REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: December 2, 2024

Agenda Item: 6A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: November 19, 2024
Subject: Petition for Annexation and Zoning Designation for ±58.3 acres at the intersection of Highway 22 and Highway 31 [Z-24-24]	Division: Planning and Development

History:

On July 18, 2023, the Planning Commission recommended approval for a similar proposal and petition for annexation and zoning to the planned development district (PDD) involving this parcel. However, the petition did not receive approval from the City Council. Additionally, a previous development proposal for this parcel from February 2012 also failed to gain City Council approval.

Background:

Robert S. Guyton, registered agent for the owner, Blu Water Investments LLC, has petitioned the City of North Myrtle Beach to annex ±58.3 acres on Riverside Drive identified by PIN 359-00-00-0005. 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 at the intersection of Highway 22 and Highway 31, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned PDD within the Barefoot Resort PDD and Parkway Group PDD; surrounding county parcels are zoned CFA. Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map Z-24-24, 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 held a public hearing on October 22, 2024, and voted to recommend denial of the annexation and zoning designation due to significant concerns regarding stormwater. Public opposition to the project was substantial, with many residents attending both the October 22, 2024, workshop and meeting, as well as submitting letters expressing their objections. Key concerns raised by the community included unresolved stormwater issues associated with Outfall Two in the Tuscan Sands neighborhood, increased traffic, habitat preservation, and questions regarding the development's benefits to the community beyond the developer's interests.

Recommended Action:
Approve or deny the proposed ordinance on second reading

Reviewed by Department Head	Reviewed by Acting City Manager	Reviewed by City Attorney

Council Action:
Motion By_____ 2nd By_____ To_____

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH ANNEXING ±58.3 ACRES IDENTIFIED BY PIN 359-00-00-0005.

WHEREAS, Robert S. Guyton, registered agent of the owner, Blu Water Investments LLC, has petitioned the City of North Myrtle Beach for annexation of ±58.3 acres consisting of the following parcel PIN 359-00-00-0005 as referenced on Exhibit A: Zoning Map Z-24-24, 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.

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 359-00-00-0005 (the "Annexed Parcel"), consisting of approximately ±58.3 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:

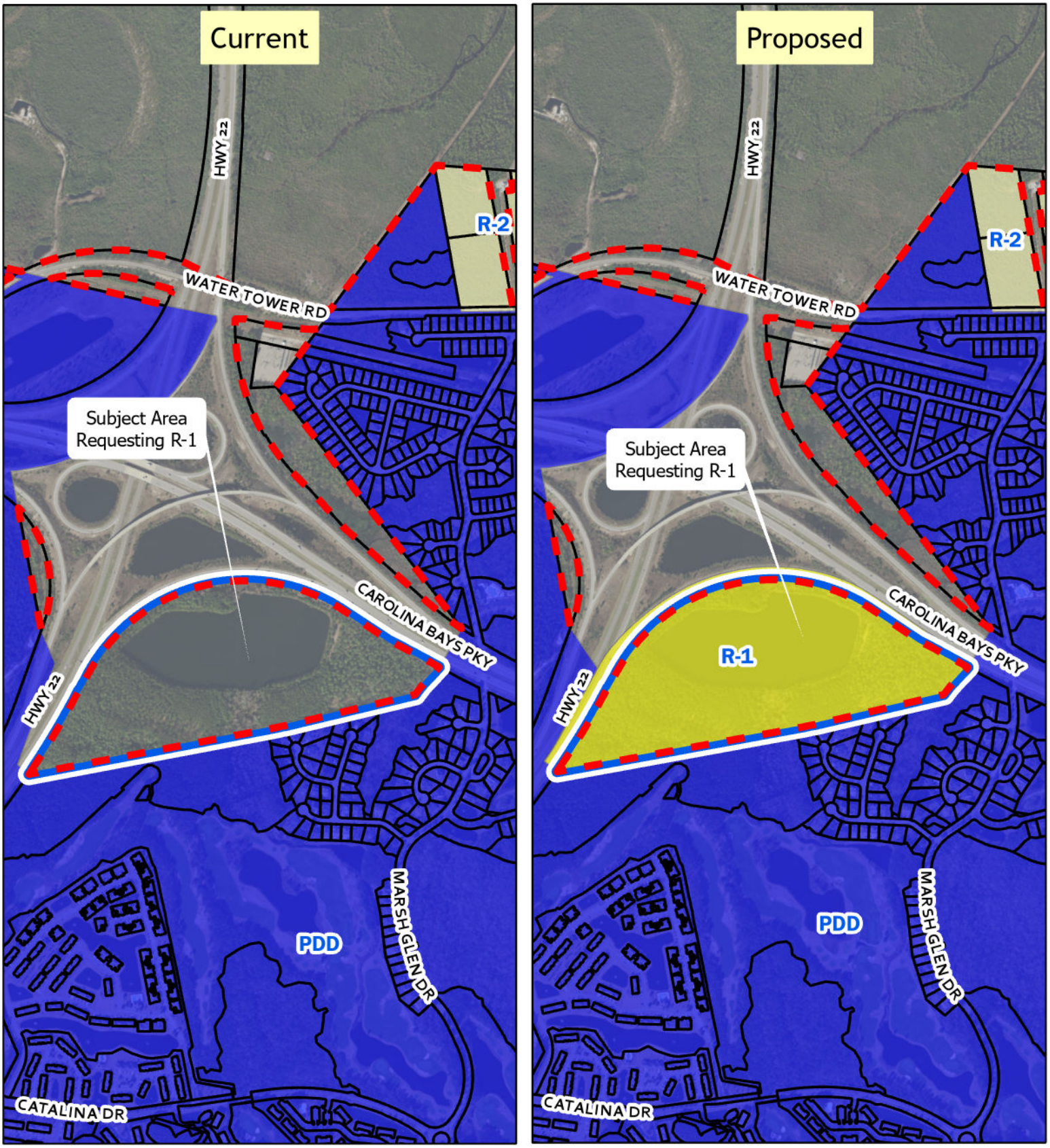
_____
City Attorney

REVIEWED:

_____
Acting City Manager

FIRST READING: 11.4.2024
SECOND READING: 12.2.2024

ORDINANCE: 24-46



Legend

North Myrtle Beach City Limit

Subject Area

Zoning District

PDD

R-1

R-2

Exhibit A: Zoning Map Z-24-24

0 500 1,000 Feet

User: arelmadolar

Path: \\nmbplan\PDGIS\2024\2024-021 Z-24-24 Blu Water\Z-24-24 Blu Water.aprx

5A. ANNEXATION & ZONING DESIGNATION Z-24-24: City staff received a petition to annex ±58.3 acres at the intersection of Highway 22 and Highway 31 identified by PIN 359-00-00-0005. 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.

History:
On July 18, 2024, the Planning Commission recommended approval for a petition for annexation and zoning to planned development district (PDD) involving this parcel. The petition failed to receive approval from City Council. This item was postponed by Planning Commission at the July 16 meeting to allow the applicant time to coordinate with the Barefoot neighborhood.

Existing Conditions and Surrounding Land Uses:
The subject property is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned CFA under Horry County jurisdiction. Located at the intersection of Highway 22 and Highway 31, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned PDD within the Barefoot Resort PDD and Parkway Group PDD; surrounding county parcels are zoned CFA.

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
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Maximum Impervious Surface Ratio		40%	60%	40%
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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 § 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 Resource, Protection, & Conservation (RPC) as a land use class for the subject area. The principal permitted uses noted in the compliance index include formal parks, informal open spaces, and protecting land directly adjacent to marshes, estuaries, and waterways from intense development. The recommended primary zoning district is Conservation Protection (CP); Single-Family Residential Low-Density (R-1), Single-Family Residential Low-Medium (R-1A), and R-1B Single-Family Low-Medium Density (R-1B) are the secondary zoning district alternatives.*

The proposed zoning designation, R-1, is a recommended secondary zoning district in the Comprehensive Plan.

b) Whether the request violates or supports the Plan:

Chapter 5, "The Way We Grow," of the 2018 Comprehensive Plan identifies the Resource, Protection, & Conservation future land use classification as follows: Areas with this designation are intended to preserve and protect scenic and natural resources for future generations. This includes protecting land directly adjacent to the marshes, estuaries and waterways from intense development. These areas also provide a network of critical open space and non-renewable resources. Formal parks and informal open spaces are included here.

The proposed R-1 zoning is inconsistent with the Resource, Protection, & Conservation land use classification found in the 2018 Comprehensive Plan. However, Highways 22 and 31 effectively isolate the habitat fragments of any on-site natural areas on this parcel, cutting it off from larger adjacent conservation areas and calling into question the effectiveness of resource protection and conservation on this parcel.

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 as the adjacent land uses in the neighboring Barefoot Resort PDD are very similar to the R-1 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 to Marsh Glen Road subject to City review and approval. Extension of public or private rights-of-way subject to City review.

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 available with extensions by developer subject to City review and approval.

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 November 4, 2024. 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 but notes that because of the close relationship with the proposed PDD amendment, any recommendation between the two items should be consistent.

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-24-24] as submitted.

   OR

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

   OR

3) I move (an alternate motion).

FILE NUMBER:	Z-24-24
Complete Submittal Date:	June 21, 2024

Notice Published:	June 27, 2024
Planning Commission:	July 16, 2024
First Reading:	August 19, 2024
Second Reading:	September 16, 2024

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION	
Date of Request: June 24, 2024	**Property PIN(S): 35900000005**
Property Owner(s): Blu Water Investments, LLC	**Type of Zoning Map Amendment: Petition for Annexation and Zoning**
Address or Location: Intersection of Marsh Glen Drive, SC Hwy. 22 and SC Hwy. 31	**Project Contact: Robert Guyton**
Contact Phone Number: 8438392100	**Contact Email Address: rsguyton@guytonlawfirm.com**
Current County Zoning: CFA	**Proposed Zoning: R-1**
Total Area of Property: 59.35 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: Robert Guyton

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

LETTER OF AGENCY

To: City of North Myrtle Beach

Re: Horry County PIN No.: 359-00-00-0005

Property Location: Intersection of S. C. Highway 22 and S. C. Highway 31.

