



## REQUEST FOR COUNCIL ACTION

### City of Greenville, South Carolina

Agenda Item No.

11b

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

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

**AGENDA DATE REQUESTED:** August 8, 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-2, LOCAL COMMERCIAL DISTRICT (TAX MAP NUMBER 0260000100814) (AX-10-2022) (REVISED)

**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

REVISED: On July 11, 2022, during first reading, Councilmember Dowe moved to amend the Ordinance to reflect the designation of C-2, Local commercial district, instead of C-3, Regional commercial district. Assistant City Manager Shannon Lavrin stated that the recommendation was provided to the owner, who was amenable to the change in designation and had no objection to the proposed change. The motion to amend was approved unanimously by City Council.

**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 Lavrin*  
 52118B540A2C4BC...

**City Attorney**  
 DocuSigned by:  
*Leigh Padetti*  
 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-2, LOCAL, ~~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, during the first reading of the Ordinance on July 11, 2022, a motion was presented to amend the C-3, Regional commercial district, zoning to C-2, Local commercial district, and the motion was approved unanimously; and

WHEREAS, Council was advised that the owner was made aware of the proposed amendment and had no objection to the C-2, Local commercial district, zoning designation; 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~~ C-2, Local 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~~ C-2, Local 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

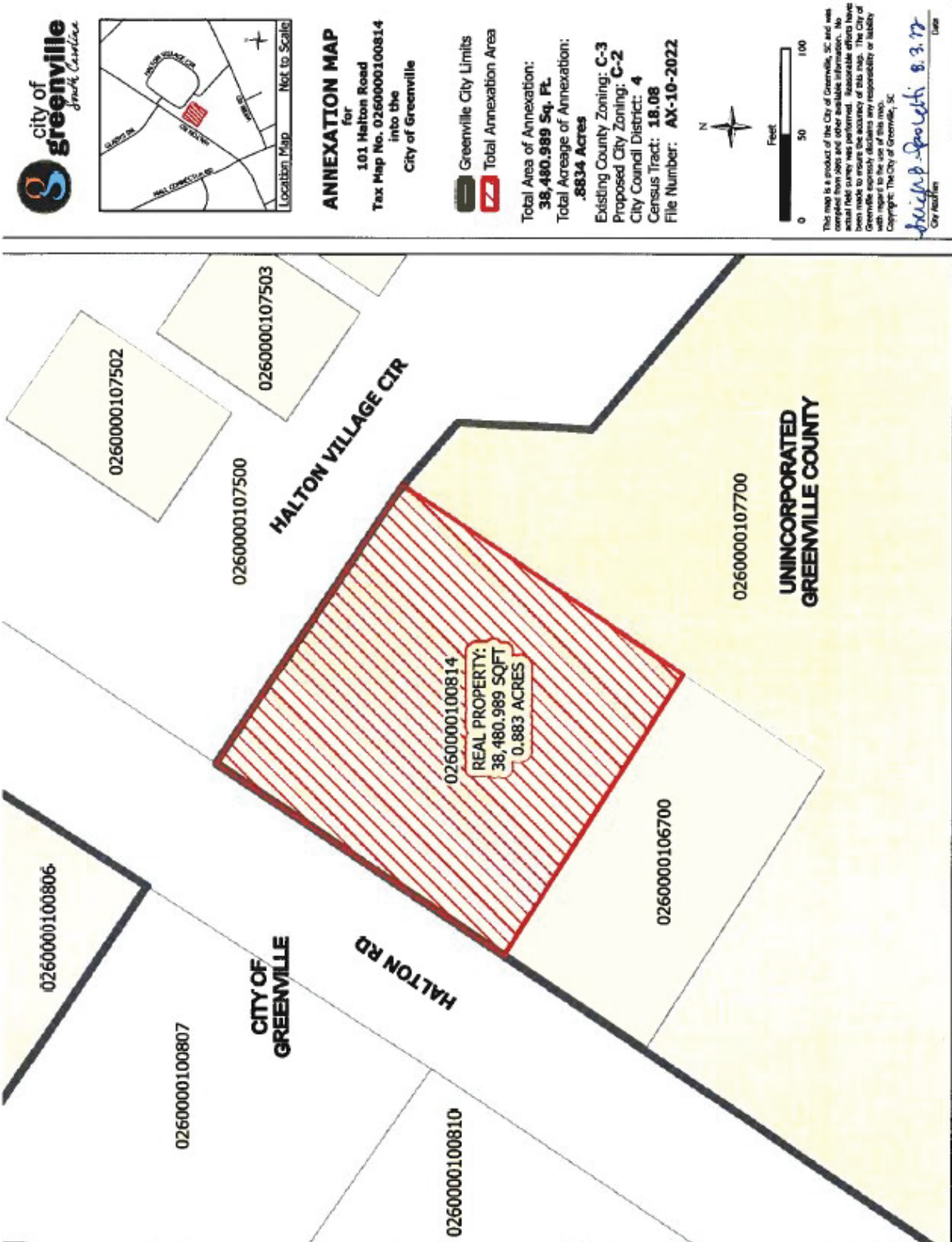
APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

REVIEWED:

\_\_\_\_\_  
CITY MANAGER

EXHIBIT A



## EXHIBIT B

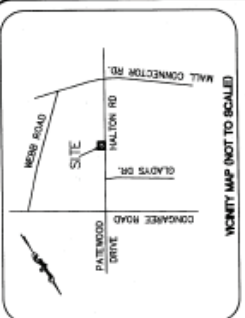
**Property Description**

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



**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**  
SURVEYORS • ENGINEERS

FREELAND & ASSOCIATES, INC.  
323 WEST STONE AVE.  
GREENVILLE S.C. 29609 333-0316  
TEL: (864) 274-4622 FAX: (864) 274-4623  
EMAIL: info@freelandinc.com

