

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: February 1, 2021

Agenda Item: 7C	Prepared by: L. Suzanne Pritchard, PLA, AICP
Agenda Section: New Business: Ordinance. First Reading	Date: January 27, 2021
Subject: Petition for annexation and zoning designation for 0.36 Acres on Cenith Drive	Division: Planning & Development

Background:

Jerred Roberts, property owner, has petitioned the City of North Myrtle Beach to annex approximately 0.36 acres of property located on Cenith Drive identified by PINs 357-07-02-0002 and 357-07-02-0003. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Residential Low-Density (R-1). The subject area is identified as Residential Suburban on the Future Land Use Map; the proposed zoning designation, R-1, supports the City's comprehensive plan.

Existing Conditions:

The subject property area is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned General Residential (GR) under Horry County jurisdiction. Located on Cenith Drive, the parcels are currently vacant and undeveloped. Surrounding parcels within City limits are zoned under the recently annexed Chestnut Greens Planned Development District (PDD); adjacent unincorporated county parcels are zoned GR and Single-Family Residential 6 (SF 6). Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map (Z-20-21), prepared by the City of North Myrtle Beach Planning & Development Department depicting the annexation boundary. A proposed ordinance has been attached for Council's review.

Planning Commission Action:

The Planning Commission conducted a public hearing on January 19, 2021 and voted unanimously 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 the proposed ordinance on first reading

Reviewed by Division 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 0.36 ACRES IDENTIFIED AS PINs 357-07-02-0002 and 357-07-02-0003.

WHEREAS, Jerred Roberts, property owner, has petitioned the City of North Myrtle Beach for annexation of 0.36 acres consisting of the following parcel PINs 357-07-02-0002 and 357-07-02-0003 as referenced on Exhibit A: Zoning Map (Z-20-21), prepared by the City of North Myrtle Beach Planning & 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 PINs 357-07-02-0002 and 357-07-02-0003 (the “Annexed Parcel”), consisting of approximately 0.36 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 Parcels are hereby designated and zoned as Single-Family Residential Low-Density (R-1).

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2021.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

