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

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

3. AGENDA APPROVAL. Ms. Elliott moved to approve the agenda with an amendment to consider subdivision of a lot on 11th Avenue South. Ms. Gambino second. All voted in favor. MOTION CARRIED.

4. MINUTES APPROVAL. Mr. Seibold moved to approve the July 3, 2017 meeting minutes as submitted. Ms. Gambino second. All voted in favor. MOTION CARRIED.

5. PUBLIC COMMENTS- Agenda Items. There were no comments on agenda items.

6. DIRECTOR’S REPORT. Ms. Morris said the department issued 137 permits last month. One survey was approved to combine two lots on Highway 17 North for Plantation Resort. The subcommittee appointed to review the tree ordinance met on Tuesday, July 25th to discuss any changes and amendments to the proposed tree ordinance. The subcommittee will request at the next council meeting that the ordinance once again go the planning commission for review before second reading by council.

Chairman Abrams asked if Ms. Morris had any information about Horry County relaxing its overlay ordinance. Ms. Morris said she heard from county staff that first of all the town’s ordinance should be more stringent than the county’s overlay. The county is still going to propose a change to at least the Highway 501 overlay to relax the requirements. Carolina Forest residents and residents from another subdivision in that area oppose relaxing the overlay ordinances, because it is the main corridor to Myrtle Beach.

7. DISCUSSION ITEMS.

Lot Subdivision at 11th Avenue North. Ms. Morris explained that the planning commission generally does not consider a minor subdivision, and presented a request for Mr. Ronald Crouch to subdivide his property located on 11th Avenue North so that an existing barn could be converted into a residential structure. The property has sufficient square footage to allow the division, but the barn is considered an accessory structure and would violate the code that prohibits accessory structures on a property unless there is principle use in place. After much discussion, the commission generally agreed that the request should be granted, and CONCURRED to ask Ms. Morris to consult with the attorney to determine in writing whether several specific stipulations could be placed upon any PC approval to subdivide and if they would be enforceable.

Review and amendment recommendations to Design Overlay District. At the request of the commission at the last meeting, Ms. Morris gave a slide presentation of the types of the traditional style architecture described in the overlay ordinance. In response to the question of whether metal buildings would have warranties violated if they are required to cover the exterior, nine different metal building companies sent copies of their warranties to us. Each company said that if the façade is done correctly, it will not void the warranty.

As a review, Ms. Morris referred to the slide show and said:

- Building façades and entrances. Other areas and Horry County now allow parapets, because it’s the new design
- The metal building is covered with the different materials.
The commission has approved having three of the elements listed that include having a color change; a texture change; a material model change.

- Canopies or overhangs above the entrances or portico at the entrances
- Roof overhangs above the entrance
- Entry recesses and projections to make the building appear that it is different buildings

Ms. Morris said the commission has not addressed order boxes, menu stands, pickup windows, teller windows or queuing associated with drive-through services. Currently our ordinance states that a menu board or anything similar has to be either on the side or on the rear of the building. She recommended the commission address this in the new ordinance.

The proposed ordinance does not address mechanical equipment that is placed on the ground. It addresses the mechanical equipment on the roof and states it must have coverage so that it cannot be seen from any right-of-way. The current ordinance states that mechanical equipment must be enclosed or covered so it is not visible from any right-of-way even on the ground.

The color scheme is part of the design and development review. The current approved colors were shown to the commission. Ms. Morris explained that similar colors would be approved, as the town was not promoting one paint company over another. Chairman Abrams believed that landscaping was necessary along with painting. During a lengthy discussion of painting costs and the positive impact that a new paint job and some landscaping have, Ms. Gambino asked if the façade grant was available. Ms. Morris said not this year, but it would be requested again next year. Ms. Gambino suggested that the planning commission request the façade grant be instituted, if compliance by every business when the new ordinance is adopted. Ms. Elliott believed that landscaping was vital to improve Highway 17’s appearance, which in her opinion, would draw customers to the town’s business. Mr. Seibold expressed hesitation although in concept he agreed the town’s businesses need improvements. He believed Town Council would hear many remarks from the business owners. The commission CONCURRED to use the paint colors currently approved, with a maximum of three (3) colors on any building and that every building should be in compliance with painting and landscaping. Ms. Elliott moved that existing business should comply with the painting and landscaping sections of the overlay ordinance within 12 months of adoption of the overlay ordinance. Ms. Gambino second. Chairman Abrams and Members Elliott and Gambino voted in favor. Member Seibold voted against. MOTION CARRIED.

