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

1. **CALL TO ORDER**

Chairman Seibold called the Planning & Zoning meeting to order at 6:35 PM. In attendance were: Planning & Zoning Commission Chairman Seibold and members Pruitt, Abrams, Cook, Rhoades and Livesay. Vice Chairman Hanson was absent. There was a quorum. Staff present: Clerk Pinnell, Building and Zoning Director, Donevant and Waccamaw Council of Government Representative Tom Britton.

2. **PLEDGE OF ALLEGIANCE.**

Chairman Seibold led the pledge of allegiance.

3. **AGENDA APPROVAL**

Ms. Cook made a motion to approve the agenda as submitted. Ms. Abrams seconded the motion. Mr. Rhoades made a motion to change the agenda to move Public Comments to the beginning of the meeting and to also add a Directors report to the Agenda. Ms. Abrams seconded the motion. **All present voted in favor to approve the agenda with the corrections. MOTION CARRIED.**

4. **MINUTES APPROVAL**

Mr. Rhoades made a motion to approve the minutes from February 1st, 2011. Mr. Pruitt seconded the motion. **All present voted in favor. MOTION CARRIED.**

5. **DIRECTORS REPORT**

Ms. Donevant reported that Chapter 17 and 13 first reading were approved by Council and they would be coming up for second reading on March 8th. Council had minor changes.

6. **PUBLIC COMMENTS**

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

7. **OLD BUSINESS**

There was no old business to be discussed.

8. **NEW BUSINESS**

a. **Discussion Land Development Regulations**

Mr. Britton reported on Article 3 of the Land Development Regulations. Articles 1 and 2 were reviewed the previous month. There were some items the Commission would be addressing on those two articles. Mr. Britton asked if the Commission had any other items regarding Article 1 and 2 that they would like to address.

51 Mr. Britton stated that Land Development Regulations prior to 1994 were
52 referred to in most places as subdivision regulations. This is a very important
53 part; what is required of the developer to submit and how the plat goes from
54 submission to approval. The States Enabling Laws have 8 pages devoted to
55 development regulations and of those 8 only 3 pages are devoted to
56 subdivision regulations. This provides a lot of latitude in what the Town can
57 require. Some things cannot be changed and there are some strict
58 requirements on some items. The timeline for approval, State statute says 60
59 days; it does not define when the 60 days begins so there is some discretion on
60 how that can be defined but it cannot be made into 90 days; it can be made
61 shorter, but 60 days is the limit. The State also changed the Enabling Laws a
62 few years ago to include a Vested Right provision which has been codified in
63 the Town code in chapter 15.5 which states that once a preliminary or final
64 plat is approved a developer has a minimum of two years to carry out those
65 improvements with an automatic extension provision.

66
67 The third item where there is not a lot of latitude on is the definition of
68 'subdivision' especially as it applies to accepted or exempted plats. Some
69 plats under the State code that do not fall under the jurisdiction of the
70 development regulations, which are primarily re-combinations of lots or
71 acreage that is more than 5 acres in size and does not involve a new street.
72 The regulations that apply to those types of divisions are pretty minimal.
73 Fourth; surety requirements is 125 percent; it cannot be made 150 percent or
74 less than 125 percent. This is set by State law. The appeals provisions, the
75 Enabling Legislation is very specific how appeals work whether it is an appeal
76 from the Administrator to Planning Commission or a decision made from the
77 Planning Commission to the Circuit Court. There is latitude on the types of
78 plats required. Major subdivisions require a sketch plat, preliminary plat and
79 the final plat; there is a three step process for major subdivisions. There is
80 nothing in State law that says it can't be a one or two step process; the steps
81 can be defined. Who approves a plat can be defined; it could be the Planning
82 Commission or the Administrator. The Planning Commission can delegate
83 most all of authority except for appeals to the Administrator or retain
84 authority. Also the latitude of what is required for a particular plat exhibit
85 exists. Mr. Seibold stated that he thought the Commission already delegated
86 less than five lots to the Administrator, Ms. Donevant. Mr. Britton stated that
87 this has not been officially done. It was confirmed that this would be in the
88 land development; not the zoning text.

