ORDINANCE NUMBER 14-2018

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY BILLY RAY HENDERSON JR. LOCATED AT 1000 SOUTH MAIN STREET BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF DRD (DESIGN REVIEW DISTRICT) FOR SAID PROPERTY

WHEREAS, Billy Ray Henderson Jr. is the owner of property located at 1000 South Main Street more particularly described on the legal description attached hereto marked as Exhibit A, the plat attached hereto marked as Exhibit B, the map attached hereto marked as Greenville County Parcel Number G004000108101 containing approximately 1.35 +/- acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45045C0361E attached hereto marked as Exhibit D; and

WHEREAS, the property currently has one (1) occupant; and

WHEREAS, Billy Ray Henderson Jr. has petitioned the City of Greer to annex his property by one-hundred percent (100%) petition; and

WHEREAS, the property is now outside the city limits of Greer but adjoins the city limits; and

WHEREAS, the property owner has requested that the subject property be zoned DRD, Design Review District; and

WHEREAS, the requested zoning is consistent with the land uses in the general area and the land planning of the city.

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Greer, South Carolina, as follows:
1. **ANNEXATION:** The 1.35 +/- acres property shown in red on the attached map owned by Billy Ray Henderson, Jr. located at 1000 South Main Street as described on the attached map as Greenville County Parcel Number G004000108101 is hereby annexed into the corporate city limits of the City of Greer.

2. **ANNEXATION OF 200 FEET OF SOUTH MAIN STREET ROADWAY:** 200 feet of South Main Street along the edge of the annexed property owned by Billy Ray Henderson Jr. as shown in Exhibit C are hereby annexed into the corporate limits of the City of Greer.

3. **ZONING ASSIGNMENT:** The above referenced property shall be zoned DRD, Design Review District pending confirmation or rezoning pursuant to the applicable City of Greer Zoning Ordinance.

4. **LAND USE MAP:** The above reference property shall be designated as Residential Land Use 3 on a Community Corridor on the Land Use Map contained within the 2010 Comprehensive Plan for the City of Greer.

5. **FLOOD INSURANCE RATE MAP:** This ordinance shall adopt The National Flood Insurance Program Flood Insurance Rate Map Number 45045C0361E.

6. **DISTRICT ASSIGNMENT:** The above referenced property shall be assigned to City Council District #1.

This ordinance shall be effective upon second reading approval thereof.

**CITY OF GREER, SOUTH CAROLINA**

[Signature]

Richard W. Danner, Mayor

**ATTEST:**
Introduced by:  Councilman Wayne Griffin

First Reading:  April 10, 2018

Second and
Final Reading:  May 8, 2018

Approved as to Form:

Daniel R. Hughes, Esquire
City Attorney
Know all Men by these Presents, that I, Robert Gordon Smith, in the State aforesaid, in consideration of the assumption by Billy Ray Henderson, Jr. and Donna G. Henderson of the $24,585.63 real estate mortgage indebtedness I owe to the Woodruff Federal Savings and Loan Association over the below described property and which indebtedness is secured by my mortgage which was given to the association and recorded in the R. N. C. Office for said County in R. E. Mtg. Book 1226, page 472, and for the further consideration of the sum of Twenty-Four Thousand Three Hundred Sixty-Four and 37/100 Dollars to me in hand paid at and before the sealing of these presents by

Billy Ray Henderson, Jr. and Donna G. Henderson

(the receipt whereof is hereby acknowledged), have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said Billy Ray Henderson, Jr. and Donna G. Henderson, their Heirs and Assigns forever,

All that piece, parcel or lot of land lying, being and situate at the Southwest intersection of S. C. Highway no. 14 and Mitchell Drive, in Chick Springs Township, County and State aforesaid, and having the following courses and distances, to wit: Beginning at an Iron Pin at the Southwest intersection of said highway and Mitchell Drive, and running thence with the West side of S. C. Highway no. 14 S. 35-21 W.151.6 feet and S.53-07 W.100 feet to an Iron Pin, thence N.61-34 W. 224 feet to an Iron Pin, thence N.28-26 E.250 feet to an Iron Pin on the South side of Mitchell Drive, thence with the South side of Mitchell Drive S.61-34 E.250 feet to the beginning point. This being the same property which was conveyed to grantor herein by Gordon L. Smith by deed recorded on March 23, 1972 in the R. N. C. Office for said County in Deed Book 939, page 122. For a more particular description see plat prepared for grantor herein by Jones Engineering Service dated March 7, 1972 and which plat has been recorded in said office in Plat Book SSS, page 517.
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 TO HOLD all and singular the said Premises before mentioned unto the said