Property Owners: Blu Water Investments LLC (Fee Simple Owner)

In connection with the above referenced property, I hereby appoint the person shown below as my agent for purposes of filing such applications for annexation, zoning and zoning amendments, including PDD Amendments, Development Agreements, site plans, rights-of-way, and for purposes of signing for recordation any combination plats and subdivision plats for the above referenced properties as may be required.

Authorized Agent: Robert S. Guyton of Robert S. Guyton, P.C. and Development Resource Group, LLC

Agent's Address: Guyton: 4605 B Oleander Drive, Suite 202
Myrtle Beach, SC 29577

DRG: 4703 Oleander Drive
Myrtle Beach, SC 29577

Agent's Telephone: Guyton: (843) 839-2100

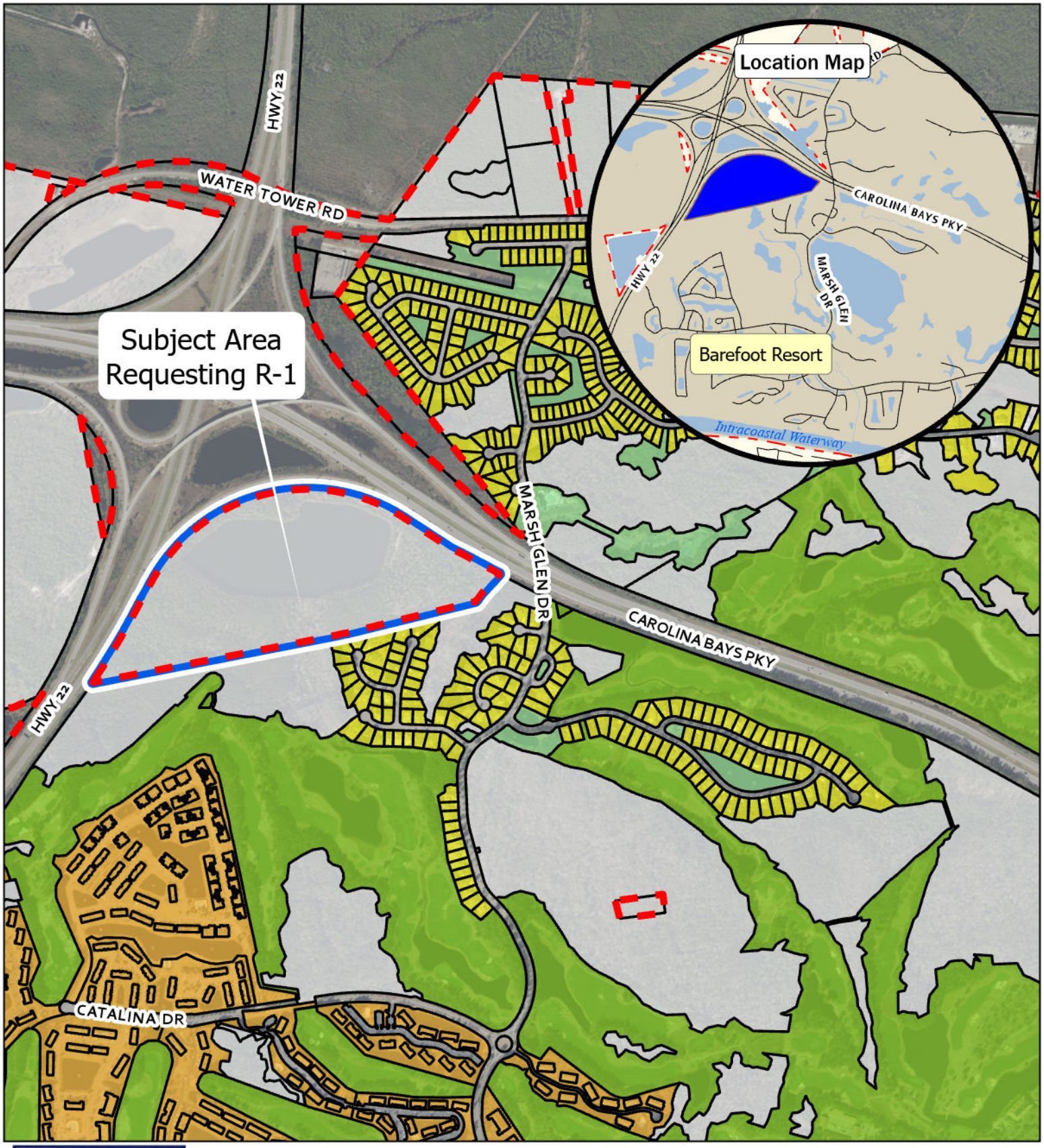
DRG: (843) 839-3350

FEE SIMPLE OWNER:

BLU WATER INVESTMENTS, LLC

By: _____
Name: _____
Title: _____

1204 Sunset Farms Road
Whittier, NC 28789
Phone: _____



THE CITY OF NORTH MYRTLE BEACH SOUTH CAROLINA

Legend

- North Myrtle Beach City Limit
- Subject Area

Existing Land Use

- Common Open Space
- Golf Course
- Mobile Home
- Multi-Family
- Private Common Open Space
- Single-Family
- Town House
- Vacant

Existing Land Use

0 500 1,000 Feet

User: arelmadolar

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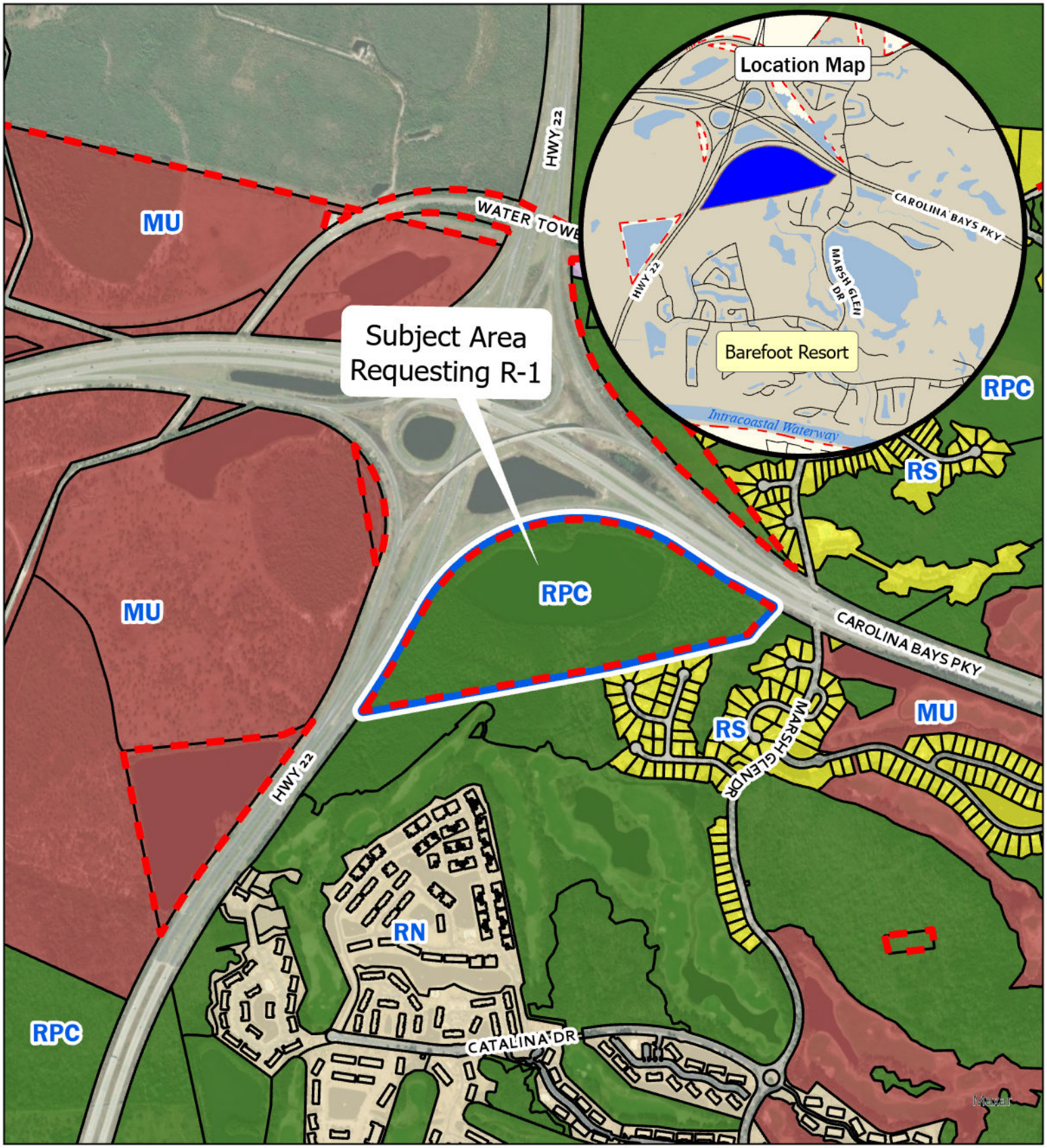

THE CITY OF NORTH MYRTLE BEACH SOUTH CAROLINA

Legend

- North Myrtle Beach City Limit
- Subject Area

Future Land Use

- MU
- RN
- RPC
- RS
- SP

0 500 1,000 Feet

User: arelmadolar
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Future Land Use

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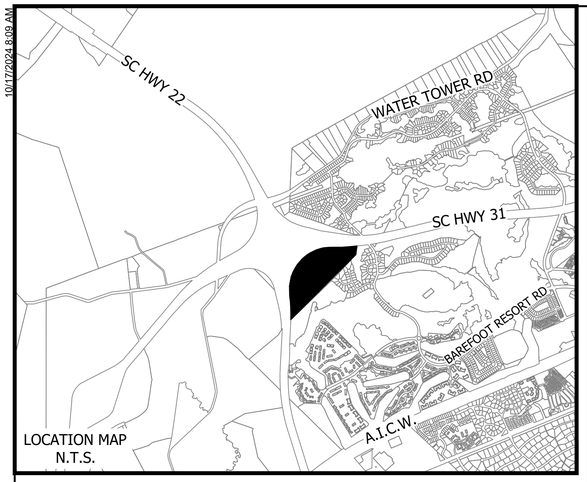


LOCATION MAP
N.T.S.

