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PLANNING & ZONING COMMISSION MEETING MINUTES
TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
July 5, 2011 ♦ 6:30 p.m.

1. **CALL TO ORDER.** Chairman Seibold called the Planning & Zoning meeting to order at 6:30 p.m. Planning & Zoning Commission members present: Chairman Seibold and members Hanson, Abrams, Lowery, Livesay, Pruitt, and Rhoades. A quorum was present. Staff present: Clerk Herrmann, Building Director Donevant, Code Enforcement Official Morris and Waccamaw Council of Government Representative Tom Britton.

2. **PLEDGE OF ALLEGIANCE.** Chairman Seibold led the Pledge of Allegiance.

3. **AGENDA APPROVAL.** Mr. Hanson moved to approve the agenda. Mr. Rhoades seconded. All voted in favor. **MOTION CARRIED.**

4. **MINUTES APPROVAL.** Ms. Abrams moved to approve the June 7, 2011 minutes. Ms. Lowery seconded. All voted in favor. **MOTION CARRIED.**

5. **DIRECTOR'S REPORT.** Ms. Donevant reported that no subdivision requests were submitted and there was nothing further to report.

6. **PUBLIC HEARING.** **Rezoning of approximately 15.78 acres of land located off of Platt Boulevard and Highway 17 North known as "The Village at Surfside" from Planned Development (PD) to C1 (Commercial.)** Ms. Morris presented a slide presentation and explained that final approval to rezone this property to a PD was granted by Town Council on September 26, 2006. The Town Code states in **Section 17-202(c) Reversion that ...construction shall start on all rezoned property within six (6) months after rezoning, if construction is not begun within the specified time or is not completed within two (2) years, the planning commission shall review the zoning of the property and the progress which has taken place, and, if necessary, initiate proceedings to reclassify the zoning of the property in a manner consistent with the comprehensive plan. Any reclassification or reversion of zoning, which may be initiated by the planning commission, shall be considered a zoning map amendment and shall follow the amendment procedures of this section.** Ingress and egress to the proposed PD was to be through property known as the John Daly Golf Shop. The new owner of the John Daly Golf Shop is not associated with Moonwood, LLC or the The Village at Surfside; he indicated that he wished for the property to revert to C1. No permits were issued for the project and absolutely no contact with the developer has been made by staff within the last two years. The project has been dormant for 4½-years. The Planning Commission has 30-days after the public hearing during which to submit its recommendation to Town Council. Mr. Hanson asked if most of that parcel was initially C1, except for the power line easement. Ms. Morris replied that was correct. Chairman Seibold asked what the county zoning was adjacent to the property, and asked if the PD included the entire acreage. Ms. Morris replied that it is HC, which is equivalent to the Town's C1, and the project included the entire parcel of 15.78 acres. Chairman Seibold asked whether any projects were proposed at this time. Ms. Morris said absolutely nothing was proposed. Ms. Livesay said without the cooperation of the golf shop's new owner, there is no alternate ingress or egress, and that access through Platt Boulevard was undesirable. It appeared the commission was zoning a property without access. Mr. Hanson said other properties are adjacent. Ms. Morris said any development plans would be required to document ingress/egress. Chairman Seibold asked the name of the current owner, and if a representative was present. Ms. Morris believed it was Carpe Minute, LLC and a representative was not present, but they were notified in writing as were numerous other adjacent and nearby property owners. Two letters received were presented to the commission opposing the rezoning, because of potential traffic increasing on Platt Boulevard. Ms. Livesay did not oppose rezoning to

52 C1, but believed the Commission should consider rezoning to mixed use, because the annexed portion was R1.
53 Mr. Pruitt asked how long was it until the property was rezoned. Ms. Morris explained about nine months; any
54 property annexed into the town is automatically zoned R1. The parcel in question was annexed to incorporate in
55 the PD and was subsequently rezoned in conjunction with the PD approval. Ms. Donevant explained that the
56 rezoning was advertised as C1 and that is the only use that could be considered at this meeting. Ms. Morris
57 said another public hearing would have to be scheduled if the rezoning is changed to mixed use.

58
59 Chairman Seibold opened the public hearing at 6:42 p.m. and asked for public comments.

