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**PLANNING & ZONING COMMISSION  
MEETING MINUTES  
TOWN OF SURFSIDE BEACH  
TOWN COUNCIL CHAMBERS  
May 3, 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 Chairman Seibold and members Hanson, Pruitt, Abrams, Lowery and Rhoades. Ms. Livesay was absent. There was a quorum. Staff present: Clerk Pinnell, Building and Zoning Code Enforcement Officer, Morris and Waccamaw Council of Government Representative Tom Britton. Building and Zoning Director Donevant was absent.

2. **PLEDGE OF ALLEGIANCE.**

Chairman Seibold led the pledge of allegiance.

3. **AGENDA APPROVAL**

Mr. Hanson made a motion to approve the agenda. Mr. Rhoades seconded the motion. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL**

Ms. Abrams made a motion to approve the minutes from April 5, 2011. Mr. Rhoades seconded the motion. **All voted in favor. MOTION CARRIED.**

5. **DIRECTORS REPORT**

Ms. Morris gave the Directors report. No plats had been approved. Ms. Morris submitted copies of the current PDD's located in the Town of Surfside Beach. Ms. Morris stated that the Town is working on getting a new map created. A meeting would be made with Earthworks to discuss. Ms. Morris stated that she hoped a new map would be prepared within the next few months. The Commission reviewed the current map and list distributed by Ms. Morris. There was some discussion regarding the PDD's. If the Commission had any questions going forward they were instructed to contact Ms. Morris or Ms. Donevant.

6. **PUBLIC COMMENTS**

There were no public comments.

7. **OLD BUSINESS**

There was no old business to be discussed.

8. **NEW BUSINESS**

Mr. Seibold welcomed new member Betty Lowery to the Planning Commission

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**a. Article V, VI and Appendix A (First Draft)**

Mr. Britton gave his summary on Article V, VI and the Appendices.

Article V is supplemental review standards and procedures. Mr. Britton explained that there are some review procedures that are specified in the enabling legislation that need to be put in the development regulations that currently are not addressed by the existing ordinance. Page 1 addresses street names. In the State of South Carolina in order to name a street or rename a street the Planning Commission is the final deciding authority on assigning street names. Something will need to be put in the regulations how a street is named; normally it is done during the platting process as part of consideration of plat approval. How to rename existing streets is also addressed including requirements for a public hearing and findings required to do that. Another type of review is public facilities review; the way it is laid out in the enabling legislation this does not fall directly under the development regulation provisions that are in the enabling legislation; the place to put it would probably be in the local ordinance. Under public facilities review what is required under the state enabling law is that any time a public entity comes in and builds within the town there is a mandatory review by the Planning Commission. The Planning Commission looks at the plans and makes a recommendation. The public agency can disregard the recommendation but they must publicly acknowledge through an advertisement in a newspaper that they plan on proceeding with construction. This section lays out the process for conducting the review. They cannot start construction until it is submitted to the Commission for review and consideration. The opt-out provision does not effect their compliance with the zoning ordinance; they still need to comply with zoning. Page 5-4 planned development districts; some of the existing regulations were kept. Planned developments are primarily addressed in the zoning ordinance. The second part of a planned development is that planned developments require platting. Mr. Britton explained that at the final cut the sections may be renumbered.

Article VI deals with supplemental exhibits; these are things that would be submitted with the final development plan. Mr. Britton explained that a developer cannot sell lots or enter into contracts to sell lots until the final platt is signed. The municipality is not going to sign a platt where there are improvements that have not been built; once the platt is signed and the lot is recorded the developer has the right to sell the lots. The surety instrument is a way that the Town can sign the final platt that is approved by the Planning Commission but retains a financial guarantee that what the developer has promised to do will be built and accepted. The developer would either establish a cash bond or a letter of credit. If the developer has infrastructure to be built they must submit cost estimates approved by the Planning Commission or development administrator and the developer then posts a surety for 125 percent of the cost of improvements. This acts as a financial guarantee on the developer. A provision dealing with roadways was also added; this is an issue of warranty. If the street falls apart what recourse does the town have to go back to the developer? A warranty is another guarantee if the road has a defect; this provides an additional safety net. Mr. Britton

97 confirmed that the percentage required for the original surety posting is specified  
98 in the state enabling legislation.  
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100 Mr. Britton discussed page 6-3 digital submission requirement. Many  
101 jurisdictions have gone leaps and bounds in mapping over the past 10 years  
102 through the advent of GIS (Geographic Information Systems). Mapping is  
103 computerized and updated digitally. This section puts in a basic requirement for a  
104 developer to provide a digital copy of the proposed development so it can be  
105 integrated into the towns' GIS. This normally saves jurisdictions a lot of time and  
106 money. The cost to the developer is also addressed. This could create a hardship  
107 for smaller projects; smaller projects are considered but most large projects would  
108 make it a requirement.  
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110 Mr. Britton stated that some sample exhibits have been supplied with additional  
111 exhibits to be presented. Street dedication forms need to be included; a deed or  
112 sample deed for conveyance of right of way is included; the towns' attorney will  
113 need to review these. Another exhibit required will be information for  
114 establishing cash deposits. Information for letters of credit are included. There  
115 have been 3 or 4 meetings on the various articles and at the next meeting the  
116 Commission will be presented a more complete version for final review and  
117 comments. The Commission may be able to start the public hearing process at  
118 some time in July and then recommendations can be made to Council. As  
119 requested last month a copy was forwarded to the Public Works Director; they are  
120 waiting for his comments. Mr. Britton asked for the Commissions permission to  
121 begin sending copies to the town attorney to begin his review. Mr. Pruitt made  
122 motion to send the documents to the attorney. Ms. Abrams seconded the motion.  
123 **All voted in favor. MOTION CARRIED.**  
124

