CITY OF CONWAY
PLANNING COMMISSION MEETING
THURSDAY, JUNE 7, 2012
CITY HALL CONFERENCE ROOM – 5:30 P.M.

Present: Charles Byrd, Gerald Wallace, Hank Grabarz, David Jordan, Brantley Green, Larry Foye, Fran Humphries

Absent: Chris Guidera, Bill Gobbel

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Grabarz made a motion, seconded by Jordan, to approve the May 1, 2012 minutes as written. The vote in favor was unanimous. The motion carried.

III. ANNEXATION REQUEST

A. Request by Ramon Moran to annex approximately one acre of property located at 676 SC Highway 544 (TMS # 150-00-06-133) and to rezone the property to Highway Commercial (HC)

Henderson said this was a one acre lot bounded by Monarch Student Housing on the north and Patriots Hollow entranceway on the south. He said the former use was automotive repair and oil change business. He said the proposed use was for a restaurant/bar with parking in the rear. He said based on compliance with the Comprehensive Plan Land Use Element, rezoning this property to Highway Commercial (HC) was recommended by the Future Land Use map. He said staff recommended approval of this annexation/rezoning.

Wallace said the applicant did not actually own the property yet. Henderson said that was correct. Wallace asked if that presented a problem. Henderson said if the closing did not take place by the time City Council issues Final Reading, they would have the current owner sign the petition for annexation. He said that was the only legal item that would have to be taken care of. He said as of now, Mr. Moran and Mr. Goss had signed annexation petitions.

Green made a motion, seconded by Jordan, to approve the requested annexation and rezoning. The vote in favor was unanimous. The motion carried.
IV. TEXT AMENDMENTS

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

Wallace said City Council wanted to have a recommendation from the Board. Wallace said they needed to provide something to Council. He asked Henderson to give an update on what had occurred since the May 1, 2012 Planning Commission meeting.

Henderson said City Council initiated this amendment brought about by the annexation petition for 632 Lesia Lane. He said staff maintained its recommendation to accept the language as it stood drafted by the city attorney and as submitted in their package.

Wallace reiterated to the Board this was now the time to make recommendations for changes. Jordan said he wanted to read prior motions the Board had already made. He said these were verbatim from the minutes. He said a motion was made and seconded in March 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. He said the vote was in favor and was unanimous. He said the motion in April was for it to be sent back to staff for rewriting taking into consideration the 9 items the Board listed as issues. He said all voted in favor. He said in May a motion was made and seconded to table for staff to have the city attorney address mobile homes in three different scenarios – multiple mobile homes on a single property, a single mobile home on a nonconforming lot, and a single mobile home on a conforming lot, and to have a more thorough ordinance for their next review. The vote in favor was unanimous. Jordan said the only research done was for staff to say this was the way it was. He said there was no additional guidance for the Board. He said the state law was not incorporated into the current UDO. He said he was a little offended the Board spent this much time in an unpaid position trying to make the city better, and what they kept getting back was nothing.

Henderson said the rationale for not providing any additional research was the city attorney provided staff with this language for the ordinance. He said that is why there were no responses to what the Board had asked. Henderson said he had a list from each of the meetings of the items the Board had asked for. He said they had asked for research and to have some issues addressed in a revised ordinance.

Jordan said in May the Board had asked for it to go back to the city attorney to take in consideration the Board’s issues.

Grabarz said there were two things to be dealt with. He said the first was nonconforming use and incorporating SC State Code of Laws 6-29-760 into the UDO. Jordan asked if a text amendment didn’t have to come from City Council. Henderson
said a text amendment could be initiated by the Planning Director, Planning Commission, or City Council. Grabarz said he took back what he said because it was referenced in the UDO. Henderson asked him if he was referring to the procedural information that was included in their issue paper about the State Code of Laws. Grabarz said that was correct. Henderson said that could be handled at a future meeting.