60
61 "Steven Bennett, 611 Plantation Drive. The power line right-of-way comes right behind my house there
62 and there's not a ditch under it, and the business Climate Control's storage is right behind my house, and they
63 put a fence across the power line right-of-way, and I've had a problem with them parking motor homes and stuff
64 right up against my fence back there, and had to call Santee Cooper back to get them to move the stuff and they
65 still have stuff under there that's been there for years." Mr. Hanson asked if the fence was in or at the edge of
66 the right-of-way. Mr. Bennett, "It's straight across the power line right-of-way. That's what Santee Cooper told
67 me, but they've not done anything about it and it's been going on three or four years now." Ms. Abrams asked if
68 that was the place by the storage units. Mr. Bennett replied, "Yes, ma'am." Ms. Livesay said the commission
69 appreciated the information as it could be a potential problem with a rezoning request. Mr. Bennett, "I've had
70 concerns, you know, about a fire or something, because a fire truck is not going to be able to get through there."
71 Ms. Livesay thanked Mr. Bennett who responded, "You're welcome."

72
73 "My name is Rodney Brown. I'm president of Plantation Resort. We have no particular objection to the
74 development of the property, but we concur with the council on the increased traffic on Platt Boulevard. We feel
75 that intersection with the frontage road is already far over-taxed, and we would be very concerned about a major
76 development that would add significant traffic flow to Platt Boulevard and create a more dangerous situation
77 than we already have. Thank you very much."

78
79 "Randall Rumph, 521 Plantation Drive. My property abuts the power line right-of-way and then the
80 property that's getting rezoned is directly across from that, from the property that you're talking about that's
81 currently cut timber and young timber to the back of my property floods tremendously. I don't know, I was just
82 going to ask what this future plan was. If it was to be rezoned and developed or whatever; it would have to have
83 a huge amount of water retentions pond and drainage ditch, that kind of thing. I know we already have
84 stormwater problems in that area, but I was just, mine was more of a question than a statement, because what,
85 if anything, was going to be done as far as drainage. It floods a good bit behind my house now." Mr. Hanson
86 asked if it flooded under the power line. Mr. Rumph said, "Under the power line and in the timber. The standing
87 timber stands in about knee deep water when it floods." Mr. Hanson said that anyone that tries to develop that
88 property has to meet the town's stormwater requirements. Mr. Rumph asked, "Is there a planned development
89 now at all or is it just a change in zoning." Mr. Hanson replied just a change in zoning. Mr. Rumph said, "Thank
90 you." Mr. Hanson said nothing could be done with the property as it now exists.

91
92 There were no other public comments. Chairman Seibold closed the public hearing at 6:46 p.m.

93
94 7. **OLD BUSINESS.** There was no old business.

95
96 8. **NEW BUSINESS**

97
98 a. **Rezoning of approximately 15.78 acres of land located off of Platt Boulevard and Highway 17**
99 **North known as "The Village at Surfside" from Planned Development (PD) to C1 (Commercial.)** Ms.
100 Livesay restated her concerns that the property would be rezoned C1, because of the amount of concrete and

101 strip stores that are unoccupied. She like the PD mixed use look, and didn't understand why Surfside Beach
102 could not adopt a mixed use zoning in this area; she was disappointed that the Commission could not change
103 the zoning. Chairman Seibold remind her that the advertisement was to change it to a C1 zone. Ms. Livesay
104 believed the Commission should consider other zoning, not just choose C1 because it is contiguous to other C1
105 property. Mr. Britton clarified that the application before the Commission was to rezone the subject property to
106 C1; if the Commission deemed that C1 is not appropriate, then notices would need to be sent to the property
107 owners with the proposed zoning application; another public hearing would need to be advertised and held. Mr.
108 Hanson asked if a developer could request rezoning if the property was zoned C1. Ms. Donevant said yes, an
109 owner or developer could ask for a PD, mixed use, or residential. Ms. Livesay believed that investors would use
110 the property as it was zoned, and would prefer that the Commission would be more proactive in "thinking a little
111 more green," in its decisions to encourage more green space to support the recently adopted Comprehensive
112 Plan. Ms. Abrams believed Ms. Livesay's comments had merit. The Commission was presented with a request
113 to rezone to C1, to comply with Town Code since development did not occur. Future developers could request
114 rezoning as desired. Mr. Seibold said this was discussed in detail; C1 would allow development as desired;
115 there were concerns with traffic and drainage issues. As of this meeting, there is no development occurring. He
116 supported the recommendation to change to C1. Ms. Lowery asked if the reversion simply changed zoning to
117 the original use and said this property is land-locked; it is very unlikely that anyone one develop it for a while.
118 She said the mixed use plan was 'lovely,' and didn't believe zoning as C1 would prevent a future developer from
119 submitting a similar plan. Mr. Hanson estimated that 15 residential lots could be placed on the property. He
120 didn't believe a developer would be willing to spend the money required to install infrastructure for that few
121 homes. He said for Mr. Brown's benefit, that traffic was discussed when this project was considered, and that
122 the Commission would be cognizant of traffic problems when a future request was submitted. The goal was to
123 work with Plantation Resort to resolve traffic problems, and he hoped that Plantation Resort might reconsider its
124 bus service to the Surfside Beach pier to create safer routes and drop off locations. Mr. Rhoades believed the
125 property should have one zoning use and supported C1. Mr. Hanson moved to recommend to Town Council
126 that the subject property be rezoned to C1. Mr. Pruitt second. **All voted in favor. MOTION CARRIED.**

