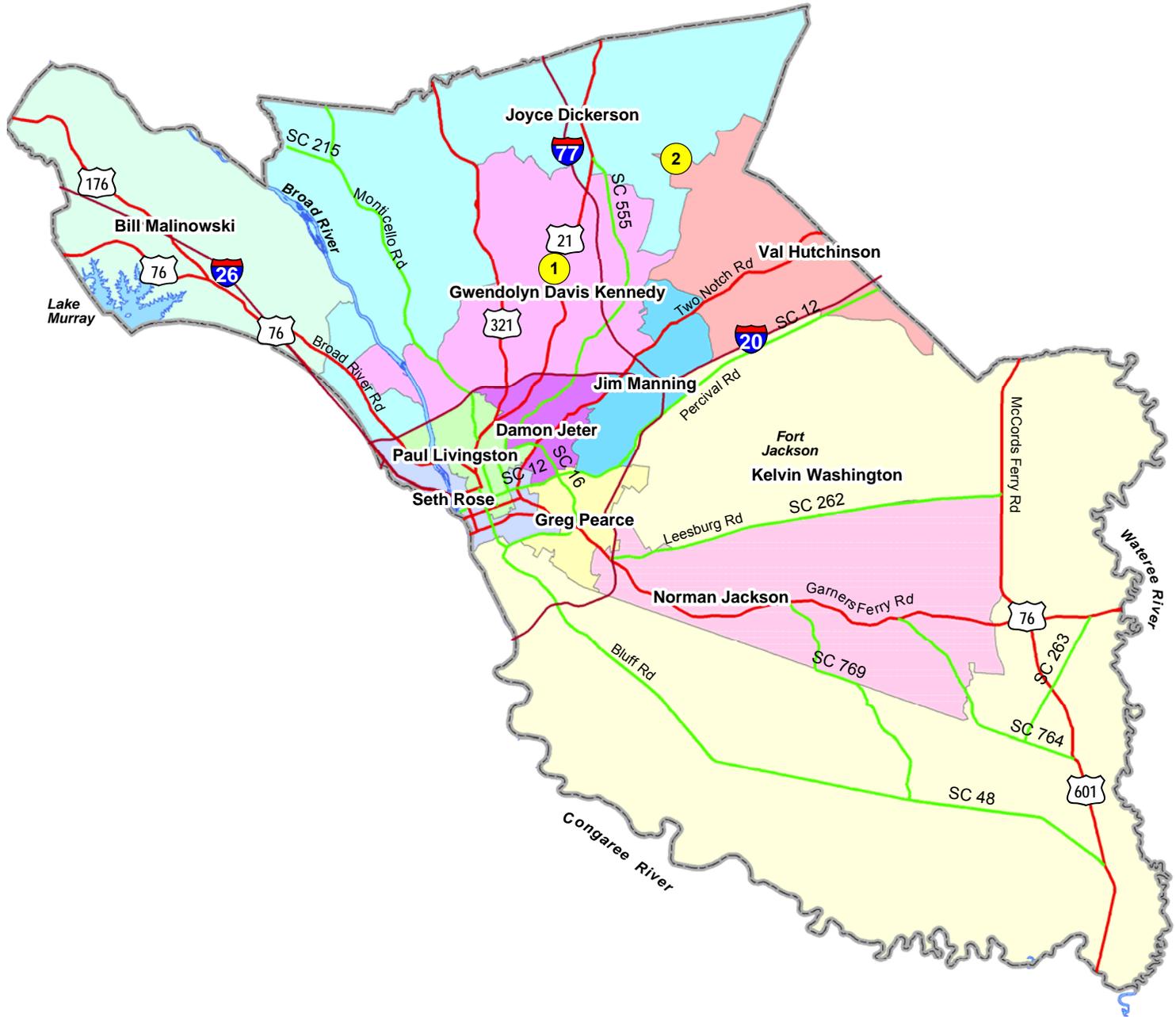


RICHLAND COUNTY
PLANNING COMMISSION



JUNE 6, 2011

*RICHLAND COUNTY
PLANNING COMMISSION
JUNE 6, 2011*



CASE NO.	APPLICANT	TMS NO.	LOCATION	DISTRICT
1. 11-06 MA	Pallay R. Desai	14700-03-33	9401 Wilson Blvd.	Kennedy
2. 11-07 MA	Richland County	20406-02-01 (p)	Longcreek Plantation	Hutchinson

RICHLAND COUNTY PLANNING COMMISSION

Monday, June 6, 2011

Agenda

1:00 PM

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

STAFF Anna Fonseca, AICP Planning Director
Amelia R. Linder, Esq Attorney
Geonard Price Zoning Administrator
Holland Leger, AICP Planning Services Manager

