



PLANNING COMMISSION MEETING AGENDA

Tuesday, May 8, 2018 – 5:00 P.M.

Morning Workshop 9:15 A.M.

1018 Second Avenue South - North Myrtle Beach, SC

1. CALL TO ORDER
2. ROLL CALL
3. COMMUNICATIONS
4. APPROVAL OF MEETING MINUTES: April 3 and April 17, 2018
5. OLD BUSINESS
6. NEW BUSINESS – “Consent Items”
7. NEW BUSINESS
 - A. **REZONING REQUEST Z-18-03:** The Planning & Development Department received an application requesting a rezoning of two (2) lots containing approximately 65,061 square feet located on Ye Olde Kings Highway, PIN 351-10-04-0070 and 351-10-03-0013 and TMS 145-01-17-029 and 145-01-17-030, from R-2B (Single-Family Medium Density) to R-1B (Single-Family Low-Medium Density).
 - B. **MAJOR PLANNED DEVELOPMENT DISTRICT AMENDMENT MJPDD-18-02:** The Planning & Development Department received an application for a Major Amendment to the Barefoot Resort & Golf Planned Development District concerning changes to the Townhomes at the Dye Club located on Gray Heron Drive.
8. ADJOURNMENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Aaron C. Rucker".

Aaron C. Rucker, AICP
Principal Planner

ANYONE WHO REQUIRES AN AUXILIARY AID OR SERVICE FOR EFFECTIVE COMMUNICATION OR PARTICIPATION SHOULD CONTACT 843-280-5555 AS SOON AS POSSIBLE, BUT NO LATER THAN 48 HOURS BEFORE THE SCHEDULED EVENT.

Notice to the Public of Rights under Title VI

- The City of North Myrtle Beach operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes he or she has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the City of North Myrtle Beach. Complaints must be filed within 180 days of the alleged discriminatory act.
- For more information on the City of North Myrtle Beach's Title VI Policy and the procedures to file a complaint, contact the Title VI Program Coordinator, Kristine Stokes at krstokes@nmb.us or (843)280-5555, or in writing to the City of North Myrtle Beach, 1018 2nd Ave. South, North Myrtle Beach SC 29582. For more information, visit the Title VI section of our website at www.nmb.us.
- If information is needed in another language, contact (843)280-5555.
- ~Si se necesita *información en otro idioma llame al (843)280-5555.*

CITY OF NORTH MYRTLE BEACH
PLANNING COMMISSION MEETING
1018 Second Avenue South
Tuesday April 3, 2018
5:00 P.M.

MINUTES

Rob Kayton, Chairman
Harvey Eisner, Vice Chairman
Hunter Platt
Harry Bruton- Absent
Juddie Bacot
James Snyder
Bubba Collins

Planning Department Jim Wood, Director Planning and Zoning
 Dawn Snider Acting Secretary

1. CALL TO ORDER: Chairman Kayton called the meeting to order at 5:00 P.M.
2. ROLL CALL: The acting secretary called the roll and declared a quorum present.
3. COMMUNICATIONS: None
4. APPROVAL OF MEETING MINUTES: Minutes of the March 6, 2018 meeting were Approved. Motion by Commissioner Collins and seconded by Commissioner Platt. 6-0

5. OLD BUSINESS:

- A. Discussion of tree removal on Ocean Peak Subdivision.

Director Wood presented the request by the developer for the PC to reconsider their decision to rehear the request for tree mitigation.

Sean Hoelscher presented the request.

After discussion by the Commission and public comment the Commission voted 6-0 to not rehear the tree mitigation and refer to the BZA

Public Comment by Susan Platt, Brittany Callahan, Mary Jones, and Damien Triouleyre. All opposed to the development of Ingram Dunes.

6. NEW BUSINESS: Consent Items. – None

7. NEW BUSINESS:

A. PRELIMINARY FINAL SUBDIVISION PLAT SUPF-18-01

STAFF REPORT: Mr. Wood presented the report for the staff.

The applicant thanked staff for their help

MOTION: The motion to approve the preliminary final subdivision plat supf18-01 was made by Commissioner Eisner and seconded by Commissioner Bacot. The motion passed 6-0.