127
128 **b. Review Development Regulations.** Mr. Britton presented minor changes to the development
129 regulations: to insure street names were not duplicated at the preliminary plat level; revising pavement widths –
130 10-foot collectors, 11-foot arterials, and 12-foot incremental increases above the base for 4-lanes, as discussed
131 last month; appendices to add revised plat certification (owners, surveyor, street department, public works
132 department, utility company) blocks, which are similar to those used by Horry County. He noted that pages 4-10
133 and 4-11 of the draft development regulations referred to ASHTO regulations that are now copy-righted. The
134 guidelines are approximately the same for lower speeds, but are somewhat different for higher speeds and sight
135 distances. He recommended removing Table 15-458 and Exhibits B and C, and stating that the vertical curves
136 and sight distance have to meet the latest edition of ASHTO requirements, using the appropriate citation, and
137 also providing a line stating that the developer's engineer has to certify that the plat is in minimum compliance
138 with the provision prior to approving the plat. **The Commission CONCURRED with Mr. Britton's**
139 **recommendation.**

140
141 Mr. Britton said page 2-6, item 3 relates Town Council approval of a developer's request for
142 modifications, and deviations from construction standards, and page 4-15 that relates the ability of the Planning
143 Commission to approve decorative materials. The two sections do not conflict, but to avoid a perception of
144 conflict between the two provisions, he suggested adding "notwithstanding provision of" to either one of the
145 provisions. He anticipated comments being received from the attorney, utilities, and public works director by the
146 next meeting date. If the Commission authorizes staff to deliver a copy to Town Council for informal comment
147 and/or communication, this might lead to a workshop as occurred with the zoning ordinance, which proved
148 helpful to both Council and the Commission. He also believes the Commission could go ahead and authorize a
149 public hearing for the meeting the first week of September. This would allow Council between seven and eight

150 weeks review time, and the public would have notice of about four weeks. Mr. Rhoades moved to send an
151 advance copy to Town Council. Mr. Hanson seconded. **All voted in favor. MOTION CARRIED.** Mr. Britton
152 said a letter would be sent to Town Council similar to the draft letter distributed at the meeting. Mr. Pruitt moved
153 to schedule a public hearing during the September meeting to hear public comments on the proposed changes.
154 Mr. Rhoades seconded. **All voted in favor. MOTION CARRIED.** Ms. Livesay asked if the workshop with
155 Council would occur before the public hearing, and how much notice was required for the public hearing. Mr.
156 Britton said he did not know whether Council would want a workshop; 15-days is the required notice for a zoning
157 text amendment, and 30-days is required for development regulations. The required public hearing for
158 development regulation amendments is before Town Council; it would be responsible for advertising that
159 hearing. The hearing before this Commission is extra to insure public comment is heard. The next Commission
160 meeting occurs after the last submission date to get the notice published 30-days in advance.