PUBLIC MEETING CALL TO ORDER Patrick Palmer, Chairman

PUBLIC NOTICE ANNOUNCEMENT

PRESENTATION OF MINUTES FOR APPROVAL

May 2011 minutes

ROAD NAME APPROVALS

AGENDA AMENDMENTS

MAP AMENDMENTS

1. Case #11-06 MA
Pallay R. Desai
RU to NC (.76 acres)
9401 Wilson Blvd.
TMS# 14700-03-33
Page 1
2. Case #11-07 MA
Richland County
TROS to RS-LD (12.49 acres).
Longcreek Plantation
TMS # 20406-02-01 (p)
Page 7

TEXT AMENDMENTS.

1. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SUBSECTION (C), STANDARDS; SO AS TO DELETE CERTAIN SETBACK REQUIREMENTS FOR BARS AND OTHER DRINKING PLACES

Page 13

2. AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SO AS TO PERMIT PRIVATE ROAD SUBDIVISIONS IN THE RU ZONING DISTRICT

Page 15

OTHER BUSINESS

ADJOURNMENT



Richland County Planning & Development Services Department

Map Amendment Staff Report

PC MEETING DATE: June 6, 2011
RC PROJECT: 11-06 MA
APPLICANT: Pallav Desai
PROPERTY OWNER: Pallav Desai

LOCATION: 9401 Wilson Boulevard

TAX MAP NUMBER: 14700-03-33
ACREAGE: 0.76
EXISTING ZONING: RU
PROPOSED ZONING: NC

PC SIGN POSTING: May 19, 2011

Staff Recommendation

Approval

Background /Zoning History

The current zoning, Rural District (RU), reflects the original zoning as adopted September 7, 1977.

The parcel contains three hundred and thirty two (332) feet of frontage on Wilson Boulevard.

Summary

The Neighborhood Commercial District (NC) is intended to accommodate commercial and service uses oriented primarily to serving the needs of persons who live or work in nearby areas. This district is designed to be located within or adjacent to residential neighborhoods where large commercial uses are inappropriate, but where small neighborhood oriented business are useful and desired.

New structures in the Neighborhood Commercial District (NC) shall have a building footprint of not more than 6,000 square feet. The gross floor area of new structures shall not exceed 12,000 square feet. Existing structures shall not be expanded to exceed a footprint or gross floor area of 12,000 square feet.

Minimum lot area: no minimum lot area requirement except as required by DHEC. Maximum density: no more than eight (8) units per acre.

- The gross density for this site is approximately: 6 dwelling units
- The net density for this site is approximately: 4 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	RU	Manufactured home development
<u>South:</u>	RU	Manufactured home development
<u>East:</u>	RU	Single family residence
<u>West:</u>	RU	Manufactured home development

Plans & Policies

The 2009 Richland County Comprehensive Plan “Future Land Use Map” designates this area as **Suburban** in the **Northeast Planning Area**.

Northeast Area

Objective: Commercial/Office activities should be located at traffic junctions or areas where existing commercial and office uses are located. These uses should not encroach on established residential areas.

Compliance: The subject parcel contains existing non conforming commercial uses. The existing commercial use is permitted outright under the proposed zoning.

Traffic Impact

The 2010 SCDOT traffic count (Station # 135) located south of the subject parcel on Wilson Boulevard identifies 8,000 Average Daily Trips (ADT’s). Wilson Boulevard is classified as a two lane undivided Minor Arterial, maintained by SCDOT with a design capacity of 10,800 ADT’s. Wilson Boulevard is currently operating at Level of Service (LOS) “B”.

Conclusion

The location of the subject parcel meets the intent of the Neighborhood Commercial District (NC) and is located adjacent to a residential neighborhood where large commercial uses are inappropriate, however small neighborhood oriented business are useful and desired. A large rural subdivision, Heritage Hills, is located eighteen hundred (1800) feet north of the site. Palmetto Palms, a manufactured home development containing over 175 manufactured homes is contiguous to the west of the site.

A General Commercial (GC) zoned parcel is located three hundred (300) feet southeast of the site along Wilson Boulevard. An assisted living facility is currently operating eight hundred (800) feet southeast of the subject parcel on Wilson Boulevard. The subject parcel contains an existing gas station and barber shop. Under the current Rural (RU) zoning district gas stations are not a permitted use. The existing use is considered nonconforming but is permitted outright under the Neighborhood Commercial District (NC). Under Sec.26-256. (3);

A nonconforming use of a structure may be enlarged or extended only into portions of the structure that existed at the time that the use became nonconforming. No structural alterations will be allowed to any structure containing a non conforming use....

