. Godin Scott said that was up to the Board. She said student housing, by nature, has a lot more impervious surface than an apartment complex. Wallace said that whoever made the motion ask that the parking spaces themselves be pervious and let the aisles that take most of the turns can be a tougher hard surface. Wallace said it would again depend on what the soil would support there.

Wallace asked if anyone had any concern over the density. He said the owners were aiming for shops that obviously students would use. He said the height didn't bother him because they were behind the commercial building. Pegram said they could flatten the

roof of the buildings. No one was in favor of flat roofs. Wallace suggested that the landscape plan be looked at.

Wallace said he would recommend that someone make a motion to accept with the provision that the commercial building provide for both front and rear pedestrian access and they maximize the pervious material for the courtyards and parking. Guidera asked if they approved this would it be setting a precedent that it's okay to come in with a density as strong as this in other parts of the City. Godin Scott said a Planned District was context specific and they could add some language as to why this instance in this location is appropriate. Wallace said if this was going into the middle of Conway, he wouldn't recommend approval. Pegram pointed out that Campus Edge and University Place and said that their beds per acre were more than his proposals beds per acre. Godin Scott said the City counts units per acre, not beds per acre. She said that was the standard for density.

There was another brief discussion about the curb cut at the rear of the property.

Guidera made a motion, seconded by Woodward, to recommend approval to City Council with the recommendations that they look for 50% pervious in the parking, that the courtyards remain pervious and the commercial component be more pedestrian-oriented. The vote in favor was unanimous. The motion carried.

IV. LANDSCAPE PLAN REVIEW

A. Request approval of a proposed landscape plan for the Tiger Grand, Phase I subdivision.

Godin Scott stated that Tiger Grand was an approved subdivision located off Cultra Road. The Zoning Ordinance offers two options for streetscaping. She said you can have a streetscape plan as long as it ends up with the same number of trees that would be if you had trees every 50'. She said if it were shade trees every 50', 196 trees would be required. She said they were proposed 200 total trees consisting of 47 live oaks and 90 river birches along the street, 16 magnolias, 19 weeping willows, 12 red maples and 16 sabal palms located in the common areas and around the detention ponds. She said the trees would be 3" caliper at planting. She also said that installation of the trees shown on the individual lots must be installed before a Certificate of Occupancy can be issued.

There was a question asked if it was palm or palmetto tree. Godin Scott said it was palmetto. She was asked where the sabals would be. She said around the detention pond.

Long made a motion, seconded by Wilson, to approve the proposed landscape plan for the Tiger Grand Phase I subdivision. The vote in favor was unanimous. The motion carried.

V. ZONING ORDINANCE TEXT AMENDMENTS

A. DIRECTIONAL SIGNS

Godin Scott said there had been three variance applications for directional signs in the past year. The Zoning Board of Appeals asked that the Board look at a text amendment for directions signs in certain circumstances. She said Staff had come up with some conditions that they thought might be appropriate. They are:

1. Limit the size of signage to 2 square feet;
2. Limit the number of signs;
3. Limit the text to arrows, direction, enter or exit;
4. Signage must be approved by the CAB;
5. Applicant must be in a multitenant structure or complex, have an odd shaped lot, or an unusual traffic pattern; and
6. May not be located in the public right-of-way.

She said some examples of places that wanted directional signs were the Coastal Grande Shopping Center at the Waccamaw Bank where traffic patterns had changed and they wanted to stop traffic just cutting through their ATM line the wrong way to get to Kmart and HCSB was an odd shaped lot, with a lot that fronts on Second Avenue and a lot that fronts on Third Avenue and they overlap a bit and they wanted directional signs. She said the Board might not find directional signs necessary, but the Zoning Board had found them to be necessary in some circumstances.

Wallace asked what the variance sign requests were. Godin Scott said she should clarify that the Zoning Ordinance did not allow directional signs at all. She said she thought they wanted to avoid every business on 501 asking for an enter or exit sign when they have a perfectly square lot with a regular curb cut. Guidera said only if they had a hardship and Godin Scott agreed.

