

2022-22 (1ST READING): TO AMEND THE PLANNED UNIT DEVELOPMENT KNOWN AS THE 17TH AVENUE NORTH PUD TO MOVE THE PARKING GARAGE AND GUEST CHECK-IN TO THE 2ND ROW, INCREASE ALLOWABLE SIGNAGE, DECREASE THE REQUIRED SIDEWALK WIDTH, ALLOW UPPER-STORY BALCONIES TO OVERHANG THE SIDEWALK, AND ELIMINATE OUTDATED REFERENCES TO PUBLIC IMPROVEMENT COSTS.

Applicant/Purpose: MBSC OZ Holdings, LLC /to amend the 17th Ave., N. PUD to accommodate additional amenity elements and to mitigate Ocean Boulevard congestion.

Brief:

- The 17th Ave N PUD was created in 2005, and has been amended three times as property owners, developers and plans changed over time.
- The current PUD has strict specifications regarding sign placement; the amendment provides some flexibility while recognizing required CAB approval.
- The existing sidewalk along Ocean Blvd is approximately 5' wide, but actual width varies. The current PUD requires a minimum 12' sidewalk along Ocean Blvd, regardless of the existing width. The proposal is to add a 5' sidewalk easement to the existing sidewalk, which in some locations will result in segments of sidewalk less than 12' in width.
- The applicant requests that, above 24' over grade, balconies and architectural features be allowed to overhang the sidewalk, subject to CAB approval.
- Planning Commission 03/15/22: (recommend approval 9/0) with the following recommendations:
 - That only architectural feature from the 3rd story up be allowed to overhang the sidewalk, and that those features not be open balconies.
 - Building setbacks from grade to 36 feet above grade of the Hotel shall be a minimum five (5) feet measured from the property line; from 36 feet above grade and higher of the Hotel, the building setback lines may be reduced to zero, provided that architectural elements extending over the lower 5' setback are fully enclosed with a minimum 50% glass, and further provided that an easement to the City for sidewalks may be granted within such building setback.
 - Exhibit A.2: Expand 10' sidewalk and 4' landscape section in accordance with City standards, including Community Appearance Board, with a minimum 10' pedestrian way on both sides of Ocean Boulevard clear of obstruction.
 - Exhibit A.7: All city property resulting from the alleyway swaps shall be landscaped.
- Changes since 1st reading: Balconies, architectural features and structural elements adjacent to meeting and event spaces, common areas and open space (but excluding individual guest rooms), may encroach into the building setback from Ocean Boulevard, provided the same do not extend beyond the property line, and that such balconies, architectural features and elements may not be located less than 24' above grade, and not more than 52' above grade.

Issues:

- Concern for pedestrian safety from items dropped from balconies that extend over the sidewalk.
- Ocean Boulevard has experienced congestion at some oceanfront resorts with inadequate queuing space, leading to cars blocking traffic at check-in and check-out.
- Having actual dollar amounts within the PUD document is problematic. Public improvement costs estimated in the original PUD are outdated, and will continue to change until the improvements are actually installed.

Public Notification: Agenda published, Notice placed in newspaper.

Alternatives: Recommend approval, modify, or deny the proposal.

Financial Impact: An increase in property taxes, business licenses, tourism revenues, & building permits.

Manager's Recommendation: I recommend 1st reading (4.12.22). I recommend 2nd reading and adoption (4.26.22)

Attachment(s): Ordinance, Detailed Staff Report

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

TO AMEND THE PLANNED UNIT
DEVELOPMENT KNOWN AS THE 17TH
AVENUE NORTH PUD TO MOVE THE
PARKING GARAGE AND GUEST
CHECK-IN TO THE 2ND ROW,
INCREASE ALLOWABLE SIGNAGE,
DECREASE THE REQUIRED
SIDEWALK WIDTH, ALLOW UPPER-
STORY BALCONIES TO OVERHANG
THE SIDEWALK, AND ELIMINATE
OUTDATED REFERENCES TO PUBLIC
IMPROVEMENT COSTS.

