

April 10, 2018 - presented for 1<sup>st</sup> reading

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**2018-24 (1<sup>ST</sup> READING): AN ORDINANCE TO CREATE A PLANNED UNIT DEVELOPMENT KNOWN AS 82 DUNES PLANNED UNIT DEVELOPMENT.**

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**Applicant/Purpose:** Mozingo + Wallace Architects (Derrick Mozingo, representative) /to create a new PUD for single family residential use

**Brief:**

- The applicants own a 3.2-acre vacant tract at the intersection of 82nd Pkwy & Nigels Drive, currently zoned MP (Medical Professional).
- The applicants estimate 29 single family homes on the property (average 3,900 sf).
- The property abuts Antigua PUD, a long-established single family residential PUD, the Grand Strand Medical Park & other office space off of Devon Ct.

**Issues:**

- Residents of Antigua have noted drainage issues at the point where their neighborhood abuts this property.
- As part of the development, the applicant will be required to make improvements to the drainage system to address the issue w/ Antigua.
- The proposed design is unique for the city & required working w/ staff regarding street width, & entrance/access modification for public safety.
- At 1% of construction costs the public benefit contribution is calculated to be: \$131,761.
- For public improvements the applicant proposes:
  - The aforementioned drainage improvements.
  - A 5' sidewalk w/in the development.
  - A 5,000 sf pocket park w/in the PUD.

**Public Notification:**

- Legal ad ran; signs posted; 45 property owners notified.
- One letter received in support.
- Antigua HOA president attended workshop on 3/6/18 & voiced the HOA's support.

**Alternatives:**

- Modify the request.
- Deny the proposed ordinance.

**Financial Impact:**

- Applicant estimates that 40% of these homes will be 2<sup>nd</sup> homes assessed at 6%.
- Property taxes, & business licenses & building permits for construction.
- This will be offset by service delivery costs.

**Manager's Recommendation:**

- At this point we are still in discussions with the developer on the public benefit fee. If we can work this out I will recommend 1<sup>st</sup> reading.

**Attachment(s):** Staff report, attachments & application.

**ORDINANCE 2018-24**

**CITY OF MYRTLE BEACH  
COUNTY OF HORRY  
STATE OF SOUTH CAROLINA**

**AN ORDINANCE TO CREATE A  
PLANNED UNIT DEVELOPMENT  
KNOWN AS 82 DUNES PLANNED  
UNIT DEVELOPMENT**

**Section 1 – Purpose of Planned Unit**

It is hereby ordained that the 82 Dunes Planned Unit Development is created pursuant to the terms and conditions of this ordinance. The development authorized and approved by this ordinance shall be located on those pieces, parcels or lots of land designated as Lots 1, 2 and 3 (identified as TMS/PIN No.: 165-12-03-093/394-16-01-0009, as shown on that certain plat entitled “FINAL SUBDIVISION PLAT OF 3 LOTS CUTS FROM TAX PARCEL 165-00-01-026 LOCATED AT THE INTERSECTION OF 82<sup>ND</sup> PARKWAY AND NIGEL DRIVE, MYRTLE BEACH, HORRY COUNTY, SOUTH CAROLINA” prepared for Eighty-Second Square, LLC, dated April 22, 2006 and recorded May 17, 2006, in Plat Book 214 at 21 Page 22, in the Office of the Register of Deeds for Horry County, South Carolina, and attached hereto as Exhibit #1. The PUD will consist of 29 single family homes, with drainage and common areas located on 3.22 acres of property.

The PUD will provide a private, quiet, livable, medium density residential neighborhood intended for permanent residential occupancy, as opposed to the current MP zoning district, and to encourage the formation and continuance of stable, healthy, residential environments, in an architecturally distinct neighborhood of medium-density single family homes of 1,550 square feet or more, similar to zoning district IN (Institutional) within the City.

**Section 2 – Location of Planned Unit Development**

The subject property is located off of 82<sup>nd</sup> Parkway and Nigels Drive, near U. S. Highway 17 Business, with multiple points of access.

See Location Map Below



### Section 3 – Permitted Uses

- 3.1 Detached single-family dwelling for permanent residence and long-term rentals of not less than Ninety (90) days. A timesharing use is not permitted, nor shall any dwelling be used for transient occupancy.

### Section 4 – Conditional Uses

- 4.1 Conditional uses are not allowed.

