

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: December 4, 2023

Agenda Item: 7C	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: New Business: Ordinance. First Reading	Date: November 29, 2023
Subject: Petition for Annexation and Zoning Designation for ±1.26 acres on Cenith Drive [Z-23-19]	Division: Planning and Development

NOTE: Petitioner has withdrawn application

Background:

David O’Connell, agent for the owner, has petitioned the City of North Myrtle Beach to annex ±1.26 acres on Cenith Drive identified by PIN 357-02-04-0001. The petition also reflects the requested City of North Myrtle Beach zoning district of Single-Family Low-Medium Density (R-1B) and will be heard concurrently.

Existing Conditions:

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 on Cenith Drive, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned R-1; surrounding county parcels are zoned SF14.5 and CFA. Upon annexation, the parcel would be designated R-1B as per Exhibit A: Zoning Map Z-23-19, 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 R-1B Zoning:

		Single-family Dwelling	Churches	Other Permitted Uses
Minimum Site Area		6,000 SF	1 Acre	7,000 SF
Minimum Lot Width		50 feet	NA	NA
Minimum Yards:	Front	25 feet	25 feet	25 feet
	Side	5 feet	25 feet	10 feet
	Rear	20 feet	25 feet	25 feet
Maximum Impervious Surface Ratio		50%	60%	50%
Maximum Building Height		35 feet	45 feet	25 feet
Notes: A dwelling unit shall not contain more than five bedrooms/sleeping areas of not more than 300 SF each.				

R-1 District Permitted Uses:

Single-Family detached dwellings (excluding mobile homes); Neighborhood and community parks and centers, golf courses and similar outdoor uses, but not lighted for night use; Publicly owned recreational facilities; Churches, places of worship, religious institutions including accredited educational facilities

when accessory thereto; Accessory uses; Home occupations; and Signs permitted by and in accord with all applicable provisions of Article III.

Planning Commission Action:

The Planning Commission conducted a public hearing on November 14, 2023, and voted to recommend denial of the annexation and zoning designation. There was no public comment.

Recommended Action:

Petitioner has withdrawn application

Reviewed by Department 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 1.26 ACRES IDENTIFIED BY PIN 357-02-04-0001.**

WHEREAS, David O’Connell, agent for the owner, has petitioned the City of North Myrtle Beach for annexation of 1.26 acres consisting of the following parcel PIN 357-02-04-0001 as referenced on Exhibit A: Zoning Map Z-23-19, 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.

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 357-02-04-0001 (the “Annexed Parcel”), consisting of approximately 1.26 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 Parcel is hereby designated and zoned as Single-Family Low-Medium Density (R-1B).

