

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: August 19, 2024

Agenda Item: 7E	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: August 14, 2024
Subject: Amendment to the Gator Hole Planned Development District (PDD) adding medical office uses to Phase 2	Division: Planning and Development

Proposed Changes:

The applicant, Robert Shelton, agent for the owner, has requested an amendment to the Gator Hole PDD adding medical office use to the list of allowed uses for Phase 2, the area now known as Ocean Keys. The proposed text revision is attached for review. Staff would like to note that this proposed change only affects the current office building located on 2nd Avenue outside of the gate that grants privacy to the Ocean Keys residents. The existing parking at this office location will be utilized, and no site changes are requested.

Staff Review:

The amendment has been reviewed by the Department of Public Works, Department of Public Safety, and the Department of Planning and Development; no concerns have been expressed.

Planning Commission Action:

The Planning Commission conducted a public hearing on July 16, 2024, and voted unanimously to recommend approval of the request. There was public comment from the President of the Ocean Keys Master Property Owners Association requesting to meet with the applicant to receive an introduction to the proposal. The applicant set up a meeting with him on site and a letter summarizing that meeting is also included for Council review.

Recommended Actions:

Approve or deny the proposed ordinance on first reading

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:

Motion By _____ 2nd By _____ To _____

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH
PROVIDING THAT THE CODE OF ORDINANCES,
CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA,
BE AMENDED BY REVISING THE GATOR HOLE
PLANNED DEVELOPMENT DISTRICT (PDD)
ADDING MEDICAL OFFICE USES TO PHASE 2
OF THE DEVELOPMENT**

Section 1:

That the Gator Hole PDD be amended to include adding medical office uses to Phase 2 of the development as depicted in Exhibit A attached and included in this ordinance.

If a conflict arises between the amendments listed in the ordinance and those listed in the PDD booklet, the PDD booklet shall take precedence. The proposed changes are reflected in the PDD booklet.

Section 2:

That the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held the necessary public hearings in accordance with applicable State Statutes and City Ordinances.

DONE, RATIFIED AND PASSED THIS _____ DAY OF _____, 2024.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 8.19.2024
SECOND READING: _____

REVIEWED:

City Manager

ORDINANCE: _____

GATOR HOLE PLANNED UNIT DEVELOPMENT

The Gator Hole Planned Unit Development ("PUD") encompasses two tracts of land generally located between Highway 17 on the North and Hillside Drive on the South, between 2nd Avenue North and 8th Avenue North. The property is currently owned by THF Gator Hole Development, L.L.C. ("THF"). The property is currently zoned Highway Commercial and R-2. The total land area of the PUD is 186.28 acres, more or less. The PUD will consist of three Phases, which will be developed simultaneously. Phase I will consist of commercial uses and contain approximately 62.96 acres, located along Highway 17 and 8th Avenue North. Phase II will consist of a Multi-family gated/private community containing approximately 60.19 acres, located along 2nd Avenue North. Phase III will consist of a Single-family gated/private community containing approximately 63.12 acres, located along 8th Avenue North and Hillside Drive. Phases I, II, and III are more particularly shown on those certain Site Plans prepared by Wolverton & Associates, Inc. as to Phase I, and Powell Associates of NMB, Inc. as to Phases II and III, copies of which are attached hereto as Exhibit A, consisting of eleven pages.

The Single and Multi Family parcels (Phases II and III) are buffered by an existing lake and wetlands system. Lots 1 through 19 along 8th Avenue North and lots 20 through 23 along Hillside Drive are of similar size as the lots across 8th Avenue North and Hillside Drive from the PUD. Lots 29 through 38 abut 8th Avenue North at their rear property lines and a 10' landscape/natural buffer easement shall be established and maintained within that area. There is a 20' landscape/natural buffer adjacent to 2nd Avenue North and Hillside Drive along the Multi-Family portion. The Multi-Family units along the southern property line are adjacent to other existing multi-family properties and also have a 20' wide landscape/natural buffer as shown on Exhibit B.

In Phases II and III, signs will be installed at the four (4) gated entrances along with signage indicating amenity/common areas. All signage shall meet the requirements of Article III, Chapter 23, of the City of North Myrtle Beach Code of Ordinances. There shall be a project sign along U.S. Highway 17 (within the overall Master PUD plan) commercial area indicating the name of each Phase, directions to each Phase and other basic marketing information, which shall be removed no later than project completion.

