

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: November 7, 2022

Agenda Item: 7A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: November 2, 2022
Subject: Petition for annexation and zoning designation for 3.28 acres on Highway 90 [Z-22-26]	Division: Planning and Development

Background:

Chad Hatley, agent for the owner, has petitioned the City of North Myrtle Beach to annex approximately 3.28 acres of property located on Highway 90 identified by PIN 349-07-02-0008. The petition also reflects the requested City of North Myrtle Beach zoning district of Highway Commercial (HC). The subject area is identified as Highway Commercial 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 the corner of Highway 90 and the Robert Edge Parkway, the parcel contains an unoccupied dwelling unit with detached garage. Surrounding parcels within city limits are zoned HC and Mid-Rise Multifamily Residential (R-2A); adjacent unincorporated county parcels are zoned CFA. Upon annexation, the parcel would be designated HC as per Exhibit A: Zoning Map (Z-22-26), 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 HC Zoning:

		Single-Family Dwelling	Multifamily Dwellings	Hotels, Motels, Resort Accommodations	All Other Uses ³
Minimum Site Area (SF)		NA	15,000	15,000	10,000
Minimum Lot Area per Dwelling Unit		10,000	1,350	NA	NA
Minimum Lot Width		NA	100 feet	100 feet	NA
Minimum Yards:	Front	25 feet	20 feet	20 feet	20 feet
	Side	10 feet ⁵	¹	¹	8 ²
	Rear	20 feet	20 feet	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	80%	80%	90%
Common Open Space			20%	20%	NA
Maximum Height of Structures		35 feet	50 feet	70 feet	50 feet ⁴
Maximum Height of Signs		N/A	10 feet	40 feet	40 feet

Notes:

¹ Ten (10) feet for the first thirty-five (35) feet plus one (1) foot for each one and one-half (1½) feet over thirty-five (35) feet; for each building more than eighty (80) feet in width, one (1) additional foot on each side shall be required for each seven (7) feet in building width over eighty (80) feet. For calculating side setbacks and/or building separations, the height

of the roof section (if not devoted to living or storage space) shall not be considered in determining the height of the structures.

² On buildings two hundred (200) feet in width or less, an eight-foot setback shall be required, except that commercial condominium projects shall be allowed to share interior property lines; for buildings greater than two hundred (200) feet in width, the following setbacks shall be required on the end units; further provided that such projects (buildings) shall not exceed six hundred (600) feet in width.

Width of Project	Side Yard Required (2 Sides)
To 200 feet	8 feet
201—400 feet	16 feet
401—600 feet	30 feet

³ "Big box" retail shall provide the following: All lighting systems installed within the parking area shall use a ninety-degree (or less) cutoff luminaire angled away from noncommercial properties with a maximum height of thirty (30) feet measured from the base of the pole when installed. All lamp posts shall be contained within a landscape island. Reference article VII, general supplemental, developments of regional significance, for guidelines and standards affecting gross retail square footage of seventy-five thousand (75,000) square feet or greater.

⁴ With approval of the North Myrtle Beach Board of Zoning Appeals as a special exception, amusement rides in amusement parks can extend up to seventy (70) feet in height.

⁵ A five-foot side yard setback shall be required for substandard lots of record.

Planning Commission Action:

The Planning Commission conducted a public hearing on October 18, 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 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 3.28 ACRES IDENTIFIED AS PIN 349-07-02-0008.**

WHEREAS, Chad Hatley, agent for the owner, has petitioned the City of North Myrtle Beach for annexation of 3.28 acres consisting of the following parcel PIN 349-07-02-0008 as referenced on Exhibit A: Zoning Map (Z-22-26), 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 Highway Commercial (HC) 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 349-07-02-0008 (the “Annexed Parcel”), consisting of approximately 3.28 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 Highway Commercial (HC).