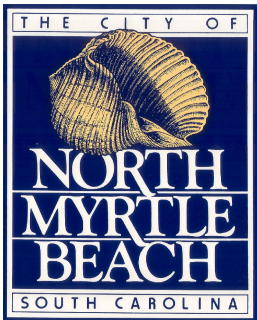
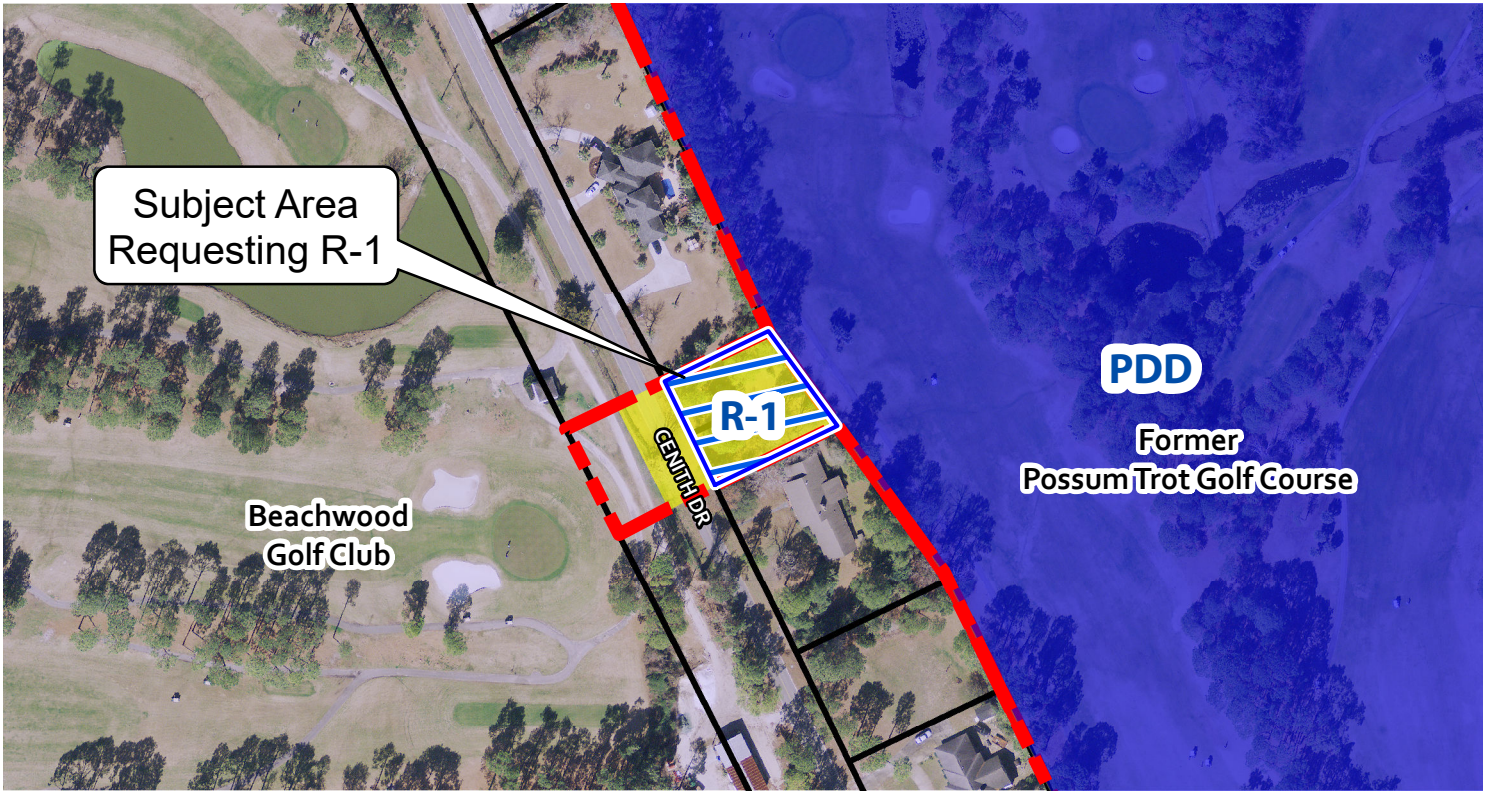
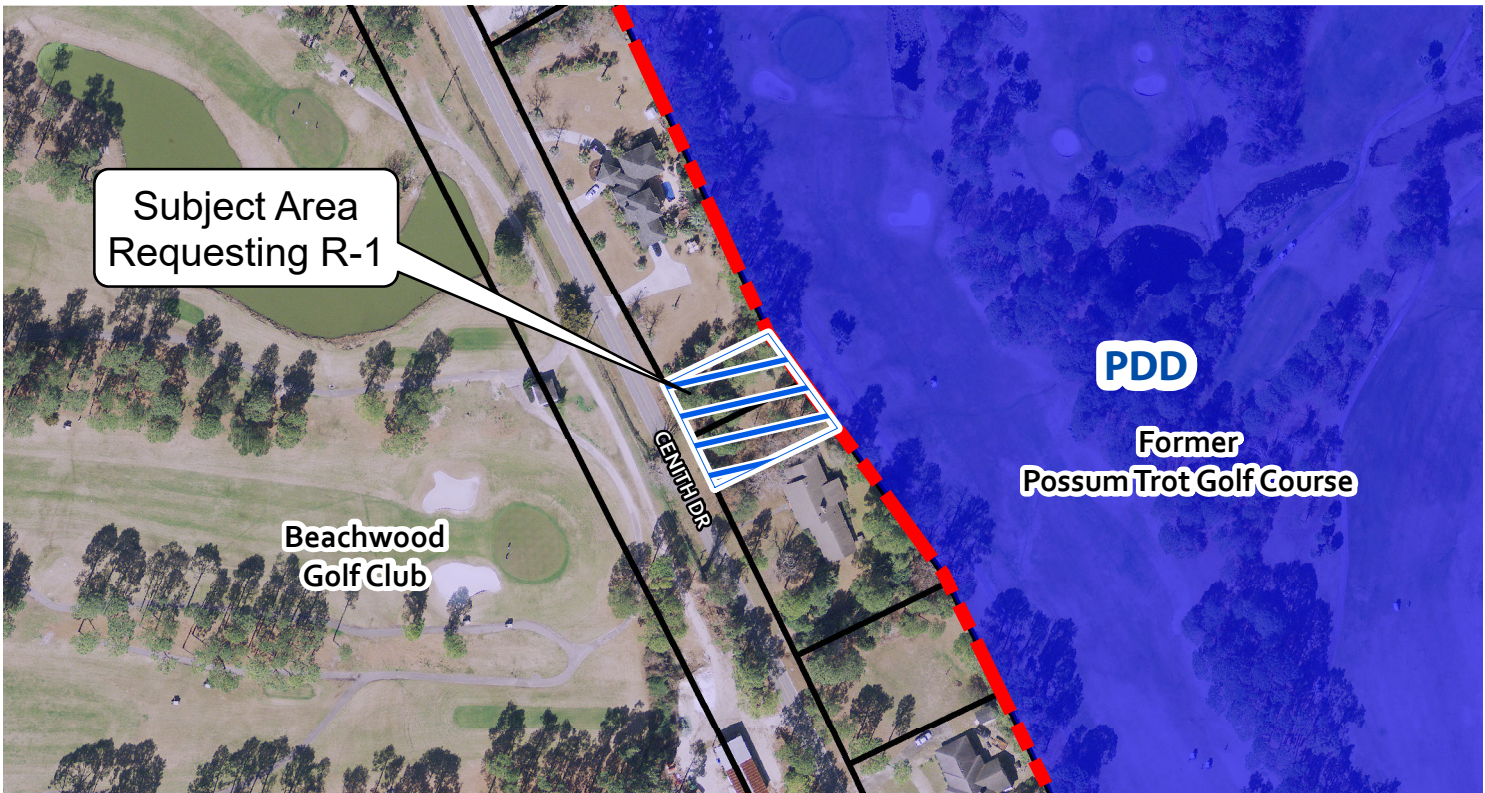
REVIEWED:

FIRST READING: _____

SECOND READING: _____

City Manager

ORDINANCE: _____ 21-04



Legend



Subject Area

NMB City Limits

Zoning District

PDD

R-1



0 100 200 Feet

Exhibit A: Zoning (Z-20-21)

7A. ANNEXATION & ZONING DESIGNATION Z-20-21: City staff has received a petition to annex lands on Cenith Drive totaling approximately 0.36 acres and identified by PINs 357-07-02-0002 and 357-07-02-0003. The lot is currently unincorporated and zoned General Residential (GR) 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 General Residential (GR) under Horry County jurisdiction. Located on Cenith Drive, the parcels are currently vacant and undeveloped. Surrounding parcels within City limits are zoned under the recently annexed Chestnut Greens Planned Development District (PDD); adjacent unincorporated county parcels are zoned GR and Single-Family Residential 6 (SF 6).

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, is the primary 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 district 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 as a result of such change, and the consequence of such change:

Current public services and rights-of-way serve this area via Cenith Drive. This section of Cenith is a SCDOT maintained street (S-1043); driveway locations subject to review/approval by SCDOT with City of NMB concurrence.

- 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:

The property is currently served by City water and sewer along Cenith Drive.

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 City Council at their next meeting scheduled for February 1, 2021. Should the Planning Commission desire to forward a positive recommendation to City Council, one of the aforementioned 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.

Legal

The City Attorney 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-20-21] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-20-21] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-20-21
Complete Submittal Date:	December 16, 2020



Notice Published:	December 31, 2020
Planning Commission:	January 19, 2021
First Reading:	February 1, 2021
Second Reading:	March 1, 2021

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION	
Date of Request: December 16, 2020	Property PIN(S): 35707020002 / 35707020003
Property Owner(s): J & R Properties of NMB, LLC	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: Lot 15 A & B Cenith Drive	Project Contact: Jerred Roberts
Contact Phone Number: 18432227267	Contact Email Address: jerred56@gmail.com
Current County Zoning: GR	Proposed Zoning: R-1
Total Area of Property: 15708 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). <i>Applicant's E-signature: <u>Jerred Roberts</u></i>	
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.	

J & R PROPERTIES OF NMB, LLC

Corporate Information	Important Dates
Entity Type: Limited Liability Company	Effective Date: 02/24/2005
Status: Good Standing	Expiration Date: N/A
Domestic/Foreign: Domestic	Term End Date: 02/24/2055
Incorporated State: South Carolina	Dissolved Date: N/A

Registered Agent
Agent: JERRED M ROBERTS
Address: 800 15TH AVENUE SOUTH NORTH MYRTLE BEACH, South Carolina 29532

Official Documents On File

Filing Type	Filing Date
Organization	02/24/2005

PREPARED BY:
Dunes Law Firm, P.A.
1065 London St.
Myrtle Beach, SC 29577
File No: 18-5086

STATE OF SOUTH CAROLINA

GENERAL WARRANTY DEED

COUNTY OF HORRY

KNOW ALL MEN BY THESE PRESENTS, that **Alton Berry Edge, Jr.** (the "Grantor"), in the State aforesaid, in consideration of the sum of Two Hundred Thirty Thousand and 00/100 Dollars (\$230,000.00), to him paid by J&R Properties of NMB, LLC (receipt whereof is hereby acknowledged), has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release, subject to the easements, restrictions, reservations and conditions set forth below unto **J&R Properties of NMB, LLC** (the "Grantee"), its successors and assigns forever in fee simple, the following described property to wit:

ALL AND SINGULAR, all that certain piece, parcel or lot of land, with improvements located thereon, lying, situate and being near the Crescent Beach Section, Town of North Myrtle Beach, Little River Township, Horry County, South Carolina, being designated as LOT FIFTEEN (15) of the Belle Edge lands as shown upon a map by C.B. Berry, R.L.S., dated March 6, 1968, and being more particularly described as follows:

Being at a point on the North side of a Thirty (30) foot street at the corner of Lot Fourteen (14), runs thence with said street, North 55 deg. West 314 feet to Lot Sixteen (16); then with Lot Sixteen (16), North 35 deg. East 140 feet to the golf course line; thence with said line, in a southeasterly direction, 310 feet more or less, to a point of intersection; thence South 55 deg. East 9 feet to Lot Fourteen (14); thence with Lot Fourteen (14), South 35 deg. West 195 feet to the beginning corner.

This property is subject to all easements and restrictive covenants of record.

PIN No. 357-07-02-0001

TMS No. 143-12-01-024

DERIVATION: This being the identical property inherited by Alton Berry Edge, Jr. from Inez Walters Edge, as will be shown by reference to Horry County Probate Court Case #1992-ES-26-644, and as evidenced by deed of distribution dated September 17, 1993 and recorded September 22, 1993 in Deed Book 1668 at Page 510, Horry County Register of Deeds Office.

GRANTEE MAILING ADDRESS: 710 17th Ave S, N Myrtle Beach, SC 29582

TOGETHER with, subject to the above exceptions, 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, subject to the above exceptions, all and singular the premises before mentioned unto the Grantee, the Grantee's successors and assigns forever in fee simple.

AND the Grantor hereby binds the Grantor, the Grantor's heirs and assigns, to warrant and forever defend all and singular the said premises unto the Grantee, the Grantee's successors and assigns, against Grantor and the Grantor's heirs and assigns, and all persons whomsoever lawfully claiming, or to claim the same, or any part thereof.

[THE REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

WITNESS the execution hereof by the Grantor this 27th day of April, 2018.

Alton Berry Edge Jr.
Alton Berry Edge, Jr.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signature]
1st witness sign

Alissa Stanley
2nd witness or notary sign

STATE OF SOUTH CAROLINA

ACKNOWLEDGEMENT

COUNTY OF HORRY

I, ALISSA P. STANLEY, a Notary Public, do hereby certify that the within Alton Berry Edge, Jr., personally came before me this day and acknowledged that the foregoing instrument was executed by him.

WITNESS my hand and official seal this 27 day of April, 2018.

Alissa Stanley
Print Name ALISSA P. STANLEY
Notary Public for South Carolina
My Commission Expires: _____

Alissa Stanley
Notary Public
State of South Carolina
Commission Expires 02/21/2027

{Affix Notary Seal}

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 understand such information.
2. The property located at 1670 Cenith Drive, Horry County, bearing Horry County PIN Number 357-07-02-0001, was transferred by Alton Berry Edge, Jr. to J&R Properties of NMB, LLC on 04/___/18.
3. The Deed is (Check one):
 - (a) X subject to the deed recording fee as a transfer for consideration paid or to be paid in money or in money's worth: 230,000.00.
 - (b) ___ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and an owner of the entity, or in 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): _____ (if exempt, skip to item 8).
4. Check one of the following if either item 3(a) or item 3(b) above has been checked:
 - (a) X 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 X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained after the transfer. If "Yes", the outstanding balance is \$ _____.
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: \$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: Grantor.
9. 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.

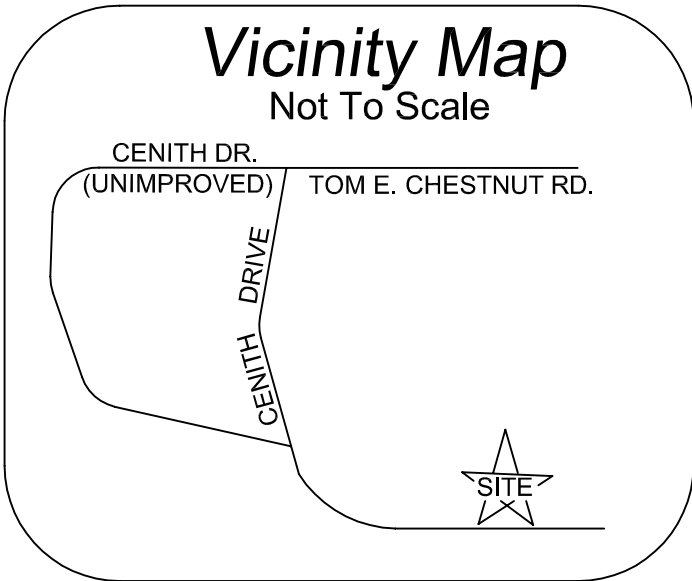
Alton Berry Edge, Jr.
Alton Berry Edge, Jr.

