

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: September 19, 2022

|  |  |
|--|--|
| Agenda Item: 6C  | Prepared by:<br>L. Suzanne Pritchard, PLA, AICP, CFM |
| Agenda Section:<br>Unfinished Business: Ordinance. Second Reading                                      | Date: September 12, 2022                             |
| Subject: Petition for annexation and zoning designation for 80.75 acres off Water Tower Road [Z-22-12] | Division: Planning and Development                   |

**Background:**

Robert S. Guyton, agent for the owner, has petitioned the City of North Myrtle Beach to annex approximately 80.75 acres of property located off Coates Road identified by PIN 348-00-00-0015. The petition also reflects the requested City of North Myrtle Beach zoning district of Mid-Rise Multifamily Residential (R-2A). The subject area is identified as Residential Suburban on the Future Land Use Map. Though not supported by the City’s Comprehensive Plan, the proposed zoning designation, R-2A, was recommended by the Planning Commission to recognize, “substantial change or changing conditions or circumstances in a particular locality.”

**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 between Water Tower Road and Coates Road off Highway 90, the parcel is currently vacant and undeveloped. Surrounding parcels within City limits are zoned Mid-Rise Multifamily Residential (R-2A) and located within the Ocean Grove Resort Conservation Easement; surrounding county parcels are zoned CFA and Agricultural Community Services District (AG3). Upon annexation, the parcel would be designated R-2A as per Exhibit A: Zoning Map (Z-22-12), 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 July 19, 2022 and voted to recommend approval of the annexation and zoning designation citing ‘C,’ to recognize substantial change or changing conditions or circumstances in a particular locality. There was no public comment.

**Recommended Action:**

Approve or deny the proposed ordinance on second reading

|                           |                          |                           |
|---------------------------|--------------------------|---------------------------|
| Reviewed by Division Head | Reviewed by City Manager | Reviewed by City Attorney |
|                           |                          |                           |

Council Action:  
Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

**ORDINANCE**

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH  
ANNEXING 80.75 ACRES IDENTIFIED AS PIN 348-00-00-0015.**

**WHEREAS**, Robert S. Guyton, agent for the owner, has petitioned the City of North Myrtle Beach for annexation of 80.75 acres consisting of the following parcel PIN 348-00-00-0015 as referenced on Exhibit A: Zoning Map (Z-22-12), prepared by the City of North Myrtle Beach Planning and 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 Mid-Rise Multifamily Residential (R-2A) 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 348-00-00-0015 (the “Annexed Parcel”), consisting of approximately 80.75 acres and depicted on Exhibit A, and all contiguous portions of all public rights-of-way, streets, and highways are hereby annexed pursuant to Sections 5-3-150 and 5-3-240 of the Code of Laws of South Carolina, 1976, as amended.

**Section 2. Zoning Designation.** The Annexed Parcels are hereby designated and zoned as Mid-Rise Multifamily Residential (R-2A).

DONE, RATIFIED AND PASSED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Mayor Marilyn Hatley

