



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.

15b

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

AGENDA DATE REQUESTED: July 11, 2022

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO ANNEX APPROXIMATELY 0.883 ACRE OF REAL PROPERTY LOCATED AT 101 HALTON ROAD, AND TO PROVIDE THE ZONING DESIGNATION OF C-3, REGIONAL COMMERCIAL DISTRICT (TAX MAP NUMBER 0260000100814) (AX-10-2022)

SUMMARY BACKGROUND:

Brian Cherry, on behalf of EKCCJC Holdings LLC, which is the owner of real property consisting of approximately 0.883 acre located at 101 Halton Road (Tax Map Number 0260000100814) (the "Property"), applied for annexation of the Property into the city of Greenville and further applied for rezoning of the Property from county zoning designation C-3, Commercial district, to city zoning designation of C-3, Regional commercial district.

The City Planning Commission, pursuant to public notice, held a public hearing on June 16, 2022, to consider the annexation and proposed rezoning, and the Commission recommended approval of the proposed zoning designation of C-3, Regional commercial district, by a vote of 5-0.

Planning Staff Recommendation: Approve

Planning Commission Recommendation: Approval by a vote of 5-0

IMPACT IF DENIED:

The Property will not be annexed and rezoned.

FINANCIAL IMPACT:

The Property annexed by this Ordinance shall be subject to intergovernmental agreements with the Wade Hampton Fire District and Metropolitan Sewer Subdistrict dba MetroConnects, according to their respective terms while they are in effect.

REQUIRED SIGNATURES

Department Director DocuSigned by:
Shannon Lavin
52118B540A2C4BC...

City Attorney DocuSigned by:
Lige Padletti
5CBFADF322244F8...

OMB Director _____

City Manager DocuSigned by:
John F McDonough
FDC2AC15040F440...

A N O R D I N A N C E

TO ANNEX APPROXIMATELY 0.883 ACRE OF REAL PROPERTY LOCATED AT 101 HALTON ROAD AND TO PROVIDE THE ZONING DESIGNATION OF C-3, REGIONAL COMMERCIAL DISTRICT (TAX MAP NUMBER 0260000100814) (AX-10-2022)

WHEREAS, Brian Cherry, on behalf of EKCCJC Holdings LLC, which is the owner of real property consisting of approximately 0.883 acre located at 101 Halton Road (Tax Map Number 0260000100814) (the "Property"), applied for annexation of the Property into the city of Greenville and further applied for rezoning of the Property from county zoning designation C-3, Commercial district, to city zoning designation of C-3, Regional commercial district; and

WHEREAS, the City Planning Commission, pursuant to public notice, held a public hearing on June 16, 2022, to consider the annexation and proposed rezoning, and the Commission recommended approval of the proposed zoning designation of C-3, Regional commercial district, by a vote of 5-0; 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 change of C-3, Regional 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 0260000100814, and the recorded plat by the Greenville County Register of Deeds. The annexed Property is provided the zoning designation of C-3, Regional commercial district, and shall be included in City Council District 4. The GVL2040 Comprehensive Plan Future Land Use Map shall also be amended to include the Property as Community 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 intergovernmental agreements with the Wade Hampton Fire District and Metropolitan Sewer Subdistrict dba MetroConnects, according to their respective terms while they are 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



ANNEXATION MAP
for
101 Halton Road
Tax Map No. 0260000100814
into the
City of Greenville

Greenville City Limits
Total Annexation Area
Total Area of Annexation:
38,480,989 Sq. Ft.
Total Acreage of Annexation:
.8834 Acres
Existing County Zoning: C-3
Proposed City Zoning: C-3
City Council District: 4
Census Tract: 18.08
File Number: AX-10-2022



This map is a product of the City of Greenville, SC and was compiled from public and other available information. No actual field survey was performed. Reasonable efforts have been made to ensure the accuracy of this map. The City of Greenville expressly disclaims any responsibility or liability for errors or omissions on this map. Copyright: The City of Greenville, SC

