1. CALL TO ORDER. Chairman Johnson called the Planning & Zoning Commission meeting to order at 6:00 p.m. Commission members present: Chairman Johnson, Vice Chairman Lauer, and members Gambino, Mabry, Mastrovante, McKeen, and Sadler. A quorum was present. Others Present: Town Clerk Herrmann, Director Morris, and Permit Technician Mazzo.

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

3. AGENDA APPROVAL. Ms. Mastrovante moved to approve the agenda as presented. Ms. Gambino second. All voted in favor. MOTION CARRIED.

4. MINUTES APPROVAL. April 23rd minutes were deferred until the next meeting.

5. PUBLIC COMMENTS - Agenda Items.

Ms. Carol Cook, 7th Avenue South said starting with page 2, maximum height remains at 55. I think that the maximum height of any structure regardless of the type should be 55 feet. If you allow the railing to be 55 feet and then somebody wants to put a temporary pergola above, then that's going to be way above 55 feet. I think any accessory things such as a pergola, sail, or umbrella should not be allowed to exceed the 55 feet. I've lived here long enough to know that what's temporary today is permanent tomorrow. Under G, signs will be the same as commercial districts. Will signage be allowed to extend three feet out into the right-of-way? On chart 17–623(d), it says the height limit subject to the same freestanding requirements, wall signs cannot extend over. I don't know. There's no over what. My next question is the recommendations from the business committee. You all decided that you didn't want to approve those, so I'm questioning why those are being sent to Town Council, for your discussion later. Now, Table 17-395 the use chart, in mixed-use public safety, including police and fire stations are going to be allowed? I would not want to wake up one morning and find the police on one side of me in the fire department on the other. I would think that I would get very little sleep. Also restaurants on the next page of 17-395. I don't understand. The last time when we spoke, and I asked my question about dumpsters for restaurants, how are you going to allow restaurants that will not use dumpsters in mixed-use? There's no way. I also question beauty and barbershops, having lived through it, I know what a high traffic area that is. That's really not fair to the people who have homes on Surfside Drive. The other thing is I've lived here for 23 years and I can count on just my fingers the number of times that the business district has had 100% occupancy. So if we can't get 100% occupancy here, why do we want to extend it down and have some poor soul who spent their life savings on a house wake up one day and have high traffic retail business next door to them? That's really not fair to the residence, and I'll do the rest during public comments.

6. DISCUSSION ITEMS.

a. Entertainment District (E District). Ms. Morris presented the decision paper, a copy of which is on file. Ms. Morris explained that the E District was extended to include from 1st Avenue all the way down to Surfside Drive and Yaupon Dogwood, so the parking lot behind Neal and Pam's; the home, and the vacant lot were included. The maximum height remains 55 feet to the peak of the roof or the barrier around the rooftop dining, whichever is highest. Signage is the same as the other commercial districts. It's actually listed in the commercial district that only in the C2 District are signs allowed to extend over the right-of-way. We did not go over parking specifically, and the allowance of open display, and I assume since we are in the permitted uses it bicycle shops, etc. that there could be some open display as long as they are not of on the right-of-way. The specifics of the design overlay and the parking options need to be discussed. Once any building exceeds the 48% of the value of the structure, then they're going to have to either elevate that building or remove it and put a new building in its place. If they do that they can certainly expand the size of the buildings, because the setbacks proposed are 10 feet on the front, 5 feet on the sides and 5 on the rear. Non-residential property is permitted to have isles 20 feet for less than 60° parking, and a minimum of 22 feet for 60° to 90° parking. A 5,000 square-foot building would be allowed on the majority of those lots. So we prepared parking schematics to show the number of spaces based on the degree of parking, a copy of which is on
Ms. Morris said we have to talk about design overlay. Although the E District area is small, I think it should have the biggest impact in the town. It should look and feel the same with similar architectural features. I contacted one of the councilmembers who had a conversation with one of the property owners in the area and they already had a rough drawing of what they were going to propose. I called the owner and he offered to send that to me, but I haven’t received it yet. If the planning commission doesn’t have a problem, staff would like to go ahead and draft some of the design overlay guidelines then bring that drawing back to compare the two and we can make corrections. This would at least get started to avoid a delay once the E District is approved. Colors are going to be a big factor. We actually have a color chart for the design overlay on Highway 17 and it works pretty well. It is obvious which buildings were painted recently, because all the colors blend well and they look so much better. I think at the E District the colors should be completely different; several options will be presented for consideration. I spoke to a few engineers and architects in the area, and I agree with them that we should consider the low country architecture style. It looks good it looks good, looks beachy, but it certainly fits in that area. So that'll be what our draft overlay will propose; it may completely change once we see the drawings of the proposed building.

