



ORDINANCE NUMBER 33-2021

AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY ADELAIDA GARCIA LOCATED AT 150 DELAGRAVE 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 Adelaida Garcia located at 150 Delagrave Street and more clearly 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, the Title to Real Estate attached hereto marked as Exhibit B, and the Plat attached hereto marked as Exhibit C.

1. The owner desires to change the zoning classification of her property and has 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 classifications 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 150 Delagrave 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 Wayne Griffin

First Reading: July 27, 2021

Second and
Final Reading: August 10, 2021

Approved as to Form:

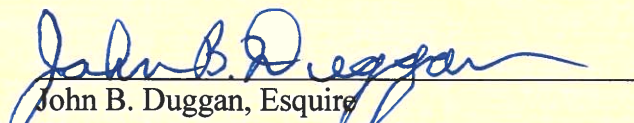
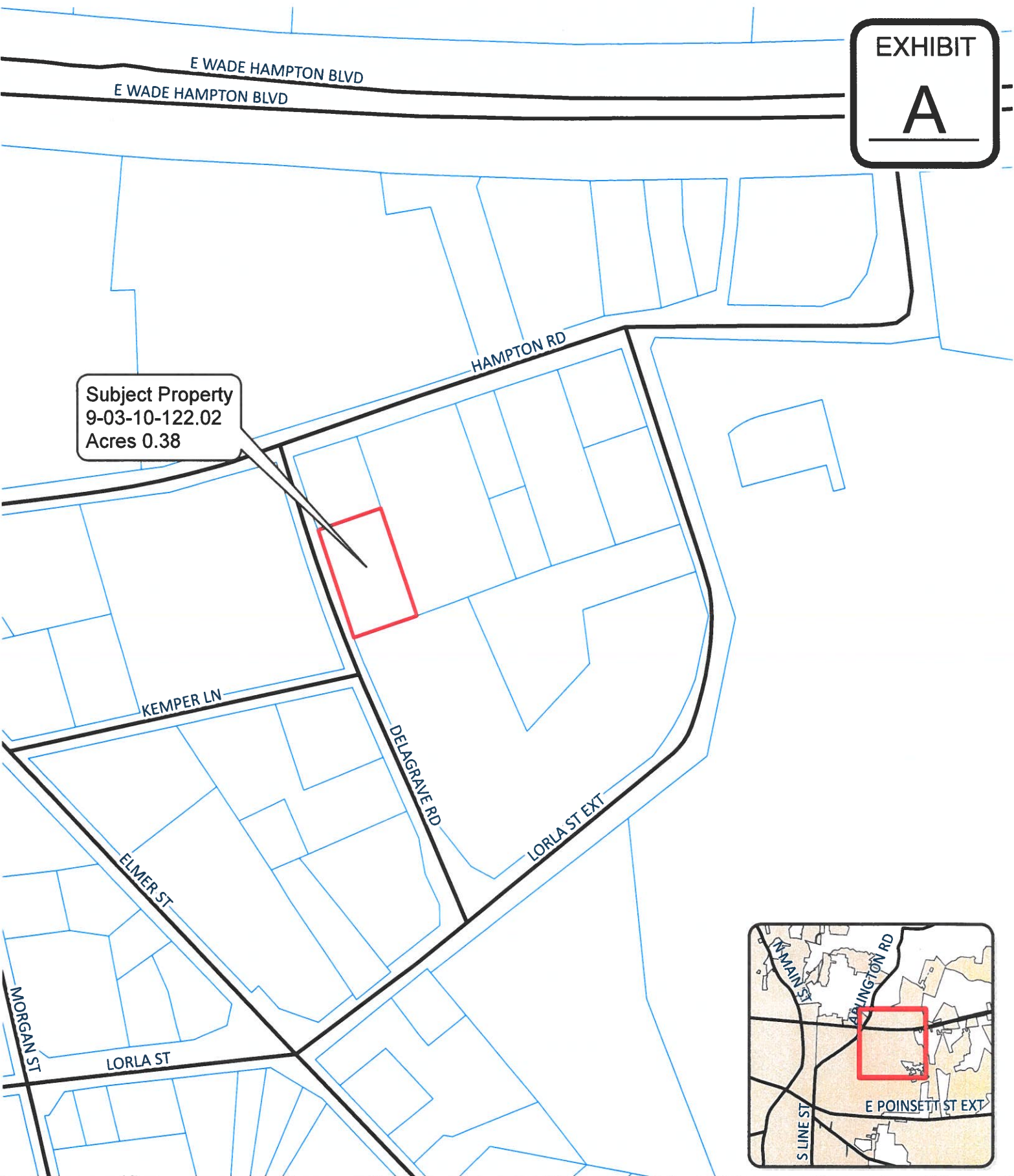
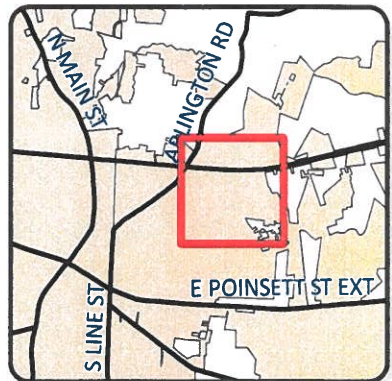

