

ORDINANCE NO.: 2011-074

*Granting an encroachment to WB Columbia, LLC for placement, installation and maintenance of a wooden deck with built in grill, concrete and brick pavers, wood arbor, concrete piers and aluminum decorative fencing, landscaping and an irrigation system within the right of way area adjacent to 902-F Gervais Street, Richland County TMS #08916-02-01, and fifty-eight (58) chairs, fourteen (14) tables for use by its patrons for outdoor dining during normal business hours*

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STAMPED IN RED

WHEREAS, WB Columbia, LLC, (hereinafter "Grantee") desires to utilize a portion of the right of way area adjacent to 902-F Gervais Street, Richland County TMS #08916-02-01 for installation and maintenance of a concrete patio approximately thirty (30') feet in length and eighteen (18') feet in width with concrete and brick paver inserts and border; four (4) concrete piers approximately sixteen (16") inches in diameter; decorative aluminum fencing approximately four (4') feet in height and thirty-nine (39') feet in length; eight (8) brick columns approximately sixteen (16") inches in diameter; a wooden deck approximately nineteen (19') feet in length and fourteen (14') feet in width with built in grill; landscaping; an irrigation system; and fifty-eight (58) chairs and fourteen (14) tables for use by its patrons for outdoor dining during its normal business hours of 12:00 p.m. to 2:00 a.m., seven days a week, 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 1st day of November, 2011, that Grantee, its successors and assigns, is hereby granted the right to place and maintain a concrete patio approximately thirty (30') feet in length and eighteen (18') feet in width with concrete and brick paver inserts and border; four (4) concrete piers approximately sixteen (16") inches in diameter; decorative aluminum fencing approximately four (4') feet in height and thirty-nine (39') feet in length; eight (8) brick columns approximately sixteen (16") inches in diameter; a wooden deck approximately nineteen (19') feet in length and fourteen (14') feet in width with built in grill; landscaping; an irrigation system; and fifty-eight (58) chairs and fourteen (14) tables for use by its patrons for outdoor dining during its normal business hours of 12:00 p.m. to 2:00 a.m., seven days a week, 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, its successors and assigns, will indemnify and save harmless the City from any and all claims or causes of action which may arise by reason of the construction or maintenance of the aforesaid

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STAMPED IN RED

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 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;

2. Site furnishings shall be reviewed and approved by urban design staff per the City Center Design Guidelines;

3. The addition of the outdoor dining shall not increase the posted capacity of ten (10) persons allowed inside the business, so that if inclement weather occurs outside diners shall not cause overcrowding inside.

4. The location of the tables and chairs shall not impede the path of travel for the assigned exit discharge of the adjoining building.

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

PROVIDED FURTHER that a certificate of insurance be issued as evidence of general liability insurance with at least the minimum amount of \$600,000.00 for personal injury and property damage and naming the City as an insured, be provided to and filed annually with the City Clerk by Grantee, its successors and assigns, 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.

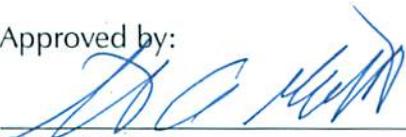
BE IT FURTHER ORDAINED that Grantee, in consideration of the above privilege, shall at its expense provide for protection and, if necessary, relocation of all utilities that might be within this area to the satisfaction of the City Manager.

Requested by:

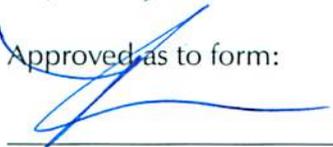
WB Columbia, LLC

  
MAYOR

Approved by:

  
City Manager

Approved as to form:

  
City Attorney

Introduced: 11/1/2011

Final Reading: 11/15/2011

ATTEST:

  
City Clerk

## 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 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.* An encroachment must comply with all existing City codes, rules and regulations, the Americans with Disabilities Act, if applicable, and is 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 homeowners' 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.

