Sumter City-County Planning Commission

August 28, 2013

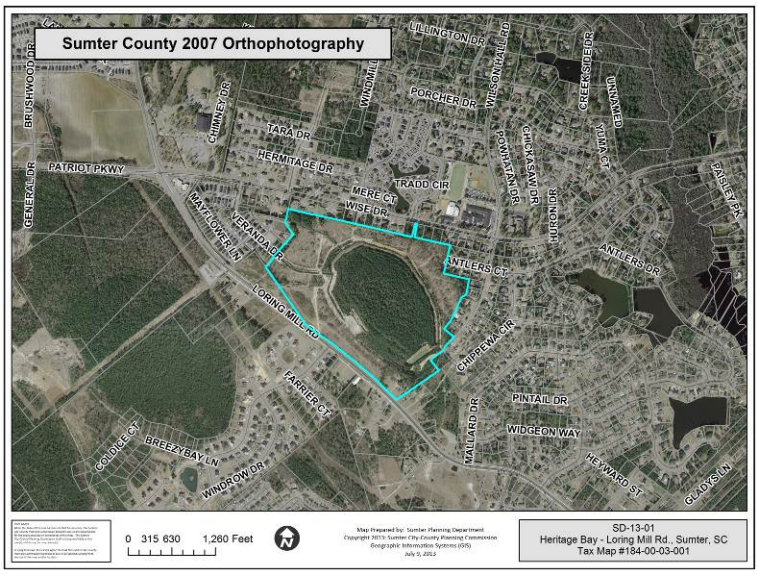
SD-13-01, Heritage Bay Subdivision (City)

I. THE REQUEST

Applicant:	Richard M. Knowlton, Jr. Heritage Bay Development Company, LLC
Status of the Applicant:	Contract Purchaser/Developer
Request:	A request for preliminary plat approval to develop a 156 lot residential subdivision.
Location:	Loring Mill Rd. south of the intersection of Loring Mill Rd. and Patriot Parkway.
Size of Property:	+/- 109 acres
Present Use/Zoning:	Undeveloped Wooded parcel/Residential-9 (R-9)
Proposed Use of Property:	Single-Family Residential Subdivision
Tax Map Reference:	184-00-03-001
Adjacent Property Land Use and Zoning:	North – Single-Family/Residential-15 (R-15) South – Loring Mill Rd. & Residential/Residential-15 (R-15) & Planned Development (PD) East – Single-Family/R-15 West – Single-Family/Planned Development (PD)

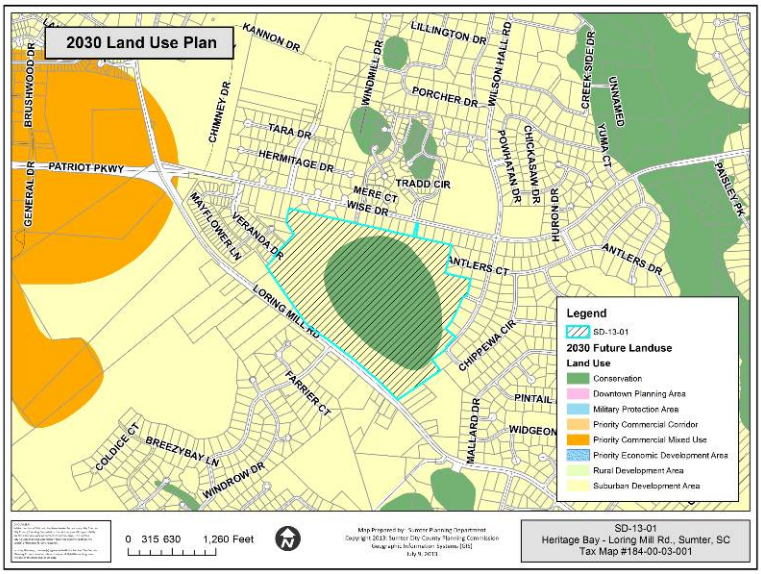
II. BACKGROUND

The applicant proposes to develop a 156 lot residential subdivision on a +/-109.65 acre tract. The area proposed for development, shown in the graphic to the right, was originally intended to be Phase 2 of the Garden Gate Subdivision. Garden Gate is located to the west of this parcel.



In August of 2011 City Council, at the request of the developer, removed this tract from the Garden Gate Planned Development and rezoned the tract to Residential-9 (R-9). The current proposal is a separate development and is in no way affiliated with the Garden Gate Subdivision.

III. COMPATIBILITY WITH THE 2030 COMPREHENSIVE PLAN



The property is influenced by the Suburban Development Planning Area as well as the Conservation Preservation Planning Area.

