

**CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA
NORTH MYRTLE BEACH CITY HALL
CITY COUNCIL MEETING
Monday, March 7, 2022, 6:30 PM**

Minutes

1A. ROLL CALL:

Mayor Hatley called the meeting to order and asked the Clerk to call the roll.

Marilyn Hatley
JO Baldwin
Bubba Collins
Fred Coyne
Nicole Fontana
Trey Skidmore
Hank Thomas

A quorum was established.

1B. EXECUTIVE SESSION:

Mayor Hatley called for a motion to go into Executive Session for a legal briefing regarding the Sandridge Development Agreement. The motion was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. The motion passed 7-0. The Council returned to Chambers at 7:07 PM. The Mayor announced that no votes were taken at the session.

1C. CONTINUATION OF CALL TO ORDER:

Mayor Hatley asked Manager Mahaney to deliver the invocation.

The Mayor led the Pledge of Allegiance.

2. MINUTES:

The motion to approve the minutes for the City Council Meeting of Monday, February 21, 2022 and the City Council Workshop of Wednesday, February 23, 2022, as presented, was made by Mayor Pro Tempore Baldwin and seconded by Councilwoman Fontana. The motion to approve passed 7-0.

3. COMMUNICATIONS:

Mayor Hatley stated that the Departmental Monthly Reports for January 2022 were available online.

4. ANNOUNCEMENTS BY MAYOR AND CITY COUNCIL:

Mayor Hatley wanted to remind everyone to attend the 32nd St. Patrick's Day Parade and Festival on Saturday, March 12, 2022. Councilwoman Fontana invited everyone to the House of Blues for an event called After the Run on March 18, 2022 starting at 5:00 PM. Mayor Hatley thanked Tom Keegan, a representative from Tom Rice's office, for being at the meeting.

Mayor Hatley stated under New Business, Item D, the city had received a request for the item to be postponed until the next Council meeting on March 21, 2022. Mayor Hatley called for a motion to postpone New Business, Item D. The motion was made by Councilman Collins and seconded by

Councilwoman Fontana. The motion to postpone passed 7-0. Mayor Hatley stated they city had been working with the developers to lower the density.

5. CONSENT AGENDA:

- A. RESOLUTION: Pre-annexation agreement for Lot 2 off Riverside Drive
- B. ORDINANCE/SECOND READING: Petition for annexation and zoning designation for 0.49 acres on Riverside Drive
- C. ORDINANCE/SECOND READING: Banana Boat Franchise Agreement for the Windy Hill area

Mayor Hatley asked the Council to consider Items A-C together. The Council was in agreement and Mayor Hatley read the items by title and called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin.

Having no comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

6. UNFINISHED BUSINESS:

None

7. NEW BUSINESS:

- A. ORDINANCE/FIRST READING: Amendment to Chapter 23, Zoning, of the Code of Ordinances of North Myrtle Beach, South Carolina regarding the Crescent Beach Neighborhood Overlay. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. The motion to approve was made by Councilwoman Fontana and seconded by Mayor Pro Tempore Baldwin. Councilman Thomas stated to the public the Council had the opportunity to reduce density and there had been a lot of time and effort put into the ordinance to reduce the density. This would be a good move for the city. The commercial space would also benefit the community. Councilman Collins inquired how many floors of inhabited space was on the ocean side. Jim Wood, Director of Planning and Development, stated there would be 20% of parking required and approximately 14 floors of inhabited space. Mayor Hatley read into the record some remarks made by the Planning Commission members. "In our city there is an incredible amount of aging inventory. In the accommodation business, they revitalize their facilities every 7 years. However, some accommodations had not been redone for 25-30 years. For the accommodations that were not revitalized, rent would not keep up with the cost of maintaining the buildings. It creates an atmosphere that would go from a vacation rental to permanent and annual rentals to temporary rentals with monthly, weekly, and daily rentals. We have to create a revitalized area. If not, the area could evolve into an area riddled with crime activity. If this area is not revitalized, we may be providing a path for future decline in the neighborhood." Mayor Pro Tempore Baldwin stated he and Councilman Skidmore met with a group of residents on Saturday. He believed there was a lot of misinformation about the project and discussed the reasons the project had been brought about. He stated this overlay was going to bring down the density as well as provide an element for retail. He stated the Council did not want more density and if they did not do something, the area would end up going downhill. The Council continued to discuss the benefits of the overlay.

