

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: March 6, 2023

Agenda Item: 6F	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: March 1, 2023
Subject: Petition for annexation and zoning designation for 22.53 acres adjacent to the Bahama Island Planned Development District [Z-22-37]	Division: Planning and Development

Background:

Robert Guyton, agent for the owner, has petitioned the City of North Myrtle Beach to annex approximately ±22.53 acres adjacent to the Bahama Island Planned Development District (PDD) and located between the terminus of Ace Way and the Intracoastal Waterway. This property is identified by multiple PINs. The petition also reflects the requested City of North Myrtle Beach zoning district of PDD within the Bahama Island PDD and will be heard concurrently.

Existing Conditions:

The subject property is currently unincorporated but contiguous to the corporate boundary of the City of North Myrtle Beach. The lots are zoned Commercial Forest Agriculture (CFA) by Horry County and are currently vacant and undeveloped. Surrounding parcels within City limits are zoned within the Bahama Island PDD; adjacent unincorporated county parcels are zoned CFA. Development of these parcels has been limited by the lack of physical access to the property. Upon annexation, the parcel would be designated PDD as per Exhibit A: Zoning Map Z-22-37, 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 January 10, 2023 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 _____ 2nd By _____ To _____

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH ANNEXING 22.53 ACRES IDENTIFIED BY PINS 350-00-00-0086, 350-09-02-0001, 350-09-02-0002, 350-10-01-001, 350-10-01-002, 350-10-01-003, 350-10-01-0004, 350-10-01-0005, 350-10-01-0006, 350-10-01-0007, 350-10-01-0008, 350-10-01-0009, 350-10-01-0010, 350-10-01-0011, 350-10-01-0012, 350-10-01-0013, 350-10-01-0014, 350-10-01-0015, 350-10-01-0016, 350-10-01-0017, 350-10-01-0018, 350-10-01-0019, 350-10-01-0020, 350-10-01-0021, 350-10-01-0022, 350-10-01-0023, 350-10-01-0024, 350-10-01-0025, 350-10-01-0026, 350-10-01-0027, 350-10-01-0028, 350-10-01-0029, 350-10-01-0030, 350-10-01-0031, 350-10-01-0032, 350-10-01-0033, 350-10-01-0034, 350-10-01-0035, 350-10-01-0036, 350-10-01-0037, 350-10-01-0038, 350-10-01-0039, 350-10-01-0040, 350-10-01-0041, 350-10-01-0042, 350-10-01-0043, 350-10-01-0044, 350-10-01-0045, 350-10-01-0046, AND 350-10-01-0047.

WHEREAS, Robert S. Guyton, agent for the owner, has petitioned the City of North Myrtle Beach for annexation of 22.53 acres consisting of the following parcel PINs 350-00-00-0086, 350-09-02-0001, 350-09-02-0002, 350-10-01-001, 350-10-01-002, 350-10-01-003, 350-10-01-0004, 350-10-01-0005, 350-10-01-0006, 350-10-01-0007, 350-10-01-0008, 350-10-01-0009, 350-10-01-0010, 350-10-01-0011, 350-10-01-0012, 350-10-01-0013, 350-10-01-0014, 350-10-01-0015, 350-10-01-0016, 350-10-01-0017, 350-10-01-0018, 350-10-01-0019, 350-10-01-0020, 350-10-01-0021, 350-10-01-0022, 350-10-01-0023, 350-10-01-0024, 350-10-01-0025, 350-10-01-0026, 350-10-01-0027, 350-10-01-0028, 350-10-01-0029, 350-10-01-0030, 350-10-01-0031, 350-10-01-0032, 350-10-01-0033, 350-10-01-0034, 350-10-01-0035, 350-10-01-0036, 350-10-01-0037, 350-10-01-0038, 350-10-01-0039, 350-10-01-0040, 350-10-01-0041, 350-10-01-0042, 350-10-01-0043, 350-10-01-0044, 350-10-01-0045, 350-10-01-0046, and 350-10-01-0047 as referenced on Exhibit A: Zoning Map Z-22-37, 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 referenced property is now contiguous; 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 Planned Development District (PDD) 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 parcels identified by PINs 350-00-00-0086, 350-09-02-0001, 350-09-02-0002, 350-10-01-001, 350-10-01-002, 350-10-01-003, 350-10-01-0004, 350-10-01-0005, 350-10-01-0006, 350-10-01-0007, 350-10-01-0008, 350-10-01-0009, 350-10-01-0010, 350-10-01-0011, 350-10-01-0012, 350-10-01-0013, 350-10-01-0014, 350-10-01-0015, 350-10-01-0016, 350-10-01-0017, 350-10-01-0018, 350-10-01-

