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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE COURT OF COMMON PLEAS, FIFTH JUDICIAL CIRCUIT

The Honorable L. Casey Manning
Fifth Circuit Judge

Case No. 2022-000389

University Hill Neighborhood Association, Respondent,

v.

City of Columbia, City of Columbia Design and Development Review Commission,
and Trinitas Ventures, LLC, Appellants,

APPENDIX TO AMENDED RECORD ON APPEAL

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APPENDIX TO AMENDED RECORD ON APPEAL
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Pleadings

Exhibit 1 of Joint Response Brief (all pages), filed July 21, 20211424

Certificate of Counsel

Certificate of Counsel1440

Exhibit 1



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**COLUMBIA CITY COUNCIL MEETING AGENDA
TUESDAY, DECEMBER 1, 2020**

The Columbia City Council will conduct a meeting on Tuesday, December 1, 2020 at 2:00 p.m. in the Video Conferencing Technology, www.columbiasc.gov, Columbia, SC 29201.

CALL TO ORDER

INVOCATION

ADOPTION OF THE AGENDA

APPROVAL OF MINUTES

1. Council is asked to approve the October 20, 2020 and November 5, 2020 Council Meeting Minutes.

CITY COUNCIL DISCUSSION / ACTION

2. COVID-19 Update - The Honorable Mayor Stephen K. Benjamin
 - COVID-19 Situational Report - Mr. Harry Tinsley, Emergency Management Director
3. Update from Central SC Alliance - Mrs. Tracy McMillin, Interim President and CEO

CONSENT AGENDA ITEMS 4 THROUGH 21

4. Council is asked to approve a Contract for the King Street Asbestos Abatement and Demolition Project, as requested by the Community Development Department. Award to AAA Utility and Construction, LLC in an amount not to exceed \$58,850.00. The contractor is located in Columbia, SC.

Funding: Source: Community Development Control - Professional Services, King/Lyon Street Redevelopment (2519999-636600, 9100930018-636600). The original budget amount is \$60,000.00.

5. Council is asked to approve the Fiscal Year 2020/2021 Contract Extension for Cornerstone On Demand Automated Recruiting Software Solutions, as requested by the Human Resources Department. Award to Cornerstone On Demand, Inc., in the amount of \$63,133.91. The firm is located in Santa Monica, CA.

Funding Source: Program Management Office - Software Licenses (6218950-627510). The original budget amount is \$70,000.00.



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**COLUMBIA CITY COUNCIL MEETING AGENDA
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- 6. Council is asked to approve a Professional Services Agreement for Fiscal Year 2020/2021 for Employee Technology Training, as requested by the Community Development Department. Award to Fast Forward in an amount not to exceed \$100,000.00. This firm is located in Columbia, SC.

Funding Source: Community Development (1014320-636600) and Special Projects (5518415-636600). The original budget amount is \$100,000.00.

- 7. Council is asked to approve the Purchase of five Chevrolet Tahoes, as requested by the Columbia Police Department. Award to Love Chevrolet, using the SC State Contract in the amount of \$189,902.00. The vendor is located in Columbia, SC.

Funding Source: Capital Replacement - Auto, Trucks, Heavy Equipment - Capital (6308972-658500). The original budget amount is \$189,902.00.

- 8. Council is asked to approve the Renewal of Fiscal Year 2020/2021 Records Management System Workstation Software Annual Maintenance, as requested by the Columbia Police Department. Award to Tritech Software Systems, a CentralSquare Company, in the amount of \$206,381.30. The vendor is located in Lake Mary, FL.

Funding Source: Police Administrative Services - Maintenance & Service Contract (1012402-638200). The original budget amount is \$206,381.30

- 9. Council is asked to approve the Purchase of Banner 5.2 Upgrade, Software Licenses, and Maintenance Support, as requested by the Budget and Program Management Office. Award to Hansen Banner, LLC, in the amount of \$822,370.00. The vendor is located in Carlsbad, CA.

Funding Source: Technology Contingency - Professional Services (5518408-636600) \$811,070.00; Technology Contingency - Software Licenses (5518408-627510) \$4,300.00; Technology Contingency - Maintenance & Service Contracts (5518408-638200) \$7,000.00. The original budget amount is \$822,370.00.

