REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: June 17, 2024

Agenda Item: 7A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: June 12, 2024
Subject: Petition for Annexation and Zoning Designation for ±0.98 acres on Little River Neck Road [Z-24-16]	Division: Planning and Development

Background:

Rainier and Alena Lopez, owners, have petitioned the City of North Myrtle Beach to annex ±0.98 acres on Little River Neck Road identified by PIN 351-05-01-0021. 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 Commercial Forest Agriculture (CFA) under Horry County jurisdiction. Located on Little River Neck Road, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned R-1 and Planned Development District (PDD) within the Tidewater Plantation PDD. Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map Z-24-16, 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 May 20, 2024, and voted to recommend approval of the annexation and zoning designation, citing "C", to recognize substantial change or changing conditions or circumstances in a particular locality. There was no public comment.

Recommended Action:
Approve or deny the proposed ordinance on first 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 ±0.98 ACRES IDENTIFIED BY PIN 351-05-01-0021.

WHEREAS, Rainier and Alena Lopez, owners, have petitioned the City of North Myrtle Beach for annexation of ±0.98 acres consisting of the following parcel PIN 351-05-01-0021 as referenced on Exhibit A: Zoning Map Z-24-16, 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 351-05-01-0021 (the "Annexed Parcel"), consisting of approximately ±0.98 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.

