

ORDINANCE NO.: 2016-026

*Granting an encroachment to Arnold Companies for installation and maintenance of two (2) brick retaining walls with railings; eight (8) areas of brick pavers; two (2) handicap ramps with railings; two benches landscaping and irrigation systems within the right of way areas of the 1300 block of Assembly Street and 1100 block of Lady Street adjacent to its building*

ORIGINAL  
STAMPED IN RED

WHEREAS, Arnold Companies (hereinafter "Grantee") desires to utilize a portion of the sidewalk right of way area of the 1300 block of Assembly Street and 1100 block of Lady Street adjacent to its building for placement and maintenance of two (2) brick retaining walls with railings approximately fifty (50') feet in length six (6') in depth; three (3) areas of brick pavers approximately five (5') feet in width thirteen (13') feet in length; one area of brick pavers approximately five (5') feet in width twelve (12') feet in length; and two (2) areas of brick pavers approximately six (6') feet in width eighteen (18') feet in length, one area of brick pavers approximately five (5') feet in width thirty (30') feet in length and one area of brick pavers approximately five (5') feet thirty-two (32') feet in length each to include handicap ramp and railings; two benches approximately two (2') feet in width six (6') ft. in length; landscaping and irrigation system, as shown on the attached drawing; 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 3rd day of May, 2016, that Grantee, its successors and assigns is hereby granted the right to utilize a portion of the sidewalk right of way area of the 1300 block of Assembly Street and 1100 block of Lady Street adjacent to its building for placement and maintenance of two (2) brick retaining walls with railings approximately fifty (50') feet in length six (6') in depth; three (3) areas of brick pavers approximately five (5') feet in width thirteen (13') feet in length; one area of brick pavers approximately five (5') feet in width twelve (12') feet in length; and two (2) areas of brick pavers approximately six (6') feet in width eighteen (18') feet in length, one area of brick pavers approximately five (5') feet in width thirty (30') feet in length and one area of brick pavers approximately five (5') feet thirty-two (32') feet in length each to include handicap ramp and railings; two benches approximately two (2') feet in width six (6') ft. in length; landscaping and irrigation system, as shown on the attached drawing.

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

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

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

1. No item, including landscaping, shall be placed, planted or allowed to grow such that it creates a visual impediment to persons safely entering or exiting the driveway or to persons safely walking along the sidewalk. The City reserves the right to remove or cut any item located within the right of way which it deems to be a safety hazard.

ORIGINAL  
STAMPED IN RED

2. Certificate of Design Approval (CDA) from Design/Development Review staff to include lighting fixtures, lighting fixture locations, mil banks, meters, railings, benches, trash receptacles, etc.;
3. Specialty pavers and color shall match the color, texture and pinwheel design of those on Main Street including borders, etc.
4. Lighting along Lady and Assembly Street shall match city standard of Wadsworth Pole, with Grandville fixture with finial – post color to be green. Details shall be provided on construction plans. Lighting fixtures shall have separate outlet on separate circuit.
5. Ramps and railings must be installed in accordance with per ICC A117.1-2009 and by the IBC 2012.
6. The two benches shall not be utilized or included for use in future encroachments for outdoor dining.
7. The tables and chairs shown within the right of way on the plans accompanying this application are not included in this encroachment application. Each restaurant shall be required to submit a separate dining encroachment application and obtain approval of an outdoor dining encroachment ordinance.
8. 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.
9. Irrigation must be designed to avoid spraying walkways, sidewalks and streets and/or creating hazardous conditions upon the walkways, sidewalks and streets.
10. Grantee is responsible for all maintenance and assuring that all accessibility and ADA requirements are met and maintained.

