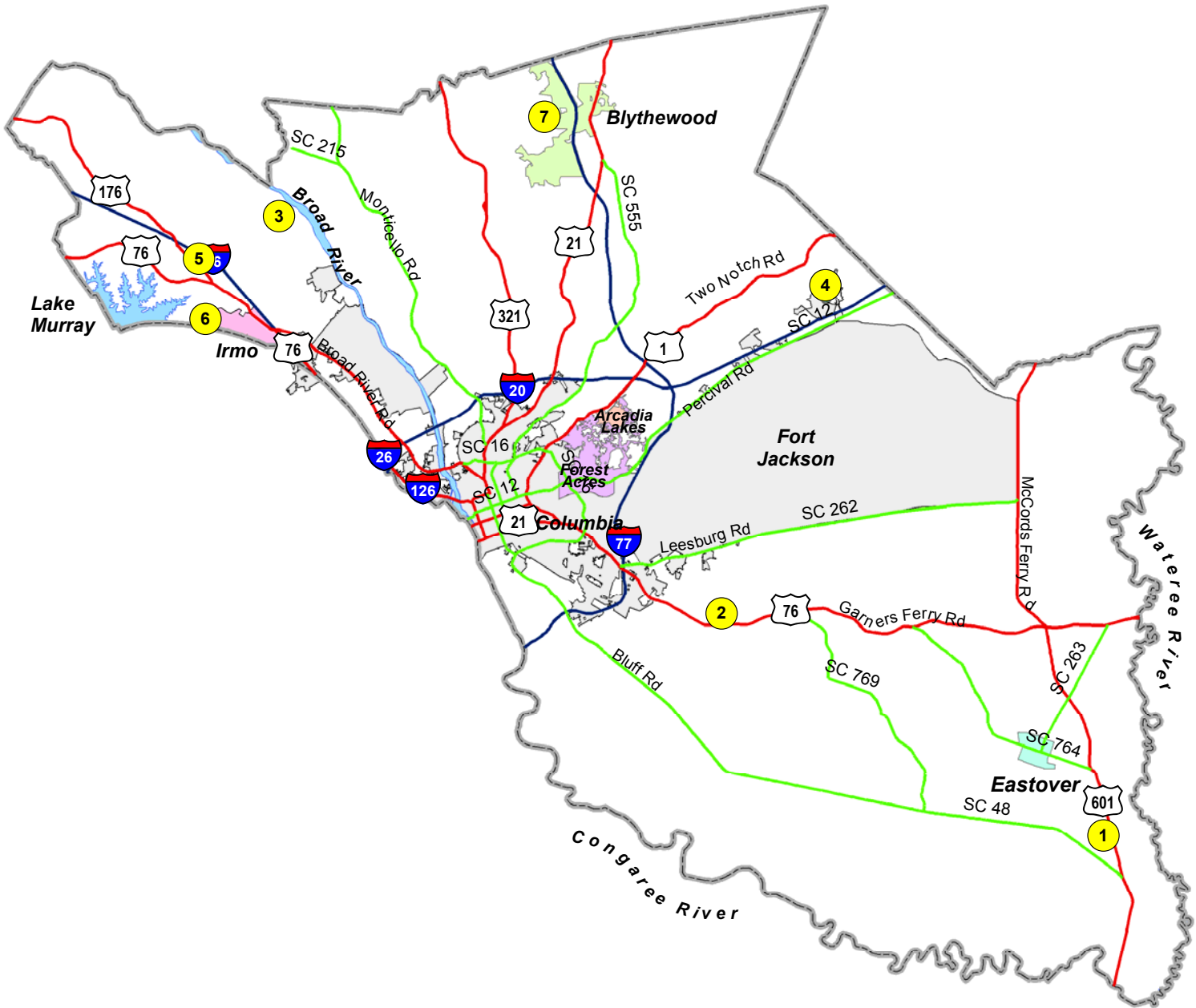


**RICHLAND COUNTY
PLANNING COMMISSION**



JULY 12, 2004

RICHLAND COUNTY PLANNING COMMISSION JULY 12, 2004



CASE NO.	APPLICANT	TMS NO.	ADDRESS	DISTRICT
1. 04-59 MA	H. Heath Hill	38800-01-06/07	NW intersection of McCords Ferry & Reynolds Rds.	Scott
2. 04-60 MA	Cynthia B. Stukes	21800-01-10	8420 Gamers Ferry Road	Mizzell
3. 04-61 MA	NKD, Inc. (Nick Leventis)	04300-04-10	Near intersection of Kennerly & O'Sheal Rds.	Corley
4. 04-62 MA	Woodcreek Development Partnership	28800-01-03/09 (p), 38900-01-15 (p), 25800-03-27, 25800-03-28 (p)	Woodcreek Farms Subdivision, Parcels A-10b, D-1, D-7, D-9, D-11 & Village	Brill
5. 04-63 MA	First Canterbury, LLC	03400-04-07	NW on US Highway 176 bounded by I-26	Corley
6. 04-64 MA	English Village Gardens	03206-01-09 (p)	1/4 Mile NW of Irmo Dr. on Dreher Shoals Rd. (SC 6)	Corley
7. 04-65 MA	Fairfield Electric	12600-03-01/02 (p)	Blythewood Rd. & Muller Rd.	Tuten

RICHLAND COUNTY PLANNING COMMISSION

Monday, July 12, 2004

Agenda

1:00 PM

STAFF: Michael P. Criss, AICP Planning Director
 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 June 7, 2004 minutes

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

IV. OLD BUSINESS

CASE #	04-58 MA (deferred from June Meeting)	Page
APPLICANT	Thom Walker	09
REQUESTED AMENDMENT	D -1 to RG-2 (21 acres)	
PURPOSE	Residential Subdivision	
TAX MAP SHEET NUMBER (S)	17623-02-08 (p)	
LOCATION	Longtown West Rd Behind the Tennis Center	

V. NEW BUSINESS - SUBDIVISION REVIEW

PROJECT #	NAME	LOCATION	UNITS	Page
SD-04-268	Voltz Minor S/D	Garners Ferry Road TMS # 16314-03-08/14	3	19
SD-04-259	Clemson Road Office Park	South Side of Clemson Rd TMS # 20200-04-02	8	29
SD-04-302	Frownfelter Minor S/D	Next to Caedmons Creek S/D TMS # 03300-03-31	7	38

PROJECT #	NAME	LOCATION	UNITS	Page
SD-04-306	Jim Judy Minor S/D	Sunbelt Drive TMS # 09409-01-22	3	47

VI. NEW BUSINESS - ZONING MAP AMENDMENTS

(Map Number) CASE #	(1) 04-59 MA	Page
APPLICANT	H. Heath Hill	57
REQUESTED AMENDMENT	RU to M-2 (59.50 acres)	
PURPOSE	Construction Site	
TAX MAP SHEET NUMBER (S)	38800-01-06/07	
LOCATION	NW of intersection of McCords Ferry Road (Hwy. 601) & Reynolds Road	

(Map Number) CASE #	(2) 04-60 MA	Page
APPLICANT	Cynthia B. Stukes	67
REQUESTED AMENDMENT	D-1 to C-3 (3.45 acres)	
PURPOSE	Accounting office, boutique, restaurant	
TAX MAP SHEET NUMBER (S)	21800-01-10	
LOCATION	8420 Garners Ferry Road	

(Map Number) CASE #	(3) 04-61 MA	Page
APPLICANT	NKD, Inc. (Nick Leventis)	77
REQUESTED AMENDMENT	RU to RS-1 (101.61 acres)	
PURPOSE	Single family residential	
TAX MAP SHEET NUMBER (S)	04300-04-10	
LOCATION	Near intersection of Kennerly & O'Sheal Rd.	

(Map Number) CASE #	(4) 04-62 MA	Page
APPLICANT	Woodcreek Development Partnership	87
REQUESTED AMENDMENT	Minor PUD Amendment (248 acres)	
PURPOSE	To vary density and uses	
TAX MAP SHEET NUMBER (S)	28800-01-03/09 (p), 28900-01-15 (p), 25800-03-28 (p), 25800-03-27	
LOCATION	Woodcreek Farms S/D, Parcels D-1, D-7, D-9, D-11; Village Parcel B-5, Parcel A-10b	

(Map Number) CASE #	(5) 04-63 MA	Page
APPLICANT	First Canterbury, LLC	91
REQUESTED AMENDMENT	RU to PUD-1R (28.9 acres)	
PURPOSE	Single family residential neighborhood	
TAX MAP SHEET NUMBER (S)	03400-04-07	
LOCATION	NW on Hwy 176 bounded by I-26	

(Map Number) CASE #	(6) 04-64 MA	Page
APPLICANT	English Village Gardens	105
REQUESTED AMENDMENT	RU to PUD-1R (30 acres)	
PURPOSE	Single family residential S/D & Retail	
TAX MAP SHEET NUMBER (S)	03206-01-09 (p)	
LOCATION	¼ mile NW of Irmo Dr. on Dreher Shoals Road (Hwy. 6)	

(Map Number) CASE #	(7) 04-65 MA	Page
APPLICANT	Fairfield Electric	119
REQUESTED AMENDMENT	RU to PDD (19.2 acres)	
PURPOSE	Office Bldg, Warehouse & Outdoor Storage	
TAX MAP SHEET NUMBER (S)	12600-03-01/02	
LOCATION	Blythewood Rd & Muller Rd	

VII. ROAD NAME APPROVALS

- a. New Road Name Approvals 133

VIII. OTHER BUSINESS

- a. Further Consideration of the Revisions to the Rules of Procedure
- b. Tattoo text change - Deferred to Sept. 13, 2004

IX. PLANNING DIRECTOR'S REPORT

X. ADJOURNMENT

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

June 7, 2004

RC Project # 04-58 MA	Applicant: Landev Investments
General Location: Longtown Road West beside and behind Plantation Tennis & Swim Club	
Tax Map Number: 17613-02-08 (p)	Subject Area: 21.57 ac MOL
Current Parcel Zoning: D-1	Proposed Parcel Zoning: RG-2
Proposed Use: Multi-family residential	PC Sign Posting Date: May 17, 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 multi-family residential dwelling units

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	D-1	Undeveloped woodlands
Adjacent North	D-1	Plantation Tennis & Swim Club
Adjacent East	D-1	Estate size single family residences
Adjacent South	PUD	Longtown Estates (Mungo Development) Proposed single family residences
Adjacent West	PUD	Longtown Estates (Mungo Development) Proposed 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>D-1 Zoning Designation Intent</u> Intended to provide for large tracts of land located primarily on the fringe of urban growth where the predominant character of urban development has not yet been fully established, but where the current characteristics of use are predominantly residential, agricultural, or semi-developed, with scattered related uses.</p>	<p><u>Proposed RG-2 Zoning Designation Intent</u> Intended as medium and high density residential areas permitting progressively higher population densities, characterized by single family detached, two family detached, multiple family structures, garden-type apartments, and high rise apartments</p>
<p><u>Existing D-1 Zoning Permitted Uses</u> Agriculture, horticulture, animal husbandry, forestry Single family detached dwellings Parks, playgrounds, playfields Places of worship Elementary schools and high schools</p>	<p><u>Proposed RG-2 Zoning Permitted Uses</u> Single family detached dwellings Two family detached dwellings Multiple family dwellings Cluster housing developments Parallel zero lot line dwelling units Common zero lot line dwelling units</p>

The land uses above represent a summary of the permitted uses in Chapter 26-62 and Chapter 26-64, respectively of the County Code. Some Special Exception uses are also possible.

The site is bounded by proposed single family residences to the west and south and existing estate size single family residences to the east. The Plantation Tennis and Swim Club is located to the north. The site is not compatible with the existing and proposed 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	Longtown Road via Longtown West Rd.	
Functional Classification Of This Roadway	Two lane undivided collector	
Level-Of-Service C Design Capacity (V/C = 1.00)	8600	
Estimated Traffic Generated By The Proposed Project	1604	
Current Volume At The Nearest Count Station # 178 Located @ southeast of site on Longtown Road	4000	
Estimated Traffic Count With the Proposed Project	5604	
Volume-To-Capacity Ratio With The Proposed Project	0.65	

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 Low Rise Apartment found on page 9 of the Addendum To The Long Range Major Street Plan for Richland County times the number of allowable units based on total acreage minus 35% for infrastructure. This does not take into account the possibility of additional units due to multi-level buildings.

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 would not result in the LOS C design capacity of Longtown Road being exceeded. However, it does not take into account the recently approved development directly to the north on Longtown West that is estimated to generate approximately 3943 daily trips or the traffic impact as residents begin to occupy the 2000+ unit Villages at Longtown Development. Including the aforementioned project (not including the “Villages”), the LOS C design capacity of Longtown Road **will be increased** to a LOS D design capacity with a volume to capacity ratio of **1.11**.

Fire Service Impacts

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

Relationship To Comprehensive Plan

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

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

The Proposed Land Use Element Map (Map) of the I-77 Corridor Subarea Plan was amended on May 3, 1999 as part of the Plan adoption process. The Map designates most of the subject area as High Density Residential in a Developing Urban District. The proposed Zoning Map Amendment **is consistent** with the High Density Residential land use designation.

The existing D-1 zoning is NOT consistent with the Map designation as required by state statutes. The zoning should be RS-2, RS-3, RG-1, RG-2, PUD or PDD to be consistent with the High Density land use designation.

The I-77 Corridor Subarea Plan, adopted in April 1994, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 31 and 39 respectively, are discussed below:

Objective – Attract quality residential development in the area by restricting uses which would compromise the area’s residential qualities.

The site is surrounded by proposed single family residences and existing estate size single family residences. The proposed multi-family project would be located adjacent to the existing and proposed single family dwellings. 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. High Density (9 dwellings/acre or greater) : RS-3, RG-1, RG-2, PUD-1, PUD-2 & PDD.

The proposed multi family development will consist of a minimum of 243 units, approximately 15 DU/acre. The site is approximately split between designations of High and Medium Density Residential. The proposed Amendment **does not implement** the portion of the Principle regarding Medium Density Residential. The proposed Amendment **does implement** the portion of the Principle regarding High Density Residential.

Other Relevant Issues

None

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDSD) recommends the Official Zoning Map designation for the parcels included in Project # 04-58 MA **not be changed** from D-1 to RG-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 and proposed land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Longtown Road at this location **will not be exceeded at this time.**
4. The proposed Amendment **is consistent with the Proposed Land Use Map** designation in the I-77 Corridor Subarea Plan.
5. The proposed Zoning Map Amendment **is not consistent** with the Objectives of the I-77 Corridor Subarea Plan discussed herein.

6. The proposed Zoning Map Amendment **is not consistent** with the portion of the Principle of the I-77 Corridor 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 I-77 Corridor Subarea Plan should be amended, via the formal land use ordinance adoption process, to change the land use designation for the subject site to a High Density Residential zoned district.
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.

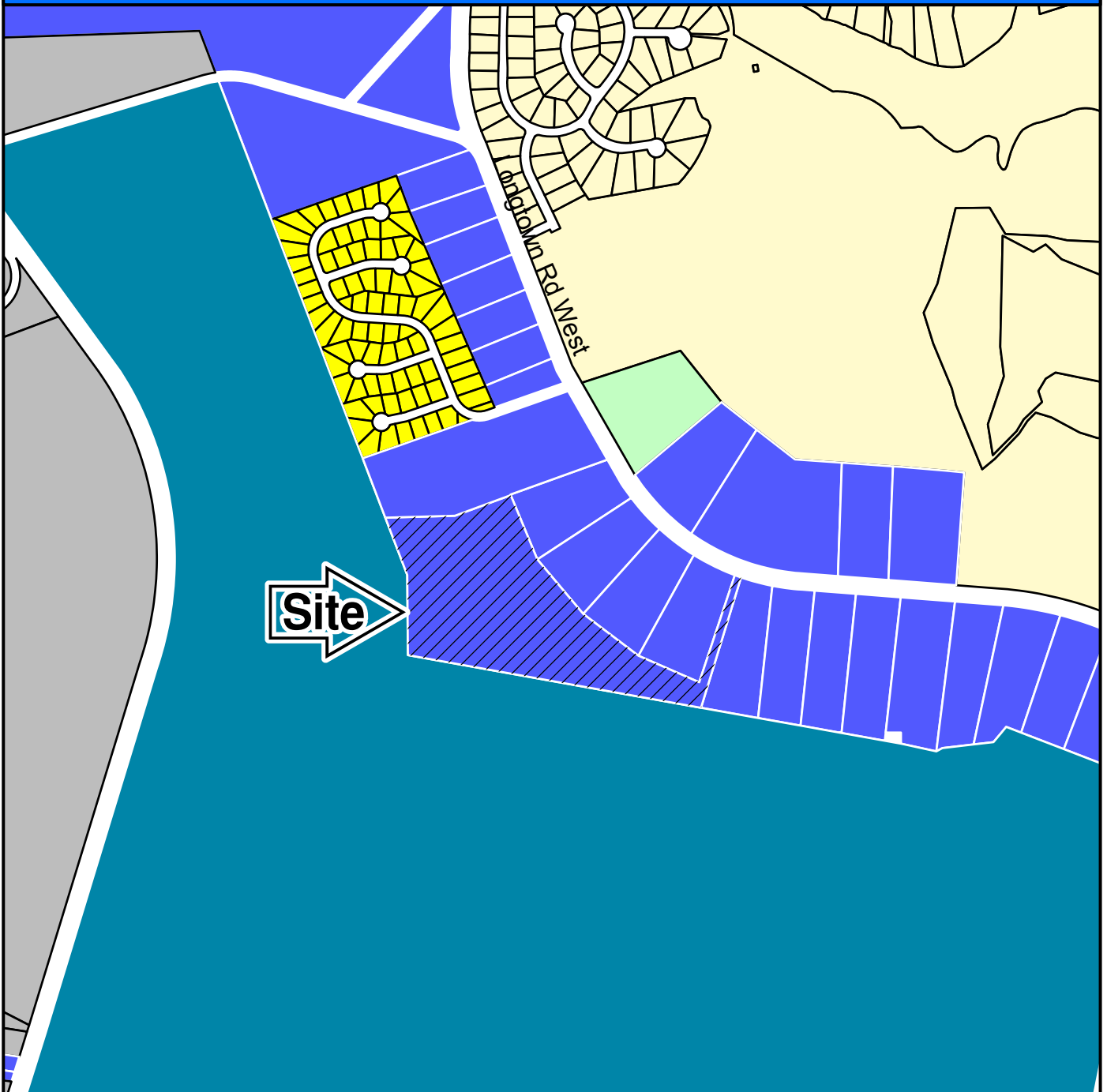
At their meeting of June 7, 2004, the Richland County Planning Commission agreed (did not agree) with the PDSO recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 04-58 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 # 04-58 MA, the Planning Commission made the findings of fact summarized below:

CASE 04-58 MA D-1 to RG-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 04-58 MA
D-1 to RG-2
TMS 17613-02-08

Site →



CASE 04-58 MA FROM D-1 to RG-2

TMS# 17613-02-08 Longtown Rd. West Behind the Tennis Center



Looking at site from Tennis Center swimming pool



Looking at site from Longtown Rd. West

Exhibit A
Case 04-58 MA

Legal Description of The Racket Club at Long Creek

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

“All that certain piece, parcel or tract of land, together with any improvements thereon, situate lying and being in the Long Creek subdivision of the County of Richland and State of South Carolina containing 21.457 acres and being described as follows: Commencing on a pin located at the right of way of the southern boundary of Longtown Road West, a state road, and running in a southerly direction for a distance of approximately 550 feet, as shown on a sketch as herein referred to and thence running in a westerly direction for a distance of 369.35 feet, thence turning in a more northwesterly direction and running for a distance of approximately 384.21 feet, thence turning and running again in a more northwesterly direction for a distance of approximately 371.84 feet, thence turning and running in a more north westerly direction for a distance of 390.45 feet, thence turning in a westerly direction for a distance of 301.41 feet, and then turning in a more northwesterly direction for a distance of 331.65 feet to the property line of Brickyard-Longtown, LLC, thence turning in a southerly direction for a distance of 712.61 feet along the Brickyard-Longtown, LLC, boundary line, thence turning in a easterly direction for a distance of 978.68 feet, thence turning in a northerly direction for a distance of 685.56 feet to the southern boundary of Longtown Rd. West and thence turning in a westerly direction for a distance of 50 feet along the Longtown Road West southern right of way line to the point of beginning. This being the same tract of land shaded and referenced on a sketch plan provided by American Engineering Consultants, Inc., and dated 5/3/04. Said sketch is attached hereto.”

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

July 12, 2004

Applicant: Brock Design Group		Minor Subdivision Plans For: Voltz S/D	
RC Project # : SD-04-268			
General Location: South side Garners Ferry Road, 1/4 mile west of Hazelwood Rd			
Tax Map Number: 16814-03-08/14		Current Zoning: C-3	
Subject Area: 4.6 acres	Number of Units: 3	Gross Density: NAP	
Sewer Service Provider: City of Columbia		Water Service Provider: City of Columbia	

SECTION I – ANALYSIS

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

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

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

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

Traffic Impact Discussion

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

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

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

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 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	Garners Ferry road	
Functional Classification Of This Roadway	Four Lane Divided Principal Arterial	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	33,600	
Estimated Traffic Generated By The Proposed Project	1896	
Current Volume At The Nearest Count Station # 167 Located @ Fountain Lake Road	34,100	
Estimated Traffic Count With the Proposed Project	35,996	
Volume-To-Capacity Ratio With The Proposed Project	1.05	

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 multiplying the traffic generation rate for a fast food restaurant (632 trips /100 square feet of floor area) found on page 1306 of the ITE Trip Generation Manual, 5th Edition times an assumed floor area of 3000 sq. ft. or a total of 1896 trips – the land use for the remaining portion of the site is unknown

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

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity 35,996.