IT IS HEREBY ORDAINED that the Amended and Restated 17th Avenue North Planned Unit Development (the "PUD") is amended as follows. The development authorized by this Ordinance shall be in accordance with those plans and surveys attached the PUD, together with the boundary survey and those illustrative conceptual plans drawn by Development Resources Group, PLLC, attached hereto as Exhibit "B", which plans and surveys are incorporated into this Ordinance (the "Exhibits"). Provided, however, that the duties and powers of review of the Community Appearance Board are not negated except to matters that are specifically set forth within this Ordinance, including without limitation height, building setbacks and number of units.

1.1. Scope: The PUD will consist of transient accommodation buildings, parking structures, surface parking, amenities, including water amenities, and commercial areas as shown on the Plans. Structures may be 240 feet tall. The PUD will include the existing Atlantica condominium buildings and structures. The architectural design of the PUD shall be consistent and complimentary throughout. The architectural, site work, and engineering components of the development will be designed by architects and engineers registered in the State of South Carolina. Phase I of the PUD is the existing Atlantica buildings (sometimes referred to as Atlantica 1, 2, and 3). Phase II of the PUD will consist of an ocean front accommodations building with indoor an associated outdoor water park (the "Hotel"), guest arrival and departure areas, together with surface parking and a parking structure located between North Ocean Boulevard and Withers Drive, ~~and a four level parking structure on the three lots west of Withers Drive, being those lots closest to Withers along the north side of 17th Avenue North.~~ Phase III will consist of a new accommodation and parking building and parking, possibly with an indoor water park, and will also be located between North Ocean Boulevard and Withers Drive.

6.3 Building Lines: Building setbacks shall be as shown on Section 16.c.7 of the Plans. There shall be from grade to 24 feet above grade of the Hotel may be reduced to a minimum five (5) foot feet building setback measured from the property line and not from the easement to the City Balconies, architectural features and structural elements adjacent to meeting and event spaces, common areas and open space (but excluding individual guest rooms), may encroach into the building setback from Ocean Boulevard, provided the same do not extend beyond the property line, and that such balconies, architectural features and elements may not be located less than 24' above grade, and not more than 52' above grade.

1 8.4 In addition to the landscape improvements within the PUD, the developer shall also
2 install additional landscaping along the PUD boundary, within the right-of-way of Ocean
3 Boulevard, in accordance with a landscape plan to be submitted to the Community
4 Appearance Board for review and approval prior to installation and prior to the issuance of
5 the Certificate of Occupancy for the Hotel.
6

7 10. Signage Requirements: For existing buildings that are to remain (the Atlantica
8 Buildings), signage shall conform to the sign regulations that pertain to the TA-80 district
9 as outlined in Section 902 of the Existing Zoning Ordinance for Myrtle Beach. For new
10 construction, signage on buildings at street level or on the second floor level shall conform
11 to the sign regulations that pertain to the TA-80 district as outlined in Section 902 of the
12 Existing Zoning Ordinance for Myrtle Beach and the Plans. No signage shall be allowed For
13 new structures located adjacent to Ocean Boulevard on the West side of Ocean Boulevard,
14 signage on a building or structure in the space above the second floor and below the top
15 twenty-five (25%) percent of the height of the building or structure. For buildings or structures
16 eight (8) or more stories tall, one sign per structure intended to identify the building from
17 a distance shall be allowed in the District in the top twenty-five (25%) percent of the
18 building or structure height; (including parking structures) shall not be located above the top
19 floor of the building or structure. For signage located on buildings or structures within the PUD
20 located adjacent to either side of Ocean Boulevard, not more than Four (4) signs per structure
21 intended to identify the building or structure from a distance shall be allowed in the District,
22 provided that the letters in such signs shall be no taller than ten (10') Twelve (12') feet and
23 no wider than five (5') Twenty Five (25') feet, with and the total actual sign area per structure
24 may not to exceed two hundred forty (240) Six Hundred (600) square feet.
25

