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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas
The Honorable R. Kirk Griffin, Circuit Court Judge

Case No. 2019-CP-22-00212
Appellate Case No. 2023-00646

The Gulfstream Café, Inc. ..... Appellant,

v.

Georgetown County; Georgetown County Council; and Steve Goggans, individually and in his official capacity as Georgetown County Councilmember..... Respondents.

RECORD ON APPEAL
(VOLUME VI)

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ELECTRONICALLY FILED - 2022 Jan 25 12:36 PM - GEORGETOWN - COMMON PLEAS - CASE#2019CP220212

STATE OF SOUTH CAROLINA **COUNTY OF GEORGETOWN** The Gulfstream Café, Inc., Plaintiff, vs. Georgetown County, Georgetown County Council, John Thomas, Ron Charlton, Lillie Johnson, Austin Beard, Steve Goggans, and Louis Morant, individually and in their official capacity as Georgetown County Councilmembers, Defendants.	)	**IN THE COURT OF COMMON PLEAS** **COUNTY OF GEORGETOWN** Civil Action No. 2019-CP-22-00212 **THE GULFSTREAM CAFÉ, INC.'S SUPPLEMENTAL EXHIBITS IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

THE GULFSTREAM CAFÉ, INC.'S SUPPLEMENTAL EXHIBITS IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Plaintiff The Gulfstream Café, Inc. ("Plaintiff") hereby submits the following Supplemental Exhibits in support of Plaintiff's Response to Defendants' Motion for Summary Judgment ("Response"):

1) Exhibit A – Exhibits to Judy Blankenship's deposition transcript, taken March 3, 2021; and
2) Exhibit B – Exhibits to Holly Richardson's deposition transcript taken March 3, 2021.

On January 13, 2022, Plaintiff filed a Supplemental Exhibit in Support of Plaintiff's Response to Defendants' Motion for Summary Judgment, which contained several deposition transcripts and attached exhibits. The deposition transcripts of Judy Blankenship and Holly Richardson were inadvertently filed without the exhibits to the transcripts, so Plaintiff is supplementing the Response to include those exhibits.

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Respectfully submitted,

s/ Sean M. Foerster
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Attorneys for Plaintiff the Gulfstream Café, Inc.

January 25, 2022

EXHIBIT A

ELECTRONICALLY FILED - 2022 Jan 25 12:36 PM - GEORGETOWN - COMMON PLEAS - CASE#2019CP220212

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STATE OF SOUTH CAROLINA
COURT OF COMMON PLEAS
COUNTY OF GEORGETOWN

The Gulfstream Café,

Plaintiff(s),

vs.

CIVIL ACTION NO.
2019-CP-22-00212

Georgetown County, Georgetown County Council, John Thomas, Ron Charlton, Lillie Johnson, Austin Beard, Steve Goggans, and Louis Morant, individually and in their official capacity as Georgetown County Councilmembers,

Defendant(s).

VIRTUAL
DEPOSITION OF: JUDY E. BLANKENSHIP

DATE: Wednesday, March 3, 2021

TIME: 3:55 p.m. through 4:23 p.m.

DEPONENT LOCATION: 716 Front Street Georgetown, South Carolina

TAKEN BY: Attorneys for the Plaintiff(s)

COURT REPORTER: MADONNA M. FARRELL
Registered Professional Reporter
CaseViewNet Realtime Reporter

(Reported Remotely from Georgetown County, SC)

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VIRTUAL APPEARANCES OF COUNSEL

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ALSO PRESENT: (None)

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(Note: Exhibit late-filed)

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ELECTRONICALLY FILED - 2022 Jan 25 12:36 PM - GEORGETOWN - COMMON PLEAS - CASE#2019CP220212

Judy Blankenship

From: Tiffany Coleman
Sent: Monday, September 24, 2018 2:52 PM
To: NancyG@surfsiderealty.com
Cc: Holly Richardson; Judy Blankenship; Boyd Johnson
Subject: Georgetown County Planning Commission: Application to Amend the Marlin Quay PD
Attachments: Marlin Quay AMPD 9-18-21424.pdf

Hello Nancy:

Please find attached a notice for property owners regarding an amendment to the Marlin Quay PD. We are available to answer any questions.

Thank you,

Tiffany Coleman
Associate Planner Georgetown County
129 Screven St.
Georgetown,SC 29440
Phone: 843-545-3158
Email: tcoleman@gtcounty.org

ELECTRONICALLY FILED - 2022 Jan 25 12:36 PM - GEORGETOWN - COMMON PLEAS - CASE#2019CP220212

Tiffany Coleman

From: Tiffany Coleman
Sent: Wednesday, October 10, 2018 4:27 PM
To: Judy Blankenship
Subject: FW: Notice of Public Hearing, Thursday Oct. 18, 2018 - Amendment of Marlin Quay Planned Development

FYI -

Tiffany Coleman
Associate Planner Georgetown County
129 Screven St.
Georgetown, SC 29440
Phone: 843-545-3158
E-mail: tcoleman@gtcounty.org

From: Nancy Gardner [mailto:NancyG@surfsidereally.com]
Sent: Wednesday, October 10, 2018 4:24 PM
To: Constance Lowery <lhdolldoc@hotmail.com>; Tiffany Coleman <tcoleman@gtcounty.org>
Cc: Holly Richardson <hrichardson@gtcounty.org>; Boyd Johnson <bjohnson@gtcounty.org>
Subject: RE: Notice of Public Hearing, Thursday Oct. 18, 2018 - Amendment of Marlin Quay Planned Development

I did send the notice you sent the Association to all owners whose email address the management office had on record. I believe this is how Ms. Lowery received her notice and talking about. We did not receive any plans or diagram of the proposed building to forward to all.

From: Constance Lowery [mailto:lhdolldoc@hotmail.com]
Sent: Wednesday, October 10, 2018 4:01 PM
To: tcoleman@gtcounty.org
Cc: Holly Richardson; Boyd Johnson; Nancy Gardner
Subject: Notice of Public Hearing, Thursday Oct. 18, 2018 - Amendment of Marlin Quay Planned Development

Dear Ms. Coleman:

I believe you are the Georgetown County Associate Planner to be contacted with any questions in regard to the above Notice.

I note that you forwarded the Notice to Nancy Gardner (Surfside) of the above meeting. I also note that you forwarded to Chris Sanders, Marlin Quay Homeowner, by e-mail, the Application to Amend a Planned Development (PD) submitted by Attorney Stacy for Palmetto Industrial Development, LLC. While I see signatures of Mr. Stacy and Dr. Lawhon, on page 3 of that Application, no dates appear. Preliminary red-lined drawings were included, but no hard information as to the elevations or number of floors of the planned building was included. I am most interested in knowing of this latter information.

Page 3 of the Application calls for " Adjacent Property Owners Information (required)". I own two units within 400 feet of the subject property, and did not receive this Notice in the US mail. I submit that paragraphs 1 and 2 (page 3) have not properly been executed. I believe that the many owners within 400 feet of the subject property (Marlin Quay condos and homeowners on S. Waccamaw Drive) are entitled to receive this Notice of Public Hearing by US Mail, as outlined in the Application, not a two-stepped, or three-stepped blanket process of e-mail.

I welcome your explanation of these discrepancies. Thank you for your time.

Yours truly,

Constance A. Lowery
Owner of Condos 501 and 205 at Marlin Quay
Mailing address: 1181 Crooked Oak Drive, Pawleys Island, SC 29585
Telephone: 607-229-6044
October 10, 2018

Sent from Mail for Windows 10

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EXHIBIT B

ELECTRONICALLY FILED - 2022 Jan 25 12:36 PM - GEORGETOWN - COMMON PLEAS - CASE#2019CP220212

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STATE OF SOUTH CAROLINA
COURT OF COMMON PLEAS
COUNTY OF GEORGETOWN

The Gulfstream Café,

Plaintiff(s),

vs.

CIVIL ACTION NO.
2019-CP-22-00212

Georgetown County, Georgetown County Council, John Thomas, Ron Charlton, Lillie Johnson, Austin Beard, Steve Goggans, and Louis Morant, individually and in their official capacity as Georgetown County Councilmembers,

Defendant(s).

VIRTUAL 30(b)(6)
DEPOSITION OF: HOLLY HEMBREE RICHARDSON

DATE: Wednesday, March 3, 2021

TIME: 9:05 a.m. through 3:53 p.m.

DEPONENT LOCATION: 716 Front Street Georgetown, South Carolina

TAKEN BY: Attorneys for the Plaintiff(s)

COURT REPORTER: MADONNA M. FARRELL
Registered Professional Reporter
CaseViewNet Realtime Reporter

(Reported Remotely from Georgetown County, SC)

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Email: Sean.foerster@rogerstownsend.com

-and-

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Fax: 404.577.7715
Email: Apearson@bloom-law.com

REPRESENTING THE DEFENDANTS:

BURR & FORMAN
BY: HENRIETTA U. GOLDING, ESQUIRE
AND: BROOKE WATSON, ESQUIRE
Founders Centre
2411 Oak Street, Suite 206
Myrtle Beach, SC 29577
Office: 843.444.1107
Fax: 843.444.4729
Email: Hgolding@burr.com

ALSO PRESENT: Reese Hamilton

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(Note: Exhibits late-filed)

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ZONING ORDINANCE
GEORGETOWN COUNTY, SOUTH CAROLINA

AN ORDINANCE OF THE COUNTY OF GEORGETOWN, SOUTH CAROLINA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND THE DENSITY OF DISTRIBUTION OF POPULATION: CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF: DEFINING CERTAIN TERMS USED HEREIN: PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT: PROVIDING FOR A BOARD OF APPEALS; AND, PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE TO BE EFFECTIVE IN THOSE UNINCORPORATED PORTIONS OF GEORGETOWN COUNTY AS DESIGNATED ON THE OFFICIAL ZONING MAPS, EXCEPT FOR CERTAIN RESTRICTIONS LISTED IN SECTIONS 620.107 AND 804 DEALING WITH PRIVATE AIRFIELDS, WHICH APPLY TO ALL THE UNINCORPORATED PORTIONS OF THE COUNTY.

ARTICLE I

AUTHORITY AND ENACTMENT CLAUSE

In pursuance of authority conferred by Title 6, Chapter 29, Article 5, Code of Laws of South Carolina, 1976, as amended and for the purpose of promoting the health, safety, morals and general welfare of the County; lessening congestion in the streets; securing safety from fire, providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewage, schools, parks, and other improvements; protecting scenic areas; and protecting areas subject to periodic flooding against development, in accordance with a comprehensive plan, the County Council of Georgetown County does ordain and enact into the law the following articles and sections:

ARTICLE II

SHORT TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Georgetown County, South Carolina", and the maps herein referred to, which are identified by the title "Zoning Maps of Georgetown County, South Carolina".

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ARTICLE XVII

AMENDMENTS

1700. **Authority**. This Ordinance, including the Official Zoning Map, may be amended from time to time by the County Council as herein specified, but an amendment shall not become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the (30) day period, it shall be deemed to have approved the proposed amendment, provided, however, that the applicant may waive this requirement and consent to an extension of said time period. *(Amended Ord 2000-58)*

1701. **Requirements for Change**. When the public necessity, convenience, general welfare or good zoning practice justifies such action and after the required review and report of the Planning Commission, the County Council may undertake the necessary steps to amend the Zoning Ordinance.

1702. **Procedure for Amendments**. Requests to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

1702.1 Eligible Applicants: Parties and individuals or those assigned Powers of Attorney on behalf of qualified applicants are eligible to initiate an application for change and/or relief from requirements of this Ordinance as identified in the chart below, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, and requesting the same change in district classification by a property owner or owners of more often than once every twelve (12) months measured from the date of the original recommendation by the Planning Commission. Parties not listed may petition the Planning Commission and/or County Council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner. *(Amended Ord 2001-38)(Amended Ord 2001-62)*

PARTIES ELIGIBLE TO APPLY FOR CHANGE AND/OR RELIEF FROM THE REQUIREMENTS OF THIS ORDINANCE

Eligible Applicants	*Map Changes (Rezoning)	*Major Change (PD)	*Text Change	** Variance	** Appeals
Property Owner(s) ***	YES	YES	NO	YES	YES
Agent of Property Owner***	YES	YES	NO	YES	YES
Option Holder	YES	NO	NO	NO	NO
Aggrieved Person or Party	NO	NO	NO	NO	YES
Officials Administering this Ordinance	NO	NO	YES	NO	YES
Planning Commission	YES	YES	YES	NO	NO
Governing Council	YES	YES	YES	NO	NO
Developer	YES	YES	NO	YES	YES

GOVERNING BODIES: *PLANNING COMMISSION **ZONING BOARD OF APPEALS ***PROPERTY OWNERS OF DIRECTLY IMPACTED AREA

1702.101 When property owners within a defined area desire to extend

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or change the zoning in a area in the County, the Planning Commission may initiate an amendment to the Official Zoning Map when it is presented with a petition requesting such change and signed by at least eighty (80%) percent of the property owners within the area. If the Commission agrees to initiate the Zoning map amendment, the property owners are responsible for completing the application form, submitting stamped and addressed envelopes with notices and maps enclosed and payment of the rezoning application fee. All petitions shall contain the tax map number of the property proposed for rezoning and the tax map numbers of all properties of all properties of the petitioners affected by the rezoning. This provision shall not affect in anyway the power of the Planning Commission to initiate zoning amendments on its own motion.

1702.2 Application Procedure. Application forms for amendment requests shall be obtained from the Planning Commission. Completed forms, together with an application fee to cover administrative costs plus any additional information the applicant feels to be pertinent shall be filed with the Planning Commission. Any communication purporting to be an application for an amendment shall be regarded mere notice to seek relief until it is made in the form required.

1702.201 Applications for all amendments must be submitted, in proper form, at least thirty (30) days prior to a Planning Commission meeting in order to be heard at that meeting. *(Amended Ord. 2020-05)*

1702.2011 Conceptual reviews by outside agencies must be submitted twenty-one (21) days prior to a Planning Commission meeting in order to be considered at such meeting. *(Amended Ord. 2020-05)*

1702.202 The Planning Commission, at regular meetings, shall review and prepare a report, including its recommendation for transmittal to the County Council.

1702.203 All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, by agent or attorney.

1702.204 No member of the Planning Commission shall participate in a

matter in which he has any pecuniary or special interest.

1702.205 Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted to the County Council for final action.

1702.206 The person or entity applying to amend the ordinance by changing the zoning classification of a particular piece of property or establishing or amending a Planned Development or Flexible Design District must submit to the Planning Commission, as part of the application, letters addressed to each property owner within four hundred (400) feet of the subject property containing information adequate to notify such owners of the intention to rezone, and when and where a public hearing will be held by the Planning Commission. A location map showing the areas to be rezoned must be included. Such letters must be placed in unsealed, stamped and addressed envelopes ready for mailing by the Planning Commission. The Planning Commission's address must appear as the return address on the envelopes. A list of all property owners, as reflected by the tax records, to whom letters are addressed must accompany the application. *(Amended Ord. 2020-05)*

If an amendment to change the zoning classification for a piece of property or a request to establish or amend a Planned Development or Flexible Design District is deferred by the Commission, new letters of notification will be required. If an amended request is submitted, the applicant must submit additional letters of notification as described above *(Amended Ord. 2020-05)*.

1702.207 The letters of notification required by 1702.206 must be mailed to the affected property owners by the Planning Commission at least 21 days prior to the public hearing. The Commission Staff shall certify the mailing date. Failure to strictly comply with the notification requirements contained in Sections 1702.206 and 1702.207 shall not render the rezoning of the property invalid.

1702.208 All changes to the Zoning Maps(s) initiated by either the Planning Commission or County Council shall be subject to

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the property owner's notification requirements listed above, excepting that the letters of notification shall only be mailed to owners of property(s) subject to the proposed zoning change(s). If the proposed zoning involves more than fifty (50) properties owned by more than fifty (50) owners, the County may still mail all of the affected property owner's notices of public hearing. As an alternative published notices of a public hearing shall be published in local newspapers two times each week for a period of two weeks. The fourth published notice shall be placed in local newspapers, and shall be of size equal to one-fourth of a newspaper page in size. Property owners who live outside the newspaper circulation area shall be notified by first class mail. Such mailing shall be certified in writing to the Planning Commission or County Council as appropriate. Failure to strictly comply with the notification criteria established above, as a result of circumstances beyond the control or the Planning Commission or County Council shall not render the rezoning of the property invalid. *(Amended Ord. 2020-05)*

1702.209 In rezoning cases, conspicuous notices shall be posted on the affected property that shall be visible from each public street that borders the property. The notice shall be posted at least fifteen (15) days prior to the public hearing date.

1702.3 Public Hearing. Before enacting an amendment to this Ordinance, the Planning Commission shall hold a public hearing thereon, notice of the time and place of which shall be published in a newspaper of general circulation in the County at least fifteen (15) days in advance of the scheduled public hearing date. A proposed amendment shall be deemed submitted to the Planning Commission for its review and recommendation pursuant to Section 1700 of this Ordinance at the conclusion of the public hearing.

1702.4 Changes in the Zoning Map. Following final action by the County Council any necessary changes shall be made on the Official Zoning Map. A written record of the type and date of such change shall be maintained by the County Planning Commission. Until such change is made, no action by the County Council on amendments to the Zoning Ordinance shall be considered official, unless the Planning Commission fails to make the change within fifteen (15) days after formal action by the County Council. In the latter event, action by the County Council shall be considered official fifteen (15) days after the date

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of the action if the Planning Commission failed to make the appropriate changes.

1703. **Reversion**. To prevent land speculation at the expense of the general public and to insure the timing of projects in accordance with stated development objectives, construction shall start on all properties rezoned Planned Development within two (2) years after rezoning. If construction is not begun within two (2) years after rezoning to a Planned Development, the Planning Commission shall review the zoning of said property, and, unless presented cogent reasons to allow additional time, shall initiate proceedings to return the zoning of the property to its original classification, or to such classification as the Planning Commission deems consistent with the Comprehensive Plan. If additional time is allowed, the Planning Commission shall review the zoning of the property at the expiration of such additional time if construction has still not begun. The Planning Staff shall periodically review the status of property which has been rezoned Planned Development, and bring to the attention of the Planning Commission any property which falls within the scope of this section. *(Amended Ord 2005-37)*

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619. Planned Development District (PD)

Intent. The purpose of the Planned Development District (sometimes hereinafter referred to as PD) is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program that is professionally prepared. The Planned Development District is intended to be used to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economics in land development, maintenance of street systems and utility networks while providing building groupings for privacy, usable attractive open space, buffer zones, safe circulation and the general well-being of the inhabitants.

619.1 Minimum Acreage Requirements, Setbacks and Density. The site utilized for a Planned Development District shall contain the following minimum acreage:

619.101 Industrial PD's shall have ten (10) acres. *(Amended Ord. 2006-21).*

619.102 Medical Centers, shopping centers, commercial developments, residential developments, and mixed use developments shall have (2) acres. *(Amended Ord. 2006-21).*

619.103 The Planning Commission and County Council shall determine appropriate setbacks from property lines and needed buffers except that the 90 foot setback from US Highway 17 as established in Article IV, General Provisions, Section 409, Setback from US Highway 17, shall not be reduced. *(Amended Ord 2007-11)*

619.104 To determine the density, only land which can be developed can be used to calculate the units per acre. Wetlands and water bodies shall not be included in calculating density. The Georgetown County Comprehensive plan shall be used to determine overall density limits.

619.2 Administrative Procedures with Regard to Planned Development Zoning Districts. Any request pertaining to the establishment of a Planned Development District shall be considered an amendment to the Zoning Ordinance and shall be administered and processed in accordance with the regulations set forth in Article XIV, entitled Amendments. All data set forth in Section 619.6 pertaining to conceptual approval shall be submitted to Staff of the Planning Commission and subsequently forwarded to County Council, with recommendations from the Planning Commission. If approved by County Council, all information pertaining to the proposal shall be adopted as an amendment to the Zoning Ordinance, as the standards of development for that particular Planned Development District. Revised Conceptual Plans shall be submitted to the Zoning Administrator for review and approval provided the proposed change does not constitute a major

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change under section 619.302. Final plans for each phase shall be submitted to Staff for their review and approval. The Zoning Administrator may grant final approval provided that the final plans are in accordance with the approved Conceptual Plan; however, minor changes may be made as described in Subsection 619.301 (Minor Changes). If the owner or developer is not in agreement with the Zoning Administrator's findings, they may request approval from the Planning Commission and County Council.

619.201 A building permit shall not be issued until a final plan, as required in Subsection 619.8, for each phase of development is submitted and approved by the Zoning Administrator.

619.202 The initial conceptual plan review, which will change the zoning classification, shall be treated like any other amendment; however, after approval of the Conceptual Plan, the Zoning Administrator may approve revised conceptual and final plans if in accordance with the approved Conceptual Plan.

619.203 In any event where it is determined by the Planning Commission and the County Council that development in the Planned Development District is not in accordance with the standards adopted for the development, County Council shall be empowered to amend the Ordinance to place parts or all of the property in the Planned Development District in another zoning classification deemed by the Planning Commission and County Council to be appropriate.

619.204 If final approval is given prior to all necessary improvements being constructed and accepted, a performance bond or irrevocable letter of credit shall be posted for all improvements not in place or accepted.

619.205 For Planned Developments that contain more than ten (10) acres, the applicant may elect to develop the site in successive phases in a manner indicated on the Conceptual Plan; however, each stage shall be substantially completed before the commencement of development of the next phase. The Planning Commission may require that the development be done in phases if public facilities are not adequate to service the entire development initially.

619.3 Changes and Modifications.

619.301 Minor Changes. Minor changes in the PD may be approved by the Zoning Administrator provided that such changes:

619.3011 Do not increase the densities;

619.3012 Do not change the outside exterior boundaries or height limitations, except as provided in 619.4;

619.3013 Do not increase the intensity of land use;

619.3014 Do not materially change the location or amount of land devoted to specific land uses;

619.3015 Do not significantly change the exterior appearance from those shown on any plans which may be submitted or presented by the developer; and,

619.3016 May include, but not be limited to minor shifting of buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan. Minor shifting of buildings does not include encroaching into any required setback. *(Amended Ord. 2007-95)*

619.3017 Temporary signs within a PD which exceed the limit for temporary signs under the sign provisions may be approved by Staff provided such approval does not exceed a one year period.

619.302 Major Changes. Major changes in a PD shall require another public hearing and shall be treated as an amendment to the Ordinance. Major changes may include, but are not limited to the following:

619.3021 Increase in density;

619.3022 Changes in exterior boundary lines and/or height limit;

619.3023 Changes in intensity of land use;

Intensity is defined as: The "intensity" of land use is the degree of the negative impacts on the environment and neighboring land uses. Impacts of intensity include, but are not limited to, greater impervious surface coverage, reduced open space, increased bulk and height of buildings, increased traffic with associated noise and congestion, signs and exterior lighting visible from neighboring property.

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619.3024 Changes in the location or amount of land devoted to specific land uses; and,

619.3025 Changes that significantly change the exterior appearance.

619.4 Height. The height requirements of thirty-five (35) feet shall apply except in A. AE, VE, or V flood zones (as shown on the FIRM Maps). The height requirements in A, AE, VE or V zones may be varied as a minor change but shall not exceed forty-five (45) feet and provided that the fire classification rating of the district is not increased (fire insurance rates higher), and the roof is accessible for fire fighting. Any proposed building shall comply with the current version of the International Building Code as adopted by the State of South Carolina and approved by the Georgetown County Council for one and two family dwellings *(Amended 2009-22).*

619.5 Specific Requirements. In order to qualify for a Planned Development, the following must be submitted:

619.501 The area proposed shall be in one ownership or if in several ownerships, the application for amendment to the Zoning Ordinance shall be filed jointly by all of the owners of the properties in the plan; and,

619.502 A suitable conceptual plan shall be submitted by the developer for review by the Planning Commission and approval by the County Council. A Final Plan shall be submitted and approved by the Zoning Administrator prior to the issuance of any permit.

619.6 Conceptual Plan Requirements. The conceptual plan shall contain the following items when applicable:

619.601 Site Plan - Sheet 1
Location map; Ownership patterns; Property dimensions; Location of structures; Types of uses; Phases and timetables; Number of units per phase; Acreages (total and per phase); Ingress and egress; Yard requirements; Lot sizes; Street layout; Parking; Screening, buffers and borders; Off-street loading facilities; Building heights; Public access and recreation; Open space (active or passive); Density; Number of units per building; General layout of sidewalks or pathways; and Graphics (north arrow, scale-written and graphic, engineers signature and date of field survey).

619.602 Environmental Plan - Sheet 2
Contours; Drainage plan; Flood prone areas; Marsh areas or wetlands; and Other principal geographic features.

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619.603 Water and Sewer Plan - Sheet 3
Shall meet the requirements of the Georgetown County Water and Sewer District extension policy.

619.604 Utilities Plan - Sheet 4
Layout and easements for other utilities (electric, telephone, gas, cable, etc.).

619.7 Approval of Conceptual Plan. Upon approval of the conceptual plan by the County Council, the Zoning Map will be changed to indicate the PD classification.

619.8 Final Plan Requirements. Before any permits may be issued, the developer shall submit final plans for review and approval to the Zoning Administrator. The final plan shall contain the following information:

619.801 Site Plan - Sheet 1
Location map; Location of structures; Phases of development and timetables; Acreage (total acres and acreage per phase); Property dimensions of phase development; Ingress and egress (dimensions, acceleration, deceleration lanes and numbers of ingress and egress points); Yard requirements (distance between buildings, distance of buildings from street, distance from easements and distance from off-street parking); Lot sizes; Street layout (street names, proximity of dwelling units, relationship to street patterns, right-of-way widths, paving widths, type of streets, directional arrows, type of pavement, street jogs, location of intersections and statement on traffic speed); Size of structures (exact dimensions, height and number of units\ building); Screening buffers, etc.; Off-street loading (relationship to commercial and public facilities); Public access and recreation-open space (dimensions and locations, proximity to streets and buildings, relationship to streets and buildings and type of recreation area); Density (number of units per phase, number of units per acre and overall density); Final layout of sidewalks\ pathways (width, type of material and relationship to public street); Graphics (north arrow, name of developer, name of development, scale, adjoining property owners and uses, engineers signature, date of field survey and dimensions, bearings, angles and reference points).

619.802 Environmental Plan - Sheet 2
Drainage plan; Contours; Flood prone areas; Marsh areas or wetlands; Other principal geographic features; Dumpster locations; and Erosion control methods.

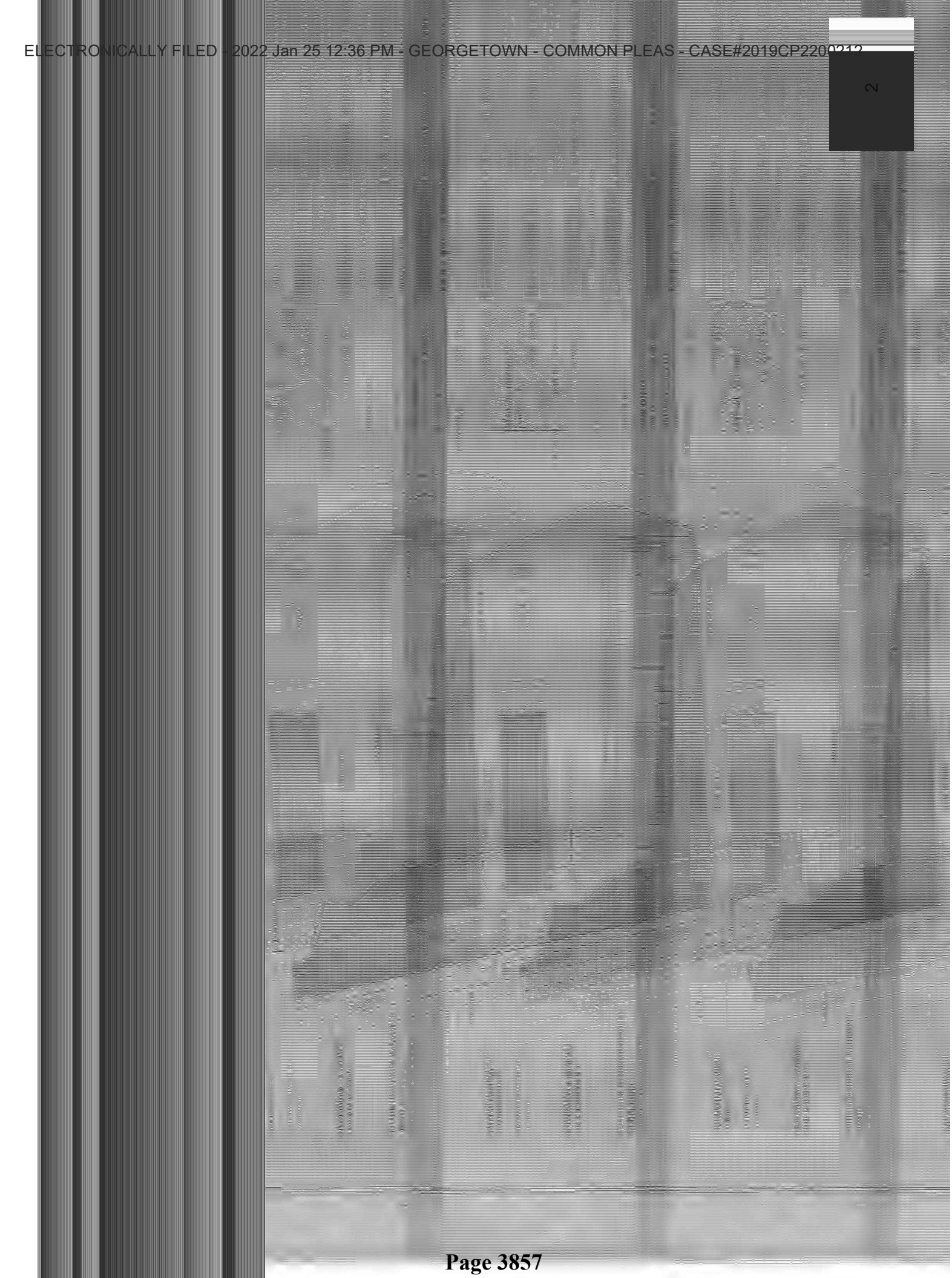
619.803 Water and Sewer Plan - Sheet 3
Shall meet the requirements of Georgetown County Water and Sewer District extension policy with a sign-off on the plans.

619.804 Utilities Plan - Sheet 4
Layout and easements of other utilities (electric, telephone, gas, cable, etc.).

619.805 Exterior Appearance - Sheet 5

619.806 Soil, Trees, and Other Information Required by Staff - Sheet 6

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Lot / Block / Number: Tract 3, Marlin Quay

Existing Use: Marina Retail Store and Restaurant

Proposed Use: Marina Retail Store and Restaurant

Commercial Acreage: Less than .5 Acres Residential Acreage: _____

Property Owner of Record:

Name: Palmetto Industrial Development, LLC

Address: 611 West Palmetto Street, Suite B

City/ State/ Zip Code: Florence, South Carolina 29501

Telephone/Fax: 843-235-6747 (Attorney for Owner)

E-Mail: marklawhon@gmail.com

Signature of Owner / Date: _____

Contact Information:

Name: Dr. Mark Lawhon

Address: 611 West Palmetto Street, Suite B, Florence South Carolina 29501

Phone / E-Mail: 843-235-6747 (Attorney for Owner) / marklawhon@gmail.com

I have appointed the individual or firm listed below as my representative in conjunction with this matter related to the Planning Commission of proposed new construction or improvements to the structures on my property.

Agent of Owner:

Name: Daniel W. Stacy, Jr., Esquire

Address: 90 Wall Street / Unit B

City / State / Zip Code: Pawleys Island, South Carolina 29585

Telephone/Fax: 843-235-6747 / 843-235-6650

E-Mail: dstacy@oxnerandstacy.com

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_____

- Do these conditions exists on other properties else where in the PD?

_____

- Amending this portion of the text will not cause undue hardship on adjacent property owners. _____

Submittal requirements: 12 copies of 11 x 17 plans

- A scaled site plan indicating the existing conditions and proposed additions.
- Elevations of the proposal (if applicable).
- Letter of approval from homeowners association (if applicable).

SECTION C: SIGNAGE AMENDMENT

Reason for amendment request: _____

_____

Number of signs existing currently on site _____

Square footage of existing sign(s) _____

Number of Proposed signs: _____

Square footage of the proposed sign(s) _____

Submittal requirements:

- Proposed text for signage requirements.
- 12 copies (11 x 17) of proposed sign image.
- Site plan indicating placement of the proposed sign(s).
- Elevations.
- Letter from POA or HOA (if applicable)

SECTION D: SITE PLAN AMENDMENT

Proposed amendment request: Per Separate litigation, a court has ordered that the site plan approved by Planning Commission and County Council cannot be built, and the applicant has to rebuild wholly within the footprint of the building that existed prior on this site. This change is to bring the site into compliance with said Court Order.

Reason for amendment request: Site plans attached to application, revised calculation to follow under separate cover.