Chairman Johnson asked if the house behind Neal and Pam’s could be rebuilt if it were destroyed. Ms. Morris said not under the new ordinance. A residential property could not be built without a variance by the board of zoning appeals. Ms. Mastrostante asked if a building could be built over an existing building. Ms. Morris said if the new building doesn't touch the existing building, I would interpret that as another building that creates two buildings on one property, which is not allowed. A deck over an existing structure that does not touch the building would actually be an accessory to that building. Is that how the planning commission views it? Several members agreed. Mr. McKeen said some residents with houses built on the ground level wanted to build a second story, but said they can't because once you are over 50% you have to comply with the new regulations, and they would have to raise the house before adding the second story. Ms. Morris said the rule is 48% of the value. You can’t add anything else to a building within a five-year period once the 48% is reached. The code can be specific to ensure that is not allowed, if the commission desires. Commission CONCURRED.

Chairman Johnson referred to the parking chart in Section 17-420 and said I don't believe we can use this for down town. Ms. Morris said currently Parking Code F is used. This was the parking committee’s recommendation when it reviewed the C3 District’s parking problems. Basically, whatever parking you have, you have to maintain. Chairman Johnson said I agree with that but what about the number of spaces that we can get under these buildings? Ms. Morris said under building spaces would exceed what is there now. Chairman Johnson said even if we go with the least number of spaces that you showed us we’ll still be in compliance? Ms. Morris said I’ll double check, but I feel certain we will be. Ms. Mabry said I am concerned that the health and safety of pedestrians walking on a wider sidewalk could be overshadowed by a few private parking spots that we might lose. If you’re looking for walkability and you have wide sidewalks, it you certainly have a safer area in which to put people. I believe there will be a lot of walking. I think there are two ways of looking at it, because parking is always going to be an issue for three months. Ms. Morris said if we’re lucky, it will be a lot more than three months. I can ask Mr. Adair to look at it to tell us how wide sidewalks could be without going on private property, and along with the parallel parking, if that's possible, and then have the two options at the next meeting with the private-public shared and then just the public. Ms. Mastrostante said golf carts often park in regular parking spaces. Is controlling that an
option for certain sections? Ms. Morris said I don’t think we can regulate whether a golf cart parks in a regular parking space. Chairman Johnson said especially paid parking; if they pay they have a right to park there. If we have spaces that are not paid parking, we might be able to limit the use. Commission CONCURRED to have Ms. Morris bring the ordinance back with the amendments, the information about sidewalks, suggestions for the overlay.