SWORN to before me this 27 day of April, 2018.

Alissa Stanley
Print Name _____
Notary Public for South Carolina
My Commission Expires: _____

Alissa Stanley Notary Public State of South Carolina Commission Expires 02/21/2027

*The fee is based on the real property value. Value means the realty's fair market value. In arm's length real property transactions, this value is the sales price to be paid in money or money's worth (e.g. stocks, personal property, other realty, forgiveness of debt, or mortgages assumed or placed on the realty as a result of the transaction). However, a deduction is allowed from this value for the amount of any lien or encumbrance existing on land, tenement, or realty before the transfer and remaining on it after the transfer.



NOTES:

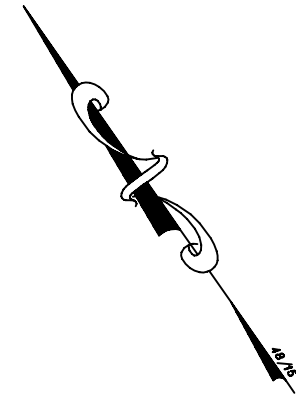
- PIN# 357-07-02-0001 (PARENT)
- OTHER UTILITIES MAY EXIST, BUT THEIR LOCATIONS ARE NOT KNOWN.
- SURVEY SUBJECT TO FULL TITLE SEARCH
- THIS PROPERTY MAY BE SUBJECT TO RIGHT OF WAYS, EASEMENTS OR RESTRICTIONS EITHER RECORDED OR IMPLIED
- OWNER TO VERIFY COMPLIANCE ZONING, RESTRICTIVE COVENANTS OR HOMEOWNERS ASSOC. REQUIREMENTS OF RECORD

6. AREA COMPUTED BY COORDINATE GEOMETRY

- R/W = RIGHT OF WAY
- RBF = 5/8" IRON REBAR FOUND
- BPH = BRICK PUMP HOUSE
- RBS = 5/8" IRON REBAR SET
- TAX# = 143-12-01-024 (PARENT)
- PLAT REF. = PB. 48 @ PG.15
- THIS IS A MINOR SUBDIVISION OF LOT 15 CREATING LOT 15 REVISED TOTALING 30,881 SQ.FT., 0.70 ACRE, LOT 15A TOTALING 7,529 SQ.FT., 0.17 ACRE AND LOT 15B TOTALING 8,179 SQ.FT., 0.19 ACRE.

- W = WELL W = WATER METER U = UTILITY POLE
- EA = EDGE OF ASPHALT

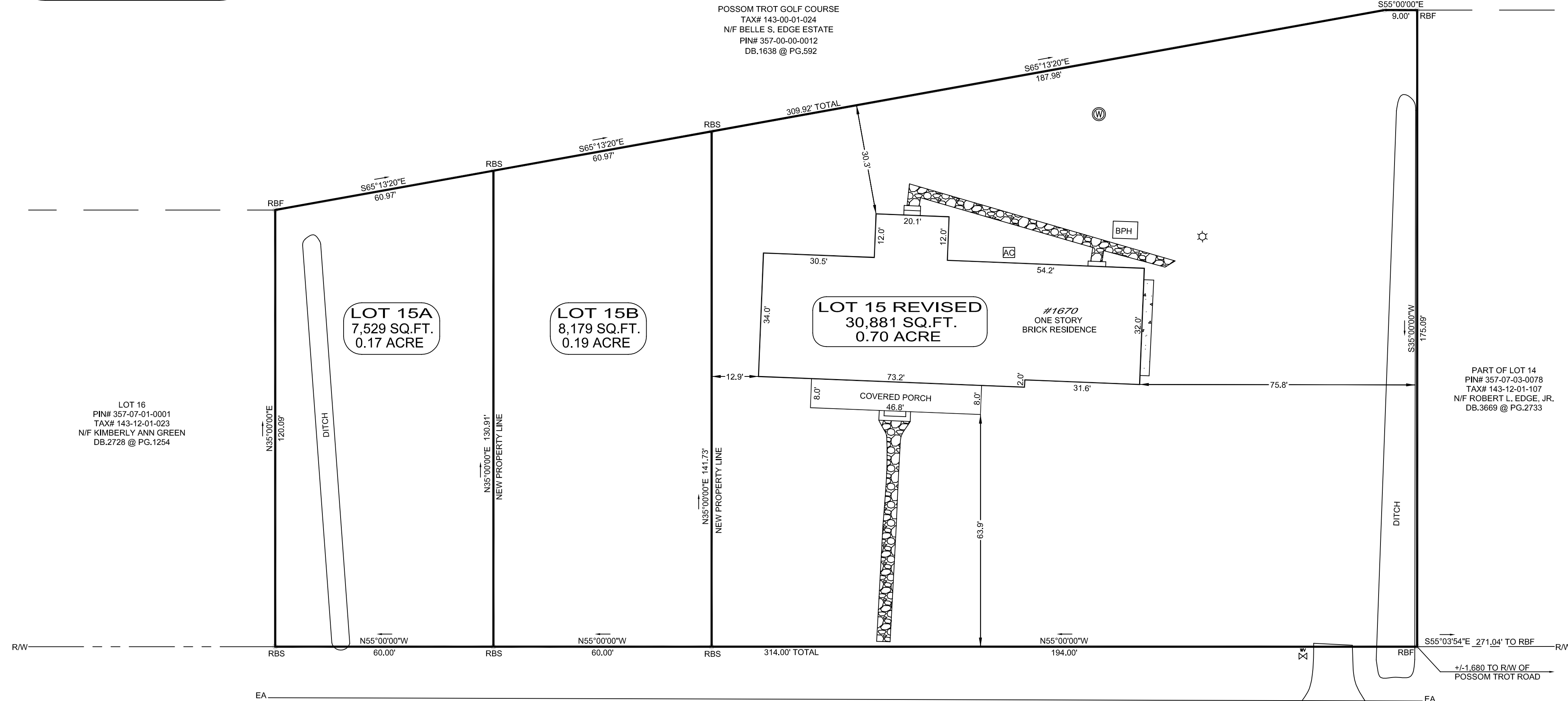
FLOOD NOTE:
THE SUBJECT PROPERTY SHOWN
HEREON LIES IN FLOOD ZONE "X"
PER F.E.M.A. MAP # 45051 C0 579 "H"
DATED 8/23/1999.



