

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: January 8, 2024

Agenda Item: 6B	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: January 3, 2024
Subject: Petition for Annexation and Zoning Designation for ±1.71 acres on Little River Neck Road [Z-23-23]	Division: Planning and Development

Background:

James Stone, agent for the owner, has petitioned the City of North Myrtle Beach to annex ±1.71 acres on Little River Neck Road identified by PIN 351-06-01-0001. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Residential Low-Density (R-1) and will be heard concurrently.

Existing Conditions:

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned CFA under Horry County jurisdiction. Located on the corner of Church View Lane and Little River Neck Road, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned R-1; surrounding county parcels are CFA. Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map Z-23-23, prepared by the City of North Myrtle Beach Planning and Development Department depicting the annexation boundary. A proposed ordinance has been attached for Council’s review.

Proposed R-1 Zoning:

		Single-family Dwelling	Churches	Other Permitted Uses
Minimum Site Area		10,000 SF	1 Acres	10,000 SF
Minimum Lot Width		80 feet	NA	NA
Minimum Yards:	Front	25 feet	25 feet	25 feet
	Side	10 feet ¹	25 feet	10 feet
	Rear	20 feet	25 feet	25 feet
Maximum Impervious Surface Ratio		40%	60%	40%
Maximum Height of Structures		35 feet (15 feet for Accessory Buildings)	45 feet	45 feet
Notes: ¹ A five-foot side yard setback shall be required for substandard lots of record.				

R-1 District Permitted Uses

Single-Family detached dwellings (excluding mobile homes); Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use; Publicly owned recreational 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.

Planning Commission Action:

The Planning Commission conducted a public hearing on November 14, 2023, and voted to recommend approval of the annexation and zoning designation, citing “A”, where necessary to implement the Comprehensive Plan. There was no public comment.

Recommended Action:

Approve or deny the proposed ordinance on second reading

Reviewed by Department Head

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By _____ 2nd By _____ To _____

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH
ANNEXING 1.71 ACRES IDENTIFIED BY PIN 351-06-01-0001.**

WHEREAS, James Stone, agent for the owner, has petitioned the City of North Myrtle Beach for annexation of 1.71 acres consisting of the following parcel PIN 351-06-01-0001 as referenced on Exhibit A: Zoning Map Z-23-23, prepared by the City of North Myrtle Beach Planning and Development Department depicting the annexation boundary, which is attached hereto and incorporated herein by reference; and

WHEREAS, the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held all necessary public hearings in accordance with applicable State Statutes and City Ordinances; and

WHEREAS, the City Council has received a report from the Planning Commission recommending the subject property be zoned Single-Family Residential Low-Density (R-1) upon annexation.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of North Myrtle Beach, South Carolina, in Council duly assembled:

Section 1. Annexation. That parcel identified by PIN 351-06-01-0001 (the “Annexed Parcel”), consisting of approximately 1.71 acres and depicted on Exhibit A, and all contiguous portions of all public rights-of-way, streets, and highways are hereby annexed pursuant to Sections 5-3-150 and 5-3-240 of the Code of Laws of South Carolina, 1976, as amended.

Section 2. Zoning Designation. The Annexed Parcel is hereby designated and zoned as Single-Family Residential Low-Density (R-1).

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2024.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

