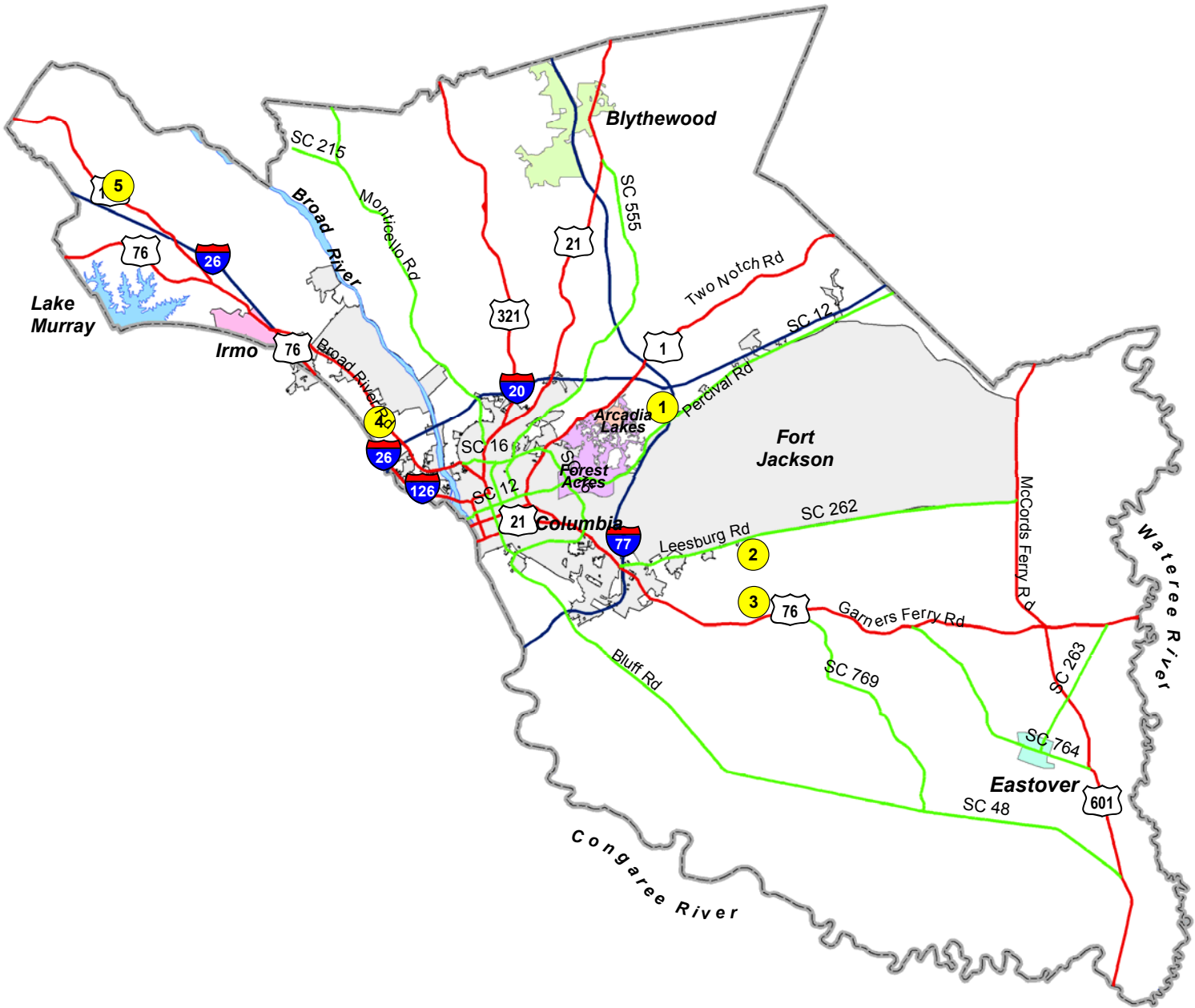


**RICHLAND COUNTY
PLANNING COMMISSION**



MARCH 1, 2004

RICHLAND COUNTY PLANNING COMMISSION MARCH 1, 2004



CASE NUMBER	APPLICANT	TMS NUMBER	ADDRESS	COUNCIL MEMBER
1. 04-37 MA	Bambi Davis	19703-08-25	Faraway Dr. & East Boundary Rd.	Brady
2. 04-38 MA	Marion Motley	22016-01-06/07, 22015-02-01	Padgett Road	Mizzell
3. 04-39 MA	NKD Incorporated	21900-06-14	Lower Richland Blvd. & Rabbit Run Rd.	Mizzell
4. 04-40 MA	Kahn Development Co.	06113-01-01	Corner of Broad River & St. Andrews Rds.	Tuten
5. 04-41 MA	Mungo Co.	01700-04-12	Spring Hill	Corley

RICHLAND COUNTY PLANNING COMMISSION

Monday, March 1, 2004

Agenda

12:30 PM

STAFF: Michael P. Criss, AICP.....Planning Director
 John W. Hicks..... Development Services Manager
 Anna Almeida Land Development Administrator
 Carl D. Gosline, AICP Subdivision Administrator

I. PUBLIC MEETING CALL TO ORDER Gene Green, Chairperson

II. PRESENTATION OF MINUTES FOR APPROVAL

Consideration of the January 5, 2004 & February 2, 2004 minutes

III. AGENDA AMENDMENTS (limited to matters NOT covered by the FOI)

IV. OLD BUSINESS

CASE	04-33 MA	(deferred from February)	Page
APPLICANT	Tom Margle		09
REQUESTED AMENDMENT	RU to RS-2	(29.1 acres)	
PURPOSE	Single Family Detached Subdivision		
TAX MAP SHEET NUMBER (S)	04100-01-06 & 04200-01-37		
LOCATION	Koon Road, ½ mile East of Coogler Rd		

V. NEW BUSINESS - SUBDIVISION REVIEW

PROJECT #	SUBDIVISION NAME	LOCATION	UNITS	Page
SD-04-102	Teague Park	Teague Road TMS # 19211-01-55	30	21
SD-04-173	Angel Garden	Kneece Rd Behind Decker Plaza TMS # 16911-02-06/07/08 (p)	50	31
SD-04-175	Busch PDS	Farming Creek Road TMS # 03207-01-01	5	41
SD-04-185	Trapp Minor S/D	Raines Rd & Howell Rd TMS # 15300-04-01	13	51

PROJECT #	SUBDIVISION NAME	LOCATION	UNITS	Page
SD-04-195	Long Pointe Lane Minor Subdivision	Long Pointe Lane (Lake Carolina) TMS # 23200-01-20 (p)	18	61
SD-04-194	Centennial @ Lake Carolina, Ph. 1 - 9	South End of Lake Carolina Blvd TMS # 23200-01-20 (p)	191	71

VI. NEW BUSINESS - ZONING MAP AMENDMENTS

CASE	1. 04-37 MA	Page
APPLICANT	Bambi Davis	81
REQUESTED AMENDMENT	RS-1 to RG-2	
PURPOSE	Multi-family residential	
TAX MAP SHEET NUMBER (S)	19703-08-25	
LOCATION	Faraway St & East Boundary St	

CASE	2. 04-38 MA	Page
APPLICANT	Marion Motley	91
REQUESTED AMENDMENT	RR to RS-2	
PURPOSE	Single family residential subdivision	
TAX MAP SHEET NUMBER (S)	22016-01-06/07, 22015-02-01	
LOCATION	Padgett Road	

CASE	3. 04-39 MA	Page
APPLICANT	NKD Incorporated	101
REQUESTED AMENDMENT	RU to RS-2	
PURPOSE	Single family residential subdivision	
TAX MAP SHEET NUMBER (S)	21900-06-14	
LOCATION	Lower Richland Blvd & Rabbit Run Rd	

CASE	4. 04-40 MA	Page
APPLICANT	Kahn Development Co.	113
REQUESTED AMENDMENT	C-1 to C-3	
PURPOSE	Retail Space (Drugstore)	
TAX MAP SHEET NUMBER (S)	06113-014-01	
LOCATION	Corner of Broad River Rd & St Andrews Rd	

CASE	5. 04-41 MA	Page
APPLICANT	Mungo Co.	123
REQUESTED AMENDMENT	RU to PUD-1R (241.0 acres)	
PURPOSE	Single family residential subdivision	
TAX MAP SHEET NUMBER (S)	01700-04-12	
LOCATION	Spring Hill	

VII. TEXT AMENDMENTS

An ordinance amending the Richland County Code of Ordinances; Chapter 26, Zoning; Article 7. Supplemental District Regulations; Section 26-94a. Communications Towers. **139**

An ordinance amending the Richland County Code of Ordinances; Chapter 26, Zoning; Article 6, District Regulations; Section 26-73, FW and FP Flood Protective Areas; Subsections 26-73.3, 26-73.4(2), and 26-73.4(3). **147**

An ordinance amending the Richland County Code of Ordinances, Chapter 22, Land Development Regulations; Article v, Cluster Housing; Section 22-46 (c) (3), Minimum Required Common Open Space. **153**

VIII. ROAD NAME APPROVALS

- a. Road Name Change - Public Hearing (s) **157**
- b. New Road Name Approvals –

IX. OTHER BUSINESS

Further Discussion Regarding the Buffer Requirements Proposed Landscaping Regulations

Discussion Regarding Revisions to the Commission's Rules of Procedure

X. ADJOURNMENT

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

February 2, 2004

RC Project # 04-33 MA	Applicant: Shumaker & Shumaker, Inc.
General Location: North side of Koon Road approximately ½ miles east of Coogler Road	
Tax Map Number: 04100-01-06	Subject Area: 29.1 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: RS-2
Proposed Use: Single Family Subdivision	PC Sign Posting Date: January 12, 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

For the establishment of a single family residential subdivision.

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Single family residence with out buildings and undeveloped woodlands
Adjacent North	RU	Undeveloped woodlands & large lot single family residences
Adjacent East	RU	Large lot single family residences
Adjacent South	RU	Large lot single family residences
Adjacent West	RU	Undeveloped woodlands & large lot 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 RS-2 Zoning Designation Intent</u> Intended for single family residences with low to medium densities</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 RS-2 Zoning Permitted Uses</u> Single family detached residences on minimum 8,500 sq. ft. lots and a min. lot width of 60 ft Customary accessory uses</p>

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

The adjacent residences are on parcels that exceed 2 acres in area. The project is not compatible with the adjacent single family residences on large sized lots.

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	Koon Road	
Functional Classification Of This Roadway	Not Classified	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	NAp	
Estimated Traffic Generated By The Proposed Project	917	
Current Volume At The Nearest Count Station #632 Located @ north of site on Koon Rd. near Wes Bickley Road	2,800	
Estimated Traffic Count With the Proposed Project	3,717	
Volume-To-Capacity Ratio With The Proposed Project	NAp	

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 traffic is calculated by dividing the number of site acres 29 by 35 percent to get the estimated maximum number of development acres = 18.85 times 43,560 = 821,106/8,500 = 97 possible units x 9.5 trips per DU per day = 917.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, 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

Although Koon Road is not classified by SCDOT, it has the characteristics of a collector road. The proposed project will not generate enough traffic to exceed an LOS C for a collector 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 2 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]

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/Medium Density Residential in the Developing Urban Area portion of the Northwest Subarea Map. **The proposed Zoning Map Amendment is consistent with this land use designation.**

The Northwest Subarea Plan, adopted in September 1993, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. The relevant Objectives and 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 site has two ponds at the rear (north) side of the site. The elevation at the north side of the site is about 30 ft lower than the elevation along Koon Road. The nearest water and sewer connection is almost a mile to the east at Ivy Green subdivision. **The proposed Amendment does not implement this Objective.**

Principle – Mixed residential densities are appropriate within the Developing Urban Area and should conform to the Proposed Land Use Map. Compatible zoning classifications by density are recommended as follows:

A. Low-Medium (3 to 5 dwellings/acre): RS-1, RS-1A, RS-2, PUD-1 and PUD-2
The RS-2 zoning conforms to the Low-Medium density range in the Subarea Plan.

Established low-density residential neighborhoods should be protected against penetration or encroachment from higher or more intensive development.

This Principle is probably intended for infill development proposals located in existing urbanized areas. However, it is also very applicable to rural residential development. This entire area is comprised of single-family residences on parcels of two acres or more. The rural residential lifestyle is becoming more endangered in this area as well as many other portions of the County. The RS-2 zoning would radically alter the rural residential character of this area. **The proposed Amendment does not implement this Principle.**

Other Relevant Issues

The subject property was presented to the Richland County Planning Commission on March 3, 2003 as project #03-34 MA by Centex Homes, Inc. The request was for an Amendment of 29.0 acres from RU to RS-1. The Planning Commission recommended that County Council initiate the ordinance consideration process for the project. The applicant subsequently withdrew the request prior to the first Zoning Public Hearing on April 22, 2003.

The evaluation of the subject request discloses a dichotomy that exists all too often in the County. That is, the Subarea Maps were adopted without the involvement of the residents in the area and without careful consideration of the natural characteristics of the area. In many cases, the Objectives and Principles in the text of the Subarea Plans are inconsistent with the Map's land use designations. Aside from not providing clear guidance to the residents and developers regarding the future plans for the area, this dichotomy is a potentially serious legal flaw in that state law requires a local government's comprehensive plan to be internally consistent and to be a clear statement, both in map form and text form, of the future development plans for the area.

The Richland County Utilities Department has a major sewer line under construction along the creek bed at the rear (north) end of the property. This line will extend from the Broad River Road near Farming Creek Road to the Palmerston South subdivision a mile or so east of the subject site.

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 # 04-33 MA **not be changed** from RU to RS-2.

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 project will not generate enough traffic to exceed an LOS C for a collector road.
4. The proposed Amendment is consistent with Proposed Land Use Map designation in the Northwest Subarea Plan.
5. The proposed Zoning Map Amendment **is not consistent with the Objectives** of the Northwest Subarea Plan.

6. The proposed Zoning Map Amendment **is consistent with one Principle**, and **not consistent with another Principle**, of the Northwest Subarea Plan
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

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 February 2, 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 # 04-33 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 # 04-33 MA, the Planning Commission made the findings of fact summarized below:

Attachment A
Case 04-33 MA

Legal Description of Koon Road, North of Coogler Road

29.3 Acres

Property Owner: Mary C. Strickland

We request a zoning of RS-2 for the following parcel:

“All that certain piece, parcel or tract of land, with improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, being shown and designated as 7.63 Acres, as shown on plat prepared for Henry L. and Mary C. Strickland, by Lucius D. Cobb, Sr., dated April 12, 1993, and said Lot having the following boundaries and measurements on which plat are: Proceeding from an iron pin: on the Northeastern edge of the Right of Way of Koon Road (SC Road S40-498), running S15-15'-35"W for a distance of 403.51' feet to an iron pin: thence turning and running on the South by Lands Now or Formerly Marion Fisher which runs N73-56'-47"W for a distance of 313.75' feet to an iron pin and rock pile: thence turning and running S56-32'-28"W for a distance of 166.20' feet to an iron pin and rock pile: thence turning and running N66-27'-32"W for a distance of 52.59' feet to an iron pin: thence running N67-44'-19"W for a distance of 69.08' feet to an iron pin: thence running N66-18'-59"W for a distance of 118.35' feet to an iron pin and rock pile: thence turning and running on the West by Lands Now or Formerly Floyd Coogler and Lands Now or Formerly Henry and Mary Strickland which runs N17-04'-34"E for a distance of 74.47' feet to an iron pin: thence running N10-46'-00"E for a distance of 106.47' feet to an iron pin: thence running N12-53'-33"E for a distance of 94.15' feet to 24" Hick. Tree the Cor.: thence turning and running N81-16'-17"E for a distance of 57.89' feet to an iron pin: thence turning and running N22-33'-24"W for a distance of 94.51' feet to an iron pin: thence turning and running N34-45'-09"E for a distance of 140.51' feet to an iron pin: thence turning and running N73-51'23"E for a distance of 187.77' feet to an iron pin: thence turning and running S61-15'-22"E for a distance of 482.11' feet to the point of the beginning of Koon Road: all measurements being a little more or less.

This being the identical property conveyed to Henry L. Strickland and Mary C. Strickland by a Deed of Beverly Jean B. Dickson, as recorded June 22, 1993 in said Richland County RMC Office in Deed Book D 1147 at page 492.

TAX MAP NO.: 4100-01-006

ALSO:

All the certain piece, parcel or lot of land, lying and being in the County of Richland, State of South Carolina and being shown as Parcel A, Containing 9.21 Acres on a plat prepared for Henry and Mary Strickland by Lucius D. Cobb, Sr., R.L.S. dated September 12, 1990, and having the following boundaries: Bounded on the North by property now or formerly William Seel and property now or formerly Samuel B. Skinner, whereon it measures a total of 952.47': On the West by property now or formerly Thurmond R. Bauknight, whereon it measures a total of 306.29': On the South by property now or formerly Thurmond R. Bauknight, whereon it measures a total of 627.85': and on the East by property now or formerly Thurmond R. Bauknight and Parcel B, whereon it measures a total of 487.55': all measurements being a little more or less.

This being the identical property conveyed to Henry and Mary Strickland by Deed of Holmes L. Bauknight, Jr., recorded October 30, 1990 on the Richland County RMC Office in Deed Book 1003 at page 0505.

TAX MAP NO.: 4200-01-37

ALSO:

All that certain piece, parcel or lot of land lying and being in the County of Richland, State of South Carolina, and being shown as Parcel B, Containing 4.19 Acres on a plat prepared for Henry and Mary Strickland by Lucius d. Cobb, Sr. R.L.S. dated September 12, 1990, and having the following boundaries: Bounded on the North by property now or formerly William Seel and property now or formerly Rebecca S. Stephens, whereon it measures a total of 1105.58': On the West by Parcel A, whereon it measures 268.63': On the South by property now or formerly Thurmond R. Bouknight and properly now or formerly Beverly Jean B. Dickson, whereon it measures a total of 1332.33': and on the West by Koon Road, whereon it measures 51.05': all measurements being a little more or less.

This being the identical property conveyed to Henry and Mary Strickland by Deed of Beverly Jean B. Dickson, recorded October 30, 1990 in the Richland County RMC Office in Deed Book 1003 at page 0508.

TAX MAP NO.: 4100-01-06 (Portion)

ALSO:

All the certain piece, parcel or lot of land, lying and being in the County of Richland, State of South Carolina and being shown as Parcel A-1 Containing 2.0 Acres and Parcel B-1 Containing 6.0 Acres as shown on a plat prepared for Henry and Mary Strickland by JKB & B Engineers, dated March 13, 1991, and having the following boundaries:

Parcel A-1:

Bounded on the North by property n/f Samuel B. Skinner, whereon it measures 203.88': On the East by Parcel A, whereon it measures a total of 718.76': On the South by property n/f Thurmond R. Bouknight, whereon it measures a total of 526.63': and on the West by the line of a creek, whereon it measures a total of 462.78': all measurements being more or less.

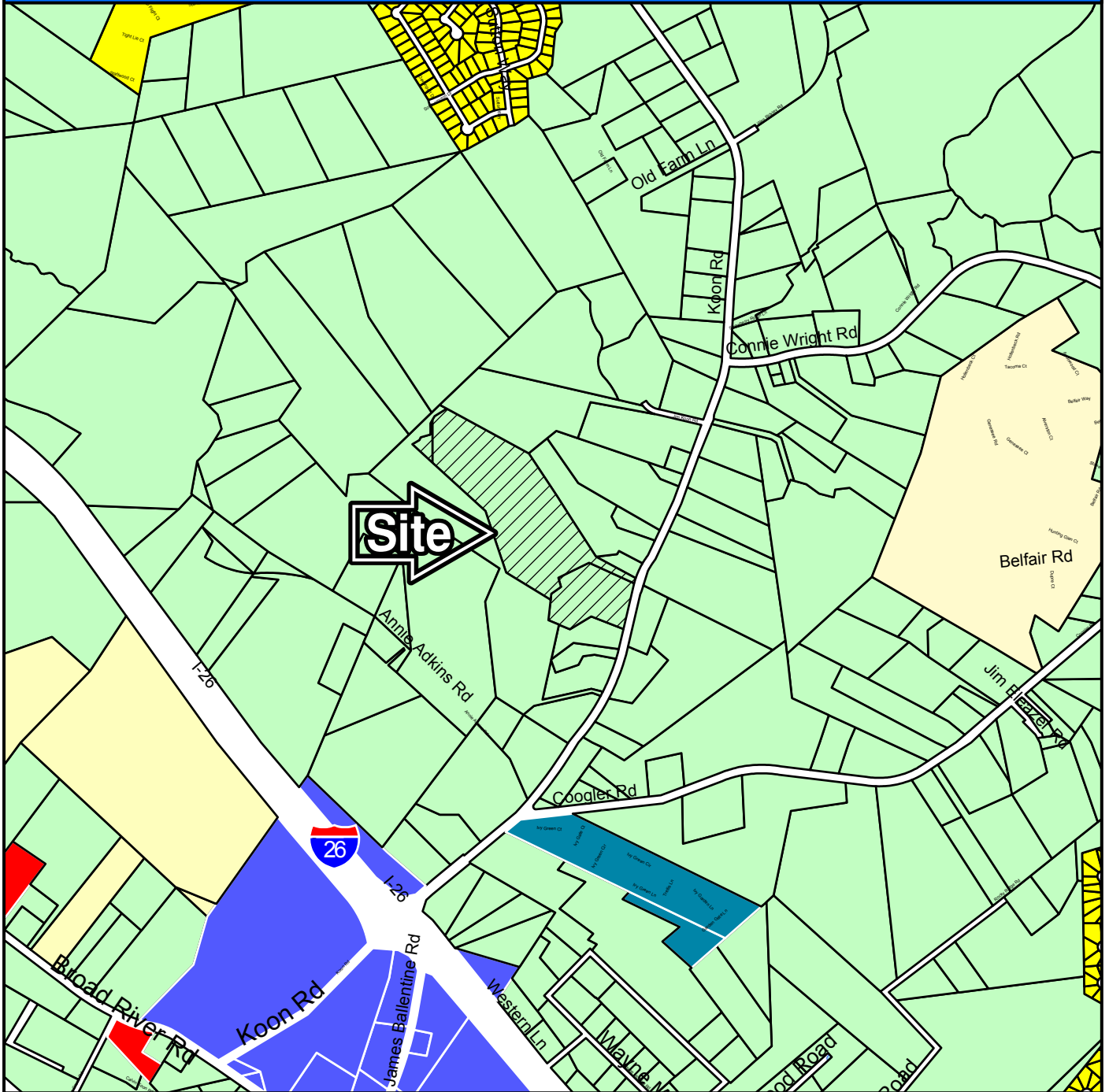
Parcel B-1:

Bounded on the North by Parcel A, whereon it measures 218.92': On the East by Parcel B, whereon it measures 662.45': On the South by property n/f Beverly Jean B. Dickson, whereon it measures a total of 387.06': and on the South by property n/f Thurmond R. Bouknight, whereon it measures a total of 957.67': all measurements being a little more or less.

This being the identical property conveyed to Henry and Mary Strickland by Deed of Kathleen Nancy Bouknight, recorded May 7, 1991 in the Richland County RMC Office in Volume D1031 at page 398.

