

CC-2015-23 Fendley-Earle Planned Development

EARLE STREET APARTMENTS CLEMSON PLANNED DEVELOPMENT ORDINANCE

This Ordinance shall apply to the Earle Street Apartments Clemson Planned Development located within the corporate limits of the City of Clemson, County of Pickens, State of South Carolina and described and shown in the legal description attached hereto as Exhibit "A". The subject property is located along the north side of Earle Street and east of Fendley Street and west of Foy Creek Drive in Clemson, South Carolina.

ARTICLE I JURISDICTION, DESCRIPTION AND PHASING

Section 101: Jurisdiction of this Ordinance

The provisions of this Ordinance shall apply to the Earle Street Apartments Clemson Planned Development located within the corporate limits of the City of Clemson, County of Pickens, State of South Carolina, and described and shown in the legal description attached hereto as Exhibit "A." The subject property is located along the north side of Earle Street and east of Fendley Street and West of Foy Creek Drive in Clemson, South Carolina.

The following items shall be incorporated herein by reference as exhibits.

- Exhibit A Legal Description
- Exhibit B Boundary and Topographic Survey
- Exhibit C Conceptual Site Plan
- Exhibit C-1 Conceptual Streetscape Details
- Exhibit C-2 Conceptual Right-of-Way Dedication Plan
- Exhibit D Conceptual Grading and Drainage Plan
- Exhibit E Conceptual Utility Plan
- Exhibit F Conceptual Landscape Plan
- Exhibit F-1 Example Planting Materials
- Exhibit F-2 Example Courtyard Landscape and Hardscape Treatments
- Exhibit G Architectural – Exterior Elevations, Renderings and Sightline Sections
- Exhibit H Traffic Impact Assessment
- Exhibit I Example Light Fixtures
- Exhibit J Example Public Amenity Materials
- Exhibit K Exterior Material List and Color Guide

This Ordinance has been established to regulate and guide the implementation of the Earle Street Apartments Clemson Planned Development located within the corporate limits of the City of Clemson, South Carolina and defined herein.

The adoption of this ordinance shall impose the standards and restrictions to both the residential and commercial components of this mixed use Planned Development.

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The purpose of this Ordinance is to provide governing regulations over land use, layout, size and design and to formalize certain responsibilities agreed upon by the Developer.

Definitions:

- A) Live/Work Areas – a defined space or unit that is used jointly for commercial and residential purpose. The residential area shall be located above or in back of the commercial component so that the at-grade, street frontage of the space will be the commercial area.
- B) Bike Share – short term bicycle rental available at unattended stations.
- C) Car Share – short term car rental available at unattended stations.
- D) Service Area – a space established for the storage and maintenance of sanitary waste collection, including trash compactors, recycling receptacles, and other similar equipment, as well as the space necessary for collection of same by a commercial hauler contracted by the project management.

Section 102: Description of Earle Street Apartments Clemson, A Planned Development District

A) Existing Properties.

According to the survey plat, the subject property consists of approximately 3.72 acres of existing apartment building structures and associated parking and open space. The property area after the 20-foot public road right-of-way dedication to the City of Clemson is 3.38 acres. The existing subject property is comprised of 24 separate parcels:

Tax ID 4044-20-81-1957 (0.47 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-81-1889 (0.26 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-3135 (0.43 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-3259 (0.21 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-3299 (0.09 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-4217 (0.09 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-4247 (0.08 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-4276 (0.11 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-5252 (0.25 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-5137 (0.13 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-5114 (0.10 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-4192 (0.11 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-4180 (0.11 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-4068 (0.11 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-4045 (0.11 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-82-4023 (0.11 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-81-4919 (0.15 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-81-3986 (0.15 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-81-3963 (0.08 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-81-3951 (0.10 acres), Existing Zoning RM-3, Multi-family Residential
 Tax ID 4044-20-81-3839 (0.09 acres), Existing Zoning RM-3, Multi-family Residential

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Tax ID 4044-20-81-3827 (0.08 acres), Existing Zoning RM-3, Multi-family Residential
Tax ID 4044-20-81-3815 (0.15 acres), Existing Zoning RM-3, Multi-family Residential
Tax ID 4044-20-81-2519 (0.15 acres), Existing Zoning RM-3, Multi-family Residential

The above tax parcels shall be combined into 2 tax parcels, one for the residential areas of the development and one for the commercial areas of the development. A new Boundary and Topographic Survey (Exhibit "B"), shows a total area of approximately 3.72 acres per the deeded property. After road right-of-way dedication of 0.34 acres, the new property area shall be 3.38 acres. The property is situated along the north side of Earle Street, east of Fendley Street and west of Foy Creek Drive. All existing structures on the property shall be demolished per City of Clemson regulations once construction commences.

B) Description of Land Use Plan, Construction timing and Exterior Elevations.

