



STAFF REPORT

TO: Town Council

FROM: Justin Westbrook, Community Development Director

SUBJECT: Annexation (AN-23-03) – American Star Development

DATE: February 20, 2024

Background: The applicant, American Star Development, has applied for an Annexation (AN-23-03) for a parcel, owned by Catherine Blakely (TMS #181-00-01-024). Along with the annexation request, the applicant is seeking the parcels to be zoned **Planned Development (PD)**.

The request involves an age restricted townhome community of “a maximum of 70 units” with approximately one (1) acre set aside for commercial fronting US Hwy 52.

Existing Zoning: The subject parcels are currently in Berkeley County’s Flex-1 zoning district. Per the Berkeley County, the Flex-1 – Agricultural District is intended to:

1. *Preserve agricultural activities as a primary use but allow residential development as a secondary use.*
2. *Manage growth to protect agricultural land and land uses from development pressures to avoid increasing demands for road improvements and public infrastructure.*
3. *Provide standards to control the intensity of development in rural areas of sensitive natural and historical resources.*
4. *Preserve wetlands, watercourses, and other significant natural resource areas, and to preserve the scenic quality of the landscape.*
5. *Preserve and protect the rural residential character of specific areas within the county.*
6. *Ensure that the cultural integrity of the county's historical resources is protected.*
7. *Protect these areas from infiltration of incompatible land uses.”*

The zoning district is primarily residential in nature, specifically designed for agricultural uses, recreation and amusement uses such as ecotourism, and low-density residential use types.

	Adjacent Zoning	Adjacent Land Use
North	Flex-1 (Berkeley County)	VACANT
	GC (Berkeley County)	Funeral Home

South	Flex-1 (Berkeley County)	Industrial Use & Cell Tower
East	Flex-1 (Berkeley County)	VACANT
	Conditional Zoning R-3	VACANT
West	R-3	Single-family Detached

Existing Site Conditions: The subject parcel comprises approximately 9.99 acres, which is currently used for several single-family dwellings. Per the National Wetlands Inventory map and the applicant’s sketch plan, there does appear to be approximately 2.5 acres of wetlands delineated on the parcel, predominantly to the west. The subject parcel is currently accessible by US Hwy 52 and a private road, Westbury Lane.

Proposed Zoning Request: The applicant has requested to annex the subject parcel into the Town of Moncks Corner and apply for a **Planned Development** zoning district. Per the Town’s Zoning Ordinance, the **Planned Development** District is intended to:

“...encourage the development of mixed-use communities which provide a range of harmonious land uses which support the mixed uses within the planned unit development”, “promote flexibility in site planning and structure location that facilitates and use of efficient circulation and utility systems and preservation of natural and scenic features”, “permit the development of such communities where there is demand for housing, a relationship with the existing and/or planned employment opportunities, as well as supporting businesses and other services”, and to “provide a mechanism for evaluating alternative zoning regulations as well as other Town ordinance elements of the proposed application on its own”.

The provided PD Document from the applicant shows the commercial area, of at least 1.05 acres, to be used for commercial/office space. As the PD Document does not utilize specific use types, this is of concern for Staff who are fearful of this being used for transportation-intense use, such as a gas station or car wash.

The remainder of the tract is to be utilized, per the PD Document as “senior restricted residential” of up to seventy (70) units. As age restriction would need to be by deed or other mechanism not controlled by the Town, there are limited guarantees the “senior restricted” aspect is enforceable by the Town, and the recourse for such enforcement would become legally time consuming and costly.

The streets within the development are 50 feet private or public rights-of-way. Per the Town and County regulations of roadways, the streets within the development would be privately owned and maintained.

All other additional elements as required by the Zoning Ordinance, specifically Section 6-12 of the Zoning Ordinances, must be met by the developer.

Planning Commission Consideration: The Planning Commission heard this request initially in November 2023. At that time, the motion was approved to table the request until the applicant worked with Staff to address several concerns raised by the Planning Commission. The applicant’s engineer provided Staff a refined Concept Plan (20240103), that does make several changes to the initial Concept Plan (20230906). Those changes include a clear second entrance, reorganization of the commercial component, conceptual commercial layout, a reduction in the amount of commercial area from one acre (1 ac) to less than a half-acre (0.46 ac), as well as a reduction in the number of units from seventy (70) down to sixty-seven (67).

