



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
April 7, 2009 ♦ 6:30 P.M.

PLANNING & ZONING PUBLIC HEARING
AND
MEETING MINUTES

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1. **CALL TO ORDER**

Chairman Hanson called the Planning & Zoning meeting to order at 6:30 PM. In attendance were: Chairman Hanson and Planning & Zoning commission members Seibold, Saunders, Culbertson and Smith. Building, Planning and Zoning Director, Vice Chairwoman Cook and commission member Barnard were absent. Also in attendance were Clerk Pinnell and consultant Mr. Tom Britton from the Waccamaw Council of Governments.

2. **PLEDGE OF ALLEGIANCE.**

Chairman Hanson led the pledge of allegiance.

Mr. Hanson stated that there was a sign-up sheet located in the back of the room and if anyone wanted to make public comments at the end of the meeting they would need to sign in.

3. **AGENDA APPROVAL**

Mr. Smith made a motion approve the agenda as submitted. Mr. Seibold seconded the motion. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL**

Mr. Smith made a motion to approve the minutes for March 3, 2009. Mr. Saunders seconded the motion. **All voted in favor. MOTION CARRIED.**

5. **BUSINESS**

Article III Residential District review.

Mr. Britton stated that Article III would be reviewed this evening adding that it is probably one of the most important articles within the zoning ordinance. Residential would be discussed at this meeting and commercial would be discussed at the next meeting. Article III is the most important because it sets both use requirements, sets up the districts as well as setbacks and height requirements as they apply throughout the town. The past couple months definitions and administration sections which are technical articles were reviewed. Article III has some technical issues but there are also many policy issues within it. Mr. Britton added that a discussion would follow.

Mr. Britton stated that going back to Article I the Commission would need to make sure that all of the definitions are defined. Mr. Britton stated that this particular article sets up the use requirements and in reading ahead there is also a use listing in Article IV which does not match up with the one in Article III and this would be classified as a major technical flaw within the ordinance and it needs to be addressed. Mr. Britton stated that there are also potential formatting issues. Anything district specific would need to be in Article III; when there is a meeting with the developer or property owner they would need as much information in as few pages as possible. Pervious coverage as it relates to R-3 districts in Article IV should be moved to Article III.

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Mr. Britton stated that there needed to be clarification in R-3 as it relates to multi-family, townhouse, condominium types or zero lot line types of development since the way it is currently written is not very clear in making the distinction between the different types of multiple family type of use. Mr. Britton asked if any of the commission members saw any other technical issues they wanted to address.

Mr. Hanson stated that the chart in section 17-73 needs to be addressed, apparently there are three different charts out there which contain slightly different information; it needs to be one chart, it needs to be easier to read and it needs to contain terminology and footnotes which are not currently fully explained adding that this chart is the heart of the zoning area and it is not very clear. Item four 17-133 was added by Mr. Culbertson to address for clarification regarding the 35 foot setback. Mr. Britton stated that the building width requirement is measured at the setback which is set off the front property line so there could be a pie shape lot; there could be 35 feet of frontage but as it tapers back to the building line there is a minimum lot width and a building setback of 30 feet and agreed with Mr. Culbertson that for clarity purposes it would probably have to be the same thing; if one is 30 then the other should be 30. There was some additional discussion.

Mr. Britton stated that the commission will be creating a list of items to review; they will be researched and brought back to the commission so that the commission can make a decision on these. Mr. Britton stated that if there is anything in addition to any items listed then the commission would need to bring it up for discussion.

Mr. Britton stated that one of the things that the district requirements does is, it sets out the uses, and asked if the commission came across any uses that perhaps were inappropriate for the residential districts in town. Mr. Britton stated that from the standpoint of what is allowed presently in Article III, there is residential uses as primary uses and there is home occupations which are listed for all districts, there is parks, horticulture, non-commercial and accessory uses; under conditional uses is listed churches, public/private schools, hospitals and similar uses or structures; a distancing requirement was set for that and also is allowed by conditional use is public utilities including water towers and that there is a landscaping strip required. Mr. Britton asked if there was anything in this listing which applies to R-1 and R-2 districts that the commission thought inappropriate or did not fit; referring to sections 17-87 and 17-88. Mr. Britton stated that one of the discrepancies between Article III and Article IV is that in the listing it also includes libraries permitted by right; museum and cultural activities by right; public buildings permitted by right and trade vocation schools, conditional use; barber and beauty shops as a conditional use and public utilities as a conditional use as well. Mr. Britton stated that there appears to be an expansion of some of the uses in Article IV that include public buildings, public libraries, museums, etc. and if the commission were to revise Article III the question would be, should the uses from Article IV be incorporated to include libraries, museums, barber and beauty shops, etc. Mr. Hanson stated that he feels that it should be one list. Mr. Britton stated that the question would be if Article III should be expanded to match Article IV or contract Article IV to meet III. Mr. Hanson stated that it currently "seems to work ok". Mr. Britton asked if there was anything on the list for uses. Mr. Hanson stated that under section 17-72 zoning districts he would propose creating an R-4 district which would be

