

2021-2 (1ST READING): TO REZONE 1.36 ACRES LOCATED AT 1002 29TH AVE N FROM MU-M (MIXED USE MEDIUM DENSITY) TO HC1 (HIGHWAY COMMERCIAL) FOR THE PURPOSE OF HOLDING EVENTS.

Applicant/Purpose: El Cerro at 29th LLC (applicant) / to rezone 1.36 acres located at 1002 29th Ave N from MU-M (Mixed Use Medium Density) to HC1 (Highway Commercial) for the purpose of holding indoor events.

Brief:

- Applicant is the owner of El Cerro Mexican restaurant located at 1002 29th Ave N.
- Applicants would like to expand the use of the restaurant and hold special events, such as Cinco de Mayo celebrations; the applicant intends to utilize floor space for bands and dancing as well as charge a cover fee at the door.
- 2/2/21: Planning Commission recommends approval as requested (7-0).

Issues:

- This description is in line with the “nightclub” use in the zoning ordinance, even though the applicant has stated that they do not want to turn the restaurant into a typical “nightclub.”
- Applicant’s property is adjacent to two other zoning districts that allow for nightclubs: E (Entertainment) and HC1 (Highway Commercial).
- The proposed zone allows the use the applicant wants, limits heights to 60’ (closer to neighborhood scale), and requires more parking than the current zone.

Public Notification: 47 letters sent to owners of property within 300’. One sign placed on the property. Legal ad ran.

- One letter of opposition received that reflects negative impacts from previous tenants.
- One text received during the public hearing, also in opposition and citing the same issues from previous tenants.

Alternatives:

- Modify (change zoning) or deny the request.

Financial Impact:

- Potential business license revenue from the additional revenue stream for El Cerro.

Manager’s Recommendation:

- I recommend 1st reading (2.9.21).

Attachment(s): Proposed ordinance, supporting materials

ORDINANCE 2021-2

**CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA**

**TO REZONE 1.36 ACRES LOCATED AT 1002 29th AVE
N FROM MU-M (MIXED USE MEDIUM DENSITY) TO HC1
(HIGHWAY COMMERCIAL) FOR THE PURPOSE OF
HOLDING EVENTS**

PINs # 424-02-04-0005

IT IS HEREBY ORDAINED that the official zoning map of the City of Myrtle Beach is amended by rezoning 1.36 acres located at 1002 29th Ave N, that represented by Horry County PINs # 424-02-04-0005 (as shown on "Exhibit A" attached hereto) from zone MU-M (Mixed Use Medium Density) to HC-1 (Highway Commercial).

This ordinance shall become effective upon adoption.

ATTEST:

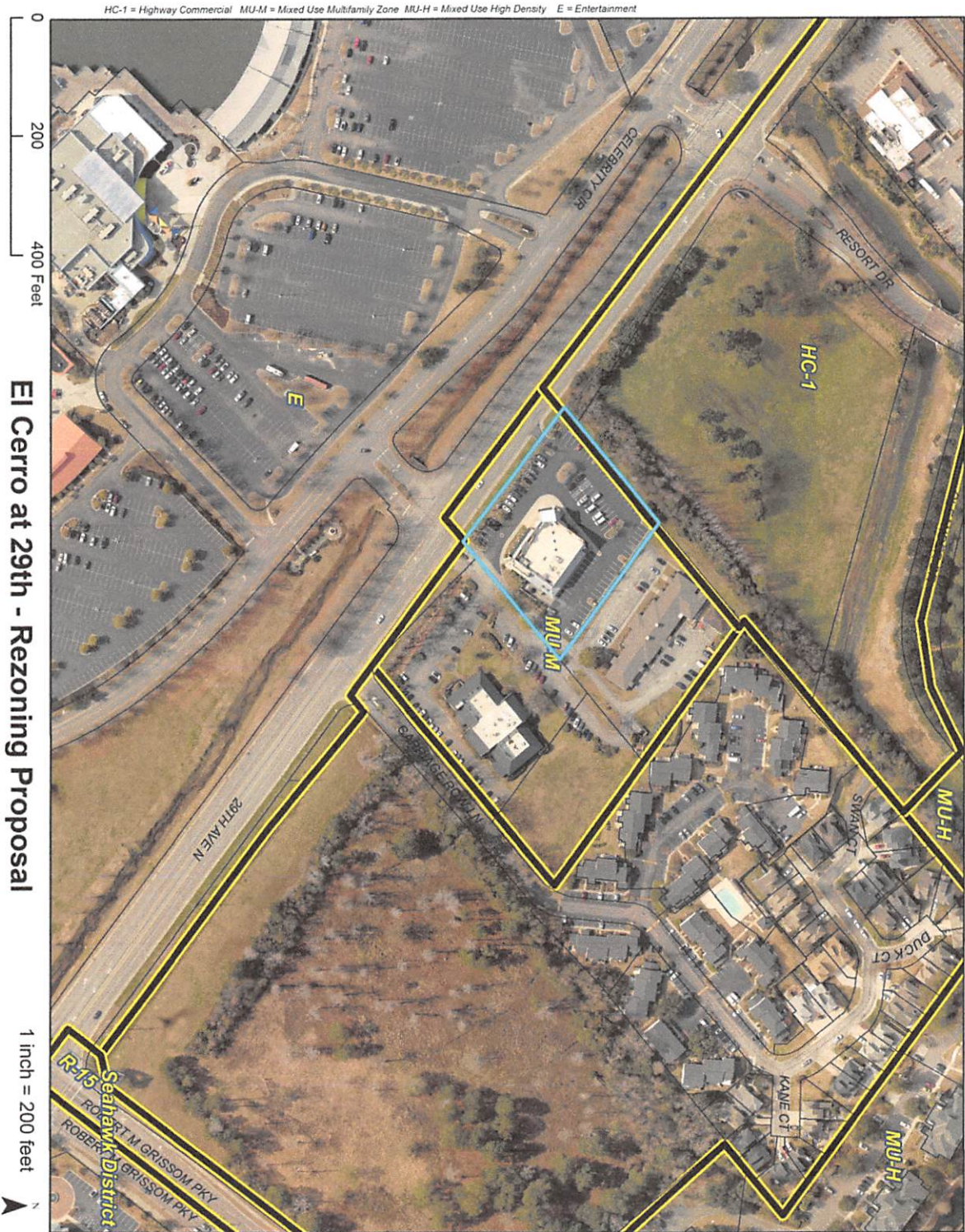
**BRENDA BETHUNE,
MAYOR**

JENNIFER ADKINS, CITY CLERK

**1st Reading: 2-9-2021
2nd Reading:**

EXHIBIT A
ORDINANCE 2021-2

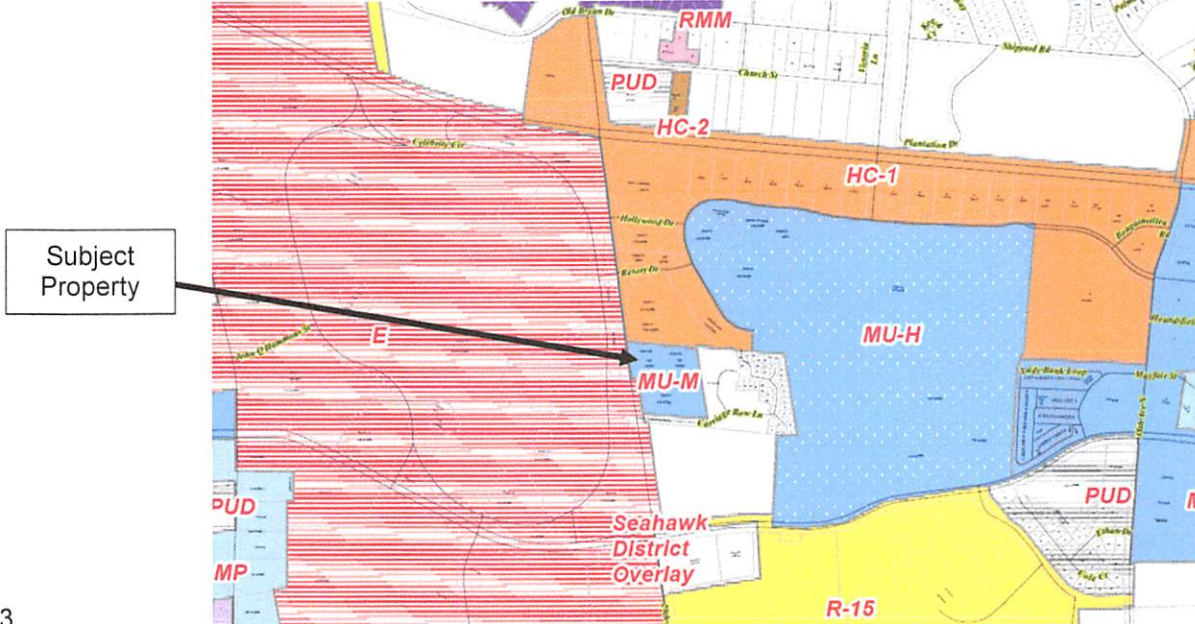
1
2
3



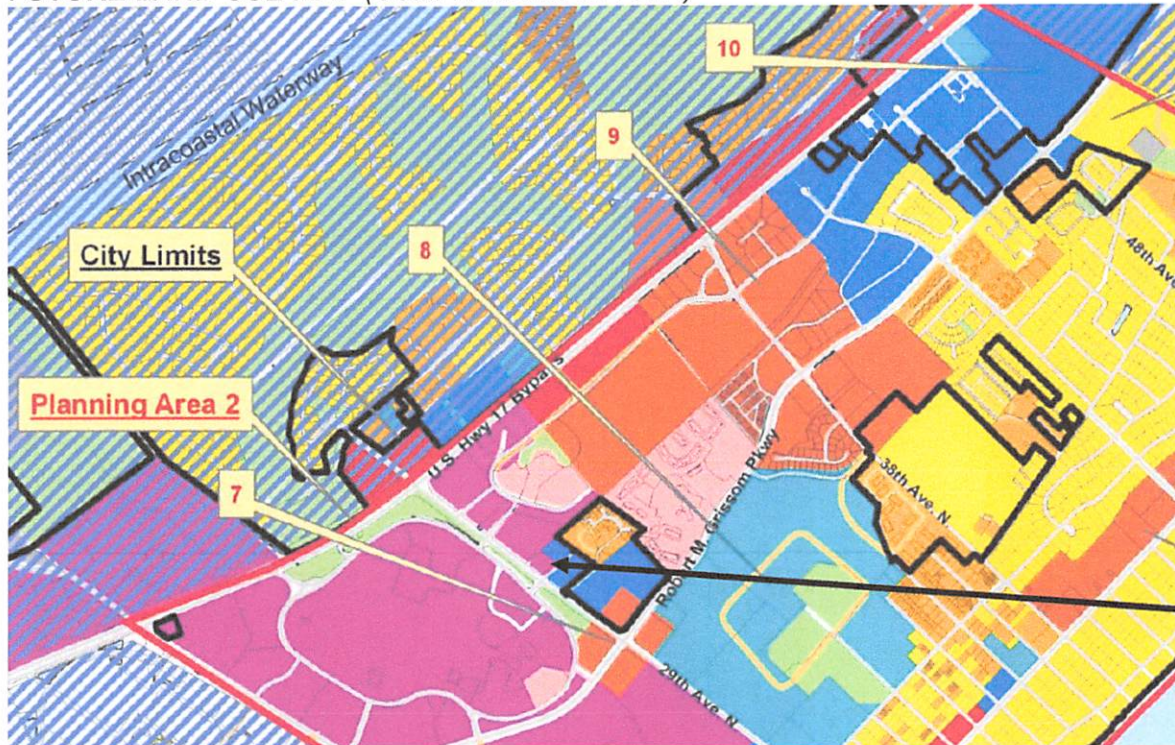
4
5

SUPPORTING MATERIALS

1
2 ZONING MAP



3
4 FUTURE LAND USE MAP (COMPREHENSIVE PLAN)



5
6 Dimensional Requirement Differences – Article 10, Section 1006.D

7 Minimum Off-Street Parking Requirements for Permitted Uses:

- 8 • Restaurant, dine-in 1 space per 100 sq ft of gross floor area
- 9 • Bars and Nightclubs 1 space per 100 sq ft of gross floor area

10
11 Note: MU zone exceptions in 1006.E. reduce the minimum parking standard by half in the current district. Staff has
12 evaluated the parking plan and determined the site conforms to parking regulations under HC1 zoning as well.
13

1 **Permitted/Conditional Use Differences – see attached exhibit 1407.C**

2
3
4 **Dimensional Requirement Differences – Article 16, Section 1603.C**

District	Min. Lot Area	Min. Lot Width	Min. Lot Depth	Max. Height	Max. Building Coverage	Min. Front Setback	Min. Side Street Setback	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Open Space