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2022.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

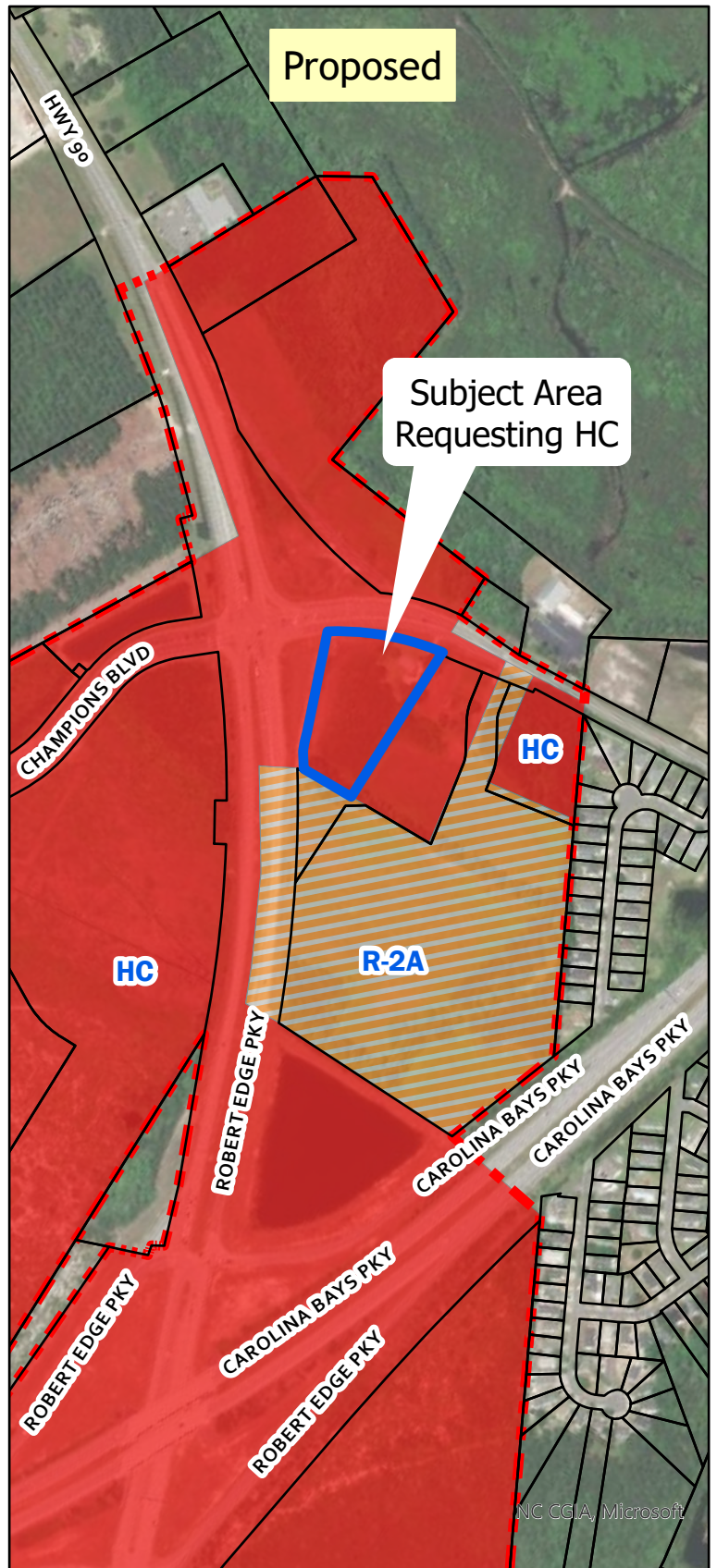
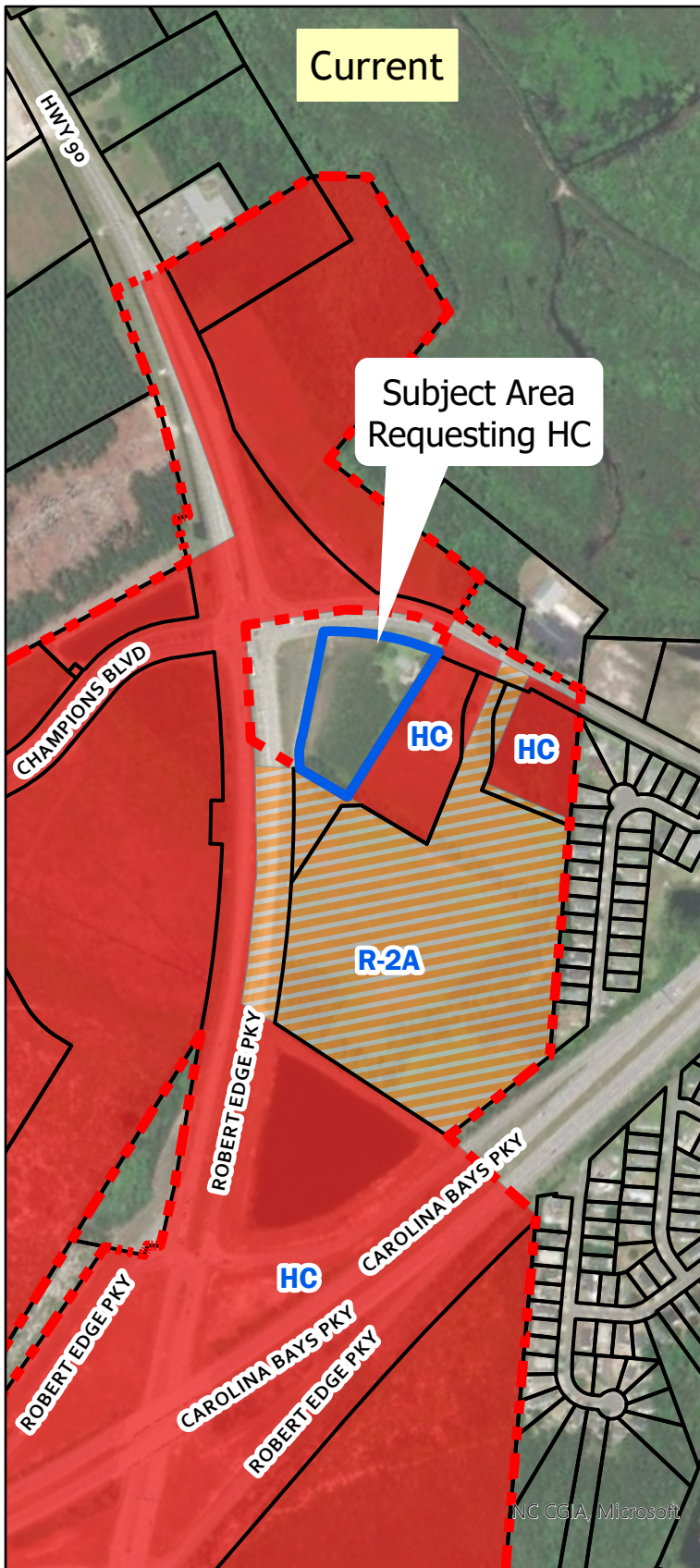
REVIEWED:

City Manager

FIRST READING: 11.7.2022

SECOND READING: _____

ORDINANCE: _____



- Subject Area
- North Myrtle Beach City Limit

Legend

Zoning District

HC

R-2A



0 300 600 Feet

Exhibit A: Zoning Map Z-22-26

6A. ANNEXATION & ZONING DESIGNATION Z-22-26: City staff received a petition to annex ±3.28 acres on Highway 90 identified by PIN 349-07-02-0008. 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 Highway Commercial (HC) 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 the corner of Highway 90 and the Robert Edge Parkway, the parcel contains an unoccupied dwelling unit with detached garage. Surrounding parcels within City limits are zoned HC and Mid-Rise Multifamily Residential (R-2A); adjacent unincorporated county parcels are zoned CFA.

Proposed HC Zoning

		Single-Family Dwelling	Multifamily Dwellings	Hotels, Motels, Resort Accommodations	All Other Uses ³
Minimum Site Area (SF)		NA	15,000	15,000	10,000
Minimum Lot Area per Dwelling Unit		10,000	1,350	NA	NA
Minimum Lot Width		NA	100 feet	100 feet	NA
Minimum Yards:	Front	25 feet	20 feet	20 feet	20 feet
	Side	10 feet ⁵	¹	¹	8 ²
	Rear	20 feet	20 feet	20 feet	20 feet
Maximum Impervious Surface Ratio		60%	80%	80%	90%
Common Open Space			20%	20%	NA
Maximum Height of Structures		35 feet	50 feet	70 feet	50 feet ⁴
Maximum Height of Signs		N/A	10 feet	40 feet	40 feet

Notes:

¹ Ten (10) feet for the first thirty-five (35) feet plus one (1) foot for each one and one-half (1½) feet over thirty-five (35) feet; for each building more than eighty (80) feet in width, one (1) additional foot on each side shall be required for each seven (7) feet in building width over eighty (80) feet. For calculating side setbacks and/or building separations, the height of the roof section (if not devoted to living or storage space) shall not be considered in determining the height of the structures.