SITE DATA:

OWNER: BLU WATER INVESTMENTS, LLC

PARCEL: 359-00-00-0005 (Horry County, CFA)

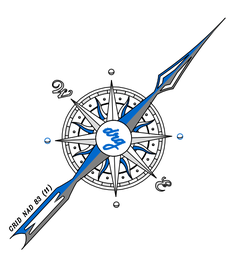
TOTAL AREA FOR ANNEXATION: 58.3± ACRES
EXISTING POND AREA: 19.8 ± ACRES

PROPOSED ZONING (Sec. 23.18): R-1
PROPOSED USE: SINGLE FAMILY DWELLINGS

ADJOINING RESIDENTIAL LOT BUFFER: 125'

DEVELOPMENT STANDARDS
MINIMUM LOT AREA: 10,000 sq.ft.
MINIMUM LOT WIDTH: 80'
MAXIMUM BUILDING HEIGHT: 35'
MAXIMUM IMPERVIOUS SURFACE: 40%

SETBACKS
FRONT: 25'
REAR: 20'
SIDE: 10'



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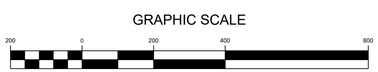

(IN FEET)
1 inch = 200 ft.

drg

DEVELOPMENT RESOURCE GROUP, LLC
4703 OLEANDER DRIVE
MYRTLE BEACH, SC 29577
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ANNEXATION MAP

BAREFOOT LAKES

JOB NO:	22.158
SCALE:	1"=200'
DRAWN BY:	PTH
DATE:	10/17/2024

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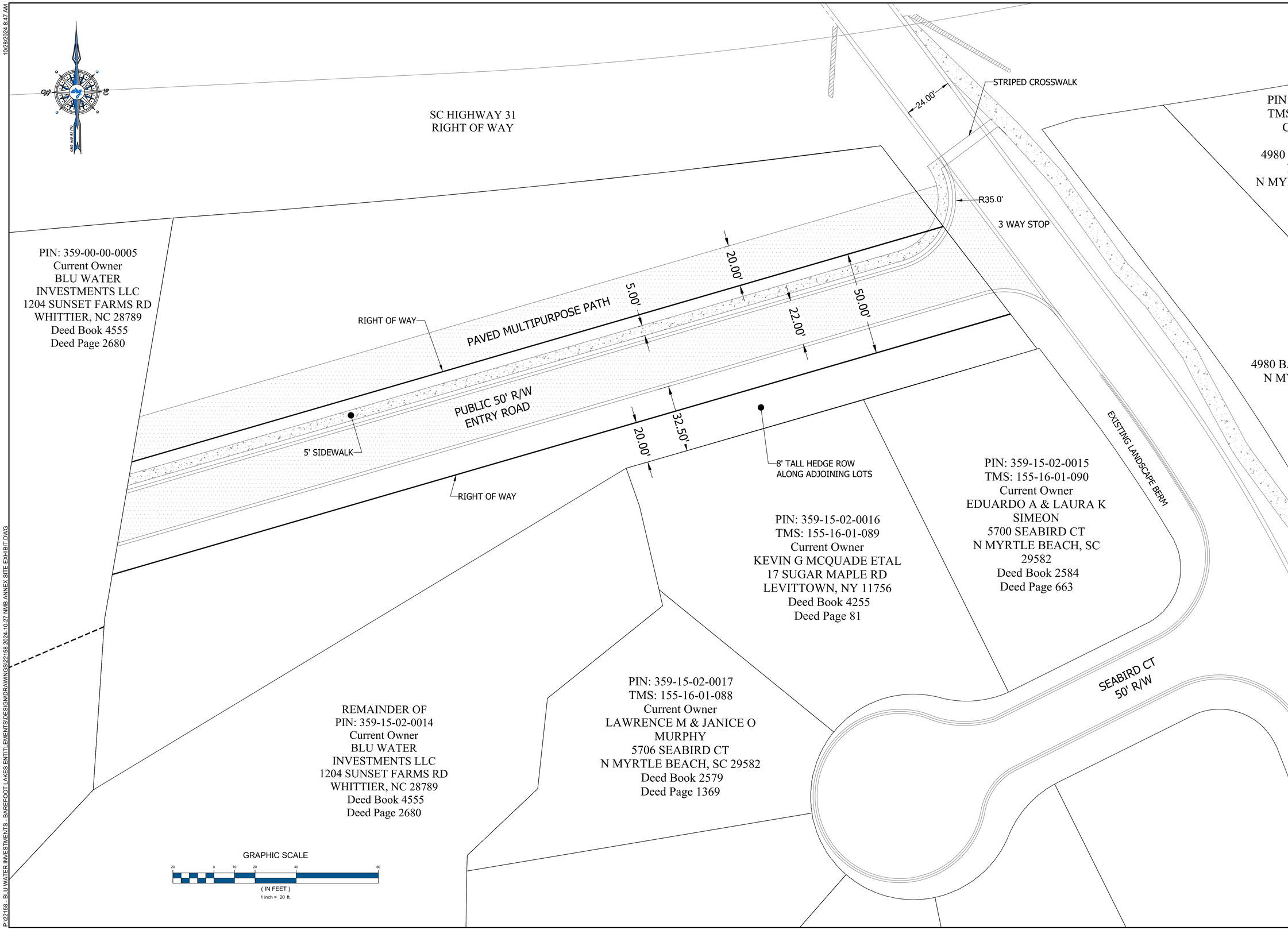