- 10. Council is asked to approve the Purchase of Parts and Labor for Reconditioning of the Aqua Guard Self-Cleaning Bar Filter Screen for the Metro Wastewater Treatment Plant, as requested by Columbia Water. Award to Parkson Corporation, as a Sole Source in the amount of \$146,000.00. The vendor is located in Fort Lauderdale, FL.

Funding Source: Utilities Metro Wastewater Plant - Special Projects (5516208-638500). The original budget amount is \$146,000.00.



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- 11. Council is asked to approve Contract Amendment #4 for Project SD8386; Harlem Heights Watershed Improvements, as requested by Columbia Water. Award to Woolpert, Incorporated in the amount of \$159,035.00. The firm is located in Columbia, SC.

Funding Source: Stormwater Improvement Capital Project Control/Capital Project Costs (5534210-SD8386-638305). The original budget amount was \$491,299.00. The budget amount for this amendment is \$159,035.00. The total revised budget amount is \$650,334.00.

Woolpert, Incorporated is the prime and will provide project management, public coordination, permitting, utility coordination, and hydraulic modeling services at 41.49% (\$269,849.00) of the revised total contract amount.

The following subconsultants will provide additional services:

4D Engineering, a Minority Business Enterprise (W) of Lexington, SC, will provide site design and construction management services at 43.34% (\$281,835.00) of the revised total contract amount.

P J Noble and Associates, a Minority Business Enterprise of Columbia, SC, will provide public involvement and meeting facilitation services at 7.27% (\$47,300.00) of the revised total contract amount.

Chao & Associates, a Minority Business Enterprise of Columbia, SC, will provide field survey and data collection services at 5.30% (\$34,450.00) of the revised total contract amount.

Schnabel Engineering of Columbia, SC, will provide geotechnical services at 2.60% (\$16,900.00) of the revised total contract amount.

- 12. Council is asked to approve the Purchase of the Muffin/Channel/Auger/Screenings Washer/Honey Monster, Separation Systems, Repair Services, Installation, and Maintenance, as requested by Columbia Water. Award to JWC Environmental Inc., as a Sole Source in the amount of \$211,887.75. The vendor is located in Costa Mesa, CA.

Funding Source: Utilities Metro Wastewater Plant-Equipment repair/Service Supply; (5516208-631800); Utilities Metro Wastewater Plant-Machinery and Equipment-Capital (5516208-658300); Utilities Metro Wastewater Plant-Maintenance and Service Contract (5516208-638200). The original budget amount is \$220,000.00.

- 13. Council is asked to approve an Agreement for Project SS7568; Saluda River Force Main Extension Project, as requested by Columbia Water. Award to Stantec Consulting Services, Inc. in the amount of \$446,350.00. The firm is located in Columbia, SC.

Funding Source: Water and Sewer Capital Projects - Capital Project Costs (5529999-SS756801-658650). The original budget amount is \$446,350.00.



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TUESDAY, DECEMBER 1, 2020**

This is a Mentor Protégé Program Project. Stantec Consulting Services, Inc. is the mentor and will provide project management, pipeline design, and permitting services at 79.99% (\$357,050.00) of the total contract amount. Chao & Associates, a Minority Business Enterprise of Columbia, SC, is the protégé and will provide surveying and design decision assistance at 20.01% (\$89,300.00) of the total contract amount.

14. ANNEXATION, COMPREHENSIVE PLAN MAP AMENDMENT, AND ZONING MAP AMENDMENT for 1314 Rosewood Drive; TMS# 11208-02-10

Ordinance No: 2020-096 Annexing and Incorporating 1314 Rosewood Drive, Richland County TMS #11208-02-10 into Columbia Compass: Envision 2036 adopted by Ordinance No.: 2020-028 on August 4, 2020

Council District: 3

Proposal: Request recommendation to assign land use classification of Community Activity Corridor (AC-2) and assign zoning of General Commercial District (C-3) within a Flood Protective Area (-FP) for a pending annexation. The property is currently classified as Mixed Residential (High Density) and zoned HI (Pending GC) by Richland County.

Applicant: Realty Haven, LLC

Staff Recommendation: Approval

PC Recommendation: 10/05/2020; Approval (8-0)

First reading approval was given on November 17, 2020.

