

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)
)
TOWN OF CLOVER)

ORDINANCE 19-13

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY TURNER FAMILY OF CLOVER, LLC, LOCATED AT 1116 HIGHWAY 55 EAST, WITH YORK COUNTY TAX MAP NUMBER 379-00-00-009; TO ESTABLISH A ZONING CLASSIFICATION OF B-2 HIGHWAY COMMERCIAL FOR SAID PROPERTY; AND TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2022 5-YEAR UPDATE TO PROVIDE FOR COMMERCIAL USE OF LAND AT THIS LOCATION.

WHEREAS, Petition on the part of Turner Family of Clover, LLC, the owner(s) of the property described below, has been filed with the Town of Clover by which the Town of Clover is requested to annex the tract of land which is located without the corporate limits of the Town of Clover, which is described on the plat attached to said Petition, and

WHEREAS, said Petition sets forth that the area to be annexed is contiguous to the incorporate limits of the Town of Clover or is contiguous to other property being annexed concurrently herewith, and, therefore, an area of land available for annexation, and

WHEREAS, at their September 19, 2019, meeting, the Clover Planning Commission reviewed the applicant's request for B-2 Highway Commercial zoning, found that while the requested zoning classification is not consistent with the Comprehensive Plan's Future Land Use Map, it was appropriate for said property, and

WHEREAS, the Planning Commission recommends that the Future Land Use Map be amended such that the Land Use Type for said property be changed from Neighborhood Mixed Use Center to Corridor Commercial and that said property be zoned B-2 Highway Commercial upon annexation, and

WHEREAS, as required by law, a public hearing on the zoning and Future Land Use Map amendment was held on the ____ day of _____, 2019.

NOW, THEREFORE, BE IT ORDAINED in Council duly assembled this ____ day of _____, 2019, as follows:

Section 1. That the following described platted land adjoining or touching the limits of the Town of Cover, having the address of **1116 HIGHWAY 55 EAST, CLOVER, SOUTH CAROLINA**, and having York County Tax Map No.: **379-00-00-009**, which is located in Kings Mountain Township, York County, South Carolina, is hereby added to, taken into, and made a part of the Town of Clover. Said area hereby annexed is described as follows:

DESCRIPTION

See Attached Exhibit "A."

Section 2. That the property described in Section 1 herein is being annexed pursuant to the authority of Section 5-3-150, Code of Laws of South Carolina for 1976, as amended.

Section 3. That on the taking effect of this ordinance the corporate limits and boundary line of the Town of Clover shall be changed and enlarged to include the area described in Section 1 above and such changes shall be made to the official Zoning Map of the Town of Clover.

Section 4. The above referenced property shall be zoned B-2 Highway Commercial.

Section 5. That this ordinance shall take effect and be in force from and after its final passage by the Town Council.

Section 6. That all ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 7. Also included in the territory annexed hereunder are all contiguous portions of all public rights of way, streets, and highways.

Section 8. The Future Land Use Map of the Town of Clover Comprehensive Plan 2022 5-Year Update is hereby amended such that the Land Use Type for the above referenced property be changed from Neighborhood Mixed Use Center to Corridor Commercial as set forth on the attached Exhibit B.

Mayor

Council:

(Town Seal)

Attest:

Town Clerk

First Reading: _____

Second Reading: _____



Annexation Staff Report for Town Council

Meeting Date: November 11, 2019

Location:	1116 Highway 55 East
Tax Map Number:	379-00-00-009
Acreage:	1.56
Owner:	Turner Family of Clover, LLC
Request:	Annex and rezone property from BD-III to B-2/COD
Proposed Development:	Commercial

Site Description

The subject property is a 1.56 acre tract that is partially developed with a single-family home that fronts SC Highway 55 East near the intersection with Green Pond Road. This parcel is outside the town limits and is zoned BD-III in York County. Surrounding land uses include single-family residential and commercial.

Explanation of Request

The applicant requests annexation and rezoning to B-2 Highway Commercial. The applicant plans to renovate the existing house into an office and build a automotive repair shop behind.

