



**SURFSIDE BEACH PLANNING & ZONING COMMISSION MINUTES
TOWN COUNCIL CHAMBERS
DECEMBER 5, 2017 ♦ 6:00 P.M.**

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1. CALL TO ORDER. Chairman Abrams called the Planning & Zoning Commission meeting to order at 6:00 p.m. Commission members present: Chairman Abrams, Vice Chairman Seibold, and members Gambino, Johnson, Lauer, Mastrosante and McKeen. A quorum was present. Others present: Town Administrator Fellner, Deputy Administrator Harrah, Events Supervisor Ellis.

2. PLEDGE OF ALLEGIANCE. Chairman Abrams led the Pledge of Allegiance.

3. AGENDA APPROVAL. Ms. Johnson moved to approve the agenda with an amendment in discussion item number 8 I would like to add Section 17-400 to be consistent with other ordinances in the State Law. Ms. Gambino second. All voted in favor, **MOTION CARRIED AS AMENDED.**

4. MINUTES APPROVAL. Ms. Johnson moved to approve the November 7, 2017 meeting minutes as submitted. Mr. Lauer second. All voted in favor. Chairman Abrams had a correction to Line 79, what I said was because I "don't" want a gun shop there. Mr. Lauer had scriveners that he would send to the clerk. **MOTION CARRIED as amended.**

5. PUBLIC COMMENTS- Agenda Items. There were no public comments on the agenda items.

6. DIRECTOR'S REPORT. Mr. Harrah reported that staff issued 168 permits, 70 permits, six residential, one commercial, 171 inspections were conducted for the month. Code enforcement investigator total of 94 complaints and concerns. The building official has several ongoing complaints that are currently under investigation. They include permit violations, accessory structure locations, and structures in the process of demolition. Staff attended training and on ICC International Property Maintenance Code. These classes were 12 hours and applied towards their 24 hours required state-mandated training. Staff also attended training on 2017 changes and South Carolina law as it related to architectural and engineering law, building codes enforcement officers' regulations, The Building Code Council registrations. The fees and disciplinary procedures, and what to expect when a complaint is filed against me at the South Carolina LLR. This was a three hour continuing education class which also goes towards the 24 are required state-mandated continuing education. Mr. Farria attended a two day training for stormwater plan review in preparation for his exam in November.

7. BUSINESS. E – Entertainment District.

Mr. Harrah said we are bringing forth this discussion that we had on the rezoning of the pier area. It's critical to understand that this is not a new use, not a new intended zone. These zone use are already available in our current laws as it's written. It's more to establish the branding and the marketability of that area and reduce the use of residential establishments in the commercial zone. What I'd like to ask is for the planning commission to make recommendations for this E district. You heard the public comments tonight and the concerns of the citizens, as well as the pros and cons. Looking at what the availability that not only branding this district, but the tax incentives and the tax changes based off the use; if the established area within the C3 zone is a business occupancy, there's no accommodations tax comes out of that. Chairman Abrams as if he was talking about a rental house. Mr. Harrah said I'm talking about a business occupancy. Strictly commercial. Although it's allowed, so is everything else as far as restaurants, entertainment; these uses also allowed. The difference is that in the accommodation and hospitality you gain in the hospitality tax off of those items of a restaurant. You don't gain off of what a business occupancy such as an architect office. They are not selling and accommodating to a tourist or