15. ANNEXATION, COMPREHENSIVE PLAN MAP AMENDMENT, AND ZONING MAP AMENDMENT for 1.45-acre portion of 940 Gracern Road; TMS# 07301-02-01(p)

Ordinance No: 2020-097 Annexing and Incorporating 1.45-acre portion of 940 Gracern Road, Richland County TMS#07301-02-01(pt) into Columbia Compass: Envision 2036 adopted by Ordinance No.: 2020-028 on August 4, 2020

Council District: 2

Proposal: Request to annex, assign land use classification of Employment Campus (EC) and assign zoning of General Commercial (C-3) at the time of annexation. The property is currently classified as Mixed Residential (High Density) and zoned RS-LD by Richland County.

Applicant: American Home Renovations, LLC

Staff Recommendation: Approval

PC Recommendation: 05/04/2020; Approval (7-0)



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First reading approval was given on November 17, 2020.

- 16. FUTURE LAND USE MAP AMENDMENT for parcels affected by annexation or modification of land use occurred between February 13 and November 17, 2020.

Ordinance No.: 2020-094 Amending the Columbia Compass: Envision 2036 Map to assign or amend land use classifications for parcels where annexation or modification of future land use occurred between February 13, 2020 and November 17, 2020

City Council Districts: All

Proposal: Amend the Future Land Use Map of Columbia Compass: Envision 2036 to assign or amend land use classifications for parcels where annexation or modification of future land use occurred or will occur between February 13 and November 17, 2020.

Applicant: City of Columbia

Staff Recommendation: Approval

PC Recommendation: 09/14/2020; Approval (8-0)

First reading approval was given on November 17, 2020.

- 17. UNIFIED DEVELOPMENT ORDINANCE - Revise Effective Date of Ordinance

Ordinance No.: 2020-099 Amending the effective date of Ordinance No.: 2020-022 repealing and replacing Chapter 17, Planning, Land Development and Zoning of the City of Columbia, South Carolina

Proposal: Revising the effective date of Ordinance to March 31, 2021.

Applicant: Rachel Bailey, Zoning Administrator

Staff Recommendation: Approval

PC Recommendation: 10/05/20; Approval (8-0)

First reading approval was given on November 17, 2020.

- 18. Ordinance No.: 2020-095 Providing for an Installment Plan of Finance for Certain Downtown City Projects; Approving Columbia Facilities Corporation and its Activities, Including the Issuance by the Corporation of not exceeding \$57,250,000 Principal Amount of Its Installation Purchase Revenue Bonds, in One Or More Series, Tax-Exempt or Taxable; Authorizing the Execution and Delivery of a Base Lease and Conveyance Agreement and an Installment Purchase and Use Agreement Each Between the City of



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Columbia, South Carolina and The Corporation; Approving the Form and Terms of a Trust Agreement Between the Corporation and a Corporate Trustee Named Therein, in Connection with such Bonds; Approving the Form of a Preliminary Official Statement and Other Documents With Respect to the Marketing and Sale of Such Bonds; Delegating Authority to the Mayor, the City Manager and the Assistant City Manager for Finance and Economic Services, or any Two of Them Acting Together, to Approve and Determine Certain Matters; and Other Matters Relating Thereto

First reading approval was given on November 17, 2020.

- 19. Ordinance No.: 2020-102 Granting an encroachment to Clear Dot Charter School Columbia for the use of the right of way area of the 2000 block of Marion Street adjacent to 2015 Marion Street, Richland County TMS#09016-10-10 for the installation and maintenance of pollinator flower beds

First reading approval was given on November 17, 2020.

- 20. Ordinance No.: 2020-103 Granting an encroachment to Choice Hotels for the use of the right of way areas of the 1000 block of Lady Street and 1200 block of Park Street adjacent to its building at 1000 Lady Street, 1010 Lady Street, 1014 Lady Street and 1218 Park Street, Richland County TMS#09013-09-01, 09013-09-02, 09013-09-04, and 09013-09-22 for the installation and maintenance of sidewalks, driveways, parking, landscaping and irrigation

First reading approval was given on November 17, 2020.

