



COUNTY COUNCIL OF BEAUFORT COUNTY
BEAUFORT COUNTY PLANNING DIVISION

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

PLANNING COMMISSION

Monday, July 7, 2014

6:00 p.m.

Council Chambers, Administration Building
100 Ribaut Road, Beaufort, South Carolina

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

1. COMMISSIONER'S WORKSHOP – 5:30 P.M.
Planning Office, Room 115, County Administration Building
2. REGULAR MEETING - 6:00 P.M.
Council Chambers
3. CALL TO ORDER – 6:00 P.M.
4. PLEDGE OF ALLEGIANCE
5. REVIEW OF MINUTES
A. May 5, 2014 ([backup](#))
6. CHAIRMAN'S REPORT
7. PUBLIC COMMENT ON NON-AGENDA ITEMS
8. ADMINISTRATIVE APPEAL OF DEVELOPMENT REVIEW TEAM (DRT) DECISION ON MINOR RIVER BUFFER GRANTED TO 27 GOLDEN DOCK ROAD, ST. HELENA, SC ([backup](#))
9. OSPREY POINT PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT (R603-000-013-0006 - 119.75 acres); OWNER: LCP III LLC (J. NATHAN DUGGINS III), AGENT: JOSHUA TILLER ([backup](#))
10. OTHER BUSINESS
A. Next Meeting – Monday, August 4, 2014, at 6:00 p.m.
11. ADJOURNMENT





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The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held on Monday, May 5, 2014, in County Council Chambers, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

Members Present:

Mr. Robert Semmler, Chairman
Ms. Diane Chmelik

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

Ms. Jennifer Bihl
Mr. Edward Riley III

Members Absent: Mr. Charles Brown; Mr. Randolph Stewart; and Vacancy (Mr. Ronald Petit—resigned April 1, 2014)

Staff Present:

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

CALL TO ORDER: Chairman Robert Semmler called the meeting to order at approximately 6:0011 p.m.

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

REVIEW OF MINUTES: The March 3, 2014, and April 7, 2014, Commission minutes were reviewed. No discussion occurred.

- **March 3, 2014: Motion:** Ms. Diane Chmelik made the motion, and Ms. Jennifer Bihl seconded the motion, **to accept the March 3, 2014, minutes as written.** The motion **was carried unanimously** (FOR: Bihl, Chmelik, Fireall, Riley, Semmler, and Thomas; ABSENT: Brown and Stewart; VACANCY-Port Royal Island representative).
- **April 7, 2014: Motion:** Mr. John Thomas made a motion, and Mr. Ed Riley seconded the motion, **to accept the April 7, 2014, minutes as written.** The motion **was carried** (FOR: Bihl, Brown, Chmelik, Riley, Semmler, and Stewart; ABSTAINED: Fireall and Thomas; VACANCY-Port Royal Island representative).

CHAIRMAN’S REPORT: Mr. Semmler noted that the (Atlanta) Braves had lost 6 (games) in a row.

PUBLIC COMMENT on non-agenda item: None were received.

BEAUFORT COUNTY COMMUNITY DEVELOPMENT CODE, ITS APPENDICES, AND ZONING MAPS

Mr. Anthony Criscitiello, County Planning Director, briefed the Commissioners on the staff responses to Mr. David Tedder’s questions since the Commission’s April 2014 meeting. The staff is prepared to move forward, and is ready to respond to Mr. Tedder’s comments.

Public Comments:

1. Mr. David Tedder thanked the staff for responding to his comments. He reviewed the videos of each of the Joint Review Committee meetings to determine the Committee's responses to the Code. He noted his concerns included:
 - The Committee making changes without vetting public comment, including stormwater best management practices, etc.
 - Councilman Brian Flewelling stating these new standards would not refer to single-family lot of records; however, Mr. Tedder was unable to find it specifically stated in the Code.
 - Planned Unit Developments (PUDs) being subject to certain criteria or is the option being eliminated altogether.
 - Mr. Randolph Stewart requested that tile fields be increased to 100 feet thereby creating a financial hardship to the property owners, despite DHEC determining that tile field setbacks were appropriate.
 - Requiring gazebos or terminating vistas every 1200 feet was unnecessary.
 - Requiring unnecessary stub-outs for interconnectivity that will not occur.
 - Requiring a river buffer plus a construction envelope would mean a 60-foot setback instead of 50 feet when the construction envelope should be included in the river buffer instead.
 - Requiring the use of professionals to draft plans instead of using a standardized guide.
 - Requiring increased setbacks and buffer when increased on-site retention is currently practiced.
 - Removing the cul-de-sac options.
 - Eliminating gated communities.
 - Not allowing side-mounted garages that he believes would provide more market opportunities/flexibility.
 - Open space standards should not reduce the number of allowable lots in a development.
 - Recommending a design professional charrette before the Code adoption.
 - Accessory use requirements for large lots should be less restrictive.
 - Recommending less restrictive standards in rural areas.
 - Recommending wetlands standards be left to federal government regulations.
 - The lack of specialized professional expertise on stormwater best management practices, DHEC septic tank issues, etc., during the Joint Code Review.

Mr. Tedder asked that his comments be considered constructive rather than destructive.

Mr. Semmler thanked Mr. Tedder on his work with the Code.

2. Mr. Milt Rhodes, a Bluffton resident, stated he had followed the Code review for the past 1-1/2 years. He is concerned with the proposed zoning maps, especially the Bluffton map where the Pepper Hall property is now being considered by County Council. Mr. Rhodes noted that the Planning Commission recommended certain map amendments which are not reflected on the proposed zoning map. He noted ecotourism, resorts, etc., were not addressed in the Code use tables. He noted other Rural Residential properties in Southern Beaufort County were not represented on the map, most notable is the property near Malphrus Road.
3. Mr. Jan Malinowski of Palmetto State Bank was addressing number 20 (Beachfront Setbacks) of the handout (the Planning Staff report dated May 5, 2014). He noted the implosion of properties and the heightened look by the underwriters on how a property is viewed and if it (the home) could be rebuilt (on the property). If the setback were increased, would there be any (loan) money for the public?

Mr. Semmler noted that Mr. Tedder reiterated his comments from the last meeting Mr. Criscitiello, in response to the Graves property/Pepper Hall, stated that the staff did not want to raise questions regarding the property before County Council had made its final decision. Mr. Criscitiello noted that the zoning districts were simplified so PUDs were not necessary since T-zones could be created. PUDs

have been used in the past to side-step school impact fees. If PUDs are recommended to be reinstated, the Planning Staff can do so. Mr. Criscitiello noted that the Code is ready to be moved forward.

Discussion by Commissioners included best management practices not being changed at all, beach dune access being an environmental protection move, the critical line changing every 10 years by the state, recognizing the eroding coastline that calls for larger setbacks, text changes occurring from time to time, and the Code being a hybrid not a full form-based code that will probably be worked on continually.

Mr. Tedder was particularly concerned with free standing signs that was addressed in the staff's comments, requiring drain field lines at 100 feet vice 50 feet per the Joint Review Team, allowing the construction envelope to be in the setbacks rather than being an additional requirement, and placing PUDs in abeyance for 9 months until it is shown that PUDs are needed in the Code.

Mr. Rhodes asked to make a comment, but Mr. Semmler noted that the public comment period had been closed.

Mr. Semmler noted that the staff had responded to Mr. Tedder's earlier comments. Mr. Semmler suggested that a 6-month and a 1-year periods of review of the Code be considered by the Commission. He reiterated Mr. Criscitiello's comment regarding zoning map changes that are before County Council should not be addressed until County Council has made its final consideration. Mr. Semmler stated that he believes in the strength of environmental control although it may make things difficult for some people.

Motion: Mr. John Thomas made a motion, and Mr. Ed Riley seconded the motion, **to recommend approval to County Council of the Community Development Code, its Appendices, and its associated Zoning Maps, and additionally recommended a 6-month and a 1-year review of the Code for needed changes and to put Planned Unit Developments (PUDs) standards in abeyance for nine (9) months until it is determined that PUDs are not required.** No further discussion occurred. The motion was carried unanimously (FOR: Bihl, Chmelik, Fireall, Riley, Semmler, and Thomas; ABSENT: Brown and Stewart).