² On buildings two hundred (200) feet in width or less, an eight-foot setback shall be required, except that commercial condominium projects shall be allowed to share interior property lines; for buildings greater than two hundred (200) feet in width, the following setbacks shall be required on the end units; further provided that such projects (buildings) shall not exceed six hundred (600) feet in width.

Width of Project	Side Yard Required (2 Sides)
To 200 feet	8 feet
201—400 feet	16 feet
401—600 feet	30 feet

³ "Big box" retail shall provide the following: All lighting systems installed within the parking area shall use a ninety-degree (or less) cutoff luminaire angled away from noncommercial properties with a maximum height of thirty (30) feet measured from the base of the pole when installed. All lamp posts shall be contained within a landscape island. Reference article VII, general supplemental, developments of regional significance, for guidelines and standards affecting gross retail square footage of seventy-five thousand (75,000) square feet or greater.

⁴ With approval of the North Myrtle Beach Board of Zoning Appeals as a special exception, amusement rides in amusement parks can extend up to seventy (70) feet in height.

⁵ A five-foot side yard setback shall be required for substandard lots of record.

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, HC, is the primary 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 Highway Commercial 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 HC zoning is consistent 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 HC zoning district is, "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 district is designed to support local as well as regional shopping centers, and business complexes. As such, this district will accommodate a wide range of business and commercial uses, clustered where feasible for "cumulative attraction" and located for optimum accessibility."

The uses permitted in the HC 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:

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 November 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:

Alternative Motions

- 1) I move that the Planning Commission recommend approval of the annexation and zoning petition [Z-22-26] as submitted.
OR
- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-22-26] as submitted.
OR
- 3) I move (an alternate motion).

FILE NUMBER:	Z-22-26
Complete Submittal Date:	September 21, 2022



Notice Published:	September 29, 2022
Planning Commission:	October 18, 2022
First Reading:	November 7, 2022
Second Reading:	December 5, 2022

