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AGENDA NATURAL RESOURCES COMMITTEE

Monday, April 2, 2012
2:00 p.m.
Executive Conference Room
Administration Building

Committee Members:

Paul Sommerville, Chairman
Brian Flewelling, Vice-Chairman
Steven Baer
Gerald Dawson
William McBride
Jerry Stewart
Laura Von Harten

Staff Support: Tony Criscitiello

1. CALL TO ORDER – 2:00 P.M.
2. FUTURE LAND USE MAP AMENDMENT OF SOUTHERN BEAUFORT COUNTY PROPERTIES R600 021 0002 0000, R600 021 000 0075 0000, R603 021 000 004A 0000, R603 021 000 004A 0000, R603 021 000 006A 0000, R603 021 000 007B 0000, R603 021 000 0194 0000, AND R603 021 000 0195 0000 (7 PARCELS TOTALING 142+/- ACRES OFF HIGHWAY 278/FORDING ISLAND ROAD AND GRAVES ROAD KNOWN AS PEPPER HALL); FROM RURAL AND COMMUNITY COMMERCIAL TO REGIONAL COMMERCIAL AND NEIGHBORHOOD MIXED USE; OWNERS/APPLICANTS: PAUL B. GRAVES, JOHN T. GRAVES, JR., AND ROBERT L. GRAVES ([Backup](#))
3. SOUTHERN BEAUFORT COUNTY ZONING MAP AMENDMENT / REZONING REQUEST FOR R600 021 0002 0000, R600 021 000 0075 0000, R603 021 000 004A 0000, R603 021 000 004A 0000, R603 021 000 006A 0000, R603 021 000 007B 0000, R603 021 000 0194 0000, AND R603 021 000 0195 0000 (7 PARCELS TOTALING 142+/- ACRES OFF HIGHWAY 278/FORDING ISLAND ROAD AND GRAVES ROAD KNOWN AS PEPPER HALL) FROM RURAL (R) AND RURAL WITH TRANSITIONAL OVERLAY (R-TO) ZONING DISTRICT TO COMMERCIAL REGIONAL (CR) AND SUBURBAN (S); OWNERS/APPLICANTS: PAUL B. GRAVES, JOHN T. GRAVES, JR., AND ROBERT L. GRAVES ([Backup](#))
4. RAIL TRAIL AGREEMENT – FRIENDS OF SPANISH MOSS TRAIL ([Backup](#))
5. DISCUSSION: PROPOSAL FOR DEVELOPMENT AND USE OF CRYSTAL LAKE PROPERTY AS A COMMUNITY PARK BY FRIENDS OF CRYSTAL LAKE COMMITTEE ([Backup](#))

6. INFORMATION / DISCUSSION OF COUNTY'S CURRENT IMPACT FEE ORDINANCE / KEY FACTORS IN IMPACT FEE DEVELOPMENT
7. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Southern Corridor Review Board
8. ADJOURNMENT



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
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TO: Natural Resources Committee of Beaufort County Council
FROM: Anthony Criscitiello, Beaufort County Planning Director
DATE: February 24, 2012
SUBJECT: **Proposed Comprehensive Plan Future Land Use and Zoning Map Amendments for Pepper Hall (Graves Property)**

PLANNING COMMISSION RECOMMENDATION from excerpt of their draft February 6, 2012 meeting minutes:

Chairman Hicks briefed the audience regarding the procedures tonight. The Commission will hear the information on both the future land use and rezoning maps amendments on seven parcels totaling 142 acres off Highway 278 and Graves Road known as Pepper Hall in Bluffton.

Mr. Robert Merchant briefed the Commission, showing a power point presentation. He affirmed the two actions that were required of the Commission—future land use and zoning maps amendments. When the land use map is not consistent with the rezoning request, the land use map must be changed to provide consistency. Currently the land use map shows 21 acres fronting Highway 278 as Community Commercial and the remaining 121 acres as Rural. The applicants are requesting approximately 64 acres fronting Highway 278 to Regional Commercial and the remainder to Neighborhood Mixed-Use.

Regarding the zoning map, the applicants' 43 acres fronting Highway 278 are zoned Rural with Transitional Overlay and the remainder is zoned Rural. The Applicants requested 64 acres (fronting US 278) to be rezoned to Commercial Regional and the remaining acreage to be rezoned to Suburban. The Staff recommendation, in cooperation with the Town of Bluffton and after looking at traffic and environmental impacts and existing land use patterns, is denial of both requests for the following reasons:

1. Development would add considerable amount of additional traffic to US 278 despite the road widening from four to six lanes that is to meet the impacts of already approved development—acknowledging that the six-lane roadway is expected to fail by 2025;
2. Allowing such intense upzoning on the properties, despite County stormwater and land use policies and the County purchasing property around the headwaters of the Okatie River to protect the area, goes counter to such County policies and actions; and
3. The proposed rezoning is not supported by the County Comprehensive Plan that was adopted in 2011, in a cooperative effort with the Town of Bluffton.

Mr. Colin Kinton, the County Traffic and Transportation Engineer, noted that the applicant did not provide a traffic impact analysis so he did a quick calculation. The existing US 278 is a 4-lane divided highway carrying 33,000 cars a day. Graves Road, a dirt road, would be allowed a right-in/right-out access only in the future 6-laning of US 278. The plan is to provide access to the future relocated Hampton Parkway and to provide a traffic light when that parkway is developed. The projected volume from existing conditions on Highway 278 in 2025 is 75,000 cars per day (the projected capacity on US 278 is 68,000 cars per day for level of service (LOS) E and LOS D at 58,000 per day as the acceptable service level). The County's traffic model projects to the buildout level in 2025, however, with the significantly slowed growth due to the recession, the actual buildout date will be somewhat later than 2025. The reason for the difference between the applicants' 29,960 vehicles per day and the County's proposed trip generations is the type of land use and vehicles per day associated with the use. There is limited potential for connectivity from these properties since there are no plans to build the Hampton

Parkway at this time. US 278 would be significantly over capacity (at level of service/LOS F) with the proposed development. Mr. Kinton, in response to a Commissioner's query, reiterated that the applicant provided a trip generation report instead of a traffic impact analysis.

Applicants' Comments:

1. Mr. Jim Scheider, the applicants' representative, introduced the three applicants. The family has owned the 143 acres for 136 years. He personally has known Robert Graves more than 50 years and he has not found finer stewards of the land than the Graves family. Regarding the "bouncing back" between the Town of Bluffton and the County, Mr. Graves has not sought a rezoning since 2001. At that time a portion of the frontage was rezoned to Rural with Transitional Overlay, and then upzoned in 2002 to general commercial by Mr. Gordon Faulkner who ultimately bought that acreage. Mr. Graves in late 2009 and 2010 began a series of meetings at the urging of some Town councilmen with the Town of Bluffton. The Town commissioned a conceptual land plan for the Okatie headwaters. Last year the Town of Bluffton decided they did not wish to annex lands north of US 278. The Graves family has had extensive discussions with the Beaufort County Open Land Trust (BCOLT). The Graves family intends and is receptive and open to hear any proposal to protect the waters of the Okatie. Mr. Scheider noted that the County had acquired properties or conservation easements to protect the Okatie headwaters. He showed a concept plan with 200- and possibly up to 300-foot setbacks from river that the County should acquire or lease from the family. The Graves family has no present intention to develop these properties. Mr. Scheider noted the various commercial properties across and to the side of the Graves' properties. He noted that their engineering consultant, who worked for the County in the past, stated that the proposed development should not overload the traffic system. Mr. Scheider noted that, to date, there has been no response to the Graves' overtures to BCOLT.
2. Mr. Milt Rhodes, the applicants' representative, noted the content of a 2001 staff report that requested a comprehensive look that included concurrency with the road widening and transitioning into suburban and mixed-use center with commercial regional. He noted the February 2005 internal staff memo that addressed the signal access at the future Hampton Parkway to facilitate development on the north side of US 278—implying the Graves properties were assumed to transition in the future. He noted the Community Commercial boundary on the land use map that was drawn by Planning had not been communicated to the property owners. The line was put there to limit the amount of commercial development on that property. Regarding traffic, the trip generation report submitted shows the development would be capable of being accommodated by US278. He noted other "errors" in the County staff report including misquoting the acreage of the Community Commercial area (37 versus 43). He noted future consideration such as connecting other properties to Graves Road, and improving Graves Road. Mr. Rhodes stated that there were technical errors in the Comprehensive Plan, and when the errors were fixed he believed the rezoning would be consistent with the Comprehensive Plan. He said the land was suitable for development in the region—it is largely high, not wet and largely cleared. The proposed uses are not conflicting with the neighboring properties. He asserted that the traffic impact assessment is required when development occurs, no development is planned to date. The application contains letters of verification indicating services are available to the properties. He believes the criteria for rezoning has been satisfactorily addressed. At the Southern Beaufort County Subcommittee meeting, two variables were discussed—environment and traffic. Mr. Rhodes stated that a concept plan is not a requirement of the current ordinance (when requesting a rezoning). Converting (rezoning) the properties from a rural basis to something else will have a potential to remove, and prevent new, septic tanks from area. The Traditional Neighborhood Development (TND) option is not available to these properties under rural zoning. The change (rezoning) from a rural district will eliminate the livestock problem from this property. Regarding control of stormwater from the streets, a development of a network of walkable streets on the property will provide that control. There is potential for retrofit of upland problems caused by development such as Berkley Hall. The commercial suburban zoning recommended by staff is not a mixed-use district and does not have the mixed use provisions provided by commercial regional zoning. The

concept plan is an illustration requested by staff to convey an idea of how a mixed use with a neighborhood center, a neighborhood general area and a neighborhood edge might look on the property.

3. Mr. Scheider returned to discuss the Berkley Hall spine road that abuts Graves Road that could provide connectivity for Berkley Hall. The first order of business is to reach an agreement with the BCOLT or the County to protect the river. He wants to use the next 30 days to negotiate the protection of the river corridor and return with a tangible agreement to the next Commission meeting. Present by-right uses would allow the Graves to have twenty 1-acre water front lots with septic tanks. No one wants that to happen, certainly not us.
4. Mr. Robert Graves Sr., one of the applicants, noted that the land had been with the family for a century. We know the land, we love the land and it has been good to us. We are not land flippers. We have had plenty of opportunities to sell the land. We've tried to preserve the land. This property is symbolic of our family and our history. He noted that during his lifetime, he has seen development from Hilton Head Island to I-95. We've cooperated and paid our dues (especially taxes). We've been contributors. He asked for fairness in considering their request. He is open to placing covenants regarding the water run-off from his property.
5. Mr Scheider returned again to ask the Commission to take no action tonight. Instead, he asked the Commission to recommend to Council to facilitate negotiations with the Graves family to find an acceptable means to protect the integrity of the Okatie River.

Public Comment:

1. Mr. Reed Armstrong, of the Coastal Conservation League, agreed with the staff assessment of major problems with the property included non-compliance with the Comprehensive Plan, that potential commercial development along US 278 would add to a strip mall complex in the area, the incompatibility of the surrounding area, and traffic and water quality concerns. The Okatie is already impaired and plans show that runoff must be reduced to it. It is hard to see how increasing the density to four times what rural zoning allows will be accommodated. Whether or not RCLP could find the funds to purchase the buffers along the river might have an impact on the proposed bond referendum. The Form-Based Code (FBC) has not been adopted as yet. In preparation for the adoption, the Town of Bluffton and Beaufort County have growth framework maps designating where intense development should occur and this property is not included. Specific development plans for the property are needed to fully assess the effect to the County. Mr. Armstrong recommended denial of the request. He noted the Transfer of Development Rights (TDR) program regarding the Marine Corps Air Station Beaufort and thought these properties could be designated as a sending area for such a program to transfer development rights to other areas such as Village Center or Town Center at the end of Bluffton and Buckwalter Parkways.
2. Beaufort County Councilman Stu Rodman stated he was commenting as a citizen rather than a County Council member. He noted that last summer the Council was considering another Rural and Critical Land Preservation (RCLP) Program bond of 25 million dollars. The Council had 90 million approved to date. He noted that consideration should be to protect the river with RCLP funds. The bond will be on the ballot in November 2012. As vice-chair of the Transportation Advisory Committee, he felt the traffic calculations were hard to understand. He believed a traffic model correction should occur in terms of the amount of current and projected traffic. He did not see how these properties could produce such high traffic counts compared to the numbers going over the bridge to Hilton Head.
3. Mr. Roberts Vaux noted that: 1- We've been trying to save the Okatie for 15 years, but it's been a lousy effort, a miserable failure. 2- It seems opponents are trying to stop development—it's unlawful. We would be better off to exercise leadership to save the Okatie and May Rivers. Ask the applicants to go into a conditional waiver of a 30-day notice. He recommended that the Commission pass a resolution asking County Council, if it is their will, that Commission, staff and RCLP work to develop a plan agreeable to all parties. Mr. Scheider noted that 20 houses with 50-foot setbacks were allowed by-right with septic tanks. Mr. Vaux remembered when the 50-foot setbacks came into effect

and obviously it hasn't worked (to protect the Okatie). Obviously the family can use the property, and have used it for 136 years, for farming. Obviously it hasn't worked in the recent times. The runoff continues. We need to try something innovative. He suggested requiring that all stormwater be retained on-site. Let's try to have a win-win situation. The suggested covenants on the properties or producing a definitive plan before the rezoning do not work. If the applicants could be persuaded to donate some of the land to the County without the rezoning, the property value would be lower than if it were rezoned—it does not make sense and it isn't even fair. He recommended that the Commission recommend that County Council issue a directive that the applicants and the County meet to work out terms and conditions that might be agreeable to both sides. Denying the application is not the solution.

4. Ms. Ann Rubbin of Dory Court stated she has lived in Beaufort for 13 years. Taxpayers pay for experts (the staff) to study all the things they (the taxpayers) don't know. How have things gone down the road without paying attention to staff recommendations? (Chairman Hicks explained the rezoning process where several hearings are held so that the public would be informed of proposed rezonings.) Ms. Rubbin thanked Chairman Hicks for his explanation.

NOTE: Chairman Hicks recessed the meeting at approximately 7:09 p.m. and reconvened the meeting at approximately 7:19 p.m.

Chairman Hicks offered the following thoughts to the Commissioners:

- When someone asks for a planning matter to be done, the Commission's role is to respond to the requestor and to forward a recommendation to Council within 30 days. The Commission could forward the request without a recommendation, instead suggesting that the applicants and RCLP meet. However, it is not the role of the Commission to direct RCLP to do anything; it is Council's role. If you were RCLP would you want a 30-day limit on negotiations?
- The Town of Bluffton has not set growth limits like the northern municipalities, but did not wish to annex these properties. Upzoning properties that abut municipalities is a touchy subject, such an upzoning may cause a donut hole to occur.
- The Applicants have a right to withdraw their rezoning requests and to request a meeting with the RCLP consultant. When RCLP began, you could not have parallel tracks between rezoning and RCLP negotiations since it was zoning shopping.
- He urged the Commission to consider the requests as submitted. He agreed that the Graves have been good shepherds of their land. He urged the Commission not to get wrapped around the transportation issue.

