TOWN OF ATLANTIC BEACH
PLANNING COMMISSION MEETING
AND PUBLIC HEARING

Thursday, August 19, 2021
1:00 p.m.

The Town of Atlantic Beach Planning Commission meeting and public hearing was held and recorded at Atlantic Beach Community Center, 1010 32nd Avenue South, Atlantic Beach, South Carolina, on the 19th day of August, 2021.
APPEARANCES

COMMISSION MEMBERS:
Derrick Stevens, Vice-Chair
Commissioner Timothy L. Vereen
Commissioner Esco McFadden
Commissioner S. Kathryn Allen

ADMINISTRATION:
Benjamin Quattlebaum Jr., Town Manager
Cheryl Pereira, Town Clerk

GUESTS:
Carol Coleman, Waccamaw Regional Council of Governments

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Call to Order:

VICE-CHAIR STEVENS: Call to order. This is the Atlantic Beach Planning Commission meeting and public hearing for the first reading of Ordinance 7-2021. Cheryl, you wanna do roll call?

CLERK: Yeah, that's fine.

COMMISSIONER VEREEN: Commissioner Vereen.

COMMISSIONER McFADDEN: McFadden.

VICE-CHAIR STEVENS: Derrick Stevens.

COMMISSIONER ALLEN: S. Kathryn Allen.

VICE-CHAIR STEVENS: Okay. I'd like to welcome everybody here today. Can we have a moment of silence please?

(Moment of Silence.)

VICE-CHAIR STEVENS: Approval of the agenda.

COMMISSIONER ALLEN: So moved ---

VICE-CHAIR STEVENS: Seek a motion.

COMMISSIONER ALLEN: So moved.

VICE-CHAIR STEVENS: Okay. Approval of the minutes for the Planning Commission meeting on 9/30/2020 ---

MR. QUATTLEBAUM: And make a motion and second.

COMMISSIONER VEREEN: I make a motion to approve the minutes on the Planning Commission meeting.
9/30/2020.

MR. QUATTLEBAUM: Somebody want to second it.

COMMISSIONER McFADDEN: Second.

Public Hearing:

VICE-CHAIR STEVENS: Public Hearing 7-2021. Proposed amendment to the Town of Atlantic Beach Land Management Ordinance, Title V, Chapter 3, Article IV Zoning Districts, Division 2 Bulk, Dimensional and Density Standards to allow for the subdivision of duplexes in the R2 Residential Zoning District.

MS. COLEMAN: Mr. Chairman, do you want me to go ahead and go into the ---

VICE-CHAIR STEVENS: Yes.

MS. COLEMAN: --- explanation of this?

VICE-CHAIR STEVENS: Yes.

MS. COLEMAN: Okay, for those of you -- can you hear me all right?

(Inaudible background noise.)

