

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: May 16, 2022

Agenda Item: 7A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: May 11, 2022
Subject: Petition for annexation and zoning designation for 0.34 acres on Little River Neck Road [Z-22-5]	Division: Planning and Development

Background:

Garry Brewer, owner, has petitioned the City of North Myrtle Beach to annex approximately 0.34 acres of property located off Little River Neck Road identified by PIN 352-01-04-0018. 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 MSF14.5 under Horry County jurisdiction. Located on Little River Neck Road, the parcel currently houses a mobile home with detached garage. Surrounding parcels within City limits are zoned R-1, Single-Family Low-Medium Density (R-1B), and Planned Development District (PDD) within the Tidewater PDD. Upon annexation, the parcel would be designated R-1 as per Exhibit A: Zoning Map (Z-22-5), 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 May 3, 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 0.34 ACRES IDENTIFIED AS PIN 352-01-04-0018.**

WHEREAS, Garry Brewer, owner, has petitioned the City of North Myrtle Beach for annexation of 0.34 acres consisting of the following parcel PIN 352-01-04-0018 as referenced on Exhibit A: Zoning Map (Z-22-5), 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 PIN 352-01-04-0018 (the “Annexed Parcel”), consisting of approximately 0.34 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:

City Attorney

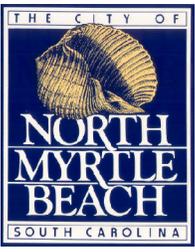
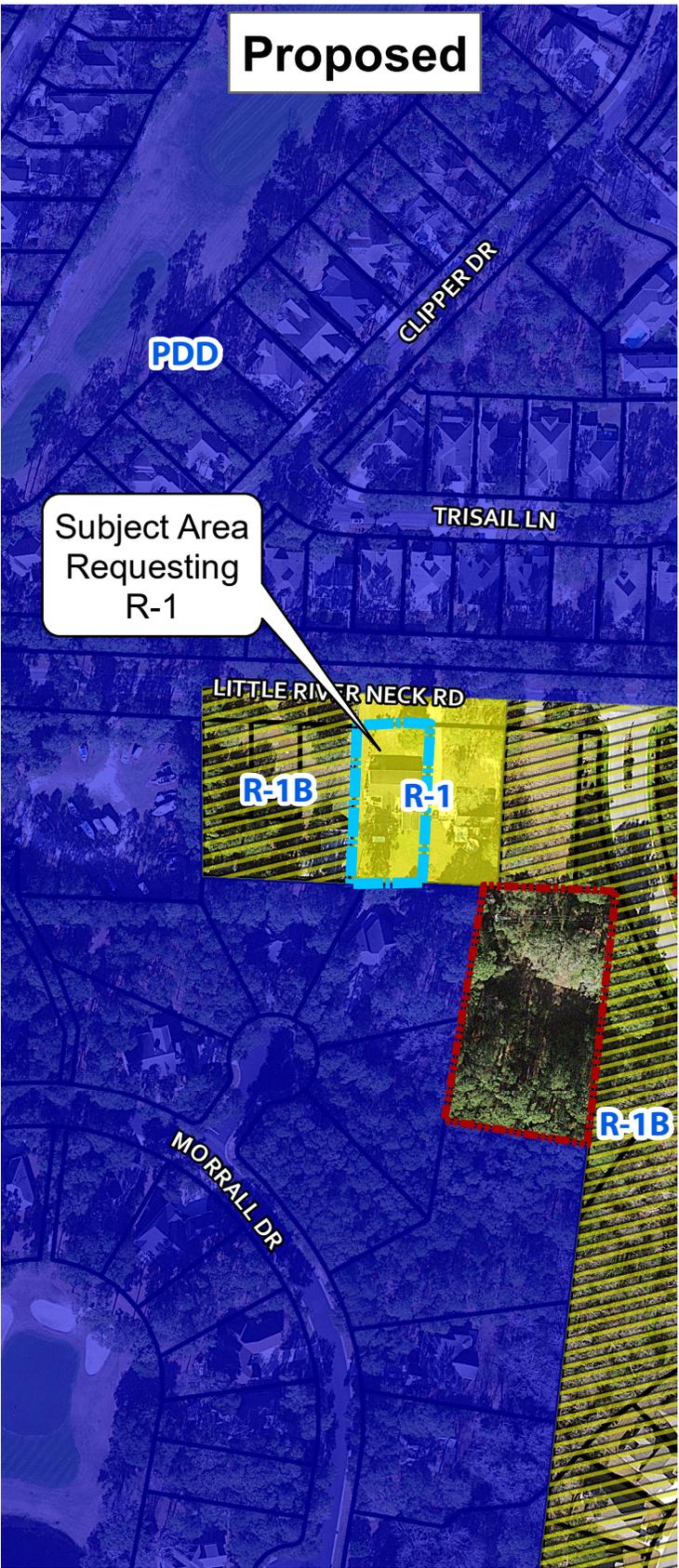
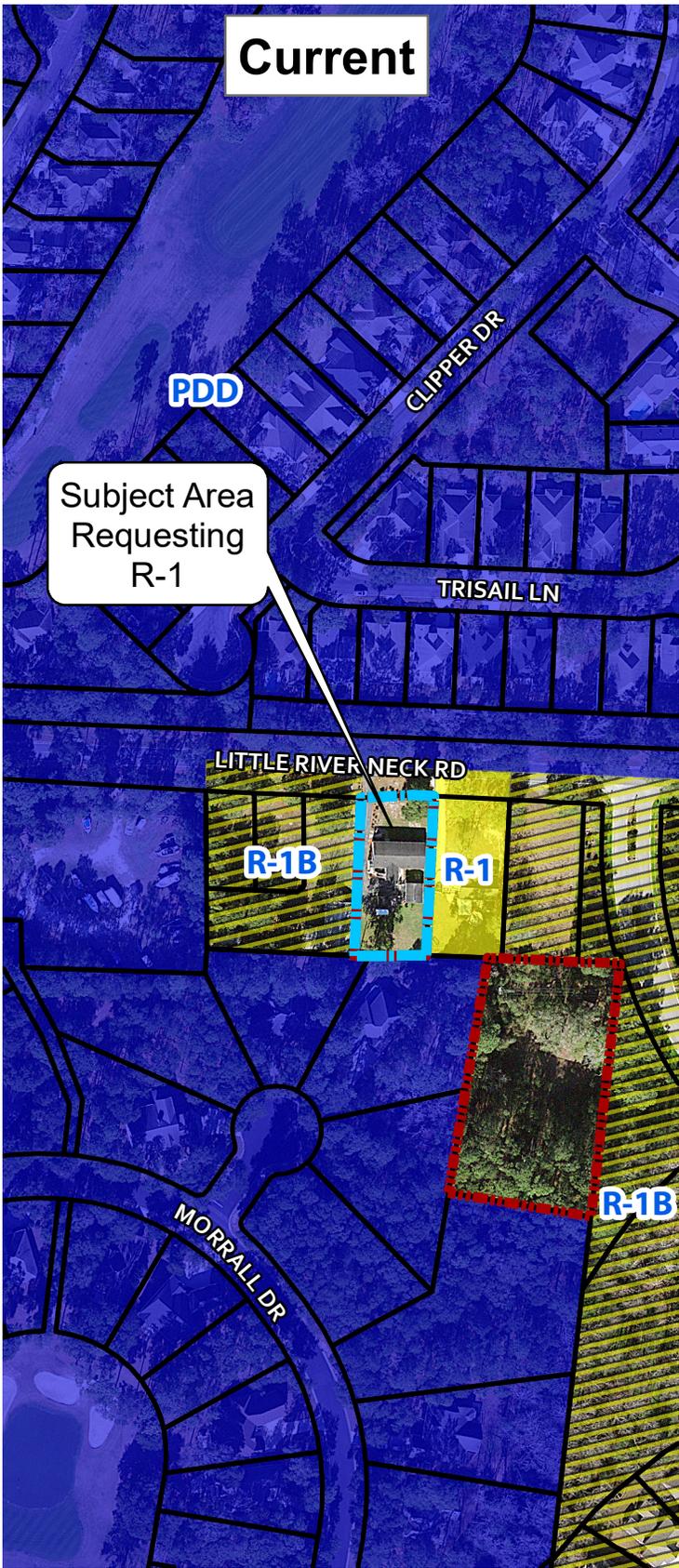
REVIEWED:

City Manager

FIRST READING: 5.16.2022

SECOND READING: _____

ORDINANCE: _____



Legend

-  Subject Area
-  City Limit
-  R-1
-  PDD
-  R-1B



Exhibit A: Zoning Map (Z-22-5)

6E. ANNEXATION & ZONING DESIGNATION Z-22-5: City staff received a petition to annex lands on Little River Neck Road totaling ±0.34 acres and identified by PIN 352-01-04-0018. The lot is currently unincorporated and zoned Manufactured/Mobile Single-Family Residential 14.5 (MSF 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 MSF14.5 under Horry County jurisdiction. Located on Little River Neck Road, the parcel currently houses a mobile home with detached garage. Surrounding parcels within City limits are zoned R-1, Single-Family Low-Medium Density (R-1B), and Planned Development District (PDD) within the Tidewater PDD.