I hereby state to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the minimum standards manual for the practice of land surveying in South Carolina, and meets or exceeds the requirements for a Class "A" survey as specified therein; that there are no visible encroachments or projections other than shown; that the unadjusted ratio of precision is 1:10,000+; that this property is subject to any easements of record that may be shown on an up-to-date title search not furnished me this date; that the area was determined by the coordinate method of area calculation. Date: MAY 21 2018

SIGNED

PROFESSIONAL LAND SURVEYOR
HARRY F. BRUTON, PLS 24275



CENITH DRIVE
50' PUBLIC R/W

Harry F. Bruton & Associates
Professional Land Surveying & Design

RESIDENTAL & COMMERCIAL IN S.C.
905-2 Sea Mountain Hwy.
North Myrtle Beach, SC 29582

hbruton@gmail.com
OFFICE (843) 281 - 8822
FAX (843) 280 - 0920

A MINOR SUBDIVISION
SHOWING

LOT 15 REVISED & LOTS 15A & 15B
BELLE EDGE SUBDIVISION

NORTH MYRTLE BEACH, Horry COUNTY, SOUTH CAROLINA

SCALE 1"=20'

THE BENEFIT OF

J & R PROPERTIES OF NMB, LLC

MAP REFERENCE IN BOOK 48 PAGE 15

DEED REFERENCE IN BOOK 4102 PAGE 1086

JOB NO. 18028 ACAD: 1670 CENITH DR sub 5-21-18



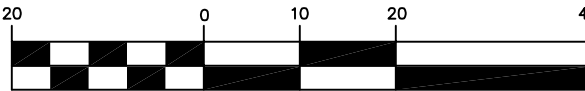
HARRY F. BRUTON
S.C. REG.# 24275

CERTIFICATE OF NON-EVALUATION FOR WATER AND SEWER AVAILABILITY
THE PROPERTY OWNER OF RECORD HEREBY ACKNOWLEDGES THAT THE SURVEYED PARCEL(S) AND/OR TRACT REMAINDER HAS NOT BEEN REVIEWED TO DETERMINE THE AVAILABILITY OF ON-SITE WASTE DISPOSAL SYSTEMS OR PROVISION OF PUBLIC WATER/SEWER SERVICES. RECORDATION OF THIS PLAT SHALL NOT BE AN IMPLIED OR EXPRESSED CONSENT BY Horry COUNTY THAT THE LOTS OR OTHER LAND DIVISIONS SHOWN HEREON ARE CAPABLE OF BEING SERVICED BY ON-SITE WASTE DISPOSAL OR PUBLIC WATER/SEWER SYSTEMS. UNLESS OTHERWISE STATED HEREON, ALL SURVEYED PARCELS AND/OR TRACT REMAINDERS HAVE NOT BEEN REVIEWED FOR ON-SITE WASTE DISPOSAL SYSTEMS OR PUBLIC WATER/SEWER SERVICES.