drg
DEVELOPMENT RESOURCE GROUP, LLC
1101 JOHNSON AVENUE, SUITE 300A
MYRTLE BEACH, SC 29577
843-839-3350 | DRGPLLC.COM

MASTER SITE PLAN

BAREFOOT LAKES

SCALE:	1"=20'
DATE:	10/28/2024
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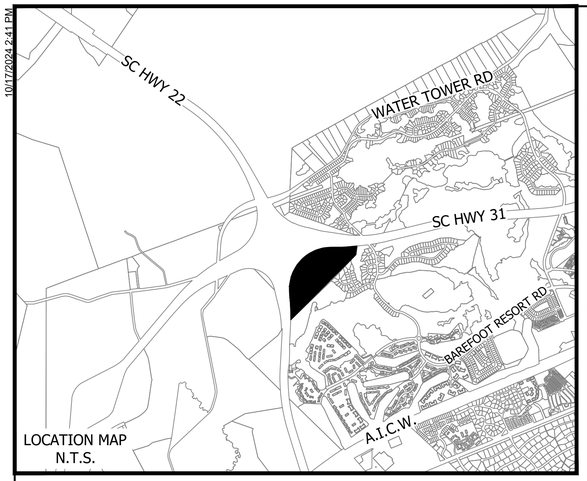
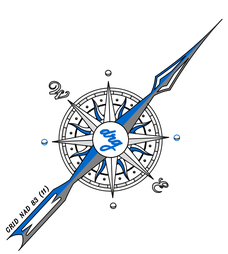


LOCATION MAP
N.T.S.



GRAPHIC SCALE

(IN FEET)
1 inch = 200 ft.

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BUFFER EXHIBIT

BAREFOOT LAKES

JOB NO:	22.158
SCALE:	1"=200'
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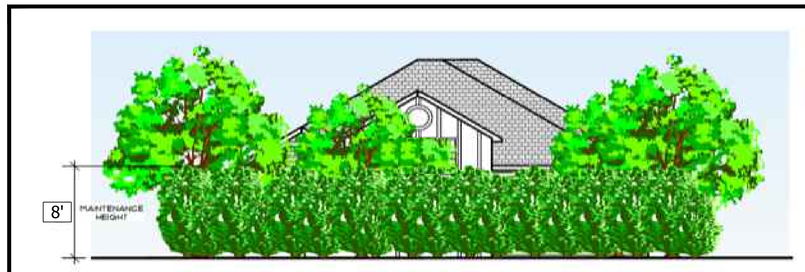

8' TALL HEDGE ROW LANDSCAPED BUFFER

NOTE:
NO INVASIVE SPECIES.
NATIVE SPECIES PREFERRED.
PLANTINGS TO BE 8' AT TIME OF PLANTING.

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VEGETATIVE SUPPLEMENT EXHIBIT

BAREFOOT LAKES

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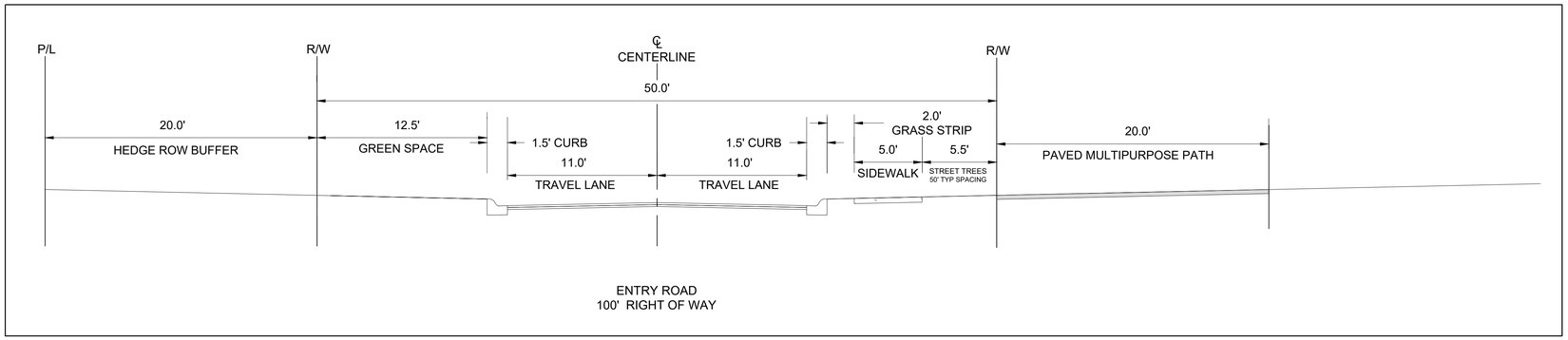

