



City of West Columbia
Bridging Past, Present and Future

Agenda
Regular Council Meeting
December 1, 2015 at 6:00 PM
200 N. 12th Street
West Columbia, SC 29169

	Page
1. CALL TO ORDER	
2. DETERMINATION OF A QUORUM	
3. ELECTION OF A COUNCIL CHAIRPERSON FOR A ONE-YEAR TERM	
4. ELECTION OF THE MAYOR PRO TEM FOR A TWO-YEAR TERM	
5. INVOCATION	
6. PLEDGE OF ALLEGIANCE	
7. ANNOUNCEMENTS/COMMUNICATIONS BY THE MAYOR	
8. REQUESTS FOR APPEARANCES/CITIZEN COMMENT PERIOD	
8.1. Mr. Matt Mundy with Estates, Inc., Re: Presentation on PUD Development at the Intersection of Meeting and State Streets	
9. ADJOURN TO EXECUTIVE SESSION	
9.1. To Receive Legal Advice and Information Related to PUD Ordinance - Jim Meggs, Esquire (Pursuant to SC Code Section 30-4-70 (A) (2)	
9.2. To Discuss Personnel Matters Related to Commission and Board Appointments (Pursuant to SC Code Section 30-4-70 (A) (1)	
10. RECONVENE TO REGULAR SESSION	
11. UNFINISHED BUSINESS	
11.1. Second Reading Consideration of an Ordinance to Annex .3 Acres of Property (TMS # 005737-01-013) Known as 2006 Platt Springs Road (15-ANX-07) ANNEXATION Ordinance 15ANX-07 2006 Platt Springs	3 - 6
11.2. Second Reading Consideration of an Ordinance to Annex a Total of .43 Acres of Property (TMS # 004617-05-024; 023 and 04-042) Known as 316, 318, and 331 Gaffney Street (15ANX-08) ANNEXATION Ordinance 15ANX-08 316 318 331 Gaffney Street	7 - 12
11.3. Second Reading Consideration of Planning Commission's Recommendation to Adopt an Amendment to the City of West Columbia Zoning Ordinance Regulating Food Trucks (PC15-11) PC15-11	13 - 25

11.4.	Second Reading Consideration of Planning Commission's Recommendation to Adopt an Amendment to the City of West Columbia Zoning Ordinance Regulating Food Truck Courts (PC15-12) PC15-12	26 - 35
11.5.	Second Reading Consideration of Planning Commission's Recommendation to Establish the Zoning Classification for .72 acres at 225 Hammond Ave West Columbia, SC (TMS# 004628-03-019 and 004628-03-025 Now Combined as One Parcel) as R2 (Medium Density Residential) (PC15-10) PC15-10	36 - 37
11.6.	Second Reading Consideration of Planning Commission's Recommendation to Adopt Amendments to Sections 709.9 and 709.10 Addressing Parking Requirements and Sign Standards for Planned Unit Developments (PUD) (PC15-13) PC15-13	38 - 39
12.	NEW BUSINESS	
12.1.	First Reading Consideration of the Planning Commission's Recommendation to Approve a Map Amendment to Rezone Four +/- Acres at the Intersection of Meeting Street and State Street (TMS# 004647-31-002, 003, 004, 007, 010, 011, 012, and 013) from C-1 (Intensive Commercial) and C-2 (General Commercial) to PUD-C. ORDINANCE PUD Brookland	40 - 41
12.2.	First Reading Consideration of an Ordinance to Annex Approximately .25 Acres of Property (TMS# 004627-01-003) Known as 2213 Thornton Avenue (15ANX-09) ANNEXATION 15ANX-09 2213 Thornton Ave	42 - 45
12.3.	First Reading Consideration of the Planning Commission's Recommendation to Establish the Zoning Classification for 13.09 acres at 420 Davega Drive (TMS# 003698-01-005) as C-2 (General Commercial) (PC15-14) PC15-14	46 - 47
12.4.	Consideration to Approve the Lexington County Public Safety Answering Point Agreement for 911 Call Answering and Dispatch Communications Lexington County Public Safety Answering Point Agreement for 911 Call Answering and Dispatch Communications	48 - 49
12.5.	Consideration to Approve a \$15,500.00 Change Order for the Cedar Road at Mineral Springs Road Waterline Relocation Project Change Order Request 110815	50 - 51
12.6.	Consideration of Appointments to the West Columbia Planning Commission	
12.7.	Consideration of Appointments to the Zoning Board of Appeals	
12.8.	Consideration to Reappoint the Law Firm of Setzler & Scott, PA as City Attorney for a Two-Year Term	
12.9.	Consideration to Reappoint Municipal Judge, Kenneth W. Ebener, Esquire for a Two-Year Term	
12.10.	Consideration to Reappoint City Treasurer, Justin Black, CPA, for a Two-Year Term	
12.11.	Consideration to Reappoint City Clerk, Kelli Ricard, for a Two-Year Term	
13.	ADJOURNMENT	

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

CITY OF WEST COLUMBIA)

ANNEXATION ORDINANCE

15ANX-07

WHEREAS, a petition for annexation dated October 19, 2015, and signed by the petitioner, Karen Kane, the sole owner(s) of the property described herein, was presented to the City of West Columbia under the provisions of Section 5-3-150 of the 1976 Code of Laws of the State of South Carolina, as amended; and

WHEREAS, it has been determined that the area is contiguous to the city limits of West Columbia, and the City Council for the City of West Columbia has determined that all legal requirements necessary to the annexation of the property described below have been fully complied with; and

WHEREAS, it is the desire of City Council to annex the area to the City of West Columbia.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED by the Council of the City of West Columbia as follows:

1. That the area herein below is hereby annexed to the City of West Columbia and the corporate limits of the City of West Columbia are hereby extended to include said property being described as follows:

All that certain piece, tract, parcel, or lot of land, with any improvements thereon, situate, lying and being on the north side of Platt Springs Road in the County of Lexington, the State of South Carolina, and being further described with the following boundaries: on the north by property now or formerly in the name of Smith Shealy Steel Service, Inc. (TMS # 5737-01-003) for a distance of approximately Eighty (80') feet; on the east by property now or formerly in the name of Bobby G. Newman (TMS # 5737-01-014) for a distance of approximately One Hundred Sixty-five (165') feet; on the south by Platt Springs Road for a distance of approximately Eighty (80') feet; and on the west by property now or formerly in the name of Mary H. Shumpert (TMS # 5737-01-012) for a distance of approximately One Hundred Sixty-eight (168') feet; for a total area of approximately .3 acres.

ALSO KNOWN AS: **2006 Platt Springs Road**

TMS# **5737-01-013**

Also included shall be all portions of any State or County street, road or right-of-way, which abut or adjoin the above-described property.

2. BE IT FURTHER ORDAINED that under the provisions of the West Columbia Zoning Ordinance, an interim zoning classification of C-3 (Restricted Commercial) be established for the above-described area.
3. The City shall publish notice of this annexation once in a newspaper of general circulation within the City of West Columbia.
4. The City shall notify and file with the Secretary of State, the State Department of Transportation, the Department of Public Safety, SC Revenue & Fiscal Affairs Office, and any other state or local entity or agency as necessary, a copy of this ordinance as notice and description of the new boundary of the City of West Columbia; and provide such agencies any additional information as may be required for clarification by said agencies.

ENACTED AND ORDAINED by Council duly assembled this _____ day of _____, 2015.

Bobby E. Horton – Mayor

ATTEST:

Kelli D. Ricard, City Clerk

First Reading:

Second Reading:

Current Data

[Back to Menu](#)

[Help](#)

Layers

Visible Active

- Lake Murray
- 2003 Aerial Grid
- Tax Map Grid
- Interstates
- Arterial Roads
- Collector Roads
- Local Roads
- Railroads
- Streams
- Ponds
- Tax Map Number
- Parcels
- County Outline
- Municipality
- Landscape Ordinance
- County
- Landscape Ordinance
- CAE Noise Zones
- Subdivisions
- Municipality
- Zip Codes
- Zoning

2006 Platt Springs Road

TMS# 5737-01-013

Parcels					
Rec	Tax Map Number	Property Address	Owner Name	Mailing Address	City
1	005737-01-013	2006 PLATT SPRINGS RD	NEWMAN, BOBBY G	2006 PLATT SPRINGS RD	WEST COLU

Pan

STATE OF SOUTH CAROLINA)

COUNTY OF LEXINGTON)

CITY OF WEST COLUMBIA)

ANNEXATION ORDINANCE

15ANX-08

WHEREAS, a petition for annexation dated October 29, 2015, and signed by the petitioners, CHARLES DICKERSON, ELINORE STEVENS & MOLLIE N. DICKERSON, the sole owners of the property described herein, was presented to the City of West Columbia under the provisions of Section 5-3-150 of the 1976 Code of Laws of the State of South Carolina, as amended; and

WHEREAS, it has been determined that the area is contiguous to the city limits of West Columbia, and the City Council for the City of West Columbia has determined that all legal requirements necessary to the annexation of the property described below have been fully complied with; and

WHEREAS, it is the desire of City Council to annex the area to the City of West Columbia.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED by the Council of the City of West Columbia as follows:

1. That the area herein below is hereby annexed to the City of West Columbia and the corporate limits of the City of West Columbia are hereby extended to include said property being described as follows:

All that certain piece, parcel, tract or lot of land, with any improvements thereon, situate, lying and being on the east side of Gaffney Street, in the County of Lexington, the State of South Carolina, and being further described with the following boundaries: on the north by property now or formerly in the name of Elinore Stevens (318 Gaffney St – TMS # 4617-05-023) for a distance of approximately One Hundred (100') feet; on the east by property now or formerly in the name of Charles W. Dickerson (313 Guilford St. – TMS # 4617-05-011) for a distance of approximately Sixty (60') feet; on the south by property now or formerly in the names of Ronald W. & Patricia G. Jowers (314 Gaffney St. – TMS # 4617-05-025) for a distance of approximately One Hundred (100') feet; and on the west by Gaffney Street for a distance of approximately Sixty (60') feet; for a total area of approximately **.14 acres.**

ALSO KNOWN AS: **316 Gaffney Street**

TMS# **004617-05-024**

ALSO INCLUDED: All that certain piece, parcel, tract or lot of land, with any improvements thereon, situate, lying and being on the east side of Gaffney Street, in the County of Lexington, the State of South Carolina, and being further described with the following boundaries: on the north by property now or formerly in the names of Janice W. & Mitchell Poston (322 Gaffney St – TMS # 4617-05-022) for a distance of approximately One Hundred (100') feet; on the east by property now or formerly in the name of Charlotte D. Lawson (317 Guilford St. – TMS # 4617-05-010) for a distance of approximately Sixty (60') feet; on the south by property now or formerly in the name of Charles W. Dickerson (316 Gaffney St. – TMS # 4617-05-024) for a distance of approximately One Hundred (100') feet; and on the west by Gaffney Street for a distance of approximately Sixty (60') feet; for a total area of approximately **.14 acres**.

