

ORDINANCE NO.: 2023-108

Granting an encroachment to Southeast Restaurants Corp., for the use of the right of way areas of the 2400 block of Forest Drive, the 1500 block of N. Millwood Avenue and the 1400 block of Lyon Street for the installation and maintenance of landscaping and irrigation adjacent to 2400 Forest Drive, Richland County TMS# 11411-02-01

WHEREAS, Southeast Restaurants Corp. (hereinafter "Grantee") desires to utilize a portion of the right of way areas of the 2400 block of Forest Drive, the 1500 block of N. Millwood Avenue and the 1400 block of Lyon Street for the installation and maintenance of landscaping and irrigation adjacent to 2400 Forest Drive, 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 3rd day of October, 2023, that Grantee is hereby granted the right to use the right of way areas of the 2400 block of Forest Drive, the 1500 block of N. Millwood Avenue and the 1400 block of Lyon Street adjacent to 2400 Forest Drive, Richland County TMS# 11411-02-01, 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:



City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 9/19/2023

Final Reading: 10/3/2023

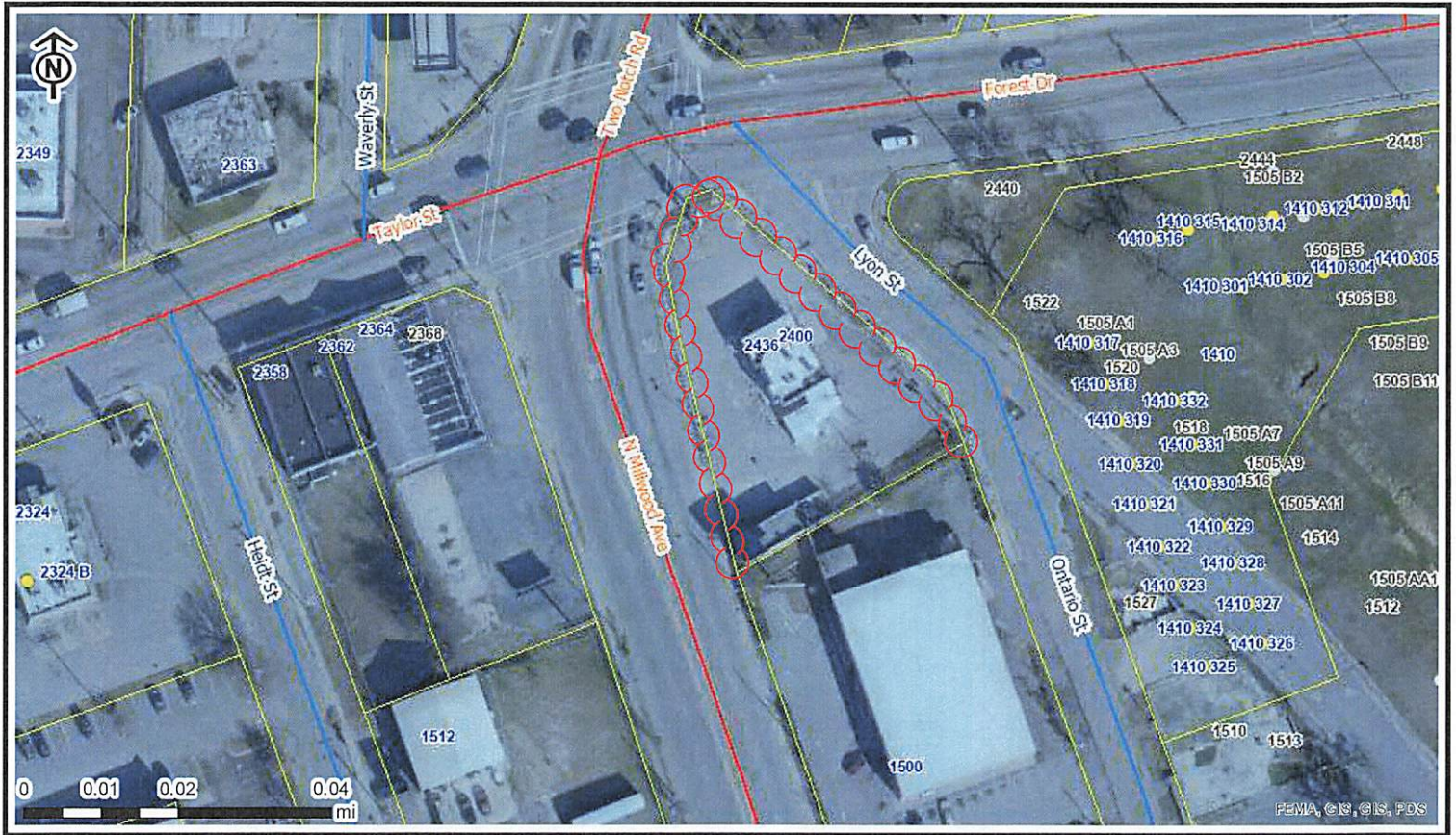
**CITY COUNCIL
ENCROACHMENT SUMMARY
2023-108**