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

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

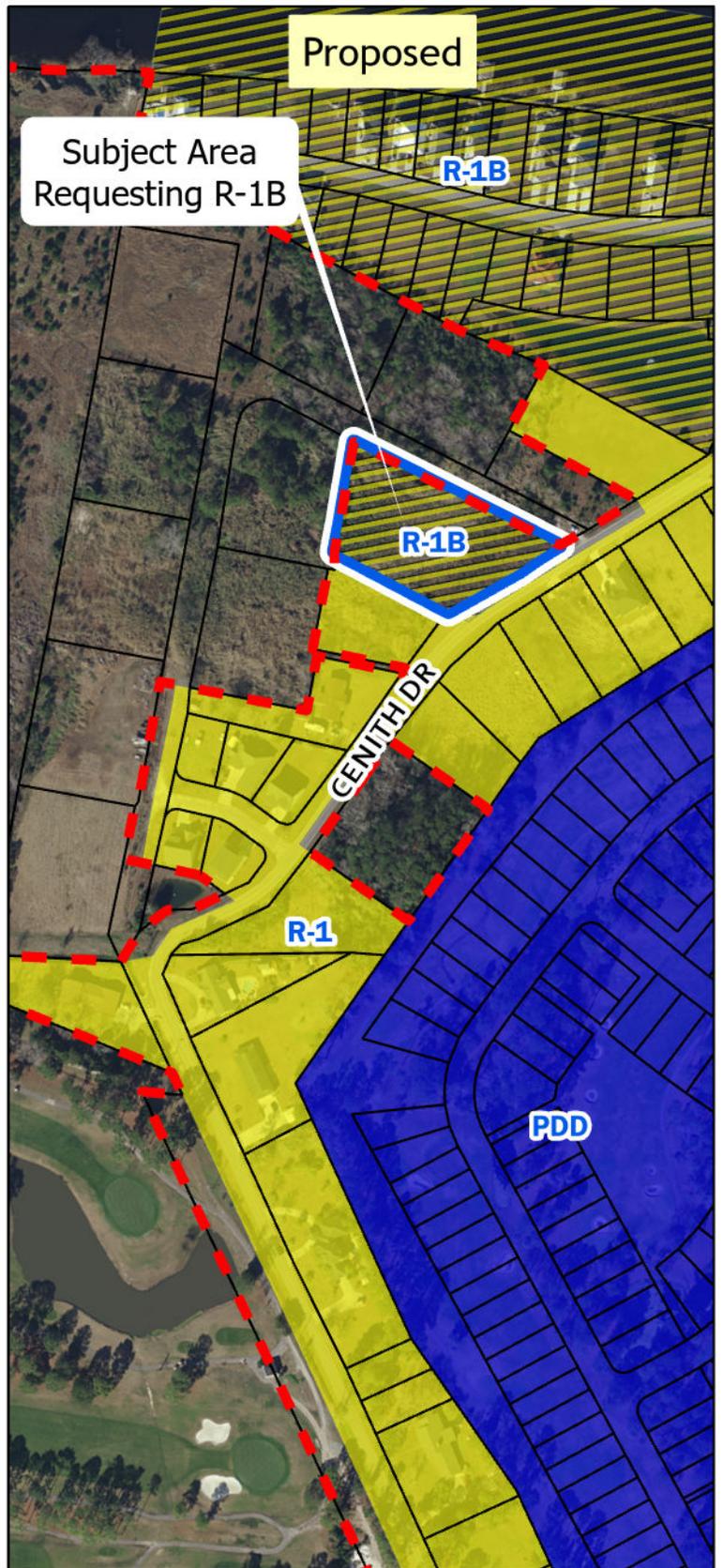
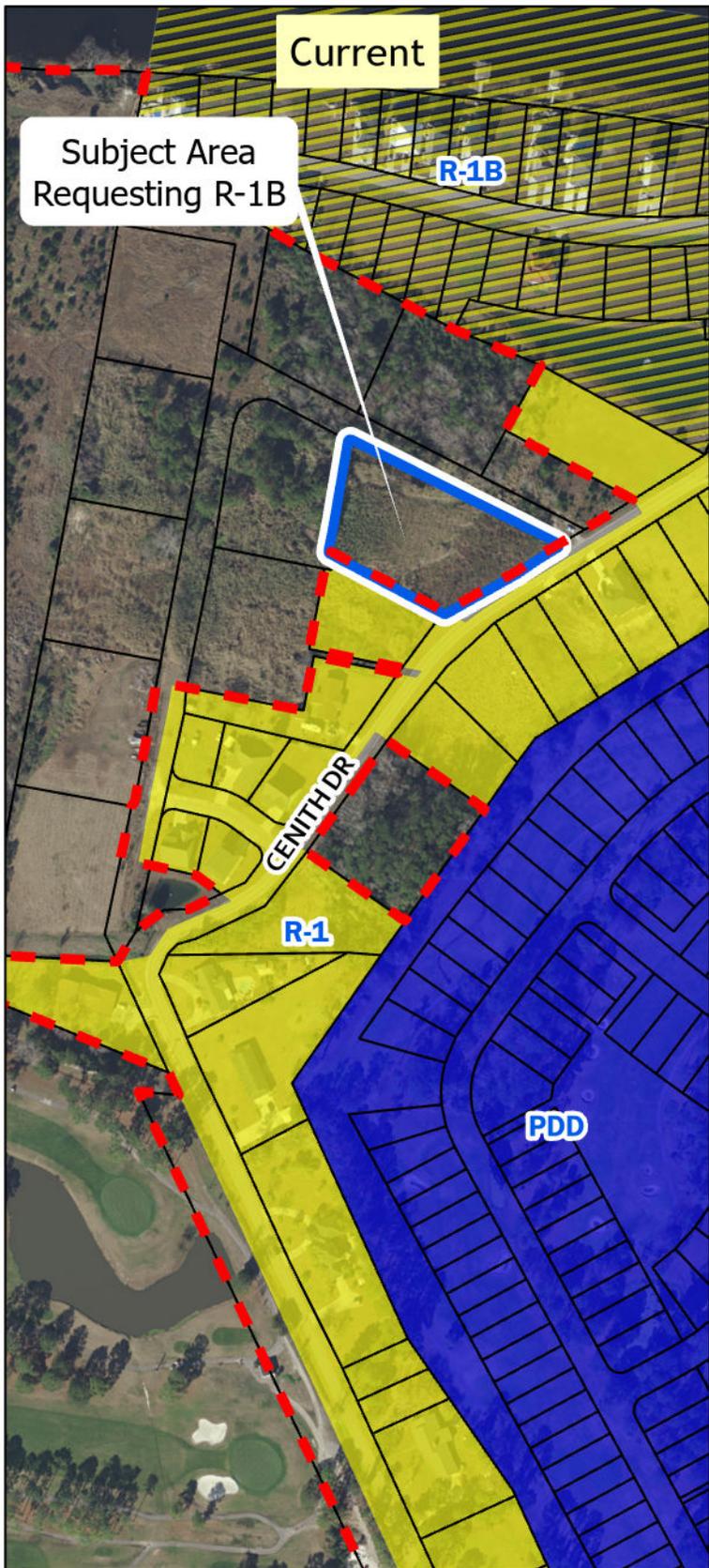
City Attorney