b. Business Committee recommendations regarding the design overlay district. Ms. Morris said I reviewed the comments. In Section 17-901 they are asking that council remove the change of ownership, change of tenant, change of use. Those requirements were added by this committee trying to expedite the beautification of Highway 17. Mr. Stevens brought up that this section was not in the county’s overlay. On page 3, they want the pre-fabricated steel panels for exterior walls taken out completely. That wording is in the design overlay for the county. They do not allow it. Ms. Gambino said we address this last year. Chairman Johnson said yes, we did. Ms. Gambino said there again, as a commission, and hopefully the council, Highway 17 certainly looks run down. It doesn’t need to be watered down, in my opinion. The buildings need to be to certain standards within reason. Ms. Mabry said if you do this, you might as well not have an overlay. What you’re saying is those buildings they don’t have to do anything until they fall down to the ground. People are talking about businesses coming on 17. They’re not gonna invest millions of dollars into something that looks ratty, and you’re not gonna shop there, either. So, if we don’t do something to make the people improve it, we’re just gonna continue to run down, and nobody is gonna want to go to 17. I just could not support that at all. Ms. Gambino said I can’t either. Ms. Mabry said the original overlay design was watered down, and now we are five or six years behind where we should have been, and we would see a big difference today. Chairman Johnson said I agree with that as well, and like she said, council watered it down, and now they come back and say we want it stricter. So, don’t talk out of both sides of your mouth. I don't agree with taking any of this out. Ms. Gambino said I totally agree. Mr. Lauer said I do agree, also. I think that taking the triggers out, that goes right to the heart of the whole overlay. If you take the triggers out, you might as well throw the whole thing away. The metal buildings are tacky; they’re not what we want here in town, I don’t think. Ms. Gambino said I agree, and I’ve had two or three folks that don’t live here permanently, but that have property here, and they wonder what’s happening on 17 Business. It looks so run down. I told them we do not have a strict overlay, and until we do, it’s gonna continue. Mr. Lauer said I appreciate that the business committee would like to protect a few people, but that’s very shortsighted. Chairman Johnson asked about the colors; does something have to trigger that, or is it in here that they’ve got to comply with the color scheme? Ms. Morris said the code includes that all new or existing structures must adhere to building paint colors and must comply with the 12 months of the effective date of this ordinance. Page 14, under the alternate designs allowed and tree preservation the committee asked to remove the discretionary language. This language is actually in the county’s overlay. I understand why they put in there because sometimes the berm would not apply in the area, or it could actually cause additional stormwater issues. I am torn on this one because no one in our department likes to have discretion, because it opens the door to accusations of selective enforcement. Mr. Lauer said I appreciate the request to make the language hard and fast, but at some time you have to trust somebody. I think if we can’t trust planning and zoning, who can we trust? Ms. Morris said changes made based on discretion because of berms and stormwater or maybe just the lot is too small to put everything, we would certainly report back to the planning commission every month. This is why we’ve done this. Mr. Lauer asked if there is a right of appeal. Ms. Morris said yes. Commission CONCURRED to leave the language in the overlay ordinance as is.

c. Mixed-use District. Ms. Morris said the mixed-use district was actually written in 2011, and nothing has changed since then. The structures can’t exceed 35 feet in height, so obviously you will not get a Market Common. They must have a minimum 6:12 roof pitch. On-site parking can’t exceed 20 spaces. The code currently excludes outdoor dining, produce markets and temporary uses, but there is a proposal that the location for the Farmers Market be included in mixed use, so that will have to be discussed. Non-residential uses and activities are limited from 7:00 a.m. to 10:00 p.m. The buildings would have to look very residential in nature, just as it looks now, except some would be small coffee shops, spas, or other low-traffic businesses. Permitted uses need to be reviewed, because there were certainly some things pointed out today that may not fit into what the planning commission now has as the vision. The proposed area includes all of Surfside Drive, including the library area and Passive Park where the Farmers Market is currently held. If the planning commission wants to proceed with rezoning the area, would the commission want it to extend to and connect with the E District? Chairman Johnson said yes. Ms. Morris said Section 17-367 addresses the produce markets, and it excludes outdoor dining. I thought at one time we talked about maybe have an outdoor café, but this section would eliminate that. The Commission CONCURRED to the following:
• Outdoor Dining allowed as long as it is on private property
• Farmers Market specifically allowed in the Mixed-Use District
• Bakery allowed
• Small cafes and restaurants with maximum number of seating to be determined
• No corporate fast food restaurants
• Beer and wine sales allowed at cafes and restaurants
• Barber and beauty shops prohibited
• Daycare centers, dressmakers and seamstress prohibited
• Retail pet supplies allowed, but no live animals for sale; no boarding animals, and no pet grooming
• Mr. Adair would be consulted regarding waste disposal issues for the various businesses
• Include all of Surfside Drive to abut to the E District border, which includes the Wyndham Vacation Building
• Fire substation not allowed, police substation allowed with variance from board of zoning appeals
• Mixed use limits parking and size of the buildings.

\[\text{d. Any topic the board wishes to discuss.} \]