- 21. Ordinance No.: 2020-105 Authorizing the City Manager to execute a Contract of Sale between the City of Columbia and T.E.O., LLC for the sale of approximately 9.90 acres being known as Parcel C, located on the North Side (N/S) of Farrow Road, Richland County TMS #11612-04-01

First reading approval was given on November 17, 2020.

ORDINANCES - SECOND READING

- 22. Ordinance No.: 2020-106 Approving the Use of Certain Funds of the City of Columbia, South Carolina in order to Acquire, Construct, Equip and Develop Land and Improvements within the Bull Street Facilities and Pay Certain Costs Associated with the Development Thereof; and Other Matters Relating Thereto - Bull Street Parking Facility 1/Construction and Development



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**COLUMBIA CITY COUNCIL MEETING AGENDA
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First reading approval was given on November 17, 2020.

ZONING/PLANNING MATTERS - FIRST READING

- 23. ZONING TEXT AMENDMENT to Amend §17-253 - -DD (design/development)/City Center Design/Development Guidelines to delete Section 3.5.4 (Site Plan Review).

Ordinance No: 2020-100 Amending Chapter 17, Planning, Land Development and Zoning of the 1998 Code of Ordinances of the City of Columbia, South Carolina, Sec. 17-253 -- DD design/development area

Proposal: Amend Sec. 17-253 of the Columbia Code of Ordinances (-DD design/development) to amend the City Center Design/Development Guidelines to delete Section 3.5.4 (Site Plan Review).

Applicant: Councilman Daniel Rickenmann, Columbia City Council

Staff Recommendation: Approval

PC Recommendation: 11/02/2020; Approved (8-0)

The public hearing was held on November 17, 2020 and first reading was deferred.

ORDINANCES - FIRST READING

- 24. Ordinance No.: 2020-107 Consenting to the Inclusion of Property in a Multi-County Industrial/Business Park (Gable Oaks Affordable Housing, 5530 Randall Avenue and 901 Colleton Street, Richland County TMS #11705-03-01 and 11706-11-03)

RESOLUTIONS

- 25. Resolution No.: R-2020-100 Authorizing the Purchase of 6249 Yorkshire Drive, Columbia, SC 29209 identified as Lot 13, Block I, Yorkshire; Richland County TMS#16416-03-08 n/f Walter Ray Burns, as Trustee under the Revocable Trust Agreement of Walter Ray Burns dated April 29, 2019; Project Name: Yorkshire Stormwater Improvements; CIP Project #SD8468; CF#250-515
- 26. Resolution No.: R-2020-104 Authorizing the City Manager to execute an Encroachment License Agreement (NS #1276367) between the City of Columbia and Dominion South Carolina, Inc. for the Richtex, Phase II Pipeline Project on Peebles Street, Richland County TMS#09303-05-41



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**COLUMBIA CITY COUNCIL MEETING AGENDA
TUESDAY, DECEMBER 1, 2020**

OTHER MATTERS

- 27. Council is asked to approve the installation of one speed hump on Holly Street between Rosewood Drive and Burney Drive, as requested by the Public Works Department.
This request has been approved by the Columbia Fire Department and the Columbia Police Department.
- 28. Council is asked to approve a four-way stop at the intersection of Claremont Drive and Kenilworth Road, as requested by the Public Works Department.
This request has been approved by the Columbia Police Department and the Columbia Fire Department.
- 29. Council is asked to approve the Proposed Meeting Schedule for Year 2021.

CITY COUNCIL COMMITTEE REPORTS / REFERRALS

PUBLIC INPUT

EXECUTIVE SESSION

- 30. Receipt of legal advice related to matters covered by attorney-client privilege pursuant to S.C. Code §30-4-70(a)(2)
*COVID-19
Hate Crimes Ordinance*
- 31. Receipt of legal advice relating to a pending, threatened or potential claim pursuant to S.C. Code §30-4-70(a)
*Salley v. Officer Myers
Strom v. City of Columbia
LJ, Inc. v. City of Columbia*
- 32. Discussion of matters relating to proposed location or expansion of services to encourage location or expansion of industries or other businesses pursuant to S.C. Code §30-4-70(a)(2)
*Project Richmond
Project Cross*



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**COLUMBIA CITY COUNCIL MEETING AGENDA
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-
33. Discussion of negotiations incident to proposed contractual arrangements pursuant to S.
C. Code §30-4-70(a)(2)

*Public Art Project
Segra Naming Rights
The COMET
2221 Devine*

ADJOURNMENT

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CITY COUNCIL
November 17, 2020 at 2:00pm
Virtual Meeting Using Video Conferencing Technology, Columbia, SC

Zoning Text Amendment Case Summary
Amend §17-253- -DD (design/development)/City Center Design/Development Guidelines

Proposal: Amend Sec. 17-253 of the Columbia Code of Ordinances (-DD design/development) to amend the City Center Design/Development Guidelines to delete Section 3.5.4 (Site Plan Review).