Construction is to commence upon receipt of the PUD approval and receipt of all developmental permits. Phase I is expected to be completed within approximately two years from the PUD approval. Phase II is expected to be completed within an approximate six to seven year period, Phase III to be completed within an approximate four to five year period. All permits and construction shall be in accordance with the final approved PUD plan.

Purpose: The purpose of Phase I is to provide commercial opportunities to the traveling public, and areas in the community where large scale commercial projects may take place with minimal impact on contiguous residential development. Phase I is designed to support local as well as regional shopping centers, and business complexes. As such, Phase I will accommodate a wide range of business and commercial uses, clustered where feasible for "cumulative attraction" and located for optimum accessibility. The purpose of Phase II and III is to provide for mid-rise

multifamily development and single-family development in response to the need for such housing, while safeguarding existing residential values, and environmental resources, and guarding against “overloading” existing infrastructure.

Permitted Uses: Uses shall be regulated by the Master Site Plan. Only those uses designated (and designed) on the Master Site Plan, with facades shall be permitted and any changes to the uses on the Master Site Plan shall have to be approved by City Council as amendments to the adopted Master Plan. Such uses could include the following:

Within Phase II, a building or lot shall be used only for multi-family dwellings, including mid-rise and garden apartments, as well as accessory uses customarily incidental to such dwellings, such as lighted tennis courts, pools, and clubhouses. Medical office uses shall also be allowed.

Within Phase III, a building or lot shall be used only for single-family detached dwellings, as well as accessory uses customarily incidental to such dwellings, such as lighted tennis courts, pools, and clubhouses. Rentals of buildings or lots within Phase III for a term less than one month shall be prohibited.

Within Phase I, a building or lot shall be used only for the following purposes:

- a. Personal service establishments such as barber and beauty shops; laundromats; laundry pick-up; tailor; dressmaker; shoe shops; photo studio; libraries; child care centers; restaurants; and similar personal service establishments, but not massage parlors.
- b. Convenience retail establishments such as drug, hardware, grocery and beverage stores; bakery; flower and gift shops; newsstands and bookstores, and similar uses.
- c. Primary retail establishments such as department stores, general mercantile stores, clothing, variety, and similar low-bulk comparison items.
- d. Secondary retail establishments such as those selling principally one-stop items, usually high bulk, including furniture, appliances, home furnishings, floor coverings, business machines, heating and air conditioning sales and service, and similar establishments, building and plumbing supplies, surplus materials, and heavy machinery, bicycle sales and service.
- e. General business services such as duplicating, mimeographing, and multilithing shops, addressing and mailing services, blueprinting, photostating and film development.
- f. Professional offices such as business, financial, medical, clinics, and governmental offices.
- g. Commercial recreation establishments, including theaters, pool and video gamerooms, but not amusement parks with rides.
- h. Churches, places of worship, religious institutions including accredited educational facilities when accessory thereto.
- i. Motels, hotels, lodges, inns and condotels.
- j. Multifamily dwellings.
- k. Educational institutions, primary through graduate, public and private.
- l. Commercial schools and schools providing training of any of the arts, sciences, trades and professions.

- m. Animal hospitals, veterinary clinics provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is discernible beyond the premises.
- n. Automobile service and repair provided that there shall be no openings toward adjoining residential districts other than Phases II and III, and no junked or salvaged vehicles shall be kept on the premises.
- o. Commercial parking lots and structures.
- p. Business establishments serving or permitting on premise consumption of alcoholic beverages, beer and/or wine, provided that such business establishments shall not be located closer than two hundred (200) feet (measured from the property line of the demised premises of the parcel containing such use) from an R-1, R-2, R-2A, or R-3 District line or residential neighborhood.
- q. Signs in accordance with Article III of Chapter 23, Ordinances of North Myrtle Beach.
- r. Accessory uses customarily incidental to multifamily dwellings.
- s. Accessory uses customarily incidental to hotels, motels, inns and lodges; provided such uses for hotels are located within the principal building and are accessible only from an interior court, lobby corridor or pool deck except for poolside activities as regulated under section 23-118; further provided that such uses for hotels, motels, inns and lodges shall be limited to the following: restaurants, newsstands, snack bars, florists, gift shops, confectionery stores, beach and convenience retail shops, automobile rental agencies, drug and sundry shops, nightclubs and radio broadcasting studios, health clubs, barbershops, and beauty shops.
- t. Other accessory uses.