The project shall be a mixed-use planned development which shall consist of the construction of one multi-story building structure for the primary use of student residential apartment units with an attached parking garage along with commercial space and auxiliary residential space as shown on Conceptual Site Plan (Exhibit "C.") The entire project shall be constructed all at one time. Demolition is anticipated to commence in January 2016 and construction shall be substantially completed by August 1, 2017 to accommodate use and occupancy for the fall 2017 semester. Commercial spaces shall be marketed to potential tenants no later than September 1, 2017.

The total residential area shall consist of approximately 253,000 net rentable square feet. The approximate average unit size shall be 1,100 square feet. There shall be a maximum of 230 dwelling units within the residential portion of the planned development. The combination of leasing, office, retail or live/work areas shall be approximately 7,000 square feet. The residential dwelling units shall include 5-bedroom units, 4-bedroom units, 3-bedroom units, 2-bedroom units, 1-bedroom units and studio units. The maximum number of units shall be 230 with a density of 67.45 units per acre. The maximum occupancy for the project shall be 730 with a density of 214.08 occupants per acre. The maximum occupancy shall be (1) occupant per bedroom provided however, no more than 20% of the total residential units may be double occupancy in 1 & 2 bedrooms units

There shall be a leasing office and amenity area for the residential dwelling units. The interior amenity space shall be no more than 12,000 square feet. There shall be other commercial space along Fendley Street which shall consist of standard retail space, office space, flex space or live/work space. The leasing office shall account for no more than 1,200 square feet and shall be located along the Earle Street frontage adjacent to the amenity area serving the residents of the residential units. The commercial area which, at a minimum, shall be 7,000 square feet shall comprise the entire length of the Fendley Street frontage and shall have a minimum depth of 25'. Any living spaces provided as part of a live-work space shall not encroach into the mandatory minimum 25' depth. The residential occupancy housed in the live-work spaces shall not be calculated as part of the allowable density for the residential portion of the planned development. The maximum occupancy for live-work units shall not exceed 4 occupants per unit. It is anticipated that the commercial uses shall occur after the completion of the residential portion and the commercial areas will be finished as a cold shell. Commercial spaces shall be marketed to potential tenants no later than

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September 1, 2017.

Exterior character elevations are shown on Exhibit “G” attached hereto. The exterior materials and colors shall be a combination of those included on Exhibit K.

C) Description of open space locations, uses and proposed dedications for public use, including timing for dedications.

There shall be 25% open space planned for the site. This open space shall consist of setbacks, outdoor courtyards, sidewalks and streetscape areas, all as shown on Conceptual Site Plan (Exhibit “C.”) Of note is a buffer area along the north end of the site consisting of approximately 8,900 square feet which provides separation between the Site and the nearby residential neighborhood. All of the open space within the property area shall be owned and maintained by the developer (owner) and it shall not be dedicated for public use. There shall be 0.34 acres dedicated to the City of Clemson for public road right-of-way as depicted on Exhibit C. The right-of-way dedication on Fendley Street, between Earle and the planned loading area to the south of the restaurant parcel (TM #4044-20-82-2056), is greater than the uniform 20 feet to provide that the public parking along Fendley Street is entirely in the public right-of-way. As part of the project, there shall be on-street parking, sidewalks and street trees constructed within these public areas.

D) Ownership and maintenance of streets, and proposed dedication to the public.

All areas on the project site with the exception of those areas dedicated for public road right-of-way use shall be privately owned and maintained. As part of the public road right-of-way dedication, the developer shall ensure that the adjacent roadway travel lanes shall be wide enough to accommodate one-way or two-way traffic along with meeting the minimum width for fire apparatus access along all adjacent streets. The City of Clemson shall provide that Foy Creek Drive be utilized as a residential entrance into the project’s parking structure. Also, on-street parking, sidewalks, street trees and street lights (outside of the planned development) as shown on the Site Plan shall be dedicated to the City of Clemson. The developer shall repave the adjacent streets one time with asphalt when construction is complete to be uniform with the connecting street surfaces. It is not anticipated that any widening or major public road improvements, other than what is mentioned above, are required along Fendley Street, Earle Street or Foy Creek Drive, subject to City of Clemson paving standards.

E) Details of association or organization involved in ownership and maintenance of development, including procedures and methods of operation.

The development shall be owned and constructed by the developer. The developer shall then operate the property, maintain the site and the onsite utilities including stormwater management systems, water and sanitary sewer services. The trash collection shall be provided by the developer through a local private trash collection company. Dumpsters shall be provided in 2 locations throughout the community as shown on the Site Plan, Exhibit C. In the event any of the commercial properties are sold individually, a property owners association shall be created to assure ongoing maintenance and upkeep of the commercial

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area, as well as, define covenants and restrictions for the property. A copy of the draft covenants and restrictions shall be approved by the Zoning & Codes Administrator prior to recording and an executed copy shall be provided to the City upon its recording. Nothing herein shall be construed to limit developer's right to sell, assign or convey the project in accordance with applicable law.

