



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council
FROM: John F. McDonough, City Manager

Agenda Item No.

11d

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: May 23, 2022

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO ANNEX APPROXIMATELY 16.728 ACRES OF REAL PROPERTY AND 0.274 ACRE OF ADJACENT RIGHT-OF-WAY LOCATED AT 804 MAULDIN ROAD, AND TO PROVIDE THE ZONING DESIGNATION OF ~~S-1; SERVICE DISTRICT C-3,~~ COMMERCIAL DISTRICT (TAX MAP NUMBER M014010100802 (AX-7-2022) (REVISED)

SUMMARY BACKGROUND:

Lead Academy, owner of the subject property, applied for annexation of real property consisting of approximately 16.728 acres of real property and 0.274 acre of right-of-way located at 804 Mauldin Road (Tax Map Number M014010100802), together comprising approximately 17.002 acres to be annexed, (collectively, the "Property"), and further applied for rezoning of the Property from county zoning designation S-1, Services district, to city zoning designation of S-1, Service district.

The City Planning Commission, pursuant to public notice, held a public hearing on April 21, 2022, to consider the annexation and proposed rezoning and recommended approval of the application by a vote of 6-0.

At first reading of this Ordinance on May 9, 2022, Councilmember Stall moved, seconded by Councilmember Gibson, to approve first reading. Councilmember Dowe moved, seconded by Councilmember Gibson, to amend the Ordinance to designate the subject property as C-3, Regional commercial, zoning instead of S-1, Service, zoning as applied for and recommended by the Planning Commission. Councilmember Dowe stated the C-3 zoning is more in keeping with the City's objectives of that area and the motion is made with the consent of the applicant. There was no opposition to the motion. After discussion, the motion carried unanimously, as amended. The ordinance is amended for second reading accordingly.

IMPACT IF DENIED:

The Property will not be annexed and rezoned.

FINANCIAL IMPACT:

The Property annexed by this Ordinance shall be subject to an intergovernmental agreement with Metropolitan Sewer Subdistrict dba MetroConnects according to its respective terms while it is in effect.

REQUIRED SIGNATURES

Department Director

DocuSigned by:

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City Attorney

DocuSigned by:

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OMB Director

City Manager

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A N O R D I N A N C E

TO ANNEX APPROXIMATELY 16.728 ACRES OF REAL PROPERTY AND 0.274 ACRE OF ADJACENT RIGHT-OF-WAY LOCATED AT 804 MAULDIN ROAD, AND TO PROVIDE THE ZONING DESIGNATION OF ~~S-1, SERVICE DISTRICT~~ C-3, COMMERCIAL DISTRICT (TAX MAP NUMBER M014010100802 (AX-7-2022))

WHEREAS, Lead Academy, owner of the subject property, applied for annexation of real property consisting of approximately 16.728 acres of real property and 0.274 acre of right-of-way located at 804 Mauldin Road (Tax Map Number M014010100802), together comprising approximately 17.002 acres to be annexed, (collectively, the "Property"), and further applied for rezoning of the property from County Zoning Designation S-1, Services District, to City Zoning Designation of S-1, Service ~~D~~district; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on April 21, 2022, to consider the annexation and proposed rezoning and recommended approval of the application by a vote of 6-0; and

WHEREAS, Lead Academy, owner of the subject property has represented that the only intended use of the property is for a school; and

WHEREAS, a school is a Permitted Use in a C-3, Commercial district; and

WHEREAS, during first reading of the proposed ordinance a motion to amend was made, a second given and motion was passed to recommend approval of a proposed rezoning to C-3, Commercial district versus S-1, Service district as applied for and recommended for approval by the Planning Commission, and the amendment to approve the rezoning to C-3 was made with the consent of the Applicant, Lead Academy; and

WHEREAS, City Council has reviewed the application of the owner's agent and the recommendations of the Planning Commission and has found ~~the proposed~~ Zoning Designation of ~~S-1, Service District~~ C-3, Commercial district, to be compatible with the City's Comprehensive Development Plan; and

