# REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 7, 2022

| | |
|---|---|
| Agenda Item: 7C | Prepared by:<br>L. Suzanne Pritchard, PLA, AICP, CFM |
| Agenda Section:<br>New Business: Ordinance. First Reading | Date: March 2, 2022 |
| Subject: Petition for annexation and zoning designation for 0.8 Acres on Cenith Drive [Z-22-3] | Division: Planning and Development |

**Background:**
Shemon and Bryanna Dadush, owners, have petitioned the City of North Myrtle Beach to annex approximately 0.8 acres of property located on Cenith Drive identified by PIN 357-02-04-0052. 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 is vacant and undeveloped. Surrounding parcels within City limits are zoned R-1 and Single-Family Low-Medium Density (R-1B); adjacent unincorporated county parcels are zoned CFA and Single-Family Residential 14.5 (SF 14.5). Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map (Z-22-3), prepared by the City of North Myrtle Beach Planning and 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 22, 2022 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 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 0.8 ACRES IDENTIFIED AS PIN 357-02-04-0052.**

**WHEREAS,** Shemon and Bryanna Dadush, owners, have petitioned the City of North Myrtle Beach for annexation of 0.8 acres consisting of the following parcel PIN 357-02-04-0052 as referenced on Exhibit A: Zoning Map (Z-22-3), 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 357-02-04-0052 (the "Annexed Parcel"), consisting of approximately 0.8 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_____, 2022.

