

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 4, 2021

Agenda Item: 5D	Prepared by: L. Suzanne Pritchard, PLA, AICP
Agenda Section: Consent: Ordinance. Second Reading	Date: September 29, 2021
Subject: Petition for annexation and zoning designation for 0.58 acres on Cenith Drive [Z-21-18]	Division: Planning and Development

Background:

Thomas Dennis, agent for the owner, has petitioned the City of North Myrtle Beach to annex approximately 0.58 acres of property located on Cenith Drive and identified by PIN 357-07-01-0008. 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 Cenith Drive, the parcel has a single-family home located on it. Surrounding parcels within City limits are zoned Single-Family Residential Low-Density (R-1); adjacent unincorporated county parcels are zoned CFA and Single-Family Residential 6 (SF 6). Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map (Z-21-18), 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 August 17, 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 the proposed ordinance on second reading

Reviewed by Division Head	Reviewed by City Manager	Reviewed by City Attorney
Council Action: Motion By _____ 2 nd By _____ To _____		

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH ANNEXING 0.58 ACRES IDENTIFIED AS PIN 357-07-01-0008.

WHEREAS, Thomas Dennis, agent for the owner, has petitioned the City of North Myrtle Beach for annexation of 0.58 acres consisting of the following parcel PIN 357-07-01-0008 as referenced on Exhibit A: Zoning Map (Z-21-18), 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 357-07-01-0008 (the “Annexed Parcel”), consisting of approximately 0.58 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

