

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 4, 2021

Agenda Item: 5E	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 0.36 acres on Cenith Drive [Z-21-19]	Division: Planning and Development

Background:

Gabriel Fowler, owner, has petitioned the City of North Myrtle Beach to annex approximately 0.36 acres of property located on Cenith Drive and identified by PIN 357-02-04-0054. 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 Single-Family Residential 14.5 (SF 14.5) 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 Planned Development District (PDD) within the Chestnut Greens PDD; adjacent unincorporated county parcels are zoned SF 14.5 and Commercial Forest Agriculture (CFA). Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map (Z-21-19), 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 0.36 ACRES IDENTIFIED AS PIN 357-02-04-0054.

WHEREAS, Gabriel Fowler, owner, has petitioned the City of North Myrtle Beach for annexation of 0.36 acres consisting of the following parcel PIN 357-02-04-0054 as referenced on Exhibit A: Zoning Map (Z-21-19), 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 357-02-04-0054 (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

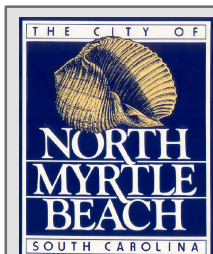
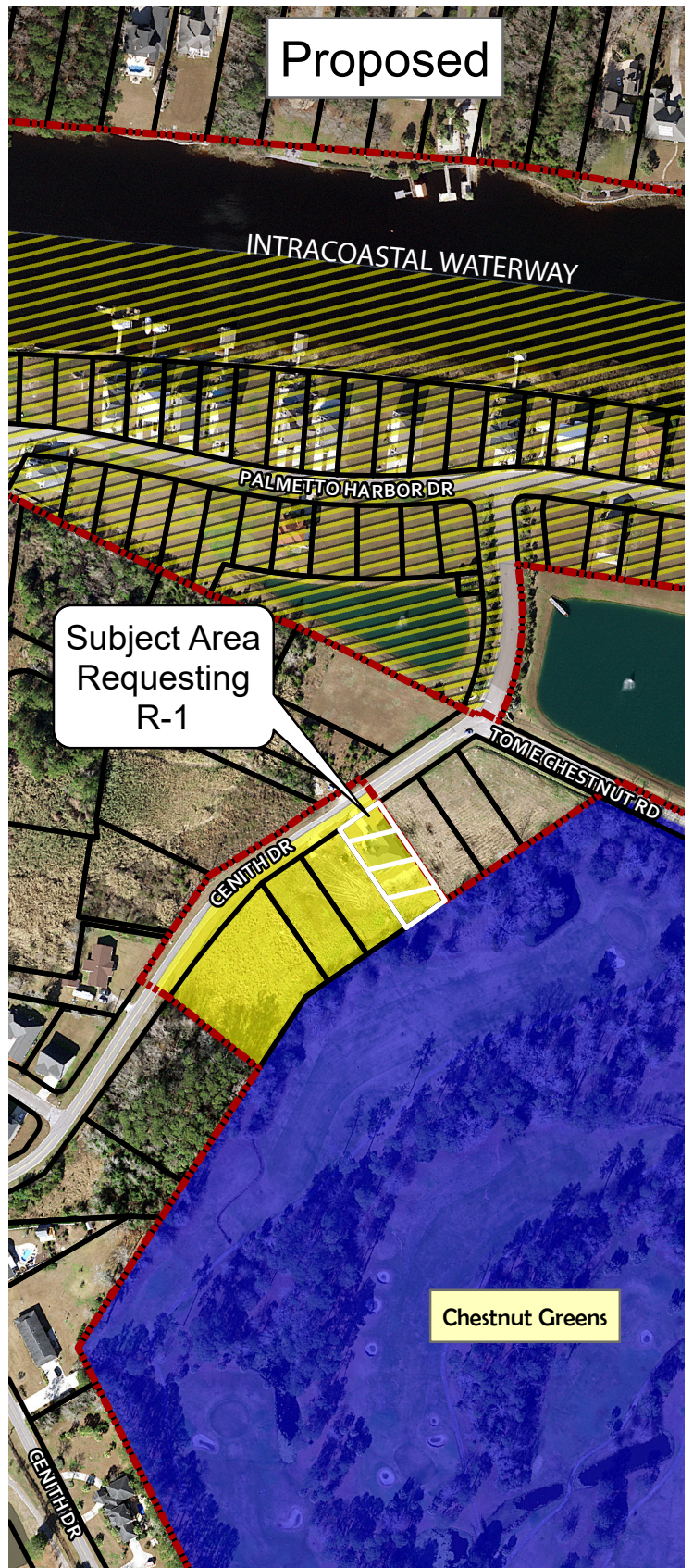
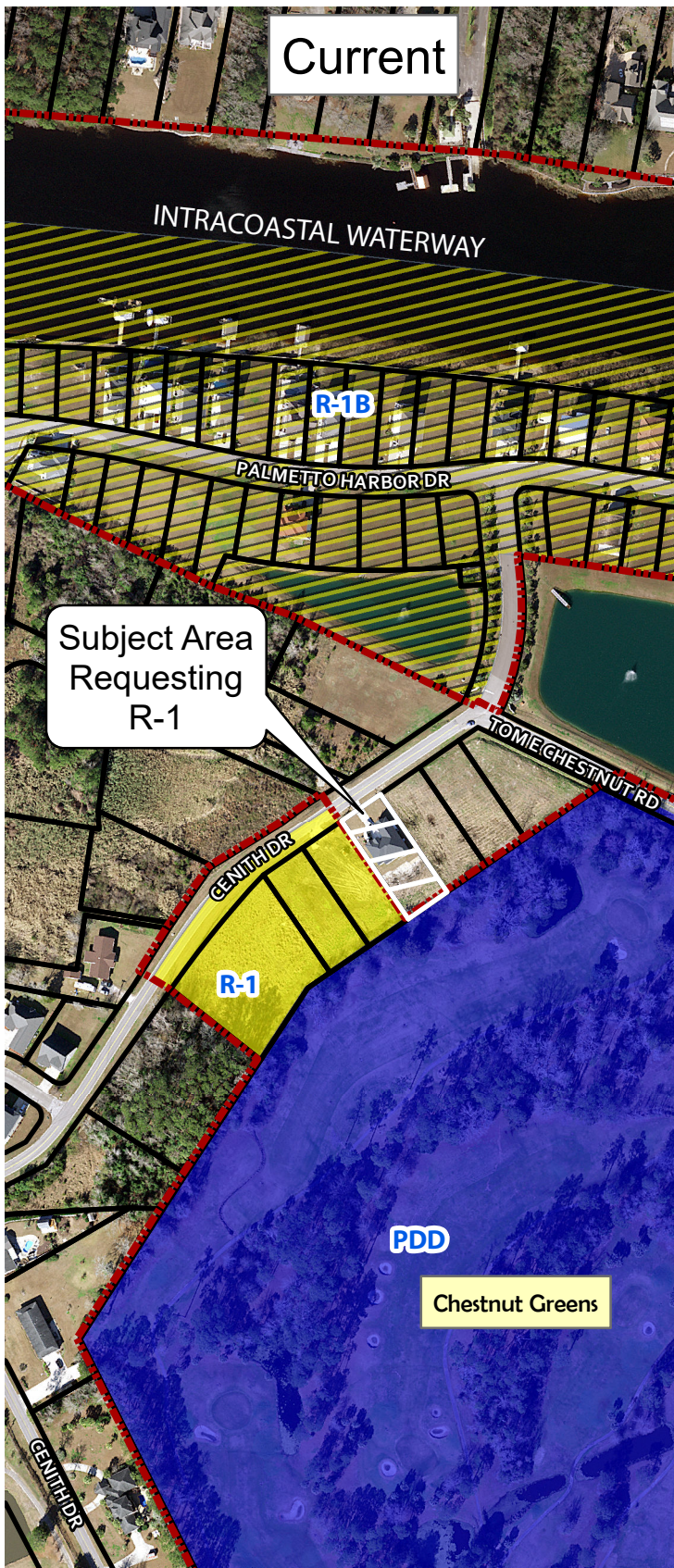
REVIEWED:

City Manager

FIRST READING: 9.20.2021

SECOND READING: 10.4.2021

ORDINANCE: 21-35



Path: M:\2021\2021-35 Z-21-19\2021-35 Z-21-19 Zoning.mxd

Legend



Subject Area

North Myrtle City Limits

Zoning

PDD



R-1

R-1B



0 150 300 Feet

Exhibit A: Zoning Map (Z-21-19)

Date: 8/11/2021
Author: Dawn E. Snider

7B. ANNEXATION & ZONING DESIGNATION Z-21-19: City staff received a petition to annex lands on Cenith Drive totaling approximately 0.36 acres and identified by PIN 357-02-04-0054. The lot is currently unincorporated and zoned Single-Family Residential (SF 14.5) 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 Single-Family Residential 14.5 (SF 14.5) 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 Planned Development District (PDD) within the Chestnut Greens PDD; adjacent unincorporated county parcels are zoned SF 14.5 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 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-21-19] as submitted.

OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-21-19] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-21-19
Complete Submittal Date:	July 26, 2021



Notice Published:	July 29, 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 26, 2021	Property PIN(S): 35702040054
Property Owner(s): FOWLER GABRIEL J ETAL	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 1783 Cenith Drive	Project Contact: Gabe Fowler
Contact Phone Number: 8434554810	Contact Email Address: thepoolsitter@sccoast.net
Current County Zoning: SF14.5	Proposed Zoning: R-1
Total Area of Property: 0.36 Acres	Approximate Population of Area to be Annexed: 2
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>Gabe Fowler</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.	

Pin number correct
35702040054,

Prepared By and Return To:
Wright, Worley, Pope, Ekster & Moss, PLLC
628-A Sea Mountain Highway
North Myrtle Beach SC 29582
Tax Map No.: # PIN 35702040054

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

)
)
)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, THAT **WATERFALL INVESTMENT & CONSTRUCTION GROUP, LLC**, in the State aforesaid, for and in consideration of the sum of THREE HUNDRED FORTY-NINE THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$349,900.00) to it in hand paid at and before the sealing of these presents by **GABRIEL J. FOWLER AND TIFFANY H. FOWLER**, in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto said **GABRIEL J. FOWLER AND TIFFANY H. FOWLER**, as joint tenants with right of survivorship and not as tenants in commons, his or her heirs and assigns, forever, in fee simple, together with every contingent remainder and right of reversion, the following described property, to wit:

All that certain piece, parcel or lot of land situate, lying, and being in the City of North Myrtle Beach, Little river Township, Horry County, South Carolina and depicted as Lot K-1, on that certain plat or map of survey prepared by Harry F. Bruton, dated June 14, 2017. A copy of said map being recorded June 21, 2017 in Plat Book 275 at Page 304, records of Horry County and is by reference incorporated herein as forming a part and parcel of this description.

This is a portion of the property acquired by the grantor herein by deed from Gwenlo Ferrell Gore recorded July 17, 2015 in Deed Book 3837 at Page 709, records of Horry County.

Tax Map #: PIN 35702040054

Grantees Address: 1783 Cenith Drive, North Myrtle Beach, SC 29582

TOGETHER WITH 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, all and singular the said Premises before mentioned unto the said **GABRIEL J. FOWLER AND TIFFANY H. FOWLER**, as joint tenants with right of survivorship and not as tenants in commons, his or her heirs and assigns, forever, in fee simple, together with every contingent remainder and right of reversion,

AND it does hereby bind itself and its successors and assigns, to warrant and forever defend all and singular the said Premises unto the said **GABRIEL J. FOWLER AND TIFFANY H. FOWLER** as hereinabove provided against itself and its successors and assigns and any person or persons whomsoever lawfully claiming or to claim the same, or any part thereof.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

WITNESS the execution hereof by the undersigned hand and seal this 2nd day of December,
2019.