FIRST READING: _____
SECOND READING: _____

REVIEWED:

City Manager

ORDINANCE: _____



Legend

- NMB City Limits
- Subject Area

- Zoning District
- PDD
 - R-1
 - R-1B

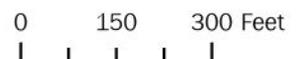


Exhibit A: Zoning Map Z-23-19

5A. ANNEXATION & ZONING DESIGNATION Z-23-19: City staff received a petition to annex ±1.26 acres on Cenith Drive identified by PIN 357-02-04-0001. 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 Single-Family Low-Medium Density (R-1B) and will be heard concurrently.

History:

At the applicant’s request, this item was postponed to this date from the October 3 agenda.

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 on Cenith Drive, the parcel is vacant and undeveloped. Surrounding parcels within City limits are zoned R-1; surrounding county parcels are zoned SF14.5 and CFA.

Proposed R-1B Zoning

		Single-family Dwelling	Churches	Other Permitted Uses
Minimum Site Area		6,000 SF	1 Acre	7,000 SF
Minimum Lot Width		50 feet	NA	NA
Minimum Yards:	Front	25 feet	25 feet	25 feet
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Maximum Impervious Surface Ratio		50%	60%	50%
Maximum Building Height		35 feet	45 feet	25 feet
Notes: A dwelling unit shall not contain more than five bedrooms/sleeping areas of not more than 300 SF 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-1B (Single-Family Low-Medium 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-1B 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-1B 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-1B 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; access is subject to Horry County encroachment review/approval with City of North Myrtle Beach 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:

Public water and sewer 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 the City Council at their next meeting tentatively scheduled for December 4, 2023. 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 is reviewing 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-23-19] as submitted.

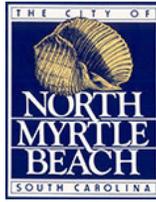
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-23-19] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-23-19
Complete Submittal Date:	August 29, 2023



Notice Published:	September 14, 2023
Planning Commission:	October 3, 2023
First Reading:	October 16, 2023
Second Reading:	November 6, 2023

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

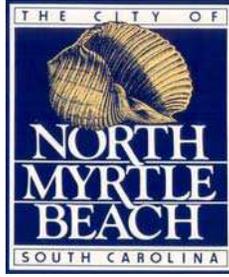
GENERAL INFORMATION

Date of Request: August 29, 2023	Property PIN(S): 35702040001
Property Owner(s): WHELESS ARTHUR W ETAL	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 1797 +/- Cenith Dr (BELLE EDGE PROP; LT R)	Project Contact: David OConnell
Contact Phone Number: 8434555500	Contact Email Address: david.oconnell@chrismanningcommunities.com
Current County Zoning:	Proposed Zoning: R-1B
Total Area of Property: 1.26 Acres	Approximate Population of Area to be Annexed:

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: David OConnell

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:8/21/2023

Nature of Approval Requested:Rezoning

Property PIN(s):35702040001

Property Address/Location:1796 Cenith Dr, North Myrtle Beach

I, Arthur W Wheless, hereby authorize Expansion Land LLC, and/or Chris Manning Builders, LLC

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

DocuSigned by:
Arthur Wheless 8/29/2023
Signature

J (Managing Member)
Signature

Owner
Title

Registered Agent of Corporation
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.

Celeste being deceased evidenced by Probate No. 93-ES-844.

Portion of property conveyed by Deed of Distrubtion to Albert E. Wheless, Jr., Arthur W. Wheless and Ann Marie Wheless, in Deed Book 1778 at Page 430, Office of the Register of Deeds for Horry County, South Carolina.

Tax Map Number: 143-12-01-012

Grantees' Address: PO Box 3645, N Myrtle Beach, SC 29582

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 HOLD all and singular the premises before mentioned unto the said Grantees, its, successors and/or assigns, forever, in fee simple, together with every contingent remainder and right of reversion.

AND Grantors does hereby bind himself and his Heirs, Successors and/or Assigns, to warrant and forever defend all and singular the said premises unto the said Grantee, his heirs, successors and assigns forever, in fee simple, against themselves and their Heirs, Successors and/or Assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS the execution hereof by Grantors this 25th day of June in the year of our Lord two thousand and fifteen and in the two hundred thirty eighth year of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered

[Signature]

1st Witness

[Signature]

2nd Witness (Notary)

[Signature]

John W. Jenrette, Jr.

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY) AFFIDAVIT

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

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located at , Lot R, Cenith Dr., N Myrtle Beach, SC, bearing Horry County Tax Map Number 143-12-01-012 was transferred by John W. Jenrette, Jr. and to Arthur W. Wheless and on June 25, 2015.
3. Check one of the following: The deed is
 - (a) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) _____ exempt from the deed recording fee because (See Information section of affidavit); (If exempt, please skip items 4 – 7, and go to item 8 of this affidavit).

If exempt under exemption #14 as described in the information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - (a) The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$16,000.00.
 - (b) _____ The fee is computed on the fair market value of the realty which is _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.

5. Check Yes ___ or No to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: \$16,000.00
 - (b) Place the amount listed in item 5 above here: \$0
(If no amount is listed, place zero here.)
 - (c) Subtract line 6(b) from Line 6(a) and place result here: \$16,000.00

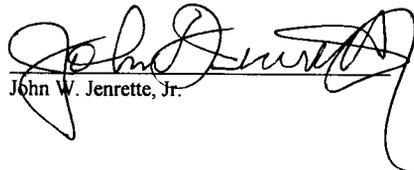
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$59.20.

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: GRANTOR.

9. I 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 dollars or imprisoned not more than one year, or both.

SWORN to before me this
25th day of June 2015


Notary Public for South Carolina
My Commission Expires: 7/1/21


John W. Jenrette, Jr.



Subject Area Requesting R-1B

Location Map

Intracoastal Waterway

PALMETTO HARBOR DR

PALMETTO HARBOR DR

CENITH DR

CASHMERE LN

BEAUTYBERRY WAY

LITTLELEAF LN

SAW PALMETTO ST



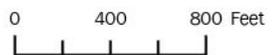
- NMB City Limits
- Subject Area

Legend

Existing Land Use

- Common Open Space
- Golf Course

- Private Common Open Space
- Single-Family
- Vacant

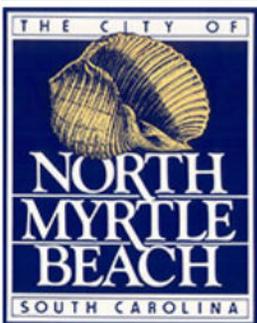


Existing Land Use



Subject Area
Requesting R-1B

Location Map



Legend

- NMB City Limits
- Subject Area

Future Land Use

- MMU
- MU

- NMU
- RPC
- RS
- SP



Future Land Use