Please complete and submit this form along with any attachment(s) to Shari Ardis by e-mail at slardis@columbiasc.net ; fax at 803-737-4250; or mail to Shari Ardis, Legal Department, 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 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: 8-7-11 Property Owner: VERA C. HYMAN  
 Applicant's Name if different from Property Owner: WB COLUMBIA, LLC - RICK SAN MARTIN  
 Contact Information: Telephone Number: 813-765-4380 Fax Number: 813-258-3236  
 Mailing address: 3123 RESEDA CT, TAMPA FL 33618 E-mail address: rsanmartin3@yahoo.com  
 Encroachment Location (Address): 902 - F GERVAIS ST, COLUMBIA SC  
 (If corner lot, include name and block number of side street, i.e., 1737 Main Street and 1100 block of Laurel Street)

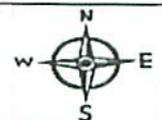
Tax Map Number for Encroachment Location: 08916-02-01

Encroachment type:  Wall  Fence  Columns  Steps  Irrigation System  Landscaping  Driveway  Pavers  
 Walkway/Side walk  Underground Utilities  other  
 If Other - specify: signage under existing awning - see drawings

Dimensions (height/width/length): SEE DRAWINGS  
+/-30'x18' patio w/ pavers, 18" sq. conc. piers and alum decorative fencing, 14'x19' wd deck  
 (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: SEE DRAWINGS  
 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: +/-58 No. of Tables +/- 14  
 Hours of operation for outdoor dining: Outdoor seating 12:00pm - 2:00 am  
 Number of planters: \_\_\_\_\_ Awning: \_\_\_\_\_ (dimensions - size/material) \_\_\_\_\_  
 Other: \_\_\_\_\_ (or complete applicable "Encroachment type" section above)

The proposed ordinance will be sent to the requesting party and City offices for review and approval. Krista Hampton 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	Telephone Number	Fax Number
Joey Jaco	Utilities & Engineering	545-3400	988-8199
Missy Gentry	Public Works	545-3780	733-8648
Krista Hampton	Planning and Development Services	545-3420	733-8647
Jerry Thompson	Building Official	545-3442	733-8699
Sara Hollar	Forestry & Beautification	545-3860	733-8648
Amy Moore	Historic Preservation	545-3222	733-8647
Fred Delk	Columbia Dev. Corporation	988-8040	988-8039
Chip Timmons	Risk Management	733-8306	733-8245
Dana Higgins	Construction Management	545-3372	545-4130
David Brewer	Traffic Engineering	545-3850	733-8648
Robert Sweatt	Street Division	545-3790	545-3785
Jonathan Chambers	Planning and Development Services	545-3206	343-8779
Carmen Floyd	Fire Marshall	545-3703	401-8839
Nancy Lee Trihey	Planning and Development Services	545-3218	733-8647
John Fellows	Planning and Development Services	545-3222	733-8647



Matter No.: 11091476  
 Attorney: KG/SLA  
 Date In: 9-9-11  
 File No.: 2011-074  
 Date Out: 9/22/2011