The parcel is currently served by private water and septic sewer service. The parcel has a 10 inch City of Columbia water main easement running the length of the road frontage on Wilson Boulevard. There is a fire hydrant located on the subject parcel along Wilson Boulevard. The Killian fire station (number 27) is located 2.62 miles east of the subject parcel on Farrow Road. The proposed map amendment would not negatively impact public services or traffic.

The proposed Zoning Map Amendment is in compliance with the Comprehensive Plan. Planning Staff recommends **Approval** of this map amendment.

Zoning Public Hearing Date

June 28, 2011

Case 11-06 MA RU to NC

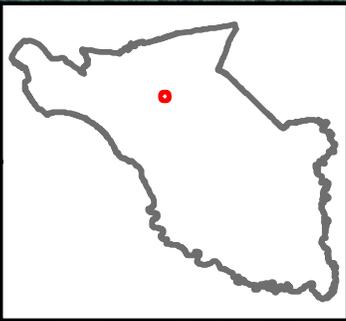
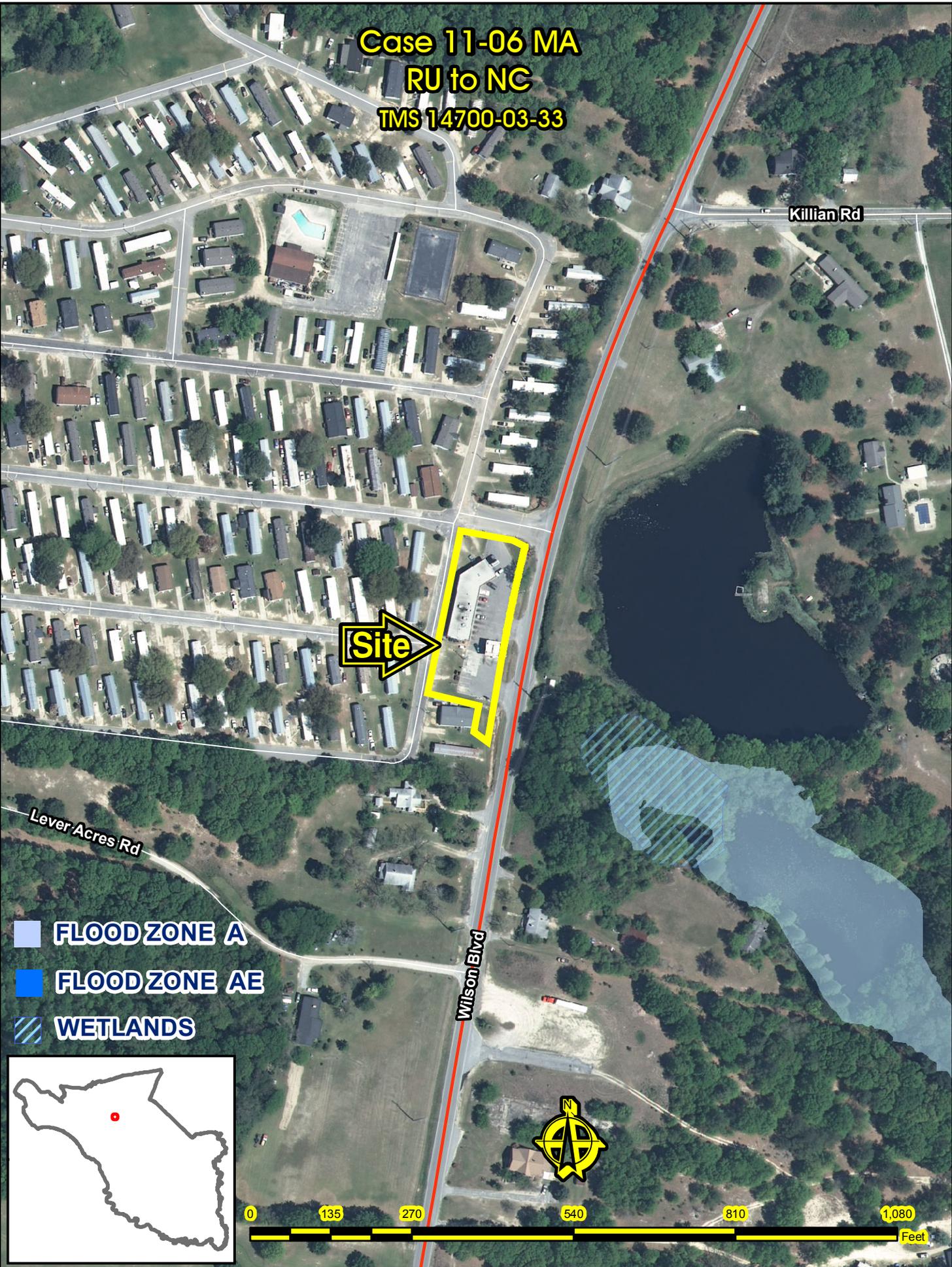