MS. COLEMAN: Just let me know. A property owner approached staff a few months ago about the possibility of building duplexes in the R2 District. When we started looking at the zoning ordinance -- and I did a handout for you if you want to refer to it -- I've got all the
definitions straight out of the Land Management Ordinance as well as the tables. And I have a couple of packets up here if you want one of these. The definition of the R2 District -- or the description of it -- Residential R2: the intent of this district is to preserve and protect the character of Atlantic Beach neighborhoods. Residential uses range from single-family detached to multi-family at densities that are compatible with existing housing. This district may provide for innovative design including, but not limited to, zero-lot-line development. Select nonresidential uses may be allowed in this district provided such uses are complementary and do not create nuisances to residential enjoyment. So that's the title block of the zoning district. Below that I've got some of the definitions with the arrows that are color-coded for you. A duplex is considered two-family dwelling. So the definition of a duplex is a building, located on a single lot, designed or occupied exclusively by two families living independent of each other in separate dwelling units. So the question is
whether or not they could subdivide out a duplex in the R2 District. Well, you go over to page 2 on the handout that I made for you, Table 5.3.420A, and you can see I've kind of highlighted R2 -- the minimum lot size in R2 District is 6,000 square feet. You go down below -- I highlighted a couple of different sections because it kept going back and forth, whether this was single-family attached or single -- or two-family dwelling. Basically, over to the right you can see -- I color-coded it -- a single-family attached is usually considered a townhome development, and they're usually a minimum of three units and each unit shares a wall with another one. A two-family dwelling is a duplex. It may be side by side, it may be up and down, depending on where you're building it. But if you go over to the table of uses on the right-hand side where the red arrows are, you can see single-family attached are conditional uses in the R District, and that refers back to the description that I gave you to begin with. And a two-family -- or a duplex dwelling is a key permitted use. So by right, currently, you can
have a duplex in the single-family R2 District. So we've established that. I added some more definitions to kind of give you more descriptions of -- so you'd have more information of what's in the ordinance. So on page 3 of your handout, I've got single-family attached -- all the information about that. Again, I've already determined that single-family attached is different than a duplex because typically there's more than three of those involved, but I did want to include the definition for zero-lot-line development. The location of a building on a lot in such a manner that one of the building's sides rests directly on the common lot line of an adjacent lot. So, we go back to the description of the R2 District where it says that zero-lot-line developments are allowed in the R2 District. On the next page, one of the problems that I saw in terms of allowing a duplex to be subdivided with the current language in the code listed Section 5.3.1023 and the title is Frontage. This is on the bottom of page 4 of the handout. Lots created hereafter shall have frontage on and access to a public street. And
no subdivision shall be approved unless the lot(s) to be subdivided shall have a minimum of 50 feet of frontage on a public street. This requirement may be reduced to 35 feet on a cul-de-sac -- and that's a design issue from an engineering standpoint -- and to 20 feet for a lot in an approved zero-lot-line development if, in the opinion of administrator, such reduction would not hinder access and all other requirements of this chapter can be met. So, I've gone from a minimum of 6,000 square feet for a duplex that's unsubdivided and normally you have to have a minimum frontage of 50 feet, now there's a place in the ordinance that allows you to reduce that minimum frontage if the zero-lot-line development is approved. So then the problem became what -- how do we handle it if they still have to have 6,000 square feet? Well, on page 6, the proposed amendment in the R2 District, we'd have to amend the minimum lot size for duplexes. So if you look at the table there -- 5.3.420A -- under R2, you still have a minimum lot area of 6,000 square feet but, when you follow it down to two-family dwellings, two-family dwellings
have a minimum of 3,000 square feet each. So the amendment to the ordinance would have to be to reduce the minimum lot area required for a duplex, but that goes back to both sides. So only duplex lots could be less than 6,000 square feet and they must have at least 3,000 square feet per duplex. So that's what you're looking at now. Do you want to make a change to the text of the ordinance to allow that to happen? And if you go back to page 5, I did include an aerial photograph and an aerial parcel layer. But the proposed language would not change the built environment in that duplexes are already allowed in the district. So you're not creating a new use, you're not changing what can go on the property, what you're changing is whether or not that property can be split out into separate ownership. And basically, from everything we've looked at up and down the coast, this is more of an ownership matter. It -- but again, it doesn't change what can go on the property. Now, the one worry I had when I first started looking at this is if we create 3,000 square foot lot minimums on either side of a duplex, then what
happens 15 years from now? What happens if a building burns? What can be built back? Well, after looking at it and analyzing it from a lot of different angles and talking to other communities, the only thing that could go back on a lot of 3,000 square feet would be half of the duplex. So, like I said, my concern was -- playing the devil's advocate -- if something were to happen to the structure, could someone go in and build a small house on a lot that may only be 25 feet wide. Realistically, no, because you can stop that at the permitting stage. Now, could they go back and build a house on the whole lot if they want to recombine the two parcels into one piece of property again? You can always combine parcels but you couldn't further subdivide it. So, this -- did that make sense? Do you have any questions? I mean the long and the short of it is the duplexes and permitted use has been a permitted use. The question is are you okay with putting up a hypothetical property line through the middle of the -- through the firewall in the duplex?

VICE-CHAIR STEVENS: Right. That's what we're here
for. Are we good with that?

COMMISSIONER VEREEN: Yeah -- yeah.

COMMISSIONER McFADDEN: Yes.

MR. QUATTLEBAUM: Well, I didn't ---

VICE-CHAIR STEVENS: You got a ---

MS. COLEMAN: Okay.

MR. QUATTLEBAUM: You lost me on the 6,000 -- it's gonna remain the -- the requirement for the building of the duplex is still 6,000 ---

MS. COLEMAN: Right.

MR. QUATTLEBAUM: --- square feet?

VICE-CHAIR STEVENS: Well ---

COMMISSIONER VEREEN: No, no ---

MR. QUATTLEBAUM: (Inaudible) ---

MS. COLEMAN: Well, no. No, it's still -- the minimum lot size for the district is still 6,000 square feet but if it's a duplex ---

MR. QUATTLEBAUM: You'll divide it ---

VICE-CHAIR STEVENS: You can subdivide.

MS. COLEMAN: --- then you can still -- you can subdivide it out.

VICE-CHAIR STEVENS: But it has to be a duplex.

MS. COLEMAN: But you're gonna -- yeah, it -- so you could only split it out if they come in to permit the duplex ---
COMMISSIONER VEREEN: That's right.

VICE-CHAIR STEVENS: They have to have a common wall, right?

MS. COLEMAN: Right. And it has to be a firewall.

VICE-CHAIR STEVENS: Okay. Okay.

COMMISSIONER VEREEN: And the only (inaudible) so they can commit it and deed it and then ---

VICE-CHAIR STEVENS: Right, and deed it ---

(Inaudible background noise.)

MR. QUATTLEBAUM: The minimum lot size doesn't change. The 6,000 ---

VICE-CHAIR STEVENS: Does it?

MR. QUATTLEBAUM: --- it still has to be 6,000 ---

MS. COLEMAN: It's still 6,000 square feet but ---

MR. QUATTLEBAUM: But only 3,000 ... 

MS. COLEMAN: Per duplex.

MR. QUATTLEBAUM: Per duplex.