B. ZONING ORDINANCE TEXT AMENDMENT ZTX-18-02. City staff has initiated an amendment to the Zoning Ordinance addressing the use of temporary tents for businesses including the maximum days tents will be allowed per calendar year and the minimum gaps required between these periods.

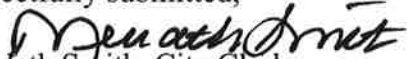
Director Wood presented the report for the staff. He stated that this will give more flexibility to the ordinance.

There were no questions and the Chairman called for a motion.

MOTION. The motion to approve the Zoning text amendment was made by Commissioner Collins and seconded by Commissioner Platt. The motion passed 6-0.

8. ADJOURNMENT: Being no further business the meeting adjourned at 5:30 p.m.

Respectfully submitted,


Merideth Smith, City Clerk

NOTE: BE ADVISED THAT THESE MINUTES REPRESENT A SUMMARY OF THE PLANNING COMMISSION MEETING AND ARE NOT INTENDED TO REPRESENT A FULL TRANSCRIPT OF THE MEETING.

Planning Commission
4/3/18

Sign In

SUSAN PLATT

942 S OCEAN BLVD
PO BOX 968 NMB SC 29597

MARY JONES

570 SECOND AVE S
NMB, SC

29582

Brittany Callahan

1414 Madison Drive
NMB, SC 29582

DAMIEN TRIOULEYRE

902 PERRIN

NMB, SC 29582

SHALOM DANKSIX

CITY OF NORTH MYRTLE BEACH
PLANNING COMMISSION MEETING
1018 Second Avenue South
Tuesday April 17, 2018
5:00 P.M.

MINUTES

Rob Kayton, Chairman
Harvey Eisner, Vice Chairman
Hunter Platt
Harry Bruton
Juddie Bacot
James Snyder
Bubba Collins

Planning Department Aaron Rucker
 Merideth Smith Secretary

1. CALL TO ORDER: Chairman Kayton called the meeting to order at 5:00 P.M.
2. ROLL CALL: The secretary called the roll and declared a quorum present.
3. COMMUNICATIONS: None
4. APPROVAL OF MEETING MINUTES: Minutes were not available
5. OLD BUSINESS: None
6. NEW BUSINESS: Consent Items. – None
7. NEW BUSINESS:

A. BONDED FINAL PLATT SUF-18-07: A Major final plat of subdivision for Park Point Phase 1 to create fifty-four lots of record, open space, and public rights-of-way off Champions Boulevard across from the NMB Parks and Sports Complex.

STAFF REPORT: Mr. Rucker presented the report for the staff. He stated that this does comply with all departments.

Commissioner Kayton asked the City Attorney for his opinion concerning this plat not requiring two exits or entrances.

Mr. Noury stated that at the time of this application the LDR did not require two exits to a subdivision.

Commissioner Collins asked that this be done moving forward so that this cannot happen again.

MOTION: The motion to approve the Major Final Platt of Subdivision SUF-18-07 as submitted was made by Commissioner Collins and seconded by Commissioner Snyder. The motion passed 6-1. Ms. Bacot voted Nay.

B. REZONING REQUEST: The Planning and Development Department received an application requesting a rezoning of two lots containing approximately .56 acres located on the Atlantic Intracoastal Waterway adjacent to Doc Holidays near the corner of 13th Avenue North and Waterway Drive. Pin # 350-11-01-0104 and 350-11-01-0105 from R-1 Single Family Residential low density to HC Highway Commercial.

STAFF REPORT: Mr. Rucker presented for the staff. He stated that the applicant has requested this change to use as commercial property.

PUBLIC COMMENT:

Milford Powell adjoining property owner requested that this not be approved as it would disrupt their residential area.

Daniel and Emily Burkhart also asked that this not be approved. They have children and live across the street from this lot and feel that the increased traffic would be dangerous.

Mr. Henry O'Boyle also objected because of traffic concerns.

MOTION: The motion to forward the rezoning request to the Mayor and Council with a recommendation of denial was made by Commissioner Eisner and seconded by Commissioner Bruton. The motion passed 6-0.

8. ADJOURNMENT: Being no further business the meeting adjourned at 5:27 p.m.

Respectfully submitted,


Merideth Smith, City Clerk

NOTE: BE ADVISED THAT THESE MINUTES REPRESENT A SUMMARY OF THE PLANNING COMMISSION MEETING AND ARE NOT INTENDED TO REPRESENT A FULL TRANSCRIPT OF THE MEETING.