R-1 District

		Single-Family Dwelling ²	Church	Other Permitted Uses
Minimum Site Area		10,000 SF	1 acre	10,000 SF
Minimum Lot Width		80 feet	NA	NA
Minimum Yards	Front	25 feet	25 feet	25 feet
	Side	10 feet ¹	25 feet	10 feet
	Rear	20 feet	25 feet	25 feet
Maximum Impervious Surface Ratio		40%	60%	40%
Maximum Building Height		35 feet	45 feet	45 feet
Maximum Building Height – Accessory Structures		15 feet		

Notes: ¹ A five-foot side yard setback shall be required for substandard lots of record.

² A dwelling unit shall not contain more than five bedrooms or sleeping areas of not more than 300 square feet each.

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 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, SCDOT-maintained Little River Neck Road. Access is subject to SCDOT encroachment review/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:

Public 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 tentatively scheduled for May 16, 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-22-5] as submitted.

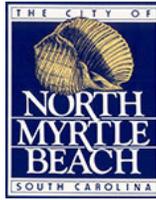
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-5] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-22-5
Complete Submittal Date:	March 28, 2022



Notice Published:	April 14, 2022
Planning Commission:	May 3, 2022
First Reading:	May 16, 2022
Second Reading:	June 20, 2022

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: March 28, 2022	Property PIN(S): 352-01-04-0018
Property Owner(s): GARRY WAYNE BREWER	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 5168 LITTLE RIVER NECK ROAD	Project Contact: Garry Brewer
Contact Phone Number: 336-403-5574	Contact Email Address: JANDGBREWER@SC.RR.COM
Current County Zoning: MSF14.5	Proposed Zoning: R-1
Total Area of Property: 0.348 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).

Applicant's E-signature: Garry Brewer

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

861349

FILED
SEP - 8 PM 3:19
REGISTER OF DEEDS

(Please do not write above this line - Reserved for Register of Deeds Office)

**MURRAY
LAW
OFFICES,
P.A.**

Prepared By and Return To: Murray Law Offices, P. A.
2208 Highway 17 South
Suite 103
North Myrtle Beach, SC 29582

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **CHARLES E. REED AND LANORA REED** (Grantor(s), in the State aforesaid, for and in consideration of the sum of THIRTY FIVE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$35,500.00), unto us paid at and before sealing of these presents by **GARRY WAYNE BREWER AND JUDY LANKFORD BREWER** (Grantee(s), in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell, and release unto the said Grantee(s), as joint tenants with the right of survivorship, and not as tenants in common, their heirs and assigns, forever, in fee simple, the following described property, to wit:

ALL AND SINGULAR that certain piece, parcel or lot of land, situate, lying and being in Little River Township and being shown and designated as LOT 2A, on a certain plat for Chuck Reed and Lanora Reed by Perry Land Surveying, Inc., dated August 14, 2003, recorded August 14, 2003, in Plat Book 191 at Page 146, in the Office of the Register of Deeds for Horry County, South Carolina.

THIS BEING a portion of the property conveyed to Charles E. Reed and Lanora Reed from Louise S. Weddle, by Deed dated December 5, 2002, and recorded on December 5, 2002, in Book 2544, Page 0773, Office of the Register of Deeds of Horry County, South Carolina.

HORRY COUNTY ASSESSOR
Tax Map #: 131-00-04-044 9/14/04 STATE 92.30 COUNTY 39.05
Grantees Address: Map Blk Parcel P.O. Box 845 Cooleemee, NC 27014
EXEMPT YES NO
ASSESSOR _____

TOGETHER WITH all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

DEED
2789 0877

2789
877

STATE OF SOUTH CAROLINA)

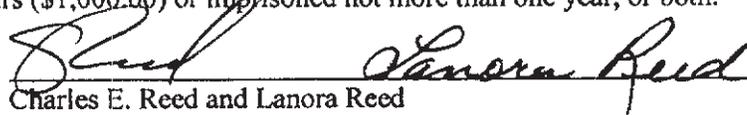
COUNTY OF HORRY)

AFFIDAVIT

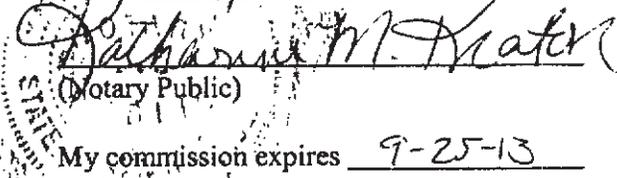
PERSONALLY appeared before me the undersigned, who, being duly sworn, deposes and says:

1. The property being transferred is located at **Lot 2A Little River Neck Rd., North Myrtle Beach, SC 29582**, bearing **Horry County Tax Map Number 131-00-04-044**, was transferred by **Charles E. Reed and Lanora Reed** to **Garry Wayne Brewer and Judy Lankford Brewer** on **September 3, 2004**.
2. XX an arm's length real property transaction and the sales price paid or to be paid in money or money's worth was \$35,500.00*.