### Section 5 – Accessory Uses

- 5.1 Private garage or parking areas for use by the occupant of principal buildings and their non-commercial guests.
- 5.2 Shed or tool room, for the storage of equipment used in grounds, pool or building maintenance.
- 5.3 Children's playhouse and play equipment.
- 5.4 Private kennel for not more than three (3) dogs which are four months of age or older. Dogs which are less than four months of age are not included in this requirement.
- 5.5 Private recreational facilities including swimming pools, cabanas, etc., owned, used and maintained by the occupant of principal building.
- 5.6 Privacy fencing not to exceed eight (8) feet in height, and safety fencing in accordance with required regulations for pools, etc.
- 5.7 Structures designed and used for purposes of shelter in the event of a man-made or natural catastrophe.
- 5.8 Non-commercial flower, ornamental shrub or vegetable garden,

greenhouse or slat house not over eight (8) feet in height.

## **Section 6 – Dimensional Requirements (lot, yard, height & coverage requirements)**

### **6.1 Minimum Lot Requirements**

- A) Lot area per dwelling unit \_\_\_\_\_ 3,500 sq. ft.
- B) Lot area \_\_\_\_\_ 3,500 sq. ft.
- C) Lot Width \_\_\_\_\_ 38 ft.
- D) Lot depth \_\_\_\_\_ 70 ft.

### **6.2 Minimum Yard Requirements**

- A) \*Front yard \_\_\_\_\_ 15 ft.
- B) \*\*Side yard combined width Lots 2-9 & 20-28 \_\_\_\_\_ 10 ft.  
Side yard combined width Lots 11-17 \_\_\_\_\_ 8.5 ft.  
\*\*\*Side yard width Lots 1, 10, 18, 19 & 29 \_\_ See Below
- C) Side yard minimum \_\_\_\_\_ 1 ft.
- D) Rear yard minimum \_\_\_\_\_ 3 ft.

\*Minimum distance from garage to front property line is 19 ft.

\*\*The pie-shape of certain lots represent minimum 8.5 ft. Side yard combined setback, which widens to 12 ft. Exterior wall construction shall be IRC fire resistance standards for building separation.

\*\*\*Corner Lots having a side yard abutting the boundary of the PUD, shall have the following combined side yard setbacks: Lot 1 – street side 8 ft., internal side 10 ft., Lot 10 – PUD Boundary side 3 ft., internal side 8.5 ft., Lot 18 – street side 10 ft., internal side 8.5 ft., Lot 19 – street side 10 ft., internal side 10 ft., Lot 29 – street side 8 ft., internal side 10 ft.

**6.3 Maximum Height Permitted.** The mean roof height of any building shall not exceed Thirty Five (35) feet, provided that HVAC units, chimneys, 31 ventilators and other building equipment, building code required components or components installed purely for architectural and aesthetic purposes may exceed this limitation.

**6.4 Building Coverage.** No more than 60 percent of the lot may be covered by principal and accessory buildings.

**6.5** A roof overhang may extend into a sideyard setback no more than 12 inches, measured from the exterior vertical wall. Roof overhang, trellis or other architectural features may extend into a front or rear depth setback no more than 48 inches, measured from the exterior vertical wall.

## **Section 7 – Parking Standards**

1           7.1   Off-Street Parking Requirements.

- 2           A)    Minimum of two (2) parking spaces per dwelling unit.
- 3           B)    An off-street parking space, including aisles, shall meet the
- 4                following minimal dimensional requirements:
- 5                1.     Parking stalls shall not be less than nine (9) feet by
- 6                nineteen (19) feet.
- 7                2.     Parallel parking stalls shall not be less than nine (9)
- 8                feet by twenty-four (24) feet.
- 9           C)    Minimum of 4 off-street parking spaces, and 2 golf cart
- 10               parking spaces shall be provided for the common use of
- 11               residents of the neighborhood, to accommodate special
- 12               occasions and gathering of guests at an individual residence.
- 13

14   **Section 8 – Tree Protection/Landscape Buffering/Open Space Requirement**

15

16           8.1   Tree Protection Requirement standards and requirements provided in

17               Article 9 Section 903 of the City Zoning Ordinance shall apply to the

18               PUD.

19           8.2   Landscape & Buffering:

20

21               1)     A Twenty (20) foot wide drainage easement along the

22               boundary with Antigua Subdivision is presently vegetated. As a

23               part of the development of the PUD, the Developer has agreed to

24               install improvements in order to resolve existing storm drainage issues

25               within Antigua Subdivision. Removal of the existing vegetation

26               within the drainage easement will be limited to that required for

27               installation of the drainage improvements for the benefit of Antigua

28               Subdivision. See Exhibit #2

29

- 30               a)     Trees Buffer – the existing vegetated buffers along
- 31               the boundary with the Antigua Subdivision shall remain
- 32               except to the extent the same are removed for purposes
- 33               of resolving the existing drainage issues at that location.
- 34               b)     Conformance – this landscape buffer shall not conflict
- 35               with the current City Zoning Ordinance Article 9
- 36               Section 902, or sight distance standards for
- 37               intersections.
- 38               c)     Trees along Private ROW – One (1) canopy tree
- 39               installed for every other lot, along each side of the
- 40               Private ROW, just outside of the Private ROW, such
- 41               that adequate spacing remains for street lights, which 42
- 42               alternate with the canopy trees installed for every other
- 43               lot. Trees shall be planted of existing varieties
- 44               approved by the City.
- 45

46           8.3   Open Space Requirements:

- 1  
2 1) A minimum of 5,000 square feet of open space in the PUD  
3 must be devoted to passive open space. See Exhibit #3.  
4

5 **Section 9 – Lighting Standards**  
6

- 7 9.1 Lighting standards and requirements provided in Article 12 Section  
8 1205 of the City Zoning Ordinance shall apply to the PUD.  
9

10 **Section 10 – Signage Requirements**

- 11 10.1 Signage standards and requirements for residential districts in  
12 Article 8 Section 805.A.  
13  
14

15 **Section 11 – Special Requirements**  
16

- 17 11.1 Accessory structures may be located in required side and rear yards  
18 provided said structures shall be located no closer than five (5) feet  
19 from the property line, and shall not exceed one story or 15 feet in  
20 height nor 125 square feet in gross floor space; further provided that  
21 accessory structures shall be located no closer than ten (10) feet from  
22 any principal or accessory structure and shall not cover more than 35  
23 percent of the area of the required rear yard or required side yard,  
24 whichever is larger.  
25  
26 11.2 Swimming pools have the following requirements:  
27 A) Swimming pools conditionally permitted as follows:  
28 1. Pools are set back at least three (3) feet from all side lot  
29 lines.  
30 2. Swimming pools and hot tubs are permitted in side and  
31 rear yards, but must be set back at least three (3) feet  
32 from all side and rear lot lines.  
33 3. Hot tubs must meet the minimum standards of the State  
34 and have a deck around them of at least two (2) feet in  
35 width, or a deck of at least four (4) feet in width around  
36 at least fifty (50%) percent of the facility.  
37 4. Pools are not permitted in front yards.  
38

39 **Section 12 – Technical Design Criteria (water/sewer, curb & gutter, stormwater**  
40 **and the like)**  
41

- 42 12.1 Water and sanitary sewer systems connected to City lines will include  
43 design, sizing and calculations or domestic water and wastewater  
44 pipes, water meters, manholes, grinder stations and other water/sewer  
45 appurtenances required to serve and accommodate the development's  
46 needs. Easements for either or both systems will be deeded to the City  
47 as required during the development. All design, sizing and

calculations will be subject to review and approval by the City Public Works Department.

12.2 The City's Public Works Department shall approve storm system plans that provide on-site stormwater management for the PUD. The PUD must comply with Chapter 18 of the City Code of Ordinances.

12.3 Utility systems service plans shall be developed for the PUD by the developer and submitted to the City for review and approval. All utilities shall be provided underground except for necessary boxes, transformers, light fixtures, clean-outs and other appurtenances. All utility plans and construction methods shall comply with City requirements.

12.4 Access by emergency vehicles to all buildings shall be provided in accordance with the City's Standard Fire Prevention Code.

12.5 Solid Waste Management Requirements – The standards and requirements for the management of solid waste provided in the City Code of Ordinances, Chapter 17 shall apply to the PUD.

12.6 For new construction, roads shall be private and shall be exempt from the Requirements of Sections 20-41, roads shall be constructed with a 27 foot private street ROW and a 20 foot paved section.

12.7 For new construction, soil erosion contract measures will be designed and installed per the requirements of the City and DHEC-OCRM.

