

ORDINANCE NO.: 2017-025

Granting an encroachment to WHLR Columbia Fire House, LLC for installation and maintenance of a brick wall, patio, brick pavers, riser, handrails, landscaping and irrigation system within the right of way area of the 1000 block of Senate Street adjacent to 1001 Senate Street

WHEREAS, WHLR Columbia Fire House, LLC (hereinafter "Grantee") desires to use a portion of the right of way area of the 1000 block of Senate Street adjacent to 1001 Senate Street for installation and maintenance of a brick retaining wall with patio approximately nine (9') feet in length and six (6') feet in width; a brick retaining wall with patio approximately thirteen (13') feet in length and six (6') feet in width; brick pavers approximately sixteen (16') feet in length and nine (9') feet in width; two areas of brick pavers with a riser approximately five (5') feet in length nine (9') feet in width; handrails approximately four (4') feet in height; brick pavers approximately eighteen (18') feet in length and nine (9') feet in width; landscaping; and an irrigation system, as shown on the attached drawing; 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 4th day of April, 2017, that Grantee is hereby granted the right to use a portion of the right of way area of the right of way area of the 1000 block of Senate Street adjacent to 1001 Senate Street for installation and maintenance of a brick retaining wall with patio approximately nine (9') feet in length and six (6') feet in width; a brick retaining wall with patio approximately thirteen (13') feet in length and six (6') feet in width; brick pavers approximately sixteen (16') feet in length and nine (9') feet in width; two areas of brick pavers with a riser approximately five (5') feet in length nine (9') feet in width; handrails approximately four (4') feet in height; brick pavers approximately eighteen (18') feet in length and nine (9') feet in width; landscaping; and an irrigation system, as shown on the attached drawing.

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 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, to persons safely walking along the sidewalk, or would impede the Fire Department Connection. 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. Certificate of Design Approval (CDA) from Design/Development Review staff to include lighting fixtures, lighting fixture locations, mil banks, meters, railings, benches, trash receptacles, etc.

3. Ramps and railings must be installed in accordance with per ICC A117.1-2009 and by the IBC 2012.

4. Grantee is responsible for all maintenance of items granted by this ordinance, and assuring that all accessibility and ADA requirements are met and maintained.

5. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.

6. Obstructions of more than be four (4') feet in height are prohibited within the sight-visibility triangle.

7. Forestry and Beautification shall be provided access to trees within the right of way for maintenance purposes. All trees shall be protected and no large tree roots shall be removed from any existing trees. Grantee should take precautions to limit root disturbance. To prevent damage or impact the health and structure of the trees, roots should be clean cut and not left jagged or torn.

8. The existing tree on Senate Street right of way must be protected with fencing during the construction to prevent pedestrians, equipment and material from damaging the tree and roots.

9. Forestry and Beautification approval must be obtained before installation of new landscaping.

10. Benches within this Design District are Victor Stanley C-7 with the recycled Plastic Cherry Finish. Finish of steel to be black powder coat. Intermediate armrests (bolt-on) to be included. <http://www.victorstanley.com/product/c-7/>. The benches shown within the right of way on the plans accompanying this application shall not be used for outdoor dining purposes. Each restaurant shall be required to submit a separate dining encroachment application and obtain approval of an outdoor dining encroachment ordinance excluding the use of the benches.

11. Brick color of planter walls and retaining (site) walls to be submitted for review to Urban Design Staff prior to permitting.

12. Grantee shall be responsible for cleanup of debris that collects in the landscaped beds, that comes from tables or chairs. Forestry would also encourage owners, not to dump or pour cleaning solvents into landscaped beds.

PROVIDED FURTHER that the privilege granted hereby may be modified or terminated by Columbia City Council at any time without notice to the Grantee, his 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, 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.

BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at his 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: 3/21/2017

Final Reading: 4/4/2017

**CITY COUNCIL
ENCROACHMENT SUMMARY
2017-025**



**1000 BLOCK OF SENATE STREET
ADJACENT TO 1001 SENATE STREET
WHLR COLUMBIA FIRE HOUSE LLC**

VARIOUS SIDEWALK / STREETScape IMPROVEMENTS

Subject Property:	Adjacent to 1001 Senate Street
Council District:	2
Proposal:	Request approval for the placement and maintenance of retaining walls, patios, brick steps, handrails, brick pavers, landscaping and irrigation, as shown on the attached drawing.
Applicant:	WHLR Columbia Fire House LLC
Staff Recommendation:	See staff comments below.
Conditions:	See attached encroachment ordinance for the 12 conditions.

Detail:	<p>The applicant is requesting approval for the placement and maintenance of one brick retaining wall with patio approximately nine (9') feet in length six (6') feet in depth and one brick retaining wall with patio approximately thirteen (13') feet in length six (6') feet in depth; one area of brick pavers approximately sixteen (16') feet in length nine (9') feet in depth; two areas of brick pavers with riser approximately five (5') feet in length nine (9') feet in depth and handrails approximately four (4') feet in height; one area of brick pavers eighteen (18') feet length nine (9') feet in depth; landscaping and irrigation system, as shown on the attached drawing.</p> <p>Although the applicant plans to use these patios for restaurants, each restaurant will submit a separate dining encroachment application as dining encroachments are specific to each tenant's days and times of operation. In addition, the amount of tables and chairs permitted is based upon building code and can affect the indoor seating capacity.</p>
----------------	---

CITY AGENCY COMMENTS FOR ENCROACHMENT

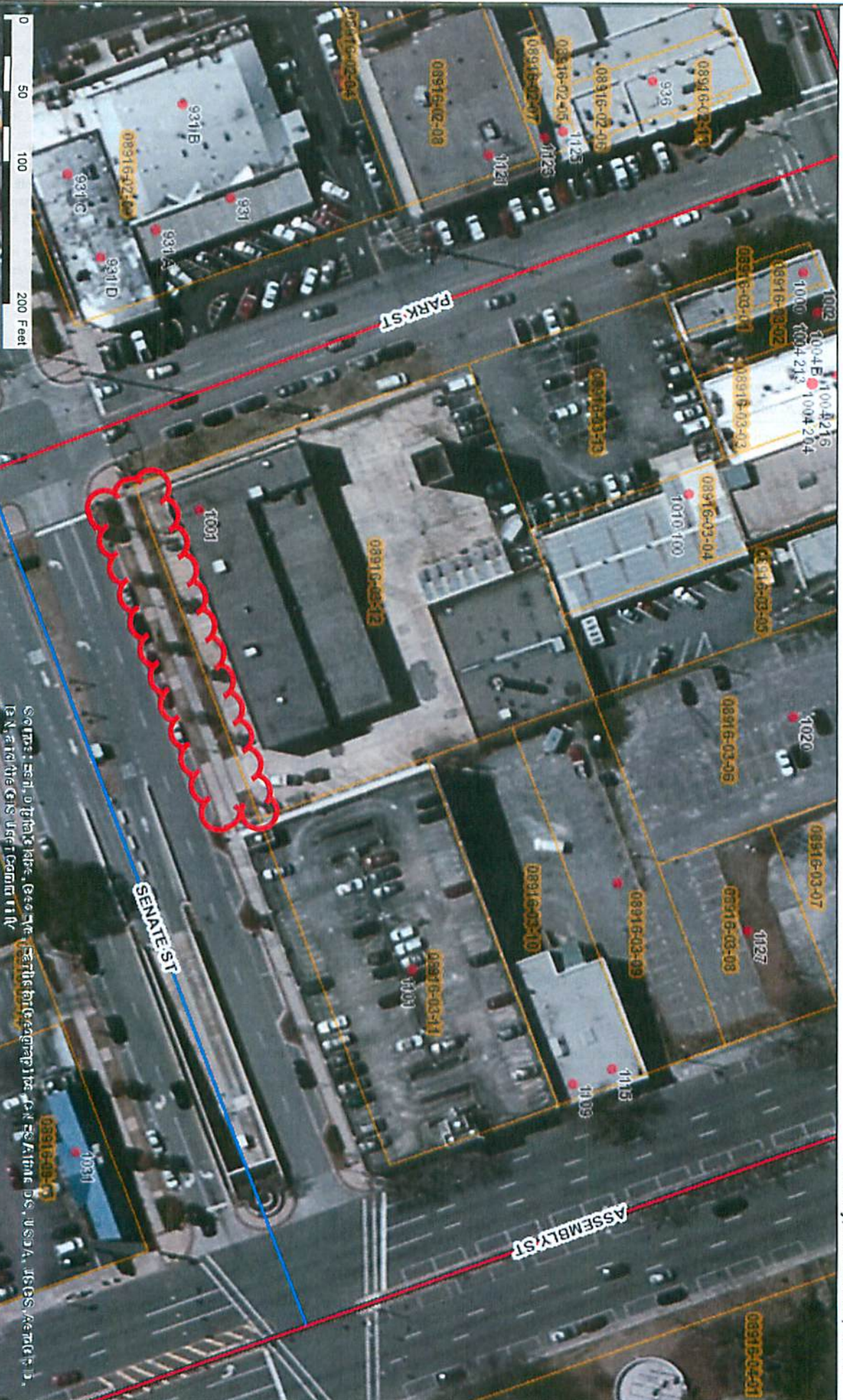
Planning & Development	Recommend approval with conditions: <ol style="list-style-type: none">1. Benches within this Design District are Victor Stanley C-7 with the recycled Plastic Cherry Finish. Finish of steel to be black powder coat. Intermediate armrests (bolt-on) to be included. http://www.victorstanley.com/product/c-7/2. Brick color of planter walls and retaining (site) walls to be submitted for review to Urban Design Staff prior to permitting.
Streets	Recommend approval with condition: <ol style="list-style-type: none">1. The wall, steps, and all storm drain features to include pipe to remain private and be maintained by others than city.
Utilities & Engineering	Recommend approval.
Traffic Engineering	Recommend approval.
Fire Department	Recommend approval.

