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**PLANNING & ZONING COMMISSION
MEETING MINUTES
TOWN OF SURFSIDE BEACH
TOWN COUNCIL CHAMBERS
February 1, 2011
6:30 P.M.**

1. **CALL TO ORDER**

Chairman Seibold called the Planning & Zoning meeting to order at 6:30 PM. In attendance were: Planning & Zoning Commission members Pruitt, Abrams, Cook, Rhoades and Livesay. Vice Chairman Hanson was absent. There was a quorum. Staff present: Building and Zoning Director, Donevant and newly hired Code Enforcement/Zoning Officer Morris. Also present was Waccamaw Council of Government Representative Tom Britton.

2. **PLEDGE OF ALLEGIANCE.**

Chairman Seibold led the pledge of allegiance.

3. **AGENDA APPROVAL**

Ms. Livesay suggested noting that the item under New Business, Discuss Land Development Regulations should say “the Town of Surfside Beach” Development Regulations. Ms. Cook made a motion to approve the agenda as submitted. Ms. Abrams seconded the motion. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL**

Ms. Abrams made a motion to approve the minutes from the Special Call meeting held January 7th, 2011. Ms. Cook seconded the motion. **All present voted in favor. MOTION CARRIED.**

5. **PUBLIC COMMENTS**

There were no public attendees at the meeting and no public comments were made.

6. **OLD BUSINESS**

There was no old business to be discussed.

7. **NEW BUSINESS**

a. **Discuss Land Development Regulations**

Mr. Britton reported that the Planning Commission would be presented an article or two of the land development regulations each month for review. This would all be done in workshop sessions and no formal action would be required by the Commission; only feedback would be requested. The entire development regulations should be rewritten in approximately 4 months. It would then be recommended to Council.

Mr. Britton went over the difference between zoning ordinances and development regulations. Zoning ordinances primarily regulate the use of land and development regulations do not regulate uses; they regulate pretty

51 much everything else. Zoning ordinances apply to property 24/7 and
52 development regulations only apply to property when it is being developed.

53
54 Ms. Donevant introduced Ms. Sabrina Morris the newly hired Code
55 Enforcement/Zoning Official to the Planning Commission.

56
57 Mr. Britton continued with the differences between zoning ordinances and
58 development regulations. Once the Planning Commission approves the
59 zoning ordinance, except for map and text amendments, their job is then done;
60 the administration is then handled by the Zoning Administrator. If there is an
61 appeal or issue it would go to the Zoning Board of Appeals. Development
62 regulations are handled differently; under the State statute the Planning
63 Commission is the body that administers development regulations which
64 includes subdivisions and plat approvals. It would go to the Planning
65 Commission or a designated person which is usually the Zoning
66 Administrator. The appeals come to the Planning Commission also. Mr.
67 Britton stated that he has the first two articles available for review. Mr.
68 Britton confirmed that there is no statutory timeline to review the Land
69 Development Regulations; this would be a periodic review. The schedule for
70 completion of at least a draft is midyear and it should be ready to be presented
71 to Council in the fall.

72
73 **Article I**
74 Mr. Britton went over Article I with the Commission. Some items that fall
75 under the development regulations are subdivision properties, the extension of
76 major utilities, creation of streets or new public ways, any type of platting that
77 requires that an instrument be recorded in the clerks office, any land activity
78 or disturbance tied to a subdivision; tied to a street creation; tied to a utility
79 extension, etc. Mr. Seibold asked if a utility company wanted to make a
80 major extension would it need to come through the Planning Commission
81 first. Mr. Britton answered if the utility extension is to service a development
82 it would. A general upgrade or extension throughout the town would fall
83 under Public Facilities review; this would be discussed further at a later date.

84
85 Mr. Britton stated that some communities add items that are currently not
86 listed in the Article. Significant Development is sometimes defined under
87 development regulations. Some communities have multi-family fall under
88 development regulations. These were not included in the first draft because
89 most of the time these items are addressed under the zoning ordinance under
90 the use provision. This article includes a definition section. 30 definitions
91 were added. Some of the definitions were discussed briefly.

92
93 **Article II**
94 Mr. Britton reviewed Article II with the Commission. This includes a
95 complete rewrite to the administration sections which are in the current
96 development regulation. Some no longer exist. The duties and
97 responsibilities of the Development Administrator are set. 15-201 item (a)
98 states that the Planning Commission may appoint a Development
99 Administrator to assist in the administration and enforcement of this chapter.