12.8 For new construction, curb and gutter will be rolled concrete and 12" in width. In order to maintain proper surface drainage, curb and gutter will be installed around entire paved asphalt areas within the PUD.

12.9 The Developer shall be required to install a Five (5) foot wide sidewalk along the top back of curb on one side of the Private ROW within the PUD. Handicap curbs shall be installed at road crossings within the PUD. The PUD sidewalk improvement shall be provided and installed by the developer.

### **Section 13 – Public Improvements**

13.1 Storm drainage improvements along the boundary with Antigua Subdivision, to resolve current drainage issues within Antigua Subdivision.

13.3 Five (5) foot wide sidewalk improvements.

1  
2 13.5 5,000 square foot passive “pocket park” within the PUD along the  
3 boundary of the ROW of 82<sup>nd</sup> Parkway.  
4

5 \*The above described Public Improvements shall not be deemed a Public Benefit.  
6 unless set forth in Section 14 below.  
7

#### 8 **Section 14 – Public Benefits** 9

10 14.1 Developer will install, at Developer’s costs, the Storm drainage  
11 improvements along the boundary with Antigua Subdivision, to  
12 resolve current drainage issues within Antigua Subdivision, the  
13 Engineer’s estimated costs of which are \$61,000.00  
14

#### 15 **Section 15 – Phasing Plan & Construction Schedule** 16

17 15.1 Phase Plan:

- 18 A) The PUD is anticipated to be developed as one distinct  
19 and architecturally significant neighborhood, consisting of  
20 approximately 29 single family homes.  
21 B) The PUD infrastructure (roads, drainage, water/sewer, utilities)  
22 shall be constructed in a single phase, to provide service to  
23 each single family lot within 3 years of adoption of this  
24 Ordinance.  
25

26 15.2 Any extension to the proposed schedule of development must be  
27 approved by City Council, and must be supported by facts and  
28 circumstances warranting an extension.  
29

30 15.3 Projected Completed Home Density. The Developer, as a projection  
31 only, and not as a binding density plan, or a cap or other threshold for  
32 development, projects the annual sales of homes to third party  
33 occupants within the PUD to be as follows:  
34

- |        |                     |          |
|--------|---------------------|----------|
| 35 (a) | Calendar year 2018: | 1 Home   |
| 36 (b) | Calendar year 2019: | 12 Homes |
| 37 (c) | Calendar year 2020: | 12 Homes |
| 38 (d) | Calendar year 2021: | 4 Homes  |
- 40

#### 41 **Section 16 – Summary of variations between existing zoning district and PUD** 42 **provisions** 43

44 16.1 The property comprising the PUD is currently zoned MP. The  
45 primary differences between the requirements of the PUD and the MP  
46 zoning district is that the MP zoning district, in addition to single  
47 family residential uses, allows for the approved medical and

1 professional uses such as clinics, doctors offices, hospitals, general  
2 offices and laboratories, and the PUD is a residential PUD, most  
3 similar to the IN zoning district.  
4

5 16.2 Lot Setback Differences:

Setback Yard	IN	PUD	Difference
Front	3'	15'	12'
Side	5'	1'	-4'
Rear	3'	3'	0'
Side Combined	10'	8.5'	-1.5'

6 16.3 Minimum lot size in the IN zoning district is 2,500 square feet,  
7 minimum lot size in the PUD is 3,500 square feet.  
8

9 16.4 Maximum building coverage in the IN zoning district is 75%,  
10 maximum building coverage in the PUD is 60%.  
11

12  
13  
14 [Signatures appear on the following page]  
15  
16

1 **Section 17 – Enactment Provision and Signature Lines**  
2  
3  
4

5 \_\_\_\_\_  
6 Mayor

7 ATTEST:  
8  
9

10 \_\_\_\_\_  
11 City Clerk

12  
13 1<sup>st</sup> Reading: \_\_\_\_\_  
14

15  
16 2<sup>nd</sup> Reading: \_\_\_\_\_  
17

18 **Section 18 – Summary Data Sheet Outlining Existing and Proposed Elements**  
19

20 18.1 Existing Elements:

The subject property is an undeveloped wooded tract, with the following features:

- A) 20 foot wide stormwater easement along the boundary with Antigua Subdivision.
- B) Parcel is currently zoned MP.
- C) Adjacent property zoning:
  - i) Northern boundary (Nigels Drive)
  - ii) Eastern Boundary (82<sup>nd</sup> Parkway)
  - iii) South Boundary – Antigua Subdivision
  - iv) Western Boundary – Providence Park Subdivision

