

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 3, 2022

Agenda Item: 7C	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: September 28, 2022
Subject: Petition for Annexation and Zoning Designation for 0.78 acres on Highway 90 [Z-22-25]	Division: Planning and Development

Background:

Chad Hatley, agent for the owner, has petitioned the City of North Myrtle Beach to annex approximately 0.78 acres of property located on Highway 90 identified by PIN 349-02-03-0006. 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 Highway Commercial on the Future Land Use Map, and the request is not 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 Highway 90, the parcels are vacant and undeveloped. Surrounding parcels within City limits are zoned HC and R-2A; adjacent unincorporated county parcels are zoned CFA. Upon annexation, the parcel would be designated R-2A as per Exhibit A: Zoning Map (Z-22-25), 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.

Proposed Zoning:

R-2A District

		Single-family Detached	Semi-Detached	Duplex	Multiplex	Townhouse	Multi-Family	Camp Recreational or Educational
Minimum Site Area (SF)		5,000	7,000	7,000	10,000	16,000	15,000	20 Acres
Minimum Lot Area* (SF)		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 ⁵	100 feet	200 feet
Minimum Yards:	Front	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet	25 feet
	Side	5 feet	7.5 feet ¹	7.5 feet	7.5 feet	²	³	15 feet
	Rear	20 feet	20 feet	20 feet	20 feet	⁴	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	60%	60%	60%	60%	80%	NA

Common Open Space	NA	NA	NA	15%	25%	20%	NA
Maximum Height of Buildings	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 (1) principal building is located on a lot, minimum distance between buildings shall be twenty (20) feet with one (1) additional foot for each two (2) feet in height over thirty-five (35) feet, using the highest building.

* Per dwelling unit.

Notes: ¹ A seven-and-one-half-foot setback shall be applied to the ends of the structure and the exterior property lines, and zero (0) setback shall be allowed for the interior common property line.

² Zero (0) between units; ten (10) feet between end structures and side property line; no more than six (6) units shall be attached in one (1) building.

³ Ten (10) feet for the first thirty-five (35) feet in height and fifteen (15) feet for buildings more than thirty-five (35) feet in height.

⁴ Rear yard shall be ten (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.

⁵ Minimum lot width and/or unit width.

Planning Commission Action:

The Planning Commission conducted a public hearing on September 20, 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 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 0.78 ACRES IDENTIFIED AS PIN 349-02-03-0006.**

WHEREAS, Chad Hatley, agent for the owner, has petitioned the City of North Myrtle Beach for annexation of 0.78 acres consisting of the following parcel PIN 349-02-03-0006 as referenced on Exhibit A: Zoning Map (Z-22-25), 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.

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 349-02-03-0006 (the “Annexed Parcel”), consisting of approximately 0.78 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

