

ORDINANCE NO.: 2014-061

ORIGINAL
STAMPED IN RED

Granting an encroachment to Michael's at 1624 Main Street for placement and maintenance of one (1) planter; ten (10) wrought iron tables and twenty (20) wrought iron chairs within the sidewalk right of way area of the 1600 block of Main Street immediately adjacent to their building; placement and maintenance of thirteen (13) wrought iron tables and twenty-four (24) wrought iron chairs along the northern right of way area of the alleyway adjacent to their building at 1624 Main Street for use by its patrons for outdoor dining during its normal business hours

WHEREAS, Michael's (hereinafter "Grantee") at 1624 Main Street desires to utilize a portion of the sidewalk right of way area of the 1600 block of Main Street immediately adjacent to their building for placement and maintenance of one (1) planter approximately eighteen (18") inches in width thirty-six (36") inches in length and thirty-six (36") inches in height; ten (10) wrought iron tables and twenty (20) wrought iron chairs within the sidewalk right of way area of the 1600 block of Main Street immediately adjacent to their building; placement and maintenance of thirteen (13) wrought iron tables and twenty-four (24) wrought iron chairs along the northern right of way area of the alleyway adjacent to their building at 1624 Main Street for use by its patrons for outdoor dining during its normal business hours of 7:00 a.m. until 11:00 p.m., Sunday through Saturday, as shown on the attached drawing; and,

WHEREAS, the tables and chairs shall be placed adjacent to the building to prohibit obstruction of pedestrian movement and vehicle parking and shall be removed and stored inside the building when not in use; the outdoor dining area and general exterior of the building shall be kept clean and orderly at all times; other improvements, interference with pedestrian movement or the parking lane and disturbance of existing trees and roots shall be prohibited; and,

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

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina, this 17th day of June, 2014, that Grantee is hereby granted the right to utilize a portion of the sidewalk right of way area of the 1600 block of Main Street immediately adjacent to their building for placement and maintenance of one (1) planter approximately eighteen (18") inches in width thirty-six (36") inches in length and thirty-six (36") inches in height; ten (10) wrought iron tables and twenty (20) wrought iron chairs within the sidewalk right of way area of the 1600 block of Main Street immediately adjacent to their building; placement and maintenance of thirteen (13) wrought iron tables and twenty-four (24) wrought iron chairs along the northern right of way area of the alleyway adjacent to their building at 1624 Main Street for use by its patrons for outdoor dining during its normal business hours of 7:00 a.m. until 11:00 p.m., Sunday through Saturday, as shown on the attached drawing.

ALL WORK SHALL COMPLY with the requirements of The City of Columbia and South Carolina Department of Transportation now in existence or hereafter enacted. The materials and type of finish to be used are to be approved by the City Engineer prior to installation. Any damage to the street or sidewalk caused by construction or maintenance shall be repaired to the satisfaction of the City Manager. Improvements constructed within the encroachment by or on behalf of Grantee shall be maintained by the Grantee at no cost to the City in a manner approved by the City Manager.

PROVIDED, HOWEVER, that in exercising the privileges granted under this ordinance, Grantee, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid encroachment.

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

1. No item shall be placed that creates a visual impediment to persons safely entering or exiting the building, adjoining driveway, parking spaces or walking along the sidewalk. The City reserves the right to remove any item located within the right of way which it deems to be a safety hazard; and,
2. The location of tables and chairs shall not impede the path of travel for the assigned exit discharge of the adjoining building or parking spaces; and,
3. To prohibit the business from overcrowding, the posted capacity allowed within the business at the time of enactment of the encroachment ordinance shall include the total number of patron seating approved for the encroachment area, if not already included in the posted capacity allowable, so that patrons relocating from the inside of the business to the outside, or from the outside of the business to the inside shall not cause the posted capacity to be exceeded; and,

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4. Use of the encroachment area is strictly limited to the serving of food and/or beverages to the patrons of the business during the normal business hours reflected in the encroachment ordinance at the time of enactment of the encroachment ordinance; and,

