

City of Clemson
PLANNING COMMISSION MEETING
Monday, September 9, 2024
6:00 p.m.

MINUTES

The City of Clemson Planning Commission met in open session in the Council Chambers in City Hall, 1250 Tiger Boulevard, Clemson, SC.

Members present: Herb Tyler (Chair), John Crolley, Frederick Burton, Tanya Hyatt and Jennifer Thackston.

Members absent: Greg Rice (Vice-Chair), and Matthew Corontzes

Staff present: Nathan Woods, Director of Planning and Development; Art Holbrooks, City Planner; Jacob Peabody, Zoning Administrator; Aaron O’Kelley, IT Department; Ethan Barnette, Stormwater Manager; Kelly Roach, Recording Secretary.

The meeting was livestreamed and recorded on YouTube.

1. Call to Order:

Mr. Tyler called the meeting to order at 6:02 p.m. and introduced the Commission members and City staff present.

2. Public Session (0:1:49)

Mr. Tyler opened the Public Session, and called for comments related to items not on the agenda; no one spoke. The Public Session was closed.

3. Adoption of Minutes (0:2:30)

a. August 12, 2024 - Regular Meeting

Mr. Tyler called for proposed edits to the draft minutes; there were none.

Mr. Tyler called for a motion. Ms. Hyatt made a motion to approve the minutes of the August 12, 2024 meeting as presented; Mr. Burton seconded the motion. Mr. Tyler called for a vote by a show of hands; there was no opposition. The motion was unanimously approved by a 5-0 vote.

Mr. Tyler then announced the dates of the two remaining Planning and Zoning Meetings and encouraged the public to attend. (See Attachment #1)

4. Presentation on Stormwater Management (Ethan Barnette) (0:3:27)

Mr. Tyler introduced Mr. Ethan Barnette, Stormwater Manager, who briefed the Commission on the City's stormwater management program. Included among the topics were his responsibilities, applicable regulations and requirements, and the permitting process for proposed developments. (See attachment #2)

Discussion followed.

5. Action Item (0:55:10)

a. 2024-R-05 Proposed Text Amendment (Grandfathering Non-conformities)

Mr. Peabody stated that the draft amendment stemmed from City Council's request that the Commission consider grandfathering non-conforming uses and structures if destroyed by forces beyond the control of the property owner. (See Attachment #3)

Mr. Tyler called for public comments; there were none. Mr. Tyler then called for any discussion or comments from the Commissioners and staff; among the topics addressed were:

- Cosmetic changes being permitted as long as there is no increase in non-conformity
- Concerns regarding the extension of grandfathering prior to the completion of the new comprehensive plan
- The potential impact of downzoning properties and not allowing for replacement if damaged

Mr. Tyler noted that he believed the draft amendment was consistent with both what City Council and members of the public had indicated wanting the Commission to consider. He then called for a motion.

Mr. Crolley stated that he felt the draft amendment was too broad in scope. He then made a motion to table the matter until the next meeting in order to gather more information; Ms. Thackston seconded the motion. Mr. Tyler called for discussion.

Mr. Peabody said he was not sure what type of additional information was needed; Mr. Tyler asked the other members to clarify what changes would need to be made for the amendment to be approved. Ms. Hyatt replied that the draft would proceed to consideration by City Council regardless of the Commission's action. Mr. Crolley offered to withdraw his motion; following discussion, it was decided to continue with a vote on the motion.

Ms. Thackston noted that she had seconded the motion to table in order to provide time to determine how many properties were actually non-conforming; Mr. Peabody replied that it would be necessary to visit all properties in the City to make that determination.

Mr. Tyler then stated that he felt delaying the matter would not give the Commissioners any more information, and reiterated that the Commission's decision was not the final decision on the amendment.

Mr. Tyler called for a roll-call vote on the motion to table. The votes were:

Ms Hyatt – no
Mr. Crolley – no
Ms. Thackston – no
Mr. Burton – no
Mr. Tyler – no

The motion was defeated by a unanimous 5 – 0 vote.