Wallace asked about maximum height. Wallace said some might have to be on a post due to landscaping. Tanner, who was in attendance for the Comprehensive Plan update, said about 2' because you would not want the sign in the sight triangle.

The Board asked Godin Scott to come back with an ordinance regarding this issue at the next meeting.

B. USE VARIANCE

Godin Scott said the minimum lot size to rezone from anything that you are next to, that you don't touch is 3 acres if you are amongst other zoning districts. A case came up where a structure was historically a grocery store for decades that closed for another decade and now wants to reopen with a lot of neighborhood support and a lot of community support in the middle of a Low Density Residential (R-1) district. She said there was no possible zoning, no grandfathering that would apply to this parcel. The applicant made his case to City Council and

asked for some options. She said a use variance is actually an option offered through State law. She read, "A local governing body by ordinance may permit or preclude the granting of a variance for a use of land, a building or a structure that is prohibited in a given district, and if it does permit a variance, the governing body may require the affirmative vote of two-thirds of the local adjustment board (which in our circumstance is the Zoning Board of Appeals) members present and voting. Notwithstanding any other provision of this section, the local governing body may overrule the decision of the local board of adjustments concerning a use variance." She said in this case, according to State law, a person could ask for a use variance from the Zoning Board, the Board can grant or deny it and the appeal would be to City Council and not to the court system as it is for a regular conventional variance. She said the only other place that allows use variances in the State under this law is Charleston. She said she took Charleston's ordinance language and added it into a potential use variance amendment. She said City Council was genuinely interested in finding a way to help the neighborhood and the property owner reopen the grocery store. She said Municipal Association's Comprehensive Planning Guide pretty adamantly discourages the use of use variances as a general practice; however, the State does permit them.

Wallace said it was similar to the KFC issue last month and that there were probably other situations around Conway due to the growth and old uses. He said he would like to get away from having the courts make the decisions on what should be local decisions. He said he had no issue with having a use variance. He said it would be voted on. Godin Scott said it would be voted on twice – once by the Zoning Board and then by City Council. She said there are no conditions for a use variance, except for the ones that can be put on it by City Council.

Wallace mentioned the community support. Godin Scott said there were 15 pages of signatures. Wallace asked if a variance was posted like everything else. Godin Scott said there would be a posting at the location.

Godin Scott said the amendment was not specific to this property owner who wanted to reopen the grocery store. She said the amendment needed to be approved before he could even apply for a use variance. She said his case is just what brought this to the forefront. Wallace asked if the amendment was already written. Godin Scott said it had been.

Guidera made a motion, seconded by Wilson to approve the amendment to the Zoning Ordinance regarding use variances. The vote in favor was unanimous. The motion carried.

C. TEMPORARY WINDOW SIGNAGE

Godin Scott said this was on the revised agenda and did not have an issue paper. She said City Council had set as one of the goals for Staff to work on this year was reducing sign clutter and clean up the thoroughfares. She said Staff was trying hard to comply. She said they were having good success with signs in the right-of-way, but the next thing Staff would be targeted enforcement district by district of illegal advertising signs that have slowly sprouted by on all the gas stations and convenience stores. Guidera asked if that would mean vinyl stickers on windows. Godin Scott said the way the ordinance defines signage is anything that can be seen through a window or is outside. She said if you put a sign in the window, that counts as

your signage. She said the signs that they are trying to get taken down that are illegal are the Coke bottles that are wrapped around the base of a pole, the cigarette signs that sit in the black frames that are screwed onto the building, etc. She said they would have better luck with their enforcement if they had a way to allow some kind of temporary advertising sign hung inside the window. She said she was thinking about the case of a grocery store that had a sign in the window advertising grapes at 99 cents a pound. She said technically that was an illegal sign the way the ordinance was written. She said the downtown area is already allowed to use up to 20% for temporary signage. Guidera asked about other districts. Godin Scott said downtown was the only district allowed the temporary signage. She said the downtown merchants can use 20% of their window space to put up sales and change those signs out without getting approval from anyone. She said that option was not allowed in any other district.