NOT an arm's length real property transaction and the fair market value of the property is \$.
3. The above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. Section 12-24-10, *et seq.*, because the Deed is:
4. As required by Code § 12-24-70, I state that I am a responsible person who was connected with the transaction as: **SFILERS**
5. I further 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 and no/100 Dollars (\$1,000.00) or imprisoned not more than one year, or both.


 Charles E. Reed and Lanora Reed

SWORN to before me this 3rd
 day of September, 2004.


 (Notary Public)
 My commission expires 9-25-13

* The fee is based on the real property's value. Value means the realty's fair market value. In arm's length real property transactions, this value is the sales price to be paid in money or money's worth (e.g. stocks, personal property, other realty, forgiveness of debt, mortgages assumed or place on the realty as a realty of the transaction). However, a deduction is allowed from this value for the amount of any lien or encumbrance existing on land, tenement, or realty before the transfer and remaining on it after the transfer.

879

191-146

THE PROPERTY OWNER OF RECORD HEREBY ACKNOWLEDGES THAT THE SURVEYED PARCEL AND/OR TRACT REMAINDER HAS NOT BEEN REVIEWED TO DETERMINE THE AVAILABILITY OF ON-SITE WASTE DISPOSAL SYSTEMS OR PROVISIONS OF PUBLIC WATER/SEWER SERVICES. RECORDATION OF THIS PLAT SHALL NOT BE AN IMPLIED OR EXPRESSED CONSENT BY HORRY COUNTY THAT THE LOTS OR OTHER LANDS DIVISIONS SHOWN HEREON ARE CAPABLE OF BEING SERVICED BY ON-SITE WASTE DISPOSAL OR PUBLIC WATER/SEWER SYSTEMS. UNLESS OTHERWISE STATED HEREON, ALL SURVEYED PARCELS AND/OR TRACT REMAINDERS HAVE NOT BEEN REVIEWED FOR ON-SITE WASTE DISPOSAL SYSTEMS OR PUBLIC WATER/SEWER SERVICES.

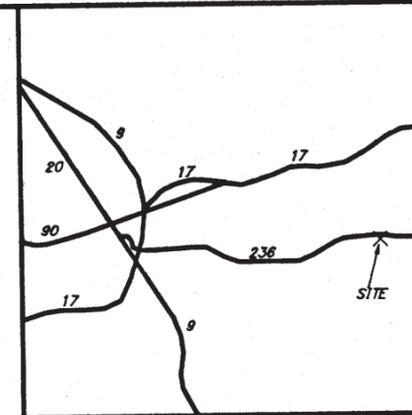


FILED
HORRY COUNTY, S.C.

2003 AUG 14 PM 2:04

BALLERY V. SKIPPER
REGISTRAR OF DEEDS

LEGEND
I.P.F. = IRON PIPE FOUND
I.F. = IRON FOUND
I.S. = IRON SET
P.K.F. = P.K. NAIL FOUND
P.K.S. = P.K. NAIL SET
C.M.F. = CONCRETE MONUMENT FOUND
R/W = RIGHT-OF-WAY
L.W.S.F. = LITE WOOD STAKE FOUND
C.R.K. = CENTER OF CREEK