ZONING CLASSIFICATIONS

RR	RS-E	MH	NC	LI	TROS
C-1	RS-LD	RM-MD	GC	HI	Subject Property
C-3	RS-MD	RM-HD	RC	PDD	
RG-2	RS-HD	OI	M-1	RU	



**Case 11-06 MA
RU to NC
TMS 14700-03-33**

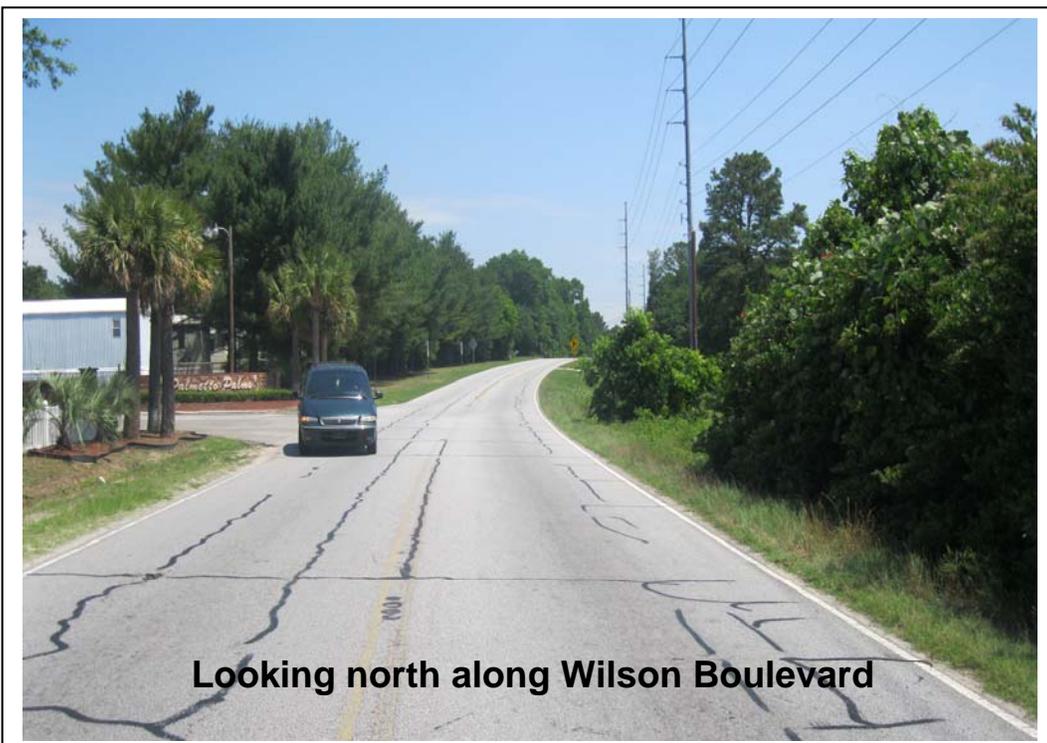
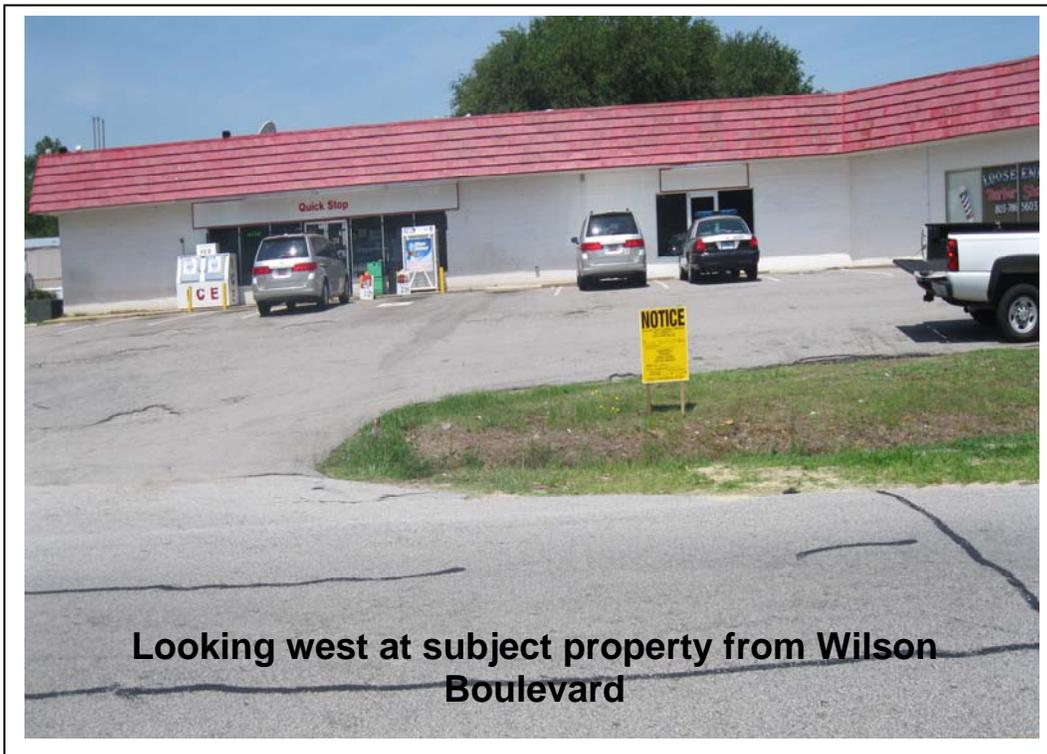