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

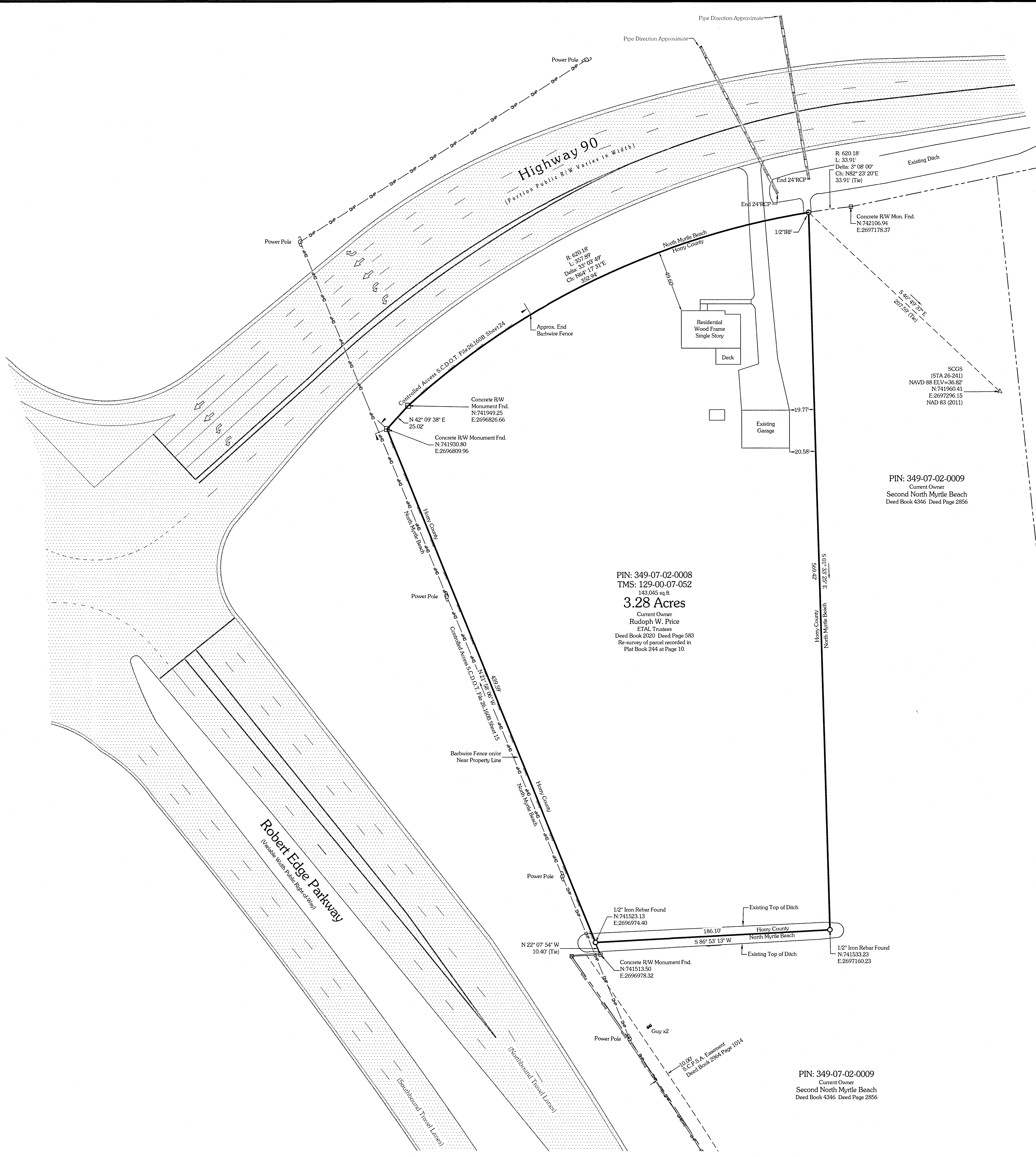
GENERAL INFORMATION	
Date of Request: September 21, 2022	Property PIN(S): 34907020008
Property Owner(s): Park Pointe Holdings LLC	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 10560 Hwy 90, Little River, SC 29566	Project Contact: Chad Hatley
Contact Phone Number: 8436854426	Contact Email Address: chatley41@hotmail.com
Current County Zoning: CFA	Proposed Zoning: HC
Total Area of Property: 3.28 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.	

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

1. Tax Parcel: PIN: 349-07-02-0008
TMS: 129-00-07-052
2. Owner of Record: Rudolph W. Price et al Trustees
2177 Meadowood Lane
Longs, SC 29568
3. This property appears to be located in Flood Zone "X", According to FEMA flood zones per F.I.R.M. 45061C 0605 K, dated Dec. 16th, 2021. This property does not appear to be the located in Horry County supplemental flood zone.
Reference to Ordinance filed in Deed Book 4442 at page 2393.
Any Flood zone lines shown herein are based on provided data. This plan is not the basis for flood zone determination or flood zone related issues.
4. Declaration is made to be original purchaser of the survey. It is not transferable to additional institutions or subsequent owners.
5. This survey is only valid if print of same has original signature and embossed seal of the surveyor.
6. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
7. Subsurface and environmental conditions were not examined or considered as a part of this survey, no statement is made concerning the existence of underground or overhead containers or facilities that may affect the use or development of this tract.
8. This property is subject to all easements or restrictions of record.
9. Last property transfer Deed Book 2020, Page 583.
10. 1/2" Iron Pipes Set at all corners unless noted otherwise.
11. All Bearings are based upon the South Carolina State Plane Coordinate System (NAD83)(2011). All distances shown are Horizontal not grid distances.
12. Date of Field Survey: August, 2022

