



**SURFSIDE BEACH PLANNING & ZONING COMMISSION MEETING  
TOWN COUNCIL CHAMBERS  
TUESDAY, AUGUST 6, 2019 ♦ 6:00 P.M.**

**1. CALL TO ORDER.**

Chairman Hellyer called the meeting to order at 6:00 p.m. Chairman Hellyer, and members Brown, Pesce, Sluder and von Buseck were present. Members Lane-Laveglia and Truett were absent. A quorum was present. Others Present: Town Clerk Herrmann, Planning, Building & Zoning Director Morris, and Permit Flood Coordinator Mazzo.

**2. PLEDGE OF ALLEGIANCE.**

Chairman Hellyer led the Pledge.

**3. PUBLIC HEARING.**

Chairman Hellyer opened the public hearing at 6:01 p.m. and explained that a public hearing for the property rezoning was held at the July meeting, but a second public hearing was being held to ensure the public received proper notice and had an opportunity to speak.

**A. Amend Town Code Chapter 17, Article III, §17-395, Use Chart to allow for "Bingo" as a permitted use in the Highway Commercial (C1) Zoning district.**

Ms. Mazzo said a request was made to have bingo presented for consideration as an allowable use in the Highway 17 C1 Commercial Zoning District. Bingo is a legal enterprise for nonprofit organizations in South Carolina. The public hearing was properly advertised. The decision paper and supporting codes are on file.

Mr. Sluder believed bingo was already allowed in several establishments. Ms. Morris said not to staff's knowledge. The amendment to make bingo an allowable use would allow a stand-alone businesses.

Mr. Gary White, Lakeside Drive, asked how much space was need to open a bingo parlor; usually the places have a lot of tables. Chairman Hellyer said the C1 District runs along Highway 17 from Melody Lane to 17<sup>th</sup> Avenue North. Mr. Brown noted that it would be up to the owner to determine how big the structure should be, if it is allowed.

Mr. Faron Young, 8<sup>th</sup> Avenue South, asked if the town received any revenue from bingo parlors, and how the licenses were issued. Ms. Morris said nonprofit agencies are required to have a business license, but the town administrator said there is no revenue for the town. Mr. Sluder and Mr. Brown both referred to the state mandated regulations for bingo parlors and said, if Town Council adopts bingo parlors as an allowable use, those would be incorporated.

Mr. Dan Barchorski, Palmas Drive, asked if anyone had a project in anticipation of this being approved. Ms. Morris said not to her knowledge. Chairman Hellyer said there are multiple uses in each district, but bingo is not allowed. Someone requested that the commission consider the use in the C1 District. Mr. Sluder said the commission cannot guarantee that there isn't some project; but to his knowledge there is not.

53 Mr. Larry McKeen, 6<sup>th</sup> Avenue South, said bingo is available in Garden City, and it should be  
54 played there.  
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56 Ms. Cindy Griggs, Lakeside Drive, asked why the town would allow bingo, if it doesn't gain any  
57 revenue. It makes sense to leave it in Garden City; if things change, then address the matter.  
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59 **B. Rezoning of parcels listed below from current zoning designation to Public Land**  
60 **(PL).**  
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62 811 1 <sup>st</sup> Avenue North from C4 to PL	720 Sandy Lane from C1 to PL
63 409 3 <sup>rd</sup> Avenue South from R2 to PL	730 Sandy Lane from C1 to PL
64 312 9 <sup>th</sup> Avenue South from R1 to PL	740 Sandy Lane from C1 to PL
65 610 10 <sup>th</sup> Avenue South from R2 to PL	750 Sandy Lane from C1 to PL
66 112 13 <sup>th</sup> Avenue South from R3 to PL	760 Sandy Lane from C1 to PL
67 114 13 <sup>th</sup> Avenue South from R3 to PL	212 Surfside Drive from C3 to PL
68 600 Dogwood Drive South from R3 to PL	400 Surfside Drive from R2 to PL
69 115 Highway 17 North from C3 to PL	410 Surfside Drive from R2 to PL
70 617 Lakeside Drive from R3 to PL	728 Surfside Drive from R2 to PL
71 11 Myrtle Drive North from R2 to PL	300 Willow Drive South from R2 to PL
72 413 Pine Drive R2 to PL	310 Willow Drive South from R2 to PL
73 829 Pine Drive from C3 to PL	10 Yaupon Drive South from C4 to PL
74 12 Pinewood Drive North from C3 to PL	16 Yaupon Drive South from C4 to PL
75 202 Poplar Drive [North] from C1 to PL	
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77 Ms. Mazzo reiterated that a public hearing for the Public Land District (PL) was held at the July  
78 meeting, but this hearing was scheduled to ensure the public had proper notice. The decision paper and  
79 supporting documents are on file. In response to the notice for this hearing, over 100 calls and/or  
80 comments were received. There were no responses to the notice for the July public hearing. The purpose  
81 of the PL District is to identify government land.  
82