WHEREAS, City Council has determined that annexation of the Property would promote the city's policy of planned growth and development;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, the Property shall be annexed into the corporate limits of the city of Greenville. The Property is identified more particularly on the attached Exhibits A, B, and C respectively, providing the annexation map, property description for Tax Map Number M014010100802 and adjacent right-of-way, and the recorded plat by the Greenville County Register of Deeds. The annexed property is provided the zoning designation of ~~S-1, Service district~~ C-3, Commercial district and shall be included in City Council District 2. The GVL2040 Comprehensive Plan Future Land Use Map shall also be amended to include the Property as Corridor Mixed-use

Upon annexation, the Property shall become subject to the City's jurisdiction for the rendition of all municipal services, and all official maps regarding flood and storm water control

shall be amended to include the property in such manner as the City Engineer determines to be in compliance with the criteria set forth in the City’s Flood Plan Management Regulations, as from time to time amended.

The Property annexed by this Ordinance shall be subject to an intergovernmental agreement with Metropolitan Sewer Subdistrict dba MetroConnects according to its respective terms while it is in effect.

This Ordinance shall take effect upon second and final reading and shall be effective for the 2022 tax year.

DONE, RATIFIED AND PASSED THIS THE ____ DAY OF _____, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM

CITY ATTORNEY

REVIEWED

CITY MANAGER

EXHIBIT A

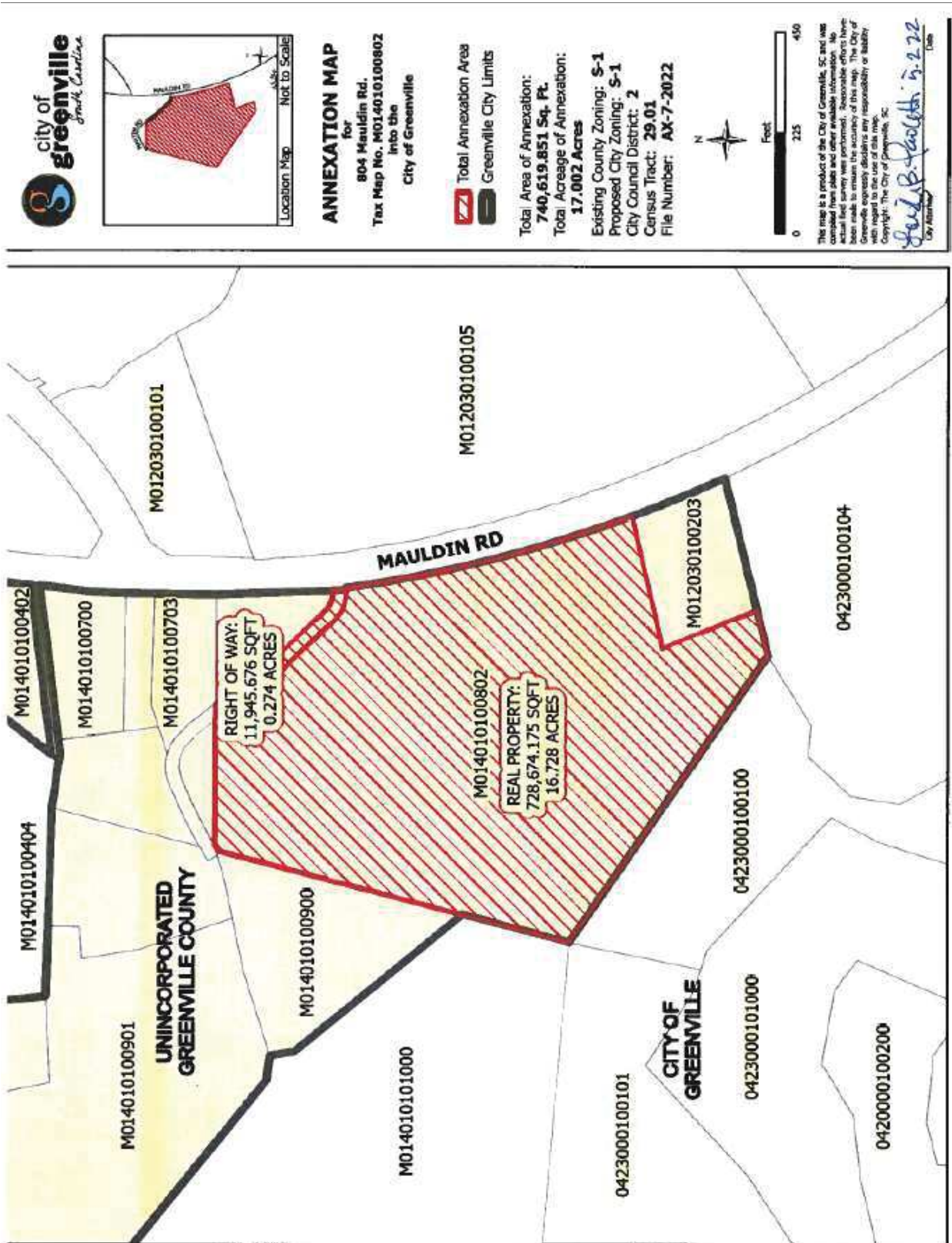


EXHIBIT B

Property Description

ALL that certain piece, parcel or tract of land, containing 7.90 acres, more or less, situate, lying and being on the western side of Mauldin Road, in the County of Greenville, State of South Carolina, as shown on a plat of survey entitled "Survey for Charles Greg Finley", dated October 25, 1999, prepared by Robert R. Spearman, RLS, and recorded in the ROD Office for Greenville County, South Carolina, in Plat Book 41-G at Page 8, and having according to said plat the following metes and bounds:

Beginning at the 1/2" pipe found on the western right of way of Mauldin Road (Road S 107) having South Carolina State Plane Coordinates North, 1,076,052.24, East 1,594,137.73 (Datum NAD83 2011); thence N. 85°29'44" W 791.94' to a 1/2" crimped pipe found; thence N 14°40'03" E 576.87'; to a # 5 rebar found near the southern edge of Martin Road; thence S 88°12'12" E 299.64' to a mag nail found in Martin Road; thence running in Martin Road S 36°46'41" E 235.65' to a mag spike set; thence S 53°06'14" E 146.05' to a nail found in Martin Road; thence S 76°53'10" E 24.61' to a nail found in Martin Road on the western right of way of Mauldin Road; thence running along the western right of way of Mauldin S 09°01'04" E 199.87' to a nail found; thence S 13°09'54" E 135.01' to a 1/2" pipe found which is the point of beginning, having an area of 343883 square feet, 7.89 acres.

TMS# M014.01-01-008.02

This being the same property conveyed to CMH Homes, Inc. by deed of Charles Greg Finley, recorded in Deed Book 1878 at Page 210, Greenville County Register of Deeds.

All that certain piece, parcel or lot of land situate, lying and being in the State of South Carolina, County of Greenville, being shown and designated as 8.85 acres, more or less, on a plat entitled, "Property of General Heating & Air Conditioning Co. of Greenville, Inc.," dated September 25, 1979, prepared by Freeland & Associates, and recorded September 27, 1979 in the ROD Office for Greenville County in Plat Book 7-Q, Page 5. Reference to said plat is hereby made for a more complete description thereof.

DERIVATION: This being the same property conveyed to Clark Family Partnership by deed of General Heating and Air Conditioning Co. of Greenville, Inc., dated November 21, 1997 and recorded February 11, 1998 in the ROD Office for Greenville County in Deed Book 1743, Page 521.

Tax Map No. M014.01-01-008.00

Property Description for Right-of-Way

To include the 0.274 acres of Martin Road right-of-way as shown within the associated Annexation Map exhibit.

EXHIBIT C