26 13. ~~Public Improvements/Benefits. No change in the public benefits required by this~~
27 ~~Ordinance shall be made without prior approval of City Council. The owner(s) of each Phase~~
28 ~~shall comply with Section 1248.15 and 1248.16 of the Existing Zoning Ordinance as to~~
29 ~~improvements being installed in order to receive a building permit for each Phase of~~
30 ~~development. The owner(s) of the Phase to be developed must submit or must have already~~
31 ~~submitted to the City Building Department: (i) an executed easement, if necessary, for any~~
32 ~~Public Improvements that are to be built on the owner's or owners' private land, (ii) a bonded~~
33 ~~construction contract for the building(s) to be constructed in the phase, and (iii) and~~
34 ~~payment to City of the Alleyway Swap Fees and Public Benefit Fees due for the Phase. Public~~
35 ~~improvements will be completed by the City of Myrtle Beach except as otherwise indicated~~
36 ~~below. The Public Improvements are detailed in Section 16e.1, 16e1.a, 16e.2, 16e.2a,~~
37 ~~16e.2b, 16e.3, and 16e.4 of the Plans, and constitute the following:~~
38

39 13.1.1 ~~Oceanfront Boulevard and Sidewalks around Hotel. One forty foot (40') public~~
40 ~~oceanfront park south of the Hotel as shown on Sections 16e.1, including the area between~~
41 ~~the park and the Atlantic Ocean, but not including the area seaward of the eastern~~
42 ~~property line of the Hotel and the Atlantic Ocean. One forty foot (40') public alleyway to~~
43 ~~include a wall separating vehicular and pedestrian areas (located adjacent to the PUD~~
44 ~~Drive retained by the owner) on the north side of the Hotel as shown on Sections 16e.2 and~~
45 ~~16e.2a, including the area between the alleyway and the Atlantic Ocean, but not including~~
46 ~~the area seaward of the eastern property line of the Hotel. Install 8'x5' sidewalks and~~
47 ~~landscaping as shown on 16e.2 seaward of the 40' public areas on each side of the Hotel.~~
48 ~~Maintain 20' drivable access through public areas on each side of the Hotel, with a~~
49 ~~combination of vehicular rated sidewalk pavement and "Grass Pavers" to allow a drivable~~
50 ~~green space. Provide landscaping and irrigation as shown and as approved by the City.~~
51 ~~Along the east side of Ocean Boulevard, expand existing 8' wide PUD sidewalk to 12' wide,~~

1 with consistent finishes of Rock Salt finish concrete and Oyster Shell Tabby borders. Install
2 additional Palm Trees in Tree grates as shown. Palm trees shall be non-booted; shredded
3 hardwood mulch to be used; and grass should be hybrid Bermuda sod. Benches are to be
4 made of concrete, with no back, similar to the style used on the boardwalk. To the extent
5 that existing PUD quality improvements previously made by the City are removed or
6 destroyed by construction of the Hotel, Public Benefit Funds are not available or to count
7 against replacing the same. The owner of Phase II will construct the public improvements in
8 this Section 13.1.1. The owner will receive a
9 \$330,000.00 credit for completion of the improvements set forth in this section 13.1.1 against
10 the Public Funds provide by the owner pursuant to this Ordinance. See Exhibit A.

11
12 13.1.2 Boardwalk Extension. The City will construct an extension of the City of Myrtle
13 Beach oceanfront boardwalk. The construction will be much like that recently constructed
14 below 15th Avenue North. The Boardwalk shall begin at the public park roughly at the end
15 of 15th Avenue North and continuing to the northern end of the PUD. The boardwalk will be
16 a eight foot wide wood or synthetic meandering wood surface. Dune walkover and
17 connections to public access points shall be a part of the project, but private connections
18 shall not. The City shall connect the newly constructed boardwalk to the public
19 crossovers at 17th and 18th Avenues North.

20
21 13.1.3 13th Avenue Extension and Short left turn lane in Boulevard. The City will
22 construct an extension of 13th Avenue with PUD sidewalk along the south side of the
23 extension between Withers Drive and Ocean Boulevard as shown on Section 16e.3. The
24 improvements pursuant to this Section 13.1.3 shall be Phase II public improvements. See
25 Exhibit A.