MU-M (current)	—	— R	—	C	—	B	B	B	B	L
HC1 (proposed)	10,000 sq.ft.	— R	—	60'	50%	30'	30'	B	B	0% hh

- 5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
- (A) *Or per the Coastal Protection Zone (CPZ), whichever is greater.*
 - (B) *Except as stated in (A) above, setbacks are zero except that the provisions of Chapter 6 – Buildings and Building Regulations and Chapter 9 – Fire Prevention & Protection of the Code of Ordinances apply. However, sight triangles and sight lines shall be maintained, requirements in section 902 – Landscaping Regulations shall be met; and in the Mixed Use (MU) districts, the sidewalk and buffer requirements of section 1705.1 – When a Property Is Developed shall be met.*
 - (C) *Equal to the width of the widest right-of-way upon which it fronts. Note: for the subject parcel, the widest adjacent height is 105 feet (the width of 29th Ave N between El Cerro and Broadway at the Beach).*
 - (L) *Per the landscaping regulations. Note: landscaping regulations require a 5-foot buffer around the parking areas and landscaped islands in larger parking areas.*
 - (R) *Provided, however, that the minimum lot width along Kings Highway is 100'.*
 - (hh) *20% minimum open space on properties of 3 acres or more. Note: the subject parcel would not meet this requirement.*

24 **STAFF COMMENTS**

25
26 *Zoning:* Worked with the applicant to determine options for including events at the location.

27
28 *Fire:* The Myrtle Beach Fire Department has no issues with the proposed rezoning. For any future
29 development, emergency vehicle access, fire hydrant placement, and adequate road widths shall
30 be approved by the fire marshal.

31
32 *Planning:* See analysis.

33
34 *Public Works:* Public Works staff has no concerns with the proposal.

35
36
37 **Section 403. Findings of Fact Required**

38
39
40 In reviewing any petition for a zoning amendment, the Planning Commission shall identify and
41 evaluate all factors relevant to the petition, and shall report its findings in full, along with its
42 recommendations for disposition of the petition, to the City Council. Factors shall include, but shall
43 not be limited to, the following:

- 44
45 403.A. Whether or not the requested zoning change is consistent with the Comprehensive Plan
46 or is justified by an error in the original ordinance.