CASE 11-06 MA

From RU to NC

TMS# 14700-03-33

Wilson Boulevard





**Richland County
Planning & Development Services Department**

Map Amendment Staff Report

PC MEETING DATE: June 6, 2011
RC PROJECT: 11-07 MA
APPLICANT: Richland County
PROPERTY OWNER: Fairways Development

LOCATION: Windermere Village Way

TAX MAP NUMBER: 20406-02-01 (Portion of)
ACREAGE: 12.49 acres
EXISTING ZONING: TROS
PROPOSED ZONING: RS-LD

PC SIGN POSTING: May 19, 2011

Staff Recommendation

Approval

Background /Zoning History

According to County records the current zoning of Traditional Recreation and Open Space District (TROS) reflects the zoning as adopted July 27, 2007 (Ordinance NO. 065-07-HR) amended from Residential Single Family Low Density District (RS-LD).

The parcel contains frontage on Windermere Village Way.

Summary

The Residential Single Family Low Density District (RS-LD) "is intended as a single family, detached residential district, and the requirements for this district are designed to maintain a suitable environment for single family living. Non-single family development normally required to provide the basic elements of a balanced and attractive residential area is also permitted."

Minimum lot area is 12,000 square feet, or as determined by DHEC, but in no case shall it be less than 12,000 sq ft. The maximum density standard: no more than one principal dwelling unit may be placed on a lot except for permitted accessory dwellings.

- The gross density for this site is approximately: 45 dwelling units
- The net density for this site is approximately: 31 dwelling units

Direction	Existing Zoning	Use
<u>North:</u>	RS-LD	Residential lots
<u>South:</u>	RS-LD	Residential lots
<u>East:</u>	TROS	Fairway number 5
<u>West:</u>	TROS/ RS-LD	Fairway number 7/ Residential lots

Plans & Policies

The 2009 Richland County Comprehensive Plan “Future Land Use Map” designates this area as **Suburban** in the **Northeast Planning Area**.

Northeast Area

Objective: Throughout the suburban areas infill development should be a focus in residential, commercial and industrial areas, complementing and connecting the existing sprawl pattern.

Compliance: The proposed Residential Single Family Low Density District (RS-LD) is in character with the surrounding area.

Traffic Impact

The 2010 SCDOT traffic count (Station # 711) located south of the subject parcel on Longtown Road identifies 8,700 Average Daily Trips (ADT's). Longtown Road is classified as a two lane undivided Collector, maintained by SCDOT with a design capacity of 10,800 ADT's. Longtown Road is currently operating at Level of Service (LOS) “C”.

Conclusion

In 2005 the Single Family Residential zoning of RS-1A was converted to Residential Single Family Low Density District (RS-LD). Under this zoning district conversion the lot size was changed from 10,000 square feet under the Single Family Residential zoning of RS-1A to 12,000 square feet under the Residential Single Family Low Density District (RS-LD). In 2007 Richland County proactively rezoned numerous golf courses to the Traditional Recreation and Open Space District (TROS) as adopted July 27, 2007 (Ordinance NO. 065-07-HR).