Mayor Hatley opened the floor for public comment.

Sabina Lynskey, 1417 Hillside Drive, South, North Myrtle Beach, stated she had three points she would like to make. The pools that were associated with 1711, 1717, and 1801 South Ocean Boulevard all extended beyond the beach front jurisdiction for the South Carolina Beachfront Management Act. She wanted to know if in the overlay, there was an assurance it would be 15 feet back. Mayor Hatley stated the developer would have to follow the regulations. Chris Noury, City Attorney, affirmed they would have to follow the regulations. Ms. Lynskey stated the pools

existed before the 2018 set-back line was established so they were now non-conforming. She inquired which department would be involved with it. Mayor Hatley stated DHEC would be involved. Secondly, Ms. Lynskey asked about the 18th Avenue South public walkway. This walkway cut through the Castaway property, and she wanted to know how that would remain unobstructed. Manager Mahaney stated there was a process called the Technical Review Committee. The developer would come with the plans before the committee with plans for the hotel and they would work out the details. It involved Public Safety, Public Works, etc. Director Wood stated anytime a walkway was proposed for relocation, the City Council must make the decision to allow the relocation. Ms. Lynskey asked if it would be addressed and remain open. Mayor Pro Tempore Baldwin stated that was a separate issue and would be brought up at a later time. Mayor Hatley stated any changes would have to come before them and they would have to see the details. Ms. Lynskey asked if they would close the walkway. Mayor Hatley stated it would have to come before them with the details. Ms. Lynskey stated the people were concerned about this that lived beyond the proposed hotel. Mayor Pro Tempore Baldwin stated there have been issues in the past that accesses had to be relocated, but each time it was to gain more access and/or improvements. He reiterated that this was not on the table, and they were not discussing the access. Ms. Lynskey stated the third question was about the Comprehensive Plan. In Chapter 5, there was a section that said each small area. This was a small focus area, and a plan should be developed. She asked when the Planning Department would create that plan and a timeline for completion. Director Wood stated they would be doing their 5-year update to the plan by the end of this year. They have discussed internally to have a special planning effort for the 17th Avenue South area, as well as partner with the Chamber.

Les Woods, 1625 South Ocean Boulevard, North Myrtle Beach, stated one of the concerns he had was the amount of commercial space. A minimum of 500 square feet was not big enough to cuss a cat in. He stated they would need to expand that in order to have meaningful commercial entities. You could only have a drop-off laundry in that small of a space. He asked for them to raise the minimum to at least 1,000 square feet in order to have at least a coffee shop. His other concern was the fact that from 14th Avenue South to Windy Hill was a two-lane road. There was no other way to expand it. He stated there was no space. He stated that looking at the overlay, it went over some existing RC. How did the overlay impact the existing RC, particularly Molly Darcy's? Director Wood stated the overlay standards would still apply to the area. Mr. Woods stated he appreciated all of the work that went into finding a solution instead of rubber stamping it. The Council discussed the 10% of retail space. The Council decided to reword the requirement to be a minimum of 10% or 1,000 square feet, whichever was greater.

