



ORDINANCE NUMBER 13-2021

AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY PALMETTO STATE CAPITAL LLC. LOCATED AT 229 EAST CHURCH STREET FROM RM-1 (RESIDENTIAL MULTI-FAMILY DISTRICT) TO RM-2 (RESIDENTIAL MULTI-FAMILY DISTRICT).

The City Council of Greer makes the following findings:

This ordinance pertains to a certain property owned by Palmetto State Capital LLC. located at 229 East Church Street and more clearly identified by the attached City of Greer Map specifying Spartanburg County Parcel Number 9-04-02-013.01 containing approximately 0.261 +/- acres marked as Exhibit A, and the Deed marked at Exhibit B.

1. The owner desires to change the zoning classification of its property and has shown the need for such use to the Greer Planning Commission at a public hearing held on March 15, 2021.
2. To accomplish the desired change in use in the most effective manner, the zoning classifications should be changed to RM-2 (Residential Multi-Family District).
3. The proposed use is in keeping with the general character of the surrounding property.


NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Greer, South Carolina, as follows:

The zoning classification of property located at 229 East Church Street more particularly identified by the attached City of Greer Map specifying Spartanburg County Parcel Number 9-04-02-013.01 containing approximately 0.261 +/- acres

attached hereto marked as Exhibit A shall be changed from RM-1 (Residential Multi-Family District) to RM-2 (Residential Multi-Family District).

This ordinance shall be effective upon second reading approval thereof.

CITY OF GREER, SOUTH CAROLINA


Richard W. Danner, Mayor

ATTEST:


Tammela Duncan, Municipal Clerk

Introduced by: Councilmember Wryley Bettis

First Reading: March 23, 2021

Second and
Final Reading: April 13, 2021

Approved as to Form:

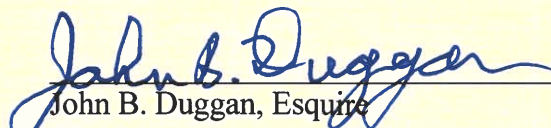
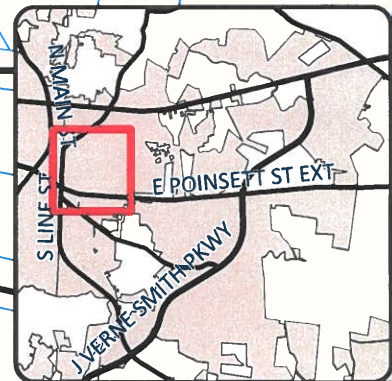
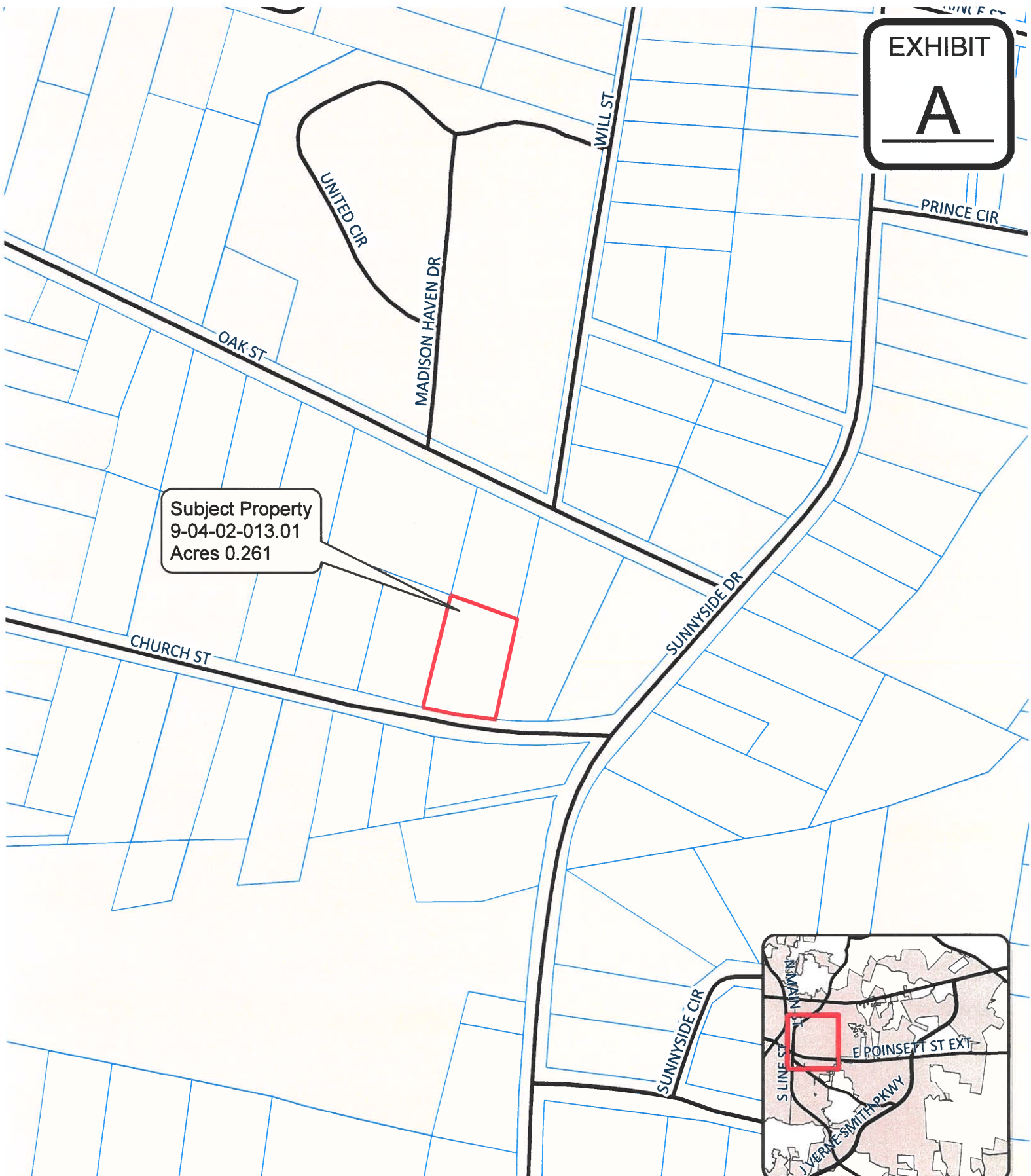
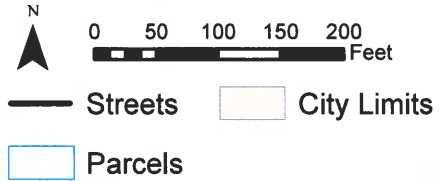

John B. Duggan, Esquire
City Attorney

EXHIBIT
A



Ordinance 13-2021



The City of Greer Planning/Zoning Department does not guarantee the accuracy or the correctness of this map nor assumes any legal responsibility for the information contained on it. This map is not a legal document. This map is based on the SC State Plane Coordinate System using the 1983 North American Datum. All rights reserved. No part of this map may be reproduced or used in any form or by any means without the expressed written consent of the City of Greer Planning/Zoning Department.



DEE-2020058157
Recorded 4 on 12/16/2020 11:48:50 AM
Recording Fee: \$15.00 County Taxes: \$33.00 State Tax
Office of REGISTER OF DEEDS, SPARTANBURG, S.C.
DOROTHY EARLE REGISTER OF DEEDS
BK:DEE 130-H PG:966-969

Space above this line for recording information

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG) TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS THAT, DIANA ESPINOZA herein referred to as Grantor for and in consideration of the sum of THIRTY THOUSAND AND 00/100 (30,000.00) Dollars to it paid by PALMETTO STATE CAPITAL, LLC hereinafter referred to as 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 unto the said Grantee, its heirs, successors, and assigns forever.