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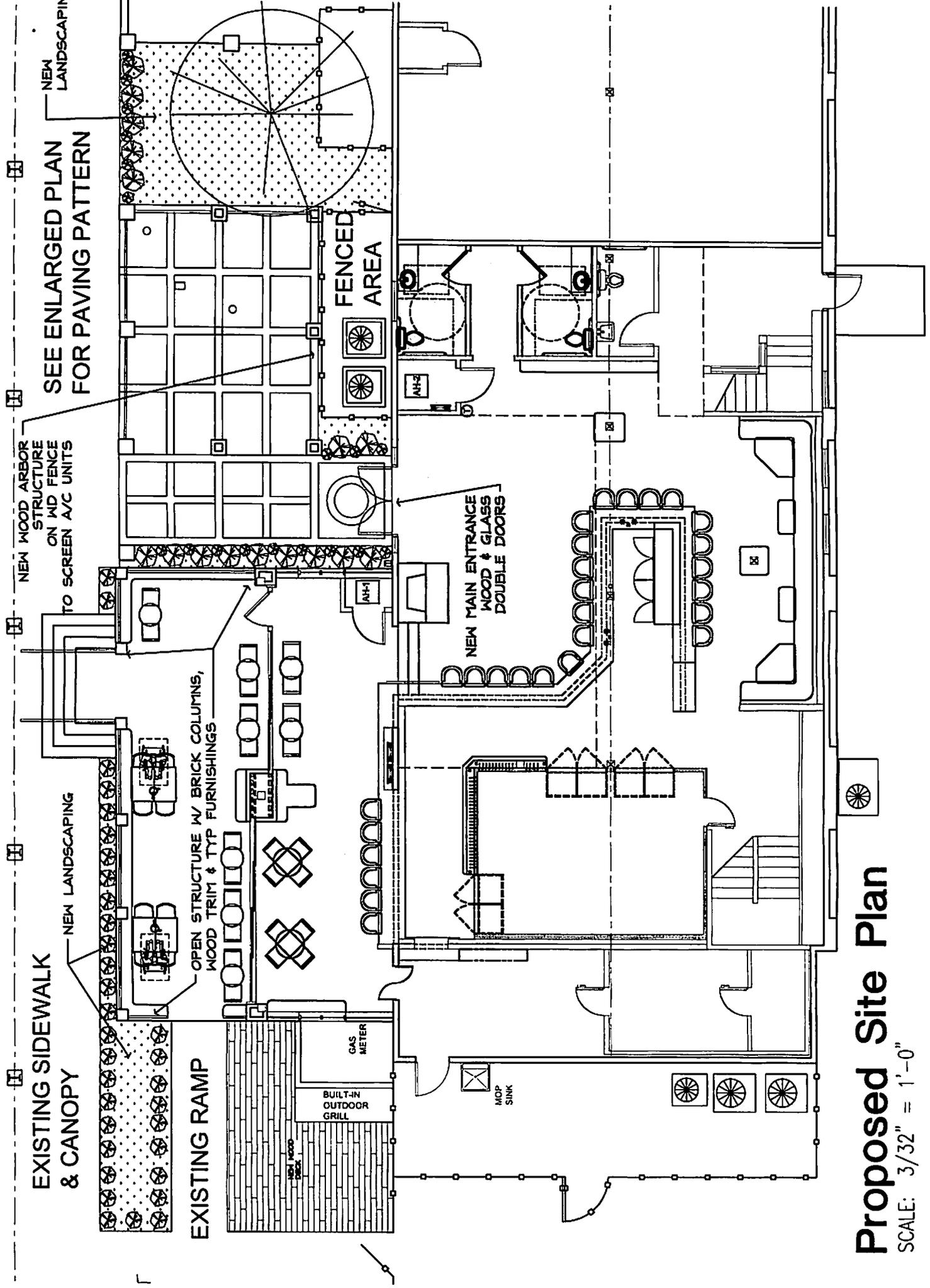
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EXISTING SIDEWALK  
& CANOPY