The proposed project will not result in the LOS C being exceeded at SCDOT count station 167. The addition traffic generated by the remainder of the site will not result in a significant increase in traffic on this portion of Garners Ferry 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	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 site slopes downward to the south away from the Road. There are several large hardwood trees on the site. Water and sewer service from the City of Columbia is available to the site.

Compatibility with the Surrounding Area

There is an apartment community adjacent to the south side of the site. A variety of general commercial activities are across Garners Ferry Road from the site. The proposed project is compatible with the development in the adjacent area.

Discussion of Applicable Comprehensive Plan Issues

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

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

In addition to reviewing proposed project for consistency with the appropriate Subarea Proposed Land Use Map, it is the Department’s position that the development policies found in the Subarea Plans, must be analyzed to determine if the proposed project furthers the Objectives and Recommendations of the Comprehensive Plan. The Lower Richland Subarea Plan, adopted in

January 1992, contains policy guidance that is relevant to the subject subdivision. The relevant Objectives and Principles, found on pages 33 and 40 respectively, are discussed below:

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

There are other commercial facilities in the area and the site is adjacent to an apartment community on the south side of the site. The proposed project implements this Objective.

Principle – Sites located on the fringe of residential areas which do not encroach or penetrate established neighborhoods and are in keeping with the general character of the area

See the comments above. This project implements this Principle.

Other Pertinent Factors

- 1) As of June 21, 2004, the Public Works Dept. had not approved the stormwater management plans.
- 2) As of June 21, 2004, approval of the flood elevation statement had not been received.
- 3) The County Fire Marshal commented that adequate access must be provided for lot 3.
- 4) As of June 21, 2004, the City of Columbia had not approved the water and sewer line construction plans.

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 3 lot commercial subdivision, known as Voltz subdivision (Project # SD-04-268). **The preliminary plans are not officially approved until there is substantial compliance with all relevant requirements of the Richland County Code of Ordinances and the Specific Conditions identified below:**

Findings of Fact

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

Specific Conditions

- a) The Planning Dept. must issue a Land Disturbance Permit **PRIOR to any land clearing activity being initiated; 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) Plats shall not be approved for recording until the Department receives the City of Columbia approval the water and sewer line easement documents, if applicable; **and**
- e) Chapter 22-70 (c) of the County Code prohibits the County from issuing a Building Permit for the subject structures until the Department receives a copy of the **recorded** Final Plat.

SECTION III – COMMISSION RECONSIDERATION & APPEAL

Reconsideration

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

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

Appeal

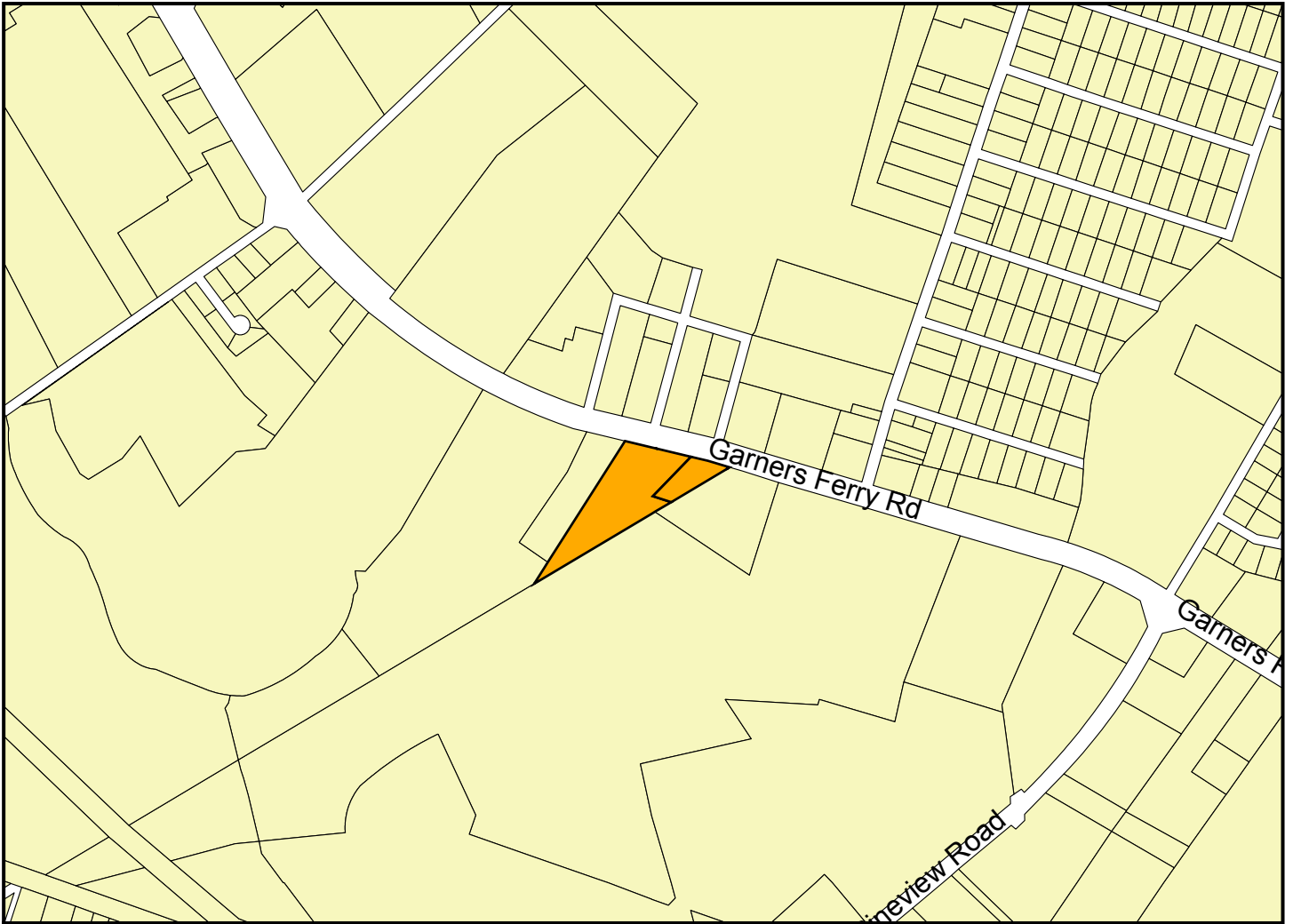
Article V of the Planning Commission's Rules of Procedure provides that upon completion of the Commission's final action on any matter, the only way to appeal a Commission's decision is to the Circuit Court. An appeal, in the manner and form established by the Court, must be filed within 30 days of receipt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

SD 04-268
VOLTZ MINOR S/D
TMS 16314-03-08/14

Site →



SD 04-268 VOLTZ MINOR S/D



Looking at site from across Garners Ferry Rd

Looking across Garners Ferry Rd from site

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

July 12, 2004

Applicant: SB Communities II, LLC		Preliminary Subdivision Plans For: Clemson Road Office Park (commercial S/D)	
RC Project # : SD-04-259			
General Location: South side of Clemson Rd across from Winslow S/D			
Tax Map Number: 20200-04-02/04/05		Current Zoning: PUD	
Subject Area: 12.5 acres	Number of Units: 8	Gross Density: NAp	
Sewer Service Provider: City of Columbia		Water Service Provider: City of Columbia	

SECTION I – ANALYSIS

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

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

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

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

Traffic Impact Discussion

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

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

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

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 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 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	2438	
Current Volume At The Nearest Count Station # 442 Located @ 1/4 mile west of the site	8900	
Estimated Traffic Count With the Proposed Project	11,338	
Volume-To-Capacity Ratio With The Proposed Project	0.52	

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 for an office park (195 trips per acre) on page 1051 of the ITE Traffic Generation Manual 5th Edition times the number of acres (12.5 acres)

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

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

The proposed project, by itself, will not result in the LOS C being exceeded at SCDOT count station 442.

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	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 site slopes downward to the south away from the Clemson Road. The project is adjacent to the Barton Creek floodplain. All of the parcels are above the 100-year flood elevation.

Compatibility with the Surrounding Area

The project is a portion of the Hester Woods/Killian Station PUD

Discussion of Applicable Comprehensive Plan Issues

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

The subject site is designated as Medium Density Residential on the I-77 Corridor Subarea Plan Proposed Land Use Map. The proposed project is not consistent with this land use designation, but is consistent with the approved PUD plan..

In addition to reviewing proposed project for consistency with the appropriate Subarea Proposed Land Use Map, it is the Department’s position that the development policies found in the Subarea Plans, must be analyzed to determine if the proposed project furthers the Objectives and Recommendations of the Comprehensive Plan. The 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 39 respectively, are discussed below:

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

The commercial area was established in the Hester Woods/Killian Station PUD Development Plan enacted by Ordinance # 060-03 HR on October 21, 2003. The proposed project implements this Objective.

Principle – None Applicable

Other Pertinent Factors

- 1) As of June 21, 2004, the Public Works Dept. had not approved the stormwater management plans.
- 2) The Flood Hazard Coordinator commented that the applicant needs to supply a copy of the US Corps of Engineers wetlands approval letter.
- 3) The County Fire Marshal approved the plans and commented that the minimum radius of the cul-de-sac should be 45 feet.
- 4) As of June 21, 2004, the City of Columbia had not approved the water and sewer line construction plans.
- 5) As of June 21, 2004, DHEC had not issued a sewer line construction permit.
- 6) As of June 21, 2004, DHEC had not issued a water line construction permit.
- 7) As of June 21, 2004, the E-911 Coordinator had not certified Planning Commission approval of the proposed street names.

The Department believes that a potential safety hazard exists when subdivision lots have double frontage, i.e., access to both the interior streets and the adjacent roadways. Therefore in order to promote adequate pedestrian and vehicular safety in subdivisions as required by state law, it is necessary to ensure such lots have access only from the interior streets.

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 an 8 parcel subdivision, known as Clemson Road Office Park (Project # SD-04-259). **The preliminary plans are not officially approved until there is substantial compliance with all relevant requirements of the Richland County Code of Ordinances and the Specific Conditions identified below:**

Findings of Fact

1. The traffic generated by the proposed subdivision, by itself, will not result in the adjacent portion of Clemson 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-77 Corridor Subarea Plan Map land use designation, but is consistent with the approved PUD Development Plan.
4. The proposed project implements the relevant Objectives and Recommendations of the I-77 Corridor Subarea Plan.

Specific Conditions

- a) The Planning Dept. must issue a Land Disturbance Permit **PRIOR to any land clearing activity being initiated; 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 and sewer 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) The developer shall install a fence, wall, landscape berm, or combination thereof, to prohibit direct access to Clemson Road from lots 1 and 8; **and**
- i) **No building permits shall be issued until all of the conditions cited above are met; and**
- j) Plats shall not be approved for recording until the Department receives the City of Columbia approval the water and sewer line easement documents; **and**
- k) The Department of Public Works must approve the bond documents prior to a bonded plat being approved for recording; **and**
- l) 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**
- m) A Final Plat can not be approved by the Department until **(1)** the City of Columbia approves the water and sewer line easement deeds **AND (2)** the County accepts the roads for maintenance.

SECTION III – COMMISSION RECONSIDERATION & APPEAL

Reconsideration

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

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

Appeal

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

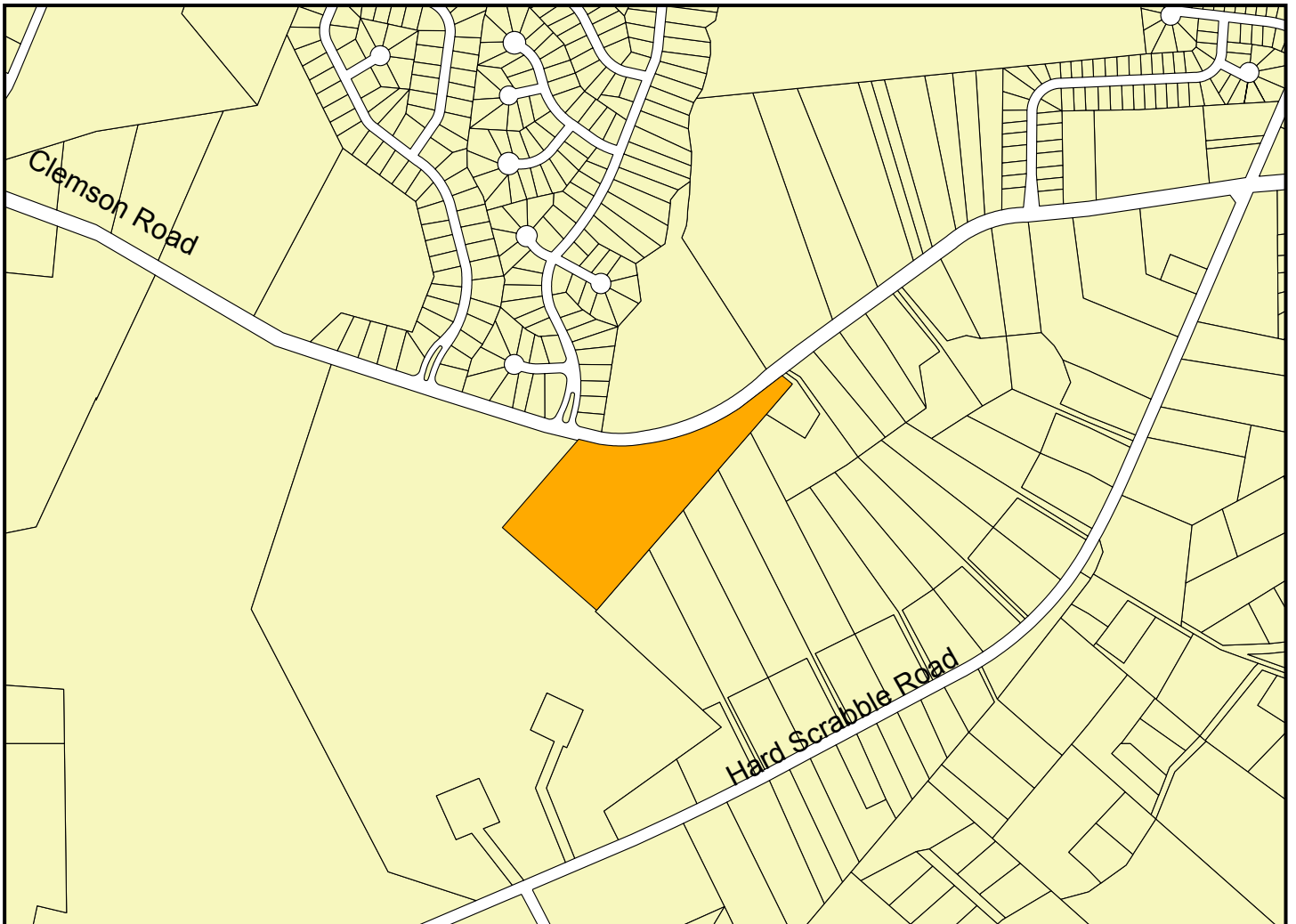
SD 04-259
CLEMSON ROAD OFFICE PARK
TMS 20200-04-02

Site →



SD 04-259

CLEMSON ROAD OFFICE PARK



Looking at site entrance



Looking west on Clemson Road

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

July 12, 2004

Applicant: Terry Frownfelter		Preliminary Subdivision Plans For: Frownfelter Minor S/D	
RC Project # : SD-04-302			
General Location: Adjacent to Caedmons Creek S/D on Broad River Rd			
Tax Map Number: 03300-03-13		Current Zoning: RU	
Subject Area: 12.4 acres	Number of Units: 7	Gross Density: 1.8 DU/acre	
Sewer Service Provider: Septic Tanks		Water Service Provider: Private Wells	

SECTION I – ANALYSIS

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

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

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

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

Traffic Impact Discussion

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

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

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

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 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	67	
Current Volume At The Nearest Count Station # 147 Located @ 1/2 mile east of the site	15400	
Estimated Traffic Count With the Proposed Project	15467	
Volume-To-Capacity Ratio With The Proposed Project	1.80	

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 25, 2004 and represent the Annual Average Daily Trips in 2003, i.e. **they are already more than one year old.**

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

The proposed project does create any significant amount of traffic on Broad River Road. Broad River Rd in this location is already operating at the LOS F.

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

There is an existing residence and a pond on the site. The site slopes downward toward the north side of the site and is heavily wooded. Caedmons Creek subdivision is adjacent to the site on the north and east.

Compatibility with the Surrounding Area

There a few residences on long narrow lots west of the site. The project is compatible with the development in the surrounding area.

Discussion of Applicable Comprehensive Plan Issues

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

The subject site is designated as Medium/Low Density Residential on the Northwest Subarea Plan Proposed Land Use Map. The proposed project **is not consistent** with this land use designation because the 1.8 DU/acre density is below the 3.0 to 5.0 DU/acre density range in the Medium/Low Density Residential category.

In addition to reviewing proposed project for consistency with the appropriate Subarea Proposed Land Use Map, it is the Department’s position that the development policies found in the Subarea Plans, must be analyzed to determine if the proposed project furthers the Objectives and

Recommendations of the Comprehensive Plan. The 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 30 respectively, are discussed below:

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

The proposed project will have large lots designed to take advantage of the topography and soil conditions. The proposed project implements this Objective.

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

The proposed residential subdivision will prevent more intensive uses from using the property adjacent to the Caedmons Creek project. This project implements this Principle.

Other Pertinent Factors

- 1) The Public Works Dept. commented that no alteration of the existing stormwater flows may occur without approval of the Public Works Dept.
- 2) The Flood Hazard Coordinator has commented that flood elevation data must be submitted for review and approval.
- 3) As of June 21, 2004, the County Fire Marshal had not provided comments.
- 4) As of June 21, 2004, the E-911 Coordinator had not certified Planning Commission approval of the proposed street names.

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 7 unit single family detached subdivision, known as Frownfelter Minor (Project # SD-04-302). **The preliminary plans are not officially approved until there is substantial compliance with all relevant requirements of the Richland County Code of Ordinances and the Specific Conditions identified below:**

Findings of Fact

1. Broad River Road in this location is already operating at a LOS F.
2. The proposed subdivision is compatible with existing development in the area.
3. The proposed project **is not consistent** with the Northwest Subarea Plan Map land use designation.
4. The proposed project implements (does not implement) the relevant Objectives and Recommendations of the Northwest Subarea Plan.

Specific Conditions

- a) The Planning Dept. must issue a Land Disturbance Permit **PRIOR to any land clearing activity being initiated; 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) No building permits shall be issued until all of the conditions cited above are met; and
- g) 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:

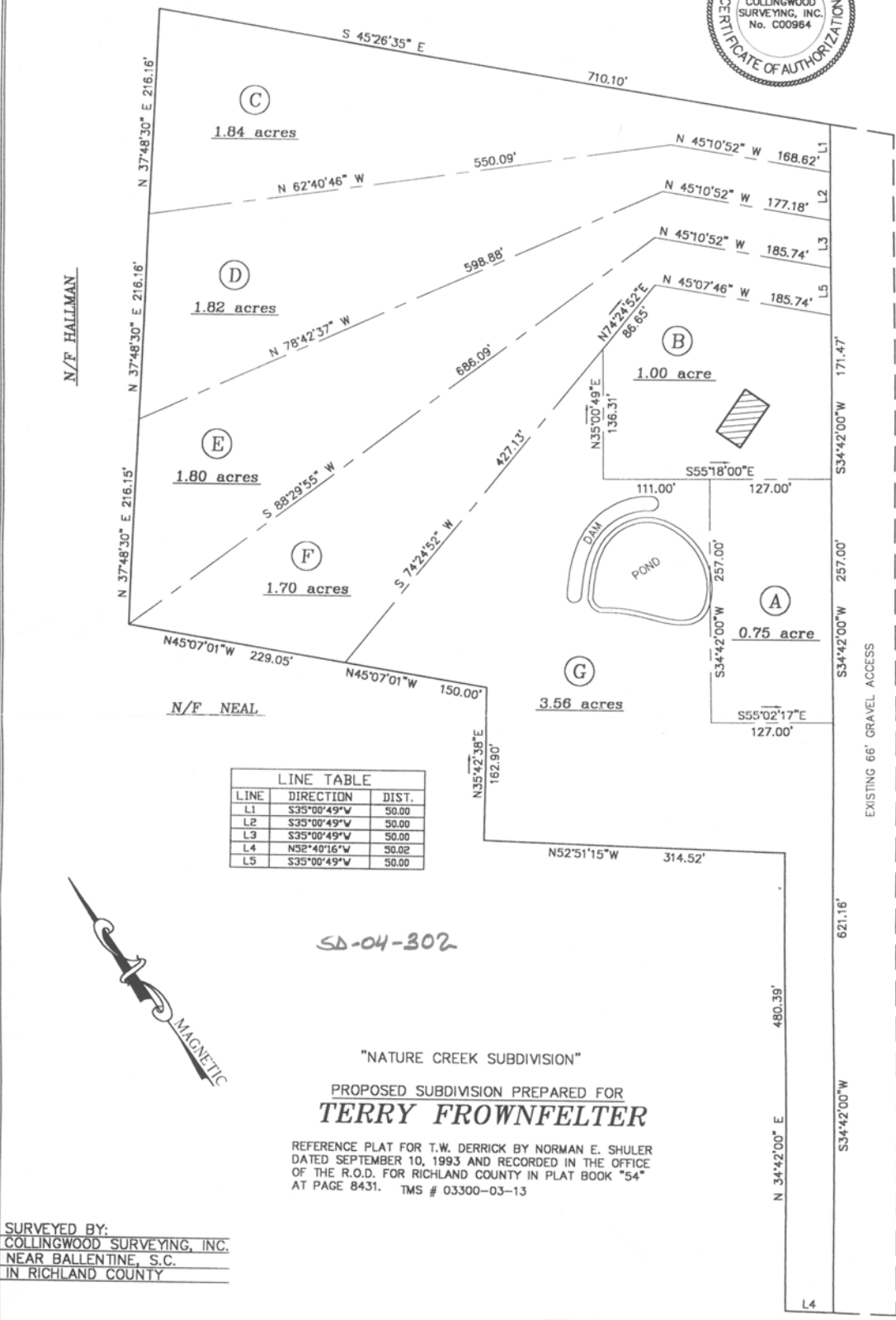
- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map 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 B SD 04-302

N/F QUAIL RIDGE LAND CO.