All that piece, parcel or lot of land lying and being in the State of South Carolina, County of Spartanburg, City of Greer also known as Lot 29 and 31, on a plat entitled "Sunnyside Subdivision" as shown in Plat Book 4 Page 91 in the Register of Deeds Office for Spartanburg County, and also on a more recent Plat titled "Survey for Access Realty, LLC" prepared by Site Design, Inc., dated 11/18/2020 and recorded 12/8/2020 in Plat Book 178, Page 525, Register of Deeds Office for Spartanburg County. Reference is made to said plats for a more detailed description.

This being the same property conveyed unto the Grantor herein by deed of the Tax Collector of Spartanburg County, dated January 30, 2009 and recorded 2/3/2009 in the Office of the RMC for Spartanburg County in Deed Book 930 at Page 775 .

This conveyance is made subject to Easements, Restrictions, Covenants, and Conditions of record, including matters shown on recorded plats.

TMS No: 9-04-02-013.00

Grantee's Address: 4113 E. North Street
Greenville, SC 29615


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 premises before mentioned unto the said Grantee, its heirs, and assigns forever.

AND THE GRANTOR does hereby bind Grantor successors, executors and administrators, to warrant and forever defend all and singular the said premises unto the said Grantee, its successors , and assigns, against Grantor and Grantor successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS our Hand and Seal this 15th day of December, in the year of our Lord 2020.

Signed, Sealed and Delivered
in the Presence of:



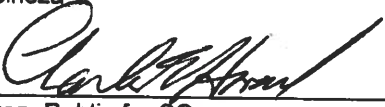


Diana Espinoza



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

The foregoing instrument was acknowledged before me this 15 day of December , 2020 by Diana Espinoza



Notary Public for SC
Print Name: Charles E. Howard
My commission expires: 09/22/2030

STATE OF SOUTH CAROLINA)
COUNTY OF Spartanburg)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

- 1. I have read the information on this affidavit and I understand such information.
- 2. The property being transferred is located at Lot 29 & 31 Sunnyside S/D bearing Spartanburg County Tax Map Number 5029-14-44-3395, was transferred by DIANA ESPINOZA to PALMETTO STATE CAPITAL, LLC on 12/15/2020

3. Check one of the following: The deed is

- (a) subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money=s worth.
- (b) subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
- (c) exempt from the deed recording fee because (See Information section of affidavit): _____

(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit.):

- (a) The fee is computed on the consideration paid or to be paid in money or money=s worth in the amount of 30,000.00
- (b) The fee is computed on the fair market value of the realty which is _____
- (c) The fee is computed on the fair market value of the realty as established for property tax purposes which is _____

5. Check Yes _____ or No to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If A Yes, @ the amount of the outstanding balance of this lien or encumbrance is: _____

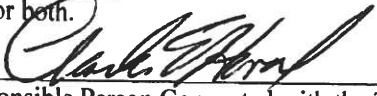
6. The deed recording fee is computed as follows:

(a) Place the amount listed in item 4 above here:	<u>30,000.00</u>
(b) Place the amount listed in item 5 above here: (If no amount is listed, place zero here.)	<u>0.00</u>
(c) Subtract Line 6(b) from Line 6(a) and place result here:	<u>30,000.00</u>

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording, fee due is: 111.00

8. As required by Code Section, 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney

9. I understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.


Responsible Person Connected with the Transaction

SWORN to before me this 15th
day of Dec 20 20

Charles E. Howard
Print or Type Name Here


Notary Public for SC (Karen N. Saxon)

My Commission Expires: 8/22/23

INFORMATION

Except as provided in this paragraph, the term "value" means the consideration paid or to be paid in money or money's worth for the realty. Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, value means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

- (1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
- (2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
- (3) that are otherwise exempted under the laws and Constitution of this State or of the United States;
- (4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
- (5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;
- (6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- (7) that constitute a contract for the sale of timber to be cut;
- (8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;
- (9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A family partnership is a partnership whose partners are all members of the same family. A family trust is a trust, in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. A family means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any the above. A charitable entity means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A).
- (10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
- (11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and
- (12) that constitute a corrective deed or a quit claim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quit claim deed.
- (13) transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagee or deed--pursuant to foreclosure proceedings.
- (14) transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty
- (15) transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S. C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.