ATTEST: _____
Mayor Marilyn Hatley

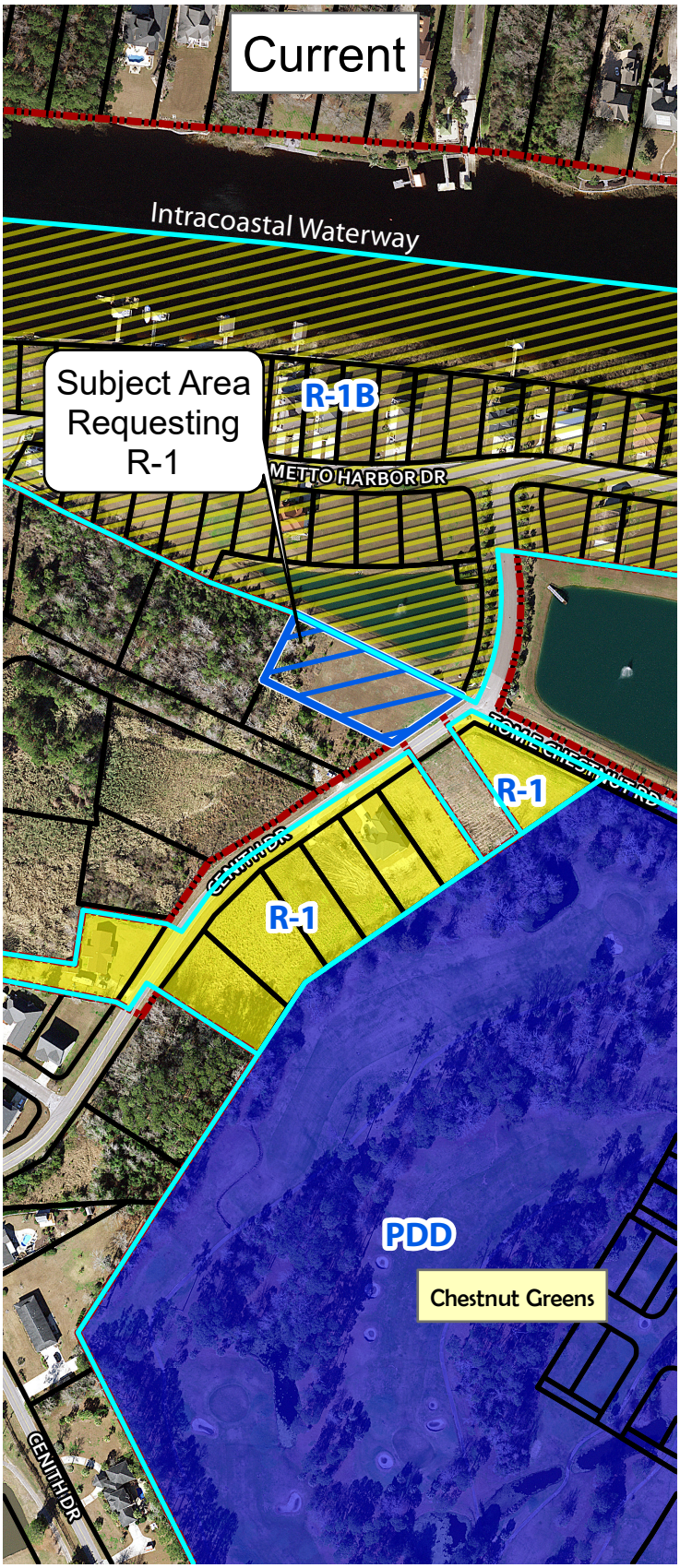
_____
City Clerk

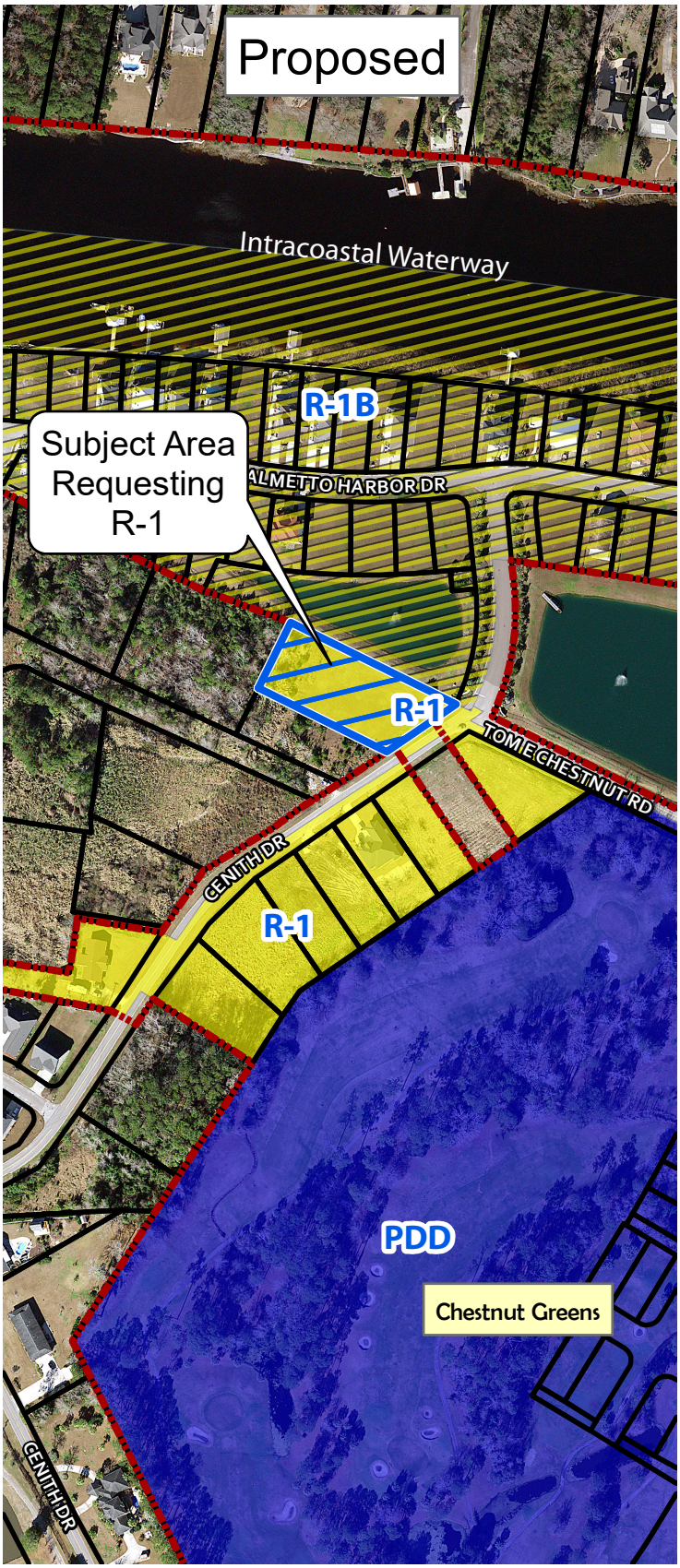
APPROVED AS TO FORM:

_____ FIRST READING: _____
City Attorney SECOND READING: _____

REVIEWED:

_____ ORDINANCE: _____
City Manager




THE CITY OF NORTH MYRTLE BEACH SOUTH CAROLINA

Legend

Subject_Area

North Myrtle City Limits

ZONING

R-1

PDD

R-1B

0 150 300 Feet

# Exhibit A: Zoning Map (Z-22-3)

Path: M:\2022\2022-05 Z-22-3 35702040052\2022-05 Z-22-3 Zoning.mxd

Date: 1/25/2022
Author: Dawn E. Snider

**6B. ANNEXATION & ZONING DESIGNATION Z-22-3:** City staff received a petition to annex lands on Cenith Drive totaling ±0.79 acres and identified by PIN 357-02-04-0052. 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 CFA under Horry County jurisdiction. Located on Cenith Drive, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned R-1 and Single-Family Low-Medium Density (R-1B); 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; access subject to Horry County encroachment permit approval.*

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 March 7, 2022. 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-22-3] as submitted.

OR

2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-3] as submitted.

OR

3) I move (an alternate motion).

| | |
|---|---|
| FILE NUMBER: | Z-22-3 |
| Complete Submittal Date: | |

| | |
|---|---|
| Notice Published: | |
| Planning Commission: | February 22, 2022 |
| First Reading: | March 7, 2022 |
| Second Reading: | March 21, 2022 |

**City of North Myrtle Beach, SC**

# Petition for Annexation & Zoning

| GENERAL INFORMATION | |
|---|---|
| **Date of Request: January 19, 2022** | **Property PIN(S): 35702040052** |
| **Property Owner(s): Shemon and Bryanna Dadush** | **Type of Zoning Map Amendment: Petition for Annexation and Zoning** |
| **Address or Location: 1807 Cenith Dr. North Myrtle Beach,** | **Project Contact: Joel Warren** |
| **Contact Phone Number: 843-399-2727** | **Contact Email Address: joel@shscgroup.com** |
| **Current County Zoning: Residential** | **Proposed Zoning: R-1** |
| **Total Area of Property: 0.78 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).
*Applicant's E-signature: Joel Warren*

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.

1018 2nd Avenue South · North Myrtle Beach, SC 29582 · Telephone: (843) 280-5566 · Facsimile: (843) 280-5581

CITY OF NORTH MYRTLE BEACH

# LETTER OF AGENCY

*Revision Date 05.24.19*

Today's Date: 1/19/22

Nature of Approval Requested: Petition for Annexation and Zoning

Property PIN(s): 143-12-01-105 / 357-02-04-0052

Property Address/Location: 1807 Cenith Dr.

I, Shemon Oadush, hereby authorize Joel WARREN

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

| | |
|---|---|
| Signature | Signature |
| OWNER<br>Title | Title |
| Signature | Signature |
| OWNER<br>Title | Title |
| Signature | Signature |
| Title | 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.

Deed BK: 4398 PG: 1274 Doctype: 001 03/11/2021 at 01:57:18 PM, 1 OF 4 County Stamps: $165.00 State Stamps: $390.00 Marion D. Foxworth III, Horry County, SC Registrar of Deeds
35702040052,

*Prepared by and Return to:*
*Roy & Casper, LLC*
*PO Box 4086*
*N Myrtle Beach, SC 29597*

*STATE OF SOUTH CAROLINA )*
*)* *TITLE TO REAL ESTATE*
*COUNTY OF HORRY )*

*KNOW ALL MEN BY THESE PRESENTS, that* ***Davis Allen Sansbury and Bonnie Sparks Sansbury,*** *hereinafter called Grantors, in the State aforesaid for and in consideration of the sum of* ***One Hundred Fifty Thousand AND NO/100 ($150,000.00) DOLLARS****, to us paid by* ***Shemon Dadush and Bryanna Dadush,*** *hereinafter called Grantees, receipt whereof is hereby acknowledged, has granted, bargained, sold and released; and by these presents does grant, bargain, sell and release unto the said Grantees, as joint tenants with right of survivorship and not as tenants in common, their Heirs and Assigns, forever in fee simple, together with every contingent remainder and right of reversion, the following described property:*

