

**CITY OF CONWAY  
PLANNING COMMISSION MEETING  
THURSDAY, OCTOBER 10, 2022  
Planning & Building Dept. Conference Room – 196 Laurel Street**

- Present:** Kendall Brown, Brian O’Neil, Danny Hardee, Jessica Wise, Chris Guidera,
- Absent:** Julie Hardwick, Brantley Green, David Sligh, Gloria Robinson-Cooper
- Staff:** Allison Hardin, Planning Director; Jessica Hucks, Planner; Anne Bessant, Planning Assistant
- Others:** Georgia Kapshuck, Joseph Kapshuck, Hannah Oskin, Shawn Butler, Angie Butler, Rilla Thomas, Lee Singleton, Margaret Singleton, Nan Winbrenner, Theodore Smith, Gene Young, Marc Weyd, Peggy Stephens, Tim Stephens, Gaye Anne Tanner, Joey Tanner, Estelle Shelton, Helen Fletcher, Shawn Fletcher, Sharon Fray, Russel Mobel, Jan Dieter, Shawn Church, Kimberly Jackson, Gail Nash, Stephen Holton, Ralph Panisi, Debbie Sanner, Ron Johnson, Larry Ruby, Deanna Ruby

**I. CALL TO ORDER**

Vice- Chairman O’Neil called the meeting to order at 5:43 p.m.

**II. APPROVAL OF MINUTES**

Guidera made a motion, seconded by Hardee to approve the September 1, 2022 minutes as written. The vote in favor was unanimous. The motion carried.

**III. PUBLIC HEARINGS**

**A. REZONINGS**

1. ~~Request from Soriano Holdings, LLC to rezone approximately 0.46 acres located at 165 Hwy 905 (PIN 339-16-04-0002) from Neighborhood Commercial (NC) to Highway Commercial (HC). Withdrawn by applicant.~~
2. Request from Joseph and Georgia Kapshuck to rezone approximately 0.52 acres located at 1301 Church St (PIN 33814010016) from Low/Medium Density Residential (R-1) to Highway Commercial (HC).

Hardin stated that Joseph Kapshuck purchased the subject property from William F Taylor in 1999, and in 2003 he added Mrs. Kapshuck to the deed. The corner lot has a single-family residential structure on site, with many large trees along the Church St and Forest View Rd frontages. The Kapschucks are proposing the change in order to sell the property.

The subject property at 1301 Church St is currently zoned Low/Medium Density Residential (R-1) and covered by the Gateway Corridor Overlay (GCO) zone. The property south of the subject lot (across Forest View) is zoned commercial, and holds the Doctor's Care clinic. Properties to the east (across Church St) are zoned Professional (P). A recent rezoning petition in the area (1302 Forest View Rd) was denied by City Council after public input was received in opposition of the change.

The Unified Development Ordinance (UDO) defines the two zones as follows:

### 3.2.3 Low/Medium Density Residential (R-1)

The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area. [Amended 12/17/18 #ZA2018-12-17(A)]

### 3.2.10 Highway Commercial (HC)

The intent of the HC District is to provide compatible locations to serve the automobile oriented commercial activities in harmony with major highway developments, reduce traffic congestions and to enhance the aesthetic atmosphere of the City.

The Future Land Use map in the Comprehensive Plan shows the property as Highway Commercial, along with five other properties that are north of the subject parcel (marked with a star in the map below) and currently zoned R-1.

Staff recommends careful review of the proposal. While staff supports the recommendation of the Comprehensive Plan, we recognize that the site may not be an ideal candidate for rezoning as it sits today. Any future commercial uses looking to use the existing structure will have to carefully design the site for additional parking and access to accommodate the Gateway Corridor Overlay (GCO) zone, found in Section 6.5.2 of the UDO.

Joseph Kapshuck, applicant was present and further explained the request.

The board and applicant discussed the request in length.

Larry Ruby, 1504 Oconee Avenue, spoke in opposition of the rezoning request with traffic concerns.

Lee Singleton, 1304 Cherokee Street, spoke in opposition of the rezoning request with traffic concerns.

Nan Winebrenner, 1300 Cherokee Street, spoke in opposition of the rezoning request with traffic concerns.

Shawn & Angie Butler, 1501 Oconee Ave, spoke with concerns of how the rezoning would affect their property.

Tabbi Feltcher, 1204 Pickens Street, spoke in opposition of the rezoning request with traffic concerns.

Theodore Smith, 1415 Forest View Road, spoke in opposition of the rezoning request with traffic and safety concerns.

Rilla Thomas, 1205 Pickens Street, spoke in opposition of the rezoning request with concerns for elderly neighbors and children.

Ron Johnson, 1601 Calhoun Street, spoke in opposition of the rezoning request with traffic concerns. He suggested a traffic study for that area.

Jan Dieter, 1511 Forest View Drive, spoke in opposition of the rezoning request with traffic concerns.

Wise made a motion, seconded by Hardee, to close public input. Motion carried unanimously.

O'Neil made a motion to recommend denial for this request to City Council as presented, seconded by Hardee. The carried with Wise and Guidera voting no.

**3. Request from City of Conway to rezone 3.38 acres located off of Lochwood Ln (PIN 338-07-01-0033) from R-1 (Low/Medium Density Residential) to Highway Commercial (HC).**

Hardin stated that planning for the Elmwood subdivision began in the late 1990s by the property owner, Jimmy Gerald of Gerald Builders of Conway, cumulating in a 1998 development agreement between the City of Conway and Mr. Gerald. The subdivision was proposed to be installed in several phases and included land swaps between the City and Mr. Gerald. Horry County Land Records reflect that the subject property, 3+ acres of wetlands, were conveyed from Mr. Gerald to the City of Conway in November 2004. This wetland tract was zoned R-1, to match the Elmhurst Phase II lots that the wetlands abut.