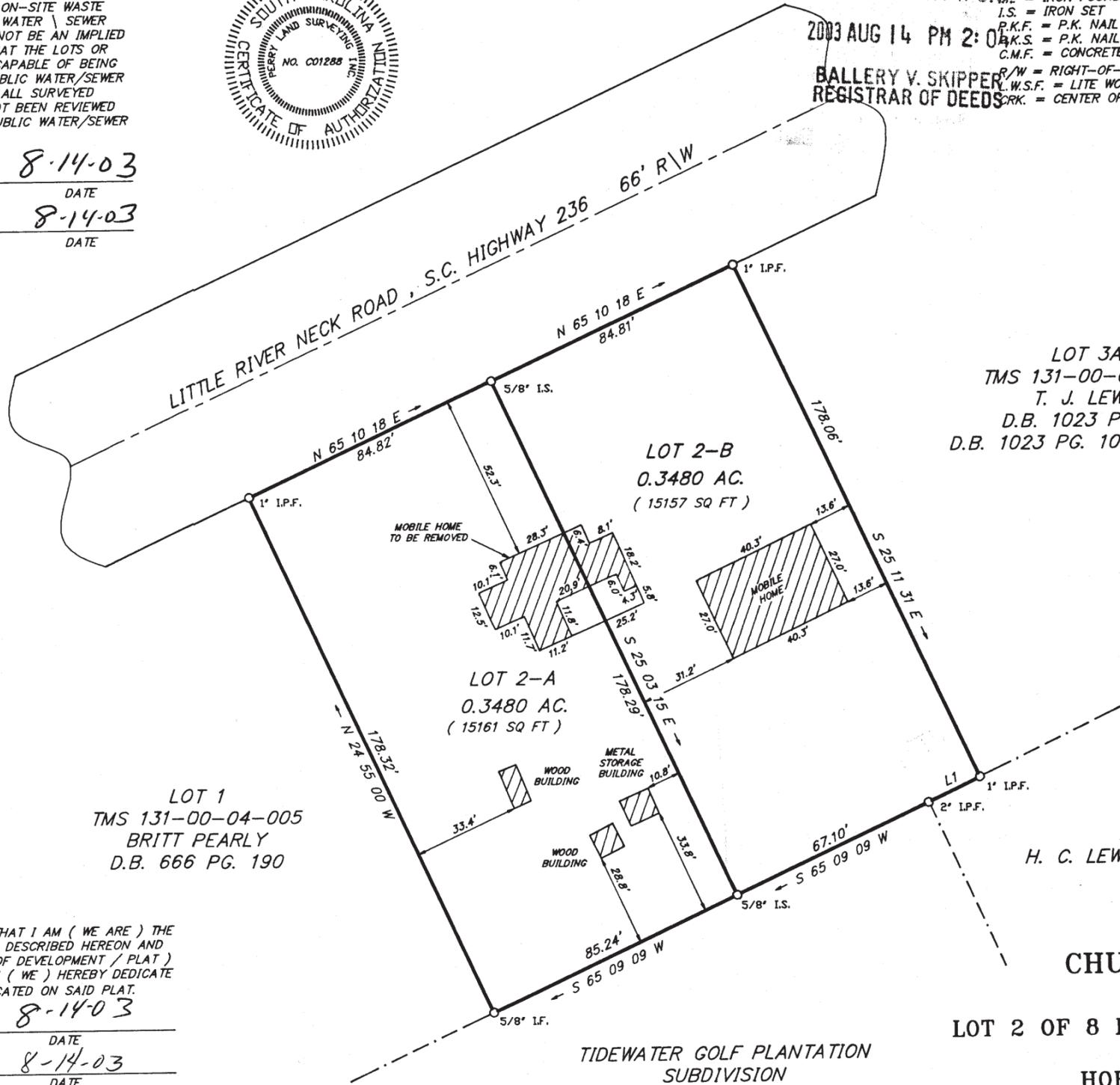


VICINITY MAP

[Signature] 8-14-03
PROPERTY OWNER DATE
[Signature] 8-14-03
PROPERTY OWNER DATE

"I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF 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 "B" SURVEY AS SPECIFIED THEREIN, ALSO, THERE ARE NO VISIBLE ENCROACHMENTS, PROJECTIONS, OR SETBACKS OTHER THAN SHOWN."

[Signature]
ERIC A. PERRY, R.L.S. NO. 15180



LOT 3A
TMS 131-00-04-028
T. J. LEWIS
D.B. 1023 PG. 99
D.B. 1023 PG. 101 (PLAT)

LOT 1
TMS 131-00-04-005
BRITT PEARLY
D.B. 666 PG. 190

LOT 2-A
0.3480 AC.
(15161 SQ FT)

LOT 2-B
0.3480 AC.
(15157 SQ FT)

APPROVED FOR
RECORDING

[Signature]
8-14-03

N/F
H. C. LEWIS PROPERTY

TIDEWATER GOLF PLANTATION
SUBDIVISION

SURVEY FOR
CHUCK REED & LANORA REED
A DIVISION OF LOT 2
LOT 2 OF 8 LOTS SUBDIVISION BY L. D. WILLARD, JR.
LITTLE RIVER TOWNSHIP
HORRY COUNTY, SOUTH CAROLINA

MAP DATE : AUGUST 14, 2003
SCALE : 1" = 40'