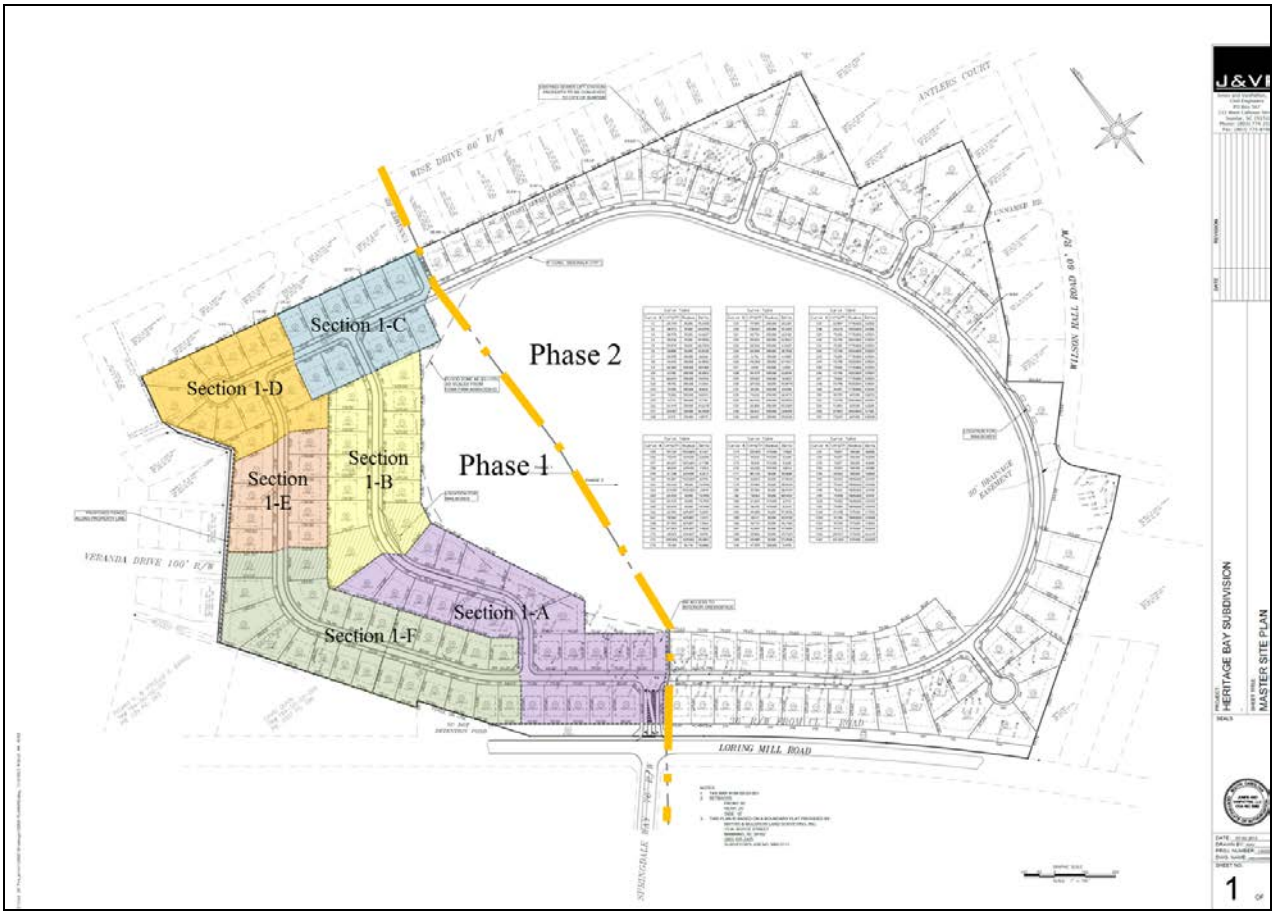
The primary objective of the Suburban Development designation is to scrutinize and manage the existing development patterns, foster intentional mixed-use development and identify new commercial and industrial locations where form and design are a focus, all in a more efficient manner.

Designated Conservation Areas protect and preserve environmentally sensitive areas. Throughout the County, these areas should be preserved to ensure the protection of environmentally sensitive natural resources including floodplains. Protection of these natural areas contribute to the community's overall health and sustainability.

For residential development such as this, the Plan prioritizes design elements such as open space, access, pedestrian networks, and other quality of life issues. It also encourages diversity in housing product and opportunities for affordability. The submitted proposal, through preservation of the Carolina Bay as central open space, and the implementation of sidewalks connecting to the greater Sumter sidewalk network support these plan objectives.

IV. PRELIMINARY PLAT REVIEW

Based on Article 7, Section 7.d.5, the approval of the preliminary plat constitutes approval of the subdivision as to its character, intensity of development, general layout, and the approximate dimensions of streets, lots and other planned features. This approval binds the developer to the general scheme of the subdivision and permits the developer to proceed with the installation of site improvements, subject to obtaining other necessary permits. An applicant may request final approval for the whole development or for a section of the preliminary plat as long as specific phased approval is granted by the Planning Commission Board. Based on Planning Staff's understanding of the preliminary plat submission, the developer is requesting to develop this subdivision in two phases with Phase 1 developed in six sections. No sectioning plan for Phase 2 has been proposed at this time. Proposed Phasing is shown in the graphic on the following page.



This proposal is for a single-family detached subdivision developed using Residential-9 development standards, and has been reviewed as such.

Zoning District Requirements

The purpose of the Residential-9 (R-9) zoning district is to recognize the essential suburban living character of significant portions of the City of Sumter where medium density single-family residential development is the predominant living environment of the existing and future population. Residential permitted uses within the R-9 district include single-family detached dwellings, excluding mobile or manufactured homes and accessory uses such as bathhouses, cabanas, non-commercial greenhouses, private garages and carports, storage buildings, swimming pools, tool sheds and workshops and home occupations. This district also allows accessory apartments subject to the development criteria established in Section 4.g.2 of the Zoning Ordinance.

The minimum development standards in the R-9 District for Single-family detached dwellings are as follows:

Minimum Lot Area Per structure:	9,000 sq. ft. (approx. 0.2 acres)
Minimum Lot Width:	75 ft. at front setback
Minimum Yards, Per Structure:	
Front – 35 ft.	
Side – 10 ft.	

Rear – 25 ft.
Maximum Impervious Surface Ratio: 40%
Maximum Building Height: 35 ft.

The average proposed lot size in this development is 0.27 acres with lots ranging in size from 0.19 acres up to 0.75 acres. All lots meet the minimum lot width of 75 ft. at the minimum building line and are within the required residential width to depth ratio requirement of 1:2.5. Each parcel has enough buildable area to meet all minimum setback standards without exceeding the maximum 40% impervious surface ratio. We note for the record that several lots are irregularly shaped (lots 10, 13, 46, 47, 135). We caution the developer that typical house plans may not fit on several of these lots.

Tree Protection, Buffering, Landscaping, & Open Space Plans:

Section 8.d.3.b requires the submission of a tree survey and tree protection plan. 8.d.3.b. states:

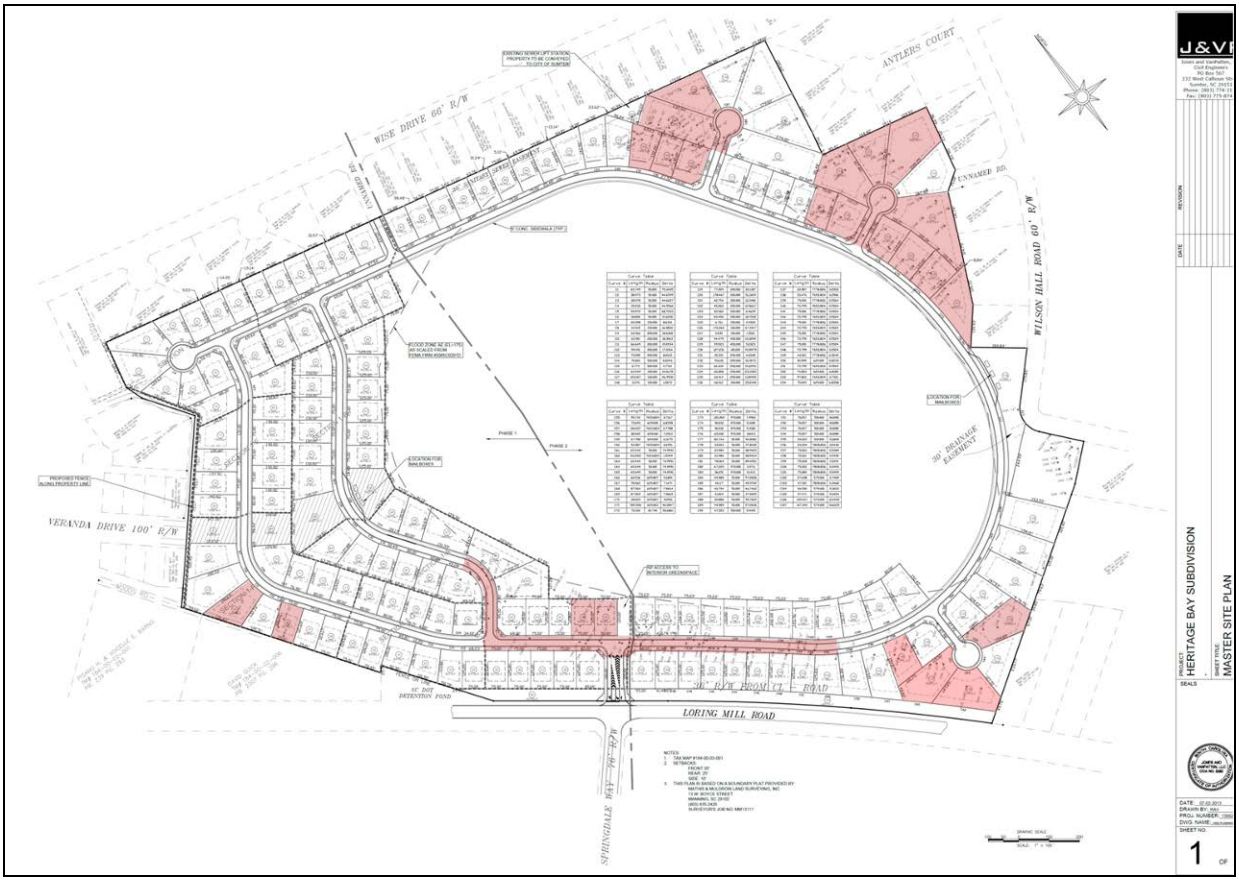
> ***Tree Protection Plan:*** *A Tree Protection Plan shall be submitted as part of a landscape plan, site plan, subdivision plan, or filed separately.*
>
> ***Purpose and Intent:*** *It is the intent of Council that the individual planner reviewing tree protection will do an initial on-site inspection of trees and proposed construction. No lot shall be cut prior to this on-site inspection. From that, "Significant Trees" specified in the list below will be protected where feasible. That feasibility may include small site adjustments, saving additional trees outside the construction area, or having a landscape plan that replaces "Significant Trees" that must be removed to allow construction. More significant site adjustments may be required to protect and preserve "Historic Trees" that are found to be healthy and viable. Trees saved by site modifications will receive additional credit during the development of the final landscape plan. It is Council's intent that this ordinance not render any parcel impractical for its permitted or conditionally allowed uses.*

The applicant submitted a tree a survey as part of preliminary review; however no tree protection plan has been submitted. It should be noted that no trees within the central open space were surveyed as of publication of this report. Based on the proposed layout, as shown in the graphic on the following page, four (4) proposed lots within Phase 1 have significant trees within the buildable area and 20 lots in Phase 2 have significant and/or historic trees within the buildable area. There are also significant/historic trees located in the highlighted areas of the proposed right-of-way as shown in the table below.

Tree Size	Total Count	# Within the Right-of-Way[1]	Variety/Species
30" or > DBH*	17	4**	Oak, Pine, Gum
20" – 29" DBH	40	7	Oak, Hickory
10" – 19"	134	34	Live Oak, Oak, Hickory, Cypress, Poplar

Notes: * Two (2) Oak Trees are 40" DBH (Diameter at Breast Height), **The following historic trees are located within the right-of-way in Phase 2 – 30" Oak, 32" Oak, 30" Pine and 40" Oak.

1. There are a total of 45 trees within the proposed rights-of-way.



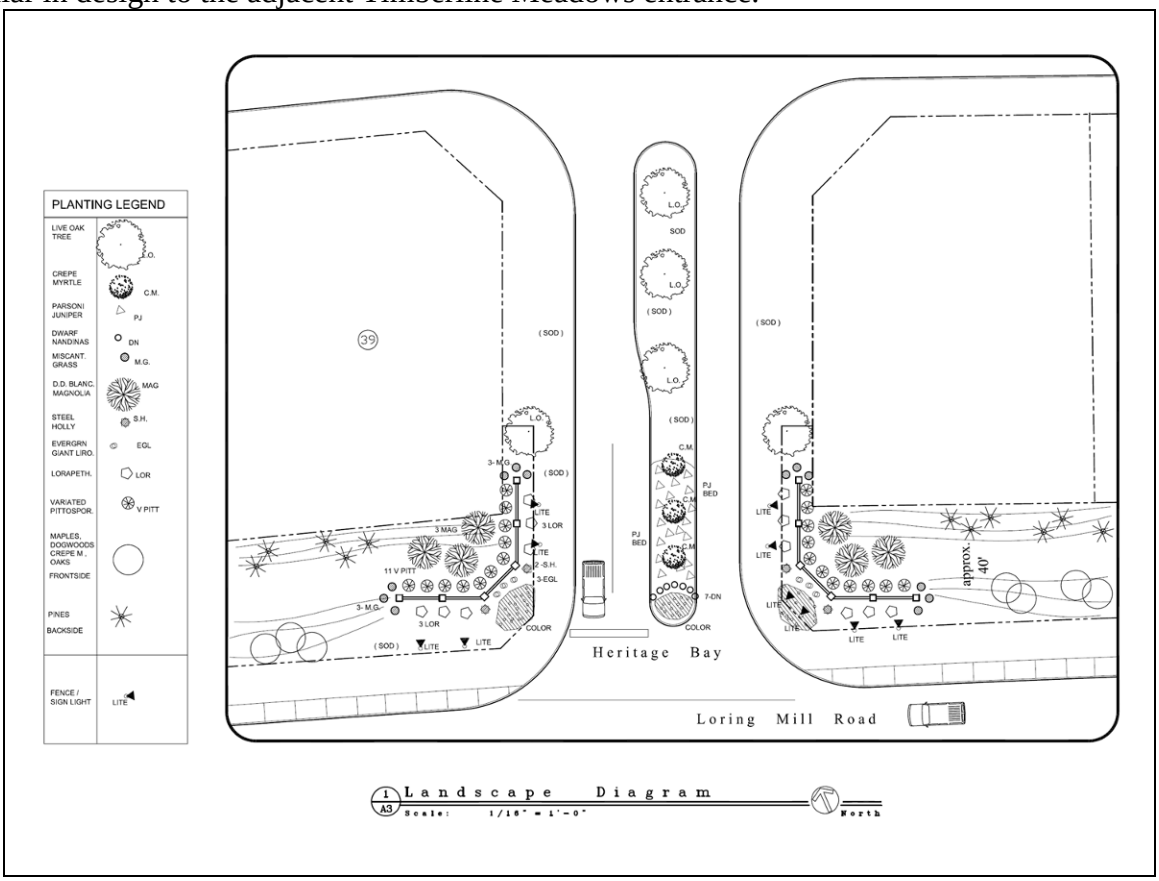
There are no historic trees, defined as 30” or greater DBH (diameter at breast height) regardless of species, within Phase 1 of the development. There are six (6) trees between 20” and 29” DBH and a total of 31 trees between 10” and 19” DBH. As shown in the graphic on page 4, a bulk of the trees significant and historic trees within the development are in Phase 2. Because tree protection and grading plans have not been submitted for review as of this date, there has been no proposal submitted by the applicant showing which trees are candidates for removal/mitigation and which are to be protected through the development process. This information will be necessary when developing final landscape plans for the development.

