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**2018-68 (1ST READING): AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE CITY OF MYRTLE BEACH TO ALLOW STRUCTURES WITH DRIVE THRU FACILITIES EXISTING AS OF JUNE 10, 2014 AS A CONDITIONAL USE IN THE MU-M (MIXED USE MEDIUM DENSITY ZONE.**

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**Applicant/Purpose:** Wells Fargo Bank (Jamie Hills, agent) / to allow a restaurant to utilize an existing drive thru operation in a former bank building.

**Brief:**

- Wells Fargo owns property located on the corner of 72<sup>nd</sup> Ave N & N Kings Hwy, zoned MU-M.
- Building has been vacant since 2016.
- Applicant's agent represents a Dunkin Donuts franchise owner who is interested in relocating their operations to the former bank property & use drive thru.
- Drive thru restaurants are not a permitted use in the MU-M district.
- The applicant has a short window to make a decision on expansion, & consulted w/ staff if there is a way to allow the restaurant to occupy the space.
- Applicant chose the text amendment route.
- 11/27/18: Planning Commission recommends approval (5-0) to allow drive-through restaurants as a conditional use in the MU-M district. Conditions include:
  - The property must have had a drive-thru facility as of the September 2014.
  - The property must front Kings Highway.
  - The building must be no more than 5,000 square feet.

**Issues:**

- The Comp Plan & other city policies advocate making Myrtle Beach a more walkable city.
- Walkability principles include minimizing the points of contact between a pedestrian & vehicular traffic.
- To that end, restaurants w/ a drive thru were phased out of the allowed uses for the MU-M (Mixed Use Medium Density) zone in the 2014 zoning rewrite.
- The applicant requests an amendment limited in scope to properties along Kings Hwy zoned MU-M & w/ drive-thru facilities prior to the 2014 zoning rewrite.
- Staff's field survey indicates that this would apply to approximately 9 properties.
- This text amendment allows an adaptive reuse of a building that has been vacant since 2016.

**Public Notification:** Legal ad ran.

**Alternatives:**

- Amend the proposed zoning text amendment.
- Deny the proposal.

**Financial Impact:** Increase in property taxes, permit fees, business licenses, & hospitality fees.

**Manager's Recommendation:** I recommend 1<sup>st</sup> reading (12/11/18).

**Attachment(s):** Proposed ordinance, staff report.

ORDINANCE 2018-68

CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA

AN ORDINANCE TO AMEND THE ZONING  
ORDINANCE FOR THE CITY OF MYRTLE BEACH  
TO ALLOW STRUCTURES WITH DRIVE  
THROUGH FACILITIES EXISTING AS OF JUNE  
10, 2014 AS A CONDITIONAL USE IN THE MU-M  
(MIXED USE MEDIUM DENSITY) ZONE

IT IS HEREBY ORDAINED that the City of Myrtle Beach Code of Ordinances, Amendment A, Zoning, Article 14 (Zoning Districts), Section 1407.C (Permitted Uses), Restaurant with Drive Through Service is amended as follows:

Use Category and Type	MU- M	MU- H	C6	C7	C8	A	CG	E	HC1	HC2	MP	IN	AP	BP	LM	WM	CS	IR	PRC
Commercial and Office Uses																			
Restaurant, with drive- through service	⊆				P	P		P	P	P			P			P		S	1503.A <b>1501.#</b>

IT IS FURTHER ORDAINED that the City of Myrtle Beach Code of Ordinances, Amendment A, Zoning, Article 15 (Conditional and Accessory Uses and Special Exceptions), Section 1501 (Conditional Uses), is amended to include a new Section for Restaurant with Drive Through Service in MU-M, as follows, and number accordingly:

1501.# Restaurant with Drive-Through Service in MU-M. Restaurants with drive-through service are prohibited in the MU-M district except for those structures that abut Kings Hwy, structures are less than 5,000 square feet in area, and had drive-through facilities in place prior to the adoption of Ordinance 2014-34 (June 10, 2014).

This ordinance shall become effective upon adoption.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER STANFORD, CITY CLERK

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:

**APPLICANT** Wells Fargo (Jamie Hills, agent)

**REQUESTED ACTION** To allow drive through restaurants in the MU-M zone as a conditional use, with conditions being (1) the property fronts Kings Hwy, and (2) a drive through was in place when the 2014 zoning rewrite was published.

**REASON FOR REQUEST** To install a drive-through restaurant (Dunkin Donuts franchise) in a former bank building, and to maintain the former bank's drive through operations for the restaurant.

