

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: August 16, 2021

Agenda Item: 5D	Prepared by: L. Suzanne Pritchard, PLA, AICP
Agenda Section: Consent: Ordinance. Second Reading	Date: August 5, 2021
Subject: Petition for annexation and zoning designation for 0.75 Acres on Old Crane Road [Z-21-11]	Division: Planning and Development

Background:

Kenneth Culler, owner, has petitioned the City of North Myrtle Beach to annex approximately 0.75 acres of property located on Old Crane Road and identified by PIN 350-06-01-0137. 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, and the request is consistent with the comprehensive plan.

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 Old Crane Road, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned within the Bahama Island Planned Development District (PDD); adjacent unincorporated county parcels are zoned CFA and General Residential (GR). Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map (Z-21-11), 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 June 22, 2021 and voted 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 ordinance on second reading

Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:

Motion By _____ 2nd By _____ To _____

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH
ANNEXING 0.75 ACRES IDENTIFIED AS PIN 350-06-01-0137.**

WHEREAS, Kenneth Culler, property owner, has petitioned the City of North Myrtle Beach for annexation of 0.75 acres consisting of the following parcel PIN 350-06-01-0137 as referenced on Exhibit A: Zoning Map (Z-21-11), 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; and

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 350-06-01-0137 (the “Annexed Parcel”), consisting of approximately 0.75 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:

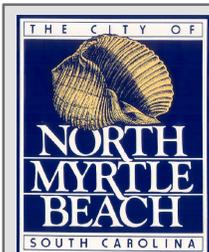
City Attorney

REVIEWED:

City Manager

FIRST READING: 7.19.2021
SECOND READING: 8.16.2021

ORDINANCE: 21-28



Legend

- Subject Area
- North Myrtle City Limits
- Zoning**
- HC
- PDD
- R-1
- R-2
- R-2A

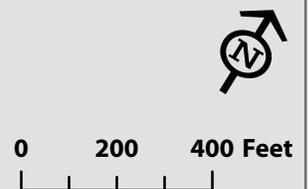


Exhibit A: Zoning Map (Z-21-11)

7B. ANNEXATION & ZONING DESIGNATION Z-21-11: City staff received a petition to annex lands on Old Crane Road totaling approximately 0.75 acres and identified by PIN 350-06-01-0137. 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 Commercial Forest Agriculture (CFA) under Horry County jurisdiction. Located on Old Crane Road, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned within the Bahama Island Planned Development District (PDD); adjacent unincorporated county parcels are zoned CFA and General Residential (GR).

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:

Old Crane Rd is a Horry County maintained road; new driveways will require Horry County encroachment permit review and approval. Other public services exist with adequate service capacity.

- 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 appear to be available based on GIS data regarding the GSWSA service area. GSWSA to confirm and provide letter of availability prior to development.

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 July 19, 2021. 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.

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.

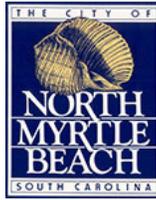
Planning Commission Action:

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-21-11] as submitted.
OR
- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-21-11] as submitted.
OR
- 3) I move (an alternate motion).

FILE NUMBER:	Z-21-11
Complete Submittal Date:	May 24, 2021



Notice Published:	June 3, 2021
Planning Commission:	June 22, 2021
First Reading:	July 19, 2021
Second Reading:	August 16, 2021

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION	
Date of Request: May 24, 2021	Property PIN(S): 35006010137
Property Owner(s): Kenneth Lee Culler	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: Turn off sand ridge rd. To old crane rd, take left on to dirt road vacant (cleared) lot will be on your left after curve	Project Contact: Kenneth Culler
Contact Phone Number: 910-331-0736	Contact Email Address: Cullerken@yahoo.com
Current County Zoning: Horry	Proposed Zoning: R-1
Total Area of Property: .75 Acres	Approximate Population of Area to be Annexed: 6
RECORDED COVENANT INFORMATION	
<p>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: Kenneth Culler</i></p>	
<p>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.</p>	

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 Old Crane Road Little River, SC 29566, bearing Horry County Tax Map Number 130-00-08-120 and Parcel ID Number 350-06-01-0137, and was transferred by Meredith A. Walters Beck n/k/a Meredith Walters Beck Edge, Personal Representative of The Estate of Charles F. Edge to Kenneth Lee Culler on April 21, 2021.

- 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 \$45,000.00.
 - (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.

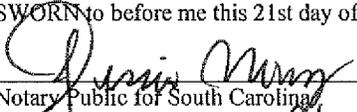
6. The deed recording fee is computed as follows:

(a) Place the amount listed in item 4 above here:	<u>\$45,000.00</u>
(b) Place the amount listed in item 5 above here: (If no amount is listed, place zero here.)	<u>\$ 0.00</u>
(c) Subtract line 6(b) from line 6(a) and place result here:	<u>\$45,000.00</u>

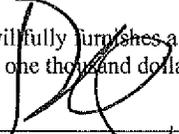
7. The deed recording fee due is based on the amount listed on line 6(c) above and the deed recording fee due is: \$166.50

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.

