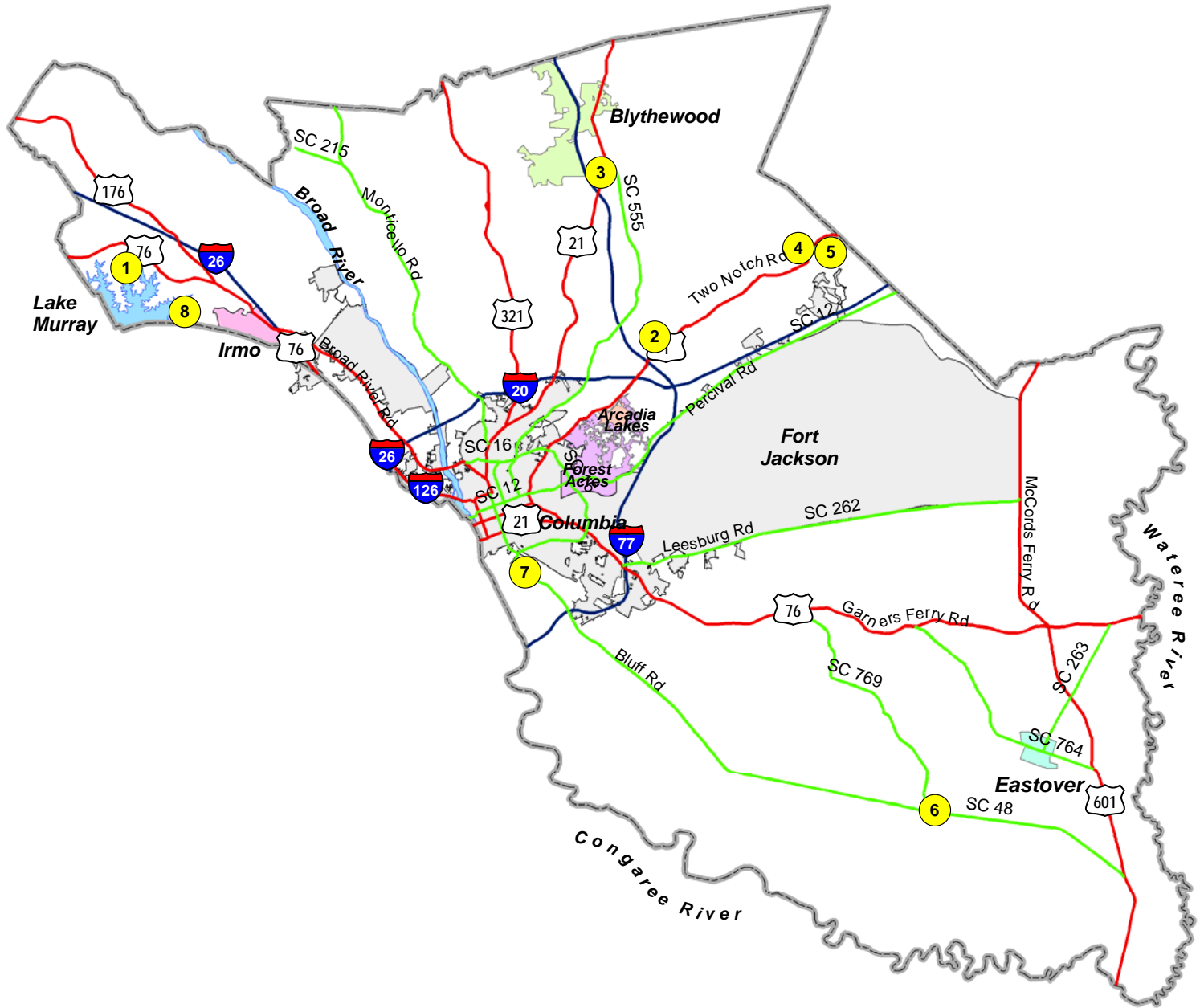


RICHLAND COUNTY
PLANNING COMMISSION



OCTOBER 4, 2004

RICHLAND COUNTY PLANNING COMMISSION OCTOBER 4, 2004



CASE NO.	APPLICANT	TMS NO.	ADDRESS	DISTRICT
1. 05-08 MA	The Village	01513-01-01/02	Richard Franklin Road	Corley
2. 05-10 MA	Rabon Road Storage Facility (Robert Fuller)	17115-01-08	241 Rabon Road	McEachern
3. 05-11 MA	Danielle E. Ream	15000-02-24	Wilson Blvd. (Hwy. 21) ½ mile north I-77	Tuten
4. 05-12(a) MA	Steve Rayl	25915-02-03	Lockman Road	Brill
5. 05-12(b) MA	Steve Rayl	29003-01-11	Vallenga Road	Brill
6. 05-13 MA	Robert Garrick	32400-06-01/56/58	1815 Bluff Road	Scott
7. 05-14 MA	Jeff Greene	11205-03-01/03	Corner of Bluff and Berea Road	Scott
8. 05-15 MA	Palmetto Developers of Columbia (Courtyards at Salem Place)	02314-01-04/24/25	South side of Salem Church Road	Corley

RICHLAND COUNTY PLANNING COMMISSION

Monday, October 4, 2004

Agenda

1:00 PM

**2020 Hampton Street
2nd Floor, Council Chambers**

STAFF: Michael P. Criss, AICP.....Planning Director
Anna Almeida Development Services Manager
Carl D. Gosline, AICPSubdivision Administrator
Amelia R. Linder, Esq.Assistant County Attorney

I. PUBLIC MEETING CALL TO ORDER Gene Green, Chairperson

Mark Nolt, SCDOT District Engineer – Presentation Regarding the Road Improvement Plans In The Longtown Road/Clemson Road/Killian Road Area

Executive Session Requested by the Legal Department

II. PRESENTATION OF MINUTES FOR APPROVAL

Consideration of the September 13, 2004 minutes

III. AGENDA AMENDMENTS

IV. OLD BUSINESS

Public Hearing Regarding Road Name Change
– Harris Lane to Zachery Lane

09

(MAP #) CASE #	(1) 05- 08 MA	Page
APPLICANT	The Village	11
REQUESTED AMENDMENT	RU & RS-1 to PUD-1R	(88 acres)
PURPOSE	Mixed Density Residential	
TAX MAP SHEET NUMBER (S)	01513-01-01/02	
LOCATION	Richard Franklin Road	

V. NEW BUSINESS - SUBDIVISION REVIEW

PROJECT #	NAME	LOCATION	UNITS	Page
SD-05-20	Rosecliff	Trotter Road Near Rabbit Run Rd TMS # 21900-09-03	74	27
SD-05-35	William Fowler Minor S/D	Timberlane Drive TMS # 13710-04-01/02/04	5	37
SD-05-21	Whitney Falls Phase M18-B	The Summit TMS # 23100-01-01 (p)	33	47

VI. NEW BUSINESS - ZONING MAP AMENDMENTS

(MAP #) CASE #	(2) 05 -10 MA	Page
APPLICANT	Rabon Road Storage Facility (Robert Fuller)	57
REQUESTED AMENDMENT	D-1 to C-3 (1.0 acres)	
PURPOSE	Mini-storage facility	
TAX MAP SHEET NUMBER (S)	17115-01-08	
LOCATION	241 Rabon Road	

(MAP #) CASE #	(3) 05 -11 MA	Page
APPLICANT	Danielle E. Ream	69
REQUESTED AMENDMENT	RU to C-3 (2.0 acres)	
PURPOSE	Doctor's Office	
TAX MAP SHEET NUMBER (S)	15000-02-24	
LOCATION	Wilson Blvd. (Hwy. 21) ½ mile north I-77	

(MAP #) CASE #	(4) 05 -12 (a) MA	Page
APPLICANT	Steve Rayl	79
REQUESTED AMENDMENT	RU to C-1 (0.66 acres)	
PURPOSE	Offices	
TAX MAP SHEET NUMBER (S)	25915-02-03	
LOCATION	Lockman Road	

(MAP #) CASE #	(5) 05 -12 (b) MA	Page
APPLICANT	Steve Rayl	91
REQUESTED AMENDMENT	RU to C-1 (0.46 acres)	
PURPOSE	Offices	
TAX MAP SHEET NUMBER (S)	29003-01-11	
LOCATION	Vallenga Road	

(MAP #) CASE #	(6) 05-13 MA	Page
APPLICANT	Robert Garrick	103
REQUESTED AMENDMENT	RU to C-3 (6.38 acres)	
PURPOSE	Retail, gas station, and related uses	
TAX MAP SHEET NUMBER (S)	32400-06-01/56/58	
LOCATION	1815 Bluff Road	

(MAP #) CASE #	(7) 05-14 MA	Page
APPLICANT	Jeff Greene	115
REQUESTED AMENDMENT	C-3/M-2 to C-3 (1.8 acres)	
PURPOSE	Multi-family High Rise Residential	
TAX MAP SHEET NUMBER (S)	11205-03-01/03	
LOCATION	Corner of Bluff and Berea Road	

(MAP #) CASE #	(8) 05-15 MA	Page
APPLICANT	Palmetto Developers of Columbia (Courtyards at Salem Place)	125
REQUESTED AMENDMENT	RU to PUD-1R (19.2 acres)	
PURPOSE	Single family zero lot line residential s/d	
TAX MAP SHEET NUMBER (S)	02314-01-04/24/25	
LOCATION	South side of Salem Church Road	

VII. ROAD NAME APPROVALS

- a. New Road Name Approvals **141**

VIII. OTHER BUSINESS

- a. Consideration of text amendments to the **current** Chapter 26 of the County Code (Zoning) regarding off-site parking for churches **143**
- b. Consideration of text amendments to the **current** Chapter 22 & 26 of the County Code (Zoning and Land Development Regulations) regarding permitting cluster housing in residential zoning districts by right subject to certain conditions
- c. Consideration of text amendment to the **current** Chapter 26 of the County Code (Zoning) to clarify the PUD process and eliminate the PUD-2 district

IX. PLANNING DIRECTOR'S REPORT

X. ADJOURNMENT

Public Hearing **Proposed Zachary Lane**

Richland County Planning & Development Services has received a petition to rename Harris Lane, a private dirt road off North Melton Road, located in the Blythewood area of Richland County. The proposed street name for consideration is **Zachary Lane**. The street name will come before the RC Planning Commission Board for approval on September 13, 2004. If you have any questions or comments, please contact our E-911 Addressing office @ (803) 576-2147.

8/19/2004

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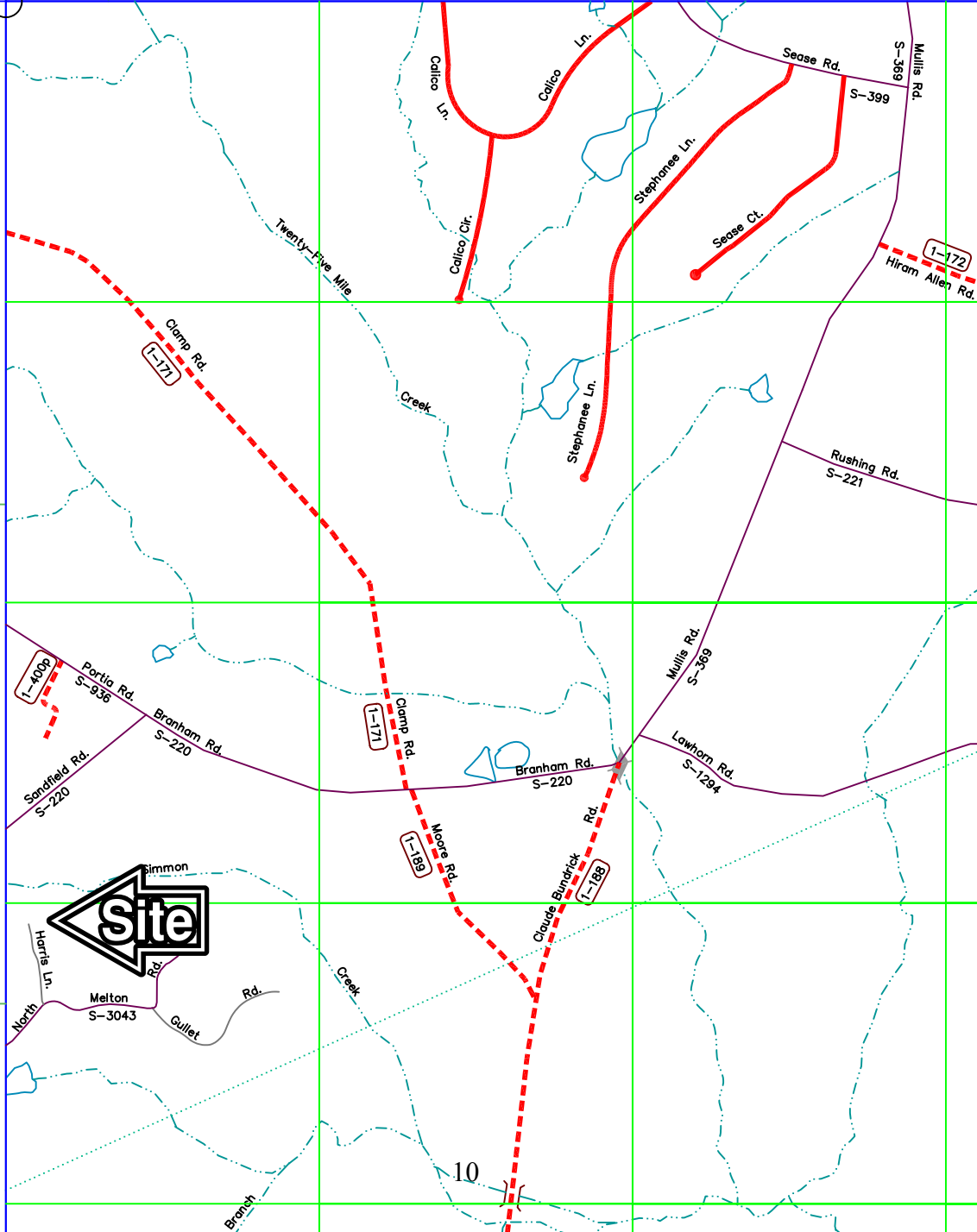
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S.C. GRID
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10



Clump Rd.
1-171

1-40p

Portia Rd.
S-936

Branham Rd.
S-220

Sandfield Rd.
S-220

Clump Rd.
1-171

Moore Rd.
1-158

Branham Rd.
S-220

Claude Bimerick Rd.
1-188

Mullis Rd.
S-369

Lawhorn Rd.
S-1294

Collico Ln.

Collico Ln.

Stephonee Ln.

Stephonee Ln.

Twenty-Five Mile
Creek

Creek

Creek

Branch

Sease Rd.
S-399

Sease Ct.

1-172
Hiram Allen Rd.

Rushing Rd.
S-221

Mullis Rd.
S-369

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

Sept 13, 2004

RC Project # 05-08 MA	Applicant: Shumaker Homes
General Location: SW corner of Johnson Marina Rd & Richard Franklin Rd	
Tax Map Number: 01513-01-01/02	Subject Area: 87 ac MOL
Current Parcel Zoning: RU & RS-1	Proposed Parcel Zoning: PUD-1R
Proposed Use: 279 DU Mixed Density S/D	PC Sign Posting Date: 3 rd week August 2004

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. Specifically, the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

- a) The need and justification for the changes.
- b) The effect of the change, if any, on the property and on surrounding properties.
- c) The amount of land in the general area having the same classification as that requested.
- d) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Policies of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

The applicant wishes to develop a residential community with different four different densities

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU & RS-1	Undeveloped woodlands
Adjacent North	RU	Undeveloped woodlands
Adjacent East	PUD-1R	Lakeside @ Ballentine
Adjacent South	RU	Large lot single family residential and Love Valley S/D
Adjacent West	RU	Undeveloped woodlands

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas</p>	<p><u>Proposed PUD-1R Designation Intent</u> Intended to accommodate primarily residential uses, with nonresidential uses integrated into the design of such districts as secondary uses</p>
<p><u>RS-1 Zoning Designation Intent</u> Single family detached residential</p>	
<p><u>Existing RU Zoning Permitted Uses</u> All farm type enterprises Public buildings and utilities Orphanages, nursing homes and the like Places of worship Educational facilities One & Two family dwellings</p>	<p><u>Proposed PUD-1R Zoning Permitted Uses</u> Single family Detached Residences (ch. 26-63) Multi-family Residences (ch. 26-64) Office and Institutional (ch. 26-65) Neighborhood Commercial (ch. 26-66) General Commercial (ch. 26-67) Light Industrial (ch. 26-68) Heavy Industrial (ch. 26-69)</p>
<p><u>Existing RS-1 Zoning Permitted Uses</u> Single family detached residential</p>	<p>In The Amounts Specifically Identified & Located In The General Development Plan</p>

The land uses above represent a summary of the permitted uses in Chapters 26-61, 26-63 & 26-70, respectively of the County Code. Some Special Exception uses are also possible.

The gross density of the proposed project is 3.2 DU/acre. The Villages of Ballentine is across Richard Franklin Rd. The project is compatible with the adjacent residential development.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2007. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Johnson Marina Rd via Rich. Franklin Rd	
Functional Classification Of This Roadway	Two lane undivided collector	
Level-Of-Service C Design Capacity (V/C = 1.00)	8600	
Estimated Traffic Generated By The Proposed Project	2651	
Current Volume At The Nearest Count Station # 637 Located @ just north of Richard Franklin Rd	3100	
Estimated Traffic Count With the Proposed Project	5751	
Volume-To-Capacity Ratio With The Proposed Project	0.67	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rates presented on pages 9 through 11 of the Addendum To The Long Range Major Street Plan for Richland County, October 1993, i.e., 9.5 average daily trips per single family detached dwelling

The current traffic counts were received from SCDOT on May 25, 2003 and represent the Annual Average Daily Trips in 2003 i.e. **they are already more than one year old.**

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

The proposed project will not result in the LOS C of Johnson Marina Road being exceeded. However, if other currently planned projects are completed as projected, the LOS C will be exceeded in the next 2-3 years.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 3 mile radius of a fire station.

Relationship To Comprehensive Plan

In order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]

Section 6-29-710, SC Code of Laws states "...The regulations (*i.e., zoning and other land development regulations*) must be made in accordance with the comprehensive plan for the jurisdiction and be made with a view to promoting the purposes set forth in this chapter..." The Department interprets this provision to mean that if either the existing, or proposed zoning, is not consistent with the land use designation on the Northwest Subarea Proposed Land Use Map, the Map should be amended through the statutory comprehensive plan amendment process.

The Proposed Land Use Element Map (Map) of the Northwest Subarea Plan was amended on May 3, 1999 as part of the Plan adoption process. The Map designates the subject area as Low Density Residential. The proposed Zoning Map Amendment is consistent with this land use designation.

In addition to reviewing the consistency with the Proposed Land Use Map, it is necessary to review the Comprehensive Plan's development policies, as found in the Subarea Plans, to determine if the proposed amendment furthers the Objectives and Recommendations of the Comprehensive Plan as found in the Subarea Plans. The Northwest Subarea Plan, adopted in September 1993, contains such as the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 29 and 36 respectively, are discussed below:

Objective – Promote a variety of residential densities for the development of affordable, quality housing while blending with the character of the surrounding area

The subject project will have 16 % of the area in 3/4 acre lots; 33 % in 12,000 sq. ft. lots; 21 % in 8500 sq. ft. lots; 14 % in 5000 sq. ft. lots; and 16 % of the area in open space. The proposed Amendment implements this Objective.

Principle – Mixed residential densities are appropriate within the Developing Urban Area and should conform to the Proposed Land Use Map

See the discussion above. The proposed Amendment implements this Principle.

Other Relevant Issues

It could be argued that the subject project is **not** in conformance with the PUD intent statement found in Chapter 26-70.2 which states “...the PUD-1R district is intended to accommodate primarily residential uses, with non-residential uses integrated into the design of such districts as secondary uses...” While the proposed project does not include any non-residential land uses in the general sense of the term, it does have three recreation areas within the overall Village project. The commitment for 5.3 acres of on-site recreation facilities provides an amenity that is not present in most residential development.

The applicant estimates that the project will be completed by 2010. A more detailed phasing plan should be provided early in the subdivision process.

Article VII, Section 2 of the proposed Bylaws should be revised to be more specific that proposed structures must comply with the County Building Code, zoning regulations and subdivision regulations in addition to receiving Architectural Review Board approval. For example, no building permits are issued in the Harborside portion of Lake Carolina without the Lake Carolina Development Co. approval of the site plan. Experience has shown that the sequence of approvals and specific authority of the ARB and the County in these matters must be clearly stated so that all parties are aware of their responsibilities.

The Department suggests that Article VII, Section 8 of the Bylaws be amended to include conformance with the minimum addressing standards of the E-911 system. Proper address identification is critical to ensure provision of public safety services.

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDSD) recommends the Official Zoning Map designation for the parcels included in Project # 05-08 MA **be changed** from RU & RS-1 to PUD-1R, subject to the conditions described below)

Findings of Fact:

1. The applicant has provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment **is compatible with** the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Johnson Marina Rd at this location will not be exceeded.
4. The proposed Amendment **is consistent with** Proposed Land Use Map designation in the Northwest Subarea Plan.
5. The proposed Zoning Map Amendment **is consistent with** the Objectives and Recommendations of the Northwest Subarea Plan discussed herein.

6. The Planning Commission hereby approves The Village General Development Plan, subject to the conditions listed below, as required by Chapter 26-70.15 of the County Code.
7. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

PUD Conditions

- a) The site development shall be limited to a total of 279 dwelling units in the densities and locations depicted in The Village General Development Plan (Attachment B); and
- b) A phasing plan must be approved by the Department prior to accepting any construction plans for review; and
- c) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the Planning and Development Service Dept. (PDSD); and
- d) Approval of Attachment B shall constitute approval of the Sketch Plan for subdivision purposes; and
- e) The provisions of Sections 26-70.7; 26-70.8; 26-70.10; 26-70.11; and 26-70.12 are exempted from application to this project; and
- f) No Special Exceptions, as defined in Chapter 26-602, et. seq., of the County Code, or its relevant successor regulations, shall be permitted; and
- g) The Planning Commission is hereby authorized to make minor amendments to the Attachment B, or other relevant portions of the provisions of Chapter 26-70.17, or its relevant successor regulations, of the County Code; and
- e) Any increase in the number of access points to the external road network, any decrease in the amount of open space/common areas, and/or any increase in the gross project density, shall require a review and recommendation by the Planning Commission and a new ordinance by the County Council; and
- f) **No site clearing activity shall begin until the PSDS issues a Controlled Clearing Certificate;** and
- h) Access to the subject site shall be limited to two intersections on Johnson Marina Road and two intersections on Richard Franklin Road within the project; and
- i) The developer shall be required to construct any necessary turn lanes for the project on both Roads; and
- j) The applicant shall construct a landscaped berm, fence, wall, or some combination thereof, to ensure that no parcel in the project will have direct access onto Johnson Marina or Richard Franklin Roads; and
- k) All internal streets shall be owned and maintained by the County; and
- l) Other conditions resulting from the Commission consideration?
- m) The applicant has submitted a draft description of proposed procedures of any homeowners association or other group maintenance or group ownership features for the Department's and inclusion in the project records; and
- n) The County shall not be responsible for enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest.

SECTION III PLANNING COMMISSION ACTION
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Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

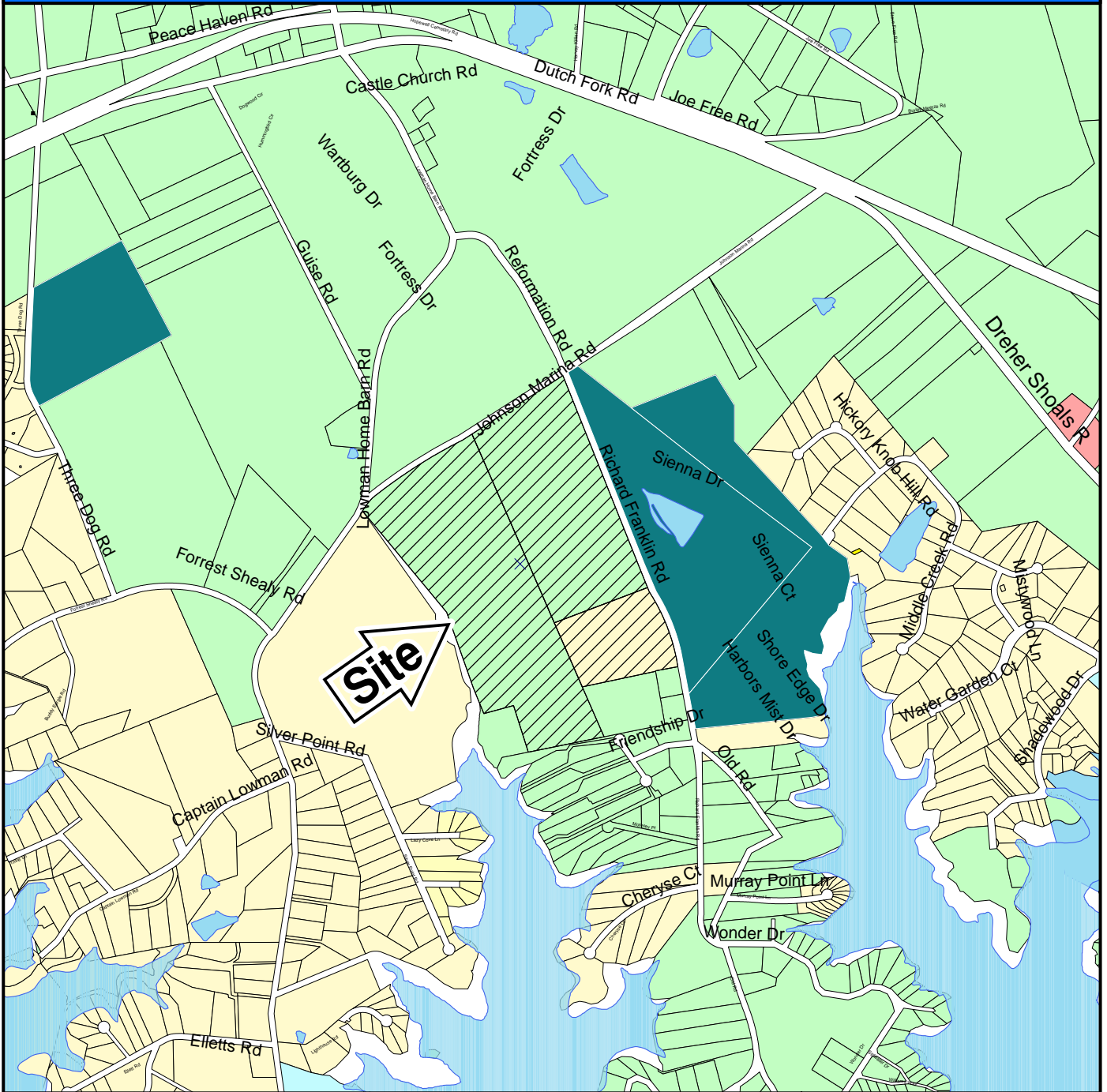
At their meeting of September 13, 2004, the Richland County Planning Commission agreed (**did not agree**) with the PDSO recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 05-08 MA at the next available opportunity.

