



**County Council of
Beaufort County
Planning Commission
Meeting**

Chairman

ED PAPPAS

Vice Chairman

RANDOLPH STEWART

Commission Members

DIANE CHMELIK

KEVIN HENNELLY

CAROLINE FERMIN

CECILY MCMILLAN

JASON HINCHER

FRANK DUCEY

JIMMIE LAWRENCE JR

County Administrator

ERIC GREENWAY

Staff Support

ERIC GREENWAY

ROBERT MERCHANT

Administration Building

Beaufort County Government

Robert Smalls Complex

100 Ribaut Road

Contact

Post Office Drawer 1228

Beaufort, South Carolina 29901-1228

(843) 255-2140

www.beaufortcountysc.gov

Planning Commission Agenda

Monday, June 7, 2021 at 6:00 p.m.

Buckwalter Recreation Center

905 Buckwalter Parkway, Bluffton, SC 29910

ALL OF OUR MEETINGS ARE AVAILABLE FOR VIEWING ONLINE AT WWW.BEAUFORTCOUNTYSC.GOV AND CAN ALSO BE VIEWED ON HARGRAY CHANNELS 9 AND 113, COMCAST CHANNEL 2, AND SPECTRUM CHANNEL 1304.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. FOIA – PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF MINUTES - May 3, 2021
5. APPROVAL OF AGENDA
6. CITIZEN COMMENTS (*Comments are limited to 3 minutes.*)

PUBLIC HEARING

7. **2040 Comprehensive Plan** ([Envision Beaufort County](#))
8. **Text Amendment to Comprehensive Plan Chapter 12 Priority Investment** – to include an Environmental Education Center at Bindon Plantation (R710 012 000 014 0000); Applicant: Anthony J. Criscitiello

APPEALS

9. **Oyster Cove Campground – Administrative Appeal** for 56 Acres, Parcel A, Callawassie Drive; Conceptual Plan Approval for Oyster Cove Campground Phase I (R600 009 000 0113 0000)

DISCUSSION ITEMS

10. **July Planning Commission Meeting date to be revised** due to holiday schedule
11. CHAIRMAN'S REPORT
12. ADJOURNMENT



COUNTY COUNCIL OF BEAUFORT COUNTY
Beaufort County Planning and Zoning Department
Beaufort County Government Robert Smalls Complex
Physical: Administration Building, Room 115 100 Ribaut Road
Mailing: Post Office Drawer 1228, Beaufort, SC 29901-1228
Phone: 843-255-2140 / FAX: 843-255-9432

The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held in Council Chambers on Monday, May 3, 2021, 6:00 p.m.

Members Present:

Mr. Ed Pappas, Chairman Dr. Caroline Fermin Mr. Randolph Stewart, Vice Chairman
Ms. Diane Chmelik Mr. Jason Hinchler
Mr. Frank Ducey

Members Absent:

Ms. Cecily McMillan
Mr. Jimmie Lawrence Jr
Mr. Kevin Hennelly

Staff Present:

Mr. Robert Merchant, BC Planning and Zoning Acting Director
Mr. Noah Krepps, BC Long Range Planner
Ms. Diane McMaster, Senior Administrative Specialist

CALL TO ORDER: Chairman Ed Pappas called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE: Chairman Ed Pappas led those assembled in the pledge of allegiance.

REVIEW OF MEETING MINUTES: The Commissioners reviewed the April 5, 2021, and April 20, 2021, Workshop minutes, and Chairman Ed Pappas asked for a motion to approve same. Dr. Caroline Fermin made a motion to approve the both sets of minutes as submitted, and Mr. Jason Hinchler seconded the motion. Vice Chairman Randolph Stewart abstained from voting to approve the April 20, 2021, minutes since he was not present at the Workshop. There was unanimous support for the motion.

AGENDA REVIEW: Chairman Ed Pappas asked if there were any revisions or additions to the meeting agenda. There were none.

CITIZEN COMMENTS: Chairman Ed Pappas asked if there were any non-agenda citizen comments.

Mr. Steve Andrews, who is with a local engineering firm, expressed interest in the Oyster Cove Campground issue. This matter is tentatively scheduled to be heard at the June 7, 2021, Planning Commission meeting.

ACTION ITEMS:

Northern Beaufort County Zoning Map Amendment/Rezoning Request for 5.23 acres (R100 027 000 042B 0000) approximately 80 feet east of the intersection of Joe Frazier Road and Adams Way from T2 Rural to T2 Rural Center; Applicant: Billy Jay and Frank O. Plair Family Trust.

Mr. Noah Krepps presented an overview of the applicant's request and stated that the property is designated legal non-conforming use. Planning staff is not in favor of the rezoning because it will create a spot zoning issue.

Mr. Billy J. Clair, one of the applicants, operates a moving/storage company on the property. The property is currently for sale, and there is a desire to correct the zoning to allow for warehousing which is not allowed under T2 Rural. Three (3) separate warehouse structures exist on the property.

Chairman Ed Pappas requested a motion to accept the rezoning request regarding 5.23 acres located approximately 80 feet east of the intersection of Joe Frazier Road and Adams Way from T2 Rural to T2 Rural Center. Mr. Jason Hincer recused himself from the vote because he is related to the applicant by marriage. Mr. Frank Ducey made the motion to accept said rezoning request and Dr. Caroline Fermin seconded the motion. The motion to accept passed by a vote of 4:1 (**For: Pappas, Chmelik, Fermin, Ducey and Against: Stewart and Recused: Hincer**).

CITIZEN COMMENTS: Mr. Shumway stated he was not in favor of the rezoning.

DISCUSSION ITEMS: 2040 Comprehensive Plan

Mr. Robert Merchant gave a brief update regarding the 2020 Beaufort County Comprehensive Plan. Chairman Pappas stated that Part 2 of the Comp Plan, the Action Plan, was incomplete and would require additional work.

Mr. Frank Ducey provided the following comments:

- Need for more septic system inspections / plan for replacements;
- More bike path planning in order to protect cyclists; and
- Effectiveness of disseminating the Plan to high school students

CITIZEN COMMENTS:

Ms. Dawn Paige, Lowcountry Equitable Land Trust, is an advocate for land retention. Her focus is on conservation/timberland easements and land loss issues.

Ms. Sara Reynolds-Green, a resident of St. Helena, supports the idea of reaching more communities for their input regarding the Plan update.

Ms. Sally Lumbard, a resident of St. Helena, supported the idea of reaching more residents/communities and indicated that many families do not have access to the internet.

Mr. Wade Smith spoke in favor of sharing the Plan with school students.

CHAIRMAN'S REPORT: Chairman Pappas reminded all Commission members about the APA Conference scheduled for May 5 – 7, 2021.

NEW/OTHER BUSINESS:

New Business: Another Comprehensive Plan Workshop will be scheduled during the month of May 2021, but no definitive date was set during the meeting.

Other Business: The next Planning Commission meeting is scheduled for Monday, June 7, 2021, 6:00 p.m., at the Buckwalter Recreation Center in Bluffton. Additional meeting details will be made available prior to the June 7 meeting date.

ADJOURNMENT: With no further business to discuss, Chairman Ed Pappas adjourned the meeting at 7:20 p.m.

SUBMITTED BY: Diane McMaster
Community Development Senior Administrative Specialist

Ed Pappas
Beaufort County Planning Commission Chairman

Date: _____



MEMORANDUM

To: Beaufort County Planning Commission
From: Robert Merchant, AICP, Acting Planning and Zoning Director
Subject: Draft 2040 Beaufort County Comprehensive Plan
Date: May 28, 2021

The official public hearing on the draft document *Envision Beaufort County; 2040 Comprehensive Plan*, will be held at your Monday, June 7 meeting. In addition to the official public hearing, we have scheduled two community workshops for later that week. Given the impact that COVID restrictions may have had on the public input process, we felt additional outreach efforts were important. While the Monday public hearing will be in the traditional public hearing format, the community meetings will be much more informal, with one-on one or small group discussions taking place.

Comments on the plan have been recorded in spreadsheet format that we hope to share with you at your upcoming meeting. There have been over 175 comments to date (several groups made numerous comments). Many of the comments resulted in a rephrasing of a strategy or action, and the revised language is included in the spreadsheet. Some comments are recorded, but no change is proposed to be made to the plan; this is also noted in the spreadsheet. Finally, there are several comments that staff would like your guidance on how to address. These are noted in the spreadsheet and we will highlight these when we distribute the document for your review. The spreadsheet will then be updated with public comments made at the hearing and community workshops.

We will take public comments on the plan until mid-June. We'd like to schedule a Planning Commission workshop late in the month to review the final list of comments and agree on the changes you want made before your final review and recommendation on the plan.

To recap the schedule for continued review of *Envision Beaufort County 2040*:

- **Planning Commission Public Hearing.** Monday, June 7. 6:00 PM. Buckwalter Recreation Center, 905 Buckwalter Parkway, Bluffton.
- **Community Meeting.** Tuesday, June 8. 5:00 to 7:00 PM. Burton Wells Recreation Center, 1 Middleton Recreation Drive, Beaufort.
- **Community Meeting.** Thursday, June 10. 5:00 to 7:00 PM. St. Helena Branch Library, 6355 Jonathan Francis Senior Road, Beaufort.
- **Public comment due date.** Mid-June.
- **Planning Commission workshop.** Final review of public comments. Late-June.
- **Design Workshop revises plan.** July.
- **Planning Commission Meeting.** Monday, August 2. Final review and resolution recommending adoption of *Envision Beaufort County 2040*.

The draft Beaufort County Comprehensive Plan can be viewed online at www.envisionbeaufortcounty.com or at any of the Beaufort County Library branches.

We look forward to seeing you on Monday, June 7 at 6:00 PM at Buckwalter Recreation Center.



MEMORANDUM

To: Beaufort County Planning Commission
From: Robert Merchant, AICP, Acting Planning and Zoning Director
Subject: Text amendment to the Beaufort County Comprehensive Plan to Amend Chapter 12 (Priority Investment) to include an Environmental Education Center at Bindon Plantation in the 10-year Capital Improvements Plan (CIP)
Date: May 28, 2021

STAFF REPORT:

A. BACKGROUND:

Applicant: Anthony Criscitiello
Proposed Text Change: Amend Chapter 12 (Priority Investment) of the Beaufort County Comprehensive Plan to include an Environmental Education Center at Bindon Plantation in the 10-year Capital Improvements Plan (CIP)

B. SUMMARY OF REQUEST. Anthony Criscitiello, the former director of the Beaufort County Community Development Department and resident of the Sheldon community, is requesting an amendment to the existing 2010 Beaufort County Comprehensive Plan. The proposal is to amend the 10-year Capital Improvements Plan in the Priority Investment Chapter to include an Environmental Education Center at Bindon Plantation. Bindon Plantation is a 1,317 acre parcel located on US 17 in northern Beaufort County approximately 2 miles from Points South. The property is preserved by a conservation easement purchased by the Rural and Critical Lands Preservation Program (RCLPP) in 2012. The proposal calls for the RCLPP to purchase 50 acres to develop a passive park. This park was originally intended to be a future phase of the preservation of Bindon Plantation. The park is also referenced in the Bindon Plantation Conservation Easement addendum that outlined the Beaufort County Open Land Trust's plans for the property.

C. PROJECT HISTORY. The applicant has provided a good summary of the history of Bindon Plantation in the attached application. Bindon Plantation was annexed by the Town of Yemassee in 2006 and approved for 1,300 homes and 450,000 square feet of commercial. The recession took its toll on development plans for the property and in 2012 a conservation easement for the entire 1,317 acres was purchased through the RCLPP for \$2.5 million with \$484,850 coming from a grant from the NOAA Coastal and Estuarine Land Conservation Program (CELCP). The County received an additional \$1.2 million from the CELCP program to fund the fee simple purchase of 50 acres of the property to develop a passive park with an environmental education center. The County and BCOLT had to return the funds to NOAA due to procedural issues regarding the appraisal of the property's value.