SIGN IN SHEET

NAME

ADDRESS

1. MILFORD POWELL 1315 WATERWAY DRIVE
2. Daniel Burkhardt & Emily 1314 Waterway Drive
3. Henry O'Boyle 1407 13th AVE N. NMB
4. Becky Stowe Powell 1315 Waterway
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

7.A. REZONING Z-18-03: The Planning & Development Department received an application requesting a rezoning of two (2) lots containing approximately 65,061 square feet located on Ye Olde Kings Highway, PIN 351-10-04-0070 and 351-10-03-0013 and TMS 145-01-17-029 and 145-01-17-030, from R-2B (Single-Family Medium Density) to R-1B (Single-Family Low-Medium Density).

Background:

City staff received a rezoning application from Michael King, authorized agent for the owner, requesting a zoning change for two parcels totaling 1.49 AC located off Ye Olde Kings Highway from R-2B (Single-Family Medium Density) to R-1B (Single-Family Low-Medium Density). The subject property is known as the Cottages on the Marsh subdivision with the preliminary plat approved by commission on April 17th. Rezoning the property would not impede or delay project approvals currently underway for the subdivision, as the minimum standards for lot sizes and setbacks are satisfied. The site was originally zoned R-1, and the developer successfully rezoned it to R-2B with some hesitation by City Council. Since then, Council made text changes to the development standards of the R-1B zoning district, such that the amended district is a better fit for the proposed development.

The zoning districts surrounding the subject property are R-1 (Single-Family Residential Low Density), R-2B (Single-Family Medium Density), CP (Conservation Preservation) for the adjacent Cherry Grove Marsh parcel, and R-3 (Mobile/ Manufactured Home Residential) across Ye Olde Kings Highway from the parcel.

Comparison of Existing and Proposed Zoning:

The purpose of the R-2B district is to provide a single-family medium density alternative, which can help preserve and protect the character of existing neighborhoods and subdivisions in areas where smaller lot sizes have historically existed, and to prohibit any uses which would compromise or alter existing conditions and uses. The purpose of the R-1B district is to preserve and protect the character of existing neighborhoods and subdivisions, and to prohibit any uses which would compromise or alter existing conditions and uses. In addition, this district is intended to encourage residential infilling and expansion of existing neighborhoods and subdivisions. In both R-2B and R-1B, land uses permitted are designed to reflect existing conditions and enhance the prospects of "like development."

Permitted uses within both districts include single-family detached dwellings (excluding mobile homes); neighborhood and community parks and centers, golf courses and similar outdoor uses (not lighted for night use); publicly owned recreation facilities; churches, places of worship, religious institutions including accredited educational facilities when accessory thereto; accessory uses; home occupations; and signs permitted by and in accord with all applicable provisions of article III. The following is a breakdown of the development standards for both districts:

R-2B district

	Single-family Dwelling	Church	Other Permitted Uses
Minimum site area (square feet)	5,000	1 acre	5,000
Minimum lot width	50 feet	NA	NA
Minimum yards:			
Front	25 feet	25 feet	25 feet
Side	5 feet	25 feet	5 feet
Rear	20 feet	25 feet	20 feet
Maximum impervious surface ratio	60%	60%	60%
Maximum building height	35 feet	45 feet	25 feet

Notes:

1. A dwelling unit shall not contain more than five (5) bedrooms or sleeping areas of not more than three hundred (300) square feet each.

R-1B district

<i>Development standards:</i>	Single-family Dwelling	Church	Other Permitted Uses
Minimum site area (square feet)	6,000	1 acre	7,000
Minimum lot width	50 feet	NA	NA
Minimum yards:			
Front	25 feet	25 feet	25 feet
Side	5 feet	25 feet	10 feet
Rear	20 feet	25 feet	25 feet

Notes:

1. A dwelling unit shall not contain more than five (5) bedrooms or sleeping areas of not more than three hundred (300) square feet each.

Staff Review:

The rezoning request has been reviewed by the Department of Public Works and the Zoning Administrator. There are no concerns expressed.