26
27 13.1.4 Affordable Housing. The City shall use \$300,000.00 of the Phase II an Phase III
28 public funds generated by the Alleyway Swaps to construct affordable housing. See Exhibit
29 A.

30
31 13.1.5 Temporary Improvements East of Withers Drive. In Phase II, the five (5) alleyways
32 will be relocated as shown on Section 16b.5. As a part of the Phase II improvements, the
33 owner of Phase II, at the owners expense, will temporarily improve a new private parking lot
34 to be constructed as shown on Section 16e.1. In Phase 11, the City, at the City's expense,
35 will make such temporary upgrades as it desires to the new public area on the south end of
36 PUD between Withers Drive and Ocean Boulevard as shown on Section 16e.1. In Phase
37 III, the City, using the
38 \$250,000.00 in Public Funds shown on Exhibit A, will construct the Proposed Public Park
39 and Parking on the south end of PUD between Withers Drive and Ocean Boulevard as shown
40 on Section 16e.1a.

41
42 13.1.6 Sidewalks on West side of Ocean Boulevard. As a part of Phase 111, the owner
43 may construct sidewalk pavement patterns and pavers on the west side of Ocean Boulevard
44 as shown on 16e.1a of the Plans. The owner will receive a \$100,000.00 credit for completion
45 of the improvements set forth in this section 13.1.5 against the Public Funds provide by the
46 owner pursuant to this Ordinance. See Exhibit A.

47
48 13.1.7 Sidewalks on 17th and 13th. As a part of the Phase III public benefit package, the
49 City may extend sidewalks and landscaping along 17th Avenue North and 13th Avenue North
50 to Kings Highway as shown on Section 16e.1a, extending to the PUD boundaries on 17th
51 and 13th Avenues North. See Exhibit A.

1
2 13.1.8 ~~Withers Drive Right of Way Improvements. As a part of the Phase III public benefit~~
3 ~~package, the Owner of Phase III may construct PUD Wide Public Sidewalks and landscaping~~
4 ~~along the east side of Withers Drive from 17th Avenue North almost to 13th Avenue North as~~
5 ~~shown on Section 16e.1a. The owner may receive a~~
6 ~~\$100,000.00 credit for completion of the improvements set forth in this section 13.1.7 against~~
7 ~~the Public Funds provide by the owner pursuant to this Ordinance. See Exhibit A. As a part~~
8 ~~of the Phase III public benefit package, the City may construct PUD Wide Public Sidewalks~~
9 ~~and landscaping along the west side of Withers Drive from the southern PUD boundary to~~
10 ~~18th Avenue North as shown on Section 16e.1a. See Exhibit A.~~

11
12 13.2 ~~PUD Wide Public Sidewalks. The Owner of each Phase shall install twelve (12)~~
13 ~~foot wide sidewalk areas along Ocean Boulevard as shown on the Plans, with landscaping,~~
14 ~~oyster shell finish, street lighting, and~~

15
16 ~~concrete border with broom finish. This sidewalk will begin no more than five (5) feet inside~~
17 ~~each of the lots on Ocean Boulevard upon the easement granted to the City as set forth~~
18 ~~below. The Owner of Phase II will also install a short median to discourage left turns out~~
19 ~~of the PUD Drive on the north side of the Hotel. East of that median, the northbound lanes~~
20 ~~will encompass a left turn lane, a north bound lane, and a bicycle lane.~~

21
22 13.2.1. ~~Sidewalks varying from five feet (5') to eight feet (8') wide from Withers Drive to~~
23 ~~US Highway 17.~~

24
25 13.2.2. ~~The sidewalk finish will be an oyster shell finish as per City standard.~~

26
27 13.2.3. ~~Handicap curbs at all curb cuts and crosswalks.~~

28
29 13.3 ~~Sidewalk Landscaping. Sidewalks will have trees (live oak trees, palmettos,~~
30 ~~yaupons and savannah hollies), benches, streetlights and shrubs. The trees will be~~
31 ~~irrigated by city water, but the irrigation system shall be installed by the owner or owners~~
32 ~~of each applicable Phase at the time of installation of the trees. On the east and west~~
33 ~~sides of Ocean Boulevard the developer will install the following:~~