<u>Development Standards:</u>	Phase I	Phase II	Phase III
Minimum site area (square feet)	10,000	15,000	5,000
Minimum lot area per dwelling unit	NA	1,350	6,500
Minimum lot width	NA	100 feet	50 feet ³
Minimum yards:			
Front	NA	25 feet	25 feet
Side	8 ¹	²	5 feet
Rear	20 feet	20 feet	20 feet
Maximum impervious surface ratio	90%	80%	60%
Common open space	NA	20%	NA
Maximum height of structures	50 feet	62 feet	50 feet
Maximum height of signs	50 feet	10 feet	10 feet

Notes:

¹On buildings two hundred (200) feet in width or less, an eight-foot setback shall be required, except that commercial condominium projects shall be allowed to share interior property lines; for buildings greater than two hundred (200) feet in width, the following setbacks shall be required on the end units; further provided that such projects (buildings) shall not exceed six hundred feet in width.

<u>Width of Project</u>	<u>Side Yard Required (two (2) sides)</u>
To 200 feet	8 feet
201-400 feet	16 feet
401-600 feet	30 feet

² 10 feet for first 35 feet in height/15 feet for building in excess of 35 feet in height.

³ Excluding lots located on cul-de-sacs.

Minimum distance between buildings: Where more than one (1) principal building is located on a lot, minimum distance between buildings shall be twenty (20) feet with one (1) additional foot for each two (2) feet in height over thirty-five (35) feet, using the highest building.

Commonly owned amenities within Phases II and III shall include roads, drives, sidewalks, gated entrance features (one on 2nd Avenue North, one on Hillside Drive, and two on 8th Avenue North), clubhouse, pools, parking, lighted tennis courts, landscape, natural green areas, lakes and wetlands. (Note: The lake and wetlands area that are adjacent to both Phase II and Phase III are divided by a property line. Each portion of said adjacent lake and wetlands area are common and private ownership within each Phase.) All streets (50' right-of ways) shall be constructed as private streets and built in accordance with current city subdivision regulations for private streets.

Title to all improved and unimproved commonly owned amenities in Phases II and III shall be held as undivided interests by owners of lots/units within each Phase, each of whom jointly and severally shall be charged with proper care and maintenance of such property through a lawfully established association of property owners (Separate associations within each Phase).

Lighted Tennis courts shall be subject to the following:

- a. That the proposed lighted tennis court not be located closer than fifty (50) feet to any residential structure.
- b. That the lighting be a minimum to sufficiently illuminate the playing surface utilizing sharp cut-off lights with adjustable glare shields.

Off-street parking: Off-street parking requirements for the various uses permitted herein are set forth in Article IV, Chapter 23 of the Ordinances of North Myrtle Beach.

Minor Amendments: Minor amendments to the PUD shall be approved by the North Myrtle Beach Planning Commission. Major amendments are legislative decisions that are decided by City Council after discussion and two readings. An amendment to this PUD shall be considered minor, provided that they meet the following guidelines:

- a. Density within Phases II and III is not increased;
- b. Density within Phase I is not increased by more than 10%;
- c. Density is not decreased by more than 25%;
- d. Principal uses are not changed;
- e. Impervious surface ratios are not increased by addition or expansion of principal buildings;
- f. The height of a principal building is not increased by more than 10%;

- g. The design elevation of a principal building is not changed;**
- h. The basic design concept of the tract is not changed;**
- i. There are no negative impacts on adjacent properties; and**
- j. There is no material change to the legislatively approved Master Site Plan.**

M. EDWIN HINDS, JR.
DAVID B. MILLER⁺
C. WINFIELD JOHNSON, III
DOUGLAS M. ZAYICEK
MARTIN C. DAWSEY*
ROBERT S. SHELTON⁺
HOWELL V. BELLAMY, III
GEORGE W. REDMAN, III^{+ ** ++}
BENJAMIN A. BAROODY^{+ **}
PHILLIP H. ALBERGOTTI*^{**}
HAYES K. STANTON^{+ **}
KARA J. KEITH^{**}

* LLM TAXATION
** LICENSED IN SC & NC
+ CERTIFIED MEDIATOR
++ CERTIFIED ARBITRATOR



THE BELLAMY
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JOHN E. COPELAND
CLAUDE M. EPPS, JR.
DAVID R. GRAVELY
EDWARD B. BOWERS, JR.*
BRADLEY D. KING
JILL F. GRIFFITH