Grabarz asked how much time the attorney spent writing the ordinance. Henderson said he had no idea. Green asked if the ordinance had ever gone back to the attorney after the Board had made recommendations. Henderson said he was not sure. Grabarz said this was his second mark up of the document. He said words were missing. He asked if it had been proofread. Grabarz said his first question was how did mobile homes and mobile home parks become nonconforming. Henderson said nonconforming referred to a status. Grabarz said he understood, but how did they become nonconforming. Jordan said some were annexed. Grabarz said that was not said in the ordinance. He said it did not state mobile homes and mobile home parks shall become nonconforming uses. He said they must have already been a conforming use. Henderson said that was not necessarily correct. Grabarz said it was fuzzy English.

Jordan said it was staff’s opinion that the Board was too picky and should just pass the ordinance as it and go on. He said they were just here because state law required them to be there. Grabarz said he did not like that. Jordan said he did not either, and that is why they kept tabling it. Grabarz said he was not an expert in writing ordinances, but this ordinance bothered him. He said he could see some smart attorney coming in and ripping apart one of these sentences, and the city would be sitting there with egg on its face.

Wallace said it was the Planning Commission’s duty to make recommendations to Council. Wallace said if Council did not like their recommendations, they would not pass it. He said it was still the Planning Commission’s job to express their opinions. Grabarz said he was expressing his opinions. He asked if Council did not like their suggestions, could Council pass down to the Board what they didn’t like. Green said they had in that they kept sending the same thing back. Henderson said this had not moved to Council review because a formal motion had not been made by the Planning Commission. Henderson said only once that occurred could Council consider it. He said at the May 1 meeting, it seemed as though the group was going through each issue that was in their package. He said they were going through those issues to decide what ones were still valid ones. He said if they agreed, they could make a list of all the issues from all three meetings. He said all these items would be reviewed by City Council when it went to them.

Grabarz said since this had not gone to City Council, the state law did not apply. He said it had not gone to the governing body. He said it was a project in the works. Henderson said the governing body had the authority to consider a request, such as an annexation request from a property owner, when they have no recommendation from
the Planning Commission within 30 days. He said the Planning Commission had 30 days to act, to make a decision on any given item. Henderson said when the property owner on Leisa Lane requested annexation, Council went to staff for an ordinance to address the permitting of mobile homes under nonconforming status.

Jordan asked when the mobile homes on John Doctor Lane were annexed. Henderson said he was not sure. He thought perhaps late in 2011. Jordan said this ordinance was not holding up the annexation of Leisa Lane. Henderson said the final reading on the annexation of Leisa Lane was being delayed. Jordan said there was no reason for that if mobile homes were annexed in 6 months ago. Grabarz agreed.

Henderson asked if Grabarz was clear with what the state statute was regarding the 30 days. Wallace said the state law was already incorporated into the UDO. Wallace said they were supposed to be discussing the mobile home amendment to the UDO. He said he thought the information had been put in their packets to make them aware that Council, once the agenda item had been presented to the Planning Commission and they did not make a recommendation, had the right to address the issue within 30 days even without the Planning Commission’s recommendation. He said he knew they were not happy with staff and Council, but if they wanted to have a recommendation get heard, they had to make it tonight. He said City Council would address it whether the Planning Commission did or not.

Henderson said they could go through the list he had made and see if they still were relevant. Grabarz said most of his comments were mostly semantics. Wallace said semantics was most of their discussions other than some time limits and how to determine the value of a mobile home, and definitions.

Grabarz said he thought there should be a definition for mobile homes and recreational vehicles. He said that was never addressed. He said it should be because there was nothing to stop someone from putting an RV on a mobile home site. Henderson said major recreational vehicles were addressed in the ordinance and permitted as a conditional use on residential properties. He said anything else would be prohibited. He said if you owned a single-family home you could have a RV on your property provided it was in the rear yard being stored and no one occupied the vehicle. Wallace asked if a RV was defined. Henderson said it was not. Foye said then a RV could be used as a mobile home.