As per Article 8, Section 8.b.6., reasonable landscaping should be provided at site entrances, in public areas, adjacent and around the perimeter of buildings. Additionally, in accordance with Section 8.d.7., buffering shall be provided when natural land features or existing vegetative barriers do not provide reasonable screening. Buffering shall be provided to shield neighboring developed or undeveloped properties from any adverse external effects of a development. A buffer strip of 10 ft. in width is required where more intensive land uses or zoning districts abut less intensive land uses or zoning districts.

To date the applicant has submitted a detailed landscaping plan that addresses planting along Loring Mill Rd. at the subdivision entrance. An overall landscape plan addressing community open space/buffering has not been submitted for review. It should be noted that by Ordinance, landscaping in community open space is required to be irrigated to ensure survival of plantings.

The subdivision is planned to have a berm along the Loring Mill Rd. frontage with a similar planting pattern to the adjacent Timberline Meadows Development as shown in the photographs

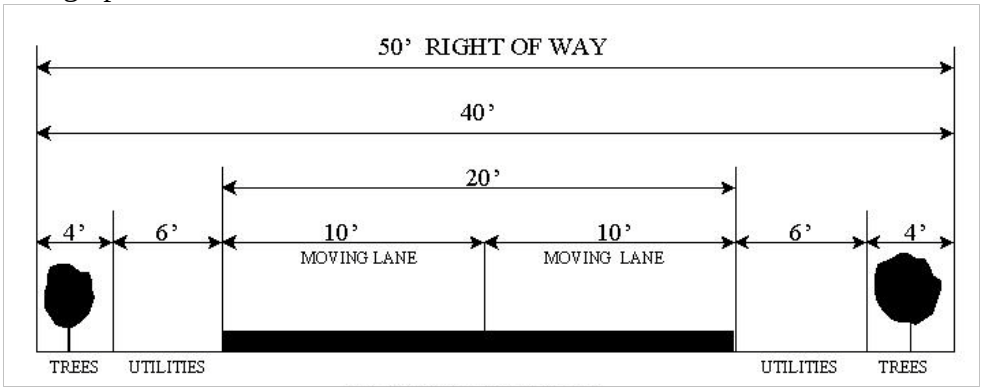
on the following page, however submission of the proposed berm planting plan is pending. The main entrance into the development will also be planted according to the following graphic and is similar in design to the adjacent Timberline Meadows entrance.



Pictured Above: *Central median and sign wing walls at the entrance to Timberline Meadows.*

Pictured Above: *Timberline Meadows vegetated berm. Based on conversations with the Applicant it is their intent for the berm along Loring Mill Rd. to be similar in design to that shown above.*

Street trees are required for this development. One street tree must be planted for each lot. Required street trees should be planted in the first 4 ft. outside of the designated utility easements as shown in the graphic below.

