



PLANNING COMMISSION MEETING AGENDA

Tuesday, June 5, 2018 – 5:00 P.M.

Morning Workshop 9:15 A.M.

1018 Second Avenue South - North Myrtle Beach, SC

1. CALL TO ORDER
2. ROLL CALL
3. COMMUNICATIONS
4. APPROVAL OF MEETING MINUTES: May 22, 2018
5. OLD BUSINESS
 - A. **MAJOR PLANNED DEVELOPMENT DISTRICT AMENDMENT MJPDD-18-02:** The Planning & Development Department received an application for a major amendment to the Barefoot Resort & Golf Planned Development District concerning changes to the development known as Townhomes at the Dye Club located on Gray Heron Drive in Dye Estates.
6. NEW BUSINESS – “Consent Items”
7. NEW BUSINESS
 - A. **MINOR PLANNED DEVELOPMENT DISTRICT AMENDMENT MNPDD-18-07:** The Planning & Development Department received an application for a minor amendment to the Barefoot Landing Planned Development District to approve the elevations for Lulu’s Arcade.
8. ADJOURNMENT

Respectfully submitted,

Aaron C. Rucker, AICP
Principal Planner

ANYONE WHO REQUIRES AN AUXILIARY AID OR SERVICE FOR EFFECTIVE COMMUNICATION OR PARTICIPATION SHOULD CONTACT 843-280-5555 AS SOON AS POSSIBLE, BUT NO LATER THAN 48 HOURS BEFORE THE SCHEDULED EVENT.

Notice to the Public of Rights under Title VI

- The City of North Myrtle Beach operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of North Myrtle Beach. Complaints must be filed within 180 days of the alleged discriminatory act.
- For more information on the City of North Myrtle Beach's Title VI Policy and the procedures to file a complaint, contact the Title VI Program Coordinator, Kristine Stokes at krstokes@nmb.us or (843)280-5555, or in writing to the City of North Myrtle Beach, 1018 2nd Ave. South, North Myrtle Beach SC 29582. For more information, visit the Title VI section of our website at www.nmb.us.
- If information is needed in another language, contact (843)280-5555.
- ~Si se necesita *información en otro idioma llame al (843)280-5555.*

CITY OF NORTH MYRTLE BEACH
PLANNING COMMISSION MEETING
1018 Second Avenue South
Tuesday May 22, 2018
5:00 P.M.

MINUTES

Rob Kayton, Chairman
Harvey Eisner, Vice Chairman
Hunter Platt
Harry Bruton
Juddie Bacot
James Snyder
Bubba Collins

Planning Department Aaron Rucker
 Suzanne Pritchard
 Merideth Smith Secretary

1. CALL TO ORDER: Chairman Kayton called the meeting to order at 5:00 P.M.
2. ROLL CALL: The secretary called the roll and declared a quorum present.
3. COMMUNICATIONS: None
4. APPROVAL OF MEETING MINUTES: The minutes were approved as presented. Motion to approve by Commissioner Platt and second by Commissioner Eisner. Motion passed 7-0.

5. OLD BUSINESS:

A.MAJOR PLANNED DEVELOPMENT DISTRICT AMENDMENT MJPDD-18-02: The Planning & Development Department received an application for a major amendment to the Barefoot Resort & Golf Planned Development District concerning changes to the development known as Townhomes at the Dye Club located on Gray Heron Drive in Dye Estates.

REMAINED TABLED. Motion by Commissioner Collins and second by Commissioner Eisner. Motion passed 7-0.

6. NEW BUSINESS: Consent Items.

- A. BONDED FINAL SUBDIVISION PLAT SUF-18-09:** A bonded major final plat of subdivision for Seabrook Plantation Phase 2B Annex to create thirty-five (35) lots of record, open space, and private rights-of-way off Lake Egret Drive.

The Chairman called for a motion to approve on consent. Motion made by Commissioner Bacot and seconded by Commissioner Snyder. Motion passed 7-0.

7. NEW BUSINESS:

- A. MINOR PLANNED DEVELOPMENT DISTRICT AMENDMENT MNPDD-18-06:** The Planning & Development Department received an application for a minor amendment to the Barefoot Landing Planned Development District to relocate an existing maintenance shed located in close proximity to Greg Norman's Australian Grille.