Planning Commission Action:

As per the Zoning Ordinance, Section 23-4, Amendments, the Planning Commission shall prepare a report and make recommendations on any proposed amendment to the zoning ordinance, including the zoning map, stating its findings and its evaluation of the request. In making its report, the Commission shall consider the following factors:

- a) The relationship of the request to the Comprehensive Plan:

The Future Land Use map contained in the 2010 Comprehensive Plan Update recommends a Low Density Residential land use classification for the subject property. The principal permitted uses noted in the Compliance Index include: Single-family including patio homes, parks, and religious uses. The recommended primary zoning district alternatives include R-1, R-1A, and R-1B. There are no secondary zoning district alternatives.

The proposed zoning designation, R-1B (Single-Family Low-Medium Density), is a recommended zoning district within the Compliance Index for the subject property.

- b) Whether the request violates or supports the Plan:

Chapter 1, Section 3, "Land Use Element," of the 2010 Comprehensive Plan Update identifies the purpose of the Low Density Residential land use classification is to "define, protect, and provide low density, single-family detached housing areas where designated, and to prohibit any development that would compromise existing residential characteristics. In addition, these areas are intended to provide for in-filling and expansion of existing neighborhoods and subdivisions. Standards and densities for these areas are designated to reflect existing conditions."

R-1B zoning is consistent with the Future Land Use Map.

- c) Whether the uses permitted by the proposed change would be appropriate in the area concerned:

The purpose of the R-1B zoning district is "preserve and protect the character of existing neighborhoods and subdivisions, and to prohibit any uses which would compromise or alter existing conditions and uses. In addition, this district is intended to encourage residential infilling and expansion of existing neighborhoods and subdivisions." The land uses permitted are designed to reflect existing conditions and enhance the prospects of "like development."

The uses permitted in the R-1B district would be appropriate in the area; these uses are the same as those uses permitted in the R-2B district. The primary differences between R-2B and R-1B are larger lot requirements in R-1B.

- d) Whether adequate public school facilities, roads and other public services exist or can be provided to serve the needs of the development likely to take place as a result of such change, and the consequence of such change:

While access and other public services are available at the boundary of the area, these services would need to be extended internally to the subject property.

- e) Whether the proposed change is in accordance with any existing or proposed plans for providing public water supply and sanitary sewer to the area:

While water and sewer are available to the boundary of the area, these services would need to be extended internally to the subject property.

As a matter of policy, no request to change the text of the ordinance or the map shall be acted upon favorably except:

- (a) Where necessary to implement the Comprehensive Plan, or
- (b) To correct an original mistake or manifest error in the regulations or map, or
- (c) To recognize substantial change or changing conditions or circumstances in a particular locality, or
- (d) To recognize changes in technology, the style of living, or manner of doing business.

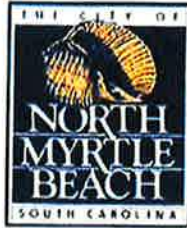
The rezoning request is presented to the Planning Commission for a recommendation that will be forwarded to City Council at their next meeting, scheduled for May 21, 2018. Should the Planning Commission desire to forward a positive recommendation to City Council, one of the aforementioned reasons above should be included in the report.

SUGGESTED MOTIONS

- 1) I move that the Planning Commission forward the Rezoning request [Z-18-03] to the Mayor and City Council with a recommendation of approval.
- 2) I move that the Planning Commission forward the Rezoning request [Z-18-03] to the Mayor and City Council with a recommendation of denial.

OR

- 3) I move (an alternate motion).



FOR OFFICE USE ONLY	
Rezoning Finance Acct Code	3.51
Fee Due for Rezoning	\$500 N/A
FEE PAID (Payable to the "CITY OF NORTH MYRTLE BEACH"):	N/A
Submittal Date:	3/28/18
Notice Published:	4/18/18
Property Posted:	4/19/18
Planning Commission:	5/08/18
First Reading:	5/21/18
Second Reading:	

**CITY OF NORTH MYRTLE BEACH
REZONING APPLICATION FORM**

Revision Date 01.10.17

Today's Date: 3/28/18

(Please Print or Type)

APPLICANT INFORMATION

Applicant's Last Name: King First: Michael Middle: Kelly
 Mr. Miss Property Owner Authorized Agent
 Mrs. Ms. Contract Purchaser Other: _____

Street Address: 9713 N. Kings Hwy Suite 203 Myrtle Beach
 Telephone Number(s): 843.455-2323 (843) 497-9125
 Post Office Box: City: State: ZIP: SC 29572

