

Mayor
Elise Partin

Mayor Pro-Tem
James E. Jenkins

Council Members
Ann Bailey-Robinson
Phil Carter
Tim James

City Manager
Tracy Hegler

Assistant City Manager
James E. Crosland



**Face coverings must be worn to enter City Hall
and attend this meeting. There are no exceptions.**

City of Cayce
Public Hearing and Regular Council Meeting
Tuesday, October 5, 2021
6:00 p.m. – Cayce City Hall – 1800 12th Street
www.caycesc.gov

**PUBLIC HEARING ON AMENDMENT TO THE LAND USE MAP WITHIN THE CITY OF
CAYCE COMPREHENSIVE PLAN**

- I. Opening Statement
- II. Public Testimony
- III. Close Hearing

REGULAR COUNCIL MEETING

I. Call to Order

- A. Invocation and Pledge of Allegiance
- B. Approval of Minutes
September 7, 2021 Public Hearing and Regular Council Meeting
September 22, 2021 Public Hearing and Regular Council Meeting

II. Public Comment Regarding Items on the Agenda

III. Presentations

- A. Presentation by Ms. Jean Boiteau regarding Improving Roads and Signage and Speeding on the Avenues

IV. Ordinances

- A. Discussion and Approval of Ordinance 2021-17 Amending Zoning Map and Rezoning Split Zoned Property Located at 1204 Knox Abbott Drive (TMS# 004633-06-009) from RS-3 (Single Family Residential) and C-4 (Highway Commercial) - Second Reading
- B. Discussion and Approval of Ordinance 2021-20 Amending Section 6.5 Table I, Section 6.7 Table 3 of the Zoning Ordinance to Revise Requirements for the RS-4 Zoning District and Amending Section 7.1 of the Zoning Ordinance to Revise Requirements for Townhouses – Second Reading
- C. Discussion and Approval of Ordinance 2021-21 Amending the Land Use Plan

(2019) Map of the City of Cayce Comprehensive Plan: 2010-2020 for the Area Bounded by Wilkinson Street, Dunbar Road and Frink Street – Second Reading

- D. Discussion and Approval of Ordinance 2021-18 Amending Zoning Map and Rezoning Property Located at 1407 Dunbar Road (TMS#005766-03-006) from C-1 (Office and Institutional to RG-2 (General Residential, High Rise) – First Reading
- E. Discussion and Approval of Ordinance 2021-22 Amending the Zoning Map and Rezoning Property Located at the Southeast Corner of 12th Street Extension and Clovis Pointe Way (A Portion of Tax Map Number 006897-01-042, Plat Book 15227, Page 176) – First Reading

V. Discussion Items

- A. Discussion and Approval of an Extension to the 2013 Lease Agreement between Martin Marietta Materials Real Estate Investments, Inc. and the City of Cayce

VI. Committee Matters

- A. Appointments
Public Safety Foundation – One (1) Position

VII. City Manager's Report

VIII. Council Comments

IX. Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege
- B. Discussion of potential agreement between Broad Brook and City of Cayce regarding 800 Lexington Avenue

X. Possible actions by Council in follow up to Executive Session

XI. Adjourn

SPECIAL NOTE: Upon request, the City of Cayce will provide this document in whatever form necessary for the physically challenged or impaired.

NOTICE OF PUBLIC HEARING ON AMENDMENT TO THE LAND USE MAP WITHIN THE CITY OF CAYCE COMPREHENSIVE PLAN

Notice is hereby given that members of Council of the City of Cayce will hold a Public Hearing for the purpose of obtaining public comment on the adoption of an amendment to the Land Use Map within the City of Cayce Comprehensive Plan to revise the Future Land Use Map classification for the area bounded by Wilkinson Street, Dunbar Road and Frink Street from CBI (Commercial-Business/Industrial) to RD (Residential Density Flex).

Date: October 5, 2021
Time: 6:00PM
Location: Cayce City Hall
1800 12th Street Ext.
Cayce, SC 29033

A copy of the proposed map amendment is available for inspection at Cayce City Hall and on the City website at www.caycesc.gov.

The general public and other interested parties are encouraged to attend this public hearing. Questions regarding this matter and/or review of documents relating to this matter are available for public inspection in the Planning & Development Office, City of Cayce.

Second and final reading and vote by the Council on the proposed fee will be held immediately following the Public Hearing.



Mayor Elise Partin	Mayor Pro-Tem James E. Jenkins	Council Members Ann Bailey-Robinson Phil Carter Tim James	City Manager Tracy Hegler	Assistant City Manager James E. Crosland
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City of Cayce
Public Hearing and Regular Council Meeting
September 7, 2021
Cayce City Hall – 1800 12th Street
caycesc.gov

A Regular Council Meeting was held this evening at 6:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Mayor Pro Tem James Jenkins and Council Members Ann Bailey-Robinson, Phil Carter and Tim James. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, Finance Director Kelly McMullen, Planning Director Wade Luther, IT Director Jamie Beckham and City Attorney Danny Crowe were also in attendance.

Mayor Partin asked if members of the press and the public were duly notified of the Public Hearing in accordance with the FOIA. Ms. Corder confirmed they were notified.

**PUBLIC HEARING REGARDING HOUSING AUTHORITY OF THE CITY OF
 CAYCE, SOUTH CAROLINA MULTIFAMILY HOUSING REVENUE BONDS
 (ABBOTT ARMS PROJECT), SERIES 2021**

I. Opening Statement

Mayor Partin stated that notice of a Public Hearing regarding the Housing Authority of the City of Cayce, South Carolina multifamily housing revenue bonds (Abbott Arms Project), Series 2021, was hereby given, that, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the City Council of the City of Cayce, South Carolina ("City") will hold a public hearing ("Public Hearing") on its own behalf and on behalf of the Housing Authority of the City of Cayce, South Carolina (the "Authority"), regarding the above-referenced bond issuance by the Authority. The Authority, a city housing authority organized under and pursuant to the provisions of Title 31 Chapter 3 Article 5 of the Code of Laws of the State of South Carolina, as amended intends to issue its Multifamily Housing Revenue Bonds (Abbott Arms Project) Series 2021 in an aggregate principal amount not to exceed \$11,000,000 (the "Bonds") to finance a loan to DGA Cayce LP, a Tennessee limited partnership (the "Borrower"). The proceeds of the Bonds will be used to (i) provide funds to finance the costs of acquiring and rehabilitating of a 100-unit multifamily development located in the City known as Abbott Arms ("Project"), and (ii) pay the costs of issuance of the Bonds.

II. Public Testimony

Mr. Ray Jones stated he was the attorney for the developer and would speak on his behalf. He stated that Abbott Arms Apartments were quite old and the improvements being made to them would be wonderful for the community. He stated

that the longtime manager of the property, Nikki Lykes, was in the assembly, and was very excited about the improvements being made. He thanked Council for holding the Public Hearing and considering the Resolution for approval.

III. Close Hearing

There was not any further public testimony therefore Mayor Partin closed the hearing.

Regular Council Meeting

Mayor Partin asked if members of the press and the public were duly notified of the Council Meeting in accordance with the FOIA. Ms. Corder confirmed they were notified.

Call to Order

Mayor Partin called the meeting to order and Council Member Bailey-Robinson gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Approval of Minutes

Council Member Bailey-Robinson made a motion to approve the August 3, 2021 Regular Council Meeting minutes and the August 18, 2021 Regular Council Meeting minutes as written. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

Public Comment Regarding Items on the Agenda

Ms. Nancy Stone-Collum, 1222 H Avenue, signed up to speak on Item III. C. She stated that she checked the City's website for the September 7, 2021 Council Meeting agenda the Friday before the Council Meeting and the day before the Council Meeting and it was not there. She stated that the FOIA Act requires notification of meetings to be posted 24 hours before the meeting. She stated that she thought the Council Meeting violated that stipulation. She stated that the July 14, 2021 and the August 3, 2021 Council Meetings were held virtually due to the COVID numbers. She stated that the current COVID numbers were significantly higher than they were six (6) weeks ago so one could only conclude that the reason the meetings were held virtually then was to avoid the large, mostly disapproving, public that participated on commenting on the Cookout rezoning. Ms. Stone-Collum stated that she was at the current meeting to support Item III. C. pertaining to the Ordinance limiting cross access. She stated that it was appreciated that some of the concerns the residents of H Avenue had expressed were heard and were being addressed.

Mayor Partin asked Ms. Corder if the meeting notice was put up 24 hours before the meeting. Ms. Corder confirmed that it was. Mayor Partin stated that correct meeting notification was something that Council and staff take very seriously.

Resolutions and Ordinances

A. Consideration and Approval of Resolution Approving Affordable Housing Bond Issue as Required Under Federal Tax Regulations

Ms. Hegler stated that the Public Hearing held that evening was in reference to the Resolution. She stated that the Resolution from Council stated that Council supported the bond for the developer to upgrade Abbott Arms.

Council Member James made a motion to approve the Resolution. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

B. Consideration and Approval of Resolution Designating an Authorized Representative and Contact Person for Purposes of the American Rescue Plan Act of 2021

Ms. Hegler stated that the City was a nonentitlement City which qualified the City to receive funding for COVID relief through the American Rescue Act Plan of 2021. She stated that the State had requested that draw down for its Cities. She stated that a point of contact was needed to proceed as well as an authorized representative for the City. Ms. Hegler stated that she was the Representative and Ms. McMullen, the City's Finance Director, would be the point of contact.

Council Member James made a motion to approve the Resolution appointing Ms. Hegler the point of contact and Ms. McMullen as the authorized representative. Mayor Pro Tem Jenkins seconded the motion. Ms. Hegler stated that technically she was the authorized representative and Ms. McMullen was the point of contact. Council Member James amended his motion to reflect that. Mayor Pro Tem seconded the amended motion which was unanimously approved by roll call vote.

C. Discussion and Approval of Ordinance 2021-18 Amending Section 5.7 of the Zoning Ordinance and Sections 5-4.7 and 6-17 of the Land Development Regulations to Address Cross Access between Commercial Uses and Residential Uses – First Reading

Ms. Hegler stated that Council's approval was needed for the First Reading of an Ordinance to amend text of the Zoning Ordinance Section 5.7 and Land Development Regulations Article 5 Minimum Design Standards 5-4.7 and Article 6 Required Improvements 6-17 to include language regarding cross access between commercial

and residential uses. She stated that the text amendments were developed as a result of Council's request to staff to investigate protecting residential areas from encroachment by adjacent commercial uses, following a 90-day deferral of a rezoning request of a split zoned double frontage lot with frontage on Knox Abbot Drive and H Avenue from C-4/RS-3 to all C-4 for the purposes of a drive-thru restaurant.

Ms. Hegler stated that currently, the City did not have a means to prohibit a commercial use from using a cross access easement through an adjacent property to gain ingress/egress to a minor street or residential subdivision. She stated that traditionally, design standards for commercial uses promoted shared and cross access as a way to alleviate traffic issues by distributing access across multiple points on and around the property. In some cases, that could provide an encroachment into residential areas and create a distribution of traffic volumes onto residential streets, in which the roads were not constructed to handle the increased traffic counts. The increased traffic volumes to residential streets could deteriorate pavement conditions at a higher rate, as well as pose vehicular and pedestrian safety conflicts on minor streets, thereby detracting from quality of life.

Ms. Hegler stated that the amended language would prohibit cross access to adjacent parcels in a commercial zone, whereby subsequent access could be obtained to adjacent residential areas and minor streets. Moreover, the amended text would further prohibit rear access from double frontage lots to residential areas and minor streets from "the lot itself." She stated that the language served to separate traffic activities between commercial and residential uses and would be most beneficial when used in concert with existing landscape and bufferyard requirements of the zoning ordinance.

Ms. Hegler stated that staff had proposed additional language to Section 5.7 of the Zoning Ordinance, regarding street access to property, explicitly stating that "Cross access is prohibited where it creates driveway access to residential areas through adjacent lots." She stated that staff had also proposed additional language to Section 5-4.7 of the Land Development Regulations to amend the definition of Double Frontage to include that "Access from double frontage lots in commercial zones to residential subdivisions or minor streets shall not be granted from the lot itself or through cross access to adjacent lots." Ms. Hegler stated that the bolded language "from the lot itself" explicitly prohibited access from the rear of through lots to residential areas or minor streets. She stated that lastly, staff had proposed additional language to Section 6-17 of the Land Development Regulations, expanding the definition of cross access to state, "Any cross access creating an ingress and egress from commercial zones to residential streets through adjacent lots is prohibited."

Ms. Hegler stated that the Planning Commission met on August 23, 2021, to hear public comment and to consider their recommendations for the subject text amendments. She stated that the Planning Commission decided unanimously (6-0) to

approve the recommendation to Council to approve First Reading of an Ordinance amending Zoning Ordinance Section 5.7 and Land Development Regulations Article 5 Minimum Design Standards 5-4.7 and Article 6 Required Improvements 6-17. She stated that staff recommended adoption of the amendments, as necessary to protect residential neighborhoods from encroachment by increasing commercial activity and redevelopment as it occurs in the City.

Mayor Partin stated to clarify the City's buffer rules that were already in effect would have prevented any direct access onto H Avenue therefore staff just added clarifying language to the Ordinance. Ms. Hegler stated that technically it was not the buffer rules that addressed direct access. She stated it was the through lot access. She stated that if a lot had frontage on a major commercial street and then frontage on a residential street staff interpreted it as not allowing it. She stated that it was clearer in the amended sections. Mayor Partin stated that she appreciated staff adding the clarification even though it was already addressed. Mayor Pro Tem Jenkins asked if the amended sections would take care of any access from Knox Abbott Drive to H Avenue. Ms. Hegler stated that it was intended to.

Council Member James made a motion to approve Ordinance 2021-18. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

D. Discussion and Approval of Emergency Ordinance 2021-19 Requiring Individuals To Wear Face Coverings in Certain Circumstances, and Other Matters Related Thereto

Mayor Pro Tem Jenkins made a motion to approve. Council Member James seconded the motion. Council Member Carter stated that he just received a breaking news alert that the City of Columbia was mandating vaccines for all their employees. He stated that he watched golf and football games all weekend where thousands of people were in attendance and no one had masks on. He stated that he got food to-go from restaurants where no one in the restaurants had masks on. He stated that it was obvious that people did not want to wear masks. He stated that the current extremely high COVID numbers were unacceptable. Council Member Carter stated that he certainly supported the Ordinance requiring face coverings to be worn but also hoped that it would serve as a catalyst for people to get vaccinated. Council Member James stated what precipitated the face covering Ordinance was Council receiving a letter from Lexington Medical Center, a nationally recognized hospital, specifically asking for community support in two ways. The first way was for everyone to get vaccinated and the second way for everyone to mask. He stated that he thought it would be a tragedy to not support the community's hospital during these trying times. He stated that he, and he believed the rest of Council, were begging people to recognize that masks were not an alternative to vaccination.

Ms. Hegler stated that Council had a revised version of the Ordinance in front of them at the dais that extended the effective day from the following day to that Friday. Mayor Partin stated that she asked to change the effective date to give local businesses time to create signs for their doors and put them up. She stated that people not wearing masks and not getting vaccinated was crushing local businesses. She stated that The Kingsman was closed the prior weekend because too many of their staff had COVID so they wanted to close for the weekend and do a deep clean of the restaurant before reopening. Mayor Partin stated that The Kingsman had been so responsible during COVID but still lost a whole weekend of business and revenue. She stated that the Cayce Neighborhood Walmart had to close early every evening because of a shortage of staff. She stated that most people had never experienced anything like COVID but there were a few wise seniors who had experienced a pandemic and they were not having trouble adjusting. Mayor Partin stated that vaccines had been introduced to our repertoire throughout the last 100 years. She stated that only four (4) out of ten people in South Carolina were vaccinated. She stated that we were exactly where we were a year ago if not maybe even worse. She stated that until we did a better job helping people navigate through the pandemic so they could get vaccinated we were stuck with masks.

Mayor Pro Tem Jenkins made a motion to accept the amended version of the Ordinance. Council Member Bailey-Robinson seconded the motion. Council Member James stated that Council did not make the decision to mandate face coverings in a vacuum. He stated that local businesses and area partners were contacted to gather their thoughts on the issue. He stated overwhelmingly the majority asked for a face covering mandate. Mayor Partin called the question which was unanimously approved by roll call vote.

Council Member James made a motion to approve the amended Ordinance. Council Member Carter seconded the motion which was unanimously approved by roll call vote. Mayor Partin stated that the City always placed its Council meeting agendas and agenda packets on the City's website and in the September 7, 2021 Council Meeting packet the letter from Lexington Medical Center signed by the President and CEO, the Chief Medical Officer and the Chief of Staff asking Council to pass the mask mandate was in the packet. She stated that ideally the mandate would be for short term until more people were vaccinated.

Discussion Items

A. Discussion and Approval of the Accommodations Tax Committee's Recommendation for Distribution of Funding for FY21/22

Ms. Hegler stated that Council's approval was needed to proceed with distribution of accommodations tax funds to organizations planning events and activities open to the public that would promote tourism to the City of Cayce during FY21-22. She stated that

funding was provided by Accommodations Tax revenues to qualifying applicants and was based on the percentage of attendees who travel 50 or more miles to attend the event. She stated that funding was contingent upon the City maintaining the estimated funding level. She stated that staff did not do this process last year because it was the height of COVID and staff was not sure how that would impact the City's funding. Ms. Hegler stated that the City's Accommodations Tax Committee met to discuss the requests for funding. The Accommodations Tax Committee recommended eight (8) applications for approval for a total amount of \$84,500.

Mayor Pro Tem asked how staff was able to determine how many people certain events would attract. Ms. Hegler stated that the City's grant application packet included questions pertaining to prior events, if any were held, and requested estimates on expected numbers. She stated that most of the events were held annually so prior numbers were available.

Council Member Carter made a motion to approve the Accommodations Tax Committee's recommendations. Council Member Bailey-Robinson seconded the motion. Council Member Carter asked if the businesses that collected accommodations tax pay it directly to the City or through the State. Ms. Hegler stated that the money went to the State first. Council Member Carter asked what the remaining balance was in the account and how much could be carried over from year to year. Ms. Hegler stated that it was not encouraged to carry a balance from year to year. She stated that there was a State formula on how the funds must be spent. Ms. Hegler stated that the City received the funds quarterly and \$25,000 was put in the general fund for tourism related functions and operations of the City, then 5% of the remaining balance also went into the City's coffers and the next 30% was allocated to tourism industries and the remaining balance was used for grant opportunities. She stated that there was some fund balance in the account but the City would have to get caught up at some point because the oversight committee really did not like for a balance to be kept. Council Member Carter asked Ms. Hegler to send that information to Council along with information on the Hospitality Tax grant award process. Mayor Partin called the question. Council Member James recused himself from the vote. Mayor Pro Tem Jenkins and Mayor Partin voted yes.

B. Discussion and Approval of Hospitality Tax Grant Funding for 2021

Mayor Pro Tem Jenkins made a motion to approve all of staff's recommendations except the \$24,000 for Tartan Day South. He made a motion to award \$19,000 to Tartan Day South. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

C. Discussion and Approval Authorizing the City Manager to Enter into Two (2) Agreements with Republic Services for Waste Disposal Services from the Wastewater Treatment Plant and the Septage and Grease Facility

Ms. Hegler stated that Council approval was needed for the City Manager to execute two (2) new landfill agreements with Republic Services, a landfill in Eastover, SC. She stated that one (1) landfill agreement was for sludge generated from the main WWTP and one (1) agreement was for the sludge generated at the Septage and Grease Facility. The City currently has two (2) sludge disposal contracts with Waste Management Company's Richland Landfill located in Elgin, SC. She stated that one (1) of the existing landfill agreements was for the main WWTP sludge and one was for the sludge generated at the Septage and Grease Facility. Due to new "company" policies implemented by Waste Management Company, the City had been told that its sludge contained too much water (considered a wet waste) and could affect structural stability of the landfill. With the new policies in place, Waste Management would not approve long term contracts with the City. Ms. Hegler stated that they were continuing to take the City's sludge, currently, but that could be terminated at any time.

Ms. Hegler stated that there were processes currently being used at the WWTP and the Septage and Grease Facility to remove a portion of the water content from the sludge. She stated that these processes had been in place the entire time at the sludge generating facilities and had been acceptable to this landfill for many years until their new policy change. She stated that the equipment the City currently had in place, as designed, could not remove the amount of water that the landfill was now requiring. Ms. Hegler stated that if Waste Management prohibited the acceptance of the City's sludge, the temporary solution would be to take it to another landfill that would accept it with its current water content. She stated that staff had researched other local landfill alternatives and there was one within a reasonable distance, Republic Services, a landfill in Eastover, SC.

Ms. Hegler stated that the Council approved FY22 budget contained increases for sludge disposal fees for the WWTP and the Septage & Grease Facility in anticipation of a possible switch in landfills during the fiscal year. She stated that staff recommended that Council approve for the City Manager to execute the agreements with Republic Services to guarantee no disruptions in the City's sludge disposal processes. She stated that by signing the agreements with Republic, the City was not obligated to dispose any amount of sludge to them. She stated that the City would only use the Republic Landfill should Waste Management choose to not accept its sludge.

Mayor Pro Tem Jenkins made a motion to approve the City Manager entering into two (2) agreements with Republic. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

Committee Matters

- A. Approval to Enter the following Committee Approved Minutes in the City's Record
Planning Commission – June 21, 2021

Museum Commission – July 15, 2021
Events Committee – July 15, 2021

Council Member James made a motion to approve the Committee approved minutes into the record. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

- B. Appointments and Reappointments
 - Events Committee – One (1) Position
 - Planning Commission – One (1) Position
 - Museum Commission – One (1) Position

Mayor Partin stated that there was one (1) open position on the Events Committee and the City had received a potential member application from Ms. Megan Lightle. Council Member James made a motion to appoint Ms. Lightle to the Events Committee. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

Mayor Partin stated that there was one (1) open position on the Planning Commission and the City has received potential member applications from Mr. Danny Creamer and Mr. Michael Mahoney. Mayor Pro Tem Jenkins made a motion to appoint Mr. Mahoney to the Planning Commission. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

Mayor Partin stated that Mr. Marion Hutson's term on the Museum Commission expired in September and he would like to serve again. She stated that Mr. Hutson had served on the Commission since 1999. Council Member James made a motion to reappoint Mr. Hutson to the Museum Commission. Council Member Carter seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that staff was well underway with the business license standardization process and were on track to have the Ordinance before Council by the end of the year. She stated that she often received compliments on staff and wanted to start sharing those with Council in her Report. She stated that one of the haulers who brings septage and grease to the City's facility wrote that he was so impressed with Neal Klimek's improvements to the facility and the process. One senior resident wrote about Officer Jeffrey Strum assisting her with an injured bird and commented on Officer Strum's professionalism and kindness. Ms. Hegler also received an email about Officer Daniel Green stopping to help two (2) young people who had a flat tire and did not have the correct tools to change it. Officer Green got them the correct tools and stayed with them while they changed the tire and made sure they were safe. A local school principal wrote that School Resource Officer Daniel Green does an outstanding job daily

of being visible and working with the students. He stated that Officer Green's attentiveness and attention to detail did not go unnoticed. He stated that Officer Green recently met with a student who had been in foster care and had a negative history with Law Enforcement. Officer Green listened to the young girl and her family and provided feedback and was able to turn some negative feelings into positive ones. The family left feeling confident in the school and considerably more comfortable with Law Enforcement. Ms. Hegler stated that the next email stated that this person's parents were Cayce residents and were both in failing health. Her Father had COPD and emphysema and was bed ridden but often found excuses to get out of bed. Often he would fall and her Mother was too weak to help him up so they would have to call the Cayce Fire Department. She stated that usually Fire Fighter Michael Jordan was the one who responded to the call and he was always patient, kind and caring. She stated that her Mother fell as well and Fire Fighter Jordan responded and treated her with respect and kindness. Her mother was hesitant to go to the hospital but Fire Fighter Jordan convinced her to go. She was very ill and received the care she needed and was able to return home.

Council Comments

Mayor Pro Tem Jenkins asked everyone to stay safe with the increasing COVID numbers.

Council Member James introduced the Greater Cayce West Columbia Chamber's Chairperson Ms. Hayley Bowers. He stated that she was Vice President of M.B. Kahn.

Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege

There were not any items to be discussed in Executive Session.

Adjourn

Mayor Pro Tem Jenkins made a motion to adjourn the meeting. Council Member James seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 6:38 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

IF YOU WOULD LIKE TO SPEAK ON A MATTER APPEARING ON THE MEETING AGENDA, PLEASE COMPLETE THE INFORMATION BELOW PRIOR TO THE START OF THE MEETING.* *THANK YOU.*

COUNCIL MEETING SPEAKERS' LIST

Date of Meeting September 7, 2021

Name	Address	Agenda Item
Nancy Stone - Cook	1222 H Ave	11C

***Appearance of citizens at Council meetings - City of Cayce Code of Ordinances, Sec. 2-71.** Any citizen of the municipality may speak at a regular meeting of the council on a matter pertaining to municipal services and operation, with the exception of personnel matters, by notifying the office of the city manager at least five working days prior to the meeting and stating the subject and purpose for speaking. Additionally, during the **public comment period** as specified on the agenda of a regular meeting of the council, a member of the public may speak on a matter appearing on the meeting agenda, with the exception of personnel matters by signing a speakers list maintained by the city clerk prior to the start of the public comment period. The number of speakers at a council meeting may be limited in the discretion of the mayor or presiding officer, the length of time for any speaker's presentation is limited to a maximum of five minutes, and a presentation may be curtailed if determined to be uncivil, contentious, or disruptive in the discretion of the mayor or presiding officer or by majority of vote of council.

RECUSAL STATEMENT

Member Name: Timothy M. James

Meeting Date: September 7 2021

Agenda Item: Section IV Number A & B

Topic: Accommodations Tax Distribution
Hospitality Tax Grant Funding

The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37). A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.

Justification to Recuse:

Professionally employed by or under contract with principal

Owns or has vested interest in principal or property

Other: _____

Employed by CWC chamber, who has requested funding

Date 9-7-21

Member Signature 

Approved by Parliamentarian: _____



Mayor Elise Partin	Mayor Pro-Tem James E. Jenkins	Council Members Ann Bailey-Robinson Phil Carter Tim James	City Manager Tracy Hegler	Assistant City Manager James E. Crosland
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**City of Cayce
Public Hearing and Regular Council Meeting
September 22, 2021
Cayce City Hall – 1800 12th Street
caycesc.gov**

A Regular Council Meeting was held this evening at 5:00 p.m. in Council Chambers. Those present included Mayor Elise Partin, Mayor Pro Tem James Jenkins and Council Members Ann Bailey-Robinson, Phil Carter and Tim James. City Manager Tracy Hegler, Assistant City Manager Jim Crosland, Municipal Clerk Mendy Corder, Finance Director Kelly McMullen, Planning Director Wade Luther, IT Director Jamie Beckham and City Attorney Danny Crowe were also in attendance.

Mayor Partin asked if members of the press and the public were duly notified of the Public Hearing in accordance with the FOIA. Ms. Corder confirmed they were notified.

