

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 1, 2021

Agenda Item: 7C	Prepared by: L. Suzanne Pritchard, PLA, AICP
Agenda Section: New Business: Ordinance. First Reading	Date: February 24, 2021
Subject: Petition for annexation and zoning designation for 2.47 Acres on Riverside Drive	Division: Planning & Development

Background:

Mark and Amy Delp, property owners, have petitioned the City of North Myrtle Beach to annex approximately 2.47 acres of property located on Riverside Drive identified by PINs 311-16-04-0005 and 311-16-04-0006. 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 MSF 10 Residential (MSF 10) under Horry County jurisdiction. Located on Riverside Drive, the parcels are unoccupied with a manufactured home and stick-built building. Surrounding parcels within City limits are zoned Single-Family Residential Low-Density (R-1); adjacent unincorporated county parcels are zoned MSF 10 and Commercial Forest Agriculture (CFA). 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 February 16 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 2.47 ACRES IDENTIFIED AS PINs 311-16-04-0005 and
311-16-04-0006.**

WHEREAS, Mark and Amy Delp, property owners, have petitioned the City of North Myrtle Beach for annexation of 2.47 acres consisting of the following parcel PINs 311-16-04-0005 and 311-16-04-0006 as referenced on Exhibit A: Zoning Map (Z-21-2), 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 311-16-04-0005 and 311-16-04-0006 (the “Annexed Parcel”), consisting of approximately 2.47 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:

City Manager

FIRST READING: 3-1-2021
SECOND READING: _____

ORDINANCE: 21-07

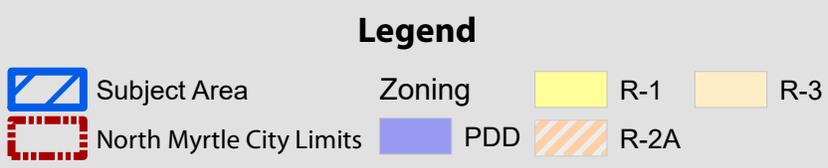
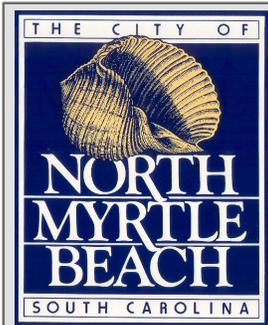
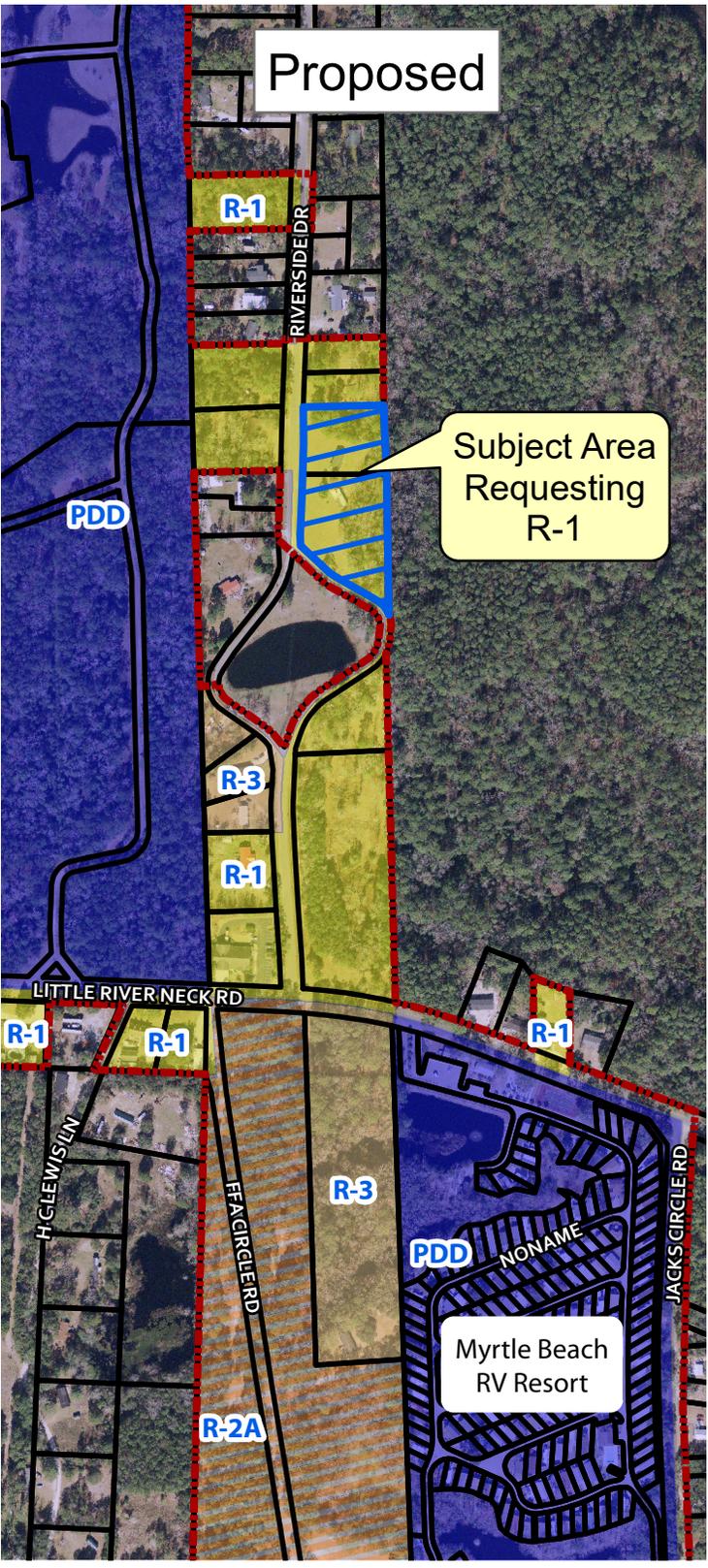
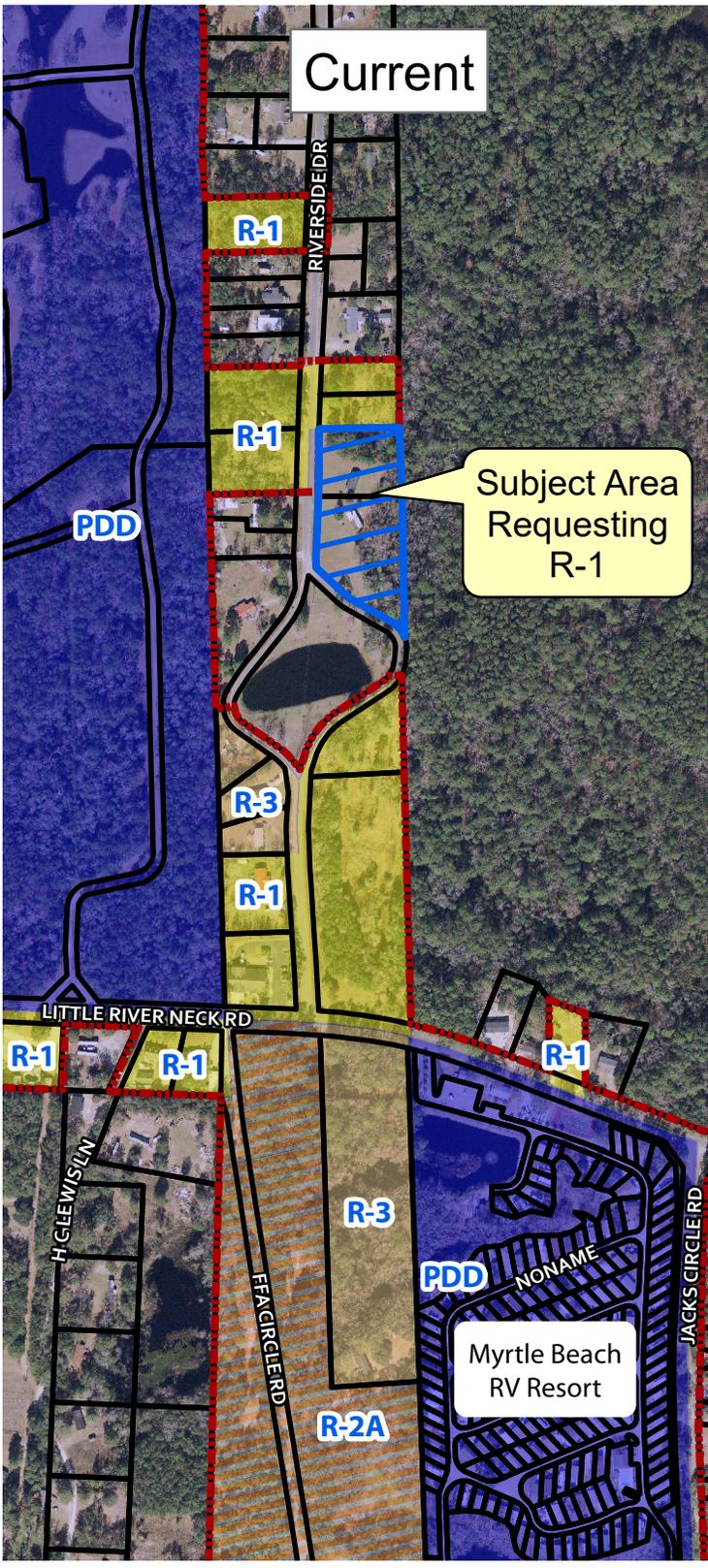