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Section 2. Zoning Designation. The Annexed Parcels are hereby designated and zoned as Planned Development District (PDD).

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2023.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

REVIEWED:

City Manager

FIRST READING: 2.20.2023

SECOND READING: 3.6.2023

ORDINANCE: 23-28

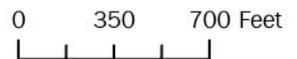
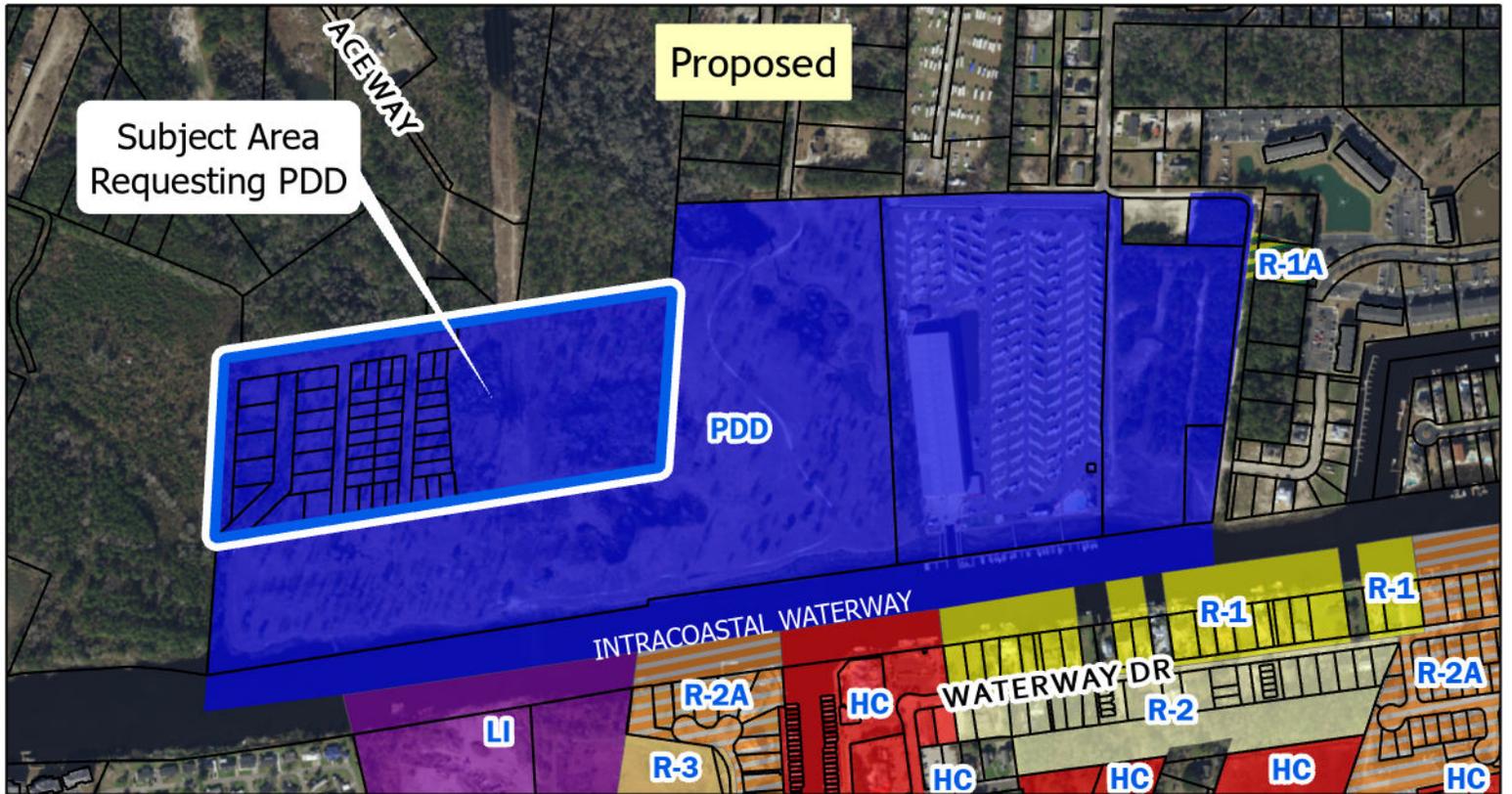
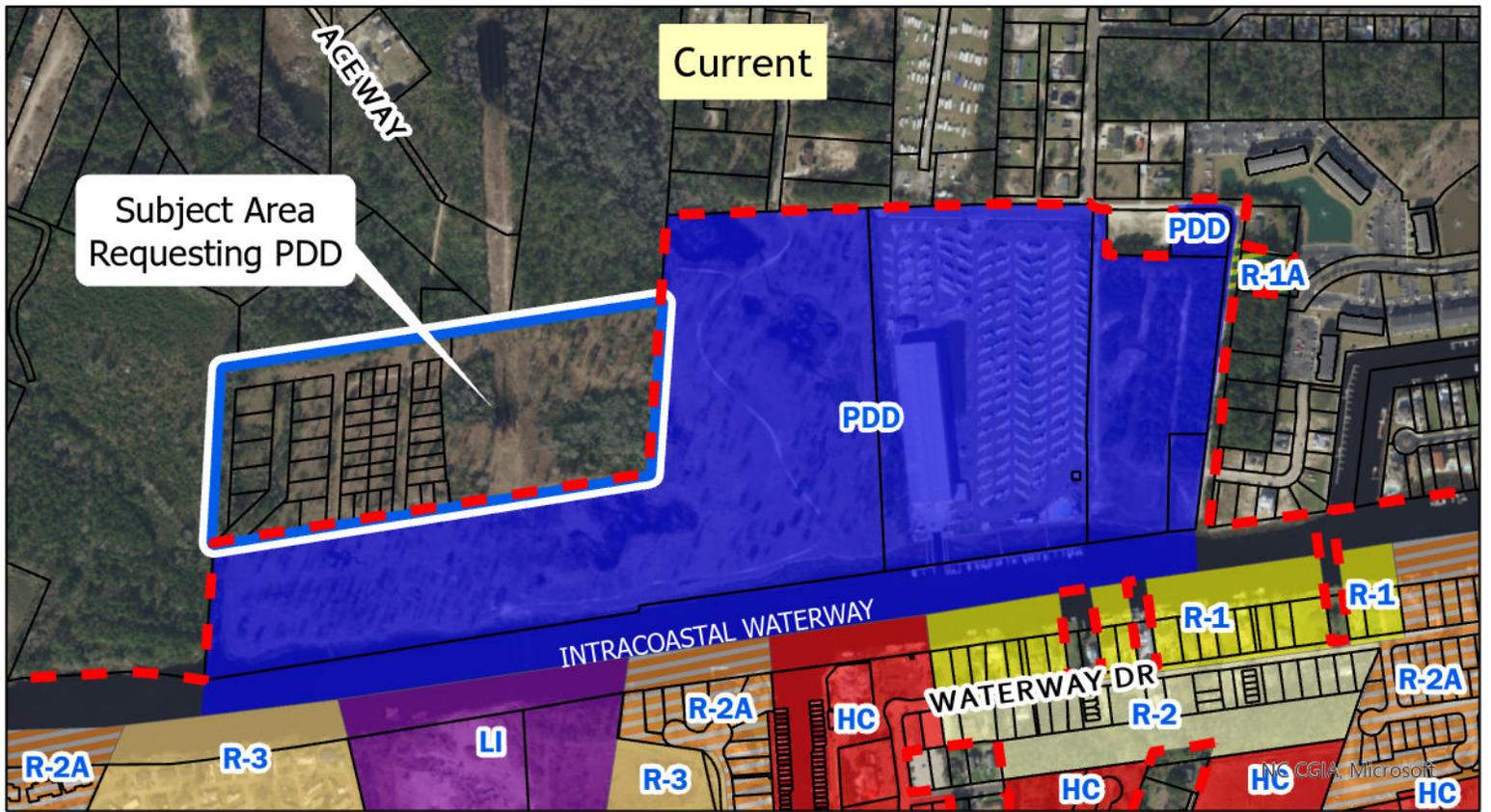