53 any of those events. So staffs' recommendation is for the planning commission to make
54 recommendations to move this forward to Town Council. I'll be glad to answer any questions.
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56 Ms. Johnson said I have a question about permitted uses. It states restaurants and other dining
57 establishments without lounges indoor only. So you could not have anything like Scottie's has their
58 outdoor porch, so does Neal and Pam's. People just sit out there and have a beverage, watch the traffic
59 go up and down. So you couldn't do something like that Mr. Harrah said yes you actually still can in the
60 current ordinance. The current ordinance allows it. There is a permitted use and a conditional use, but it
61 is still allowed. Both open or closed cafés outdoor dining establishments. Mr. Seibold asked if new
62 businesses will also be able to do that. Mr. Harrah said currently, yes. There is no there is no wording
63 that changes that as far as the intended use. It just changes the restriction so that if a commercial
64 establishment goes away, the owner can't in and decide to build to eight bedroom house. Mr. Lauer said
65 since hearing the introduction before the public, and current comments, I was looking to find the
66 advantages for making this change. I'm looking to get something that was really concrete, and after the
67 first one I really heard what you said will keep those businesses out of here that are provided money for
68 a-tax. What other advantages you see to doing this. Mr. Harrah said I think if you look at it from the
69 branding side, you know, when the pier when the pier gets reestablished. Mr. Lauer said so you will
70 encompass the whole area and call that the pier area. Mr. Harrah said the pier area is a rezoning of a
71 small portion of the C3 amusement area. If you think about it as a branding that you go to any other
72 municipality up and down the East Coast that has that has this type of environment, you're looking at a
73 branding to establish that the desire. I want to go to this destination, because of the pier, because they
74 have these types of the restaurants. You can you look at is as going to Venice Beach. They go to Venice
75 Beach because of the boardwalk. That's the branding of it; is the boardwalk. Yes, the town of Surfside is
76 a little town. It is the family beach, but it's also important to realize that the taxes and the services that
77 the town provides the residence is a derivative from the businesses. So the more businesses that we get,
78 whether it's in the C3 or the C1 or the C2 districts any and all of that money helps offset the cost of the
79 services and the taxes. It is an important advantage to having more businesses than it does not having
80 businesses. If you don't have businesses, then were looking at some way to provide the services. Either
81 you raise taxes to pay for them or you cut services. That's not what the intention and not what we. We
82 want to thrive; we want to make the economy great. We want the citizens to be a beneficiary of it. Mr.
83 Lauer asked how Scottie's got off the list. We were just trying to make the area square. Mr. Lauer said
84 basically, you know, it makes sense to include that. Mr. Harrah said he was not necessarily saying that
85 we can't include Scotties. If the commission wants to include the Scottie's property, it can. Mr. Seibold
86 said everything that exists today, the only thing with doing up here is eliminating the fact that they can
87 build residential in this area. Mr. Harrah said with this rezoning the main aspect is were going to restrict
88 the residential, but they were also offsetting some of the commercial established building requirements of
89 zoning. When you think about it, the existing buildings back in the day were built with zero lot lines.
90 Ordinance change the required a 5 foot setbacks. If you go back now, you reduce the footprint of the
91 buildings within those areas. So relaxing it back to what it originally was, a zero property lines, doesn't
92 affect the building. How it's built; it's just the size of the building. Mr. Seibold said all uses exist today
93 that we talked about last month. So, we actually we're refining that; eliminating, hopefully, eliminating
94 some of the ones we wouldn't like to see there. The parking issues are the same? Mr. Harrah said that
95 was correct. Mr. Seibold said parking issues are the same. They are the same today and will be the same
96 tomorrow. Mr. Harrah said that is correct. Mr. Seibold said my big concern is the businesses that we allow
97 in there. Mr. Harrah said the types of business sites? Mr. Seibold said correct. Other than that everything
98 we're talking about exist today. Mr. Harrah said that is correct. In our current ordinances, all these uses
99 that have been discussed can be done in any existing building, whether or property owner decides he
100 wants to tear down the building built back, it's entirely up to him, but the use is still there, without having
101 to rebrand it, rename it or reestablish a rezoning name, okay? So we were not adding any new use to the
102 land use development. Like to say, it's all existing.
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104 Chairman Abrams said we haven't made change here. Arcades have always been allowed in C3;
105 were continuing to allow an arcade in the E district that we had asked you to touch base with the police

106 department to get a little input about arcades. Mr. Harrah said I did. Chief Hofmann is here if you would
107 like to speak with him. Mr. Seibold said I think this ties in with that and probably the chief's comments.
108 Fort Myers was referenced before that a study was done in a letter about some concerns. We don't have
109 that information. Is there anything that we should know? Mr. Harrah said actually that study referenced a
110 lot of the current laws that's on the books, noise ordinance. We have them. There's also the state
111 statutes restrictions for drinking establishments, whether it's a restaurant, those ordinances addressed
112 exceptions in the laws of Florida. We have those on the books already. Mr. Seibold said absolutely
113 correct. We've covered that already. Mr. Harrah said correct.

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115 Chairman Abrams said it seems to me if you were going to vacation tourist area on the beach
116 between bars you going to get some noisy drunks. Mr. Seibold said absolutely. Chairman Abrams said I
117 can hear them from my house sometimes. Mr. Harrah asked if there were any questions for the chief.