Dennis Novitzke, 1625 South Ocean Boulevard, S-211 North Myrtle Beach, stated they were new to the area and had not studied the plan a lot. He had sent the Council an email with his concerns. He came from a project management background and built factories and didn't see a slum or high crime area they were speaking of. He didn't visualize the run-down area. His biggest concern was the infrastructure for traffic flow, not only when in the area, but to and from the area. He had been told the traffic would be worse in a few months. The infrastructure was critical going in and out. His other concern was the parking for businesses, employees, and patrons coming to the area to do their shopping. Crescent Shores has a fairly big parking structure across the street and right now they were three quarters full. He was not sure they were looking at the structure for parking as being adequate. He was not sure how any more 1,000's of people they could stick on the beach.

Tina Mullins, 1625 South Ocean Boulevard, North Myrtle Beach, stated the overlay was unnecessary. They could build something nice on R-4, like Mar Vista. She stated they were coming up with a happy medium, but it was basically an overlay that allowed commercial development. When they started out, the public was against commercial development. They agreed not to do RC and sent it back to the Planning Commission. They were now calling it an overlay, but it allowed all the things you could do in RC. She understood the concerns about retail

and restaurants. She didn't think that carving out 10% in a parking garage was a real motive behind it. She felt like there were accommodations being made for the one developer and wanted to know if this would be done up and down the beach. The safety concerns were huge. The people walking across the street and the beach environment itself was a concern. She asked they remembered the almost 1,000 objections of the people that came up. This was making it all commercial again. She appreciated the thought, but in reality, they were calling it one thing, an overlay, but it was commercial zoning. Mayor Hatley stated by changing to the overlay, they would not have a Mar Vista on both sides of the road. Ms. Mullins stated she didn't believe a developer would do that on the second row. She stated the Sandridge tract was being put off, because they were working with the developer. Why were they not working with the developer and seeing the plans and finding out what would happen instead of changing the zoning? Mayor Hatley explained the Sandridge tract had a Development Agreement already established and this property did not. It was illegal to zone by looking at the plan.

Mark Mullins, 1625 South Ocean Boulevard, North Myrtle Beach, stated he appreciated the Council for trying to avoid having a Myrtle Beach and now they were educated in this. He stated they were trying to reduce density, but that was based on two premises. One that someone would build a 13-story building, why do they have to have more? Was the property not economically justifiable with what was currently zoned? Premise two was allegedly there would be less density, but he didn't believe the economics would justify the second row having a 13-story building. It was possible, but if they looked at the Malibu, which was the last one built, the second row was mostly houses. In actuality, on paper, it may reduce density, but in practice it would not.

Cheryl Kilday, Destination North Myrtle Beach, North Myrtle Beach, applauded the work that had been done. The residents had raised a lot of concerns, but retail on the ground level where residents were not walking past something that was dark was very appealing to businesses. They were setting a standard and were proactive. She wanted to make sure they were careful and thoughtful about the project, because people were looking at this to see what was being done. She stated the other side of the highway had potential to be developed, because people were wanting to move there. There was demand and she wished them luck.

The following were added into the written minutes from emails received:

Doug Ward, 1903 South Ocean Boulevard, PH2, North Myrtle Beach. The link below is to a Powerpoint file with comments/questions about the 17th street rezoning proposal. I am planning to attend tonight's meeting but may not be among the chosen speakers. Please make this part of the meeting minutes. *The documents have been attached at the end of the minutes.

Mark and Tina Mullins, 1625 South Ocean Boulevard, North Myrtle Beach. Please read the following into the record at the City Council hearing on March 7, 2022. We are residents and property owners in Crescent Beach. We strongly object to the proposed amendment to the zoning ordinance text to revise the CBNO for the following reasons: 1. The proposed amendment is UNNECESSARY. The land affected by the proposed amendment is already zoned R-4, which allows for rejuvenation of older, smaller properties into luxury oceanfront buildings with 9 stories of accommodations and 4 stories of parking, such as Mar Vista in the Ocean Drive area and Bahama Sands in the Crescent Beach area. 2. The proposed amendment is UNWISE. Carving out a special overlay for one developer will open a can of worms for future development. 3. The proposed amendment is NOT TRANSPARENT. The overlay is just another way of allowing commercial rezoning without changing the zoning designation to RC. Although the City alleges they want to revive the area with shops and restaurants, the proposed amendment requires only 10% of the first floor of the parking garage to be designated retail. 4. The proposed amendment is UNSAFE. Development permitted under the overlay will severely harm the natural beach