Vertical column size that is appropriate for the design was discussed. The commission CONCURRED that should be included in the new ordinance.

Traditional architectural design theme is currently required in our code. Examples of that design were display. The commission CONCURRED to use the same design; architectural details, design, and finishes, signage, canopies and railings have to be architecturally appropriate and compatible with one another.

Signage is addressed in another code section. However, signage must be placed within the architectural features, and are not allowed to be placed over a window.

Various design styles were shown from renovations to an old bank that was converted into a doctor’s office, and two superstores that were renovated to create government offices; a library; and several retail companies. The properties were now filled with thriving businesses. The overlay designs areas were obvious, because the parking areas included islands and trees.

One particular building was simply repainted and a previously unseen to architectural detail was highlighted with a different color, which was minimal cost. The argument that it cost too much is moot; sometimes it doesn’t cost much at all. Major companies actually have multiple designs to meet any municipality’s overlay requirement, i.e. Cook Out, Dollar General, and Zaxby’s. Contractors can put a façade on the building front that will change the entire appearance. All of the examples shown were metal buildings.
Chairman Abrams said I like everything you just said. In her opinion, the commission should ‘go for broke’ in this ordinance, because council is asking the commission to strengthen it. Mr. Seibold agreed with strengthening the overlay ordinance, but also wanted to be reasonable. Chairman Abrams said people have whined about the cost of some bushes and some paint. We tried to be gentle about that and nothing happened. I think some ‘arms need to be twisted’ on at least that kind of thing. Mr. Seibold and Ms. Morris agreed. Ms. Elliott asked how this could be enforced, because the town is already built up. She described the parking at Twins, Tomlinson’s, the post office, and Owl O’ Rest and further down to Glenns Bay Road. Tomlinson’s had to put islands when their parking lot was repaved, which stopped traffic from passing through. She asked what would make these owners change. Ms. Morris said the ordinance could require compliance, but it would have to be enforced. We actually have access from Twins to Owl O’ Rest without getting on the road. The post office put a strip with enough room to have a cargo in and out. We wanted landscaping all the way up with room for two cars, which is what they did. When they put that landscaping island in, it slowed down the traffic. For an existing business that meets the criteria set out on page 1, we would not interrupt their egress; it’s already been approved. We would look at their access to neighboring properties without having to get on the road. If there is access, then they would be required to allow the access. This would occur when “major change” is made to the property. Mr. Seibold hated cutting through parking lots, because cars came from all directions. This code encourages that, but the entryways are not necessarily on the same place. Ms. Morris said the ordinance states it has to be in the same place. Members shared experiences at the post office and 5th Avenue North. A suggestion was made that the post office mark lanes for entry and exit. Chairman Abrams said plants and paint are low cost, instant improvements; perhaps the more expensive requirements could be on a reasonable schedule. The current ordinance has not produced any improvements by many property owners.

Ms. Morris asked for clarification about the approvals on page 2. Number 4 is any change of use that requires additional parking shall bring the entire parking lot into compliance with the overlay. Properties with access connections that do not meet the requirements shall be brought into compliance, etc. Ms. Morris said this was addressed on the front page by requiring the property to comply with a change in tenant or use. After discussion, the commission CONCURRED to omit number 4.

Mr. Seibold asked who decided and how the formula for level of modification was established. Ms. Morris said Horry County. She did not know the reasoning, but would find out to report at the next meeting.

Ms. Morris referred to page 1, level of modification, and asked if every agreed that change of ownership; change of tenant, and change of use would require compliance with all of the overlay ordinance requirements. After discussion, the commission CONCURRED.

Ms. Morris asked if the commission wanted to include guidelines for porticos, architectural designs, order boxes, menu stands, pickup windows, services and mechanical on the ground. The current ordinance requires that pickup windows, order boxes and menu stands must be placed on the side or rear of the building. After discussion, the Commission CONCURRED that should stay in the ordinance. Ms. Gambino suggested that the glass windows and boxes should stay in good working order, and that it be maintained properly. Ms. Morris would check the current sign ordinance to determine whether that would fall under that
Ms. Morris said the current code states that mechanical equipment on the ground should be shielded from any street or right-of-way, and shall be shielded from the public view through the use of a parapet wall or other decorative features. This is not in the proposed ordinance. The commission **CONCURRED** that this should be included in the proposed ordinance.