**PUBLIC HEARING REGARDING HOUSING AUTHORITY OF THE CITY OF
CAYCE, SOUTH CAROLINA MULTIFAMILY HOUSING REVENUE BONDS
(ABBOTT ARMS PROJECT), SERIES 2021**

I. Opening Statement

Mayor Partin stated that notice of a Public Hearing regarding the Housing Authority of the City of Cayce, South Carolina multifamily housing revenue bonds (Abbott Arms Project), Series 2021, was hereby given, that, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the City Council of the City of Cayce, South Carolina ("City") will hold a public hearing ("Public Hearing") on its own behalf and on behalf of the Housing Authority of the City of Cayce, South Carolina (the "Authority"), regarding the above-referenced bond issuance by the Authority. The Authority, a city housing authority organized under and pursuant to the provisions of Title 31 Chapter 3 Article 5 of the Code of Laws of the State of South Carolina, as amended intends to issue its Multifamily Housing Revenue Bonds (Abbott Arms Project) Series 2021 in an aggregate principal amount not to exceed \$25,000,000 (the "Bonds") to finance a loan to DGA Cayce LP, a Tennessee limited partnership (the "Borrower"). The proceeds of the Bonds will be used to (i) provide funds to finance the costs of acquiring and rehabilitating of a 100-unit multifamily development located in the City known as Abbott Arms ("Project"), and (ii) pay the costs of issuance of the Bonds.

Mayor Partin stated that for full transparency this item was being brought back to Council again, because a discrepancy was found in the listed bond amounts for the Public Hearing notice and the Resolution.

II. Public Testimony

Mr. Ray Jones stated he was the attorney for the developer and would speak on his behalf. He stated that the previous Public Hearing Notice listed an incorrect bond amount. He thanked Council for holding another Public Hearing and stated that there were not additional changes to the notice.

III. Close Hearing

There was not any further public testimony therefore Mayor Partin closed the hearing.

Regular Council Meeting

Mayor Partin asked if members of the press and the public were duly notified of the Council Meeting in accordance with the FOIA. Ms. Corder confirmed they were notified.

Call to Order

Mayor Partin called the meeting to order and Mayor Pro Tem James Jenkins gave the invocation. Mayor Partin led the assembly in the Pledge of Allegiance.

Public Comment Regarding Items on the Agenda

No one signed up for Public Comment.

Presentations

- A. Presentation by Ms. Miriam Atria with Capital City Lake Murray Country re Annual Report on Regional Tourism

Ms. Corder stated that Ms. Atria was not in attendance yet and asked if the presentation could be moved to the end of the agenda. Council Member Carter made a motion to move Item III. A. to the end of the agenda. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

Resolutions and Ordinances

- A. Consideration and Approval of Resolution Supporting a Grant Application from the City of Cayce to the Municipal Association of South Carolina

Council Member James made a motion to approve the Resolution. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

B. Consideration and Approval of Resolution Approving Multifamily Housing Bonds as Required Under Federal Tax Regulations

Council Member Carter made a motion to approve the Resolution. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

C. Discussion and Approval of Ordinance 2021-18 Amending Section 5.7 of the Zoning Ordinance and Sections 5-4.7 and 6-17 of the Land Development Regulations to Address Cross Access between Commercial Uses and Residential Uses – Second Reading

Council Member James made a motion to approve Ordinance 2021-18 on Second Reading. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

D. Discussion and Approval of Ordinance 2021-20 Amending Section 6.5 Table I, Section 6.7 Table 3 of the Zoning Ordinance to Revise Requirements for the RS-4 Zoning District and Amending Section 7.1 of the Zoning Ordinance to Revise Requirements for Townhouses - First Reading

Ms. Hegler stated that Council approval was needed for the First Reading of Ordinance amending Section 6.5 Table I, and Section 6.7 Table 3 of the Zoning Ordinance to revise requirements for the RS-4 zoning district and amending Section 7.1 of the Zoning Ordinance to revise requirements for townhouses. She stated that the text amendments were developed as a result of Council's request for staff to investigate zoning requirements to allow for a variety of single-family residential uses - detached, duplex, patio home and townhome development - while restricting "High-Rise" multi-family apartments. She stated that this request was the result of considering the most compatible and optimal use for 1407 Dunbar Road (former Busbee Middle School), during a rezoning request from C-1 Office and Institutional to RG-2, General Residential District – High Rise.

Ms. Hegler stated that currently the City did not have a zoning district classification that allowed for single-family detached and small lot residential development, such as duplex, patio homes or townhomes; without also allowing for multi-family residential or "High-Rise" residential development in the form of air-space condominiums or rented apartments. She stated that the amendment provided language to permit duplexes by-right and townhome developments and patio homes by conditional use in the RS-4 zoning district. Multi-family uses would be prohibited. The conditional use Sections 7.1 (Townhouse Projects) and 7.2 (Patio and zero lot line housing projects) regulates the design of those homes to ensure new construction will fit in with existing neighborhoods. Additionally, any permitted development surrounded by

residential on two sides by existing residential would be subject to Section 6.12 infill design standards of the Zoning Ordinance. Ms. Hegler stated all of the design elements gave small lot development the feel of traditional, detached single-family homes. She stated that the amendment also clarified dimensional requirements for the RS-4 zoning district to explicitly state the 3,000 square foot minimum lot size requirement for townhouse units (this previously had to be inferred by backing into calculations using minimum project size and lot width requirements, which was confusing and cumbersome for staff and applicants).

Ms. Hegler stated that according to the Cayce Housing Study, there was “opportunity to build housing at a variety of pricepoints and typologies,” as well as “opportunity for retaining and attracting households by maintaining a diversified housing stock.” A recommendation of the study suggested, “using zoning to guide housing investments,” along with appropriate standards and a list of implementation strategies. She stated that the conditional use regulations would safeguard the City from multiple developments that created a disjointed appearance of the City. She stated that infill uses not subject to the conditional standards were subject to the infill design ordinance standards. She stated that the Planning Commission met on August 23, 2021 to hear public comment and to consider their recommendations for the subject text amendments. One (1) person spoke in favor of the amendment. The Planning Commission decided unanimously (6-0) to approve the recommendation to Council to approve First Reading of Ordinance amending Section 6.5 Table I, and Section 6.7 Table 3 of the Zoning Ordinance to revise requirements for the RS-4 zoning district and amending Section 7.1 of the Zoning Ordinance to revise requirements for townhouses. Staff recommends adoption of these amendments, as necessary to meet the goals of the housing study by providing a diversity of housing stock, while also preserving the character of surrounding residential neighborhoods.

Mayor Pro Tem Jenkins made a motion to approve Ordinance 2021-20 on First Reading. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

E. Discussion and Approval of Ordinance 2021-21 Amending the Land Use Plan (2019) Map of the City of Cayce Comprehensive Plan: 2010-2020 for the Area Bounded by Wilkinson Street, Dunbar Road and Frink Street – First Reading

Ms. Hegler stated that Council approval was needed for the First Reading of an amendment to the Land Use Map within the City of Cayce Comprehensive Plan to revise the Future Land Use Map classification for the area bounded by Wilkinson Street, Dunbar Road and Frink Street from CBI (Commercial-Business Industrial) to RD (Residential Density Flex). She stated that approval was requested for a map amendment to revise the Future Land Use Map in the area bounded by Wilkinson Street, Dunbar Road and Frink Street from CBI (Commercial Business Industrial) to RD

(Residential Density Flex). She stated that the land use plan was one of the planning elements of the Cayce Comprehensive Plan and the corresponding map was meant to guide the systematic growth and development of the City. She stated that the land use categories identified on the map were intentionally broad and were used to guide decisions on how the built environment would be shaped. Ms. Hegler stated that the Future Land Use designations also included an associated list of compatible zoning designations which fell within the land use designation (shown on Table 35 Plan Compliance Index).

Ms. Hegler stated that the Comprehensive Plan was designed to be an adjustable document, fluctuating with the changes to the City. The outcome of the amendment involved changes to the map that must be included to update the map for continued compliance with the goals of the Comprehensive Plan and zoning compatibility to ensure the City is responding to future land use needs. Ms. Hegler stated that the map amendment was developed as a result of Council's request for staff to investigate zoning requirements to allow for a variety of single-family residential uses - detached, duplex, patio home and townhome development - while restricting "High-Rise" multi-family apartments. This request was the result of considering the most compatible and optimal use for 1407 Dunbar Road (former Busbee Middle School), during a rezoning request from C-1 Office and Institutional to RG-2, General Residential District – High Rise.

Ms. Hegler stated that the current CBI designation allowed the following compatible zoning uses: C-3, M-1, M-2 and PDD. The subject area contains RG-2, RS-4, and C-1 zoning districts. The C-1 (Office and Institutional) zoning district is intended to accommodate office, institutional, and residential uses whose character is changing. Ms. Hegler stated that with the demolition of the middle school, the C-1 zoning designation no longer suited the future land use planning objectives of the area. CBI allows for commercial, light industrial and some residential development; in efforts to promote the development of business and industrial parks, the RD designation sets forth the following compatible zoning districts, RS-1, RS-2, RS-3, RS-4, RG-1, RG-2 and PDD. RD is intended to meet the varied housing needs of a changing residential market.

Ms. Hegler stated that the map change request was driven by findings of the Cayce Housing Study, in which it is stated that there is "opportunity to build housing at a variety of pricepoints and typologies," as well as "opportunity for retaining and attracting households by maintaining a diversified housing stock." A recommendation of the study suggested, "using zoning to guide housing investments," along with appropriate standards and a list of implementation strategies. The Planning Commission met on August 23, 2021, to hear public comment and to consider their recommendations for the subject text amendments. Two (2) people spoke in favor of the amendment. The Planning Commission decided unanimously (6-0) to approve the recommendation to Council to approve First Reading of an amendment to the Land Use Map within the City

of Cayce Comprehensive Plan to revise the Future Land Use Map classification for the area bounded by Wilkinson Street, Dunbar Road and Frink Street from CBI (Commercial-Business Industrial) to RD (Residential Density Flex). Ms. Hegler stated that staff recommended adoption of the amendment, as necessary to meet the City's future land use goals, recommendations of the housing study, and changing housing market conditions by providing a diversity of housing stock. The map amendment will also preserve the character of residential neighborhoods from encroachment by more intensive commercial and light industrial developments.

Council Member Bailey-Robinson made a motion to approve Ordinance 2021-21 on First Reading. Mayor Pro Tem Jenkins seconded the motion which was unanimously approved by roll call vote.

Committee Matters

A. Appointments

Accommodations Tax Committee – One (1) Position

Mayor Partin stated that the Accommodations Tax Committee has one open position that had to be filled by someone in the restaurant industry. The City received a potential member application form Mr. Sean Coleman who works at Steel Hands Brewing. Council Member Carter made a motion to appoint Mr. Coleman to the Accommodations Tax Committee. Council Member James seconded the motion which was unanimously approved by roll call vote.

City Manager's Report

Ms. Hegler stated that the City's 1936 REO Firetruck was being displayed that weekend at the Camden Fire Fest and it would be great exposure for the Museum. She stated that the City would be taking delivery of the new fire ladder truck very soon and staff was picking out graphics for the truck that week.

Ms. Hegler stated that she would like to recognize several staff members for recent awards. First was, Sgt. Danielle McCord for being named Midlands Region SRO of the Year by the South Carolina Association of School Resource Officers and the School Resource Officer of the Year by Lexington School District Two. She stated that Sgt. Danielle McCord began her career at the Cayce Department of Public Safety in 2001 as a 911 dispatcher. Since that time, she had worked as a Public Safety Officer, Investigator, and Victim Advocate. Ms. Hegler stated that Sgt. McCord's time as an investigator was when her journey truly began and where she developed her passion for helping others, especially children. Later as a Victim Advocate, Sgt. McCord honed her skills and knowledge that would eventually start her down a path of becoming a School Resource Officer. McCord was promoted to a Sergeant position over the SRO unit in July of 2019. The SRO unit encompassed seven (7) schools and eight (8) officers

within the City. Sgt. McCord's passion for her job and the kids within the schools truly has no equal. So much so, that she is now also the volleyball coach for Busbee Middle School. She was also named the Midlands Region SRO of the Year by the South Carolina Association of School Resource Officers in June of this year. Sgt. McCord sets the standard for the definition of a School Resource Officer and it is because of this that she has been recognized as the School Resource Officer of the Year by Lexington School District Two. Ms. Hegler stated that the City was extremely proud to have Sgt. McCord as a representative of the City of Cayce and the Cayce Department of Public Safety.

Ms. Hegler then recognized Shane Roof and Allen Clayborn for their recent awards at the American Water Works Association (AWWA) annual meeting. Ms. Hegler stated that Hydrant Hysteria was a national competition put on by AWWA. City staff members Shane Roof and Allen Clayborn competed in the State level competition held during the SCEC (South Carolina Environmental Conference) on August 10, 2021. The competition consists of a team of two to compete against other teams throughout the state. The goal is to assemble a disassembled fire hydrant faster than the competing teams. Shane and Allen's team won first place with a time of 1:35.15. Second place finished with a time of 1:49.50. Meter Madness is another national competition put on by AWWA. Shane Roof and Allen Clayborn competed in the State level competition held during the SCEC (South Carolina Environmental Conference) on August 09, 2021. The competition consists of a single person competitor to compete against other individuals throughout the state. The goal is to assemble a disassembled water meter faster than the competition. Shane Roof won first place with a time of 0:54.16 Allen won second place with a time of 0:55.37. Third place finished with a time of 1:02.41.

Council Comments

Council Member Carter stated that he spent the last week in Switzerland where they have very strict COVID regulations. He stated that their rules require all persons to wear a mask if they are not outdoors. He stated that he took his vaccination card and a negative COVID test result and was still tested three (3) times while he was there.

Mayor Partin stated that she had spoken to someone at Lexington Medical Center and they were very appreciative of the mask mandate and stated that it was working because the numbers were dropping. She stated that she hoped people would also get vaccinated.

Executive Session

- A. Receipt of legal advice relating to claims and potential claims by and against the City and other matters covered by the attorney-client privilege

There were not any items to be discussed in Executive Session.

Council Member Carter made a motion to defer Item III. A. Council Member Bailey-Robinson seconded the motion which was unanimously approved by roll call vote.

Adjourn

Council Member Bailey-Robinson made a motion to adjourn the meeting. Council Member James seconded the motion which was unanimously approved by roll call vote. There being no further business, the meeting adjourned at 5:26 p.m.

Elise Partin, Mayor

ATTEST:

Mendy Corder, CMC, Municipal Clerk

IF YOU WOULD LIKE TO SPEAK ON A MATTER APPEARING ON THE MEETING AGENDA, PLEASE COMPLETE THE INFORMATION BELOW PRIOR TO THE START OF THE MEETING.* **THANK YOU.**

COUNCIL MEETING SPEAKERS' LIST

Date of Meeting September 22, 2021

Name	Address	Agenda Item

***Appearance of citizens at Council meetings - City of Cayce Code of Ordinances, Sec. 2-71.** Any citizen of the municipality may speak at a regular meeting of the council on a matter pertaining to municipal services and operation, with the exception of personnel matters, by notifying the office of the city manager at least five working days prior to the meeting and stating the subject and purpose for speaking. Additionally, during the **public comment period** as specified on the agenda of a regular meeting of the council, a member of the public may speak on a matter appearing on the meeting agenda, with the exception of personnel matters by signing a speakers list maintained by the city clerk prior to the start of the public comment period. The number of speakers at a council meeting may be limited in the discretion of the mayor or presiding officer, the length of time for any speaker's presentation is limited to a maximum of five minutes, and a presentation may be curtailed if determined to be uncivil, contentious, or disruptive in the discretion of the mayor or presiding officer or by majority of vote of council.

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Wade Luther, Planning & Development Director

Date: September 30, 2021

Subject: Second Reading of an Ordinance to rezone a split zoned property from RS-3 Single Family Residential. The property is located at 1204 Knox Abbott Drive (TMS 004633-06-009). The property is located in the Knox Abbott Drive Design Overlay District.

Issue

Council approval is needed for the Second Reading of an Ordinance to rezone a split zoned property from C-4/RS-3 to C-4. The property is located at the 1204 Knox Abbott Drive. The property is located in the Knox Abbott Drive Design Overlay District.

Discussion

The applicant requests to rezone the property to be used as C-4 Highway Commercial. Currently the property is split zoned C-4 and RS-3. The property necessitates rezoning in order to use the entire parcel for commercial use. The subject property is a through lot and has frontage along Knox Abbott Drive and H Avenue. Knox Abbott Drive is a major commercial thoroughfare for the City of Cayce and H Avenue is a residential area.

The requested re-zoning is in compliance with the Zoning Ordinance and is permitted as a compatible zoning district according to the criteria of the Future Land Use Map.

The Planning Commission met on June 21, 2021, to hear public comment and to vote on whether it recommends the requested rezoning. Eleven (11) people were present to speak against the rezoning request. Eight (8) of the speakers live on H Avenue. Others live in different parts in the City and outside of the City. A letter from an H Avenue resident was also read to speak against the request. The comments from the public included matters such as:

- The residents in the area state a buffer yard from 1964 exists to prohibit commercial development on a section of the subject property;
- A restaurant business will cause increased traffic on H Avenue if a driveway is allowed;
- A restaurant business will increase the amount of rodents from garbage dumpsters;
- Light Pollution and noise will be an issue; and
- Increased crime in the area will result from the development.

NEW – Second reading of this map amendment was postponed for up to ninety (90) days by City Council at their August 3, 2021 Regular Council Meeting. The purpose of the postponement was to provide staff time to review design standards that may affect cross access and generate commercial access to residential streets.

Recommendation

The Planning Commission decided by a count of 4 to 3 to deny the recommendation to Council to approve an Ordinance to re-zone the subject property located at 1204 Knox Abbott Drive. The reasons to deny the recommendation included matters such as:

- Rezoning the property would create an incongruent lot for the area;
- The fact that the Planning Commission cannot require a buffer yard different than the Zoning Ordinance creates a lack of assurance that the residential area would remain protected from commercial use;
- Felt the application was deficient; and
- Required more time to research the concerns of the neighborhood.

Reasons from Planning Commission members in favor of the rezoning request included:

- The City's ordinance has good standards and the required buffer yard in the zoning ordinance is sufficient;
- Any deed restrictions, if there are any, can supersede zoning regulations; and
- The area is at presently occupied by commercial uses.

STATE OF SOUTH CAROLINA	)	ORDINANCE 2021-17
	)	Amending the Zoning Map and Rezoning
COUNTY OF LEXINGTON	)	a Split Zoned Property Located at 1204
	)	Knox Abbott Drive (Tax Map Number
CITY OF CAYCE	)	004633-06-009) from C-4 and RS-3 to C-4

WHEREAS, the Owner/Applicant requested that the City of Cayce amend the Zoning Map to re-designate the split zoned property comprising and shown at 1204 Knox Abbott Drive (TMS 004633-06-009), now zoned C-4 Highway Commercial and RS-3 Single Family Residential to C-4, Highway Commercial, and

WHEREAS, the Planning Commission held a public hearing on this request to receive comments from the public and adjacent property owners, and

WHEREAS, the Planning Commission met on June 21, 2021, to receive public comments and vote on whether to recommend the rezoning request, and has decided, by a majority vote of four (4) to three (3), that it does not recommend this change to the existing zoning amendment,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that the property hereinafter listed, and as shown on the attached sketch, is hereby rezoned and reclassified on the Zoning Map of the City of Cayce as C-4 Highway Commercial:

Tax Map Number 004633-06-009
1204 Knox Abbott Drive

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2021.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

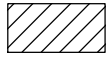
Approved as to form: _____
Danny C. Crowe, City Attorney

Re-Zoning Request MA003-21 1204 Knox Abbott Drive Existing Zoning

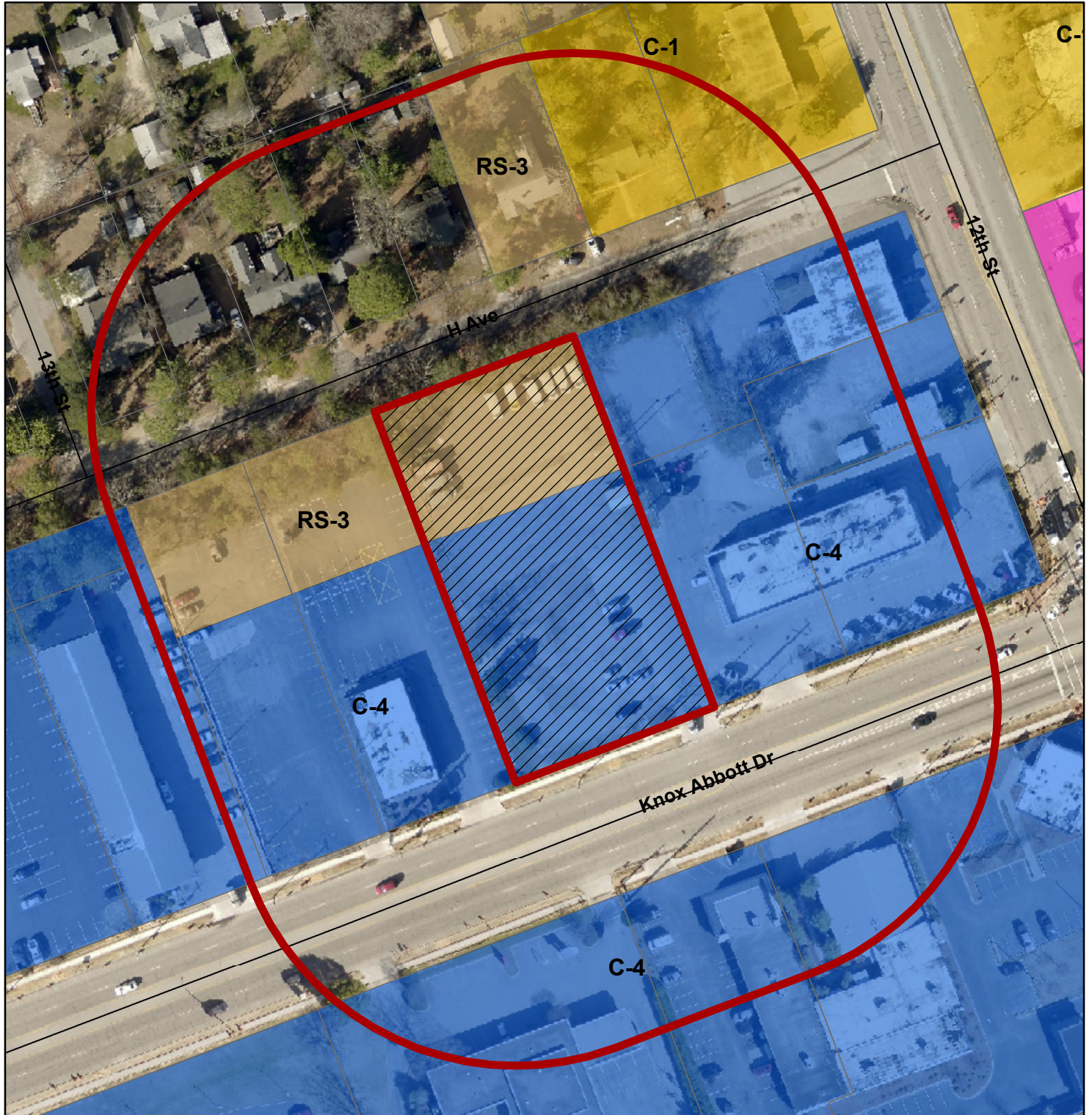
Legend



200' Buffer



Re-Zoning Request 1204 Knox Abbott Dr



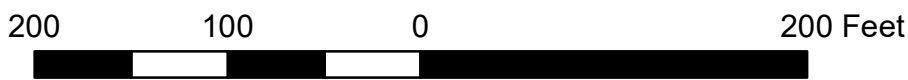
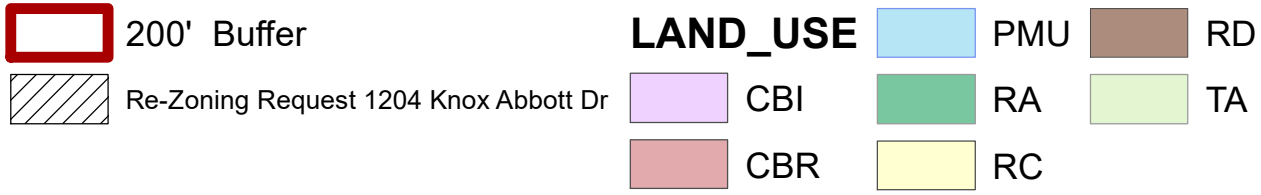
200 100 0 200 Feet



Re-Zoning Request MA003-21 1204 Knox Abbott Drive Land Use Map

ITEM IV. A.

Legend



ROBERT F. FULLER
ATTORNEY AT LAW
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TELEPHONE
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MAIL ADDRESS
P.O. Box 441
COLUMBIA, SC 29202

July 8, 2021

TO: MAYOR AND COUNCIL, CITY OF CAYCE

RE: ZONING MAP AMENDMENT (MA003-21)/ 1204 Knox Abbott Drive

Madam Mayor and Members of Council:

I am representing applicant Cook Out Corporation in the referenced rezoning and regarding the intended use of this property on Knox Abbott Drive as one of Cook Out's signature, branded convenience food service restaurants. Cook Out has earned its regional reputation as a premier owner/operator of well run, successful stores in all of its business localities. The company is excited about further expanding its presence into this area and the Cayce Community. It was disappointing that some proximate neighbors to this prime commercial site urged the Planning Commission to its recommendation of non-approval on a split vote (4-3).

However, this is already a commercial site with high traffic volume. Most viable interest in this prominent Knox Abbott location has involved businesses dependent on existing heavy traffic counts. It is the type of business location with which Cook Out has become well known and recognized as an appealing, quality operator. Cook Out has carefully assessed the qualities and characteristics of this site and has the experience record to assure responsible, neighbor sensitive planning and operational performance. It is in the City's interest to assure a stable owner-operator in these high profile locations. Cook Out is well qualified for that role. It is a solid company with broad reach. Its name recognition and reputation will promote continuing diversity of prospective businesses being attracted to the Cayce business community in and beyond the Knox Abbott corridor.

Cook Out will be purchasing the property; therefore has a substantial economic stake in its successful development as an enhancement to the overall community. Cook Out reached out and offered to meet with neighboring constituencies prior to the PC meeting. (A meeting was set, but cancelled by the neighbors.) Cook Out has declared the company's commitment to be an active participant in the community's "good growth" efforts, including expanded vegetative and screening buffers between the rear of its site and the adjacent H Avenue residential neighborhood. Reacting to some expressed concerns Cook Out has affirmatively advised there will be no direct ingress-egress between its site and H Avenue.

This is an opportunity for Cayce to secure a quality corporate citizen with a recognizable regional reputation and should be deemed an important step in enhanced prominence for Cayce's attractiveness for business growth as well as sensitivity to the needs and desires of its residents. Although not required or a part of the site approvals process per se, Cook Out has publicly committed to providing a green buffer between its lot and the H Avenue residential community that meets or exceeds ordinance and development requirements of the City (including space width, vegetative enhancement, masonry wall screening and site containment measures regarding light, noise and operational effects). A revised specimen preliminary site layout is illustrative of the measures Cook Out is prepared to provide as assurance of a site that will "fit" the neighborhood, as well as efficiently accommodate customers of the business.

This is a proposed quality business operation in a long established, clearly commercial location. Cook Out is committed to "doing it right." Krispy Kreme and other close proximity business operators are receptive to Cook Out's contacts and are pleased to have this proposed addition to the area. Your support of this rezoning will be an important step in boosting and further enhancing the economic prospects of one of Cayce's most important commercial corridors for years to come, without detrimental impact on adjacent and near residential neighbors.