Commission Findings of Fact/Recommendations




















(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)

In consideration of the proposed Zoning Map Amendment # 05-08 MA, the Planning Commission made the findings of fact summarized below:

CASE 05-08 MA RU & RS-1 to PUD-1R



ZONING CLASSIFICATIONS

 C-1	 D-1	 MH-1	 PDD	 RG-2	 RS-2
 C-2	 M-1	 MH-2	 PUD	 RR	 RS-3
 C-3	 M-2	 MH-3	 RG-1	 RS-1	 RU
					 SUBJECT



**CASE 05-08 MA
RU & RS-1 to PUD-1R
TMS 01513-01-01/02**

Site



CASE 05-08 MA

From RU & RS-1 to PUD-1R

TMS# 01513-01-01/02

Johnson Marina & Richard Franklin Roads



Interior of site



Looking across Richard Franklin Rd. from site

Attachment A
CASE 05-08 MA

All that certain piece, parcel or tract of land, situate, lying and being in the County of Richland, State of South Carolina, and containing 46.85 acres, more or less, as shown on a plat prepared for Shumaker Homes by Associated E & S, Inc., dated July 12, 2004, and recorded in the Office of the Register of Deeds for Richland County in Record Book 956 at Page 2936. Said parcel, according to said plat, has the following metes and bounds:

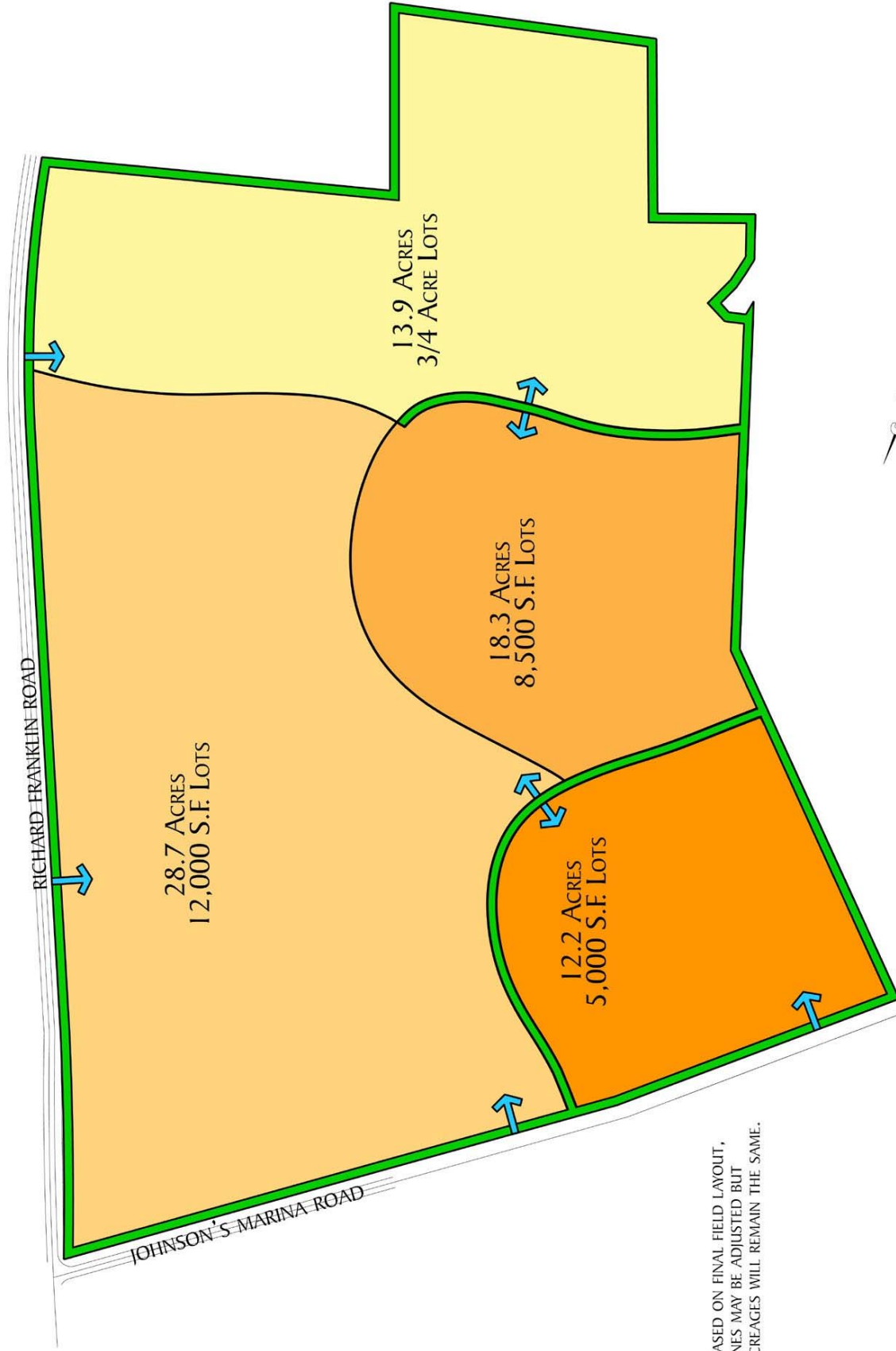
Beginning at an old iron located on the southeastern side of Johnson's Marina Road, which point is located 853 feet from Richard Franklin Road and from said old iron running along property of Lakewood Church S19-30-26E for a distance of 1,385.36 feet to an old iron; thence turning and running along Parcel B-3 of Erin Welti S19-25-09E for the distance of 267.97 feet to an old iron; thence continuing along Parcel B-2 of Erin Welti S19-25-09E for the distance of 266.23 feet to an old iron; thence continuing along Parcel B-1 of Erin Welti S19-25-09E (same as N19-25-09W) for the distance of 272.64 feet to an old iron; thence turning and running along property now or formerly of Matthews S19-19-35E for the distance of 419.42 feet to an old iron; thence turning and running along property now or formerly of Barwick S76-01-46W for a distance of 623.71 feet to an old iron; thence turning and running along property now or formerly of Melton as follows: N12-17-19W for the distance of 24.45 feet to an old iron, N18-11-34W for the distance of 354.45 feet to an old iron and S75-59-51W for the distance of 229.49 feet to an old iron; thence turning and running along the 360 degree contour line of Lake Murray as follows: N18-21-29W for the distance of 101.93 feet to an old iron, N12-25-39E for the distance of 35.48 feet to an old iron, N14-50-00E for the distance of 38.80 feet to an old iron; N25-17-58E for the distance of 49.90 feet to an old iron; N61-13-02W for the distance of 27.29 feet to an old iron, S77-43-58W for the distance of 38.80 feet to an old iron, and S11-07-29W for the distance of 34.47 feet to an old iron; thence turning and running along property now or formerly of Lowman Home as follows: S18-07-52E for the distance of 64.98 feet to an old iron, N14-30-01W for the distance of 259.95 feet to an old iron, N14-35-29W for the distance of 450.04 feet to an old iron and N14-32-25W for the distance of 892.53 feet to an old iron located on the southeastern edge of the right of way of Johnson' Marina Road; thence turning and running along the southeastern edge of the right of way of Johnson's Marina Road as follows: N48-39-41E for the distance of 69.25 feet, N49-31-30E for the distance of 199.11 feet, N50-48-05E for the distance of 198.67 feet, N53-34-54E for the distance of 198.69 feet, and N54-53-34E for the distance of 500.11 feet to an old iron, the Point of Beginning.

Reference to said plat is made for a more complete and accurate description.

All that certain piece, parcel or tract of land, situate, lying and being in the County of Richland, State of South Carolina, and containing 41.63 acres, more or less, having the following metes and bounds:

Beginning at an iron pin located at the southern corner of the intersection of Johnson's Marina Road (Road S-40-618) and Richard Franklin Road (Road S-40-1333) and running along the southwestern edge of the right of way of Richard Franklin Road (Road S-40-1333) as follows: S22-44-50E for a distance of 1,158.22 feet to an iron pin, S22-40-33E for a distance of 158.55 feet, then in a curved line S22-01-14R the chord distance of 111.13 feet, then continuing in a curved line S18-04-17E the chord distance of 265.70 feet and then continuing on a curved line S12-35-56E the chord distance of 271.49 feet to an iron pin; then turning and running property now or formerly of Kuzuk as follows: S75-58-34W for the distances of 8.00 feet and 209.21 feet; then turning and running along property now or formerly of Matthews S76-05-33W for distance of 567.06 feet to an iron pin; thence turning and running along property formerly of Slice and Meetze (now of Shumaker Homes, Inc. N19-25-09W for the distances of 272.64 feet, 266.23 feet and 267.97 feet to an iron pin; then continuing along property formerly of Slice and Meetze (now of Shumaker Homes, Inc. N19-30-26W for a distance of 1,385.36 feet to an iron pin located on the southeastern edge of the right of way of Johnson's Marina Road (Road S-40-618); then turning and running along the southeastern edge of the right of way of Johnson's Marina Road (Road S-40-618) N54-56-26E for a distance of 759.52 feet to the Point of Beginning.

Attachment B CASE 05-08 MA



THE VILLAGE GENERAL DEVELOPMENT PLAN SHUMAKER HOMES, INC. July 30, 2004

NOTE: BASED ON FINAL FIELD LAYOUT,
LINES MAY BE ADJUSTED BUT
ACREAGES WILL REMAIN THE SAME.

LEGEND	AREA	% of AREA	# of UNITS
Estate Lots	13.9 Acres	16%	19
RS-1 Low Density (12,000 SF)	28.7 Acres	33%	104
RS-2 Medium Density (8,500 SF)	18.3 Acres	21%	94
Medium Density Patio Homes (5,000 SF)	12.2 Acres	14%	62
Parks, Open Space, and Buffer	13.9 Acres	16%	
TOTALS	87.0 Acres	100%	279

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION SUBDIVISION STAFF REPORT**

October 4, 2004

Applicant: Dennis Avery		Preliminary Subdivision Plans For: Rosecliff	
RC Project # : SD-05-20			
General Location: Trotter Road near Rabbit Run Rd			
Tax Map Number: 21900-09-03		Current Zoning: RS-2	
Subject Area: 20.4 acres	Number of Units: 74	Gross Density: 3.6 DU/acres	
Sewer Service Provider: City of Columbia		Water Service Provider: City of Columbia	

SECTION I – ANALYSIS

The Planning Commission's involvement in the subdivision process is mandated by state law and the County Code. More specifically, Section 6-29-540, SC Code of Laws states that after adoption of the Comprehensive Plan "...no new street, structure, utility, square, park or other public way, grounds or open space or public buildings for any use, whether publicly or privately owned, may be constructed or authorized...until the location, character, and extent of it have been submitted to the planning commission for review and comment as to the compatibility of the proposal with the comprehensive plan..." It is the Department's position that compatibility is determined by analyzing the Proposed Land Use Maps, Objectives and Recommendations of the existing Subarea Plans and the Goals and Principles in Chapter IV of the Imagine Richland 2020 Comprehensive Plan.

Chapter 22-10 of the Richland County Code currently requires the Planning Commission to approve preliminary plans, final plats and minor subdivisions. Chapter 22-10 (b) defines a minor subdivision is one that does "... not involve the construction, or opening, of new streets, water or sewer facilities, storm drainage systems, or improvement to existing streets...." Chapter 22-76 requires Planning Commission approval of private driveway subdivisions, i.e., a property division for a maximum of 7 lots for immediate family members. Pursuant to Section 6-29-1150, SC Code of Laws, the Planning Commission is the final authority in subdivision matters.

In order to provide the Planning Commission with enough information to ensure compliance with these laws, the staff report will:

- Analyze the impact of the proposed project on the adjacent county or state roads
- Describe the existing conditions of the subject site
- Analyze the land use compatibility of the proposed project with the surrounding area
- Identify the project's relationship to the relevant principles of the Comprehensive Plan

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these levels-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2009. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Trotter Road	
Functional Classification Of This Roadway	Two lane undivided collector	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	8600	
Estimated Traffic Generated By The Proposed Project	703	
Current Volume At The Nearest Count Station # 565 Located @ south of Padgett Road	3900	
Estimated Traffic Count With the Proposed Project	4603	
Volume-To-Capacity Ratio With The Proposed Project	0.54	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rate presented on pages 9 of the Addendum To The Long Range Major Street Plan for Richland County, adopted by the County in October 1993 and used in the CMCOG long range transportation planning process.

The current traffic counts were received from SCDOT on May 25, 2004 and represent the Annual Average Daily Trips in 2003, i.e. **they are already more than one year old.**

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

The proposed project will not result in the LOS C being exceeded at SCDOT count station 565.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 2 mile radius of a fire station.

School Impacts

Based on information provided by the District 2 School Board office *, the Department estimates the proposed subdivision will generate the additional school age children described below:

Elementary School @ 0.20 students per single family DU	15
Middle School @ 0.13 students per single family DU	10
High School @ 0.12 Students per single family DU	9

* All Districts assumed to have the same generation rate – rounded to nearest whole number

Existing Site Conditions

The site is fairly flat with some open field and young pine trees along Rabbit Run Road. The City of Columbia has water and sewer service available to the area

Compatibility with the Surrounding Area

The site is across Rabbit Run Road from the Myers Creek subdivision. Another subdivision is across Trotter Road from the subject site. The project is compatible with the adjacent development.

Discussion of Applicable Comprehensive Plan Issues

It is the Department’s position that in order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed subdivision based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]. The County Council amended all the Proposed Land Use Maps by Subarea on May 3, 1999 as part of the Comprehensive Plan adoption process.

The subject site is designated as Residential on the Lower Richland Subarea Plan Proposed Land Use Map. The proposed project is consistent with this land use designation.

In addition to reviewing proposed project for consistency with the appropriate Subarea Proposed Land Use Map, it is the Department’s position that the development policies found in the Subarea Plans, must be analyzed to determine if the proposed project furthers the Objectives and Recommendations of the Comprehensive Plan. The Lower Richland Subarea Plan, adopted in January 1992, contains policy guidance that is relevant to the subject subdivision. The relevant Objectives and Principles, found on pages 33 and 40 respectively, are discussed below:

Objective – Vary residential densities and development according to the character of the area

The proposed project is approximately the same density as the adjacent Myers Creek subdivision. The proposed project implements this Objective.

Principle –Moderate to low level densities (maximum of 9.0 DU/acre) are appropriate within the Developing Urban area.

The subject project has a density of 3.6 DU/acre. This project implements this Principle.

Other Pertinent Factors

- 1) As of September 15, 2004, the Public Works Dept. had not approved the stormwater management plans.
- 2) As of September 15, 2004, approval of the flood elevation statement had not been received.
- 3) As of September 15, 2004, the County Fire Marshal had not provided comments.
- 4) As of September 15, 2004, the City of Columbia had not approved the water and sewer line construction plans.
- 5) As of September 15, 2004, DHEC had not issued a sewer line construction permit.
- 6) As of September 15, 2004, DHEC had not issued a water line construction permit.
- 7) As of September 15, 2004, the E-911 Coordinator had not certified Planning Commission approval of the proposed street names.

All applicants must be aware that the current Code County has strict requirements about not selling lots, or negotiating the sale of lots within subdivisions before the plat is recorded. Specifically, Section 22-71 (a) of the Code states “...Whoever, being the owner or agent of the owner of any land located within a subdivision, **transfers or sells, agrees to sell or negotiates to sell any land by reference to, or exhibition of, or by other use of a plat of a subdivision, before that plat has been approved by the planning commission and recorded in the office of mesne conveyance (*Register of Deeds*), shall be guilty of a misdemeanor.** The description of any such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring that lot or parcel shall not exempt the transaction from those penalties or remedies herein provided. The county may enjoin such transfer, sale, or agreement by appropriate action...”

The applicant must present a phasing plan for the whole project prior to approval of any plats for recording. The phasing is necessary to allow adequate notice to schedule the public infrastructure facilities needed to support the project.

The Department believes that a potential safety hazard exists when subdivision lots have double frontage, i.e., access to both the interior residential streets and the adjacent roadways. Therefore in order to promote adequate pedestrian and vehicular safety in subdivisions as required by state law, it is necessary to ensure such lots have access only from the interior residential streets. To this end, the developer shall install a fence, wall, landscape berm, or combination thereof, to prohibit direct access to Rabbit Run Road from lots 42 through 47 and lot 1 and to Trotter Road from lot 20.

SECTION II – STAFF RECOMMENDATION

Based on the findings of fact summarized below, the Planning and Development Services Department (PDSD) recommends conditional approval of the preliminary subdivision plans for a 74 unit single family detached subdivision, known as Rosecliff (Project # SD-05-20). **The preliminary plans are not officially approved until there is substantial compliance with all relevant requirements of the Richland County Code of Ordinances and the Specific Conditions identified below:**

Findings of Fact

1. The traffic generated by the proposed subdivision will not result in the adjacent portion of Trotter Road operating below a LOS C capacity.
2. The proposed subdivision is compatible with existing development in the area.
3. The proposed project is consistent with the Lower Richland Subarea Plan Map land use designation.
4. The proposed project implements the relevant Objectives and Recommendations of the Lower Richland Subarea Plan.

Specific Conditions

- a) The Planning Dept. must issue a Controlled Clearing Certificate **PRIOR to any land clearing activity being initiated; and**
- b) The plat must establish the setbacks, either graphically or by notation, for each lot; **and**
- c) The E-911 Coordinator must certify the street names have been approved by the Planning Commission prior to assigning street addresses for building permits; **and**
- d) The Department of Public Works must approve the stormwater management plans; **and**
- e) The Floodplain Mgmt. Specialist must approve the flood elevation statement prior to building permits being issued; **and**
- f) The US Army Corps of Engineers wetlands encroachment statement must be received by the Department, if applicable; **and**
- g) The City of Columbia must approve the water and sewer line construction plans; **and**
- h) DHEC must issue the sewer line construction permits; **and**
- i) DHEC must issue the water line construction permits; **and**
- j) The developer shall install a fence, wall, landscape berm, or combination thereof, to prohibit direct access to Rabbit Run Road from lots 42 through 47 and lot 1 and to Trotter Road from lot 20; **and**
- k) **No building permits shall be issued until all of the conditions cited above are met; and**
- l) Plats shall only be recorded by the complete phases identified in the preliminary plan; **and**
- m) Any further division of the phases identified in the lot layout plan shall require Planning Commission approval prior to recording; **and**
- n) Plats shall not be approved for recording until the Department receives the City of Columbia approval the water and sewer line easement documents; **and**
- o) The Department of Public Works must approve the bond documents prior to a bonded plat being approved for recording; **and**
- p) A Certificate of Occupancy shall **not** be issued for any residence in this project until the Department receives a copy of the DHEC Permit To Operate the Water system and/or the DHEC Permit To Operate the Sewer system, if applicable, by phase; **and**

- q) A Final Plat can not be approved by the Department until **(1)** the City of Columbia approves the water and sewer line easement deeds **AND** **(2)** the County accepts the roads for maintenance.

SECTION III – COMMISSION RECONSIDERATION & APPEAL

Reconsideration

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision **provided** such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

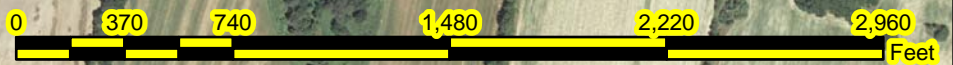
- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

Appeal

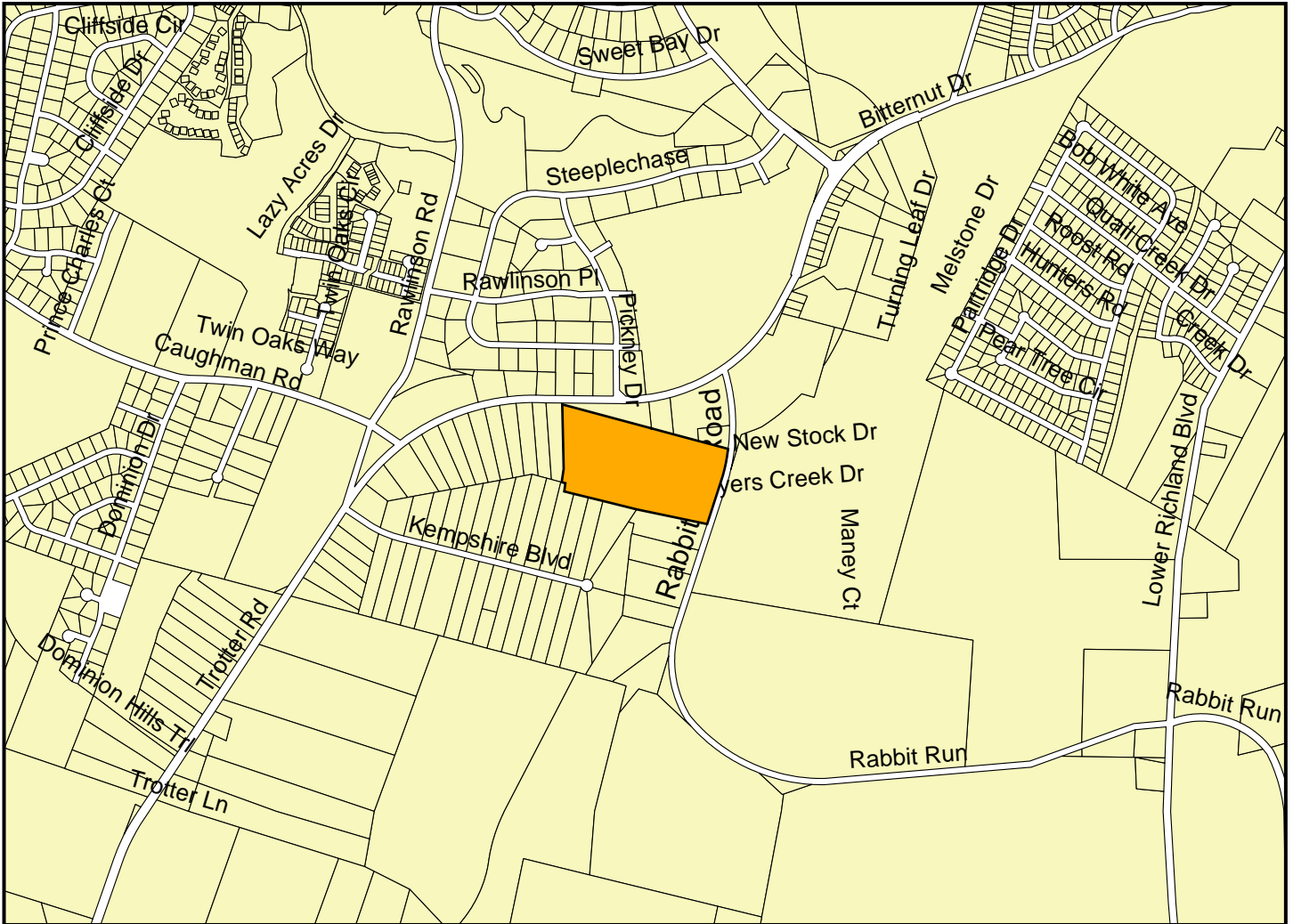
Article V of the Planning Commission's Rules of Procedure provides that upon completion of the Commission's final action on any matter, the only way to appeal a Commission's decision is to the Circuit Court. An appeal, in the manner and form established by the Court, must be filed within 30 days of receipt of the written notice of the Planning Commission's action.

SD 05-20
ROSECLIFF
TMS 21900-09-03

Site →



SD 05-20 ROSECLIFF



Looking at site from Trotter Rd.



Looking at site from Myers Creek

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION SUBDIVISION STAFF REPORT**

October 4, 2004

Applicant: William Fowler		Minor Subdivision Plans For: William Fowler	
RC Project # : SD-05-35			
General Location: Timberline Drive near South Beltline Blvd			
Tax Map Number: 13710-04-01/02/03			Current Zoning: RS-2
Subject Area: 0.9 acres	Number of Units: 5	Gross Density: 5.5 DU/acres	
Sewer Service Provider: City of Columbia		Water Service Provider: City of Columbia	

SECTION I – ANALYSIS

The Planning Commission's involvement in the subdivision process is mandated by state law and the County Code. More specifically, Section 6-29-540, SC Code of Laws states that after adoption of the Comprehensive Plan "...no new street, structure, utility, square, park or other public way, grounds or open space or public buildings for any use, whether publicly or privately owned, may be constructed or authorized...until the location, character, and extent of it have been submitted to the planning commission for review and comment as to the compatibility of the proposal with the comprehensive plan..." It is the Department's position that compatibility is determined by analyzing the Proposed Land Use Maps, Objectives and Recommendations of the existing Subarea Plans and the Goals and Principles in Chapter IV of the Imagine Richland 2020 Comprehensive Plan.

Chapter 22-10 of the Richland County Code currently requires the Planning Commission to approve preliminary plans, final plats and minor subdivisions. Chapter 22-10 (b) defines a minor subdivision is one that does "... not involve the construction, or opening, of new streets, water or sewer facilities, storm drainage systems, or improvement to existing streets...." Chapter 22-76 requires Planning Commission approval of private driveway subdivisions, i.e., a property division for a maximum of 7 lots for immediate family members. Pursuant to Section 6-29-1150, SC Code of Laws, the Planning Commission is the final authority in subdivision matters.

In order to provide the Planning Commission with enough information to ensure compliance with these laws, the staff report will:

- Analyze the impact of the proposed project on the adjacent county or state roads
- Describe the existing conditions of the subject site
- Analyze the land use compatibility of the proposed project with the surrounding area
- Identify the project's relationship to the relevant principles of the Comprehensive Plan

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these levels-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2009. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	South Beltline Blvd	
Functional Classification Of This Roadway	Two lane undivided minor arterial	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	10,800	
Estimated Traffic Generated By The Proposed Project	48	
Current Volume At The Nearest Count Station # 355 Located @ just south of Rosewood Drive	7200	
Estimated Traffic Count With the Proposed Project	7248	
Volume-To-Capacity Ratio With The Proposed Project	0.67	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rate presented on pages 9 of the Addendum To The Long Range Major Street Plan for Richland County, adopted by the County in October 1993 and used in the CMCOG long range transportation planning process.

The current traffic counts were received from SCDOT on May 25, 2004 and represent the Annual Average Daily Trips in 2003, i.e. **they are already more than one year old.**

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

The proposed project will not result in the LOS C being exceeded at SCDOT count station 355.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 2 mile radius of a fire station.

School Impacts

Based on information provided by the District 2 School Board office *, the Department estimates the proposed subdivision will generate the additional school age children described below:

Elementary School @ 0.20 students per single family DU	1
Middle School @ 0.13 students per single family DU	0
High School @ 0.12 Students per single family DU	0

* All Districts assumed to have the same generation rate – rounded to nearest whole number

Existing Site Conditions

A portion of the site is located within the Gills Creek floodplain. The City of Columbia has water and sewer service available in Timberline Drive.

Compatibility with the Surrounding Area

The subject site is surrounded by single-family residences. The proposed project is compatible with the adjacent development

Discussion of Applicable Comprehensive Plan Issues

It is the Department’s position that in order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed subdivision based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]. The County Council amended all the Proposed Land Use Maps by Subarea on May 3, 1999 as part of the Comprehensive Plan adoption process.

The subject site is designated as Residential on the Lower Richland Subarea Plan Proposed Land Use Map. The proposed project is consistent with this land use designation.