Since that time, the County has not taken any further actions to develop a park at Bindon. The County has, however, devoted significant staff support and resources to develop a Passive Park Program which has given us Crystal Lake Park, Widgeon Point Preserve, Fort Frederick Preserve, and Fort Fremont Preserve with many other parks in the planning stage (Whitehall Park, New Riverside, Ford Shell Ring, Okatie Passive Park, Pineview, and Bailey Memorial Park to name a few). Even with these successes, there are 50 fee simple properties purchased through the RCLPP across Beaufort County with the potential to be developed as passive parks. At the same time, there are limitations to park development funding and staff support.

D. ISSUES TO CONSIDER:

1. The County does not own the property:

The County neither owns the property nor has assurance that the current property is willing to sell. These issues would need to be resolved before any future actions could be taken on the proposal. The property, once delineated, would need to be appraised to start negotiations with the RCLPP on the purchase price.

2. The County does not have the funds to develop the property:

Even if the County were to acquire the property, all existing RCLPP funds designated for passive park development have been obligated via County resolution for other projects. Depending on the extent of the proposal, the project could well exceed \$3 million based on the amenities shown in the attached concept plan. Funding for park improvements would need to come from other funding sources or possible future RCLPP referendum dollars set aside for passive park development.

3. There is no existing strategy to address operations and maintenance:

Having an environmental education program open to the public would require staff and operations and maintenance resources. Fort Fremont is a comparable facility, but its success is dependent on having its interpretive center staffed by volunteers from the Friends of Fort Fremont. A similar partnership with a highly motivated and talented non-profit would be necessary to adequately staff the proposed environmental education center.

E. RECOMMENDATION: Staff is not opposed to the project being included in the Priority Investment Chapter, but recognizes that if County Council should agree to this amendment, it would mean that they are committed to purchasing this property and making it a priority for passive park development within the next 10 years. This commitment would mean identifying funds to develop the park and having the financial commitment to staff and maintain the environmental education center. Also, if this proposed amendment is agreed upon, the draft 2040 Beaufort County Comprehensive Plan must be revised to carry this project forward in the updated plan.

F. ATTACHMENTS:

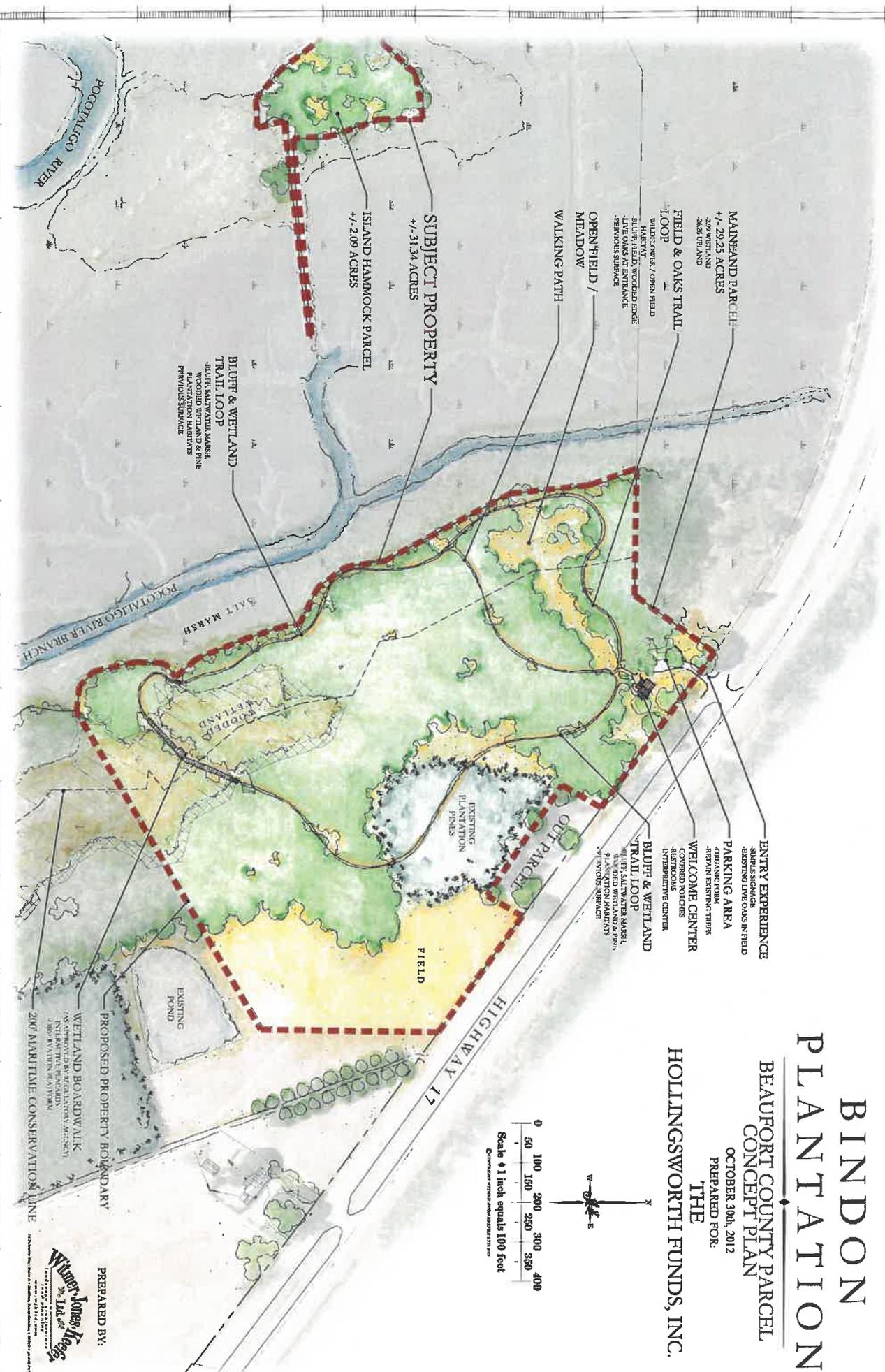
- Bindon Plantation Concept Plan
- Amendment Application

BINDON PLANTATION

BEAUFORT COUNTY PARCEL
CONCEPT PLAN

OCTOBER 30th, 2012
PREPARED FOR:

THE
HOLLINGSWORTH FUNDS, INC.



PREPARED BY:
Wilmer Jones & Associates
INC.
1000 N. W. 11th St., Suite 100
Fort Lauderdale, FL 33304
Tel: 954.575.1100
Fax: 954.575.1101
www.wilmerjones.com

COMPREHENSIVE PLAN AMENDMENT APPLICATION
FOR
BINDON PLANTATION

Introduction:

The first part of planning is dreaming. It is time to dream about the future of Bindon plantation. A dream is always more desirable when you love what you are dreaming about. It is said that you will love what you understand; you will understand what you are taught; and you are often taught what your education provides to you.

It is for this reason that an environmental education center at Bindon Plantation is the most logical use of the land. The following application will explore the reasons for this proposal.

Background:

Bindon Plantation has a long and distinguished pedigree dating back to 1698, when it was part of the 17,000 acre Tomotley Barony. Over the course of the next 323 year history of America, Bindon Plantation was part of a number of important events in history. Indeed, Bindon is eligible to be listed in its entirety on the Register of Historic Places maintained by the Secretary of the Interior because of its connection to a major Revolutionary War battle at Fort Balfour; the burning of the original Bindon house by the Union General William Sherman's troops during the Civil War; and the ownership by the family of the noted media entrepreneur Ted Turner.

Today Bindon Plantation is composed of 1,317 acres in northern Beaufort County, and is situated on and prominently visible by the public from the beautiful and pristine Pocotaligo River, having over three miles of river and creek frontage. Bindon Plantation is located within the A.C.E. Basin and provides a buffer to U.S. Highway 17, which is nationally recognized as "America's Vacation Highway," equidistant between Charleston, S.C. and Savannah, Georgia.

Bindon's Environmental Qualities:

Bindon Plantation is composed of 935,40 acres of upland, and 381.65 acres of marshlands (Note: for a more complete and extensive exposition of the environmental details about Bindon, the reader is directed to the data of the Conservation Easement recorded in the Register of Deeds Office at pages 1845-1918. Date 08/03/2012). Also, the adjacent Pocotaligo River is classified as a freshwater-blackwater river by the State of South Carolina. The richness of the ecology at Bindon Plantation is the primary reason for protecting the site.

The Bindon Plantation property furthers the goal of the A.C.E. Basin National Estuarine Research Reserve and the Coastal and Estuarine Land Conservation Program (CELP). The permanent protection of the Bindon Plantation property will

further ensure the A.C.E. Basin promise for conservation and research in the South Carolina Lowcountry. Also, the Bindon Plantation property is ranked #2 nationally as a priority for protection through the CELP program. The ranking qualifies Bindon for future conservation funding.

The Town of Yemassee:

The Town of Yemassee, through a formal PUD zoning designation after annexing the property, allowed the construction of up to 1,300 homes and 450,000 square feet of commercial development. Subsequent to this effort, the county government sued and later lost its plea before the South Carolina State Supreme Court. Shortly thereafter, the housing market crashed and the owner of the property, the Hollingsworth Trust, reclaimed the property after the developer defaulted on its loan.

Following that event, the Beaufort County Council, in October 2012, allocated \$2.5 million from the Rural and Critical Lands Program for a Conservation Easement with the stipulation that 20 homes, 5 docks and 2 boat landings would be allowed on the Pocotaligo River.

THE PROPOSAL

The hallmark of any successful local government is that its word is trusted and believed in. That is the essence credibility. The conservation easement entered into on July 27, 2012, between Beaufort County, S.C. and the Hollingsworth Trust shall have the right to convey the land (50 acres) as so identified to the appropriate local governmental entity or state governmental agency to construct an environmental education center. The language in the conservation easement on page 11 reads specifically that "it is our plan that an environmental education center will be open for the people of the Lowcountry". On the strength of that statement \$2.5 million was allocated from the Rural and Critical Lands Program to carry out those noble objectives. Once adopted into law, those words were the words of the Beaufort County Council. Again, it is a matter of credibility that is at stake here after nine years after enactment of the conservation easement. Remember, the only viable use of the land available to the property owner is an environmental education center; without it, nothing is left of value to the property owner. If left unattended - this is a big problem. This is where the Comprehensive Plan in Article 12: The Priority Investment Element comes in handy.

The Strategy:

Step #1. The County should allocate from the Rural and Critical Lands Program \$94,912.00 for the 50 acres paid to the benefit of the Hollingsworth Trust. This determination is established by dividing the \$2.5 million paid for 1,317 acres, and the results multiplied by the 50 acres in question. This is the starting point in the land fee offer, but it is without question a fair starting point in the negotiations.

Step #2. Define the concept of what is meant by the term "Environmental Education Center". It is suggested that a citizens committee should be assembled to work with the staff to come up with an appropriate concept. What better way to ignite the imagination of the citizenry and reaffirm the purpose and support for the Rural and Critical Lands Program. (The author is enthusiastic about creating a botanical garden at Bindon - but this is only one possibility). The next five years is an appropriate time frame to work within in the Capital Improvements Program.

Step # 3. The Planning Staff should apply for grants like that alluded to in the Conservation Easement from the CELP program. If it is true that Bindon Plantation is number two in the nation for financial support through this program, then, it is worth exploring this program, and other opportunities as well.

Step# 4. The county government should approach the Hollingsworth Trust about the possibility of a contribution back to the County a portion of the sale of each of the 20 homesites, for the purpose and benefit of constructing an environmental education center at Bindon Plantation. One could hardly think of a more alluring magnet to the river front home site on the Pocotaligo River than a world class environmental education center on the doorsteps of each future home. This could render major dollars to the County for the construction of the environmental education center.

Finally, in the long run, Bindon Plantation will be here for the next 323 years. Why not dream a big dream and build a world class facility that attracts some of the thousands of motorists that travel Highway 17 daily. Remember, where there is no vision, the people will perish. Let us not let that happen any longer.