34
35 13.3.1. ~~Landscaping consisting of trees, i.e. palmettos, live oaks, yaupons, and~~
36 ~~savannah hollies, shrubs and groundcover with irrigation.~~

37
38 13.4 ~~Lighting and Benches. PUD Wide Public Sidewalks will have Hyalophane, LED or~~
39 ~~comparable light fixtures with light poles with a shaft length twenty two (22') feet. The lighting~~
40 ~~will be placed in 75' to 90' intervals. The lighting fixtures will be paid for and installed by~~
41 ~~the owner of the Phase in which they are installed, but electrical charges and maintenance~~
42 ~~will be the responsibility of the City of Myrtle Beach. Lighting fixture design shall be Memphis~~
43 ~~Laminar Tear Drop Style or similar style approved by the Community Appearance Board.~~

44
45 13.5 ~~Easement. At the time of development of each Phase, the owner(s) thereof~~
46 ~~shall give the City of Myrtle Beach a five (5') foot easement to the portion of the Phase that~~
47 ~~lies along the east and west side of Ocean Boulevard for use as a portion of the sidewalk~~
48 ~~and a two (2) foot easement for use as a part of the sidewalk along a portion of 18th~~
49 ~~Avenue North as part of the Phase III public improvements. The easement areas are shown~~
50 ~~in Section 16.E.1 of the Plans.~~

1 ~~13.6 Engineering and Design. The owner or owners of each Phase shall engage~~
2 ~~a landscape architect and civil engineer to engineer and design the Installed Improvements~~
3 ~~in conformance with the within requirements. The plan must be approved by the City~~
4 ~~Manager and by the owners of each Phase. Once approved, the plan shall be the plan for~~
5 ~~the Installed Improvements for that Phase.~~

6
7 ~~13.7 Street Improvements: Improvements to the forty foot park/parking/beach access~~
8 ~~areas will be made in accordance with final plans approved by the Community Appearance~~
9 ~~Board; one public walkover per side of the Hotel. The improvements to these areas shall be~~
10 ~~made prior to Certificate of Occupancy~~

11
12 ~~for the last Phase along such areas (once Phases on both sides of the street are~~
13 ~~completed to avoid destruction/repair of previous work).~~

14
15 ~~13.8 Each Phase Infrastructure Independent. The developer of each Phase shall be~~
16 ~~solely responsible for all development of its Phase in accordance with the terms and~~
17 ~~conditions contained herein. This responsibility shall be for the public and private~~
18 ~~development of that Phase, and shall include responsibility for payment of any fees related~~
19 ~~to said Phase and payment of other sums for public benefit. The owner of each separate~~
20 ~~Phase shall have no liability for development of public or private improvements required to~~
21 ~~be constructed as part of any other Phase (including Common Elements of other Phases),~~
22 ~~each owner being responsible only for such improvements as are detailed herein for said~~
23 ~~Phase.~~

24
25 13. Public Improvements/Benefits. The public benefits required by this ordinance shall
26 be approved by City Council, which improvements in total shall equal not more than 1.5% of
27 the project costs. A general list of public improvements is included in attached Exhibit A.

28
29 IT IS FURTHER ORDAINED that current Exhibits A (Scope of Public Improvements), 16.b.1
30 (Boundary Survey), 16.c.1 (Phase II Site Plan) are deleted and replaced with new attached
31 Exhibit A Scope of Public Improvements) and new attached Exhibit B (B.1 Boundary Survey,
32 B2 Conceptual Site Plan, and B.3 Setback Encroachment Illustration).

33
34
35 This ordinance will take effect upon second reading.