In the original land development plan the subject parcel was identified as developable lots. However, upon approval of the Traditional Recreation and Open Space District (TROS) ordinance the subject parcel had not yet been subdivided and remained part of the overall parent parcel. Under the Traditional Recreation and Open Space District (TROS) ordinance the parcel was rezoned with the parent track in error. In an effort to rectify the situation the Planning Director has initiated the subject parcel for rezoning. The parcel is contiguous to existing residential development, zoned Residential Single Family Low Density District (RS-LD) and the Windermere golf course. Approval of the proposed zoning would allow for infill development which had been the original intent of the overall development plan and is in character with the surrounding area. The parcel has access to existing infrastructure and services.

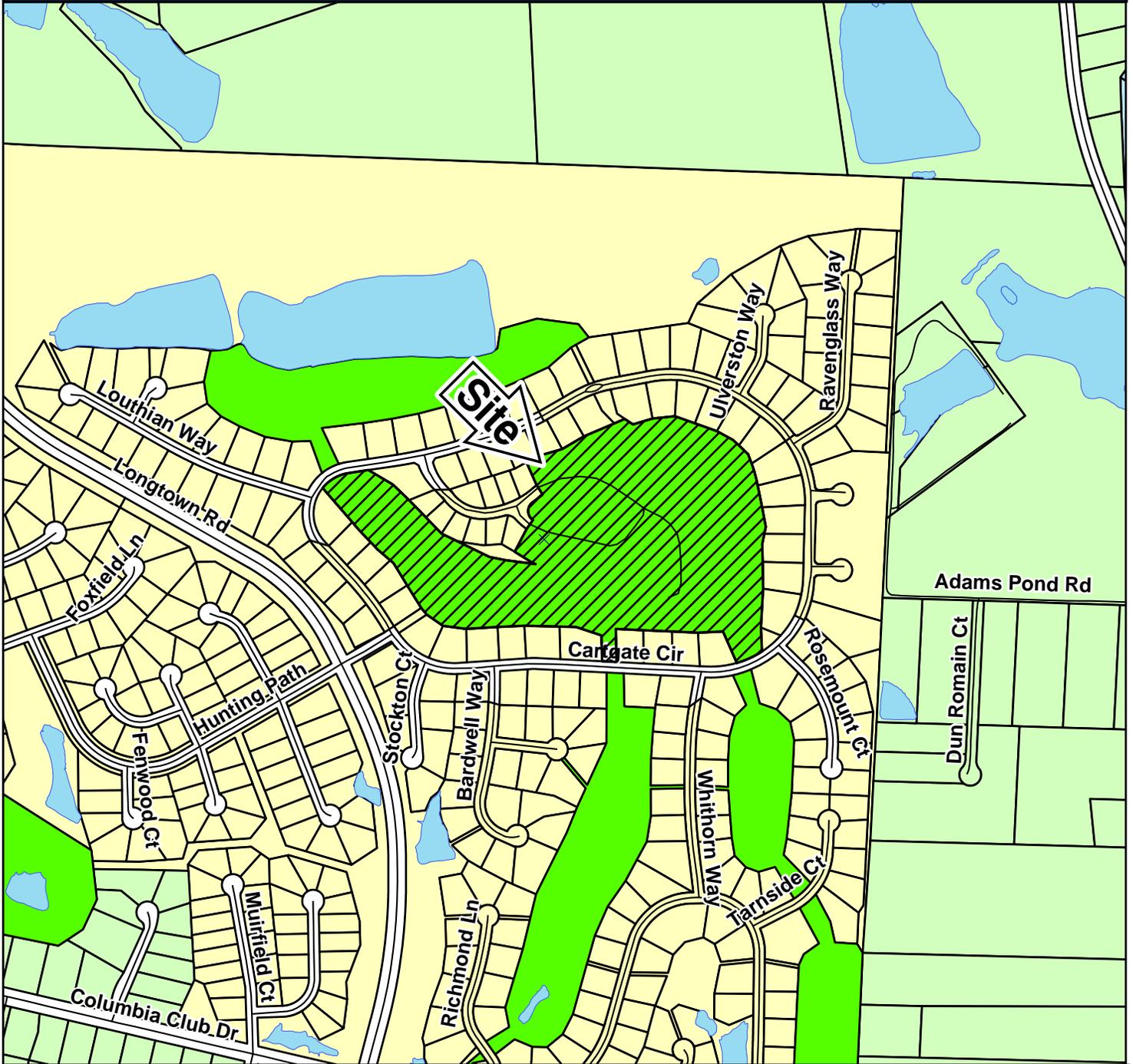
The subject property is located within one mile of Blythewood Middle School and within 1.4 miles of Round Top Elementary School. The Elders Pond fire station (station number 34) is located on Elders Pond Drive roughly 2.44 miles southeast of the subject parcel. There is a fire hydrants located on the northern side of Windermere Village Way near the end of the pavement. The proposed rezoning would not have a negative impact on public services or traffic. Water is provided by the City of Columbia and sewer is provided by Palmetto Utilities.