LAW OFFICE OF
CHESTER C. WILLIAMS, LLC

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22 April 2021

Chester C. Williams
ALSO MEMBER LOUISIANA BAR

Thomas A. Gasparini
ALSO MEMBER CALIFORNIA BAR
(Inactive)
ALSO MEMBER OHIO BAR
(Inactive)

CERTIFIED CIRCUIT COURT
ARBITRATORS AND MEDIATORS

RECEIVED

APR 28 2021

Community
Development Dept.

**Hand Delivered
and Via Email to RMerchant@BCGov.net**

Robert S. Merchant, AICP
Interim Director of the Department of Community Development
PO Drawer 1228
Beaufort, SC 29901-1228

Re: 56 Acres, Parcel A, Callawassie Drive; Conceptual Plan Approval for Oyster Cove
Campground Phase I; Our File No. 01935-001

Dear Rob:

As you know, we and Thomas C. Taylor, Esq. represent John K. Lupton and Kristine M. Lupton, who live at 74 Callawassie Drive, next door to the 56-acre tract known as Parcel A, which is the site of the proposed Oyster Cove Campground.

On behalf of our clients, we are delivering to you herewith our clients' Application for Administrative Appeal to the Beaufort County Planning Commission of the 24 March 2021 decision by you, as the Interim Director of the Department of Community Development for Beaufort County, and the County Staff Review Team (the "SRT") to approve the Conceptual Plan Application for the proposed Oyster Cove Campground development, as evidenced by the 25 March 2021 Development Review Team Action Form signed by Hillary A. Austin, the County's Zoning Administrator.

Attached to the enclosed Application is a narrative describing in detail the grounds for our clients' appeal. Our check for the \$75.00 application filing fee payable to Beaufort County is also enclosed with the original of this letter.

We note that the Application form refers to mailing notification letters to property owners within 500 feet of the affected property; however, Section 7.4.50.B of the Beaufort County Community Development Code does not require mailed notice of an administrative appeal to the Planning Commission, and further, if mailed notice is required, CDC Section 7.4.50.B.3.a places the burden of preparing and mailing any required notice on the Director, and not on the applicant. Please either confirm or correct our understanding of the mailed notice provisions of CDC Section 7.4.50.B as they relate to this Application.

We also note that CDC Section 7.4.50 seems to say that the hearing by the Planning Commission on an administrative appeal is a public hearing. While we agree that the Planning Commission's hearing on the enclosed Application must be held



during a public meeting of the Planning Commission, *i.e.*, a meeting that is open to the general public to attend, we disagree with the proposition that the Planning Commission's hearing on the enclosed Application must be a public hearing, *i.e.*, a hearing at which the Planning Commission is required to take comments from members of the general public who are not proper parties to this appeal, and we reserve the right to object to any attempt by any party who is not a proper party to this appeal to appear at, or offer any documentary or testimony evidence for inclusion in the record of, the hearing on this appeal.

Please send us a full copy of the complete record of materials considered by the SRT in making the decision to approve the Conceptual Plan Application for the proposed Okatie RV Resort Phase I development when those materials are transmitted to the Planning Commission, as required by CDC Section 7.3.70.C.3.

You will note in the Application narrative that we have indicated that K & R Development, LLC ("K&R"), the owner of Parcel A, may be a necessary party to this appeal, without acknowledging that K&R is, in fact or in law, a necessary party. By way of its copy of this letter, which will be mailed to K&R at its address stated in the Beaufort County property tax records, we serve a copy of this appeal on K&R. We are also sending Nicole A. Scott, Esq., K&R's counsel, a copy of this letter.

By way of his copy of this letter, we advise Edward J. Pappas, the Chairman of the Planning Commission, of the filing of this appeal.

The original of this letter will be hand delivered to you today or tomorrow at the County Administration Building. We would appreciate receiving written confirmation from you of your timely receipt of this appeal.

With best regards, we are

Very truly yours,

LAW OFFICE OF CHESTER C. WILLIAMS, LLC

This signature is an electronic reproduction

Chester C. Williams

CCW/
Enclosures

cc: Mr. and Mrs. John K. Lupton
Mr. Edward J. Pappas
Thomas C. Taylor, Esq.
K & R Development, LLC
Nicole A. Scott, Esq.



APPLICATION FOR ADMINISTRATIVE APPEALS OF DECISIONS BY THE STAFF REVIEW TEAM (SRT)

DATE OF SRT DECISION BEING APPEALED: 25 March 2021

FOR PLANNING DEPARTMENT USE ONLY

Appeal # _____ Date Rec'd Application: _____
Planning Commission _____
Hearing Date: _____ Application Received by: _____

John Keith Lupton and Kristine Marie Lupton c/o Chester C. Williams, Esq.
843-842-5411; Firm@CCWLaw.net

Appellant's Name Phone / Email
c/o Chester C. Williams, Esq., PO Box 6028, Hilton Head Island, SC 29938-6028

Appellant's Mailing Address (City, State and Zip Code)

1. PROPERTY INFORMATION:

- A. Address of property affected by this Appeal:
According to the Beaufort County Assessor's Office online property tax records:
80 Gaston Plantation Road, Okatie, SC 29909
B. Property Identification Number (PIN): R600 009 000 0113 0000

2. SUBMISSION: Please attach a narrative describing in detail the reason for this appeal. Include any supportive information that substantiates your position. If the Appellant is not the owner of the affected property, include a notarized document signed by the property owner authorizing the appellant to represent the property owner in this appeal. Application submission must be received by the Beaufort County Community Development office no later than three (3) weeks before a scheduled Planning Commission meeting (call the Beaufort County Community Development office at 843-255-2140 for the scheduled meeting dates)

3. FEE: An application processing fee of \$75.00 must accompany this application. Make checks payable to Beaufort County.

4. NOTIFICATION: NO LATER THAN 15 days prior to the hearing, the Appellant must:
a. Mail a letter/notify in writing the property owners within 500 feet of the affected property (see the attached sample letter) and
b. Give/provide the Community Development Department proof of the mailing (including a copy of the letter sent to the property owners, and a list of the property owners notified, including their property identification numbers (PIN) and addresses).

5. HEARING TRANSCRIPTION: If verbatim minutes are required, the Appellant must hire a court reporter for his/her Planning Commission hearing and give a copy of those verbatim minutes to the Planning Department for County files. The Planning Commission will only provide summary, not verbatim, minutes of the proceedings.

I, the undersigned appellant, hereby submit this application with the attached information. The information and documents provided are complete and accurate to the best of my knowledge.

Signature of Appellant: [Handwritten Signature] Date: 04/21/2021

“Appellants’ Property”).¹ The Appellants’ Property is adjacent to, and shares a common boundary line of over 480 feet with, Parcel A, and is the site of the Appellants’ home and primary residence.

The Appellants disagree with and object to the Conceptual Approval of the Oyster Cove Campground Project by the SRT, allege that the SRT, the County’s Zoning and Development Administrator, Hillary A. Austin, and the County’s Interim Director of the Department of Community Development (the “Director”), Robert S. Merchant, AICP,² failed to require that the Conceptual Plan Application fully comply with the requirements of the County’s Community Development Code (the “CDC”), and incorrectly construed or interpreted the provisions of the CDC when reviewing the Oyster Cove Campground Project and issuing the Conceptual Approval, and therefore erred in issuing the Conceptual Approval; and seek relief by this Appeal.

For the reasons set forth above and below, the Appellants seek to have the Conceptual Approval reversed for failure to comply with applicable provisions of the CDC.

I. BACKGROUND AND HISTORY OF THE OYSTER COVE CAMPGROUND PROJECT

The Oyster Cove Campground Project is, for all intents and purposes, yet another version of what was previously known as the Okatie RV Resort project, located at 68 Callawassie Road.

On 5 June 2019, the SRT conducted a pre-application review of the proposed development of Parcel A for the Okatie RV Resort project, and Mr. Powell submitted the original Conceptual Plan Application for the Okatie RV Resort project to the County’s Community Development Department on 18 June 2019.

On 21 August 2019 the SRT reviewed the Conceptual Application for the Okatie RV Resort project for the third time, which resulted in a Conceptual

¹ A copy of the Appellants’ deed, recorded in Beaufort County Record Book 3497 at Page 1740, is attached to this Narrative as **Exhibit D**. A copy of the survey referenced in that deed, recorded in Beaufort County Plat Book 100 at Page 192 is attached to this Narrative as **Exhibit E**.

² Curiously, the 24 March 2021 Staff Review Team meeting at which the Oyster Cove Campground Conceptual Plan Application was considered was chaired by and run by Eric L. Greenway, AICP, the Interim Beaufort County Administrator, not Mr. Merchant, the Interim Director of the Department of Community Development.



Approval of the Okatie RV Resort project as a Semi-Developed Campground under the provisions of CDC Section 4.1.190.B; however, at the urging of counsel for the Appellants, Mr. Greenway³ acknowledged that the County Staff made an error with the conceptual approval of a Semi-Developed Campground on Parcel A, which is located in the CDC's T2 Rural (T2R) zoning district (the "T2R Zone"), and determined that any development of Parcel A for a campground use was limited to a Primitive Campground, which is provided for in CDC Section 4.1.190.A. Counsel for the owner of Parcel A appealed Mr. Greenway's determination regarding the use of Parcel A to the County's Zoning Board of Appeals, but that appeal was subsequently withdrawn.

On information and belief, on or about 23 March 2020, Mr. Powell submitted a revised Okatie RV Resort Phase I Overall Site Plan, dated 10 September 2019 (the "Revised Okatie RV Resort Overall Site Plan"), for the development of Parcel A, supposedly as a Primitive Campground,⁴ together with a new Conceptual SRT Project Narrative (the "Revised Okatie RV Resort Project Narrative") describing the development of the Okatie RV Resort project.

On 15 April 2020, the SRT met and again reviewed the Okatie RV Resort, this time as a Primitive Campground use on Parcel A. The end result of that review by the SRT of the Okatie RV Resort Phase 1 Overall SRT Plan was the issuance of an SRT Action Form, which evidenced the Conceptual Approval, subject to listed conditions.

On 13 May 2020, the Appellants timely appealed the Conceptual Approval of the Okatie RV Resort project to the Planning Commission, as Appeal No. 36074 (the "2020 PC Appeal"). On 16 July 2020, Mr. Greenway sent the Appellants a letter advising them that the 2020 PC Appeal would be heard by the Planning Commission on 3 August 2020. On 19 July 2020, Beaufort County published a Public Notice in the local newspaper known as *The Island Packet*, advising the public that the 2020 PC Appeal would be heard by the Planning Commission on 3 August 2020. However, despite Mr. Greenway's notification letter to the Appellants and the published public notice of the 3 August 2020 Planning Commission hearing on the 2020 PC Appeal, on 29 July 2020, Deputy County Attorney Thomas J. Keaveny, II, notified the Appellants' counsel via email that Mr. Greenway and Mr. Keaveny had decided that the 2020 PC Appeal was "premature"

³ Prior to being appointed Interim Beaufort County Administrator on 9 November 2020, Mr. Greenway was the Director of the Department of Community Development for Beaufort County.

⁴ A photoreduction copy of the Revised Okatie RV Resort Overall SRT Plan is attached to this Narrative as **Exhibit F**.



and “[g]iven the authority and discretion vested in the Director by virtue of Section 7.3.C 3 [sic], he does not accept the appeal and will not transmit it to the Planning Commission.” Therefore, the Appellants were denied their right to appeal, and the Planning Commission was denied the opportunity to consider and act on the 2020 PC Appeal.

Thereafter, the Appellants, through their counsel, filed a mandamus action in the Court of Common Pleas, Fourteenth Judicial Circuit on 30 July 2020, seeking an order requiring Mr. Greenway to accept the 2020 PC Appeal for filing and transmittal to the Planning Commission for consideration and action. That action, filed as Case No. 2020-CP-07-01542, is still pending in the Circuit Court, in part because Mr. Greenway’s litigation counsel has refused to agree with Appellant’s counsel’s offer to dismiss that action, except on a condition unacceptable to the Appellants.