She said Staff did research in Horry County, Myrtle Beach, North Myrtle Beach and North Charleston and Hilton Head and the standard was about 25%. She said the City already allowed permanent window signage that is approved by the CAB and Staff wants to continue that process and make an allowance for some temporary advertising in the windows not to exceed a combined between the permanent and temporary of 25% of the glass area. She said that was exactly what Myrtle Beach, North Myrtle Beach and North Charleston allowed. Wallace asked if they described the signage. He said it specified placard or 2 dimensional. Godin Scott said that was a good point. She said she would define it as 2 dimensional. She said Staff was thinking of temporary advertising. If you want to advertise cigarettes for so much per pack. She said this type of advertising does not belong bolted to the outside of the wall, but Staff feels that stores should be given an advertising space in the window. Godin Scott said there would be no permit for the temporary signage. She said the signs could be taken down and changed each week to advertise a different sale item.

Wallace said the Board would want an ordinance that temporary signage would be mounted on the interior of the window and changeable. Godin Scott said Staff was trying to offer a legal advertising route for businesses, but not to exceed 25% of the glass area. She said we would add to our sign ordinance, temporary window signage mounted from the interior shall not cover more than the combined total of permanent and temporary window of 25% of the window. Permanent signs will still go to the CAB. She said she would also add that they would be 2 dimensional and non-powered. Woodward asked how Staff would be sure that a temporary sign did not become a permanent sign. Wilson said his idea of temporary indicated not so much a time element as it did the nature of the sign. Godin Scott a permanent sign is something that a sign company comes and puts letters in the window and they are fastened or glued on. Wilson said a temporary sign is easily removable. Wallace said he thought there was a definition of temporary up front and Godin Scott said she would make sure that it was clear.

Wallace asked if Godin Scott would come back with the ordinance. She said if the Board would allow her to, she would like to take it forward because Staff planned to start the enforcement in January.

Woodward made a motion, seconded by Long, to approve an ordinance to be written that allowed for temporary window signage as presented. The vote in favor was unanimous. The motion carried.

VI. LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT

Godin Scott said that Council had asked Staff to add a requirement for approval of subdivision names. She said to Section 3.1090 to read, "All subdivision names must be reviewed and approved by the Conway City Council."

Wilson made a motion, seconded by Guidera, to approve the subdivision language amendment to the Land Development Regulations. The vote in favor was unanimous. The motion carried.

VII. COMPREHENSIVE PLAN

A. NATURAL RESOURCES ELEMENT

The Board had already been given the draft of the Natural Resources Element. Tanner said the Municipal Association recommends that included in Natural Resources were forestland, plant and animal habitat, unique park and recreation areas, unique scenic views and sites, wetlands, soil types, watersheds, including floodplains and floodway areas, mineral deposits, mining, air quality and water quality. He said the Committee also talked about pervious surface and well as total buildout. He said with this element there was a technical committee made up of several people from the natural resource field, including USDA, soil conversation service, Department of Natural Resources, US Fish and Wildlife, forestry commission, the stormwater advisory.

Woodward stated it appeared to be very well done. Tanner said one thing that was interesting of note was that the Waccamaw River Heritage Preserve River Trail is pretty much everything north of Conway in terms of its properties on the river and the US Fish and Wildlife Service lands that they have been able to purchase all of that is from Winyah Bay up toward Conway and there is nothing to bridge the gap and have them meet. He said the West Cox Ferry Road project is for the US Fish and Wildlife Service is as far as the local office has been allowed to proceed with the purchase of property. He said the US Fish and Wildlife must get approval from Washington to go any further. He said one of the recommendations that came out of that was to look at making the Waccamaw for some part of it, a state scenic river and look at an open space land trust to bridge that.