In addition to reviewing proposed project for consistency with the appropriate Subarea Proposed Land Use Map, it is the Department’s position that the development policies found in the Subarea Plans, must be analyzed to determine if the proposed project furthers the Objectives and Recommendations of the Comprehensive Plan. The Lower Richland Subarea Plan, adopted in January 1002, contains policy guidance that is relevant to the subject subdivision. The relevant Objectives and Principles, found on pages 33 and 40 respectively, are discussed below:

Objective – Promote the development of affordable, quality housing for all segments of the resident population

The subject site is a true infill project that should produce affordable housing for the neighborhood. The proposed project implements this Objective.

Principle – Established low density residential neighborhoods should be protected against penetration or encroachment from higher densities

The proposed single family detached subdivision is compatible with the adjacent development. This project implements this Principle.

Other Pertinent Factors

- 1) Since a portion of the site is within the Gills Creek floodplain, i.e., below the 145 MSL elevation, each site must produce an individual survey demonstrating the proposed building will be constructed at a minimum elevation of 147 MSL.

SECTION II – STAFF RECOMMENDATION

Based on the findings of fact summarized below, the Planning and Development Services Department (PDS) recommends conditional approval of the minor subdivision plans for a 5 unit single family detached subdivision, known as William Fowler minor subdivision (Project # SD-05-35). **The preliminary plans are not officially approved until there is substantial compliance with all relevant requirements of the Richland County Code of Ordinances and the Specific Conditions identified below:**

Findings of Fact

1. The traffic generated by the proposed subdivision will not result in the adjacent portion of South Beltline Blvd operating below a LOS C capacity.
2. The proposed subdivision is compatible with existing development in the area.
3. The proposed project is consistent with the Lower Richland Subarea Plan Map land use designation.
4. The proposed project implements the relevant Objectives and Recommendations of the Lower Richland Subarea Plan.

Specific Conditions

- a) The Planning Dept. must issue a Controlled Clearing Certificate **PRIOR to any land clearing activity being initiated; and**
- b) The plat must establish the setbacks, either graphically or by notation, for each lot; **and**
- c) Since a portion of the site is within the Gills Creek floodplain, i.e., below the 145 MSL elevation, each site must produce an individual survey demonstrating the proposed building will be constructed at a minimum elevation of 147 MSL; **and**
- d) The US Army Corps of Engineers wetlands encroachment statement must be received by the Department, if applicable; **and**
- e) Chapter 22-70 (c) of the County Code prohibits the County from issuing a Building Permit for the subject structures until the Department receives a copy of the **recorded** Final Plat.

SECTION III – COMMISSION RECONSIDERATION & APPEAL

Reconsideration

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision **provided** such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

Appeal

Article V of the Planning Commission's Rules of Procedure provides that upon completion of the Commission's final action on any matter, the only way to appeal a Commission's decision is to the Circuit Court. An appeal, in the manner and form established by the Court, must be filed within 30 days of receipt of the written notice of the Planning Commission's action.

PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED EASEMENTS OR RESTRICTIONS NOT OBSERVED AND TO INFORMATION REVEALED IN A COMPLETE TITLE SEARCH. THE SURVEYOR DID NOT PERFORM A TITLE SEARCH. UNDERGROUND UTILITIES MAY BE PRESENT, BUT THEIR LOCATION WAS NOT DETERMINED.

Attachment A
SD 05-35

I HEREBY CERTIFY THAT THIS PLAN DESCRIBED HEREON IS A TRUE AND ACCURATE SURVEY TO THE REQUIREMENTS OF RICHLAND COUNTY SUBDIVISION REGULATIONS AND THE MONUMENTS SHOWN HEREON HAE BEEN PLACED TO THE ACCURACY OF SAID REGULATIONS.

PROPERTY LIES WITHIN ZONE "A-E" PER FIRM MAPS NO. 45079C0176G, DATED JANUARY 19, 1994, AND NO. 45079C0176G, DATED FEBRUARY 20, 2002. BASE FLOOD ELEVATION IS 145.0 FEET. MINIMUM FINISHED FLOOR ELEVATION IS 147.0 FEET.

TMS NOS. 13710-04-01, 13710-04-02, & 13710-04-03

CURRENT ZONING: RS2

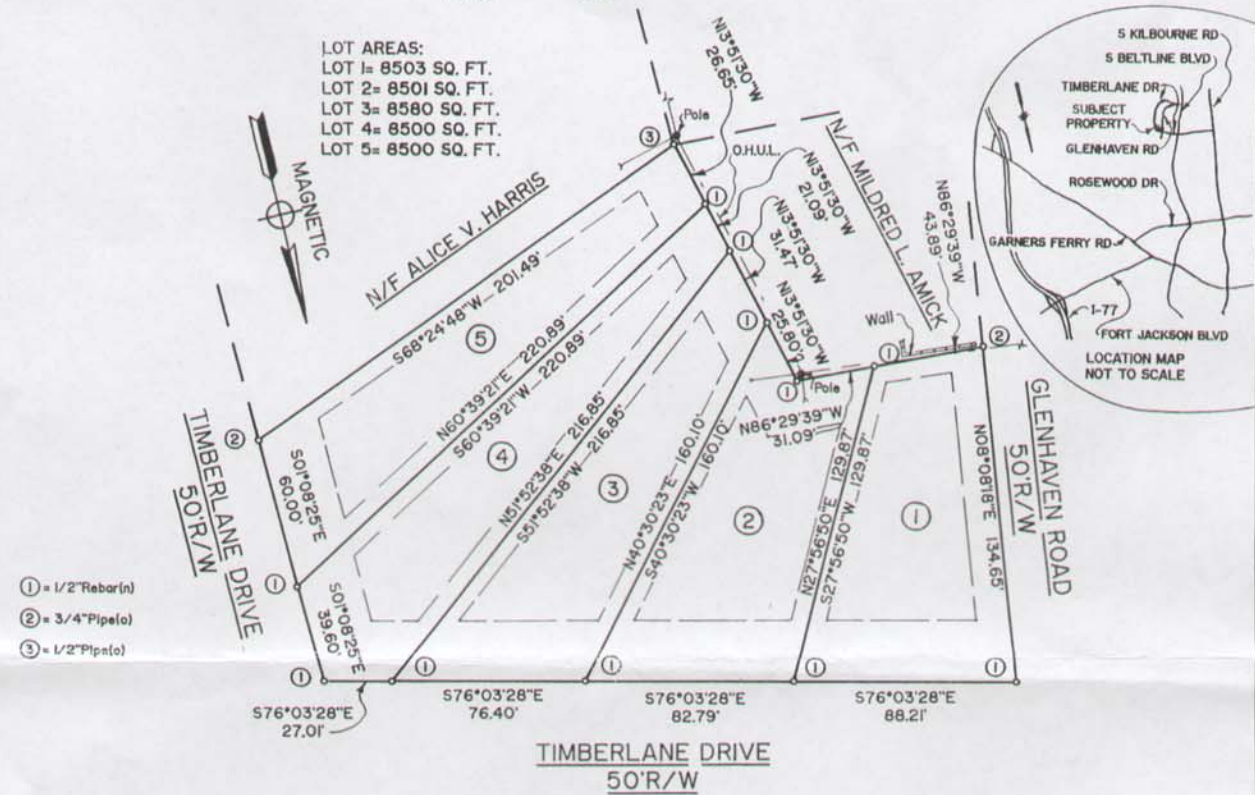
LOT NO. 1 IS A PORTION OF TMS NO. 13710-04-01
 LOT NO. 2 IS A PORTION OF TMS NOS. 13710-04-01 & 02
 LOT NO. 3 IS A PORTION OF TMS NOS. 13710-04-02 & 03
 LOT NO. 4 IS A PORTION OF TMS NO. 13710-04-03
 LOT NO. 5 IS A PORTION OF TMS NO. 13710-04-03

MINIMUM BUILDING SETBACKS:

25 FEET	FRONT (PRIMARY)
12.5 FEET	FRONT (SECONDARY)
13 FEET	SIDE (COMBINED TOTAL - INDIVIDUAL NOT LESS THAN 4 FEET)
20 FEET	REAR

TOTAL AREA IS .98 ACRES - 42,584 SQUARE FEET

LOT AREAS:
 LOT 1= 8503 SQ. FT.
 LOT 2= 8501 SQ. FT.
 LOT 3= 8580 SQ. FT.
 LOT 4= 8500 SQ. FT.
 LOT 5= 8500 SQ. FT.



- ① = 1/2" Rebar(n)
- ② = 3/4" Pipe(o)
- ③ = 1/2" Pipe(o)

WATER AND SEWER TO BE PROVIDED BY THE CITY OF COLUMBIA.

OWNER/DEVELOPER

WILLIAM P. FOWER, JR.
 721 KING STREET
 COLUMBIA, SC 29205
 (803) 256-6295

REFERENCES:

SAME BEING SHOWN AS LOTS "A", "B", & "C" ON PLAT PREPARED FOR FAGAN & WILKERSON ASSOC., BY MCMILLAN ENGINEERING COMPANY, DATED FEBRUARY 13, 1968, AND RECORDED IN THE OFFICE OF REGISTER OF DEEDS FOR RICHLAND COUNTY IN PLAT BOOK 32, PAGE 400.

REFERENCE ALSO PLAT PREPARED FOR GEORGE H. DAVIS, JR., BY BAXTER LAND SURVEYING CO., INC., DATED JUNE 21, 2004.

PLAT PREPARED FOR

WILLIAM P. FOWLER, JR.

RICHLAND COUNTY, NEAR COLUMBIA, SOUTH CAROLINA



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 MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN, ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



BAXTER LAND SURVEYING CO., INC.
 533 HARDEN STREET - COLUMBIA, SC 29205
 PH. (803)252-8564 FAX. (803) 252-2049

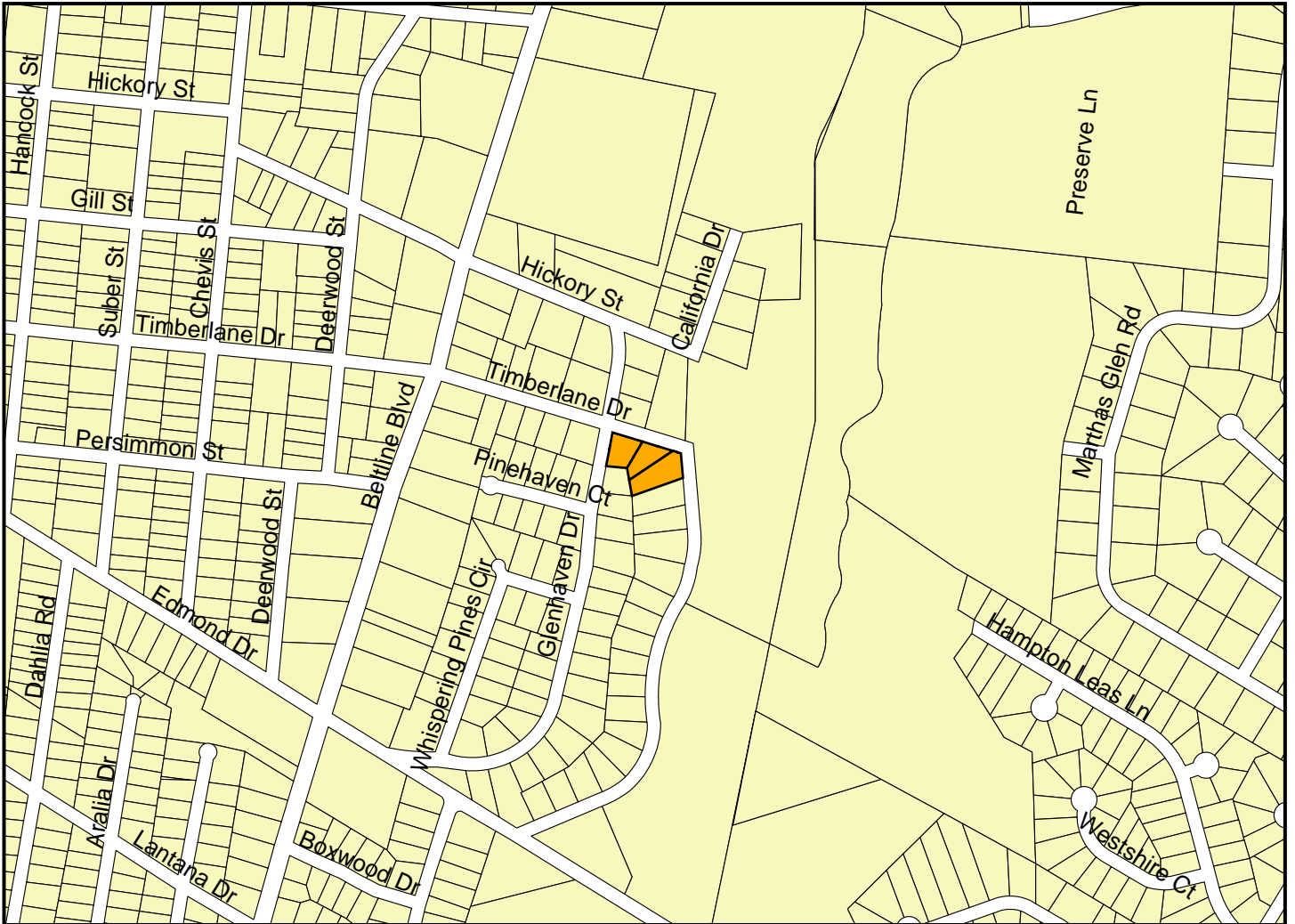
AUGUST 6, 2004
Rosser W. Baxter, Jr.
 ROSSER W. BAXTER, JR.
 SCPLS NO. 7613

AUG 18 2004

SD 05-35
WILLIAM FOWLER MINOR S/D
TMS 13710-04-01/02/03



SD 05-35 WILLIAM FOWLER MINOR S/D



Looking south on Timberline Drive



Looking west on Timberline Drive

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION SUBDIVISION STAFF REPORT**

October 4, 2004

Applicant: B. P. Barber		Preliminary Subdivision Plans For: Whitney Falls, Phase M-18B	
RC Project # : SD-05-21			
General Location: Between Waverly Place and Southwood in the Summit			
Tax Map Number: 23100-01-01 (p)		Current Zoning: PUD	
Subject Area: 7.7 acres	Number of Units: 33	Gross Density: 4.3 DU/acres	
Sewer Service Provider: Palmetto Utilities		Water Service Provider: City of Columbia	

SECTION I – ANALYSIS

The Planning Commission's involvement in the subdivision process is mandated by state law and the County Code. More specifically, Section 6-29-540, SC Code of Laws states that after adoption of the Comprehensive Plan "...no new street, structure, utility, square, park or other public way, grounds or open space or public buildings for any use, whether publicly or privately owned, may be constructed or authorized...until the location, character, and extent of it have been submitted to the planning commission for review and comment as to the compatibility of the proposal with the comprehensive plan..." It is the Department's position that compatibility is determined by analyzing the Proposed Land Use Maps, Objectives and Recommendations of the existing Subarea Plans and the Goals and Principles in Chapter IV of the Imagine Richland 2020 Comprehensive Plan.

Chapter 22-10 of the Richland County Code currently requires the Planning Commission to approve preliminary plans, final plats and minor subdivisions. Chapter 22-10 (b) defines a minor subdivision is one that does "... not involve the construction, or opening, of new streets, water or sewer facilities, storm drainage systems, or improvement to existing streets...." Chapter 22-76 requires Planning Commission approval of private driveway subdivisions, i.e., a property division for a maximum of 7 lots for immediate family members. Pursuant to Section 6-29-1150, SC Code of Laws, the Planning Commission is the final authority in subdivision matters.

In order to provide the Planning Commission with enough information to ensure compliance with these laws, the staff report will:

- Analyze the impact of the proposed project on the adjacent county or state roads
- Describe the existing conditions of the subject site
- Analyze the land use compatibility of the proposed project with the surrounding area
- Identify the project's relationship to the relevant principles of the Comprehensive Plan

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these levels-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2009. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Hardscrabble Rd via Summit Parkway	
Functional Classification Of This Roadway	Two lane undivided collector	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	8600	
Estimated Traffic Generated By The Proposed Project	314	
Current Volume At The Nearest Count Station # 437 Located @ Lee Road	10,800	
Estimated Traffic Count With the Proposed Project	11,114	
Volume-To-Capacity Ratio With The Proposed Project	1.29	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rate presented on pages 9 of the Addendum To The Long Range Major Street Plan for Richland County, adopted by the County in October 1993 and used in the CMCOG long range transportation planning process.

The current traffic counts were received from SCDOT on May 25, 2004 and represent the Annual Average Daily Trips in 2003, i.e. **they are already more than one year old.**

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

As shown above, the proposed project, by itself, will generate enough new traffic on Hardscrabble Road to cause the LOS C to be exceeded. However, the Department estimates that upon buildout of the subdivisions already approved in the area, there will be an estimated 19,459 trips on this portion of Hardscrabble Road. The V/C ratio, without the subject project, will exceed 2.26, or far above the LOS F level.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 3 mile radius of a fire station.

School Impacts

Based on information provided by the District 2 School Board office *, the Department estimates the proposed subdivision will generate the additional school age children described below:

Elementary School @ 0.20 students per single family DU	7
Middle School @ 0.13 students per single family DU	4
High School @ 0.12 Students per single family DU	3

* All Districts assumed to have the same generation rate – rounded to nearest whole number

Existing Site Conditions

The site slopes down toward the back (south) of the parcel. The site is sandy soils with scrub oak and small pine trees.

Compatibility with the Surrounding Area

The site is surrounded by single family detached residences the proposed project is compatible with the adjacent development.

Discussion of Applicable Comprehensive Plan Issues

It is the Department’s position that in order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed subdivision based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]. The County Council amended all the Proposed Land Use Maps by Subarea on May 3, 1999 as part of the Comprehensive Plan adoption process.

The subject site is designated as Development on the Northeast Subarea Plan Proposed Land Use Map. The proposed project is (not) consistent with this land use designation.

In addition to reviewing proposed project for consistency with the appropriate Subarea Proposed Land Use Map, it is the Department's position that the development policies found in the Subarea Plans, must be analyzed to determine if the proposed project furthers the Objectives and Recommendations of the Comprehensive Plan. The Northeast Subarea Plan, adopted in March 1995, contains policy guidance that is relevant to the subject subdivision. The relevant Objectives and Principles, found on pages 30 and 35 respectively, are discussed below:

Objective – Promote a variety of residential densities for the development of affordable, quality housing while blending with the character of the surrounding area

The proposed project has a density of 4.3 DU/acre or slightly higher than the adjacent Southwood S/D. The proposed project implements this Objective.

Principle –

None applicable

Other Pertinent Factors

- 1) On September 2, 2004, the Public Works Dept. commented that the pavement design needs to be revised to meet or exceed a structural number 2.12.
- 2) The flood elevation statement was approved on August 30, 2004.
- 3) As of September 17, 2004, the City of Columbia had not approved the water and sewer line construction plans.
- 4) As of September 17, 2004, DHEC had not issued a sewer line construction permit.
- 5) As of September 17, 2004, DHEC had not issued a water line construction permit.

SECTION II – STAFF RECOMMENDATION

Based on the findings of fact summarized below, the Planning and Development Services Department (PDSD) recommends conditional approval of the preliminary subdivision plans for a 33 unit single family detached subdivision, known as Whitney Falls, Phase M-18B (Project # SD-05-21). **The preliminary plans are not officially approved until there is substantial compliance with all relevant requirements of the Richland County Code of Ordinances and the Specific Conditions identified below:**

Findings of Fact

1. The traffic generated by the proposed subdivision will result in the adjacent portion of Hardscrabble Road operating below a LOS E capacity. However, the Department estimates that upon buildout of the subdivisions already approved in the area, there will be an estimated 19,459 trips on this portion of Hardscrabble Road. **The V/C ratio, without the subject project, will exceed 2.26, or far above the LOS F level.**
2. The proposed subdivision is compatible with existing development in the area.
3. The proposed project is consistent with the Northeast Subarea Plan Map land use designation.
4. The proposed project implements the relevant Objectives and Recommendations of the Northeast Subarea Plan.

Specific Conditions

5. The Planning Dept. must issue a Controlled Clearing Certificate letter **PRIOR to any land clearing activity being initiated; and**
6. The Department of Public Works must approve the stormwater management plans; **and**
7. The City of Columbia must approve the water line construction plans; **and**
8. DHEC must issue the sewer line construction permits; **and**
9. DHEC must issue the water line construction permits; **and**
10. **No building permits shall be issued until all of the conditions cited above are met; and**
11. Plats shall only be recorded by the complete phases identified in the preliminary plan; **and**
12. Any further division of the phases identified in the lot layout plan shall require Planning Commission approval prior to recording; **and**
13. Plats shall not be approved for recording until the Department receives the City of Columbia approval the water line easement documents; **and**
14. The Department of Public Works must approve the bond documents prior to a bonded plat being approved for recording; **and**
15. A Certificate of Occupancy shall **not** be issued for any residence in this project until the Department receives a copy of the DHEC Permit To Operate the Water system and/or the DHEC Permit To Operate the Sewer system, if applicable, by phase; **and**
16. A Final Plat can not be approved by the Department until **(1)** the City of Columbia approves the water line easement deeds **AND (2)** the County accepts the roads for maintenance.

SECTION III – COMMISSION RECONSIDERATION & APPEAL

Reconsideration

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision **provided** such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

Appeal

Article V of the Planning Commission's Rules of Procedure provides that upon completion of the Commission's final action on any matter, the only way to appeal a Commission's decision is to the Circuit Court. An appeal, in the manner and form established by the Court, must be filed within 30 days of receipt of the written notice of the Planning Commission's action.

NO.	DATE	BY
1	SEP 14 2004	...
2		

SKETCH PLAN

WHITNEY FALLS AREA "M" PHASE "M-188"

THE SUMMIT SOUTH CAROLINA



B. P. BARBER & ASSOCIATES, INC. ARCHITECTS - PLANNERS - SURVEYORS



NO.	REVISION	DATE	BY

Attachment A SD 05-21

RESIDENTIAL SETBACK REQUIREMENTS

ALL SETBACKS SHALL BE MEASURED FROM THE EXTERIOR FACE OF THE FOUNDATION WALL TO THE FACE OF THE EXTERIOR WALL, UNLESS OTHERWISE NOTED.

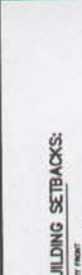
MINIMUM FRONT SETBACK SHALL BE 10 FEET FROM THE EXTERIOR FACE OF THE FOUNDATION WALL TO THE FACE OF THE EXTERIOR WALL, UNLESS OTHERWISE NOTED.

MINIMUM SIDE SETBACK SHALL BE 5 FEET FROM THE EXTERIOR FACE OF THE FOUNDATION WALL TO THE FACE OF THE EXTERIOR WALL, UNLESS OTHERWISE NOTED.

MINIMUM REAR SETBACK SHALL BE 10 FEET FROM THE EXTERIOR FACE OF THE FOUNDATION WALL TO THE FACE OF THE EXTERIOR WALL, UNLESS OTHERWISE NOTED.

ALL SETBACKS SHALL BE MEASURED FROM THE EXTERIOR FACE OF THE FOUNDATION WALL TO THE FACE OF THE EXTERIOR WALL, UNLESS OTHERWISE NOTED.

LOCATION MAP



TYPICAL BUILDING SETBACKS:

- 1. 10 FT. FRONT SETBACK
- 2. 5 FT. SIDE SETBACK
- 3. 10 FT. REAR SETBACK

GENERAL NOTES

- PROPERTY LINES SHOWN ARE APPROXIMATELY AS SHOWN ON THE SURVEY.
- SETBACKS SHALL BE MEASURED FROM THE EXTERIOR FACE OF THE FOUNDATION WALL TO THE FACE OF THE EXTERIOR WALL, UNLESS OTHERWISE NOTED.
- ALL SETBACKS SHALL BE MEASURED FROM THE EXTERIOR FACE OF THE FOUNDATION WALL TO THE FACE OF THE EXTERIOR WALL, UNLESS OTHERWISE NOTED.
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LEGEND

- PROPERTY LINE
- SETBACK LINE
- PHASE LINE
- PROPERTY PIN
- PROPERTY LINE

FLOOD NOTE

I HEREBY CERTIFY THAT THE PLAN SHOWN AND SIGNED HEREON IS A TRUE AND CORRECT SKETCH TO THE ACCURACY REQUIRED BY THE PROVISIONS OF THE ZONING ORDINANCE OF THE CITY OF SOUTH CAROLINA.

DATE: _____

SEP 14 2004

SD-05-21



GRAPHIC SCALE



CONCRETE ROAD CURB DATA

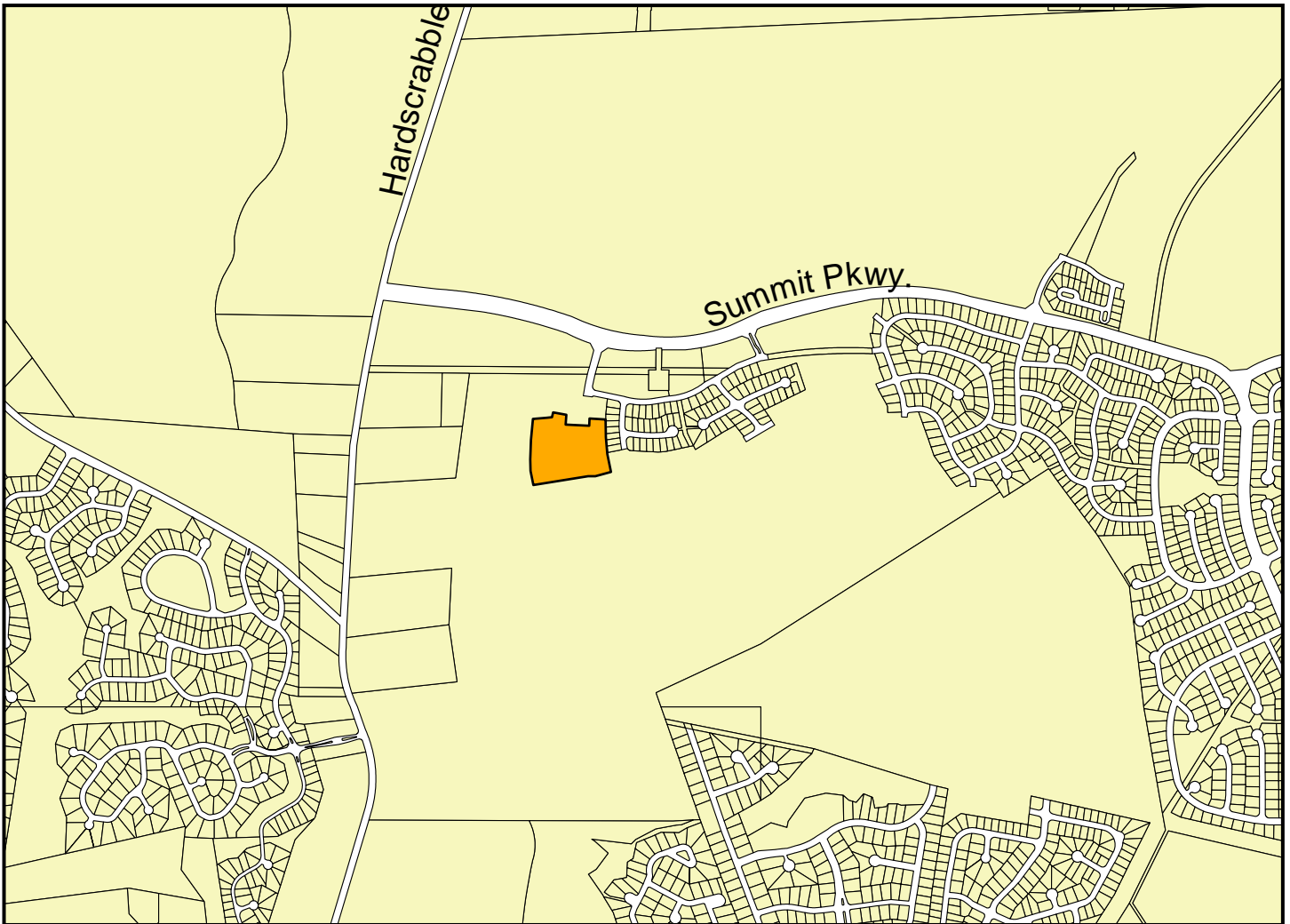
TYPE	SIZE	THICKNESS	SPACING	DEPTH	WIDTH

**SD 05-21
WHITNEY FALLS, PHASE M18-B
TMS 23100-01-01 (p)**

Site →



SD 05-21 WHITNEY FALLS, PHASE M18-B



Looking at site from Summit Springs Dr.