161
162 **c. Signage Regulations (discussion only.)** Ms. Donevant said the sign ordinance had some
163 interpretation problems insofar as the number and size of signs for multiple businesses. Ms. Morris said Family
164 Dollar applied for and was granted a variance, because it was only allowed a sign measuring 10 square feet
165 under the code as it is written. For over 20-years, staff did not interpret the code as it was written. The old
166 ordinance states "occupied lot" above the section about free-standing signs, for which there are no problems,
167 and that "for each occupied lot shall be allowed no more than two walls signs or roof signs." The past
168 interpretation was based on per unit; each unit was allowed 1.25 x linear feet and two wall signs. Without that
169 interpretation, it would prohibit additional businesses in the complex from having a sign. The town has recently
170 lost four or five businesses, because staff is enforcing the signage ordinance as it is written. The Zoning Board
171 of Appeals recommended to staff that a presentation be made to the Planning Commission for reconsideration
172 of the 10 square feet limit per unit after the two walls signs. Chairman Seibold was upset and stated that the
173 Commission recently decided on sign sizes and now that was not being enforced. He asked what the correct
174 sign size is. Ms. Morris said 1.25 x the linear frontage of the unit for centers with multiple units or businesses,
175 with 150 square feet maximum. The Zoning Board of appeals recently allowed 174 square feet. Ms. Abrams
176 believes that other businesses will also seek a variance and asked what the Commission should consider.
177 Chairman Seibold believes the ordinance should be amended to reflect what has been enforced. Ms. Donevant
178 explained that in the past, each business or unit in the business had its signage based on the frontage for that
179 business for centers that have multiple businesses or units. Ms. Morris said staff supported the 150 square feet
180 limit. She suggested that 1.25 x linear feet per business on multiple tenant buildings be incorporated into
181 number 2. Ms. Abrams asked if the recommendation was to keep the same rule, but have it apply to either a lot
182 or a unit within a parcel of land. Mr. Britton said the recommendation was to apply the same measurement of
183 1.25 to a single lot, and when there are multiple businesses on a parcel, the size would apply to each business.
184 Ms. Lowery referred to the Palm Plaza pictures and asked if they are legal. Ms. Morris said yes, based on the
185 way staff interpreted the ordinance. But, they are not legal now, because the ordinance is written 'per building,'
186 and if it were enforced as written, there would be only one sign. The other businesses would not be allowed to
187 have signs. Ms. Livesay asked if the signs were the correct size; she thought they were a good size. Ms. Morris
188 said yes, the signs fit proportionally and were easily seen from the highway. Ms. Donevant said the Commission
189 tried to help businesses with the new sign ordinance, and now staff is attempting to make the ordinance comply
190 with the standards and interpretation that have been used for the past 20-plus years. Mr. Britton said there are
191 some applications pending that would be affected by this change, so there is some need for urgency. If the
192 Commission is satisfied with the previous enforcement, it could direct staff to present a draft text and advertise a
193 public hearing with a 15-day notice requirement for the next meeting. Mr. Rhoades moved to direct staff to
194 present draft verbiage to conform with the previous code interpretation of allowing signage measuring 1.25 x
195 linear feet per lot or per building unit when there are multiple properties on a lot, and to advertise a public
196 hearing to be held at the next meeting. Ms. Abrams seconded. **All voted in favor. MOTION CARRIED.**
197

198 d. **Election of Officers.** Chairman Seibold said the Commission elects officers annually at the July
199 meeting and opened the floor for nominations. Mr. Hanson moved to elect Mr. Seibold chairman. Ms. Livesay
200 seconded. **All voted in favor. MOTION CARRIED.** Mr. Hanson was asked if he would serve again as vice-
201 chairman. He declined saying that this was an opportunity to train future leaders, and suggested that another
202 member would benefit from the experience. Ms. Abrams also declined the position saying that she would be
203 travelling during the coming year. Mr. Rhoades moved to elect Mr. Pruitt vice-chairman. Mr. Hanson seconded.
204 **All voted in favor. MOTION CARRIED.** Mr. Pruitt moved to elect Ms. Donevant secretary. Mr. Rhoades
205 seconded. **All voted in favor. MOTION CARRIED.**

206
207 **9. PUBLIC COMMENTS.** There were no public comments.

208
209 **10. COMMISSION COMMENTS**

210
211 Mr. Hanson said in regards to the property rezoned to C1 during this meeting that it is located very close
212 to Deertrack. According to the newspaper, there is a group trying to buy that property, and this might be a good
213 opportunity for the town to annex a beautiful green space for perpetuity. Mr. Rhoades believed the north course
214 was the one being sold, and it is on the other side of Deerfield. Ms. Livesay said the Town would be responsible
215 for the stormwater plan; this was very hypothetical. Ms. Abrams said Bankruptcy Court held up the sale this
216 afternoon. Ms. Lowery said this sounded like a preamble to annexing all those houses around the golf course,
217 which made her very nervous. Ms. Morris said there must be two-to-three feet of contiguous land, not including
218 roadways or rights-of-way, in order to annex.

219
220 Ms. Lowery questioned the comments made about the power lines. Chairman Seibold said the power
221 lines are not in the town. Ms. Livesay asked if the road on the plat that was just rezoned was also now C1.
222 Several members spoke at once.

223
224 **11. ADJOURNMENT.** Ms. Lowery moved to adjourn. Mr. Pruitt seconded. **All voted in favor.**
225 **Meeting adjourned at 7:38 p.m.**

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227
228 Respectfully submitted,

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232 Debra E. Herrmann, CMC. Town Clerk

233 Approved: August 2, 2011

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236 Charles Seibold, Chairman

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239 Lynn Livesay, Commission Member

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239 Marty Rhoades, Commission Member

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242 Mikey Pruitt, Commission Member

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244 Robert Hanson, Vice Chairman

244 Mary Ellen Abrams, Commission Member

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

Approved