environment, greatly increase density on both the beach and the roads, and greatly increase pedestrians crossing Ocean Blvd., which is a huge safety concern. 5. The proposed amendment is UNPOPULAR. The residents and property owners are TOTALLY OPPOSED to rezoning and/or an overlay. Over the course of the hearings and workshop on the proposed rezoning and overlay, nearly 1,000 members of the public expressed objections (by petitions, phone calls, emails, meetings, and attending the workshop and hearings), while only 2 expressed support (the owner of the property in question, and his colleague from the Chamber of Commerce). For the reasons set forth above, we respectfully request that you vote "NO" on the Zoning Ordinance Text and Map Amendment ZTX-22-1.

Stan and Carole Nelson, 1625 South Ocean Boulevard, North Myrtle Beach. Please read or acknowledge this letter into the City Council Meeting on Monday March 3, 2022. We are full time residents of Crescent Shores, 1625 S. Ocean Blvd, North Myrtle Beach. We are NOT in favor of the proposed over lay project for the area south of 17th Ave. And while agreeing the unsightly property (properties) involved need to be addressed and fixed, the construction of another complex as large as Crescent Shores in the neighborhood is an unacceptable answer. The street is a two-lane road. Congestion and noise should surely be a factor, not to mention the impact on the beach and lack of lifeguard services. The immediate neighbors affected by a huge building and parking structure would have their quality of life forever altered. Please VOTE NO on this proposal.

Having no further comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

- B. ORDINANCE/FIRST READING: Amendment to Chapter 5 Beaches and Waterways to include Section 5-26 titled Fires Prohibited. Manager Mahaney read the ordinance by title and Mayor Hatley called for a motion. The motion to approve was made by Councilman Thomas and seconded by Councilman Coyne.

Having no comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

- C. ORDINANCE/FIRST READING: Petition for annexation and zoning designation for 0.8 acres on Cenith Drive. Mayor Hatley read the ordinance by title and called for a motion. The motion to approve was made by Councilman Collins and seconded by Councilwoman Fontana.

Having no comment from the Council or public, Mayor Hatley called for a vote. The motion to approve passed 7-0.

- D. ORDINANCE/FIRST READING: Second amendment to the Master Development Agreement regarding the Sandridge Tract and to authorize the City Manager to sign the document on behalf of the City. Mayor Hatley addressed this item earlier in the meeting. It was postponed and removed from the agenda.

8. PUBLIC COMMENT:

Harry Oehler, 3624 Pitchers Place, Little River, stated he lived in Park Pointe. He thanked everyone for maintaining the little place he called paradise, North Myrtle Beach. He retired to the area, because they had been coming down for the past 20 years. They wanted it to continue being a Tree City USA for another 16 years. He wanted density controlled and stated development was inevitable and he would like to only see single-family homes but knew that was not feasible. He wished they were able to purchase the front piece of the Sports Complex instead of the back piece. They were concerned about the two tracks in the front. The density went from 270 to 220. From his understanding, they

would love to see townhomes instead of what's going on at Champions Way. From a business standpoint, it was good, because the apartments would be useful as well as the commercial property. They were concerned about the sign that said hotel site. He didn't know what it was zoned for. He would love to see like what they have on Main Street. Mr. Oehler asked if there was a time frame for them to be identified as an area similar to Ocean Drive, Cherry Grove, Windy Hill, and Crescent Beach.

9. **ADJOURNMENT:**

Mayor Hatley thanked everyone for coming to the meeting and adjourned the meeting at 7:50 PM.