_____
Mayor Marilyn Hatley

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

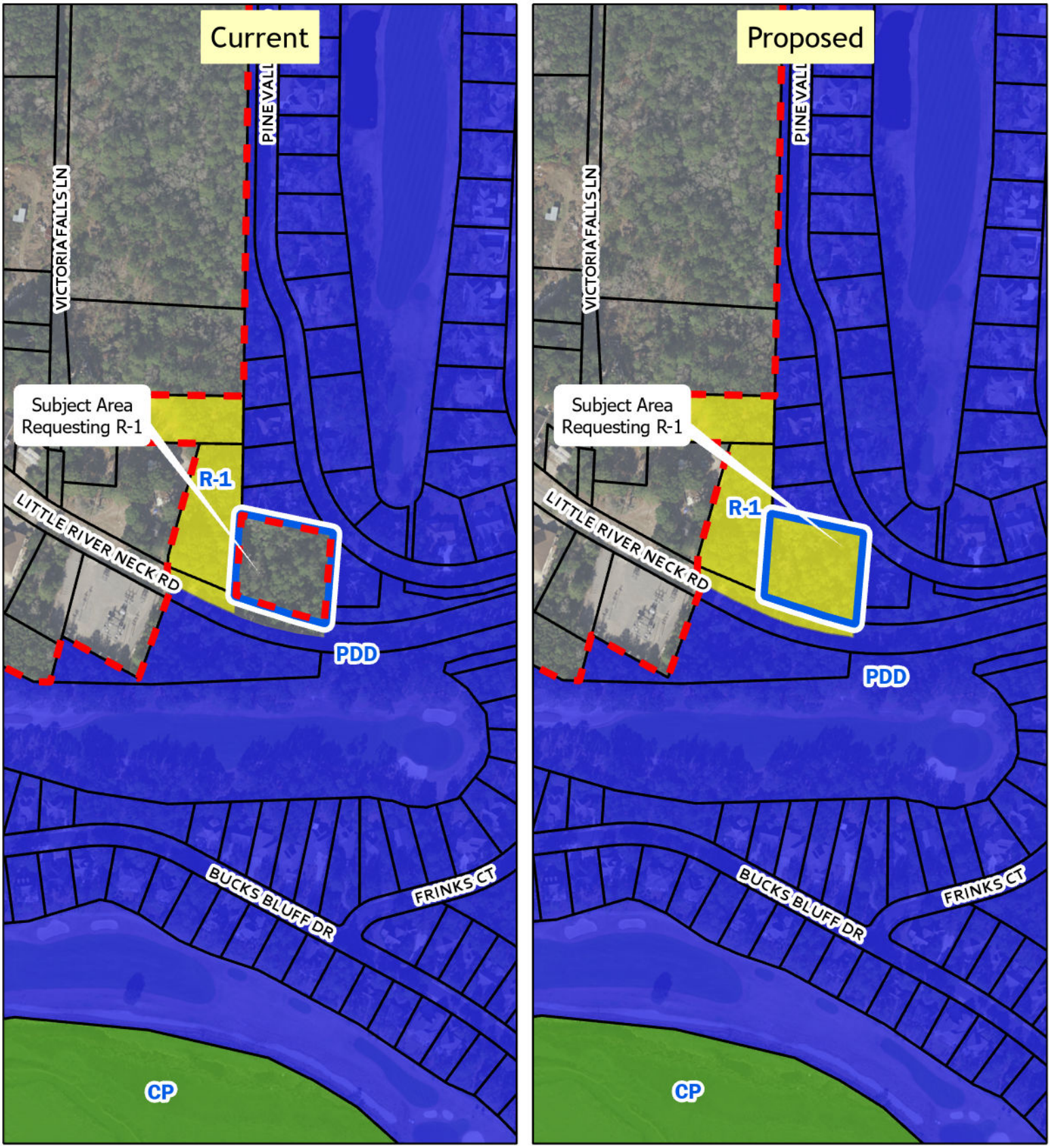
_____
City Attorney

REVIEWED:

_____
City Manager

FIRST READING: 6.17.2024
SECOND READING: _____

ORDINANCE: _____



THE CITY OF NORTH MYRTLE BEACH SOUTH CAROLINA

Legend

North Myrtle Beach City Limit

Subject Area

Zoning District

CP

PDD

R-1

Exhibit A: Zoning Map Z-24-16

0 150 300 Feet

User: arelmadolar

Path: \\nmbplan\PDGIS\2024\2024-016 Z-24-16 LRNR\Z-24-16.aprx

6A. ANNEXATION & ZONING DESIGNATION Z-24-16: City staff received a petition to annex ±0.98 acres on Little River Neck Road identified by PIN 351-05-01-0021. 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 Little River Neck Road, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned R-1 and Planned Development District (PDD).

Proposed R-1 Zoning Development Standards

		Single-family Dwelling	Churches	Other Permitted Uses
Minimum Site Area		10,000 SF	1 Acre	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 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 of the City's zoning Ordinance.

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 Conservation Community as the land use class for the subject area. There are no permitted or explicitly defined land uses for this land use class. There are no recommended primary or secondary zoning districts for this land use class; the plan refers to a future zoning district that has not yet been created.*

The proposed zoning designation, R-1, is not a primary or secondary 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 Conservation Community future land use classification as follows: This classification is intended to provide an alternative type of development that preserves undisturbed natural areas, creates common open spaces, and has a light impact on the environment. It is ideally applied to undeveloped greenfield land that may be adjacent to sensitive environmental areas like wetlands and waterways.*

The proposed R-1 zoning is inconsistent with the Conservation Community land use classification found in the *2018 Comprehensive Plan*. However, as the least intense zoning district, this district best serves the goals of the plan given the current conditions.

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.

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 June 17, 2024. Should the Planning Commission desire to forward a positive recommendation to the 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. Recent annexations adjacent to the parcel were zoned under the R-1 designation despite sharing the same inconsistency with the Conservation Community future land use classification.

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-24-16] as submitted.

   OR

2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-24-16] as submitted.

   OR

3) I move (an alternate motion).

FILE NUMBER:	Z-24-16
Complete Submittal Date:	April 22, 2024

Notice Published:	May 2, 2024
Planning Commission:	May 21, 2024
First Reading:	June 17, 2024
Second Reading:	July 15, 2024

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION	
Date of Request: April 22, 2024	**Property PIN(S): 35105010021**
Property Owner(s): Rainier P. Lopez and Alena M. Lopez	**Type of Zoning Map Amendment: Petition for Annexation and Zoning**
Address or Location: TBD Little River Neck Rd	**Project Contact: Rainier Lopez**
Contact Phone Number: 6128057455	**Contact Email Address: RayAtTheBeach@yahoo.com**
Current County Zoning: CFA	**Proposed Zoning: R-1**
Total Area of Property: 0.98 Acres	**Approximate Population of Area to be Annexed: 0**

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: Rainier Lopez

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.