89
90 Mr. Britton stated that there is a lot of yellow highlighted in Article 3; it does
91 not mean that the basic requirements have changed just the wording or format
92 has changed. On the first page is the introductory provision. Major
93 subdivisions are addressed at the bottom of the page. Major subdivisions are
94 defined as more than five lots or any division involving a new street or
95 something that will be dedicated to the Town. Britton confirmed that Division
96 One talks about all subdivisions whether they are major or minor; Division
97 Two transitions to requirements of process for major subdivisions. Page 2
98 addresses the first step in the major subdivision review process which is the
99 sketch plat requirement. This is an existing requirement, the only difference is

100 that the sketch plat applies to most divisions; the sketch plat has been taken
101 and it is now being required for major subdivisions; in minor subdivisions on
102 first cut this step was omitted. The change made was on the number of days
103 the Administrator has to review; the current regulation is 10 days and it has
104 been changed to 15 days. Under the existing regulations pretty much all
105 divisions go through sketch plat; currently what is being written only the
106 bigger items goes through sketch plat. Anything that comes in now would be
107 a little more complicated so the time was extended for the benefit of the
108 Administrator.

109
110 Potentially one thing to look at adding is on page 2; it will require additional
111 investigation; in the other provisions a section was included that talks about
112 when the sketch plat or plat ceases to not be good. If after two years time they
113 have not done anything the approval goes away. This has not been done for
114 the sketch plat yet. A sketch plat once approved, nothing can be built, permits
115 cannot be pulled; the question is whether this provision applies. It may apply
116 since when the Town wrote the vested right provision it included the word
117 sketch plat. There is a potential conflict there which will be resolved but more
118 research needs to be done first. Page 3 refers to the preliminary plat approval
119 process which involves the submission of a plat to the Administrator; Item b
120 refers to the Administrators' review and report. The Administrator prepares a
121 report to the Commission, distributes a plat to various departments and
122 agencies for their comment and has the ability to include in that report a
123 recommendation. Mr. Seibold asked Ms. Donevant about the contact
124 information on the companies such as the electric and telephone; who
125 maintains this list and how is it updated? Ms. Donevant stated that she
126 maintains this list. Mr. Seibold stated he was concerned with companies and
127 contacts changing and not being updated. Ms. Donevant stated that she
128 usually gets a letter or e-mail with any changes. Mr. Seibold stated that having
129 worked for Verizon and now with the merger he has no idea who something
130 would be sent to and asked how do we update something like that? Mr.
131 Britton stated that typically a letter is sent to a title and the company would
132 then forward the letter to the title as opposed to person.

133
134 Mr. Britton stated that changes on page 3 are relatively minor. There are
135 some gaps as far as process and some additional time was spent to bullet point
136 the steps so that it was clear as to what the responsibilities of the
137 Administrator are to the Commission. There was verbiage changed to be
138 consistent and for clarity. Page 4 Item e, expiration of approval, refers back to
139 the vested rights provision. For a preliminary plat, once it is approved, a final
140 plat is submitted within two years and if they do not there is a potential to void
141 the plat unless an extension is requested. The standard extension is two years;
142 however, yearly extensions can be requested as well unless something is
143 placed in an ordinance that would limit extensions, they could get up to 5
144 extensions. The ordinance with the Town allows one extension under 15-5.
145 Mr. Rhoades had a question regarding 15.5-2; that is a subchapter of 15 that is
146 not part of the Development Regulations. There were some typos noted that
147 needed to be corrected. Mr. Britton stated that on page 4 there is an addition
148 that requires direction from the Commission. Once a person has preliminary

149 plat approval they are able to start installing public improvements; they can
150 start hiring contractors, grading the lots and putting in roughing of streets, etc.
151 The can do this prior to submitting a final plat. Occasionally between
152 preliminary and final plat there will be some changes to the plat made;
153 sometimes minor sometimes major. They can run into problems and this
154 would necessitate a plat change. The existing ordinance is not clear on how
155 the process works. Mr. Britton added in first draft, for clarification, if there is
156 a change to the preliminary plat and it is minor it can be changed by the
157 Administrator with notification to the Planning Commission at its next
158 meeting. If it is a major change it would require the whole plat to come back
159 to the Planning Commission for approval prior to submitting the final plat. If
160 the Administrator is not comfortable they could refer it to the Commission.
161 Mr. Britton gave some examples of a minor change. Mr. Britton stated that
162 number 5 top of page 1-5 “be it contrary to any condition approval or in the
163 opinion of the Administrator exceed the scope of the planning commissions’
164 original approval”. There were no additional comments on the preliminary
165 plat process.