LINE TABLE		
LINE	DIRECTION	DIST.
L1	S35°00'49"W	50.00
L2	S35°00'49"W	50.00
L3	S35°00'49"W	50.00
L4	N52°40'16"W	50.02
L5	S35°00'49"W	50.00

SD-04-302



"NATURE CREEK SUBDIVISION"
PROPOSED SUBDIVISION PREPARED FOR
TERRY FROWNELTER

REFERENCE PLAT FOR T.W. DERRICK BY NORMAN E. SHULER
DATED SEPTEMBER 10, 1993 AND RECORDED IN THE OFFICE
OF THE R.O.D. FOR RICHLAND COUNTY IN PLAT BOOK "54"
AT PAGE 8431. TMS # 03300-03-13

SURVEYED BY:
COLLINGWOOD SURVEYING, INC.
NEAR BALLENTINE, S.C.
IN RICHLAND COUNTY

BROAD RIVER ROAD



MAY 25 2004

DWG: D.BOLAND	SCALE: 1" = 100'
CKD:	
JOB: FROWNELTER	MAY 21, 2004

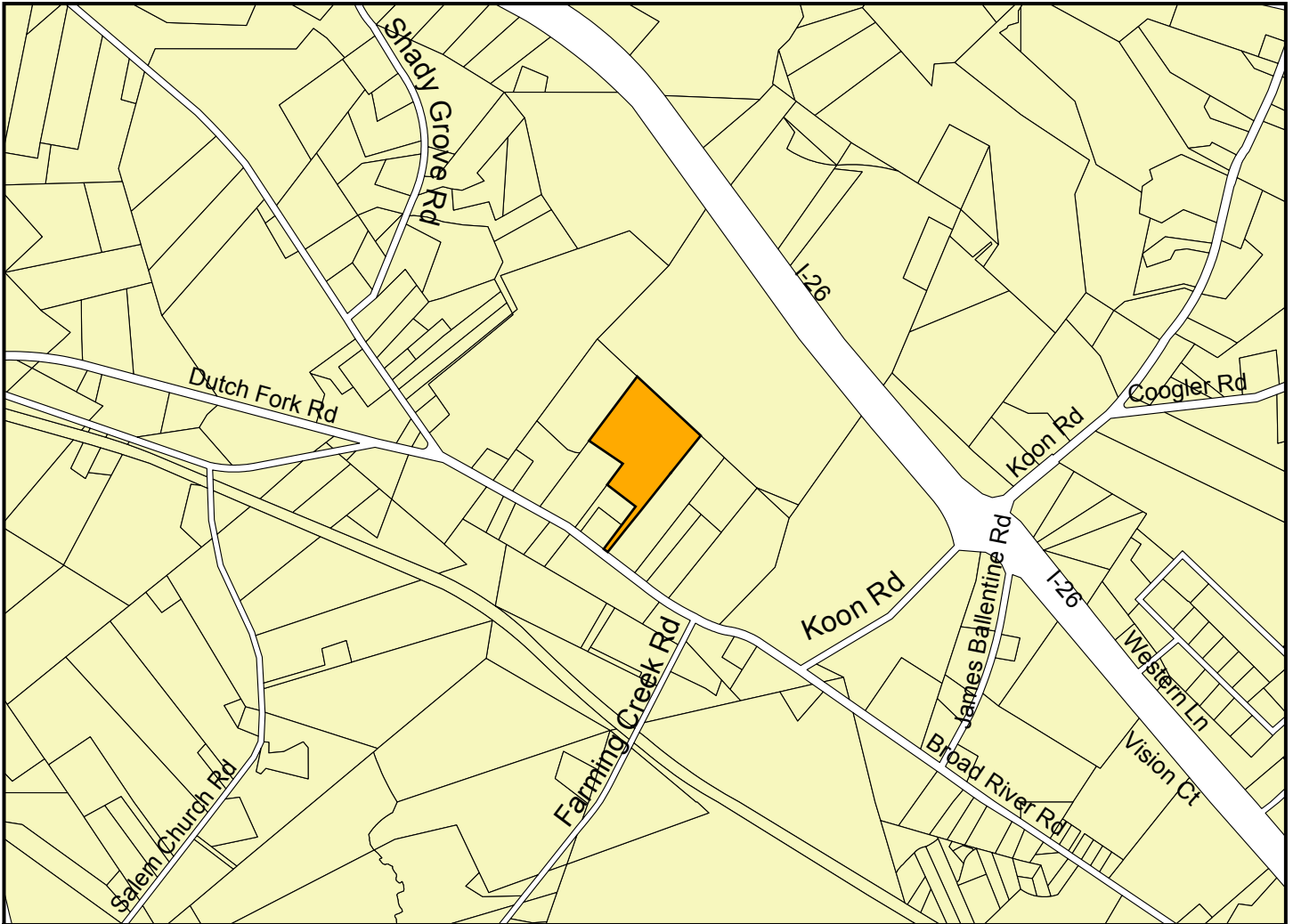
S.C. REGISTERED SURVEYOR No. 2318	P.O. BOX 3053 W. COLUMBIA, S.C. 29171
TELE. No. (803) 796-3916 / SCSURVEYOR2318@AOL.COM	

SD 04-302
FROWNFEILER MINOR S/D
TMS 20200-04-02



SD 04-302

FROWNELTER MINOR S/D



Looking at interior site



Looking at entrance from across Broad River Rd

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

July 12, 2004

Applicant: Jim Judy		Minor Subdivision Plans For: Jim Judy Minor Industrial S/D	
RC Project # : SD-04-306			
General Location: Sunbelt Circle, North Side I-20, ¼ mile East of Monticello Rd			
Tax Map Number: 09409-01-22			Current Zoning: M-1
Subject Area: 12.1 acres	Number of Units: 3	Gross Density: NAP	
Sewer Service Provider: City of Columbia		Water Service Provider: City of Columbia	

SECTION I – ANALYSIS

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

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

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

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

Traffic Impact Discussion

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

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

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

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 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	Monticello Road	
Functional Classification Of This Roadway	Four Lane Undivided Principal Arterial	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	33,600	
Estimated Traffic Generated By The Proposed Project	627	
Current Volume At The Nearest Count Station # 247 Located @	11,200	
Estimated Traffic Count With the Proposed Project	11,827	
Volume-To-Capacity Ratio With The Proposed Project	0.35	

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 page 108 of the ITE Trip Generation Manual, 6th Edition for a light industrial park (51.8 trips/acre or 637 ADTs)

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

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

The proposed project will not result in the LOS C being exceeded at SCDOT count station 247.

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	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 site is at the end of a cul-de-sac, i.e., Sunbelt Circle. The subject site is very low and is bordered by a dike along Cedar Creek on the west side.

Compatibility with the Surrounding Area

The adjacent area is occupied by various types of light industrial land uses. The proposed project is compatible with the adjacent development.

Discussion of Applicable Comprehensive Plan Issues

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

The subject site is designated as Light Industrial on the North Central Subarea Plan Proposed Land Use Map. The proposed project is consistent with this land use designation.

In addition to reviewing proposed project for consistency with the appropriate Subarea Proposed Land Use Map, it is the Department’s position that the development policies found in the Subarea Plans, must be analyzed to determine if the proposed project furthers the Objectives and Recommendations of the Comprehensive Plan. The North Central Subarea Plan, adopted in November 1992, contains policy guidance that is relevant to the subject subdivision. The relevant Objectives and Principles, found on pages 26 and ?? respectively, are discussed below:

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

The proposed project will facilitate additional light industrial development in the area. The proposed project implements this Objective.

Principle – In general, the land currently zoned light or heavy industrial is sufficient to the Plan area’s needs and that any new uses be limited to those areas represented on the Proposed Land Use Map

The subject site is correctly zoned M-1 for the proposed light industrial development. This project implements this Principle.

Other Pertinent Factors

- 1) As of June 21, 2004, the Public Works Dept. had not approved the stormwater management plans.
- 2) The flood elevation statement was approved on June 1, 2004
- 3) The County Fire Marshal approved the plans on June 9, 2004.
- 4) As of June 21, 2004, the City of Columbia had not approved the water and sewer line construction plans.
- 5) As of June 21, 2004, DHEC had not issued a sewer line construction permit.
- 6) As of June 21, 2004, DHEC had not issued a water line construction permit.

Landscaping and site plan review

SECTION II – STAFF RECOMMENDATION

Based on the findings of fact summarized below, the Planning and Development Services Department (PDS) recommends conditional approval of the minor subdivision plans for a 3 parcel light industrial subdivision, known as Jim Judy Minor S/D (Project # SD-04-306). **The preliminary plans are not officially approved until there is substantial compliance with all relevant requirements of the Richland County Code of Ordinances and the Specific Conditions identified below:**

Findings of Fact

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

Specific Conditions

- a) The Planning Dept. must issue a Land Disturbance Permit **PRIOR to any land clearing activity being initiated; and**
- b) The Department of Public Works must approve the stormwater management plans; **and**

- c) The City of Columbia must approve the water and sewer line construction plans, if applicable; **and**
- d) DHEC must issue the sewer line construction permits, if applicable; **and**
- e) DHEC must issue the water line construction permits, if applicable; **and**
- f) 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**
- g) A Final Plat can not be approved by the Department until **(1)** the City of Columbia approves the water and sewer line easement deeds **AND (2)** the County accepts the roads for maintenance; **and**
- h) 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.
- i) Landscaping & site palm review

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 B SD 04-306

540 ST. ANDREWS ROAD, COLUMBIA, SC 29210 ■ (803)770-9142

ROLAND COUNTY near COLUMBIA, SOUTH CAROLINA

James C. Judy

PLAT PREPARED FOR

UNITED DESIGN SERVICES, INC. LAND SURVEYING SERVICES

MAG NORTH

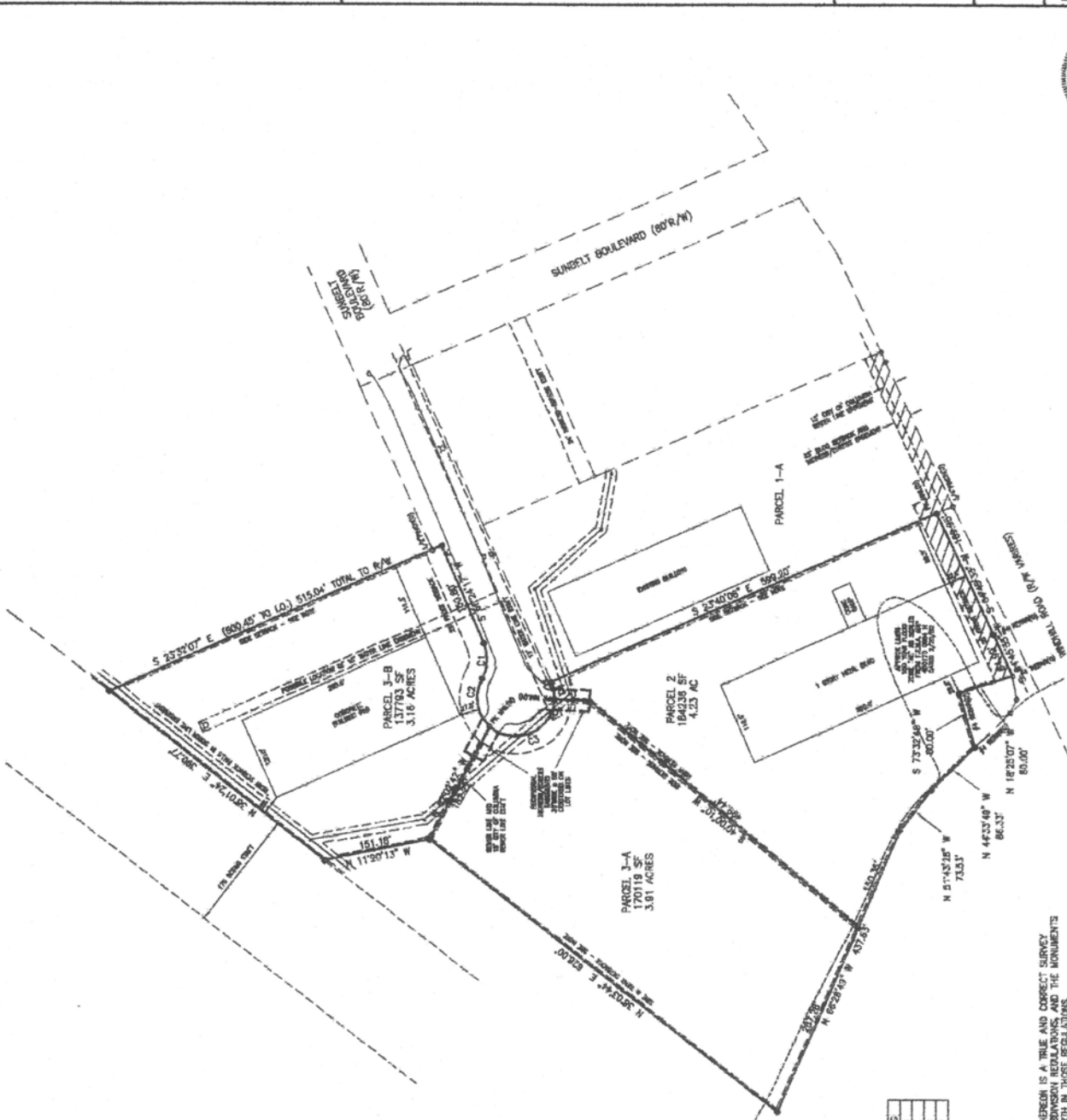
SCALE: 1" = 100'

DATE: 13 APRIL 2004

T.A.S.#: 9409-D1-22

DWG.#: UB-1011-008

SHEET 1 of 1



VICINITY MAP

NOTES:
THIS PLAT PREPARED FOR JAMES C. JUDY BY WALTER DAVENPORT, INC. DATED DECEMBER 17, 1996. ALSO A PLAT PREPARED FOR JAMES C. JUDY, BY UNITED DESIGN SERVICES, INC. DATED JULY 15, 1998.

CURRENT ZONING: M-1

SETBACKS PER ZONING:
2' FRONT SETBACK
5' SIDE & REAR OR MINIMUM 3' SETBACK

OWNER / CONTACT:
JAMES C. JUDY
95-B SUNBELT BOULEVARD
COLUMBIA, SC 29203
(803) 691-6260

NEW IRONS (4" REMAP) PLACED AT ALL CORNERS AND CHANGE IN DIRECTION UNLESS OTHERWISE SPECIFIED.

CURVE	BEARING	CHORD LENGTH	CHORD BEARING
C1	S 55.00° E	48.10'	N 37.0146° W
C2	S 55.00° E	68.33'	N 52.2748° E
C3	S 55.00° E	69.15'	N 27.9610° W
C4	S 55.00° E	25.05'	S 77.5358° W

LINE	BEARING	DISTANCE
L1	N 02°43'35" E	50.00'

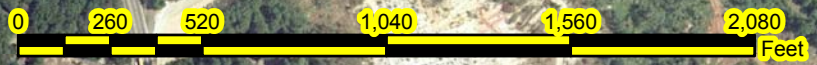
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY TO THE ACCRACY REQUIRED BY THE ROLAND COUNTY SUBDIVISION REGULATIONS AND THE MONUMENTS SHOWN HAVE BEEN PLACED TO THE SPECIFICATIONS SET FORTH IN THOSE REGULATIONS.

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

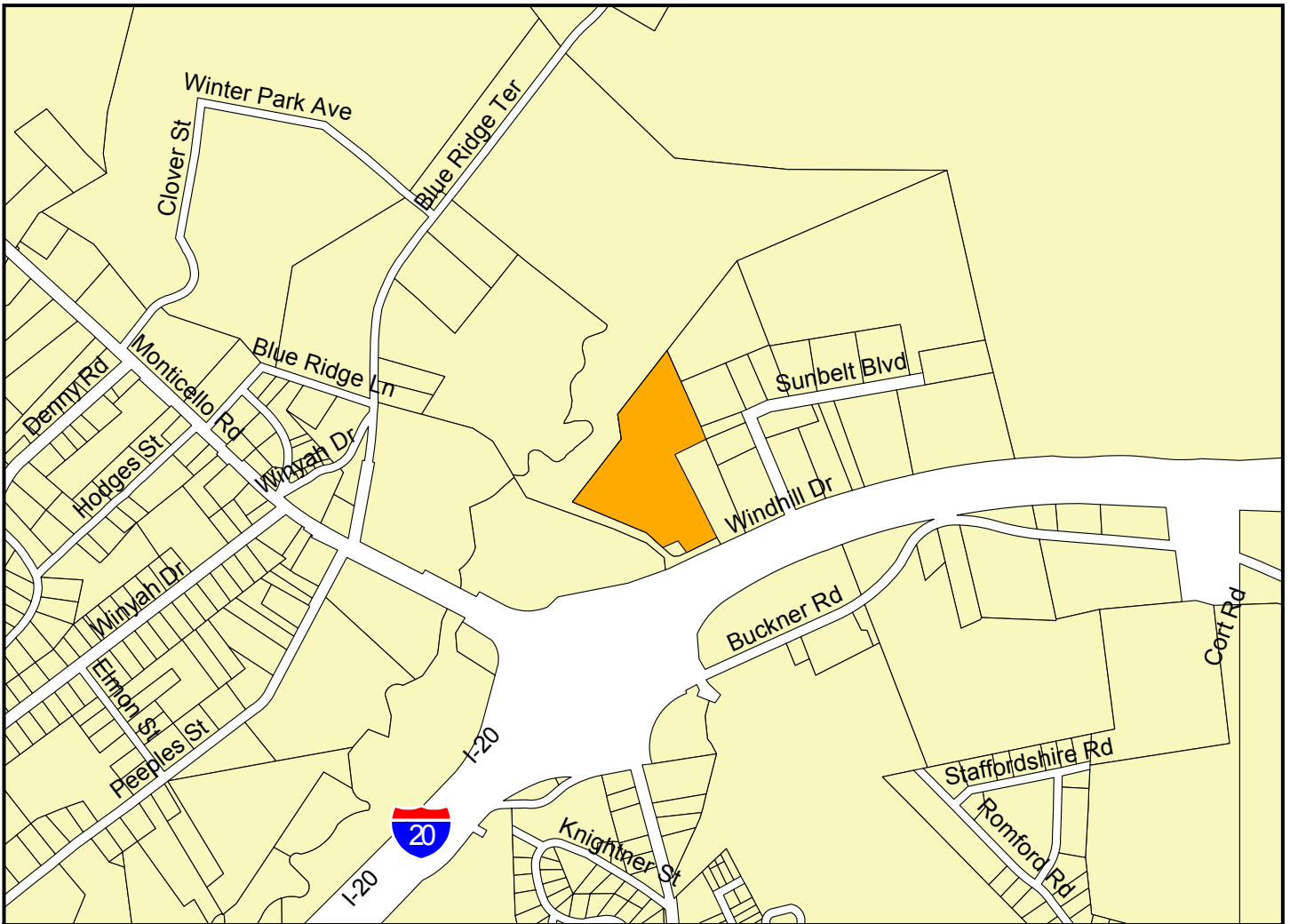
WILLIAM M. BRASINGTON, PROFESSIONAL LAND SURVEYOR - 65237Z

SD 04-306
JIM JUDY MINOR S/D
TMS 09409-01-22

Site



SD 04-306 JIM JUDY MINOR S/D



Looking towards site from Sunbelt Court



Looking towards Sunbelt Blvd. from Sunset Court

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

July 12, 2004

RC Project # 04-59 MA	Applicant: H. Heath Hill
General Location: NW corner of McCords Ferry Road (Hwy 601) & Reynolds Road	
Tax Map Number: 38800-01-06/07	Subject Area: 59.50 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: M-2
Proposed Use: Concrete Mfg. Plant	PC Sign Posting Date: June 14, 2004

SECTION I ANALYSIS

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

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

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

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

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

Applicant’s Factual Justification For Proposed Change

For the establishment of a concrete facility.