101 multi-use adding that there is no land to place in it at this time but would like to consider
102 creating one with a definition; this has been discussed previously and he would like to
103 see one created and it would contain certain kinds of businesses. There was some
104 additional discussion regarding this proposal. It would be a village or market type
105 concept and Mr. Hanson stated that it could be created and defined for future use. There
106 was some discussion regarding needing a definition prior to agreeing to adding this zone.
107 Mr. Britton stated that there are various shades of what a mixed use zone could be and it
108 could be added to the list of items to research and discuss in the future. Mr. Britton
109 stated that Article IV has public buildings and public uses and added that this is a very
110 broad category and the commission may want to narrow down the list of what public
111 buildings are; Mr. Hanson stated that prisons would be excluded. Non residential uses in
112 residential districts approval process was discussed; under the current ordinance it is
113 conditional use which means that it is permitted exclusively by staff and some places
114 have a special exception which requires a non-residential use such as a church, school or
115 public building go before the BZA to get a special exception; it requires a public hearing
116 and public input. The commission agreed that this would be good to add to the list of
117 items to address.

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119 Mr. Britton stated that he had handed out a land use map for the town which was done
120 back in 2003 or 2004. Mr. Britton stated that the map included not a lot of non-
121 conformity from the standpoint of commercial residential and the only issue he saw that
122 potentially pertained to non-conformity dealt with the number of units per lot where
123 there is higher density than what would be permitted within the district. Mr. Britton
124 brought up discussion on setback and height and asked what the issues were other than
125 corner lots which would be addressed in Article IV. Mr. Hanson stated that he has two
126 issues, one is in R-2 stating that under the current ordinance one is allowed to build a ten
127 bedroom, ten bathroom duplex and he feels that this is too large of a structure in an area
128 where there are single family homes and that it could be addressed by considering square
129 footage. Mr. Hanson stated another issue was that the town has an ordinance that calls
130 for a 6/12 roof and this is being circumvented by putting several 6/12 roofs so that they
131 can gain an extra story and four additional bedrooms. Mr. Hanson stated that another
132 issue is the mobile home park; the terminology has changed and these homes are now
133 referred to as manufactured homes and would like to change the ordinance to reflect this
134 change and also added that some of the buildings have been in the park so long that they
135 were placed there before HUD got involved and started inspecting these buildings and
136 setting standards. Mr. Hanson stated that the problem is that he does not believe that the
137 people who live there can replace them; they are grandfathered in and they cannot be
138 upgraded or replaced and he would like to submit the possibility of addressing this
139 adding that the homes built before the HUD standards may be a hazard and feels that it is
140 the commissions duty to protect people who live in town from safety hazards. Mr.
141 Hanson stated that the replacement of these structures should be addressed in the
142 ordinance so that there are standards placed and it would allow people to upgrade their
143 home. There was some additional conversation on the mobile/manufactured homes and
144 HUD regulations and lot size. The commission was in agreement to Mr. Hanson's
145 concerns and to have staff come up with a recommendation. Mr. Britton stated that
146 some communities put an age restriction on mobile/manufactured homes.

