



# City of Clemson

## PLANNING & CODES ADMINISTRATION

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**CLEMSON PLANNING COMMISSION  
SPECIAL CALLED MEETING  
Monday, June 19, 2007  
City Hall – Council Chambers – 6:00 P.M.  
MINUTES**

**Members present:** David Hamilton, Chair; Spencer Bryan, Vice-chair, Harold Cheatham, John Peters, and Bob Smith.

**Members absent:** Julie Craig and Elaine Richardson.

**Staff present:** Sharon Richardson, Director of Planning and Codes Administration, Arzu Yilmaz, City Planner, and Pat Collins, Recording Secretary

1. **Call to Order:** Meeting was called to order by David Hamilton at 6:05 p.m.

2. **Advisory Actions**

**R 07-03 Rezoning request for the proposed Village at Berkeley planned residential development on Berkeley Drive consisting of 18 townhouses on 3.66 acres. Applicant Tiger Management & Investments, LLC. (PIN: 4054-12-97-1065)**

**Staff Comments:**

Sharon Richardson stated City Council has instructed staff to bring this proposal back to the Planning Commission to revisit three primary issues:

1. Address the height restrictions and reconsider lowering the height from 50' to 38'
2. Constructing the stockade fence along the frontage road with brick columns on the corners and some intermingled with the fence.
3. Storm water retention pond would have to be redesigned.

Ms. Richardson also reported that Council had asked the Commission to address other concerns raised by the adjacent property owners where possible. She stated that staff proposes altering the storm water retention pond with some type of underground drainage or a modified above ground feature with heavy plantings instead of a more traditional pond.

**Applicant Comments:**

Eric Newton representing Tiger Management and Investments, LLC. distributed a revised site plan. He stated he has talked with the neighbors and they would like the buildings to be set back 65' from the property line. In response, he is proposing to revise the site plan by pushing the buildings 55' from the Monaco Estates property line and build a berm to increase the height of the fence in portions of the buffer where the existing trees are not as dense. There will be an 8' tall privacy fence and with the berm the height will increase to 12'. There will be no structure closer than 40'. This means he is changing the 25' set back to a 55' setback along the property line with Monaco Estates.

Mr. Newton stated there are 3 options for the retention pond.

1. Make pond wider and as shallow as possible, landscape the surrounding area and sod the bottom of the pond.
2. Have a combination of a shallow pond and underground drainage.
3. Make the drainage all underground.

He stated he wanted to make it as unnoticeable as possible as a retention pond.

He stated that the fence is very expensive and is irrelevant. He feels if they leave the existing vegetation and with additional landscaping it will not be noticed. He discussed putting brick columns at each corner and possibly along the front of the fence.

He stated that the proposed building height in the original document was a mistake and that the buildings are not going to come any where near 50'. The height will be 32' to 35' and will be determined by the foundation.

John Peters asked if it is 38' to the top of the roof. Ms. Richardson read the definition for how height was measured.

Spencer Bryan asked about the final offer for the berm? Mr. Newton stated that what the neighbors wanted more than anything is the buildings pushed back, but that he would be willing to include them in his plans.

Mr. Bryan asked if this meant that the applicant was able to achieve an extra 16' by shifting the buildings. Answer was yes.

Mr. Newton stated the density is very important to this project so they do not want to decrease the number of units.

Mr. Peters asked how far from the line is the neighbors? Mr. Newton stated no house in Monaco Estates will be less than 120' from the proposed buildings between their existing location and his proposed setbacks.

Bob Smith asked what the homes will look like. Mr. Newton stated they will look just like the homes in Village Walk.

Mr. Smith asked if Mr. Newton could characterize the meeting on Sunday evening for him. Mr. Newton stated he would let the neighbors discuss that.

Mr. Newton stated that City Council unanimously voted to bring this back to the Planning Commission and would like the Commission's approval.