TAX MAP NO.: 4100-01-001 (Portion)"

CASE 04-33 MA FROM RU to RS-2

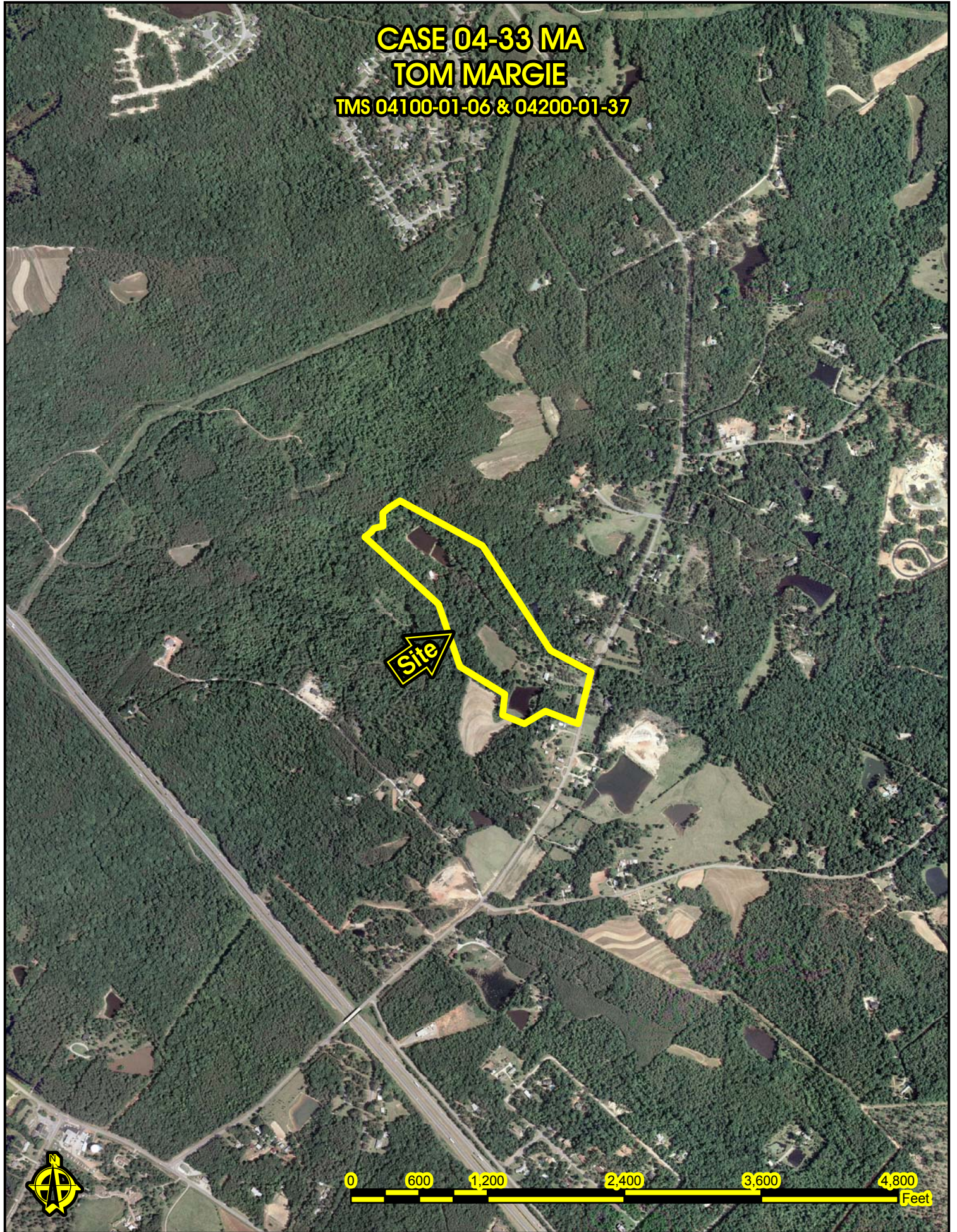


ZONING CLASSIFICATIONS

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



CASE 04-33 MA
TOM MARGIE
TMS 04100-01-06 & 04200-01-37



CASE 04-33 MA FROM RU to RS-2

TMS# 04100-01-06 & 04200-01-37
Koon Road, 1/2 mile east of Coogler Road



Looking at interior of site



Looking at site from Koon Road

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

March 1, 2004

Applicant: Jim Mayes, PE		Preliminary Subdivision Plans For: Teague Park
RC Project # : SD-04-102		
General Location: Teague Road and Teague Park Lane		
Tax Map Number: 19211-01-55		Number of Residences: 30
Subject Area: 9.5 acres	Sewer Service Provider: City of Columbia	
Current Zoning: RS-1	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..." 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 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	Leesburg Road via Teague Road	
Functional Classification Of This Roadway	Four lane undivided minor arterial	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	21,600	
Estimated Traffic Generated By The Proposed Project	285	
Current Volume At The Nearest Count Station # 255 Located @ Greenlawn Rd	22,000	
Estimated Traffic Count With the Proposed Project	22285	
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 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.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, 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, by itself, will not result in the LOS C being exceeded at SCDOT count station 255.

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.

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	6
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 existing site has a vacant single family residence. The site generally slopes down to the west away from Teague Road. The entire site has been timbered with very few trees left.

Compatibility with the Surrounding Area

The proposed project is a single family detached residential subdivision. All of the surrounding development is single family detached residences. The project is compatible with the adjacent development

Discussion of Applicable Comprehensive Plan Issues

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 Lower Richland Subarea Plan Proposed Land Use Map was amended on May 3, 1999 as part of the Plan adoption process. The subject site is designated as Residential on this Map. The proposed project is consistent with this land use designation.

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

The proposed project will be a single family detached residential subdivision. The proposed project implements this Objective.

Principle – Moderate to low level densities (maximum of 9 DU/ac) are appropriate within the Developing Urban Area

The wording of this Principle appears to state that moderate density is up to 9.0 DU/ac. This density level in the other Subarea Plans is considered high density. A density of 9.0 DU/ac is typically garden apartments or townhouse type of multi-family residences.

A 3.6 DU/ac subdivision is the approximate density of most of The Summit. Virtually nobody would consider The Summit a truly low-density residential project. The term low density typically means less than 2.0 DU/ac for suburban type development.

The density range of 0.0 DU/ac to 9.0 DU/ac appears to allow any type of residential development. This project implements this Principle.

Other Pertinent Factors

- 1) On February 6, 2004, the Public Works Dept. offered the following comments:
 - a) There are inaccuracies in the street cross section drawings.
 - b) No documentation has been provided that SCDOT has approved the connection of Teague Park Lane with Sunview Circle.
 - c) No lots should be platted along Toad Road until it is paved to County standards.
 - d) A street signage plan was not provided as required.
 - e) Additional storm drainage design work is required for DPW approval
 - f) A chain link fence, and access gate, must be installed around the detention pond
 - g) The digital submission plans have not been approved by the DPW GIS division.
 - h) A DHEC application and fee have not been transmitted to DPW
- 2) The flood elevation statement was approved on October 14, 2003.
- 3) As of February 13, 2004, the City of Columbia had not approved the water and sewer line construction plans.
- 4) As of February 13, 2004, DHEC had not issued a sewer line construction permit.
- 5) As of February 13, 2004, DHEC had not issued a water line construction permit.

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...”

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 30 unit single family detached subdivision, known as Teague park (Project # SD-04-102), **subject to 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, by itself, will not result in the adjacent portion of Leesburg Road operating below a LOS C capacity.
2. The proposed subdivision is compatible with existing development in the area.
3. The 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 Department of Public Works must approve the stormwater management plans; and
- b) The City of Columbia must approve the water and sewer line construction plans; and
- c) DHEC must issue the sewer line construction permits; and
- d) DHEC must issue the water line construction permits; and
- e) No building permits shall be issued until all of the conditions cited above are met; and
- f) Plats shall not be approved for recording until the Department receives the City of Columbia approval the water and sewer line easement documents; and
- g) The Department of Public Works must approve the bond documents prior to a bonded plat being approved for recording; and
- h) No Certificate of Occupancy shall 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**
- i) 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 and stormwater systems for maintenance.

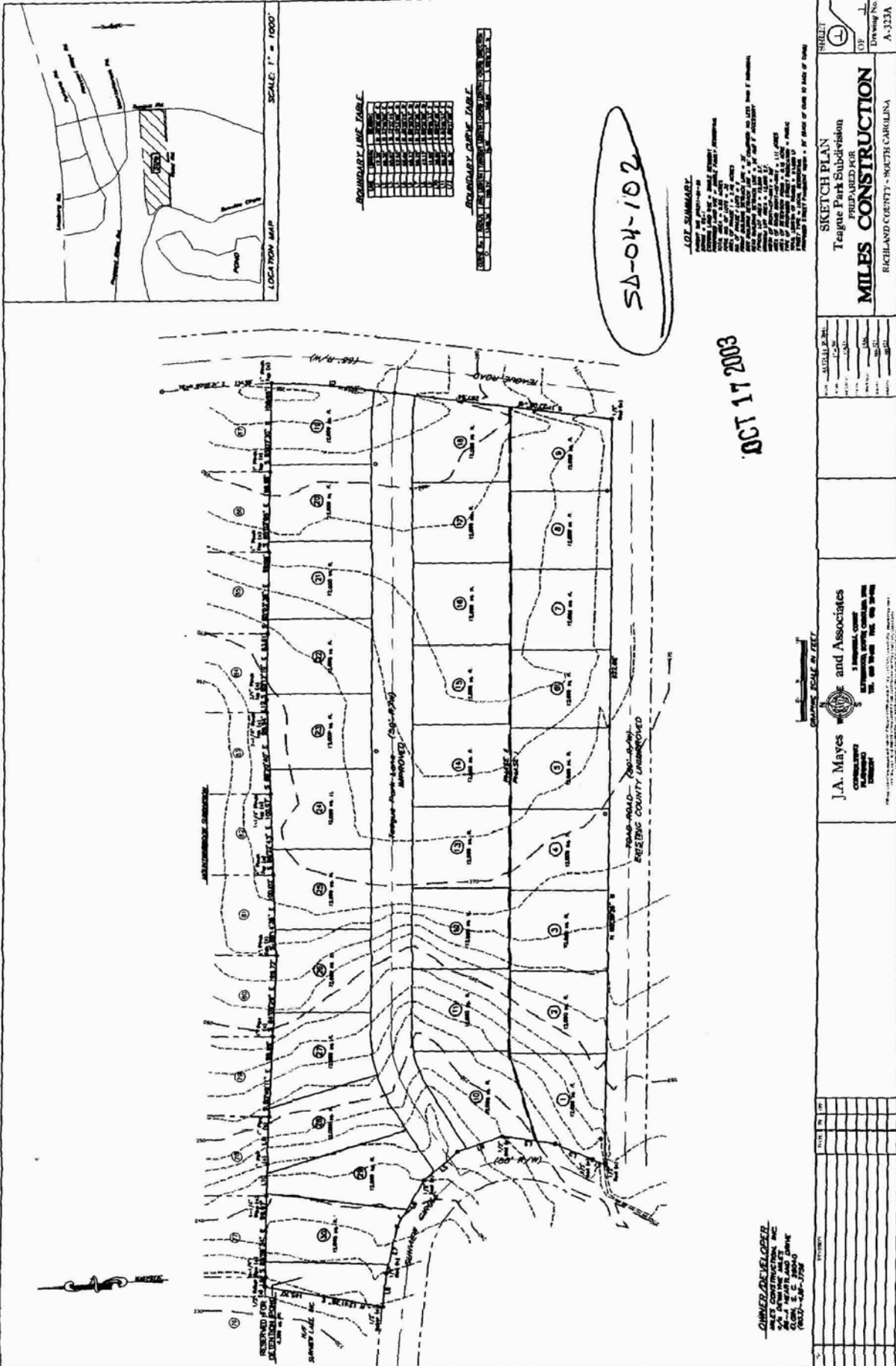
SECTION III – COMMISSION RECONSIDERATION & APPEAL

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:

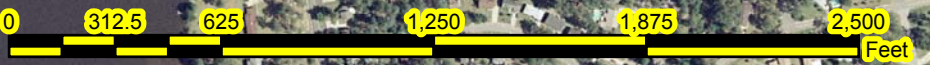
- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map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

Attachment A SD 04-102

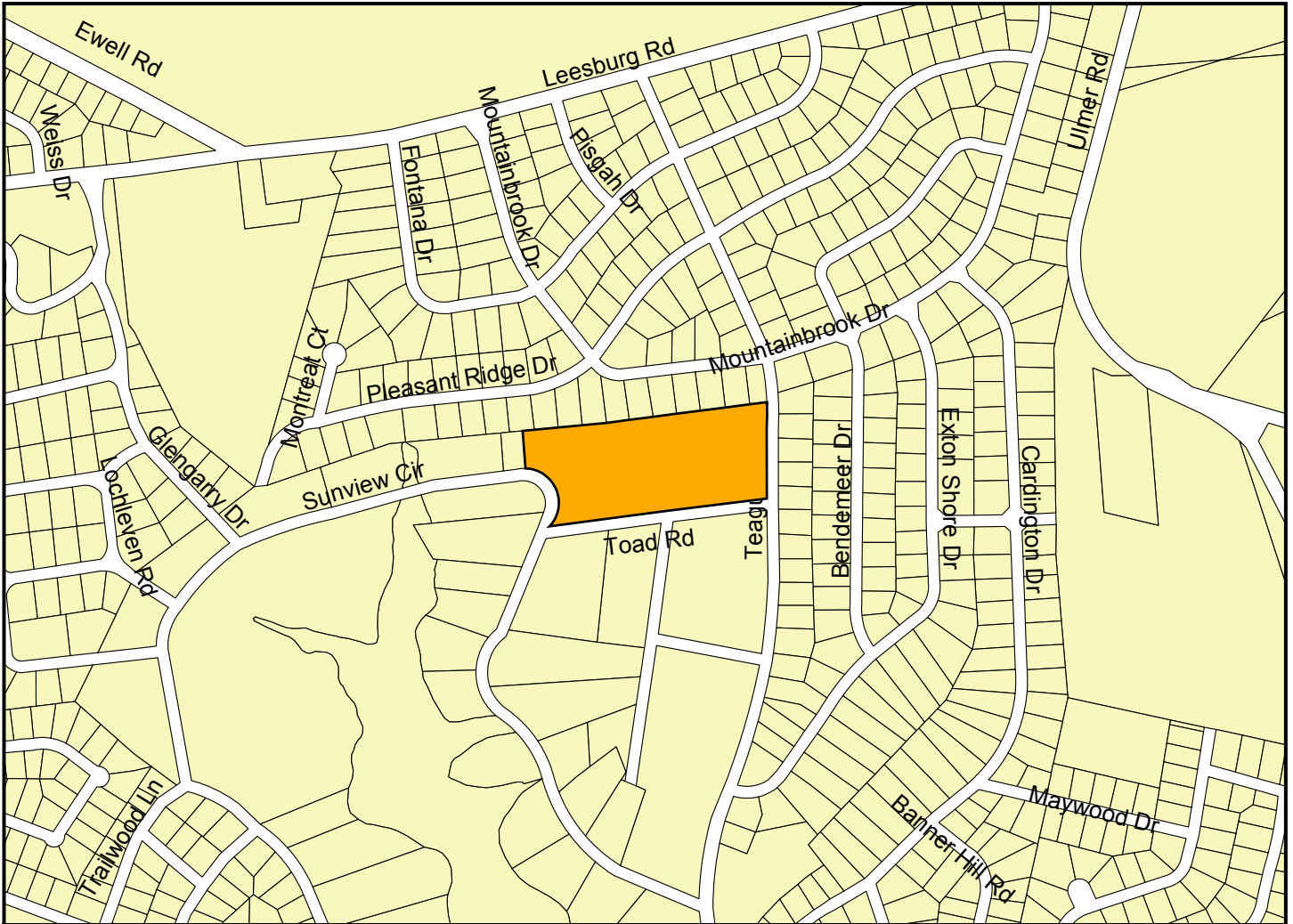


**SD 04-102
TEAGUE PARK
TMS 19211-01-55**

Site →



SD 04-102 TEAGUE PARK



Looking at site from Sunview Circle



Looking east along Toad Road

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

March 1, 2004

Applicant: Cox & Dinkins		Preliminary Subdivision Plans For: Angel Garden, Phase 1
RC Project # : SD-04-173		
General Location: Kneece Road behind Decker Plaza		
Tax Map Number: 16911-02-06/07/08		Number of Residences: 50 (townhouses & patio homes)
Subject Area: 9.68 acres	Sewer Service Provider: East Richland	
Current Zoning: RG-2	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..." 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 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	Brookfield 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	475	
Current Volume At The Nearest Count Station # 663 Located @ NE High School	3900	
Estimated Traffic Count With the Proposed Project	4175	
Volume-To-Capacity Ratio With The Proposed Project	0.49	

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.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, 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, by itself, will not result in the LOS C being exceeded at SCDOT count station 663.

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	10
Middle School @ 0.13 students per single family DU	7
High School @ 0.12 Students per single family DU	6

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

Existing Site Conditions

The site slopes downward to a creek on the north and east sides of the site. With the exception of a few large hardwood trees near the creek, the remainder of the site contains small pine trees and some small hardwood trees.

Compatibility with the Surrounding Area

The Chimneys of Brookfield apartments are adjacent to the site on the east. Various types of commercial development are on the south, west and north. The proposed multi-family residential development is compatible with the adjacent development.

Discussion of Applicable Comprehensive Plan Issues

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 I-20 Interbeltway Corridor Subarea Plan Proposed Land Use Map was amended on May 3, 1999 as part of the Plan adoption process. The subject site is designated as High Density Residential on this Map. The proposed project is **not consistent** with this land use designation.

The definition of high density in the text of the Subarea Plan is 9.0 DU/acre, or greater. The proposed 5.1 DU/acre project does not meet this minimum density requirement. Therefore, the project is NOT consistent with the Map designation as required by state law.

The I-20 Interbeltway Corridor Subarea Plan, adopted in November 1994, contains policy guidance that is relevant to the subject subdivision. The relevant Objectives and Principles, found on pages 9 and 12 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 will provide medium density residences in undeveloped site surrounded by multi-family and commercial projects. The proposed project implements this Objective.

Principle – The Established Urban Area should contain overall higher density levels than the Developing Urban Area...Compatible residential zoning classifications include High Density (9 DU/acre or greater...Medium Density (5 to 9 DU/acre)

The subject project will have a density of 5.1 DU/acre. This project implements this Principle.

Other Pertinent Factors

- 1) As of February 13, 2004, the Public Works Dept. had not approved the stormwater management plans.
- 2) As of February 13, 2004, the flood elevation statement had not been approved.
- 3) As of February 13, 2004, the City of Columbia had not approved the water and sewer line construction plans.
- 4) As of February 13, 2004, DHEC had not issued a sewer line construction permit.
- 5) As of February 13, 2004, DHEC had not issued a water line construction permit.
- 6) The Fire Marshal commented that the minimum internal road width must be 26 feet.

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 should be congratulated for his efforts to save five large hardwood trees. The placement of the structures was deliberately adjusted to provide sufficient room to promote survival of the large trees.

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 50 unit townhouse/patio home subdivision, known as Angel Garden, Phase 1 (Project # SD-04-173), **subject to 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, by itself, will not result in the adjacent portion of Brookfield Road operating below a LOS C capacity.
2. The proposed subdivision is compatible with existing development in the area.
3. The proposed project **is not consistent** with the I-20 Interbeltway Subarea Plan Map land use designation.
4. The proposed project implements the relevant Objectives and Recommendations of the I-20 Interbeltway Subarea Plan.

Specific Conditions

- a) **PRIOR to any site clearance activity being initiated**, the subdivision plats shall include tree protection certification statements provided by the Department; and
- b) 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
- c) The Department of Public Works must approve the stormwater management plans; and
- d) The Floodplain Mgmt. Specialist must approve the flood elevation statement prior to building permits being issued; and
- e) The City of Columbia must approve the water line construction plans; and
- f) DHEC must issue the sewer line construction permits; and
- g) DHEC must issue the water line construction permits; and
- h) **No building permits shall be issued until all of the conditions cited above are met**; and
- i) Plats shall only be recorded by the complete phases identified in the preliminary plan; and
- j) Any further division of the phases identified in the lot layout plan shall require Planning Commission approval prior to recording; and
- k) Plats shall not be approved for recording until the Department receives the City of Columbia approval the water line easement documents; and OR
- l) The Department of Public Works must approve the bond documents prior to a bonded plat being approved for recording; and
- m) No Certificate of Occupancy shall 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**
- n) 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

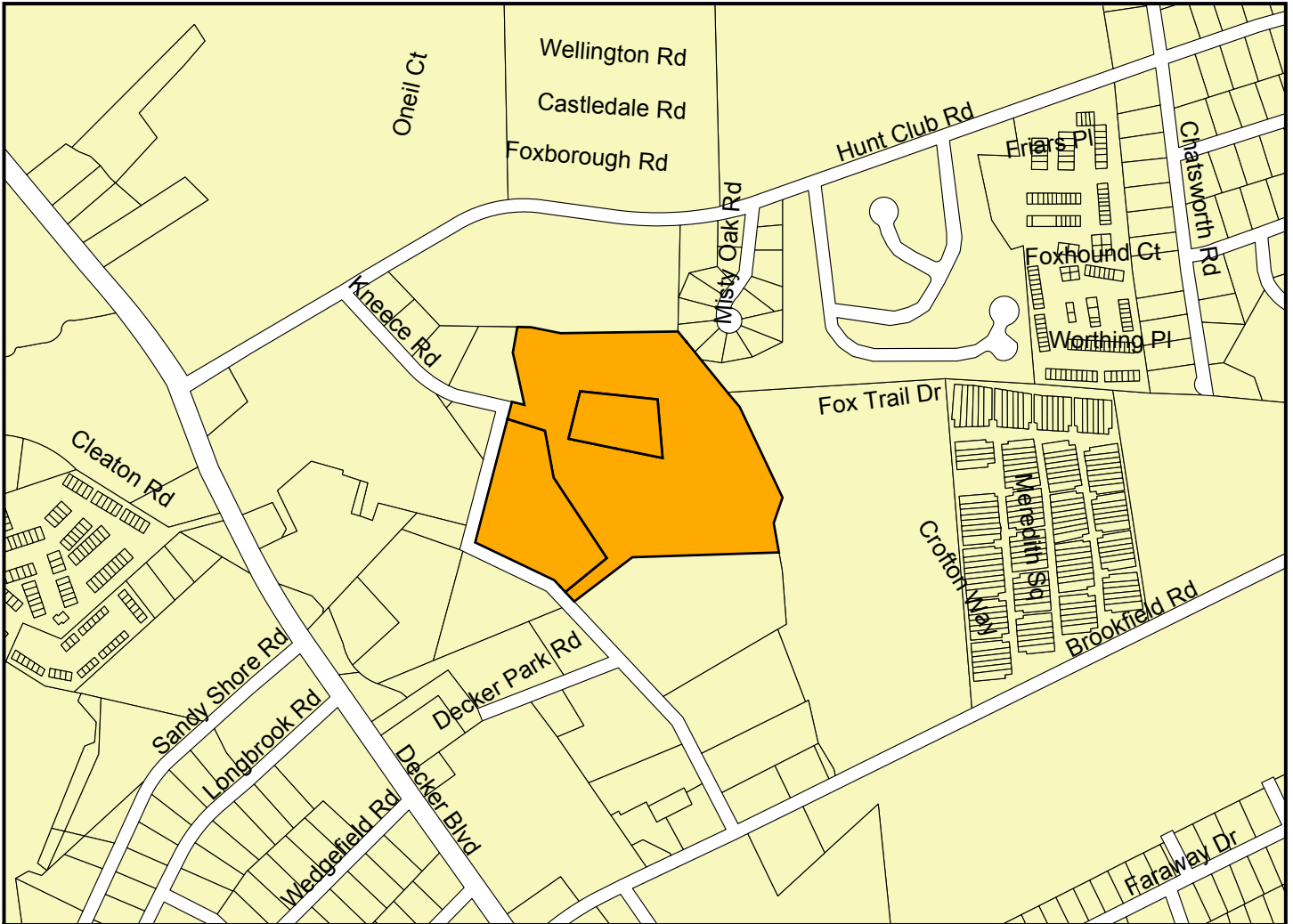
Article V of the Planning Commission's Rules of Procedure provides that upon completion of the Commission's final action on any matter, the only way to appeal a Commission's decision is to the Circuit Court. An appeal, in the manner and form established by the Court, must be filed within 30 days of receipt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

SD 04-173
ANGEL GARDEN
TMS 16911-02-06/07/08 (p)

Site →



SD 04-173 ANGEL GARDEN



Looking at interior of site



Looking at Kneece Rd from site

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

March 1, 2004

Applicant: Kelly Busch		Subdivision Plans For: Busch Private Driveway S/D	
RC Project # : SD-04-175			
General Location: North Side Farming Creek Road, Adjacent To The Powerline Easement			
Tax Map Number: 03207-01-01		Number of Residences: 5	
Subject Area: 10 acres		Sewer Service Provider: Septic Tank	
Current Zoning: RU		Water Service Provider: Private Well	

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..." 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 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	Farming Creek Road	
Functional Classification Of This Roadway	Not Classified	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	NAP	
Estimated Traffic Generated By The Proposed Project	48	
Current Volume At The Nearest Count Station # Located @	Not Counted	
Estimated Traffic Count With the Proposed Project	NAP	
Volume-To-Capacity Ratio With The Proposed Project	NAP	

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.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, 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 generate any significant amount of traffic on Farming Creek 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 1 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

The existing site has two manufactured homes with an access road adjacent to power line easement. Public water and sewer service is available to the site in Farming Creek Road.

Compatibility with the Surrounding Area

There are residences scattered throughout the area. The proposed subdivision is compatible with the adjacent development.

Discussion of Applicable Comprehensive Plan Issues

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 Northwest Subarea Plan Proposed Land Use Map was amended on May 3, 1999 as part of the Plan adoption process. The subject site is designated as Residential Medium/Low Density on this Map. The proposed project is consistent with this land use designation.

The Northwest Subarea Plan, adopted in September 1993, contains policy guidance that is relevant to the subject subdivision. 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 proposed project implements this Objective.

Principle – Residential development should be limited to individual dwellings on individual lots
This project implements this Principle.

Other Pertinent Factors

- 1) As of February 13, 2004, the Public Works Dept. had not approved the stormwater management plans.
- 2) As of February 13, 2004, the County Fire Marshal had not provided comments.
- 3) As of February 13, 2004, the City of Columbia had not approved the water line construction plans.
- 4) As of February 13, 2004, DHEC had not issued a sewer line construction permit.
- 5) As of February 13, 2004, DHEC had not issued a water line construction permit.
- 6) As of February 13, 2004, the E-911 Coordinator had not certified Planning Commission approval of the proposed street names.

Section 24-81 of the County Code requires **ALL** buildings to connect to a public sewer system if the sewer line is within 200 feet of the project’s property line. The City of Columbia has a water line in Farming Creek Road and the Carolina Water Service, Inc. (a public utility as defined by the County Code) has a sewer line along Farming Creek Road. The proposed project will be required to connect to the Carolina Water Service, Inc. sewer system.