Discussion by the Commission included:

- a confirmation on withdrawal of the request and how and when the Commission would rehear the request;
- the impossibility of a parallel track of the rezoning request and being considered for RCLP program;
- the conflicting opinions of denying property owners who have been good stewards in the past;
- a personal preference for non-development of the property;
- the high profitability to the owner on upzoning not being a Commission role;
- the potential uses for the upzoning to Commercial Regional allowing big box stores;
- the Commission not being in a negotiating business;
- the difference between the traffic counts by the applicant's consultant and the County's traffic engineer being based on the number of square footage used by each;
- concerns of enforceable stormwater drainage;
- the possible options of planned unit development (PUD) and transfer of development rights (TDRs);
- a plea to find a way to help these people;

- a recommendation to provide a development plan;
- the unrealistic thinking that the property will not be developed;
- the reverse spot zoning for the property considering the surrounding development;
- the existing controls that should provide the protections expressed;
- an expressed support for the rezoning request; and
- a recommendation for a 1% sales tax to assist the transportation crisis caused by overdevelopment in Southern Beaufort.

Motion: Mr. Semmler made a motion, and Mr. Petit seconded the motion. **to forward to County Council a recommendation to approve the Future Land Use Map Amendment of Southern Beaufort County properties R600 021 0002 0000, R600 021 000 0075 0000, R603 021 000 004A 0000, R603 021 000 004A 0000, R603 021 000 006A 0000, R603 021 000 007B 0000, R603 021 000 0194 0000, and R603 021 000 0195 0000 (7 parcels totaling 142+/- acres off Highway 278/Fording Island Road and Graves Road known as Pepper Hall); from Rural and Community Commercial to Regional Commercial and Neighborhood Mixed Use.** The motion was **TIED 4 to 4** (FOR: Brown, Petit Semmler, and Sutler; AGAINST: Chmelik, Hicks, Riley and Thomas).

Motion: Mr. Semmler made a motion, and Mr. Petit seconded the motion. **to forward to County Council a recommendation to approve the Southern Beaufort County Zoning Map Amendment / Rezoning Request for R600 021 0002 0000, R600 021 000 0075 0000, R603 021 000 004A 0000, R603 021 000 004A 0000, R603 021 000 006A 0000, R603 021 000 007B 0000, R603 021 000 0194 0000, and R603 021 000 0195 0000 (7 parcels totaling 142+/- acres off Highway 278/Fording Island Road and Graves Road known as Pepper Hall) from Rural (R) and Rural with Transitional Overlay (R-TO) Zoning District to Commercial Regional (CR) and Suburban (S).** The motion was **TIED 4 to 4** (FOR: Brown, Petit Semmler, and Sutler; AGAINST: Chmelik, Hicks, Riley and Thomas).

Chairman Hicks noted that both motions would be forwarded to County Council indicating the indecision of the Commission regarding these requests.

Further discussion included:

- the minute possibility of the TDRs; and
- urging negotiations between the property owners and the County to protect the environment.

Mr. Scheider stated that the applicants have initiated discussion with BCOLT and that BCOLT were awaiting Council's decision/direction.

STAFF REPORT:

A. BACKGROUND:

Case No.	ZMA-2011-17
Applicant/Owner:	Robert Graves, John Graves, and Paul Graves
Property Location:	Intersection of U.S. Highway 278 and Graves Road.
District/Map/Parcel:	R603-021-000-007B-0000; R603-021-000-0195-0000; R603-021-000-0194-0000; R603-021-000-004A-0000; R603-021-000-06A-0000; R600-021-000-0075-0000; R600-021-000-002-0000
Property Size:	142.91 acres
Current Future Land Use	Community Commercial (approximately 21 acres fronting US 278) and

Designations:	Rural (remainder of property)
Proposed Future Land Use Designations:	Regional Commercial (approximately 64 acres fronting US 278) and Neighborhood Mixed-Use (remainder of property)
Current Zoning Districts:	Rural with Transitional Overlay (approximately 37 acres fronting US 278) and Rural (remainder of property)
Proposed Zoning Districts:	Commercial Regional (approximately 64 acres fronting US 278) and Suburban (remainder of property)

B. SUMMARY OF REQUEST:

The applicants, Robert Graves, John Graves, and Paul Graves, are proposing to change the future land use designation and to rezone an assemblage of 7 parcels equaling 142.9 acres located on the north side of US 278 between the Okatie River and Graves Road. The properties are currently zoned Rural with Transitional Overlay on the 37 acres fronting US 278 and Rural for the remainder of the property (please refer to the attached map for a summary of the proposed future land use map amendments and zoning amendments). The applicant believes that the proposed amendment is consistent with the surrounding land uses and growth trends and that the current widening of US 278 from 4-lanes to 6-lanes will accommodate the additional traffic that would potentially result from the rezoning. In 2001, County Council approved an application to rezone the 37 acres that front US 278 from Rural to Rural with Transitional Overlay. In 2002, County Council approved the upzoning of a 17.5-acre tract directly east of the proposed rezoning from Rural to Commercial Regional.

C. ANALYSIS OF COMPREHENSIVE PLAN AMENDMENT

Section 106-494 of the ZDSO requires the following considerations when reviewing a proposed amendment to the Comprehensive Plan:

- 1. Whether capital investments, population trends, land committed to development, density, use or other conditions have changed that justify the amendment.** Over the last 15 years, Southern Beaufort County grew at a rapid pace moving westward from Hilton Head Island in the direction of the Graves properties. However, this rapid rate of growth in Southern Beaufort County led the County, the Town of Hilton Head Island and the Town of Bluffton to develop a regional plan to assess the impact of future growth and whether the local governments would be able to keep up with the cost of growth. The Southern Beaufort County Regional Plan projected a doubling of the population over the next 15 to 20 years based on previously committed development in the Greater Bluffton Area. The many capital investments that are underway in southern Beaufort County, including the widening of US 278, are addressing the projected impact of this **previously committed development**. This proposed rezoning would compound the potential for future growth and put more strain on the capital investments that are being made.
- 2. Whether the proposed amendment is consistent with the comprehensive plan's goals and policies.** Beaufort County's land use policies for this property were designed to achieve the following objectives. The first was to discourage further sprawl in southern Beaufort County by limiting the spread of moderate density residential and commercial development. The second goal was to preserve and protect sensitive natural features in rural areas, in this case the headwaters of the Okatie River. Increasing the future land use to Regional Commercial and Neighborhood Mixed-Use would work counter to achieving these goals. In addition, the applicant has argued that the proposed comprehensive plan and zoning amendment would allow and encourage mixed-use development which is supported in the comprehensive plan. However, while the application of Commercial Regional and Suburban zoning to this property enables the development of pedestrian friendly, mixed-use development, it does not preclude the

development of auto-oriented sprawling development that is not supported in the plan. This proposed comprehensive plan amendment would also create a pattern of strip commercial development that is inconsistent with the plan. The comprehensive plan states that commercial uses should focus on key transportation nodes, avoiding strip patterns. Approximately 64 acres of Regional Commercial property would yield over 1,400,000 square feet of retail and office space if fully developed. While currently 37 acres on the east side of Graves Road are zoned Commercial Regional, the addition of 64 acres would create a 100 acre regional node less than a mile east of another regional node located at McGarvey's Corner.

3. **Whether the proposed amendment is necessary to respond to state and or/federal legislation.** Not applicable.
4. **Whether the proposed amendment would result in development that is compatible with surrounding land uses.** The Berkeley Hall PUD adjoins this property directly to the east and is more in character with the development that Rural zoning permits. Berkeley Hall has a total acreage of approximately 1,530 acres and is approved for 712 dwelling units. This gives the PUD a gross density of 1 dwelling unit per 2 acres. The current Rural zoning permits a residential density of 1 dwelling unit per 3 acres. The proposed Suburban zoning allows single-family subdivision with a gross density of 2 dwelling units per acre (four times the density of Berkeley Hall) with the option to increase the density utilizing the Traditional Neighborhood Development and multi-family development options.
5. **Whether and to the extent to which the proposed amendment would affect the capacities of public facilities and services, including roads, utilities, law enforcement, fire, EMS, schools, parks and recreation, solid waste, and drainage facilities.** The applicant has notified and supplied letters from the Beaufort County Sheriff's Department, the Bluffton Fire District, the Beaufort County School District, Beaufort Jasper Water Sewer Authority, Palmetto Electric, and Hargray. In addition, a Traffic Impact Analysis was submitted as part of the application. The applicant argues that the widening of US 278 from 4-lanes to 6-lanes will increase the capacity of the highway to 67,538 vehicles per day and more than accommodate the additional trips generated by the proposed rezoning. However, the Southern Beaufort County Regional Plan projects that in the next 15 to 20 years, based on **previously committed development**, the average annual daily trips (AADT) on US 278 will increase to 65,000 vehicles per day (level of service D). The additional traffic that would be generated by this proposal was not modeled in the Southern Regional Plan. This rezoning would potentially consume all remaining future capacity of US 278 and result in traffic exceeding the design capacity of US 278, pushing it to a level of service E or F. In addition, there is no ability to provide connectivity to the roadway network because the property is situated between the Okatie River and Berkeley Hall, which restricts access.
6. **Whether, and to the extent to which, the proposed amendment would result in negative impacts to natural resources.** The property is located next to the sensitive headwaters of the Okatie River. In the past, Beaufort County has recognized the importance of preserving the water quality in the Okatie River and invested over \$8 million through the Rural and Critical Lands Preservation Program to preserve over 150 acres of land in the Okatie Headwaters. Allowing intense commercial and moderate-density residential development would work counter to the County's policies in the Okatie Headwaters.

D. 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 the following:

1. **The change is consistent with the County's Comprehensive Plan and the purposes of this Ordinance.** See discussion under Section C.
2. **The change is consistent with the character of the neighborhood.** As stated above, the Berkeley Hall PUD adjoins this property directly to the east and is more in character with the development that Rural zoning permits. Although there are commercial regional land uses to the south and east of this property, the comprehensive plan states that commercial uses should focus on key transportation nodes, avoiding strip patterns. The proposed change to Commercial Regional, the County's most intense commercial zoning district would change the character of the surrounding area. Approximately 64 acres of Commercial Regional property would yield over 1,400,000 square feet of retail and office if fully developed. This large concentration of commercial development combined with the commercial uses to the south and east would potentially create a huge regional commercial node less than a mile east of another regional node located at McGarvey's Corner.
3. **The extent to which the proposed zoning is consistent with the zoning and use of nearby properties.** See comments for #2.
4. **The suitability of the property for the uses to which it has been restricted.** The 37 acres of the property fronting US 278 is currently zoned Rural with Transitional Overlay. The application of the Transitional Overlay district recognizes that this site is within a developing area and that it may be suitable for additional uses other than those allowed under the current zoning. The comprehensive plan designated the front 21 acres of this property Community Commercial. Therefore, a transition of the front 21 acres of this property to Commercial Suburban would be consistent with the Comprehensive Plan.
5. **Allowable uses in the proposed district would not adversely affect nearby property.** The property is currently zoned Rural with Transitional Overlay. A change to Commercial Regional would substantially affect the uses permitted. Commercial Regional areas are described in the ZDSO as areas that contain large commercial uses that serve "the entire county" and include highway service uses that need to be located on major highways. Commercial Regional Districts are not meant to be a strip along arterial or collector roads. Suburban zoning in the rear of the property could potentially be of a scale and intensity inconsistent with Berkeley Hall.
6. **The length of time a property has remained vacant as zoned, where the zoning is different from nearby developed properties.** This property is being utilized for residential and agricultural purposes. The uses and zoning of adjacent properties are consistent with Berkeley Hall.
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.** Except for three residential PUDs and the area immediately surrounding McGarvey's Corner, the zoning of this property is consistent with the zoning designations of the other properties in the Okatie area.

E. STAFF RECOMMENDATION:

After review of the guidelines set forth in section 106-492 of the ZDSO, the staff recommends denial of this request for the following reasons:

1. The proposed rezoning would eventually consume the additional capacity that is being added by the widening of US 278 from 4 to 6 lanes.

2. Allowing intense commercial and moderate-density residential development would work counter to the County's policies in the Okatie Headwaters.
3. Proposed rezoning is not supported by the Comprehensive Plan which was adopted in early 2011 by County Council.

The portion of this property fronting US 278 is currently zoned Rural with Transitional Overlay. The application of the Transitional Overlay district recognizes that this site is within a developing area and that it may be suitable for additional uses other than those allowed under the current zoning. The comprehensive plan designated the front 21 acres of this property Community Commercial. Therefore, a transition of the front 21 acres of this property to Commercial Suburban would be consistent with the Comprehensive Plan.

F. SUBCOMMITTEE RECOMMENDATION:

The Southern Beaufort County Subcommittee met on January 12, 2012. The following subcommittee members were present: Ms. Diane Chmelik (Chair), and Messrs. Ron Petit, Edward Riley, E. Parker Sutler, and John Thomas.

Mr. Anthony Criscitiello, County Planning Director, outlined the application process. Mr. Rob Merchant, County Long-range Planner, presented the staff report and the County's recommendations. Messrs. Jim Scheider and Milt Rhodes, representatives of the applicant, provided comments.