**2400 BLOCK OF FOREST DRIVE, 1500 BLOCK OF N. MILLWOOD AVENUE AND
THE 1400 BLOCK OF LYON STREET
ADJACENT TO 2400 FOREST DRIVE
LANDSCAPING AND IRRIGATION**

Subject Property:	Right-of-way adjacent to 2400 Forest Drive
Council District:	2
Proposal:	The applicant is requesting an encroachment for installation and maintenance of landscaping and irrigation.
Applicant:	Southeast Restaurants Corp.
Staff Recommendation:	Approval.

Detail:	<p>The applicant is requesting an encroachment for the installation and maintenance of landscaping and irrigation adjacent to 2400 Forest Drive, 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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City of Columbia



This map was prepared using the City GIS Viewer.

City of Columbia - GIS Division
Wednesday, August 23, 2023

Address Point

- Active
- Vacant
- Tax Parcel
- Interstate

Street & Ownership

- Highway
- City Maintained
- State Maintained
- Private
- Others
- Columbia City Limits

FEMA Flood Hazard Area

- AE - Floodway
- AE - 100yr Flood Plain
- A - No Base Flood Elevation
- X - 500yr Flood Plain
- Red: Band_1

Green: Band_2

Blue: Band_3

CITY OF COLUMBIA GIS DATA DISCLAIMER:

The City of Columbia GIS data represented on this map or plan is the product of the compilation of data produced by others. It is provided for informational purposes only and the City of Columbia makes no representation as to its accuracy. Its use without field verification is at the sole risk of the user.



Permanent Encroachment

Application and Checklist

1. Applicant Information

Name Stuart Seagroves	
Company (if applicable) Southeast Restaurants Corp.	
Address (street, city, state, zip) 1621 Executive Ave. Myrtle Beach, SC 29579	
Phone 843-602-1684	Email sseagroves@srcorp.org

2. Property Information

Address 2400 Forest Dr., Columbia, SC 29204	
Tax Map Reference Number(s) 11412-02-01	
Current use vacant; previously a restaurant	Proposed use restaurant

3. Property Ownership

Does the applicant own the adjacent property? ☐ Yes ☒ No

If the applicant does not own the adjacent property, complete the Letter of Agency for each property owner that authorizes the applicant to submit this application on the property owner's behalf.



Permanent Encroachment Application and Checklist

4. Project Description

Provide a brief description of the project and list all items that will be placed in the right-of-way (walls, fences, columns, steps, irrigation systems, landscaping, driveways, pavers, sidewalks/walkways, planters, awnings, etc.)

The former Church's Chicken and Asian Express location is to be a new Pizza Hut location. The existing dead landscaping in the City of Columbia ROW on Lyon Street is to be replaced with new, equivalent landscaping to meet the City of Columbia Zoning Ordinance. See attached plans.

For staff use only

Date received (M/D/Y): ____/____/____

By: _____



Permanent Encroachment

Application and Checklist

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.