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Farm field
Adjacent North	RU	Three single family residences and farm land
Adjacent East	M-2	Undeveloped woodlands
Adjacent South	RU	Undeveloped woodlands and single family residence
Adjacent West	RU	Undeveloped woodlands, farm land and single family residence

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

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas</p>	<p><u>Proposed M-2 Zoning Designation Intent</u> Intended to accommodate primarily those uses of a manufacturing and industrial nature, and secondarily those uses which are functionally related thereto such as distribution, storage, and processing.</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 M-2 Zoning Permitted Uses</u> Any otherwise lawful use no prohibited by the Chapter 26 of the County Code Solid waste mgmt, landfills, and composting facilities subject to the requirements of Chapter 12 of the County Code</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-69, respectively of the County Code. Some Special Exception uses are also possible.

The proposed Amendment is surrounded by farmland, undeveloped woodlands, and single-family residences to the north, west, and south. The property to the east across McCords Ferry Road is zoned M-2 and appears to be undeveloped woodlands. The proposed Amendment is not compatible with the existing land uses.

Traffic Impact Discussion

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

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

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

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 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	McCords Ferry Road (Hwy 601)	
Functional Classification Of This Roadway	Two lane undivided major arterial	
Level-Of-Service C Design Capacity (V/C = 1.00)	14,600	
Estimated Traffic Generated By The Proposed Project	1000	
Current Volume At The Nearest Count Station #197 Located @north of site on McCords Ferry Road (Hwy 601)	3000	
Estimated Traffic Count With the Proposed Project	4000	
Volume-To-Capacity Ratio With The Proposed Project	0.27	

Notes:

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

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

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

The estimated project traffic is calculated by multiplying the generation rate for a utilities business found on page 261 of the TGM times the proposed acreage 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

Note that a utilities service facility is the closest land use in the TGM to the proposed concrete manufacturing plant. The actual traffic generated by the project may be significantly different than the estimate.

Fire Service Impacts

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

Relationship To Comprehensive Plan

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

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

The proposed M-2 zoning is NOT consistent with the Map designation as required by state statutes because the proposed Amendment is for a heavy industrial zoning in a rural area. The zoning should be RU to be consistent with the Rural and Open Space land use designation.

In addition to reviewing the consistency with the Proposed Land Use Map, it is necessary to review the Comprehensive Plan's development policies, as found in the Subarea Plans, to determine if the proposed amendment furthers the Objectives and Recommendations of the Comprehensive Plan as found in the Subarea Plans. The Lower Richland Subarea Plan, adopted in September 1993, contains policy guidance that is relevant to the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 33 and 44 respectively, are discussed below:

Objective – Provide areas with commercial and industrial facilities and services that are related to each other in an efficient manner.

The subject site is surrounded by farmland, undeveloped woodlands and single family residences. There are no related businesses or facilities in the immediate area. The proposed Amendment **does not implement** this Objective.

Principle – Industrial activities that produce excessive noise, smoke, odors, glare or pollutants that go beyond the lot line should not be located adjacent to residential or commercial uses.

The subject site is adjacent to single family residential homes and consists of farmland. The proposed Amendment **does not implement** this Principle.

Other Relevant Issues

In a pre-application meeting with the applicant, the Department noted the ample amount of existing M-2 zoning (the International Paper Company) across US 601 from the subject site. The actual paper plant facility is on the Wateree River, ¾ mile to the east of the subject site

The Department recommended that the applicant investigate lease, or purchase, the necessary 2 acres for the proposed batch concrete plant on land that was already properly zoned for the proposed use adjacent to the subject site on the east side of McCords Ferry Road. The applicant chose not to pursue that recommendation and subsequently increased the area of the request to 59.5 acres.

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 # 04-59 MA **not be changed** from RU to M-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 traffic analysis shows that the LOS C traffic capacity of McCords Ferry 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 not consistent** with the Objectives and Recommendations of the Lower Richland Subarea Plan discussed herein.
6. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

SECTION III PLANNING COMMISSION ACTION
--

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

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

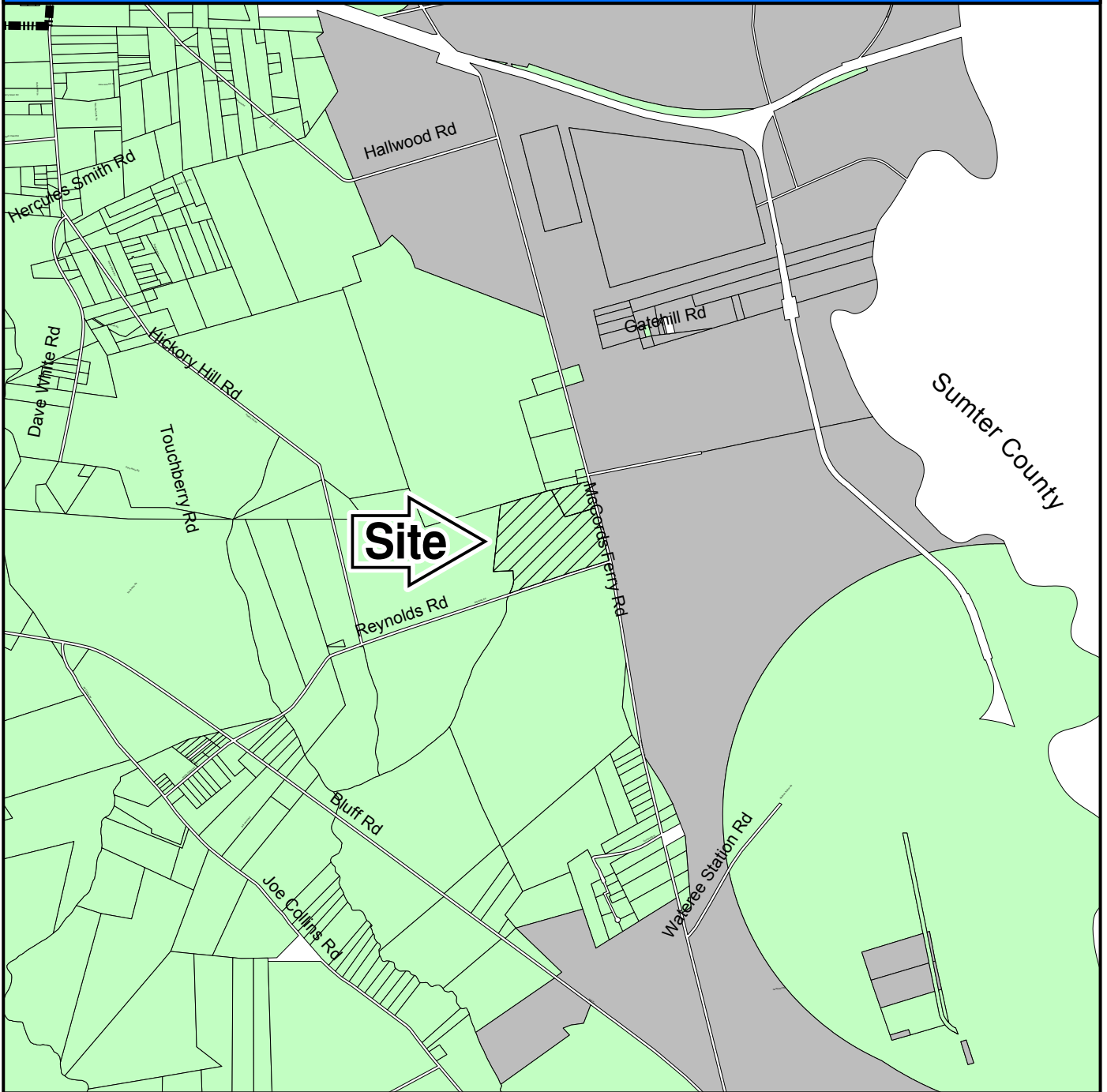
At their meeting of July 12, 2004, the Richland County Planning Commission agreed (**did not agree**) with the PDSO recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 04-59 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 # 04-59 MA, the Planning Commission made the findings of fact summarized below:

CASE 04-59 MA RU to M-2



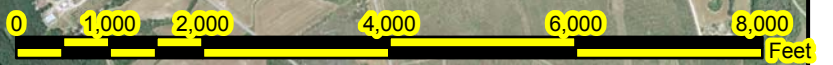
ZONING CLASSIFICATIONS

	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 04-59 MA
RU to M-2
TMS 38800-01-06/07

Site →



CASE 04-59 MA

From RU to M-2

TMS# 38800-01-06/07

NW Intersection of McCords Ferry Rd. (US 601) & Reynolds Rd.



Looking at site from Farmstead Road



Looking across McCords Ferry Road from site

Attachment A
CASE 04-59 MA

Legal Description.

Commencing at the Point of Beginning; thence North 24°28'38" West, a distance of 513.00 feet; thence North 73 ° 41 '22" East, a distance of 418.10 feet; thence North 73°40'27" East, a distance of 170.87 feet; thence South 12°00'08" East, a distance of 509.28 feet; thence South 73°41'21" West, a distance of 477.84 feet to the Point of Beginning. Containing 6.22 ACRES, more or less.

Legal Description.

Commencing at the Point of Beginning; thence South 24°28'38" East, a distance of 513.00 feet; thence North 73° 41 '21" East, a distance of 477.84 feet; thence South 12°00'08" East, a distance of 1164.96 feet; thence South 30°30'04" West, a distance of 73.72 feet; thence South 73°00'15" West, a distance of 914.65 feet; thence South 72°50'17" West, a distance of 765.72 feet; thence North 28°19'15" East, a distance of 146.08 feet; thence North 73°48'53" West, a distance of 163.49 feet; thence North 08°33'55" East, a distance of 1702.35 feet; thence North 72°39'24" East, a distance of 334.96 feet; thence North 73°41'22" East, a distance of 255.04 feet to the Point of Beginning. Containing 53.28 ACRES, more or less.

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

July 12, 2004

RC Project # 04-60 MA	Applicant: Cynthia Stukes
General Location: 8420 Garners Ferry Road west of Trotter Road	
Tax Map Number: 21800-01-10	Subject Area: 3.45 ac MOL
Current Parcel Zoning: D-1	Proposed Parcel Zoning: C-3
Proposed Use: Office/Restaurant	PC Sign Posting Date: June 8, 2004

SECTION I ANALYSIS

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

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

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

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

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

Applicant’s Factual Justification For Proposed Change

For the establishment of a commercial center consisting of a boutique, restaurant, offices and other related uses.

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	D-1	Estate size single family residence
Adjacent North	D-1	Undeveloped woodlands and farmland
Adjacent East	D-1	Undeveloped woodlands
Adjacent South	C-1 & D-1	Accounting office & single family residences across Garners Ferry Road
Adjacent West	D-1	Undeveloped woodlands and estate size 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>D-1 Zoning Designation Intent</u> Intended to provide for large tracts of land located primarily on the fringe of urban growth where the predominant character of urban development has not yet been fully established, but where the current characteristics of use are predominantly residential, agricultural, or semi-developed, with scattered related uses</p>	<p><u>Proposed C-3 Zoning Designation Intent</u> Intended to accommodate a wide variety of general commercial and nonresidential uses characterized by retail, office, and service establishments and oriented primarily to major traffic arteries</p>
<p><u>Existing D-1 Zoning Permitted Uses</u> Agriculture Horticulture Single family detached dwellings Places of worship</p>	<p><u>Proposed C-3 Zoning Permitted Uses</u> Retail, service, repair, & personal services Offices, studios, & financial institutions Eating and drinking establishments Wholesale/Distribution uses < 8000 sq. ft. Private clubs, lodges and the like Automobile service stations Places of worship Enclosed recycle collections & transfer uses</p>

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

The site is surrounded by undeveloped woodlands to the north and the east. The site is bounded to the west by undeveloped woodlands and single family residences. The proposed Amendment is not compatible with the existing land uses surrounding the site.

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	Garners Ferry Road	
Functional Classification Of This Roadway	Four lane divided major arterial	
Level-Of-Service C Design Capacity (V/C = 1.00)	33,600	
Estimated Traffic Generated By The Proposed Project	NP	
Current Volume At The Nearest Count Station #171 Located @west of site on Garners Ferry Road	33,300	
Estimated Traffic Count With the Proposed Project	NP	
Volume-To-Capacity Ratio With The Proposed Project	NP	

Notes:

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

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

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

NP = Not possible to determine the generation rate from the TGM (use not specific enough)

Without a more specific idea of the intended use, it is not possible to estimate the traffic that could be generated by the use of the site for general commercial uses. For example, the TGM has factors for retail commercial use ranging from 4.8 trips per 1000 sq. ft for unspecified general commercial to 688 trips 1000 sq. ft for a drive-in restaurant to 1855 trips per 1000 sq. ft. GLA for a convenience store with gas pumps.

Fire Service Impacts

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

Relationship To Comprehensive Plan

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

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

The proposed General Commercial zoning is NOT consistent with the Map designation as required by state statutes because the proposal is for General Commercial zoning and the Map designates the parcel as Residential. The zoning should be RR, RS-1, RS-1A, RS-2, RS-3, RG-1, RG-2 or PUD to be consistent with the Residential land use designation.

In addition to reviewing the consistency with the Proposed Land Use Map, it is necessary to review the Comprehensive Plan's development policies, as found in the Subarea Plans, to determine if the proposed amendment furthers the Objectives and Recommendations of the Comprehensive Plan as found in the Subarea Plans. The Lower Richland Subarea Plan, adopted in January 1992, contains policy guidance that is relevant to the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 33 and 40 respectively, are discussed below:

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

The proposed Amendment site abuts undeveloped woodlands and single-family residences. The proposed C-3 zoning for the parcel is not related to any uses in the vicinity.

The proposed Amendment **does not implement** this Objective.

Principle – Limited general highway commercial uses which principally rely on through traffic for customers may be located along major highways provided:

1. The site is adjacent existing commercially zoned land

The site is not adjacent to existing commercially zoned land.

The proposed Amendment **does not implement** this Principle.

Other Relevant Issues

The only commercial zoning that exists near the site is a group of commercial uses on a parcel located three lots to the west and vacant piece of C-3 zoned property exists one lot to the east. The property to the east consists of 21.89 acres that was rezoned to C-3 in 2002 via case 02-42 MA for the establishment of a medical center. An accounting office exists across the street and was zoned to C-1 on 2004 via case 04-09 MA.

One of the principles of the Plan is to locate commercial uses at the intersection of major streets and specifically proposed locations set forth by the Map. The Map designates a commercial area to the west at the intersection of Trotter Road and Garners Ferry Road. The proposed Amendment will result in the continuation of strip commercial zoning along Garners Ferry Road.

In a pre-application meeting with the applicant in May 2004, the Department recommended that the proposed Amendment be no more intense than C-1. The applicant stated that other uses may be pursued that were not allowed in a C-1 district, therefore, it was necessary for the applicant to apply for C-3 zoning due to the potential desired uses.

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 # 04-60 MA **not be changed** from D-1 to C-3.

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment **is not** compatible with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Garners Ferry Road at this is not being exceeded currently, however, due to the generality of the Amendment the estimated traffic generated by the proposal could not be calculated. The Department estimates that the proposal for C-3 zoning would generate enough traffic to exceed the LOS C at this site.
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 not consistent** with the Objectives and Recommendations of the Lower Richland Subarea Plan discussed herein.
6. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

SECTION III PLANNING COMMISSION ACTION

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

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

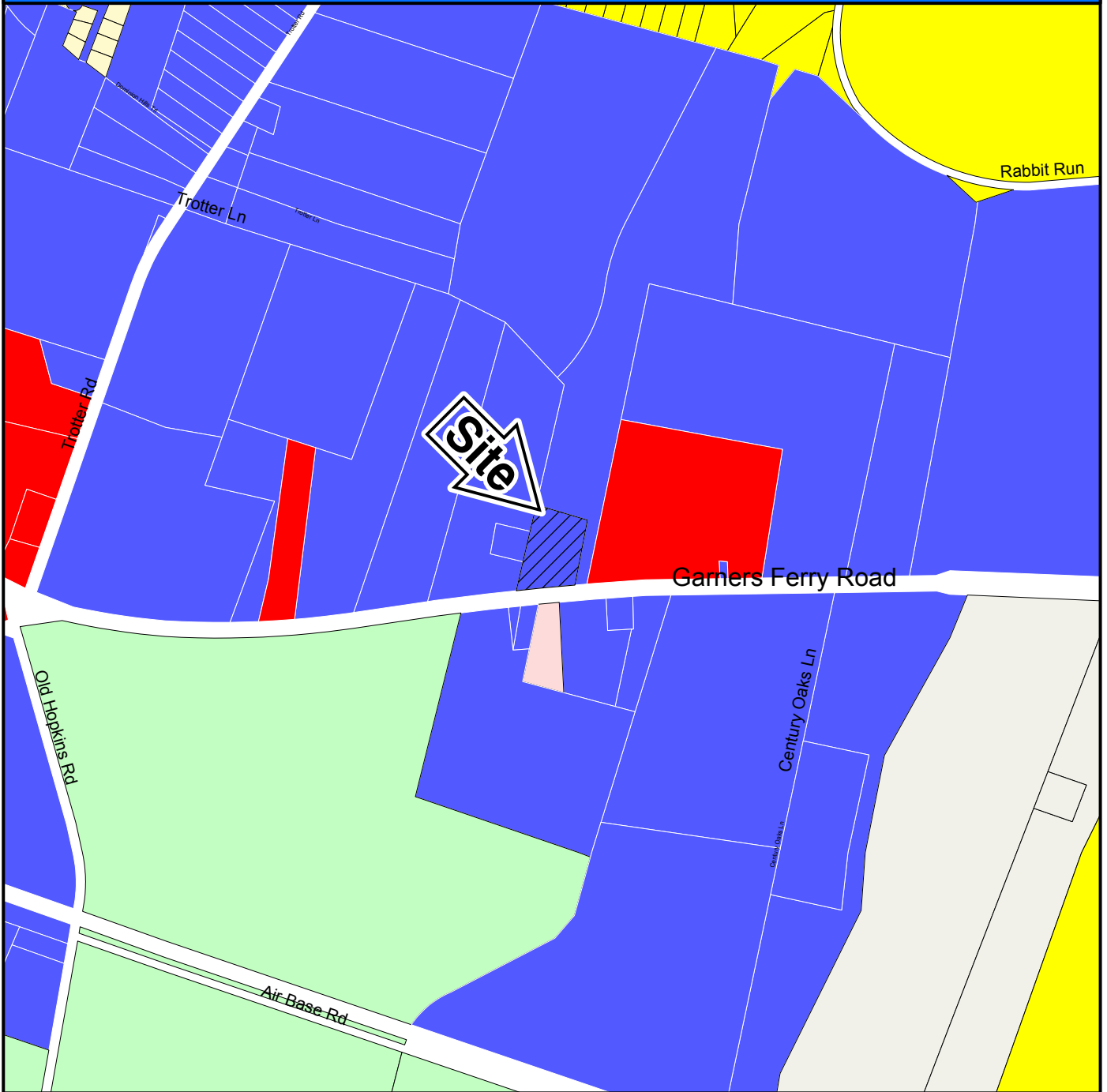
At their meeting of July 12, 2004, the Richland County Planning Commission agreed (did not agree) with the PDSD recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 04-60 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 # 04-60 MA, the Planning Commission made the findings of fact summarized below:

CASE 04-60 MA D-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 04-60 MA
D-1 to C-3
TMS 21800-01-10

Site →



CASE 04-60 MA

From D-1 to C-3

TMS# 21800-01-10

8420 Garners Ferry Rd.



Attachment A
CASE 04-60 MA

ATTACHMENT TO MORTGAGE

From: Robert L. Stukes and Cynthia B. Stukes

All that certain piece, parcel, tract or lot of land, with improvements thereon, if any, situate, lying and being southeast of Columbia, in Richland County, State of South Carolina, and being shown as a 3.46 acre parcel, shown as Parcel "B", on a plat prepared for Marvin Brownstein, et al., by William Wingfield, dated August 20, 1979 and recorded in the Register of Deeds Office for Richland County on Plat Book 51, Page 9370 and as more recently shown on a plat prepared for Dr. Rose Fitchett by Benjamin H. Whetstone, RLS, dated August 27, 1993 and recorded at the Register of Deeds Office for Richland County; reference made to said latter plat for a more accurate description of said property, all measurements being a little more or less.

Derivation: This being the same property heretofore conveyed to Robert L. Stukes and Cynthia B. Stukes by Deed of Dr. Rose Fitchett recorded at the Register of Deeds Office for Richland County immediately prior to this purchase money mortgage at Record Book _____, Page _____.