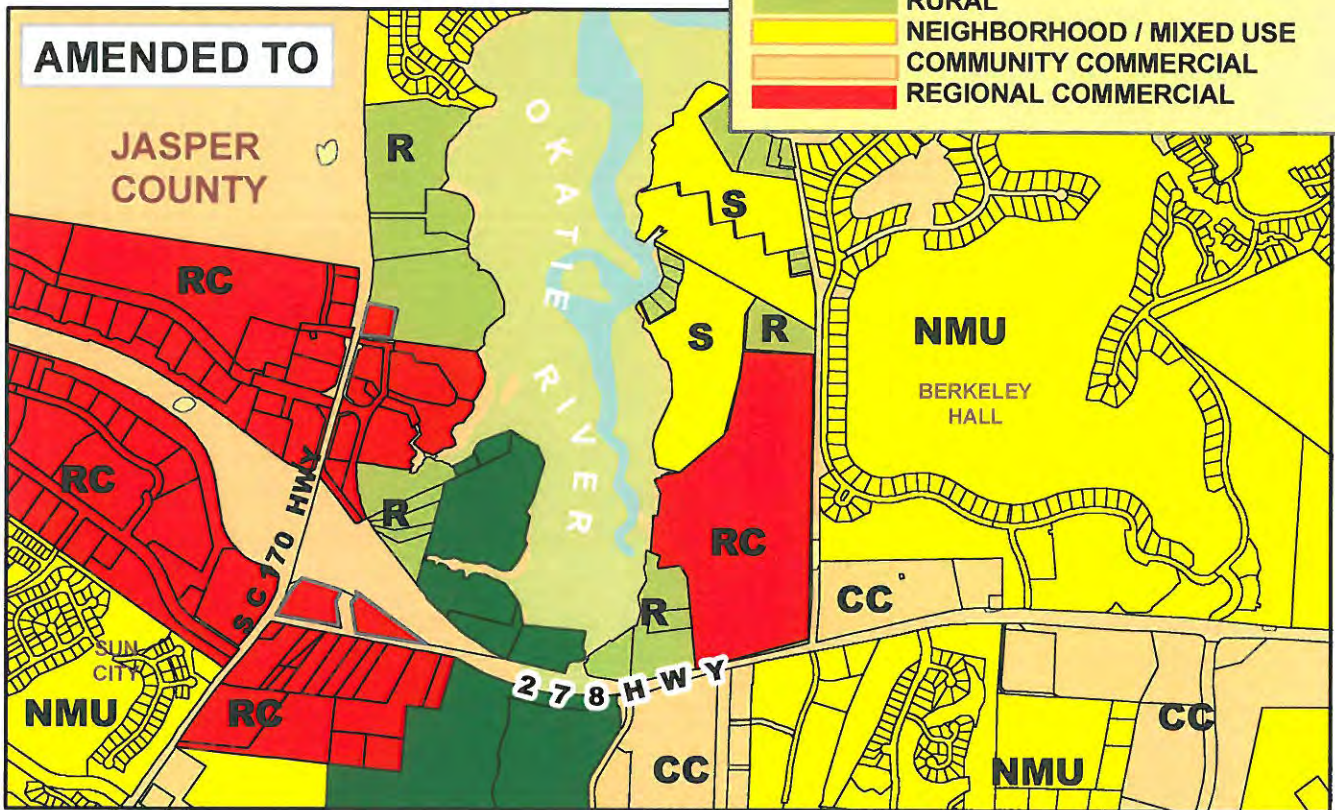
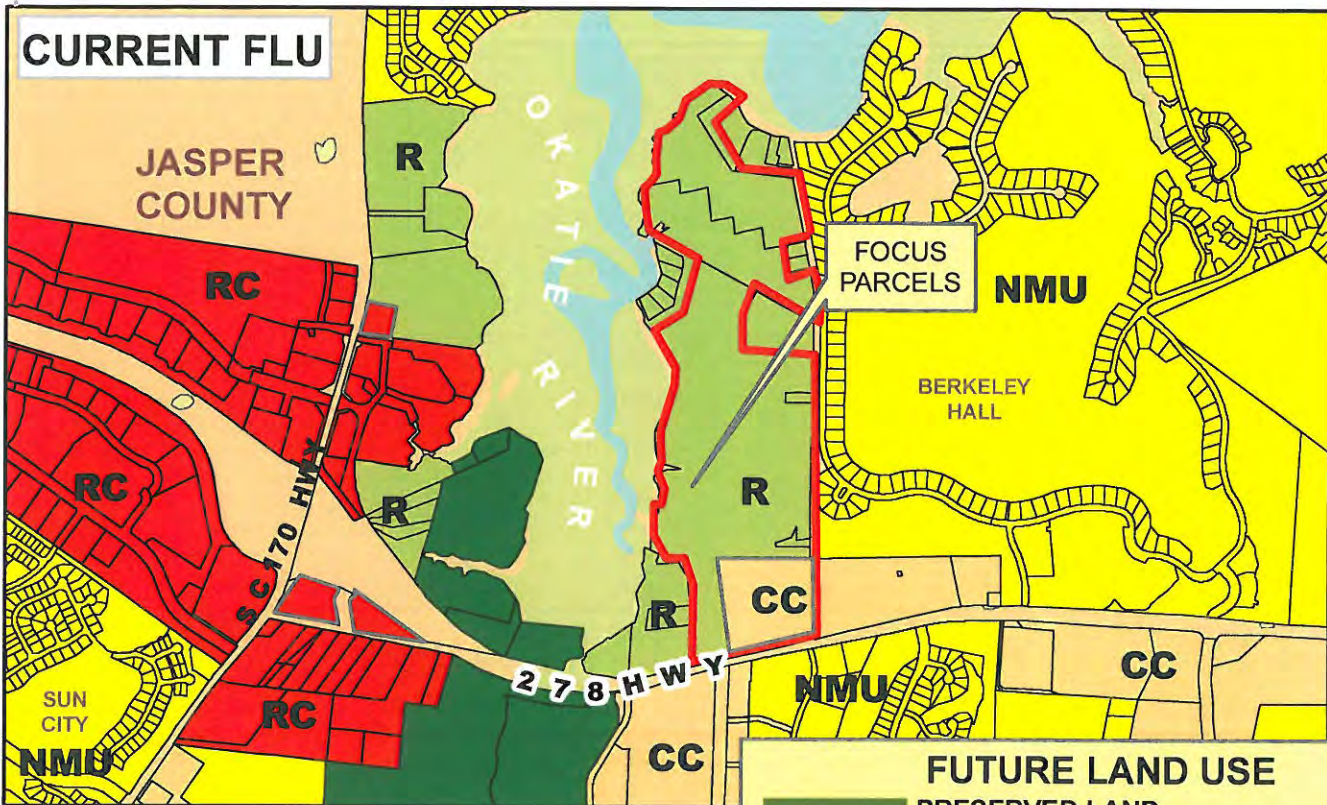
Comments from the general public included:

- concern by an adjacent parcel property owner regarding noise and air pollution and requested a buffer around her property;
- a desire to receive written notification of the meeting despite being outside of the 500-foot radius of the property;
- concern for the lack of details in the application where it feels like a blank page is being approved where anything could happen;
- concerned about road noise;
- concern from a Graves Road property owner about the allowable uses for the proposed zoning;
- concern for the effect of the proposed development on the Okatie River;
- clarification on the traffic count and the rating for Highway 278; and
- concern for public notification regarding this project.

After discussion by the subcommittee members, Chairman Chmelik called for a vote. **Motion:** Mr. Thomas made a motion, and Mr. Riley seconded the motion, that **no recommendation be forwarded to Planning Commission.** The **motion was carried** (FOR: Riley, Sutler and Thomas; AGAINST: Chmelik and Petit).

G. ATTACHMENTS

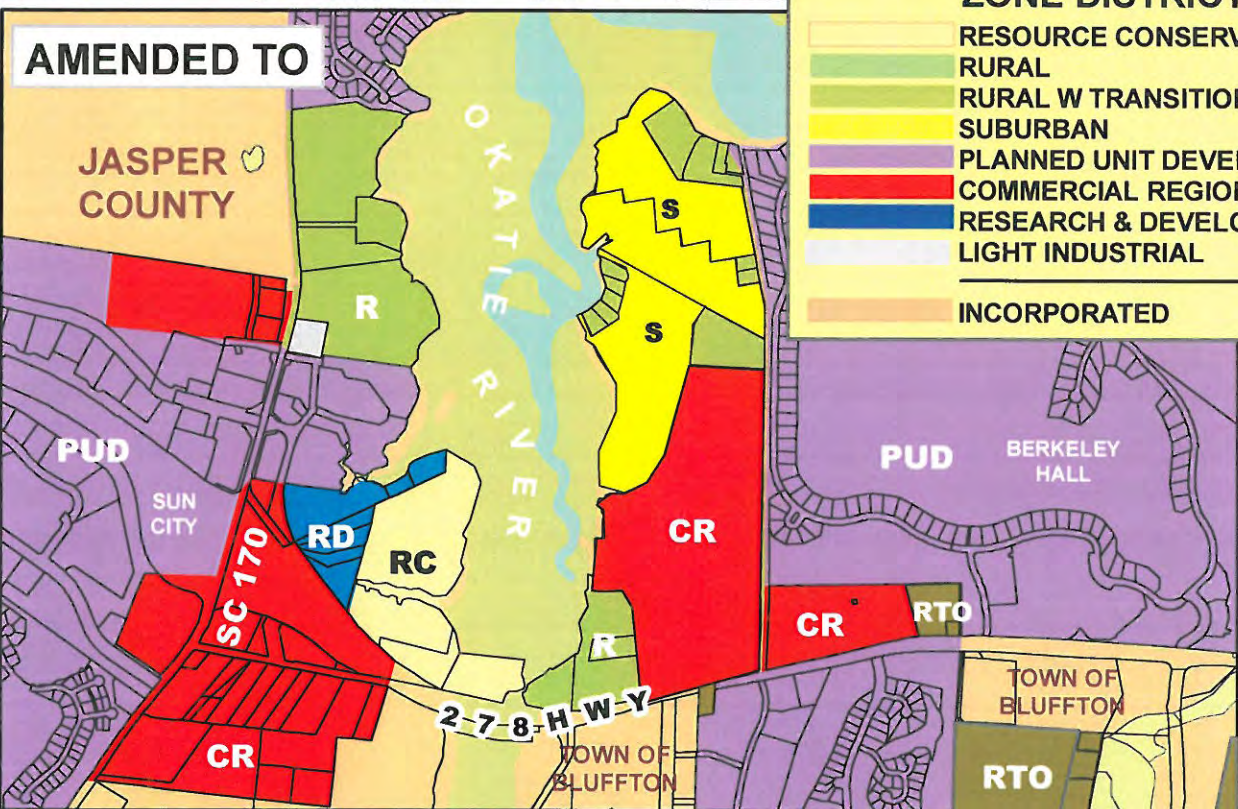
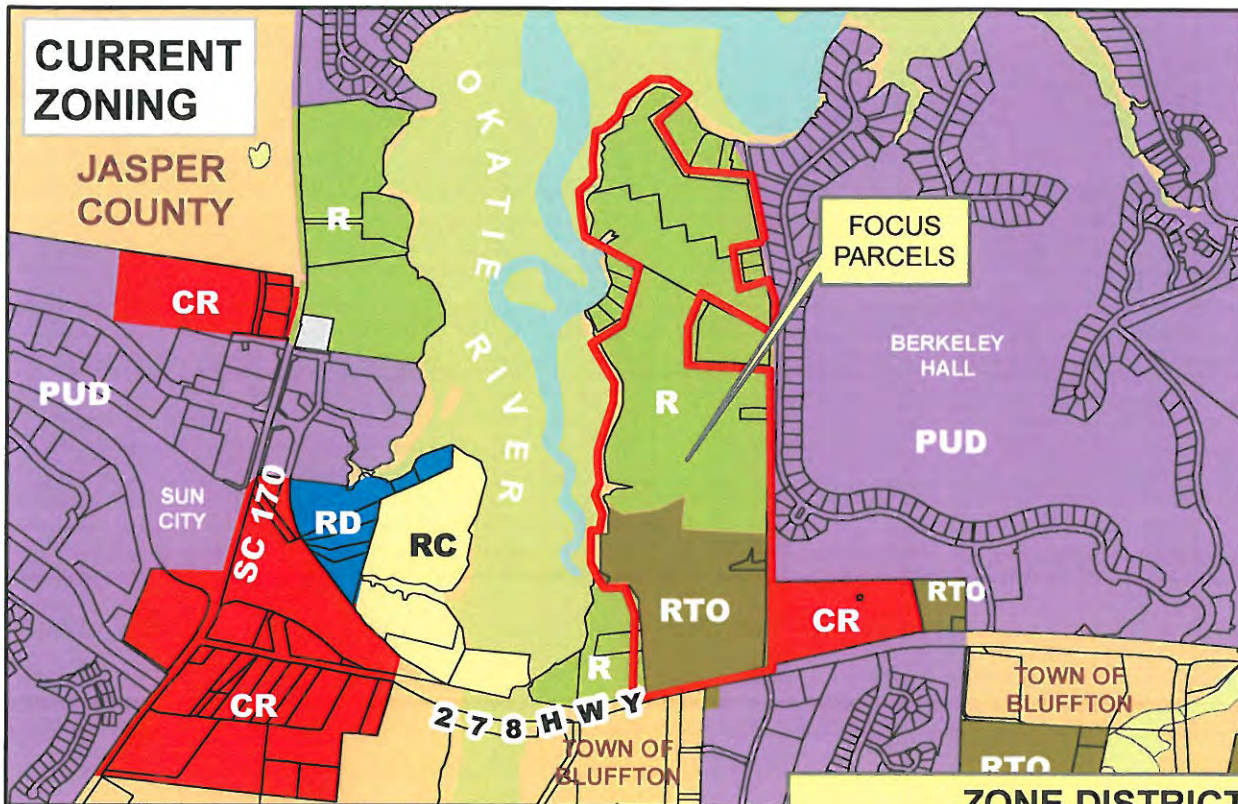
- Maps: Future Land Use and Zoning
- Comments from Jasper County and Towns of Bluffton and Hilton Head Island
- Applications: Future Land Use and Zoning
- Notification: Letter to and List of Abutting Property Owners



FUTURE LAND USE AMENDMENT

INVOLVING PARCELS:

- R600 021 000 0002 0000; R600 021 000 0075 0000;
- R603 021 000 004A 0000; R603 021 000 0194 0000
- R603 021 000 0195 0000; R603 021 000 006A 0000;
- R603 021 000 007B 0000



ZONE DISTRICTS	
	RESOURCE CONSERVATION
	RURAL
	RURAL W TRANSITIONAL OVERLAY
	SUBURBAN
	PLANNED UNIT DEVELOPMENT
	COMMERCIAL REGIONAL
	RESEARCH & DEVELOPMENT
	LIGHT INDUSTRIAL
	INCORPORATED



REZONING AMENDMENT

INVOLVING PARCELS:

- R600 021 000 0002 0000; R600 021 000 0075 0000;
- R603 021 000 004A 0000; R603 021 000 0194 0000
- R603 021 000 0195 0000; R603 021 000 006A 0000;
- R603 021 000 007B 0000

Lisa Sulka

Mayor

Fred Hamilton Jr.

Mayor Pro Tempore

Anthony Barrett

Town Manager



Council Members

Michael Raymond

Oliver Brown

Allyne Mitchell

Sandra Lunceford

Town Clerk

December 16, 2011

Anthony Criscitiello
Planning Director
Beaufort County
P O Drawer 1228
100 Ribault Road Room 115
Beaufort, South Carolina 29901-1228

RE: Graves Property/Pepper Hall Request for Comments

Dear Mr. Criscitiello:

Thank you for the opportunity to review the application submitted to Beaufort County requesting a Comprehensive Plan Amendment and Zoning Ordinance Map Amendment for seven (7) properties comprising 142.91 acres in southern Beaufort County, collectively referred to as the Graves Property/Pepper Hall. As set forth by Resolution for Joint Review and Coordination between Beaufort County, Jasper County, City of Hardeeville, Town of Hilton Head Island, and the Town of Bluffton, this is a project of regional significance requiring multi-jurisdictional review. Based upon the application materials provided by you to the Town of Bluffton, it is our understanding that the request is to establish Commercial Regional and Suburban Zoning Districts on this property. It is also our understanding from these same materials that approval of the request would authorize the Applicant to potentially develop +/-500 dwelling units and +/-800,000 square feet of commercial/office space.

As you know, these same property owners recently submitted similar requests, in addition to an Annexation Petition, to the Town of Bluffton. To date, the property owners have neither advanced nor withdrawn these applications and as a result they remain active applications with the Town. In light of this more recent submittal to Beaufort County, Town Staff has requested the property owners to either advance or withdraw these applications on or before December 31, 2011.

Town Staff has reviewed the application submitted to Beaufort County and finds the submittal to be incomplete and insufficient at this time. Specifically, the Applicant has not provided a master plan and site capacity analyses necessary to satisfy the criteria necessary for approval of the application, particularly given the extensive shoreline and floodplain of the site along the Okatie River. As a result, Town Staff is not able fully evaluate the application.

In response to the applications that were submitted to the Town, Town Council provided the property owners with specific guidance as it relates to the future development of this property. This guidance, as applicable to the Beaufort County request, included the following:

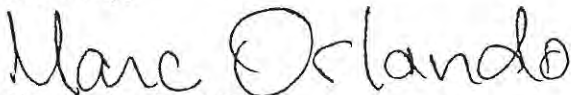
*Theodore D. Washington Municipal Building
20 Bridge Street P.O. Box 386 Bluffton, South Carolina 29910
Telephone (843) 706-4500 Fax (843) 757-6720
www.townofbluffton.sc.gov*

1. **Workforce/Affordable Housing and/or a Fee-in-Lieu Program.** Provide, at a minimum, a 10% workforce/affordable housing and/or a Fee-in-Lieu Program;
2. **Highway 278/Hampton Parkway/Pepper Hall Plantation Intersection.** Provide for a 50% pro-rata share of future intersection and signalization improvements including but not limited to the future signalized intersection at Hampton Parkway.
3. **Land Dedication.** Provide for the dedication of public space including but not limited to park and/or site for public use.
4. **Conservation Easement.** Provide for a Conservation Easement with a minimum width of 200 feet along the Okatie River edge.
5. **Real Estate Transfer Fee.** Establish a Graves Tract Real Estate Transfer Fee that can be earmarked and allocated for use to protect, enhance, and maintain open space along the Okatie River.
6. **Master Plan/Density Capacity.** Provide a Master Plan that illustrates the established buildable limits, including but not limited to the conservation easement, open space, non-residential building placement, public site, parking infrastructure, roadway alignment that includes cross-access to eastern properties, etc. This Master Plan shall serve as the site capacity analysis whereby actual residential and non-residential densities are determined.