OTHER BUSINESS: The next Commission meeting is scheduled for Monday, June 5, 2014.

ADJOURNMENT: Motion: Mr. Marque Fireall made a motion, and Mr. Thomas seconded the motion, **to adjourn the meeting.** The motion **was carried unanimously** (FOR: Bihl, Chmelik, Fireall, Riley, Semmler, and Thomas). The meeting was adjourned at approximately 7:15 p.m.

SUBMITTED BY:

Barbara Childs, Admin. Assistant to the Planning Director

Robert Semmler, Beaufort County Planning Commission Chairman

APPROVED: June 2, 2014, as written

Note: *The video link of the April 7, 2014, Planning Commission meeting is:*
http://beaufort.granicus.com/MediaPlayer.php?view_id=3&clip_id=1546



APPLICATION FOR ADMINISTRATIVE APPEALS OF DECISIONS BY THE DEVELOPMENT REVIEW TEAM (DRT)

DATE OF DRT DECISION BEING APPEALED: 4/23/2014

FOR PLANNING DEPARTMENT USE ONLY
Appeal # MISC 2014-04 Date Rec'd Application: 5/15/14
Planning Commission Hearing Date: July 7, 2014 Application Received by: B Childs

Marvin Day, Board Member, Dataw Island Owners Association
Appellant's Name Phone / Email

P. O. Box 819, Beaufort, SC 29901
Appellant's Mailing Address (City, State and Zip Code)

1. PROPERTY INFORMATION:

A. Address of property affected by this Appeal:
21 Golden Dock Rd, St. Helena, SC 29920

186.50 acres of common property on Dataw Island (207 Cotton Dike Rd. Dat
B. Property Identification Number (PIN): R300 011 000 0002 0000 21 Golden Dock Rd.
R300 010 000 0144 0000 Dataw Island

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

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

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

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

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

Marvin Day
Signature of Appellant

RECEIVED 5/14/2014
MAY 15 2014
PLANNING DIVISION
Date

Item 2 - Narrative

A minor river buffer was granted to property located at 27 Golden Dock Rd., St. Helena, SC 29930. We believe false data and statements were used in making that decision and that no waiver, minor or major should be granted because:

1. The non porous surface was increased by more than 15% (Appendix H Section 6(d)(1))
2. DRT did not consider the environmental considerations that they are required to satisfy per the zoning ordinance Appendix H Section 6(d)(1).



Property Owner Authorization For Appeal Process

I, Lonnie Golden, am the owner of property at 21 Golden Dock Rd., St. Helena, SC 29920

I authorize the Dataw Island Owners Association to represent my interest in the property in appealing the decision of the Beaufort County DRT to approve a slab poured within the 50 foot River Buffer area.

Lonnie Golden

Lonnie Golden

5/14/14

Date

State of SC

County of Beaufort

The foregoing instrument was acknowledged before me this ____ day of _____, 2014 by Lonnie Golden.

Lou S. Nundough

Notary Public

My Commission Expires 2/1/2020



Property Owner Authorization For Appeal Process

I, Debra Glass, occupy the property at 21 Golden Dock Rd., St. Helena, SC 29920 and I am the daughter of Lonnie Golden, owner of 21 Golden Dock Rd.

I authorize the Dataw Island Owners Association to represent my interest in the property in appealing the decision of the Beaufort County DRT to approve a slab poured within the 50 foot River Buffer area.



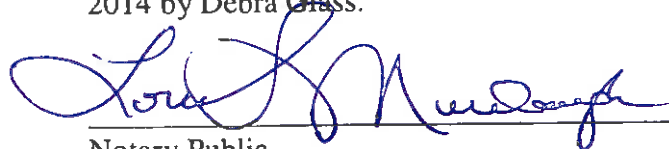
Debra Glass

5/14/14
Date

State of SC

County of Beaufort

The foregoing instrument was acknowledged before me this 14 day of May, 2014 by Debra Glass.



Notary Public

My Commission Expires 2/1/2020



Beaufort County, South Carolina
DEVELOPMENT PERMIT
Zoning and Development Administration

RECEIVED

MAY 15 2014

PLANNING
DIVISION

Permit Number 5220 Zone RURAL (FV) Date Issued 04/23/2014
Development Name GOLDEN DOCK - CONCRETE PAD ENLARGEMENT
Development Address/Location 27 GOLDEN DOCK RD, ST. HELENA ISH.
District/Map/Parcel Number 300-11-1E Acreage .909 Type of Development LAND DISTURBANCE

THIS PERMIT CERTIFIES THAT THE ABOVE NAMED DEVELOPMENT HAS MET AND IS IN ACCORDANCE WITH THE BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS ORDINANCE

BY: Hillary A. Post
Zoning and Development Administrator

ADDITIONAL CONDITIONS:

1. Project shall be completed, INSPECTED, & FINAL Certificate of Compliance issued within 30 DAYS. (05/23/2014)
2. If all CONDITIONS ARE NOT MET IN 30 DAYS, APPLICANT shall come BACK TO THE DRT FOR A REVISIT OF PROJECT.

1. All tree aeration systems, natural resource, archeological, tree protection barriers, and silt fencing must be constructed prior to any other site work approved under the development permit. Upon completion, the applicant must request an inspection by the County prior to receiving an authorization to proceed with other construction activities.
2. Subdivision approvals are for construction of infrastructure ONLY unless infrastructure bonding has been posted and accepted.
3. Subdivision plats shall not be recorded and sale of lots is not permitted until Final Approval is affixed and certified on the final subdivision plat and the plat is duly recorded by the Registrar of Deeds.
4. Certificates of Occupancy shall not be issued until a Final Certificate of Compliance has been granted. Neither the developer nor agents shall receive a final certificate of compliance inspection until all site work has been completed.
5. A landscape survival bond is required prior to issuance of a Final Certificate of Compliance for all landscape materials planted or relocated on site.
6. Subdivision infrastructure bonding is for one (1) year. In order to obtain a release of bond, all infrastructures must be completed and a Final Certificate of Compliance issued.
7. All bonding shall be in the form of cash, certified check, Irrevocable Bank Letter of Credit, or Surety Bond as approved by the County.
8. Any deviations from the approved development plans must be approved by the Development Review Team.
9. The owner of the property, or if such owner is a corporate entity, an officer of the corporation, shall sign a document provided by the DRT accepting full civil and criminal responsibility for any violations of the Beaufort County's Code of Ordinances arising out of or relating to the development of the subject property during the pendency of the development permit
10. Permits are valid for two (2) years upon final approval of a development plan or plat. An applicant shall have two (2) years from final approval to obtain a Final Certificate of Compliance. A permit may receive five (5) one-year extensions for good cause upon written request by the landowner no later than one (1) month prior to expiration unless an amendment to the ZDSO has been adopted that prohibits approval.

**COUNTY OF BEAUFORT
DEVELOPMENT REVIEW TEAM
ACTION FORM**

MEMBERS PRESENT-		Hillary (For)	Delores (For)	Chuck (For)	David (For)
PROJECT NAME				PROJECT TYPE	
27 Golden Dock Road Concrete Load Pad Enlargement				Land Disturbance	
APPLICANT/DEVELOPER NAME, ADDRESS, PHONE NUMBER					
Barrett Boulware, 25 Golden Dock Road, St. Helena Island, SC 29920					
PROJECT LOCATION	PIN	LAND AREA (ACRES)	LOTS/ UNITS	BLDG AREA (SQ FT)	
Golden Dock Rd	300-11-1E	.909	N/A	1,504	
DATE OF REVIEW	OVERLAY DISTRICT	FIRE DISTRICT		ZONING DISTRICT	
4/23/2014	N/A	St. Helena Island		Rural	

TYPE OF DRT REVIEW (CHECK ONE TO RIGHT): CONCEPTUAL PRELIMINARY FINAL

DRT ACTION (CHECK ONE BELOW):

- APPROVED NO CONDITIONS:
- DISAPPROVED / REASON(S):

APPROVED WITH CONDITIONS / CONDITIONS: Approved to make revisions to project, with a condition that the project has to be completed, inspected, and a Final Certificate of Compliance issued within 30 days. If all of the conditions are not met in 30 days, applicant shall come back to the Development Review Team for a revisit.