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148 Mr. Britton stated that four questions were proposed to the commission and asked the
149 commission if they had anything they wanted to address. Mr. Britton stated that another

150 item Mr. Hanson had mentioned addressing was compatibility of some of the new
151 construction and potentially having a FAR (floor area ratio) requirement; this is where a
152 footprint is limited and what the floor area potentially is. The thought process behind
153 this is compatibility; a large structure that is out of place on a street height-wise is
154 limited. Mr. Hanson stated that the problem in town is that it has 7,500 square foot lots
155 with 5,000 square foot buildings on them which are too big for the area. Mr. Britton
156 stated that the drawback with the FAR is that there is the potential to create non-
157 conformities. There was some additional discussion regarding height requirements and
158 that many homes have two stories that sit on pilings. Mr. Hanson stated that this issue
159 had a moratorium on it for 6 to 9 months in 2004/2005 and what they came up with was
160 to increase the setbacks and they put a 6/12 roof requirement on it and it did not change
161 anything; it did not work and added that he likes the one and a half times the footprint
162 idea. Mr. Hanson stated that this problem needs to be fixed in R-2 and Mr. Saunders
163 added that it needs to be done correctly to prevent homes from becoming non-
164 conforming. Mr. Britton stated that the amount of research in doing a floor area ratio
165 correctly is pretty extensive; a survey would need to be done to come up with a threshold
166 where as few non-conformities are created as possible. Another way this could be
167 addressed is through setbacks which are tied to height; setbacks are increased as the
168 building goes up to where it becomes a disadvantage to go too high with a structure
169 because of the increased setbacks. Mr. Britton confirmed the list: creating an R-4
170 district, add special exception provisions, increase manufactured home park standards
171 and to look at a floor area ratio.

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173 Mr. Britton stated that setbacks and height would be included in the list for the following
174 months discussion. The topic would be ‘what should be exempt from setbacks or height
175 requirements’ which ties into Article II. Mr. Britton asked if there were any
176 compatibility issues with density; number of units allowed on a lot in a district adding
177 that it would probably be more pressing in the R-3 district where the multi-family
178 potential exists. Mr. Culbertson stated that he feels it should be left alone. Mr. Hanson
179 suggested that the items such as the charts in Article IV should all be in one article
180 instead of flipping back and forth adding that if something is discussed in Article III then
181 it should be there. Mr. Britton agreed that the more information and requirements you
182 can get on a single page the better it is for everyone involved. Mr. Hanson stated that it
183 currently would be very difficult for a new Zoning Administrator to come in and figure
184 out where everything is. Mr. Britton stated that the commercial district would be
185 addressed at the next meeting. Mr. Saunders asked if information could be e-mailed
186 prior to the meeting with enough time to review it. Mr. Britton stated that he usually
187 meets with Mr. Hanson and Ms. Donevant a week before the meeting and information is
188 usually available by the Thursday prior to the meeting. Mr. Saunders stated that he
189 would like to get information the Wednesday prior to the meeting.

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192 **6. PUBLIC COMMENTS**

193 ***Ron Ott, 7th Avenue North:*** “Everyone on this commission is well respected. What
194 you’re doing here is you’re changing a lot of our ordinances and refining them to protect
195 the people and the residents and the businesses. I went and looked through on the
196 Internet and what did concern me is, and maybe I can get a better answer to this right
197 here, is what is under use, what should the approval process be for non-residential uses
198 in residential areas; should this be done by the administration or should there be required

199 board approval. Anytime we take the power from the people that live here and give
200 them to somebody else, it can seriously hurt us. We went through a period of time when
201 we had temporary administrators here and if you give somebody like that the opportunity
202 to put a gas station at the corner of my street, well, that could actually happen and I think
203 that everybody should . . . we have commissions and boards, we should use them no
204 matter how long it should take and I don't think anybody would mind spending time on
205 any of these questions or anything if it goes to protect the people that live here and I also
206 looked at that and I said there never has been a buffer in this town between the
207 commercial zone and the residential zone; between C-1 and R-1 there is no buffer at all
208 and there was an area at the corner of my street that actually fell into that. If you look at
209 C-1 the side setback is zero, now with that line if you look at the PDD at the corner of
210 my street you can see that the one house is looking in the fellows' bedroom because of
211 this situation. The current administration is doing an excellent job here, I mean, you
212 look all over the town and we can see that, but when you look at the plans for our future
213 they may not be, they won't be here in 20 years, we don't know who's going to be here,
214 we don't know who is going to be in power; it may be people that want to turn this
215 whole town into a purely business district and that's some of the things that I think
216 everybody should look at. I also think the R-4 district, even putting that in the books is
217 an excellent idea; I kind of love the Market Commons concept and it also separates the
218 one commercial zone from another commercial zone. Thank you very much for this
219 opportunity.”