The proposed Zoning Map Amendment is in compliance with the Comprehensive Plan. Planning Staff recommends **Approval** of this map amendment.

Zoning Public Hearing Date

June 28, 2011

Case 11-07 MA TROS to RS-LD

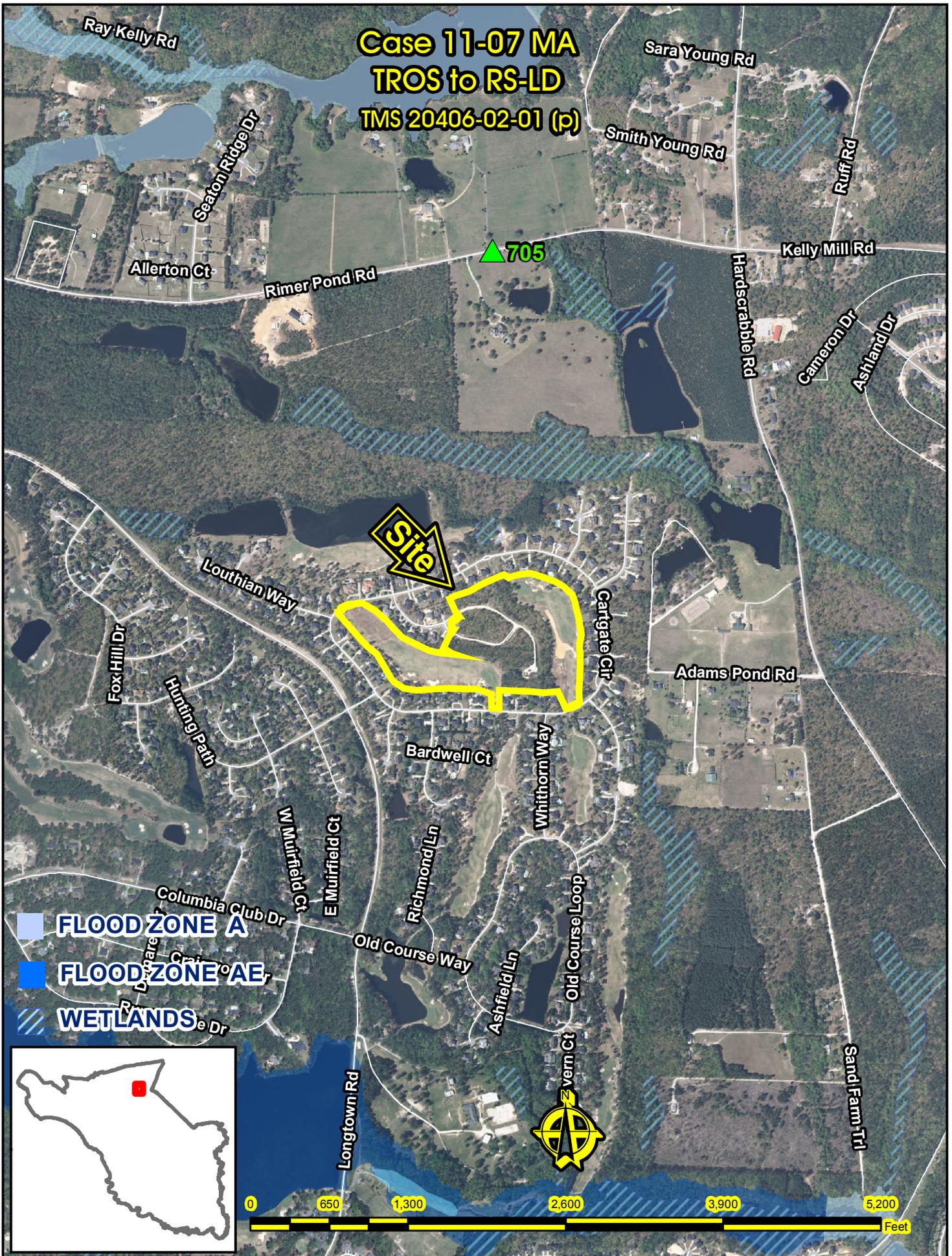


ZONING CLASSIFICATIONS

 RR	 RS-E	 MH	 NC	 LI	 TROS
 C-1	 RS-LD	 RM-MD	 GC	 HI	 Subject Property
 C-3	 RS-MD	 RM-HD	 RC	 PDD	
 RG-2	 RS-HD	 OI	 M-1	 RU	