*ALL AND SINGULAR, all that certain piece, parcel or lot of land situate, lying and being in Horry County, South Carolina, and more particularly shown as Lot 1-A, on that certain plat of Belle Edge Lands by Atlantic Land Surveying Co. dated October 19, 2011 and recorded in the office of the Register of Deeds for Horry County on November 8, 2011 in Plat Book 253 at Page 92.*

*This being the identical property conveyed to Davis Allen Sansbury and Bonnie Sparks-Sansbury by deed of David Michael Peverall dated September 29, 2017 and recorded October 3, 2017 in Deed Book 4047, Page 2755 in the Office of the Horry County Register of Deeds.*

*Tax Map Number: 143-12-01-105* *PIN# 143-12-01-105*

*Grantees' Address: 210 Palmetto Harbour Drive, North Myrtle Beach, SC 29852*

*TOGETHER WITH all and singular, the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining.*

Deed BK: 4398 PG: 1275 Doctype: 001 03/11/2021 at 01:57:18 PM, 2 OF 4 County Stamps: $165.00 State Stamps: $390.00 Marion D. Foxworth III, Horry County, SC Registrar of Deeds

*TO HAVE AND HOLD all and singular the premises before mentioned unto the said Grantees, as joint tenants with right of survivorship and not as tenants in common, their Heirs and Assigns, forever in fee simple, together with every contingent remainder and right of reversion.*

*AND Grantors does hereby bind themselves and his Heirs, Successors and/or Assigns, to warrant and forever defend all and singular the said premises unto the said Grantees, as joint tenants with right of survivorship and not as tenants in common, their Heirs and Assigns, forever in fee simple, together with every contingent remainder and right of reversion, against themselves and their Heirs, Successors and/or Assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.*

*WITNESS the execution hereof by Grantor this 10th day of March 2021 in the year of our Lord two thousand and twenty-one and in the two hundred forty fourth year of the Sovereignty and Independence of the United States of America.*

Deed BK: 4398 PG: 1276 Doctype: 001 03/11/2021 at 01:57:18 PM, 3 OF 4 County Stamps: $165.00 State Stamps: $390.00 Marion D. Foxworth III, Horry County, SC Registrar of Deeds

*Signed, Sealed and Delivered*

*1st Witness*

*2nd Witness (Notary)*

***Davis Allen Sansbury***

***Bonnie Sparks Sansbury***

*STATE OF SOUTH CAROLINA )*
*)* *ACKNOWLEDGMENT*
*COUNTY OF HORRY )*

*I, Juliet M. Casper, a Notary Public for South Carolina, do hereby certify that the Grantor herein personally appeared before me, and acknowledged the execution of the foregoing instrument and that the subscribing witness is not a beneficiary to the party or transaction.*

*Witness my hand and official seal this 10th day of March, 2021.*

*(SEAL)*

*Notary Public for SC*
*My Commission Expires:* Aug. 22, 2023

JULIET M. CASPER NOTARY PUBLIC SOUTH CAROLINA

Deed BK: 4398 PG: 1277 Doctype: 001 03/11/2021 at 01:57:18 PM, 4 OF 4 County Stamps: $165.00 State Stamps: $390.00 Marion D. Foxworth III, Horry County, SC Registrar of Deeds

STATE OF SOUTH CAROLINA )
COUNTY OF HORRY ) AFFIDAVIT

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 1807 Cenith Drive, North Myrtle Beach, SC 29852, bearing Horry County Tax Map Number 143-12-01-105 was transferred by Davis Allen Sansbury and Bonnie Sparks Sansbury to Shemon Dadush and Bryanna Dadush on 03/10/21.

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 $150,000.00.

(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 on the land, tenement, or realty after 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: $150,000.00

(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: $150,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: $555.00

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.

