



ORDINANCE NUMBER 35-2021

AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY TRUENORTH PROPERTIES, LLC AND CUBE PROPERTY SOLUTIONS, LLC LOCATED AT 101 ELMER STREET FROM RM-1 (RESIDENTIAL MULTI-FAMILY DISTRICT) TO R-5 (GARDEN COURT OR PATIO HOUSE DISTRICT).

The City Council of Greer makes the following findings:

This ordinance pertains to a certain property owned by TrueNorth Properties, LLC and Cube Property Solutions, LLC located at 101 Elmer Street and more clearly identified by the attached City of Greer Map specifying Spartanburg County Parcel Number 9-03-14-287.00 containing approximately 0.47 +/- acres attached hereto marked as Exhibit A, the General Warranty Deed attached hereto marked as Exhibit B, and the Plat attached hereto marked at Exhibit C.


1. The owners desire to change the zoning classification of their property and have shown the need for such use to the Greer Planning Commission at a public hearing held on July 19, 2021.
2. To accomplish the desired change in use in the most effective manner, the zoning classification should be changed to R-5 (Garden Court or Patio House 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 101 Elmer Street more particularly identified by the attached City of Greer Map specifying Spartanburg County Parcel Number 9-03-10-122.02 containing approximately 0.38 +/- acres attached hereto marked as Exhibit A shall be changed from RM-1 (Residential Multi-Family District) to R-5 (Garden Court or Patio House 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: July 27, 2021

Second and
Final Reading: August 10, 2021

Approved as to Form:

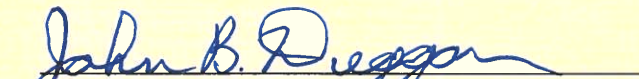
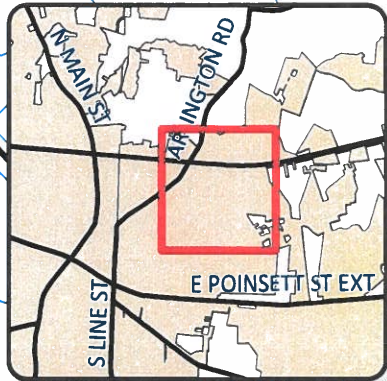
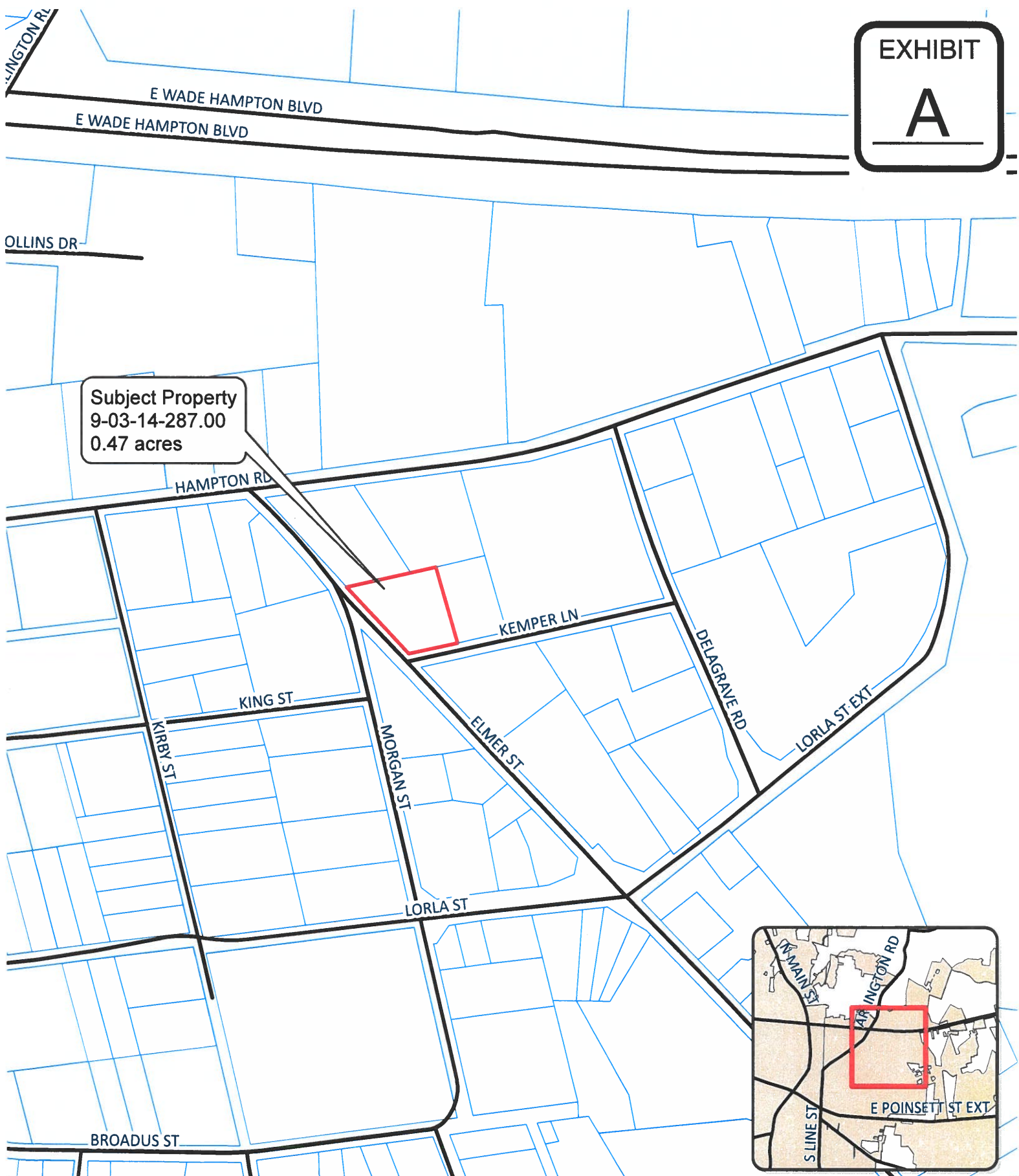
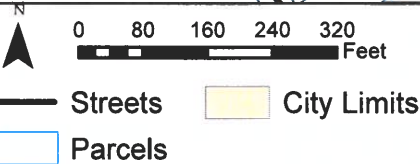