PROPERTY OWNER SIGNATURE

(DATE)

GRAPHIC SCALE

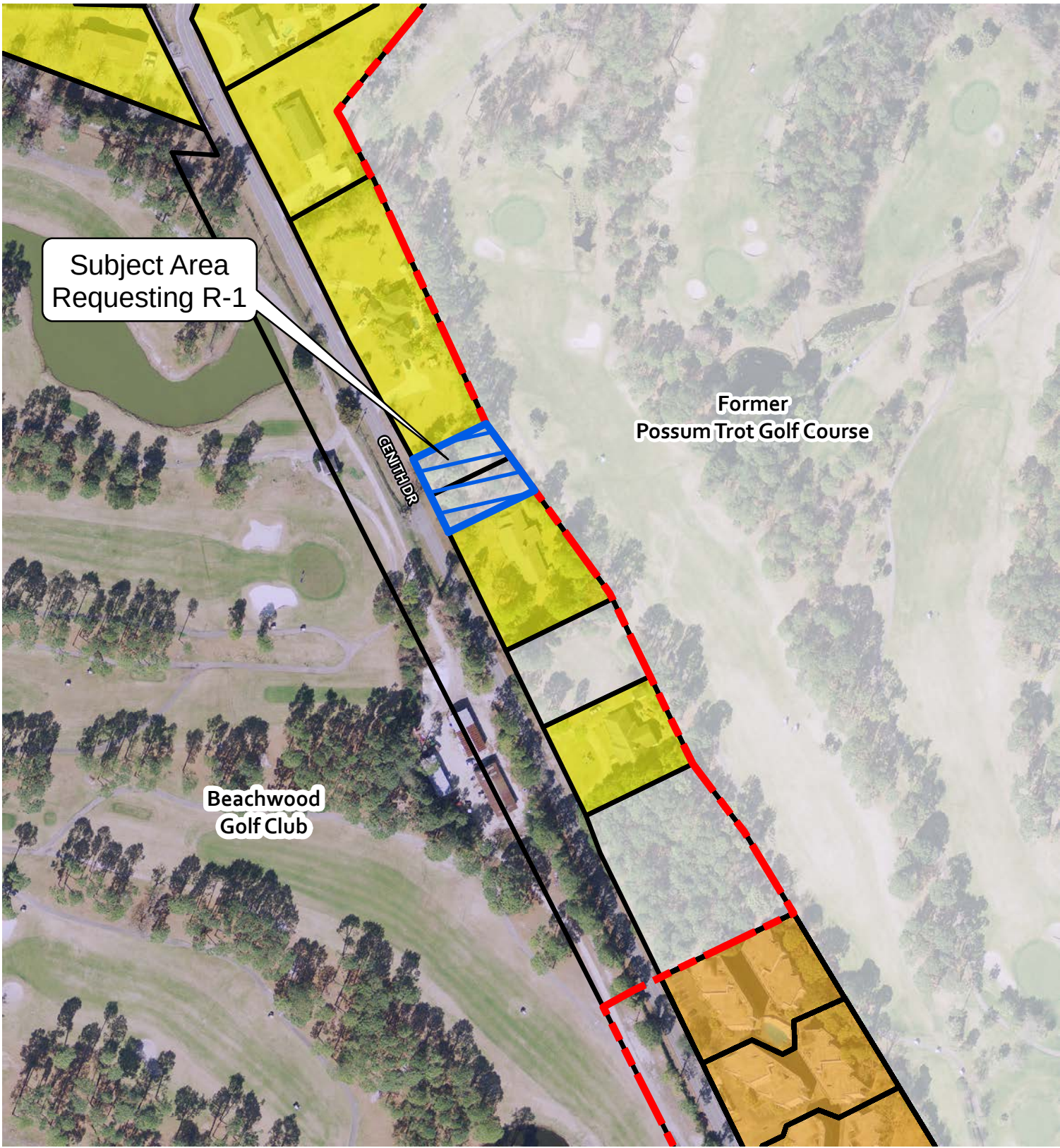


(IN FEET)
1 inch = 20 ft.

CERTIFICATE OF OWNERSHIP & DEDICATION

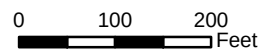
THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF DEVELOPMENT/PLAT WITH MY (OUR) FREE CONSENT AND THAT I (WE) HEREBY DEDICATED ALL ITEMS AS SPECIFICALLY SHOWN OR INDICATED ON SAID PLAT.