83 Chairman Hellyer said there are 27 properties listed, and asked if that was all inclusive of town-  
84 owned properties. Ms. Mazzo said it was town-owned and Horry County-owned; any government owned  
85 property. Chairman Hellyer said the pier was not included, and asked how many others were not on the  
86 list. Ms. Morris said the pier was not added, because it is located in the most stringent flood zone. The  
87 pier has to be elevated to meet the district requirements, and needs the 55-foot height limit allowed in the C4  
88 Entertainment District. The recommendation for the PL district height limit is 35-feet. To the best of her  
89 knowledge, this list is all inclusive, except the pier. If there are additional town-owned or other  
90 government properties, they will be presented to the commission with a public hearing scheduled.  
91 Chairman Hellyer said there was talk of proposed construction on public land, and asked if such plans  
92 existed. Ms. Morris said not to her knowledge; however, on social media there is a lot of discussion about  
93 this. Under the PL restrictions, any construction must be a minimum of 75-feet from any residential  
94 district; warehouses or public works facilities must have a 150-foot distance. Most of the properties are in  
95 residential zones, which makes it almost impossible to construct buildings. As far as staff knows, the  
96 current uses will continue. To allow construction on these properties, the commission would have to  
97 reconsider the setback requirements in the district.  
98

99 Mr. von Buseck asked if the planning commission could change the district if a project came  
100 about in the future. Ms. Morris said yes, the commission could make a recommendation to Town Council.  
101 The property would have to be posted; a notice published in the newspaper; the neighbors within 150  
102 feet notified, and a public hearing held before that recommendation could go to council.  
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104 Mr. Pesce said last month the commission discussed that there is no cost related to this. The  
105 purpose is to have a fluid set of height and setback limits for all municipal property. Ms. Morris said right.

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Mr. Faron Young, 8<sup>th</sup> Avenue South, believed the signs should have the hearing date and time. He had to call to find out when the hearing was scheduled, which was inconvenient because staff is busy and cannot always answer the phone. Based his research, creating a PL district would allow the town to use it for any public use, which means it could be turned into a parking lot to earn revenue. He asked if there is an advantage to creating a PL district, but had only heard vague answers. He asked for a response to that question. He regularly uses the town parks, and they are a draw for tourists who take their children to play. If this action allows the town to make changes to the parks without public input, he opposes it.

Chairman Hellyer said that same question was asked last month. He asked if the town could change the parks without any notice. Ms. Morris said most of the parks were built with PARD (SC Parks and Recreation Department) grants, which prohibits changing the use. Chairman Hellyer asked if that applied to all parks. Ms. Morris did not know. Ms. Herrmann believed that every park had either a grant or deed restrictions, except perhaps Martin Field. Violating terms of a grant will require the town repaying the grant in today's money. She could not speak for Town Council, but was very confident that none of the parks would be changed.

Mr. James Lavoy, North Oak Drive, said his property abuts the newly purchased property at 212 Surfside Drive. He was upset that he was not notified of the town's intention to create a parking lot, and he didn't want to see the trees cut. He demanded that the town put a privacy fence between his property and the parking lot. Chairman Hellyer said that his concerns should be addressed to Town Council. The planning commission had no purview over that project.