Exhibit A: Zoning Map Z-22-37

6A. ANNEXATION & ZONING DESIGNATION Z-22-37: City staff received a petition to annex ±22.53 acres adjacent to the Bahama Island Planned Development District (PDD) and located between the terminus of Ace Way and the Intracoastal Waterway. The property is identified by the following PINs: 350-00-00-0086, 350-09-02-0001, 350-09-02-0002, 350-10-01-001, 350-10-01-002, 350-10-01-003, 350-10-01-0004, 350-10-01-0005, 350-10-01-0006, 350-10-01-0007, 350-10-01-0008, 350-10-01-0009, 350-10-01-0010, 350-10-01-0011, 350-10-01-0012, 350-10-01-0013, 350-10-01-0014, 350-10-01-0015, 350-10-01-0016, 350-10-01-0017, 350-10-01-0018, 350-10-01-0019, 350-10-01-0020, 350-10-01-0021, 350-10-01-0022, 350-10-01-0023, 350-10-01-0024, 350-10-01-0025, 350-10-01-0026, 350-10-01-0027, 350-10-01-0028, 350-10-01-0029, 350-10-01-0030, 350-10-01-0031, 350-10-01-0032, 350-10-01-0033, 350-10-01-0034, 350-10-01-0035, 350-10-01-0036, 350-10-01-0037, 350-10-01-0038, 350-10-01-0039, 350-10-01-0040, 350-10-01-0041, 350-10-01-0042, 350-10-01-0043, 350-10-01-0044, 350-10-01-0045, 350-10-01-0046, and 350-10-01-0047. The lots are 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 PDD within the Bahama Island PDD and will be heard concurrently.

Applicant:

Robert “Shep” Guyton, authorized agent representing the owner, has petitioned the City of North Myrtle Beach for annexation of approximately ±22.53 acres of property. The petition also reflects the requested City of North Myrtle Beach zoning district of PDD (Planned Development District) and will be heard concurrently. The development would be added to the Bahama Island Resort PDD as Phase 2.

Existing Conditions and Surrounding Land Uses:

The subject property is currently unincorporated but contiguous to the corporate boundary of the City of North Myrtle Beach. The lots are zoned CFA by Horry County. Surrounding land uses range from vacant to recreation vehicle (RV) resort. Development of these parcels has been limited by the lack of physical access to the property.

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, PDD, is not a listed primary or secondary zoning district alternative in any of the land use classes within the Comprehensive Plan. However, staff would like to note the creation of the NMB RV and Dry Dock and changing conditions in the adjacent Phase 1 of the Bahama Island Resort PDD.