John B. Duggan, Esquire
City Attorney

EXHIBIT
A



Ordinance 35-2021



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.

When Recorded Mail to:

GRANTEES ADDRESS:

1108 S. Main St Unit 226
Greenville SC 29601

DEE-2021-32867

DEE BK 132-P PG 990-991

Recorded 2 Pages on 06/15/202
Recording Fee: \$15.00 County T
Office of REGISTER OF DEEDS
Dorothy Earle, Register Of Deed

EXHIBIT

B

SOUTH CAROLINA GENERAL WARRANTY DEED
NO TITLE INSURANCE PROVIDED BY CLOSING ATTORNEY

COUNTY: SPARTANBURG
CITY: GREER

TAX MAP NUMBER: 9-03-14-287.00
DATE : MAY 26 2021

Grantor

BENNIE F. BROWN, JR., SUCCESSOR
TRUSTEE OF THE BENNIE F. BROWN, SR.
LIVING TRUST DATED FEBRUARY 25, 2003

Grantee

TRUENORTHPROPERTIES LLC
CUBE PROPERTY SOLUTIONS, LLC
A NEVADA LIMITED LIABILITY COMPANY

KNOW ALL MEN BY THESE PRESENTS, that Grantor, for and in consideration of the sum of **SIXTY FIVE THOUSAND AND 00/100 Dollars (\$ 65,000.00)** paid by Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, **SUBJECT TO** the matters set forth below, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto Grantee, the real estate (the "Premises") described as follows:

All that piece, parcel Lot of land situate, lying and being in the County of Spartanburg being a portion of the property of Jerry D. Brown, Sr., such lot known and designated now as property of Bennie F. Brown, Sr. as shown on plat of property of Bennie F. Brown, Sr. prepared by Tri-State Surveyors and recorded in the RMC Office for Spartanburg County, State of South Carolina in Plat Book 119, Page 716, said lot having such metes and bounds as shown thereon

AND ALSO:

All that piece, parcel or lot of land in Beech Springs Township, County of Spartanburg, State of South Carolina, located in Greer, S.C., on the eastern side of Elmer Street and being shown and designated as lot number NINETEEN (19) on a plat of property made for Mrs. Sue Payne Bishop by H. S. Brockman, surveyor, dated July 26, 1946 and recorded in plat book 20, pages 268 and 269, and having the following courses and distances, to-wit:

BEGINNING at the rear comer of Lot No. 1 on Elmer St. and runs thence with said street S 43-28 E, 173 feet to juncture of Elmer Street and a 30 foot street; thence N 77-55 E, 48 feet along this street to comer of Lot No. 18; thence with the line of lot No. 18, N 16-18 W, 150 feet to rear comer of lots 2 and 3; thence S 77-55 W, 123 feet along the line of lots 1 and 2 to the beginning comer.