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

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

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

Requested by:

Assistant City Manager Gentry

  
\_\_\_\_\_  
Mayor

Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:  
  
\_\_\_\_\_  
City Clerk

Introduced: 4/19/2016  
Final Reading: 5/3/2016

**CITY COUNCIL  
ENCROACHMENT SUMMARY  
2016-026**



**1300 THRU 1304 ASSEMBLY STREET  
1103 THRU 1113 LADY STREET  
ARNOLD COMPANIES**

**VARIOUS SIDEWALK / STREETScape IMPROVEMENTS**

<b>Subject Property:</b>	1300 thru 1304 Assembly Street, 1103 thru 1113 Lady street, TMS#09013-05-09, 09013-05-10, 09013-05-11
<b>Council District:</b>	2
<b>Proposal:</b>	Request approval for the placement and maintenance of retaining walls, brick steps, handrails, brick pavers, two benches, brick stoop, handicap ramp, landscaping and irrigation, as shown on the attached drawing.
<b>Applicant:</b>	1300 Assembly Street LLC
<b>Staff Recommendation:</b>	See staff comments below.
<b>Conditions:</b>	<ol style="list-style-type: none"> <li>1. Certificate of Design Approval (CDA) from Design/Development Review staff to include lighting fixtures, lighting fixture locations, mil banks, meters, railings, benches, trash receptacles, etc.;</li> <li>2. Specialty pavers and color shall match the color, texture and pinwheel design of those on Main Street including boarders etc.;</li> <li>3. Lighting along Lady and Assembly Street shall match city standard of Wadsworth Pole, with Grandville fixture with finial – post color to be green. Details shall be provided on construction plans. Lighting fixtures shall have separate outlet on separate circuit;</li> <li>4. Ramps and railings must be installed in accordance with per ICC A117.1-2009 and by the IBC 2012;</li> <li>5. The two benches shall not be utilized or included for use in future encroachments for outdoor dining;</li> <li>6. Tables and Chairs shown within the ROW on the plans accompanying this application are not included in this encroachment application. Each restaurant will submit a separate dining encroachment application; and</li> <li>7. 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.</li> </ol>

<b>Detail:</b>	<p>The applicant is requesting approval for the placement and maintenance of two (2) brick retaining walls with railings approximately fifty (50') feet in length six (6') in depth; three (3) areas of brick pavers approximately five (5') feet in width thirteen (13') feet in length; one area of brick pavers approximately five (5') feet in width twelve (12') feet in length; and two (2) areas of brick pavers approximately six (6') feet in width eighteen (18') feet in length, one area of brick pavers approximately five (5') feet in width thirty (30') feet in length and one area of brick pavers approximately five (5') feet thirty-two (32') feet in length each to include handicap ramp and railings; two benches approximately two (2') feet in width six (6') ft. in length; landscaping and irrigation system, as shown on the attached drawing.</p> <p>Although outdoor dining is shown on the site plan, each restaurant will submit a separate dining encroachment application as dining encroachments are specific to each tenant's days and times of operation. In addition, the amount of tables and chairs permitted is based upon building code and can affect the indoor seating capacity.</p> <p>The applicant is asking for approval of Plan L-1a which entails the removal of an existing tree along Lady Street. Should Council to deny that plan, the applicant would request approval of Plan L-1b.</p>
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<b>CITY AGENCY COMMENTS FOR ENCROACHMENT</b>	
<b>Planning &amp; Development</b>	Recommend approval.
<b>Streets</b>	Recommend approval.
<b>Utilities &amp; Engineering</b>	Recommend approval.
<b>Traffic Engineering</b>	Recommend approval.
<b>Fire Department</b>	Recommend approval.
<b>Forestry</b>	Recommend denial of Plan l-1a but approval of Plan l-1b. The one tree on Lady Street needs to be preserved and incorporated into plans. SCDOT must approve on SCDOT maintained roadways.
<b>Land Development</b>	Recommend approval.

**REQUEST FOR A PERMANENT COMMERCIAL ENCROACHMENT ORDINANCE  
(INCLUDING OUTDOOR DINING/LANDSCAPING/STUDENT HOUSING)**

For a continuing encroachment on any type of property in which the City has an interest (i.e., rights of way, tree zone, sidewalk, streets), the person or entity is required to have an encroachment ordinance enacted by City Council permitting the encroachment. Encroachment ordinances are required for but not limited to: irrigation systems; landscaping; fencing; walls; pavers; walkways; outdoor dining items (chairs, tables, umbrellas, etc.); awnings; bollards and directional signs (i.e., churches) Business signs are NOT permitted via an encroachment. Encroachments must comply with all existing City codes, rules and regulations, the Americans with Disabilities Act, if applicable, and are subject to review and approval by City staff. Enactment of the encroachment ordinance by a majority vote of City Council, which is a discretionary legislative act, is also required. In order to obtain an encroachment ordinance from the City of Columbia, it will be necessary for the City of Columbia to be named as an additional insured on your insurance policy with limits being increased to \$600,000 as required by Sec. 11-71. It is recommended that you contact your insurance provider to determine if it will name the City of Columbia as an additional insured prior to submitting your request for an encroachment ordinance. If you have any questions concerning these requirements, please contact Chip Timmons with Risk Management, (803) 733-8306 or catimmons@columbiasc.net.