1 403.B. The precedents and the possible effects of such precedents, which might result from
2 approval or denial of the petition.
3

4 403.C. The capability of the City or other government agencies to provide any services,
5 facilities, or programs that might be required if the petition were approved.
6

7 403.D. Effect of approval of the petition on the condition or value of property in the City.
8

9 403.E. Effect of approval of the petition on adopted development plans and policies of the City.
10

11
12 **Staff Comments on Findings of Fact:**
13

14 • 403.A. ***Comprehensive Plan***

- 15 ▪ The Comprehensive Plan identifies the area as “amusement/entertainment,” the
16 same classification as Broadway at the Beach and the “Lakeshore Village”
17 development area that housed Planet Hollywood and the former All-Star Café,
18 now Legends in Concert.
- 19 ▪ The proposed zoning change would allow uses of an entertainment nature, which
20 fits in with the “amusement/entertainment” use shown in the future land use plan.
- 21 ▪ There are no known errors in the Comprehensive Plan addressed by this
22 request.

23
24 ▪ 403.B. ***Precedents***

- 25
26 ▪ Staff has not identified any precedents that will be set by this proposal. The HC-1
27 zone already exists adjacent to the subject property and along the 29th Ave N
28 corridor.
- 29
30 ▪ Many of the uses allowed in HC-1 zoning have additional restrictions, such as
31 minimum acreage (for golf cart rental, driving range, or auto sales) that prevent
32 them from being installed on the site as-is.

33
34 ▪ 403.C. ***Ability to Provide Services***

- 35
36 ▪ The ability of the City to provide water, sewer, stormwater, and public safety to
37 the site is not degraded by this application. All utilities and safety operations are
38 available to this site.

39
40 ▪ 403.D. ***Effect on the condition or value of property in the City.***

- 41
42 ▪ Staff does not have evidence that the proposed change will decrease or increase
43 the value of the property in question. It is possible that the site value may be
44 increased by the addition of new use allowances.

45
46 ▪ 403.E. ***Effect on adopted development plans and policies of the City.***

- 47
48 ▪ There are no plans with direct correlations to this proposal.
49

1
2

Permitted/Conditional Use Differences – Article 14, Section 1407.C

P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed			
Use Category and Type			Additional Regulations
	MU-M	HC1	
Residential Uses			
Licensed group residential (caregiving)	P		
Rooming or Boarding House	P		
Permanent residence, single-family dwellings	P	C	1501.JJ
Permanent residence, two-family dwellings	P	C	1501.JJ
Permanent residence, multi-family dwellings	P	C	1501.JJ 1503.A
Residential care facilities of nine or less persons with mental or physical handicaps	P		
Commercial and Office Uses			
Accounting office	P	P	1503.A
Adult day care	C	C	1501.A
Advertising agency	P	P	1503.A
Administrative service establishments of a business character which supply general needs of an intangible nature to the public including establishments performing management duties in the conduct of government, business, utilities, or industry	P	P	1503.A
Advisory service establishments engaged in providing monetary and specialized professional knowledge to the community, including offices of paralegals, lobbyists, and designers.	P	P	1503.A
Aquariums		P	
Architects office	P	P	1503.A
Arts and crafts studio	P	P	
Assisted living facilities	C	C	1501.EE
Automated teller machines, free standing	P	P	
Automobile rental		P	
Bakeries, retail	P	P	
Banks	P	P	1503.A
Bar, Tavern	P	P	
Barbershops, beauty salons, and cosmetologists	P	P	1503.A
Bed & breakfast establishments		P	1503.A
Bingo parlors		P	

Blueprinting services	P	P	
Boating (non-motorized) and water-related activities	P		
Booksellers / book stores	P	P	
Bowling alleys	P	P	
Broadcast studios, radio and television		P	
Brokers	P	P	1503.A
Business consultants, offices of	P	P	1503.A
Car wash		P	
Chambers of commerce	P	P	