166
167 Mr. Britton went over the final plat process stating that this is a final step for
168 major subdivisions. This is when the final or finished product is presented.
169 Paragraph (a) the addition included is ‘one’ digital copy; the existing
170 regulations say 10 or more lots additional digital copy requirements has been
171 included for all of the subdivisions. This is a common practice; a digital copy
172 that can be imported to an arc view format. It was discussed that all of the
173 commissioners would need a copy plus staff and other departments would
174 need a copy. Mr. Britton stated that the submission goes to the Administrator
175 who prepares a report distributing it out to the department heads and this
176 could include a recommendation or other materials. This then goes to the
177 Planning Commission; the Planning Commission approves or disapproves
178 with any modifications or additions. Once it is approved this is not the end of
179 the process. Once it is approved there is the official signing of the plat which
180 allows the developer to be able to record the plat and the register of deed.
181 Typically for a major subdivision submittal approval of the plat by the
182 Commission and the actual signing of the plat can be up to 7 months later.
183 The reason being they have to correct anything that the Planning Commission
184 has indicated as needing a correction; they have to submit any outstanding
185 construction drawings plus they have to post a letter of credit or other surety
186 which involves them getting financing through the bank to do that. The
187 addition includes the steps after the Planning Commission approval. Mr.
188 Britton stated that in the existing ordinance the responsibility of recording is
189 up to the person subdividing and fifteen (15) days is specified; some other
190 communities have it recorded by the staff Development Administrator. Mr.
191 Britton stated that there is no time frame set that the developer has to correct
192 unapproved plats; the developer has the option to scrap the project or it can be
193 resubmitted with corrections. Mr. Britton confirmed that the application fees
194 were included in Chapter 13; they were not changed just transposed from one
195 area to another to keep from being repetitive.

196

197 Mr. Britton reviewed the new section 'minor plat approval'. It is a new
198 section because under the existing development regulations Commission
199 approves all plats. This is creating a situation where the Administrator is able
200 to approve things that don't have public infrastructure, five lots or less. This
201 section sets out the steps in that process and how it works. Item (d) gives the
202 Development Administrator 15 days to approve or disapprove the plat with
203 modifications; if the Development Administrator does not act within the
204 fifteen days it is automatically referred to the Planning Commission.
205 Technically there is a sixty day window to approve the plat and sixty days
206 allows for referral to the Planning Commission. Mr. Britton stated that the
207 rest of the provisions are similar to major subdivisions; certain conditions
208 must be met prior to the signing of the plat. Once it is signed there are fifteen
209 days and also the expiration of approval provisions are the same as they are
210 for major subdivisions. Page 9 (h) was included which includes an appeals
211 provision; all appeals under this go to the Commission. A periodic report to
212 the Commission by the Administrator was also added. The Commission can
213 specify a timeframe if they so desire. Mr. Britton stated that on page 10 the
214 final process is accepted subdivisions which are subdivisions that are not
215 subject to the regulations. They do not require approval but require
216 notification. The question is; how do you know if something is an accepted
217 subdivision. This section sets up a process where they have to submit to the
218 Development Administrator and the Administrator looks at the plat and either
219 makes one of three determinations; one is that an accepted subdivision meets
220 general format requirements and they can record it; number two is an accepted
221 subdivision however it's not in a correct form in which case they go back and
222 their surveyor puts it in a corrected form for recording or number three it's not
223 an accepted subdivision and it's either a major or minor subdivision and the
224 developer is advised of the process. An appeals provision has also been
225 included along with a reporting provision which is on page 12 at the top on
226 accepted plat; the duty of the Development Administrator is to provide a
227 report periodically to the Commission that has been authorized for recording
228 that's accepted. On page 12 what is required for each type of plat is outlined;
229 there were not a lot of changes to this section. The general requirement is an
230 addition which clarifies some of the points. Item D on page 12 under 15-350
231 the State does specify the minimum standards for survey plats in South
232 Carolina; there is class A, B, C and D types of surveys. The closure ratios and
233 the level of accuracy in all of that are defined in State code. References as to
234 closure ratio and level of accuracy can be stricken; all that needs to be done is
235 to refer to the State manual. Mr. Britton stated that on page 13 preliminary
236 plats had a change; 15-352 for the original smaller than 200 feet to one inch,
237 which is a very small depiction and is not very readable, a standard is one to
238 one hundred or smaller so this was changed. The sheet requirement 18 by 24
239 was changed to 24 by 36 which is a standard of the County; this type of sheet
240 will be needed for a larger subdivision. Page 14 the existing language was
241 kept; there were a couple of strike-throughs. Page 15 for final plat the
242 depiction, scale changed. At the bottom of page 1-15.2 (h), lot numbers line,
243 the lot-line defined shall be defined by the distance of hundreds of a foot and
244 in degrees of the nearest one half of a minute needs to be stricken; this
245 conflicts with the manual.