Please complete and submit this form along with photographs and drawings or site plan drawn to scale (including a 8-1/2 x 11) to Johnathan Chambers by e-mail at jechambers@columbiasc.net; fax at 803-343-8779; or mail to Johnathan Chambers, Development Services, POB 147 Columbia, SC 29217, for preparation of an encroachment ordinance. Copies to City departments should be directed to the contact person for that department as shown below.

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

Date: 02/24/16 Property Owner: 1300 Assembly LLC  
 Applicant's Name if different from Property Owner: Ben D Arnold  
 Contact Information: Telephone Number: 803-731-4321 Fax Number: 803-731-1381

Mailing address: 720 Lady Street, Columbia, SC 29201 E-mail address: barnold@arnoldfamilycorp.com

Business Name/Development Name for Encroachment: 1300 Assembly LLC

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

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

Construction material: See attached

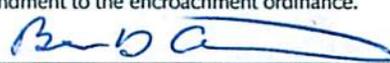
**OUTDOOR DINING:** The Fire Marshal's posted capacity allowed within the business at the time of enactment of the outdoor dining encroachment ordinance shall  include the total number of patron seating approved for the outdoor dining encroachment area, if not already included in the posted capacity allowance, so that patrons relocating from inside to the outside or from outside to the inside do not cause the posted capacity to be exceeded.

Hours/days of operation for outdoor dining: TBD

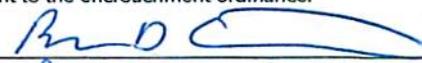
Posted Maximum Capacity Allowance (inside/outside combined): \_\_\_\_\_ No. of chairs outdoors: 108 No. of Tables Outdoors: 27

Do you serve:  Wine  Beer  Liquor SCDOR ABL No.: \_\_\_\_\_ If not, do you intend to apply for an ABL license? Tenant may

I acknowledge that the adjoining property owners and businesses have been contacted and approve the addition of outdoor dining at this location to include the service of beer, wine and/or liquor if applicable during the business hours noted above, and that any changes made to the business hours, use of the encroachment area or items allowed within the encroachment area will require an amendment to the encroachment ordinance.

  
 Name/Title: Ben D. Arnold - managing member  
 Date: 2/24/16

I acknowledge that any changes made to the business, hours, use of the encroachment area, or items allowed within the encroachment area, to include obtaining a license to sell beer, wine and/or liquor will require an amendment to the encroachment ordinance.