Article VII of the Subdivision Regulations (Chapter 22 of the County Code) requires the applicant to execute a Hold Harmless Agreement and certain restrictive covenants that limit the residences for use by family members and protects the County against liability for the unpaved access road. The plat must include a certification in this regard and the agreements must be recorded prior to, or simultaneous with, the plat.

SECTION II – STAFF RECOMMENDATION

Based on the findings of fact summarized below, the Planning and Development Services Department (PDSD) recommends conditional approval of the Private Driveway Subdivision plans for a 5 unit single family detached subdivision, known as Busch Private Driveway S/D (Project # SD-04-175), **subject to 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 Farming Creek Road operating below a LOS C capacity.
2. The proposed subdivision is compatible with existing development in the area.
3. The project is consistent with the Northwest Subarea Plan Map land use designation.
4. The proposed project implements the relevant Objectives and Recommendations of the Northwest Subarea Plan.

Specific Conditions

- a) **PRIOR to any site clearance activity being initiated**, the subdivision plats shall include tree protection certification statements provided by the Department; and
- b) The E-911 Coordinator must certify the name for the driveway has been approved by the Planning Commission prior to assigning street addresses for building permits; and

- c) The Department of Public Works must approve the stormwater management plans; and
- d) The County Fire Marshal must approve the project with or without conditions; and
- e) The City of Columbia must approve the water line construction plans; and
- f) DHEC must issue the sewer line construction permits; and
- g) DHEC must issue the water line construction permits; and
- h) Plats shall not be approved for recording until the Department receives the City of Columbia approval the water line easement documents; and
- i) All the lots in the subject project shall be required to connect to the Carolina Water Service, Inc. sewer system; and
- j) The applicant shall execute a Hold Harmless Agreement with the County as provided in Article VIII (Section 22-76 et seq.) of Chapter 22 of the County Code; and
- k) 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; **and**
- l) 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; and
- m) No building permits shall be issued until all of the conditions cited above are met.**

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.

Attachment A SD 04-175

CURVE DATA & LINE DATA

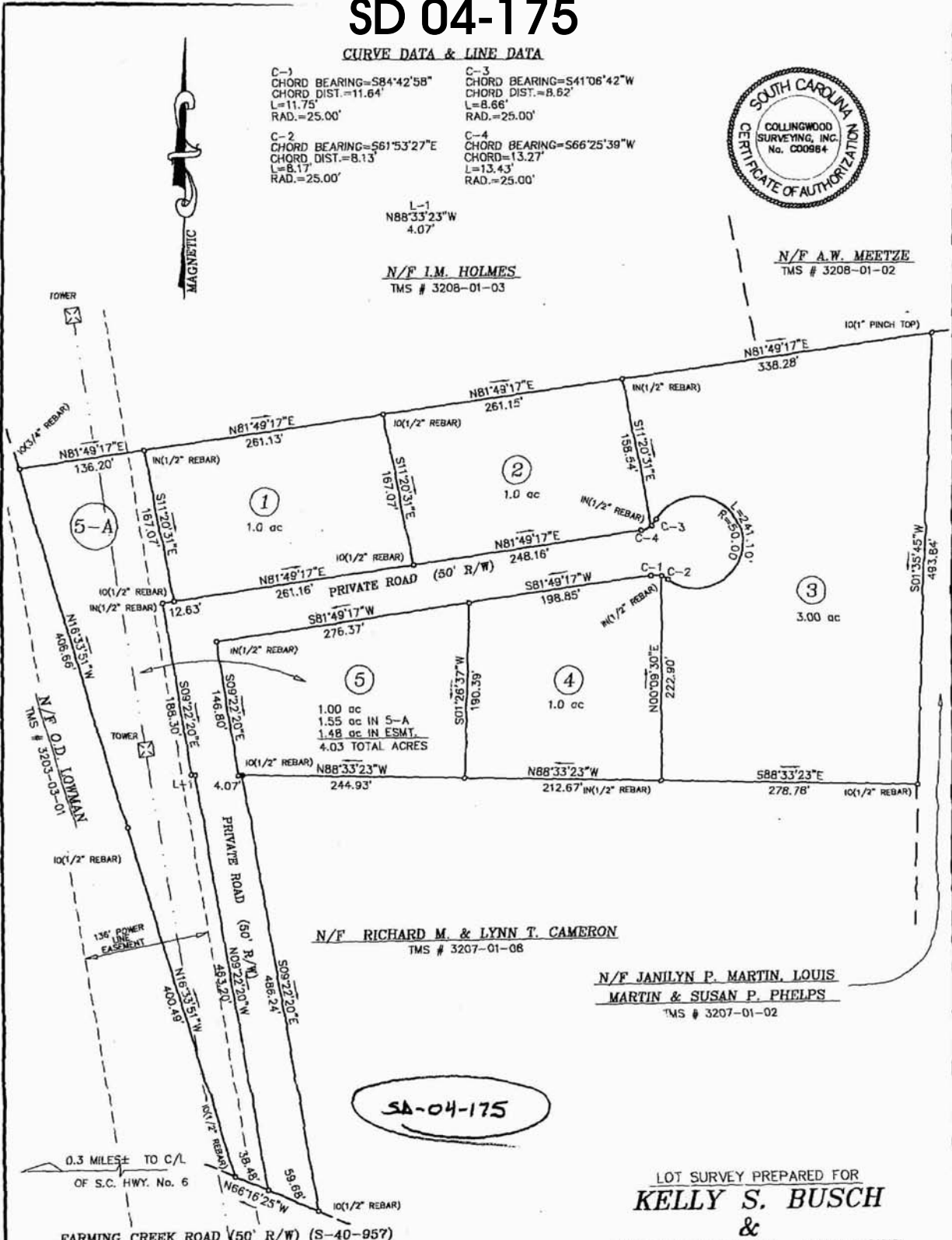
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C-2 CHORD BEARING=S61°53'27"E CHORD DIST.=8.13' L=8.17' RAD.=25.00'	C-4 CHORD BEARING=S66°25'39"W CHORD DIST.=13.27' L=13.43' RAD.=25.00'

L-1
N88°33'23"W
4.07'

N/F I.M. HOLMES
TMS # 3208-01-03



N/F A.W. MEETZE
TMS # 3208-01-02



N/F RICHARD M. & LYNN T. CAMERON
TMS # 3207-01-06

N/F JANILYN P. MARTIN, LOUIS
MARTIN & SUSAN P. PHELPS
TMS # 3207-01-02

SD-04-175

LOT SURVEY PREPARED FOR
KELLY S. BUSCH
&
MICHELE R. BUSCH

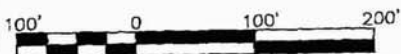
TMS # 3207-01-01

SURVEYED BY:
COLLINGWOOD SURVEYING, INC.

THE SAME BEING A DIVISION OF TRACT B-2 SHOWN ON A PLAT FOR VIRGINIA C. ARD BY COLLINGWOOD SURVEYING, INC. DATED JUNE 9, 1997.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN 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.

NEAR BALLENTINE, S.C.
RICHLAND COUNTY



DWG: DB	SCALE: 1" = 100'
CKD:	JULY 23, 2003
JOB: 23560	

JAN 12 2004

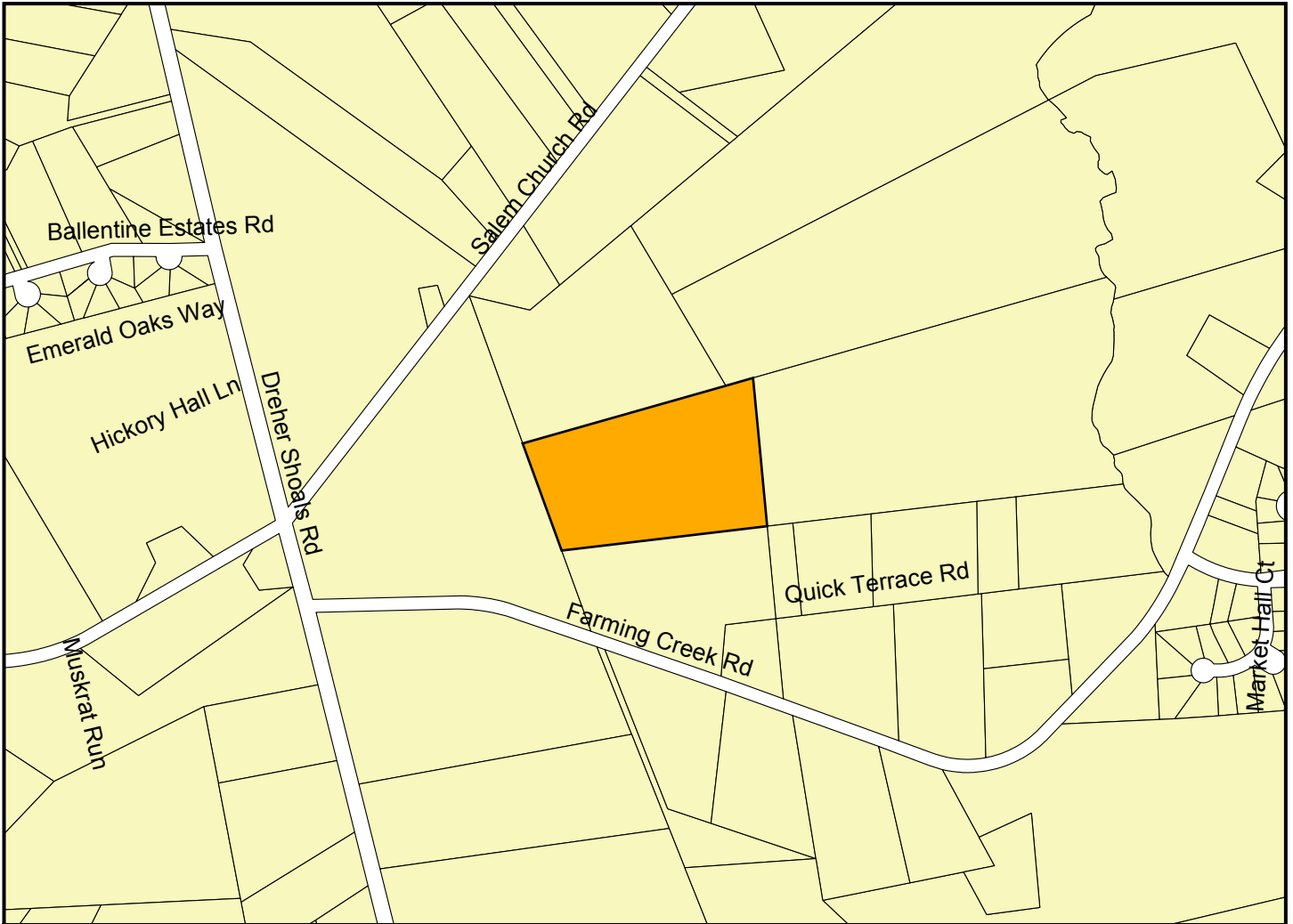
Robert E. Collingwood, Jr.
S.C. REGISTERED SURVEYOR No. 2318
P.O. BOX 3053 W. COLUMBIA, S.C. 29171
TEL. No. (803) 796-3916

SD 04-175
BUSCH PDS
TMS 03207-01-01

Site →



SD 04-175 BUSCH PDS



Looking at site from power line easement



Looking towards Farming Creek Rd from site

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

March 1, 2004

Applicant: Tim Miles		Minor Subdivision Plans For: William Trapp	
RC Project # : SD-04-185			
General Location: Raines Rd & Howell Rd			
Tax Map Number: 15300-04-01		Number of Residences: 13	
Subject Area: 68.3 acres		Sewer Service Provider: Septic Tank	
Current Zoning: RU		Water Service Provider: Private Well	

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..." 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 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	Raines Rd
Functional Classification Of This Roadway	Not Classified
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	NAP
Estimated Traffic Generated By The Proposed Project	124
Current Volume At The Nearest Count Station # Located @	Not Counted
Estimated Traffic Count With the Proposed Project	NAP
Volume-To-Capacity Ratio With The Proposed Project	NAP

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.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, 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 generate a significant amount of traffic on Raines Rd.

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	3
Middle School @ 0.13 students per single family DU	1
High School @ 0.12 Students per single family DU	1

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

Existing Site Conditions

There is a creek traversing the middle of the site. The site has a combination of woodlands and open fields. There are some very large hardwood trees along the creek and scattered throughout the subject site.

Compatibility with the Surrounding Area

There are some residences on very large lots in the surrounding area. The proposed large lot subdivision is compatible with the adjacent development.

Discussion of Applicable Comprehensive Plan Issues

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 I-77 Corridor Subarea Plan Proposed Land Use Map was amended on May 3, 1999 as part of the Plan adoption process. The subject site is designated as Medium Density Residential on this Map. The proposed project is consistent with this land use designation.

The **proposed subdivision is not consistent** with the Proposed Land Use Map because it is a very low density residential project, i.e., 1 DU per 5 acres, located in an area designated for medium density residential development. The state law requires projects to be consistent with the provisions of the Comprehensive Plan, including the Map.

The I-77 Corridor Subarea Plan, adopted in April 1994, contains policy guidance that is relevant to the subject subdivision. The relevant Objectives and Principles, found on pages 31 and 42 respectively, are discussed below:

Objective –
None Applicable

Principle – “...The purpose of the rural area designation is to maintain the open character and natural setting of the landscape. Residential development density is recommended to be 4 DU/acre or less...”

This Principle is internally inconsistent and confusing because a density of 4 DU/acre is HIGHER than the average density of The Summit or the Villages @ Longtown. A density greater than 1 DU per 2 acres would not “...maintain the open character and natural setting of the landscape...” Fortunately, the proposed project has a density of 1 DU per 5 acres which does implement this Principle.

Other Pertinent Factors

- 1) As of February 13, 2004, the Public Works Dept. had not approved the stormwater management plans.
- 2) As of February 13, 2004, the flood elevation statement had not been approved.

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...”

SECTION II – STAFF RECOMMENDATION

Based on the findings of fact summarized below, the Planning and Development Services Department (PDSO) recommends conditional approval of the minor subdivision plans for a 13 unit single family detached subdivision, known as William Trapp minor S/D (Project # SD-04-185), **subject to 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 Raines Road operating below a LOS C capacity.
2. The proposed subdivision is compatible with existing development in the area.
3. The proposed project **is not consistent** with the I-20 Corridor Subarea Plan Map land use designation.
4. The proposed project implements Recommendations of the I-20 Corridor Subarea Plan.

Specific Conditions

- a) **PRIOR to any site clearance activity being initiated**, the subdivision plats shall include tree protection certification statements provided by the Department; and
- b) The Department of Public Works must approve the stormwater management plans; and
- c) The Floodplain Mgmt. Specialist must approve the flood elevation statement prior to building permits being issued; and
- d) The County Fire Marshal must approve the project with or without conditions; and
- e) 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**
- f) 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.

Attachment A SD 04-185



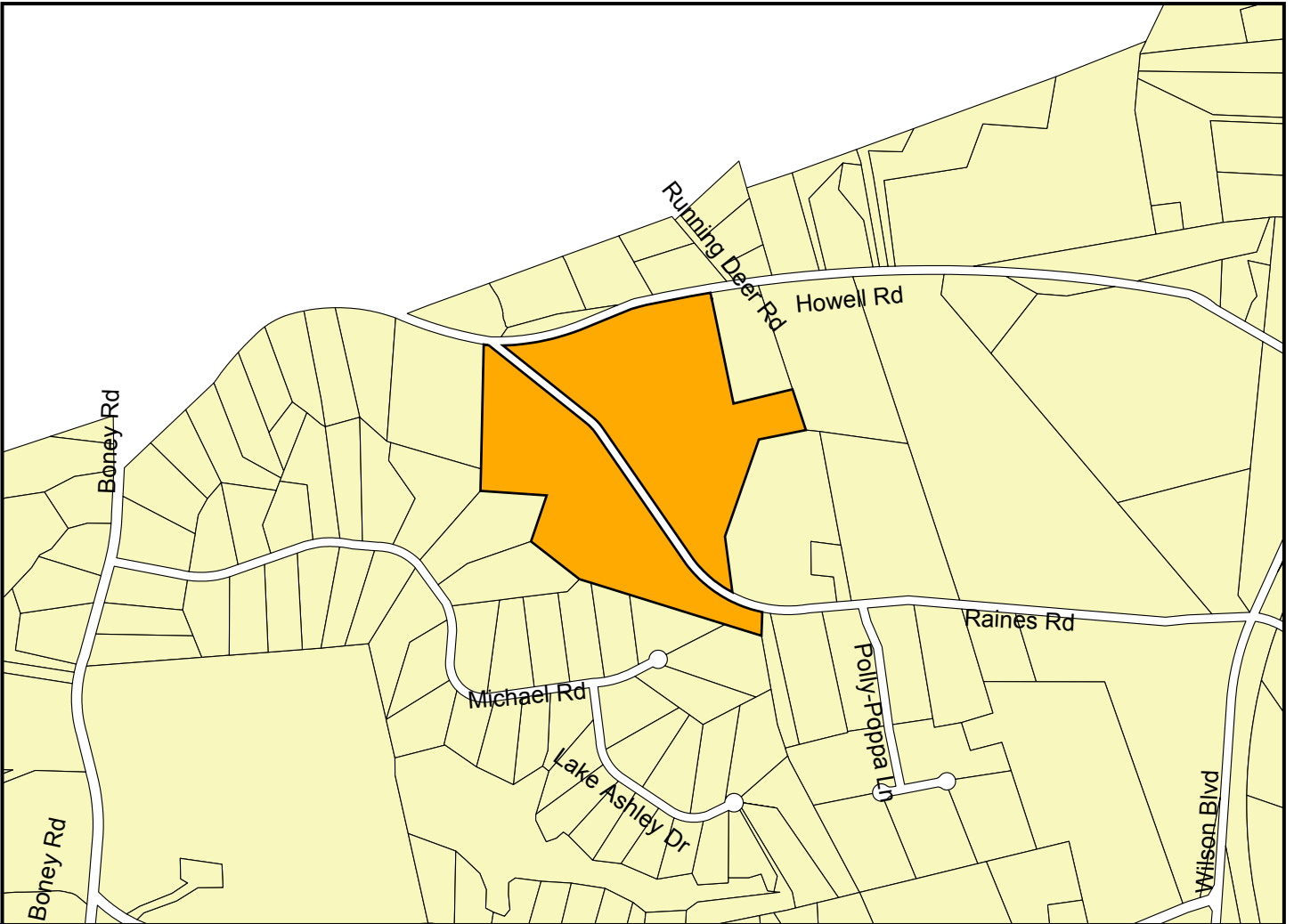
SD-04-185

SD 04-185
TRAPP MINOR S/D
TMS 15300-04-01

Site →



SD 04-185 TRAPP MINOR S/D



Looking south along Raines Road



Looking north along Raines Road

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

March 1, 2004

Applicant: Lake Carolina Dvlpt. Co		Minor Subdivision Plans For:	
RC Project # : SD-04-195		Long Pointe Lane Minor S/D	
General Location: Long Pointe Lane @ Lake Carolina commercial area			
Tax Map Number: 23200-01-20 (p)		Number of Residences: 18 (live/work units)	
Subject Area: 1.5 acres	Sewer Service Provider: Palmetto Utilities		
Current Zoning: TND	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..." 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 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	Hardscrabble Rd via Long Point Lane	
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	119	
Current Volume At The Nearest Count Station # 437 Located @ north of Lee Road	9500	
Estimated Traffic Count With the Proposed Project	9619	
Volume-To-Capacity Ratio With The Proposed Project	1.11	

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.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, 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. In addition, the County recently rezoned a 20-acre adjacent to the subject site on the west to permit up to 200,000 sq. ft. of general commercial development. This commercial project alone will generate more than 12,000 additional trips on Hardscrabble Road between Summit Parkway and Lee Road. **In summary, upon buildout of the subject subdivision and the subdivisions approved to date, the Department estimates at SCDOT count station # 437 there will be more than 32,000 daily vehicle trips on a road designed for 8600 trips.**

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	NAp
Middle School @ 0.13 students per single family DU	NAp
High School @ 0.12 Students per single family DU	NAp

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

Existing Site Conditions

The subject site is undeveloped pinewoods. The site is virtually flat.

Compatibility with the Surrounding Area

The proposed project is a continuation of the live/work units currently under construction across the Lane adjacent to the Lake Carolina commercial area. The proposed project is compatible with the adjacent development.

Discussion of Applicable Comprehensive Plan Issues

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 Northeast Subarea Plan Proposed Land Use Map was amended on May 3, 1999 as part of the Plan adoption process. The subject site is designated as Development on this Map. The proposed project is consistent with this land use designation.

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 – Types and sites of employment and service activities should be located to complement neighborhoods and minimize adverse effects of noise, pollution, glare and traffic on residential areas

The project will continue the successful live/work units project currently under construction. The proposed project implements this Objective.

Principle – The Established Urban Area should contain overall higher density levels than the Developing Urban or Rural Area

The density of the proposed project is about 12 DU/ac, by far the highest density project presented to the County in several years. This project implements this Principle.

Other Pertinent Factors

- 1) As of February 13, 2004, the Public Works Dept. had not approved the stormwater management plans.
- 2) As of February 13, 2004, the flood elevation statement had not been approved.
- 3) As of February 13, 2004, the County Fire Marshal had not provided comments.
- 4) As of February 13, 2004, the City of Columbia had not approved the water line construction plans.
- 5) As of February 13, 2004, DHEC had not issued a sewer line construction permit.
- 6) As of February 13, 2004, DHEC had not issued a water line construction permit.

Transportation Recommendation - To the extent possible, rezoning decisions should be made with consideration of the Long Range Major Street Plan so that improvements are concurrent with new development

There are no road capacity improvements scheduled to this portion of Hardscrabble Road for at least the next five fiscal years. Since Hardscrabble Road is projected to exceed the LOS "F" capacity in this area when the already approved projects build out, the proposed Amendment is not consistent with this Recommendation.

Transportation Recommendation - Where a request for a change in land use will reduce traffic movements below a "C" level-of-service, additional highway improvements should be made to mitigate the effects.

The applicant has not proposed any measures to mitigate the traffic effects of this project. The current CMGOG Transportation Improvement Program, i.e., the fiscal year beginning July 1, 2002 through June 30, 2007, **does not have any road capacity improvements programmed for Hardscrabble Road. Furthermore, there are currently no funding sources available for any road capacity improvements in Richland County in the rest of this decade**

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...”

