



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION
Multi-Government Center • 100 Ribaut Road, Room 115
Post Office Drawer 1228, Beaufort SC 29901-1228
Phone: (843) 255-2140 • FAX: (843) 255-9432

PLANNING COMMISSION
Monday, October 6, 2014
6:00 p.m.
Council Chambers, Administration Building
100 Ribaut Road, Beaufort, South Carolina

In accordance with South Carolina Code of Laws, 1976, Section 30-4-80(d), as amended, all local media was duly notified of the time, date, place and agenda of this meeting.

1. COMMISSIONER'S WORKSHOP – 5:30 P.M.
Planning Office, Room 115, County Administration Building
2. REGULAR MEETING – 6:00 P.M.
Council Chambers
3. CALL TO ORDER – 6:00 P.M.
4. PLEDGE OF ALLEGIANCE
5. REVIEW OF MINUTES
 - A. JULY 7, 2014 (backup)
 - B. AUGUST 4, 2014 (backup)
 - C. SEPTEMBER 4, 2014
6. CHAIRMAN'S REPORT
7. PUBLIC COMMENT ON NON-AGENDA ITEMS
8. TEXT AMENDMENT TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), APPENDIX H (COMMERCIAL FISHING VILLAGE OVERLAY DISTRICT), SECTION 5, DEVELOPMENT STANDARDS (AMEND TO REGULATE THE OFF-LOADING, PACKING, AND TRANSPORTING OF CANNONBALL JELLYFISH) (backup)
9. ~~ZONING MAP AMENDMENT/REZONING REQUEST: LADY'S ISLAND R200-15-51, -51A, -724, & -725 (39.09 ACRES, KNOWN AS THE VILLAGE AT OYSTER BLUFF PUD, FORMERLY KNOWN AS THE VILLAGE AT LADY'S ISLAND) FROM LADY'S ISLAND COMMUNITY PRESERVATION (LICP) DISTRICT & LADY'S ISLAND EXPANDED HOME BUSINESS DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD); OWNER: B. MCNEAL PARTNERSHIP LP / APPLICANT: BENNETT MCNEAL / AGENT: JOSH TILLER (WITHDRAWN BY APPLICANT'S ATTORNEY FOR FURTHER WORK)~~



10. ZONING MAP AMENDMENT / REZONING REQUEST: NORTHERN BEAUFORT COUNTY R700-35-51 (4 ACRES) FROM PLANNED UNIT DEVELOPMENT (PUD) TO RURAL/R; OWNER: CLARENDON FARMS LLC/AGENT: DAVID TEDDER ([backup](#))
11. TEXT AMENDMENT OF CHAPTER 4 (FUTURE LAND USE) OF THE BEAUFORT COUNTY COMPREHENSIVE PLAN TO INCLUDE A PLACE TYPE OVERLAY FUTURE LAND USE DESIGNATION ([backup](#))
- ~~12. TEXT AMENDMENT TO ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO), ARTICLE II. ADMINISTRATIVE BODIES AND AGENTS, SUBDIVISION III. PLANNING COMMISSION, SEC. 106-142. MEMBERSHIP, SUBSECTION (F) VACANCY (TO ALLOW AN AT-LARGE APPOINTMENT TO FILL AN UNEXPIRED TERM OF A GEOGRAPHICAL REPRESENTATIVE OF THE PLANNING COMMISSION WITH A QUALIFIED AT-LARGE CANDIDATE) (**REMOVED BY STAFF**)~~
13. OTHER BUSINESS
 - A. Next Meeting – Monday, November 3, 2014, at 6:00 p.m.
14. ADJOURNMENT



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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, July 7, 2014, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Robert Semmler, Chairman	Mr. John Thomas, Vice-Chairman	Ms. Jennifer Bihl
Mr. Charles Brown	Ms. Carolyn Davis	Mr. Marque Fireall
Mr. Edward Riley III	Mr. Randolph Stewart	

Members Absent: Ms. Diane Chmelik

Staff Present:

Mr. Anthony J. Criscitiello, Planning Director
Ms. Delores Frazier, Assistant Planning Director
Ms. Barbara Childs, Admin. Asst. to Planning Director

CALL TO ORDER: Chairman Robert Semmler called the meeting to order at approximately 6:04 p.m.

PLEDGE OF ALLEGIANCE: Mr. Semmler led those assembled in the Council Chambers with the pledge of allegiance to the flag of the United States of America.

REVIEW OF MINUTES: The May 5, 2014, Commission minutes were reviewed. **Motion:** Mr. John Thomas made a motion, and Mr. Marque Fireall seconded the motion, **to accept the May 5, 2014, minutes as written.** The motion **passed** (FOR: Bihl, Brown, Fireall, Riley, Semmler, Stewart, and Thomas; ABSTAINED: Davis; ABSENT: Chmelik).

CHAIRMAN’S REPORT:

- **Introducing Newest Planning Commissioner:** Mr. Semmler noted that Ms. Carolyn Davis was the newest Planning Commissioner. She replaced Mr. Ronald Petit as the Port Royal Island representative. He thanked her for serving.
- **Agenda:** Mr. Semmler noted he may recess between the two items on the agenda, for the convenience of the audience.
- **Other:** The Atlanta Braves are only a half game ahead. But they won 9 out of 11 games, and that’s a good thing.

PUBLIC COMMENT on non-agenda item: No comments were received.

ADMINISTRATIVE APPEAL OF DEVELOPMENT REVIEW TEAM (DRT) DECISION ON MINOR RIVER BUFFER GRANTED TO 27 GOLDEN DOCK ROAD, ST. HELENA, SC

Mr. Jim Meggs, the Planning Commission attorney, stated that the Appellants’ attorney, Mr. Jim Grimsley, wanted a statement read prior to the Appeal process.

Mr. Semmler read a statement on the procedure regarding administrative appeals ([see attached](#)). He noted that the public did not have an opportunity to speak, only the government and the appellant.

Mr. David Tedder is the representative of the permit holder, a third party, and noted he should have an opportunity to speak, based on the adopted rules of procedure. Mr. Semmler asked Mr. Tedder if he spoke before the DRT during the permitting process. Mr. Tedder said that he did.

Mr. Randolph Stewart asked for clarification on the administrative appeal procedure.

Mr. Semmler read a portion that the Appellant's attorney asked to be read prior to the Administrative Appeals. This statement came from Mr. Joshua Gruber, County Attorney, to Mr. Jim Meggs and Mr. David Tedder.

"This matter comes before the Planning Commission on an appeal from the Design Review Team granting approval of permit 5220. Specifically, this Appeal involves the question of whether or not the Design Review Team should have granted a permit allowing for the enlargement of a concrete pad on the property located at 27 Golden Dock Road, St. Helena Island, SC."

General Nature of the Case

Mr. Joshua Gruber, County Attorney, noted that Permit #5220 which was issued by the Design Review Team on April 23, 2014. The property owner undertook certain improvements to his property without the necessary permits in place. That matter was discovered and brought before the DRT for an after-the-fact review. The owner had to demonstrate that he was entitled to a permit or remove the structure created. There were several hearings before the Design Review Team (DRT) where testimony and evidence were given by staff, the applicant (property owner), and members of the general public. After hearing all the matters, the DRT determined that within the Zoning and Development Standards Ordinance (ZDSO) it was proper and appropriate to issue the permit.

Specific Basis For Appeal By Appellant or Its Representative

Mr. Jim Grimsley, representing the Appellants, noted that an after-the-fact permitting is involved. He handed out items to the Commission that were pre-approved by Mr. Meggs and Mr. Gruber. Mr. Grimsley noted that a concrete slab was built January 2014 on the property that is near Jenkins Island and east of Dataw Island. He discussed his handout, including a picture of the concrete slab. He noted that the applicant applied after-the-fact where the slab encroached into the river buffer area. The permit application noted that the applicant was requesting a minor waiver of the river buffer. He noted that the 2009 Khalil plat considered by the Development Review Team (DRT) showed semi-trailers that did not exist on-site post concrete slab. The Appellant asserts that the Khalil plat was superimposed onto the 2014 Carolina Consulting Engineering plat that the DRT reviewed, and should not have been considered because of the absence of the two semi-trailers. The DRT determined that there was a concrete slab under the semi-trailers. The Appellant contends that there was no concrete slab under the semi-trailers. The concrete slab extends 17% of the river buffer, which substantially exceeded beyond the river buffer area. More than 50% of the river buffer on the property is covered by permanent structures. Mr. Grimsley contends that the slab is the first step by the property owner to expand operation of another activity.

Mr. David Tedder objected. Mr. Joshua Gruber also objected since the appeal was strictly about the concrete slab irrespective of what activity will occur on the slab.

Mr. Grimsley asserted that the environmental impact was discussed by the DRT and he believes it should be brought up at the Commission meeting.

Mr. Meggs advised the Planning Commission that Mr. Grimsley should specifically identify the ZDSO standards that address the environmental impact implied.

Mr. Grimsley noted the ZDSO sections in the river buffer section that were mentioned during the DRT review.

Mr. Tedder clarified that the environmental affect of the concrete slab only was discussed should be discussed because the permitting of any other activity will occur at a later date.

Mr. Semmler asked Mr. Grimsley to address the concrete slab permit issue solely.

Mr. Grimsley noted that the DRT erroneously granted the permit without visiting the site and using erroneous plats. The semi-trailers have not returned to the site. The DRT granted a major waiver, exceeding the 15% threshold of a minor waiver. He believes the Planning Commission can uphold the permit, reverse the DRT decision where the encroaching portion of the slab in the river buffer area must be removed, or remand back to the DRT for additional review of the slab to determine if there was pre-existing concrete under the current slab.

Extenuation and/or Mitigating Factors

Mr. Joshua Gruber noted that the Appellants, Dataw Island Owners Association, lack standing to bring the appeal before the Planning Commission. He explained that they are not directly affected and do not meet the sufficiency test. The Planning Commission can dismiss the appeal due to the sufficiency standing. However, Mr. Gruber asked that the Commission consider that the DRT have to weigh the information before them, including the accuracy of the plat from a state licensed surveyor. Per the plat, the slab was below the 10% threshold of the river buffer. The Zoning and Development Administrator (ZDA) has the authority to grant the permit, but took caution to send the application to the DRT due to the issue involved. He noted that the DRT did consider the environment issue by requiring the addition of a drainage discharge with a bio-swale to mitigate any potential future consequences.

Mr. David Tedder handed out information to the Commission that was previously vetted by Mr. Meggs and Mr. Gruber. Mr. Tedder represents Jenkins Creek Marina, the permit holder who owns the land and the dock and leases it to others. Mr. Tedder admitted a violation of pouring a concrete slab without a permit. He noted that standing was jurisdictional and constitutional. The law is clear on what is organizational standing. A non-profit organization (Dataw Island Owners Association) is not allowed to represent a third party—the Goldens. There is no evidence of standing or harm to the appellant. Mr. Tedder noted several cases regarding corporations that can execute only if it is in the covenants and a super majority of the owners. He cited other cases regarding standing. He noted Appendix H, Fishing Village Overlay, was added after the fact. He noted that docks were grandfathered and every 5 years at 15% increase is allowed. He explained the various plats with ever increasing information as requested by the DRT. He noted that the appeal was submitted beyond the 30-day requirement of the date the permit was granted. He stated that he believed that the DRT had the right to grant the permit. He asked that the Commission deny the appeal on the basis of a lack of standing, failure to bring the appeal to Commission, failure to bring timely appeal, and did not exceed 15% of river buffer.

Mr. Semmler noted that he would recess for a five-minute break to read the handouts. He noted that the Commissioners would not discuss anything among themselves.

Note: Mr. Semmler recessed the meeting at 7:03 p.m. and reconvened the meeting at 7:14 p.m.

Mr. Semmler asked if any Commissioner had any legal questions, if so they would move into Executive Session. Commission discussion included a potential conflict of interest where Mr. Meggs and Mr. Marque Fireall were excused to discuss that potential in Executive Session.

Note: Mr. Semmler recessed the meeting at 7:20 p.m. for an Executive Session. The meeting was reconvened at 7:24 p.m.

Further Commission discussion included the date of the development permit (April 9 or April 23), the timeliness of the appeal made on May 15, the Appellant's standing as they are across the water body from the property, an explanation of standing having to affect specifically and cause articulate harm, the next door property owners not having expressed their opinion, allegations of false statements via plats, stormwater measures commended, environmental impact being DHEC purview, the Karlyk survey showing all the Khalil info, the grandfathering question where Gruber and Tedder agrees but Grimsley disagrees, permitting of all impervious surfaces, clarification on the river buffer calculations, the Fishing Village overlay rationale, and the applicant's admission to after-the-fact permitting.

Motion: Mr. John Thomas made motion, and Mr. Charles Brown seconded the motion, to move into Executive Session for legal advice from Mr. Meggs, the Planning Commission's legal counsel. Let the record show that there was no objection to the motion, so it was unanimously accepted and the Commission moved into Executive Session in the Executive Conference Room.

Note: Executive Session began at 8:00 a.m., and the Chairman Robert Semmler reconvened the Commission Meeting at 8:09 p.m.

Mr. Semmler noted his appreciation to all. He asked the Commissioners if they had any other questions, and none was noted.

Final Arguments:

The Appellant: Mr. Grimsley noted that he believed the integrity of the process was compromised. He wants the permit to be rescinded. A proper plat should be commissioned. A sampling should be made of the concrete pad to see if there is old concrete within. He referred to items on the plat—trailers and old concrete. He wants to protect the integrity of the process; unfortunately, they (the DRT) had incorrect information.

Mr. Gruber/County Attorney: Contrary to popular belief, the DRT protects properties to improve the waterways of this County. The natural beauty is the County's positive feature. One of the core tenants is seafood processing that is shown on the County seal. The standard of review is whether the DRT had information before them when they made their decision based on the Zoning and Development Standards Ordinance (ZDSO). The DRT deemed the newly poured concrete was minor in nature. Given the facts, the law would deem that the Commission approve the DRT permit.

Mr. Tedder thanked the Commission for protecting the integrity of the process. There are laws that we are governed by. There are standings cases that show there must be more than was shown. Regarding standing, everyone along the waterways would have standing, include Savannah, but those standings have been rejected by the courts. The DRT decision should be sustained. If you stay within the bounds of the law, you will find that proper standing does not exist. He believes April 9 is the permit date, not April 23.

Vote:

Motion: Mr. John Thomas made a motion regarding the timeliness of the application, and Mr. Charles Brown seconded the motion, **that the application was not timely since the permit was issued on the 9th and the application was submitted on the 15th.** The motion was passed (FOR: Bihl, Brown, Fireall, Riley, Semmler, Stewart, and Thomas; AGAINST: Davis; ABSENT: Chmelik).

Motion: Mr. John Thomas made a motion regarding standing, and Mr. Charles Brown seconded the motion, **that the Dataw Island Property Owners Association does not have standing in this issue.** The motion failed due to a tie vote (FOR: Bihl, Brown, Riley, and Thomas; AGAINST: Davis, Fireall, Semmler, and Stewart; ABSENT: Chmelik).

Motion: Mr. John Thomas made a motion regarding the merits of the Appeal, and Mr. Marque Fireall seconded the motion, **to deny the administrative appeal since it lacks merit and the DRT did not err in their decision to issue the permit.** The motion was passed (FOR: Bihl, Brown, Davis, Fireall, Riley, Semmler, Stewart, Thomas; ABSENT: Chmelik).

Announcement of Ruling:

On the Administrative Appeal of the Development Review Team (DRT) decision on a minor river buffer granted to 27 Golden Dock Road, St. Helena, SC, the Planning Commission finds that the DRT did in fact act appropriately in their determination. In timeliness, the Applicant was not timely in their application; regarding standing, the Commission had no finding regarding the Applicant's standing; and the Commission denied the administrative appeal since it lacks merit and the DRT acted appropriately in their decision to issue the permit.