Shortly thereafter, on 4 August 2020, the Appellants, through their counsel, filed an appeal with the Beaufort County Zoning Board of Appeals (the “ZBOA”) of Mr. Greenway’s and Mr. Keaveny’s decision that the 2020 PC Appeal was “premature” and that Mr. Greenway did not have to accept the 2020 PC Appeal application for filing (the “2020 ZBOA Appeal”). The ZBOA heard the 2020 ZBOA Appeal on 24 September 2020 and by Order on 9 October 2020 denied the 2020 ZBOA Appeal.

The Appellants, through their counsel, filed an appeal of the denial of the 2020 ZBOA Appeal with the Court of Common Pleas, Fourteenth Judicial Circuit on 30 July 2020, seeking an order reversing the ZBOA’s denial of the 2020 ZBOA Appeal. That appeal to the Circuit Court, filed as Case No. 2020-CP-07-02167, is still pending in the Circuit Court, again in part because Mr. Greenway’s litigation counsel has refused to agree with Appellant’s counsel’s offer to dismiss that action, except on a condition unacceptable to the Appellants.⁵

On or about 16 February 2021, Mr. Powell, submitted a new development plan for Parcel A, *i.e.*, the Conceptual Plan Application for the development of Parcel A for what is now known as the Oyster Cove Campground Project. The project narrative submitted as part of the Conceptual Plan Application (the “Project Narrative”) states that a portion of Parcel A will be developed as a Primitive Campground under CDC Section 4.1.190 for 350 campsites, including 180 “Standard Campsites,” 125 “Flex Campsites,” and 45 “Premium Campsites,” along

⁵ Specifically, counsel for Mr. Greenway refused to agree to a dismissal without prejudice of the mandamus action and the appeal to the Circuit Court unless the Appellants agreed to not file this appeal.



with a check-in center, a bath house and laundry, parking areas, access drives, landscaping, and associated infrastructure.

The SRT reviewed the Conceptual Plan Application at its 24 March 2021 meeting, and the SRT Action Form issued on 25 March 2021 evidences the Director's findings that the Conceptual Plan Application is consistent with the County's Comprehensive Plan, complies with applicable standards of the CDC, complies with all other applicable standards of state or federal law and of the Beaufort County Code of Laws, and with all applicable requirements listed on the Conceptual Plan Application. The Appellants, however, respectfully disagree with the Director's determinations for a number of reasons.

The Appellants' concerns with the proposed Oyster Cove Campground Project are brought to light by the Site Development Plans included with the Conceptual Plan Application (the "Site Development Plans"), and particularly the 45 Premium Campsites and the undefined, and unlocatable, 180 Standard Campsites and Primitive Campsites, which the Appellants believe do not comply with applicable provisions of the CDC. It is evident to the Appellants that the Premium Campsites are scaled and designed to accommodate large recreational vehicles commonly known as RVs. It is also not possible from a review of the Site Development Plans to determine if those plans show a development that complies with the requirements of CDC Section 4.1.190.

The Appellants have now filed this Appeal seeking to have the Conceptual Approval reversed for failure to comply with applicable CDC provisions.

II. DEVELOPMENT PLANS – ISSUANCE OF PERMITS

Section 6-29-1150(A) of the Code of Laws of South Carolina (1976), as amended (the "SC Code") and, which is part of the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (the "State Enabling Act"), says that "land development regulations adopted by [the County] must include a specific procedure for the submission and approval or disapproval by the planning commission or designated staff."

CDC Sections 7.5.60.A.3.a(6) and 7.2.60.E.2.c give the Director the power and duty to review and make decisions on Major Land Development Plan applications. CDC Section 7.5.60.A.3 allows the Director to delegate his or her authority to act under the CDC to a "designee". For purposes of this Appeal, the Appellants assume that the SRT and Ms. Austin, who signed the SRT Action Form, had the requisite delegated authority to act on the Conceptual Plan Application for



the Oyster Cove Campground Project, including the Site Development Plans and the Project Narrative.

III. THE AUTHORITY AND POWER OF THE PLANNING COMMISSION – APPEALS OF STAFF ACTION ON LAND DEVELOPMENT PLANS

SC Code Section 6-29-340(B) charges the Planning Commission with the power and duty to, among other things, prepare and recommend for adoption to the County Council regulations for the subdivision or development of land, and appropriate revisions thereof, and “to oversee the administration of the regulations that may be adopted [by the County] as provided in [the State Enabling Act]”.

SC Code Section 6-29-1150(C) says that, “Staff action, if authorized, to approve or disapprove a land development plan may be appealed to the planning commission by any party in interest.” Further, CDC Section 7.2.60.E.2.d says, “The decision of the Director on a Major Land Development Plan may be appealed to the Planning Commission.” In addition, CDC Section 7.3.70.B.2.b says that, “The Planning Commission is authorized to serve as the appellate body for decisions on ... Major Land Development Plans (Concept Plan and Final Land Development Plan); see section 7.2.60 (Land Development Plan)”. Note, in particular, the specific reference to the Planning Commission having appeal authority regarding a decision on a Concept Plan for a Major Land Development Plan.

IV. STANDING

The Appellants allege that they have standing to file this Appeal because they are owners of a tract of land that is contiguous with Parcel A, sharing a common boundary with Parcel A, and that they are aggrieved by the issuance of the Conceptual Approval and the issuance of the SRT Action Form, and therefore have standing under SC Code Section 6-29-1150(C). In addition, the Appellants have standing to file this Appeal under CDC Section 7.3.70.A as “an aggrieved party affected by a decision made by an administrative decision-maker to determine if the decision complies with the requirements of this Development Code”.

The Appellants allege that they have a personal stake in, and will be adversely affected by, the development of the Oyster Cove Campground Project pursuant to the Conceptual Approval. The Appellants further allege that the proposed development of Parcel A in a manner other than that permitted by the CDC will result in injury in fact to the Appellants; that there is a causal connection



between the injury suffered, or to be suffered, by the Appellants as a result of the proposed development of the Oyster Cove Campground Project as currently proposed; and that the injury suffered, or to be suffered, by the Appellants as a result of the development of the Oyster Cove Campground Project can be redressed by a favorable decision of the Planning Commission to reverse the Conceptual Approval.

V. NECESSARY PARTY

K & R Development, LLC (“K&R”), the owner of Parcel A and the permittee in interest under the Conceptual Approval, may be a necessary party to this Appeal; however, the Appellants do not admit that K&R is a necessary party to this Appeal. Nevertheless, the Appellants ask that K&R receive notice of all matters and hearings associated with this Appeal, while reserving the right to challenge any attempt by K&R to participate in this Appeal.

VI. GROUNDS FOR APPEAL

The Appellants allege that the Conceptual Approval was wrongfully and improperly issued by the SRT and Ms. Austin, and that the issuance of the Conceptual Approval was arbitrary and capricious, and contrary to the explicit provisions of the CDC, for the reasons set forth below.

VII. THE APPELLANT’S ARGUMENTS FOR APPEAL

The Appellants submit that a thorough review of the proposed development of the Oyster Cove Campground Project, including the Conceptual Approval, leads to the inescapable conclusion that the Conceptual Approval was wrongly issued and should be reversed by the Planning Commission.

A. The Conceptual Plan Application and the Conceptual Approval do not comply with the CDC’s conditions for a Primitive Campground

Under CDC Sections 7.2.60.E.1.c and 7.2.60.F, before the Director (and, in this case, the SRT and Ms. Austin, by delegated authority) is authorized to approve a major land development concept plan, like the Conceptual Plan Application for the development of Parcel A as the Oyster Cove Campground Project, the Director, among other things, must determine that the application complies with the applicable standards of the CDC. The Appellants allege that the Conceptual Plan Application, including the Site Development Plans and the Project Narrative, does



not comply with the CDC's conditions for a Primitive Campground, that the Director therefore lacked the authority to approve the Conceptual Plan Application, and it was therefore arbitrary and capricious, and contrary to the explicit provisions of the CDC, for the SRT and Ms. Austin to issue the SRT Action Form.

CDC Section 4.1.190.A contains the definition of, and the conditions on, development of a Primitive Campground, as follows:

- A. **Primitive Campground.** A campground accessible by walk-in, equestrian, motorized trail vehicles or vehicular traffic where basic facilities may be provided for the comfort and convenience of the campers. Primitive Campgrounds shall⁶ comply with the following:
 1. **Length of Stay.** All campers are limited to a 14-day length of stay.
 2. **Zones.** Primitive Campgrounds are allowed in the T1 Natural Preserve zone and all T2 Rural Zones.
 3. **Buffers.** Any tent sites shall be located no less than 30 feet from any property line.
 4. No RV's or camping trailers over 20 feet in length shall be allowed.
 5. **Tree Requirement.** Existing trees shall be left on site, when practical. If there are no trees between campsites at least two trees shall be planted between each campsite.
 6. **Accessory Uses.** Facilities for the comfort and convenience of the camper may be provided such as bathing facilities, flushing toilets, grills, tables, fire pits, fire circles, and refuse collection.

The Appellants submit that the Site Development Plans and the Project Narrative reviewed by the SRT on 24 March 2021 fail to demonstrate compliance with the conditions for a Primitive Campground set forth in CDC Section 4.1.190.A in several respects:

1. **The Site Development Plans generally.** The Site Development Plans are unclear with regard to what is proposed for development on Parcel

⁶ The use of the word "shall" in an ordinance is imperative. Compliance with "shall" requirements is mandatory, not optional.



A. Much of the Site Development Plans are quite similar to the Revised Okatie RV Resort Overall Site Plan previously submitted to the County for the proposed use of Parcel A as a Semi-Developed Campground, especially in the depiction of the many large quadrilateral areas shown on the Site Development Plans, labeled P1 through P45 and designated as the Premium Campsites, but with no explanation of their use or purpose, which, to the Appellants, seem to be sites for parking RVs; however, it is impossible to tell from an inspection of the Site Development Plans what the purpose of those sites are because none of them are labeled with the intended use, other than as “Premium Campsites.” At this point, all the Appellants can reasonably do is assume that those 45 spaces are all intended to be individual campsites.

The Oyster Cove Campground Site Plan also designates the two large cross hatched areas along both sides of Parcel A as the locations for Standard Campsites 1 through 60 and for Primitive Campsites 61 through 180, with no further explanation about the size, location, or dimensions of each individual campsite.

The Appellants submit that there is insufficient detail on the Site Development Plans depicting the proposed development on Parcel A to determine whether or not the proposed development complies with the conditions for a Primitive Campground, and that therefore, the issuance of the Conceptual Approval was arbitrary and capricious, and contrary to the explicit provisions of the CDC.

2. **Length of Stay.** While the Revised Oyster Cove Campground Project Narrative notes the condition that all campers are limited to a 14-day length of stay, to the Appellants’ knowledge, there are no provisions in the Conceptual Plan Application as to how that length of stay condition will be implemented and enforced.

The Appellants note that minutes of the 5 November 2018 Planning Commission meeting, when the most recently approved amendments to the CDC’s campground provisions were reviewed by the Planning Commission, show that, among other things, the length of stay condition, and the ability to enforce such a condition, was of particular importance to members of the Planning Commission when they reviewed what is now the current CDC campground provisions.



It should go without saying that, as recognized by members of the Planning Commission when they reviewed the CDC campground regulations, any campground use, including a Primitive Campground, is a transient occupancy use, and not a permanent camper community, and it seems readily evident that the length of stay condition is intended to address that aspect of a campground use. The Appellants submit that without a concrete, enforceable plan to assure compliance with the 14-day length of stay condition for a Primitive Campground use, the Revised Oyster Cove Campground Project Narrative fails to demonstrate compliance with the CDC's length of stay condition for a Primitive Campground use. At the very least, the plan for enforcing the 14-day length of stay condition for a Primitive Campground use should be stated in the Revised Oyster Cove Campground Project Narrative and on the face of the Site Development Plans.

3. **Buffers.** When the SRT reviewed the plans for the proposed development of Parcel A for the Okatie RV Resort at the pre-application stage on 5 June 2019, the resulting Development Review Team Action Form stated, "Staff will review the project using Type-C buffer requirements." A Type C buffer, as described in CDC Table 5.8.90.D, is a semi-opaque buffer, which requires either (a) for Option 1, 12 overstory trees, 14 understory trees, and 25 shrubs in every 100 linear feet of buffer area; or (b) for Option 2, 2 overstory trees, 16 understory trees, and a 4-foot high berm or 4-foot high solid fence.