SECTION II – STAFF RECOMMENDATION

Based on the findings of fact summarized below, the Planning and Development Services Department (PDSD) recommends conditional approval of the minor subdivision plans for a 18 live/work units, known as Long Pointe Lane Minor S/D (Project # SD-04-195), **subject to compliance with all relevant requirements of the Richland County Code of Ordinances and the Specific Conditions identified below:**

Findings of Fact

- 1) **Upon buildout of the subject subdivision and the subdivisions approved to date, the Department estimates at SCDOT count station # 437 there will be more than 32,000 daily vehicle trips on a road designed for 8600 trips.**
- 2) The proposed subdivision is compatible with existing development in the area.
- 3) The 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

- a) **PRIOR to any site clearance activity being initiated**, the subdivision plats shall include tree protection certification statements provided by the Department; and
- b) The plat must establish the setbacks, either graphically or by notation, for each lot; and
- c) The Department of Public Works must approve the stormwater management plans; and
- d) The Floodplain Mgmt. Specialist must approve the flood elevation statement prior to building permits being issued; and
- e) The County Fire Marshal must approve the project with or without conditions; and
- f) The City of Columbia must approve the water line construction plans; and
- g) DHEC must issue the sewer line construction permits; and
- h) DHEC must issue the water line construction permits; and
- i) Plats shall not be approved for recording until the Department receives the City of Columbia approval the water line easement documents; and
- j) The Department of Public Works must approve the bond documents prior to a bonded plat being approved for recording; and
- k) A Certificate of Occupancy shall **not** be issued for any structure 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**
- l) 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

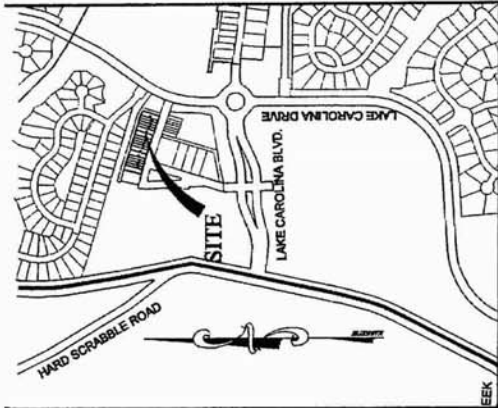
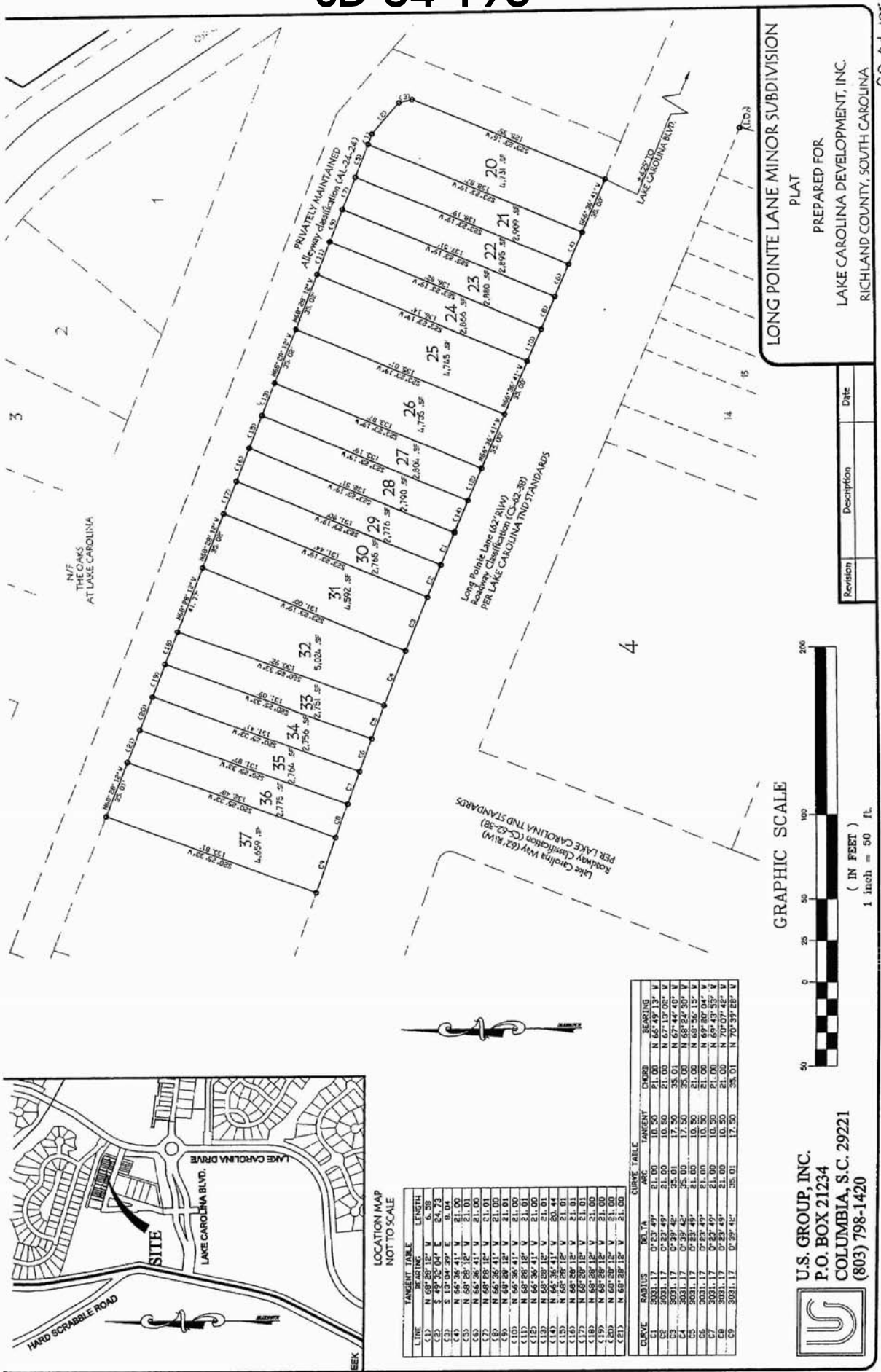
Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision **provided** such written request is received by the Department within 14 days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

Attachment A SD 04-195

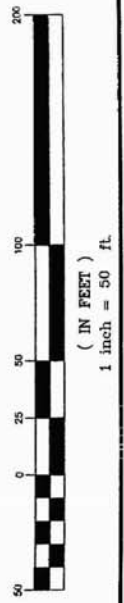


LOCATION MAP
NOT TO SCALE

LINE	TANGENT	BEARING	LENGTH
C(1)	N 65° 29' 12" E		6.35
C(2)	S 45° 35' 04" E		24.73
C(3)	N 65° 29' 12" E		21.00
C(4)	N 65° 29' 12" E		21.00
C(5)	N 65° 29' 12" E		21.00
C(6)	N 65° 29' 12" E		21.00
C(7)	N 65° 29' 12" E		21.00
C(8)	N 65° 29' 12" E		21.00
C(9)	N 65° 29' 12" E		21.00
C(10)	N 65° 29' 12" E		21.00
C(11)	N 65° 29' 12" E		21.00
C(12)	N 65° 29' 12" E		21.00
C(13)	N 65° 29' 12" E		21.00
C(14)	N 65° 29' 12" E		21.00
C(15)	N 65° 29' 12" E		21.00
C(16)	N 65° 29' 12" E		21.00
C(17)	N 65° 29' 12" E		21.00
C(18)	N 65° 29' 12" E		21.00
C(19)	N 65° 29' 12" E		21.00
C(20)	N 65° 29' 12" E		21.00
C(21)	N 65° 29' 12" E		21.00

CURVE	RADIUS	DELTA	CHORD	TANGENT	CHORD	BEARING
C1	3031.17	0° 29' 42"	21.00	10.50	21.00	N 65° 29' 12" E
C2	3031.17	0° 29' 42"	21.00	10.50	21.00	N 67° 13' 08" E
C3	3031.17	0° 29' 42"	35.01	17.50	35.01	N 67° 44' 40" E
C4	3031.17	0° 29' 42"	35.00	17.50	35.00	N 68° 24' 30" E
C5	3031.17	0° 29' 42"	21.00	10.50	21.00	N 68° 56' 13" E
C6	3031.17	0° 29' 42"	21.00	10.50	21.00	N 69° 27' 56" E
C7	3031.17	0° 29' 42"	21.00	10.50	21.00	N 69° 59' 39" E
C8	3031.17	0° 29' 42"	21.00	10.50	21.00	N 70° 31' 22" E
C9	3031.17	0° 29' 42"	35.01	17.50	35.01	N 70° 37' 28" E

GRAPHIC SCALE



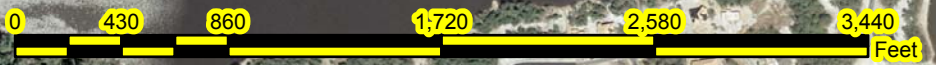
LONG POINTE LANE MINOR SUBDIVISION
PLAT
PREPARED FOR
LAKE CAROLINA DEVELOPMENT, INC.
RICHLAND COUNTY, SOUTH CAROLINA

Revision	Description	Date

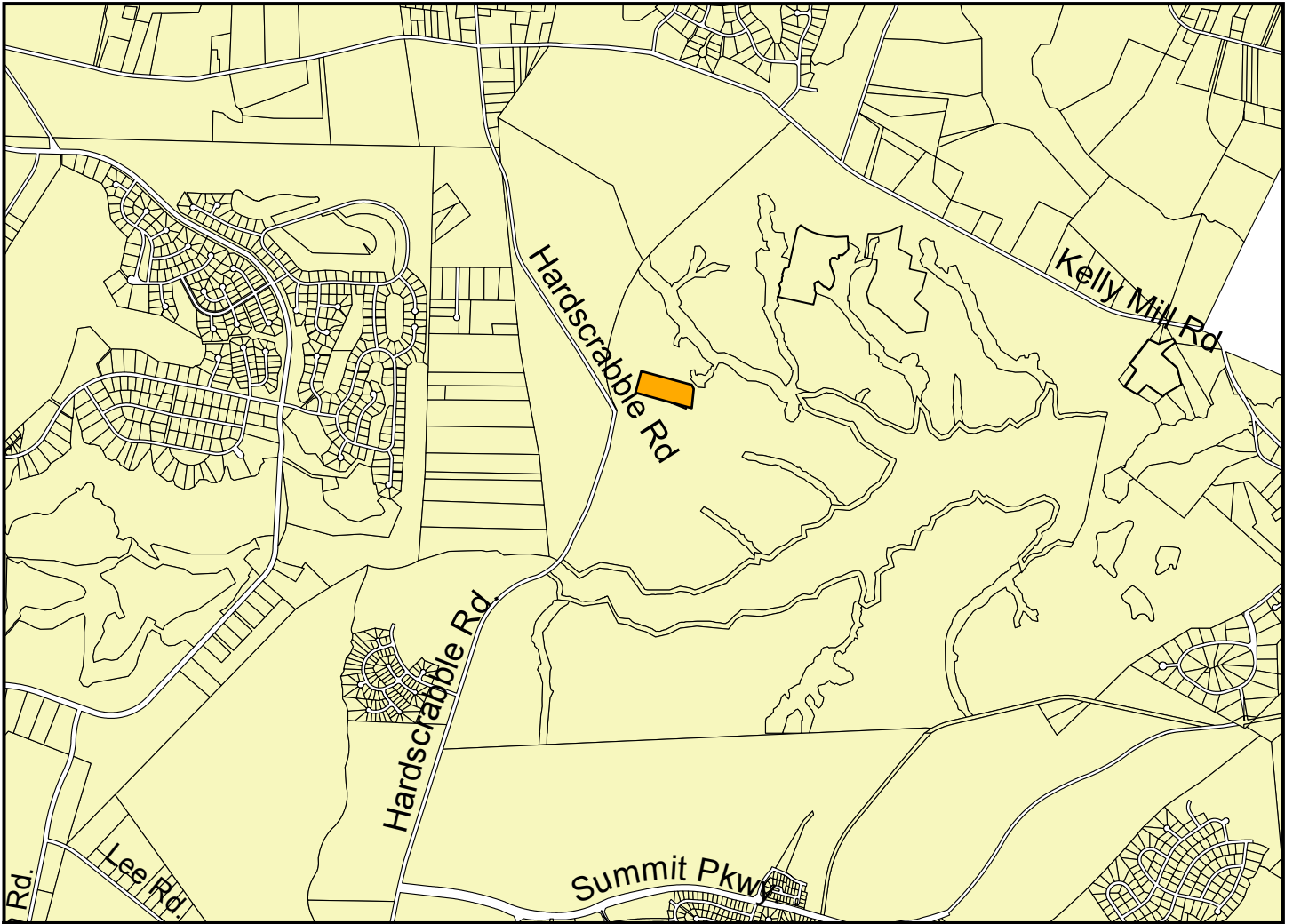
U.S. GROUP, INC.
P.O. BOX 21234
COLUMBIA, S.C. 29221
(803) 798-1420

SD 04-195
LONG POINTE LANE MINOR S/D
TMS 23200-01-20 (p)

Site



SD 04-195 LONG POINTE LANE MINOR S/D



Looking at site from commercial area



Looking at site from commercial area

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

March 1, 2004

Applicant: Lake Carolina Dvlpmt. Co.		Preliminary Subdivision Plans For: Centennial, Phase 1 thru 9	
RC Project # : SD-04-194			
General Location: Southeast Quadrant of the Lake Carolina			
Tax Map Number: 23200-01-02		Number of Residences: 191	
Subject Area: 48.5 acres	Sewer Service Provider: Palmetto Utilities		
Current Zoning: TND	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..." 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 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	Clemson Rd via Summit Parkway	
Functional Classification Of This Roadway	Four lane undivided minor arterial	
Level-Of-Service C Design Capacity (V/C = 1.00)	21,600	
Estimated Traffic Generated By The Proposed Project	1815	
Current Volume At The Nearest Count Station # 441 Located @ Clemson Rd west of Rhame Road	14,300	
Estimated Traffic Count With the Proposed Project	16,115	
Volume-To-Capacity Ratio With The Proposed Project	0.75	

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.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, 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, by itself, will not result in the LOS C being exceeded at SCDOT count station # 441. However, **the Department estimates that upon buildout of the approved subdivisions in the area, the traffic on Clemson Road will far exceed the minimum 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	38
Middle School @ 0.13 students per single family DU	25
High School @ 0.12 Students per single family DU	23

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

Existing Site Conditions

The site generally slopes downward to the north and west. The wetland areas will be protected from development. Most of the site has pine trees, except in the wetlands.

Compatibility with the Surrounding Area

The subject project is a single family detached subdivision. The adjacent development in the Hidden Pines subdivision of The Summit and in Lake Carolina are single family detached residential subdivisions. The proposed project is compatible with the adjacent development.

Discussion of Applicable Comprehensive Plan Issues

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 Northeast Subarea Plan Proposed Land Use Map was amended on May 3, 1999 as part of the Plan adoption process. The subject site is designated as Development on this Map. The proposed 3.9 DU/acre residential project is consistent with this land use designation.

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 subject project is the first portion of another TND neighborhood in the Lake Carolina project. Future portions of the TND will include neighborhood commercial areas and a road connection to The Summit project through the Hidden Pines subdivision. The proposed project implements this Objective.

Principle

None Applicable

Other Pertinent Factors

- 1) As of February 13, 2004, the Public Works Dept. had not approved the stormwater management plans.
- 2) As of February 13, 2004, the flood elevation statement had not been approved.
- 3) As of February 13, 2004, the County Fire Marshal had not provided comments.
- 4) As of February 13, 2004, the City of Columbia had not approved the water line construction plans.
- 5) As of February 13, 2004, DHEC had not issued a sewer line construction permit.
- 6) As of February 13, 2004, DHEC had not issued a water line construction permit.
- 7) As of February 13, 2004, the E-911 Coordinator had not certified Planning Commission approval of the proposed street names.

No portion of the proposed lots will encroach into the wetland areas depicted on the preliminary plat. The wetlands boundaries depicted on the plat include a minimum 30 foot wide buffer area.

SECTION II – STAFF RECOMMENDATION

Based on the findings of fact summarized below, the Planning and Development Services Department (PDS) recommends conditional approval of the preliminary subdivision plans for a 191 unit single family detached subdivision, known as Centennial, Phase 1 through 9 (Project # SD-04-194), **subject to 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, by itself, will not result in the adjacent portion of Clemson Road operating below a LOS C capacity. However, **the Department estimates that upon buildout of the approved subdivisions in the area, the traffic on Clemson Road will far exceed the minimum LOS F level.**
2. The proposed subdivision is compatible with existing development in the area.
3. The project is consistent with the Northeast Subarea Plan Map land use designation.
4. The proposed project implements the relevant Objectives of the Northeast Subarea Plan.

Specific Conditions

- a) **PRIOR to any site clearance activity being initiated**, the subdivision plats shall include tree protection certification statements provided by the Department; and
- b) 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
- c) The Department of Public Works must approve the stormwater management plans; and
- d) The Floodplain Mgmt. Specialist must approve the flood elevation statement prior to building permits being issued; and
- e) The County Fire Marshal must approve the project with or without conditions; and
- f) The City of Columbia must approve the water line construction plans; and DHEC must issue the sewer line construction permits; and
- g) DHEC must issue the water line construction permits; and
- h) The Lake Carolina Development Co. shall approve each individual site plan; and
- i) No building permits shall be issued until all of the conditions cited above are met; and
- j) Plats shall be recorded by the complete phases identified in the preliminary plan; and
- k) Any further division of the phases identified in the lot layout plan shall require Planning Commission approval prior to recording; and
- l) Plats shall not be approved for recording until the Department receives the City of Columbia approval the water line easement documents; and
- m) The Department of Public Works must approve the bond documents prior to a bonded plat being approved for recording; and
- n) 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**
- o) A Final Plat can not be approved 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.

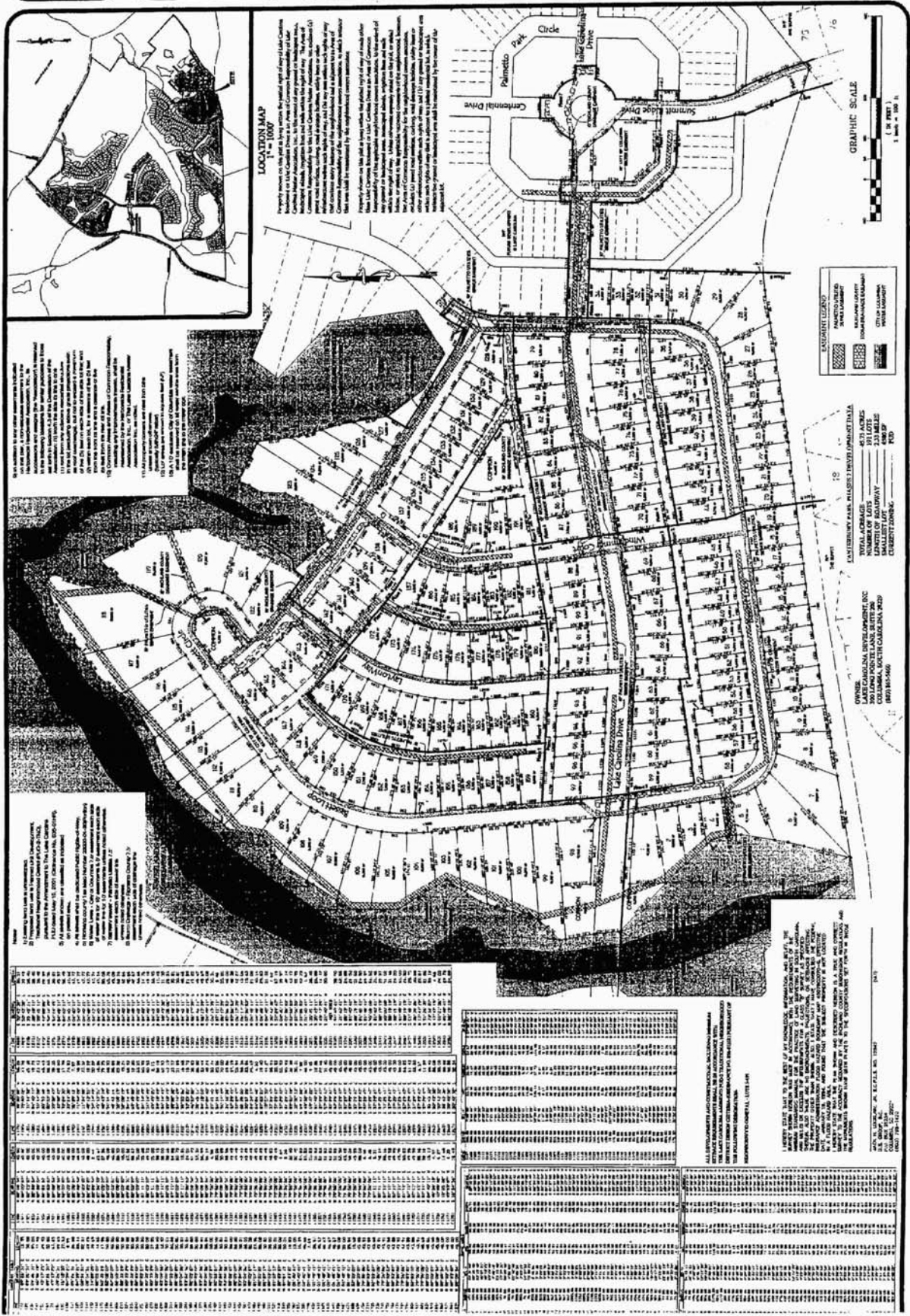
Attachment A SD 04-194

Centennial at Lake Carolina
Phases 1-9
Sketch Plan
Richland County, South Carolina

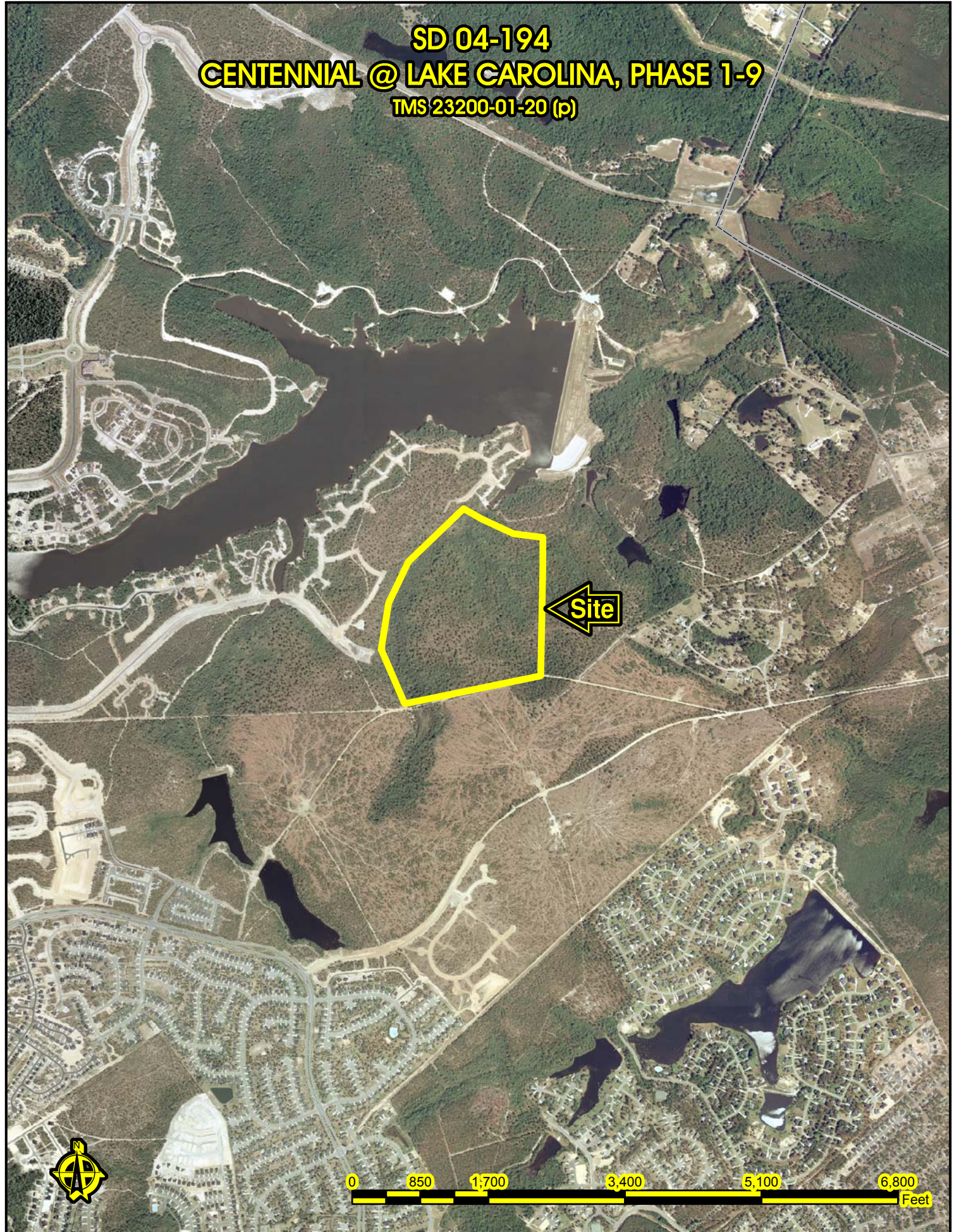
Drawn By	DATE
Checked By	DATE
Author	DATE
Revised	DATE
Scale	DATE
Sheet	DATE
Project	DATE

U.S. GROUP, INC.
P.O. BOX 2124
COLUMBIA, S.C. 29221
(803) 798-1430

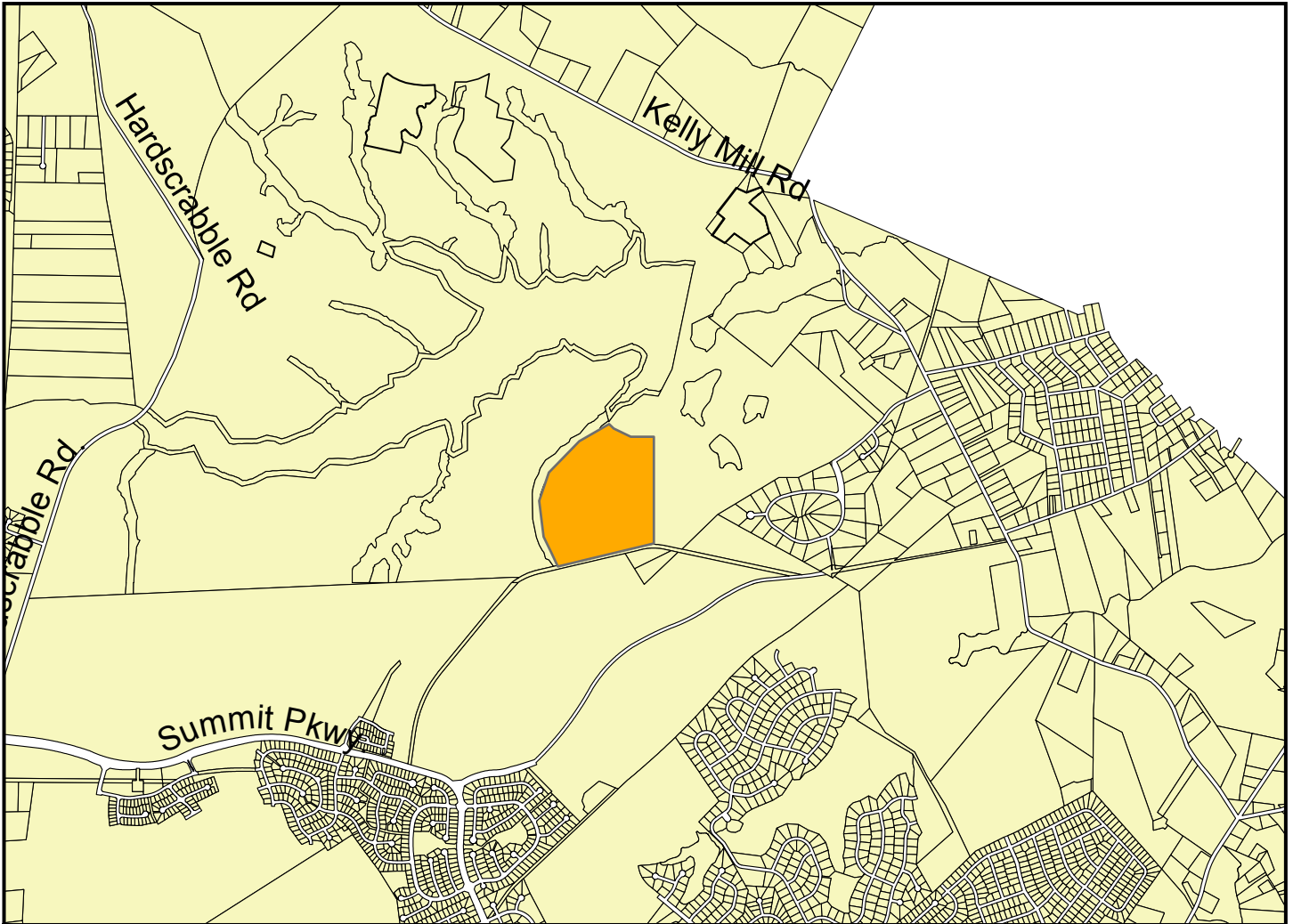
REVISIONS



SD 04-194
CENTENNIAL @ LAKE CAROLINA, PHASE 1-9
TMS 23200-01-20 (p)



SD 04-194 CENTENNIAL @ LAKE CAROLINA



Looking at site from end of Lake Carolina Blvd



Looking at site from Hidden Pines

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

March 1, 2004

RC Project # 04-37 MA	Applicant: Bambi Davis
General Location: Southeast corner of East Boundary Road and Faraway Drive	
Tax Map Number: 19703-08-25	Subject Area: 4.99 ac MOL
Current Parcel Zoning: RS-1	Proposed Parcel Zoning: RG-2
Proposed Use: Multi-family Residential	PC Sign Posting Date: February 18, 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

For the establishment of attached residential dwelling units

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RS-1	Sandy Oaks mobile home park (some vacant)
Adjacent North	RG-2	Multi-family residences (apartments)
Adjacent East	RS-1	Single family residences, multi-family residences, church
Adjacent South	RS-2	Single family residences across Boundary Road
Adjacent West	C-2	Gas station across Faraway Drive

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.