NAME _____ SIGNED _____ DATE _____ RBF _____

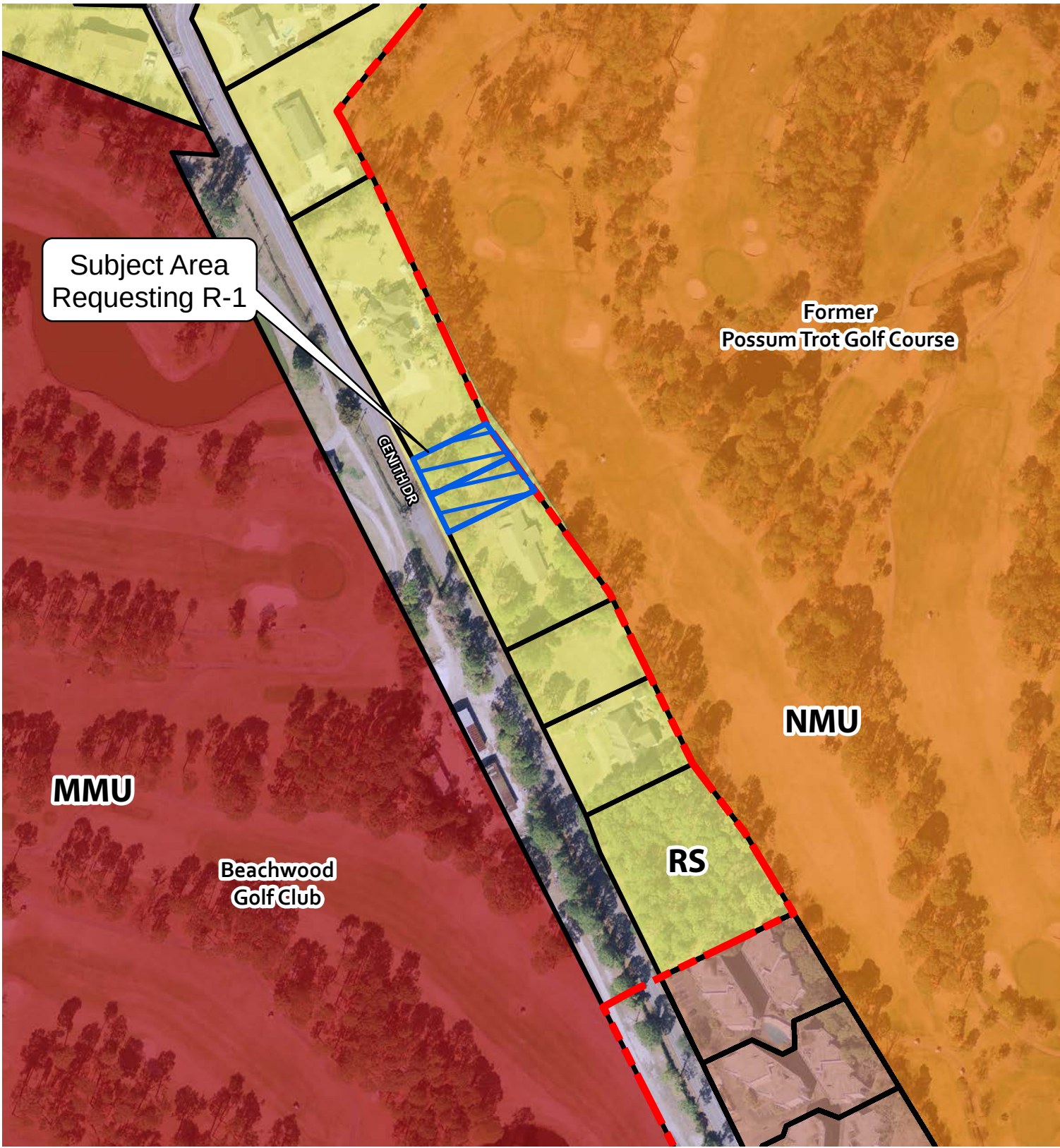


Legend

- | | | | | | |
|---|----------------|---|------------------------|---|---------------|
|  | Subject Area |  | 2020 Existing Land Use |  | Single-Family |
|  | NMB City Limit |  | Multi-Family |  | Vacant |



Existing Land Use (Z-20-21)



Path: M:\2021\2020-02 Z-20-21\2021-20-21 FLU.mxd

Legend



Subject Area

Recommended Future Land Use Categories



MU - Mixed Use



NMU - Neighborhood Mixed Use



RS - Residential Suburban



RU - Residential Urban



Future Land Use (Z-20-21)

0 100 200 Feet

Date: 1/15/2021
Author: Dawn E. Snider