**ZONING MAP AMENDMENT APPLICATION
(ZONING & REZONING)**

Date 2-18-2021

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

Tax Map Number(s) 9-04-02-013.01

Property Address(s) 229 E. Church Street

Acreage of Properties 0.261 County Spartanburg

Applicant Information	
Name	<u>Zach Roberts</u>
Address	<u>4113 E. North Street</u> <u>Greenville, SC 29615</u>
Contact Number	<u>(864) 905-6026</u>
Email	<u>Zroberts@accessrealtysc.com</u>

Property Owner Information	
<i>(If multiple owners, see back of sheet)</i>	
Name	<u>Palmetto State Capital LLC</u>
Address	<u>4113 E. North St.</u> <u>Greenville, SC 29615</u>
Contact Number	<u>(804) 630-0557</u>
Email	<u>nickfranchina@yahoo.com</u>

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 RM1 to RM2.

Existing Use: Vacant Proposed Use: Duplex

Signature(s) [Signature]
Zach Roberts

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

OFFICE USE ONLY	
Date Filed _____	Case No. _____
Meeting Date _____	

**ZONING REPORT
STAFF REPORT TO THE GREER PLANNING COMMISSION
MONDAY, MARCH 15, 2021**

DOCKET: RZ 21-02

APPLICANT: Zach Roberts, Palmetto State Capital, LLC

PROPERTY LOCATION: 229 E. Church St

TAX MAP NUMBER: 9-04-02-013.01

EXISTING ZONING: RM-1, Multi-family Residential

REQUEST: RM-2, Multi-family Residential

SIZE: 0.261 Acres

COMPREHENSIVE PLAN: Traditional Neighborhood Community

ANALYSIS: **RZ 21-02**

RZ 21-02 is a request to rezone a parcel located at 229 E. Church St from RM-1, Multi-family Residential to RM-2, Multi-family Residential for construction of a future duplex. The lot is 11,349 square feet and RM-1, Multi-family Residential requires a minimum of 12,000 square feet, while RM-2 requires a minimum of 10,000 square foot lot.

Surrounding land uses and zoning include:

North: RM-1, Multi-Family Residential – Occupied single family and apartments
East: RM-1, Multi-Family Residential – Occupied residences (Quad-Plex)
South: RM-1, Multi-Family Residential – Occupied residences
West: RM-1, Multi-Family Residential – Occupied residences (Duplex and single family)

The land use map in the Comprehensive Plan identifies the area as a Traditional Neighborhood Community. These communities are surround Downtown Greer and are generally more directly connected to it. Key features include an interconnected street grid and a mix of housing types. This area offers opportunity to infill around the existing mixture of residential, commercial, and institutional uses. Building types could include single-family homes, fourplexes, small-scale apartment buildings, attached townhomes, and neighborhood-scale retail. Single-lot infill development should be of a compatible scale and character with surrounding homes.

Primary uses: Single-family attached and detached residential, multiplexes, townhomes, parks

Secondary uses: Apartment/condominium buildings, accessory dwelling units, civic and institutional facilities, small-scale commercial uses

In accordance with the guidelines set forth in the Comprehensive Plan and after a detailed study of the area, staff supports the proposed request.

STAFF RECOMMENDATION: Approval

ACTION: Mr. Lavender made a motion to approve RZ 21-02. Mr. Jones seconded the motion. The motion carried with a vote of 7-0. The motion passed.