The motion to approve the Minor Amendment with the stipulation that the building will be ash gray walls with a cobalt blue roof was made by Commissioner Bruton and seconded by Commissioner Plat. The motion passed 7-0.

8. **ADJOURNMENT:** Being no further business the meeting adjourned at 5:05 p.m.

Respectfully submitted,



Merideth Smith, City Clerk

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.

5.A. MAJOR PLANNED DEVELOPMENT DISTRICT AMENDMENT MJPDD-18-02: The Planning & Development Department received an application for a major amendment to the Barefoot Resort & Golf Planned Development District concerning changes to the Townhomes at the Dye Club located on Gray Heron Drive.

History

The item remained on the table at the May 22nd meeting, as the city had not received sufficient proof that the HOA had given approval to the changes; or the applicant demonstrated that such approval was not necessary. The status of HOA approval remains unchanged; however, G3 Engineering continues to work with the HOA towards achieving agreement. Staff will provide an update by Tuesday morning's workshop.

Background

The subject property, identified as PIN #s 358-16-01-0004, 358-16-01-0003, and 358-16-01-0001 consisting of approximately 8.13 acres, received approval from city council as a Planned Development District on March 16, 2016. Planning commission approved a minor amendment on September 19, 2017 reducing the number of units from 51 to 50 and replacing previously approved buildings with one 5-unit building.

Proposed Changes

The applicant Robert S. Guyton, authorized agent for CRH Holdings, LLC, has requested an amendment to the Townhomes at the Dye Club at Barefoot Resort in the following ways:

- Create new private "fee simple" lots and private rights-of-way serving those lots;
- Decrease the residential density from 50 to 45 units;
- A redesign of the site and parking areas;
- No change in architecture;
- No change in access to and from Gray Heron Drive.

The new layout has forty-five (45) four-bedroom units to be developed in two separate phases. Phase 1 will consist of 26 subdivided attached fee simple townhomes. Phase 2 will consist of 19 subdivided attached fee simple townhomes. The anticipated build-out schedule for the entire project is three years, although the actual build-out schedule may be accelerated based upon demand. In contrast, the approved 2017 site plan contained a total of fifty (50) units; thirty-one (31) attached townhome units in Phase 1 and nineteen (19) townhome units in Phase 2.

The project will include a twenty-five (25') foot private right-of-way, with two 12.5' foot easements on each side of the right-of-way for utilities, sidewalks, and street trees. The remaining two most southern buildings within the project will also be accessed from private right-of-way; in this case the right-of-way will be twenty (20') feet. The homeowner's association will own and maintain the private rights-of-way in the project.

The new layout requires one hundred eight (108) parking spaces; there are one hundred nine (109) spaces provided within driveways or additional parking stalls shown throughout the development. Detailed review of the parking requirements is ongoing by staff, as site plans have been submitted.

In hopes of protecting the privacy of future residents of the project, as well as screening views of the project from the outside, an earthen berm of a minimum four (4') feet in height will be installed along the boundary with Gray Heron Drive. The berm will be planted with landscaping at the peak in order to provide screening at maturity. Additionally, the amount of new curb cuts onto Gray Heron Drive remains the same at a total of four.

There are no changes to the approved building architecture.

Minimum lot sizes are 2,238 SF, with front setbacks of fifteen (15') feet, zero (0') for the side (but 10' off side property line), and ten (10') for the rear.

Drainage and storm water must be properly handled and the Public Works Department has reviewed preliminary engineering.

Staff Review

Planning & Development

Planning Division

Staff received a letter from the Pearce Law Group representing the Dye Estates homeowner's association. According to the letter, the Declaration of Covenants, Conditions, and Restrictions for the Dye Estates govern the project area. Thus, any changes or amendments need to be approved by the Dye Estates HOA. Staff asks that the planning commission to consider tabling the proposed major amendment (MJPDD-18-02) once again until the city receives sufficient proof that the HOA has given approval to the changes; or the applicant demonstrates that such approval is not necessary.

Public Works

The Director of Public Works has no issue with the proposed amendment.

Public Safety

The Fire Marshall has no issue with the proposed amendment.

The PDD amendment request is presented to the Planning Commission for a recommendation that, if removed from the table for consideration, will be forwarded to City Council at their next meeting, scheduled for June 18, 2018.