Mr. McKeen said we heard tonight about the 55 height limit in town. During the last meeting we all basically said this commission dead against going above 55 feet. But, the council could vote on a 4:3 vote to raise that 55 height limit. I would think we could propose a new ordinance that would require raising any 55 approval by the town's residents in a vote. Is that something that can be done? Of course, council would have to pass it basically taking away some of their power, but I don't see any of the members of the council being against something like that, and if they were that would be a bad sign. Ms. Morris said I don't think we can do that, but I'm not sure. So I would have to ask an attorney. Mr. McKeen said if we could do that, just think we would never have to hear much about 55 feet again, instead of at every council meeting and every commission meeting. I love to hear people talk and express concern about that because I am, too. But it would be nice to say what is it's going to be impossible to happen, because I don't ever see the town's voters approving that. It would put the bed. We wouldn't see it ever again. I would really love to do it. Ms. Morris said I will definitely ask the attorney. Mr. McKeen said we have a couple future council people here that could maybe push it from their end, too. (Laughter)

Ms. Gambino asked who the town attorney is at this time. Ms. Morris said I don't think we have one. I think Mr. Battle is by the hour; it's what I understand. We want an attorney to review these ordinances before they are sent to council.

7. Public Comments – General Comments.

Ms. Carol Cook, 7th Avenue South, said under 17-623 D, temporary signs are allowed twice year for period of six months, which results in that becoming a permanent sign because it's up 12 months. I understand people wanting mixed-use, but if you keep pulling business opportunities away from Business 17, I really don't care how beautiful your design overlay is, they're gonna want to be on this side of the highway where all the golf cart traffic is. We need to think about the entire town as a business community. It drives me crazy when I see vacant strip malls and then they build a new strip mall, before you build a new one. And that's how I'm feeling about Surfside. Now we're gonna create a new place for people to do business, why not think about the old places? We have to clean up 17. We have to get people in there. We have to have businesses there and there's nothing uglier than an out-of-business business. I wouldn't want to live next door to one. I'm lucky enough that I don't live up against or next to the mixed-use district. I just feel that it's a shame that we're gonna really rob these people of their neighborhood for maybe a cafe; maybe a pet store, when we have empty buildings on 17. I just don't think it's fair, and I can see Mr. Sadler's point about the garbage. If you have a cafe, I'm one person, I can fill up a Moby cart. So how is a restaurant that seats 25 people all day long going to function with just a Moby cart? How are they not going to have a dumpster? I think to be fair to the residents, if you do, in fact, enact this, I think you should consider changing the time to eight o'clock in the morning as opposed to seven o'clock, and closing at 9:00 p.m. because there are families that live adjacent to these buildings. They live beside them; on 1st Avenue North behind them, and live on 3rd Avenue South behind them. I really think that we need to think about the
residents and I’d like to see this come to some sort of referendum or at least have a public hearing so that the people who are really and truly going to be affected by this get a chance to speak. Thank you.

Ms. Jennifer Herrmann, Cedar Drive North: I live in the area that y'all are talking about doing mixed-use. I think it is a fantastic idea. I agree the trash is going to be an issue. You said it may be an ice cream shop. Let me tell you, ice cream trash stinks worse than doggie bags. (Laughter) Trash is an issue no matter where you go. Parking is an issue no matter where you go. You’re gonna have to have a very specific type business to even consider being in a mixed-use district. If you look at the shops that are in the little stores that are underneath the apartments in Market Common, they’re not big, huge restaurants. There’s no; you have maybe a hair shop or a dog groomer; there’s an olive oil shop. Stuff like that’s not going to be McDonald’s. I think having it would be a wonderful thing to have a bakery or a little somewhere where you could run go get a sandwich and not have to get in your car; you could walk. I think that’d be a great thing. I mean there's nothing better than being able to walk out my house and walked down to the pizza shop and get something for lunch and walk home and not have to get in the car; move the car; find somewhere to park, do all of those things. I think that it's long overdue that we do this. I think that there are a lot of issues that need to be ironed out. But I think that in the long run it'll make the town a better place. Yeah, it may pull some businesses off of 17, but let's face it, it’s a lot cheaper to build something new than to retrofit an old building. It's virtually impossible to get somebody to go into an old building that’s been sitting vacant for so long, because there is so much that has to be done. It is easier to demolish it and build new. So, I don't think that will be an issue. I think that the kind of businesses that would go into a mixed-use area; worrying about the times of hours, well one of the great things is it's your shop. You live there. You work there. You set your own hours. It's not going to be an issue where it's going to be affecting the neighbors, and as for kids living on Surfside Drive, maybe 10? All of Surfside Drive that I see walking, when I'm out walking the dog. As a child who grew up here, there weren’t but maybe 20 in all of Surfside. But, as somebody who actually owns property in this area, I think it's a great thing.