- 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 zoning designation extending the Bahama Island Resort PDD does not seek to define, protect, and provide low density, single-family detached housing as identified in the Comprehensive Plan.

- c) Whether the uses permitted by the proposed change would be appropriate in the area concerned:

The purpose of the Planned Development District is to encourage flexibility in the development of land to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the provision of livable streets and utilities, to preserve the natural and scenic features of open areas, and to provide a flexible zoning management tool that meets the needs of integrated mixed-use developments in creative arrangements. This district is best suited to areas where "Planned Development District" is a superior response to less coordinated development, as permitted elsewhere by this chapter. It is also an appropriate response in relatively large areas undergoing redevelopment.

Extending the Bahama Island Resort PDD zoning classification would be appropriate in the area of concern given the immediately adjacent NMB RV and Dry Dock.

- 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 as a result of such change, and the consequence of such change:

Roadways and public services to serve this property are within the vicinity; however, an extension of Bowline Boulevard would be required to develop the site.

- 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 through the Grand Strand Water and Sewer Authority.

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 February 20, 2023. Should the Planning Commission desire to forward a positive recommendation to City Council, one of the aforementioned reasons should be included in the report.

Staff Review:

Planning and Development, Planning Division

Planning has no issue with the proposed petition for annexation and zoning.

Planning and Development, Zoning Division

Zoning 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.

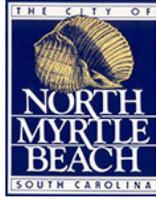
Public Safety

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

Alternative Motions:

- 1) I move that the Planning Commission forward the annexation and zoning petition [Z-22-37] to the Mayor and City Council with a recommendation of approval.
 - 2) I move that the Planning Commission forward the annexation and zoning petition [Z-22-37] to the Mayor and City Council with a recommendation of denial.
- OR
- 3) I move (an alternate motion).

FILE NUMBER:	Z-22-37
Complete Submittal Date:	December 16, 2022



Notice Published:	December 22, 2022
Planning Commission:	January 10, 2023