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

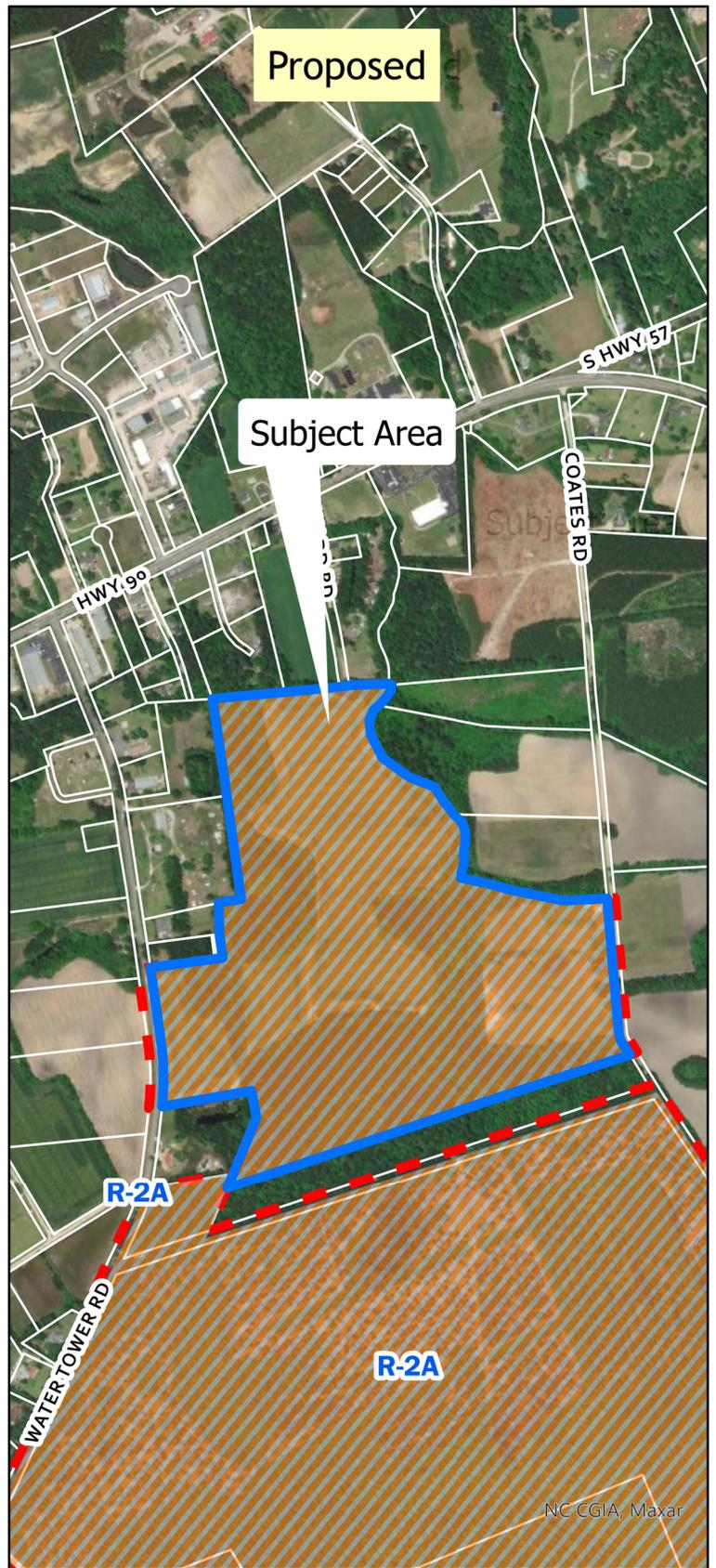
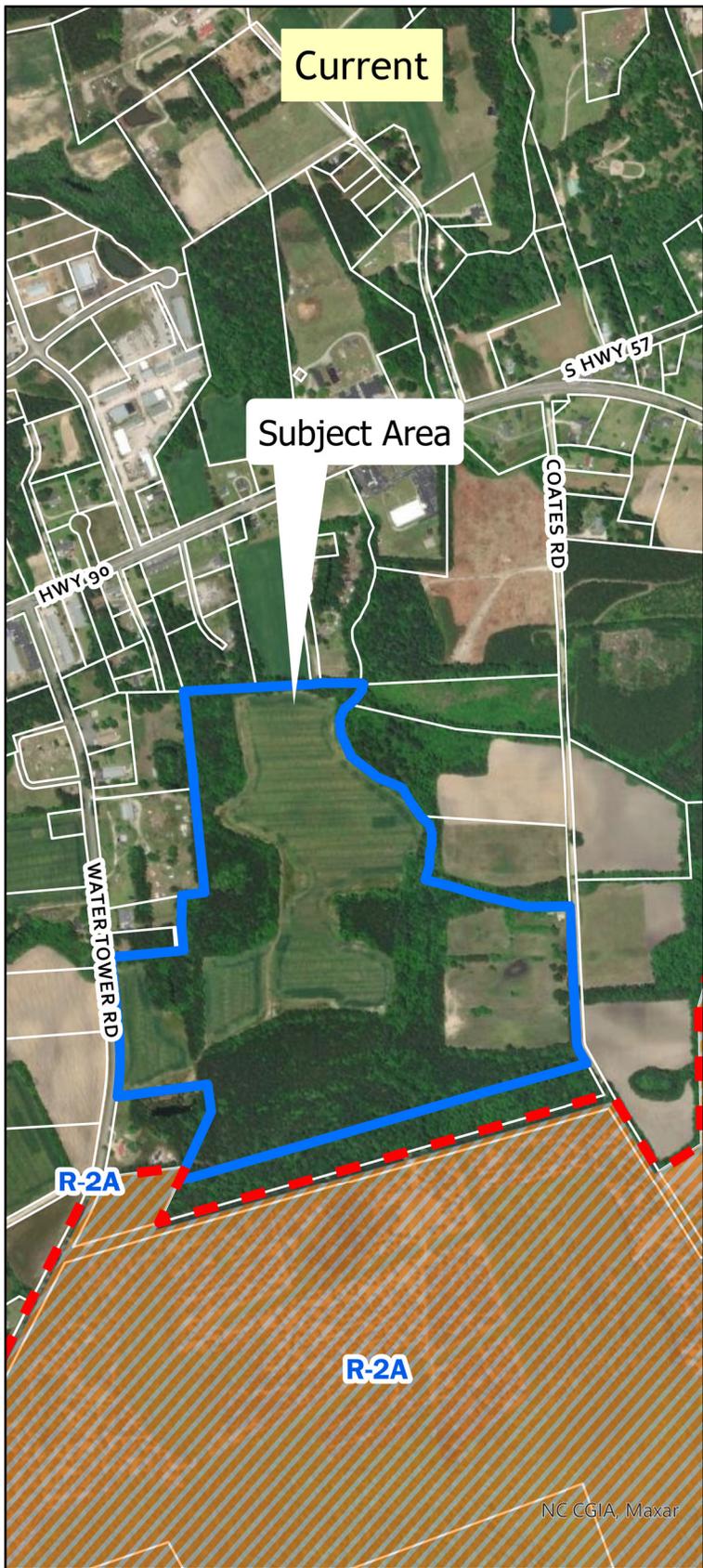
\_\_\_\_\_  
City Attorney