ALSO KNOWN AS: **318 Gaffney Street**

TMS# **004617-05-023**

ALSO INCLUDED: All that certain piece, parcel, tract or lot of land, with any improvements thereon, situate, lying and being on the west side of Gaffney Street, in the County of Lexington, the State of South Carolina, and being further described with the following boundaries: on the north by property now or formerly in the name of Donna L. Brazell (335 Gaffney St – TMS # 4617-04-043) for a distance of approximately Seventy-three (73') feet; on the east by Gaffney Street for a distance of approximately Ninety-two (92') feet; on the south by property now or formerly in the name of Lou S. Major (328 Greenwood Rd – TMS # 4617-04-036) for a distance of approximately Sixty-seven (67') feet; and on the west by property now or formerly in the name of Katherine Boyle (336 Greenwood Rd – TMS # 4617-04-035) for a distance of approximately Ninety-six (96') feet; for a total area of approximately **.15 acres**.

ALSO KNOWN AS: **331 Gaffney Street**

TMS# **004617-04-042**

Also included shall be all portions of any State or County street, road or right-of-way, which abut or adjoin the above-described property.

2. BE IT FURTHER ORDAINED that under the provisions of the West Columbia Zoning Ordinance, an interim zoning classification of **R-2** (Medium Density Residential) be established for the above-described area.
3. The City shall publish notice of this annexation once in a newspaper of general circulation within the City of West Columbia.

4. The City shall notify and file with the Secretary of State, the State Department of Transportation, the Department of Public Safety, the SC Revenue & Fiscal Affairs Office, and any other state or local entity or agency as necessary, a copy of this ordinance as notice and description of the new boundary of the City of West Columbia; and provide such agencies any additional information as may be required for clarification by said agencies.

ENACTED AND ORDAINED by Council duly assembled this _____ day of _____, 2015.

Bobby E. Horton – Mayor

ATTEST:

Kelli D. Ricard, City Clerk

First Reading:

Second Reading:

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF WEST COLUMBIA)

ANNEXATION PETITION

TO THE COUNCIL FOR THE CITY OF WEST COLUMBIA:

CHARLES W. DICKERSON, ELINORE STEVENS, and MOLLIE N. DICKERSON, being the sole owners of the real estate described herein, do hereby petition and request the City of West Columbia to annex and include within the corporate limits of the City of West Columbia the area herein described. This petition and request for annexation is made pursuant to Section 5-3-150 of the 1976 Code of Laws of the State of South Carolina as amended. The tract of land hereby requested for annexation is contiguous to the City of West Columbia and is described as follows:

All that certain piece, parcel, tract or lot of land, with any improvements thereon, situate, lying and being on the east side of Gaffney Street, in the County of Lexington, the State of South Carolina, and being further described with the following boundaries: on the north by property now or formerly in the name of Elinore Stevens (318 Gaffney St – TMS # 4617-05-023) for a distance of approximately One Hundred (100') feet; on the east by property now or formerly in the name of Charles W. Dickerson (313 Guilford St. – TMS # 4617-05-011) for a distance of approximately Sixty (60') feet; on the south by property now or formerly in the names of Ronald W. & Patricia G. Jowers (314 Gaffney St. – TMS # 4617-05-025) for a distance of approximately One Hundred (100') feet; and on the west by Gaffney Street for a distance of approximately Sixty (60') feet; for a total area of approximately .14 acres.

ALSO KNOWN AS: **316 Gaffney Street**

TMS# **004617-05-024**

ALSO INCLUDED: All that certain piece, parcel, tract or lot of land, with any improvements thereon, situate, lying and being on the east side of Gaffney Street, in the County of Lexington, the State of South Carolina, and being further described with the following boundaries: on the north by property now or formerly in the names of Janice W. & Mitchell Poston (322 Gaffney St – TMS # 4617-05-022) for a distance of approximately One Hundred (100') feet; on the east by property now or formerly in the name of Charlotte D. Lawson (317 Guilford St. – TMS # 4617-05-010) for a distance of approximately Sixty (60') feet; on the south by property now or formerly in the name of Charles W. Dickerson (316 Gaffney St. – TMS # 4617-05-024) for a distance of approximately One Hundred (100') feet; and on the west by Gaffney Street for a distance of approximately Sixty (60') feet; for a total area of approximately .14 acres.

ALSO KNOWN AS: 318 Gaffney Street

TMS# 004617-05-023

ALSO INCLUDED: All that certain piece, parcel, tract or lot of land, with any improvements thereon, situate, lying and being on the west side of Gaffney Street, in the County of Lexington, the State of South Carolina, and being further described with the following boundaries: on the north by property now or formerly in the name of Donna L. Brazell (335 Gaffney St – TMS # 4617-04-043) for a distance of approximately Seventy-three (73') feet; on the east by Gaffney Street for a distance of approximately Ninety-two (92') feet; on the south by property now or formerly in the name of Lou S. Major (328 Greenwood Rd – TMS # 4617-04-036) for a distance of approximately Sixty-seven (67') feet; and on the west by property now or formerly in the name of Katherine Boyle (336 Greenwood Rd – TMS # 4617-04-035) for a distance of approximately Ninety-six (96') feet; for a total area of approximately **.15 acres**.

ALSO KNOWN AS: 331 Gaffney Street

TMS# 004617-04-042

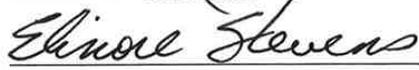
Also included shall be all portions of any State or County street, road or right-of-way, which abut or adjoin the above-described property.

The Petitioners respectfully request the City of West Columbia to grant this Petition for annexation.

DATE OF SIGNATURES:

Oct 29, 2015


Charles W. Dickerson


Elinore Stevens


Mollie N. Dickerson

Back to Menu Help

Current Data

Layers

Visible Active

- Lake Murray
- 2003 Aerial Grid
- Tax Map Grid
- Interstates
- Arterial Roads
- Collector Roads
- Local Roads
- Railroads
- Streams
- Ponds
- Tax Map Number
- Parcels
- County Outline
- Municipality
- Landscape Ordinance
- County
- Landscape Ordinance
- CAE Noise Zones
- Subdivisions
- Municipality
- Zip Codes
- Zoning

Refresh Map

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316 GAFFNEY ST – TMS # 4617-05-024
318 GAFFNEY ST – TMS # 4617-05-023
331 GAFFNEY ST – TMS # 4617-04-042

Parcels						
Rec	Tax Map Number	Property Address	Owner Name	Mailing Address	City	State
1	004617-04-042	331 GAFFNEY ST	DICKERSON, MOLLIE N	331 GAFFNEY ST	WEST COLUMBIA	SC

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PLANNING COMMISSION CASE PC15-11

Consideration of the Planning Commission's Recommendation to Adopt an Amendment to the City of West Columbia Zoning Ordinance Regulating Food Trucks

Analysis:

The city permits food trucks under the peddler's license; currently there are eight food trucks permitted. The food trucks range from serving snow cones to hamburgers. While there are conditions to receive a peddler's license, the conditions do not specifically address food trucks. As a growing economic and cultural trend, likely there will be more requests in the future. An example of this growing trend is that food trucks are now serving lunch at high schools. I have included a September, 2013 *Zoning Practice* from the American Planning Association with more background on how to regulate food trucks.

The draft provided to the Planning Commission was reviewed by the City Attorney. On October 26 2015, the Planning Commission held a public hearing and received feedback and suggestions from members of the public. Additionally, a staff member from the South Carolina Department of Health and Environment Control offered suggestions since SCDHEC regulates food trucks. Attached is the revised draft reflecting both the Planning Commission's suggestions as well as SCDHEC's comments.

Recommendation:

The Planning Commission voted unanimously to recommend to City Council an Amendment to the City of West Columbia Zoning Ordinance Regulating Food Trucks as revised by the Planning Commission on October 26, 2015.

816 Regulation of Food Trucks

816.1 Definitions

- A. **Food Truck:** A food truck or a mobile food unit is defined as a fully enclosed mobile kitchen that may prepare, cook or serve time/temperature control for safety foods as an extension of a retail food establishment. A food truck must be permitted by the South Carolina Department of Health and Environmental Control ("SCDHEC") in order to operate from a retail food establishment.
- B. **Commissary:** A commissary is a permitted retail food establishment that is authorized by SCDHEC to provide support of operations, storage, and service area for mobile food units, and is constructed and operated in compliance with the Retail Food Establishment Regulation 61-25. A food truck reports to each day of operation and shall be stored onsite at the commissary.

816.2 Conditions: A person may operate a food truck on private property under the following conditions:

- A. Food truck vendor shall prominently display the SCDHEC letter grade;
- B. Food truck vendor must comply with all requirements and regulations as established by SCDHEC in the Retail Food Establishments Regulation 61-25, including but not limited to:
 - a. The food truck shall have a potable water system under pressure. The system shall furnish hot and cold water for all food preparation, utensil cleaning, and handwashing. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled;
 - b. Grease must be contained and disposed of in an approved grease receptacle located at the associated commissary;
 - c. Grey water must be contained and disposed of in a sanitary sewer at the associated commissary;
- C. Maintains within the food truck proof of written permission from the private property owner or authorized lease holder of the private property of each vending location if operating on private property;
- D. Receives annually a zoning compliance permit to operate a food truck, a copy of which shall remain in the food truck during operation;
- E. When not in operation, the food truck must be removed from the parcel and the operator must remove from the parcel all materials associated with the business. No food truck shall operate between the hours of 10:00 PM and 6:00 AM if the parcel upon which the food truck is located is within 400 feet of a parcel zoned residentially;
- F. The use of any sound amplification is prohibited regardless of the intended purpose;

- G. The sale or service of alcoholic beverages is prohibited;
- H. Signs affixed to the food truck advertising the name of truck and a menu of items sold are permitted. All other signs, balloons, banners, streamers or other similar devices to attract customers are prohibited;
- I. The food truck vendor shall not operate the food truck as a drive-in window;
- J. The noise level from the food truck motor and generator must comply with the City's Noise Ordinance;
- K. A garbage receptacle shall be provided for customers in a convenient location that does not impede pedestrian or vehicular traffic. All litter or debris generated within a minimum of a 25-foot radius of the food truck shall be collected and removed by the food truck operator;
- L. Any extemporaneous service items, tables, etc. that a food truck operator may place outside of the vehicle shall not extend further than a 15-foot radius of the food truck.
- M. No temporary lighting shall be provided on site where the food truck is operating, except that localized lighting may be used on or in the mobile food truck for the purpose of inside food preparation and menu illumination;
- N. Mobile food truck operators must provide hand sanitation for customers;
- O. Food trucks shall operate in conjunction with a permitted retail food establishment authorized to operate as a commissary and shall report at least daily to the designated commissary for supplies, cleaning, and servicing.