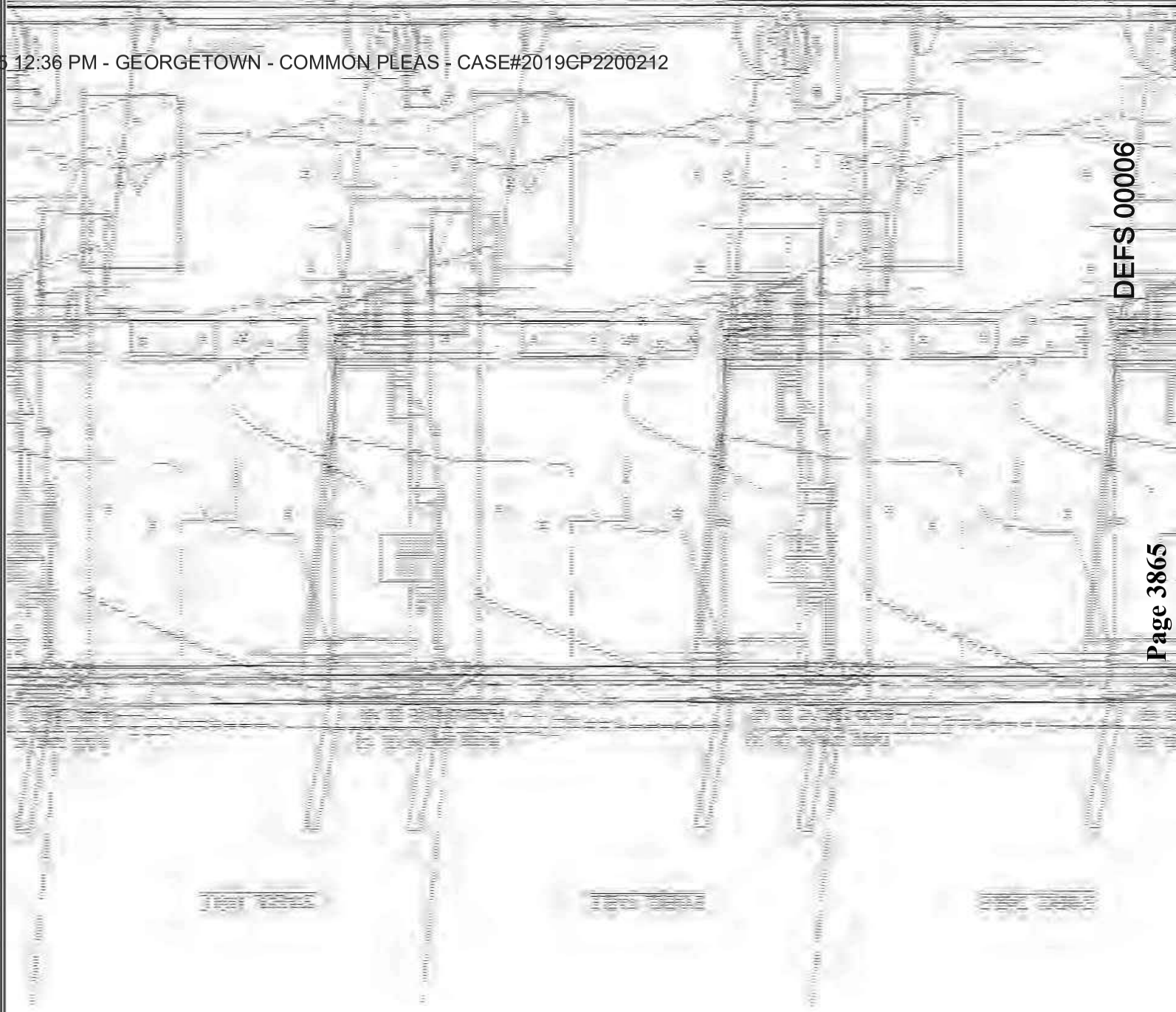
Submittal requirements:

- 12 copies of existing site plan.
- 12 copies of proposed site plan.
- Revised calculations (*calculations may include density, parking requirements, open space, pervious/impervious ratio, etc.*).

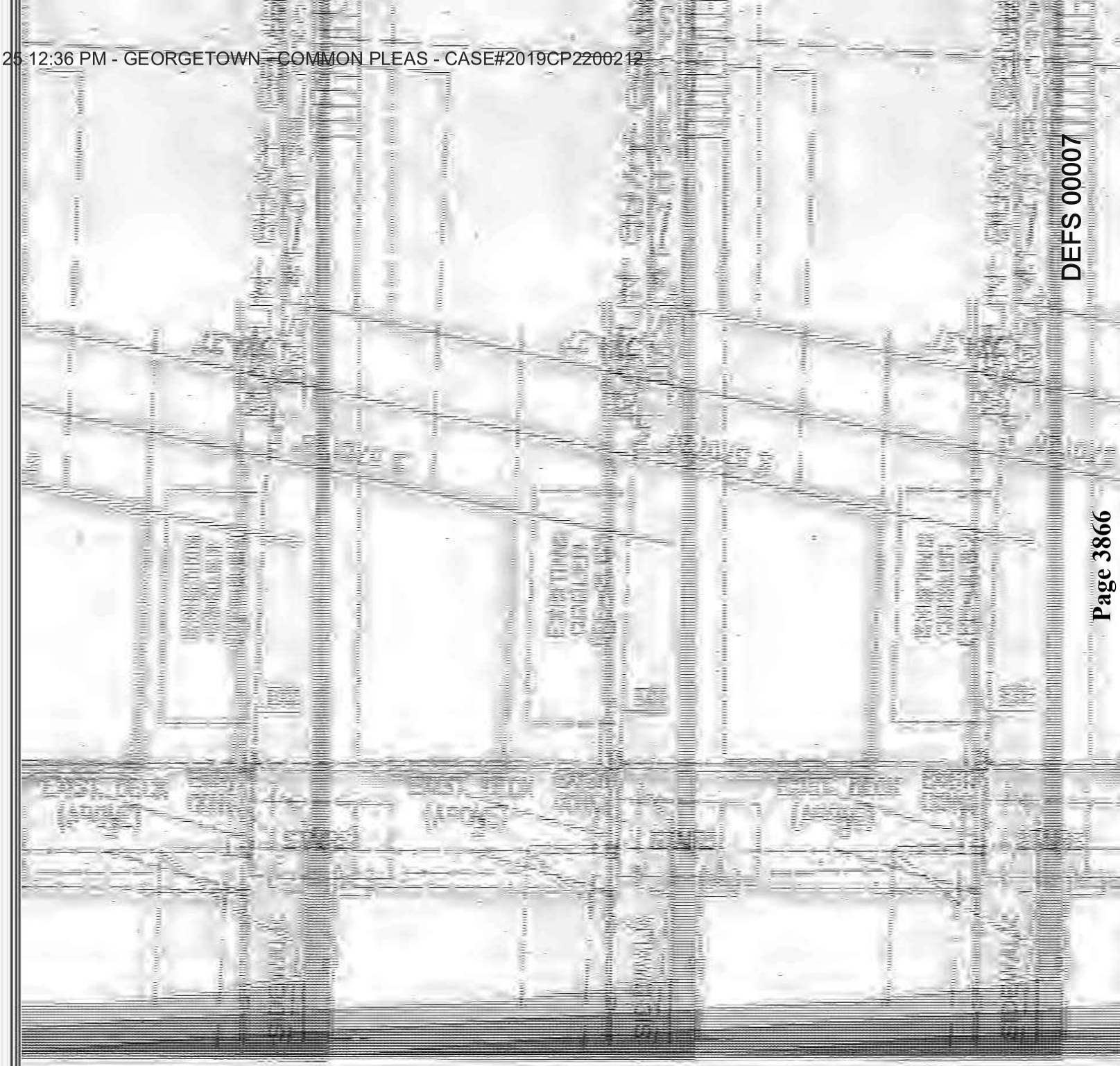
DEFS 00005

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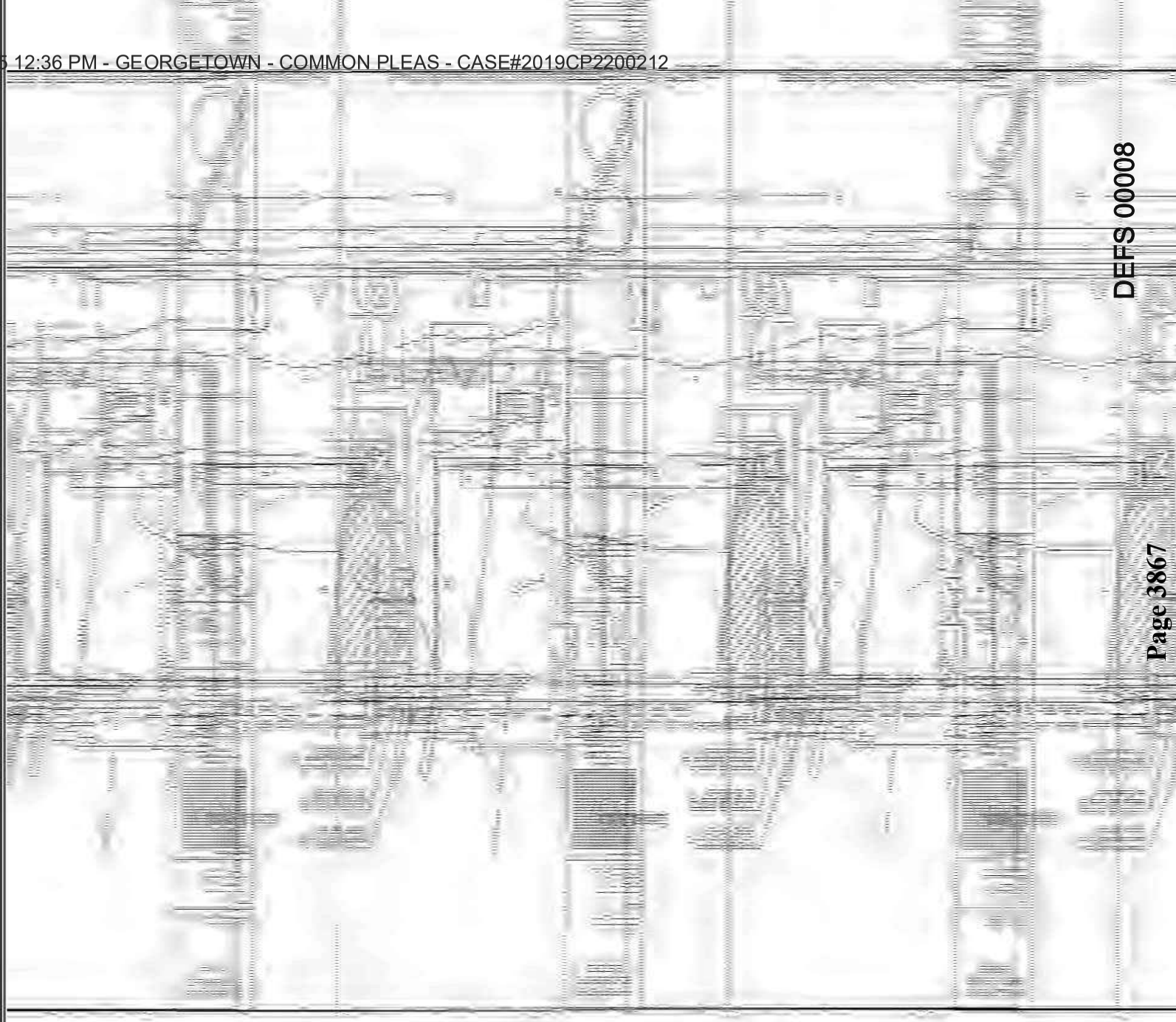
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Selected Lot Lines Feature	
PLAT	6-214
TMS	41-0129-002-00-00
OBJECTID	44378
editdate	
Shape.STLength()	
editdate	
GlobalID	{03273CD1-5B3F-4C58-91FC-A2774073A507}
sde.SDE.parcelpoly2017.Area	26063.26794434
created_user	
created_date	
last_edited_user	
last_edited_date	
Legal	LTS 3, 4 & 5, BLK C SOUTH POINT A/K/A TRACT 3
TMS	41-0129-002-00-00
Street Number	1508
Acreage	1
Date	2014-08-19 20:00:00
Sale	800000
Legal Ref	2421-267
Location	SOUTH WACCAMAW DR
Owner	PALMETTO INDUSTRIAL DEVELOP LLC
Owner 2	
Address1	611 WEST PALMETTO STREET
Address2	
City	FLORENCE
State	SC
Zip	29501

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Selected Lot Lines Feature

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GlobalID	{40423107-2289-4752-8A88-54A232A0FFC7}
sde.SDE.parcelpoly2017.Area	102775.00720215
created_user	
created_date	
last_edited_user	
last_edited_date	
Legal	YACHT BASIN Boat Docks
TMS	41-0128-032-61-00
Street Number	
Acreage	1
Date	2014-08-19 20:00:00
Sale	800000
Legal Ref	2421-267
Location	BASIN DR
Owner	PALMETTO INDUSTRIAL DEVELOP LLC
Owner 2	
Address1	611 WEST PALMETTO STREET
Address2	
City	FLORENCE
State	SC
Zip	29501

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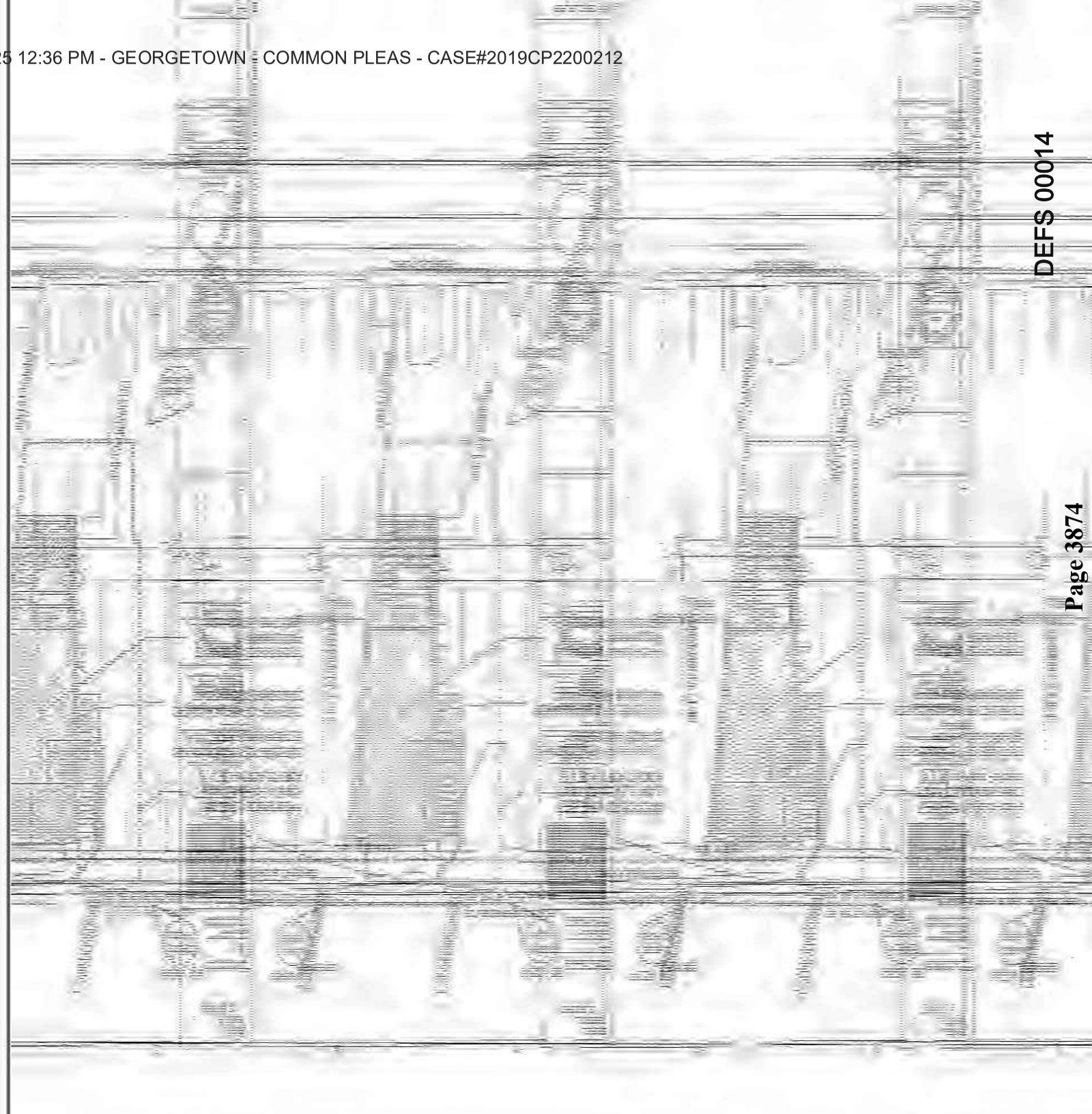
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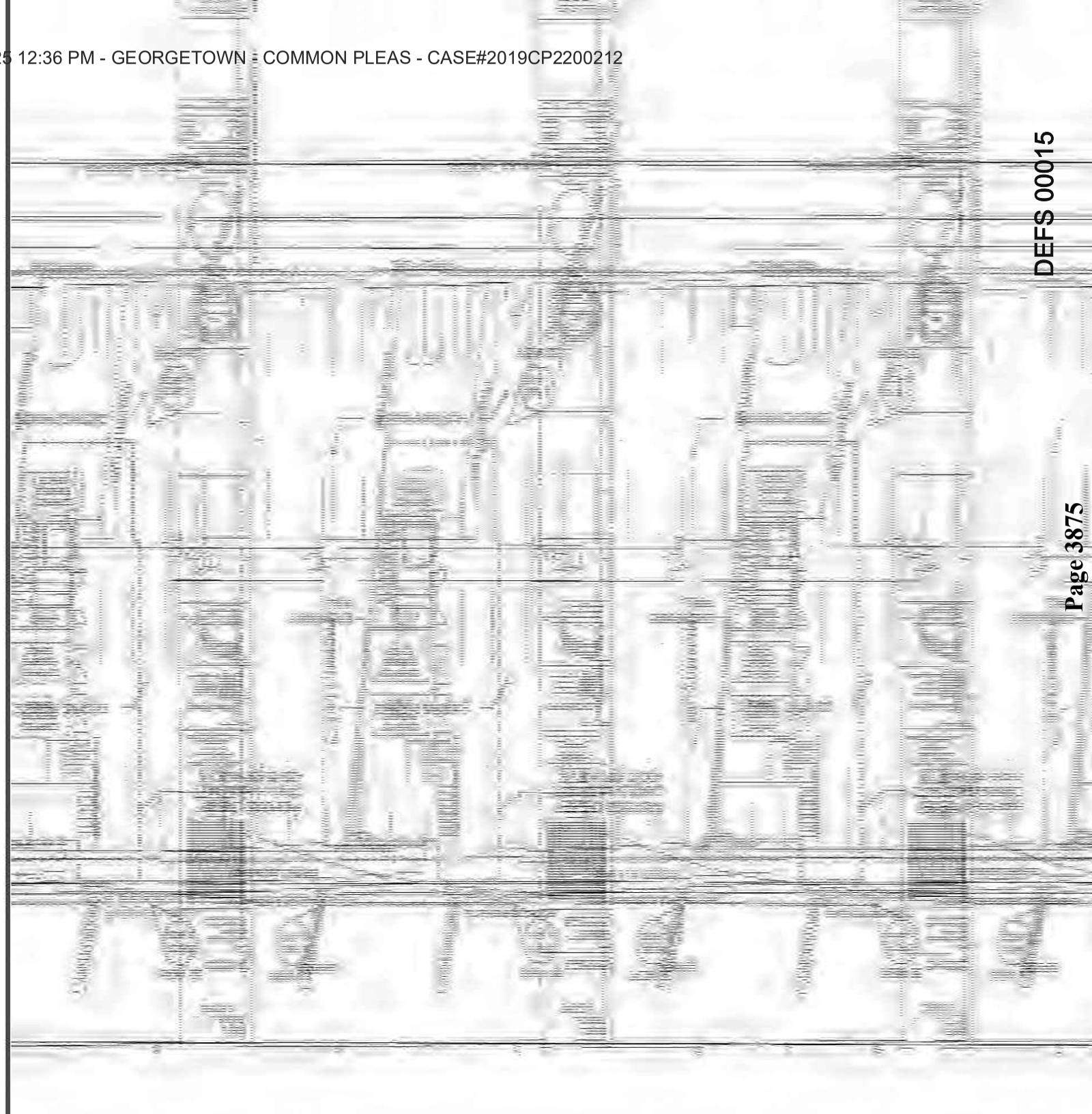
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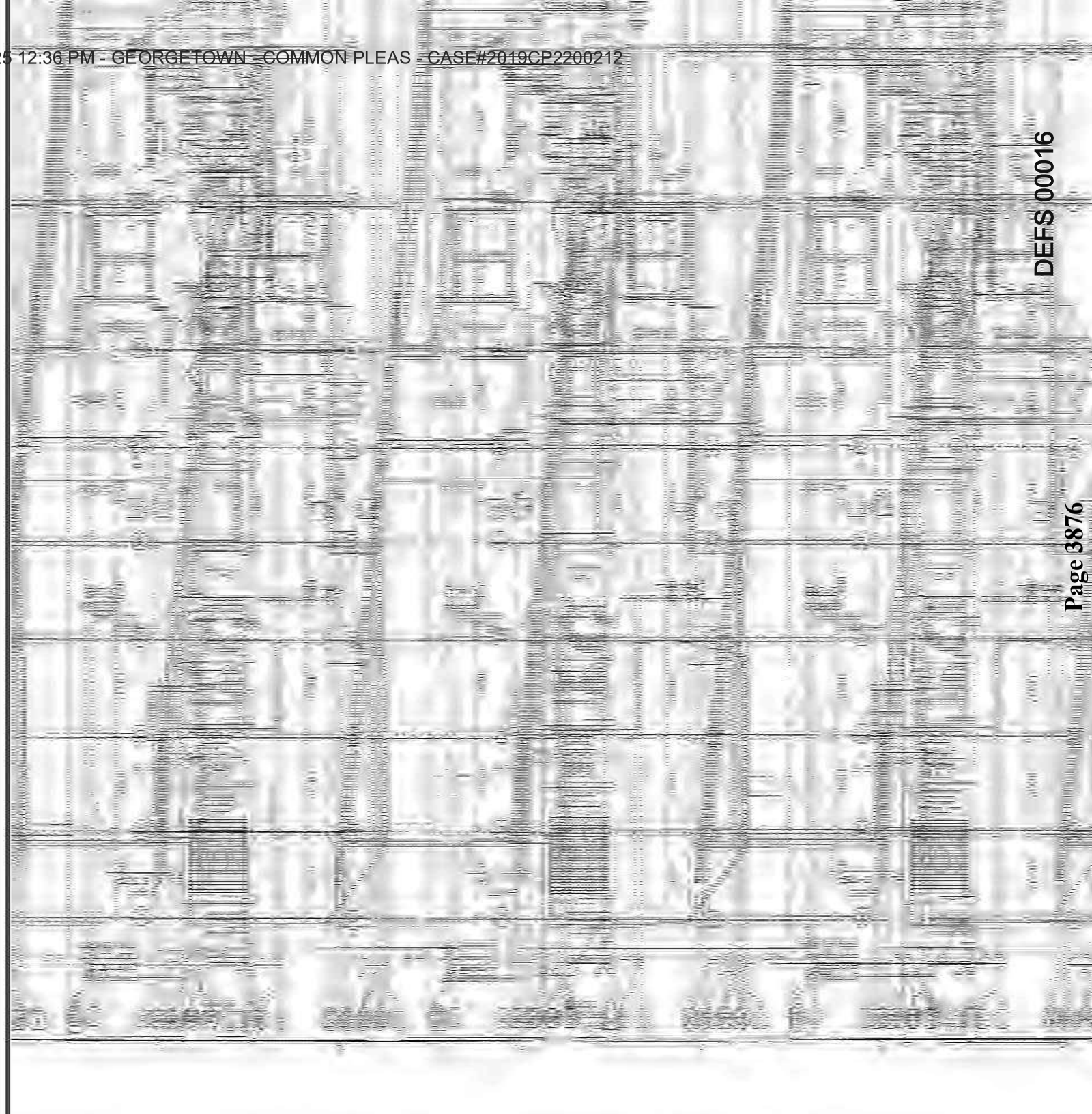
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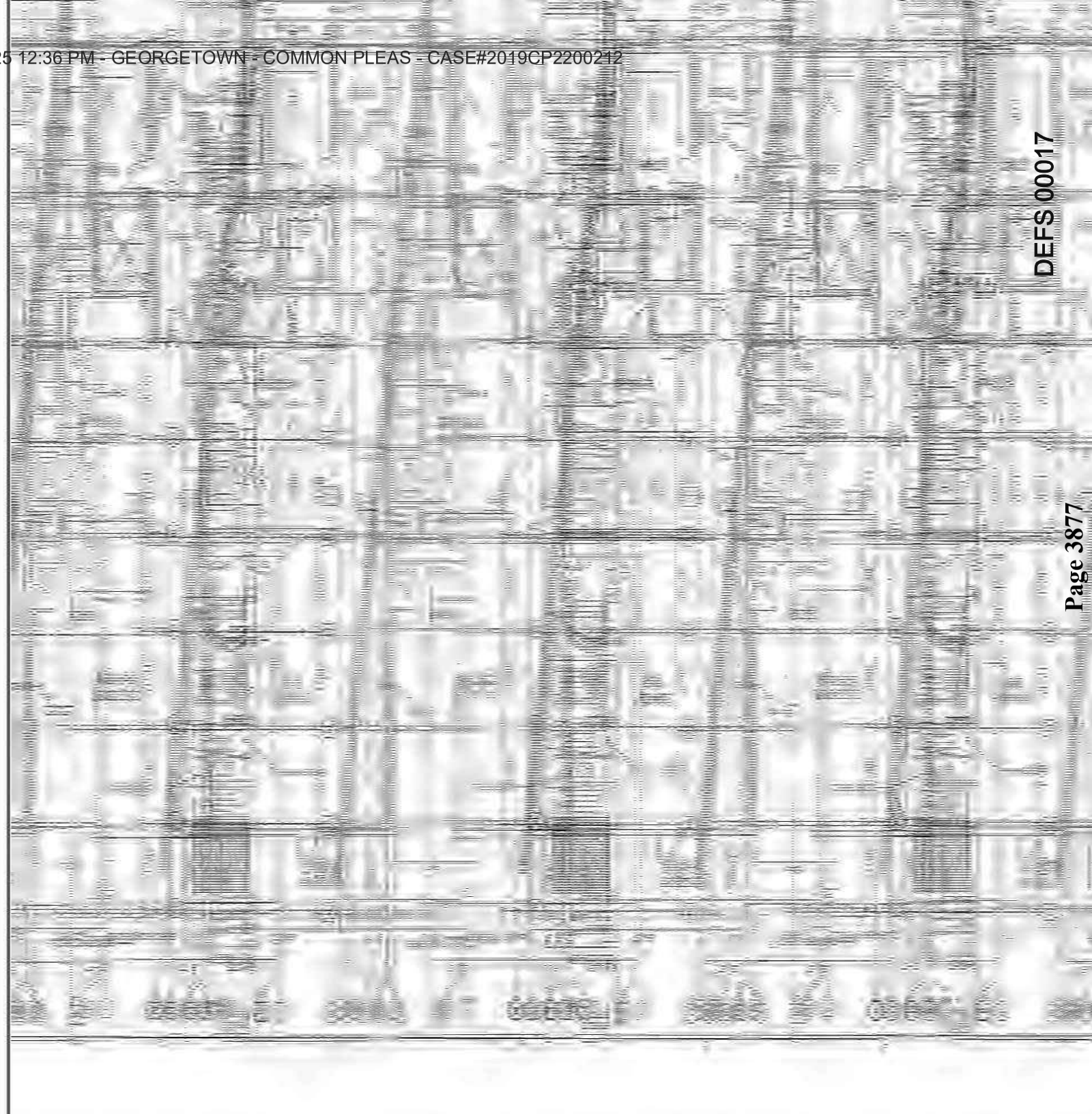
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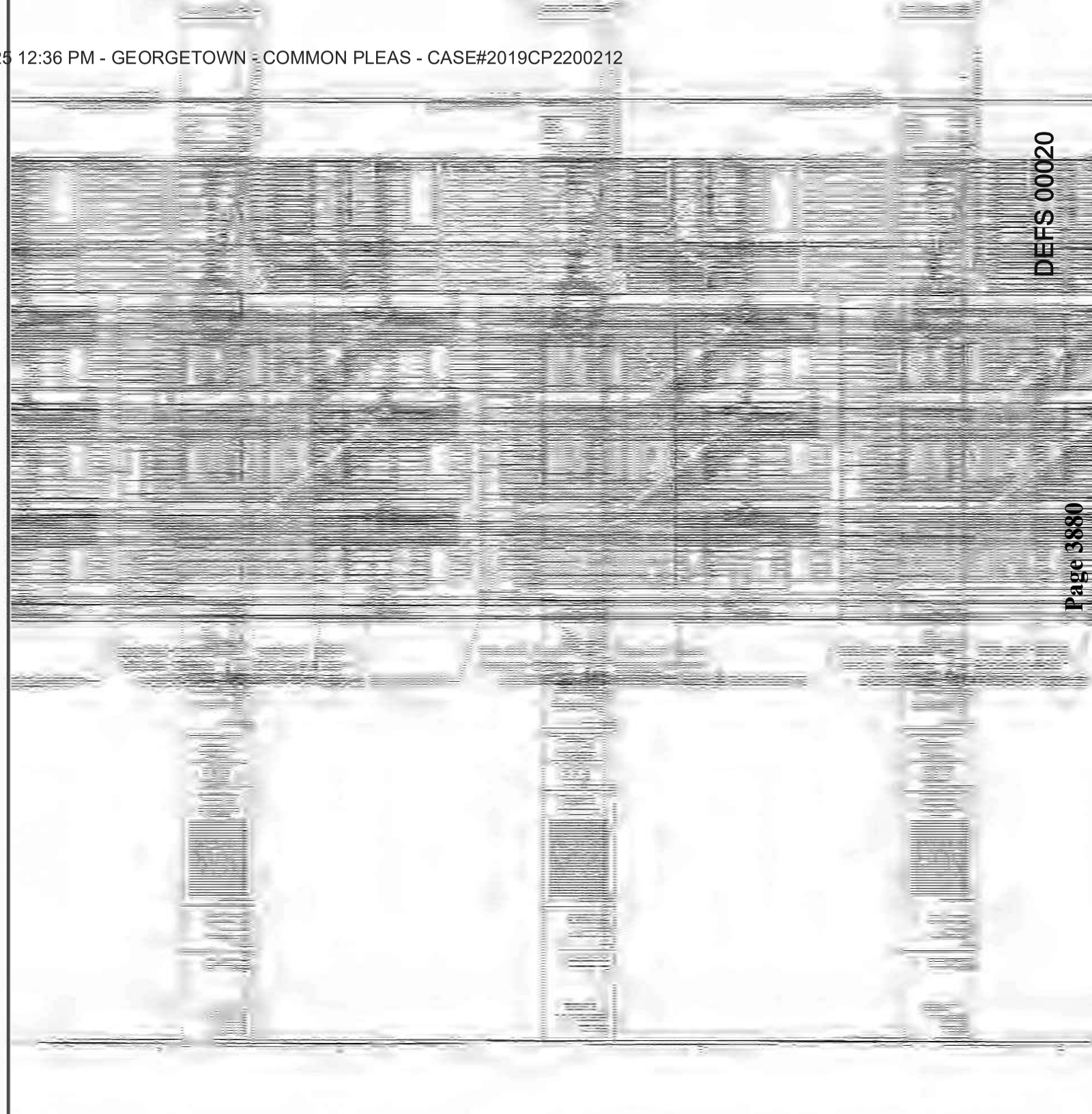
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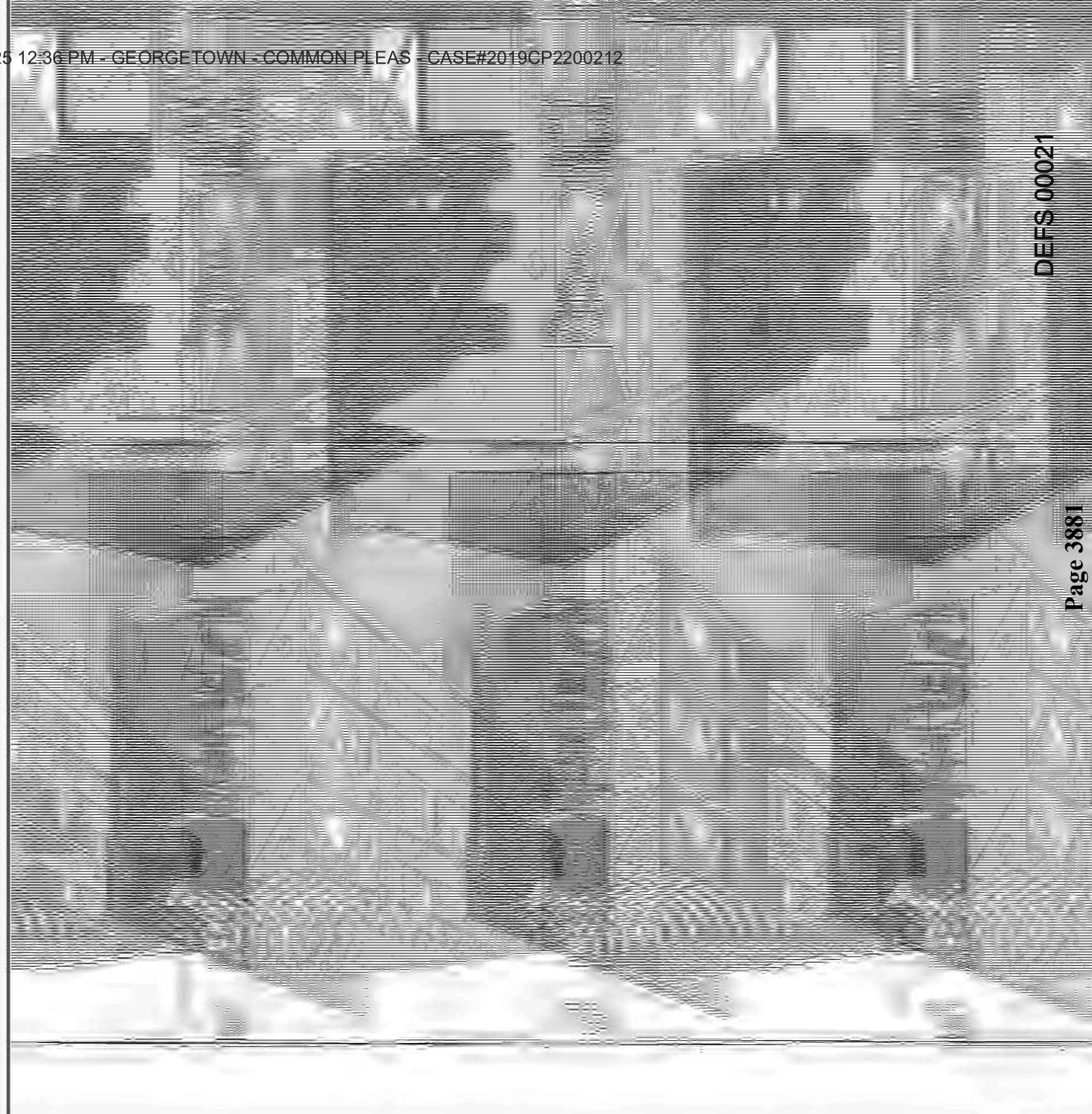
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GEORGETOWN COUNTY PLANNING COMMISSION

DATE: October 18, 2018

AGENDA ITEM: A request from Dan Stacy, as agent for Dr. Mark Lawhon of Palmetto Industrial Development, LLC to amend the Marlin Quay Planned Development to allow for the redevelopment of the Marlin Quay Marina Store/Restaurant. The property is located at 1508 S. Waccamaw Drive in Murrells Inlet. TMS 41-0129-002-00-00. Case Number AMPD 9-18-31424

CURRENT STATUS: On February 27, 2018, County Council approved an ordinance amending the Marlin Quay Planned Development to allow for a redevelopment of the marina store/restaurant (Ordinance 2018-03). The ordinance allowed for 4,598 heated square feet for the new structure, 62 parking spaces for the site, a 45 foot height limit and a seating capacity of 110. Prior to Council actum, the Zoning Board of Appeals also ruled twice on this issue after an appeal of Staff's decision to treat the issuance of a permit for the new structure as a minor change by the Gulfstream Café Inc. The ZBA ruled in favor of staff. The ZBA decision was appealed to Circuit Court and the County won the appeal.