Mr. Tyler then called for a motion on the action item 2024-R-05 Proposed Text Amendment (Grandfathering Non-conformities).

Ms. Thackston made a motion to approve the proposed amendment as presented; Ms. Hyatt seconded the motion. Mr. Tyler called for discussion.

Mr. Crolley stated that he felt his concerns had been discussed in a manner that provided everyone has a better understanding of the issues; and Ms. Thackston said she was more comfortable with the proposal. Mr. Crolley added that he wanted to clarify for the record that his intent in raising the issue was in no manner to wish harm on any person, use, or building in town.

Mr. Tyler called for a roll-call vote. The votes were:

Ms. Hyatt – yes
Mr. Crolley – yes
Ms. Thackston – yes
Mr. Burton – yes
Mr. Tyler – yes

The motion was approved by a unanimous 5 – 0 vote.

6. Advisory Items (1:42:47) None

7. Discussion Items (1:42:53) None

8. Staff Reports (1:43:00)

Mr. Woods informed the Commission that staff had recently received a draft vision statement and goals with a preliminary land use map from the comprehensive plan consultant; and also that two final planning and zoning sessions would be held (See Attachment #1).

9. Other Items (1:44:27)

a. Planning Commission Representation at Council Meeting

Mr. Peabody stated that a public hearing for the grandfathered non-conformities amendment would be requested at the next Council meeting; and Mr. Holbrooks noted that the notice for the public hearing for the parking requirement amendments had been advertised for 5:30 pm, prior to the first Council meeting in October.

No Representation Chosen.

b. Future Workshops and Other Events – none.

10. Adjourn (1:45:42)

Mr. Tyler called for a motion to adjourn. Ms. Hyatt made a motion to adjourn; Mr. Crolley seconded the motion. Mr. Tyler called for a vote by a show of hands; there was no opposition.

The motion was unanimously approved by a 5 - 0 vote.

The meeting was adjourned at 7:45 p.m.
Respectfully submitted,

Kelly Roach, Recording Secretary

These minutes are in draft format and subject to change until approval by the City of Clemson Planning Commission.

Attachment #1

Meeting Schedule Slide Displayed During September 9, 2024 Meeting



City of Clemson Zoning & Ordinance Meetings

These are educational
sessions on planning,
zoning, and
comprehensive planning.

**These meetings are open to the public, and will
begin at 6:00 PM.**

Date	Location
August 27, 2024	New Hope Baptist Church 890 Old Stone Church Rd, Clemson SC, 29631
August 28, 2024	Clemson Elementary 581 Berkeley Dr, Clemson SC, 29631
August 29, 2024	Littlejohn Community Center 644 Old Greenville Hwy, Clemson, SC 29631
September 5, 2024	Holy Trinity Episcopal 193 Old Greenville Hwy, Clemson, SC 29631
September 10, 2024	Osher Life Long Learning Institute 100 Thomas Green Clemson Blvd, Clemson, SC 29631
September 12, 2024	Clemson Fire Station #2 740 Issaqueena Trail, Central, SC 29630

Attachment #2

Ethan Barnette's Presentation Outline

Stormwater Discussion with Planning Commission

Introduction/Background:

1. Introduction, personal background, and the stormwater program
 - a. MS4 - Municipal Separate Storm Sewer System
 - b. Started in 2015.