Planning Commission Action

The Planning Commission may approve, approve with modifications and/or conditions; or disapprove the proposal, as submitted.

Alternative Motions

- 1) I move that the Planning Commission recommend approval of the Major Planned Development District Amendment to the Townhomes at the Dye Club [MJPDD-18-02] to City Council as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the Major Planned Development District Amendment to the Townhomes at the Dye Club [MJPDD-18-02] to City Council as submitted.

OR

- 3) I move (an alternate motion).

7.A. MINOR PLANNED DEVELOPMENT DISTRICT AMENDMENT MNPDD-18-07: A requested revision to the Barefoot Landing Planned Development District to approve the elevations for Lulu's Arcade.

Existing Conditions:

The subject property is identified by PIN 391-00-00-0005, 391-00-00-0006, 391-00-00-0008, 391-00-00-0009, and 391-02-04-0013. Planning commission last reviewed the Barefoot Landing Planned Development District in a minor amendment application unanimously approved by Planning Commission on May 22, 2018.

Proposed Changes:

The applicant and authorized agent for Barefoot Landing Commercial, LLC, Seth McCoy, has submitted architectural elevations for Lulu's Arcade.

Staff Review:

Planning & Development, Planning Division

The Planning Division has no issue with the proposed amendment and will further review the new building during the site development plan level of review.

Planning & Development, Zoning Division

The Zoning Division has no issue with the proposed amendment and will further review the new building during the site development plan level of review.

Public Works

The Public Works Department has no issue with the proposed amendment and will further review the new building during the site development plan level of review.

Planning Commission Action:

The planning commission may approve, approve with modifications and/or conditions, or disapprove the proposal as submitted:

SUGGESTED MOTIONS

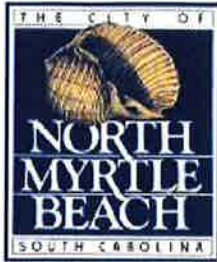
- 1) I move that the Planning Commission approve the Minor Planned Development District Amendment to the Barefoot Landing Planned Development District [MNPDD-18-07] as submitted.

- 2) I move that the Planning Commission deny the Minor Planned Development District Amendment to the Barefoot Landing Planned Development District [MNPDD-18-07] as submitted.

- OR

- 3) I move (an alternate motion).

Minor PDD
 Major PDD



FOR OFFICE USE ONLY	
PDD Zoning Amndmnt Finance Acct Code	3.22
Fee Due for Major	\$500
File Number:	M/PDD-1807
Submittal Date:	5/18/18
Notice Published:	
Planning Commission:	6/5/18
First Reading:	
Second Reading:	



CITY OF NORTH MYRTLE BEACH PDD ZONING AMENDMENT APPLICATION FORM

(Please Print or Type)

Today's Date:

APPLICANT INFORMATION

Applicant's Last Name:	First:	Middle:	<input type="checkbox"/> Mr. <input type="checkbox"/> Mrs.	<input type="checkbox"/> Miss <input type="checkbox"/> Ms.	Property Owner: <input checked="" type="checkbox"/>	*Authorized Agent: <input type="checkbox"/>
Barefoot Landing Commercial, LLC.					*Contract Purchaser: <input type="checkbox"/>	Other: <input type="checkbox"/>
Street Address:				Telephone:		
8800 Marina Parkway				(843) 848-4449		
Post Office Box:	City:	State:	ZIP:	Email:		
	Myrtle Beach	SC	29576	seth.mccoy@bccompany.com		

SUBJECT PROPERTY INFORMATION

Provide below the exact street address (name, number) and plat map reference for which you propose a zoning change.

PLEASE ATTACH AN ACCURATE TAX MAP(S) AND/OR RECENT SURVEY PLAT DELINEATING THE SUBJECT PROPERTY

Street Address (if applicable):	Beach Section:	Plat Reference: Book 143 Page 70	Tax Map Number(s): 156-05-06-010
Street Name: S Kings Hwy		Subdivision: Block:	156-05-06-012
Number(s): 4700 - 4930	<input checked="" type="checkbox"/> NA	Lots #(s): Section:	156-05-06-021
Total Area of Subject Property: 64.38	(check one): <input type="checkbox"/> Square Feet or <input checked="" type="checkbox"/> Acres	Date PDD Ordinance Adopted:	
What is the (project) title for the existing development? Barefoot Landing Commercial			Date PDD Ordinance Amended:

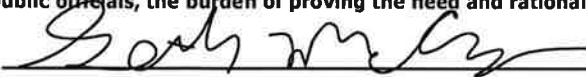
CERTIFICATION & SIGNATURE OF APPLICANT(S) OR AUTHORIZED AGENT(S)

Does the applicant own all of the property proposed for amendment? Yes No

IF NO, SUBMIT THE PERCENTAGE OF OWNERSHIP:

*If application is being submitted by the Authorized Agent or Contract Purchaser, provide a letter of authorization from the property owner.