The project has been in litigation since the Council approval. A court has ordered that the site plan approved in February 2018 by Council cannot be built. The applicant is required to build wholly within the footprint of the building that was previously located on the site. The purpose of this new request is for a new structure (MQ3) to bring the site into compliance with the court order.

ISSUE UNDER CONSIDERATION: Dan Stacy of Owner and Stacy, as agent for Palmetto Industrial Development, LLC, applied to amend the Marlin Quay PD as a major change to allow for redevelopment of the marina store and restaurant. The submittal included a new site plan as well as a request regarding the roof pitch for the proposed building.

POINTS TO CONSIDER:

1. The Marlin Quay PD is located on the west side of South Waccamaw Drive, south of Basin Drive in Garden City. The PD was approved in July of 1982 for condominiums, a restaurant and a marina. No setbacks were provided. The PD was amended numerous times to include additional uses and amendments to the original layout.

2. Prior to November of 2016 the Marlin Quay Marina Restaurant and Store were located on the property line between TMS 41-0129-002-00-00 which they own and TMS 41-0128-002-00-00 owned by the Marlin Quay Homeowners Association. The property owner had a long term lease for the section of their building on the condo association property. The owner inquired about demolishing the existing building in order to reconstruct a new building wholly on the owner's property. After significant negotiations with the condo HOA, their board agreed to allow the demolition. A demolition permit was issued on November 1, 2016. According to an email from the property owner's representative, the

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building contained a total of 4,603 square feet at that time. The current submittal (MQ3) is the third version of a plan to reconstruct this building.

3. The current request is for a building containing a restaurant and a marina store. The amount of heated square footage has not changed. The area for the restaurant has decreased slightly, the area for the marina has increased and the unheated storage area has decreased. The proposed heated square footage is less than the original 4,603 SF for the original building that was demolished. A comparison of the square footage amounts between this proposal (MQ3) and the previous proposal that was approved by Council in February 2018 (MQ2) are shown below:

	MQ2	MQ3	Change
• Total Restaurant HEATED	2641	2630	↓11 SF
• Total Restaurant UNHEATED	2994	2943	↓51 SF
• Total Marina/Retail HEATED	1955	1966	↑11 SF
• Total Marina/Retail UNHEATED	1004	1224	↑220 SF
• Total Storage UNHEATED	1794	1159	↓635 SF
Total HEATED	4,596	4,596	No change
Total UNHEATED	5,792	5,326	↓466 SF
Total HEATED & UNHEATED	10,388	9,922	↓466 SF

4. The parking layout for the site will not be changed. Like the previous plan for MQ2, the current plan shows three additional compact spaces to be located underneath the proposed building. The site contains a total of 62 spaces. This exceeds the Zoning Ordinance requirement of 51 spaces for the proposed building. The parking lot is also used by the Gulf Stream Café and the marina.

5. The amount of pervious/impervious space on the site will not be affected. The County's Stormwater Department did not require a review of the redevelopment based on the lack of increased impervious space.

6. Part of the Council approval from February 2018 included a condition that the building for MQ2 not exceed the seating capacity of the original building which according to the applicant was 110 seats. Plans from the applicant indicate that MQ3 will also not exceed 110 seats.

7. The PD was originally approved with a 60 foot height limit for condominiums and a 35 foot height limit for commercial uses. The property is located in a V15-16 flood zone.

DEFS 00157

The previous building did not meet current flood requirements. Any new structure must be elevated to meet the County's flood ordinance requirements.

Since the applicant's last submittal for MQ2 the County's requirements for maximum height in a Planned Development have changed. Previously, the ordinance limited the height in a flood zone to 45 feet. This was in conflict with the current Article VIII Exceptions which allows for differing heights in a flood zone based on the BFE (base flood elevation). The PD ordinance has since been changed to state that "the height limits established elsewhere in the ordinance shall not be exceeded" (Section 619.4, Ordinance 2017-24).

Section 806 requires that structures in the Flood Zone V are allowed a maximum height of 35 feet as measured from the BFE to the midpoint of the roof, plus an additional three feet to allow for the FEMA-required floor system. For this particular site the total allowed height is 38 feet from the BFE or a total height of 47 feet based on the ground elevation of 7 feet. The proposed plan meets this requirement.

Section 806 also includes a statement that structures in a V zone that exceed 35 feet utilize a roof pitch not less than 4/12. The proposed building contains a flat roof in order to maximize the useable space between the BFE and the roof. The applicant has requested that this Planned Development not include the provision requiring a roof pitch of 4/12 or greater.

FINANCIAL IMPACT: Not applicable

OPTIONS:

1. Recommend approval as requested by applicant.
2. Recommend approval as amended by Planning Commission
3. Defer for 30 days pending further requested information.
4. Recommend denial of request.

STAFF RECOMMENDATION:

Staff recommends approval for this request for redevelopment of the site and an amended roof pitch based on the proposed replacement of an existing use/structure with one that complies with current flood ordinance requirements and the resolution of the issue of having a building located over a property line.

ATTACHMENTS:

1. Application and attachments
2. Proposed site and building plans

[illegible]

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3. GIS Location map
4. GIS Zoning map
5. GIS aerial map
6. Adjacent Property Notice

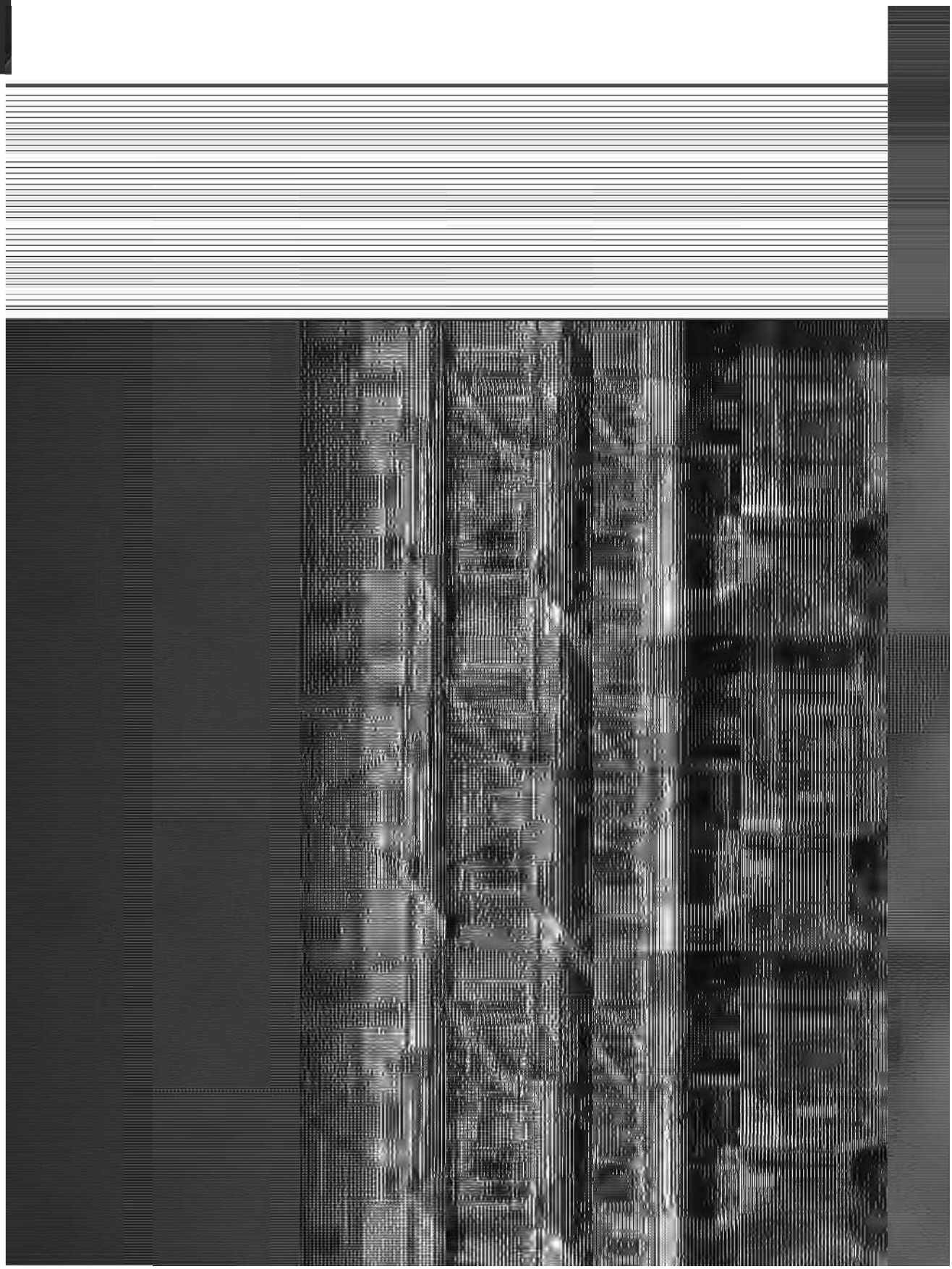
Boyd Johnson
Director
Planning and Code Enforcement

Public Notification Information:
Date Advertised: 10-3-18 (Georgetown Times) 10-4-18 (Coastal Observer)
Date Property Posted/By: 10-2-18 Kristal Infinger
Date of Notification: 9-24-18 **Number Notified:** 23

Case Number/Staff Contact: AMPD 9-18-21424/Holly H. Richardson
Report Completion Date: 10-11-18 **Revision Date:**

DEFS 00159

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Georgetown County Planning Commission
129 Screven Street
Georgetown, SC 29440
October 18, 2018
County Council Chambers

MEMBERS PRESENT
Johnny Weaver
Robert Davis
Zach Grate
Elizabeth Krauss
Norma Grant
Freddie Hill

OTHERS PRESENT
Boyd Johnson
Tiffany Coleman
Judy Blankenship

MEMBERS ABSENT

The Chairperson called the meeting to order at 5:33 pm.

I. ELECTION OF VICE-CHAIRMAN

Mr. Weaver made a motion to elect Mr. Freddie Hill as Vice-Chairman. The motion was seconded by Mr. Davis.

In Favor: Mr. Hill
Mr. Weaver
Ms. Grant
Mr. Davis
Mrs. Krauss

Opposed:

*Note: Mr. Grate did not vote since he arrived late to the meeting.

II. PUBLIC INPUT PERIOD

The Chairperson opened the public input period.

No one came forward to speak.

The Chairperson closed the public input period.

III. PLANNED DEVELOPMENTS

A. **A request from Perry Shelley to amend the Village Green Planned Development to add a drive thru for a new tenant. The property is located at 11405 Ocean Highway in Pawleys Island.**

The applicant requested to withdraw.

Mr. Weaver made a motion to approve the withdrawal request. Mr. Hill seconded the motion.

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In Favor: Mr. Hill
Mr. Weaver
Ms. Grant
Mr. Davis
Mrs. Krauss

Opposed:

*Note: Mr. Grate did not vote since he arrived late to the meeting.

B. A request from Wes Gordon to amend the Hawks Nest Retreat Planned Development to add RV campsites and rental cabins to the single family site designation and to add RV campsites to the outdoor storage designation. The property is located east of Journeys End Road and north of Pond Road in Murrells Inlet.

The applicant requested to withdraw.

Mr. Weaver made a motion to approve the withdrawal request. Mr. Davis seconded the motion.

In Favor: Mr. Hill
Mr. Weaver
Ms. Grant
Mr. Davis
Mrs. Krauss

Opposed:

*Note: Mr. Grate did not vote since he arrived late to the meeting.

C. A request from Dan Stacey, as agent for Dr. Mark Layhon of Palmetto Industrial Development, LLC to amend the Marlin Quay Planned Development to allow for redevelopment of the Marlin Quay Marina Store/Restaurant. The property is located at 1508 S. Waccamaw Drive in Murrells Inlet.

Mr. Boyd Johnson presented the staff report. The current request is for a change in the proposed building containing a restaurant and a marina store. The amount of heated square footage has not changed. The area for the restaurant has decreased slightly, and the area for the marina store has slightly increased. The heated storage area has decreased. The parking layout for the site will not be changed. The amount of pervious/impervious space on the site will not be affected. The previously agreed upon 110 seats for the restaurant will remain the same. The plans indicate a flat roof for the proposed building. Since the ordinance states that a structure exceeding 35 feet utilize a roof pitch of no less than 4/12, the applicant is requesting that this PD not include the provision requiring this roof pitch.

Staff recommended approval of the request for redevelopment of the site and an amended roof pitch based on the proposed replacement of an existing use/structure with one that complies with current flood ordinance requirements and the resolution of the issue of having a building located over a property line.

The Chairperson opened the public input period.

Mr. Dan Stacy, attorney for the applicant, came forward to speak. He stated that this new plan complies with all County ordinances. The proposed structure has the same heated square footage, same restaurant seating and same parking layout as the previously approved structure. He stated that the base floor has been raised so to not interfere with traffic, including delivery trucks. The rooftop bar has been removed since many residents opposed that particular feature in the previously approved plan. He said that the flat roof of the design would not cause detriment to the area since many of the surrounding structures already

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have flat roofs. He stated that the wall behind the proposed structure is a fire wall which is required by the fire department since the structure is built on the property line. He further stated that the proposed building complies with the current court order and has no difference in functionality from the previously demolished marina store and restaurant.

Mr. Adam Nugent, attorney for the Gulfstream Cafe, spoke in opposition of the request citing many concerns including: difference in the building plan, an incomplete application submitted by the applicant with no plans which did not meet the 45 day requirement, concerns over violation of the ordinance which prohibits multiple applications within 12 months. He also stated that the proposed parking lot could not support both businesses and that the Planning Commission should not move forward with the request.

Ms. Chris Sanders, a resident of the Marlin Quay condos, spoke in opposition of the request. She expressed concerns over increased noise and traffic. She also stated that the fire wall would block views from the condos. She questioned the allowable occupancy numbers and the 110 seats for the restaurant.

Mr. Greg Greenbaum, owner of the Gulfstream Café, spoke in opposition of the request. He stated that the business relationship between the two neighbors would never be friendly. He stated that his main issue is with the parking. In his opinion, the proposed parking could not support both businesses. He also stated that since previous requests from other businesses in the area for flat roofs had been denied, this request should also be denied.

Mr. Dan Stacy, attorney for the applicant, came forward to offer rebuttal. In order to address the question of maximum allowable occupancy, he introduced Mr. Patrick Williams, engineer with ETS. Mr. Williams stated that the building had a 360 person maximum allowable occupancy including staff and patrons. He said that number is determined by the International Building Code based on size of the structure. He further stated that parking is not based on that number.

The Chairperson closed the public input period.

Discussion followed regarding the proposed flat roof and the PD amendment application process.

Mr. Davis asked staff for clarification on allowable seating for the restaurant. Mr. Johnson stated that the previously approved 110 seats would still apply for this request.

Mr. Weaver made a motion to approve the request as submitted by staff including the 47 foot flat roof. Mr. Hill seconded the motion.

In Favor: Mr. Hill
Mr. Crato
Mr. Weaver
Ms. Grant
Mr. Davis
Mrs. Krauss

Opposed:

IV. OTHER BUSINESS

A. Discussion

Planning Commission initializing rezoning in particular neighborhoods in Murrells Inlet

Mr. Boyd Johnson presented the staff report. Staff would like to study the possibility of rezoning certain areas within Murrells Inlet to better reflect what it is on the ground, address the concerns over multi-family development and conform to the Future Land Use Map. Much of the area is currently zoned General Residential which allows a minimum lot size of 6,000 square feet. However, many of the lots contain much larger square footage and already have single family dwellings. Staff believes much of the area could be rezoned to require larger single family lots without creating many nonconforming existing lots. Staff would write letters to each property owner seeking input and support if needed. Also, area group meetings would be scheduled to ascertain public position before bringing any proposal back to the Planning Commission.

The Planning Commission gave approval to proceed with exploring the possibility of rezoning parts of Murrells Inlet including meeting with certain neighborhoods.

B. Street Names

Mrs. Tiffany Coleman presented the staff report. Two street names were presented for approval: Go Away Lane in the Carvers Bay area and Aaron Lane in Hemingway.

Staff recommended approval of the street names.

Mr. Davis made a motion to approve the street name. The motion was seconded by Ms. Grant.

In Favor: Mr. Hill
Mr. Grate
Ms. Krauss
Mr. Weaver
Ms. Grant
Mr. Davis

Opposed:

C. Attendance Report

The attendance report was approved as submitted.

V. MINUTES SEPTEMBER 2018

Mr. Hill made a motion to approve the minutes. Mr. Davis seconded the motion.

In Favor: Ms. Krauss
Mr. Weaver
Ms. Grant
Mr. Davis
Mr. Grate
Mr. Hill

Opposed:

VI. STATUS REPORT

The status report was approved as submitted.

VII. LETTER OF CREDIT REPORT

The letter of credit report was approved as submitted.

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VIII. ADJOURNMENT

Mr. Weaver made a motion to adjourn. The motion was seconded by Mr. Davis. The meeting adjourned at 6:20 pm.

In Favor: Mr. Hill
Mr. Davis
Ms. Krauss
Mr. Grate
Mr. Weaver
Ms. Grant

Opposed:

Respectfully,

Tiffany Coleman

Tiffany Coleman
Secretary to Planning Commission

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BLOOM PARHAM

Adam D. Nugent
anugent@bloom-law.com
404.577.7710

December 11, 2018

VIA HAND DELIVERY
& VIA EMAIL – tfloyd@gtcounty.org

Georgetown County Council
129 Screven Street
Georgetown, SC 29442

Re: Proposed Amendment to Marlin Quay Planned Development
Ordinance No. 2018-40

Dear Sirs and Madams:

Introduction

The Council has before it Ordinance No. 2018-40, which seeks to amend the Marlin Quay Planned Development in order to permit construction of a new building on property owned by Palmetto Industrial Development, LLC ("Palmetto"). The Gulfstream Café, Inc. submits the following opposition to the Ordinance and respectfully requests that the Council decline to amend the Marlin Quay Planned Development for the following reasons. Palmetto's application is both untimely and incomplete and therefore procedurally defective. Additionally, Palmetto's proposed development will violate Georgetown County Zoning Ordinance provisions related to parking requirements. Palmetto's proposed development also exceeds the building height and square footage permitted at Marlin Quay. Further, Palmetto's proposed development constitutes a more intense use of the Marlin Quay PUD than is acceptable at this location. Finally, Palmetto's proposed development will interfere with Gulfstream's easement rights.

Discussion

The Georgetown County Zoning Ordinance treats a major change to a PUD as an amendment to the zoning ordinance, and all major changes must satisfy the requirements for an amendment. (Zoning Ordinance § 619.302). The Zoning Ordinance may only be amended when "the public necessity, convenience, general welfare, or good zoning practice justifies the action." (Zoning Ordinance § 1701). The major change request must follow the amendment procedures set forth in Section 1702 of the Zoning Ordinance, including providing required documents to the Planning Commission and providing proper notice to affected property owners.

EXHIBIT 11

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Palmetto presently requests to amend the Marlin Quay Planned Development to permit construction of a large, four-story building that is substantially larger than the structure it would replace. As set forth below, Palmetto's application contains procedural defects that render it invalid. Additionally, Palmetto's application is substantively deficient because the proposed development would violate the Zoning Ordinance, exceed the limitations contained in the Marlin Quay PUD, increase the intensity of use at Marlin Quay, and interfere with Gulfstream's easement.

A. Procedural Defects in Palmetto's Application

1. Palmetto's Application Is Untimely and Incomplete.

Palmetto's present application to amend the Marlin Quay PUD comes on the heels of a prior amendment sought in early 2018, which was Ordinance No. 2018-03. That amendment sought to construct a different building, and Palmetto has apparently abandoned the plans associated with Ordinance 2018-03.

Palmetto submitted the present application on August 27, 2018; however, that application was clearly incomplete and contained no plans, renderings, drawings, or other calculations related to the proposed building. Palmetto did not provide the Georgetown County Planning Commission with any drawings or plans for its proposed building until October 2018, approximately two weeks prior to the Planning Commission's hearing on Palmetto's application, which occurred on October 18, 2018. Section 1702.01 requires that an application to amend the Zoning Ordinance be submitted in proper form 45 days before it is heard by the Planning Commission. There is no question that Palmetto's application was incomplete and improper at the time it was submitted to the Planning Commission, and as a result the Planning Commission should not have considered the application.

Additionally, Palmetto's present application is its second request for a major change to the Marlin Quay PUD made during the past 12 months. Section 1702.1 of the Zoning Ordinance prohibits an applicant from seeking to amend the ordinance twice in a single year for the same parcel of property. Palmetto's last application was heard by the Planning Commission in January 2018 and considered by the Council in February 2018. It is too soon for Palmetto to seek yet another amendment to the Marlin Quay PUD.

Further, Palmetto did not notify property owners in the area directly impacted. The Zoning Ordinance requires Palmetto to send letters to each property owner within 400 feet of the subject property containing certain information regarding the requested major change. (Zoning Ordinance § 1702.206). There are more than 300 property owners within this 400-foot radius, including multiple condominium complexes. Palmetto's application does not indicate that it sent notice to these property owners. The planning staff report does not indicate how many property owners were notified.

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Further, Section 1702.206 requires Palmetto to submit the letters it sent to nearby property owners as part of the application. Palmetto's application contains no copies of letters, which makes it impossible to determine what information Palmetto actually disclosed.

B. Substantive Defects in Palmetto's Application.

1. Palmetto's Proposed Development Violates Georgetown County Parking Requirements.

Palmetto's proposed development would violate the Zoning Ordinance because it does not contain sufficient parking. Section 1102.1 of the Georgetown County Zoning Ordinance provides minimum requirements for off-street parking. Planning staff has determined that Palmetto's proposed development would require 51 parking spaces. Staff has determined that there are 62 available spots in the parking lot adjacent to Palmetto's proposed building.

Critically, the planning staff analysis ignores the other uses of the parking lot. Palmetto does not have the exclusive rights to park cars in that lot. The Marlin Quay Marina possesses a perpetual easement to use the parking lot. The Marina has 67 boat slips. Section 1102.1 requires one parking space per every three slips, meaning that the Marina requires 22 parking spots. Additionally, Gulfstream has a perpetual easement to use the parking lot. Gulfstream is a 5,000 square foot restaurant that is required to have 47 parking spaces under Section 1102.1. Collectively, Palmetto's proposed building, the Marina, and Gulfstream require 103 parking spaces,[1] 43 more than are available.

Section 1102.3 contains requirements for shared parking lots, but that section only allows reductions in required parking where occupancies occur at different times. Here, Palmetto's proposed building would contain a restaurant that is open during the evening hours, the same hours that Gulfstream operates. Accordingly, the Georgetown County Zoning Ordinance does not permit a reduction in the required parking spaces.

Historically, Gulfstream, the Marina, and the prior Ship's Store and Snack Bar were able to share the parking lot because Gulfstream and the Snack Bar were open at different times. The Snack Bar was much smaller than Palmetto's proposed development and was generally open during the day. Palmetto intends to upset this balance by operating its proposed restaurant during the evening.

The planning staff erred by analyzing Palmetto's parking requirements in a vacuum and ignoring the other, existing uses of the parking lot. The reality is that the Marlin Quay PUD does not have enough parking spaces to support Palmetto's large redevelopment in addition to Gulfstream Café and Marlin Quay Marina. Palmetto's

[1] The total required parking for all three occupants would be 120 spaces, but Gulfstream has 17 parking spaces on its property.

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proposed building will violate Georgetown County Zoning Ordinance parking requirements, and the Council should deny Palmetto's application.

2. **Palmetto's Proposed Development Exceeds the Square Footage and Maximum Height Allowed by the PUD.**

The planning Staff report states that Palmetto's proposed building is the same size as the Snack Bar that was demolished in 2016. The staff is incorrect. The Snack Bar contained 4,600 square feet, and this calculation included both enclosed space and unheated space. By the staff's own calculations, Palmetto's new development would contain 4,598 square feet of enclosed space and 5,326 square feet of unheated space, which includes three outdoor decks. When comparing apples to apples and using the staff's own calculations, Palmetto is seeking to replace a 4,600 square foot building with a more than 9,000 square foot building.[2]

Palmetto's proposed development greatly exceeds the square footage requirements of the Marlin Quay PUD. Nothing in the PUD permits Palmetto to build a more than 9,000 square foot building, and Palmetto has not sought an amendment to the PUD to enlarge the size of its building. In fact, the PUD documents contemplate only a 1,200 square foot marina store in the location where Palmetto intends to construct the proposed development. The Council should deny the application to construction this building that grossly exceeds the maximum square footage allowed by the PUD.

Palmetto seeks to amend the Marlin Quay PUD to exceed the height limit contained in the PUD. The proposed building would be 47 feet tall, which exceeds the 45 foot height limit in Marlin Quay. If Palmetto were simply building a 4,600 square foot building (including both heated and unheated space), there would be no need to exceed this height limit. Instead, Palmetto is constructing a 9,000 plus square foot structure, and the only way to fit that structure on its property is by exceeding the height limit. The County should reject Palmetto's request to exceed the height limit of the Marlin Quay PUD because that request is tied to Palmetto's attempt to build an excessively large building.

3. **Palmetto's Proposed Building Would Increase the Intensity of Land Use in the Marlin Quay PUD.**

Palmetto's proposed major change offends notions of necessity, convenience, general welfare and good zoning practices because it would substantially increase the intensity of land use at Marlin Quay. The Georgetown County Zoning Ordinance section 619.3023 defines intensity as:

[2] Palmetto's architect, Steve Goggans, has acknowledged that Palmetto's proposed building is much larger than the Snack Bar.

> [T]he degree of the negative impacts on the environment and neighboring land uses. Impacts of intensity include, but are not limited to, greater impervious surface coverage, reduced open space, increased bulk and height of buildings, increased traffic with associated noise and congestion, signs and exterior lighting visible from neighboring property.

Palmetto's proposed development would increase the intensity of land use in the PUD by increasing the bulk and height of buildings at Marlin Quay, increasing the number of restaurant seats, and increasing traffic in the area.

As discussed above, Palmetto seeks to build a 47-foot tall building with approximately 9,000 square feet. That building would replace the Snack Bar which was 1.5 stories, and contained 4,600 square feet, including both enclosed and unenclosed space. There is accordingly no question that the intensity of land use in the Marlin Quay area will greatly increase.

Additionally, Palmetto plans to build a full-service restaurant that would contain 110 seats and an occupancy limit of 359 people. Notably, even if only 110 people can sit in the building, an additional 200 can fit, standing up, on one of the three outdoor decks. This full-service restaurant would replace the Snack Bar, which had less than 2,000 square feet and approximately 70 seats. The Snack Bar did not contain a full, commercial kitchen, and it was not open during the evenings. By moving from a 2,000 square foot, 70-seat snack bar to a full-service restaurant, Palmetto's proposed development would increase the intensity of land use at Marlin Quay.

Further, Palmetto's proposed development would significantly increase traffic volume at Marlin Quay. Palmetto's restaurant would be much larger than the Snack Bar, would be open during the evening, and would cater to people arriving by car. These factors would clearly increase the vehicular traffic in the Marlin Quay area, which already experiences significant congestion during the summer months. The traffic problems would be made worse by the fact that there is only one road in and out of Marlin Quay.

Planning staff did not consider the increase in intensity of use associated with Palmetto's proposed development. It is clear that increased building height, increased restaurant size, and increased traffic all qualify as intensity impacts under Section 619.3023. There is no basis for increasing the intensity of use at Marlin Quay, and the Council should deny Palmetto's application. At a minimum, the Council should remand the application for evaluation of the intensity impacts.

4. Palmetto's Proposed Redevelopment Interferes with Gulfstream's Easement and Would Violate a Court Order.

As the Council is likely aware, Gulfstream possesses an easement for parking at Marlin Quay. Palmetto's proposed building would interfere with Gulfstream's perpetual easement. The scope of Gulfstream's easement was the subject of litigation between

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Palmetto and Gulfstream. Gulfstream prevailed in that litigation, and the Court permanently enjoined Palmetto from interfering with Gulfstream's easement, and the Court limited the area on which Palmetto can construct a building. It is apparent that Palmetto's proposed building will interfere with Gulfstream's easement and violate the Court's injunction.

The Court's injunction prohibits Palmetto from interfering with the easement. The Court has already held Palmetto in contempt on two occasions for violating this injunction. Based on the extreme size of the proposed building and the fact that the building would be cantilevered over the parking lot, it will be impossible for Palmetto to construct the proposed building without physically blocking large portions of the easement area and interfering with Gulfstream's right to use the parking lot. Accordingly, any attempt by Palmetto to construct the building would represent further contempt of the Court's order.

Additionally, it appears that portions of Palmetto's proposed building would sit on Gulfstream's easement, and the operation of Palmetto's proposed building would overburden the parking lot in a manner that interferes with Gulfstream's easement. Gulfstream reserves the right to challenge the impact of Palmetto's current plans on Gulfstream's easement, and the outcome of any challenge could require Palmetto to submit yet another set of plans.

Further, if Georgetown County approves Palmetto's major change request, that approval would violate Gulfstream's constitutional rights, materially reduce the value of Gulfstream's property and easement rights, and therefore constitute a taking without compensation. In this scenario, Gulfstream would be permitted to seek damages for this taking.

It does not constitute good zoning practices for the Council to approve Palmetto's requested change to the Marlin Quay PUD. Instead, the Council should deny the application until Palmetto submits a proposal that does not interfere with Gulfstream's easement.