First Reading:	February 20, 2023
Second Reading:	March 6, 2023

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: December 16, 2022	Property PIN(S): 3500000086; 35009020001; 35009020002; 3501001001; 3501001002; 3501001003; 3501001004; 3501001005; 3501001006; 3501001007; 3501001008; 3501001009; 3501001010; 3501001011; 3501001012; 3501001014; 3501001015; 3501001016; 3501001017; 3501001018; 3501001019; 3501001020; 3501000021; 3501001022; 3501000023; 3501001024; 3501001025; 3501001026; 3501001027; 3501001028; 3501001029; 3501001030; 3501001031; 3501001032; 3501001033; 3501001034; 3501001035; 3501001013; 3501001036; 3501001037; 3501001038; 3501001039; 3501001040; 3501001041; 3501001042; 3501001043; 3501001044; 3501001045; 3501001046; 3501001047
Property Owner(s): WENDELL P PRINCE II	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: Between Ace Way & ICWW	Project Contact: Robert Guyton
Contact Phone Number: 8438392100	Contact Email Address: rsguyton@guytonlawfirm.com
Current County Zoning: CFA	Proposed Zoning: PDD
Total Area of Property: 22.53 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 PIN No.: 130-00-08-058/350-00-00-0083 (Within the City); 130-00-08-074/350-00-00-0086; 130-17-01-004/350-09-02-0001; 130-17-01-005/350-09-02-0002; 130-17-01-003/350-10-01-001; 130-17-01-002/350-10-01-002; 130-17-01-001/350-10-01-003; 350-10-01-0004; 130-17-01-006/350-10-01-0005; 130-17-01-007/350-10-01-0006; 130-17-01-008/350-10-01-0007; 130-17-01-009/350-10-01-0008; 130-17-01-010/350-10-01-0009; 130-17-01-011/350-10-01-0010; 130-17-01-012/350-10-01-0011; 130-17-01-013/350-10-01-0012; 130-17-01-023/350-10-01-0014; 130-17-01-024/350-10-01-0015; 130-17-01-022/350-10-01-0016; 130-17-01-021/350-10-01-0017; 130-17-01-020/350-10-01-0018; 130-17-01-019/350-10-01-0019; 130-17-01-018/350-10-01-0020; 130-17-01-017/350-10-01-0021; 130-17-01-016/350-10-01-0022; 130-17-01-014/350-10-01-0023; 130-17-01-015/350-10-01-0024; 130-17-01-034/350-10-01-0025; 130-17-01-035/350-10-01-0026; 130-17-01-033/350-10-01-0027; 130-17-01-032/350-10-01-0028; 130-17-01-031/350-10-01-0029; 130-17-01-030/350-10-01-0030; 130-17-01-029/350-10-01-0031; 130-17-01-028/350-10-01-0032; 130-17-01-027/350-10-01-0033; 130-17-01-025/350-10-01-0034; 130-17-01-026/350-10-01-0035; 350-10-01-0013; 130-17-01-046/350-10-01-0036; 130-17-01-047/350-10-01-0037; 130-17-01-045/350-10-01-0038; 130-17-01-044/350-10-01-0039; 130-17-01-043/350-10-01-0040; 130-17-01-042/350-10-01-0041; 130-17-01-041/350-10-01-0042; 130-17-01-040/350-10-01-0043; 130-17-01-039/350-10-01-0044; 130-17-01-038/350-10-01-0045; 130-17-01-037/350-10-01-0046; 130-17-01-036/350-10-01-0047