Responsibilities:

1. Keep the City compliant with its MS4 permit by satisfying the six MCM's in the permit.
2. MCM - Minimum Control Measure
 - a. Public Education and Outreach on Stormwater Impacts
 - b. Public Involvement and Public Participation
 - c. Illicit Discharge and Detection Elimination
 - d. Construction Site Runoff Management Program/Ordinances
 - e. Post-Construction Stormwater Management Program
 - f. Pollution Prevention and Good Housekeeping for Municipal Operations
3. Operations and Maintenance

Regulations:

1. Federal - Stormwater Regulations stem from the Clean Water Act of 1972
2. State - Stormwater Management and Sediment Reduction Act 1991 (SC Law 48-14-10)
 - a. SCDES Regulation 72-300 Standards for Stormwater Management and Sediment Reduction
 - b. Effective July 1, SCDHEC became SCDES
3. Local - City of Clemson Code of Ordinances (Stormwater Management Ordinance) 11-151:11-247

Design Requirements:

1. All stormwater management designs for the project must comply with our code of ordinances and Stormwater Design Manual (104 pages). These guide the project engineers in their development of stormwater management plans, pond design, and stormwater system requirements.
2. Major Requirements
 - a. Water Quantity - Current design storms are the 2-year/24-hour and 10-year/24-hour type II storms.
 - i. Projects are not allowed to increase the peak runoff rate (cfs) from the pre-development conditions of these storms. Must design a system to "mimic" the original site conditions for these storms.
 - ii. We require a 100-yr/24-hour storm to be analyzed for downstream effects.
 - iii. Should be noted that all projects are allowed to apply for a detention waiver, but are analyzed and granted on a case-by-case basis.
 - b. Water Quality - any project disturbing more than 0.75 acres must install a permanent water quality "structure". Designed to treat stormwater to reduce pollutant load into waterways. Can be designed through a pond to capture "first flush" and allow infiltration. Can be manufactured to capture sediment, trash, etc.

Permit Process:

1. Pre-design meetings → We get contacted all the time by developers wanting to have preliminary discussions for potential development. Requirements vary and are specific to the site and project type.
 2. Submit for a Grading Permit
 - a. There are three classifications of grading permits
 - i. Class 1 - 0-.50 acres of disturbance and all single family houses (individual homes, not development)
 - ii. Class 2 - 0.51-2.0 acres
 - iii. Class 3 - 2.01 and up acres
 3. Plan Review

As part of MCM 4, the City of Clemson has designated review authority of all grading plans to meet stormwater requirements. I conduct all of the plan review and bring in our other plan reviewers (Nathan and Dustin) for large projects.

Plans are reviewed and comments sent back and forth for corrections until project plans satisfy all our requirements.

Contains a Comprehensive Stormwater Pollution Prevention Plan (C-SWPPP) and On-site Stormwater Pollution Prevention Plan (OS-SWPPP).
 4. Permitting

Once a project satisfies the requirements, the approval and application is sent to SCDES for a National Pollution Discharge Elimination System (NPDES) permit number.
 5. Pre-construction Conference

All NPDES projects require a pre-construction conference to discuss the stormwater management of the project.

All parties involved in the project are required to attend.
 6. Permit Issued
 7. Inspections

All NPDES projects are required to perform CEPSCI inspections every 7 days and after every rainfall greater than 1 inch.

MS4 inspections occurred once per month as a requirement, but they're more like every 2 weeks.
 8. Permit Closure

The permit is closed at the end of the project, once all closure requirements are met.
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Attachment #3

2024-R-05 Proposed Text Amendment (Grandfathering Non-Conformities)

Most existing structures or uses built prior to the adoption of current standards (legal non-conformities) must currently be brought into conformance with all existing rules if they are repaired/reconstructed following significant damage/destruction, regardless of the cause. In many cases such repair/reconstruction results in either significant changes to the structure/use, or even prohibiting restoration altogether. Among the exceptions to this are a few 'culturally significant' commercial structures identified by City Code, and residential structures situated in certain zoning districts that may be approved as Special Exceptions by the Board of Zoning Appeals, both of which, provided the damage or destruction results from forces beyond the control of the owner, may be allowed to be repaired/reconstructed to their previous condition.