John B. Duggan, Esquire
City Attorney

EXHIBIT
A



Subject Property
9-03-10-122.02
Acres 0.38



Ordinance 33-2021



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.



Grantee's Address:

104 Circle Grove
Of Greer S.C. 29650

DEE-2017-30037



DEE BK 116-F PG 740-742

Recorded 3 Pages on 06/29/2017 09:32:18 AM
Recording Fee: \$10.00 County Taxes: \$148.50 State Taxes: \$351.00
Office of REGISTER OF DEEDS, SPARTANBURG, S.C.
Dorothy Earle, Register Of Deeds

Space above this line for recording information

STATE OF SOUTH CAROLINA

)

TITLE TO REAL ESTATE

COUNTY OF SPARTANBURG

)

KNOW ALL MEN BY THESE PRESENTS THAT, HAKIM NAQAWÉ herein referred to as Grantor for and in consideration of the sum of ONE HUNDRED THIRTY FIVE THOUSAND AND 00/100 (135,000.00) Dollars paid by ADELAIDA GARCIA, hereinafter referred to as Grantee in the State aforesaid, the receipt of which is hereby acknowledged, granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee, heirs, successors, and assigns forever:

ALL of that certain piece, parcel or lot of land in Beech Springs Township, County of Spartanburg, State of South Carolina, near the Town of Greer, being known and designated as .641 acres, more or less, at the corner of Hampton Road and Delgrave Street, with improvements thereon, as shown on a survey dated August 30, 2006 prepared by Chapman Surveying Co., Inc., entitled "SURVEY FOR HAKIM NAQAWÉ", and recorded in the ROD for Spartanburg County, SC in Plat Book 160 at Page 537, reference is hereby made to said plat for a more complete and accurate metes and bounds description thereof.

TMS#9-03-10-122.00

This being the same property conveyed to Hakim Naqawe by deed of Mobin Sayed Naqawe recorded 10/06/2016 in the ROD for Spartanburg County, SC In Deed Book 113P at Page 135.

This conveyance is made subject to all easements, conditions, covenants, restrictions and rights-of-way which are a matter of public record and/or actually existing upon the grounds affecting the above-described property.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the Grantee and the Grantee's heirs or successors and assigns forever.

AND THE GRANTOR does hereby bind the Grantor and the Grantors' heirs, successors or assigns, and personal representatives to warrant and forever defend all and singular said premises unto the Grantee and Grantee's heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the Grantors' hand and seals this 20th day of June, in the year of 2017

Signed, Sealed and Delivered
in the Presence of:

[Handwritten signature]

[Handwritten signature]

Hakim

Hakim Naqawe

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG *Greenville*

Personally appeared before me the undersigned witness and made oath that (s)he saw the within named Grantor sign, seal and as the Grantors' act and deed, deliver the within written deed and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

SWORN to before me this
20th day of June, 2017

[Handwritten signature]

Notary Public for the State of South Carolina
My Commission Expires: *12-29-20*

[Handwritten signature]

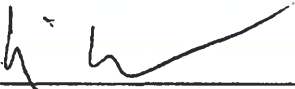


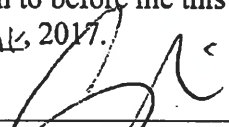
STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

AFFIDAVIT

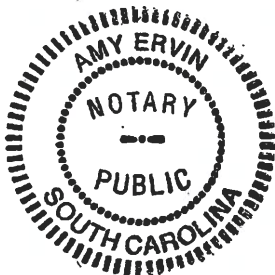
Now comes, Chris Alderson, having been duly sworn, does on oath declare that the subscribing witnesses to the signature of Hakim Naqawe certified to the notary, J. Darryl Holland, under oath or by affirmation that the subscribing witnesses are not parties to or beneficiaries of the transaction.