1018 2nd Avenue South · North Myrtle Beach, SC 29582 · Telephone: (843) 280-5566 · Facsimile: (843) 280-5581

Deed BK: 4742 PG: 1418 Doctype: 001 11/03/2023 at 12:22:25 PM, 1 OF 5 County Stamps: $253.00 State Stamps: $598.00 ELECTRONICALLY RECORDED Marion D. Foxworth III, Horry County, SC Registrar of Deeds

PREPARED BY:

ROBIN M. CIACCIO
306 MAIN STREET
CONWAY, SC 29526

SPACE ABOVE THIS LINE RESERVED FOR RECORDING INFORMATION

THE STATE OF SOUTH CAROLINA)
) **TITLE TO REAL ESTATE**
COUNTY OF HORRY)

KNOW ALL MEN BY THESE PRESENTS, That, I, **Avonda P. Streeter as Personal Representative of the Estate of Keslie Thomas Pridgen,** Horry County Probate Case File 2023ES2601417, herein referred to as the Grantor, for and in consideration of the sum of **Two Hundred Thirty Thousand and 00/100 Dollars ($230,000.00)** to me paid by **Rainier P. Lopez and Alena M. Lopez**, hereinafter Grantees, in the State aforesaid, the receipt and sufficiency whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantees, as joint tenants with the right of survivorship and not as tenants in common, their heirs, successors and assigns forever:

******SEE EXHIBIT "A" FOR PROPERTY DESCRIPTION******

TAX MAP NUMBER: **131-00-03-026**
PARCEL ID NUMBER: **351-05-01-0021**

GRANTEE'S ADDRESS: **5017 Gilbert Lane, North Myrtle Beach, SC 29582**

This conveyance is made subject to easements, restrictions, covenants, and conditions of record, including matters shown on recorded plats.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in any wise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said Grantees, as joint tenants with the right of survivorship and not as tenants in common, their heirs and assigns forever.

AND THE GRANTOR does hereby bind Grantor's heirs, executors and administrators, to warrant and forever defend all and singular the said premises unto the said Grantees, their heirs and assigns, against the Grantor and the Grantor's heirs and against every person whomsoever lawfully claiming or to claim, the same or any part thereof.

WITNESS My Hand and Seal this 12th day of **October, 2023.**

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness #1 Signature

Christopher Black

Witness #1 Print Name

Witness #2 Signature

Vickie M Cox

Witness #2 Print Name

Avonda P Streeter

AVONDA P. STREETER AS PERSONAL REPRESENTATIVE OF THE ESTATE OF KESLIE THOMAS PRIDGEN

THE STATE OF SOUTH CAROLINA)
)
COUNTY OF Richland **)**

ACKNOWLEDGEMENT

I, Vickie M Cox, a Notary Public do hereby certify that Avonda P. Streeter as Personal Representative of the Estate of Keslie Thomas Pridgen, the within named Grantor(s) personally appeared before me this day and acknowledged the due execution of the foregoing instrument. WITNESS my hand and official seal this 12th day of October, 2023.

Notary Public Signature
My Commission Expires: 1/31/27

Vickie M Cox
Notary Public Printed Name or Seal

EXHIBIT A

ALL AND SINGULAR all that certain tract of land situate, lying and being in Little River Township, County of Horry, State of South Carolina containing .98 Acres, more or less, as more particularly shown on that certain Map of .98 Acres of Land in Little River Township, Horry County, S.C. prepared for Keslie Pridgen by Terry M. Watson, R.L.S. dated April 16, 1984 and recorded June 5, 1984 in Plat Book 80 at Page 224 in the Office of the Register of Deeds for Horry County, South Carolina, reference being made thereto for a more complete and accurate description of the property.

This being the identical property as conveyed to Keslie Pridgen by Deed of Delbert Grainger dated January 8, 1974 and recorded on January 8, 1974 in Deed Book 505 at Page 289 in the Office of the Register of Deeds for Horry County, South Carolina.