MS. COLEMAN: And the reason -- the reason I did it that way is 'cause if you look over just to the right of it, you see the MS1 -- or let me -- no, MS1R.

COMMISSIONER ALLEN: Which page are you on?

MS. COLEMAN: It's on page 2 on the table. So look at MS1R and the minimum lot size is still 7,500 square feet. But then you toggle down and you
see for single-family attached is 3,750. For multi-family, it's 3,000 square feet. So that way -- and so you can still split it out, but to have a project in -- of that sort, you have to have a minimum of 7,500 square feet. So to have a duplex, you have to have 6,000 square feet ---

VICE-CHAIR STEVENS: At least.

MS. COLEMAN: --- but you can still split out each side of it. So, what they're looking at is when you start with it. So, we're not -- I would recommend -- and this is the way I would enforce this anywhere else -- if somebody came to me with a subdivision plat, unless they -- unless they've already got building plans approved and they're moving forward with construction of a duplex, I wouldn't split it out until we knew that they were ---

VICE-CHAIR STEVENS: In building.

MS. COLEMAN: --- all the way to building it.

VICE-CHAIR STEVENS: Okay.

MS. COLEMAN: Sometimes they go ahead and build them. For example, Surfside Beach -- great example -- they're building them but they don't split them out until they sell them. So a
build -- a developer'll come in and build the unit and then split 'em out and each one'll go to someone else.

COMMISSIONER ALLEN: So -- but why would you say you wouldn't recommend that they split it prior? I mean, what -- why would you wait ---

VICE-CHAIR STEVENS: 'Cause they might not build ---

MS. COLEMAN: Well, I mean, I -- just -- it's just a little level of control. I mean I still would say nothing else could go on a lot that's less 6,000 square feet in that district.

COMMISSIONER ALLEN: (Inaudible) ---

MS. COLEMAN: If they're creating -- if they're creating the smaller lots, then the only thing they're gonna build on those smaller lots is a -- half of a duplex.

VICE-CHAIR STEVENS: Right.

MS. COLEMAN: So -- and that was the worries, that you didn't want to create a mechanism by which people could come in and create these small lots and then come build -- not -- I wouldn't say a tiny home, but a really reduced ---

VICE-CHAIR STEVENS: Right.

MS. COLEMAN: --- a very small footprint home. And the duplex lots, you know, when you think about
a 6,000 square foot lot for two dwelling units, that's pretty small. Typ -- nine times out of ten, you're gonna do a raised-type beach house because you want to be able to park under it, you know, you want to have -- you want to have access to be able to use the property, maybe even put in a swimming pool.

COMMISSIONER ALLEN: But from -- when we were talking earlier about the financing, somebody brought that up.

COMMISSIONER VEREEN: Yeah, I did.

COMMISSIONER ALLEN: Timothy. So -- I mean if you're getting ready to build the duplex -- I'm just trying to think through from a -- just a practical standpoint -- and you go for financing ---

MS. COLEMAN: We could do a letter.

COMMISSIONER VEREEN: So you do a letter to bank? But the bank ---

MS. COLEMAN: Yeah.

COMMISSIONER VEREEN: --- has the -- we have to assure the bank -- you have to assure the bank and everything that actually the Town ---

MS. COLEMAN: They'll be independently owned.

COMMISSIONER VEREEN: Yeah, that ---
MS. COLEMAN: Individually owned.

COMMISSIONER VEREEN: --- own everything. And when you go to the bank, you actually -- both parties actually apply to get it built.

MS. COLEMAN: And they could probably -- they'd probably do it with just the zoning ordinance.

COMMISSIONER McFADDEN: That's right.

MS. COLEMAN: Because that's how they do it in other places.

COMMISSIONER VEREEN: Yeah, like if you go to like Carol Ford (inaudible), it's not nothing new, it's been going on ---

MS. COLEMAN: And honestly, I don't -- like I said, I haven't seen anybody subdivide out a lot before they built on it anyway.

COMMISSIONER VEREEN: Okay.

MS. COLEMAN: To date. I don't know that that would necessarily -- that it would be necessary. I think for financing side of it, they don't want to finance it for a long-term loan. They might finance for a construction loan.

COMMISSIONER McFADDEN: Yeah.

MS. COLEMAN: And that's probably what's gonna happen.

COMMISSIONER VEREEN: Yeah.
MS. COLEMAN: Which is very different from a mortgage.

COMMISSIONER VEREEN: Right ---

MS. COLEMAN: Like when I built my house, I took out a construction loan.

COMMISSIONER McFADDEN: That's right.

MS. COLEMAN: And it was much, much better terms than even I got on my mortgage, but that was just to get the house on the lot. And then before I took ownership of it, before I closed on it, we converted it to a mortgage. For the purposes of this, if they -- if someone -- if they're family members or not, whatever, they can go to the bank and say, okay, you know, we're gonna do a construction loan for the construction side of this, but the long-term plan is that I'm financing this side, I'm financing this side, which they couldn't do unless there's a property line there.

COMMISSIONER McFADDEN: That's right.