Mr. Meggs will draft a final order for the Commission. ([attached](#))

Mr. Gruber wanted it stated that there was no finding as to standing.

Mr. Semmler excused those attending the meeting for the appeal.

Note: Mr. Semmler recessed the meeting at 8:28 p.m. and reconvened the meeting at 8:29 p.m.

OSPREY POINT PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN AMENDMENT (R603-000-013-0006, 119.75 acres); OWNER: LCP III LLC (J. NATHAN DUGGINS III), AGENT: JOSHUA TILLER

Mr. Anthony Criscitiello briefed the Commission. In 2008, an extensive analysis occurred regarding creating a unique neighborhood, capitalizing on one of the few remaining parcels of land capable of sustaining such a neighborhood. In the past, the School District built Okatie Elementary School in the middle of a rural area to where the children would be, and are still, bussed. The neighborhood

surrounding the school provided the site for a comprehensive innovation utilizing advanced planning techniques for the community, to achieve internal capture of trips, and provide basic needs through the PUD process. The interconnected mixed-use neighborhood was an ambitious plan that would have been a milestone development in Beaufort County; however, a recession halted the development. Now the economy is starting to turn around, and it is the worst time to abandon the original ideal plan. Mr. Criscitiello read the staff recommendation:

“Staff recommends denial of the Osprey Point master plan amendment. The revised master plan reduces or eliminates most of the unique attributes – the mix of land uses, mix of housing types, integrated street network, and pedestrian friendly development that made this PUD acceptable to County Council when it was adopted in 2008. The revised master plan also no longer meets the purpose and intent of the PUD option. The PUD option is intended allow creative site planning, mix of land uses and clustering to further the goals of the Comprehensive Plan. The PUD was not intended to be used as a vehicle to attain greater residential density than what would otherwise be permitted by a conventional zoning district.”

The proposal is a front-loaded subdivision with each residence accessed by a single driveway and the effect will be of medium quality and undistinguished in terms of its effect. Mr. Criscitiello noted that the adjacent River Oaks PUD is lining up to come in to do the very same thing as Osprey Point PUD. In recognition of the originally integrated planned neighborhood, to allow these master plan amendments is ill-advised. Mr. Criscitiello asked that the staff recommendation of denial of the master plan amendment be supported by the Commission. Additionally, the Development Agreement that follows this master plan amendment is the more important of the documents that is implemented by County Council. The master plan shown in the development agreement overrides what is presented to the Planning Commission tonight. Mr. Criscitiello submits that interconnectivity is not involved, either by road or pedestrian linkages, as originally intended. The park to the north will have most of its pedestrian traffic through the gated neighborhood. The connector road is paramount and should be required before the first housing unit is built. Otherwise, the commercial piece [along Highway 278] will probably be sold off and will never be built, in Mr. Criscitiello's opinion. Mr. Criscitiello suggested if the Commission wished to accept the amendment then include the connector road and the other road to the connecting PUD in the master plan amendment and the accompanying Development Agreement master plan.

Applicant's Comments.

1. Mr. Lewis Hammet, the applicant's attorney, noted that he had worked on all three properties [Okatie Marsh, Osprey Point, and River Oaks]. All three properties were owned independently of each other, but cooperated with the planning effort. Okatie Marsh and Osprey Point had the most density, with commercial and riverfront areas. All three properties were PUDs with Development Agreements. The economy seriously fell apart, and no development has occurred on any of the three properties. Okatie Marsh, north of Osprey Point, was purchased by the County through its Rural and Critical Land Preservation Program to be preserved from development. So, half of the development is gone. River Oaks, south of Osprey Point, was to be a nursing home and assisted living, but went into bankruptcy. He noted working with the Planning staff to make major accommodations in case River Oaks does come forth for development. The original concept [Okatie Village] can no longer work because Okatie Marsh cannot be developed. A national developer wants to build a premier age-restricted active-adult gated residential community. The commercial area has been lowered from 207,700 square feet to 190,000. The residential density was lowered from 527 dwelling units to 396. The waterfront has 8-1/2 acres of open space park available to the residents. The age-restricted community will

have no children to affect the nearby school [Okatie Elementary]. All the environmental standards will not be changed. There is interconnectivity up to the commercial area and to the waterfront. Pocket parks have been added for the residents. More trails and open space has been added. There is a road along the property line where River Oaks can access the commercial area. There are no changes to the commercial area. His client volunteered to improve and maintain a couple of park acreage on Okatie Marsh, and agreed to have a fire station on Osprey Point. There will be 15 affordable housing units because of the workforce housing requirement. They have preserved the essential elements of the PUD.

2. Mr. Joshua Tiller, a landscape architect, was involved in the re-planning of the property. He noted that the elements proposed in property exist in the original Osprey Point master plan. Mr. Tiller noted that front-loaded lots were part of the Okatie Marsh and Osprey Point PUDs. He noted the club house amenities involved and the live oaks/tree canopy in the park area will be retained, but the commercial and residential densities were reduced.

Public Comment: Mr. Reed Armstrong of Coastal Conservation League read the following:

“Quoting from the original PUD and Development Agreement of 2008 for Osprey Point, they called for the ‘creation of a sustainable mixed use community’ designed around ‘traditional urbanish’ and guidelines of both ‘form based’ and ‘transect based’. The master plan presented plans for a pedestrian based community with assigned transect zones consisting of a ‘mixed used Village Center’ and grading from the Village Center to high density mixed use residential to lower density residential zones to a ‘natural Riverfront area’.

The current proposal would convert this design into nothing more than a high density, auto-dependent, single use, high density residential subdivision with a separate commercial area.

This seems to be such a fundamental change to the concepts of the original PUD that is far more than simply an amendment, but an entirely new concept for developing the property, and so should be denied.”

Discussion by Commission included pedestrian safety concerns, active adult community versus independent senior living, having transects throughout the PUD, the park had an environmental purpose, an economic analysis was made for original PUD, recommending a community outreach, recommend starting with a new PUD process, the lack of requirement for active or non-active adults, the reduction of open space from 13 to 8 acres, noting the density increase from Suburban zoning, requiring the connector road for the residential area, the acreage involved in the original Okatie Village versus the proposed Osprey Point amendment, concern with the placement of smaller lots side-by-side rather than spread throughout the development, and the numerous PUDs in the County.

Motion: Mr. Thomas made a motion **to deny** the master plan amendment. No second was offered. The motion **did not pass**.

Mr. Hammet stated that his client was willing to make the changes that were discussed by the Planning Commission.

Mr. Semmler indicated the original motion did not pass since there was no second to the motion.

Motion: Mr. Thomas made a motion, and Mr. Brown seconded the motion, **to recommend deferring a decision for 30 days so that the applicant can re-develop the master plan**

amendment regarding the transect language and how it affects the development. The motion **passed** (FOR: Bihl, Brown, Davis, Fireall, Riley, Semmler, Stewart, and Thomas; ABSENT: Chmelik).

OTHER BUSINESS: Mr. Semmler noted that the next Commission meeting is scheduled for Monday, August 4, 2014.

ADJOURNMENT: Motion: Ms. Davis made a motion, and Mr. Brown seconded the motion, **to adjourn the meeting.** The motion **was carried** (FOR: Bihl, Brown, Fireall, Riley, Semmler, Stewart, and Thomas; ABSENT: Chmelik). The meeting was adjourned at approximately 9:26 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: September 4, 2014, as written

Note: The video link of the July 7, 2014, Planning Commission meeting is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=1654

STATE OF SOUTH CAROLINA)	
)	IN RE: ADMINISTRATIVE APPEAL
COUNTY OF BEAUFORT)	
Beaufort County Planning)	DEVELOPMENT REVIEW TEAM (DRT)
Commission)	DECISION ON MINOR RIVER BUFFER
_____)	WAIVER – 227 GOLD DOCK ROAD, ST. HELENA, SOUTH CAROLINA

This matter came on for hearing before the Beaufort County Planning Commission at the Commission’s July 7, 2014 meeting. Present at the meeting were the following: Commission Members Bihl, Brown, Davis, Fireall, Riley, Semmler, Stewart and Thomas; the Appellant Dataw Island Property Owners Association (“Dataw”) and its attorney, James Grimsley, III; County Attorney Joshua Gruber, representing County staff; David A. Tedder, Esquire representing the Permittee; James S. Meggs, Esquire, special counsel to the Planning Commission; and members of the public.

NATURE OF PROCEEDINGS

Dataw appeals from the decision of the County’s Design Review Team (DRT) granting a permit with a waiver from certain river buffer setback requirements set forth in the County’s Zoning and Development Standards Ordinance (ZDSO). The Zoning Administrator and DRT are vested with initial decision making authority in such matters by Section 106-261 of the ZDSO. Appeals from DRT decisions in these matters are directed to this Commission pursuant to Section 106-141(9) ZDSO.

SCOPE OF REVIEW

Section 106-787 ZDSO provides for limited scope of review as follows:
Appeals from a decision of administrative agents shall be heard by the ZBOA or the planning commission as appropriate, based solely on the materials (plans, documents, reports, studies, drawings, and testimony) available to the body or agent rendering the initial decision and advisory bodies prior to the decision. Appeals shall not consider new or altered plans, except that information submitted, but not discussed or considered in rendering a decision, shall be considered part of the original evidence. If hearings were held and testimony given, transcripts and other record items of those proceedings shall be the exclusive bases of the appeal. The appeal shall also consider this chapter's standards and state law.

The Commission's decision making authority is prescribed by Section 106-788 ZDSO as follows:

- (a) The zoning board of appeals or the planning commission is limited to the following determinations for an administrative appeal:
 - (1) The decision-maker made an error in reviewing whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was met.
 - (2) Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.
 - (3) The decision-maker made the decision on standards not contained in this chapter or other county ordinances, regulations, or state law, or a standard more strict or broad was applied. This chapter does not permit administrative decision-makers to consider or create standards not officially adopted.
 - (4) An error in applying a standard or measuring a standard was made.

As will more fully appear below, the Commission concludes that no error was committed by the DRT in the instant case.

PROCEDURAL AND FACTUAL BACKGROUND

On March 11, 2014, the Permittee made application for a permit to pour a concrete pad upon property located at 27 Golden Dock Road, TMP-R300-011-000-001E-0000, Beaufort County, South Carolina. The Subject Property lies within a zone established by County Council designated as "commercial fishing village." It appears that the subject property has been used for many years as a commercial seafood dock and fish house. Because of its proximity to wetlands and tidal waters, it is subject to rules regulating activity within the "river buffer" as set forth in the Beaufort County ZDSO. At some point prior to making the instant waiver application, and apparently unaware of the river buffer setback, the Permittee expanded the footprint of a concrete loading dock or pad supporting the operation of the seafood dock and fish house. The parties' dispute centers on whether a portion of the expanded pad involves an "over pour" of concrete on top of a previous existing

concrete slab or whether there was any preexisting concrete within the area of the newly poured material.

The DRT conducted its first review of the waiver application on April 2, 2014 and deferred further action until a determination could be made concerning the application of Section 106-9 of the ZDSO (rules relating to non-conformities). The DRT reconvened on April 9, 2014 and approved the application subject to two conditions, namely that the Permittee would make certain revisions to the survey of the site and a storm drain system would be required on the site. On April 23, 2014, the storm drainage plan proposed by the Permittee was approved by the DRT.

The Appellant contends that the new concrete slab exceeds a limit on reduction of river buffer area set forth in Appendix H, Section 6(D)(2) ZDSO and cannot be permitted as a “minor” waiver pursuant to that section. The Permittee, on the other hand, asserts that using the applicable calculations, the “new” concrete occupies only 455 square feet, or less than 10% of the river buffer area on the site, thus qualifying for treatment as a “minor” waiver. Alternatively, the Permittee asserts that storage trailers located within the river buffer, eliminated after the new concrete pour, constituted pre-existing impervious surface area, which was not includable for the purpose of calculating the area of river buffer reduction.

ANALYSIS

A “river buffer” is established in Section 106-1845 ZDSO and essentially extends 50 feet from all tidal waters and wetlands beginning at the OCRM critical line. In certain circumstances, waivers of river buffer setback requirements are authorized. Appendix H to the ZDSO establishes the “commercial fishing village overlay district” (CFV) and authorizes waivers from river buffer setbacks requirements under certain conditions. Application for waiver is made to the DRT.

The purposes of the CFV are set forth in Section 2 of Appendix H, ZDSO. This section provides as follows:

The cultural contributions of the seafood industry to Beaufort County are so significant and appealing that the county strives to maintain the seafood industry aura, although the industry is in decline. This may be achieved, in part, through the development of the Commercial Fishing Village Overlay District. The CFV overlay districts are areas that are currently and historically used for commercial fishing. Detailed policies and zones are set out for the CFV district. The goals of the CFV district are:

- (1) To provide for the maintenance and enhancement of the commercial seafood industry and related traditional uses such as retail, storage, repair and maintenance that support the commercial seafood industry.
- (2) To preserve and/or recognize existing and potential commercial fishing areas and related activities and developments.
- (3) To minimize and reduce conflicts between the seafood industry and residential development by reducing the potential for land use conflicts between the two types of uses.

Section 5(E) of Appendix H authorizes “minor additions or alterations” to existing structures subject to specified limitations. Section 6(d) of Appendix H authorizes waivers from the river setback of 106-1845(3) ZDSO in cases involving “water dependent commercial fishing structures.” There appears to be no dispute that the concrete pad structure at issue here constitutes a “water dependent commercial fishing structure” or a “water dependent use.” The language of Section 6(d) further specifies that:

There are two types of waivers that may be granted depending upon the amount of buffer relief sought:

- (1) Major waiver (structures that would occupy more than 10 percent of the river buffer area). A major waiver from the buffer area requirements of this article may be approved by the DRT through consultation with the OCRM. Any major waiver allowing encroachment into the buffer shall be conditioned upon implementation of best management practices. The DRT may also impose such other conditions as necessary to mitigate the effects of the grant of a waiver. No waivers may be granted to reduce a river buffer area by more than 15 percent.
- (2) Minor waiver (structures that would occupy less than or equal to 10 percent of the river buffer area). Minor waivers, not to exceed more than 10 percent of the buffer area requirements imposed by section 106-1845(3), may be granted by the zoning and development administrator (ZDA). Any minor waiver shall be conditioned upon implementation of best management practices. The ZDA may also impose such other conditions as necessary to mitigate the effects of the grant of a minor waiver.

Nonconforming structures are specifically addressed in Appendix H Section (f) which provides as follows:

Existing structures that exceed the river buffer standards or the base zoning setbacks shall be evaluated as conforming structures for the purposes of rebuilding and expansion. Expansions within the riverbuffer setback shall require a river buffer waiver.

The above cited provisions of the ZDSO are those that are pertinent to this appeal.

FINDINGS OF FACT

The Commission makes the following findings of fact based upon the record compiled before the DRT:

1. The subject site is a .910 acre parcel which is located within a commercial fishing village overlay district.
2. The subject has been used for many years as a seafood dock and fish house.
3. An application for a development permit was submitted on March 11, 2014. The application was submitted subsequent to the Permittee's enlargement of a concrete pad.
4. A portion of the newly installed concrete pad is located in the river buffer along tidal waters of Jenkins Creek.
5. Based upon a plat prepared by Christensen-Khalil Surveyors last revised February 17, 2014, there appear to be 5,067 square feet within the river buffer area on the subject. The total area of "new" concrete is 1,490 square feet. Total area of old concrete is 1,319 square feet. The total square footage of new concrete within the river buffer setback is 455 square feet.
6. The area of new concrete within the river buffer is approximately 9% of the river buffer area.
7. There were discrepancies in the testimony and evidence presented by the Permittee and the Appellant concerning the existence of "old concrete" or the size of the area of the "old

concrete.” It appears undisputed that certain impervious surfaces were located within the river buffer area which included storage trailers or containers.

8. Regardless of whether there were concrete pads under the storage trailers, the storage trailers, nonetheless, constituted impervious surfaces within the river buffer area.