816.3 Application. In order to operate a food truck within the City, a food truck operator must apply to the City for a zoning compliance permit and a business license by submitting to the Zoning Administrator the following:

- A. An application for a Zoning Compliance Permit;
- B. An application for a business license;
- C. Proof of general liability insurance for operation of the vehicle as a motor vehicle, and conduct of the business if the business is to be conducted on public property, in amounts reasonably determined by the City in consultation with its risk manager; And
- D. Documentation of approval from SCDHEC to operate.

816.4 Operation.

A. Public Spaces. Food truck vendors may operate on City-owned property and public property, provided as follows:

- a. Locates only within a zoning district that would otherwise permit the business;

- b. Locates at least 100 feet from the customer entrance of a lawfully established restaurant during the hours of its operation unless the owner of the restaurant provides a letter of consent, a copy of which shall be kept within the food truck;
- c. The food truck shall not occupy any handicap accessible parking space;
- d. The food truck shall not occupy a parking space or spaces required to meet the minimum parking standards for the principle use and the vending location shall not otherwise interfere in a significant way with the movement of motor vehicles;
- e. The food truck shall be positioned in a parking space and shall not block drive aisles, other access to loading/service areas, or emergency access and fire lanes;
- f. The food truck must be positioned at least 15 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, handicapped parking spaces, sidewalks, tree trunks and vegetation;

B. Private Spaces. Food truck vendors may operate on privately-owned spaces so long as they receive written permission from the private property owner or authorized lease holder of the private property of each vending location, provided as follows:

- a. Locates only within a zoning district that would otherwise permit the business;
- b. Locates at least 100 feet from the customer entrance of a lawfully established restaurant during the hours of its operation unless the owner of the restaurant provides a letter of consent, a copy of which shall be kept within the food truck;
- c. The food truck shall not occupy any handicap accessible parking space;
- d. The food truck shall not occupy a parking space or spaces required to meet the minimum parking standards for the principle use and the vending location shall not otherwise interfere in a significant way with the movement of motor vehicles;
- e. The food truck shall be positioned in a parking space and shall not block drive aisles, other access to loading/service areas, or emergency access and fire lanes;
- f. The food truck must be positioned at least 15 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, handicapped parking spaces, sidewalks, tree trunks and vegetation;

C. Special Events. Nothing in this section should be read to prohibit the City from conducting special events that feature food trucks. Food truck vendors may operate as part of special events if approved by the City to operate within that capacity.

816.5 Suspension and Revocation of Permit

- A. The permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in Section 816.2 above.

- B. The Zoning Administrator may revoke a permit if he or she determines that the food truck vendor's operations are causing parking, traffic congestion or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.**

ZONING PRACTICE

SEPTEMBER 2013



AMERICAN PLANNING ASSOCIATION

➔ ISSUE NUMBER 9

PRACTICE FOOD TRUCKS



Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending

By Rodney Arroyo, AICP, and Jill Bahm, AICP

Recent economic and cultural trends show an explosion in the popularity of food trucks, or mobile vendors, over the past several years.



According to research done by Emergent for the National Restaurant Association, the growth of mobile food trucks will soar in the next five years, generating up to \$2.7 billion in revenue nationally by 2017—up from \$650 million in 2012 (Emergent Research 2012). All across the country, cities, small towns, and suburbs are seeing food trucks popping up, some in unexpected places like office and industrial parks, where zoning ordinances typically preclude res-

taurants. Amplifying the push for food trucks are the twin trends of “buying local” and “food as entertainment” that are enhanced by programs such as the *Great Food Truck Race* on the Food Network. While ice cream trucks and job-site lunch wagons haven’t disappeared, they are increasingly being joined by gourmet trucks and trucks specializing in ethnic offerings.

All across the United States, people are exploring how mobile food vending might

make a difference in their lives and their communities. More resources are starting to become available for potential business owners. Networks for mobile food vendors are growing; the Southern California Mobile Food Vendors Association was formed in 2010 as one of the first associations dedicated to helping vendors break down barriers to business (www.socalmfva.com). And this fall, Roam—a first-ever industry conference for mobile food

ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of September to participate in our "Ask the Author" forum, an interactive feature of Zoning Practice. Rodney Arroyo, AICP, and Jill Bahm, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The authors will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at unannounced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

About the Authors

Rodney Arroyo, AICP, is president of Clearzoning, Inc. He holds a Master of City Planning degree from Georgia Tech and has more than 30 years' expertise in planning and transportation. His experience includes master plans, zoning ordinances, form-based codes, corridor studies, and access management plans. Arroyo also serves as an expert witness in planning and zoning issues, is a national and state planning award winner, and serves as an adjunct professor for Wayne State University's graduate urban planning program.

Jill Bahm, AICP, is a principal planner with Clearzoning, Inc. She holds a Master of Urban and Regional Planning degree and has worked in both the public and private sectors as a downtown development authority director, city planner, and real estate marketing professional. Bahm's professional interests include economic development, recreation planning, historic preservation, community participation, and organizational development.

suppliers and owners—will take place in Portland, Oregon.

On the worldwide stage, the World Street Food Congress is the first of its kind to connect and open up fresh ideas and thought leadership in the massive and growing street-food culture and industry throughout the world. This 10-day street-food festival was hosted in Singapore in January 2013 and featured well-known leaders in the food industry (www.wsfcongress.com).

Faced with inquiries from food vendors, many communities turn to their zoning codes, only to discover that mobile food vending isn't really defined and may not be permitted in the way vendors might like. With the approach to regulating mobile vending varying widely in communities, it can be hard to know where to begin when considering if and how to accommodate food trucks.

WHAT IS MOBILE FOOD VENDING?

Regulatory codes for many communities recognize transient merchants—those goods and services provided by a traveling vendor. The typical ice cream truck would be a good example of a transient merchant who is mobile most of the time, stopping only when requested for a few short minutes. Many operators of today's food trucks or carts, however, are seeking more than a few minutes on the street, sidewalk, or parking lot, staying in place for a few hours to serve breakfast, lunch, or dinner. In fact, when they are located on private property, some food trucks may be in one location for days, weeks, or even months. It is important to make a dis-

inction between the food vendors that are more transient in nature, like an ice cream truck, and those that seek to move about less frequently. Both types of uses can offer benefits to the community, and they will each have different potential issues to regulate.

Many mobile food vendors utilize self-driven vehicles that permit easy relocation throughout the community. However, mobile food vending also includes trailers, food kiosks, and food carts. Food kiosks are temporary stands or booths that are typically intended to sell prepared foods, including ice cream, pretzels, and the like. Food kiosks may be found inside a large office building or shopping mall, but may also be secured for outside use. Some communities, like Maui County, Hawaii, allow a variety of products to be sold at a kiosk, provided certain standards are met (\$30,08,030). While temporary in structure, food kiosks are often stationary with a defined location. Food carts allow the vendor to sell from outside the moveable unit and are often used to sell fresh fruits and vegetables. Typically, the food in kiosks and carts is prepared elsewhere and kept cold or hot in the unit. The city of New York encourages "green carts" that offer fresh produce in certain areas of the city and has special regulations for these uses (www.nyc.gov/greencarts).

In communities across the U.S., mobile food vendors are seeking permits to start these innovative businesses. They often run into roadblocks at city hall, because while many zoning ordinances include provisions for temporary

uses, most do not contain current definitions for mobile food vending nor do they include any standards that specifically relate to vending and the issues that may arise. The net result in many communities, intentional or unintentional, is a prohibition on mobile food vending.

THE PROS AND CONS OF MOBILE FOOD VENDING

Over the past few years, most of the economy has been struggling and the workforce has been challenged to adapt. With laid-off workers trying to reinvent themselves and new immigrants looking for opportunities, the number of people starting new businesses is rising. Mobile food vending seems, for some, like a low-cost way to wade into the pool of business ownership. There are a number of reasons why communities may elect to sanction mobile food vending:

- *It provides an opportunity to increase jobs and businesses.* The cost of starting a food truck business can start at \$25,000, where a traditional bricks-and-mortar establishment may start at \$300,000, according to the National Restaurant Association (Emergent Research 2012).
- *It offers opportunities to provide food choices where zoning precludes restaurants.* Traditional zoning codes tend to restrict the uses permitted in office and industrial districts, only allowing uses that narrowly meet the intent of those districts. Office and industrial parks, in particular, are often isolated from the rest of the community, requiring employees to drive to retail and restaurant areas. In addition, some communities may not have access to variety of

healthy, fresh foods, and therefore decide to encourage such food vendors in certain neighborhoods by relaxing requirements. New York's green carts initiative allows additional permits to be issued over the city's defined limit to mobile food vendors that offer fresh produce in underserved neighborhoods, and Kansas City, Missouri, offers reduced permit fees for mobile food vendors in city parks that meet certain nutritional standards (Parks and Recreation Vending Policy 4.7.08).