1. Map of 3.28± Acres of Land, prepared for Rudolph W. Price by DDC Engineers dated 04/28/2008 and recorded at The Horry County Register of Deeds in Plat Book 244 Page 10.
2. Revised Final Plat, prepared for Bayberry Land Company A.S.C. General Partnership by Jones/Godfrey & Associates dated 08/16/2001 and recorded at The Horry County Register of Deeds in Plat Book 183 Page 45.
3. Final Subdivision Plat Bayberry Subdivision Phase III, prepared for Bayberry Land Company by Coastal Land Surveyors, Inc., dated 02/18/1998 and recorded at The Horry County Register of Deeds in Plat Book 154 Page 189.
4. Boundary Survey, prepared for NMB Companies, LLC by The Brigman Company Inc., dated 11/08/2013 and recorded at The Horry County Register of Deeds in Plat Book 260 Page 40.
5. S.C.D.O.T. As-Built Plans File No. 26.1608 F.A. Project No. SIB-GLSA (026) County Horry, Route or Road No. (North Myrtle Beach Connector)
NOTE: S.C.D.O.T. Plans appear to be on Grid Distance not Ground. When a combined scale factor of 0.99980241 is applied to the S.C.D.O.T. Monuments as found, there locations match the S.C.D.O.T. Plans.

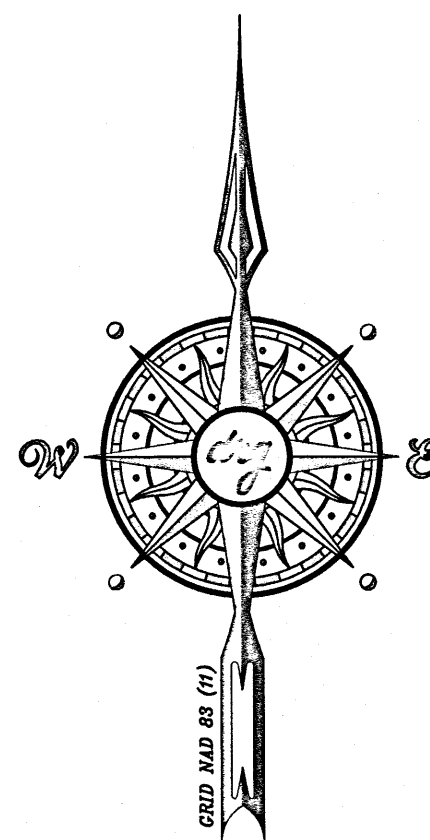
APPROVED
By levid at 3:44 pm, Aug 11, 2022



PIN: 349-07-02-0009
Current Owner
Second North Myrtle Beach
Deed Book 4346 Deed Page 2856

"I hereby state that to the best of my professional knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Standards of Practice Manual for Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than shown."