#### 18.2 Proposed Elements

- A) Parcel rezoned from MP to PUD.
- B) PUD name “82 Dunes”.
- C) 29 single family lots. See Exhibit #4 (Site Plan).
- D) Private ROW.
- E) Private/Public Pocket Park
- F) Private stormwater system.
- G) Public utilities within PUD include water supply, gravity sewer and any required pump station.
- H) Two (2) parking spaces per dwelling unit (29 x 2 parks = 58).
- I) In-kind and Monetary contribution for public improvements.

### **EXHIBIT #1**

Plat of PUD Property

**EXHIBIT #2**

**Plat of 20' Drainage Easement**

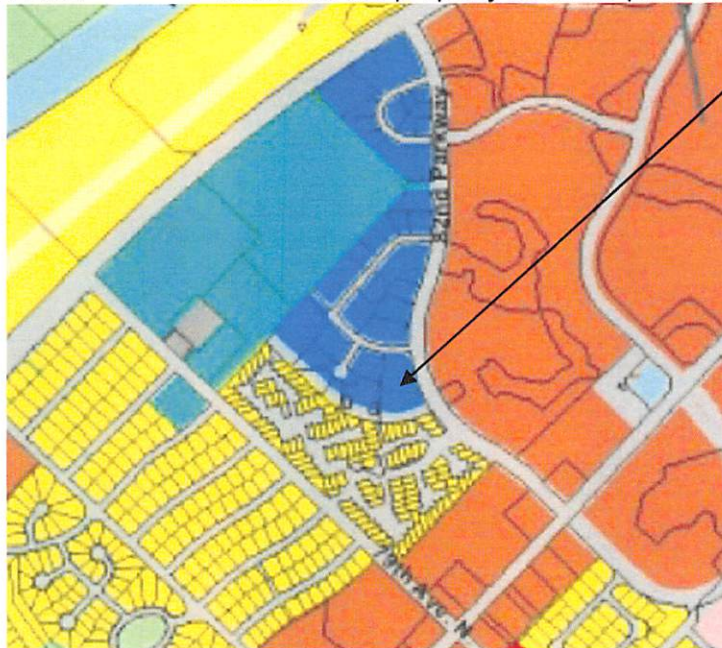
**EXHIBIT #3**

Open Space (Park)