Looking towards entrance to Whitney Falls

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

October 4, 2004

RC Project # 05-10 MA	Applicant: Rabon Road Storage Facility (Robert Fuller)
General Location: 241 Rabon Road (south side of Rabon Road east of Snow Road)	
Tax Map Number: 17115-01-08	Subject Area: 1.0 ac MOL
Current Parcel Zoning: D-1	Proposed Parcel Zoning: C-3
Proposed Use: Mini-warehouses – BOZA Special Exception Required if Rezoned	PC Sign Posting Date: September 10, 2004

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. It is the Department's position that this provision means the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

- a) The need and justification for the changes.
- b) The effect of the change, if any, on the property and on surrounding properties.
- c) The amount of land in the general area having the same classification as that requested.
- d) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Policies of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

For the establishment of mini-warehouses

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	D-1	Vacant single family residence & undeveloped woodlands
Adjacent North	RS-2	Single family residences (some vacant) across Rabon Road
Adjacent East	C-3	Undeveloped woodlands
Adjacent South	D-1	Undeveloped woodlands
Adjacent West	D-1	Undeveloped woodlands and church

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>Existing D-1 Zoning Designation Intent</u> Intended to provide for large tracts of land located primarily on the fringe of urban growth where the predominant character of urban development has not yet been fully established, but where the current characteristics of use are predominantly residential, agricultural, or semi-developed, with scattered related uses.</p>	<p><u>Proposed C-3 Zoning Designation Intent</u> Intended to accommodate a wide variety of general commercial and nonresidential uses characterized by retail, office, and service establishments and oriented primarily to major traffic arteries</p>
<p><u>Existing D-1 Zoning Permitted Uses</u> Single family detached dwellings Agriculture, horticulture forestry Parks, playgrounds, playfields Places of worship Community service structures Elementary and high schools</p>	<p><u>Proposed C-3 Zoning Permitted Uses</u> Retail, service, repair, & personal services Offices, studios, & financial institutions Eating and drinking establishments Wholesale/Distribution uses < 8000 sq. ft. Private clubs, lodges and the like Automobile service stations Places of worship Enclosed recycle collections & transfer uses</p>

The land uses above represent a summary of the permitted uses in Chapter 26-62 and Chapter 26-67, respectively of the County Code. Some Special Exception uses are also possible.

The site is surrounded by undeveloped woodlands, single family residences and a church to the west. The proposed Amendment is not compatible with the existing land uses.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2009. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Rabon Road	
Functional Classification Of This Roadway	Two lane undivided collector	
Level-Of-Service C Design Capacity (V/C = 1.00)	8600	
Estimated Traffic Generated By The Proposed Project	25	
Current Volume At The Nearest Count Station # 611 Located @Rabon Road west of the site	8,800	
Estimated Traffic Count With the Proposed Project	8,825	
Volume-To-Capacity Ratio With The Proposed Project	1.03	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rates presented on pages 9 through 11 of the Addendum To The Long Range Major Street Plan for Richland County, October 1993, or the 6th Edition of the Institute of Traffic Engineers Traffic Generation Manual (TGM), whichever is most appropriate for the requested use.

The current traffic counts were received from SCDOT on May 25, 2004 and represent the Annual Average Daily Trips in 2003 i.e. **they are already more than one year old.**

The estimated project traffic is calculated by multiplying the generation rate for a Mini-warehouse business found on page 226 of the TGM times the proposed square footage of the use. The calculation is as follows: An average rate of 2.50 trips per 1,000 sq. ft. of GFA was used. A common GFA for retail establishments per acre is 10,000 sq. ft., therefore, 2.5 trips x 10,000 sq. ft. = 25 average trips.

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

Rabon Road is currently operating at a LOS D. The proposed Amendment will not significantly increase the traffic on Rabon Road at County station # 611.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 3 mile radius of a fire station.

Relationship To Comprehensive Plan

It is the Department's position that in order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8] The County Council amended all the Proposed Land Use Maps by Subarea on May 3, 1999 as part of the Comprehensive Plan adoption process.

Section 6-29-710, SC Code of Laws states "...The regulations (*i.e., zoning and other land development regulations*) must be made in accordance with the comprehensive plan for the jurisdiction and be made with a view to promoting the purposes set forth in this chapter..." The Department interprets this provision to mean that if either the existing, or proposed zoning, is not consistent with the land use designation on the Northeast Subarea Proposed Land Use Map, the Map should be amended through the statutory comprehensive plan amendment process. **The Map designates the subject area as Development in an Established Urban District.**

In addition to reviewing the consistency with the Proposed Land Use Map, it is necessary to review the Comprehensive Plan's development policies, as found in the Subarea Plans, to determine if the proposed amendment furthers the Objectives and Recommendations/Principles of the Comprehensive Plan as found in the Subarea Plans. The Northeast Subarea Plan, adopted in March 1995, contains policy guidance that is relevant to the subject Zoning Map Amendment. The relevant Objectives and Recommendations/Principles, found on pages 30, 31 and 35 respectively, are discussed below:

Objective – In general, commercial and office activities should be confined to existing zoned areas and/or proposed locations where the following apply:

Sites of major traffic junctions and cluster locations as opposed to strip development.

The Department has consistently opposed all attempts to change the zoning on Rabon Road because the Road is very narrow and has several area of significant site distance problems. In addition, the subject site is clearly not at a major road intersection nor in a cluster of commercial zoning. The proposed Amendment **does not implement** this Objective.

Objective – Place new developments where traffic will be absorbed by highways already designed for higher traffic volumes.

One of the basic principles of the Comprehensive Plan is to concentrate new commercial development around the intersection of major roads. The specific reason for this policy is to stop strip commercial development that has proven to be a major factor in urban area accident rates. The proposed Amendment **does not implement** this Objective.

Objective – Reduce the number of curb cuts along highways to the extent possible.

There has been a thorough amount of research conducted regarding the relationship between the number of curb cuts in a given road segment and the accident rate. This research clearly demonstrates that the accident rate increases as the number of driveways (curb cuts) increase within a given road segment. If the proposed Amendment is adopted, there will be commercial land uses where residential land uses previously existed. Since commercial land uses generate more traffic than residential land uses, there will be a significant increase in the number of conflicting traffic movements , such as left turns in and out of the site with large vehicles, on this narrow road. The proposed Amendment **does not implement** this Objective.

Principle – In general, commercial and office activities should be confined to existing zoned areas and/or proposed locations where the following apply:

As stated in the Objective, the adoption of the proposed Amendment would only carry out the encroachment of commercial uses into an area comprised of dissimilar uses such as a church and single family residences. The proposed Amendment **does not implement** this Principle.

Principle – Commercial and office activities should be confined to sites of major traffic junctions and cluster locations as opposed to strip development.

One of the basic principles of good land use planning and development is to concentrate commercial development around major intersections and along roadways with adequate access. The area around Two Notch and Rabon Road is a prime example of this principle. The proposed Amendment **does not implement** this Principle.

Other Relevant Issues

The proposed Amendment may only exacerbate traffic problems on Rabon Road with additional traffic and persons driving large vehicles (moving trucks) consisting of conflicting turning movements (left turns) that they are unfamiliar with. Rabon Road is a narrow winding road with some moderate changes in elevation and is not conducive to the type of proposed traffic to be generated by the site.

There is an existing miniwarehouse facility approximately ½ mile to the west of the subject site on the north side of the Road. The applicant has not provided any facts to justify the need for an additional miniwarehouse in this area.

The Department has taken this same stance in regard to similar cases on Rabon Road. Some of these cases are 02-56, 03-15, and 03-16 MA, which were similar cases of residential properties being rezoned to commercial land. The Department made similar arguments against the Amendments although the cases were rezoned. All of the rezoned sites are currently vacant and for sale. Therefore, it is reasonable to conclude that Rabon Road is not a suitable location for commercial due to the myriad of reasons stated above.

It should be noted that upon a site inspection the Department **measured and flagged** a 120” hardwood tree on site along with nine 24” + hardwood trees in the front yard setbacks alone. The size of the site (one acre) could be a hindrance to the protection of the trees, accessibility to and within the site, and proper site design including drainage on a site with such an amount impervious surface.

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDS) recommends the Official Zoning Map designation for the parcels included in Project # 05-10 MA **not be changed** from D-1 to C-3.

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment is **not compatible** with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Rabon Road at this location is currently being exceeded.
4. The designation of Development in the Land Use Map is subjective and can be construed numerous ways to be applicable to specific Amendments.
5. The proposed Zoning Map Amendment is **not consistent** with the Objectives and Recommendations of the Northeast Subarea Plan discussed herein.
6. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

SECTION III PLANNING COMMISSION ACTION

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

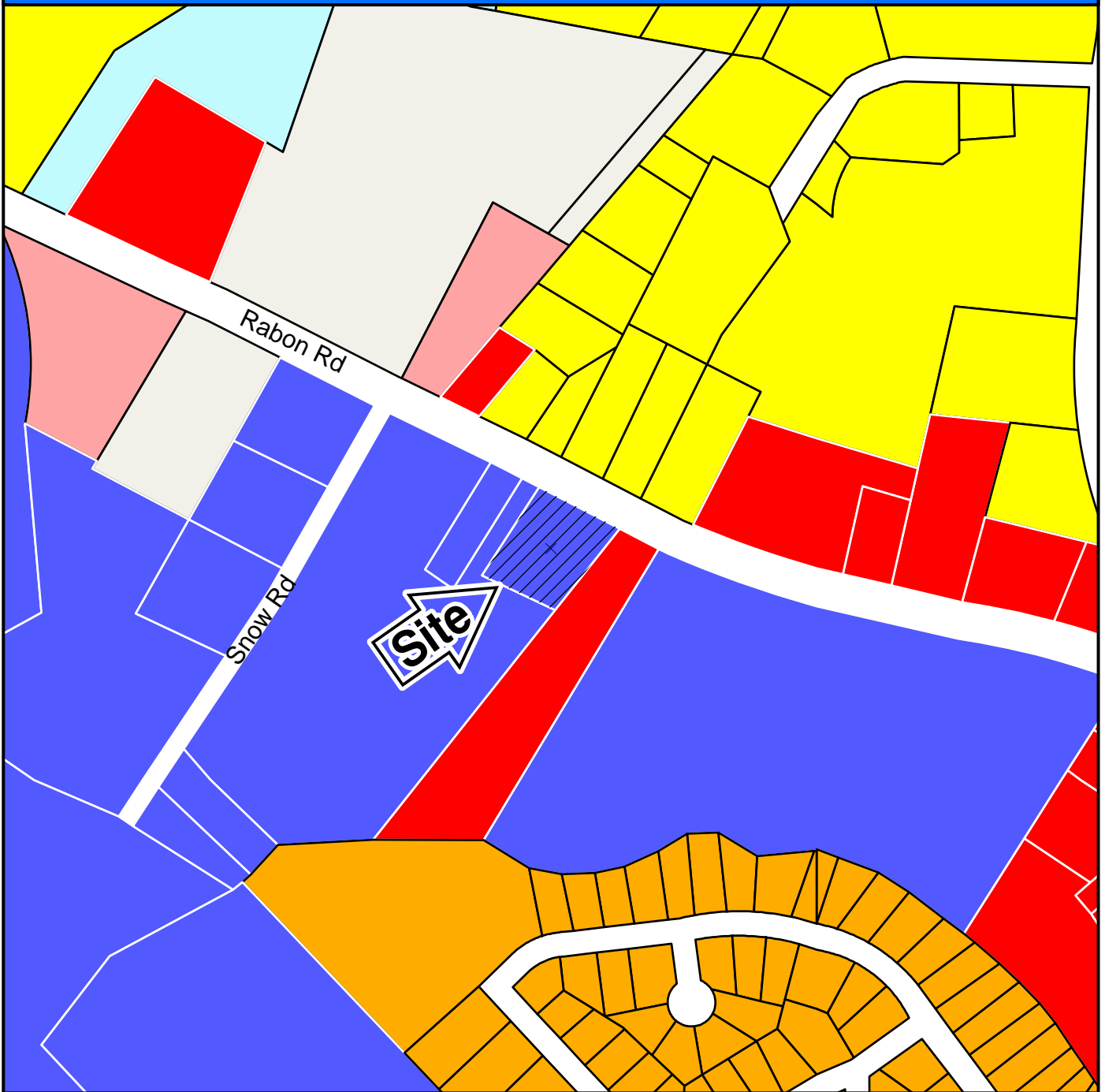
At their meeting of October 4, 2004, the Richland County Planning Commission agreed (did not agree) with the PSD recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 05-10 MA at the next available opportunity.

Commission Findings of Fact/Recommendations





















(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)

In consideration of the proposed Zoning Map Amendment # 05-10 MA, the Planning Commission made the findings of fact summarized below:

CASE 05-10 MA D-1 to C-3



ZONING CLASSIFICATIONS

 C-1	 D-1	 MH-1	 PDD	 RG-2	 RS-2	 N
 C-2	 M-1	 MH-2	 PUD	 RR	 RS-3	
 C-3	 M-2	 MH-3	 RG-1	 RS-1	 RU	
 SUBJECT						

CASE 05-10 MA
D-1 to C-3
TMS 17115-01-08



CASE 05-10 MA FROM D-1 to C-3

TMS# 17115-01-08

241 Rabon Road



Looking at site from Rabon Road



Looking west on Rabon Road

Attachment A
CASE 05-10 MA

**METES AND BOUNDS LEGAL DESCRIPTION
REZONING PARCEL - TMS NO. 17115-01-08**

All that certain piece, parcel or lot of land, together with all improvements thereon, situate, lying and being on the South side of Rabon Road in Richland County, South Carolina, generally known and depicted as 241 Rabon Road, consisting of one (1.0) acre, as shown by plat dated May 1, 2004, prepared for Interprop, Inc. by Baxter Land Surveying Co., Inc. and having metes, bounds, courses and distances, as follows:

Beginning at an iron pipe marking the northeasternmost corner of the property, set on the southernmost boundary of the right-of-way for Rabon Road and the northernmost boundary of the subject parcel and from said corner iron running along the right-of-way boundary N 61°33'05" W for 194.73 feet to an iron pipe marking the northwestern corner of the property; thence turning and running S 27°46'14" W for 212.08 feet to an iron pipe marking the southwestern corner of the property; thence turning and running S 60°50'43" E for 169.90 feet to an iron pipe marking the southeasternmost corner of the property; thence turning and running N 40°55'46" E for 81.87 feet to an iron rebar; thence turning and running N 30°25'42" E for 134.30 feet to the point of beginning, be all distances a little more-or-less.

TMS No. 17115-01-08

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

September 15, 2004

RC Project # 05-11 MA	Applicant: Danielle E. Ream
General Location: 10417 Wilson Boulevard (Hwy. 21) ½ mile north of I-77	
Tax Map Number: 15000-02-24	Subject Area: 2.00 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: C-3
Proposed Use: Chiropractic Office	PC Sign Posting Date: September 10, 2004

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. It is the Department's position that this provision means the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

- a) The need and justification for the changes.
- b) The effect of the change, if any, on the property and on surrounding properties.
- c) The amount of land in the general area having the same classification as that requested.
- d) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Policies of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

For the establishment of a chiropractic office in an existing single family residence.

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Vacant single family residence
Adjacent North	M-2	Access road and undeveloped woodlands
Adjacent East	C-3	Undeveloped woodlands & vacant single family residence
Adjacent South	C-3	SC Department of Public Safety
Adjacent West	RU	Single family residences

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas</p>	<p><u>Proposed C-3 Zoning Designation Intent</u> Intended to accommodate a wide variety of general commercial and nonresidential uses characterized by retail, office, and service establishments and oriented primarily to major traffic arteries</p>
<p><u>Existing RU Zoning Permitted Uses</u> All farm type enterprises Public buildings and utilities Orphanages, nursing homes and the like Places of worship Educational facilities One & Two family dwellings</p>	<p><u>Proposed C-3 Zoning Permitted Uses</u> Retail, service, repair, & personal services Offices, studios, & financial institutions Eating and drinking establishments Wholesale/Distribution uses < 8000 sq. ft. Private clubs, lodges and the like Automobile service stations Places of worship Enclosed recycle collections & transfer uses</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-67, respectively of the County Code. Some Special Exception uses are also possible.

The proposed Amendment site abuts M-2 zoned property to the north, and C-3 zoned property to the south and west. The existing land uses in the vicinity of the site are predominantly commercial, industrial, and office space. The proposed Amendment is compatible with the surrounding area.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2009. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Wilson Boulevard (Hwy. 21)	
Functional Classification Of This Roadway	Five Lane Undivided Collector	
Level-Of-Service C Design Capacity (V/C = 1.00)	19,600	
Estimated Traffic Generated By The Proposed Project	72	
Current Volume At The Nearest Count Station #137 Located @north of site on Wilson Boulevard	8,200	
Estimated Traffic Count With the Proposed Project	8,272	
Volume-To-Capacity Ratio With The Proposed Project	0.42	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rates presented on pages 9 through 11 of the Addendum To The Long Range Major Street Plan for Richland County, October 1993, or the 6th Edition of the Institute of Traffic Engineers Traffic Generation Manual (TGM), whichever is most appropriate for the requested use.

The current traffic counts were received from SCDOT on May 25, 2004 and represent the Annual Average Daily Trips in 2003 i.e. **they are already more than one year old.**

The estimated project traffic is calculated by multiplying the generation rate for a Medical-Dental Office Building business found on page 1083 of the TGM times the proposed square footage of the use. The traffic generated was calculated as follows: 36.13 average daily trips per 1,000 sq. ft. times 2000 sq. ft. (36.13 x 2)= 72 ADT's.

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

The traffic analysis shows that the proposed Amendment will not have a significant impact on the Wilson Blvd traffic in this area.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 3 mile radius of a fire station.

Relationship To Comprehensive Plan

It is the Department's position that in order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8] The County Council amended all the Proposed Land Use Maps by Subarea on May 3, 1999 as part of the Comprehensive Plan adoption process.

Section 6-29-710, SC Code of Laws states "...The regulations (*i.e., zoning and other land development regulations*) must be made in accordance with the comprehensive plan for the jurisdiction and be made with a view to promoting the purposes set forth in this chapter The Department interprets this provision to mean that if either the existing, or proposed zoning, is not consistent with the land use designation on the I-77 Corridor Subarea Proposed Land Use Map, the Map should be amended through the statutory comprehensive plan amendment process. ..."

The Map designates the subject area as Industrial/Commercial/Technological in a Developing Urban Area.

In addition to reviewing the consistency with the Proposed Land Use Map, it is necessary to review the Comprehensive Plan's development policies, as found in the Subarea Plans, to determine if the proposed amendment furthers the Objectives and Recommendations/Principles of the Comprehensive Plan as found in the Subarea Plans. The I-77 Corridor Subarea Plan, adopted in, April 1994 contains policy guidance that is relevant to the subject Zoning Map Amendment. The relevant Objectives and Recommendations/Principles, found on pages 31 and 39 respectively, are discussed below:

Objective – Establish commercial pockets or clusters as needed to serve the area.

The area surrounding the site and in the vicinity of the site consists of commercial, industrial, office, and similar uses on land zoned commercial or industrial. The proposed Amendment site would simply fill in a “donut hole” between commercial and industrial zoned land. The proposed Amendment **implements** this Objective.

Principle – In general, commercial and office activities should be confined to or expanded at existing clusters, and/or locations as identified on the Proposed Land Use Map.

As stated in the Objective, the area is comprised of existing commercial land uses and commercial and industrial zoned areas. The Map designates the area as Industrial/Commercial/Technological. The proposed Amendment implements this Principle.

Other Relevant Issues

Currently, there are various businesses in existence that are operating on land zoned as Rural. The Department recommended rezoning one of these parcels to C-3 with the rezoning of the Shell Gas Station in May 2004. Rezoning these businesses may preclude future problems such as non-conforming structures not being able to expand or rebuild.

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDSD) recommends the Official Zoning Map designation for the parcels included in Project # 05-11 MA **be changed** from RU to C-3.

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment **is compatible** with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Wilson Boulevard at this location **will not** be exceeded.
4. The proposed Amendment **is consistent** with Proposed Land Use Map designation in the I-77 Corridor Subarea Plan.
5. The proposed Zoning Map Amendment **is consistent** with the Objectives and Recommendations of the I-77 Corridor Subarea Plan discussed herein.
6. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

SECTION III PLANNING COMMISSION ACTION

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**

- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

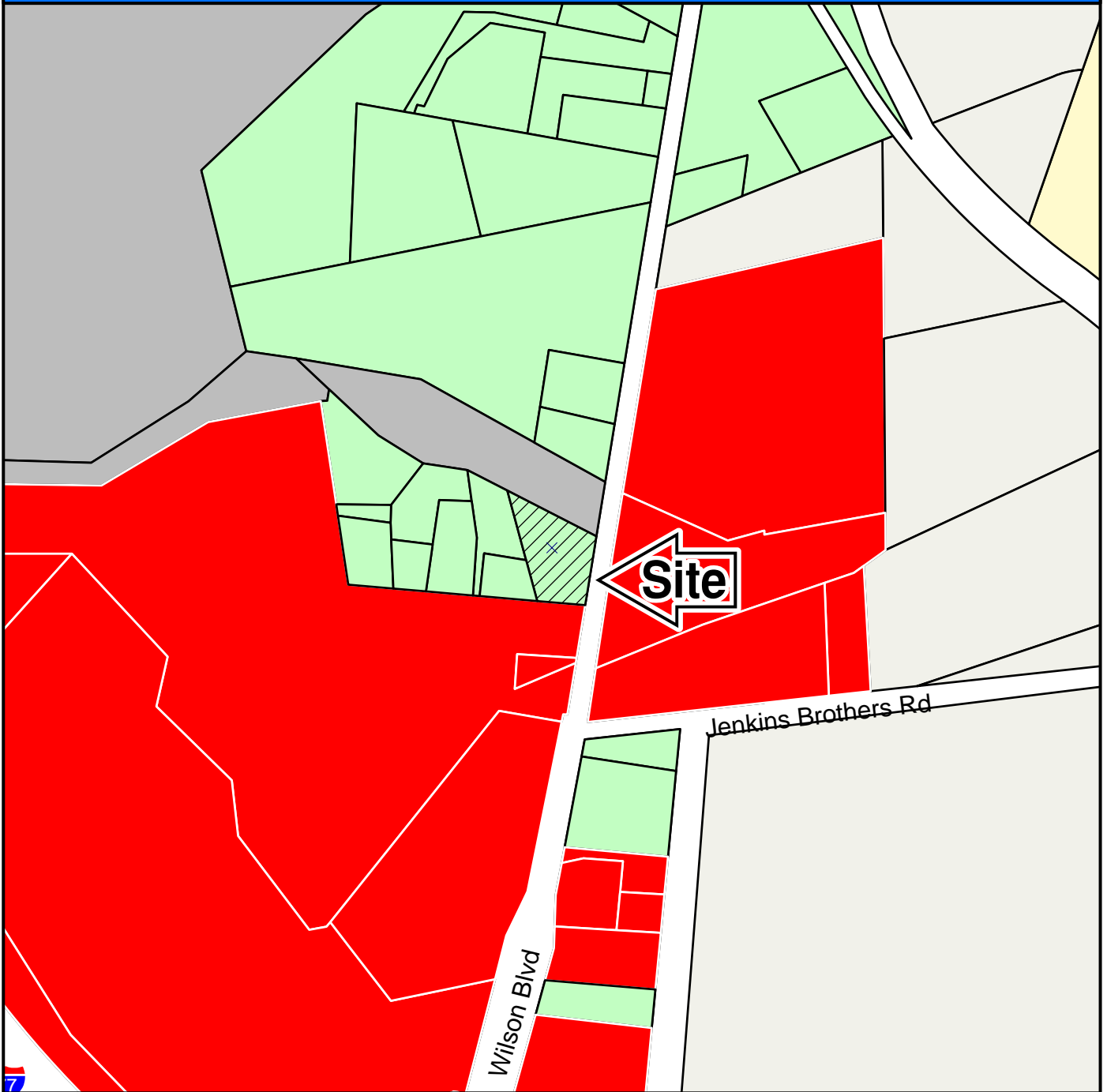
At their meeting of October 4, 2004, the Richland County Planning Commission agreed (did not agree) with the PDSD recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 05-11 MA at the next available opportunity.

Commission Findings of Fact/Recommendations

(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)

In consideration of the proposed Zoning Map Amendment # 05-11 MA, the Planning Commission made the findings of fact summarized below:

CASE 05-11 MA RU to C-3



ZONING CLASSIFICATIONS

	C-1		D-1		MH-1		PDD		RG-2		RS-2		
	C-2		M-1		MH-2		PUD		RR		RS-3		
	C-3		M-2		MH-3		RG-1		RS-1		RU		
												SUBJECT	

CASE 05-11 MA
RU to C-3
TMS 15000-02-24

Site



CASE 05-11 MA FROM RU to C-3

TMS# 15000-02-24 Wilson Blvd. (US 21) ½ mile north of I-77



Attachment A
CASE 05-11 MA

All that certain piece, parcel or lot of land together with the improvements thereon situate, lying and being located in the County of Richland, State of South Carolina, being shown and designated on a plat of Dorothy and Leroy Tyson by D. George Ruff dated June 28, 1965 and recorded in the Office of the Clerk of Court for Richland County in Plat Book 27 at page 94 and having the following boundaries and measurements to wit: On the North by lands now or formerly of Creech whereon it measures four hundred sixty-six and four tenths (466.4') feet; on the East by U.S. Highway 21 whereon it measures two hundred thirty-one and five-tenths (231.5') feet; on the South by a dirt road whereon it measures one hundred and eighty-nine (189.0') feet; on the West by lands now or formerly of Entzminger whereon it measures four hundred and fifty-eight and five tenths (458.5') feet; be all measurements a little more or less.