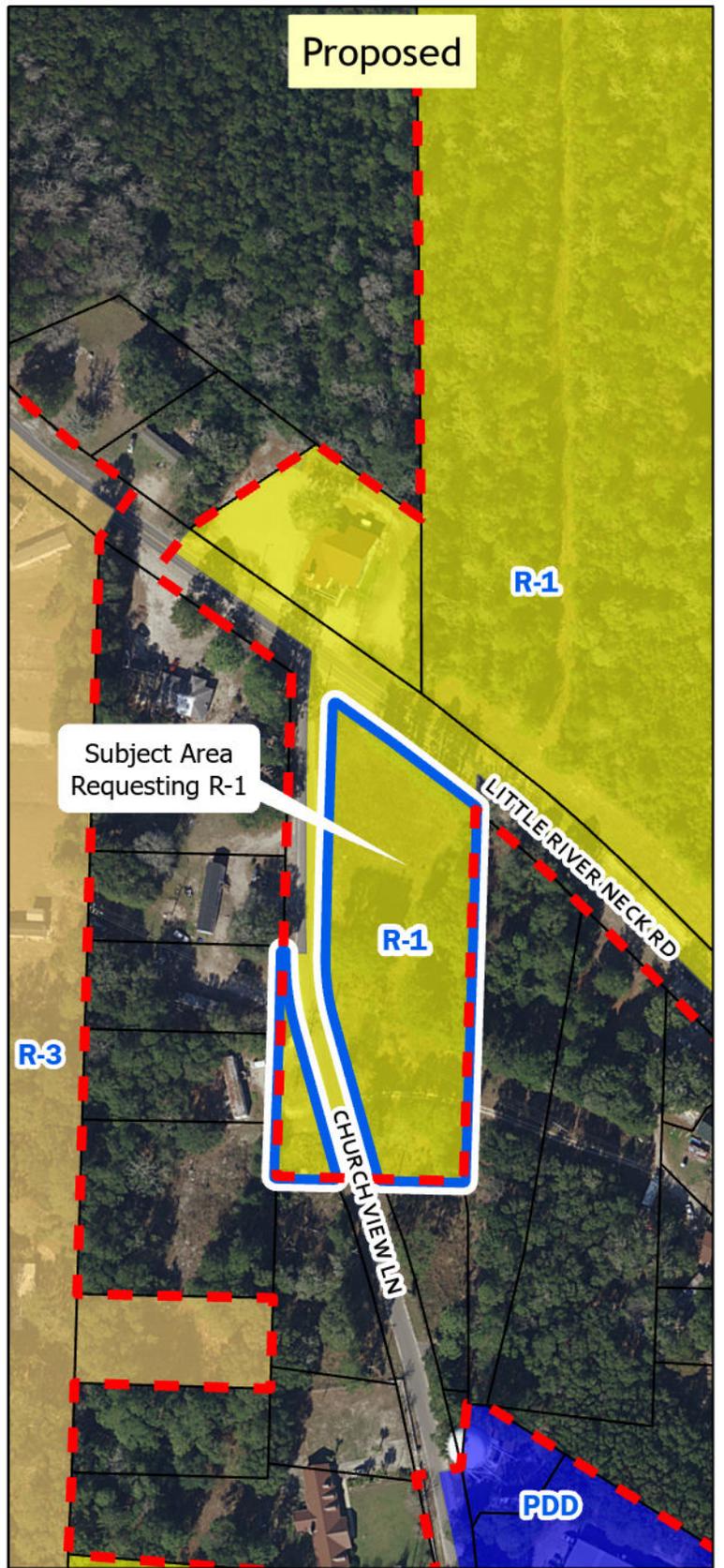
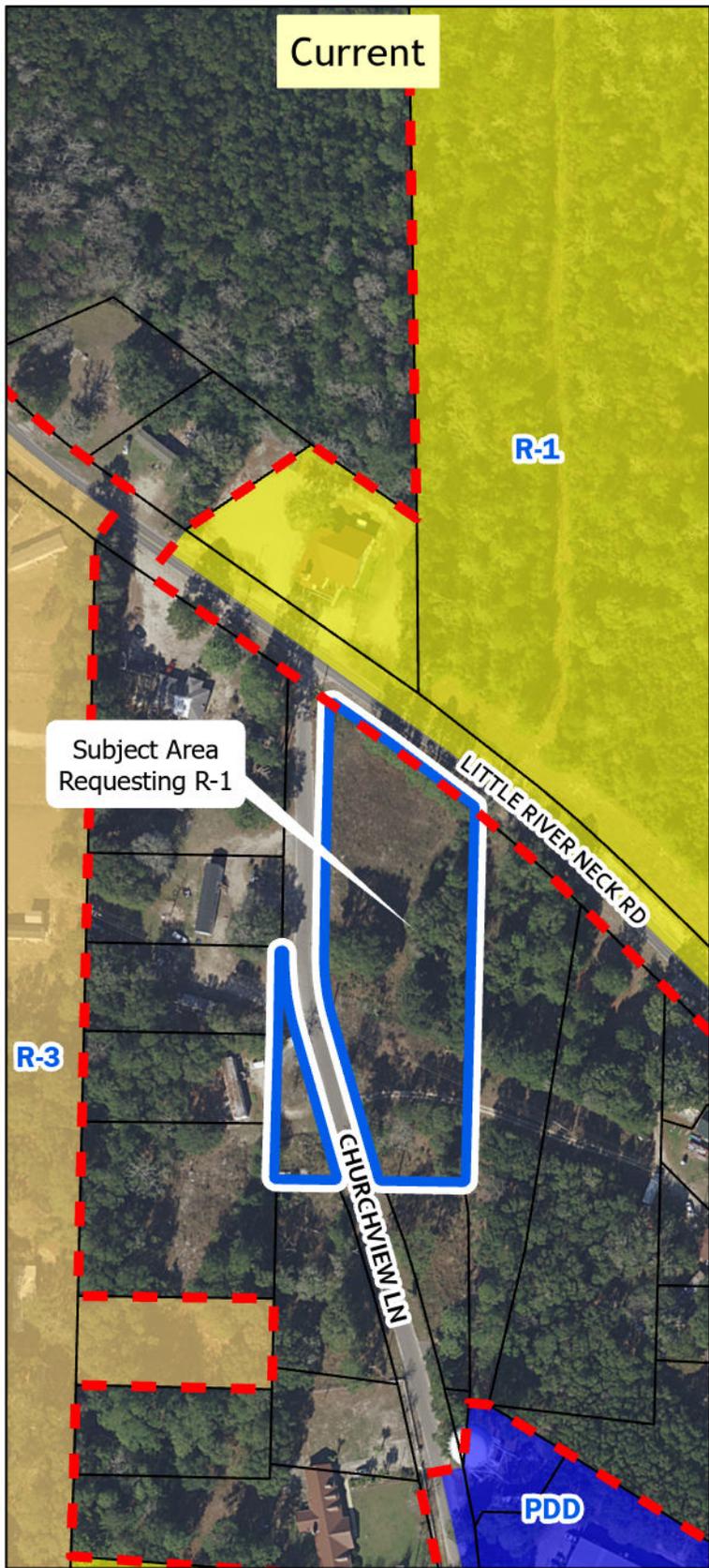
City Attorney

FIRST READING: 12.04.2023
SECOND READING: 1.08.2024

REVIEWED:

City Manager

ORDINANCE: 24-02



Legend

-  North Myrtle Beach City Limit
-  Subject Area
- Zoning District**
-  PDD
-  R-1
-  R-3

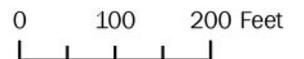


Exhibit A: Zoning Map Z-23-23

6B. ANNEXATION & ZONING DESIGNATION Z-23-23: City staff received a petition to annex ±1.71 acres on Little River Neck Road and Church View Lane identified by PIN 351-06-01-0001. The lot is currently unincorporated and zoned Commercial Forest Agriculture (CFA) by Horry County. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Residential Low-Density (R-1) and will be heard concurrently.