TMS: 9-03-14-287.00

This being a portion of the identical property conveyed to by Bennie F. Brown, Sr. as Trustee of the Bennie F. Brown, Sr. Living Trust dated February 25, 2003 dated 2/25/2003 and recorded March 11, 2003 in Deed Book 77-M, Page 280 records of Spartanburg, South Carolina.

This conveyance is made **SUBJECT TO:** subject to the easements, restrictions, reservations and conditions of record

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the Premises belonging or in any way incident or appertaining, including, but not limited to, all improvements of any nature located on the Premises and all easements and rights-of-way appurtenant to the Premises.

TO HAVE AND TO HOLD all and singular the Premises unto Grantee and Grantee's heirs successors and assigns forever.

And, **SUBJECT TO** the matters set forth above, Grantor does hereby bind Grantor and Grantor's heirs, successors and assigns, executors, administrators and other lawful representatives, to warrant and forever defend all and singular the Premises unto Grantee and Grantee's heirs, successors and assigns against Grantor and Grantor's successors and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

IN WITNESS WHEREOF, Grantor has caused this General Warranty Deed to be executed under seal this 26 day of May, 2021.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

GRANTOR:

BENNIE F. BROWN, SR. LIVING TRUST DATED FEBRUARY 25, 2003

BY Bennie F. Brown, Jr. Successor Trustee
BENNIE F. BROWN, JR. AS SUCCESSOR TRUSTEE

[Signature]
Witness #1- ADAM MOSES
[Signature]
Witness #2- DIANE MOSES

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Acknowledgment for Individual Grantor

I, a Notary Public for SOUTH CAROLINA, do hereby certify that THE ABOVE SIGNED Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 26 day of May, 2021.

[Signature]
DIANE MOSES, Notary Public for SOUTH CAROLINA

My Commission Expires:

12/15/2024

Diane Moses
Notary Public for South Carolina
My Commission Exp: December 15, 2024