1

P-permitted use C-conditional use S-special exception Blank Call-use type not allowed			
Use Category and Type			Additional Regulations
	MU-M	HG1	
Child care center for 13 or more children (CCC)	C	C	1501.D 1503.A
Child care home, family, for up to 6 children (FCCH)	C	C	1501.D
Child care home, group, for 7-12 children (GCCH)	C	C	1501.D
Chiropractic care establishments	P	P	1503.A
Clothing stores	P	P	
Comedy Clubs	P		
Commercial center	P	P	
Commercial group residential	S	S	1501.E
Confectionaries	P	P	
Congregate housing, older adult	C	C	1501.F
Continuing care retirement community	C	C	1501.F
Convention services	P		
Copy shops and business service centers	P	P	
Cosmetology establishments	P	P	
Credit office	P	P	
Customer service/reception centers for interval ownership operations		C	1501.G
Dance Halls	P	P	
Drapery shops, custom	P	P	
Dressmaker	P	P	
Dry cleaning establishments	C	C	1501.H

Engineering office	P	P	1503.A
Eyeglass sales	P	P	
Facilities for active recreation not otherwise listed	P	P	1501.I
Facilities for passive recreation	P	P	1501.I
Farm stands	C		1501.NN
Financial office	P	P	1503.A
Florists and flower shops	P	P	
Funeral homes	P	P	
Galleries	P	P	
Game arcades		C	1501.J 1503.A
Gasoline station		C	1501.Y
Gift shops	P	P	
Go carts, electric, indoor or outdoor		P	
Golf courses	P	C	1501.I
Golf courses, miniature	C	C	1501.K
Golf driving ranges		P	
Grocery and food stores	P	P	

1

P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed			
Use Category and Type			Additional Regulations
	MU-M	HC1	
Hardware stores	P	P	
Health care establishments engaged in the science and art of preventing, curing, recovering from, or alleviating injury or disease, and associated offices, including medical, surgical,	P	P	1503.A
Health clubs, gymnasiums, exercise and workout areas	P	P	
Heavy durable goods sales not otherwise listed		P	1710.C 1715.C
Home decorating accessory shops sales	P	P	
Home occupations	C		1501.L
Horticultural nursery		P	
Hospital		P	
Independent living, older adult	C	C	1501.E
Indoor Passive Recreation	P		

Indoor Urban Farm	C		1501.SS
Jewelry sales and repair	P	P	
Kennels and animal boarding facilities, indoor		P	
Laundromats and service	P	P	1503.A
Law office	P	P	1503.A
Liquor package stores	P	P	
Mailing/addressing services	P	P	
Marinas	C		1501.AA
Massage establishment, therapeutic	C	C	1501.X
Moped rental and sales establishment		C	1501.FF
Motor vehicle detailing		P	
Motor vehicle paint or body shop		P	
Motor vehicle parts store		P	
Motor vehicle repair and maintenance		C	1501.P
Motor vehicle sales		P	
Motor vehicle rental and leasing		P	
Museums	P	P	
Music sales	P	P	
News and magazine stands	P	P	
Nightclubs		P	
Nursing home facilities	C	C	1501.F
Outdoor display and merchandise area	C	C	1501.R
Parolee-probationer home		S	1503.G
Pharmacies	P	P	
Photography developing establishments	P	P	
Photography studios	P	P	
Pool halls/billiard parlors	P	P	
Professional organizations, offices of	P	P	1503.A

1

P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed			
Use Category and Type			Additional Regulations
	MU-M	HC1	
Prosthetic facilities	P	P	
Radio or television station and related transmitting tower		P	
Real estate offices	P	P	1503.A