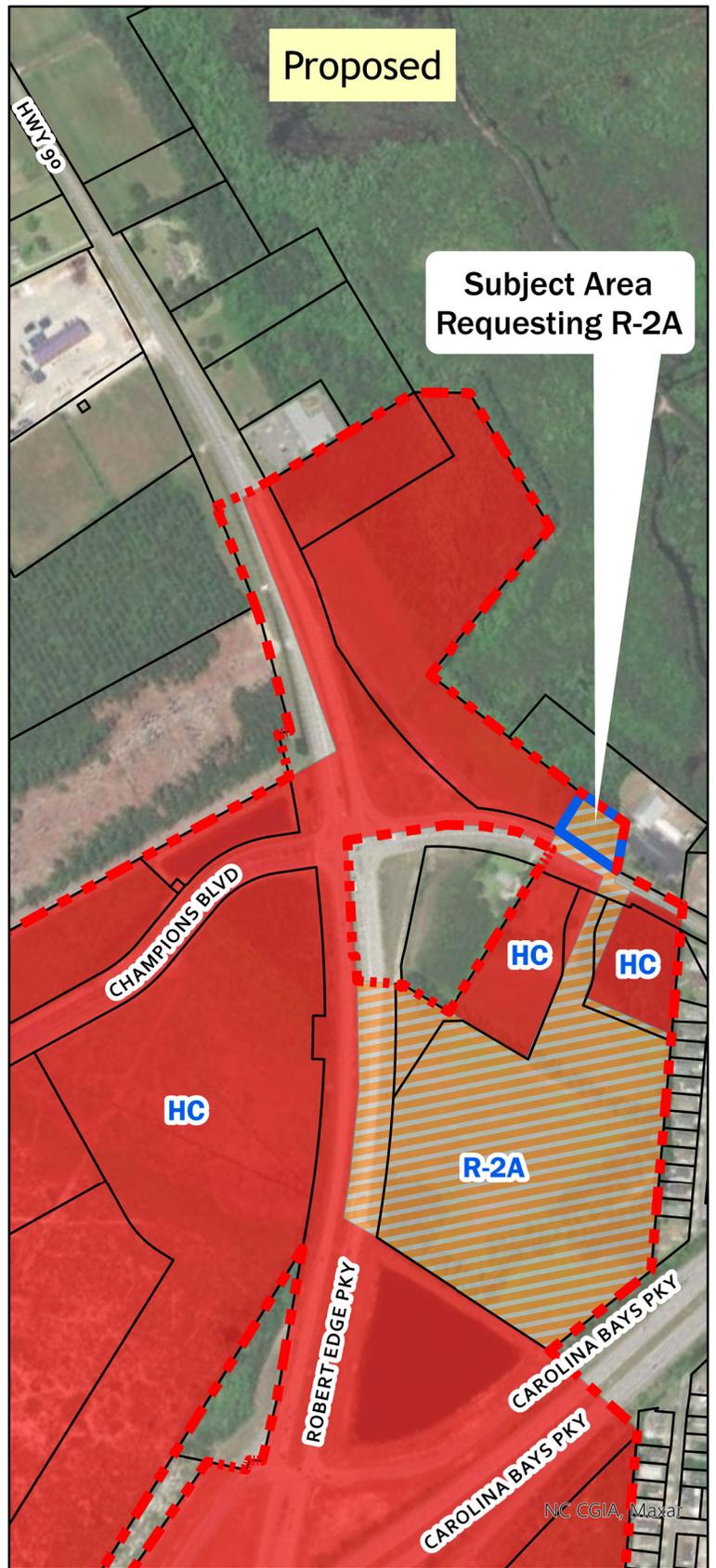
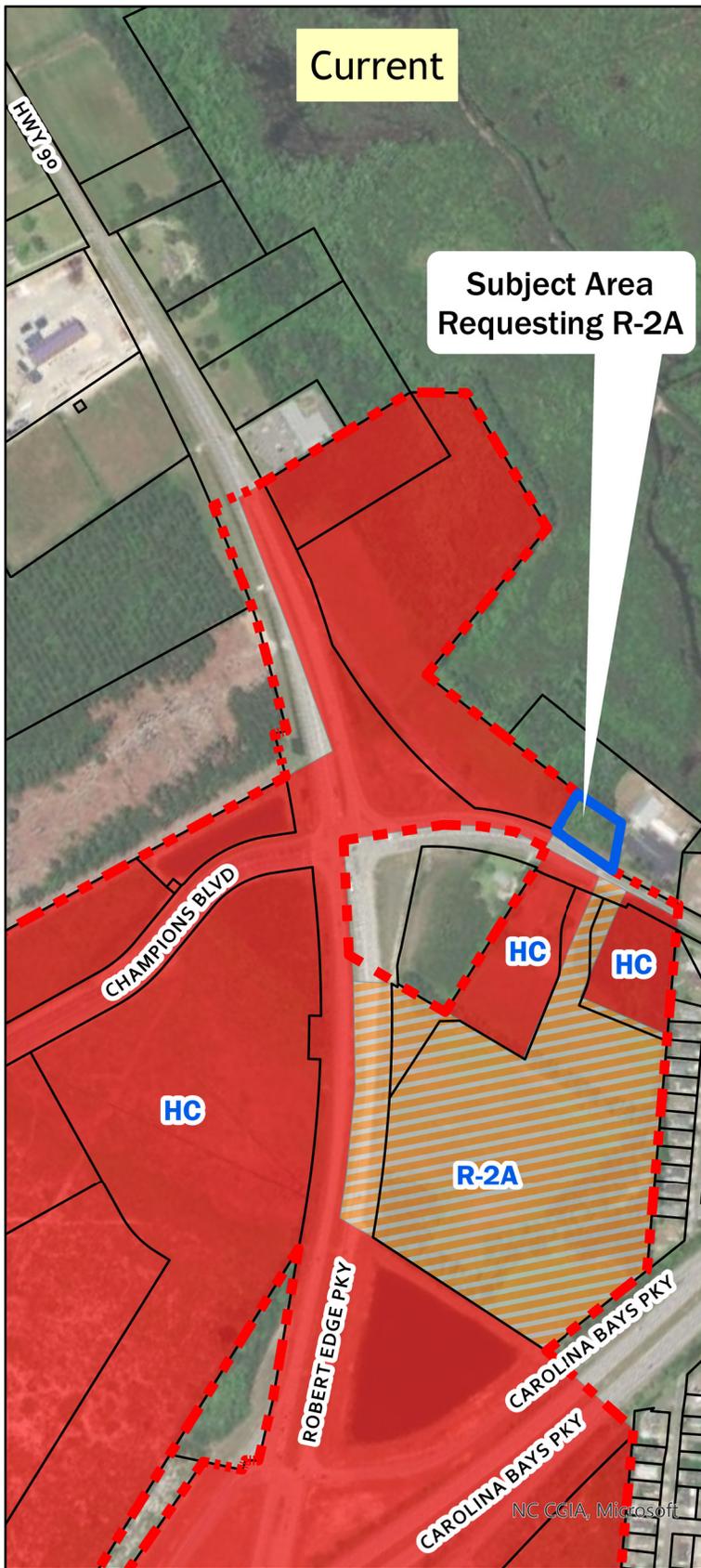
REVIEWED:

City Manager

FIRST READING: 10.3.2022

SECOND READING: _____

ORDINANCE: _____



-  Subject Area
-  North Myrtle Beach City Limit

Legend

- Zoning District**
-  HC
-  R-2A

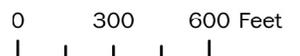


Exhibit A: Zoning Map Z-22-25

6G. ANNEXATION & ZONING DESIGNATION Z-22-25: City staff received a petition to annex ±0.78 acres on Highway 90 identified by PIN 349-02-03-0006. 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 Commercial Forest Agriculture (CFA) under Horry County jurisdiction. Located on Highway 90, the parcels are vacant and undeveloped. Surrounding parcels within City limits are zoned HC and R-2A; adjacent unincorporated county parcels are zoned CFA.

Proposed R-2A Zoning

		Single-family Detached	Semi-Detached	Duplex	Multiplex	Townhouse	Multi-Family	Camp Recreational or Educational
Minimum Site Area (SF)		5,000	7,000	7,000	10,000	16,000	15,000	20 Acres
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	Rear	20 feet	20 feet	20 feet	20 feet	⁴	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	60%	60%	60%	60%	80%	NA
Common Open Space		NA	NA	NA	15%	25%	20%	NA
Maximum Height of Buildings		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 (1) principal building is located on a lot, minimum distance between buildings shall be twenty (20) feet with one (1) additional foot for each two (2) feet in height over thirty-five (35) feet, using the highest building. * Per dwelling unit.

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⁵ 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 Highway Commercial as a land use class for the subject area. The permitted uses noted in the compliance index include broad-based commercial, office, and business classifications, large-scale commercial projects, local or regional shopping centers, business complexes, and mixed-use development. may occur over time and is encouraged. The recommended primary zoning districts are HC; General Commercial (GC) and Neighborhood Commercial (NC) are the secondary zoning district alternatives.

