CITY OF CONWAY
PLANNING COMMISSION MEETING
THURSDAY, JANUARY 5, 2012
CITY HALL CONFERENCE ROOM – 5:30 p.m.

Present: Bill Gobbel, Hank Grabarz, Gerald Wallace, Charles Byrd, David Jordan, Chris Guidera, Brantley Green, Larry Foye

Absent: Fran Humphries

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

Others: Robert R. Garrett, Barbara Garrett

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Green made a motion, seconded by Grabarz, to approve the November 3, 2011 minutes as written. The vote in favor was unanimous. The motion carried.

III. ANNEXATION/REZONING REQUEST

A. Request by 2011 KT, LLC to annex approximately 0.30 acres of property identified by Horry County Tax Map Numbers, 122-12-05-005, 006, 007, 008, 009, 010, 111, and to rezone to R-3 thereafter.

Leinwand said this property was at the corner of Camelot and Carolyn Street. He said these were townhomes that had recently changed ownership. He said because they needed to change the water account information, they were required to annex the property into the city. He said it needed to come before the Planning Commission because they were requesting to come in as High Density Residential (R-3).

Leinwand showed photographs of the property. Wallace said it was already high density, but there was nothing like it in the area. He asked if it could be brought in a regular residential zone and grandfathered. Leinwand said the Future Land Use map already identified the area as high density residential. Leinwand said normally it would have to come in as Low Density Residential (R-1).

Grabarz said it was a preexisting condition, and was not much that could be changed about that. He asked if they would be setting a precedent. Leinwand said there was nothing extraordinary about this because the land use plan identified the area as high density. Grabarz said he was thinking of in the future if someone had a whole area like that
somewhere else that was contiguous to the city that was looking for annexation, and were denied. He said they could say that we allowed it here. Wallace said if the long range plan identified the area as R-1, the Board could say they preferred to keep it R-1. Leinwand said if this area was not designated for high density in the long range plan, then they could not rezone it to an R-3 because it was less than 3 acres.

At that point, the applicants arrived. Robert Garrett introduced himself and his wife, Barbara.

Wallace asked if the Board had any more questions or if someone wished to make a motion.

Grabarz made a motion, seconded by Jordan, to approve the request as presented. The vote in favor was unanimous. The motion carried.

IV. LETTERS OF CREDIT

A. Fairways at Wild Wing (Road Warranty)

Leinwand said this was for the road warranty that was approved in 2008 by City Council. He said after he wrote the issue paper, he did further research, and he was not sure if the Board had the authority to extend it.

Leinwand handed out copies of the warranty agreement. He said it stated that it could be for up to one year. He said this was well over a year. He said Council agreed that it would be a one-year warranty.

Leinwand was asked if the city had accepted ownership of the roads. Leinwand said the city accepted the roads in 2008. He said back then a one-year warranty was required.

Wallace asked if there were any problems with the road. Leinwand said the only thing that was noticed by the Public Works Director, Jerry Barnhill, was an area around Fairway Lane that needed to have sand cleaned off the road and to reseed some areas. Barnhill said if they did those things, he would have no problem releasing the letter of credit.

Guidera asked if they needed to make a motion if it could not be renewed. Leinwand said since it was an agenda item, he would suggest they make a motion that the Board would like the issues to be corrected and the letter of credit would be released.

Wallace asked if the bank needed anything from the city. Leinwand said he could contact the bank.

Wallace suggested they make a motion not renewing the letter of credit and recommending to Council that they correct the issues. Gobbel asked if there should be a deadline. It was agreed that all that could be done was to ask the construction company to
correct the issues. Leinwand said this would not go to Council. Wallace said then that there should just be a motion to not renew the letter of credit.

Jordan made a motion, seconded by Green, to let the letter of credit for the road warranty at the Fairways at Wild Wing expire. The vote in favor was unanimous. The motion carried.

B. Tiger Grand (Infrastructure)

Leinwand said this was for Tiger Grand Phase 1, which was off Cultra Road. He said they had only built 38 units, and there were 51 vacant lots. He said the developer wanted to extend the letter of credit for another year in the same amount.

Green asked if the sidewalks had been put in at all the common areas. Leinwand said he was not sure. Gobbel said when you looked at the aerial, it looked like a checkerboard. Jordan said there was no traffic out there. Gobbel said you could walk the road, but there was no reason why the sidewalks had not been put in. Jordan said it was a lot cheaper for the developer to have a letter of credit than to put the sidewalks in.

Green said just to void all the letters of credit could the developers put the sidewalks in at common areas where no houses would be built. He said a condition of the permit would be that the sidewalk would have to go in. He said that way the city could get out of the letter of credit business. He said that's all the Board looked at over and over. He asked if that was an idea that could be discussed. Leinwand said they would have to amend the UDO. He said it was now required to have a financial guarantee for all required infrastructure. He said that would include the lots that had not been built on.