Writer's Direct Dial: 843-916-7163
Writer's Email: RShelton@BellamyLaw.com

August 1, 2024

VIA U.S. MAIL

Ocean Keys Master Property Owners Association
C/O James Talcott, Director
601 Hillside Dr. N, Unit 201
North Myrtle Beach, SC 29582

Re: Property located at 506 2nd Avenue North
Our File No.: 60069.000000

Dear Mr. Talcott:

I enjoyed meeting you at the NMB Planning Commission meeting and touring the property my clients, Dr. and Ms. Santiago (Kenaly, LLC), purchased the property located at 506 2nd Ave North. As you may recall, this property formerly occupied the Ocean Keys Sales Center and was part of the original Ocean Keys PDD. Yet, the property has its own tax map number and is free to be independently developed. Having been used as a real estate sales office and property management office, the property could be put to those uses, or many others, with no zoning change required from the City of North Myrtle Beach.

However, the term "medical use" was not originally included in the PDD. To accommodate the use intended by my clients, we have asked the City to add "medical use" as a permitted use in the PDD for this property. Dr. Santiago currently owns Pure Aesthetics in Murrells Inlet and intends to open another location of that business in this building. I would encourage you to take a look at their website if you would like to understand the atmosphere of the business he operates in Murrells Inlet and intends to operate in the new location. Their website address is www.pureaestheticscenter.com.

I appreciate your reaching out with the concern about whether adding "medical use" to the list of approved uses for this building would somehow change permissible uses in the surrounding

August 1, 2024

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residences as well. As you know, I wrote Suzanne Pritchard with the City of North Myrtle Beach and asked her that question. Her response was:

I have spoken with our Zoning Administrator to confirm, but this amendment would only apply to this office building on your property. No possibility would exist to convert a multi-family residential unit to medical office site. There may be certain home occupations allowed by our ordinance (and the Ocean Keyes C&Rs), but those would exist now and not be changed by this amendment. A home occupation would be someone working within their residential unit, but there are other criteria it must meet like bringing no customers to the property, having no employees, etc.

Clearly, the only property impacted by our request would be the new Pure Aesthetics location. All other property in the PDD would remain as is.

Also, thank you for bringing to our attention the shared irrigation between the HOA property and the new Pure Aesthetics property. I note there is an irrigation zone control panel attached to the side of the building and presumably connected to the power supply for the building. As I understand it there is also an irrigation pipe beneath the building, and the irrigation at the new Pure Aesthetics building draws water from the ponds within the HOA, just like the HOA irrigation does. As we discussed, Dr. Santiago intends to be a good neighbor and is quite agreeable to maintaining the status quo regarding the shared irrigation.

I also understand there have been questions about the automatic gates that currently permit exit from the parking lot of the Pure Aesthetics building. This exit will not be used by Pure Aesthetics, and I understand the HOA will be placing a fence along that side. Vehicles that enter the Pure Aesthetics parking lot will exit through the same drive used to enter. There is a covered drive area and there are two handicapped parking spaces beyond that area, but vehicles will have to turn-around in order to exit from those locations.

The business has applied to the City for approval of a sign as well. The proposed design is a brick monument sign. This would blend well with the current brick columns the HOA has on each side of the entrance along 2nd Ave. North. The sign would have raised lettering with lighting behind the individual letters on the face of the brick monument. That will curtail any light that may otherwise project toward other properties, which can be a concern with landscape spotlights. The proposed location is to the east of the last column at the right of the entrance drive. As with the change to include "medical use" in the PDD, the signage requires City approval and that application process has begun, but the "medical use" process is separate and ahead of the signage application.

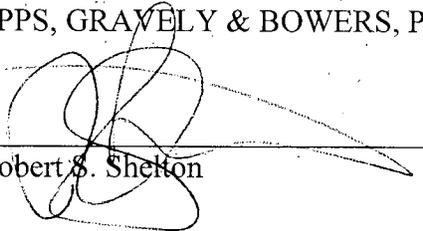
Finally, Dr. Santiago and his wife have asked me to invite community members to the new Pure Aesthetics building for a tour and some refreshments. Please let me know how best to select the date and time to accommodate everyone and how best to let people know about it. Of course, please feel free to reach out to me should you have any questions.