Robert F. Fuller,
Attorney for Applicant

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Wade Luther, Planning and Development Director

Date: September 30, 2021

Subject: Second Reading of Ordinance amending Section 6.5 Table I, and Section 6.7 Table 3 of the Zoning Ordinance to revise requirements for the RS-4 zoning district and amending Section 7.1 of the Zoning Ordinance to revise requirements for townhouses.

Issue

Council's approval is needed for the Second Reading of Ordinance amending Section 6.5 Table I, and Section 6.7 Table 3 of the Zoning Ordinance to revise requirements for the RS-4 zoning district and amending Section 7.1 of the Zoning Ordinance to revise requirements for townhouses.

Discussion

These text amendments were developed as a result of Council's request for staff to investigate zoning requirements to allow for a variety of single-family residential uses - detached, duplex, patio home and townhome development - while restricting "High-Rise" multi-family apartments. This request is the result of considering the most compatible and optimal use for 1407 Dunbar Road (former Busbee Middle School), during a rezoning request from C-1 Office and Institutional to RG-2, General Residential District – High Rise.

Currently, the City does not have a zoning district classification that allows for single-family detached and small lot residential development, such as duplex, patio homes or townhomes; without also allowing for multi-family residential or "High-Rise" residential development in the form of air-space condominiums or rented apartments.

The amendment provides language to permit duplexes by-right and townhome developments and patio homes by conditional use in the RS-4 zoning district. Multi-family uses would be prohibited. The conditional use Sections 7.1 (Townhouse Projects) and 7.2 (Patio and zero lot line housing projects) regulates the design of those homes to ensure new construction will fit in with existing neighborhoods. Additionally, any permitted development surrounded by residential on two sides by existing residential would be subject to Section 6.12 infill design standards of the zoning ordinance. All of these design elements give small lot development the feel of traditional, detached single-family homes. The amendment also clarifies dimensional requirements for the RS-4 zoning district to explicitly state the 3,000 square foot minimum lot size requirement for townhouse units (this previously had to be inferred by backing into calculations using minimum project size and lot width requirements, which was confusing and cumbersome for staff and applicants).

According to the Cayce Housing Study, there is “opportunity to build housing at a variety of pricepoints and typologies,” as well as “opportunity for retaining and attracting households by maintaining a diversified housing stock.” A recommendation of the study suggested, “using zoning to guide housing investments,” along with appropriate standards and a list of implementation strategies. The conditional use regulations will safeguard the City from multiple developments that create a disjointed appearance of the City. Infill uses not subject to the conditional standards are subject to the infill design ordinance standards. The red-lined document is attached.

The Planning Commission met on August 23, 2021 to hear public comment and to consider their recommendations for the subject text amendments. One (1) person spoke in favor of the amendment.

Recommendation

The Planning Commission decided unanimously (6-0) to approve the recommendation to Council to approve amending Section 6.5 Table I, and Section 6.7 Table 3 of the Zoning Ordinance to revise requirements for the RS-4 zoning district and amending Section 7.1 of the Zoning Ordinance to revise requirements for townhouses. Staff recommends adoption of these amendments, as necessary to meet the goals of the housing study by providing a diversity of housing stock, while also preserving the character of residential neighborhoods from encroachment by more intensive, higher density multi-family developments.

STATE OF SOUTH CAROLINA	)	ORDINANCE 2021-20
	)	Amending Section 6.5 Table I,
COUNTY OF LEXINGTON	)	Section 6.7 Table 3 of the Zoning
	)	Ordinance to Revise Requirements
CITY OF CAYCE	)	for the RS-4 Zoning District and
	)	Amending Section 7.1 of the Zoning
	)	Ordinance to Revise Requirements
	)	for Townhouses

WHEREAS, the City Council, on the recommendation of City Administration, has determined that it is in the interest of the City and its citizens to revise and amend the current language of Section 6.5 Table I ("Schedule of Uses") and Section 6.7 Table 3 ("Schedule of Lot Area") of the City Zoning Ordinance, regarding requirements for the RS-4 zoning district, and to revise and amend the current language of Section 7.1 ("Townhouses") of the Zoning Ordinance, regarding requirements for townhouses; and

WHEREAS, the Cayce Housing Study, there is "opportunity to build housing at a variety of price-points and typologies," as well as "opportunity for retaining and attracting households by maintaining a diversified housing stock;" and

WHEREAS, the Cayce Housing Study also recommended, "using zoning to guide housing investments," along with appropriate standards and a list of implementation strategies; and

WHEREAS, the Planning Commission held a special called meeting and public hearing on these amendments to receive comments from the public; and

WHEREAS, the Planning Commission met on August 23, 2021, to receive public comments and vote on whether to recommend these amendments of Section 6.5 Table I, Section 6.7 Table 3 and Section 7.1 of the Zoning Ordinance, and has decided, by a unanimous vote, that it does recommend these amendments,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that Section 6.5 Table I; that Section 6.7 Table 3 and that Section 7.1 of the Zoning Ordinance are hereby amended to permit duplexes and conditionally allow patio homes and townhomes; to adjust minimum lot area and minimum lot width to include the new proposed duplex, patio home and townhome development uses; and to clarify the minimum lot area for townhomes, as shown on the attached document

This Ordinance shall become effective upon Council approval on second reading.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2021.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Section 6.7 Table 3, Schedule of Lot Area, Setbacks, Height, & Lot Coverage Requirements, by Zoning Districts

District	Minimum Lot Area (a)		Min. Lot Width (ft.)	Minimum Building Setbacks Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Maximum Height (ft.) (c)	Maximum Lot Coverage Ratio (%)	Design Standards
	Residential	Non-Residential			Res.	Non-Res.	Res.	Non-Res.			
RS-1	12,000	24,000	80	35	9	30	25	50	35	35	(i)
RS-2	9,450	18,000	70	35	6	30	20	40	35	35	(i)
RS-3	7,200	12,000	60	25	5	25	20	30	35	35	(i)
RS-4	(d)	10,000	(g)	25	5	25	15	30	35	35	(i)
RG-1	(d)	10,000	(g)	25	5	25	15	30	(e)	40	(i)
RG-2	(d)	10,000	(g)	25	5	25	15	30	(e)	40	(i)
C-1	(d)	6,000	(g)	25	5	5	10	10	(e)	50	(i)
C-2	0	0	0	25	(h)	(h)	10	10	(e)	NA	(i)
C-3	0	0	0	(f)	(h)	(h)	10	10	None	NA	(i)
C-4	0	0	0	25	5	5	20	20	(e)	NA	(i)
M-1	NA	0	0	25	NA	10	NA	25	(e)	NA	(i)
M-2	NA	0	0	25	NA	10	NA	25	(e)	NA	(i)
D-1	40,000	40,000	150	35	8	16	15	30	35	35	(i)

Notes To Table 3

a - Lot area is expressed in square feet.

b - Measurement from front property line.

c - Measurement from average elevation of finished grade of the front of the structure.

d - Minimum lot area based on number and type of units.

Single-family Detached: 5,000 Sq. Ft.

Duplex Units: 7,500 Sq. Ft.

Triplex, Quadraplexes, multifamily apts.

Efficiency: 5,000 Sq. Ft. + 1,500 Sq. Ft. per each additional unit

1 Bedroom: 5,000 Sq. Ft. + 2,000 Sq. Ft. per each additional unit

2 Bedroom: 5,000 Sq. Ft. + 2,500 Sq. Ft. per each additional unit

3 Bedroom: 5,000 Sq. Ft. + 3,000 Sq. Ft. per each additional unit

e - There is no maximum; provided side and rear yard setbacks shall be increased by one foot for each three feet in building height, over 35 feet.

f - Maximum setback is 20 feet; no minimum. Buildings may extend to the front property line.

g - 50 feet for single family, duplex and nonresidential uses; 150 for multifamily uses.

h - No side yard required; however where building is not built to property line, not less than three foot setback is required.

i - Properties located on an existing street and surrounded on at least two (2) sides by existing residential development must meet design standards in accordance with Section 6.12 Residential Infill Development Design Standards.

In the case of corner lots, the yards remaining after full and half-depth front yards have been established shall be considered to be the side yards. There will be no required rear yard.

Section 7.1 Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table 3 are hereby waived and the following design requirements imposed for all such projects:

- (1) Such projects shall have a minimum of 0.5 acres.
- (2) Minimum lot area shall be 3,000 square feet per unit.
- (3) Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- (4) Side yard setbacks at the end unit shall be five (5) feet.
- (5) Rear yard setbacks shall be 15 feet.
- (6) Minimum lot width shall be 18 feet.
- (7) Sidewalks not less than five (5) feet in width shall be provided along the front property line of each project, building.
- (8) Maximum height of buildings shall not exceed 35 feet.
- (9) Front yard setbacks may extend to within 10 feet of the front property line.
- (10) Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 500 square feet in GFA.
- (11) Roof
 - a. Must be sloped with a pitch that is no flatter than six (6) units of vertical rise to twelve (12) units of horizontal run or as appropriate to the architectural style of the structure and approved by the Planning Director.
 - b. Architectural features, at least one (1) of the following:
 - i. At least one (1) dormer facing the street. If only one (1) dormer is included, it shall be located in the center third (horizontally) of the front elevation. If more than one (1) dormer is provided, at least two (2) dormers not less than four (4) feet wide must be provided on the front elevation
 - ii. A gable end, or gabled end of a roof projection, facing the street
 - iii. A shed dormer facing the street.
 - c. Eaves: Must project from the building wall at least twelve (12) inches, measured horizontally, on the front and side elevations.

Section 6.5 Table I, Schedule Of Uses And Off-Street Parking Requirements for Residential Districts

	NAICS	RS-1	RS-2	RS-3 RS-4	RS-4	RG-1	RG-2	Off -Street Parking Requirements
Residential Uses								
Site Built Dwellings								
Single-family detached	81411	P	P	P	<u>P</u>	P	P	2.0 spaces per unit
Duplex	81411	N	N	N	<u>P</u>	P	P	2.0 spaces per unit
Townhouse (Sec. 7.1)	81411	N	N	N	<u>C</u>	C	C	2.0 spaces per unit
Patio Home (Sec. 7.2)	81411	S	S	S	<u>C</u>	C	C	2.0 spaces per unit
Triplex	81411	N	N	N	<u>N</u>	P	P	2.0 spaces per unit
Quadraplex	81411	N	N	N	<u>N</u>	P	P	1.5 spaces per unit
Multi-family	81411	N	N	N	<u>N</u>	P	P	1.5 spaces per unit
Bed and Breakfast Inns (Sec. 7.3)	721191	S	S	S	<u>S</u>	C	C	1.0 space per bedroom
Rooming & boarding houses	72131	N	N	N	<u>N</u>	P	P	1.0 space per bedroom
Manufactured Dwellings								
Modular home	81411	P	P	P	<u>P</u>	P	P	2.0 spaces per unit
Manufactured Home Park (Sec. 7.6)	53119	N	N	N	<u>N</u>	N	S	2.0 spaces per unit
Accessory Uses (Sec. 5.6)								
Bathhouses, cabanas	NA	P	P	P	<u>P</u>	P	P	None
Domestic animal shelters	NA	P	P	P	<u>P</u>	P	P	None
Child day care services	6244	P	P	P	<u>P</u>	P	P	None
Satellite dishes/antennas	NA	P	P	P	<u>P</u>	P	P	None
Accessory Apartment (Sec. 7.4)	NA	N	N	N	<u>N</u>	C	C	Sec. 7.4
Coin operated laundries & dry cleaners	81231	N	N	N	<u>N</u>	P	P	None
Non-commercial greenhouse	NA	P	P	P	<u>P</u>	P	P	None
Private garage & carport	NA	P	P	P	<u>P</u>	P	P	None
Storage building	NA	P	P	P	<u>P</u>	P	P	None
Swimming pool, tennis courts	NA	P	P	P	<u>P</u>	P	P	None
Auxiliary shed, work shop	NA	P	P	P	<u>P</u>	P	P	None

Section 6.7 Table 3, Schedule of Lot Area, Setbacks, Height, & Lot Coverage Requirements, by Zoning Districts

District	Minimum Lot Area (a)		Min. Lot Width (ft.)	Minimum Building Setbacks Front Yard Setback (b)	Side Yard Setback		Rear Yard Setback		Maximum Height (ft.) (c)	Maximum Lot Coverage Ratio (%)	Design Standards
	Residential	Non-Residential			Res.	Non-Res.	Res.	Non-Res.			
RS-1	12,000	24,000	80	35	9	30	25	50	35	35	(i)
RS-2	9,450	18,000	70	35	6	30	20	40	35	35	(i)
RS-3	7,200	12,000	60	25	5	25	20	30	35	35	(i)
RS-4	(d)5,000	10,000	(g)50	25	5	25	15	30	35	35	(i)
RG-1	(d)	10,000	(g)	25	5	25	15	30	(e)	40	(i)
RG-2	(d)	10,000	(g)	25	5	25	15	30	(e)	40	(i)
C-1	(d)	6,000	(g)	25	5	5	10	10	(e)	50	(i)
C-2	0	0	0	25	(h)	(h)	10	10	(e)	NA	(i)
C-3	0	0	0	(f)	(h)	(h)	10	10	None	NA	(i)
C-4	0	0	0	25	5	5	20	20	(e)	NA	(i)
M-1	NA	0	0	25	NA	10	NA	25	(e)	NA	(i)
M-2	NA	0	0	25	NA	10	NA	25	(e)	NA	(i)
D-1	40,000	40,000	150	35	8	16	15	30	35	35	(i)

Notes To Table 3

- a - Lot area is expressed in square feet.
- b - Measurement from front property line.
- c - Measurement from average elevation of finished grade of the front of the structure.
- d - Minimum lot area based on number and type of units.
 - Single-family Detached: 5,000 Sq. Ft.
 - Duplex Units: 7,500 Sq. Ft.
 - Triplex, Quadraplexs, multifamily apts.
 - Efficiency: 5,000 Sq. Ft. + 1,500 Sq. Ft. per each additional unit
 - 1 Bedroom: 5,000 Sq. Ft. + 2,000 Sq. Ft. per each additional unit
 - 2 Bedroom: 5,000 Sq. Ft. + 2,500 Sq. Ft. per each additional unit
 - 3 Bedroom: 5,000 Sq. Ft. + 3,000 Sq. Ft. per each additional unit
- e - There is no maximum; provided side and rear yard setbacks shall be increased by one foot for each three feet in building height, over 35 feet.
- f - Maximum setback is 20 feet; no minimum. Buildings may extend to the front property line.
- g - 50 feet for single family, duplex and nonresidential uses; 150 for multifamily uses.
- h - No side yard required; however where building is not built to property line, not less than three foot setback is required.
- i - Properties located on an existing street and surrounded on at least two (2) sides by existing residential development must meet design standards in accordance with Section 6.12 Residential Infill Development Design Standards.

In the case of corner lots, the yards remaining after full and half-depth front yards have been established shall be considered to be the side yards. There will be no required rear yard.

Section 7.1 Townhouses

Due to the unique design features of townhouses, the dimensional requirements of Table 3 are hereby waived and the following design requirements imposed for all such projects:

- ~~(1)~~ Such projects shall have a minimum of 0.5 acres.
- ~~(4)~~~~(2)~~ Minimum lot area shall be 3,000 square feet per unit.
- ~~(2)~~~~(3)~~ Not more than eight (8) nor fewer than three (3) townhouses may be joined together, with approximately the same (but staggered) front line.
- ~~(3)~~~~(4)~~ Side yard setbacks at the end unit shall be five (5) feet.
- ~~(4)~~~~(5)~~ Rear yard setbacks shall be 15 feet.
- ~~(5)~~~~(6)~~ Minimum lot width shall be 18 feet.
- ~~(6)~~~~(7)~~ Sidewalks not less than five (5) feet in width shall be provided along the front property line of each project, building.
- ~~(7)~~~~(8)~~ Maximum height of buildings shall not exceed 35 feet.
- ~~(8)~~~~(9)~~ Front yard setbacks may extend to within 10 feet of the front property line.
- ~~(9)~~~~(10)~~ Rear yards shall be enclosed by a six-foot wall or fence, unless used for parking, and may include one accessory building no greater than 500 square feet in GFA.
- ~~(10)~~~~(11)~~ Roof
 - a. Must be sloped with a pitch that is no flatter than six (6) units of vertical rise to twelve (12) units of horizontal run or as appropriate to the architectural style of the structure and approved by the Planning Director.
 - b. Architectural features, at least one (1) of the following:
 - i. At least one (1) dormer facing the street. If only one (1) dormer is included, it shall be located in the center third (horizontally) of the front elevation. If more than one (1) dormer is provided, at least two (2) dormers not less than four (4) feet wide must be provided on the front elevation
 - ii. A gable end, or gabled end of a roof projection, facing the street
 - iii. A shed dormer facing the street.
 - c. Eaves: Must project from the building wall at least twelve (12) inches, measured horizontally, on the front and side elevations.

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Wade Luther, Planning and Development Director

Date: September 30, 2021

Subject: Second Reading of an amendment to the Land Use Map within the City of Cayce Comprehensive Plan to revise the Future Land Use Map classification for the area bounded by Wilkinson Street, Dunbar Road and Frink Street from CBI (Commercial-Business Industrial) to RD (Residential Density Flex).

Issue

Council's approval is needed for the Second Reading of an amendment to the Land Use Map within the City of Cayce Comprehensive Plan to revise the Future Land Use Map classification for the area bounded by Wilkinson Street, Dunbar Road and Frink Street from CBI (Commercial-Business Industrial) to RD (Residential Density Flex).

Discussion

Approval is requested for a map amendment to revise the Future Land Use Map in the area bounded by Wilkinson Street, Dunbar Road and Frink Street from CBI (Commercial Business Industrial) to RD (Residential Density Flex).

The land use plan is one of the planning elements of the Cayce Comprehensive Plan. The corresponding map is meant to guide the systematic growth and development of the City. The land use categories identified on this map are intentionally broad and are used to guide decisions on how the built environment will be shaped. The Future Land Use designations also include an associated list of compatible zoning designations which fall within the land use designation (shown on Table 35 Plan Compliance Index).

The Comprehensive Plan is designed to be an adjustable document, fluctuating with the changes to the City. The outcome of the amendment involves changes to the map that must be included to update the map for continued compliance with the goals of the Comprehensive Plan and zoning compatibility to ensure the City is responding to future land use needs.

This map amendment was developed as a result of Council's request for staff to investigate zoning requirements to allow for a variety of single-family residential uses - detached, duplex, patio home and townhome development - while restricting "High-Rise" multi-family apartments. This request is the result of considering the most compatible and optimal use for 1407 Dunbar Road (former Busbee Middle

School), during a rezoning request from C-1 Office and Institutional to RG-2, General Residential District – High Rise.

The current CBI designation allows the following compatible zoning uses: C-3, M-1, M-2 and PDD. The subject area contains RG-2, RS-4, and C-1 zoning districts. The C-1 (Office and Institutional) zoning district is intended to accommodate office, institutional, and residential uses whose character is changing.

With the demolition of the middle school, the C-1 zoning designation no longer suits the future land use planning objectives of the area. CBI allows for commercial, light industrial and some residential development; in efforts to promote the development of business and industrial parks, The RD designation sets forth the following compatible zoning districts, RS-1, RS-2, RS-3, RS-4, RG-1, RG-2 and PDD. RD is intended to meet the varied housing needs of a changing residential market.

The map change request is driven by findings of the Cayce Housing Study, in which it is stated that there is “opportunity to build housing at a variety of pricepoints and typologies,” as well as “opportunity for retaining and attracting households by maintaining a diversified housing stock.” A recommendation of the study suggested, “using zoning to guide housing investments,” along with appropriate standards and a list of implementation strategies.

The Planning Commission met on August 23, 2021, to hear public comment and to consider their recommendations for the subject text amendments. Two (2) people spoke in favor of the amendment.

The amended Land Use Plan (2019) Map is attached.

Recommendation

The Planning Commission decided unanimously (6-0) to approve the recommendation to Council to approve an amendment to the Land Use Map within the City of Cayce Comprehensive Plan to revise the Future Land Use Map classification for the area bounded by Wilkinson Street, Dunbar Road and Frink Street from CBI (Commercial-Business Industrial) to RD (Residential Density Flex). Staff recommends adoption of the amendment, as necessary to meet the city’s future land use goals, recommendations of the housing study, and changing housing market conditions by providing a diversity of housing stock. The map amendment will also preserve the character of residential neighborhoods from encroachment by more intensive commercial and light industrial developments.

STATE OF SOUTH CAROLINA	)	ORDINANCE 2021-21
	)	Amending the Land Use Plan (2019)
COUNTY OF LEXINGTON	)	Map of the City of Cayce
	)	Comprehensive Plan: 2010-2020 for
CITY OF CAYCE	)	the Area Bounded by Wilkinson
		Street, Dunbar Road and Frink
		Street

WHEREAS, the City Council, on the recommendation of City Administration, has determined that it is in the interest of the City and its citizens to revise and amend the Land Use Plan (2019) Map of the City’s Comprehensive Plan for the area bounded by Wilkinson Street, Dunbar Road, so as to include changes that have been brought about by existing or future development; and

WHEREAS, the Cayce Housing Study, there is “opportunity to build housing at a variety of price-points and typologies,” as well as “opportunity for retaining and attracting households by maintaining a diversified housing stock;” and

WHEREAS, the Cayce Housing Study also recommended, “using zoning to guide housing investments,” along with appropriate standards and a list of implementation strategies; and

WHEREAS, the Planning Commission held a special called meeting and public hearing on this request to receive comments from the public; and

WHEREAS, the Planning Commission met on August 23, 2021, to receive public comments and vote on whether to recommend this amendment of the Land Use Plan (2019) Map and has decided, by a unanimous vote, that it does recommend this amendment,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that the Land Use Plan (2019) Map of the City’s Comprehensive Plan, for the area bounded by Wilkinson Street, Dunbar Road and Frink Street, is hereby amended to change the Future Land Use designation from CBI (Commercial-Business Industrial) to RD (Residential Density Flex), as shown on the attached document.

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2021.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

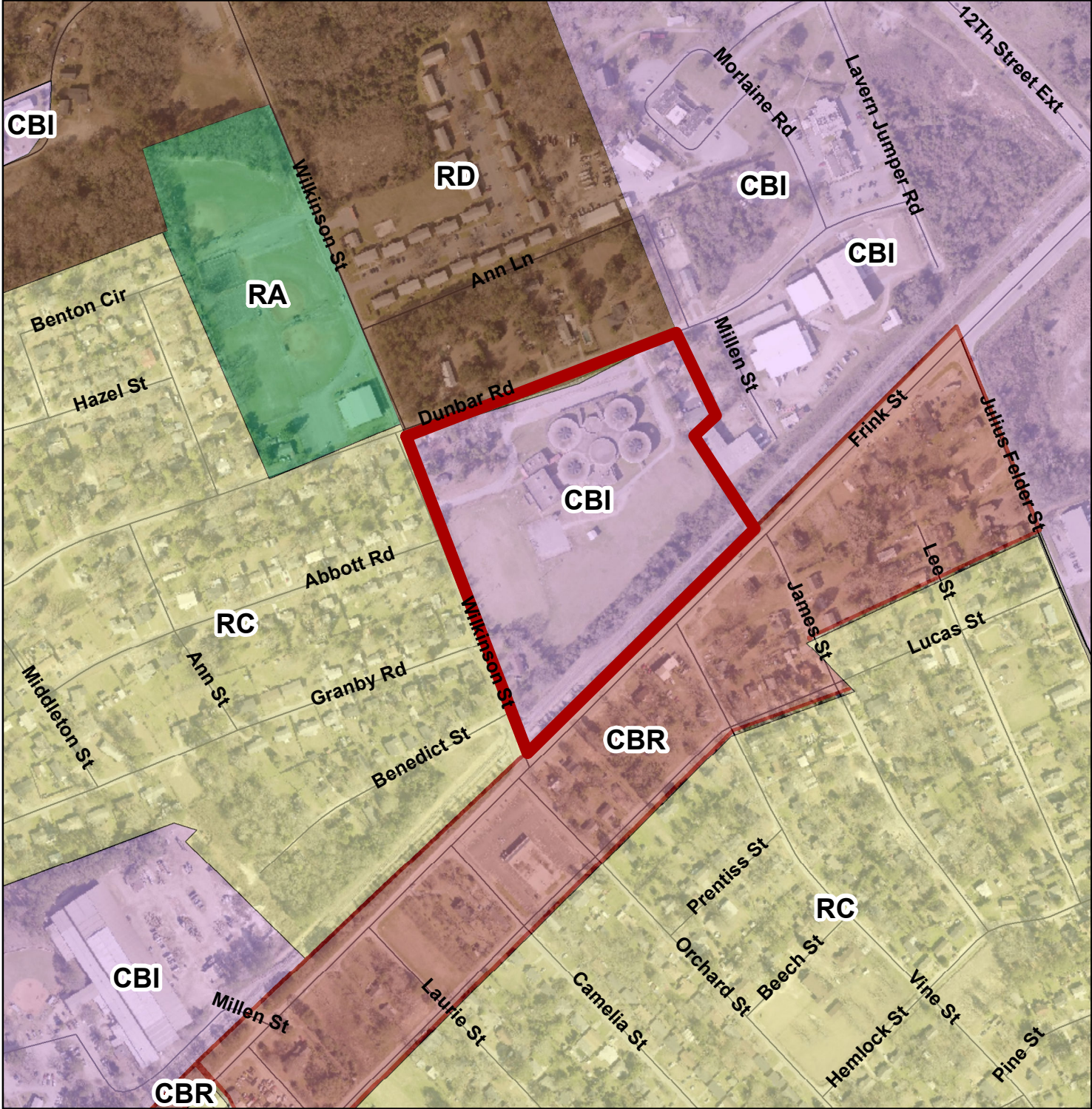
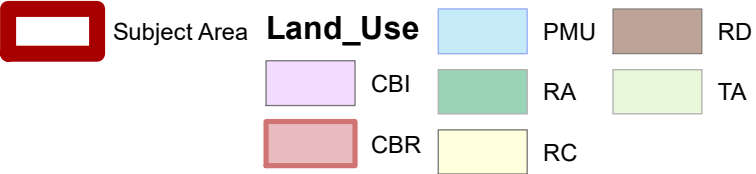
First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Land Use Map Amendment Subject Area Existing Land Use

