



STAFF REPORT

TO: Planning Commission
FROM: Justin Westbrook, Community Development Director
SUBJECT: Annexation (AN-24-02) – American Star Development
DATE: September 23, 2024

Background: The applicant, American Star Development on behalf of Catherine Blakeley, has applied for an Annexation (AN-24-02) for a parcel (TMS #181-00-01-024). Along with the annexation request, the applicant is seeking the parcel to be zoned **Single Family Attached Residential (R-3)**.

There was a previous request that may have bearing on this application. Earlier this year, the applicant sought **Planned Development (PD)** zoning for the subject parcel. This request for up to seventy (70) single family attached (townhomes) and approximately one (1) acre of commercial area, was heard by the Planning Commission at their January 23rd, 2024, meeting, where the commission voted 4-0 to recommend denial to Town Council. The request was then heard by the Town Council at their March 19th, 2024, meeting, where the council voted to deny the request effectively killing the request.

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 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 **Single Family Attached (R-3)** zoning district. Per the Town’s Zoning Ordinance, the **Single Family Attached Residential District (R-3)** is intended to:

“...support medium density residential uses, characterized by two family detached (i.e. duplex) and single-family attached (i.e. townhouse) units. Certain structures and uses required to serve governmental, educational, religious, noncommercial recreational and other needs of the area are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect the residential character of the district.”

Staff believes that townhome products should be limited to walkable, already developed sections of a town, which the Westbury Lane area does not align with. Townhomes should benefit from existing conditions and infrastructure, that must include sidewalks and access to other town services. As previously mentioned on other requests, townhomes should connect to the Town’s sidewalk network, to make the density justifiable for the residents, both current and future. As there does not appear to be any additional sidewalks in the area, Staff does not see any benefit from such density to the Town from a planning, walkability and livability aspect.

Density: The subject parcels consist of approximately 9.99 acres. Per the Zoning Ordinance, the approximate maximum units per acres is listed at 6 dwelling units per acre.

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.

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: The parcel appears to be approximately 9.99 acres. Per the National Wetlands Inventory, the parcel appears to have approximately 2.5 acres that suffers from wetlands. When the Site Plan is applied for, 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 “Suburban Character Residential”. The Plan calls for this land use to be designated for:

“Intended for most of the newer suburban character neighborhoods along US 52 that commonly have smaller lot sizes, a mixture of housing types and privately maintained open space. Most areas were once part of a planned development or large-scale subdivision. Common housing densities range from single-family homes to townhomes with large multi-family apartments permitted only within the adjacent Highway Commercial Overlay.”

The requested zoning designation does not appear to be congruent with this designation of the Future Land Use Map as the request includes only townhomes, and not a mixture of housing types. The subject parcel also appears to be within the aforementioned “Highway Commercial Overlay”, which the Plan defines as:

“A 1000 ft commercial buffer (2000 ft in total width) along the US 52 Corridor is approximately eleven miles in length and is intended to allow for low intensity (ideally service based) commercial businesses such as medical offices, banks, pharmacies, etc. along the highway corridor while permitting residential units behind. Higher density residential units such as multi-family apartments would be permitted, however, should be part of a larger planned development.”

The requested parcel, per the applicant’s existing conditions attachment, shows the property to between 778-feet and 892-feet deep, ensuring the parcel is entirely within the “Highway Commercial Overlay”. As this request seeks **Single Family Attached Residential (R-3)** and does not appear to include a commercial element, it does not appear the request complies with the Town’s Comprehensive Plan.

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.

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:

1. Maintain a sustainable community by ensuring current infrastructure has the capacity to accommodate for current and future growth.
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 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, 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.

As a request for this parcel was denied on March 19th, 2024, and as the request will be before the Town Council within a year of that denial, this request falls within a *Reconsideration of Proposed Amendments* (Section 12-7). As such, the Planning Commission will need to determine if the application should be reconsidered. The criteria to determine this is meeting one of the following thresholds.

1. There has been a substantial change in the character of the area, or
2. Evidence or factors or conditions exist which were not considered by the Planning Commission or the Town Council in previous deliberations which might substantially alter the basis upon which the previous determination was reached.

Staff do not feel there has been substantial change in the area, due to a lack of development or applications for development. Staff are also not aware of any factors or evidence not previously discussed by Planning Commission or Town Council which would substantially alter the basis of denial the Town Council voted on in 2024.

Staff Analysis: Regarding the *Reconsideration of Proposed Amendments* (Section 12-7), Staff feels that the area has not changed substantially in the character of the area, as no new developments have been approved by Town Council. Staff also feel that no new evidence or factors or conditions exist which were not considered by the Planning Commission or Town Council previously. Therefore, it is Staff’s recommendation that this request does not meet the threshold for *Reconsideration of Proposed Amendments*.

Should the Planning Commission move to reconsider the request, Staff has similar concerns with the request compared to the March 2024 denial regarding this property. We feel that the density requested, six (6) dwelling units per acre, is out of character for the surrounding area, particularly when compared to recently completed, or under construction projects in the immediate vicinity.

While a new Comprehensive Plan was recently adopted by the Town Council since the last request, Staff believes that the designated future land use is not consistent with a townhome community. “Suburban Character Residential” calls for a “mixture of housing types” which is not indicative of **Single Family Attached Residential**