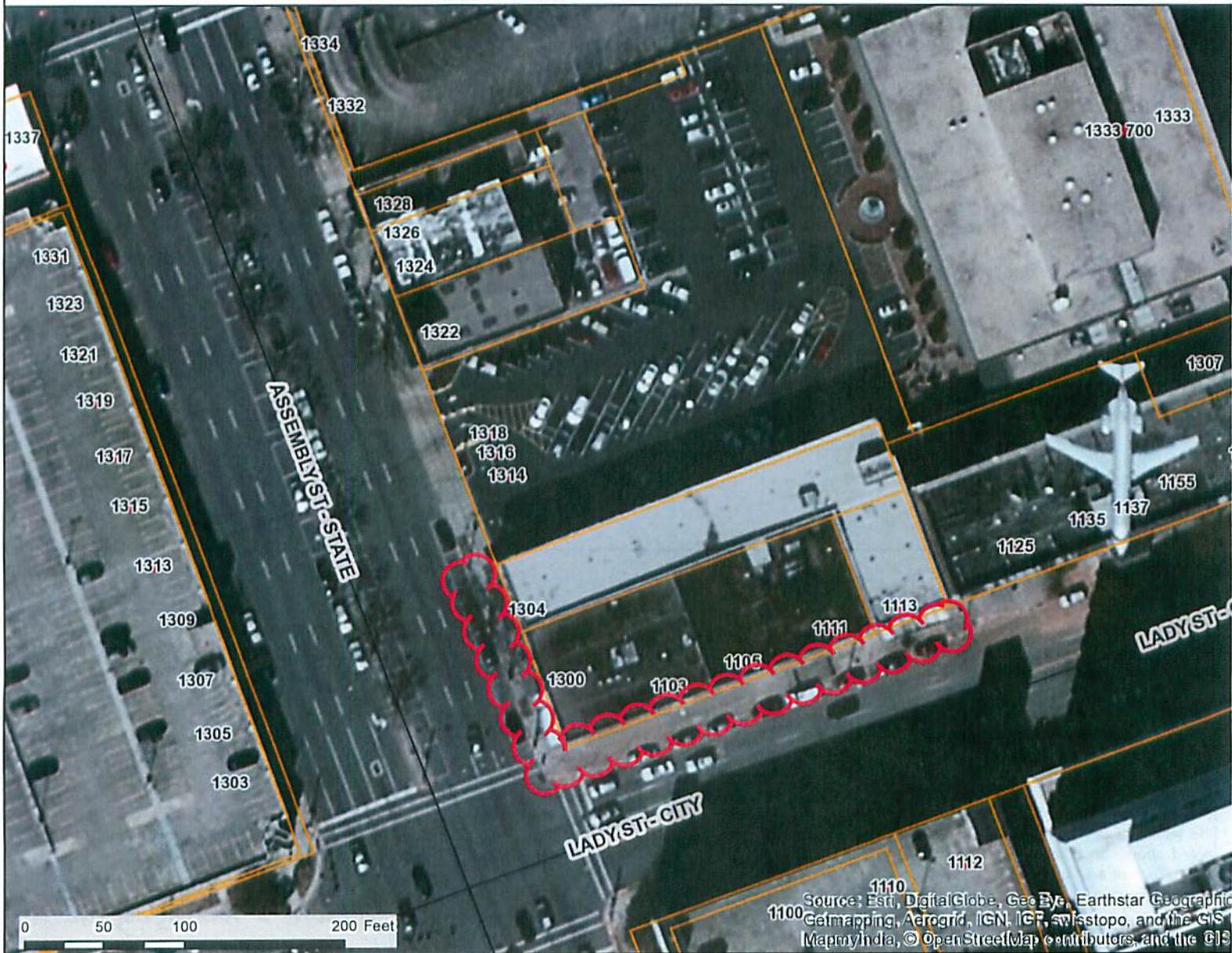
  
 Name/Title: Ben D Arnold - managing member  
 Date: 2/24/16

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

CONTACT	DEPARTMENT	PHONE	FAX	E-MAIL
Johnathan Chambers	Development Services (Land Development)	803-545-3333	803-343-8779	jechambers@columbiasc.net
John Fellows	Development Services (Planning)	803-545-3222	803-733-8647	jsfellows@columbiasc.net
Brian Cook	Development Services (Zoning)	803-545-3332	803-733-8647	kbcook@columbiasc.net
Jerry Thompson	Development Services (Building Inspections)	803-545-3420	803-733-8699	jlthompson@columbiasc.net
Fanessa Pinckney	Development Services (Permits)	803-545-3420	803-733-8699	fcpinckney@columbiasc.net
Amy Moore	Development Services (Historic Preservation)	803-545-3222	803-733-8647	aemoore@columbiasc.net
Robert Harkins	Development Services (Plans Review)	803-545-3420	803-733-8647	rharkins@columbiasc.net
Denny Daniels	Utilities & Engineering (Construction Management)	803-545-3400	803-988-8199	jddaniels@columbiasc.net
Robert Anderson	Public Works (Administration)	803-545-3780	803-733-8648	raanderson@columbiasc.net
Robert Sweat	Public Works (Street Division)	803-545-3790	803-545-3785	rgsweatt@columbiasc.net
David Brewer	Public Works (Traffic Engineering)	803-545-3850	803-733-8648	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
Chip Timmons	Risk Management	803-733-8306	803-733-8245	catimmons@columbiasc.net
David Koon	Fire Department	803-545-3701	803-401-8839	cdgkoon@columbiasc.net
John David Spade	Parking Services	803-545-3070	803-733-8523	spade@columbiasc.net