Wallace said they needed to make some concrete recommendations. Grabarz said he would like to see in Section 12.1.7.A.1 for “as a result of annexation by the city” to be added after “Mobile home parks that become nonconforming uses...”

Wallace said they would like a definition of a how property becomes nonconforming. He said that extend to other sections of the ordinance. Grabarz said it should also be added to Section 12.1.7B.1.
Grabarz said in Section 12.1.7 A.1.a should remove “nor increased in size” and add “or subdivided.”

Grabarz there needed to be the word “a” in front of “six” in Section 12.1.7 A.1.b. He said in the rest of the ordinance it said 180 days, and asked why this was not 180 days instead of 6 months. Wallace said he thought they wanted it to be 90 days and not 180. He asked if they wanted to keep that. Byrd asked if he 90 day occupancy timeframe included time spent trying to rent the mobile home. Wallace asked Humphries if discontinuance of use defined an owner trying to rent. Humphries said if it was not defined it was the plain word and the plain meaning. He said this just left it open. He said if there was no definition it was up for grabs. He said discontinuance of use needed to be defined. Humphries said if there was a common meaning for discontinuance of use, he did not know it. He said if there was one, there was no need to define it. He said if there was a definition that was understood in the world of ordinances then they didn’t have to do it. He said he did not know if there was a definition. Wallace said they should ask if this covered rental properties.

Jordan said rather than them try to rewrite the ordinance, why didn’t they go through Henderson’s list and decide if they wanted to make a recommendation on each one.

Some of the additional things discussed were the word “more” in front of “additional” should be removed from A.3.A as well as other places. A suggestion was made that the title of the section be Nonconforming Uses: Mobile Homes and Mobile Home Parks.

Grabarz brought up this scenario of a lot being vacant for 179 days and on the 179th day a new unit is placed on the lot and sits unoccupied for another 180 days. He asked what happened then. Foye mentioned what if someone moved in for about 10 days and moved out. He asked if the 180 days started over again. Humphries said there came a point where you could not legislate every potential scenario. Wallace said that staff needed to come up for a definition of a maintained rental property. He said it could be actively rented or actively being maintained. He said otherwise there would be a lot of buildings downtown that would need to be torn down.

There was some discussion about whether the roads in a mobile home park became public roads. Henderson said they would not. Wallace said the big issue then was public safety and whether or not a fire truck or other emergency vehicles reach the inner most parts of the park. Jordan said the next question was if they couldn’t, what would happen then. Henderson said they had brought up at a previous meeting that conditions could be applied for situations like that. Foye said right now the county was responsible for putting out the fires and what was going to change. Grabarz said they did not want to perpetuate a bad situation.

Green said he thought there should be a fee structure for mobile homes that it was either set up that each mobile home paid for its own meter or paid a percentage of
the cost if there was only one meter. He said it should also apply to trash. He said they should not have one roller cart for a mobile home park.

Below is the list Henderson made:

**PC Minutes March 1st:**
- Add definition for Recreational Vehicle (page 4)
- Definition of Mobile home should be more specific (page 4)
- Public Safety: Add that internal roadways “shall be maintained by the park owner and they shall be maintained in an acceptable condition so as to allow the expeditions passage of emergency equipment.” (Page 5)

**PC Minutes April 5th:**
- Add provision requiring property owner information: “Before annexation or 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...etc” (page 9)
- Change removal of nonconforming status from 180 to 90 days (Page 10)
- Add clarification to determining 50% damage (page 10)

**PC Minutes May 1st:**
- Allowing mobile homes to be put back when all other nonconforming structures are prohibited from replacement, is “unfair” (page 4)
- Water meters: mobile home parks that have multiple homes fed from one master meter should be required to comply with city requirements, or each house should be required to pay a “usage fee” if there is one meter for the entire parcel. (page 5)
- The ordinance should describe mobile homes in three different scenarios: 1) Multiple mobile homes on a single lot 2) single mobile home on a substandard lot and 3) a single mobile home on a conforming lot. (page 7-9)
  - When do setbacks apply?
  - Prohibit further subdivision of existing nonconforming park.
  - Could a MH be moved and replaced if it did not have damage?
  - If there was damage to the whole park, could all the homes be replaced?

