



The Lowcountry's Hometown

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STAFF REPORT

TO: Town Council

FROM: Justin Westbrook, Community Development Director

SUBJECT: Annexation (AN-25-02) – Jay Law

DATE: October 21, 2025

Background: The applicant, Jay Law of The Real Estate Firm, has applied for **Annexation** (AN-25-02) for two parcels (TMS # 162-00-02-021 & -075) addressed as 1288 Old Highway 52. The applicant is seeking the parcel to be zoned **Office & Institutional (C-1)**.

Existing Zoning: The subject parcel is currently in the Berkeley County **Single Family Residential (R1)** Zoning District. Per Berkeley County's Zoning Ordinance, this zoning district is intended to,

"...implement the land use goals of the residential growth areas within urbanizing areas in the unincorporated portions of Berkeley County. This district is intended to, permit development of moderate density residential communities, encourage urban communities to develop in a manner that minimizes sprawl patterns, encourage efficient development patterns and use of in-fill development, protect development in residential growth areas from infiltration of incompatible land uses, provide for the development of recreational, religious, and educational facilities as basic elements of a balanced residential area, and permit the location of needed community facilities in support of residential development"

Adjacent Zoning		Adjacent Land Use
North	Single Family Residential (R-1)	Single Family Detached Dwelling
South	Single Family Residential (R1)(Berkeley County)	Single Family Detached Dwelling
	Planned Development (PD-R)	
East	Single Family Residential (R1)(Berkeley County)	Single Family Detached Dwelling
West	Planned Development (PD-R)	Single Family Detached Dwelling
		Non-profit Office

Existing Site Conditions: The subject parcels in whole comprises approximately 6.81 acres, which is currently occupied by what appears to be a single family detached dwelling unit. Per the National Wetlands Inventory map, there does not appear to be delineated wetlands on the subject parcels, however in working with previous interested parties and the current applicant, Staff has reason to believe a true delineation with the

United States Army Corps of Engineers may find wetlands on the parcels. The subject parcels front Old Highway 52, with approximately 491 feet of road frontage.

Proposed Zoning Request: The applicant has requested to rezone the subject parcel to the **Office & Institutional (C-1)** Zoning District. Per the Town's Zoning Ordinance, Office & Institutional (C-1) Zoning District is intended to:

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

Staff are generally in support of annexing non-residentially zoned land; however the requested zoning is approximately 2,888 feet from the closest commercially zoned parcel to the north, the Big Lots on Old Highway 52, and 425 feet from the closest commercially zoned parcel to the south. There do appear to be office type uses, while zoned **Planned Development (PD)**, across the street from the subject parcels, with the remainder of the area being predominantly residential. With the potential purchasing client having office across the street from the subject parcel, but the remainder of the land surrounded by established and under construction subdivisions indicates a scattering of land use types, something that *may* be conducive to such a request.

Density: The subject parcels consist of approximately 6.18 acres. Per the Zoning Ordinance, the maximum lot coverage for **Office & Institutional (C-1)** zoning district is 60%. It does not appear the existing structures exceed that standard, however Staff anticipate the property to be redeveloped, where maximum lot coverage would be reviewed for compliance during the Site Plan submittal.

Transportation: At this time, Staff will not require a separate Traffic Impact Analysis (TIA) for the subject parcel. Should a more intensive use seek to establish on this property, Staff reserves our right per Section 5-9. D of the Zoning Ordinance, to require a TIA prior to the establishment of the proposed use.

Environmental: Staff will ensure all environmental concerns are addressed per the Zoning Ordinance, Stormwater Ordinance, and all other Town adopted policies and procedures. Any increase in impervious area would be required to meet the standards of the Town's Stormwater Design Standards Manual.

Consistency with Plans: Adopted in 2024 as part of the Town's Comprehensive Plan, the Future Land Use Map identifies the subject parcel as "Town-Character Residential". The Plan calls for this land use to be designated for:

"Intended to promote and enhance smaller lot, town mixed residential type neighborhoods near the downtown, commercial corridors and transportation nodes. A mixture of densities should be promoted to include single-family houses, duplexes, triplexes, accessory dwelling units (ADUs), and small-scale apartments."

The requested zoning designation does not appear to be congruent with this designation of the Future Land Use Map as the Comprehensive Plan defines "Town Character Residential" to be residential in nature with a mix of densities.

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

3. Enhance economic opportunities by improving the retention of businesses and encouraging a range of uses and services.

Staff does not believe that any of the various goals and implementation strategies conflict with the request.

Procedural Issues: As the subject parcels are 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 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, or an extension of an existing district boundary, or additional C-1 zoning contiguous to existing commercial. In this case, the parcel is over two (2) acres in size, therefore negating the concern for spot zoning.

Staff Analysis: Staff believe that the designated future land use is not consistent with the requested zoning district. While the end user may provide more insight into the intended use of the land, Staff is aware that the current applicant may not always be the property owner, they could rent out the space to another tenant or use type, and as this request is not a negotiated district, the Town Council and Planning Board cannot be provided a legal guarantee to protect from any **Office & Institutional (C-1)** use.

Staff has visited the property several times and conducted a visual survey of the surrounding area for land use types, especially against the Official Zoning Map. We agree with the Future Land Use Map that this area is predominantly residential and expansion of even low intensity commercial, may erode at this residential stretch of Old Highway 52.

Staff Recommendation: Staff have conducted a comprehensive analysis of the area, a review of the Town's adopted policy guidance in the form of the 2024 Comprehensive Plan, along with multiple site visits and understanding of the area, and at this time cannot recommend approval for the request. This is based predominantly on the Future Land Use Map and the existing built environment and desire to preserve a residential roadway from future commercial encroachments. Should the applicant provide more compelling information that Staff can enforce and preserve the trust of the Town Council and Planning Commission, we urge others to take this into account when deciding on this application.

Planning Commission Recommendation: The Planning Commission heard the request at their September 23rd meeting. The Commission voted 5-2 in favor of recommending APPROVAL of the requested zoning of Office & Institutional (C-1) designation for the subject parcel. The applicant spoke in favor of the request. There were several members of the public who spoke against development. After some clarification from the applicant, some of the members of the public who spoke earlier felt more comfortable with the request, knowing the intent of the applicant. The Planning Commission discussed the request regarding developing in the county

versus annexing into the Town, as well as stormwater challenges and how a commercial entity fits along Old Highway 52. The Planning Commission made note that regardless of residential or commercial use, the property would be held to the same standard for stormwater design and detention.

Attachments: SIGNED - Application (20250711)
Location Maps (Aerial, Zoning, Future Land Use Map, Environmental)