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 21st day of April, 2021


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



Responsible Person Connected with the Transaction
Robin M. Ciaccio, P.A.
Print or type the above name here

**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: Stanley Law Firm

ADDRESS:

3303 Highway 9 E

Little River, SC 29566-6831

TELEPHONE: (843) 390-9111

FAX: (843) 390-9111

E-MAIL ADDRESS: dhamilton@stanleylawfirm.com

Related Document

(s):

PURCHASE PRICE / MORTGAGE AMOUNT: \$ 45000.00

BRIEF PROPERTY DESCRIPTION: Lot 2 containing .68 acres +/-

TAX MAP NUMBER (TMS #), / PIN NUMBER: ,

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

FULL BUSINESS NAME

1. **THE ESTATE OF CHARLES F. EDGE**

GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):

LAST NAME

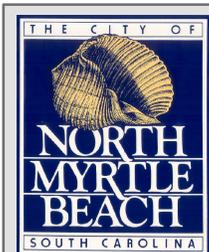
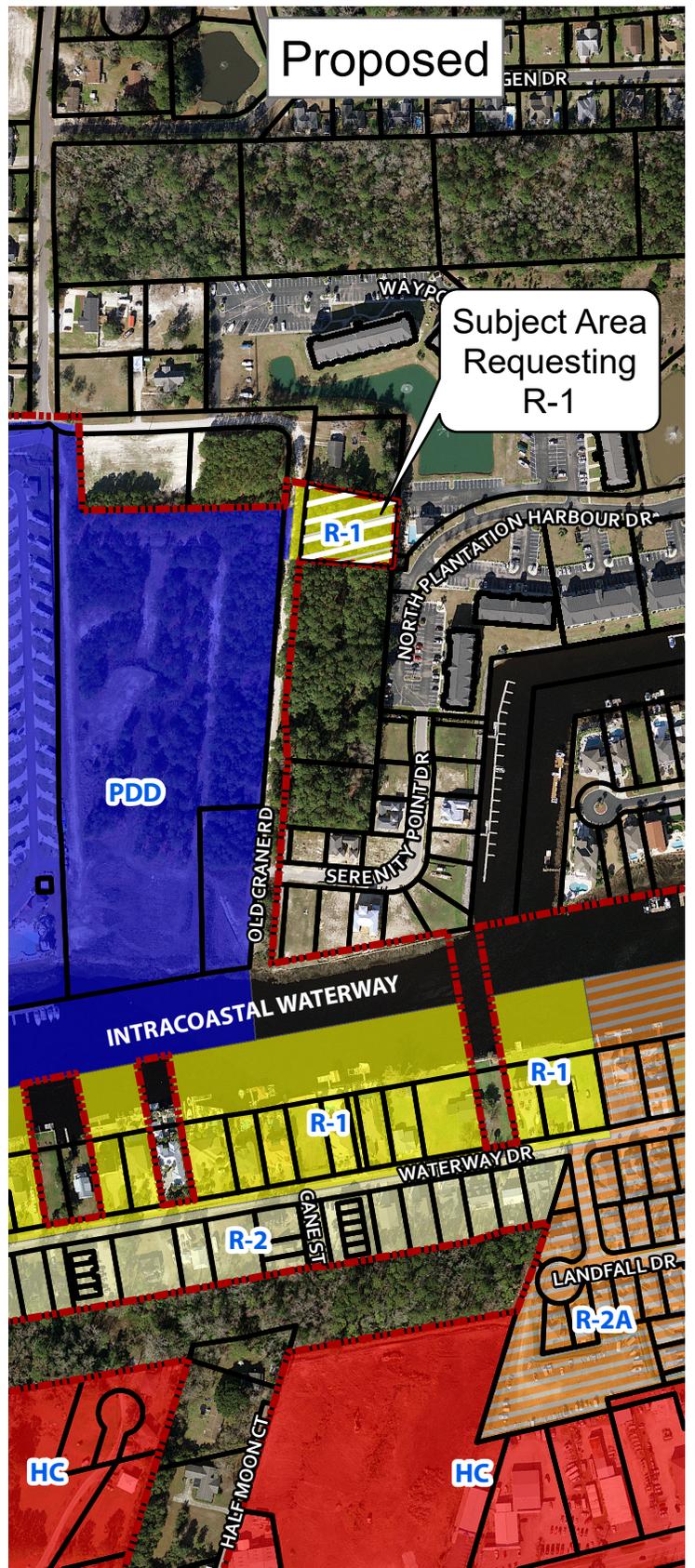
FIRST NAME