<u>RS-1 Zoning Designation Intent</u> Intended to as single family residential areas with low to medium population densities	<u>Proposed RG-2 Zoning Designation Intent</u> Intended as medium and high density residential areas permitting progressively higher population densities characterized by single family detached, multiple family structures, garden type apartments, and high rise apartments
<u>Existing RS-1 Zoning Permitted Uses</u> Single family detached dwellings Modular units on individual lots	<u>Proposed RG-2 Zoning Permitted Uses</u> Single family detached dwellings Two family detached dwellings Multiple family dwellings Cluster housing developments

The land uses above represent a summary of the permitted uses in Chapter 26-63 and Chapter 26-64, respectively of the County Code. Some Special Exception uses are also possible.

There are apartments and a gas station on the north; a church and single family detached residences on the south; single family detached residences on the east; and single family residences on the west. The subject site is a non-conforming manufactured home park. The proposed Amendment is 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 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	Faraway Drive	
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	224	
Current Volume At The Nearest Count Station #383 Located @Southwest of site on Faraway Drive	4300	
Estimated Traffic Count With the Proposed Project	4524	
Volume-To-Capacity Ratio With The Proposed Project	0.53	

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 23, 2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old.**

The estimated project traffic is calculated by multiplying the generation rate (6.6 tips per DU) for a Low Rise Apartment found on page 9 of the Addendum To The Long Range Major Street Plan for Richland County. The calculation is as follows 4.99 total acres – 30% allowance for infrastructure, buffers, etc. and 25% for open space requirement = 2.29 buildable acres x approximately 15 DUs/acre = 34 units x 6.6 trips per unit = 224 average daily 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

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.

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]

The Proposed Land Use Element Map (Map) of the I-20 Interbeltway Corridor Subarea Plan was amended on May 3, 1999 as part of the Plan adoption process. The Map designates the subject area as Medium Density Residential in an Established Urban Area. Since the proposed development of the site will have approximately 34 units on 4.9 acres (6.9 DU/acre), the proposed Zoning Map Amendment **is consistent** with this land use designation.

The I-20 Interbeltway Corridor Subarea Plan, adopted in November 1994, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 9 and 12 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 site will be converted to a multi-family residential development that includes 25 percent of the area in open space. The proposed Amendment **implements** this Objective.

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

The subject site has sought commercial zoning in the past. The proposed multi-family residential development pre-empts further attempts for commercial zoning and provides a buffer between the existing gas station and the adjacent single family residential development.

Other Relevant Issues

The property owners will remove the existing manufactured housing. The leases for the existing residents have not been renewed as they expire. The remaining residents will be given, or already have been given, notification of the owners intention to remove the manufactured housing units.

The subject site will be required to install a type “D” buffer along the property line abutting the single family residences and the church on the south side of the site. Since the applicant has sought the cluster designation, an open space requirement of 25% must be incorporated into the proposed development. Open space is defined by the Richland County Land Development Regulations Chapter 22 as “an area devoted to common use, active or passive, by all or a portion of the property owners, exclusive of parking areas, streets and street rights-of-way, which is designed to meet the primary objective of supplying open space or recreational needs”.

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 # 04-37 MA **be changed** from RS-1 to RG-2.

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 Faraway Drive at this location will not be exceeded.
4. The proposed Amendment **is consistent** with Proposed Land Use Map designation in the I-20 Interbeltway Corridor Subarea Plan.
5. The proposed Zoning Map Amendment is consistent with the cited Objective of the I-20 Interbeltway Corridor Subarea Plan discussed herein.
6. The proposed Zoning Map Amendment **is consistent** with the general provision of the cited Principle, and **not consistent** with the portion of the cited Principle regarding conformity to the Map.
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

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 March 1, 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 # 04-37 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 # 04-37 MA, the Planning Commission made the findings of fact summarized below:

Attachment A
CASE 04-37 MA

Legal Description of 2212 East Boundary Road

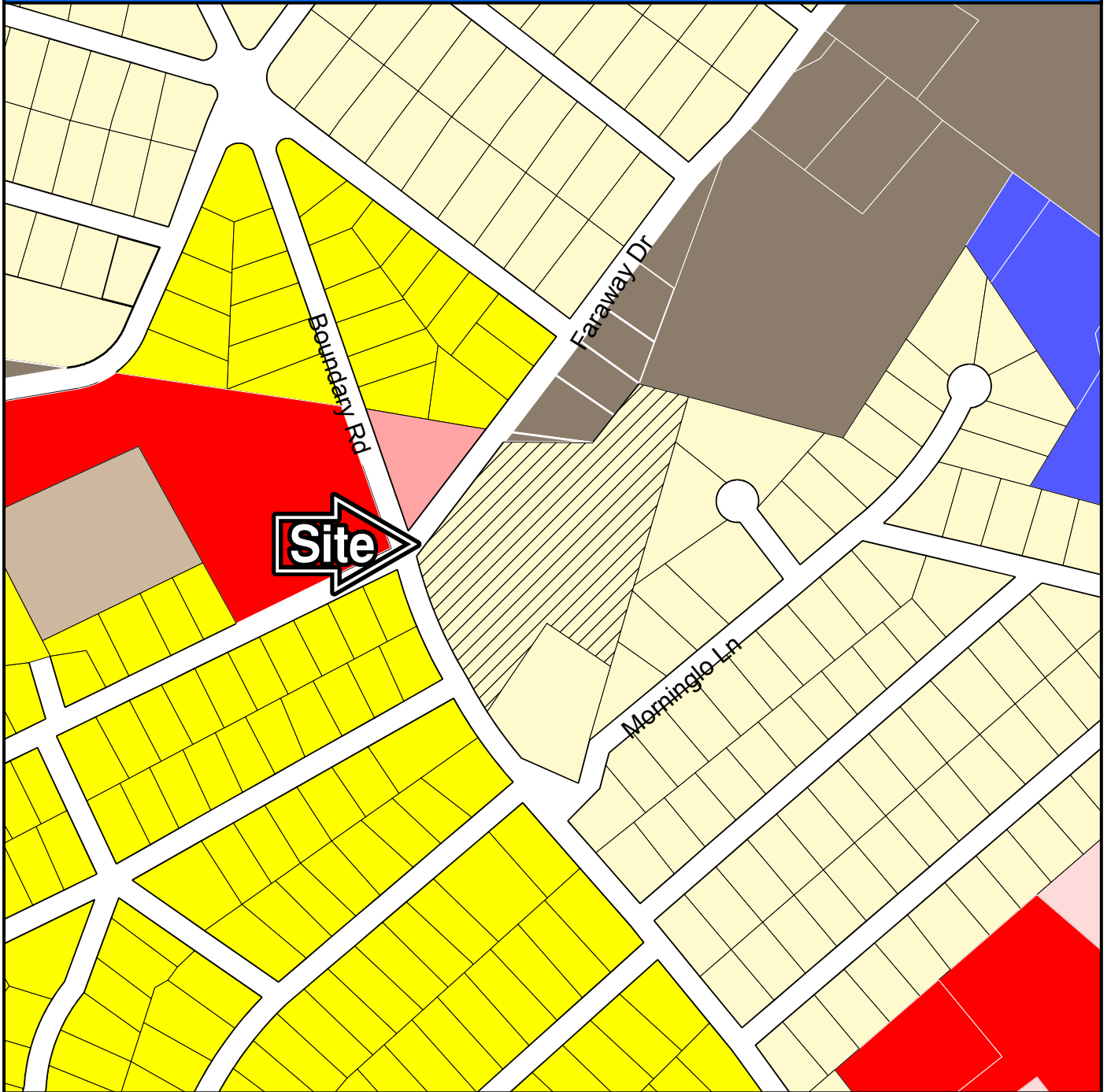
We request a zoning of RG-2 for the following parcel:

All that certain piece, parcel or tract of land, together with improvements thereon situate, lying and being in the Woodfield Park Section of the County of Richland and the State of South Carolina, containing 4.99 acres and being described as follows: commencing at an iron stake on the western boundary line at the corner of East Boundary road and Faraway Drive, as shown on the plat herein referred to and running North Thirty-Five Degrees Forty-Four Minutes East for a distance of 334.89 feet to an iron stake, as shown on said plat; thence turning and running South Eighty-One Degrees Twelve Minutes East for 168.49 feet to an iron stake; thence turning and running North Thirty-one Degrees Thirty-Seven Minutes East for a distance of 173.31 feet to an iron stake; thence turning and running South Seventy-Five Degrees Eight Minutes East for a distance of 128.03 feet to an iron stake; thence turning and running South Fourteen Degrees Thirty-Eight Minutes West for a distance for 94.80 feet to an iron stake; Thence turning and running South Fourteen Degrees Forty Minutes West for a distance of 344.85 feet to an iron stake; thence turning and running South Fourteen Degrees Thirty-Seven Minutes West for a distance of 156.97 feet to an iron stake; thence turning and running North Fifty-Nine Degrees Twenty-two Minutes West for a distance of 169.24 feet to an iron stake; Thence turning and running South Thirty Degrees Thirty-Seven Minutes West for a distance of 236.14 feet to an iron stake; thence turning and running North Thirty-Four Degrees Nineteen Minutes West for a distance of 20.07 feet to an iron stake; thence turning and running North Thirty-One Degrees Forty-Three Minutes West for a distance of 63.49 feet to an iron stake; thence turning and running North Twenty-Seven Degrees Fifty-Seven Minutes West for a distance of 56.13 feet to an iron stake; thence turning and running North Twenty-four Degrees Forty-four Minutes West for a distance of 99.38 feet to an iron stake; thence turning and running North Twenty-One Degrees Three Minutes for a distance of 131.87 feet to the point of beginning, all of which will more fully appear by reference to a certain plat of said property prepared for H.E. Budkie, Jr. and Myong O. Budkie, dated October 9, 1989, by Baxter Land Surveying Co., Inc.



















CASE 04-37 MA
RS-1 TO RG-2
TMS 03303-03-02



CASE 04-37 MA FROM RS-1 to RG-2



ZONING CLASSIFICATIONS

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



CASE 04-37 MA FROM RS-1 to RG-2

TMS# 19703-08-25
Faraway Dr. & East Boundary Rd.



Looking at site from interior



Looking at site from E. Boundary Rd.

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

March 1, 2004

RC Project # 04-38 MA	Applicant: Marion E. Motley
General Location: 2914 Padgett Road just west of Lower Richland Boulevard	
Tax Map Number: 22015-02-01, 22016-01-06/07	Subject Area: 25 ac MOL
Current Parcel Zoning: RR & RS-3	Proposed Parcel Zoning: RS-2 (8500 sq. ft. minimum lot size)
Proposed Use: Single family subdivision	PC Sign Posting Date: February 4, 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

Develop a single family residential subdivision comprised of approximately 79 lots.

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RR & RS-3	Undeveloped woodlands and single family residence
Adjacent North	RS-3 & MH-1	Undeveloped woodlands& scattered mobile homes
Adjacent East	MH-3	Mobile homes (at least one vacant)
Adjacent South	RS-3 & RR	Quail Hills S/D across Padgett Road & undeveloped woodlands
Adjacent West	RS-3	Padgett Woods S/D & 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.

<u>RR and RS-3 Zoning Designation Intent</u> Intended as single family residential areas with low to medium population densities.	<u>Proposed RS-2 Zoning Designation Intent</u> Intended as single family residential areas with low to medium population densities
<u>Existing RR & RS-3 Zoning Permitted Uses</u> Single family detached dwellings Modular building units on individual lots Parallel zero lot line dwelling units in RS-3	<u>Proposed RS-2 Zoning Permitted Uses</u> Single family detached dwellings Modular building units on individual lots Parallel zero lot line dwelling units in RS-2

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

The surrounding land to the west and south contains single family residential subdivisions (Padgett Woods and Quail Hills) on RS-3 zoned property. The land to the north and east is comprised of undeveloped woodlands and scattered mobile homes on MH-3 zoned property. The subject site is 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 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	Padgett 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	855	
Current Volume At The Nearest Count Station #507 Located @SW of site on Padgett Road	3100	
Estimated Traffic Count With the Proposed Project	3955	
Volume-To-Capacity Ratio With The Proposed Project	0.46	

Notes:

* Padgett Road is not a classified road, however, it functions as a collector road.

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 23, 2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old**.

The estimated project traffic is calculated by multiplying the generation rate for a Single Family Detached Home (9.5) in the Addendum To The Long Range Major Street Plan for Richland County times the approximate maximum allowable lots (90) allowed by RS-2 zoning.

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

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]

State statutes require proposed Zoning Map Amendments to be consistent with the land use designation on the Lower Richland Subarea Plan's Proposed Land Use Map (Map). Specifically, 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..." Therefore, **if either the existing, or proposed zoning, is not consistent with the land use designation on the Map, the Map should be amended through the statutory comprehensive plan amendment process in order to ensure compliance with Section 6-29-720 (B), SC Code of Laws.**

The **existing RR zoning is NOT consistent** with the Map designation as required by state statutes. The zoning should be either RS-2, RS-3, PUD or PDD to be consistent with the Medium Density Residential land use designation.

The Proposed Land Use Element Map (Map) of the Lower Richland Subarea Plan was amended on May 3, 1999 as part of the Plan adoption process. The Map designates the subject area as Residential In Developing Urban District. The proposed Zoning Map Amendment **is consistent** with this land use designation.

The Lower Richland Subarea Plan, adopted in January 1992, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. 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 Amendment to RS-2 zoning is compatible with the existing area comprised of single family subdivisions on RS-3 zoned property. The proposed Amendment **implements** this Objective.

Principle – Moderate to low level densities (maximum of 9 du/ac.) are appropriate within the Developing Urban Area.

The proposed subdivision could accommodate a maximum of 90 residences, even though the applicant anticipates only 79 residences. A 90-residence project would have a density of 3.6 DU/acre. The proposed Amendment **implements** this Principle.

Other Relevant Issues

The Department recommends that the portion of TMS #22016-01-06 south of Padgett Road be separated from the parent tract and remain Rural Residential. The portion of the parcel south of Padgett Road would be best developed in combination with the adjacent parcel to the south.

The subject site consists of mostly undeveloped woodlands with a significant amount of hardwoods greater than 24" near the wetland area. If the subject site is approved for rezoning, the applicant must comply with the controlled clearing section of Chapter 27 of the Richland County Zoning Ordinance. A plan must be submitted to the Department for approval prior to any site clearance activity. The site is fairly low in near Padgett Road and drains to the west.

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 # 04-38 MA **be changed** from RR and RS-3 to RS-2.

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 Padgett 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 Principles 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.
7. The applicant must file an application to separate the portion of the subject site on the south side of Padgett Road **prior to being scheduled** for a County Council Zoning Public Hearing.

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 March 1, 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 # 04-38 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 # 04-38 MA, the Planning Commission made the findings of fact summarized below:

Attachment A
CASE 04-38 MA

Legal Description of Padgett Road Property

We request a zoning if RS-2 for the following parcels:

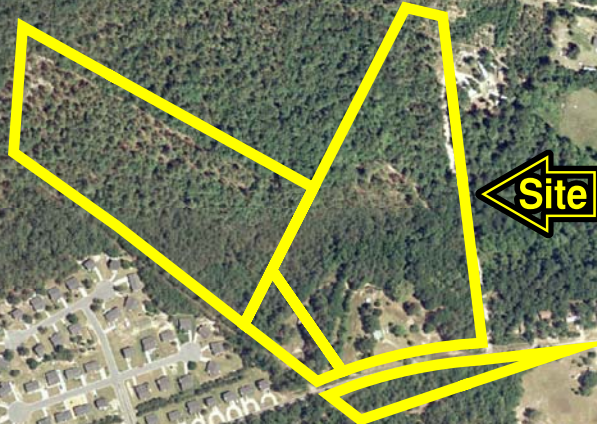
All that certain piece, parcel or tract of land, with improvements thereon, if any, lying, situate and being in the state of South Carolina, County of Richland, designated as **Tract "C", containing 10.71 acres, more or less**, on plat prepared for Amos Strange, Julia Strange and Virginia Cousar site located in Richland County, SC dated May 27, 2003 prepared by Benjamin H. Whetstone, R.L.S. and recorded in the Office of the Register of Deeds for Richland County in Plat Book 897 at Page 1403. Said plat is incorporated herein by reference for a more complete and accurate description.

ALSO, All that certain piece, parcel or tract of land, with improvements thereon, if any, lying, situate and being in the County of Richland, State of South Carolina, designated as **TMS# 22015, Blk 1, Lot 1** on plat prepared for Amos Strange, Julia Strange and Virginia Cousar site located in Richland County, South Carolina dated May 27, 2003 by Benjamin H. Whetstone, R.L.S. and recorded in the Office of the Register of Deeds for Richland County in Plat Book 897 at Page 1403. Said plat is incorporated herein by reference for a more complete and accurate description.

ALSO, All that certain piece, parcel or tract of land, with improvements thereon, if any, lying, situate and being in the County of Richland, State of South Carolina, designated as **Tract "B", containing 13.34 acres, more or less**, on plat prepared for Amos Strange, Julia Strange and Virginia Cousar site located in Richland County, South Carolina dated May 27, 2003 by Benjamin H. Whetstone, R.L.S. and recorded in the Office of the Register of Deeds for Richland County in Plat Book 897 at Page 1403. Said plat is incorporated herein by reference for a more complete and accurate description.

ALSO, That certain **Old Road Bed (30' wide)** along the westernmost boundary of Tract "C" and Lot 1, Block 2, TMS# 22015 to Padgett Road as more fully shown on plat prepared for Amos Strange, Julia Strange and Virginia Cousar site located in Richland County, South Carolina, dated May 27, 2003 by Benjamin H. Whetstone, R.L.S. and recorded in the Office of the Register of Deeds for Richland County in Plat Book 897 at Page 1403. Said plat is incorporated herein by reference for a more complete and accurate description.

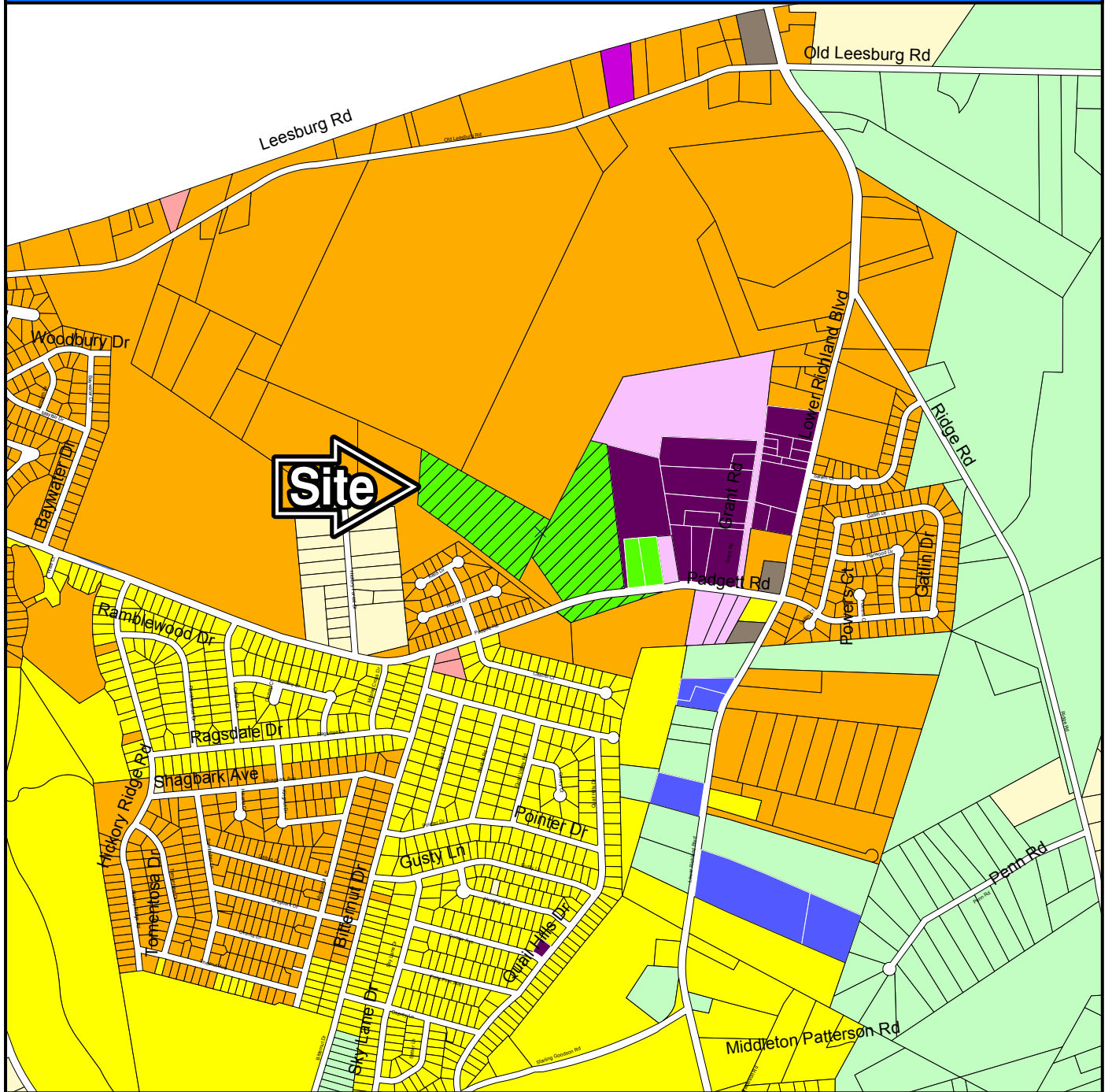
CASE 04-38 MA
RR TO RS-2
TMS 22016-01-06/07, 22015-02-01






















Site



CASE 04-38 MA FROM RR to RS-2



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 04-38 MA FROM RR to RS-2

TMS# 22016-01-06/07, 22015-02-01
Padgett Road



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

March 1, 2004

RC Project # 04-39 MA	Applicant: NKD Inc.
General Location: Northeast corner of Rabbit Run Road and Lower Richland Boulevard	
Tax Map Number: 21900-06-14	Subject Area: 139 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: RS-2
Proposed Use: Single family residential	PC Sign Posting Date: February 4, 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

For the establishment of a single family residential subdivision

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Undeveloped woodlands
Adjacent North	RU	Undeveloped woodlands single family residences on estate size lots
Adjacent East	RU	Undeveloped woodlands and open fields
Adjacent South	RU	Richland School District 2 Maintenance Yard and Lower Richland High School across Rabbit Run Rd.
Adjacent West	RS-2	Single family residences and mobile homes on estate size lots

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 RS-2 Zoning Designation Intent</u> Intended as single family residential areas with low to medium population densities</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 RS-2 Zoning Permitted Uses</u> Single family detached dwellings Modular building units on individual lots Parallel zero lot line dwelling units in RS-2</p>

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

The site is encompassed by undeveloped woodlands, open fields, and the Richland County School District maintenance yard to the south. A single family residential subdivision (Quail Creek) exists to the northwest of the site and Lower Richland High School is located to the southwest across Rabbit Run Road. 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 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	Lower Richland Boulevard	
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	4,721	
Current Volume At The Nearest Count Station # 796 Located @south of site on Lower Richland Road	475	
Estimated Traffic Count With the Proposed Project	5,196	
Volume-To-Capacity Ratio With The Proposed Project	0.60	

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 23, 2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old.**

The estimated project traffic is calculated by multiplying the generation rate for a single family detached residence (9.5) found in the Addendum To The Long Range Major Street Plan for Richland County times the estimated number of dwelling units (497). The calculation is as follows 139 total acres minus 30% (42 acres) for infrastructure = 97 buildable acres x 43,560 = 4,225,320/8,500 sq. ft. as allowed by RS-2 = 497 lots.