- *It can increase activity in struggling business districts* by creating a dynamic environment where people gather around the availability of new and fresh food. The economy has taken a toll on businesses over the past several years. Those that are hanging on in some areas find that their neighboring buildings or businesses are vacant. Food trucks can be a way to enliven an area, generating traffic for existing businesses and possibly spinning off new business activity. The restaurant industry is evolving to meet the demands of patrons who are looking for locally grown, sustainable, healthy, and fast options for dining. When food trucks use social media to communicate about their location schedules, it can build up a certain level of excitement and anticipation that can make a positive social impact. In addition, the rising trend of "cart pods" and "food truck rallies" brings multiple mobile food vendors to one location, creating a festive atmosphere in an area for a short time.

- *They signal to other potential businesses that the community is adapting to the evolving economy and supporting entrepreneurship.* Mobile food trucks are a new way of doing business; in these early years, communities that anticipate the demand from businesses and consumers may also find that this flexibility signals receptivity to new business models.

- *They are a way for restaurateurs to test the local market for future bricks-and-mortar facilities.* Mobile food trucks offer opportunities to interact with a potential market, to test recipes and pricing, and see if the restaurant fits with the community. All across the United States there are examples of food truck businesses evolving into permanent establishments, including El Camion ("the truck") in northwest Seattle that has recently opened a restaurant and bar in the Ballard neighborhood after several years of experience with its two mobile food units. Torchy's Tacos in Austin, Texas, started with a food truck and now has eight bricks-and-mortar restaurants in Austin, Dallas, Fort Worth, and Hous-

ton—and two more opening this year. The Lunch Room in Ann Arbor, Michigan, plans to open its bricks-and-mortar location soon, using social media to solicit fans of its existing "Mark's Carts" to become investors in the restaurant.

Along with these potential benefits can come community impacts and possible conflicts. Some of the challenges associated with

went through an extensive research and public input process, surveying their local chamber of commerce and meeting with prospective mobile food vendors, residents groups, and restaurant owners. Their resulting ordinance language responds to the needs and concerns of the community (Longmont 2011).

ADDRESSING AREAS OF CONCERN THROUGH ZONING

Many communities are updating their codes to accommodate or regulate mobile vending. In June 2012 Grand Rapids, Michigan, included the following statement of intent in a new set of mobile food vending provisions:

Employment and small business growth in the city can occur while providing a broad range of food choices to the public through careful allowances for temporary concession sales. The provisions of this section are intended to prevent predatory practices on bricks-and-mortar restaurants while allowing for new food vending opportunities that can add vitality to vacant parking lots and underutilized sites . . . (\$5.9.32.K).

Other cities, including Phoenix, Arizona (§624.D.87); Chapel Hill, North Carolina (§§10-66-74); and Fort Worth, Texas (§5.406)—just to name a few—adopted regulations in 2012 to allow mobile vending or food trucks. Chapel Hill's

provisions note that allowing food trucks will "promote diversification of the town's economy and employment opportunities and support the incubation and growth of entrepreneurial/start-up businesses" but also that food trucks pose "unique regulation challenges."

While specific approaches vary from place to place, communities interested in adding or updating regulations for mobile food vending should start by defining the uses and then consider each of the following questions:

- Where in the community should such uses be permitted?
- How long should a food truck be permitted to stay in one location?



Russ Henschler

➡ Food truck gatherings are increasingly common in communities with extensive food truck offerings.

mobile food trucks might include problems with maintenance, trash, parking, noise, and vehicular and pedestrian circulation. In addition, some restaurateurs may be threatened by this new competition and try to prevent mobile food vending. Food trucks also have their own operational challenges, including dealing with unpredictable weather and maintaining an appropriate inventory despite limited storage.

The best way to understand and manage the pros and cons of food trucks in individual communities is to solicit public input and dialogue about the needs and wants of the community. For example, Longmont, Colorado,

- Are these mobile units just for food sales, or can other goods be sold as well?
- Does the community want to increase activity?
- How can the zoning ordinance address upkeep and maintenance?
- When can food trucks operate?
- How are visitor parking and circulation accommodated?
- How are these uses reviewed and permitted?
- What do vendors and their customers want or need?
- How is signage for the mobile unit regulated?
- How is the site lit to ensure safety?

Location

It is common to allow mobile food vending in commercial districts, but some communities add industrial districts or specify mixed use districts. Start with the community's comprehensive plan—is there a need or desire to increase activities in specific parts of the community? Are there concerns about the impact of single-purpose districts (especially office and industrial) on connectivity, traffic congestion, and business

In consideration for existing facilities, some communities decide that there should be a minimum distance between mobile units and bricks-and-mortar restaurants. Some communities try to limit the impact on adjacent residential uses through a distance requirement or by restrictions on hours of operation. Planners should test these locational restrictions to ensure that realistic business opportunities exist. El Paso, Texas, repealed its locational requirement of 1,000 feet from bricks-and-mortar establishments following a 2011 lawsuit to provide sufficient opportunities for mobile food vendors (Berk and Leib 2012). Attorneys Robert Frommer and Bert Gall argue that separation from other establishments is not necessary and that food truck regulations should be narrowly tailored to legitimate health, safety, and welfare concerns, not regulate competition (2012).

The American Heart Association has also looked at location issues related to mobile food vending. They report that several communities across the country prohibit mobile food vending within a certain distance of schools (or

nily and often is related to where mobile food vending is permitted. Some communities allow food trucks on public property but prohibit overnight parking. Where on-street parking is at a premium, communities may consider allowing food trucks to utilize public parking spaces for the same duration as other parked vehicles. Chicago requires food trucks to follow posted meter time restrictions, with no more than two hours in one location. In addition, the city also limits mobile food vending to two hours on private property (§4-8).

In contrast, some communities allow food trucks on private property for up to 30 days or more at one location. For example, Grand Rapids allows concession sales for up to 200 consecutive days over 12 calendar months (§5.9.32.K.6).

Regulations like this may impact vendors in terms of the types of food that can be sold and the manner in which they are prepared, especially when preparation is done on-site. Communities may wish to consider whether the allowed duration is reasonable for food vendors as well as adjacent property owners.



This food truck rally in Royal Oak, Michigan, illustrates how a gathering of food trucks can activate an otherwise underutilized space.

retention and recruitment? Are there any areas in the community where the population is underserved by food choices? Planners can take these concerns to the community and invite residents and business owners to share their thoughts on where mobile food vending might be appropriate and desirable.

Some communities make a distinction between vending on public property, which often requires a license but is not regulated by zoning, and private property, which often requires a temporary use permit and is regulated by the zoning ordinance. When permitted on private property, zoning standards should require evidence of property owner approval.

at school release times) to limit the sometimes nutritionally challenged food choices available (2012). Woodland, California, prohibits mobile food vending within 300 feet of a public or private school, but will allow them on school property when approved by the school (§14-15). In a different twist, the Minneapolis Public School System introduced a food truck program this year to offer free nutritious meals to students during the summer months at four different sites in Minneapolis (Martinson 2013).

Duration

The length of time food trucks are permitted to stay in one place varies widely by commu-

Goods Available for Sale

Some communities, like College Station, Texas, are very specific that the goods sold from mobile vending to be food related (§4-20). This is often borne of a desire to start with mobile vending on a limited basis to gauge its impact. As mobile food trucks become more prevalent, surely people will explore the ideas of starting other types of businesses in this format. Communities may wish to consider the questions raised earlier about location and assess whether or not it makes sense to allow other goods in addition to food to be sold in designated areas. For example, Ferndale, Michigan, allows a variety of wares to be sold by a mobile

vendor, including apparel, jewelry, household goods, and furnishings (§§7-73–82). That might be just the place for book publisher Penguin Group (USA) to take its recently introduced first mobile bookstore, which aims to make books accessible where big box retailers aren't located (Edsall 2013).

Number of Units in One Location

Some communities that are getting on board with mobile food vending have started allowing them to congregate for certain events and activities. For example, Royal Oak, Michigan, started a food truck "rally" at their indoor farmers market during colder months. It is a good way to utilize the facility as well as provide entertaining food options for city residents. It has now become a great family event every month year-round, with musical entertainment, bouncy houses, and face painting. The city limits the rally to no more than 10 different trucks with a variety of cuisine for the whole family.

units to function on private property as a single business. To address potential negative impacts, each mobile food court must have its own on-site manager, who is responsible for the maintenance of the area (§5.406).

Trash

The type of standards for trash removal and upkeep will vary depending on the location and duration of the vending. Most communities require waste receptacles for every mobile food vending unit and some further require waste to be removed from a site daily. Keep in mind that where communities allow seating along with the mobile food unit, people will generate more trash on-site than in situations where there is no seating provided and people take their food (and trash) to go.

Hours of Operation

Some communities limit hours of operation to around lunchtime (e.g., 10:30 a.m. until 3:30

trucks on private property, communities typically require the vendor to ensure that there is sufficient parking available for its use and any other uses on the site, including the space taken up by the unit itself. Some cities allow public parking areas to be utilized for food trucks, and may even allow metered parking spaces to be used provided the related meter fees are paid. For example, Minneapolis allows a mobile vendor to park at no more than two metered spaces, as long as they are not short-term spaces and are not located within 100 feet of an existing restaurant or sidewalk cafe—unless the restaurant owner gives consent (§188.485.c.7).

Licenses and Permits

Most communities require permits or licenses regardless of whether the trucks operate on public or private property. It is also common for the community to reference compliance with other codes, particularly state or local health codes. These other codes can impact how trucks operate. For example, California's

Health and Safety Code requires trucks to have hand-washing stations if food is prepared in the truck, but does not require them on trucks selling only prepackaged foods like frozen desserts (§114311).

Some communities cap the number of licenses available for food trucks to limit their impact, but many others do not. Grand Rapids

requires a temporary use permit, subject to planning commission approval, and gives standards for consideration (§5.9.32.K.18), including an assessment asking "[w]ill the proposed stand, trailer, wagon or vehicle contribute to the general aesthetic of the business district and include high quality materials and finishes?"

Site Amenities

Some communities specify that no tables or chairs are permitted, or if they are, then sanitary facilities are also required. There may be flexibility in the permitted arrangements for such facilities (for example, having permission to use such facilities within a reasonable distance of the mobile unit). Frisco, Texas, prohibits connections to po-



Site amenities like tables and chairs are often easier to accommodate on private property than in a public right-of-way.

According to Market Master Shelly Mazur, "It's nice to be able to offer a family-friendly event in a climate-controlled building with renovated bathrooms and seating."

