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**2021-30 (1<sup>ST</sup> READING): TO AMEND THE FUTRELL PARK PLANNED UNIT DEVELOPMENT TO ALLOW BEER AND WINE SALES, AND FOOD TRUCK STORAGE, IN TRACT D OF THE FUTRELL PARK PUD.**

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**Applicant/Purpose:** Davit Haile & Alain Suissa (applicants) / to amend the Futrell Park PUD to allow beer/wine sales and food truck storage in/on Tract D (property located at 1101 Mr Joe White Ave)

**Brief:**

- Futrell Park PUD is a long-standing development regulation in the heart of Myrtle Beach.
- It sits among Harlem (Canal St), Carrie Mae Johnson (Nance St), and Booker T Washington neighborhoods. The PUD includes:
  - Swansgate I, II, & III assisted living apartments
  - Futrell Park Homes (single family development on Futrell Dr)
  - Alliance Inn Apartments
  - Little River Medical Clinic
  - Open space, including Futrell Park (between Swansgate I and MB Fire Station #1) and the park behind Alliance Inn.
- Futrell Park PUD is regulated by tract – each one has a different goal but works together to create a stable, sustainable neighborhood for the area residents.
- Planning Commission (6/1/21): Unanimously recommended approval with the following amendments:
  - No alcohol consumption on site
  - Sales are limited to the hours of 7am and 8pm
  - Maximum of four food trucks stored on the property (cannot be seen from any public right-of-way)

**Issues:**

- In 2013, at the request of the surrounding neighborhoods, City Council adopted an overlay zone to ban the sale of alcohol in the neighborhood commercial corridor due to experiences with litter, disturbances of the peace, and crime.
- The Futrell Park PUD specifically prohibits the sale of alcohol for similar reasons.

**Public Notification:** Agenda published and posted. Legal ad ran in the Myrtle Beach Herald 08/14/2020. 90 letters sent to property owners inside of, and within 300 feet of, the PUD boundaries. Four letters received.

**Alternatives:**

- Modify the proposed ordinance.
- Deny the proposed ordinance.

**Financial Impact:** If allowed, beer/wine sales could lead to an increase in overall sales, which could lead to a modest increase in Business License revenue.

**Manager's Recommendation:**

**Attachment(s):** Proposed ordinance, supporting documents

CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA

TO AMEND THE FUTRELL PARK  
PLANNED UNIT DEVELOPMENT  
TO ALLOW BEER AND WINE  
SALES, AND FOOD TRUCK  
STORAGE, IN TRACT D OF THE  
FUTRELL PARK PUD

**IT IS HEREBY ORDAINED** that Section 305.2 of the Futrell Park PUD (last amended by Ordinance 2011-7) is amended as follows:

**SECTION 305 Use and Development Standards for Tract D – Neighborhood Commercial Uses and Existing Buildings.**

**305.1 Purpose.** To allow the continued use of existing buildings and neighborhood commercial uses as provided in the C-5 Special Neighborhood Commercial District (Section 1221).

**305.2 List of Permissible Uses.** Existing convenience store with gasoline pumps, including the sale of beer and wine between the hours of 7:00 a.m. and 8:00 p.m. but not the consumption of beer and wine on site, plus any other use allowed in Section 1221.2 through 1221.5, except the. The sale or consumption of alcoholic beverages liquor is prohibited. Up to four (4) food trucks may be stored on site of its affiliated existing permanent commercial kitchen provided the stored food trucks cannot be seen from any public right-of-way.

This ordinance will take effect upon second reading.

\_\_\_\_\_  
BRENDA BETHUNE, MAYOR

ATTEST:

\_\_\_\_\_  
JENNIFER ADKINS, CITY CLERK

1<sup>st</sup> Reading: 7-13-2021

2<sup>nd</sup> Reading:

1 **STAFF COMMENTS:**

2 Police, Public Works, Fire: No Concerns

3 Neighborhood Services: Concerns that the beer and wine sales are not in keeping with  
4 the adjacent neighborhood goals of improving and strengthening their community.

5  
6 **ZONING HISTORY: 1101 MR JOE WHITE AVE** (previously 10<sup>th</sup> Ave N)

7  
8 Entered the City: At incorporation (1938)  
9 1940s – 1970s: B-3 (Business District, Wholesale)  
10 1980s: I-1 (Industrial, Limited)  
11 1989 rewrite: C-9 (Warehouse Manufacturing)  
12 February 11, 2003: Futrell Park PUD

13  
14 **Section 403. Findings of Fact Required**  
15

16  
17 In reviewing any petition for a zoning amendment, the Planning Commission shall  
18 identify and evaluate all factors relevant to the petition, and shall report its findings in full,  
19 along with its recommendations for disposition of the petition, to the City Council.  
20 Factors shall include, but shall not be limited to, the following:

- 21  
22 403.A. Whether or not the requested zoning change is consistent with the  
23 Comprehensive Plan or is justified by an error in the original ordinance.  
24 • *Staff input: the Comprehensive Plan does not specifically address beer*  
25 *and wine sales. The Comprehensive Plan addresses conflict points*  
26 *between neighborhoods and commercial uses, and encourages programs*  
27 *to increase safety in neighborhoods.*  
28  
29 403.B. The precedents and the possible effects of such precedents, which might  
30 result from approval or denial of the petition.  
31 • *Sales of beer and wine are available in other areas along the same*  
32 *corridor.*  
33  
34 403.C. The capability of the City or other government agencies to provide any  
35 services, facilities, or programs that might be required if the petition were  
36 approved.  
37 • *The City has staff available to address the new licensing required for beer*  
38 *and wine sales on the site, if the ordinance is approved.*  
39  
40 403.D. Effect of approval of the petition on the condition or value of property in the  
41 City.  
42 • *This question is better answered by neighboring property owners.*  
43  
44 403.E. Effect of approval of the petition on adopted development plans and policies  
45 of the City.  
46 • *It is worth asking if placing a beer and wine retail operation adjacent to an*  
47 *apartment that caters to people seeking to elevate their situation from*  
48 *homeless and/or abusive environments is a benefit to their well-being.*  
49  
50  
51

**PUBLIC INPUT – June 1, 2021**

**1. Michael Campbell – in favor**

- Born on Canal St on Watts property
- You can buy beer on the next block
- We support what Davit's trying to do
- [Davit] needs money to make things better

**2. Linda Holloman – in favor**

- Resident of Carrie Mae Johnson neighborhood (and daughter of Ms. Johnson)
- Would rather have a drunk person walk to the store from the neighboring apartments than drive drunk to the Walmart

**3. Jerome Randall – opposed**

- At this stage, the neighborhood doesn't need more beer and wine, especially near the apartments, Boys & Girls Club, churches, Colored School Museum
- Beer and wine doesn't help people
- No position on food truck parking

**4. Brenda Denny – in favor**

- Her opinion: it will bring BTW up to a certain level
- Why stop [Davit] from increasing his business?
- Those buying beer and wine need to be responsible as well as those selling it
- Shouldn't have to go a mile to get things we want

**5. Millicent Chestnut – in favor**

- Lives in the Alliance Inn next to the store
- Would love to get some wine after a long day at work
- Store closes at 7pm and is not a nuisance
- Owner has cameras "everywhere"

**6. James Marshall – in favor**

- "Lifetime resident"
- This is an opportunity to facilitate growth
- Not all of the community is unable to control themselves with beer and wine
- Myrtle Beach is not "the Ritz"
- I don't believe in controlling the vices of others
- Prohibition didn't work then, it won't work now
- Asked the Planning Commission to encourage more minority-owned businesses to locate in the area

October 2006

**REQUEST FOR PLANNED UNIT DEVELOPMENT AMENDMENT**

PRINT OR TYPE ALL ANSWERS (EXCEPT SIGNATURE)

IF MORE THAN 3 PROPERTY OWNERS, PLEASE MAKE ADDITIONAL COPIES OF THIS FORM.

**APPLICANT INFORMATION:**Primary Contact: ALAIN SUISSA / AUTHORISE AGENTMailing Address: 6715 WAHOO DRIVE #4LMYRTLE BEACH, SC 29572Day Phone: 843-882-6668 Fax: -Email: DAWIT.HAILE58@gmail.com  
ALAIN.SUISSA9@gmail.comProperty Owner # 1: DAWIT HAILEMailing Address: P.O. Box 70111MYRTLE BEACH, SC 29572Day Phone: 518-669-8965 Fax: -

Authorized Agent # 1 (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Property Owner # 2: N/A

Mailing Address: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Authorized Agent # 2 (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Property Owner # 3: N/A

Mailing Address: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Authorized Agent # 3 (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Day Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

## REQUEST FOR PLANNED UNIT DEVELOPMENT AMENDMENT

### SIGNATURE AND CERTIFICATION

The undersigned hereby respectfully request that the City of Myrtle Beach Planning Commission review this Planned Unit Development Amendment for the above-described property. All of the above statements and information, whether written on this application or attached, are true and correct to the best of my knowledge and belief. Signature(s) of all property owner(s) or authorized agent(s) must be obtained before application can be accepted for processing.

Signature of Property Owner # 1:  Date: 4.23.21

Signature of Authorized Agent # 1:  Date: 4.23.21

Signature of Property Owner # 2: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Authorized Agent # 2: N/A Date: \_\_\_\_\_

Signature of Property Owner # 3: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Authorized Agent # 3: N/A Date: \_\_\_\_\_

October 2006

### Proposed Amendment to the Futrell Park Planned Unit Development (PUD):

#### **SECTION 305 Use and Development Standards for Tract D – Neighborhood Commercial Uses and Existing Buildings.**

**305.1 Purpose.** To allow the continued use of existing buildings and neighborhood commercial uses as provided in the C-5 Special Neighborhood Commercial District (Section 1221).

**305.2 List of Permissible Uses.** Existing convenience store with gasoline pumps, including the sale of beer and wine, plus any other use allowed in Section 1221.2 through 1221.5, except the sale or consumption of ~~alcoholic beverages~~ liquor is prohibited. A food truck may be stored on site of its affiliated existing permanent commercial kitchen provided the stored food truck cannot be seen from any public right-of-way.

**305.3 Area and Dimension Regulations.** As required in 1221.6 except that structures may be closer to the property line than 25 feet when approved by the City as part of a redevelopment plan. Buildings shall have a minimum separation of 15 feet.

**305.4 Off-street Parking Requirements.** As required in 1221.8 except that existing businesses may have reduced parking spaces in order to allow for existing circumstances. Any new buildings or new commercial developments must comply with the requirements of 1221.8.

**305.5 Other C-5 District Requirements.** When existing lots or properties within Tract D are redeveloped the C-5 District requirements shall be used as a guideline; however, the redevelopment plan shall be reviewed and mutually agreed upon by the City and developer.