Signed, Sealed and Delivered
in the Presence of

[Signature]
1st Witness

Theresa McCready
2nd Witness

**WATERFALL INVESTMENT &
CONSTRUCTION GROUP, LLC**

By: [Signature] {SEAL}
David A. Brown, Manager Member

File # SC-8137-002

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY) ACKNOWLEDGEMENT

{#30-5-30-(c)}

I, a Notary Public for the State of South Carolina, do hereby certify that Waterfall Investment &
Construction Group, LLC by David A. Brown, its Manager Member 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 2 day of December, 2019

Theresa McCready

Signature of Notary Public

My commission expires 5-19-2025

Printed name of Notary:

Theresa McCready

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 1783 Cenith Drive, North Myrtle Beach, SC 29582 bearing County Tax Map Number/PIN 357-02-04-0054 was transferred by **Waterfall Investment & Construction Group, LLC** to **Gabriel J. Fowler and Tiffany H. Fowler** by deed dated December 2, 2019

3. Check one of the following: The deed is

(a) X 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) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$349,900.00

(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: \$349,900.00

(b) Place the amount listed in item 5 above here: -0-

(If no amount is listed, place zero here.)

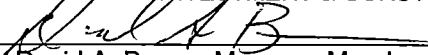
(c) Subtract Line 6(b) from Line 6(a) and place result here: \$349,900.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$1,294.63

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

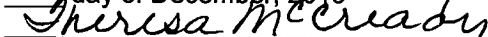
9. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

WATERFALL INVESTMENT & CONSTRUCTION GROUP, LLC


David A. Brown, Manager Member

SWORN to and subscribed before me this

2 day of December, 2019



Notary Public for South Carolina

My Commission Expires: 5-19-2025

Notary (printed name): Theresa McCready

Pin number correct
35702040054,

Prepared By and Return To:
Wright, Worley, Pope, Ekster & Moss, PLLC
628-A Sea Mountain Highway
North Myrtle Beach SC 29582
Tax Map No.: # PIN 35702040054

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

)
)
)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, THAT **WATERFALL INVESTMENT & CONSTRUCTION GROUP, LLC**, in the State aforesaid, for and in consideration of the sum of THREE HUNDRED FORTY-NINE THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$349,900.00) to it in hand paid at and before the sealing of these presents by **GABRIEL J. FOWLER AND TIFFANY H. FOWLER**, in the State aforesaid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto said **GABRIEL J. FOWLER AND TIFFANY H. FOWLER**, as joint tenants with right of survivorship and not as tenants in commons, his or her heirs and assigns, forever, in fee simple, together with every contingent remainder and right of reversion, the following described property, to wit:

All that certain piece, parcel or lot of land situate, lying, and being in the City of North Myrtle Beach, Little river Township, Horry County, South Carolina and depicted as Lot K-1, on that certain plat or map of survey prepared by Harry F. Bruton, dated June 14, 2017. A copy of said map being recorded June 21, 2017 in Plat Book 275 at Page 304, records of Horry County and is by reference incorporated herein as forming a part and parcel of this description.

This is a portion of the property acquired by the grantor herein by deed from Gwenlo Ferrell Gore recorded July 17, 2015 in Deed Book 3837 at Page 709, records of Horry County.

Tax Map #: PIN 35702040054

Grantees Address: 1783 Cenith Drive, North Myrtle Beach, SC 29582

TOGETHER WITH 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, all and singular the said Premises before mentioned unto the said **GABRIEL J. FOWLER AND TIFFANY H. FOWLER**, as joint tenants with right of survivorship and not as tenants in commons, his or her heirs and assigns, forever, in fee simple, together with every contingent remainder and right of reversion,

AND it does hereby bind itself and its successors and assigns, to warrant and forever defend all and singular the said Premises unto the said **GABRIEL J. FOWLER AND TIFFANY H. FOWLER** as hereinabove provided against itself and its successors and assigns and any person or persons whomsoever lawfully claiming or to claim the same, or any part thereof.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

WITNESS the execution hereof by the undersigned hand and seal this 2nd day of December,
2019.

Signed, Sealed and Delivered
in the Presence of

[Signature]
1st Witness

Theresa McCready
2nd Witness

WATERFALL INVESTMENT &
CONSTRUCTION GROUP, LLC

By: [Signature] {SEAL}
David A. Brown, Manager Member

File # SC-8137-002

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY) ACKNOWLEDGEMENT

{#30-5-30-(c)}

I, a Notary Public for the State of South Carolina, do hereby certify that Waterfall Investment &
Construction Group, LLC by David A. Brown, its Manager Member 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 2 day of December, 2019

Theresa McCready

Signature of Notary Public

My commission expires 5-19-2025

Printed name of Notary:

Theresa McCready

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 1783 Cenith Drive, North Myrtle Beach, SC 29582 bearing County Tax Map Number/PIN 357-02-04-0054 was transferred by **Waterfall Investment & Construction Group, LLC** to **Gabriel J. Fowler and Tiffany H. Fowler** by deed dated December 2, 2019

3. Check one of the following: The deed is

(a) X 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) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$349,900.00

(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: \$349,900.00

(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: \$349,900.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$1,294.63

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 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.