Forestry	<p>Recommend approval with conditions:</p> <ol style="list-style-type: none"> 1. The existing trees on Senate Street right of way must be protected with fencing during the construction to keep all people, equipment and material out of the protection area. 2. Any roots that require cutting should have clean cut and not be left jagged or torn. Root damage can significantly impact health and structure of the existing trees. 3. Should take reasonable precautions to limit root disturbance. Any new landscaping installed in row must be approved by Forestry and Beautification. Contact F&B with any questions.
Land Development	<p>Recommend approval with condition:</p> <ol style="list-style-type: none"> 1. Tree protection must be in place prior to construction. Damage to trees during construction may require replacement and/or allocation into the Tree Fund.

City of Columbia

1001 Senate Street Encroachment

Monday, October 24, 2016



CITY OF COLUMBIA GIS DATA DISCLAIMER

The City of Columbia GIS data represented on this map or plan is the product of compilation, as 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.



**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 x11) to Johnathan Chambers by e-mail at jechambers@columbiasc.net; fax at 803-343-8779; 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: **WHLR COLUMBIA FIRE HOUSE LLC**
Applicant's Name if different from Property Owner: **Kevin Maume**
Contact Information: Telephone Number: **757-627-9088** Fax Number: **757-627-9081**
Mailing address: **2529 VIRGINIA BEACH BLVD. VIRGINIA BEACH, VA 23452** E-mail address: **kevin@wheelerconstruction.us**
Business Name/Development Name for Encroachment: **Fire House front patio**

Encroachment type: ☒ Wall ☐ Fence ☐ Columns ☐ Steps ☐ Irrigation System ☒ Landscaping ☐ Driveway ☒ Pavers ☒ Sidewalk/Walkway
☒ Planters ☐ Awning ☐ Underground Utilities ☐ Other: _____

Dimensions (height/width/length): **See attached site plan for dimensions**
(i.e. 6'x42' wooden privacy fence;
two 12'x4'x3' concrete steps)

Construction material: **Brick Paver installation, sidewalk and curb replacement for storm drain pipe**

☒ **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: **KEVIN MAUME, SVP**
Date: **9-9-2016**

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.