VICE-CHAIR STEVENS: Right.

MS. COLEMAN: That's why they -- that's why they want to be able to subdivide. And I've -- I told them earlier that after the bottom fell out of the market a few years ago, we started
seeing up and down the coast a lot fewer condos/townhomes/apartments being built because they had to be fully financed before they could go with, you know, to do them, they had to sell an entire project out of townhomes before a contractor would come in and do it. Things are a little bit friendlier now but ...

VICE-CHAIR STEVENS: You had a question, Jay?

MS. DIVINE: So I had some examples for the Planning Commission of duplexes on lots that are 50 foot wide or larger ---

MS. COLEMAN: Uh-huh.

MS. DIVINE: --- two units. So I brought some examples of that. And I did have some conversations, of course, with the lenders, which is why I put in the request to have the ordinance reviewed.

MS. COLEMAN: Uh-huh.

MS. DIVINE: Because the lenders will finance the construction because the building has to be erected at one time ---

VICE-CHAIR STEVENS: Right.

MS. DIVINE: --- even if it's two units.

VICE-CHAIR STEVENS: Right.

MS. DIVINE: So the two parties -- Party A and Party
COMMISSIONER McFADDEN: Agreed.

MS. DIVINE: --- can be on the construction loan together. At the end, when you go to refinance into your long-term 30-year mortgage, you cannot have the two parties with one ownership of the unit. It has to have -- it has to be split. So, you could split it at that time ---

MS. COLEMAN: Uh-huh.

MS. DIVINE: --- or you could split it before. The bank didn't care when it was split, but by the time you go to get your permanent loan, it has to be split 'cause they can't have two owners across the land and separate owners on the buildings. So that's -- that was what brought up the request to begin with because the long-term problem will be a title issue. If I own Unit A and my friend owned Unit B, and I want to leave and bequeath my unit to someone ---

COMMISSIONER VEREEN: Couldn't do it.

MS. DIVINE: --- I would not be able to if we both were owners ---

COMMISSIONER McFADDEN: That's right.

MS. DIVINE: --- on the land so that's why the land had to be subdivided and Ms. Coleman saw the
issue if -- the problem was solved with the property line ---

VICE-CHAIR STEVENS: Right.

MS. DIVINE: --- the firewall being the property line.

MS. COLEMAN: And you're gonna build -- in all honesty, you're gonna build a firewall on a duplex anyway ---

VICE-CHAIR STEVENS: Got to. You've got to ---

MS. COLEMAN: --- for protection purposes.

COMMISSIONER VEREEN: You've got to.

MS. COLEMAN: But again, we saw this coming. I've been here 28 years, and we saw this coming years ago in different areas like in unincorporated Horry County where people were building -- starting to -- building duplexes, that they could -- they could maximize what they could have on the property in terms of being able to build a decent size unit but still maintain individual ownerships. And so, to start with, we saw them coming in and requesting variances. And to be honest, under state law, they didn't meet any hardships because you can use financing, or any financial thing, for a hardship under state law for
variances. So, we went back and looked at it and again, it -- if you didn't already allow duplexes in that district, I may have had some heartburn by saying, oh, well, we're introducing something different but again, I read you the intent statement for the R2. R2 even allows multi-family. So again, you're not increasing the potential density, you're not increasing the potential number of units, you're just allowing those duplexes to be split out and owned fee simple.

(Inaudible background noise.)

MS. COLEMAN: And if you have any questions, I'll be glad to answer them.

MR. QUATTLEBAUM: Do you have any more of these?

MS. COLEMAN: No, but I can send some more out if you have ---

(Inaudible background noise.)

MS. COLEMAN: --- somebody can have this one.

(Inaudible background noise.)

MS. COLEMAN: I can get you one too.

MR. QUATTLEBAUM: Thank you.

MS. COLEMAN: I will. I apologize. I printed a few ---

MS. DIVINE: This isn't my plan, everybody. This is
just a plan ---

VICE-CHAIR STEVENS: Okay, that's ---

MS. DIVINE: --- yeah, any duplex plan ---

MS. COLEMAN: I just tried to make it a little bit easier to see ---

MS. DIVINE: --- and then I put some examples to show ---

MS. COLEMAN: And the other thing is your active --

I did include your zoning map because -- just as a reminder that you do have a lot of R2 here but, again, if they don't meet the minimum standards to qualify for a duplex anyway ---

VICE-CHAIR STEVENS: You can't do it.

MS. COLEMAN: --- then they wouldn't be able to split it out necessarily, or they might not be able to build a duplex on it. But this -- the use is already permitted.

VICE-CHAIR STEVENS: Okay.

MS. COLEMAN: It's just whether or not you can split it and have single ownership.

(Inaudible background noise.)

MR. QUATTLEBAUM: So now, if one part of the duplex burned down hypothetically, the replacement has to be a 3,000 square foot attached unit ---

MS. COLEMAN: Well, I mean on the 3,000 square foot
lot but, yeah, it would be an attached unit but ---

MR. QUATTLEBAUM: Well, my question is ---

MS. COLEMAN: Uh-huh.