100 Mr. Britton stated that there are a few ways this could be done. The State
101 statute allows the Planning Commission or designee as the administrator of
102 the regulations. This has been discussed to revise this to read that the Director
103 of the Planning and Zoning for the Town acts as the development
104 administrator. Mr. Britton confirmed that this varies; most large cities will
105 designate the person as the Planning Director and many small communities
106 either state that the Planning Commission will either appoint or would leave it
107 silent allowing for Planning Commission or its designee. Mr. Seibold stated
108 that his concern, as a citizen of Surfside Beach, is with the Planning
109 Commission changing hands every so often he had to ask why the Planning
110 Commission would be given the responsibility to designate the Planning
111 Administrator. Mr. Britton explained that the Planning Commission is not
112 choosing the Planning Director for the town it would just be for the
113 administration of the chapter. A lot of rural communities will not have
114 planning departments and sometimes the responsibility will go from person to
115 person. Surfside Beach has a person that was hired for a specific purpose and
116 they could also act as the Development Administrator. Mr. Seibold stated that
117 he would lean towards this route as well. Ms. Livesay stated that item (b)
118 states that all duties and responsibilities not explicitly assigned to the
119 Administrator in accordance with this chapter are retained by the Commission
120 provided by Chapter 29 of the State of South Carolina code of law adding that
121 it is outlined in State law as far as the Commission having the authority. Mr.
122 Britton stated that the Commission has the authority to administer the
123 regulations up to the point that this is either delegated by the Planning
124 Commission through their bylaws, rules and procedure or delegated by statute.
125 In some communities the Planning Commission does everything and in some
126 the Building Director is taking care of 99 percent of what comes through the
127 door.

128
129 Ms. Abrams asked Ms. Donevant not to take any of this personally adding that
130 the Commission needs to be careful and be real specific when it is delegated;
131 as to how much is delegated. Whoever has it could “lose it” for 30 days and
132 then it would automatically get approved. Ms. Abrams stated that she feels
133 there is an opportunity for cronyism, corruption or something else and as time
134 goes on it could run out of control if the Planning Commission is not real
135 careful adding that this has nothing to do with this Commission, Ms.
136 Donevant or Ms. Morris.

137
138 Mr. Britton stated that he could rewrite the page to state that the “Planning
139 Director who acts as the Zoning or Development Administrator”. Mr. Britton
140 explained that item (b) states “if there’s not one appointed” and this could be
141 changed to “if the city, for some reason, eliminates the position or there is not
142 an appointment of a Planning Director everything here naturally falls back to
143 the Commission” and asked if the Commission would be comfortable with
144 that. Ms. Livesay stated that she would like to leave it as it is and let Council
145 decide to change it if they want to. Ms. Livesay stated that this was another
146 checks and balances as far as she was concerned and the Planning
147 Commission having a little oversight occasionally on the progress of a
148 development she did not feel was a bad thing. Mr. Britton stated that he feels

149 that functionally, if a position is designated for Surfside Beach where there is
150 a Planning Department it would work better. Mr. Seibold clarified that the
151 larger requests would come to the Planning Commission anyway. The
152 Planning Official would be handling the day to day and small developments.
153 Mr. Britton stated that the designation would have to be set prior to receipt of
154 applications. Mr. Britton stated that this will be brought back with a draft that
155 will read the 'Planning Director' and the added language will be discussed at
156 that time.

157
158 Mr. Britton stated that under the State statute the Planning Commission or
159 their designee has 60 days to review a subdivision plat as it is submitted; if
160 there is a failure to act it is deemed approved and the Zoning
161 Administrator/Planning Commission has to issue a letter stating approval so
162 the plat can be recorded. The 60 day clock begins from the time a complete
163 application is submitted and payment is made. The Planning Commission
164 meets once a month; the 60 day start for the Planning Commission would
165 begin from the first regular meeting that the item was introduced not to exceed
166 30 days from the time it was originally submitted to the Development
167 Administrator. Ms. Abrams stated that she is not concerned about the
168 Planning Commission clock but she is concerned about an individuals' clock.
169 Ms. Abrams gave the example "If it falls behind Jackie's desk, if Jackie gets
170 the flu, if a whole lot of things, if there's a staff turnover, nobody, who's
171 watching the clock if Jackie's not there, for her?" Mr. Seibold stated that it
172 would be logged in and tracked. Ms. Abrams asked if staff would know that
173 there is a clock ticking. Mr. Seibold stated that this was a good point and
174 asked what the procedure was; how is it tracked? Mr. Britton stated that if
175 Ms. Donevant resigned there is a provision, (b), that reverts the power back to
176 the Planning Commission; the plat would need to be submitted to the Planning
177 Commission at the next regular meeting even if it is not one normally
178 approved by the Commission. Mr. Seibold questioned who would present the
179 document to the Planning Commission. Ms. Donevant stated that it would be
180 done by the Administrator or the Deputy Administrator. Mr. Seibold asked
181 how they would know the document would need to go to the Planning
182 Commission; who would inform them? Ms. Cook suggested placing a
183 provision stating that the Commission needs to be notified upon receipt of an
184 application. Ms. Livesay stated that she feels that the Planning Commission
185 should be kept abreast of any new planning developments in the community
186 anyway. There should be a list of applicants and approvals. Mr. Britton
187 suggested a Directors Report. The Commission was in agreement to the
188 suggestion of receiving a Directors Report. Ms. Donevant stated that she
189 could provide this. Mr. Britton stated that it is common for Planning
190 Commissions to receive reports from Directors. It was agreed to extend the
191 30 days to 36 days; this would allow more time to get the information to the
192 Planning Commission if necessary. There was some additional discussion
193 regarding the presentation of the application and packet to the Commission.