When the SRT reviewed the plans for the proposed development of Parcel A for the Okatie RV Resort at the conceptual stage on 10 July 2019, the SRT deferred action on the application, and the resulting Development Review Team Action Form stated, "Applicant shall submit a landscape plan and show the nature trail."

While the Site Development Plans include information on existing trees to be removed, they do not include a landscape plan showing the proposed plantings in the buffer areas necessary to comply with the perimeter buffer requirements of CDC Section 5.8.90. Without a landscape plan demonstrating compliance with the perimeter buffer requirements of CDC Section 5.8.90, the Site Development Plans are insufficient to demonstrate compliance with CDC Section 4.1.190.A.3.



4. **No RVs.** CDC Section 4.1.190.A.4 says, “No RV’s or camping trailers over 20 feet in length shall be allowed.”

When the SRT reviewed the plans for the proposed development of Parcel A as the Okatie RV Resort at the conceptual stage on 15 April 2020, the second condition on the resulting Development Review Team Action Form states, “Recreational Vehicles not allowed only camping trailers and/or tents.” It is well known that “Recreational Vehicles” are often referred to as “RVs”, which the Appellants assert are not allowed in a Primitive Campground.

Neither the Site Development Plans nor the Project Narrative mention RVs, except for an acknowledgment in the Project Narrative that the condition in CDC Section 4.1.90.A.4 is “Noted.”

The Appellants submit that the condition in CDC Section 4.1.90.A.4 is to be read as prohibiting (i) all RVs, regardless of length, and (ii) all camping trailers over 20 feet in length from Primitive Campgrounds.

The Appellants’ concern with this particular issue initially arose from the large, rectangular Premium Campsites shown on the Site Development Plans, which appear to show parking pads large enough to accommodate rather large RVs, and the Typical Campsite exhibit included as part of the Conceptual Plan Application, which clearly shows an RV 30 feet in length parked on a campsite.

The Appellants’ concern with the RV issues on Parcel A was compounded by the real estate sale listing of Parcel A for sale on the web site RVParkStore.com (the “RVParkStore Listing”). The RVParkStore Listing can be viewed at <https://www.rvparkstore.com/rv-parks/1409953-oyster-cove-campground-a-lowcountry-haven-for-sale-in-okatie-sc>. It appears from that web site that the RVParkStore Listing was initially posted on 20 March 2021, just four days before the SRT meeting at which the Conceptual Plan Application was approved. It also appears that on 24 March 2021, the exact same day that the SRT approved the Conceptual Plan Application, the RVParkStore Listing was updated, and the listed sale price for Parcel A at that time was \$6,500,000.00. It further appears that on 2 April 2021 the RVParkStore Listing was again updated, and the listed sale price for Parcel A at that time was reduced to \$2,900,000.00.



The Appellants' concern with the RV issues on Parcel A was validated by the Property Description in the RVParkStore Listing. In particular that Property Description says:

Phase I (19 acres) is currently engineered and permitted as a primitive campground for 350 sites to include ... **45 premium 1600 sf RV pads with lagoon views. Also perfect for tiny houses!** [Emphasis added]

and

Phase II, consisting of 36 acres ... is currently zoned for 200 large RV sites ... [Emphasis added]

and

Also of note is the proximity to a major intersection that has **2 large convenience store/gas stations with easy access for RVs.** [Emphasis added]

The Amenities section of the RVParkStore Listing says the Oyster Cove Campground development will include a pool, a clubhouse, wifi, and a fitness center. Those amenities certainly do not belong in a Primitive Campground.

The Contact Information in the RVParkStore Listing refers to Jennifer Tosky of K&R.

To the Appellants, the RVParkStore Listing clearly demonstrates K&R's intention to, one way or another, accommodate RVs at the Oyster Cove Campground.

When reading CDC Section 4.1.190 as a whole, it seems readily evident to the Appellants that the intent of the most recent amendments to the CDC's campground regulations was to prohibit all RVs in Primitive Campgrounds. Specifically, RVs are allowed in both Semi-Developed Campgrounds and Development Campgrounds, and the conditions applicable to both Semi-Developed Campgrounds and Development Campgrounds include a condition for minimum RV pad size. However, the conditions for Primitive Campgrounds do not include any condition for minimum RV pad size. The logical conclusion is that no condition for minimum RV pad size is imposed on a Primitive Campground because RVs are prohibited in Primitive



Campgrounds. The alternative position, that RVs are allowed in Primitive Campgrounds results in no limitation on or minimum requirements for RV pad size in a Primitive Campground, which would be an absurd result.

Unless and until the Conceptual Plan Application, the Site Development Plans, and the Project Narrative clearly state that no RVs will be permitted in the Oyster Cove Campground, the Conceptual Plan Application is insufficient to demonstrate compliance with CDC Section 4.1.190.A.3.

5. **Tree Requirement.** CDC Section 4.1.190.A.5 reads:

Existing trees shall be left on site, when practical. If there are no trees between campsites **at least two trees shall be planted between each campsite.** [Emphasis added]

While the Project Narrative acknowledges the CDC's requirement for two trees between campsites,⁷ the Project Narrative also states that compliance with the tree requirement "is shown on the attached Tree Exhibit." However, the Conceptual Plan Application materials provided to the Appellants' counsel contains no Tree Exhibit. Therefore, the Conceptual Plan Application provides no evidence of compliance with the requirement of CDC Section 4.1.190.A.5.

Further, a review of the Site Development Plans shows that there are no spaces between the large Premium Campsites for planting the trees required by CDC Section 4.1.190.A.5; instead, those campsites all abut one another, with no area in between the campsites for tree plantings, and no tree plantings shown. Note that the CDC does not allow for required tree plantings on each campsite, but instead requires tree plantings between each campsite.

Note, also, that CDC Section 4.1.190.A.5 does not distinguish between "Primitive Campsites" and "Standard Campsites", on the one hand, and other campsites on the other hand, so the requirements of CDC Division 4.1.190.A.5 apply to **ALL** campsites to be developed on

⁷ The Project Narrative incorrectly quotes CDC Section 4.1.190.A.5, stating, "Trees shall be left between campsites, to the maximum extent practical. If no trees exist, at least two trees shall be planted."

Parcel A. It is impossible to make any sort of determination of compliance with the tree planting requirement as applied to the Primitive Campsites and the Standard Campsites shown on the Site Development Plans because those individual campsites are not shown and delineated on the Site Development Plans.

The Appellants submit that the Site Development Plans show no proposed tree plantings between any campsites to be developed on Parcel A, be they the large Premium Campsites, the Flex Campsites, the Standard Campsites, or the Primitive Campsites.⁸ Therefore, neither the Director, the SRT, nor Ms. Austin had any reasonable basis available to them to determine that the Conceptual Plan Application, the Site Development Plans, or the Project Narrative demonstrate compliance with the Tree Requirement of CDC Section 4.1.190.A.5, and the approval of the Conceptual Plan Application based on the Site Development Plans and the Revised Oyster Cove Campground Project Narrative was accordingly arbitrary and capricious, and contrary to the explicit provisions of the CDC.

Since the requirements of CDC Section 4.1.190.A are mandatory (again, note the use of the term “shall”), the foregoing cannot be overlooked or modulated by the Director, the SRT, or Ms. Austin. Requiring full compliance with the conditions stated in CDC Section 4.1.190.A does not make Parcel A unusable or undevelopable.

The Concept Plan Application for the development of Parcel A, including the Site Development Plans and the Project Narrative, perhaps can be amended to clarify the proposed development, provide an enforceable mechanism to assure compliance with the length of stay limitation, delineate the required buffers, and show required tree preservation and new plantings; however, such an amendment was not before the SRT on 24 March 2021, and the Conceptual Approval, based on the Site Development Plans and the Project Narrative as submitted, should not have been granted, and the SRT Action Form should not have been issued.

⁸ The Appellants ask that the Planning Commission take notice that K&R extensively timbered Parcel A in 2019, shortly before the initial filing of the Conceptual Plan Application. While the owner of undeveloped property can engage in timbering activity, to do so when planning an application for a development plan which requires that “existing trees be left in place, to the maximum extent practicable” is, at best, cynical and possibly a clear attempt to avoid the requirements of CDC Division 4.1.190.A.5.



B. The Conceptual Plan Application approved by the SRT does not meet the requirements of CDC Section 7.2.60.F, and was incomplete

As shown above, the Conceptual Plan Application was incomplete when it was reviewed by the SRT on 24 March 2021. Specifically, without a plan to enforce the 14-day length of stay condition, without a landscape plan demonstrating compliance with the buffer condition, without a clear acknowledgement that RVs are prohibited from the Oyster Cove Campground development, and without a tree plan demonstrating compliance with the tree requirements, the Conceptual Plan Application is incomplete.

Because the materials submitted to the SRT in connection with the Conceptual Plan Application that resulted in the Conceptual Approval did not meet the requirements of the CDC, the Conceptual Approval should be reversed by the Planning Commission.

VIII. THE DEPARTMENT OF COMMUNITY DEVELOPMENT HAS PROPOSED AMENDMENTS TO CDC SECTION 4.1.190.A WHICH ARE PENDING BEFORE THE PLANNING COMMISSION

On 19 April 2020, the Beaufort County Community Development Department published notice of a public hearing to be held by the Planning Commission on 4 May 2020 on proposed changes to the CDC, specifically proposed text amendments to the CDC's campground standards contained in CDC Section 4.1.190. However, because of the pending state of emergency in Beaufort County due to the COVID-19 pandemic, the 4 May 2020 Planning Commission meeting and the scheduled public hearing were cancelled. Nonetheless, it is now public knowledge that Beaufort County is considering changing the CDC's campground standards. The Appellants urge the Planning Commission not to allow the development of Parcel A in a manner that takes advantage of the public's current difficulty in exercising its right and opportunity to make known its views on the Oyster Cove Campground Project and the pending amendments to the CDC's campground standards.

The Appellants also seek to understand why, considering the pending amendments to the CDC regarding Primitive Campgrounds, proposed by the Community Development Department, the Conceptual Approval Application was



not considered in connection with future requirements because of the Pending Ordinance Doctrine.⁹

Finally, the Appellants seek clarification from the Community Development Department as to whether any further phases of the proposed Okatie RV Park will be considered pursuant to current CDC regulations, or any amended CDC regulations.

IX. THE DEPARTMENT OF COMMUNITY DEVELOPMENT, GENERALLY

The Appellants are concerned with the County Staff's apparent support and assistance to K&R's plans for the development of the Oyster Cove Campground Project. For some reason, it seems to the Appellants that the County Staff is determined to facilitate the completion of the Oyster Cove Campground Project, come hell or high water. As one example of the County Staff's determination, the Appellants cite Mr. Greenway's statement in his 22 February 2021 email to Patrick Parkinson of the Callawassie Island Property Owners Association, Inc., in response to an inquiry by Mr. Parkinson as to the Oyster Cove Campground Project:

I recommend that you and your community begin to recognize that future appeals will not stop the use [of Parcel A for the Oyster Cove Campground Project] from ultimately being approved unless the applicant simply chooses to abandon the plan to develop the property.

Mr. Greenway may, or may not, be correct in his assertion to Mr. Parkinson that that the Oyster Cove Campground Project will ultimately be approved by the County; but if he is correct, the Appellants want to, and are entitled to, make sure that the Oyster Cove Campground Project is developed in conformance with all applicable requirements of the CDC. In order to do so, the Appellants' only recourse is to file this appeal to the Planning Commission.

⁹ The Appellants will provide the Planning Commission with a Supplemental Brief on the Pending Ordinance Doctrine and its effect on the Conceptual Plan Application for the development of the Oyster Cove Campground Project.