APPROVED SUBJECT TO CONDITIONS / LIST OF CONDITIONS:

RECEIVED

MAY 15 2014

PLANNING
DIVISION

DEFERRED / PLEASE SUBMIT THE FOLLOWING:

Hillary A. Quating

 ZONING AND DEVELOPMENT ADMINISTRATOR

4/23/2014
 DATE

**COUNTY OF BEAUFORT
DEVELOPMENT REVIEW TEAM
ACTION FORM**

MEMBERS PRESENT- Hillary (For) Delores (For) Chuck (For) David (For)

PROJECT NAME 27 Golden Dock Road Concrete Load Pad Enlargement **PROJECT TYPE** Land Disturbance

APPLICANT/DEVELOPER NAME, ADDRESS, PHONE NUMBER
Barrett Boulware, 25 Golden Dock Road, St. Helena Island, SC 29920

PROJECT LOCATION	PIN	LAND AREA (ACRES)	LOTS/UNITS	BLDG AREA (SQ FT)
Golden Dock Rd	300-11-1E	.909	N/A	1,504
DATE OF REVIEW	OVERLAY DISTRICT	FIRE DISTRICT	ZONING DISTRICT	
4/9/2014	N/A	St. Helena Island	Rural	

TYPE OF DRT REVIEW (CHECK ONE TO RIGHT): CONCEPTUAL PRELIMINARY FINAL

DRT ACTION (CHECK ONE BELOW):

APPROVED NO CONDITIONS:

DISAPPROVED / REASON(S):

APPROVED WITH CONDITIONS / CONDITIONS:

APPROVED SUBJECT TO CONDITIONS / LIST OF CONDITIONS:

- Applicant shall revise survey, showing new calculations.
- Applicant shall label everything on the plat, and show some elevation shots; applicant may have to install some type of drainage on site.

DEFERRED / PLEASE SUBMIT THE FOLLOWING:



Hillary A. Quating
ZONING AND DEVELOPMENT ADMINISTRATOR

4/9/2014
DATE

**COUNTY OF BEAUFORT
DEVELOPMENT REVIEW TEAM
ACTION FORM**

MEMBERS PRESENT- Hillary (For) Delores (For) Chuck (For) David (For)

PROJECT NAME: 27 Golden Dock Road Concrete Load Pad Enlargement PROJECT TYPE: Land Disturbance

APPLICANT/DEVELOPER NAME, ADDRESS, PHONE NUMBER: Barrett Boulware, 25 Golden Dock Road, St. Helena Island, SC 29920

PROJECT LOCATION Golden Dock Rd	PIN 300-11-1E	LAND AREA (ACRES) .909	LOTS/UNITS N/A	BLDG AREA (SQ FT) 1,504
DATE OF REVIEW 4/2/2014	OVERLAY DISTRICT N/A	FIRE DISTRICT St. Helena Island	ZONING DISTRICT Rural	

TYPE OF DRT REVIEW (CHECK ONE TO RIGHT): CONCEPTUAL PRELIMINARY FINAL

DRT ACTION (CHECK ONE BELOW):

APPROVED NO CONDITIONS:

DISAPPROVED / REASON(S):

APPROVED WITH CONDITIONS / CONDITIONS:

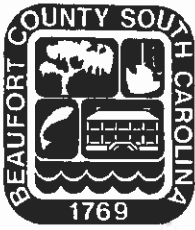
APPROVED SUBJECT TO CONDITIONS / LIST OF CONDITIONS:



DEFERRED / PLEASE SUBMIT THE FOLLOWING: Deferred until a determination is made in reference to a decision, if utilizing Section 106-9 of the Zoning & Development Standards Ordinance will be sufficient for this project.

Hillary A. Austin
ZONING AND DEVELOPMENT ADMINISTRATOR

4/2/2014
DATE



MEMORANDUM

TO: Beaufort County Planning Commission
FROM: Tony Criscitiello, Planning Director *Tc*
DATE: June 27, 2014
SUBJECT: Administrative Appeal of a DRT Decision to Approve Expansion of a Concrete Loading Pad at 27 Golden Dock Rd., St. Helena Island

An application was submitted to the County on March 11, 2014, for an “after-the-fact” development permit for the enlargement of a concrete loading pad adjacent to a commercial dock, a portion of which was installed in the River Buffer along Jenkins Creek. The site is a 0.910 acre parcel of land that is zoned Rural and is within a Commercial Fishing Village Overlay (CFVO) district on St. Helena’s Island. It has been used for many years as a seafood dock. Approval of the permit required a River Buffer Waiver in accordance with Appendix H (Commercial Fishing Village Overlay District), Sec. 6 (River Buffer) of the ZDSO.

The application was subsequently reviewed by the DRT during several meetings: April 2, April 9, and April 23, 2014. At the April 23rd meeting, the DRT determined the enlarged pad met the requirements of the ZDSO provided the owner install a water runoff collection system and pipe water from the slab away from the river buffer and into a created rain garden for filtering. These improvements were to be made within 30 days of the DRT approval.

The appellant maintains that the DRT erred in their decision that the application met the provisions of Appendix H, Sec. 6, and that false data and statements were used in making that determination.

Exhibits:

1. Excerpt from ZDSO: Appendix H (Commercial Fishing Village Overlay District), Sec. 6 (River Buffer)
2. Application for Enlargement of Concrete Loading Pad (dated March 11, 2014)
3. DRT Review Comments on Application (dated March 26, 2014)
4. Applicant’s Response to DRT Review Comments (dated March 31, 2014)
5. DRT Minutes: April 2, 2014
6. DRT Minutes: April 9, 2014
7. DRT Minutes: April 23, 2014
8. Copies of Comments, Additional Material Presented to the DRT by Members of the Public

Sec. 6. River buffer.

(a) A waiver from the river buffer setback requirements of section 106-1845(3) of ZDSO or the setback requirements of the base zoning may be sought for water dependant commercial fishing structures, by a property owner, by filing an application on forms prepared for this purpose by the county zoning and development department. Where the granting of a waiver from the river buffer setbacks would be negated by the base zoning setback standards the base zoning setbacks may also be waived. A "water dependant use" means a facility which cannot be used for its intended purpose, or its intended purpose would be severely restrained, unless it is located or carried out in close proximity to water. Such uses include boat repair, business or general offices which are commercial fishing related, icehouses and seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities. Such applications for a waiver shall be reviewed as set forth below.

(b) The following information may be required by the DRT where it deems applicable in the granting of a waiver:

- (1) The applicant may be required to provide and receive approval for the following:
 - a. Stormwater management plan.
 - b. Solid waste disposal plan.
 - c. Wastewater management plan.
- (2) The DRT may require additional information to ensure that a waiver to the river buffer standards does not cause adverse environmental impact.

(c) In addition to other information and documentation that may be required by the DRT, each applicant for a waiver shall submit documentation that:

- (1) Addresses the need and purpose of the proposed project;
- (2) Describes existing site conditions, including the status of the existing buffer and setback areas and any other water bodies and wetlands on the subject property;
- (3) Provides a proposed mitigation plan that utilizes structural and nonstructural best management practices to offset the effects of the proposed encroachment into buffer areas during site preparation, construction, and post-construction phases;
- (4) Demonstrates how buffer area encroachments will be minimized to the greatest extent practicable.

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

- (1) Major waiver (structures that would occupy more than 10 percent of the river buffer area). A major waiver from the buffer area requirements of this article may be approved by the DRT through consultation with the OCRM. Any major waiver allowing encroachment into the buffer shall be conditioned upon implementation of

best management practices. The DRT may also impose such other conditions as necessary to mitigate the effects of the grant of a waiver. No waivers may be granted to reduce a river buffer area by more than 15 percent.