194
195 Mr. Britton briefly discussed the appeals process and the amendment process
196 listed in Article II. The 'land development regulations required statutory
197 hearing' comes before Town Council and there is a difference in notification.

198 The zoning text amendments have 15 days and the development regulation
199 amendments have a 30 day notice requirement.
200 Design modifications are listed in Article II. Design modifications attend to
201 zoning variances. The Board of Zoning Appeals has the ability under zoning
202 to make deviations or variations based on hardship and there will be
203 circumstances under development regulations where there may be similar
204 hardships or circumstances and in this case the Planning Commission would
205 issue the modifications. Design modifications cannot alter any requirement of
206 zoning. Mr. Britton explained other items added to the article. Although the
207 dimensional requirements can be altered anything dealing with material
208 specifications of improvements the Planning Commission does not have the
209 ability to alter without the consent of Council. Violations are also listed in
210 Article II. There was some discussion as to whether the Planning
211 Commission should submit the review to Council in segments or all at once
212 after their review. There was an agreement to submit it all together. The
213 Commission would submit an advanced copy to Council after review and
214 before the finalization from the Commission and prior to the public hearing.

215
216 Mr. Britton reported that the Chapter 13 and Chapter 17 Zoning Ordinances
217 are going to be presented to Council for first reading.
218

219 **8. PUBLIC COMMENTS**

220 There were no public comments and no members from the public were in attendance
221 at this time.
222

223 **9. COMMISSION COMMENTS**

224 *Ms. Livesay:* I was thinking in my mind, as I was driving here, how Wild Water and
225 Wheels is going to be opening in May. He's going to want to put his flags and his
226 beam up. I know this new ordinance has not passed Council; we have not finished
227 the process to make it an ordinance. If he wants to do his little beam and the light you
228 know, this is a PDD, I, once again, raise the question, we need to review his PDD and
229 fix it. We need to fix it so he's not in violation but we can't do that until the
230 ordinance is completed. Do you get my . . . is that true? Is that my drift?"
231

232 Mr. Britton stated that no changes were made to the PDD provision.
233

234 *Ms. Livesay:* "No, but the provision on signs, flags and those beams is part of a code
235 and he's wanting to do that. He's got it on . . . and he . . . the reason . . . only reason
236 I'm bringing him up is because he is a PDD. I wouldn't ask it for Joe Blow on the
237 street because they're not PDD's, this guy is a planned development. We can
238 coordinate with him and I know you say he has to bring it forward. He's not going to.
239 He doesn't know to do that."
240

241 *Ms. Abrams:* "We don't know what the PDD says, right?"
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243 *Mr. Seibold:* "Right, exactly."
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245 *Ms. Livesay:* "I'd like to review it. Can we even find it? He's been there for 13
246 years."

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Ms. Donevant stated that she has not been able to locate it but she will.

Mr. Seibold: “We’ve got to see what’s written in his PDD because the PDD has its own . . .”

Ms. Livesay: “That was just my concern. I don’t want this to turn into a problem.”

Someone asked “What does that have to do with land development?”

Mr. Britton stated that he feels there are two parts to this. One is finding the PDD and the second is finding out what his proposal is and asked if he has submitted anything. Ms. Donevant stated that the owner has not submitted anything

Ms. Livesay: “He won’t.”

Mr. Britton stated that to say something is permitted or prohibited no one would know until the owner submitted something saying exactly what he was proposing to do.

Mr. Seibold: “Now, couldn’t he get a special, for certain nights or something where he could get a permit how we wrote the zoning text amendment?”

Mr. Britton stated that there is a temporary signage provision but the issue is if he has a beacon spotlight, those would be prohibited as they are defined. The way they are defined is rotating lights or lights shining into the atmosphere.

Ms. Donevant stated that the owner stated that he would bring forth his PDD conditions where he specified. He has not brought them forward as of yet.