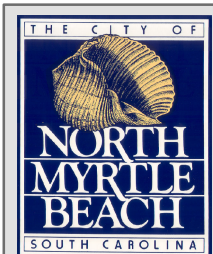
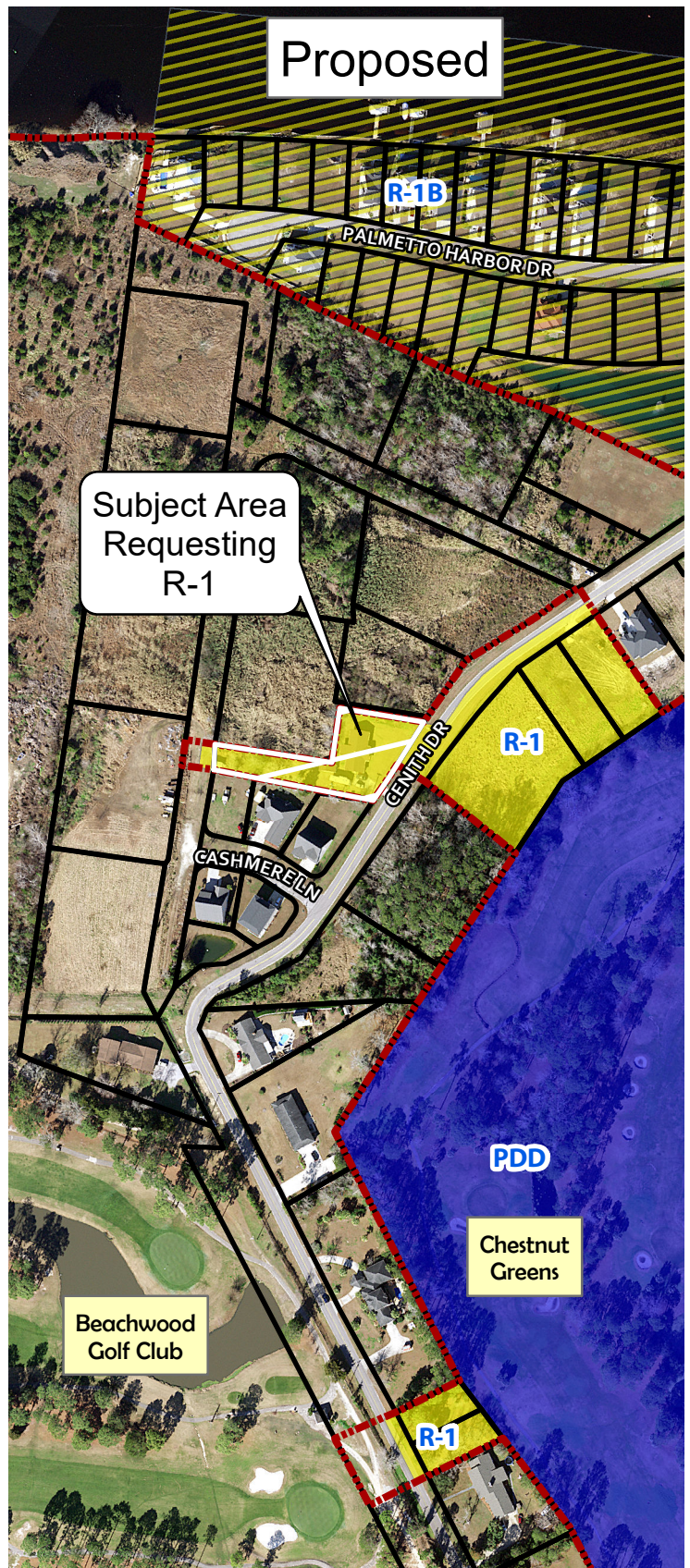
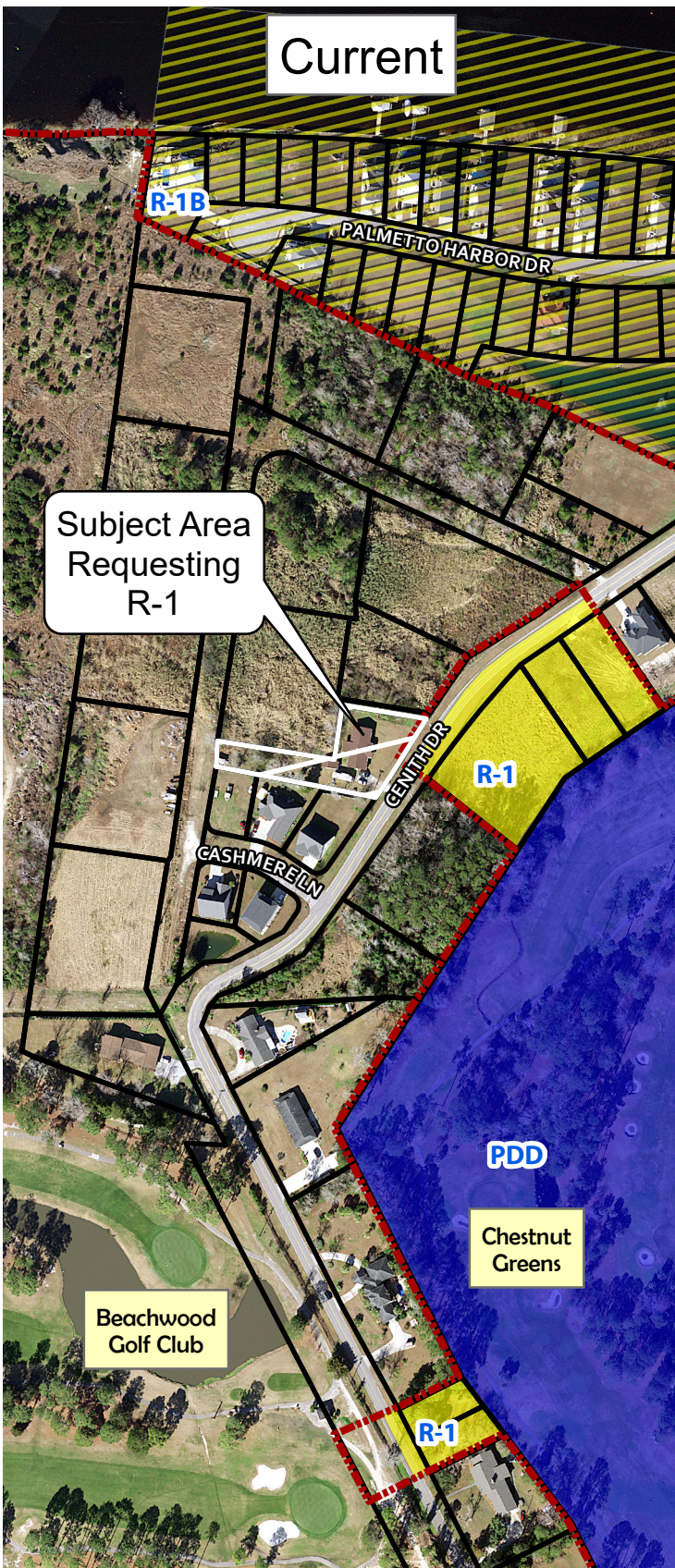
REVIEWED:

City Manager

FIRST READING: 9.20.2021

SECOND READING: 10.4.2021

ORDINANCE: 21-34



Legend



North Myrtle City Limits

Subject Area

Zoning



PDD



R-1B



R-1



0 150 300 Feet

Exhibit A: Zoning Map (Z-21-18)

7A. ANNEXATION & ZONING DESIGNATION Z-21-18: City staff received a petition to annex lands on Cenith Drive totaling approximately 0.58 acres and identified by PIN 357-07-01-0008. 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 Cenith Drive, the parcel has a single-family home located on it. Surrounding parcels within City limits are zoned Single-Family Residential Low-Density (R-1); adjacent unincorporated county parcels are zoned CFA 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 (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 because of such change, and the consequence of such change:

Current public rights-of-way serve this area via the existing, county maintained Cenith 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 and sewer services are available to the parcel.

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 September 20, 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-21-18] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-21-18] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-21-18
Complete Submittal Date:	July 20, 2021

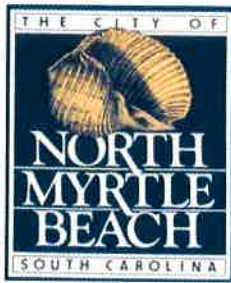


Notice Published:	July 23, 2021
Planning Commission:	August 17, 2021
First Reading:	September 20, 2021
Second Reading:	October 4, 2021

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION	
Date of Request: July 20, 2021	Property PIN(S): 35707010008
Property Owner(s): Paul Ray and Debra Faye Lynch	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 1765 Cenith Dr.	Project Contact: Thomas Dennis
Contact Phone Number: 843-222-4788	Contact Email Address: tdennis_52@yahoo.com
Current County Zoning: CFA	Proposed Zoning: R-1
Total Area of Property: .57 Acres	Approximate Population of Area to be Annexed: 4
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: Thomas Dennis</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.	



CITY OF NORTH MYRTLE BEACH
LETTER OF AGENCY

Revision Date 05.24.19

Today's Date:

Nature of Approval Requested: ANNEXATION REQUEST - APPLICATION FOR WATER SERVICE

Property PIN(s): 35707010008

Property Address/Location:

I, Paul Ray Lynch, hereby authorize THOMAS G. JENNIS

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

[Signature]

Signature

Title

Debra F Lynch

Signature

Title

Signature

Title

Signature

Title

Signature

Title

Signature

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.

DB 1737
PSE 646
STATE OF SOUTH CAROLINA
COUNTY OF HORRY

HORRY COUNTY ASSESSOR

143-12-01-017

Map Bk Parcel

GENERAL WARRANTY DEED

96 JUN 30 PM 1:45

KNOW ALL MEN BY THESE PRESENTS, that Grace N. Harrelson, (herein "Grantor"), in the State aforesaid, for and in consideration of the sum of Seventy Eight Thousand and no/100 (\$78,000.00) Dollars, to her in hand paid by Paul Ray Lynch and Debra Faye Lynch, P. O. Box 1412, Little River, South Carolina 29566 (receipt hereof is hereby acknowledged) has granted, bargained, sold and released; and by these presents does grant, bargain, sell and release unto the said Paul Ray Lynch and Debra Faye Lynch, their heirs and assigns forever, the following described property:

ALL AND SINGULAR, all that certain piece, parcel or lot of land situate, lying and being near Crescent Beach, Little River Township, State and County aforesaid, and more particularly described as follows:

Begins on the East side over 50 foot street at Lot O; runs thence with said Street, North 20 degrees West 57 feet to Lot P; thence with Lot P, North 70 degrees East 200 feet to a corner; thence North 20 degrees West 93 feet to Lot F-2; thence with Lot F-2 North 70 degrees East 100 feet, more or less to a street; thence with said street, South 4 degrees 45 minutes West 150 feet, more or less to Lot O; thence with Lot O, South 70 degrees West 240 feet, more or less, to the beginning. Said property is shown as Lot N-2, on a map of Lots less, to the beginning. Said property is shown as Lot N-2, on a map of Lots Mapped in Belle Edge Lands, dated March 6, 1968, by C. B. Berry, R.L.S.

This is the identical property conveyed unto Grace N. Harrelson by Deed of Distribution dated March 28, 1991, recorded April 2, 1991 in Book 1460 at Page 028, records of Horry County, South Carolina.

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or anyway incident or appertaining.

I Certify \$117.⁰⁰ Horry County Transfer Fee has been paid on this instrument.

Register of Deeds Conveyance
Horry County, S. C.