# City of Columbia

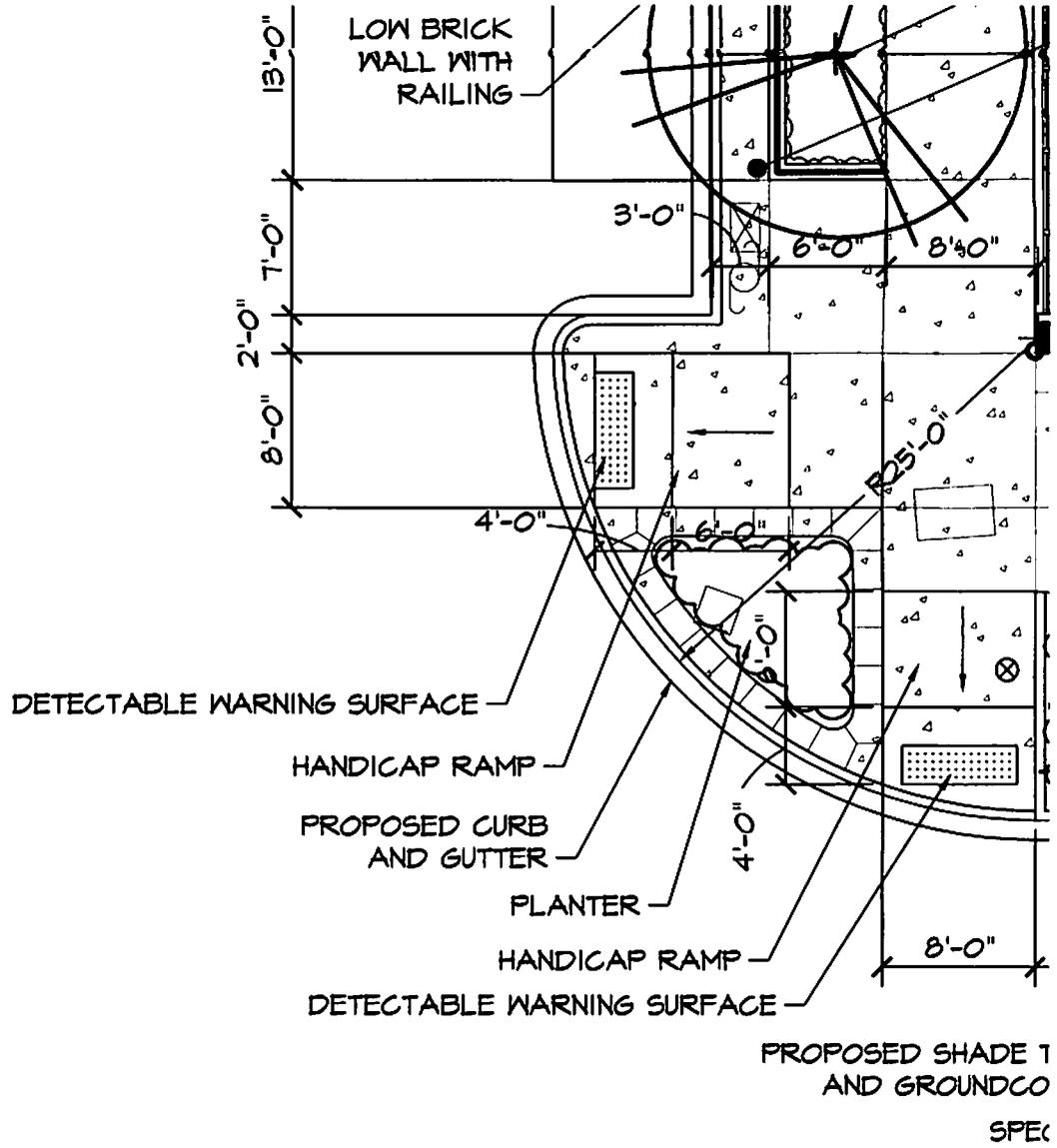
## Arnold Companies - Lady and Assembly Street Encroachment