Ms. Abrams: “We don’t even know, his PDD may be fine.”

Ms. Livesay: “Exactly, we need to find them but here is my point, I don’t want to wait just because we have . . . we have knowledge of this problem, we should be proactive instead of reactive, that’s my point. Now, if we didn’t have any knowledge of it I’d say ‘fine, ok we’ll react’ but we have knowledge of this; we need to be proactive. That’s my only point.”

Mr. Seibold: “We should find his PDD, read it and then get back to him. You’re right, you’re right. I would hope we could. It would be pretty sad if we couldn’t.”

Mr. Pruitt: “I imagine he’s got a copy.”

Mr. Livesay: “His lawyer does, probably.”

Ms. Donevant stated that she would imagine the Town would have been presented the copy already if it stated that it allowed the flags.

295 **Ms. Livesay:** “The statement that I heard was ‘I’ve had those up ever since the
296 beginning’ and what I’m saying is absence is allowable and we let him do it for 15
297 years so it’s implied that it’s approved. I just want to state it.”

298
299 **Mr. Seibold:** ‘Good point.’

300
301 Mr. Britton stated that there is no application the Planning Commission has to
302 respond to.

303
304 **Ms. Livesay:** “Because we have knowledge of it is all. If I didn’t have knowledge it
305 wouldn’t bother me but it does. That was my Commission of comments. Open up a
306 can of worms.”

307
308 **Ms. Abrams:** “I support Lynn’s comments in so far as it was brought to us at the
309 Commission and we shouldn’t ignore it. What needs to be done, I don’t know.”

310
311 **Ms. Livesay:** “I just want this to be resolved.”

312
313 **Ms. Cook:** “Before we can do anything we need to see what’s on the paper and you
314 know, we’re just a Commission; people have to take responsibility for their needs so
315 if he wants us to approve something he needs to show up here with the PDD and say,
316 there it is folks, read it. We shouldn’t be knocking on doors saying ‘is there anything
317 I can help you with today.’”

318
319 **Ms. Livesay:** “Well that sounds pretty friendly Carol, I don’t know what’s wrong
320 with that. We’re a small town. We don’t have that many PDD’s in this town. I’m
321 sorry, I don’t want to run for office. I’m not running for office so that’s why I can
322 say what I say.”

323
324 **Mr. Pruitt:** “I’d vote for you.”

325
326 **Ms. Livesay:** I’m not running so don’t vote for me.”

327
328 **Mr. Rhoades:** “I do feel that if he wants us to look at that then we should, definitely,
329 but I really think he needs to step up and say ‘ok, I do have an issue here, how do we
330 fix it’ and just bring it to us. Other than that, no other comments.”

331
332 **Mr. Seibold:** “Tom, thank you for all your work, as usual, it’s terrific. I will
333 comment. I mean I agree with you we do have to find that PDD.”

334
335 **Ms. Abrams:** “Is it possible it would be attached to anything in Conway?”

336
337 **Ms. Livesay:** “A plat perhaps?”

338
339 **Mr. Seibold:** “The deal is he might not even have it. Maybe he was thinking about
340 buying it, we don’t know. So anyway we do have to find that and then I would say
341 we don’t take action until he comes to us. That’s all I have. Thanks Jackie.”

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10. ADJOURNMENT

Ms. Cook made a motion to adjourn. Ms. Livesay seconded the motion. **All voted in favor. Meeting was adjourned at 7:45 PM.**

Charles Seibold, Chairman

Lynn Livesay, Commission Member

Marty Rhodes, Commission Member

Mikey Pruitt, Commission Member

Carol Cook, Commission Member

Absent

Bob Hanson, Commission Member

Mary Ellen Abrams, Commission Member

NOTE: BE ADVISED THAT THESE MINUTES REPRESENT A SUMMARY OF THE PLANNING COMMISSION MEETING AND ARE NOT INTENDED TO REPRESENT A FULL TRANSCRIPT OF THE MEETING. THE TAPE(S) OF THE MEETINGS ARE AVAILABLE UPON REQUEST, TO BE HEARD IN THE OFFICE OF THE SECRETARY TO THE PLANNING DEPARTMENT. AN AGENDA OF THIS MEETING HAS BEEN EITHER MAILED OR MADE AVAILABLE TO PERSONS, ORGANIZATIONS AND LOCAL NEWS MEDIA AS PER THEIR REQUEST. THE AGENDA GIVES THE DATE, TIME AND PLACE OF THE MEETING AS WELL AS THE ORDER OF BUSINESS. THIS DISCLOSURE IS IN COMPLIANCE WITH THE SOUTH CAROLINA CODE OF LAWS OF 1976, SECTION 30-4-80(E).

Approved