Facsimile: () ()
 E-mail Address: mking@kingandproperties.com

SUBJECT PROPERTY INFORMATION

Provide below the exact street address (name, number) and plat map reference for which you propose a zoning change
PLEASE ATTACH AN ACCURATE TAX MAP(S) AND/OR RECENT SURVEY PLAT DELINEATING THE SUBJECT PROPERTY

Street Address: Beach Section: Subdivision Name: Cottages on the Marsh Tax Map Number(s): 145-01-17-031
 Name: 9713 N. Kings Cherry Grove Survey Date: Block: 145-01-17-029
 Number(s): NA Lot #(s): Section: 145-01-17-030

Total Area of Subject Property: 14.04 (check one) Square Feet or Acres Current NMB Zoning Classification: R-2B

If subject property is proposed for annexation, what is the current Horry County Zoning? Proposed NMB Zoning Classification: R-1B

CERTIFICATION & SIGNATURE OF APPLICANT(S) OR AUTHORIZED AGENT(S)

Does the applicant own all of the property proposed for rezoning? Yes No IF NO, SUBMIT THE FOLLOWING ITEMS:

- A. Plat showing lot numbers of each parcel. B. Written agreement of all property owners. C. Mailing address of each property owner.

The undersigned hereby respectfully requests that the City of North Myrtle Beach Zoning Ordinance be amended by changing the Official Zoning Map. While it is understood by the undersigned that this application will be carefully reviewed and considered by public officials, the burden of proving the need and rational basis for the proposed Zoning Map amendment rests with the applicant.

Signature of Applicant or Authorized Agent

Michael King

 Co-signature (if applicable)

Date

3/29/2018

 Date



CITY OF NORTH MYRTLE BEACH
DEVELOPMENT APPROVAL APPLICATION (PERMIT):
RECORDED COVENANT FORM

Revision Date 06.28.17

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. Please read § 6-29-1145, provided in its entirety below, and complete the following.

Nature of Approval Requested: Rezoning to R-1B
Parcel Identification Number: ^{rms} 145-01-17-029 thru 031
Property Address: location: Ye Old Kings Hwy

I, Michael K. King (Print Name), 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 (§ 6-29-1145).

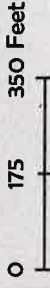
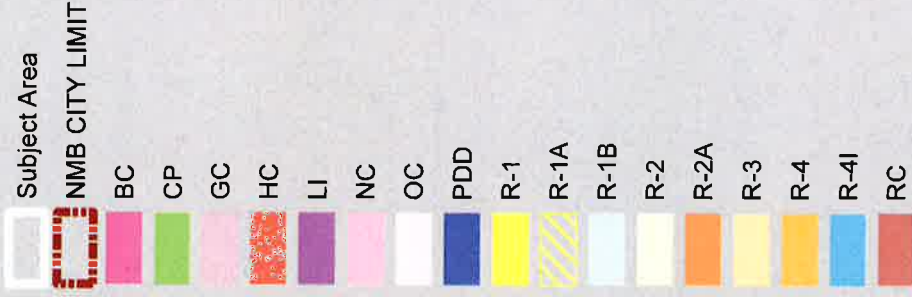
Michael K. King (Signature) 3/29/2018 (Date)

- SECTION 6-29-1145. Determining existence of restrictive covenant; effect.**
- (A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.
 - (B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:
 - (1) in the application for the permit;
 - (2) from materials or information submitted by the person or persons requesting the permit; or
 - (3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.
 - (C) As used in this section:
 - (1) "actual notice" is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
 - (2) "permit" does not mean an authorization to build or place a structure on a tract or parcel of land; and
 - (3) "restrictive covenant" does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land.

HISTORY: 2007 Act No. 45, Section 3, eff June 4, 2007, applicable to applications for permits filed on and after July 1, 2007; 2007 Act No. 113, Section 2, eff June 27, 2007.