In addition to providing a complete application for review, Town Staff respectfully requests the items listed above be incorporated.

Again, thank you for the opportunity to review this application. If you have any questions or I can be of further assistance please contact me at (843) 706-4511 or via email at morlando@townofbluffton.com.

Sincerely,



Marc Orlando, AICP
Deputy Town Manager/
Director of Growth Management

cc: Anthony Barrett, Town Manager
Shawn Leininger, Principal Planner



Jasper County Planning and Building Services

358 Third Avenue - Post Office Box 1659
Ridgeland, South Carolina 29936
Phone (843) 717-3650 Fax (843) 726-7707

David M. Jirousek, AICP
Director
djirousek@jaspercountysc.gov

December 16, 2011

Via email

Anthony Criscitiello
Beaufort County Planning Director
Post Office Drawer 1228
Beaufort, SC 29901-1228

Re: Graves Property / Pepper Hall

Mr. Criscitiello:

Thank you for sending information regarding the subject Zoning Map and Comprehensive Plan amendment request. Based on the location of the proposal and the scope of the project, I do not have formal review comments concerning the application materials. However, as these particular properties are within the reaches of impaired segments of the Okatie River, it is in the best interest of the region to carefully consider development proposals.

As you recall, Jasper County is a partner in the regional water quality effort titled: "Implementation of an Okatie River Watershed Plan: Addressing Fecal Coliform Bacteria through Comprehensive Non-Point Source Management." As we have revised our own development standards to mitigate the impact of stormwater runoff within the Okatie River watershed, I trust that Beaufort County officials will continue to make sound policy decisions regarding development. I hope the County facilitates a review process that balances property rights and economic development with environmental sensitivity.

I look forward to following the progress of this project and I appreciate your formal request for comments. Jasper County will continue to promote the spirit of regionalism and intergovernmental cooperation to the best of its ability.

Best regards,

A handwritten signature in cursive script that reads "David M. Jirousek".

David M. Jirousek, AICP
Director of Planning and Building Services

TOWN OF HILTON HEAD ISLAND

One Town Center Court, Hilton Head Island, S.C. 29928

(843) 341-4600 Fax (843) 842-7728

www.hiltonheadislandsc.gov

Drew A. Laughlin
Mayor

Kenneth S. Heitzke
Mayor ProTem

Council Members

Wm. Lee Edwards
Willie (Bill) Ferguson
William D. Harkins
Kimberly W. Likins
George W. Williams, Jr.

Stephen G. Riley
Town Manager

December 16, 2011

Tony Criscitiello
Planning Director
100 Ribault Rd
Beaufort, SC 29901

RE: Graves Property/Pepper Hall Request

Dear Mr. Criscitiello:

Thank you for submitting a copy of the application materials for the Graves Property/Pepper Hall comprehensive plan amendment and zoning map amendment requests to the Town of Hilton Head Island. In the spirit of the Southern Beaufort County Regional Plan's (SCBRP) implementation strategies Town Staff has taken the opportunity to review the information. Based on this review we have the following concerns:

- There is a significant increase in the density that would be permitted on this property, which would result in a significant impact on roads, natural resources and other public infrastructure. The SBCRP identified a list of roadway projects that would be necessary to achieve an agreed upon level of standard D (LOS D). These improvements were based upon potential build out of this property under the existing zoning classifications. The traffic impact assessment bases its analysis and findings using level of service E as the standard contradicting the goal of achieving LOS D.
- The traffic assessment included in the application outlines a current level of ADT at 32,900 trips. The potential build out with the proposed rezoning would generate an additional 29,960 trips nearly doubling the daily volume to 62,860 ADT. The capacity to maintain a level service of E is identified at 67,538 trips which includes the current widening of US 278 to 6 lanes in this area. The implementation of the proposed development results in serious impacts to the transportation infrastructure. The remaining capacity in this area to maintain LOS E is 4,678 ADT. **The Level of Service goal for this area is a LOS D.** Any additional development within this section of US 278 will likely result in decreasing level of service below E and require significant transportation infrastructure upgrades.
- Potential impacts related to the proposed scale and intensity of the development on the Headwaters of the Okatie River.

These comments are provided to for your consideration and review. Again, thank you for the opportunity to provide input. If you or have any questions, please advice.

Respectfully Submitted,



Charles Cousins, AICP
Director of Community Development

BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED ZONING/DEVELOPMENT STANDARDS ORDINANCE
ZONING MAP/TEXT AMENDMENT APPLICATION

TO: The Chairman & Members of 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):
 Zoning Map Designation/Rezoning () Zoning/Development Standards Text
2. Give exact information to locate the property for which you propose a change:
Tax District Number: _____, Tax Map Number: _____, Parcel Number(s): SEE ATTACHMENT
Size of subject property: 5/142 Square Feet/Acres (circle one)
Location: West of intersection of GARDNER ROAD & US HIGHWAY 278
3. How is this property presently zoned? (Check one)
 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? COMMERCIAL REGIONAL &
(Under Item 10 explain the reason(s) for your rezoning request.) SUBURBAN
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 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.

ZMA

9. Explanation (continue on separate sheet if needed): SEE ATTACHMENT

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.

[Signature] _____ 11/16/11 _____
Signature of Owner Date

Printed Name: Robert L. Graves Telephone Number: 843 311 2288

Address: P.O. Box 7108, HHI SC 29938

Agent (Name/Address/Phone):
MILT RHODES 919 522 0172

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 IN WHICH YOUR PROPERTY LIES. 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.

PUD APPLICANTS WILL BE REQUIRED TO SUBMIT MULTIPLE COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

CONTACT THE PLANNING DEPARTMENT AT 470-2724 FOR APPLICABLE APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)



Date Posting Notice Issued:
Application Fee Amount Received: \$250⁰⁰
Receipt No. for Application Fee: 111151

ZMA
FILE NO: 2011-17.2 // Initiated by: STAFF / OWNER
(Circle One)

8. 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.

Paul Graves 11/21/2011
Signature of Owner Date
Printed Name: PAUL GRAVES Telephone Number: 843-509-9890
Address: 1836 Omni Blvd, Mt Pleasant SC 29466
Agent (Name/Address/Phone): NjmSt pef i 5: 32 Gmgpo Obd x bz- \$2225- Gmgpo- TD 3: 21 2: 633/1283

APPLICANTS ARE REQUIRED TO SUBMIT FIFTEEN (15) COPIES OF THEIR SUBMITTAL TO THE PLANNING DEPARTMENT.

THIS APPLICATION WILL BE REVIEWED BY THE PLANNING STAFF FOR COMPLETENESS PRIOR TO THE REVIEWS BY THE PLANNING COMMISSION AND COUNTY COUNCIL. ATTACHED ARE FIGURE 106-491 FOR THE ENTIRE REVIEW PROCEDURE AND A LIST OF THE APPLICABLE MEETING SCHEDULES.

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.

APPLICATION FEES: \$250.00 FOR PUDS AND \$50.00 FOR ALL OTHER APPLICATIONS.

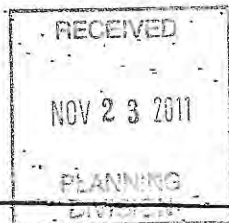
FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)

Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:



8. 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.

John T. Graves, Jr. 11/22/2011
Signature of Owner Date
Printed Name: JOHN T. GRAVES JR. Telephone Number: _____

Address: 26 MELON HOLE RD OKATIE, SC 29909

Milt Rhodes
Agent (Name/Address/Phone): 4921 Bluffton Parkway, #1114, Bluffton, SC 29910
919.522.0172

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APPLICATION FEES: \$250.00 FOR PUDS AND \$50.00 FOR ALL OTHER APPLICATIONS.

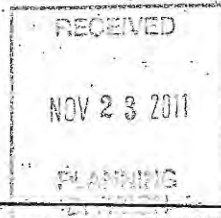
FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)

Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:



BEAUFORT COUNTY, SOUTH CAROLINA
PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT
OR FUTURE LAND USE MAP AMENDMENT APPLICATION

TO: The Chairman & Members of 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):
 Future Land Use Map Designation () Comprehensive Plan Text Amendment
2. Give exact information to locate the property for which you propose a map change:
Tax District Number: SEE ATTACHED, Tax Map Number: SEE ATTACHED, Parcel Number(s): SEE ATTACHED
Size of subject property: ± 142 acres Square Feet/Acres (circle one)
Location: West of Intersection of GRAVES ROAD & US HIGHWAY 278
3. How is this property presently designated on the Future Land Use Map? (Check one)
Priority Investment Areas: Transitional Investment Area:
() Community Preservation/CP () Transitional Areas
() Regional Commercial
() Research & Development
() Residential/Light Commercial Classifications:
 Community Commercial () Incubator Development
Rural Investment Areas: () Park & Conservation Easement
() Resource Conservation () Military Property & County Airports
() Rural Service Areas () Military Planning Areas
() Planned Unit Development/PUD
 RURAL
4. What new Future Land Use Map designation do you propose for this property?
REGIONAL COMMERCIAL/NEIGHBORHOOD (Under Item 10 explain the reason(s) for
MIXED USE your map amendment request.)
5. Do you own all of the property proposed for this amendment? 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 list of all owners of the business.
6. If this request involves a proposed text change in the Beaufort County Comprehensive Plan, the section(s) affected are: _____
(Under Item 10 explain the proposed text change and reasons for the change.)
7. The following sections of the Beaufort County ZDSO should be addressed by the applicant and attached to this application form: Section 106-494, Standards for Comprehensive Plan amendments.

8. Explanation (continue on separate sheet if needed): SEE ATTACHED NARRATIVE

Affecting Parcels: R603-21-7B, R603-21-195,
R603-21-194, R603-21-4A,
R603-21-6A, R600-21-75 &
R600-21-2 (7 parcel)

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.

[Signature] Signature of Owner 11/16/11 Date

Printed Name: Robert L. Graves Telephone Number: 843 341 2288

Address: P.O. Box 7108, HHI SC 29938

Agent (Name/Address/Phone): MILT RHODES 919 522 0172

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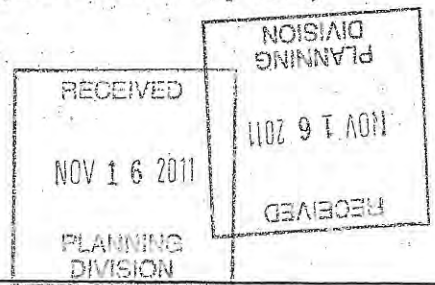
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APPLICATION FEES: \$250.00 FOR PUDS AND \$50.00 FOR ALL OTHER APPLICATIONS.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)

Date Posting Notice Issued:



Application Fee Amount Received: \$250.00

Receipt No. for Application Fee: 111150

CMA

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.

John T. Graves, Jr.
Signature of Owner

11/22/201
Date

Printed Name: JOHN T. GRAVES JR.

Telephone Number: 843 247 6418

Address: 26 MELON HOLE RD OKATIE, SC 29909

Agent (Name/Address/Phone): Milt Rhodes
4921 Bluffton Parkway, #1114, Bluffton, SC 29910
919.522.0172

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CONTACT THE PLANNING DEPARTMENT AT 470-2724 FOR APPLICABLE APPLICATION FEES.

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)



Date Posting Notice Issued:

Application Fee Amount Received:

Receipt No. for Application Fee:

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.

Paul Graver 11/21/2011
Signature of Owner Date

Printed Name: Paul Graver Telephone Number: 843-509-9890

Address: 1836 Omni Blvd. Mt. Pleasant S.C. 29466

Agent (Name/Address/Phone): Mill Rhodes
4921 Bluffton Parkway, #1114, Bluffton, SC 29910
919.522.0172

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.

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FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received: (place received stamp below)	<table border="1"><tr><td>RECEIVED</td></tr><tr><td>NOV 23 2011</td></tr><tr><td>PLANNING DIVISION</td></tr></table>	RECEIVED	NOV 23 2011	PLANNING DIVISION	Date Posting Notice Issued:
RECEIVED					
NOV 23 2011					
PLANNING DIVISION					
	Application Fee Amount Received:				
	Receipt No. for Application Fee:				

Rev. 11/2004 FILE NO: _____ // Initiated by: STAFF / OWNER
(Circle One)

cmr-85

PROPERTY OWNERS NOTIFIED OF REZONING REQUEST (R600-21-2, -75; AND R603-21-4A, -6A, -7B, -194 -195

(7 PARCELS, 142.91 ACRES OFF HWY 278; ALSO KNOWN AS PEPPER HALL) FROM RURAL-TRANSITIONAL OVERLAY (R-TO) TO COMMERCIAL SUBURBAN

PIN	Owner1	MailingAdd	City	State	ZIP
R600 22 0616	ABRAMS JEFFREY S KATHLEEN S	23 FOULET DRIVE	PRINCETON	NJ	8540
R600 22 0696	ANSELMO PHILIP SHEPARD DIANE H	110 LANCASTER BOULEVARD	BLUFFTON	SC	29909
R600 22 0626	BAKER CHARLES E & MARLENE B	47670 PAULSEN SQUARE	POTOMAC FALLS	VA	20165
R600 22 0620	BAKER KENNETH E	5 OAKLAND PLACE	BLUFFTON	SC	29909
R600 21 0660	BEAUFORT COUNTY	POST OFFICE DRAWER 1228	BEAUFORT	SC	29901
R600 22 0629	BELL ROBERT H	2669 WALNUT RIDGE ROAD	AKRON	OH	44333
R600 13 46, R600 22 852	BERKELEY HALL CLUB INC	366 GOOD HOPE ROAD	BLUFFTON	SC	29909
R600 22 0631	BINKS MALCOLM JILLIAN	59 TURNBRIDGE DRIVE	HILTON HEAD ISLAND	SC	29928
R600 21 0024	BRANNAN TERESA GRAVES JOHN	64 BRANNON POINT ROAD	OKATIE	SC	29909
R600 21 0071	BRAVES PAUL BISSELL Jr	2725 STREET MARYS STREET	RALEIGH	NC	27609
R600 22 0628	BULLOCK CHRISTOPHER J DIANE S	78 LANCASTER BOULEVARD	BLUFFTON	SC	29909
R600 22 0635	CERVINO WILLIAM L	29975 N PARK BOULEVARD	SOLOM	OH	44139
R600 22 0625	CHERICHHELLA ROBERT E HEATHER	62 YORKSHIRE DRIVE	HILTON HEAD ISLAND	SC	29928
R600 22 0640	COREY MICHAEL J	POST OFFICE BOX 1284	WILLIAMS BAY	WI	53191
R600 21 7	CROSBY VERNA G	71 PEPPERHALL PLANTATION DRIVE	BLUFFTON	SC	29909
R600 22 0622	CSK MANAGEMENT & TRADING LTD SUITE	208 40 WESTMORE DRIVE	ETOBICOKE	ON	M9V 4C2
R600 22 0729	CUNNINGHAM JAMES F MUSSELMAN JOYCE A	345 SANLUIS AVENUE	LOS ALTOS	CA	94024
R600 22 0722	DEBORAH S & KEITH W PATTEN REVOCABLE TRUST	3107 BENNETT POINT ROAD	QUEENSTOWN	MD	21658
R600 22 0633	DUGGAN MARIE LYNN	100 BEL AIR DRIVE	OAKVILLE	ON	L6J 7N1
R600 22 0728	EMELITA S HARRINGTON TRUST	56 W FORD AVENUE	WARWICK	RI	2889
R600 21 0658	ENMARK STATIONS INC	2112 RANKIN STREET	SAVANNAH	GA	31415
R600 21 8	FAULKNER GORDON K	POST OFFICE BOX 22389	HILTON HEAD ISLAND	SC	29925
R600 22 0641	FLOYD DEXTER R DEBBIE H	4325 RIDGEGATE DRIVE	DULUTH	GA	30097
R600 22 0695	FRANK JAMES D MANSFIELD PATRICIA J	332 OAKRIDGE DRIVE	VENETIA	PA	15367
R603 21 5	GAY KIRK MARTIN	POST OFFICE BOX 765	BLUFFTON	SC	29910
R600 21 2B, 25, 32, 75	GRAVES JOHN T JR	26 MELON HOLE ROAD	BLUFFTON	SC	29909
R600 21 0073	GRAVES JOHN TAMPLET III BARBARA D	POST OFFICE BOX 1595	BLUFFTON	SC	29909
R600 21 3	GRAVES JUDY DEANNE TRUSTEE (JUDY	145 GRAVES ROAD	BLUFFTON	SC	29909
R600 21 0072	GRAVES MICHAEL LLOYD	20542 EMBER LANE	HARRAH	OK	73045
R600 21 2	GRAVES PAUL B Sr	1836 OMNI BOULEVARD	MT PLEASANT	SC	29466
R603 21 0195	GRAVES ROBERT L	22 A WIDEWATER ROAD	HILTON HEAD ISLAND	SC	29926
R603 21 4A & 94	GRAVES ROBERT L	POST OFFICE BOX 5818	HILTON HEAD ISLAND	SC	29938
R600 21 002A	GRAVES WILLIAM K LINDA D	147 GRAVES ROAD	BLUFFTON	SC	29909
R600 22 0632	HAWKINS RICHARD J SUSAN	1 TWIN OAKS COURT	SPARTANBURG	SC	29306