The Planning Commission's concerns identified in the November 2023 meeting are as follows (underlined), with the applicant's responses (italics):

1. Provide architectural renderings for the single-family attached,
 - *too soon,*
2. Provide direction (legal or written example) of ideal deed restriction & clarification,
 - *defer to Brandon Gaskins,*
3. Provide expected price points for the single-family attached,
 - *will be market driven,*
4. Provide more details regarding specific amenities, to be included in the PUD,
 - *possible dog park, possible walking trails, possible pool, possible gym,*
5. Provide specific allowable uses in the commercial area, to be included in the PUD,
 - *would be easier to exclude anything not wanted by council.*

Staff is aware of the potential for deed-restricted communities to provide housing stock for certain residents within the Town corporate limits, however as the request only seeks to provide single-family attached uses, any deed-restricted conditions would be an act of faith and not enforceable. The entitlements requested are granted by Town Council prior to any deeds recorded, and therefore cannot be guaranteed to be created on by the applicant, engineer, attorney, or property owner. There is no recourse for the Town should the deed restrictions not be in place, as the zoning is irrevocable once granted.

Uses: The submitted Planned Development guidelines call out the proposed commercial area to benefit from the **C-2 (General Commercial)** base zoning district. This is the Town's most open commercial zoning district and is intended to:

"accommodate a variety of general commercial and nonresidential uses characterized primarily by retail, office and service establishments and oriented primarily to major traffic arteries or extensive areas of predominately commercial usage and characteristics."

Staff and the Planning Commission has raised the open nature of this base zoning designation, which could allow for certain uses, such as: gas stations, repair garages, retail sales, restaurants (including drive-through restaurants), poolrooms, liquor stores, campgrounds, overnight trailer courts, and carwashes. When previously asked about potentially limiting uses the applicant replied that they would be open to this discussion with the Town Council and would not commit further at the time of this writing.

Density: The subject parcels consist of approximately 9.99 acres. With a proposed sixty-seven (67) units and subtracting a small amount of land (0.47 acre) for commercial uses, the density for this request will result in 7.03 dwelling units per acre. The Comprehensive Plan, adopted in 2017, has designated this amount of density on the high end of what is considered 'Residential (Medium Density)'. This type of designation has been identified to be located within Moncks Corner for areas that:

"provide a transition from the low-density suburban neighborhoods to already developed residential and commercial areas with potential to serve as infill developments."

Staff believes that this sparsely developed parcel, surrounded by a scattering of single-family detached homes and a singular business, the '*Residential (Medium Density)*' does not fit "already developed residential and commercial areas". The plan goes on to define medium density for new neighborhoods to become "walkable communities with a system of interconnected trails or sidewalks" that provide connectivity to parks and recreation. The Comprehensive Plan also suggests this type of density be within one-half mile of neighborhood centers or nonresidential development.

Good planning practices identifies the need for single-family attached dwellings, with the density serves a purpose within any developing town. However, Staff agrees with the 2017 Comprehensive Plan regarding the placement of such density, which is not inducive to the subject parcel, as it is surrounded by undeveloped lands and absent of nearby commercial development. Staff believes that this area does not fit the '*Residential (Medium Density)*' use types.

For context, the directly adjacent Riverstone community consists of approximately 31.3 acres with entitlements for one-hundred nine (109) dwelling units. This equates to 3.48 dwelling units per acre. Further south on US-52 is the Oakley Point subdivision of single-family dwelling units. This project was constructed on approximately one-hundred thirty-four (134) acres with up to three-hundred seven (307) dwelling units. This equates to a density of 2.28 dwelling units per acre. It is important to note that both developments utilize a traditional single-family detached use and not a single-family attached townhome product.

A more direct comparison would be the recently approved Halstead Townhomes that are currently under construction. That project utilizes one-hundred eighteen (318) dwelling units on approximately 68.91 acres, resulting in a density of 2.08 dwelling units per acre.

When compared to the adjacent residential developments experiencing a density of at most 3.48 dwelling units per acre, the proposal attempting to utilizing 7.03 dwelling units is a stark contrast to the immediate area.

Transportation: Connectivity, particularly for more dense developments like single-family attached uses, is very important. Staff has concerns with the number of units not meeting the minimum number of connection points as prescribed by the adopted Fire Code.

Proper connectivity obviously provides flexibility and maneuverability for first responders and emergency vehicles when responding to a situation, however connectivity also serves the residents and general public daily. As such, this amount of density should be walkable within the subject project, as well as the existing transportation network immediately adjacent to the project. Currently, there are not any constructed or planned walkable transportation network in the immediate vicinity, and with US Hwy 52 not being an ideal walkable corridor, Staff has serious concerns that the requested density and optimal provided walkable network will not exist at this site and could be dangerous and detrimental to the local area, future residents, and current citizens of Moncks Corner.

Consistency with Plans: Adopted in 2017 as part of the Town's Comprehensive Plan, the Future Land Use Map identifies the subject parcel as "Low Density Suburban". This designation, provided by the county's future land use map, is not in line with the intended for single-family attached units requested for the **Planned Development** zoning district.