Mr. Bryan asked what is the proposal on the table. Mr. Newton stated he was under the impression this was a round table discussion. He said he would be willing to build to the new plan.

#### **Public Comments:**

Patricia Faithful, 102 Prince Albert Street stated she was wondering how far this is to the neighbor's structures. Answer approximately 120' from structure to property line.

Peter Skewes, 103 Prince Albert Street stated he was concerned about the fact that if nothing changes this is not a very appropriate time for a vote. He stated that there has been no resolution of these issues.

Harold Cheatham stated the Commission has been instructed by City Council to listen to the discussion. The public does not have any right to say if the Commission can or cannot vote. If the developer comes back to the Planning Commission with changes we are instructed to vote.

Mr. Skewes stated he would just like for everyone to come to a mutual understanding.

Walter Rieker, 200 Monaco Circle stated he lives right at the point where this property adjoins Monaco Circle. He reviewed his background. He stated he has two concerns, the first one is personal. He purchased his lot 21 years ago and built his house to retire in. He and his wife liked the area and were reassured when the Comprehensive Plan was completed that his property would remain R-20. He stated now every time he goes out of his house he will be looking at the town houses. The second concern is a public safety issue. This project as proposed has a potential for a classic disaster ten years down the road. He feels young families and retired people will move in and 10 years from now their children will have automobiles. This plan has no place for additional cars to be parked except on the street. Which means the two lane street will become a one lane street.

Mr. Rieker stated emergency vehicles do not like dead end streets and that he doubts very much that a fire truck can turn around in this area.

Mr. Bryan asked if the plans had been reviewed by the Fire Marshal.

Ms Richardson stated John McGarry; the City Fire Marshal has reviewed the plans and has no problem with this project.

Mr. Rieker stated another exit on Berkeley Drive would solve this problem. He respectfully requests that the Commission consider his concerns and will look at the back of the town homes and the safety concerns.

Mr. Newton stated he would like to point out that there is an 8' privacy fence around this area and the trees that are planted will grow up and eventually cover this area. He stated the neighbors are not going to be looking straight at the townhouses. They will be looking at the fence and vegetation.

Mr. Peters stated that what the neighbors would be looking at is similar to his looking at a 2-story building. This project will not be any higher.

Mr. Newton stated that in an R-20 district the side setback is 10'. No structure on this plan is any closer than 40' or with the revised plan 50'.

Mr. Skewes, 103 Prince Albert asked what the required set back is for a planned development.

Ms. Richardson stated the minimum exterior set back is 25' with the interior setback set by the plan.

Mr. Skewes presented a narrative of the proposed solution. It is attached and will become part of the minutes. He stated there is a proposal on the table to purchase the 25' in front of the set back. He stated that every time they ask for a change the response is the developer cannot afford it. This is a \$5.6 mil. project; there must be some leeway for some give and take in this project. The developer currently paid \$225,000 for the property and each and every resident in Monaco Estates has more invested and more at stake than this. He stated he feels this is a violation of the Comprehensive Plan.

Mr. Cheatham asked if Mr. Skewes would tell him how this violates the Comprehensive Plan.

Mr. Skewes stated that there are a number of generalities concerning trees, zoning and land use. Specifically the plan shows 13 areas identified for potential change. This property was not included. He feels if the committees did not see fit to say this property should be changed it shouldn't be.

Mr. Cheatham stated he feels the developer has responded.

Mr. Bryan stated he applauded everyone's efforts and also trying to compromise however he feels this is a bad idea. Monaco Estates is a lovely place and once this development begins it will become very hard to sell the vacant lots. He feels there are still a lot of options to be discussed.

Mr. Skewes stated he feels it is a very bad idea. It could be a planned development with 7-8 lots. He stated he just does not like it.

Mr. Smith stated that the further you are away from the proposed plans that the developer has put on the table the less impact it will have. He asked what do those property owners have to say.