The proposed zoning designation, R-2A, is not a recommended zoning district 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 Neighborhood future land use classification as follows: This is a broad-based commercial, office, and business classification. It is intended to provide commercial opportunities to the traveling public and areas in the community where large-scale commercial projects may take place with minimal impact on contiguous residential development. This classification is designed to support local shopping, regional shopping centers, and business complexes. It will accommodate a wide range of business and commercial uses, clustered where feasible, for “cumulative attraction” and located for optimum accessibility. Many of the existing uses here are already highway-oriented commercial and are likely to remain, but mixed-use development may occur in this designation over time and should be encouraged.

The proposed R-2A zoning is inconsistent with the Highway Commercial 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.

- 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:

Access subject to SCDOT review/approval with city concurrence.

- 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:

Property is in the GSWSA service area. Any development will have to provide confirmation of public water and sewer availability.

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 October 3, 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 but notes the inconsistencies with the comprehensive plan. This parcel is generally too small and encumbered with wetlands for development on its own but provides access to the larger parcels under review in the previous agenda item [Z-22-24].

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.

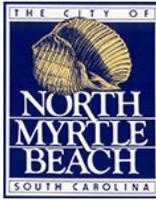
Planning Commission Action:

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-22-25] as submitted.
OR
- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-25] as submitted.
OR
- 3) I move (an alternate motion).

FILE NUMBER:	Z-22-25
Complete Submittal Date:	August 26, 2022

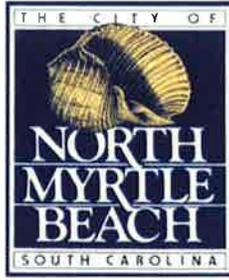


Notice Published:	September 1, 2022
Planning Commission:	September 20, 2022
First Reading:	October 3, 2022
Second Reading:	October 17, 2022

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION	
Date of Request: August 26, 2022	Property PIN(S): 34902030006
Property Owner(s): MCD 31 Connector LLC	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: N SIDE HWY 90 near Main Street Connector	Project Contact: Chad Hatley
Contact Phone Number: 18436854426	Contact Email Address: Chatley41@hotmail.com
Current County Zoning: CFA	Proposed Zoning: R-2A
Total Area of Property: 0.78 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). <i>Applicant's E-signature: <u>Chad Hatley</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.	



CITY OF NORTH MYRTLE BEACH
LETTER OF AGENCY

Revision Date 05.24.19

Today's Date: 08/21/22

Nature of Approval Requested: Petition for Annexation and Zoning

R-2A



Property PIN(s): 34902040004, 34900000034 and 34902030006

Property Address/Location: subject property sits at the northern most intersection of Hwy 90 and the Robert Edge Pkwy

I, **Ben Powell**, *MEMBER*, hereby authorize **Chad Hatley and Robert Wilfong**
MCD 31 CONNECTOR LLC