MR. QUATTLEBAUM: --- if part of the building burned ---

MS. COLEMAN: Uh-huh.

MR. QUATTLEBAUM: --- hypothetical situation -- and the separate -- you've got separate ownerships, can the new owner, purchaser of the property, build a separate, individual unit?

MS. COLEMAN: I would say no.

VICE-CHAIR STEVENS: No ---

MS. COLEMAN: Because the minimum lot area for single-family is 6,000 square feet ---

MR. QUATTLEBAUM: Okay.

MS. COLEMAN: --- the only exception is for a duplex.

MR. QUATTLEBAUM: So, it would have to be ---

MS. COLEMAN: Yes ---

MR. QUATTLEBAUM: --- back to being a duplex.

MS. COLEMAN: Right. And the two-family is, by definition, a shared wall or -- again, I threw in there that you can have an up and down duplex too. I lived in one of those before.
But there's a fire separation floor-ceiling in those though.

MR. BOOKER: I've got a question.

MS. COLEMAN: Yes, sir?

MR. BOOKER: I'm sorry. It's a little late (inaudible) but -- so if I have a lot ---

MS. COLEMAN: Uh-huh.

MR. BOOKER: --- the only way I could get 3,000 square feet per property is to build a duplex when I subdivide. How can I subdivide and build ---

VICE-CHAIR STEVENS: No.

MR. BOOKER: --- part of a duplex? I've gotta build the whole thing to start ---

MS. COLEMAN: Well, I mean, you wouldn't need to subdivide it if you're not building a duplex ---

MR. BOOKER: Right. I understand ---

MS. COLEMAN: --- so that -- yeah, if you build a duplex, you can subdivide it.

MR. BOOKER: I can?

MS. COLEMAN: Yeah.

MR. BOOKER: But the only way that it can be subdivided is that I'm building a duplex on it?

COMMISSIONER McFADDEN: That's right.
MS. COLEMAN: Unless you're -- unless you've got more than 6,000 square feet and you want to -- you're doing a multi-family unit like townhomes, but the same thing applies, that has to go through review and be improved in that area. That's a conditional use.

MR. BOOKER: Right.

MS. COLEMAN: The duplex is a by-right use, meaning anybody that has an R2 lot that meets the minimums ---

MR. BOOKER: Uh-huh.

MS. COLEMAN: --- can have a duplex. The change now is that if they have a -- if they're building a duplex, then they can split it out fee simple.

MR. BOOKER: Right.

MS. COLEMAN: But if you -- you wouldn't -- you wouldn't be able to just subdivide the lot ---

(inaudible background noise.)

MS. COLEMAN: --- and that was my first concern. When I started looking at this, I said oh, am I opening a ---

(inaudible background noise.)

MS. COLEMAN: And you can -- I showed them that little -- the little handout I gave you. I
think it was on page 5. There's a map, aerial map and a parcel map, that -- that on the bottom of those slides, there are numbers on there that ---

(Inaudible background noise.)

MS. COLEMAN: --- that shows -- and keep in mind on that map, the lines are a little bit off because when they made those maps, they don't look down directly, perfectly perpendicular 90 degrees so they're kind of at an angle so some of those lines are a little bit off. But you can see that some of the duplexes are on a single lot, some of the duplexes have been split. So, some people build a duplex for an investment and rent it out at the beach. Some people build a duplex, split it out and sell each half, they may live in one, you know. But anyway, you can see there's a variation on it. It's not ---

(Inaudible background noise.)

MR. BOOKER: Can I ask one final question ---

(Inaudible background noise.)

MS. COLEMAN: Uh-huh.

MR. BOOKER: What's the rules against ---

(Inaudible background noise.)
MS. COLEMAN: There are existing lots ---

(Inaudible background noise.)

MS. COLEMAN: --- so if they're in R2 District, you still -- there are some allowances in the ordinance so if you're -- are they substandard, are they less than 6,000 square feet?

(Inaudible background noise.)

MS. COLEMAN: Well, that's -- that one has a different -- has different requirements. So, anything that is a legal lot of record to a certain extent should be able to handle almost anything that the zoning ordinance allows, but you still have to meet the requirements for setbacks, although we may be able to reduce those slightly because it's a substandard lot. You can't really impose the same setbacks on those lots. Usually, you can ---

(Inaudible background noise.)

MS. COLEMAN: --- but if it's commercial, you still have parking requirements, you still have landscaping requirements but, if you've got a legal lot of record, the Town's not gonna say you can use that lot 'cause some of these lots that are on here, there are a very few that are -- there's a couple of tiny, tiny lots that are
between 31st and 32nd that look to be landlocked. Not sure what could happen with those, those probably need to be recombined but they may be in separate ownership, they may be heir properties where the properties were split out between different family members but -- but they're a tiny little square ---

(Inaudible background noise.)

