

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: September 16, 2024

Agenda Item: 7B	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: September 11, 2024
Subject: Petition for Annexation and Zoning Designation for ±13.32 acres on Tom E. Chestnut Road [Z-24-28]	Division: Planning and Development

Background:

David O’Connell, agent for the owners, has petitioned the City of North Myrtle Beach to annex ±13.32 acres on Tom E. Chestnut Road identified by PINs 357-02-03-0028 and 357-03-04-0004. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Low-Medium Density (R-1B) 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 Tom E. Chestnut Road, the parcel is vacant and undeveloped with a large stormwater ditch bisecting the property. Surrounding parcels within City limits are zoned Single-Family Residential Low-Medium (R-1A), R-1B, Inland Multifamily Residential (R-4I), and Planned Development District (PDD); surrounding county parcels are zoned Single-Family 6 (SF 6). Upon annexation, the parcel would be designated R-1B as per Exhibit A: Zoning Map Z-24-28, 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-1B Zoning:

	Single-family Dwelling	Churches	Other Permitted Uses
Minimum Site Area	6,000 SF	1 Acre	7,000 SF
Minimum Lot Width	50 feet	NA	NA
Minimum Yards:	Front	25 feet	25 feet
	Side	5 feet	10 feet
	Rear	20 feet	25 feet
Maximum Impervious Surface Ratio	50%	60%	50%
Maximum Building Height	35 feet	45 feet	25 feet

Notes: A dwelling unit shall not contain more than five bedrooms/sleeping areas of not more than 300 SF each.

R-1B 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 August 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 ±13.32 ACRES
IDENTIFIED BY PINS 357-02-03-0028 AND 357-03-04-0004.**

WHEREAS, David O’Connell, agent for the owners, has petitioned the City of North Myrtle Beach for annexation of ±13.32 acres consisting of the following parcel PINs 357-02-03-0028 and 357-03-04-0004 as referenced on Exhibit A: Zoning Map Z-24-28, 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 Low-Medium Density (R-1B) 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 property identified by PINs 357-02-03-0028 and 357-03-04-0004 (the “Annexed Property”), consisting of approximately ±13.32 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 Low-Medium Density (R-1B).

