ORDINANCE NUMBER 10-2018

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES OWNED BY JENNIFER AND EDGAR BAXTER LOCATED ON HENDERSON GAP ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF DRD (DESIGN REVIEW DISTRICT) FOR SAID PROPERTY

WHEREAS, Jennifer and Edgar Baxter are the owners of properties located on Henderson Gap Road 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 Numbers 0535010102300 and 0535010102400 containing approximately 1.77 +/- acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45045C0342E attached hereto marked as Exhibit D; and

WHEREAS, the properties currently have two (2) occupants; and

WHEREAS, Jennifer and Edgar Baxter have petitioned the City of Greer to annex their properties by one-hundred percent (100%) petition; and

WHEREAS, the properties are now outside the city limits of Greer but adjoins the city limits; and

WHEREAS, the property owners have 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 1.77 +/- acres properties shown in red on the attached map owned by Jennifer and Edgar Baxter located on Henderson Gap Road more particularly described on the attached map as Greenville County Parcel Numbers 0535010102300 and 0535010102400 are hereby annexed into the corporate city limits of the City of Greer.

2. 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.

3. LAND USE MAP: The above reference properties shall be designated as Employment Center on the Land Use Map contained within the 2010 Comprehensive Plan for the City of Greer.

4. FLOOD INSURANCE RATE MAP: This ordinance shall adopt The National Flood Insurance Program Flood Insurance Rate Map Number 45045C0342E.

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

This ordinance shall be effective upon second reading approval thereof.

CITY OF GREER, SOUTH CAROLINA

[Signature]
Richard W. Danner, Mayor

ATTEST:

[Signature]
Tammela Duncan, Municipal Clerk

Ordinance Number 10-2018
Annexation Henderson Gap Rd
Page 2 of 3
Introduced by: Councilman Jay Arrowood

First Reading: March 13, 2018

Second and Final Reading: May 8, 2018

Approved as to Form:

[Signature]

Daniel R. Hughes, Esquire
City Attorney
DEED PREPARED BY E. PERRY EDWARDS
245 E. BROAD STREET, SUITE C
GREENVILLE, SC 29601

State of South Carolina  
County of Greenville  

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that Roberta A. Hurley, (hereinafter called "Grantor"), in consideration of One Hundred Five Thousand and 00/100 Dollars ($105,000.00), to the Grantor in hand paid at and before the sealing of these presents, by Edgar Baxter III and Jennifer Hurley Baxter (hereinafter called Grantee) in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell and release all my right, title and interest unto Edgar Baxter, III and Jennifer Hurley Baxter, as Joint Tenants, with the Right of Survivorship and not as Tenants in Common, their heirs and assigns, forever:

ALL that certain piece, parcel or tract of land situate, lying and being in the State of South Carolina, County of Greenville, being shown and designated as 1.77 Acres, 77,221 sq. ft., more or less, on a plat prepared by C O Riddle Surveying Co, Inc., dated August 31, 2017, entitled "Survey for Edgar Baxter, III and Jennifer Hurley Baxter", and recorded in Plat Book [28] at Page 52. Reference is hereby crave to said plat for a complete metes and bounds description thereof.

This conveyance is made subject to any restrictions, reservations, zoning ordinances or easements that may appear of record on the recorded plats or on the premises.

This being a portion of the same property conveyed unto Roberta A. Hurley by deed of DeSheilds Investments, LLC dated February 27, 2014 and recorded March 3, 2014, in Deed Book 2439, Page 5939, Public Records for Greenville County, South Carolina.

Grantee's Address: 1484 Henderson Gap Road
Greer, SC 29650

TMS No.: 0535010102300, 0535010102400

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining;

TO HAVE AND TO HOLD all and singular the premises before mentioned unto Edgar Baxter III and Jennifer Hurley Baxter, as Joint Tenants, with the Right of Survivorship and not as Tenants in Common, and the Grantee's heirs and assigns forever. And the Grantor do hereby bind the Grantor and the Grantor's heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the Grantee and the Grantee's heirs or
successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Any reference to this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.

WITNESS the Grantor's hands and seals this the 5th day of September 2017.