REVIEWED:

\_\_\_\_\_  
City Manager

FIRST READING: 8.15.2022  
SECOND READING: 9.19.2022

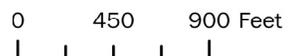
ORDINANCE: 22-39



**Legend**

-  Subject Area
-  R-2A Zoning District

-  North Myrtle Beach City Limit



**Exhibit A: Zoning Map Z-22-12**

**6D. ANNEXATION & ZONING DESIGNATION Z-22-12:** City staff received a petition to annex lands on Water Tower Road totaling ±80.75 acres and identified by PIN 348-00-00-0015. 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 Mid-Rise Multifamily Residential (R-2A) 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 between Water Tower and Coates Road off Highway 90, the parcel is currently vacant and undeveloped. Surrounding parcels within City limits are zoned Mid-Rise Multifamily Residential (R-2A) and located within the Ocean Grove Resort Conservation Easement; surrounding county parcels are zoned CFA and Agricultural Community Services District (AG3).

**R-2A District**

|                                  | Single-Family Detached | Semi-Detached | Duplex                | Multiplex | Townhouse            | Multifamily  | Camp Recreational or Educational |
|----------------------------------|------------------------|---------------|-----------------------|-----------|----------------------|--------------|----------------------------------|
| Minimum Site Area (square feet)  | 5,000                  | 7,000         | 7,000                 | 10,000    | 16,000 SF            | 15,000       | 20 Acres                         |
| Minimum Lot Area* (square feet)  | 5,000                  | 3,500         | 3,500                 | 2,000     | 2,000                | 1,350        | NA                               |
| Minimum Lot Width                | 50 feet                | 35 feet       | 55 feet               | 75 feet   | 14 feet <sup>5</sup> | 100 feet     | 200 feet                         |
| Minimum Yards                    | Front                  | 25 feet       | 25 feet               | 25 feet   | 25 feet              | 25 feet      | 25 feet                          |
|                                  | Side                   | 5 feet        | 7.5 feet <sup>1</sup> | 7.5 feet  | 7.5 feet             | <sup>2</sup> | <sup>3</sup> 15 feet             |
|                                  | Rear                   | 20 feet       | 20 feet               | 20 feet   | 20 feet              | <sup>4</sup> | 20 feet                          |
| Maximum Impervious Surface Ratio | 60%                    | 60%           | 60%                   | 60%       | 60%                  | 80%          | NA                               |
| Common Open Space                | NA                     | NA            | NA                    | 15%       | 25%                  | 20%          | NA                               |
| Maximum Building Height          | 50 feet                | 50 feet       | 50 feet               | 50 feet   | 50 feet              | 50 feet      | 50 feet                          |
| Maximum Height of Signs          |                        |               |                       | 10 feet   | 10 feet              | 10 feet      | 10 feet                          |
| Floor Area Ratio                 |                        |               |                       |           |                      |              | 15                               |

Minimum distance between buildings: Where more than one principal building is located on a lot, minimum distance between buildings shall be 20 feet with one additional foot for each two feet in height over 35 feet, using the highest building.

\*Per dwelling unit.

Notes:

<sup>1</sup> A seven-and-one-half-foot setback shall be applied to the ends of the structure and the exterior property lines, and zero setback shall be allowed for the interior common property line.

<sup>2</sup> Zero between units; 10 feet between end structures and side property line; no more than six units shall be attached in one building.

<sup>3</sup> 10 feet for the first 35 feet in height and 15 feet for buildings in excess of 35 feet in height.

<sup>4</sup> Rear yard shall be 10 feet except where contiguous to the project site property line, then a twenty-foot setback shall be required, and shall remain unoccupied by any accessory building or structure.

<sup>5</sup> Minimum lot width and/or unit width.

**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-2A, is not a primary or secondary 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-2A zoning is inconsistent 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-2A zoning district is, "To permit mid-rise multifamily development in areas of the community in response to the need for such housing, while safeguarding existing residential values, and environmental resources, and guarding against "overloading" existing infrastructure."*

The uses permitted in the R-2A district would not be appropriate in the area, especially given the proximity of the existing conservation easement.

- 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:

*Property is served by existing rights-of-way; however, improvements will be required.*

- 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 through the GSWSA.*

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 August 15, 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 notes the inconsistencies with the Comprehensive Plan.

*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; however, notes the following improvements are required: Only one entrance allowed on Water Tower Road, left turn lane improvements required to Water Tower Road, improve Ward Road to City standards if using for access, improve Coates Road to City standards, and Highway 90 improvements may be necessary.