MIDDLE NAME

1. **CULLER**

KENNETH

LEE



Legend

- Subject Area
- North Myrtle City Limits
- Zoning**
- HC
- PDD
- R-1
- R-2
- R-2A

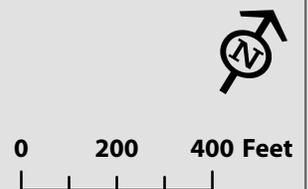
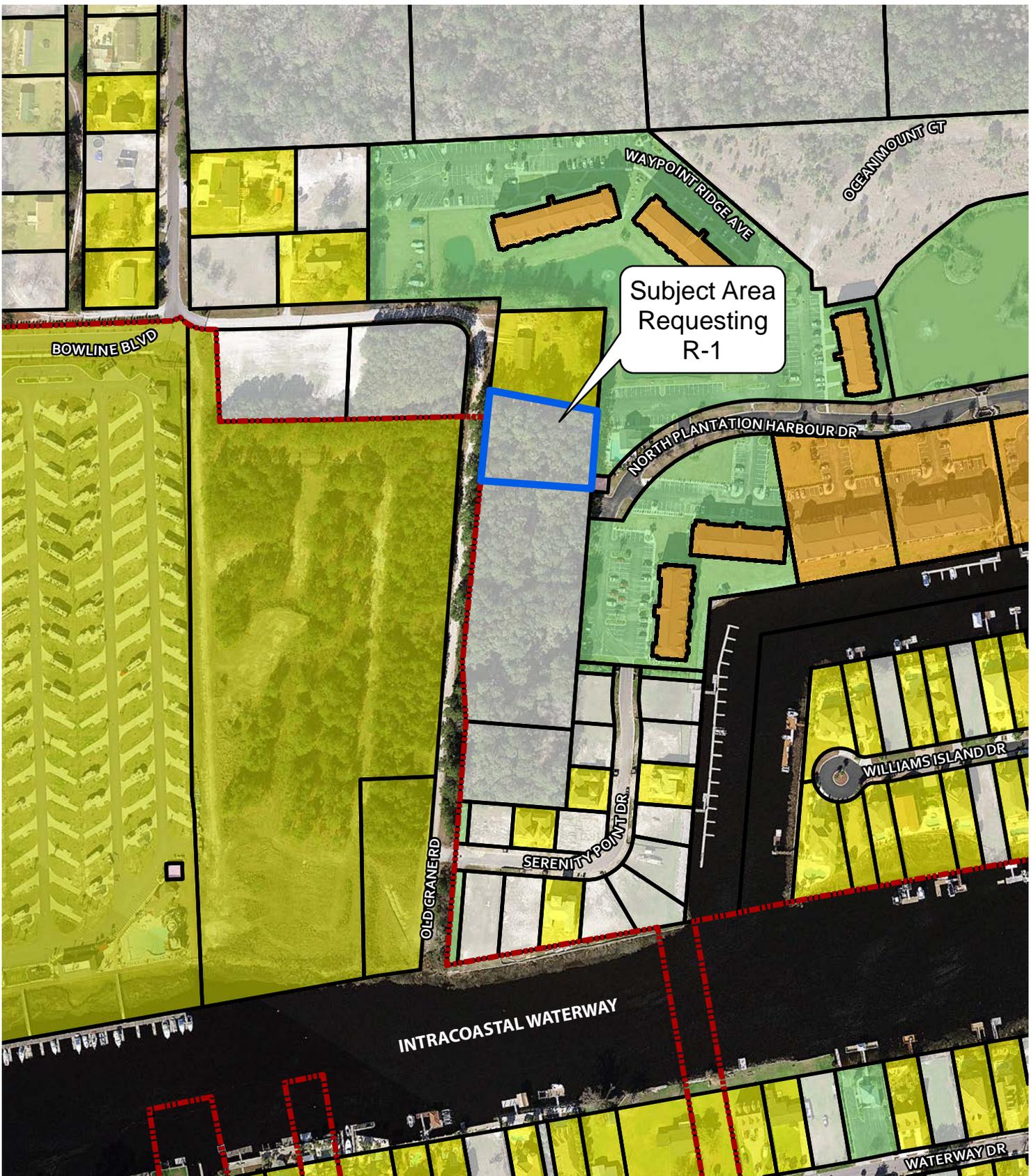
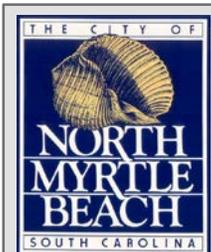


Exhibit A: Zoning Map (Z-21-11)