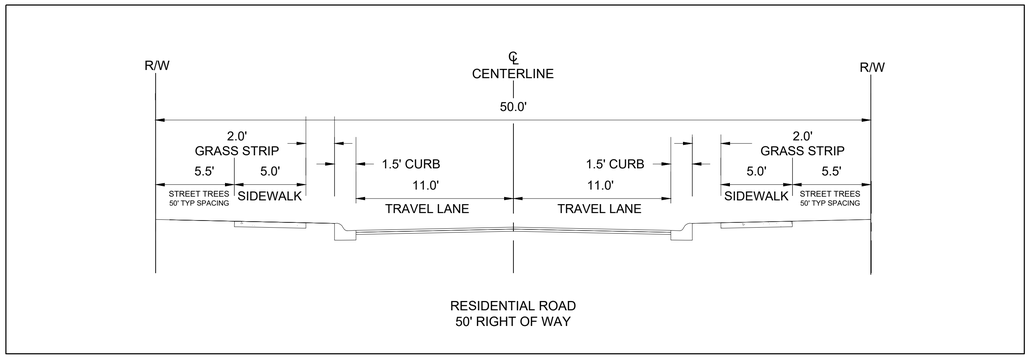

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ROADWAY SECTIONS

BAREFOOT LAKES

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DATE:	10/27/2024
EXHIBIT NUMBER:	

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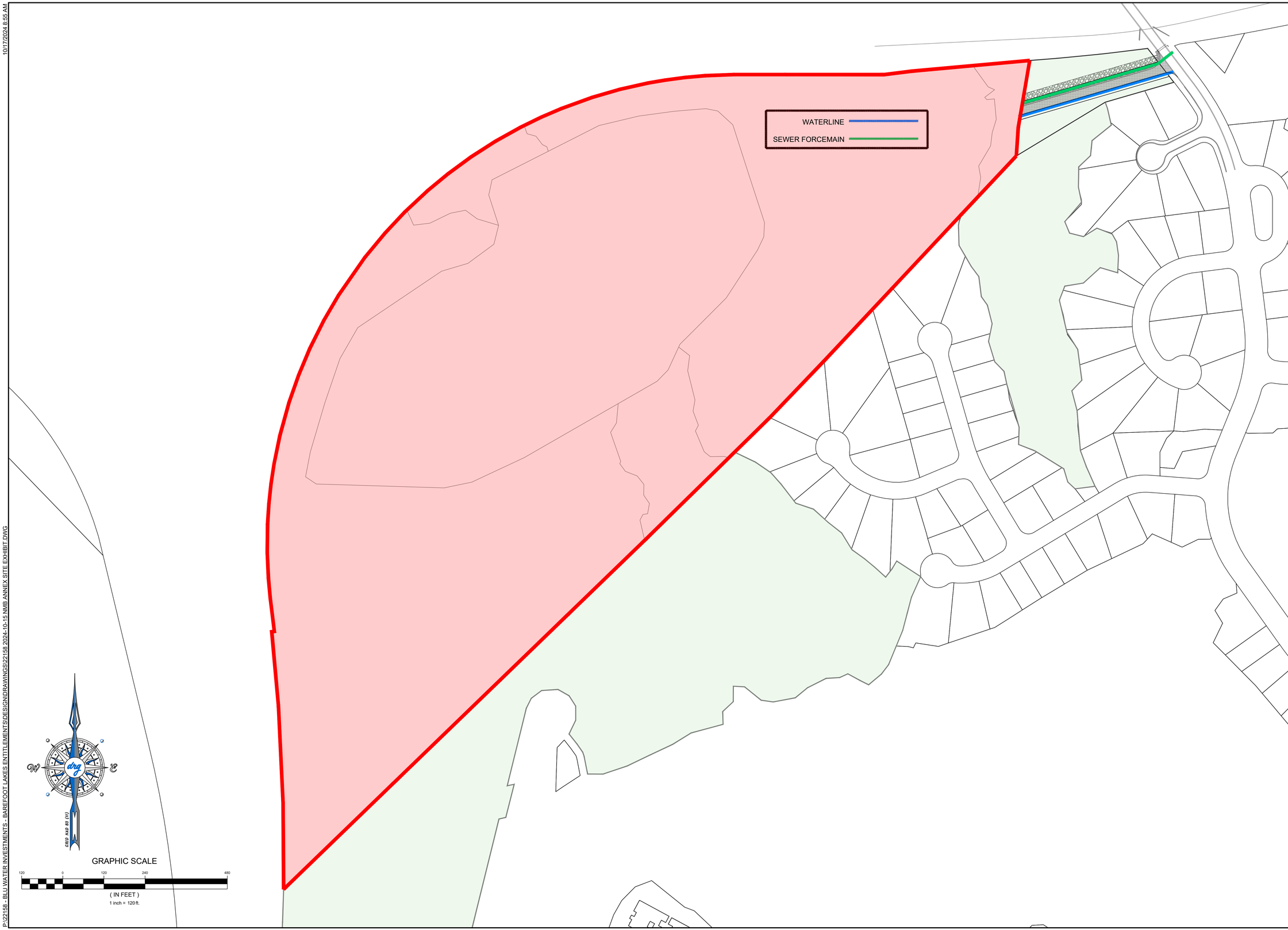