FURTHER AFFIANT SAYETH NOT!


_____ Chris Alderson

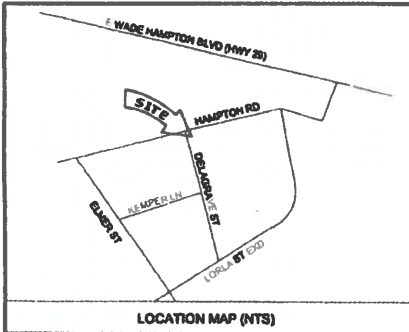
Sworn to before me this 27th day of July, 2017.


Notary Public for South Carolina
My Commission Expires: 12-31-13



EXHIBIT

C



© 2017 KEVIN W TOLLISON, PLS

This plat was prepared as a professional service for the exclusive use of the person, persons, or entity named within the header statement and/or title. Said statement does not extend to any unnamed person, persons or entity without the expressed written permission of Kevin W Tollison, PLS naming said person, persons, or entity.

Except as specifically shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate, easements, other than possible easements that were visible at the time of making this survey: building setback lines, restrictive covenants, subdivision restrictions, zoning or other land use regulations, and any other facts that an accurate and current title search may disclose.

LEGEND

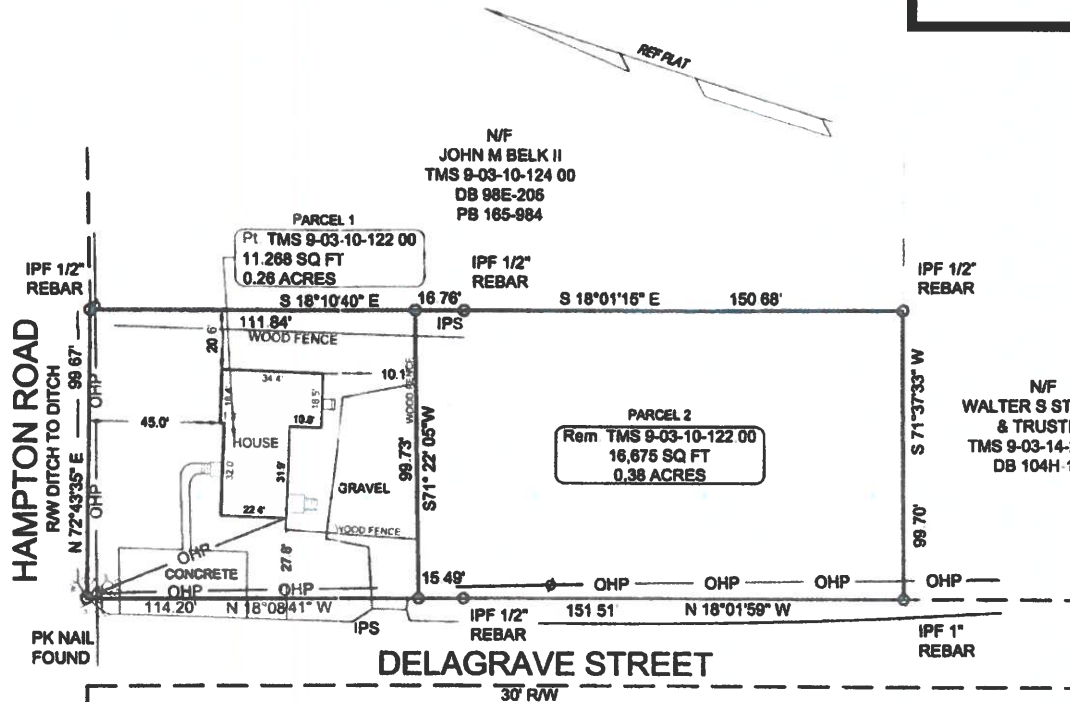
- X — FENCE
- ⊕ PP POWER POLE
- ⊙ SSMH SANITARY SEWER MANHOLE
- ⊙ IPS IRON PIN SET (1/2" REBAR)
- ⊙ IPF IRON PIN FOUND
- OHP — OVERHEAD ELECTRIC LINE