Name/Title: **KEVIN MAUME, SVP**
Date: **9-9-2016**

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	803-343-8779	jechambers@columbiasc.net
John Fellows	Development Services (Planning)	803-545-3222	803-733-8647	jsfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-545-3332	803-733-8647	kbcook@columbiasc.net
Jerry Thompson	Development Services (Building Inspections)	803-545-3420	803-733-8699	jthompson@columbiasc.net
Fanessa Pinckney	Development Services (Permits)	803-545-3420	803-733-8699	fcpinckney@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8647	aemoore@columbiasc.net
Robert Harkins	Development Services (Plans Review)	803-545-3420	803-733-8647	rtharkins@columbiasc.net
Denny Daniels	Utilities & Engineering (Construction Management)	803-545-3400	803-988-8199	ddaniels@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	raanderson@columbiasc.net
Robert Sweat	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	debrewer@columbiasc.net
Sara Hollar	Public Works (Forestry & Beautification)	803-545-3860	803-733-8648	sehollar@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8648	jphooks@columbiasc.net
Chip Timmons	Risk Management	803-733-8306	803-733-8245	catimmons@columbiasc.net
David Koon	Fire Department	803-545-3701	803-401-8839	cdkoon@columbiasc.net
John David Spade	Parking Services	803-545-3070	803-733-8523	jspade@columbiasc.net

LR: 7/2014



October 6, 2016

City of Columbia
Attn: Johnathan Chambers
1136 Washington St.
Columbia, SC 29217

RE: 1001 Senate Street – City Encroachment within Senate Street

To Whom it may Concern:

WHLR Columbia Fire House LLC is proposing exterior renovations to the 1001 Senate Street building patio that fronts Senate Street. We are hereby requesting encroachment approval along Senate Street for the following activities:

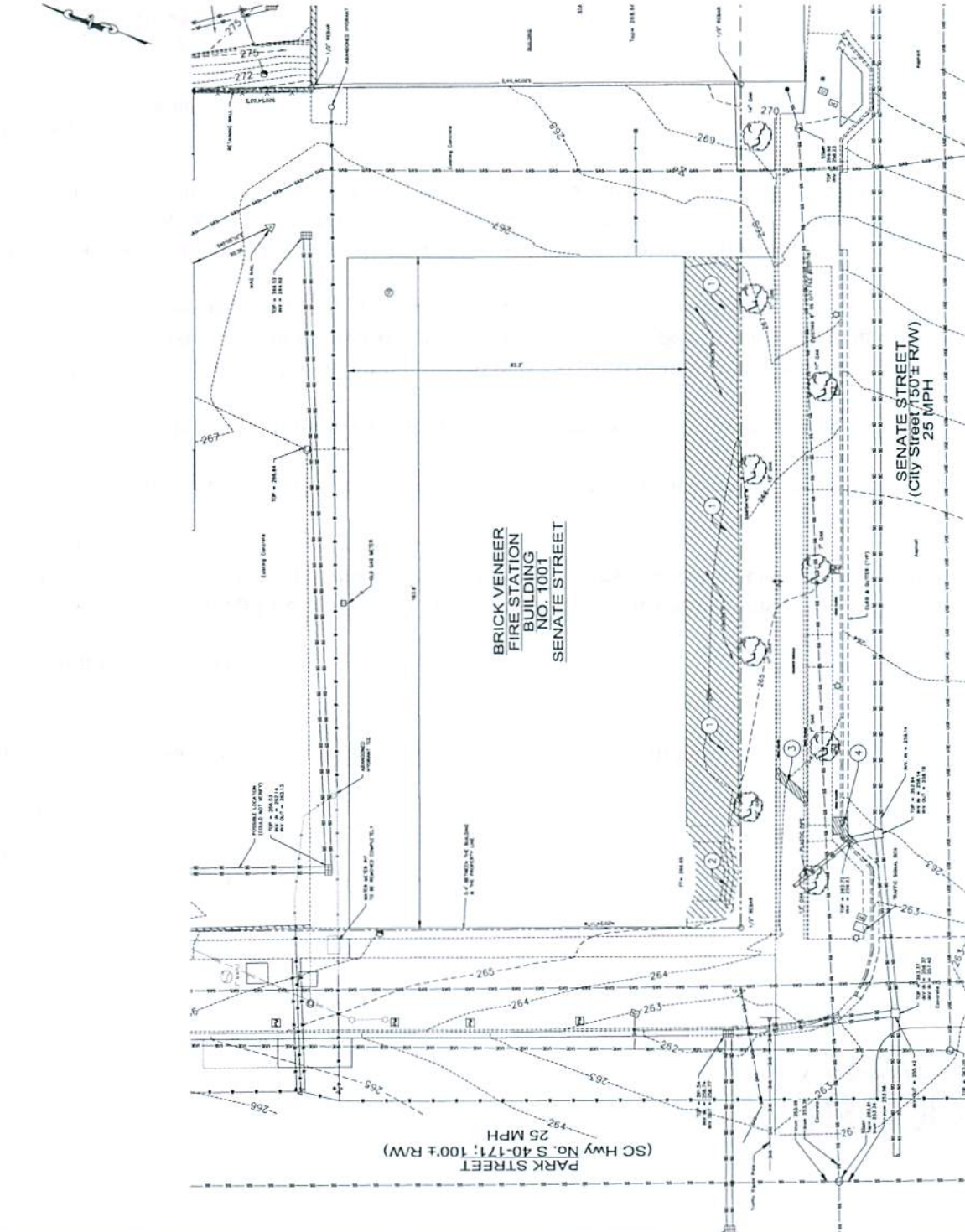
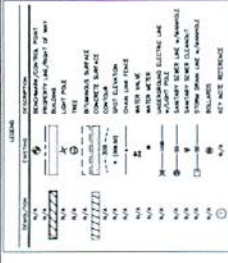
- 1) Installation of low brick walls to level the patio near building elevation
- 2) Installation of three pedestrian path connections to the Senate Street sidewalk
- 3) Installation of an 8" drain pipe to pick up patio drainage and connection to existing storm drain drop inlet in Senate Street parking area. Patching of concrete sidewalk and paver work as required for drainage installation

I have attached the Encroachment Ordinance Request Form, and plans of the proposed work. Please note that we will forward the Insurance Certificate as soon as received. If you need any additional information or if you have any questions or comments, please feel free to call 803-781-3141, ext 303.

Sincerely,
RB Todd & Associates, Inc.

A handwritten signature in blue ink, appearing to read 'Clayton Cannon'.

Clayton W. Cannon, PE



RB TODD
CONSULTING ENGINEERS
7436 Broad River Road, Suite 212
Columbia, SC 29201
Tel: 803.792.3141
Fax: 803.792.3142
www.rbtodd.com