F) Number of off-street parking spaces and methods for dealing with parking and impact of projected traffic on uses on-site and adjacent districts and streets.

The project shall include an attached 6-level parking deck structure. The City of Clemson has expressed preliminary interest and may lease between 30 and 50 ground floor, full-size spaces in the parking deck from the developer (owner). The parking ratio shall be no less than 0.70 parking spaces per occupant of the residential portion of this planned development. Of which, no more than 30% of the residential spaces shall be compact spaces. Parking to serve the proposed commercial/office/service uses shall be provided at a ratio of 2 spaces per 1000 square feet and shall be marked so as to distinguish them from other parking allocations. All parking within the parking deck shall be cross access parking where all parking is shared with the exception of any spaces leased by the City for public use. The 15 on-street parking spaces shall be public parking deeded to the City as part of the widened right-of-ways and shall be properly marked with signage approved by the Clemson Police Department. A minimum of 100 covered bicycle spaces shall be provided within the parking deck and a minimum of 20 bicycle spaces shall be provided for use by resident and/or guests. The location of the project provides for several alternative modes of travel. Occupants can walk, bike or use public transportation to any service they require. A bus stop is one block away. The developer shall incorporate a car sharing program and a bike sharing program for residents. Both programs will be implemented and managed by a third-party service provider (i.e. Enterprise, Zip Car, Zagster). These services shall be provided as part of the development until the developer/owner can provide sufficient evidence that the services are not being used by the residential tenants and that the residential parking provided onsite is sufficient so that there is no significant negative impact on the adjacent streets or neighborhoods. Notwithstanding the foregoing, the project shall provide these services for a minimum of 5 years from the date of substantial completion.

Parking within the parking deck shall be 90 degree parking. Parking on the street shall be both 45 degree angle parking and parallel parking. Parking space sizes shall meet the code requirements of the City of Clemson per Section 19-807, Table 19-807, G. Spaces.

A Traffic Impact Assessment prepared by Ramey Kemp & Associates, Inc. dated March 9, 2015 is attached hereto as Exhibit "H". It addresses specifics on traffic volumes, impact onsite and adjacent districts and streets. The Traffic Impact Assessment concludes that there is sufficient capacity on existing city street system to handle the proposed traffic load from the development. Based on the traffic study, this project shall not have a significant impact on the surrounding streets. The conclusion of the TIA prepared by Ramey Kemp & Associates is below.

"In conclusion, our analysis results indicate that the additional traffic generated by the proposed Fendley and Earle Student Housing Development is not expected to have a

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significant impact on the study area. As previously noted, the primary mode of transportation for residents would not have to be one's own automobile, which helps to reduce new vehicular trips. On average the proposed development is only expected to generate about two (2) vehicles per minute. The signalized intersection of College Avenue and Keith Street is expected to continue operating at an acceptable overall level of service, along with all of its approaches. With the reallocation of green time from the main line through movements to the side streets during the PM peak hour, the signalized intersection is anticipated to operate at similar levels to those expected under 'no-build' conditions. In addition, the queues are not expected to increase by more than 2-3 vehicles."

G) Site Plan.

The Conceptual Site Plan is made a part of this Ordinance as Exhibit "C." The Site Plan was revised based on initial feedback from the City of Clemson staff and input from the Planning Commission at the February 23, 2015 workshop meeting and also input from the community at the information public hearing on March 10, 2015.

A full scale version of the Conceptual Site Plan at 1"=30' is attached at the end of this document.

H) Grading and Drainage Plan and Stormwater Management. Impervious surface (square footage and percentage), existing and proposed site conditions, soils analysis, hydrology study, and plan proposed to comply with sediment control and storm drainage regulations.

Once completed, the site shall consist of the proposed building structure and other improvements. The surface area shall consist of a combination of roof areas, parking deck, sidewalks, courtyards, driveways, lawn areas and existing trees, new landscape and mulch areas. The proposed impervious surface is approximately 126,259 square feet (or 2.90 acres) for the entire project site area (3.38 acres). The maximum impervious area shall be set as 85% for the entire planned development project area.

Under pre-development conditions, the existing topography shows that the project site area has a high point elevation of 754 feet at Earle Street and a low point elevation of 681 feet at the northwest corner of the project site. This is a total elevation difference of 75 feet. The site slopes from Earle Street north both down Fendley Street and Foy Creek Drive to the northern portion of the project site. The project site drains to an existing ditch along the northern end of the project site. This ditch flows off the property at the northwestern most point on the property and flows to an existing catch basin and pipe which drains to another ditch which flows and drains to an existing stream. This stream flows north under College Avenue.