Ms. Patricia Magliette, Harbor Lights Drive: So my question is, I know we’re all here, I know all of us in this room are interested in what's going to happen with Surfside Drive. I remember back a while ago, one day I was walking along and Surfside Drive was being paved. Now, I don't know that very many people in town and that very many people living on Surfside Drive knew that the street was going to be paved, and actually the way they paved those curbs came out so far that if you try turning onto Surfside Drive and you’re driving down the street, you're afraid you’re gonna rub your tires, so you stick really way out in the middle of the street. So were talking mixed usage district. How many people who aren't in the; how many people who actually live on Surfside Drive know that this is in the works, because not many, very many people come to our meetings, and how are we approaching them, and is anybody telling them anything that were planning that's wonderful, that's gonna happen? I mean, are we the only ones in this room who know and what is our public outreach to these people, and I wish they were all here tonight, but is there a way that we’re gonna let them know what we’re planning? I mean, it sounds to me like it's a good thing to happen, but it also sounds to me like the street got paved it was there and done. Sounds to me like people who live there, who bought there, who decided to grow up their families there, they may not know what we’re doing. How are we getting the whole town knowledge, I mean besides that little bulletin board outside that says there's a meeting tonight, because I would hate for people to feel like they were shot in the leg all of a sudden we’re making big changes. I would almost like them to know a lot more about this and participate.

Ms. Morris said we’re just going through the ordinance right now, the mixed use. Once it gets developed and the commission says yes, go ahead, and this is the area we want done, we will notify every property owner, not only that is in the [proposed district], but everyone within 150 feet of that property, and we also put it in the newspaper, and [the planning commission] will hold a public hearing before it gets recommend to council. We also put up signs that state rezoning, and it has our phone number to call. We certainly try to get it out of as much as possible so everyone will be aware before it is in effect. We don't have anything in town zoned mixed-use, so this would be a first.

8. Board Comments.

Mr. Sadler: I guess I’m up here learning the whole time I’m here, because this is only number two. I love the comments from both sides. Most multiuse or mixed-use, but I am still concerned about garbage. I’m still concerned about alleyways going in. I’m still concerned about height limits. I know it can be a difficult thing to control, especially the E District, but as far as mixed-use, I think we’re getting it pretty well covered. It does scare me what’s gonna go in there. We’ve been pretty good about cutting out things that the town definitely doesn’t need.
as a family beach. I think that’s a very positive thing. Again, parking issues, they’re gonna be as severe as the E
District, because there’s no way they can have parking spaces on those lots that really with the setback and the road
already being widened as much as it has been, and those few parking spaces in each block, I counted ‘em about a
week or so, well before the last meeting, 62 spaces. You’ve got 62 businesses it’s probably gonna be where the
owners are parking. So we still have the same problem there. As I said, it’s gonna increase the real issues, and again,
we have all these storefronts out here on 17 Business, and it’s 17 out of business, so it looks to me, because we
really don’t have anything. I understand, I don’t know how many people heard about it, but BI-LO is going to be
changing over to a Food Lion, so we have new ownership there. We’ve got so many raggedy old storefronts,
raggedy. If I was going to start a business, I’m not even working at all anymore, but if I was going to open a
business, I certainly would not go to most of the locations out there, just by appearance alone, unless it was maybe
‘Sanford and Son’ (reference to a 1970’s television show that featured a junk yard). We could get that going,
because it's rundown and with that I’m gonna hush up.

Mr. McKeen: Well, thanks for coming and the only thing I want to say is I hope we can do something
about 55 to make it impossible. My fingers are crossed.

Mr. Lauer: You know, I really enjoy this process. I just want to thank my fellow commissioners here for
the job that they are doing and I really enjoy this. Thank you all.

Ms. Gambino: Thanks everyone for coming out, and your comments. We appreciate all of ‘em, and as far
as 17 Business, I think this is why it’s so critical to speak with our council people and to pass an overlay. If we don’t,
we won’t have too much on 17 Business. It’s going down fast. So, I just think it’s imperative to bring, you know, to
add to the town. We’ve just got to bring it along with our ordinance. Thank you.