Legend



600 300 0 600 Feet



Land Use Map Amendment Subject Area Proposed Land Use Amendment

Legend

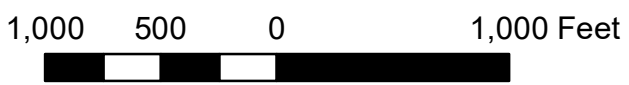
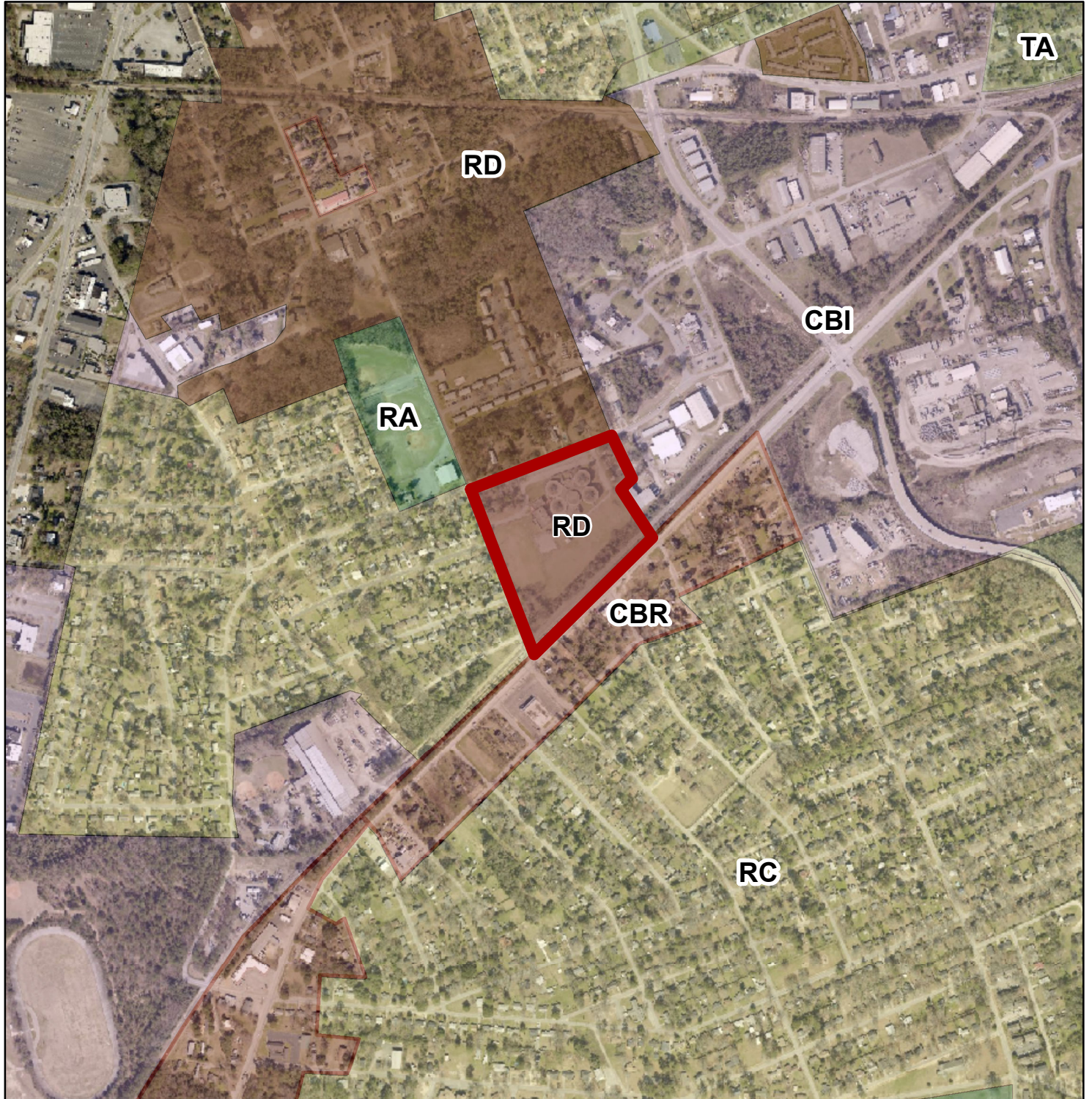
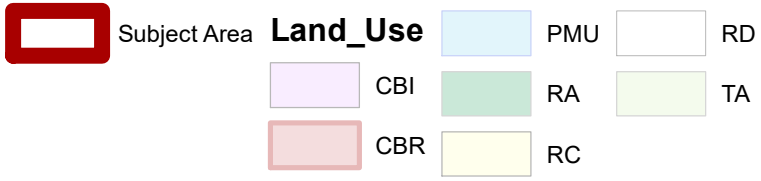


TABLE 35
Plan Compliance Index
City of Cayce

Land Use Symbol	Land Use Classification	Summary Objectives	Principal Permitted Uses	Compatible Zoning Districts	Alternative Zoning Districts
RC	Residential Conservation/ Infill	To protect existing residential areas for single-family use, and promote "infill" of single-family housing.	Single-family, detached site-built dwellings	RS-1, RS-2, RS-3, and RS-4	PDD (Residential) and DAD
RD	Residential Density Flex	To meet the varied housing needs of changing residential market.	Single-family, townhouses, patio homes, multi-family and manufactured homes	RS-1, RS-2, RS-3, RS-4, RG-1 and RG-2, PDD (Residential)	C-1, C-2 and DAD
TA	Transition	To monitor and guide the transition of existing mixed use areas to ensure highest and best use of property in compatible surroundings.	Residential, commercial, business, and light industrial uses	RG-1, RG-2, C-1, C-2, C-4, and PDD	C-3, M-1 and DAD
CBR	Commercial-Business/Retail	To concentrate business and retail establishments for cumulative draw in areas central and accessible to the community at large.	Office, Retail and Service establishments	C-1.C-2.C-3.C-4, and PDD (Business Park)	RG-2, M-1 and DAD
CBI	Commercial-Business/Industrial	To promote the development of Business and Industrial Parks and protect existing industry and areas with industrial potential for future industrial development.	Office, Wholesale, Service, Manufacturing, and Warehousing uses.	C-3, M-1, M-2, and PDD (Business Park)	RG-2, D-1 and DAD
PMU	Planned Mixed Use	To ensure the proper planning and development of large undeveloped tracts.	Market driven uses in planned settings	PDD	D-1 and DAD
RA	Resource Areas	To protect such designated areas & ensure compatibility of exterior areas.	Open area recreational uses and natural resources	Existing zoning, D-1	To be reviewed for compatibility

Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Wade Luther, Planning & Development Director

Date: September 30, 2021

Subject: First Reading of an Ordinance to rezone property from C-1 Office and Institutional to RG-2 General Residential, High Rise. The property is located at 1407 Dunbar Road (TMS 005766-03-006).

Issue

Council approval is needed for the First Reading of an Ordinance to rezone property from C- 1 Office and Institutional to RG-2 General Residential, High Rise. The property is located at 1407 Dunbar Road and was once the location of Busbee Middle School. The property is not located in an Overlay Design District.

Discussion

The owner/applicant requests to rezone the property to be used as RG-2 General Residential, High Rise. The property is located amongst residential uses, as well as light manufacturing and is bordered on the south by a Norfolk Southern rail line. The subject property has been vacant since the demolition of the school building. The applicant proposes to use the property as a location for a townhouse development.

The requested re-zoning is in compliance with the Zoning Ordinance and is permitted as a compatible zoning district according to the criteria of the Future Land Use Map.

The Planning Commission met on June 21, 2021, to hear public comment and to vote on whether it recommends the requested rezoning. Four (4) people were present to speak against the rezoning request. The comments from the public included matters such as:

- Single family homes would be more beneficial to the area;
- The proposed use will increase the amount of traffic; and
- Having the area used as green space would be more useful, if not use for single family homes.

The Planning Commission voted on the requested re-zoning from C-1 Office and Institutional to RG-2 General Residential, High Rise.

NEW – First reading of this map amendment was postponed for up to ninety (90) days by City Council at their July 14, 2021 Regular Council Meeting. The purpose of the postponement was to provide staff time to propose a zoning district that would allow a variety of single-family residential types, without also allowing multi-family housing. This request is consistent with findings from the City’s recently published housing study and would serve to create a more compatible zoning district for the surrounding area.

Recommendation

The Planning Commission decided by a unanimous vote to recommend to Council to approve an Ordinance to re-zone property located at 1407 Dunbar Road. The Planning Commission agreed that the vote to recommend the rezoning request was based on the fact that the requested zoning complies with the Future Land Use Map.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)
CITY OF CAYCE)

ORDINANCE 2021-18
Amending the Zoning Map and Rezoning
Property Located at 1407 Dunbar Road
(Tax Map Number 005766-03-006) from C-
1 to RG-2

WHEREAS, the Owner/Applicant requested that the City of Cayce amend the Zoning Map to re-designate the property comprising and shown at 1407 Dunbar Road (Tax Map Number 005766-03-006), now zoned C-1 Office and Institutional to RG-2 General Residential, High Rise, and

WHEREAS, the Planning Commission held a public hearing on this request to receive comments from the public and adjacent property owners, and

WHEREAS, the Planning Commission met on June 21, 2021, to receive public comments and vote on whether to recommend the rezoning request, and has decided, by a unanimous vote, that it does recommend this change to the existing zoning,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that the property hereinafter listed, and as shown on the attached sketch, is hereby rezoned and reclassified on the Zoning Map of the City of Cayce as RG-2 General Residential, High Rise:

Tax Map Number 005766-03-006
1407 Dunbar Road

This Ordinance shall be effective from the date of second reading approval by Council.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2021.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk



First Reading: _____

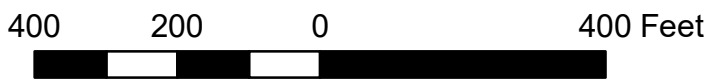
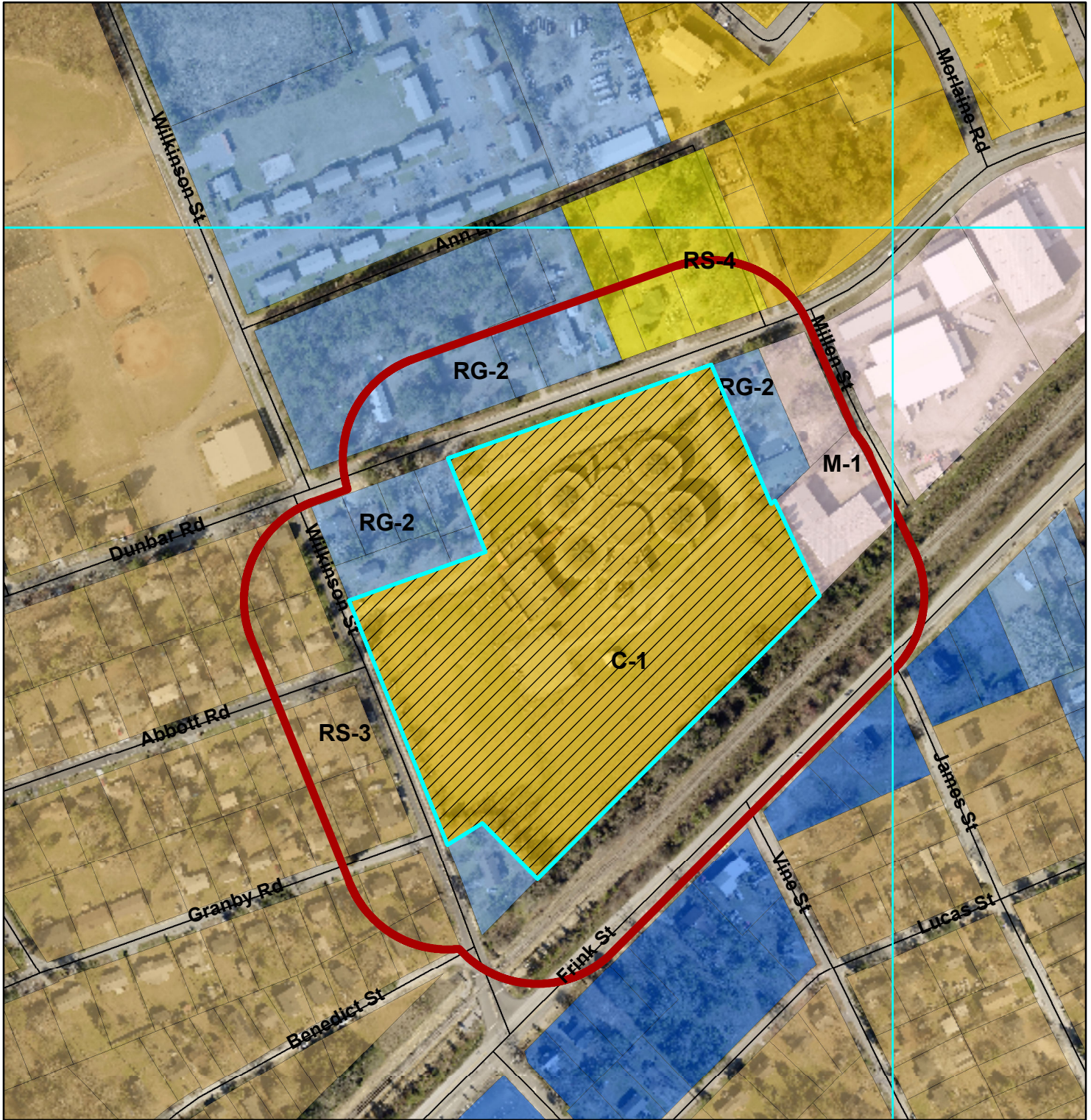
Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

Re-Zoning Request MA004-21 1407 Dunbar Road Existing Zoning

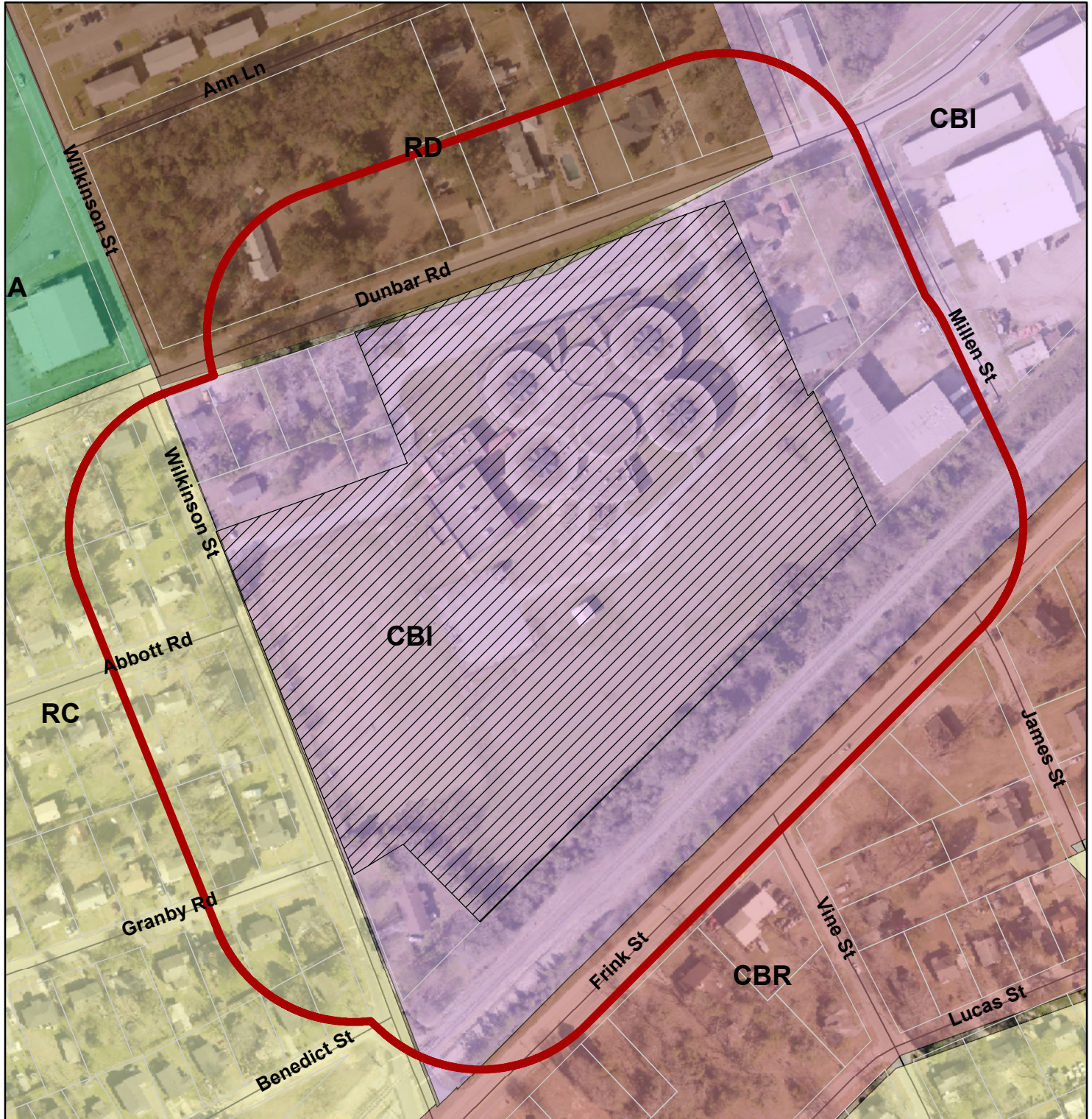
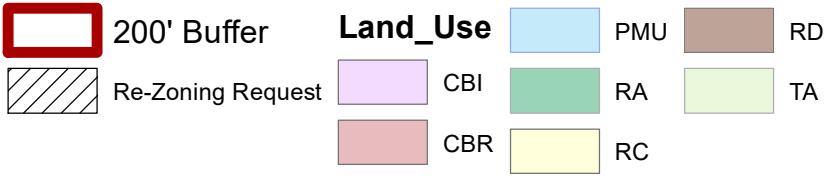
Legend

-  200' Buffer
-  Re-Zoning Request



Re-Zoning Request MA004-21 1407 Dunbar Road Land Use

Legend



250 125 0 250 Feet



Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager
Wade Luther, Planning & Development Director

Date: September 27, 2021

Subject: First Reading of an Ordinance amending the zoning map to rezone to Planned Development District (PDD-MU) a portion of Certain Property (Tax Map Number 006900-01-021 P) bounded by 12th Street Extension to the west, to the north and east by Clovis Pointe Way, and to the south by Otarre Pointe Phase I (Tax Map 006900-01-024)

Issue

Council's approval is needed for the First Reading of an Ordinance amending the zoning map from (M-1) Light Industrial to a Planned Development District (PDD) for a portion of Tax Map Number 006900-01-021 bounded by 12th Street Extension to the west, to the north and east by Clovis Pointe Way, and to the south by Otarre Pointe Phase I (Tax Map 006900-01-024)

Discussion

A request by the applicant, WSS Providence, LLC, to change the zoning from (M-1) Light Industrial to a Planned Development District (PDD). The request is compliant with the comprehensive land use plan. The parent parcel is 53.82 acres of which approximately 29 acres is subject to the rezoning request. The subject property bounded by 12th Street Extension, Clovis Pointe Way, and Otarre Pointe Phase I. The property is currently held under the Donald R. Tomlin Jr., Special Master Trust, and subdivision is contingent upon securing the rezoning request prior to closing.

- The property is located in the I-77 Gateway Design Overlay District and proposed PDD standards are identical to the I-77 Gateway Design Standards as expressed in the City Cayce Zoning Ordinance, with the exception of permitting residential uses.
- The project is proposed as a PDD development with approximately 300 residential multi-family units. The commercial component is proposed as "live-work" units.
- In their PDD application submittal, the applicant states, ". . . the market appears to tell us that this parcel is best developed as residential property, which is not permitted based on a recent revision to the I-77 Gateway Design Overlay District. To do so, the developer needs to establish a PDD with a commercial component . . ."
- The I-77 Gateway Overlay District was amended in July 2020 to prohibit residential single-family, duplexes, and multi-family units. The proposed PDD amendment seeks to bypass this prohibition in use by proposing a commercial component. Although the PDD Ordinance requires a mix of uses, it does not expressly set forth a minimum threshold percentage of commercial use for PDD projects; the baseline proposal from the applicant is for 3-5% of the total project square footage

to be dedicated to commercial use (See attached site plan). Total project residential is 260,056 sf (3-5% of which is 7,800 – 13,000sf for commercial).

- No language is contained in the PDD document specifying or guaranteeing the final building design for the development will reflect what is shown in the attached building photos depicting the residential units via codified design standards.
- It appears per the site plan the project does not observe the 50' setback requirement from 12th Street Extension Right-of-Way as proposed in the PDD document.
- The monument signage proposed in the sketch submittal, does not appear to comply with the PDD document requirements for signage specifications.
- The project phasing is as follows: construction begins within 13 months of site work; Final Certificate of Occupancy applied for within 18 months of construction; clubhouse and amenities constructed in the beginning; and commercial live-work units constructed and up for lease no later than when fifty (50) percent of the residential units are constructed.

Section 6.8-7 Action by Planning Commission and Council

Action by the Planning Commission and Council may be to approve the Plan and application to establish a PDD, to include specific modifications to the Plan, to deny the application to establish a PDD, or to amend the Official Zoning Map for a PDD development. If a Development Plan and/or rezoning are approved, the applicant shall be allowed to proceed in accord with the approved PDD Plan as supplemented or modified in a particular case, and shall conform to any time or priority limitations established for initiating and/or completing the development in whole, or in specified stages.

The Planning Commission met on September 20, 2021 to hear public comment and to vote on whether it recommends the requested zoning. The applicant spoke on behalf of the rezoning and planned development and one speaker requested information on wetland protections and tree provisions, which the applicant answered.

Recommendation

The Planning Commission voted 3-2 in favor of recommending the requested re-zoning from M-1 to PDD as the plans were presented in the application and subject to the pending subdivision action at the Planning Commission meeting on September 20, 2021. Reasons for recommending approval included that it was a good development concept; that residential development is best suited for the area; and that it will be a good for the City. Reasons for denial included that the application does not meet all of the PDD requirements and the application violates the I-77 Gateway Overlay District Requirements.

STATE OF SOUTH CAROLINA	)	ORDINANCE 2021-22
	)	Amending the Zoning Map and
COUNTY OF LEXINGTON	)	Rezoning Property Located at the
	)	Southeast Corner of 12th Street
CITY OF CAYCE	)	Extension and Clovis Pointe Way (A
	)	Portion of Tax Map Number 006897-01-
	)	042, Plat Book 15227, Page 176)

WHEREAS, WSS Providence, LLC, as the agent for the property owner, Donald R. Tomlin, Jr., Special Master Trust, requested that the City of Cayce rezone and amend the Zoning Map to re-designate approximately 28.74 acres of the property located at the southeast corner of 12th Street Extension and Clovis Pointe Way (being a portion of Tax Map Number 006900-01-021, Plat Book 15227, Page 176) as more particularly shown on Exhibit A, now zoned Light Industrial (M-1), to a Planned Development District (PDD), and

WHEREAS, the Planning Commission held a regularly scheduled public hearing on this request to receive comments from the public and adjacent property owners, and

WHEREAS, the Planning Commission met on September 20, 2021, to receive and review public comments and vote on recommending the rezoning request, and the Planning Commission, at that public meeting, has decided, by a majority vote of three to two, to recommend to City Council this requested change in the existing zoning,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Cayce, in Council, duly assembled, that

1. The property described above, and shown on the attached sketch marked as Exhibit C ("the Property"), is hereby rezoned and reclassified on the Zoning Map of the City of Cayce as PDD-MU, Planned Development District, Mixed Use, with the conditions and restrictions as shown on the attached Exhibit B, consisting of fourteen (14) pages.

2. The foregoing provisions of this Ordinance are expressly subject to and contingent upon WSS Providence, LLC, acquiring fee simple title to the Property on or before December 31, 2021 (the "Outside Acquisition Date"). In the event that WSS Providence, LLC, does not acquire fee simple title to the Property by the Outside Acquisition Date, then the provisions of this Ordinance shall be null and void and of no further effect. For the avoidance of doubt, the provisions of this Ordinance are only effective upon WSS Providence, LLC, acquiring fee simple title to the Property on or before the Outside Acquisition Date. WSS Providence, LLC, shall notify the City Manager on or before December 31, 2021, as to the acquisition of fee simple title to the Property.

This Ordinance shall be effective following the date of second reading approval by Council. and upon the occurrence of the contingency described above.

DONE IN MEETING DULY ASSEMBLED, this _____ day of _____ 2021.