August 1, 2024
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With kindest personal regards, I remain

Yours very truly,

BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.



Robert S. Shelton

RSS:nmr

6D. MAJOR PLANNED DEVELOPMENT DISTRICT AMENDMENT Z-24-23: City staff received an application for a major amendment to the Gator Hole Planned Development District (PDD) adding medical office uses to the allowed uses for Phase 2.

Proposed Changes

The applicant, Robert Shelton, agent for the owner, has requested an amendment to the Gator Hole PDD adding medical office use to the list of allowed uses for Phase 2, the area now known as Ocean Keys. The proposed text revision is attached for review.

Staff Review

Planning & Development, Planning Division

The Planning Department has no issue with the proposed amendment.

Planning & Development, Zoning Division

The Zoning Administrator has no issue with the proposed amendment.

Public Works

The Public Works Department has no issue with the proposed amendment.

Public Safety

The Fire Marshal has no issue with the proposed amendment.

According to § 23-4, Amendments, of the Zoning Ordinance, the advertisement requirement for Zoning Ordinance amendments is 15 days, and that advertisement notice has been met. The amendment is presented to the Planning Commission for a recommendation that will be forwarded to the City Council at their next meeting scheduled for August 19, 2024.

Planning Commission Action

The Planning Commission may recommend approval, recommend approval with modifications and/or conditions, or recommend denial of the proposal as submitted.

Alternative Motions

- 1) I move that the Planning Commission recommend approval of the major planned development district amendment to the Gator Hole PDD [Z-24-23] as submitted.
OR
- 2) I move that the Planning Commission recommend denial of the major planned development district amendment to the Gator Hole PDD [Z-24-23] as submitted.
OR
- 3) I move (an alternate motion).

PDD Zoning Finance Account Code:	3.22
FEE PAID:	\$500.00 on June 26, 2024
FILE NUMBER:	Z-24-23
Complete Submittal Date:	June 26, 2024



Notice Published:	June 27, 2024
Planning Commission:	July 16, 2024
First Reading:	August 19, 2024
Second Reading:	September 16, 2024

City of North Myrtle Beach, SC

Application for a Major Amendment to a Planned Development District (PDD)

GENERAL INFORMATION	
Date of Request: June 20, 2024	Property PIN(S): 35602030015
Property Owner(s): KENALY LLC	Type of Zoning Map Amendment: Major PDD Amendment
Address or Location: 506 2nd Ave N	Project Contact: Robert Shelton
Contact Phone Number: 843-916-7163	Contact Email Address: rshelton@bellamylaw.com
PDD Name: Ocean Keys	Total Area of Property: 0.81 Acres
Proposed Amendment: To add "Medical Office" as a permitted use in the PDD	

RECORDED COVENANT INFORMATION

I 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 (5 6-29-1145).

Applicant's E-signature: Robert Shelton

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.

1018 2nd Avenue South · North Myrtle Beach, SC 29582 · Telephone: (843) 280-5566 · Facsimile: (843) 280-5581

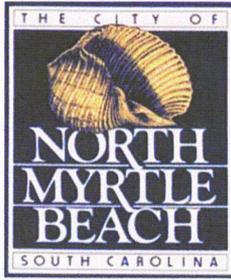
North Myrtle Beach
843-280-5550 or 843-280-5585

REC#: 01922099 7/11/2024 8:49 AM
OPER: C6 TERM: 006
REF#: 1004 DT

TRAN: 3.2200 PUD FEE 500.00CR
KENALY LLC
506 2ND AVE N
BUILDING PERMITS

TENDERED: 500.00 CHECK
APPLIED: 500.00-
CHANGE: 0.00

PAID
JUL 11 2024



CITY OF NORTH MYRTLE BEACH
LETTER OF AGENCY

Revision Date 05.24.19

Today's Date: June 17, 2024
Nature of Approval Requested: Adding "Medical Office" as permitted use to existing zoning.
Property PIN(s): 35602030015
Property Address/Location: 506 2nd Ave N., NMB

I, Kenneth A. Santiago, hereby authorize Robert S. Shelton

to act as my agent for for the purposes of the above referenced approval.


Signature
President / Owner
Title

Signature

Title

Signature

Signature

Title

Title

Signature

Signature

Title

Title

Please have all property owners sign application; disregard additional spaces if not needed. If additional signature lines are required, please duplicate this sheet and bind all sheets together into one document.