36
37
38
39

BRENDA BETHUNE, MAYOR

40 ATTEST:

41
42
43

JENNIFER ADKINS, CITY CLERK

44
45 1st Reading: 4-12-2022

46 2nd Reading: 4-26-2022

47

EXHIBIT A

Phase II (Hotel)
Sources and Uses of PUD Fees
Sources

Alley Swap Fee 2 Oceanfront \$40 million x 1% x 2 =	\$800,000	
Retention Fee for 1/3 rd portion of northern oceanfront alley retained by the Owner of Phase II =	\$100,000	\$900,000
Alley Swap Fee 5 Between Ocean Blvd. and Withers	5 X \$40,000.00 =	\$200,000
PUD public benefit contribution	\$42 million x 1.5%	\$630,000
Total Sources:		\$1,730,000

Uses¹

1. Ocean Boulevard and areas north and south of Hotel	\$330,000
2. Boardwalk Extension	\$1,000,000
3. 18 th Avenue Extension	\$100,000
4. Affordable Housing	\$300,000

Total Uses: **\$1,730,000**

Phase III (Condominium on Second Row)
Sources and Uses of PUD Fees
Sources

5 Ocean Blvd. Alleys Swap Fee =	\$25 million x 1% x 5 ²	\$1,050,000
PUD Fees (140 Units) =	\$25 million x 1.5%	\$375,000

Total: \$1,525,000

Uses³

Total **\$1,525,000**

¹ The City will complete its portion of the PUD Public Benefit construction within two years of receipt of the funds therefor.

² Less \$100,000.00 already paid

³ To be decided by amendment to this Ordinance as the time for construction of Phase III gets close.

17th Ave N PUD EXHIBIT "A" (NEW)

Scope of Public Improvements:

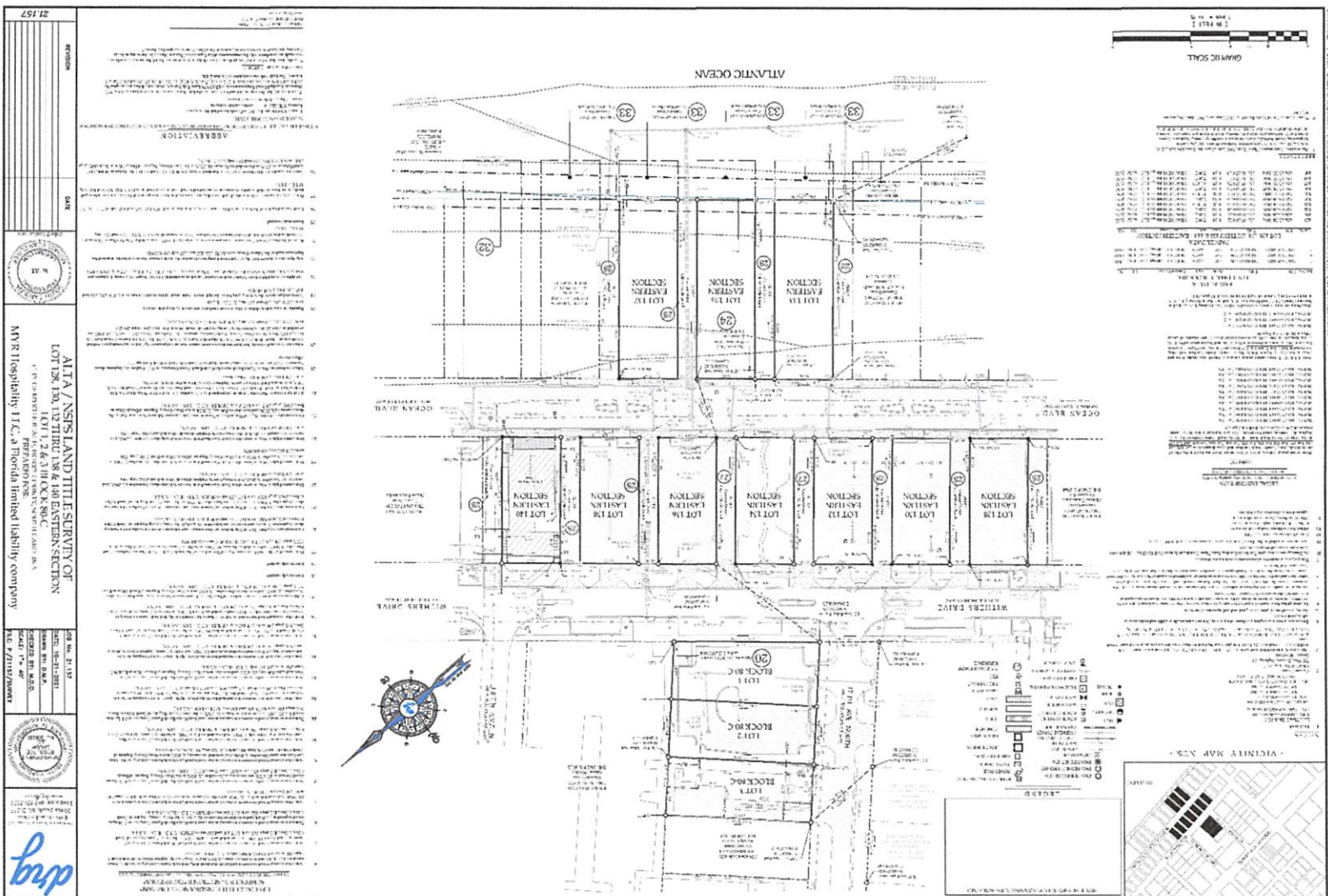
1. Extension of oceanfront Boardwalk to boundary of the PUD with City standards, including Community Appearance Board.
2. Expand 10' sidewalk and 4' landscape section in accordance with City standards, including Community Appearance Board.
3. Improve pedestrian and vehicular cross walk for safe crossing from parking and guest arrival to the Hotel, in accordance with City standards, including Community Appearance Board.
4. Improve beach access, including dunes cross-over, directional signage and pedestrian pathways in accordance with City standards, including Community Appearance Board.
5. Install lighting and benches within the PUD in accordance with City standards, including Community Appearance Board.
6. Ocean Boulevard Crossing. Location of the guest check-in facilities and guest parking on the West side of Ocean Boulevard is desirable in that further congestion of Ocean Boulevard can be avoided, and vehicles will be exiting Ocean Boulevard into multiple queuing lines for check-in and parking. Notwithstanding the desirable effects of locating check-in facilities and guest parking on the West side of Ocean Boulevard, the City (by and through its various departments, including by not limited to public works) and the developer of the Hotel shall, prior to the issuance of a certificate of occupancy for the Hotel, agree upon improvements within the right-of-way of Ocean Boulevard to be installed by the developer of the Hotel, in order to safely and efficiently move guests of the Hotel from the West side of Ocean Boulevard to the Hotel, the costs of such improvements to be borne by the developer of the Hotel.
7. The developer of each Phase within the PUD shall be solely responsible for all development of its Phase within the PUD in accordance with the terms and conditions contained herein. The owner of a separate Phase shall have no liability for development of public or private improvements required to be constructed as part of any other Phase (including common elements of other Phases).