MS. COLEMAN: --- but as it happens, if you think, you know, if you've got an (inaudible) lot and you want to build a single-family, we can work with you. If you want to build duplex, then we would look at it and see -- make sure that we can meet the minimum standards. And the big worry was -- the first thing was, how are you gonna deal with the minimum frontage requirements because I've watched that happen. Horry County, the Board of Zoning Appeals was rarely granting variances to allow the property lines to be put in, and then we'd get the plat in and they didn't meet the minimum frontage for a lot so they had to go back to Board of Zoning Appeals and ask for forgiveness. In this case, you've already got something in the ordinance that allows you to reduce it to 25
feet.

VICE-CHAIR STEVENS: All right.

(Inaudible background noise.)

MS. COLEMAN: I'm not sure what those tiny, little lots are. Again, they might be the same family. They -- you don't know. It'd be hard to ---

(Inaudible background noise.)

MS. COLEMAN: Does that answer most of your questions or ... I tried to keep it as simple as I could.

COMMISSIONER ALLEN: We appreciate ---

VICE-CHAIR STEVENS: I understand.

COMMISSIONER ALLEN: I was just concerned about the limit to the split, like that there would not be a chance that you could build a duplex ---

MS. COLEMAN: Uh-huh.

COMMISSIONER ALLEN: --- as a one-person and then want to go -- separate it and it could be stopped. That's we said maybe ---

MS. COLEMAN: Well, you still have the building code requirements so, you know, somebody -- you can't just come in and build on it, you've gotta get permits and everything else. So you still have -- there's a whole 'nother layer.
I'm talking from a zoning standpoint, although I did bring up the building code and the fire code when I talked about the firewall, but I always bring that up because that's exceptionally important. You know, that was one thing, when we had -- people started first subdividing these out in different parts of the county, the first thing they had to do was prove that it was built with a firewall because otherwise they couldn't split it so that's an important part of it, but this is the first layer of trying to do this. If they meet the zoning, then they go forward and, you know, they have to submit plans and all those have to be approved. But meeting zoning is the hurdle...  

VICE-CHAIR STEVENS: That's right.  
MS. COLEMAN: --- because you can always make the building plans work.  
COMMISSIONER ALLEN: Okay.  

New Business:  
VICE-CHAIR STEVENS: We're on New Business, Ordinance 7-2021, Text Amendment to the Town of Atlantic Beach LMO, Title V, Article IV, Zoning Districts, Division 2 Bulk, Dimensional and
Density Standards to allow for the subdivision of duplexes in the R2 zoning district. Seek a motion to ... 

COMMISSIONER ALLEN: Motion to approve.

MR. QUATTLEBAUM: Yes.

VICE-CHAIR STEVENS: Yeah. Motion to ---

COMMISSIONER McFADDEN: Second the motion?

VICE-CHAIR STEVENS: Yeah.

COMMISSIONER McFADDEN: I'll second it.

VICE-CHAIR STEVENS: It's been seconded. Public Comments - General. Any comments?

MS. DIVINE: Yes.

MR. QUATTLEBAUM: Did you all take a vote? You gotta take a vote.

VICE-CHAIR STEVENS: Oh. Do the vote, Cheryl.

(Inaudible background noise.)

CLERK: Roll call. Commissioner Derrick Stevens?

VICE-CHAIR STEVENS: Yes.

CLERK: Commissioner Timothy Vereen?

COMMISSIONER VEREEN: I agree.

CLERK: Commissioner Esco McFadden?

COMMISSIONER McFADDEN: Yes.

CLERK: Commissioner Kathryn Allen?

COMMISSIONER ALLEN: I do, yes.

Public Comments:
VICE-CHAIR STEVENS: That's it. You've got a comment?

MS. DIVINE: I do. I just wanted to share just a minute or two with the public and the Commission on some of the examples that (inaudible). Thanks for giving me a moment. So when we checked -- my husband and I -- around the town and we were looking to create opportunities for other family and friends, this opportunity on the west side near the highway and 32nd Avenue presented itself, and we saw that there weren't duplexes in the town which would give more family members an opportunity to own property. And the only limitation was the ownership of each duplex having to remain encumbered by two people. And so none of us wanted to create a tangled title issue, which I understand is a problem already in Atlantic Beach with many of the properties not being able to -- errors and things of that -- they have difficulties sometimes in title when you go to convey property. So I just wanted to point out that the only impact to this ordinance is the ownership. And as Ms. Coleman pointed, it already allows for duplexes
to be built and the size -- 'cause I hear Mr. Quattlebaum asking and I think I've heard some other concerns in the town about the building structure is not what's in question ---

VICE-CHAIR STEVENS: Right.

MS. DIVINE: --- the building structure is going to be based on what the ordinance already allows. The height restrictions are what the ordinance allows. The only change is gonna be the ownership of the land, and that will allow everyone to own their house and the land beneath it. And that's only to -- I wanted to show you that there were different types of duplexes that -- these are all Horry County duplexes that I took pictures of or found on the Internet and downloaded so you could see they're different sizes. There's no real limitation on the size of the duplex, but all of them are not gonna be more than 20 feet wide ---

VICE-CHAIR STEVENS: Right.

