

**City of Clemson**  
**PLANNING COMMISSION MEETING**  
**Monday, August 12, 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), Greg Rice (Vice-Chair), John Crolley, Matthew Corontzes, Frederick Burton, Tanya Hyatt and Jennifer Thackston.

**Staff present:** Nathan Woods, Director of Planning and Development; Jacob Peabody, Zoning Administrator; Aaron O’Kelley, IT Department; Kelly Roach, Recording Secretary.

The meeting was livestreamed and recorded on YouTube.

**1. Call to Order:**

Mr. Tyler called the meeting to order at 6:00 p.m. and introduced the Commission members and City staff present. He then reviewed the timeline of the Commission’s recent consideration of the proposed text amendment on non-residential setbacks and planned development acreage (#2024-R-02); and, announced a series of educational meetings on planning and zoning (See Attachment #1).

**2. Public Session (0:7:45)**

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 (0:8:03)**

**a. July 8, 2024 - Regular Meeting**

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

Mr. Tyler called for a motion. Mr. Rice made a motion to approve the minutes of the July 8, 2024 meeting as presented; Ms. Hyatt 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 7-0 vote.

**4. Action Items (0:08:47)**

Before introducing the first Action Item, Mr. Tyler stated for the record that subsequent to the July meeting the applicant for the proposed Cambridge Drive rezoning (#RZNE-000272-2024), Mr. Eric Newton, had withdrawn his request from consideration (See

Attachment #2). A blast email noting the change had been sent out to members of the public.

**a. 2024-R-03 Proposed Text Amendment (Front Setbacks/Parking in CP 2 Dist.)**

Mr. Tyler asked Mr. Peabody if there were any changes or updates that the Commissioners needed to be aware of. Mr. Peabody responded that he wanted to clarify whether the Commission wanted to also include Hwy 93 (Old Greenville Highway) in the draft amendment. Following discussion, it was decided to keep the draft as published and to start exploring a possible frontage road along Hwy 93.

Mr. Peabody then moved on to discuss Item 4b.

**b. 2024-R-04 Proposed Text Amendment (Bonding for Commercial in Mixed-use)**

Mr. Peabody stated that the City Attorney had reviewed the proposed language and recommended including language saying that the City may call the bond two weeks prior to its expiration, which had been added.

Mr. Tyler then called for comments and questions on 2024-R-03 Proposed Text Amendment (Front Setbacks/Parking in CP 2 Dist.), following which Mr. Crolley and Mr. Peabody discussed the architectural district standards governing the Tiger Boulevard area. Mr. Tyler called further discussion; there was none.

Mr. Tyler called for a motion. Mr. Rice made a motion to approve 2024-R-03 Proposed Text Amendment (Front Setbacks/Parking in CP 2 District); Ms. Hyatt 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 7-0 vote.

Mr. Tyler then called for discussion on 2024-R-04 Proposed Text Amendment (Bonding Vacant Commercial in Mixed-use); there was none.

Mr. Tyler called for a motion. Mr. Crolley made a motion to approved 2024-R-04 Proposed Text Amendment (Bonding Vacant Commercial in Mixed-use); Ms. Hyatt seconded the motion. Mr. Tyler called for further discussion; there was none. Mr. Tyler called for a vote by a show of hands; there was no opposition. The motion was unanimously approved by a 7-0 vote.

**5. Advisory Items (0:18:10) None**

**6. Discussion Items (0:18:24)**

**a. Grandfathering of Non-conformities**

Mr. Peabody informed the Commission that City Council felt the proposed rezoning of parcels near Highway 76 and Ligon Street, which was recently approved by the

Commission, should not be undertaken during the Comprehensive Plan re-write. However, he stated that Council did express interest in amending grandfathering provisions in order to address the problem of properties constructed prior to existing rules not being allowed to be repaired/rebuilt to their current state if damaged by forces beyond the owners' control. He then reviewed draft provisions that would permit the owners of non-conforming properties damaged by forces beyond their control to repair/reconstruct to the state prior to being damaged. (See Attachment #3)

Following discussion, Mr. Peabody stated that staff would bring the draft back as an action item at the next meeting.