TAX MAP NUMBER: 131-00-03-026
PARCEL ID NUMBER: 351-05-01-0021

STATE OF SOUTH CAROLINA)
) **AFFIDAVIT**
COUNTY OF HORRY)

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 located at TBD Little River Neck Road North Myrtle Beach, SC 29582, bearing Horry County Tax Map Number 131-00-03-026 and Parcel ID Number 351-05-01-0021, and was transferred by Avonda P. Streeter as Personal Representative of the Estate of Keslie Thomas Pridgen to Rainier P. Lopez and Alena M. Lopez on October 12th, 2023.

3. Check one of the Following: The Deed is

(a) XX 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 this affidavit); _____

(If exempt, please skip items 4-7, and go on 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 realty? Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):

(a) XX The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $230,000.00.
(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 XX 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: N/A.

6. The deed recording fee is computed as follows:

(a)	Place the amount listed in item 4 above here:	$230,000.00
(b)	Place the amount listed in item 5 above here: (If no amount is listed, place zero here.)	$ 0.00
(c)	Subtract line 6(b) from line 6(a) and place result here:	$230,000.00

7. The deed recording fee due is based on the amount listed on line 6(c) above and the deed recording fee due is: $851.00

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

9. I 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.

SWORN to before me this 12th day of October, 2023

Notary Public for South Carolina
My Commission Expires: 9/29/2026

Responsible Person Connected with the Transaction

Robin M. Ciaccio, P.A.
Print or type the above name here

JESSICA MORGAN
Notary Public - State of South Carolina
My Commission Expires September 29, 2026

HORRY COUNTY REGISTER OF DEEDS
TRANSMITTAL SHEET

T0 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: Murray Law Offices Little River

ADDRESS:
3775 Sea Mountain Hwy
Little River, SC 29566-7861

TELEPHONE: (843) 692-2840 FAX: (843) 692-2840

E-MAIL ADDRESS: sherrispeer@murraylaw.info

Related Document
(s):

