1. CALL TO ORDER. Chairman Pruitt called the Planning & Zoning Commission meeting to order at 6:00 p.m. Commission members present: Chairman Pruitt, Vice Chairman Abrams and members Crone, Elliott, Johnson, Lauer, and Lowery. A quorum was present. Others present: Town Clerk Herrmann and Planning Director Morris.

2. PLEDGE OF ALLEGIANCE. Chairman Pruitt led the Pledge of Allegiance.

3. AGENDA APPROVAL. Ms. Crone moved to approve the agenda as presented. Ms. Johnson seconded. All voted in favor. MOTION CARRIED.

4. MINUTES APPROVAL. Ms. Lowery moved to approve the February 3, 2015 meeting minutes as submitted. Ms. Johnson seconded. All voted in favor. MOTION CARRIED.

5. DIRECTOR’S REPORT. Ms. Morris said the department issued 95 permits last month. Several inquiries were made on the tree regulation changes. She was surprised there were not many attending the meeting tonight. Of the inquiries, the comments were evenly split between those who liked and disliked the proposed changes. The tree arborist gave her some suggestions that would be presented during the discussion. Carl McLeod, who will serve as the GIS technician and perform the GIS Guide Mapping and Flood Mapping, began this week. Ms. Elliott asked if Mr. McLeod would map the town’s stormwater lines. Ms. Morris said he would map everything, including open and closed ditches, culverts, etc.

6. PUBLIC HEARING (Note: Each topic was addressed by the Commission as soon as public comments were completed).

A. Amend Article VII – Division 2 of the Town’s Zoning Ordinance regarding Tree Protection and requirements set forth therein. There were no public comments. Ms. Morris explained the changes and arborists recommendations.

17-722 Protected & Specimen Trees. The arborist suggested that the town establish a landmark tree. Area cities have identification brass plates designating their landmark trees. Clemson University advised that it was not required to use identification plates, but the town must establish the size and type tree. The GIS technician would be able to spot those trees on a map using the GPS (Global Positioning Satellite.) The arborist recommended designating the Live Oak and the Laurel Oak as landmark trees. Those two species are so similar, it would be difficult to tell them apart. The commission CONCURRED with the recommendation.

17-726 Guidelines for Removal of Protected and/or Specimen Trees. An issue came up because the arborist’s letter stated the tree was within 10-feet of the building, so oak trees had to be removed. The arborist said there was no damage to the house, but it could cause liability issues. He recommended and Clemson Extension confirmed that language could be added to state “Within 10-feet of a foundation of a habitable structure with visible foundation damage, or when there is clear evidence that the protected tree or specimen tree poses a hazard, i.e. roots visibly extending under a habitable structure.” Ms. Morris said allowing a protected tree or specimen tree to be cut just because it was within 10-feet of a structure was against the spirit of the ordinance, particularly with the small lots in town. The commission CONCURRED.

17-725 Guidelines for Tree Removal (excluding protected and specimen trees); 17-726 Guidelines for removal of protected and/or specimen trees, and 17-727 Guidelines for removal of
landmark trees. Ms. Morris explained that recently a challenge was made and trees had to be allowed to be cut; a few days later, the property was listed for sale. She recommended including in each of these sections “In these cases where it is in the buildable area, a building permit for the construction must be issued prior to the removal of the tree(s).” The commission CONCURRED.

Table 17-722 Protect [sic] and Specimen Trees. Ms. Lowery said this title should change to “Protected, Specimen and Landmark Trees.” After discussion, the commission agreed that the Bald Cypress should be added to the landmark tree list measuring at 24-inches plus, along with the Laurel Oak and Live Oak, also measuring at 24-inches plus. The commission CONCURRED.

Chairman Pruitt asked if notice would be sent to the tree removal companies. Ms. Morris said the approved ordinance would be sent to each one that had a town business license. Ms. Abrams moved to recommend to Town Council the amendments to Article VII, Division 2 of the Town’s Zoning Ordinance regarding Tree Protection and requirements together with the amendments just discussed. Ms. Lowery seconded. All voted in favor. MOTION CARRIED.

B. Amend Division 11, Section 17-395 to allow for additional permitted uses in the C2 (Central Business District) zoning district.