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 1-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]

The Proposed Land Use Element Map (Map) of the Lower Richland Subarea Plan was amended on May 3, 1999 as part of the Plan adoption process. The Map designates the subject area as Rural in a Rural/Open Space District. The proposed Zoning Map Amendment **is not consistent** with this land use designation.

The Lower Richland Subarea Plan, adopted in January 1992, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 33 and 43 respectively, are discussed below:

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

Quail Creek subdivision exists to the northwest of the site as well as numerous residential developments in the near vicinity on Rabbit Run Road to the west of the site and north on Lower Richland Boulevard. The proposed Amendment **implements** this Objective.

Principle – Low level densities (maximum of 4du/ac.) are appropriate within the Rural and Open Space area where adequate street access is provided.

The proposed Amendment will have a density of 5 DU/ac. The site does have adequate street access due to the frontage along Lower Richland Boulevard. However, the density of the proposed project exceeds the limitation for the Rural/Open Space land use designation. The proposed Amendment **implements a portion** of this Principle.

Other Relevant Issues

Based on the Map of the Lower Richland Subarea Plan, the subject site is designated Rural in a Rural/Open Space District. Lower Richland Boulevard is the separation line between the Developing Urban District and the Rural/Open Space District. The Department feels that due to its location on Lower Richland Boulevard and the location of existing residential developments in the near vicinity, the Map should be amended to Low/Medium Density Residential to reflect the need for affordable housing in the Lower Richland Area.

The Department received information a few months ago about clearing activity taking place on the site. Upon investigation, it became apparent that the site was being properly harvested via a clearance plan the Department later approved. The site is comprised of mainly insignificant sized pine trees on relatively flat terrain. The existing site is a good example of proper selective harvesting of timber as opposed to clear cutting.

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 # 04-39 MA **be changed** from RU to RS-2.

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 Lower Richland Road at this location will not be exceeded.
4. The proposed Amendment **is not consistent** with Proposed Land Use Map designation in the Lower Richland Subarea Plan.
5. The proposed Zoning Map Amendment **is consistent** with the cited Objective of the Lower Richland Subarea Plan discussed herein.
6. The proposed Zoning Map Amendment **is consistent a portion** of the cited Principle of the Lower Richland Subarea Plan discussed herein.
7. 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 Lower Richland Subarea Plan should be amended, via the formal land use ordinance adoption process, to change the land use designation for the subject site to Residential.
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.

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 March 1, 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 # 04-39 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 # 04-39 MA, the Planning Commission made the findings of fact summarized below:

Attachment A
CASE 04-39 MA

BOUNDARY DESCRIPTION
TMS 21900-06-14

CEC #03106

THIS PROPERTY CONSISTS OF 139.77 ACRE LOCATED AT THE INTERSECTION OF LOWER RICHLAND BOULEVARD, S-40-37, AND RABBIT RUN ROAD, S-40-2089, IN RICHLAND COUNTY IN THE STATE OF SOUTH CAROLINA BEING SHOWN AND DELINEATED ON A BOUNDARY PLAT PREPARED FOR NKD, INC. BY BELTER & ASSOCIATES, INC., DATED 08-23-03 AND HAVING THE METES AND BOUNDS:

COMMENCING AT THE CENTERLINE INTERSECTION OF LOWER RICHLAND BOULEVARD AND RABBIT RUN ROAD APPROXIMATELY N19°51'37"E FOR A DISTANCE OF 98.09' TO AN OLD IRON PIN CORNER. SAID POINT BEING THE POINT OF BEGINNING.

THENCE, N02°22'57"E FOR A DISTANCE OF 860.53' TO AN OLD IRON PIN CORNER. SAID LINE BEING THE EASTERN R.O.W. OF LOWER RICHLAND BOULEVARD.

THENCE, N87°16'50"E FOR A DISTANCE OF 150.00' TO AN OLD IRON PIN CORNER. SAID LINE BEING BOUNDED ON THE NORTH BY LANDS OF NOW OR FORMERLY GAMBLE.

THENCE, N02°52'08"E FOR A DISTANCE OF 109.99' TO AN OLD IRON PIN CORNER. SAID LINE BEING BOUNDED ON THE WEST BY LANDS OF NOW OR FORMERLY GAMBLE.

THENCE, N87°16'50"E FOR A DISTANCE OF 137.28' TO AN OLD IRON PIN CORNER. SAID LINE BEING BOUNDED ON THE NORTH BY LANDS OF NOW OR FORMERLY GAMBLE.

THENCE, S84°08'33"E FOR A DISTANCE OF 169.51' TO AN OLD IRON PIN CORNER. SAID LINE BEING BOUNDED ON THE NORTH BY LANDS OF NOW OR FORMERLY GAMBLE.

THENCE, N10°45'10"E FOR A DISTANCE OF 211.61' TO AN OLD IRON PIN CORNER. SAID LINE BEING BOUNDED ON THE WEST BY LANDS OF NOW OR FORMERLY GAMBLE.

THENCE, N55°21'37"W FOR A DISTANCE OF 174.86' TO AN OLD IRON PIN CORNER. SAID LINE BEING BOUNDED ON THE SOUTH BY LANDS OF NOW OR FORMERLY GAMBLE.

THENCE, N59°19'17"W FOR A DISTANCE OF 315.06' TO AN OLD IRON PIN CORNER. SAID LINE BEING BOUNDED ON THE SOUTH BY LANDS OF NOW OR FORMERLY GAMBLE.

THENCE, N11°29'36"E FOR A DISTANCE OF 57.89' TO AN OLD IRON PIN CORNER. SAID LINE BEING THE EASTERN R.O.W. OF LOWER RICHLAND BOULEVARD.

THENCE, S53°20'00"E FOR A DISTANCE OF 40.99' TO AN OLD CROSS TIE POST. SAID LINE BEING BOUNDED ON THE NORTH BY LANDS OF NOW OR FORMERLY GOLEY.

THENCE, S59°21'26"E FOR A DISTANCE OF 294.52' TO AN OLD CREOSOTE FENCE POST. SAID LINE BEING BOUNDED ON THE NORTH BY LANDS OF NOW OR FORMERLY GOLEY.

THENCE, N27°20'49"E FOR A DISTANCE OF 1662.90' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE WEST BY LANDS OF NOW OR FORMERLY GOLEY.

THENCE, S64°35'15"E FOR A DISTANCE OF 1191.30' TO AN OLD IRO PIPE CORNER. SAID LINE BEING BOUNDED ON THE NORTH BY LANDS OF NOW OR FORMERLY TILLER AND LANDS OF NOW OR FORMERLY BONNOITT.

THENCE N28°05'50"E FOR A DISTANCE OF 441.60' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE WEST BY LANDS OF NOW OR FORMERLY BONNOITT.

THENCE, N27°20'15"E FOR A DISTANCE OF 100.01' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE WEST BY LANDS OF NOW OR FORMERLY PAGETT.

THENCE, S54°15'20"E FOR A DISTANCE OF 1155.64' TO A GUM TREE. SAID LINE BEING BOUNDED ON THE NORTH BY LANDS OF NOW OR FORMERLY CHAPPELL.

THENCE, S29°17'43"W FOR A DISTANCE OF 2425.34' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE EAST BY LANDS OF NOW OR FORMERLY CROSBY LEWIS TRUSTEE AND LANDS OF NOW OR FORMERLY BROWN.

THENCE, N54°10'01"W FOR A DISTANCE OF 98.04' TO AN OLD IRON PIN CORNER. SAID LINE BEING BOUNDED ON THE SOUTH BY LANDS OF NOW OR FORMERLY MIDDLETON.

THENCE, S76°07'03"W FOR A DISTANCE OF 518.10' TO AN OLD IRON PIN CORNER. SAID LINE BEING BOUNDED ON THE SOUTH BY LANDS OF NOW OR FORMERLY GREEN MIDDLETON, LANDS OF NOW OR FORMERLY FRANK MIDDLETON, AND LANDS OF NOW OR FORMERLY JAMES MIDDLETON.

THENCE, N01°18'27"E FOR A DISTANCE OF 500.05' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE WEST BY LANDS OF NOW OR FORMERLY S.C. STATE BOARD OF EDUCATION.

THENCE, S76°07'03"W FOR A DISTANCE OF 1183.73' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE SOUTH BY LANDS OF NOW OR FORMERLY S.C. STATE BOARD OF EDUCATION.

THENCE, S01°15'19"W FOR A DISTANCE OF 99.95' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE EAST BY LANDS OF NOW OR FORMERLY S.C. STATE BOARD OF EDUCATION.

THENCE, S76°14'48"W FOR A DISTANCE OF 195.65' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE SOUTH BY LANDS OF NOW OR FORMERLY RICHLAND COUNTY SCHOOL DISTRICT NO. 1.

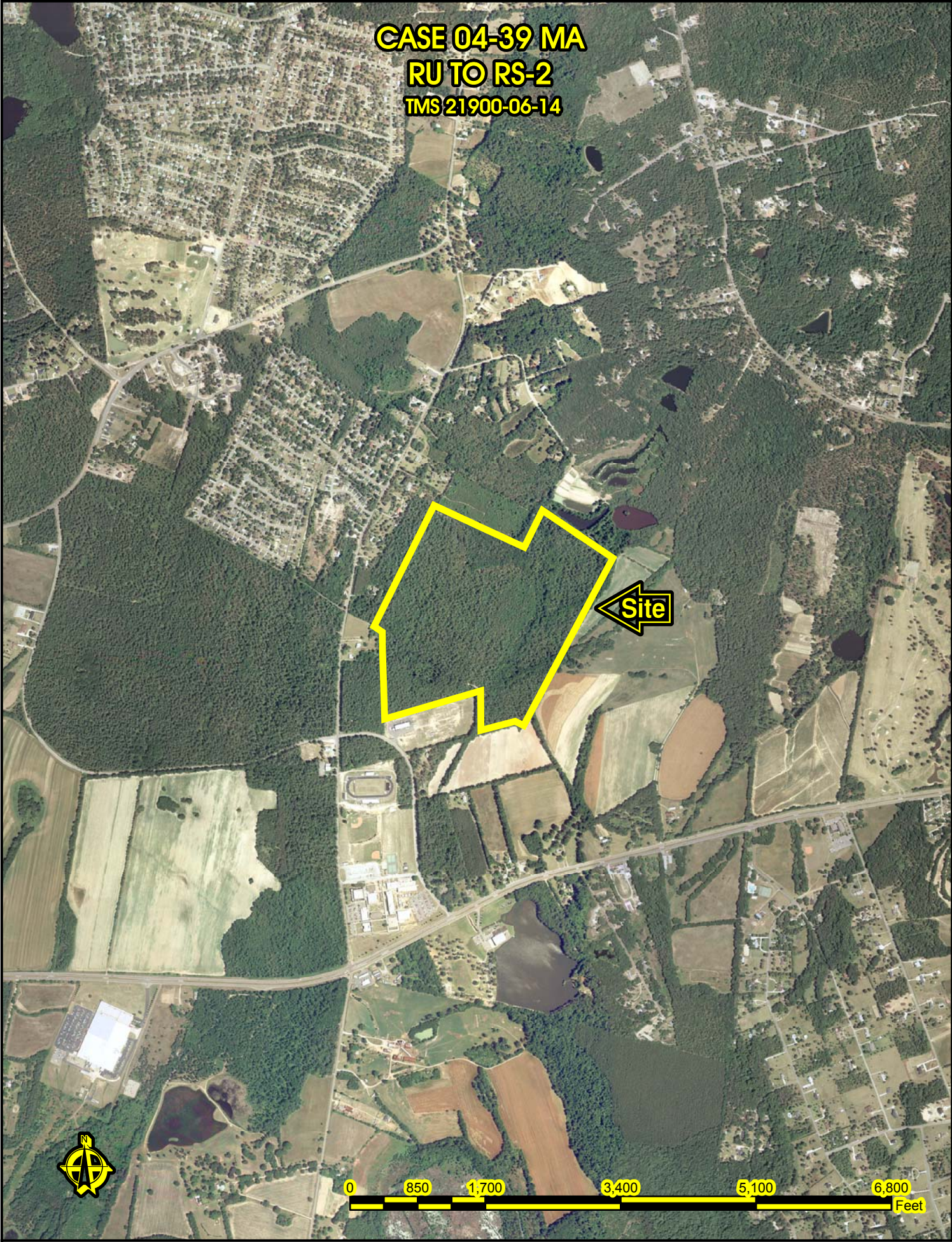
THENCE, ALONG A CURVED LINE WITH A CHORD BEARING OF N88°46'04"W AND CHORD DISTANCE OF 120.26' TO AN OLD IRON PIPE CORNER. SAID LINE BEING THE NORTHERN R.O.W. OF RABBIT RUN RD.

THENCE, S85°59'46"W FOR A DISTANCE OF 102.26' TO AN OLD IRON PIPE CORNER. SAID LINE BEING THE NORTHERN R.O.W. OF RABBIT RUN RD.

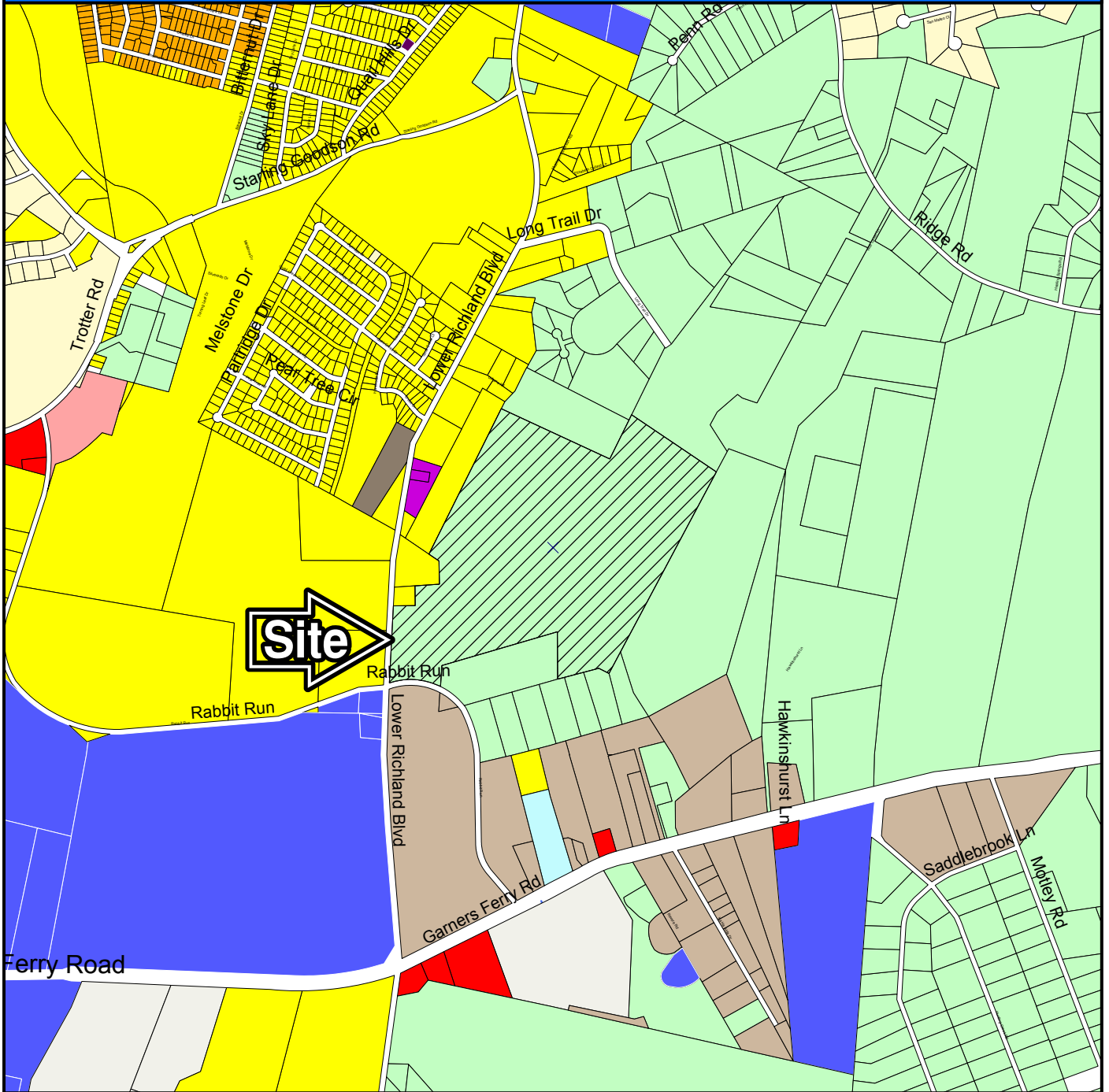
THENCE, S83°03'16"W FOR A DISTANCE OF 123.09' TO AN OLD IRON PIPE CORNER. SAID LINE BEING THE NORTHERN R.O.W. OF RABBIT RUN RD.

THENCE, N47°16'39"W FOR A DISTANCE OF 64.71' TO AN OLD IRON PIPE CORNER. SAID LINE BEING THE NORTHERN R.O.W. OF RABBIT RUN RD. SAID POINT BEING THE POINT OF BEGINNING.

CASE 04-39 MA
RU TO RS-2
TMS 21900-06-14



CASE 04-39 MA FROM RU to RS-2



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 04-39 MA FROM RU to RS-2

TMS# 21900-06-14

Lower Richland Blvd. & Rabbit Run Rd.



Looking east at interior of the site



Looking at site from Lower Richland Blvd.

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

March 1, 2004

RC Project # 04-40 MA	Applicant: Walgreens
General Location: Northwest corner of St. Andrews Rd. & Broad River Road	
Tax Map Number: 06113-01-01	Subject Area: 1.8 ac MOL
Current Parcel Zoning: C-1	Proposed Parcel Zoning: C-3
Proposed Use: Walgreens Drugstore	PC Sign Posting Date: February 5, 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

Construct a Walgreen’s Drug Store

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	C-1	Dutch Fork Magistrate Office & vacant land
Adjacent North	C-3	Single family residence
Adjacent East	C-3	Eckerd & various businesses across Broad River Rd.
Adjacent South	C-3	CVS & various businesses across St. Andrews Rd.
Adjacent West	C-3	Commercial & retail businesses

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-1 Zoning Designation Intent</u> 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>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-1 Zoning Permitted Uses</u> Offices Ethical pharmacies Photography studios Hospitals Nursing homes Funeral homes</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 26-65 and Chapter 26-67, respectively of the County Code. Some Special Exception uses are also possible.

The site is surrounded by general commercial land uses and is located at the intersection of a minor arterial road (St. Andrews) and a major arterial road (Broad River Rd.). The proposed use is 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 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	St. Andrews Road	
Functional Classification Of This Roadway	Five lane undivided minor arterial	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	24,800	
Estimated Traffic Generated By The Proposed Project	1056	
Current Volume At The Nearest Count Station # 487 Located @ Southwest of site on St. Andrews Road	23,000	
Estimated Traffic Count With the Proposed Project	24,056	
Volume-To-Capacity Ratio With The Proposed Project	0.93	

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 23, 2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old.**

The estimated project traffic is calculated by multiplying the generation rate (88 trips per 1000 sq. ft.) for a Pharmacy/Drugstore with drive-through window business found on page 1620 of the TGM times the average square footage (12,000) of the use.

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 LOS C design capacity of St. Andrews Road will not be exceeded at this location.

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

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 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 Commercial in an Established Urban Area. The proposed Zoning Map Amendment is consistent with this land use designation.

The Northwest Subarea Plan, adopted in September 1993, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 29 and 34 respectively, are discussed below:

Objective – Encourage industrial and commercial uses in selected, concentrated locations where access is appropriate for the use.

The proposed Amendment site is located at the intersection of a minor arterial road (St. Andrews) and a major arterial road (Broad River Rd.). The site is also encompassed by General Commercial land uses on St. Andrews Rd. and Broad River Rd. The proposed Amendment **implements** this Objective.

Principle – In general, commercial and office activities should be confined to existing zoned areas.

The existing surrounding zoning and land uses are comprised General Commercial. The proposed Amendment **implements** this Principle.

Other Relevant Issues

The site will have to provide a type "D" landscape buffer along the entire north property line as the site abuts an existing single family residence on a C-3 zoned parcel. There are some trees on the site greater than 92" for which provisions must be made.

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 # 04-40 MA **be changed** from C-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 compatible with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of St. Andrews Road 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 Principles of the Northwest 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 March 1, 2004, the Richland County Planning Commission agreed (did not agree) with the PDS 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 # 04-40 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 # 04-40 MA, the Planning Commission made the findings of fact summarized below:

Attachment A
CASE 04-40 MA

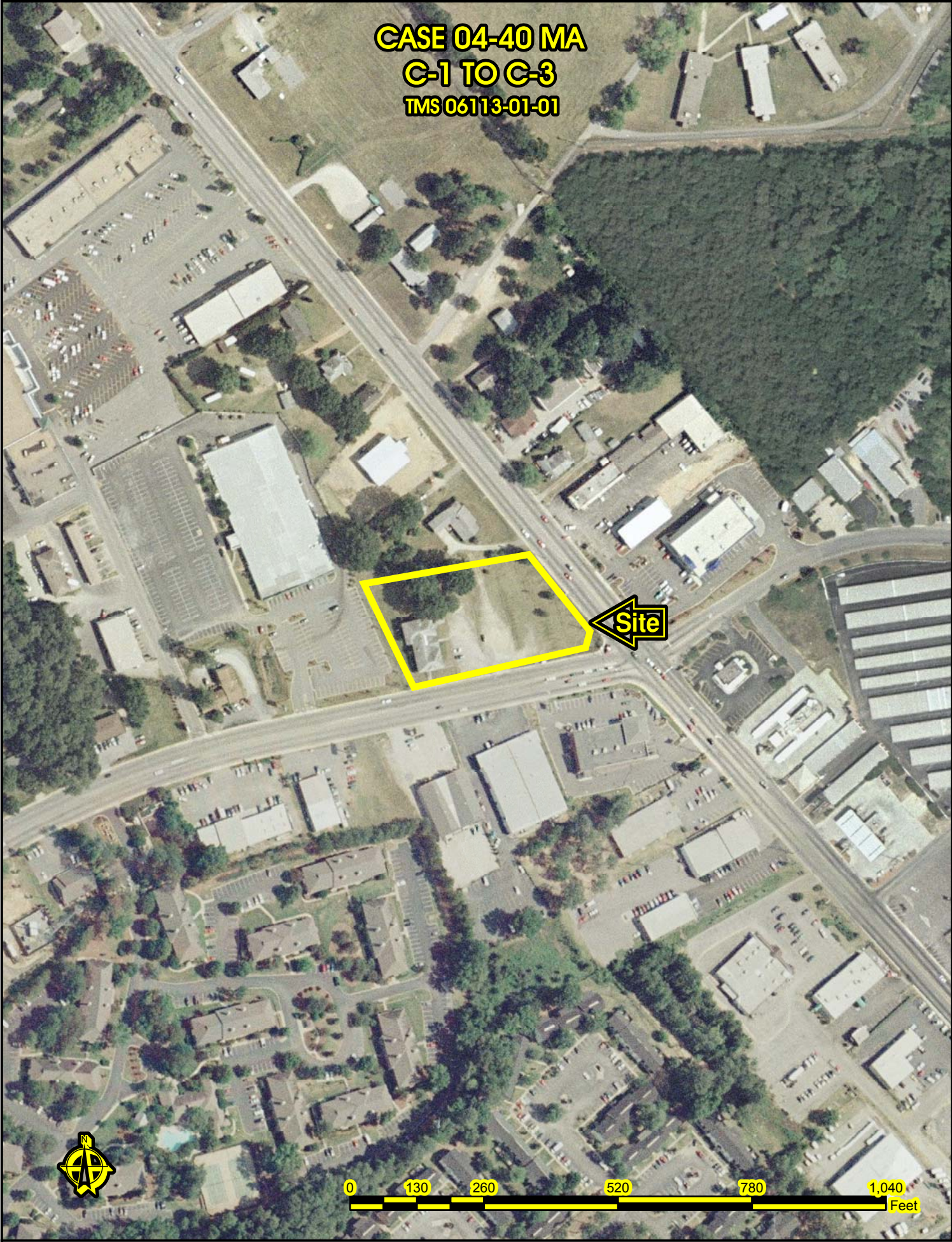
**Richland County Tax Map Number 06113-01-01
LAND DESCRIPTION**