Being the identical property conveyed to the Grantors herein by deed of Barbara D. Simons recorded in the RMC Office of Richland County in Deed Book D-307 at page 529 on February 25, 1974.

This conveyance is made subject to easements, conditions and restrictions affecting the property of record.

Grantee's mailing address: Route 1, Box 123-A, Blythewood, S.C. 29016

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

October 4, 2004

RC Project # 05-12(A) MA	Applicant: Steve Rayl
General Location: 117 Lockman Road (east of Two Notch Road)	
Tax Map Number: 25915-02-03	Subject Area: 0.66 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: C-1
Proposed Use: Offices	PC Sign Posting Date: September 10, 2004

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. It is the Department's position that this provision means the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

- a) The need and justification for the changes.
- b) The effect of the change, if any, on the property and on surrounding properties.
- c) The amount of land in the general area having the same classification as that requested.
- d) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Policies of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

For the establishment of offices

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Vacant residential duplex
Adjacent North	C-3	Oak Is It Wood, Lifetouch National School Studio
Adjacent East	RU	Existing mobile home
Adjacent South	RU	Powerline easement, undeveloped woodlands, and estate size lot single family residential home
Adjacent West	RU	Single family residence

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas</p>	<p><u>Proposed C-1 Zoning Designation Intent</u> This district is intended to accommodate office, institutional, and certain types of residential uses in areas whose characteristic is neither general commercial nor exclusively residential in nature.</p>
<p><u>Existing RU Zoning Permitted Uses</u> All farm type enterprises Public buildings and utilities Orphanages, nursing homes and the like Places of worship Educational facilities One & Two family dwellings</p>	<p><u>Proposed C-1 Zoning Permitted Uses</u> Offices Nursing homes, rest homes Funeral homes Photography studios, art studios Rooming and boarding houses Single family detached dwellings</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-65, respectively of the County Code. Some Special Exception uses are also possible.

The proposed Amendment site abuts commercial uses on C-3 zoned property to the north and single family residences to the east and west. The site is compatible with the surrounding area as it will consist of offices in a residential building.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2009. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Two Notch Road via Lockman Road	
Functional Classification Of This Roadway	Five lane undivided major arterial to two lane undivided collector at the site	
Level-Of-Service C Design Capacity (V/C = 1.00)	24,800	
Estimated Traffic Generated By The Proposed Project	23	
Current Volume At The Nearest Count Station #117 Located @ west of Two Notch/Spears Creek Intersection	15,700	
Estimated Traffic Count With the Proposed Project	15,723	
Volume-To-Capacity Ratio With The Proposed Project	0.63	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rates presented on pages 9 through 11 of the Addendum To The Long Range Major Street Plan for Richland County, October 1993, or the 6th Edition of the Institute of Traffic Engineers Traffic Generation Manual (TGM), whichever is most appropriate for the requested use.

The current traffic counts were received from SCDOT on May 25, 2004 and represent the Annual Average Daily Trips in 2003 i.e. **they are already more than one year old.**

The estimated project traffic is calculated by multiplying the generation rate for a Single Tenant Office Building business found on page 1070 of the TGM times the proposed square footage of the use. The calculation is as follows; an average rate of 11.57 per 1000 sq. ft. x 2 = 23. The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity. The proposed Amendment would not have a noticeable effect on Two Notch Road.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 4 mile radius of a fire station.

Relationship To Comprehensive Plan

It is the Department's position that in order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8] The County Council amended all the Proposed Land Use Maps by Subarea on May 3, 1999 as part of the Comprehensive Plan adoption process.

Section 6-29-710, SC Code of Laws states "...The regulations (*i.e., zoning and other land development regulations*) must be made in accordance with the comprehensive plan for the jurisdiction and be made with a view to promoting the purposes set forth in this chapter..." . The Department interprets this provision to mean that if either the existing, or proposed zoning, is not consistent with the land use designation on the Northeast Subarea Proposed Land Use Map, the Map should be amended through the statutory comprehensive plan amendment process. **The Map designates the subject area as Medium Density Residential in an Established Urban Area.**

The proposed C-1 zoning **is NOT consistent** with the Map designation as required by state statutes because the site is designated for residential use when the proposed use is professional office space. The zoning should be RS-2, RS-3, RG-1 or PUD to be consistent with the Medium Density Residential land use designation.

In addition to reviewing the consistency with the Proposed Land Use Map, it is necessary to review the Comprehensive Plan's development policies, as found in the Subarea Plans, to determine if the proposed amendment furthers the Objectives and Recommendations/Principles of the Comprehensive Plan as found in the Subarea Plans. The Northeast Subarea Plan, adopted in March 1995, contains policy guidance that is relevant to the subject Zoning Map Amendment. The relevant Objectives and Recommendations/Principles, found on pages 30 and 35 respectively, are discussed below:

Objective – Limit commercial development to select locations such as major intersections, reducing the effects of non-residential intrusion on neighborhoods.

The proposed site is adjacent to C-3 zoning along Two Notch Road. The intent of C-1 zoning is to provide an opportunity for limited low intensity commercial development to serve as a buffer between the highway-oriented commercial activity and the adjacent residential area. The subject site is the perfect example of where C-1 zoning is desirable. The proposed Amendment **implements** this Objective.

Principle – Established residential areas should be protected against penetration or encroachment from higher or more intensive development.

The proposed C-1 zoning will protect the adjacent established residential neighborhood from more intensive development. The applicant will create office space within a residence that has been moved onto the subject site. A small office is the perfect type of development to provide a transitional land use between the highway-oriented commercial uses and the adjacent residential uses. The proposed Amendment **implements** this Principle.

Other Relevant Issues

The subject site is located on Lockman Road, a state maintained paved road. This Road is the only paved access road for the whole residential area (Castle Acres) east of the subject site. On this basis, the Department believes that C-1 zoning is appropriate for the subject parcel and the adjacent parcel to the west.

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDSD) recommends the Official Zoning Map designation for the parcels included in Project # 05-12 (A) MA **be changed** from RU to C-1.

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment **is compatible** with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Two Notch Road south of this location **will not** be exceeded.
4. The proposed Amendment is **not consistent** with Proposed Land Use Map designation in the Northeast Subarea Plan.
5. The proposed Zoning Map Amendment **is consistent** with the Objectives and Recommendations of the Northeast Subarea Plan discussed herein.
6. It is the Department's position that in order to comply with the requirements of Section 6-29-540, SC Code of Laws, the Proposed Land Use Map for this portion of the Northeast Subarea Plan should be amended, via the formal land use ordinance adoption process, to **change the land use designation** for the subject site to a Office and Institutional land use designation.
7. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

SECTION III PLANNING COMMISSION ACTION
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Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

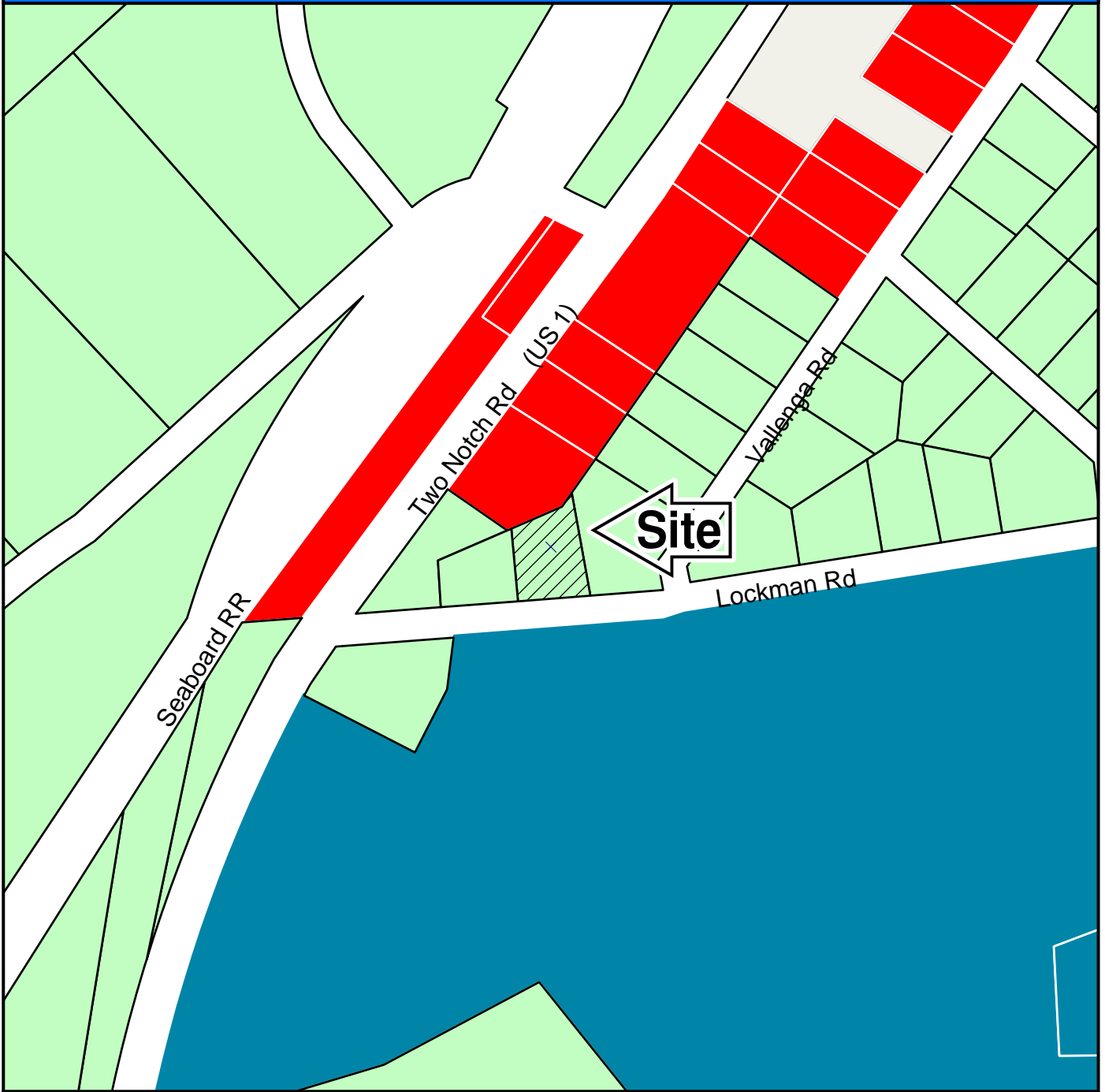
At their meeting of October 4, 2004, the Richland County Planning Commission agreed (did not agree) with the PDSO recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 05-12(A) MA at the next available opportunity.

Commission Findings of Fact/Recommendations





















(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)

In consideration of the proposed Zoning Map Amendment # 05-12(A) MA, the Planning Commission made the findings of fact summarized below:

CASE 05-12(a) MA RU to C-1



ZONING CLASSIFICATIONS

 C-1	 D-1	 MH-1	 PDD	 RG-2	 RS-2	 N
 C-2	 M-1	 MH-2	 PUD	 RR	 RS-3	
 C-3	 M-2	 MH-3	 RG-1	 RS-1	 RU	
 SUBJECT						

CASE 05-12(a) MA
RU to C-1
TMS 25915-02-03

Site →



CASE 05-12(a) MA FROM RU to C-1

TMS# 25915-02-03

Lockman Road



ALSO

ALL that lot, piece, parcel or tract of land, with buildings and improvements thereon, lying and being near Pontiac, County of Richland, State of South Carolina, and being bounded on the Northwest by Lots 20 and 21, Block A of Casa Loma Estates; on the East by Lot 15 Casa Loma Estates; on the South by Lockman Road; and on the West by Lot 17 Casa Loma Estates.

The said tract being more particularly described as Lot 16 of Casa Loma Estates, Block A according to a plat of survey of Casa Loma Estates Subdivision on May 15, 1958 recorded in Plat Book "12", at page 57 in the office of the RMC for Richland County, which is by reference incorporated herein as part of this description.

Lot 16, Block A is subject to Restrictive Covenants recorded in Deed Book "D191", at page 838; Deed Book "D201" at page 245 in the office of the RMC for Richland County.

Lot 16; Block A is subject to an easement to SCE&G recorded in Deed Book "D296", at page 922 in the office of the RMC for Richland County.

All lots are subject to a right of way to the County Board of Commissioners recorded in Deed Book "D341", at page 457 in the office of the RMC for Richland County.

It is understood and agreed that this deed is made and delivered subject to the rollback provisions of the Code of Laws of South Carolina, 1976, §12-43-220 and that the Grantee will be responsible for the payment thereof.

The Grantor, by execution of this deed, affirms that there are no hazardous materials on the above described property, such as will subject the Grantee to liability for environmental damage or clean up.

Said lands are identical to the lands described in that certain deed from William B. Courtney to Mildred Courtney recorded in Deed Book "D1255", at page 225, in the office of the RMC for Richland County.

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

October 4, 2004

RC Project # 05-12(B) MA	Applicant: Steve Rayl
General Location: 105 Valenga Road (east of Two Notch Road)	
Tax Map Number: 29003-01-11	Subject Area: 0.46 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: C-1
Proposed Use: Offices	PC Sign Posting Date: September 10, 2004

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. It is the Department's position that this provision means the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

- a) The need and justification for the changes.
- b) The effect of the change, if any, on the property and on surrounding properties.
- c) The amount of land in the general area having the same classification as that requested.
- d) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Policies of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

For the establishment of offices

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Existing mobile home
Adjacent North	RU	Existing mobile home
Adjacent East	RU	Single family residences
Adjacent South	RU	Existing mobile home
Adjacent West	C-3	Oak Is It Wood, Lifetouch National School Studio

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas</p>	<p><u>Proposed C-1 Zoning Designation Intent</u> This district is intended to accommodate office, institutional, and certain types of residential uses in areas whose characteristic is neither general commercial nor exclusively residential in nature.</p>
<p><u>Existing RU Zoning Permitted Uses</u> All farm type enterprises Public buildings and utilities Orphanages, nursing homes and the like Places of worship Educational facilities One & Two family dwellings</p>	<p><u>Proposed C-1 Zoning Permitted Uses</u> Offices Nursing homes, rest homes Funeral homes Photography studios, art studios Rooming and boarding houses Single family detached dwellings</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-65, respectively of the County Code. Some Special Exception uses are also possible.

The proposed Amendment site abuts commercial uses on C-3 zoned property to the west and single family residences to north, south, and east. The site is not compatible with the surrounding area as it will consist of an office in a predominantly residential area on a gravel road.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2009. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Two Notch Road via Lockman and Vallenga Road	
Functional Classification Of This Roadway	Five lane undivided major arterial to two lane undivided collector at the site	
Level-Of-Service C Design Capacity (V/C = 1.00)	24,800	
Estimated Traffic Generated By The Proposed Project	23	
Current Volume At The Nearest Count Station #117 Located @ west of Two Notch/Spears Creek Intersection	15,700	
Estimated Traffic Count With the Proposed Project	15,723	
Volume-To-Capacity Ratio With The Proposed Project	0.63	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rates presented on pages 9 through 11 of the Addendum To The Long Range Major Street Plan for Richland County, October 1993, or the 6th Edition of the Institute of Traffic Engineers Traffic Generation Manual (TGM), whichever is most appropriate for the requested use.

The current traffic counts were received from SCDOT on May 25, 2004 and represent the Annual Average Daily Trips in 2003 i.e. **they are already more than one year old.**

The estimated project traffic is calculated by multiplying the generation rate for a Single Tenant Office Building business found on page 1070 of the TGM times the proposed square footage of the use. The calculation is as follows; an average rate of 11.57 per 1000 sq. ft. x 2 = 23.

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

The proposed Amendment would not have a noticeable effect on Two Notch Road.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 4 mile radius of a fire station.

Relationship To Comprehensive Plan

It is the Department's position that in order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8] The County Council amended all the Proposed Land Use Maps by Subarea on May 3, 1999 as part of the Comprehensive Plan adoption process.

Section 6-29-710, SC Code of Laws states "...The regulations (*i.e., zoning and other land development regulations*) must be made in accordance with the comprehensive plan for the jurisdiction and be made with a view to promoting the purposes set forth in this chapter..." . The Department interprets this provision to mean that if either the existing, or proposed zoning, is not consistent with the land use designation on the Northeast Subarea Proposed Land Use Map, the Map should be amended through the statutory comprehensive plan amendment process. **The Map designates the subject area as Medium Density Residential in an Established Urban Area.**

The proposed C-1 zoning is NOT consistent with the Map designation as required by state statutes because the site is designated as a residential area with a proposal for office and institutional zoning. The zoning should be RS-2, RS-3, RG-1 or PUD to be consistent with the Medium Density Residential land use designation.

In addition to reviewing the consistency with the Proposed Land Use Map, it is necessary to review the Comprehensive Plan's development policies, as found in the Subarea Plans, to determine if the proposed amendment furthers the Objectives and Recommendations/Principles of the Comprehensive Plan as found in the Subarea Plans. The Northeast Subarea Plan, adopted in March 1995, contains policy guidance that is relevant to the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 30 and 35 respectively, are discussed below:

Objective – Limit commercial development to select locations such as major intersections, reducing the effects of non-residential intrusion on neighborhoods.

The proposed site is located on Valenga Road, an unpaved County maintained road that is parallel to Two Notch Road. The site is surrounded by residences to the north, east, and south. The proposed Amendment **does not implement** this Objective.

Principle - Sites of major traffic junctions and cluster locations as opposed to strip development.

The proposed site is located on an unpaved road and is surrounded on three sides by residential development. The proposed Amendment **does not implement** this Principle.

Principle – Established residential areas should be protected against penetration or encroachment from higher or more intensive development.

The subject parcel is surrounded on three sides by residential development. Granting the proposed Amendment on this site would result in establishing a commercial intrusion into an established residential area. The proposed Amendment does not implement this Principle.

Other Relevant Issues

The Department believes that commercial zoning should not encroach any further into the residential area than the parcel on the corner of Lockman and Valenga. Valenga Road is an unpaved road that is not intended or constructed for commercial access.

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDSD) recommends the Official Zoning Map designation for the parcels included in Project # 05-12(B) MA **not be changed** from RU to C-1.

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment **is not compatible** with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Two Notch Road south of this location **will not** be exceeded.
4. The proposed Amendment is **not consistent** with Proposed Land Use Map designation in the Northeast Subarea Plan.
5. The proposed Zoning Map Amendment is **not consistent** with the Objectives and Recommendations of the Northeast Subarea Plan discussed herein.

6. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

SECTION III PLANNING COMMISSION ACTION

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

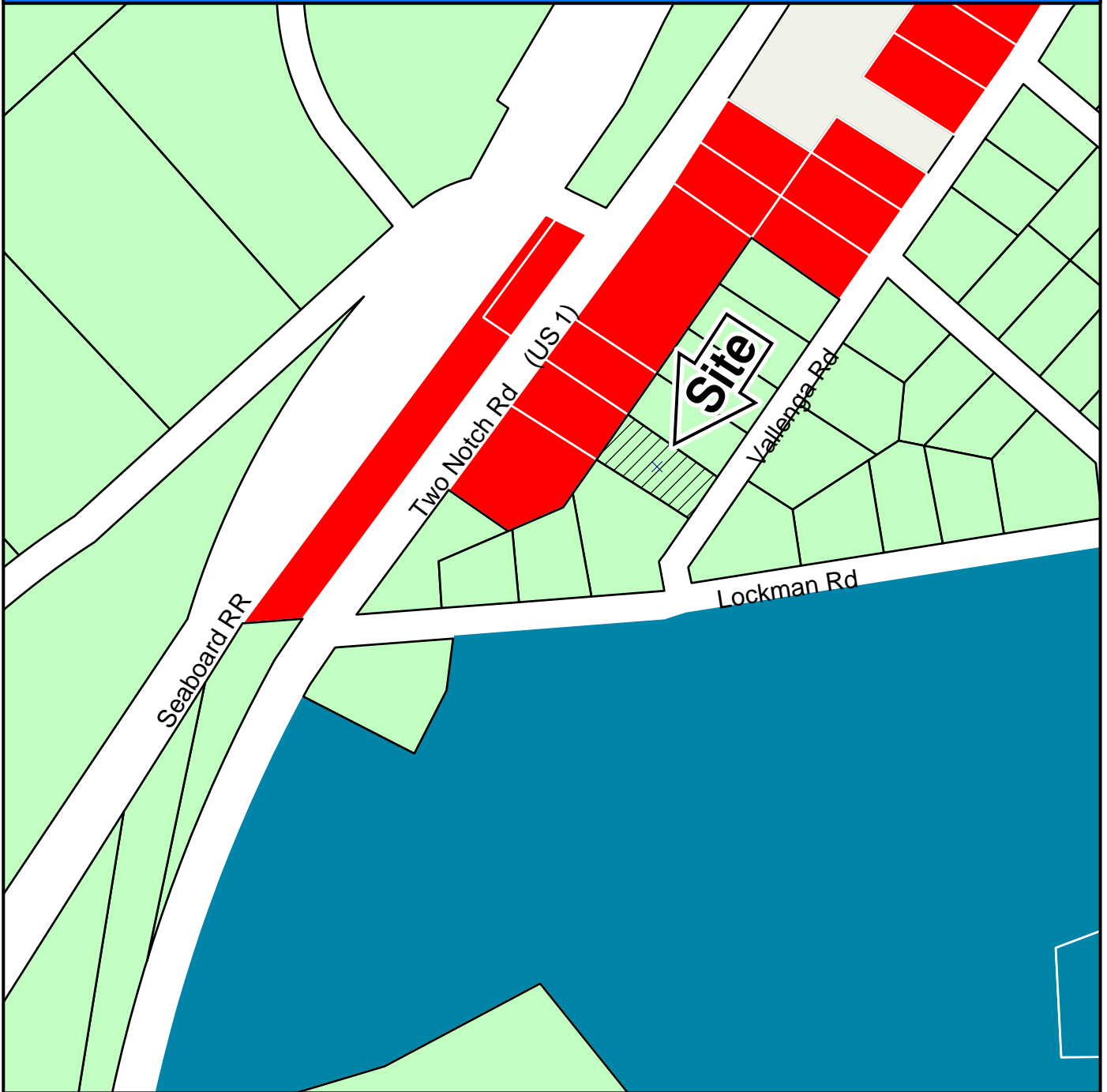
At their meeting of October 4, 2004, the Richland County Planning Commission agreed (did not agree) with the PDSD recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 05-12(B) MA at the next available opportunity.

Commission Findings of Fact/Recommendations




















(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)

In consideration of the proposed Zoning Map Amendment # 05-12(B) MA, the Planning Commission made the findings of fact summarized below:

CASE 05-12(b) MA RU to C-1



ZONING CLASSIFICATIONS

 C-1	 D-1	 MH-1	 PDD	 RG-2	 RS-2
 C-2	 M-1	 MH-2	 PUD	 RR	 RS-3
 C-3	 M-2	 MH-3	 RG-1	 RS-1	 RU
					 SUBJECT



CASE 05-12(b) MA
RU to C-1
TMS 29003-01-11

Site



CASE 05-12(b) MA FROM RU to C-1

TMS# 290003-01-11

Vallenga Road



Attachment A
CASE 05-12(b) MA

STATE OF SOUTH CAROLINA)
)
) **TITLE TO REAL ESTATE**
COUNTY OF RICHLAND)

KNOW ALL MEN BY THESE PRESENTS, that I, **MILDRED COURTNEY**, in the State aforesaid, for and in consideration of the sum of Two Hundred Ten Thousand and no/100 (\$210,000.00) dollars to me in hand paid at and before the sealing of these presents by **THE WOODCREEK LAND CO., INC.** in the State aforesaid, receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said:

THE WOODCREEK LAND CO., INC., its successors and assigns,

ALL that lot, piece, parcel or tract of land, with buildings and improvements thereon, lying and being near Pontiac, County of Richland, State of South Carolina, and being bounded on the Northeast by Lot 22, Block A of Casa Loma Estates; on the Southeast by Lots 15, 16 and 17, Block A of Casa Loma Estates; on the Southwest by Lot 19, Block A of Casa Loma Estates; on the Northwest by US Highway 1.

The said tract being more particularly described as Lots 20 and 21 of Casa Loma estates, Block A according to a plat of survey of Casa Loma Estates Subdivision on May 15, 1958 recorded in Plat Book "12", at page 57 in the office of the RMC for Richland County and also according to a plat of survey prepared for William B. Courtney by James F. Polson, R.L.S., on April 16, 1987, which is by reference incorporated herein as part of this description.

Lot 20 and 21, Block A are subject to Restrictive Covenants recorded in Deed Book "D56", at page 745 in the office of the RMC for Richland County,

ALSO

ALL that lot, piece, parcel or tract of land, with buildings and improvements thereon, lying and being near Pontiac, County of Richland, State of South Carolina, and being bounded on the Northeast by Lot 13, Block A of Casa Loma Estates; on the Southeast by Vallenga Road; on the Southwest by Lot 15, Block A of Casa Loma Estates and on the Northwest by Lot 22, Block A of Casa Loma Estates.

The said tract being more particularly described as Lot 14 of Casa Loma Estates, Block A according to a plat of survey of Casa Loma Estates Subdivision on May 15, 1958 recorded in Plat Book "12", at page 57 in the office of the RMC for Richland County, which is by reference incorporated herein as part of this description.

Lot 14, Block A is subject to Restrictive Covenants recorded in Deed Book "D265", at page 335 in the office of the RMC for Richland County

ALSO

ALL that lot, piece, parcel or tract of land, with buildings and improvements thereon, lying and being near Pontiac, County of Richland, State of South Carolina, and being bounded on the Northwest by Lots 20 and 21, Block A of Casa Loma Estates; on the East by Lot 15 Casa Loma Estates; on the South by Lockman Road; and on the West by Lot 17 Casa Loma Estates.

The said tract being more particularly described as Lot 16 of Casa Loma Estates, Block A according to a plat of survey of Casa Loma Estates Subdivision on May 15, 1958 recorded in Plat Book "12", at page 57 in the office of the RMC for Richland County, which is by reference incorporated herein as part of this description.

Lot 16, Block A is subject to Restrictive Covenants recorded in Deed Book "D191", at page 838; Deed Book "D201" at page 245 in the office of the RMC for Richland County.

Lot 16; Block A is subject to an easement to SCE&G recorded in Deed Book "D296", at page 922 in the office of the RMC for Richland County.

All lots are subject to a right of way to the County Board of Commissioners recorded in Deed Book "D341", at page 457 in the office of the RMC for Richland County.

It is understood and agreed that this deed is made and delivered subject to the rollback provisions of the Code of Laws of South Carolina, 1976, §12-43-220 and that the Grantee will be responsible for the payment thereof.

The Grantor, by execution of this deed, affirms that there are no hazardous materials on the above described property, such as will subject the Grantee to liability for environmental damage or clean up.

Said lands are identical to the lands described in that certain deed from William B. Courtney to Mildred Courtney recorded in Deed Book "D1255", at page 225, in the office of the RMC for Richland County.