Recent discussions and agreements between the City of Conway and Mr. Gerald have resulted in an agreement to swap the 3+ acres of wetlands back to Mr. Gerald in exchange for property along Mill Pond Rd. This would allow Mr. Gerald to combine the wetlands tract with the 45 acres of property he already owns that is adjacent to the wetlands and extends to Mill Pond Rd. This 45-acre tract is zoned Highway Commercial (HC).

City policies dictate that properties must be zoned the same zoning district before a plat to combine them is approved. This request by the City of Conway seeks to make the wetland tract the same zone as Mr. Gerald's existing property so that it may be combined at the end of the swap.

Nothing in the City's request seeks to alter the wetlands designation for the property.

The Unified Development Ordinance (UDO) defines the two zones as follows:

### 3.2.3 Low/Medium Density Residential (R-1)

The intent of the R-1 District is to provide for the preservation and expansion of areas for low to medium density, detached single-family residential development in the City of Conway. The district shall present a relatively spacious character, promote quiet, livable neighborhoods, and prohibit uses that are incompatible with the residential nature of the surrounding area. [Amended 12/17/18 #ZA2018-12-17(A)]

### 3.2.10 Highway Commercial (HC)

The intent of the HC District is to provide compatible locations to serve the automobile oriented commercial activities in harmony with major highway developments, reduce traffic congestions and to enhance the aesthetic atmosphere of the City.

The Future Land Use map in the Comprehensive Plan shows the property as Conservation Preservation, due to the wetlands delineation.

Staff recommends approval in order to comply with the agreement between the City of Conway and Mr. Gerald.

Shawn Church & Kimberly Jackson, 2016 Kirkland Drive, spoke in opposition of the rezoning request with traffic concerns and future building in wetlands.

Tim & Peggy Stephens, 1120 Elkford Drive, spoke in opposition of the rezoning request with traffic concerns and asked to keep the zoning residential.

Joey Tanner & Stephanie Rojas, 1104 Elkford Drive, spoke in opposition of the rezoning request with concerns of changing the zoning to commercial and why the change now.

Gail Nash, 3113 Shandwick Drive, had concerns with a separate property that would be develop from Elmhurst to Oak Street.

Shawn Fletcher, 4008 Rockwood Drive, spoke in opposition of the rezoning request with traffic and safety concerns.

Guidera made a motion, seconded by Wise, to close public input. Motion carried unanimously.

Guidera made a motion to recommend approval for this request to City Council as presented, seconded by Wise. The motion carried with O'Neil and Wise voting no.

4. ~~Request from Kingston Presbyterian Church to rezone approximately 62.75 acres located off Medlin Pkwy (PIN 33800000001) from Low/Medium Density Residential (R-1) to Medium Density Residential (R-2).~~ *Withdrawn by applicant.*

#### **IV. SUBDIVISIONS**

- A.** Kingston Creek- The applicant, Wall Engineering and Shawn Becker, are requesting preliminary approval of Kingston Creek, containing 10 single family lots, located on Boundary Street. (PIN: 338-00-00-0022)

Hucks stated that the applicant is seeking preliminary approval of this development, containing 10 single-family lots and zoned Medium-Density Residential (R-2). The total acreage of the parcel is currently 17.31 acres; however, the disturbed area (portion being developed) is 3.51 acres.

The ordinance currently requires that a fee in lieu of providing open space is submitted when the required open space will total less than 1 acre. 10 lots would only require 0.21 acres of open space. The applicant would instead like to provide the open space onsite, behind the lots being developed. The applicant was informed that if open space is to be provided onsite, it will have to meet ALL of the suitability requirements, and no more than 25% of the open space amount required can be a water surface – in this case, no more than 0.05 acres. Also, the minimum amount that would have to be provided is no less than 1 acre, which cannot include any wetlands. If the applicant can achieve providing the minimum of 1 acre of open space, meeting all suitability requirements, staff is not opposed to them doing so, since the intent of the ordinance is to provide a “usable” amount of open space.

Additionally, the owner is seeking to dedicate the remaining acreage of the parcel to the City in the form of a conservation easement.

The preliminary plat is included in the packet for your review.

There are no new roadway’s being created.

The plans are still being reviewed by the Technical Review Committee (TRC). The last set of comments were sent to the applicant on September 15th and we are currently waiting on a resubmittal addressing those comments.

If Planning Commission recommends approval of the applicant’s requests, staff recommends that it be contingent upon final review and approval of the Technical Review Committee (TRC).

O’Neil made a motion to recommend approval for this request as presented. Wise seconded the motion and the motion carried unanimously.

#### **V. DISCUSSIONS**

- A.** Result of September Comprehensive Plan input meetings.

Hardin gave a brief update of the three Comprehensive Plan meetings.

**B. December Planning Commission meeting date – need to reschedule.**

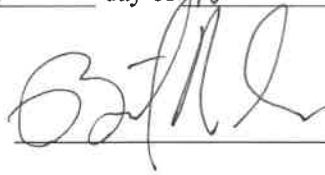
Hardin stated the December meeting would fall on the City tree lighting and suggested to reschedule.

Guderia made a motion to reschedule the December 1<sup>st</sup> meeting to December 8<sup>th</sup>. O’Neil seconded the motion and the motion carried unanimously.

**VI. ADJURNMENT**

A motion was made to adjourn the meeting. The vote in favor was unanimous. The motion carried. The meeting adjourned at approximately 7:15 pm.

Approved and signed this 3<sup>th</sup> day of Nov, 2022.



Brantley Green, Chairman