PERRY LAND SURVEYING, INC.
1430, DUSTY LANE, LONGS, S.C. 29568
TELEPHONE : (843) - 399 - 8935
FAX : (843) - 399 - 9569

DRAWING NUMBER : 102 - 96A

Line	Bearing	Distance
L1	S 64 30 10 W	18.15'

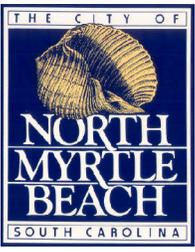
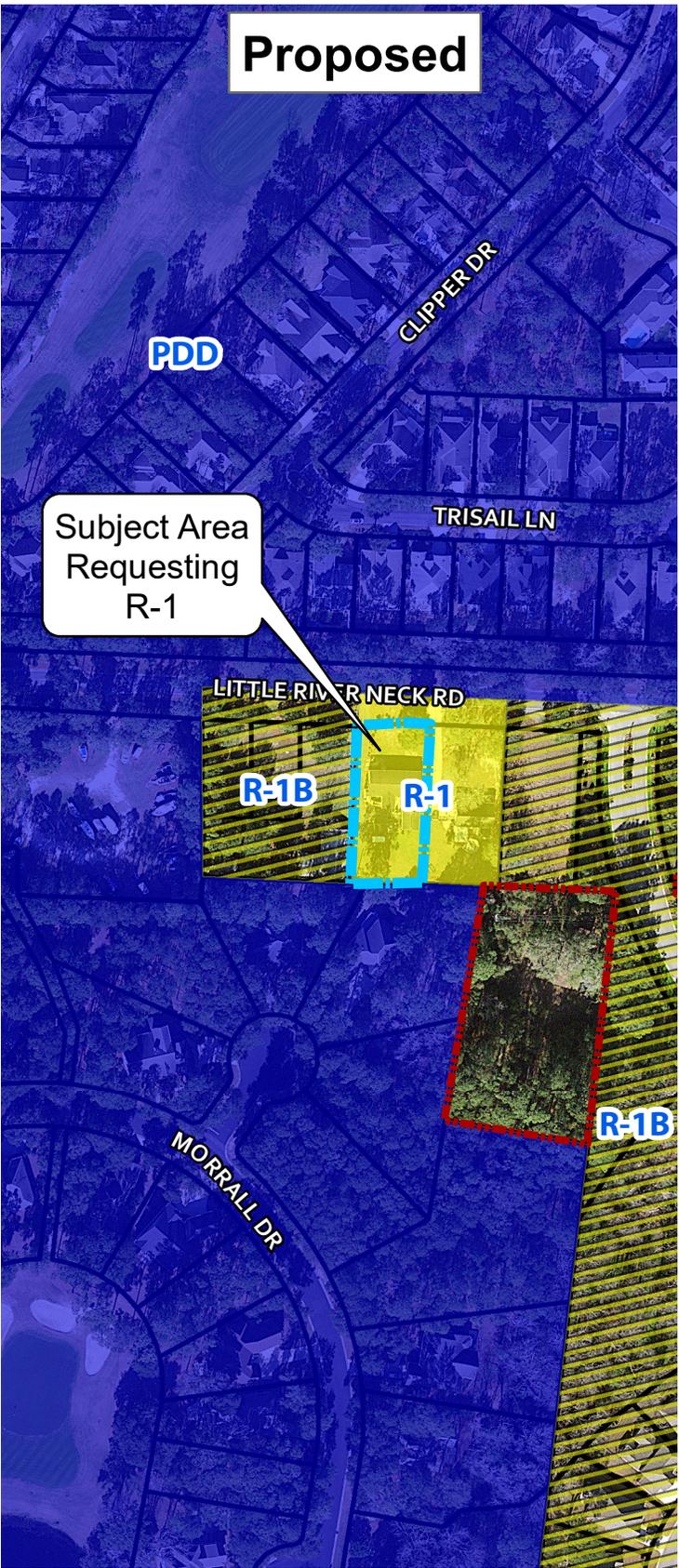
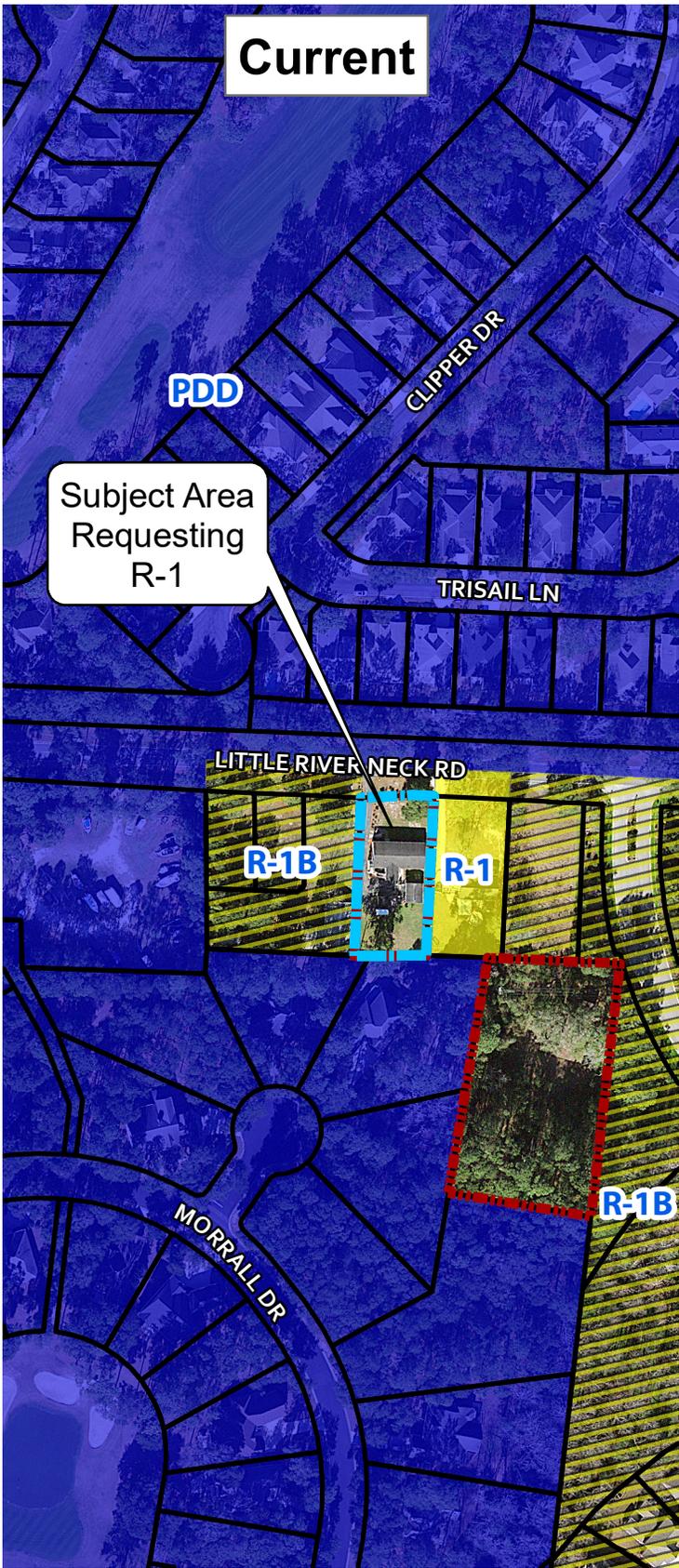
CERTIFICATE OF OWNERSHIP AND DEDICATION

