



**SURFSIDE BEACH PLANNING & ZONING COMMISSION
TOWN COUNCIL CHAMBERS
APRIL 7, 2015 ♦ 6:00 P.M.**

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1. **CALL TO ORDER.** Chairman Pruitt called the Planning & Zoning Commission meeting to order at 6:00 p.m. Commission members present: Chairman Pruitt, Vice Chairman Abrams and members Crone, Elliott, Johnson, Lauer, and Lowery. A quorum was present. Others present: Town Clerk Herrmann and Planning Director Morris.

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

3. **AGENDA APPROVAL.** Ms. Crone moved to approve the agenda as presented. Ms. Johnson seconded. All voted in favor. **MOTION CARRIED.**

4. **MINUTES APPROVAL.** Ms. Lowery moved to approve the February 3, 2015 meeting minutes as submitted. Ms. Johnson seconded. All voted in favor. **MOTION CARRIED.**

5. **DIRECTOR'S REPORT.** Ms. Morris said the department issued 95 permits last month. Several inquiries were made on the tree regulation changes. She was surprised there were not many attending the meeting tonight. Of the inquiries, the comments were evenly split between those who liked and disliked the proposed changes. The tree arborist gave her some suggestions that would be presented during the discussion. Carl McLeod, who will serve as the GIS technician and perform the GIS Guide Mapping and Flood Mapping, began this week. Ms. Elliott asked if Mr. McLeod would map the town's stormwater lines. Ms. Morris said he would map everything, including open and closed ditches, culverts, etc.

6. **PUBLIC HEARING** (*Note: Each topic was addressed by the Commission as soon as public comments were completed.*)

Chairman Pruitt officially opened the public hearing at 6:03 p.m.

A. Amend Article VII – Division 2 of the Town's Zoning Ordinance regarding Tree Protection and requirements set forth therein. There were no public comments. Ms. Morris explained the changes and arborists recommendations.

17-722 Protected & Specimen Trees. The arborist suggested that the town establish a landmark tree. Area cities have identification brass plates designating their landmark trees. Clemson University advised that it was not required to use identification plates, but the town must establish the size and type tree. The GIS technician would be able to spot those trees on a map using the GPS (Global Positioning Satellite.) The arborist recommended designating the Live Oak and the Laurel Oak as landmark trees. Those two species are so similar, it would be difficult to tell them apart. The commission **CONCURRED** with the recommendation.

17-726 Guidelines for Removal of Protected and/or Specimen Trees. An issue came up because the arborist's letter stated the tree was within 10-feet of the building, so oak trees had to be removed. The arborist said there was no damage to the house, but it could cause liability issues. He recommended and Clemson Extension confirmed that language could be added to state "Within 10-feet of a foundation of a habitable structure with visible foundation damage, or when there is clear evidence that the protected tree or specimen tree poses a hazard, i.e. roots visibly extending under a habitable structure." Ms. Morris said allowing a protected tree or specimen tree to be cut just because it was within 10-feet of a structure was against the spirit of the ordinance, particularly with the small lots in town. The commission **CONCURRED.**

17-725 Guidelines for Tree Removal (excluding protected and specimen trees); 17-726 Guidelines for removal of protected and/or specimen trees, and 17-727 Guidelines for removal of

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Mr. Gary Wadston, who owns the 14-acres on the west side of Highway 17 behind Denny's. After marketing his property for a long, long time, he struggled to find a commercial use for it. He said certain portions of the comprehensive plan may just not be suitable for everyone. He would love to see the property developed. Lennar Homes and he worked out a plan to put residential housing on the property, but after analysis, Lennar found that the marketing price point for the houses was too low. The property was put on the market with real estate companies priced to sell at a fraction of any other commercial real estate in this area, i.e. Murrells Inlet to Myrtle Beach. He engaged E. F. Hucks Consulting Company to market the property to shopping center developers, but after four or five months there was no interest. The Jackson Companies was approached to see if they had any interest. Everyone with whom he spoke believes that retail use is out of the question. Two studies were completed by E. F. Hucks. One agrees with Lennar's findings, and his own, which states that the property should be developed with high-density multi-family units priced around \$200,000. The other potential use is a nice garden apartment complex with 180 apartments and two large water retention lakes. DDC Engineering prepared a schematic, which was submitted to the town to at least begin discussion about residential use. Mr. Wadston asked the commission to reconsider removing residential uses from the C-1 District.