Elise Partin, Mayor

Attest:

Mendy Corder, CMC, Municipal Clerk

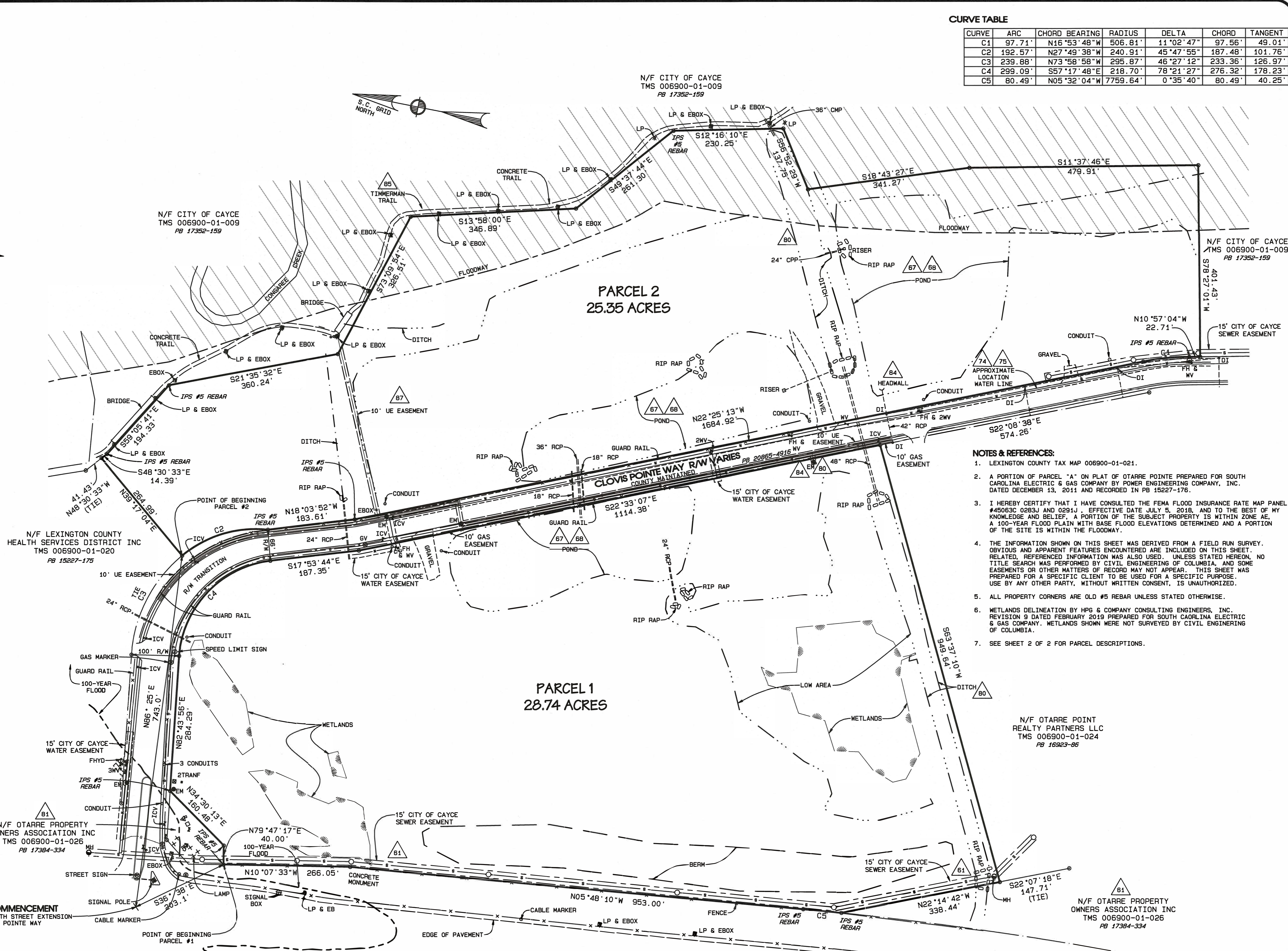
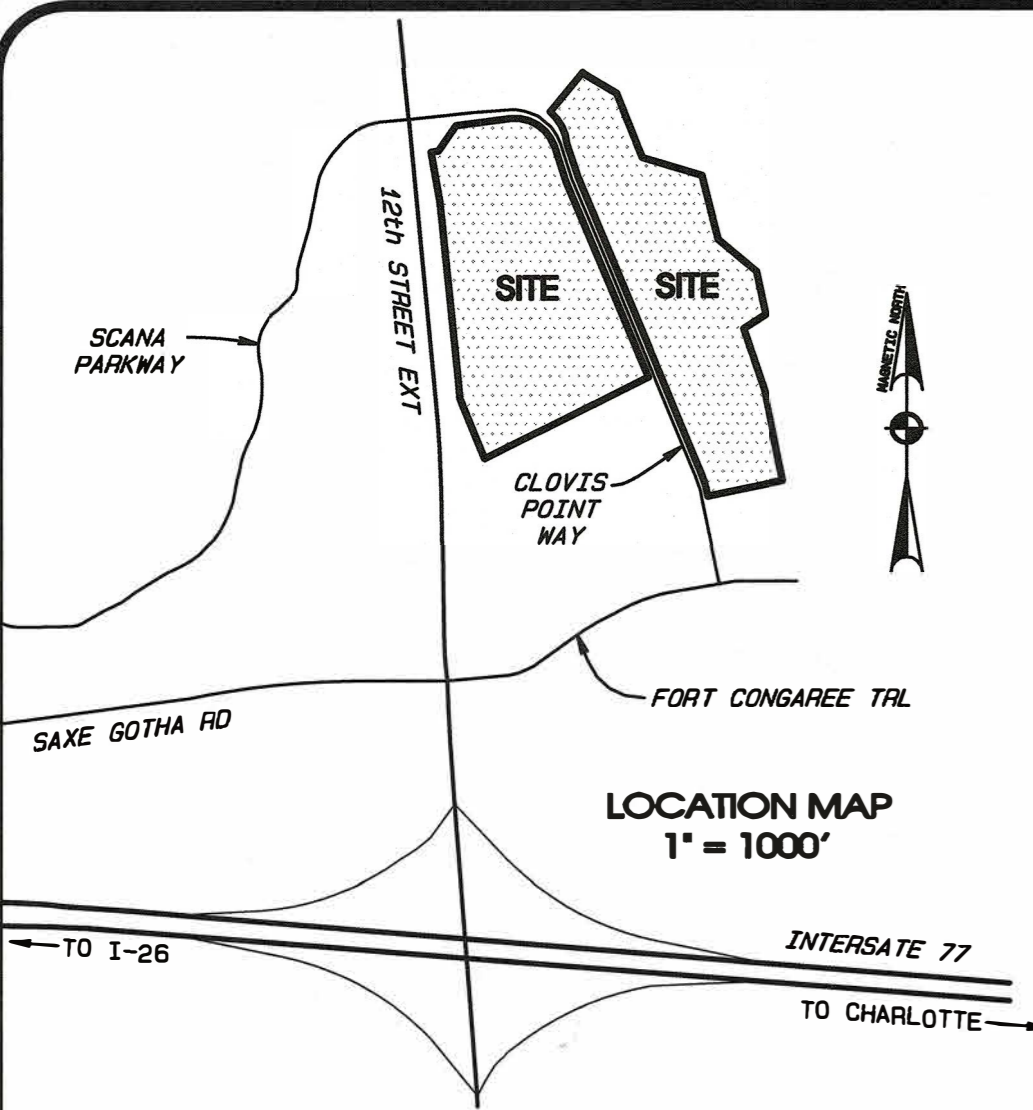
First Reading: _____

Second Reading and Adoption: _____

Approved as to form: _____
Danny C. Crowe, City Attorney

CURVE TABLE

CURVE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD	TANGENT
C1	97.71'	N16°53'48"W	506.81'	11°02'47"	97.56'	49.01'
C2	192.57'	N27°49'38"W	240.91'	45°47'55"	187.48'	101.76'
C3	239.88'	N73°58'58"W	295.87'	46°27'12"	233.36'	126.97'
C4	299.09'	S57°17'48"E	218.70'	78°21'27"	276.32'	178.23'
C5	80.49'	N05°32'04"W	7759.64'	0°35'40"	80.49'	40.25'



- LEGEND:**
- PP POWER POLE
 - ✱ LP LIGHT POLE
 - EB ELECTRIC BOX
 - OVERHEAD ELECTRIC LINE
 - TPED TELEPHONE PEDISTAL
 - DI DROP INLET
 - STORM DRAIN LINE
 - IPF IRON PIN FOUND
 - IPS IRON PIN SET
 - MH SEWER MANHOLE
 - ⊕ FH FIRE HYDRANT
 - ICV IRRIGATION CONTROL VALVE
 - GV GATE VALVE
 - MV WATER VALVE
 - EM ELECTRIC MANHOLE
 - ⊠ TRAF ELECTRIC TRANSFORMER

- NOTES & REFERENCES:**
- LEXINGTON COUNTY TAX MAP 006900-01-021.
 - A PORTION OF PARCEL "A" ON PLAT OF OTARRE POINTE PREPARED FOR SOUTH CAROLINA ELECTRIC & GAS COMPANY BY POWER ENGINEERING COMPANY, INC. DATED DECEMBER 13, 2011 AND RECORDED IN PB 15227-176.
 - I HEREBY CERTIFY THAT I HAVE CONSULTED THE FEMA FLOOD INSURANCE RATE MAP PANEL #45063C 0283J AND 0291J, EFFECTIVE DATE JULY 5, 2018, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, A PORTION OF THE SUBJECT PROPERTY IS WITHIN ZONE AE, A 100-YEAR FLOOD PLAIN WITH BASE FLOOD ELEVATIONS DETERMINED AND A PORTION OF THE SITE IS WITHIN THE FLOODWAY.
 - THE INFORMATION SHOWN ON THIS SHEET WAS DERIVED FROM A FIELD RUN SURVEY. OBVIOUS AND APPARENT FEATURES ENCOUNTERED ARE INCLUDED ON THIS SHEET. RELATED, REFERENCED INFORMATION WAS ALSO USED. UNLESS STATED HEREON, NO TITLE SEARCH WAS PERFORMED BY CIVIL ENGINEERING OF COLUMBIA, AND SOME EASEMENTS OR OTHER MATTERS OF RECORD MAY NOT APPEAR. THIS SHEET WAS PREPARED FOR A SPECIFIC CLIENT TO BE USED FOR A SPECIFIC PURPOSE. USE BY ANY OTHER PARTY, WITHOUT WRITTEN CONSENT, IS UNAUTHORIZED.
 - ALL PROPERTY CORNERS ARE OLD #5 REBAR UNLESS STATED OTHERWISE.
 - WETLANDS DELINEATION BY HPG & COMPANY CONSULTING ENGINEERS, INC. REVISION 9 DATED FEBRUARY 2019 PREPARED FOR SOUTH CAROLINA ELECTRIC & GAS COMPANY. WETLANDS SHOWN WERE NOT SURVEYED BY CIVIL ENGINEERING OF COLUMBIA.
 - SEE SHEET 2 OF 2 FOR PARCEL DESCRIPTIONS.

TO: DONALD R. TOMLIN, JR., SPECIAL MASTER TRUST
CHICAGO TITLE INSURANCE COMPANY
K & L GATES, LLP

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 11, 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 17, 2020.

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

CLAYTON H. WALSH P.L.S. #36748

12th STREET EXT. S.C. HWY. #35 VARIABLE R/W
S.C.D.O.T. PLAN & PROFILE DOCKET NO. 32.146A, SHEETS 6-8

**BOUNDARY SURVEY
OF 54.09 TOTAL ACRES**

CITY OF CAYCE, LEXINGTON
COUNTY, SOUTH CAROLINA

SCALE IN FEET
100 50 0 100 200 300

SCALE	1" = 100'
	DATE 11-17-20
DRAWN	P. FLOWERS
	DESIGNED N/A
DRAWING NUMBER	1 OF 2
	JOB NUMBER 20118
ALTA/NSPS LAND TITLE SURVEY	
PREPARED FOR THE DONALD R. TOMLIN, JR., SPECIAL MASTER TRUST COLUMBIA, SOUTH CAROLINA	
CHECKED BY: [Signature]	

CLAYTON H. WALSH
PROFESSIONAL ENGINEER
SOUTH CAROLINA
NO. 36748

CIVIL ENGINEERING OF COLUMBIA, INC.
COLUMBIA, SC
NO. 000265
REGISTERED PROFESSIONAL ENGINEER
STATE OF SOUTH CAROLINA

3740A FERNANDINA ROAD COLUMBIA, SC 29210
TEL (803) 798-2620 FAX (803) 798-2626

Exceptions

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

10. Development and use restrictions and conditions imposed by federal, state and local laws with respect to those portions of the Land designated as "wetlands".

11. Rights of uppen and lower riparian owners in and to the waters of rivers, creeks or branches crossing or adjoining the Land, and the natural flow thereof, free from diminution or pollution.

12. The matters contained in the documents shown below which, among other things, may contain or provide for: easements, liens for liquidated damages, private charges or assessments, option to purchase, right of first refusal, or the prior approval of a future purchaser or occupant, and covenants, conditions, and restrictions, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document.

a. Restrictive Covenants
Date: August 18, 1988
Recording: Book 4823, Page 66.

b. Declaration of Restrictive Covenants
Date: May 16, 2000
Recording: Book 5988, Page 213.

c. Declaration of Restrictive Covenants
Date: July 22, 2008
Recording: Book 13070, Page 348.

d. Otarre Pointe Declaration of Covenants, Conditions, Restrictions & Easements
Date: December 20, 2011
Recording: Book 15234, Page 150.

e. Otarre Amended and Restated Declaration of Covenants, Conditions, Restrictions, Easements and Liens
Date: January 8, 2014
Recording: Book 16783, Page 165.

13. Note for informational purposes only: Right of Way to South Carolina Electric & Gas Company dated October 5, 1966 and recorded in Book 15-L, Page 5. TERMINATED BY BK 20869 PG 2577-2581.

14. Note for informational purposes only: Right of Way to South Carolina Electric & Gas Company dated April 24, 1970 and recorded in Book 21-L, Page 255. TERMINATED BY BK 20869 PG 2577-2581.

15. Note for informational purposes only: Right of Way to South Carolina Electric & Gas Company dated December 20, 1974 and recorded in Book 56, Page 175. TERMINATED BY BK 20869 PG 2577-2581.

16. Note for informational purposes only: Right of Way to South Carolina Electric & Gas Company dated February 25, 1975 and recorded in Book 60, Page 194. TERMINATED BY BK 20869 PG 2577-2581.

17. Note for informational purposes only: Right of Way to South Carolina Electric & Gas Company dated July 21, 1975 and recorded in Book 85, Page 295. TERMINATED BY BK 20869 PG 2577-2581.

18. Note for informational purposes only: Right of Way to South Carolina Electric & Gas Company dated September 10, 1975 and recorded in Book 99, Page 169. TERMINATED BY BK 20869 PG 2577-2581.

19. Easement to the City of Cayce dated August 16, 1977 and recorded in Book 223, Page 93. DOES NOT APPLY. LOCATED NORTH OF SITE.

20. Easement to the City of Cayce dated December 22, 1977 and recorded in Book 241, Page 138. DOES NOT APPLY. LOCATED NORTH OF SITE.

21. Note for informational purposes only: Right of Way to South Carolina Electric & Gas Company dated July 31, 1978 and recorded in Book 285, Page 117. TERMINATED BY BK 20869 PG 2577-2581.

22. Note for informational purposes only: Right of Way to South Carolina Electric & Gas dated September 24, 1966 and recorded in Book 15-L, Page 186. TERMINATED BY BK 20869 PG 2577-2581.

23. Note for informational purposes only: Right of Way to South Carolina Electric & Gas Company dated November 18, 1963 and recorded in Book 12-G, Page 366. TERMINATED BY BK 20869 PG 2577-2581.

24. Note for informational purposes only: Right of Way to South Carolina Electric & Gas Company dated August 20, 1947 and recorded in Book 5-2, Page 579. TERMINATED BY BK 20869 PG 2577-2581.

25. Note for informational purposes only: Right of Way Agreement to South Carolina Electric & Gas dated September 6, 1963 and recorded in Book 6-2, Page 166. TERMINATED BY BK 20869 PG 2577-2581.

26. Easement to the City of Cayce dated September 18, 1974 and recorded in Book 36, Page 345. LOCATION OF EASEMENT NORTH OF SITE.

27. Sanitary Sewer Line and Water Line Easement to the City of Cayce dated December 11, 1987 and recorded in Book 1161, Page 266. DOES NOT APPLY. LOCATED WEST OF SITE.

28. Easement to City of Cayce dated February 22, 1994 and recorded in Book 2906, Page 44. DOES NOT APPLY. LOCATED WEST OF SITE.

29. Deed and Instrument of Transfer of Easement Rights dated September 15, 1996 by and between South Carolina Electric & Gas Company and South Carolina Pipeline Corporation and recorded in Book 3511, Page 137. DOES NOT APPLY. LOCATED WEST OF SITE.

30. Easements granted and reserved by South Carolina Electric and Gas Company to South Carolina Department of Natural Resources contained in the deed dated December 18, 1997 and recorded in Book 4450, Page 69. DOES NOT APPLY. LOCATED NORTHEAST OF SITE.

31. Easement for Sewer Line to the City of Cayce dated January 29, 1999 and recorded in Book 5136, Page 205. DOES NOT APPLY. LOCATED EAST OF SITE.

32. Addendum to Easement for Sewer Line dated March 4, 1999 and recorded in Book 5136, Page 215. DOES NOT APPLY. LOCATED EAST OF SITE.

33. Easements reserved by South Carolina Electric & Gas Company in deed to South Carolina Department of Natural Resources dated December 18, 1997 and recorded in Book 5149, Page 49. DOES NOT APPLY. LOCATED WEST OF SITE.

34. Agreement for Change of Access dated September 2, 1999 and recorded in Book 5432, Page 320. DOES NOT APPLY. LOCATED SOUTHWEST OF SITE.

35. Deed and Easement to Sewer Lines to City of Cayce dated June 4, 2003 and recorded in Book 9258, Page 32. TOO VAGUE TO DETERMINE.

36. Easement for Sewer Lines to Lexington County Joint Municipal Water and Sewer Commission dated and recorded in Book 9763, Page 212. DOES NOT APPLY. LOCATED NORTH OF SITE.

37. Nonexclusive Easement Agreement by and between South Carolina Electric & Gas Company and City of Cayce dated August 8, 2006 and recorded in Book 11366, Page 83. DOES NOT APPLY. LOCATED NORTH OF SITE.

38. Non-exclusive Easement for Access, Ingress and Egress by and between South Carolina Electric & Gas Company and South Carolina Department of Natural Resources dated July 10, 2006 and recorded in Book 11366, Page 88. DOES NOT APPLY. LOCATED NORTH OF SITE.

39. Non-exclusive Easement for Access, Ingress and Egress by and between South Carolina Electric & Gas Company and Lexington County Joint Municipal Water & Sewer Commission dated July 11, 2006 and recorded in Book 11366, Page 93. DOES NOT APPLY. LOCATED NORTH OF SITE.

40. Right of Way and Easement by and between South Carolina Electric & Gas Company and the South Carolina Public Service Authority dated October 9, 2006 and recorded in Book 11534, Page 253. DOES NOT APPLY. LOCATED NORTHWEST OF SITE.

41. Terms and conditions of the Order in Civil Action No. 05-CP-32-3851, South Carolina Electric & Gas Company versus South Carolina Department of Natural Resources, South Carolina Department of Transportation, County of Lexington, City of Cayce, Lexington County Joint Municipal Water & Sewer Commission, et. al., recorded July 5, 2007 in Book 12140, Page 46. DOES NOT APPLY. LOCATED NORTH OF SITE.

42. Deed and Easement to Water Lines to City of Cayce dated July 20, 2007 and recorded in Book 12279, Page 326. DOES NOT APPLY. LOCATED NORTH OF SITE.

43. Deed and Easement to Sewer Lines to City of Cayce dated July 20, 2007 and recorded in Book 12279, Page 331. DOES NOT APPLY. LOCATED NORTH OF SITE.

44. Deed and Easement to Water Lines to City of Cayce dated February 2, 2009 and recorded in Book 13565, Page 73. DOES NOT APPLY. LOCATED NORTH OF SITE.

45. Deed and Easement to Water Lines to City of Cayce dated August 22, 2008 and recorded in Book 13565, Page 98. DOES NOT APPLY. LOCATED NORTH OF SITE.

46. Deed and Easement to Sewer Lines to City of Cayce dated August 22, 2008 and recorded in Book 13565, Page 103. DOES NOT APPLY. LOCATED NORTH OF SITE.

47. Deed and Easement to Water Lines to City of Cayce dated December 16, 2008 and recorded in Book 13565, Page 170. DOES NOT APPLY. LOCATED NORTHWEST OF SITE.

48. Deed and Easement to Water Lines to City of Cayce dated November 17, 2009 and recorded in Book 14075, Page 278. DOES NOT APPLY. LOCATED NORTH OF SITE.

49. Deed and Easement to Sewer Lines to City of Cayce dated October 16, 2009 and recorded in Book 14075, Page 282. DOES NOT APPLY. LOCATED NORTH OF SITE.

50. Deed and Easement to Water Lines to City of Cayce dated February 6, 2009 and recorded in Book 14075, Page 306. DOES NOT APPLY. LOCATED WEST OF SITE.

51. Limited Warranty Deed Together With Easement Grants and Easement Reservations by and between South Carolina Electric & Gas Company and City of Cayce dated February 2, 2010 and recorded in Book 14171, Page 124. DOES NOT APPLY. LOCATED NORTHEAST OF SITE.

52. Encroachment Acknowledgement dated March 25, 2010 and recorded in Book 14172, Page 337. DOES NOT APPLY. LOCATED NORTHWEST OF SITE.

53. Deed and Easement to Sanitary Sewer Lines to City of Cayce dated October 16, 2009 and recorded in Book 14358, Page 205. DOES NOT APPLY. LOCATED WEST OF SITE.

54. Deed and Easement to Sewer Lines to City of Cayce dated February 2, 2009 and recorded in Book 14359, Page 208. DOES NOT APPLY. LOCATED WEST OF SITE.

55. Easement for Sewer Lines to City of Cayce dated January 25, 2010 and recorded in Book 14359, Page 216. DOES NOT APPLY. LOCATED EAST OF SITE.

56. Limited Warranty Deed (Includes option, reservations and easements) from South Carolina Electric & Gas Company to Carolina Gas Transmission Corporation dated March 29, 2011 and recorded in Book 14797, Page 38. DOES NOT APPLY. LOCATED NORTH OF SITE.

57. Deed and Easement to Sewer Lines to City of Cayce dated July 16, 2010 and recorded in Book 14799, Page 20. DOES NOT APPLY. LOCATED SOUTHWEST OF SITE.

58. Easement for Water Lines to City of Cayce dated March 29, 2011 and recorded in Book 15299, Page 47. DOES NOT APPLY. LOCATED SOUTH OF SITE.

59. Easement for Water Lines to City of Cayce dated August 29, 2011 and recorded in Book 15299, Page 51. DOES NOT APPLY. LOCATED SOUTHEAST OF SITE.

60. Stormwater Agreement by and between South Carolina Electric & Gas Company and Lexington County Public Works Stormwater Division dated October 29, 2013 and recorded in Book 16652, Page 113. BLANKET IN NATURE.

61. Deed and Easement to Sewer Lines to City of Cayce dated April 25, 2014 and recorded in Book 16923, Page 87. APPLIES. SHOWN ON PLAT.

62. Deed to Pump Station and Access Easement to City of Cayce dated April 24, 2014 and recorded in Book 16923, Page 91. DOES NOT APPLY. LOCATED SOUTH OF SITE.

63. Reservations of easements contained in Deed from South Carolina Electric & Gas Company to Otarre Point Realty Partners, LLC dated April 25, 2014 and recorded in Book 16933, Page 165. DOES NOT APPLY. LOCATED SOUTH OF SITE.

64. Easement Deed by Court Order in Settlement of Landowner Action dated August 6, 2013 and recorded in Book 16709, Page 269. DOES NOT APPLY. LOCATED SOUTH OF SITE.

65. Easement regarding Right of Way recorded March 3, 2014 in Book 16823, Page 301. DOES NOT APPLY. LOCATED NORTHWEST OF SITE.

66. Deed and Easement to Water Lines to City of Cayce dated October 6, 2014 and recorded in Book 17321, Page 329. DOES NOT APPLY. LOCATED NORTH OF SITE.

67. Covenants for Permanent Maintenance of Stormwater Ponds (CPMSP) recorded March 26, 2015 in Book 17535, Page 233. APPLIES. SHOWN ON PLAT.

68. Covenants for Permanent Maintenance of Stormwater Ponds (CPMSP) recorded March 26, 2015 in Book 17535, Page 236. APPLIES. SHOWN ON PLAT.

69. Deed and Easement to Water Lines to City of Cayce dated April 8, 2015 and recorded in Book 18790, Page 39. DOES NOT APPLY. LOCATED SOUTH OF SITE.

70. Deed and Easement to Sewer Lines to City of Cayce dated April 8, 2015 and recorded in Book 18790, Page 45. DOES NOT APPLY. LOCATED SOUTH OF SITE.

71. Deed and Easement to Sewer Lines to City of Cayce dated April 8, 2015 and recorded in Book 18790, Page 51. DOES NOT APPLY. LOCATED EAST OF SITE.

72. Deed to Pump Station and Access Easement to City of Cayce dated and recorded in Book 18790, Page 62. DOES NOT APPLY. LOCATED WEST OF SITE.

73. Easement to SCANA Services, Inc. dated April 13, 2017 and recorded in Book 19185, at Page 29. DOES NOT APPLY. LOCATED WEST OF SITE.

74. Deed to Water Lines dated September 25, 2018 and recorded in Book 20360, Page 251. APPLIES. SHOWN ON PLAT.

75. Deed to Water Lines dated September 25, 2018 and recorded in Book 20371, Page 65. APPLIES. SHOWN ON PLAT.

76. Matters shown on that certain plat entitled, Property Surveyed for Dr. E.G. Bumgardner, Sr. dated April 5, 1955 and recorded in Plat Book 69-6, Page 68. DOES NOT APPLY. PLAT SHOWS NO INFORMATION ON SUBJECT SITE.

77. Matters shown on that certain plat entitled, Property Surveyed for Energy Subsidiary, Inc. dated April 13, 1974 and recorded in Book 135-6, Page 13. DOES NOT APPLY. PLAT SHOWS NO INFORMATION ON SUBJECT SITE.

78. Matters shown on that certain plat entitled, Plat of Boundary Survey for South Carolina Department of Natural Resources dated 1997 and recorded in Book 341, Pages 7 and 8. DOES NOT APPLY. LOCATED NORTHEAST OF SITE.

79. Matters shown on that certain plat entitled, Plat prepared for S.C. Electric & Gas Co. of Land known as Otarre dated December 16, 1988 and recorded in Plat Book 233, Pages 132 and 133. DOES NOT APPLY. PLAT SHOWS NO INFORMATION ON SUBJECT SITE.

80. Matters shown on that certain plat of Otarre Pointe prepared for South Carolina Electric & Gas Company by Power Engineering Company, Inc. dated December 13, 2011 and recorded in Plat Oversized Book 15227, at Page 176 of the Lexington County Register of Deeds. APPLIES. SHOWN ON PLAT.

81. Matters shown on that certain plat prepared by Larry W. Smith, S.C., P.L.S., dated December 12, 2014 and recorded in Plat Oversized Book 17384, at Page 334 of the Lexington County Register of Deeds. APPLIES TO ADJACENT PROPERTY, SHOWN ON PLAT.

82. Matters shown on that certain plat prepared for South Carolina Electric and Gas Company by Power Engineering Company, Inc., dated November 15, 2011 and recorded in Plat Oversized Book 15227, at Page 175 of the Lexington County Register of Deeds. DOES NOT APPLY. LOCATED NORTH OF SITE.

83. Matters shown on that certain plat prepared for McEntire Hotels, LLC by URS Corporation dated July 17, 2014 and recorded in Plat Oversized Book 17095, at Page 180 of the Lexington County Register of Deeds. DOES NOT APPLY. LOCATED SOUTH OF SITE.

84. Matters shown on that certain Boundary Plat prepared for the Rohdie Group by URS dated November 11, 2013 and recorded in Plat Oversized Book 16923, at Page 86 of the Lexington County Register of Deeds. APPLIES. SHOWN ON PLAT.

85. Matters shown on that certain plat prepared for City of Cayce by Associated E & S, Inc. dated November 18, 2014 and recorded in Plat Oversized Book 17352, at page 159 of the Lexington County Register of Deeds. APPLIES. SHOWN ON PLAT.

86. Any encroachment, encumbrance, violation or adverse circumstances affecting the Title that would be disclosed by an accurate and complete land survey of the Land.

87. Easements reserved by Dominion Energy South Carolina, Inc. in the deed from Dominion Energy South Carolina, Inc. to The Donald R. Tomlin, Jr. Special Master Trust, a Delaware statutory trust, dated April 30, 2020 and recorded May 5, 2020 in Book 20869, at Page 3824, Lexington County Register of Deeds. APPLIES. SHOWN ON PLAT.

PARCEL 1

THIS PROPERTY CONSISTS OF 28.74 ACRES LOCATED NEAR THE INTERSECTION OF 12TH STREET EXTENSION AND CLOVIS POINTE WAY IN THE CITY OF CAYCE, LEXINGTON COUNTY, SOUTH CAROLINA.

COMMENCING AT THE INTERSECTION OF 12TH STREET EXTENSION (S-32-35) AND CLOVIS POINTE WAY, THENCE, S 36° 30' E FOR A DISTANCE OF 203.1' TO A NEW #5 REBAR, SAID POINT BEING THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING AND IN A CLOCKWISE DIRECTION: N 79° 47' 17" E FOR A DISTANCE OF 40.00' TO A NEW #5 REBAR, SAID LINE BEING THE SOUTHERN BOUNDARY OF NOW OR FORMERLY OTARRE PROPERTY OWNERS ASSOCIATION, INC.

THENCE, N 34° 30' 13" E FOR A DISTANCE OF 160.48' TO A NEW #5 REBAR, SAID LINE BEING THE SOUTHEASTERN BOUNDARY OF NOW OR FORMERLY OTARRE PROPERTY OWNERS ASSOCIATION, INC.

THENCE, N 82° 43' 56" E FOR A DISTANCE OF 284.29' TO AN OLD #5 REBAR, SAID LINE BEING SOUTHERN RIGHT-OF-WAY FOR CLOVIS POINTE WAY.

THENCE, ALONG A CURVED LINE HAVING A CHORD BEARING S 57° 17' 48" E FOR A CHORD DISTANCE OF 276.32' WITH A RADIUS OF 218.70' TO AN OLD #5 REBAR, SAID LINE BEING SOUTHERN RIGHT-OF-WAY FOR CLOVIS POINTE WAY.