X. CONCLUSION

The record of this Appeal shows that:

1. The Conceptual Plan Application, including the Site Development Plans and the Project Narrative, is incomplete, and did not comply with the requirements of the CDC, as detailed above; and
2. The Conceptual Approval was arbitrary and capricious, without a rational basis in fact or law, and contrary to the explicit provisions of the CDC, and therefore was improperly and unlawfully issued.

Because the Conceptual Plan Application does not include a plan to enforce the 14-day length of stay condition of CDC Section 4.1.190.A.1, it does not meet the requirements of the CDC. Accordingly, the Conceptual Approval should not have been issued, and it should therefore be reversed by the Planning Commission.

Because the Conceptual Plan Application does not include a landscape plan demonstrating compliance with the buffer condition of CDC Section 4.1.109.A.3, it does not meet the requirements of the CDC. Accordingly, the Conceptual Approval should not have been issued, and it should therefore be reversed by the Planning Commission.

Without a clear acknowledgement that RVs are prohibited from the Oyster Cove Campground development, the Conceptual Plan Application fails to demonstrate compliance with CDC Section 4.1.109.A.4. Accordingly, the Conceptual Approval should not have been issued, and it should therefore be reversed by the Planning Commission.

Because the Conceptual Plan Application does not include a tree plan demonstrating compliance with the tree requirements of CDC Section 4.1.190.A.5, it does not meet the requirements of the CDC. Accordingly, the Conceptual Approval should not have been issued, and it should therefore be reversed by the Planning Commission.

Because the Conceptual Plan Application was incomplete when submitted, under CDC Section 7.4.30.E.2.c, the Director was prohibited from processing the Conceptual Plan Application, and it should not have been acted on by the SRT. Accordingly, the Conceptual Approval should not have been issued, and it should therefore be reversed by the Planning Commission.



Because the materials submitted to the SRT in connection with the Conceptual Plan Application that resulted in the Conceptual Approval did not meet the requirements of the CDC, the Conceptual Approval should not have been issued, and it should therefore be reversed by the Planning Commission.

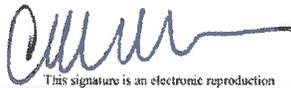
The Appellants asks that the Planning Commission consider this Appeal, the record of this matter, and the testimony and materials to be introduced into the record of this Appeal at the hearing, and find and hold that:

1. The requirements of CDC Section 4.1.190.A are mandatory;
2. CDC Section 4.1.109.A.4 prohibits RVs of any length from a Primitive Campground;
3. the Conceptual Plan Application for the development of Parcel A for the Oyster Cove Campground Project, including the Site Development Plans and the Project Narrative, was incomplete as submitted; and
4. the Conceptual Plan Application for the development of Parcel A for the Oyster Cove Campground Project, including the Site Development Plans and the Project Narrative, does not meet the requirements of the CDC;

and reverse the Conceptual Approval.

The Appellants reserve the right to submit additional materials, documents, and information, including, without limitation, copies of documents referred to in this Narrative to the Planning Commission in connection with this Appeal.

Respectfully submitted on behalf of the Appellants 22 April 2021.



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BEAUFORT COUNTY EXHIBIT A (11 pages)

COMMUNITY DEVELOPMENT CODE

- MULTI FAMILY AND NONRESIDENTIAL FINAL PLAN APPLICATION -

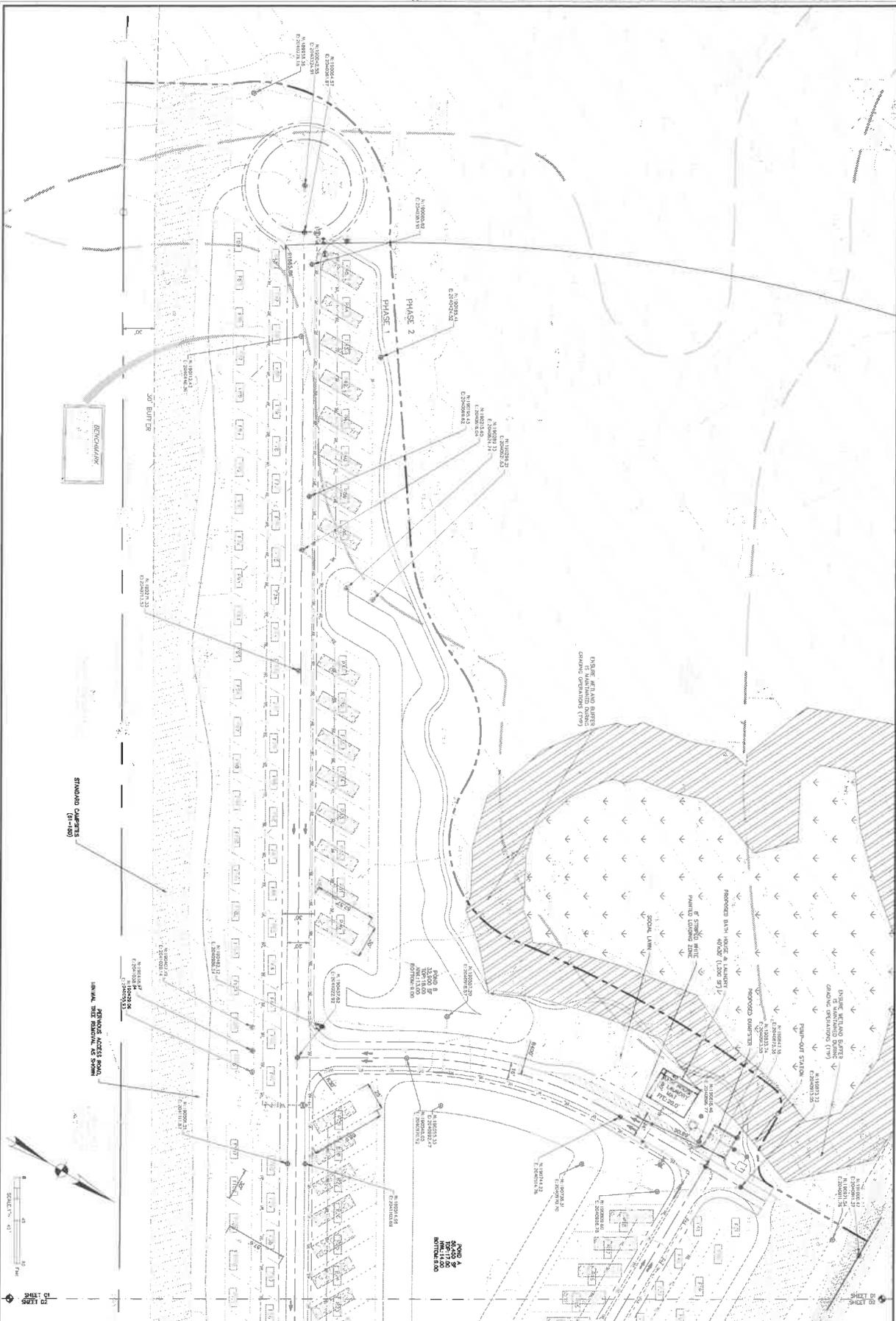
PERMIT	DATE ACCEPTED	RECEIVED BY	FILING FEE	RECEIPT#	ZONING T2 Rural	OVERLAY DISTRICT N/A
PROJECT NAME Oyster Cove Campground (FKA Okatie RV Resort)				PROJECT TYPE Commercial/Recreation Facility:Campground		
APPLICANT (DEVELOPER) NAME, ADDRESS, PHONE# Kenneth Scott Builders, INC 4 Oakland Place, Okatie, SC 29909, 843.815.3490				PROPERTY OWNER NAME, ADDRESS, PHONE# K & R Development LLC 4 Oakland Place, Okatie, SC 29909, 843.815.3490		
PROJECT LOCATION 60 Gaston Plant.Dr	PIN R600 009 000 0113 000	LAND AREA (ACRES) 56.1	BLDG SQ FT. 2,950	#BLDGS 2	#UNITS 1	FIRE DISTRICT Bluffton

- FINAL PLAN INFORMATION REQUIRED -

IS THE PROPERTY RESTRICTED BY RECORDED COVENANTS THAT ARE CONTRARY TO OR CONFLICT WITH THE REQUESTED PERMIT ACTIVITY? YES () NO ()

- | | |
|--|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> EIGHT BLACK LINE COPIES OF THE DEVELOPMENT SITE PLAN WITH INFRASTRUCTURE CONSTRUCTION DRAWINGS <input checked="" type="checkbox"/> VICINITY MAP SHOWING PROJECT LOCATION, NORTH ARROW, GRAPHIC SCALE AND DATE
<i>(Attached)</i> <input checked="" type="checkbox"/> DEVELOPMENT PROPERTY BOUNDARY LINES WITH BEARINGS AND DISTANCES
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> EXISTING ROADS, STREETS, HIGHWAYS ON OR ADJACENT TO PROPERTY (NAME, NUMBER, RIGHT OF WAY WIDTH)
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> EXISTING DRAINAGE DITCHES, CANALS, WATER COURSES ON OR ADJACENT TO PROPERTY
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> EXISTING BUILDINGS, STRUCTURES AND FACILITIES ON THE DEVELOPMENT PROPERTY
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> EXISTING ELECTRIC, TELEPHONE, GAS, WATER, SEWER UTILITY LINES ON OR ADJACENT TO THE PROPERTY
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> ADJACENT PROPERTY EXISTING LAND USES AND PROPERTY OWNER NAMES
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> NARRATIVE DESCRIBING NATURE & SCOPE OF PROJECT
<i>(Attached)</i> <input checked="" type="checkbox"/> WETLANDS BOUNDARY DETERMINATION & CERTIFICATION
<i>(N/A - Not within Project Limits)</i> <input checked="" type="checkbox"/> PROTECTED RESOURCES SURVEY
<i>(Attached)</i> <input checked="" type="checkbox"/> TREE SURVEY & INDICATION OF REQUESTED TREE REMOVAL
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> TREE PROTECTION ZONES & PROPOSED TREE PROTECTION METHODS
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> TREE PLANTING AND REPLACEMENT PLAN
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> DIGITAL COPY OF ENTIRE PROJECT | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> ARCHAEOLOGICAL/HISTORIC SITE DETERMINATION
<i>(Attached)</i> <input checked="" type="checkbox"/> EXISTING AND PROPOSED FIRE HYDRANT LOCATIONS
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> PROPOSED ACCESS TO EXISTING ROADS, CIRCULATION ROUTES, PARKING SPACE LAYOUT & DIMENSIONS
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> TRAFFIC IMPACT ANALYSIS (IF APPLICABLE)
<i>(N/A - See Assessment)</i> <input checked="" type="checkbox"/> PROPOSED SETBACKS, BUFFERS, OPEN SPACE/CIVIC AND LANDSCAPED AREAS
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> TOPOGRAPHIC SURVEY, DRAINAGE PLAN, CALCULATIONS, BMP ANALYSIS AND SWPPP APPLICATION
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> FINAL WATER SUPPLY & SEWAGE DISPOSAL PLANS
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> FINAL DESIGN & LAYOUT OF UNDERGROUND ELECTRIC, TELEPHONE, GAS & CABLE TV UTILITY LINES
<i>(Site Plans/Survey)</i> <input checked="" type="checkbox"/> LETTERS OF CAPABILITY & COMMITMENT TO SERVE WATER, SEWER, UNDERGROUND ELECTRIC & TELEPHONE FROM THE AFFECTED AGENCIES
<i>(Attached)</i> <input checked="" type="checkbox"/> FINAL HEALTH DEPARTMENT PERMITS OR APPROVALS FOR WATER AND SEWER SYSTEMS
<i>(Attached)</i> <input checked="" type="checkbox"/> OCRM PERMITS AND APPROVALS
<i>(Attached)</i> <input checked="" type="checkbox"/> CERTIFICATE OF DESIGN COMPLIANCE
<i>(N/A)</i> <input checked="" type="checkbox"/> SCDOT/COUNTY ENCROACHMENT PERMIT
<i>(Pending)</i> <input checked="" type="checkbox"/> FIRE SAFETY STANDARDS APPROVAL BY FIRE OFFICIAL
<i>(Attached)</i> <input checked="" type="checkbox"/> OTHER APPLICABLE AGENCY PERMITS OR APPROVALS
<i>(N/A)</i> <input checked="" type="checkbox"/> EXTERIOR LIGHTING PLAN
<i>(N/A)</i> |
|--|---|