July 6, 2022
City Attorney Date



EXHIBIT B

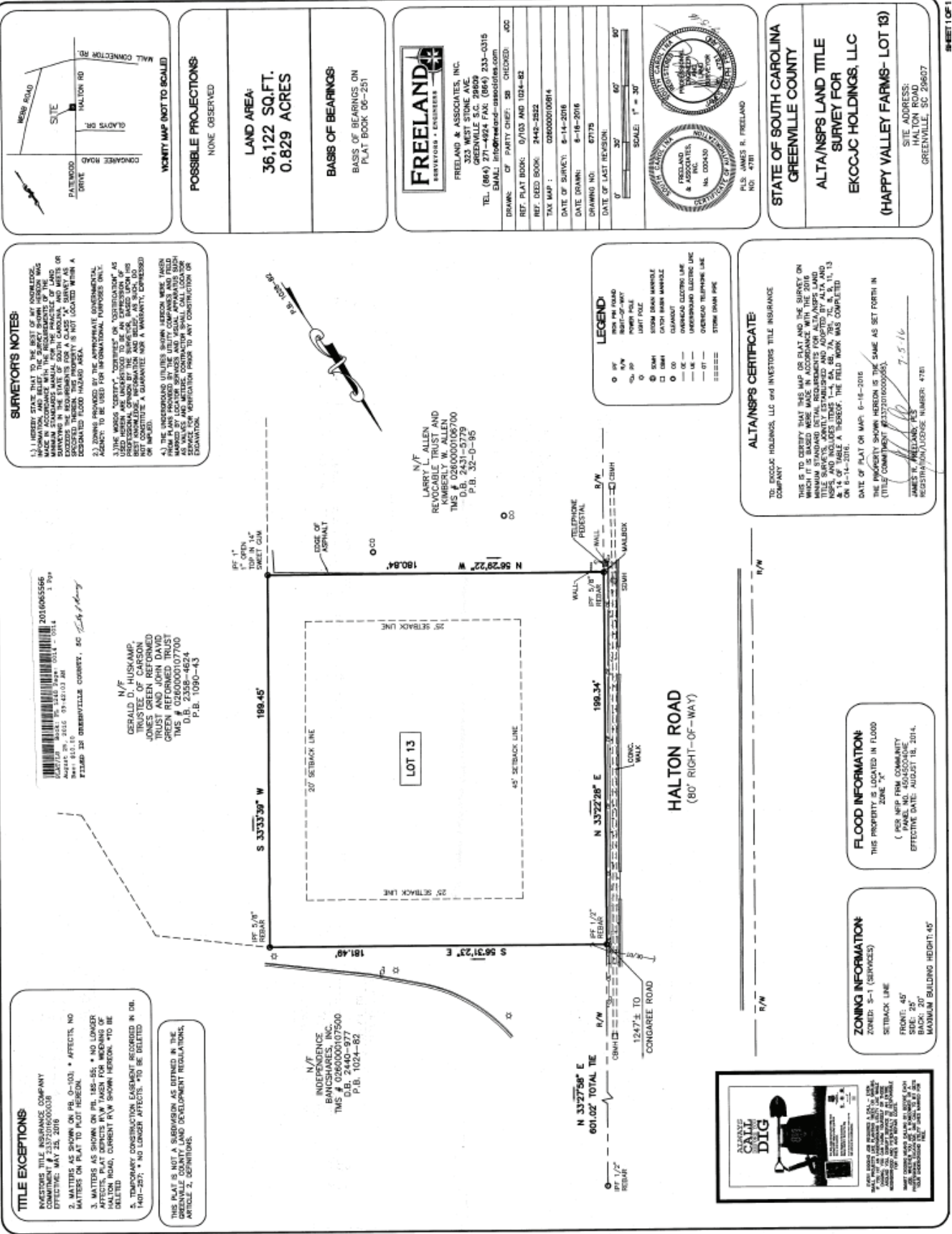
Property Description

ALL THAT CERTAIN piece, parcel or lot of land, situate, lying and being in Butler Township, in the County of Greenville, State of South Carolina, containing 0.829 acres, more or less, being shown on that certain plat entitled ALTA/NSPS LAND TITLE SURVEY FOR EKCCJC HOLDINGS, LLC (HAPPY VALLY FARMS-LOT 13) prepared by Freeland & Associates, Inc., dated June 14, 2016 recorded August 25, 2016 in the Office of the Register of Deeds for Greenville County, in Plat Book 1248, at Page 14. Reference to said plat is hereby craved for the metes, bounds, courses and /or distances of the property delineated thereon.

Tax Map Parcel #0260.00-01-008.14

This property was conveyed to Gaynelle Cuthbertson by deed of Elbertson Poultry Company, Inc. dated September 4, 1980 and recorded in the Office of the Register of Deeds for Greenville County in Deed Book 1132 at Page 670 on September 5, 1980. Subsequently, Gaynelle Wilson Cuthbertson died testate on June 19, 2013; and probate of the Estate was administered in the Probate Court for Clarendon County, South Carolina in Estate File 2013-ES-14-162; and exemplified copies filed in the Probate Court for Greenville County, South Carolina in Case Number 2014-ES-23-000652. See also Deed of Distribution of the Estate of Gaynelle Wilson Cuthbertson to Herbert W. Cuthbertson and Ralph H. Cuthbertson, Jr. dated April 10, 2014 and recorded on April 11, 2014 in the Office of the Register of Deeds for Greenville County, South Carolina, in Deed Book 2442 at Page 2522.