Existing Conditions and Surrounding Land Uses:

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned CFA under Horry County jurisdiction. Located on the corner of Church View Lane and Little River Neck Road, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned R-1; surrounding county parcels are CFA.

Proposed R-1 Zoning

		Single-family Dwelling	Churches	Other Permitted Uses
Minimum Site Area		10,000 SF	1 Acres	10,000 SF
Minimum Lot Width		80 feet	NA	NA
Minimum Yards:	Front	25 feet	25 feet	25 feet
	Side	10 feet ¹	25 feet	10 feet
	Rear	20 feet	25 feet	25 feet
Maximum Impervious Surface Ratio		40%	60%	40%
Maximum Height of Structures		35 feet (15 feet for Accessory Buildings)	45 feet	45 feet

Notes: ¹ A five-foot side yard setback shall be required for substandard lots of record.

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 North Myrtle Beach 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 2018 Comprehensive Plan recommends Residential Suburban as a land use class for the subject area. The principal permitted uses noted in the compliance index include primarily single-family lots, small farms and farm related uses such as produce stands, and mobile homes on individual lots. The recommended primary zoning district is R-1; R-1A and R-1B are the secondary zoning district alternatives.

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

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

Chapter 5, “The Way We Grow,” of the 2018 Comprehensive Plan identifies the Residential Suburban future land use classification as follows: The purpose of this

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-fill and expansion of existing neighborhoods and subdivisions. Standards and densities for these areas are designated to reflect existing conditions. This area is also intended to allow incorporation of property west of the waterway at densities typical of inland development. Primarily single-family lots, small farms and farm related uses such as produce stands, and mobile homes on individual lots, excluding large mobile home parks, are compatible uses here. This category allows up to five dwelling units per acre (du/acre).

The proposed R-1 zoning is consistent with the Residential Suburban land use classification found in the 2018 Comprehensive Plan.

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

The purpose of the R-1 zoning 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. Also, these districts are intended to encourage residential infilling and expansion of existing neighborhoods and subdivisions. Development land uses permitted in each are designed to reflect existing conditions and enhance the prospects of ‘lie development.’”

The uses permitted in the R-1 district would be appropriate in the area.

- 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 because of such change, and the consequence of such change:

Current public rights-of-way serve this area. Access to Little River Neck Road is subject to SCDOT encroachment permit approval; access to Church View Lane is subject to Horry County encroachment permit approval.

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

Public water and sewer are available to the parcel.

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.

This petition for annexation and zoning designation is presented to the Planning Commission for a recommendation that will be forwarded to the City Council at their next meeting tentatively scheduled for December 4, 2023. Should the Planning Commission desire to forward a positive recommendation to City Council, one of the reasons should be included in the report.

Staff Review:

Planning and Development, Planning Division

The Planning Division has no issue with the proposed petition for annexation and zoning.

Planning and Development, Zoning Division

The Zoning Administrator has no issue with the proposed petition for annexation and zoning.

Public Works

The City Engineer has no issue with the proposed petition for annexation and zoning.

Public Safety

The Fire Marshall has no issue with the proposed petition for annexation and zoning.

Planning Commission Action:

The Planning Commission may recommend approval, recommend approval with modifications and/or conditions; or recommend denial of the proposal, as submitted.

Alternative Motions

- 1) I move that the Planning Commission recommend approval of the annexation and zoning petition [Z-23-23] as submitted.

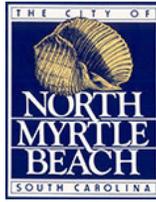
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-23-23] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-23-23
Complete Submittal Date:	October 6, 2023



Notice Published:	October 20, 2023
Planning Commission:	November 14, 2023
First Reading:	December 4, 2023
Second Reading:	January 8, 2024

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: October 6, 2023	Property PIN(S): 35106010001
Property Owner(s): Claranette Jenkins and Dana Shields	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 4632 Little Neck River Rd. North Myrtle Beach, SC 29582	Project Contact: James Stone
Contact Phone Number: 910-740-4416	Contact Email Address: barstonmhs@gmail.com
Current County Zoning: NA	Proposed Zoning: R-1
Total Area of Property: 2 Acres	Approximate Population of Area to be Annexed: 2

RECORDED COVENANT INFORMATION

I 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).
Applicant's E-signature: James Stone

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.

Date: October the 3rd, 2023

From: James Stone
General manager
Modular Home Solutions
1323 S. Madison St.
Whiteville, NC 28472
barstonmhs@gmail.com
910-640-5556 Office
910-640-5559 Fax

To: Claranette Jenkins and Dana Shields

Subject: Obtaining Utilities for the property located at 4632 Little River Neck Rd.