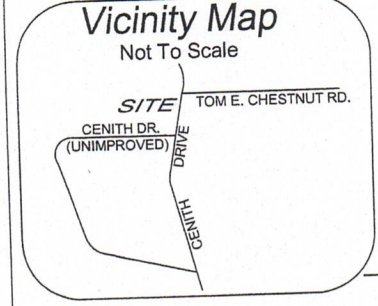
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN to before me this
10th day of March 2021

Davis Allen Sansbury

_____
Notary Public for SC
My Commission Expires: Aug. 22, 2023

JULIE CASPER NOTARY PUBLIC SOUTH CAROLINA




853/92

LOT H
BELLE EDGE LANDS
PIN# 357-02-04-0005
TAX# 143-12-01-008
N/F KAREN G. EDGE
DB.1638 @ PG.600

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: DECEMBER 22 2021

SIGNED

PROFESSIONAL LAND SURVEYOR
HARRY F. BRUTON, PLS 24275

NOTES:
1. PIN# 357-02-04-0052
2. OTHER UTILITIES MAY EXIST, BUT THEIR LOCATIONS ARE NOT KNOWN.
3. SURVEY SUBJECT TO FULL TITLE SEARCH
4. THIS PROPERTY MAY BE SUBJECT TO RIGHT OF WAYS, EASEMENTS OR RESTRICTIONS EITHER RECORDED OR IMPLIED
5. OWNER TO VERIFY COMPLIANCE ZONING, RESTRICTIVE COVENANTS OR HOMEOWNERS ASSOC. REQUIREMENTS OF RECORD
6. AREA COMPUTED BY COORDINATE GEOMETRY
7. R/W = RIGHT OF WAY
8. Ⓢ = SEWER MANHOLE
9. = POWER POLE
10. RBF = 5/8" IRON REBAR FOUND
11. TAX # 143-12-01-105
12. PLAT REF. = PB. 253 @ PG.92
13. CURRENT HORRY COUNTY SETBACKS SHOWN. ZONED CFA-RESIDENTIAL SINGLE FAMILY SETBACKS.
14. EA = EDGE OF ASPHALT

RBF
N01°47'15"W
124.00
RBF

15' SETBACK

LOT 1-A
34,403 SQ.FT.
0.78 ACRE

S88°12'45"W
242.78

10' SETBACK

N88°15'00"E
312.52

10' SETBACK

LOT 1-B
BELLE EDGE LANDS
PIN# 357-02-04-0053
TAX# 143-12-01-106
N/F RAYMOND R. PEVERALL JR.
DB.3552 @ PG.1707

PALMETTO HARBOR
RETENTION POND
PIN# 357-02-04-0020
TAX# 143-19-01-069
N/F PALMETTO HARBOR POA, INC
DB.3404 @ PG.335

R/W
RBF
S27°42'09"W
87.42
EA
RBF
25' SETBACK
R/W
S27°36'26"W
142.09

CENITH DRIVE
50' PUBLIC R/W

RBF
Ⓢ
R/W
EA
R/W

GRAPHIC SCALE
30 0 15 30
( IN FEET )
1 inch = 30 ft.