APPLICANTS SIGNATURE _____ DATE _____ REVIEW DATE _____



SHEET
C401

OYSTER COVE CAMPGROUND
 BEAUFORT COUNTY, SOUTH CAROLINA
KENNETH SCOTT BUILDERS, INC
 Okatie, South Carolina
SITE LAYOUT, SIGNAGE & STRIPING PLAN

Ward Edwards
 ENGINEERING
 P.O. BOX 381, BLUEPOND, SOUTH CAROLINA 29910
 PH: (843) 837-3252 / FAX: (843) 837-3558
 WWW.WARDEDWARDS.COM

NO.	DESCRIPTION	DATE



NOT FOR CONSTRUCTION

Project: **Oyster Cove Campground – Phase 1**
Beaufort County, South Carolina
Coordinates: N 32° 19' 35" // W 80° 55' 27"

Date: February 16, 2021

Applicant: **Kenneth Scott Builders, Inc.**
Primary Contact: Ms. Jen Tosky
4 Oakland Place
Okatie, SC 29909
E: jenrtosky@gmail.com
P: 843.815.3490

Owner: **K&R Development LLC**
Primary Contact: Ms. Jen Tosky
4 Oakland Place
Okatie, SC 29909
E: jenrtosky@gmail.com
P: 843.815.3490

Agent: **Ward Edwards, Inc.**
Primary Contact: Willy Powell
P.O. Box 381
Bluffton, SC 29910
E: wpowell@wardedwards.com
P: 843-837-5250

Project Description

Kenneth Scott Builders is proposing to construct a campground at 60 Gaston Plantation Road in Okatie, South Carolina. The property is owned by K&R Development, LLC and is approximately 56.06 acres in size, identified by Beaufort County tax map number R600 009 000 0113 0000. The property is zoned T2R and is presently undeveloped.

Oyster Cove Campground is proposed to contain multiple types of campsites, with 180 standard sites, 125 flex sites, and 45 premium sites. In support of the campground will be a check-in center, bath house/laundry, parking area, access drives, landscaping, and associated infrastructure.

Zoning District

T2 Rural [T2R]

Proposed Use

Per Section 4.1.190 – Recreation Facility: Campgrounds, the T2R zoning allows the use of Primitive Campgrounds so long as the following conditions are met:

1. Length of Stay: All campers are limited to a 14-day length of stay
Noted

2. Zones: Primitive Campgrounds are allowed in the T1 Natural Preserve Zone and all T2 Rural zones.
Property is zoned T2 Rural
3. Buffers: Any tent sites shall be located no less than 30 feet from any property line.
30' buffer line is shown, with primitive campsites located a minimum of 30' from all property lines.
4. No RV's or camping trailers over 20-feet in length shall be allowed.
Noted
5. Tree Requirement: Existing Trees shall be left between campsites, to the maximum extent practical. If no trees exist, at least two trees shall be planted.
Existing trees capable of being saved (or worth saving) are shown on the Site Plans. For any campsite not capable of protecting existing trees, or where sites do not have existing trees, two trees per site will be provided. This is shown on the attached Tree Exhibit.
6. Accessory Uses: Facilities for the comfort and convenience of the camper may be provided such as bathing facilities, flushing toilets, grills, tables, fire pits, fire circles, and refuse collection.
A Check-in cottage and bath house are proposed and shown on the Site Development Plans.

Wetlands

There are no wetlands within the Phase 1 project limits.

Natural and Cultural Resources

As determined during the Concept SRT, the Phase 1 area contains 27.91 acres of Upland Forest (Young) area. Based Section 5.11.90, Upland Forest (Young) requires 25% existing forest preservation. As submitted and approved during Concept SRT, 7.42 acres (26.6%) of the existing forest area has been preserved.

Vehicle Access

A new access drive will be constructed along Callawassie Drive to service the proposed site. The proposed access drive will be utilized as a construction entrance and all construction traffic will use this access point. At the completion of construction activities, the entrance will be converted into a permanent drive.

Fire Protection & Emergency Access

The campground proposes full vehicular access via a one-way drive aisle of a minimum 14-foot width. The southernmost drive ending in cul-de-sac will be two-way with a minimum 20-foot drive aisle. The cul-de-sac serving this drive is 100-foot in diameter.

In addition, pull-off areas are shown to allow for the off-loading of trailers, vehicles, golf carts, etc. while still providing full site accessibility to emergency service vehicles.

In the case of emergency vehicles, a 12-ft wide emergency access has been provided for access to the campsites without having to proceed through the gate or check-in area.

Water & Wastewater

Water and Sewer mains, owned and operated by Beaufort-Jasper Water and Sewer Authority (BJWSA), area available for the subject property and are located within the Callawassie Drive right-of-way. Oyster Cove Campground proposes to utilize two package grinder pump stations to serve the site, with one located near the rear amenity areas and a second one located near the check-in cottage. The two grinder stations will tie into the existing force main off of Callawassie Drive.

Potable water & fire protection service will connect to an existing water main on Callawassie Drive.

Solid Waste

Solid waste removal will be the responsibility of the owner/management. In support of solid waste removal, two onsite dumpster areas are proposed.

Electrical & Gas Service

Electrical power will be provided by Palmetto Electric Cooperative, Inc.

Communication Services

Hargray Communications will provide telephone and cable services.

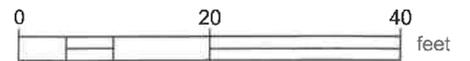
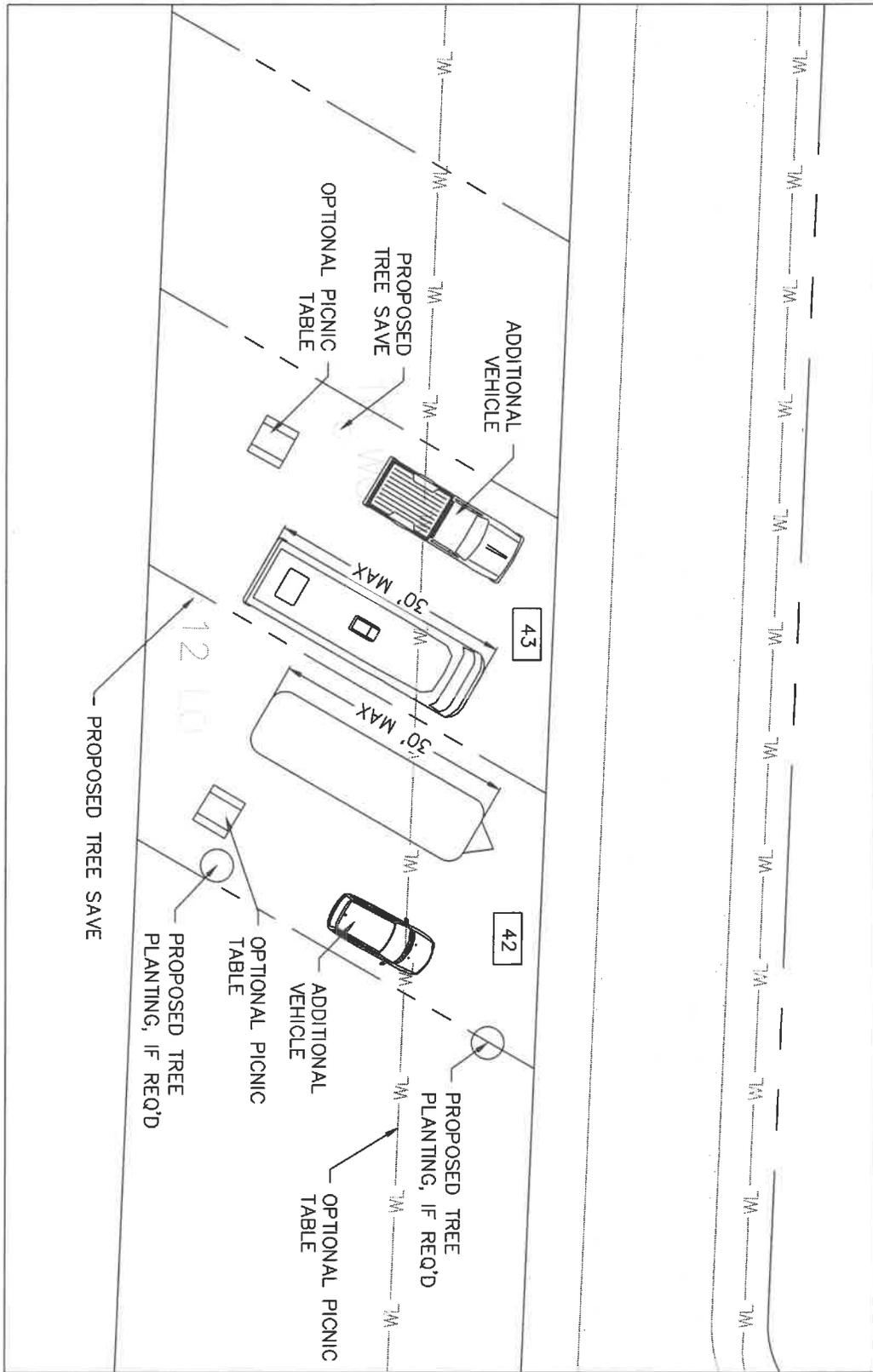
Stormwater Drainage

Stormwater runoff generated from the proposed development will be collected into storm inlets and routed to multiple wet ponds, with an ultimate outfall to an existing low area south of Phase 1. The ponds will have the capacity to address SCDHEC-OCRM quantity (2 & 10-yr storms), Beaufort County quantity (2 – 100 yr storms), SCDHEC-OCRM first flush retention requirements, and be in compliance with the Beaufort County Volume Control requirements for the effective impervious area.

In addition, the areas east of the existing ditch traversing the site will contain small infiltration basins to treat and release stormwater into the existing ditch. The prevents needing to collect and route runoff across the existing ditch system.

Project Phasing

The project is proposed to be constructed in multiple phases; however, only Phase 1 is being considered at this time.



P.O. BOX 381
 BLUFFTON, SC 29910
 PH (843) 837-5250
 FAX (843) 837-2558
 WWW.WARDEDWARDS.COM

TYPICAL CAMPSITE
OYSTER COVE CAMPGROUND
 BEAUFORT COUNTY, SOUTH CAROLINA

DATE: 07/17/20
 SCALE: 1" = 20'
 PROJECT NO. 150257D

COUNTY OF BEAUFORT

STAFF REVIEW TEAM
ACTION FORM

EXHIBIT B (1 page)

STAFF PRESENT – Eric Greenway (Interim County Administrator), Hillary Austin (Zoning Administrator), Nancy Moss (Community Development Planner), Tanner Powell (Stormwater), Katie Herrera (MS4 Reviewer), Michael Brantley (Building Codes), Lisa Anderson (Zoning Analyst III), Amanda Flake (Natural Resource Planner), Robert Merchant (Interim Planning & Zoning Dir.), Noah Krepps (Long Range Planner), Charles Atkinson (Building Codes Director), Bruce Kline (LI Fire Official), Dan Wiltse (Bluffton Fire Official)

PROJECT NAME: Oyster Cove Campground – Conceptual
PROJECT TYPE: Recreational Campground - Primitive

APPLICANT/DEVELOPER NAME, ADDRESS, PHONE NUMBER
Willy Powell, Ward Edwards Engineering, P.O. Box 381, Bluffton, SC 29910

PROJECT LOCATION: 60 Gaston Plantation Road
PIN: 600-009-0113
LAND AREA (ACRES): 56.1
LOTS/UNITS: 350 Camp sites
BLDG AREA (SQ FT): 2,950

DATE OF REVIEW: 3/24/2021
OVERLAY DISTRICT: N/A
FIRE DISTRICT: Bluffton
ZONING DISTRICT: T2-Rural

TYPE OF SRT REVIEW (CHECK ONE TO RIGHT): PRE-APPLICATION CONCEPTUAL FINAL

X CONCEPTUAL REVIEW LIST OF COMMENTS: The Director found that the Conceptual Plan met the following:

- The Oyster Cove Campground Conceptual Plan is consistent with the Comprehensive Plan as depicted on Map 4-7 of the Future Land Use Map for Southern Beaufort County.
- The Oyster Cove Campground Conceptual Plan complies with the applicable standards of the Development Code as verified and affirmed by the various staff members, who serve on the SRT, during the March 24th, 2021 meeting.
- The Oyster Cove Campground Conceptual Plan complies with all other applicable standards of State or federal law and of the Code of Ordinances which was required for the Conceptual Plan approval.
- The Oyster Cove Campground Conceptual Plan complies with all applicable requirements listed on the Conceptual Plan Application as verified and affirmed by the Planning and Zoning staff prior to the March 24th, 2021 SRT meeting.
- The Conceptual Plan for the Oyster Cove Campground is hereby **APPROVED**. Applicant can move forward with the Final Plan Approval.