Ms. Mastosante: Thank you for coming out. It was really good to hear different points of view. I think you
know with mixed-use, we’re gonna get mixed feelings from all different people, and it's good that it will be posted
so they can come and speak, because it’d be nice to include everybody and just do the best that we can with the
information that we receive from them to try to find a happy medium and compromise. With the overlay, I am
steadfast with not taking out the business committee recommendations. If we don't do it, it's never gonna get done.
I’m in full agreement with that. I am just looking forward to the next meeting and see what we can come up with to
help Surfside. Thanks.

Ms. Mabry: I want to thank everybody for coming out. I like to hear the different viewpoints, but when the
Comprehensive Plan was adopted, it did have mixed-use in there, am I correct? Chairman Johnson agreed. Ms.
Mabry said we were all excited about doing something and this is five years ago, I believe, and we haven't done
anything with it. Every person is not gonna sell their house on Surfside Drive and put a business in. We have one
house, I think, on Surfside Drive now that’s for sale. So you not going to have everyone selling their homes or
running in and putting a business. I believe over 15 or 20 year period, you're going to see more and more businesses
take over, but it’s not gonna happen overnight. I think tea shops, little sandwich cafés, ice cream shops, I think they
do add something to the town. It encourages walkability. Again, we talk about parking, but that is a step towards
walkability from the beach to downtown whenever you have benches, whenever you have places to go, people do
tend to go up and down the sidewalk and that's what we like to see. So there's a real purpose in this planning and it is
real planning, it’s not just a hodgepodge of let's do something. So I'm a very, very big proponent. As far as 17, listen
the national standard is if 85% of businesses are full, you have done over and above what the average town would
do. We certainly do meet that. However, I agree with [Mr. Sadler], I don't know that I want to have a business on 17.
They are so strict by state law, and remodeling, doing electrical work, fire work, whatever you have to do to
remodel, to make it yours is expensive, and it looks ratty up and down there. I mean people will only go and put a
business where they're going to be successful. They don't want a business; they're not gonna start a business if they
don’t feel like they’re gonna get a return on their investment. And that's what he believed, but I definitely think
Surfside Drive is great, great start, and I hope that council and the commission agrees with that. Thank you very
much.

Ms. Gambino said Thank you, [Ms. Mabry] for bringing that to my attention, our attention, but, we need to
courage the council. Maybe not, it would be wonderful if we could in this budget, but I hear it's time, but to
recommend the 50:50 for businesses that we used to have so that we could take some weight off, financial weight
off of the new businesses. I think that would be a wonderful thing to help us along on 17 South.
Chairman Johnson said I would just like to thank everybody for coming. We do thank you for your comments. I do have a couple other comments. Maybe what's allowed in the mixed use. I don't see any, they may not agree with me, but I will see any harm have been like a little retail clothing shop, because like little vintage shops or something like that, if we maybe could include that in what's allowed. As far say a noise ordinance goes, that noise ordinance right now for the town is, the whole town, is 7:00 a.m. and now sometimes I like to sleep past that, but you know somebody's mowing the grass or doing something that's making a lot of noise and it wakes me up anyway. So, since that's the town wide time for noise, I don’t see a problem with having 7:00 a.m. to maybe 10:00 p.m. and as far as the people that live on Surfside Drive, I’ve had people tell me that they been waiting for very long time for this to be changed to mixed-use, because their property values will go up as is. Some of those older homes that are on Surfside Drive, they would probably love it, because they could sell that property for much more than they going get out of an old house right now and it would be nice to see some of the older homes go, and have something nicer go up in that area. As far as 17 goes, actually I had in my notes what [Ms. Gambino] was talking about, but for council to offer some incentive for people to go in those older buildings, you know, give 'em maybe a tax break for the first year, or something; some kind of incentive that they can offer them, because the expense of fixing up those older buildings to encourage people to go up on Business 17. I think that kind of businesses that you will find in the mixed-use will be quite a bit different than what you will find on 17, because we are limiting it so much not only what can be put there but also in size. I look forward to getting the whole plan and seeing what we can do with it. Again, thank everybody for coming. I hope you have a great evening. God bless you.

9. ADJOURNMENT. Ms. Mastrosante moved to adjourn at 7:15 p.m. Ms. Gambino second. All voted in favor. MOTION CARRIED.