- (2) Minor waiver (structures that would occupy less than or equal to 10 percent of the river buffer area). Minor waivers, not to exceed more than 10 percent of the buffer area requirements imposed by section 106-1845(3), may be granted by the zoning and development administrator (ZDA). Any minor waiver shall be conditioned upon implementation of best management practices. The ZDA may also impose such other conditions as necessary to mitigate the effects of the grant of a minor waiver.

(e) In all instances in which a waiver has been granted, any land-disturbing activities or regulated activities shall adhere to the following:

- (1) The integrity of all remaining vegetative buffers shall be protected.
- (2) Service and utility lines, parking lots and drives shall be setback as far as possible from the critical line.
- (3) Development should be encouraged on the least porous soils.

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

(Ord. No. 2000-15, 3-27-2000)

Sec. 7. CFV boundary change.

An application for a CFV boundary change shall proceed in general as for an application for rezoning (ZDSO section 106-492). In addition to the information usually required for such applications, the application shall include a written description of the intended plan of development, clearly indicating how approval of the boundary change and the proposed development will benefit the occupants of the fishing village and further the purposes of the area.

(Ord. No. 2000-15, 3-27-2000)

APPENDIX I. LADY'S ISLAND COMMUNITY PRESERVATION AREA (LICP)*

[DIVISION 1. GENERALLY]

Sec. 1.1. Purpose.

The purpose of the Lady's Island Community Preservation Area is to maintain or improve the livability and character of existing residential neighborhoods; to encourage infill of

***Editor's note**—Ord. No. 2000-8, adopted Feb. 28, 2000, enacted a new Appendix I to the Zoning and Subdivision Standards. For the ease of indexing, section numbers have been added to main headings, by the editor.

LAW OFFICES OF
David L. Tedder, P.A.

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Mailing Address: P.O. Box 1282 • Beaufort, SC 29901-1282

Telephone
(843) 521-4222

David L. Tedder, Esq.
dave@tedderlawoffice.com

Fax Number
(843) 521-0082

March 11, 2014

Ms. Hillary Austin
Beaufort County Zoning Administrator
P.O. Drawer 1228
Beaufort, SC 29901

Re: Jenkins Creek Marine and Charter, LLC - 27 Golden Dock Road - Development Permit for concrete loading pad enlargement in River Buffer Overlay - Commercial Fishing Village - TMP -R300-011-000-001E-0000

Dear Hillary:

In follow-up to last month's meeting with members of Planning, Zoning, and Codes Enforcement, enclosed please find a Final Plan Application and six copies of the site plan showing various features as required, including critical line, topography, and the area of concrete which was installed within the River Buffer. I am also enclosing a check in the amount of \$45.50, based on the square footage of the New Concrete in the River Buffer. If there are additional funds due, please advise.

There is also a narrative which addresses the items on the Final Plan Application which I believe are applicable, given this is an existing business with no vertical construction involved, only the concrete pad. Please let me know if I have omitted any required submission.

Best Wishes,


David L. Tedder

cc:
Barrett Boulware, Member

NARRATIVE
FINAL PLAN APPLICATION
TMP R300-011-000-001E-0000
JENKINS CREEK MARINE AND CHARTER, LLC
CONCRETE PA q21D ADDITION

Jenkins Creek Marine and Charter, LLC, is the owner of a 0.910 acre parcel of land on St. Helena Island, which has for many years been used as a seafood dock, as are the adjacent properties. This area is one of the few fishing villages designated by Beaufort County, with special rules to assist the preservation of this Lowcountry heritage industry.

The owners, who have obtained a new lessee of the dock, has undertaken to improve the condition of the dock and its ancillary transportation loading/unloading area, which is immediately adjacent to the dock and fishhouse structure. This area serves as the parking and loading areas for the trucks receiving the seafood products which are offloaded from the boats. The loading area has been shown on previous plats as concrete pads, some of the area of the pads is located in the 50 foot River Buffer area, created some time after the dock, buildings and loading area were initially constructed.

In order to stabilize and enhance the existing concrete pads, an over pour was undertaken. This area is shown on the site plan as "Old Concrete." The owners also poured concrete in an area not previously within a concrete pad; this is shown as "New Concrete." This New Concrete area fills in an area appurtenant to the face of the building shown as "Fish House." 455 square feet of New Concrete was poured within the River Buffer Area. The applicant seeks to have this concrete area approved under the standards of the Fishing Village Overlay, Appendix I to the ZDSO, which allows some impervious surfaces in this area which would otherwise not be allowed.

Section 6 of Appendix I provides for a waiver of the River Buffer requirements, as either a "Minor" or "Major" waiver. A Minor waiver is available for a structure which would occupy less than or equal to 10 per cent of the river buffer area, and may be granted by the Zoning and Development Administrator. In this situation, the total area within the River Buffer is shown as 5,067 square feet, and the new concrete area is 455 square feet.

Section 6 (b) of Appendix I has optional information which may be required by the DRT, which appear from the Code structure to be applicable to major waivers. Regardless, the applicant would offer the following information, most of which is discernible from the site plan.

Storm water management on this traditional seafood dock site has consisted of there being a bulkhead/rock revetment on the rivershore and buildings basically causing the storm water to follow the natural grade of the property, which slopes gradually back from an elevation of 7 feet at the building to an area of 6 feet at the Northeastern corner of the property where the drive enters the property away from the river. This area is shown as a depression at elevation 6. The

area next to the bulkhead/revetments are naturally planted. The applicant did not anticipate adding a storm water management system to mitigate 455 square feet of new surface. The drive and other areas of the site are all pervious surface.

Solid waste and wastewater management are not implicated with the mere surfacing of a loading area, as there is no habitable space being created, and in any event, there is an existing building/business existing for many years.

The applicant would also note that the area of New Concrete consisted of hard packed soils with virtually no porous qualities, due to the years of vehicular and equipment travel. While not preserved for review by photographs, some of the area adjacent to the old concrete areas were actually broken asphalt that had been placed from time to time over the decades, but were now broken and unsuitable for equipment travel.

Regarding other items shown on the Final Plan Application, we have attached a tax map printout with additional information about the adjacent properties. There are no wetlands on the property, and we would suggest that there is no need for a delineation for the area involved, which is clearly in the middle of the traditionally used seafood dock/transportation site. We do not believe a site capacity analysis is required for this submission, nor an archaeological site determination. Trees are shown on the site plat. No trees are being removed or impacted. There are no fire hydrants in this area, BJWSA does not service this portion of the island.

This property is serviced by a private drive which has existed for decades, coming off Eddings Point Road. The applicant does not believe a traffic impact analysis is required, as the building is not being expanded, and likewise, no new landscaping, open space or setbacks are involved. The topographical features are shown on the site plat. Without new habitable space being added to the existing buildings, no new utilities are required for the existing site, and the items relating to water supply, sewage disposal, plans, letters of capability and commitment to serve from utilities are not applicable. No other permits or approvals are required from other agencies or departments.

The applicant would request that a permit be issued for the concrete pour, with the River Buffer requirements waived as a Minor Waiver pursuant to Appendix I, Section 6 (d) (2).