**PC Minutes June 7th:**
- A.1 & B.1: Define how a property becomes non-conforming
- A.1.b: Remove “after the adoption of this ordinance”
- A.1.b: Add “of” between “period” and “six”
- A.1.6: Change 6 months to 180 days to be consistent
- A.2: Does the 180 days include vacancy when it is a rental property? Are there exemptions to the vacancy?
- Define "occupied" and the method for staff to determine occupancy.

Grabarz brought up the subject of a Certificate of Continued Occupancy was not a new thing in the world. Wallace asked if it applied to mobile homes that were rented. Grabarz said there were apartment complexes in the north that required Certificates of Continued Occupancy. He said they wanted to know if it was habitable. He said it had to have working plumbing, heat and air conditioning, and stove. Grabarz thought that it should be recommended to City Council that issue should be researched. Grabarz said someone could do work in a house that was not up to Code and then sell the house. He said as far as he knew, inspections were not required in South Carolina. He said if there was a fire and someone got hurt, the insurance company would want to know who approved it. Henderson said that's illegal work taking place. Grabarz asked how someone would find out about it. Green said it was "Buyer Beware". Henderson said this would be a very progressive step to regulate. Henderson said it was valid though. Wallace said if Grabarz was worried about liability, it's not a liability if the city is not inspecting it. Wallace said this did not just pertain to mobile homes.

    Wallace said he would entertain a motion that Henderson's notes be forwarded to City Council. Foye made the motion, seconded by Grabarz. The vote in favor was unanimous. The motion carried.

    Humphries asked to reopen the motion to include whatever notes Wallace had made as well. Grabarz seconded that. The vote in favor was unanimous. The motion carried.

V. PUBLIC INPUT

There was none.

VI. BOARD INPUT

Jordan said the Board had asked for information on sidewalks in common areas of existing subdivisions. He said he wanted reiterate that they still wanted that information.

There was discussion about the renewing of letters of credit for sidewalks in existing subdivision. Wallace said they were trying to establish a policy that after 5 years, the infrastructure had to be completed. Jordan said the new UDO said 75% or 5 years. He said the letters of credit for the existing subdivisions kept coming to the
Board. Wallace said the Board had been very sympathetic, but there were a lot of subdivisions that were beginning to look ratty.

Humphries asked if there needed to be a written document that points out to these existing subdivisions that they were being given a renewal of one year to get the infrastructure done. Wallace said they had been told. Jordan said they had not been officially told. Byrd said sidewalks were going in at Tiger Grand.

Wallace told Henderson that when the developers or owners of existing subdivisions were notified of an upcoming expiration of a letter of credit, they needed to be told about the new ordinance. Tessier said the developer/owners were written a letter stating that they had been granted a one year extension, and although they could request another extension, the Board probably would not renew it again.

VII. STAFF INPUT

Henderson said that McArthur Drive, located in Midtown Village, was a duplicate name for a street in the county. He said it was a problem with 911 dispatch. He said both street names were approved at the same time. He said staff had talked to the developer at Midtown Village and they suggested either McDougal or McAlister. Henderson said once the Planning Commission approved one or both of the names, City Council would select the new street name. Henderson said there was only one house on the Midtown Village McArthur Drive and no one lived in it.

Jordan made a motion, seconded by Green, to approve both McDougal and McAlister. The vote in favor was unanimous. The motion carried.

Tessier said there were no agenda items for the July 5, 2012 meeting, but if any were received, would the Board be agreeable to having the July meeting on July 12, 2012. The Board said that was fine.

VIII. ADJOURN

There being no further business to come before the Board, the meeting adjourned at 6:35 p.m.

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

Gerald Wallace, Chairman