*Public Safety*

The Fire Marshall has no issue with the proposed petition for annexation and zoning.

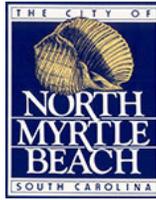
**Planning Commission Action:**

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-22-12] as submitted.  
OR
- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-12] as submitted.  
OR
- 3) I move (an alternate motion).

|                          |               |
|--------------------------|---------------|
| FILE NUMBER:             | Z-22-12       |
| Complete Submittal Date: | June 23, 2022 |



|                      |                    |
|----------------------|--------------------|
| Notice Published:    | June 30, 2022      |
| Planning Commission: | July 19, 2022      |
| First Reading:       | August 15, 2022    |
| Second Reading:      | September 19, 2022 |

City of North Myrtle Beach, SC

## Petition for Annexation & Zoning

### GENERAL INFORMATION

|   |  |
|---|--|
| Date of Request: June 23, 2022  | Property PIN(S): 348-00-00-0015                                  |
| Property Owner(s): R.L. Bell, Inc.                                      | Type of Zoning Map Amendment: Petition for Annexation and Zoning |
| Address or Location: Little River near Water Tower Road and Coates Road | Project Contact: Robert Guyton                                   |
| Contact Phone Number: 8438392100  | Contact Email Address: rsguyton@guytonlawfirm.com                |
| Current County Zoning: CFA  | Proposed Zoning: R-2A  |
| Total Area of Property: 80 Acres  | Approximate Population of Area to be Annexed: 0                  |

### 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: Robert Guyton*

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.

**LETTER OF AGENCY**

To: City of North Myrtle Beach and Horry County

Re: Horry County TMS/PIN No.: 129-00-07-010/348-00-00-0015

Property Location: Little River near Highway 90, between Water Tower Road and Coates Road.

Fee Simple Property Owner: RL Bell, Inc..

Contract Holder Equitable Owner: Pulte Home Company, LLC

In connection with the above referenced property, I hereby appoint the person shown below as my agent for purposes of filing such applications for annexation, zoning, development agreements, and amendments, including site plans, and subdivision plats, permits, construction drawings, development agreement amendments and any other submittals for the above referenced properties as may be required.

Authorized Agents: Robert S. Guyton, P.C.  
Development Resource Group

Agent's Address: Guyton: 4605 B Oleander Drive, Suite 202  
Myrtle Beach, South Carolina 29577

DRG: 4703 Oleander Drive  
Myrtle Beach, South Carolina 29577

Agent's Telephone: Guyton: (843) 839-2100

DRG: (843) 839-3350

Fee Owner: **RL BELL, INC.**, a South Carolina corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

Equitable Owners: **PULTE HOME COMPANY, LLC**, a Michigan limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

60875

No. 7-A - DEED TO REAL ESTATE  
For (1) Corporation to Corporation  
(2) Corporation to Private Person  
(3) Private Person to Corporation

STATE OF SOUTH CAROLINA,

COUNTY OF HORRY

176.00  
88.00

RECORDED  
MAY 21 1992  
\$80,000.00

HORRY COUNTY ASSESSOR  
129-00-07-010

R.M.C.  
92 MAY 20 PM 2:37

5-21-92 ELT

Know all Men by these Presents,

That I, Gwendolyn H. Bell,

in the State aforesaid for/and in consideration of the  
sum of EIGHTY THOUSAND AND 00/100 (\$80,000.00) DOLLARS

to ME paid by R. L. Bell, Inc., a South Carolina Corporation  
2177 Highway 90, Little River, SC 29566

in the State aforesaid, (Receipt whereof is hereby acknowledged)

have granted, bargained, sold and released; and by these presents do grant, bargain, sell and release unto the said  
R. L. Bell, Inc., a South Carolina Corporation, its Successors and Assigns:

ALL AND SINGULAR those certain two pieces, parcels, or lots of land situate, lying, and being in Little River Township, Horry County, South Carolina, described as follows:

Tract 1 containing 76.4 acres, more or less, as shown on a map prepared for Robert L. Bell (Jr.) by S. D. Cox, Jr., R.L.S., dated October, 1958, a copy of which is recorded in Plat Book 25 at page 148, office of the R.M.C. for Horry County, South Carolina, reference to which is craved as forming a part and parcel hereof.

Said parcel is bound on said map as follows: North by lands of L. C. Coats and Robert Lewis; East by lands of L. C. Coats and O. J. Bell and International Paper Co.; South by lands of International Paper Co.; and West by lands of Canal Wood Corporation and Robert Lewis.

Tract 2 containing 18.9 acres, more or less, is shown on a map prepared for Robert L. Bell (Jr.) by S. D. Cox, Jr., R.L.S., dated October, 1958, a copy of which is recorded in the office of the R.M.C. for Horry County, South Carolina, in Plat Book 25 at page 149, reference to which is craved as forming a part and parcel hereof.