Ms. Morris explained the chart classifications on page one:

“Very minor 0% - 9%” requires painting and foundation landscaping within 12 months of adoption of the overlay ordinance;

“Minor 10% - 39%” all exterior walls must adhere to foundation landscaping requirements, and signage;

“Significant 40% - 74%” requires foundation landscaping; exterior walls, and signage;

“Major 75% or more” requires compliance will all sections of the overlay ordinance; and

“Change of Ownership, change of tenant, or change of use” requires compliance with all sections of the overlay ordinance.

Ms. Gambino believed the town should control colors used when multiple businesses are connected in a strip mall to ensure the colors blend. Ms. Morris said the ordinance stipulates that a color change is required so that side-by-side buildings do not have the same color.

Ms. Elliot said the goal was to draw business not only to Highway 17 but also to Ocean Boulevard. If businesses don't comply they should be fined, but nothing outrageous. Ms. Morris said violations of Chapter 17 are a misdemeanor. Chairman Abrams reiterated that asking did not work; it is time to require.

Ms. Linda O'Brien, South Ocean Boulevard: I just want to say that all these ideas are beautiful. They're great. The thing that I'm seeing as a real estate professional is that a lot of these buildings there's tenants, but there're separate building owners a lot of times. So you have two people or two different parties in the scenario. Excuse my ignorance, it's my first time here. Have you had meetings in the past when you invited the tenants and the owners of the buildings to come? Chairman Abrams said yes, we've been all around that. We sympathize, as I recall what we do we sympathize with the tenants who have an owners to deal with. What we trying to do is make the owner improve his property. We have absentee owners. Ms. O'Brien: Many of my friends, they have, they are like, hey, I wish our owner would do that, and it's very frustrating for you, too. Yes, I would like some kind of credit. You've tried that before and it didn't work out. Ms. Morris said I don't think the façade grant was advertised very well to the business community. In our case, we did ask for it this time, and of course, with all the projects that the town has going on they really can't afford the grant this year. But we are going to ask again next year and it will be 50-50 grant. Ms. O'Brien: Absolutely, you know, I think that would be something that's well received. If you have to do this, then there's a certain timeframe. It is a lot of money, like for somebody that might own a building like that Piggly Wiggly, it could cost $20,000, $40,000 to paint a building. Not just $2,000; you split a $1,000. It could be a really big expense. Chairman Abrams said I think what you're hearing since you're relatively new here is we have tried the please, and the nice, and the gentle. We had some cooperation, and some that are never going to cooperate; most of them are absentee owners. They don't care what it looks like in this town. I think the general feeling on the planning commission and probably council is we need to twist some arms a little bit to get this town cleaned up, and that's what we're trying to do now is tighten up so there is a little less choice about it. Because obviously, there are some owners who aren't going to do anything, unless they're forced to. Ms. O'Brien: So just paint and planting landscaping, this would be ... Chairman Abrams said we're still in the discussion stages, but were not discussing making them remodel their buildings within a year. We would just like some cosmetic gratification now. Ms. O'Brien: Right, okay. Thank you. Chairman Abrams explained to Ms. O'Brien that the commission wrote an overlay ordinance 2012 and it was really kind of tight and might've gotten us a lot farther than we are, but Town Council at the time with a lot of flak from the business owners backed off and weakened it. So we haven't had as much progress as we might've liked. Now Town Council with different members is saying we need to step it up, because Horry County is growing. If you look at both ends of our town, at Garden City, and above us at Highway 544, it is getting real pretty,
and we're lagging behind. Now the pendulum has shifted and council is saying tighten it up. We pretty much
intend to do that now, but what will happen when it gets to Town Council we don’t know. Ms. O’Brien:
(*** speaking from the audience) Is there any way that, since you know that you want it to look a certain
way, and you don’t want it to look like hodgepodge, even though you have all those colors, it could look
really bad if you put certain colors next to each other. Is there any way you could have somebody already go
and mate the colors so when they’re ready to paint those like that would be their color? I think it would be
better than you can pick out a color from here. Chairman Abrams said I think to do that Town Council would
have to establish an appearance board, and unlike Charleston, we don’t have one. Ms. Morris said she was
correct. Chairman Abrams said we’re not trying to go that far in legislating it. It is my understanding with
that color palette that it’s really almost impossible to clash. Ms. Morris said it is. Ms. O’Brien: Awesome.