5. Any changes to the hours for use of the encroachment area, items allowed within the encroachment area or allowable patron capacity shall require an amendment to the encroachment ordinance; and,

6. The tables and chairs shall be placed immediately adjacent to the front of the business to allow five (5') feet of passageway along the sidewalk at all times and not obstruct pedestrian movement, vehicle movement and parking, and shall be of durable material and weighted to withstand strong winds; and,

7. The tables and chairs shall be removed and stored inside the building when not in use; the outdoor dining area and general exterior of the building shall be kept clean and orderly at all times; other improvements, interference with pedestrian movement or the parking lane and disturbance of existing trees and roots shall be prohibited; and,

8. Grantee shall provide a cigarette receptacle for patrons; and,

9. Any items for which a Certificate of Design Approval has not been granted shall be submitted for design review prior to installation; and,

10. A copy of the approved ordinance with a diagram of the encroachment area shall be displayed inside the business at all times; and,

11. All outdoor musical performances and use of sound-amplifying devices shall end by 10:00 p.m. due to the proximity of the outdoor dining area to residential properties.

12. Grantee shall post signage that smoking is prohibited within the designated encroachment area.

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

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

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

Requested by:

Good Life Café

Mayor

Approved by:



City Manager

Approved as to form:



City Attorney

Introduced: 6/10/2014

Final Reading: 6/10/2014

ATTEST:



City Clerk

**CITY COUNCIL
ENCROACHMENT SUMMARY
2014-061**



**1600 BLOCK OF MAIN STREET AND ALLEYWAY
ADJACENT TO 1620 MAIN STREET
MICHAEL'S CAFÉ AND CATERING
10 TABLES AND 20 CHAIRS (FRONT)
13 TABLES AND 24 CHAIRS (ALLEY)**

Subject Property:	1600 block of Main Street and alleyway adjacent to 1620 Main Street, TMS#09014-04-17
Council District:	2
Proposal:	Request approval for the placement and maintenance of a planter, 23 tables and 34 chairs for use by its patrons for outdoor dining during its normal business hours, as shown on the attached drawing.
Applicant:	Michael's Café and Catering
Staff Recommendation:	Recommend Approval
Conditions:	<ol style="list-style-type: none"> 1. Certificate of Design Approval (CDA) from Design/Development Review staff; and 2. Standard conditions regarding outdoor dining within the ROW.

Detail:	The applicant is requesting approval for the placement and maintenance of one (1) planter approximately eighteen (18") inches in width thirty-six (36") inches in length and thirty-six (36") inches in height; ten (10) wrought iron tables and twenty (20) wrought iron chairs within the sidewalk right of way area of the 1600 block of Main Street immediately adjacent to their building; placement and maintenance of thirteen (13) wrought iron tables and twenty-four (24) wrought iron chairs along the northern right of way area of the alleyway adjacent to their building at 1624 Main Street for use by its patrons for outdoor dining during its normal business hours of 7:00 a.m. until 11:00 p.m. Sunday through Saturday, as shown on the attached drawing.
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CITY AGENCY COMMENTS FOR ENCROACHMENT

Planning & Development	Recommend approval with the condition that an SC registered design professional [architect] determine code compliance for use of the space as outdoor dining space, for egress purposes and for the number, access to and location of toilet fixtures required.
Streets	Recommend approval.
Utilities & Engineering	Recommend approval.
Traffic Engineering	Recommend approval.
Fire Department	Recommend approval with the condition that the alley is required for exit egress for the patrons dining and both buildings occupants, it is imperative that no chairs or tables obstruct the required width of the exit discharge through the alley.
Forestry	Recommend approval with the condition that the business owners shall be responsible to clean up any debris that collects in the landscaped beds, that comes from tables or chairs. Forestry would also encourage owners, not to dump or pour cleaning solvents into landscaped beds.
Land Development	Recommend approval.