COUNTY OF BEAUFORT COUNTY
ZONING & DEVELOPMENT STANDARDS ORDINANCE
-ZONING PERMIT APPLICATION-

DATE ACCEPTED	RECEIVED BY	FILING FEE	RECEIPT#	ZONING	OVERLAY DISTRICT
PROJECT NAME Jenkins Creek Marine and Charter, LLC			PROJECT TYPE Concrete Pad		
(APPLICANT/DEVELOPER)NAME,ADDRESS,PHONE# Barrett Boulware, 25 Golden Dock Rd., St. Helena Island, SC 29920 812-7755			PROPERTY OWNER NAME,ADDRESS,PHONE# Jenkins Creek Marine and Charter, LLC P.O. Box 457, Hampton, SC 29924		
PROJECT LOCATION 27 Golden Dock Road	PIN R300/011/001E	LAND AREA (ACRES) .91 acres	BLDG/HOME AREA (SQ.FT) 1820 Sq. Ft.	FIRE DISTRICT St. Helena	

GENERAL INFORMATION REQUIRED

- IS THE PROPERTY RESTRICTED BY RECORDED COVENANTS THAT ARE CONTRARY TO OR CONFLICT WITH THE REQUESTED PERMIT ACTIVITY? YES () NO ()
- THREE COPIES OF SITE PLAN/PLAT
- VICINITY MAP SHOWING PROJECT LOCATION, NORTH ARROW, GRAPHIC SCALE AND DATE
- DEVELOPMENT PROPERTY BOUNDARY LINES WITH BEARINGS AND DISTANCES
- ROAD ACCESS TYPE () PUBLIC () PRIVATE () PAVED () UNPAVED
- EXISTING BUILDINGS, STRUCTURES ON PROPERTY
- SETBACKS, BUFFERS
- STORM WATER RETENTION (<http://stormwaterworksheet.createandsolve.com>)
- TREE SURVEY AND INDICATION OF REQUESTED TREE REMOVAL
- NO REQUESTED TREE REMOVAL
- SEWAGE DISPOSAL () SEPTIC TANK () BJWSA () NONE
- WATER SUPPLY () WELL () BJWSA () NONE
- OCRM CRITICAL LINE CERTIFICATION (SALTWATER MARSH/RIVER FRONT PROPERTY ONLY)
- STREET ADDRESS (E911)
- LOCATION OF SAND DUNES/MEAN HIGH WATER MARK (BEACH DEVELOPMENT ONLY)

PLEASE SEE ZONING OFFICIAL FOR ADDITIONAL INFORMATION ON THE FOLLOWING:

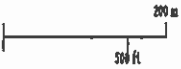
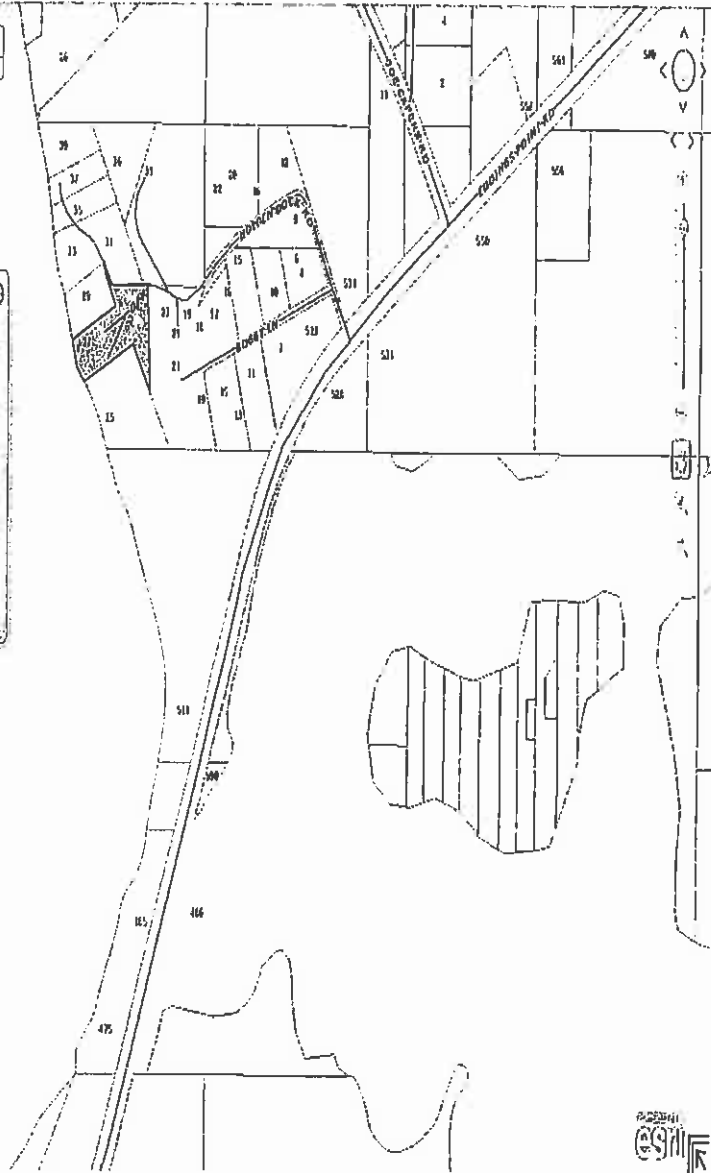
- HOME BUSINESS
- HOME OCCUPATION
- ACCESSORY USE/ANCILLARY USE
- TOWER EXPANSION/CO-LOCATION
- CHANGE OF USE
- SPECIAL EVENTS
- DOCKS
- TREE REMOVAL
- FAMILY DAY CARE
- CHRISTMAS TREE SALE
- CLEARCUTTING
- COMMERCIAL EXPANSION
- FAMILY COMPOUND
- OUTDOOR SALE/ROADSIDE STAND

US Street Map County Base Map 2013 Aerial

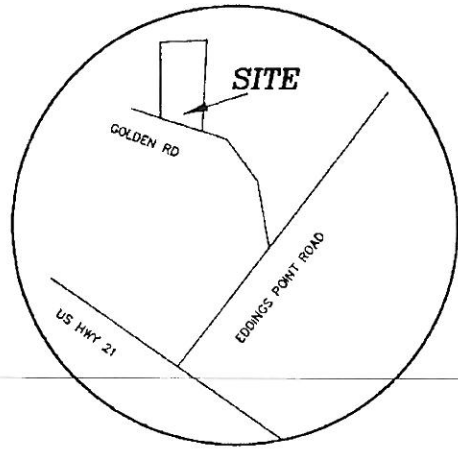
Enhanced Search

Features Selected: 1 [Zoom](#) [Clear](#)

R300 011 000 001E 0000
APN: 00270176
Class Code: AgImp Marine&Aquaculture
Owner: JENKINS CREEK MARINE AND CHARTER LLC
Owner:
Address: PO BOX 457
City: HAMPTON
State: SC
ZIP Code: 29924



