

ORDINANCE NO.: 2022-056

Granting an encroachment to Gusco, LLC for the use of the right of way area of the 2100 block of Senate Street for the installation and maintenance of landscaping and irrigation adjacent to 1030 Harden Street, Richland County TMS#11405-05-01

WHEREAS, Gusco, LLC (hereinafter "Grantee") desires to utilize a portion of the right of way area of the 2100 block of Senate Street for the installation and maintenance of landscaping and irrigation adjacent to 1030 Harden Street, as shown on the attached drawings; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the medians or street for traffic, utility locations or other uses within the foreseeable future; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 26th day of July, 2022, that Grantee is hereby granted the right to use the right of way area of the 2100 block of Senate Street adjacent to 1030 Harden Street, Richland County TMS#11405-05-01, for the installation and maintenance of landscaping and irrigation as shown on the attached drawings.

PROVIDED FURTHER that all work shall comply with the requirements of The City of Columbia, South Carolina Department of Transportation (SCDOT) and Federal Emergency Management Agency (FEMA) now in existence or hereafter enacted. The materials and type of finish to be used are to be approved by the City Engineer prior to installation. Any damage to the street or sidewalk caused by Grantee's construction shall be repaired to the satisfaction of the City Manager. Improvements within the encroachment shall be maintained by the grantee at no cost to the City in a manner approved by the City Manager; and,

PROVIDED further that in the event the City has to make repairs or maintain utility lines located within the encroachment area the City will replace any items removed for the utility repair or maintenance with like items to those removed; and,

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, its successors and assigns; and,

PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, his successors and assigns, as required by Chapter 11, Licenses, Permits, Business Regulations, Article III, Contractors, Sec. 11-71, 1998 Code of Ordinances of the City of Columbia, South Carolina.

PROVIDED FURTHER that the privilege granted hereby is subject to the Grantee complying with the following conditions, restrictions or limitations:

1. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of way which it deems to be a safety hazard.
2. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.
3. Grantee is responsible for maintaining landscaping and improvements.

4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.
5. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.
6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.
7. All trees shall be protected and no large tree roots shall be removed from any existing trees.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

Assistant City Manager Gentry

Mayor

Approved by:

Cherese B. Wilson
City Manager

Approved as to form:

[Signature]
City Attorney

ATTEST:

Quiana D. Hammond
City Clerk

Introduced: 6/21/2022

Final Reading: 7/26/2022

**CITY COUNCIL
ENCROACHMENT SUMMARY
2022-056**



**2100 BLOCK OF SENATE STREET
ADJACENT TO 1030 HARDEN STREET
LANDSCAPING AND IRRIGATION**

Subject Property:	Right-of-way adjacent to 1030 Harden Street
Council District:	2
Proposal:	The applicant is requesting an encroachment for installation and maintenance of landscaping and irrigation.
Applicant:	Gusco, LLC
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for installation and maintenance of landscaping and irrigation adjacent to 1030 Harden Street, as shown on the attached drawings; and,</p> <p>Conditions of the proposed encroachment are as follows:</p> <ol style="list-style-type: none">1. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of way which it deems to be a safety hazard.2. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.3. Grantee is responsible for maintaining landscaping and improvements.4. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.5. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.6. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes.7. All trees shall be protected and no large tree roots shall be removed from any existing trees.
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2020 A
2020 C

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1101 E

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1112
1102
1103 A
1103 B
1103

2115
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2121 C
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2123 1/2
2125
2120
2120 A
2120 B
2120 C
2120 D
2120 E
2126
2121
2123

1020
1023
1021
1018
1016
1017
1013
1011
1009
1007
1016
1008
1008 1/2
1005
1003
1001

Senate St
Walnut St
Hardaway St

0 0.01 0.02 0.04 mi

FEMA, GIS, EIS, PDS



**REQUEST FOR A PERMANENT COMMERCIAL ENCROACHMENT ORDINANCE
(INCLUDING OUTDOOR DINING/LANDSCAPING/STUDENT HOUSING)**

For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk, streets), the person or entity is required to have an encroachment ordinance enacted by City Council permitting the encroachment. Encroachment ordinances are required for but not limited to: irrigation systems; landscaping; fencing; walls; pavers; walkways; outdoor dining items (chairs, tables, umbrellas, etc.); awnings; bollards and directional signs (i.e., churches). Business signs are NOT permitted via an encroachment. Encroachments must comply with all existing City codes, rules and regulations, the Americans with Disabilities Act, if applicable, and are subject to review and approval by City staff. Enactment of the encroachment ordinance by a majority vote of City Council, which is a discretionary legislative act, is also required. In order to obtain an encroachment ordinance from the City of Columbia, it will be necessary for the City of Columbia to be named as an additional insured on your insurance policy with limits being increased to \$600,000 as required by Sec. 11-71. It is recommended that you contact your insurance provider to determine if it will name the City of Columbia as an additional insured prior to submitting your request for an encroachment ordinance. If you have any questions concerning these requirements, please contact Chip Timmons with Risk Management, (803) 733-8306 or catimmons@columbiasc.net.