BOOK 1737 PAGE 646

TO HAVE AND TO HOLD, all and singular, the premises before mentioned unto the said Paul Ray Lynch and Debra Faye Lynch their heirs and assigns forever.

AND the said Grace N. Harrelson does hereby bind herself and her heirs, to warrant and forever defend all and singular the said premises unto the said Paul Ray Lynch and Debra Faye Lynch, their heirs and assigns against her and her heirs, and any person whomsoever lawfully claiming the same or any part thereof.

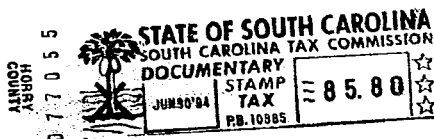
IN WITNESS WHEREOF, Grace N. Harrelson has caused these presents to be executed this 30th day of June, in the year of our Lord one thousand nine hundred and ninety-four and in the two hundred eighteenth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the Presence of:

Robert H. Grier III
WITNESS

Margaret L. Hursey
WITNESS

Grace N. Harrelson
Grace N. Harrelson



STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

P R O B A T E

PERSONALLY appeared before me, the undersigned witness and made oath that s/he saw the within named Grace N. Harrelson, sign, seal and as her Act and Deed deliver the within written Deed; and that s/he with the other subscribing witness witnessed the execution thereof.