Ms. Betty Lowery, 4<sup>th</sup> Avenue North, said the public was notified by an email message through the town's email subscription service that is available for everyone. Subscribers receive meeting notices, agendas, event notices, and the agendas include links so you can see documents. There was a lot of misinformation about this. Most of the trees are hollow, because of heart rot, which is not the town's fault. The property was privately owned. There is risk of a limb falling on a car or pedestrian. The design for the parking lot is on the town website. A parking space was eliminated to save a tree. The town has done everything that it can. She suggested to those who felt left out that they sign up for the town's email service, which you can do on the website homepage. You can always contact town hall, if you have questions. We need to be more aware, and take advantage of what is available.

Ms. Kim Hutchinson, Cypress Drive, said the parks are a huge part of her daily routine. She asked if Floral Clubhouse was in a flood zone, because she wondered if the building was being raised. She couldn't believe the town would put a parking lot in the middle of those beautiful trees. She was having an addition built on her home, and she had to have permits "up the yin-yang," and believed private property owners should be notified when growth is damaging trees.

Mr. Larry McKeen, 6<sup>th</sup> Avenue South, was very sympathetic to Mr. Lavoy's position. Those of us who are active know a few days before a meeting when the agenda is published. In his opinion, you have to work to get to the documents. It isn't logical that a man who isn't active would know this is going on. In his opinion, he should have been notified. He liked the idea of putting up a privacy fence. Chairman Hellyer asked how the planning commission would be involved in carrying this forward. Mr. McKeen said he knew it isn't the commission's purview, but since it was brought up, he wanted to comment. The mayor said recently that the parking lot would be completed in a month, so Mr. Lavoy will be very upset. Even though there is probably no legal requirement, he believed the abutting property owners should have been notified. Chairman Hellyer said there was no requirement to hold a public hearing before the parking lot was created. In lieu of any requirement, it was not done. Mr. McKeen understood, and was simply expressing his opinion.

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158 Ms. Linda Woodlief, Sparrow Drive, said after hearing the discussion, she did not know what the  
159 advantage was to changing the zoning to PL. Ms. Morris said the town administrator directed staff to  
160 rezone the properties that are owned or leased by the government entities to public land. This was done  
161 in other municipalities and the county. The reason is that there are various zoning districts throughout  
162 the properties with different uses, heights, and setbacks. Government uses are already allowed in every  
163 zoning district. By rezoning the properties to PL, residential and commercial development is prohibited.  
164 To allow those uses, the rezoning process must be followed to change the zoning district. This protects  
165 the property. If the town chose to sell any of its property now, there is no requirement for a public  
166 hearing; the property would just be advertised for sale. Once the properties are zoned PL, then the town  
167 must follow the rezoning process, which will ensure the public has notice.  
168