The undersigned hereby respectfully requests that the City of North Myrtle Beach Zoning Ordinance be amended by changing the existing PDD Ordinance. While it is understood by the undersigned that this application will be carefully reviewed and considered by public officials, the burden of proving the need and rational basis for the proposed PDD amendment rests with the applicant.



 Signature of Applicant, Authorized Agent, or Contract Purchaser

5/16/2018

_____ Date

Co-signature (if applicable)

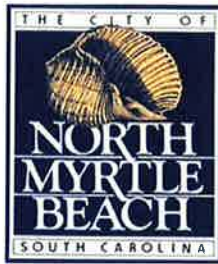
_____ Date

FILING FEE OF \$500 PAYABLE TO THE CITY OF NORTH MYRTLE BEACH FOR MAJOR AMENDMENTS. **NO FEE FOR MINOR AMENDMENTS.**

FEE PAID:



No fee for Minor PDD Amendments



CITY OF NORTH MYRTLE BEACH
DEVELOPMENT APPROVAL APPLICATION (PERMIT):
RECORDED COVENANT AFFIDAVIT

Revision Date 12.20.16

This form complies with a state law that took effect on July 1, 2007 (S.C. Code § 6-29-1145) that requires all planning agencies to inquire in an application for a permit if the parcel of land is restricted by a recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity. If such a covenant exists, the agency shall not issue the permit until written confirmation of its release is received. The release must be through the action of an appropriate legal authority. Please read § 6-29-1145, provided in its entirety below, and complete the following.

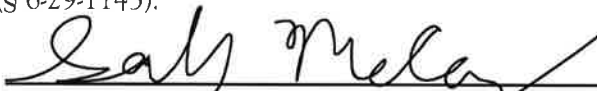
Nature of Approval Requested: **Minor PDD Amendment**

Parcel Identification Number: **156-05-06-010, 156-05-06-012, 156-05-06-021**

Property Address: **4984 N Kings Highway**

I, Seth McCoy for Barefoot Landing Commercial, LLC, hereby certify that the tract(s) or parcel(s) of land to which this approval request pertains is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought, as provided in South Carolina Code of Laws (§ 6-29-1145).

(Print Name)



(Signature)

5/16/2018

(Date)

SECTION 6-29-1145. Determining existence of restrictive covenant; effect.

(A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

- (1) in the application for the permit;
- (2) from materials or information submitted by the person or persons requesting the permit; or
- (3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

- (1) "actual notice" is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
- (2) "permit" does not mean an authorization to build or place a structure on a tract or parcel of land; and
- (3) "restrictive covenant" does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land.

HISTORY: 2007 Act No. 45, Section 3, eff June 4, 2007, applicable to applications for permits filed on and after July 1, 2007; 2007 Act No. 113, Section 2, eff June 27, 2007.

Approved Site Plan from Major Amendment Recorded 03/26/18

Atlantic Intracoastal Waterway

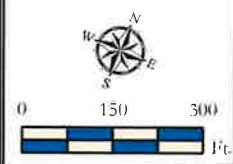
Lulu's Arcade

US Highway 17

Exhibit B-2: Proposed Master Plan Map



Exhibit B-2
Proposed Master Plan Map
North Myrtle Beach, South Carolina



Burroughs & Chapin
Company Inc.

8820 Marina Parkway
Myrtle Beach, SC 29572
843-448-5123 Ph.
www.bc-leasing.com

The information provided on this map is compiled from various sources. Parcel and Road Data are courtesy of Local County's GIS Department. This data has not been verified for accuracy and is not guaranteed. The information provided should be used at the user's discretion and for general information purposes only.



TULLY'S ARCADE