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221 **Bill Goddard, 15th Avenue South, R-2 District:** “ I want to address first the problem
222 that was brought up here about building homes that really aren't residential homes and I
223 have a lot across the street from me and down one which is probably 60 by 100 foot and
224 a couple years ago they built the kind of house that Bob described; it's a raised beach
225 house with two more floors on top of it and it has five bedrooms and five baths on each
226 side and I know that people are renting it by the week in the summertime which they're
227 not supposed to do. (It was confirmed that they were referring to the same house). We
228 see the people coming in and out of there and I know they're not there renting long term
229 and the only reason why they're there is because we're allowing them to build five
230 bedroom, five bath homes in an R-2 district and somehow we've got to stop it or limit it.
231 That's the one issue I have, the second issue I have is I don't believe that a person in an
232 R-2 district that has a single family home should be allowed to tear that down and build
233 a multiple family; a town house or a duplex or anything else. The lot was originally
234 built for a single family, there's a single family house on it and it ought to stay single
235 family house, is my thinking. We're just getting too much density by allowing people to
236 come in, tear down a single family house and put up a duplex or buy two or three lots
237 and put up townhouses, and that's what's happening and somehow we've got to limit
238 that and my idea of limiting would be for a single family house there, a single house has
239 to go back in. Thank you.”

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241 **Janet Gainey, 8th Avenue South:** “First of all I want to commend everybody up here, I
242 know that it's a lot of work when you start going through and reviewing all of these
243 documents and how they are currently in the books and how we need to change them, I
244 appreciate your input on that as well and I think developing a list of things to review is a
245 lengthy process, dreaded, I'm sure by some, but I think the R-4 is a good option to put in
246 the plan. We keep coming up year after year, myself for probably about 8 years now and
247 it's been in the books about an R-4, some type of multi-use, Surfside Drive which is

248 where I also own a home, that I have asked for some type of multi-use plan to be put into
249 place and every time the discussion comes up, of course you have pros and cons on both
250 sides and we realize that a lot of review and discussion needs to take place before any
251 changes are made; we don't want to go in and do anything quickly but the first thing that
252 always comes up is there's nothing out there that we can define it as so I think defining
253 an R-4 district would be helpful and it could at least start some process and see where we
254 go from there. I think just by saying there's an R-4 and its multi-use isn't telling the
255 community that, ok, now we're going to change it and we're going to have gas stations
256 down Surfside Drive all the way. I think that's the fear, but if we define it correctly and
257 work towards that at least it gives us some options for our future. Thank you so much,
258 appreciate all your work you do."
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260 **Randall Stevens, 412 1st Avenue North:** "One thing is I'm looking at this, I got a good
261 friend Joe Zoltak, he keeps me up to date on everything and this use part where should
262 an approval process be done administratively, that would be the biggest mistake you
263 ever make. Anytime you give an administrator too much power then you're taking the
264 power away from the people; a good example is our government right now where we got
265 a federal reserve person who can decide whether he wants to fire people or get rid of
266 people. As far as the R-4 district, I'm not too sure about that; that's something that
267 should be tread very lightly because we're only a two square mile city where as the
268 airbase, they got, hundreds and hundreds of acres of land, maybe a couple thousand
269 acres so it's a big difference out there and the last thing I want to do. I got a house in,
270 supposedly it's in an R-2 district because I'm right behind the library and the last thing I
271 want to do is see the lots next to me, which the city owns now but who knows what
272 they'll do with them, be turned to an R-4 district, then restaurants be put in next door to
273 my home and I don't think anybody in the whole town, the city would want that so we
274 want, what I want to ask you as a board is to tread lightly; make sure that you know what
275 you're doing; make sure you got all your ducks in a row. There's probably area is where
276 R-4 maybe some sections of Surfside Drive but then again you've got people who have
277 single family homes on there and if you think about it you go walk down Surfside Drive
278 and you can point out each family that's got a single family home. See that's one of the
279 things that you need to make sure that you don't mess with too much. If you do decide
280 to do an R-4 make sure that you done right because you don't want to open a can of
281 worms that you can't get the worms back in the can, but the main thing is let's not give
282 the administrator too much power, let it be the power to the people, that's who
283 determines, that's who elects the people and in this thing here, I've got all the ordinances
284 right here; it says the administrator shall serve at the pleasure of the town council who is
285 elected, the town council is elected by the people, so keep that in mind, very important.
286 Thank you for your time."
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288 **Joe Zoltak, 414 Pine Drive:** "I would like to reiterate similar support of the people who
289 spoke before me regarding giving the administrator the authority to make decisions
290 requiring conditional uses, I mean, what is wrong with the process we have in place right
291 now, I mean, conditional uses are pretty well defined in the ordinance as is and if
292 somebody wants to do something that's not a conditional use it goes to the Zoning Board
293 of Appeals. That system, I think, was set up by our founding fathers, whoever, and
294 that's controlling it, (SIC) questioned the legality of doing something like that, ok?
295 Because, again, any one of you can have a bar or gas station next to your home if that's
296 allowed, so I think you need to look at that very carefully and look what's already in