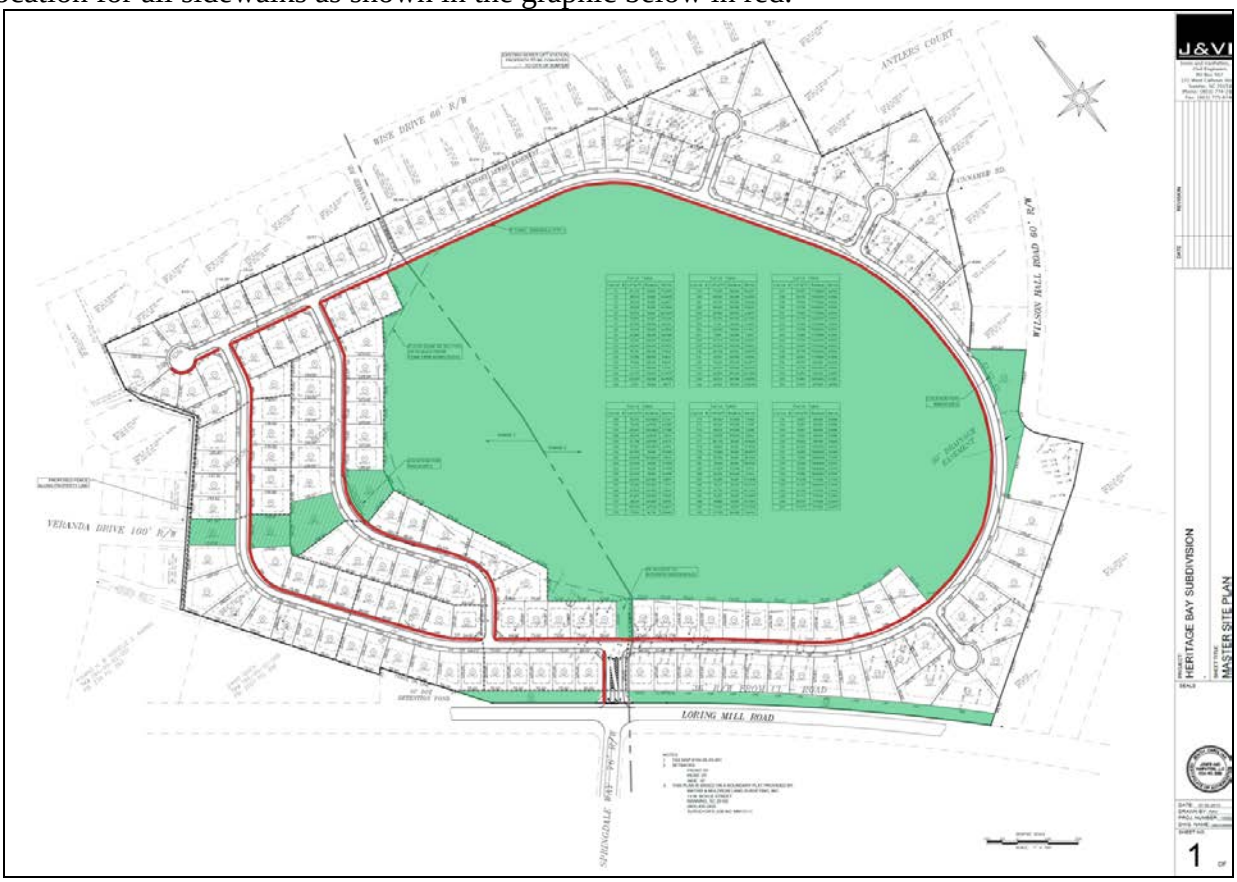


Stormwater management facilities have not been designed as of this date. It is the understanding of Planning Staff that stormwater management will be handled within the central Carolina Bay and tie into existing facilities. Any additional landscaping proposed will be identified on the final landscape plan for the development.

<u>Proposed Roadway/Sidewalks</u> – The proposed roadway will be asphalt with concrete curbing, as a reminder to the applicant, all driveways shall utilize depressed curbing at the street. The intensity of development based on average lot width as per section 8.e.3.b is "medium" intensity. As per exhibit 17, due to the projected traffic of approximately 9.57 average weekday trips per dwelling unit, the proposed road is considered to be a residential subcollector street.

Residential subcollector streets in medium intensity developments with off-street parking are required to have two 10 ft. travel lanes with no parking lane resulting in a total pavement width of 20 ft. As indicated on the submitted application, the proposed street will have concrete curbing. When doing conventional concrete curbing, a 12 month maintenance guarantee is required as part of final approval.

Sidewalks are a requirement on at least one side of the street based on the current development proposal and street profile in the City. The applicant has submitted plans showing the proposed location for all sidewalks as shown in the graphic below in red.

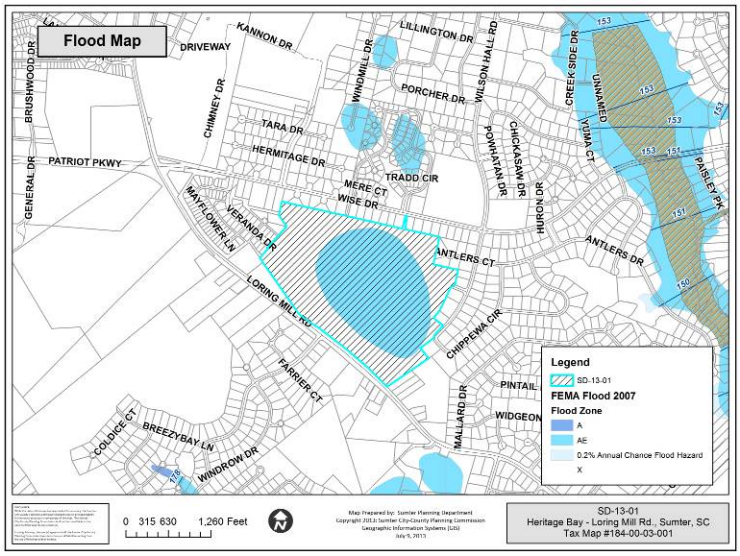


All sidewalks shall be constructed in accordance with Article 8, Section 8.e.5. as follows:

> *b. Sidewalks shall measure four and one-half (4 ½ ft.) feet in width; wider widths may be necessary near traffic generators.*
>
> *d. All pedestrian areas must be compliant with ADA (Americans with Disabilities Act) standards in accordance with ANSI 117.1, the City of Sumter Design Standards for Sidewalks, and SCDOT standards as applicable.*
>
> *e. All driveways in subdivisions or private housing shall be depressed at the street.*

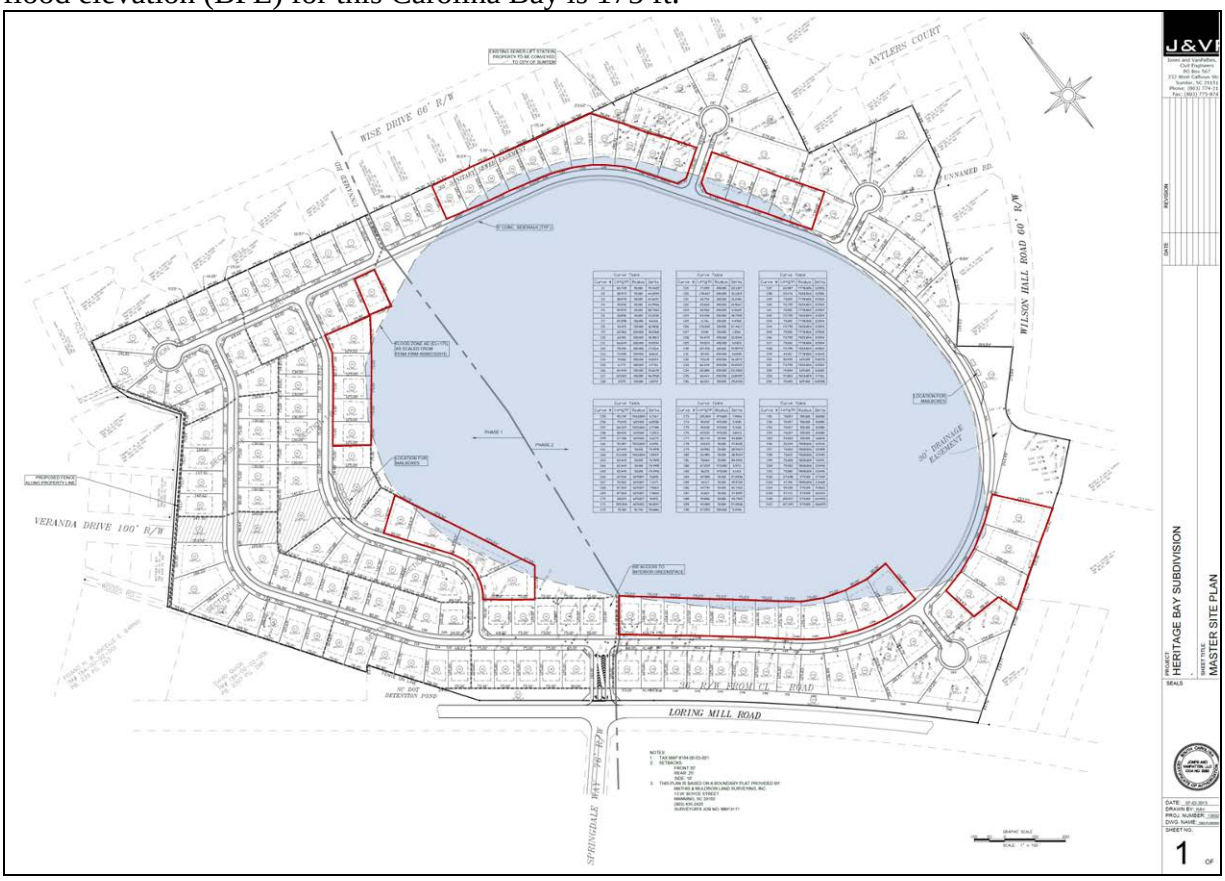
Environmental Issues:

This development area is influenced by a Carolina Bay/AE Flood Zone that encompasses approximately 53 acres of the 109 acre development area. The property is shown on Firm Panel: 45085C0291d; Effective Date: 2-16-2007.



There is a small area of mapped wetlands as shown on the National Wetlands Inventory adjacent to the Garden Gate development, in addition the Carolina Bay may be a jurisdictional wetland. The applicant has submitted a wetlands delineation to the US Army Corps of Engineers for a Jurisdictional Determination (JD). This same area was deemed to be non-jurisdictional when delineation was completed for the Garden Gate Development; however the original determination has expired. A JD from USACE is pending.

In accordance with the City of Sumter Flood Damage Prevention Ordinance, properties developed in a Special Flood Hazard Area (SFHA) are required to meet a higher standard of development. Properties in a SFHA may also be required to purchase mandatory flood insurance on any structures that carry a federally backed mortgage. As shown in the graphic below, there are 10 lots within Phase 1 that are influenced by the AE flood zone and 32 lots in Phase 2. In addition, significant areas of proposed right-of-way and sidewalks are shown within the SFHA. The base flood elevation (BFE) for this Carolina Bay is 175 ft.



To date, no topographic information has been provided on the 109 acre tract to determine the best course of action for the Applicant in meeting the requirements of the City of Sumter Flood Damage Prevention Ordinance. Due to continual changes in Federal regulations and substantial increases in flood insurance for citizens, Planning Staff recommends that no residential lots proposed within the subdivision be within any designated SFHA. This will necessitate going through the appropriate process to remove certain portions of lots from the floodplain either through adding and certifying fill on impacted lots, or through proving the existing ground elevations on a given lot are higher than the established 175 ft. BFE. Removal of lots from the flood plain can only be done by and through the approval of FEMA.

Assuming that the Jurisdictional Determination from the USACE is favorable, and the Carolina Bay is deemed non-jurisdictional, the Carolina Bay may be utilized for stormwater management in addition to meeting the requirements for placing fill in the floodplain.

Stormwater Management Plan:

Stormwater management plans have not been developed. Current plans hinge on the Jurisdictional Determination pending from the US Army Corps of Engineers, as the Applicant has indicated their intent to handle stormwater management within the area designated as AE flood zone within the Carolina Bay.

All stormwater from the development area flows west towards Garden Gate Subdivision. As noted in an e-mail dated August 16, 2013 from Teige Elliott, Stormwater Program Manager for the City of Sumter, when Garden Gate was developed the ditch, shown in the graphic below, was terminated with no out-flow causing a stormwater problem for adjacent dwellings. This ditch is connected to the Bay but carries water to the west. This issue will have to be resolved prior to stormwater approvals for the Heritage Bay development since the drainage is connected.

This e-mail has been shared with the Applicant and their engineer. They are aware of this condition of stormwater approval and will be addressing this as part of the overall stormwater plan for the development.

Public Safety:

Fire – The proposed plan was reviewed by Robbie Rickard, Fire Inspector with the Sumter Fire Department. It has been determined that the proposed secondary gated access onto Wise Dr. meets minimum fire safety requirements so long as the full length is paved with asphalt. A gate with a Knox-Box will be required by the Fire Department as part of this secondary access. To date hydrant location plans have not been completed for fire department review.

V. UTILITIES

Utility plans are not required for preliminary plat approval however the applicant has indicated the following:

Sewer & Water – Sewer and Water are to be provided by the City of Sumter.

Electric – Black River Electric

Telephone – Farmers Telephone Cooperative

VI. TRAFFIC REVIEW

Per Section 7.d.10 of the City of Sumter – Zoning & Development Standards Ordinance, any development that generates more than 100 vehicle trips during the peak hours of the day requires a submission of a Traffic Impact Study (TIS). Because this project has more than 90 single family residential units, it exceeds the threshold requirements for providing a TIS. The Applicant submitted a traffic impact study titled, "Traffic Impact and Access Study Heritage Bay Residential Development Sumter County, South Carolina," dated July 2, 2013 prepared by SRS Engineering.

As planned, direct access to/from the site will be provided via one (1) driveway to/from Loring Mill Road, directly opposite the existing Springdale Way. It should be noted that an "Emergency Only" access will also be provided to/from Wise Drive. This access will be gated and will not be operational on a daily basis. As per the TIS, the recommended lineage/geometrics and traffic control for the primary direct access point is as follows:

Loring Mill Road at Springdale Way/Site Access

- ***Northbound (Loring Mill Road) Approach:***
  - Maintain existing separate left turn lane.
  - Maintain existing single through lane from which right-turn movements into the site will now be made.

    It should be noted that the need for consideration of a separate right-turn lane was investigated. Per Figure 15.5A of the SCDOT *Highway Design Manual*, project volumes during the AM peak-hour fall below the defined threshold whereas projected volumes during the PM peak-hour fall just above the defined threshold level. The need for a separate right-turn lane was discussed with SCDOT District #1 Traffic Engineering staff and is not being recommended or required at this time.