169 Mr. Sluder asked why the property wouldn't revert to the original zoning, if the town decided to  
170 sell. Ms. Morris said it would, but the rezoning process she just described has to be used, because the  
171 code doesn't stipulate an automatic reversion. State law requires advertising, notifications, and a public  
172 hearing. Mr. Sluder asked if the town could purchase property for resale. Ms. Morris said as long as it had  
173 not been rezoned PL. She reiterated that the listed properties would require the rezoning process, if any  
174 of those were sold. Mr. Sluder suggested adding a reversion clause to change the property to its original  
175 zone prior to any sale by the town. Ms. Morris said that would eliminate any notice to the public, because  
176 the rezoning process would not have to be followed if there is an automatic reversion. However, she said,  
177 "I would be very comfortable advertising it and letting the public know that it is going to be reverted."  
178 Mr. Sluder asked why reversion language was not included. Ms. Morris said the town administrator said  
179 he has no thoughts of selling any property. A reversion clause can be added; it is up to the commission  
180 for recommendation.  
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182 Chairman Hellyer said the town doesn't have to hold public hearing to purchase property, so why  
183 would it be required to sell property. Ms. Morris said rezoning the property to PL would require the  
184 process, because residential or commercial uses are not allowed in the PL district.  
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186 Mr. Sluder said if council decided to sell public property, a recommendation is not required of the  
187 planning commission. If the property reverted to its original zoning district that would ensure the  
188 property wouldn't have a different zoning from the pre-PL District.  
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190 Chairman Hellyer asked if the new parking lot was on the list. Ms. Morris said it is 212 Surfside  
191 Drive, which is currently zoned C3 Commercial and that district allows parking lots.  
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193 Mr. Faron Young, 8<sup>th</sup> Avenue South, asked if the town could sell property now. Ms. Morris said  
194 yes, but if it is sold now under the current zoning the public does not have to be notified. If the property  
195 is zoned PL, or if there is a reversion clause like we have in existing planned developments, the public  
196 would have to be notified that the property is reverting back to its original zoning district. Mr. Young was  
197 concerned that so many properties were included. He believed there was too much risk of changing some  
198 of the smaller parks. He relayed a story about his previous home and was concerned with too much  
199 development too quickly, and did not want to see high rises along the beach. The public doesn't have  
200 much say, which was proved with the parking lot. He asked the commission to consider his comments.  
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202 Ms. Brenda Norris, Willow Drive South, asked what was going to happen to the historical property  
203 at 3<sup>rd</sup> Avenue South and Willow Drive. Based on the conversation here, that property can be sold. Mr.  
204 Brown said it could be sold now because it is not public land. If the property is zoned public land, then it  
205 would be restricted from being sold and what could be put there. Ms. Herrmann said when the property  
206 was purchased it was designated as historical property. Chairman Hellyer said if it is designated PL, then  
207 it cannot be sold without a public hearing.  
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209 Ms. Cindy Griggs, Lakeside Drive, had about 45 years of experience in parks and recreation. The  
210 town's park lands and waterways were big draws to bring them to town. She was excited to hear that



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211 many parks had PARD grants. She asked which parks had PARD grants, because they have to remain as  
212 parks. Ms. Herrmann said yes, unless the town pays back the grant in today's money. She asked Ms.  
213 Griggs to contact her after the meeting to get the information. Ms. Griggs asked about the various lakes  
214 and waterways. Ms. Herrmann explained the town's lakes and waterways were part of the stormwater  
215 management system, and are necessary to comply with the town's MS4 Permit. There are many different  
216 laws and regulations that impact what the town does. Ms. Griggs mentioned the pond at 6<sup>th</sup> Avenue  
217 South and said it was maintained very nicely, and asked if that was changed to PL, could it be changed  
218 without a public announcement. Chairman Hellyer said according to what Ms. Morris said, if the property  
219 is designated PL, it cannot be sold without a public hearing. Ms. Morris said that was exactly right. Ms.  
220 Griggs said all the different uses were "just crazy." To change them to PL would make a consistent set of  
221 regulations that governed all the properties. Ms. Morris said that is correct. Ms. Griggs said the town  
222 could not change the property without a public hearing that would be announced. Ms. Morris said if the  
223 property is zoned PL, they could only do what is a permitted use and meet the setback and height  
224 requirements. If a use is to be added, then that would be advertised in the newspaper, and a public  
225 hearing would be held. If the property was sold, whether the reversion clause is added or not, the  
226 property would have to be rezoned by going through the notification process mentioned earlier. Ms.  
227 Griggs said a reversion clause would make the zoning the same as it is now. Ms. Morris said yes, which  
228 would be safe. In her opinion, that was a great idea. Ms. Griggs asked how this impacted Martin Field.  
229 Mr. Sluder said if there are no grants on Martin Field, the town could sell it now or use it for a parking lot.  
230 Ms. Griggs said if it was designated PL, it could not be sold without a public hearing. Mr. Sluder said  
231 correct, and asked if there would be a different effect on other properties. Ms. Morris said many of the  
232 current zoning districts allow many more uses than PL, so it is a protection. Chairman Hellyer said bingo  
233 cannot be played on public land. Ms. Morris said correct, unless a government entity buys it.  
234

