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

Present: Chris Guidera, David Jordan, Hank Grabarz, Brantley Green, Gerald Wallace, Larry Foye

Absent: Charles Byrd, Bill Gobbel, Fran Humphries

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

Others: James Barfield, Meadow Farms; Charles A. Brown, Ridgewood West; Ricky Richardson, Oak Place; Brenda Murphy, Tyson Sign Company

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 March 1, 2012 minutes as written. The vote in favor was unanimous. The motion carried.

III. LETTERS OF CREDIT

A. Meadow Farms subdivision (sidewalks)

Leinwand said staff had been looking at the new UDO. He said the Board had asked questions about how to treat the subdivisions with letters of credit that came in before the UDO was adopted. He said after talking to the City Administrator, the decision was made that it would be best to treat those letters of credit with the new UDO language. He said that meant they could be extended up to 5 years or until they were built-out at 75% of the lots, or if there was any type of extraordinary circumstances such as financial reasons. He said under those conditions, the Planning Commission could extend the letter of credit for an additional year. Leinwand said the 5 years would be calculated from the date of the original letter of credit.

Leinwand said there were a total of 47 lots at Meadow Farms. He said 24 permits had been issued. He said that was approximately a 51% build-out. He said this letter of credit was going to be six (6) years old. He said he had spoken to the developer, and he would like to extend another year.

James Barfield, the developer, was present. He said he was not sure where the city was going with the letters of credit. Wallace said as a bit of history, there were lots
of subdivisions that did not have total build-out and it was a matter of appearance for the community more than anything else. Wallace said a lot of the expected infrastructure was not getting built. He said he understood that was not the developers fault.

Barfield said he had not heard anyone complain about there not being any sidewalks there. He said the subdivision had no traffic because it was basically a dead end. He said and they kept the properties well maintained, and mowed about every two weeks. He said they were financially strapped right now. He said he had not had a sale at Meadow Farms in two years.

Wallace reminded the Board that they had changed their minds on a letter of credit in March so people were not caught by surprise. Guidera said to extend was the proper thing to do.

Green made a motion, seconded by Guidera, to approve the extension for the Meadow Farms letter of credit for one additional year. The vote in favor was unanimous. The motion carried.

Wallace told Barfield if he came before the Planning Commission in 2013, it was very likely they would not grant another extension.

Leinwand told Barfield he would be notified in 2013 when his letter of credit was about to expire. He told Barfield that if he was in the same situation, he could come before the Planning Commission again for them to decide if they would or would not renew the letter of credit.

B. Carsens Ferry at Rivertown Landing (Erosion control and sidewalks and street trees)

There was no representative for Carsens Ferry at the meeting.

Leinwand said the original date for these letters of credit was 2007. He said nothing had been built. He said unless the Board could see a reason not to renew, staff was recommending that it be extended another year.

Grabarz said he thought there was a drainage problem. Wallace said he did not recall any drainage issue at Carsens Ferry.

Green asked if there were any issues with the erosion control. Leinwand said there was not any to his knowledge. He said there were some issues with people stealing stormwater grates.

Wallace asked if it was left undeveloped would it cause any problems. Leinwand said none that he was aware of. He said the letter of credit gave at least some level of surety.
Green made a motion, seconded by Grabarz, to extend the Carson Ferry two letters of credit for another year. The vote in favor was unanimous. The motion carried.

C. **Ridgewood West subdivision—(Sidewalks and street trees)**

Charles Brown was present to represent Ridgewood West.

Leinwand said there were 104 lots. He said 3 permits had been issued with the last one having been issued in 2009. He said it was about 3% built-out. He said the developer requested to have the letter of credit extended for another year.

Green asked if they were required to have irrigation in for the street trees. Leinwand said irrigation was not required for street trees.

Wallace asked if staff ever contacted any of the homeowners in these subdivisions when these things came up. Leinwand said they had not, but they could.