This proposed text amendment is drafted to expand the right to repair/reconstruct by 'grandfathering' the status of legal non-conformance, provided the properties are otherwise in compliance with City Code, for all those damaged/destroyed by forces beyond the owner's control. It should be noted that in spite of the grandfathering provision, structures/uses would continue to be subject to any applicable architectural review district standards, with the Board of Architectural Review granted the ability to waive requirements that negatively impact the repair/restoration. Additionally, the proposed change would no impact on building, fire, and health/safety codes, all of which will be applied.

CODE OF ORDINANCES

CHAPTER 19 ZONING

ARTICLE VI. GENERAL AND SUPPLEMENTARY REGULATIONS

DIVISION 2. REGULATIONS GOVERNING LEGAL NONCONFORMITIES

Sec. 19-621. Nonconforming lots, uses, and/or structures.

E. Any legally nonconforming structure or use (hereafter "Nonconformance") determined to be otherwise in compliance with the provisions of this Code that is *damaged, destroyed, or caused to be relocated by any means other than the voluntary, willful, and lawful action of the owner(s) (or their duly authorized agent, employee, or subordinate)*, may be repaired, rebuilt, or otherwise restored to the state, condition, and configuration in which it existed prior to being damaged or destroyed with no restriction placed on its continuation as a legal nonconformity. The following standards shall apply:

- 1) Any renovation, restoration, and/or construction activities associated with the repair or restoration of a Nonconformance permitted by this section shall meet all applicable adopted building, fire, and life-safety codes and regulations.
- 2) If said damage, destruction, or relocation of a Nonconformance results from an exercise of eminent domain by a duly authorized entity, it may be repaired/reconstructed or relocated, if possible, on another portion of the property on which it was situated prior to damage/destruction/relocation; or, if site conditions or other factors prohibit relocation on the same property, it may

2024-R-05 Proposed Text Amendment (Grandfathering Non-Conformities)

be relocated to an abutting lot under the same ownership, provided, however, said relocation does not result in the enlargement or increase of the legal nonconformance, nor does it create any safety hazard or direct negative impacts on an existing adjacent use.

- 4) A reconstructed and/or restored Nonconformance shall possess no more volume, lot coverage, or floor space than existed prior to damage/destruction.
- 5) A Nonconformance reconstructed or otherwise restored under the provisions of this section shall, to the extent possible, meet adopted open space requirements for such structures/uses. In no event, however, shall the total open space be less than existed prior to damage/destruction.
- 6) Any Nonconformance located in an Architectural Overlay District shall conform to current Architectural Overlay District standards. The Board of Architectural Review (BAR) may grant waivers (with or without conditions) from standards that prohibit or otherwise negatively impact reconstruction/restoration.
- 7) All activities associated with the repair, reconstruction/restoration, and relocation of a Nonconformance permitted by this section shall be completed within thirty-six (36) months after the date of damage, destruction, or relocation; the Zoning Administrator may grant an extension of up to twelve (12) months for demonstrated cause. Failure to complete such activities within the approved timeframe shall be considered to be, and shall be dealt with as, a violation of this Chapter.
- 8) The ability of an owner to relocate, reconstruct, restore, and continue use of a Nonconformance as permitted by this section shall be by right, and as such shall not be subject to the review and approval as a Special Exception, variance, or other form of relief granted by the Board of Zoning Appeals.

~~The proposed repair or reconstruction of any structure damaged as a result of any cause whatsoever, provided the cost of the repair/reconstruction of said structure is greater than fifty (50) percent of its fair market value immediately prior to damage, shall result in the loss of nonconformity rights and subject said structure to strict conformity to these standards. However, any duly permitted legally nonconforming residential structure located in the R-20, R-12, RM-1 and RM-2 Residential Districts deemed by the Zoning Administrator to have been in compliance with all applicable City standards and requirements (other than said legal nonconformity) prior to being damaged as a result of fire, or other cause beyond the control of the owner, may be granted a restoration of nonconformity rights, with or without conditions, as a Special Exception by the Board of Zoning Appeals.~~