EXHIBIT

C

WADE HAMPTON BLVD

HAMPTON RD

SITE

KEMPER

DELAWARE

LORRA ST

ELMER

LOCATION MAP

NOT TO SCALE

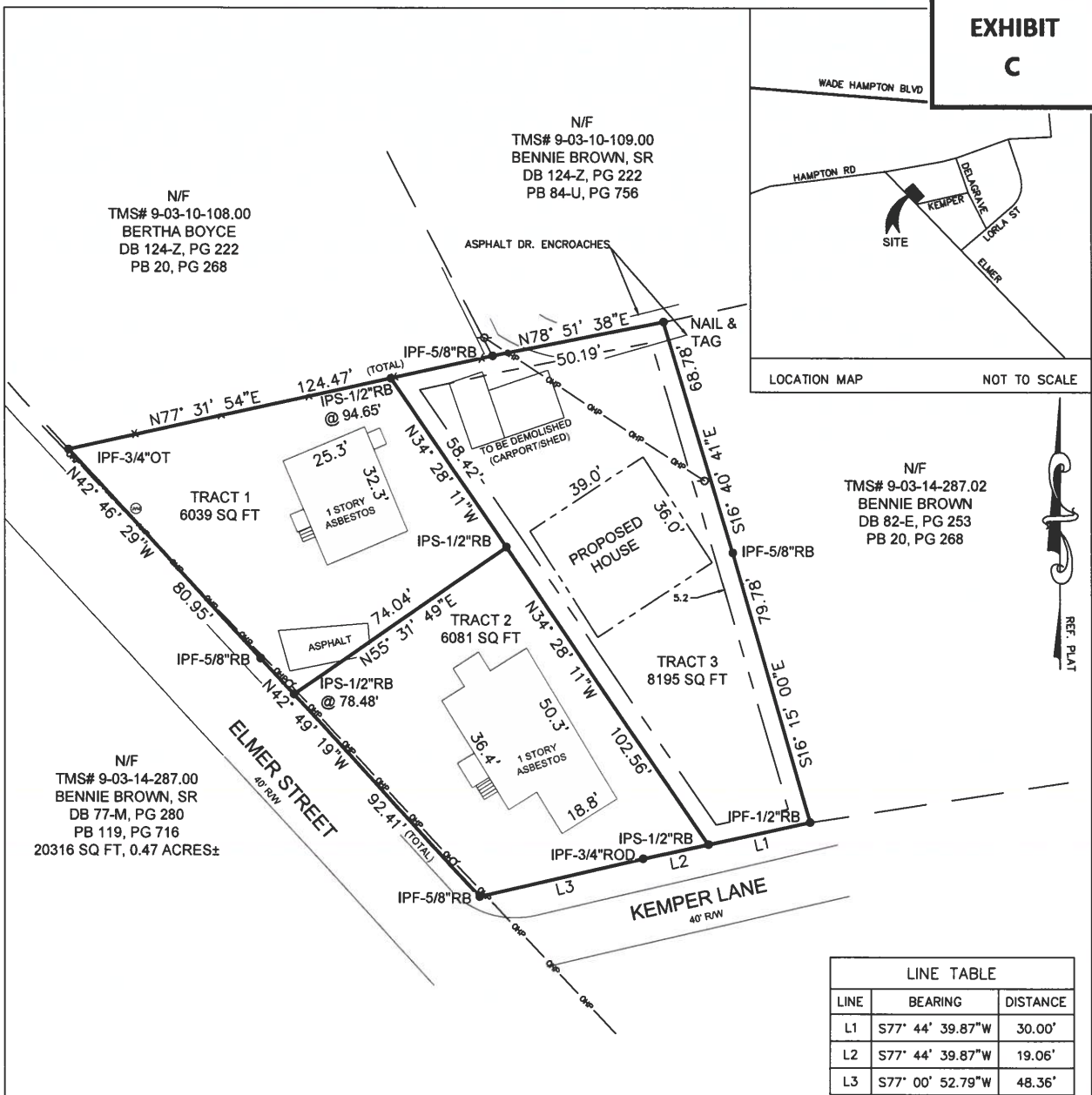
REF. PLAT

N/F
TMS# 9-03-10-108.00
BERTHA BOYCE
DB 124-Z, PG 222
PB 20, PG 268

N/F
TMS# 9-03-10-109.00
BENNIE BROWN, SR
DB 124-Z, PG 222
PB 84-U, PG 756

N/F
TMS# 9-03-14-287.02
BENNIE BROWN
DB 82-E, PG 253
PB 20, PG 268

N/F
TMS# 9-03-14-287.00
BENNIE BROWN, SR
DB 77-M, PG 280
PB 119, PG 716
20316 SQ FT, 0.47 ACRES±



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S77° 44' 39.87"W	30.00'
L2	S77° 44' 39.87"W	19.06'
L3	S77° 00' 52.79"W	48.36'

NOTES:

- REFERENCE:
 - PLAT ENTITLED "BENNIE F. BROWN, SR", DATED JANUARY 5, 1993, PREPARED BY TERRY MOSLEY, RECORDED IN PLAT BOOK 119, PAGE 716 IN THE R.O.D. OFFICE OF SPARTANBURG COUNTY.
 - DEED DATED FEBRUARY 25, 2003, RECORDED IN DEED BOOK 77-M, PAGE 280 IN THE R.O.D. OFFICE OF GREENVILLE COUNTY.
- THE PROFESSIONAL SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY EFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY AND/OR RESTRICTIONS OF RECORD OR NOT OF RECORD.
- THIS PARCEL IS NOT IN A DESIGNATED FLOOD HAZARD AREA.

LEGEND

- IPF- IRON PIN FOUND
- IPS- IRON PIN SET
- OT- OPEN TOP
- RB- REBAR
- CT- CRIMP TOP
- R/W- RIGHT OF WAY
- OHP- OVERHEAD POWER
- FH- FIRE HYDRANT



I HEREBY STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS A SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN THOSE SHOWN.