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119 Chairman Abrams said I just would like to know your viewpoint right here in River City. Chief
120 Hofmann said thanks for giving me an opportunity to speak on this. I met with Deputy Administrator
121 Harold on several occasions to speak about this. I, like several of the community and yourselves, have
122 some concerns about this change. I believe that this is would be a positive thing. I think that from a
123 public safety perspective, which is hopefully recognize my area of expertise that the concerns would be
124 noise; some juvenile activity; an increase maybe in some DUI and some other offenses related to that.
125 But I think what's important to note is that several people that have spoken to about this as well, then
126 they reference the Garden City pier. It's important to note that here in Surfside Beach, we are a very well
127 policed community. You have a well-funded police department and a well-staffed police department. So
128 we police differently than in some of those other jurisdictions. I think what Deputy Administrator Harrah
129 and I have brought up is we would like to have the opportunity to maybe try to find some other cities or
130 smaller towns like us, that are built a little more like us to look at and see what this how this impact
131 might've been on public safety, which is gonna be my primary concerns public safety for Surfside Beach,
132 but I don't think that the this is really such a dramatic change as I originally thought and after I spoke
133 with Deputy Administrator Harrah more about a lot of these things already exist and all these businesses
134 can already be here. You really just are changing sort how you go to market in and restrict some of the
135 residential in this area. The only concern would be that you know if you have an entertainment district
136 and there's maybe more music, more noise you can that you're so close to residential areas that I think
137 that something Police Department will have to balance the move forward is to help manage noise
138 complaints and things like that but overall I think this is in my opinion this is a very positive thing a
139 positive move for the development of the town. If you have any specific questions of happy to answer
140 them. Mr. Seibold said I brought up the last meeting would be what we put in there and arcades and
141 juveniles kids hanging out at night and where people wouldn't want to walk anymore. We want them to
142 walk to that area. But when kids start hanging out, you don't go there now that was my concern and my
143 question about Garden City was tied around that, because actually, I've gone to Garden City a couple of
144 times with my grandkids and it's uncomfortable. I don't want that in Surfside. But, I'm listening to what
145 you're saying. Chief Hofmann said I think that it would be very important from a public safety point of
146 view for the Police Department to establish a clear presence down there early on and not let that get out
147 of control. Once you lose the initiative would be very difficult to get back you forgot that reputation as a
148 place where juvenile delinquency and other things loitering could take place and I think that that
149 something that can embed itself. However, I can assure you that the work with the town to make sure
150 that we get a good perhaps maybe an off duty officer down there out of the get go. Is there some
151 problems that develop down there to immediately get some police presence down there to shut that
152 down there be something we will monitor very closely, if this moves forward; It would certainly be a
153 priority, from our perspective. Mr. Seibold said great, thank you.

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155 Ms. Gambino asked what the time limit is for the noise ordinances. Chief Hoffman said the noise
156 ordinance is actually in effect all the time, but around 11 o'clock this is where is where it goes into effect
157 where police officer can be the complainant and take proactive measures to curb noise and expectations
158 created on our part will handle noise complaints 24/7, if there's complainant.

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Mr. Harrah said I'd like to add to what Chief Hofmann was talking about. As far as the arcade goes, there are other ways of handling that, not just policing it internally, but hours of operation. Just as stated in this ordinance, it is set forth that entertainment has been cut off at 12 o'clock. If you desire you can look at Monday, Sunday through Thursday 10 o'clock or 11 o'clock and then Friday, Saturday, 12 o'clock those are options that can be looked at to make it more viable for the residents as well as the aspect of lessees that come into their can be your hours of operation just like the entertainment side of it. Mr. Seibold said I'm very satisfied with what I heard tonight.

Ms. Johnson said I would like to address the comments that a lot of people make about parking being an issue. I think they are missing the whole point. We're trying to create a walking area down there that people can walk. I know how I am when I'm on vacation once I parked my car, I prefer not get back in it until I'm getting packed up to go home. The more places I can walk to, the better I like it. People down there in the rental houses for vacation, I'm sure they're going to feel the same way. They'd love to be able to walk around, and not have to get the car to go somewhere. Mr. Harrah said yes ma'am. Something to elaborate on that was as far as being myself is part of the Coast Code Enforcement Association, we seek out other jurisdictions and other areas to hold a conference. We actually held it here at the Holiday Inn one year, and unfortunately one of the complaints was there was no place to go, you know, other than one or two establishments; nothing to do, which then resulted in them not wanting to come back to Surfside to hold next year's conference. So those are things to think about, being able to brand and market these hotel establishments to conferences, as well.

Chairman Abrams said I'm hearing that we're pretty well satisfied with this ordinance. The only outstanding question that I was just made aware, before we recommend this to Town Council or not recommended to Town Council, do we want to talk about adding Scottie's to the map? Ms. Johnson said I think we should. Mr. Lauer said I don't see reason not to. Mr. Seibold said I don't really see any not to, but again, I'm trying to think where is? Chairman Abrams said just Scottie's would be on the other side of the hotel. Mr. Seibold asked where the line would be drawn. Chairman Abrams, and Mr. Lauer said just around their property line. Chairman Abrams asked if there was a motion to add the Scotties Beach Bare property to the E Entertainment District. Mr. Lauer moved to add the Scotties Beach Bare property to the E Entertainment District. Ms. Johnson second. **Motion to AMEND Carried.**

Mr. Seibold moved to recommend The E Entertainment District to Town Council as amended. Ms. Gambino second. **MOTION CARRIED.**