As per our conversation, I have found that your property is located where it has access to the utilities from North Myrtle Beach. However, to get these utilities your property must be annexed by the city of NMB. This is a process, which I can do for you, but I must have your permission in writing and notarized. Therefor, please fill out the following and have it notarized. Then email me the copy and mail me the original!

We, Claranette Jenkins and Dana Shields, give James Stone of Modular Home Solutions, permission to act on our behalf to have our property, located at 4632 Little River Neck Road annexed into the City of North Myrtle Beach, SC. This includes filling out necessary forms needed to complete the process.

Claranette Jenkins

Claranette Jenkins

Dana Shields

Dana Shields

Notarized by

Angela Robinson

Date 10-4-23



The property herein conveyed contains one (1) acre more or less and is shown as Tract 1-A on map dated November 5, 1985 by C. B. Berry, R.L.S., a copy of which is attached and made a part of this deed.

This being the identical property conveyed to the Grantor herein by deed from Laura Williams, Johnnie Ree Williams, Clayton Williams, Jr., Deedee Williams and Toni Williams recorded in Deed Book 1024 at Page 147, records of Horry County, South Carolina.

TMS#131-14-16-027
PIN# 35106010001

Property Address: 4632 Little River Neck Road, North Myrtle Beach, SC 29582

Grantee(s) Address: 1399 Church View Lane, North Myrtle Beach, SC 29582

THIS CONVEYANCE IS MADE SUBJECT TO easements and restrictions of record and otherwise affecting the property.

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantees, as joint tenants with rights of survivorship and not as tenants in common their Heirs and Assigns, forever, in fee simple, the aforesaid described property.

AND I, the Grantor, do hereby bind myself and my heirs and assigns, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said Grantees as joint tenants with rights of survivorship and not as tenants in common, their heirs and assigns, against myself, the Grantor, and my heirs and assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS the execution hereof by Grantor this 2nd day of November, 2022.

Signed, Sealed and Delivered
in the Presence of

Connie Rawls
Witness

Claranette Jenkins {SEAL}
Claranette Jenkins

Susan E. Petersen
Notary

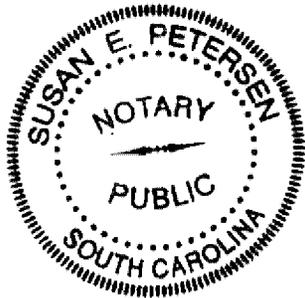
STATE OF South Carolina

ACKNOWLEDGMENT

COUNTY OF Horry

I, Susan E. Petersen, a Notary Public do hereby certify that Claranette Jenkins, the within named Grantor(s) personally appeared before me this day and acknowledged the due execution of the foregoing Warranty Deed.

Witness my hand and official seal this 2nd day of November, 2022.



Susan E. Petersen
Notary Public Signature Susan E. Petersen
My Commission Expires: 3/7/28

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

- 1. I have read the information on this affidavit and I understand such information.
- 2. The property being transferred is Tract 1-A Mary Jenrett Section, North Myrtle Beach, SC 29582, bearing Horry County Tax Map Number 131-14-16-027, was transferred by **Claranette Jenkins to Claranette Jenkins and Dana Shields**, on November 2, 2022.
- 3. Check on of the following. The deed is:
 - a. _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth
 - b. _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - c. exempt from the deed recording fee because (See Information section of affidavit): Exemption 1, to add spouse (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes ___ or No ___.

- 4. Check on of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - a. _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____.
 - b. _____ The fee is computed on the fair market value of the realty which is \$ _____.
 - c. _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is \$ _____.

5. Check Yes ___ or No to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____

- 6. The deed recording fee is computed as follows:
 - a. Place the amount listed in item 4 above here:
 - b. Place the amount listed in item 5 above here: -0- (If no amount is listed, place zero here.)
 - c. Subtract Line 6(b) from Line 6(a) and place result here:

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$ 0.

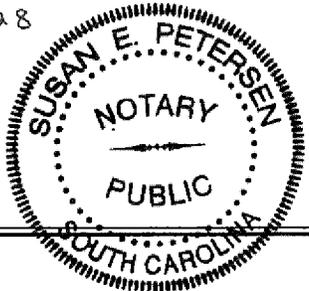
8. As required by Code § 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor.

I further understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Claranette Jenkins
Claranette Jenkins

SWORN to before me this 2nd day of November, 2022.

Susan E. Petersen Susan E. Petersen
Notary Public for SC
My Commission Expires: 3/1/28



**HORRY COUNTY REGISTER OF DEEDS
TRANSMITTAL SHEET**

**TO BE FILED WITH EACH INSTRUMENT PRESENTED ELECTRONICALLY FOR RECORDING.
HORRY COUNTY REGISTER OF DEEDS, 1301 SECOND AVENUE POST OFFICE BOX 470 , CONWAY ,
SOUTH CAROLINA 29526**

DOCUMENT TYPE OF INSTRUMENT BEING FILED: Deed

DATE OF INSTRUMENT: .