Under post-development conditions, the majority of the site stormwater runoff shall be conveyed onsite to a proposed underground stormwater vault located beneath the parking deck. This detention vault shall be designed to reduce the post-development peak flow rates to less than pre-development peak flow rates for a minimum of the 2 and 10-year storm events per South Carolina Department of Health and Environmental Control (SCDHEC) requirements. This vault shall be designed for the first flush of one-inch to improve water

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quality for runoff leaving the site, including installation of an oil/water separator. The stormwater outfall shall be piped under the parking deck to the existing stormwater ditch at the northern portion of the property. This ditch is located within the site and shall be reinforced as necessary to prevent erosion and sedimentation to downstream properties and an easement for long-term maintenance shall be dedicated to the City. Final Stormwater plans must be approved by the City Engineer and Stormwater Manager for compliance with the City's Stormwater Management Ordinance.

According to the Soil Survey of Pickens County developed by the U.S. Department of Agriculture Soil Conservation Service, the predominant soils onsite are identified as Cecil and Pacolet. The Cecil soils onsite are a sandy loam with slopes ranging from 2 to 6 percent, eroded and clay loam 6 to 10 percent, severely eroded. The Pacolet soils onsite are a fine sandy loam with slopes ranging from 10 to 25 percent slopes, eroded and a portion of the Pacolet soils onsite are a clay loam with 10 to 25 percent slopes, severely eroded.

A Phased Erosion and Sedimentation Control Plan with details and specifications shall be prepared to meet SCDHEC standards and shall also be reviewed and approved by SCDHEC and the City of Clemson. The erosion control measures shall include silt fencing, stone construction exits, temporary sediment trap/basin, diversion berms and intercepting channels, stone check dams, slope drains, organic erosion control blankets on slopes and in ditches, riprap aprons and temporary and permanent grassing. Per SCDHEC requirements, 80% trapping efficiency must be achieved.

Existing and proposed contour elevations at 2 foot intervals have been provided on the Conceptual Grading and Drainage Plan attached as Exhibit "D". The Grading and Drainage Plan includes the entire site improvements in relation to the proposed grading and storm drain system and location of underground detention vault. The final Grading and Drainage Plans and Erosion and Sedimentation Control Plans, Notes and Details shall be updated and finalized when the civil engineering package is reviewed and approved by the appropriate governing authorities.

Stormwater management and Best Management Practices (BMP) for the property shall be provided in accordance with the SCDHEC. All stormwater shall be conveyed on site via roof drainage and downspouts to an underground storm drain system and shall be conveyed to the underground stormwater detention vault, located under the lower level of the parking deck.

For permanent water quantity measures, the development's post-development peak discharge flows rates shall be reduced to less than pre-development rates for the 2 and 10 year storm events.

For permanent water quality measures, the BMP's shall be designed for the first flush storm event of one inch.

During construction, the construction shall include the implementation of erosion and sedimentation control devices to protect adjacent and downstream properties as much as possible. These measures shall include but not be limited to temporary sediment control basin, temporary sediment traps, silt fencing, stone construction entrance, diversion berms,

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intercepting channels, stone check dams, slope drains, organic erosion control blankets on slopes and in ditches, riprap outlet protection, storm inlet protection and energy dissipater structures, temporary and permanent grassing stabilization.

A full scale version of the Conceptual Grading and Drainage Plan at 1"=30' is attached at the end of this document.

I) Utility Services.

The utility systems that shall serve this development shall be local utilities which serve the surrounding areas and have sufficient capacities for the development. Water supply and wastewater services shall be provided by the City of Clemson. Electric services shall be provided by Duke Energy Corporation. Telephone services shall be provided by AT&T. Gas services shall be provided by Fort Hill Natural Gas Authority. All utilities including cable television, internet and/or satellite lines shall be placed underground; service shall be provided to each building. Satellite dish locations on the buildings or property shall be determined by the developer but shall not be visible from any adjacent street or College Avenue. The capacity of all the utilities and exact service locations shall be finalized when the civil engineering is coordinated with the appropriate authorities. The Developer shall pay for utility improvements that are required as a direct result of this development and provide a minimum 20' maintenance easement for the sanitary sewer line in the bufferyard on the northern side of the development. No landscaping other than groundcover shall be planted within the sewer easement. The location of all utilities must be shown on the final landscape plan.

Both the City and the developer acknowledge that there are other projects proposed in the Clemson area and the effects of these other proposed projects need to be considered separately as they relate to required upgrades of the utility systems. The developer hereby acknowledges responsibility for the cost of any offsite utility work necessary for this project to proceed, including provision of any bonds otherwise required by the City to secure the appropriate completion of all utility work related to this project.

Currently there are overhead electric lines along Fendley Street. These lines will need to be relocated to allow the project to be constructed. The developer will work with Duke Energy Corporation to relocate these lines underground, subject to Duke Energy Corporation approval. All other utilities shall be located underground.

All utility equipment located on the site that is visible from an adjacent right-of-way shall be screened with acceptable materials by the Zoning and Codes Administrator per Section 210 (I) J) of this ordinance.