The Comprehensive Plan also lays out various goals and policies to help in decision making for land use requests. Staff believes the applicant and request generally follow the following policies listed in the plan.

- **Land Use Policy 2:** The Town will continue efforts to guide the growth of land adjacent to existing boundaries.

Staff also believes the applicant and request generally does not follow the following policies listed in the plan:

- **Land Use Policy 1:** The Town will guide land use patterns, encourage new growth, in areas that maximize efficient use of existing infrastructure and investments in expanded infrastructure.
- **Land Use Policy 3:** The Town will promote development that is appropriate and compatible with neighboring uses.

Procedural Issues: As the subject parcel is requesting annexation by 100% of the property owners, and have signed annexation petitions, the request will be presented for approval at two (2) separate Town Council meetings. As part of this request, the applicant is also seeking to apply the Town of Moncks Corner zoning to the subject parcels.

As part of any Zoning Map Amendment, the request must be at least two (2) acres, an extension of an existing district boundary, or additional C-1 zoning contiguous to existing commercial. In this case, the subject parcel exceeds two (2) acres in size.

Staff Analysis: Staff have concerns with walkability and connectivity for such a project, particularly the lack of external connections a dense development of this nature should benefit from.

While deed restrictions can be a vital and effective manner to control residential criteria, the fact that deed restrictions cannot be tied to an Annexation or Zoning Map Amendment is concerning. Approving a proposal based on potential future deed restrictions is inherently granting entitlements based on promises that are not enforceable. The age-restricted appropriateness of the project should not be considered as part of the applicant's request.

The proposed commercial area utilizing **C-2 (General Commercial)** based zoning district would allow a litany of uses, that may add significant traffic concerns, particularly to the shared drive aisle. Staff are also aware of multiple commercial aspects of **Planned Development (PD)** zoning districts where the commercial aspect has yet to develop, most likely due to the small nature of the set-aside area. This is particularly concerning when considering such a large density increase in hopes of much needed commercial along a major corridor.

Regarding density, Staff has serious concerns regarding the Comprehensive Plan, particularly the lack of comparable density immediately surrounding this tract. The proposed 7.08 dwelling units per acre represents a large 51% increase over the approved Riverstone development, the highest density immediately adjacent project of 3.48 dwelling units per acre. More comparable, the proposed 7.08 dwelling units per acre is approximately 71% increase in density over a similar townhome community directly across the highway. Concerns of density are further exacerbated considering the County's low-density designation for the property

for their long-range growth expectations. This project appears to be out of place along US Hwy 52, not adjacent to any community or regional network systems, such as parks, sidewalks, amenities, or shopping.

Staff is also concerned with the minimal lot, reduced further with the most recent Concept Plan (20240103) for commercial, and questions how much of a benefit would the townhomes see from such a small site, as certainly a desired use for a dense community, such as a grocery store or restaurant seems implausible.

Staff Recommendation: Staff recommends denial of the requested **Planned Development (PD)** zoning district designation for the subject parcel. Staff has reached this recommendation due the proposed **Planned Development (PD)** zoning district being under sized at only 9.99 acres, the uncertainty of deed restricted housing, potential for undesirable commercial uses by-right, a significant request for additional density in an otherwise existing rural area, with little to no additional connectivity from the proposed development to other Town amenities, existing neighborhood centers or commercial development.

The applicant requested a continuance to the March 19th Town Council meeting, and since the time of this report has not provided any additional information or feedback regarding the application.

Planning Commission Recommendation: The Planning Commission heard the request at their November 28th, 2023, meeting. After hearing from the applicant's engineer, local real estate representatives, the property owner and an adjacent resident, the Commission voted 4-0 to continue the request until the applicant worked with Staff to provide more information concerning density, amenities, access, deed restrictions and potential commercial uses.

The Planning Commission heard the request again at their January 23rd, 2024 meeting. Conversation again centered around access, parking and the density, with several members expressing concern over the amount of density requested by the applicant. The applicant spoke in favor of the request, along with two (2) real estate professionals. Ultimately, the Planning Commission voted 4-0 in favor of recommending denial based upon the plan conflicting with two (2) land use policies in the 2017 Comprehensive Plan, unresolved concerns regarding architectural styles, density of the proposal compared to surrounding developments, and age-limited deed restrictions.

*Attachments: Location Maps (Aerials, Zoning, Future Land Use Plan)
 SIGNED - Application (Anna Blakely, Property Owner)(20231017)
 Concept Plan (20230906)
 PD Document (20231017)
 Concept Plan (20240103)
 Letter (E. Brandon Gaskins, Attorney)(20240109)*