DOCUMENT SHALL BE RETURNED TO:

NAME: MacDonald & Hicks, PA

ADDRESS:

1107 48th N Ave Ste 210

Myrtle Beach, SC 29577-5443

TELEPHONE: (843) 449-4493

FAX: (843) 449-4493

E-MAIL ADDRESS: jfreedle@machickslaw.com

Related Document

(s):

PURCHASE PRICE / MORTGAGE AMOUNT: \$ 5.00

BRIEF PROPERTY DESCRIPTION: 1.0 acre Little River Township

TAX MAP NUMBER (TMS #) 131-14-16-027 / PIN NUMBER: ,

GRANTOR / MORTGAGOR / OBLIGOR / MARKER (FROM WHO):

	<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MIDDLE NAME</u>
1.	<u>JENKINS</u>	<u>CLARANETTE</u>	

GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):

	<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MIDDLE NAME</u>
1.	<u>JENKINS</u>	<u>CLARANETTE</u>	
2.	<u>SHIELDS</u>	<u>DANA</u>	

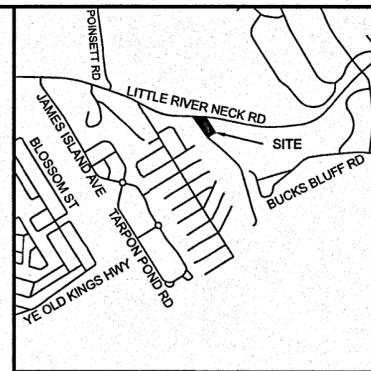
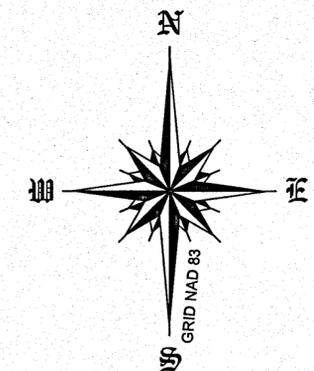
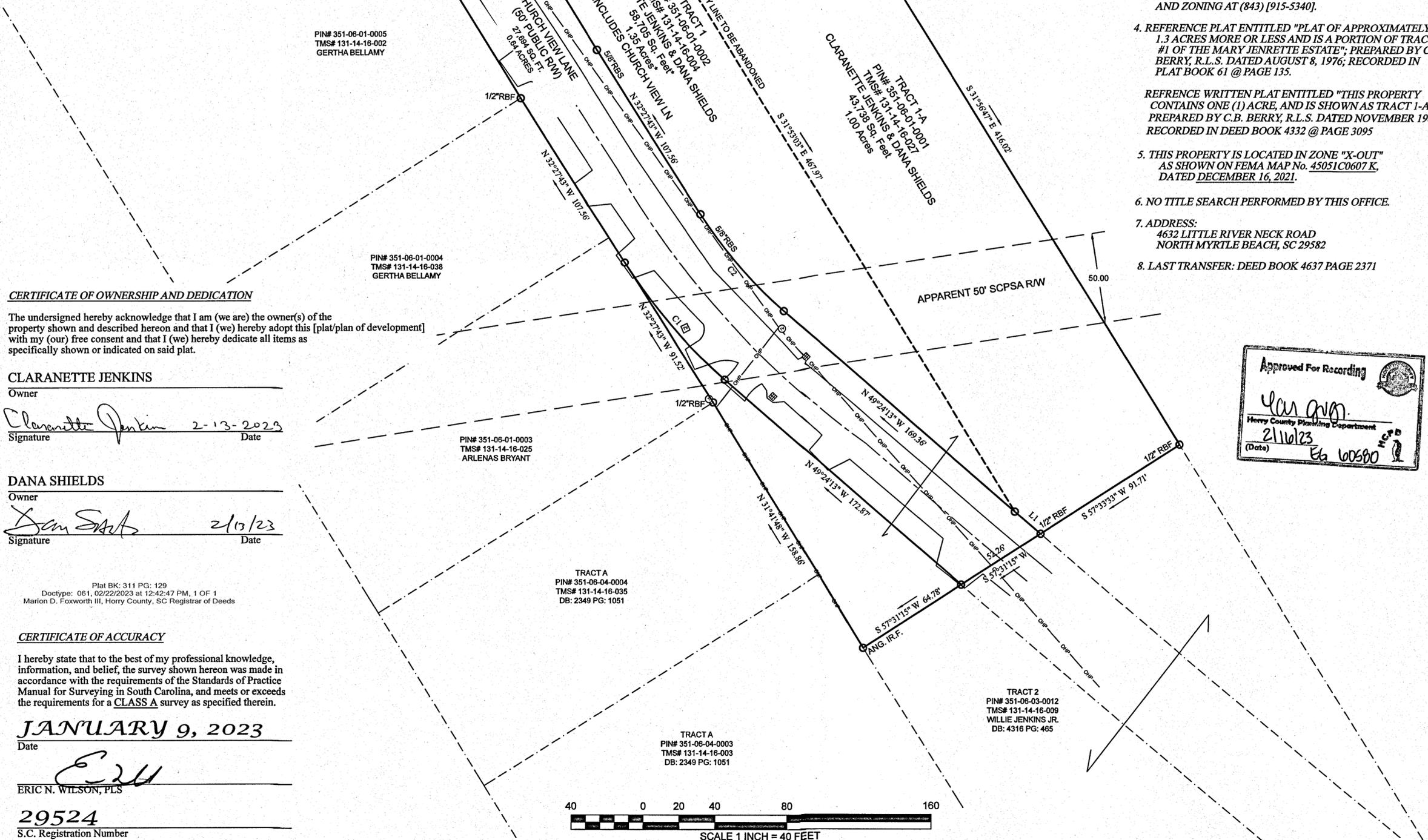
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	500.00'	85.64'	S 40°38'25" E	85.35'
C2	250.00'	171.37'	S 40°38'25" E	171.13'

