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October 18, 2024

Via US Regular Mail
and Email: jwwood@nmb.us; lspritchard@nmb.us

Planning Commission
City of North Myrtle Beach
c/o James Wood, AICP, Director of Planning and Development,
and Suzanne L. Pritchard, Assistant Director
1018 2nd Avenue South
North Myrtle Beach, SC 29582

RE: Opposition to Zoning Application
Planning Commission Regular Workshop, October 22, 2024
Our file no.: 1608.00001

Dear Planning Commission Members:

This law firm represents Barefoot Residential Owners' Association, Inc. ("Association") as its General Counsel.

The purpose of this letter is to communicate to the Members of the Planning Commission that the Association unequivocally and strongly opposes the application for amendment to the North Myrtle Beach Zoning Ordinance presented by or on behalf of Blu Water Investments, LLC, relating to the proposed development of the tract identified as Parcel ID No. 35915020014, which tract is situated within the City of North Myrtle Beach near the intersection of Marsh Glen Drive and South Carolina Highway 31. It is the Association's understanding that this application will be considered during the Planning Commission's Regular Workshop on Tuesday, October 22, 2024.

The Association's understanding is that the Commission shall consider the following two factors in evaluating the application:

- (a) The relationship of the request to the Comprehensive Plan, and
- (b) Whether the request violates or supports the Plan.

As to factor (a), The relationship of the request to the Comprehensive Plan, the Association would respectfully assert and cite the following:

The Future Land Use map contained in the 2018 Comprehensive Plan recommends Resource, Protection and Conservation (RPC) as a land use class for the subject area. The principal permitted uses noted in the compliance index **include formal parks, informal open spaces**, and protecting land directly adjacent to marshes, estuaries, and waterways from intense development. The recommended primary zoning district is Conservation Protection (CP); Single-Family Residential Low-Density (R-1), Single-Family Residential Low Medium (R-1A), and R-1B Single-Family Low-Medium Density (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, Highways 22, 31, and Water Tower Road effectively isolate the habitat fragments of these natural areas and cut them off from larger adjacent conservation areas, calling into question their effectiveness as areas dedicated to resource protection and conservation.

(Emphasis added.)

As to factor (b), The relationship of the request to the Comprehensive Plan, the Association would respectfully assert and cite the following:

Chapter 5, “The Way We Grow,” of the 2018 Comprehensive Plan identifies the Resource, Protection and Conservation future land use classification as follows: **Areas with this designation are intended to preserve and protect scenic and natural resources for future generations. This includes protecting land directly adjacent to the marshes, estuaries and waterways from intense development. These areas also provide a network of critical open space and non-renewable resources. Formal parks and informal open spaces are included here.** The proposed PDD zoning is inconsistent with the Resource, Protection and Conservation land use classification found in the 2018 Comprehensive Plan.

(Emphasis added.)

In addition to these concerns, the Association is apprehensive about the potential for impact to and potential destruction and loss of all types of flora and fauna present on the subject tracts, as well as stormwater runoff, damaging effects on the outfall, harmful effects on the overall watershed, and the lack of flood study, which is required but has not been done or submitted, to the Association’s knowledge.

Among the concerns which have been articulately and pointedly expressed by many residents within the Association are:

- This land and the surrounding properties experience significant marsh-like conditions during heavy rain events, often becoming oversaturated and reaching capacity. Any future development in this area could adversely impact our well-established neighborhood.

- This parcel drains into Outfall 2, which is currently a subject of litigation regarding maintenance responsibility. The City claims that it is private and thus BRRA's responsibility. Given this situation, we the residents believe it is crucial to manage and control any potential increases in stormwater volume resulting from new development.
- The area already has designated conservation areas.
- The proposed road project will necessitate the removal of trees that currently serve as a vital buffer between homes and the elevated highway. These trees act as natural sound barriers, effectively absorbing and deflecting sound waves. Their density, height, and type of foliage significantly enhance their noise-reducing capabilities.
- Trees contribute to privacy and enhance the overall aesthetic of the area, providing benefits that extend beyond mere noise reduction.
- Trees also play a crucial role in energy assistance in several ways:
 - Shade: Strategically planted trees offer shade to homes, reducing reliance on air conditioning during the summer and leading to lower energy bills;
 - Windbreaks: Trees serve as windbreaks, helping to reduce heating costs in winter by shielding buildings from cold winds;
 - Carbon Sequestration: Trees absorb carbon dioxide, helping to mitigate climate change impacts and supporting long-term energy sustainability;
 - Improved Air Quality: Trees filter pollutants, improving air quality and benefiting overall health, which can reduce healthcare-related energy costs.
 - Stormwater Management: Trees assist in managing stormwater runoff, decreasing the demand for energy-intensive stormwater management systems.

The removal of these trees would not only disrupt the current benefits they provide but also negatively impact the community's environmental and economic health.

Lastly, the Association respectfully contends that it is impermissible and unlawful for the applicant, Blu Water Investments, LLC, to be allowed by the City to unilaterally amend the Planned Development District (PDD), regardless of whether the subject application is determined by the Zoning Administrator to be a minor PDD amendment or a major PDD amendment.

For these and all the foregoing reasons, the Association respectfully requests and urges the Planning Commission deny this application for amendment to the North Myrtle Beach Zoning Ordinance.

[SIGNATURE PAGE FOLLOWS]

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With kind regards, we are

Sincerely,

CLARKSON, McALONIS, & O'CONNOR, P.C.

s/ *Sean A. O'Connor*

Sean A. O'Connor