297 place and what's broken with it. It doesn't seem like there's anything broke. With
298 respect to the R-4, the mixed use, that is already in the master plan and I guess maybe
299 when you start thinking about definitions and stuff take a look at that first because it's
300 already there. One other thing too when you give the administrator authority, I mean,
301 that gets a little risky, ok? and recently this council gave the administrator the authority
302 to execute a quit claim deed on property right down here on Surfside Drive and it turns
303 out if he had executed that, it would have been illegal because that property is protected
304 federally because it was used by, federal funds were used to buy the property, comes
305 through the National Parks Services and the State Parks and Recreation and
306 Development fund and the administrator was going to give away a quarter acre of Fuller
307 Park, did any of you know that? I kind of, when I left that meeting because during that
308 meeting, the word Fuller Park wasn't even said, it was defined as property southeast,
309 that's towards the ocean for me, this is to the northwest and that is what he was actually
310 given the authority to do, to execute a quit claim deed and had they executed that quit
311 claim deed they would never have found the stipulations that there was a deed restriction
312 on it and everybody could have gotten in a whole bunch of trouble for that and then
313 finally I guess you were looking for ideas on things that needed to be clarified, in
314 Section 17-88 paragraphs 1 and 2, back to the same issue, this board or maybe your
315 predecessors I guess were here then, on December the 4th 2007, I guess they didn't
316 interpret paragraph 1 as churches, public and private schools, hospitals and similar uses;
317 I guess they didn't consider a library a similar use and then required a 7,500 foot setback
318 for it, they voted, that board did, that that include the public library as a public utility
319 which, I mean, it's not Santee Cooper, it's not Grand Strand Water and Sewer but that
320 board voted to make the library a public utility at that time which would have reduced
321 the setbacks to 25 feet. It was supposed to go to public hearing; I got involved and
322 exposed that to a few people that similar uses does fit libraries so you may want to
323 clarify and add library there just so that never comes back again, ok? And because I
324 exposed that fact to similar uses, it never, the public hearing scheduled for January 2008
325 was cancelled. Thanks for your time.”

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328 **7. COMMITTEE COMMENTS**

329 ***Ron Saunders:*** “I have a comment and it has to do with our agenda that comes out
330 shortly before our meeting and I would like to make a proposal that we have an area in
331 our agenda at every meeting for public comments and we used to have that and it's been
332 taken away and I would like to bring it to a vote by this committee that we want to have
333 public comments at every meeting.”

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335 It was confirmed that this was a motion. Mr. Culbertson seconded the motion.
336 **MOTION CARRIED.**

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338 Mr. Hanson confirmed that there would be a sign up sheet at every meeting and anyone
339 who wants to speak can sign up.

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8. ADJOURNMENT

Mr. Saunders made a motion to adjourn. The meeting was adjourned at 7:40 PM.

Approved: May 5, 2009

Sharon Pinnell, Town Clerk

Bob Hanson, Commission Member

Connie Barnard, Commission Member Ron Saunders, Commission Member

John Culbertson, Commission Member

Carol Cook, Commission Member

Charles Seibold, Commission Member

Rod Smith, Commission Member



Clerk's Note: This document constitutes minutes of the meeting, which was audio taped. In accordance with FOIA, meeting notice and the agenda were faxed and/or emailed to local media and interested parties. A complete list is on file in the clerk's office. The agenda was posted on bulletin boards outside Council chambers and in the town hall reception area. Meeting notice was also posted on the town marquee.