Z-18-03 Zoning Map Exhibit A



Author: Dawn E. Snider
Date: 5/4/2018
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Proposed Zoning











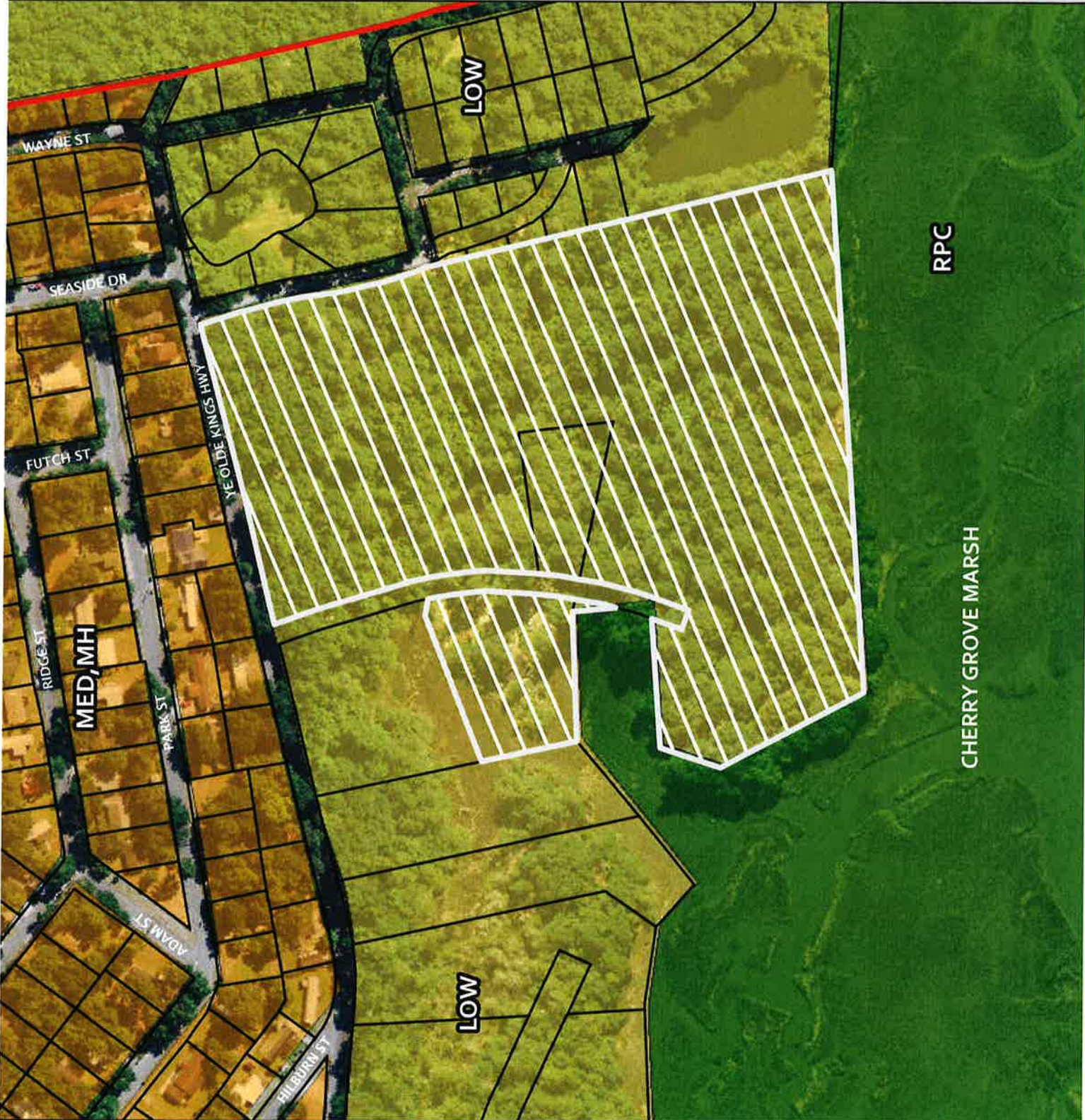
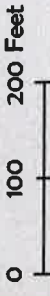
Current Zoning