On the other hand, in its 2010 ordinance, the city of Zillah, Washington, banned mobile food vending altogether, declaring it a "nuisance," and finding that "when mobile vendors congregate in the same area, the heightened intensity of use negatively impacts the surrounding area, particularly by increased trash" (§8.32). Fort Worth tackled this issue head-on, defining a group of food trucks as a "mobile food court" when two or more mobile vending units congregate. They allow these

p.m.), and others allow sales from early in the morning to late in the evening (e.g., 7 a.m. until 10 p.m.). Some communities place no time limits on these operations in the zoning regulations. Again, consider where these units will be permitted and the potential conflicts with adjacent uses.

Parking and Circulation

Given the mobility of these vendors, they by necessity are typically located in parking areas. Whether in public spaces or a private parking lot, it is important to ensure sufficient parking for existing uses to prevent an undue burden on bricks-and-mortar establishments. For food

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table water, requiring mobile food vendors to store their water in an internal tank. The city also requires vendors to be located within 50 feet of an entrance of a primary building, and drive-through service is expressly prohibited (§3.02.01.A(20)). King County, Washington, requires that all mobile food vending in the county be located within 200 feet of a usable restroom (§5.34).

Signage

Some communities use their existing sign regulations, but others tailor standards for mobile units. In Michigan, both Grand Blanc Township (§74.9.F) and Kalamazoo (§§25-63-68) allow one sign on the mobile vending unit itself, but do not allow any other signage. This is fairly common. In many cases, the truck itself essentially functions as one big sign with colorful graphics. Additionally, many mobile food vendors now use social media to get out the word regarding the time and place they will set up shop, potentially reducing the need for additional signage beyond that on the unit itself.

Lighting

Lighting is not as commonly addressed as other issues, especially if a mobile food vending unit is located in an existing developed area, but it is likely presumed that other applicable lighting requirements appropriate to the location are to be followed. Consider adjacent uses and the impact of light trespass and glare. For example, Grand Blanc Township requires mobile food vending units to be lit with available site lighting. No additional exterior lighting is allowed unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line (§74.9.F.10).

TESTING, FOLLOW-UP, AND ENFORCEMENT

One of the nice things about mobile food vending is that it is really easy for a community to put a toe in the water and test the impact of regulations on mobile food vendors, other community businesses, and the public, and to adjust the regulations

as appropriate. The Metropolitan Government of Nashville-Davidson County, Tennessee, initiated a test phase beginning April 2012 that will provide evaluative data for a successful mobile food vendor program. The program will initially be operated under a temporary permit issued by the Metro Public Works Permit Office for two specified zones, the downtown core and outside of it. Oakland, California, has a pilot program for "Food Vending Group Sites," defined as "the stationary operation of three (3) or more 'mobile food vendors' clustered together on a single private property site, public property site, or within a specific section of public right-of-way" (§5.51).

Before embarking on extensive zoning rewrites, review the suggested considerations with the community to anticipate and plan for appropriate ways to incorporate this use in a reasonable way. Mobile food vending is on the rise all over the country, from urban sites to the suburbs. When regulated appropriately, mobile food vending can bring real benefits to a community, including jobs, new businesses, fresh food, and vitality.

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ZONINGPRACTICE 9.13
AMERICAN PLANNING ASSOCIATION | page 7

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9

PLANNING COMMISSION CASE PC15-12

Consideration of the Planning Commission's Recommendation to Adopt an Amendment to the City of West Columbia Zoning Ordinance Regulating Food Truck Courts

Analysis:

A food truck court is a principle use that provides designated parking spaces to individual food trucks. There does not appear to be a similar facility in the region, but there are jurisdictions in other parts of the county that specifically permit food truck courts and have standards regulating their operation. I have included a July 16, 2015 article from The Island Packet about a food truck court opening at a Tanger Outlet in Bluffton, South Carolina.

The draft provided to the Planning Commission was reviewed by the City Attorney. On October 26 2015, the Planning Commission held a public hearing and received feedback and suggestions from members of the public. Additionally, a staff member from the South Carolina Department of Health and Environment Control offered suggestions since SCDHEC regulates food trucks. Attached is the revised draft reflecting both the Planning Commission's suggestions as well as SCDHEC's comments.

Recommendation:

The Planning Commission voted unanimously to recommend to City Council an Amendment to the City of West Columbia Zoning Ordinance Regulating Food Truck Courts as revised by the Planning Commission on October 26, 2015.

Parking

Section 611.3.16 Food Truck Court: Minimum per food truck 2 spaces

Zoning Districts

704 C-1 Intensive Commercial

Permitted Principal Uses and Structures

704.1.30 Food Truck Court as a conditional use per Section 817

Special Exception

704.3.5 Food Truck Court within 400 feet of an R-2, R-3 or R-4 subject to the provisions of Section 817

705 C-2 General Commercial

Permitted Principal Uses and Structures

705.1.34 Food Truck Court as a conditional use per Section 817

Special Exception

705.3.14 Food Truck Court within 400 feet of an R-2, R-3 or R-4 subject to the provisions of Section 817

707 LM Light Manufacturing

Permitted Principal Uses and Structures

707.1.28 Food Truck Court as a conditional use per Section 817

Special Exception

707.3.6

Food Truck Court within 400 feet of an R-2, R-3 or R-4 subject to the provisions of Section 817

708 HM Heavy Manufacturing

Permitted Principal Uses and Structures

708.1.27 Food Truck Court as a conditional use per Section 817

Special Exception

708.3.6 Food Truck Court within 400 feet of an R-2, R-3 or R-4 subject to the provisions of Section 817

710 Gateway Overlay District

710.5 Permitted Uses

Food Truck Court as a Special Exception per Section 817

817 Food Truck Courts

817.1 Definitions.

- A. **Commissary:** A commissary is a permitted retail food establishment that is authorized by SCDHEC to provide support of operations, storage, and service area for mobile food units, and is constructed and operated in compliance with the Retail Food Establishment Regulation 61-25. A food truck reports to a commissary at least once a day for all food and supplies and for all cleaning and sanitizing of units and equipment each day of operation and shall be stored onsite at the commissary.
- B. **Food Truck:** A food truck is defined as a readily movable trailer or motorized wheeled vehicle, currently registered with the S.C. Department of Motor Vehicles, designed and equipped to serve food and must be permitted by SCDHEC as a mobile food unit.
- C. **Food Truck Court:** A Food Truck Court or Food Truck Park is a business located on one or more platted lots, in which the primary land use is a permanent food truck parking area, containing two or more food trucks to offer food or beverages for sale to the public, and may provide tables, play areas, and other outdoor entertainment open to the customers of all vendors.
- D. **Lumen:** is a measurement of the amount of light within a certain area.

817.2 Location

- A. Food Truck Courts may only operate in the C-1, C-2, LM and HM districts
- B. Food Truck Courts must be located at least 100 feet from the customer entrance of a lawfully established restaurant during the hours of its operation unless permitted as a Special Exception pursuant to Section 817.5.

817.3 General Operation

- A. The Food Truck Court shall not operate between the hours of 10:00 PM and 6:00 AM;
- B. The food trucks may not arrive before 5:30 AM must be removed each night by 10:30 PM.
- C. Each food truck that operates on a Food Truck Court must apply to the City for zoning compliance permit and business license pursuant to the Food Truck Regulation Section 816.
- D. **On-site Manager:** There must be a designated manager of the site that is responsible for the orderly organization of the food trucks, the cleanliness of the site and the site's compliance with all rules and regulations during working hours.
- E. **Restrooms:** Within one (1) year of receiving a business license to operate, permanent restrooms must be provided within the boundaries of the Food Truck Court. The number of water closets and lavatories required shall be based on the occupant load for the fixed seating of the Court and the City of West Columbia Plumbing Code. At a minimum at least one restroom for each sex shall be provided within five hundred feet from each Food Truck. Portable toilets (Port-O-Lets, Porta Pottys, etc) are prohibited.
- F. Each individual food truck is not allowed to operate a generator at the site unless emergency circumstances necessitate the need for the use of a generator.

- G. Food trucks shall not be parked on unimproved surfaces. Food trucks shall be placed on, at a minimum, a compacted gravel base;
- H. Signs: One on premises sign is permitted at the entrance identifying the Food Truck Court. Each food truck may have attached signage. One temporary sandwich board sign is permitted per food truck to be displayed within ten (10) feet of the food truck and within the boundary of the food truck court.
- I. The Food Truck Court must be located at least 400 feet from an R-2, R-3 or R-4 zoning district. Food Truck Courts located within 400 feet of an R-2, R-3 or R-4 district, as measured at the property line of the Food Truck Court to the zoning district boundary, are permitted only by Special Exception pursuant to Section 817.5.
- J. Minimum parking shall be provided in accordance with Section 611.3.16

817.4 Application Process

A site plan shall be provided for review showing:

- A. The land area included within the site, the zoning classification of the adjacent sites, and all public and private rights-of-way and easements bounding and intersecting the site;
- B. A legal description of the platted lots of the proposed site and the boundaries thereof;
- C. The location of each proposed permanent structure on the site and pads for food trucks, and the identification of any proposed outdoor entertainment locations;
- D. The location, width and surface material, including all curb cuts of driving lanes and food truck pads,
- E. A twenty (20) foot fire lane where required by the fire department, including paving, turf or gravel to be used;
- F. The location of fire hydrants;
- G. The dimensions and capacities of parking areas and loading areas;
- H. Landscaping in accordance with Section 811;
- I. All pedestrian walks, patios and open areas for use by tenants or the public;
- J. The location and height of all walls, and fences;
- K. The location, size, height, lumen level and orientation of all lighting;
- L. Location and screening of refuse containers, air conditioners and outside storage or display;
- M. Location and number of provided seating and eating areas, including number of fixed seats and tables;
- N. A schedule of phasing of all improvements shown in the plan;
- O. Location, height and separation of buildings, including location of restrooms and open space.