Michael D. Oliver, P.L.S. No. 13520
as agent



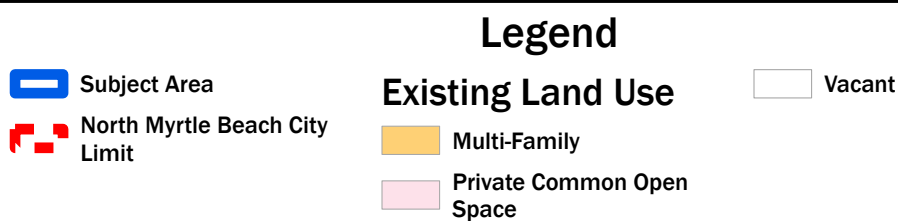
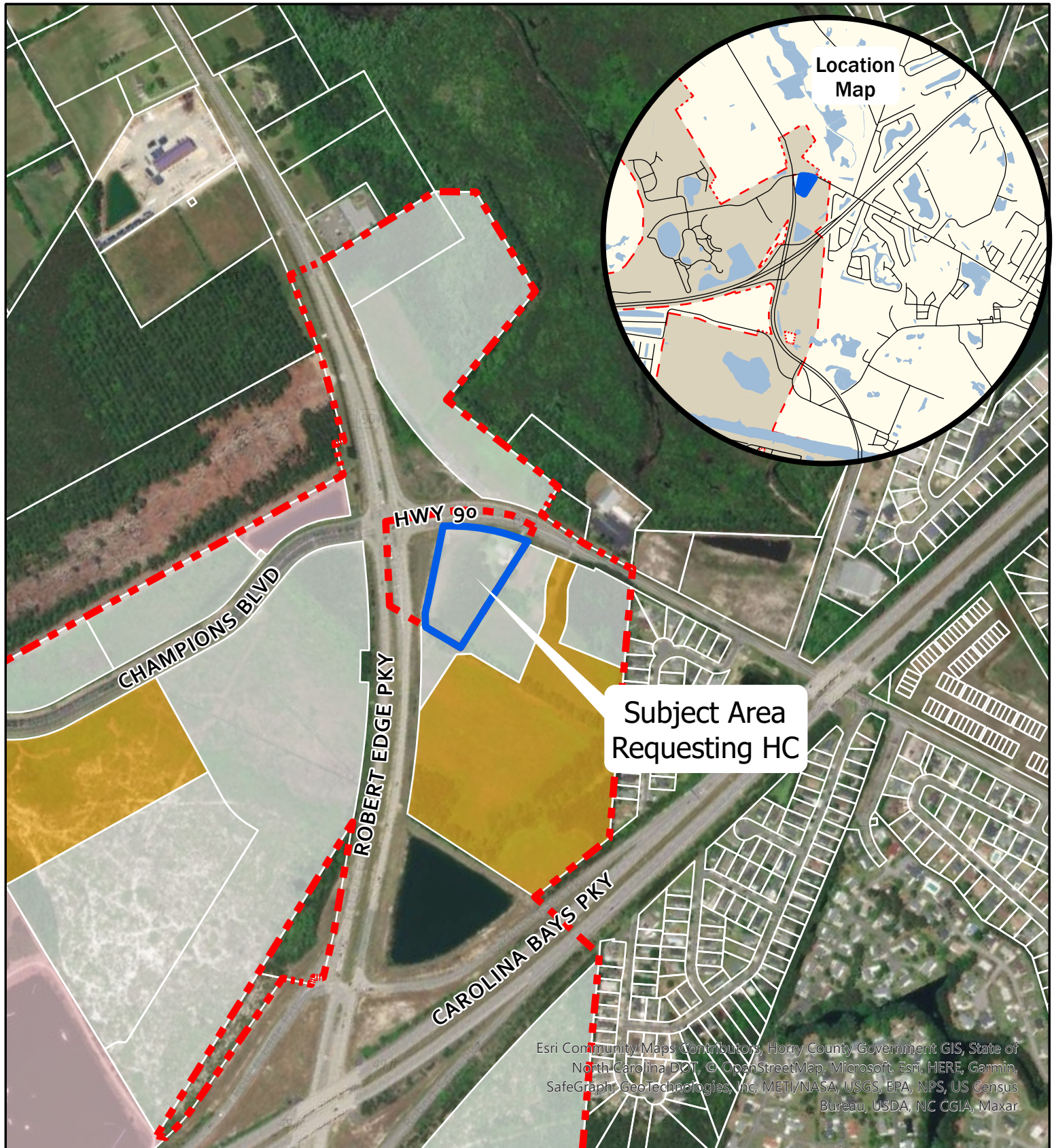
 IRON PIPE FOUND (IRF)
 IRON PIPE SET (IPS)
 GUY WIRE
 FIRE HYDRANT
 WATER VALVE
 VALVE MARKER
 DRAINAGE PIPE
 FENCE
 OVERHEAD POWER
 CONCRETE MONUMENT FOUND

(IN FEET)
1 inch = 40 ft.

JOB No. 22.533
DATE: 08-02-2022
DRAWN BY: D.M.P.
CHECKED BY: M.D.O.
SCALE: 1"= 40'

BOUNDARY SURVEY OF
3.28 ACRE PARCEL OF LAND
PIN: 349-0702-0008 / PIN: 129-00-07-052
NORTH MYRTLE BEACH, Horry County, South Carolina
PREPARED FOR:
RUDOLPH W PRICE