LINE	BEARING	DISTANCE
L1	N 49°24'13" W	18.73'

COMBINED AREA:

102,445 SQ. FT. 2.35 ACRES (INCLUDING CHURCHVIEW LANE R/W)
 27,694 SQ. FT. 0.64 ACRES (CHURCHVIEW LANE R/W)

NET AREA 74,751 SQ. FT. 1.716 ACRES



NOTES:

1. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
2. ALL OFFSETS ARE TO THE FOUNDATION OF THE PROPOSED HOME.
3. FOR CURRENT ZONING AND SETBACK REQUIREMENTS, CONTACT THE HORRY COUNTY OFFICE OF PLANNING AND ZONING AT (843) [915-5340].
4. REFERENCE PLAT ENTITLED "PLAT OF APPROXIMATELY 1.3 ACRES MORE OR LESS AND IS A PORTION OF TRACT #1 OF THE MARY JENRETTE ESTATE"; PREPARED BY C.B. BERRY, R.L.S. DATED AUGUST 8, 1976; RECORDED IN PLAT BOOK 61 @ PAGE 135.

REFERENCE WRITTEN PLAT ENTITLED "THIS PROPERTY CONTAINS ONE (1) ACRE, AND IS SHOWN AS TRACT I-A PREPARED BY C.B. BERRY, R.L.S. DATED NOVEMBER 1985 RECORDED IN DEED BOOK 4332 @ PAGE 3095
5. THIS PROPERTY IS LOCATED IN ZONE "X-OUT" AS SHOWN ON FEMA MAP No. 45051C0607 K, DATED DECEMBER 16, 2021.
6. NO TITLE SEARCH PERFORMED BY THIS OFFICE.
7. ADDRESS:
4632 LITTLE RIVER NECK ROAD
NORTH MYRTLE BEACH, SC 29582
8. LAST TRANSFER: DEED BOOK 4637 PAGE 2371

CERTIFICATE OF OWNERSHIP AND DEDICATION

The undersigned hereby acknowledge that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this [plat/plan of development] with my (our) free consent and that I (we) hereby dedicate all items as specifically shown or indicated on said plat.

CLARANETTE JENKINS
 Owner
 Signature: *Claranette Jenkins* Date: 2-13-2023

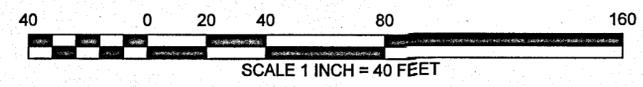
DANA SHIELDS
 Owner
 Signature: *Dana Shields* Date: 2/13/23

Plat BK: 311 PG: 129
 Doctype: 061, 02/22/2023 at 12:42:47 PM, 1 OF 1
 Marion D. Foxworth III, Horry County, SC Registrar of Deeds

CERTIFICATE OF ACCURACY

I hereby state that to the best of my professional knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a CLASS A survey as specified therein.

JANUARY 9, 2023
 Date
 Signature: *Eric N. Wilson*
ERIC N. WILSON, PLS
29524
 S.C. Registration Number