REQUEST FOR AN ENCROACHMENT ORDINANCE

For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree is required to have an encroachment ordinance enacted by City Council permitting the encroachment. Encroachment limited to: irrigation systems; landscaping; fencing; walls; pavers; walkways; outdoor dining items (chairs, tables, directional signs (i.e., churches) Business signs are NOT permitted via an encroachment. An encroachment or ordinance by a majority vote of City Council, which is a discretionary legislative act, is also required. In order for the City of Columbia, it will be necessary for the City of Columbia to be named as an additional insured on your home \$600,000 as required by Sec. 11-71. It is recommended that you contact your insurance provider to determine additional insured prior to submitting your request for an encroachment ordinance. If you have any questions, contact Chip Timmons with Risk Management.

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Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at slardis@colt. Shari Ardis, Legal Department, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Direct all correspondence directed to the contact person for that department as shown below and not through the Legal Department. Chip Timmons with Risk Management (733-8306 or catimmons@columbiasc.net) should be contacted regarding the insurance requirements.

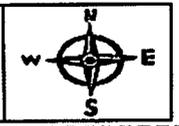
Date: April 1, 2014 Property Owner: Agape Senior/Scott Middleton
 Applicant's Name if different from Property Owner: David Tarrant/Lisa Livingston
 Contact Information: Telephone Number: 803-454-0365 Fax Number: 803404-6038
 Mailing address: 1624 Main Street E-mail address: llivingston@agapesenior.com
 Encroachment Location (Address): 1620 Main Street, Columbia, SC 29201
 (If corner lot, include name and block number of side street, i.e., 1737 Main Street and 1100 block of Laurel Street)
 Tax Map Number for Encroachment Location: R09014-04-21

Encroachment type: Wall Fence Columns Steps Irrigation System Landscaping Driveway Pavers
 Walkway/Side walk Underground Utilities other
 If Other - specify: _____
 Dimensions (height/width/length): _____

(i.e., 6'x42' wooden privacy fence; two 12'x4' concrete step; two 12'x12" x24" brick columns; 4'x15' brick paver walkway)

Construction material: _____
 Please provide photographs and drawing or site plan drawn to scale - no larger than 8-1/2 x 11.

Church Directional Signs (Must provide picture or drawing of proposed signs that reflect dimensions)
 Location(s) signs are to be placed (i.e. Northeast corner of Main Street) _____



Businesses only: Outdoor dining No. of chairs: 20 front No. of Tables 10 front
 Hours of operation for outdoor dining: 7 am - 11 pm
 Number of planters: _____ Awning: _____ (dimensions - size/material) _____
 Other: alley 12 tables and 24 chairs (or complete applicable "Encroachment type" section above)

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

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

CONTACT	DEPARTMENT	PHONE	FAX	E-MAIL
Krista Hampton	Development Services (Administration)	803-545-3420	803-733-8647	krhampton@columbiasc.net
Johnathan Chambers	Development Services (Land Development)	803-545-3333	803-343-8779	jechambers@columbiasc.net
Nancy Lee Trihey	Development Services (Planning)	803-545-3222	803-733-8647	ntrihey@columbiasc.net
John Fellows	Development Services (Planning)	803-545-3222	803-733-8647	jsfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-545-3332	803-733-8647	kbcook@columbiasc.net
Jerry Thompson	Development Services (Building Inspections)	803-545-3420	803-733-8699	jthompson@columbiasc.net
Fanessa Pinckney	Development Services (Permits)	803-545-3420	803-733-8699	fcpinckney@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8647	aemoore@columbiasc.net
Joey Jaco	Utilities & Engineering (Administration)	803-545-3400	803-988-8199	jdjaco@columbiasc.net
Dana Higgins	Utilities & Engineering (Construction Management)	803-545-3372	803-545-4130	dnhiggins@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	raanderson@columbiasc.net
Robert Sweat	Public Works (Street Division)	803-545-3780	803-545-3785	rgsweatt@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-545-3850	803-733-8648	ddbrewer@columbiasc.net
Sara Hollar	Public Works (Forestry & Beautification)	803-545-3860	803-733-8648	sehollar@columbiasc.net
John Hooks	Public Works (Solid Waste)	803-545-3800	803-733-8648	jphooks@columbiasc.net
Fred Delk	Columbia Development Corporation	803-988-8040	803-988-8039	cdc@columbiasc.net
Chip Timmons	Risk Management	803-733-8306	803-733-8245	catimmons@columbiasc.net
George Adams	Fire Department	803-545-3701	803-401-8839	cfgadams@columbiasc.net
Gerald Koon	Fire Department	803-545-3701	803-401-8839	cfgkoon@columbiasc.net
John David Spade	Parking Services	803-545-3070	803-733-8523	spade@columbiasc.net



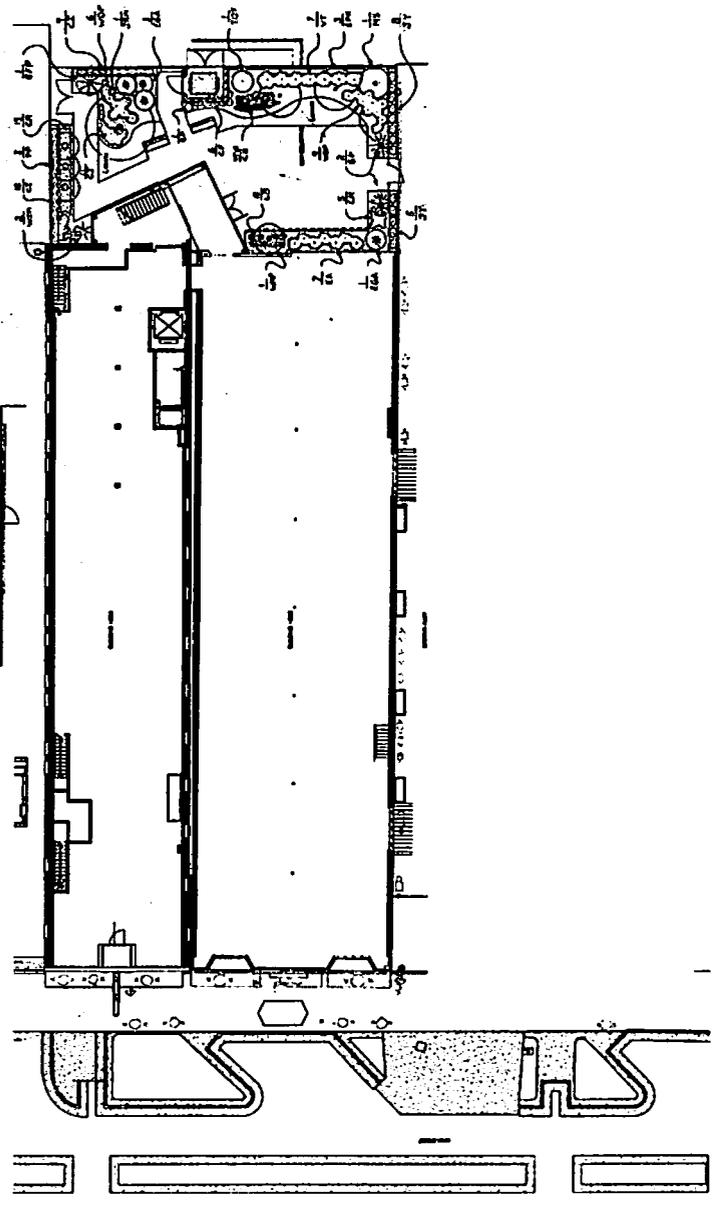
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ARCHITECTURAL SITE PLAN

1620 & 1626 MAIN STREET

1620 & 1626 MAIN STREET



1620 & 1626 MAIN STREET
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tables 30" round
Chairs 22" x 33"