Brown said his partner had one house in Ridgewood West and a lady lived in one of the other houses, and the third house was still for sale. He said like everybody else, they were not having any activity.

Guidera said the pre-development on the subdivision was sold out. Brown said that was right. He said everyone backed out.

Wallace asked if the lots were dirt or grass. Brown said they were grass. He said they mowed the grass about every 2 weeks. Guidera said he had driven out there, and it was kept up nice.

Brown said this development was more of a higher end market. He said they were trying to get $250,000-$300,000 homes built, and they would hate to go back to a cookie cutter house because of the homes that were already built there. He said they hadn’t tried to lower the lot prices. He said they would like to have the letter of credit extended another year because they did not currently have the funds to put the sidewalks in.

Guidera made a motion, seconded by Jordan, to approve the extension of the Ridgewood West letter of credit for an additional year. The vote in favor was unanimous. The motion carried.

Wallace said even though Ridgewood West was off the beaten path and people did not really drive by the subdivision, the Board was eager to get this and other subdivisions going. He said putting in the infrastructure might help in the sales of the lots.
Brown asked if the city would take bonds or letters of credit. Leinwand said the city did not accept bonds. Leinwand said the city accepted letters of credit, cashier’s check, and cash.

D. Oak Place Subdivision (Sidewalks and street trees)

Ricky Richardson was present for the developer. He said he thought they had built 3 houses, but they were in the same boat all the other developers were in. He said they kept the grass cut.

Green made a motion, seconded by Guidera, to approve the extension of the Oak Place letter of credit for an additional year. The vote in favor was unanimous. The motion carried.

IV. PLANNED DEVELOPMENT DISTRICT (PD) AMENDMENT

A. Request by Reliable Investments, Inc., to amend the Coastal Estates PD, located along US Highway 501, relating to signage.
   (TMS# 151-00-03-074 and 151-00-03-039)

Jordan and Guidera recused themselves from this agenda item as Jordan was the contractor, and Guidera because he had a contract with the contractor.

Brenda Murphy of Tyson Sign Company was present for this agenda item.

Leinwand said he had not prepared an issue paper on this item. He said staff had been reviewing this for weeks. He said the city got their attorney involved to look at the legality of the proposal. He said the attorney explained the current ordinance, the UDO, had nothing in the PD ordinance relating to requesting signage that was different from the types of signage permitted in Article 11. Leinwand said the developer was requesting signage that did not meet those requirements. He said the attorney explained legally there should be no action taken on this request.

Leinwand apologized to everyone for not telling them this in advance. He said he had originally told the developers they could ask for signage with or without staff’s recommendation. He said he told them it would be up to the Planning Commission and City Council to approve anything that varied from the UDO. He said after getting the legal opinion, since nothing was discussed about signage in the PD, they would have to meet the requirements of Article 11, which included freestanding signs requirements and wall signage, etc.

Wallace asked if the attorney had said anything about grandfathering. Leinwand said this would not be grandfathered because in the previous ordinance there were some requirements for special sign district. He said the applicant applied after the UDO was adopted. Leinwand said the special sign district according to the previous ordinance would have had to be a minimum of 25 acres.
Wallace apologized to Murphy as well. He said the city attorney had not gotten back to Leinwand until earlier this afternoon. Wallace asked if there was any other way to request different signage. Leinwand said he did not mention anything. He said when they were going through the UDO process, City Council said they wanted to get away from the special sign districts.

Jordan said he had a question as a member of the public. He asked if it did not matter how much road frontage there was, it would still be limited to 80 square feet for a freestanding sign. Leinwand said the signage was based on the district, which at this location was in the Gateway Corridor Overlay (GCO).

Murphy said 20 feet tall and 80 square feet. was basically the Highway Commercial ordinance that would have to be followed. Leinwand said that was correct. He said it would be Highway Commercial and the Gateway Corridor Overlay.