817.5 Special Exceptions

The Board of Appeals may grant a Special Exception for a period up to 5 years. The Board shall consider the following:

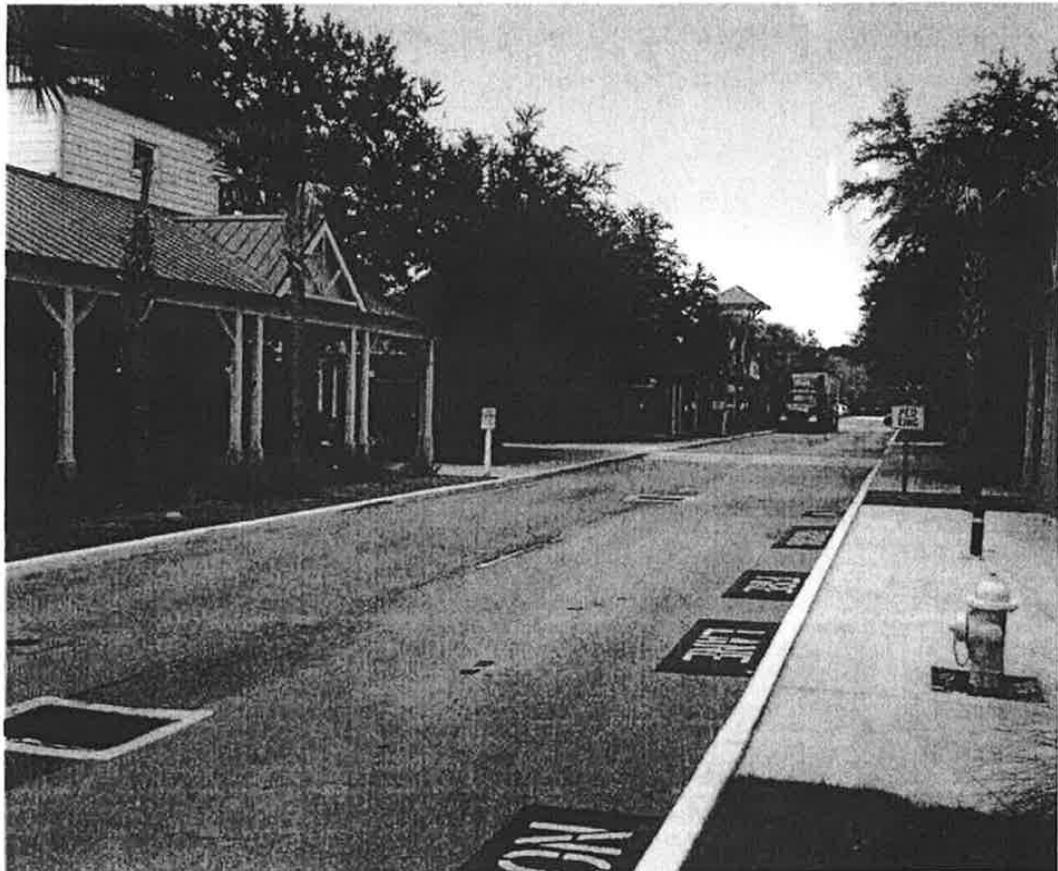
- A. The impact to adjacent properties;
- B. The number of parking spaces on the lot and other public parking areas within a ¼ mile walking distance;
- C. Whether the operation of a Food Truck Court would be compatible with the surrounding uses and zoning of adjacent properties;
- D. All other conditions of this section are met, and
- E. Any other issues the Zoning Board of Appeals considers to be relevant.

BUSINESS JULY 16, 2015

Food truck court coming to Tanger Outlet Center 2

HIGHLIGHTS

Lowcountry Rocks Lobster, Ragin Cajun, Shrimp Loco and new food truck Downtown Curbside Kitchen, operated by Downtown Deli owners Leah and Ryan McCarthy, are the four confirmed vendors participating in a food court, said Ashley Doepp, general manager of the Tanger Outlet Centers in Bluffton. The food court will begin next week, with a tentative start date of July 21.



1 of 2



<http://www.islandpacket.com/news/business/article33696939.html>

10/19/2015

By ASHLEY FAHEY - afahey@islandpacket.com

A food court is coming to Bluffton.

But it's not the familiar food-court scene you're used to seeing in a mall: brightly lit interior, employees standing outside restaurants with food on sticks, cafeteria-style seating in the middle.

Instead, local food trucks will line up in the middle of the center to serve shoppers and retailers.

Lowcountry Rocks Lobster, Ragin Cajun, Shrimp Loco and new food truck Downtown Curbside Kitchen, operated by Downtown Deli owners Leah and Ryan McCarthy, are the four confirmed vendors participating in the food court, said Ashley Doepp, general manager of the Tanger Outlet Centers in Bluffton. The food court will begin next week, with a tentative start date of July 21.

Doepp said she hopes the concept will be permanent, but the "test run" is set through Labor Day.

"It came from a need to provide food to shoppers and retailers in Tanger 2," Doepp said, as currently, there are only options for coffee and dessert in the center.

Doepp recalled all the food trucks she saw in Long Island, N.Y., where she is from. When she moved here, she was surprised by the lack of a food truck scene in the Lowcountry.

So, in May, she contacted the food trucks she knew about with an idea she had: A pedestrian space in the middle of Tanger Outlets Center 2 with Beaufort County food trucks serving lunch and dinner.

"We're creating this as we go," she said, adding there's no template to follow because there's nothing like it yet in Beaufort County.

The past couple of months have required getting zoning permits, business licenses, fire marshal approval and insurance. The center of Tanger Outlets 2 will be closed off to pedestrian traffic during food court operational hours, so vehicular traffic will be rerouted to either side of the center, in a rectangular traffic pattern.

To start, the food court will be open 11 a.m. to 2 p.m. Monday, Wednesday and Thursday, eventually moving to 11 a.m. to 2 p.m. Monday to Friday and, starting in August, 11 a.m. to 5 p.m. or later on weekends, Doepp said. Shrimp Loco will only be at the center Friday to Sunday, beginning at the end of July. Doepp is in talks with other local food trucks and hopes to add more to the food court eventually.

2015 Taste of Bluffton winner Lowcountry Rocks Lobster will serve lobster rolls, lobster tacos, lobster nachos and lobster mac 'n' cheese. Ragin Cajun's menu includes cajun-spiced pulled pork, po' boys and gator sliders, and Shrimp Loco will serve shrimp tacos and salads.

One food truck will make its debut at the Tanger Outlets food court: Downtown Curbside Kitchen.

The McCarthys have owned Downtown Deli in Bluffton for 12 years and have been catering for almost 15. But they kept running into the same problem at some of their catering sites.

"(The food truck's) really starting as a mobile kitchen," Leah McCarthy said. "We're used to off-premises catering, but not all (places) have kitchens."

But now, she said, with the food truck, they can be a "kitchen on wheels" and also participate in festivals, fundraising events and the food truck court at Tanger Outlets.

Downtown Curbside Kitchen will serve Southern cuisine such as grilled pimento cheese sandwiches, fried green tomato BLT sliders, slow-cooked beef brisket and hand-pulled chicken salad biscuits.

Follow reporter Ashley Fahey at twitter.com/IPBG_Ashley.

Related content:

- Build-A-Bear Workshop Outlet coming to Tanger Outlets Center 2 , July 9, 2015
- FARM restaurant to open in Old Town Bluffton in 2016 , July 2, 2015
- Update on new restaurants opening in Beaufort County , June 18, 2015
- Additional demolition planned for former downtown Piggly Wiggly, now Tabby Place , August 15, 2014



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PLANNING COMMISSION CASE PC15-10

Consideration of the Planning Commission's Recommendation to Establish the Zoning Classification for .72 acres at 225 Hammond Ave West Columbia, SC (TMS# 004628-03-019 and 004628-03-025 now combined as one parcel) as R2 (Medium Density Residential).

Analysis:

The parcel was annexed into the City of West Columbia on October 6, 2015. A zoning classification must be established for the parcel to comply with S.C. law and the City's zoning ordinance.

The parcel is contiguous to medium density residential property along Hammond Ave and single family residential property along Alexandria Street.

No member of the public spoke in opposition of the proposed zoning classification.

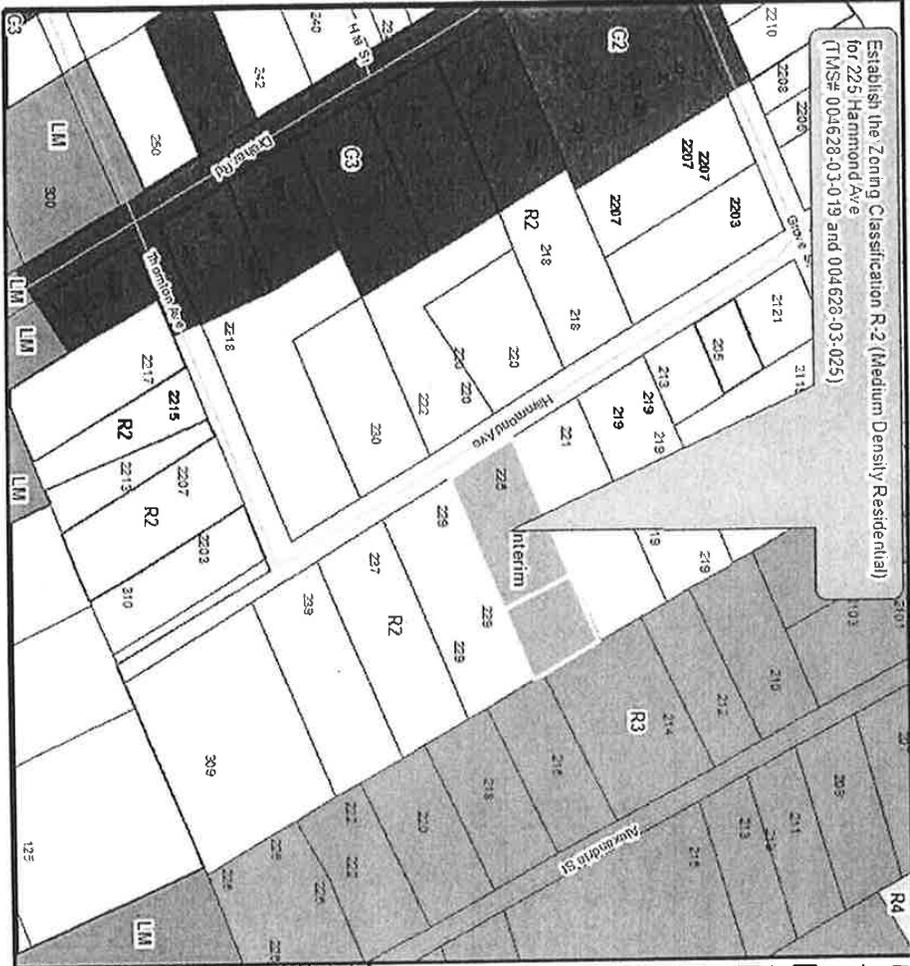
Recommendation:

The Planning Commission voted unanimously to recommend to City Council to establish the zoning classification for 225 Hammond Ave, West Columbia, SC (TMS# 004628-03-019 and 004628-03-025 now combined as one parcel) as R2 (Medium Density Residential).