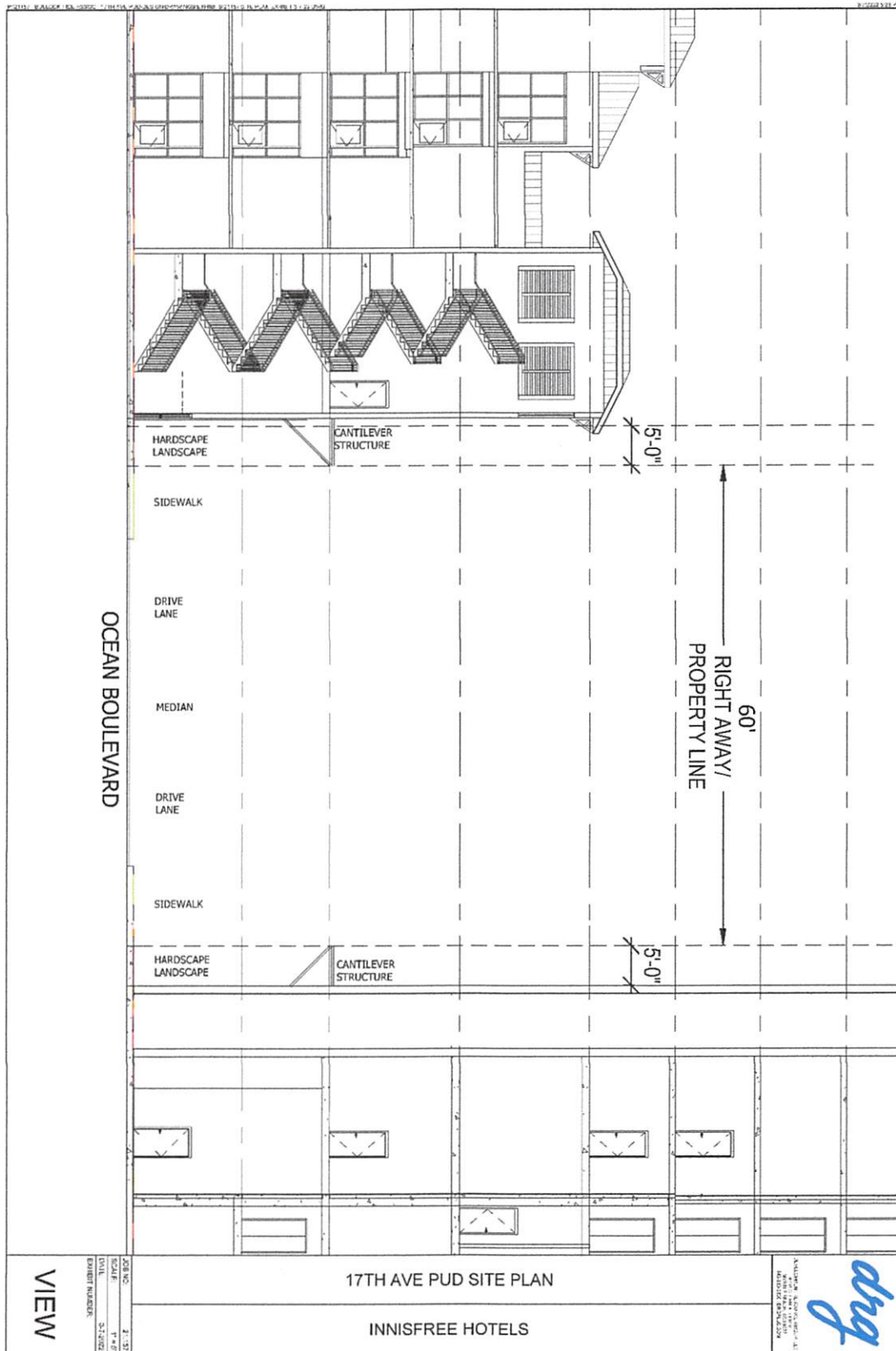
17th Ave N PUD EXHIBIT "B"