THENCE, S 17° 53' 44" E FOR A DISTANCE OF 187.35' TO AN OLD #5 REBAR, SAID LINE BEING WESTERN RIGHT-OF-WAY FOR CLOVIS POINTE WAY.

THENCE, S 22° 33' 07" E FOR A DISTANCE OF 1114.38' TO AN OLD #5 REBAR, SAID LINE BEING WESTERN RIGHT-OF-WAY FOR CLOVIS POINTE WAY.

THENCE, S 63° 37' 10" W FOR A DISTANCE OF 949.64' TO AN OLD #5 REBAR, SAID LINE BEING THE NORTHERN BOUNDARY OF NOW OR FORMERLY OTARRE POINTE REALTY PARTNERS, LLC.

THENCE, N 22° 14' 42" W FOR A DISTANCE OF 338.44' TO A NEW #5 REBAR, SAID LINE BEING THE NORTHEASTERN BOUNDARY OF NOW OR FORMERLY OTARRE PROPERTY OWNERS ASSOCIATION, INC.

THENCE, ALONG A CURVED LINE HAVING A CHORD BEARING N 05° 32' 04" W FOR A CHORD DISTANCE OF 80.49' WITH A RADIUS OF 7759.64' TO A NEW REBAR, SAID LINE BEING EASTERN RIGHT-OF-WAY FOR 12TH STREET EXTENSION (S-32-35).

THENCE, N 05° 48' 10" W FOR A DISTANCE OF 953.00' TO AN OLD CONCRETE MONUMENT, SAID LINE BEING EASTERN RIGHT-OF-WAY FOR 12TH STREET EXTENSION (S-32-35).

THENCE, N 10° 07' 33" W FOR A DISTANCE OF 268.05' TO A NEW #5 REBAR, SAID LINE BEING EASTERN RIGHT-OF-WAY FOR 12TH STREET EXTENSION (S-32-35). SAID POINT BEING THE POINT OF BEGINNING.

PARCEL 2

THIS PROPERTY CONSISTS OF 25.35 ACRES LOCATED NEAR THE INTERSECTION OF 12TH STREET EXTENSION AND CLOVIS POINTE WAY IN THE CITY OF CAYCE, LEXINGTON COUNTY, SOUTH CAROLINA.

COMMENCING AT THE INTERSECTION OF 12TH STREET EXTENSION (S-32-35) AND CLOVIS POINTE WAY, THENCE, N 66° 25' E FOR A DISTANCE OF 743.0' TO AN OLD #5 REBAR, SAID POINT BEING THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING AND IN A CLOCKWISE DIRECTION: N 39° 17' 04" E FOR A DISTANCE OF 264.99' TO AN OLD #5 REBAR, SAID LINE BEING THE EASTERN BOUNDARY OF NOW OR FORMERLY LEXINGTON COUNTY HEALTH SERVICES DISTRICT, INC.

THENCE, S 48° 30' 33" E FOR A DISTANCE OF 14.39' TO A NEW #5 REBAR, SAID LINE BEING THE SOUTHERN BOUNDARY OF NOW OR FORMERLY CITY OF CAYCE.

THENCE, S 59° 05' 41" E FOR A DISTANCE OF 194.33' TO A NEW #5 REBAR, SAID LINE BEING THE SOUTHERN BOUNDARY OF NOW OR FORMERLY CITY OF CAYCE.

THENCE, S 21° 35' 32" E FOR A DISTANCE OF 360.24' TO AN OLD #5 REBAR, SAID LINE BEING THE WESTERN BOUNDARY OF NOW OR FORMERLY CITY OF CAYCE.

THENCE, S 73° 09' 54" E FOR A DISTANCE OF 326.51' TO AN OLD #5 REBAR, SAID LINE BEING THE SOUTHERN BOUNDARY OF NOW OR FORMERLY CITY OF CAYCE.

THENCE, S 13° 58' 00" E FOR A DISTANCE OF 346.89' TO AN OLD #5 REBAR, SAID LINE BEING THE WESTERN BOUNDARY OF NOW OR FORMERLY CITY OF CAYCE.

THENCE, S 49° 37' 44" E FOR A DISTANCE OF 261.30' TO A NEW #5 REBAR, SAID LINE BEING THE SOUTHWESTERN BOUNDARY OF NOW OR FORMERLY CITY OF CAYCE.

THENCE, S 12° 16' 10" E FOR A DISTANCE OF 230.25' TO AN OLD #5 REBAR, SAID LINE BEING THE WESTERN BOUNDARY OF NOW OR FORMERLY CITY OF CAYCE.

THENCE, S 56° 52' 29" W FOR A DISTANCE OF 137.75' TO AN OLD #5 REBAR, SAID LINE BEING THE NORTHERN BOUNDARY OF NOW OR FORMERLY CITY OF CAYCE.

THENCE, S 18° 43' 27" E FOR A DISTANCE OF 341.27' TO AN OLD #5 REBAR, SAID LINE BEING THE WESTERN BOUNDARY OF NOW OR FORMERLY CITY OF CAYCE.

THENCE, S 11° 37' 46" E FOR A DISTANCE OF 479.91' TO AN OLD #5 REBAR, SAID LINE BEING THE WESTERN BOUNDARY OF NOW OR FORMERLY CITY OF CAYCE.

THENCE, S 78° 27' 01" W FOR A DISTANCE OF 401.43' TO AN OLD #5 REBAR, SAID LINE BEING THE NORTHERN BOUNDARY OF NOW OR FORMERLY CITY OF CAYCE.

THENCE, N 10° 57' 04" W FOR A DISTANCE OF 22.71' TO A NEW #5 REBAR, SAID LINE BEING EASTERN RIGHT-OF-WAY FOR CLOVIS POINTE WAY.

THENCE, ALONG A CURVED LINE HAVING A CHORD BEARING N 16° 53' 48" W FOR A CHORD DISTANCE OF 97.56' WITH A RADIUS OF 506.81' TO AN OLD #5 REBAR, SAID LINE BEING EASTERN RIGHT-OF-WAY FOR CLOVIS POINTE WAY.

THENCE, N 22° 25' 13" W FOR A DISTANCE OF 1684.92' TO A NEW #5 REBAR, SAID LINE BEING EASTERN RIGHT-OF-WAY FOR CLOVIS POINTE WAY.

THENCE, N 18° 03' 52" W FOR A DISTANCE OF 183.61' TO A NEW #5 REBAR, SAID LINE BEING EASTERN RIGHT-OF-WAY FOR CLOVIS POINTE WAY.

THENCE, ALONG A CURVED LINE HAVING A CHORD BEARING N 27° 49' 38" W FOR A CHORD DISTANCE OF 187.48' WITH A RADIUS OF 240.91' TO AN OLD #5 REBAR, SAID LINE BEING EASTERN RIGHT-OF-WAY FOR CLOVIS POINTE WAY. SAID POINT BEING THE POINT OF BEGINNING.

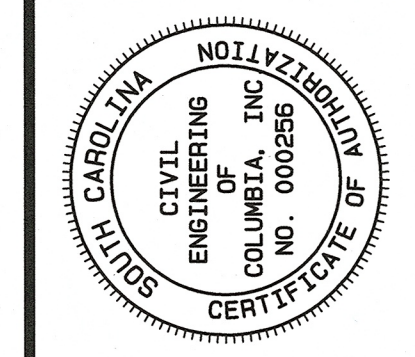
TO: DONALD R. TOMLIN, JR. SPECIAL MASTER TRUST
CHICAGO TITLE INSURANCE COMPANY
K & L GATES, LLP

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 3, 4, 11, 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 17, 2020.

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN.

[Signature]
CLAYTON H. WALSH, P.L.S. #36748

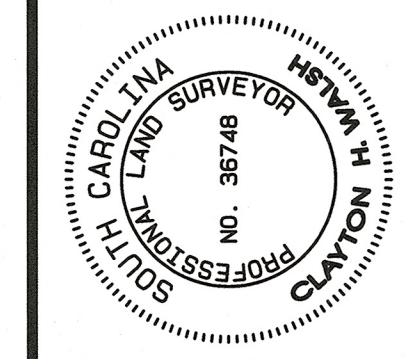
REVISION	BY	DATE	DESCRIPTION



THE PRODUCT ON THIS SHEET WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO MY KNOWLEDGE, INFORMATION AND BELIEF, ALL REQUIREMENTS OF THE PROFESSIONAL ENGINEERING ACT OF SOUTH CAROLINA HAVE BEEN MET. I AM NOT PROVIDING THIS SERVICE AS AN AGENT FOR ANY OTHER PERSON OR ENTITY. THIS DOES NOT APPLY TO ANY CERTIFICATIONS, WARRANTIES, OR GUARANTEES SIGNED BY THE ENGINEER HEREON. I HAVE ADVISED ALL PERSONS WHOSE INTERESTS ARE AFFECTED BY THIS SURVEY AND HAVE OBTAINED THEIR CONSENT TO THE TERMS OF THESE DOCUMENTS.

CIVIL ENGINEERING of COLUMBIA

3740A FERNANDINA ROAD COLUMBIA, SC 29210
TEL (803) 798-2620 FAX (803) 798-2826



ALTA/NSPS LAND TITLE SURVEY	PREPARED FOR	20118
SCALE 1" = 100'	THE DONALD R. TOMLIN, JR. SPECIAL MASTER TRUST	JOB NUMBER
DATE 11-17-20	COLUMBIA, SOUTH CAROLINA	
DRAWN P. FLOWERS	CHECKED BY: <i>[Signature]</i>	
DESIGNED N/A		
DRAWING NUMBER		
2 of 2		

BOUNDARY SURVEY OF 54.09 TOTAL ACRES

CITY OF CAYCE, LEXINGTON COUNTY, SOUTH CAROLINA

Exhibit B

Mr. Wade Luther, ACIP, EDFP
City of Cayce
Planning & Development Director
1800 12th Street
Cayce, SC 29033

RE: Zoning Map Amendment – A Planned Development District

A proposed development of a mixed-use village, in Cayce, South Carolina, by WSS Providence, LLC, (“Developer”) as the agent for the property owner, Donald R. Tomlin, Jr., Special Master Trust

OTARRE POINTE MULTI-FAMILY PLANNED DEVELOPMENT DISTRICT

PROPERTY

The subject property consists of 28.74 acres on Lexington County TMS 006900-01-021 within the City of Cayce’s I-77 Special Overlay District. The property is bound to the north and east by Clovis Pointe Way, to the west by 12th Street Extension, and to the south by the existing Otarre Pointe multifamily development (the “Property”).

PURPOSE

This application seeks to rezone to and establish a PDD on the subject property to allow the property development to be market driven and developed as desired by the developer. The developer anticipates the project to be a multi-family development with approximately 300-units to include surface and garage parking, clubhouse, pool, mail kiosk with package room, and boutique live-work units that would serve the arts community, neighborhood retail and office. It is anticipated that the boutique office commercial will consume approximately 3-5% of the project area.

The intent of the PDD is to utilize the design and development requirements of the existing City of Cayce I-77 Gateway Design Overlay District, which is outlined in the following sections of this PDD submittal with slight modifications.

PROPERTY OWNER’S ASSOCIATION

This project will be subject to a development specific declaration of easements, restrictions, and covenants. The property will stay as one parcel with leased units. Maintenance of the common areas, amenities, landscaping, irrigation, parking lots, signage, drainage, etc. will be covered by the declarant, owner, or assigned property management group.

PHASING

The individual units of the project will be developed based on market conditions, but the

Exhibit B

developer anticipates design and site construction to be completed for the full site, with the boutique live-work commercial space being constructed and up for lease no later than when fifty (50) percent of the residential units are constructed. The clubhouse and amenity will be constructed at the beginning of the project to help with marketing and vacancy of the development. It is anticipated that construction of the first units will begin within 13 months from the beginning of site work, with an final Certificate of Occupancy being applied for within 18 months. The table below is a proposed product mix for the development.

Cayce, SC Cottages Unit Mix Inputs											
Unit Mix Inputs Floorplan	Bedrooms /Unit	Beds /Unit	Bathrooms /Unit	Units	Bedrooms	Beds	Bathrooms	Unit Mix	NRSF	Total NRSF	
1BR / 1BA - Carriage	1	1	1	20	20	20	20	7.4%	576	11,520	
1BR / 1.5BA - Loft	1	1	1.5	8	8	8	12	3.0%	749	5,992	
1BR / 1BA - Cottage L	1	1	1	91	91	91	91	33.7%	716	65,156	
1BR / 1BA - Cottage L - Attached Garage	1	1	1	4	4	4	4	1.5%	734	2,936	
2BR / 2BA - Cottage	2	2	2	7	14	14	14	2.6%	1,088	7,616	
2BR / 2BA - Cottage - Attached Garage	2	2	2	6	12	12	12	2.2%	1,106	6,636	
2BR / 2.5 BA - Townhouse	2	2	2.5	111	222	222	278	41.1%	1,144	126,984	
3BR / 2.5 BA - Cottage	3	3	2.5	17	51	51	43	6.3%	1,440	24,480	
3BR / 2.5 BA - Cottage - Attached Garage	3	3	2.5	6	18	18	15	2.2%	1,456	8,736	
Total				270	440	440	488	100.0%	963	260,056	

Planned Development District (PDD) – Creation and Definition

The genesis of this PDD document is to allow for a residential use of this property, which was removed as a permitted use from the I-77 Overlay District by the City of Cayce. The developer believes the market has determined residential as the proper use for this site and is establishing this PDD to develop it as such. All other design and zoning considerations of the I-77 Gateway Design Overlay District, with the exception of non-permitted residential use, shall be incorporated into the design standards of this PDD and are included with modifications in the following sections.

Per Section 6.10-1 Creation; definition of the I-77 DOD

1. I-77 Gateway Design Overlay District, which includes all properties between the CSX railroad right-of-way to the west, Congaree River to the East, Taylor Road/Old Taylor Road to the north, and City of Cayce city limits south of Interstate 77.

Per Section 6.10-2 Purpose of the I-77 DOD

1. Design Overlay Districts serve as the City’s gateway routes. In order to visually harmonize these gateways with existing development, additional restrictions and development standards are required to create an aesthetically pleasing and uniform appearance.

Per Section 6.10-3 Uses of the I-77 DOD

1. I-77 Gateway Design Overlay District (Otarre Pointe Multifamily PDD)

Exhibit B

- a. Permitted Uses. Retail, Neighborhood Commercial, Single Family Residential, Multi-family residential, attached residential, detached residential, recreation,
- b. Prohibited Uses.
 - i. Any use which emits an obnoxious odor, noise, or sound which can be heard or smelled outside of any building or structure
 - ii. Any operation primarily used as a distilling, refining, smelting, or mining operation
 - iii. Any trailer court, labor camp, junkyard or stockyard provided, however, this prohibition shall not be applicable to the temporary use of construction trailers during periods of construction, reconstruction, or maintenance or the use of office and administrative trailers in connection with the marketing of lots or condominium units for sale
 - iv. Any dumping, disposing, incineration, or reduction of garbage; provided however, this prohibition shall not be applicable to garbage compactors located near the rear of any building or any other approved location.
 - v. Any use involving selling or exhibiting pornographic materials or illicit drug-related paraphernalia
 - vi. Any use involving selling the exhibition, either live or by other means to any degree, of nude or partially nude dancers or wait staff
 - vii. Any massage parlors or similar establishments
 - viii. Billboards
 - ix. Pawn shops, consumer cash lending secured by personal property
 - x. Check cashing services
 - xi. Kennels
 - xii. Outdoor sales and storage lots, including but not limited to vehicular, boat, trailers, recreational vehicles, campers, manufactured homes, flea markets, furniture, lumber, scrap metal, and salvage operations
 - xiii. Mobile homes and mobile home parks
 - xiv. Fireworks sales, temporary and permanent
 - xv. Electronic cigarette stores
 - xvi. Mini warehouses and self-storage units
 - xvii. Educational Services
 - xviii. Health Care and Social Assistance
 - xix. Public Administration
- c. Conditional Uses
 - i. Communication Towers and Antennas are permitted as a conditional use in accordance with Article 7, Section 7.8 of the City of Cayce zoning ordinance.

Per Section 6.10-4 Development Standards of the I-77 DOD

1. I-77 Gateway Design Overlay District (Otarre Pointe Multifamily PDD)
 - a. Setbacks and Buffers

Exhibit B

- i. 12th Street Extension
 - 1. All buildings shall observe a 50' setback from 12th Street Extension right-of-way.
 - 2. Except for walks, driveways and permitted signs, the required setback area (yard) shall be completely landscaped, in accordance with Article 10 of the Zoning Ordinance.
 - 3. No off-street parking shall be permitted in the required setback area.
 - ii. Interior street right-of-way
 - 1. No setbacks required off of interior rights-of-way.
 - iii. All buildings on parcels with industrial uses shall observe a 50' setback from adjacent parcels with commercial or residential uses. This setback shall be completely landscaped in accordance with the Landscaping section of this Overlay District and Article 10 of the Zoning Ordinance.
- b. Parking, Sidewalks, and Circulation
- i. Parking Requirements
 - 1. Parking counts shall not exceed requirements outlined in Article 9 Supplemental Off-Street Parking and Loading Regulations.
 - 2. All parking shall be paved unless otherwise approved by the Planning Director.
 - 3. No parking is allowed within the 50' setback from 12th Street Extension
 - 4. The Planning Director may reduce parking counts by as much as 50% if the parking is being shared by different uses and if it meets regulatory requirements. Shared parking must comply with the following requirements:
 - a. Parking shall be located within 500 linear feet from the primary entrance of all the lots or uses sharing the parking.
 - b. Shared parking agreements must be documented through a written agreement of all lot owners of record.
 - 5. Parking structures are permitted but must meet this Overlay's Building Design requirements for parking structures.
 - 6. An effort should be made to locate parking to the side and/or rear of the building it serves. Parking lots shall not be closer than ten (10) feet of an inhabited structure to allow for sidewalks and landscaping. On-street parking shall not be closer than ten (10) feet of a building or structure.
 - ii. Sidewalks and Interior Streets
 - 1. All interior streets shall have sidewalks. Parallel or diagonal parking on the street is also encouraged and medians are allowed. Safety, sidewalk connectivity, street trees and on street parking are the components which are encouraged.
 - 2. All sidewalks shall have a minimum width of 5 feet. Sidewalks creating an urban condition abutting a building shall have a minimum width of 8 feet and a minimum width of 10 feet if street trees are located within the sidewalk
 - 3. Pedestrian access shall be provided from the street sidewalk to the building.
 - iii. Circulation
 - 1. Shared Drives and Access When applicable, driveways shall be shared throughout this Overlay District.
 - 2. Drive-thru Facilities that require drive-thru access will be permitted

as a special exception, following Article 7, Section 7.16 Special Exception General Criteria.

c. Building Design

- i. The maximum height of any structure other than hotels shall be fifty feet (50') and/or three floors. The maximum height of a hotel shall be five (5) floors or 50 feet, whichever is less. Height exceptions listed in Article 5; Section 5.2(4) shall apply.
- ii. A variety of facades and roofing is required along street frontage, to avoid large, uninterrupted planes.
- iii. To create variety and diversity, it is desirable to vary the masses within each building or structure so that uniformity of line and mass is avoided. In addition, building projections should provide interest and variety through the use of windows, doors, eaves and parapets. Building components should have proportions relative to the size and style of the building and interesting relationships to help avoid monotonous building elevations.
- iv. Material Selection Use of the following materials is required:
 1. Natural Stone
 2. Brick
 3. Architectural precast concrete
 4. Cast-in-place concrete with texture
 5. Concrete siding (Hardi or the like)
 6. New building materials, as they are developed or become available, will be given special consideration by the Planning Director provided their use is in harmony with the community appearance. Metal siding shall not be permitted unless specifically approved in writing by the Planning Director.
- v. Colors Natural, Earth tone colors, such as beiges and grays are required. Natural brick is allowed. Non-reflective finishes shall be used on exterior surfaces.
- vi. Other Structures and Items
 1. Electro-Mechanical System Electro-mechanical systems that utilize state-of-the-art technology relative to control and passive solar heating and cooling are encouraged. Roof mounted equipment shall be enclosed or screened. On-grade equipment shall be screened by approved fencing and landscaping to required minimum heights. Exposed exterior mechanical, electrical and plumbing elements shall be screened. These elements shall be designed as part of the building architecture rather than as add-ons or appendages.
 2. Refuse Containers Storage of all containers shall be screened from all views by an appropriately designed fence and/or landscaping.
 3. Miscellaneous Exterior Structures No artificial vegetation, exterior sculptures, fountains, or similar items shall be constructed, placed, or maintained on any Lot without the prior written approval of the Planning Director.
 4. Solar Panels shall be designed as an integral part of the structure and concealed from street view.
- vii. Landscaping
 1. The purpose of the landscaping is to
 - a. Promote a compatible and unified landscape treatment.

- b. Provide a pleasant and well-maintained appearance.
 - c. Enhance the visual and environmental characteristics from the public rights-of-way around and within this Overlay District, particularly the access points into lots, overlay entrance areas, and areas requiring screening or buffering and streetscapes.
 - d. Safeguard and enhance property values.
2. Landscape Plan Requirements
- a. Plant schedule listing all proposed plant materials, their quantities, botanical name and common name of plant materials, height and spread of plant materials at installation, spacing for plant materials, and any special notes regarding plant material specification.
 - b. Street, walkway, and parking area lighting locations.
 - c. Irrigation plans.
 - d. All plants shown on the submitted landscape plans shall be installed during the initial planting of the lot.
3. Landscape Planting Standards
- a. All plant material shall meet the current American Standard for Nursery Stock.
 - i. Shade Trees-minimum of (3)-inch caliper at the time of installation. Must be large-maturing tree species.
 - ii. Street Trees-minimum of four (4)-inch caliper at the time of installation. Must be large-maturing tree species
 - iii. Accent Trees-minimum of three (3)-inch caliper or ten (10) feet in height for multi stem trees at the time of installation
 - iv. Evergreen Trees-minimum eight (8) feet height at the time of installation
 - v. Evergreen Shrubs-minimum 18-inch height or five (5) gallon shrubs
 - vi. Deciduous Shrubs-minimum 24-inch height or five (5) gallon shrubs
 - vii. Seasonal Interest Areas-planted to create full coverage of the bed at mid-season
 - viii. Sod-Bermuda is recommended Caliper shall be measured with a diameter tape at 12 inches above ground. Height shall be measured from the soil line.
4. Minimum Landscape Requirements The following minimum landscape requirements have been developed to provide a consistent, high-quality aesthetic to all areas of this Overlay District. These requirements have been separated into the following landscape areas
- a. Entrances Each entrance will be planted with a consistent landscape design that includes a variety of plant types that provide year-round seasonal interest.
 - b. Street Trees Species The primary street trees recommended to be planted are Lacebark Elm and Live Oaks, or other

species as approved by the Planning Director, planted 40-foot on center.

- i. All street trees shall be limbed up to a minimum 8 feet height where applicable for visibility.
- ii. All street trees not in tree grates shall be mulched with double hammered mulch.

5. **Perimeter Landscape Buffers** Perimeter landscape buffers are important to provide a consistent, high-quality view from adjacent streets. The transition zone indicated in the graphic below, refers to the grade change required to raise the building elevation out of the flood plain.

a. **Street Trees** Street trees shall be planted in the street tree zone along the street tree planting line, as shown in the graphic above. The street trees in the perimeter buffer will create a consistent planting edge and visually unify this Overlay District.

- i. Street trees shall be planted at 40 feet on center in perimeter landscape buffers. All street trees shall be limbed up to a minimum 8 feet height where applicable for visibility. A minimum area of 50 square feet shall be mulched uniformly at the base of each street tree.

b. **Shrubs** Shrubbery shall be planted in the transition zone within perimeter planting buffers. A minimum of 50 shrubs shall be planted for every 100 feet of perimeter landscape buffer. A maximum of three types of shrubs shall be planted for every 100 feet of perimeter landscape buffer. All shrub planting beds shall be mulched.

c. **Ground Covers/Perennials** Ground cover/perennial landscape improvements shall be planted in the transition zone within the perimeter planting buffers. A minimum of 300 square feet of ground cover/perennial landscape improvements shall be planted for every 100 feet of perimeter landscape buffer. Ground cover/perennial landscape improvement areas shall be grouped in masses a minimum of 100 square feet in size. All ground cover/perennial landscape improvements areas shall be mulched.

d. Lawn areas can be located within the flex zone, street tree zone, and the transition zone.

e. Buffering between different land uses in accordance with Article 10 of the Zoning Ordinance may be required.

6. **Parking Area Landscape** All parking areas shall provide and maintain both interior and perimeter landscape improvements. These guidelines shall not apply to parking structures or on-street parking spaces within this Overlay District. Landscape islands

located at the ends of parking bays or within parking bays shall be a minimum of 135 square feet for single bay parking areas and 270 square feet for double bay parking areas. The minimum width of landscape islands shall be 9 feet.

- a. A maximum of 15 parking spaces are allowed in a continuous row without a required landscape island.
 - i. Parking islands All landscape improvement areas shall be protected from damage caused by vehicles using some method of vertical structure, i.e., curbs, wheel stops, or other similar structures. Parking islands used for stormwater management are permitted, as approved by the Planning Director.
 - ii. Shade Trees One shade tree shall be required for every 2000 square feet of total parking area. Accent trees may be used in areas directly under or within close proximity of overhead power lines. Each parking space shall be within 50 feet of the trunk of at least one shade tree. Required shade trees for parking areas shall be located around the perimeter or in landscape islands within the parking area.
 1. Shade Tree Spacing (1) All shade trees shall be limbed up to a minimum 8 feet height.
 - iii. Shrubs All parking lots must be screened with shrubs or a permanent structure. Shrubs for screening shall be planted so that within two years of planting there is a continuous evergreen screen at a two (2) foot height.
7. Building and Site Landscape The following requirements for building and site landscape will provide consistent, high quality site improvements for areas adjacent and around structures within this Overlay District. It is critical the building entrances, foundation plantings, outdoor gathering spaces, site circulation corridors, and other site areas promote a uniform aesthetic.
 - a. A minimum of 10% of the total site's impervious area shall be designated as site landscape areas. These areas shall include a mix of shade trees, accent trees, shrubs, and ground cover/perennial planting areas. Landscape site areas shall not include lawn areas.
8. Landscape Maintenance The lot owner shall be responsible for the maintenance of all landscaped areas. These areas shall be maintained in perpetuity and in a high-quality condition, including the replanting of plant materials as needed to replace unhealthy or dead specimens.
9. Irrigation Drip and spray irrigation systems shall be installed to maintain the vitality and health of landscape improvements. In the event that irrigation water contains potential harmful minerals,

irrigation systems will be required to include a filtering system to prevent stains to buildings, walkways, pavements, and other site elements.

viii. Lighting

1. Lighting Design Concepts In general, site lighting shall be low glare lighting. Site lighting shall comply with this section and the City of Cayce ordinances. Within this Overlay District, all freestanding streetlights and pedestrian lights used for lighting exterior spaces shall be the same style, height, color and type and intensity. On each lot, all other lighting fixtures shall be from the same family of fixtures with regard to design, materials, color of fixture and color of light. No fiberglass poles shall be used. (Note: All lighting sources shall have internal cut-off optics, prismatic refractors, or building side shields to prevent glare to adjacent land uses).
 - a. Exterior lights should be used to accent entrances and special features, roadways, parking, and pedestrian corridors. High levels of light are not desirable. Intensity should be no greater than required for automobile and pedestrian safety.
 - b. Lighting of street front interior window displays in retail establishments is encouraged even after business hours to create visually interesting storefronts.
2. "Light Fixture Design" Light sources may be of a concealed type or ornamental visible type. The design of poles, bollards and fixtures shall be integrated with the general site design. Parking lot lighting shall be a "cut-off" luminaire design to avoid glare on adjacent properties. Up lighting of trees and fountains, accent lighting of shrubs and entrances and silhouette lighting may be used to create special effects.
 - a. Building mounted lighting is restricted to private use areas such as courtyards and shall not be used for lighting parking areas or sidewalks. Building mounted light fixtures shall be shielded and shall not project above the fascia or roof line. The shields shall be painted to match the surface to which they are attached.
 - b. Colored, moving or flashing lights will not be permitted except for the Christmas holidays.
3. Listed below are the lighting standards for streets and parking:
 - a. Streets/Parking/Driveway/Loading Area Fixture 320-watt Metal Halide Shoebox-style fixture mounted on 30-foot square; direct-embedded bronze aluminum poles are required.
 - b. A lighting plan with locations, types, heights, and colors is required.
 - c. Lighting for Pedestrian Areas Lighting for sidewalks, plazas and other pedestrian areas shall be illuminated with pedestrian scaled lights that have more detail and interest

than those used for streets/parking/driveway/loading areas. To illuminate a street along a sidewalk a mixture of both the pedestrian and parking lot style lights may be used but the Illuminating Engineering Society of North America (IESNA) standards may not be exceeded. Light-Emitting Diode (LED) or Metal Halide lamps are required, unless otherwise approved by the Planning Director.