Property Location: Atlantic Intracoastal Waterway, Bahama Island Boulevard, C Versi Drove.

Fee Simple Property Owner: SW INT 90 Holdco, LLC, a South Carolina limited liability company, SW INT 90 Holdco II, LLC, a South Carolina limited liability company, Myrtle Beach ZDGroup, LLC, a South Carolina limited liability company, SW INT 90 Holdco III, LLC, a South Carolina limited liability company and SW INT 90 Holdco IV, LLC, a South Carolina limited liability company.

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, 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 Owners: **SW INT 90 HOLDCO, LLC**

By: _____
Title: _____
Address: _____
Phone: _____

SW INT 90 HOLDCO II, LLC

By: _____
Title: _____
Address: _____
Phone: _____

MYRTLE BEACH ZDGROUP, LLC

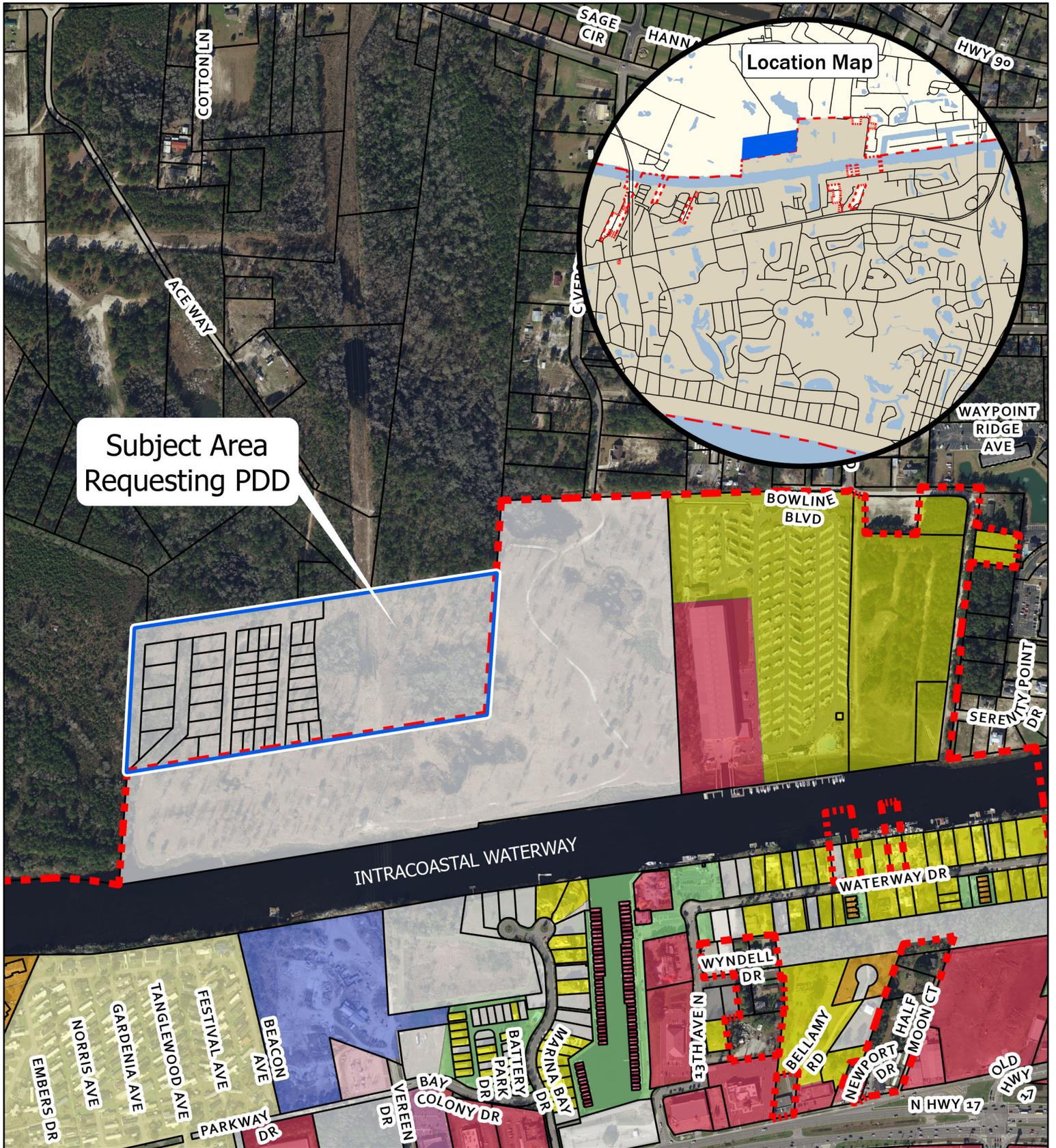
By: _____
Title: _____
Address: _____
Phone: _____