Mr. Matt Lillich, who owns commercial property at 816 and 816 3rd Avenue South encouraged the commission to consider adding more uses to the C-2 district, because under the current allowable uses, he has had two tenants denied permits in a two week period. This particular district is the most stringent of them all. He spoke with Ms. Morris and Town Councilmembers regarding this. In his opinion, there are many other uses that would be acceptable in the district, including his tenant’s proposal to have a dog training shop. On proposed tenant was formerly in the town limits, but chose to move to Murrells Inlet, because his light manufacturing business was not allowed in his building. Mr. Lillich said the yard outside the back of the building would need to be fenced to separate the dogs while training was going on. He understood there was a noise ordinance and would comply with the town’s codes.

Ms. Morris said the C2 Central Business district was the strictest district, which goes from 3rd Avenue South to Town Hall, and from Highway 17 to Poplar Drive. There are some businesses allowed in the C1 District that would not be suitable for the C2 District. The current uses were so limited that specialty shops and restaurants were about all that could meet the criteria. The ordinance states that the area is for pedestrian friendly activities. She contacted area municipalities with central business districts and gathered their allowed uses. Currently, the Town Code prohibits police and fire from operation from the district. Some of the existing businesses could not reopen, if they closed. Ms. Morris listed several other businesses for the commission to consider:

- Public Safety, Police & Fire Stations
- Cafe & Coffee Shops
- Retail Pet Shops & Grooming (No Boarding)
- Charitable Institution (Office)
- Ice Cream Shop
- Pharmacy
- Bakery
- Retail Shops
- Fabricating Shops (Fabricating & Upholstery)
- Dressmaker, seamstress, tailor
- Nail Salon
- Tanning Salon

Ms. Abrams asked if any DHEC violations would be created because of a pet shop being placed next to a bakery. Ms. Morris would check with DHEC, and said that she believed a pet grooming shop was in the location before. After further discussion, the commission CONCURRED to add “training” to the Retail Pet Shops, Grooming & Training, but to prohibit any pet boarding, and remove Fabricating Shops. Ms. Abrams moved to recommend to Town Council the amendments to Division 11 Section 17-395 of the Town’s Zoning Ordinance to allow for additional permitted uses in the C-2 Central Business District as discussed. Ms. Johnson seconded. All voted in favor. MOTION CARRIED.

C. Amend Division 11, Section 17-395 to remove residential uses as permitted uses in certain areas of the C1 (Highway Commercial) District in accordance with the Town’s Comprehensive Plan.
Mr. Gary Wadston, who owns the 14-acres on the west side of Highway 17 behind Denny’s. After marketing his property for a long, long time, he struggled to find a commercial use for it. He said certain portions of the comprehensive plan may just not be suitable for everyone. He would love to see the property developed. Lennar Homes and he worked out a plan to put residential housing on the property, but after analysis, Lennar found that the marketing price point for the houses was too low. The property was put on the market with real estate companies priced to sell at a fraction of any other commercial real estate in this area, i.e. Murrells Inlet to Myrtle Beach. He engaged E. F. Hucks Consulting Company to market the property to shopping center developers, but after four or five months there was no interest. The Jackson Companies was approached to see if they had any interest. Everyone with whom he spoke believes that retail use is out of the question. Two studies were completed by E. F. Hucks. One agrees with Lennar’s findings, and his own, which states that the property should be developed with high-density multi-family units priced around $200,000. The other potential use is a nice garden apartment complex with 180 apartments and two large water retention lakes. DDC Engineering prepared a schematic, which was submitted to the town to at least begin discussion about residential use. Mr. Wadston asked the commission to reconsider removing residential uses from the C-1 District.

The commission held a lengthy discussion about the 14-acre property’s history, after which agreed that at this time the commercial use is the best use. Ms. Morris said that any C-1 property owner may request rezoning if their development is for something other than C-1. The future land use could be amended regarding that particular parcel, if the request for rezoning was approved. Chairman Pruitt apologized to Mr. Wadston that the commission did not agree with his position, but at this time it believes that C-1 is the best use overall for the town. There were no other comments from the public. Ms. Lowery asked if those existing residential properties would be allowed as non-conforming uses. Ms. Morris explained that those existing residential properties would only apply to those properties with frontage on Highway 17. The recommendation is that “C-1 and C-3 districts dwelling units are allowed subject in certain areas, but that any kind of residential use shall be prohibited on the west side of Highway 17, including frontage roads and on parcels having any frontage on the east side of Highway 17.” The homes on the side streets and Poplar Drive will be allowed to remain and be rebuilt, if they are destroyed. Those properties will keep the C-1 district designation, and do not have to be rezoned. The height limits, and some grammatical changes were discussed that eliminate conflicts in the code. Ms. Abrams moved to recommend to Town Council that Division 11, Section 17-395 be amended to remove residential uses in certain areas of the C1 Highway Commercial District in accordance with the Town’s Comprehensive Plan as presented, including the amendments to conform the code, and as discussed. Ms. Elliott and Ms. Lowery seconded. All members voted in favor. MOTION CARRIED.