PROPERTY OWNERS NOTIFIED OF REZONING REQUEST (R600-21-2, -75; AND R603-21-4A, -6A, -7B, -194 -195

(7 PARCELS, 142.91 ACRES OFF HWY 278; ALSO KNOWN AS PEPPER HALL) FROM RURAL-TRANSITIONAL OVERLAY (R-TO) TO COMMERCIAL SUBURBAN

PIN_	Owner1	MailingAdd	City	State	ZIP
R600 22 0630	HOLROYDE EVELYN WEST TRUSTEE (EVELYN	82 LANCASTER BOULEVARD	BLUFFTON	SC	29909
R600 21 0074	HOPSON SUSAN GRAVES	1836 OMNI BOULEVARD	MT PLEASANT	SC	29466
R620 21 18, 18A, 18B	HTP BLUFFTON LLC	701 CRESTDALE ROAD	MATTHEWS	NC	28105
R600 21 007A	HUDSON VERNA G N/K/A VERNA G CROSBY	7 PEPPER HALL PLANT	BLUFFTON	SC	29910
R600 21 0663	ISLAND WEST COMMERCIAL ASSOCIATES LL	POST OFFICE BOX 2395	BLUFFTON	SC	29910
R600 22 0623	JELLO DONALD E SCHNEIDER KATHY L	4 OAKLAND PLACE	BLUFFTON	SC	29910
R600 22 0694	KELLY MICHAEL T BARBARA D TRUSTEES M	9709 HERON AVENUE NORTH	WHITEBEAR LAKE	MN	55110
R600 22 0732	KULLMAN KENNETH G & ELEANOR A.	10180 KINROSS ROAD	ROSWELL	GA	30076
R600 22 0634	LAMBERT PAUL	1352 WAUKAZOO DRIVE	HOLLAND	MI	49424
R600 22 0731	LONG MICHAEL DALE MARGARET PHILIPS	10110 CROOKED CREEK COURT	FAIRFAX STATION	VA	23039
R600 22 0697	MANN LINDLEY S JR KATHLEEN A	2584 ABINGTON PIKE	RICHMOND	IN	47373
R600 22 0699	MARANCOS ROSS MCINTYRE CATHERINE A	44 JOSEPH DUGGAN ROAD	TORONTO	ON	M4L 3Y2
R600 21 003A	MCKIM JANICE ANNE G	20 TOWNE DRIVE PMB 390	BLUFFTON	SC	29910
R600 22 0866	MILLER RUSSELL R JACQUELINE L	36 PERSIMMON ST UNIT 203	BLUFFTON	SC	29910
R600 22 0618	MOONEY JOHN J III & V PISULA V PAUL	217 FREDERICK STREET	HANOVER	PA	17331
R600 22 0726	OEYDT KENNETH E LETA ANTONIA L	27 TICE LANE	PERKASIE	PA	18944
R600 22 0638	PARRISH PATRICIA A	521 MEADOWOOD	JOLIET	IL	60431
R600 22 0724	PAUL ALBIN MATHIAS AND MARY ANN MATH	18633 MAPLE LEAF DRIVE	HUDSON	FL	34667
R600 22 0698	PETERS CLAUDIA H	12 SHADOW LANE	CHADDS FORD	PA	19317
R600 22 0627	PRANCAN ROLAND T KATHI M	10 HASTY POINT PLACE	BLUFFTON	SC	29909
R600 22 0617	PRESOGNA ANTHONY I BARBARA	5128 HERSHEL SPEARS CIRCLE	BRENTWOOD	TN	37027
R600 21 0233	PROGRESSIVE VISION INVESTMENT & TRAD	1740 PINE KNOLL AVENUE	MASSILLON	OH	44646
R600 22 0727	ROBERT A POINTON REVOCABLE TRUST	46 GREENWOOD DRIVE	BLUFFTON	SC	29910
R600 22 0636	RUFFNER DENNIS LEE MICHELLE WEBB	1404 100TH AVENUE NE	BELLEVUE	WA	98004
R600 22 0637	SAVOURY TERRI EIKO TRUSTEE SAVOURY F	96 LANCASTER BOULEVARD	BLUFFTON	SC	29909
R600 22 0624	SCHOLLINS WILLIAM F & LYNN A	102 INVERNESS DRIVE	BLUE BELL	PA	19422
R600 22 0730	SMITH PETER O SUSAN R	16 FERNCLIFF BEACH	ERIE	PA	16505
R600 22 0642	SPEAR JAMES T ELAINE K	844 WILLIAMSBURG DRIVE	NAPERVILLE	IL	60540
R600 22 0639	SPEARMAN STEPHEN A & JANE L	1102 KIRKEENAN CIRCLE	MORRISVILLE	NC	27560
R600 21 0019	SSSB PROPERTIES LLC	3557 TRASK PARKWAY	BEAUFORT	SC	29906
R600 22 0725	STEVER SAMUEL WILLIAMS MAUREEN	5 GEORGETOWN CIRCLE	NEWTON	PA	18940
R600 22 0619	VANADIA STEVEN A LYN F	8 DOBY ROAD	MENDHAM	NJ	07545
R600 22 0621	VOLBECK JENS & HELLE A	7 OAKLAND PLACE	BLUFFTON	SC	29909
R600 22 0721	WATERHOUSE PATRICK SCOTT JUDITH CHAR	8427 E HOMESTEAD CIRCLE	SCOTTSDALE	AZ	85266
R600 22 0723	WELCH JOHN K MICHELE M	1328 SKIPWITH ROAD	MCLEAN	VA	22101

**AGREEMENT,
BEAUFORT COUNTY, CITY OF BEAUFORT, FRIENDS OF THE SPANISH
MOSS RAIL TRAIL AND PATH FOUNDATION**

This agreement (Agreement) is made and entered into this __ day of March, 2012, by and between Beaufort County, South Carolina (“County”), the City of Beaufort, South Carolina (“City”) the Friends of the Spanish Moss Rail Trail, a South Carolina non-profit corporation (“Friends”), and PATH Foundation, Inc., a Georgia non-profit corporation (“PATH”), collectively the “Parties”.

WHEREAS, the County has an easement and intends to construct a recreational trail and greenway from Ribaut Road in Port Royal, South Carolina to the south edge of the Whale Branch River in the County (the “Trail”); and,

WHEREAS, initial portions of the Trail pass through the incorporated area of the City, and the City is supportive of the County’s efforts and wishes to cooperate in the development of the Trail; and,

WHEREAS, the Friends have the objective of supporting and facilitating the development of the Trail; and,

WHEREAS, PATH is experienced in the design and construction of recreational trails and PATH has obtained private funding to construct the initial section of the Trail from Allison Road to Depot Road in the City (the “Project”); and

WHEREAS, the Friends have agreed to work with PATH as it designs and constructs the Project and to use the completed Project as a model section for the design and construction of successive sections of the Trail; and,

WHEREAS, both the County and the City have secured grants that will be used to design and construct successive sections of the Trail, and the Parties wish to ensure that the activities and procedures of the privately funded and grant funded sections of the Trail are in harmony; and,

WHEREAS, the Parties agree that this Agreement shall define their respective roles and responsibilities in the design and construction of the Project.

NOW, THEREFORE the Parties hereto agree as follows:

1. Description of the Project

The Project consists of the planning, design, permitting and construction of a recreational trail along a section of the former Port Royal Railroad right-of-way from Allison Road to Depot Road, a distance of approximately 5100 linear feet, all within the City. The plans and engineering design documents, when completed and approved in accordance with this Agreement, shall be attached hereto as Addendum A and

incorporated herein. The Project, when completed and approved by the County, will be the property of the County.

2. Commitment of the Right-of-Way

Pursuant to that certain easement agreement between The County and Beaufort Jasper Water and Sewer Authority (“BJWSA”) recorded Records Book ___ at Page ____ in the office of the Register of Deeds of Beaufort County, South Carolina (the “Easement”), the County obtained an easement over the former Port Royal Railroad right-of-way for the construction of the Trail. A copy of the Easement is attached hereto as Exhibit A. The County hereby commits the entire width of the right-of-way to the Project, provided that all reserved rights of BJWSA and all prior easement rights and conditions defined in the Easement are recognized, adhered to, and as required, incorporated into the design and implementation of the Project.

3. Responsibility and Funding for Project Development and Implementation

PATH has secured private funding and PATH shall be responsible for the design, development and construction of the Project. PATH will make a concerted effort to employ local engineers, surveyors, and other consultants during the design process. PATH shall select a design team (the “Design Team”), including, but not limited to a surveyor, landscape architect, engineer (licensed in South Carolina), and construction contractor (licensed in South Carolina), and the Design Team shall be responsible for the following:

- 1) Preparation of a topographic survey of the Project;
- 2) Organization and participation in a public meeting soliciting input and recommendations for the design of the Trail;
- 3) Development and presentation of construction plans for the Project (the “Plans”), to be approved by the Parties;
- 4) Application for required permits (the “Permits”);
- 5) Development of branding and specifications for the Trail (the “Design Specifications”), to be approved by the Parties;
- 6) Construction of the Project in accordance with the Plans and Design Specifications, which shall meet the following minimum design standards:
 - a) compliance with The American Association of State Highway and Transportation Officials (AASHTO), Guide for the Development of Bicycle Facilities, 1999 and AASHTO Guide for the Planning, Design and Operation of Pedestrian Facilities, 1st Edition, 2004,
 - b) nominal width of twelve (12) feet,
 - c) compliance with the Americans with Disabilities Act,
 - d) constructed with adequate sub grade compaction to minimize cracking and sinking, and sufficient to accommodate appropriate loadings, including emergency vehicles, and
 - e) two percent (2%) cross slope to ensure proper drainage;
- 7) Coordination of required construction inspections; and

8) Hiring of consultants as needed to complete the Project.

PATH shall serve as the point of contact on behalf of the Parties for all issues arising during development and construction of the Project. The County, City, and Friends shall work with PATH to complete the Project in a timely fashion by reviewing all submittals, initiating meetings to obtain necessary approvals and consensus, and issuing required permits. The County and City shall make their staffs and existing records, mapping and other resources available to the Design Team, and the County and City shall consult, as needed, with the Design Team.

PATH commits to deliver Plans and Design Specifications to the County, City, and Friends for review and approval on or before September 1, 2012. In the event PATH is unable to obtain the required approvals and permitting to begin construction of the Project on or before November 1, 2012, PATH shall not be required to commit to completion of the Project. In the event the Parties have not reached final approval regarding location of the Trail on or before November 1, 2012, PATH shall not be required to commit to completion of the Project.

4. Approval of Project Plans and Design Specifications

PATH will establish an approval team (the "Approval Team"), including but not limited to the following: (a) a representative from the planning and engineering staff of the County, (b) a representative from the planning and engineering staff of the City, (c) a representative from the planning and engineering staff of the Town of Port Royal (the "Town"), and (d) a representative from the Friends. The Approval Team shall review the Plans and Design Specifications prepared by PATH and provide recommended revisions to the Plans and Design Specifications to PATH. The Parties agree that the Approval Team shall have the authority to convey final approval of the Plans and Design Specifications on behalf of the County, City, Town, and Friends.

The Parties understand and agree that the Plans and Design Specifications developed in the Project will serve as the base design for successive sections of the Trail.

5. Selection of Construction Contractor

The Project construction contractor ("Contractor") and the Project engineer ("Engineer") shall be licensed in South Carolina and they shall be selected by PATH. The Contractor and Engineer shall be members of the Design Team. PATH, because of the use of private funding, is under no obligation to utilize government procurement procedures. A bid bond may be required of the Contractor, in PATH's discretion, but a performance bond shall be required of the Contractor, in favor of both PATH and the County. Following the selection of the Contractor, PATH shall coordinate a pre-construction conference between PATH, the Design Team, and the Approval Team. Following this conference, a notice to proceed shall be issued by the County. The Contractor shall be required to acquire and maintain liability, worker's compensation, and other usual and customary insurances required by the County in its construction

contracts sufficient, in the opinion of the Parties, to address any eventualities that may arise.

6. Administration of the Construction Contract, Inspections

While administration of the construction contract shall be the responsibility of PATH, the inspection of the construction work shall be a joint effort of the Friends, the County and the City, to be coordinated by the Engineer. The design documents shall specify the details and quality of the construction and the construction contract shall specify the timetable for construction activities. Each of the governmental Parties shall designate one individual from their staff to be responsible for participation in an inspection team (the "Inspection Team") and it will be the responsibility of those individuals to satisfy themselves that the construction is meeting the needs and expectations of each of the governmental Parties. In the event of a dispute between the members of the Inspection Team, the final decision shall be made by the County, in consultation with Friends and PATH.

7. Responsibility and Procedure for Payment of Contractors

PATH shall process and pay properly submitted payment requests and obtain lien waivers on a timely basis, so as to avoid any mechanic's or materialmen's liens attaching to the property.

8. Responsibility for Development and Implementation of Successive Sections of the Trail

The Friends shall be responsible for the design, development and construction of successive sections of the Trail funded through their efforts, and the Friends shall select surveyors, architects, engineers, and consultants to complete construction of those sections of the Trail. The County and City shall work with the Friends to complete construction of those portions of the Trail in a timely fashion by reviewing all submittals, initiating meetings to obtain necessary approvals and consensus, and issuing required permits. The County and City shall make their staffs and existing records, mapping and other resources available to the Friends, and the County and City shall consult, as needed, with the Friends.