Green said they already ran the water and sewer to every lot, and they could put in the sidewalks. He did say though that the sidewalks would get torn up during the construction of the houses. He said the developer didn't really put the sidewalks in. He said the builders put the sidewalks in.

Grabartz said the problem was that putting the sidewalks in a head of time would result in them getting destroyed during construction, and how many times would they be repaired. Gobble said if the builder knew he had to repair the sidewalk, he would take care of it. He said it was not hard to take care of a sidewalk. He said in order to get the C/O, the sidewalk would have to be repaired.

Gobble said the road was graded out for the sidewalks to be built. He said they had no idea when the rest of the houses would be built based on today's economy. He said there was a subdivision near his house that was built out except for a few lots and the sidewalks were not in. He said the Board spent too much time renewing letters of credit for sidewalks. He said the sidewalks just needed to be built. He said it was not that big a deal to repair the sidewalks if they needed it. Green said they had to pour the driveway anyway. He said the construction vehicles did not have to cross the sidewalk the full length of the lot. He said they could cross near the driveway.
Gobbel said he knew it was a total change in policy, but it needed to be addressed. Leinwand said the new ordinance there was a time limit of 5 years or if a subdivision was 75% built out. He said that would take care of these issues. Leinwand did say that this letter of credit was originally written in 2006, and it had been 5 years. Grabarz said they could deny it on that basis. Wallace said that was part of the new UDO. Leinwand said the new UDO had been passed by City Council on December 12, 2011.

Gobbel made a motion, seconded by Guidera, to deny the renewal of the Tiger Grand letter of credit, and to require the sidewalks to be installed. Green said there were no sidewalks at the common areas either. Gobble, Wallace, Green, Grabarz, Byrd, Guidera and Foye voted in favor. Jordan voted against the motion. The motion carried.

Leinwand said he would notify the developer. He said if the developer wanted to dispute the ruling, he would have to come before the Board.

C. Forest Glen (Infrastructure)

Leinwand said the original letter of credit was written in 2008. He said the percentage of units built was less compared to Tiger Grand. He said this letter of credit was also for sidewalks.

Jordan asked if any building permits had been pulled recently. Leinwand said there had not since November 2000. Green said he had driven through there and saw an abandoned car on one of the lots. Leinwand said he would notify code enforcement.

Green said if they were going to use the 5 year limit, they pretty much had to deny the renewal, and let them come in and argue it. He had a concern about giving one developer more time than another.

Foye asked since the 5 year limit was new, were these developers grandfathered in. Green said letters of credit were for one year at a time intervals. Green said the developers knew from year to year that they have 365 days to get things completed. Gobbel said he was not aware of any rule that required the Board to renew letters of credit at all. Wallace agreed. Leinwand said in the previous ordinance, the Board could deny a letter of credit. He said that the new ordinance stated it had to be 5 years or 75% built out, whichever came first, before it could be denied. Wallace said they did not in the past have to renew letters of credit, but had because of the economy.

Green made a motion, seconded by Gobbel, to deny the renewal of the Forest Glen letter of credit. Grabarz asked about the 5 years. Green said the developer could come in and the Board would tell them that it had been 5 years and long enough to at least show an effort to do it. Jordan said this letter of credit was only 4 years, but that nothing was being done there. He said he was not sure if the developer had a presence in the area at all. Green, Gobbel, Wallace, Byrd, Foye and Jordan voted in favor. Grabarz voted against. The motion carried.
V. PUBLIC INPUT

There was none.

VI. BOARD INPUT

Leinwand was asked how the Salvation Army got a permit to have a metal building. Leinwand said the metal would be covered. Leinwand checked the file, and said it would have a stucco finish. Leinwand said before they got their CO, they would have to meet the requirements. He said the Community Appearance Board approved the stucco covering.

Wallace said that hopefully putting sidewalks in would help sell some of the houses.

VII. STAFF INPUT

Leinwand said again that the UDO was passed in December 2011. He said he hoped to give the Board a copy of the UDO at the next meeting.

Jordan asked when amendments to the UDO would get started. Leinwand said there could be 2 or 3 amendments. He said City Council wanted staff to look at the buffer ordinance again. He said they were also looking at what other municipalities did in regard to allowing vinyl siding for non-residential structures. He said there might be something regarding electronic message center, the digital signs. Leinwand said staff had completed their research and were waiting to hear what the next steps would be.

VIII. ADJOURN

There being no further business to come before the Board, Jordan made a motion, seconded by Foye, to adjourn. The vote in favor was unanimous. The motion carried. The meeting adjourned at 5:55 p.m.

Approved and signed this 2nd day of February, 2012.

Gerald Wallace, Chairman