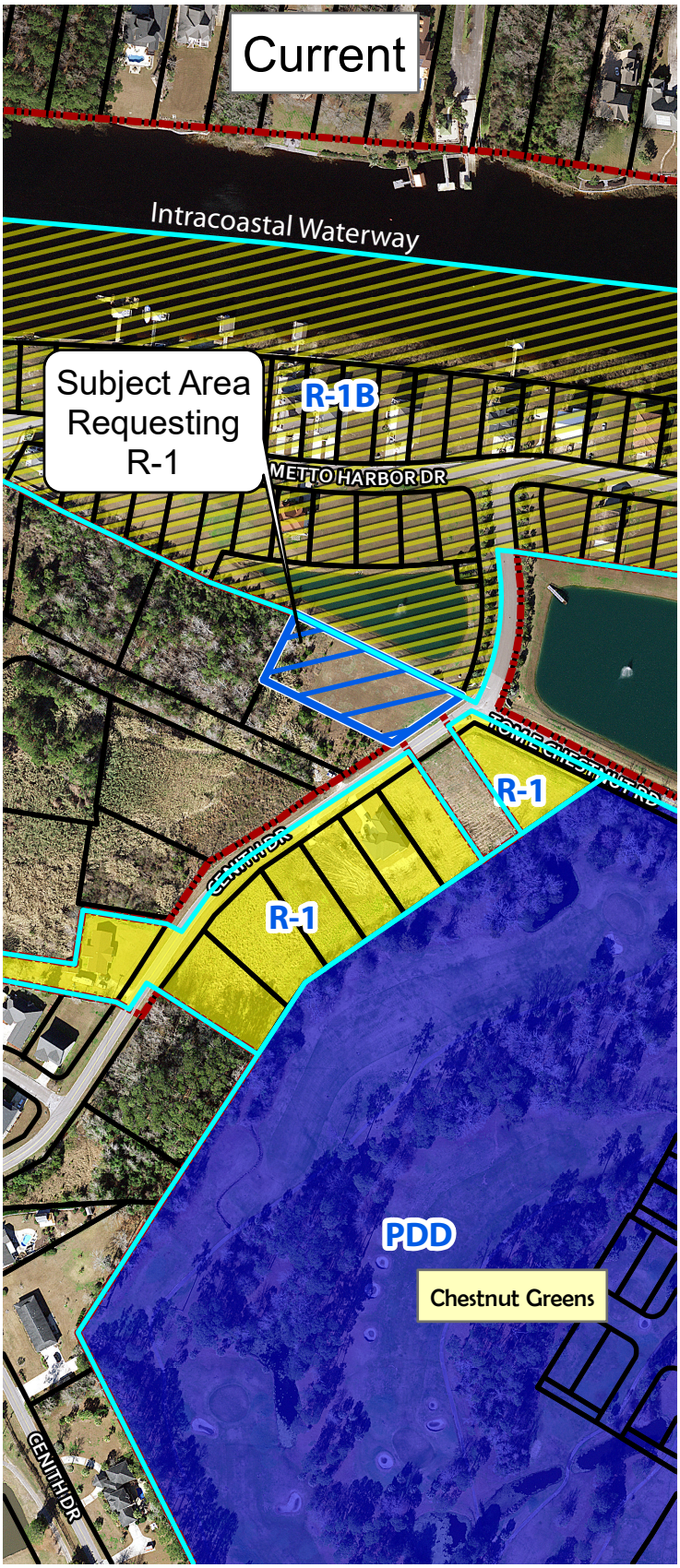
FLOOD NOTE:
THE SUBJECT PROPERTY SHOWN HEREON LIES IN FLOOD ZONE "X" PER F.E.M.A. MAP # 45051 C0 604 "K" DATED DECEMBER 16, 2021.