9. The total potentially pervious area covered by the newly poured concrete slab is 457 square feet based on the sketches prepared by the applicant and submitted to the DRT.

10. The Appellant’s appeal was submitted on May 14, 2014.

11. The development permit was finally approved on April 9, 2014 with conditions.

12. More than thirty (30) days expired from the date of the final approval with conditions of the development permit.

CONCLUSIONS OF LAW

A. TIMELINESS OF APPEAL

The ZDSO requires that appeals be taken to the Planning Commission within thirty (30) days of DRT decisions. See §106-370 of the ZDSO (Figure 106-370: *Procedures for Final Subdivision and Land Development Review*). In this case, DRT’s final decision to issue the development permit was made on April 9, 2014. This appeal was filed more than thirty (30) days from that date. The Commission finds that as a matter of law, this appeal is untimely and should be accordingly dismissed.

B. MERITS

Turning to the merits of this appeal for the benefit of the parties and a reviewing Court should further appeals follow, and based upon the scope of review specified by Section 106-788 ZDSO, the Commission makes the following determinations and conclusions of law on the merits of this appeal:

1. There is no indication that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the standard for granting a minor waiver to the river buffer was made;
2. While there was a level of conflicting evidence before the DRT, the Commission cannot find that the DRT erred in its judgment of the credibility of the documentation and the qualification of those who produced same;
3. The DRT made its determination based on standards contained in the ZDSO;
4. The Commission can find no error committed by the DRT in applying the appropriate standards or measuring such standard.

CONCLUSION

Based upon the foregoing, the Beaufort County Planning Commission affirms the grant of the development permit to the Permittee and dismisses the appeal of the Appellant.

FOR THE COMMISSION:

Beaufort, South Carolina
August 27, 2014



Robert W. Semmler, Chairman



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION
Multi-Government Center • 100 Ribaut Road, Room 115
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 on Monday, August 4, 2014, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. John Thomas, Vice-Chairman
Mr. Marque Fireall

Ms. Diane Chmelik
Mr. Edward Riley III

Ms. Carolyn Davis
Mr. Randolph Stewart

Members Absent: Mr. Charles Brown; Mr. Robert Semmler, Chairman; and Ms. Jennifer Bihl/resigned/VACANT Lady’s Island Representative

Staff Present:

Mr. Anthony J. Criscitiello, Planning Director
Ms. Barbara Childs, Admin. Asst. to Planning Director

CALL TO ORDER: Vice Chairman John Thomas, as Acting Chairman, called the meeting to order at approximately 6:00 p.m. Mr. Thomas explained that he would serve as Acting Chairman in the absence of Chairman Robert Semmler who was out of town.

PLEDGE OF ALLEGIANCE: Mr. Thomas led those assembled in the Council Chambers with the pledge of allegiance to the flag of the United States of America.

CHAIRMAN’S REPORT: Mr. Thomas believed that Mr. Semmler would give as his Chairman’s Report that the Braves has lost 6 games in a row—pray for the Braves.

PUBLIC COMMENT on non-agenda item: No comments were received.

OSPREY POINT PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN AMENDMENT (R603-000-013-0006-0000, 119.75 ACRES; EAST OF HIGHWAY 278/OKATIE HIGHWAY, SOUTH OF PRITCHARD POINT ROAD, AND NORTH OF OKATIE ELEMENTARY SCHOOL); OWNER: LCP III LLC (J. NATHAN DUGGINS, III), AGENT: JOSHUA TILLER

Mr. Anthony Criscitiello briefed the Commission. Osprey Point PUD is part of a larger coordinated PUD that included Okatie Marsh, Osprey Point, and River Oaks. Okatie Marsh, 101.5 acres, was acquired as part of the Rural and Critical Land Preservation Program. Osprey Point will continue as a mixed use PUD of commercial and residential, with a commercial size 190,000 square feet fronting Highway 170, and residential has dropped to 396 units of single family residences. Pathways and trails will be private and restricted. Interconnectivity will serve River Oaks. No public access will be provided to the park. The park will be reduced to 8.5 acres. The owner will construct a 2-acre park in the Okatie Marsh PUD that is owned by the County. The half-acre public safety site will be located in the commercial area. Fifteen units of workforce housing may be developed in the commercial area. Rear loaded lots are acceptable, but not mandatory, therefore not enforceable. The

development agreement is the controlling document and the PUD zoning. The T-2 lots are not remotely consistent with rural densities in the T-2 transects. Many of the streets end and the front road deadends into parking lots at both ends; there is no clear connection with the other streets. Staff recommended that the master plan be reworked to have a clear network of streets, with sidewalks, street trees, and on-street parking. The residential areas closest to the marsh supposedly will have a lower density, but the density is the same throughout the development. Townhouse placements are not clearly marked. A frontage road may be developed at the time of the commercial area development rather than at Phase 1 development. The age-restricted community will develop its own design guidelines and not be governed by the County's design guidelines. Garages will be the most predominant feature from the street view—a negative for the design.

Discussion included a clarification of the staff's recommendation of denial from the last meeting that was still standing today.

Applicant's Comments.

1. Mr. Lewis Hammet, the applicant's attorney, will summarize changes—density is 527 residential units with a probably mix of unit types; the development agreement will end 2021; commercial standards are not changing; committed to more density in the center (closer to the commercial area) and less density near the marsh; not asking for changes in development standards for multi- and single-family units; driveway reconfiguration/spacing was changed; and workforce housing is not required with single-family residence but they will build 15 such workforce housing. As an age-restricted, active community, there will not be children residents. In response to the rationale for an age-restricted community next to an elementary school, Mr. Hammet noted that when Okatie Marsh PUD was included in the original village concept; however, it is not possible since there is now an interested builder. Mr. Hammet noted that an age-restricted community likes a restricted access and front-loaded house. A road-right-of-way to the adjoining ARD tract (known as River Oaks PUD).
2. Mr. Joshua Tiller, a landscape architect, noted that the western end included the original master plan with the public green and commercial area. He noted that the original plan included the sidewalks—east to the park, etc. Proposed are three water-type parks with amenities, a bridge part in the linear trail, with observation points and fishing opportunities. The Clubhouse will have access to the water/lake, pool, etc. Exhibit I shows T-4 zone urban center zone has no changes, but includes 20 residential units; the T-3 residential zone has a maximum density of 4.18 units per acre, the T-2 residential has 3.36 units per acre—averaging 3.32 units per acre. Driveway concerns have caused the pairing of driveways and mailboxes, with larger lots having garages turned to the side.

Public Comment:

1. Mr. Reed Armstrong of the Coastal Conservation League noted that the transact T2 zones require a minimum lot size of a half acre, and the T3 zones do not conform to County Draft Community Development Code.
2. Mr. Bubba Young, an adjoining property owner, commented on the original design. His concern is that the concept has been compromised. Where is the continuity for the development. Ownership will change, so Development Agreements cannot be controlled over parcels that are not owned by different owners. He noted sewer taps to be allowed for the Cherry Point residents from the original design. He expressed concerns of failing septic tank systems in the Cherry Point area. He noted fire and water protection concerns, and a loss of an individual in 2007 because of the problems. The Cherry Point residents need water and sewer. The cost should not

be pushed on the developer. The County should be concerned with the overall health of the Cherry Point residents and the Okatie River. The Okatie River has already been closed from harvesting shellfish. He asked that Cherry Point Road be paved to save the road and to stabilize and preserve the river. He suggested a joint venture with a developer for development of Okatie Marsh. He also asked for clarification of the road to the ARD/River Oaks tract and connectivity to Cherry Point Road.

Mr. Hammet commented that there is no change to the Cherry Point Road from Osprey Point PUD. Every environmental standard from the original plan has not been changed.

Discussion by the Commission included clarification on the residential density, concern with the types of units to be built; concern that workforce housing was committed to 15 but was not required in the original plan if only single family residences are built; clarification on the PUD roadways; concern that the lagoon in the park may pollute the river; clarification on the maximum size of commercial buildings; desirous of walkability feature in the community; having the commercial area to serve the community rather than containing big box stores; concern with clearcutting of lots rather than preserving existing trees; concern with architectural and stormwater standards; noting that the closest fire station to Cherry Point residences was on Argent Boulevard; requesting Council to reconsider impact fees reduction because of the age-restricted community; recommending moving the garages from the streets; questioning the short-sighted age-restricted concept next to an elementary school; concern that staff's recommendation remained consistent from the last meeting and the applicant worked with a prospective buyer rather than the staff; concern that the road behind the commercial area will not be built until the commercial area is built; noting that the area was ideal for young professionals with the school, the park, and the waterfront; concern with the open space calculations; concern on the rationale of the reduction of the park space; concern with 39 units not marked on the amended master plan/exhibit B; concern with impervious surfaces from the lots located in the surrounding rural community; concern that the dynamics of the original intent was changed when Okatie Marsh was bought by the Rural Critical Land Preservation Program; advised application to contact the Cherry Point neighbors regarding this development; concern with the amendment being very different from original PUD and believing a new PUD should have been done instead of an amendment; noting that a bio-filtration system was recommended in the original PUD; concern with the water quality being affected by this development along the Okatie River; and understanding the applicant's and the Commission's positions.

Mr. Criscitiello largely agrees with the Commission comments; the connector road is a road to a park; interconnectivity is eroded by this amendment; there is an ability to install alleys for rear loaded lots; the amendment does meet the requirements of an amendment versus a new PUD; and he is asking a requirement of rear-loaded lots.

Further discussion by Commission included caveats such as rear loaded lots, building a connector road, and adding restrictions on commercial buildings.

Mr. Hammet indicated that he will work with the neighbors, but the promised sewer connection was on the River Oaks PUD.

Motion: Mr. Stewart made a motion **to approve** the master plan amendment with the following conditions: that the village concept remain, that rear-load garages be required by implement alleys, that the project be public and not be an age-restricted community, and to require the installation of

the roadway occur when 50% of the commercial area is built. Mr. Fireall seconded the motion. The motion **passed (FOR: Chmelik, Fireall, Riley, Stewart, and Thomas; AGAINST: Davis; ABSENT: Brown and Semmler; VACANT – Lady’s Island representative).**

OTHER BUSINESS: Mr. Thomas noted that the next Commission meeting is scheduled for Monday, September 4, 2014.

ADJOURNMENT: Motion: Ms. Davis made a motion, and Mr. Riley seconded the motion, **to adjourn the meeting.** The motion passed (FOR: Chmelik, Davis, Fireall, Riley, Stewart, and Thomas; ABSENT: Brown and Semmler). The meeting was adjourned at approximately 8:26 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: September 4, 2014, as written

*Note: The video link of the August 4, 2014, Planning Commission meeting is:
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=1713*



MEMORANDUM

To: Beaufort County Planning Commission
From: Tony Criscitiello, Planning Director *T.C.*
Subject: Amendment to the ZDSO – *Revised*
Date: ~~August 28, 2014~~ September 19, 2014

ZDSO Section – Appendix H. Commercial Fishing Village Overlay District (CFV)

Background – The Commercial Fishing Village (CFV) overlay district was created in 2000 to help preserve the cultural and economic contributions of the seafood industry to Beaufort County. The district applies to those areas of the County that are currently and have historically been used for commercial fishing. The district is intended to allow for the processing, sale (wholesale and retail) and distribution of commercial fishing products as by-right uses. Limited and special uses are also allowed, which require additional standards be met in addition to the by-right provisions.

In February 2014, the County issued a by-right permit to off-load and transport cannonball jellyfish at 27 Golden Dock Road on St. Helena Island. The property is adjacent to Jenkins Creek and within a CFV overlay district. The South Carolina Department of Health and Environmental Control (DHEC) determined that no wastewater discharge permit was necessary for the unloading activity. They later learned that there would be rinsing and shucking operations at the site, which would require a permit to control water pollution from the discharge. Concerned about the potential for toxicity from washing and shucking operations, DHEC required that Whole Effluent Toxicity (WET) testing be done on wash water generated from the washing of the jellyfish. The testing was completed in May, 2014, and the results released last week. The County is awaiting DHEC's interpretation of those test results.

Summary of Proposed Amendment – This amendment would make the offloading, rinsing, shucking, packing, transport, and/or processing of cannonball jellyfish a special use in the CFV overlay district. Currently, these activities are permitted by right.

Proposed changes are shown as underlined for additions and ~~strike-through~~ for deletions.

Appendix H. COMMERCIAL FISHING VILLAGE OVERLAY DISTRICT (CFV)

Sec. 5 Development Standards

[Note: The proposed change to subsection (a) has been added since the original staff report to provide additional clarification.]

(a) Permitted uses. The CFV Overlay District is intended primarily for the processing, manufacturing, storage, wholesale, retail, and distribution of commercial fishing products. Where the CFV district is applied, the permitted uses shall include those permitted uses specifically referenced in the base zoning, in addition to the following uses:

- (1) Marine or fishing related retail and service establishments limited to 3,100 square feet.
- (2) Restaurants, less than 3,100 square feet.
- (3) Educational facilities, marine research centers and research laboratories for marine products, resources and physical or biological characteristics of the marine environment.
- (4) Commercial docks as defined by the Office of Ocean and Coastal Resource Management (OCRM) and section 106-1912, water dependent uses, of the Beaufort County ZDSO.
- (5) Fish house. A commercial establishment that buys and sells, at wholesale and/or retail, seafood products, bait, ice, and other products and services required by the seafood industry, limited to 3,100 square feet.
- (6) Marine transport services, including public boat landings and boat launches, commercial vessel berthing, excursion services and boat rentals.
- (7) Boat chartering.
- (8) Temporary uses specifically involving trap construction, maintenance, and repair.
- (9) Seafood processing, except where otherwise listed in this section as a limited or special use.

(c) Special use. Uses designated as “special uses,” require more stringent standards, and must be considered and approved by the zoning board of appeals (ZBOA). Where required by ~~the Beaufort County Zoning and Development Standards Ordinance or when deemed necessary by the zoning board of appeals (ZBOA)~~ the DRT, following a pre-application meeting, a community impact statement or portions thereof may be required as part of the application. The following uses and structures shall be permitted in the CFV district if a special use permit, pursuant to ~~section 106-551~~ Article III (Administrative Procedures), Division 3 (Discretionary Reviews), Subsection IV (Special Uses), Beaufort County ZDSO, has been obtained.

- (1) Ice houses and plants.
- (2) Marine construction and salvage facilities.
- (3) Manufacture and storage of fishing equipment.
- (4) Restaurants greater than 3,100 square feet.
- (5) Uses primarily oriented toward meeting recreational fishing and boating needs.
- (6) The offloading, rinsing, shucking, packing, transport, and/or processing of cannonball jellyfish.

Justification –

The ZDSO recognizes that certain land uses present unique problems with respect to location. These uses are identified as “special uses,” and require greater analysis of the potential impacts of such uses at a particular site so as to ensure the public health, safety, and welfare.

The fishing and processing of cannonball jellyfish as an industry is new to Beaufort County in terms of zoning and permitting. With regard to the recent case at Golden Dock, both the DRT and the Planning Commission, on appeal, heard from residents who expressed concerns regarding potential water pollution, odor, and traffic issues related to the jellyfish operations.

Staff is recommending that, until the potential adverse impacts from commercial cannonball jellyfish operations can be more fully vetted and understood, that these activities in CFV overlay districts be treated as a special use rather than by-right. This would permit the DRT to request that a community impact statement (CIS) be submitted with a permit application. A CIS consists of four assessments:

1. Area impact assessment (AIA),
2. Environmental impact assessment (EIA),
3. Traffic impact assessment (TIA), and
4. Archaeological and historic impact assessment (AHIA).

A special use designation would also require that a public hearing be held by the Zoning Board of Appeals prior to approval of these uses at a particular location. This would have the benefit of allowing the applicant to address publicly-raised issues and concerns.



Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

September 17, 2014

Anthony J. Criscitiello
Beaufort County Planning Director
PO Drawer 1228
Beaufort, SC 29901-1228

RE: Wastewater testing at Golden Dock
Discharges from unloading operation of Cannonball Jellyfish

Dear Mr. Criscitiello:

See the enclosed letter regarding the referenced topic. From this, we have concluded that an NPDES permit would be required for this operation. If the company were to pursue an NPDES permit, we would be consulting with the Lowcountry COG regarding their 208 Plan, fyi.

Sincerely,

Jeffrey P. deBessonet, P.E.
Director, Water Facilities Permitting Division

Cc: Crystal Rippy
Steve Giese, Millenarian
Russell Berry





Catherine B. Templeton, Director

Promoting and protecting the health of the public and the environment

September 17, 2014

Mr. Robert Gross
The Beaufort Group
PO Box 1028
Beaufort, SC 29901

RE: Wastewater testing at Golden Dock
Discharges from unloading operation of Cannonball Jellyfish

Dear Mr. Gross:

At the request of DHEC, testing of the quality of the drainage water and rinse water from the vat and tanks was performed by a laboratory certified by DHEC. From the toxicity tests performed, the wastewater exhibits toxicity at a level that would violate state water quality standards (R.61-68) at the point of discharge.

Therefore, if Millenarian were to pursue unloading operations in the future that would involve a discharge of drainage and rinse waters, this would be subject to an NPDES permit. Any mixing zone consideration would be a part of the NPDES permitting process if an application is made.

Sincerely,

Jeffrey P. deBessonet, P.E.
Director, Water Facilities Permitting Division

Cc: Crystal Rippy
Steve Giese, Millenarian
Russell Berry



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Tony Criscitiello, Planning & Development Director *T.C.*

DATE: September 26, 2014

SUBJECT: Rezoning Request for 4.37 acres on Scott's Neck Place, Bray's Island, from Planned Unit Development (PUD) to Rural (R) Zoning District

A. BACKGROUND:

Case No. ZMA-2014-08

Applicant/Owner: David Tedder / Clarendon Farms, LLC

Property Location: South side of Scott's Neck Place, Bray's Island, Sheldon Township

District/Map/Parcel: R700-035-0051

Property Size: 4.37 acres

Current Future Land Use Designation: Rural

Proposed Future Land Use Designation: No Change Proposed

Current Zoning District: Planned Unit Development (PUD)

Proposed Zoning District: Rural (R)

B. SUMMARY OF REQUEST:

The applicant is requesting that this parcel be rezoned from PUD to Rural because it has been separately owned from the rest of Bray's Island since 1964, and was never part of the Bray's Island PUD.

C. **ANALYSIS:** Section 106-492 of the ZDSO states that a zoning map amendment may be approved if the weight of the findings describe and prove:

1. *The change is consistent with the County's Comprehensive Plan and the purposes of the ZDSO.*

Bray's Island PUD was approved by Beaufort County in 1988. It consists of 325 one-acre lots on 5,183 acres, with the remainder of the acreage utilized for golf and other recreational activities, wildlife management, and hunting (see attached master plan).

In response to the applicant's request, the Zoning & Development Administrator (ZDA) has verified that the PUD application for Bray's Island specifically excluded four tracts that were previously deeded to others (see attached excerpt from PUD application and recorded plat for Bray's Island Plantation dated August, 1987). The parcel labeled Tract IV on the plat was deeded to TW Erickson in 1964, and should be shown on the official zoning map as the underlying Rural zoning because it was never part of the original PUD. The plat shows this tract as being 417.4 ft. by 417.4 ft (4 acres).

Staff has discovered a discrepancy between the Bray's Island Plantation plat and a recorded survey of the property under consideration (parcel 51), which is dated June 16, 2014 (see attached). The latter survey was done subsequent to a quit claim deed dated September 2013, which granted ownership of the tract to Hall Island Farms, Inc. The parcel appears to include some additional land (approximately 0.37 acres) along the marshes of Haulover Creek. This small area was designated open space in the Bray's Island PUD, and staff is of the opinion that to change this area to Rural instead of PUD open space is not justified simply because one entity now owns the entire "parcel".

2. *The change is consistent with the character of the neighborhood.*

To remove any land from the original PUD boundary would disrupt the overall unity of this development. The applicant and Bray's Island Plantation should consider amending the PUD to include all of what is now parcel 51. That would ensure that this property is developed in accordance with the covenants and restrictions for this development.

3. *The extent to which the proposed zoning and use of the property are consistent with the zoning and use of nearby properties.*

All surrounding properties are zoned PUD and either used for single-family lots or open space.

4. *The suitability of the property for the uses to which it has been proposed.*

See response to item 2.

5. *Allowable uses in the proposed district would not adversely affect nearby property.*

See response to item 2.

6. *The length of time a property has remained vacant as zoned, where the zoning is different from nearby developed properties.*

The property is undeveloped.

7. *The current zoning is not roughly proportional to the restrictions imposed upon the landowner in light of the relative gain to the public health, safety and welfare provided by the restrictions.*

See response to item 2.

8. *A traffic impact analysis (TIA) indicates that the rezoning request to a higher intensity will not adversely impact the affected street network and infrastructure in the higher zoning classification.*

A TIA was not required because the requested Rural zoning will not generate enough traffic to warrant such an analysis.

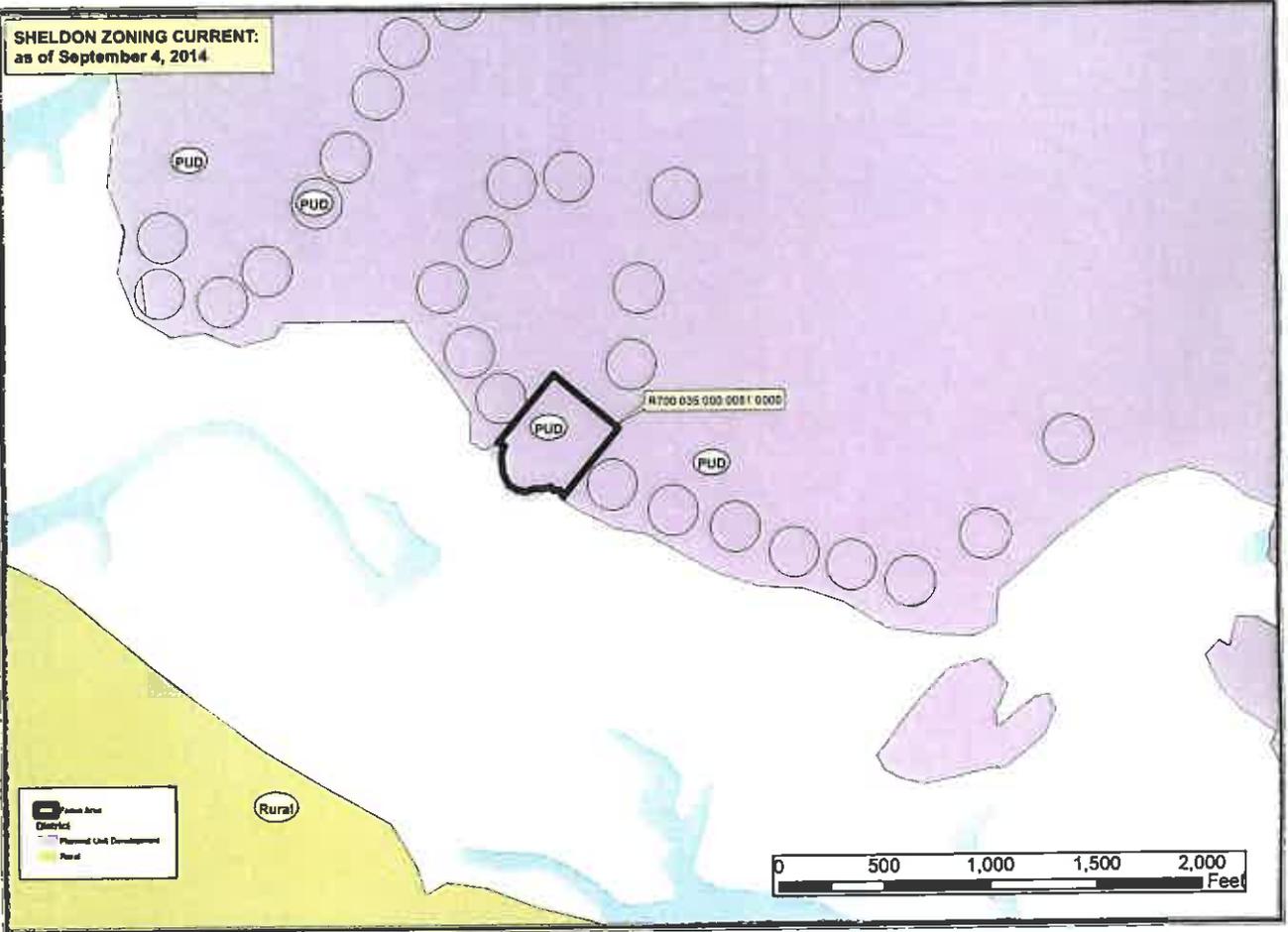
D. STAFF RECOMMENDATION:

After review of the guidelines set forth in Section 106-492 of the ZDSO, staff recommends correcting the official zoning map from Planned Unit Development (PUD) to Rural (R) for the original 4-acre tract deeded to Mr. Erickson in 1964, because it has been determined that this tract was never a part of the Bray's Island PUD, and denial of the rezoning of the remaining acreage of R700-035-000-0051-0000.

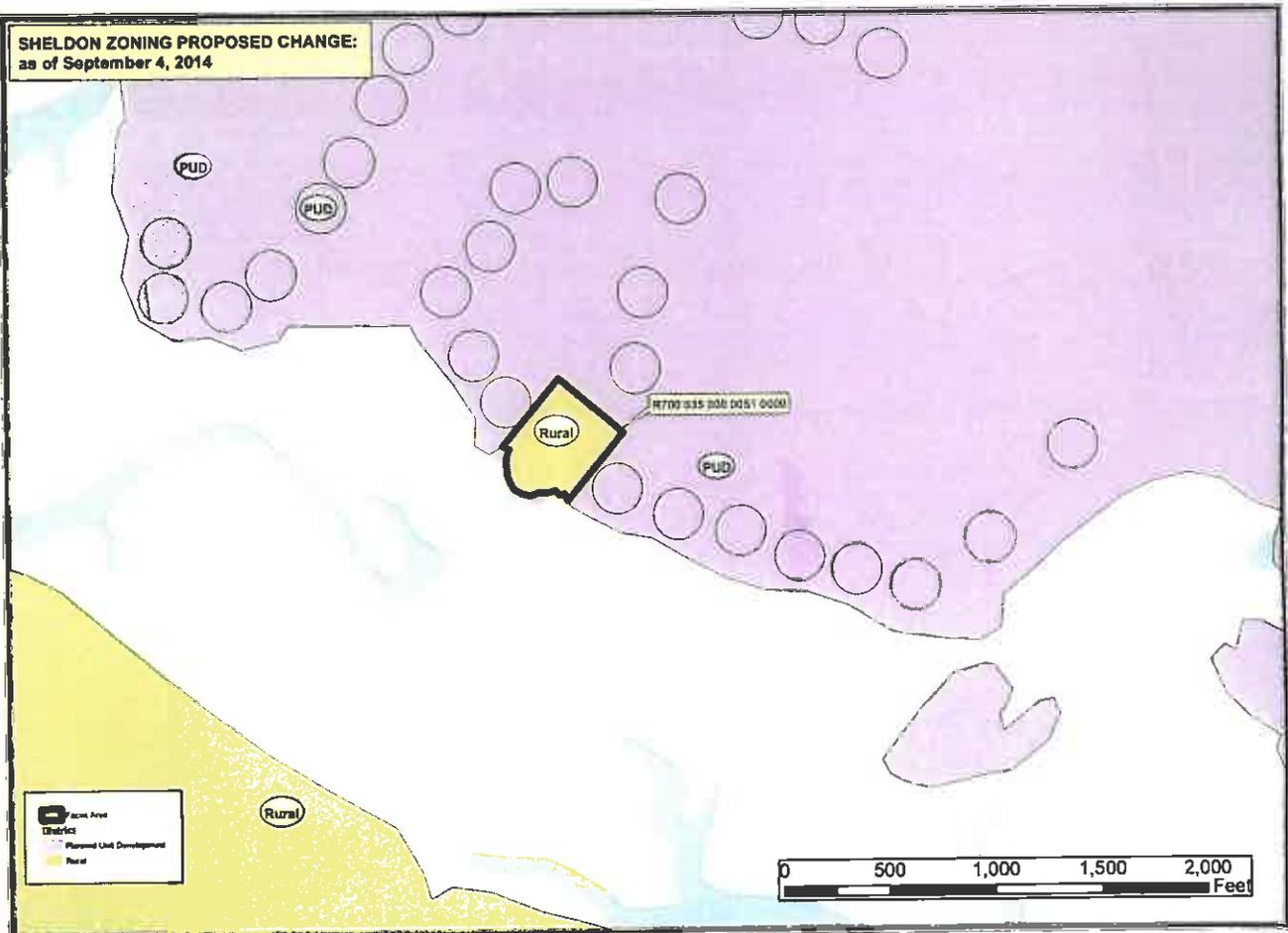
E. ATTACHMENTS:

- Zoning Map (existing and proposed)
- Rezoning Application
- Bray's Island Plantation Master Plan
- Excerpt from Bray's Island Plantation PUD Application (legal description and plat)
- Survey of R700-035-000-0051-0000, dated June 16, 2014

SHELDON ZONING CURRENT:
as of September 4, 2014



SHELDON ZONING PROPOSED CHANGE:
as of September 4, 2014



PROPERTY OWNERS NOTIFIED OF REZONING OF R700-35-51

(4 acres) from Planned Unit Development (PUD) to Rural/R

PIN_	Owner1	MailingAdd	City	State	ZIP
R700 34 84	HATFIELD JAMES T III ELIZABETH T J	559 LIBERTY HILL	CINCINNATI	OH	45202
R700 35 26	TURVILLE EDWARD W	1100 FIFTH AVENUE SOUTH SUITE 305	NAPLES	FL	34102
R700 35 29	KEY TRUST COMPANY OF OHIO TRUSTEE (T	127 PUBLIC SQUARE 18TH FLR	CLEVELAND	OH	44114
R700 35 35	SOCIETY NATIONAL BANK KEYBANK NA TRU	127 PUBLIC SQUARE 18TH FLOOR	CLEVELAND	OH	44114
R700 35 37	JOHNSON DUNCAN & LYNDA	1122 WALTON WAY	AUGUSTA	GA	30901
R700 35 38	ROBERT F FOGELMAN REVOCABLE TRUST	744 SOUTH WHITE STATION RD	MEMPHIS	TN	38117
R700 35 51	CLARENDON FARMS LLC	80 CLARENDON PLANTATION DR	BEAUFORT	SC	29906
R700 25 1	BRAYS ISLAND PLANT COLONY INC	PO BOX 30	SHELDON	SC	29941



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION

Multi-Government Center • 100 Ribaut Road, Room 115
Post Office Drawer 1228, Beaufort SC 29901-1228
Phone: (843) 255-2140 • FAX: (843) 255-9432

September 3, 2013

RE: Notice of Public Meetings to Consider a Northern Beaufort County Map Amendment/Rezoning Request for R700 035 000 0051 0000 (Scott Neck's Place, Bray's Island), to be rezoned from Planned Unit Development (PUD) to Rural (R); Owner: Clarendon Farms, LLC, Applicant/Agent: David Tedder

Dear Property Owner:

In accordance with the Beaufort County Zoning & Development Standards Ordinance, Section 106-402, a public hearing is required by the Beaufort County Planning Commission and the Beaufort County Council before a rezoning proposal can be adopted. You are invited to attend the following meetings and public hearings to provide comments on the subject proposed map amendments in your neighborhood. A map of the properties is on the back of this letter.