Beginning at LAND DESCRIPTION

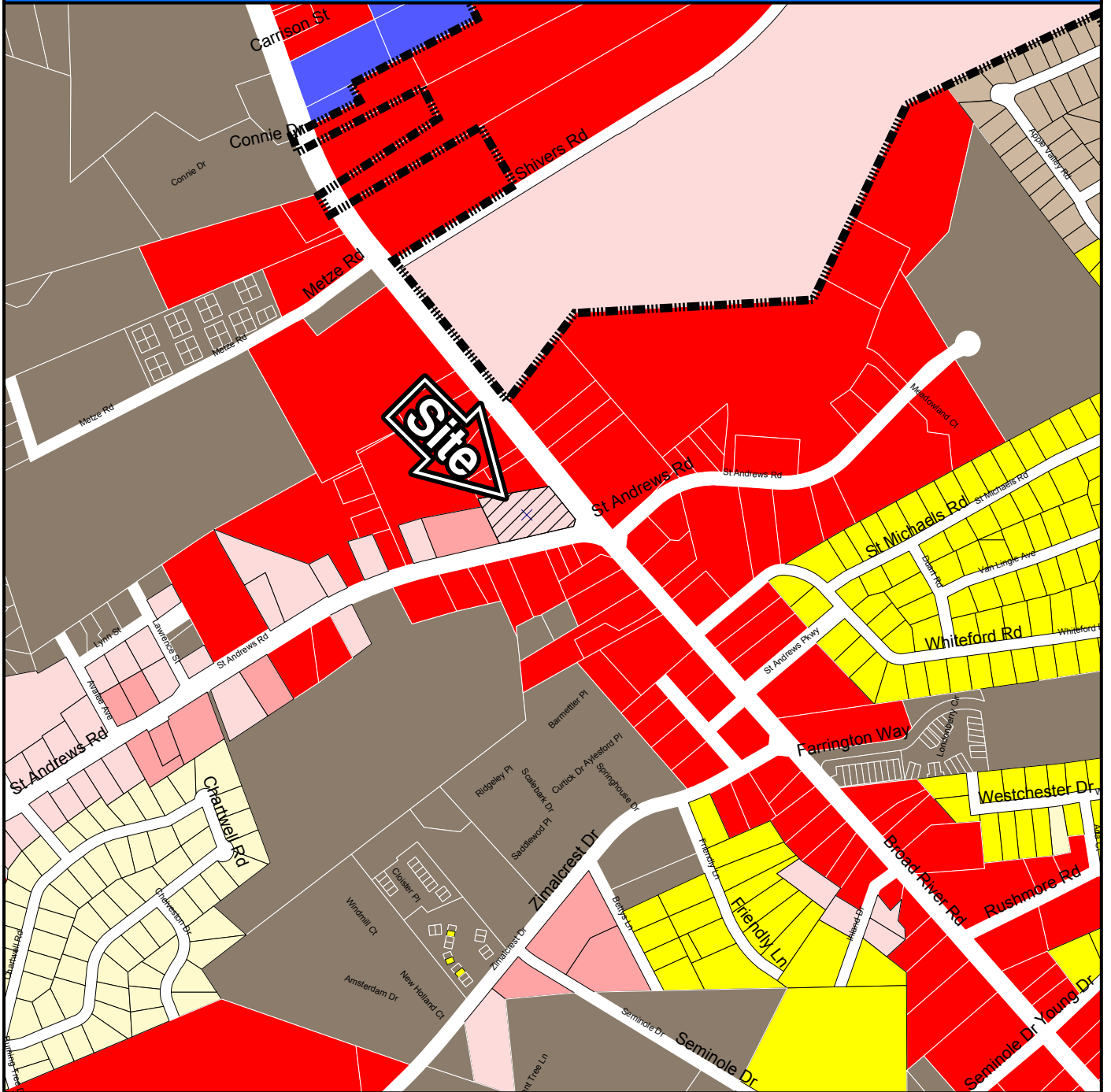
Beginning at the intersection of the Northern Right-of-Way of St. Andrews Road and the Western Right-of-Way of Broad River Road, then running Westerly for a distance of approximately 30 feet to a Conc. mon. (o), this being the POINT OF BEGINNING (P.O.B.); thence turning and running S 78deg21'11" W along the Northern Right-of-Way of St. Andrews Road for a distance of 373.22 feet to a Conc. mon. (o); thence turning and running N 19deg07'21" W along the Right-of-Way Change of St. Andrews Road for a distance of 8.61 feet to a Conc. mon. (o); thence turning and running N 23deg46'19" W along the property of Now or Formerly Jimmy Martin Realty Group, Inc. for a distance of 223.95 feet to a 5/8" Rod (o); thence turning and running N 81deg01'51" E along the property of Now or Formerly Mildred M. Slice, Trustee for a distance of 340.85 feet to a 1/2" Rebar (o); thence turning and running S 39deg16'34" E along the Western Right-of-Way of Broad River Road for a distance of 208.90 feet to a Conc. mon. (o); thence turning and running in a Southerly direction S 19deg26'31" W for a distance of 30.94 feet to a Conc. mon. (o), the POINT OF BEGINNING (P.O.B.). the intersection of the Northern Right-of-Way of St. Andrews Road and the Western Right-of-Way of Broad River Road, then running Westerly for a distance of approximately 30 feet to a Conc. mon. (a), this being the POINT OF BEGINNING (P.O.B.); thence turning and running S 78deg21'11" W along the Northern Right-of-Way of St. Andrews Road for a distance of 373.22 feet to a Conc. mon. (a); thence turning and running N 19deg07'21" W along the Right-of-Way Change of St. Andrews Road for a distance of 8.61 feet to a Conc. mon. (o); thence turning and running N 23deg46'19" W along the property of Now or Formerly Jimmy Martin Realty Group, Inc. for a distance of 223.95 feet to a 5/8" Rod (o); thence turning and running N 81deg01'51" E along the property of Now or Formerly Mildred M. Slice, Trustee for a distance of 340.85 feet to a 1/2" Rebar (o); thence turning and running S 39deg16'34" E along the Western Right-of-Way of Broad River Road for a distance of 208.90 feet to a Conc. mon. (a); thence turning and running in a Southerly direction S 19deg26'31" W for a distance of 30.94 feet to a Conc. mon. (o), the POINT OF BEGINNING (P.O.B.).

1-16-04




















CASE 04-40 MA
C-1 TO C-3
TMS 06113-01-01



CASE 04-40 MA FROM C-1 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 04-40 MA FROM C-1 to C-3

TMS# 06113-01-01 Corner of Broad River Rd. & St. Andrews Rd.



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

March 1, 2004

RC Project # 04-41 MA	Applicant: The Mungo Company
General Location: Northeast Side of Broad River Road, 1/4 mile past Freshly Mill Road	
Tax Map Number: 01700-04-12	Subject Area: 241 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: PUD-1R
Proposed Use: Single Family Detached S/D	PC Sign Posting Date: February 6, 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

Develop a single family detached subdivision

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Undeveloped woodlands
Adjacent North	RU	Fields and scattered residences on large lots
Adjacent East	RU	Residences on estate sized parcels
Adjacent South	RU	Undeveloped woodlands
Adjacent West	RU	Fields and scattered residences on large lots

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 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 those uses and amounts specified 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 proposed residential project will have an overall density of 2.65 DU/acre. While this density is very low for a subdivision, i.e., approximately 1/2 acre lots, it is substantially more intense than the estate-sized residential development and rural character of the surrounding area. The proposed project is not compatible with development in 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 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	Broad River 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	6080	
Current Volume At The Nearest Count Station # 178 Located @ 1 mile south of Freshley Mill Rd	4070	
Estimated Traffic Count With the Proposed Project	10150	
Volume-To-Capacity Ratio With The Proposed Project	1.18	

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 23, 2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old.**

The estimated project traffic is calculated by multiplying the number of single family residences times 9.5 average daily trips per residence.

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 result in the Level-Of-Service C being exceeded on this portion of Broad River Road. No improvements are planned for this portion of Broad River Road in the Long Range Improvement Program, between now and the Year 2025, developed by Central Midlands Council of Governments.

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]

State statutes require proposed Zoning Map Amendments to be consistent with the land use designation on the Northwest Subarea Plan's Proposed Land Use Map (Map). Specifically, 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..." Therefore, **if either the existing, or proposed zoning, is not consistent with the land use designation on the Map, the Map should be amended** through the formal comprehensive plan amendment process in order to ensure compliance with Section 6-29-720 (B), SC Code of Laws.

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 Residential Rural with the Rural Undeveloped Area. The proposed Zoning Map Amendment is not consistent with this land use designation.

The **proposed PUD-1R zoning is NOT consistent** with the Map designation as required by state statutes. The zoning should be RU to be consistent with the Rural/Open Space land use designation. The proposed Amendment will result in 241 acres with an overall density of 2.65 residences per acre in an area where one residence on multiple acres has been established.

The Northwest Subarea Plan, adopted in September 1993, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 29 and 38 respectively, are discussed below:

Objective – Recognize traditional settlement patterns as established areas worthy of preservation
The proposed site is surrounded by “estate style” residential development and small agricultural operations. The residents of this area have invested in the rural lifestyle of this area. The rural lifestyle should be considered as valuable as any other lifestyle. The proposed Amendment **does not implement** this Objective.

Principle – The purpose of the rural area designation is to maintain the open character and natural setting of the landscape. While this goal is central to how the area should be kept, it does not preclude a case by case review of new development at a higher residential density provided:

- a. The development is planned in a manner that is in keeping with the character of the surrounding area; and
 - b. Any development proposed should utilize, where possible, site design applications, taking advantage of the flexible design techniques offered by the PUD and PDD zoning classifications; and
 - c. The use of setbacks, landscaping and buffering be employed to mitigate incompatible effects of proposed use; and
 - d. Adequate infrastructure (roads, utilities and public facilities) be available to meet new demand for service created from the development
- A. The proposed development is clearly not in keeping with the rural character of the surrounding area. The overall 2.65 DU/acre density of the project is substantially greater than the one residence per 2, 4 or 6 acre density of the adjacent area.
 - B. The project will utilize PUD design techniques, including on-site open space areas to mitigate the off-site impacts.
 - C. The proposed development plan contains provisions for buffering and landscaping. The site development must conform the landscaping regulations in place at the time a permit application is received.
 - D. The traffic analysis described above show that the project will result in the LOS C for this portion of Broad River Road being exceeded. Therefore, adequate infrastructure is not available for the project

The proposed Amendment implements some portions of this Principle, but does not implement other portions.

Other Relevant Issues

Transportation Recommendation - To the extent possible, rezoning decisions should be made with consideration of the Long Range Major Street Plan so that improvements are concurrent with new development

There are no road capacity improvements scheduled to this portion of Broad River Road in the Long Range Major Street Plan.

Transportation Recommendation - Where a request for a change in land use will reduce traffic movements below a “C” level-of-service, additional highway improvements should be made to mitigate the effects.

The applicant has not proposed any measures to mitigate the traffic effects of this project. The current CMGOG Transportation Improvement Program, i.e., the fiscal year beginning July 1, 2003 through June 30, 2008, **does not have any road capacity improvements programmed for Broad River Road. Furthermore, there are currently no funding sources available for any road capacity improvements in Richland County in the rest of this decade.**

The applicant asserts that the City of Columbia is in the process of extending water transmission lines in the area in order to “loop” the lines between Dutch Fork Road and Broad River Road. The applicant will connect to this transmission line extension.

The proposed project will have sewer service from the Richland County Utilities Dept. Transmission lines will be extended to the site at the developer’s expense.

The principle issue with the proposed Amendment is that its approval will create a significant precedent for other development requests in an area that is designated for a rural lifestyle. The extension of water and sewer transmission lines to the area will effectively open as much as a hundred square miles of northwest County to additional suburban and urban development.

A major consideration in any Zoning map Amendment decision is whether the request is appropriate for the subject site **at this point in time**. The northwest County area is a desirable place to live partially because much of it is still rural in character. **The Department believes that the subject project is premature for this area at this point in time.** It may be an appropriate project at some future date.

The following text of the application material makes some statements that must be clarified for the record:

Page 3, paragraph 1 – “...and any development plan which complies with these District Guidelines **shall** be approved ...” Approval of the PUD MAP establishes the only allowable development plan without undertaking the minor or major PUD amendment process.

Page 3, paragraph 4 – “...Principle Permitted Uses...any use which is otherwise lawful...shall be permitted...” Approval of the PUD MAP establishes the only allowable development plan without undertaking the minor or major PUD amendment process.

Page 4 – discussions about clustering under the L and LM district – The discussion about clustering and open space are irrelevant because the PUD process allows virtually total freedom on the design of the project. However, once the general development plan (herein termed the PUD MAP) is approved it can not be changed without completing the minor or major PUD amendment process specified in the ordinance approving the project.

Page 6 – accessory uses in the L and LM district – The accessory uses must be specifically enumerate in the adoption ordinance in order to avoid confusion with existing or new general land use regulations.

Page 11 – discussion about change authorization – The types of changes permitted and the process to do so are specified in the adoption ordinance. A developer does not have unfettered authority to make changes in land uses or their location as suggested on this page.

The Applicant’s Exhibit F discusses the proposed covenants, conditions, restrictions, easements, charges and leins for the project. The following statements made therein must be clarified for the record:

Page 7, Section 1 – “...all lots shall be used for single family residential purposes...except with the written approval of the Developer, its designee or the Association...” This statement could be construed to imply that one of these entities could change the use of the land. The ONLY way to change the use of the parcels in this project is through completion of the minor or major PUD amendment process.

Page 8, top of the page – It is permissible, and in fact desirable, for the Developer or the Association to complete its internal authorization PRIOR to applying for building permits, variances, etc. However, ONLY the County has the authority to grant these approvals. It is a violation of the County Code to do otherwise.

Page 9 – Sewage System – Section 24-81 of the County Code requires connection to a public system if the sewer line is within 200 feet of the property line. Only the County Council has limited authority to waive the connection requirement. Although not technically part of the County Code, the same practice should apply to the water service connection.

Page 10 – top of the page – “...The Developer and Architectural Control Authority, when empowered, may also, from time to time as they see fit, eliminate violations of setbacks and boundary lines by amending said plats...” It is permissible, and in fact desirable, for the Developer or the Association to complete its internal authorization PRIOR to applying for setback or plat changes. However, ONLY the County has the authority to grant these approvals. It is a violation of the County Code to do otherwise.

Page 25, Section 2 Procedures – The County prefers that applicants complete the review process specified in any applicable Home Owners Association (HOA) rules and regulation PRIOR to applying for variances, use changes, etc. There is no need for the County to take action IF the proposal is not acceptable to the HOA. The Rules should be clarified in this regard.

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 # 04-41 MA **not be changed** from RU to PUD-1R.

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 Broad River Road 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 **is not consistent** with the Objectives and Principles of the Northwest Subarea Plan discussed herein.
6. **The Department believes that the subject project is premature for this area at this point in time.**
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 IF Recommended For Approval

- a) The Planning Commission recommends approval of the General Development Plan required by Section 26.70-15, herein known as the PUD MAP (*applicant's Exhibit D*).
- b) The site development shall be limited to a total of 640 single family detached residences described in the PUD MAP (*applicant's exhibit D*); and
- c) All development shall conform to all relevant land development regulations in effect at the time permit application is received by the Department; and
- d) Approval of the PUD MAP shall constitute approval of the Sketch Plan for subdivision purposes; and
- e) Accessory uses for this project are specifically defined as ??????; and
- f) The Planned Unit Development Guidelines described in the application material received on January 30, 2004 are authorized for application to the subject project; and
- g) The Planning Commission is hereby authorized to make minor amendments to the PUD MAP, the Planned Unit Development Guidelines, or other relevant provisions of Chapter 26-70.17, or its relevant successor regulations, of the County Code; and
- h) The Department is authorized to make minor adjustments to the construction standards in the Planned Unit Development Guidelines described above as may become necessary during the project's construction; and
- i) Any increase in the number of access points to the external road network, any decrease in the amount of open space/common areas, or a more than a 10 percent 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
- j) A written certification of compliance with the requirements of Chapter 27 (Landscaping Ordinance), Article 6 – Tree Protection, or its successor regulations, must be issued by the Department PRIOR to any site clearance activity; and
- k) Access to the subject site shall be limited to two intersections on Broad River Road; and

- l) The developer shall be required to construct any necessary turn lanes for the project on Broad River Road; and
- m) All internal streets shall be privately owned and maintained by the project's property owners and shall be subject to the relevant Guidelines described above; and
- n) Other conditions resulting from the Commission consideration ?
- o) The applicant has provided a draft description of proposed procedures of a homeowners association for the Department's and inclusion in the project records; and
- p) The draft procedures and restrictions must be revised to clarify the County's authority regarding the uses of the property, connections to utility lines, variances, additional structures on the lots and similar variations from the approved plans; and
- q) The County shall not be responsible for enforcement of any deed restrictions imposed by 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 March 1, 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 # 04-41 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 # 04-41 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: 04-41 MA

Applicant: The Mungo Co

TMS #: 01700-04-12 **General Location:** Broad River Rd, 1/4 mile NE of Freshly Mill Rd

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	X Exhibit D
26-70.16 a	Statement of major project assumptions and objectives	X Pg. 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	X Pg. 3
26-70.16 c	Statement of intended overall maximum dwelling unit density per acre	X Pg. 3
26-70.16 d	Legal description	X Exhibit B
26-70.16 e	Total acres	X Pg. 3
26-70.16 f	Tentative number of units of various types	X Pg. 5
26-70.16 g	Description of open space & community facilities & adequacy to serve the anticipated demand	X Pg. 10
26-70.16 h	Approximate timing of development by phase	X Pg. 6
26-70.16 i	Detailed description of the proposed homeowners association procedures, or other group maintenance & ownership features	X Exhibit F
26-70.16 j	Design standards, administrative procedures & such information or descriptions appropriate for Planning Commission review	X Pgs. 7 – 11 Exhibits G - M

Exhibit B
CASE 04-41 MA

Legal Description of Broad River Road PUD-1R

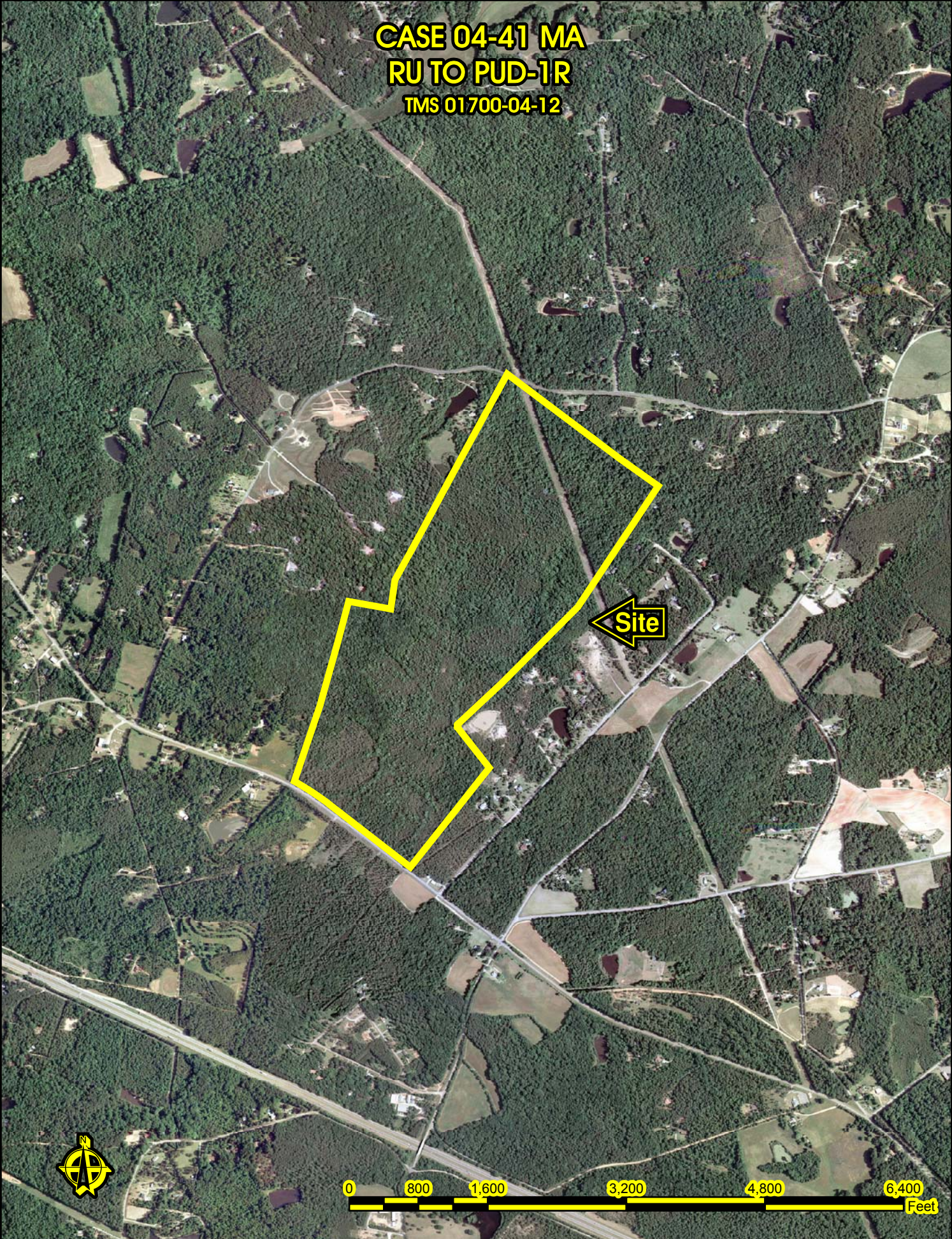
The property to be rezoned as a PUD-1R is shown on the zoning amendment map as being approximately 241 acres and being more particularly described as follows:

The property, TMS # 01700-04-12, consists of 241.03 acres near the town of White Rock, Richland County in the State of South Carolina. It is located on the Northeastern side of Broad River Road/U.S. Highway 176, approximately ¼ mile Northwest of the intersection of the Broad River Road/U.S. 176 and Freshley Mill Road and is shown on the boundary plat as prepared by Civil Engineering of Columbia dated August 27, 2001 included herein as Exhibit "C".