125 **b. Discussion – Reversion of The Village at Surfside – Moonwood Planned**  
126 **Development**

127 Ms. Morris stated that there is a copy of an issue paper and ordinance where  
128 council amended the zoning ordinance to allow for the planned development, the  
129 Village. A plat and actual architectural plans for the proposed development were  
130 also included. Section 17-202 of the zoning ordinance does allow for revision;  
131 rezoning construction shall start on all rezoning properties within 6 months and  
132 must be completed within two years. This property was rezoned September 26,  
133 2006 and there has been no activity and no contact with the developer in the last  
134 two years. The planned development was approved for two means of egress and  
135 ingress; one was on Highway 17 and the other would have been on Platt Blvd.  
136 The property on 17 which would have had the right of way on the frontage road  
137 was planned to have Martins Golf demolished; this would have been an access  
138 point. Martins Golf has since been sold and has a new owner. It is the  
139 understanding of the Town that these new owners have no connection with the  
140 previous developer. If Martins Golf is not going to be demolished the developer  
141 would need a new plan. It was confirmed that the PD plan indicated two means  
142 of egress and ingress; they would have to come back for approval if they chose to  
143 amend any of the approved plan. Ms. Morris stated that the request of staff is for  
144 the Planning Commission to initiate the reversion of the Village at Surfside; for  
145 the portion annexed in as R-1 to convert it back to R-1 and the portion that was C-

146 1 to be converted back to C-1. Mr. Hanson asked why this should be changed.  
147 Mr. Britton stated that as it currently stands if someone came in for a permit to do  
148 anything on the property the question would be what would the zoning  
149 administrator be authorized to issue a permit for. It is currently a PD with certain  
150 land uses but the PD does not meet the original criteria under which it was set up.  
151 Mr. Britton reiterated, if a prospective developer came in it would be unclear what  
152 type of permit to issue. Mr. Hanson asked why it would have to go back to R-1  
153 and C-1 could it be made all C-1. Mr. Britton stated that under the ordinance  
154 there is a reversion clause; there is a reversion clause in the PD provision and  
155 there is also the initiation of zoning districts that can be referred to. The Planning  
156 Commission can rezone property; the rezoning procedure could be initiated; it  
157 would just need to be most appropriate to the comprehensive plan. Mr. Seibold  
158 stated that he would not be comfortable doing this until he had a better  
159 understanding as to why it would be done. Mr. Seibold stated that he would  
160 rather go back to what it was before rezoning it. Ms. Morris stated that if there  
161 were a development that wanted to go in the area they could request a rezoning at  
162 that time. It was confirmed that currently there are no requests for that property.  
163 There was additional discussion regarding PD rights; they are not tied to the  
164 owner. The question is, could the applicant meet the original conditions under  
165 which the PD was originally approved; the dual access was a requirement and  
166 currently it is not feasible. There was some discussion regarding the zoning of the  
167 PD and property. Mr. Hanson stated that he would like to see more commercial  
168 zoning in the area. Ms. Morris stated that she would look at the comprehensive  
169 plan and could get back to the Commission. Mr. Hanson stated that if the whole  
170 area is commercial that it may be worth more to the Town. Ms. Morris stated that  
171 in order to advertise the public hearing the rezoning cannot be ambiguous; the  
172 public needs to have a clear understanding of what the Planning Commission is  
173 considering for zoning in that area. Mr. Hanson asked if a few considerations  
174 could be published. It was stressed that the public would need to know what is  
175 being considered. Ms. Lowery asked about the options the Commission has  
176 regarding rezoning the property. Mr. Britton stated that under the current  
177 ordinance and under the enabling legislation the Planning Commission has the  
178 ability to rezone the property as long as it is consistent with the comprehensive  
179 plan. The PD section does refer to reversion and taking it back to the original  
180 zoning which is also an option. A reversion is a rezoning and also has to have a  
181 public hearing and a recommendation from the Planning Commission to Council.  
182 It was confirmed that the total annexed acreage was a little over 6 acres and the  
183 other was 7.99 acres; a little over approximately 14 acres total. Mr. Hanson stated  
184 that he would like to see it all as the same zone. There was some conversation  
185 regarding the homes in that location and the buffer zone currently in existence. It  
186 was confirmed that Martins Golf is currently zoned as part of the PD. Mr.  
187 Rhoades made a motion to authorize a public hearing to consider rezoning of  
188 Moonwood Surfside Village to C-1 from PD status. Mr. Pruitt seconded. **All**  
189 **voted in favor. MOTION CARRIED.**

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191 **9. PUBLIC COMMENTS**

192 There were no public comments.  
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**10. COMMISSION COMMENTS**

Mr. Rhoades welcomed Betty Lowery to the Commission stating that he looks forward to working with her. Mr. Pruitt added that he looks forward to working with Ms. Lowery as well.

Mr. Hanson stated that he is pleased that the work done in the last two years was approved by Council with some minor changes. Ms. Donevant had indicated to him that the changes made have been working so far. Mr. Hanson thanked everyone for their time they put in and he is pleased that the Commission works well together as a team.

Mr. Seibold agreed with Mr. Hanson and hoped that the Commission would continue to work as a team going forward and thanked Mr. Britton and Ms. Morris for all their work.

**11. ADJOURNMENT**

Ms. Pruitt made a motion to adjourn. Mr. Rhoades seconded the motion. **All voted in favor. Meeting was adjourned at 7:24 PM.**

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Charles Seibold, Chairman

Absent  
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Lynn Livesay, Commission Member

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Marty Rhoades, Commission Member

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Mikey Pruitt, Commission Member

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Betty Lowery, Commission Member

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Robert Hanson, Vice Chairman

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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 IS 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).