Fire Protection shall be sized for the entire planned development. Utility layout and fireline design shall be coordinated with the City of Clemson Utilities Department and the City Fire Marshal. Compliance with the Fire Department rules and regulations shall be finalized when the civil engineering package is submitted to the appropriate governing authorities in compliance with 2015 IFC. Access corridors into the interior courtyards shall be designed to allow emergency and fire department personnel easy and efficient access at all times. Final

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design, including width of corridors, shall be approved during the plan review of the buildings. The designated fire lanes and access points shown on the Conceptual Site Plan (Exhibit "C") shall be maintained as designed and keep free of obstructions at all times.

A full scale version of the Conceptual Utility Plan (Exhibit "E") at 1"=30' is attached at the end of this document.

J) Setbacks and Landscaped Areas.

Through coordination with the City of Clemson, there shall be a 10 foot setback on the sides of the development adjacent to the northern property line and along the existing restaurant parcel along Fendley Street. The minimum setback along southern Fendley Street, between the restaurant parcel (TM #4044-20-82-2056) and the corner of Earle Street, shall be 10 feet. Along Earle Street, lower Fendley Street and Foy Creek Drive, the minimum setback shall be 0 feet.

The Conceptual Landscape Plan (Exhibit "F") has been developed showing new plantings within the setback areas and open space to help provide screening to adjacent properties. Additional evergreen trees may be required by the Zoning and Codes Administrator to screen views of the parking deck from adjacent R-20 zoned properties and may necessitate being planted on adjacent properties with the written approval of the owner in order to maximize the screening benefits. All utilities within any landscaped area must be shown. Street trees to be primarily upper-story varieties (See Exhibit F-1, Examples of Planting Materials), shall be planted along the street parking and along the perimeter to enhance the street right-of-way. Foundation plantings shall be incorporated on all street frontages in order to provide a pedestrian experience around the site. Street trees shall be planted in conditions that allow them to thrive long-term, thus a minimum 8' wide tree well will be provided for each tree planted and capped by the City's approved tree grate as shown on Exhibit "C-1". Public irrigation shall be installed to support the long-term vitality of all landscape materials. Sidewalks shall be the minimum width shown on the Conceptual Site Plan, Exhibit "C". The final landscape plan, including sidewalk configurations, shall be approved by the Zoning and Codes Administrator for the City of Clemson. All required landscape material, including trees, shall be maintained in a healthy condition and replacement of sick, diseased, or dead materials shall be the responsibility of the developer. Failure to do so shall be deemed a violation of the City Zoning Ordinance per this section.

A full scale version of the Conceptual Landscape Plan (Exhibit "F") at 1"=30' is attached at the end of this document. Exhibit F-1 includes example species of the trees and shrubs shown within the Conceptual Landscape Plan. Included as Exhibit F-2 are some representative photos of the design intent for the landscape and hardscapes within the courtyard areas. A final landscape plan must be submitted and approved by the Zoning and Codes Administrator prior to construction approval being granted.

Due to the loss of mature trees onsite necessitated by the development of this site, the Developer agrees to provide tree credits to the City a minimum of \$8000, but not to exceed a cost of \$16,000, to allow the City Horticulturalist to plant upper-story/canopy trees elsewhere in the City on sites of his selection. Each tree credit shall be set at a valuation of \$300 and

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shall be applied when a protected tree cannot be saved or required new trees either cannot be provided or where an upper-story canopy tree is replaced with a smaller upper-story variety upon the approval of the Zoning & Codes Administrator based on the final Landscape Plan submitted and approved at the time site work and/or construction is reviewed and permitted.

No landscaping (excluding groundcover), equipment or site furniture shall be installed so as to obstruct emergency services or access to utility services and/or easements.

K) Protecting Streams and Tree Preservation.

There are no existing streams or stream buffers located on the project site. The outfall from the stormwater detention vault on site shall be directed to an existing on-site drainage ditch. Along the property lines adjacent to the existing restaurant parcel (TM #4044-20-82-2056) and along the northern property line, existing trees shall be protected to the maximum extent possible with the intention to remain, if site construction allows, subject to the provisions of Section 19-906 of the City Zoning Ordinance. Existing trees shown on any of the Exhibits attached hereto are shown for reference purposes only. Due to the intensity of construction on the site, the developer cannot guarantee that any existing trees on the site will be saved. The developer will make reasonable efforts to protect and keep as many existing trees identified as protected as is practically possible and will hire a certified arborist to be onsite during clearing and grading activities. The site superintendent shall be responsible are maintained through the completion of the construction process and final site work of the site protection measures to ensure proper measures are being implemented for this purpose.

