

ORDINANCE NO.: 2004-100

*Granting encroachment to Kelly's Deli & Pub at
1001 Washington Street for five wrought iron tables and twelve stools for outdoor dining*

WHEREAS, Kelly's Deli & Pub (hereinafter "Grantee") desires to utilize a portion of the tree zone right of way area approximately eight foot five inches (8.5') in width and forty (40') feet in length as shown in the attached picture, which will be roped or chained off to enclose the area for placement of five (5) wrought iron tables not to exceed thirty (30") inches in diameter with twelve (12) stools for outdoor dining by its patrons during its normal business hours of 3:00 p.m. to 4:00 a.m. Monday through Friday; 2:00 p.m. to 2:00 a.m. on Saturday; and 7:00 p.m. to 2:00 a.m. on Sunday; and,

WHEREAS, the tables and chairs shall be placed within the roped/chained off area to prohibit obstruction of pedestrian movement and vehicle parking and shall be removed and stored inside the building when not in use; the outdoor dining area and general exterior of the building shall be kept clean and orderly at all times; umbrellas or other improvements, other than sand or soil to level the dining area, interference with pedestrian movement or the parking area and disturbance of existing trees and roots shall be prohibited. Pavers may be installed and maintained by Grantee within the dining area after prior approval of design and placement by City staff; and,

WHEREAS, it appears that the encroachment will not interfere with the use of the sidewalk 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 5th day of January, 2005, that Grantee, its successors and assigns, is hereby granted the right to use a portion of the tree zone right of way area approximately eight foot five inches (8.5') in width and forty (40') feet in length as shown in the attached picture, which will be roped or chained off to enclose the area for placement of five (5) wrought iron tables not to exceed thirty (30") inches in diameter with twelve (12) stools for outdoor dining by its patrons during its normal business hours of 3:00 p.m. to 4:00 a.m. Monday through Friday; 2:00 p.m. to 2:00 a.m. on Saturday; and 7:00 p.m. to 2:00 a.m. on Sunday

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.

PROVIDED, HOWEVER, that in exercising the privileges granted under this ordinance,

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FILE

Grantee, its successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid encroachment.

PROVIDED FURTHER that the tables and chairs shall be placed within the roped/chained off area to prohibit obstruction of pedestrian movement and vehicle parking and shall be removed and stored inside the building when not in use; umbrellas or other improvements, other than sand or soil to level the dining area, and disturbance of existing trees and roots shall be prohibited. Pavers may be installed and maintained by Grantee within the dining area after prior approval of design and placement by city staff.

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.

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, its successors and assigns.

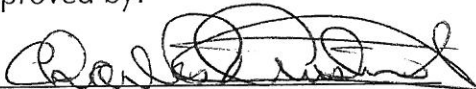
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:



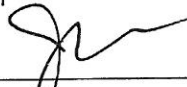
MAYOR

Approved by:



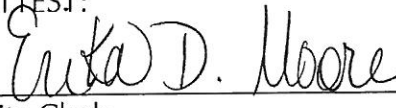
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 12/15/04

Final Reading: 1/5/2005

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INTEROFFICE MEMORANDUM

TO: ERICA MOORE
FROM: CHIP LAND
SUBJECT: STEVE GANTT
DATE: 12/8/2004
CC: ENCROACHMENT 2004-100 KELL'S DELI & PUB

Applicant has requested permission to put 5 tables and 20 chairs in the tree zone adjacent to Kelly's Deli & Pub, at Washington & Park. A digital picture of the area is attached. The actual details are shown in the drawings attached to the encroachment request. Several staff has expressed concerns about the request from the standpoint of impact on pedestrian safety/movement, aesthetics, and the existing trees. I have met on the site with Amy Rushing, applicant, and discussed the matter with staff expressing concerns. **Staff & applicant have agreed to recommend the request, but feels there should be conditions that would be incorporated into encroachment ordinance.** These conditions are outlined below.