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

October 4, 2004

RC Project # 05-13 MA	Applicant: Robert Garrick
General Location: South side of Bluff Road 1/4 mile east of Congaree Road	
Tax Map Number: 32400-06-01/56/58	Subject Area: 6.4 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: C-3
Proposed Use: Convenience Store	PC Sign Posting Date: September 14, 2004

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. It is the Department's position that this provision means the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

- a) The need and justification for the changes.
- b) The effect of the change, if any, on the property and on surrounding properties.
- c) The amount of land in the general area having the same classification as that requested.
- d) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Policies of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

Expand the existing business

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Convenience store and residence
Adjacent North	RU	Single family residences & undeveloped
Adjacent East	RU	Single family residence and farm buildings
Adjacent South	RU	Woodlands and agricultural uses
Adjacent West	RU	Single family residence

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas</p>	<p><u>Proposed C-3 Zoning Designation Intent</u> Intended to accommodate a wide variety of general commercial and nonresidential uses characterized by retail, office and service establishments and oriented primarily to major traffic arteries</p>
<p><u>Existing RU Zoning Permitted Uses</u> All farm type enterprises Public buildings and utilities Orphanages, nursing homes and the like Places of worship Educational facilities One & Two family dwellings</p>	<p><u>Proposed C-3 Zoning Permitted Uses</u> Retail, service, repair & personal services Offices, studios & financial institutions Eating and drinking establishments Wholesale/distribution uses < 8000 sq. ft. Private clubs, lodges and the like Automobile service stations Places of worship Enclosed recycle collection & transfer uses</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-67, respectively of the County Code. Some Special Exception uses are also possible.

The subject site has been a convenience store in the Gadsden community for several years. The rezoning is necessary to allow its expansion.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2009. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Bluff Road	
Functional Classification Of This Roadway	Two lane minor arterial	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	10,800	
Estimated Traffic Generated By The Proposed Project	3712	
Current Volume At The Nearest Count Station # 246 Located @ the site	2600	
Estimated Traffic Count With the Proposed Project	6312	
Volume-To-Capacity Ratio With The Proposed Project	0.58	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rates (1856 trips per 1000 sq. ft. of GFA times an estimated 2000 sq. ft business) presented on page 1424 of the 5th Edition of the Institute of Traffic Engineers Traffic Generation Manual (TGM).

The current traffic counts were received from SCDOT on May 25, 2004 and represent the Annual Average Daily Trips in 2003 i.e. **they are already more than one year old.**

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 3 mile radius of a fire station.

Relationship To Comprehensive Plan

It is the Department's position that in order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8] The County Council amended all the Proposed Land Use Maps by Subarea on May 3, 1999 as part of the Comprehensive Plan adoption process.

Section 6-29-710, SC Code of Laws states "...The regulations (*i.e., zoning and other land development regulations*) must be made in accordance with the comprehensive plan for the jurisdiction and be made with a view to promoting the purposes set forth in this chapter..." The Map designates the subject area as Commercial. The Department interprets this provision to mean that if either the existing, or proposed zoning, is not consistent with the land use designation on the Lower Richland Subarea Proposed Land Use Map, the Map should be amended through the statutory comprehensive plan amendment process.

In addition to reviewing the consistency with the Proposed Land Use Map, it is necessary to review the Comprehensive Plan's development policies, as found in the Subarea Plans, to determine if the proposed amendment furthers the Objectives and Recommendations of the Comprehensive Plan as found in the Subarea Plans. The Lower Richland Subarea Plan, adopted in January 1992, contains policy guidance that is relevant to the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 33 and 43 respectively, are discussed below:

Objective – Provide areas with commercial and industrial facilities and services that are related to each other in an efficient manner, served by adequate infrastructure and readily accessible to the public

The subject site is an existing convenience store that has been in business at the same site for several years and as such has served as the commercial center for the Gadsden community. The traffic analysis above shows there is adequate road capacity for the project. The proposed Amendment implements this Objective.

Principle – None Applicable.

Other Relevant Issues

None

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDSD) recommends the Official Zoning Map designation for the parcels included in Project # 05-13 MA **be changed** from RU to C-3.

Findings of Fact:

1. The applicant has provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment **is not compatible** with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Bluff Road at this location will not be exceeded.
4. The proposed Amendment **is consistent with** Proposed Land Use Map designation in the Lower Richland Subarea Plan.
5. The proposed Zoning Map Amendment **is consistent with** the Objectives and Recommendations of the Lower Richland Subarea Plan discussed herein.
6. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

SECTION III PLANNING COMMISSION ACTION

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

At their meeting of October 4, 2004, the Richland County Planning Commission agreed (**did not agree**) with the PSDS recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 05-13 MA at the next available opportunity.

Commission Findings of Fact/Recommendations





















(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)

In consideration of the proposed Zoning Map Amendment # 05-13 MA, the Planning Commission made the findings of fact summarized below:

CASE 05-13 MA RU to C-3



ZONING CLASSIFICATIONS

	C-1		D-1		MH-1		PDD		RG-2		RS-2	 N	
	C-2		M-1		MH-2		PUD		RR		RS-3		
	C-3		M-2		MH-3		RG-1		RS-1		RU		
												SUBJECT	

CASE 05-13 MA
RU to C-3
TMS 32400-06-01/56/58



CASE 05-13 MA FROM RU to C-3

TMS# 32400-06-01/56/58

1815 Bluff Road



Attachment A
Case 05-13 MA

Legal Description

All that certain piece, parcel or tract of land, situate, lying and being on the southern side of Bluff Road (S.C. Highway 48) near Gadsden, in the County of Richland, State of South Carolina, containing 2.59 acres, more or less, and being more particularly shown and designated as Tract "D" on that certain plat prepared for Gladys Scott by James F. Polson, RLS Number 4774, dated June 28, 1989 and recorded in the Office of RMC for Richland County, SC in Plat Book 52 at Page 6785 which plat is incorporated herein by reference as part of the legal description of said 2.59 acres tract. The subject property has the following boundaries and measurements to wit: On the north by Bluff Road whereon it fronts and measures for a distance of 296.41 feet; on the east by property now or formerly of John P. Holley, Sr. and by property now or formerly of Marie S. Chandler whereon it measures for a combined distance of 373.22 feet; on the south by property now or formerly of Marie S. Chandler whereon it measures for a combined distance of 309.88 feet; and on the west by property now or formerly of Robert F. Garrick (formerly owned by Bessie Garrick) whereon it measures 475.14 feet; be all measurements a little more or less.

TMS 32400-06-58

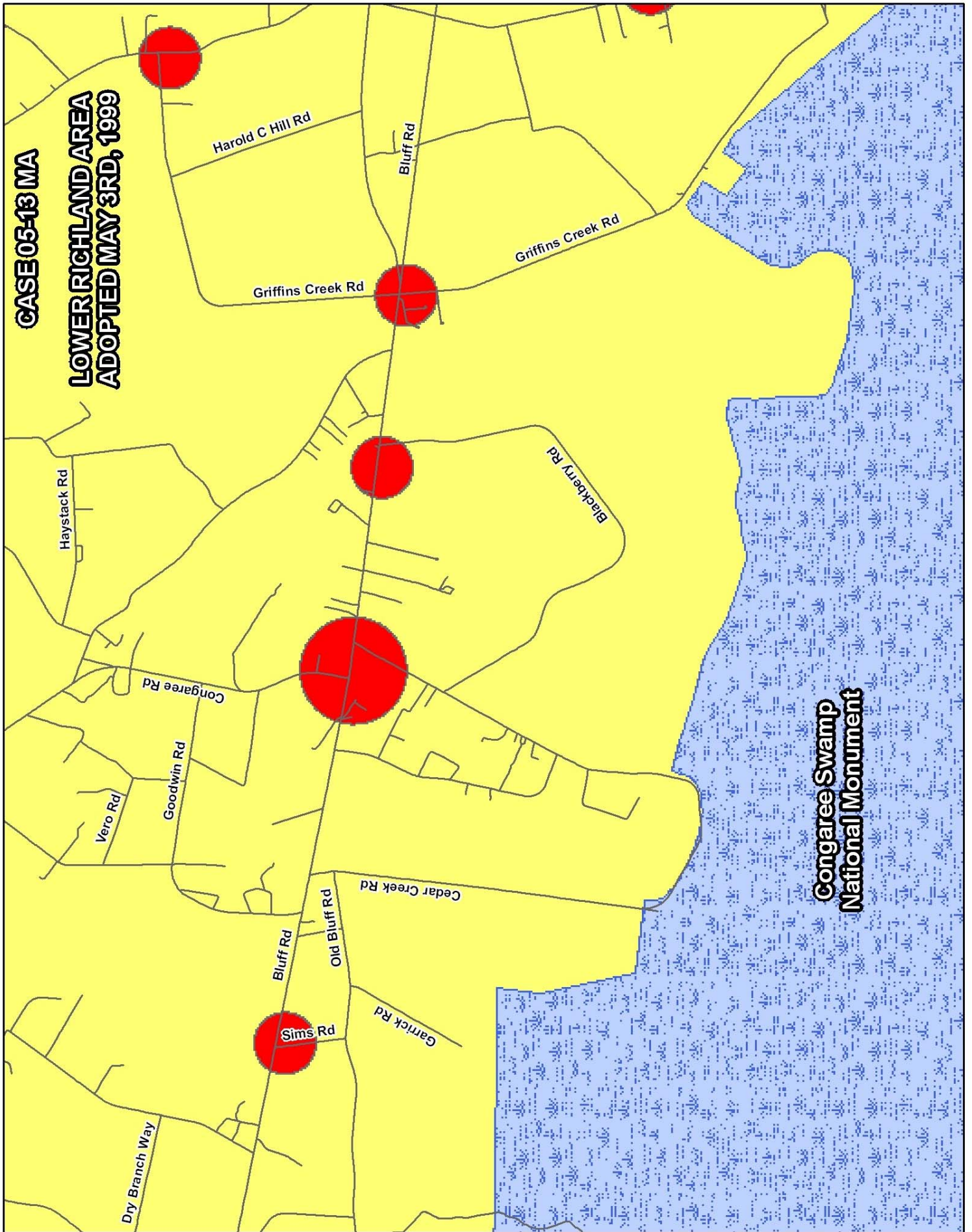
All that certain piece, parcel or lot of land situate, lying and being on the southern side of Bluff Road (SC Highway 48) near the Town of Gadsden, Tax District 1-LR, containing 99/100 acre and having the following boundaries and measurements: North by Bluff Road, whereon it fronts and measures 137.54 feet; on the East by Tract "C", whereon it measures 404.62 feet; on the South by property now or formerly of Caswell, whereon it measures 99.91 feet; and on the West by Tract "A", whereon it measures 354.22 feet; be all measurements a little more or less. Subject property is shown as Tract "B" on that certain plat prepared for Estate of Bessie Garrick by James F. Polson, RLS No. 4744 dated June 28, 1989, which plat insofar as it related to Tract "B" is incorporated herein by reference as part of the legal description of Tract "B".

TMS 32400-06-01

All that certain piece, parcel or lot of land, situate lying and being on the southern side of SC Highway No. 48 near the Town of Gadsden, in School District 1L, in the County of Richland, State of South Carolina, containing 2.078 acres and being more particularly shown and designated on that certain plat prepared for Robert F. Garrick by Richard H. Byrd, RLS, No. 10033, dated August 16, 1985. According to said plat, subject property has the following bearings, boundaries and measurements: beginning at an iron on the southern edge of right-of-way of SC Highway No. 48 approximately 440 feet East of centerline of S-40-1090 and running S 79° 46' 38" E along the southern edge of said right-of-way for a distance of 175.00 feet to an iron; thence turning and running S 21° 53'

15" W along property formerly of Bessie Garrick for a distance of 464.0 feet to an iron; thence turning and running N 59° 00' 56" W along property now or formerly of Vara Caswell for a distance of 256.4 feet to an iron; thence turning and running N 33° 46' 59" E along property formerly of Bessie Garrick for a distance of 396.6 feet to the point of commencement; be all measurements a little more or less.

TMS 32400-06-56



**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

October 4, 2004

RC Project # 05-14 MA	Applicant: Jeff Greene
General Location: Northeast corner of Bluff and Berea Road	
Tax Map Number: 11205-03-01/03	Subject Area: 1.8 ac MOL
Current Parcel Zoning: C-3/M-2	Proposed Parcel Zoning: C-3
Proposed Use: Multi-family residential	PC Sign Posting Date: September 10, 2004

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. It is the Department's position that this provision means the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

- a) The need and justification for the changes.
- b) The effect of the change, if any, on the property and on surrounding properties.
- c) The amount of land in the general area having the same classification as that requested.
- d) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Policies of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

For the establishment of multi-family residences

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	C-3/M-2	Stadium Restaurant and warehouse
Adjacent North	M-2	Warehouses with loading docks on Berea Road
Adjacent East	M-2	Price Bananas Distributor
Adjacent South	M-1	Farmers Market & USC Football Practice Field
Adjacent West	M-2 & CITY	Carolina Park Parking & Williams Brice Stadium

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>C-3 Zoning Designation Intent</u> Intended to accommodate a wide variety of general commercial and nonresidential uses characterized by retail, office, and service establishments and oriented primarily to major traffic arteries</p> <p><u>M-2 Zoning Designation Intent</u> Intended to accommodate primarily those uses of manufacturing and industrial nature, and secondarily those uses which are related thereto</p>	<p><u>Proposed C-3 Zoning Designation Intent</u> Intended to accommodate a wide variety of general commercial and nonresidential uses characterized by retail, office, and service establishments and oriented primarily to major traffic arteries</p>
<p><u>Existing C-3 Zoning Permitted Uses</u> Retail, service, repair, & personal services Offices, studios, & financial institutions Eating and drinking establishments Wholesale/Distribution uses < 8000 sq. ft. Private clubs, lodges and the like Automobile service stations Places of worship Enclosed recycle collections & transfer uses</p> <p><u>Existing M-2 Zoning Permitted Uses</u> Solid waste management facilities Landfills Lawful uses not prohibited by the Zoning Ordinance</p>	<p><u>Proposed C-3 Zoning Permitted Uses</u> Retail, service, repair, & personal services Offices, studios, & financial institutions Eating and drinking establishments Wholesale/Distribution uses < 8000 sq. ft. Private clubs, lodges and the like Automobile service stations Places of worship Enclosed recycle collections & transfer uses</p>

The land uses above represent a summary of the permitted uses in Chapter 26-67 and 26-69, respectively of the County Code. Some Special Exception uses are also possible.

The site is surrounded by warehouses, parking areas, the Farmers Market and USC football practice field. The proposed Amendment for commercial zoning is compatible with the existing area.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2009. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Bluff Road (Hwy. 48)	
Functional Classification Of This Roadway	Four Lane Undivided Major Arterial	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	29,200	
Estimated Traffic Generated By The Proposed Project	NP	
Current Volume At The Nearest Count Station #238 Located @south of site on Bluff Road	17,500	
Estimated Traffic Count With the Proposed Project	NP	
Volume-To-Capacity Ratio With The Proposed Project	NP	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rates presented on pages 9 through 11 of the Addendum To The Long Range Major Street Plan for Richland County, October 1993, or the 6th Edition of the Institute of Traffic Engineers Traffic Generation Manual (TGM), whichever is most appropriate for the requested use.

The current traffic counts were received from SCDOT on May 25, 2004 and represent the Annual Average Daily Trips in 2003 i.e. **they are already more than one year old.**

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

NP = Not possible to determine.

Without knowing the number of units proposed an estimate cannot be calculated. A high rise apartment generates 4.2 trips per dwelling unit per the Addendum To The Long Range Major Street Plan for Richland County.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 1 mile radius of a fire station.

Relationship To Comprehensive Plan

It is the Department's position that in order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8] The County Council amended all the Proposed Land Use Maps by Subarea on May 3, 1999 as part of the Comprehensive Plan adoption process.

Section 6-29-710, SC Code of Laws states "...The regulations (*i.e., zoning and other land development regulations*) must be made in accordance with the comprehensive plan for the jurisdiction and be made with a view to promoting the purposes set forth in this chapter The Department interprets this provision to mean that if either the existing, or proposed zoning, is not consistent with the land use designation on the Lower Richland Subarea Proposed Land Use Map, the Map should be amended through the statutory comprehensive plan amendment process. ...” **The Map designates the subject area as Commercial in an Established Urban District.**

In addition to reviewing the consistency with the Proposed Land Use Map, it is necessary to review the Comprehensive Plan's development policies, as found in the Subarea Plans, to determine if the proposed amendment furthers the Objectives and Recommendations/Principles of the Comprehensive Plan as found in the Subarea Plans. The Lower Richland Subarea Plan, adopted in January 1992, contains policy guidance that is relevant to the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 33 and 38 respectively, are discussed below:

Objective – None Applicable

Principle – None Applicable

Other Relevant Issues

The site is located in a prime location for easy access to Downtown, Interstates 77 and 26, and various amenities such as the Farmers Market across the street and the State Fairgrounds and Williams Brice Stadium. There are currently two multi-family residential communities in the immediate area (College Suites on Silo Court and National Guard Road Apartments), which were approved via the Board of Zoning Appeals for the allowance of multi-family residences in an industrial district. This portion of the Ordinance has been amended to not allow multi-family dwellings in industrial districts, hence the need to rezone the entire site to General Commercial.

The applicant will have to apply for a height variance to the Board of Zoning Appeals if the proposed Amendment is approved. The applicant must also conform to all applicable sections relating to the development of multi-family residences including Section 26.64 *RG-2 Districts*, Section 26-80 *High Rise Structures*, Section 26-81 *Group Developments*, Chapter 27 *Landscape Requirements*, and all other applicable Sections and Chapters of the Zoning Ordinance and related regulations.

SECTION II STAFF RECOMMENDATION
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Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDSD) recommends the Official Zoning Map designation for the parcels included in Project # 05-14 MA **be changed** from C-3/M-2 to C-3.

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment is compatible with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Bluff at this location is not being exceeded.
4. The proposed Amendment **is consistent** with Proposed Land Use Map designation in the Lower Richland Subarea Plan.
5. There are no relevant Objectives or Principles relating to the proposed Amendment in the Lower Richland Subarea Plan.
6. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

SECTION III PLANNING COMMISSION ACTION

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

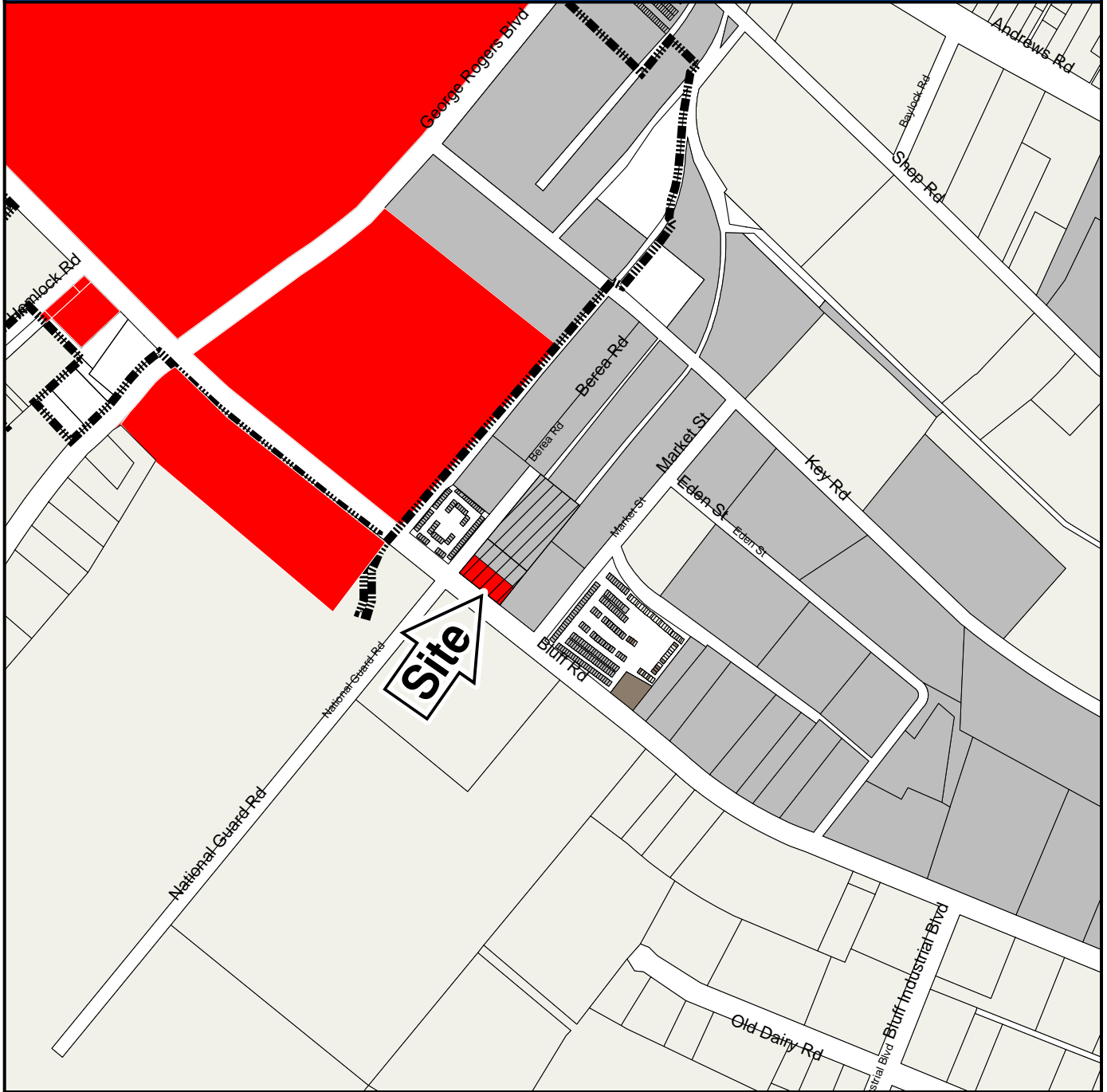
At their meeting of October 4, 2004, the Richland County Planning Commission agreed (did not agree) with the PSD recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 05-14 MA at the next available opportunity.

Commission Findings of Fact/Recommendations















(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)

In consideration of the proposed Zoning Map Amendment # 05-14 MA, the Planning Commission made the findings of fact summarized below:

CASE 05-14 MA C-3/M-2 to C-3

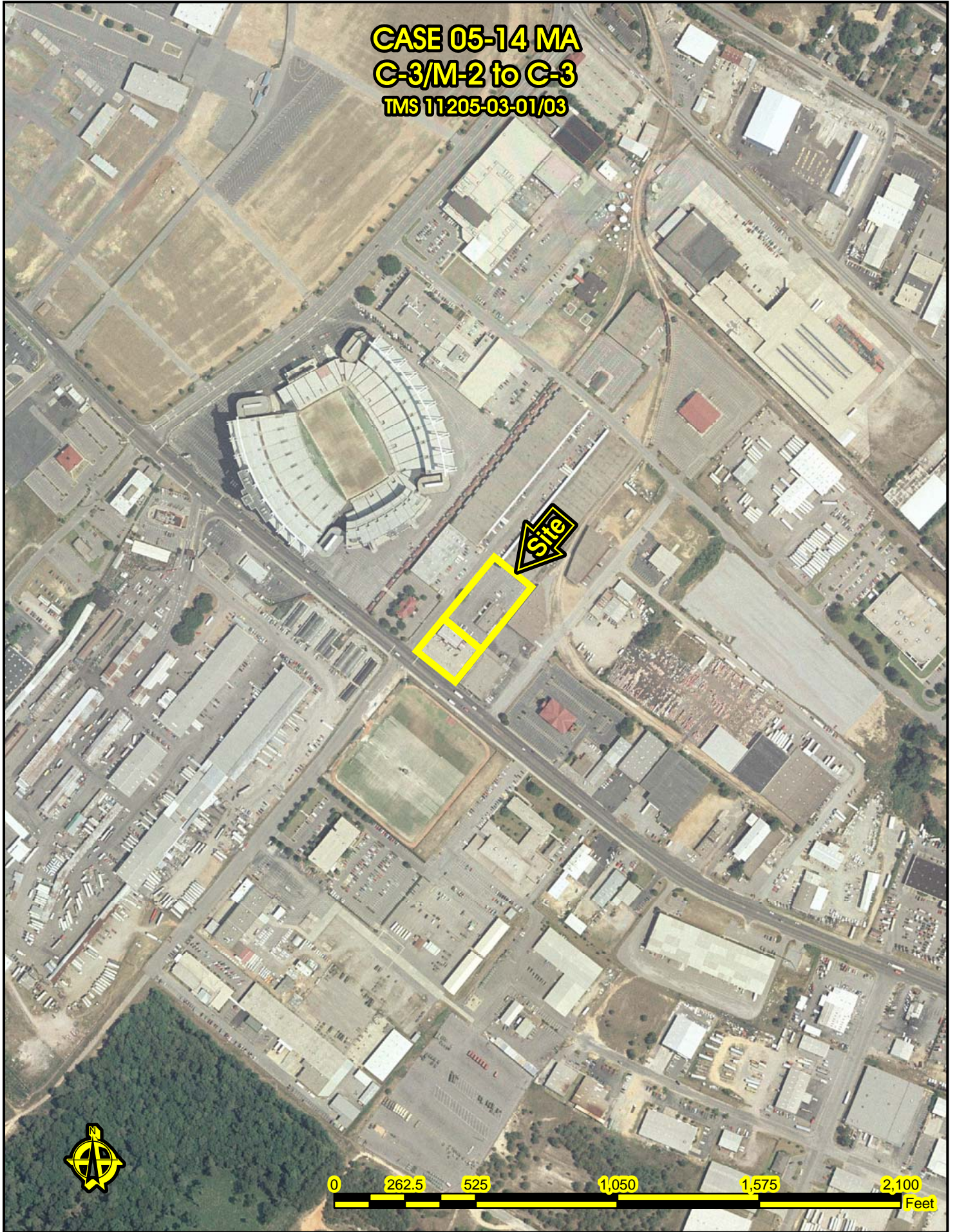


ZONING CLASSIFICATIONS

	C-1		D-1		MH-1		PDD		RG-2		RS-2
	C-2		M-1		MH-2		PUD		RR		RS-3
	C-3		M-2		MH-3		RG-1		RS-1		RU
							SUBJECT				



CASE 05-14 MA
C-3/M-2 to C-3
TMS 11205-03-01/03



CASE 05-14 MA FROM C-3/M-2 to C-3

TMS# 11205-03-01/03

Corner of Bluff and Berea Rds.



Looking at site from Bluff Road



Looking at Farmer's Market from site

Attachment A
CASE 05-14 MA

All that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, being shown as on a Plat prepared for WTB Real Estate, LLC, by Associated E & S, Inc., dated October 20, 2003, containing 1 80 acres, more or less, and recorded in the Office of the Register of Deeds for Richland County in Plat Book 00872 at page 0267, and having the following metes and bounds according to said plat: Beginning at the Southeast corner of said property and running N50°01'57"W along the 50' right of way of Bluff Road for a distance of 154.25 feet to an iron; thence turning and running N13°05'29"W along the 50' right of way of Berea Road for a distance of 24.96 feet to an iron, thence turning and running N40°09'54"E along the right of way of Berea Road for a distance of 164.00 feet to an iron: thence turning and running N40°00'00"E along the right of way of Berea Road for a distance of 270.39 feet to an iron; thence turning and running S49°58'36"E along property n/f of Warehouses, Inc. for a distance of 174.42 feet to an iron; thence turning and running S39°52'07"W along property n/f of Warehouses, Inc. for a distance of 149.70 feet to an iron, thence turning and running S39°53'34"W along property n/f of Warehouses, Inc. for a distance of 120.51 feet to an iron; thence turning and running N50°02'27"W along property n/f of Price for a distance of 0.75' to an iron; thence turning and running S40°09'40"W along property n/f of Price for a distance of 179.02 feet to the point of beginning; be all measurements a little more or less.