SW INT 90 HOLDCO III, LLC

By: _____
Title: _____
Address: _____
Phone: _____

SW INT 90 HOLDCO IV, LLC

By: _____
Title: _____
Address: _____
Phone: _____

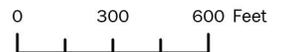


Subject Area Requesting PDD

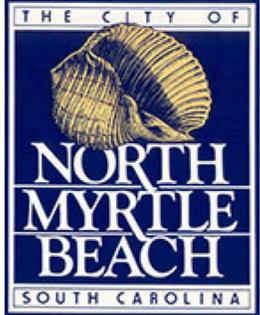
Location Map

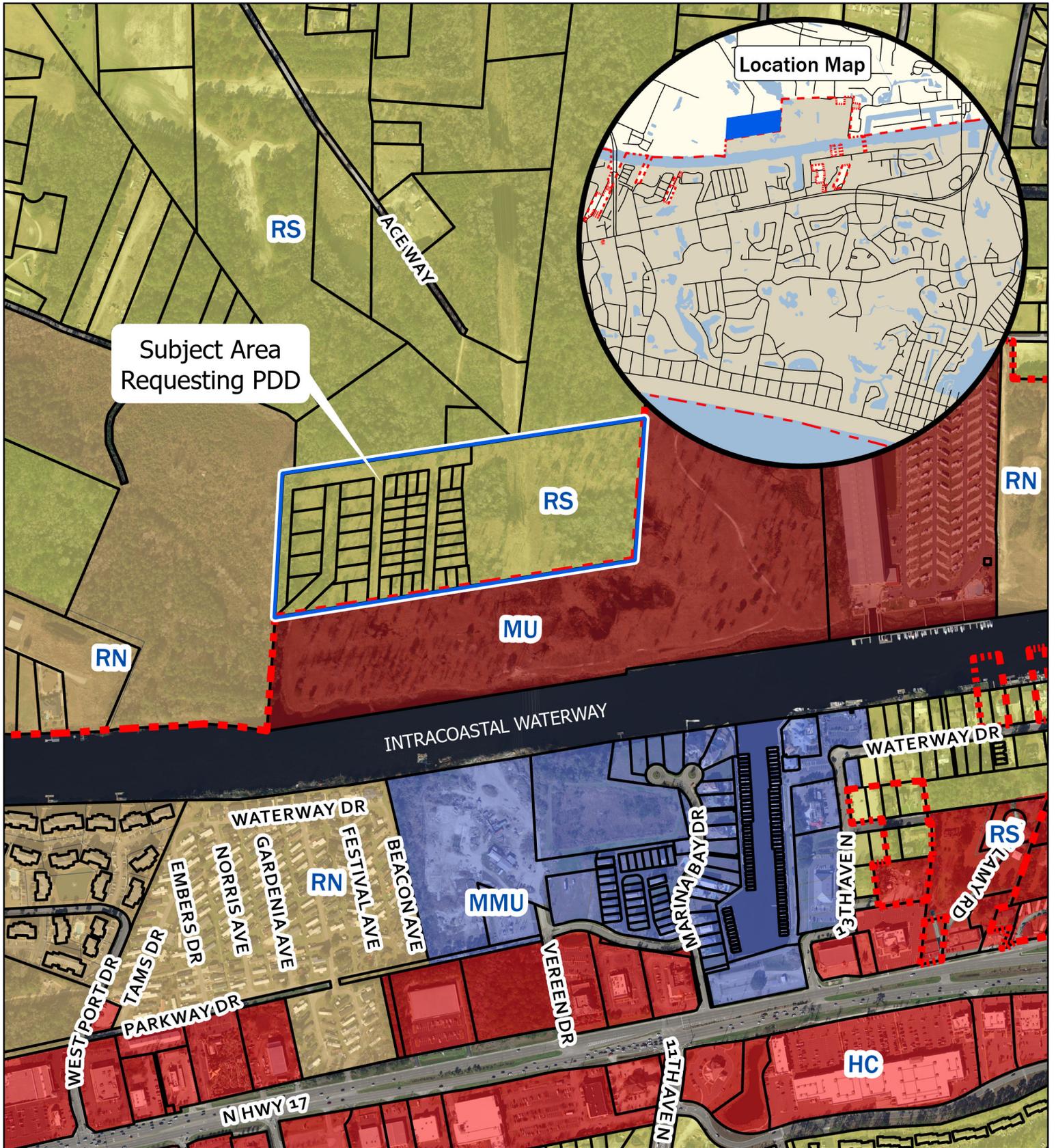
Legend

- Subject Area
- North Myrtle Beach City Limit
- Common Open Space
- Duplex
- Multi-Family
- Private Common Open Space
- Amusement
- Industrial / Warehouse
- Private Parking Lot
- Commercial
- Mobile Home
- RV / Campground
- Town House
- Vacant



Existing Land Use





Subject Area Requesting PDD

Location Map



Legend

Subject Area

North Myrtle Beach City Limit

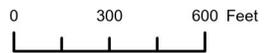
Recommended Future Land Use Categories

- HC - Highway Commercial
- MU - Mixed Use

MMU - Marina Mixed Use

RS - Residential Suburban

RN - Residential Neighborhood



Future Land Use