**7. Staff Reports (0:42:40)**

Mr. Woods updated the Commissioners on the comprehensive plan rewrite and participation in the survey.

**8. Other Items (0:56:45)**

- a. Planning Commission Representation at Council Meetings – none.
- b. Future Workshops and Other Events – none.

Mr. Tyler called for any other business. Mr. Burton and Mr. Peabody briefly discussed a change of occupancy in rebuilt non-conforming buildings; and, there was additional discussion about the upcoming educational meetings.

**9. Adjourn (1:10:07)**

Mr. Tyler called for a motion to adjourn. Ms. Hyatt made a motion to adjourn; Mr. Rice seconded the motion. Mr. Tyler called for a vote by a show of hands; the motion passed unanimously by a 7-0 vote.

The meeting was adjourned at 7:10 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



# City of Clemson Zoning & Ordinance Meetings



These are educational sessions on planning, zoning, and comprehensive planning. These meeting are open to the public.

| Date               | Time    | Location                           | Address                                       |
|--------------------|---------|------------------------------------|-----------------------------------------------|
| August 27, 2024    | 6:00 PM | New Hope Baptist Church            | 890 Old Stone Church Rd,<br>Clemson, SC 29631 |
| August 28, 2024    | 6:00 PM | Clemson Elementary                 | 581 Berkeley Dr, Clemson, SC 29631            |
| August 29, 2024    | 6:00 PM | Little John Community Center       | 644 Old Greenville Hwy, Clemson, SC 29631     |
| September 5, 2024  | 6:00 PM | Holy Trinity Epsicopal             | 193 Old Greenville Hwy, Clemson, SC 29631     |
| September 10, 2024 | 6:00 PM | Osher Life Long Learning Institute | 100 Thomas Green Blvd, Clemson, SC 29631      |
| September 12, 2024 | 6:00 PM | Clemson Fire Station #2            | 740 Isaqueeena Trail, Central, SC 29630       |

## **Attachment #2**

Art Holbrooks Email to Commission Regarding RZNE-000272-2024



Art Holbrooks <aholbrooks@cityofclemson.org>

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### **FYI - Rezoning**

1 message

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**Art Holbrooks** <aholbrooks@cityofclemson.org> Wed, Jul 10, 2024 at 1:51 PM  
To: Herb Tyler <herb.tylerjr@gmail.com>, Jennifer Thackston <jlthackston07@gmail.com>, Frederick Burton <Yardmaster\_28112@yahoo.com>, Greg Rice <greg@robinsonfuneralhomes.com>, John Crolley <johncrolley@gmail.com>, Tanya Hyatt <thyattdpt@gmail.com>, Kelly Roach <kroach@cityofclemson.org>, Matthew Corontzes <mcorontzes@gmail.com>

Everyone-

Just a quick note --- we received a message from Eric Newton a few minutes ago requesting we remove the Cambridge Drive rezoning from consideration, so it won't be on the agenda in August. Given the amount of attention it has gotten, we'll be sending out a blast email in a bit announcing there won't be a workshop as was discussed at the meeting.

Art

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**Art Holbrooks**  
*City Planner*

*City of Clemson  
Planning and Development  
1250 Tiger Blvd., Suite 4  
Clemson, SC 29631  
864-653-2050*

## **Attachment #3**

### **FOR DISCUSSION ONLY**

August 12, 2024 Planning Commission  
Agenda Item 6.a

Proposed Text Amendment – Non-conformities

## **CODE OF ORDINANCES**

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### **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 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.

## FOR DISCUSSION ONLY

August 12, 2024 Planning Commission

Proposed Text Amendment – Non-conformities

### Agenda Item 6.a

- 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.~~