**BRICK VENEER
FIRE STATION
BUILDING
NO. 1001
SENATE STREET**

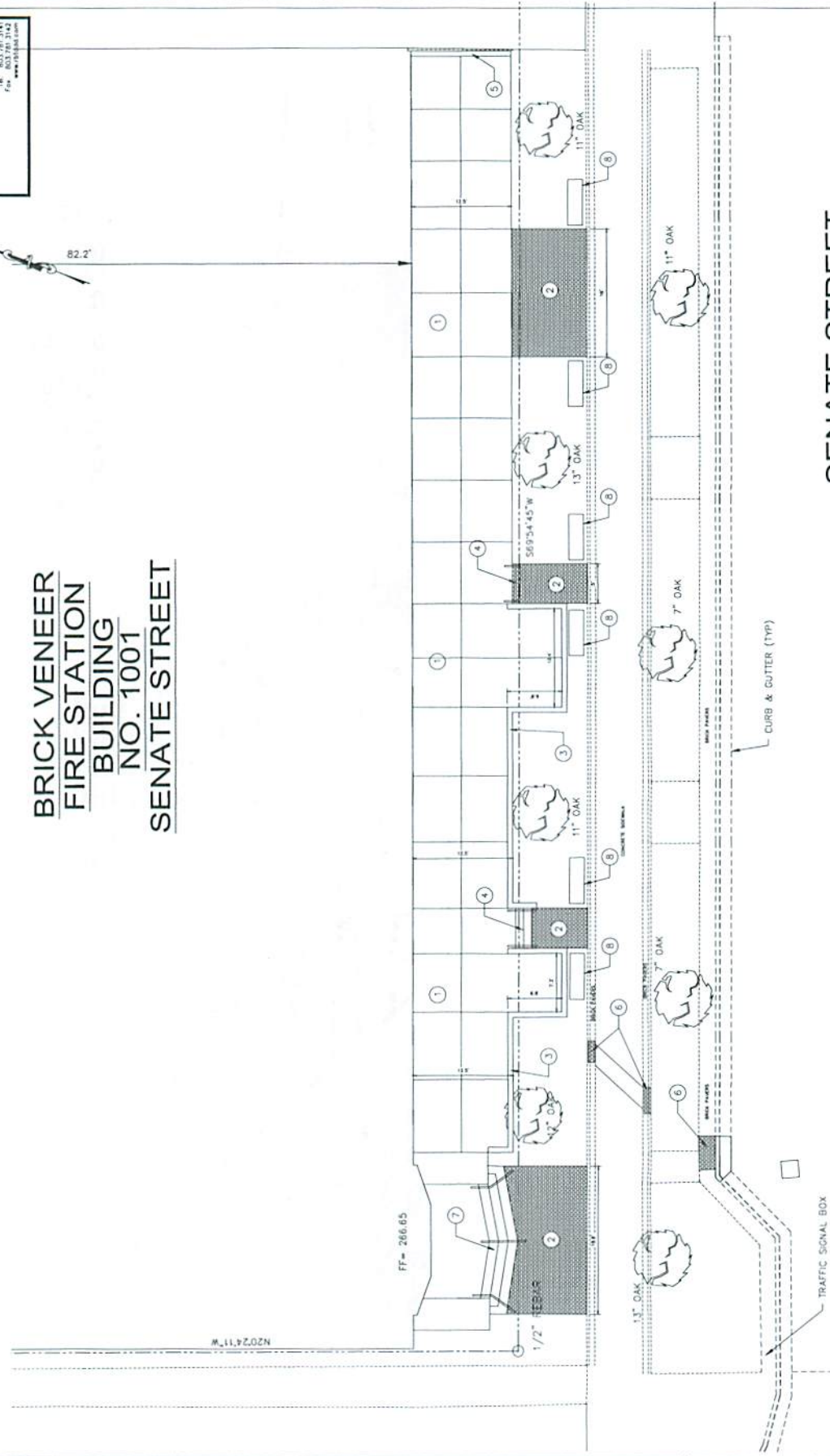
LAMBERT
ARCHITECTURE
CONSTRUCTION SERVICES
PLANNING BUILDING CONSULTING

1001 SENATE STREET
COLUMBIA, SC 29201

SENATE STREET PATIO PLAN

DATE: 11/11/11
DRAWN BY: ME
CHECKED BY: ME

C2.0



**SENATE STREET
(City Street 150'± R/W)
25 MPH**

Asphalt

CURB & CUTTER (TYP)