Z-18-03 Future Land Use Map

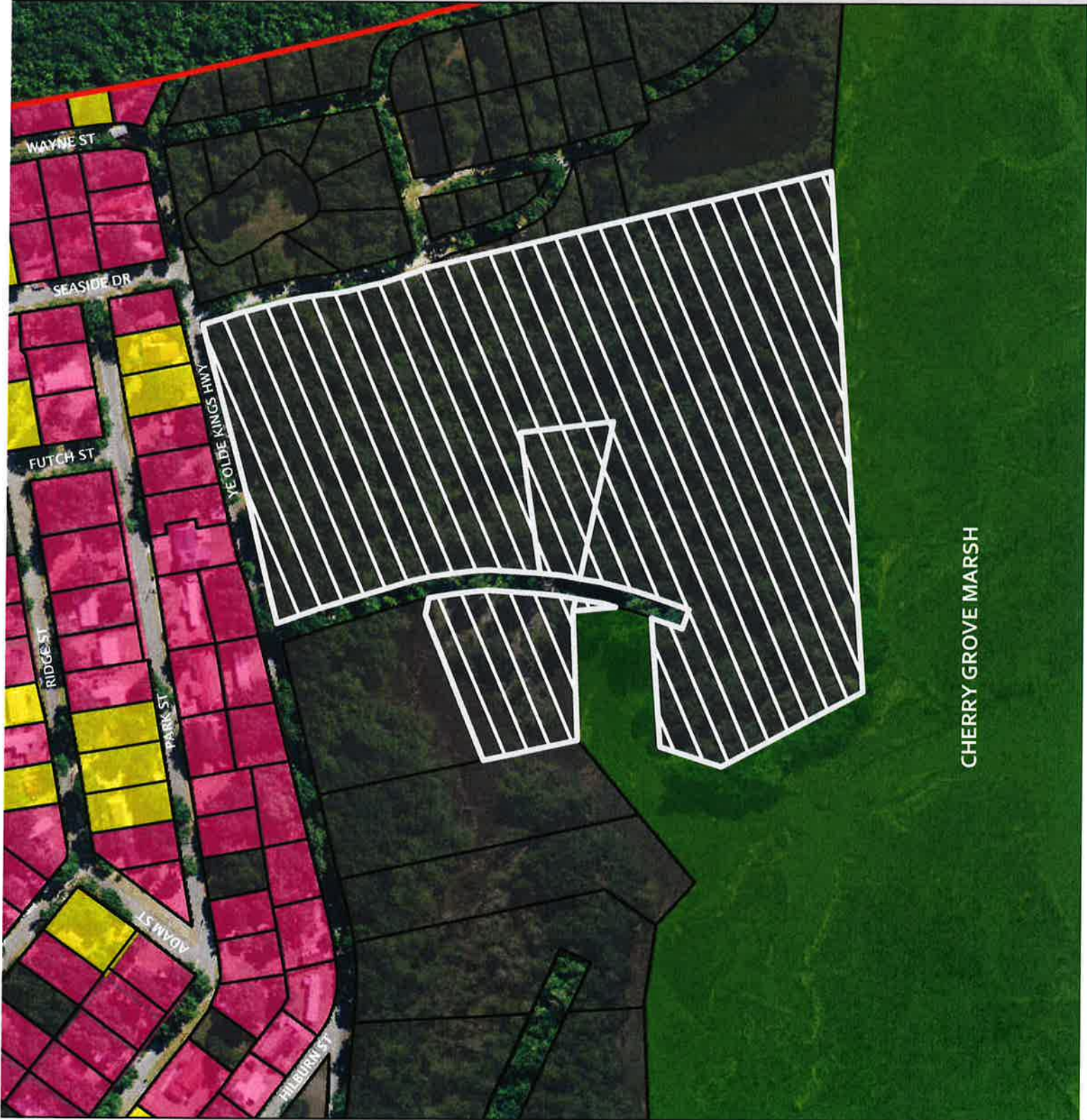
-  Subject Area
-  NMB CITY LIMIT
-  OTHER JURISDICTIONS
-  LOW DENSITY RESIDENTIAL
-  MEDIUM DENSITY RESIDENTIAL
-  MEDIUM DENSITY, MOBILE HOMES PERMITTED RESIDENTIAL
-  MEDIUM-HIGH DENSITY RESIDENTIAL
-  RESOURCE PROTECTION AND CONSERVATION





Z-18-03 Existing Land Use Map

- Subject Area
- NMB CITY LIMIT
- Other Jurisdiction
- Amusement
- Commercial
- Common Open Space
- Duplex
- Golf Course
- Hotel / Motel
- Industrial / Warehouse
- Mobile Home
- Multifamily
- Patio Home
- Private Parking Lot
- Public Parking Lot
- Public, Social, Cultural
- RV / Campground
- Single Family
- Town House
- Vacant



7.B. MAJOR PLANNED DEVELOPMENT DISTRICT AMENDMENT MJPDD-18-02: The Planning & Development Department received an application for a Major Amendment to the Barefoot Resort & Golf Planned Development District concerning changes to the Townhomes at the Dye Club located on Gray Heron Drive.