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

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

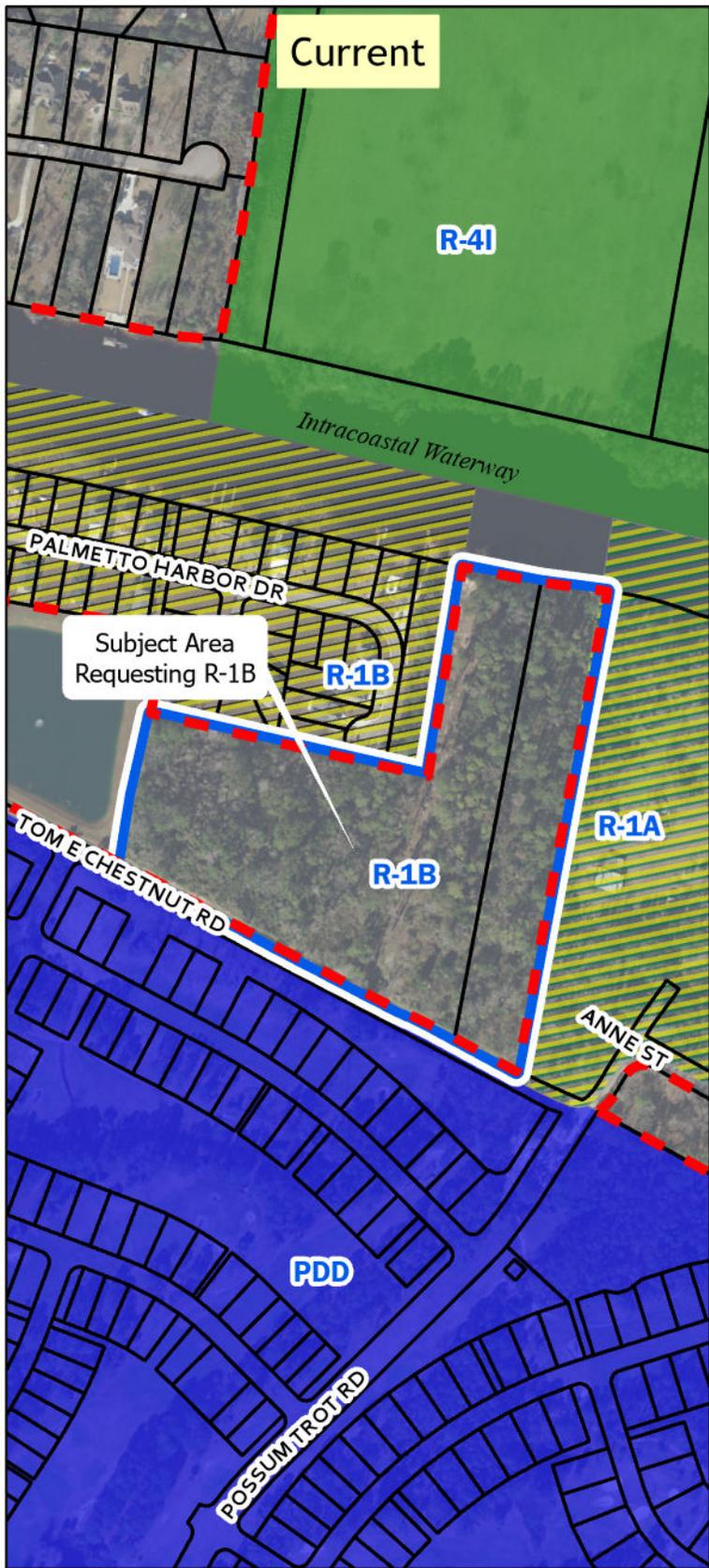
City Attorney

FIRST READING: 9.16.2024
SECOND READING: _____

REVIEWED:

City Manager

ORDINANCE: _____

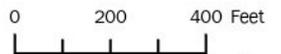


Legend

-  North Myrtle Beach City Limit
-  Subject Area
-  PDD
-  R-1A
-  R-1B
-  R-4I



Exhibit A: Zoning Map Z-24-28



6C. ANNEXATION & ZONING DESIGNATION Z-24-28: City staff received a petition to annex ±13.32 acres on Tom E. Chestnut Road identified by PINs 357-02-03-0028 and 357-03-04-0004. The lots are 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 Low-Medium Density (R-1B) 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 Tom E. Chestnut Road, the parcel is vacant and undeveloped, but a large stormwater ditch bisects the property. Surrounding parcels within City limits are zoned Single-Family Residential Low-Medium (R-1A), R-1B, Inland Multifamily Residential (R-4I), and Planned Development District (PDD); surrounding county parcels are zoned Single-Family 6 (SF 6).

Proposed R-1B Zoning

		Single-family Dwelling	Churches	Other Permitted Uses
Minimum Site Area		6,000 SF	1 Acre	7,000 SF
Minimum Lot Width		50 feet	NA	NA
Minimum Yards:	Front	25 feet	25 feet	25 feet
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	Rear	20 feet	25 feet	25 feet
Maximum Impervious Surface Ratio		50%	60%	50%
Maximum Building Height		35 feet	45 feet	25 feet
Notes: A dwelling unit shall not contain more than five bedrooms/sleeping areas of not more than 300 SF each.				

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 Marina Mixed-Use as a land use class for the subject area. The principal permitted uses noted in the compliance index include marinas and related uses (docks, dock facilities, storage areas, housing, and restaurants or retail where appropriate). The recommended primary zoning districts are General Commercial (GC) or Limited Industrial (LI); Single-Family Residential Low-Density (R-1), R-1A, Medium Density Residential (R-2), Mid-Rise Multifamily Residential (R-2A), or Resort Residential (R-4) are the secondary zoning district alternatives.

The proposed zoning designation, R-1B (Single-Family Low-Medium Density), is not 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 Marina Mixed-Use future land use classification as follows: The Intracoastal Waterway has become the second busiest area for development in recent years. Development along the waterway can support various marine related uses like docks, dock facilities, storage areas, housing, and restaurants or retail where it’s appropriate. Looking towards future potential annexation west of the waterway, and existing land use patterns along it in the city, a mixed marina district defines those areas where marinas and related uses would complement existing land use.