1. The **Beaufort County Planning Commission** (public hearing): **Monday, October 6, 2014, at 6:00 p.m.** in the County Council Chambers, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
2. The **Natural Resources Committee of the County Council**: **Monday, November 3, 2011,** at 2:00 p.m. in the Executive Conference Room, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
3. **Beaufort County Council** usually meets second and fourth Mondays at 4:00 p.m. in the County Council Chambers of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC. County Council must meet three times prior to making a final decision on this case. Please contact the County Planning Department for specific dates, times, and locations.

Documents related to the proposed amendment are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, in the Beaufort County Planning Department office located in Room 115 of the Beaufort County Administration Building. If you have any questions regarding this case, please contact the Planning Department at 255-2140.

Sincerely,

Delores Frazier
Assistant Planning Director

Attachment: Map on back of letter

BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED ZONING AND DEVELOPMENT STANDARDS ORDINANCE (ZDSO)
ZONING MAP / TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Zoning/Development Standards Ordinance (ZDSO) be amended as described below:

1. This is a request for a change in the (check as appropriate): PUD Master Plan Change
 Zoning Map Designation/Rezoning Zoning & Development Standards Ordinance Text

2. Give exact information to locate the property for which you propose a change:
Tax District Number: 700, Tax Map Number: 35, Parcel Number(s): 0051
Size of subject property: 4.37 Square Feet / Acres (circle one)
Location: Scott Neck's Place, Bray's Island

3. How is this property presently zoned? (Check as appropriate)
 Urban/U Community Preservation/CP Light Industrial/LI
 Suburban/S Commercial Regional/CR Industrial Park/IP
 Rural/R Commercial Suburban/CS Transitional Overlay/TO
 Rural Residential/RR Research & Development/RD Resource Conservation/RC
 Planned Unit Development/PUD

4. What new zoning do you propose for this property? Rural
(Under Item 10 explain the reason(s) for your rezoning request.)

5. Do you own all of the property proposed for this zoning change? Yes No
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.

6. If this request involves a proposed change in the Zoning/Development Standards Ordinance text, the section(s) affected are: _____
(Under Item 10 explain the proposed text change and reasons for the change.)

7. Is this property subject to an Overlay District? Check those which may apply:
 AOD - Airport Overlay District MD - Military Overlay District
 COD - Corridor Overlay District RQ - River Quality Overlay District
 CPOD - Cultural Protection Overlay District

8. The following sections of the Beaufort County ZDSO (see attached sheets) should be addressed by the applicant and attached to this application form:
a. Section 106-492, Standards for zoning map amendments.
b. Section 106-493, Standards for zoning text amendments.

RECEIVED
AUG 20 2014
PLANNING
DIVISION

*ZMA
2014 - C8*

9. Explanation (continue on separate sheet if needed): See Attached

It is understood by the undersigned that while this application will be carefully reviewed and considered, the burden of proof for the proposed amendment rests with the owner.

By: *[Signature]* 8/19/14
Signature of Owner Date
Printed Clarendon Farms, LLC c/o David L. Telephone
Name: Tedder Number: 843-521-4222
Address: P.O. Box 1282, Beaufort, SC 29901
Email: dave@tedderlawoffice.com
Agent (Name/Address/Phone/email): _____

FOR MAP AMENDMENT REQUESTS, THE PLANNING OFFICE WILL POST A NOTICE ON THE AFFECTED PROPERTY AS OUTLINED IN SEC. 106-402(D) OF THE BEAUFORT COUNTY ZDSO.

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE (3) WEEKS PRIOR TO THE APPLICABLE SUBCOMMITTEE MEETING DATE.

PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT MULTIPLE COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

CONTACT THE PLANNING DEPARTMENT AT (843) 255-2140 FOR EXACT APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)
RECEIVED
AUG 20 2014
PLANNING DIVISION

Date Posting Notice Issued:
Application Fee Amount Received: \$250.00
Receipt No. for Application Fee: 000163-0013
ID# 1326

ZMA
2014-08

Attachment to Zoning Map/Test Amendment/PUD Master Plan Change Application

9. This 4.37 acre parcel was subdivided by deed and plat September 25, 1964 (Deed Book 125 at Page 115 (attached) from Sumner Pingree to TW Erickson. Clarendon Farms, LLC, has acquired from Heirs and assigning TW Erickson. Sumner Pingree sold the remainder of Bray's Island to Bray's Island Company, Inc. In January of 1989 (Deed Book 520 at Page 478) which did not include this 4.37 acre tract, which had previously been conveyed. By error, the zoning map shows this 4.37 acre tract as part of the Bray's Island PUD; it is not a part of the PUD, and a zoning map correction is required.
-

THE STATE OF SOUTH CAROLINA

TITLE TO REAL ESTATE

COUNTY OF BEAUFORT

KNOW ALL MEN BY THESE PRESENTS, THAT

I, SUMNER PINGREE, JR. OF BEAUFORT COUNTY

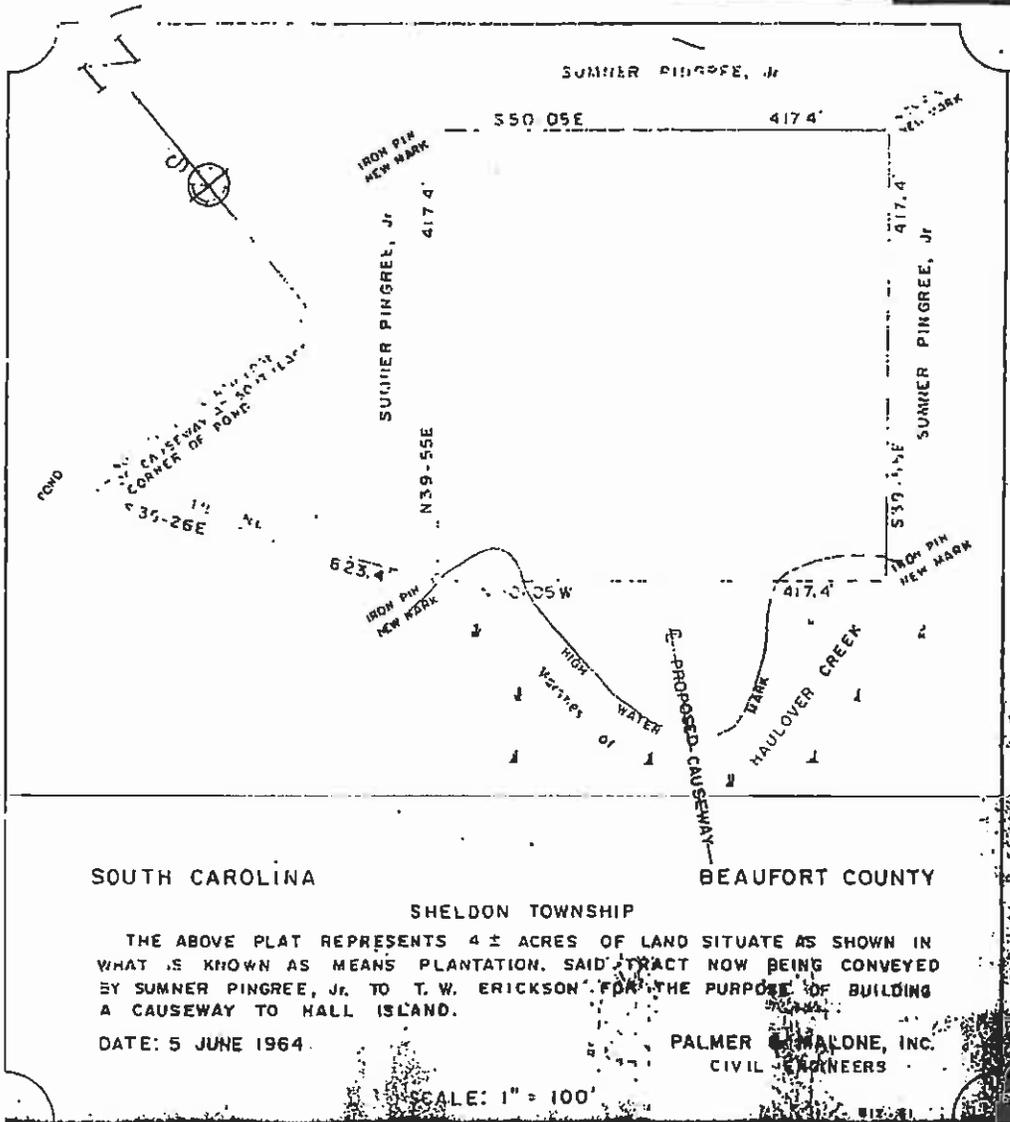
In the State aforesaid for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS,

to me... In hand paid at and before the sealing of these presents by T. W. ERICKSON of Savannah, Georgia

in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said T. W. ERICKSON, HIS HEIRS AND ASSIGNS, the following described real estate, to-wit:

All that certain piece, parcel or tract of land situate, lying and being in Sheldon Township, Beaufort County, South Carolina, containing four (4) acres, more or less, and more particularly shown, described and delineated on a plat made by Palmer & Malone, Inc., Civil Engineers, dated June 5, 1964, which said plat is attached hereto, recorded herewith and by reference made a part hereof. For a more accurate and detailed description as to metes, bounds, courses and distances reference is had to the said plat.

125/115



TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said T. W. Erickson, his Heirs and Assigns forever.

AND I do hereby bind myself and my Heirs, Assigns Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said T. W. Erickson, his Heirs and Assigns, against me and my Heirs, and against any persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS my Hand and Seal, this 24th day of August

in the year of our Lord one thousand nine hundred and sixty-four and in the one hundred and eighty-ninth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF Ruth B. Owens (I. S.) and another (L. S.) THE STATE OF SOUTH CAROLINA, BEAUFORT County.

PERSONALLY appeared before me Ruth G. Owens and made oath that she saw the within named Sumner Pingree, Jr. sign, seal, and as his act and deed, deliver the within written Deed, and that she with Joab M. Dowling witnessed the execution thereof.

Notary Public for South Carolina, Beaufort County, Joab M. Dowling. SWORN to before me, this 24th day of August, A. D. 1964. (SEAL)

Ruth B. Owens

RENUNCIATION OF DOWER I, Joab M. Dowling a Notary Public for South Carolina do hereby certify unto all whom it may concern, that Mrs. Virginia L. C. Pingree the wife of the within named Sumner Pingree, Jr. did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within named T. W. Erickson, his

Heirs and assigns, all her interest and estate, and also all her right and claim of dower, of, in or to all and singular the premises within mentioned and released.

Given under my Hand and Seal, this 24th day of August, Anno Domini 1964. Virginia L. C. Pingree (SEAL)

State of South Carolina, COUNTY OF BEAUFORT, SUMNER PINGREE, JR. TO T. W. ERICKSON TITLE TO REAL ESTATE Filed 25th day of SEPTEMBER A. D. 1964 at 1:00 P. M. and recorded in Book 125 Page 115 Fee \$ 1.50 R. M. Clerk of Court

MASTER PLAN

BRAYS ISLAND PLANTATION

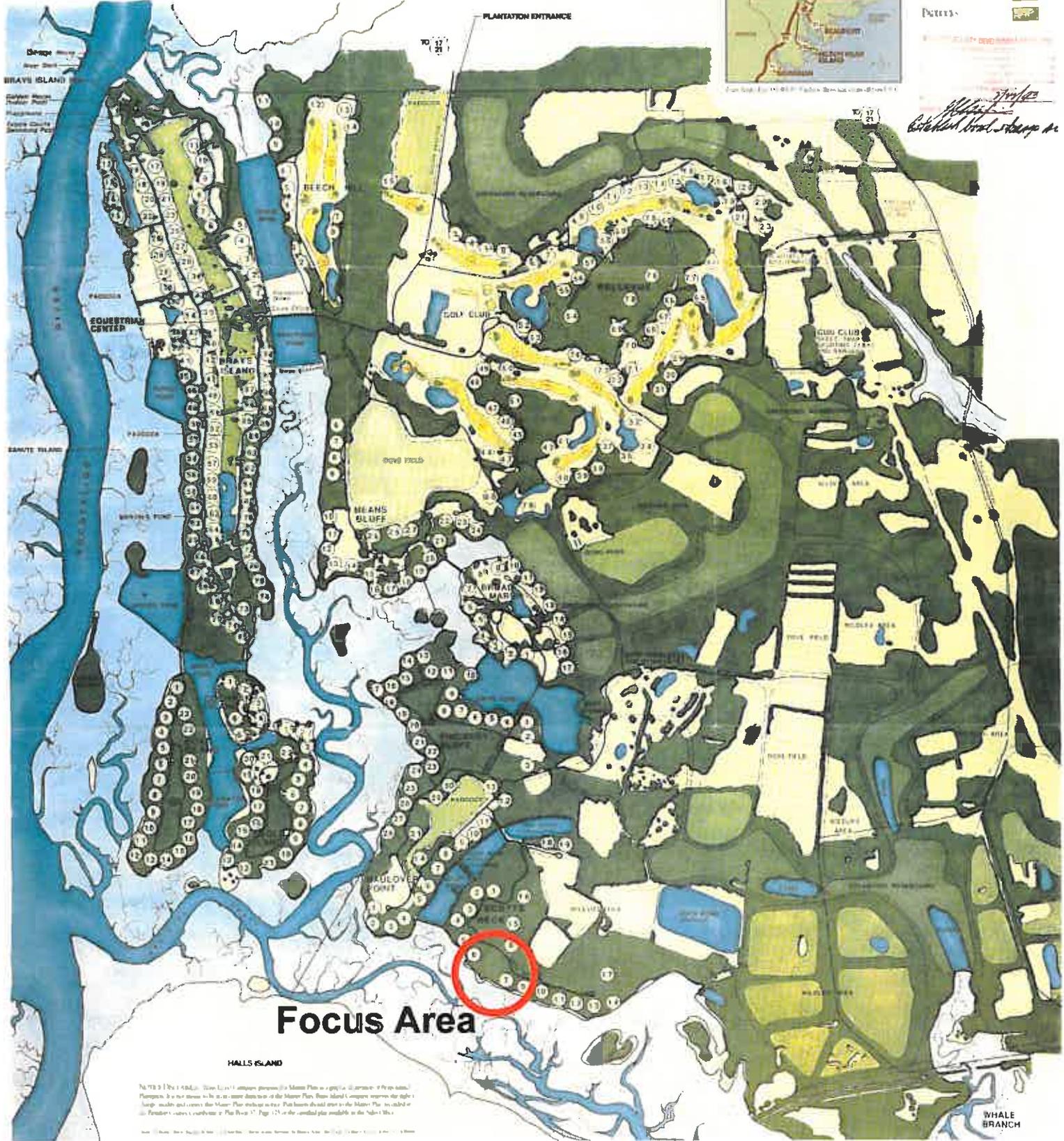
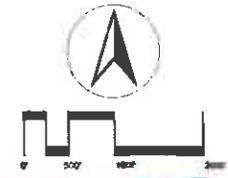
BEAUFORT COUNTY, SOUTH CAROLINA

LEGEND

- WATER
- FOREST
- CURRENTLY BARRIERS
- WATER AREA
- CREEK AND/OR POND
- GOLF COURSE
- PARKS



*Strike
Mittelman
Bridges Road, Stage 2*



Focus Area

NOTES: THE LAYOUT... (Small text providing details about the map's scale and intended use.)