5. Planning Staff Concerns can be Addressed with a Different Design from Palmetto.

The planning staff analysis recommended approval of Palmetto's proposed development based on two factors: constructing a building that meets flood zone requirements; and constructing a building that sits exclusively on Palmetto's property. While these may be valid concerns, they do not support approval of Palmetto's proposed development. It is possible for Palmetto to design a building on the portion of its property that is not part of the Gulfstream easement that meets flood zone requirements. But the current proposal is defective because it would:

- Violate Zoning Ordinance requirements related to parking;

- Exceed the restrictions contained in the Marlin Quay PUD;

  Increase the intensity of land use in Marlin Quay; and

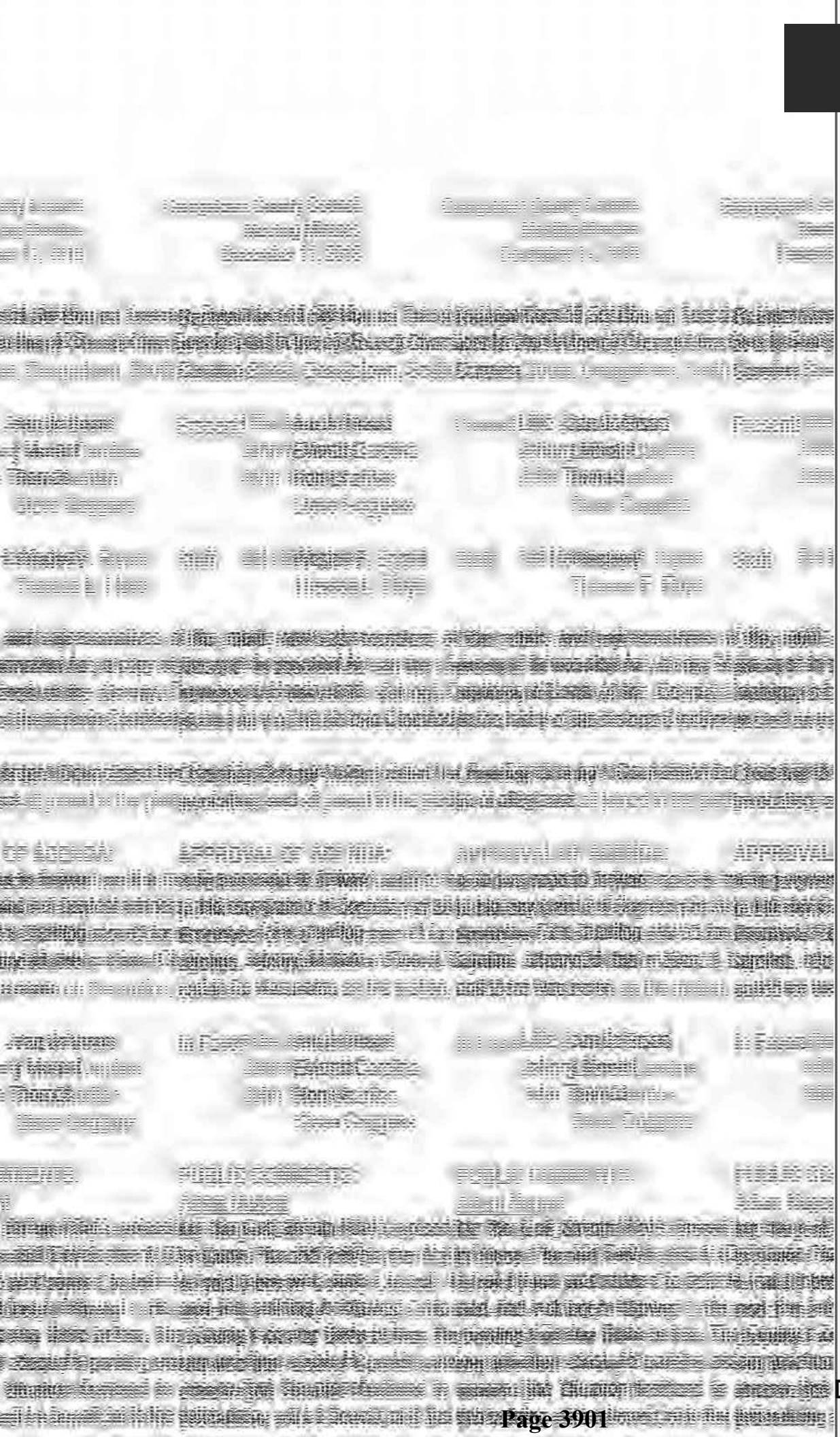
- Interfere with Gulfstream's easement both during construction and after completion.

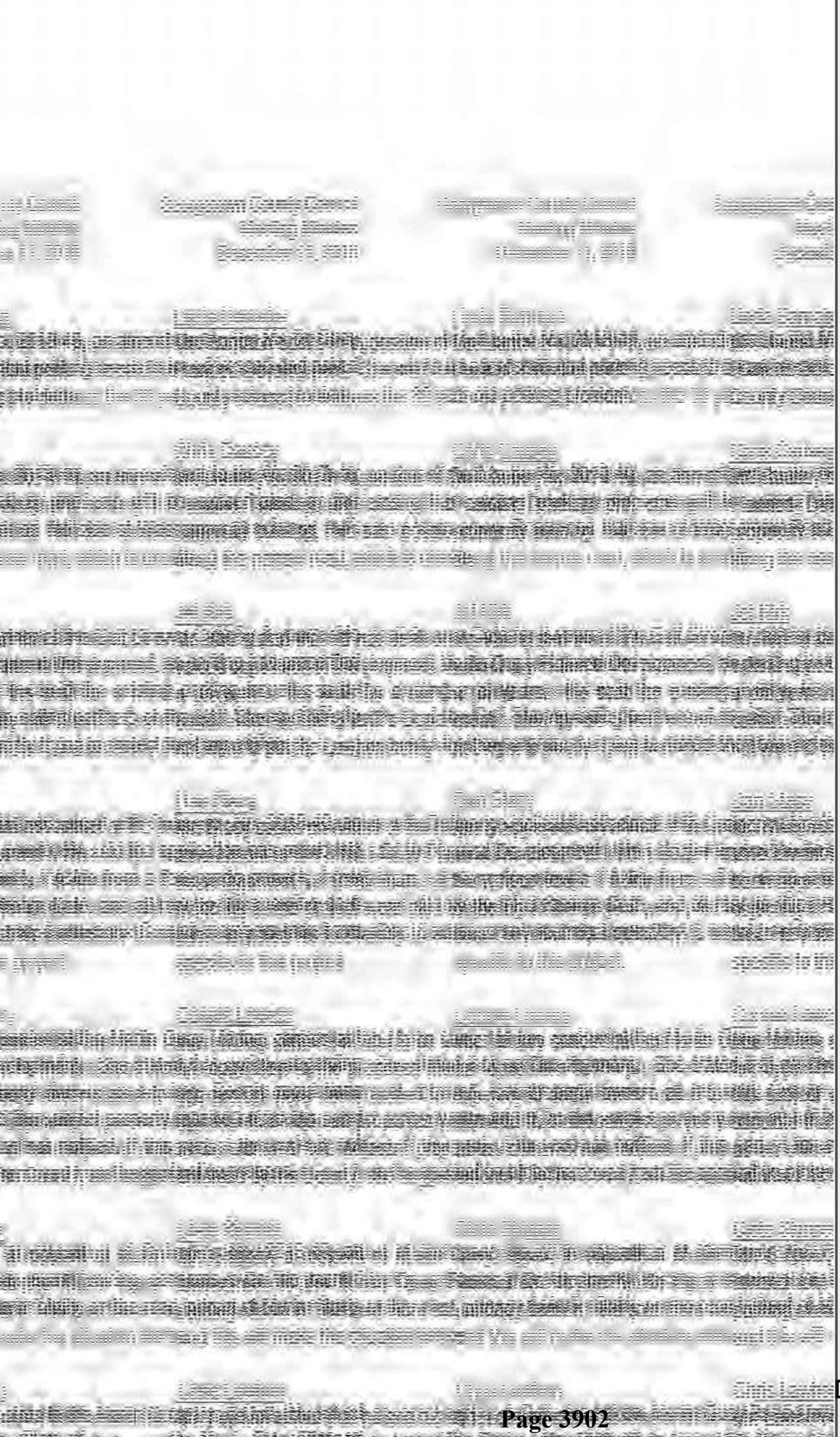
The Council should require Palmetto to go back to the drawing board and design a building that addresses the planning staff's concerns but does not violate the Ordinance, exceed the PUD limitations, violate a Court order, or interfere with Gulfstream's easement.

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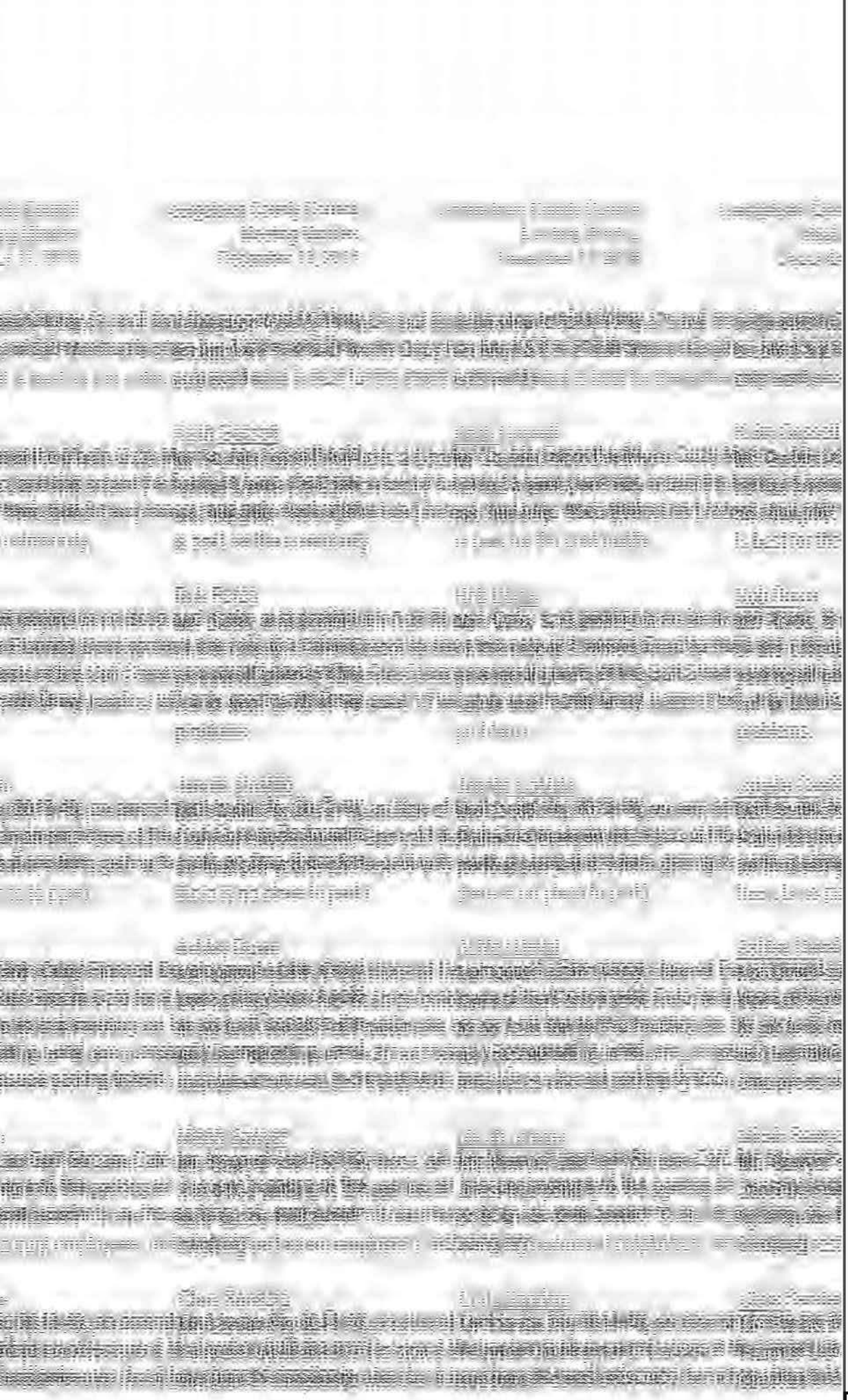
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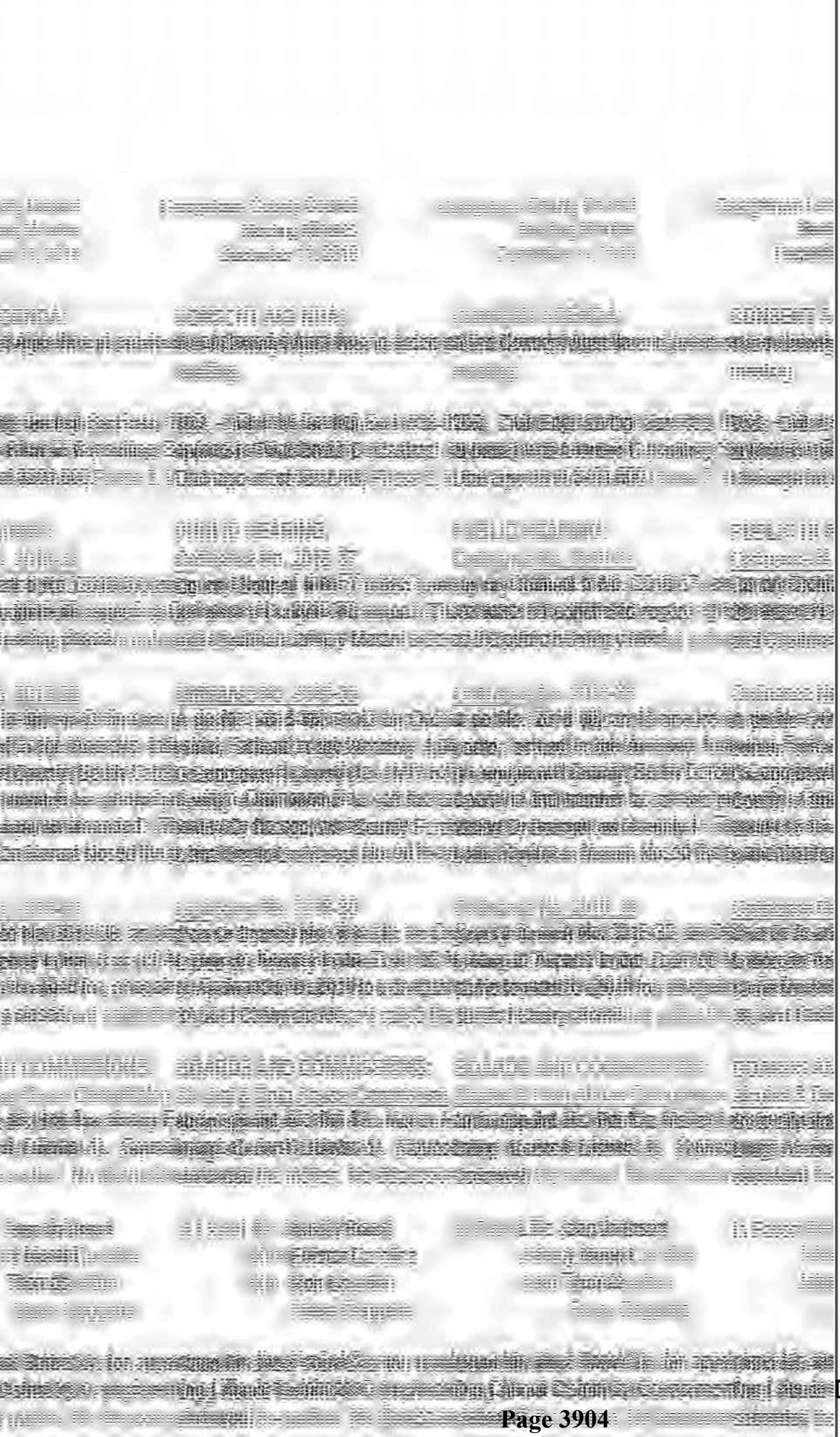




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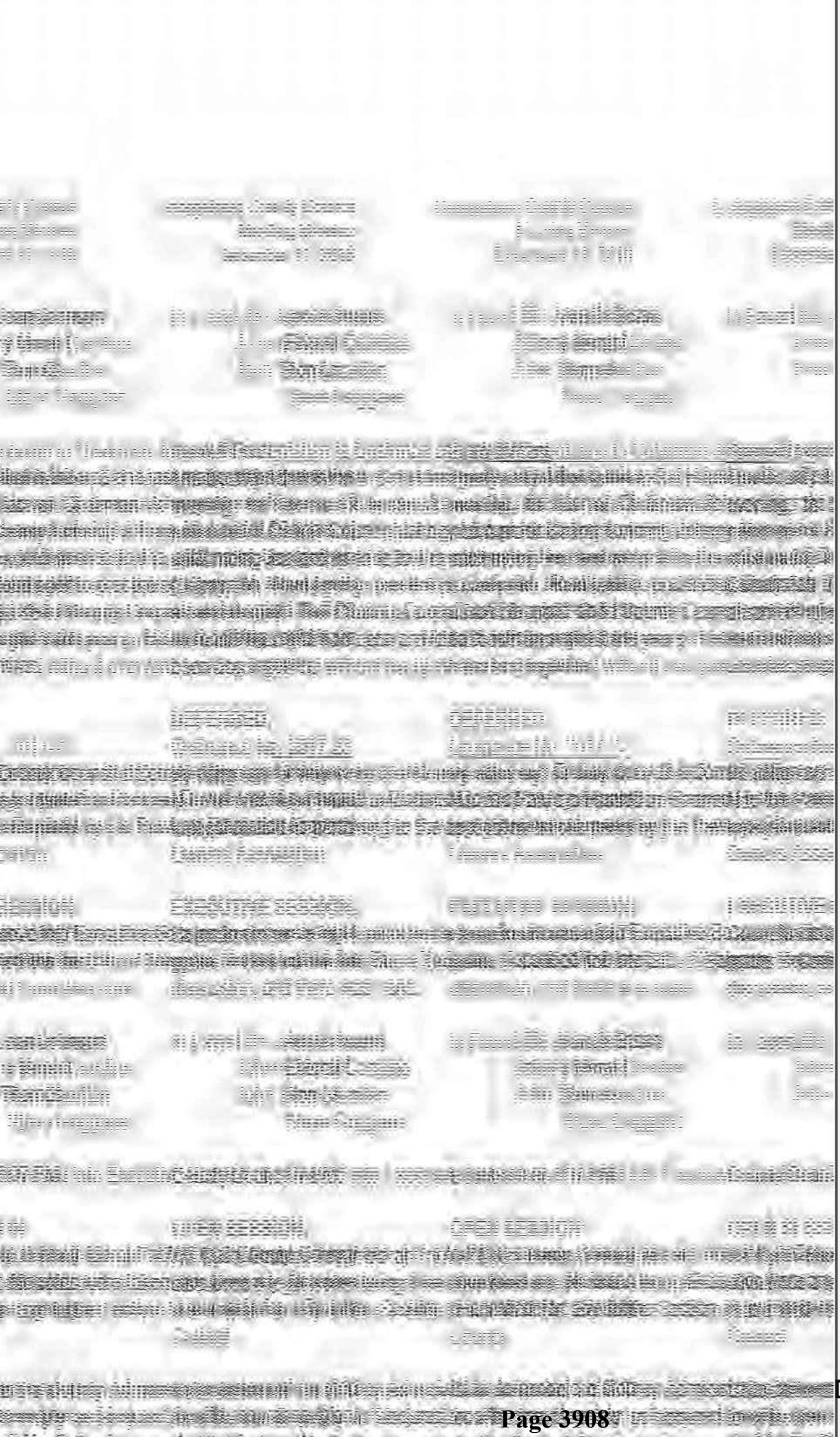


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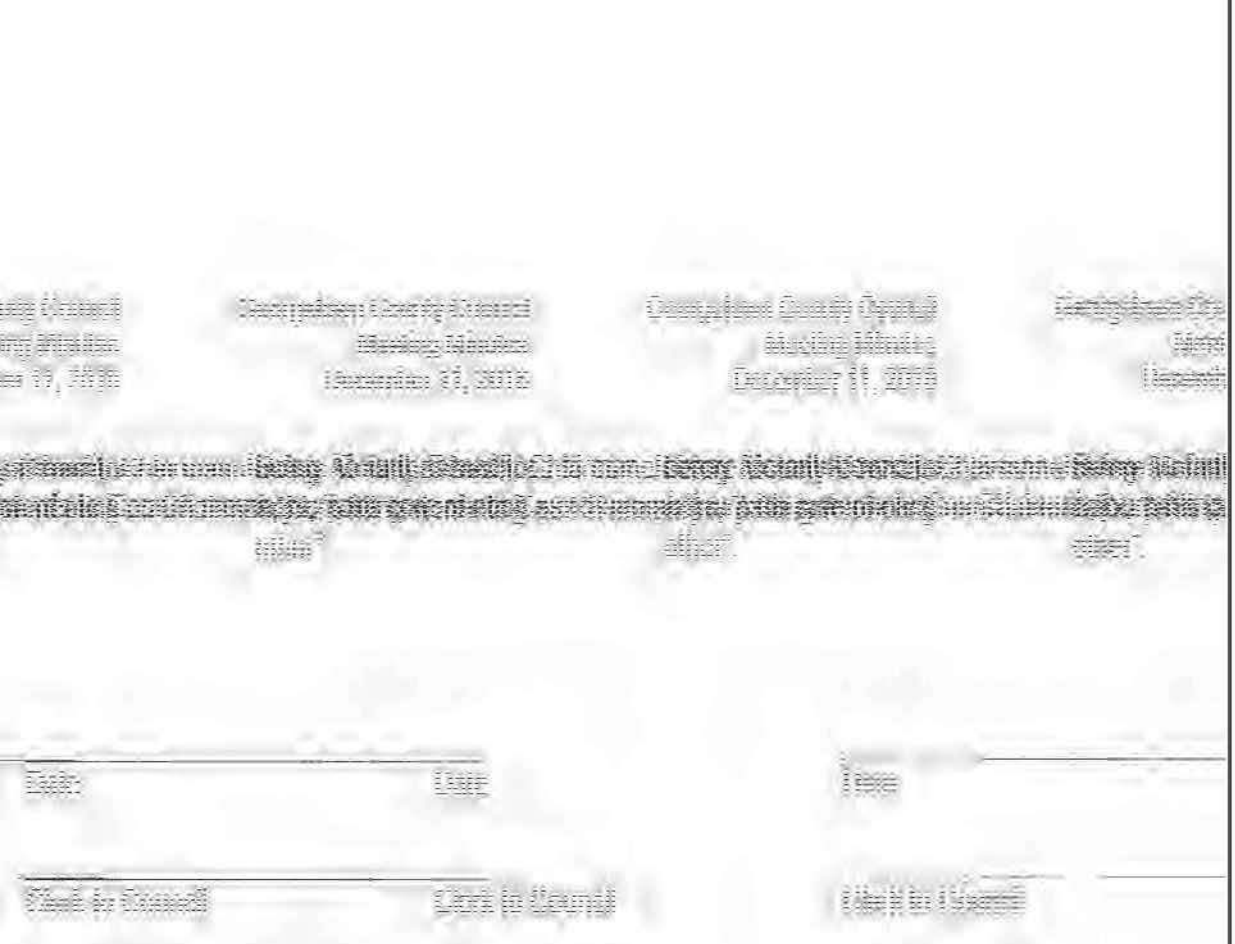
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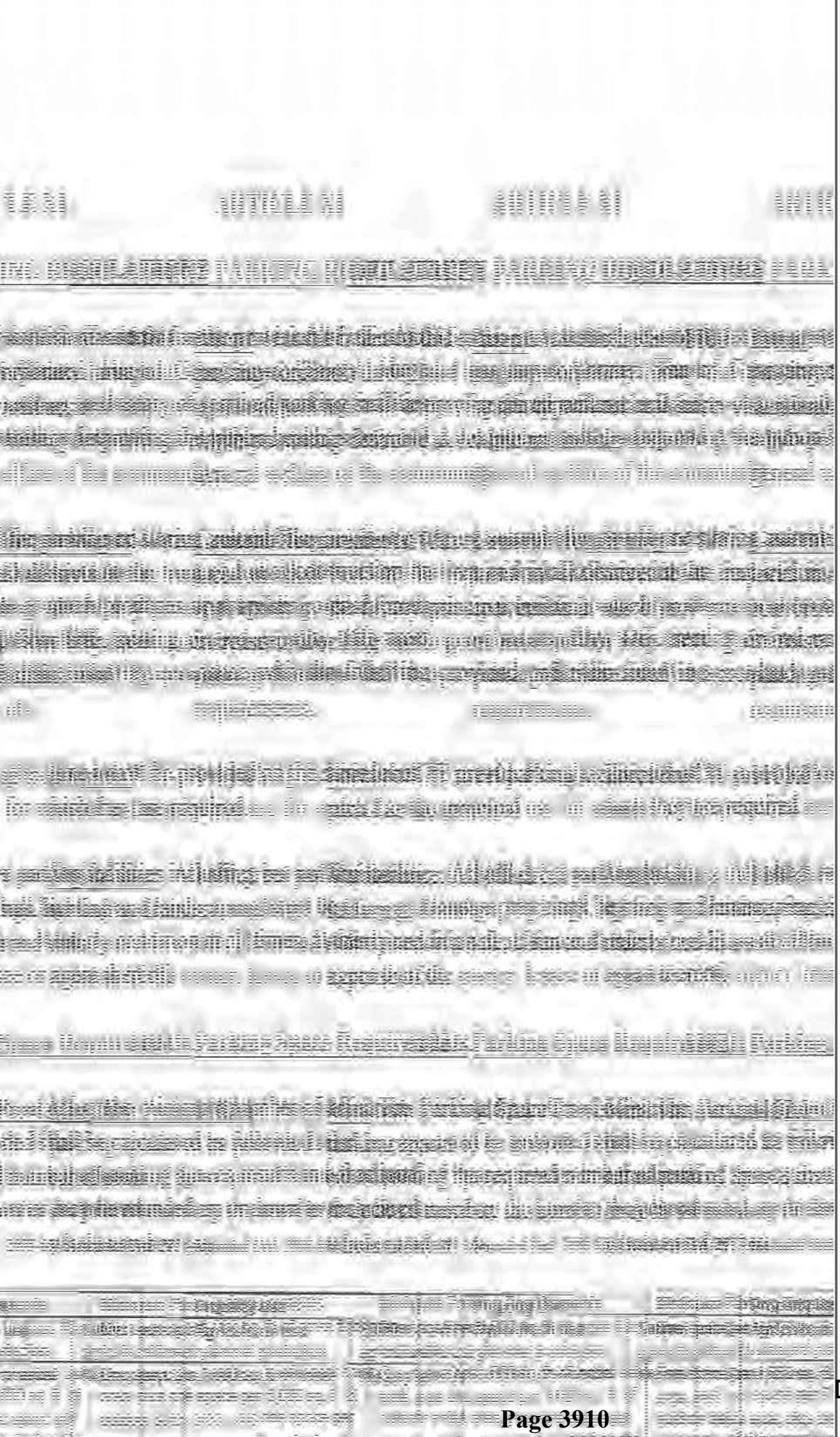
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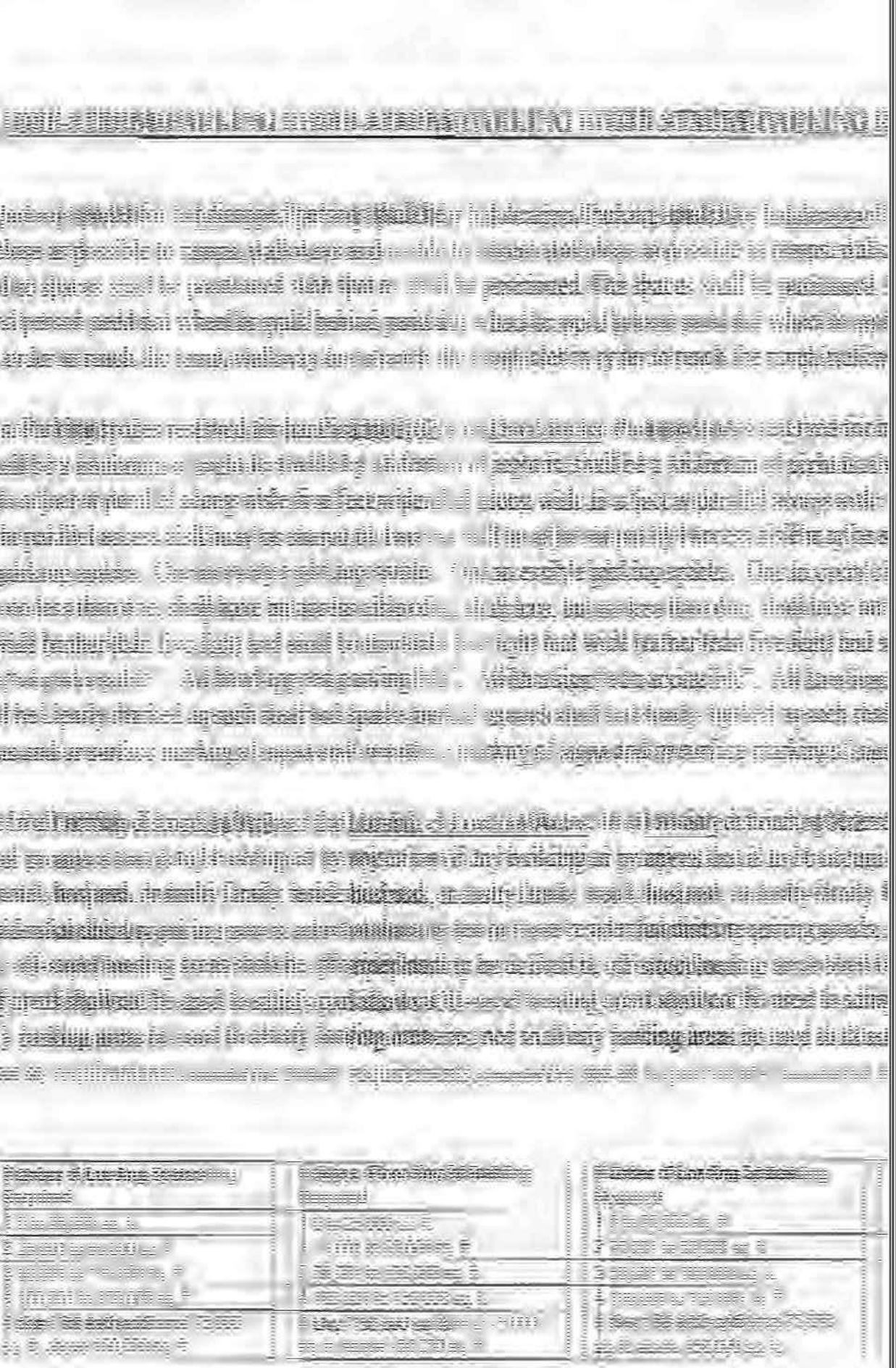