PURCHASE PRICE / MORTGAGE AMOUNT: $ 230000.00

BRIEF PROPERTY DESCRIPTION: .98 Acres, more or less, Little River Township

TAX MAP NUMBER (TMS #) 131-00-03-026;PIN# 351-05-01-0021 **/ PIN NUMBER:** ,

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

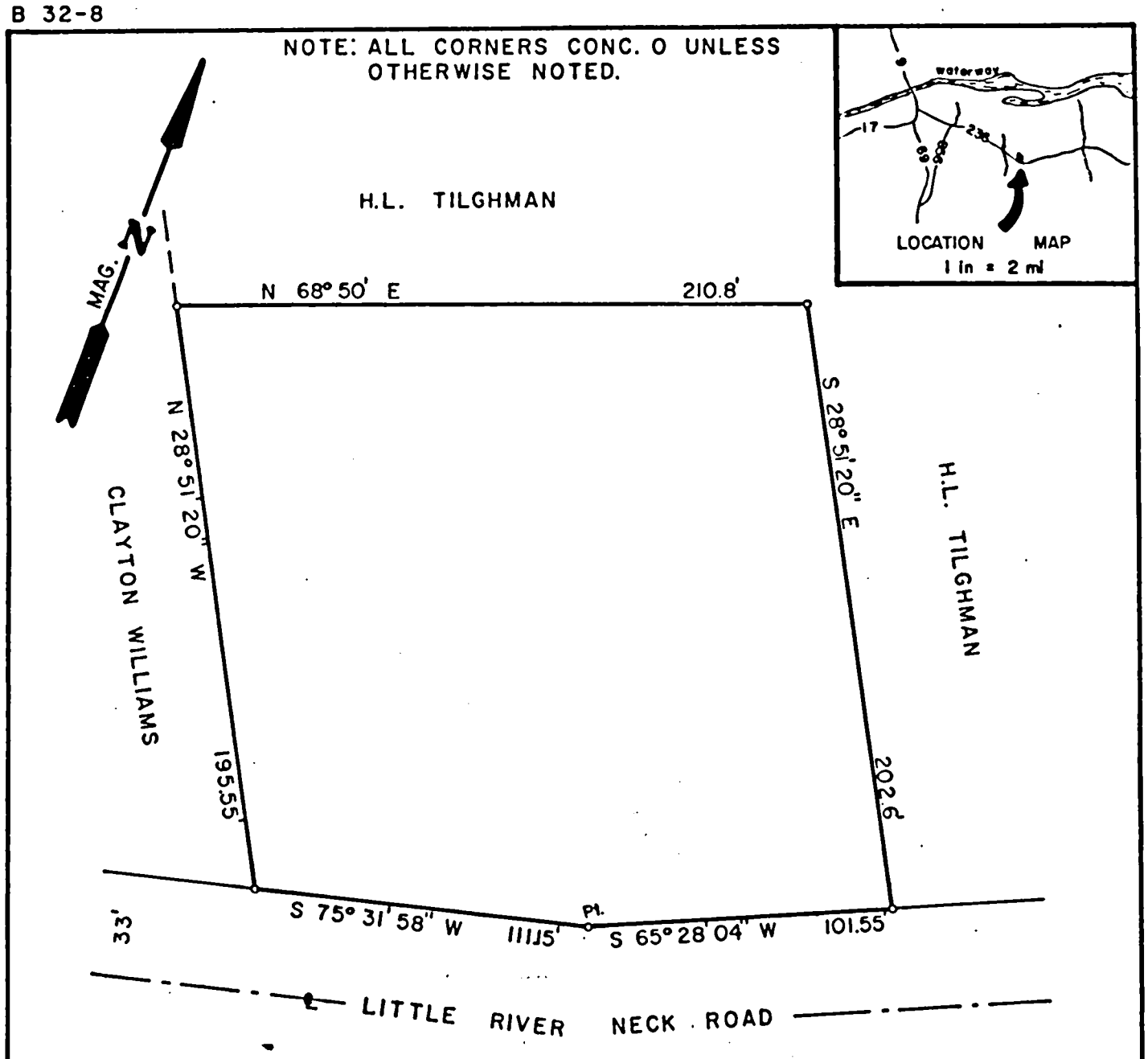
FULL BUSINESS NAME

1. **THE ESTATE OF KESLIE THOMAS PRIDGEN, BY AVONDA P. STREETER, PERSONAL REPRESENTATIVE**

GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):

	LAST NAME	FIRST NAME	MIDDLE NAME
1.	LOPEZ	RAINIER	P.
2.	LOPEZ	ALENA	M.

B 32-8



MAP

OF .98 ACRES OF LAND IN LITTLE RIVER TOWNSHIP, HORRY COUNTY S.C. SURVEYED FOR

KESLIE PRIDGEN

FILED
HORRY COUNTY
1984 JUN -5 PM 12: 10
BILLIE G. RICHARDSON
CLERK OF COURT

RE: MAP BY S.D. COX JR., R.L.S. FOR H.L. TILGHMAN. DATED SEPTEMBER 24, 1926.

APRIL 16, 1984

50 25 0 50 100
1" = 50"

