



The Lowcountry's Hometown

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Staff Report

Amendment to the Official Zoning Map

DATES: Planning Commission:
September 27, 2022
October 25, 2022
Town Council:
First Reading: December 20, 2022
Second Reading & Public Hearing: January 24, 2022

TO: Moncks Corner Planning Commission/Town Council

FROM: Douglas Polen, Community Development Director

SUBJECT: Rezoning Request

SUBJECT PROPERTY: 15.75 acres located at 105 Heatley Street, TMS 142-00-01-012

ACTION REQUESTED: Consider an Ordinance to rezone real property within the corporate limits of the Town of Moncks Corner from R-2, Single Family Residential, to R-2, Single Family Residential with Conditions and C-2, General Commercial and to amend the official zoning map of the Town to so reflect.

Background:

The applicant, D.R. Horton Homebuilders, is requesting a rezoning to allow for smaller single family detached residential lots at the southeast corner of S. Live Oak and Heatley Street. Additionally, they are proposing one acre of commercial at the corner itself.

Under current zoning, residential lots have a minimum size of 8,500 sq. ft., and the applicant is seeking lots of 6,875 sq. ft., or 55' x 125'. To achieve this density, the applicant is offering the following:

- \$1,000 donation into the Corner Renaissance redevelopment fund for each unit
- A one-acre commercial component
- Additional architectural variety
- HOA maintained amenities

- Additional trees and shrubs
- Decorative crosswalks
- Unique street name signs

Additionally, all homes in negotiated districts require the following:

- Front facades and sides covered in Hardiplank or other cementitious material
- HOA maintained sidewalks, street trees, streetlights, and stormwater facilities outside of the right of way

Current Zoning – Definition and Uses:

R-2, Single-Family Residential

These districts are intended as single-family residential areas with detached units with low to medium population densities. Use regulations for the single family districts are identical, but contain two (2) classes of lot width and lot area, and these dimensional differences are intended to be preserved. Certain structures and uses required to serve governmental, educational, religious, recreational, and other needs of such areas are permitted subject to restrictions and requirements intended to assure compatibility of uses within the district and adjacent thereto.

Permitted Uses: A building or premises in the R-1 or R-2 district may be used for the following purposes:

- 1. One-family detached dwellings*
- 2. Guest cottages, garage apartments*

Proposed Zoning – Definition and Uses:

C-2, General Commercial

This district 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. Certain related structures and uses are permitted outright or are permissible as special exceptions subject to the restrictions and requirements intended to best fulfill the intent of this ordinance.

Permitted Uses: A building or premises in the C-2 district may be used for the following purposes:

- 1. All non-residential uses allowed in R-1, R-2, R-3, C-1 within the requirements of that district*

2. All types of business and commercial activity related to retail sales, business and professional offices, financial institutions, gasoline filling stations and repair garages, personal service shops and limited wholesale activity.
3. Generally recognized service establishments which perform services off premises similar to but not limited to: services to dwellings and other buildings, lawn and gardens, disinfecting and extermination, trees and shrubs.
4. Restaurants, bars, taprooms, taverns, poolrooms, amusement centers, liquor stores and party shops.
5. Private clubs, walk-in and drive-in theaters, assembly and concert hall.
6. Hotels and motels
7. Nursing, assisted living, and group care facilities
8. Campgrounds and overnight trailer courts
9. Wholesale, warehouse and storage facilities including building materials and lumber yards.
10. Automotive services and carwashes
11. New and used car, truck, machinery, utility trailer, and RV sales, rentals, and repairs.
12. Fuel, fuel oil, and liquefied petroleum (bottled gas) dealers
13. Mobile home dealers
14. Research, development, and commercial testing laboratories
15. Transportation facilities including bus depots, trucking facilities and services without storage.
16. Outdoor advertising agency
17. Communication services, radio and television broadcasting
18. Paper and paper products, printing, publishing, and allied industries, and photo finishing laboratories.

Summary of Adjacent Zoning & Uses

Zone		Present Use
North	TD	Alternative School
East	R-2	Single Family Detached Homes & Churches
South	R-3	Townhomes
West	R-1 & C-2	Single Family Detached Homes & RED Electric

Moncks Corner Future Land Use Map

The Future Land Use Map of the 2017 Comprehensive Plan shows this property as Residential.

Original Staff Findings & Recommendation:

In general, the Town is supportive of this project. The lot sizes are smaller than the adjacent houses on Merrimack, but the proposed homes will be considerably larger.

The Town's primary concerns are twofold:

1. The Town wants to see concrete plans for the commercial lot at the corner of Live Oak and Heatley, rather than a lot zoned commercial that may or may not see development in the near future. Staff recommends a requirement that permits not be issued on the residential portion of the project until plan review has begun on the commercial portion of the project. Likewise, no more than fifteen (15) certificates of occupancy will be issued on the residential units until a permit for vertical construction has been issued for the commercial area.
2. The Town would like to see a direct connection to the townhome community to the south. This property is also being developed by D.R. Horton. The lot to the south features 67 townhomes and only has one entrance, while the Town requires neighborhoods over 30 units to have two or more entrances or all units must be sprinklered.

The property to the south is already under development and all civil plans have been approved. However, the Town would still like to see changes to that plan to accommodate connection to the proposed development.

Staff has spoken with the developer about a possible third lot to west, connecting the townhomes to S. Live Oak. This lot could possibly connect to the subject property as well, but as this is speculative the Town still wishes to see connectivity between the property the developer seeks to rezone and the townhome property under construction.

With these changes, the Town recommends **APPROVAL** of the project.

Planning Commission

At the October 25 Planning Commission meeting, the Commission voted to **DENY** the application due to the lack of connectivity to the neighborhood to the south.

The applicant states that connectivity is impossible as it was not designed with connectivity, the plans have all been approved, and the property has been sold to a developer to create building pads, roads, and infrastructure.

Staff disagrees with this argument as, if the changes to the southern development had occurred in a timely manner, the changes would not be so

difficult to instigate at present. Moreover, while the developer currently owns the land, after development the land is sold back to the applicant, D.R. Horton. It would seem that the applicant would have had the ability to begin redesigning for connectivity over the summer, rather than stating in October in Planning Commission that it was too late for that.

The ordinance attached to this staff report is written to reflect the desires of the applicant, D.R. Horton. Staff, however, cannot recommend approval without the addition of the following to the ordinance:

1. The development must connect to the townhouse development to the south, TMS 142-11-02-061, either directly or through TMS 142-10-02-026.
2. No more than 15 residential units shall be permitted until the commercial structure is permitted. No more than 20 residential certificates of occupancy shall be issued until vertical construction on the commercial structure commences.
3. A traffic study as described in Section 5-9 of the Zoning Ordinance shall be required and any upgrades to adjacent roadways recommended by the study and SCDOT shall be required to be constructed by the developer.

Without these additions, Staff recommends **DENIAL** of this application.