Background

The subject property, identified as PIN #s 358-16-01-0004, 358-16-01-0003, and 358-16-01-0001 consisting of approximately 8.13 acres, received approval from city council as a Planned Development District on March 16, 2016. Planning commission approved a minor amendment on September 19, 2017 reducing the number of units from 51 to 50 and replacing previously approved buildings with one 5-unit building.

Proposed Changes

The applicant Robert S. Guyton, authorized agent for CRH Holdings, LLC, has requested an amendment to the Townhomes at the Dye Club at Barefoot Resort in the following ways:

- Create new private “fee simple” lots and private rights-of-way serving those lots;
- Decrease the residential density from 50 to 45 units;
- A redesign of the site and parking areas;
- No change in architecture;
- No change in access to and from Gray Heron Drive.

The new layout has forty-five (45) four-bedroom units to be developed in two separate phases. Phase 1 will consist of 26 subdivided attached fee simple townhomes. Phase 2 will consist of 19 subdivided attached fee simple townhomes. The anticipated build-out schedule for the entire project is three years, although the actual build-out schedule may be accelerated based upon demand. In contrast, the approved 2017 site plan contained a total of fifty (50) units; thirty-one (31) attached townhome units in Phase 1 and nineteen (19) townhome units in Phase 2.

The project will include a twenty-five (25’) foot private right-of-way, with two 12.5’ foot easements on each side of the right-of-way for utilities, sidewalks, and street trees. The remaining two most southern buildings within the project will also be accessed from private right-of-way; in this case the right-of-way will be twenty (20’) feet. The homeowner’s association will own and maintain the private rights-of-way in the project.

The new layout requires one hundred eight (108) parking spaces; there are one hundred nine (109) spaces provided within driveways or additional parking stalls shown throughout the development. Detailed review of the parking requirements is ongoing by staff, as site plans have been submitted.

In hopes of protecting the privacy of future residents of the project, as well as screening views of the project from the outside, an earthen berm of a minimum four (4’) feet in height will be installed along the boundary with Gray Heron Drive. The berm will be planted with landscaping at the peak in order to provide screening at maturity. Additionally, the amount of new curb cuts onto Gray Heron Drive remains the same at a total of four.

There are no changes to the approved building architecture.

Minimum lot sizes are 2,238 SF, with front setbacks of fifteen (15’) feet, zero (0’) for the side (but 10’ off side property line), and ten (10’) for the rear.

Drainage and storm water must be properly handled and the Public Works Department has reviewed preliminary engineering.

Staff Review

Planning & Development

Planning Division

Staff received a letter from the Pearce Law Group representing the Dye Estates homeowner's association. According to the letter, the Declaration of Covenants, Conditions, and Restrictions for the Dye Estates govern the project area. Thus, any changes or amendments need to be approved by the Dye Estates HOA. To date, Dye Estates HOA has not received any notice of these proposed from Coastal Resort Holdings, LLC or DR Horton and has not been included in any changes regarding the same. Staff asks that the planning commission table the proposed major amendment (MJPDD-18-02) until such time as the city receives sufficient proof that the HOA has given approval to the changes; or the applicant demonstrates that such approval is not necessary.

Public Works

The Director of Public Works has no issue with the proposed amendment.

Public Safety

The Fire Marshall has no issue with the proposed amendment.

The PDD amendment request is presented to the Planning Commission for a recommendation that will be forwarded to City Council at their next meeting, scheduled for May 21, 2018.

Planning Commission Action

The Planning Commission may approve, approve with modifications and/or conditions; or disapprove the proposal, as submitted.

Alternative Motions

- 1) I move that the Planning Commission recommend approval of the Major Planned Development District Amendment to the Townhomes at the Dye Club [MJPDD-18-02] to City Council as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the Major Planned Development District Amendment to the Townhomes at the Dye Club [MJPDD-18-02] to City Council as submitted.

OR

- 3) I move (an alternate motion).