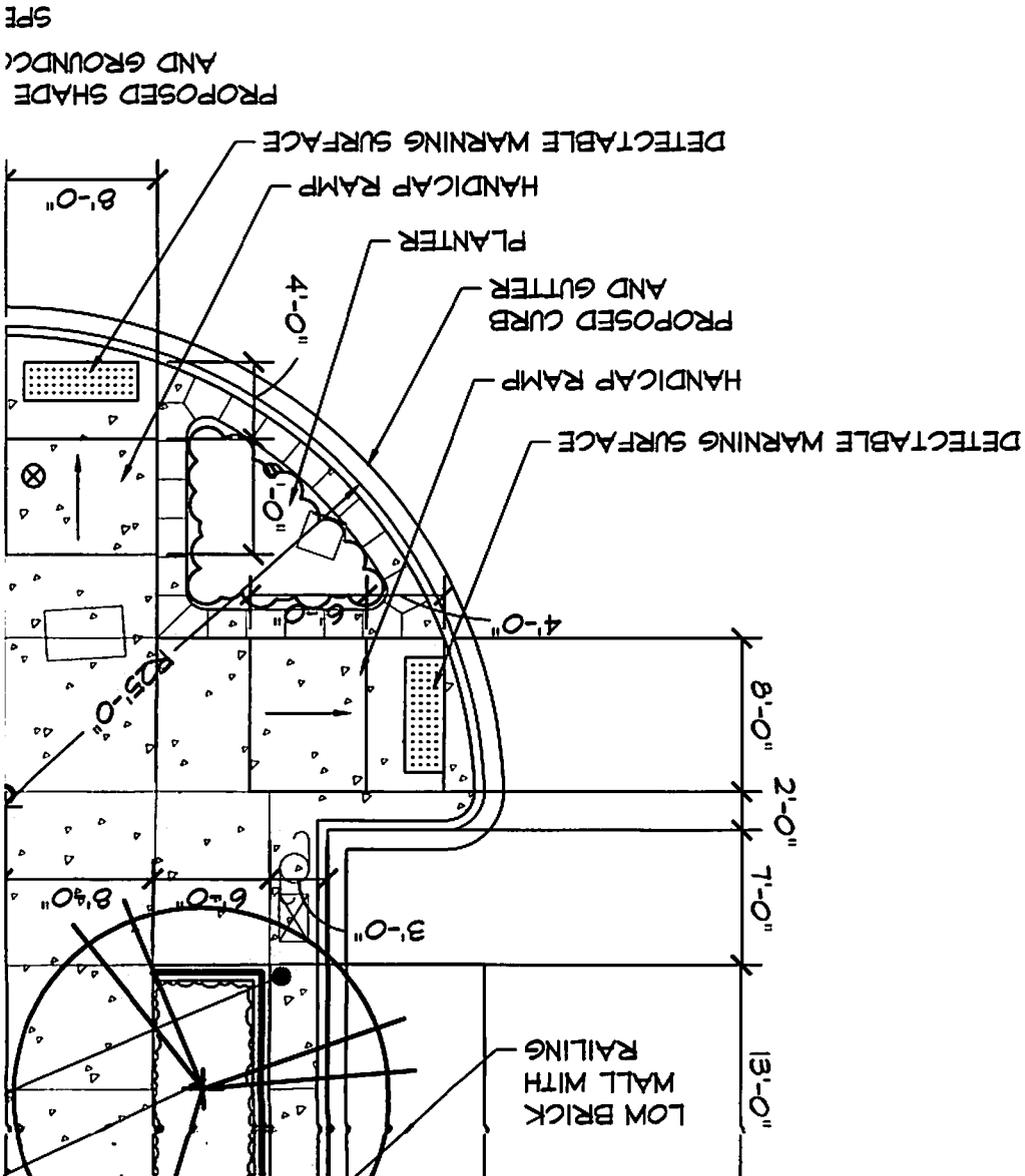


### CITY OF COLUMBIA GIS DATA DISCLAIMER

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PROPOSED SHADE AND GROUND

SPE



March 9, 2016

Johnathan Chambers  
City of Columbia  
Land Development Administrator  
Planning and Development Services  
1136 Washington Street  
Columbia, SC 29201

RE: Johnathan Chamber's email dated March 3, 2016

Dear Johnathan:

Please see our answers to your email in red below each question.