PLS

PEARCE LAND SURVEYS
P.O. BOX 2091
TAYLORS, SC 29687
864-915-9050
PROFESSIONAL LAND SURVEYOR



RETRACEMENT SURVEY FOR
TRUE NORTH PROPERTIES, LLC
101 ELMER STREET
GREER, SC 29651
SPARTANBURG COUNTY SOUTH CAROLINA
DATE: 07/01/2021 SCALE: 1" = 30' PROJECT # 21-185
ALFRED J. PEARCE, III PLS REG#16136

TMS# 9-03-14-287.00



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

Date July 21, 2021

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

Tax Map Number(s) 9-03-14-287.00

Property Address(s) 101 Elmer Street (A&B) Greer, SC 29651

Acreage of Properties .47 acres County Spartanburg

<u>Applicant Information</u>	
Name	<u>Thomas P Inman</u>
Address	<u>1108 S Main Street #226 Greenville, SC 29601</u>
Contact Number	<u>203-482-5986</u>
Email	<u>tinman06877@yahoo.com</u>

<u>Property Owner Information</u> <i>(If multiple owners, see back of sheet)</i>	
Name	<u>TrueNorth Properties, LLC</u>
Address	<u>30 Bridgewater Street Greenville, SC 29615</u>
Contact Number	<u>203-515-9475</u>
Email	<u>jaycm1723@gmail.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 RM-1 to R-5.

Existing Use: Two homes, one lot Proposed Use: Subdivide to 3 lots

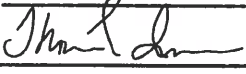
Signature(s)

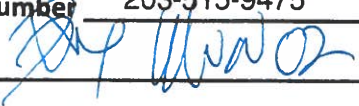
All zoning classifications, permitted uses and fees are available at www.cityofgreer.org

<u>OFFICE USE ONLY</u>	
Date Filed _____	Case No. _____
Meeting Date _____	

See Reverse

Complete the section below if multiple property owners

Name Cube Property Solutions, LLC
Address 1108 S Main Street #226
Greenville, SC 29601
Contact Number 203-482-5986
Signature 

Name TrueNorth Properties, LLC
Address 30 Bridgewater Street
Greenville, SC 29615
Contact Number 203-515-9475
Signature 

Name _____
Address _____
Contact Number _____
Signature _____

Name _____
Address _____
Contact Number _____
Signature _____

Name _____
Address _____
Contact Number _____
Signature _____

Name _____
Address _____
Contact Number _____
Signature _____

Name _____
Address _____
Contact Number _____
Signature _____

Name _____
Address _____
Contact Number _____
Signature _____

ZONING REPORT
STAFF REPORT TO THE GREER PLANNING COMMISSION
Monday, July 19, 2021

DOCKET: RZ 21-15

APPLICANT: Thomas Inman

PROPERTY LOCATION: 101 Elmer St

TAX MAP NUMBER: 9-03-14-287.00

EXISTING ZONING: RM-1, Residential Multi-family

REQUEST: Rezone to R-5, Garden Court or Patio Home

SIZE: 0.47 acres

COMPREHENSIVE PLAN: Suburban Commercial

ANALYSIS: **RZ 21-15**

RZ 21-15 is a rezoning request for a parcel located at the intersection of Elmer St and Kemper Lane. The property, comprised of approximately 0.47 acres, is currently zoned RM-1, Residential Multi-family and the applicant is requesting R-5, Garden court or Patio Home. The parcel currently has two single-family detached structures on it and the intent is to subdivide the lot to create individual lots for each existing house and a third lot for one new single-family detached house.

Surrounding land uses and zoning include:

North: RM-1, Residential Multi-family and C-2, Commercial
East: RM-1, Residential Multi-family – Vacant
South: RM-1, Residential Multi-family
West: RM-1, Residential Multi-family

The land use map in the Comprehensive Plan identifies the area as a Suburban Commercial Community. Suburban Commercial communities are arterial-oriented commercial centers that serve community-wide shopping and service needs. As newer shopping centers age out, they become candidates for adaptive redevelopment into denser, mixed-use centers, particularly where access to high-frequency transit is provided. This is also true for large infill sites. Site improvements should emphasize design quality, connectivity, walkability, amenities, and efficient use of infrastructure.

Primary Uses: Regional commercial, neighborhood commercial, office, multi-family apartments

Secondary Uses: Small-scale apartment buildings, civic and institutional facilities

Given the proximity of the property to Wade Hampton Blvd and intense commercial uses, smaller lot/higher density single-family residential is appropriate. In accordance with the guidelines set forth in the Comprehensive Plan and after a detailed study of the area, staff recommends approval.

STAFF RECOMMENDATION: Approval

ACTION – Mr. Jones made a motion to approve RZ 21-15. Mr. Jones seconded the motion. The motion carried with a vote of 6 to 0. The motion passed.