Pertinent Sections: Chapter 17, Article III, Division 8, Amend §17-253- -DD (design/development) and City Center Design/Development Guidelines

Applicant: Councilman Daniel Rickenmann, Columbia City Council

Staff Recommendation: Approval

PC Recommendation: 11/02/2020; Approval (8-0)

ZPH, 1st Reading: 11/17/2020; Pending

2nd Reading: 12/01/2020; Pending

PROPOSED ZONING TEXT SUMMARY

This request is to amend the City Center Design Guidelines to remove the provision that delegates Site Plan Review within the -DD area from the Planning Commission to the Design/Development Review Commission (D/DRC). This will provide a clear demarcation of review roles: design review for the D/DRC and site development review with the Planning Commission.

Sec. 17-253. - -DD design/development area.

The -DD area is intended to protect the area identified as "City Center" which is undergoing redevelopment and revitalization from incompatible land uses and influences which do not complement or promote the high-intensity mixed use character of the area. It is also the intent that new developments within the -DD area are coordinated to ensure that the land use, pedestrian environment, urban design, open space, signs, street scape and traffic circulation are sensitive to and implement the overall objectives and concept of the applicable redevelopment plan. Development within the -DD area must comply with design guidelines set forth in this Code and in the publication "City Center Design/Development Guidelines, Final Report, September 1, 1998," LDR International, Inc. Consultants, and any amendments thereto.

The -DD area consists of approximately 1,400 acres in the area bounded as follows: on the North by Elmwood Avenue, east by Pickens Street, South by Blossom Street, and West by the Congaree River. Any lot of record which fronts or abuts Elmwood, Pickens or Blossom within the area described above shall be deemed to fall within the -DD area.

STAFF RECOMMENDATION

Staff recommends City Council approval of the changes to the Official Zoning Code.

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Sec. 17-253. - DD design/development area.

The -DD area is intended to protect the area identified as "City Center" which is undergoing redevelopment and revitalization from incompatible land uses and influences which do not complement or promote the high-intensity mixed use character of the area. It is also the intent that new developments within the -DD area are coordinated to ensure that the land use, pedestrian environment, urban design, open space, signs, street scape and traffic circulation are sensitive to and implement the overall objectives and concept of the applicable redevelopment plan. Development within the -DD area must comply with design guidelines set forth in this Code and in the publication "City Center Design/Development Guidelines, Final Report, September 1, 1998," LDR International, Inc. Consultants, and any amendments thereto.

The -DD area consists of approximately 1,400 acres in the area bounded as follows: on the North by Elmwood Avenue, east by Pickens Street, South by Blossom Street, and West by the Congaree River. Any lot of record which fronts or abuts Elmwood, Pickens or Blossom within the area described above shall be deemed to fall within the -DD area.

Attachment: TA-2020-0004_DDGuidelinesPKT_0000-020-01
ELECTRONICALLY FILED - 2021 Jul 21 3:45 PM - RICHLAND - COMMON PLEAS - CASE#2020CP4003475
DD guidelines to remove site plan review
amend §17-253-DD - §17-21§ amend - TA : 4009) LKPKesinidid

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7.13.2021

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Attachment: TA-2020-0202-TL : 4039) LKJpsuiejidjngDDG_7000-0202-TL

Proponents of new construction, demolition, or placement of signs within these districts must obtain a "certificate of design approval" from the Landmarks Commission. For minor projects, certificates can be issued by City staff, but major projects must go before a public hearing of the Commission. Appeals of staff decisions are heard by the Commission, and appeals of Commission decisions are heard by "a court of competent jurisdiction."