DERIVATION. Deed Book D664 at page 456 and Deed Book D899 at page 689.

TMS# 11205-03-01 and 11205-03-03

Grantee's Address: 1100 Bluff Road, Columbia, SC 29201

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

October 4, 2004

RC Project # 05-15 MA	Applicant: Palmetto Developers of Columbia (Courtyards at Salem Place)
General Location: Salem Church Road near Lake Murray	
Tax Map Number: 02314-01-24/04/25	Subject Area: 16.1 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: PUD-1R
Proposed Use: A cluster housing project of 85 single family detached residences, including a community pool area & 22 % open space	PC Sign Posting Date: September 10, 2004

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. It is the Department's position that this provision means the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

1. The need and justification for the changes.
2. The effect of the change, if any, on the property and on surrounding properties.
3. The amount of land in the general area having the same classification as that requested.
4. The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Principles of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

None offered

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Single Family Residence and woodlands
Adjacent North	RU	Single Family Residence and woodlands
Adjacent East	RU	Undeveloped woodlands
Adjacent South	RU	Undeveloped woodlands
Adjacent West	RS-2	Tattler’s Wharf S/D

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas</p>	<p><u>Proposed PUD-1R Zoning Designation Intent</u> Intended to accommodate primarily residential uses, with nonresidential uses integrated into the design of such districts as secondary uses</p>
<p><u>Existing RU Zoning Permitted Uses</u> All farm type enterprises Public buildings and utilities Orphanages, nursing homes and the like Places of worship Educational facilities One & Two family dwellings</p>	<p><u>Proposed PUD-1R Zoning Permitted Uses</u> Limited to the Uses and Amounts Depicted in the General Development Plan</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-70, respectively of the County Code. Some Special Exception uses are also possible.

The adjacent Tattler’s Wharf subdivision is zoned RS-2 (approximately 5.1 DU/acre). Since the subject project will have a density of 5.3 DU/acre, the proposed project is compatible with the adjacent development.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2009. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	SC Hwy 6 via Salem Church Rd	
Functional Classification Of This Roadway	Two lane undivided collector	
Level-Of-Service C Design Capacity (V/C = 1.00)	8600	
Estimated Traffic Generated By The Proposed Project	808	
Current Volume At The Nearest Count Station # 203 Located @ Ballentine	8700	
Estimated Traffic Count With the Proposed Project	9508	
Volume-To-Capacity Ratio With The Proposed Project	1.1	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rates presented on pages 9 through 11 of the Addendum To The Long Range Major Street Plan for Richland County, October 1993.

The current traffic counts were received from SCDOT on May 25, 2004 and represent the Annual Average Daily Trips in 2003 i.e. **they are already more than one year old.**

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

The traffic analysis above shows that the subject project will cause the LOS C capacity to be exceeded at SCDOT count station # 203 when the project is completely occupied.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 3 mile radius of a fire station.

Relationship To Comprehensive Plan

It is the Department's position that in order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles/Recommendations of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]. The County Council amended all the Proposed Land Use Maps by Subarea on May 3, 1999 as part of the Comprehensive Plan adoption process.

Section 6-29-710, SC Code of Laws states "...The regulations (*i.e., zoning and other land development regulations*) must be made in accordance with the comprehensive plan for the jurisdiction and be made with a view to promoting the purposes set forth in this chapter...". The Department interprets this provision to mean that if either the existing, or proposed zoning, is not consistent with the land use designation on the Northwest Subarea Proposed Land Use Map, the Map should be amended through the statutory comprehensive plan amendment process. **The Map designates the subject area as Residential/Low Density in the Developing Urban Area.**

In addition to reviewing the consistency with the Proposed Land Use Map, it is necessary to review the Comprehensive Plan's development policies, as found in the Subarea Plans, to determine if the proposed amendment furthers the Objectives and Recommendations/Principles of the Comprehensive Plan as found in the Subarea Plans. The Northwest Subarea Plan, adopted in September 1993, contains policy guidance that is relevant to the subject Zoning Map Amendment. The relevant Objectives and Recommendations/Principles, found on pages 29 and 36 respectively, are discussed below:

Objective – In areas with environmentally sensitive lands of limited infrastructure, low density development is encouraged

The subject is rolling heavily wooded hills with small valleys interspersed among the hills. There two small intermittent branches that traverse the property from the north and east toward Lake Murray southwest of the site. The development plan incorporates these natural features into the overall project design. The proposed Amendment **implements** this Objective.

Principle – Mixed residential densities are appropriate within the Developing Urban Area and should conform to the Proposed Land Use Map

The Proposed Land Use Map designates the entire area around the subject site as Residential-Low Density, i.e., 1.0 to 3.0 DUs per acre. Although the proposed project has a higher density (5.3 DU per acre) than allowed on the Map, the proposed density is compatible with the adjacent Tattler’s Wharf subdivision density (5.1 DU per acre). The proposed project **does not technically implement** this Principle.

Principle – In environmentally sensitive areas, the Plan encourages the use of large land tract design and planning in conjunction with PUD zoning

Since the proposed Amendment is a PUD-1R zoning, it implements this Principle.

Other Relevant Issues

None

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDSD) recommends the Official Zoning Map designation for the parcels included in Project # 05-15 MA **be changed** from RU to PUD-1R, subject to the conditions described below:

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment **is compatible** with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Dreher Shoals Rd at this location will be exceeded.
4. The proposed Amendment **is not consistent** with Proposed Land Use Map designation in the Northwest Subarea Plan.
5. The proposed Zoning Map Amendment **implements the cited Objective** of the Northwest Subarea Plan discussed herein.
6. The proposed Zoning Map Amendment **implements one, but not another**, of the Recommendations/Principles of the Northwest Subarea Plan discussed herein.
7. The Planning Commission hereby approves the General Development Plan (*submitted as applicant’s Exhibit D*), subject to the conditions listed below, as required by Chapter 26-70.15 of the County Code.
8. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

PUD Conditions

- a) The proposed site development includes 85 dwelling units in the general arrangement depicted in the Phasing Plan (Attachment B); and
- b) Except as otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the Planning and Development Service Dept. (PDSD); and

- c) Approval of Attachment B shall constitute approval of the Sketch Plan for subdivision purposes; and
- d) The provisions of Sections 26-70.7, 26-70.8, 26-70.10, and 26-70.11 are exempted from application to this project; and
- e) No Special Exceptions, as defined in Chapter 26-602, et. seq., of the County Code, or its relevant successor regulations, shall be permitted; and
- f) The Planned Unit Development Guidelines, submitted on August 31, 2004 and described below, are authorized for application to the subject project; and

Site Organization	Page 13
Building Height, Setback and Minimum Lot Size	Page 14
Street Standards	Page 15 - 17
Parking	Page 18
Community Open Spaces	Page 19
Landscaping and Fencing	Page 20
Storm Drainage	Page 21
Lighting	Page 22
Signage and Monumentation	Page 23

- g) Major changes in all, or a portion of, the exterior boundaries of the project, including changes in location of land uses, increase in the gross project density (measured in DU/acre) and/or change in traffic flow, shall require a review and recommendation by the Planning Commission and a new ordinance by the County Council; and
- h) The Planning Commission is hereby authorized to make minor amendments, defined as amendments other than those described above, to Attachment B, or other relevant portions of the provisions of Chapter 26-70.17, or its relevant successor regulations, of the County Code; and
- i) The PDSO is authorized to make minor adjustments to the Planned Unit Development Guidelines described above as may become necessary during the project's construction; and
- j) **No site clearing activity shall begin until the PDSO issues a Controlled Clearing Certificate letter;** and
- k) The developer shall be required to construct any necessary turn lanes for the project on Salem Church Road; and
- l) All internal streets shall be constructed to County standards and be maintained by the County; and
- m) Other conditions resulting from the Commission consideration?
- n) The applicant shall submit a draft description of proposed procedures of any homeowners association or other group maintenance or group ownership features for the Department's and inclusion in the project records; and
- o) The County shall not be responsible for enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest.

SECTION III PLANNING COMMISSION ACTION

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

At their meeting of October 4, 2004, the Richland County Planning Commission agreed (**did not agree**) with the PDSO recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 05-15 MA at the next available opportunity.

Commission Findings of Fact/Recommendations

(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)

In consideration of the proposed Zoning Map Amendment # 05-15 MA, the Planning Commission made the findings of fact summarized below:

PUD SUBMISSION CHECKLIST

The following are the current requirements for submission of a Planned Unit Development project Zoning Map Amendment as described in Chapter 26-70.16 and 26-71.13 of the Richland County Code of Ordinances. The same submission requirements apply to both Chapters.

Project Number: 05-15 MA

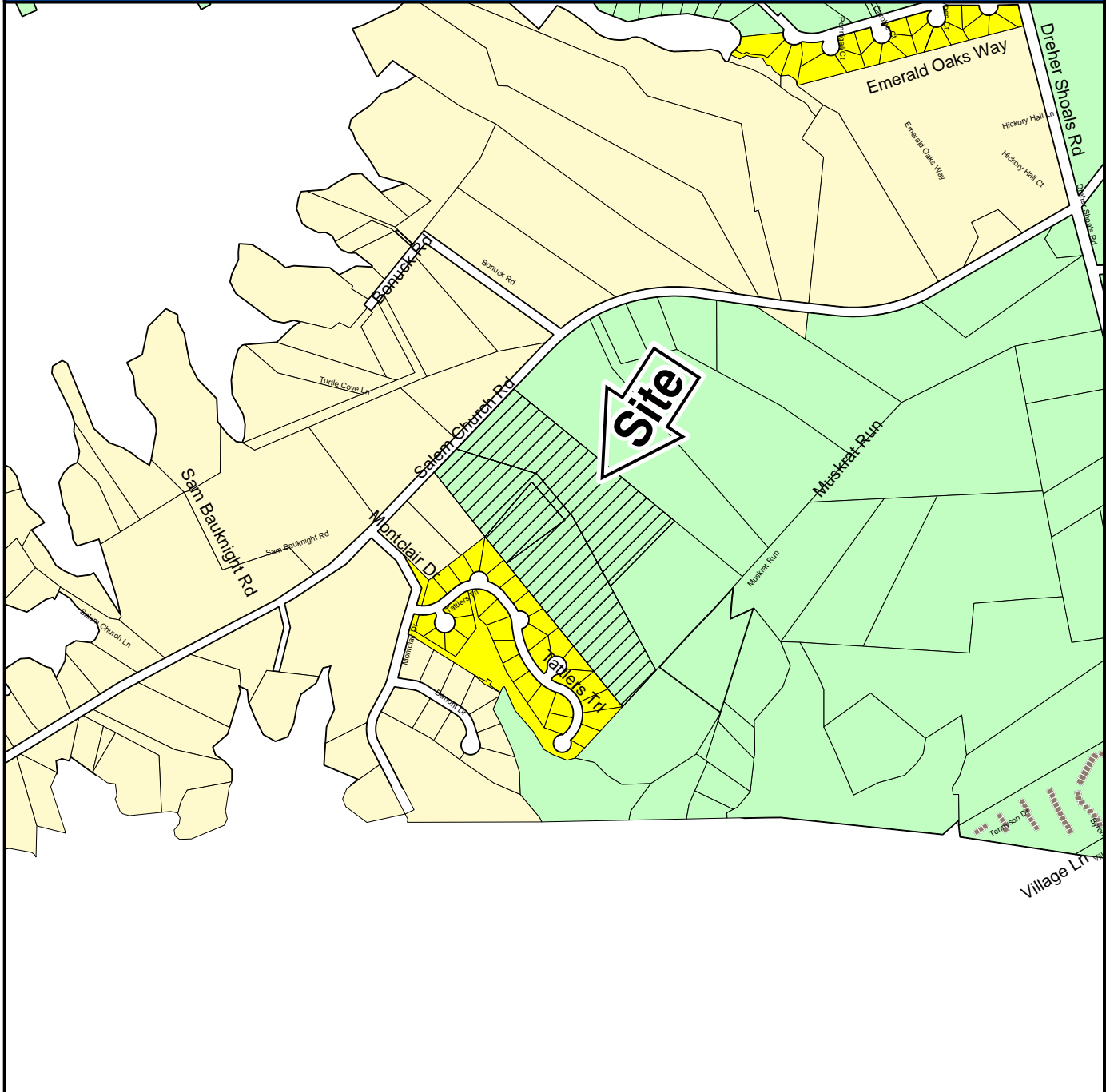
Applicant: Palmetto Developers of Columbia

TMS #: 02414-01-24/-25/04




















General Location: Salem Church Road

Chapter #	General Development Plan Requirements	Comply
26-70.16	Generalized drawing (s) for entire site showing the general development pattern, including relationship between the various uses	Page 8
26-70.16 a	Statement of major project assumptions and objectives	Page 1
26-70.16 b	Statement of the range of percentages of the total area intended for residential, commercial industrial, open space, social/community uses & major streets and roads	Page 12
26-70.16 c	Statement of intended overall maximum dwelling unit density per acre	Page 12
26-70.16 d	Legal description	Page 9, 10, 11
26-70.16 e	Total acres	Page 12
26-70.16 f	Tentative number of units of various types	Page 12
26-70.16 g	Description of open space & community facilities & adequacy to serve the anticipated demand	Page 19
26-70.16 h	Approximate timing of development by phase	Page 8
26-70.16 i	Detailed description of the proposed homeowners association procedures, or other group maintenance & ownership features	Dept Files
26-70.16 j	Design standards, administrative procedures & such information or descriptions appropriate for Planning Commission review	Page 13-23

CASE 05-15 MA RU to PUD-1R



ZONING CLASSIFICATIONS

	C-1		D-1		MH-1		PDD		RG-2		RS-2
	C-2		M-1		MH-2		PUD		RR		RS-3
	C-3		M-2		MH-3		RG-1		RS-1		RU
							SUBJECT				



CASE 05-15 MA
RU to PUD-1R
TMS 02314-01-04/24/25

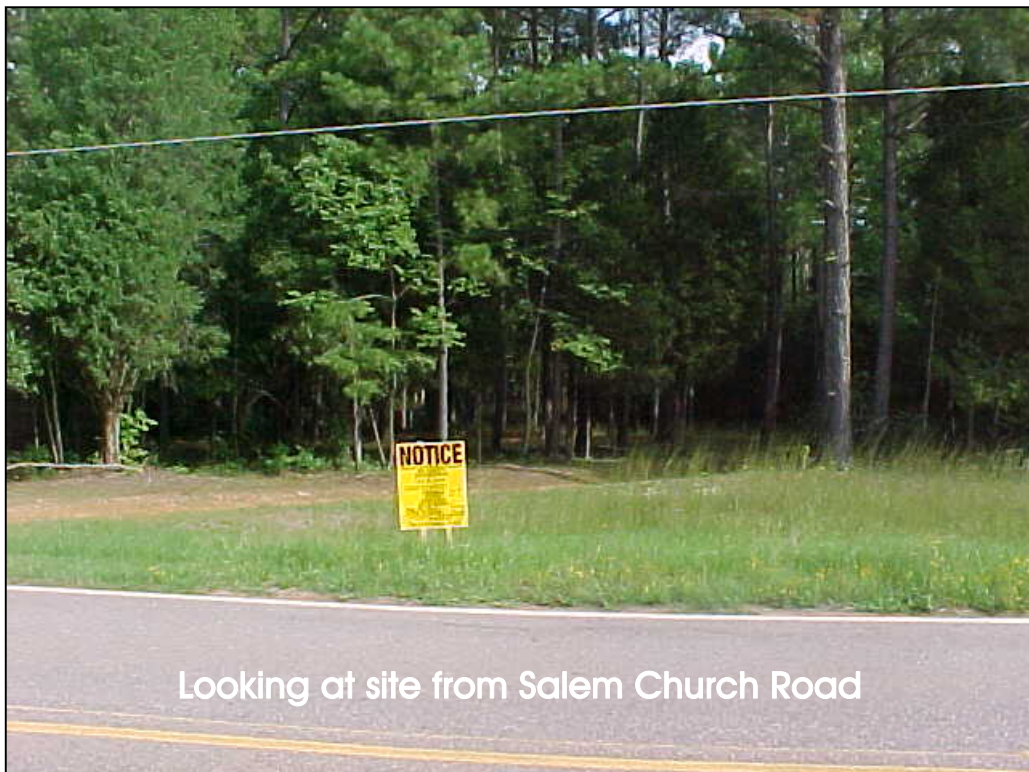
Site

Richland County
Lexington County



CASE 05-15 MA FROM RU to PUD-1R

TMS# 02314-01-04/24/25 South side of Salem Church Road



Attachment A

CASE 05-15 MA

LEGAL DESCRIPTION PARCEL 'A'

All that certain piece, parcel or tract of land with improvements thereon, situate, lying and being in Richland County near Ballentine, State of South Carolina, being shown and delineated as a tract of land containing 1.79 acres on a subdivision map of the Arthur L. Dowd Est. by Lucius D. Cobb, Sr. PLS, dated July 23, 1992 and having the following metes and bounds:

PROPERTY DESCRIPTION

To find the point of beginning of the property herein described commence at the iron pin located on the southern most side of the 66' right-of-way of Salem Methodist Church Road (S40-156) on the common boundary of property belonging to Judy D. Peck (TMS No. 2314-01-25) and property belonging to Dawn D. Eng (TMS No. 2314-01-24).

PARCEL "A" 1.79 ACRES

Starting at the point of commencing proceed along the southern most right-of-way of Salem Church Road S 45° 20' 00" W for a distance of 85.20' to an iron pin;
Thence proceed along the southern most right-of-way of Salem Methodist Church Road S 45° 39' 14" W for a distance of 114.80' to an iron pin;
Thence proceed S 43° 32' 27" E for a distance of 454.64' to an iron pin, this same iron pin being the point of beginning of the 1.79 acre parcel herein described;
Thence proceed N 40° 27' 07" E for a distance of 361.79' to an iron pin;
Thence proceed S 38° 28' 05" E for a distance of 250.71' to an iron pin;
Thence proceed S 50° 58' 54" W for a distance of 360.65' to an iron pin;
Thence proceed N 36° 44' 05" W for a distance of 184.73' to an iron pin, this same iron pin being the point of beginning of 1.79 acre parcel A, herein described. Being all measurements a little more or less.

** The boundary of the parcel described above may be subject to minor modifications pending an updated field-run survey.

LEGAL DESCRIPTION
PARCEL "B"

All that certain piece, parcel or tract of land with improvements thereon, situate, lying and being in Richland County near Ballentine, State of South Carolina, being shown and delineated as a tract of land containing 10.19 acres on a subdivision map of the Arthur L. Dowd Est. by Lucius D. Cobb, Sr. PLS, dated July 23, 1992 and having the following metes and bounds:

Prepared for Ken Hall
Palmetto Developers of Columbia, LLC
Property Description

The point of beginning of the property herein described being an iron pin located on the southern most side of the 66' right-of-way of Salem Methodist Church Road (S40-156) on the common boundary of property belonging to Judy D. Peck (TMS No. 23-01-25).

PARCEL "B"
TMS NO. 2314-01-24
(10.19 ACRES)

Starting at the point of beginning proceed along the northern most property line along the common boundary of property belonging to Judy D. Peck S 70° 51' 02" E for a distance of 459.97' to an iron pin;

Thence proceed S 38° 28' 08" E for a distance of 274.25' to an iron pin;

Thence proceed S 26° 15' 44" E for a distance of 888.29' to an iron pin;

Thence proceed S 40° 44' 30" W for a distance of 255.00' to an iron pin;

Thence proceed N 36° 44' 05" W for a distance of 921.57' to an iron pin;

Thence proceed N 50° 58' 54" E for a distance of 360.65' to an iron pin;

Thence proceed N 38° 25' 05" W for a distance of 280.71' to an iron pin;

Thence proceed S 40° 27' 07" W for a distance of 361.79' to an iron pin;

Thence proceed N 43° 32' 27" E for a distance of 454.04' to an iron pin;

Thence proceed along the southern most right-of-way of Salem Methodist Church Road N 45° 39' 14" E for a distance of 114.80' to an iron pin:

Thence proceeding along the southern most right-of-way of Salem Methodist Church N 45° 20' 00" E for a distance of 85.20' to an iron pin, this same iron pin being the point of beginning of the 10.19 acre Parcel "B", herein described. Being all measurements a little more or less.

** The boundary of the parcel described above may be subject to minor modifications pending an updated field-run survey.

LEGAL DESCRIPTION
PARCEL "C"

All that certain piece, parcel or tract of land with improvements thereon, situate, lying and being in Richland County near Ballentine, State of South Carolina, being shown and delineated as a tract of land containing 4.32 acres on a plat prepared for Judy D. Peck by Lucius D. Cobb, Sr. PLS, dated February 10, 2004 and having the following metes and bounds:

PROPERTY DESCRIPTION

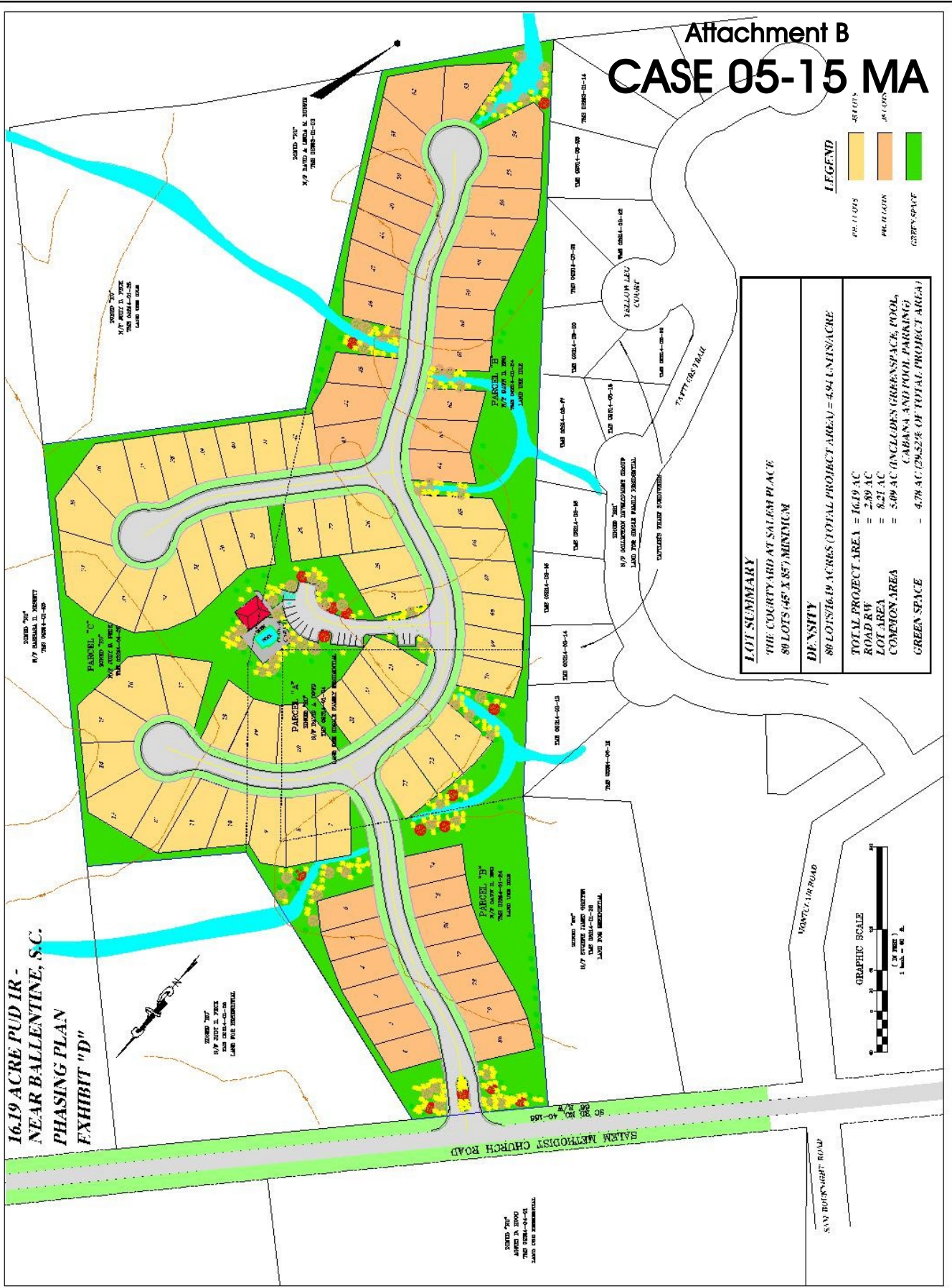
To find the point of beginning of the property herein described commence at the iron pin located on the southern most side of the 66' right-of-way of Salem Methodist Church Road (S40-156) on the common boundary of property belonging to Barbara D. Nesbitt (TMS No. 02314-01-026) and property belonging to Judy D. Peck (TMS No. 02314-01-25 portion of)

PARCEL "C"
4.32 ACRES

Starting at the point of commencing proceed S 44° 55' 12" E for a distance of 414.80' to an iron pin; this same iron pin being the point of beginning of the parcel herein described;
Thence proceed S 44° 55' 12" E for a distance of 619.82' to an iron pin;
Thence proceed S 43° 04' 32" W for a distance of 387.92' to an iron pin;
Thence proceed N 26° 15' 05" W for a distance of 384.35' to an iron pin;
Thence proceed N 38° 25' 27" W for a distance of 116.83' to an iron pin;
Thence proceed N 38° 25' 27" W for a distance of 157.23' to an iron pin;
Thence proceed N 45° 41' 56" E for a distance of 183.79' to an iron pin;
Thence proceed N 45° 41' 56" E for a distance of 50.04' to an iron pin, this same iron pin being the point of beginning of the 4.34 acre parcel "C" herein described. Being all measurements a little more or less.

** The boundary of the parcel described above may be subject to minor modifications pending an updated field-run survey.

**16.19 ACRE PUD IR -
NEAR BALLENTINE, S.C.
PHASING PLAN
EXHIBIT "D"**



LOT SUMMARY

THE COURTYARD AT SALEM PLACE
80 LOTS (45' X 85') MINIMUM

DENSITY	80 LOTS/16.19 ACRES (TOTAL PROJECT AREA) = 4.94 UNITS/ACRE
TOTAL PROJECT AREA	= 16.19 AC
ROAD R/W	= 2.59 AC
LOT AREA	= 8.21 AC
COMMON AREA	= 5.09 AC (INCLUDES GREENSPACE, POOL, CABANA AND POOL PARKING)
GREEN SPACE	= 4.78 AC (29.52% OF TOTAL PROJECT AREA)

**Attachment B
CASE 05-15 MA**

LEGEND

- 45' x 100'
- 45' x 85'
- 45' x 60'

ALMETTO CONSULTING ENGINEERING GROUP, Inc.

REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF SOUTH CAROLINA
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT IN THE STATE OF SOUTH CAROLINA
REGISTERED PROFESSIONAL SURVEYOR IN THE STATE OF SOUTH CAROLINA


THE COURTYARDS AT SALEM PLACE
RICHMOND COUNTY
NEAR BALLENTINE, SC
KEM HALL
PLANNING DEVELOPER OF
THE COURTYARDS AT SALEM PLACE
1000 BALLENTINE RD
RICHMOND, SC 29204
PHONE: 803-992-0088

PHASING PLAN

DESIGNED BY: RM
DRAWN BY: RM
APPROVED BY: RM
DATE: 07/15/24
PROJECT #: 2400000000
SHEET # 100

EXHIBIT "D"

**RICHLAND COUNTY, SOUTH CAROLINA
 PLANNING & DEVELOPMENT SERVICES DEPARTMENT
 Development Services Division Memo**

TO: Planning Commission Members
FROM: Carl D. Gosline, AICP, Land Development Administrator 
DATE: September 21, 2004
RE: Subdivision and Street Name Approval

Background

Section 6-29-1200 (A), SC Code of Laws requires the Planning Commission to approve street names. Specifically, the statute states "...A local planning commission created under the provisions of this chapter shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the commission has jurisdiction..."

The attached list of proposed street/road names has been certified by Alfreda Tindal, Richland County E-911 Addressing Coordinator, as being in compliance with the E-911 system requirements. A list of proposed subdivision names is included for your information.

Action Requested

The Department recommends the Commission approve the attached street/road name list. The subdivision names are for information only. No Commission action is necessary.

APPROVED SUBDIVISION NAMES	GENERAL LOCATION
Rose Springs S/D	Off Hope Road @ Polo Road
Winterwood Place (f/k/a Ocelot Hollow S/D)	Off Winterwood Road

Planning Commission Meeting

October 4, 2004

PROPOSED STREET NAMES	SUBDIVISION/ROAD LOCATION
Denman Drive	Future Development for Lake Carolina S/D
Greenwalnut Drive	Ashley Oaks S/D; Blythewood
Landover Drive	Future Development for Lake Carolina S/D
Philmont Drive	Cedar Glen S/D; Off Old Percival Road
Ponderosa Point	Jim Judy Development; Off Winhill Road
Red Tail Drive	Future Deer Creek S/D; Off Longtown Rd West
Rennbrook Drive	Aderley S/D; Off Wise Road
Rose Springs Drive	Rose Springs S/D; Off Hope Road @ Polo Road
Rosepoint Court	Rose Springs S/D; Off Hope Road @ Polo Road
Sorenson Drive	Future Development for Lake Carolina S/D
Staghorn Drive	Future Deer Creek S/D; Off Longtown Rd West
White Stag Circle	Future Deer Creek S/D; Off Longtown Rd West

RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
Development Services Division Memo

TO: Planning Commission Members; Interested Parties
FROM: Geonard H. Price, Interim Zoning Administrator
DATE: 7 September 2004
RE: Text amendment to allow churches and other places of worship to provide remote parking spaces on residentially zoned lots.

Background

Sub-section 26-78.4 (4) of the Richland County Zoning Ordinance allows for the required off-street parking to be provided on any commercially or industrially zoned parcel that is located within 400 feet of the principal use when the required parking cannot be reasonably provided on the same parcel as the principal use. It is staff's opinion that this was intended for commercial or industrial uses.

Staff has received site plans for churches, located in residentially zoned districts, where the required parking could not be met on the same lot as the principal structure. Remote parking was not a viable option because it would require the rezoning of residential property to commercial or industrial.

The purpose of this text amendment is to avoid rezoning requests that would be incompatible with the surrounding area and to avoid variance requests, before the Board of Zoning Appeals, to reduce to required number of parking spaces.

PDSB Recommendation

The Department recommends approval of the proposed text amendment.

DRAFT

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-04HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, ZONING; ARTICLE 7, SUPPLEMENTARY DISTRICT REGULATIONS; SECTION 26-78, OFF-STREET PARKING REQUIREMENTS; SUBSECTION 26-78.4(4); SO AS TO AMEND THE REQUIREMENTS FOR REMOTE PARKING SPACE REGARDING CHURCHES.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 7, Supplementary District Regulations; Section 26-78, Off-street parking requirements; Subsection 26-78.4(4) is hereby amended to read as follows:

(4) Remote Parking Space:

If the off-street parking space required by this ~~ordinance~~ chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any commercially or industrially zoned land within four hundred (400) feet of the principal use and, in addition, churches may provide off-street parking space on any residentially zoned lot located within five hundred (500) of the principal structure; provided that in all situations the owner or authorized agent for the land upon which such remote parking is located shall restrict the use of such parking areas for parking only in connection with the use or structure for which such remote parking is provided. These restrictions shall be in the form of a declaration of restrictions properly filed with the Register of ~~Mesne Conveyances~~ Deeds Office of the county, which may be released only by the written consent of the county.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2004.

DRAFT

RICHLAND COUNTY COUNCIL

BY: _____
Bernice G. Scott, Chair

ATTEST THIS THE ____ DAY

OF _____, 2004


Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

Public Hearing: October 26, 2004 (tentative)
First Reading: October 26, 2004 (tentative)
Second Reading:
Third Reading:

**RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
Development Services Division Memo**

TO: Planning Commission Members; Interested Parties
FROM: Carl D. Gosline, AICP, Subdivision Administrator 
DATE: September 23, 2004
RE: **Proposed Changes to the Current Zoning Ordinance**

Background

In the past several months, there has been much discussion regarding various issues related to the proposed Land Development Code. One such principal issue is cluster-housing subdivisions.

The Department believes that some immediate changes can be made in the current Zoning Ordinance to allow cluster housing by right, subject to certain conditions, in the conventional residential districts. If approved, the proposed regulations will create an incentive for cluster housing subdivisions, reduce the tendency for applicants to undertake the PUD process for truly conventional subdivisions and eliminate the need to get a special exception.

The Department believes that virtually ALL proposed PUD projects recently considered do not meet the intent to have real mixed use development. The Department proposes significant changes to the PUD process which we believe will both simplify the process and clarify the intent of PUDs to be real mixed use development projects.

Additionally, the Department proposes to totally eliminate the PUD-2 zoning district. The PUD-2 requirements are NOT enough different from the PUD-1 requirements, other than the minimum amount of area required, to warrant having a separate section of the Code.

The Department originally thought it appropriate to propose immediate changes to the PDD process. Upon further internal discussion, the Department believes that no immediate changes are necessary.

PDS Recommendation

The Department recommends the Commission consider the attached proposed changes to the exiting residential zoning districts and the PUD zoning districts and forward any recommendations thereto to the County Council for their action at their earliest opportunity.

PROPOSED CHANGES TO THE CURRENT ZONING ORDINANCE

Sec. 26-63. RS-1, RS-2, RS-3, ~~RR~~, RS-1A Single family residential.

26-63.1 *Intent.*

These districts are intended as single family detached residential areas ~~with low to medium population densities. Use regulations for the single family districts are identical, but custom has established five classes of lot width and lot area, and these dimensional differences are intended to be preserved.~~ Certain structures and uses required to serve governmental, educational, religious, noncommercial recreation, and other needs of such areas are permitted outright within such districts or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect their single family residential character.

26-63.2 *Permitted principal uses and structures.*

~~Single family detached dwellings or modular building units located on individual lots.~~

~~26-63.2a *Permitted principal uses and structures in RS 2 and RS 3 Districts.*~~

~~—(1)— All principal uses and structures listed in section 26-63.2.~~

~~—(2)— Parallel zero lot line dwelling units and developments subject to the provisions of section 26-90.~~

(1) Single family detached dwellings or modular residences located on individual lots

(2) Cluster housing subdivisions, provided a minimum of 25 percent of the subject parcel is reserved in permanent common open space readily accessible to the residents. The total required open space may be reduced by the Planning Commission if on-site recreation facilities are provided.

(3) For the purposes of this section, open space is defined as wetlands, slopes, scenic vistas, agricultural lands, woodlands and other such areas. Open space does not include required setbacks, landscape buffer areas, parking areas, road rights-of-way, driveways or utility easements. No more than 50 percent of the open space requirement may be in jurisdictional wetlands or below the 100 year flood elevation

(4) Cluster housing subdivision is defined as a subdivision in which the individual lots do not have to comply with the lot width or yard requirements of the zoning district in which it is located. The gross density of a cluster housing subdivision shall not exceed the following:

- a. RS-1 – 4.5 Dwelling units per acre
- b. RS-1A – 5.0 Dwelling units per acre
- c. RS-2 - 6.0 Dwelling units per acre
- d. RS-3 – 7.0 Dwelling units per acre

26-63.3 *Permitted accessory uses and structures.*

(1) Noncommercial greenhouses and plant nurseries, private garages, garden sheds, tool houses, private swimming pools, and the like;

(2) Home occupations, except beauty and barber shops, subject to the provisions of section 26-83.

(3) Other structures and uses which:

- a. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures;
- b. Do not involve the conduct of trade on the premises;
- c. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership;
- d. Are not likely to attract visitors in larger numbers than would be expected in the neighborhood; and
- e. Do not involve operations not in keeping with the character of the area, or of a nature prohibited under "Prohibited Uses and Structures."

26-63.4 Permitted special exceptions.

After public notice and hearing, and subject to appropriate conditions and safeguards, the board of adjustment may permit, as special exceptions:

- (1) Parks, playgrounds, playfields.
- (2) Community service structures and uses such as community service centers, libraries, fire stations, civic, cultural or recreational uses, provided that a specific determination is made by the board that such uses or structures are in keeping with the residential character of the district.
- (3) Churches and other places of worship, including educational buildings related thereto, provided that the board of adjustment shall find that the characteristics of such places of worship and related buildings and the site design thereof will be in keeping with the residential character of the district.
- (4) Elementary and high schools, provided that the board of adjustment shall find that the characteristics of such facilities and the site design thereof will be in keeping with the residential character of the district.
- (5) Day nurseries and kindergartens, subject to the provisions of section 26-84; and adult day care facilities, provided that prior to the granting of a special exception for the operation of an adult day care facility, the Zoning Administrator shall ensure that the applicant has applied to the South Carolina Department of Health and Environmental Control (SCDHEC) for a license to operate the facility and that all SCDHEC requirements, including, but not limited to, those dealing with the maximum number of persons to be cared for at the facility are satisfied.

(6) Sanitariums, rest homes, convalescent homes, homes for orphans, homes for the aged, provided that no such facility shall have a lot area of less than five (5) acres, that no building in connection with such facility shall be located closer than twenty-five (25) feet to any lot line.

(7) Utility substations, provided that the ~~board of adjustment~~ Board of Zoning Appeals shall impose appropriate conditions and safeguards regarding siting or characteristics of use potentially incompatible with nearby uses.

(8) Cemeteries.

(9) Beauty and barber shops, as home occupations subject to the provisions of section 26-83.

~~(10) Cluster housing developments containing only single family detached dwellings units subject to the provisions of section 26-74.~~

(11) Temporary borrow pits for fill dirt and topsoil.

(12) Physicians' and dentists' offices provided that the board of adjustment shall find that the characteristics of such uses and the site and elevation design thereof will be in keeping with the residential character of the district. All such uses shall also meet all other requirements of the zoning district in which it is located, the parking requirements of section 26-78.2(11) and the screening and buffering requirements of section 7-8.

(13) Nonconforming manufactured homes may only be replaced within one (1) year of site vacancy, and only if the ~~board of adjustment~~ Board of Zoning Appeals finds that allowing the continued nonconformity will not adversely effect the surrounding area. If the Board grants a special exception, the Board may impose appropriate safeguards regarding siting or characteristics of uses potentially incompatible with nearby uses. The replacement manufactured home must have a decal certifying its construction to federal standards.

(14) Communications towers are allowed by special exception in RS-1, RS-2, RS-3, RR, and RS-1A districts provided that they are an ancillary or secondary use on a property where another use (other than single or two family) has already been established which is a conforming use either outright or by special exception. Examples of these types of use are churches, schools, and multifamily complexes. These special exception approvals may be issued using the same criteria as set forth in section 26-94A. The ~~zoning board of adjustment~~ Board of Zoning Appeals is further charged with considering the aesthetic design of the tower in order to minimize its nonresidential appearance.

(15) Temporary dwelling units to house family members who are in need of constant care from other relatives, subject to the provisions of section 26-95.

26-63.4a *Permitted special exceptions in RS-2 and RS-3 Districts.*

(1) All permitted special exceptions listed in section 26-63.4.

~~(2) Common zero lot line dwelling units and developments subject to the provisions of section 26-90.~~

26-63.5 *Prohibited uses and structures.*

(1) Trade or service other than as provided under "Permitted Principal Uses and Structures," or "Permitted Accessory Uses and Structures," or as permitted in connection with "Special Exceptions."

(2) Manufacturing.

(3) Storage in connection with trade, service or manufacturing activities outside the district.

(4) Storage or long-term parking of commercial or industrial vehicles.

(5) Storage of building materials except in connection with active construction activities on the premises.

(6) Storage or use of manufactured homes.

(7) Signs, except as permitted under Article 8.

(8) Storage of junk.

(9) Open burning in undeveloped areas of residential zoning districts for the purpose of land-clearing or right-of-way maintenance in the absence of the following conditions:

a. The location of the burning must be on one (1) acre of land or more and must take no less than two hundred fifty (250) feet from public roadways and from any residential, commercial, or industrial sites not part of property contiguous to the site of the burning;

b. Wind direction from the site of the burning must be away from any area which includes a public roadway or a residential, commercial or industrial site if the ambient air in such area will be significantly affected by smoke from the burning.

(10) The storage or parking of truck tractors, semi-trailers having more than two (2) axles, or trailers having more than two (2) axles, all as defined in section 17-10 of the county code of ordinances.

26-63.6 *Minimum lot area and width.*

(1) Single family detached dwellings if a public water and sewer system are available to the lot, except the cluster housing subdivisions are exempt from the lot width and lot area requirements:

	(sq. ft.)	(feet)	Lot Area	Lot Width
a. RR	33,000	100		
b. RS-1	12,000	75		
c. RS-1A*	10,000	60		
d. RS-2	8,500	60		
e. RS-3	5,000	50		

*The lots in the RS-1A District must conform to the yard requirements, offstreet parking requirements and other restrictions set forth for the RS-1 District in the zoning ordinance.

(2) Other uses and structures permitted outright or permissible as special exceptions: No minimum except as needed to meet other requirements herein or as specified under "Permitted Special Exceptions" above if public water and sewer are available.

(3) If either public water or sewer are not available to the lot the minimum lot area will be determined by the county health department, but in no case shall the lot area be less than that indicated in (1) above.

26-63.7 *Minimum yard requirements.*

The depth of front and rear yards, and the width of side yards shall be as follows, for single family detached dwellings and for other permitted or permissible structures, ~~unless otherwise specified,~~ except the cluster housing subdivisions are exempt from the lot width and lot area requirements:

1. Front Yards:
 - a. 25 feet on lots fronting minor residential streets.
 - b. 40 feet on lots fronting collector streets, commercial or industrial streets or major thoroughfares.

c. On corner lots the secondary front yard shall be not less than one-half (1/2) the depth of the primary front yard in a. or b. above.

2. Side yards of interior or corner lots:

a. RR: 10 feet.

b. RS-1, RS-1A: Combined side yards shall total 16 feet provided however, that no individual side yard shall be less than 5 feet in width.

c. RS-2: Combined side yards shall total 13 feet, provided however, that no individual side yard shall be less than 4 feet.

d. RS-3: Combined side yards shall total 12 feet, provided however, that no individual side yard shall be less than 4 feet in width.

3. Rear yards:

a. For permitted principal structures: 20 feet.

b. For permitted accessory structures: 5 feet.

26-63.8 Maximum lot coverage by all buildings.

Single family detached dwellings and their permitted accessory buildings: 50 %.

(Ord. No. 1015-83, § 1, 1-19-83; Ord. No. 1191-84, § I, 9-4-84; Ord. No. 1283-85, § 3, 4-2-85; Ord. No. 1284-85, § 3, 4-2-85; Ord. No. 1680-87, § 1, 9-1-87; Ord. No. 1681-87, §§ 2--5, 9-1-87; Ord. No. 2151-91, § III, 11-5-91; Ord. No. 048-95HR, § I, 9-5-95; Ord. No. 046-97HR, § I, 6-17-97; Ord. No. 054-00HR, § IV, 10-3-00; Ord. No. 055-00HR, § V, 10-3-00; Ord. No. 054-01HR, § V, 9-4-01; Ord. No. 023-03HR, § I, 4-8-03)

NEED TO COORDINATE THE ABOVE SECTION WITH THE SUB REGS

Sec. 26-70. Planned Unit Development-4 district.

26-70.1 Intent.

The intent of Planned Unit Development-4 districts is to derive the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while also obtaining the advantages of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation,

~~The types of residential dwelling units, and the types of nonresidential uses allowed in this district increase with increasing site size, based upon the premise that increased site size will allow proper design including functional interrelations, buffer treatments separating uses with potentially incompatible characteristics of other uses, design of access patterns, and relationships of uses within such planned unit developments with uses in adjacent districts.~~

PROBABLY NEED SOME MORE WORK ON THE INTENT STATEMENT

Two types of planned unit development districts accommodating primarily residential or nonresidential uses are created as follows:

(1) PUD-4R Planned Unit Development-- Residential:

The PUD-4R district is intended to accommodate primarily residential uses, with nonresidential uses, including but not limited to common open space areas, on-site recreation areas, institutional uses, commercial uses and/or industrial uses, integrated into the design of such districts as secondary uses.

(2) PUD-4C Planned Unit Development-- Commercial:

The PUD-4C district is intended to accommodate primarily nonresidential uses with residential uses, open space areas and/or on-site recreation areas integrated into the design of such districts as secondary uses.

26-70.3 *Minimum site.*

Requirements regarding tract: A PUD-4 District shall contain a total area of at least fifteen ~~(15)~~ (10) ?? contiguous acres, ~~and it shall be initially composed of substantially undeveloped land.~~ Lands which are divided by streets, roadways, highways, transmission pipes, lines or conduits, county boundary lines, or rights-of-way (in fee or by easement) shall be deemed to be contiguous for the purposes of this section. Any land within the exterior boundaries of such area which is not owned by the landowner ~~shall~~ may be excluded from the PUD-4 District.

26-70.4 *Permitted principal uses.*

~~Permitted principal uses vary with increasing size and are different for PUD-1R and PUD-1C districts. Such uses are permitted as per the uses enumerated for specific districts in sections 26-63 through 26-69 of the zoning ordinance. Permitted principal uses for various site sizes and types of PUD-1 districts are as follows:~~

~~—PUD-1R—PUD-1C~~

~~—Uses permitted as—Uses permitted as~~

~~—for the following—for the following~~

~~Site size in acres — districts — districts~~

~~15 but less than 25 — RG-2, C-1, C-2 — C-1, C-2, RG-2~~

~~25 but less than 50 — RG-2, C-1, C-2 — C-3, RG-2~~

~~50 but less than 80 — RG-2, C-3 — M-1, RG-2~~

~~80 or more — RG-2, M-1 — M-2, RG-3~~

The permitted principal uses may be any mixture of residential, commercial, industrial, institutional and/or on-site recreation facilities as specifically displayed on the General Development Plan. PUDR projects shall have a minimum of 30 percent of the site area in common open space and 60 percent of the site area in residential use. PUDC projects shall have a minimum of 20 percent of the site area in common open space and 70 percent of the area in non-residential use. Both PUDR and PUBC projects shall include some type of on-site recreation facilities for use by the residents or employees of the site.

~~26-70.5 Maximum percentage of gross land area of commercial or industrial uses in PUD-1R districts.~~

~~In PUD-1R districts in which commercial or industrial uses are permitted, the total gross land area of such commercial or industrial uses shall not exceed the percentages listed below as related to the total land area within the PUD. Land coverage of structures, parking, and related characteristics and accessory uses thereto shall be included in determining the total gross land area for commercial or industrial uses in the PUD-1R district.~~

~~— Total PUD-1R — Maximum Percentage of~~

~~— Site Size — Gross Land Area for~~

~~— in Acres — Commercial or Industrial Uses~~

~~— 15 but less than 25 — 20~~

~~— 25 but less than 50 — 30~~

~~— 50 but less than 80 — 40~~

~~— 80 or more — 50~~

~~These percentages shall apply to commercial and industrial uses, and not to other nonresidential uses such as schools, parks, community buildings, or public facilities.~~

26-70.6 Permitted accessory uses and structures.

~~Accessory uses and structures shall be permitted as for the least restrictive districts indicated in section 26-70.4 for any specific site size.~~

Accessory uses and structures shall those customarily associated with the specific uses identified in the General Development Plan

26-70.7 Permitted special exceptions.

~~No special exception actions are required to establish any specific use. Uses and structures permitted in the least restrictive districts indicated in section 26-70.4 for any specific site size are permitted outright, provided however, that the planning commission shall ascertain that the effects and benefits usually derived from safeguards and conditions normally imposed upon special exceptions permissible for districts as listed in sections 26-61 through 26-68 will substantially be met by the terms of the proposed planned unit development.~~

No Special Exceptions as defined in Chapter 26-602.2 of this Ordinance shall be permitted.

26-70.8 Prohibited uses and structures.

~~Uses and structures prohibited for the least restrictive districts indicated in section 26-70.4 for any specific site size shall be prohibited in the PUD.~~

Any use not specifically identified in the General Development Plan shall be prohibited

26-70.9 Residential density permitted Development intensity/density limits

~~The residential density of PUD-1 district shall not exceed an average of seventeen (17) dwelling units per acre. The acreage devoted to residential use shall be used to determine density.~~

Each industrial land use and/or commercial land use parcel shall be limited to a floor area ratio of 0.25. The density of residential land use parcels shall not be limited.

26-70.10 Minimum lot area.

~~The minimum lot area for any portion of the PUD shall conform to the requirements of the applicable zoning district standards for the density approved in the general development plan.~~

~~26-70.11 *Minimum lot width, minimum setback requirements, maximum lot coverage, maximum height of structures.*~~

~~The minimum lot width, minimum setback requirements, maximum lot coverage and maximum height of structures for all or any one portion of the planned unit development shall conform to the requirements of the applicable zoning district standards for the density approved in the general development plan.~~

26-70.12 *Minimum off-street parking and loading.*

~~Off-street [parking] and loading requirements as set forth in Article 7 of the zoning ordinance in Chapter 26-78 of this Ordinance shall be met for each specified use.~~

26-70.13 *Signs*

~~Signs are permitted in PUD districts only in accordance with provisions of Article 8, "Regulation of Signs" of the county zoning ordinance.~~

All PUD projects shall be required to submit a comprehensive signage plan for the entire site as part of the PUD application. Said signage plan shall be exempt from the sign regulations elsewhere in this Ordinance. - some sort of additional criteria needed ???

26-70.14 *Screening requirements.*

~~A minimum screen which meets the requirements of section 7-8 of the zoning ordinance must be provided between any residential and commercial use. The planning commission may require additional screening between uses and densities of development as a condition of plat approval.~~

All PUD projects shall be required to submit a comprehensive landscaping plan for the entire site as part of the PUD application. Said landscaping plan shall substantially exceed the requirements of Chapter 27 of the Richland County Code.

26-70.15 *Requirements concerning planning commission review.*

~~Prior to requesting rezoning to planned unit development, The planning commission must specifically recommend approval of the general development plan as part of the PUD zoning application process. The Planning Commission may recommend denial of the general development plan if it finds that the proposed project :~~

- a. Does not demonstrate a unique or innovative land use arrangement based on a comparison of the proposed general development plan to a conventional land use arrangement based on the existing zoning requirements; and/or
- b. The proposed general development plan does not provide a reasonable amount of on-site recreation based on the specific type proposed; and/or
- c. Adequate mitigation of the off-site traffic impacts of the proposed general development plan at completion is not provided; and/or

d. ????

26-70.16 *General development plan requirements.*

~~The general development plan shall consist of two (2) parts: A generalized drawing(s) and a descriptive statement. The generalized drawing or series of drawings shall cover the entire planned unit development district and shall show the general pattern of development, including the relationship proposed between the various permitted uses. The descriptive statement shall include:~~

~~—(a)— A statement of the major planning assumptions and objectives of the proposed development;~~

~~—(b)— A statement of the range of percentages of the total land area intended to be devoted to residential uses, commercial uses, industrial uses, open space uses, social and community uses, and major streets and roads;~~

~~—(c)— A statement of the intended overall maximum density of population of the development, expressed in terms of the average number of dwelling units per acre within the planned development district;~~

~~—(d)— A legal description in digital format of the proposed development boundaries;~~

~~—(e)— Total number of acres in the development area;~~

~~—(f)— Tentative number of units of various types;~~

~~—(g)— Description of open space and community facilities and adequacy thereof to serve anticipated demand;~~

~~—(h)— An outline indicating the approximate timing of development phasing;~~

~~—(i)— A detailed description of the proposed procedures of any homeowners association or other group maintenance or group ownership features which may be included; and~~

~~—(j)— Design standard, administrative procedures, and other such information or descriptions as may be deemed reasonably appropriate for planning commission review.~~

The general development plan shall consist of graphic representation (s) of the arrangement and location of all the proposed land uses; identification of all the access points to the adjacent road network; major internal circulation roads, wetland areas; the 100 year flood elevation line, the recreation areas, including facilities and pathways and the common open space areas. The residential land use arrangement shall be depicted by density (dwelling units per acre) and total acres devoted to such uses. The commercial and industrial land use arrangement shall be depicted by either total allowed gross floor area, or floor area ratio, by major use category and the total area devoted to such uses.

In addition, the general development plan shall include narrative discussion of the following:

- a. A legal description in digital format of the proposed project boundaries. A graphic representation may be required for clarification; and
- b. A description of the proposed phases of the project, including a projected timetable for each phase. A graphic representation of the phases may be required for clarification; and
- c. A specific, unique and very limited list of proposed land uses for any commercial or industrial areas of the project; and
- d. A description of the proposed architectural design and streetscape design requirements for each land use area;
- e. Others ?????

26-70.17 Changes of plans for planned unit developments.

~~Major changes in all or a portion of the exterior boundaries of the PUD, approved general development plan, including changes in location of land uses, increase in density, and/or change in traffic flow, shall follow the same procedures as required for approval of the PUD zoning district. Where changes affect the density or total land area devoted to each use, new calculations covering the entire planned unit development must be included. Changes other than those outlined above shall be authorized by the planning commission provided that such authority is granted to the planning commission by the approved and recorded descriptive statement concerning development of the planned unit district. It shall be the duty of the zoning administrator to determine whether any specific change is a major change, provided however that the applicant shall have the right to have any request for change processed as a major change.~~

Proposed changes in an approved PUD project shall be administered as follows:

- a. An increase in the total amount of any land use category or an additional access point to the adjacent road network shall require a new application, planning commission review and recommendation and County Council enactment of a new PUD ordinance for the subject site.
- b. A rearrangement of the land uses, provided there is no increase in the total amount of a given land use category, or changes in the signage described above, plan shall require planning commission action.
- c. All other proposed changes to the general development plan or the narrative shall require Department action.
- d. Anything else ????

(Ord. No. 1282-85, § 3, 4-2-85; Ord. No. 1430-86, §§ 1--3, 2-4-86)

Sec. 26-71. Planned unit development-2 district.

Delete the entire Section 26-71