235 Chairman Hellyer asked if the water tower property was on the list. Ms. Morris said it is 202  
236 Poplar Drive South. Chairman Hellyer said the water tower is on North Poplar behind Valentino's  
237 Restaurant. Chairman Hellyer said the Frontier station house was not on the list. Ms. Morris said 202  
238 Poplar Drive North is the water tower address [there is a typo on the agenda].  
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240 Mr. Gary White, Lakeside Drive, believed council should delay second reading of this ordinance  
241 until people understand what is going on, and asked which properties were not in residential districts. Ms.  
242 Morris said there were several: the parking lot at Yaupon; the town hall complex, including the fire and  
243 police stations; the public works property on Sandy Lane; 12 Pinewood Drive North and 212 Surfside  
244 Drive, the two recently purchased lots for a parking lot. She explained that the second reading before  
245 Town Council is to create the public land district. A recommendation to rezone these properties has not  
246 yet been made by the commission to council. Mr. White said some councilmembers wanted to add more  
247 uses to the PL district. Ms. Morris said the planning commission only makes recommendations to council.  
248 The commission recommended removing correctional facilities and rehabilitation centers. At first reading  
249 Town Council added asked that those two uses be added back for consideration at second reading. Mr.  
250 White asked how council could be stopped from adding those uses to the PL District. Ms. Morris said he  
251 could speak at the next council meeting during the agenda comments.  
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253 Mr. Farrow Griggs, Lakeside Drive, said he was an attorney for 47 years in North Carolina and did  
254 a lot of zoning work. From what he heard, this seems like "an awfully good idea;" to go from many mixed  
255 use zonings to a public land zoning makes perfect sense. He wasn't familiar with reversion clauses,  
256 because they were not used in North Carolina, but said it also had merit. He heard comments tonight that  
257 on all these properties there were either deed restrictions, protective covenants, 'reverters' on some, or  
258 grants involved. It seemed to him that having the town attorney to review the various properties to  
259 determine exactly how they are encumbered would help the public understand how much they are really  
260 protected. It isn't about being public land; it's about what is on the [record.]  
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262 Ms. Betty Lowery, 4<sup>th</sup> Avenue North, heard some confusion about the [new proposed] parking lot  
263 and public land. As a former planning commission member, she served when a section around the pier

264 was rezoned C3 with the intention of trying to stop residential encroachment into what we hoped would  
265 be a business district. Parking lots were an allowable use in C3. The parking lot did not occur because of  
266 the proposed public land district. It was already allowed. Purchase was attempted years ago, but it was  
267 entirely too expensive. Ms. Lowery said multiple generations of her family use the town's parks. With  
268 current zoning the town could sell the dog parks and housing could be built. In her opinion, the PL  
269 District and including the town-owned and government properties would guarantee that uses would  
270 remain as they are. If in the future, the town chose to sell or change its parks, the PL regulations would  
271 require public notices and perhaps the public could stop changes. We really want to keep the parks.  
272

273 Ms. Dianne Buczek, Millwood Drive, asked if the proposed parking on Surfside Drive would be a  
274 lot or a garage. Mr. Brown said it would be a lot. Ms. Morris said Town Council approved the basic layout  
275 of the parking at the special meeting on August 5<sup>th</sup>; those plans are online.  
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277 There were no other public comments. Chairman Hellyer closed the public hearing at 7:13 p.m.  
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#### 279 **4. Agenda Approval.**

280  
281 Mr. von Buseck moved to approve the agenda. Mr. Brown second. All voted in favor. **MOTION**  
282 **CARRIED.**  
283

#### 284 **5. Minutes Approval. March 7, 2019 and July 2, 2019.**

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286 Mr. von Buseck moved to approve the March 7 and July 2 meeting minutes. Mr. Pesce second. All  
287 voted in favor. **MOTION CARRIED.**  
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#### 289 **6. Public Comments on Agenda Items.**