Mr. Skewes stated that the property owners farther away from the project say that what ever the adjoining property owners want they will go along with that.

Ron Van Bergen, 202 Monaco Circle stated he would like to reinforce what Mr. Rieker has stated. He stated he has been in the planning and design business for 30 years and his basic feeling is that this is not proper. They did sit down with the developer however none of the compromises were embraced.

Tricia Albert, 102 Prince Albert stated that when she walks out of her front door she will be directly seeing this project. She stated the builder knew when he purchased this property that it was zone R-20. There is property across the street that can be zoned PD. That property is attached to the existing Valley Walk which the developer owns. She feels that they can come to the compromises mentioned in the meeting however there is not time to explore these issues at the present time.

Mr. Newton stated the sale of the 25' is not possible.

Bill Mostertz, 103 Monaco Circle stated they have talked about other options, one of the compromises being reducing the number of units. The end units could also be turned into single level homes and would solve a great deal of the problem. He feels the Commission should look at it as a density issue. There are a lot of multi-family apartment types in that area. Although this is a nice project it is high density.

Barbara Weaver, 305 Monaco stated she is one of the interior people that will tolerate what ever the adjoining neighbors tolerate. Her concern is for safety, at the present time you cannot pull out on Highway 93. This will compound the traffic. She stated she does not understand who all these people are that are going to come to Clemson to live in all of the new properties being built. She feels what is needed is more single family homes that are reasonably priced for young families and not more of the same stuff that are too high priced. She has concerns about them not selling.

Mr. Skewes stated he wanted to say that on Mr. Newton behalf the neighbors did have a reasonable and cordial discussion. Mr. Newton has been very professional.

Mr. Newton stated he did purchase the property knowing it was going to have to be rezoned. This was a business decision for us so we have to do what makes the most economic sense. He said they are not excited about the layout change but are willing to compromise. He stated they have a substantial amount of time invested in this project and they would have no problem moving the fence to the 15' buffer yard line. He feels if you move the fence back you will be able to see more.

Mr. Newton stated he can put the language in the PD to keep the height at 35'.

Mr. Hamilton stated he would like to move to table this for two weeks.

Mr. Newton stated that the City Council voted unanimously to bring this back to the Commission and the comments made were generally positive.

Mr. Smith stated he would like to applaud the City Council for providing an opportunity to hear the potential compromise. He is not sure this forum is what the Council envisioned. He stated it seems to him that there has been very little dialog and that short of a substantial revision to the plan he cannot really support any recommendations because nothing has changed.

Mr. Newton stated he would like to see one of the following:

1. Approve the plans as proposed.
2. Approve the plans with revisions.
3. Disapprove the proposal.

He stated that the density is what is going to make this project profitable. He would respectfully ask the Commission to vote on it tonight. He feels there is a compromise, the change to move the fence, shift everything over and he is willing to work with the neighbors on these issues. He believes the Council is in favor of this project and would like to move forward.

Ms. Richardson stated that it might be helpful to move through the issues once again and address the specifics of the revised plan along with the neighbors' comments.

Mr. Newton stated if the recommendation is for approval with revisions they will be as follows:

1. Move fence over on Monaco side 5'-10'.

2. Install brick columns on the corners of the fence, two in the front fence and install brick pillars at the entrance.
3. Lower building height from 50' to 35'
4. Move the buildings over from the set back.

Mr. Bryan would like to make a recommendation to deny this proposal.

Mr. Cheatham stated there was a conclusion that there was no change. Mr. Newton just stated the changes and stated he would make the proposed revisions.

Mr. Cheatham moved to send a motion to City Council to approve as amended by the developer. Mr. Peters seconded the motion. The vote was 3 in favor, 2 opposed. The motion carried.

Mr. Cheatham moved to adjourn.

3. **Adjournment:** Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Pat Collins, Recording Secretary

**Note:** The proceedings of this meeting have been recorded on audiotape.