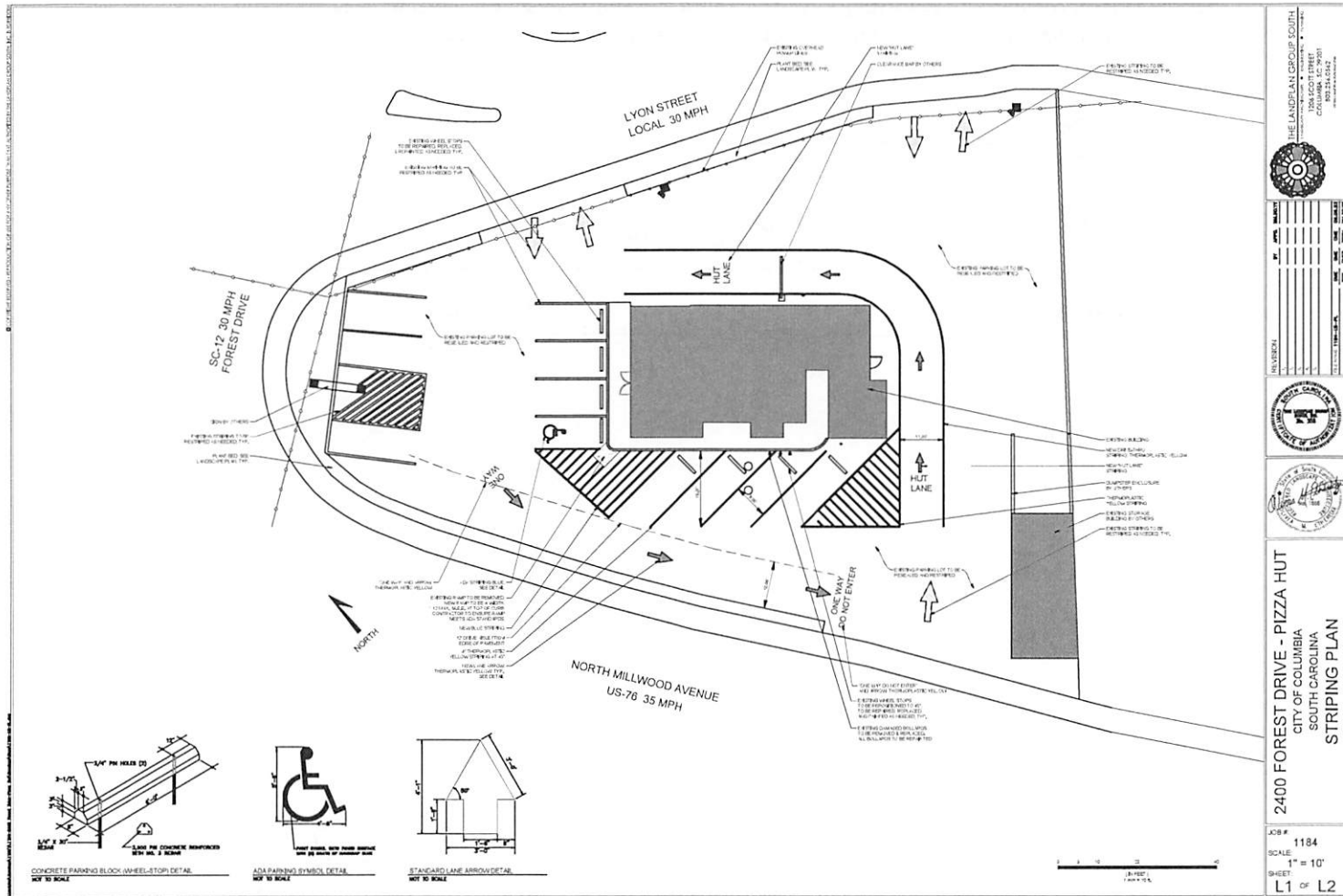
Property owned, operated and maintained by SCDOT shall comply with SCDOT encroachment requirements.

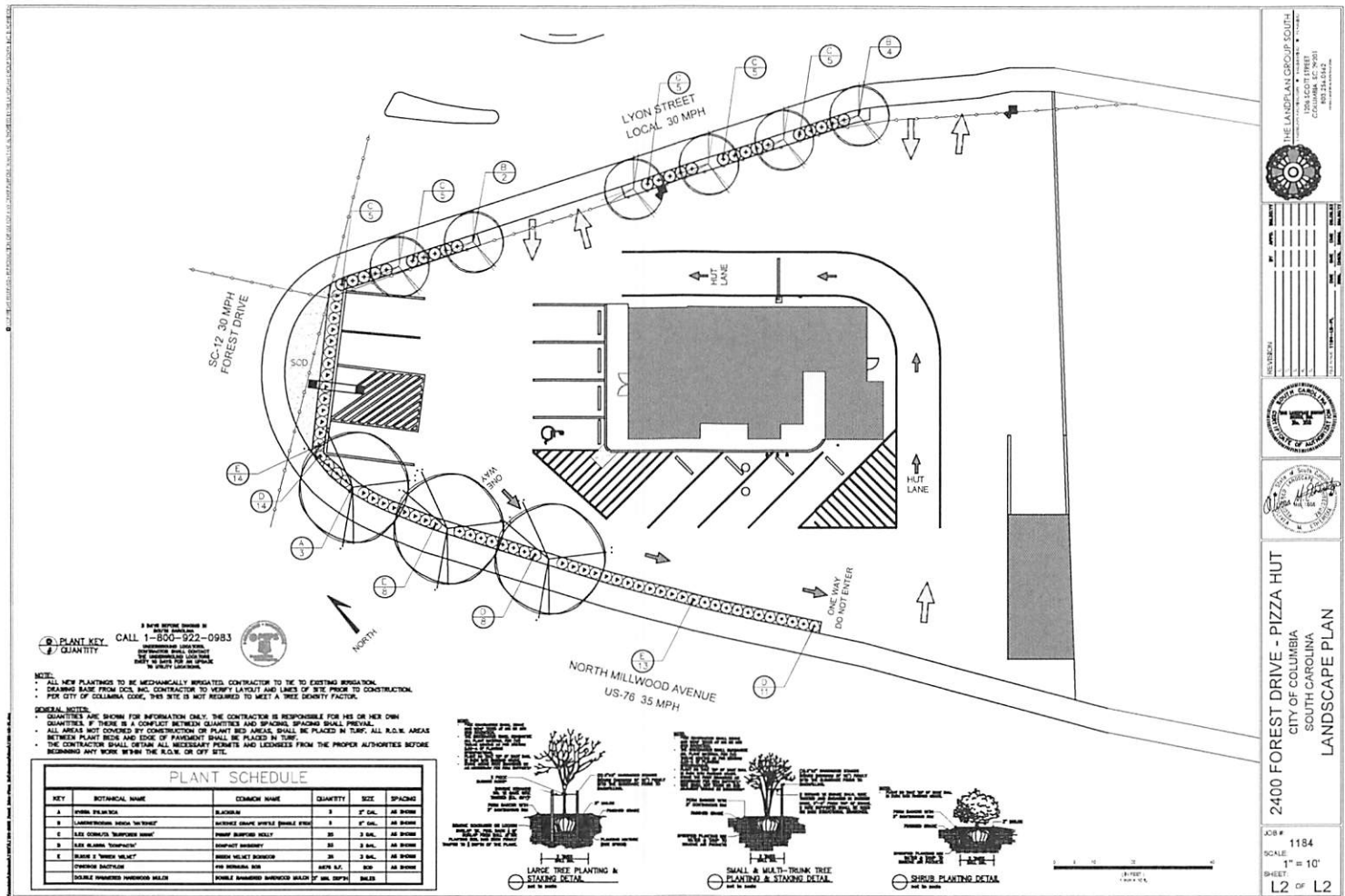
Permittee understands and agrees that the privilege granted may be modified or terminated by the City of Columbia at any time without notice and that the privilege granted hereby is subject to applicant's compliance with the following conditions, restrictions or limitations:

Permittee must comply with all existing City of Columbia and any other state or federal codes, rules and regulations, as applicable including the Americans with Disabilities Act, now in existence or hereafter enacted.

7. Signature

Signature of Applicant	
<i>Stuart Seagroves</i>	
Print Name Stuart Seagroves	Date 08/14/2023





PLANT KEY CALL 1-800-922-0983
QUANTITY

- NOTES:
- ALL NEW PLANTINGS TO BE MECHANICALLY IRRIGATED. CONTRACTOR TO TIE TO EXISTING IRRIGATION. CLEANSING RAIN FROM DCS, INC. CONTRACTOR TO VERIFY LAYOUT AND LINES OF SITE PRIOR TO CONSTRUCTION.
 - FOR CITY OF COLUMBIA CODE, THIS SITE IS NOT REQUIRED TO MEET A TREE DENSITY FACTOR.
- GENERAL NOTES:
- QUANTITIES ARE SHOWN FOR INFORMATION ONLY. THE CONTRACTOR IS RESPONSIBLE FOR HIS OR HER OWN QUANTITIES. IF THERE IS A CONFLICT BETWEEN QUANTITIES AND SPACING, SPACING SHALL PREVAIL.
 - ALL AREAS NOT COVERED BY CONSTRUCTION OR PLANT BED AREAS SHALL BE PLACED IN TURF. ALL R.O.W. AREAS BETWEEN PLANT BEDS AND EDGE OF PAVEMENT SHALL BE PLACED IN TURF.
 - THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND LICENSES FROM THE PROPER AUTHORITIES BEFORE BEGINNING ANY WORK WITHIN THE R.O.W. OR OFF SITE.

PLANT SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	SPACING
A	SPINA PALM	BLACKBURN	3	2" CAL.	AS SHOWN
B	LAUREL OLEA VIRENS	LAUREL OLEA VIRENS	3	2" CAL.	AS SHOWN
C	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
D	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
E	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
F	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
G	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
H	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
I	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
J	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
K	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
L	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
M	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
N	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
O	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
P	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
Q	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
R	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
S	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
T	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
U	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
V	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
W	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
X	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
Y	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN
Z	SALE CORNUS FLORIDA	DOGWOOD	35	2" CAL.	AS SHOWN

THE LANDPLAN GROUP SOUTH
1200 S. 10TH STREET
COLUMBIA, SC 29201
703.733.1111

2400 FOREST DRIVE - PIZZA HUT
CITY OF COLUMBIA
SOUTH CAROLINA
LANDSCAPE PLAN

JOB # 1184
SCALE 1" = 10'
SHEET L2 OF L2