TMS: 21800-01-10

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

July 12, 2004

RC Project # 04-61 MA	Applicant: NKD, Inc.
General Location: Near the intersection of O'Sheal and Kennerly Road	
Tax Map Number: 04300-04-10	Subject Area: 101.61 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: RS-1
Proposed Use: Single family residential subdivision	PC Sign Posting Date: June 9, 2004

SECTION I ANALYSIS

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

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

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

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

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

Applicant’s Factual Justification For Proposed Change

For the establishment of a 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 and estate size single family residences
Adjacent East	RU	Broad River
Adjacent South	RU	Undeveloped woodlands and estate size single family residences
Adjacent West	RU	Undeveloped woodlands and estate size 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-1 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-1 Zoning Permitted Uses</u> Single family detached dwellings or modular building units located on individual lots.</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 and estate size single family residences and the Broad River to the west. The proposed Amendment is not compatible with the existing character of 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	Kennerly Road via O’sheal 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	2,280	
Current Volume At The Nearest Count Station #457 Located @south of site on Kennerly Road Near Broad River Road	17,100	
Estimated Traffic Count With the Proposed Project	19,380	
Volume-To-Capacity Ratio With The Proposed Project	2.25	

Notes:

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

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

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

The estimated project traffic is calculated by multiplying the generation rate for a single family detached dwelling found on page 9 of the Addendum To The Long Range Major Street Plan for Richland County times the number of allowable units. (240 units x 9.5)

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

Traffic count station #457 is located south of the site on Kennerly Road below the intersection of Hollingshed Road near Broad River Road. Although the station is not located near the site it was the most applicable for the traffic leaving the site heading toward the City of Columbia and I-26. The current traffic counts show that the LOS C design capacity of Kennerly Road is currently rated a LOS F.

Fire Service Impacts

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

Relationship To Comprehensive Plan

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

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

The proposed RS-1 zoning is consistent with the Map designation as required by state statutes.

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

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

The proposed Amendment would provide a higher residential density in the area. The proposed development is not in character with the existing large lot single family homes. The proposed Amendment **does not implement** this Objective.

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

A portion of the proposed Amendment site abuts the Broad River and. The minimum 12000 sq. ft. lots in the RS-1 zoning district are totally out of character with the adjacent multi-acre residential parcels and the rural character of the area. The proposed Amendment **does not implement** this Objective.

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

The property surrounding the site consists of undeveloped woodlands and estate size single family residences. The proposed project will result in much more dense residential development in the area. The proposed Amendment **does not implement** this Principle.

Other Relevant Issues

The proposed Amendment is estimated to generate 2,280 trips per day. All traffic will be forced to use O'sheal Road to get to Kennerly Road. As noted in the traffic impact discussion, Kennerly Road is currently operating well above LOS C at a LOS F near Hollingshed Road.

Factors such as infrastructure must be taken into consideration when attempting to develop areas such as the subject site. The site does not currently have water or sewer service. The size, topography, and location of the site may prohibit the use of septic tanks and leach fields in specific areas.

Although the site is designated as Residential Low Density by the Map, the proposed Amendment does not meet the criteria set forth by the Principles and Objectives of the Northwest Subarea Plan. The Map does not take into consideration the character of the existing area and the environmental and infrastructure issues involved in development.

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 # 04-61 MA **not be changed** from RU to RS-1.

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment is **not compatible** with the adjacent existing land uses.

3. The traffic analysis shows that the LOS C traffic capacity of Kennerly at this location is currently being exceeded at a LOS F.
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 and Recommendations 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.

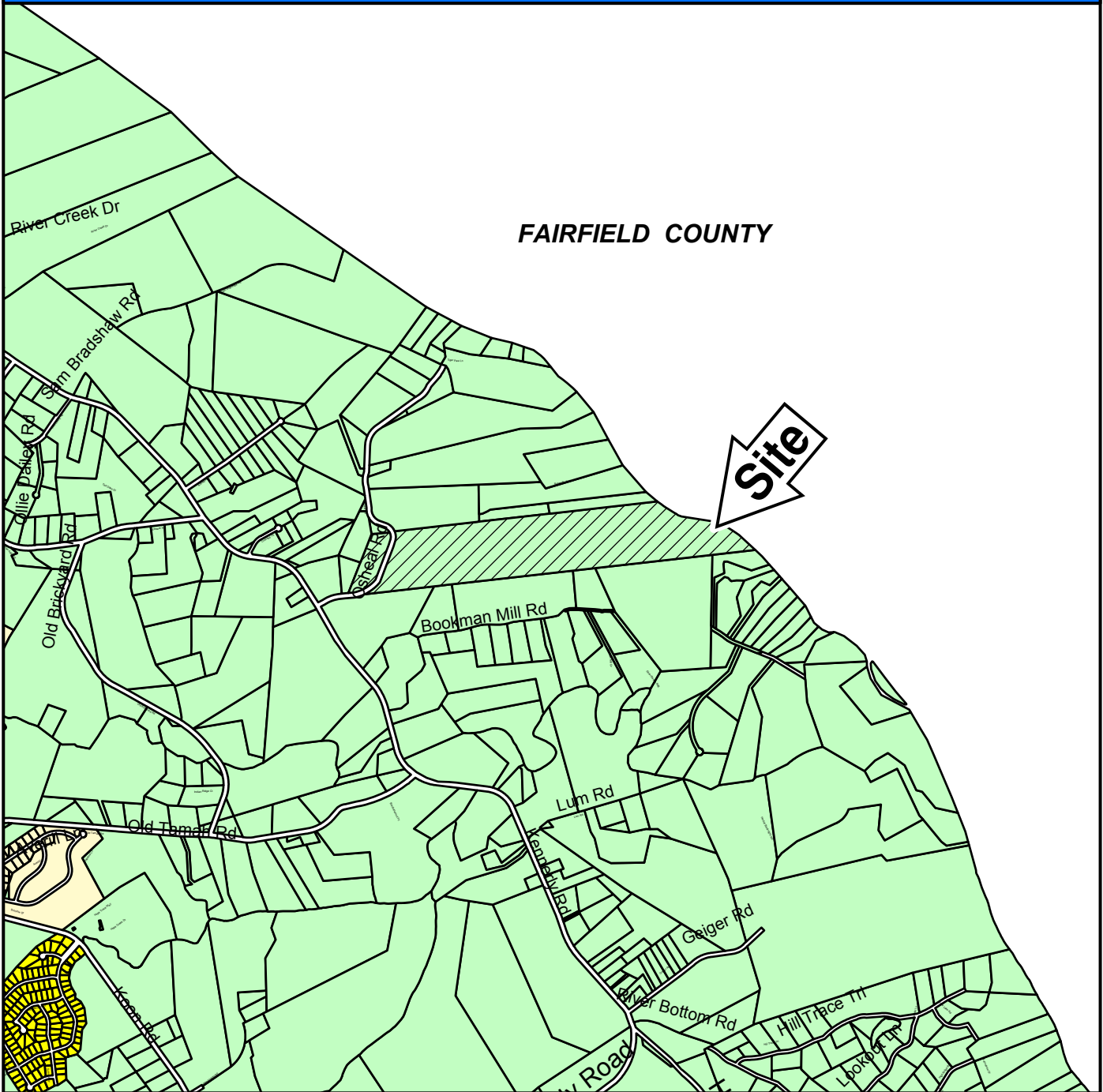
At their meeting of July 17, 2004, the Richland County Planning Commission agreed (did not agree) with the PDSO recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 04-61 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 # 04-61 MA, the Planning Commission made the findings of fact summarized below:

CASE 04-61 MA RU to RS-1



ZONING CLASSIFICATIONS

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



CASE 04-61 MA
RU to RS-1
TMS 04300-04-10

Site



CASE 04-61 MA

From RU to RS-1

TMS# 04300-04-10 Near intersection of Kennerly & O'Sheal Rds.



Attachment A
CASE 04-61 MA

***PROPERTY DESCRIPTION
O'SHEAL ROAD TRACT
RICHLAND COUNTY TMS 04300-01-10***

The subject property consists of approximately 101.6 acres northeast of the intersection of Kennerly Road and O'Sheal Road near Irmo, Richland County, State Of South Carolina, west of Broad River.

Beginning at an old iron on the northern R.O.W. of O'Sheal Road thence in an easterly direction for approximately 6200 feet to the western bank of Broad River.


Thence, in a northwesterly direction along the western bank of Broad River for approximately 1390 feet.

Thence, in a westerly direction for approximately 4550 feet crossing O'Sheal Road.

Thence, in a southwesterly direction for approximately 1005' to the old iron on the northern R.O.W. of O'Sheal Road.

This property is shown on a survey for Eula Mathias O'Sheal by Karl B. Shuler dated April 20, 1943.

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

TO: Planning Commission Members; Interested Parties
FROM: Carl D. Gosline, AICP, Subdivision Administrator 
DATE: June 25, 2004
RE: **Proposed Minor PUD Amendment for Woodcreek Farms PUD
04-62 MA**

Background

The 2338 acre Woodcreek Farms PUD was approved by the County Council on January 22, 1992. After deducting acreage for road right-of-ways, the golf course, ponds, lakes and open space, there are 1517 acres of developable area. To date, about one-third of developable area has been subdivided for residential use.

The applicant proposes to change the amount of acreage devoted to various uses to adjust to the real estate market demand experienced in the project. The table below shows the amounts of the proposed land use changes. The attached map graphically depicts the proposed changes by parcel number.

Parcels Subject To The Proposed Amendment

Parcel #	App'd Acres	Prop'd Acres	Ex. Land Use	Proposed Land Use
D-1	16	16	MFR	SFR
D-7	32	18	MFR	SFR
D-9	31	22	MFR	NC
D-11	23	60	MFR	MFR
B-5	26	26	SFR	SFR
A-10 b	36	39	NC	NC
Village	30	27	village	village
Commercial	120	79	GC	GC
Open Space *	0	27	-----	wetlands
TOTAL	314	314		

* New open space will be added to the Village Green Area

SFR = Single Family Residential
MFR = Multi-family Residential
NC = Neighborhood Commercial
GC = General Commercial

PDS Recommendation

The Department recommends approval of the land use changes to the Woodcreek Farms PUD described above.

Attachment A CASE 04-62 MA

GENERAL NOTES

- Golf Course/County Club Facilities Available to Members and Guests
- Wetlands to Remain as Open Space Subject to its Classification at the Time
- All Wetland Land Use will be Limited to the Lake Area if Proposed Lake is not Permitted
- All Area Calculations are Preliminary. Subject to Specific Detail Determinations at Time of Development
- Proposed Residential Yield Subject to Specific Detail Determinations at Time of Development
- Additional Lots of Primary or Secondary Access shall be provided for a grant Development Area where needed to comply with the provisions of the County Code, Land Use/Map Act, State Code, and County Ordinance. A minimum of three (3) lots shall be provided for a grant Development Area.

LAND USE SUMMARY

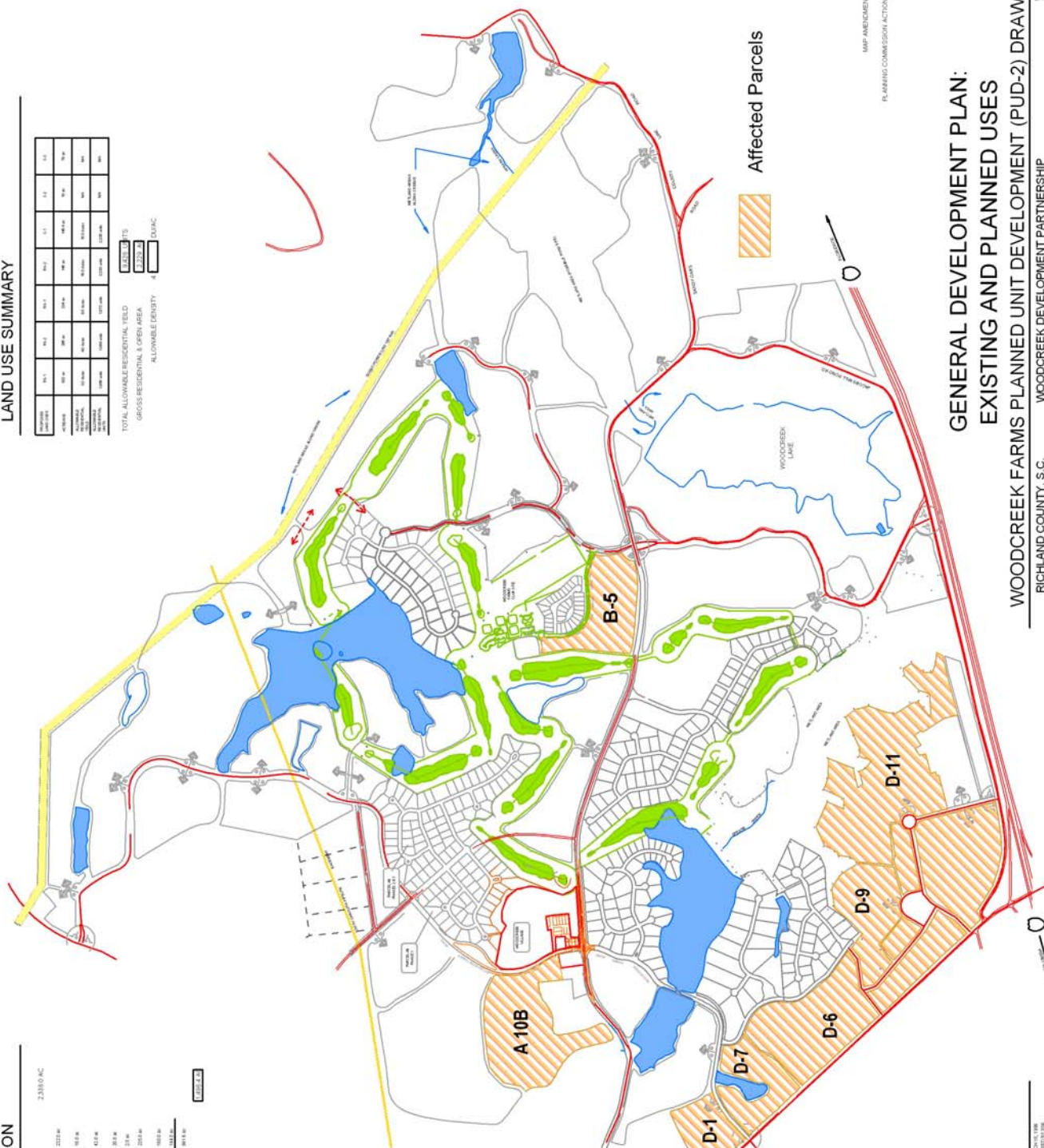
Category	Sub-Category	Area (Acres)	Yield (Units/Acre)	Total Yield (Units)
TOTAL ALLOWABLE RESIDENTIAL YIELD	Single-Family Residential	1,000.00	1.00	1,000.00
	Multi-Family Residential	1,000.00	1.00	1,000.00
GROSS RESIDENTIAL & OPEN AREA	Residential	1,000.00	1.00	1,000.00
	Open Space	1,000.00	1.00	1,000.00
TOTAL ALLOWABLE RESIDENTIAL YIELD		2,000.00	1.00	2,000.00
GROSS RESIDENTIAL & OPEN AREA		2,000.00	1.00	2,000.00
ALLOWABLE DENSITY		4		DU/AC

SITE TABULATION

Category	Area (Acres)
GROSS AREA	2,339.00 AC
Wetlands	222.00
Water	18.00
Other	42.00
Other	42.00
Other	28.00
Other	28.00
Other	224.00
Other	102.00
Other	99.00
TOTAL	991.00

NET DEVELOPABLE ACRES

991.00



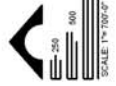
LEGEND

- COMMUNITY ENTRY
- VILLAGE ENTRY
- NEIGHBORHOOD ENTRY
- POSSIBLE ALTERNATE STREET CONNECTION

GENERAL DEVELOPMENT PLAN: EXISTING AND PLANNED USES

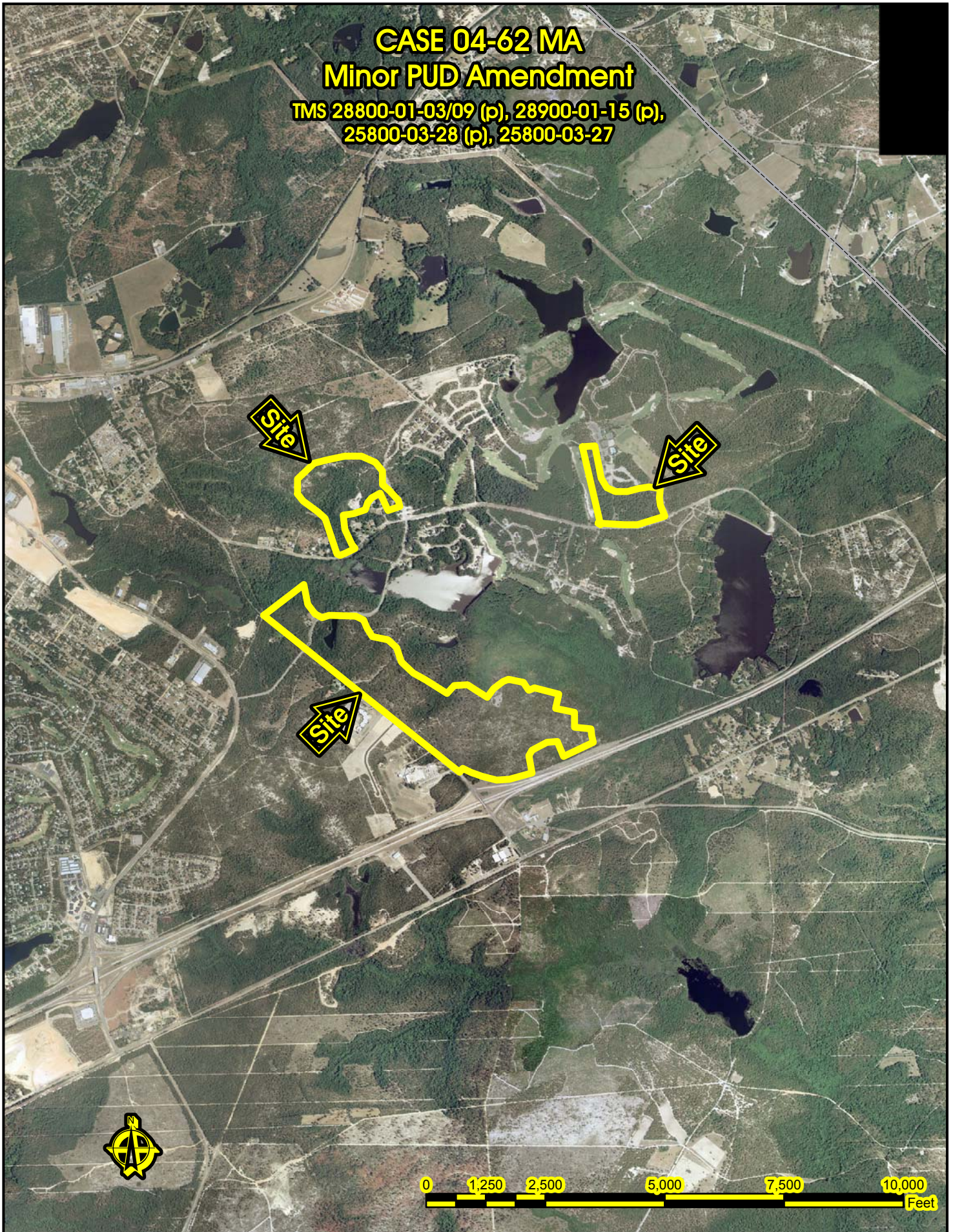
WOODCREEK FARMS PLANNED UNIT DEVELOPMENT (PUD-2) DRAWING
RICHLAND COUNTY, S.C. WOODCREEK DEVELOPMENT PARTNERSHIP

2339 AC



CASE 04-62 MA
Minor PUD Amendment

TMS 28800-01-03/09 (p), 28900-01-15 (p),
25800-03-28 (p), 25800-03-27



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

July 12, 2004

RC Project # 04-63 MA	Applicant: First Canterbury, LLC
General Location: NW on Broad River Road (Hwy 176) bounded by I-26	
Tax Map Number: 03400-04-07	Subject Area: 28.9 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: PUD-1R
Proposed Use: Single family residential subdivision	PC Sign Posting Date: June 9, 2004

SECTION I ANALYSIS

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

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

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

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

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

Applicant’s Factual Justification For Proposed Change

For the establishment of a single family residential subdivision

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Undeveloped woodlands
Adjacent North	NA	Interstate 26
Adjacent East	RU	Joe Ballentine Road (closed) & undeveloped woodlands
Adjacent South	RU	JB trailer sales & scattered single family residences
Adjacent West	RU	Estate size single family residences & undeveloped woodlands

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

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas</p>	<p><u>Proposed PUD-1R Zoning Designation Intent</u> To derive the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while also obtaining the advantages of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation.</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 depicted on the General Development Plan herein known as the Generalized Drawing (<i>applicant exhibit D</i>)</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 site is encompassed by undeveloped woodlands and estate size single family residences to the west, east and south. The site is bounded to the north by Interstate 26. Due to the use of a PUD and the allowance for ample open space and buffer yards, the site is compatible with the existing area.