Said parcel is bound on said map as follows: North by lands of Clemie Taylor, Ralston Jones, and Robert Ward; East by lands of L. C. Coats; South by lands of Robert Lewis; and West by lands of Robert Lewis.

Both parcels are shown on Horry County Tax Map as TMS # 129-00-07-010.

Said parcels were devised to the grantor by the Last Will and Testament of Robert L. Bell, Jr., who died testate on May 23, 1985, as will be shown by reference to the Probate Records for Horry County, South Carolina.

432

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 premises before mentioned unto the said \_\_\_\_\_

R. L. Bell, Inc., a South Carolina Corporation, its

~~XXXXXX~~

Successors and Assigns forever.

And the Grantor \_\_\_\_\_ herein hereby binds itself, themselves, its or their successors, or his, her, and their Heirs, Executors or Administrators, (as the case may be), to warrant and forever defend all and singular the said premises unto the said R. L. Bell, Inc., a South Carolina Corporation,

and its and their successors and assigns, or his, her and their Heirs and assigns, (as the case may be), against itself, themselves, and its or their successors, or his, her, and their heirs, (as the case may be), and all persons whomsoever \_\_\_\_\_

lawfully claiming, or to claim the same, or any part thereof.

Witness the execution hereof by grantor this 5th day of May

in the year of our Lord one thousand nine hundred and ninety-two

and in the two hundred and sixteenth year

of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered  
in the Presence of

Janice M. Hammond  
Kathryn J. Handee

Gwendolyn H. Bell (L. S.)  
Gwendolyn H. Bell (L. S.)

\_\_\_\_\_ (L. S.)

\_\_\_\_\_ (L. S.)

\_\_\_\_\_ (L. S.)

\_\_\_\_\_ (L. S.)

STATE OF SOUTH CAROLINA, } Probate for Corporate Grantor  
COUNTY OF \_\_\_\_\_ }

Personally appeared before me, \_\_\_\_\_  
and made oath that he saw the within named \_\_\_\_\_ by  
\_\_\_\_\_ its \_\_\_\_\_ and  
\_\_\_\_\_ its \_\_\_\_\_

Sign, Seal and as the Corporate Act and Deed deliver the within written Deed;  
and that he with \_\_\_\_\_  
\_\_\_\_\_ witnessed the execution thereof and saw the corporate seal thereto affixed.

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_ A. D. 19 \_\_\_\_  
\_\_\_\_\_  
Notary Public for S. C. (L. S.)  
My Commission Expires .....