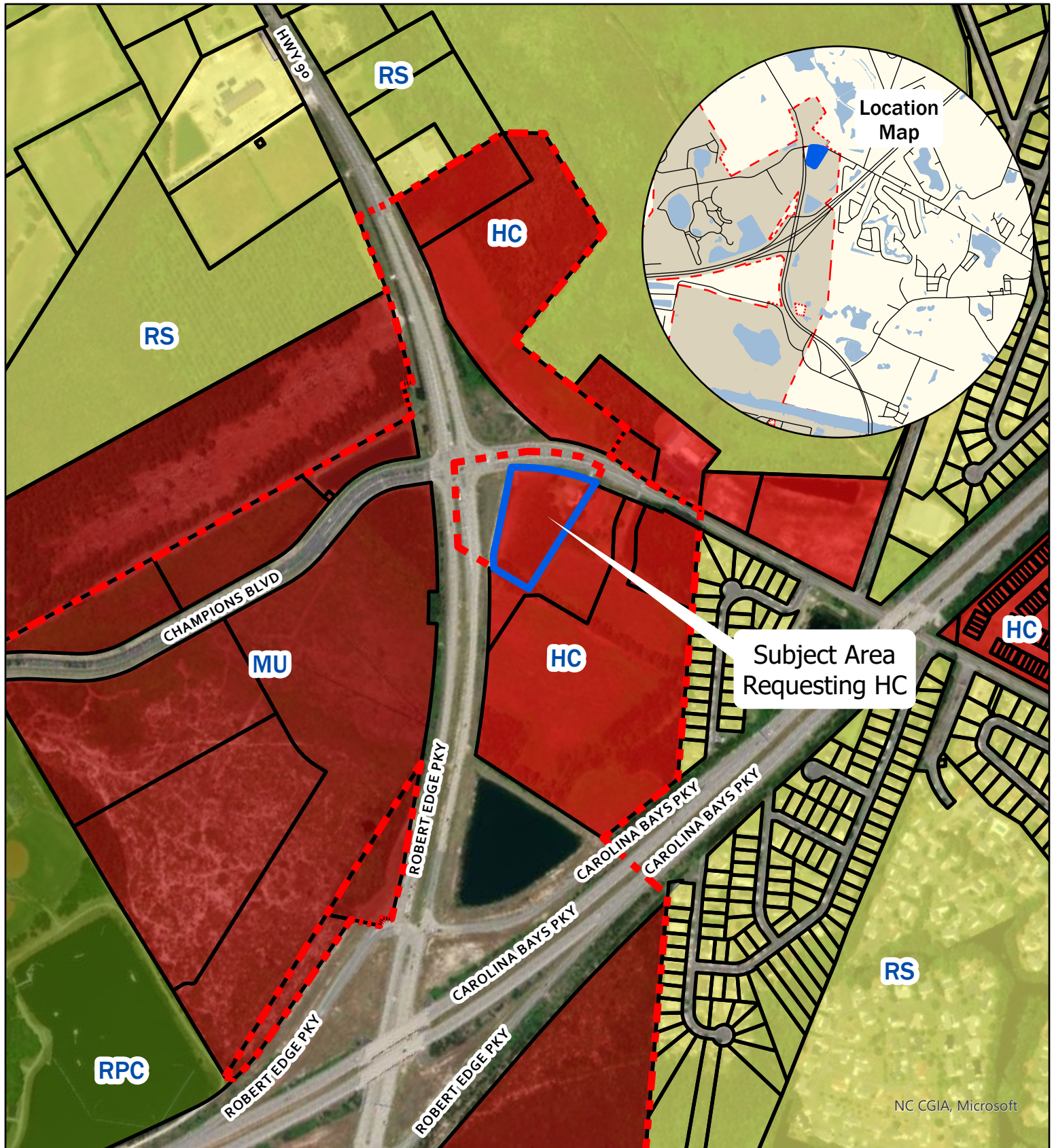
[illegible]



Existing Land Use



0 300 600 Feet



Legend

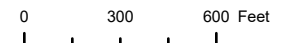
- Subject Area
- North Myrtle Beach City Limit

- Future Land Use**
- HC - Highway Commerical
 - MU - Mixed Use

- RPC - Resource Protection Conservation
- RS - Residential Suburban



Future Land Use



User: desnider
 Path: M:\2022\2022-46 Z-22-26 (34907020008)\Z-22-26 Maps.aprx