MS. DIVINE: --- because you have the ---

VICE-CHAIR STEVENS: Setbacks.

MS. DIVINE: --- setback on the side and you had that (inaudible) wall and the 20 foot width is
the restriction, and you do go up I think 45 feet or ---

VICE-CHAIR STEVENS: Right.

MS. DIVINE: --- 35 feet. So I just wanted you to see there were some two-story ones and some one-story ones, they're probably 3,000 square feet or less, some of them, so there wasn't a size restriction of the building. I just wanted to make sure that everybody was clear on that. And that was it. We did do our diligence and we checked with financing, and the challenge was the Town allowed us to do something that the banks wouldn't support which you're stifled and you can't move forward. So that was it. Thank you, all.

VICE-CHAIR STEVENS: All right ---

COMMISSIONER ALLEN: Thank you.

VICE-CHAIR STEVENS: Mr. Booker?

MR. BOOKER: Do I have to come up? Do I have to ---

(Inaudible background noise.)

VICE-CHAIR STEVENS: Come on.

MR. QUATTLEBAUM: Need in front of the recorder so they can pick you up ---

MR. BOOKER: Okay. Do I have to limit my comments to this ---
CLERK: No, go ahead.

VICE-CHAIR STEVENS: Well ---

(Inaudible background noise.)

MR. BOOKER: Okay. Well, good afternoon, Commissioners, Town Manager and Cheryl, citizens and Waccamaw. I'd like to talk about in this resolution or ordinance that was passed out, it says in this ordinance -- it says whereas the Town Council provides and encourages more residential development within the Town including duplexes. So I think we all support that whereas. I'm bringing this up because there is a parcel, a section of the town, that's zoned that doesn't necessarily support that requirement but it already has residential in it. I'm speaking about the ---

(Inaudible background noise.)

MR. BOOKER: --- land that's zoned WF2 between 30th and 31st Avenues and Ocean Boulevard and Seaview. Now, in that block, there are six -- well, actually there are four lots, four pieces of property. One on the corner that's vacant at 31st and -- between Ocean and Seaview, the vacant lot. And then there's Gibson's property. There's all that property, all
(inaudible). And there's Pierce's property and the late Fox Gore's property. And then there's a big parcel on the end. It's a -- it's actually a three-lot parcel but it's really one parcel now because they've all been combined. And there is -- and those -- that property -- particularly that three-lot parcel was -- in the prior zoning, prior to -- you all were just passing this most recent land management ordinance, that property at that time only permitted commercial development, and it sat there without any development from whenever that ordinance was put in place -- 2003 or '04 or something like that -- all the way up until you all modified this land management ordinance, and it's still sitting there. And so, there is a potential to get some residential development in that area. I happen to know the lady who owns the lot on the end at 31st Street end, and she desires to build a residential property there but the zoning doesn't permit it. I happen to know that there's some people interested in getting that property that's owned by the Coopers who would like to make residential units there,
recognizing that there are already residential units in that block. And so, what we're talking about doing with the current zoning is bringing in some commercial developments and putting it beside the long-term Atlantic Beach property owners who have residential units there and from my experience of dealing with them and others, they have no intention of going anywhere. And so, I'm just bringing this up because I would like for you all to consider the potential of allowing residential development in that block. I'm not saying that we ought to rezone it 'cause I don't really know what the options are or if there are any options at all, but I think when we have the opportunity to bring in four residential developments similar to the ones that we have recently had in the town, as opposed to waiting for someone to come along who wants to develop it commercially, recognizing it's been sitting there uncommercially developed for more than 20 years and we have people who really want to develop residentially. And I know that our vision for the town is to have commercial development but when you've got residential
developers who are gonna build half a million dollar homes or better, so you've got two million dollars worth of development waiting on a bigger development, that's like drawing to an inside straight to me. So I'm just bringing this up as a concern and an opportunity for us to ---

(Inaudible background noise.)

MR. BOOKER: --- town desires to encourage more residential development. We may be able to get that development with some level of flexibility in that particular block. And I'm not asking about all of that WF2 zone, but I'm speaking about that on in particular which is already half developed residential.

COMMISSIONER VEREEN: You said WF1 or WF2?

MR. BOOKER: It's WF2 ---

MS. COLEMAN: It's two.

COMMISSIONER VEREEN: Two, okay.

MR. BOOKER: Yes ---

VICE-CHAIR STEVENS: WF2 ---

(Inaudible background noise.)

MR. BOOKER: And so, half of the block is already --

(Inaudible background noise.)
MS. COLEMAN: And just to clarify, it does allow residential, but the condition is (inaudible) be above a commercial ---

COMMISSIONER VEREEN: That's one of those places ---

VICE-CHAIR STEVENS: Two people have built houses that way already ---

MS. COLEMAN: --- something we can look at is look at the existing development that, if there is existing residential development, that you may be able to have some consideration because if you look at it under the zoning ordinance that I gave you with the table of uses so -- the one that's 5.3.502 I think it is -- in the WF1 and WF2, you see Ss down the -- down that column. That means special exception. So that could be something you could add to say, you've got to get a special exception to do residential development, then you're gonna have to go in front of a Board of Zoning Appeals anyway ---

COMMISSIONER VEREEN: So if they bring it to us, they actually could get ---

MS. COLEMAN: Uh-huh.