PATH shall mentor Friends and provide guidance and assistance as needed to enable Friends to develop and implement successive sections of the Trail.

9. Funding for Development and Implementation of Successive Sections of the Trail

The Friends shall act as a conduit for private funding of the successive sections of the Trail either solely or in conjunction with PATH. The County and the City hereby commit secured grants and future grants to be used to design and construct successive sections of the Trail. The County, Town and City agree to continue using their best efforts to provide and/or obtain funding to finish construction of the remaining sections of the Trail, including obtaining and assisting with the Friends' efforts to obtain matching funds for such challenge grants as they or PATH may be able to obtain. The Parties shall work together to ensure that the activities and procedures of the privately funded and grant funded sections of the Trail are in harmony.

10. Acceptance of the Trail Upon Completion

Upon completion of the Project, the improvements in the completed section of the Trail in its as is, where is condition, shall be transferred to the County utilizing whatever documentation the County reasonably determines to be necessary.

11. Responsibility for Maintenance of the Trail

Notwithstanding the obligations of the County under the Easement, maintenance of the Trail, including the completed Project, shall be the responsibility of the City. The Friends agree to assist the City in the maintenance of the Trail, including the completed Project, through the sponsorship and conduct of volunteer work days on a periodic basis. The County agrees to assist the City with the maintenance of the Trail through the loan of specialty equipment and personnel as required.

12. Miscellaneous

The Parties acknowledge that completion of the Project will be the first of what will be many sections of the Trail to be constructed and maintained. A long term comprehensive agreement will be needed between the County, City, Town, Friends, and BJWSA to construct and maintain the entire Trail.

SIGNATURES ON FOLLOWING PAGE(S).

WITNESS:

Name: _____

BEAUFORT COUNTY

By: _____
Name: _____
Title: _____

WITNESS:

Name: _____

CITY OF BEAUFORT

By: _____
Name: _____
Title: _____

WITNESS:

Name: _____

FRIENDS OF SPANISH MOSS TRAIL

By: _____
Name: _____
Title: _____

WITNESS:

Name: _____

PATH FOUNDATION, INC.

By: _____
Name: _____
Title: _____

**PROPOSAL FOR DEVELOPMENT
AND
USE OF THE CRYSTAL LAKE PROPERTY
AS A COMMUNITY PARK
(MARCH 1, 2011)
by
FRIENDS OF CRYSTAL LAKE COMMITTEE**

Committee Membership

Peggy Allard – Co-Chair

Frank Gibson – Co-Chair

**Joe Allard – Lowcountry Master Gardener Association & South Coast
Chapter of the SC Native Plant Society**

Heather Doray – Beaufort County School District

Diane Fisk – LowCountry Master Naturalist Association

Jim Hicks – Beaufort County Planning Commission

Billie Lindsay – Beaufort County Planning Department

Kathryn Madden – Executive Director Port Royal Sound Foundation

**Jon Rembold – St. Peter’s Catholic Church, Beaufort Regional
Chamber of Commerce**

Clarence Washington – Community Representative

Information References

Preservation Tree Care

**2006 Beaufort County Council Crystal Lake Interpretative Center
Resolution**

**2011 Beaufort County Council Private Public Venture in Passive Parks
Resolution**

2011 Tree and Topographical Survey - Gasque and Associates

2010 Wetlands Survey - Gasque and Associates

2010 Engineering Survey – Andrews Engineering, Gasque Surveying

**2006 Past Conceptual Designs – Land Plan, Montgomery Architecture
& Planning, INC**

Port Royal Sound Fund Proposed Crystal Lake Grant

Executive Summary:

In response to a request by Mr. Anthony Criscitiello, Beaufort County Director of Planning, a Friends of Crystal Lake Committee was formed in November 2010 for the purpose of providing Beaufort County with a community sponsored plan for the development of Crystal Lake as a passive park. The committee included representatives of the Beaufort County Planning Department, Beaufort County Planning Commission, Beaufort County School District, the community adjacent to Crystal Lake, St. Peters Catholic Church, Port Royal Sound Foundation, the Master Naturalist Association, the Master Gardener Association and the Native Plant Society. Information was solicited from a variety of sources to include Preservation Tree Care, Andrews Engineering, Montgomery Architects and Land Plan Inc. The committee solicited public comments and recommendations regarding development of the lake property at seven public meetings and conducted two surveys. Based on the results of these meetings and surveys it is recommended that (1) on a priority basis efforts be initiated to provide public access to the Crystal Lake property (2) development of the lake property be accomplished on a phased basis and (3) the private sector be queried in the form of a "Request for Proposal" to determine the viability of a private - public venture for support of the operation and maintenance of the park. A simplified version of the recommendation for the Crystal Lake property is to "clean it up, fix it up, and open it to the public".

Background.

The Crystal Lake property consists of a 6.8 acre lake, 4 acres of wetlands, and 15 acres of uplands plus the building which served as the former home of Butler Marine. The lake was contributed to Beaufort County by the Stewart Family Trust in 2006 with the understanding that it would be utilized as a park. The surrounding property was purchased for \$3.2 million as part of the Rural and Critical Land Program.

In 2006 Beaufort County Council passed a resolution supporting consideration of an Interpretive Center as part of the final development of the property. Beaufort County in cooperation with the Trust for Public Land has completed an engineering study, 2 conceptual plans for development of the property, and a tree survey. Following the initial purchase of the property in 2006 Butler Marine continued to occupy the site on a rental basis until 2009 at which time the building provided office and laydown space for the construction company building the additional span of the McTeer Bridge. This arrangement continued until 2011 and the facility, at this time, is vacant.

Friends of Crystal Lake Park.

In November 2011 a citizen's committee in cooperation with the Beaufort County Planning Department was formed for the purpose of developing a community sponsored plan for the development of a Crystal Lake Park. The committee adopted the mission:

Provide a plan for the development of Crystal Lake as a Community Owned Passive Park based on the following pillars as guiding principles:

- Environmental stewardship,
- Promote education of the Lowcountry's natural resources
- Passive recreation.

The committee will remain in existence throughout consideration of the proposed plan for development by Beaufort County Council. Once an official direction is established, reorganize the committee in such a manner as to support the long term operation of the park, if such action is deemed appropriate by Beaufort County.

Protocol for Development of Plan.

The committee participated in the Beaufort County Planning Department three day planning form based charrette by manning a public service table which provided information regarding Crystal Lake, displayed conceptual plans from previous efforts, and solicited recommendations as to preferred uses for the park. The preferred uses for the park received at the charrette were included in an Internet community survey sponsored by the Lady's Island Business and Professional Association to determine the degree of support for each of the proposed uses. Simultaneous with the survey, public meetings were held at which technical information (legal requirements for public private ventures, overview of past engineering and conceptual studies) was provided to the committee and attendees. Utilizing the recently adopted Beaufort County policy for public private ventures, information was distributed to the local business community regarding the new policy in an effort to ascertain possible interest in such a venture. To determine the basic potential of the property the Master Naturalist, Master Gardener, Audubon Society, SC Native Plant Society and the Beaufort County School System were requested to submit opinions of possible future uses of the park in their respective areas. The final committee recommendations for the development and use of the park were a result of all of the above.

Public Private Venture:

The Crystal Lake property has a facility and parking area (former Butler Marine building and parking lot) with access to Rue De Bois Drive which could be shared with a private enterprise in return for operational support of the park either financial or "in kind" support. Beaufort County has recently established a policy for such public private ventures on property acquired through the Rural and Critical Land Program. To avoid any appearance of exceeding its basic charter the committee limited its efforts in this area to advising the business community that such a venture might be considered and could be a subject of public solicitation. The announcement that a public private venture might be considered with the park resulted in a sufficient number of inquiries to merit the issuance of a "Request for Proposal".

General Concept for Development:

Recommendation I: Based on the information received from the community it is recommended that Crystal Lake Park be developed as a passive park in the following phases:

Phase I- Safety: Conduct a survey of the existing fence followed by repair for those portions needing repair and erect fencing for those areas without a fence. Make such repairs as necessary to the existing facility to make it a viable and safe structure. Attention is invited to the fact that the existing facility is supported by a septic system and to support a public bathroom may require connection to the nearby sewer line.

Phase 2- Conduct such engineering studies as may be necessary to allow construction of a trail around the lake and determine the feasibility of a children's playground. Release a "request for proposal" for a joint private-public partnership to determine the feasibility and desirability of allowing a private business to operate in the existing facility in return for support (financial or in-kind) in the operation of the park. Investigate feasibility of using the school parking area (football stadium) adjacent to the park.

Phase 3- Authorization and construction as necessary for the following prioritized (based on the results of the community survey) projects/uses:

Walking nature trail around the lake.
Children's playground
Interpretive Center (dedicated to part of the existing facility)
Fishing

Recommendation II: That the following programs be planned for inclusion in operation of the park:

Audubon Society Program (Appendix 1)
Interpretative Center (Appendix 2)
Public Gardens (Appendices 3 & 6)
Nature Program (Appendices 4 & 6)
Science Program (Appendix 5)

Funding:

Grants: Port Royal Sound Fund: The Port Royal Sound Fund has offered 2 grants of \$15,000 each in support of the development of Crystal Lake. Grant 1 is to be utilized in support of an outside park project such as walks, trails or viewing platforms. Grant 2 is to be utilized in the development of an interpretive center. Release of these grant funds requires a development plan approved by Beaufort County and an organization qualified to receive such funds. This grant offer will be voided after June 1, 2012.

Explore potential for solicitation of additional grants as well as community and local business support.

Appendices:

- (1) Audubon Society
- (2) Crystal Lake Interpretive Center
- (3) Lowcountry Master Gardener Association
- (4) LowCountry Master Naturalist Association
- (5) Science Programs
- (6) South Coast Chapter of the SC Native Plant Society

Organization: Audubon Society
Submitted by: Kenneth J. Scott, 11 Woodlake Drive, Lady's Island
Subject: Proposed use of Crystal Lake Park.

It is proposed that Crystal Lake be designed in such a manner as to continue to provide our many nesting birds a safe and appropriate habitat since these are becoming less and less available to them due to the human impact on such areas.

Of the geographic regions of South Carolina, the coastal zone has been the most impacted by human habitation and disturbance. Everyone wants to live near the coast. This pattern will continue into the foreseeable future. But the Sea Islands with their rich diversity of habitat also attract a great number of species of birds that nest on the islands, winter here, or pass through during migration.

Our Sea Islands are directly on the Atlantic flyway used by numerous birds migrating south in the fall and north in the spring. For these migrant birds who use our area as food and resting sites, areas such as Crystal Lake are critical.

As compiler for the Audubon Lowcountry Christmas Bird Count, I can attest to the large number of birds which winter on Lady's Island. They like many of our human "snowbirds", use our island to escape the northern cold. We need to accommodate both.

As a resident of Lady's Island and a board member of the local Audubon Society, I support development of the Crystal Lake site as a passive recreational area. Crystal Lake would be a great asset to the community and would provide recreational opportunities for residents and visitors. The Crystal Lake passive park will provide a place of rest and relaxation for human as well as avian residents and visitors. With our tradition of environmental protection I hope we will continue to engage in preserving our wonderful natural habitats for ourselves and for future generations.

CRYSTAL LAKE INTEPRETIVE CENTER

Submitted by: Kathryn Madden, (Master Naturalist, SC Secondary Science Educator,
Executive Director of Port Royal Sound Foundation)

Subject: Proposed use of an interpretive center at Crystal Lake, Lady's Island,
Beaufort, SC

An interpretive center at Crystal Lake is supportive of The Friends of Crystal Lake's mission and vision in creating a passive park for individuals and families to enjoy while building in opportunities to foster a deeper appreciation and awareness for our environment. The Crystal Lake area is part of and influenced by the Port Royal Sound. Due to that and the location of a park, an interpretive center provides additional opportunities to help build awareness for our unique salt marsh ecosystem and teach the public the similarities and differences between salt and fresh water habitats. The location is ideal for educational opportunities to teach local and visiting school children how they can become better land and water stewards.

It is proposed, the Crystal Lake Interpretive Center renovates the current building on the property in order to prevent, reduce any additional development. The center should include a room large enough for a classroom/ science laboratory for teachers and students. This classroom could also be used for Master Gardener, Master Naturalist, local workshops, and seminars related to the natural surrounds.

The center might include a map of Crystal Lake Trails, picnic areas, designated wetlands, open areas, etc. Due to the higher temperatures in the summer and early fall months, it is recommended the center provide an air cooled refuge and restrooms for visitors. Perhaps the center has volunteers to welcome the public and answer any questions, help with any potential emergencies, and to open and close the park.

If funding allows, the center should include exhibits about the history and formation of Crystal Lake and also any historical and cultural information about Lady's Island and surrounding areas. The center might also include exhibits promoting the unique of Port Royal Sound, such as a continual showing of *Coastal Kingdom* and native flora and fauna exhibits sponsored by local organizations (i.e. Audubon Society, Master Gardeners, and Native Plant Society).

Organization: Lowcountry Master Gardener Association (LMGA)
Submitted by: Joseph Allard, 18 Audubon Rd, Lady's Island
Subject: Proposed Use of Crystal Lake Park

The purpose of the Clemson University Master Gardener program is to educate the public about sustainable and effective horticulture and environmental practices. The Lowcountry Master Gardeners Association is a non-profit organization whose purpose is to provide continuing education for Master Gardeners, as well as providing support and guidance for the Master Gardener projects. The LMGA serves all of Beaufort County and collaborates with Jasper County.

Crystal Lake Park will provide a unique opportunity to showcase saltwater wetlands, freshwater wetlands and forest, all within easy walking and commuting distance for this region in a public park with access for all of our citizens.

The opportunity to educate our young and adults will be one of the Park's many benefits and is in concert with the objectives of the LMGA.

Wetlands provide homes and refuge to a diverse population of wildlife. The wetlands and surrounding forest provides educational and recreational opportunities as well as tranquility for visitors.

No classroom can replace the opportunity to see trees and plants in their natural environment. It can become an inspiration for how we can all improve our island as well as our own backyards or patios.

A future purpose of Crystal Lake Park could be realized with the addition of a community edible garden established in a less environmentally sensitive area away from the wetlands and lake. We would envision this to be established in later phases of the project. Many municipalities, both large and small, have these amenities and they help to raise the quality of life within their community.

To sum it up, our members have already been instrumental in accomplishing several community projects here in the Lowcountry. In 2011, the LMGA was the 4th most active Master Gardener Association in the state, logging almost 4,000 volunteer hours. We work closely with many gardening projects including community gardens, school projects and establishing a Native Plant Garden at the Hunting Island State Park Visitors Center to list just a few. Our major emphasis is on horticultural education, "The right plant for the right place." This park will be an invaluable tool to show people that through responsible landscaping you can have a beautiful garden and benefit the wildlife and our waters at the same time.

Friends of Crystal Lake
LowCountry Master Naturalist Appendix

The LowCountry Master Naturalist Association (LCMNA) arose out of a need for a corps of volunteers to provide education, outreach and services that promote the appropriate management of local resources. A master naturalist is a person who successfully completes the Clemson University Extension Service program of study. The program began in 2000 and has graduated over 400 individuals with the designation of master naturalist. Graduates of the program are familiar with basic biological and ecological concepts, identification of common animals and plants of the LowCountry and have an understanding of the habitat management concerns specific to this unique part of our state. Master Naturalists are encouraged to continue to broaden their knowledge through a variety of the associations programs as well as self-study.