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

BEN P POWELLS Signature *MCD 31 CONNECTOR LLC*
Owner/Managing Member

Signature

Title

Title

Signature

Signature

Title

Title

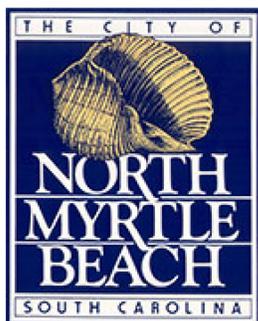
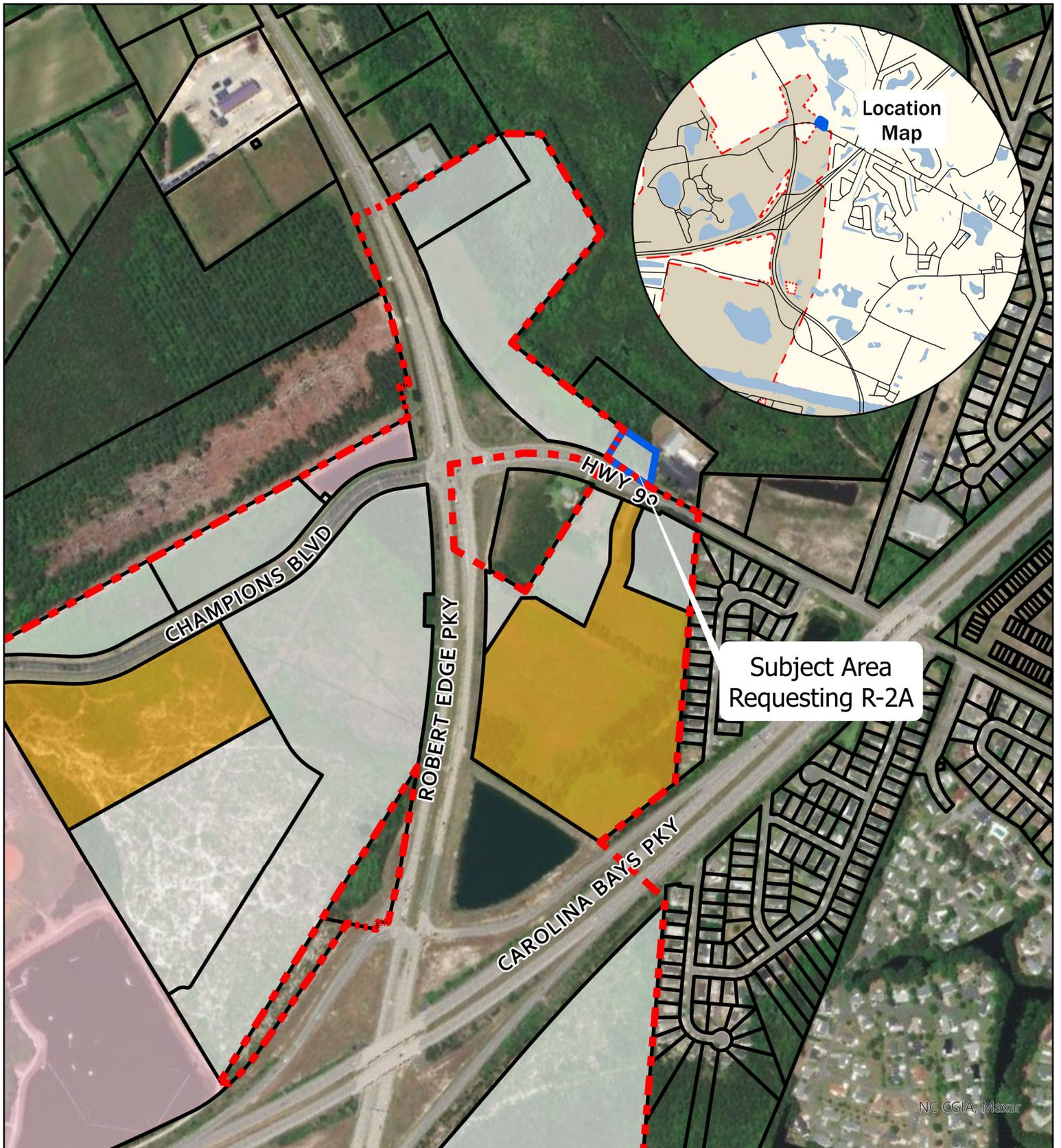
Signature

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.