The proposed R-1B zoning is inconsistent with the Marina Mixed-Use 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-1B 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-1B district would be appropriate in the area given the surrounding residential uses.

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:

Access is subject to road extension by developer per city standards and Horry County encroachment permit approval for any driveways on Tom E. Chestnut Road.

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 with extension provided by the developer.

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 September 16, 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 notes that the proposed zoning is inconsistent with the Future Land Use map, which calls for Marina Mixed Use. However, the residential development in the area since the last comprehensive plan update gives justification for approval using rationale (c) above, to recognize substantial change or changing conditions or circumstances in a particular locality.

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-24-28] as submitted.

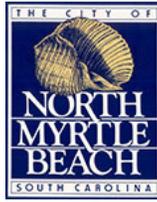
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-24-28] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-24-28
Complete Submittal Date:	July 23, 2024



Notice Published:	August 1, 2024
Planning Commission:	August 20, 2024
First Reading:	September 16, 2024
Second Reading:	October 7, 2024

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

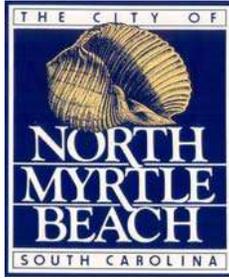
GENERAL INFORMATION

Date of Request: July 23, 2024	Property PIN(S): 35702030028, 35703040004
Property Owner(s): WHITE WILLIAM TRAYWICK SR (LE), RIDOUT SHELLEY S & MARTHA J ADAMS	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 13+/- Acres (9.42+/- & 3.9+/-) on Tom E Chesnut Rd next to Palmetto Harbor	Project Contact: David O'Connell
Contact Phone Number: 8434555500	Contact Email Address: mroceanfront@yahoo.com
Current County Zoning: CFA	Proposed Zoning: R-1B
Total Area of Property: 13.32 Acres	Approximate Population of Area to be Annexed:

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: David O'Connell

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.



CITY OF NORTH MYRTLE BEACH
LETTER OF AGENCY

Revision Date 05.24.19

Today's Date: 07/18/20

Nature of Approval Requested: Petition for Annexation and Zoning

Property PIN(s): 35702030028, 35703040004

Property Address/Location: Tom E. Chestnut Dr

I, William Traywick White Sr, hereby authorize David OConnell

to act as my agent for for the purposes of the above referenced approval.

DocuSigned by:

William Traywick White Sr 03 PM CDT

Signature

Signature

William Traywick White Sr

Title

Title

DocuSigned by:

William Traywick White Jr 12:59 PM CDT

Signature

Signature

William Traywick White Jr

Title

Title

DocuSigned by:

Jody White Baxley 2024 | 9:16 PM CDT

Signature

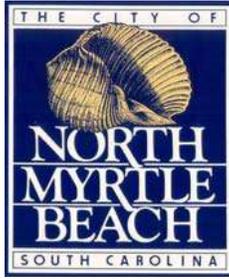
Signature

Jody white Baxley

Title

Title

Please have all property owners sign application; disregard additional spaces if not needed. If additional signature lines are required, please duplicate this sheet and bind all sheets together into one document.



CITY OF NORTH MYRTLE BEACH
LETTER OF AGENCY

Revision Date 05.24.19

Today's Date: 07/18/20

Nature of Approval Requested: Petition for Annexation and Zoning

Property PIN(s): 35702030028, 35703040004

Property Address/Location: Tom E. Chestnut Dr

I, RIDOUT SHELLEY S & MARTHA J ADAMS, hereby authorize David OConnell

to act as my agent for for the purposes of the above referenced approval.