9. DISCUSSION ITEMS.

A. Text amendments to Chapter 27 Article VI, Signs. Chairman Abrams said there was a proposed amendment to Chapter 17, Article 6 Signs. Mr. Harrah said the sign ordinance is coming back to you to amend the text in Article 6 to establish the code enforcement officer to issue violations; establish a reasonable correction of violation timeframe, and to update the definitions. The purpose is to clarify the ordinance of which establishes who enforces and gives the owner reasonable time to correct violation. Some facts of this is that the current ordinance provides an unreasonable time of two days to correct any violations after receiving notice. Adding text to designate the building identification numbers instead of the property, clearly identifying the building and not the vacant lot without a structure. A conflict in the languages for election signs the sizes into parts of the code. It was Town Council recommendation have the planning commission to amend the chart of 17-623D from 6 feet to 4 feet. The impact the success of the to clarify the text in the ordinance will be by the business owners having a clear understanding of what the timeframe is to correct the violations, and a clearly defined time for temporary signs for electric election. Failure to act on these changes will result in an unreasonable time of collections corrective actions to the violation and possible legal issues. The recommendation is for planning commission to recommend the Town Council to adopt these text amendments. In what was given to you, this was also

211 reviewed by the town attorney to be in compliance with the Supreme Court ruling for Town of Guilford
212 lawsuit. The town attorney reviewed the sign ordinance went through and made these recommendations.
213

214 Ms. Gambino asked if there was any anyway that the planning commission could receive the
215 responses. Mr. Harrah said yes, this is actually just what he sent back was the marked up sections. Ms.
216 Gambino said just this right here. Mr. Harrah said no, I'm talking about all of what's in your pocket. Ms.
217 Gambino said so he struck through all of that? Mr. Harrah said correct. He made the strikethrough and
218 everything in red recommendations. The only one that change was this other sheet that goes to the chart
219 for Section D which was from Town Council to change the sign sizes from a 6 foot 4 ft.² in two different
220 places that correct that's correct on the role right under one part of the code it says 4 ft.² under this part
221 of the 6 ft.² went to Town Council to change it's first to match zoning. Council referred back to planning
222 commission to change zoning to match that of the other ordinance. Mr. Lauer said Town Council went
223 with the 2 by 2; 4 square. Mr. Harrah said correct. Chairman Abrams said I think four square feet is
224 plenty. Ms. Johnson said I think 4 square feet is fine. Mr. Harrah said this is just cleaning up the code and
225 eliminating conflicts. Mr. Battle reviewed the sign ordinance and everything that was scratched off the
226 sign ordinance and recommended changes.
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228 Ms. Mastrosante said the attorney struck out and says 45 days prior to an election for signs. But
229 17-623D states 30 days prior to an election. Mr. Harrah said this was pulled off the original ordinance as
230 published on MuniCode. Mr. Battle's recommendation is 45 days; the current language is 30 days.
231

232 Ms. Johnson asked why the attorney is striking the planning director or his or her designee and
233 putting code enforcement official. Does that mean that the planning director would not be able to go in
234 these places? Mr. Harrah said it is looking at what the person that takes the oath that writes the
235 summons is the code enforcement officer. Mr. Seibold said I agree with that because if I sent somebody
236 out there, code enforcement, he should be able to write the summons. Mr. Harrah said that's correct.
237 Chairman Abrams said he is the guy who testifies. Ms. Gambino said so anything that we ever receive
238 that is struck out, he has struck it out. Mr. Harrah said the way that I'm addressing all the ordinances is if
239 this body makes recommendations to an ordinance, and you want to strike certain things, I will send that
240 to the town attorney to review for compliance with statute laws and everything else and whether or not
241 they can be enforced and upheld in the court. Sometimes I may write something that might not be
242 perceivable to stand up in court. The purpose is to have the attorneys to review all ordinances. Ms.
243 Gambino said that was question, is he is reviewing everything? Mr. Harrah said that all ordinances will go
244 to the town attorney for review for applicability. Ms. Gambino said so that what happening, everything is
245 going to him for review. Chairman Abrams said I think it should. Mr. Harrah said that's correct. Ms.
246 Gambino said well, I do to, but I just wanted that clarified.
247

248 Ms. Johnson referred to page 3 under special standards, he struck the board of zoning appeals
249 may restrict signage for uses requiring a special exception permit. Why are we striking that? Why would
250 they not be able to restrict it, if they felt like it was necessary? Mr. Harrah said as part of the Supreme
251 Court ruling this is the one of those areas that could in fact the First Amendment right of a person.
252 Chairman Abrams said most of the attorneys were against the Supreme Court ruling. Ms. Johnson so if
253 somebody was going before the board of zoning appeals wanting a special exception, they just have to
254 let them do whatever they want if they give it. Mr. Harrah said to go before the board of zoning appeals,
255 they have to have a purpose; something that was in violation and they want to appeal that decision.
256 Chairman Abrams said the Supreme Court ruled that the Surfside Beach Board of Zoning Appeals could
257 not waive First Amendment right. Mr. Harrah said that is right; if you don't like the board's decision, the
258 next step in the process is Horry County Court of Appeals. Ms. Johnson said I don't like it, but that's my
259 opinion. Chairman Abrams said it is what it is. Mr. Harrah said all I ask is concurrence from this board to
260 take this forth to Town Council. Another possible reasoning for this is this changing on the electoral signs
261 with the upcoming election. Getting this through you guys, I was blessed that this is already on the
262 agenda to bring it forth to Town Council before the next election. Mr. Seibold said I was thinking of
263 Christmas lights. Mr. Harrah said the lights in this section only apply to signs. There are other codes that