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER (S) OF THIS PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS (PLAN OF DEVELOPMENT / PLAT) WITH MY (OUR) FREE CONSENT AND THAT I (WE) HEREBY DEDICATE ALL ITEMS AS SPECIFICALLY SHOWN OR INDICATED ON SAID PLAT.

[Signature] 8-14-03
NAME DATE
[Signature] 8-14-03
NAME DATE

NOTES

- 1 PARENT TAX MAP NO. : 131-00-04-006
- 2 DEED REFERENCE : D.B. 1480 PG. 478
- 3 PLAT REFERENCE : SUBDIVISION OF 8 LOTS BY L. D. WILLARD, JR., BY C. B. BERRY, DATED 9-23-85
- 4 F.E.M.A., FLOOD INSURANCE RATE COMMUNITY NUMBER : 450104 0601 DATE : AUGUST 23, 1999 APPEARS TO BE IN ZONE " X "
- 5 THIS PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS, RESTRICTIONS, COVENANTS OR SETBACKS NOT SHOWN ON THIS PLAT.



Legend

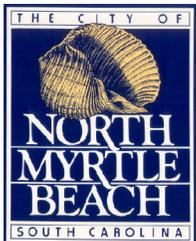
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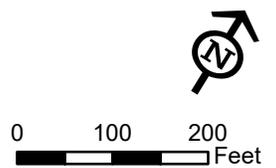
Exhibit A: Zoning Map (Z-22-5)



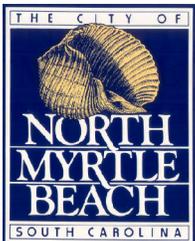
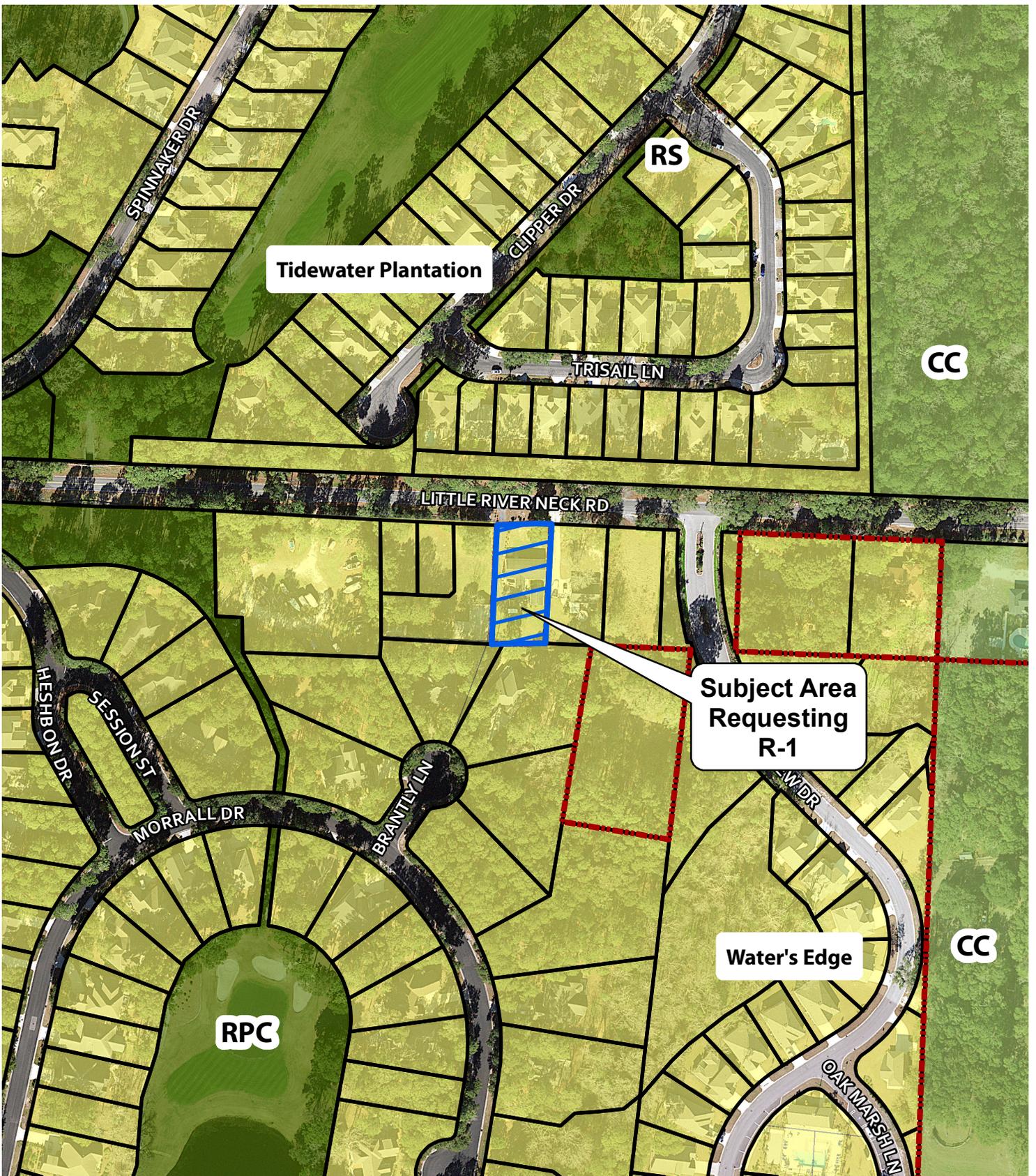
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|---|--------------------------|---|-------------------|---|---------------|
|  | Subject Area |  | Commercial |  | Multi-Family |
|  | North Myrtle City Limits |  | Common Open Space |  | Single-Family |
|  | Amenity Area |  | Golf Course |  | Vacant |



Existing Land Use Map (Z-22-5)



Path: M:\2022\2202-17 Z-22-5 LRNR\2022-17 Z-22-5 FLU.mxd

 Subject_Areat
 North Myrtle City

Recommended Future Land Use Categories

 RPC - Resource, Protection, Conservation
 CC - Conservation Community
 RS - Residential Suburban



Future Land Use Map (Z-22-5)

Date: 4/22/2022
 Author: Dawn E. Snider