[Signature]

Roberta A. Hurley

SIGNED, SEALED AND DELIVERED
in the presence of:

[Signature]

E. Perry Edwards

Print Name: Pamela Bright

State of South Carolina )
County of Greenville )

ACKNOWLEDGMENT

On this the 5th day of September, 2017, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Roberta A. Hurley, known to me to be the person(s) whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

[Signature] (LS)

Notary Public for South Carolina
Print Name: E. Perry Edwards
My Commission Expires: 12/17/2023
NOTES:
1.) REFERENCE:
   - TAX MAP # 0535010102300, 0535010102400
   - D.B. 2274-1378
2.) ALL PROPERTY CORNERS ARE IPS 1/2" REBAR UNLESS NOTED OTHERWISE.
3.) PURSUANT TO THE PROVISIONS OF SOUTH CAROLINA CODE OF LAWS, SECTION 40-22-270(3), THIS PLAN, SPECIFICATION, OR PLAT SHALL NOT BE FILED WITH PUBLIC AUTHORITIES WITHOUT THE SEAL, SIGNATURE, AND DATE AFFIXED. FURTHERMORE, IF THIS PLAN, SPECIFICATION, OR PLAT DOES NOT HAVE A SEAL THAT IS SIGNED AND DATED, IT SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN A PRELIMINARY STUDY DRAWING AND WILL BE CONSIDERED A WORK IN PROGRESS.
4.) SQUARE FOOTAGE AND DIMENSIONS OF STRUCTURE(S) ARE FOR INFORMATIONAL PURPOSES ONLY, NOT FOR SALE OR LEASE PURPOSES.
5.) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

THIS PLAT IS NOT A SURDIVISION AS DEFINED BY THE GREENVILLE COUNTY LAND DEVELOPMENT REGULATIONS

DATE: October 6, 2017

GREENVILLE COUNTY PLANNING COMMISSION

SURVEY FOR
JENNIFER HURLEY BAXTER
GREENVILLE COUNTY
SOUTH CAROLINA
AUGUST 31, 2017

SCAL E: 1"=100'

C. O. RIDDLE
No. C00409
LAND SURVEYOR

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.
6.0 Summary and Conclusion

The Branchwood development is proposed to consist of 62 townhouse units located on the west side of Henderson Gap Road between Brushy Creek Road and Hammett Bridge Road in Greer, South Carolina. The development will utilize one (1) access point on Henderson Gap Road.

The trip generation indicates that the proposed development is expected to generate a total of 360 trips per day with 27 trips in the AM peak and 32 trips in the PM peak.

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of both background traffic and new development traffic.

Consideration may be given to restriping the area of Hammett Bridge Road from Fawnbrook Drive / Riverside Middle School access to Henderson Gap Road to provide a two-way left turn lane (TWLT). If the existing pavement width is adequate, restriping could provide a separated left turn area for Riverside Chase, the Henderson Gap Road area, and the Riverside Middle School.

The site access should be designed according to Greenville County standards. Based on SCDOT turn lane criteria and projected traffic volumes, neither a left or a right turn lane is needed on Henderson Gap Road.

In conclusion, this study has reviewed the impacts of both background traffic and proposed development traffic and has determined that there will be adequate capacity with the build-out of this site.
ZONING MAP AMENDMENT APPLICATION
(ZONING & REZONING)

Date 2/9/18

(Fees for this application are based on a sliding scale - See Fee Schedule)

Tax Map Number(s) 0535 010102 300 & 0595 010102 400
Property Address(s) 1484 Henderson Gap Road
Acreage of Properties 0.94 & 0.95 County Greenville

Applicant Information
Name Cambridge Club I, LLC
Address 3680 Bellview Road #115
Greenville, SC 29615
Contact Number 864-313-9900
Email rbddevelopment6@gmail.com

Property Owner Information
(if multiple owners, see back of sheet)
Name Jennifer Baxter
Address 1484 Henderson Gap Road
Greenville, SC 29615
Contact Number 864-361-1439
Email

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described? Yes ☑ No

The applicant hereby requests that the property described be zoned (In the case of Annexation) or rezoned from ☐ F-5 to ☐ ORD (PD)

Existing Use: ☐ Residential - Single Family
Proposed Use: Townhouse development

Signature(s) ☐
If not the property owner, an Acting Agent Authorization from will be required at the time of submittal.