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Mr. Britton stated that on page 16 certifications required on the plat are addressed. The certificate of accuracy, which is what the surveyor will sign and stamp, a certificate of ownership, which is what the property owner signs; the certificate of approval for streets and other dedications; either the town engineer, public works director or whoever is designated will typically sign this certification; certification of water and sewer availability or extension, a requirement for Grand Strand to sign, to state that the lots have water, sewer or they are extending water and sewer. E is a certificate of approval for recording which is what the chairman or Development Administrator will sign which is the key to recording the plat. On page 1-17 under financial guarantees the change made is 110 percent and 125 percent which is a requirement of State law. Mr. Seibold asked if the 100 year flood line was standard. Mr. Britton stated that this is not in the Enabling Legislation but it is a standard for plat addition. If it was not in then it would be uncommon. The 100 year flood plan may need to change to read area special flood hazard which is how FEMA terms it. It is requiring that this line be shown on the plat so when they come in for a building permit if they are within that line and elevation they have a whole set of other requirements that have to apply. It is basically an advisement to the property owner and Administrator. There was some discussion on subdivided sketch plans with large tracks of land when someone only develops a small piece. There was some discussion on tree surveys before clearing lots. Mr. Britton stated that on page 1-14 referring to the preliminary plat requirements, an item F can be added which would say 'tree inventory' and it would cross reference the requirement in the zoning ordinance. Ms. Abrams asked if wetlands are covered adequately. Mr. Britton stated that page 12 talks about the general requirements for plat content; there is a coverall in place. Mr. Britton stated that under existing data 'wetlands' could be added.

Mr. Britton stated that the Commission is about halfway through Article III of the drafting. Article IV will be supplemental requirements referring to streets, sidewalks, other dedications, monuments, subdivision and development, easements, etc. This will be the last large article; the other articles will be fairly small.

9. PUBLIC COMMENTS

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

10. COMMISSION COMMENTS

Mr. Pruitt stated that he enjoyed learning how this section works adding that it is more detail oriented and he appreciated being educated.

Mr. Seibold stated that he appreciated getting the information a couple of days in advance and thanked Mr. Britton for his work adding that he has done a terrific job.

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11. ADJOURNMENT

Mr. Rhoades made a motion to adjourn. Mr. Pruitt seconded the motion. **All voted in favor. Meeting was adjourned at 7:35 PM.**

Charles Seibold, Chairman

Lynn Livesay, Commission Member

Marty Rhoades, Commission Member

Mikey Pruitt, Commission Member

Carol Cook, Commission Member

Absent

Bob Hanson, Commission Member

Mary Ellen Abrams, Commission Member

Approved

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).