290 There were no comments.  
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#### 292 **7. Business**

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295 **(1) 3A – Vote on recommendations to send to Town Council. [Add Bingo as an**  
296 **allowable use in the C1 Commercial District.]**  
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298 Mr. Brown said a number of the public spoke against allowing bingo. Surfside Beach has height  
299 requirements, because we don't want to be like Garden City or Myrtle Beach. There is a safety aspect to  
300 consider. Recently, there was a double homicide at a bingo parlor on Highway 501 in Myrtle Beach. None  
301 of the information received about bingo parlors included any security requirements. Ensuring town  
302 residents' safety should be first and foremost. If bingo is adopted as an allowable use, safety  
303 requirements should be included. There is a bingo parlor in neighboring Garden City, which is just south  
304 of town. There is no revenue generated for the town from bingo. He asked if there was a business  
305 'waiting in the wings,' and if so, what were those plans? We need to protect the town and allow  
306 businesses that will improve the town; provide revenue to spend on the town, and make changes to  
307 make the town better and prosper. The way bingo is now, in his opinion, the business would not add  
308 anything to the town. He did not support recommending the use.  
309

310 Chairman Hellyer had limited experience with bingo, other than he was assigned security for  
311 bingo parlors in a four county area when he was a deputy sheriff. There are many people who like to play  
312 bingo. It could be a tourist attraction, but there are security issues. You cannot stop business by  
313 nonprofit organizations just because they don't pay revenue tax. He was unsure about his decision.  
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315 Mr. Sluder agreed with Chairman Hellyer, and thought regulating businesses instead of letting the  
316 open market take care of itself was "going down a rabbit hole." He understood [the points stated.]

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Mr. von Buseck also agreed. Currently, bingo is illegal in town. Adding the allowable use would allow the market [to determine whether it's economically sound.] Since bingo is operated by nonprofit organizations, the town does not gain any revenue. But, during the off season, bingo would provide an entertainment option. He did not have a definitive answer.

Mr. Pesce was not sure whether traffic at night would be good for the town, or whether the cash [required to operate] would negatively impact the safety of the surrounding businesses. If the town could prosper from allowing the bingo use, it might be revisited in the future. Without a definite business plan, he did not support the recommendation at this time.

Mr. Pesce moved to recommendation to Town Council that adding bingo as an allowable use in the C1 Commercial District be denied. Mr. Brown second. All voted in favor. **MOTION CARRIED TO DENY.**

**(2) 3B – Vote on recommendations to send to Town Council. [Rezone town-owned and government-owned property to Public Land (PL)]**

Mr. Brown believed there was a lot of misinformation distributed, but in his opinion, the PL district will restrict property in a good way. It protects those properties in residential districts. It gives notice and limits what can be placed on them. The question was asked at the last meeting, 'why hasn't this been done in the past, because other towns have this?' The answer was, 'well, that was a good question. We probably should've done it a long time ago.' We'd like to blame the past planning commissions that didn't pass this. *(Laughter.)* He supported recommending approval to Town Council, and added that the town needs to ensure the correct information was publicized to correct all the misconceptions.

Mr. von Buseck also had concerns about whether this was a 'public land grab' or if there were plans to build things, but Ms. Morris answered his questions quite well.

Mr. Brown said that at the July meeting one piece of property had the correct PIN (Property Identification Number assigned by Horry County) number, but the wrong address. The commission voted to defer acting on that property until it was published correctly, and the public had proper notice. The commission members didn't feel the surrounding homeowners received proper notice, because of the wrong address.

Mr. Pesce was in favor, and said he believed a lot of confusion was because there were so many property types to be included in the PL. He explained to those who were still at the meeting that the town website really was the best place to get information, and you should visit it frequently. Social media was mentioned several times tonight. That information is not from the town. That's the grapevine. Please go to the source and find out there what the decision is and what the impact is. *(Note: many individuals left once the public hearing ended.)*

Mr. Sluder agreed, and said his personal recommendation would include Town Council at least discussing the positives and negatives of a reversion clause. He thanked everyone for their input, and suggested the town attorney be involved to ensure everything was done properly before the ordinance was presented to council. He saw the value in the PL District.

Chairman Hellyer said he heard no substantial negative comments, and thought there were many advantages to the PL District, especially not being able to remove a property from PL without a public hearing, which he thought was a good way to ensure public notice.