All zoning classifications, permitted uses and fees are available at www.cityofgreer.org

OFFICE USE ONLY
Date Filed 2-4-18
Meeting Date 3-8-18
Case No. AN 2018-05

See Reverse
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 14901 Henderson Gap Road 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 059001001400 attached hereto marked as Exhibit C containing approximately 0.45 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 15th day of February, 2016 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: Jennifer Baxter
Signature:
Address:
Witness:
Date:
Parcel Address:
Tax Map Number:
(See attached Map & Property Description)

Print Name: Edgar Baxter III
Signature:
Address:
Witness:
Date:
Parcel Address:
Tax Map Number:
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 1401 Henderson Gap Road 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 050-0102-330 attached hereto marked as Exhibit C containing approximately 0.61 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 7th day of February, 20__ 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: Jennifer Baxter
Print Name: Edgar Baxter II

Signature: ___________________________  Signature: ___________________________

Address: ___________________________  Address: ___________________________

Witness: ___________________________  Witness: ___________________________

Date: ___________________________  Date: ___________________________

Parcel Address: ___________________________  Parcel Address: ___________________________

Tax Map Number: ___________________________  Tax Map Number: ___________________________

(See attached Map & Property Description)
Branchwood
+/-9.5 Acre Residential Development (Design Review District)
Henderson Gap Road – Greer, SC

Statement of Intent
May 15, 2018

Community Development
The development planned for this +/-9.86-acre tract along Henderson Gap Road will utilize the Design Review District (DRD) zoning classification. The community will consist of attached single-family residential homes. The roads within the community will be built to private standards and turned over to the Home Owners Association (HOA) once completed. Infrastructure improvements will consist of rolled curb and gutter along internal roads, public water mains, public sewer mains, storm drainage, and common grounds (open space) to be owned and maintained by a newly formed Home Owner’s Association (HOA).

The existing topography & terrain will be utilized to maximize out open space and common grounds. The common grounds will be a mixture of undisturbed and disturbed open space. To the maximum extent possible, the developer will try to preserve existing vegetation along the exterior property boundary. An entrance monument and landscaping will be installed along our entrance off Henderson Gap Road. A stormwater management pond will be installed in the rear of the development to address stormwater runoff and water quality treatment for the community.

Phasing & Density
The overall density of the project will not exceed (42) single-family townhome units or roughly 4.26 units per acre. The project will be phased. Phase I will consist of approximately 21 townhome units and approximately 21 in Phase II. If the development proceeds as expected, build-out will be complete within approximately 3 years.

Homes & Materials
The townhomes will have a mixture of sizes and all include a minimum 1-car garage. The minimum square footage per home is anticipated to be +/- 1,200 SF with most ranging from 1,200 SF – 1,800 SF. There is no maximum townhome unit size. Exterior building materials may consist of vinyl siding, shake siding, Hardie Board, brick, and/or stone. Exteriors may contain (1) specific material or combination of all materials in some cases.

Amenities and Landscaping
The proposed development will include approximately 6.45 acres of common area with maximum efforts to preserve existing vegetation along the exterior property boundary with Riverside Chase Subdivision. The development will also contain associated guest parking for residents. Our entrance drive located off Henderson Gap Road will be heavily landscaped and contain an entrance monument for the neighborhood. The stormwater management pond may be dry or wet depending on water sources once we get into the design phase. Fences and/or landscaping around the pond will comply with current regulations. The
developer may, if he/she decides to, install a community walking trail within the community to connect the development's common areas.

**Sewer/Water**
There is an existing sanitary sewer main located at the rear of the property that is maintained by Greer Commission of Public Works. This sewer will serve our site. Public water is available along Henderson Gap Road to serve the development, owned and maintained by Greer Commission of Public Works. The new sewer and water mains built within the community will be built to public standards and turned over to Greer Commission of Public Works.