Please complete and submit this form along with photographs and drawings or site plan drawn to scale (including a 8-1/2 x 11) to Johnathan Chambers by e-mail at jechambers@columbiasc.net; fax at 803-255-8935; or mail to Johnathan Chambers, Development Services, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City departments should be directed to the contact person for that department as shown below.

All work shall comply with the requirements of the City of Columbia and South Carolina Department of Transportation now in existence or hereafter enacted. The materials and type of finish to be used are to be approved by the City Engineer prior to installation. Any damage to the street or sidewalk caused by construction shall be repaired to the satisfaction of the City Manager. Improvements within the encroachment shall be maintained by the grantee at no cost to the City in a manner approved by the City Manager. Property owned, operated and maintained by SCDOT shall comply with SCDOT encroachment requirements.

Date: _____ Property Owner: x Gusco, LLC
Business Name/Applicant's Name if different than owner: x Gusco, LLC c/o Gus Strasburger
Contact Information: Telephone Number: x 803-744-2305 Fax Number: _____
Mailing address: 6478 Bridgewood Rd Columbia, SC 29206 E-mail address: x guss@printgear.com
Business Name/Development Name for Encroachment: GUSCO, LLC
Encroachment type: Wall Fence Columns Steps Irrigation System X Landscaping Driveway Pavers Sidewalk/Walkway
Planters Awning Underground Utilities Other: _____
Dimensions (height/width/length):
(i.e. 6'x42' wooden privacy fence;
two 12'x4'x3' concrete steps) Place Landscaping along Senate Street
Construction material: _____

☒ **OUTDOOR DINING:** The Fire Marshal's posted capacity allowed within the business at the time of enactment of the outdoor dining encroachment ordinance shall include the total number of patron seating approved for the outdoor dining encroachment area, if not already included in the posted capacity allowance, so that patrons relocating from inside to the outside or from outside to the inside do not cause the posted capacity to be exceeded.

Hours/days of operation for outdoor dining: _____

Posted Maximum Capacity Allowance (inside/outside combined): _____ No. of chairs outdoors: _____ No. of Tables Outdoors: _____

Do you serve: ☐ Wine ☐ Beer ☐ Liquor SCDOR ABL No.: _____ If not, do you intend to apply for an ABL license? _____

I acknowledge that the adjoining property owners and businesses have been contacted and approve the addition of outdoor dining at this location to include the service of beer, wine and/or liquor if applicable during the business hours noted above, and that any changes made to the business hours, use of the encroachment area or items allowed within the encroachment area will require an amendment to the encroachment ordinance.

Name/Title: _____
Date: _____

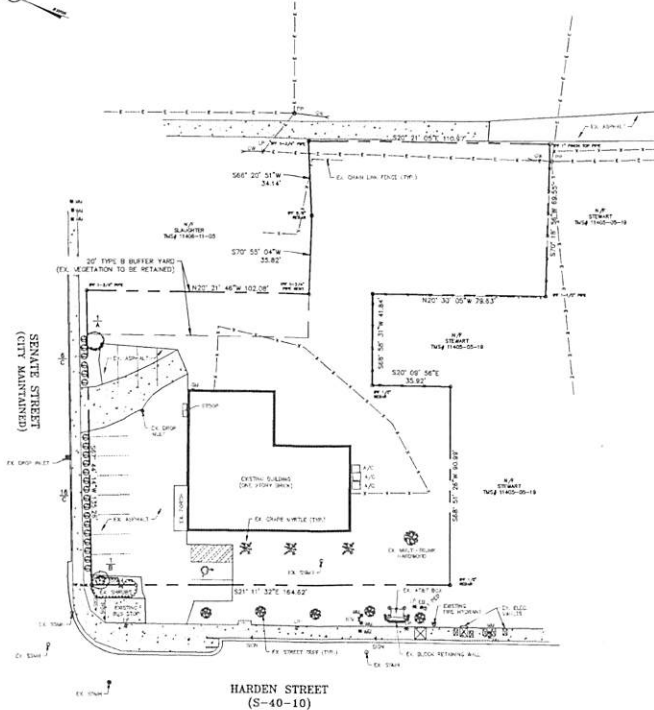
I acknowledge that any changes made to the business, hours, use of the encroachment area, or items allowed within the encroachment area, to include obtaining a license to sell beer, wine and/or liquor will require an amendment to the encroachment ordinance.

x August K. Strasburger
Name/Title: member
Date: 5-17-22

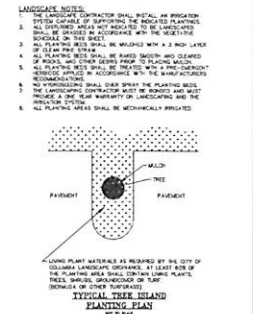
The proposed ordinance will be sent to the requesting party and City offices for review and approval. Johnathan Chambers will compile the recommendations and forward them to the City Clerk for scheduling before City Council. This process may take from 30-90 days.