Mr. Brown moved to add a reversion clause to the ordinance. Mr. Sluder second. All voted in favor. **MOTION CARRIED.**

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371 Mr. Brown moved to recommended approval of rezoning the properties to Town Council. Mr.  
372 Sluder second. All voted in favor. **MOTION CARRIED.**

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374 **8. Old Business – Article III District Regulations**

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376 Ms. Morris presented the decision paper, a copy of which is on file. Article III includes the  
377 allowed uses within the town limits in the various zoning districts. The zoning ordinance is a “permissive  
378 ordinance,” meaning that if a use is not included as being allowed, then it is prohibited. Section 17-008 of  
379 the Town Code was cited as the authority. Ms. Morris said for the record, “All of our ordinances before  
380 they go to council are reviewed by an attorney.” Permission to hold a public hearing on Article III was  
381 given by the previous commission, but since a new commission was seated, it was presented last month  
382 for review. She asked the business committee to review Article III; the chairman said the committee only  
383 had one question about radio stations, which are listed as restricted now. Radio and television stations  
384 are allowed in C1 and C2 districts, but the transmission tower must be located off site. She asked if the  
385 commission had recommendations or changes.

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387 Mr. Sluder said the proposed definition for long term rentals was 12 months or more permitted in  
388 all zones except C4, MP, and PL. Short term transient rentals permitted in R3 and C3 are 31 days or less.  
389 He asked what the rule is for the gap between 32 and 364 days. Ms. Morris said the long term rental  
390 definition came about because there were several questions about short term rentals in R1, R2 and R3.  
391 Those districts only allow long term rentals, but there was no definition. The question was presented to  
392 the planning commission and this definition was proposed. In a district with only long term rentals, any  
393 term less than a year is not allowed. This commission may propose a change to that language, if you  
394 choose to do so. By the current code, houses cannot be rented for 45 or 60 days, except in a district  
395 where short term rental is allowed. Mr. Sluder believed that was an issue.

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397 Mr. Pesce asked if back-to-back rentals were allowed. Ms. Morris said in the R3 District, which is  
398 called the transient rental district, you can have a long term lease or 45 day or 60 day lease. However, in  
399 R1 and R2, the more established residential use districts people [rent] long-term.

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401 Chairman Hellyer said during the previous commission’s discussion when long term rentals were  
402 being discussed, rentals to “snow birds” was brought up. Those people rent for two or three months  
403 during the winter. He asked if a three month rent was considered short or long term. Mr. Sluder said that  
404 with the current internet applications allowing home rentals many people want to come south during the  
405 winter. Some of them might choose to be farther away from the beach in R1 or R2. It didn’t make sense  
406 to prohibit snow bird rentals in other districts. He asked if the town attorney reviewed this. Ms. Morris  
407 said the previous attorney reviewed it several times; the current attorney will review it before it is  
408 presented to council.

409  
410 Chairman Hellyer recognized Mr. Sam Gambell, Willow Drive North. Mr. Gambell said he rents to  
411 snow birds from October until April. There were other reasons people needed shorter term rentals. Once  
412 he rented for four months to a family whose home was burned; another time he rented three or four  
413 months to a family who was building a house. He suggested that any rental less than 364 days be  
414 considered short term to simplify it.

415  
416 Chairman Hellyer said the previous commission discussed having tenants sign a year lease, and  
417 leave the lease early. Ms. von Buseck said then people would be cheating to keep the law. He did not  
418 propose that. He agreed, many people come south during the winter and want to stay between two and  
419 five months to get away from the snow and bad weather. Mr. Sluder said his parents had to rent about  
420 five months, while their home was being refurbished. As Mr. Gambell said, that type rental occurs  
421 regularly in town.  
422



423 Chairman Hellyer suggested a public hearing on the uses. Ms. Morris said a public hearing is  
424 required, and the short term rental options could be highlighted. Mr. Sluder asked if that included  
425 massage therapy uses. Ms. Morris said yes. Mr. Sluder and Mr. von Buseck agreed.  
426