264 apply to lights at street corners, businesses, and axis management. Chairman Abrams said Mr. Harrah
265 needs to know whether this commission concurs to tell Town Council that it concurs on these sign issue.
266 Mr. Lauer said I'm with you. Ms. Gambino said me, too. Mr. McKeen said so am I; yes. Ms. Johnson
267 reluctantly said yes; Ms. Mastrosante, said yes, and Mr. Seibold, yes. Chairman Abrams said okay,
268 unanimous with one reluctant. **Commission CONCURRED to send sign ordinance as amended to**
269 **Town Council.**
270

271 **B. Review of Design Overlay District.** Mr. Harrah said now we're on the design overlay. At
272 our last meeting we had a lot that we finished up and then we basically was to send out go through from
273 front to back. You'll see that there is an amended page. Honestly, I made a mistake and own up that I
274 printed out the wrong one that excluded the chain-link fence. Chairman Abrams said page 4, Mr. Harrah
275 said the page four. Chairman Abrams said page four just corrects your error where you eliminated chain-
276 link fences; got it. Mr. Harrah said right. Then you'll notice on that in the very beginning, so we'll just hit
277 this head only and go from the start. There is in the applicability the very minor changes in this is
278 something I wanted for you guys to think about and look at, is the desire was to make the existing
279 buildings more desirable to get people to want to upgrade their buildings and paint them. At minimum at
280 least paint, is what I understood from this body. A little bit of rearrangements of some wording on the
281 minor 9-percent to include exterior structures, no modifications that all of existing structures must adhere
282 to building paint colors and must comply within 12 months of the effective date of this ordinance.
283 Basically were putting in there that you have to paint your building within 12 months from the date.
284 Chairman Abrams asked if anybody else recalled that we also wanted to make them to foundation
285 landscaping. We're twisting arms right now. The businesses that haven't done anything over the years.
286 Ms. Gambino said I think we should. Chairman Abrams said we wanted them to paint; I thought there
287 was landscaping. Mr. Harrah said the foundation landscaping comes in from that 10- to 39-percent. That
288 was some clarification that needed to come from this body to determine. Chairman Abrams said it's not a
289 hill I'm going to die on; it's just that my recollection was that we were going to make everybody get in on
290 the foundation landscaping right away. Ms. Gambino said I think we should. Ms. Johnson said I think we
291 should, too. Mr. Gambino said exactly and that's reasonable I feel. Don't y'all? Mr. Lauer believed that
292 was correct. Mr. Harrah said paint color and foundation landscaping. Mr. Seibold disagreed saying if he
293 had painted his building and it was in reasonably good shape; I spent maybe \$10,000 bucks to get the
294 building. I just have a concern when we tell a business owner regardless of the condition of his building
295 that he has to paint it in 12 months. That's what we're saying, aren't we Mr. Harrah. Mr. Harrah said yes.
296 Ms. Gambino said if they are not in compliance. Chairman Abrams said if the colors are not right. I am a
297 business owner, and my building is in good shape. Now the town comes to you, you've got to paint it. I
298 want you to paint it. I don't know if that is right. I understand when my building needs painting.
299 Chairman Abrams ask well, wouldn't the current design overlay ordinance make him paint it the correct
300 color. Mr. Harrah said no. Chairman Abrams said we aren't hitting the percentage. Mr. Seibold said we
301 are talking about getting a professional painter for a business; not doing it yourself, it's expensive. This is
302 a big expense for a business owner. Ms. Johnson said let's think about this a minute; just think about the
303 businesses in town. I can only think of one that's a horrible color that wouldn't comply with the colors.
304 Mr. Seibold said well, I wouldn't mind seeing that one painted. Chairman Abrams said over the months
305 we have talked about the businesses who have not gone out of their way to do a darn thing, and
306 absentee landlords, and I thought we talked about maybe turning up the heat and making them finally
307 do something. It was why it excludes existing structures rather than; they are being very careful not to
308 hit that percentage. Now, are we backing off from that? Mr. Lauer said I don't want to. Ms. Gambino
309 said I don't either, because it's probably when it goes to council, it may. (**) Ms. Johnson said council
310 wanted us to make it stricter. Ms. Gambino said I agree. Ms. Johnson said like we presented the first time
311 and they knocked it all out of whack. Mr. Lauer said the colors have been on record for a couple of years.
312 Ms. Gambino said yes, because we've kept the same colors. Mr. Harrah said that's correct. We still have
313 the same color chart. Ms. Gambino said that is right. Chairman Abrams asked if there was consensus on
314 that first thing on the chart with very minor including existing structures must adhere to paint building
315 color; now we're staying the foundation landscaping within 12 months of the effective date of this
316 ordinance. Ms. Gambino said I'm for it; Mr. Lauer said I'm for it; Ms. Johnson said I'm for it; Ms.