**SITE LOCATION** 7402 N Kings Hwy

**PUBLIC NOTICE** *LEGAL AD RAN* Yes

**ALTERNATIVES TO APPROVAL** Recommend denial.  
Recommend alternative amendments.

**FINANCIAL ANALYSIS:** Potential gain in business license fees and tax revenues.

**STAFF COMMENTS**

**DPW, Fire, Police, C&L Services, Addressing:** No concerns.

**Planning Staff:** Planning has concerns about chipping away at the walkability concepts that made it through to the final zoning code adoption. See analysis.

**ANALYSIS**

*Section 403 of the Zoning Ordinance lists the following factors, which should be part of the information considered when evaluating requests to change the Zoning Ordinance Text or Map.*

**Section 403.A.** Whether or not the requested zoning change is [1] consistent with the Comprehensive Plan or [2] is justified by an error in the original ordinance.

- [1] Neutral.** The Comprehensive Plan encourages infill development and the promotion of smaller-scaled businesses; however, it does not emphasize infill development as much as walkability and pedestrian connections.

The neighborhood located adjacent to the subject property is known colloquially as Porcher Dr and is in Comp Plan Neighborhood I. The area is zoned for multifamily residential (full time, not transient accommodations) and contains many condominium and townhome complexes. Many residents walk for exercise or walk their pets along Porcher Ave. There is also a large church, Ocean View Baptist, that several area residents walk to for Sunday services and other events.

- [2] No.** There are no known ordinance errors with regard to this application.

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

- 3 • Current design standards in the MU districts encompass many of the basic tenets of  
4 a walkable community – moving buildings up to the sidewalk (so pedestrians have a  
5 direct and safe route to the structure from the sidewalk, sharing as little space as  
6 possible with vehicular traffic), putting parking behind buildings, encouraging a mix of  
7 uses, and expanding sidewalks to hold more pedestrian traffic. Staff is concerned  
8 that by chipping a bit away from the formula the next time a request to redesign the  
9 zoning district comes along, it will be more difficult to hold the line.

10  
11 **Section 403.C.** – The capability of the city or other government agencies to provide any  
12 services, facilities or programs that might be required if the petition were approved.

- 13 • The City and other government agencies are able to enforce the ordinance as  
14 written, as it could apply to nine parcels in the MU-M district.

15  
16 **Section 403.D.** Effect of approval of the petition on the condition or value of property in the city.

- 17 • Effect on property with drive through facilities: increase in potential for food service  
18 land use opportunities.
- 19  
20 • Effect on three grandfathered fast food restaurants in the MU-M zone: the petition  
21 would allow these uses to be reinstated if, after a disaster, it was more than 12  
22 months before the facility could be re-built and opened.
- 23  
24 • Effect on surrounding property: increased vehicular traffic.

25  
26 As stated previously, the Porcher Dr neighborhood is home to many residents who  
27 walk from their home to the beach, or to restaurants and services along Kings Hwy.  
28 Staff is concerned that a restaurant with drive through service would provide a  
29 significant increase of potential impact opportunities between cars and pedestrians.

30  
31 The Institute of Transportation Engineers (ITE) table of Common Trip Generation  
32 Rates estimates vehicular traffic using the basis of *trips per afternoon peak hour*  
33 (*“unit”*).

34  
35 Dunkin’ Donuts has three potential matches on the ITE list of land uses:

- 36 ○ Coffee/donut shop with drive through window 42.8 trips per unit
- 37 ○ Fast food restaurant, drive through window, & indoor seats 33.8 trips per unit
- 38 ○ Bread/donut/bagel shop with drive through window 19.0 trips per unit

39  
40 This is in contrast to the other uses currently with drive through facilities in the  
41 Porcher Dr neighborhood:

- 42 ○ bank building (7500 N Kings) 24.3 trips per unit
- 43 ○ property management office (7400 N Kings) 1.49 trips per unit
- 44 ○ former ATM kiosk (7402 N Kings – currently out of operation)

45  
46 Additionally, the QSR Magazine (for Quick Service Restaurants) compiles an annual  
47 list of several fast-food service indicators, including the speed of service at drive  
48 through windows for major quick serve restaurants. The 2018 survey showed that  
49 Dunkin’ Donuts had an average service time of 200.74 seconds (3.3 minutes) per  
50 car, an increase over 173.85 seconds (2.9 minutes) in 2017.

## The 2018 Drive-Thru Study: Speed of Service

Speed is key to keeping the line moving—and customers coming back.