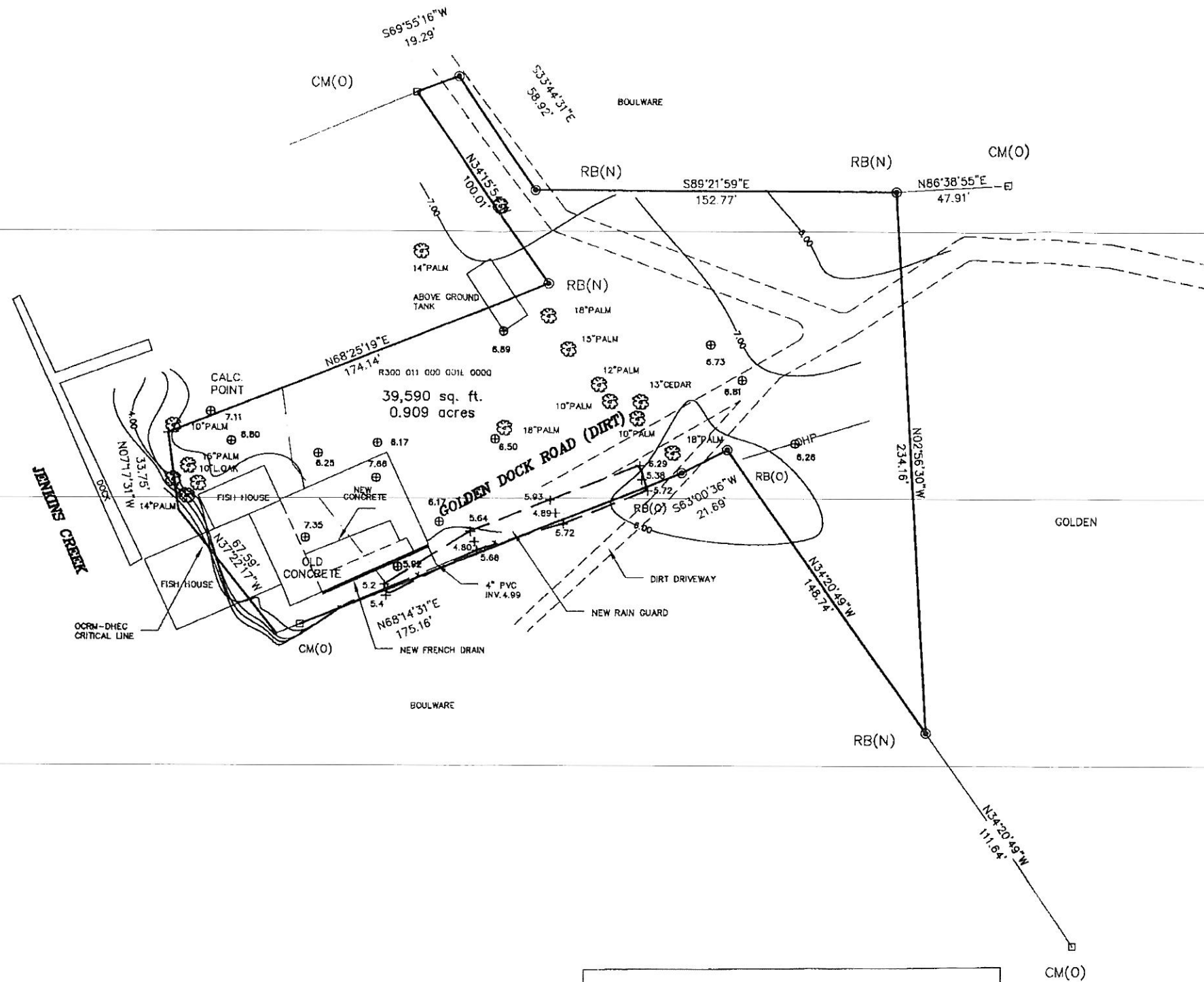
- Lot 25 - R300-011-000-001G-0000 - Barrett Boulware - Property Class AgImp
- Lot 29 - R300-011-000-0407-0000 - Jenkins Creek Marine - Property Class AgVac
- Lot 31 - R300-011-000-0292-0000 - Jenkins Creek Marine - Property Class AgVac
- Lot 34 - R300-011-000-0001-0000 - Andrew Small - Property Class ResVac
- Lot 23 - R300-011-000-0002-0000 - Lonnie Golden - Property Class MHImp



LOCATION MAP (Not To Scale)

LEGEND

- IP(O) = OLD IRON PIPE FOUND
- CM(O) = OLD CONCRETE MONUMENT FOUND
- RB(N) = NEW REBAR SET 1/2" DIA.
- CI(O) = OLD CRIMP TOP IRON PIPE
- OE(O) = OLD OPEN END IRON PIPE FOUND
- RB(O) = OLD REBAR FOUND
- P.P. = POWER POLE
- O.H.P. = OVERHEAD POWER LINES
- ▲ = CALCULATED POINT



REFERENCE PLATS & DEEDS

- 1.) PLAT BK 128/40
- 2.) S-2052

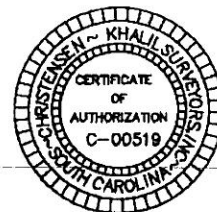
GENERAL NOTES:

- 1.) PRESENT OWNER OF PROPERTY SHOWN HEREON: JENKINS CREEK MARINE AND CHARTER LLC.
- 2.) TOTAL ACRES SURVEYED AND SHOWN HEREON: AS SHOWN
- 3.) ACREAGE DETERMINED BY RECTANGULAR COORDINATES.
- 4.) TMN # 300-11-1E
- 5.) IT IS EXPRESSLY UNDERSTOOD THAT CHRISTENSEN SURVEYING CO. DOES NOT CERTIFY TO THE EXISTENCE OR ABSENCE OF ANY FRESHWATER WETLANDS ON THE PROPERTY SHOWN HEREON.
- 6.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH SUBJECT TO LOCAL ATTRACTION.
- 7.) PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "A-8" (14.00) PER FEMA MAP PANEL 450025-0105-D DATED: SEPT. 29, 1986
- 8.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF TITLE RESEARCH.

TOTAL AREA WITHIN 50' CRITICAL LINE SETBACK 5,067 SQ. FT.
 TOTAL AREA FOR NEW CONCRETE 1,490 SQ. FT.
 TOTAL AREA FOR OLD CONCRETE 1319 SQ. FT.
 TOTAL AREA OF NEW CONCRETE WITHIN SETBACK 455 SQ. FT.

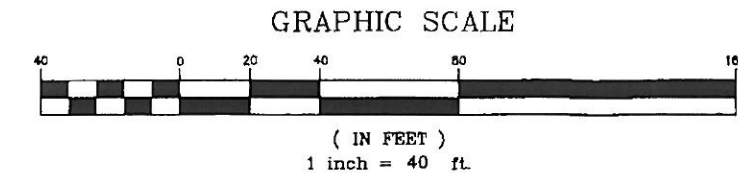
CERTIFICATION:

I, ZYAD A. KHALIL, HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



ZYAD A. KHALIL RLS
 S.C. REG. NO. 15176

PLAT SHOWING
R300 011 000 001E 0000
PREPARED FOR;
JENKINS CREEK MARINE AND CHARTER LLC
ST. HELENA ISLAND,
BEAUFORT COUNTY, SOUTH CAROLINA
DATED: MAY 21, 2009
SCALE: 1"=40'
REVISED: JAN. 20, 2014
TO SHOW CONCRETE PAD
REVISED: FEB. 17, 2014
FOR TREE & TOPOGRAPHIC SURVEY





March 26, 2014

COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Zoning & Development

Multi Government Center • 100 Ribaut Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
OFFICE (843) 255-2170
FAX (843) 255-9446

Mr. David Tedder, PA
Post Office Box 1282
Beaufort, SC 29901-1282

Re: 27 Golden Dock Road – Fish House Expansion (Final)

Dear Mr. Tedder:

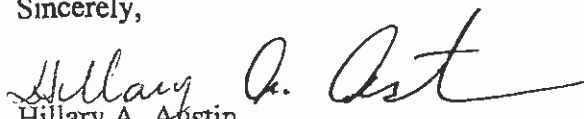
As stated in the Beaufort County Zoning & Development Standards Ordinance, Section 106-368 (b) (1) "Upon completion of all appropriate county reviews, the ZDA shall then file a staff report including all review recommendations no later than five working days prior to the scheduled DRT meeting". This letter will serve as the recommendations from each member of the DRT for final review of the referenced project.

1. Applicant shall provide drainage/runoff information and direction for impervious area.
2. Sec. 6(d)(1) of the Commercial Fishing Overlay District defines a "major waiver" of the river buffer setback as "structures that would occupy more than 10 percent of the river buffer area." It appears that the existing uses already occupy more than 10 percent of the buffer area. The section goes on to state that "No waivers may be granted to reduce a river buffer area by more than 15 percent." Please calculate how much of the river buffer area was occupied by existing structures before installation of the new concrete pad. In accordance with Sec. 6(b)(1), the applicant may be required to provide a stormwater management plan following discussion by the DRT if it is determined necessary to ensure no additional runoff into Jenkins Creek.

Please provide your written response to include construction drawings, plats, etc. to any issues raised by individual DRT members no later than Monday at 2:00 p.m. prior to your scheduled DRT meeting. Failure to address any item will result in your application being deferred until your entire response has been received. You may also request that your scheduled DRT meeting be postponed to allow additional time to address these comments. You may only reschedule the DRT meeting twice to correct deficiencies to avoid an additional filing fee.