Jordan said for an individual lot of 100 feet had the same amount of signage as a shopping center. Leinwand said an individual lot with three or less tenants could have 16 feet in height and 60 square feet. He said you got a little bit more in height and area if you had over 3 tenants. Wallace said that was the freestanding sign, but each tenant could still have a sign on their building. Leinwand said that was correct. He said each tenant could have a wall sign of about 100 square feet or 15% of the area, whichever was less.

Guidera also asked a question as a member of the public. He said in order to review any of this request, somebody from City Council would have to start a text amendment. Wallace said the Planning Commission could start a text amendment.

Murphy asked Leinwand to email her so that they could discuss options. She said the 80 square feet would not even cover the tenant panels, let alone the name of the shopping center. Murphy just wanted to be sure the only recourse was if the sign ordinance was changed. Murphy asked if a variance could be requested. Leinwand said, in his opinion, he did not think signage would qualify for a variance. He said he could not prevent her from applying for one, but in his opinion, he did not think it would get approved. Guidera said there were criteria that had to be followed in order to grant a variance.
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.

Wallace said this was something the Board discussed the previous month and had asked Leinwand to find out what the neighboring communities had done.

Leinwand said the ordinance had been reevaluated. He said the city's position was to continue its annexation policy when property became contiguous to the city limits where a change of ownership had occurred and services were requested, the city would annex them. He said staff did not recommend amending the ordinance to permit any type of district or conditional uses to make mobile homes or mobile home parks a conforming use. He said staff recommended the proposed ordinance be adopted to allow mobile homes and mobile home parks, as they came into the city, meet the proposed conditions. He said it would allow them to be actively used until something came up that would pertain to the conditions.

Jordan asked if Leinwand had brought the Florence information. Leinwand said Florence had an ordinance that permitted different zoning districts for manufactured homes. He said Myrtle Beach had a similar ordinance where there were different zonings districts.

Grabarz said this was a carbon copy of what they had looked at in March. Leinwand said he had not changed the proposed ordinance. Grabarz asked if City Council was going to be voting on this proposal. Leinwand said City Council would vote on the amendment, but before they did, they needed some type of recommendation from the Planning Commission, whether it was favorable or with conditions, or unfavorable in order for it to move forward for a public hearing. Grabarz said he seemed to recall the Board had made recommends last month. Jordan commented that was what happened with the UDO as well.

Jordan made a motion, seconded by Guidera, to not make any recommendation. Grabarz asked if there could be discussion. Wallace said he assumed the Board did not want to make any recommendations without City Council seeing their revisions. Grabarz asked if there was a record of their prior revisions. Leinwand said there were previous minutes. Leinwand said there was not a recommendation on what everybody wanted. He said there was just a lot of discussion without consensus.

Grabarz said he remembered making a recommendation to maintain the roads for the use of emergency equipment. He said it seemed to him, without stepping on anyone's toes, that nobody had really taken a hard look at this proposed amendment. He said he was not happy with the wording. He said he was not an expert, but something about it was not right.
Green said what concerned him was Section 12.1.7 D dealing with the mobile home park owner maintaining all internal roadways following the minimum standards. He said life safety had to be a concern for everybody. Grabarz said that was one of the comments he made. He read “they shall be maintained in an acceptable condition so as to allow the expeditious passage of emergency equipment.” Guidera added, “or conforming to DOT standards.” Grabarz said he would say to city standards. Green said everyone had seen a mobile home park. He said the roads were only wide enough to let one car pass at a time. He said if a mobile home was on fire, the whole park would be on fire.

Grabarz said they also talked about putting a definition for RV’s in the ordinance, and stating they were not allowed in the mobile home parks. Grabarz said the definition for RV’s should be in the UDO.

Wallace said they needed to make a list of recommendations to City Council.

Grabarz said he would start with 12.1.7 A. He read, “Mobile home parks that become nonconforming uses shall be permitted.” He said they became a nonconforming use by being annexed by the City of Conway. He said that should be noted. He said it needed to be stipulated they would be nonconforming when they were being annexed. He said some smart attorney could get around that.