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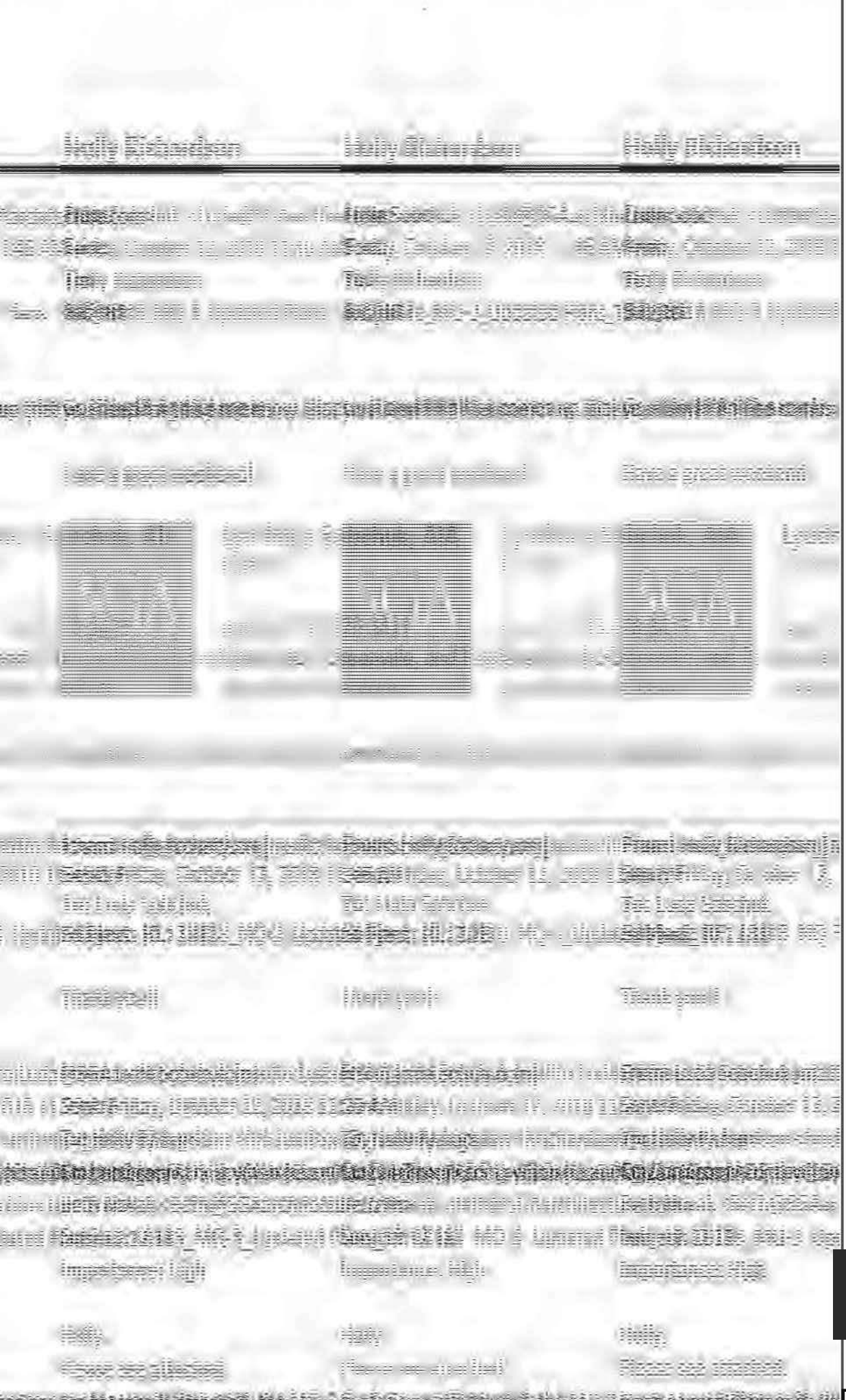
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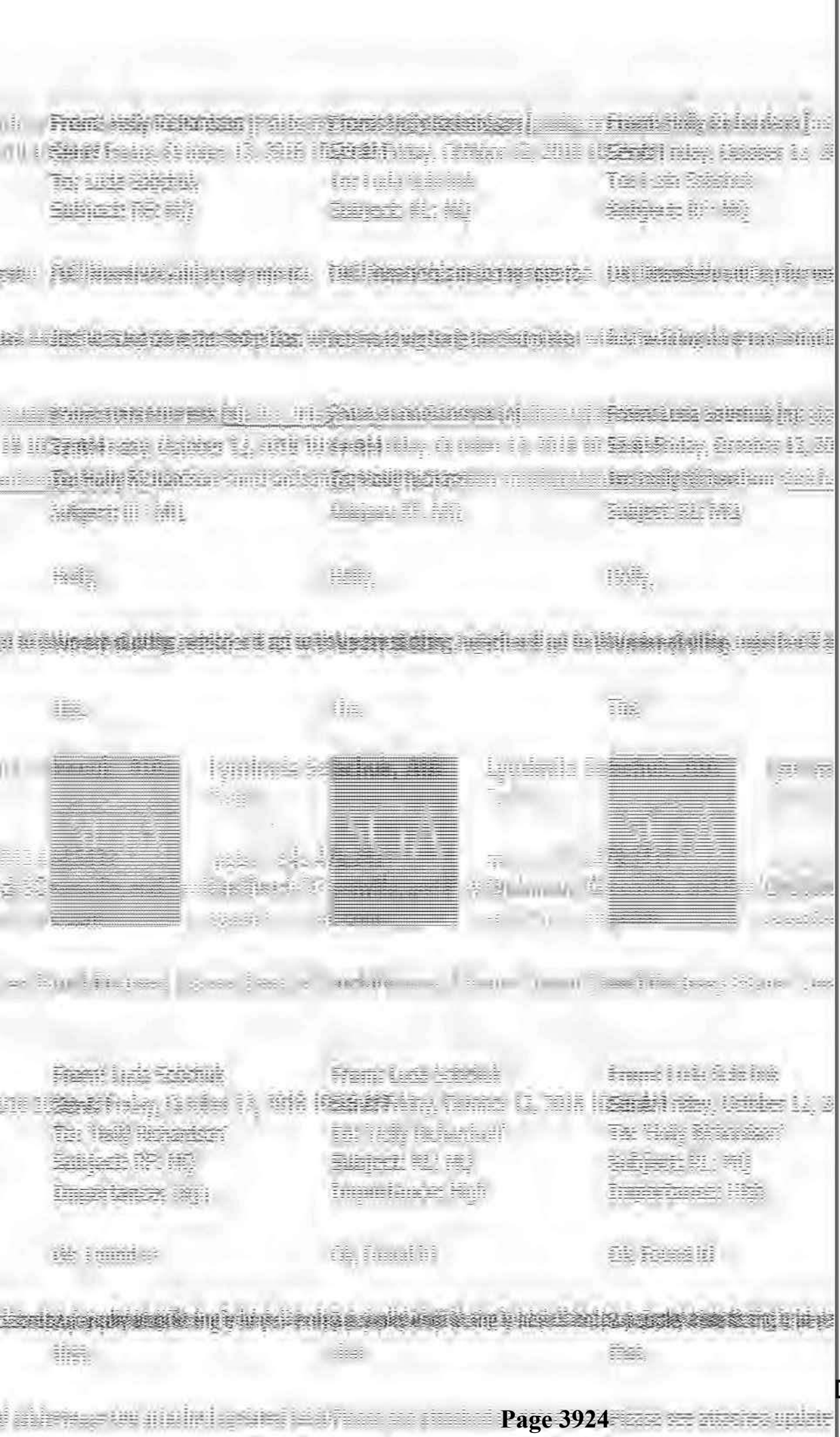


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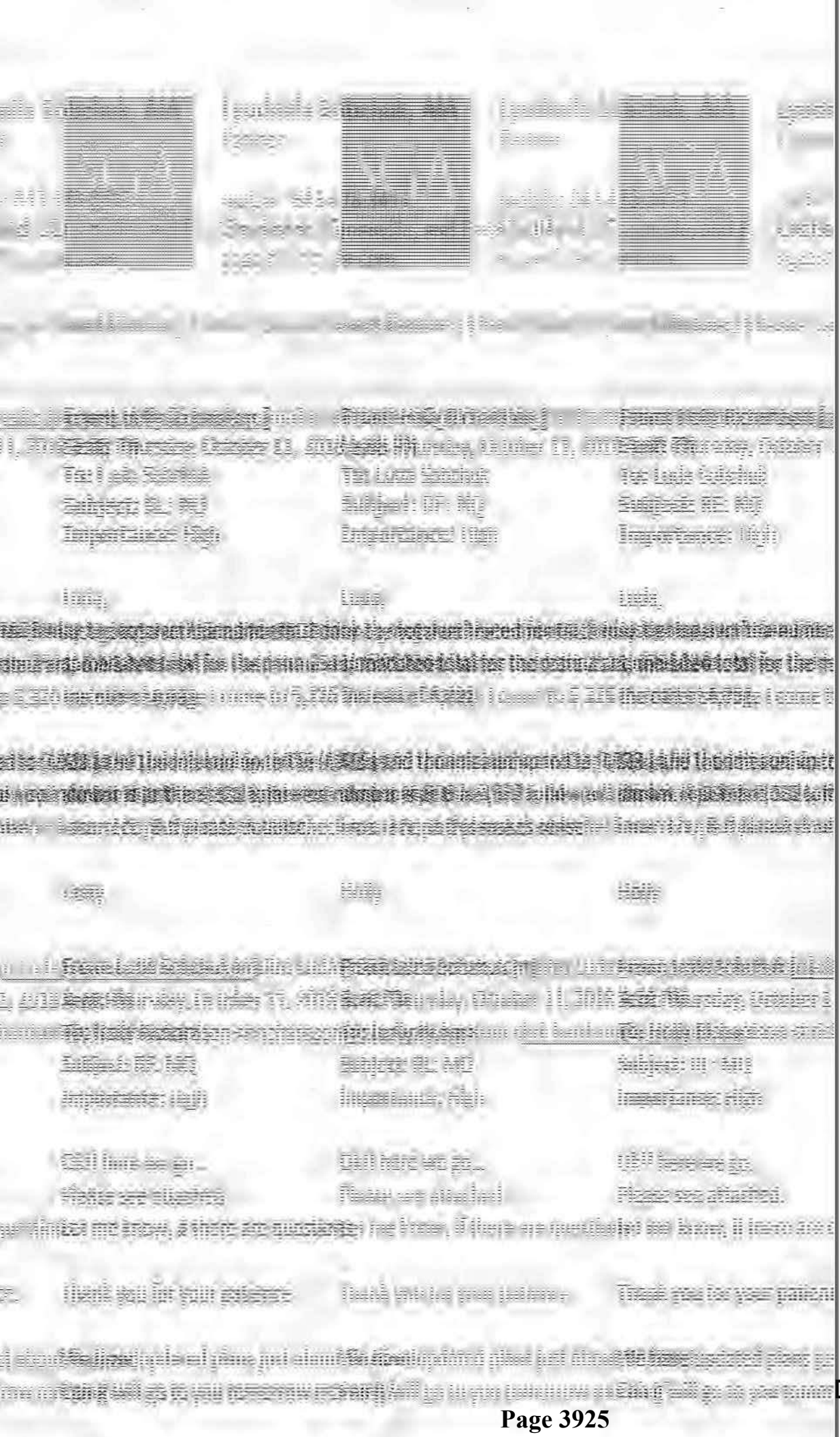
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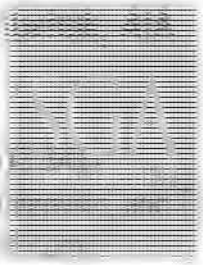
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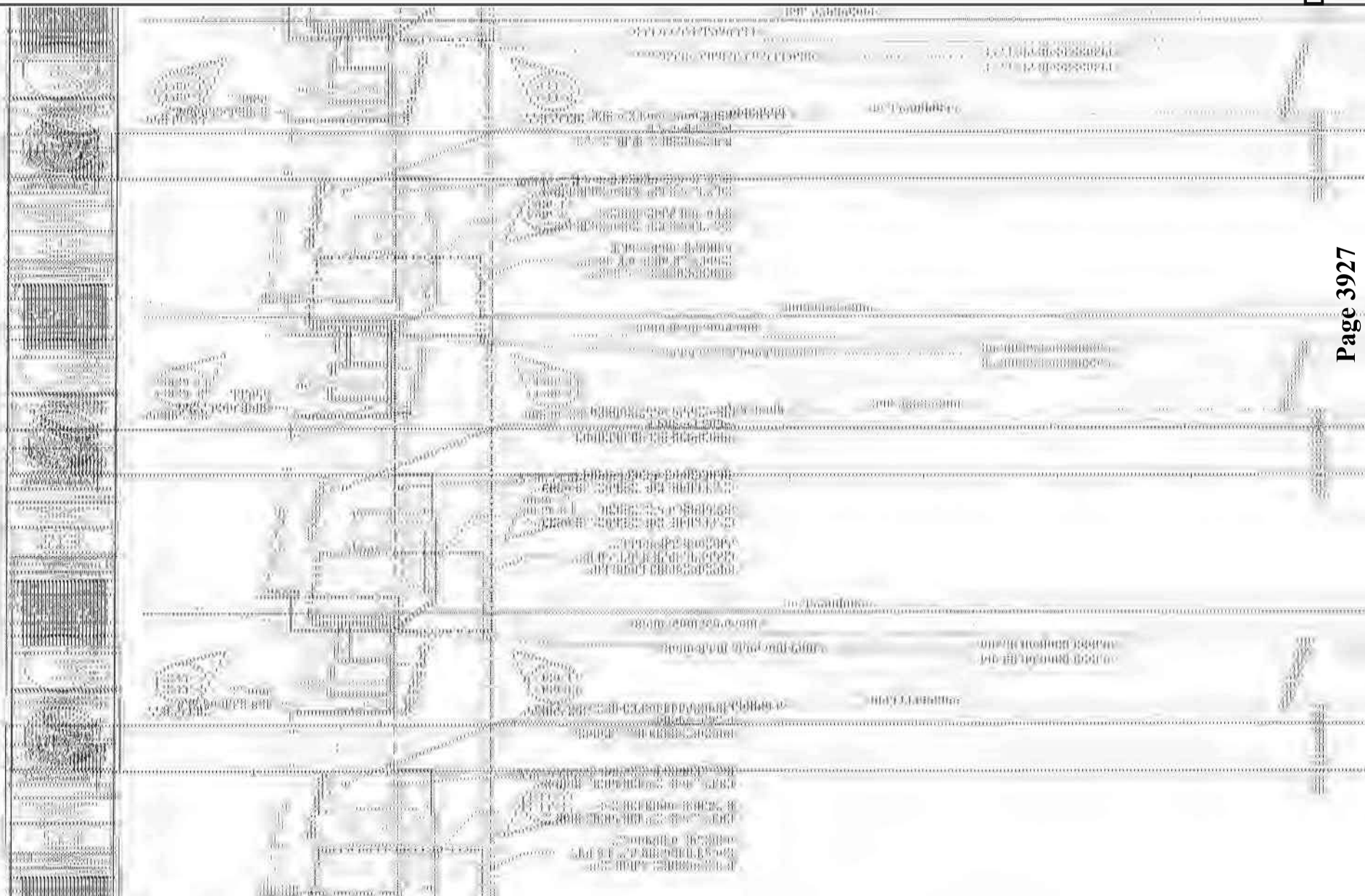
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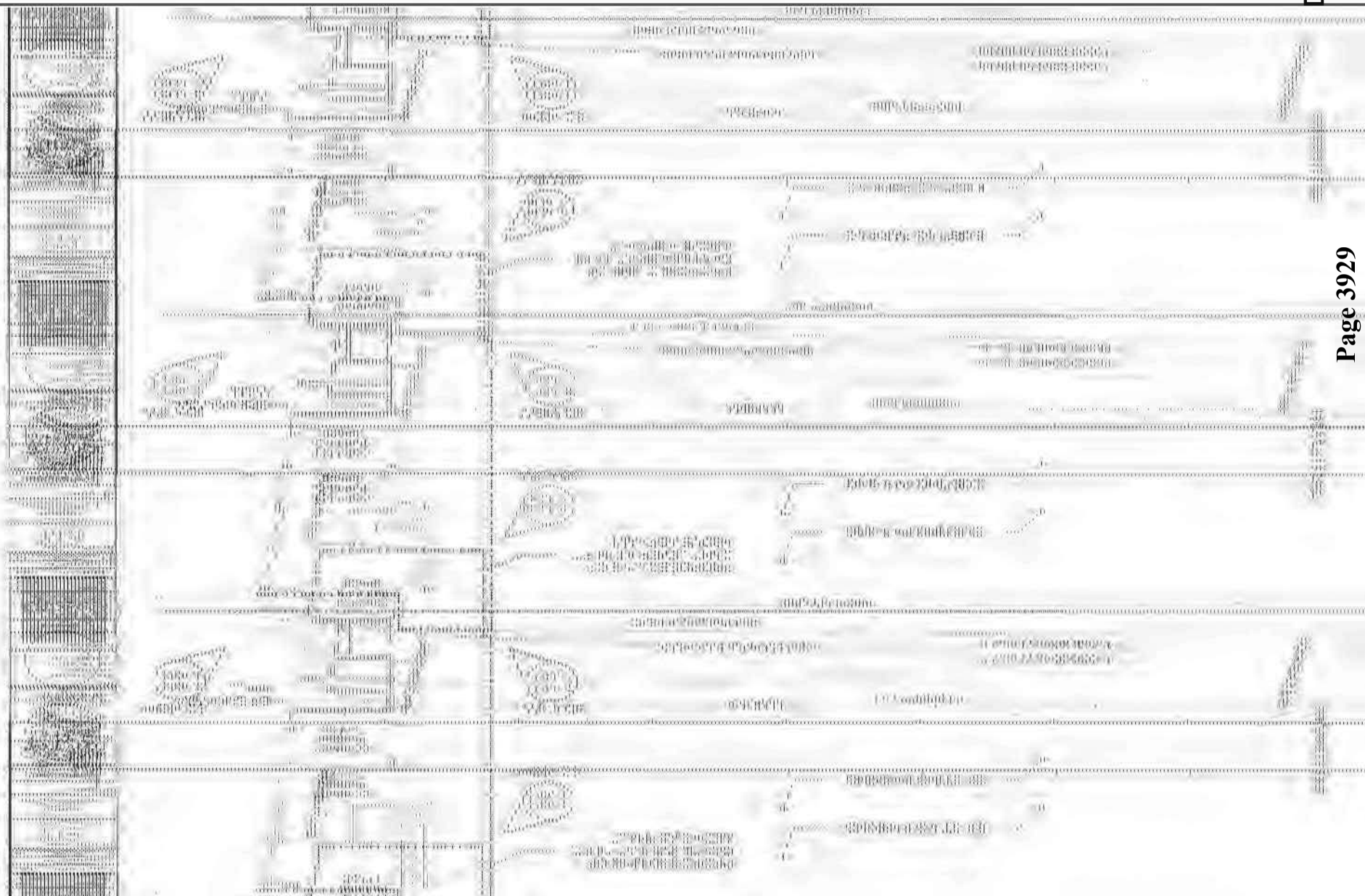








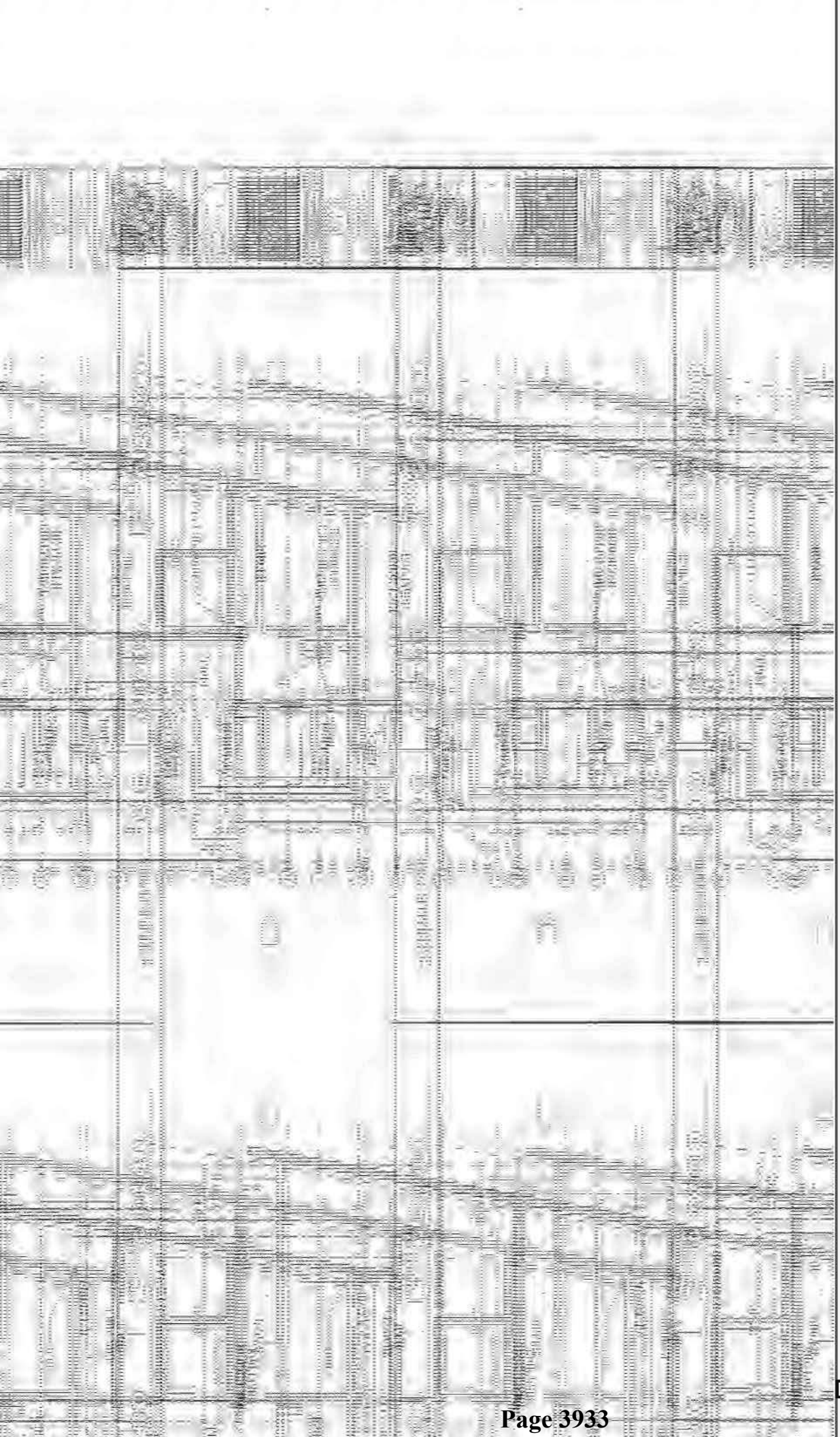
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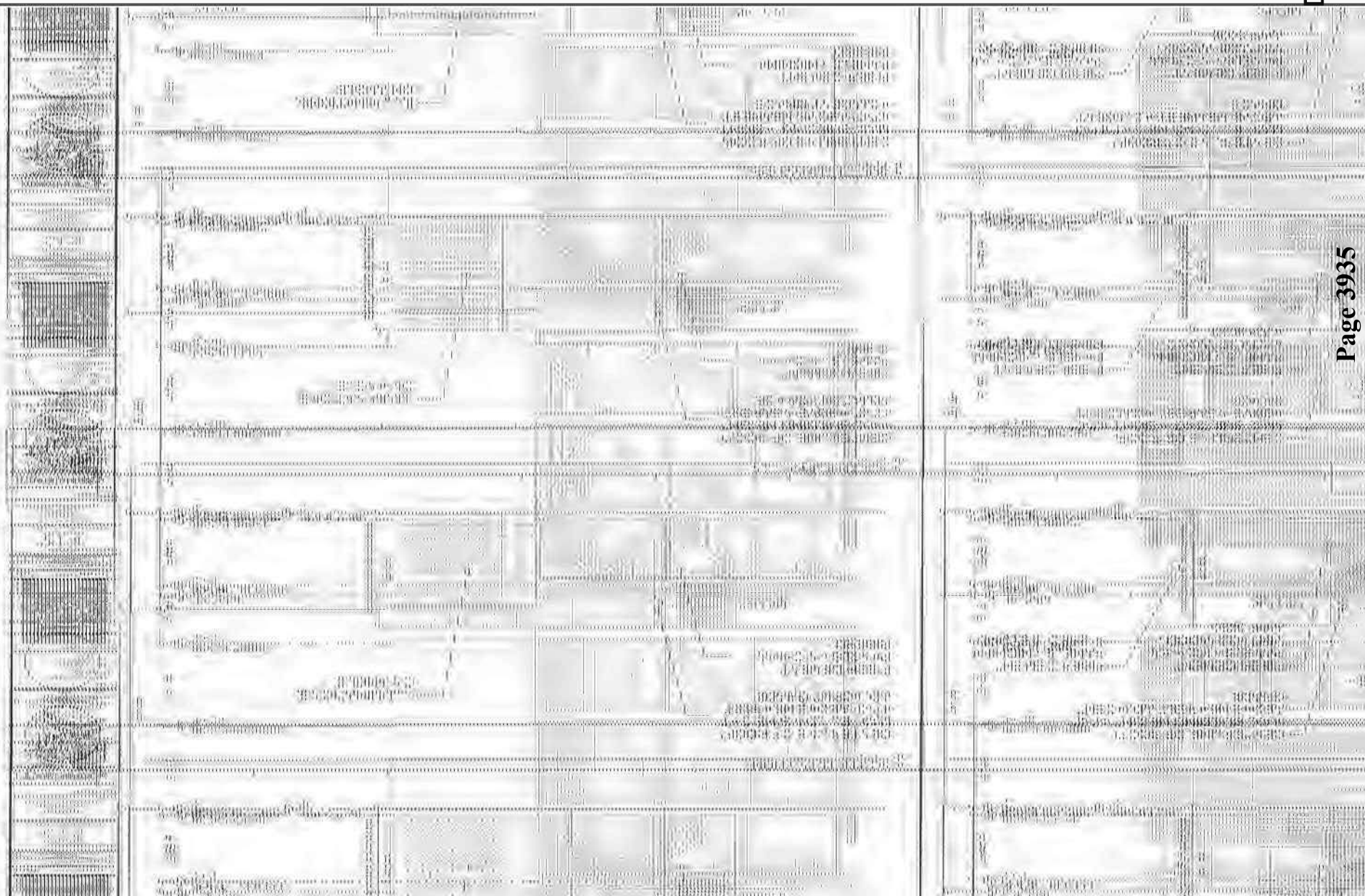
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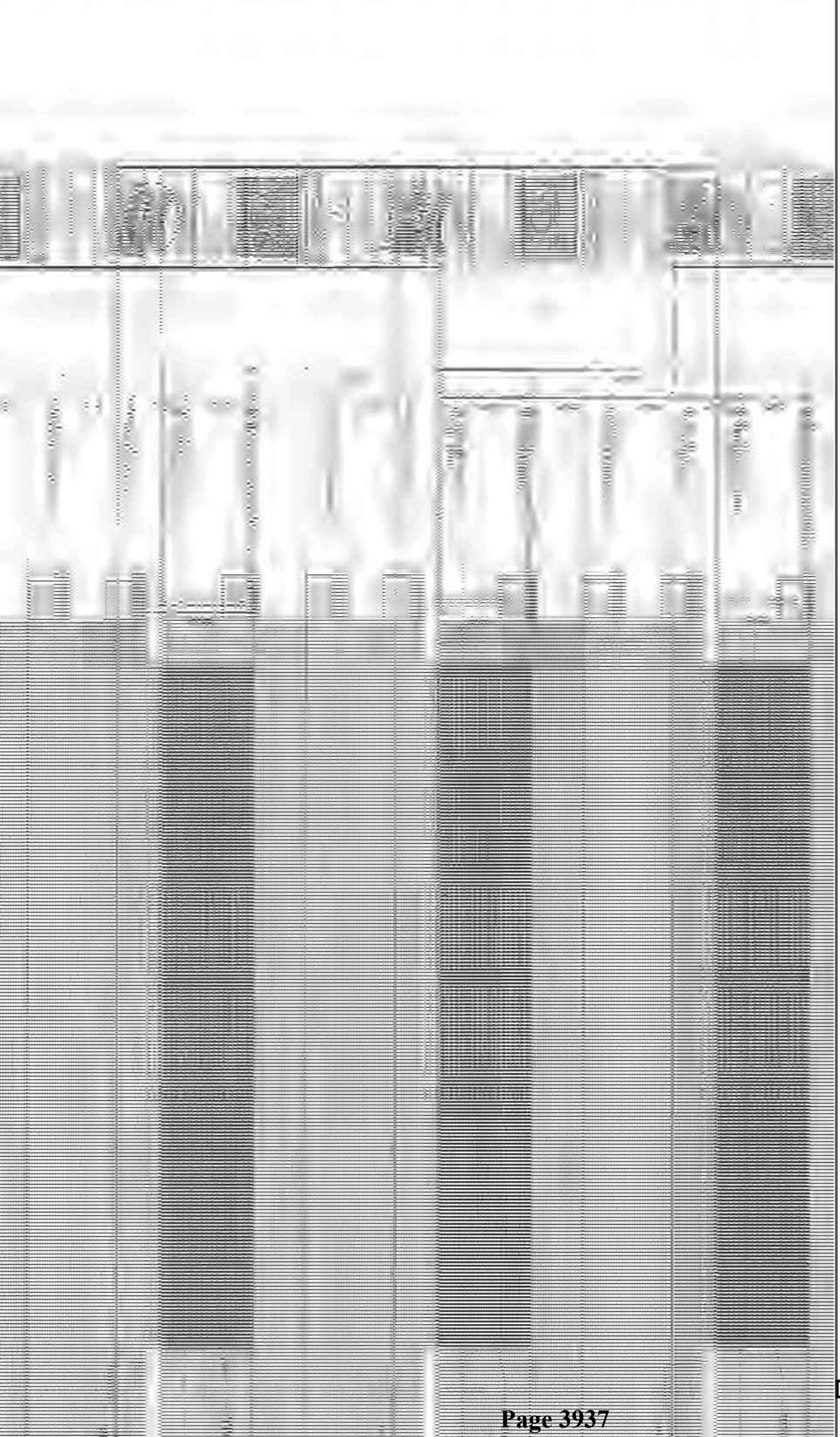


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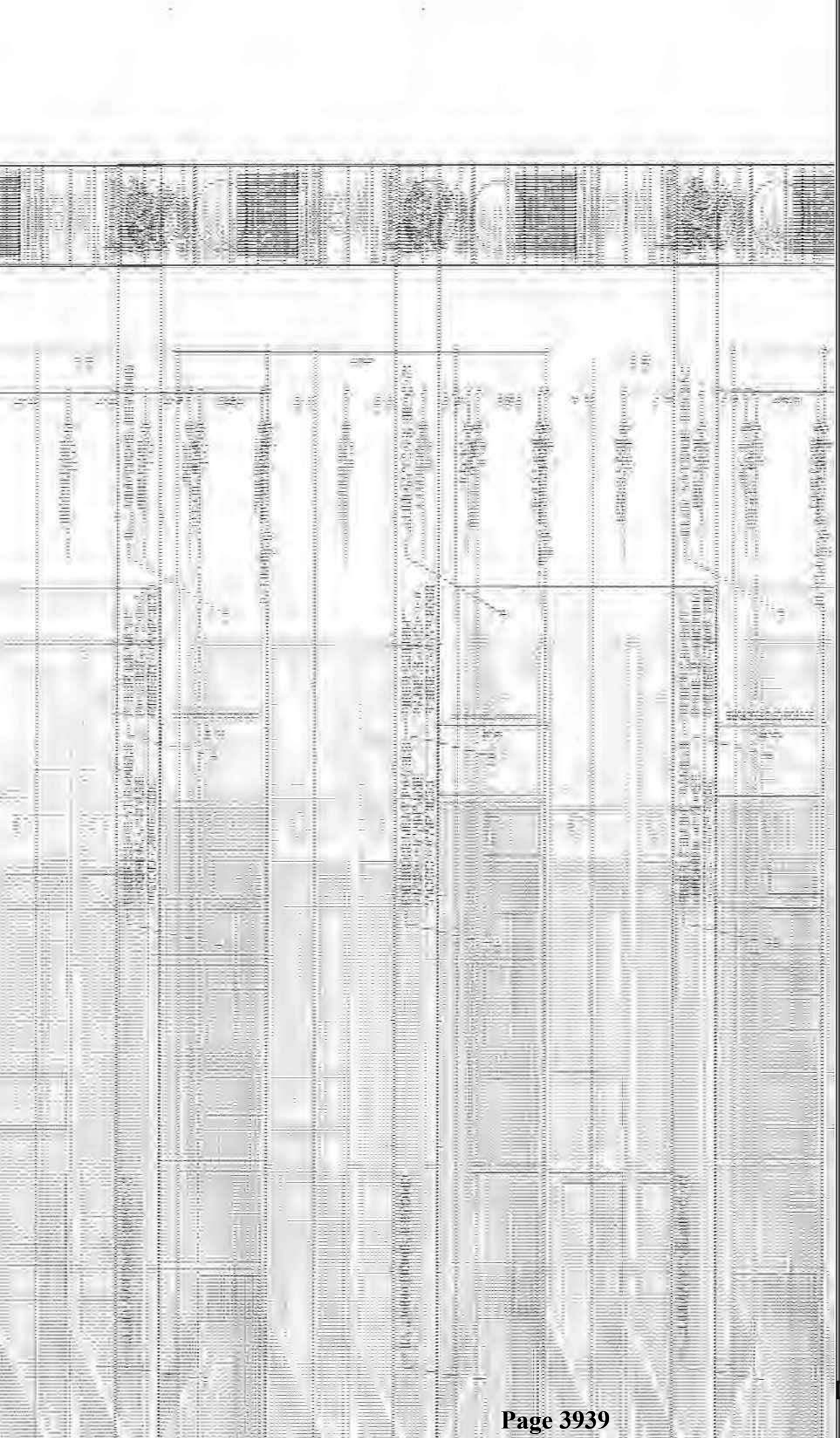