427 Mr. von Buseck said except for the chairman, all of the commission members were new. He didn't  
428 understand why massage therapy was only allowed as an accessory use. He is a construction worker and  
429 has first-hand knowledge of the importance of a therapeutic massage. Mr. Sluder said he definitely did  
430 not want to hurt any existing salons. Mr. von Buseck said the town receives tax revenue; we don't want  
431 to have a specific area for this type business, but there may be some negatives to having only accessory  
432 uses. Mr. Pesce said now medicinal masseuses are aligned with chiropractic offices, so there is a  
433 professional vetting that you may not have with a stand-alone business. Mr. von Buseck asked if there  
434 were concerns about unprofessional activities. Chairman Hellyer said that issue has history, which is the  
435 reason it came about. The goal was to stop those behaviors from happening again. Mr. von Buseck asked  
436 if that was the police department's responsibility. Chairman Hellyer said the police department and the  
437 business license office. Mr. von Buseck said Massage Envy would not be allowed to open under the new  
438 proposal. Ms. Morris said that was correct, unless it met the requirements. Mr. Sluder said that was a  
439 very well established business. He was concerned about placing an unnecessary regulation. Mr. von  
440 Buseck said the concern was to keep a 'red light' district from being established. Mr. Sluder said it was  
441 the police department's responsibility to control. Mr. von Buseck believed this regulation might lead to  
442 other prohibitions. In his opinion, it was restricting businesses and freedom of enterprise.  
443

444 Ms. Morris said a public hearing on Article III will be advertised for the next meeting and the  
445 notice will be specific about massage establishments. Chairman Hellyer asked if that was the only item on  
446 the next agenda. Ms. Morris said that was correct.  
447

448 Ms. Morris asked the commission if the next meeting could be changed to the second Tuesday,  
449 September 10<sup>th</sup>, because she would be out of town. **Commission Members CONCURRED.**  
450

#### 451 **9. Public Comments – General**

452  
453 Mr. Sam Gambell, Willow Drive North, agreed that theoretically massage parlors could lead to  
454 other things, but he thought it was being restrictive to not allow them. Try to consider that this is still  
455 America, and as I understand it, we have pretty good law enforcement, so they can take care of  
456 business.  
457

#### 458 **10. Commission Comments**

459  
460 Mr. Sluder thanked everyone for attending that stayed for the entire meeting. Have a great  
461 evening.  
462

463 Mr. Pesce thanked everyone for their patience and comments. He really appreciated the feedback  
464 and for the commission members and community working collectively.  
465

466 Mr. von Buseck thanked everyone for staying. He wished that [Mr. Lavoy] had stayed, because  
467 there were some comments that related to his comments. He understood getting emotional about things.  
468 Having met the commission members and staff, he was confident that they were diligent workers and  
469 cared about Surfside Beach. We here in town are 'living the dream.' We all want to preserve the town as  
470 a wonderful, beautiful place that is business friendly, and also great for vacationers and residents. That is  
471 one reason he volunteered to serve on the commission; to help maintain that balance. He was honored  
472 to be on the commission and was thankful and grateful to be living in Surfside Beach.  
473

474 Mr. Brown echoed the comments and thanked everyone for coming out. Have a good evening.  
475 See you on September 10<sup>th</sup>.

Planning Commission Meeting  
August 6, 2019

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Chairman Hellyer thought it was great that the public showed up; there were good comments. He liked the open communication. He hoped that everybody learned something about public land, and why it is important. Thank you for coming. The National Night Out sponsored by the police department is going on across the street, so stop by there.

**11. Adjournment.** Mr. Brown moved to adjourn the meeting at 7:47 p.m. Mr. Sluder second. All voted in favor. **MOTION CARRIED.**

Prepared and submitted by,

\_\_\_\_\_  
Debra E. Herrmann, CMC, Town Clerk

Approved: September 10, 2019

\_\_\_\_\_  
Robert Hellyer, Chairman

Clerk's Note: This document constitutes minutes of the meeting that was digitally recorded, and is not intended to be a complete transcript. Appointments to hear recordings may be made with the town clerk; a free copy of the audio will be given to you provided you bring a new, unopened flash drive. In accordance with FOIA §30-4-80(E), meeting notice and the agenda were distributed to local media and interested parties via the town's email subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at [www.surfsidebeach.org](http://www.surfsidebeach.org) and on the marquee.

Approved