ZONING AND DEVELOPMENT ADMINISTRATOR

3/25/2021

DATE

This being the same property conveyed to the within Grantor by Deed of Michael Fred Hall, recorded on January 6, 2015 in the Office of the Register of Deeds for Beaufort County, South Carolina in Record Book 3371 at Page 2142 and by Deed recorded in Book 2870 at Page 807.

THE within Deed was prepared in The Law Office of Paula M. Kilgore, LLC, P.O. Box 3606, 5 Commercial Place, Bluffton, SC 29910 without benefit of title examination.

TOGETHER with all and singular, the rights, members, hereditament and appurtenances to the said premises belonging, or in anywise incident or appertaining thereto.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the said Grantees, as joint tenants with the right of survivorship and not as tenants in common, their Heirs and Assigns, forever; subject, however, to the rights, conditions and restrictions that constitute covenants running with the land, all as set forth herein.

AND I do hereby bind myself and my heirs, assigns, personal representatives and administrators, to warrant and forever defend, all and singular, the said premises unto the said Grantees, their heirs, assigns, personal representatives and administrators against me and my heirs and assigns, and all persons whomsoever now and hereafter lawfully claiming, or to claim the same or any part thereof.

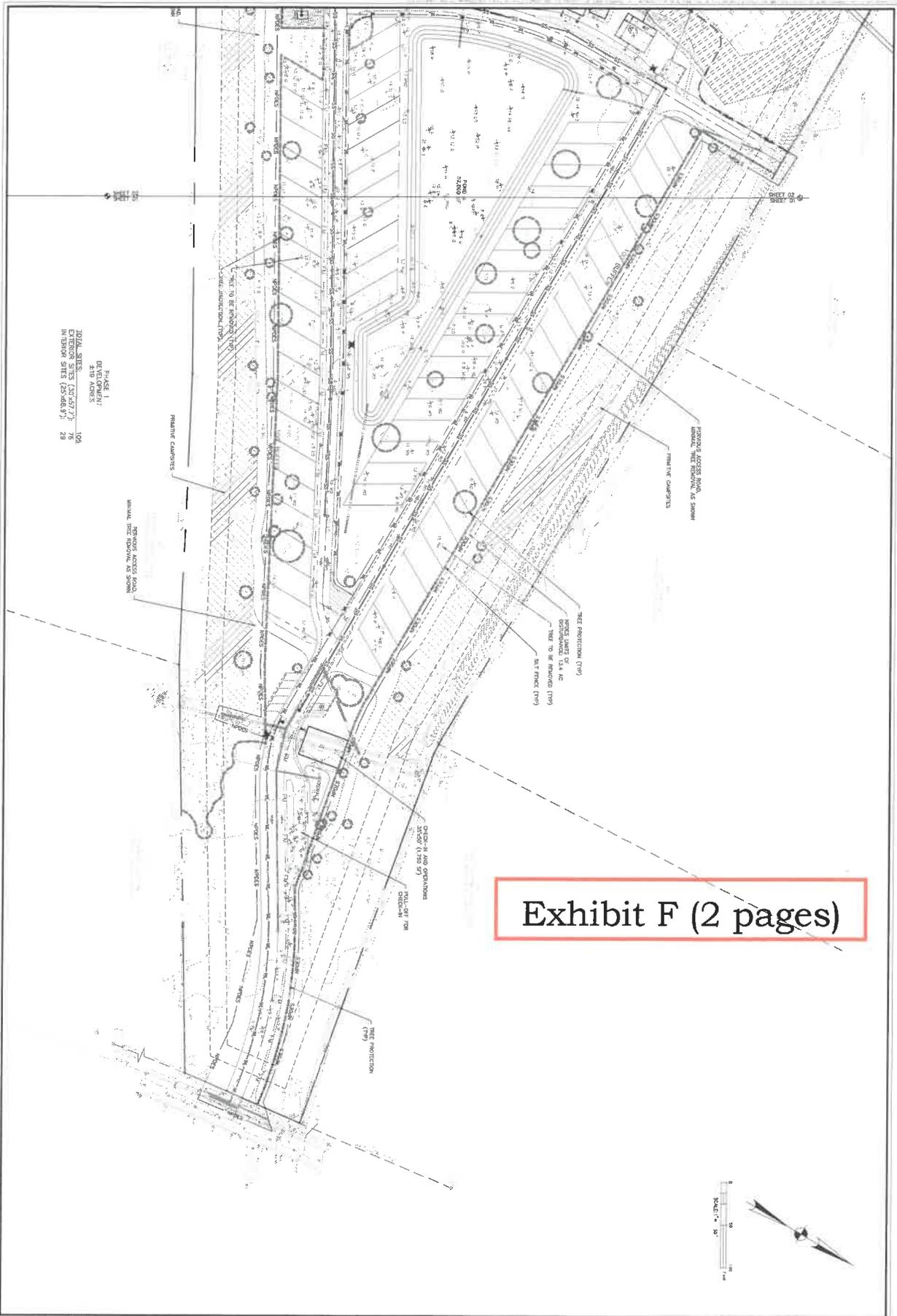


Exhibit F (2 pages)

SHEET
C001

OKATIE RV RESORT - PHASE 1
BEAUFORT COUNTY, SOUTH CAROLINA
KENNETH SCOTT BUILDERS, INC
Okatie, South Carolina
OVERALL SRT PLAN

Ward Edwards
ENGINEERING
P.O. BOX 301, BLUFFTON, SOUTH CAROLINA 29910
PH 843-837-5250 / FAX 843-837-2550
WWW.WARDEDWARDS.COM

NO.	DESCRIPTION	DATE

Ward Edwards, Inc.
Professional Engineer
No. C00152
South Carolina
Professional Seal
No. 25724
9-27-19
WILLIAM G. POWELL

NOT FOR CONSTRUCTION



SHEET
C002

OKATIE RV RESORT - PHASE 1
 BEAUFORT COUNTY, SOUTH CAROLINA
KENNETH SCOTT BUILDERS, INC
 Okatie, South Carolina
OVERALL SRT PLAN

Ward Edwards ENGINEERING
 P.O. BOX 381 • BEAUFORT, SOUTH CAROLINA 29910
 PH (843) 837-5250 / FAX (843) 837-5558
 WWW.WARDEDWARDS.COM

NO.	DESCRIPTION	DATE

Professional Engineer Seal for WARD EDWARDS, INC. No. 200152, State of South Carolina. The seal includes the text 'SOUTH CAROLINA', 'BOARD OF ARCHITECTURE', 'WARD EDWARDS, INC.', 'No. 200152', 'WILLIAM C. POWELL', and 'REGISTERED PROFESSIONAL ENGINEER'.

NOT FOR CONSTRUCTION

LAW OFFICE OF
THOMAS C. TAYLOR, LLC

ADMITTED TO THE UNITED STATES
SUPREME COURT BAR

ADMITTED IN SOUTH CAROLINA,
COLORADO AND GEORGIA

CERTIFIED SC CIRCUIT
COURT MEDIATOR

22 BOW CIRCLE
SUITE A
HILTON HEAD ISLAND, SC 29928

TELEPHONE 843-785-5050

TELECOPIER 843-785-5030

www.thomastaylorlaw.com • tom@thomastaylorlaw.com

MAILING ADDRESS
P.O. BOX 5550
HILTON HEAD ISLAND, SC
29938

May 12, 2021

RECEIVED

MAY 13 2021

Community
Development Dept.

Via U.S. Mail and E-Mail Attachment to: EdPappas42@gmail.com

The Honorable Edward J. Pappas
Chairman, Beaufort County Planning Commission
PO Drawer 1228
Beaufort, SC 29910-1228

Re: John Keith Lupton and Kristine Marie Lupton's April 22, 2021 Application for Administrative Appeal to the Beaufort County Planning Commission of the March 24, 2021 decision by Robert S. Merchant, AICP, and the SRT, to approve the Conceptual Plan Application for the proposed Oyster Cove Campground development

Dear Chairman Pappas:

As you may recall, Chester C. Williams and I represent John Keith Lupton and Kristine Marie Lupton, who own property adjacent to the site of the proposed Oyster Cove Campground development. On April 22, 2021, we filed on behalf of the Luptons, an Application for Administrative Appeal to the Planning Commission, of the decision rendered by Robert S. Merchant, AICP, the Interim Director of the County's Community Development Department. and the County Staff Review Team (SRT) to approve the Conceptual Plan Application for the proposed Oyster Cove Campground development, as evidenced by the March 25, 2021 Development Review Team Action Form signed by Hillary A. Austin, the County's Zoning Administrator. That Application for Administrative Appeal was hand-delivered to the County on the afternoon of April 22, 2021, and a copy sent to you via email and by US Mail that day. Since that date, we have heard nothing concerning when the Planning Commission will hear the Luptons' appeal.

I write today because we understand that a Planning Commission meeting has been set for June 6, 2021, and we want to remind you of the state statute that requires the Planning Commission to act on the Luptons' appeal with sixty (60) days. South Carolina Code Annot. Section 6-29-1150 (C), in reference to an appeal to the Planning Commission of staff action to approve or disapprove a land development plan, states, in part, "The planning commission must act on the appeal within sixty days, and the action of the planning commission is final." Thus, South Carolina state law

The Honorable Edward J. Pappas
Chairman, Beaufort County Planning Commission

Re: John Keith Lupton and Kristine Marie Lupton's April 22, 2021 Application for Administrative Appeal to the Beaufort County Planning Commission of the March 24, 2021 decision by Robert S. Merchant, AICP, and the SRT, to approve the Conceptual Plan Application for the proposed Oyster Cove Campground development

May 12, 2021

Page 2

requires that the Planning Commission act on the Luptons' appeal by June 21, 2021, and therefore, we are asking that this appeal be added to the Planning Commission's agenda for June 6, 2021. Otherwise, since the Planning Commission normally meets only once a month on the first Monday of the month, the Planning Commission would have to hold a special meeting no later than June 21, 2021 to hear the Luptons' appeal and comply with state law.

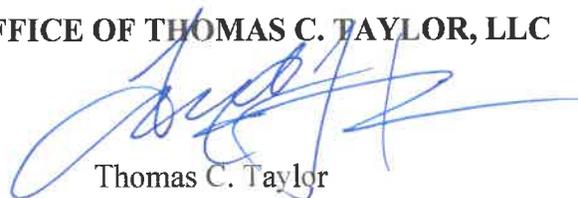
Please let us know if we can provide you or the other Planning Commission members with any other information to assist in your preparations to hear this appeal. Thank you.

I am copying this letter to Mr. Merchant to also remind the County staff of the time requirement of S.C. Code Annot. Section 6-29-1150 (C), and I am also providing email copies of this letter to Cheryl Shoun and Nicole Scott, who represent the Oyster Cove Campground developers.

With best regards, I am,

Cordially,

LAW OFFICE OF THOMAS C. TAYLOR, LLC



Thomas C. Taylor

TCT/dpt

cc: Robert S. Merchant, AICP, via email
Cheryl Shoun, Esq., via email
Nicole Scott, Esq., via email
Chester C. Williams, Esq., via email