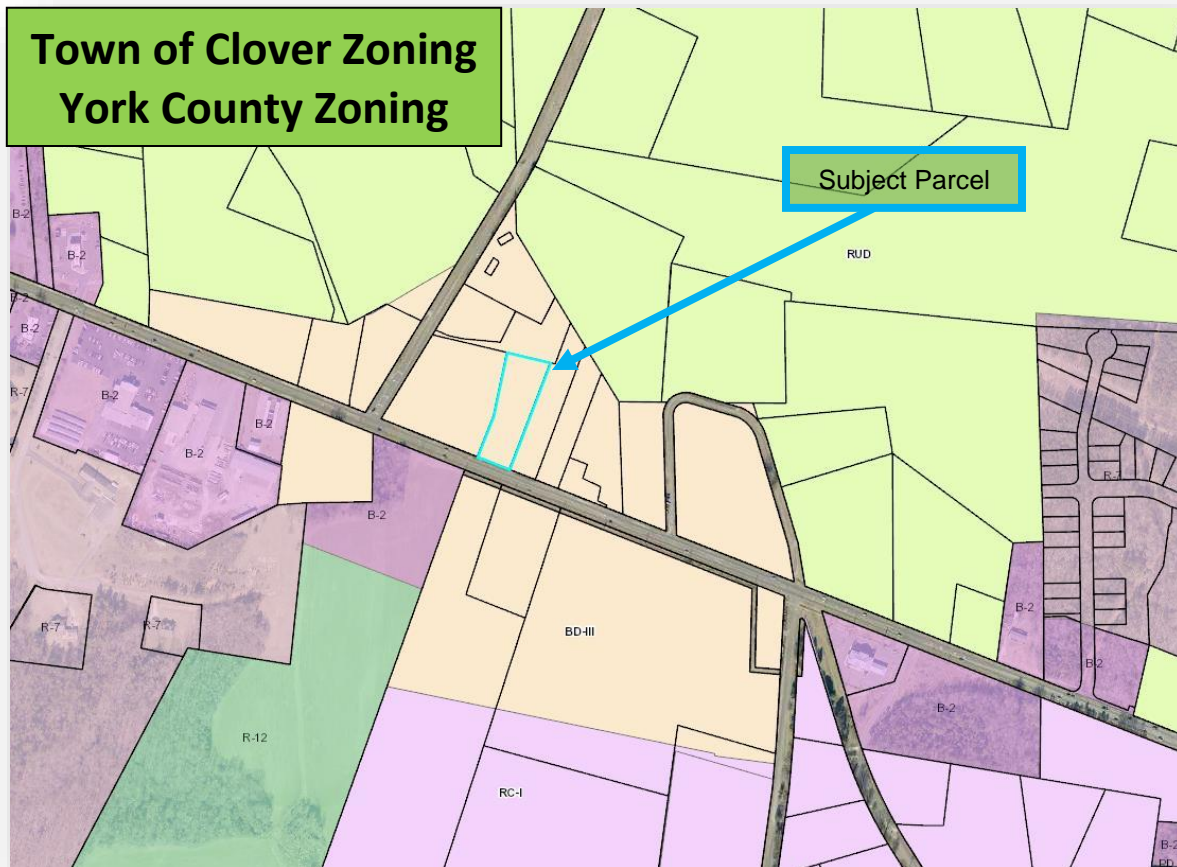
Per Section 1.6 of the Town's ZLDO, the Planning Commission shall review the petition in relation to the applicant's request for a specific zoning designation, if any; the town's Comprehensive Plan, present use, former property configuration; and surrounding development, and shall recommend an appropriate zoning classification.

Existing York County Zoning District:

Business Development III District (BD-III)

This district is intended to provide for areas within the county where "large scale" commercial and business development may occur. This district is designed to support county-wide or regional shopping centers and business complexes of greater magnitude than permitted by the BD-I and BD-II Districts. This district is designed to accommodate a wide range of business and commercial uses, generally clustered for "cumulative attraction" and optimum accessibility.

(For more detailed information, please refer to York County Zoning Code §155.145.)



Proposed Town of Clover Zoning District:

B-2 Highway Commercial District

The intent of this District is to provide for and promote the development and maintenance of commercial and business uses strategically located to serve the traveling public, the resident population and the larger region of which the Town is a part. Toward this end, a wide range of business and commercial uses are permitted in this District.