DRIVE THRU OCTOBER 2018



CHAIN	AVERAGE TIME IN SECONDS
Arby's	237.93
Burger King	193.31
Carl's Jr.	252.91
Chick-fil-A	260.85
Dunkin' Donuts	200.74
Hardee's	255.83
KFC	218.95
McDonald's	273.29
Taco Bell	236.50
Wendy's	226.07
Summary	234.08



### THE CHARTS

Areas to Improve  
Ease of Entering  
Drive Thru  
Favorable Appearance

OCB in Place  
Order Accuracy  
Pre-Sell  
Service Attributes

Speed of Service  
Suggestive Sells  
Vehicles in Line

[Read Last Year's Report](#)

CHAIN	AVERAGE TIME IN SECONDS
Arby's	244.37
Burger King	189.48
Carl's Jr.	270.22
Chick-fil-A	251.04
Dunkin' Donuts	173.85
Hardee's	287.87
KFC	230.98
McDonald's	239.03
Panera Bread	262.68
Raising Cane's	168.23
Starbucks	286.41
Taco Bell	242.71
Tim Hortons	202.46
Wendy's	180.05
Zach's	212.85
Summary	224.77

### SPONSORED BY



This level of turnover traffic in a neighborhood that is known for walking is a concern to staff for safety reasons, as more traffic provides more opportunity for impacts with walkers.

The challenge with this request is that the property relates also to the highway commercial nature of N Kings Hwy. The Kings Hwy Corridor Plan calls for Kings Hwy to be reduced from six lanes to four in areas of the city where residential uses are

**Section 403.E.** Effect of approval of the petition on adopted development plans and policies of the City. In this section: City Manager's Strategies (2017), Kings Hwy Corridor Plan (2008), Comprehensive Plan (2011).

- City Manager's Strategies
  - 1: Define an Economic Development Vision & Define Strategies to Achieve that Vision.
    - Proposed Vision – to foster an environment in which economic activity can be expanded so that all our citizens have an opportunity to enjoy what the community has to offer.
    - Focus Sectors:
      - Infill retail development.
      - New technology & communications.
      - Medical services.
- Kings Hwy Corridor Plan (2008):

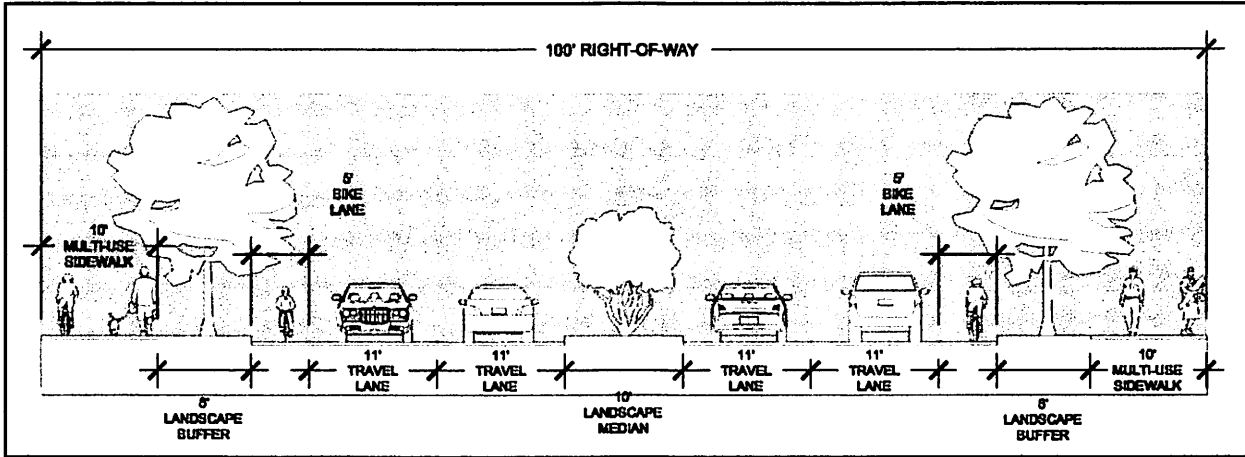
### ***Pedestrian Goals***

- Safety is the priority. Facility improvements are focused on creating an environment that allows pedestrians to travel along and across the corridor safely, and enjoyably.

- Safety first. Fill the gaps in areas that do not have safe facilities. Reduce curb cuts.

#### Proposed Roadway Changes:

- Reduce number of through travel lanes from six lanes to four lanes between 72nd Avenue North and 82nd Parkway (see image below).