NOTE: THE DRT RESERVES THE RIGHT TO CONSIDER ADDITIONAL INFORMATION RELATED TO THE PROJECT LISTED ABOVE PRIOR TO THE DATE OF THE DRT MEETING. THEREFORE, THE DRT'S DECISIONS MAY CHANGE ACCORDING TO NEW FACTS OR THE CONSIDERATION OF ADDITIONAL FACTS UNKNOWN AS OF THE DATE OF THIS REPORT.

Sincerely,


Hillary A. Austin
Zoning & Development Administrator

"Professionally we serve; Personally we care!"

LAW OFFICES OF
David L. Tedder, P.A.

604-A Bladen St. • Beaufort, South Carolina 29902
Mailing Address: P.O. Box 1282 • Beaufort, SC 29901-1282

Telephone
(843) 521-4222

David L. Tedder, Esq.
dave@tedderlawoffice.com

Fax Number
(843) 521-0082

March 31, 2014

Ms. Hilary Austin
Zoning & Development Administrator
100 Ribaut Road
Beaufort, SC 29902

BY E-MAIL TO: hillarya@bcgov.net

Re: 27 Golden Dock Road – Fish House Expansion

Dear Hillary:

I had David Karlyk of Carolina Engineering address the questions regarding the river buffer area and structure size contained in your letter of March 26th. There is a sketch drawing attached for your convenience.

The total River Buffer area (that area 50 feet inland from the OCRM Critical Line) has 5,063 total square feet. The new concrete addition is 457 square feet, or 9% of the total River Buffer Area. The waiver being requested is less than 15% of the total area, which would be 759 square feet.

Other structures that have existed on the site for years are also located in the River Buffer. There are two Fish House Structures; one has 633 square feet in the River Buffer, the other has 500 square feet. The pre-existing concrete pads constitute 1,106 square feet.

I believe the topographical lines on the submitted survey indicate the property slopes gently back inland from the river buffer area. Additionally, the pad was designed to slope away from the building and thus, the river. The 457 square foot area which was added was already part of the travelled way used for loading and unloading, and as such, was not pervious to begin with, having been compacted by travel for decades.

Section 2 of Appendix H sets out the goals of the Commercial Fishing Village Overlay, one of which is to provide for the maintenance and enhancement of the commercial seafood industry and related traditional uses. The owners of this dock are attempting to provide a suitable area for forklifts and trucks to operate in a safe manner, without getting bogged down in the parking and maneuvering area.

Letter to Hillary Austin
Re: 27 Golden Dock Road – Expansion
March 31, 2014
Page 2

Please let me know if additional information is required.

Sincerely

A handwritten signature in black ink, appearing to read 'D. Tedder', written over a horizontal line.

David L. Tedder



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Zoning & Development

Multi Government Center • 100 Ribaut Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
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FAX (843) 255-9446

The scheduled meeting of the Beaufort County Development Review Team was held on Wednesday, April 2, 2014, in the Beaufort County Executive Conference Room, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Charles Atkinson, Building Codes Director
Ms. Hillary Austin, Zoning Administrator
Mr. David Coleman, Engineering Department
Ms. Delores Frazier, Assistant Planning Director

MEMBERS ABSENT

None

STAFF PRESENT

Mrs. Tamekia Judge, Zoning Analyst I

1. CALL TO ORDER: Ms. Austin called the meeting to order at 11:00 a.m.

Ms. Austin explained, that the members of the Development Review Team reviewed each item independently, and provided their comments to the Zoning Administrator.

2. REVIEW OF MINUTES:

MOTION: Mr. Atkinson made a motion to approve the March 19, 2014 minutes as submitted. Mr. Coleman seconded the motion. The motion passed (FOR: Atkinson, Austin, Coleman and Frazier).

3. 27 GOLDEN DOCK ROAD CONCRETE LOADING PAD ENLARGEMENT (FINAL)

Ms. Austin stated that there was a letter sent concerning the 15% expansion of the site.

Ms. Frazier stated, that she doesn't think the letter stated a 15% expansion.

Ms. Austin stated that it talked about getting into the buffer more than 15%.

Ms. Frazier stated that, by her calculations they are already occupying more than 15% of the River buffer area before the concrete was placed in the buffer, and doesn't believe the DRT can use the waiver section to add another 15% expansion; because the site is already non-conforming. The applicant would need to use the non-conforming use standard to get the 15% expansion or they can request a Special Use permit to go beyond the 15% expansion.

Mr. Atkinson asked Ms. Frasier, "When you figure the total, is the expansion within the 15%?"

Ms. Frazier replied, "No, that's without the expansion, they are already occupying about 15%."

Mr. Atkinson asked Ms. Frasier, "So, the non-conforming portion, they have already exceeded that?"

Ms. Frazier replied, "Yes, for what the DRT can grant."

Mr. David Tedder stated to the DRT board, the ability of the DRT comes under Section (6)(D)(2) of the Commercial Fishing Village states, no waivers may be granted to reduce a River buffer by more than 15% and the reduction in the River buffer that this concrete pad imposes is not more than 15%, it's more than 47 square feet.

"Professionally we serve; Personally we care!"

Ms. Frazier stated, that she understand how Mr. Tedder is reading that section of the ordinance, but she doesn't read it that way; Section 5 (E) of the Commercial Fishing Overlay states, that minor additions or alterations that will result in a building size of greater than but less than 5,000 sq ft which do not result in a cumulative increase of the gross floor area of more than 15%.

Mr. Tedder stated, that he looked at that too and they are under the 500 sq ft addition under that section.

Ms. Frazier asked Mr. Tedder, "Are you less than 15%?"

Mr. Tedder replied, "I believe, I came up with 9.9%, 447 sq ft as opposed to the total area of 5,063 shown in the River buffer. So, under either of those we are under the 15% addition; we are actually in the 10% for minor addition for a waiver."

Ms. Frazier stated, that she doesn't believe Mr. Tedder is counting the buildings that are already there.

Mr. Tedder stated, that he was counting the buildings.

Ms. Frazier stated that the interpretation of the section of the ordinance needs to come from Hillary Austin.

Ms. Austin stated that the DRT was going under the minor addition or alteration and she read the section for the record. Ms. Austin stated that there was the fish house and the old concrete which was 1,319 sq.ft. and the new concrete is 1,490 sq.ft., for a grand total of everything on site. Ms. Austin asked Mr. Tedder, what is the square footage of the fish house?"

Mr. Tedder stated, that the fish house square footage was not calculated because it was in the water not in the buffer.

Ms. Austin stated that everything on site has to be calculated.

Mr. David Karlyk replied, "The fish house is 500 sq.ft., and an additional addition of the concrete is 457 sq.ft.; the total buffer area is 563 sq.ft. and the portion of fish house within the buffer is 633 sq ft."

Ms. Frazier stated, that she doesn't believe what the applicant is requesting relates to a waiver.

Ms. Austin stated, that the 457 square feet addition being proposed is over by 322 sq. ft.

Ms. Frazier stated, that the applicant should submit additional paperwork that breaks out all of the square footages for the structures and the concrete pad located on the site. Ms. Frazier stated, that if Mr. Tedder likes, he will be able to submit as non-conforming and complete the 15% expansion because the use is already non-conforming. Ms. Frazier stated that she would like to recommend deferring the project for one week to allow the applicant to apply for a non-conformity per Section 106-9.

Mr. John Cashin stated that he the application should not be accepted and should be considered incomplete because the applicant is trying to avoid Environmental Health concerns.

Mr. Marvin Day stated that he is against the application. Mr. Day stated that he doesn't remember a second part of concrete being used in the calculations; he believes it was a pad used for the ice trailers since he has lived directly across from the property.

Mr. Reed Armstrong stated that the application is incomplete and he opposes approval, because it doesn't include any descriptions of activities or qualified uses, and the fact that there is no Environmental analysis completed.

Mr. Lonnie Golden stated that there is a 20' Easement that comes across his property and the big trucks that come through is tearing up his property, he has erected several fences that they tore up until he erected steel beams. Mr. Gold stated that he opposes the approval of this application.