317 Mastrosante said I'm for it; Chairman Abrams said I want to make it happen, too, otherwise we aren't
318 making them do anything. Mr. Seibold said I'm against it, but that's why we have a Council, a
319 commission. My concern is forcing people to do things that might not necessarily need to be done, and
320 putting an expense on them. A lot of small businesses are struggling today. Now we're coming in and
321 telling them they've got spend thousands of dollars, and that's my concern. Mr. McKeen said I tend to
322 agree with you Mr. Seibold. Mr. Seibold said everybody's not making millions of dollars a year. Sophia's, is
323 an example. Mr. Lauer said I would still try to sell it by saying there will be more people come in their
324 door, when they a cover the blends with the neighborhood, and they look good. Chairman Abrams
325 reminded the members this discussion was about Highway 17 business. Chairman Abrams said there are
326 some buildings on the highway in my personal opinion that aren't going to do anything until they are
327 forced at gunpoint. Ms. Johnson said I agree. Ms. Gambino said we want improvement. Mr. Seibold said I
328 want improvement, too. Chairman Elliot said how many years have we had this overlay, and in a lot of
329 cases nothing is happening. Mr. Seibold said no, and we also hoped council would have that 50-50
330 package at one time, which they turn downed. Ms. Johnson said we need to work on that. Mr. Seibold
331 said I think you have to help small business. I'm not talking a major chain. Ms. Gambino said Horry
332 County is doing it. Mr. Seibold asked if they are forcing them today to do it like we're doing within 12
333 months of their ordinance. I don't know. I don't know the details and I definitely don't mind enforcing
334 them to do something when it's needed, when the building is chipped, not falling apart needs; but needs
335 repair absolutely have them step up to the plate, but if a building is in good shape, we're telling them we
336 don't like your color. Mr. Johnson said well, if it's ugly. Mr. Seibold said, well what if it's not ugly.
337 Chairman Abrams asked if Mr. Harrah knew what the county was doing. Mr. Harrah said it's been so long
338 since I read the original County ordinance. I can't remember Ms. Mastrosante asked if the businesses
339 know this coming down the pipe so they are prepared. Mr. Harrah said I can't answer that; how long has
340 this body been working on this? Chairman Abrams said months and months. Mr. Harrah said once this
341 gets finalized and I'm sure it'll be get out to the business community. Chairman Abrams said we don't
342 want to get the business community all excited over something that council may go in the opposite
343 direction. Why get them all excited, and then send it to Council and council says no, we're going back to
344 the old way. That is just causing trouble. Mr. Harrah said one of the things we talked about was where
345 these numbers came from, the percentages, and I remember the conversation we had was that County
346 got tired of doing variances based off of X percent every time. There was standard 50-percent kicked it,
347 but then it was variances, variances, and variances so they made that structure. But it wasn't, and I may
348 be wrong, but it wasn't stated that if you didn't do nothing that you had to bring it into paint compliance.
349 It wasn't until you hit a percent that that came in to affect. That's just the way their overlay was set out
350 as percentage-wise, whether or not I go in and do 10-percent value of renovation work, then it kicked in
351 this XYZ. Chairman Abrams asked what we want Mr. Harrah to put in this ordinance. Are we 5:2 that that
352 we should make them comply with paint and foundation landscaping? Is that close to what we're doing?
353 Mr. Lauer said that sounds like what we want to go for. May be council will step up like a 50-50 program
354 for a business. Mr. Seibold said that would be nice. Chairman Abrams said okay **5:2 consensus to**
355 **enforce the paint and foundation landscaping.**

356
357 Mr. Harrah said in the next minor section we'll foundation and landscape. Several members said
358 right. Mr. Harrah said after that everything still stays the same as it is originally was, and percentages for
359 the 47 - 475 and on.

360
361 Mr. Harrah said I asked this body how do you want to proceed from this point forward. So have
362 you all had an opportunity to read through this as it is? Shall we just go with questions in certain areas
363 for clarifications? Several members replied yes.