Margaret L. Hursey
WITNESS

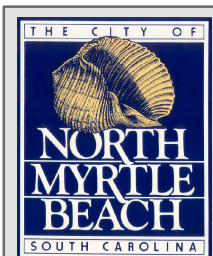
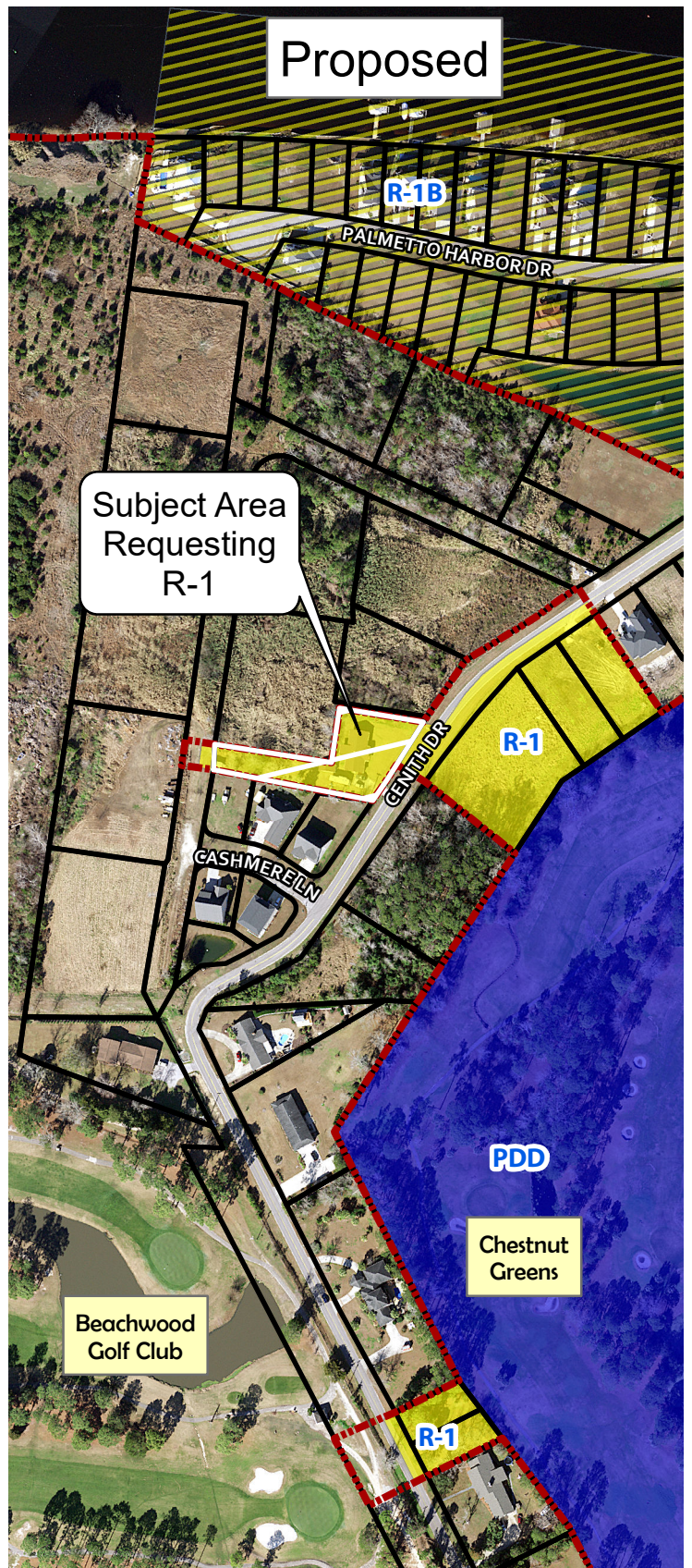
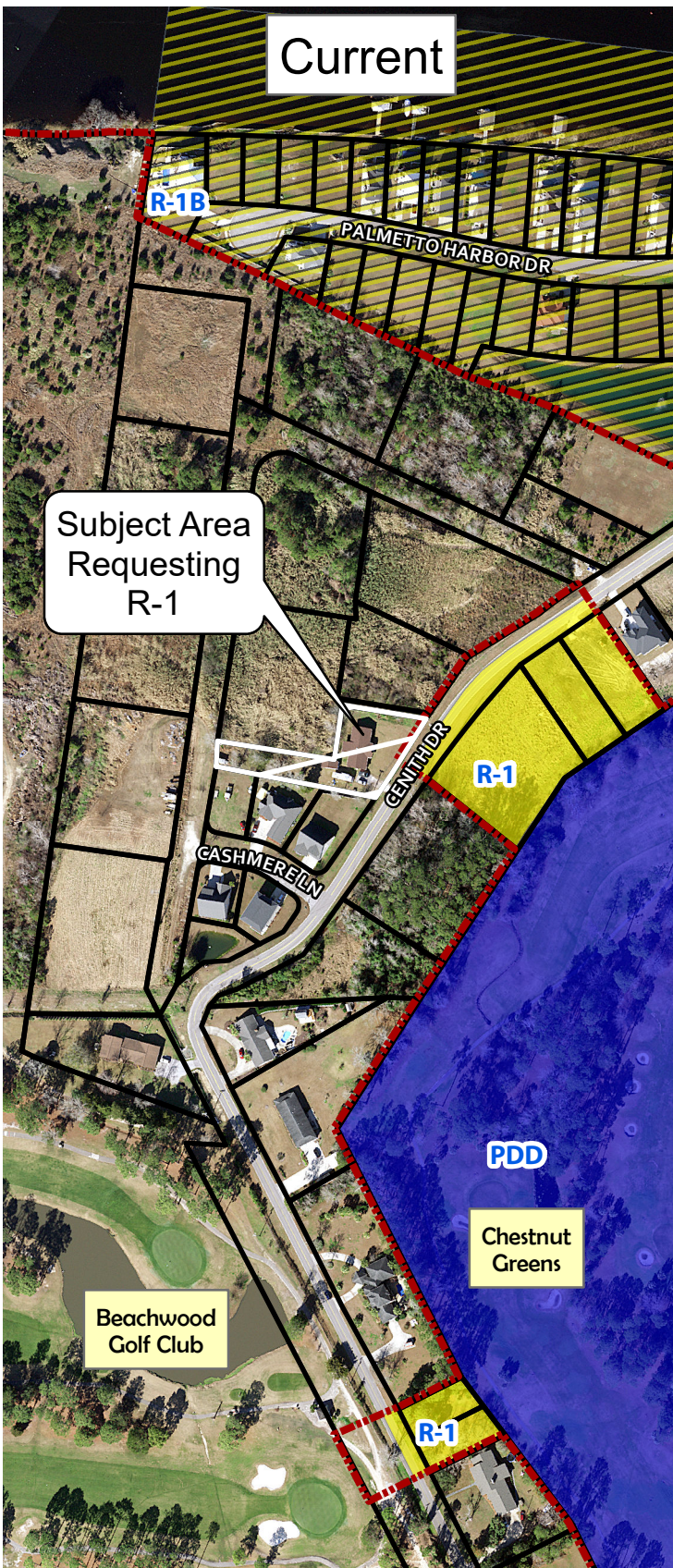
SWORN to before me this 30th

day of June, 1994.

Robert H. G. III (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 9-04-2001

NOTARY MUST AFFIX SEAL



Legend



North Myrtle City Limits

Subject Area

Zoning



PDD



R-1

R-1B



0 150 300 Feet

Exhibit A: Zoning Map (Z-21-18)