**Case 11-07 MA
TROS to RS-LD
TMS 20406-02-01 (p)**



CASE 11-07 MA

From TROS to RS-LD

TMS# 20406-02-01(P)

Windermere Village Way



STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SUBSECTION (C), STANDARDS; SO AS TO DELETE CERTAIN SETBACK REQUIREMENTS FOR BARS AND OTHER DRINKING PLACES.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (8), Bars and Other Drinking Places; Subparagraph b.; is hereby amended to read as follows:

- b. Lots used for drinking places shall be located no closer than ~~four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than six hundred (600) feet~~ to any lot which contains a school (public or private) or a place of worship.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: May 3, 2011
Public Hearing: June 28, 2011 (tentative)
Second Reading: June 28, 2011 (tentative)
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SO AS TO PERMIT PRIVATE ROAD SUBDIVISIONS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; is hereby amended to read as follows:

~~Sec. 26-224. Division of real property to heirs of a decedent.~~

- ~~(a) — *Purpose.* Real property held by a deceased person is frequently devised to other family members, and a probate estate is opened. Probate judges will oversee the division of all property of the deceased, including real property. However, probate judges sometimes see the heirs' difficulty in transferring real property of the deceased due to the county's land development regulations, especially as they apply to subdivisions and the need to construct paved roads and install sidewalks. The purpose of this section is to ease the burden of Richland County citizens and to reduce the expenses that heirs may be required to expend in settling the deceased's estate. It also provides a means for real property to be subdivided and transferred to heirs of deceased property owners.~~
- ~~(b) — *Applicability.* The provisions of this section shall apply to all zoning districts.~~
- ~~(c) — *Special requirements for private road subdivisions.*~~
- ~~(1) — *Review.* Subdivision of heir property is subject to the minor subdivision review procedure found at Sec. 26-54(e)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant.~~
- ~~(2) — *Roads.* Roads in subdivisions of heir property shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads in subdivisions of heir property shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right of way width of sixty six (66) feet and minimum twenty (20)~~

~~foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.~~

~~(3) — Sidewalks. Subdivisions of heir property shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter.~~

~~(4) — Size of lots. Any and all lots created in a subdivision of heir property shall conform to the zoning district's requirements.~~

~~(5) — Number of dwelling units. Only one (1) dwelling unit shall be permitted on each lot.~~

~~(6) — E-911 requirements. The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements.~~

~~(d) — Legal documents required. An applicant for a subdivision of heir property shall submit:~~

~~(1) — A copy of the certificate of appointment from the probate court.~~

~~(2) — A copy of the probate court's order that divides the property amongst the heirs, if there is one.~~

~~(3) — A copy of the will, if there is one.~~

~~(4) — The necessary legal documents that:~~

~~a. — Clearly provide permanent access to each lot.~~

~~b. — State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.~~

~~c. — Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.~~

~~(5) — A "Hold Harmless Agreement" as to Richland County.~~

~~All legal documents shall be provided in a form acceptable to the county legal department.~~

Sec. 26-224. Private road subdivisions.

(a) *Purpose.* It is the intent and purpose of this section to furnish a means of subdividing property in the RU zoning district of the county without incurring the costs associated with major subdivisions.

- (b) *Applicability.* The provisions of this section shall only apply to the RU (Rural) zoning district.
- (c) *Special requirements for private driveway subdivisions.*
 - (1) *Review.* Subdivision of property for a private road subdivision is subject to the minor subdivision review procedure found at Sec. 26-54(c)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant.
 - (2) *Roads.* Roads within a private road subdivision shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads within a private road subdivision shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right-of-way width of ~~sixty-six (66)~~ fifty (50) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.
 - (3) *Sidewalks.* Private road subdivisions shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter.
 - (4) *Size of lots.* Any and all lots created in a private road subdivision shall conform to the RU zoning district's requirements.
 - (4) *Number of lots.* An owner of land may subdivide a tract of land pursuant to this section provided that no more than seven (7) lots result from the subdivision.
 - (5) *Number of dwelling units.* Only one (1) dwelling unit shall be permitted on each lot.
 - (6) *E-911 requirements.* The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements.
- (d) *Legal documents required.* An applicant for a private road subdivision shall submit:
 - (1) The necessary legal documents that:
 - a. Clearly provide permanent access to each lot.

- b. State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.
- c. Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.

(5) A "Hold Harmless Agreement" as to Richland County.

All legal documents shall be provided in a form acceptable to the county legal department.

Secs. 26-225 – 26-250. Reserved.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

Attest this the _____ day of
_____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: June 28, 2011 (tentative)
First Reading: June 28, 2011 (tentative)
Second Reading:
Third Reading:

