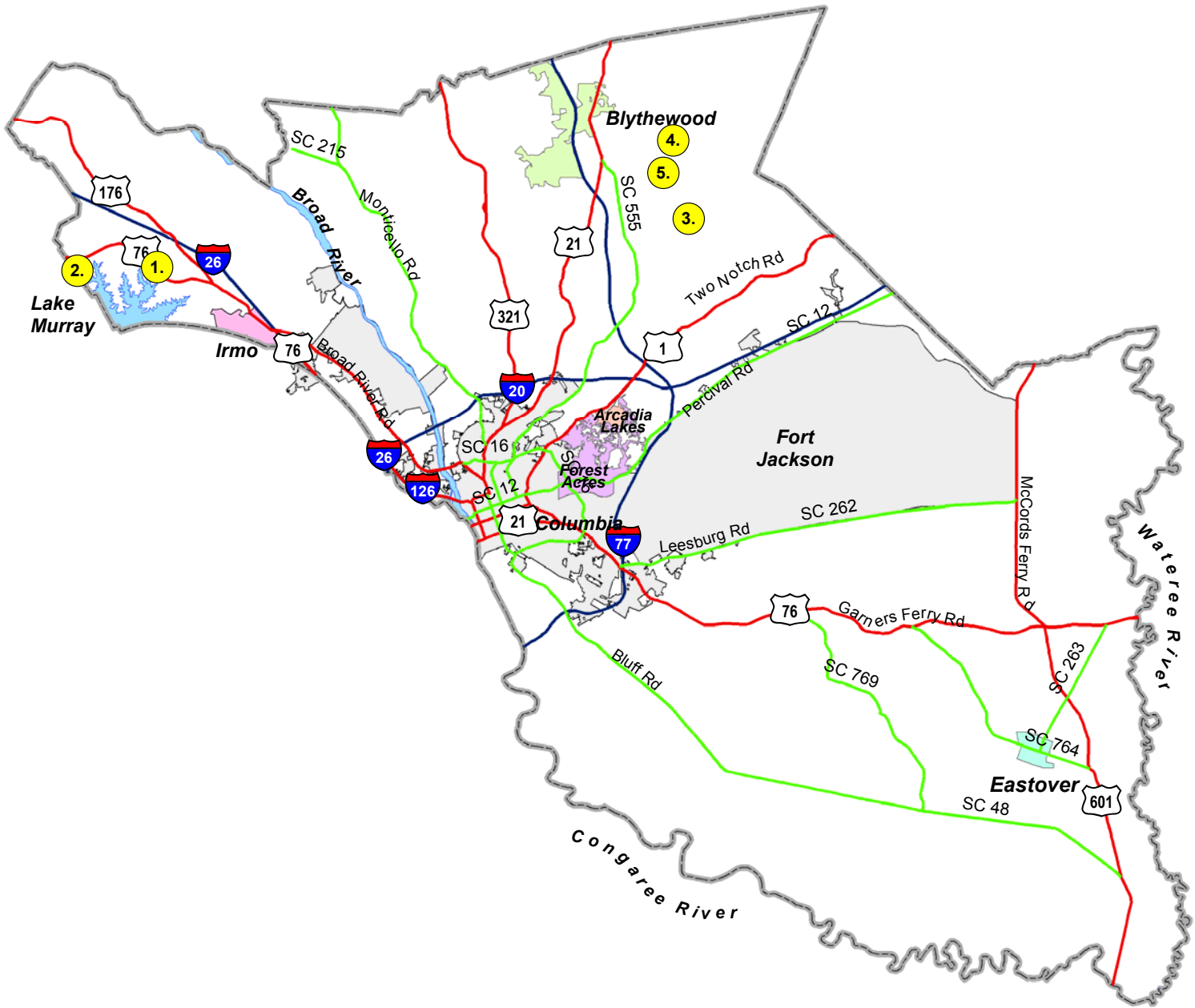


**RICHLAND COUNTY
PLANNING COMMISSION**



JANUARY 5, 2004

RICHLAND COUNTY PLANNING COMMISSION JANUARY 5, 2004



CASE NUMBER	APPLICANT	TMS NUMBER	ADDRESS	COUNCIL MEMBER
1. 04-28 MA	Coogler Construction, Inc.	02408-02-06	1750 Dutch Fork Rd., Ballentine	Corley
2. 04-29 MA	Richard Maxheimer	00400-01-01 & 01404-03-01	Indian Fork Road, South of US 76	Corley
3. 04-30 MA	Rehobeth Baptist Church	20300-02-27	Hardscrabble Rd. next to Rice Creek Elementary	Tuten
4. 04-31 MA	Ronnie Flynn	20500-01-09/10	North Side of Rimer Pond Rd., West of Hardscrabble Rd.	Tuten
5. 04-32 MA	Southland Devlpmt. Co.	17600-02-06	Longtown Rd. & Longcreek Plantation Dr.	Tuten

RICHLAND COUNTY PLANNING COMMISSION

Monday, January 5, 2004

Agenda

1:00 PM

STAFF: Michael P. Criss, AICP Planning Director
 John W. Hicks Development Services Manager
 Anna Almeida Land Development Administrator
 Carl D. Gosline, AICP Subdivision Administrator

I. PUBLIC MEETING CALL TO ORDER Howard VanDine, Chairperson

II. PRESENTATION OF MINUTES FOR APPROVAL

Consideration of the November 10, 2003 minutes

Consideration of the December 1, 2003 minutes

III. AGENDA AMENDMENTS (limited to matters NOT covered by the FOI)

IV. OLD BUSINESS

Further consideration of SD-04-122 – Elders Commons Commercial S/D
 Hardscrabble Road @ Elders Pond Road – access issues

V. NEW BUSINESS - SUBDIVISION REVIEW

PROJECT #	SUBDIVISION NAME	LOCATION	UNITS	Page
SD-03-312	Chelsea Park, Phase A	West Shady Grove Road TMS # 02600-05-10 & 03500-01-32	91	17
SD-04-108	Longtown Estates	Overbrook Drive & Longtown Rd TMS # 20500-05-32	42	27
SD-04-144	Harborside, Parcel 4 Phase 5 & 6	Lake Carolina TMS # 23200-01-02	52	39

VI. NEW BUSINESS - ZONING MAP AMENDMENTS

CASE	1. 04-28 MA	Page
APPLICANT	Coogler Construction, Inc.	49
REQUESTED AMENDMENT	C-3 to M-1 (10.1 acres)	
PURPOSE	Allow on-site bulk storage of materials	
TAX MAP SHEET NUMBER (S)	02408-02-06	
LOCATION	1750 Dutch Fork Rd, Ballentine	

CASE	2. 04-29 MA	Page
APPLICANT	Richard Maxheimer	59
REQUESTED AMENDMENT	Minor PUD Amendment – Villages @ Hilton PUD, Phase 1 (0.5 acres)	
PURPOSE	Reduction in common area	
TAX MAP SHEET NUMBER (S)	00400-01-01 & 01404-03-01	
LOCATION	Indian Fork Road, South of US 76	

CASE	3. 04-30 MA	Page
APPLICANT	Rehobeth Baptist Church	63
REQUESTED AMENDMENT	RU to C-1 (15.1 acres)	
PURPOSE	Office & institutional	
TAX MAP SHEET NUMBER (S)	20300-02-27	
LOCATION	Hardscrabble Rd next to Rice Creek Elementary School	

CASE	4. 04-31 MA	Page
APPLICANT	Ronnie Flynn	75
REQUESTED AMENDMENT	RU to PUD-1 (46.4 acres)	
PURPOSE	Single Family Detached Subdivision	
TAX MAP SHEET NUMBER (S)	20500-01-10/09 (p)	
LOCATION	North Side Rimer Pond Road, West of Hardscrabble Road	

CASE	5. 04-32 MA	Page
APPLICANT	Southland Development Co.	95
REQUESTED AMENDMENT	D-1 to RS-1 (163.4 acres)	
PURPOSE	Single Family Detached Subdivision	
TAX MAP SHEET NUMBER (S)	17600-02-06	
LOCATION	Longtown Road & Longcreek Plantation Dr.	

VII. ROAD NAME APPROVALS	Page
a. New Road Name Approvals – need to add in the November list	109


VIII. OTHER BUSINESS

Discussion of the landscaping provisions (section 26-176) of the Draft LDC

Amend Section 22-46 [c] of the County Code Regarding Open Space In Cluster Housing Projects

IX. ADJOURNMENT

**RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
Development Services Division Memo**

TO: Planning Commission Members; Interested Parties
FROM: Carl D. Gosline, AICP, Subdivision Administrator 
DATE: December 19, 2003
RE: Elders Commons – Minor Commercial S/D – SD-04-122

BACKGROUND

The Commission considered this matter at the December meeting. The proposed project is an 8 parcel commercial subdivision at Elders Pond Road and Hardscrabble Road. The staff recommended denial, mostly because of the extremely overcrowded traffic conditions on Hardscrabble Road. The staff was also opposed to a proposed joint driveway entrance between lots 3 & 4 because there were already too many curb cuts in this portion of Hardscrabble Road.

After considerable discussion between the Department, the Commission and the applicant at the meeting, there was no decision made regarding the project. The Commission tabled the project until the January 5, 2004 meeting and asked the applicant and the staff to discuss the project further and try to reach a compromise for the Commission's consideration.

The applicant and the staff met on December 18, 2003. The applicant presented some drawings showing the existing and proposed conditions. See the attached sheets 1 and 2 for details.

In summary, the applicant's proposal will result in the following:

- a) A new 12 foot wide right turn lane from the apartment complex entrance to 380 feet south of the entrance; and
- b) A new 12 foot wide right turn lane from the proposed joint driveway between lots 3 and 4 to Elders Pond Road; and
- c) A new 12 foot wide center turn lane from the Elders Pond Road intersection to 380 feet south of the apartment entrance; and
- d) The Elders Pond Subdivision project [a separate development and owner], located adjacent to this project on the east, will install a traffic light at the Elders Pond Road intersection within the next year.

The Department continues to assert that it is not appropriate public policy to continue to approve development projects anywhere along the Hardscrabble Road corridor, at least until the Road is widened to 5 lanes. The Department further believes the greater attention must be given to access management issues, particularly in areas of intense development, in all of its development decisions.

RECOMMENDATION

While the Department believes that any additional development in the Hardscrabble Road corridor will only exacerbate the traffic problems, the Department also believes that the applicants proposed mitigation improvements will make a bad situation better and recommends the Planning Commission **approve** the plat (dated 10/31/03) for the proposed Elders Commons minor subdivision (RC # SD-04-122), based on the Findings of Fact summarized below, and satisfactory compliance with the applicable requirements of Chapter 22 of the County Code and the Special Conditions described below:

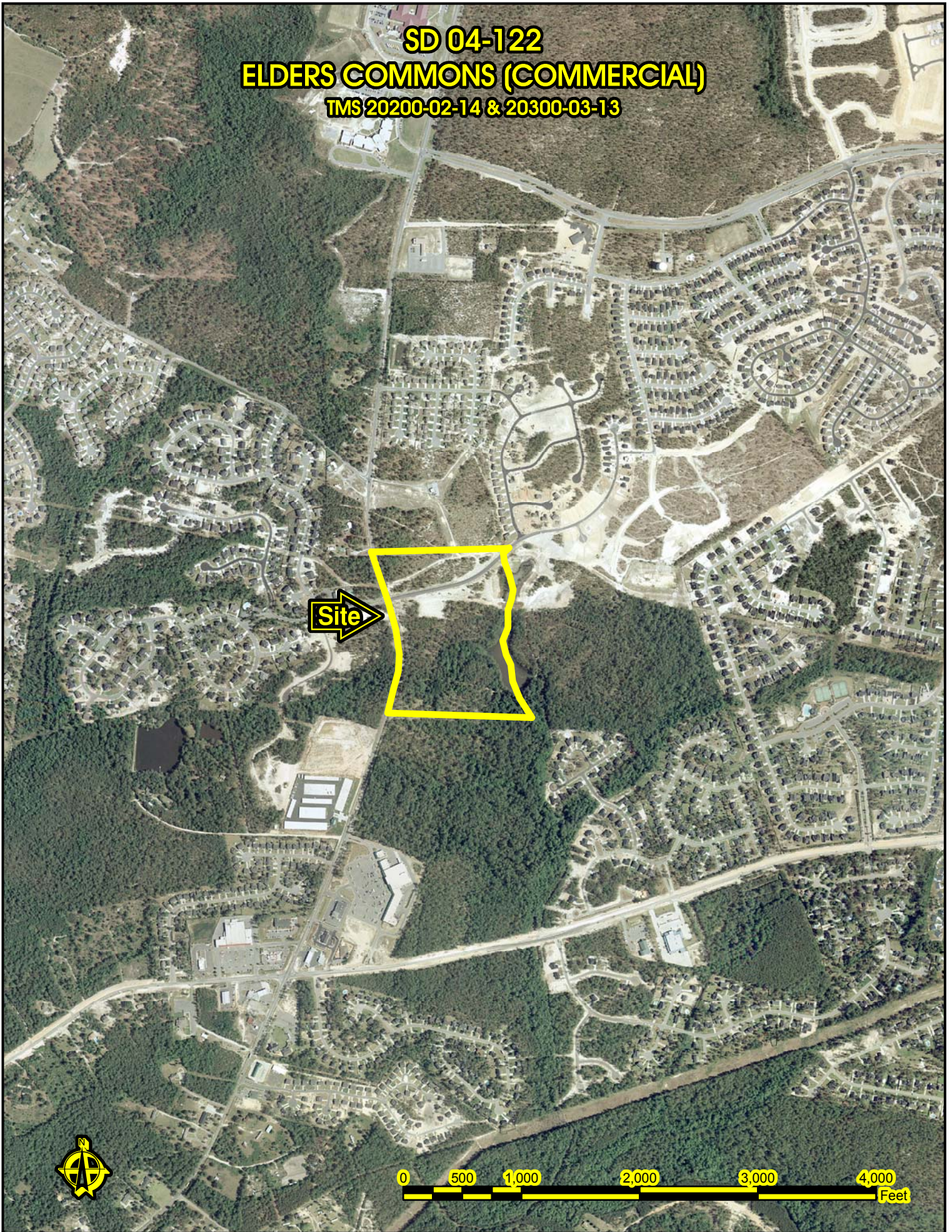
Findings of Fact

1. The traffic analysis shows that, even without the subject project, Hardscrabble Road is already over the LOS C capacity. The subject project, by itself, will result in the LOS F at count station 437 being exceeded. **In addition, upon build out of the subdivisions and other commercial projects approved to date upstream of the proposed project, more than 32,000 vehicle trips will be on a road designed for 8600 trips.**
2. The proposed subdivision is compatible with existing development in the area.
3. Since the proposed project is located in an area designated for commercial development in the Summit PUD, it is consistent with the Northeast Subarea Plan Map land use designation.
4. The proposed project implements the relevant Objectives and Recommendations of the Northeast Subarea Plan.
5. The applicant's proposed improvements **will improve the traffic flow** on this portion of Hardscrabble Road, thereby providing some minimal mitigation of its traffic impacts.
6. The proposed project improvements **will not increase the traffic carrying capacity of the Road**, but will improve the safety conditions to some degree.

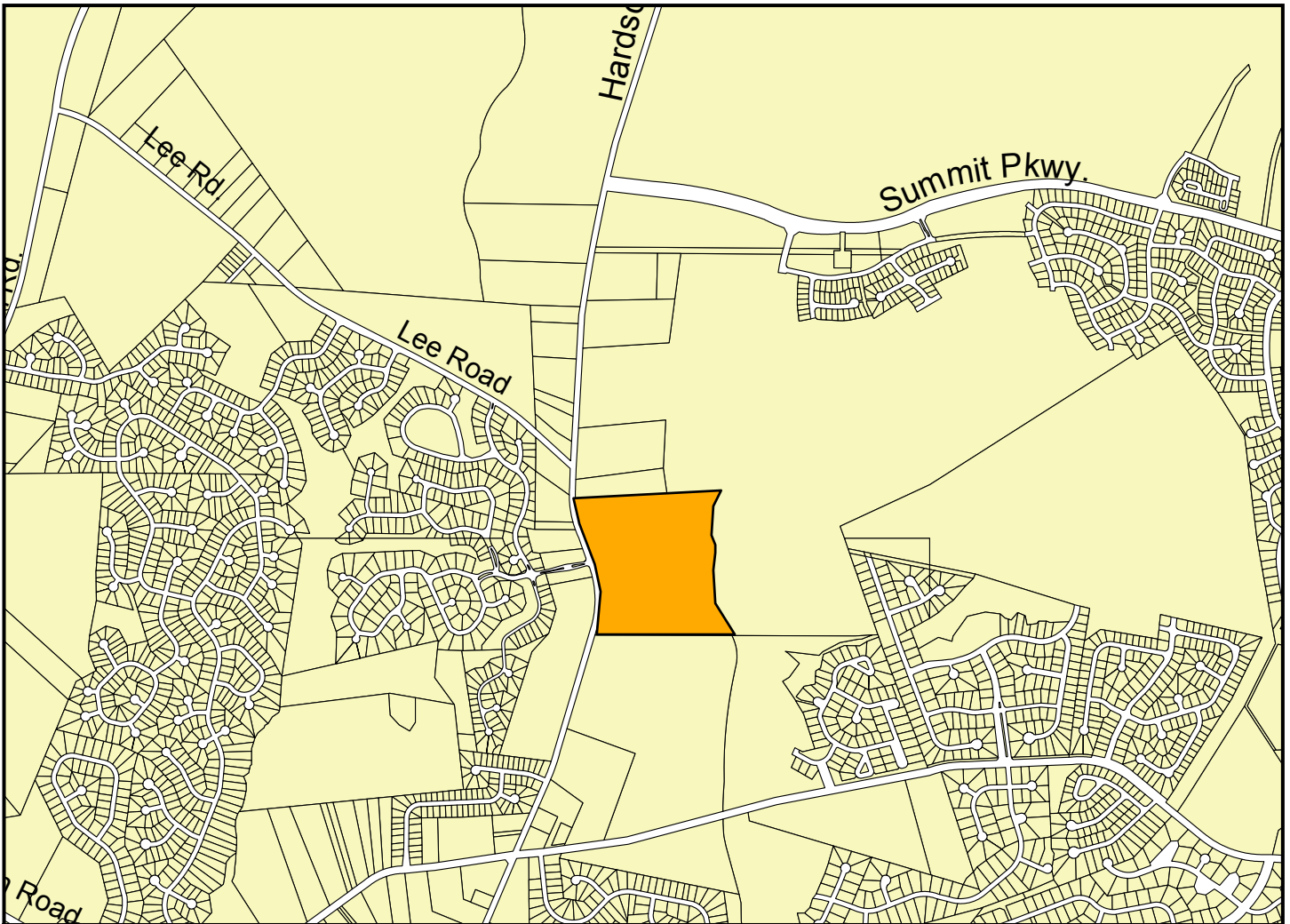
Special Conditions

- a) **PRIOR to any site clearance activity being initiated**, the subdivision plats shall include tree protection certification statements provided by the Department; and
- b) All structures must setback a minimum of 40 feet from the Elders Pond and Hardscrabble Road right-of way; and
- c) Unless specifically noted on the plat to the contrary, all structures shall conform to the setbacks in the C-3 zoning district and the site plan review criteria in place at the time a permit application is filed; and
- d) The Floodplain Manager must approve the flood elevation statement prior to building permits being issued; and
- e) The plat showing all 8 parcels shall be recorded at one time; and
- f) The Department shall receive a copy of the **recorded** plat prior to initiating any site plan reviews or any building permits being issued; and
- g) County regulations prohibit the use of a plat for the purpose of sale or lease, agreement to sell or lease, or negotiating to sell or lease, until a copy of the recorded plat is received; and
- h) No Certificate of Occupancy shall be issued for any residence in this project until the Department receives a copy of the DHEC Permit To Operate the Water system and/or the DHEC Permit To Operate the Sewer system, if appropriate.

SD 04-122
ELDERS COMMONS (COMMERCIAL)
TMS 20200-02-14 & 20300-03-13



SD 04-122 ELDERS COMMONS



Looking south on Hardscrabble Rd.
at proposed entrance



Looking at site from grill

Sheet 1 - 11" by 17" drawing showing the existing conditions - we'll get enough copies

Sheet 2 - 11" by 17" drawing showing the proposed conditions - we'll get enough copies

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION SUBDIVISION STAFF REPORT**

January 5, 2004

Applicant: John Darrohn		Preliminary Subdivision Plans For: Chelsea Park, Phase A	
RC Project # : SD-03-312			
General Location: West Shady Grove Road adjacent to Ashford Place			
Tax Map Number: 02600-05-10		Number of Residences: 91 (total project 178)	
Subject Area: 36 acres	Sewer Service Provider: Richland Co. Utilities		
Current Zoning: RS-1	Water Service Provider: City of Columbia		

SECTION I – ANALYSIS

The Planning Commission's involvement in the subdivision process is mandated by state law and the County Code. More specifically, Section 6-29-540, SC Code of Laws states that after adoption of the Comprehensive Plan "...no new street, structure, utility, square, park or other public way, grounds or open space or public buildings for any use, whether publicly or privately owned, may be constructed or authorized...until the location, character, and extent of it have been submitted to the planning commission for review and comment as to the compatibility of the proposal with the comprehensive plan..." Compatibility is determined by analyzing the Proposed Land Use Maps, Objectives and Recommendations of the existing Subarea Plans and the Goals and Principles in Chapter IV of the Imagine Richland 2020 Comprehensive Plan.

Chapter 22-10 of the Richland County Code currently requires the Planning Commission to approve preliminary plans, final plats and minor subdivisions. Chapter 22-10 (b) defines a minor subdivision is one that does "... not involve the construction, or opening, of new streets, water or sewer facilities, storm drainage systems, or improvement to existing streets..." Chapter 22-76 requires Planning Commission approval of private driveway subdivisions, i.e., a property division for a maximum of 7 lots for immediate family members. Pursuant to Section 6-29-1150, SC Code of Laws, the Planning Commission is the final authority in subdivision matters.

In order to provide the Planning Commission with enough information to ensure compliance with these laws, the staff report will:

- Analyze the impact of the proposed project on the adjacent county or state roads
- Describe the existing conditions of the subject site
- Analyze the land use compatibility of the proposed project with the surrounding area
- Identify the project's relationship to the relevant principles of the Comprehensive Plan

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these levels-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2007. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	West Shady Grove Road	
Functional Classification Of This Roadway	Two lane undivided collector	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	8600	
Estimated Traffic Generated By The Proposed Project	865	
Current Volume At The Nearest Count Station # Located @	Not Counted	
Estimated Traffic Count With the Proposed Project	NAp	
Volume-To-Capacity Ratio With The Proposed Project	NAp	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rate presented on pages 9 of the Addendum To The Long Range Major Street Plan for Richland County, adopted by the County in October 1993.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old.**

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

The proposed project will not likely result in the LOS C of West Shady Grove Rd. being exceeded.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 3 mile radius of a fire station.

School Impacts

Based on information provided by the District 2 School Board office *, the Department estimates the proposed subdivision will generate the additional school age children described below:

Elementary School @ 0.20 students per single family DU	18
Middle School @ 0.13 students per single family DU	12
High School @ 0.12 Students per single family DU	11

* All Districts assumed to have the same generation rate – rounded to nearest whole number

Existing Site Conditions

A portion of Hollingshed Creek flows through the Phase A of the proposed project. The site is heavily wooded with a significant amount of hardwood trees

Compatibility with the Surrounding Area

The proposed project is a single family detached subdivision. It is compatible with other subdivisions in the area.

Discussion of Applicable Comprehensive Plan Issues

In order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed subdivision based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]

The Northwest Subarea Plan Proposed Land Use Map was amended on May 3, 1999 as part of the Plan adoption process. The subject site is designated as Residential Rural on this Map. The proposed project is consistent with this land use designation.

The Northwest Subarea Plan, adopted in September 1993, contains policy guidance that is relevant to the subject subdivision. The relevant Objectives and Principles, found on pages 29 and 38 respectively, are discussed below:

Objective – In areas with environmentally sensitive lands of limited infrastructure, low density development is encouraged

The proposed project has been designed to keep all the development above the 100-year flood elevation line and otherwise protect the adjacent wetland areas. The proposed project implements this Objective.

Principle –The purpose of the rural area designation is to maintain the open character and natural setting of the landscape. While this goal is central to how the area should be kept, it does not preclude a case by case review of new development at a higher residential density provided; (A). The development is planned in a manner that is in keeping with the character of the surrounding area

The nearby Rolling Creek and Ashford Place subdivisions are very similar in character to the proposed project. This project implements this Principle.

Other Pertinent Factors

- 1) As of December 15, 2003, the Public Works Dept. had not approved the stormwater management plans.
- 2) As of December 15, 2003, the flood elevation statement had not officially been approved, but the Corps of Engineers has approved the 100-year flood elevation.
- 3) As of December 15, 2003, the City of Columbia had not approved the water line construction plans.
- 4) As of December 15, 2003, DHEC had not issued a sewer line construction permit.
- 5) As of December 15, 2003, DHEC had not issued a water line construction permit.

All applicants must be aware that the current Code County has strict requirements about not selling lots, or negotiating the sale of lots within subdivisions before the plat is recorded. Specifically, Section 22-71 (a) of the Code states “...Whoever, being the owner or agent of the owner of any land located within a subdivision, **transfers or sells, agrees to sell or negotiates to sell any land by reference to, or exhibition of, or by other use of a plat of a subdivision, before that plat has been approved by the planning commission and recorded in the office of mesne conveyance (*Register of Deeds*), shall be guilty of a misdemeanor.** The description of any such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring that lot or parcel shall not exempt the transaction from those penalties or remedies herein provided. The county may enjoin such transfer, sale, or agreement by appropriate action...”

SECTION II – STAFF RECOMMENDATION

Based on the findings of fact summarized below, the Planning and Development Services Department (PDSD) recommends conditional approval of the preliminary subdivision plans for a 91 unit single family detached subdivision, known as Chelsea Park, Phase A (Project # SD-03-312), **subject to compliance with all relevant requirements of the Richland County Code of Ordinances and the Specific Conditions identified below:**

Findings of Fact

1. The traffic generated by the proposed subdivision, by itself, will not result in the adjacent portion of West Shady Grove Road operating below a LOS C capacity.
2. The proposed subdivision is compatible with existing development in the area.
3. The project is consistent with the Northwest Subarea Plan Map land use designation.
4. The proposed project implements the relevant Objectives and Recommendations of the northwest Subarea Plan.

Specific Conditions

- a) **PRIOR to any site clearance activity being initiated**, the subdivision plats shall include tree protection certification statements provided by the Department; and
- b) The plat must establish the setbacks, either graphically or by notation, for each lot; and
- c) The Department of Public Works must approve the stormwater management plans; and
- d) The Floodplain Mgmt. Specialist must approve the flood elevation statement prior to building permits being issued; and
- e) The City of Columbia must approve the water line construction plans; and
- f) DHEC must issue the sewer line construction permits; and
- g) DHEC must issue the water line construction permits; and
- h) No building permits shall be issued until all of the conditions cited above are met; and
- i) Plats shall only be recorded by the complete phases identified in the preliminary plan; and
- j) Any further division of the phases identified in the preliminary plan shall require Planning Commission approval prior to recording; and
- k) Plats shall not be approved for recording until the City of Columbia approves the water easement documents; and
- l) The Department of Public Works must approve the bond documents prior to a bonded plat being approved for recording; and
- m) No Certificate of Occupancy shall be issued for any residence in this project until the Department receives a copy of the DHEC Permit To Operate the Water system and/or the DHEC Permit To Operate the Sewer system, if applicable, by phase; **and**
- n) A Final Plat can not be approved by the Department until **(1)** the City of Columbia approves the water line easement deeds **AND (2)** the County accepts the roads for maintenance.

SECTION III – COMMISSION RECONSIDERATION & APPEAL

Reconsideration

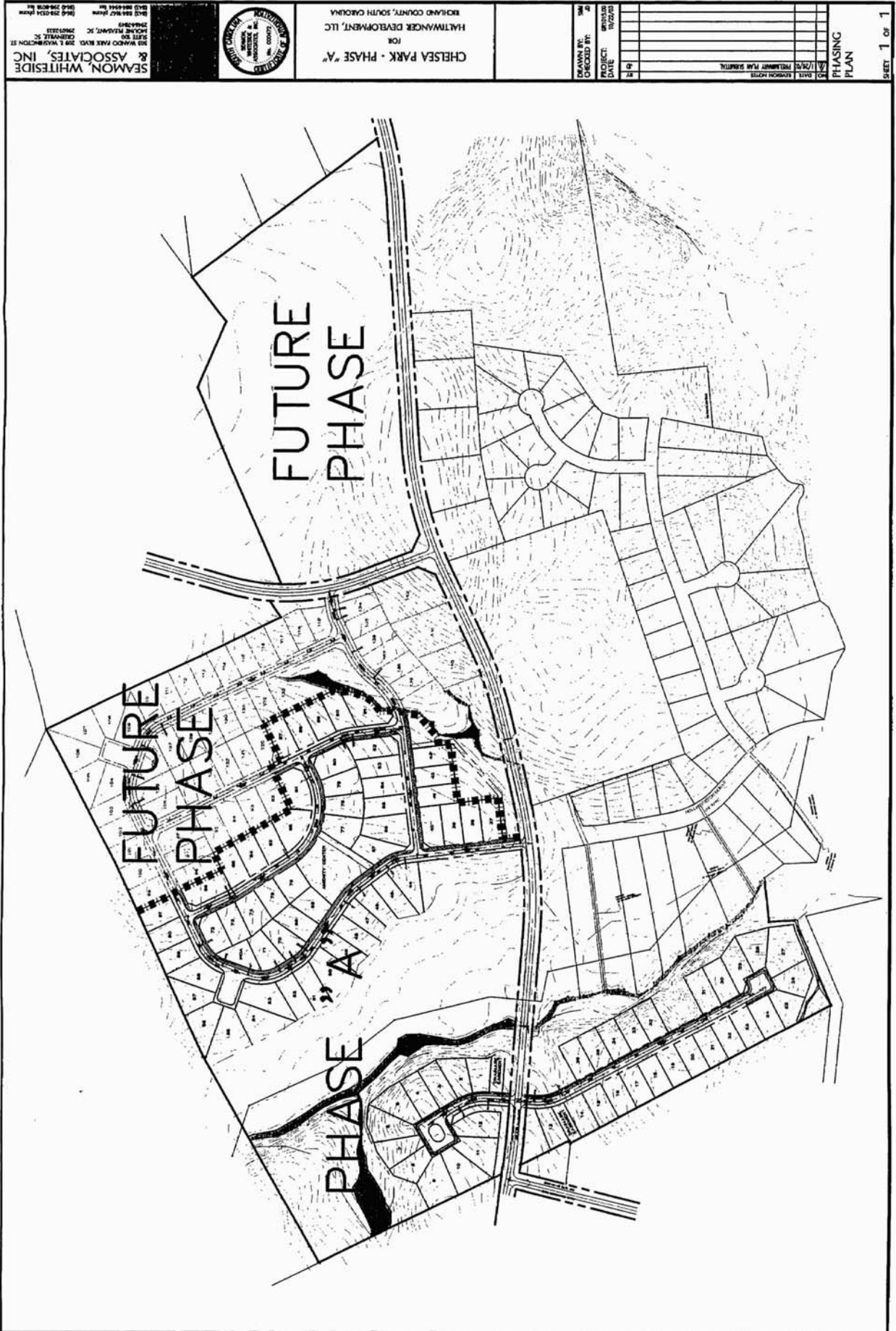
Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision **provided** such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

Appeal

Article V of the Planning Commission's Rules of Procedure provides that upon completion of the Commission's final action on any matter, the only way to appeal a Commission's decision is to the Circuit Court. An appeal, in the manner and form established by the Court, must be filed within 30 days of receipt of the written notice of the Planning Commission's action.

ATTACHMENT A SD 03-312

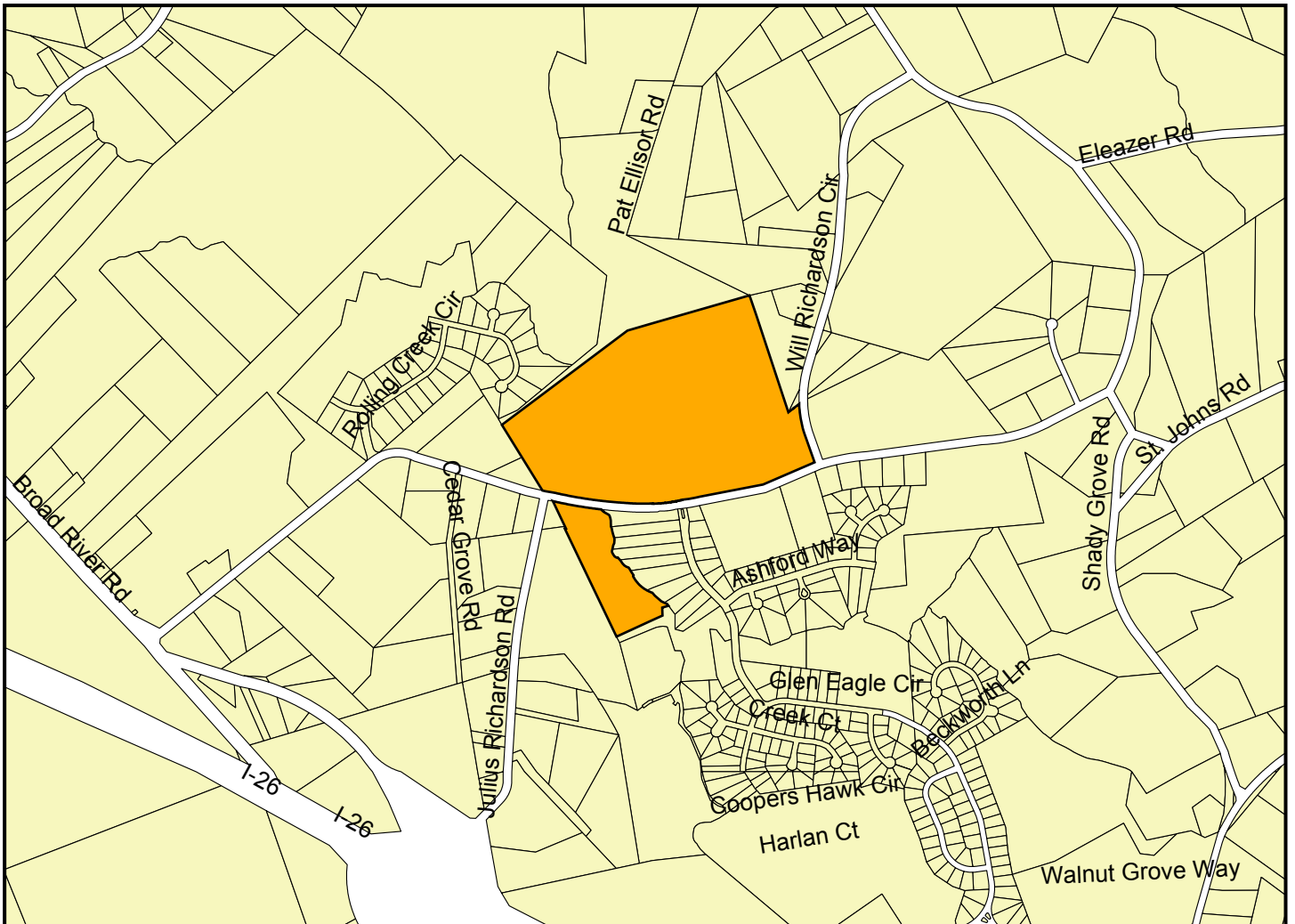


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SD 03-312
CHELSEA PARK, PHASE A
TMS 02600-05-10 & 03500-01-32



SD 03-312 CHELSEA PARK, PHASE A



Looking at site from W. Shady Grove Rd.

Looking at site from entrance to Ashford Park

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION SUBDIVISION STAFF REPORT**

January 5, 2004

Applicant: Jim Mayes		Preliminary Subdivision Plans For: Longtown Estates
RC Project # : SD-04-108		
General Location: Longtown West Rd & Overlook Drive		
Tax Map Number: 20500-05-32		Number of Residences: 42
Subject Area: 34 acres	Sewer Service Provider: Palmetto Utilities	
Current Zoning: D-1	Water Service Provider: Blythewood	

SECTION I – ANALYSIS

The Planning Commission's involvement in the subdivision process is mandated by state law and the County Code. More specifically, Section 6-29-540, SC Code of Laws states that after adoption of the Comprehensive Plan "...no new street, structure, utility, square, park or other public way, grounds or open space or public buildings for any use, whether publicly or privately owned, may be constructed or authorized...until the location, character, and extent of it have been submitted to the planning commission for review and comment as to the compatibility of the proposal with the comprehensive plan..." Compatibility is determined by analyzing the Proposed Land Use Maps, Objectives and Recommendations of the existing Subarea Plans and the Goals and Principles in Chapter IV of the Imagine Richland 2020 Comprehensive Plan.

Chapter 22-10 of the Richland County Code currently requires the Planning Commission to approve preliminary plans, final plats and minor subdivisions. Chapter 22-10 (b) defines a minor subdivision is one that does "... not involve the construction, or opening, of new streets, water or sewer facilities, storm drainage systems, or improvement to existing streets..." Chapter 22-76 requires Planning Commission approval of private driveway subdivisions, i.e., a property division for a maximum of 7 lots for immediate family members. Pursuant to Section 6-29-1150, SC Code of Laws, the Planning Commission is the final authority in subdivision matters.

In order to provide the Planning Commission with enough information to ensure compliance with these laws, the staff report will:

- Analyze the impact of the proposed project on the adjacent county or state roads
- Describe the existing conditions of the subject site
- Analyze the land use compatibility of the proposed project with the surrounding area
- Identify the project's relationship to the relevant principles of the Comprehensive Plan

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these levels-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2007. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Longtown East Road	
Functional Classification Of This Roadway	Two lane undivided collector	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	8600	
Estimated Traffic Generated By The Proposed Project	399	
Current Volume At The Nearest Count Station # 713 Located @ Longtown East Rd north of Longtown West Rd	1400	
Estimated Traffic Count With the Proposed Project	1799	
Volume-To-Capacity Ratio With The Proposed Project	0.21	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rate presented on pages 9 of the Addendum To The Long Range Major Street Plan for Richland County, adopted by the County in October 1993.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old.**

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

The proposed project will not result in the LOS C being exceeded at SCDOT count station 713.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 4 mile radius of a fire station.

School Impacts

Based on information provided by the District 2 School Board office *, the Department estimates the proposed subdivision will generate the additional school age children described below:

Elementary School @ 0.20 students per single family DU	9
Middle School @ 0.13 students per single family DU	5
High School @ 0.12 Students per single family DU	4

* All Districts assumed to have the same generation rate – rounded to nearest whole number

Existing Site Conditions

Approximately 40 % of the site is covered by wetlands. The wetland area, and some of the higher ground, contains several large hardwood trees. Overlook Drive, a County maintained dirt road, surrounds the site on the east, south and west sides. The western leg of Overlook Drive is not in public right-of-way.

Compatibility with the Surrounding Area

The proposed single-family detached subdivision, with minimum 20,000 sq. ft. lots is compatible with the adjacent large lot residential development.

Discussion of Applicable Comprehensive Plan Issues

In order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed subdivision based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]

The I-77 Corridor Subarea Plan Proposed Land Use Map was amended on May 3, 1999 as part of the Plan adoption process. The subject site is designated as Medium Density Residential, i.e., 5.0 DU/acre to 9.0 DU/acre, on this Map.

The **proposed subdivision is not consistent** with the Proposed Land Use Map because it is a very low-density subdivision, i.e. 2.0 DU/acre, project located in an area designated for 5.0 to 9.0 DU/acre development. **The state law requires projects to be consistent with the provisions of the Comprehensive Plan, including the Map.**

None of the residential development that has occurred in the last few years in this portion of the I-77 Corridor Subarea is consistent with the current Medium Density Residential land use designation on the I-77 Corridor Subarea Plan Proposed Land Use Map, as required by Chapter 6-29-540, SC Code of Laws. In fact, the only residential development in the unincorporated portion of the whole County that has a density above 5.0 DU/acre is the Courtyards at Founders Ridge in The Summit and perhaps one, or two, other similar patio home type developments.

The I-77 Corridor Subarea Plan, adopted in April 1994, contains policy guidance that is relevant to the subject subdivision. The relevant Objectives and Principles, found on pages 32 and 39 respectively, are discussed below:

Objective – Promote appropriate land use practices to prevent damage to wetlands, water quality and quantity

The proposed plat depicts approximately 40 % of the site as occupied by wetlands. The proposed lot arrangement shows 12 of the 42 lots will have in excess of 50 % of the lot in wetlands. Until a wetlands delineation study is completed to determine the actual extent of the wetlands, it is impossible to determine whether the proposed plat can be implemented as proposed. **The proposed project, as submitted, does not implement this Objective.**

Principle – In environmentally sensitive areas, the Plan encourages the use of large land tract site design and planning in conjunction with PDD or PUD zoning

In addition to the unknown amount of wetlands on the site, **the Flood Hazard Coordinator has disapproved the proposed 100-year flood elevation statement.** One of the principal Sketch Plan comments (see November 17, 2003 letter to the applicant) warned the applicant that a 100-year flood elevation study would be required for this project. This study has not been submitted to the County for review and approval. **The proposed project, as submitted, does not implement this Principle.**

Other Pertinent Factors

- 1) As of December 15, 2003, the Public Works Dept. had not approved the stormwater management plans.
- 2) On December 12, 2003, **the flood elevation statement was disapproved** until the 100-year flood discharge is submitted to, and approved by, the County.
- 3) As of December 15, 2003, DHEC had not issued a sewer line construction permit.
- 4) As of December 15, 2003, DHEC had not issued a water line construction permit.

Overlook Drive is a County maintained dirt road. The County has 60 feet of right-of-way along the eastern leg of the Drive. There is no recorded right-of-way along the western leg of the Drive. Section 22-21 (j) [1] of the County Code states "...when a road does not conform to the minimum R/W requirements "...the preliminary plan must provide for sufficient R/W along one or both sides of the R/W...In the event, the subdivision abuts only one side of such a street or road, the additional R/W shall not exceed the ½ of the additional R/W required..."

At this time, it is unclear whether the property line of the subject site includes the western leg of Overlook Drive. The applicant should be required to dedicate a minimum of 30 feet and a maximum of 60 feet of right-of-way along the western leg of Overlook Drive, depending on a final determination of the property line.

The actual extent of the wetlands areas may be greater than currently depicted on the proposed plat. Since no flood elevation study has been done, it is possible that the 100-year flood elevation may be greater than the wetlands area depicted on the proposed plat. **In summary, the applicant has not completed the proper natural resources analysis to determine whether the proposed lot layout is viable.**

The minimum front yard setback in the D-1 zoning district is 35 feet; the minimum side yard setback is 10 feet each side; and the minimum rear yard setback is 30 feet. It is, at best questionable, whether residences on lots 36, 37, 38, 39 and 40 can meet these setback requirements.

All applicants must be aware that the current Code County has strict requirements about not selling lots, or negotiating the sale of lots within subdivisions before the plat is recorded. Specifically, Section 22-71 (a) of the Code states “...Whoever, being the owner or agent of the owner of any land located within a subdivision, **transfers or sells, agrees to sell or negotiates to sell any land by reference to, or exhibition of, or by other use of a plat of a subdivision, before that plat has been approved by the planning commission and recorded in the office of mesne conveyance (*Register of Deeds*), shall be guilty of a misdemeanor.** The description of any such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring that lot or parcel shall not exempt the transaction from those penalties or remedies herein provided. The county may enjoin such transfer, sale, or agreement by appropriate action...”

SECTION II – STAFF RECOMMENDATION

Based on the findings of fact summarized below, the Planning and Development Services Department (PDS) recommends **DENIAL** of the preliminary subdivision plans for a 42 unit single family detached subdivision, known as Longtown Estates (Project # SD-04-108).

Findings of Fact

1. The traffic generated by the proposed subdivision, by itself, will not result in the adjacent portion of Longtown East Road operating below a LOS C capacity.
2. The proposed subdivision is compatible with existing development in the area.
3. The project **is not consistent** with the I-77 Corridor Subarea Plan Map land use designation.
4. The proposed project **does not implement** the relevant Objectives and Recommendations of the I-77 Corridor Subarea Plan.
5. A **wetlands delineation study has not been completed** to determine the extent of the wetland area.
6. The 100-year elevation **has not been submitted to the County**, and/or FEMA, for review and approval.

7. In order to be consistent with requirements of Chapter 6-29-540, SC Code of Laws, the I-77 Corridor Subarea Plan Proposed Land Use Map must be amended to change the land use designation to Low Density Residential for the subject site.
8. **In summary, the applicant has not completed the proper natural resources analysis to determine whether the proposed lot layout is viable.**

Specific Conditions Required IF The Commission Approves The Subdivision As Submitted

- a) **PRIOR to any site clearance activity being initiated**, the subdivision plats shall include tree protection certification statements provided by the Department; and
- b) The Department of Public Works must approve the stormwater management plans; and
- c) The Floodplain Manager must approve the flood elevation statement prior to any building permits being issued, or any clearing activity occurs; and
- d) DHEC must issue the sewer line construction permits; and
- e) DHEC must issue the water line construction permits; and
- f) The applicant should be required to dedicate a minimum of 30 feet and a maximum of 60 feet of right-of-way along the western leg of Overlook Drive, depending on a final determination of the property; and
- g) The access to lots 1 thru 35 shall be confined to the interior roads; and
- h) The developer shall install a fence, wall, landscape berm, or combination thereof, to prohibit direct access to Longtown Road West from lots 31, 32, 33, 35 and 1 and to prohibit direct access to Overlook Drive from lots 1 through 13; and
- i) No building permits shall be issued until all of the conditions cited above are met; and
- j) Plats shall only be recorded by the complete phases identified in the preliminary plan; and
- k) Any further division of the phases identified in the lot layout plan shall require Planning Commission approval prior to recording; and
- l) The Department of Public Works must approve the bond documents prior to a bonded plat being approved for recording; and
- m) No Certificate of Occupancy shall be issued for any residence in this project until the Department receives a copy of the DHEC Permit To Operate the Water system and/or the DHEC Permit To Operate the Sewer system, if applicable, by phase; **and**
- n) A Final Plat cannot be approved by the Department until the County accepts the roads for maintenance.

SECTION III – COMMISSION RECONSIDERATION & APPEAL

Reconsideration

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision **provided** such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

Appeal

Article V of the Planning Commission's Rules of Procedure provides that upon completion of the Commission's final action on any matter, the only way to appeal a Commission's decision is to the Circuit Court. An appeal, in the manner and form established by the Court, must be filed within 30 days of receipt of the written notice of the Planning Commission's action.

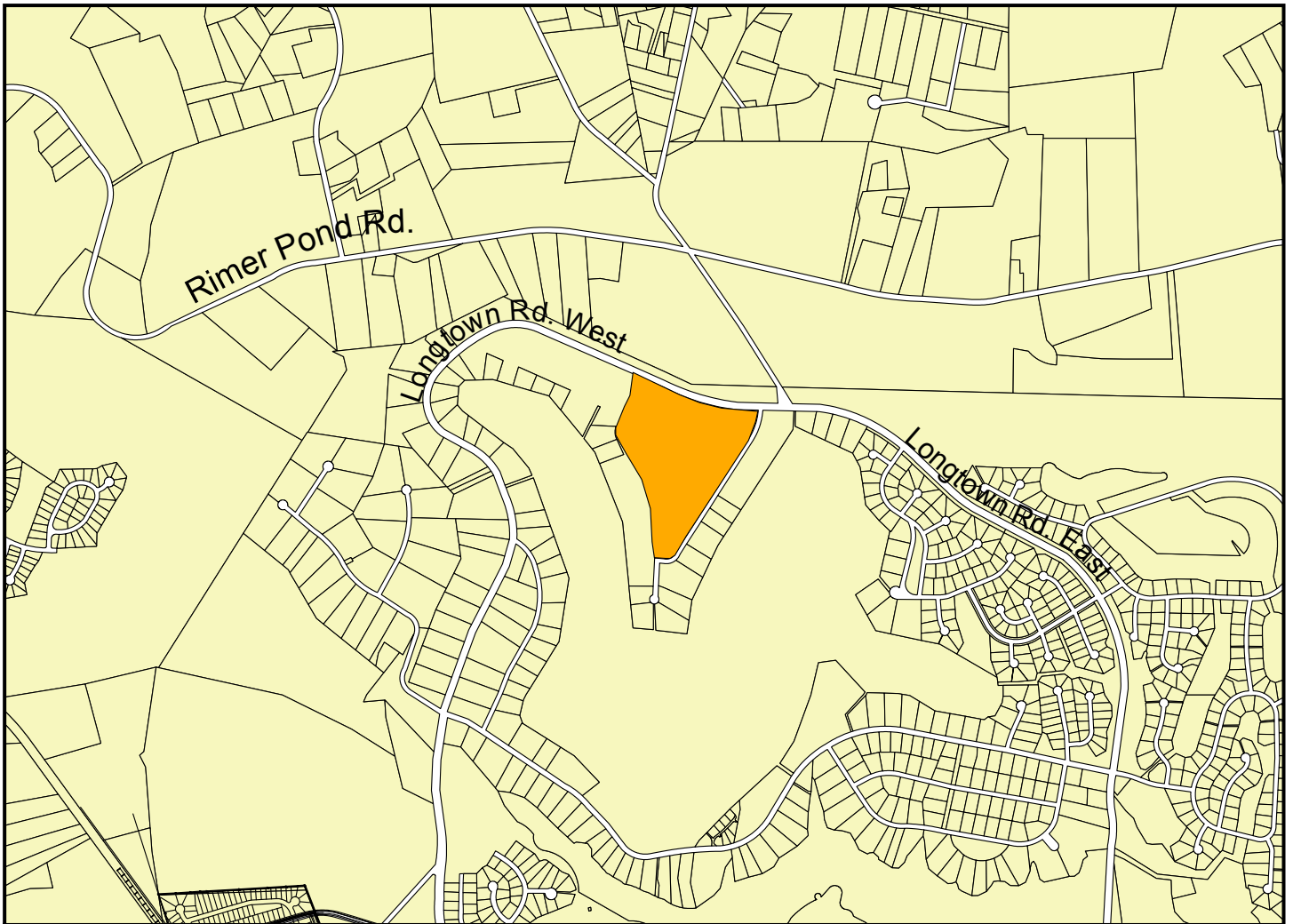
SD 04-108
LONGTOWN ESTATES
TMS 02600-05-10 & 03500-01-32



← **Site**



SD 04-108 LONGTOWN ESTATES



Looking at middle of site from Longtown Rd. West



Looking at wetland portion of the site from Overbrook Rd.

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION SUBDIVISION STAFF REPORT**

January 5, 2004

Applicant: Lake Carolina Dvlpmt. Co.		Preliminary Subdivision Plans For: Harborside, Parcel 4, Phase 5 & 6	
RC Project # : SD-04-144			
General Location: Long Pointe Lane East of the Welcome Center			
Tax Map Number: 23200-01-02		Number of Residences: 52	
Subject Area: 11.8 acres	Sewer Service Provider: Palmetto Utilities		
Current Zoning: PUD- TND	Water Service Provider: City of Columbia		

SECTION I – ANALYSIS

The Planning Commission's involvement in the subdivision process is mandated by state law and the County Code. More specifically, Section 6-29-540, SC Code of Laws states that after adoption of the Comprehensive Plan "...no new street, structure, utility, square, park or other public way, grounds or open space or public buildings for any use, whether publicly or privately owned, may be constructed or authorized...until the location, character, and extent of it have been submitted to the planning commission for review and comment as to the compatibility of the proposal with the comprehensive plan..." Compatibility is determined by analyzing the Proposed Land Use Maps, Objectives and Recommendations of the existing Subarea Plans and the Goals and Principles in Chapter IV of the Imagine Richland 2020 Comprehensive Plan.

Chapter 22-10 of the Richland County Code currently requires the Planning Commission to approve preliminary plans, final plats and minor subdivisions. Chapter 22-10 (b) defines a minor subdivision is one that does "... not involve the construction, **or** opening, of new streets, water or sewer facilities, storm drainage systems, **or** improvement to existing streets...." Chapter 22-76 requires Planning Commission approval of private driveway subdivisions, i.e., a property division for a maximum of 7 lots for immediate family members. Pursuant to Section 6-29-1150, SC Code of Laws, the Planning Commission is the final authority in subdivision matters.

In order to provide the Planning Commission with enough information to ensure compliance with these laws, the staff report will:

- Analyze the impact of the proposed project on the adjacent county or state roads
- Describe the existing conditions of the subject site
- Analyze the land use compatibility of the proposed project with the surrounding area
- Identify the project’s relationship to the relevant principles of the Comprehensive Plan

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these levels-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2007. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Hardscrabble Road	
Functional Classification Of This Roadway	Two lane undivided collector	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	8600	
Estimated Traffic Generated By The Proposed Project	494	
Current Volume At The Nearest Count Station # 437 Located @ Lee Road	9500	
Estimated Traffic Count With the Proposed Project	9994	
Volume-To-Capacity Ratio With The Proposed Project	1.16	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rate presented on pages 9 of the Addendum To The Long Range Major Street Plan for Richland County, adopted by the County in October 1993.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old.**

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

As shown above, the proposed project, by itself, will generate enough new traffic on Hardscrabble Road to cause the LOS C to be exceeded. However, the Department estimates that upon buildout of the subdivisions already approved in the area, there will be more than 21,000 daily trips on this portion of Hardscrabble Road. The V/C ratio, without the subject project, will exceed 2.44, or far above the LOS F level.

In addition, the County recently rezoned a 20-acre adjacent to the subject site on the west to permit up to 200,000 sq. ft. of general commercial development. This commercial project alone will generate more than 12,000 additional trips on Hardscrabble Road between Summit Parkway and Lee Road. **In summary, upon buildout of the subject subdivision and the subdivisions approved to date, the Department estimates at SCDOT count station # 437 there will be more than 32,000 daily vehicle trips on a road designed for 8600 trips.**

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 3 mile radius of a fire station.

School Impacts

Based on information provided by the District 2 School Board office *, the Department estimates the proposed subdivision will generate the additional school age children described below:

Elementary School @ 0.20 students per single family DU	10
Middle School @ 0.13 students per single family DU	7
High School @ 0.12 Students per single family DU	6

* All Districts assumed to have the same generation rate – rounded to nearest whole number

Existing Site Conditions

The site is pine woodlands with some scattered hardwoods. It slopes down to the north toward a wetland area that connects to Lake Carolina.

Compatibility with the Surrounding Area

The project is a continuation of the residential portion of the Traditional Neighborhood Development (TND) portion of the Lake Carolina Project. The project is compatible with the adjacent TND development.

Discussion of Applicable Comprehensive Plan Issues

In order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed subdivision based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]

The Northeast Subarea Plan Proposed Land Use Map was amended on May 3, 1999 as part of the Plan adoption process. The subject site is designated as development on this Map. The proposed project is consistent with this land use designation.

The Northeast Subarea Plan, adopted in March 1995, contains policy guidance that is relevant to the subject subdivision. The relevant Objectives and Principles, found on pages 30 and 35 respectively, are discussed below:

Objective – Promote a variety of residential densities for the development of affordable, quality housing while blending with the character of the surrounding area

The proposed project is a continuation of the residential portion of the central TND area of the Lake Carolina project. The proposed project implements this Objective.

Principle – None Applicable

Other Pertinent Factors

- 1) As of December 15, 2003, the Public Works Dept. had not approved the stormwater management plans.
- 2) As of December 15, 2003, the flood elevation statement had not been approved.
- 3) As of December 15, 2003, the City of Columbia had not approved the water line construction plans.
- 4) As of December 15, 2003, DHEC had not issued a sewer line construction permit.
- 5) As of December 15, 2003, DHEC had not issued a water line construction permit.
- 6) As of December 15, 2003, the E-911 Coordinator had not certified Planning Commission approval of the proposed street names.

Transportation Recommendation - To the extent possible, rezoning decisions should be made with consideration of the Long Range Major Street Plan so that improvements are concurrent with new development

There are no road capacity improvements scheduled to this portion of Hardscrabble Road for at least the next five fiscal years. Since Hardscrabble Road is projected to exceed the LOS "F" capacity in this area when the already approved projects build out, **the proposed Amendment is not consistent with this Recommendation.**

Transportation Recommendation - Where a request for a change in land use will reduce traffic movements below a "C" level-of-service, additional highway improvements should be made to mitigate the effects.

The applicant has not proposed any measures to mitigate the traffic effects of this project. The current CMGOG Transportation Improvement Program, i.e., the fiscal year beginning July 1, 2003 through June 30, 2008, **does not have any road capacity improvements programmed for Hardscrabble Road. Furthermore, there are currently no funding sources available for any road capacity improvements in Richland County in the rest of this decade.**

SECTION II – STAFF RECOMMENDATION

Based on the findings of fact summarized below, the Planning and Development Services Department (PDSD) recommends conditional approval of the preliminary subdivision plans for a 52 unit single family detached subdivision, known as Harborside, Parcel 4, Phase 5 and 6 (Project # SD-04-144), **subject to compliance with all relevant requirements of the Richland County Code of Ordinances and the Specific Conditions identified below:**

Findings of Fact

- 1) The proposed project, by itself, will generate enough new traffic on Hardscrabble Road to cause the LOS C to be exceeded. **Upon buildout of the subject subdivision and the subdivisions approved to date, the Department estimates at SCDOT count station # 437 there will be more than 32,000 daily trips on a road designed for 8600 trips.**
- 2) The proposed subdivision is compatible with existing development in the area.
- 3) The project is consistent with the Northeast Subarea Plan Map land use designation.
- 4) The proposed project implements the relevant Objectives of the Northeast Subarea Plan.
- 5) The proposed project is not consistent with the Transportation Recommendations of the Northeast Subarea Plan.

Specific Conditions

- a) **PRIOR to any site clearance activity being initiated**, the subdivision plats shall include tree protection certification statements provided by the Department; and
- b) The Department requires site plan for each residence to be approved by the Lake Carolina Development Co prior to building permits being issued; and
- c) The E-911 Coordinator must certify the street names have been approved by the Planning Commission **prior to assigning street addresses** for building permits; and
- d) The Department of Public Works must approve the stormwater management plans; and
- e) The Floodplain Mgmt. Specialist must approve the flood elevation statement prior to building permits being issued; and
- f) The City of Columbia must approve the water line construction plans; and
- g) DHEC must issue the sewer line construction permits; and
- h) DHEC must issue the water line construction permits; and
- i) Any further division of the phases identified in the lot layout plan shall require Planning Commission approval prior to recording; and
- j) Plats shall not be approved for recording until the City of Columbia approves the water line easement documents; and
- k) The Department of Public Works must approve the bond documents prior to a bonded plat being approved for recording; and
- l) No Certificate of Occupancy shall be issued for any residence in this project until the Department receives a copy of the DHEC Permit To Operate the Water system and/or the DHEC Permit To Operate the Sewer system, if applicable, by phase; and
- m) A Final Plat can not be approved by the Department until **(1)** the City of Columbia approves the water and sewer line easement deeds **AND (2)** the County accepts the roads for maintenance.

SECTION III – COMMISSION RECONSIDERATION & APPEAL

Reconsideration

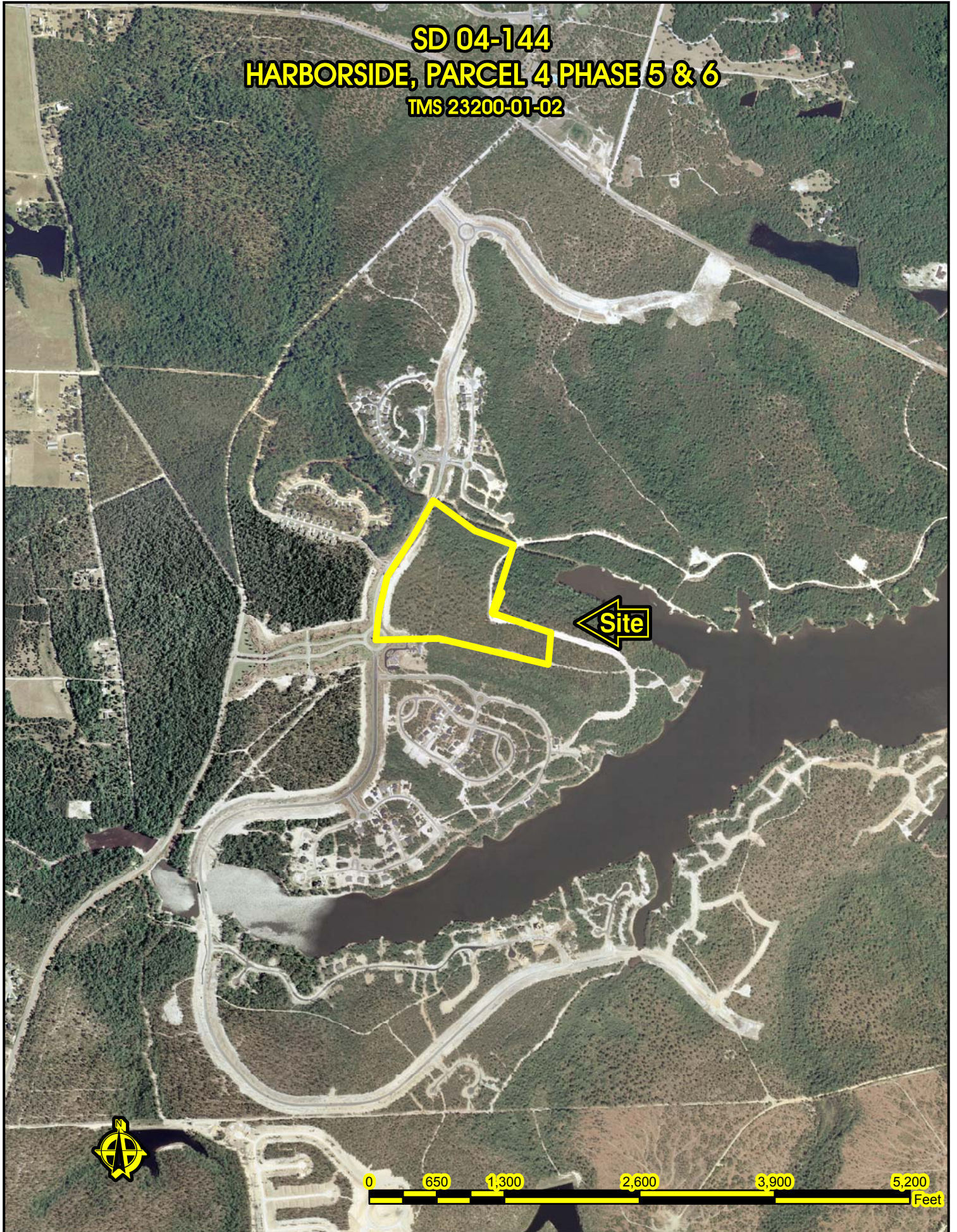
Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision **provided** such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

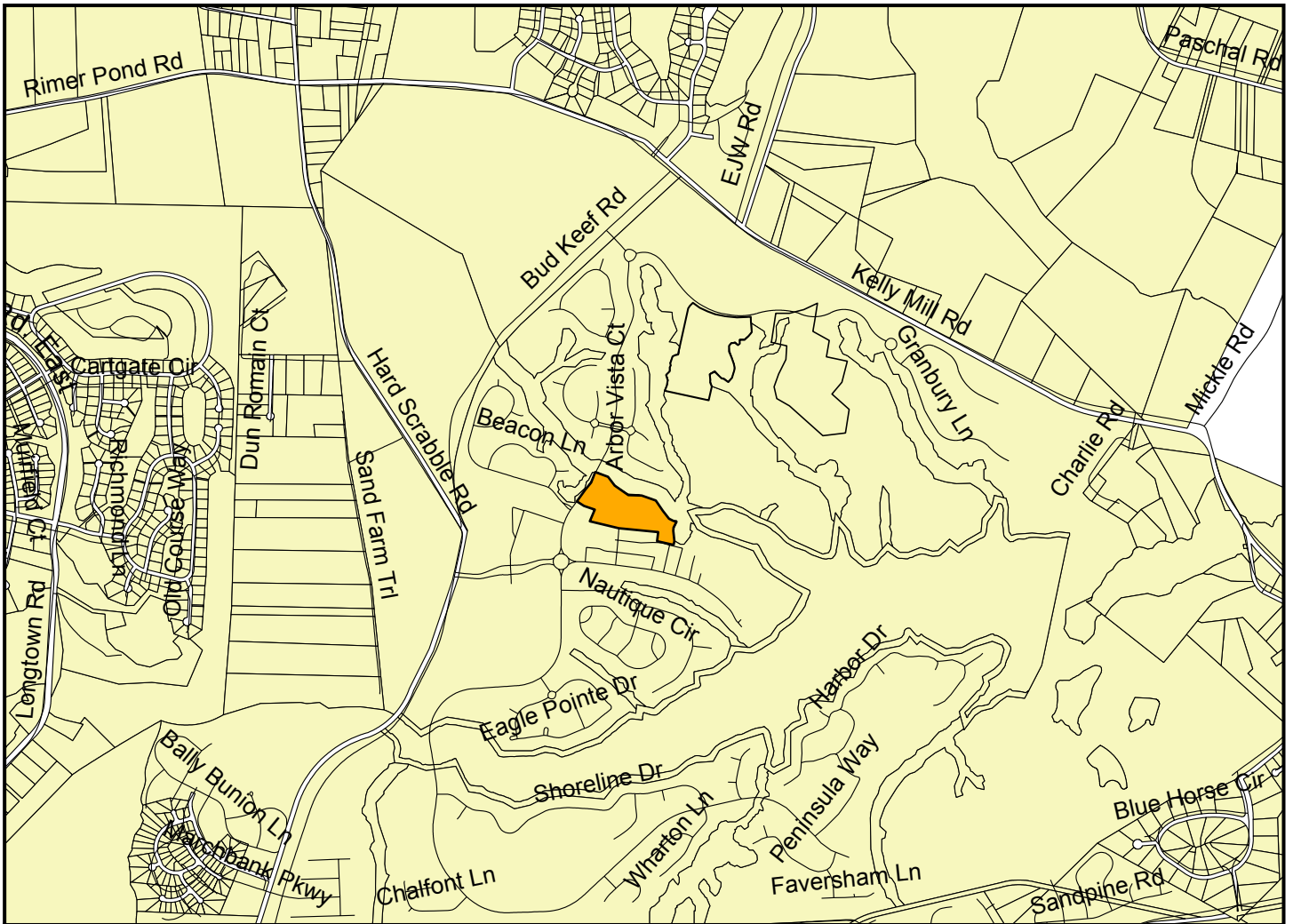
Appeal

Article V of the Planning Commission's Rules of Procedure provides that upon completion of the Commission's final action on any matter, the only way to appeal a Commission's decision is to the Circuit Court. An appeal, in the manner and form established by the Court, must be filed within 30 days of receipt of the written notice of the Planning Commission's action.

SD 04-144
HARBORSIDE, PARCEL 4 PHASE 5 & 6
TMS 23200-01-02



SD 04-144 HARBORSIDE, PARCEL 4 PHASE 5 & 6



Looking east along Long Pointe Rd.



Looking west from site toward commercial area

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

January 5, 2004

RC Project # 04-28 MA	Applicant: Coogler Construction
General Location: 1750 Dutch Fork Road (between Rauch-Metz Road & the intersection of Hwy. 76 and Hwy. 176)	
Tax Map Number: 02408-02-06	Subject Area: 10.08 Acres
Current Parcel Zoning: C-3	Proposed Parcel Zoning: M-1
Proposed Use: Construction Company	PC Sign Posting Date: December 11, 2003

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. Specifically, the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

- (a) The need and justification for the changes.
- (b) The effect of the change, if any, on the property and on surrounding properties.
- (c) The amount of land in the general area having the same classification as that requested.
- (d) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Policies of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

To bring an existing construction company site into compliance.

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	C-3	Construction office, construction equipment, bulk material, and vacant land
Adjacent North	RU	Undeveloped woodlands
Adjacent East	RU	Undeveloped woodlands and commercial site
Adjacent South	RU	Cedar Plaza (U.S. Post Office)
Adjacent West	RU	Undeveloped woodlands

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>Existing C-3 Zoning Designation Intent</u> Intended to accommodate a wide variety of general commercial and nonresidential uses characterized by retail, office, and service establishments and oriented primarily to major traffic arteries</p>	<p><u>Proposed M-1 Zoning Designation Intent</u> Intended to accommodate wholesaling, distribution, storage, processing, light manufacturing and general commercial or agricultural uses</p>
<p><u>Existing C-3 Zoning Permitted Uses</u> Retail, service, repair, & personal services Offices, studios, & financial institutions Eating and drinking establishments Wholesale/Distribution uses < 8000 sq. ft. Private clubs, lodges and the like Automobile service stations Places of worship Enclosed recycle collections & transfer uses</p>	<p><u>Proposed M-1 Zoning Permitted Uses</u> Wholesaling, distribution & warehousing Freight & passenger terminals Light manufacturing Outdoor Storage Retail, offices and studios Service and repair businesses Eating and drinking establishments Places of worship Communication towers & cemeteries</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-67, respectively of the County Code. Some Special Exception uses are also possible.

The adjacent developments consist of undeveloped woodlands or commercial sites. The proposed amendment is not compatible with the adjacent development.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2007. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Dutch Fork Road (Hwy. 76)	
Functional Classification Of This Roadway	Two lane undivided collector (to 5 lane undivided collector directly south of site)	
Level-Of-Service C Design Capacity (V/C = 1.00)	19,600	
Estimated Traffic Generated By The Proposed Project	*No change	
Current Volume At The Nearest Count Station #145 Located @SE of site on Dutch Fork Road	15,500	
Estimated Traffic Count With the Proposed Project	*No change	
Volume-To-Capacity Ratio With The Proposed Project	0.80	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rates presented on pages 9 through 11 of the Addendum To The Long Range Major Street Plan for Richland County, October 1993, or the 6th Edition of the Institute of Traffic Engineers Traffic Generation Manual (TGM), whichever is most appropriate for the requested use.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old.**

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity

*No change - The current traffic counts include any traffic generated by the project as it was in existence during the count. The project is not expanding and therefore would not generate

additional traffic. The LOS C capacity of a 5 lane undivided collector road was used for the traffic analysis as traffic count station #145 is located on this section of Dutch Fork Road.

The existing use would not have a significant effect on traffic on Dutch Fork Road. The volume-to-capacity ratio is currently below the LOS C design capacity.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 2-mile radius of a fire station.

Relationship To Comprehensive Plan

In order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]

The Proposed Land Use Element Map (Map) of the Northwest Subarea Plan was amended on May 3, 1999 as part of the Plan adoption process. The Map designates the subject area as Commercial in a Developing Urban Area. The proposed Zoning Map Amendment is **not consistent** with this land use designation.

The Northwest Subarea Plan, adopted in September 1993, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 29 and 36 respectively, are discussed below:

Objective – Encourage industrial and commercial uses in selected, concentrated locations where access is appropriate for the use.

The land surrounding the subject parcel consists of commercial sites and undeveloped woodlands. The proposed amendment would not be conducive to the existing or future commercial developments. The proposed amendment is not located in an industrially concentrated area. The proposed Amendment **does not implement** this Objective.

Principle – In general, industrial activities should be confined to areas identified on the Proposed Land Use Map, and that meet the following provisions:

E. Compatible with surrounding uses.

The site is designated as Commercial on the Proposed Land Use Map. Industrial designated areas are located near exit number 97 and 101 of Interstate 26. The site is not compatible with the surrounding commercial area and rural area. The proposed Amendment **does not implement** this Principle.

Other Relevant Issues

The subject parcel was brought before the Richland County Board of Zoning Appeals on October 1, 2003 as case #04-09 AR. The case was heard as an Administrative Review because the owner appealed the decision of the Richland County Zoning Administrator who stated that the current activities of heavy equipment storage, and various material storage and related activities are prohibited in a General Commercial (C-3) zoning district. The Board of Zoning Appeals agreed with the Zoning Administrator's decision and denied the request for appeal.

State statutes require proposed Zoning Map Amendments to be consistent with the land use designation on the appropriate Subarea Plan's Proposed Land Use Map. Specifically, Section 6-29-710, SC Code of Laws states "...The regulations (*i.e., zoning and other land development regulations*) must be made in accordance with the comprehensive plan for the jurisdiction and be made with a view to promoting the purposes set forth in this chapter (*Chapter 6-29, SC Code of Laws*)..."

The **existing C-3 zoning is consistent** with the Proposed Land Use Map designation as required by state statutes.

The **proposed M-1 zoning is NOT consistent** with the Proposed Land Use Map designation as required by state statutes. The zoning should be C-1, C-2, or C-3 to be consistent with the Commercial land use designation.

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDS) recommends the Official Zoning Map designation for the parcels included in Project # 04-28 MA **not be changed** from C-3 to M-1.

Findings of Fact:

1. The applicant has provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment is not compatible with the adjacent existing land uses.
3. Dutch Fork Road near this location is operating below the LOS C, i.e. a V/C ratio of 0.80
4. The proposed Amendment is not consistent with Proposed Land Use Map designation in the Northwest Subarea Plan.
5. The proposed Zoning Map Amendment is not consistent with the Objectives and Principles of the Northwest Subarea Plan discussed herein.
6. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

SECTION III PLANNING COMMISSION ACTION
--

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

At their meeting of January 5, 2004, the Richland County Planning Commission agreed (did not agree) with the PDSO recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 04-28 MA at the next available opportunity.

Commission Findings of Fact/Recommendations

(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)

In consideration of the proposed Zoning Map Amendment # 04-28 MA, the Planning Commission made the findings of fact summarized below:

- 1)

ATTACHMENT A
CASE 04-28 MA

PROPERTY OF JOSEPH J. COOGLER, JR. & ROBIN COOGLER
IN RE: RICHLAND COUNTY ZONING MAP AMENDMENT
APPLICATION NO. 04-28 MA

All that certain piece, parcel or tract of land, together with all improvements thereon, situate, lying and being, on the northern side of U.S. Highway 76 near Ballentine, in Richland County, State of South Carolina, containing 10.78 acres shown on that certain plat prepared for Charles D. Edenfield by B.P. Barber and Associates, Inc., dated May 12, 1993, and recorded in Richland County Register of Deeds Office in Plat Book 54 at page 6719, having the following metes, bounds, courses and distances, be all measurements a little more or less:

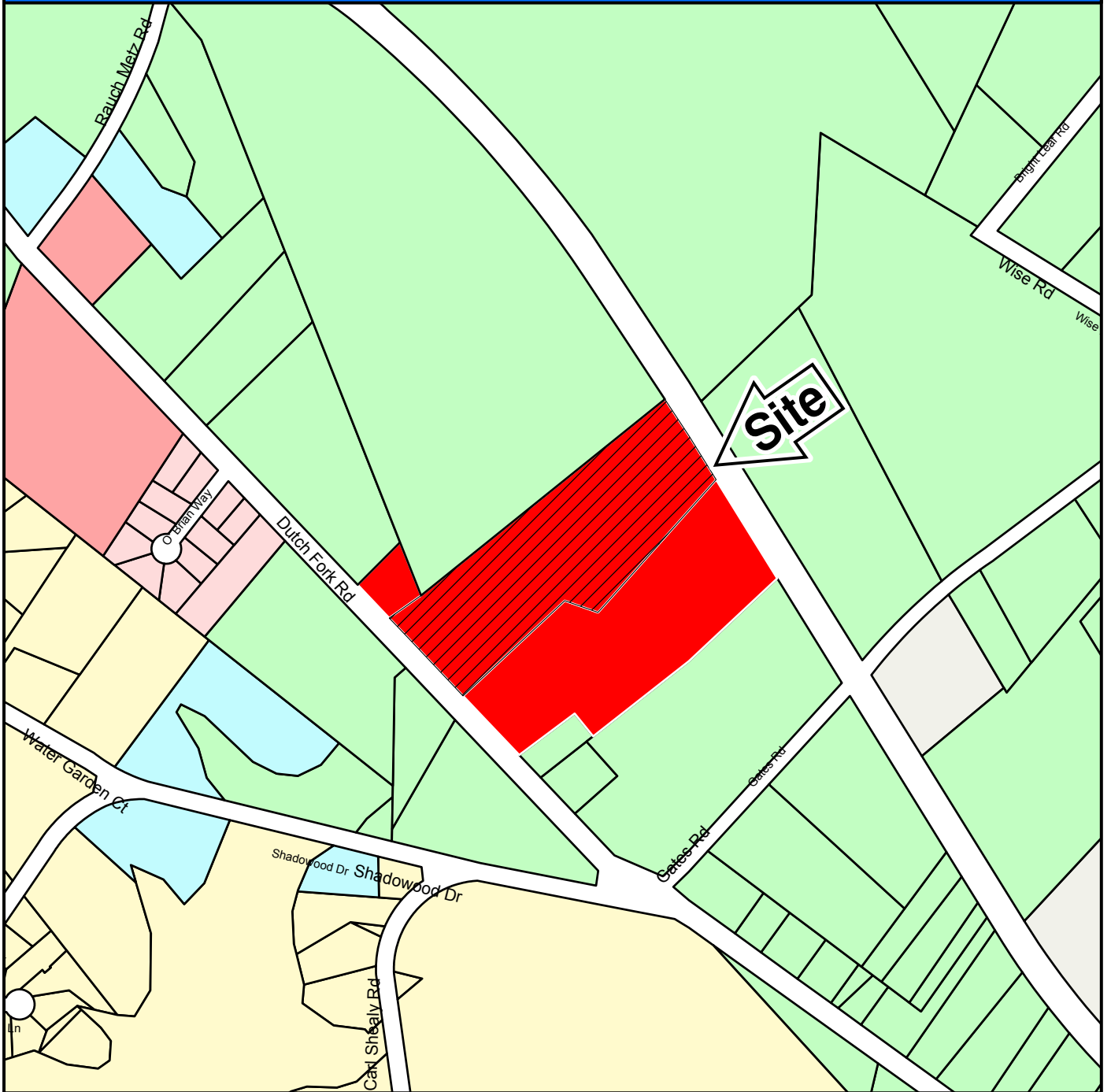
Beginning at an iron marking the southeasternmost corner of the parcel herein described, set on the northern right-of-way boundary of said U.S. Highway 76 at the common boundary between the parcel herein described and a parcel now-or-formerly of F&M Investment Group, Inc., and from said iron pin running N 30°34'16"W along the right-of-way boundary of U.S. Highway 76 for a distance of 431.77 feet to an iron pipe marking the southwesternmost corner of the parcel; thence cornering and running N 63° 19'05"E for a distance of 1030.17 feet to an iron rod marking the northwesternmost corner of the parcel; thence cornering and running S 19°13'32"E along the CSX Railroad right-of-way for a distance of 338.82 feet to an iron marking the northeasternmost corner of the parcel; thence cornering and running S 50°04'28"W for a distance of 572.95 feet to an iron; thence turning and running N 61°17'31"W for a distance of 116.44 feet to a calculated point within a pond shown to be on the parcel; thence turning and running S 55°27'02"W for a distance of 436.90 feet to the iron marking the Point of Beginning.

Richland County TMS No. 02408-02-06



















CASE 04-28 MA
COOGLER CONSTRUCTION, INC.
TMS 02408-02-06



CASE 04-28 MA FROM C-3 to M-1



ZONING CLASSIFICATIONS

	C-1		D-1		MH-1		PDD		RG-2		RS-3
	C-2		M-1		MH-2		PUD		RS-1		RU
	C-3		M-2		MH-3		RG-1		RS-2		SUBJECT



CASE 04-28 MA FROM C-3 to M-1

TMS# 02408-02-06

1750 Dutch Fork Rd., Ballentine




Looking at site from across Dutch Fork Rd.



Looking east on Dutch Fork Rd. from site

**RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
Development Services Division Memo**

TO: Planning Commission Members: Interested Parties
FROM: Carl D. Gosline, AICP, Subdivision Administrator 
DATE: December 18, 2003
RE: Minor PUD Amend To Reduce Open Space in the Villages @ Hilton, Phase 1
RC # 04-29 MA

BACKGROUND

The Villages @ Hilton is a three-year old 96-acre Planned Unit Development project located partially in Lexington County off Dutch Fork Rd. in the Hilton area. The project is planned for a total of 186 single family detached residential lots. Richland County Utilities provides sewer service and the City of Columbia provides potable water service to the project.

When the applicant began platting the lots for Phase 1, the Department suggested that the lots could be different sizes and shapes to allow for variety of housing styles and sizes. The result of this process is a project with a variety of lot sizes, shapes and setbacks that was tailored to meet the market needs identified by the applicant.

The applicant requests approval to **reduce** the common area adjacent to lots 66, 71, 43 and 47 a total of 3342 sq. ft. in order to add lot depth to the subject lots. The reason given for the request is that the lots are not deep enough to accommodate the houses that builders want to put on the subject lots. The locations of the affected lots and common area are depicted on sheet 1.

In order to mitigate the loss of common area, the applicant proposes to increase the open space in another more remote portion of Phase 1 by 3342 sq. ft. The location of the increased open space area is depicted on sheet 2.

Although the applicant's request will not result in a net loss of common area, the Department believes that the common area in the "center" of Phase 1 should not be reduced because builders bought lots that were not properly sized for the product they wish to construct. The builders should not be "compensated" by allowing the common area to be reduced, no matter how small the actual area, in the portion of the Phase 1 that has the most residences.

While it is true that there will be no net loss of common area in Phase 1 as whole, there will be a net loss where the common area is most needed, i.e., where most of the residents are located. Adding 3342 sq. ft. of common area to the 1.1 acre lot 86 located away from the majority of the project, does not benefit the majority of the residents.

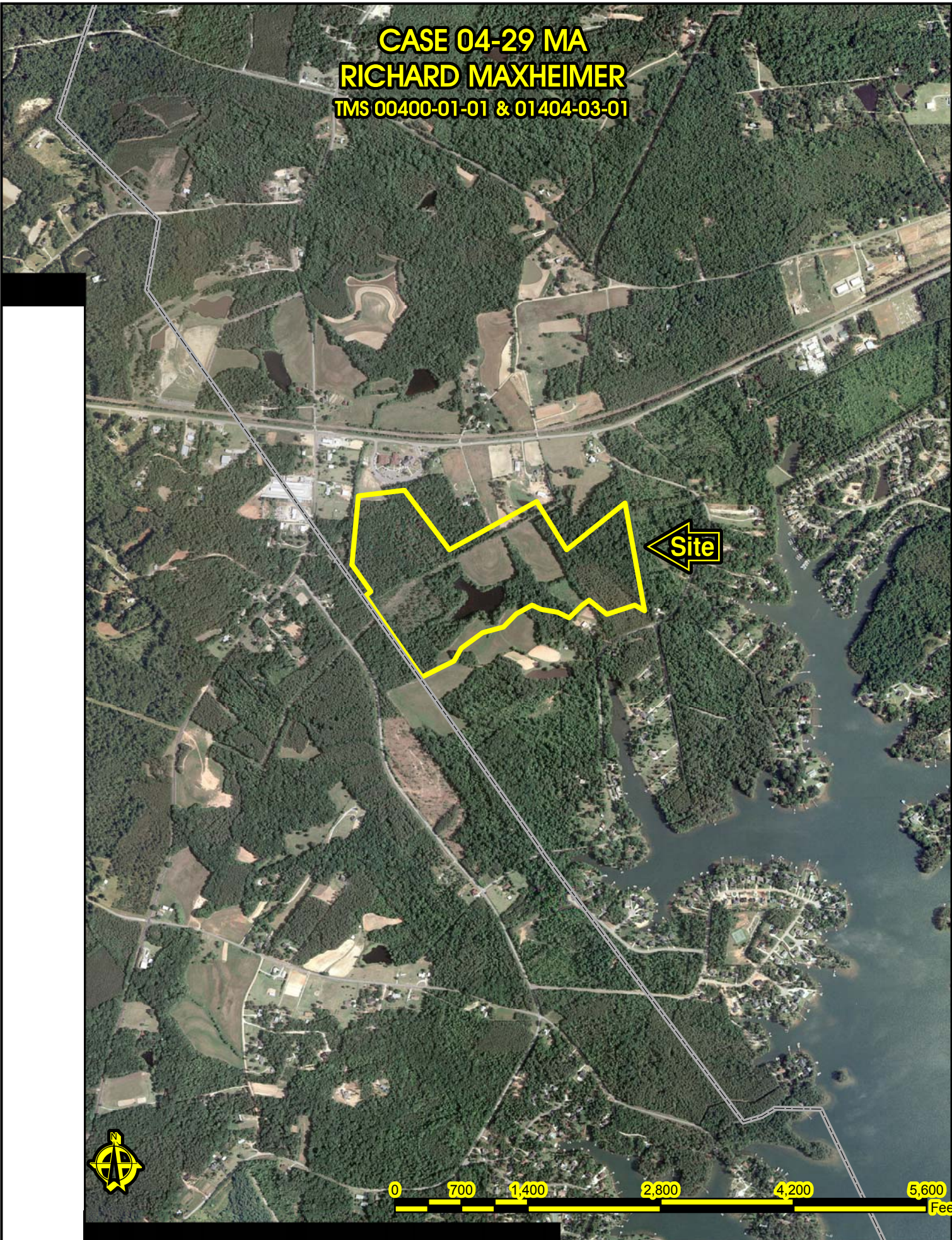
The lot sizes, dimensions and setbacks were not "imposed" by the County. They were developed in cooperation with the applicant, specifically to address the market they wished to address. The residents of the "central" Phase 1 area should not be penalized because the builders made a mistake in this regard.

RECOMMENDATION

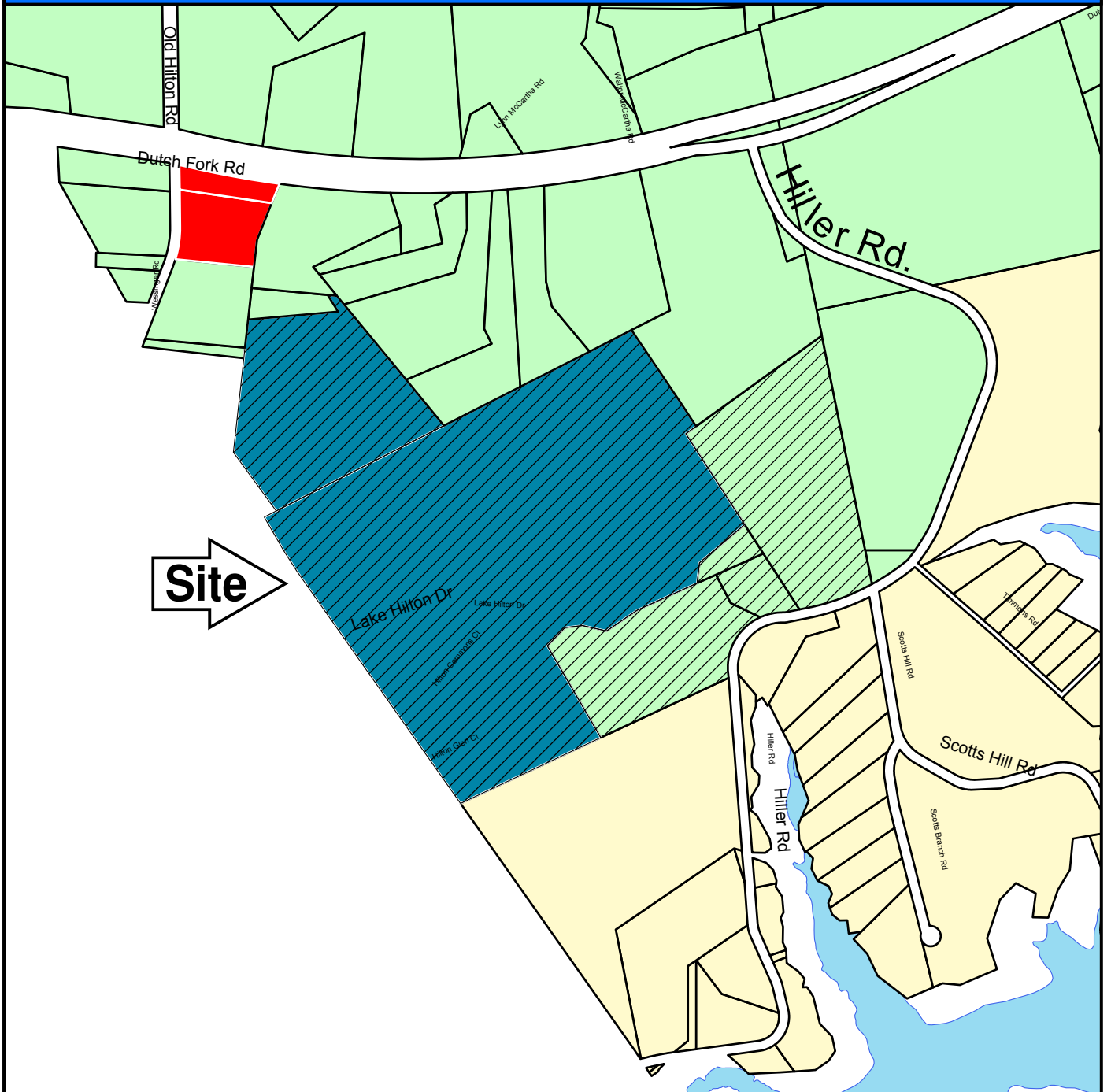
The Department **recommends the proposed minor PUD amendment** to reduce the common area in Phase 1 of the Villages @ Longtown **be denied**. The reasons for this recommendation are summarized below:

1. The proposed Amendment would reduce the amount of open space in the portion of the project where most of the residences are located and increase the open space in the less dense portion of the project.
2. The fact that builders bought lots that will not fit the product they now wish to construct is insufficient justification to reduce the open space in the more populated portion of the project and increase it in the less populated portion of the project.















CASE 04-29 MA
RICHARD MAXHEIMER
TMS 00400-01-01 & 01404-03-01



CASE 04-29 MA MINOR PUD AMENDMENT



ZONING CLASSIFICATIONS

 C-1	 D-1	 MH-1	 PDD	 RG-2	 RS-3
 C-2	 M-1	 MH-2	 PUD	 RS-1	 RU
 C-3	 M-2	 MH-3	 RG-1	 RS-2	 SUBJECT



**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

January 5, 2004

RC Project # 04-30 MA	Applicant: Rehobeth Baptist Church
General Location: Hardscrabble Road (Directly south of Rice Creek Elementary School)	
Tax Map Number: 20300-02-27	Subject Area: 15.09 Acres
Current Parcel Zoning: RU	Proposed Parcel Zoning: C-1
Proposed Use: Office and Institutional Space	PC Sign Posting Date: December 12, 2003

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. Specifically, the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

- (a) The need and justification for the changes.
- (b) The effect of the change, if any, on the property and on surrounding properties.
- (c) The amount of land in the general area having the same classification as that requested.
- (d) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Policies of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

For the establishment of institutional and office space.

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Undeveloped Woodlands
Adjacent North	PUD	Rice Creek Elementary School
Adjacent East	RU & PUD	Rehobeth Baptist Church & The Summit
Adjacent South	RU	Office & Publix Shopping Center
Adjacent West	PUD	Apartment Complex under construction

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas.</p>	<p><u>Proposed C-1 Zoning Designation Intent</u> Intended to accommodate office, institutional, and certain types of residential uses in areas whose characteristic is neither general commercial nor exclusively residential in nature.</p>
<p><u>Existing RU Zoning Permitted Uses</u> All farm type enterprises Public buildings and utilities Orphanages, nursing homes and the like Places of worship Educational facilities One & Two family dwellings</p>	<p><u>Proposed C-1 Zoning Permitted Uses</u> Offices, studios, nursing homes, theaters, schools, places of worship, high-rise structures, single, two-family, and multi-family dwellings</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-67, respectively of the County Code. Some Special Exception uses are also possible.

The area would be suitable for a commercial development due to the surrounding commercial areas and high-density residential area.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2007. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Hardscrabble Road	
Functional Classification Of This Roadway	Two lane undivided collector	
Level-Of-Service <u>C</u> Design Capacity (V/C = 1.00)	8,600	
Estimated Traffic Generated By The Proposed Project	1370	
Current Volume At The Nearest Count Station #437 Located @ southeast of site on Hardscrabble Road	9500	
Estimated Traffic Count With the Proposed Project	10,870	
Volume-To-Capacity Ratio With The Proposed Project	1.27	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is determined by applying the traffic generation rates presented on pages 9 through 11 of the Addendum To The Long Range Major Street Plan for Richland County, October 1993, or the 6th Edition of the Institute of Traffic Engineers Traffic Generation Manual (TGM), whichever is most appropriate for the requested use.

The current traffic counts were received from SCDOT on May 23, 2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old.**

The estimated project traffic is calculated by multiplying the generation rate for an office park found on page 1142 of the TGM times the proposed square footage of the use.

Average rate of 11.42 per 1,000 sq. ft. = 8,000 sq. ft. of space per acre times 15 acres = 1370 trips.

The volume-to-capacity ratio with the proposed project is the current traffic count plus the estimated traffic generated divided by the LOS C design capacity.

As shown above, the proposed project, by itself will generate enough new traffic on Hardscrabble Road to cause the LOS D to be exceeded. However, the Department estimates that upon build out of the subdivisions already approved in the area, there will be in excess of 21,000 trips on this portion of Hardscrabble Road. The V/C ratio, without the subject project, will exceed 2.44, or far above the LOS F level.

In addition, the County rezoned a 20-acre parcel at the northeast corner of Summit Parkway and Hardscrabble to permit up to 200,000 sq. ft. of general commercial development. This commercial project alone will generate more than 12,000 additional trips on Hardscrabble Road between Summit Parkway and Lee Road. **In summary, upon build out of the subject parcel and the various developments approved to date, the Department estimates at SCDOT count station #437 there will be more than 32,000 daily vehicle trips on a road designed for 8600 trips.**

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 3-mile radius of a fire station.

Relationship To Comprehensive Plan

In order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]

The Proposed Land Use Element Map (Map) of the I-77 Corridor Subarea Plan was amended on May 3, 1999 as part of the Plan adoption process. The Map designates the subject area as Office Commercial in a Developing Urban Area. The proposed Zoning Map Amendment **is consistent** with this land use designation.

The I-77 Corridor Subarea Plan, adopted in April 1994, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 31 and 39 respectively, are discussed below:

Objective – Establish commercial pockets or clusters as needed to serve the area.

Commercial development currently exists on Hardscrabble Road, the proposed Amendment would be a continuation of this commercial development. The proposed Amendment **implements** this Objective.

Principle – In general, commercial and office activities should be confined to or expanded at existing clusters, and/or locations as identified on the Proposed Land Use Map.

1. Areas identified on the Proposed Land Use Map;
2. Sites that don't encroach or penetrate established residential areas; and

The Map designates the site as Office Commercial in a Developing Urban Area. The site has frontage on Hardscrabble Road amongst existing commercial developments to the south. The proposed Amendment **implements** this Principle.

Other Relevant Issues

Transportation Recommendation - To the extent possible, rezoning decisions should be made with consideration of the Long Range Major Street Plan so that improvements are concurrent with new development

There are no road capacity improvements scheduled to this portion of Hardscrabble Road for at least the next five fiscal years. Since Hardscrabble Road is projected to exceed the LOS "F" capacity when the already approved projects in the area build out, **the proposed Amendment is not consistent with this Recommendation.**

Transportation Recommendation - Where a request for a change in land use will reduce traffic movements below a "C" level-of-service, additional highway improvements should be made to mitigate the effects.

The applicant has not proposed any measures to mitigate the traffic effects of this project. The current CMGOG Transportation Improvement Program, i.e., the fiscal year beginning July 1, 2002 through June 30, 2007, **does not have any road capacity improvements programmed for Hardscrabble Road. Furthermore, there are currently no funding sources available for any road capacity improvements in Richland County in the rest of this decade.**

State statutes charge local governments with the responsibility to make land development decisions that protect public health, safety and welfare. More specifically, Section 6-29-1120, SC Code of Laws states, in part "...the regulation of land development by municipalities, counties or consolidated political subdivisions is authorized for the following purposes, among others...to assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through new land developments..."

The Department interprets this provision to be an affirmative responsibility on the part of local government to ensure, as much as possible, that proposed developments do not exacerbate existing conditions. The principal tools available for local government to exercise this responsibility is careful review of proposed projects with regard to access management issues and analysis of the safe traffic carrying capacity of the affected roadways. The Department believes that continuing to recommend approval of projects generating traffic in excess of the roadway's LOS "F" capacity does not conform to the statutory responsibility described in Section 6-29-1120, SC Code of Laws.

Currently ample commercial space exists on Hardscrabble Road. More commercial sites will be available with the development of the recently approved PUD located south of the site on Clemson Road south of the intersection of Hardscrabble Road consisting of approximately 17 acres appropriated for commercial use. Although the proposed Zoning Map Amendment is consistent with the Map, it does not take into account that the existing infrastructure (Hardscrabble Road) is not capable of supporting additional traffic.

State statutes require proposed Zoning Map Amendments to be consistent with the land use designation on the appropriate Subarea Plan's Proposed Land Use Map. Specifically, Section 6-29-710, SC Code of Laws states "...The regulations (*i.e., zoning and other land development regulations*) must be made in accordance with the comprehensive plan for the jurisdiction and be made with a view to promoting the purposes set forth in this chapter (*Chapter 6-29, SC Code of Laws*)..."

The **existing RU zoning is not consistent** with the Proposed Land Use Map designation as required by state statutes. The zoning should be C-1, C-2, or C-3 to be consistent with the Office Commercial land use designation.

The **proposed C-1 zoning is consistent** with the Proposed Land Use Map designation as required by state statutes.

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDSD) recommends the Official Zoning Map designation for the parcels included in Project # 04-30 MA **not be changed** from RU to C-1.

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment is compatible with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Hardscrabble Road at this location is currently being exceeded with a V/C ratio of 1.27.
4. The proposed Amendment **is consistent** with Proposed Land Use Map designation in the I-77 Corridor Subarea Plan.
5. The proposed Zoning Map Amendment **is consistent** with the Objectives and Principles of the I-77 Corridor Subarea Plan discussed herein.
6. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.

SECTION III PLANNING COMMISSION ACTION

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

At their meeting of January 5, 2004, the Richland County Planning Commission agreed (did not agree) with the PDSO recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 04-30 MA at the next available opportunity.

Commission Findings of Fact/Recommendations

(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)

In consideration of the proposed Zoning Map Amendment # 04-30 MA, the Planning Commission made the findings of fact summarized below:

- 1)

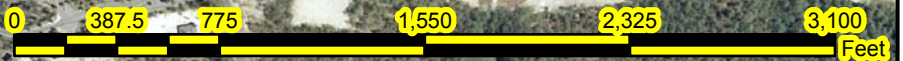
ATTACHMENT A
CASE 04-30 MA

Re: Richland County TMS#20300-02-27
15.09 Acres, Hardscrabble Road (5-40-83)

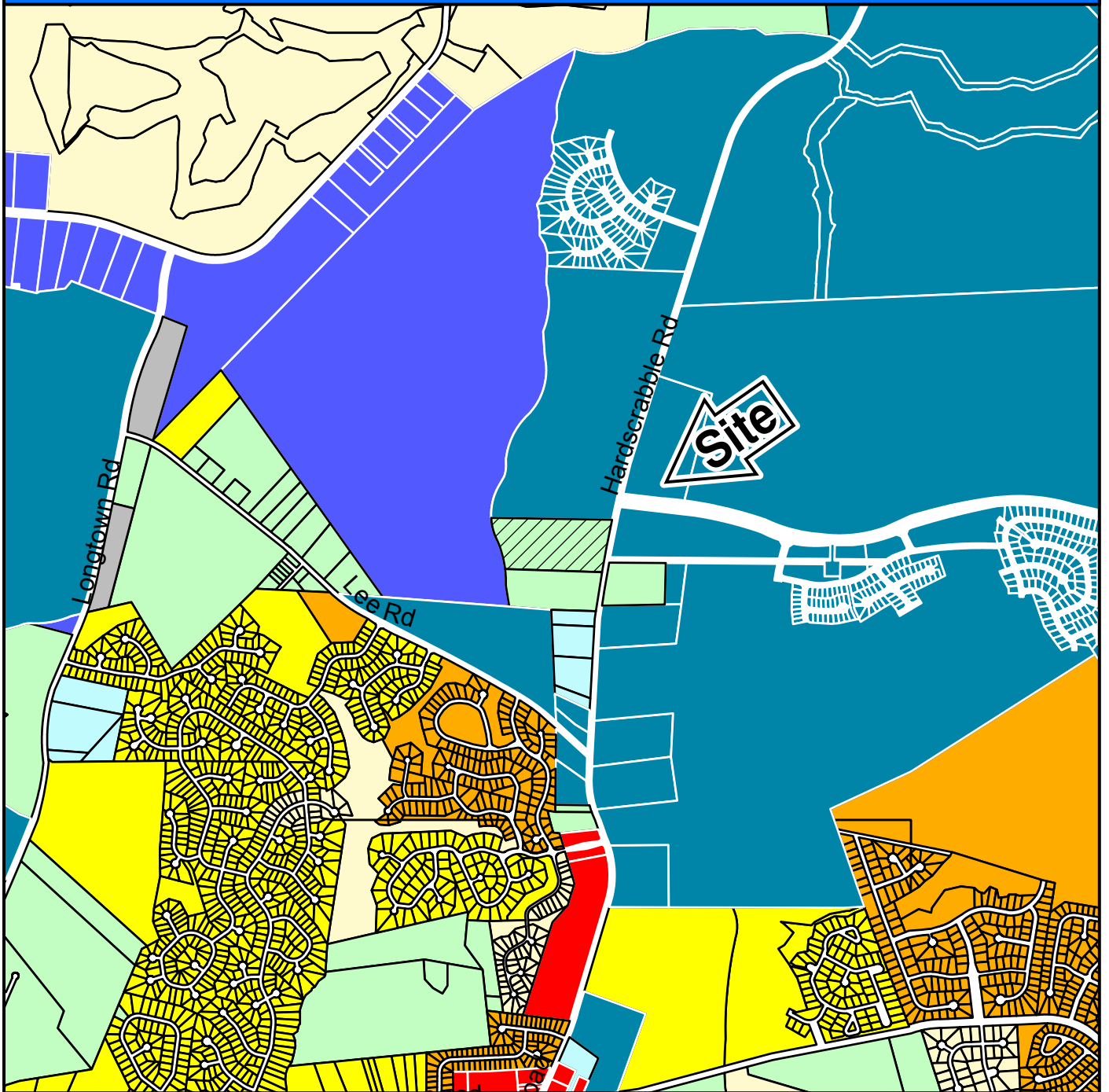
All that piece, parcel or tract of land, situate, lying and being in the State of South Carolina, County of Richland, northeast of the City of Columbia containing 15.09 Acres, more or less and located on the northwestern side of Hardscrabble Road (S-40-83). Said parcel having the following metes and bounds: beginning at an iron pin on the common boundary of the northwestern right-of-way of Hardscrabble Road (S-40-83) and the southeastern property corner of the subject parcel at a point one hundred sixty-five (165) feet southwest of the centerline of Bombing Range Road (County Road #1-223); thence extending therefrom $N83^{\circ}20'52''W$ along the common property line of the subject parcel and property n/f McMillan, for a distance of one thousand fifty-five and nine tenths (1055.9) feet to an iron pin on the southwestern property corner of the subject parcel; thence turning and extending therefrom $N19^{\circ}58'49''W$ along the centerline of Little Rice Creek for a distance of thirty-three and ninety-nine hundredths (33.99) feet to an iron pin; thence turning and extending therefrom $N13^{\circ}24'31''W$ along the centerline of Little Rice Creek for a distance of eighty-seven and sixty-three hundredths (87.63) feet to an iron pin; thence turning and extending therefrom $N38^{\circ}10'42''W$ along the centerline of Little Rice Creek for a distance of two hundred forty and forty-six hundredths (240.46) feet to an iron pin; thence turning and extending therefrom $N08^{\circ}59'43''E$ along the common property line of the subject parcel and property n/f Kaiser, for a distance of two hundred forty-seven and eighty-one hundredths (247.81) feet to an iron pin on the northwestern property corner of the subject parcel; thence turning and extending therefrom $S83^{\circ}03'30''E$ along the common property line of the subject parcel and property n/f Richland County School District Two for a distance of one thousand three hundred twenty-four and eighty-nine hundredths (1324.89) feet to an iron pin; thence turning and extending therefrom $S83^{\circ}18'01''E$ along the common property line of the subject parcel and property n/f Richland County School District Two, for a distance of thirty-five and one hundredth (35.01) feet to an iron pin on the common boundary of the northeastern property corner of the subject parcel and the northwestern right-of-way of Hardscrabble Road; thence turning and extending therefrom $S19^{\circ}03'27''W$ along the common boundary of the southeastern property line of the subject parcel and the northwestern right-of-way of Hardscrabble Road, for a distance of one hundred forty-three and fifty-four hundredths (143.54) feet to an iron pin; thence turning and extending therefrom $S16^{\circ}45'43''W$ along the common boundary of the southeastern property line of the subject parcel and the northwestern right-of-way of Hardscrabble Road, for a chord distance of three hundred eighty-nine and ninety-seven hundredths (389.97) feet to an iron pin on the southeastern property corner of the subject parcel; also being the point of beginning. Be all measurements a little more or less.

Said parcel being more clearly shown and delineated on a boundary plat prepared for Harry K. McMillan by Site Consultants, Inc., dated January 12, 1995 and recorded in the Register of Deeds Office in Plat Book 56, page 6890.

















CASE 04-30 MA
REHOBETH BAPTIST CHURCH
TMS 20300-02-27



CASE 04-30 MA FROM RU to C-1



ZONING CLASSIFICATIONS

 C-1	 D-1	 MH-1	 PDD	 RG-2	 RS-3
 C-2	 M-1	 MH-2	 PUD	 RS-1	 RU
 C-3	 M-2	 MH-3	 RG-1	 RS-2	 SUBJECT



CASE 04-30 MA FROM RU to C-1

TMS# 20300-02-27

Hardscrabble Rd. next to Rice Creek Elementary School



**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

January 5, 2004

RC Project # 04-31 MA	Applicant: Ronnie Flynn
General Location: Approximately 1 mile west of Hardscrabble Road on Rimer Pond Road	
Tax Map Number: 20500-01-09,10	Subject Area: 46.44 Acres
Current Parcel Zoning: RU	Proposed Parcel Zoning: PUD-1
Proposed Use: Residential Planned Unit Development of no more than 70 DU	PC Sign Posting Date: December 12, 2003

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. Specifically, the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

- (a) The need and justification for the changes.
- (b) The effect of the change, if any, on the property and on surrounding properties.
- (c) The amount of land in the general area having the same classification as that requested.
- (d) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Policies of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

To establish a residential Planned Unit Development through creativity in design and sensitivity to the characteristic of the site. The site will consist of 1.51 DU/acre and 19.2% open space.

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	RU	Single family residence, mobile home, vacant garage, undeveloped woodlands and open field
Adjacent North	RU	Undeveloped woodlands and large lot residences
Adjacent East	RU	Large lot single family residences
Adjacent South	RU	Large lot single family residences and undeveloped woodlands
Adjacent West	RU	Large lot single family residences

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>RU Zoning Designation Intent</u> Intended to protect and encourage agricultural endeavors; promote wise use of prime agricultural and forest communities; protect and encourage the integrity of existing rural communities; protect valuable natural and cultural resources; and maintain open space and scenic areas contiguous to development areas.</p>	<p><u>Proposed PUD-1 Zoning Designation Intent</u> Intended to allow flexibility in site design, improved appearance and compatibility of uses</p>
<p><u>Existing RU Zoning Permitted Uses</u> All farm type enterprises Public buildings and utilities Orphanages, nursing homes and the like Places of worship Educational facilities One & Two family dwellings</p>	<p><u>Proposed PUD-1 Zoning Permitted Uses</u> Limited to the uses and locations shown in the attached Master Development Plan</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-70, respectively of the County Code. Some Special Exception uses are also possible.

The proposed project, as presented, is not compatible with the adjacent land uses. The surrounding area is comprised of very large lot estate residences and farm land. If the project were redesigned to concentrate the residences and provide more common open space, it would be more similar, less intrusive and more compatible with the surrounding development.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2007. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Rimer Pond Road	
Functional Classification Of This Roadway	Two lane undivided collector	
Level-Of-Service C Design Capacity (V/C = 1.00)	8600	
Estimated Traffic Generated By The Proposed Project	665	
Current Volume At The Nearest Count Station #705 Located @ east of site on Rimer Pond Road	1850	
Estimated Traffic Count With the Proposed Project	2515	
Volume-To-Capacity Ratio With The Proposed Project	0.29	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is calculated by multiplying 9.5 average daily trips times the proposed maximum number of units (70)

The current traffic counts were received from SCDOT on May 23,2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old.**

The subject project will not result in the LOS c of Rimer Pond Road being exceeded in this location.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 3-mile radius of a fire station.

Relationship To Comprehensive Plan

In order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]

The Proposed Land Use Element Map (Map) of the I-77 Corridor Subarea Plan was amended on May 3, 1999 as part of the Plan adoption process. The Map designates the subject area as Medium Density Residential in a Rural Area. The proposed Zoning Map Amendment is **not consistent** with this land use designation.

Although the Subarea Plan does not specify number of dwelling units allowed in a Medium Density Residential (MDR) district in the Rural Area on the Map, a density of from 5.0 to 9.0 DU/acre is generally considered Medium Density Residential. The proposed project has a far lower density [1.5 DU/acre] than the minimum 5.0 DU/acre in the MDR designation.

The I-77 Corridor Subarea Plan, adopted in April 1994, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 31 and 42 respectively, are discussed below:

Objective – Attract quality residential development in the area by restricting uses which would compromise the area’s residential qualities.

The surrounding area is comprised of mainly estate sized single-family residences and undeveloped woodlands both of which are conducive to residential areas. There are two schools in close proximity to the site as well as numerous amenities in the area to support residents. The proposed Amendment **implements** this Objective.

Principle – The purpose of the rural area designation is to maintain the open character and natural setting of the landscape. Residential development density is recommended to be four (4) dwellings per acre or less. While this density is important...it does not preclude a case by case review of new development at a higher residential density provided:

A. The development is planned in a manner that is in keeping with the character of the surrounding area;

The site is located within the Rural portion of the Subarea Map. The proposed development will consist of approximately 1.5 DU/acre. The large lot size allows the development to be consistent with the existing character of the area and with the principle as described above. The proposed Amendment **implements** this Principle.

