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**PLANNING & ZONING COMMISSION
SPECIAL MEETING MINUTES
TOWN OF SURFSIDE BEACH
TOWN COUNCIL CHAMBERS
January 7, 2011
6:00 P.M.**

1. **CALL TO ORDER**

Chairman Seibold called the Planning & Zoning meeting to order at 6:00 PM. In attendance were: Planning & Zoning Commission members Seibold, Pruitt, Cook, Rhoades, Livesay and Abrams. Commission member Hanson was absent. There was a quorum. Staff present: Clerk Pinnell, Building and Zoning Director, Donevant. Also present was Waccamaw Council of Government Representative Tom Britton.

2. **PLEDGE OF ALLEGIANCE.**

Chairman Seibold led the pledge of allegiance.

3. **AGENDA APPROVAL**

Mr. Pruitt made a motion to approve the agenda as submitted. Ms. Cook seconded the motion. **All voted in favor. MOTION CARRIED.**

Mr. Seibold stated the purpose of the meeting. The meeting was being held to discuss and finalize the zoning text amendments which the Planning Commission has been working for over a year, to present to council for their consideration.

4. **BUSINESS**

a. **Zoning Text Amendments**

Ms. Livesay made a motion to approve the text of the zoning ordinance from the copy presented to the public at the public hearing dated December 17th, 2010 and for it to be recommended to council. Mr. Pruitt seconded the motion. This was now open for discussion. Mr. Seibold stated that the current open issue is the outdoor dining and alcohol consumption and asked if there were any other issues on the zoning text. Ms. Livesay referred to page 3-25, Section 17-396 Use Condition questioning the lack of mention of the C-2 district; it is only mentioned on the chart. Mr. Britton stated that it is mentioned with reference to specific uses that require a conditional use or special exception; the existing ordinance has reference to special conditions. Ms. Livesay questioned an item on page 3-31, under Section 17-396.34; the 'operation of outdoor facilities' and the hours were previously discussed. Ms. Livesay stated that in Section 17-367 the establishment is allowed to be open until 10:00 PM and in 17-396.34 it states establishment is open only until 8:00 PM. Ms. Livesay stated that she thought it was agreed to be 10:00 PM also. Mr. Britton stated that his recollection was that the morning hours of operation had changed; there had been some discussion regarding allowing breakfast. Ms. Livesay stated that she recalls a discussion regarding allowing daycare to open at 7 AM. Ms. Livesay stated that she recalled allowing dining facilities to be open until 10 PM. There was no recollection of this from other commission members.

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Mr. Britton stated that at the previous public hearing meeting various motions were made to amend language dealing with the consumption of alcohol. Mr. Britton had assisted the commission by placing these issues in writing. First item would keep the status quo with respect to the sale of alcohol; it would just cross reference the existing provision of Section 8-95 which restricts alcohol from streets and public places. This would add clarity to the concerns addressed at the public hearing regarding consumption of alcohol on the streets. A minor tweak made reference to the districts in combination with the restaurant it applies to. The second item addresses the motion made by Ms. Abrams which states 'in districts permitting the sale or consumption of alcohol in combination with a restaurant use no alcohol may be served or consumed in the outdoor facility'. The third item presented provides clarity to the schedule of uses. Page 3-22 has three different restaurant classifications and clarity needed to be added as to which category fits a specific type of restaurant. The addition of 'indoor only' has been added; a cross reference was added; the third classification dealing with restaurants, taverns, bars, nightclubs and other places 'indoor only' has been underlined excluding restaurants, 'see note', and the 'note' provided references back to the restaurant classification with 'open dining' which basically states 'both', the requirements deal with alcohol consumption plus outdoor dining applied to the use. If there is a restaurant with outdoor dining that does not fit in the first listing it is then referred to the next listing which has outdoor dining. Mr. Britton stated that if there is a restaurant that serves alcohol it applies to the next classification; there should be no confusion as to which conditions apply.

Mr. Seibold stated that he wants to make sure that it is clear to both the commission and the public. The outdoor dining and alcohol consumption is not a new ordinance; it is already approved under the existing ordinance. The commission has added restrictions to the current document and Mr. Seibold stated that he would like to add the cross reference of Section 8-95. There are a number of restaurants in town that already have outdoor dining and drinking and they have been doing it for years. Mr. Seibold stated that he does not believe that the public understood this or that the commission fully understood it either. The current conditions have not led to intoxicated people walking up and down the streets as of yet; it is on the books; approved and practiced for years. Mr. Seibold stated that he feels that the current document is a good document because it has actually added some restrictions that did not exist before.