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MASTER UTILITY PLAN

BAREFOOT LAKES

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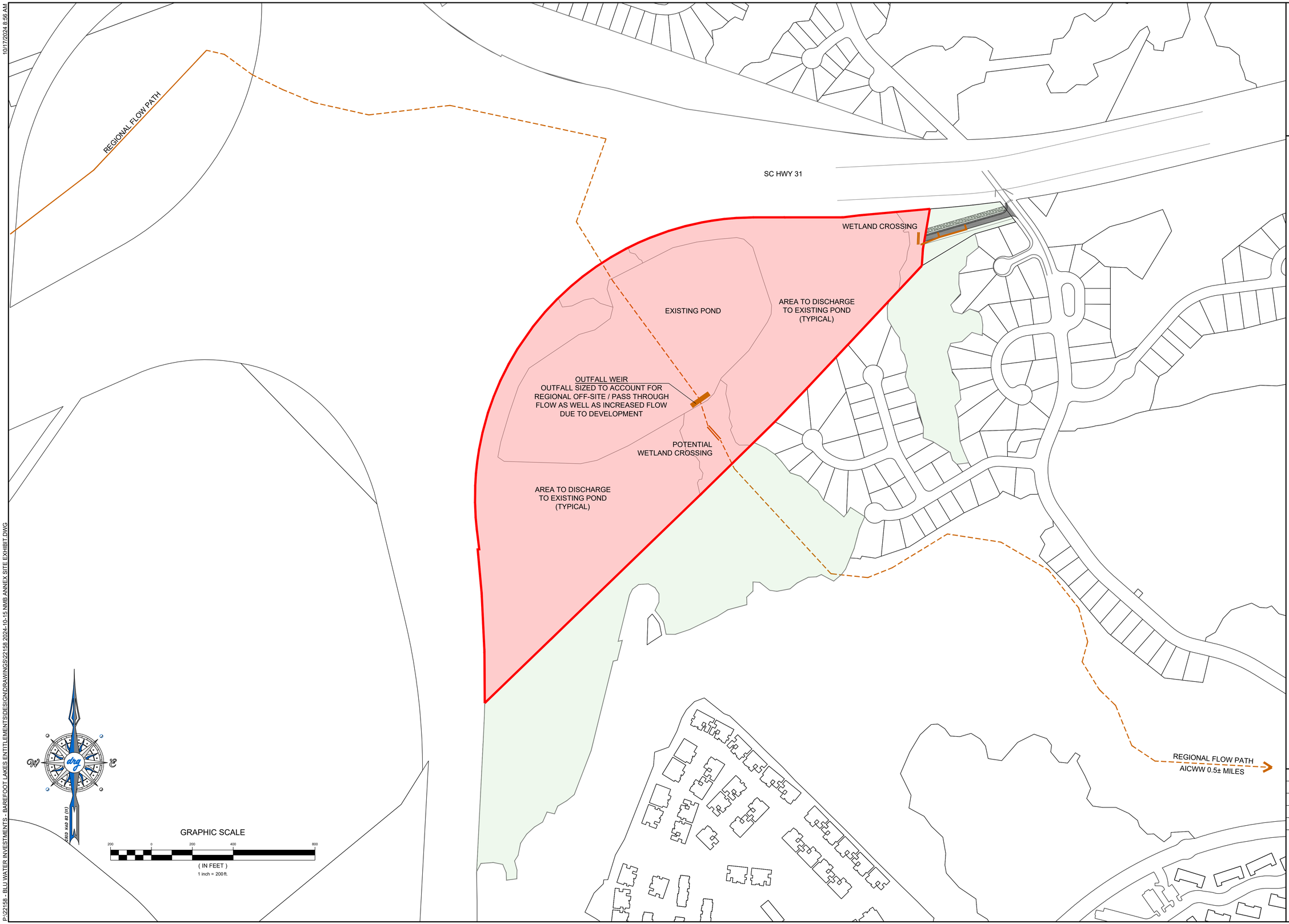

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MASTER DRAINAGE PLAN

BAREFOOT LAKES

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CHECKED BY:	RFW
DATE:	10/17/2024
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