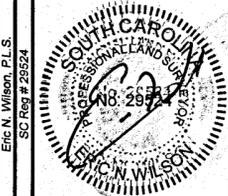


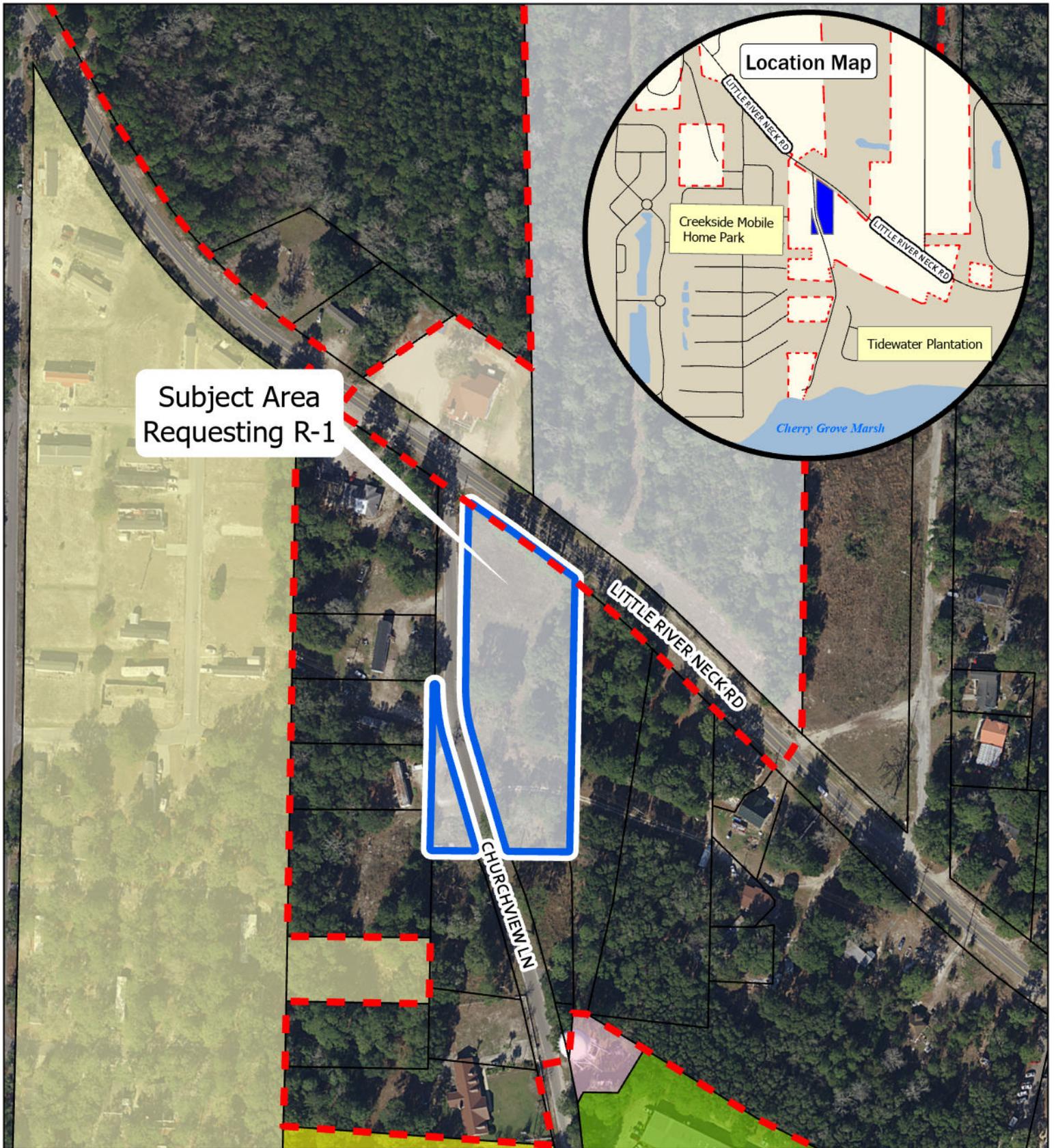
NO.	DATE	REVISIONS DESCRIPTION

RE-COMBINATION PLAT OF TRACTS 1 & 1A
 PREPARED FOR
CLARANETTE JENKINS & DANA SHIELDS
 LITTLE RIVER TOWNSHIP
DUNES LAND SURVEYING, LLC
 798 8TH AVENUE N.
 MYRTLE BEACH, SC 29577
 Phone: (843) 626-6662
 Email: eric@duneslandsurveying.com
 Website: www.myrtlebeachsurveyor.com

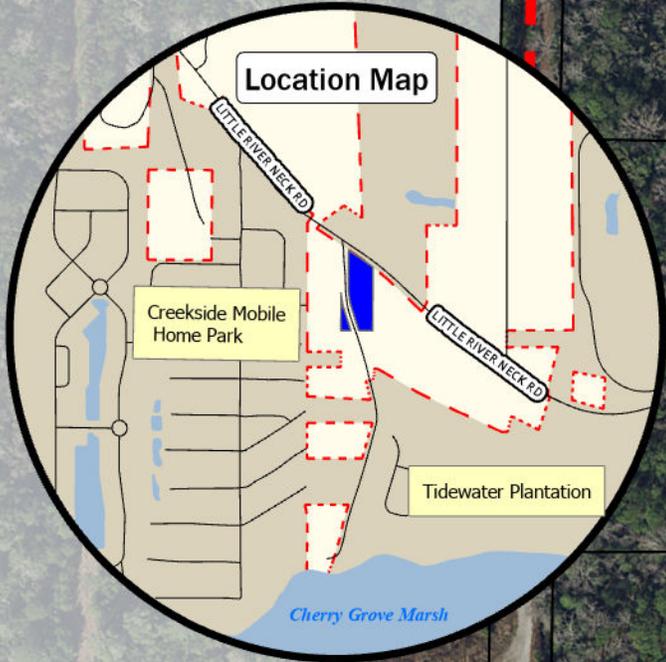
STATE: SOUTH CAROLINA
 COUNTY: HORRY
 Vertical Datum: NAD 83
 Horizontal Datum: NAD 83 (2011)
 Ref. DB: Bk 4637 @ Pg 2371
 Ref. DB: Bk 61 @ Pg 135

Drawn By: Party Chief:
 PIN: 351-06-01-0002
 PIN: 351-06-01-0001
 Date: 01/09/2023
 Proj. No: 220287-COMBO.DWG