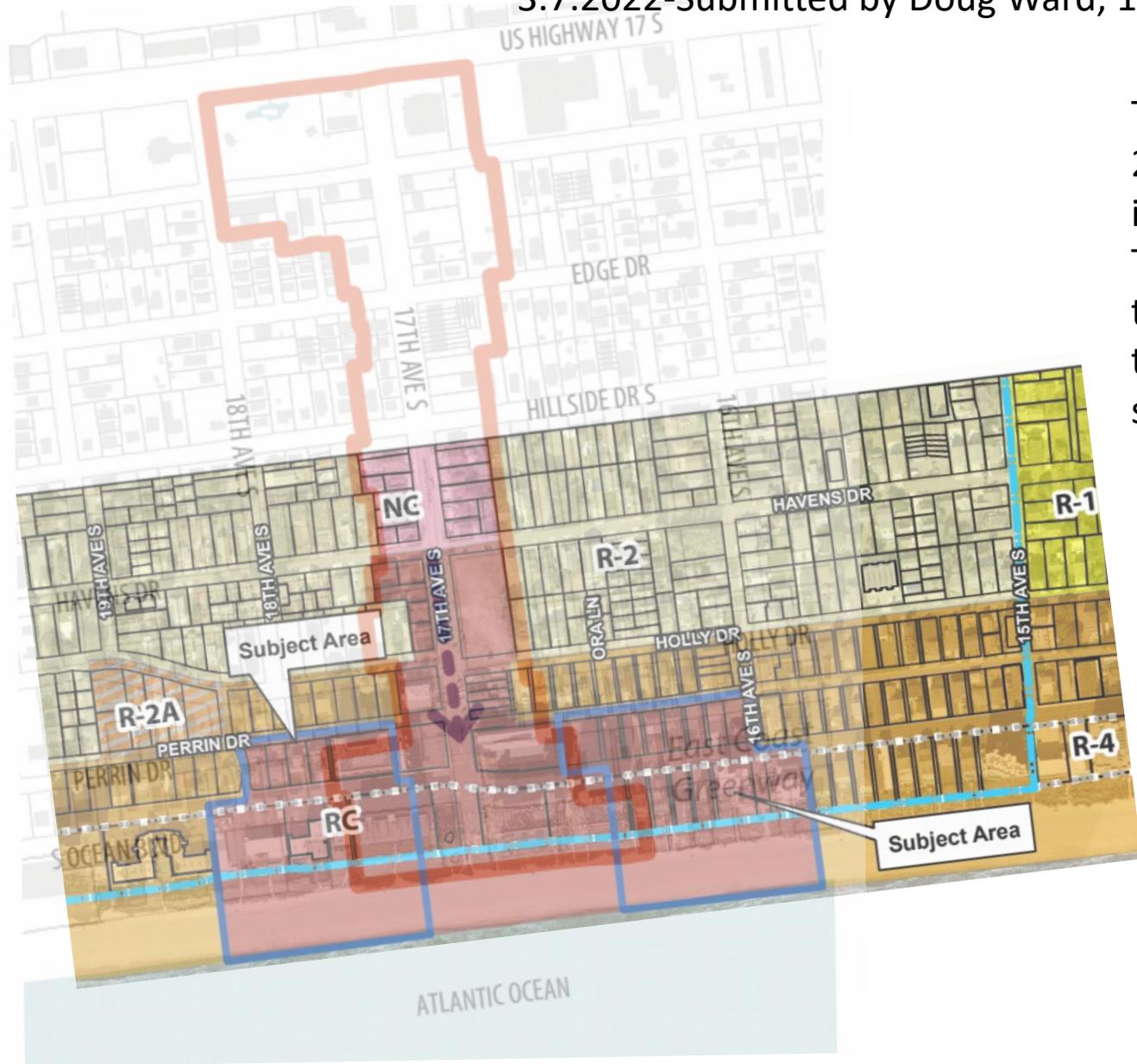
Respectfully submitted,

Allison K. Galbreath, City Clerk

MARILYN HATLEY, MAYOR

Minutes approved and adopted this 21st day of March 2022.