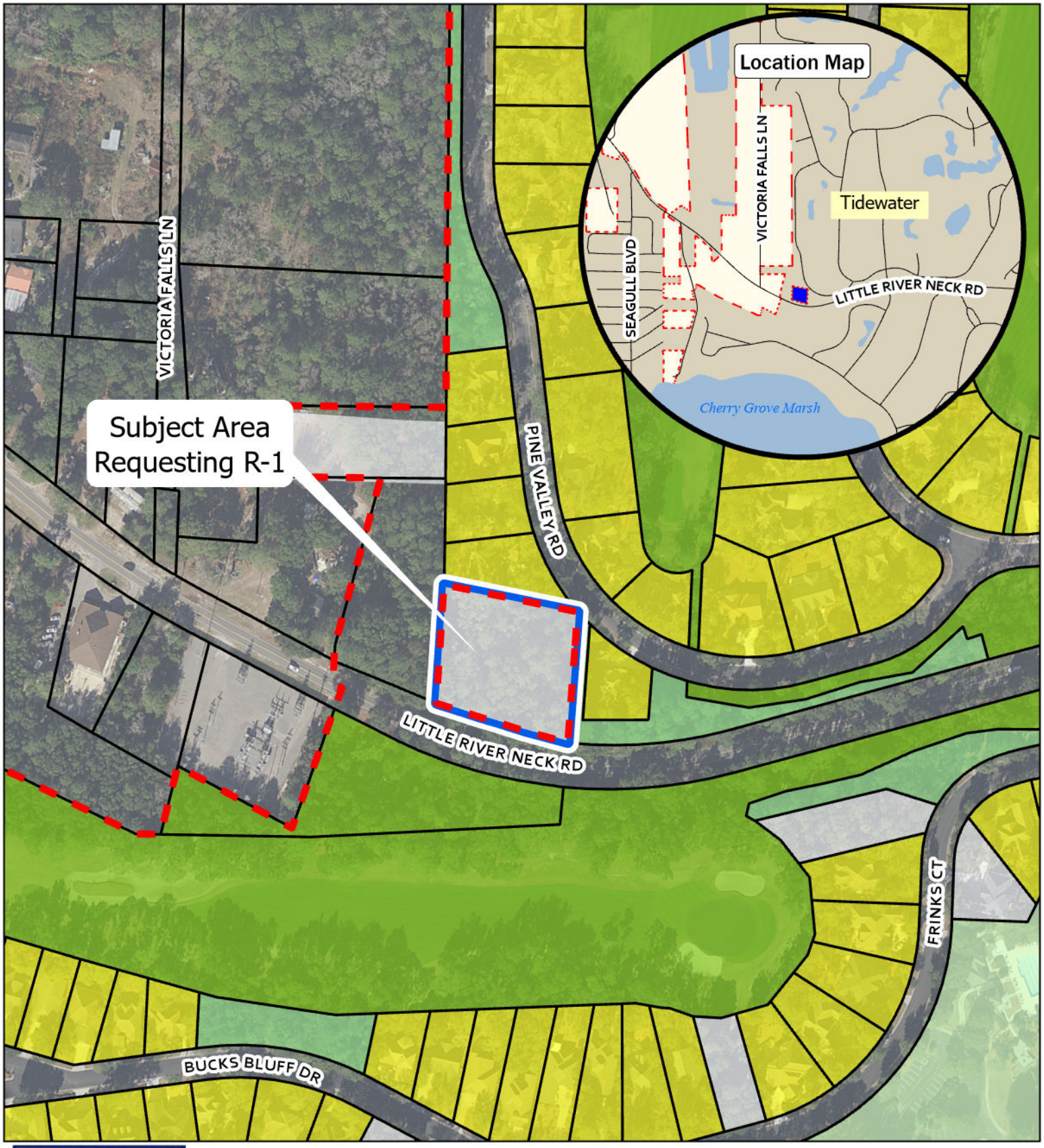
"I hereby certify that the ratio of precision of the field survey is 1:5000 as shown hereon and the area was determined by the DMD method of area calculation."

Terry M. Watson R.L.S. NO. 7168

Terry M. Watson, R.L.S.
Land Surveying, Inc.

1520 4th. Avenue
Conway, S.C. 29526

TMS 131-00-03-026



THE CITY OF NORTH MYRTLE BEACH SOUTH CAROLINA

Legend

North Myrtle Beach City Limit

Subject Area

Existing Land Use

Amenity Area

Common Open Space

Golf Course

Mobile Home

Single-Family

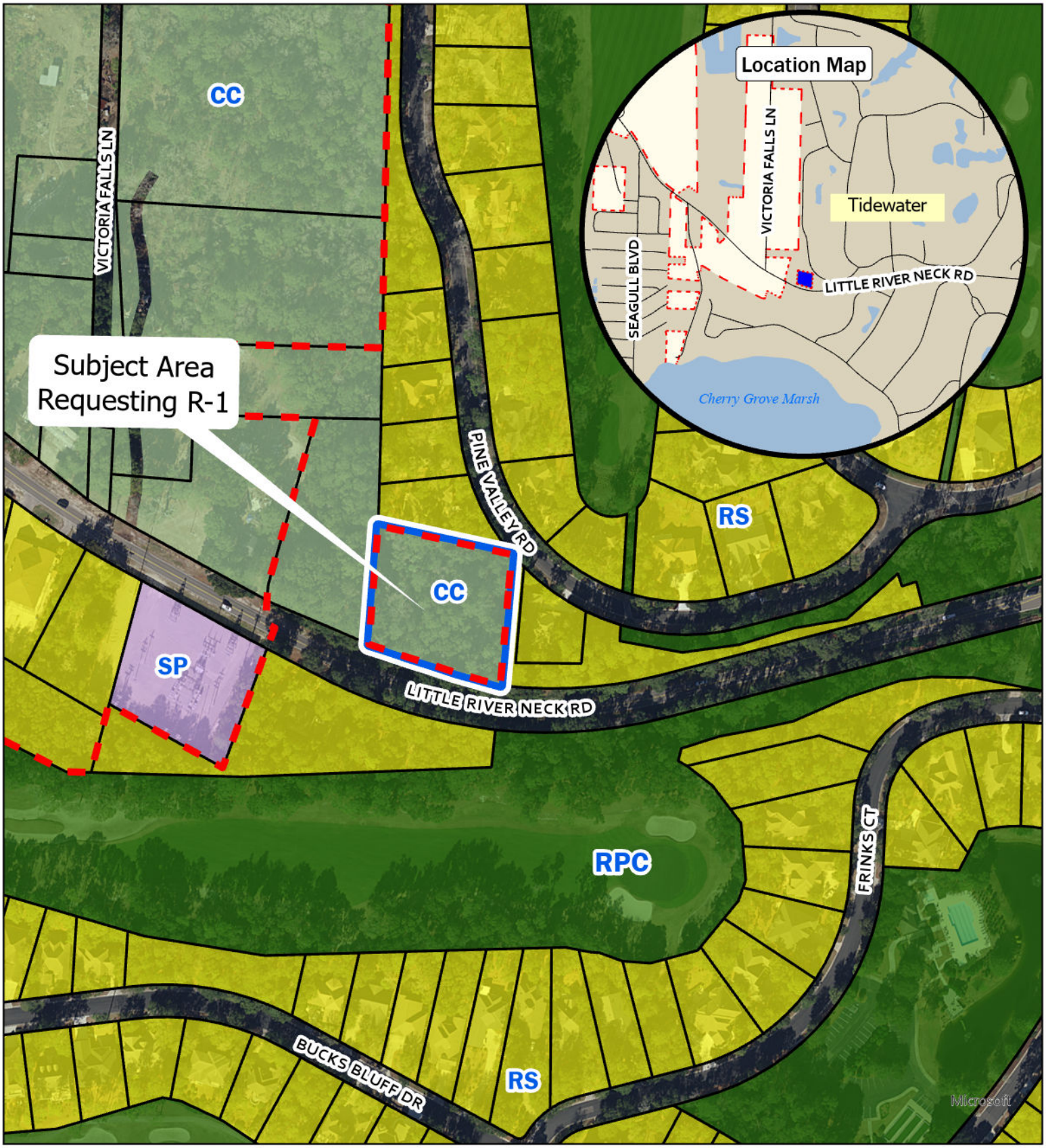
Vacant

0 100 200 Feet

User: arelmadolar

Path: \\nmbplan\PDGIS\2024\2024-016 Z-24-16 LRNR\Z-24-16.aprx

Existing Land Use



THE CITY OF NORTH MYRTLE BEACH SOUTH CAROLINA

Legend

North Myrtle Beach City Limit

Subject Area

Future Land Use

- CC
- RPC
- RS
- SP

0 100 200 Feet

User: arelmadolar

Path: \\nmbplan\PDGIS\2024\2024-016 Z-24-16 LRNR\Z-24-16.aprx

Future Land Use