Subject Area
Requesting
R-1

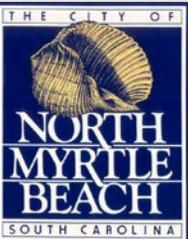
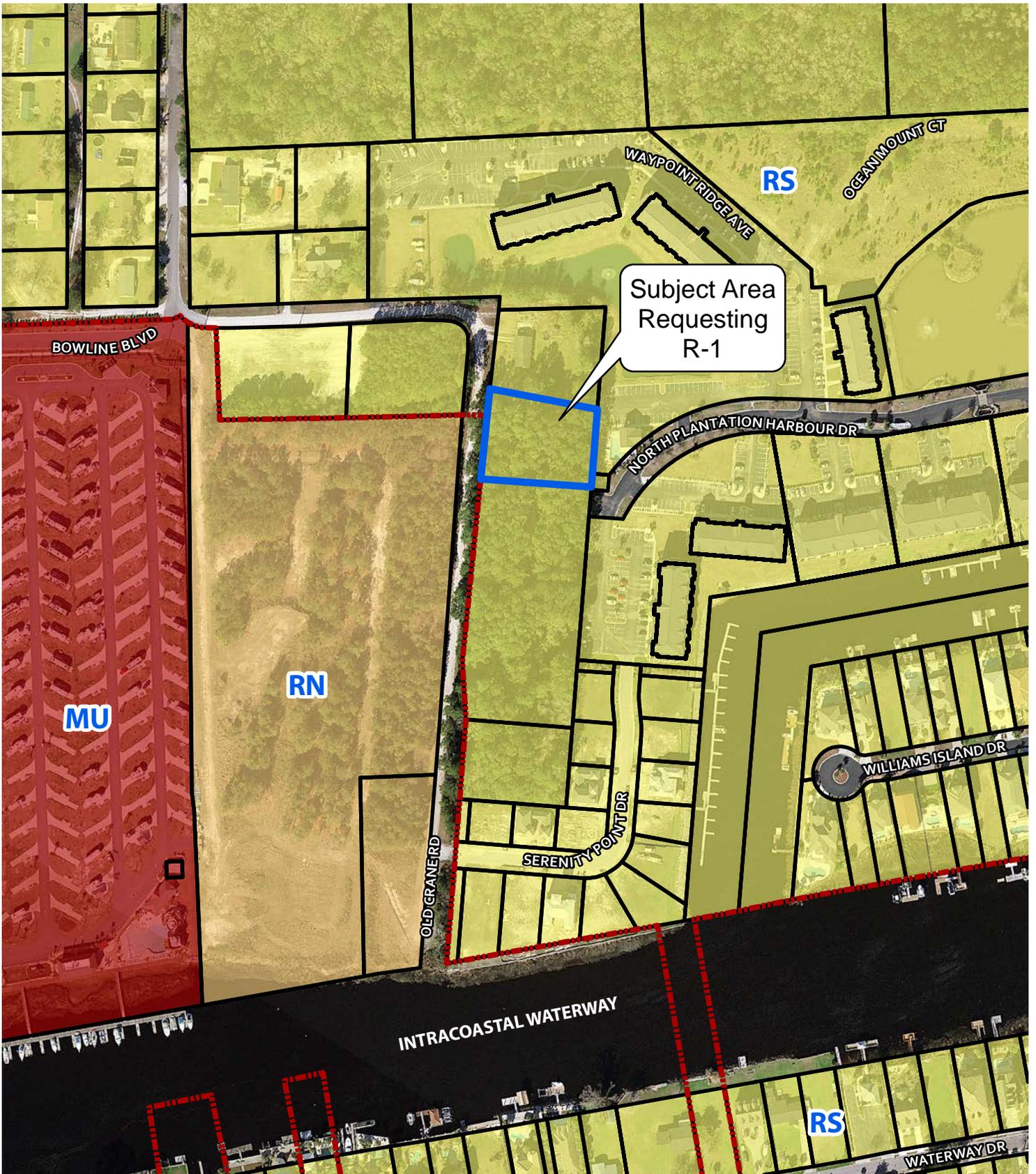


Legend

- Subject Area
- North Myrtle City Limits
- 2020 Existing Land Use: Common Open Space
- Mobile Home
- Multi-Family
- Public, Social, Cultural
- Single-Family
- Vacant
- RV / Campground



Existing Land Use Map (Z-21-11)



Path: M:\2021\2021-26 Z-21-11\2021-26 Z-21-11 flu.mxd

Legend

 Subject_Area

 North Myrtle City Limits

Recommended Future Land Use Categories

 MU - Mixed Use

 RS - Residential Suburban

 RN - Residential Neighborhood



0 125 250 Feet

Future Land Use Map (Z-21-11)

Date: 6/15/2021
Author: Dawn E. Snider