**EXHIBIT #4**

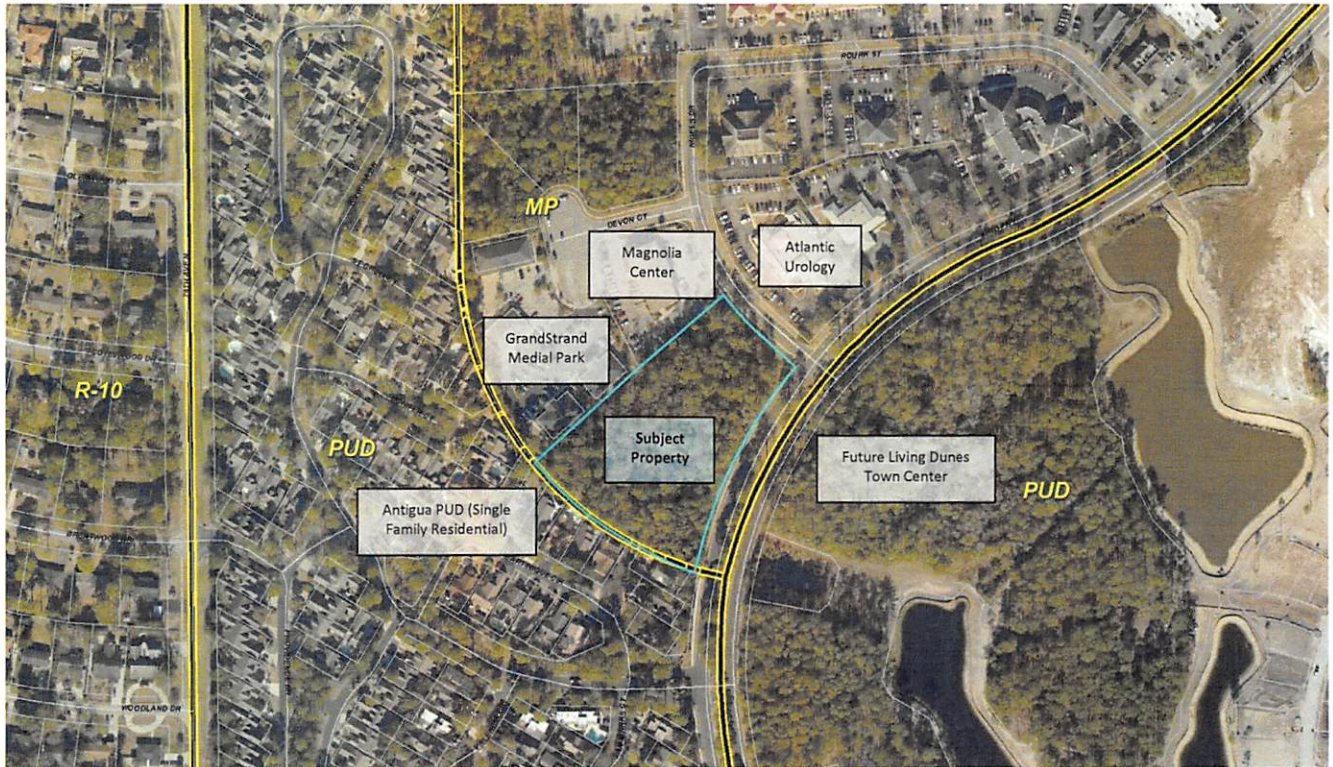
**PUD Site Plan**

<b>APPLICANT</b>	Mozingo + Wallace Architects LLC (Derrick Mozingo, representative)
<b>REQUESTED ACTION</b>	Rezone 3.22 acres off 82 <sup>nd</sup> Parkway and Nigels Dr from MP (Medical Professional) to a new Planned Unit Development (PUD).
<b>EXPLANATION FOR ZONING</b>	"Fits within the context of the existing surrounding development."
<b>EXISTING ZONING</b>	MP (Medical Professional)
<b>SITE LOCATION</b>	Corner of 82 <sup>nd</sup> Pkwy and Nigels Dr
<b>SIZE</b>	Approximately 3.22 acres
<b>EXISTING LAND USE</b>	Vacant
<b>COMPREHENSIVE PLAN</b>	Identifies the property as office professional (blue)



<b>SUITABILITY</b>	<p><b>Water &amp; Sewer</b> is available to serve the property.</p> <p><b>Abuts a public street</b> 82<sup>nd</sup> Pkwy, Nigels Dr</p> <p><b>Parcel size</b> meets minimum requirements for zone</p> <p><b>Easements:</b> utility easements</p>
<b>ZONING HISTORY</b>	<p>Annexed between 1953 – 1963 and zoned A-3 (Accommodations, Multifamily Residential)</p> <p><b>1988 Zoning Rewrite:</b> zoned M-1 (Medial)</p> <p><b>2014 Zoning Rewrite:</b> zoned MP (Medical Professional)</p>

## SURROUNDING LAND USES:



## PUBLIC NOTICE

Letters sent to property owners within 300 feet of the proposal:	45
Signs posted:	1
Legal ad ran:	Yes

## STAFF COMMENTS

**Police, Fire, C&L Services, Addressing,** No comments.

### DPW:

- A public improvement can be installing a left turn lane in 82nd Parkway heading west to stage vehicles turning left on to Nigel's Drive. The turn lane will need to be designed by the consultant to include any required drainage improvements for the turn lane. The public improvement mentioned in the PUD regarding the drainage for Antigua would need to be addressed and taken into consideration when this property is developed and may not be considered a public improvement.
- The water and sewer systems installed will dedicated to the City for ownership, operation and maintenance, Water, sewer and sanitation service will be provided for each lot by the City

**Planning Staff:** See report.

## ANALYSIS

Section 403 of the Zoning Ordinance lists the following factors, which should be part of the information considered when evaluating requests to change the Zoning Ordinance Text or Map.

**Section 403.A.** Whether or not the requested zoning change is [1] consistent with the Comprehensive Plan or [2] is justified by an error in the original ordinance.

- **[1] No.** The Comprehensive Plan identifies this property as “office professional.” The properties around the hospital site were zoned in such a way to support the medical community with like uses around the hospital.
- **[2] No.** There are no known errors in the original ordinance.