COD Corridor Overlay District

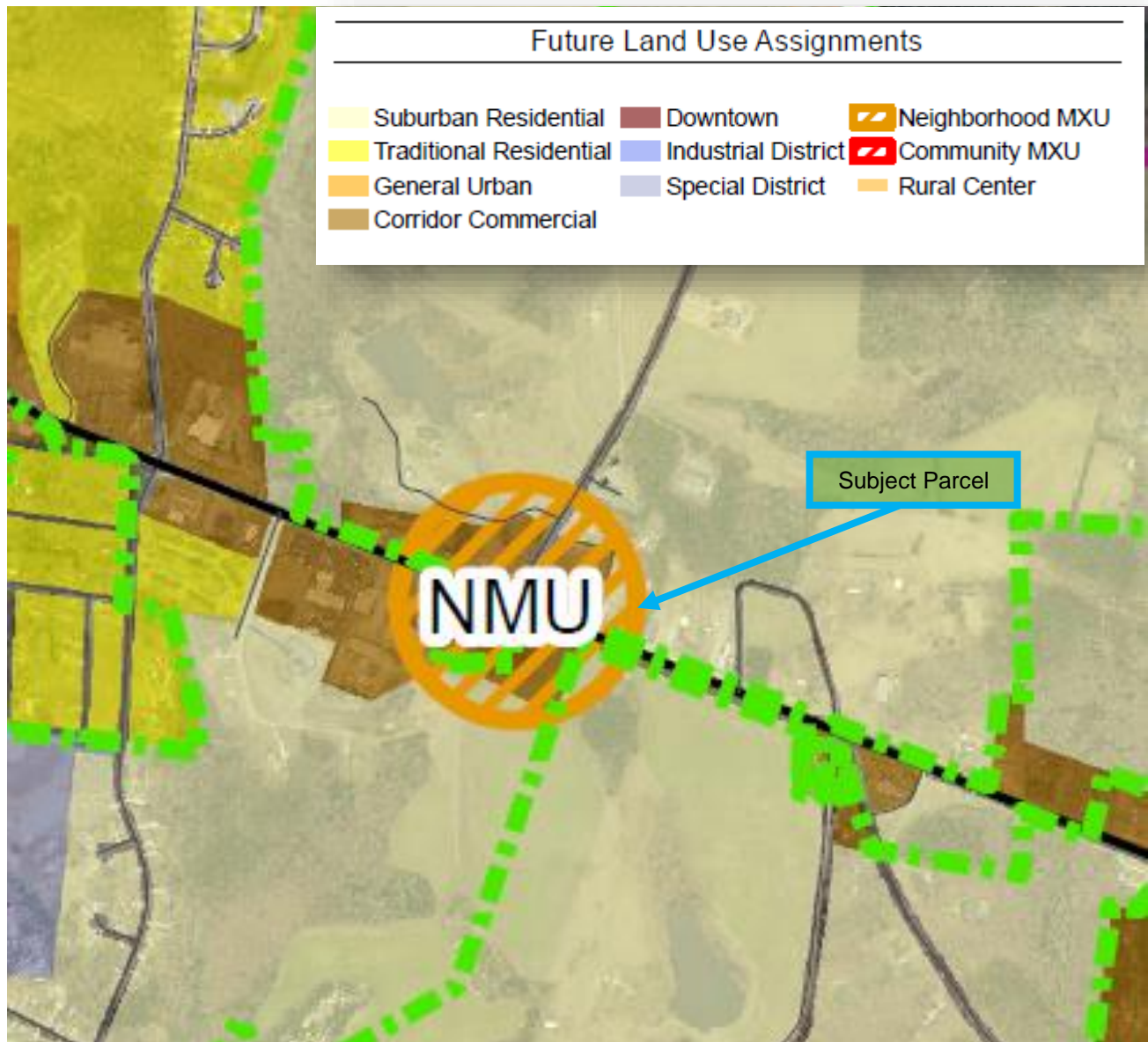
The intent of the Corridor Overlay District is to promote unified planning and development along the Town's major corridors, improve and enhance the aesthetic quality of land uses fronting on these corridors, and foster civic pride.

When applied to the Town's major traffic arteries—US 321 and SC 55—the intent of the district is further defined as providing for the preservation and protection of corridors where transportation improvements are scheduled to occur, and minimize the impacts associated with road widening and new road construction.

Comprehensive Plan/Future Land Use Plan Compliance

The Comprehensive Plan shows Suburban Residential as the future land use designation for the subject parcel as shown on the Future Land Use Map, Figure 13:

- Corridor Commercial - High intensity commercial uses that are typically auto-oriented such as grocery stores, fast food franchises, etc.
- Neighborhood Mixed Use Center – This intersection is identified as an opportunity for the development of pedestrian-friendly commercial and residential uses.
- Compatible Zoning Districts per Future Land Use Map Transition Table:
 - B-2, Highway Commercial district.