Chairman Abrams said during the last meeting somebody asked why C3 was taken out of the
overlay. Ms. Mary Mabry said it was because of the homes in the C3 district that are businesses. Chairman
Abrams said we have homes in C3 and that makes sense. Thank you so much. I remember now.

Chairman Abrams opened discussion on (F) Shipping/receiving areas, utility locations and
dumpsters. Ms. Morris said the proposed section (F) was much better than the current code, and that staff
does not want to have any discretion so application of the code can be consistent. The commission
**CONCURRED** to:

Paragraph (1) no changes; and
Paragraph (2) Utility Services should be located underground. (Delete: “when possible. Exceptions
may be made when the Zoning Administrator determines that public safety is at risk if underground utilities
are employed.”); and
Paragraph (3) is deleted in its entirety. (Delete: “Elements such as HVAC units, telephone boxes, or
electrical transformers shall be placed as close to the building as feasible.”); and
Paragraph (4) no changes; and
Paragraph (4) a. remains the same except the cover shall be at least seven (7’) feet in height
(instead of six (6’) feet; subject to the public works director’s recommendation).

The commission discussed Glenns Bay Road as the third entrance to the town and possible solutions
to improve the appearance of the backsides of the shopping center buildings. Ms. Morris explained that
under the current code there is no way businesses can be required to enclose their dumpsters. The
commission **CONCURRED** that all dumpster shall be enclosed within one year of adoption of the ordinance.

Ms. Elliott asked why students had never painted the electrical boxes. Ms. Morris did not know. Ms.
Gambino knew an art teacher that could coordinate the students, if this project was possible. Mr. Seibold
said permission would have to be given to paint the utility boxes. Ms. Morris said yes; the electric company
would have to be contacted. When I travel for conferences, all of the electrical boxes are painted, so the
utilities do allow it. The painting is allowed under Crime Prevention through Environmental Design (CPTED).
Augusta had graffiti on every one of the boxes. After they were painted six years ago, there has not been a
single incident of graffiti. Ms. Elliott asked Ms. Morris to request a consensus of Town Council at the next
meeting to allow painting the utility boxes, subject to the utility companies giving approval. Then, Ms.
Gambino could get Ms. Morris in touch with the teacher. Ms. Morris said absolutely. Chairman Abrams was
not sure this project should be in the design overlay. (**several speaking at once.) Ms. Elliott said no, this is
a separate issue. Ms. Gambino said students would also paint the dumpsters.

Chairman Abrams said the discussion through Paragraph (F) was concluded.