- ***Southbound (Loring Mill Road) Approach:***
  - Construct/stripe separate left-turn lane within the existing TWLTL. Per Figure 15.5F of the SCDOT *Highway Design Manual*, consideration of separate left-turn lane is required. From Figures 15.5J and 15.5H on the SCDOT *Highway Design Manual*, the separate left-turn lane should be designed to provide 200 feet (minimum) of full-width storage with a 180 foot taper (straight) length.
  - Maintain existing shared through/right-turn lane

- ***Eastbound (Springdale Way) Approach:***
  - Re-stripe the existing approach to provide a separate left-turn lane and a shred through/right-turn lane. Ensure proper alignment of left-turn and through movements with opposing approach.

- ***Westbound (Site Access) Approach:***
  - Construct/stripe approach to provide a separate left-turn lane and a shared through/right-turn lane. Ensure proper alignment of left-turn and through movement with opposing approach.

- ***Traffic Control:*** Place existing eastbound (Springdale Way) and proposed westbound (Site Access) approaches under STOP sign control.

As per Table 4 of the TIS shown below, the Loring Mill Road at Springdale Way/Site Access is projected to operate at a marginally unacceptable LOS E during the AM peak-hour and a LOS F during the PM peak-hour.

Table 4
LEVEL-OF-SERVICE SUMMARY
SITE ACCESS INTERSECTION
Heritage Bay Residential Development

	Time	2016 BUILD MITIGATED	
Unsignalized Intersection	Period	Delay[a]	LOS[b]
Loring Mill Road at Springdale Way/Site Access	AM	41.0	E
	PM	178.4	F

a. Delay in seconds-per-vehicle.
b. LOS = Level-of-Service.

GENERAL NOTES:

1. For unsignalized intersections, Delay is representative of worst minor-street approach.

The unacceptable service levels can be directly attributed to the high volume of traffic along Loring Mill Road coupled with the fact that, with the incorporation of a fourth approach leg, the ability to complete two-step left-turns from the minor-street is no longer available. This level of operation is not uncommon for four-legged unsignalized intersections along major arterials during peak-hour flows.

It should be noted that during preliminary stages of concept design, coordination with SCDOT staff was completed in an effort to select the most appropriate location for the site access point for Heritage Bay. Based on this coordination, alignment of the site access with the existing Springdale

Way was determined to be the best available option whereby another separate intersection would not be introduced onto the State system.

The TIS contends that upon cursory review, the minor-street approach volumes at this intersection are likely to not meet typical warrant (MUTCD Warrant #1A, #1B, #@, #3) thresholds for the consideration of the installation of traffic signal control. Although volume thresholds may be met during the peak hours, volumes lessen significantly throughout the other hours of the day due to the fact that only residential land uses are present. It should be noted that future phases of development are planned along Springdale Way. The TIS further contends that when/if additional development within Timberline Meadows is realized, consideration of a traffic control signal may need to be revisited.

Planning Staff has significant concerns about installation of the Loring Mill Road at Springdale Way/Site Access intersection as an unsignalized access. Table 4 shows operation delay (LOS E during AM peak period and LOS F during PM peak period) at Loring Mill Road at Springdale Way/Site Access. Under the principle of access management as reflected in the SCDOT ARMS Manual, determination of access point location must consider the number of vehicle turning conflicting movements. Under this proposed site access plan, there are at least ten (10) vehicular turning movement conflicts based upon the proposed configuration. From a local standpoint, implementation of this intersection under STOP sign control with no time-frame on installation of a traffic signal is not in the interest of public health and safety.

After extensive discussion with the Applicant and reviewing alternate access scenarios, the Applicant has determined that the current site access is the location best suited to their needs. Based on this, Staff has recommended that a Signal Warrant Study be undertaken by the applicant prior to approval of any development permits for Phase 2 of the Heritage Bay development. The Applicant has agreed to this condition, if at that time a signal is warranted, a signal shall be installed prior to any plat approvals for Phase 2 of the development.

VII. SUBDIVISION-PLANNED DEVELOPMENT REVIEW – July 11, 2013

Multiple issues were addressed at technical review related to site access, floodplain/wetlands, utility infrastructure, stormwater management, fire safety, and tree protection/landscaping.

Site Access – the Applicant has worked with staff related to this issue. The Applicant has opted to keep the initially proposed site access location that is aligned with Timberline Meadows and will undertake a signal warrant study prior to approvals for development of Phase 2 of the subdivision.

Floodplain/Wetlands – There are significant areas of floodplain within the development and the Applicant has proposed to locate several lots and right of way within the floodplain. The applicant indicated that it was their intent to modify the floodplain through the placement of fill and doing hydraulic balance within the Carolina Bay as part of the stormwater management plan. At time of Technical Review, a wetlands delineation had not been completed or submitted to the USACE. Due to recently changed floodplain regulations, a JD must be completed with a non-jurisdictional determination in order to use the Carolina Bay as the applicant proposes. Since technical review, a wetlands delineation has been completed and submitted to the USACE for a determination. The Applicant has provided Staff with a copy of the Delineation and it is in the subdivision file. A formal response from USACE is pending.

Utility Infrastructure – No preliminary infrastructure plans have been prepared because topographic information necessary to design the sewer and water infrastructure for the site has not been acquired. As indicated in the Technical Review Meeting, there is an existing Force Main and 8" Gravity sewer line that traverse the property. These lines will have to be rerouted/relocated as part of the infrastructure design.

Stormwater Management Plans – No preliminary plans have been developed. The Applicant and their Engineer have been in contact with Teige Elliott, Stormwater Program Manager for the City of Sumter, since the July Technical Review Meeting. As previously discussed, ultimate stormwater plans will depend upon the USACE JD on the Carolina Bay.

Fire Safety – The subdivision is proposed to have one access on Loring Mill Rd. with an emergency fire access on Wise Dr. at an existing paved public connection. The access to Wise Dr. will be gated to prevent through-traffic. The Fire Inspector has requested that the gate be equipped with a Knox-Box to allow fire department access. In addition, the subdivision is required to have fire hydrants placed no further than 1000 ft. from hydrant to hydrant. The Fire Inspector must review the hydrant spacing plan once utility plans have been developed.

Tree Protection/Landscaping – A tree survey has been submitted, it should be noted that this is a survey only. No tree protection plan has been submitted. To date the survey has only been reviewed based on the submitted lot layout plan. No field assessment on the health or condition of the surveyed trees has been conducted. No survey was conducted on the trees within the Floodplain/Carolina Bay as this area is not proposed for development. The only areas surveyed are those where lots and road infrastructure are proposed. The submitted plan shows the following:

- There are a total of 191 trees within the proposed development area that are considered to be significant or historic based on the requirements outlined in Article 8, Section D of the City of Sumter Zoning & Development Standards Ordinance.
  - There are 17 Historic Trees with a Diameter at Breast Height (DBH) of 30" or greater→ two of these trees have a 40" DBH.
  - There are 40 Significant Trees with a DBH of between 20" and 29".
  - There are 134 Significant Trees with a DBH of between 10" and 19".