### Planning

- We would like to keep 12 feet pedestrian clear zone along Lady Street – this will become the main pedestrian connection from vista to Main Street and we expect pedestrian traffic to increase. The 2 rows of tables appear tightly spaced, and leaving only 6' for pedestrians on a primary pedestrian corridor is not consistent the Walk Bike Columbia Design Guidelines. A possible alternative would be to stagger the larger row of tables with a row of smaller tables (30", 2-tops) so that there is still 9-10 feet clear for the pedestrian zone. (see attached sketch) If they are having 2 rows, perhaps they should fashion some type of barricade to ensure people don't scoot tables/chairs into the pedestrian zone.

- We are recommending 8 feet pedestrian clear zone along Lady Street. The majority of Downtown Columbia streets have less than an 8 foot clear zone. See attached examples.

- Lighting along park Street shall match city standard of Wadsworth Pole, with Grandville fixture with finial – post color to be green. Details shall be provided on construction plans. Lighting fixtures shall have separate outlet on separate circuit.

- Will comply with City standards.

- Lighting along Assembly Street shall match City Standard of Wadsworth Pole, with Granville Fixture with Finial –post color to be green. Details shall be provided on construction plans. Lighting fixtures shall have separate outlet on separate circuit.

- Will comply with City standards.

- Applicant will need to check with Traffic Eng. to see if a new mil bank and meter are needed for this area.

- We are in discussions with John Spade and David Brewer. The cabinet for signalization is on the southwest corner of Assembly and Lady. John Spade will be in touch with Johnathan Chambers.
- At the end of each light run a utility connection shall be provided to allow future extension of lighting.
  - Waiting on electrical engineer's response.
- Truncated domes shall be steel per PW specifications.
  - Will comply with City standards.
- Specialty pavers shall match the color, texture and pinwheel design of those on Main Street including boarders etc.
  - Should match City approved Lady Street pavers in front of The Palms so that the streetscaping is consistent.
- Materials of wall and wall trim cap shall be deferred to planning staff. Materials and design shall complement existing public infrastructure installed within the DD within the past 10 years.
  - Will comply with City standards.
- Railings design within the Assembly Street Right of way shall be deferred to Planning Staff
  - Will comply with City standards.
- Benches trash receptacles; table and chair specifications shall be submitted for review and approval to Planning Staff.
  - Will comply with City standards.
- Street lights along Assembly Street shall be located outside the pedestrian zone.
  - Locations are designated per drawings.
- All utility grates and covers shall have a non-slip detail.
  - Will comply with City standards.
- For items above we can provide more specifications to the Eng. Dev. Upon request.

### **Street Division**

- Will the right turn lane be removed for the bump outs? Also there is no storm drain along Lady how will the water get around the bump outs? The storm drain on the corner of Lady at Assembly will it be moved?
  - No, the right turn lane will not be removed from the bump outs.

- Storm drain inlets will have to be installed and tied to the drainage line that is behind the curb to the north.
- The storm drainage on the corner of Lady and Assembly will be removed.
- A drainage plan will be prepared.

### Forestry

- The one tree on Lady Street needs to be preserved and incorporated into plans. SCDOT must approve on SCDOT maintained roadways. Maintenance will be the responsibility of the adjacent property owners.

- Will be addressed at City Council hearing.

### Commercial Plans Examiner

- Make sure ramps and railings are installed Per ICC A117.1-2009 and by the IBC 2012. Will the tables be installed now or when each space gets renovated? Tables must be added to occupant load of each tenant which could require additional toilet facilities and/or reduce the amount of inside seating.

- Tables will be installed when each space is renovated and opened for business.
- Tables will be added to occupant load, will comply with City standards.