Other Relevant Issues

A major factor involved in determining whether or not a proposed zoning map amendment is appropriate for an area is the existing adjacent land use and the compatibility of the proposal to the adjacent development. The surrounding area is zoned RU and comprised mainly of estate sized single-family residences.

The **existing RU zoning is not consistent** with the Proposed Land Use Map designation as required by state statutes. The zoning should be either RS-2, RS-3, RG-1 or PUD-1 with a density of 5.0 DU/acre to 9.0 DU/acre to be consistent with the Medium Density Residential land use designation.

The Department believes that the PUD designation is appropriate for this subject site, but the proposed development plan does not conform to the intent of the PUD process, i.e., to allow flexibility in site design. Specifically, Section 26-70 of the County Code "...the intent is to derive the benefits of...flexibility by encouraging unified development of large sites, while obtaining the advantages of creative site design, improved appearance..." For example, many of the residences could be clustered around the pond away from view from the road.

The Department believes that a better site design would allow the applicant to greatly increase the density of the project and still maintain the rural appearance of the area. There could be different housing styles provided in different parts of the project.

Even if the applicant does not wish to increase the density, there are numerous other possible site designs that would take advantage of the natural/manmade features of the site. The proposed plan does NOT depict any landscape buffering along Rimer Pond Road.

The proposed Overall Lot Layout [applicant's Exhibit B, pg. 4] shows an undefined area north [at the top of the page] of the pond. The narrative for this portion of the project states "...The rear 6.3 acre lot may be further subdivided into residential lots and/or open space..." The provisions of the PUD regulations require land uses to be specifically designated for each portion of the site. This document does not specifically designate the open space area of the project. The application is incomplete in this sense.

The proposed road network results in 10 lots having frontage on the main internal collector road. There are numerous other possible road layouts that would provide residences with less traffic past their front door, thereby making them more marketable. For example, the main access road could be a nicely landscaped entrance road with lots backing up to the main road in some manner that promotes more privacy for the residences.

There are some other discrepancies in the application material. For example, the text on page 7 references the “Planned Unit Development Plan”. No such document is provided in the application material.

The text on page 7 talks about the project being “... designed around a neighborhood focus/theme, while reinforcing the overall identify and character of Seaton Ridge...unifying elements, including but not limited to the use of building materials, colors, landscaping and signage is encouraged...the natural features of the site have been identified and incorporated into the community plan...” PUDs typically set some parameters regarding these issues. The text is vague and as a result does not provide any **real** “unifying elements”. The Department’s contends the Overall Lot Layout does not accomplish either of these Development Guidelines.

The building sizes and setbacks are discussed on page 8. The text states “...Richland County setbacks and height restrictions will be adhered to...Houses will be encouraged to be setback away from the road (more than the County minimum) so that all residents may benefit from green spaces...Minimum lot widths, sizes and intensity of use established by this Planned Unit Development supercedes the Richland County Zoning Code, where applicable...”

The PUD process allows a developer to establish his own setbacks, even on a lot-by-lot basis. The text does not indicate which County setbacks, sizes or intensity should be used nor does it establish its own setbacks. The statements above are too vague to allow effective administration and monitoring of the project as the project development occurs.

In summary, the Department agrees that the subject site is best developed via the PUD process, but the specific proposed Overall Lot Layout does not take advantage of the design flexibility afforded by the PUD process. Furthermore, the application material does not demonstrate that any “real” consideration was given to the unique natural resources on the site. **The proposed development plan is a standard “cookie-cutter” lot layout that does not take advantage of the unique natural features of the site.**

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDSD) recommends the Official Zoning Map designation for the parcels included in Project # 04-31 MA **be tabled until the applicant submits a development plan that is an innovative approach to providing 70 or more residences which take advantage of the site’s natural resources.**

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment **is not compatible** with the adjacent existing land uses.
3. The traffic analysis shows that the LOS C traffic capacity of Rimer Pond Road at this location will not be exceeded.
4. The proposed Amendment **is not consistent** with Proposed Land Use Map designation in the I-77 Corridor Subarea Plan.

5. The proposed Zoning Map Amendment **is consistent** with the Objectives and Principles of the I-77 Corridor Subarea Plan discussed herein.
6. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.
7. The application material, as submitted on November 25, 2003, contains inconsistent statements and an incomplete development plan.
8. The proposed Overall Lot Layout, or development plan, is a standard “cookie-cutter” subdivision lot layout that doesn’t demonstrate any “real” consideration for the unique natural features of the site.
9. In order to comply with the requirements of Section 6-29-540, SC Code of Laws, the Proposed Land Use Map for this portion of the I-77 Corridor Subarea Plan should be amended, via the formal ordinance adoption process, to change the land use designation for the subject site to Low Density Residential.

Specific PUD Conditions, If Approved by the Commission

- a) The site development shall be limited to a maximum of 70 single family detached residences and 19.2 percent of the site in open space; and
- b) The site development shall generally conform to the Overall Lot Layout (applicant exhibit B); and
- c) All development shall conform to all relevant land development regulations in effect at the time any type of development permit application is received by the Department; and
- d) Approval of the Overall Lot Layout shall constitute approval of the Sketch Plan for subdivision purposes; and
- e) The Planning Commission is hereby authorized to make minor amendments to the Overall Lot Layout, and other portions of the project, pursuant to the relevant provisions of Chapter 26-70.17, or its relevant successor regulations, of the County Code; and
- f) Any increase in the number of access points to the external road network, any decrease in the amount of open space, or a significant increase in the gross project density, shall require a review and recommendation by the Planning Commission and a new ordinance by the County Council; and
- g) Access to the subject site shall be limited to one point on Rimer Pond Road; and
- h) The Planned Unit Development Guidelines, dated November 24, 2003, described below are authorized for application to the subject project; and
 - a. Site Organization – page 7
 - b. Building height, setbacks and minimum lot size – page 8
 - c. Street standards – page 8
 - d. Parking – page 10
 - e. Community open space – page 10
 - f. Landscaping and fencing – page 11
 - g. Storm Drainage – page 12
 - h. Lighting – page 12
 - i. Signage and monumentation – page 13
- i) The applicant shall submit a draft description of proposed procedures of any homeowners association or other group maintenance or group ownership features for the Department's inclusion in the project records prior to scheduling this project for a Public Hearing; and

- j) The County shall not be responsible for enforcement of any deed restrictions imposed by the developer, or their successors in interest; and
- k) The Planned Unit Development Guidelines, dated November 24, 2003, described below are authorized for application to the subject project; and
 - a. Site Organization – page 7
 - b. Building height, setbacks and minimum lot size – page 8
 - c. Street standards – page 8
 - d. Parking – page 10
 - e. Community open space – page 10
 - f. Landscaping and fencing – page 11
 - g. Storm Drainage – page 12
 - h. Lighting – page 12
 - i. Signage and monumentation – page 13

SECTION III PLANNING COMMISSION ACTION

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**
- (c) A clerical or map error is such that it may affect the result of the Commission's action.

At their meeting of January 5, 2004, the Richland County Planning Commission agreed (did not agree) with the PDSO recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 04-31 MA at the next available opportunity.

Commission Findings of Fact/Recommendations

(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)


In consideration of the proposed Zoning Map Amendment # 04-31 MA, the Planning Commission made the findings of fact summarized below:

- 1)

CASE 04-37 MA FROM RU to RS-1

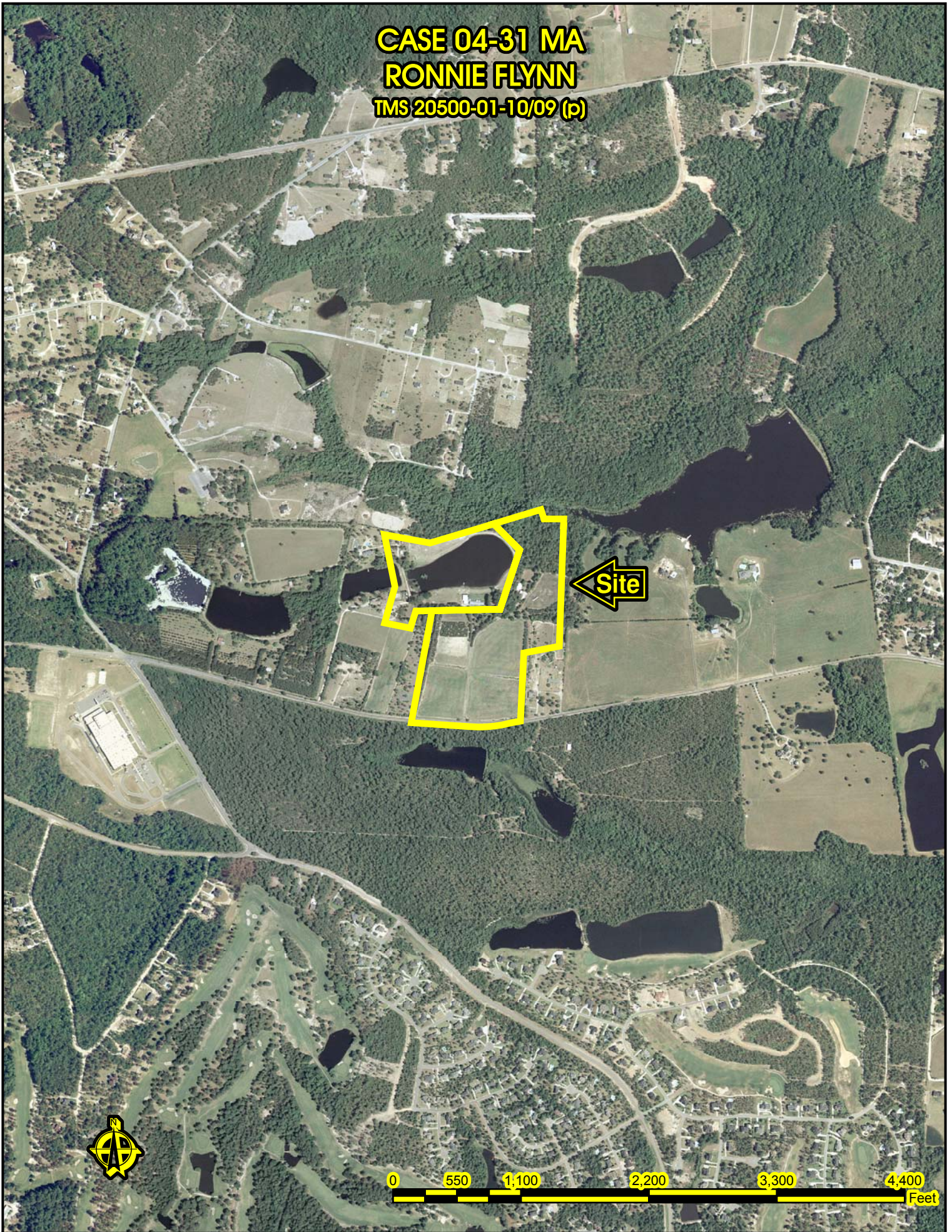


ZONING CLASSIFICATIONS

	C-1		D-1		MH-1		PDD		RG-2		RS-3
	C-2		M-1		MH-2		PUD		RS-1		RU
	C-3		M-2		MH-3		RG-1		RS-2		SUBJECT



CASE 04-31 MA
RONNIE FLYNN
TMS 20500-01-10/09 (p)



CASE 04-31 MA FROM RU to PUD-1

TMS# 20500-01-09/10

North side Rimer Pond Rd., west of Hardscrabble Rd.



Looking at site from Rimer Pond Road



Looking at interior of site

Exhibit B
Case 04-31 MA



Attachment A
Legal Description

Attachment B
Overall Lot Layout

Attachment C

Planned Unit Development Guidelines

**RICHLAND COUNTY PLANNING &
DEVELOPMENT SERVICES DEPARTMENT
PLANNING COMMISSION MAP AMENDMENT STAFF REPORT**

January 5, 2003

RC Project # 04-32 MA	Applicant: Southland Development Company, LLC
General Location: South of the intersection of Longcreek Plantation Drive and Longtown West Road	
Tax Map Number: 17600-02-06	Subject Area: 163.4 Acres MOL
Current Parcel Zoning: D-1	Proposed Parcel Zoning: RS-1 (minimum 12,000 sq. ft. lots)
Proposed Use: Residential Subdivision	PC Sign Posting Date: December 12, 2003

SECTION I ANALYSIS

Section 6-29-540, SC Code of Laws requires the Planning Commission to analyze "...the location, character and extent..." of a proposed amendment. Specifically, the Planning Commission must "...review and comment as to the compatibility of the proposal with the comprehensive plan..."

In addition, Chapter 26-402 of the Richland County Code of Ordinances states "...All proposed amendments (*to the Zoning Ordinance*) shall be submitted to the planning commission for study and recommendation..." The Planning Commission shall study such proposals to determine:

- (a) The need and justification for the changes.
- (b) The effect of the change, if any, on the property and on surrounding properties.
- (c) The amount of land in the general area having the same classification as that requested.
- (d) The relationship of the proposed amendments to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance (*the Zoning Ordinance*) and the comprehensive plan

This staff report analyzes the proposed amendment based on the criteria above and identifies of the estimated impact of the proposed project on transportation facilities and services. The appropriate Proposed Land Use Map, Goals, Objectives and Recommendations/Policies of the Comprehensive Plan and other relevant issues will also be presented. A zoning map, the appropriate graphics and other pertinent data are found at the end of this document.

The existing zoning is presumed to be an accurate reflection of the County's desired development for the area and the subject site. **Therefore, the burden of proof is on the applicant to provide facts justifying the need to change the existing zoning.**

Applicant’s Factual Justification For Proposed Change

Establish a residential subdivision.

Compatibility With Existing Development in the Area

	Existing Zoning	Existing Land Use
Subject Parcel	D-1	Undeveloped woodlands
Adjacent North	D-1	West Lake Woods S/D
Adjacent East	RS-1	Crescent Lake S/D
Adjacent South	PUD-2 & RS-2	Villages @ Longtown & Plantation Park S/D
Adjacent West	M-1	Undeveloped woodlands, railroad line, & scattered mobile homes

Part of the determination regarding the compatibility of the proposed project with the surrounding area is a comparison of the existing permitted uses with the uses permitted under the proposed zoning district. The table below summarizes this comparison.

<p><u>D-1 Zoning Designation Intent</u> Intended to provide for large tracts of land located primarily on the fringe of urban growth where the predominant character of urban development has not yet been fully established, but where the current characteristics of use are predominantly residential, agricultural, or semi developed, with scattered related uses</p>	<p><u>Proposed RS-1 Zoning Designation Intent</u> Intended as single family residential areas with low to medium population densities</p>
<p><u>Existing D-1 Zoning Permitted Uses</u> Agriculture Horticulture Forestry Parks Single Family Detached Dwellings Places of Worship Schools</p>	<p><u>Proposed RS-1 Zoning Permitted Uses</u> Single family detached residences or modular houses on individual lots</p>

The land uses above represent a summary of the permitted uses in Chapter 26-61 and Chapter 26-67, respectively of the County Code. Some Special Exception uses are also possible.

The proposed subdivision would be in accord with the existing areas comprised mainly of single-family residential subdivisions.

Traffic Impact Discussion

In the absence of a traffic study prepared in conformance with recognized standards of professional practice, the analysis below provides a reasonable estimate of the proposed project’s impact on the identified roadway’s traffic volume. This analysis uses the volume-to-capacity (V/C) ratio system because the long-range transportation planning process uses V/C ratios to determine road improvement priorities.

Traffic engineers design roads to meet a V/C ratio of 1.0, or the actual volume of traffic on the road equals the volume of traffic for which the road was designed. **As traffic increases on a roadway, the V/C increases and the level-of-service decreases.** Level-of-service is expressed as LOS C, D, E, or F. The V/C ratios for these level-of-service are shown below:

LOS C = V/C ratio of 1.00, or less	LOS D = V/C ratio of 1.01 to 1.15
LOS E = V/C ratio of 1.16 to 1.34	LOS F = V/C ratio of 1.35, or greater

The estimate of the proposed project’s effect on the traffic conditions of the roadway from which it gets its access is calculated below. The current fiscal reality is that completion of Clemson Road to I-77 is the only Richland County capacity improvement project funded through June 2007. Furthermore, only roadways with V/C ratios of 1.35, or greater, are likely to be funded for improvement in the CMCOG Long Range Improvement Plan.

Proposed Project Gets Its Principal Access From	Longtown Road via Longtown West Road	
Functional Classification Of This Roadway	2 lane undivided collector	
Level-Of-Service C Design Capacity (V/C = 1.00)	8600	
Estimated Traffic Generated By The Proposed Project	3943	
Current Volume At The Nearest Count Station #178 Located @ southeast of the site on Longtown Road	4000	
Estimated Traffic Count With the Proposed Project	7943	
Volume-To-Capacity Ratio With The Proposed Project	0.92	

Notes:

The functional classification of the roadway is taken from the Richland County Long Range Major Street Plan, adopted in October 1993 as part of the regional traffic planning process.

The estimated project traffic is calculated by multiplying 9.5 average daily trips times the estimated 178 dwelling units [163.4 acres minus 30% (49.02 acres) for infrastructure = 114.38 times 43,560 sq. ft. per acre = 4,982,392 total sq. ft. / 12,000 sq. ft. as allowed by RS-1 zoning times 9.5 trips]

The current traffic counts were received from SCDOT on May 23,2003 and represent the Annual Average Daily Trips in 2002, i.e. **they are already more than one year old.**

The proposed residential subdivision would not cause the LOS C design capacity of Longtown Road to be exceeded.

Fire Service Impacts

The information provided below is strictly based on the estimated aerial distance, **not road miles**, from the nearest fire station. Without data that is not currently available, it is not possible to determine an estimated response time. The proposed project is located within a 3-mile radius of a fire station.

Relationship To Comprehensive Plan

In order to comply with the requirements of Chapter 6-29-540, SC Code of Laws, it is necessary to evaluate the proposed zoning amendment based on the guidance provided in the Imagine Richland 2020 Comprehensive Plan, (Ordinance # 013-99HR, adopted May 3, 1999 and codified as Section 20-21 of the Richland County Code of Ordinances) hereinafter referred to as the Plan. Specifically, the Plan states "...It adopts by reference and carries forth the Future Land Use Maps and Principles of the existing Richland County Subarea Plans as an interim, transitional Plan, subject to future evaluation for consistency with the long-range vision..." [Plan, pg. 4-8]

The Proposed Land Use Element Map (Map) of the I-77 Corridor Subarea Plan was amended on May 3, 1999 as part of the Plan adoption process. The Map designates the subject area as Medium Density Residential and a portion High Density Residential in a Developing Urban Area. The proposed Zoning Map Amendment **is not consistent** with this land use designation.