Ms. Crone said that Ms. Morris was very capable, but was concerned that some future director may not be as well versed and would bring bad recommendations. Ms. Morris explained that neither the commission nor she were decision makers; the committee has the option to deny recommendations made by staff, and then Town Council could deny any recommendation from the committee. Ms. Abrams moved to recommend to Town Council that Section 17-202 of the Zoning Ordinance be amended to allow the planning director or designee to initiate an amendment to the zoning ordinance. There were no public comments on this item.

Ms. Abrams moved to recommend to Town Council that Section 17-202 of the Zoning Ordinance be amended to allow the planning director or designee to initiate an amendment to the zoning ordinance. Ms. Johnson seconded. All members voted in favor. MOTION CARRIED.

Chairman Pruitt closed the public hearing at 7:00 p.m.

7. DISCUSSION ITEMS

A. Amending Section 17-396.41 regarding substation locations within the town. Ms. Morris said substations are currently allowed. The town administrator asked that the commission consider amendments to Section 17-396.41 that would restrict locations of water towers and utility substations to prohibit them from being placed directly on Highway 17. If they are allowed on the highway with a 25-foot
landscape bumper, they would still be very visible and in their opinion create an eyesore. Substations
could be located on the rear of a property with Highway 17 frontage. The commission agreed to have this
topic brought forward.

B. Any other matter of concern to be discussed by the Planning Commission. Ms. Morris
said Mr. Mark Lazarus, owner of Wild Water and Wheels, asked if the commission would consider
allowing the lot just behind the Log Cabin at the flea market to be used as a small amusement fair-type
ride park with between 15-18 rides from 3:00 p.m. to 11:00 p.m. beginning Memorial Day and ending
Labor Day. Concessions like popcorn and cold drinks, and portable bathrooms with landscaping would
be provided. Negotiations have not been made with the flea market. Before he approached them, he
sought the commission’s consent. Ms. Morris contacted North Myrtle Beach officials, because he has a
similar park there. North Myrtle Beach officials in the planning and the zoning departments both said that
Mr. Lazarus was a very good neighbor and that there were no problems with any of his operations. North
Myrtle Beach allowed the kiddie park as a conditional use. In the town’s case, it would be a conditional
use in the C-1 district. Guidelines, site plans, parking spaces required, etc. would have to be submitted to
establish the code. Joint use parking should be encouraged, which would not be a problem, because as
she understood it, the flea market closes before 3:00 p.m. North Myrtle Beach’s code was well written
and would be a good template after some minor revisions for the commission to consider. If approved, a
new site plan and application would have to be submitted annually. Ms. Lowery was concerned with
traffic congestion in the area and safe ingress/egress. Chairman Pruitt said that a traffic light is being
installed at the 10th Avenue South intersection, but it might be a few years before completion. Ms.
Abrams appreciated Mr. Lazarus seeking the commission’s input in advance. Mr. Lauer said the annual
renewal gave the town more flexibility, because there would be historical data upon which a permit
decision could be based. Ms. Morris said a new application would be required each year. Ms. Elliott said
this proposal was family oriented, which would help the town’s branding. Ms. Terri Lauer asked from the
audience who would be responsible for liability insurance. Ms. Morris explained that Mr. Lazarus would,
because it would be located on private property. Ms. Morris said the police department could be
contacted about the traffic concerns, and public works would be contacted about the 10th Avenue traffic
light. The commission agreed to have this topic brought forward.

8. PUBLIC COMMENTS – GENERAL. There were no other public comments.

9. COMMISSION COMMENTS. There were no commission comments.

10. ADJOURNMENT. Ms. Crone moved to adjourn at 7:14 p.m. Ms. Lowery seconded. All
voted in favor. MOTION CARRIED.

Prepared and submitted by,

Debra E. Herrmann, CMC, Town Clerk

Approved: May 5, 2015.

Mikey Pruitt, Chairman

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not intended to be a complete transcript. Appointments to hear recordings may be made with the town
clerk; a free copy of the audio will be given to you provided you bring a flash drive. In accordance with
FOIA, meeting notice and the agenda were distributed to local media and interested parties. The agenda
was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the Town
marquee.