Exhibit A: Zoning Map (Z-21-2)

7A. ANNEXATION & ZONING DESIGNATION Z-21-2: City staff has received a petition to annex lands on Riverside Drive totaling approximately 2.47 acres and identified by PINs 311-16-04-0005 and 311-16-04-0006. The lots are currently unincorporated and zoned MSF 10 Residential (MSF 10) 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 MSF 10 Residential (MSF 10) under Horry County jurisdiction. Located on Riverside Drive, the parcels are unoccupied with a manufactured home and stick-built building. Surrounding parcels within City limits are zoned Single-Family Residential Low-Density (R-1); adjacent unincorporated county parcels are zoned MSF 10 and Commercial Forest Agriculture (CFA).

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 as a result of such change, and the consequence of such change:

Current public rights-of-way serve this area via the existing, county-maintained Riverside Drive.

- 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:

Water service is available to the parcel; sewer service is under construction.

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 March 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-21-2] as submitted.

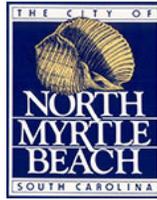
OR

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

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-21-2
Complete Submittal Date:	January 28, 2021



Notice Published:	January 28, 2021
Planning Commission:	February 16, 2021
First Reading:	March 1, 2021
Second Reading:	March 15, 2021

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: January 21, 2021	Property PIN(S): 31116040006 and 31116040005
Property Owner(s): Mark Delp	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: Riverside Campground Lt 34 and Lt 33	Project Contact: Mark Delp
Contact Phone Number: 9194449719	Contact Email Address: adelp1003@gmail.com
Current County Zoning: MSF10	Proposed Zoning: R-1
Total Area of Property: 2.5 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: Mark Delp

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.

08/04/2020 TUE 14:12 FAX

003/004

WITNESS the execution hereof by his hand and seal 4th day of August, 2020.

Signed, Sealed and Delivered
in the Presence of

Christy Kusin
1st Witness

Philip Lee Myers (SEAL)
Phillip Lee Myers

Barbara M. Christopher
2nd Witness can be the Notary Public

STATE OF KENTUCKY)
COUNTY OF Clark) ACKNOWLEDGEMENT
){#30-5-30-(c)}

I, a Notary Public for the State of KENTUCKY do hereby certify that PHILIP LEE MYERS the within named Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and official seal this 4th day of August, 2020

Barbara M. Christopher

Signature of Notary Public

My commission expires March 7, 2023

Printed name of Notary:

Barbara M. Christopher

Notary seal or stamp



Exhibit A

ALL AND SINGULAR all those certain pieces, parcels or lots of land, situate, lying and being in Little River Township, Horry County, South Carolina being shown and designated as Lot Nos. Thirty Three (33) and Thirty Four (34) on a map of thirty eight lots in Riverside Campground, prepared by C. B. Berry, R.L.S. A copy of said map is recorded in Plat Book 62 at Page 21, records of Horry County and is by reference incorporated herein as forming a part and parcel of this description.