10. PUBLIC COMMENTS - General.

Ms. Mary Mabry, 15th Avenue North: Thank you for letting me come up and speak. Needless to say
I am here because mainly of overlay. I was so proud when we got it to council before and so disappointed
when we ended up with it. So I’m very happy that you’re taken this challenge on again. One thing I like to
bring up is in the landscaping. It might be nice to add the crime prevention landscaping and have our
director go out. Greenville and other towns have that in their ordinance for businesses so that they have a 
plan and what to plant so that they are less likely to be drug dealing, and they have a low to the ground; 
they have 'em kind of thorny so you don't want to climb in the window. But I got a schooling from [Ms. 
Morris] years ago on it, and I always wondered why we didn't put it in our business landscape ordinance. 
We got the talent. We've paid for the certification. Let's use it. Not to put any more on you, [Ms. Morris]. 
But it's a good thing to have, you know, and I really did come up here with just the intention of talking 
about the overlay. But I'm gonna say something that I hope you're not offended at. I want you to take back 
your committee. It breaks my heart to see that you do not get a second bite of the apple first. We don't 
have a good ordinance for planning and zoning. If you look at Georgetown, or if you look at North Myrtle 
Beach, if you look at Conway it's in their ordinance that council cannot butcher, shred your recommendation. 
They have to send it back to you. We have always done that as policy. That's been our policy as long as I 
can remember. Well now that policy is not there anymore. Now there's amendment after amendment. Now I 
can understand that you might as a council change some minor things. That, that's not a big deal. I mean, 
okay, you don't want palm trees. They do. Ehh, we can live with that. However, what I have a problem with 
is that the intent, the spirit of your recommendations are so butchered that they don't even resemble 
anything that you sent. You don't have a second chance at the apple. That's the way it's supposed to be. I'm 
gonna ask you to consider getting you an attorney. The town must pay for it. You don't have to use one; the 
town one. Have him come and discuss that with you and present that ordinance to council. You're not a 
ghost committee. You're a state requirement. We're supposed to take your recommendations. When I say 
way [sic], I'm talking about the town. You study every angle. You sit up here for months and do that. 
Council gets it and reads your recommendation. They don't know, they don't need to know how the sausage 
is made. They're supposed to get it. I never once came to planning and zoning when I was on council, 
because I had an attorney tell me not to. The reason he told me not to is he just convicted a councilman for 
influencing that planning and zoning. And you know, at that time I thought I'd heed his advice, because I 
didn't want to be up here shaking my head, which I know my instincts would be to go yeah, yeah, yeah or 
no, no, no. So, I never came. I just didn't do it. I think it's wrong. You cannot be a private citizen, stand up 
here and tell somebody what you like when you go and vote the next Tuesday. You're not a private citizen. 
Once you have the power of a vote, you've lost that. I really want you to remember that you have the right 
to executive session, if you want to talk about a personnel issue, or any other issue that council can speak 
on. You can do it in executive session. You can have an attorney guide you at any time he has to come to 
this meeting, you can have that. You can sit down with him at any time. I want this ordinance changed that 
gives you the power that you rightfully deserve and should have. Marrow [sic] to the other municipalities’ 
and take back your committee. It breaks my heart to see sometimes what happens to your 
recommendations. They can have a bite at the apple, but they've got to send it back to you ten times. You 
are the ones that look after the entire community. You are the ones that are apolitical. You're not; you don't 
care what she wants, he wants, they want up on this dais. You care what's best for the community as a 
whole, politics are out of the picture. So when it comes to the council, it comes to council clean, it's free of 
politics. It's free of oh, okay, it's not off to council I go, i-o, i-o, i-o [sic;} it's okay. It's okay, here's a clean 
bill. It's for everybody, and then we're going to look at it that way. I want that again. I don't want members 
of this committee coming up before council and saying I feel like a ghost committee. I feel like we're not 
being heard. I don't think you respect the work that we put into this. So I really, really hope that if my heart 
is breaking that you know that there are other people in the community that feel the same way I do. That 
we feel like your work is valuable. It's important. It's state law, and I want to be respected again. So thank 
you for letting me speak.

Mr. Ron Ott, 7th Avenue North: I'm a taxpayer. I'm a citizen of this town, and I can come to this 
meeting. I've never sat out there and influenced any one of you. I've never influenced you outside of here. 
But, I did stop the rape of that tree ordinance, because there was something that was being done wrong. 
But that's why there are seven council people, and that's what we do. We are a democracy, and if one 
person can do things, well, it was stopped and it never got to the second reading. You do get your second 
bite of your apple, because I asked at that meeting to immediately bring tree ordinance back to the planning 
commission, and it was again a democracy where four councilmembers said no, we're gonna have a 
subcommittee. I don't want to bring politics in here. Politics were just brought in here and that's why I'm 
standing up. That was total political speech. We don't need to do that and I've never done that here, and I 
won't do it ever again. Thank you for your time, and your passion for what you do.

Page 6 of 7
11. COMMISSION COMMENTS.

Ms. Gambino: I’m just so glad everyone comes out and speaks. That’s why we have a wonderful America, and a wonderful little town here that we can make better, no doubt. Thank you.

Ms. Elliott: I thank you all for coming this evening. I really have no other comments to add, but I’m glad they were back on the overlay plan, again, and I’m glad to see that our council is with us for this overlay.

Mr. Seibold: Well, I thank everybody for coming, I certainly appreciate all comments, and we’ll continue to work together, and get this done.

Chairman Abrams: I think I’ve made all the comments I need to make. I think we need to clean this town up and we may have to do it the hard way.

12. ADJOURNMENT. Ms. Gambino moved to adjourn at 7:46 p.m. Mr. Seibold second. All voted in favor. MOTION CARRIED.

Prepared and submitted by,

____________________________________
Debra E. Herrmann, CMC, Town Clerk

Approved: September 5, 2017.

________________________________________
Mary Ellen Abrams, Chairman

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