With this in mind, the FOCL is a natural fit for the variety of talents the master naturalists could bring to the project. In keeping with the mission of master naturalists to volunteer with nature related projects, serve as interpretive guides and docents, and assist with conservation projects, there are many roles that could be filled with interested naturalists. As the project moves forward, these roles will become concrete.

Respectively Submitted,
Diane Fisk

Science Programs

Organization: Beaufort County School District

Submitted by: Heather Doray, 84 Sea Island Parkway, Beaufort High School, Beaufort

Subject: Proposed use of Crystal Lake Park

The development of Crystal Lake into a passive park will open up opportunities of learning and stewardship for the children of Beaufort County. The park's close walking proximity to two schools (St. Peters Catholic School and Beaufort High School) and only a short bus ride from other county schools lends itself to easily become part of science lesson plans and curriculums. Children might be seen learning from a teacher or from a guest speaker in a defined outdoor teaching space or splitting up into groups to try their hand at bird counts. They may be getting close to the water's edge to collect water samples for testing or you may find them walking the nature trails focusing on plant and tree identification.

While the development of Crystal Lake can do much for the education of Beaufort County's children, the children and volunteer school groups can do much for the development of Crystal Lake. When the children see the value of such property, they will be more likely to help take care of it. This is a great way to teach stewardship. Student volunteers could provide community service by providing upkeep on nature trails, doing trash sweeps, etcetera.

As you can easily see, there is a positive mutual relationship between the development of this park and the education of our young people. As a science teacher at Beaufort High School, I fully support the development of Crystal Lake, as it provides meaningful learning opportunities for this generation as well as many future generations to come. We are blessed with having such a rich, natural environment that surrounds us, let's share it with the future so they too can be its protector!

Suggestions for development of the park (if funds allow):

- Nature trails
- Informational signs
- Plant/tree identification signs
- Defined outdoor teaching area with podium or pavilion (could be combined with a picnic area that could also be used to accommodate use from the community as well) where teachers could teach a class or students could listen to guest speakers, such as Master Naturalists.
- Floating dock where students could easily take water samples that would then be used for water testing (pH, dissolved oxygen, salinity)

Organization: South Coast Chapter of the SC Native Plant Society
Submitted by: Joseph M. Allard, 18 Audubon Rd., Lady's Island
Subject: Proposed Use of Crystal Lake Park

The South Carolina Native Plant Society is a non-profit organization committed to the preservation and protection of native plant communities in South Carolina.

In addition to native plants being part of our heritage, they are essential in providing food and habitat to the rich biodiversity we have here in the Lowcountry.

Crystal Lake can be a showcase for the diversity of native plants as well as an opportunity to teach the public how to combine all types of plants that will not only enhance the beauty of their own properties but support native birds and other species as well as protect the environment. It will also provide a pleasing place for all to enjoy.

We are fortunate to live in such a bountiful environment. In order to maintain this beauty in the face of continued growth we have an opportunity to improve our quality of life and our property values. One of the immediate benefits to our homes here in the Lowcountry is that using Native Plants requires minimal use of water, fertilizer and other chemicals, minimizing harmful pollutants in runoff. In fact, the use of Native Plants well adapted to growing along our buffer zones required in county ordinances, help to prevent excessive runoff thereby improving water quality even further.

We would encourage the use of low impact paths where possible. This would allow a rich biodiversity to develop adjacent to the paths. By eliminating mowed edges along the paths this would do two important things: it would provide areas where undisturbed natural vegetation would obtain a foothold and it would reduce the expense of mowing. An example would be the hard paths (non-boardwalk portion) formed by unwashed granite fines on the walkways and bike paths through the Great Swamp Sanctuary at Walterboro.

So many of our residents want to learn more about the plants that thrive in this unique coastal region. Crystal Lake Park can be a place where people come and see how native plants can be used to improve their own property. The Native Plant Society volunteers are eager to assist the county in developing this park into an even richer biological treasure that can be educational as well as relaxing.

**AGREEMENT,
BEAUFORT COUNTY, CITY OF BEAUFORT, FRIENDS OF THE SPANISH
MOSS RAIL TRAIL AND PATH FOUNDATION**

This agreement (Agreement) is made and entered into this __ day of March, 2012, by and between Beaufort County, South Carolina ("County"), the City of Beaufort, South Carolina ("City") the Friends of the Spanish Moss Rail Trail, a South Carolina non-profit corporation ("Friends"), and PATH Foundation, Inc., a Georgia non-profit corporation ("PATH"), collectively the "Parties".

WHEREAS, the County has an easement and intends to construct a recreational trail and greenway from Ribaut Road in Port Royal, South Carolina to the south edge of the Whale Branch River in the County (the "Trail"); and,

WHEREAS, initial portions of the Trail pass through the incorporated area of the City, and the City is supportive of the County's efforts and wishes to cooperate in the development of the Trail; and,

WHEREAS, the Friends have the objective of supporting and facilitating the development of the Trail; and,

WHEREAS, PATH is experienced in the design and construction of recreational trails and PATH has obtained private funding to construct the initial section of the Trail from Allison Road to Depot Road in the City (the "Project"); and

WHEREAS, the Friends have agreed to work with PATH as it designs and constructs the Project and to use the completed Project as a model section for the design and construction of successive sections of the Trail; and,

WHEREAS, both the County and the City have secured grants that will be used to design and construct successive sections of the Trail, and the Parties wish to ensure that the activities and procedures of the privately funded and grant funded sections of the Trail are in harmony; and,

WHEREAS, the Parties agree that this Agreement shall define their respective roles and responsibilities in the design and construction of the Project.

NOW, THEREFORE the Parties hereto agree as follows:

1. Description of the Project

The Project consists of the planning, design, permitting and construction of a recreational trail along a section of the former Port Royal Railroad right-of-way from Allison Road to Depot Road, a distance of approximately 5100 linear feet, all within the City. The plans and engineering design documents, when completed and approved in accordance with this Agreement, shall be attached hereto as Addendum A and

incorporated herein. The Project, when completed and approved by the County, will be the property of the County.

2. Commitment of the Right-of-Way

Pursuant to that certain easement agreement between The County and Beaufort Jasper Water and Sewer Authority ("BJWSA") recorded Records Book ___ at Page ___ in the office of the Register of Deeds of Beaufort County, South Carolina (the "Easement"), the County obtained an easement over the former Port Royal Railroad right-of-way for the construction of the Trail. A copy of the Easement is attached hereto as Exhibit A. The County hereby commits the entire width of the right-of-way to the Project, provided that all reserved rights of BJWSA and all prior easement rights and conditions defined in the Easement are recognized, adhered to, and as required, incorporated into the design and implementation of the Project.

3. Responsibility and Funding for Project Development and Implementation

PATH has secured private funding and PATH shall be responsible for the design, development and construction of the Project. PATH will make a concerted effort to employ local engineers, surveyors, and other consultants during the design process. PATH shall select a design team (the "Design Team"), including, but not limited to a surveyor, landscape architect, engineer (licensed in South Carolina), and construction contractor (licensed in South Carolina), and the Design Team shall be responsible for the following:

- 1) Preparation of a topographic survey of the Project;
- 2) Organization and participation in a public meeting soliciting input and recommendations for the design of the Trail;
- 3) Development and presentation of construction plans for the Project (the "Plans"), to be approved by the Parties;
- 4) Application for required permits (the "Permits");
- 5) Development of branding and specifications for the Trail (the "Design Specifications"), to be approved by the Parties;
- 6) Construction of the Project in accordance with the Plans and Design Specifications, which shall meet the following minimum design standards:
 - a) compliance with The American Association of State Highway and Transportation Officials (AASHTO), Guide for the Development of Bicycle Facilities, 1999 and AASHTO Guide for the Planning, Design and Operation of Pedestrian Facilities, 1st Edition, 2004,
 - b) nominal width of twelve (12) feet,
 - c) compliance with the Americans with Disabilities Act,
 - d) constructed with adequate sub grade compaction to minimize cracking and sinking, and sufficient to accommodate appropriate loadings, including emergency vehicles, and
 - e) two percent (2%) cross slope to ensure proper drainage;
- 7) Coordination of required construction inspections; and

8) Hiring of consultants as needed to complete the Project.

PATH shall serve as the point of contact on behalf of the Parties for all issues arising during development and construction of the Project. The County, City, and Friends shall work with PATH to complete the Project in a timely fashion by reviewing all submittals, initiating meetings to obtain necessary approvals and consensus, and issuing required permits. The County and City shall make their staffs and existing records, mapping and other resources available to the Design Team, and the County and City shall consult, as needed, with the Design Team.

PATH commits to deliver Plans and Design Specifications to the County, City, and Friends for review and approval on or before September 1, 2012. In the event PATH is unable to obtain the required approvals and permitting to begin construction of the Project on or before November 1, 2012, PATH shall not be required to commit to completion of the Project. In the event the Parties have not reached final approval regarding location of the Trail on or before November 1, 2012, PATH shall not be required to commit to completion of the Project.

4. Approval of Project Plans and Design Specifications

PATH will establish an approval team (the "Approval Team"), including but not limited to the following: (a) a representative from the planning and engineering staff of the County, (b) a representative from the planning and engineering staff of the City, (c) a representative from the planning and engineering staff of the Town of Port Royal (the "Town"), and (d) a representative from the Friends. The Approval Team shall review the Plans and Design Specifications prepared by PATH and provide recommended revisions to the Plans and Design Specifications to PATH. The Parties agree that the Approval Team shall have the authority to convey final approval of the Plans and Design Specifications on behalf of the County, City, Town, and Friends.

The Parties understand and agree that the Plans and Design Specifications developed in the Project will serve as the base design for successive sections of the Trail.

5. Selection of Construction Contractor

The Project construction contractor ("Contractor") and the Project engineer ("Engineer") shall be licensed in South Carolina and they shall be selected by PATH. The Contractor and Engineer shall be members of the Design Team. PATH, because of the use of private funding, is under no obligation to utilize government procurement procedures. A bid bond may be required of the Contractor, in PATH's discretion, but a performance bond shall be required of the Contractor, in favor of both PATH and the County. Following the selection of the Contractor, PATH shall coordinate a pre-construction conference between PATH, the Design Team, and the Approval Team. Following this conference, a notice to proceed shall be issued by the County. The Contractor shall be required to acquire and maintain liability, worker's compensation, and other usual and customary insurances required by the County in its construction

contracts sufficient, in the opinion of the Parties, to address any eventualities that may arise.

6. Administration of the Construction Contract, Inspections

While administration of the construction contract shall be the responsibility of PATH, the inspection of the construction work shall be a joint effort of the Friends, the County and the City, to be coordinated by the Engineer. The design documents shall specify the details and quality of the construction and the construction contract shall specify the timetable for construction activities. Each of the governmental Parties shall designate one individual from their staff to be responsible for participation in an inspection team (the "Inspection Team") and it will be the responsibility of those individuals to satisfy themselves that the construction is meeting the needs and expectations of each of the governmental Parties. In the event of a dispute between the members of the Inspection Team, the final decision shall be made by the County, in consultation with Friends and PATH.

7. Responsibility and Procedure for Payment of Contractors

PATH shall process and pay properly submitted payment requests and obtain lien waivers on a timely basis, so as to avoid any mechanic's or materialmen's liens attaching to the property.

8. Responsibility for Development and Implementation of Successive Sections of the Trail

The Friends shall be responsible for the design, development and construction of successive sections of the Trail funded through their efforts, and the Friends shall select surveyors, architects, engineers, and consultants to complete construction of those sections of the Trail. The County and City shall work with the Friends to complete construction of those portions of the Trail in a timely fashion by reviewing all submittals, initiating meetings to obtain necessary approvals and consensus, and issuing required permits. The County and City shall make their staffs and existing records, mapping and other resources available to the Friends, and the County and City shall consult, as needed, with the Friends.

PATH shall mentor Friends and provide guidance and assistance as needed to enable Friends to develop and implement successive sections of the Trail.

9. Funding for Development and Implementation of Successive Sections of the Trail

The Friends shall act as a conduit for private funding of the successive sections of the Trail either solely or in conjunction with PATH. The County and the City hereby commit secured grants and future grants to be used to design and construct successive sections of the Trail. The County, Town and City agree to continue using their best efforts to provide and/or obtain funding to finish construction of the remaining sections of the Trail, including obtaining and assisting with the Friends' efforts to obtain matching funds for such challenge grants as they or PATH may be able to obtain. The Parties shall work together to ensure that the activities and procedures of the privately funded and grant funded sections of the Trail are in harmony.

10. Acceptance of the Trail Upon Completion

Upon completion of the Project, the improvements in the completed section of the Trail in its as is, where is condition, shall be transferred to the County utilizing whatever documentation the County reasonably determines to be necessary.

11. Responsibility for Maintenance of the Trail

Notwithstanding the obligations of the County under the Easement, maintenance of the Trail, including the completed Project, shall be the responsibility of the City. The Friends agree to assist the City in the maintenance of the Trail, including the completed Project, through the sponsorship and conduct of volunteer work days on a periodic basis. The County agrees to assist the City with the maintenance of the Trail through the loan of specialty equipment and personnel as required.

12. Miscellaneous

The Parties acknowledge that completion of the Project will be the first of what will be many sections of the Trail to be constructed and maintained. A long term comprehensive agreement will be needed between the County, City, Town, Friends, and BJWSA to construct and maintain the entire Trail.

SIGNATURES ON FOLLOWING PAGE(S).

WITNESS:

BEAUFORT COUNTY

Name: _____

By: _____
Name: _____
Title: _____

WITNESS:

CITY OF BEAUFORT

Name: _____

By: _____
Name: _____
Title: _____

WITNESS:

FRIENDS OF SPANISH MOSS TRAIL

Name: _____

By: _____
Name: _____
Title: _____

WITNESS:

PATH FOUNDATION, INC.

Name: _____

By: _____
Name: _____
Title: _____

**PROPOSAL FOR DEVELOPMENT
AND
USE OF THE CRYSTAL LAKE PROPERTY
AS A COMMUNITY PARK
(MARCH 1, 2011)
by
FRIENDS OF CRYSTAL LAKE COMMITTEE**

Committee Membership

Peggy Allard – Co-Chair

Frank Gibson – Co-Chair

**Joe Allard – Lowcountry Master Gardener Association & South Coast
Chapter of the SC Native Plant Society**

Heather Doray – Beaufort County School District

Diane Fisk – LowCountry Master Naturalist Association

Jim Hicks – Beaufort County Planning Commission

Billie Lindsay – Beaufort County Planning Department

Kathryn Madden – Executive Director Port Royal Sound Foundation

**Jon Rembold – St. Peter's Catholic Church, Beaufort Regional
Chamber of Commerce**

Clarence Washington – Community Representative

Information References

Preservation Tree Care

**2006 Beaufort County Council Crystal Lake Interpretative Center
Resolution**

**2011 Beaufort County Council Private Public Venture in Passive Parks
Resolution**

2011 Tree and Topographical Survey - Gasque and Associates

2010 Wetlands Survey - Gasque and Associates

2010 Engineering Survey – Andrews Engineering, Gasque Surveying

**2006 Past Conceptual Designs – Land Plan, Montgomery Architecture
& Planning, INC**

Port Royal Sound Fund Proposed Crystal Lake Grant

Executive Summary:

In response to a request by Mr. Anthony Criscitiello, Beaufort County Director of Planning, a Friends of Crystal Lake Committee was formed in November 2010 for the purpose of providing Beaufort County with a community sponsored plan for the development of Crystal Lake as a passive park. The committee included representatives of the Beaufort County Planning Department, Beaufort County Planning Commission, Beaufort County School District, the community adjacent to Crystal Lake, St. Peters Catholic Church, Port Royal Sound Foundation, the Master Naturalist Association, the Master Gardener Association and the Native Plant Society. Information was solicited from a variety of sources to include Preservation Tree Care, Andrews Engineering, Montgomery Architects and Land Plan Inc. The committee solicited public comments and recommendations regarding development of the lake property at seven public meetings and conducted two surveys. Based on the results of these meetings and surveys it is recommended that (1) on a priority basis efforts be initiated to provide public access to the Crystal Lake property (2) development of the lake property be accomplished on a phased basis and (3) the private sector be queried in the form of a "Request for Proposal" to determine the viability of a private - public venture for support of the operation and maintenance of the park. A simplified version of the recommendation for the Crystal Lake property is to "clean it up, fix it up, and open it to the public".