L) Subdivision of Property

The only portions of this planned development where subdivisions shall be allowed are at the commercial component area of the planned development, and then subject to the requirements of the City of Clemson's Land Development Regulations effective at the time of the subdivision. To permit flexibility, developer may convert the commercial space to one or more non-residential condominiums provided developer complies with the then applicable condominium laws. At no time, shall the developer subdivide the residential portion of the development for the purpose of selling off individual buildings or areas within the residential area without going back through the Planning Commission for rezoning approval. Covenants and restrictions that establish a property owners association shall be required upon creation of a condominium regime governing maintenance and use of common areas and building facades.

M) Amenities

The amenities package includes the clubhouse and pool area. The amenity area shall be located as generally shown on the Conceptual Site Plan (Exhibit "C"). The outdoor courtyard areas shall be landscaped in a similar manner as shown in the photos of Exhibit F-2. The interior amenities shall be a maximum of 12,000 square feet total. The swimming pool shall be located within the enclosed courtyard. The final design of these structures shall be approved by City staff during the construction plan review. No obstruction shall be allowed in the outdoor courtyards that impedes Fire and Emergency personnel in the prompt and

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efficient response to any situation. No above-grade utility equipment shall be constructed in the required fire lane shown on the Conceptual Site Plan (Exhibit “C”)

The outdoor courtyard and ground level open spaces within the development may be used by developer as common ground for tenants and their guests and invitees to gather for leisure activities that are permitted by law without separate permitting being required. Outdoor recreational activities shall also be allowed such as volleyball, shuffleboard, bocce ball, basketball, ping pong, tetherball and swimming. Common area gang mail boxes approved by the USPS shall also be allowed.

Developer shall work with the Arts and Cultural Commission (ACC) to explore options for creating a vibrant and lively environment that may include creating unique works of art using benches, planters, bike racks, and other site amenities, as well as, art installations. Common areas may also be used for musical and other events in partnership with the ACC.

N) Access to the Development

There shall be two driveways to the project site. The public driveway into the parking structure shall be located at the north end of Fendley Street (“Fendley Street Entrance”). Fendley Street, north of Keith Drive and Keith Drive are both two-way roadways to allow cars ingress and egress to College Avenue. The private entrance into the parking deck, reserved for residents only, shall be located at the north end of Foy Creek Drive (“Foy Creek Dr Entrance”). All adjacent roadways are maintained by the City of Clemson. The project development shall ensure that fire apparatus access is provided. Pedestrian access points shall be provided to the parking structure that separates pedestrians from vehicles entering and exiting the structure, as well as, along all sections of the façade.

ARTICLE II DISTRICT REGULATIONS

Section 201: Description

The Earle Street Apartments Clemson Planned Development consists of approximately 3.38 acres of property after planned right-of-way dedication to the City of Clemson. The project shall be a mixed-use planned development which shall consist of the construction of one multi-story building structure for the primary use of student residential apartment units and an attached parking structure along with commercial space along Fendley Street and auxiliary residential space along Earle Street. Refer to the Conceptual Site Plan (Exhibit “C”).

Section 202: Landscape

On the Conceptual Site Plan (Exhibit “C”), the setbacks along the existing restaurant parcel (TM #4044-20-82-2056) and along the northern end of the property are shown as 10 feet. On the Conceptual Landscape Plan (Exhibit “F”), the proposed plantings are shown in these areas. In addition to these areas, street trees are shown along all adjacent roadways to the

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project. The private residential courtyards shall be landscaped with small trees, bushes and flowers similar to the examples provided in Exhibit F-2. The final design shall show these details and shall fulfill the criteria established in Section 102 J of this ordinance. Additional evergreen trees may be required by the Zoning and Codes Administrator to screen views of the parking deck from adjacent R-20 zoned properties and may need to be planted on adjacent properties with the written approval of the owner in order to maximize the screening benefits.

Section 203: Parking, Drives and Access

The parking, driveways and access points are shown on the attached Conceptual Site Plan (Exhibit "C"). There are two planned access points to the parking garage. One driveway access to the parking garage shall be at the north end of Fendley Street and shall be for public access and residents' access (Fendley Street Entrance). The second driveway access to the parking garage shall be at the north end of Foy Creek Drive and shall only be for residents (Foy Creek Drive Entrance). There are also two planned service/loading drives – one incorporated into the southern portion of Fendley, which is approximately 12 feet by 30 feet, and the other incorporated into the parking structure which is approximately 12 feet by 15 feet. The parking garage shall provide parking spaces for 0.70 of the occupants and 2 spaces per 1000 square feet for commercial/office/service uses. A maximum of 30% of the provided parking spaces shall be compact size. On-street parking shall be provided as shown on Exhibit C and dedicated to the City of Clemson. Angled parking spaces are planned for the southern section of Fendley Street and parallel parking spaces are planned along Earle Street. All parking spaces shall comply with the design specifications of City of Clemson Zoning Ordinance, Section 19-807, Table 19-807, G. Spaces.