- d. Lighting Usage Access roads and pedestrian circulation areas shall be illuminated to provide safety in after-hours/nighttime traffic circulation. Lights shall be integrated in the design with other elements such as trees, pedestrian walks, crossings, signage, and planting.
 - e. Lighting within parking areas shall be coordinated with parking lot design. Poles shall be located within the landscaped islands whenever feasible. Poles shall be mounted at ground level. Concrete pedestals are not allowed unless poles are located in areas where they are not protected from cars by a raised curb. Then they shall be located a minimum of 5 feet from the face of curb. The scale of the parking area should be considered in selection of pole height and spacing.
 - f. Types of Lighting Equipment Roadway and parking areas shall be lighted using LED or metal halide lamp fixtures.
4. Pedestrian, entry, and landscape areas shall be lighted with LED or metal halide lamp fixtures. Lights may be pole-mounted or bollard type and must be located to provide safe and secure conditions.
- ix. Signage and Graphics
- 1. Purpose The purpose of the site sign standards is to establish a coordinated graphic program that provides project identification and directional communication in a distinctive and aesthetically pleasing manner.
 - 2. No signs whatsoever (including but not limited to commercial and similar signs as well as signs of contractors performing work on existing Parcels or Lots or signs to advertise the property for sale) shall, without the City of Cayce's written approval of plans and specifications thereof, be installed, altered, or maintained on any parcel or lot, or on any portion of a structure or motor vehicle visible from the exterior thereof.
 - 3. General Requirements All signs, including identification, temporary, and informational, including those in setback areas, on loading docks, parking facilities, on buildings, storage areas, etc., along with appropriate plans and specifications, shall be first submitted to the Planning Director for written approval. Such plans and specifications for each sign shall include, but not be limited to the color(s), dimensions, location on the site, height, copy, type of illumination, and other characteristics. No sign shall be erected,

substituted, changed, or modified on the property without the prior written approval by the Planning Director.

- a. All temporary signs, including construction signs, “For Lease” or “For Sale” signs shall be approved by the Planning Director.
 - b. Signs may be electrified but will be non-flashing.
 - c. Strip lighting rather than flood lights shall be used for sign lighting.
 - d. There are four types of signs employed within individual lots – identification, directional, vehicular control and temporary. Any other type of sign treatment shall not be allowed unless granted a variance by the Planning Director. The Planning Director at its sole discretion shall have the authority to grant variances to this paragraph on a case-by-case basis.
4. Identification signs Each entrance to each lot shall have one sign, oriented to each street on which premises has frontage, identifying the name of the business located therein.
- a. Streetscape identification signs for buildings with more than two occupants shall include only the building address and name. Individual occupant identification shall be confined to onsite directories and/or building mounted identification.
 - b. Freestanding or Ground Signs. Freestanding or ground signs are permitted for use, subject to the following requirements: The sign may not be placed within a required buffer area but may be placed within other landscaped areas.
 - i. For Lots with a frontage of less than 150 feet, signs shall not exceed 32 square feet in area, per sign face on double sided signs. Signs of up to 60 square feet in area, per sign face on double sided signs, may be allowed for properties with frontage of 150 feet or more with written Planning Director approval.
 - ii. One additional freestanding sign or ground sign may be allowed upon review by the Planning Director provided the Lot has a frontage greater than 150 feet. The sum of the area of all signs shall not exceed 80 square feet plus .25 square feet for each foot of street frontage in excess of 150 feet. No individual sign may exceed 60 square feet. Total square footage of two signs shall not exceed 160 square feet.
 - iii. Height of freestanding signs shall be in accord with the requirements of the C-3 Zoning District.
 - iv. Signs shall be located so as not to obstruct visibility at intersections.
 - c. Building/Wall Signs Wall signs are permitted, subject to the following requirements: Signs may either be flat and erected

- against the principle building face, or projecting, perpendicular to the building face.
- i. The sign shall not extend more than 8 inches beyond the building, except in the case of a sign on the lower slope of a roof or a canopy roof, where the sign may extend the distance required to make the sign vertical.
 - ii. The sign must maintain a vertical clearance of not less than 9 feet above ground level.
 - iii. The sign may extend up to 8 inches into a front setback.
 - iv. The sign may not extend beyond the edges of the wall to which it is attached, except when the sign is contiguous on 2 adjacent walls of the same building, the connecting portion may extend to, but not beyond the face of the adjoining portion.
 - v. Combined area of signs shall not exceed 10% of the square footage of the front of the building, excluding "false fronts".
 - vi. The sign may not prevent the free entrance and exit from any window, door, or fire escape.
 - vii. The total sign area shall be the sum of all signs on the wall, including signs on the wall surface, signs affixed to the wall parallel and in the same plane as the wall, signs on awnings or canopies, window signs, door signs, signs on the lower slopes of roofs or canopy roofs and signs on parapets above roof.
5. Directional Signs Directional signs indicating building numbers, areas of specific tenants shall be of standard design and no more than ten and one-half (10.5) square feet in size for building address and pedestrian directional signs and thirty (30) square feet for tenant directories. They shall be of materials common to the architecture within this Overlay area, and as small as possible to provide driver visibility from a vehicle.
 6. Vehicular Control Signs All vehicular control signs shall be of standard design and have panel faces and heights which meet the requirements of the U.S. Highway Transportation Standards.
 7. Temporary Signs There are two types of temporary signs allowed on lots: construction and real estate marketing. Only one of each type of temporary sign shall be permitted on a site at any given time and must be removed immediately upon completion of the construction or marketing activity. All temporary signs must be approved by the Planning Director prior to erection
 - a. Temporary signs shall be of post and panel wood construction and shall have a total height of no more than

- seven (7) feet. Message panels shall have a maximum size of forty (40) square feet.
 - b. All contractor or subcontractor signs shall be removed within thirty (30) days following completion of their project.
 - c. Temporary signs shall be non-illuminated.
8. Illumination Signs shall be illuminated only by a steady stationary, shielded light source, directed solely at the sign or internal to it, without causing glare for motorists, pedestrians, or neighboring premises.
- a. Illuminated signs may produce up to one foot candle of illumination four feet from the sign.
 - b. Neon signs are not permitted.
 - c. Internally illuminated signs are allowed, but the background must be solid, illuminating only the message or logo.
9. Prohibited Devices
- a. No sign shall move, make noise, or employ blinking, flashing, or strobe lights, or exposed fluorescent lamps.
 - b. No sign, whether temporary or permanent, is permitted within any road right-of-way or intersection sight triangle.
 - c. To avoid confusion with traffic control signals and signs, colored lights and illuminated signs employing colors used in traffic signal lights are prohibited in view of any signalized intersection, and any imitation of official traffic signs or signals is prohibited.
10. General Signage Specifications All components and finished signage within this program shall be manufactured by professional fabricators. An example of each contractor's and sub-contractor's previous work shall be reviewed prior to production.
- a. All finishes shall be anodized aluminum and bear a five-year guarantee against chipping, peeling, fading, and chalking under normal use and exposure.
 - b. All steel shall be finished with primer, intermediate coat, and topcoat.
 - c. All screws, brackets, and fasteners in contact with aluminum shall be stainless steel or aluminum; however, no fasteners shall be exposed to view.
 - d. All aluminum sheet for signage shall be 0.125 inch unless otherwise specified.
 - e. All seams where welding is required shall be ground smooth. All depressions or raised areas due to swelling shall be filled or ground smooth. Pop riveting in visually exposed areas will not be permitted.
 - f. All signs (where it applies) shall conform to standard SCDOT Manual on Uniform Traffic Control Devices for Streets and Highways specifications concerning break away features.
11. Installation All freestanding signs shall be mounted in concrete.

Footing size shall be determined by fabricator/structural engineer. All concrete footings shall be covered over with four (4) inches of soil minimum.

- a. Where required, the general contractor shall provide electrical stub-out for ground lighting of signs.
- b. All building mounted sign installation methods shall be checked for strength by licensed engineer upon final determination of building construction materials.
- c. All concrete footings shall be designed by licensed engineer.
- d. All sign locations shall be approved by the Planning Director and must conform to all local codes with respect to height and setback requirements.

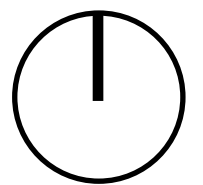
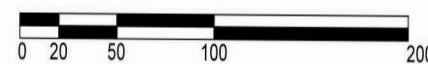
Parking Type	Block 1	Block 2	Block 3	Block 4	Block 5	Block 6	Block 7	Total
Carriage Garage Spaces	4	0	10	8	0	4	12	38
Cottage Attached Garage Spaces	0	0	2	2	0	16	8	28
Sub-Total Garage Spaces	4	0	12	10	0	20	20	66
Parking Spaces	118	44	67	59	14	84	42	428
Total Parking Spaces Provided	122	44	79	69	14	104	82	514



- Mixed-Use - 3 Stories
-Lofts above Retail First Story
- Clubhouse & Amenities - 1 Story
- 3 BR Cottage - 2 Stories
- 2 BR Cottage - 1 Story
- 2 BR Townhouse - 2 Stories
- 1 BR Large Cottage - 1 Story
- 1 BR Loft - 2 Stories
- 1 BR Carriage House - 2 Stories

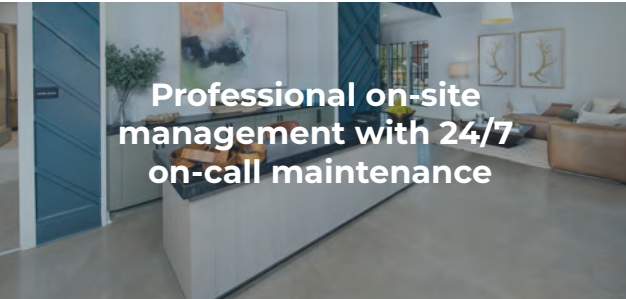
COTTAGES AT CAYCE

SEPTEMBER 2021 | 1:100
ROUGH DRAFT



COMMUNITY AMENITIES

Each cottage community includes top-of-the-line amenities that create a unique lifestyle for residents, an element of our communities as important as the cottages themselves. Amenities vary with each community but often include the following.



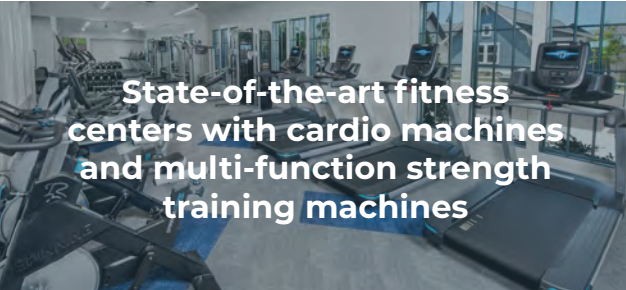
Professional on-site management with 24/7 on-call maintenance



Elegant Clubhouse



Complimentary and secure package service



State-of-the-art fitness centers with cardio machines and multi-function strength training machines



Dedicated green spaces for hosting community events



Dog washing stations



Expansive resort-style pools



Lush courtyards with pavilions and grilling stations




Pedestrian-friendly community with sidewalks

ONE BEDROOM COTTAGE A



692 sq. ft.

-  1
-  1



TWO BEDROOM TOWNHOUSE



1136 sq. ft.



2



2



THREE BEDROOM COTTAGE



1346 sq. ft.



3



3



INTERIOR FEATURES

The cottage-style product meets the market by providing residents with the features they value most - private backyards, high ceilings and in-home tech packages - to name a few. Features vary with each community but often include the following.



Private yards and patios



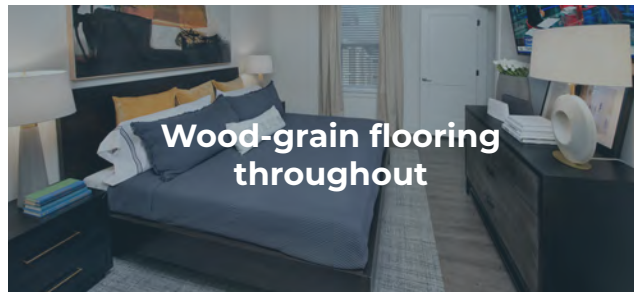
9-12 foot ceilings with fans



Quartz countertops



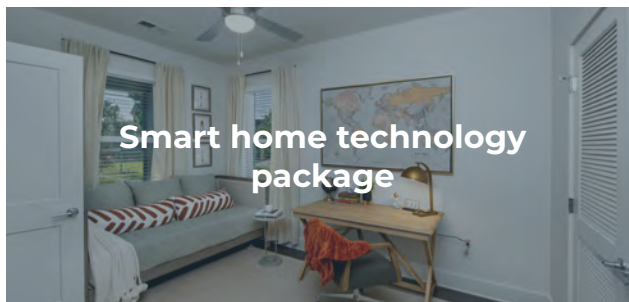
Luxurious kitchen finishes



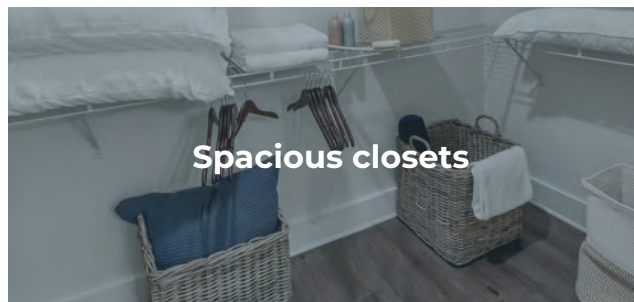
Wood-grain flooring throughout



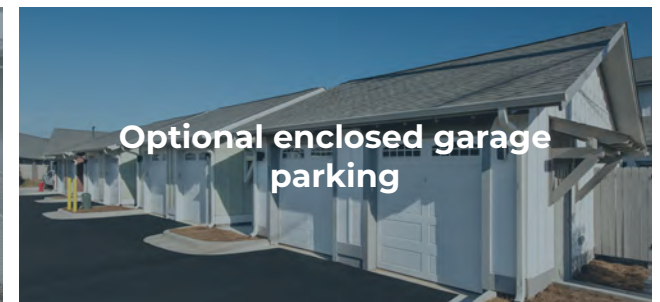
In-unit washer and dryer



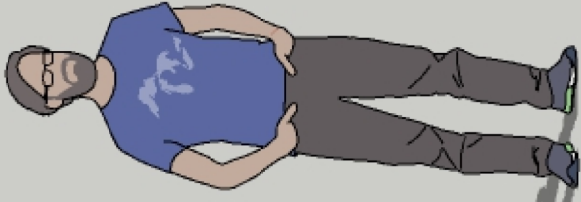
Smart home technology package



Spacious closets



Optional enclosed garage parking



THE COTTAGES
AT DAYTONA BEACH



cecola.com
803.798.2820
3740-A Fernandina Rd.
Columbia, SC 29210

September 1, 2021

Mr. Wade Luther, AICP, EDFP
Planning and Development Director
City of Cayce
1800 12th Street
Cayce, South Carolina 29033

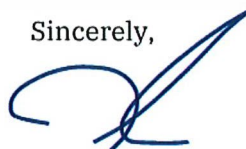
RE: Application for Zoning Map Amendment – Planned Development District (PDD)

Mr. Luther,

We are writing to request a rezoning for a Planned Development District (PDD) for the Otarre Pointe property in Cayce, South Carolina (TMS: 006900-01-021). As we have discussed in previous meetings, the market appears to tell us that this parcel is best developed as residential property, which is not permitted based on a recent revision to the I-77 Gateway Design Overlay District. To do so, the developer needs to establish a PDD with a commercial component, which they are amenable to doing as they believe Cayce is a good area to invest in and believe that this property can be a success.

We are providing this for your review in hopes of gaining staff support to obtain a favorable vote from City Planning Commission and Council to obtain the zoning and see the project come to fruition. Should you have you have any questions or concerns, or need any additional information, please do not hesitate to contact us.

Sincerely,



Josh Rabon, PE
Managing Partner

City of Cayce
South Carolina
Planning Commission Zoning Map Amendment

Date Filed: _____

Request No: _____

Fee: \$200.00 _____

Receipt No: 12102627

A zoning map amendment may be initiated by the property owner(s), Planning Commission, Zoning Administrator, or City Council. If the application is on behalf of the property owner(s), all owners must sign. If the applicant is not an owner, the owner(s) must sign the Designation of Agent section.

THE APPLICANT HEREBY REQUESTS that the property described as above be considered for rezoning from M1 to PDD

The justification for this change is as follows:

Continuation of Existing Multifamily Otarre Development to include commercial component

APPLICANT(S) [print]: WSS Providence, LLC.
Address: 7 Towncenter Drive Suite 102 Huntsville, AL 35806
Telephone: (256) 704-3090 [Business] WSS Providence, LLC. [Residence]
Interest: Owner(s): Agent of owner(s): Other:

OWNER(S) [if other than Applicant(s)] : Donald R. Tomlin Jr., Trustee, Special Master Trust
Address: 1276 Assembly Street Columbia, SC 29201
Telephone: (803) 540-3400 [Business] Special Master Trust[Residence]

PROPERTY ADDRESS: Intersection of 12th St Ext and Clovis Pointe Way
Lot _____ Block _____ Subdivision _____
Tax Map No. 006900-01-021 Plat Book 20865 Page 4916
Lot Dimensions: _____ Area: [sq. ft. or acreage] 53.82 acres
Deed restrictions/limitations on property:

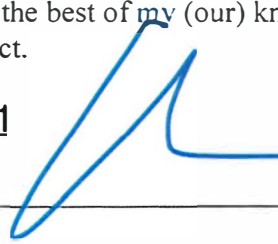
DESIGNATION OF AGENT [complete only if owner is not applicant]
I (we) hereby appoint the person named as Applicant as my (our) agent to represent me (us) in this request.

Date: _____

Donald A. Zoules, Jr. - Trustee
Owner signature(s) Special Master Trust

I (we) certify that to the best of my (our) knowledge that the information contained herein is accurate and correct.

Date: 07/19/2021



Applicant signature(s)

Official Use Only: Property posted: _____ By: MO

Published in Newspaper on: MO

PLANNING COMMISSION: September 20, 2021

RECOMMENDATION: Approval (3 for and 2 against)

CITY COUNCIL [1st Reading] _____

ACTION: _____










CITY COUNCIL [Final Reading] _____

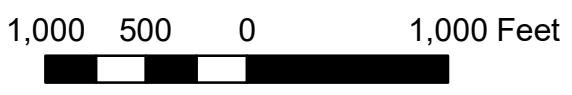
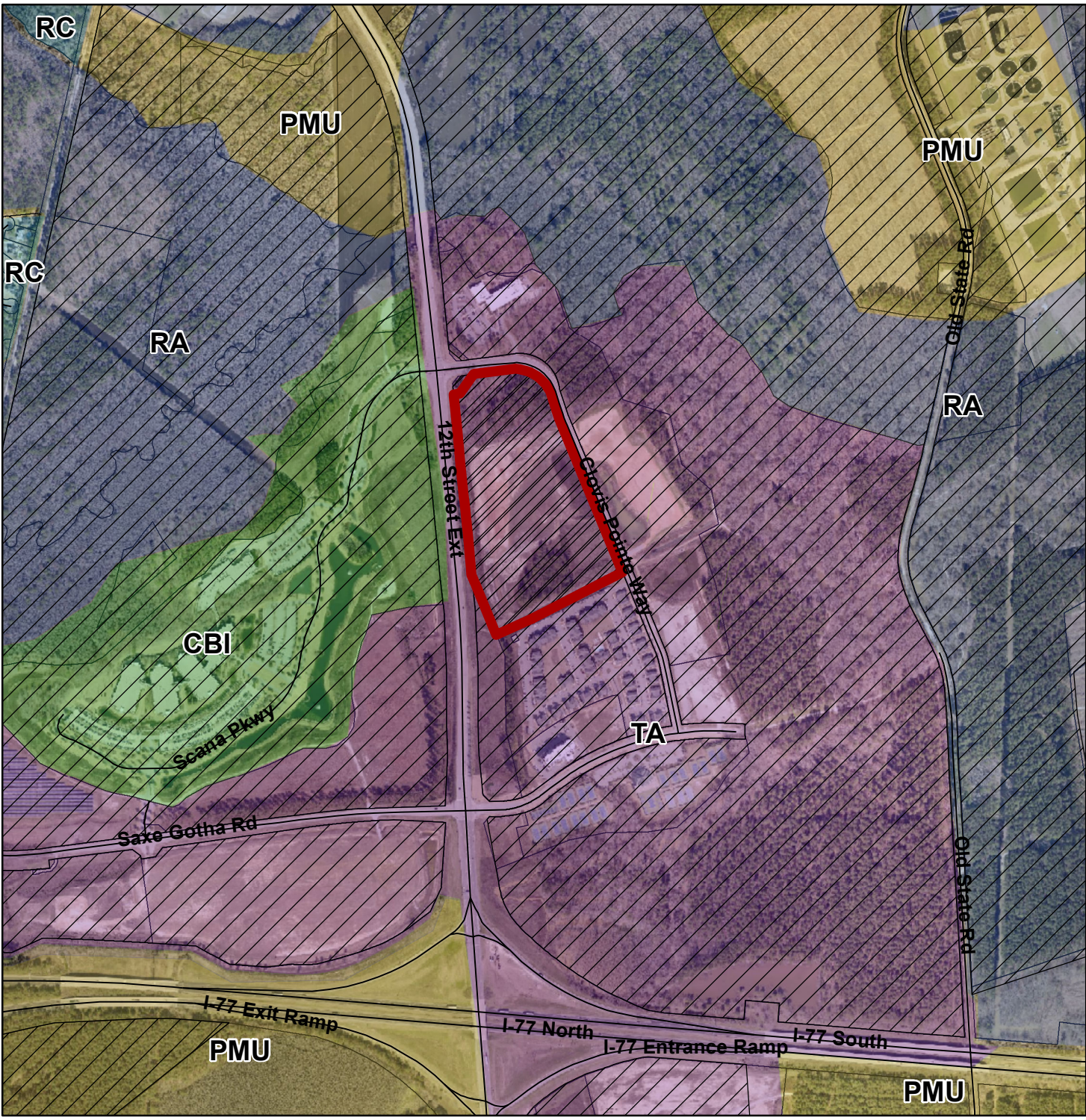
ACTION: _____

Notice to applicant sent on _____ advising of Councils action. If approved a statement to the effect that our zoning maps and records now reflect the new zoning of the property. If disapproved, the reasons for disapproval, a statement that any other request for rezoning on the same piece of property will not be accepted for a period of one (1) year from Councils action.

Map Amendment PDD-21-02 Land Use Map


Legend

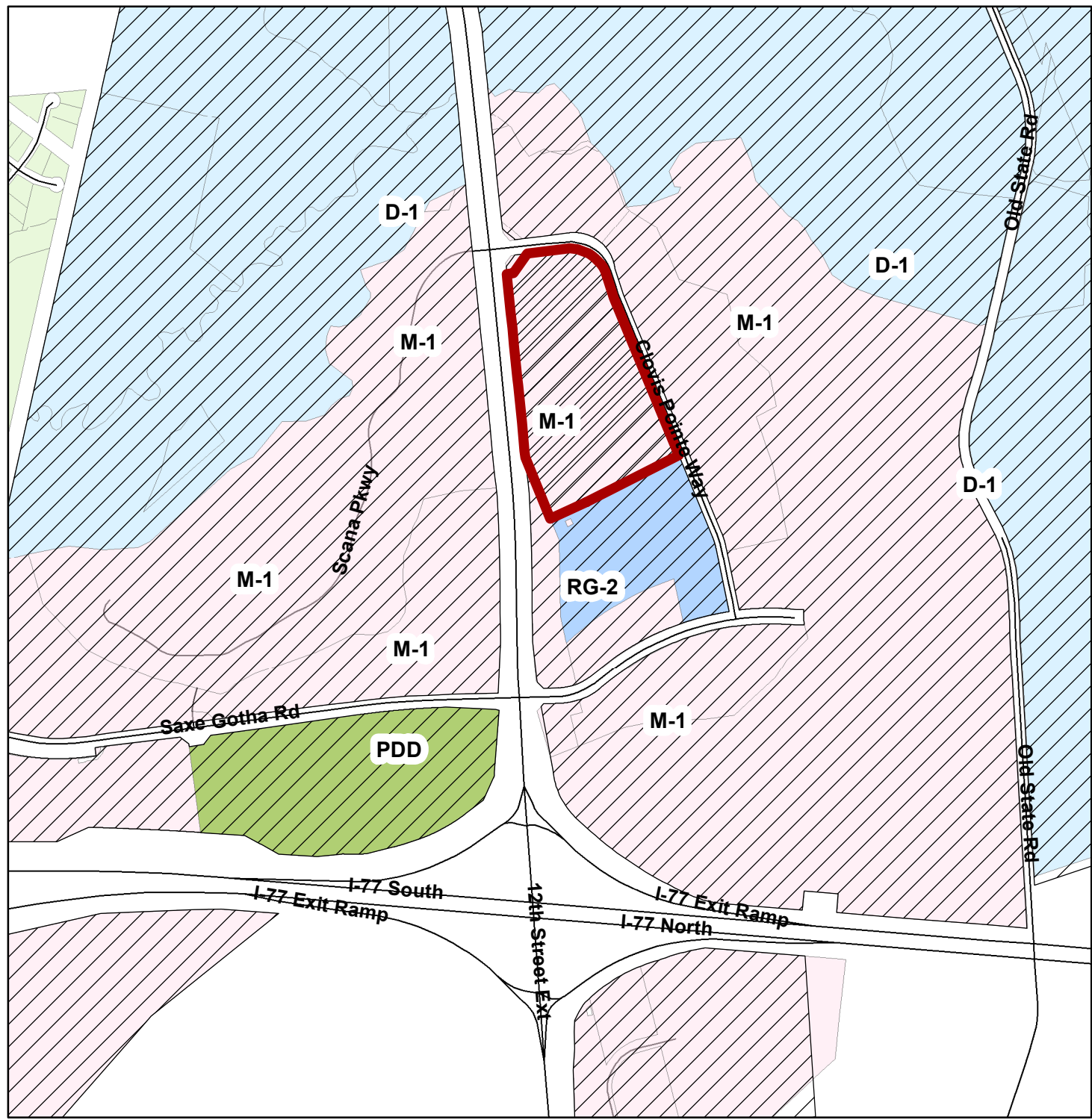
 PDD-21-02 Request	LAND_USE	 PMU	 RD
 I-77 Gateway DOD	 CBI	 RA	 TA
	 CBR	 RC	



Map Amendment PDD-21-02 Current Zoning

Legend

-  PDD-21-02 Request
-  I-77 Gateway DOD



Memorandum

To: Mayor and Council

From: Tracy Hegler, City Manager

Date: September 30, 2021

Subject: Approval of an amendment to extend the 2013 Lease Agreement between Martin Marietta Materials Real Estate Investments, Inc. and the City of Cayce

Issue

Council's approval is needed to approve and authorize the City Manager to sign an amendment that would extend the duration of a lease agreement for the Kelley Jones Park property from twenty-five (25) years (ending in 2038) to twenty-eight (28) years (ending in 2041).