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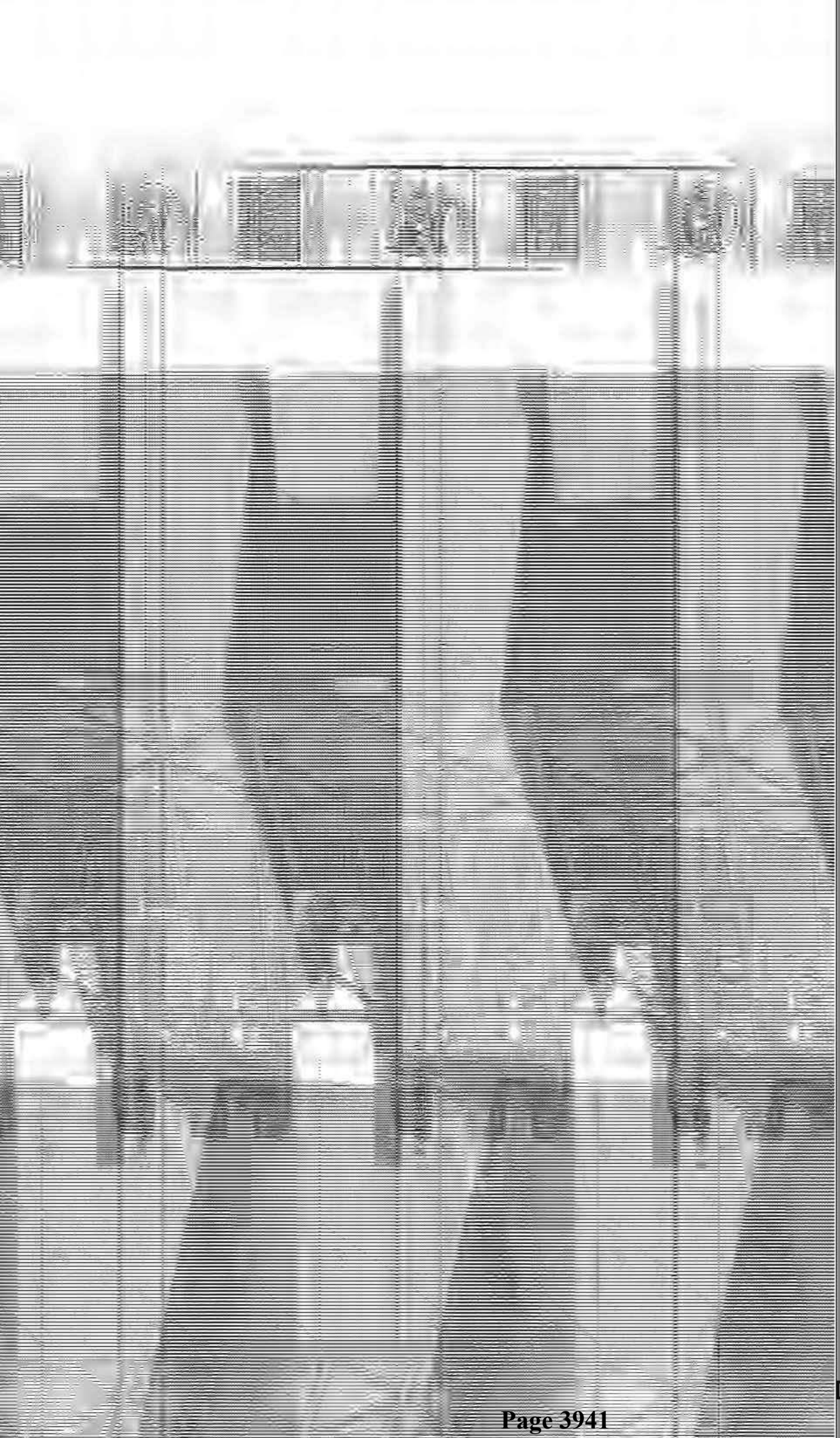
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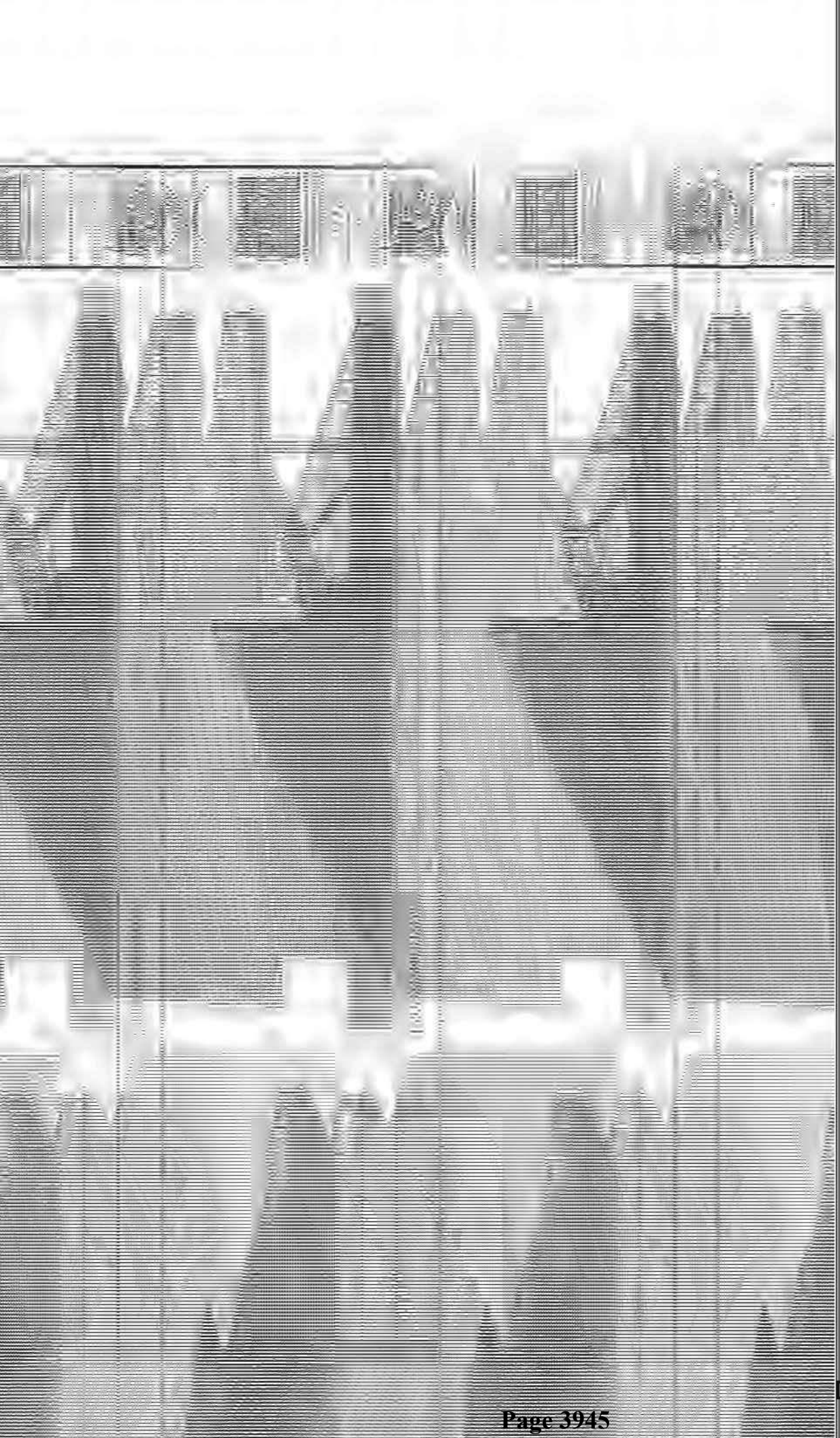
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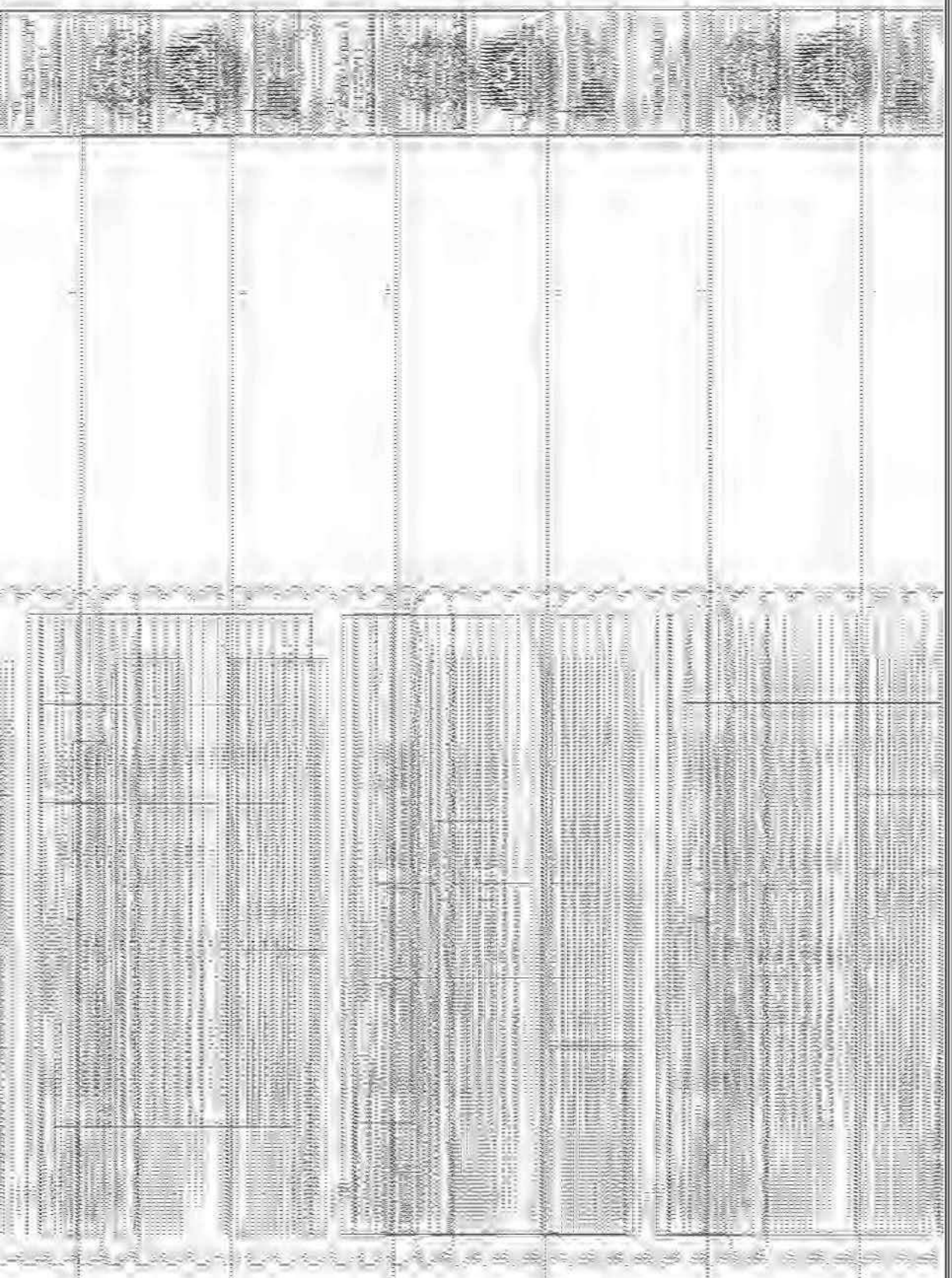
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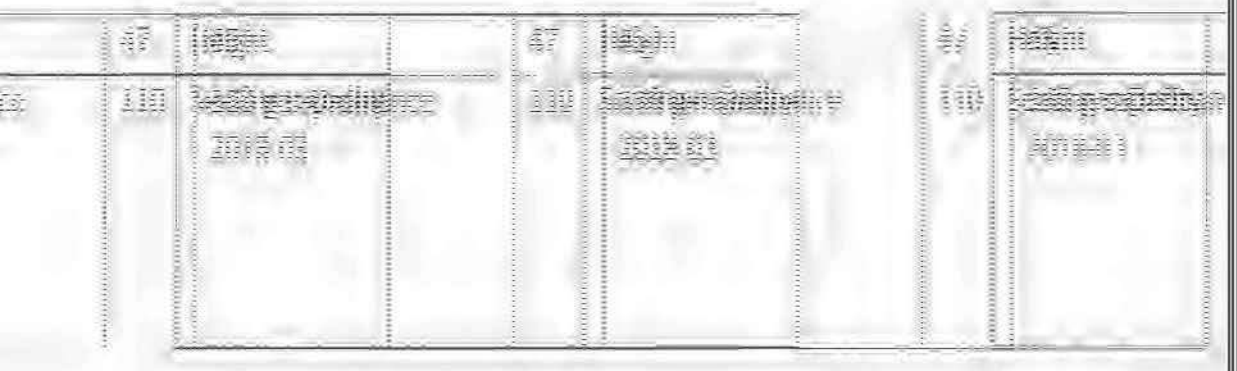


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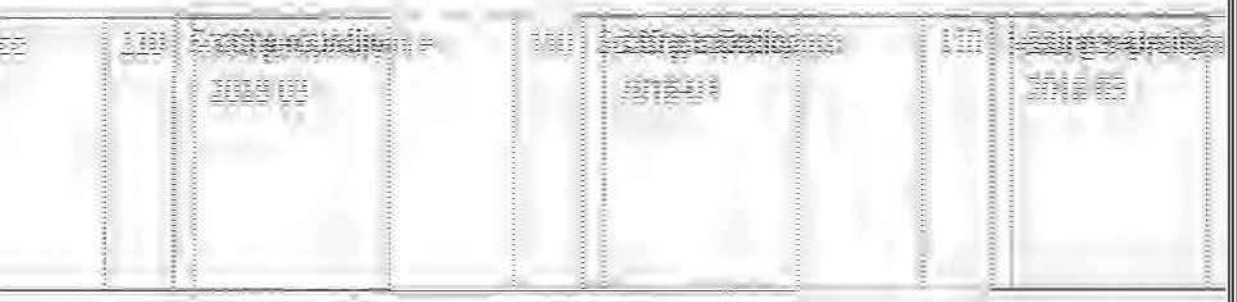


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AMPD-11-17-19393

129 Screven St. Suite 222
Post Office Drawer 421270
Georgetown, S. C. 29440
Phone: 843-545-3158
Fax: 843-545-3299

APPLICATION TO AMEND A PLANNED DEVELOPMENT (PD)

COMPLETED APPLICATIONS MUST BE SUBMITTED ALONG WITH THE REQUIRED FEE, AT LEAST FORTY-FIVE (45) DAYS PRIOR TO A PLANNING COMMISSION MEETING.

Please note this approval applies to this particular property only.

Name of Planned Development: Marlin Quay

Regulation to which you are requesting an amendment *(check applicable):*

- ( ) **Setback – Complete SECTION B: SETBACK AMENDMENT**
- ( ) **Signage – Complete SECTION C: SIGNAGE AMENDMENT**
- ( ) **Site Plan – Complete SECTION D: SITE PLAN AMENDMENT**
- (x) **Other:** Change of Building Location

All Applicants must complete SECTION A: APPLICANT INFORMATION

SECTION A: APPLICANT INFORMATION

Property Information:

TMS Number: 41-0129-002-00-00
(Include all affected parcels)

Street Address: 1508 South Waccamaw Drive

City / State / Zip Code: Murrells Inlet, South Carolina 29576

Lot / Block / Number: Tract 3, Plat Book 6 @ Page 214

Existing Use: Marina Slips, Store & Restaurant

EXHIBIT
27

ELECTRONICALLY FILED - 2022 Jan 25 12:36 PM - GEORGETOWN - COMMON PLEAS - CASE#2019CP220212

ELECTRONICALLY FILED - 2022 Jan 25 12:36 PM - GEORGETOWN - COMMON PLEAS - CASE#2019CP220212

Proposed Use: Marina Slips Store / Reatial / Restaurant

Commercial Acreage: 1.0 Acres +/- Residential Acreage: -0-

Property Owner of Record:

Name: Palmetto Industrial Development, LLC

Address: 611 West Palmetto Street

City/ State/ Zip Code: Florence, South Carolina 29501

Telephone/Fax: 843-669-7044

E-Mail: marklawhon@gmail.com

Signature of Owner / Date: Mark Lawhon IPS 11/3/17

Contact Information:

Name: Dr. Mark Lawhon

Address: 611 West Palmetto Street, Florence, South Carolina 29501

Phone / E-Mail: 843-669-7044 / marklawhon@gmail.com

I have appointed the individual or firm listed below as my representative in conjunction with this matter related to the Planning Commission of proposed new construction or improvements to the structures on my property.

Agent of Owner:

Name: Daniel W. Stacy, Jr. - Owner & Stacy, P.A.

Address: 90 Wall Street / Unit B

City / State / Zip Code: Pawleys Island, South Carolina 29585

Telephone/Fax: 843-235-6747 / 843-235-6650

E-Mail: dstacy@ownerandstacy.com

Signature of Agent/ Date: 11/3/17

Signature of Owner /Date: Mark Lawhon (obo) 11/3/17

ELECTRONICALLY FILED - 2022 Jan 25 12:36 PM - GEORGETOWN - COMMON PLEAS - CASE#2019CP220212

Fee Schedule: $250.00 plus $10.00 per Residential acre or $25.00 per Commercial acre.
Adjacent Property Owners Information required:

1. The person requesting the amendment to the Zoning Map or Zoning Text must submit to the Planning office, at the time of application submittal, stamped envelopes addressed with name of each resident within **Four Hundred Feet (400)** of the subject property. The following return address must appear on the envelope: **"Georgetown County Planning Commission, 129 Screven St. Suite 222, Georgetown, SC 29440."**

2. A list of all persons (and related Tax Map Numbers) to whom envelopes were addressed to must also accompany the application.

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proving the need for the proposed amendment rests with the applicant.

Please submit this **completed application** and appropriate **fee** to Georgetown County Planning Division at 129 Screven St. Suite 222, Georgetown, S. C. 29440. If you need any additional assistance, please call our office at 843-545-3158.

Site visits to the property, by County employees, are essential to process this application. The owner\applicant as listed above, hereby authorize County employees to visit and photograph this site as part of the application process.

A sign will to be placed on your property informing residents of an upcoming meeting concerning this particular property. This sign belongs to Georgetown County and will be picked up from your property within five (5) days of the hearing.

All information contained in this application is public record and is available to the general public.

SECTION B: SETBACK AMENDMENT

Please supply the following information regarding your request:

- List any extraordinary and exceptional conditions pertaining to your particular piece of property. _____

_____

- Do these conditions exists on other properties else where in the PD?

_____

- Amending this portion of the text will not cause undue hardship on adjacent property owners. _____

Submittal requirements: 12 copies of 11 x 17 plans

- A scaled site plan indicating the existing conditions and proposed additions.
- Elevations of the proposal (if applicable).
- Letter of approval from homeowners association (if applicable).

SECTION C: SIGNAGE AMENDMENT

Reason for amendment request: _____

_____

Number of signs existing currently on site _____

Square footage of existing sign(s) _____

Number of Proposed signs: _____

Square footage of the proposed sign(s) _____

Submittal requirements:

- Proposed text for signage requirements.
- 12 copies (11 x 17) of proposed sign image.
- Site plan indicating placement of the proposed sign(s).
- Elevations.
- Letter from POA or HOA (if applicable)

SECTION D: SITE PLAN AMENDMENT

Proposed amendment request: To approve the plans for the proposed redevelopment of the Marlin Quay Marina Store / Restaurant operation as an approved "Major Change" to the Marlin Quay Planned Development.

ELECTRONICALLY FILED - 2022 Jan 25 12:36 PM - GEORGETOWN - COMMON PLEAS - CASE#2019CP220212

Reason for amendment request: See Attached

Submittal requirements:

- 12 copies of existing site plan.
- 12 copies of proposed site plan.
- Revised calculations (*calculations may include density, parking requirements, open space, pervious/impervious ratio, etc.*).

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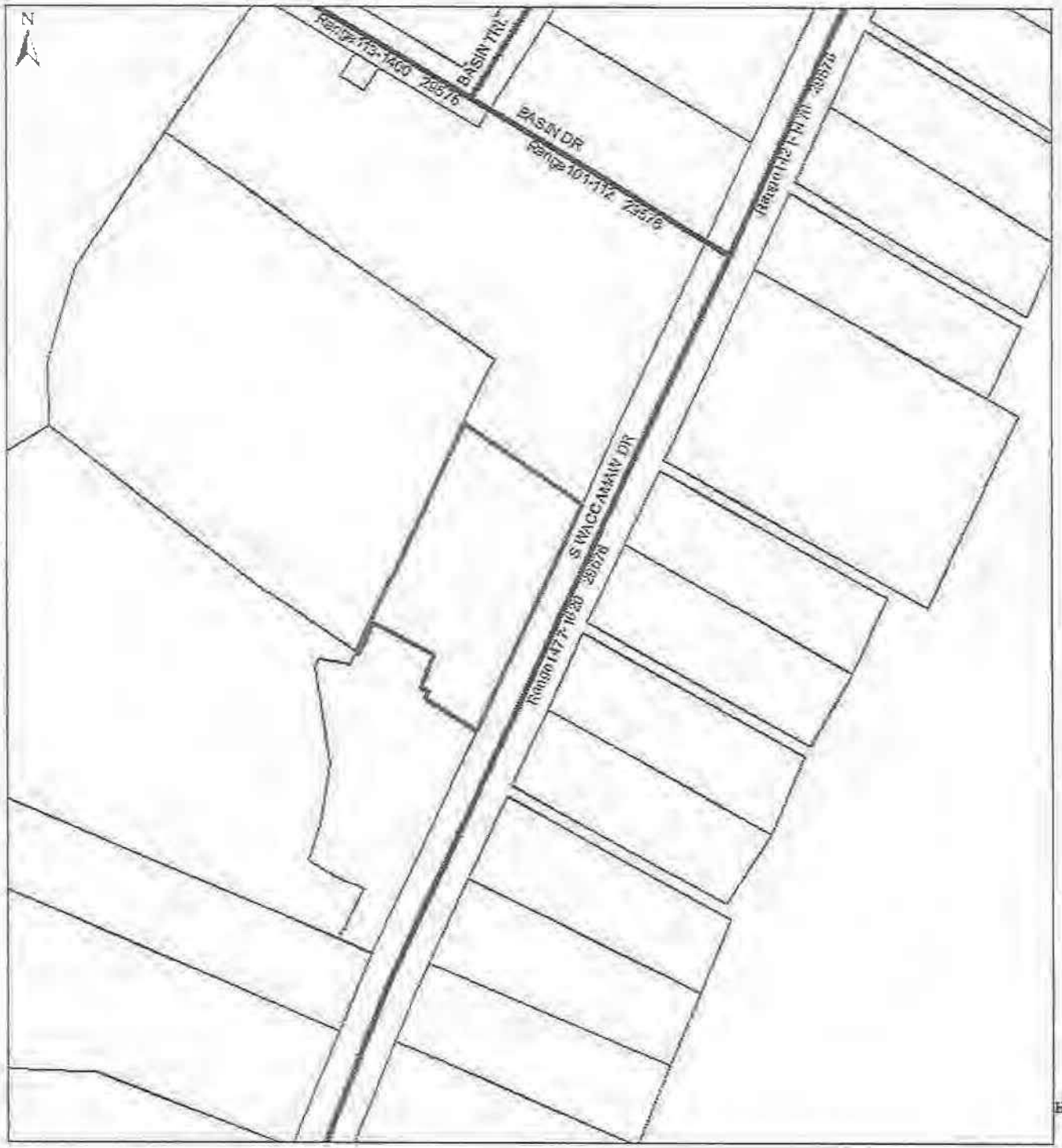
Reason for amendment request

Applicant previously brought the first version of proposed project in to County staff and requested a determination that the proposed change was a "minor change" to the Marlin Quay PD. Staff concurred and approved the change as a "minor change". The Gulfstream Café, adjacent to the project, appealed the staff's interpretation of the change as a minor change to the Georgetown County Zoning Board of Appeals. At the Zoning Board of Appeals meeting, the Zoning Board of Appeals agreed unanimously with staff that the approved minor change was, in fact, in compliance with the zoning ordinance, and upheld staff determination that the new building was a minor change.

The Gulfstream Café, being dissatisfied with that result, appealed to the Circuit Court of the State of South Carolina. The Circuit Court ruled again with the Zoning Board of Appeals and with Zoning staff of Georgetown County that the proposed change was a Minor Change. In order to move forward with the project, the Applicant modified the plans for the building so as to not interfere with the existing parking lot over which The Gulfstream Café has an easement. The Applicant intends to build a similar building of substantially the same size as the original building and the first proposed revision, but modify the configuration of said building to be wholly within the confines of property owned by the Applicant and not interfering with the parking lot over which The Gulfstream Café has a parking easement.

This proposed change produced another appeal to the Zoning Board of Appeals from The Gulfstream Café, which the Zoning Board of Appeals again unanimously upheld staff determination on November 2, 2017. Based on past conduct by The Gulfstream Café, we anticipate an additional appeal of the ruling of the Zoning Board of Appeals back to Circuit Court and ultimately to the Court of Appeals. Applicant has elected to move forward with this application as a "Major Change" to the Planning Commission such that if the Planning Commission approves this as a "major change" and County Council approves this as a "major change", the ongoing litigation will simply cease and there will be no further legal basis for The Gulfstream Café to continue its appeals. Your staff has vetted this issue thoroughly and has approved this project twice.

While we and your staff believe the project is compliant as a Minor Change, we respectfully ask the Planning Commission to give a favorable recommendation as a Major Change simply as a means to bring finality to this matter and allow the Applicant to rebuild his business.



Marlin Quay
Property Location
AMPD 11-17-19393

Legend

Streets

<all other values>

MaintainedBy

County

Private

State

Marlin Quay

Lot Lines

Railroads

Landmarks

Municipalities

0 40 80 160 240 320

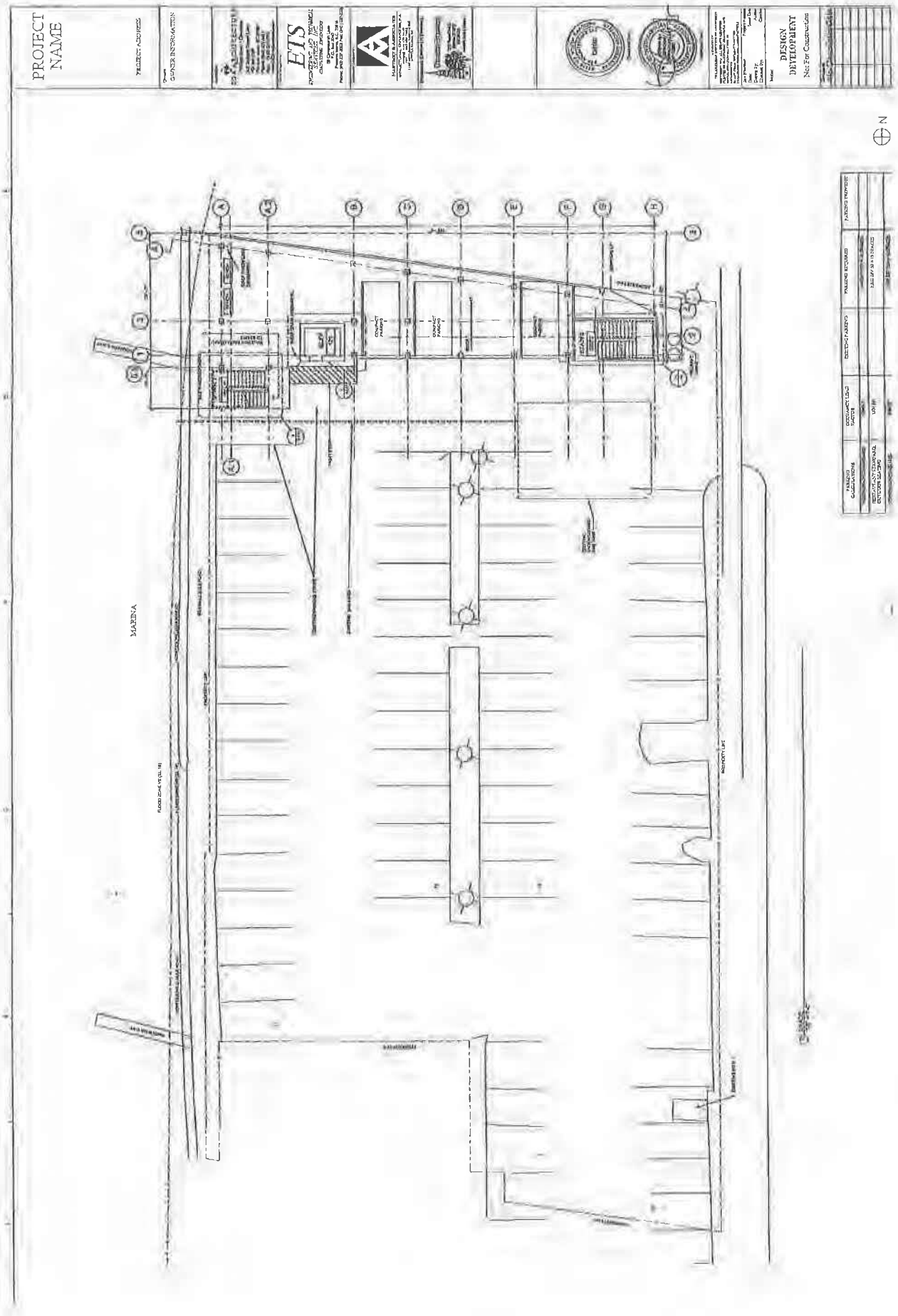
DISCLAIMER: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.

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Marlin Quay
Property Zoning
AMPD 11-17-19393
Legend
streets
Zoning
DISTRICT
0
40
80
160
240
320
Feet
DISCLAIMER: This map is a graphic representation of data obtained from various sources. All efforts have been made to warrant the accuracy of this map. However, Georgetown County disclaims all responsibility and liability for the use of this map.
GRR
RC
PD
CP
S WACCAMAW DR
BASIN DR
BASIN TRL

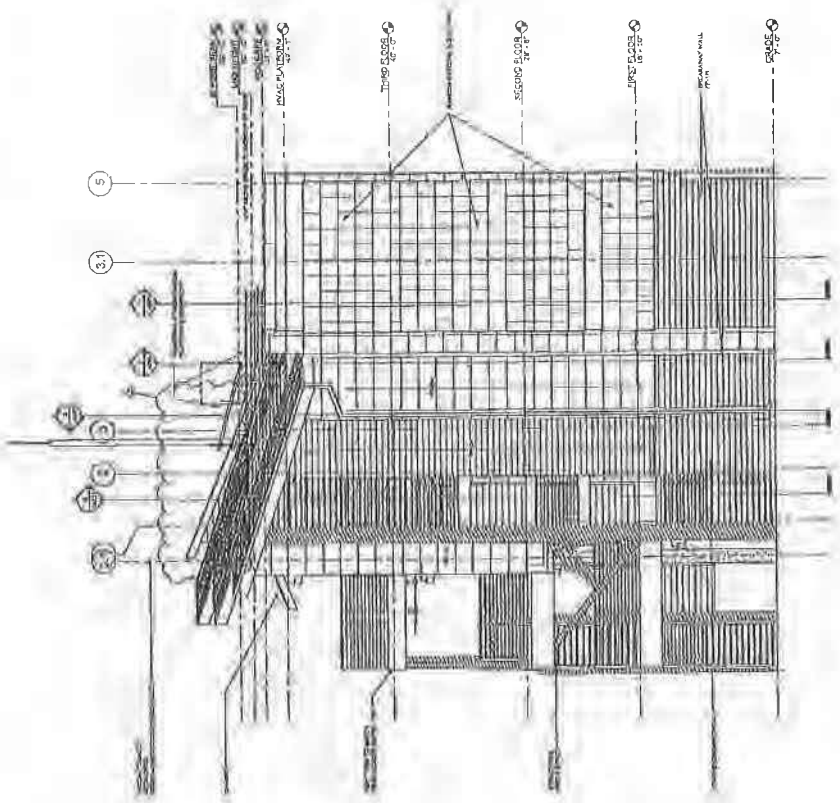
Marlin Quay
Property Aerial
AMPD 1117-19393
Legend
Streets
<all other values>
MaintainedBy
County
Private
State
Marlin Quay
Lot Lines
Railroads
Landmarks
sde.SDE.Imagery2017Med
RGB
Red: Band_1
Green: Band_2
Blue: Band_3
Municipalities
0 25 50 100 150 200
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EASNOR