SEE ENLARGED PLAN  
FOR PAVING PATTERN

NEW WOOD ARBOR  
STRUCTURE  
ON WD FENCE  
TO SCREEN A/C UNITS

NEW LANDSCAPING

EXISTING RAMP

OPEN STRUCTURE W/ BRICK COLUMNS,  
WOOD TRIM & TYP FURNISHINGS

FENCED  
AREA

NEW MAIN ENTRANCE  
WOOD & GLASS  
DOUBLE DOORS

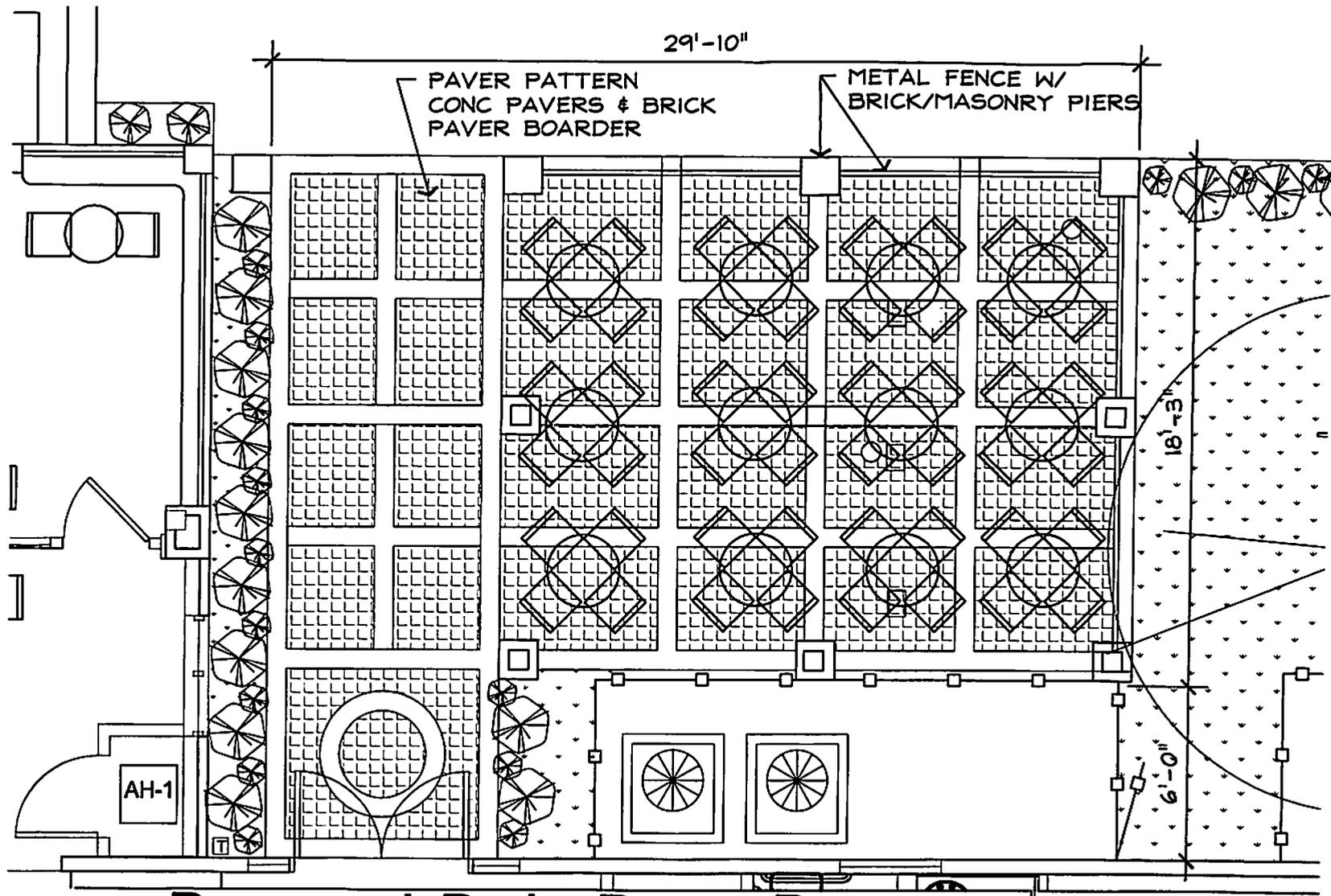
BUILT-IN  
OUTDOOR  
GRILL

GAS  
METER

MOP  
SINK

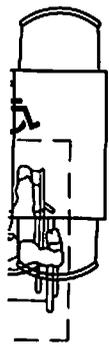
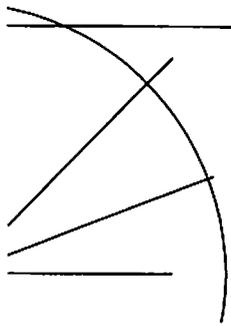
# Proposed Site Plan

SCALE: 3/32" = 1'-0"



# Proposed Patio Paver Pattern

SCALE:  $\frac{3}{16}'' = 1'-0''$



**EXISTING RAMP**

OPEN STRU  
WOOD TRIM

18'-10"

NEW WOOD  
DECK

14'-6"

BUILT-IN  
OUTDOOR  
GRILL

GAS  
METER

MCP

**Proposed Site Plan**

SCALE: 1/4" = 1'-0"