Traffic Impact Discussion

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

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

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

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 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 (Hwy 176)
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	1,568
Current Volume At The Nearest Count Station #180 Located @west of site on Broad River Road	5,200
Estimated Traffic Count With the Proposed Project	6,768
Volume-To-Capacity Ratio With The Proposed Project	0.79

Notes:

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

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

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

The estimated project traffic is calculated by multiplying the generation rate for a single family detached residential dwelling found on page 9 of the Addendum To The Long Range Major Street Plan for Richland County times the maximum number of allowable units (165).

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

The proposed Amendment would not have a significant effect on the LOS design capacity of Broad River Road. However, the LOS C is expected to be exceeded upon buildout of the Metz Branch Villas residential/commercial development to the west near the Peak interchange.

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

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

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

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

Objective – Promote new development in areas with adequate infrastructure.

Richland County Utilities will provide sewer service via a connection to an existing 18 “ line at Bickley Rd and Broad River Road. The City of Columbia will provide water service via an existing 16 “ line in Shady Grove Road. The site has access to I-26 via Broad River Road. The proposed Amendment **implements** this Objective.

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

a. Low-Medium (3 to 5 dwellings/acre): RS-1, RS-1A, RS-2, PUD.

The proposed Amendment is for a PUD consisting of approximately 5 units per acre. The proposed Amendment **implements** this Principle.

Other Relevant Issues

The proposed Amendment does use the flexibility of a PUD to cluster homes and provide for 25 % of the site to be open/common space. The average lot size is estimated to be 5,412 sq. ft. which is 412 sq. ft. more than required by RS-3 zoning.

Proposed Development Schedule

The Developer anticipates that the residential district of the PUD-IR will be developed in multiple phases commencing in late 2005. The Developer estimates the project will build out by 2007 in increments of 80 +/- units per year.

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 # 04-63 MA **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 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 not be exceeded by this project.
4. The proposed Amendment **is consistent** with Proposed Land Use Map designation in the Northwest Subarea Plan.
5. The proposed Zoning Map Amendment **is consistent** with the Objectives and Recommendations of the Northwest Subarea Plan discussed herein.
6. The Planning Commission recommends approval of the General Development Plan required by Section 26.70-15, herein known as the Generalized Drawing (*applicant's Exhibit D*).
7. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

PUD Conditions

- a) The site development shall be limited to a total of 165 dwelling units in the general arrangement depicted in the Generalized Drawing (*applicant's exhibit D*) hereinafter known as Attachment B; and
- b) The site development timing shall generally conform to the Development Schedule described above, i.e., commence in late 2005 and be completed in 2007; and
- c) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the Planning and Development Service Dept. (PDSB); and
- d) Approval of Attachment B shall constitute approval of the Sketch Plan for subdivision purposes; and
- e) The provisions of Sections 26-70.7; 26-70.8; 26-70.10; 26-70.11; and 26-70.12 are exempted from application to this project; and
- f) No Special Exceptions, as defined in Chapter 26-602, et. seq., of the County Code, or its relevant successor regulations, shall be permitted; and
- g) The Planned Unit Development Guidelines, pages 1 - 10 of the application material submitted on May 28, 2004, are authorized for application to the subject project; and
- h) The Planning Commission is hereby authorized to make minor amendments to the Attachment B, or the Planned Unit Development Guidelines, pursuant to the provisions of Chapter 26-70.17, or its relevant successor regulations, of the County Code; and
- i) The PDSB is authorized to make minor adjustments to the development schedule and/or the construction standards in the Planned Unit Development Guidelines described above as may become necessary during the project's construction; and
- j) Pursuant to the requirements of Chapter 26-70.17 of the County Code, any major change in all, or a portion of the exterior boundaries; a major change in Attachment B; a major change in the location of land uses; a major increase in density and/or major changes in traffic flow shall require a review and recommendation by the Planning Commission and a new ordinance by the County Council; and
- k) No site clearing activity shall begin until the **PDSB** issues a Land Disturbance Permit; and
- l) The principal access to the subject site shall be limited to one intersection on Broad River Road; and
- m) A secondary access point may be required for emergency public safety purposes; and
- n) The developer shall be required to construct any necessary turn lanes and additional intersections for the project on Broad River Road; and
- o) The applicant shall construct a landscaped berm, fence, wall, or some combination thereof, to ensure that no parcel in the project will have direct access onto Broad River Road; and
- p) All internal streets shall be publicly owned and maintained by the County and shall be subject to the relevant Guidelines described above; and
- q) The applicant shall submit a draft description of proposed procedures of any homeowners association or other group maintenance or group ownership features for the Department's and inclusion in the project records; and
- r) The County shall not be responsible for enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest.

SECTION III PLANNING COMMISSION ACTION

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

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

At their meeting of July 12, 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 # 04-63 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 # 04-63 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: 04-63 MA

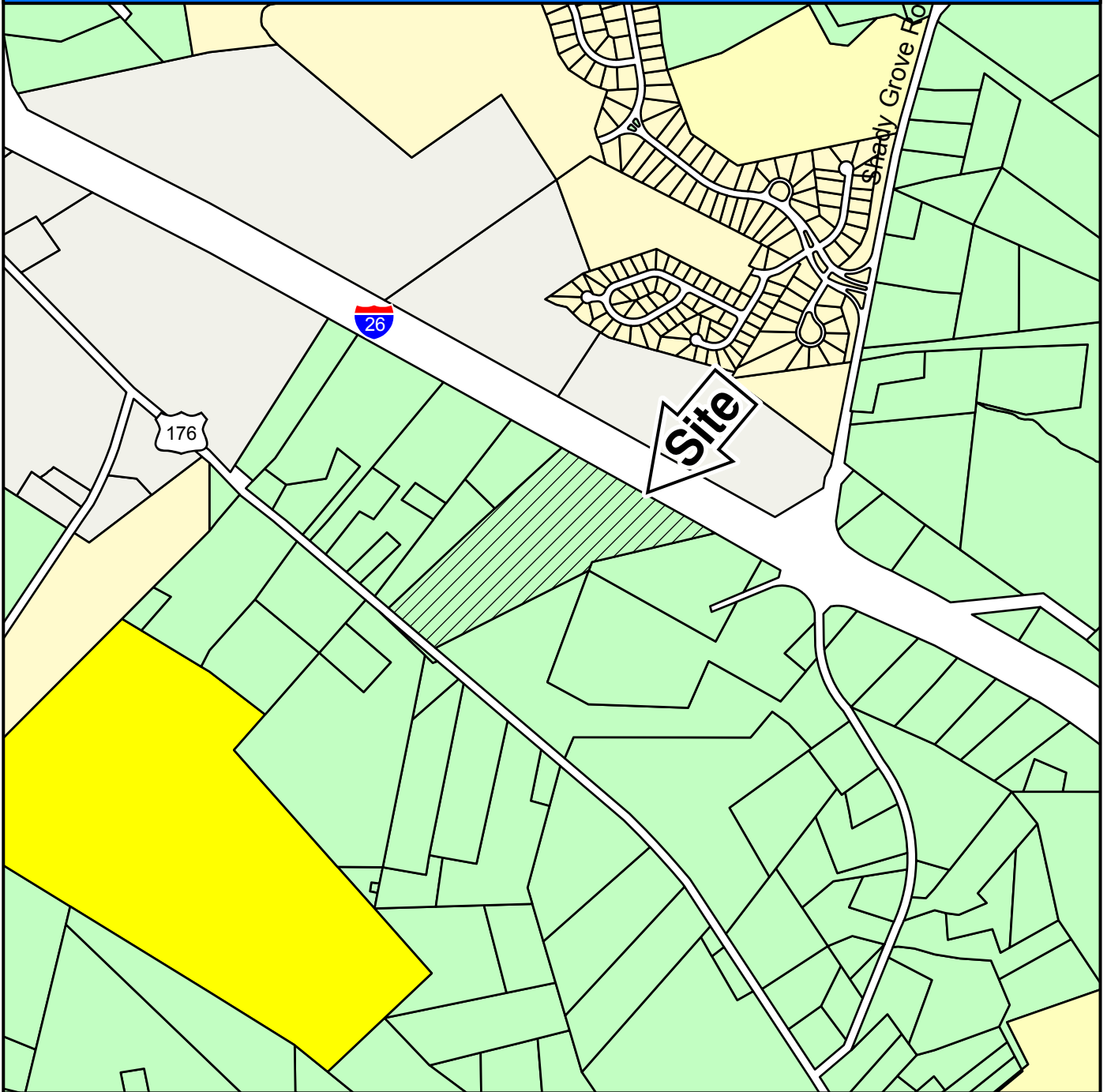
Applicant: First Canterbury, LLC

TMS#: 03400-04-07




















General Location: Broad River Road east of Bickley Road

Chapter #	General Development Plan Requirements	Comply
26-70.16	Generalized drawing (s) for entire site showing the general development pattern, including relationship between the various uses	Exhibit D
26-70.16 a	Statement of major project assumptions and objectives	Page 1
26-70.16 b	Statement of the range of percentages of the total area intended for residential, commercial industrial, open space, social/community uses & major streets and roads	Page 3
26-70.16 c	Statement of intended overall maximum dwelling unit density per acre	Page 3
26-70.16 d	Legal description	Exhibit B
26-70.16 e	Total acres	Exhibit C
26-70.16 f	Tentative number of units of various types	Page 3
26-70.16 g	Description of open space & community facilities & adequacy to serve the anticipated demand	Page 8-9
26-70.16 h	Approximate timing of development by phase	Page 5
26-70.16 i	Detailed description of the proposed homeowners association procedures, or other group maintenance & ownership features	Page 35 Declaration Statement
26-70.16 j	Design standards, administrative procedures & such information or descriptions appropriate for Planning Commission review	Page 1-39 & Exhibits Declaration Statement

CASE 04-63 MA RU to PUD-1R



ZONING CLASSIFICATIONS

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



CASE 04-63 MA
RU to PUD-1R
TMS 03400-04-07

Site



CASE 04-63 MA

From RU to PUD-1R

TMS# 03400-04-07 NW on US Highway 176 bounded by I-26



Looking at site from Broad River Road



Looking south on Broad River Road

Attachment A
CASE 04-63 MA

THIS PROPERTY CONSISTS OF 28.76 ACRES LOCATED NEAR BALLENTINE, RICHLAND COUNTY, STATE OF SOUTH CAROLINA AND IS LOCATED BETWEEN U.S. HIGHWAY 176 AND U.S. INTERSTATE 26 APPROXIMATELY 4800' (FEET) SOUTHEAST OF THE INTERSECTION OF U.S. HWY. 176 AND INTERSTATE 26.

COMMENCING FROM THE CENTERLINE INTERSECTION OF JABO CORLEY ROAD AND U.S. HWY. 176 N32°56'33"E FOR A DISTANCE OF 59.31' TO A NEW IRON PIPE ON THE NORTHERN R.O.W. OF U.S. HWY 176, SAID POINT BEING THE POINT OF BEGINNING.

THENCE, N51°25'07"W FOR A DISTANCE OF 533.30' TO A NEW IRON PIPE CORNER. SAID LINE BEING THE NORTHERN R.O.W. OF U.S. HWY. 176.

THENCE, N51°21'23"E FOR A DISTANCE OF 976.90' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE WEST BY LANDS OF NOW OR FORMERLY THOMAS P. BOUKNIGHT.

THENCE, N51°25'34"E FOR A DISTANCE OF 236.64' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE NORTH BY LANDS OF NOW OR FORMERLY HOWARD JAMES BOUKNIGHT.

THENCE, N50°39'02"E FOR A DISTANCE OF 438.94' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE NORTH BY LANDS OF NOW OR FORMERLY HOWARD JAMES BOUKNIGHT.

THENCE, S63°45'56"E FOR A DISTANCE OF 6.57' TO AN OLD CONCRETE MONUMENT. SAID LINE BEING THE SOUTHERN R.O.W. FOR INTERSTATE 26.

THENCE 61°04'35"E FOR A DISTANCE OF 48.05' TO AN OLD IRON PIPE CORNER. SAID LINE BEING THE SOUTHERN R.O.W. FOR INTERSTATE 26.

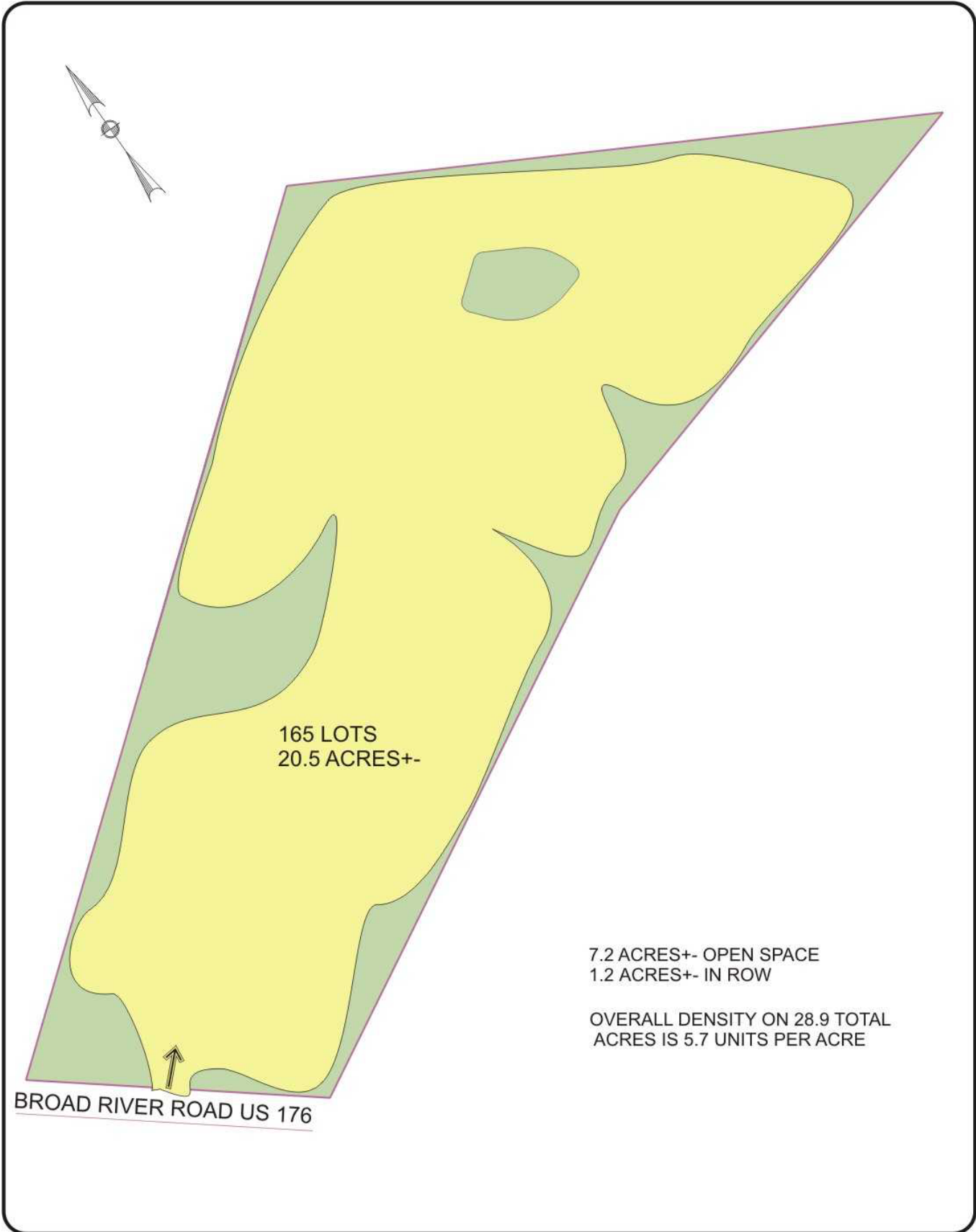
THENCE, S61°27'01"E FOR A DISTANCE OF 1111.80' TO A NEW IRON PIPE CORNER. SAID LINE BEING THE SOUTHERN R.O.W. FOR INTERSTATE 26.

THENCE, S74°00'54"W FOR A DISTANCE OF 546.58' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE EAST BY LANDS OF NOW OR FORMERLY CHRISTOPHER BALLENTINE.

THENCE, S74°01'23"W FOR A DISTANCE OF 358.82' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE EAST BY LANDS OF NOW OR FORMERLY CHRISTOPHER BALLENTINE.

THENCE, S61°26'17"W FOR A DISTANCE OF 575.40' TO AN OLD IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE EAST BY LANDS OF NOW OR FORMERLY FURMAN KOON. THENCE, S61°06'25"W FOR A DISTANCE OF 593.16' TO A NEW IRON PIPE CORNER. SAID LINE BEING BOUNDED ON THE EAST BY LANDS OF NOW OR FORMERLY FURMAN KOON. SAID POINT BEING THE POINT OF BEGINNING.

Attachment B CASE 04-63 MA



NTS	GENERALIZED DRAWING	CIVIL ENGINEERING of COLUMBIA <small>CONSULTING ENGINEERING, SURVEYING AND PLANNING</small>					
5-19-04		COLUMBIA, SOUTH CAROLINA	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Revision</td> <td style="width: 20px; height: 15px;"></td> </tr> <tr> <td style="writing-mode: vertical-rl; transform: rotate(180deg);">Initial Desc</td> <td style="width: 20px; height: 15px;"></td> </tr> </table>	Revision		Initial Desc	
Revision							
Initial Desc							
1	ROTHSTEIN TRACT						

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

July 12, 2004

RC Project # 04-64 MA	Applicant: English Village Gardens
General Location: ¼ mile NW of Irmo Drive on Dreher Shoals Road (Hwy. 6)	
Tax Map Number: 003206-01-09 (p)	Subject Area: 30 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: PUD-1R
Proposed Use: Single family residential with accessory retail commercial uses	PC Sign Posting Date: June 9, 2004

SECTION I ANALYSIS

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

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

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

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

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

Applicant’s Factual Justification For Proposed Change

For the establishment of a residential subdivision as a primary use with commercial/retail uses as a secondary use developed in an innovative style.

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Undeveloped woodlands
Adjacent North	RS-2	Waterford Subdivision
Adjacent East	RS-2	Waterford Subdivision
Adjacent South	RU	Single family residence
Adjacent West	RG-2	The Village at Lake Murray

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

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas</p>	<p><u>Proposed PUD-1R Zoning Designation Intent</u> To derive the benefits of efficiency, economy, and flexibility by encouraging unified development of large sites, while also obtaining the advantages of creative site design, improved appearance, compatibility of uses, optimum service by community facilities, and better functioning of vehicular access and circulation.</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 specified on the Site Use Map</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-63-66, respectively of the County Code. Some Special Exception uses are also possible.

The site is bounded by the Waterford subdivision to the east and north. Scattered estate size single family homes exist to the south. Multi-family dwellings at the Village at Lake Murray are across Dreher Shoals Road. The proposed Amendment is consistent with the existing land uses due to the variety of existing uses and the extensive open space and buffer provided.

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	Dreher Shoals Road (Hwy 6)	
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	1860	
Current Volume At The Nearest Count Station #203 Located @north of site on Dreher Shoals Rd. (Hwy 6)	8700	
Estimated Traffic Count With the Proposed Project	10,560	
Volume-To-Capacity Ratio With The Proposed Project	1.23	

Notes:

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

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

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

The estimated project traffic is calculated by multiplying the generation rate for a Nursery (Garden Center) business found on page 1290, a General Office Building found on page 1052, and a Walk in Bank found on page 1651 of the TGM times the proposed square footage of the use. The total number of homes 60 x 9.5 ADT per single-family dwelling unit was used to calculate the trips for the residential portion of the project. The rate for single-family detached dwellings is found in the Addendum To The Long Range Major Street Plan for Richland County on page 9.

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 LOS C design capacity of Dreher Shoals Road is currently being exceeded at a LOS D, the proposed project would increase the LOS design capacity to LOS E.

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

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

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

The Map designates the subject area as Residential Medium/Low Density in a Developing Urban District. The proposed project is consistent with the Subarea Map land use designation.

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

Objective – Promote new development in areas with adequate infrastructure.

Dreher Shoals Road provides access for residents to Lexington, Ballentine and the City of Columbia. The area is served by sewer and water along with uses (Publix shopping center ¼ mile to the south) that support residential areas such as the proposed Amendment. The proposed development is consistent with the uses in the area and the future growth of this portion of Dreher Shoals Road. The proposed Amendment **implements** this Objective.

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

A. Low-Medium (3-5 dwellings/acre): RS-1, RS-1A, RS-2, PUD-1 and PUD-2.

The Map designates the site as Medium/Low Density Residential. The proposal is for a PUD-1, which is consistent with the recommended zoning classification. The proposed Amendment **implements** this Principle.

Other Relevant Issues

The applicant has contracted the services of a certified arborist to locate and protect all mature hardwood trees to the highest extent possible. The proposed Amendment is a good example of a mixed use PUD that promotes commercial uses amongst a well planned and resident friendly neighborhood consisting of walking trails, ample open space, and low impact development.

In addition to the 60 dwelling units, the project will contain the following commercial land uses:

- a. 5,000 sq. ft. of garden center
- b. 5,000 sq. ft. of branch bank
- c. 30,000 sq. ft. of retail/office

The developer estimates that initial construction will commence in 2005 and be completed by 2008. The residential portion of the project is anticipated to be sold out by 2007.