**Section 403.B.** – The precedents, and the possible effects of such precedents, which might result from approval or denial of the petition.

- This proposal brings a low-impact use into an area that includes other office buildings and medical facilities. It mimics the neighboring PUD (Antigua) in density and is not generally viewed as a conflict point to the longstanding neighborhood.
- The design of the PUD is unique in the city and involves many design standards that code changes and workshops have worked to achieve.

**Section 403.C.** – The capability of the city or other government agencies to provide any services, facilities or programs that might be required if the petition were approved.

- The applicant has designed a site plan that allows public works and emergency response vehicles to easily enter and exit the property. Changes were made to the original design based on public safety input.
- Utilities are available to serve the properties as well.

**Section 403.D.** Effect of approval of the petition on the condition or value of property in the city.

- Effect on property within the proposed PUD: typically a conversion from commercial zoning to residential is seen as a reduction in value. The PUD design, however, is unique and may not cause the property owner any loss.
- Effect on surrounding property: neighboring property owners have voiced support for the proposal, as they prefer to have residential neighbors to commercial ones.

**Section 403.E.** Effect of approval of the petition on adopted development plans and policies of the City.

- Compatibility with Comprehensive Plan is found on both the pro and con sides of the proposal:
  - *Compatible with Comp Plan:* infill development.
  - *Incompatible with Comp Plan:* residential development is not called for on this property on the future land use plan.

## DISCUSSION

During the Pre-Application discussion on 3/6/18, the following notes were gathered:

### Commissioners Comments/Concerns:

- Will there be on-street parking?
- Would the applicant agree to wider setbacks on lots 18/19 and 1/29?
- What is the roof plate and roof overhang?

- Will the homes that back to Antigua have rear windows or overlook the properties?
- Will the overflow spaces be enough?

**Mr. Mozingo addressed the commissioner's questions:**

- There will not be on-street parking, but there are 6 overflow parking spaces for guests.
- They anticipate that over 70% of the homes will have 2 car garages plus space to park in the driveway so the 6 over-flow spaces should be sufficient.
- The homes are designed so that the windows will not overlook a Antigua. On the plans that do have rear windows, there are slope Bermuda shutters that will be required to be left in place. They are also adding trees in the rear to shield.
- The current deed restrictions limit the roof to plate to 53' but all the plans will be under 35'. The roof overhang is one foot so there will be 10' of separation but 8 feet separation between the eaves. (Commissioner Pritchard wanted this added to the PUD language.)
- The Antigua HOA supports this item and the HOA President, Mr. Hopmueller was there to voice his support.
- Due to the pinch points on the pie shaped lots, the setbacks cannot be adjusted. Those houses will be "leader" houses and have limited floor plans that can be built on them.

**Relevant Comp Plan Citations:**

***Neighborhoods***

Loss of neighborhood identity is an important condition. Inappropriate infill development, erosion at the edges, overpowering commercial structures on adjacent major highways, and the loss of native vegetation has contributed to this situation. A neighborhood's identity often becomes an extension of our own identity creating tremendous loyalty for the area we live in.

Continue to encourage quality development that helps to increase the value of property in the city.

*Action:* The City establishes design guidelines and standards for new development that are consistent with the goals of the Comprehensive Plan. The design guidelines are specific to types of development and the location of development within street corridors, districts, or centers. The guidelines will provide direction relative to site planning, architectural character and treatment, landscaping, signs, on-site lighting, and other related design and community appearance concerns. The new guidelines are illustrated and establish a vocabulary to be used in both development and redevelopment projects. The vocabulary ensures continuity of character throughout the neighborhood planning area. The Planning Commission, with assistance from the Community Appearance Board and the Planning Department, develops design guidelines and standards and sends to City Council for consideration.

*Time frame:* Immediate and ongoing.

*Potential funding source:* No funding needed.

***Land Use***

Encourage infill development within residential neighborhoods that is compatible relative to density and unity type using design guidelines that address density, massing, architecture, building materials, building setbacks, and screening.

1        Action: *The Planning Commission, with assistance from the Planning and other*  
2        *appropriate departments and the zoning administrator, works with neighborhood*  
3        *organizations to develop plans. The Planning Commission*  
4        *recommends the plans to City Council for adoption.*

5        Time frame: *Short term.*

6        Potential funding source: *No funding needed.*  
7