1. The designated area for tables and chairs should be delineated by ropes and/or chains so that the sidewalk and parking lane are not obstructed to pedestrian movement; this would mean that the area for dining can be no more than 8.5' wide and no more than 40' in length a drawing showing the layout is attached.
2. The tables and chairs should be no more than 30" in diameter to prevent extending beyond the designated area, and there would be no more than 5 tables and 12 stools;
3. The outdoor dining area and general exterior of the building should be kept clean and orderly at all times, and can not interfere with pedestrian movement or the parking lane;
4. No umbrellas should be erected unless modified by City council;
5. Tables and/or chairs to be stored inside the building when not in use;
6. Brick pavers must be preapproved by staff, but can spread sand/soil to level the dining area; and

7. No disturbance of existing trees and/or roots unless authorized by City forestry & Beautification superintendent.

Please schedule this request for 12/15 City Council & 1/12/05 for second reading. Shari will incorporate conditions into ordinance.

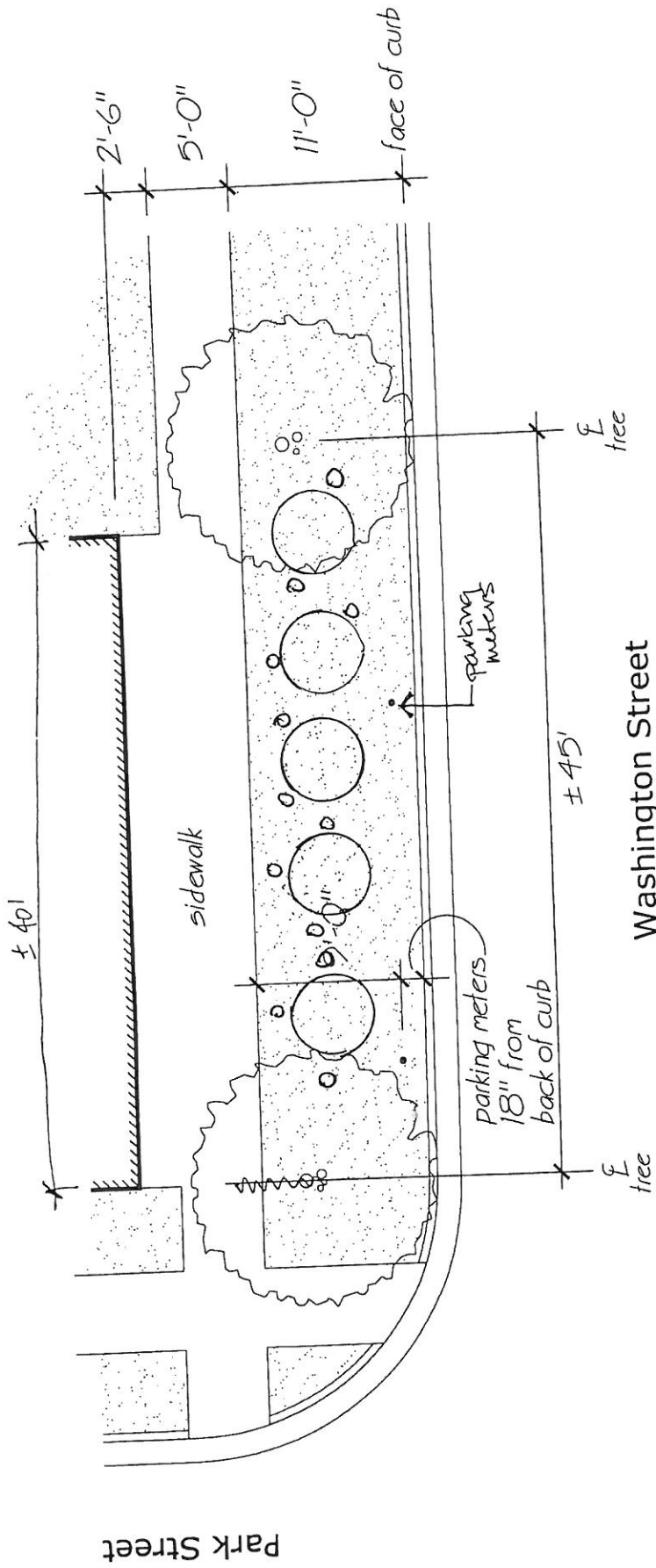






Chip Land
City of Columbia
Planning & Zoning
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Everybody Counts, Everybody Contributes, Everybody Benefits !



Kelly's Deli & Pub

Scale 3/16" = 1'-0"