BRAYS ISLAND PLANTATION
PROPERTY LEGAL DESCRIPTION

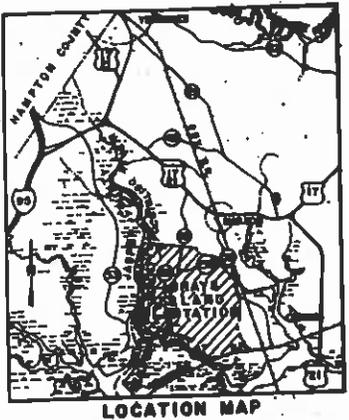
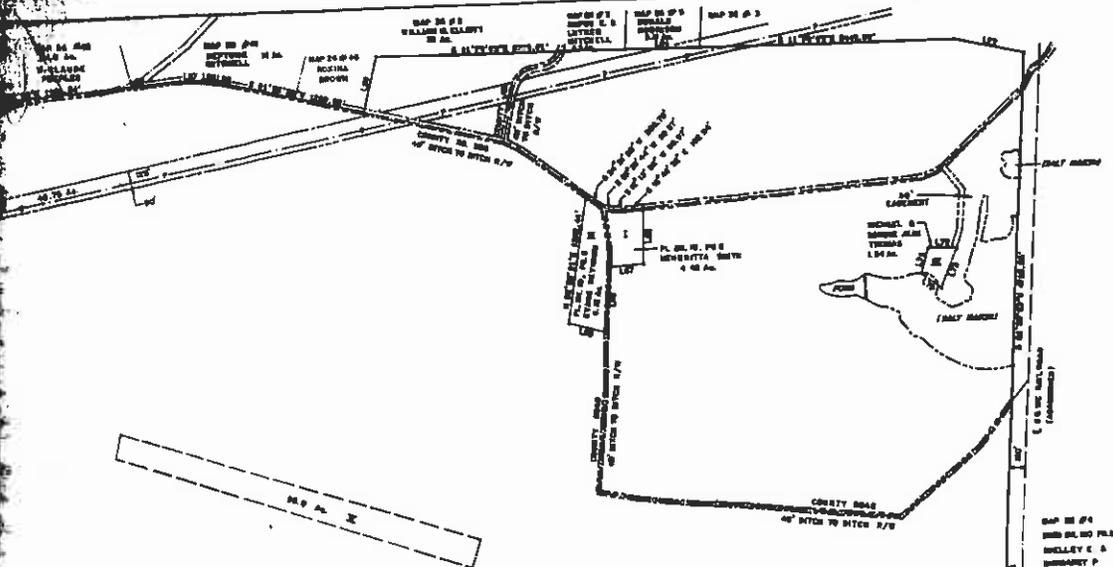
ALL that piece, parcel or tract of land lying near the Town of Sheldon in Beaufort County, South Carolina, known generally as Brays Island Plantation as shown on a plat entitled "Plat of Brays Island Plantation, property of Sumner Pingree, Jr., located Beaufort County, South Carolina", made by Davis & Floyd, Inc., consulting engineers, dated August, 1987, last revised January 21, 1988, which is recorded in the Office of the Clerk of Court for Beaufort County in Plat Book _____ at Page _____ (the "Plat").

The said tract of land, as shown on the Plat, contains 5,183.65 acres and includes the islands designated by letters A through L inclusive.

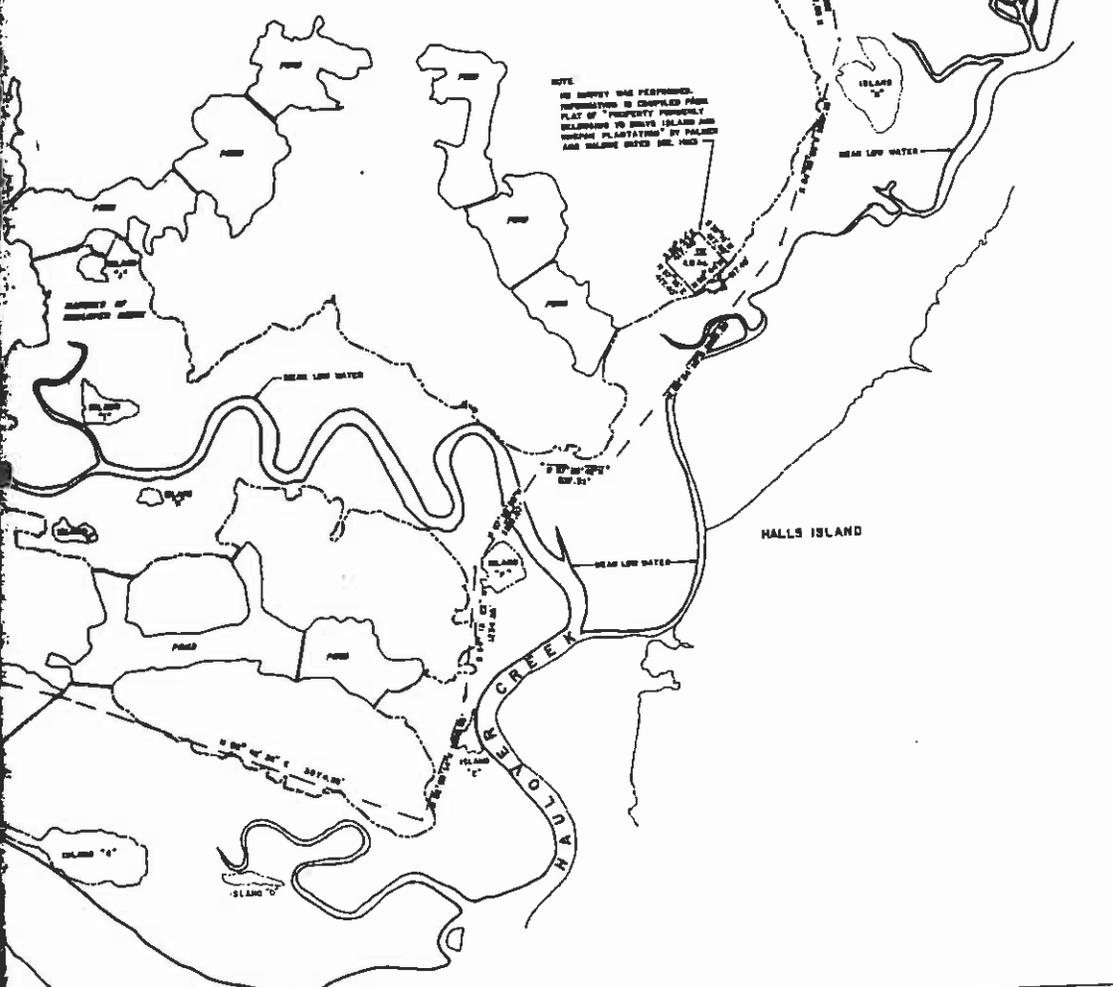
The said tract butts and bounds as shown on the Plat; on its western and southern borders on the mean low water mark of the Pocotaligo River and Haulover Creek and their tributaries.

 Excepted from this conveyance are those tracts of land designated on the Plat by the Roman numerals I, II, III and IV.

The property is subject to the rights of the public to the use of any public roads shown thereon; to the easement for electric and gas liens held by the South Carolina Electric and Gas Company shown crossing the eastern portion of the Plantation and containing 48.21 acres; to an easement in favor of T. W. Erickson for access to Tract IV from the nearest feasible public road; and to the rights of interest members of the public to reasonable access to the three cemeteries shown on the Plat.



AREA TO MEAN LOW WATER	6352.55	Acres
AREA BETWEEN CRITICAL LINE & MEAN HIGH WATER	-100.72	Acres
AREA BETWEEN MEAN HIGH WATER AND MEAN LOW WATER (INCLUDING ISLANDS)	-487.73	Acres
AREA OF WAY	-48.73	Acres
AREA OF RIGHT OF WAY	-48.73	Acres
AREA OF PENETRIES	-1.04	Acres
TOTAL TRACT	4877.40	ACRES



LINE	BEARING	DISTANCE
1	N 89° 30' 44" E	267.27
2	S 85° 15' 42" E	267.27
3	S 79° 30' 44" E	267.27
4	N 89° 30' 44" E	267.27
5	N 89° 30' 44" E	267.27
6	N 89° 30' 44" E	267.27
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71	N 89° 30' 44" E	267.27
72	N 89° 30' 44" E	267.27
73	N 89° 30' 44" E	267.27

PLAT
BRAYS ISLAND PLANTATION
 PROPERTY OF
SUMNER PINGREE, JR.
 LOCATED
 BEAUFORT COUNTY, SOUTH CAROLINA
 SURVEYED BY
 JOHN P. FLETCHER
 COLLIER ENGINEERING
 BEAUFORT, SOUTH CAROLINA
 AUGUST 1987



PART
2

6
12 PB
Rubnitz
11325

RECORDED
2014 Jan -09 10:33 AM
Sharon O. Bennis
BEAUFORT COUNTY AUDITOR

BEAUFORT COUNTY SC - ROD
BK 03296 PGS 2019-2024
FILE NUM 2013073298
12/26/2013 04:02:54 PM
REC'D BY P BAILEY RPT# 731935
RECORDING FEES 12.00

ADD DMP Record 1/9/2014 10:24:29 AM
BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SMap	Parcel	Block	Week
R700	035	000	0051	0000	00

Please Return to: Tricee Gignilliat Ziblut
Rubnitz & Ziblut, P.C.
617 Stephenson Avenue, Ste 202
Savannah, GA 31405

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, executed this 18th day of September, 2013, by **MARCIA ERICKSON VIERS AND MELISSA ERICKSON RASPLICKA, AS SUCCESSOR CO-TRUSTEES OF THE THEODORE W. ERICKSON TESTAMENTARY QTIP TRUST**, Grantor, to **HALL ISLAND FARMS, INC.**, Grantee, whose mailing address is 433 Bellinger Hill Run, Hardeeville, SC 29927.

WITNESSETH, that the said Grantor, for good and valuable consideration in the sum of Ten Dollars (\$10) paid by the said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said Grantee, forever, all the right, title, interest and claim which the said grantor has in and to the following described parcel of land, and improvements and appurtenances thereto, in the County of Beaufort, State of South Carolina, to wit:

See Exhibit A, attached hereto and incorporated herein.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
In the presence of:

[Signature]
Witness

[Signature]
Witness

Grantor:

Marcia Erickson Viers
Marcia Erickson Viers, as Successor Co-Trustee of the Theodore W. Erickson Testamentary QTIP Trust

STATE OF GEORGIA)
)) ACKNOWLEDGMENT
COUNTY OF CHATHAM)

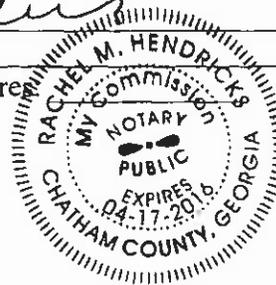
I, the undersigned Notary Public do certify that MARCIA ERICKSON VIERS, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my official seal this the 18th day of September, 2013.

Rachel M. Hendricks

Notary Public for _____

My Commission Expires _____

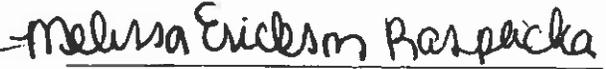


Signed, sealed and delivered
In the presence of:

Grantor:

Witness


Witness

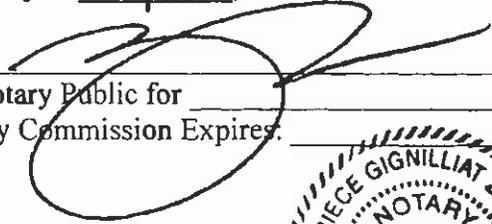


Melissa Erickson Rasplicka, as Successor
Co-Trustee of the Theodore W. Erickson
Testamentary QTIP Trust

STATE OF GEORGIA)
)
COUNTY OF CHATHAM) **ACKNOWLEDGMENT**

I, the undersigned Notary Public do certify that MELISSA ERICKSON RASPLICKA, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my official seal this the 29 day of September, 2013.



Notary Public for _____
My Commission Expires: _____

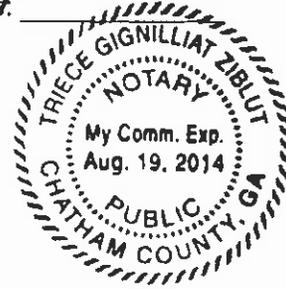


EXHIBIT A

Legal Description

All that certain piece, parcel or tract of land situate, lying and being in Sheldon Township, Beaufort County, South Carolina, containing **four (4) acres**, more or less, and more particularly shown, described and delineated on a plat made by Palmer & Malone, Inc., Civil Engineers, dated June 5, 1964, which plat was attached to and recorded with the Title To Real Estate from Sumner Pingree, Jr. to T. W. Erickson, dated August 24, 1964, and recorded in Deed Book 1258, Page 115, Beaufort County records. Reference is hereby made to said plat for a more accurate and detailed description as to the metes, bounds, courses and distances of said property.

Said property also being shown and described on that certain plat entitled "A Boundary Survey of a 4.00 Acre Parcel, Brays Island, Sheldon Area, Beaufort County, South Carolina" prepared for Hall Island Farms, Inc. by Thomas G. Stanley, Jr. (PLS No. 18269), of TGS Land Surveying, dated November 12, 2002.

This being the same property conveyed by Sumner Pingree, Jr. to T. W. Erickson by Title To Real Estate, dated August 24, 1964 and recorded in Deed Book 1258, Page 115, Beaufort County records.

AND ALSO, all rights or interests of T. W. Erickson under that certain agreement between Mr. Erickson and Sumner Pingree, Jr., dated February 25, 1964 and recorded in Deed Book 121, Page 192, Beaufort County records.

AND ALSO, All those certain Railroad bridge structures across Haulover Creek and an unnamed creek located approximately 4,550 feet northeasterly thereof, including trestle approaches, trestles, ballast, crossties, and all other appurtenances thereto, located in Beaufort County, South Carolina, on the Seaboard Coast Line Railroad Company's former Charleston to Savannah main line track, and within the limits of that certain 48 acre tract of land conveyed from Seaboard Coast Line Railroad Company to T.W. Erickson by deed dated November 20, 1978, recorded in Deed Book 274, Page 1340, public records of said Beaufort County, South Carolina.

This being the same property conveyed to T. W. Erickson by Bill of Sale from Seaboard Coast Line Railroad Company, dated December 12, 1978, and recorded in Deed Book 274, Page 1340 in the Office of the Clerk of Court for Beaufort County, South Carolina.

Tax Parcel Number: **R700 035 000 0051 0000** (assigned in 2013 to correct missing number).

STATE OF SOUTH CAROLINA) BEAUFORT COUNTY ROD
) AFFIDAVIT OF TRUE CONSIDERATION and
COUNTY OF BEAUFORT) CLAIM FOR EXEMPTION from RECORDING FEES

PERSONALLY appeared before me the undersigned, who is duly sworn, deposed, and says that the following is a true and correct statement concerning the CONSIDERATION for the conveyance set forth below, and concerning any EXEMPTION claimed by the Filer under the laws of the State of South Carolina, the Town of Hilton Head, or as otherwise provided by law.

GRANTOR NAME: Marcia Erickson Viers and Melissa Erickson Rasplicka, as Successor Co-Trustees of the Theodore W. Erickson Testamentary QTIP Trust

GRANTEE NAME: Hall Island Farms, Inc.

GRANTEE MAILING ADDRESS: 125 E. 44th Street, Savannah, GA 31405

DATE OF CONVEYANCE: September 18th, 2013

TRUE CONSIDERATION: \$0.00 (title clearing only)

TAX DISTRICT/MAP/PARCEL NO.: R700 035 000 0051 0000
(assigned in 2013 to correct missing number).

(NOTE: This information must appear on any Deed, and any Plat, whether attached or filed separately.)

STATE RECORDING FEE EXEMPTION – 12-24-40, sub-par # 12
(Per S.C. Code Sect. 12-24-40. Note Subparagraph No.)

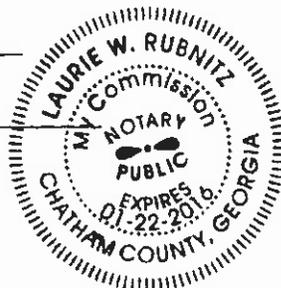
(constitutes a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective deed or quitclaim deed.)