The commission held a lengthy discussion about the 14-acre property's history, after which agreed that at this time the commercial use is the best use. Ms. Morris said that any C-1 property owner may request rezoning if their development is for something other than C-1. The future land use could be amended regarding that particular parcel, if the request for rezoning was approved. Chairman Pruitt apologized to Mr. Wadston that the commission did not agree with his position, but at this time it believes that C-1 is the best use overall for the town. There were no other comments from the public. Ms. Lowery asked if those existing residential properties would be allowed as non-conforming uses. Ms. Morris explained that residential uses would only apply to those properties with frontage on Highway 17. The recommendation is that "C-1 and C-3 districts dwelling units are allowed subject in certain areas, but that any kind of residential use shall be prohibited on the west side of Highway 17, including frontage roads and on parcels having any frontage on the east side of Highway 17." The homes on the side streets and Poplar Drive will be allowed to remain and be rebuilt, if they are destroyed. Those properties will keep the C-1 district designation, and do not have to be rezoned. The height limits, and some grammatical changes were discussed that eliminate conflicts in the code. Ms. Abrams moved to recommend to Town Council that Division 11, Section 17-395 be amended to remove residential uses in certain areas of the C1 Highway Commercial District in accordance with the Town's Comprehensive Plan as presented, including the amendments to conform the code, and as discussed. Ms. Elliott and Ms. Lowery seconded. All members voted in favor. **MOTION CARRIED.**

D. Amend Section 17-202 of the Zoning Ordinance to allow for the Planning Director or designee to initiate an amendment to the zoning ordinance. There were no public comments on this item.

Ms. Crone said that Ms. Morris was very capable, but was concerned that some future director may not be as well versed and would bring bad recommendations. Ms. Morris explained that neither the commission nor she were decision makers; the committee has the option to deny recommendations made by staff, and then Town Council could deny any recommendation from the committee. Ms. Abrams moved to recommend to Town Council that Section 17-202 of the Zoning Ordinance be amended to allow the planning director or designee to initiate an amendment to the zoning ordinance. Ms. Johnson seconded. All members voted in favor. **MOTION CARRIED.**

Chairman Pruitt closed the public hearing at 7:00 p.m.

7. DISCUSSION ITEMS

A. Amending Section 17-396.41 regarding substation locations within the town. Ms. Morris said substations are currently allowed. The town administrator asked that the commission consider amendments to Section 17-396.41 that would restrict locations of water towers and utility substations to prohibit them from being placed directly on Highway 17. If they are allowed on the highway with a 25-foot

169 landscape bumper, they would still be very visible and in their opinion create an eyesore. Substations
170 could be located on the rear of a property with Highway 17 frontage. The commission agreed to have this
171 topic brought forward.
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173 **B. Any other matter of concern to be discussed by the Planning Commission.** Ms. Morris
174 said Mr. Mark Lazarus, owner of Wild Water and Wheels, asked if the commission would consider
175 allowing the lot just behind the Log Cabin at the flea market to be used as a small amusement fair-type
176 ride park with between 15-18 rides from 3:00 p.m. to 11:00 p.m. beginning Memorial Day and ending
177 Labor Day. Concessions like popcorn and cold drinks, and portable bathrooms with landscaping would
178 be provided. Negotiations have not been made with the flea market. Before he approached them, he
179 sought the commission's consent. Ms. Morris contacted North Myrtle Beach officials, because he has a
180 similar park there. North Myrtle Beach officials in the planning and the zoning departments both said that
181 Mr. Lazarus was a very good neighbor and that there were no problems with any of his operations. North
182 Myrtle Beach allowed the kiddie park as a conditional use. In the town's case, it would be a conditional
183 use in the C-1 district. Guidelines, site plans, parking spaces required, etc. would have to be submitted to
184 establish the code. Joint use parking should be encouraged, which would not be a problem, because as
185 she understood it, the flea market closes before 3:00 p.m. North Myrtle Beach's code was well written
186 and would be a good template after some minor revisions for the commission to consider. If approved, a
187 new site plan and application would have to be submitted annually. Ms. Lowery was concerned with
188 traffic congestion in the area and safe ingress/egress. Chairman Pruitt said that a traffic light is being
189 installed at the 10th Avenue South intersection, but it might be a few years before completion. Ms.
190 Abrams appreciated Mr. Lazarus seeking the commission's input in advance. Mr. Lauer said the annual
191 renewal gave the town more flexibility, because there would be historical data upon which a permit
192 decision could be based. Ms. Morris said a new application would be required each year. Ms. Elliott said
193 this proposal was family oriented, which would help the town's branding. Ms. Terri Lauer asked from the
194 audience who would be responsible for liability insurance. Ms. Morris explained that Mr. Lazarus would,
195 because it would be located on private property. Ms. Morris said the police department could be
196 contacted about the traffic concerns, and public works would be contacted about the 10th Avenue traffic
197 light. The commission agreed to have this topic brought forward.
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199 **8. PUBLIC COMMENTS – GENERAL.** There were no other public comments.
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201 **9. COMMISSION COMMENTS.** There were no commission comments.
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203 **10. ADJOURNMENT.** Ms. Crone moved to adjourn at 7:14 p.m. Ms. Lowery seconded. All
204 voted in favor. **MOTION CARRIED.**
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206 Prepared and submitted by,
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208 _____
209 Debra E. Herrmann, CMC, Town Clerk
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211 Approved: May 5, 2015.
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214 Mikey Pruitt, Chairman
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216 Clerk's Note: This document constitutes action minutes of the meeting that was digitally recorded, and
217 not intended to be a complete transcript. Appointments to hear recordings may be made with the town
218 clerk; a free copy of the audio will be given to you provided you bring a flash drive. In accordance with
219 FOIA, meeting notice and the agenda were distributed to local media and interested parties. The agenda
220 was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the Town
marquee.