## Comprehensive Plan Citations

### ***Land Use Element***

- Smart growth strategically directs financial resources toward programs and policies that support:
  - development focused on existing communities.
  - a range of housing choices.
  - walkable neighborhoods.
  - attractive communities with a sense of place.
  - mixed land uses.
  - preservation of farmland and natural areas.
  - multiple transportation choices
  - compact building design.
  - alternative energy sources.
- 6. Develop a multi-modal transportation system, in cooperation with other transportation entities, which includes public transit, walking, bicycling, roads, and air and water transportation based on the principles of sustainability.
  - Develop plans for the bus system so that the urban form map can be refined to provide more geographically specific future land use policies and designations (centers can be identified on the plan rather than relying on the schematic suggestion of locations provided by the urban form map). Equally important are developing plans to make the area more walkable and bikeable, and to study adding mass transit options other than buses to the mix.

- Encourage the creation of a multi-modal transportation system in regional transportation planning efforts including bus, light rail, and heavy rail systems; networks for pedestrians and bicyclists; and water and air transport.

Action: City Council and the Planning Commission coordinate with other local governments and transportation planning entities including Coast RTA, GSATS and Horry County to encourage the creation of a regional multi-modal transportation system.

Time frame: Short term.

20. Support new neighborhoods that fulfill the vision of the Comprehensive Plan by integrating with mixed uses, connecting to existing neighborhoods and areas, facilitating transit and reducing vehicle trips, providing community facilities, creatively preserving major open space features and ensuring a high level of walkability with housing provided near employers, shopping and services.

Action: The Planning Commission, with assistance from Planning and other appropriate departments, works with property owners and developers to develop programs. The Planning Commission recommends any necessary city activities to City Council for approval.

Time frame: Immediate.

Potential funding source: No funding needed.

Ensure connectivity between neighborhoods and non-residential areas to accommodate pedestrians and bicyclists, reducing the need for vehicle trips.

Action: The Planning Commission, with assistance from Planning and other appropriate departments, works with neighborhood organizations to develop programs. The Planning Commission recommends any necessary city activities to City Council for approval.

Time frame: Short term.

Potential funding source: Capital improvements program and private investment.

## **Transportation Element**

13. Update the sidewalk master plan.

Action: The City updates its sidewalk master plan to address the goals and objectives of this Comprehensive Plan, especially for land use and transportation.

Timeframe: Immediate and ongoing.

Potential funding source: Capital improvements program and grants.

Action: The City plans and constructs a pedestrian network that provides paths but also provides other amenities, such as landscaping, appropriately scaled lighting, and benches. The pedestrian network includes handicapped accessible sidewalks within street rights-of-way and hiking paths in the linked open space system. In conjunction with changes to land use patterns and regulations, the pedestrian network is improved to provide an environment that promotes walking as an alternative to automobiles, etc. Street sidewalks are designed to enhance pedestrian mobility and create a strong functional relationship with adjacent residential, commercial land uses, supporting communitywide sustainability initiatives. The City considers designating a staff person as its bicycle/pedestrian coordinator to ensure that this objective is met and that walking is promoted. The Safe Routes to Schools program is incorporated into the pedestrian network comprehensive planning process.

Time frame: Immediate and ongoing.

Potential funding source: Capital improvements program and private investment.

## **Walkability Resources:**

Benfield, Kaid. "10 Techniques for Making Cities More Walkable." *CityLab*. December 3, 2012.

- <https://www.citylab.com/solutions/2012/12/10-techniques-making-cities-more-walkable/4047/>

Burden, Dan. "Principles of Walkable Communities." *Walkable Streets* blog; cross-posted with Walkable.org. August 18, 2005.

- <https://walkablestreets.wordpress.com/2005/08/18/principles-of-walkable-communities/>

Forsyth, A. "What is a Walkable Place? The Walkability Debate in Urban Design." *Urban Design International* 20, 4: 274-292. 2015.

- [https://dash.harvard.edu/bitstream/handle/1/29663388/Forsyth\\_walkability\\_082415\\_final.pdf?sequence=1](https://dash.harvard.edu/bitstream/handle/1/29663388/Forsyth_walkability_082415_final.pdf?sequence=1)

Michaels, M.C. "The Walkable City – Principles of Pedestrian Design." July 19, 2017.

- <http://www.mcmdev.com/stories/pedestriandesign>

\_\_\_\_\_. "Pedestrians First: A New Tool for Walkable Cities." *Institute for Transportation and Development Policy*, February 7, 2018

- <https://www.itdp.org/2018/02/07/pedestrians-first-walkability-tool/>

\_\_\_\_\_. "Walkable Neighborhoods." Walk Score.

<https://www.walkscore.com/walkable-neighborhoods.shtml>

\_\_\_\_\_. "Walkability Principles." SPUR (San Francisco Bay Area Planning and Urban Research Association).

- <http://www.designforwalkability.com/walkability-principles/>