OTHER EXEMPTION – Please Cite Federal, State or other Code as applicable, and describe Exemption below:

Signed: _____
Printed Name: Tiece Ziblut
As (Capacity): Attorney for Grantee

SWORN TO BEFORE ME,
this 23rd day of December, 2013

SIGNED: _____
Notary Public
My Commission Expires: _____



400E
to
Tedder

After recording return to:
David L. Tedder, PA
604-A Bladen St
Beaufort, SC 29902

ADD DMP Record 7/1/2014 09:30:58 AM
BEAUFORT COUNTY TAX MAP REFERENCE
Dist Map SMap Parcel Block Week
R700 035 000 0051 0000 00

BEAUFORT COUNTY SC - ROD
BK 3329 Pgs 3277-3280
FILE NUM 2014030063
06/26/2014 01:31:11 PM
REC'D BY oevans RCPT# 746467
RECORDING FEES \$10.00

RECORDED
2014 Jul -01 10:47 AM

Sharon Q. Burnie
BEAUFORT COUNTY AUDITOR

WHEREAS, Theodore W. Erickson, Jr. died testate on April 7, 2007; and,

WHEREAS, The will of Theodore W. Erickson, Jr. was admitted to Probate before the Jasper County Probate Court as Case No: 2007ES2700042 and pursuant to a Petition for Subsequent Administration granted on April 15, 2014, Margaret Priscilla Erickson Cowart was appointed as Personal Representative and, pursuant to a Supplemental Order the grantee was changed to reflect a successor entity; and

WHEREAS, pursuant to the authority vested in the Personal Representative under the terms and conditions of the will and the Supplemental Order directing the property be conveyed to Hall Island Farms II, LLC, this deed of conveyance is executed and delivered.

STATE OF SOUTH CAROLINA) QUITCLAIM
) DEED
COUNTY OF BEAUFORT)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT

Margaret Priscilla Erickson Cowart, Personal Representative of the Estate of Theodore W. Erickson, Jr., (hereinafter "Grantor") in the State aforesaid, for and in consideration of compliance with the terms of the Order for Subsequent Administration in the aforesated Estate and Ten and no/100ths (\$10.00) Dollars consideration, to me in hand paid at and before the sealing of these presents by Hall Island Farms II, LLC, a Georgia limited liability company, having a mailing address for real property tax purposes of 125 East 44th Street, Savannah, GA 31405, (hereinafter "Grantee") the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said, Hall Island Farms II, LLC, its successors and assigns forever, the following described real property, to wit:

SEE ATTACHED EXHIBIT "A"

TOGETHER with all and singular, the Rights, Members, Hereditaments, and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

STATE OF Georgia)
)
COUNTY OF Chatham)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do certify that Margaret Priscilla Erickson Cowart, in her capacity as Personal Representative of the Estate of Theodore W. Erickson, Jr., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal the 20th day of June, 2014



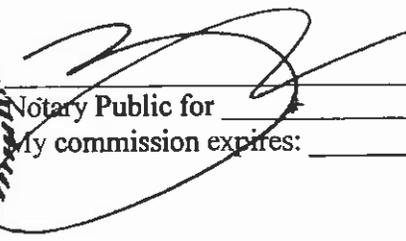

Notary Public for _____
My commission expires: _____

EXHIBIT "A"

Legal Description

All that certain piece, parcel or tract of land situate, lying and being in Sheldon Township, Beaufort County, South Carolina, containing four (4) acres, more or less, and more particularly shown, described and delineated on a plat made by Palmer & Malone, Inc., Civil Engineers, dated June 5, 1964, which plat was attached to and recorded with the Title To Real Estate from Sumner Pingree, Jr. to T. W. Erickson, dated August 24, 1964, and recorded in Deed Book 125, Page 115, Beaufort County Deed. Reference is hereby made to said plat for a more accurate and detailed description as to the metes, bounds, courses and distances of said property.

Said property also being shown and described on that certain plat entitled "Boundary Survey Prepared For Clarendon Farms, LLC & Hall Island Farms, II, LLC, Sheldon Tax Map 35, Parcel 51, Beaufort County South Carolina" by David S. Youmans, RLS 97654, Beaufort Surveying, Inc., dated October 24, 2013, a copy of which is filed in the Office of the Register of Deeds for Beaufort County in Plat Book 138 at Page 186.

BFT CTY TAX MAP No: **R700 035 000 0051 0000** (assigned in 2013 to correct missing number)

AND ALSO, all rights or interests of T. W. Erickson under that certain agreement between Mr. Erickson and Sumner Pingree, Jr., dated February 25, 1964 and recorded in Deed Book 121, Page 192, Beaufort County records.

AND ALSO, all those certain railroad bridge structures across Haulover Creek and an unnamed creek located approximately 4,550 feet northeasterly thereof, including trestle approaches, trestles, ballast, crosssties, and all other appurtenances thereto, located in Beaufort County, South Carolina, on the Seaboard Coast Line Railroad Company's former Charleston to Savannah main line track, and within the limits of that certain 48 acre tract of land conveyed from Seaboard Coast Line Railroad Company to T.W. Erickson by deed dated November 20, 1978, recorded in Deed Book 274, Page 1340, public records of said Beaufort County, South Carolina.

Said property being included with the real property having a Tax Parcel Number of:
R700 034 000 0001 000.

This Deed was prepared by William F. Marscher, III, of Vaux Marscher Berglind, P.A., 16 William Pope Avenue, Suite 202, Bluffton, SC 29910 without the benefit of title examination.



MEMORANDUM

To: Beaufort County Planning Commission
From: Anthony J. Criscitiello, Planning & Development Director
Date: September 4, 2014
Subject: Text Amendment to Chapter 4 (Future Land Use) of the Beaufort County Comprehensive Plan to include a Place Type Overlay Future Land Use Designation

Comprehensive Plan Sections: The following additions are being proposed to Chapter 4: Future Land Use of the Beaufort County Comprehensive Plan:

- Amend Future Land Use Plan Division to include a Place Type Overlay Future Land Use Designation. This new language will be inserted immediately following the subsection “Special Land Use Designation” on Page 4-30.
- Amend Recommendation 4.4 include language that calls for the adoption of form-based zoning districts to implement the Place Type Overlay designation.
- Add Maps 4-9 and 4-10 which show the location of place types in Beaufort County.
- Add Appendix 4-I: Beaufort County Place Types, which further defines the appropriate character, form, scale, intensity, and mix of uses for each of the place types in Beaufort County.

Summary of the Proposed Amendment: The proposed amendments will create a Place Type Overlay Designation in the Future Land Use chapter of the Comprehensive Plan. The purpose of the Place Type Overlay is to identify locations in the County to promote appropriately scaled walkable environments with a mix of housing, civic, retail, and service choices. The proposed language establishes five place types going from the most rural to the most urban – rural crossroad, hamlet, village, town, and city. The plan then recommends that the County adopt form-based zoning districts to implement the various place types.

Source of Proposed Amendment: The origin of this proposal came from the Beaufort County Planning Department. The maps and definitions of various place types were developed as part of the early work performed by Opticos to draft a new Community Development Code for the County. The descriptions of the place types and the maps are already incorporated into the Preamble of the new Code and were reviewed by the Planning Commission when they forwarded the Code to the Natural Resources Committee at their May 5, 2014 meeting. Also, the place type maps were coordinated with the Town of Bluffton, Town of Port Royal, and City of Beaufort as a way to define locations to promote walkable, mixed-use communities.

Justification: While the place type definitions and maps were developed during the drafting of the Community Development Code and are contained in the Preamble to that draft Code, the concept rests more appropriately at the comprehensive planning level.

- Additional Layer of Regional Land Use Planning: The Place Type Overlay Designation represents an additional layer of regional, intergovernmental land use planning in Beaufort County. The Northern and Southern Regional Plans established a general framework of where to direct future growth in the County. The Future Land Use Plan in the Comprehensive Plan, which was coordinated with the municipalities, provides further specifics of the types of land uses and intensity of development that should occur inside and outside of the growth areas. The Place Type Overlay Designation further defines specific locations where it is suitable to encourage the growth of mixed-use walkable communities.
- Guidance for where to apply Future Transect Zones: The draft Community Development Code has several areas within the County where transect zones are being proposed to foster the development of mixed-use walkable communities. Within each of these communities the County held a charrette to determine the appropriate character, intensity, and mix of land uses. The Place Type Maps (Maps 4-9 and 4-10), however, identify many more areas of the County to encourage and reinforce the development of these communities. The Place Type Overlay Designation provides a framework for the overall scale, intensity, and mix of transect zones appropriate for these places to guide future community planning efforts.

Proposed Amendments: See attached.

Recommendation: The Beaufort County Planning staff recommends approval for the herein attached sections of the Beaufort County Comprehensive Plan.

Place Type Overlay

Both within and outside of Growth Areas the policies of this plan encourage the development and reinforcement of pedestrian scaled mixed-use communities. The purpose of the Place Type Overlay future land use is to identify locations in the County to promote appropriately scaled walkable environments with a mix of housing, civic, retail, and service choices and that achieve the following:

- Improve the built environment and human habitat.
- Promote development patterns that support safe, effective, and multi-modal transportation options, including auto, pedestrian, bicycle, and ultimately transit. This will minimize vehicle traffic by providing for a mix of land uses, walkability, and compact community form.
- Provide neighborhoods with a variety of housing types to serve the needs of a diverse population.
- Remove barriers and provide incentives for walkable urban projects.
- Promote the greater health benefits of a pedestrian-oriented environment.
- Reinforce the character and quality of local communities, including rural crossroads, neighborhoods, hamlets, and villages.
- Reduce sprawling, auto-dependent development.
- Protect and enhance real property values.
- Reinforce the unique identity of Beaufort County that builds upon the local context, climate, and history.

Rural Place Types: While rural landscapes consist largely of natural areas, agricultural and forestry uses, and low-density residential development, historically, small walkable communities served as retail, service and civic hubs for the surrounding rural hinterlands.

Rural Place types consist of Rural Crossroads and Hamlets (See Map 4-9 and 4-10). Appendix 4-I further defines the appropriate character, form, scale, intensity, and mix of uses for each of the place types in Beaufort County so that suitable zoning districts and other tools can be developed and applied to implement these places.

- **Rural Crossroad Place Types.** Rural crossroads are typically located at the intersection of two or more rural roads. They provide a small amount of pedestrian-oriented, locally-serving retail in a rural context, and transition quickly into agricultural uses and/or the natural environment as one moves away from the intersection. Historic examples of rural crossroads include Pritchardville in southern Beaufort County and the Corners Community on St. Helena Island.
- **Hamlet Place Types.** Hamlets are typically larger and more intense than rural crossroads and are often located at the edge of the rural and urban condition. A hamlet often has a small, pedestrian-oriented main street with surrounding and supporting residential fabric that is scaled to the size of a pedestrian shed. The main street and surrounding residential fabric transitions quickly into agricultural uses and/or the natural environment. A historic example of a hamlet includes the original settlement of Bluffton along Calhoun Street. The size and scale of the Habersham community would currently be classified as a hamlet, but could develop into a village if existing development plans are realized.

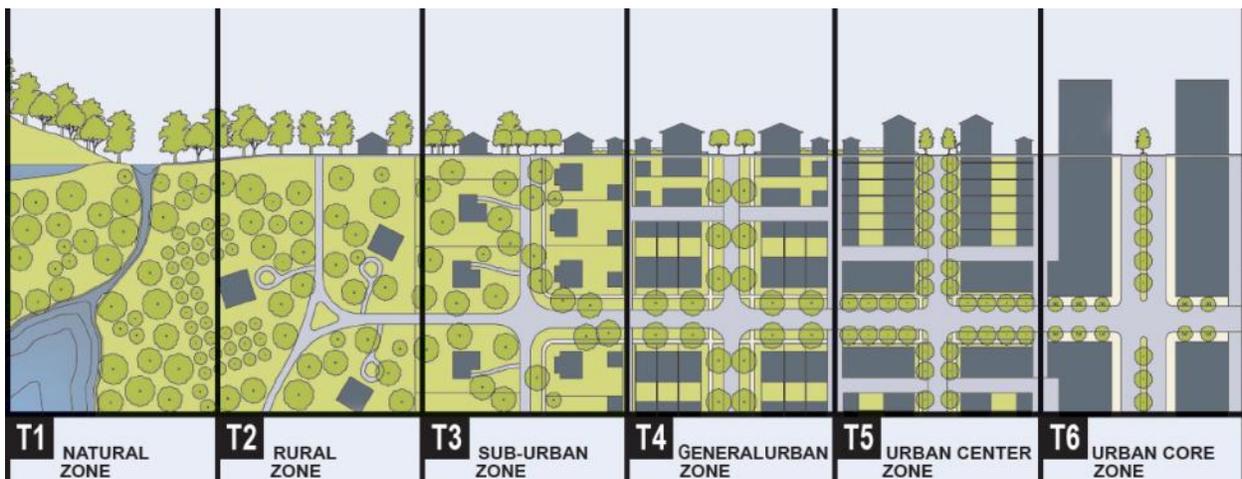
Urban Place Types: Urban places are more complex with concentrations of public infrastructure, community services, and existing homes and businesses. They are located within urbanized areas, and are organized within an interconnected network of streets and blocks in multiple pedestrian sheds. They include areas where one has the opportunity to walk, bike, or ride transit to work, to fulfill daily shopping needs (such as groceries), and to access other amenities within close proximity. These places are composed of elements that create complete walkable places, including downtowns, neighborhood main streets, neighborhood centers, and residential neighborhoods of varying densities and intensities.

Urban Place types consist of Villages, Towns, and Cities (See Map 4-9 and 4-10). Appendix 4-I further defines the appropriate character, form, scale, intensity, and mix of uses for each of the place types in Beaufort County so that suitable zoning districts and other tools can be developed and applied to implement these places.

- **Villages** are made up of clusters of residential neighborhoods of sufficient intensity to support a central, mixed-use environment. The mixed-use environment can be located at the intersection of multiple neighborhoods or along a corridor between multiple neighborhoods. Habersham is a good example of a place that is evolving into a village.
- **Towns** are made up of clusters of neighborhoods or villages that can support a larger, more complex mixed-use environment. Buildings at the core of a town are attached and may be up to four stories tall. Towns are important centers of the County. The Town of Port Royal represents the local archetype.
- **Cities** are made up of clusters of neighborhoods or villages that can support the most intense, complex mixed-use environments. Buildings within the cores of a city are attached and may be taller than four stories in height. Cities are regional centers of the County and contain primary commercial and civic destinations. The City of Beaufort represents the local archetype.

Implementing the Place Type Overlay: The place types should be implemented with form-based zoning districts that focus firstly on the intended character and intensity of development and secondly on the mix of uses within. The form-based districts should be organized on the principle of the Transect (Figure 4-5).

Figure 4-5: A Typical Rural-Urban Transect with Transect Zones



Source: The Smart Code Version 9.2

The Transect, as a framework, identifies a range of settlement patterns from the most natural to the most urban. Its continuum, when subdivided, lends itself to the creation of zoning categories with standards that prescribe appropriate intensity, character and mix of uses. The following are generalized zoning categories based on the Transect.

- **T-1 Natural Zone** consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.
- **T-2 Rural Zone** consists of sparsely settled lands in open or cultivated state. These include woodland, agricultural land, and natural areas. Typical buildings are farmhouses, agricultural buildings, and low density houses.
- **T-3 Sub-Urban Zone** consists of low density residential areas, adjacent to higher zones that contain some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.
- **T-4 General Urban Zone** consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks define medium-sized blocks.
- **T-5 Urban Center Zone** consists of higher density mixed use buildings that accommodate retail, offices, rowhouses and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.
- **T-6 Urban Core Zone** consists of the highest density and height, with the greatest variety of uses, and civic buildings of regional importance. There are no locations within Beaufort County where T-6 Urban Core is appropriate. Typically only large towns and cities have an Urban Core Zone.