TRAFFIC SIGNAL BOX

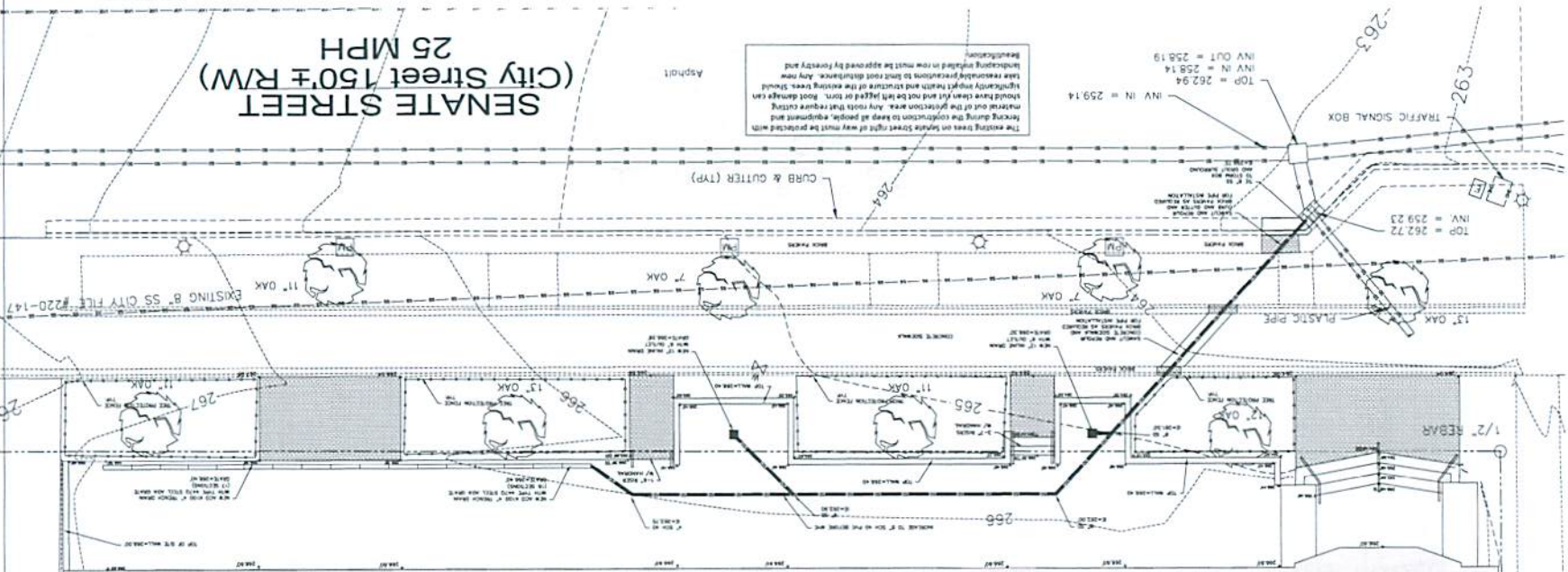
GENERAL NOTES

1. EXISTING SURVEY AND LOCATED BY JAMES LAMBERT AND SHERIDAN IN 1998. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
2. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. EXISTING SURVEY AND LOCATED BY JAMES LAMBERT AND SHERIDAN IN 1998. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
4. EXISTING SURVEY AND LOCATED BY JAMES LAMBERT AND SHERIDAN IN 1998. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
5. EXISTING SURVEY AND LOCATED BY JAMES LAMBERT AND SHERIDAN IN 1998. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
6. EXISTING SURVEY AND LOCATED BY JAMES LAMBERT AND SHERIDAN IN 1998. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
7. EXISTING SURVEY AND LOCATED BY JAMES LAMBERT AND SHERIDAN IN 1998. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
8. EXISTING SURVEY AND LOCATED BY JAMES LAMBERT AND SHERIDAN IN 1998. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
9. EXISTING SURVEY AND LOCATED BY JAMES LAMBERT AND SHERIDAN IN 1998. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
10. EXISTING SURVEY AND LOCATED BY JAMES LAMBERT AND SHERIDAN IN 1998. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

LEGEND

SYMBOL	DESCRIPTION
(1)	EXISTING SURVEY
(2)	EXISTING SURVEY
(3)	EXISTING SURVEY
(4)	EXISTING SURVEY
(5)	EXISTING SURVEY
(6)	EXISTING SURVEY
(7)	EXISTING SURVEY
(8)	EXISTING SURVEY
(9)	EXISTING SURVEY
(10)	EXISTING SURVEY





BRICK VENEER
FIRE STATION
BUILDING
NO. 1001
SENATE STREET

[illegible]

GENERAL NOTES