DocuSigned by:

Shelley Ridout

B1CA81C81803465...
Signature

Shelley Ridout

Title

Signature

Title

Signature

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Signature

Title

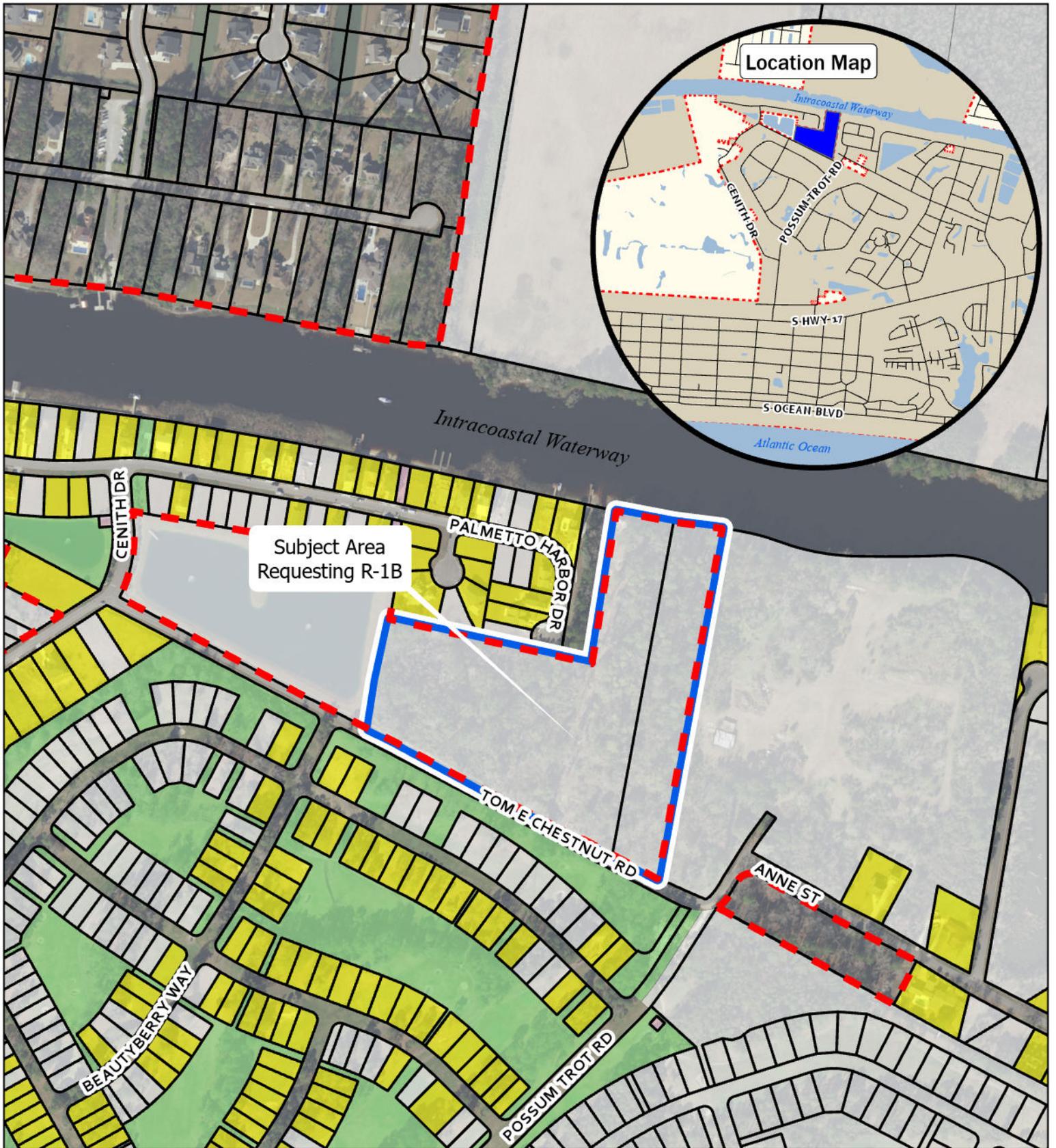
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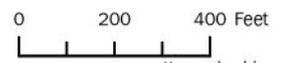
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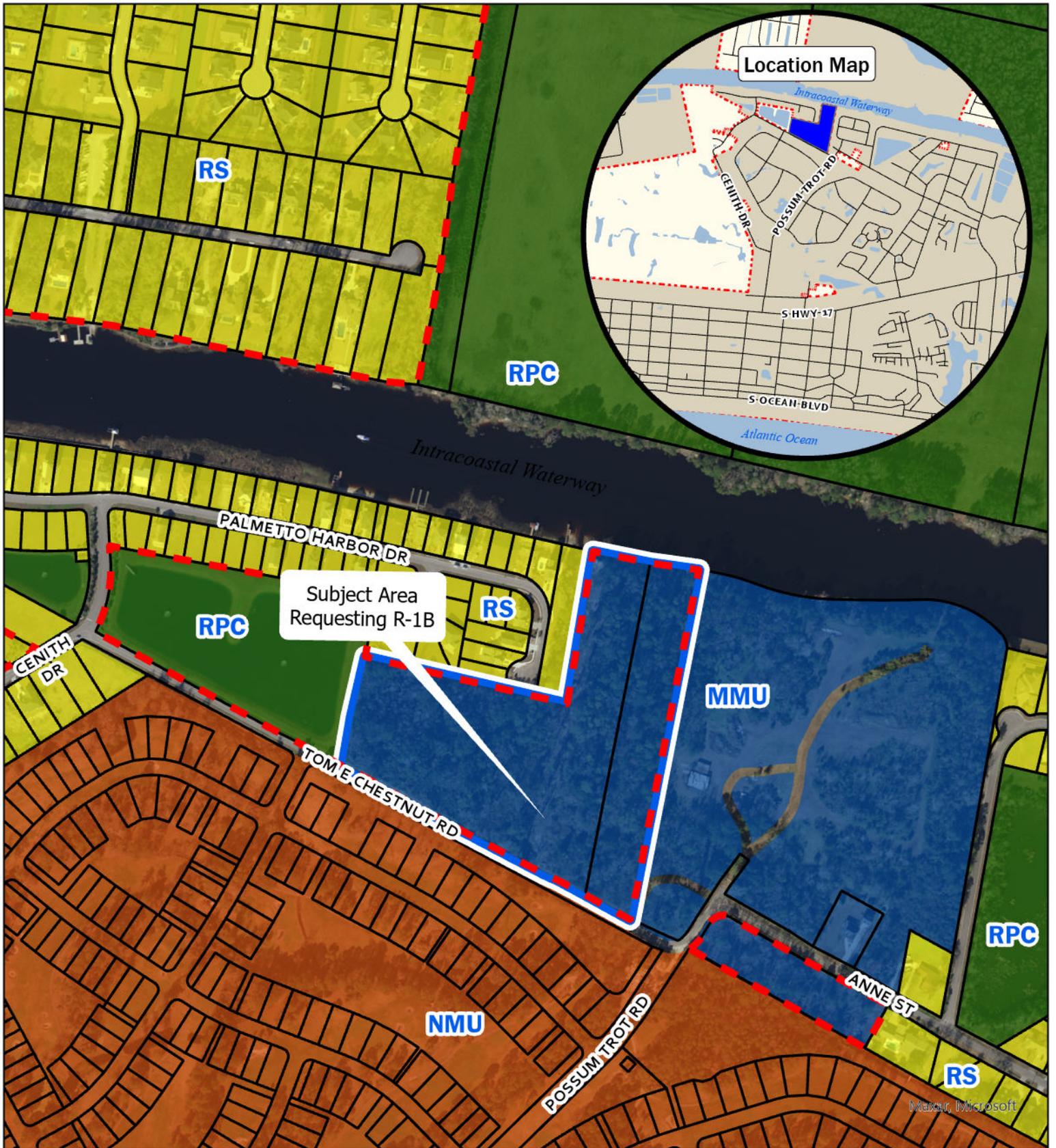


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|-------------------------------|--|---------------------------|--------|
| North Myrtle Beach City Limit | Existing Land Use
Common Open Space | Private Common Open Space | Vacant |
| Subject Area | Single-Family | | |



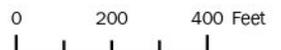
Existing Land Use





Legend

- | | | | |
|---|-------------------------------|---|---------------------|
|  | North Myrtle Beach City Limit |  | Future Land Use MMU |
|  | Subject Area |  | NMU |
| | |  | RPC |
| | |  | RS |



Future Land Use