In order to be an effective tool to implement the Place Type Overlay District the specific mix of uses, intensity and character of these districts should be calibrated to fit the unique natural and built environment of Beaufort County.

Recommendation 4-4: Update the County Land Use Regulations

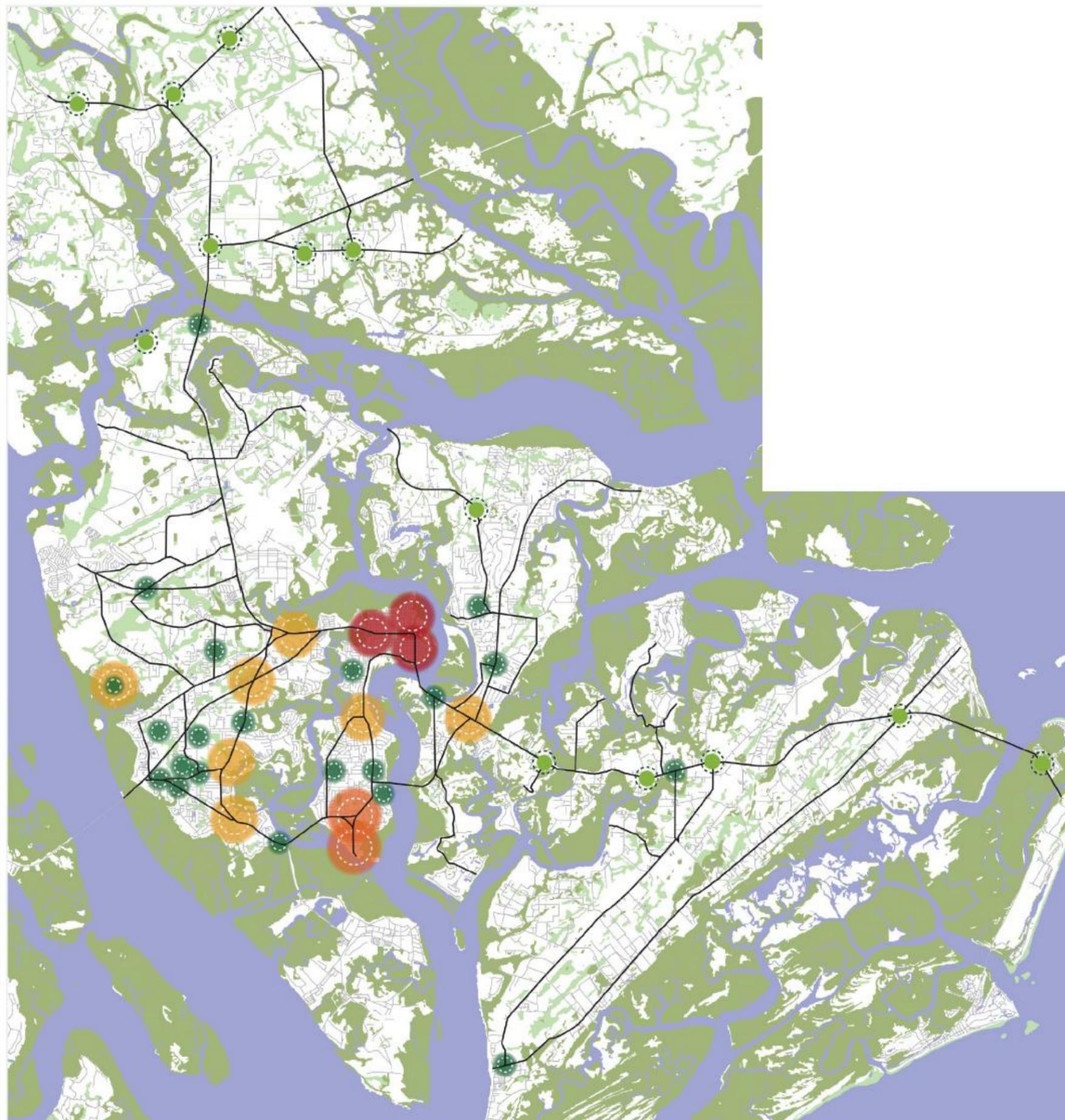
Beaufort County will update the county's zoning and development standards ordinance to incorporate the related recommendations of the regional plans and to facilitate the Future Land Use element of this comprehensive plan. In particular, the county will consider incorporating the following recommendations:

- Incorporate the development guidelines and recommendations established in this plan and in the regional plans; and
- Encourage mixed-use developments, where proposed, through revisions that will expedite review procedures and provide density incentives.
- Codify requirements that allow for the county, municipalities, the school district, and where involved, the military, to review and comment on major development proposals and annexations. This action would require that any application for an annexation or proposed rezoning will be sent to the planning directors, or similar official, of the relevant review body prior to the public hearing on the application. Any comments provided by such planning official will be included in the review packets for the subject annexation or rezoning.
- Implement the Place Type Overlay by developing form-based zoning districts that focus firstly on the intended character and intensity of development and secondly on the mix of uses within. The form-based districts should be organized on the principle of the Transect. The specific mix of uses, intensity and character of the form-based districts should be calibrated to fit the unique natural and built environment of Beaufort County.

Chapter 4 Land Use

Map 4-9 Place Type Overlay

Northern Beaufort
County

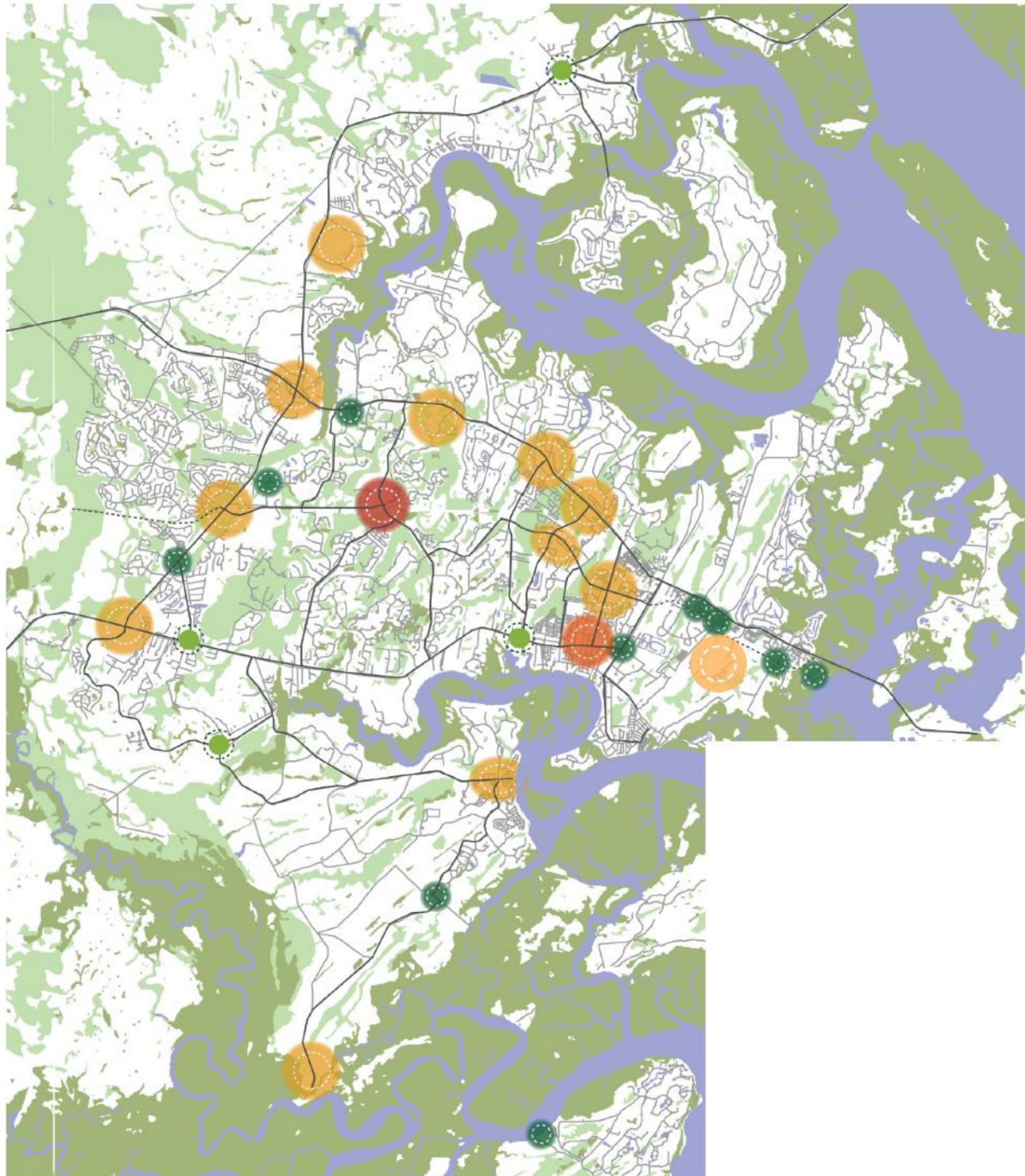


-  City Place Type
-  Town Place Type
-  Village Place Type
-  Hamlet Place Type
-  Rural Crossroad Place Type

2010
Beaufort County
Comprehensive
Plan

Chapter 4 Land Use

Map 4-10
Place Type Overlay
Southern Beaufort
County



-  City Place Type
-  Town Place Type
-  Village Place Type
-  Hamlet Place Type
-  Rural Crossroad Place Type

2010
Beaufort County
Comprehensive
Plan

Appendix 4-I

Beaufort County Place Types

Overview

The Place Type Overlay identifies locations in the County to promote appropriately scaled walkable environments with a mix of housing, civic, retail, and service choices. The scale, intensity and character of these walkable communities vary greatly from small rural crossroads that serve neighboring agricultural communities to cities with a diversity of uses and housing types. This Appendix further defines the appropriate character, form, scale, intensity, and mix of uses for each of the place types in Beaufort County so that suitable zoning districts and other tools can be developed and applied to implement these places.

Table 1: Rural Place Types in Beaufort County

		Rural Crossroads	Hamlet
			
Form			
Type of Settlement	Significant intersection or node.	Low to medium intensity main street.	
Level of Urbanization	Minimal to Mild	Mild to Medium	
Transect Zones	T2 and T3	T2, T3, and T4	
Scale	Primarily auto scale with human scale development at center - 1/8 to 1/4 mile pedestrian shed.	Transitioning from auto to human scale. 1/4 mile pedestrian shed.	
Acres	10 acres minimum. 80 acres maximum.	40 acres minimum. 200 acres maximum.	
Intensity of Settlement	1 to 2 dwelling units per acre gross.	3 to 6 dwelling units per acre gross.	
Character of Buildings	1–2 story detached buildings containing various uses that are primarily residential or agricultural in form.	1–3 story detached buildings containing various uses that are primarily residential or agricultural in form.	
Infrastructure			
Stormwater Management	Low impact watershed management at the lot level.	Low impact watershed management at lot, neighborhood and community level.	
Water & Sewer Service	Septic systems and wells transitioning to package wastewater systems and regional water and sewer service.	Septic systems and wells transitioning to package wastewater systems and regional water and sewer service.	
Electricity and Communications	Standard voltage electric utility and communication lines shall be buried when they are new; or when significant alterations to an existing thoroughfare ROW occurs.		
Services			
Fire, EMS, Police	Professionally manned fire and EMS stations, and police sub-stations may be sited. Fire hydrants may be sparse and shall be required of all new development.	Professionally manned fire and EMS stations, and police sub-stations are appropriate. Fire hydrants shall be required of all new development.	
Transportation			
Street Network	Simple organic network of large irregular blocks. “Crossroads” intersection shall not be widened, but rather pedestrianized.	Simple organic network. Medium to large blocks with ‘complete’ main street. Streets and intersections shall not be widened.	
Street Surface	Only public streets shall be paved.	All streets except alleys shall be paved.	
Transit	Regional transportation service only.		
Common Destinations			
Health Care	office/clinic	Appropriate	Appropriate
	hospital	Not appropriate	Not appropriate
Schools	Primary	Not appropriate	Appropriate
	Secondary	Not appropriate	Appropriate
	College	Not appropriate	Not appropriate
Civic Space	Primarily neighborhood and community scaled greenways, greens, pocket parks, playgrounds, gardens, and preserves.	Primarily neighborhood and community parks, greenways, greens, squares, plazas, playgrounds, gardens, and preserves.	
Civic Structures	Primarily range from neighborhood to small community scaled facilities (e.g. rec. center, meeting hall, church, etc.). Regional scaled facilities shall locate in Town or City Place Types (e.g. cultural facilities, County govt. buildings, post office, library, DMV, Social Security Administration, etc.).	Primarily range from neighborhood to large community scaled facilities (e.g. rec. center, meeting hall, post office, church, library, etc.). Regional scaled facilities shall locate in Town or City Place Types (e.g. cultural facilities, County govt. bldgs., state and federal agencies.).	

Table 2: Urban Place Types in Beaufort County

		Village	Town and City
			
Form			
Type of Settlement		Cluster of neighborhoods and hamlets support a mixed-use village center and main street within County, Town, or City.	Neighborhoods and districts that are interconnected by mixed-use streets form these town and city “centers” of the County.
Level of Urbanization		Med. to High. Enhanced services provide countywide economies of agglomeration.	High. Enhanced services provide multi-county region economies of agglomeration.
Zoning Districts		T3 and T4	T3, T4 and T5
Scale		Human scale. ½ mile pedestrian shed.	Human scale. ½ mile pedestrian shed.
Acres		120 acres minimum. 500 acres maximum.	320 acres minimum.
Intensity of Settlement		4 to 12 dwelling units per acre gross.	6 to 24 dwelling units per acre gross.
Character of Buildings		1–3 story attached and detached buildings appear residential or commercial in form.	1–4 story attached and detached buildings appear residential or commercial in form.
Infrastructure			
Stormwater Management		Low impact watershed management at lot, neighborhood, community, district level.	Low impact watershed management at lot, neighborhood, community, district level.
Water & Sewer Service		Regional water and sewer shall be required of all new development.	Regional water & sewer shall be required of all new development.
Electricity and Communications		Standard voltage electric utility and communication lines shall be buried when they are new; or when significant alterations to an existing thoroughfare ROW occurs.	
Services			
Fire, EMS, Police		Professionally manned fire and EMS stations, and police sub-stations are appropriate. Fire hydrants shall be required of all new development.	The main City or Town fire and EMS station, and the main stand-alone police station shall locate here. Fire hydrants shall be required of all new development.
Transportation			
Street Network		Complex semi-formal network with small to med. blocks and ‘complete’ main street. Existing street network shall not be widened, but rather “dieted” and pedestrianized.	Complex network, formal, grid, ‘Complete’ streets, and a prominent main street. Existing street network shall not be widened, but rather “dieted” and pedestrianized.
Street Surface		All streets and alleys shall be paved.	All streets and alleys shall be paved.
Transit		Plan for Regional or Local transit service.	Multi-modal transit hub shall locate here.
Common Destinations			
Health Care	office/clinic	Appropriate	Appropriate
	hospital	Not appropriate	Appropriate
	Primary	Appropriate	Appropriate
Schools	Secondary	Appropriate	Appropriate
	College	Not appropriate	Appropriate
Civic Space		Primarily neighborhood and community scale parks, greenways, greens, squares, plazas, playgrounds, gardens, and preserves.	Neighborhood, community and regional scale parks, greenways, greens, squares, plazas, playgrounds, gardens, and preserves.
Civic Structures		Primarily range from neighborhood to large community scaled facilities (e.g. rec./community center, meeting hall, post office, church, library, etc.). Regional scale facilities shall locate in Town or City Place Types (e.g. cultural facilities, County govt. bldgs., state and federal agencies).	Address civic needs at the neighborhood/ community scale (e.g. meeting hall, rec. center, community center); at the town or city scale (e.g. main library, main post office, town hall, theater, museum); and at the regional scale (e.g. cultural facilities, County govt. bldgs., state and federal agencies).