Ms. Abrams stated that Mr. Britton did a good job clarifying the existing draft. Ms. Abrams stated that the motion she made "that would prohibit any alcohol serving outdoors, I made that motion for two reasons; first one is that I tend to agree with the citizens who spoke at the December public hearing. I do understand that the draft zoning text amendment, technically, do not change the alcohol laws in Surfside Beach but I think that there are not enough restrictions on outdoor dining in the commercial districts and I think there's too much potential to lose our family beach atmosphere in better economic times. The second reason for that motion was that no matter how you voted on it or how you feel about it; this commission held a public hearing at which several citizens took the trouble to speak to us about their concerns and I believe we owe it to them to have a full

101 discussion of their concerns on the record. It would have been just plain wrong
102 for four commissioners to brush off their concerns with the attitude that they must
103 have misunderstood what we wrote.”

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105 It was confirmed that the Commission would now be discussing these items being
106 presented which are previous concerns of the Commission. Mr. Seibold stated
107 that the commission needs to be clear on what was presented. Mr. Britton stated
108 that the motion on the floor is to approve the December 17th document presented
109 at the public hearing and if there is a desire of the commission to add an
110 amendment there would need to be a motion.

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112 Ms. Livesay reviewed the restaurant classifications with Mr. Britton. The Mixed
113 Use district excludes alcohol consumption; alcohol consumption is allowed in C-
114 1, C-2 and C-3 subject to conditions. Mr. Rhoades made a motion to amend the
115 December 17th text to include the substitute language in 17-396.34 part ‘c’ which
116 would read, as amended, in districts permitting the sale or consumption of alcohol
117 in combination with the restaurant use (C-1, C-2 and C-3), no outdoor bars for the
118 service of alcohol shall be permitted. Any restaurant use with open or outdoor
119 dining shall be further subject to the requirements imposed by this code and state
120 law regulating the licensing, sale, or public consumption of alcohol including but
121 not limited to the requirements and restrictions imposed by Section 8-95 of this
122 code. The amendment also includes Use Chart table 17-395 which would include
123 addition to restaurant and other dining establishments without lounges,
124 classification to include (indoor only); it would include the citation for restaurants
125 and other dining establishments with open or outdoor dining, special standard 17-
126 396.1; it would include addition to the classification restaurant, taverns, bars,
127 nightclubs or other places where alcohol is consumed. The addition of language
128 (indoor only, excluding restaurant, see note). It would add note at the end of the
129 table to include restaurants where alcohol is consumed may include outdoor
130 dining facilities permitted as conditional uses only in the C-1, C-2 and C-3
131 districts subject to the requirements of this and the proceeding use classification to
132 include section 17-396.34. Mr. Pruitt second. Ms. Livesay asked for clarification
133 on section 8-95. **All voted in favor of the amendment. MOTION CARRIED.**
134 All voted in favor to recommend the December 17th document with amendment to
135 council. **All voted in favor. MOTION CARRIED.**

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137 Ms. Livesay made a motion to submit the resolution recommending adoption of
138 the amendments to the Surfside Beach zoning ordinance to Council. Mr. Rhoades
139 seconded the motion. Mr. Britton read the resolution. **All voted in favor.**
140 **MOTION CARRIED.**

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142 **b. Chapter 13 (Fee Schedule)**
143 Mr. Pruitt made a motion to recommend amendments to Chapter 13 to Town
144 Council. Ms. Cook seconded the motion. **All voted in favor. MOTION**
145 **CARRIED.** Ms. Livesay made a motion to submit the resolution recommending
146 the adoption of the amendments to Chapter 13, Article III: Building, Zoning and
147 Other Development Related Permits and Fees to Council. Ms. Cook second. Mr.
148 Britton read the resolution. **All voted in favor. MOTION CARRIED.**

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5. ADJOURNMENT

Mr. Pruitt made a motion to adjourn. Mr. Rhoades seconded the motion. **All voted in favor. Meeting was adjourned at 6:38 PM.**

Charles Seibold, Chairman

Lynn Livesay, Commission Member

Marty Rhoades, Commission Member

Mikey Pruitt, Commission Member

Carol Cook, Commission Member

Absent
Bob Hanson, Commission Member

Mary Ellen Abrams, Commission Member

Approved

NOTE: BE ADVISED THAT THESE MINUTES REPRESENT A SUMMARY OF THE PLANNING COMMISSION MEETING AND ARE NOT INTENDED TO REPRESENT A FULL TRANSCRIPT OF THE MEETING. THE TAPE(S) OF THE MEETINGS ARE AVAILABLE UPON REQUEST, TO BE HEARD IN THE OFFICE OF THE SECRETARY TO THE PLANNING DEPARTMENT. AN AGENDA OF THIS MEETING HAS BEEN EITHER MAILED OR MADE AVAILABLE TO PERSONS, ORGANIZATIONS AND LOCAL NEWS MEDIA AS PER THEIR REQUEST. THE AGENDA GIVES THE DATE, TIME AND PLACE OF THE MEETING AS WELL AS THE ORDER OF BUSINESS. THIS DISCLOSURE IS IN COMPLIANCE WITH THE SOUTH CAROLINA CODE OF LAWS OF 1976, SECTION 30-4-80(E).