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## STAFF REPORT

**TO:** Planning Commission

**FROM:** Justin Westbrook, Community Development Director

**SUBJECT:** Conditional Zoning (CZ-24-04) – True Homes

**DATE:** July 23, 2024

**Background:** The applicant, True Homes on behalf of the property owner Patsy Rogerson, has applied for a Conditional Zoning (CZ-24-04) for two (2) parcels (TMS #142-03-01-008 & -009). The applicant is seeking to amend the zoning map for these parcels to be zoned **Conditional Zoning - Single Family Residential (CZ R-2)**.

**Existing Zoning:** The subject parcels are currently zoned **Single Family Residential (R-1)**. Per the Town’s Zoning Ordinance, the **Single Family Residential (R-1)** is:

*“intended as single-family residential areas with detached units with low to medium population densities.”*

With the current **Single Family Residential (R-1)** zoning district, the approximate maximum density is 4 dwelling units per acre. The current zoning district requires a minimum lot size of 12,000 square feet.

	Adjacent Zoning	Adjacent Land Use
<b>North</b>	Conditional Zoning Single Family (CZ R-2)	Single Family Detached
	General Commercial (C-2)	County Government Facilities
<b>South</b>	Transitional District (TD)	Office & Retail
<b>East</b>	Transitional District (TD)	Single Family Detached
	General Commercial (C-2)	County Government Facilities
<b>West</b>	Single Family Residential (R-1)	Single-family Detached

**Existing Site Conditions:** The subject parcels comprise approximately 13.84 acres per Berkeley County GIS, with one parcel (-008) currently with a single-family dwelling. The other parcel (-009) remains largely vacant. The parcels have frontage along N. Live Oak Drive (US-17A), each with their own frontage.

Both parcels are largely cleared, according to aerial images, but foliage appear on both. The California Branch creek runs west to east on the northern end of the larger parcel (-009). There appears to be significant fall of

elevation on the properties, with the highest point being approximately 56-feet above sea level, with the lowest point of the property being 30-feet in elevation near the creek.

The surrounding parcels are largely residential in nature, with some homes converted to offices. The parcels immediate across N. Live Oak Drive are commercial in nature, and the parcel to the immediate east serves as Berkeley County offices and utility yards. The properties to the north of the subject parcels are exclusively single family detached residents, with the Farms at Kitfield neighborhood currently under construction immediately north of the subject parcels. It is important to note, that while the subject parcels are adjacent to a developing neighborhood, that end of the Farms at Kitfield comprises mostly of wetlands, with the new homes happening much further north from the property edge.

**Proposed Zoning Request:** The applicant has requested to amend the zoning map for the subject parcels to apply for a **Conditional Zoning Single Family Attached (CZ R-2)** zoning district. Per the Town’s Zoning Ordinance, the **Single Family Attached Residential District (R-2)** is intended to:

*“intended as single-family residential areas with detached units with low to medium population densities.”*

Staff believes that surrounding areas of single-family detached houses are congruent with the proposed single family detached houses with regard to use and intensity. The proposed zoning district would require a minimum lot size of 12,000 square feet.

The requested zoning map amendment is seeking a **Conditional Zoning** district. A **Conditional Zoning** district serves to:

*“...encourage the development of various types of flexible, negotiated developments under master plans, where the traditional density, bulk, spacing and use regulations of other zoning designations, which may be useful in protecting the character of substantially developed areas, may impose inappropriate and unduly rigid restrictions upon the development of parcels or areas which lend themselves to a unified, planned approach.”*

As with any requested **Conditional Zoning** request, the applicant has worked with Staff to negotiate a density bonus to allow the reduction of minimum required lot size. As such, the applicant is looking for a reduction of lot size from 12,000 square feet, as the required starting point for any **Conditional Zoning** district, down to 6,960 square feet, or a 42% reduction in lot size.

The applicant request seeks to mitigate the impacts of the reduced lot sizes by installing a playground and workout trail, with the later being accessible to any Town resident via existing sidewalk connection along N. Live Oak Drive. The applicant is also proposing to contribute \$1,000 per house at time of permitting to the Town’s Neighborhood Revitalization Fund. A Type-B Bufferyard is also proposed along the western edge of the subject parcels, to help shield the development from existing residents, a benefit that would not be required should these parcels develop with by-right zoning. Three other requested incentives for density are staggered side

setbacks, garage recessed and two-car garages in addition to two-car driveways. The staggered setbacks allow the homes to have 10-feet of side yard on one side, and 5-feet of side yard on the other. This is beneficial to the future homeowners to help allow a larger access to their back yard, instead of forcing the builder to center the house with 7.5-foot side setbacks on each side. The recessed garage will help provide fenestration and uniqueness to the neighborhood and home design, a feature that helps keep the look of the home focused on the architecture and not a large garage door. The Zoning Ordinance currently only requires two (2) parking space per unit, which garage spaces have typically counted as at least one of those spaces. This is impractical for homeowners and could present safety concerns, as adequate parking for residents has become a concern with garages typically not being reserved for vehicle parking.

Bonus Type	Bonus	Square Feet
Base Lot Size		12,000
Playground/Work Out Trail	10%	1,200
Neighborhood Revitalization (\$1000/lot)	10%	1,200
Type B Bufferyard/Fence	7%	840
Staggered Side Setbacks (5'/10')	5%	600
Garage Recessed/Flush	5%	600
Two-car driveways + Two-car garages	3%	360
Decorative Neighborhood Entrance Sign	2%	240

Staff feel that these applicant-provided bonuses will help with the quality of the neighborhood and help to add character to an already history-rich area of town.