STATE OF SOUTH CAROLINA, } Probate for Individual  
COUNTY OF Horry \_\_\_\_\_ }

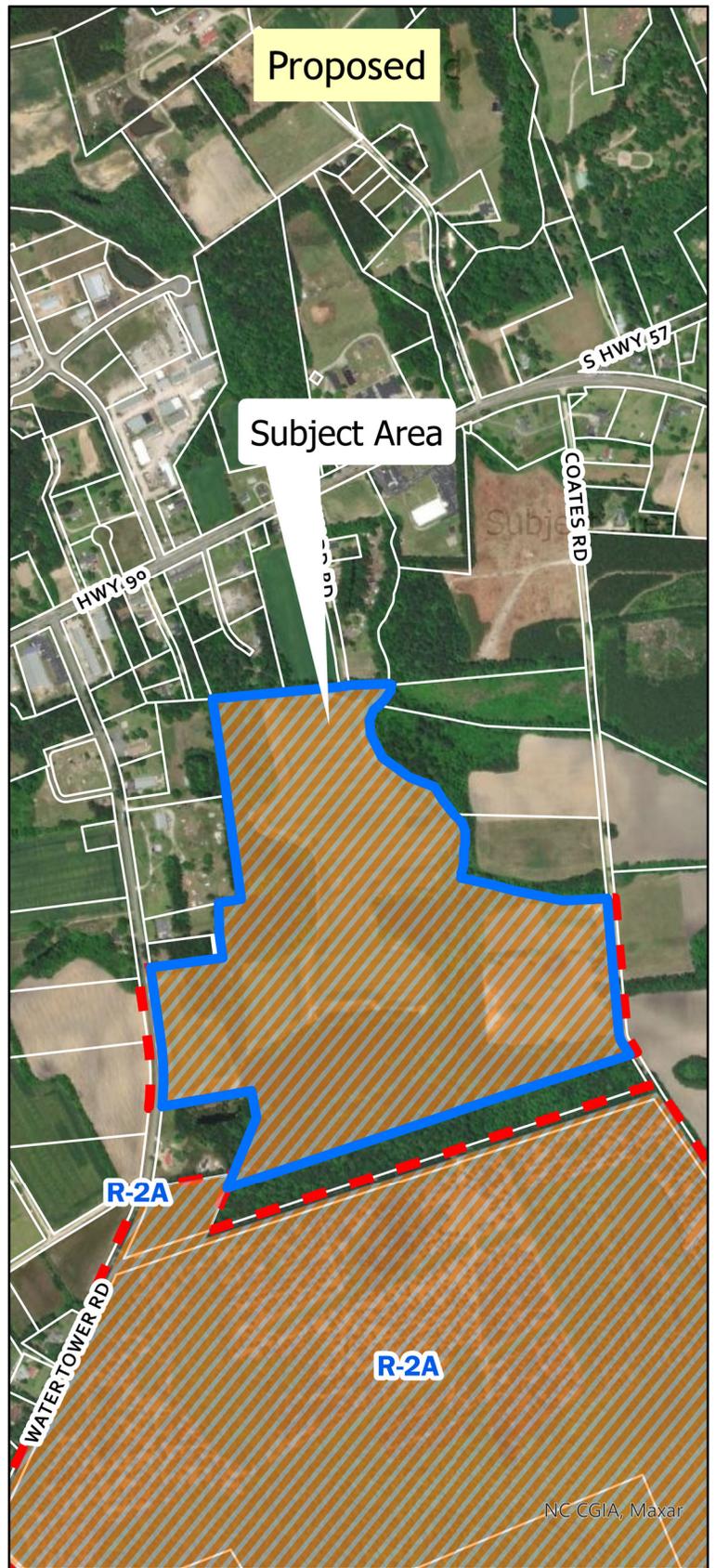
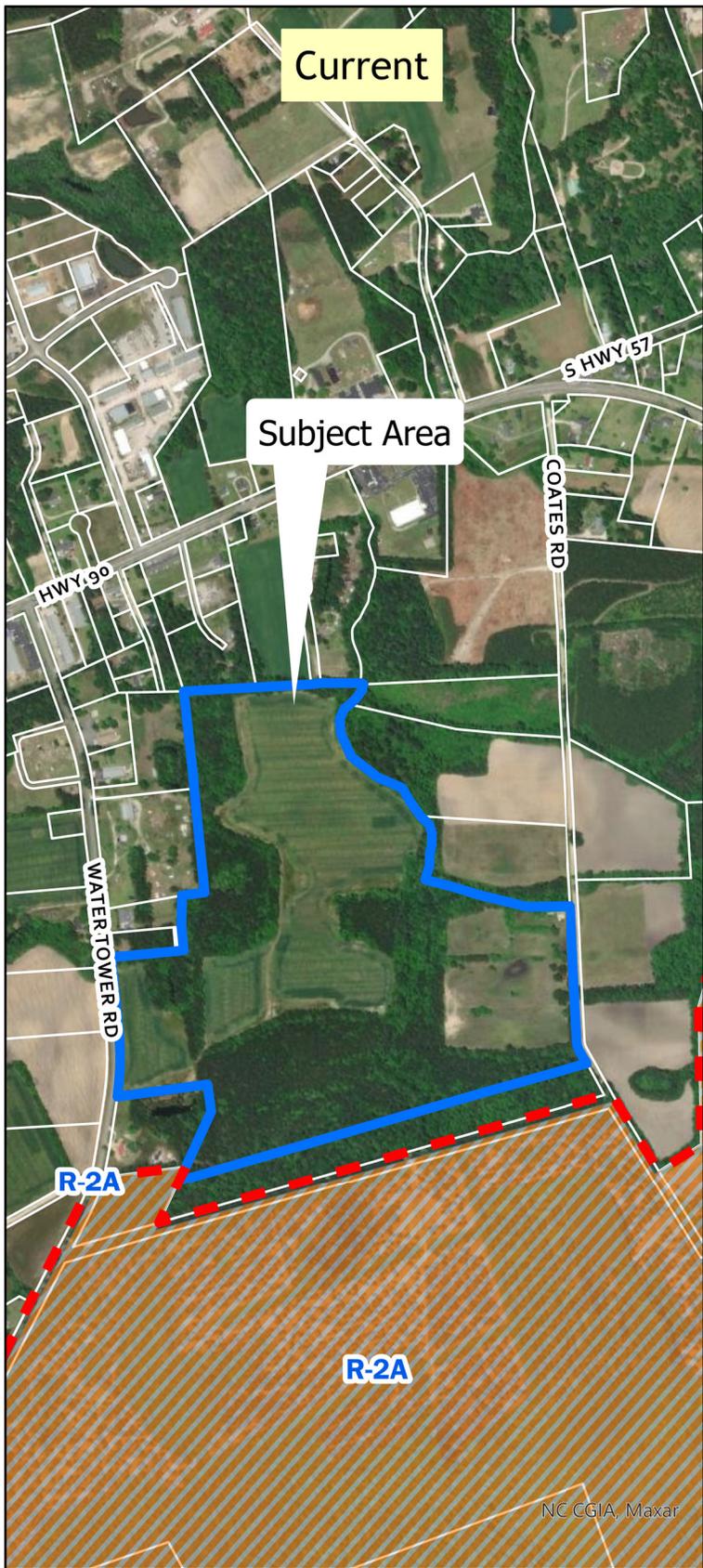
Personally appeared before me, \_\_\_\_\_ Janice M. Hammond  
and made oath that she saw the within named \_\_\_\_\_ Gwendolyn H. Bell

\_\_\_\_\_ Sign, Seal and as \_\_\_\_\_ her \_\_\_\_\_ Act and Deed deliver the  
within written Deed; and that she with \_\_\_\_\_ Kathy J. Hardee  
\_\_\_\_\_ witnessed the execution thereof.