Section 204: Open Space

There shall be approximately 25% open space planned for the areas outside the building. This open space shall consist of setbacks, outdoor courtyards, proposed sidewalks and streetscape areas. Of note is a large open area along the north end of the site consisting of approximately 8,900 square feet which provides for significant separation between the site and the nearby residential neighborhood. All of the open space within the property area shall be owned and maintained by the developer and it shall not be dedicated for public use. There shall be 0.34 acres dedicated to the City of Clemson for public road right-of-way. As part of the project, there shall be on-street parking, sidewalks and street trees constructed within these public areas.

The outdoor courtyard and ground level open spaces within the development may be used by the developer as common ground for tenants and their guests and invitees to gather for leisure activities that are permitted by law without separate permitting being required. Outdoor recreational activities shall also be allowed. Including, but not limited to, activities such as volleyball, shuffleboard, bocce ball, basketball, ping pong, tetherball and swimming.

Section 205: Impervious Area

Under proposed conditions, the site shall consist of the proposed building structure and other

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improvements. The surface area shall consist of a combination of roof areas, parking deck, sidewalks, courtyards, driveways, lawn areas and existing trees, new landscape and mulch areas. The proposed impervious surface is approximately 126,259 square feet (or 2.90 acres) for the entire project site area (3.38 acres). It is established in the Planned Development Ordinance that the maximum impervious area shall be set as 85% for the entire planned development project area.

Section 206: Amenities

There shall be a private amenities package for the residents. These include an internal clubhouse space, possible cyber café and fitness area, as well as outdoor courtyards and an enclosed outdoor swimming pool courtyard. Fire pits and BBQ areas will be utilized within the courtyard areas, subject to Fire Marshall's approval. Public amenities along the street shall include outdoor patio and seating areas, benches, bike racks, sidewalks, parking spaces, street trees and street lighting. Exhibit "J" provides examples of these public amenities in an effort to convey design intent.

Section 207: Maintenance

The development shall be owned and constructed by the developer. The developer shall then maintain ownership and operate the property, maintain the site and the onsite utilities including stormwater management system, water and sanitary sewer services. The trash collection shall be provided by the developer through a local private trash collection company. Maintenance of public areas such as street parking, curbing, pavement, sidewalks, street trees and street lighting shall be maintained by the City of Clemson.

Section 208: Lighting.

Outdoor lighting shall be utilized for both the residential and commercial components. Outside building lighting shall be approved by the City of Clemson. The street lighting installed by developer and to be dedicated to the City of Clemson shall utilize the City of Clemson's typical street light pole and fixture and the street lighting shall be provided along all adjacent streets to the project site. Street lighting hours shall be coordinated between the developer and the City of Clemson. A photometric plan shall be provided during plan review for the project. Night sky lighting, consistent with the requirements of Article X. Lighting of the City Zoning Ordinance, shall be utilized and lighting shields may be utilized, if necessary, to lessen impacts on adjacent properties. Examples are provided in Exhibit I to convey the design intent of fixtures that shall be used.

Section 209: Signs

Signage for the development shall adhere to the following:

A) Blade signs advertising individual businesses shall be permitted subject to the following conditions:

- i. shall project no more than 42" from the face of the building over the tenant space

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- owned or leased by the business identified by the sign;
- ii. shall be installed with 10' of clear pedestrian passage beneath the sign; and
- iii. shall not exceed 9 square feet in area.

B) One blade style building identifying sign per street frontage shall be permitted as shown on the Elevations with a maximum sign area of 37.5 square feet.

C) Flat wall signs and Canopy mounted signs shall be permitted subject to the following:

- i. Shall have horizontal proportions and shall not protrude above the sill line of the second floor;
- ii. Projecting signs are exempt from this requirement;
- iii. Shall have a maximum area of 50 square feet per tenant space or Section 19-701-K-1-a of the City of Clemson Zoning Ordinance, whichever is greater; and
- iv. Letters of wall signs shall have a maximum dimension of 36 inches tall for the business name and a maximum of 24 inches for supporting text.

D) Box signs are prohibited. However, external lighting and signs comprised of individual backlit characters and logo elements are permitted.

E) Flashing signs or lights shall be prohibited.

F) No roof signs shall be allowed.

G) No neon or dayglow colors shall be allowed.

H) With the exception of freestanding monument signs which are not permitted by this ordinance, all other signs not otherwise addressed by this section shall adhere to Article VII. Sign Regulations of the City of Clemson Zoning Ordinance.

Section 210: Planned Development District Regulations

A) The following regulations apply to the Residential component to the Planned Development District.

