CITY OF CONWAY  
PLANNING COMMISSION MEETING  
THURSDAY, MARCH 1, 2012  
CITY HALL CONFERENCE ROOM – 5:30 P.M.

Present-  Gerald Wallace, Chris Guidera, David Jordan, Bill Gobbel, Hank Grabarz, Brantley Green, Larry Foye, Charles Byrd, Fran Humphries
Absent:  N/A  
Staff:  Michael Leinwand, Planning Director; Barbara Tessier, Secretary  
Others:  Charles Jordan, Steve Powell, David Norris, Van Watts

I. CALL TO ORDER
Chairman Wallace called the meeting to order at 5:30 p.m.

II. APPROVAL OF MINUTES
Guidera made a motion, seconded by Grabarz, to approve the February 2, 2012 Planning Commission minutes as written. The vote in favor was unanimous. The motion carried.

III. ANNEXATION/REZONING

A. Request to accept the petition of C&K Properties LLC to annex approximately 0.6 acres of a portion of property located at US Highway 501 (TMS# 151-00-01-007) and to rezone the property to Highway Commercial (HC) upon annexation.

David Jordan recused himself from this agenda item because he is part owner of the property.

Leinwand said the entire parcel was outside the Conway City limits. He said the applicant wished to subdivide a portion of it going through Horry County’s Minor Subdivision process. He said in order to develop it they would still have come into the City of Conway. He said they were proposing to cut out a piece to develop in Conway. He said they wanted that piece to come into the city as Highway Commercial (HC). He said the Future Land Use Map recommended that zoning for this parcel.

Leinwand said the applicant had already provided staff with a site plan to develop a Waffle House on the location. He said it would be a permitted use in the Highway Commercial zoning district.
Wallace asked if they had given Leinwand a reason why they were not annexing the entire parcel. Leinwand said it would save money on taxes if they only annexed a portion.

Wallace asked Powell, who was present on behalf of the owner, if he wanted to say anything. Powell said they would also be submitting a variance request for parking. He said the UDO’s parking requirement did not get them enough spaces. He said Waffle House had a minimum of 30 parking spaces.

Green made a motion, seconded by Gobbel, to approve the request to annex a portion of TMS #151-00-01-007. The vote in favor was unanimous with Jordan having recused himself. The motion carried.

IV. SUBDIVISION

A. Request by St. John’s Ridge LLC to subdivide approximately 29.40 acres of property located off Dunn Shortcut Road (TMS# 122-00-05-191) into 76 lots, creating Phase 1 of the St. John’s Ridge subdivision.

Leinwand said in February 2007 there was a request by the original developer to subdivide two tracts of land. He said 363 lots were originally approved on 119 acres. He said at that meeting, the Planning Commission approved Phase 1 of the development. He said that tract was about 59 acres with 202 single-family lots.

Leinwand said since then both tracts had been purchased by different owners. He said the new developer of this particular tract wanted to subdivide the parcel to consist of 76 lots. Leinwand said nothing had been paved, but the roadways had been cleared and utilities were already in the ground. He said they were keeping with a similar design that had already been approved.

Wallace asked if this was the proper way to handle this since they were amending an original plan. Leinwand said it had to come back before the Board because it was the only parcel that was being considered as part of St. John’s Ridge, and the phasing would be different. Jordan asked if anything had been platted. Leinwand replied that it had not been platted.

David Norris introduced himself as the engineer. He said right now it was planned to be 4 phases. He said the water, sewer and drainage was in. He said they would be getting signed off by DHEC and turned over to the city in the next two or three weeks. He said they would be paving the roads. He said the curbing was already in.

Van Watts introduced himself as the developer. He said with the market the way it was, they would not be putting in 200 houses to begin with. He said what they proposed as Phase 1 was a logical stopping point.
Gobbel asked since the Board approved the subdivision before, was this considered to be under the new UDO or the former Land Development Regulations. Leinwand said he felt the former Land Development Regulations could be used since this had been ongoing for several years. He said since the infrastructure was already in, and there had been work going on all along.

Jordan asked if they would still be under the old ordinance in terms of the sidewalks. Leinwand said that they would be because nothing had changed regarding sidewalks. Jordan said the 5 years and the build out had changed. Leinwand said that would come under the new ordinance because it would be a new letter of credit.

Leinwand told Norris and Watts that the new ordinance had a section on financial guarantees that stated infrastructure had to be installed within 5 years or at least 75% of the lots were developed, whichever came first. He said they could go before the Planning Commission to request an extension of the letter of credit after 5 years if they could demonstrate some type of financial hardship.

Watts said if the sidewalks were put in up front they would be destroyed when the house were built. He said if they put the trees in before the irrigation was in they would die. Wallace said the problem was where there were a lot of failed subdivisions in Conway that had no sidewalks and that is why it was covered in the UDO. He said he hoped that in 5 years at least their Phase 1 was completed.

Jordan made a motion, seconded by Humphries, to approve the request to subdivide 9.40 acres off Dun Shortcut Road. The vote in favor was unanimous. The motion carried.

V. TEXT AMENDMENT

A. Amendment to the City of Conway Unified Development Ordinance (UDO) to add Section 12.1.7 Nonconforming Mobile Homes and Mobile Home Parks

Leinwand said on January 9, 2012, City Council had a first reading to consider the annexation of a parcel on Leslie Lane off Highway 544 near the Hillcrest Cemetery and rezone it to Low Density Residential (R-1). He said the annexation request was made because of a change of ownership. He said it was the city's policy to annex any property that was contiguous to the city when there was a change of ownership. He said the property had a mobile home on it. He said City Council wanted staff to do further research on how to regulate existing mobile homes and mobile home parks that did come into the city. He said they would be coming in as legal nonconforming uses because they were prohibited throughout the city.
Leinwand said the city attorney had come up with a proposed ordinance, which had been in their packages. He said one section dealt with nonconforming mobile homes and one section dealt with nonconforming mobile home parks. He said he would answer any questions they had. He also asked for suggestions from the Board.

Grabarz asked Leinwand if there were mobile homes in the city now. Leinwand said there was a mobile home park annexed off Hwy. 905, John Doctor Road, during the last year. He said it was explained to City Council at the time that it would be annexed in as a legal, nonconforming use. He said the recent annexation proposal, staff had been asked to do further research and prepare a text amendment.

Grabarz asked how big the mobile park home on John Doctor was. Leinwand said it had about 10 mobile homes. Grabarz asked how it had been zoned. Leinwand said it was zoned Low Density Residential (R-1). He said the one off Hwy. 544 was also proposed to be zoned Low Density Residential (R-1). Jordan asked if the John Doctor property was a single tax map number. Leinwand said that was correct.

Grabarz asked how mobile homes were taxed. Jordan said they were taxed as personal property through the DMV if it was not made part of the land. Grabarz said by incorporating mobile homes into the city, the city lost taxes. Green said it depended on whether or not they were getting stickers from the DMV. He also said it would also depend on how old they were. Grabarz said he had done some research, and he thought they should change the definition of mobile homes to be more specific. He said there was no definition for recreational vehicles either. He said it should be defined that a recreational vehicle could not be put on a mobile home site. He said he thought it issue needed more study.

Jordan said he’d like to see it tightened up a bit more concerning the 180 days to reestablish. Leinwand said if it were more than 50% destroyed, they could not replace it. Jordan said if a duplex burned and was damaged more than 50% it could not be rebuilt. He said he felt it should be the same for mobile homes. Grabarz asked if the 50% was a common practice with the replacement be it commercial or residential. Wallace said it was for the structure not the property.

Wallace said another thing was the small size of mobile home lots. Grabarz said the lot on Lesia was not small. Wallace said the mobile home park lots were most likely divided up into smaller lots than the city’s minimum requirements.

Leinwand said one of the arguments for annexing mobile homes was when else would they be able to annex the property. He said the goal was to close up the doughnut holes. He said one day the property might not have a mobile home on it.

Green said a mobile home park was a lot different than someone owning one lot and having a mobile home on it. He asked what if you had a mobile home and went out of the country for 200 days and your house was condemned because it was vacant.
Leinwand said if the person continued to have an address there and paid utilities, it would not be considered vacant.

Grabarz said what concerned him was the possibility of a large piece of property contiguous to the city limits where someone went to the county to establish a 10 acre mobile home site, and then came to the city to be annexed. Leinwand said usually it would be annexed before development starts.

Jordan asked if they could put in something about upkeep, underpinning. Leinwand said Section 12.1.7 D addressed that. Grabarz read “All internal roadways shall be maintained by the park owner.” He would like to add, “They shall be maintained in an acceptable condition so as to allow the expeditious passage of emergency equipment.” Jordan asked what the TRC thought since fire trucks did not have a reverse in them. Wallace asked how the Board felt about the emergency access. Jordan said it was necessary, but if it didn’t already exist, what would they do?

Gobbel said that the city was surrounded by mobile home parks. He said the city needed to look at adopting a mobile home subdivision ordinance to accommodate them, control them and keep them all in one place. He said his experience with the city for over 20 years was that the city opposed mobile homes. He said they were a fact of life and it would be better to control the situation by adopting a mobile home subdivision ordinance.

Wallace said if they adopted an ordinance that meant they would be allowed. He said that would mean the city would allow new mobile homes. Gobbel said that was correct if it was zoned that way. Humphries asked what zoning in the city could accommodate mobile homes. Leinwand said a zoning district would have to be created or create conditional uses under an existing zoning district.

Grabarz said eventually there would be mobile homes within the city, but he said he’d rather see it just through annexation and not within the existing city.

Jordan asked if it were Council’s goal to eventually get rid of the mobile homes after they were annexed. Leinwand said years down the road, mobile homes would not be reestablished. He said it is a goal to bring in any property that was contiguous and services were available.

Wallace asked if someone requested their mobile home park come into the city, could they put on conditions that had to be met before they could be annexed, other than being contiguous. He mentioned lot size, emergency access, etc. Leinwand said conditions could be included to the nonconforming section with maintenance and things like that.

Grabarz said a legal, nonconforming mobile home was an oxymoron. He said he would change it to be “an existing mobile home park shall not be established after vacancy…” He asked how they became nonconforming uses. He said after the word
“use” it should say “as a result of annexation by the city.” He said they should be much more definite in how they word the ordinance. He said the best thing to do was create a situation now where they could control it to the advantage of the city.

Gobbel said he did not think that you could deal with it forever just by calling them nonconforming. Grabarz said it should have its own section. Gobbel said they should control them as a mobile home park. Wallace said that was essentially what they were trying to do with the proposed ordinance. He said that because it said structures could be replaced as long as they were the same size, etc. Grabarz said they could not be increased more than 20% and not more than 5 years old. Green said there might be some language that said it could be replaced by the occupant.

Gobbel said what came to his mind was North Lakes out on Highway 319. He said sooner or later, the city would be out there. He said he thought it was wrong, if they let mobile home parks in, and because it was nonconforming, not let them put it back under certain conditions if something happened to them. He said mobile home parks needed to be able to operate as they were operating now.

Jordan asked if the city wanted to bring mobile home parks in at all. Gobbel said maybe not today, but at some time, the city would want to bring the surrounding areas around mobile home parks, too. Humphries said even if they were not brought in, but they still surrounded the city, they might as well be considered the city.

Jordan said Plantation Pointe at the beach was not in the city because they did not want it. He said the city did not make any money off established residential subdivisions. Gobbel agreed. Jordan said residential subdivisions didn’t pay for the services it had to provide. Foye said the city would still have to provide services to the mobile homes and not get anything in return. He said the city would lose on taxes.

Gobbel said if the residential subdivisions were not paying for themselves why were we annexing them. Jordan said it was city policy to annex everything contiguous. Wallace said the larger the population, the larger the grants the city could get. Jordan said there was money from new subdivisions from all the fees.

Wallace said from Gobbel’s point of view, any mobile home or mobile home park that was annexed would be nonconforming, but did they want to make it another part of the ordinance instead of the nonconforming ordinance section. Humphries said if they did that what zoning would it be. Leinwand said if it was done like that, a new zoning district would have to be created that would allow them, or they would make it a conditional use in an existing zoning district. Grabarz said he would make it a separate district. Jordan asked if there was a separate district, did that mean they could zone a virgin piece of property that way. Wallace said the first paragraph would need to be that no new mobile homes were allowed in the city except by annexation. Jordan said that went back to the nonconforming issue.
Wallace asked Leinwand his opinion. Leinwand said he thought the city would continue with the current policy of annexing anything contiguous that required city services. He said that was the only way to annex property in South Carolina. He said it was difficult to force annexation. He said he felt the proposed ordinance was the right step. He said they could recommend a separate zoning district. He said he did not know how Council would feel about that. Wallace said it was his personal opinion that if mobile homes had their own zoning district, it would be perceived that the city allowed mobile homes. He said he did not have a problem keeping them as nonconforming uses. He said he did think they needed an ordinance that addressed phasing them out eventually. He said there were allowances for replacements so they might not ever phase them out. He said if they annex a nice mobile home park that was established it would stay there.

Wallace said Grabarz wanted a few more definitions. Wallace asked what the current definition of a mobile was. Leinwand showed them the definition, which is:

**Mobile Home:** Any structure on a chassis and designed to be used without a permanent foundation as a dwelling.

Wallace said what was to keep people from parking a 60’ RV and calling it a mobile home. Leinwand said there was an ordinance prohibiting that already. Wallace asked if there was a definition of a RV somewhere. Leinwand said there was no definition of a RV.

Humphries asked how the 50% value was determined. He said a mobile home that you buy today would not be the same value later on. Wallace said it was determined by the city. Gobble said if the mobile home was moved off the site, then you could not replace it. Jordan said if it was over 50% it could not be replaced.

Grabarz asked how it was determined that a mobile home became uninhabitable. Leinwand said the Building and Fire departments could make that determination. Grabarz said if the outside was nice and clean and the inside was not, how it could be determined. He asked what right there was to inspect the inside of a house. He said from what he understood, the city did not have a Certificate of Continued Occupancy for when a residence changes ownership. He said there was no way of knowing what was inside a home. Wallace said the Building and Fire departments did pass judgment on abandoned homes. Grabarz said that was abandoned, but he was talking about the sale of a house. Wallace said appearance was mainly what the city was concerned about. Grabarz said if something had been changed in a residence and it burned to the ground and the change was the cause of it, the insurance company would not pay. He asked why the city did not have CCOs. He said it was for the safety of the person buying the house. Jordan said that was a personal responsibility, and Green agreed.

Jordan asked if a brick foundation was on a mobile home, would it no longer be viewed as a mobile home. Green said it would probably still have the axles on. Humphries said with the current definition, the addition of a brick foundation would not
change it from being a mobile home. Wallace suggested that "any structure designed by the Mobile Home Association of America" or whatever the organization was called. Wallace said and "designed under the International Building Code" could be added. He said that would cover any structure. Jordan said unless it was built before the International Building Code.

Wallace asked that Leinwand change the definition of a mobile home. Leinwand asked what they wanted it to say. Guidera asked about Myrtle Beach’s ordinance on mobile homes. Green said Florence had a good ordinance because they annexed mobile home parks that just stopped growing and slowly disappeared. Wallace suggested they direct Leinwand to research the Myrtle Beach and Florence mobile home ordinances. Grabarz asked for a definition of recreational vehicles. Wallace asked Leinwand to make some reference to recreational vehicles and a definition.

Jordan made a motion, seconded by Grabarz, to table the discussion until the next meeting with staff researching the mobile home ordinances of Myrtle Beach and Florence and to work on mobile home and recreational vehicle definitions. The vote in favor was unanimous. The motion carried.

VI. PUBLIC INPUT

There was none.

VII. BOARD INPUT

Jordan asked if there had been anything done on the sidewalks in Forest Glen. Leinwand said nothing had been done yet.

Wallace said he had a call from someone who was looking at property that was in an old subdivision near the golf course. He said there were no services. Jordan asked if it was on a dirt road. Wallace said that it was. Leinwand said if a single lot fronted a road that was not public, in order to develop, it would need frontage on a public right-of-way. Wallace said the city never brought the original street in. Leinwand said it was currently a private right-of-way. He said it was not maintained by the city or the county.
VII. STAFF INPUT

Leinwand said he had an add-on. Leinwand said he was not sure who the applicant was, but he thought it was Ameri-Built Homes. He said the request was to place a temporary Pecan Grove real estate sign facing 701 South.

Jordan recused himself from this agenda item.

Leinwand said in February 2007 the Planning Commission approved a similar sign. He said the sign had been taken down since then because the ordinance allowed the signage to be up for 2 years or until a subdivision was 85% built-out. He said approval from the Planning Commission was required to keep a sign up longer than permitted.

Leinwand said if they did approve it, he wanted them to read the conditions he had outlined in his issue paper. He said the conditions were taken from Section 11.5.5 of the UDO. He said the conditions were the sign would remain on the property for one year or less. He said the Planning Commission could renew after the one-year allowance. The second condition was there had to be documentation there was a recorded plat with a sign easement giving permission to place the sign on the property. He said a building permit would also be required.

Green said he thought the first phase was sold out. Jordan said this sign was for the second phase. Jordan said none of the common areas had been dedicated so there was no need for a sign easement. He said the land was still owned by the developer. Leinwand said that Steve Powell had told him there was a sign easement there. He said Powell would give him documentation that a sign was permitted.

Grabarz asked if Sedgefield was part of Pecan Grove. Leinwand said they were separate subdivisions. Grabarz said basically what they wanted to do was to keep their Pecan Grove sign on Sedgefield property. Jordan said the permanent sign had a sign easement. Leinwand said this was a temporary real estate sign.

Grabarz asked if the signage was in the sight triangle. Leinwand said it shouldn’t be, and that was one of the conditions in the ordinance. Grabarz said they would have to move the poles they had already installed because it was in the sight triangle. He said judging from the height of the poles it would be. Leinwand said it was 4’x8’.

Wallace said in Leinwand’s issue paper it said the Planning staff recommended that the signage meet all requirements of the UDO. He said that would get it out of the sight triangle. Wallace said the motion could contain staff’s recommendations.

Humphries made a motion, seconded by Grabarz, to approve the signage request with staff’s recommendations being followed. The vote in favor was unanimous with Jordan having recused himself. The motion carried.
IX. Adjourn

There being no further business to come before the Board, the meeting adjourned at 6:30 p.m.

Approved and signed this day of April, 2012.  

Chairman, Gerald Wallace

Gerald C. Wallace