Sworn to before me this \_\_\_\_\_ 5th  
day of \_\_\_\_\_ May \_\_\_\_\_ A. D. 19 92  
\_\_\_\_\_  
Notary Public for S. C. (L. S.)  
My Commission Expires ..... 1/18/93 .....

*Janice M. Hammond*

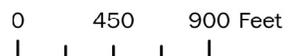
434



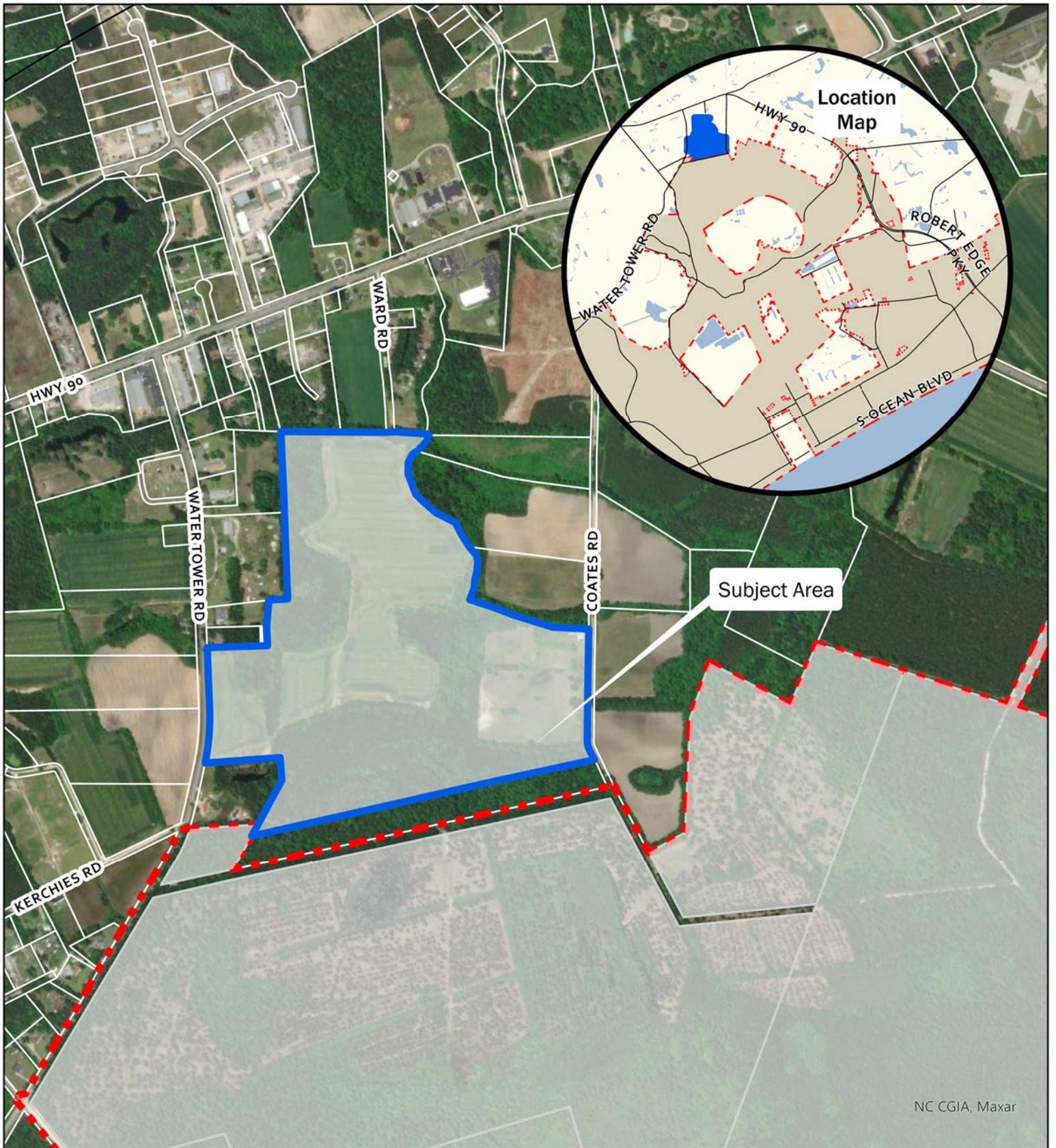
**Legend**

-  Subject Area
-  R-2A Zoning District

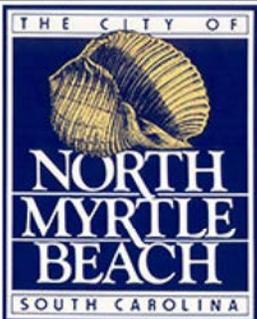
-  North Myrtle Beach City Limit



**Exhibit A: Zoning Map Z-22-12**



NC CGIA, Maxar