- i. Maximum Occupancy:** One occupant per bedroom, however, up to 20% of the total units may have double-occupancy in the 1 & 2-bedroom units to a maximum of 730 occupants.
- ii. Maximum Unit Density:** 67.45 units per acre
- iii. Maximum Bed Density:** 214.08 bedrooms per acre
- iv. Minimum Parking:** 1 parking space for every 1.43 occupants (70%) for residential units and 2 spaces per 1000 square feet for nonresidential uses, subject to the design standards of Article VIII. Off-Street Parking Regulations, Section 19-807, Table 19-807 G. No more than 30% of the spaces allocated for the residential units may be compact spaces

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v. **Maximum Height:** 65' to the top of roof deck measured from the average grade plane along the primary façade of the project which shall be Earle Street

vi. **Setbacks:**

- a. 10' along existing restaurant parcel (TM #4044-20-82-2056) and north property line,
- b. 10' along southern portion of Fendley Street,
- c. 0' along Earle Street,
- d. 0' along northern Fendley Street and
- e. 0' Foy Creek Drive

vii. **Outdoor Seating Areas** (as part of a commercial space) shall comply with the following:

- a. No permanent storage of containers or utility carts for food and/or beverages service shall be permitted;
- b. Furniture shall be of a durable material such as wood or metal, designed specifically for outdoor use.
- c. Furnishings not in use may not to be stacked or stored on the exterior of the building within view of the public right-of-way or sidewalk.
- d. Trash receptacles must be completely enclosed and made of steel, metal alloy, wood or a combination thereof.
- e. Outdoor dining must be separated from the right-of-way and sidewalk by a pedestrian barrier meeting all of the following conditions.
- f. Use of outdoor sound systems shall comply with City of Clemson's Noise Ordinance.

viii. **Accent Lighting:** Low intensity architectural trim lighting intended to highlight specific features of the principle structures' facades shall be permitted subject to the following:

- a. Shall be comprised of no more than two colors;
- b. Shall not be a dominate feature of the building's façade; and
- c. Shall not move or be animated.

ix. **Planters:** Planters may be used as decorative accents in plaza or courtyard areas provided they are kept in good condition, do not block exits or fire lanes, and all plant material is kept in a healthy condition.

x. **Canopies and Awnings:** Subject to the following conditions:

- a. The size, scale, color, and materials of the awnings shall be compatible with the rest of the building.

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- b. An awning shall not be the predominant element of the façade.
- c. Ground level awnings may display the business name and logo provided they do not cover more than 25 percent of the surface area of the awning.
- d. Awnings on the ground level shall be a minimum of nine feet and a maximum of 12 feet above the finished grade and may project over the public sidewalk and shall be at least 12" from the curb of any street.
- e. No awnings shall be permitted above the ground floor.
- f. Awnings may be internally lit.

xi. **Mechanical Equipment:** Subject to the following conditions:

- a. Rooftop mechanical equipment shall be screened from view at street level along adjacent streets and College Avenue.
- b. Skylights, solar panels, satellite dishes, antennas, or other attachments shall be placed so that they are screened from view at the eye level of the pedestrians on the sidewalk along the street right-of-way. No utility equipment may be located within the area between the right-of-way and building façade or setback unless it is entirely enclosed by a structure of same or similar material as the building or screened by landscape material as approved by the Zoning & Codes Administrator.
- c. Ductwork, plumbing, or other mechanical additions installed to the sides of buildings that are visible from the sidewalk or public right-of-way shall be integrated into the overall architectural style of the structure by the use of similar materials and color schemes.

xii. **Loading Areas:** Shall be approved by the Chief of Police

B) The following regulations apply to the Commercial component to the planned Development District.

i. Permitted Uses for Commercial space:

- a. Retail involving the sale of merchandise on the premises, except alcohol package stores, sale of vehicles or sale of large equipment.
- b. Eateries, restaurants or bars.
- c. Professional offices, such as accounting, legal services, financial institutions without drive-through elements, insurance, real estate, engineering, architecture, incubator/job accelerator, executive office sharing, research and similar offices.
- d. Personal services, such as dry cleaning, beauty salon, barber shop, tailor, shoe repair, photo studio, art gallery, day spa, wellness center, automatic teller machines and similar services.
- e. Medical and Dental offices.
- f. Government buildings, offices only.
- g. University and school offices.

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- h. Dwelling units associated to designated live-work spaces.
- i. Ride share or bike share services operated by the development.
- j. Leased Parking

ii. Uses Specifically Prohibited

- a. Gas Station
- b. Auto leasing and sales but not including ride share or bike share services operated by the development
- c. Auto service station or shop
- d. “Adult” or sexually oriented businesses
- e. Tattoo Parlor
- f. Public Storage (not related to tenant storage)

iii. Permitted Activities

- a. Sidewalk Sales in the commercial areas of the project (subject to City of Clemson Zoning Ordinance, Section 19-405, Table 19-405, J.8;
- b. Sidewalk performers, excluding panhandling, to include music and artist in the commercial area of the project; and
- c. Special events in partnership with the City of Clemson and/or the Arts & Cultural Commission.

Section 211: Construction Activity

Construction activity in all portions of the planned development shall be conducted within the hours of 7 a.m. to 7 p.m., seven days a week subject to the City of Clemson Noise Ordinance. Work schedules will be finalized during pre-construction meetings.

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