City of West Columbia
Bringing Past, Present and Future
 200 N. 12th Street
 West Columbia, SC 29169
 (803) 791-1880
www.westcolumbiasc.gov

The West Columbia Planning Commission will conduct a public hearing to consider a map amendment to establish the zoning classification of R-2 (Medium Density Residential) on property located at 225 Hammond Ave. (TMS# 004628-03-019 and 004628-03-025) now combined into one lot. The public hearing will be held in the Council Chambers at the West Columbia City Hall, 200 N. 12th Street on Monday, October 26, 2015 at 6 PM.

Establish the Zoning Classification R-2 (Medium Density Residential) for 225 Hammond Ave (TMS# 004628-03-019 and 004628-03-025)



Legend

- Railroads
- Rivers and Ponds
- West Columbia City Boundary

Zoning Districts

- Interim
- C1 Intensive Commercial
- C2 General Commercial
- C3 Restricted Commercial
- LM Light Manufacturing
- HM Heavy Manufacturing
- R1 High-Density Residential
- R2 Medium-Density Residential
- R3 Low-Density Residential
- R4 Low-Density Residential
- PUD-R Planned Development - Residential
- GOLD Gateway Overlay District

0 45 90 180 270 360 Feet

PLANNING COMMISSION CASE PC15-13

Consideration of the Planning Commission's Recommendation to Adopt Amendments to Sections 709.9 and 709.10 Addressing Parking Requirements and Sign Standards for Planned Unit Developments (PUD)

Analysis:

The City of West Columbia gives the intent of the Planned Unit Development as:

...to derive the benefits of efficiency, economy and flexibility by encouraging unified development of large sites while also obtaining the advantage of creative site design, improved appearance, compatibility of uses, optimum service by community facilities and better function of vehicular access and circulation.

To provide flexibility to the developer, many of the zoning district standards such as lot size, setbacks, lot width and building height are set by the developer to be approved by the city in the Descriptive Statement. In contrast, parking and signs are still determined by the least restrictive standards for their respective sections of the zoning ordinance (Section 611 for parking and Article 9 for signs). The amendments proposed provide greater flexibility by allowing the developer to submit alternate standards for parking and signs which must be approved along with the other standards in the Descriptive Statement.

The Planning Commission held a public hearing on October 26, 2015 to consider the recommendations. No one from the public spoke for or against the proposal.

Recommendation:

The Planning Commission voted unanimously to recommend to City Council Amendments to Sections 709.9 and 709.10 Addressing Parking Requirements and Sign Standards for Planned Unit Developments (PUD)

PUD amendments

Parking

709.9 Minimum Off-street Parking and Loading. Off-street parking and loading requirements as set forth in Article 7 shall be met as for the least restrictive districts indicated in Section 708.3 for any specific site size. If warranted by unique characteristics, or documented parking demand for similar developments, or both, the city may allow reductions in the number of parking spaces, including a shared parking plan. A parking study shall be submitted to justify the reduction in parking being requested.

Signs

709.10 Signs. ~~Signs are permitted in the PUD districts only in accordance with provisions of Article 9 as for the least restrictive districts indicated in Section 709.2 for any specific site size. A common signage plan shall be submitted with the Descriptive Statement. The Common Signage Plan must show the location, size and design of the proposed signs. Exterior signs should provide for modest, coordinated and complimentary exterior sign locations, configurations and color throughout the site and should not be visually dominating. All freestanding signage within the PUD should complement signage affixed to the structures within the site. The Planning Commission may require that signs for multiple businesses within the PUD be integrated and consolidated into one or more sign structures. The requirements of Section 905 and Section 908 shall apply to all PUD's.~~

November 12, 2015

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Date of Published Notice: _____

Date of Public Hearing: _____

First Reading: _____

Second Reading: _____

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
CITY OF WEST COLUMBIA)

ANNEXATION ORDINANCE
15ANX-09

WHEREAS, a petition for annexation dated November 16, 2015, and signed by the petitioner, DUSTIN L. DAVIS, the sole owner of the property described herein, was presented to the City of West Columbia under the provisions of Section 5-3-150 of the 1976 Code of Laws of the State of South Carolina, as amended; and

WHEREAS, it has been determined that the area is contiguous to the city limits of West Columbia, and the City Council for the City of West Columbia has determined that all legal requirements necessary to the annexation of the property described below have been fully complied with; and

WHEREAS, it is the desire of City Council to annex the area to the City of West Columbia.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED by the Council of the City of West Columbia as follows:

1. That the area herein below is hereby annexed to the City of West Columbia and the corporate limits of the City of West Columbia are hereby extended to include said property being described as follows:

All that certain piece, tract, parcel, or lot of land, with any improvements thereon, situate, lying and being on the south side of Thornton Avenue in the County of Lexington, the State of South Carolina, and being more specifically shown and delineated on that certain plat prepared for Annie Mae Smith by A. L. Lown, RLS recorded in the office of the R.O.D. for Lexington County in Plat Book 67-G, Page 57. Reference being made to said plat for specific metes, bounds and distances with all measurements being a little more or less, for a total area of approximately **.25 acre**.

This being the same property conveyed to Dustin L. Davis by Deed of James E. Bonner, Sr., Karen Bonner and James E. Bonner, Jr. date October 20, 2015, and recorded October 28, 2015 in the office of the R.O.D. for Lexington County in Deed Book 17982, Page 300.

ALSO KNOWN AS: **2213 Thornton Avenue**

TMS# **004627-01-003**

Also included shall be all portions of any State or County street, road or right-of-way, which abut or adjoin the above-described property.

2. BE IT FURTHER ORDAINED that under the provisions of the West Columbia Zoning Ordinance, an interim zoning classification of **R-2** (Medium Density Residential) be established for the above-described area.
3. The City shall publish notice of this annexation once in a newspaper of general circulation within the City of West Columbia.
4. The City shall notify and file with the Secretary of State, the State Department of Transportation, the Department of Public Safety, and any other state or local entity or agency as necessary, a copy of this ordinance as notice and description of the new boundary of the City of West Columbia; and provide such agencies any additional information as may be required for clarification by said agencies.

ENACTED AND ORDAINED by Council duly assembled this _____ day of _____, 2015.

Bobby E. Horton – Mayor

ATTEST:

Kelli D. Ricard, City Clerk

First Reading:

Second Reading:

Current Data [Back to Menu](#) [Help](#)

Layers

Visible Active

- Lake Murray
- 2003 Aerial Grid
- Tax Map Grid
- Interstates
- Arterial Roads
- Collector Roads
- Local Roads
- Railroads
- Streams
- Ponds
- Tax Map Number
- Parcels
- County Outline
- Municipality
- Landscape Ordinance
- County
- Landscape Ordinance
- CAE Noise Zones
- Subdivisions
- Municipality
- Zip Codes
- Zoning

2213 Thornton Ave
TMS #4627-01-003

Pan

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF WEST COLUMBIA) ANNEXATION PETITION

TO THE COUNCIL FOR THE CITY OF WEST COLUMBIA:

DUSTIN L. DAVIS, being the sole owner of the real estate described herein, does hereby petition and request the City of West Columbia to annex and include within the corporate limits of the City of West Columbia the area herein described. This petition and request for annexation is made pursuant to Section 5-3-150 of the 1976 Code of Laws of the State of South Carolina as amended. The tract of land hereby requested for annexation is contiguous to the City of West Columbia and is described as follows:

All that certain piece, tract, parcel, or lot of land, with any improvements thereon, situate, lying and being on the south side of Thornton Avenue in the County of Lexington, the State of South Carolina, and being more specifically shown and delineated on that certain plat prepared for Annie Mae Smith by A. L. Lown, RLS recorded in the office of the R.O.D. for Lexington County in Plat Book 67-G, Page 57. Reference being made to said plat for specific metes, bounds and distances with all measurements being a little more or less, for a total area of approximately **.25 acre**.

This being the same property conveyed to Dustin L. Davis by Deed of James E. Bonner, Sr., Karen Bonner and James E. Bonner, Jr. date October 20, 2015, and recorded October 28, 2015 in the office of the R.O.D. for Lexington County in Deed Book 17982, Page 300.

ALSO KNOWN AS: **2213 Thornton Avenue**

TMS# **004627-01-003**

Also included shall be all portions of any State or County street, road or right-of-way, which abut or adjoin the above-described property.

The Petitioner respectfully requests the City of West Columbia to grant this Petition for annexation.

DATE OF SIGNATURE:

11/16/15 , 2015


Dustin L. Davis

PLANNING COMMISSION CASE PC15-14

Consideration of the Planning Commission's Recommendation to Establish the Zoning Classification for 13.09 acres at 420 Davega Drive West Columbia, SC (TMS# 003698-01-005) as C-2 (General Commercial).

Analysis:

The parcel was annexed into the City of West Columbia on October 19, 2015. A zoning classification must be established for the parcel to comply with S.C. law and the City's zoning ordinance.

The parcel is contiguous large undeveloped tracts. The only contiguous property in the city is a 19.12 acre parcel owned by Congaree Land Trust which is zoned R-4. The remaining contiguous property is unincorporated and is zoned RD (Restricted Development).