Subject to those restrictions, reservations, covenants and easements of record; and also to all applicable governmental laws, rules, regulations and ordinances.

The grantor acquired the above described property by deed of distribution recorded May 15, 2014 in Deed Book 3733 at Page 2532, records of Horry County.

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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 Lot 33 and Lot 34, Riverside Drive, North Myrtle Beach, SC 29582 bearing County Tax Map Number/PIN 131-17-03-009 and 131-11-01-007 was transferred by Philip Lee Myers to Mark A. Delp and Amy C. Delp by deed dated August 4, 2020

3. Check one 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): _____

(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 one 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 \$145,000.00
- (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 ___ 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. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before 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: \$145,000.00
- (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: \$145,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$536.50

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 for Grator

9. I understand that a person required to furnish this affidavit who wilfully 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.

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC

Kenneth R. Moss
KENNETH R. MOSS, Attorney

SWORN to and subscribed before me this

4 day of August, 2020

Theresa McCready
Notary Public for South Carolina

My Commission Expires: 5-19-2025

Notary (printed name): Theresa McCready

**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: Wright, Worley, Pope, Ekster & Moss, PLLC

ADDRESS:

628A Sea Mountain Highway

North Myrtle Beach, SC 29582

TELEPHONE: (843) 281-9901

FAX: (843) 281-9901

E-MAIL ADDRESS: reneeboxley@wwpemlaw.com

Related Document

(s):