WATERFALL INVESTMENT & CONSTRUCTION GROUP, LLC

David A. Brown
David A. Brown, Manager/Member

SWORN to and subscribed before me this

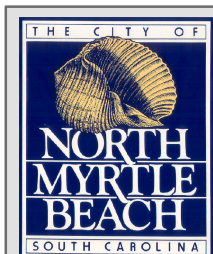
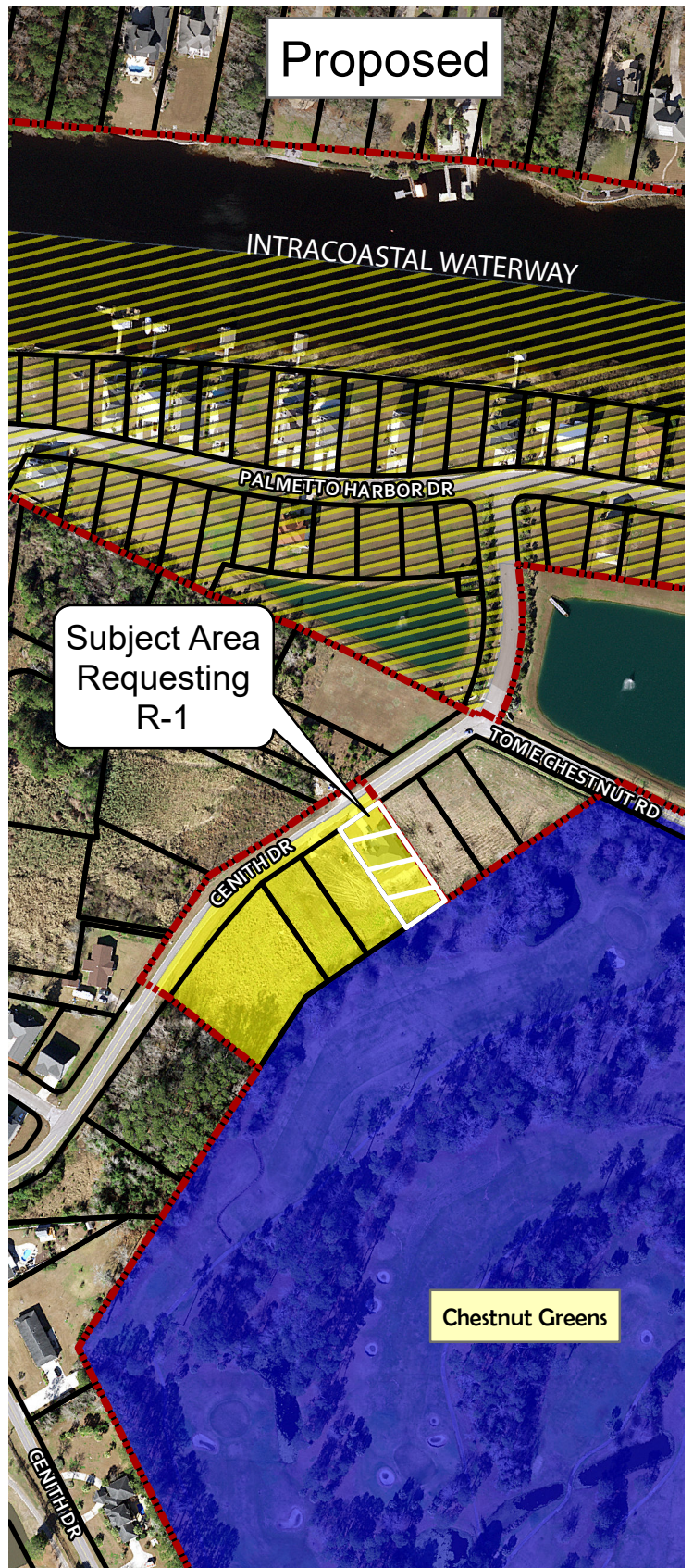
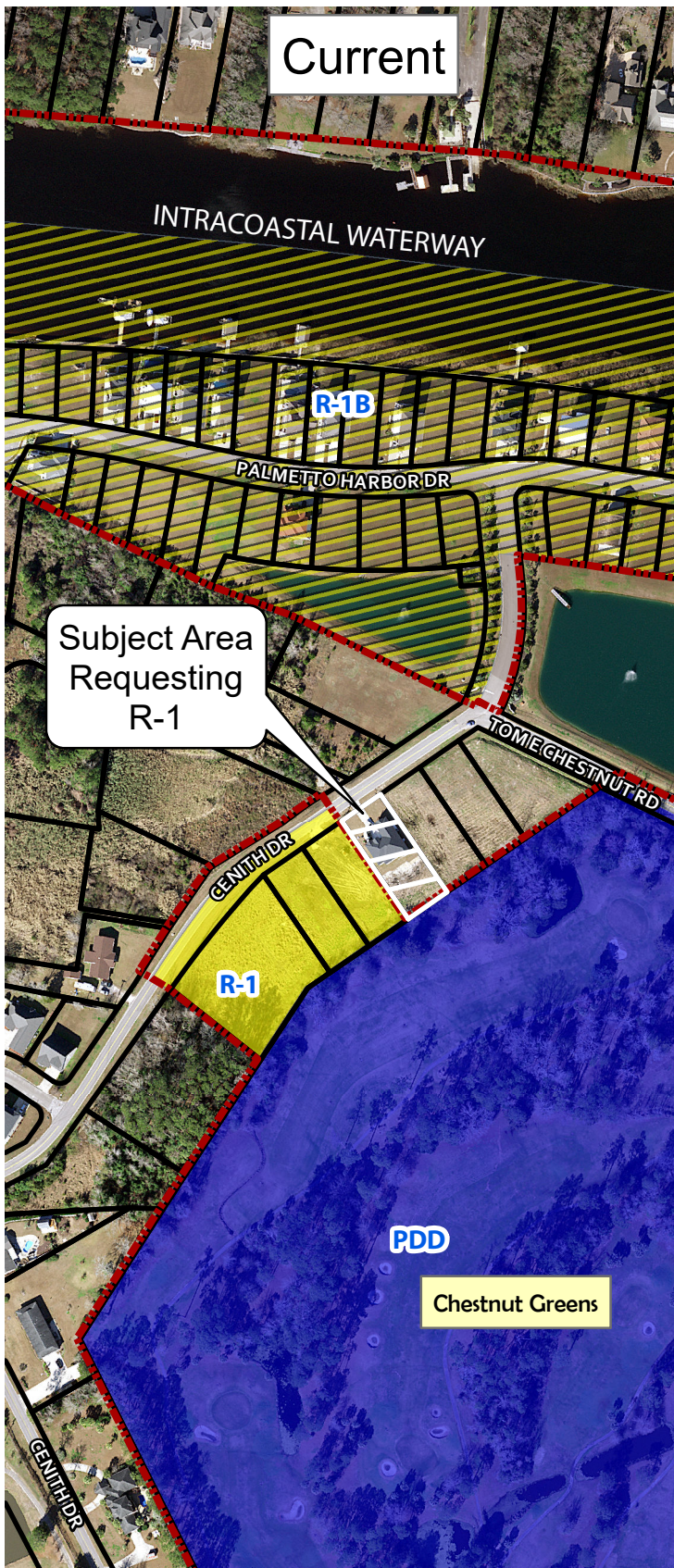
2 day of December, 2019

Theresa McCready

Notary Public for South Carolina

My Commission Expires: 5-19-2025

Notary (printed name): Theresa McCready



Path: M:\2021\2021-35 Z-21-19\2021-35 Z-21-19 Zoning.mxd

Legend



Subject Area

North Myrtle City Limits

Zoning

PDD



R-1

R-1B



0 150 300 Feet

Exhibit A: Zoning Map (Z-21-19)

Date: 8/11/2021
Author: Dawn E. Snider