The I-77 Corridor Subarea Plan, adopted in April 1994, contains policy guidance for evaluating proposed development projects, such as the subject Zoning Map Amendment. The relevant Objectives and Principles, found on pages 31 and 39 respectively, are discussed below:

Objective – Attract quality residential development in the area by restricting uses which would compromise the area's residential qualities.

The surrounding area consists of various single-family residential subdivisions. The proposed Amendment for residential use **implements** this Objective.

Principle – Mixed residential densities are appropriate within the Developing Urban Area and should conform to the Proposed Land Use Map. Compatible zoning classifications by density are recommended as follows:

- A. High Density (9 dwellings/acre or greater) : RS-3, RG-1, RG-2, PUD-1, PUD-2 & PDD.
- B. Medium Density (5 to 9 dwellings/acre) : RS-2, RS-3, RG-1, RG-2, PUD-1, PUD-2 & PDD.
- C. Low Density (4 dwellings/acre or less) : RU, RS-1, RS-1A, PUD-1, PUD-2 & PDD.

The proposed single-family detached subdivision will have minimum 12000 sq. ft. lots, approximately 3.5 DU/acre. The majority of the site is designated as Medium Density and a portion to the southeast is designated as High Density. The Medium Density designation consists of 5 to 9 DU/acre and the High Density designation consists of 9 DU/acre or greater. The proposed Amendment **does not implement** this Principle.

Other Relevant Issues

Although the proposed RS-1 zoning designation is not consistent with the Medium Density Residential land use designation, it is consistent with the actual development that has occurred in the area. The vast majority of development taking place in the affected area and throughout Richland County consists of low-density housing. The market demand drives various types of development. Currently, and as anticipated for the future in the area this will be comprised of single-family detached residential housing. Due to the existing residential subdivisions in the area and the availability of property in Medium/High Density designated areas, the Department feels the proposed Zoning Map Amendment is appropriate for the area.

State statutes require proposed Zoning Map Amendments to be consistent with the land use designation on the appropriate Subarea Plan's Proposed Land Use Map. Specifically, Section 6-29-710, SC Code of Laws states "...The regulations (*i.e., zoning and other land development regulations*) must be made in accordance with the comprehensive plan for the jurisdiction and be made with a view to promoting the purposes set forth in this chapter (*Chapter 6-29, SC Code of Laws*)..."

The **existing D-1 zoning** is not consistent with the Proposed Land Use Map designation as required by state statutes. The zoning should be either RS-2, RS-3, RG-1, RG-2, PUD-1, PUD-2, or PDD to be consistent with the Medium/High Density land use designation.

The **proposed RS-1 zoning** is not consistent with the Proposed Land Use Map designation as required by state statutes. The zoning should be either RS-2, RS-3, RG-1, RG-2, PUD-1, PUD-2, or PDD to be consistent with the Medium/High Density land use designation.

SECTION II STAFF RECOMMENDATION

Based on the findings of fact described above and summarized below, the Planning and Development Services Department (PDSD) recommends the Official Zoning Map designation for the parcels included in Project # 04-32 MA **not be changed** from D-1 to RS-1.

Findings of Fact:

1. The applicant has not provided sufficient factual information to justify a need to change the existing zoning map designation on the subject parcel.
2. The proposed Amendment is compatible with the adjacent existing land uses.
3. Longtown Road near this location is operating at a LOS C. This project will not increase the LOS designation.
4. The proposed Amendment **is not consistent** with Proposed Land Use Map designation in the I-77 Corridor Subarea Plan.
5. The proposed Zoning Map Amendment **is consistent** with the cited Objective of the I-77 Corridor Subarea Plan.
6. The proposed Zoning Map Amendment **is not consistent** with the cited Principle of the I-77 Corridor Subarea Plan.
7. If the proposed Zoning Map Amendment fails, the subject property may continue to be used by any existing permitted uses identified on page 2 of this Report.
8. In order to comply with the requirements of Section 6-29-540, SC Code of Laws, the Proposed Land Use Map for this portion of the I-77 Corridor Subarea Plan should be amended, via the formal ordinance adoption process, to change the land use designation for the subject site to Low Density Residential.

SECTION III PLANNING COMMISSION ACTION

Pursuant to Article IV of the Planning Commission Rules of Procedure, the applicant, the Department, or a Commission member voting on the prevailing side of a decision, may request reconsideration of a Commission's decision provided such written request is received by the Department within 14 days of the Commission's action **and** the Commission finds that:

- (a) The Department made a significant mistake or omission in the facts presented when the subject matter was initially considered; **or**
- (b) Notice of the meeting at which the subject agenda item was considered was improper pursuant to State or County regulations; **or**

A clerical or map error is such that it may affect the result of the Commission's action.

At their meeting of January 5, 2004, the Richland County Planning Commission agreed (did not agree) with the PDSD recommendation and, based on the findings of fact summarized above, recommends the County Council initiate the ordinance consideration process (deny the proposed Amendment) for RC Project # 04-32 MA at the next available opportunity.

Commission Findings of Fact/Recommendations

(If the Planning Commission does not agree with the Department's recommendation and/or findings of fact, the reasons for the decision must be clearly stated for the public record.)

In consideration of the proposed Zoning Map Amendment # 04-32 MA, the Planning Commission made the findings of fact summarized below:

- 1)

ATTACHMENT A
Case 04-32 MA

LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL AND/OR TRACT OF LAND, situate lying and being in the County of Richland, State of South Carolina containing approximately 163.5 acres, more or less, having frontage on Longtown Road and having the following metes and bounds, beginning at an iron pin (POB) located at the southeastern boundary of the property where it fronts on Longtown Road, just south of the intersection of Hobart Road at Longtown Road and marked as an Iron(O) (being the point of beginning) thence running S 70°49'5"W for a distance of 419.72" to an Iron(O), thence turning and running S 68°28'29"W for a distance of 718.01' to and Iron(N); thence turning and running N 19°18'58"W for a distance of 1,255.00' to an Iron(O); thence turning and running S 88°42'3" W for a distance of 1,592. 19' to an Iron(O); thence turning and running N 15°21'27" W for a distance of 684.27' to an Iron(O); thence turning and running N 7°36'43" E for a distance of 368.74' to an Iron(O); thence turning and running N 4°26'43" E for a distance of 525.52' to an Iron(O); thence turning and running N 7°25'S2" W for a distance of 273.85' to an Iron (O); thence turning and running N 37°11'17" W for a distance of 181.80' to and Iron(O) thence turning and running N 33°0'3" E for a distance of 589.55 to an Iron(O): thence turning and running S 75°12'15"E for a distance of 1,358.01' to an Iron (O); thence turning and running S 62°37'12" E for a distance of 861.07 to an Iron(O); thence turning and running N 21°59'48"E for a distance of 369.99' to and Iron(N); thence turning and running S 80°52'48" E for a distance of 274.57' to an Iron(O); thence turning and running S 2°42'59" E in a curved line for a chord distance 01237.54' to a point; thence turning and running S 14°33'16" E for a distance of 690.05' to a point: thence turning and running S 54°18'16" E in a curved line for a chord distance of 307.54" to a point; thence turning and running S 4°4'30" E for a distance of 103.94' to a point: thence turning and running S 7°1'54" E for a distance of 214.41' to a point; thence turning and running S 5°45'4" for a distance of 86.16' to a point; thence turning and running S 1°48'47" W for a distance of 158.86' to a point; thence turning and running S 9°8'38" W for a distance of 152.37' to a point; thence turning and running S 12°57'45" W for a distance of 196.83' to a point: thence turning and running S 6°29'10" W for a distance of 154.93' to a point; thence turning and running S 0°28'20" W for a distance of 157.93' to a point; thence turning and running S 7°32'29" E for a distance of 156.04' to a point; thence turning and running S 14°58'15" E for a distance of 152.70' to a point; thence turning and running S 18°52'32" E for a distance of 170.91' to and Iron(O); thence turning and running S 70°49'5" W for a distance of 419.72' to an Iron(O), the point of beginning (POB).

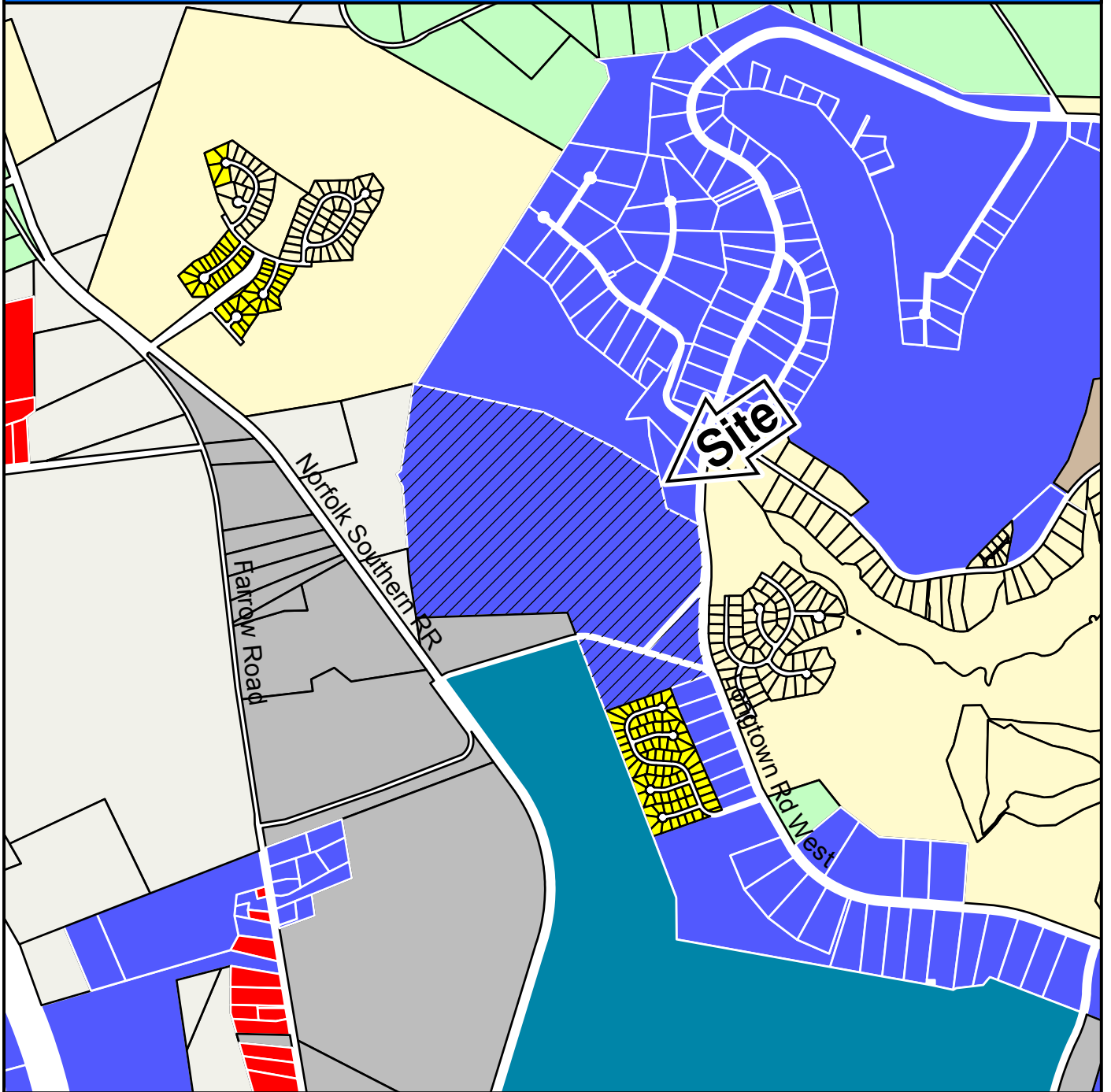
LESS AND EXCEPTING THEREFROM ALL THAT CERTAIN PIECE, PARCEL AND/OR TRACT OF LAND, situate lying and being in the County of Richland. State of South Carolina shown as Parcel "A" on that certain Boundary Plat prepared for The Lakes at Columbia and Anthony-Fairways Company dated August 17, 1994 containing approximately 3.44 acres, more or less, and having the following metes and bounds, beginning at a point at an IPN 5/8" REBAR (POB) thence running N 66°42'43" W for a distance of 95.87' to an IPN 5/8" REBAR; thence turning and running N 78°59'53" W for a distance of 68.24' to an IPN 5/8" REBAR; thence turning and running S 88°42'57" W for a distance of 588.29' to an IPN 5/8" REBAR; thence turning and running N 76°14'19" W for a distance of 101.16' to an IPN 5/8" REBAR; thence turning and running N 61°11'35" W for a distance of 587.14' to a 24" Pine On Cor; thence

turning and running N 68°07'15" W for a distance of 76.47' to an IPN 5/8" REBAR; thence turning and running N 82°22'54" W for a distance of 81.20' to an IPN 5/8" REBAR; thence turning and running N 32°20'26" E for a distance of 38.49' to an IPO 1.5" (open end); thence turning and running S 75°53'15" E for a distance of 1,358.04" to an IPO 1.00" (Open); thence turning and running S 63°17'48" E for a distance of 190.00" to an IPN 5/8" REBAR, the point of beginning (POB); and,



LESS AND EXCEPTING THEREFROM ALL THAT CERTAIN PIECE, PARCEL AND/OR TRACT OF LAND, situate lying and being in the County of Richland, State of South Carolina shown as Parcel "B" on that certain Boundary Plat prepared for The Lakes at Columbia and Anthony-Fairways Company dated August 17, 1994 containing approximately 0.31 acres, more or less, and having the following metes and bounds, beginning at a point of beginning at an IPO RR IRON PIN and thence running N 63°17'48" W for a distance of 671.05' to an IPN 5/8" REBAR; thence turning and running S 66°42'43" E for a distance of 627.68' to an IPN 5/8" REBAR; thence turning and running S 62°58'10" E for a distance of 40.98' to an IPN 5/8" REBAR; thence turning and running S 21° 19'26" W to and IPO RR IRON FOUND, the point of beginning (POB); and,

LESS AND EXCEPTING THEREFROM ALL THAT CERTAIN PIECE, PARCEL AND/OR TRACT OF LAND, situate lying and being in the County of Richland, State of South Carolina shown as Parcel "C" on that certain Boundary Plat prepared for The Lakes at Columbia and Anthony-Fairways Company dated August 17, 1994 containing approximately 4.21 acres, more or less, and having the following metes and bounds, beginning at a point of beginning (POB) at an IPN 5/8" REBAR and thence running N 52°02'10" W for a distance of 625.61' to an IPN 5/8" REBAR; thence turning and running N 55°42'19" W for a distance of 40.16' to an IPN 5/8" REBAR; thence turning and running N 21°19'26" E for a distance of 332.67' to an IPN 5/8" REBAR; thence turning and running S 81°32'35" E for a distance of 274.58' to an IPO 1.00"(OPEN) thence turning and running S 03°23'39" E for a distance of 237.47' to an IPN 5/8" REBAR; thence turning and running S 15°13'52" E for a distance of 455.95' to an IPN 5/8" REBAR, the point of beginning (POB).

CASE 04-32 MA FROM D-1 to RS-1

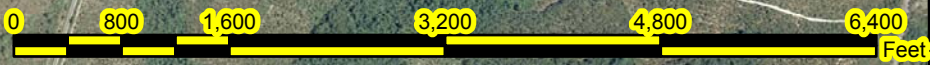


ZONING CLASSIFICATIONS

 C-1	 D-1	 MH-1	 PDD	 RG-2	 RS-3
 C-2	 M-1	 MH-2	 PUD	 RS-1	 RU
 C-3	 M-2	 MH-3	 RG-1	 RS-2	 SUBJECT



CASE 04-32 MA
SOUTHLAND DEVELOPMENT CO.
TMS 17600-02-06



CASE 04-32 MA FROM D-1 to RS-1

TMS# 17600-02-06 Longtown Road & Longcreek Plantation Dr.




Interior of site looking towards wetland area



Looking at site from Longtown West

**RICHLAND COUNTY, SOUTH CAROLINA
PLANNING & DEVELOPMENT SERVICES DEPARTMENT
Development Services Division Memo**

TO: Planning Commission Members
FROM: Carl D. Gosline, AICP, Land Development Administrator 
DATE: December 17, 2003
RE: Subdivision and Street Name Approval

Background

Section 6-29-1200 (A), SC Code of Laws requires the Planning Commission to approve street names. Specifically, the statute states "...A local planning commission created under the provisions of this chapter shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the commission has jurisdiction..."

The attached list of proposed street/road names has been certified by Alfreda Tindal, Richland County E-911 Addressing Coordinator, as being in compliance with the E-911 system requirements. A list of proposed subdivision names is included for your information.

Action Requested

The Department recommends the Commission approve the attached street/road name list. The subdivision names are for information only. No Commission action is necessary.

APP'D SUBDIVISION NAMES	GENERAL LOCATION
Teague Park	Teague Rd between Leesburg Rd and Caughman Rd
Villages @ Blythewood	North side of Blythewood Rd west of I-77
Longtown Park Plaza	East side of Longtown Road, south to Lee Road
East Lake Cottages	Fountain Lake Drive south of Garners Ferry Rd
Angel Garden	Kneece Road behind Decker Plaza
Chelsea Park	W. Shady Grove Rd @ Will Richardson Rd
Windsor Village	Windsor Lake Blvd @ Windsor Lake

PROPOSED STREET NAMES	GENERAL LOCATION
Teague Park Lane	Teague Park S/D
Northpark Lane	Greenhill Parish S/D
University Village Drive	Villages @ Blythewood
Cottage Lake (suffix depends on final road alignment)	East Lake Cottages S/D
Bismarck (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Fairpoint (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Dickey (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Roseglen (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Streeter (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Tappen (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Trent (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Doland (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Carpenter (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Pipestove (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Vermillion (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Danforth (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Winkler (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Hague (suffix depends on final road alignment)	Unidentified Future Shumaker S/D
Angel Garden Court & Lane	Angel Garden
Walnut Wood Trail & Court	Longtown Estates
Newton Road	Chelsea Park
Sutallee Lane	Chelsea Park
Ash Court	Chelsea Park
Hamlin Way	Chelsea Park
Pool Circle	Villages @ Longtown
Windsor Village Circle	Windsor Village
Windsor Village Way	Windsor Village
Windstone Drive	Windstone Townhomes