Discussion

The 2013 agreement establishes the terms for which Martin Marietta leases the Kelley Jones Park Property to the City of Cayce. The agreement currently runs another seventeen (17) years (to 2038) and includes two (2), five (5) year extensions. The City of Cayce has been awarded a grant to improve the park and provide additional facilities. The granting agency requires the City to either have ownership of the property for which the improvements will be made or have a lease agreement of at least twenty (20) years. Martin Marietta is in favor of the additions and has provided this first amendment (attached) to extend the lease period to 2041 to meet the grant requirements. All other provisions of the original agreement remain unchanged and in effect.

Recommendation

Staff recommends Council approve the First Amendment to the lease agreement between Martin Marietta Materials Real Estate Investments, Inc. and authorize the City Manager to execute the agreement.

**FIRST AMENDMENT
TO
LEASE AGREEMENT
BETWEEN MARTIN MARIETTA MATERIALS REAL ESTATE INVESTMENTS, INC.
AND
CITY OF CAYCE**

This First Amendment to Lease Agreement (“*Amendment*”) is entered into this [] day of September, 2021, between Martin Marietta Materials Real Estate Investments, Inc., a North Carolina corporation (“*Landlord*”) and City of Cayce, a body politic and corporate and political subdivision of the State of South Carolina (“*Tenant*”).

RECITALS

A. Landlord and Tenant entered into that certain lease agreement dated September 30, 2013 (the “*Lease*”), the subject of which is a parcel of real property located in Lexington County, South Carolina, as more particularly described in the Lease, a copy of which is attached hereto as Exhibit A.

B. The Landlord and Tenant desire to amend the Lease, all as more fully set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. The Initial Term is hereby amended from a period of twenty-five (25) years expiring at 11:59pm on September 29, 2038, to a period of twenty-eight (28) years expiring at 11:59pm on September 29, 2041.
2. In all other regards, and except as modified by this Amendment, the Lease and each and every term thereof remains in full force and effect.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date first herein set forth.


LANDLORD:

**MARTIN MARIETTA MATERIALS REAL
ESTATE INVESTMENTS, INC.,**
a North Carolina corporation

By: _____

Name:

Title:


Stephen E. Bruce
Regional V.P.

TENANT:

CITY OF CAYCE,
a body politic and corporate and political
subdivision of the State of South Carolina

By: _____

Name:

Title:

SETTLEMENT AGREEMENT DATED
JUNE 28, 2013

AND

PROPERTY CONVEYANCE AND LEASE
TRANSACTION DATED
SEPTEMBER 30, 2013

BETWEEN

CITY OF CAYCE

AND

MARTIN MARIETTA MATERIALS, INC.

TPGL File No. 164.141

City of Cayce Copy

Prepared by

TURNER PADGET
TURNER PADGET GRAHAM & LANEY P.A.
BUSINESS LITIGATION SOLUTIONS

SETTLEMENT AGREEMENT DATED
JUNE 28, 2013

AND

PROPERTY CONVEYANCE AND LEASE TRANSACTION DATED
SEPTEMBER 30, 2013

BETWEEN

CITY OF CAYCE

AND

MARTIN MARIETTA MATERIALS, INC.

[All documents are copies unless otherwise specified.]

TABLE OF CONTENTS

City of Cayce Copy

Settlement Documents:

1. Settlement Agreement (Original)
2. Memorandum of Agreement (Book 16575/page 327)
3. Plat prepared for Martin Marietta Materials, Inc. (Granby Cemetery)
4. Addendum to Settlement Agreement (Original)
5. Extension to Tolling Agreement (Original)
6. Contract for Sale of Real Estate (Original)

Property Conveyance and Lease Transaction Documents:

7. Purchaser's Closing Statement
8. Seller's Closing Statement
9. Disbursement Statement (Original)
10. Limited Warranty Deed (Book 16575/page 332)
11. Limited Warranty Deed (Book 16575/page 336)
12. Quitclaim Deed (Book 16575/page 348)
13. Plat prepared for Martin Marietta Materials, Inc. (Book 16567/page 258)
14. Plat prepared for Martin Marietta Materials, Inc. (Book 16567/page 259)
15. Lease Agreement (Original)
16. Memorandum of Lease
17. Ordinance
18. Affidavit Re: Use of Property (Original)
19. Owner's Affidavit (Original)
20. Gap Indemnity and Hold Harmless Agreement (Original)
21. Transferor Affidavit (Original)
22. Substitute Form 1099-S (Original)
23. Acknowledgment of Charitable Contribution

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON) **SHORT FORM LEASE**

THIS SHORT FORM LEASE (this "Short Form Lease") is made and entered into to be effective as of the 30th day of September, 2013, by and between MARTIN MARIETTA MATERIALS REAL ESTATE INVESTMENTS, INC., a North Carolina corporation ("Landlord"), and CITY OF CAYCE, a body politic and corporate and a political subdivision of the State of South Carolina ("Tenant").

Pursuant to that certain Lease Agreement by and between Landlord and Tenant, dated effective as of September 30, 2013 (the "Lease"), Landlord has leased to Tenant for an original term of twenty-five (25) years to expire at 11:59 pm September 29, 2038, with two (2) option(s) to extend the term of the Lease for additional periods of five (5) years each, the real property, fixtures, and improvements thereon (including buildings, fences, and other fixtures) situate and being in Lexington County, South Carolina, as more fully described on Exhibit A attached hereto and incorporated herein by reference (the "Property"). The Lease is on file in the offices of the Tenant located at 1800 Twelfth Street, Cayce, South Carolina 29171. All terms and conditions of the Lease are incorporated into this Short Form Lease by reference as if set forth verbatim herein.

This Short Form Lease is entered into to place all parties on notice of the rights and interests of the Landlord and Tenant created pursuant to the Lease, as amended from time to time, and to satisfy all recording requirements of South Carolina law, including, without limitation, South Carolina Code of Laws Section 30-7-10, as amended.

This Short Form Lease may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Short Form Lease to be effective as of the date and year first above written.

[SIGNATURE PAGES ATTACHED]

SIGNATURE PAGE OF SHORT FORM LEASE

LANDLORD

SIGNED, SEALED, AND DELIVERED IN THE PRESENCE OF:

LANDLORD:

MARTIN MARIETTA MATERIALS REAL ESTATE INVESTMENTS, INC., a North Carolina corporation

By: Roselyn Bar (SEAL)

Name:

Title: Vice President and Secretary

[Signature]
Witness Number 1

[Signature]
Witness Number 2

STATE OF North CAROLINA)
)
COUNTY OF Wake)

ACKNOWLEDGMENT

I, Robin Gracia Joyce, a Notary Public for North Carolina, do hereby certify that Martin Marietta Materials Real Estate Investments, Inc., a North Carolina corporation, by Roselyn Bar, its Vice President & Secretary, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal (where an official seal is required by law) official seal this 3 day of October, 2013.

[Signature] (SEAL)
My Commission Expires: 11-22-16



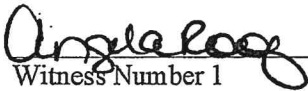
SIGNATURE PAGE OF SHORT FORM LEASE

TENANT

SIGNED, SEALED, AND
DELIVERED IN THE PRESENCE OF:

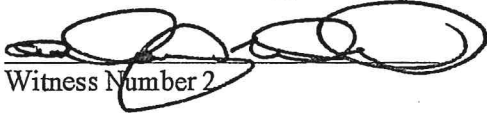
TENANT:

CITY OF CAYCE, a body politic and corporation
and a political subdivision of the State of South
Carolina



Witness Number 1

By: Rebecca Rhodes (SEAL)
Name: Rebecca Rhodes
Title: City Manager



Witness Number 2

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

ACKNOWLEDGMENT

I, Mandy Cordes, a Notary Public for South Carolina, do hereby certify that City of Cayce,
a body politic and corporate and a political subdivision of the State of South Carolina, by Rebecca
Rhodes, its City Manager, personally appeared before me this day and acknowledged the due execution of
the foregoing instrument.

Witness my hand and seal (where an official seal is required by law) official seal this 4 day of
October, 2013.

Mandy Cordes (SEAL)
My Commission Expires: 5-18-22

EXHIBIT "A"

PARCEL A:

ALL that certain piece, parcel or lot of land, together with improvements thereon, situate, lying and being in the City of Cayce, in the County of Lexington, State of South Carolina, shown and delineated as LOT ONE (1), BLOCK "G", on a plat of RIVERLAND PARK, by McMillan Engineering Company, dated May 25, 1961, revised January 25, 1962, recorded in the Office of the Register of Deeds for Lexington County in Plat Book 62-G, at page 4, and being more particularly shown and delineated on a Plat prepared for Joe Kelly, Jr. and Sally Mae Kelly, by McMillan Engineering Company, dated March 7, 1966, and recorded March 24, 1966 in Plat Book 85-G at Page 262, and said lot having the following boundaries and measurements, to-wit: on the North by New State Road, whereon it measures one hundred seventy-six and eight-tenths (176.8') feet; on the East by Lot 2, Block "G", whereon it measures one hundred thirty (130') feet; on the South by property now or formerly of Mrs. Virginia Taylor, whereon it measures eighty-five (85') feet; on the West by Old State Road, whereon it measures in a curved line the chord distance of one hundred forty-two and four-tenths (142.4') feet; and on the North West by the curve of the intersection of Old State Road and New State Road, whereon it measures the chord distance of twenty-eight and one-tenth (28.1') feet; be all measurements a little more or less.

ALSO DESCRIBED AS: ALL that certain piece, parcel, tract, or lot of land, together with improvements located thereon, situate, lying and being in the County of Lexington, State of South Carolina, being shown as Lot 1 Block "G" 0.42 ACRE on that certain Plat Prepared for Martin Marietta Materials, Inc. and Martin Marietta Materials Real Estate Investments, Inc., prepared by Cox and Dinkins, Inc., dated August 9, 2013 and recorded on September 25, 2013, in the Office of the Register of Deeds for Lexington County, South Carolina, in Plat Book 16567, at page 259; said Plat is specifically incorporated herein by reference and reference to said Plat is craved for the particulars as to metes, courses, distances, size, shape, dimensions, measurements, bounds and boundaries.

Derivation: Being the same property conveyed to the City of Cayce by Deed of Sally L. Kelly Savarie, dated December 3, 1986, recorded December 31, 1986, in Book 861, page 95 in the Office of the Register of Deeds for Lexington County, South Carolina. See also the Deed of Distribution to Sally Lane Kelly by the estate of Joe Kelly, Jr. dated September 29, 1982 and recorded in Book 867 at page 34 in the Office of the Register of Deeds for Lexington County, South Carolina.

TMS No.: 5818-01-040

PARCEL B AND PARCEL C:

All of that piece, parcel or lot of land, situate, lying and being in the City of Cayce, County of Lexington, State of South Carolina, being a part of that lot of land designated as "Reserved" in Block "G" on the Plat of Riverland Park prepared by McMillan Engineering Company, dated May 25, 1961, last revised August 13, 1963 and recorded in the Office of the Clerk of Court for Lexington County in Plat Book 62-G at Page 131. Said lot being the northern portion of said Reserved lot and having the following

boundaries and measurements: On the North by property now or formerly of Virginia Taylor, measuring thereon Two Hundred (200') feet; on the East by the Congaree River; on the South by Property conveyed by the Edwin W. Pike, Jr. and John D. Whittemore, Trustees, Riverland Park, to the Riverland Park Woman's Club; on the West by Riverland Drive, measuring thereon a circle Seventy and 9/10 (70.9') feet to a point and by Lot #31, Block "G" for a distance of One Hundred Forty-Five and 7/10 (145.7') feet.

AND

All of that piece, parcel or lot of land, situate, lying and being in the City of Cayce, County of Lexington, State of South Carolina, being the southern part of the lot of land shown on the Plat of Riverland Park prepared by McMillan Engineering Company, dated May 25, 1961, revised August 13, 1963 and recorded in the Office of the Clerk of Court for Lexington County in Plat Book 62-G at page 131, as reserved and being at the northeast corner of said subdivision. The lot of land herein conveyed having the following boundaries and measurements: On the East by the Congaree River, measuring thereon forty and 5/10 (40.5') feet; on the South by Lot #30 in Block "J", measuring thereon for a distance of two hundred ninety-seven (297') feet and four (4') feet to a point of Riverland Drive; on the West by Riverland Drive, fronting thereon forth and 5/10 (40.5') feet; on the North by the remaining portion of the reserved lot on said plat, measuring thereon approximately two hundred ninety-seven (297') feet and four (4') feet.

ALSO DESCRIBED AS: ALL those certain pieces, parcels, tracts or lots of land, together with improvements located thereon, situate, lying and being in the County of Lexington, State of South Carolina, being shown together as "UNNUMBERED LOT ON REF. NO. 1", TMS#005818-01-010, 0.28 ACRE and TMS#005818-01-009, 1.13 ACRES on that certain Plat Prepared for Martin Marietta Materials, Inc. and Martin Marietta Materials Real Estate Investments, Inc., prepared by Cox and Dinkins, Inc., dated August 9, 2013 and recorded on September 25, 2013, in the Office of the Register of Deeds for Lexington County, South Carolina, in Plat Book 16567, at page 258; said Plat is specifically incorporated herein by reference and reference to said Plat is craved for the particulars as to metes, courses, distances, size, shape, dimensions, measurements, bounds and boundaries.

Derivation: Being the same property conveyed to the City of Cayce in two parcels by (i) Deed of Edwin W. Pike Jr., and John D. Whittemore, Trustees for Riverland Park, dated May 15, 1964, recorded July 10, 1964, in Book 13-D, Page 207, Office of the Register of Deeds for Lexington County, South Carolina, and (ii) Deed of Riverland Park Woman's Club, an Eleemosynary Corporation, dated October 19, 1979 and recorded November 1, 1979 in Book 370 at page 134, Office of the Register of Deeds for Lexington County.

TMS No.: 5818-01-009 and 5818-01-010

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

LEASE AGREEMENT

THIS **LEASE AGREEMENT** (the "Lease") made and entered into this ____ day of _____, 2013, by and between **MARTIN MARIETTA MATERIALS, INC.**, a North Carolina corporation ("Landlord") and **CITY OF CAYCE**, a body politic and a corporate and political subdivision of the State of South Carolina ("Tenant").

**ARTICLE I
WITNESSETH**

In consideration of the covenants and agreements of the respective parties herein contained, the parties hereto agree as follows:

**ARTICLE II
DEMISED PREMISES**

Landlord by these presents does hereby demise and let unto Tenant, and Tenant leases and rents from Landlord for the term and upon the rental, covenants and agreements herein set forth that certain property located in Riverland Park Subdivision in the City of Cayce, County of Lexington, State of South Carolina (the "Premises"), and more specifically described as follows:

ALL THAT CERTAIN PIECE, parcel or lot of land, together with improvements thereon, situate, lying and being in the City of Cayce, in the County of Lexington, State of South Carolina, shown and delineated as LOT ONE (1), BLOCK "G", on a plat of RIVERLAND PARK, by McMillan Engineering Company, dated May 25, 1961, revised January 25, 1962, recorded in the Office of the Register of Deeds for Lexington County in Plat Book 62-G, at page 4, and being more particularly shown and delineated on a Plat prepared for Joe Kelly, Jr. and Sally Mae Kelly, by McMillan Engineering Company, dated March 7, 1966, to be recorded, and said lot having the following boundaries and measurements, to-wit: on the North by New State Road, whereon it measures one hundred seventy-six and eight-tenths (176.8') feet; on the East by Lot 2, Block "G", whereon it measures one hundred thirty (130') feet; on the South by property now or formerly of Mrs. Virginia Taylor, whereon it measures eighty-five (85') feet; on the West by Old State Road, whereon it measures in a curved line the chord distance of one hundred forty-two and four-tenths (142.4') feet; and on the North West by the curve of the intersection of Old State Road and New State Road, whereon it measures the chord distance of twenty-eight and one-tenth (28.1') feet; be all measurements a little more or less.

TMS No.: 5818-01-040

ALL that certain piece, parcel or lot of land, situate, lying and being in the City of Cayce, County of Lexington, State of South Carolina, being that lot of land in Block "G" on the Plat of Riverland Park prepared by McMillan Engineering Company, dated May 25, 1961, last revised August 13, 1963 and recorded in the Office of the Register of Deeds for Lexington County in Plat Book 62-G at page 131.

For a more recent description, please reference the unrecorded plat prepared for City of Cayce, prepared by McMillan Engineering Company, dated October 20, 1967 which is attached hereto and incorporated herein. Said lot having the following boundaries and measurements: On the north by property now or formerly of Virginia Taylor, measuring thereon two hundred (200') feet; on the east by the Congaree River, measuring two hundred thirty-eight (238') feet; on the south by Lot #30 in Block "J", measuring thereon for a distance of two hundred ninety-seven (297') feet and four (4') feet to a point of Riverland Drive; on the west by Riverland Drive, fronting thereon forty and 5/10 (40.5') feet to a point; measuring thereon on a circle seventy and 9/10 (70.9') feet to a point and by Lot #31, Block "G" for a distance of one hundred forty-five and 7/10 (145.7') feet.

TMS No.: 5818-01-009 and 5818-01-010

ARTICLE III TERM AND RENEWAL

TO HAVE AND TO HOLD the Premises unto Tenant for a term of twenty-five (25) years commencing the _____ day of _____, 2013, and ending on the _____ (____) day of _____, 2038 (the "Initial Term"). The Initial Term shall automatically be extended for two (2) additional periods of five (5) years (each a "Renewal Term") unless Tenant gives written notice one year in advance of each respective Renewal Term of Tenant's intent not to renew the Lease. The Initial Term and the Renewal Terms are sometimes together referred to herein as the "Term").

ARTICLE IV COVENANTS AND CONDITIONS OF LEASE

This Lease is made on the following covenants and conditions which are expressly agreed to by Landlord and Tenant:

A. Rent. Tenant agrees to pay as rental to Landlord the annual sum of One and no/100 Dollars (\$1.00), payable in one (1) annual installment in lawful money of the United States ("Rent"). Rent shall be due and payable annually to Landlord within thirty (30) days of each anniversary of the Term and shall not be withheld for any reason whatsoever.

B. Authorized Use. Tenant agrees not to abandon or vacate the Premises and to use them only as a park, playground and for other related recreational related purposes, including appropriate signage.

C. Tenant Alterations. Tenant may make or install any improvements to the Premises at its expense and without Landlord's consent and may remove same at any time provided any damage to the Premises caused thereby shall be repaired by Tenant.

D. Tenant's Maintenance and Repair of Premises. Tenant agrees not to suffer or commit any waste and to keep and to do whatever is necessary to maintain the Premises in good condition and repair, natural deterioration by ordinary use and reasonable wear, fire, the elements, acts of God excepted.

E. Tenant's Utility Payment Responsibilities. Tenant shall, at its own expense, be responsible for the payment of all utilities serving the Premises during the Term.

F. Payment of Taxes and Other Assessments. Landlord shall pay annually all real estate taxes and other assessments due on the Premises.

G. Entry by Landlord. Landlord shall have the right to enter the Premises at reasonable times for the purpose of inspection.

H. Tenant Liability Insurance. Tenant shall at all times during the Term keep in effect in responsible companies liability insurance in the names of and for the benefit of Tenant and Landlord with limits as carried by Tenant on its other parties.

I. Damage or Destruction by Fire or Other Casualty. If the Premises or any part thereof shall be damaged or destroyed by fire or other casualty, Tenant shall promptly take such action to repair or otherwise dispose of all such damage and, in Tenant's discretion, restore the Premises without expense to Landlord.

J. Default by Tenant. If Tenant shall make default in the payment of the Rent reserved hereunder or the performance of Tenant's obligations hereunder and any such default shall continue for a period of ten (10) days, after written notice to Tenant, then Landlord may, at its option, terminate this Lease, with prior written notice, and Landlord or Landlord's agents may immediately or at any time thereafter, re-enter the Premises by force, summary proceedings or otherwise, and remove all persons and property therein, without being liable to indictment, prosecution or damage therefor, and Tenant hereby expressly waives the service of any notice in writing of intention to re-enter the Premises.

K. Default of Landlord. If at any time during the term hereof Landlord shall default in any of its obligations under this Lease, Tenant may give the written notice to Landlord of its intention to terminate the Lease, together with a statement of the nature of such default, and such termination shall become effective on the thirtieth (30th) day after the date of such notice unless (i) such default shall be cured within thirty (30) days after such notice or (ii) if the default is of such a nature that it cannot be cured within such period, the necessary steps to cure such default are fully taken within such period and are thereafter diligently pursued.

L. Enforcement. If any action at law or in equity shall be brought to recover any Rent under this Lease, or for or on account of any breach of or to enforce or interpret any of the covenants, terms or conditions of this Lease, or for the recovery of the possession of the Premises, Landlord shall be entitled to recover from Tenant as part of the Landlord's cost a reasonable attorney's fee, the amount of which shall be fixed by the court and shall be made a part of any judgment rendered.

M. Quiet Enjoyment. Landlord agrees that Tenant, keeping and performing the covenants herein contained on the part of Tenant to be kept and performed, shall at all times during the term of this Lease peaceable and quietly have, hold and enjoy the Premises.

N. No Assignment and Subletting. Neither this Lease nor any interest herein may be assigned by Tenant, voluntary or involuntarily, by operation of law, and neither all nor any part of the

Premises shall be sublet by Tenant without Landlord's prior consent, which consent shall not be unreasonably withheld, delayed or conditioned.

O. Waiver of Covenants. It is agreed that the waiving of any of the covenants of this Lease by either party shall be limited to the particular instance and shall not be deemed to waive any other breaches of such covenant or any provision herein contained.

P. Notices. Any notice, demand or other instrument or written communication required or permitted to be given, served, made or delivered hereunder may be given, served, made or delivered by (i) hand delivery; or (ii) mailing the same by certified mail, postage prepaid, at the addresses shown on the signature page of this Lease. Any such notice, demand or other instrument or written communication mailed as above provided shall be deemed to have been given, served, made, or delivered at the time that it was placed in the mail with sufficient postage attached.

Q. Surrender of Premises. Tenant agrees to surrender the Premises at the expiration or sooner termination of this Lease or any extensions thereof, in the same condition as when delivered to Tenant or as altered, pursuant to the provision of this Lease, ordinary wear and tear and damage by the elements excepted, and Tenant shall remove all of its personal property.

R. Rights of Successors and Assigns. The covenants and agreements contained in the within Lease shall apply to, inure to the benefit of, and be binding upon the parties, hereto, their legal representatives, successors, assigns and upon their respective successors-in-interest, except as expressly otherwise herein provided.

*[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK –
SIGNATURE PAGE FOLLOWS]*

SIGNATURE PAGE OF LEASE AGREEMENT

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day and year first above written.

WITNESS:

As to Landlord

LANDLORD:

MARTIN MARIETTA MATERIALS, INC.

By: _____ [SEAL]
Print Name: _____

Address for Notice:

WITNESS:

As to Tenant

TENANT:

CITY OF CAYCE

By: _____
Rebecca Rhodes
City Manager

Address for Notice:
City of Cayce
1800 Twelfth Street
Cayce, South Carolina 29171
Attention: Rebecca Rhodes, City Manager

All open positions will be advertised on the City's website and Facebook page.

COUNCIL ACTION REQUIRED

PUBLIC SAFETY FOUNDATION – ONE (1) POSITION

The Public Safety Foundation has two (2) open positions. The City has received a potential member application from Mr. Russell Shumard. His potential member application is attached for Council's review.

NO COUNCIL ACTION REQUIRED

The following positions have been postponed by Council until receipt of potential member applications.

BEAUTIFICATION FOUNDATION – TWO (2) POSITIONS

This Foundation is a 501c3 non-profit organization that works to raise money for various beautification projects in the City of Cayce. There are no recommendations at this time.

PUBLIC SAFETY FOUNDATION – TWO (2) POSITIONS

This Foundation is a 501(c) (3) organization that raises funds to provide the members of Cayce Public Safety with equipment and resources to make their jobs and the community safer. There are no recommendations at this time.

STANDARD TECHNICAL CODES BOARD OF APPEALS – THREE (3) POSITIONS

Reviews citizen appeals to ensure building codes, property maintenance codes and fire codes are properly interpreted and implemented fairly. Members who serve on this Board must be either an Engineer, Contractor, Architect or Design Professional. There are no recommendations at this time.

CITY OF CAYCE PUBLIC SAFETY FOUNDATION APPOINTMENT APPLICATION

Name: RUSSELL W. SHUMARD

Home Address: MANLEY ST. City, State, Zip CAYCE, SC 29033

Telephone: _____ E-Mail Address net Cell Phone: 803 resident of

Cayce: Yes No Number of Years 18

Business Located in Cayce: Yes No Number of Years _____

Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation? Yes No If yes, specify below:

Work Address

Company: WATER SYSTEMS INC. Position EQUIPMENT MGR + SAMPLING TECH.

Address: 311 POOLEY RD

City, State, Zip LEXINGTON SC 29073 Telephone: 803-755-0090

Fax: _____ E-Mail _____

Work Experience: 27 YEARS AT FOREST ACRES POLICE (PATROLMAN, INVESTIGATOR, SHIFT SGT, LT. OF INVESTIGATIONS) RETIRED MARCH 2020

Educational Background: BS CRIMINAL JUSTICE CHARLESTON SOUTHERN UNIVERSITY 1991

Membership Information (Professional, Neighborhood and/or Civic Organizations):

Volunteer Work: EDGE CHURCH OF W. COLUMBIA (BOARD OF TRUSTEES)
PRESIDENT HEARTS FOR TWO HILLS SOCIETY NON PROFIT CHRISTIAN MISSION ORGANIZATION

Hobbies: YARD WORK, READING,

Return to:
Mendy Corder, Municipal Clerk
City of Cayce, P.O. Box 2004, Cayce, SC 29171-2004
Telephone: 803-796-9020 • Fax: 803-796-9072