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 # 04-64 MA **be changed** from RU to PUD-1R, subject to the PUD Conditions provided below:

Findings of Fact:

1. The applicant has provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment **is compatible** with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Dreher Shoals Road at this location is currently being exceeded at a LOS D.
4. The proposed Amendment **is consistent** with Proposed Land Use Map designation in the Northwest Subarea Plan.

5. The proposed Zoning Map Amendment **is consistent** with the Objectives and Recommendations of the Northwest Subarea Plan discussed herein.
6. The Planning Commission recommends approval of the Site Use Map required by Section 26.70-15, herein known as the Attachment B (*applicant's Exhibit D*).
7. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

PUD Conditions

- a) The site development shall be limited to a total of 60 dwelling units and 40,000 sq. ft of retail commercial in the general arrangement depicted in the Site Use Map (Attachment B) and ;
- b) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the Planning and Development Service Dept. (PDSB); and
- c) Approval of Attachment B shall constitute approval of the Sketch Plan for subdivision purposes; and
- d) The provisions of Sections 26-70.7; 26-70.8; 26-70.10; 26-70.11; and 26-70.12 are exempted from application to this project; and
- e) No Special Exceptions, as defined in Chapter 26-602, et. seq., of the County Code, or its relevant successor regulations, shall be permitted; and
- f) The Planned Unit Development Guidelines described in the application material submitted on June 1, 2004 are authorized for application to the subject project; and
- g) Pursuant to the requirements of Chapter 26-70.17 of the County Code, any major change in all, or a portion of the exterior boundaries; a major change in Attachment B; a major change in the location of land uses; a major increase in density; or a major change in traffic flow, shall require a review and recommendation by the Planning Commission and a new ordinance by the County Council; and
- h) The Planning Commission is hereby authorized to make minor amendments to Attachment B or minor changes to the Planned Development Guidelines, pursuant to the requirements of Chapter 26-70.17 of the County Code, or its relevant successor regulations; and
- i) The PDSB is authorized to make changes to the development schedule and/or the construction standards in the Planned Unit Development Guidelines as may become necessary during the project's construction; and
- j) No site clearing activity may begin until the PDSB issues a Land Disturbance Permit; and
- k) The applicant shall dedicate 20 feet of right-of-way to the County along the east side of Dreher Shoals Road within the project boundaries as part of recording any plats for the project; and
- l) Access to the subject site shall be limited to two points on Dreher Shoals Road; and
- m) A secondary emergency access point may be required for public safety purposes; and
- n) The developer shall be required to construct any necessary turn lanes for the project on Dreher Shoals Road; and
- o) All internal streets shall be publicly owned and maintained by the County and shall be subject to the relevant Guidelines described above; and

- p) The applicant shall submit a draft description of proposed procedures of any homeowners association or other group maintenance or group ownership features for the Department's and inclusion in the project records; and
- q) The County shall not be responsible for enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest.

SECTION III PLANNING COMMISSION ACTION
--

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

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

At their meeting of July 12, 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 # 04-64 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 # 04-64 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: 04-64 MA

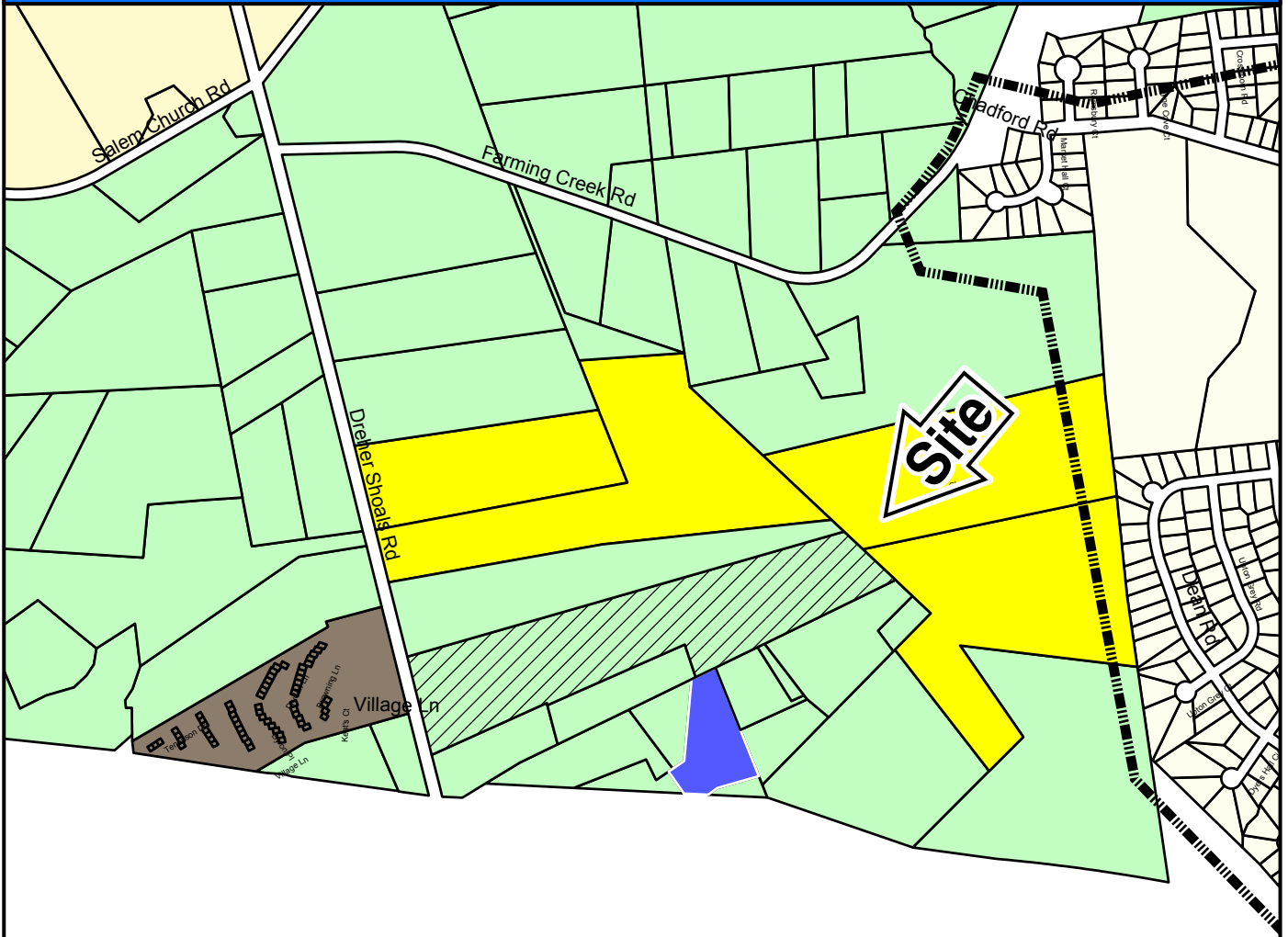
Applicant: English Village Gardens

TMS#: 03206-01-09 (p)

General Location: Dreher Shoals Road

Chapter #	General Development Plan Requirements	Comply
26-70.16	Generalized drawing (s) for entire site showing the general development pattern, including relationship between the various uses	Exhibit D
26-70.16 a	Statement of major project assumptions and objectives	Page 1
26-70.16 b	Statement of the range of percentages of the total area intended for residential, commercial industrial, open space, social/community uses & major streets and roads	Page 2
26-70.16 c	Statement of intended overall maximum dwelling unit density per acre	Page 2
26-70.16 d	Legal description	Exhibit E
26-70.16 e	Total acres	Page 2
26-70.16 f	Tentative number of units of various types	Page 2
26-70.16 g	Description of open space & community facilities & adequacy to serve the anticipated demand	Page 9
26-70.16 h	Approximate timing of development by phase	Page 6
26-70.16 i	Detailed description of the proposed homeowners association procedures, or other group maintenance & ownership features	Exhibit G
26-70.16 j	Design standards, administrative procedures & such information or descriptions appropriate for Planning Commission review	Pages 6-10

CASE 04-64 MA RU to PUD-1R



Lexington County

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 04-64 MA
RU to PUD-1R
TMS 03206-01-09 (p)

Site

Richland County

Lexington County



CASE 04-64 MA

From RU to PUD-1R

TMS# 03206-01-09 (p)

¼ mile NW of Irmo Dr. on Dreher Shoals Rd. (SC Hwy 6)



Attachment A
CASE 04-64 MA

All that certain piece, parcel or lot of land, lying and being in Richland County, state of South Carolina, being located on the east side of Highway 6 and North of Irmo Drive and being more fully shown and designated on a Boundary survey as Parcel "A" and Parcel "B", prepared for Village Venture Group, Inc. by Whitworth & Associates, Inc. dated April 27, 2004 and revised May 19, 2004 and recorded in the ROD Office for Richland County in plat book ____, at page ____, and having the following metes and bounds, to wit:

Parcel "A"

Beginning at the South Eastern corner on the R/W of Highway 6 and running in a clockwise direction along the R/W N14°01'36"W 912.00, thence turning and running along Waterford Subdivision

N83°49'09"E 10.21

N83°39'43"E 39.83

N83°38'40"E 132.72

N83°40'38"E 80.75

N83°30'29"E 19.12

N83°39'22"E 124.40

N83°41'52"E 88.06

N83°34'58"E 79.87

N83°39'45"E 160.05

N83°30'46"E 80.10

N83°45'10"E 79.62

N83°40'21"E 113.78

N19°19'39"W 2.71

N83°29'03"E 243.70

N83°33'24"E 85.07

N83°31'34"E 38.54

N88°54'03"E 39.37

N88°52'24"E 120.75

N82°21'47"E 476.85

S38°48'20"E 1 0.77

S36°22'06"E 28.97

S37°07'58"E 55.46

S37°06'23"E 81.55

837°1 0'21"E 111.28

S37°09'25"E 79.97

837°04'21"E 63.80 thence turning and running along property of N/F Calvin Meetze

S63°11'30"W 751.67

S64°13'49"W 100.16

S62°55'04"W 13.25 thence turning and running along Parcel "C" N20°17'49"W 237.11

S63°15'15"W 1325.32 to the point of beginning and containing 29.92 Acres.

Parcel "B"

Beginning at the North Eastern most property corner and running in a clockwise direction along Parcel A S82°21'47"W 476.85 S88°52'24"W 120.75, thence turning and running along Waterford Subdivision

N83°37'56"E 122.77

N83°38'39"E 98.24

N83°38'35"E 95.15

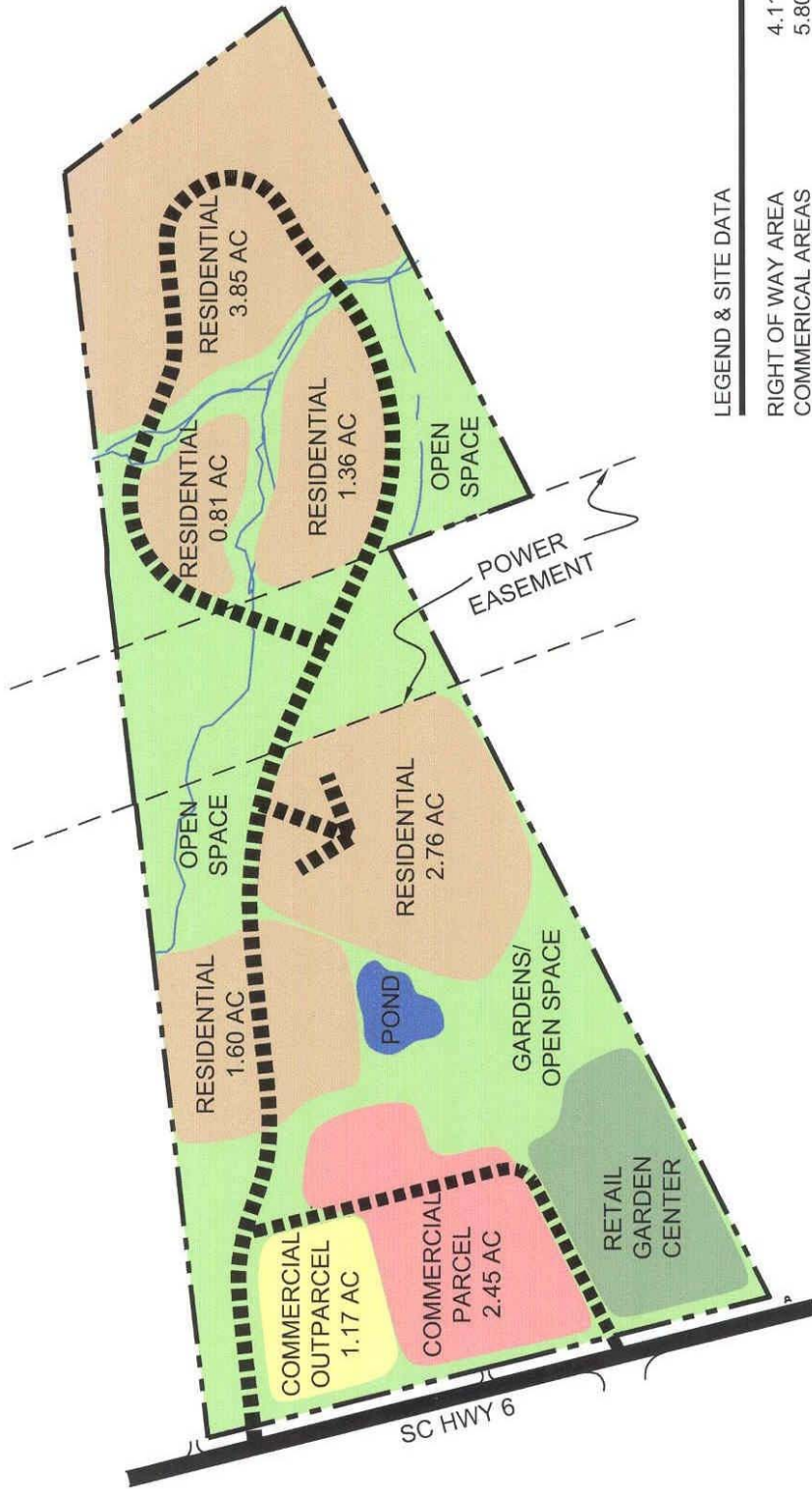
N83°44'07"E 79.96

N83°37'30"E 80.04

N83°42'49"E 79.88

N83°53'20"E 40.94 to the point of beginning and containing 0.08 Acres.

Attachment B CASE 04-64 MA



LEGEND & SITE DATA

-  RIGHT OF WAY AREA 4.11 AC
-  COMMERCIAL AREAS 5.80 AC
-  RESIDENTIAL AREA 10.38 AC
-  OPEN SPACE 9.71 AC
-  POND (PART OF OPEN SPACE)

VILLAGE VENTURE GROUP

RICHLAND CO., SOUTH CAROLINA

PUD R-1 SITE USE MAP



THE HAYTER FIRM

Landscape Architecture
Land Planning
30 Parker Lane
P.O. Box 3083
Pinehurst, NC 28374
Telephone 910-395-2222
Fax 910-395-3800
E-mail thf@pinehurst.net



North

Scale 1" = 300'-0"

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

July 12, 2004

RC Project # 04-65 MA	Applicant: MCA Architecture
General Location: 617 Blythewood Road in Blythewood	
Tax Map Number: 12600-03-01 & 12600-03-02 (p)	Subject Area: 19.17 ac MOL
Current Parcel Zoning: RU	Proposed Parcel Zoning: PDD
Proposed Use: Administration office, operations center, and warehouse	PC Sign Posting Date: June 9, 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 an administration office, operations center and warehouse for Fairfield Electric.

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Vacant single family residence with accessory structures and vacant land
Adjacent North	RU	Estate size single family residences and undeveloped land
Adjacent East	Blythewood (D-1)	Undeveloped land and pond
Adjacent South	RU	Agricultural land
Adjacent West	RU	Agricultural land and woodlands

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

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas</p>	<p><u>Proposed PDD Zoning Designation Intent</u> Intended better bridge the inherent difference between residential and non residential 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 PDD Zoning Permitted Uses</u> Limited to only those depicted in the Site Plan provided as Attachment B</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-68, respectively of the County Code. Some Special Exception uses are also possible.

The site is completely surrounded by agricultural land, estate sized single family residences and undeveloped woodlands. The site is not compatible with the character of the existing area.

Traffic Impact Discussion

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

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

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

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 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	Blythewood 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	624	
Current Volume At The Nearest Count Station #490 Located @ on Blythewood Road	6100	
Estimated Traffic Count With the Proposed Project	6724	
Volume-To-Capacity Ratio With The Proposed Project	0.78	

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 36,000 s. ft. general office facility (pg. 1052) and 46,000 sq. ft of warehouse facilities (pg. 198) of the TGM times acreage.

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 would not cause the LOS C design capacity of Blythewood Road in this vicinity to be exceeded.

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

The **proposed PDD zoning is NOT consistent** with the Map designation as required by state statutes. The zoning should be RU to be consistent with the Subarea Map land use designation.

The North Central Subarea Plan, adopted in November 1992, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 31 and 40 respectively, are discussed below:

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

The subject site is surrounded by rural type development in all directions. There are several hundreds of acres already zoned M-1 in the I-77 corridor in which the applicant could locate the subject facility. The proposed Amendment **does not implement** this Objective.

Recommendations – No industrial uses are recommended within the Rural and Open Space area

The M-1 zoning district allows a wide variety of light industrial and distribution type facilities. The subject site is in rural area of the County that is planned to stay rural for the foreseeable future. The proposed Amendment **does not implement** this Principle.

Other Relevant Issues

The subject site is adjacent to the area included in the I-77 Corridor Subarea Plan. This Subarea contains a substantial area of land designated for industrial, technological and commercial uses. Most of the same area is already vacant M-1 zoned land. The Department asserts there is no reason to rezone a parcel of rural land for industrial use when there is already so much vacant M-1 zoned land nearby.

Upon a site inspection by the Department on June 18, 2004 it became apparent that the existing and proposed buffers are not substantial enough to comply with the Landscape Requirements Section 3.6 *Bufferyard Specifications*. A minimum 25' wide type "E" buffer is required to buffer industrial uses from residentially zoned districts. Type "E" buffers range in width from 25' – 75' of which the 25', 30', 40', and 50' wide buffers require the specified number of plantings and a fence or berm.

The 75' wide buffer does not require a fence or berm, however, it must contain the specified amount of plantings and provide the opacity factor set forth by the Landscape Requirements. It should also be noted that at least one hardwood tree on the site is greater than 92" in circumference and may not be removed unless specific relief is granted by the County.

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 # 04-65 MA **not be changed** from RU to PDD.

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment **is not compatible** with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Blythewood Road at this location **will not** be exceeded.
4. The proposed Amendment **is not consistent** with Proposed Land Use Map designation in the North Central Subarea Plan.

5. The proposed Zoning Map Amendment **is not consistent** with the Objectives and Principles of the North Central 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.

PDD Conditions, If the Project is Approved

- a) The development shall be limited to 36,000 sq. ft. 2 story administration & operations building, 30,000 sq. ft. 1 story covered vehicle storage & maintenance building, 16, 000 sq. ft. 1 story warehouse building and accessory uses such as the covered fuel island and storage pad and yard as depicted in the Proposed Site Development Plan (*applicant's exhibit C*) hereinafter known as Attachment B; and
- b) Pursuant to the requirements of Chapter 26-72.13 of the County Code, the Planning Commission may approve changes to Attachment B ONLY upon findings that such changes will not (1) increase the density of the project; (2) will not increase the amount of traffic generated; (3) will not reduce screening or off-street parking requirements; or substantially alter the composition of the project; and
- c) Any changes other than those described above shall require a review and recommendation by the Planning Commission and a new ordinance by the County Council; and
- d) The PDSO is authorized to make minor adjustments to the development schedule in and/or the construction standards as may become necessary during the project's construction; and
- e) No site clearance activity, or filling activity, shall occur until the Planning and Development Services Department issues a Land Disturbance Permit; and
- f) All development shall conform to the land development regulations, in particular the Landscaping Standards in Chapter 27 of the County Code, or its successor regulations, when an individual permit application is received; and
- g) No Special Exceptions, as defined in Chapter 26-60 et. seq., of the County Code, or its relevant successor regulations shall be permitted.

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.