Billy Ray Henderson, Jr. and Donna G. Henderson, their

Heirs and Assigns forever
And I do hereby bind myself and my Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto the said

Billy Ray Henderson, Jr. and Donna G. Henderson, their
Heirs and Assigns against me and my Heirs and against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to restrictions and easements of record if any

Witness my hand and seal this 15th day of March in the year
of our Lord One Thousand Nine Hundred and Seventy-seven

Signed, Sealed And Delivered In The Presence Of

[Signatures]

Robert Gordon Smith (SEAL)

Stephen R. Scott

Ann L. Jackson

State of South Carolina
County of Spartanburg

Personally appeared before me Stephen R. Scott and made oath that

...he saw the within named Robert Gordon Smith

sign, seal and as his act and deed deliver the within written deed, and that ...he, with

Ann L. Jackson witnessed the execution thereof,

Sworn to before me this 15th day of March A.D. 1977

Ann L. Jackson (SEAL)

My Commission expires: Feb. 17, 1982

State of South Carolina
County of Spartanburg

RENUCNIATION OF DOWER

1. Ann L. Jackson Notary Public for S. C. do hereby certify unto all whom it may concern, that Mrs. Linda K. Smith wife of the within named Robert Gordon Smith did this day appear before me, and, upon being privately and separately examined by me, declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within named Billy Ray Henderson, Jr. and Donna G. Henderson, their Heirs and Assigns, all her interest and estate, and also all her rights and claim of Dower of, in or to all and singular the premises within mentioned and released.

Given under my hand and seal this 15th day of March A.D. 1977

Ann L. Jackson (SEAL)

Linda K. Smith

My Commission expires: Feb. 17, 1982

Recorded April 1, 1977 at 11:00 A.M.
PROPERTY OF

ROBERT GORDON SMITH

GREENVILLE COUNTY S.C.
MARCH 7, 1972 SCALE 1" = 50'

JONES ENGINEERING SERVICE 1004 E. PERRY RD.
Recorded March 23, 1972 at 11:30 A. M. #25459
Petition For Annexation

The persons whose signatures appear below are freeholders owning real property in an area, which is contiguous to the City of Greer and which, is proposed to be annexed into the City. The freeholder(s) of property located on or at 1000 S. Main St, Greer, SC 29650 more particularly described on the deed (or legal description) attached hereto marked as Exhibit A; the plat attached hereto marked as Exhibit B; Tax Parcel Map with Number G0042000108101 attached hereto marked as Exhibit C containing approximately 1.25 acres; identify that area more particularly. That highlighted or marked portion is incorporated by reference as a description of the area. By their signatures, the freeholders petition the City Council to annex the entire area.

This petition is submitted under the provisions of S.C. Code §5-3-150(3), authorizing the City Council to annex an area when presented with a petition signed by one hundred (100%) percent of the freeholders owning one hundred (100%) percent of the assessed value of real property in an area proposed to be annexed. This petition and all signatures thereto shall be open for public inspection on demand at the City Hall, located at the address set forth above. If the petition is still in circulation for signatures, or otherwise not available, at the time demand is made, then it shall be made available as soon thereafter as reasonably practical. Any person who seeks to challenge the annexation, and who has standing to do so, should act in accord with the requirements of Chapter 3 of Title 5 of the South Carolina Code.

DATE OF PETITION: This petition is dated this 9th day of March, 2018 before the first signature below is attached. By law, all necessary signatures must be completed within six (6) months of the identified date; but this petition shall be deemed complete if the requisite number of signatures is acquired sooner.