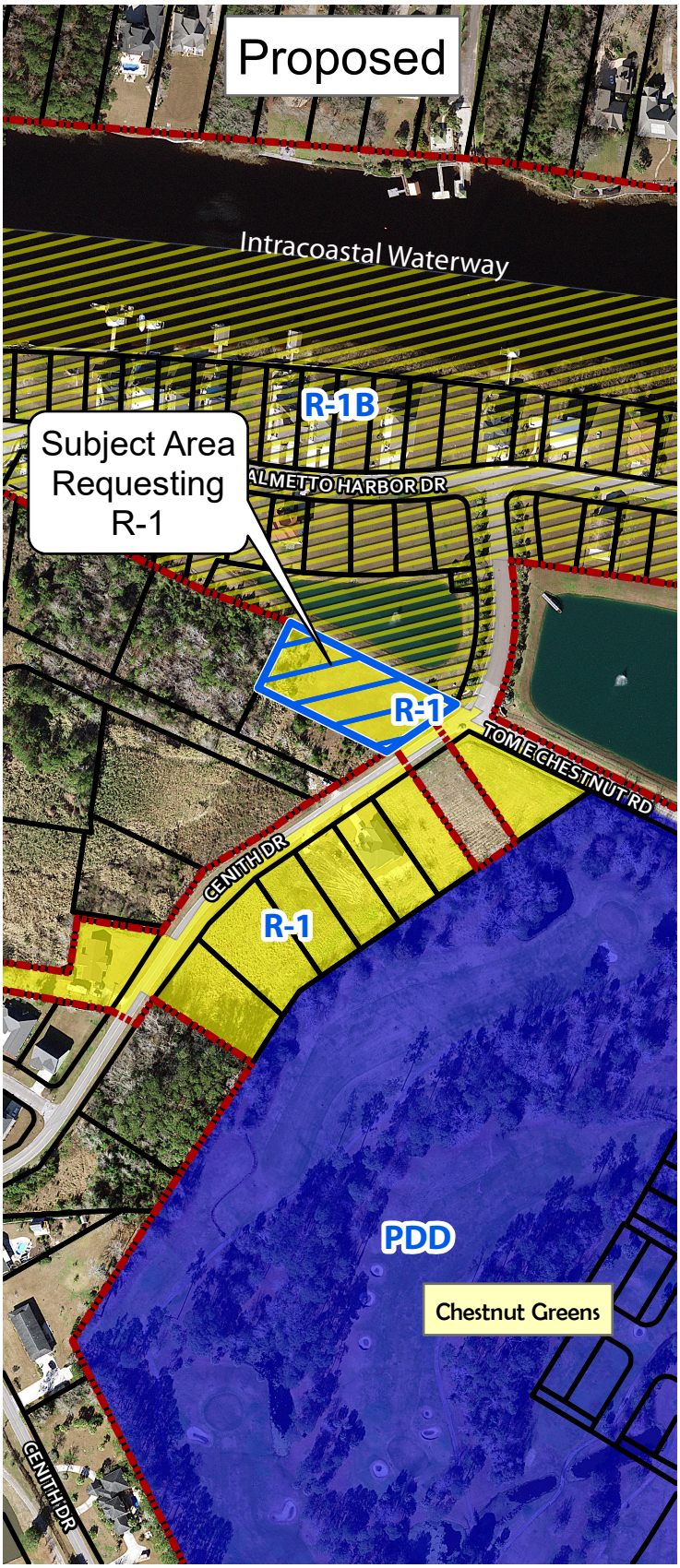
Harry F. Bruton & Associates
Professional Land Surveying & Design
RESIDENTAL & COMMERCIAL IN S.C.
905-2 Sea Mountain Hwy.
North Myrtle Beach, SC 29582
hfbruton@gmail.com
OFFICE (843) 281 - 8822
FAX (843) 280 - 0920

A BOUNDARY RESURVEY
SHOWING
LOT 1-A
BELLE EDGE LANDS
NORTH MYRTLE BEACH, HORRY COUNTY, SOUTH CAROLINA
SCALE 1"=30'
THE PROPERTY OF SHEMON & BRYANNA DADUSH
MAP REFERENCE IN BOOK 253 PAGE 92
DEED REFERENCE IN BOOK 4398 PAGE 1274
JOB NO. 21329 ACAD: 1807 CENITH DR BNDY 12/22/21