3.7.2022-Submitted by Doug Ward, 1903 South Ocean Boulevard, North Myrtle Beach



The defined 17th St. South area in the 2018 Comprehensive Plan (CP) does not include all of the proposed RC areas. Those areas not included in the CP are thus not justified by the CP, as implied by the proposed zoning change. Proposal should reflect this.

R-4 District		Hotels, Motels, Resort Accommodations, Lodges, Inns ⁵	
		R-4	RC
Minimum Site Area (SF)		15,000	NA
Minimum Lot Area* (SF)		NA	15,000
Minimum Lot Width		100 feet	100
Minimum Yards:	Front	15 feet	15 ³
	Side	3	10 ³
	Rear	15 feet	15 ³
Maximum Impervious Surface Ratio		90%	90%
Common Open Space		10%	10%
Maximum Height of Buildings		90 feet ⁵	165
Maximum Height of Signs		30 feet	30

The only real difference between the RC and the R-4 designations is the maximum floor height. Please provide the analysis used to justify the city's need for and/or benefit from a 165 ft. high, potentially 18 story building as opposed to an R-4 allowed 9 story condominium or hotel? In particular, please share the Keydata statistics used. Note that a hotel of any size does not add to the city's available residence options, a primary goal of the 2018 Comprehensive plan.

In addition, what analysis has been done to project the difference in retail offerings in the RC vs. R-4 options. The proposal describes only general possibilities, and they are not indicated as requiring RC zoning. For example, will the RC zone increase the likelihood that the empty lot on 17th street will be used for retail?

From the rezoning proposal:

One primary difference between the two zoning districts is the allowance in RC for oceanfront properties to offset up to 80% of required parking to the second row, whereas R-4 only allows a 25% offset.

Is the city planning to allow an overhead walkway to provide access to the second row?

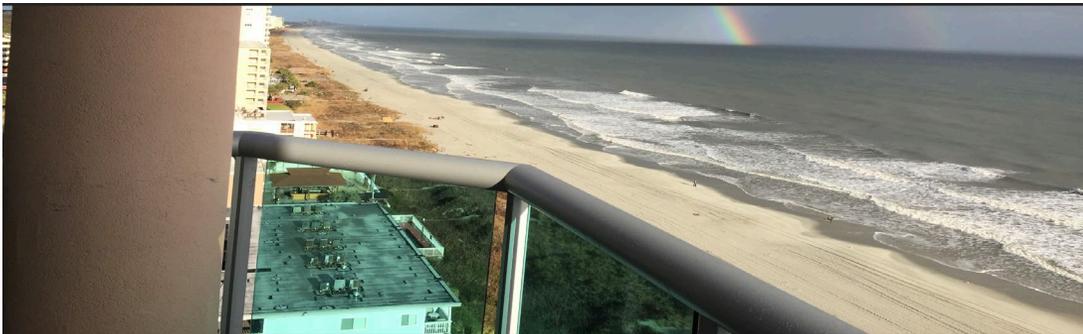


The owner of the Castaway property requests the ability to make optimal use of his property, but the proposed zoning change will adversely affect current property owners, both investors and permanent residents. Both paid market prices based on current zoning and amenities.

In the case of Crescent Keyes, the line of sight for all but 9 condos will be reduced, and for the 18 on the north side the view will be significantly reduced.

The top picture shows the line of sight that now passes over the Castaway property, but that will be blocked by a new 165 foot building.

The bottom pictures shows the specific change in the balcony view for a corner unit. The 3 bedrooms on the side will be even more curtailed.





The ocean view condos on the side of Crescent Keyes will have a much reduced ocean view.



An 18 story building will significantly reduce privacy on the north side of Crescent Keys.