The Landmarks Commission evaluates projects for compliance with the provisions of the City's *Urban Design and Historic Preservation (Landmarks) Regulations* (Section 6-0811 of the City Code). These provisions describe a series of non-binding design criteria that generally outline the desired characteristics of projects. For the Gervais Street Historic Commercial District, the City has also adopted design guidelines "to be used in an advisory capacity only."

As discussed earlier in this report, the current functions of the Landmarks Commission would be absorbed by the newly-created Design/Development Review Commission. The D/DRC would continue to administer the existing Landmarks Ordinance and new design guidelines provisions in the zoning ordinance. In doing so, the Commission would essentially "wear two different hats" in reviewing projects in the five preservation districts for compliance with Landmarks Ordinance and the City Center Design/Development Guidelines, respectively. The Landmarks ordinance would take precedence over the Design/Development Guidelines if in conflict.

3.5.4 Site Plan Review

Site plan review in Columbia is handled by the City's Planning Department, which has authority to approve site plans for building projects of 25,000 square feet or less; larger projects must go before the City's Planning Commission. Once applications are accepted, the Planning Department has 10 days to review the project, including evaluation of the site plan and preparation of a staff report for the Planning Commission. The Commission may then approve, approve with conditions, or deny the project. Planning Commission decisions are appealable to the circuit court, not the City Council.

Within City Center, the D/DRC and Design/Development Review staff will assume responsibility for site plan review. This would streamline the overall development review process. Building inspections, fire, floodplain, traffic and other reviews that may need to be performed would still be completed by the respective City departments, however, a Design/Development Coordinator will provide assistance by expediting the development through this process.

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ORIGINAL
STAMPED IN RED

ORDINANCE NO.: 2020-100

Amending Chapter 17, Planning, Land Development and Zoning of the
1998 Code of Ordinances of the City of Columbia, South Carolina,
Sec. 17-253 -- DD design/development area

BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina this 15th day of December, 2020 that the 1998 Code of Ordinances of The City of Columbia, Chapter 17, Planning, Land Development and Zoning of the 1998 Code of Ordinances of the City of Columbia, South Carolina, Sec. 17-253 -- DD design/development area, is hereby amended to read as follows:

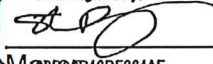
Sec. 17-253. - -DD design/development area.

The -DD area is intended to protect the area identified as "City Center" which is undergoing redevelopment and revitalization from incompatible land uses and influences which do not complement or promote the high-intensity mixed use character of the area. It is also the intent that new developments within the -DD area are coordinated to ensure that the land use, pedestrian environment, urban design, open space, signs, street scape and traffic circulation are sensitive to and implement the overall objectives and concept of the applicable redevelopment plan. Development within the -DD area must comply with design guidelines set forth in this Code and in the publication "City Center Design/Development Guidelines, Final Report, September 1, 1998," LDR International, Inc. Consultants, and any amendments thereto.

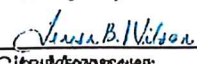
The -DD area consists of approximately 1,400 acres in the area bounded as follows: on the North by Elmwood Avenue, east by Pickens Street, South by Blossom Street, and West by the Congaree River. Any lot of record which fronts or abuts Elmwood, Pickens or Blossom within the area described above shall be deemed to fall within the -DD area.

Requested by:

Assistant City Manager Gentry

DocuSigned by:

Mayor ID10DF204AF...

Approved by:

DocuSigned by:

City Manager

Approved as to form:

DocuSigned by:


City Attorney

ATTEST:

DocuSigned by:

City Clerk

Introduced: 12/1/2020
Final Reading: 12/15/2020
Last revised: 10/15/2020
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A TRUE COPY

CITY CLERK 7-13-2021

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Oct 12 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE COURT OF COMMON PLEAS, FIFTH JUDICIAL CIRCUIT

The Honorable L. Casey Manning
Fifth Circuit Judge

Case No. 2022-000389

UNIVERSITY HILL NEIGHBORHOOD ASSOCIATION,.....RESPONDENT,

v.

CITY OF COLUMBIA, CITY OF COLUMBIA DESIGN AND DEVELOPMENT REVIEW COMMISSION,
AND TRINITAS VENTURES, LLC,APPELLANTS,

CERTIFICATE OF COUNSEL

I certify that the Appendix to the Amended Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

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