SOUTH CAROLINA PROFESSIONAL NO. 24275 LAND SURVEYOR HARRY F. BRUTON

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




THE CITY OF NORTH MYRTLE BEACH SOUTH CAROLINA

Legend

Subject_Area

North Myrtle City Limits

ZONING

R-1

PDD

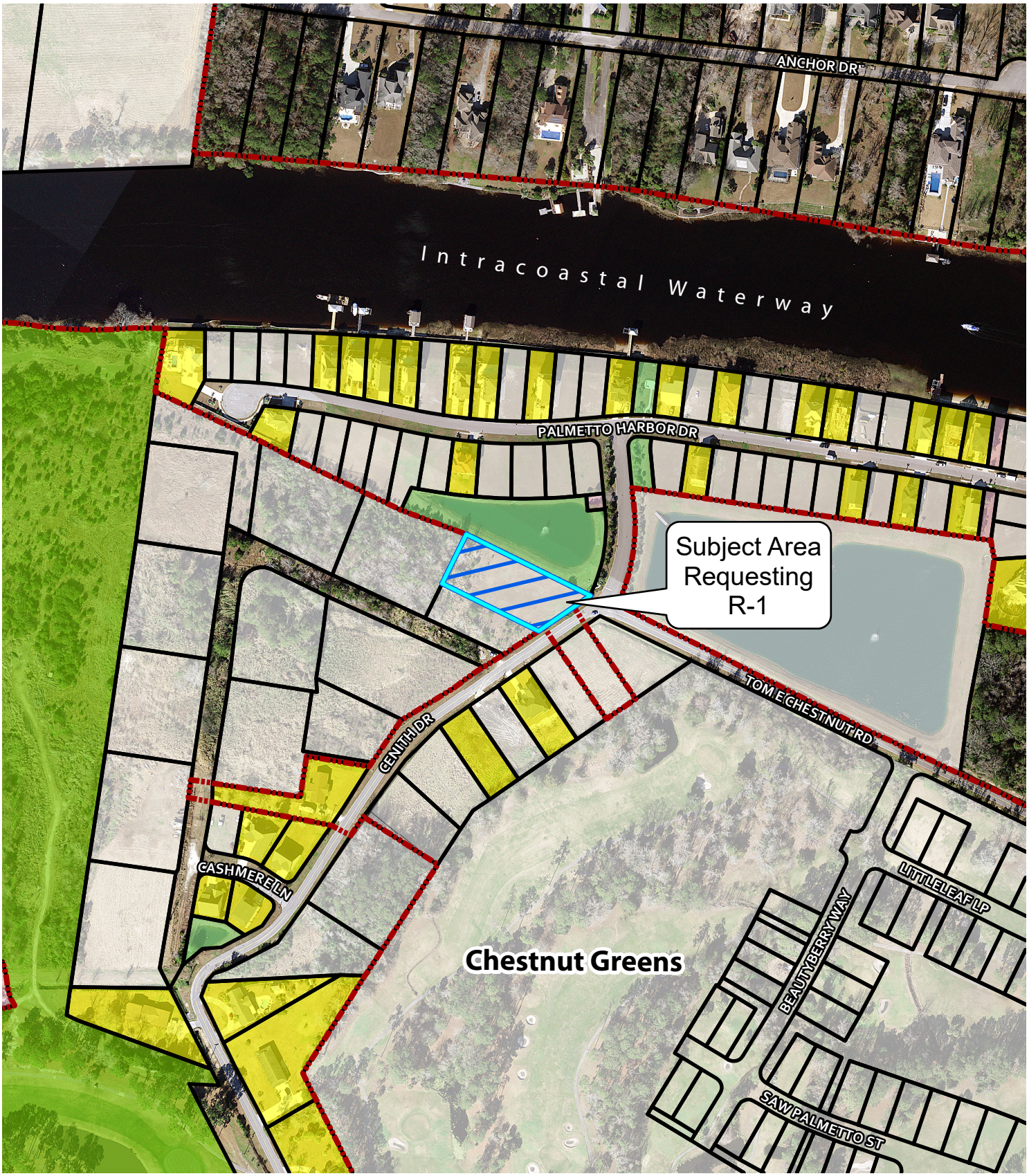
R-1B

0 150 300 Feet

# Exhibit A: Zoning Map (Z-22-3)

Path: M:\2022\2022-05 Z-22-3 35702040052\2022-05 Z-22-3 Zoning.mxd

Date: 1/25/2022
Author: Dawn E. Snider




Legend

Subject Area

North Myrtle City Limits

Existing Land Use

Common Open Space

Golf Course

Public, Social, Cultural

Single-Family

Vacant

# Existing Land Use Map (Z-22-3)

0 150 300 Feet

Path: M:\2022\2022-05 Z-22-3 35702040052\2022-05 Z-22-3 ELU.mxd

Date: 1/25/2022

Author: Dawn E. Snider




## Legend

- Subject Area
- North Myrtle City Limits

**Recommended Future Land Use Categories**

- RPC - Resource, Protection, Conservation
- MU - Mixed Use
- MMU - Marina Mixed Use
- NMU - Neighborhood Mixed Use
- RS - Residential Suburban
- RN - Residential Neighborhood

0 150 300 Feet

# Future Land Use Map (Z-22-3)

Path: M:\2022\2022-05 Z-22-3 35702040052\2022-05 Z-22-3 FLU.mxd

Date: 1/25/2022
Author: Dawn E. Snider