MR. BOOKER: Right. And so, the thing is, I just want to -- and I don't want to belabor this, but the thing is the people who want to develop
are not necessarily interested in putting in commercial on the ground floor because the current requirement is that 50 percent of the ground floor has to be some resort-focused or commercial-type use, and so I don't, I mean, from what I know, that's not their interest. They want to build a nice home, a nice place that -- at least a half a million dollars, probably more ---

(Inaudible background noise.)

MR. BOOKER: --- houses for half a million dollars, now, we might talking about three million dollars worth of investment that we're holding off waiting on a big commercial investment, and I just want to put that on the table for (inaudible), okay ---

MS. COLEMAN: Uh-huh ---

COMMISSIONER VEREEN: Okay, sir.

MR. BOOKER: --- I don't -- I'm not looking for an answer. It's just I think there's an opportunity for us to come -- to bring this statement of where we encourage residential development more to life and it's beneficial to everybody because I know there's a bunch in the town, I mean, we like this residential
development and I think many of us would be happy with all residential, but I know there's a desire to have commercial. I'd like to have that too, but -- and that's all. That's my point.

COMMISSIONER VEREEN: Yes, sir. Thank you for the --

COMMISSIONER McFADDEN: Thank you.

MS. COLEMAN: I understand that. Just from a zoning standpoint, what he's saying is completely reasonable. And again, I told Mr. Quattlebaum this, I know that the Waccamaw Regional Council of Governments wrote -- created this document. This is your document. This belongs to the Town. So any time you want to make changes or amend it or ... I'm, you know, I'll do what I can to help you research it and find out, you know, what works and what doesn't. I can tell you from looking at it that whoever did this -- and I'm thinking it was -- Mr. Britton probably wrote it. But the highest and best use of the property, the most valuable use of the property, would be for it developed commercially. That may not be what the property owner thinks though so I can
understand if somebody wants to do something different -- no problem.

VICE-CHAIR STEVENS: All right.

MR. QUATTLEBAUM: Mr. Chairman, and I just want to add to the conversation I'm in support of development in the town. The only concern I raise -- and I shared with Mr. Booker when he raised the question with me -- is in terms of the cost, administrative cost, for the Town in any modifications to zoning for changes. And going through the process that we did of -- I don't know how many months it took to get the LMO updated -- we had legal opinions on top that, costs. We did a modification to Zone R2 on 29th and 32nd. All of that is creating administrative costs for the Town. That's all. I just want to caution the Commission. But I am in support and in favor of development in the Town, but we have to be cognizant of those costs and -- in our deliberation and decisions around these items.

COMMISSIONER ALLEN: So, Mr. Quattlebaum ---

COMMISSIONER VEREEN: Mr. Quattlebaum.

COMMISSIONER ALLEN: I'm sorry.

COMMISSIONER VEREEN: No, go ahead.
COMMISSIONER ALLEN: So I just want to make sure I understand what you're saying. So if the cost that you're talking about would apply if we actually rezoned that space versus like if someone applied for a special exception, that would not have the same cost to it, right?

MR. QUATTLEBAUM: The special exception I don't think would have the same process ---

MS. COLEMAN: It'd be similar. Yeah, this -- in terms of state law---

MR. QUATTLEBAUM: --- the process.

MS. COLEMAN: State law still requires you to notify property owners and have a public hearing, and some of the costs are that you post properties, that you have to put an ad in the paper, you know, bringing staff in -- although we're on a retainer right now. But state law does allow you to charge fees for administrative changes ---

COMMISSIONER VEREEN: That's what I was going to say.

MS. COLEMAN: --- and those fees should be somewhat commensurate with what you're putting into it to allow that to happen.

COMMISSIONER VEREEN: And that's what I was gonna
ask, like, do you -- if you know how much the costs are, I know you know the City of North Myrtle or Myrtle Beach, if you go to get something rezoned, it's a fee for it. So that -- but the owner actually, when they go to apply, they pay for that. So if we do come up with a fee and then you just charge the owner that fee for a rezoning fee --

MR. QUATTLEBAUM: Yeah --

COMMISSIONER VEREEN: --- and it pays for the signs, it pays for ---

VICE-CHAIR STEVENS: Everything.

COMMISSIONER VEREEN: --- administrative costs, everything. So it takes it off the Town's ---

MS. COLEMAN: And the Council can establish the fee schedule ---

COMMISSIONER McFADDEN: That's right.

COMMISSIONER VEREEN: So, if you get us some numbers on what you think it costs for administrative fees, we can vote on that and come up with a fee.

VICE-CHAIR STEVENS: Let's end the meeting. Can we do it?

(INAUDIBLE BACKGROUND NOISE.)

VICE-CHAIR STEVENS: Meeting adjourned.
(There being nothing further, the commission meeting and public hearing was adjourned.)