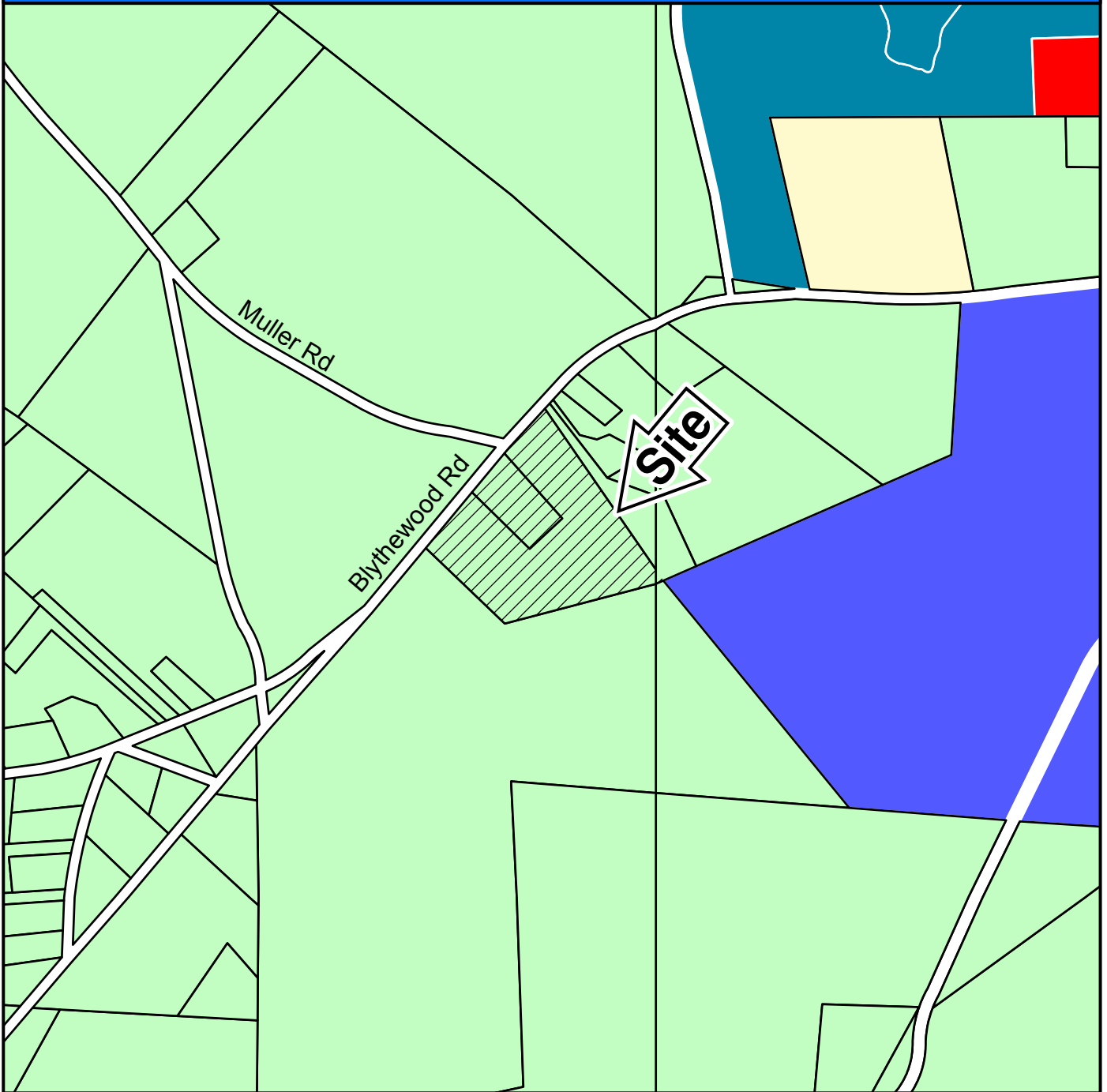
At their meeting of July 12, 2004, the Richland County Planning Commission agreed (did not agree) with the PDSO recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 04-56 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 # 04-65 MA, the Planning Commission made the findings of fact summarized below:

CASE 04-65 MA RU to PDD



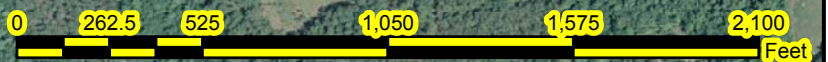
ZONING CLASSIFICATIONS

	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 04-65 MA
RU to PDD
TMS 12600-03-01/02

Site



CASE 04-65 MA FROM RU to PDD

TMS# 12600-03-01/02 (p)

Blythewood Rd. & Muller Rd.



Attachment A
Case 04-65 MA


All that parcel of land in the aggregate containing 19.17 acres, more or less and described as follows:

Beginning at a point on the north corner adjoining Blythewood Road, and extending south 43° east a distance of 1130 feet to a point, thence turning and extending south 7° west a distance of 995 feet to a point, thence turning and extending north 47° west a distance of 657 feet to a point, thence turning and extending along Blythewood Road north 42° east a distance of 406 feet, north 42° east a distance of 241 feet, north 42° east a distance of 325 feet to the point of beginning. All bearings and distances being approximate.

The above property is comprised of Tax Map parcel number 12600-03-01 and a portion of Tax Map parcel number 12600-03-02.

A sketch plan dated April 26, 2004 by Robert H. Lackey Surveying, Inc. is attached as part of this Exhibit.

**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: June 24, 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
Kellwood Drive	Berkeley @ Lake Carolina
Clemtis Drive	Future Joe Clark S/D
Morcombe Bay Drive	Future Mungo S/D – Preston Green
Heysham Drive	Future Mungo S/D – Preston Green
Blackpool Drive	Future Mungo S/D – Preston Green
Lytham Drive	Future Mungo S/D – Preston Green
Hawkshead Drive	Future Mungo S/D – Preston Green
Coniston Drive	Future Mungo S/D – Preston Green
Grasmere Drive	Future Mungo S/D – Preston Green
Birthwaite Drive	Future Mungo S/D – Preston Green
Charnock Drive	Future Mungo S/D – Preston Green
Haworth Drive	Future Mungo S/D – Preston Green

PROPOSED STREET NAMES	GENERAL LOCATION
Addlestone Drive	Future Mungo S/D – Preston Green
Brooksby Drive	Future Mungo S/D – Preston Green
Castle Cary Drive	Future Mungo S/D – Preston Green
Chesham Drive	Future Mungo S/D – Preston Green

APP'D SUBDIVISION NAMES	GENERAL LOCATION
Winter Place	Winterwood Drive
Winter Oaks	Winterwood Drive
Wren Creek	Future Mungo S/D

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

TO: Planning Commission Members; Interested Parties
FROM: Carl D. Gosline, AICP, Subdivision Administrator 
DATE: June 21, 2004
RE: Proposed Changes in the Planning Commission's Rules of Procedure

The Department proposes the changes to the Rules of Procedure shown herein. Changes in the existing language are shown in ~~striketrough~~ format. The changes made by the Commission at the June 7, 2004 meeting are underlined. Proposed **new** language is shown in underlining and shading format.

The Department believes changes are necessary to clarify the provisions regarding the process to withdraw, or defer Commission consideration of a project. The definitions of defer and withdraw from Webster's Dictionary are provided below:

Defer – to postpone or delay

Withdraw – (4) to remove oneself from participation as in an activity

Article IV has been slightly modified from the previous version. The changes mostly involved rearrangement of the previous text to clarify the sequence of activity for reconsideration of Commission actions.

RICHLAND COUNTY, SOUTH CAROLINA
PLANNING COMMISSION RULES OF PROCEDURE

ARTICLE I – ORGANIZATION

Section 1 – Membership

The Commission shall consist of nine members appointed by the County Council for staggered four-year terms. The County Council may remove a member prior to expiration of his/her term for cause.

Section 2 – Officers

The officers of the Commission shall be a Chairman, Vice-Chairman and Secretary elected for one-year terms at the first meeting of the Commission each calendar year.

Section 3 - Chairman

The Chairman shall be a voting member of the Commission and shall:

- a) Call meetings of the Commission; and
- b) Preside at meetings and hearings; and
- c) Act as spokesperson for the Commission; and
- d) Sign documents for the Commission; and
- e) Perform other duties as determined by the Commission and state or County law.

Section 4 – Vice-Chairman

The Vice-Chairman shall exercise the duties of the Chairman in the absence, disability or disqualification of the Chairman. In the absence of the Chairman and Vice-Chairman, an acting Chairman shall be appointed by the members present.

Section 5 - Secretary

The Secretary shall coordinate with the Department to ensure that:

- a) Adequate public notice of the meetings is provided; and
- b) Proper public record of the meetings is made; and
- c) Minutes of the meetings are produced in a timely manner; and
- d) Other such duties as may be periodically requested by the Commission are completed.

Section 6 – Removal of Officers

Commission officers may be removed for cause from office prior to the expiration of their term by majority vote of the Commission membership.

ARTICLE II – FUNCTIONS, DUTIES AND POWERS

Section 1 – Authority

The Planning Commission shall have the general powers, duties and responsibilities as proscribed by Section 6-29, et seq., SC Code of Laws.

Section 2 – Functions, Duties and Power

The function of the Planning Commission is to undertake a continuing planning program for the physical, social, and economic growth, development and redevelopment of the unincorporated area of the County. The Commission shall have the powers and duties generally proscribed by state law, including but not be limited to, the following:

- a) Prepare and periodically revise the plans and programs for the development and redevelopment of the unincorporated portion of the County; and
- b) Recommend for adoption by the County Council the measures and techniques to implement the plans for development and/or redevelopment, including but not limited to, zoning regulations, subdivision regulations, other types of land development regulations, landscape regulations, an official road/highway map and/or a capital improvement program; and
- c) Complete a review and prepare recommendations for any modifications to the Comprehensive Plan for County Council consideration no later than February 2004 and no later than every five years thereafter; and
- d) Review and recommend any modifications that may be necessary to any regulations concerning the development of land within the unincorporated area to the County Council; and
- e) Review and recommend approval, or denial, of any request for change to the County's Official Zoning Map for County Council consideration; and
- f) Review and approve, modify or deny certain subdivision projects as proscribed by the County Code of Ordinances; and
- g) Consider appeals of Department decisions regarding plats and certain other matters delegated to it by the County Code of Ordinances; and
- h) Consider any matters referred to it by the County Council within such time period as may be specified by the Council.

Section 3 – Application Processes

In addition to the specific application processes proscribed by state, or County law, the Planning Commission shall require the following:

- a) Applicants shall demonstrate that they have had, or been afforded the opportunity to have, a pre-application conference with the appropriate Department staff prior to submitting an application; and
- b) All Zoning Map amendment packages shall, at a minimum include a metes and bounds legal description and, if necessary to clearly identify the subject site or portion thereof, a plat of the subject property with the area to be considered clearly delineated; and
- c) All documents to be reviewed by the Planning Commission and the Department shall be signed and sealed by the appropriate professional SC licensed person; and
- d) Incomplete applications shall not be processed by the Department, or scheduled for Commission consideration, until all the required documents, exhibits, etc are submitted, the proper forms completely filled out and the relevant non-refundable fees paid.
- e) When there are existing violations of those portions of the County Code, for which the Department has enforcement responsibility, are present on a subject site, the Planning Commission may, at a regularly scheduled meeting, delay consideration of the subject project for up to 90 days.

Section 4 – Application Deadlines

Only complete application packages received prior to the first day of the month shall be scheduled for the following month's Commission meeting.

Section 5 – Ex Parte Communication

Since some matters considered by the Commission are quasi-judicial, the Commission members should avoid discussing agenda items with anyone outside of its public meeting.

ARTICLE III – MEETINGS

Section 1 – Time and Place

An annual schedule of regular meetings shall be adopted, published and posted at the Department Richland County Planning and Development Services in December of each year. Special meetings may be called by the Chairman with no less than 7 days notice, posted and transmitted to all members and local news media. Meetings shall be held at the time and place stated in the notices, unless a room conflict occurs, and shall be open to the public. If a room conflict occurs, the new place of the meeting will be clearly identified for interested parties.

Section 2 – Agenda

No items may be added to the agenda ~~after 14 days prior to the meeting~~ after the agenda has been advertised, except the Commission may add only those items not governed by the Freedom of Information Act to the agenda upon a majority vote of the quorum present. A tie vote fails.

Section 3 – Quorum

A majority of the members of the Commission shall constitute a quorum. A quorum shall be present before any business requiring a vote, other than rescheduling the meeting, is conducted.

Section 4 – Rules of Order

Robert’s Rules of Order shall govern the conduct of meetings, except as otherwise provided by these Rules of Procedure.

Section 5 – Voting

- a) A member must be present to vote.
- b) Each member shall vote on every motion, unless ~~disqualified~~ recused as described below.
- c) All actions requiring a vote by the Commission shall require a majority vote, but no less than four votes of the quorum present, to pass and shall be done in public view.
- d) A tie vote shall mean the motion fails.

Section 6 – Conflict of Interest

Pursuant to the requirements of Section 8-13-700, SC Code of Laws, each member who is required to take an action, or make a decision, that affects an economic interest of herself/himself, a member of his/her immediate family, an individual with whom he/she is associated, or a business with which she/he is associated shall:

- a) Complete the form provided by the Legal Department for this purpose describing the matter requiring action, or decisions, and the nature of the potential conflict of interest with respect to the subject action or decision; and
- b) She/he shall furnish a copy of the statement to the Commission Chairman, who shall:
 1. Require that the member be excused from any votes, deliberations and other actions on the matter on which the potential conflict of interest exists; and
 2. Cause the disqualification statement and the reasons for it to be printed in the minutes.

Section 7 - Freedom of Information Act

The Commission, and the Department, are public bodies as defined by Section 30-4-20(a) SC Code of Laws (Freedom of Information Act) and shall conform to the requirements of thereof.

Section 8 – Meeting Notification Procedures

The following procedures shall be followed regarding the notification of the Commission's meetings

- a) A written agenda shall be furnished by the Department to each member of the Commission, the applicant and the news media. The agenda shall be posted on the County's website and at the entrance to the County Council chambers at least 7 days prior to each regular or special meeting.
- b) The Department shall attempt to notify the applicant of the hearing date for consideration of his/her application, however applicants shall be responsible for remaining informed regarding the Commission's scheduled consideration of their project.
- c) All sites proposed for Commission consideration of Zoning Map Amendments shall be posted no less than ten days prior to the meeting with a sign in a conspicuous place on the nearest public road that, at a minimum, identifies the date, time and place of the meeting at which the matter will be considered.

Section 9 – Staff Reports

The Department shall provide a written staff report and recommendation to the Commission for each matter on the meeting agenda not less than 7 days prior to the meeting at which the matter will be considered. Each applicant shall also receive a copy of the staff report for his/her agenda item prior to the Commission meeting.

Section 10 – Procedure

The following procedure shall be employed during the Commission meeting:

- a) The Department staff shall summarize the written staff report and recommendation; and
- b) The applicant, and other such persons as the Chairman may recognize, will be provided an opportunity to make any statements regarding the subject agenda item; and
- c) Pursuant to the requirements of Section 6-29-760 (B) of the SC Code of Laws, if an applicant for a zoning map amendment is allowed to speak, and/or present written testimony, a minimum of 10 days notice and the opportunity to speak shall be provided to any interested party; and
- d) The Chairman shall have the right to limit discussion on any agenda item, except that reasonable opportunity should be provided to all wishing to speak and that redundant comments should be minimized; and

- e) Upon completion of (d) above, the Chairman shall close the public discussion and open the discussion among the Commission members; and
- f) When the Commission discussion has concluded, the Chairman, or a Commission member, may call the question and the vote shall be taken in public.

Section 11 – Executive Sessions

Subject to the requirements described below, the Commission may choose to go into an executive session, i.e., a private meeting off the public record:

- a) Pursuant to the requirements of Section 30-4-70 (2) SC, Code of Laws, any such executive session shall be limited to:
 1. Receipt of legal advice where the legal advice relates to a pending, threatened or potential claim or other matters covered by the attorney-client privilege; or
 2. Discussion of the Commission's position regarding adversarial situations involving a claim against the Commission; or
 3. Discussion of negotiations incident to proposed contractual arrangements.
- b) Before going into executive session, the Commission shall vote to go into session in public and if the vote is positive, the Chairman shall announce the specific purpose of the executive session.
- c) No action shall be taken in executive session except to adjourn and return to public session.
- d) Commission members shall not commit to any course of action nor poll the members regarding a proposed action.

Section 12 - Attendance

Pursuant to the requirements of Chapter 2-238 of the Richland County Code of Ordinances, if a Commission member misses 5 out of 12 meetings, he/she shall automatically lose membership on the Commission and the position shall be declared vacant. In such an event, the Chairman shall notify the County Council Chairman in writing. The County Council may waive enforcement of this provision in the case of illness, death of a family member, court appearance, or other similar circumstances beyond the control of the appointee.

Section 13 – Withdrawal and Deferral

~~An applicant may terminate Department, or Commission, action regarding an application for a project in one of the following ways:~~

- a) An applicant may withdraw consideration of an application by notifying the Zoning Administrator ~~Department~~ in writing any time no later than 14 days prior to the Commission's action on the subject project. The parcel containing a withdrawn project shall not be eligible for further consideration by the Commission for 90 days and shall be subject to the regulations and new application fees in place at the time the new application is filed.

- b) If an applicant wishes to withdraw consideration of any Planning Commission recommendation to the County Council, the applicant must notify the Zoning Administrator in writing within 7 days after the Commission's action or the matter will be scheduled for County Council action at its next available meeting. The parcel containing a withdrawn project shall not be eligible for further consideration by the Commission for 90 days and shall be subject to the regulations and new application fees in place at the time the new application is filed.
- c) The Zoning Administrator may withdraw Commission consideration of an application when it is found that the parcel, or structures thereon, have one, or more, violations of the portions of the County Code administered by the Department.

Section 14 – Deferral

- a) An applicant may request the Commission defer (table) action regarding a project either by a personal appearance at a Commission meeting, or in writing to the Zoning Administrator Department prior to the scheduled Commission consideration of the project.
- b) ~~The Commission may, in its sole discretion, grant the request for deferral for specific time period. If the Commission grants a deferral, it must do so to a specific date that meets the agenda deadline requirements described above.~~
- c) At the end of the Commission specified time period, the Commission may, ~~in its sole discretion~~, take action regarding the project with, or without, the applicant's consent.
- d) Two consecutive deferrals by the Commission, or the Zoning Administrator, or a combination thereof, will constitute a withdrawal and will be subject to the withdrawal requirements described above.
- e) The Zoning Administrator shall defer Commission consideration of an application when it is determined that:
 - 1. The application contains false statements; or
 - 2. The application contains inaccurate documentation; or
 - 3. The application is incomplete; or
 - 4. The applicant is unable to attend the subject meeting.

Section 15 – Minutes

- a) Pursuant to the requirements of Sections 6-29-360 and 6-29-1150 (B) of the SC Code of Laws, the Department shall keep a record of all matters considered by the Commission as a public record in accordance with the relevant requirements of state law.
- b) The Department shall record all meetings of the Commission on audio-tape that shall be preserved, at a minimum, until Commission final action is taken on all matters presented and any relevant reconsideration and/or appeal period has elapsed.
- c) The Department shall prepare minutes of each meeting for approval by the Commission at the next regular meeting.

- d) The Department shall ~~not~~ be responsible for preparation of verbatim minutes. ~~or transcripts.~~ Any person wishing to ~~ensure~~ secure a verbatim record of a Commission action shall ~~may~~ do so at his/her own arrangements and expense, or pay a fee to the Department for said transcript.

ARTICLE IV – RECONSIDERATION OF COMMISSION ACTIONS

Section 1 – Requirements

The applicant, the Department, or a Commission member voting on the prevailing side of a decision, may only request reconsideration of a Commission decision for which the Commission has final authority to act, provided such written request is received by the Zoning Administrator Department within ~~14~~ 7 days of the Commission’s action. ~~and the Commission finds that:~~

Section 2 - Process

- a) Upon receipt of the written request for reconsideration, the Department shall schedule the request for the next available Commission meeting.
- b) The Department will provide a written recommendation to the Commission regarding whether the applicant’s request meets the criteria listed below:
- (1) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; or
 - (2) Notice of the meeting at which the subject agenda item was considered was improper pursuant to state or County regulations; or
 - (3) A significant clerical or map error is such that it may affect the result of the Commission’s action.
- c) If the Commission determines the requirements ~~of Section 1~~ described ~~below~~ above have been met, the matter will be scheduled for action at the next available Commission meeting.
- d) If the Commission determines that the requirements ~~of Section 1~~ described above have not been met, the original decision shall be the Commission’s final action in the matter.
- e) The reconsideration matter shall conform to the relevant requirements of Article III.

ARTICLE V - APPEALS OF DEPARTMENT DECISIONS

Section 1 – Process

A party in interest may appeal a Department decision regarding any matter regulated by Chapter 22 of the Richland County Code of Ordinances to the Commission in the following manner:

- a) A written request to appeal a Department decision must be received within 30 days of written notice of the decision in order to be scheduled for Commission consideration: and
- b) Upon receipt of the appeal request within the time limit described above, the matter will be scheduled for the next available meeting of the Commission.; and

- c) The request shall, at a minimum, include a discussion of the matter being appealed, the remedy being sought and any relevant documents, maps, etc, the appellant may wish to submit in support of the appeal; and
- d) The Department shall prepare a staff report regarding such request and otherwise conform to the processes described in Article II and III above; and
- e) The Commission's decision regarding the appellant's request shall be considered the final County action in the matter.

Section 2 – Circuit Court

Upon completion of the Commission's final action on any matter, Section 6-29-1150 (C) of the SC Code of Laws allows a party in interest to appeal a Commission's decision 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.

ARTICLE VI – RULES ADOPTION & AMENDMENT

Section 1 – Adoption

These Rules were adopted by a vote of a majority of the members of the Richland County Planning Commission at a regular public meeting on ~~February 4, 2002~~ ???, 2004 and are effective immediately.

Section 2 – Amendment

These Rules may only be amended at a regular meeting of the Commission by a majority vote of the members of the Commission.