Religious establishments providing for religious service and development	P	P	1503.A 1503.D
Restaurant, with drive-through service	C	P	1501.RR 1503.A
Restaurant, without drive-through service	P	P	1501.HH 1503.A
Restaurant with outdoor dining	C	C	1501.Q
Retail, big box		P	
Retail establishments providing convenience items and services	P	P	1503.A
Rock climbing walls		P	
Rooftop gardens	P	P	
Ropes course	P		
Schools, elementary and secondary, including school stadiums	P	P	1501.S
Schools, colleges or universities	P	P	
Schools, trade or vocational	P	P	
Schools, artistic training	P	P	
Schools, athletic training	P	P	
Service establishments of a business character providing maintenance, installation, and repair for specialized service needs to individuals or other businesses, including sales and service operations, and stenographic and letter writing services	P	P	
Shoe repair	P	P	
Skating rinks and parks, indoor		P	
Skating rinks and parks, outdoor		P	
Small engine repair		P	
Social welfare organizations	P	P	1503.A
Solar farms	C	C	1501.QQ
Sport facilities not otherwise listed	P	P	
Studios (art, dance, or music)	P	P	
Studios (martial arts, athletic)	P	P	
Swimming pools, indoor or outdoor	P	P	1501.I
Tennis facilities, indoor or outdoor	P	P	1501.I
Theater, indoor	P	P	
Theater, outdoor	P	P	
Tire sales and service		P	

P-permitted use C-conditional use S-special exception Blank Cell-use type not allowed			
Use Category and Type			Additional Regulations
	MU-M	HC1	
Transportation terminals and establishments providing for the interchange of passengers	C	P	1501.W
Transportation terminals and establishments providing for the interchange of freight		P	
Travel agencies	P	P	
Truck terminals			
Unlicensed group residential (caregiving)	S	S	1501.E
Veterinary offices, clinics, and hospitals		P	1501.GG
Visitor accommodations not otherwise listed		P	1503.A
Visitor information reception center		P	
Warehouse storage		P	
Wholesale business establishments for selling bulk goods or commodities, but not toxic chemicals		P	
Public Services			
Administrative offices of federal, state and local governments	P	P	
Buildings and uses of utilities holding a franchise from the city	S	P	
Library, public	P	P	
Parks, recreation areas, recreation facilities or recreation buildings owned by the City of Myrtle Beach	P	P	
Post office	P	P	
Public parking	P	P	
Public regional stormwater facilities	P	P	
Public safety stations including fire, police and rescue services	P	P	
Public utilities installations and substations	P	P	
Public works facility/public utilities	P	P	
Social welfare offices	P	P	
Water tanks, public	S	S	

Allison Hardin

From: James W McIlrath <james@grandstrandcpas.com>
Sent: Thursday, January 28, 2021 11:59 AM
To: Allison Hardin
Cc: tim@grandstrandcpas.com; ed@grandstrandcpas.com; Dawsey, Martin C.
Subject: [External]29th Ave N Rezoning

CAUTION: This email originated from outside your organization. Exercise caution when opening unsolicited attachments or clicking links. Please forward suspicious mail to spam@cityofmyrtlebeach.com for review.

Allison

We received your Planning Commission Official Notification Letter dated January 22, 2021 re: rezoning of the above mentioned property.

Our major concern for this rezoning is the lack of adequate parking on site to handle special events. When the property was previously being operated as Mykonos they had a large number of special events, apparently improper for the current zoning. Our property which is located directly behind the site was negatively impacted by customers using our parking lots, improperly parking on non-parking areas, as well as by having trash and feces being left by those customers attending those events. It was so severe that we had to put up cables to block access to our parking and post private parking/no parking signs to keep people from using our lots when we knew they were going to happen.

The current owner/operator has not communicated with us as to how this situation will be any different, and with how they will handle the impact of the crowds on the neighboring properties.

Please feel free to contact me if you have any questions regarding this matter.

James W. McIlrath, CPA
Duncan, Farmer, McIlrath, Marlowe & Cole, PA
Certified Public Accountants
1004 29th Avenue North, Suite A
Myrtle Beach, SC 29577
(843)448-2019

www.grandstrandcpas.com