**Density:** The subject parcels consist of approximately 13.84 acres. With the current by-right zoning, the approximate maximum density is five (5) units per acre, or 69 dwelling units. Obviously, with the environmental challenges the parcels see, this density is far from practical. However, with the request of the applicant being for up to thirty (30) units, this would equate to approximately 2.17 dwelling units per acre.

For context, the directly adjacent Farms at Kitfield community consists of approximately 90 acres with entitlements for one hundred forty (140) dwelling units. This equates to 1.56 dwelling units per acre. Elsewhere in town, 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.

A more direct comparison would be the recently approved Cusabo Meadows subdivision near Heatley and S. Live Oak Drive (US-17A). That project utilizes thirty-seven (37) dwelling units on approximately 15 acres, resulting in a density of 2.47 dwelling units per acre.

**Transportation:** Staff will require a separate Traffic Impact Analysis (TIA) for the subject parcel prior to Preliminary Plat approval. All TIA recommendations be funded and installed by the developer prior to Final Plat

approval. This can ensure the Town is achieving the best connectivity as prescribed by a licensed traffic engineer prior to the development of the subject parcel.

**Environmental:** Per the Berkeley County GIS, the parcels appear to have approximately 6.47 acres that suffers from wetlands or floodplain, or 46.7% of the combined parcels. While the request for rezoning focuses on the entitlements and sound planning practices, it does not specifically address potential environmental concerns. As this property is subject to several hydrology hinderances, along with the proximity to California Branch, Staff does have significant concerns regarding the development of these parcels. However, while Staff is concerned, we believe that during the civil engineering of the property once entitlements are determined, Staff will ensure all environmental concerns are addressed per the Zoning Ordinance, Stormwater Ordinance, and all other Town adopted policies and procedures.

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

*"Intended to protect the rural character of the neighborhoods while also recognizing the close proximity to commercial and transportation services. Generally, streets do not follow the common grid-like pattern although some sections do follow common suburban street patterns."*

The requested zoning designation *may* be congruent with this designation of the Future Land Use Map as the residential nature along with proximity to "commercial and transportation services" such as N. Live Oak Drive, and the government and retail facilities within walking distance. It could be interpreted that in-fill housing such as the applicant's request may serve as "Rural-Town Transitional Residential".

The subject parcels also appear to be within the "Mixed Use Overlay", which the plan defines as:

*"A 250 ft mixed-use buffer along select roadways is intended to allow for a mixture of higher density residential and low intensity service-based commercial land uses. This overlay provides flexibility for the Town to expand economic opportunities beyond the traditional downtown or strip mall type commercial corridors. Common commercial uses could include professional or medical offices, salons, corner stores, and other uses that provide daily services to local residents. Prime examples of a Neighborhood Mixed Use Corridor are along Broughton Rd and Carolina Ave. Corridors, like these, have formed naturally by the pressures and demands of a growing economy. This Overlay also encourages higher density residential units such as du-tri- or quadruplexes, townhomes, condos and multi-family apartments to be located on or adjacent to these commercial businesses."*

The applicant's request does appear to meet some of the language defined as the "Mixed Use Overlay". The addition of smaller lot sizes as requested may be the mixture of higher density the Comprehensive Plan calls out for this overlay and corridor. While not the applicant has not shown any interest in housing type beyond single-family detached, the overlay does allow for higher density housing such as "du-, tri- or quadplexes, townhomes,

condos and multi-family apartments” adjacent to commercial businesses as this property appears to benefit from.

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.

1. Maintain a sustainable community by ensuring current infrastructure has the capacity to accommodate for current and future growth.
2. Allow for a range of residential uses to support housing opportunities for residents of all ages and socio-economic statuses.

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

4. Re-establish the downtown as the focal point of the community by promoting a mixture of residential, commercial and recreational uses.
8. Identify and preserve the community assets that contribute to the Town’s unique small-town character, quality of life, and cultural identity.

**Procedural Issues:** As the subject parcel is requesting a Zoning Map, the request will be presented for approval at two (2) separate Town Council meetings. 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 and is adjacent to an existing district boundary.

**Staff Analysis:** Staff is generally in favor of this development request due to the provided zoning-centric mitigations the applicant has proposed, the character of the surrounding residential properties, the adjacent **Conditional Zoning** of Farms at Kitfield, and the proposal being mostly compliant with the recently adopted Comprehensive Plan.

This is not to say Staff is without concerns, specifically the environmental challenges of an already impactful creek to the north. Staff believes the applicant should provide a clear understanding of how these environmental concerns will be addressed during the engineering of the project. Without a fully engineered civil plan for stormwater and floodplain concerns being addressed, Staff can only require the applicant meet all applicable sections of the Town’s Zoning Ordinance, Stormwater Ordinance, and any other Federal, State and local regulations regarding floodplain, wetlands and stormwater best management practices. This will be taken care of by the Town’s engineering team to ensure compliance by the applicant is achieved, but Staff is curious if simple compliance with the standards is sufficient enough for an already environmentally challenged area.

**Staff Recommendation:** At this time, Staff recommends approval for the requested **Conditional Zoning - Single Family Residential (CZ R-2)** zoning district designation for the subject parcels.

*Attachments:           Location Maps (Aerial, Zoning, Future Land Use Map, Environmental)*  
*Floodplain Overlay (20240619)*  
*SIGNED - Application (Patsy Rogerson) (20240521)*  
*Site Plan (20240621)*  
*Context Map (20240619)*  
*Proposed Building Elevations*