DRAWN: OF PARTY CHIEF: SB CHECKED: JCC  
REF. PLAT BOOK: 0/103 AND 1024-82  
REF. DEED BOOK: 2442-2522  
TAX MAP: 0280000100R14  
DATE OF SURVEY: 6-14-2016  
DATE DRAWN: 6-18-2016  
DRAWING NO: 67775  
DATE OF LAST REVISION:

SCALE: 1" = 30'

PLS. JAMES R. FREELAND  
NO. 4791

**STATE OF SOUTH CAROLINA**  
**GREENVILLE COUNTY**

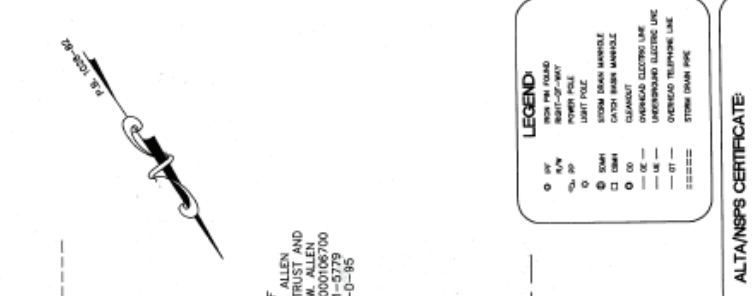
**ALTA/NRPS LAND TITLE**  
**SURVEY FOR**  
**EKCCJC HOLDINGS, LLC**

**(HAPPY VALLEY FARMS- LOT 13)**

SITE ADDRESS:  
HALTON ROAD  
GREENVILLE, SC 29607

**SURVEYOR'S NOTES:**

1. I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, BELIEF AND FAITH THE INFORMATION CONTAINED HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MASS CURRICULAR STANDARDS, MASS REGS. 801 CMR 12.00 AND MASS REGS. 801 CMR 12.01. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF MERCHANTABILITY FOR A CLASS "V" SURVEY AS EXCEEDS THE REQUIREMENTS FOR A CLASS "V" SURVEY AS DESCRIBED IN MASS REGS. 801 CMR 12.01(1) LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.
2. I AM PROVIDING THIS INFORMATION FOR INFORMATIONAL PURPOSES ONLY.
3. THE MASS "CERTIFICATE OF ACCURACY" OR "CERTIFICATION" AS USED HEREIN ARE UNDERSTOOD TO BE AN EXPRESSION OF MY BEST JUDGMENT, INFORMATION AND BELIEF, AS SUCH, DO NOT CONSTITUTE A GUARANTEE OR WARRANTY, EXPRESSED OR IMPLIED.
4. THE UNDERGROUND UTILITIES SHOWN HEREON WERE TAKEN FROM PLANS PROVIDED BY THE UTILITY COMPANIES AND FIELD VERIFIED AS ACCURATE AND CORRECT. CONTRACTORS SHALL CALL LOCATOR AS ALWAYS AND METRIC CONTRACTORS SHALL CALL LOCATOR SERVICE FOR VERIFICATION PRIOR TO ANY CONSTRUCTION OR EXCAVATION.



**ALTA/NRPS CERTIFICATE:**

TO: EKCCJC 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 CURRICULAR STANDARDS, MASS REGS. 801 CMR 12.00 AND MASS REGS. 801 CMR 12.01. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF MERCHANTABILITY FOR A CLASS "V" SURVEY AS EXCEEDS THE REQUIREMENTS FOR A CLASS "V" SURVEY AS DESCRIBED IN MASS REGS. 801 CMR 12.01(1) LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.

DATE OF PLAT OR MAP: 6-14-2016

THE PROPERTY SHOWN HEREON IS THE SAME AS SET FORTH IN (TITLE COMMITMENT #0232010000005).

JAMES R. FREELAND, P.E.  
REGISTRATION/ LICENSE NUMBER: 4791

**TITLE EXCEPTIONS:**

INVESTORS TITLE INSURANCE COMPANY  
EFFECTIVE: MAY 25, 2016

2. MATTERS AS SHOWN ON PL. 0-103. \* AFFECTS. NO MATTERS ON PLAT TO PLAT HEREON.

3. MATTERS AS SHOWN ON PL. 185-55. \* NO LONGER AFFECTS. PLAT DEPICTS R/W TAKEN FOR WIDENING OF HALTON ROAD, CURRENT R/W SHOWN HEREON. \* TO BE DELETED

5. TEMPORARY CONSTRUCTION EASEMENTS REFERRED TO IN PL. 180-251. \* 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  
LARRY L. ALLEN  
REVOCABLE TRUST AND  
KIMBERLY W. ALLEN  
TMS # 02800001008700  
PL. 253-1579  
P.B. 32-0-85

N/T  
GERALD E. LUSKAMP,  
TRUSTEE OF CARSON,  
JONES GREEN REFORMED  
TRUST AND JOHN DAVID  
GREEN REFORMED TRUST  
TMS # 0280000107700  
PL. 102-104  
P.B. 1090-43

N/T  
INDEPENDENCE  
BANCSHARES, INC.  
TMS # 0280000107500  
PL. 102-107  
P.B. 1024-82

**FLOOD INFORMATION:**

THIS PROPERTY IS LOCATED IN FLOOD ZONE "X"

( PER MSRP FROM COMMUNITY PANEL NO. 4504350040E EFFECTIVE DATE: AUGUST 18, 2014.

**TITLE EXCEPTIONS:**

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EFFECTIVE: MAY 25, 2016

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SHEET 1 OF 1