PUD Exhibits

Boundary Survey, Conceptual Site Plan, Setback Encroachment Illustration

(See Attached)





The PUD is made up of 5.39 acres on the 1st, 2nd, and 3rd rows roughly between 17th and 18th Avenues N. Permitted uses are those typically allowed in the MU-H Zone. The complete PUD document is available upon request.

	Current	Proposed
Number of allowable signs intended to be seen from offsite*	1 per structure	4 per structure
Overall allowable signage*	240 sqft	600 sqft
Maximum sign size*	No maximum	300 sqft
Maximum letter height*	10'	12'
Maximum letter width*	5'	25'

The PUD includes the swapping of 12 alleys, approved by separate ordinance in 2014:



Planning & Zoning: Sidewalk reduction could impact pedestrian congestion on Ocean Boulevard. Sidewalk details in Exhibit A Sec. 2 are vague as to expanded sidewalk locations.

Section 403. Findings of Fact Required

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

- 403.A. Whether or not the requested zoning change is consistent with the Comprehensive Plan or is justified by an error in the original ordinance.
- 403.B. The precedents and the possible effects of such precedents, which might result from approval or denial of the petition.
- 403.C. The capability of the City or other government agencies to provide any services, facilities, or programs that might be required if the petition were approved.
- 403.D. Effect of approval of the petition on the condition or value of property in the City.
- 403.E. Effect of approval of the petition on adopted development plans and policies of the City.