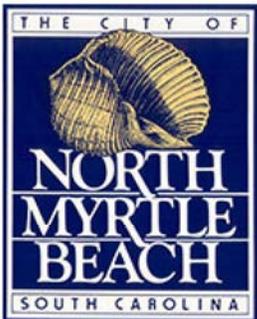
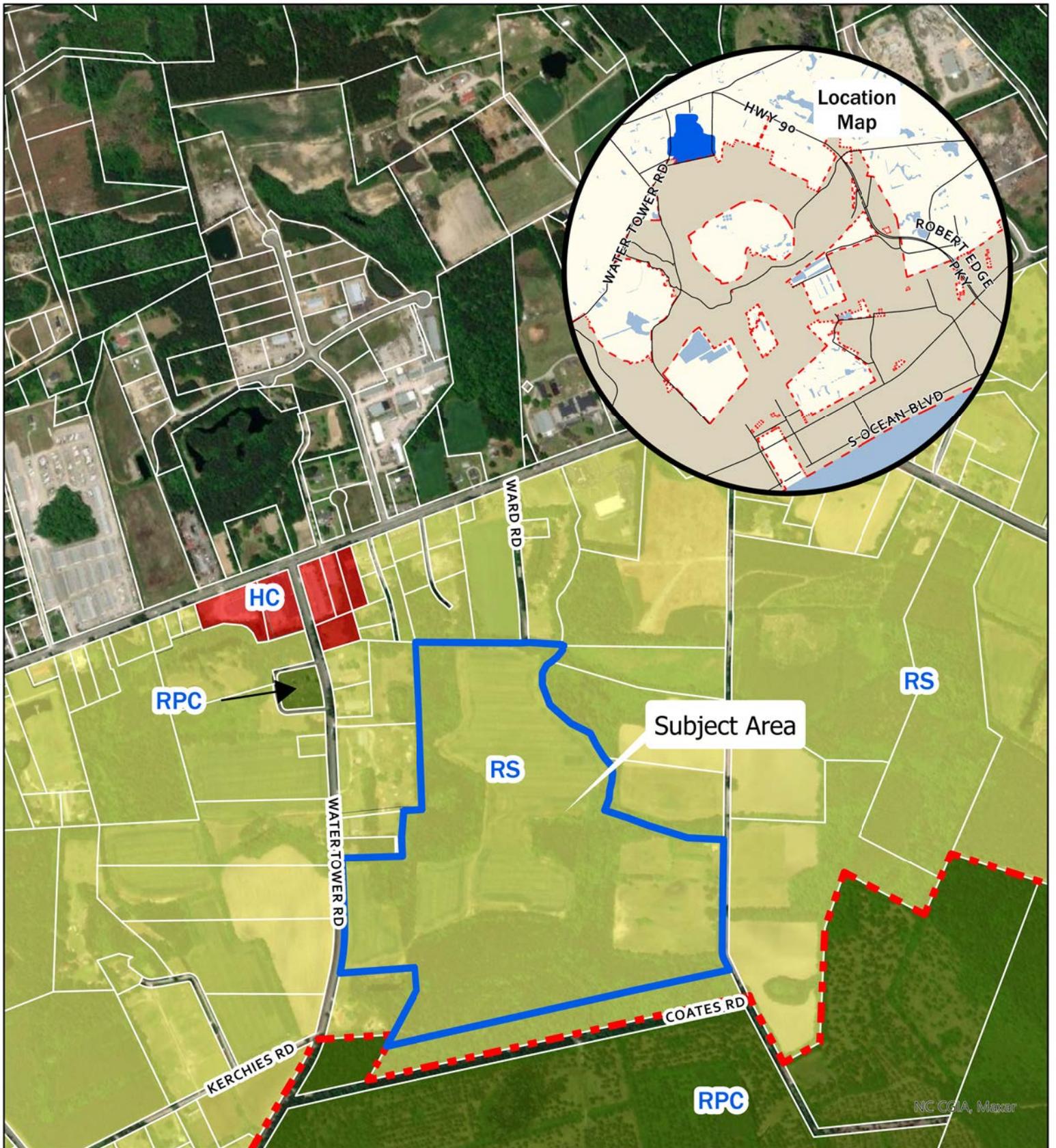
**Legend**

-  Subject Area
-  North Myrtle Beach City Limit
-  Existing Land Use
-  Vacant



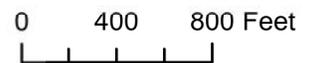
0 400 800 Feet

**Existing Land Use**



**Legend**

- Subject Area
  - - - North Myrtle Beach City Limit
  - Parcel
- Recommended Future Land Use Categories
- RPC - Resource, Protection, Conservation
  - HC - Highway Commercial
  - RS - Residential Suburban



**Future Land Use**