Print Name: Billy Ray Henderson
Signature: __________________________
Address: 870 N. Rutherford Rd, Taylors, SC 29687
Date: 3-10-2018

Witness: Jada M. Banks
Address: __________________________
Date: __________________________

Parcel Address: 1000 S. Main St, Greer, SC 29650
Tax Map Number: G0042000108101

(See attached Map & Property Description)
Petition For Annexation

The persons whose signatures appear below are freeholders owning real property in an area, which is contiguous to the City of Greer and which, is proposed to be annexed into the City. The freeholder(s) of property located on or at 1000 S. Main St., Greer, SC more particularly described on the deed (or legal description) attached hereto marked as Exhibit A; the plat attached hereto marked as Exhibit B; Tax Parcel Map with Number G004000108101 attached hereto marked as Exhibit C containing approximately ___ acres; identify that area more particularly. That highlighted or marked portion is incorporated by reference as a description of the area. By their signatures, the freeholders petition the City Council to annex the entire area.

This petition is submitted under the provisions of S.C. Code §5-3-150(3), authorizing the City Council to annex an area when presented with a petition signed by one hundred (100%) percent of the freeholders owning one hundred (100%) percent of the assessed value of real property in an area proposed to be annexed. This petition and all signatures thereto shall be open for public inspection on demand at the City Hall, located at the address set forth above. If the petition is still in circulation for signatures, or otherwise not available, at the time demand is made, then it shall be made available as soon thereafter as reasonably practical. Any person who seeks to challenge the annexation, and who has standing to do so, should act in accord with the requirements of Chapter 3 of Title 5 of the South Carolina Code.

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Print Name: Brandt Messer
Signature: [Signature]
Address: 104 Oakwind Circle, Greer, SC
Witness: Judy M. Hanks
Date: May 29, 2018
Parcel Address: G004000108101
Tax Map Number: 1000 S. Main St., Greer, SC

[See attached Map & Property Description]
DOCKET: AN 2018-06
APPLICANT: TCC Venture, LLC / Billy Ray Henderson, Jr.
PROPERTY LOCATION: 1000 S. Main St (S. Highway 14)
TAX MAP NUMBER: G004000108101
EXISTING ZONING: R-12, Single Family (Greenville County)
REQUEST: Annexation and zoning to DRD, Design Review District
SIZE: 1.35 acres
COMPREHENSIVE PLAN: Land Use 3 Community on a Neighborhood Corridor

ANALYSIS: AN 2018-06
AN 2018-06 is a zoning/annexation for a parcel located at 1000 S. Main St. It is currently zoned R-12, Single Family Residential, in Greenville County. The request is for DRD, Design Review District for development of 14 additional townhomes as part of South Main Townes, a DRD approved in August 2017. This area contains a combination of land uses in the unincorporated area of Greenville County, as well as property in the City of Greer.

Surrounding land uses and zoning include:
North: R-12, Single-Family Residential (Greenville County): Single-family residential
East: R-15, Single-Family Residential (Greenville County): Single-family residential
South: DRD, Design Review District (City of Greer): South Main Townes
West: R-12, Single-Family Residential (Greenville County): Single-family residential

The future land use map in the City’s Comprehensive Plan defines the area adjacent to this parcel to the south as a Residential Lard Use 3 Community, with density appropriate at 4.6 units an acre and greater. As such, looking at the request for DRD, Design Review District, is appropriate at this location as the density proposed is 10.3 units per acre. In addition, the subject parcels are on a Community Corridor. These corridors are a near balance of residential and nonresidential uses. Land uses identified within the community corridor are equivalent to uses allowed in the medium and higher residential zoning classifications. Therefore, this is a compatible land use with the Comprehensive Plan. S. Highway 14 is a five-lane road in this area and can support additional traffic. In accordance with the guidelines set forth in this plan and after a detailed study of the area, Staff can support the proposed rezoning request. All comments from other agencies and departments in the City of Greer must also be met and a Final Development Plan must be approved before construction can commence.

STAFF RECOMMENDATION: APPROVAL

ACTION – Mr. Holland made a motion to approve AN 2018-06 as presented. Suzanne Traenkle seconded the motion. The motion carried with a vote of 5 to 0.
Memorandum

To: Mr. Ed Driggers, City Administrator
From: Kelli McCormick, AICP, Planning Manager
Subject: Ordinance #14-2018
Date: April 4, 2018
CC: Tammy Duncan, Clerk to City Council

Ordinance #14-2018 is an annexation and zoning request for property located at the intersection of S. Highway 14 and Mitchell Drive in Greenville County. The parcel for annexation is 1.35 acres. The property is proposed for incorporation into an existing DRD, Design Review District, in the City of Greer that was adopted last year.

The Planning Commission will conduct a public hearing on April 16, 2018 for the zoning of this parcel.