Sincerely,



Ben D. Arnold  
1300 Assembly Street, LLC

**COWBOY**  
Brazilian Steakhouse

FIRST  
THURSDAY  
— ON FRIDAY

COWBOY  
Brazilian Steakhouse

COWBOY

FDC

5'5"

3'

CLARKSON  
**OPEN** LEASING OFFICE  
APARTMENTS FOR RENT  
Phone: 802-780-0271



1515

7'6"





6'





Tree that we would like to remove



6'6"



5'

BB&T



5' in front of Atlanta Bread tables to City planter

11'6"



6'

5'5"



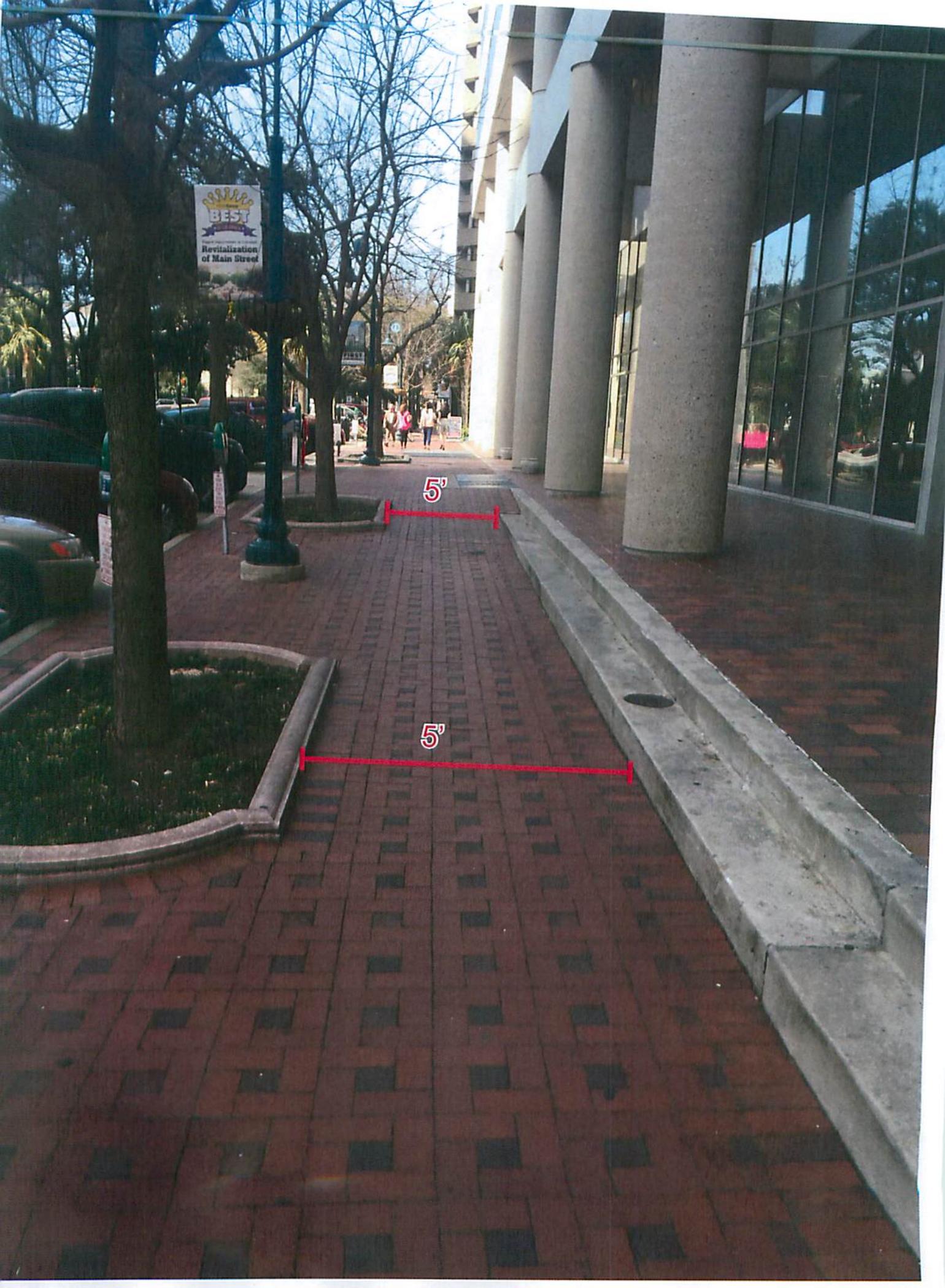
Poles in Walkway



SHOP  
FRESH  
SHOP  
OCCASIONS

4'6"

Pole in middle of  
Walkway



**BEST**  
Revitalization  
of Main Street

5'

5'

The *New*  
**MAIN**  
STREET

COLUMBIA SC

HAMPTON ST  
1280

4'