Wallace asked if anyone had questions. There was a question about Crabtree Canal. Tanner said there was a group that was focusing at improving the looks of the canal as well as the environmental condition. Wilson mentioned that there was a note in the information under Kingston Lake/Crabtree Canal that recreational uses were not supported due to fecal bacteria. He asked who was not supporting this use. Tanner said it was the State. It was discussed that clean up of the area was supported, but not the recreational use. Long asked how it was contaminated. Wilson said septic systems, Guidera said highway runoff. Tanner said the age of the sewer lines in the downtown area and residential areas contributed as well.

Long asked what the Board needed to do. Wallace said the Board could accept the element as it was written or they could make recommendations to be added to the element or they could ask for something to be removed. He said if the Board likes it the way it was, a motion could be made. Tanner said from the Planning Commission it went to City Council.

Wilson asked about the gap between the trail and what's coming up from the south is it stated in the element that the City would participate in that occurring. Tanner said it said the City would support the two group's efforts in whatever way it could. He said the City would soon be offering canoe and kayak rental from the marina. He said also recommended was a low impact hiking trail across from the Riverwalk.

Wilson made a motion, seconded by Guidera, to forward the Natural Resources Element to City Council as presented. The vote in favor was unanimous. The motion carried.

VII. PUBLIC INPUT

There was no public input.

VIII. BOARD INPUT

Guidera had a question about the pervious and impervious areas in the motion for the 501 project. He wanted to be sure that Staff's calculation of open space had been taken just on the parking and the building and that Staff had already assumed that the courtyards were grass. Godin Scott said yes. He was concerned about the motion being correct. Godin Scott said the motion did accommodate what Staff was looking for in terms of pervious surfaces.

Wilson brought up a recent agenda item where the Board recommended that the developer use local trees rather than Bradford Pears. He said it occurred to him in the meantime that the City has an arborist and it would be nice for the developers who don't have a lot of experience with trees to have a list of native trees/shrubs. Guidera said information from the arborist would help in the survival of the species planted. Godin Scott said there was a recommended species list. She said she would have the arborist look at all master landscape plans and make recommendations.

IX. STAFF INPUT

Godin Scott said that she had not been going over the Planning agenda items that went on to Council. She said she would give them an update tonight and be sure to continue to give them updates. She said some of the sign-based items and rezonings had not been accepted well at Council. She said that a suggestion from Council was that Staff now make recommendations for each agenda item for the Planning Commission, the Zoning Board and the CAB based on what Staff knows is the overall climate of the City at that time and what is allowed by the Ordinance. She said to expect detailed recommendations going forward. She the November agenda item for Millpond Road that wanted to go from PSI to Highway Commercial was asked by Council to come back with a lesser zoning district. She said it appeared that Council wanted a stricter adherence to the Zoning Ordinance and Land Development Regulations. The KFC rezoning was

well received. She said the October meeting items had the Campus Edge from Highway Commercial to Institutional went fine, the 1204 Main Street from R-1 to Professional went through, the corner of Smith Street was passed, but they were a little concerned with the curb cut on Smith Street, the Rivertown Bluffs Planned District passed, and the Bay Village Special Sign District was not popular. She said she felt the overall vision of Council was to bring down the sign heights and bring the message more concise. She said it was more the pylon and not the interior signs. She said she felt she had a better idea of what type of input Council now wanted. Wallace said he did not think the Planning Commission would have recommended approval of the Bay Village special sign district if the plaza had been full. Godin Scott said when Council sets their new goals, she will share them with the Planning Commission so they would know the direction they wanted to go.

Woodward asked about the property on 16th Avenue that wanted to from R-1 to Professional. Godin Scott said it had been denied.

Godin Scott handed out the 2008 Planning Commission meeting schedule.

X. ADJOURN

There being no further business to come before the Board, Wilson made a motion, seconded by Guidera, to adjourn the meeting. The vote in favor was unanimous. The motion carried and the meeting adjourned at 7:10 p.m.

Approved and signed this 3rd day of January, 2008.

Chairman

Minutes prepared by Barbara Tessier, Secretary.