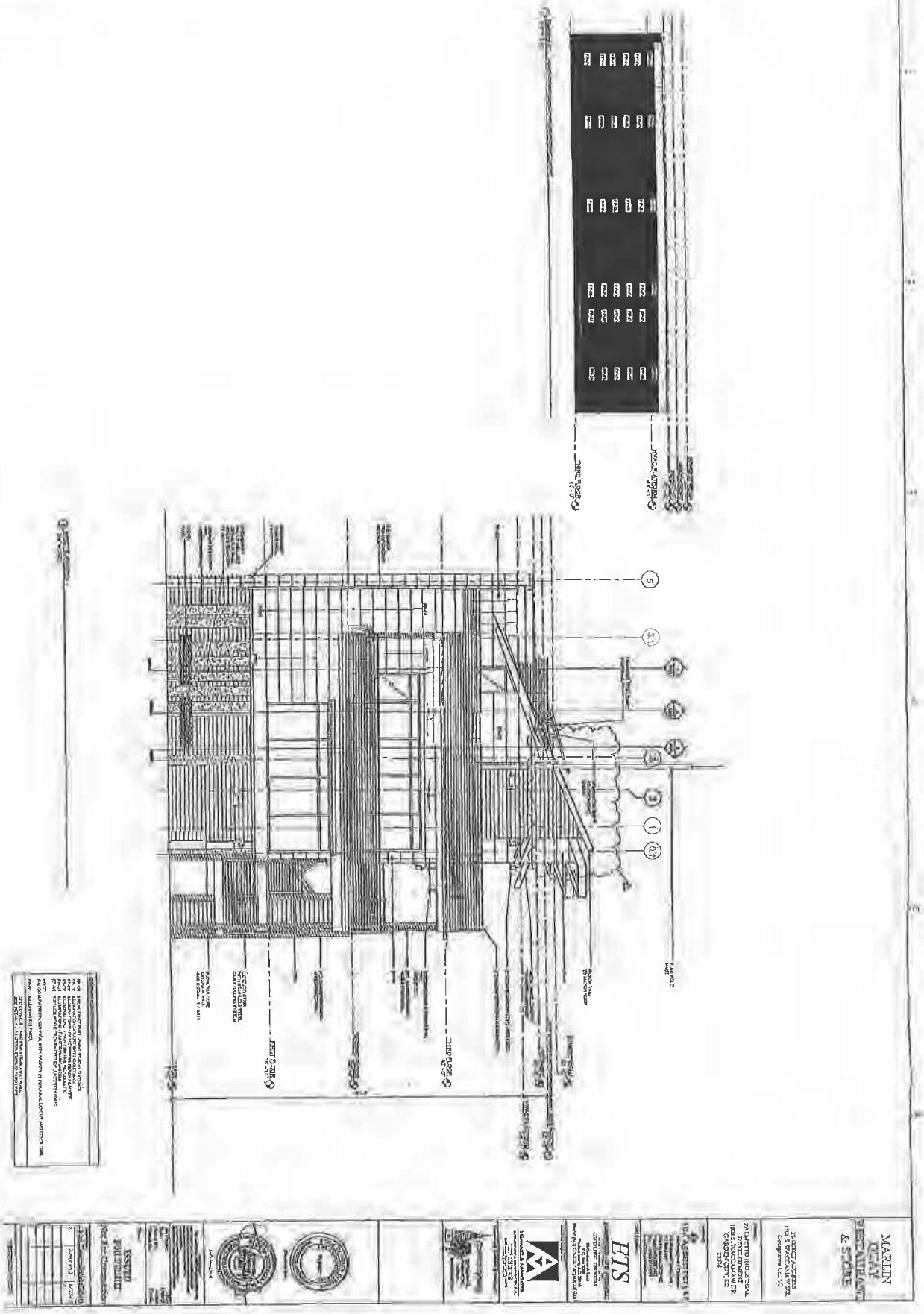
Marlin Quay
Property Aerial
AMPD 1117-19393
Legend
Streets
<all other values>
MaintainedBy
County
Private
State
Marlin Quay
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RGB
Red: Band_1
Green: Band_2
Blue: Band_3
Municipalities
0 12.5 25 50 75 100
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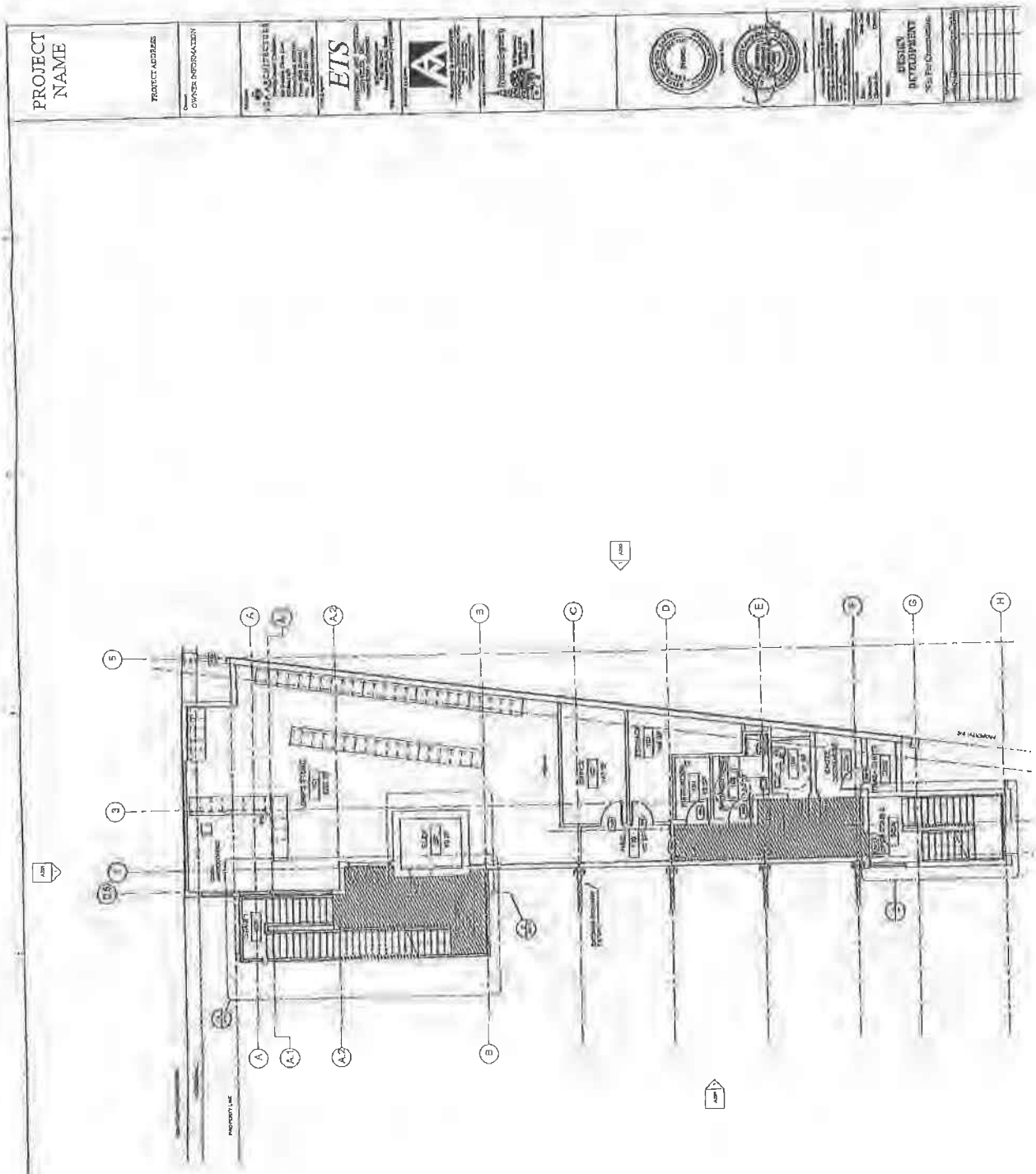

PROJECT NAME
DESIGN DEVELOPMENT
Not For Construction
MARINA

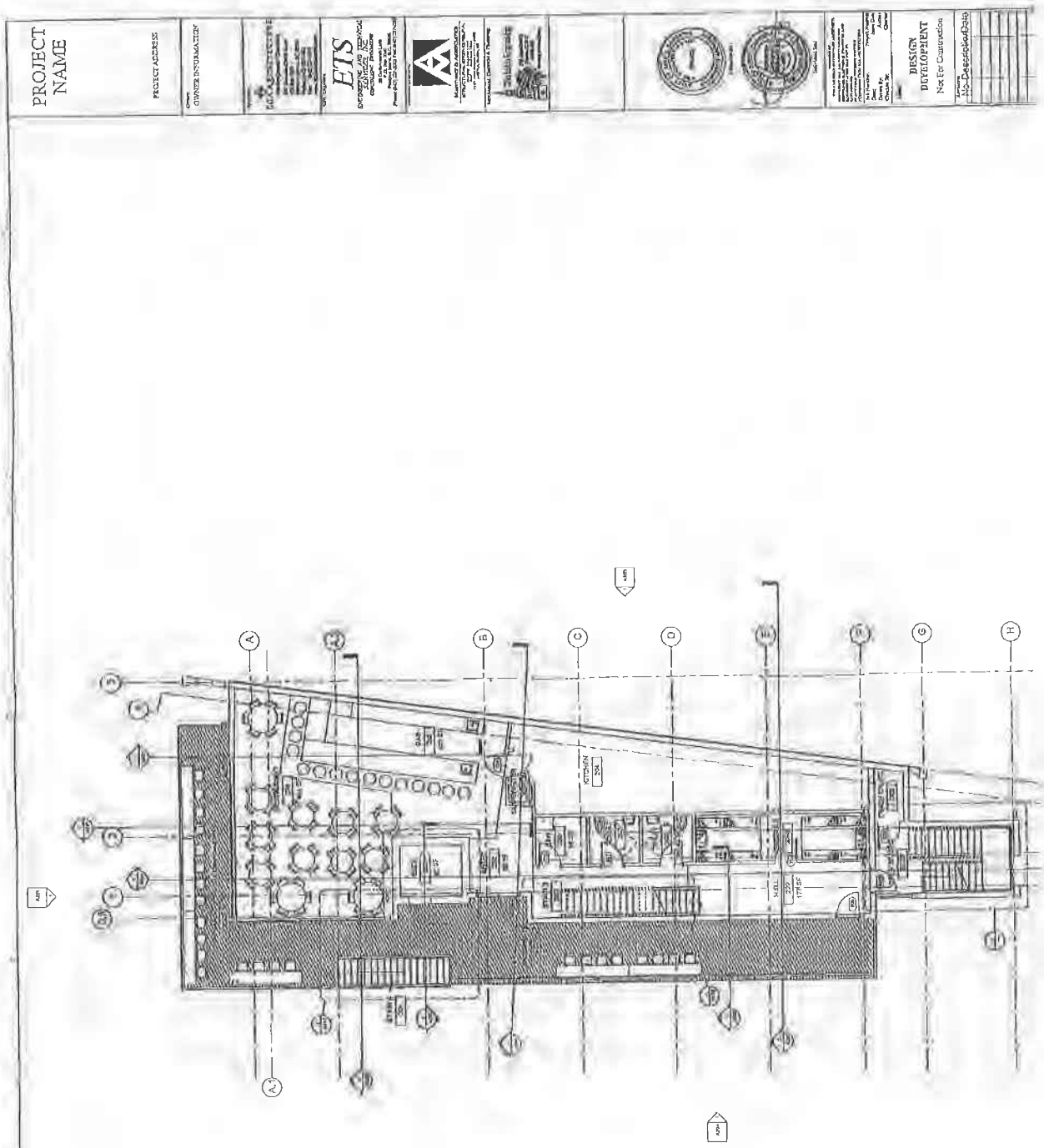

MARLIN QUAY
& STORE
ISSUED FOR PERMIT
Not For Construction

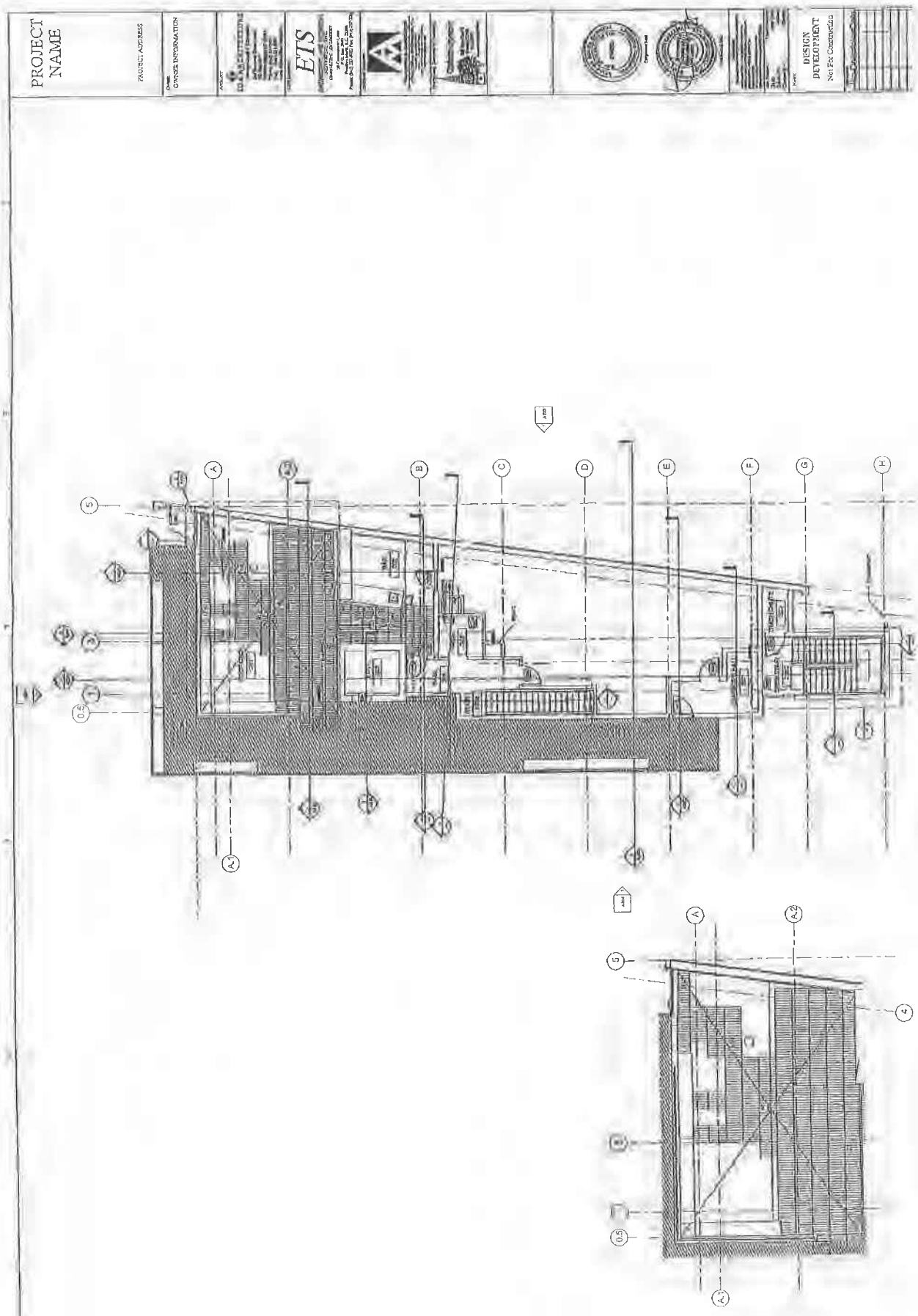



ROOF
FIRST FLOOR
SECOND FLOOR
THIRD FLOOR
ROOF PLATFORM




PROJECT NAME
ETS


PROJECT NAME
DESIGN DEVELOPMENT
Not For Construction


PROJECT NAME
ETS
DESIGN DEVELOPMENT

TMS	Property Description	Deed Reference	Class	Subdivision	Sale Date	Sale Price	Book-Page	Plat	Tract Location	Grid	Taxpayer Name	Taxpayer Care Of	Taxpayer Address	City	State	Zip
1	25 BLK B GARDEN CITY	41-0128-001-00-00	1517		[illegible]	[illegible]	[illegible]	2403	SOUTH WACCAMAW DR	18994	JACOBS HOWARD H	JACOBS EVELINE S	11 DOCK RD		CHESTER	ST	[illegible]
3	26, 28, 60 & 64 BLK A GARDEN CITY SUD; 49X3 & 2, 40X175 & 124	41-0128-[illegible]	1439		[illegible]	A	[illegible]	2417	BASIN DR	121413	SEAPORT VILLAGE HPR		C/O SURFSIDE REALTY INC	512 S OCEAN BLVD	SURFSIDE	SC	29575
4	24 BLK A GARDEN CITY	41-0128-[illegible]	1472	1	[illegible]	[illegible]	[illegible]	2407	BASIN DR	64013	ERASTIAN TERRELL W	GRANTHAM VICTORIA	2824 TROTTER RD		FLORENCE	SC	[illegible]
5	MARLIN QUAY UTILITY STATION	41-0128-[illegible]			[illegible]		[illegible]	2502	BASIN DR	129083	GEORGETOWN CO WATER & SEWER		PO DRAWER E		GEORGETOWN	SC	29442
6	PARCEL E-1 SLD [illegible]	41-0128-[illegible]	1466	1-35	[illegible]	[illegible]	[illegible]	740	WACCAMAW DR S	18518	DEBERRY JOHN B		1216 SOUTH COIT STREET		FLORENCE	SC	[illegible]
8	PARCEL E SOUTH POINT SLD 33.9+/-AC; SOLE SOUTH POINT	41-0128-[illegible]	1466	X 84	[illegible]	E	[illegible]	740	WACCAMAW DR S	91147	ALLEN JEAN D		1210 CHEROKEE ROAD		FLORENCE	SC	[illegible]
7	BLK F SOUTH POINT	41-0128-[illegible]	1466	1	[illegible]	[illegible]	1471-293	2503	SOUTH WACCAMAW DR	157627	K & A LAND HOLDINGS LLC		67 RIVER MILL RD		ST MATTHEWS	SC	[illegible]
9	WACCAMAW DR	41-0128-[illegible]		4-1	[illegible]		2739-296	740	WACCAMAW DR S	48571	MYERS ANNA LEE G TRUSTEE ET AL	ROURK HELEN G	1701 LIVINGSTON DR		CHARLESTON	SC	[illegible]
8	27 BLK A GARDEN CITY	41-0128-001-00-00	1470	1	[illegible]	[illegible]	[illegible]	2527	BASIN DR	163039	EPPERLY GREGORY S		168 SYLVIA DRIVE		CHARLESTON	SC	[illegible]
10	30 BLK B GARDEN CITY	41-0128-067-00-00	1465	1	[illegible]	6	[illegible]	740	WACCAMAW DR S	[illegible]	TIMMONDS LLC LIFE ESTATE		P.O. BOX 1024		MURRELLS INLET	SC	[illegible]
11	29 BLK B GARDEN CITY	41-0128-058-00-00	1473	1	[illegible]	[illegible]	[illegible]	740	WACCAMAW DR S	[illegible]	GRANTHAM TERRELL W	GRANTHAM VICTORIA I	2824 TROTTER ROAD		FLORENCE	SC	[illegible]
12	LOT 1A A PLACE AT [illegible]	41-0129-008-00-00	1501	1	[illegible]	[illegible]	[illegible]	2501	SOUTH WACCAMAW DR	[illegible]	BIGWELL JAMES KEITH		1275 S SUBER RD		GREER	SC	[illegible]
13	32 BLK B SOUTH POINT	41-0128-[illegible] 00-00	1501	1	1977-09-22 20:00:00		152-454	2523	SOUTH WACCAMAW DR	[illegible]	A PLACE AT SCH OCEAN FRONT NO2	[illegible]	PO BOX [illegible]		SURFSIDE BEACH	SC	[illegible]
14	34 BLK B GARDEN CITY	41-0128-[illegible]	1501	1	2003-09-29 20:00:00	[illegible]	1428-280	2528	SOUTH WACCAMAW DR	[illegible]	SHULL LAURA T		PO BOX 2074		CAMDEN	SC	[illegible]
15	36 BLK B GARDEN CITY	41-0128-029-012-00-00	1501	1	[illegible]	[illegible]	1872-295	2501	SOUTH WACCAMAW DR	148313	HUTCHISON PAUL M	SHERMAN JENNIFER D	133 GREEN LAKE DRIVE		MYRTLE BEACH	SC	[illegible]
16	LOT 3 SOUTH POINT	41-0128-[illegible]	1541	1	[illegible]	[illegible]	[illegible]	2535	SOUTH WACCAMAW DR	152855	OGDEN SHERRILL R CO-TRUSTEE	OGDEN PHILLIP E CO-TRUSTEE	139 ELK PATHWAY [illegible]		CANTON	GA	[illegible]
17	BLK F SOUTH POINT	41-0128-[illegible]	1549	1	[illegible]	[illegible]	[illegible]	2503	SOUTH WACCAMAW DR	156724	[illegible]	Dupl	PO BOX 1431		FLORENCE	SC	[illegible]

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18	41-0129-005-02-02	4 BLK F SOUTH POINT	41-0129-005-02-02	1557	1	2010-11-14 19:00:00		2525-302	2533	SOUTH WACCAMAW DR	171352	YOUNG STEPHEN F	BATTS SARAH Y	109 STONYBROOK RD		ROCKY MOUNT	NC	27804
19	41-0129-005-03-00	LOTS A & B PLAT S-438	41-0129-005-03-00	1536	1	1986-02-24 19:00:00	148812	234-776	2523	SOUTH WACCAMAW DR	31227	GULFSTREAM CAFE INC THE		236 ALBEMARLE RD		CHARLESTON	SC	29407
20	41-0129-005-00-00	BLK D SOUTH POINT	41-0129-005-00-00		4.8	2014-08-19 20:00:00	5	2421-274	2523	SOUTH WACCAMAW DR	161455	PALMETTO INDUSTRIAL DEVELOP LLC		611 WEST PALMETTO STREET		FLORENCE	SC	29501
21	41-0128-032-51-00	YACHT BASIN Boat Docks	41-0128-032-51-00		1	2014-08-19 20:00:00	800000	2421-267	2527	BASIN DR	161455	PALMETTO INDUSTRIAL DEVELOP LLC		611 WEST PALMETTO STREET		FLORENCE	SC	29501
22	41-0129-002-00-00	LTS 3, 4 & 5, BLK C SOUTH POINT A/K/A TRACT 3	41-0129-002-00-00	1508	1	2014-08-19 20:00:00	800000	2421-267	2523	SOUTH WACCAMAW DR	161455	PALMETTO INDUSTRIAL DEVELOP LLC		611 WEST PALMETTO STREET		FLORENCE	SC	29501
23	41-0128-032-00-00	MARLIN QUAY COMMON AREA	41-0128-032-00-00	1366	1	1982-10-31 19:00:00		205-270	2527	BASIN DR	28460	MARLIN QUAY HOMEOWNERS ASSN		SOUTH WACCAMAW DR		GARDEN CITY	SC	29576

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NOTICE OF PUBLIC HEARING

The Planning Commission will consider a request from Dan Stacy of Oxner and Stacy, as agent for Dr. Mark Lawhon of Palmetto Industrial Development, LLC to amend the Marlin Quay Planned Development to allow for the redevelopment of the Marlin Quay Marina Store/Restaurant. The property is located at 1508 South Waccamaw Drive in Murrells Inlet. TMS 41-0129-002-00-00. Case Number AMPD 11-17-193693.

The Planning Commission will be reviewing this request on **Thursday, December 21, 2017 at 5:30 p.m. in the Georgetown County Council Chambers entering at 129 Screven Street in Georgetown, South Carolina.**

If you wish to make public comments on this request, you are invited to attend this meeting. If you cannot attend and wish to comment please submit written comment to:

Georgetown County Planning Commission

PO Drawer 421270

Georgetown, South Carolina 29442

Telephone (843) 545-3158

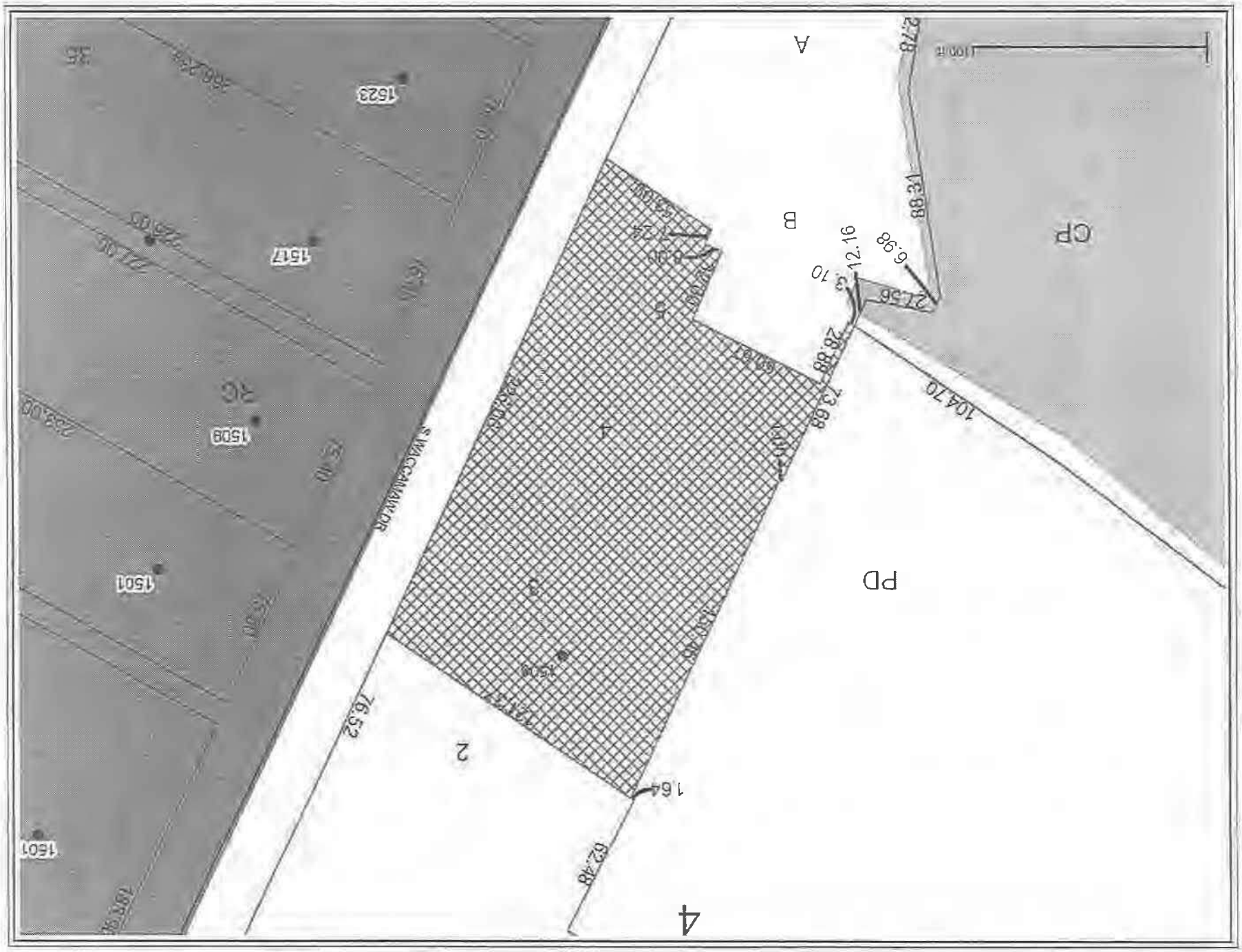
Fax (843) 545-3299

E-mail: tcoleman@gtcounty.org

Selected Lot Lines Feature

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Shape.STLength()	
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GlobalID	{03273CD1-5B3F-4C58-91FC-A2774073A507}
sde.SDE.parcelpoly2017.Area	26063.26794434
created_user	
created_date	
last_edited_user	
last_edited_date	
Legal	LTS 3, 4 & 5, BLK C SOUTH POINT A/K/A TRACT 3
TMS	41-0129-002-00-00
Street Number	1508
Acreage	1
Date	2014-08-19 20:00:00
Sale	800000
Legal Ref	2421-267
Location	SOUTH WACCAMAW DR
Owner	PALMETTO INDUSTRIAL DEVELOP LLC
Owner 2	
Address1	611 WEST PALMETTO STREET
Address2	
City	FLORENCE
State	SC
Zip	29501

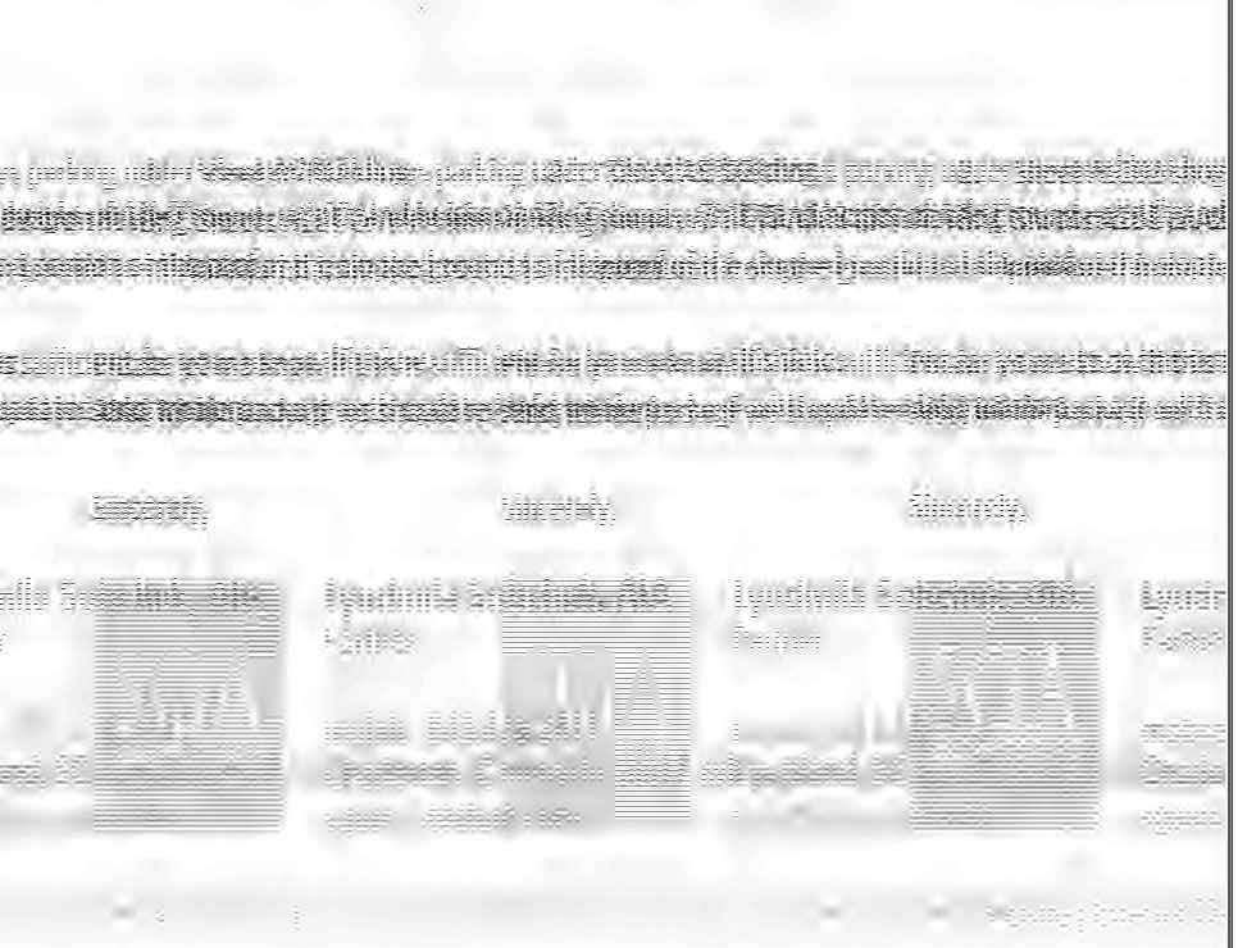
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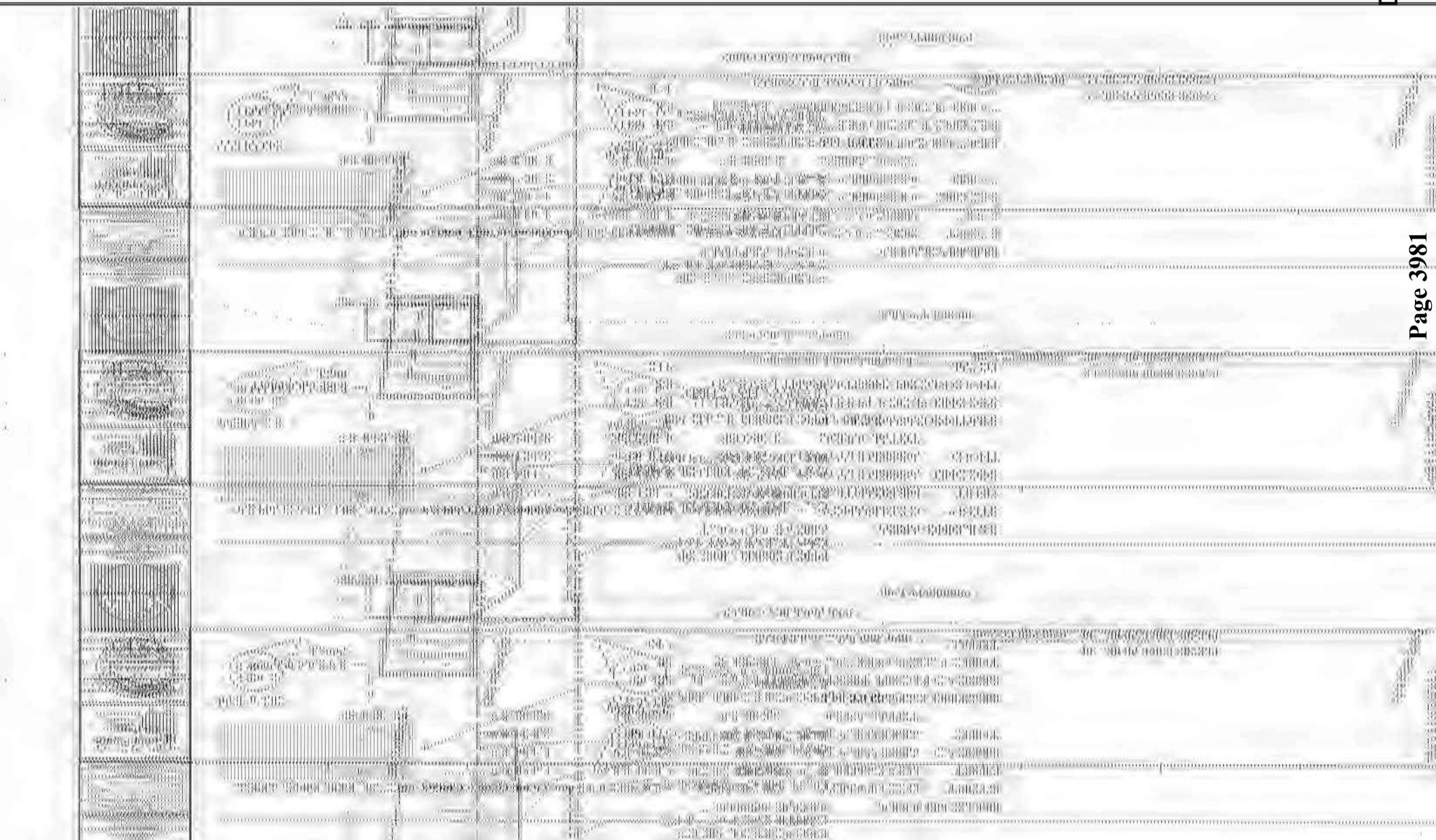