Grabarz went on to 12.1.7.B, “mobile home parks shall be discontinued when fifty percent of the homes in the park become uninhabitable as determined by the City of Conway or remain vacant for a period of six months…” Grabarz asked how it would be determined if it was uninhabitable unless there was a way of going in. He said there was no way of going in when it changed ownership because a Continuing Certificate of Occupancy was not required. He said he thought this should be thought about by City Council. Guidera said there was no way to verify occupancy period because there were a lot of renters unless books were audited. He said the statement was irrelevant because it could not be enforced.

Grabarz said they should recommend the city require a Continuing Certificate of Occupancy. He said if the owner decided to do his own plumbing or electrical work and then sells the house, the new owner could have problems with fire or flood. Guidera said as a homeowner, you had the right to work on your own property. He said you had to disclose that information when you sold the property. Grabarz asked if there was a requirement for full disclosure. Guidera said there was. Grabarz asked about code compliance. Guidera said the city would have to inspect it. Grabarz said that was if the city even knew about it.

Guidera said the part he was talking about was the fifty percent being uninhabitable or vacant. Jordan said that would never be figured out. Grabarz agreed. Jordan said the owner of the park would not volunteer the information. Foye asked who would even go looking for uninhabitability or vacancy. Grabarz said they would look if
there was a change in occupancy, a sale, and change in renters. Green said they would never know when there was a rental change.

Jordan said the re-establishment needed to be lowered from the 180 days in 12.1.7.A.2. Guidera asked if he wanted it lowered to 90 days. Jordan said if the city did not want mobile home parks then it had to be more restrictive. Grabarz said anywhere 180 days was brought up should be changed to 90 days. Guidera asked if they were saying if a mobile home was vacant for more than 90 days, it should be removed. Grabarz said that was correct. Leinwand said vacancy could be determined by the water usage. Foye asked if the meter would confirm it was a mobile home. Leinwand said they looked at address and tax map number. Grabarz said they were treading into new territory with mobile homes and a way to keep track should be established now. Foye asked if there was enough manpower to monitor this. Guidera said he thought if the Water Department had the account flagged as a mobile home when the water or power was cut off for more than 3 months, it could be tracked. Leinwand said the accounts could be marked.

Jordan spoke about a nonconforming structure, a mobile home, which could be replaced in conformity in 12.1.7 A.4. Jordan said that meant it could be replaced with another mobile home. Grabarz said it had to be less than 5 years old and can be no more than 20% greater in area. Wallace said Jordan’s point was the structure would still be nonconforming. Green said it would be possible in a mobile home park to have an increase in 20% that would make it butt up to the next mobile home. Guidera and Jordan agreed this was going in the opposite direction. Guidera suggested the 20% be written out of the ordinance.

Green said there was nothing about setbacks. Leinwand said they would have to maintain the setbacks of the zoning district the mobile homes were in. Green said if a mobile home came in as nonconforming and it burned down it would have to meet the setbacks of the district in order to rebuild. He said he did not think it could be rebuilt in that case.

Grabarz said he would like to see some of the Board’s suggestions in whatever City Council passed. Jordan said he thought the idea was to table the issue to have their suggestions incorporated. Wallace said he did not think City Council saw this issue as big a problem as the Planning Commission does. He said it was the Planning Commission’s job to make suggestions to City Council. He said to remember they were just suggestions and recommendations. Jordan said that was fine as long as the suggestions got to City Council.

Grabarz asked if they were going to strike all of 12.1.7 B.4. Jordan said they had to have something that addressed damages in order to phase them out. Grabarz said they needed to strike the replacement part. Green said mobile homes were like equipment because after a few years they depreciated out. He said the section said they could not be replaced if they were damaged more than 50% of their appraised
value. Guidera said the inspectors could determine how much of the mobile home was actually damaged.