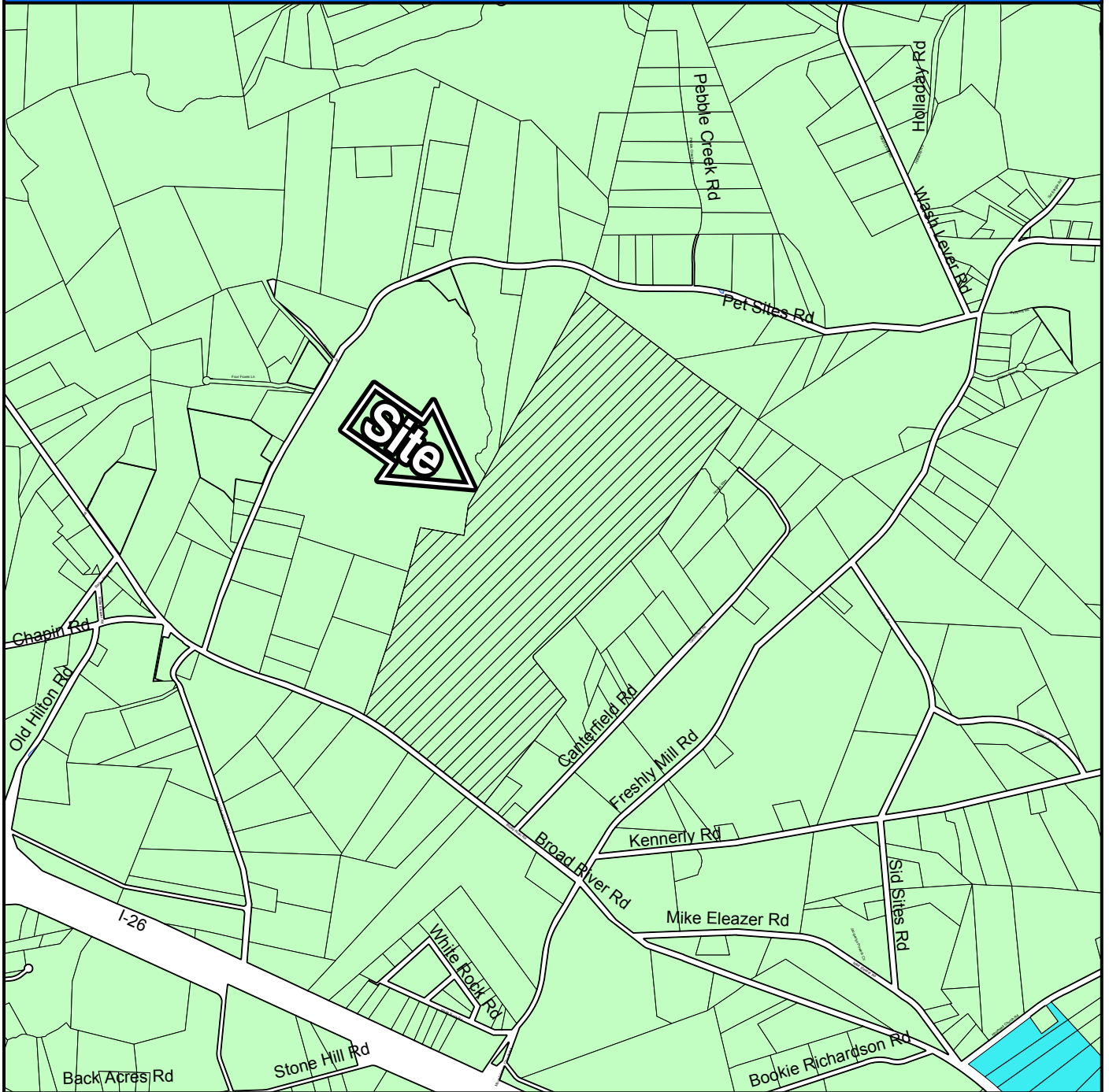
Commencing at an iron pin at the Southeastern most corner of the property, said corner being a common corner of two parcels located on the edge of the Broad River Road right-of way, and the POINT OF BEGINNING; thence turning and running along the said road right-of-way and southern boundary of the property N 52° 31' 02" W for a distance of 1169.86 feet to an iron pin, thence continuing to run along the said road right-of-way and southern boundary of the property N 58° 05' 48" W for a distance of 17.86 feet to an iron pin located at the Southwestern corner of the property, thence turning and running along the western boundary of the property N 12° 59' 56" E for a distance of 1824.01 feet to an iron pin, thence continuing to run along the said western boundary of the property N 14° 30' 12" E for a distance of 321.54 feet to an iron pin, thence turning and running S 82° 16' 16" E for a distance of 468.21 feet to another iron pin, thence turning and running N 04° 59' 13" E for a distance of 110.73 feet to another iron pin, thence turning and running N 03° 17' 22" E for a distance of 217.26 feet to an iron pin and common corner with two adjacent properties, thence turning and running N 35° 24' 36" E for a distance of 358.69 feet to another iron pin and common corner with two adjacent properties along the northwestern boundary of the property, thence continuing to run along the said northwestern boundary of the property N 38° 04' 17" E for a distance of 24.00 feet to an iron pin, thence continuing to run along the said northwestern boundary of the property N 35° 55' 48" E for a distance of 522.73 feet to an iron pin and common corner with two adjacent properties along the northwestern boundary of the property, thence continuing to run along the said northwestern boundary of the property N 35° 53' 32" E for a distance of 1844.50 feet to an iron pin located at the Northern most corner of the property, thence turning and running S 53° 48' 28" E for a distance of 1,142.91 feet to another iron pin and common corner with two adjacent properties along the northeastern

boundary of the property, thence continuing to run along the said northeastern boundary of the property N 54° 04' 57" E for a distance of 873.01 feet to an iron pin located at the Eastern most corner of the property, thence turning and running S 33° 28' 12" W for a distance of 533.14 feet to another iron pin and common corner with two adjacent properties along the eastern boundary of the property, thence continuing S 33° 30' 40" W for a distance of 269.45 feet to another iron pin, thence continuing S 33° 31' 20" W for a distance of 851.16 feet to another iron pin and common corner with two adjacent properties along the eastern boundary of the property, thence turning and running S 43° 36' 15" W for a distance of 436.92 feet to another iron pin and common corner with two adjacent properties along the eastern boundary of the property, thence continuing S 43° 34' 21" W for a distance of 875.76 feet to another iron pin and common corner with two adjacent properties along said eastern boundary, thence continuing S 44° 52' 52" W for a distance of 651.50 feet to another iron pin, thence turning and running S 40° 18' 18" E for a distance of 538.53 feet to another iron pin, thence turning and running S 38° 28' 18" W for a distance of 200.06 feet along the southeastern boundary of the property to another iron pin, thence continuing along the southeastern boundary S 38° 35' 51" W for a distance of 374.91 feet to another iron pin and common corner with two adjacent properties along said boundary, thence continuing along said boundary S 37° 37' 01" W for a distance of 507.60 feet to another iron pin and common corner with two adjacent properties along the southeastern boundary, thence continuing along said boundary S 37° 36' 40" W for a distance of 382.14 feet to an iron pin being a common corner of two parcels located on the edge of the Broad River Road right-of way, and also being the POINT OF BEGINNING.




















CASE 04-41 MA
RU TO PUD-1R
TMS 01700-04-12



CASE 04-41 MA FROM 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



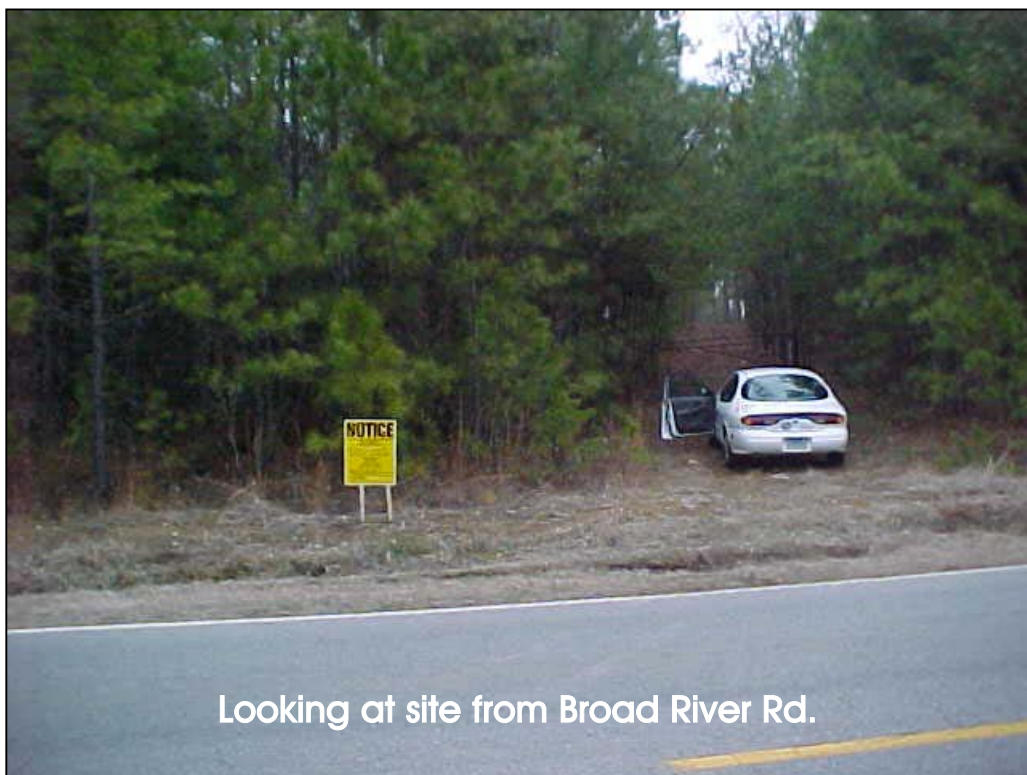
CASE 04-41 MA FROM RU to PUD-1R

TMS# 01700-04-12

Spring Hill



Looking at interior of the site



Looking at site from Broad River Rd.

TEXT AMENDMENT

PLANNING STAFF REPORT

TITLE:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, ZONING; ARTICLE 7. SUPPLEMENTAL DISTRICT REGULATIONS; SECTION 26-94A. COMMUNICATION TOWERS.

SUBJECT:

This text amendment to the zoning code establishes a base \$8,500 payment (per tower application) into an escrow account to defray the expenses incurred by a technical consultant engaged by the County under contract to evaluate communication tower applications. If the costs of the evaluation exceed \$8,500, additional payments would be required. In addition, the amendment would require the submission of performance bonds to secure removal of abandoned towers, and it establishes several safety and other requirements.

ISSUE:

The County now relies upon the technical studies and other material submitted by the applicant and presented to the Board of Zoning Appeals to determine if an application for a communications tower meets the requirements of the zoning ordinance. There is some question whether the staff and the members of the Board have the technical expertise to determine if the application is accurate and complete without additional outside technical expertise. It follows from this question if the staff and Board, lacking technical expertise equivalent to that commanded by applicants, are adequately protecting the public interest.

BACKGROUND:

It has been asserted that the number of communication tower applications will dramatically increase due to changes in technology, regulatory requirements to provide uninterrupted coverage, and market demand. If these assertions prove accurate, it is projected that the staff and Board will be overwhelmed unless provided with additional expertise and assistance to process the increased number and complexity of applications.

DISCUSSION:

Planning staff is not now capable of determining the validity of projections of increased communication tower demand nor of the potential rising complexity or possible lapses in the protection of the public interest.

RECOMMENDATION:

In view of the intense discussion of the enactment of a new Land Development Ordinance now underway in County Council, Planning staff recommends that the

TEXT AMENDMENT
PLANNING STAFF REPORT

Planning Commission not inject amendments to the existing ordinances unless there is an imminent threat to the public health, safety or welfare.

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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. SUPPLEMENTAL DISTRICT REGULATIONS; SECTION 26-94A. COMMUNICATIONS TOWERS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Zoning; Article 7. Supplemental District Regulations; Section 26-94A. Communications Towers; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

Sec. 26-94A. Communications towers.

Due to consideration for health, safety impact on neighboring properties and aesthetics, any such uses proposed for the county shall comply with the following supplemental requirements:

- (1) An application must be submitted for construction of new wireless facilities and structures, for modification of existing wireless facilities and structures, and for co-location of wireless facilities on any existing structure.
 - (a) Such fees as may be required in the County's annual Budget Ordinance for the current fiscal year shall be paid at the time the application is filed. In addition to the application fee (which is non-refundable), all applications must be accompanied by a deposit of up to \$8,500.00, as determined by the County Administrator, to assist the County in evaluating the application. This deposit shall be placed in an escrow account and may be expended by the County as needed for consulting costs in reviewing the application. If the escrow account is depleted prior to the County's conclusion of the review, the applicant will be required to deposit additional increments of up to \$8,500.00, as determined by the County Administrator, until the County has concluded its evaluation, or until the applicant withdraws its application, whichever comes first. Any monies remaining in the escrow account at the conclusion of the review process shall be returned to the applicant or to the person or entity that provided the deposit, upon the County's receipt of a written request for the such refund.

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- (b) At the time of application for a new structure, the applicant must submit a performance bond that would protect the County from paying for removal in the event that the structure is abandoned.
 - (c) At the time of application ~~for a special exception or zoning permit,~~ satisfactory evidence shall be submitted that alternative towers, buildings or other structures do not exist within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria or provide a location free from interference of any nature, or are otherwise not available for use.
 - (d) For a proposed new tower, the applicant must demonstrate that at the time of application a wireless carrier has contractually obligated itself to occupy space on the proposed tower.
 - (e) The County reserves the right to request additional information from the applicant, as the County deems necessary.
- (2) When a proposed site for a communication tower adjoins a residential zoning district, or property on which an inhabited residence is situated, the minimum setback from the property line(s) adjoining the residential zoning district or residential use shall be fifty (50) feet or 150% the height of the tower, whichever is greater. ~~For towers over fifty (50) feet in height, the set back shall increase one (1) foot for each one (1) foot of tower height in excess of fifty (50) feet; with the maximum required separation being two hundred fifty (250) feet.~~

When the separation requirement as set forth herein from a residential zoning district or residential use cannot be met, such location may be permitted by a special exception approval from the zoning board of adjustment subject to the provisions of ~~section 26-94A~~ subsection (10) below.

- (3) Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agencies. However, no night time strobe lighting shall be incorporated unless required by the Federal Communications Commission, Federal Aviation Administration or other regulatory agency.
- (4) The wireless telecom facilities, towers, antennas, and associated buildings shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Each communications tower and associated buildings shall be enclosed within a fence or constructed barrier at least seven (7) feet in height; however, applicants are required to install fences and barriers taller than this minimum whenever necessary to prevent unauthorized access.

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- (5) Each tower site shall be landscaped in accordance with the requirements of Chapter 27, Article 5 of the county landscape ordinance this Code of Ordinances.
- (6) No signage of any nature may be attached to any portion of a communications tower.
- (7) Communications towers shall have a maximum height of three hundred (300) feet.
- (8) A communications tower which is no longer used for communications purposes must be reported, in writing, to the County within 30 days after being taken out of service. The tower owner shall be required to dismantled and removed the tower within one hundred twenty (120) days of the date the tower is taken out of service or, at the sole option of the County, the tower owner shall be required to transfer ownership of the tower to the County at no cost.
- (9) Special exception requirements:
 - (a) In addition to the requirements for special exceptions found in section 26-602.2c, the ~~zoning board of adjustment~~ board of zoning appeals shall ~~consider~~ make the following findings:
 1. ~~Will~~ The proposed structure will not endanger the ~~health and safety of people or property residents, employees or travelers, including, but not limited to, the likelihood of the failure of such structures.~~
 2. ~~Is~~ The proposed tower is located in an area where it will not substantially detract from aesthetics and neighborhood character or impair the use of neighboring properties.
 3. ~~Is the proposed structure necessary to provide a service that is beneficial to the surrounding community.~~
 4. ~~Does~~ The proposed use meets the setback requirements of the underlying zoning district in which it is located.
 5. ~~Is~~ The proposed tower is not within one thousand (1,000) feet of another tower unless on the same property.
 6. ~~Has~~ The applicant has attempted to collocate on existing communication towers and ~~is~~ the applicant is willing to allow other users to collocate on the proposed tower in the future, subject to

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engineering capabilities of the structure and proper compensation from the additional user.

- (b) A site plan, elevation drawing(s), photographs and other appropriate documentation must be submitted with the request for special exception which provides the following information:
1. Site plan must include the location of the tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, fences and adjacent land use. Landscaping and required buffering must also be shown.
 2. Elevation drawings must clearly show the design of the tower and materials to be used.
 3. Photographs must show the proposed site and the immediate area.
 4. Submittal of other detailed information, such as topography and aerial views, ~~which~~ that support the request are encouraged at the option of the applicant.

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

SECTION III. Conflicting Ordinances. 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 effective from and after _____, 2004.

RICHLAND COUNTY COUNCIL

BY: _____
Bernice G. Scott, Chair

ATTEST THIS THE _____ DAY

OF _____, 2004.

Michielle R. Cannon-Finch
Clerk of Council

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RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:
Second Reading:
Public Hearing:
Third Reading:

TEXT AMENDMENT

PLANNING STAFF REPORT

TITLE:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, ZONING; ARTICLE 6, DISTRICT REGULATIONS; SECTION 26-73, FW AND FP FLOOD PROTECTIVE AREAS; SUBSECTIONS 26-73.3, 26-73.4(2), AND 26-73.4(3).

SUBJECT:

This text amendment repeals the absolute prohibition against any placement of materials that would impede the free flow of floodwaters in a floodway and substitutes an exception contained in Chapter 8 of the Richland County Code of Ordinances (Stormwater Management, Erosion, and Sediment Control). It also adds a definition of “Diminish the flood-carrying capacity” to the definitions section of the flood protective area section the zoning ordinance (Chapter 22).

ISSUE:

This text amendment would remove the absolute prohibition against impeding floodwaters in a regulatory floodway and allow for some filling if it were demonstrated that such filling would result in no net rise in flood elevation above the 100-year base flood elevation. This determination of a rise or no-rise would be determined by the results of hydraulic and hydrologic analysis performed by engineers on a computer model of the floodway’s characteristics.

BACKGROUND:

Planning staff is not privy to the background of this proposed text amendment.

DISCUSSION:

Richland County now imposes restrictions on development in the floodway that are in excess of the minimal requirements of the Federal Emergency Management Agency (FEMA). This amendment would reduce the county’s regulations to conform to the base FEMA requirements.

RECOMMENDATION:

In view of the intense discussion of the enactment of a new Land Development Ordinance now underway in County Council, Planning staff recommends that the Planning Commission not inject amendments to the existing ordinances unless there is an imminent threat to the public health, safety or welfare.

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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 6, DISTRICT REGULATIONS; SECTION 26-73, FW AND FP FLOOD PROTECTIVE AREAS; SUBSECTIONS 26-73.3, 26-73.4(2), AND 26-73.4(3).

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 6, District Regulations; Section 26-73, FW and FP Flood Protective Areas; Subsection 26-73.3, Definitions; is hereby amended to re-designate paragraphs (1) through (9) as paragraphs (2) through (10), and by adding a new paragraph (1) so as to define the term “Diminish the flood-carrying capacity”, as follows:

- (1) *Diminish the flood-carrying capacity:* To reduce the flow of flood waters by creating a situation that causes flood waters to rise above the determined base flood elevation (BFE) of a 100-year flood. The determination of a rise or no-rise of the 100 year flood BFE shall be demonstrated by hydraulic and hydrologic analysis as performed by a properly credentialed professional engineer and in accordance with standard engineering practice and reviewed and approved by the County Flood Plain Coordinator.

SECTION II. The Richland County Code of Ordinances; Chapter 26, Zoning; Article 6, District Regulations; Section 26-73, FW and FP Flood Protective Areas; Subsection 26-73.4(2); is hereby amended by the deletion of the language contained therein and the substitution of the following language:

- (2) *Filling:*.

~~Filling of floodway areas, dumping of salvaged or scrap material, or the placing of material or obstruction within a floodway area in such a manner as to impede free flow of water during a time of flood or in such a manner that the elevation of flood waters will be increased is prohibited.~~ Except as permitted under Chapter 8, Section 8-26(h), of this Code of Ordinances, filling, dumping of salvaged or scrap material or the placing of similar materials within a floodway area is prohibited.

SECTION III. The Richland County Code of Ordinances; Chapter 26, Zoning; Article 6, District Regulations; Section 26-73, FW and FP Flood Protective Areas; Subsection 26-73.4(3), Permitted Uses; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

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(3) *Permitted uses:*

The following uses shall be permitted in areas designated –FW, but only if such uses are permitted within the basic district to which such a designation is appended, and excluding buildings in connection with such uses:

- a. Agricultural and horticultural uses, and plant nurseries; provided that these uses do not diminish the flood-carrying capacity.
- b. Parking and loading areas; provided that these uses do not diminish the flood-carrying capacity.
- c. Open-air uses generally accessory to residential uses, such as lawns, gardens, play areas, and parking areas; provided that these uses do not diminish the flood-carrying capacity.
- d. Recreational uses ~~which that~~ are primarily open-air uses and ~~which that~~ do not offer a substantial impediment to water flow diminish the flood-carrying capacity, such as swimming areas, fishing areas, beaches, boat launching ramps, life guard stations, parks, playgrounds, play fields, picnic grounds, wildlife or nature preserves, hiking trails, horseback riding trails, golf courses, driving ranges, archery ranges, and tennis courts.
- e. Airport runways and landing strips; provided that these uses do not diminish the flood-carrying capacity.
- f. Streets, bridges, overhead utility lines, storm drainage facilities, sewerage ~~lines~~ systems, waste treatment plant outlets, and water supply intake structures; provided that these uses do not diminish the flood-carrying capacity.

The following uses shall be permitted in areas designated –FW, but only if such uses are permitted within the basic district to which such a designation is appended and provided that these uses do not diminish the flood-carrying capacity:

- a. Any existing or future facility that is or will be a part of or used by any public or private school that was constructed and operated before January 1, 2001 on property subsequently classified as a regulatory floodway, as defined in Chapter 8 of the Richland County Code of Ordinances.
- b. Any existing or future facility that is or will be a part of or used by any publicly owned wastewater treatment facility that was constructed and operated before January 1, 2001 on property subsequently classified as a

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regulatory floodway, as defined in Chapter 8 of the Richland County Code of Ordinances.

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

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

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

First Reading:
Second Reading:
Public Hearing:
Third Reading:

TEXT AMENDMENT

PLANNING STAFF REPORT

TITLE:

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 22, LAND DEVELOPMENT REGULATIONS; ARTICLE V, CLUSTER HOUSING; SECTION 22-46 (C (3), MINIMUM REQUIRED COMMON OPEN SPACE

SUBJECT:

This text amendment would change the amount of open space required to be dedicated for cluster housing subdivisions developments in particular zoning districts.

ISSUE:

Existing subdivision ordinance requires a smaller percentage of minimum common open space in the more restrictive zoning districts where minimum lot sizes would be larger if it were not for the cluster housing special exception. For example, it requires a minimum of 10% common open space in a RS-1 district, but requires 20% open space in a RS-3 district. If this text amendment were enacted, it would reverse that scale and require a greater percentage of open space in the more restrictive districts. For example, it would require 30% open space in a RS-1 district rather than the current 10%.

BACKGROUND:

The argument has been made that the current land development code provision is a mistake resulting from a transposition of the open space percentage numbers in the table. The Planning staff is not privy to any evidence that the current code is a result of a mistake; however, it is true that in previous versions of the land development ordinance, the percentage numbers were reversed as shown on this amendment. For example, the Subdivision Ordinance dated 1986 required the dedication of 30% of a development to common open space in a RS-1 zoning district and 10% open space in a C-1 district.

DISCUSSION:

Given the lack of hard evidence that the reversal of the required cluster housing open space in the land development ordinance was made by mistake, the case for this amendment must rest on its own merits. One could argue that the current code expresses the intent of county council as written. In that case, one would require powerful reasons to recommend the reversal of the scale of open space percentages. One such argument might reason that where a zoning district (such as RS-1) would ordinarily require a larger minimum lot size, the elimination of the minimum lot size through the granting of a cluster housing special exception should be offset by a corresponding larger common open space dedication (such as 30%).

TEXT AMENDMENT

PLANNING STAFF REPORT

RECOMMENDATION:

In view of the intense discussion of the enactment of a new Land Development Ordinance now underway in County Council, and in view of the different treatment of common open space requirements and ratios expressed in that new Land Development Ordinance, staff recommends that the Planning Commission not inject amendments to the existing ordinances unless there is an imminent threat to the public health, safety or welfare.

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 22, LAND DEVELOPMENT REGULATIONS; ARTICLE V, CLUSTER HOUSING; SECTION 22-46 (C) (3), MINIMUM REQUIRED COMMON OPEN SPACE.

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

SECTION I. The Richland County Code of Ordinances, Chapter 22, Land Development Regulations; Article V, Cluster Housing; Section 22-46 (c) (3); is hereby amended to read as follows:

(3) *Minimum required common open space.*

- a. Open space is defined as that concentrated land/water area devoted to common active or passive use by all the homeowners, exclusive of parking areas, street and street rights-of-way, which is designed to meet the primary objective of supplying open space or recreational needs:

Minimum Common Open Space

<i>Zoning District</i>	<i>Percent of Land in Open Space to Total Tract Area</i>
RS-1	10% <u>30%</u>
RS-2	15% <u>25%</u>
RS-3, RG-1	20%
RG-2	25% <u>15%</u>
C-1	30% <u>10%</u>

- b. Maintenance of open space is defined as open space area designated for use by the residents of the cluster housing development as generated by the requirements in section 22-46(c)(3)(a) of this article shall be maintained in perpetuity and a document executed and recorded in the public records to that effect.

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.

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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.

RICHLAND COUNTY COUNCIL

BY: _____,
_____, 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:
First Reading:
Second Reading:
Third Reading:

**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: February 18, 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.

PROPOSED STREET NAMES	GENERAL LOCATION
Adriatic Drive	Alexander Point S/D
Alexander Point Drive	Alexander Point S/D
Alexander Point Lane	Alexander Point S/D
Arbelia Circle	Alexander Point S/D
Beaver Park Drive	Woodcreek Farms S/D
Heritage Forest Drive	Wilson Blvd near Fulmer Road
Lycia Court	Alexander Point S/D
Palmyra Court	Alexander Point S/D
Pontus Way	Alexander Point S/D
Upper Lake Drive	Woodcreek Farms S/D

APP'D SUBDIVISION NAMES	GENERAL LOCATION
Alexander Point	Rabbit Run Rd, west of Lower Richland Blvd
Baldwin Station	Future Lake Carolina S/D
Beacon Hill	Future Lake Carolina S/D
Bernhurst	Future Lake Carolina S/D
Bonnybrook	Future Lake Carolina S/D
Dockside	Future Lake Carolina S/D
Fieldcrest Acres	Future Lake Carolina S/D
Gleason Court	Future Lake Carolina S/D
Harvest Grove	Future Lake Carolina S/D
Hayden Hill	Future Lake Carolina S/D
Julesburg	Future Lake Carolina S/D
Manor Forest	Future Lake Carolina S/D
Overton	Future Lake Carolina S/D
Pebblestone	Future Lake Carolina S/D
Pellashore	Future Lake Carolina S/D
Rising Hill	Future Lake Carolina S/D
Rochester	Future Lake Carolina S/D
Sevier	Future Lake Carolina S/D
Spencer Ridge	Future Lake Carolina S/D
Spring Meadows	Future Lake Carolina S/D
Suncrest	Future Lake Carolina S/D
Treybrooke	Future Lake Carolina S/D
Willow Bay	Future Lake Carolina S/D
Willow Place	Future Lake Carolina S/D
Winston Grove	Future Lake Carolina S/D