PURCHASE PRICE / MORTGAGE AMOUNT: \$ 145000.00

BRIEF PROPERTY DESCRIPTION: RIVERSIDE CAMPGROUND, LOTS 33 & 34

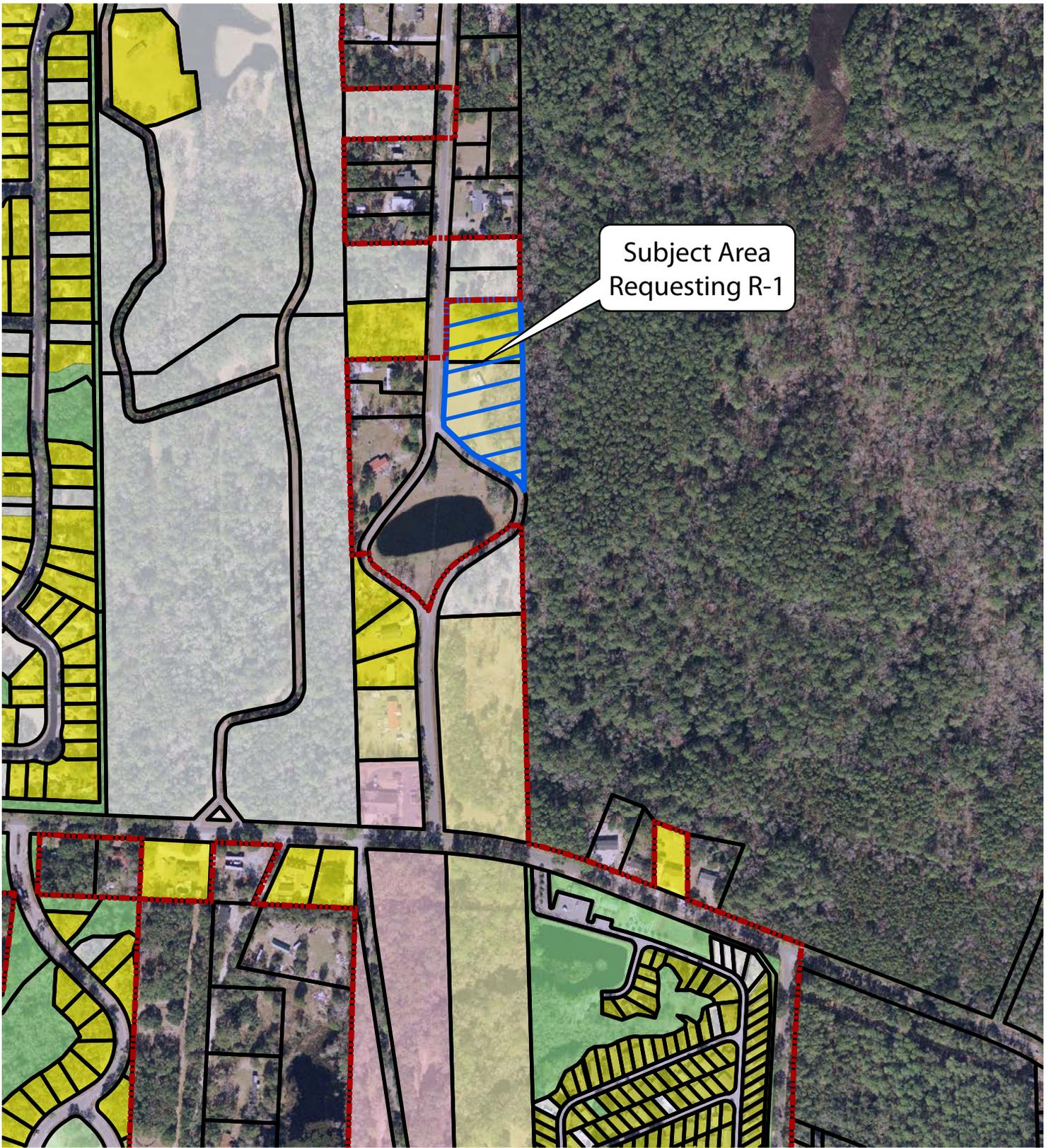
TAX MAP NUMBER (TMS #) 131-17-03-009 & 131-11-01-007 / PIN NUMBER: ,

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

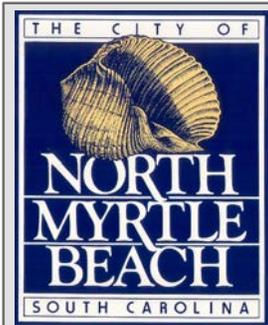
	<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MIDDLE NAME</u>
1.	<u>MYERS</u>	<u>PHILIP</u>	<u>LEE</u>

GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):

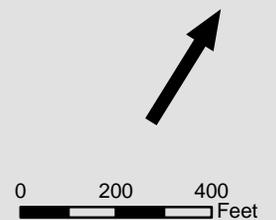
	<u>LAST NAME</u>	<u>FIRST NAME</u>	<u>MIDDLE NAME</u>
1.	<u>DELP</u>	<u>MARK</u>	<u>A.</u>
2.	<u>DELP</u>	<u>AMY</u>	<u>C.</u>



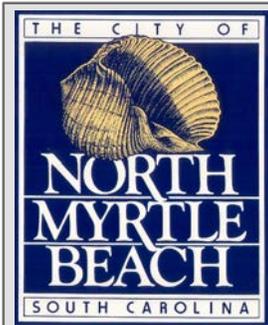
Subject Area
Requesting R-1



- Legend**
- North Myrtle City Limits
 - Subject Area
 - Existing Land Use**
 - Amenity Area
 - Common Open Space
 - Mobile Home
 - Public, Social, Cultural
 - RV / Campground
 - Single-Family
 - Vacant



Existing Land Use (Z-21-2)

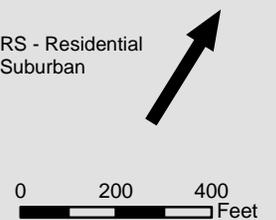


 North Myrtle City Limits
 Subject Area

Recommended Future Land Use Categories
 CC - Conservation Community

Legend
 RPC - Resource, Protection, Conservation
 SP - Service / Production

 RS - Residential Suburban



Future Land Use (Z-21-2)