Staff Comments

The subject parcel has frontage on Bethel Street and has commercial uses on the west and residential to the east. Rezoning this tract to B-2 (Highway Commercial) is a reasonable request and actionable item for the Planning Commission provided that the Future Land Use Map is also amended to show Corridor Commercial in this location.

- Corridor Commercial - High intensity commercial uses that are typically auto-oriented such as grocery stores, fast food franchises, etc.

ZLDO Section 10.6 Findings of Fact

In its deliberations on a zoning change, the Planning Commission shall consider and report to Town Council all factors relevant to the petition including, but not limited to the following:

1. Compliance with the Comprehensive Plan;

The surrounding properties, which are located outside the town limits, are commercial and with some residential. There is also a significant tract across Highway 55 that is undeveloped. As stated above, the Comprehensive Plan shows the future development around the intersection of Green Pond Road to develop as pedestrian-friendly commercial and residential uses. The proposed use of this property is a auto repair center which does not exactly match up with “pedestrian-friendly” retail and service type businesses. However, such a use is not inconsistent with current uses in the area. The draft ordinance changes the Comprehensive Plans future land use map to Corridor Commercial which matches more precisely with the proposed use.

2. The potential for setting a precedent inconsistent with good zoning practice, i.e. spot zoning;

The annexation and zoning of this parcel is consistent with good zoning practices provided the Future Land Use map is updated.

3. The potential impact on traffic conditions and the carrying capacity of existing streets, and other public facilities including water and sewer, schools and the environment.

Water/Sewer Infrastructure

There is capacity for both water and sewer to accommodate this request. While the lines serving this area are nearing capacity, the anticipated usage from an auto repair show will be very low. The owner will have to bore under Highway 55 West to connect.

Roads

In 2018, the daily traffic count on Bethel Street just west of Main Street was 12,300 vehicles. The development of an auto repair business will not make a significant impact on commute times and congestion on Hwy 55 West.

Emergency Services

Any new growth (residential or commercial) adds work load and responsibility to emergency and other town services. However, Town of Clover Police and Fire departments are adequately equipped and staffed to provide services to this property.

Schools

A commercial business will not impact school population and will serve to increase the tax base to help fund education.

Economic Impact

The property currently has a tax value of \$10,032 which would generate approximately \$1,264 in property tax revenue if undeveloped. If the property is developed as planned, the estimated annual revenue increase for the town would be ~\$6,000 (not including building permit fees).

Attachments

- Annexation petition

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

BEFORE THE COUNCIL OF THE TOWN OF
CLOVER, SOUTH CAROLINA

In Re: Annexation of Property)
116 E. Hwy 55 (1116))
379-00-00-009)
(Property address and TMS#))

PETITION FOR ANNEXATION OF PROPERTY
OWNED BY:
Turner Family of Clover, LLC (William Turner, Jr.)
(Print name(s) of owner(s))

The undersigned respectfully petition the Council of the Town of Clover, South Carolina, and would respectfully show:

1. That this Petition is filed under Section 5-3-150, Code of Laws of South Carolina, 1976, as amended.
2. That a portion of the property hereinafter described is contiguous to the corporate limits of the Town of Clover, South Carolina, or contiguous to other property being annexed concurrently herewith.
3. That the undersigned is the sole owner of the tract of property described below and which is the subject matter of this Petition for Annexation.
4. That the undersigned is desirous of having the property described below which is owned by them as shown in the description annexed to and made a part of the Town of Clover, South Carolina, with all rights and responsibilities of citizenship of said Town.

DESCRIPTION

See Exhibit "A"

5. That a copy of the plat of the property of the tract described above is attached hereto and made a part of this Petition.

6. That the above described property be taxed by the Town of Clover upon approval of the annexation request by the Council of the Town of Clover.

WHEREFORE, the Council of the Town of Clover, South Carolina, is requested to afford to the undersigned the relief as herein expressed.

PROPERTY ADDRESS 1116 E. HWY 55
TAX MAP NUMBER 379-00-00-009

OWNER (S)

William C. Turner, Jr.
Signature

2/11/19
Date

William C. Turner, Jr.
Print Name

William C. Turner, Jr. 315 Green Pond Rd, Clover
Address

803 627 2895
Phone

billyturner123@aol.com
Email

WITNESS (ES)

[Signature]

Signature

Date

Print Name

Address

Phone

Email

Signature

Date

Print Name

Address

Phone

Email