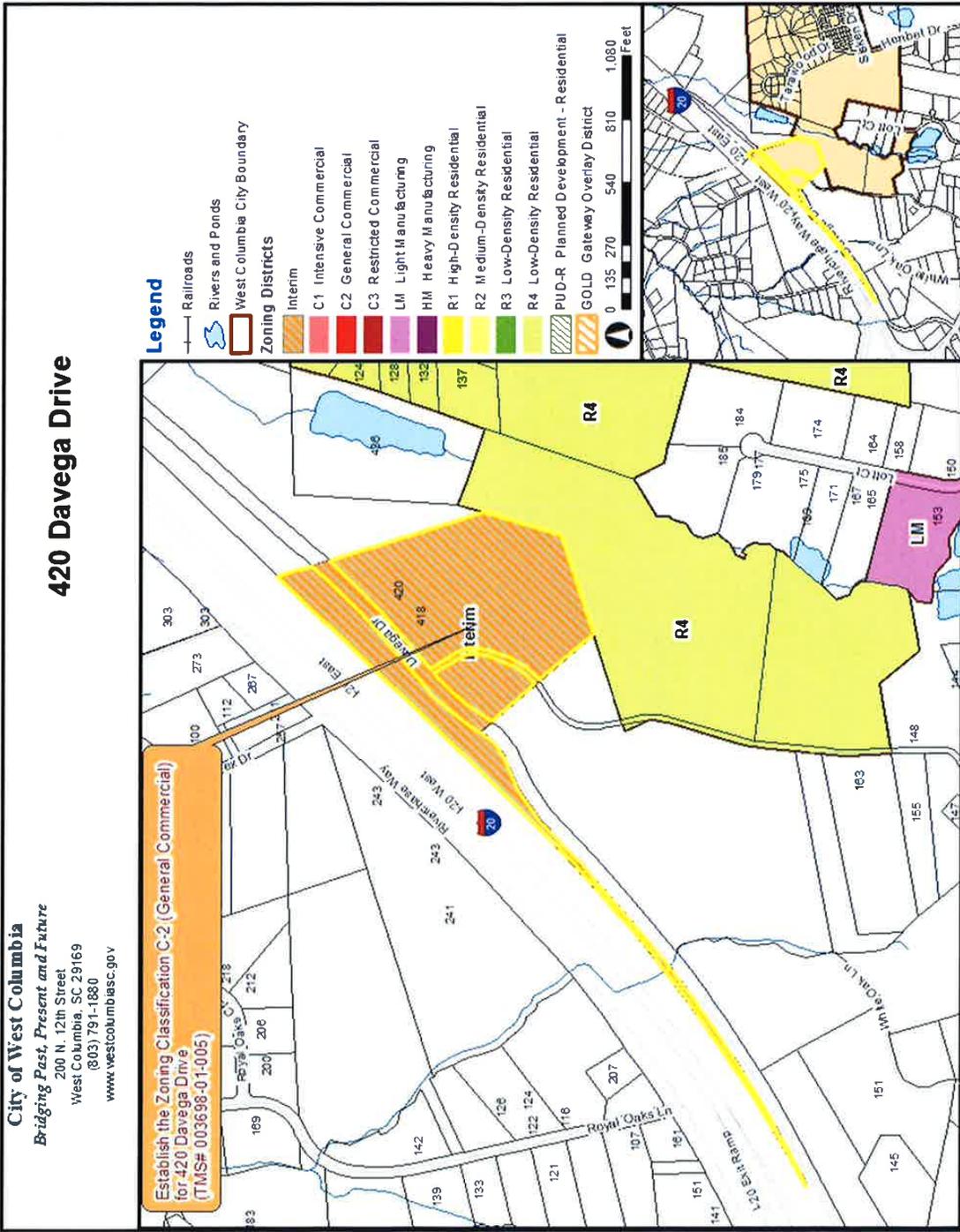
No member of the public spoke during the public hearing regarding the proposed zoning classification.

Comprehensive Plan:

The City of West Columbia Comprehensive Plan, 2011 Future Land Use Map designates the property as low density residential; the recommendation of C-2 (General Commercial) is inconsistent with the Future Land Use Map designation. This inconsistency should be addressed during the next update of the comprehensive plan.

Recommendation:

The Planning Commission voted unanimously to recommend to City Council to establish the zoning classification for 420 Davega Drive, West Columbia, SC (TMS# 003698-01-005) as C-2 (General Commercial).



**Lexington County Public Safety Answering Point Agreement
For 911 Call Answering and Dispatch Communications**

THIS AGREEMENT, is made and entered into this day of _____, 2015, by and between the County of Lexington, South Carolina (hereinafter referred to as the County) and the City of West Columbia (hereinafter referred to as the City)

THAT, WHEREAS, the City desires to take full responsibility and financial obligation to operate a Public Safety Answering Point (PSAP) to service the citizens of their jurisdiction instead of consolidating with the County's Consolidated PSAP.

NOW, THEREFORE, IT IS AGREED that the County and the City will carry out the purposes and functions described herein and in consideration of the benefits to be received by each of the parties, as follows:

1. System Responsibility. The City agrees to be responsible for all oversight and operation of the City's PSAP and accepts all liability created by the City through the enactment of their own 911 system, including paying for all capital equipment and coordinating the operation and maintenance of said equipment.
2. System Implementation. Both parties will have until June 30, 2016 to implement all functions outlined in this agreement. The City further agrees to begin direct receipt of 911 calls originating from within their jurisdiction not later than June 30, 2016.
3. SC Code Compliance. The City agrees to remain in compliance with all 911 system requirements of SC code section 23-47-10 through 23-47-80 and all of SC Code of regulations 19-200 through 19-204.
4. Mapping. The City's PSAP mapping software and maintenance is the full responsibility of the City. However, the Emergency Service Number (ESN) documentation for the municipality is maintained and updated by the County Geographic Information Systems (GIS) Department with assistance from the County's Primary PSAP. Standardized addressing is in place throughout the County and is maintained by the County's GIS department. All houses, buildings and occupied structures within the City shall be assigned a separate uniform number, to include apartments and companies.
5. Landline Tariff. Lexington County Council adopted and currently imposes a uniform landline tariff rate of \$.50, which is the maximum rate allowable for all subscribers served by the City. All 911 subscriber funding for landlines within the City will be paid directly to the municipality by the service providing company. The City will be responsible for coordinating with their landline phone providers for payment.
6. Commercial Mobile Radio System (CMRS) / Wireless Funding. Funding received and utilized from the South Carolina CMRS Advisory Committee for wireless call volume and allowable cost reimbursement submissions shall be submitted through the Lexington County PSAP to the South Carolina Revenue and Fiscal Affairs Office. When received by Lexington County, reimbursement for approved 911 expenditures will then be disbursed to the city, within 30 days of receipt of said reimbursement funds.

- A. The City is required to submit standardized paperwork to the Lexington County 911 Communications administrative staff, who will then be responsible for submitting all required standardized reports to the CMRS advisory committee on a quarterly basis, or as requested by the South Carolina Revenue and Fiscal Affairs Office. This includes, but is not limited to, wireless call volume reports and cost reimbursement requests. Both reports are submitted in order to receive the quarterly CMRS fund distributions based on wireless call volume and cost reimbursements for particular invoiced items. All documentation required by the CMRS advisory committee will be included in report submissions.

- B. The City is required to submit Wireless Call Volume Totals, to the County, by the 5th of each month, Call Volume reports submitted late will not be included in the monthly numbers that are sent to the State and will make the City ineligible for wireless moneys for that reporting period.

- C. The County's Consolidated PSAP utilizes the County's standard finance and procurement guidelines for financial documentation, tracking and audit purposes. All requests for reimbursement must be made on the same forms used by Lexington County and must include supporting proof/documentation for each expenditure. The emergency telephone system fund must be included in the City's and County's annual financial audit.

7. Insurance. The City agrees to maintain liability insurance in at least the amount of potential liability under the SC Tort Claims Act.

8. Termination. This agreement may be terminated by either party giving the other party at least a twelve (12) month notice of termination in writing.

9. Complete Agreement. The terms set forth herein are the complete agreement of the parties. No oral representations are included unless specifically set forth herein. Any modifications to this agreement must be in writing and signed by the parties.

IN WITNESS WHEREOF, the parties to hereto have executed this Agreement in duplicate original, the day and year first above written.

WITNESSES:

 By _____
 On behalf of City of West Columbia

 By _____
 On behalf of Lexington County

From: Mark A. Waller
Sent: Monday, November 23, 2015 12:31 PM
To: Jenny Cunningham; Brian Carter
Cc: Sid Varn; Kelli Ricard
Subject: RE: Items for 12-1-15 Council Agenda

Jenny,

Good afternoon. I have an item I would like to get on the Council agenda for next week. Stutts and Williams, the contractor on the Mineral Springs/Cedar Road waterline project has submitted a change order request in the amount of \$15,500 for additional work on the project. Their request is based upon furnishing additional 36 inch casing and 24 inch ductile iron pipe in order to cross the full width of the intersection and for additional equipment and manpower required to tie into the existing 24 inch line due to its extreme depth (12 feet). I concur with S&W's request as neither of these issues were shown or could have been anticipated from the bidding/construction drawings.

Please let me know if you have any questions or concerns regarding this matter.

Thanks,

Mark



Change Order Request

Project Name: Cedar Road at Mineral Springs Road Waterline Relocation Project
Owner: City of West Columbia
Engineer: HDR – ICA Engineering, Allan Goff & Tom Miller, 803-509-6617

11/08/2015

Dear Mr. Goff and Mr. Miller:

Stutts & Williams, LLC respectfully requests your consideration for the additional work performed as listed below:

- 1) Add Bore & Jack 10 LF of 36" Casing - \$6500.00
- 2) Add 20 LF of 24" DIP – \$5000.00
- 3) Deduct 20 LF of 24" PVC – **(\$2400.00)**
- 4) Add Labor & Equipment for 2 days - \$6400.00
Due to the actual location of the existing 24" water line on the North side of Cromer Rd, S&W spent excessive time trying to locate the water main for the tap and tie-in. In addition, this water main is located in the new fill slope and is approximately 10-12' deep making the tap and upcoming linestop/cap more difficult, requiring more time and additional shoring.
 - Kobelco 210 Excavator - \$50/hour = \$500/day
 - Komatsu 138 Excavator - \$40/hour = \$400/day
 - Komatsu 200 Front-end Loader - \$40/hour = \$400/day
 - Sheepsfoot Trench Roller = \$150/day
 - Hydraulic Trench Box = \$150/day
 - Direct Labor = \$900/day
 - Project Management Labor = \$150/day
 - Subtotal = \$2650/Day
 - Overhead – 10%
 - Subtotal = \$2915/Day
 - Gross Profit – 10%
 - Subtotal = \$3206.50/Day
 - Round to \$3200/Day
 - 2 Days = \$6400.00

The total change request from Stutts & Williams, LLC is \$15,500.00. If you have any questions, please feel free to contact us.

Regards,

A handwritten signature in black ink that reads 'Joey Williams'.

Joey Williams