- 45 trees are located within the proposed street right of way. Four (4) of the trees within the Right of Way are historic trees.

- There are 24 proposed lots with significant and/or historic trees located inside the buildable area.

The next step to be taken would be the development of a tree protection plan in accordance with Article 8, Section 8.d.3.b. Upon receipt and review of the tree protection plan, development of a landscape plan that mitigates removal of any of the identified trees can be undertaken. To date an overall landscape plan has been submitted and there is no tree protection plan on file. However, the Applicant has provided a landscape plan for the site entrance as an indication as to the landscaping for the street front berm along Loring Mill Rd. Without grading plans, a true tree protection plan cannot be developed. In addition to the landscape plan already submitted,

Landscape plan development must address the following:

- *Bufferyards*
- *Common Area Landscaping*
- *Tree Mitigation Plan*

VIII. STAFF RECOMMENDATION

Staff recommends approval of SD-13-01 subject to the future subdivision submissions meeting all Zoning Ordinance and development standards, consistent with the preliminary plat (Attachment #1), the subdivision entrance landscape plan (Attachment #2) and the recommended conditions in the attached "Conditions of Approval" for SD-13-01.

IX. DRAFT MOTION

1) I move that the Planning Commission approve SD-13-01, subject to the preliminary plat titled, "Heritage Bay Subdivision Master Site Plan" dated 07-02-2013, prepared by Jones & Van Patten, LLC, the Subdivision Entrance Landscape plan titled, "Proposed Entrance For: Heritage Bay Subdivision Loring Mill Road Sumter, South Carolina," dated March 26, 2013, prepared by RS Bell Architects, LLC, and the Conditions of Approval dated August 28, 2013.

2) I move an alternate motion.

X. PLANNING COMMISSION – AUGUST 28, 2013

The Sumter City-County Planning Commission at its meeting on Wednesday, August 28, 2013 voted to approve SD-13-01, subject to the preliminary plat titled, "Heritage Bay Subdivision Master Site Plan" dated 07-02-2013, prepared by Jones & Van Patten, LLC, the Subdivision Entrance Landscape plan titled, "Proposed Entrance For: Heritage Bay Subdivision Loring Mill Road Sumter, South Carolina," dated March 26, 2013, prepared by RS Bell Architects, LLC, and the Conditions of Approval dated August 28, 2013.

SD-13-01, Heritage Bay Subdivision (City)
August 28, 2013

Conditions of Approval

1. The property shall be developed in substantial conformance to the preliminary lot layout shown in the plan titled, "Heritage Bay Subdivision Master Site Plan" dated 07-02-2013, prepared by Jones & Van Patten, LLC.

2. Floodplain – All proposed residential lots within the Heritage Bay Development impacted by Floodplain shall be properly engineered to be removed from the floodplain. It shall be the developer's responsibility to acquire proper approvals from FEMA to remove each proposed lot from the floodplain prior to final plat approval for said lots.

3. The subdivision entrance shall be installed and landscaped in substantial conformance with the submitted Subdivision Entrance Landscape plan titled, "Proposed Entrance For: Heritage Bay Subdivision Loring Mill Road Sumter, South Carolina," dated March 26, 2013, prepared by RS Bell Architects, LLC

4. Development of a tree protection plan in accordance with Article 8, Section 8.d.3.b. Upon receipt and review of the tree protection plan, development of an overall landscape plan that mitigates removal of any of the identified trees that cannot be saved through site adjustment shall be completed. The Tree Protection/Tree Mitigation plans shall be submitted and reviewed/approved prior to issuance of Land Disturbance for the development. *Landscape plan development shall address the following:*

   - *Berm along Loring Mill Road*
   - *Bufferyards*
   - *Common Area Landscaping*
   - *Tree Mitigation Plan*

   All landscaping along the berm, at the site entrance and within the integrated open space shall have irrigation systems installed to ensure survival of plantings.

5. Street Trees – every dwelling shall have one canopy tree installed prior to the issuance of Certificate of Occupany. Trees shall be a minimum of 2 in. caliper in size, planted within 10 ft. of the front property line.

6. Timeline for installation of landscaping:

   a. *Loring Mill Rd. Street Front Planting* – all street front buffer plantings within Phase 1 of the development shall be installed prior to final plat approval for the first phase of development. The remainder of the Berm shall be installed prior to final plat approval for Phase 2.

   b. *Primary Subdivision Entrance* – all specified plantings shall be installed prior to final plat approval for the first phase of development.

c. *Community Open Space/Stormwater Management Areas:*
   i. Designated green space and stormwater management areas within the development shall be planted in accordance with the final overall landscape plan once it has been approved. Green space/stormwater management areas shall be planted with appropriate vegetation prior to final plat approval for any given phase of development.

d. *Street Trees* – No individual dwelling will be granted a certificate of occupancy until the required street tree has been planted.

7. Timeline for Sidewalk Installation:

   a. Phase 1 – Sidewalks shall be installed at time of construction of each individual dwelling. Final Certificate of Occupancy shall not be granted on any lot where a sidewalk is required but has not been installed.

      Phase 2 – sidewalks that are not directly in front of a residential lot on the same side of the street shall be installed at the time of road installation. Sidewalks that are located in front of individual dwellings may be installed at the time of construction of each dwelling.

   b. Final plat recordation shall follow the phasing proposed on the preliminary plat. All sidewalks shall be installed for each phase of development prior to final plat approval for any subsequent phase.

8. Site Access:

   a. All recommended mitigation measures from the submitted traffic impact study titled, "Traffic Impact and Access Study Heritage Bay Residential Development Sumter County, South Carolina," dated July 2, 2013 prepared by SRS Engineering. Shall be installed and in place prior to final plat approval for any lots in Phase 1.

   b. The Developer shall commission a Signal Warrant Study for the Loring Mill Road at Springdale Way/Site Access prior to final plat approval for any lots in Phase 2. If at that time a traffic signal is warranted, the Developer shall install said signal prior to final plat approval for any lots in Phase 2 of the development.

Agreed:

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Richard M. Knowlton, Jr. Date
Heritage Bay Development Company, LLC