CONTACT	DEPARTMENT	PHONE	FAX	E-MAIL
Johnathan Chambers	Development Services (Land Development)	803-545-3333	803-255-8935	jechambers@columbiasc.net
John Fellows	Development Services (Planning)	803-545-3222	803-733-8647	jfellows@columbiasc.net
Rachel Bailey	Development Services (Zoning)	803-545-3332	803-733-8647	rbailley@columbiasc.net
Jerry Thompson	Development Services (Building Inspections)	803-545-3420	803-733-8699	jthompson@columbiasc.net
Tori Salvant	Development Services (Development Center)	803-545-3420	803-733-8699	tsalvant@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8647	aemoore@columbiasc.net
Lucinda Statler	Development Services (Urban Design)	803-545-0229	803-733-8647	lsstatler@columbiasc.net
Jerry Thompson	Development Services (Commercial Plan Review)	803-545-3420	803-733-8647	jthompson@columbiasc.net
Scott Holder	Development Services (Landscaping)	803-545-3218	803-255-8935	jsholder@columbiasc.net
Denny Daniels	Utilities & Engineering (Construction Management)	803-545-3400	803-988-8199	jddaniels@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	raanderson@columbiasc.net
Robert Sweatt	Public Works (Street Division)	803-545-3790	803-545-3785	rgsweatt@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-545-3850	803-733-8648	ddbrewer@columbiasc.net
Caleb King	Public Works (Forestry & Beautification)	803-545-3860	803-733-8648	cdking@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8648	jhooks@columbiasc.net
Chip Timmons	Risk Management	803-733-8306	803-733-8245	catimmons@columbiasc.net
Kris Scott	Fire Department	803-545-3736	803-401-8839	cfkdscott@columbiasc.net
Linda Matney	Parking Services	803-545-3070	803-733-8523	lmatney@columbiasc.net

LR: 1/2017

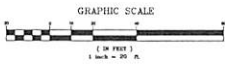


- NOTES:
1. LANDSCAPE INFORMATION PROVIDED BY CDA ENGINEERING OF COLUMBIA, INC.
 2. SEE CDA DRAWING
 3. THE CONTRACTOR SHALL CALL THE CITY OF COLUMBIA FOR ALL UNDERGROUND UTILITIES (LOCATIONS AT LEAST TO BE DETERMINED BY THE CITY OF COLUMBIA) PRIOR TO CONSTRUCTION.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES AT HIS OWN RISK AND COST.
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MINIMUM GRASSING SPECIFICATIONS

- MINIMUM GRASSING**
1. ALL EXISTING GRASS SHALL BE SEED SOLELY A PERMANENT AND MAINTAIN GRASS AND WITHIN 10 DAYS OF CONSTRUCTION, THE CONTRACTOR SHALL SEED THE ENTIRE SITE WITH A PERMANENT AND MAINTAIN GRASS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES AT HIS OWN RISK AND COST.
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HARDEN STREET
(S-40-10)

TREE AND PLANT SCHEDULE					
SYMBOL	DES.	NUMBER	SPECIES	SIZE (IN)	SPACING
⊙	A	1 EA.	MULLEN CREEK (LARGE TREE)	2" CAL.	AS SHOWN
⊙	B	1 EA.	AMERICAN ELM (HEART-TOLERANT COLD-TOLERANT) (LARGE TREE)	2" CAL.	AS SHOWN
⊙	C	22 EA.	SWAMP YALPOM (SHRUB)	3 CAL. 24" HEIGHT	4' O.C.

VEHICLE SURFACE AREA TREE SUMMARY
TOTAL V.S.A. TREES REQUIRED = 14 TREES @ 1" TREE/1,000 SF = 14 TREES
TOTAL V.S.A. TREES PROVIDED = 2 TREES

PARCEL SUMMARY
1030 HARDEN STREET
AREA = 10,000 AC
ZONING = "C-1"

LANDSCAPING PLAN 1030 HARDEN STREET

PREPARED FOR
GUSCO, LLC
IN THE CITY OF COLUMBIA, RICHLAND COUNTY, SOUTH CAROLINA

DATE: APRIL 22, 2022 SCALE: 1" = 20' SHEET C1 OF 1



HERITAGE
ENGINEERING & ARCHITECTURE
10111 WILSON BLVD. • P.O. BOX 883 • BLYTHEWOOD, S.C. 29511
(803) 714-9832 OFFICE • HERITAGE@HERITAGEENGINEERING.COM

NO.	DATE	DESCRIPTION
1	4/28/2022	REV PER CITY COMMENTS