Jordan said 12.1.7. AC read, “Before the replacement of any mobile home, the owner of the lot shall provide the city with information regarding the size and model year of the home, location of the lot…” and so on. He felt the information should be provided before any mobile home was brought into the city. He said if there was a paragraph similar to “C” as far as when the mobile home was brought into the city via annexation, the owner shall provide…. They agreed it should be made paragraph “A” though.

Grabarz said he thought there should be some hard thinking in regard to replacement value versus physical damage percentage because he was almost sure in every other place in the UDO, it talked about the 50% value and not the physical replacement. Guidera said the percentage could be made lower by misrepresenting the costs on the permit. Grabarz said that would justify physical 50% as opposed to financial 50%. Green said there would be an issue getting an appraisal for a mobile home. Guidera said banks would not loan on a mobile home so they were not appraised.

Jordan asked Leinwand if Florence or Myrtle Beach had addressed this issue. Leinwand said Myrtle Beach did not mention anything with value nor did Florence. Grabarz asked how they addressed replacement. Leinwand said Myrtle Beach and Florence had separate ordinances that allow mobile homes/mobile home parks districts.

Jordan asked what they had for nonconforming districts. Leinwand said Myrtle Beach did not have a specific section for mobile homes and mobile home parks. He said they had their nonconforming article that said if a building was abandoned for 12 consecutive months, re-establishment was not permitted. He said it did not allow for the enlargement or intensifying or extend the size. He said it allowed for damage to be repaired within 12 months. He said Florence was 180 days.

Guidera asked if they were going to look at making a mobile home district. Leinwand said it was not the city's position to move forward with that.

Grabarz brought up the scenario of a mobile home park having 5 lots. He said he thought it was mentioned the mobile homes would be zoned R-1. Leinwand said anything brought in came in as R-1 unless the property owner requested another zoning district. Grabarz asked if the lot size for R-1 was 50' x 100'. Leinwand said it was 75' x 100'. He said that was when a new R-1 was created. He said they could bring in a nonconforming lot. Grabarz asked about bringing in a mobile home park with 5 lots and the lots were smaller than the smallest allowable lot. Leinwand said it would still be nonconforming by use and by lot size. Wallace said mobile home parks were not made up of individual lots. He said generally the land is owned by one person, and everyone leases space. Grabarz asked how that space was controlled. Green said a lot of the times the owner of the park provided the water and there were one or two meters that connect everybody. Grabarz said that would not work without knowing when someone
vacated a mobile home. Guidera asked if a mobile home park came into the city, would every single home have its own tap and pay a tap fee? He said tap fees were significant.

Grabarz asked if each mobile home park had one meter and all the homes fed off that meter, how big a deal was it to put a meter right on the connection of each mobile home. The Board members said it would be expensive. Garbarz asked about a Neptune meter with a double-back flow. Green said the lines would still have to be run. Leinwand said he did not think the city would be in favor of doing that. He said that would be an expense for the owners. Guidera said there would be no way of assessing vacancy based on the water meters then.

Guidera asked if the eventual goal was to phase out mobile homes and mobile home parks, why they were even discussing replacement at all. Wallace said he thought the whole point of the ordinance was not to have mobile homes or mobile home parks in the city. Foyle said the annexation policy was bringing them in so they had two conflicting policies. Wallace said this Board was trying to make it tougher for the continuation of a mobile home park. He said it was inevitable the city would run into this. Wallace said if the land became valuable enough, the mobile homes would be replaced anyway. He said they'd be sold for new commercial or a new subdivision.

Wallace said there still was a motion on the table. Jordan said he would withdraw his motion. Wallace said the motion could be amended. Wallace asked Guidera if he was withdrawing his second. Guidera said he was.

Wallace said he had been making a list of questions the Board would like answered. He read them to the Board.

1) How do mobile homes/mobile home parks become nonconforming?
2) How to determine 50% damage.
3) How to determine number of occupied mobile homes in a park, particularly rentals.
4) Re-establishment – recommends lower vacancy period to 90 days (mobile home park or mobile home).
5) Replacement – replacement homes are still not conforming. They said replacement homes may not meet city zoning (setbacks, etc.) so don’t allow larger homes. Suggest not allowing replacement at all.
6) Percentage of damage should be determined by a building inspector on percentage of damage and not on value.
7) In order to determine changes after annexation, information regarding size, model, age, etc. should be submitted to the Zoning Administrator upon annexation.
8) How does city determine the value of a mobile home?
9) Internal roadways should meet city subdivision standards for emergency access upon annexation.
Guidera said he was on the City of Conway Fire Department for 10 years. He said the fire department had a great record. He said all they could do was put manufactured homes out.

Jordan made a motion, seconded by Grabarz, to table any recommendation and have the above 9 issues addressed and brought back to the Planning Commission.

Wallace asked Jordan if he was directing the motion at Planning or to City Council. Jordan said at the Planning Department. Leinwand said if they voted to table the issue, it could not go to City Council. Wallace said he thought they needed to make the recommendation that these items should be considered by City Council. He said it was his understanding that City Council just wanted to keep the proposed ordinance as it was currently written. Jordan asked if that was City Council’s decision or just the City Administrator’s. Leinwand said City Council had already seen a copy of the proposed ordinance because the city attorney drafted it. He said they had no complaints or issues with the proposed ordinance. He said that was what gave staff the authority to bring it before the Planning Commission for review.

Wallace said there was already a motion and a second on the table, and asked if the recommendation was directed back to staff or to City Council or both. Grabarz said if it went to staff only, City Council couldn’t act upon it because the Board tabled it. Leinwand said City Council could not vote on the issue until a recommendation was made either favorable or unfavorable. Green asked who actually made the decisions on the recommendations made by the Planning Commission. Leinwand said it was up to the Planning Commission to make any type of recommendation they wanted to make. Guidera said maybe it should be presented to City Council and they could go to the meeting and discuss it. Jordan said they could just continue to table it so it didn’t go back to City Council. Grabarz liked the idea of continuing to table because he liked the idea of going slow with this.

Wallace asked if Leinwand did make reports to the City Administrator, and he asked if the reports eventually got to City Council. Leinwand said anything the Board recommended went to City Council. Wallace asked about if it got tabled again. Leinwand said if it got tabled, he would report the decision to the City Administrator. Wallace said there was a slight chance the Board’s concerns would reach City Council on a non-voting item.

Wallace said the motion on the table was to send this section back to staff for rewriting. He asked if the motion was going to be amended or withdrawn. Jordan said it should be sent back to staff for rewriting taking in consideration the 9 items the Board listed as issues. Wallace asked for all those in favor to say aye. The vote in favor was unanimous. The motion carried.

VI. PUBLIC INPUT

There was none.
VII. BOARD INPUT

There was none.

VIII. STAFF INPUT

Leinwand handed out the city’s policy on attendance requirements for boards and commissions. He said if a board member missed more than three consecutive meetings without an excused absence City Council could remove the member from the board. He said every calendar year attendance was recorded. He said it was just for information only, but it was important for them to come to the meetings.

Leinwand said Coastal Estates had submitted street names for the Board to review. He said they had already been approved by the city. The names were:

1) Elaine Drive  
2) Lenny Lane  
3) Alberry Drive  
4) Shuman Boulevard  
5) Quinn Lane  
6) Barry Drive  
7) Barbara Circle

Guidera made a motion, seconded by Green, to approve the requested street names for Coastal Estates. The vote in favor was unanimous. The motion carried.

Leinwand asked the Board if they could attend the May Planning Commission meeting on Tuesday, May 1, 2012 instead of Thursday, May 3. He said he would be out of town at a conference in Greenville. Everyone checked their calendars and said that was fine. Staff was asked to send an email reminder.

IX. ADJOURN

There being no further business to come before the Board, the meeting adjourned at 6:40 p.m.

Approved and signed this day of May, 2012.

[Signature]
Gerald Wallace, Chairman