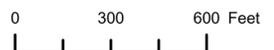


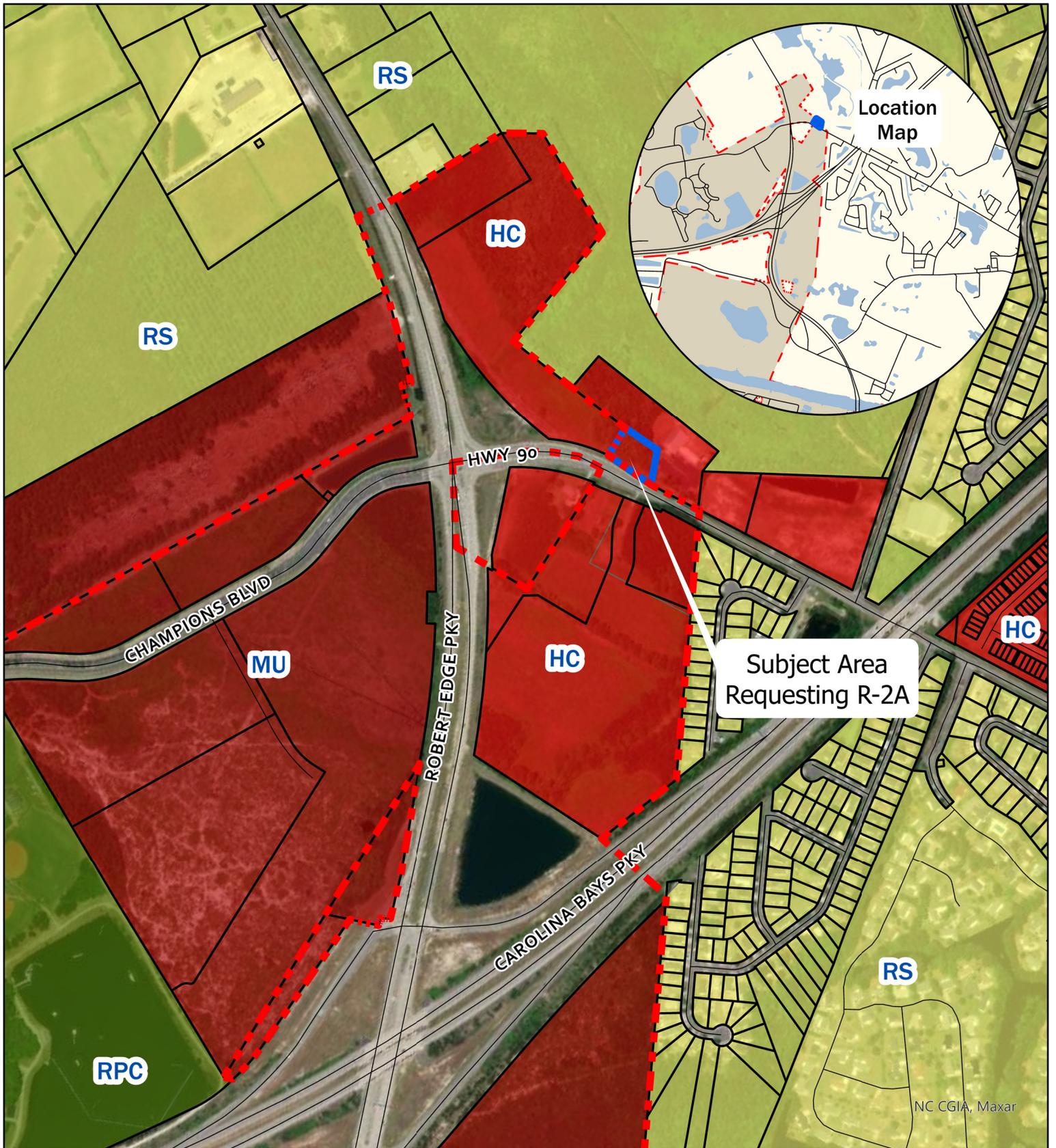
Legend

-  Subject Area
-  North Myrtle Beach City Limit
- Existing Land Use**
-  Multi-Family
-  Private Common Open Space
-  Vacant



Existing Land Use





Legend

- Subject Area
- North Myrtle Beach City Limit

Future Land Use

- HC - Highway Commercial
- MU - Mixed Use
- RPC - Resource Protection Conservation
- RS - Residential Suburban

Future Land Use

0 300 600 Feet

User: desnider
Path: M:\2022\2022-40 Z-22-25 (Robert Edge)\Z-22-25 Maps.aprx