**Setbacks/Buffers**
All the proposed setbacks for this project are as follows:
- 15' minimum setback from all internal roads (measured from private R/W)
- 25' minimum setback from exterior property lines (This is intended to be a building setback only but maximum efforts will be taken to preserve natural vegetation in these areas to buffer surrounding properties.)
- 50' buffer along adjoining property line with Riverside Chase Subdivision (Buffer will decrease to a minimum of 25' adjacent to proposed road & units as shown on the attached development plans.)

**Other Public Improvements and Facility Impact**
All roads and utilities will be constructed to meet applicable design standards and turned over to the Home Owners Association (HOA). The common grounds (open space), stormwater ponds, and entrance features will be owned and maintained by the established Home Owner's Association (HOA). The community as designed should have no adverse impact on public utilities and/or roadways per the TIS that was submitted. All construction will be in accordance with applicable building codes, zoning ordinances, and all other state and local laws and ordinances.
Memorandum

To: Mr. Ed Driggers, City Administrator

From: Kelli McCormick, AICP, Planning Manager

Subject: Ordinance #10-2018

Date: March 8, 2018

CC: Tammy Duncan, City Clerk

Ordinance #10-2018 is an annexation and zoning request for property located on Henderson Gap Road. There are two parcels totaling 1.77 acres. The property is proposed for development as part of a DRD, Design Review District, known as Branchwood. The development is for townhomes.

The Planning Commission will conduct a public hearing on March 19, 2018 for the zoning of these parcels.

Ordinance #09-2018 is also part of this DRD, Design Review District. However, it is already in the City of Greer and is a rezoning.
DOCKET: AN 2018-05
APPLICANT: Cambridge Club I, LLC
PROPERTY LOCATION: Henderson Gap Road
TAX MAP NUMBER: (A) 0535010102300, (B) 0535010102400, and (C) 0535030101001
EXISTING ZONING: (A) & (B): R-S, Residential Suburban District (Greenville County) and (C) R-15, Single-Family Residential (City of Greer)
REQUEST: Annex and zone (A) & (B) and rezone (C) to DRD, Design Review District
SIZE: 9.87 acres (1.77 and 8.1)
COMPREHENSIVE PLAN: Residential Land Use 3 Community
ANALYSIS: AN 2018-05

AN 2018-05 is a rezoning and annexation/zoning request for three parcels located on Henderson Gap Road. This property is currently occupied by one single-family residence. The request is to rezone one property from R-15, Single-Family Residential, to DRD, Design Review District, and to zone and annex the other two parcels in order to develop the property into a townhome community with up to 65 units.

Surrounding land uses and zoning include:
North: R-15, Single-Family Residential: vacant
East: R-7.5, Single-Family Residential: single-family residences (Hammett Crossing)
South: R-7.5, Single-Family Residential: single-family residences (Riverside Chase)
West: R-15, Single-Family Residential (Greenville County): single-family residences

Zoning/Rezoning History:
1993: Annexation and zoning to R-15, Single-Family Residential
January 2018: Rezoning to DRD for the parcel already in the City (withdrawn)

As stated in the above section, this property is located in a Residential Land Use 3 Community. This density permitted under this community category is 4.6 or more units per acre. The proposed density is 6.6 units per acre. The R-7.5, Single-Family Residential, zoning to the south is 5.8 units per acre. If the property owner were to develop the site with a density of R-15, Single-Family Residential, they would be permitted to construct 28 units. However, if the property were to develop in a similar density as the subdivision to the south, it would have 57 units or 5.8 units per acre. This would be a more appropriate density and continue the development pattern of the adjacent subdivision. As such, Staff recommends approval of this DRD, Design Review District with a maximum of 57 units.

STAFF RECOMMENDATION: APPROVAL AS AMENDED

March 2018 ACTION - Mr. Martin changed his motion to hold AN 2018-05 until the traffic study is completed and presented to the Planning Commission for review. Ms. Jones seconded the motion. The motion carried with a vote of 5 to 0.

April 2018 ACTION - Mr. Martin made a motion to approve AN 2018-05 for DRD zoning with a maximum of 35 total units and a 50ft non-disturbance area at the southern boundary of the development adjacent to the Riverside Chase subdivision. Mr. Holland seconded the motion. The motion carried with a vote of 4 to 1. Ms. Jones voting in opposition.