PLT 2018-15614



PLT BK 173 PG 946-946

Recorded 1 Pages on 04/11/2018 01:40:38 PM
 Recording Fee: \$10.00
 Office of REGISTER OF DEEDS SPARTANBURG S C
 Dorothy Earle Register Of Deeds



N/F
 JOHN M BELK II
 TMS 9-03-10-124 00
 DB 98E-206
 PB 165-984

N/F
 WALTER S STOVALL
 & TRUSTEE
 TMS 9-03-14-299 00
 DB 104H-152

APPROVED BY CITY OF GREER
 Approved for the recording in the office of the

County Register of Deeds

B. Blaine
 Director Building & Zoning or
 Planning & Zoning Coordinator

Date: 4-11-18

REVISIONS			
NO	DATE	DESCRIPTION	BY
1	2/26/2018	Revised Lot line	KWT



PLS KEVIN W TOLLISON
 PLS NO. 22747

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SEVERAL STATUTES MAKING FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 'A' SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO VISIBLE ENCUMBRANCES OR INTERFERENCES OTHER THAN SHOWN. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY AND APPLICABLE ZONING AND ENVIRONMENTAL CONDITIONS HAVE NOT BEEN CHECKED OR CONSIDERED AS A PART OF THIS SURVEY EXCEPT AS SHOWN HEREON.

KEVIN W TOLLISON, PLS
 PO BOX 1084
 SIMPSONVILLE, SOUTH CAROLINA 29681
 (864) 313-0192

REF PLAT BOOK	160-537
REF DEED BOOK	116-740
TAX MAP	9-03-10-122 00
PARTY CHIEF	RJ
DRAWN	KT
DATE	07/26/2017
PROJECT NO	217048

SURVEY FOR ADELAIDA GARCIA

CITY OF GREER
 SPARTANBURG COUNTY, SOUTH CAROLINA



SCALE IN FEET



PO Box 1084
 Simpsonville, SC 29681-1084
 Phone (864) 313-0192
 info@kwtassoc.com



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

Date 6/7/21

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

Tax Map Number(s) a-03-10-122.02
Property Address(s) 150 Delagrave St. Greer SC 29651
Acreage of Properties 0.38 County Spartanburg

Applicant Information	
Name	<u>Adelaida Garcia</u>
Address	<u>104 Circle Grove Ct. Greer, SC 29650</u>
Contact Number	<u>864 704 7920</u>
Email	<u>agarami59@gmail.com</u>

Property Owner Information <i>(If multiple owners, see back of sheet)</i>	
Name	<u>Adelaida Garcia</u>
Address	<u>104 Circle Grove Ct Greer, SC 29650</u>
Contact Number	<u>864 704 7920</u>
Email	<u></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 B-M1 to R-5.

Existing Use: Empty Lot Proposed Use: single-family residence

Signature(s)

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

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

See Reverse

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

DOCKET: RZ 21-12

APPLICANT: Adelaida Garcia

PROPERTY LOCATION: 150 DELAGRAVE ST

TAX MAP NUMBER: 9-03-10-122.02

EXISTING ZONING: RM-1, Residential Multi-family

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

SIZE: .38 acres

COMPREHENSIVE PLAN: Suburban Commercial

ANALYSIS: **RZ 21-12**

RZ 21-12 is a rezoning request to rezone a parcel located at 150 Delagrave Rd that consist of 0.38 acres from RM-1, Residential Multi-family to R-5, Garden/Patio Home to allow for the creation of two lots that will front Delagrave Rd.

Surrounding land uses and zoning include:

- North: RM-1, Residential Multi-family and C-3, Commercial – Single-family Residence and Nissan of Greer
- East: RM-1, Residential Multi-family – Apartment Complex
- South: C-3, Highway Commercial - Vacant
- West: C-2, Commercial – Overflow Parking for Nissan of Greer

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

The property backs up to an apartment complex on Hampton Rd and is near other single-family residential properties along Hampton Rd. This is an area where smaller lot, higher density housing is appropriate. In accordance with the guidelines set forth in the Comprehensive Plan and after a detailed study of the area, staff recommends approval of the R-5, Garden/Patio Home zoning request.

STAFF RECOMMENDATION: Approval

ACTION – Mr. Wright made a motion to approve RZ 21-12. Mr. Lamb seconded the motion. The motion carried with a vote of 6 to 0. The motion passed.