EXHIBIT C



SURVEYOR'S NOTES:

- 1. I, HERBY STATE, BEING THE BEST OF MY KNOWLEDGE, HAVE MADE THIS SURVEY IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASS LAND RECORDS ACT, 91A CMR 6.00, AND THE MASS LAND RECORDS REGULATIONS, 91A CMR 6.05. THE SURVEY HAS BEEN MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASS LAND RECORDS ACT, 91A CMR 6.00, AND THE MASS LAND RECORDS REGULATIONS, 91A CMR 6.05. THE SURVEY HAS BEEN MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASS LAND RECORDS ACT, 91A CMR 6.00, AND THE MASS LAND RECORDS REGULATIONS, 91A CMR 6.05.
- 2. THE UNDERGROUND UTILITIES SHOWN HEREON WERE TAKEN FROM PLANS PROVIDED BY THE UTILITY COMPANIES AND FIELD VERIFIED BY ME AND MY ASSISTANT. CONTRACTORS SHALL CALL LOCATOR SERVICE FOR VERIFICATION PRIOR TO ANY CONSTRUCTION OR INSTALLATION.
- 3. THE MASS "CERTITY", "CORRECTED" OR "CERTIFICATION" AS USED HEREON ARE UNDERSTOOD TO BE AN EXPRESSION OF BEST PROFESSIONAL JUDGEMENT AND BELIEF, AS SUCH, DO NOT CONSTITUTE A GUARANTEE NOR A WARRANTY, EXPRESSED OR IMPLIED.

TITLE EXCEPTIONS

- 1. INVESTORS TITLE INSURANCE COMPANY POLICY NO. 2016065566 DATED 05/25/2016. MATTERS AS SHOWN ON PL. 0-103. * AFFECTS, NO MATTERS ON PLAT TO PLAT HEREON.
- 2. MATTERS AS SHOWN ON PL. 188-55. * NO LONGER AFFECTS, PLAT DEFECTS R/W TAKEN FOR RECORDING OF HALTON ROAD, CURRENT R/W SHOWN HEREON. * TO BE DELETED.
- 3. TEMPORARY CONSTRUCTION EASEMENT REFERRED TO ON PLAT 001-021. * NO LONGER AFFECTS, TO BE DELETED.

THIS PLAT IS NOT A SUBDIVISION AS DEFINED IN THE GREENVILLE COUNTY LAND DEVELOPMENT REGULATIONS, ARTICLE 2, DEFINITIONS.

N/T
INDEPENDENCE
BANCSHARES, INC.
TMS # 0280000107500
P.B. 1024-82

N/T
LARRY L. ALLEN
REVOCABLE TRUST AND
KIMBERLY W. ALLEN
TMS # 0280000108700
P.B. 1024-82

N/T
GERALD E. LUSKAMP
TRUSTEE OF CARSON
JONES GREEN REFORMED
TRUST AND JOHN DAVID
GREEN REFORMED TRUST
TMS # 0280000107700
P.B. 1090-43



2016065566
05/25/2016 91-42103 JM
05/24/2016

2016065566
05/25/2016 91-42103 JM
05/24/2016



FLOOD INFORMATION:
THIS PROPERTY IS LOCATED IN FLOOD ZONE "X".
(PER MSP FROM COMMUNITY PANEL NO. 450435004E
EFFECTIVE DATE: AUGUST 18, 2014.

ZONING INFORMATION:
ZONED: S-1 (SERVICES)
SETBACK LINE
FRONT: 45'
SIDE: 25'
REAR: 25'
MAXIMUM BUILDING HEIGHT: 45'

ALTA/NRPS CERTIFICATE

TO: EKCCJ HOLDINGS, LLC AND INVESTORS TITLE INSURANCE COMPANY
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MASS LAND RECORDS ACT, 91A CMR 6.00, AND THE MASS LAND RECORDS REGULATIONS, 91A CMR 6.05. THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASS LAND RECORDS ACT, 91A CMR 6.00, AND THE MASS LAND RECORDS REGULATIONS, 91A CMR 6.05. THE FIELD WORK WAS COMPLETED ON 6-14-2016.
DATE OF PLAT OR MAP: 6-16-2016
THE INVESTOR SHOWN HEREON IS THE SAME AS SET FORTH IN (TITLE COMMITMENT #232010000005).
JAMES T. FREELAND, P.E.S.
REGISTRATION/LICENSE NUMBER: 4781



POSSIBLE PROJECTIONS:
NONE OBSERVED

LAND AREA:
36,122 SQ.FT.
0.829 ACRES

BASIS OF BEARINGS:
BASIS OF BEARINGS ON PLAT BOOK 06-251

FREELAND ENGINEERS
FREELAND & ASSOCIATES, INC.
323 WEST STONE AVE.
GREENVILLE S.C. 29609 333-0316
TEL: (864) 271-6622 FAX: (864) 271-6623
EMAIL: info@freelandengineers.com

DRAWING OF PARTY CHECKED: SB CHECKED: JCC
REF. PLAT BOOK: 0/103 AND 1024-82
REF. DEED BOOK: 2442-3522
TAX MAP: 0280000108714
DATE OF SURVEY: 6-14-2016
DATE DRAWN: 6-16-2016
DRAWING NO: 67775
DATE OF LAST REVISION:

SCALE: 1" = 30'

STATE OF SOUTH CAROLINA
GREENVILLE COUNTY
ALTA/NRPS LAND TITLE
SURVEY FOR
EKCCJ HOLDINGS, LLC
(HAPPY VALLEY FARMS- LOT 13)

PLS. JAMES R. FREELAND
NO. 4781
SITE ADDRESS:
HALTON ROAD
GREENVILLE, SC 29607