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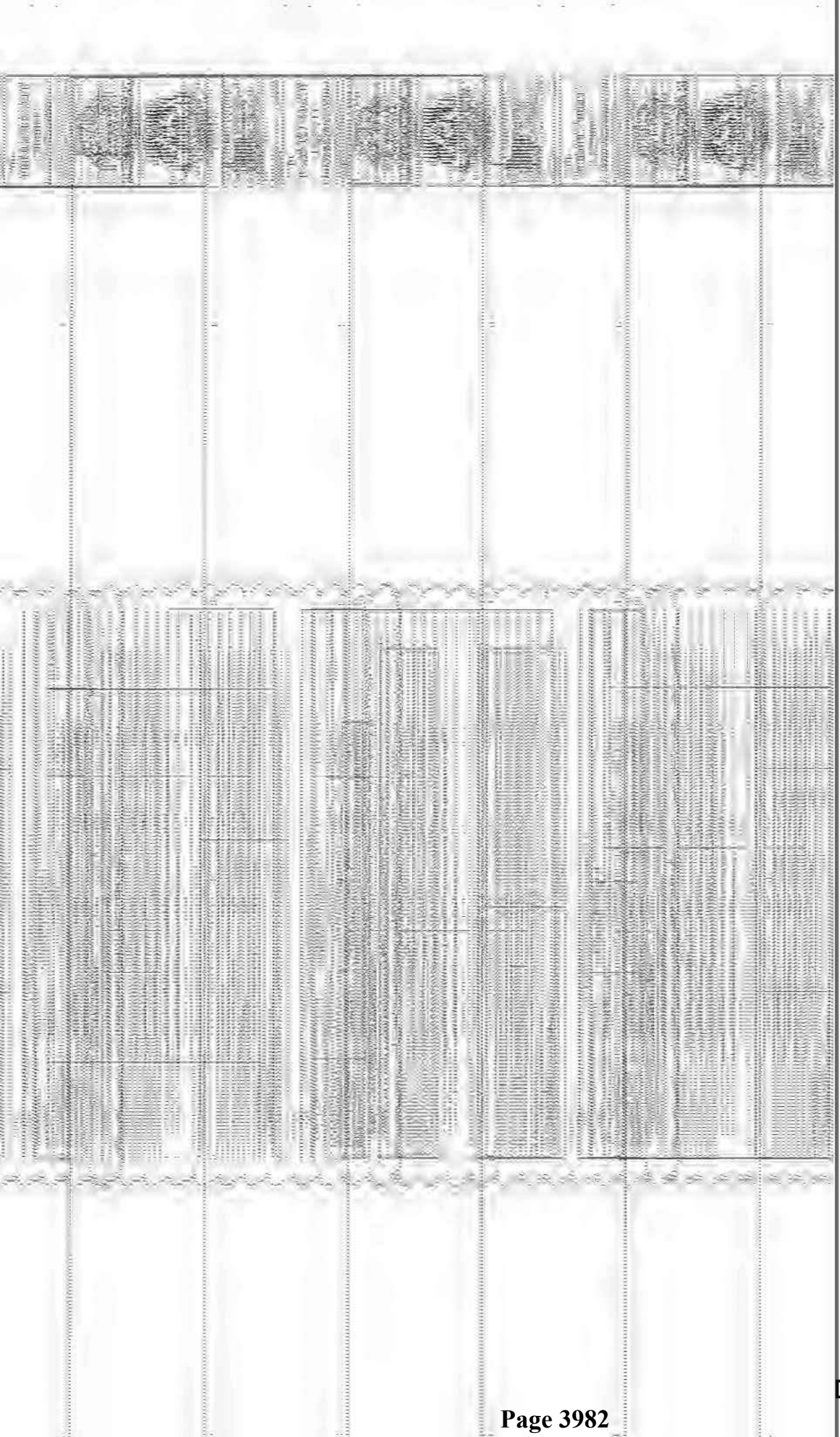
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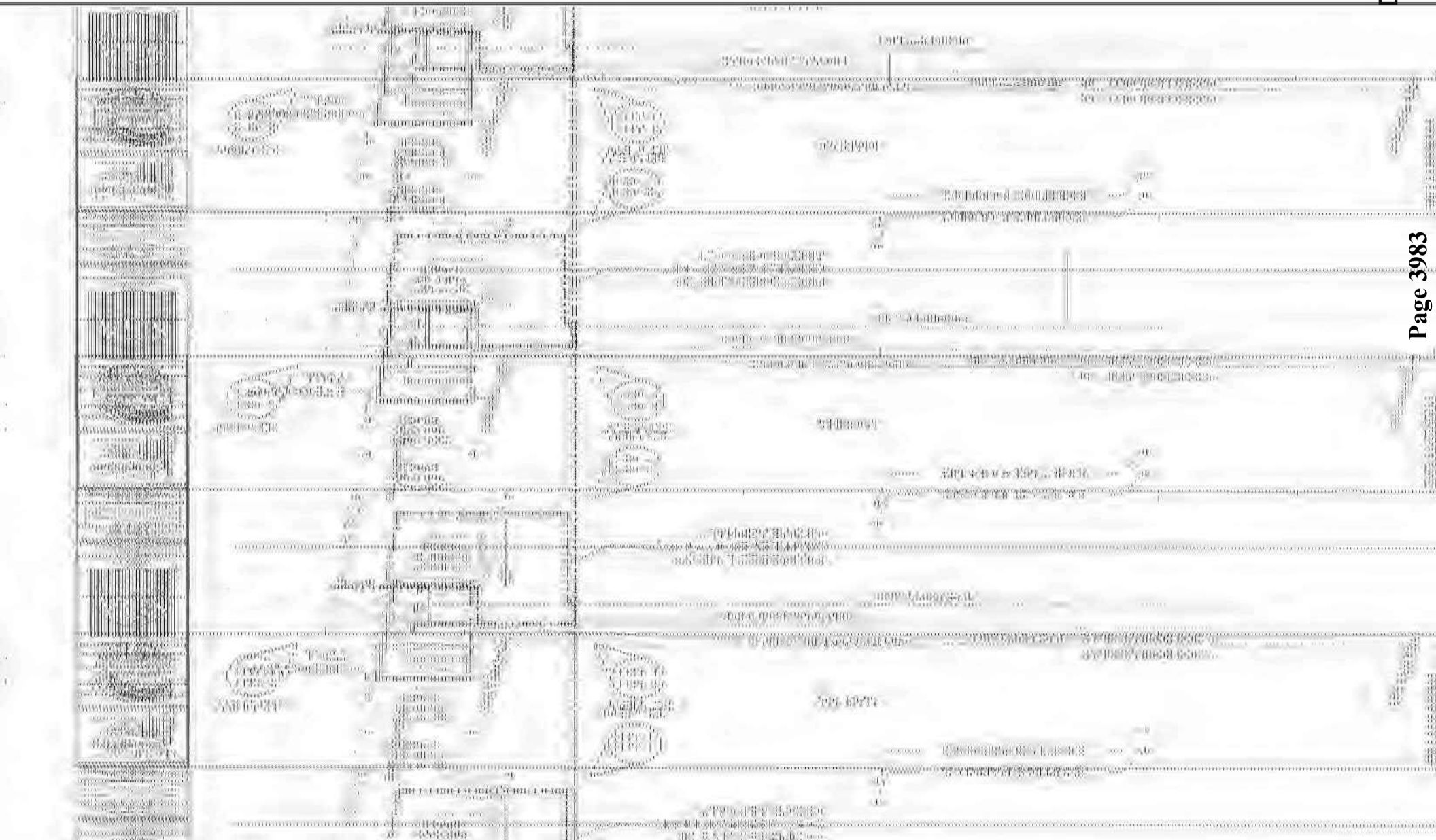


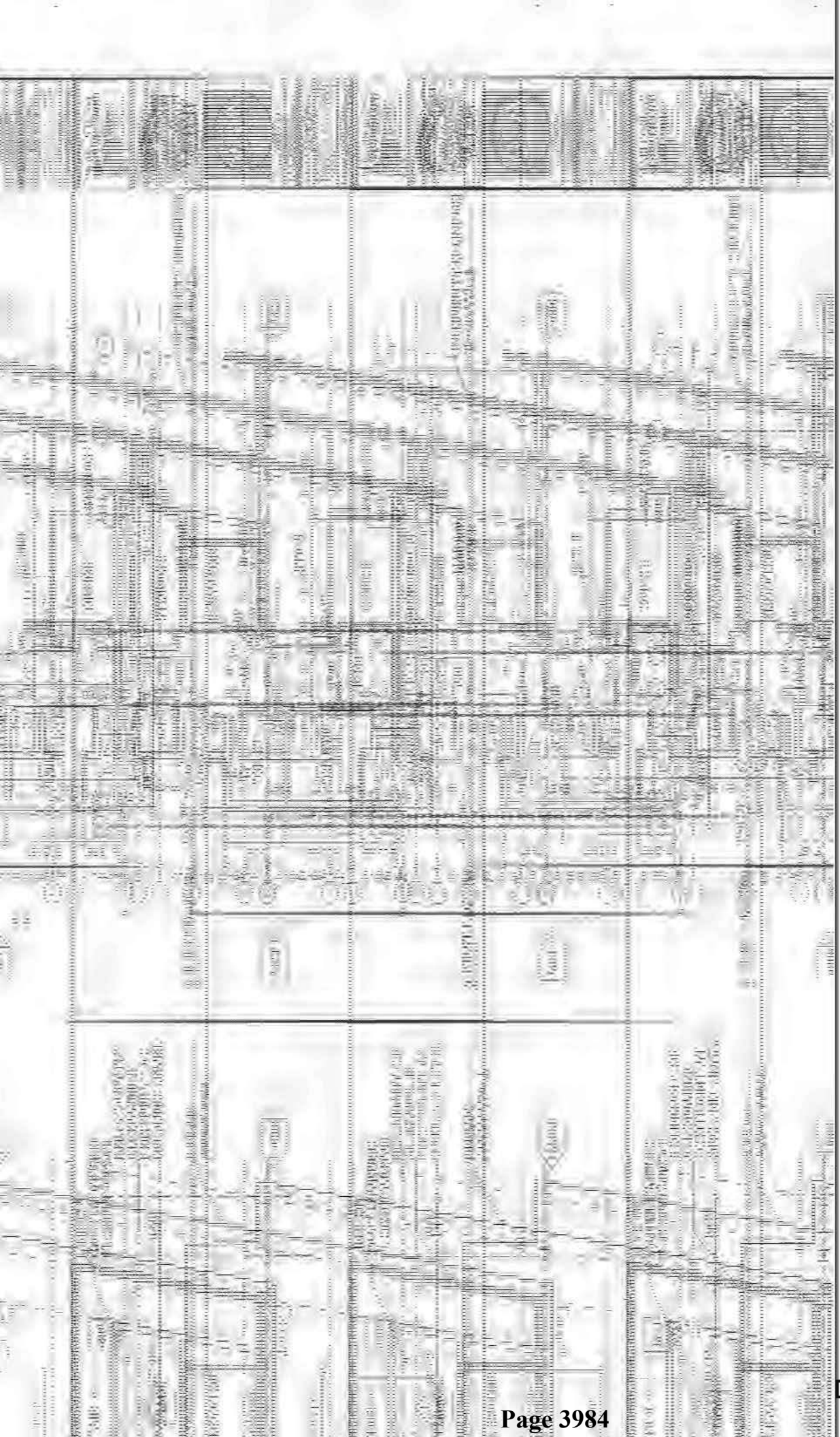
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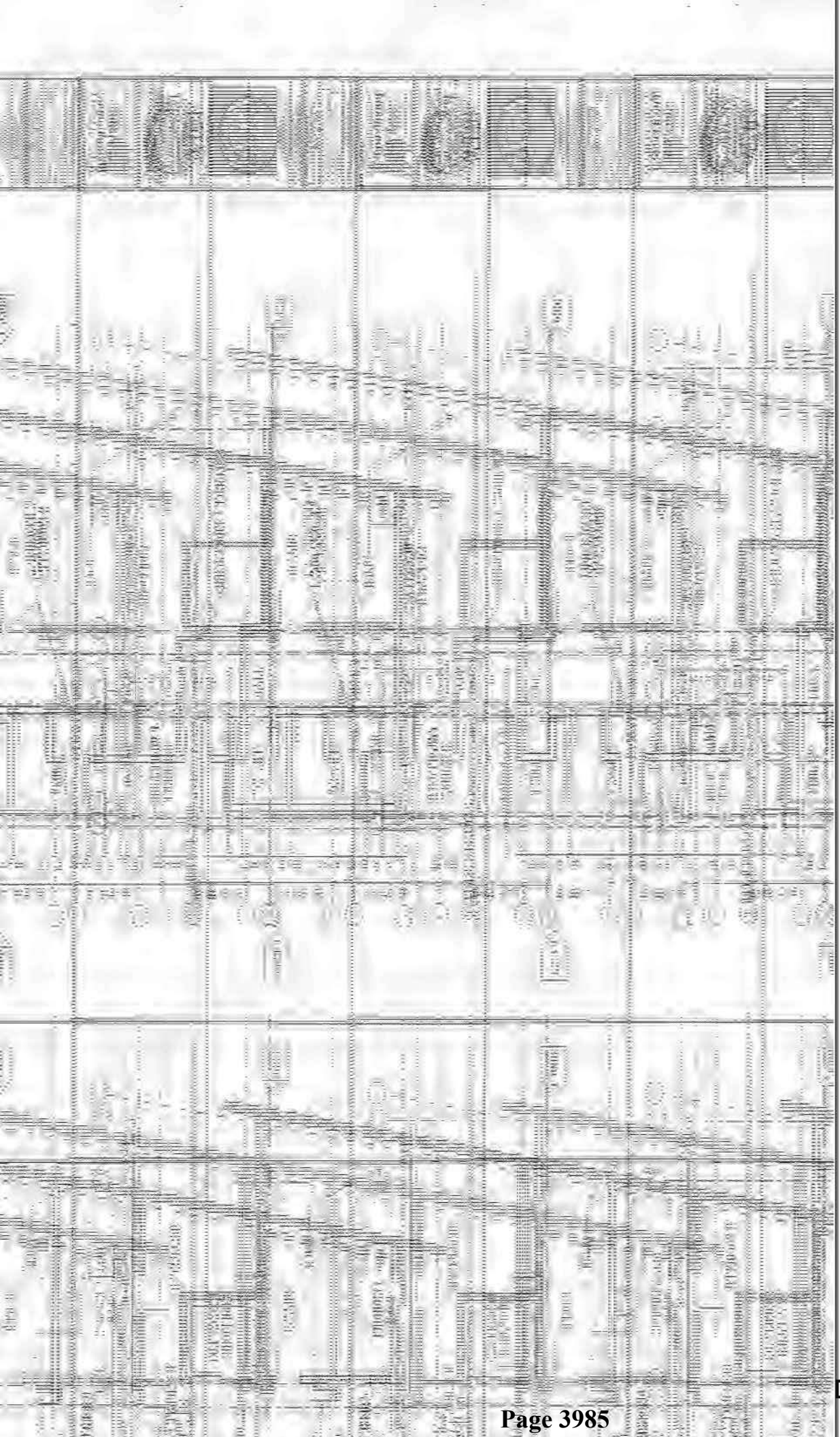


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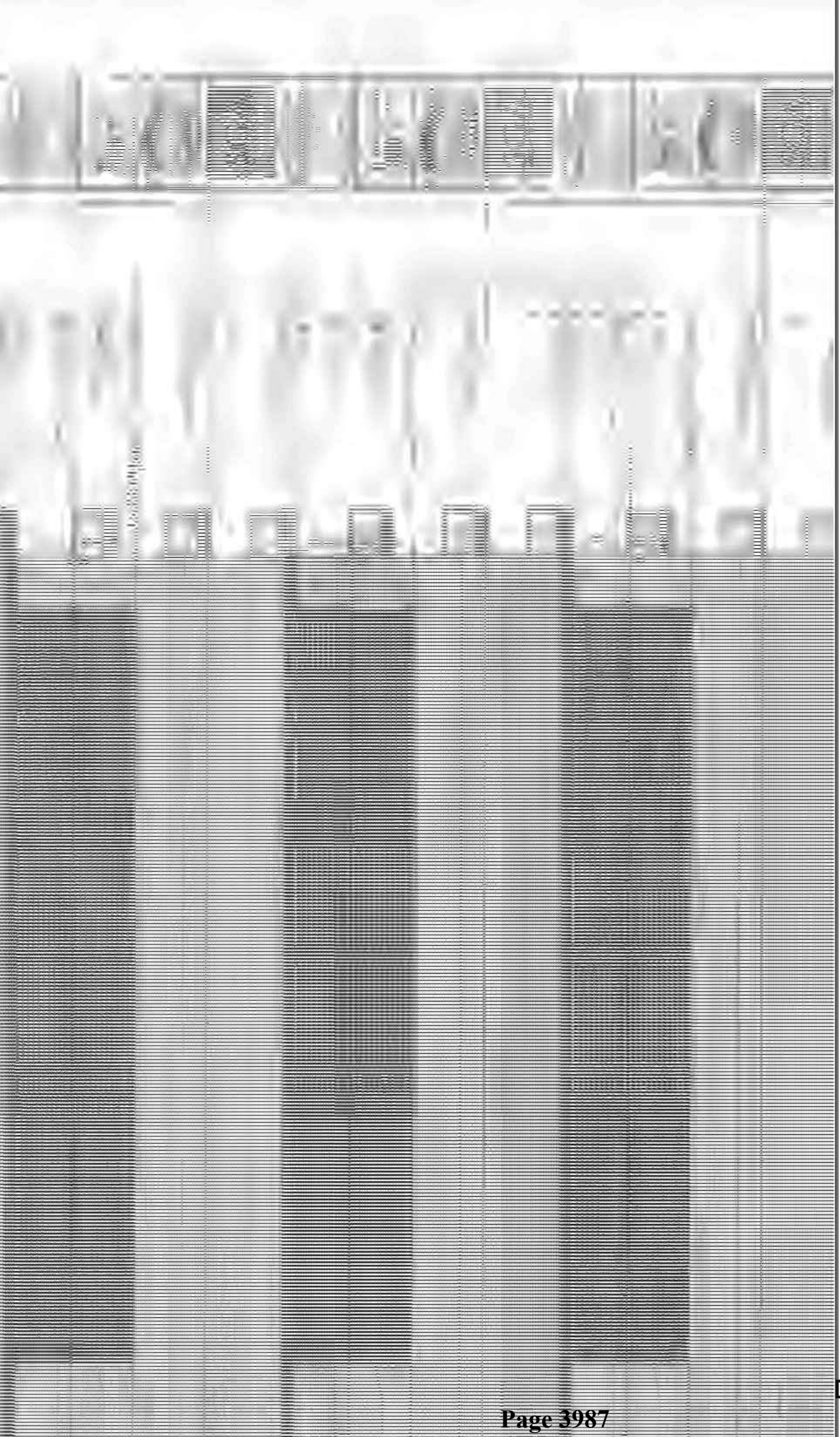




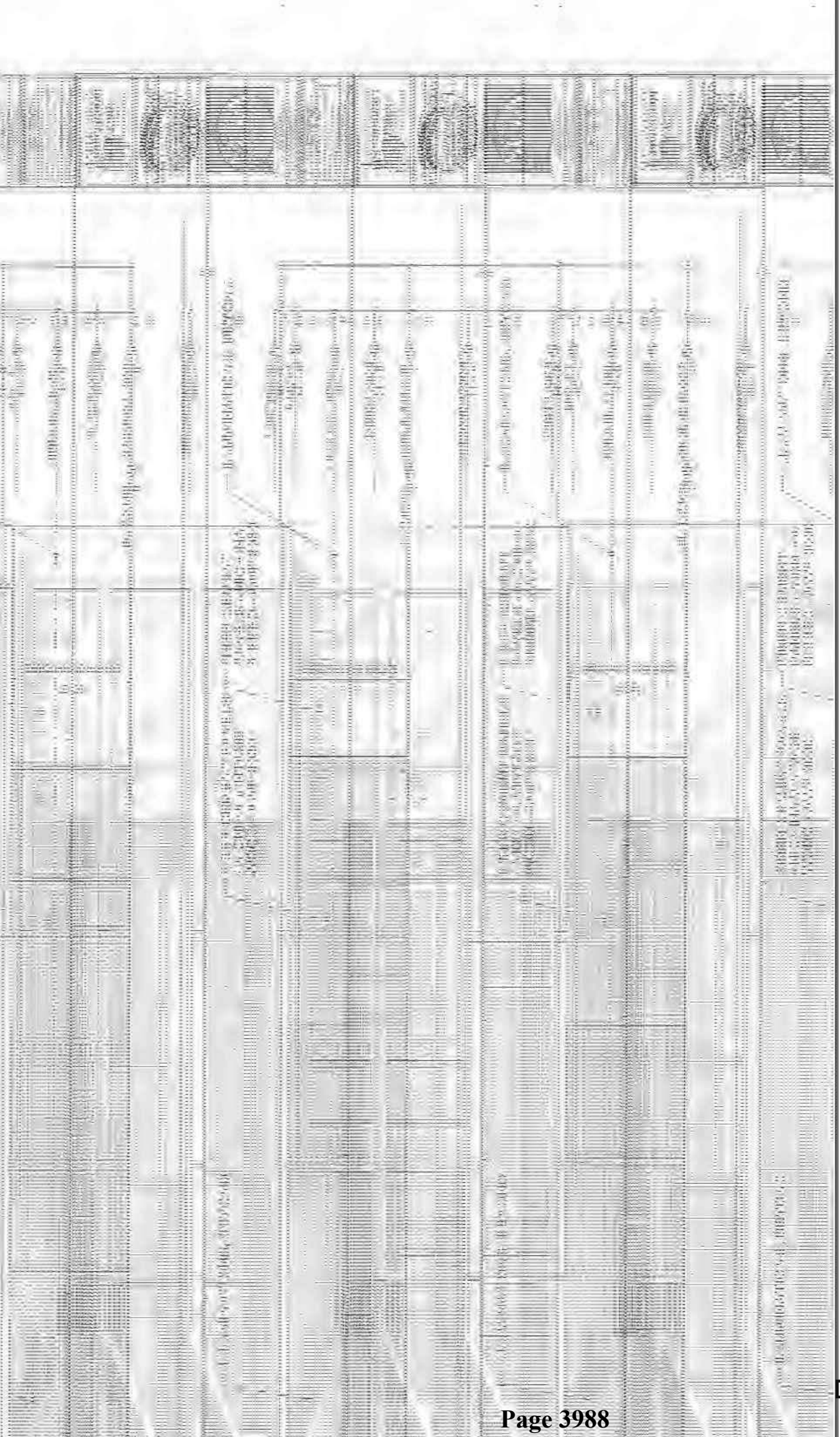
EFTA00000 - 2022 JMAIL FILED FOIA - COMMUNITY TOWN HALL - CASE #2022-0012







FILED IN THE OFFICE OF THE DISTRICT CLERK 7/27/2017 4:30:17 PM CASE #2017-30717 HARRIS COUNTY, TEXAS





EFTA_R1_02 - 2 USC 7172 - CONFIDENTIAL - COMMONWEALTH OF VIRGINIA - CASE #2018-0172



EXHIBIT 1 TO DECLARATION OF CHRISTOPHER J. CASEY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS - 2:20-CV-00177-JRG

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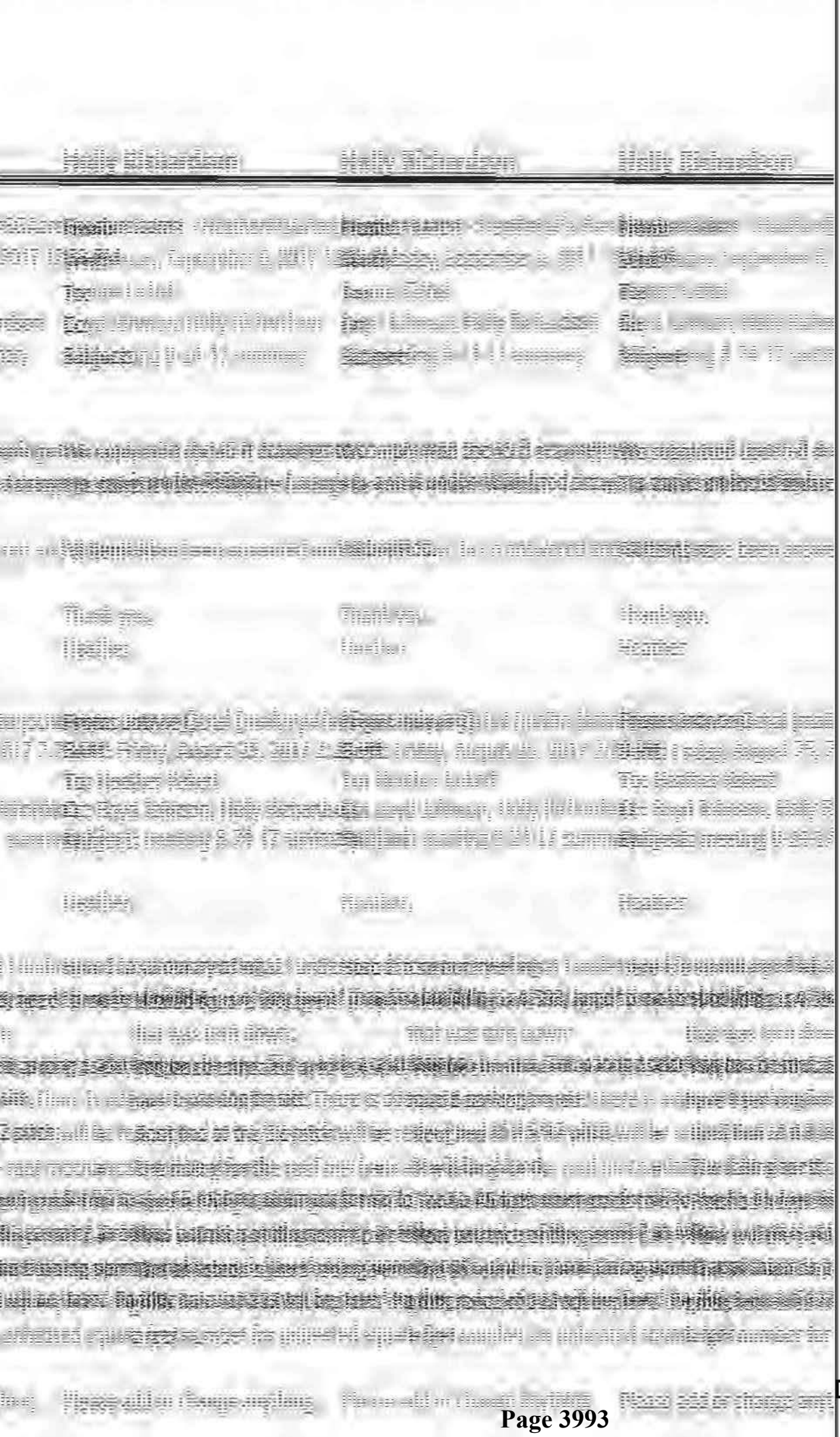
Boyd Johnson

From: Boyd Johnson
Sent: Tuesday, June 11, 2019 6:46 PM
To: Holly Richardson
Subject: MQ

Let's talk about the procedural problems the Gulf S lawyer is alleging.

Boyd Johnson
Director, Planning and Code Enforcement
Georgetown County, SC
Office (843) 545-3162

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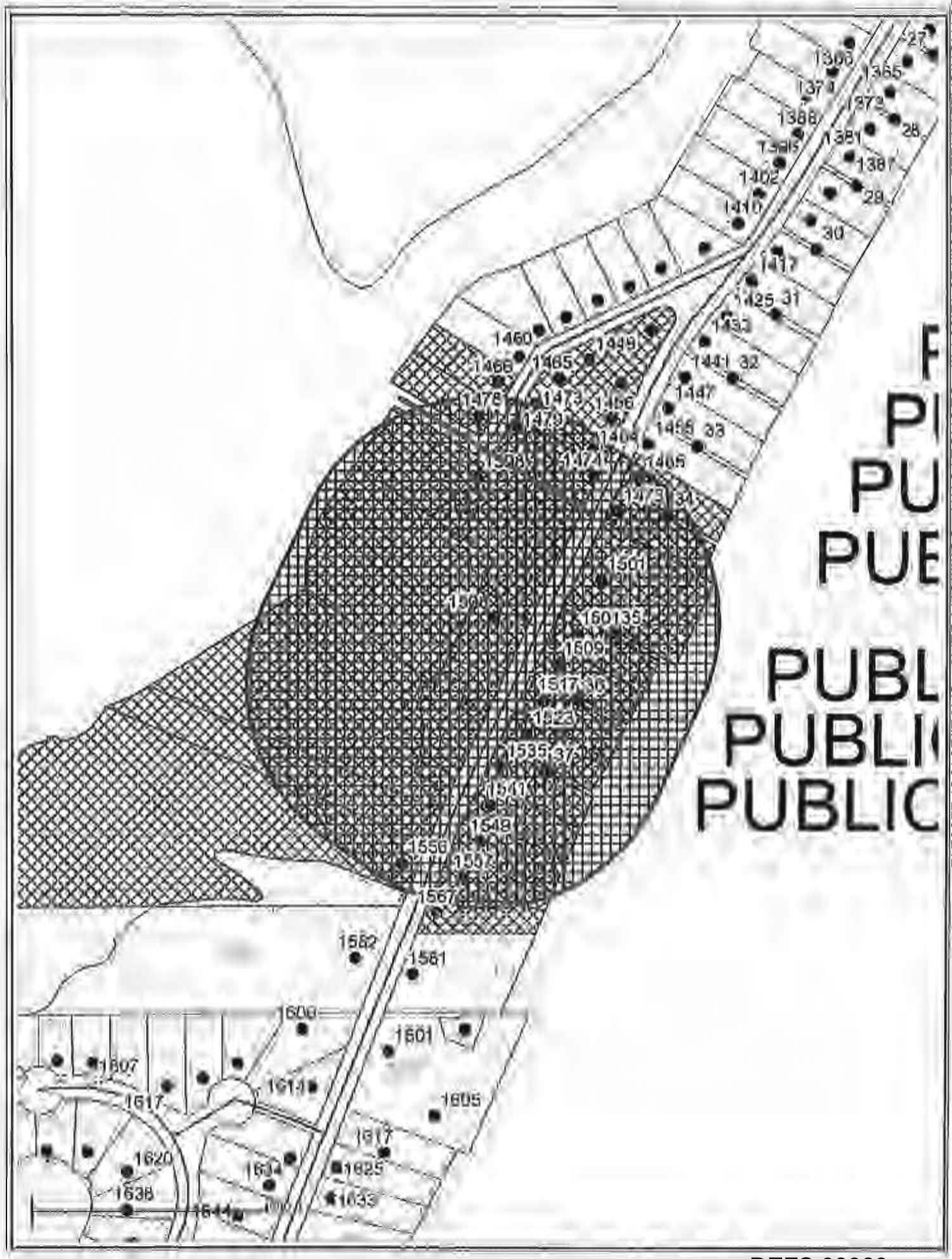
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Judy Blankenship

From: Tiffany Coleman
Sent: Monday, September 24, 2018 2:52 PM
To: NancyG@surfsiderealty.com
Cc: Holly Richardson; Judy Blankenship; Boyd Johnson
Subject: Georgetown County Planning Commission: Application to Amend the Marlin Quay PD
Attachments: Marlin Quay AMPD 9-18-21424.pdf

Hello Nancy:

Please find attached a notice for property owners regarding an amendment to the Marlin Quay PD. We are available to answer any questions.

Thank you,

Tiffany Coleman
Associate Planner Georgetown County
129 Screven St.
Georgetown,SC 29440
Phone: 843-545-3158
E:mail: tcoleman@gtcounty.org

ELECTRONICALLY FILED - 2022 Jan 25 12:36 PM - GEORGETOWN - COMMON PLEAS - CASE#2019CP220212

Tiffany Coleman

From: Tiffany Coleman
Sent: Wednesday, October 10, 2018 4:27 PM
To: Judy Blankenship
Subject: FW: Notice of Public Hearing, Thursday Oct. 18, 2018 - Amendment of Marlin Quay Planned Development

FYI -

Tiffany Coleman
Associate Planner Georgetown County
129 Screven St.
Georgetown, SC 29440
Phone: 843-545-3158
E-mail: tcoleman@gtcounty.org

From: Nancy Gardner [mailto:NancyG@surfsidereally.com]
Sent: Wednesday, October 10, 2018 8:24 PM
To: Constance Lowery <lhdolldoc@hotmail.com>; Tiffany Coleman <tcoleman@gtcounty.org>
Cc: Holly Richardson <hrichardson@gtcounty.org>; Boyd Johnson <bjohnson@gtcounty.org>
Subject: RE: Notice of Public Hearing, Thursday Oct. 18, 2018 - Amendment of Marlin Quay Planned Development

I did send the notice you sent the Association to all owners whose email address the management office had on record. I believe this is how Ms. Lowery received her notice and talking about. We did not receive any plans or diagram of the proposed building to forward to all.

From: Constance Lowery [mailto:lhdolldoc@hotmail.com]
Sent: Wednesday, October 10, 2018 4:01 PM
To: tcoleman@gtcounty.org
Cc: Holly Richardson; Boyd Johnson; Nancy Gardner
Subject: Notice of Public Hearing, Thursday Oct. 18, 2018 - Amendment of Marlin Quay Planned Development

Dear Ms. Coleman:

I believe you are the Georgetown County Associate Planner to be contacted with any questions in regard to the above Notice.

I note that you forwarded the Notice to Nancy Gardner (Surfside) of the above meeting. I also note that you forwarded to Chris Sanders, Marlin Quay Homeowner, by e-mail, the Application to Amend a Planned Development (PD) submitted by Attorney Stacy for Palmetto Industrial Development, LLC. While I see signatures of Mr. Stacy and Dr. Lawhon, on page 3 of that Application, no dates appear. Preliminary red-lined drawings were included, but no hard information as to the elevations or number of floors of the planned building was included. I am most interested in knowing of this latter information.

Page 3 of the Application calls for " Adjacent Property Owners Information (required)". I own two units within 400 feet of the subject property, and did not receive this Notice in the US mail. I submit that paragraphs 1 and 2 (page 3) have not properly been executed. I believe that the many owners within 400 feet of the subject property (Marlin Quay condos and homeowners on S. Waccamaw Drive) are entitled to receive this Notice of Public Hearing by US Mail, as outlined in the Application, not a two-stepped, or three-stepped blanket process of e-mail.

I welcome your explanation of these discrepancies. Thank you for your time

Yours truly,

Constance A. Lowery
Owner of Condos 501 and 205 at Marlin Quay
Mailing address: 1181 Crooked Oak Drive, Pawleys Island, SC 29585
Telephone: 607-229-6044
October 10, 2018

Sent from Mail for Windows 10

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