364
365 Ms. Gambino referred to page six and said about the nonconforming drive, Mr. Harrah said when
366 was originally brought this to you was to strike access management totally, and we would revisit when x
367 Highway 17 plans are available. Looking through this particular part, nonconforming driveways, this can
368 be applied to any area that's not interjecting and access from a distance. If there is an existing driveway
369 that is nonconforming, then we're looking at is that this ordinance gives us a little bit more to process

370 them to bring it into compliance, where the other part of the access management was stipulating your
371 access had to be X amount of feet from an intersection, and if you had a cross through intersection it
372 delineated different specific terms. Okay, those things are what with access management being in here
373 we can readdress those and come back to those after the improvement of 17 is completed, with specific
374 zones to be cut off only on certain terms and certain crossover mediums will be cut out so to enable us to
375 instead of coming to the body with a whole new section to be added to, the nonconforming driveways
376 and these other driveway locations and requiring the shrubbery and stuff like that falls in line with the
377 landscape part, it kind a makes since two bring those back to you as a discussion to review, because as a
378 discussion to review because as see driveway locations and design under 'B' is with one or more entries
379 An exit lane shall be incorporated above grade so it doesn't impair the traffic, the mechanics of setbacks
380 from the rights-of-way, that doesn't impede necessary turn radius of the safety of the trucks. Driveway
381 mediums shall be imposed so that at least one 2-1/2 inch caliper trees to reduce the parking lot heat, so
382 what we're talking about is this like if I've got driveway area and I've got a medium in the middle of it,
383 we're putting the landscape in those areas so that is not just the plain berm. With having the access
384 management stated in there then it's just coming back before the body with text amendments to add
385 section numbers that deal with the other parts of the frontage roads the distance of offsets from
386 mediums and that kind of thing. So what we're looking at is that the designs with adequate on-site
387 storage for entry and exit of vehicles, so that it doesn't conflict having unsafe conflict with through
388 traffic or on site traffic to avoid congestions in the entrance, or you can look at them coming on and off
389 their existing property. It just makes better sense to go ahead and have something under access
390 management that we could use now. Chairman Abrams said basically what we've got what the County
391 has. Mr. Harrah said that is correct.

392
393 Mr. Harrah said under number three was change of use. We're looking at you know any
394 properties that has a change of use are required for the overlay district shall be brought into compliance,
395 when modifications to the roadway are made or when there is significant changes in the use of the
396 property, including land, structures, facilities, resulting in an increase in trip generated of the property
397 exceeding 25-percent of the peak daily not to exceed 100 vehicles per day as determined by one of the
398 following.

399
400 Mr. Harrah said we're looking at a study to be done for large projects. So for example, if we get a
401 chain that wants to come in like BI-LO or Walmart wants to take over a certain parcel, demo it, and
402 rebuild, or to renovate that or renovate that building as change of use. So then we're going to be able to
403 get them to start giving us a study so that we can dictate to that study of what you need to get in and
404 out. So although it's not going to be access management from roadways and rights-of-way, our corners
405 and other existing we still have the process to start giving that insight of how to get on and off the
406 property. Ms. Gambino said thank you for clarifying that.

407
408 Mr. Seibold said there was something I read trees versus shrubs. Five shrubs per canopy tree;
409 what was that. Ms. Mastrosante said it was parking under Section 3, five shrubs must be provided per
410 tree. Mr. Seibold said on page 6 item 2B it states that five shrubs must be provided per tree. Mr. Harrah
411 said it states the same thing on page 7. (**) Think of areas that are conducive to restrict tree growth. If
412 we write that a hardwood tree has to be put in this medium, five to ten years down the road that tree
413 grows beyond the root capability and starts to deteriorate. Mr. Seibold said we're saying five trees or? Mr.
414 Harrah said five shrubs per tree are required. Mr. Seibold said if I don't plant a tree, I have to plant five
415 shrubs. Mr. Harrah said that's correct; five shrubs are required for every tree planted in the median or
416 parking area. The end result is there is discretion to allow shrubbery when trees are not feasible in the
417 endcaps or medians.

418
419 There were no questions on the pedestrian walkway areas.

420
421 Lighting was self-explanatory.

422

423 Foundation landscaping. Mr. Seibold asked where the .8 W per square foot originated; are we
424 making those up? Mr. Harrah said no, they are from the International Energy Conservation Code that
425 building requires, which is adopted by legislation through the Federal Government. It's what is required
426 for us to look at the building code side of the construction. Mr. Seibold was concerned that a challenge
427 might present. Mr. Harrah said these numbers come from the building code, because when you build,
428 you have to do the energy code calculations.
429

430 Mr. Harrah referred to page 13, and said under 2.B. this is the perimeter adjacent to the public
431 roadways. A visual clearance area between the height of 2-½ feet and 10 feet shall be maintained in all
432 corner properties adjacent to intersections of two streets or driveways provided access to public or
433 private streets within 30 feet of an intersection or right-of-way of the street or driveway. He referred to a
434 diagram and to Section 9-7, No parking spaces. It's in this ordinance that you can't park within 30 feet of
435 these intersections, and then in the overlay, it states 25 feet under this particular section. In Section 17-
436 400, we had 20 feet. Chairman Abrams said this is what we added to the agenda. Mr. Harrah said the
437 amendment. So, the last two sheets we're looking at 17-400, obstruction of use of street intersections,
438 these are the site triangles that were talking about. We're looking to make the code uniform through all
439 the sections. In the overlay it states that you can't park within 30 feet of an intersection. It's already
440 stated 9-7 that is 30 feet, so it's only conducive to make uniform through all the other sections. That is
441 why the amendment was to the 17-400 to change it from 20 feet to 30 feet. That makes all the sections
442 tie together. Mr. Seibold said we are a small town, and we're very congested. Do we need that 30 in
443 most areas today? Mr. Harrah said yes. Mr. McKeen said that is the parking ordinance that the police
444 enforce.
445