Background.

The Crystal Lake property consists of a 6.8 acre lake, 4 acres of wetlands, and 15 acres of uplands plus the building which served as the former home of Butler Marine. The lake was contributed to Beaufort County by the Stewart Family Trust in 2006 with the understanding that it would be utilized as a park.

The surrounding property was purchased for \$3.2 million as part of the Rural and Critical Land Program.

In 2006 Beaufort County Council passed a resolution supporting consideration of an Interpretive Center as part of the final development of the property. Beaufort County in cooperation with the Trust for Public Land has completed an engineering study, 2 conceptual plans for development of the property, and a tree survey. Following the initial purchase of the property in 2006 Butler Marine continued to occupy the site on a rental basis until 2009 at which time the building provided office and laydown space for the construction company building the additional span of the McTeer Bridge. This arrangement continued until 2011 and the facility, at this time, is vacant.

Friends of Crystal Lake Park.

In November 2011 a citizen's committee in cooperation with the Beaufort County Planning Department was formed for the purpose of developing a community sponsored plan for the development of a Crystal Lake Park. The committee adopted the mission:

Provide a plan for the development of Crystal Lake as a Community Owned Passive Park based on the following pillars as guiding principles:

- Environmental stewardship,
- Promote education of the Lowcountry's natural resources
- Passive recreation.

The committee will remain in existence throughout consideration of the proposed plan for development by Beaufort County Council. Once an official direction is established, reorganize the committee in such a manner as to support the long term operation of the park, if such action is deemed appropriate by Beaufort County.

Protocol for Development of Plan.

The committee participated in the Beaufort County Planning Department three day planning form based charrette by manning a public service table which provided information regarding Crystal Lake, displayed conceptual plans from previous efforts, and solicited recommendations as to preferred uses for the park. The preferred uses for the park received at the charrette were included in an Internet community survey sponsored by the Lady's Island Business and Professional Association to determine the degree of support for each of the proposed uses. Simultaneous with the survey, public meetings were held at which technical information (legal requirements for public private ventures, overview of past engineering and conceptual studies) was provided to the committee and attendees. Utilizing the recently adopted Beaufort County policy for public private ventures, information was distributed to the local business community regarding the new policy in an effort to ascertain possible interest in such a venture. To determine the basic potential of the property the Master Naturalist, Master Gardener, Audubon Society, SC Native Plant Society and the Beaufort County School System were requested to submit opinions of possible future uses of the park in their respective areas. The final committee recommendations for the development and use of the park were a result of all of the above.

Public Private Venture:

The Crystal Lake property has a facility and parking area (former Butler Marine building and parking lot) with access to Rue De Bois Drive which could be shared with a private enterprise in return for operational support of the park either financial or "in kind" support. Beaufort County has recently established a policy for such public private ventures on property acquired through the Rural and Critical Land Program. To avoid any appearance of exceeding its basic charter the committee limited its efforts in this area to advising the business community that such a venture might be considered and could be a subject of public solicitation. The announcement that a public private venture might be considered with the park resulted in a sufficient number of inquiries to merit the issuance of a "Request for Proposal".

General Concept for Development:

Recommendation I: Based on the information received from the community it is recommended that Crystal Lake Park be developed as a passive park in the following phases:

Phase I- Safety: Conduct a survey of the existing fence followed by repair for those portions needing repair and erect fencing for those areas without a fence. Make such repairs as necessary to the existing facility to make it a viable and safe structure. Attention is invited to the fact that the existing facility is supported by a septic system and to support a public bathroom may require connection to the nearby sewer line.

Phase 2- Conduct such engineering studies as may be necessary to allow construction of a trail around the lake and determine the feasibility of a children's playground. Release a "request for proposal" for a joint private-public partnership to determine the feasibility and desirability of allowing a private business to operate in the existing facility in return for support (financial or in-kind) in the operation of the park. Investigate feasibility of using the school parking area (football stadium) adjacent to the park.

Phase 3- Authorization and construction as necessary for the following prioritized (based on the results of the community survey) projects/uses:

- Walking nature trail around the lake.
- Children's playground
- Interpretive Center (dedicated to part of the existing facility)
- Fishing

Recommendation II: That the following programs be planned for inclusion in operation of the park:

- Audubon Society Program (Appendix 1)
- Interpretative Center (Appendix 2)
- Public Gardens (Appendices 3 & 6)
- Nature Program (Appendices 4 & 6)
- Science Program (Appendix 5)

Funding:

Grants: Port Royal Sound Fund: The Port Royal Sound Fund has offered 2 grants of \$15,000 each in support of the development of Crystal Lake. Grant 1 is to be utilized in support of an outside park project such as walks, trails or viewing platforms. Grant 2 is to be utilized in the development of an interpretive center. Release of these grant funds requires a development plan approved by Beaufort County and an organization qualified to receive such funds. This grant offer will be voided after June 1, 2012.

Explore potential for solicitation of additional grants as well as community and local business support.

Appendices:

- (1) Audubon Society
- (2) Crystal Lake Interpretive Center
- (3) Lowcountry Master Gardener Association
- (4) LowCountry Master Naturalist Association
- (5) Science Programs
- (6) South Coast Chapter of the SC Native Plant Society

Organization: Audubon Society
Submitted by: Kenneth J. Scott, 11 Woodlake Drive, Lady's Island
Subject: Proposed use of Crystal Lake Park.

It is proposed that Crystal Lake be designed in such a manner as to continue to provide our many nesting birds a safe and appropriate habitat since these are becoming less and less available to them due to the human impact on such areas.

Of the geographic regions of South Carolina, the coastal zone has been the most impacted by human habitation and disturbance. Everyone wants to live near the coast. This pattern will continue into the foreseeable future. But the Sea Islands with their rich diversity of habitat also attract a great number of species of birds that nest on the islands, winter here, or pass through during migration.

Our Sea Islands are directly on the Atlantic flyway used by numerous birds migrating south in the fall and north in the spring. For these migrant birds who use our area as food and resting sites, areas such as Crystal Lake are critical.

As compiler for the Audubon Lowcountry Christmas Bird Count, I can attest to the large number of birds which winter on Lady's Island. They like many of our human "snowbirds", use our island to escape the northern cold. We need to accommodate both.

As a resident of Lady's Island and a board member of the local Audubon Society, I support development of the Crystal Lake site as a passive recreational area. Crystal Lake would be a great asset to the community and would provide recreational opportunities for residents and visitors. The Crystal Lake passive park will provide a place of rest and relaxation for human as well as avian residents and visitors. With our tradition of environmental protection I hope we will continue to engage in preserving our wonderful natural habitats for ourselves and for future generations.

CRYSTAL LAKE INTERPRETIVE CENTER

Submitted by: Kathryn Madden, (Master Naturalist, SC Secondary Science Educator, Executive Director of Port Royal Sound Foundation)

Subject: Proposed use of an interpretive center at Crystal Lake, Lady's Island, Beaufort, SC

An interpretive center at Crystal Lake is supportive of The Friends of Crystal Lake's mission and vision in creating a passive park for individuals and families to enjoy while building in opportunities to foster a deeper appreciation and awareness for our environment. The Crystal Lake area is part of and influenced by the Port Royal Sound. Due to that and the location of a park, an interpretive center provides additional opportunities to help build awareness for our unique salt marsh ecosystem and teach the public the similarities and differences between salt and fresh water habitats. The location is ideal for educational opportunities to teach local and visiting school children how they can become better land and water stewards.

It is proposed, the Crystal Lake Interpretive Center renovates the current building on the property in order to prevent, reduce any additional development. The center should include a room large enough for a classroom/ science laboratory for teachers and students. This classroom could also be used for Master Gardener, Master Naturalist, local workshops, and seminars related to the natural surrounds.

The center might include a map of Crystal Lake Trails, picnic areas, designated wetlands, open areas, etc. Due to the higher temperatures in the summer and early fall months, it is recommended the center provide an air cooled refuge and restrooms for visitors. Perhaps the center has volunteers to welcome the public and answer any questions, help with any potential emergencies, and to open and close the park.

If funding allows, the center should include exhibits about the history and formation of Crystal Lake and also any historical and cultural information about Lady's Island and surrounding areas. The center might also include exhibits promoting the unique of Port Royal Sound, such as a continual showing of *Coastal Kingdom* and native flora and fauna exhibits sponsored by local organizations (i.e. Audubon Society, Master Gardeners, and Native Plant Society).

Organization: Lowcountry Master Gardener Association (LMGA)
Submitted by: Joseph Allard, 18 Audubon Rd, Lady's Island
Subject: Proposed Use of Crystal Lake Park

The purpose of the Clemson University Master Gardener program is to educate the public about sustainable and effective horticulture and environmental practices. The Lowcountry Master Gardeners Association is a non-profit organization whose purpose is to provide continuing education for Master Gardeners, as well as providing support and guidance for the Master Gardener projects. The LMGA serves all of Beaufort County and collaborates with Jasper County.

Crystal Lake Park will provide a unique opportunity to showcase saltwater wetlands, freshwater wetlands and forest, all within easy walking and commuting distance for this region in a public park with access for all of our citizens.

The opportunity to educate our young and adults will be one of the Park's many benefits and is in concert with the objectives of the LMGA.

Wetlands provide homes and refuge to a diverse population of wildlife. The wetlands and surrounding forest provides educational and recreational opportunities as well as tranquility for visitors.

No classroom can replace the opportunity to see trees and plants in their natural environment. It can become an inspiration for how we can all improve our island as well as our own backyards or patios.

A future purpose of Crystal Lake Park could be realized with the addition of a community edible garden established in a less environmentally sensitive area away from the wetlands and lake. We would envision this to be established in later phases of the project. Many municipalities, both large and small, have these amenities and they help to raise the quality of life within their community.

To sum it up, our members have already been instrumental in accomplishing several community projects here in the Lowcountry. In 2011, the LMGA was the 4th most active Master Gardener Association in the state, logging almost 4,000 volunteer hours. We work closely with many gardening projects including community gardens, school projects and establishing a Native Plant Garden at the Hunting Island State Park Visitors Center to list just a few. Our major emphasis is on horticultural education, "The right plant for the right place." This park will be an invaluable tool to show people that through responsible landscaping you can have a beautiful garden and benefit the wildlife and our waters at the same time.

Friends of Crystal Lake LowCountry Master Naturalist Appendix

The LowCountry Master Naturalist Association (LCMNA) arose out of a need for a corps of volunteers to provide education, outreach and services that promote the appropriate management of local resources. A master naturalist is a person who successfully completes the Clemson University Extension Service program of study. The program began in 2000 and has graduated over 400 individuals with the designation of master naturalist. Graduates of the program are familiar with basic biological and ecological concepts, identification of common animals and plants of the LowCountry and have an understanding of the habitat management concerns specific to this unique part of our state. Master Naturalists are encouraged to continue to broaden their knowledge through a variety of the associations programs as well as self-study.

With this in mind, the FOCL is a natural fit for the variety of talents the master naturalists could bring to the project. In keeping with the mission of master naturalists to volunteer with nature related projects, serve as interpretive guides and docents, and assist with conservation projects, there are many roles that could be filled with interested naturalists. As the project moves forward, these roles will become concrete.

Respectively Submitted,

Diane Fisk

Science Programs

Organization: Beaufort County School District

Submitted by: Heather Doray, 84 Sea Island Parkway, Beaufort High School, Beaufort

Subject: Proposed use of Crystal Lake Park

The development of Crystal Lake into a passive park will open up opportunities of learning and stewardship for the children of Beaufort County. The park's close walking proximity to two schools (St. Peters Catholic School and Beaufort High School) and only a short bus ride from other county schools lends itself to easily become part of science lesson plans and curriculums. Children might be seen learning from a teacher or from a guest speaker in a defined outdoor teaching space or splitting up into groups to try their hand at bird counts. They may be getting close to the water's edge to collect water samples for testing or you may find them walking the nature trails focusing on plant and tree identification.

While the development of Crystal Lake can do much for the education of Beaufort County's children, the children and volunteer school groups can do much for the development of Crystal Lake. When the children see the value of such property, they will be more likely to help take care of it. This is a great way to teach stewardship. Student volunteers could provide community service by providing upkeep on nature trails, doing trash sweeps, etcetera.

As you can easily see, there is a positive mutual relationship between the development of this park and the education of our young people. As a science teacher at Beaufort High School, I fully support the development of Crystal Lake, as it provides meaningful learning opportunities for this generation as well as many future generations to come. We are blessed with having such a rich, natural environment that surrounds us, let's share it with the future so they too can be its protector!

Suggestions for development of the park (if funds allow):

- Nature trails
- Informational signs
- Plant/tree identification signs
- Defined outdoor teaching area with podium or pavilion (could be combined with a picnic area that could also be used to accommodate use from the community as well) where teachers could teach a class or students could listen to guest speakers, such as Master Naturalists.
- Floating dock where students could easily take water samples that would then be used for water testing (pH, dissolved oxygen, salinity)

Organization: South Coast Chapter of the SC Native Plant Society
Submitted by: Joseph M. Allard, 18 Audubon Rd., Lady's Island
Subject: Proposed Use of Crystal Lake Park

The South Carolina Native Plant Society is a non-profit organization committed to the preservation and protection of native plant communities in South Carolina.

In addition to native plants being part of our heritage, they are essential in providing food and habitat to the rich biodiversity we have here in the Lowcountry.

Crystal Lake can be a showcase for the diversity of native plants as well as an opportunity to teach the public how to combine all types of plants that will not only enhance the beauty of their own properties but support native birds and other species as well as protect the environment. It will also provide a pleasing place for all to enjoy.

We are fortunate to live in such a bountiful environment. In order to maintain this beauty in the face of continued growth we have an opportunity to improve our quality of life and our property values. One of the immediate benefits to our homes here in the Lowcountry is that using Native Plants requires minimal use of water, fertilizer and other chemicals, minimizing harmful pollutants in runoff. In fact, the use of Native Plants well adapted to growing along our buffer zones required in county ordinances, help to prevent excessive runoff thereby improving water quality even further.

We would encourage the use of low impact paths where possible. This would allow a rich biodiversity to develop adjacent to the paths. By eliminating mowed edges along the paths this would do two important things: it would provide areas where undisturbed natural vegetation would obtain a foothold and it would reduce the expense of mowing. An example would be the hard paths (non-boardwalk portion) formed by unwashed granite fines on the walkways and bike paths through the Great Swamp Sanctuary at Walterboro.

So many of our residents want to learn more about the plants that thrive in this unique coastal region. Crystal Lake Park can be a place where people come and see how native plants can be used to improve their own property. The Native Plant Society volunteers are eager to assist the county in developing this park into an even richer biological treasure that can be educational as well as relaxing.

Appendix 6