Subject Area Requesting R-1



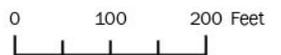
Legend

- North Myrtle Beach City Limit
- Subject Area

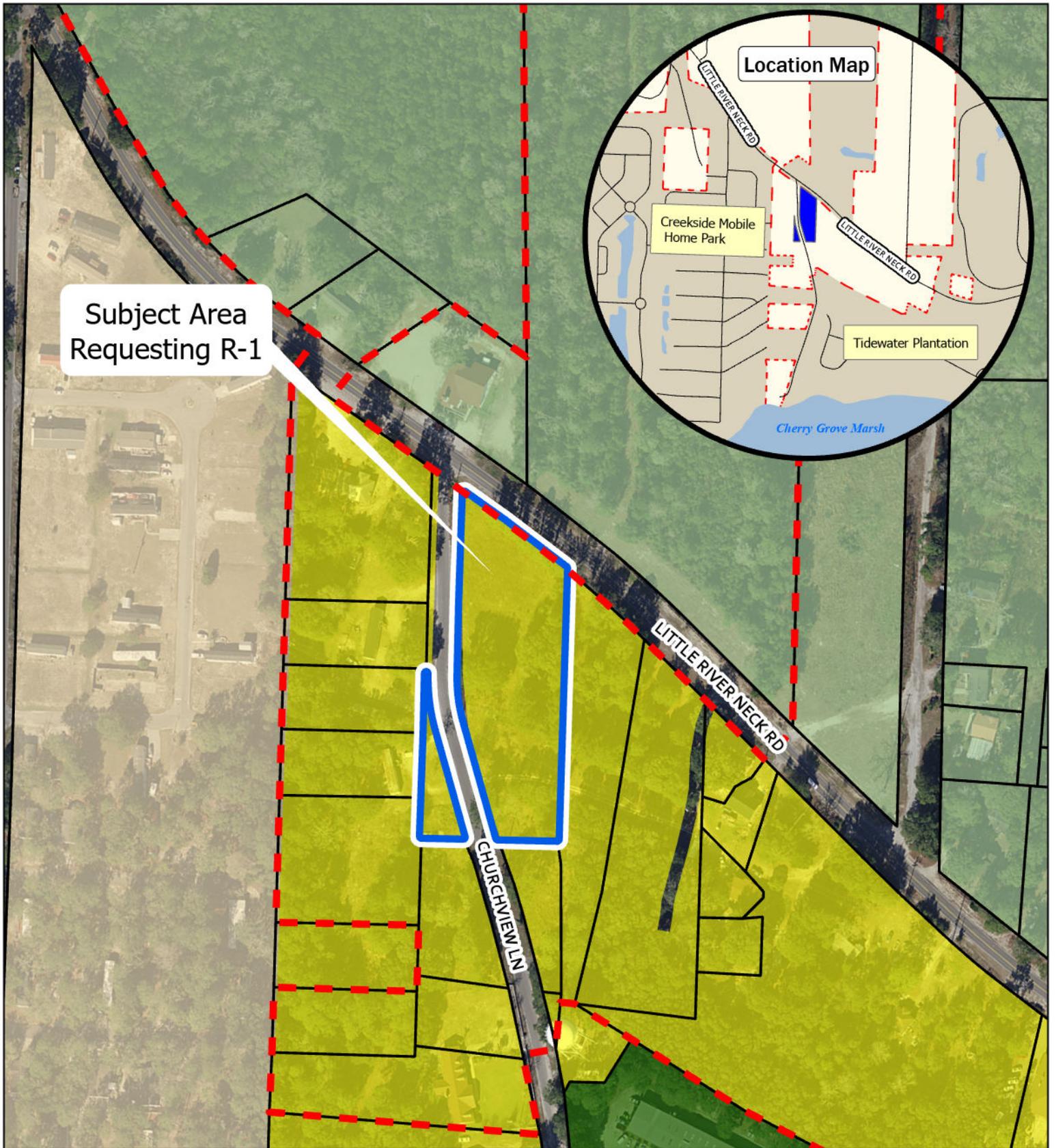
Existing Land Use

- Golf Course
- Mobile Home

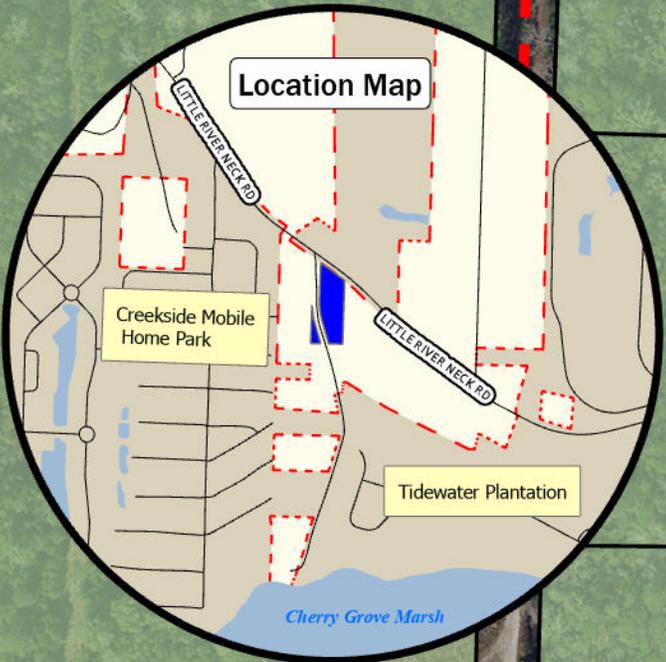
- Private Common Open Space
- Religious Institutions
- Single-Family
- Vacant



Existing Land Use



Subject Area
Requesting R-1

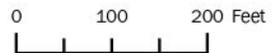


Legend

- North Myrtle Beach City Limit
- Subject Area

- Future Land Use**
- CC
 - RN

- RPC
- RS



Future Land Use