446 Mr. Harrah referred to the last page, sign regulation is referring to the sign ordinance, which with
447 what we already have in the sign ordinance, this just gives us the ability to refer right
448 back to instead of having a duplication.
449

450 Mr. Harrah said his presentation was complete, and he would be glad to answer questions.
451

452 Chairman Abrams said she had commented that in the old overlay we required professionally
453 designed signs rather than homemade signs. Mr. Harrah said the attorney said absolutely not; again, you
454 may get into that First Amendment. Plus, there is not a state license at LLR (South Carolina Labor, and
455 Licensing Regulation) for sign design or construction, so there's no way to enforce that. Ms. Mastrosante
456 asked if the materials used to construct the sign could be enforced. Mr. Harrah said that would fall under
457 the sign ordinance. We can enforce size; but, we can't enforce content. I can refer to it without digging
458 into the material side of it, but I can answer all of you by email. There ordinance stipulates that when a
459 sign becomes tattered, then it's time to replace it. There's also banner permits are for six months.
460 Chairman Abrams said we cannot require professional looking signs. Mr. Harrah said that's correct. There
461 were several other comments about sign misspellings and appearance.
462

463 Chairman Abrams said regarding the review of the design overlay ordinance are we finished? All
464 members **CONCURRED**. Chairman Abrams said it was unanimous that the commission was finished with
465 the design overlay. Mr. Harrah said this would be under business for the next planning commission
466 meeting.
467

468 C. Any other matters of concern or information to be discussed by Planning Commission. There
469 were no other comments.
470

471 **10. PUBLIC COMMENTS - General.** There were no public comments.
472

473 **11. COMMISSION COMMENTS.**
474

Planning Commission
December 5, 2017

475 Ms. Gambino: I just want to thank everyone for coming out, and those that were here earlier for
476 the hearing, and those that left, and have a good evening.
477

478 Ms. Johnson: Thank you all for being here, and have a Merry Christmas.
479

480 Ms. Mastrosante: Thank you for being here. It's exciting to see so much progress being made,
481 and it's only my second meeting. I'm sure you guys have all been, obviously, been working on it a very
482 long time. So, it's exciting to see how far it's come along and be part of it.
483

484 Mr. Seibold: Thanks everybody for coming, and I certainly enjoy working with commission
485 tonight. We get a lot accomplished here, and I think we work very well as a commission. I'm very happy
486 be part of it. Thank you.
487

488 Chairman Abrams: We've got a good group.
489

490 Mr. Lauer: I'd just like to thank [Mr. Harrah] for having stuff pretty well prepared tonight, and
491 helping us move through it.
492

493 Mr. McKeen: And, I'll second that. [Mr. Harrah], thank you.
494

495 Mr. Seibold: Also, let me just add thanks for getting it to us early. It was great.
496

497 Mr. Harrah: We're working on that.
498

499 Mr. Seibold: That works well for me. Thank you.
500

501 Chairman Abrams: I didn't hear him say 'I'm new here' once. Ms. Gambino commented that the
502 next meeting is the day after New Year's, and we might want to consider that.
503

504 Ms. Gambino: Some of us may not be here.
505

506 Ms. Johnson: Hopefully, I'll be on my way to the National Championship. *(Laughter.)*
507

508 Ms. Gambino: I hear you.
509

510 Chairman Abrams: Mr. Harrah and I will discuss with the town clerk moving that meeting. I'd
511 just like to thank everybody for sticking it out with us. I think it was a great meeting and we've got a
512 great commission.
513

514 **12. ADJOURNMENT.** Ms. Johnson moved to adjourn at 7:08 p.m. Mr. Lauer second. All voted
515 in favor. **MOTION CARRIED.**

516 Prepared and submitted by,
517

518 _____
519 Debra E. Herrmann, CMC, Town Clerk

520 Approved: February 7, 2018.
521

522 _____
523 Mary Ellen Abrams, Chairman
524

525 Clerk's Note: This document constitutes minutes of the meeting that was digitally recorded, and is not intended to be a complete transcript.
526 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 flash drive. In
527 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
528 subscription list. The agenda was posted on the entry door at Town Council Chambers. Meeting notice was also posted on the town website at
529 www.surfsidebeach.org and the marquee.