Ms. Sally Murphy stated that when she became aware of the project, she contacted DHEC and they are still discussing the permitting. Ms. Murphy states that she is against this application.

MOTION: Ms. Frazier made a motion to defer the project for one week until a determination is made in reference to a decision if utilizing Section 106-9 of the ZDSO will be sufficient for this project. Ms. Austin seconded the motion. The motion passed unanimously (FOR: Atkinson, Austin, Coleman and Frazier).

4. TRACTOR SUPPLY COMPANY (AMENDMENT)

Ms. Frasier stated that the CRB approved a buffer planting plan, which will be inspected at final.

Mr. Atkinson stated that he would like to recommend approval to move the line, in order to save the 54 inch Cedar tree.

MOTION: Ms. Frazier made a motion to approve the project, with a final inspection after the work is completed. Mr. Coleman seconded the motion. The motion passed unanimously (FOR: Atkinson, Austin, Coleman and Frazier).

5. HEYWARD POINT – CONCEPTUAL MASTER PLAN (MINOR) AMENDMENT

Mr. Truitt Rabon stated that they are requesting the amendment to accomplish ending Ph-2 by moving two lots.

Ms. Austin asked Mr. Rabon, "Will that be open space?"

Mr. Rabon replied, "Yes."

Ms. Frazier stated that she would like to recommend approval of the changes.

MOTION: Ms. Frazier made a motion to approve the project for the amended changes. Mr. Atkinson seconded the motion. The motion passed unanimously (FOR: Atkinson, Austin, Coleman and Frazier).

6. WINDMILL HARBOUR – LOT 5, POST MILL LN (RIVER-BUFFER)

Mr. Thomas stated that he was requesting a variance because Windmill Harbour changed the setback and he is trying to save trees. Mr. Thomas stated, that he looked at the possibility of replacing trees on the site for the trees being removed; but the site is too tight, so they will pay into the tree reforestation fund. Mr. Thomas stated that he would like for the County to grant a waiver to plant sod in the buffer, as the grass defects the design guidelines.

Ms. Austin asked Mr. Thomas, "Did you reduce the size of the residence?"

Mr. Thomas replied, "Yes."

Ms. Frasier stated she would like to recommend granting a waiver for the house, provided it is reduced and defer on the buffer plantings.

Mr. Thomas asked Ms. Austin, "If we defer on one section, how does that affect getting a building permit?"

Ms. Austin stated, that it would not affect getting a building permit, a condition would be placed on the permit that states, that the Certificate of Occupancy shall not be approved until the landscape buffer plantings have been approved. Ms. Austin stated, that the applicant will also pay into the tree reforestation fund for the trees not planted for mitigation.

MOTION: Ms. Frazier made a motion to approve the waiver for the residence, with the condition that the applicant receives approval of the buffer plantings prior to a Certificate



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Zoning & Development

Multi Government Center • 100 Ribaut Road
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The scheduled meeting of the Beaufort County Development Review Team was held on Wednesday, April 9, 2014, in the Beaufort County Executive Conference Room, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Charles Atkinson, Building Codes Director
Ms. Hillary Austin, Zoning Administrator
Mr. David Coleman, Engineering Department
Ms. Delores Frazier, Assistant Planning Director

MEMBERS ABSENT

None

STAFF PRESENT

Mr. Tony Criscitiello, Planning Director
Mrs. Lisa Glover, Zoning Analyst III

1. CALL TO ORDER: Mr. Criscitiello called the meeting to order at 11:02 a.m.

Mr. Criscitiello explained, that the members of the Development Review Team reviewed each item independently, and provided their comments to the Zoning Administrator.

2. REVIEW OF MINUTES:

MOTION: Ms. Frazier made a motion to approve the April 2, 2014 minutes, as submitted. Mr. Atkinson seconded the motion. The motion passed unanimously (FOR: Atkinson, Austin, Coleman and Frazier).

3. SPANISH MOSS TRAIL – PHASE 6 (FINAL)

Ms. Austin stated that she would like to recommend approval of the project.

Ms. Frazier seconded the motion.

Mr. Robert Merchant, CRB Planner explained the developmental master plan to the Development Review Team.

MOTION: Ms. Austin made a motion to approve the project, as submitted. Ms. Frazier seconded the motion. The motion passed unanimously (FOR: Atkinson, Austin, Coleman and Frazier).

4. DISTANT ISLAND – 270 DISTANT ISLAND DRIVE (BULKHEAD)

Ms. Austin stated that she would like to recommend approval of the project.

Mr. Coleman seconded the motion.

MOTION: Ms. Austin made a motion to approve the project, as submitted. Mr. Coleman seconded the motion. The motion passed unanimously (FOR: Atkinson, Austin, Coleman and Frazier).

"Professionally we serve; Personally we care!"

5. 27 GOLDEN DOCK ROAD CONCRETE LOADING PAD ENLARGEMENT (FINAL)(REVISIT)

Ms. Austin stated that the Development Review Team needs a revised plat addressing the square footage before the final approval.

Ms. Frazier asked Mr. Karlyk, "How much is the new concrete section?"

Mr. Karlyk with Carolina Engineering replied, "The portion of the new concrete shown on the plat is 1,504 square feet, and that includes the area that's in and out of the buffer".

Ms. Frazier asked Mr. Karlyk, "How much was the old concrete section?"

Mr. Karylk replied, "The old concrete was 1,416 square feet, and that is both in and out of the buffer".

Mr. Atkinson asked Mr. Karylk, "Do you have the old slab square footage in the river buffer, and the new slab square footage that's in the river buffer?"

Mr. Karylk replied, "The old square footage was 1,016 square feet, and the new square footage is 457 square feet".

Ms. Frazier stated that the issue last week was how the pad drains; whether it drains towards the creek or in another direction.

Mr. Karlyk stated that he spoke with the Stormwater Manager, Eric Larson, and at this time it is very difficult to determine how the slab drains, because the ground is a flat surface. Mr. Karylk stated that it appears that the water drains away from the buffer, but to be absolutely sure, a surveyor would have to determine how the property drains, or they can visit the site during a rain event, to see where the water is going.

Ms. Frazier asked Mr. Coleman, "Are you satisfied with that comment?"

Mr. Coleman replied, "Yes, because it is below regulation, and I am okay with it from the Engineering stand point, and I have also spoken with Eric Larson (Stormwater Manager) regarding this matter."

Mr. Atkinson asked Mr. Coleman, "So we don't need any additional documentation?"

Mr. Coleman replied, "Not from Stormwater Management".

Mr. Criscitiello asked, "So the issue before the Development Review Team is the concrete pad?"

Mr. Atkinson replied, "Yes, and I would like to make a motion, but I want to make it clear that my motion has nothing to do with Jelly Balls, trucks, traffic, what's being processed, and what's not being processed; my motion do not have anything to do with those issues. My motion and this application is specifically pertaining to the slab, and whether or not the slab is allowed in the river buffer. If there is an activity that's separate from that, and it is not compliant with the zoning ordinance, then it needs to be handled through the Codes Enforcement Department." Mr. Atkinson stated that based on the square footage, where it is located, and what was there in the Commercial Fishing Village Overlay District, he would like to recommend approval of this application regarding the slab.

Mr. David Coleman seconded the motion.

Mr. Criscitiello asked Mr. David Tedder to explain to the Development Review Team and those present, what his previous statements have been in regard to other activities associated with this application.

Mr. Tedder explained that he has consulted with his client, the boat comes in with the Jelly Balls, the Jelly Balls are in a bin with sea water liquid, the pump sucks it out of the boat into the sorting area where they are sized, and when it is full, the truck is taken away. There are no chemicals added, they are using sea water, so it comes out of the creek, and goes back into the creek; it is used just to rinse the materials

before it is placed back in the two sorting bins; nothing is done as far as processing, it is just sorting what you take out of the boat.

Mr. John Cashon from Dataw Island stated that the Development Review Team's responsibility is to assure the citizens of the county that the waiver will not endanger the environment.

Mr. Marvin Day stated that he lives on Jenkins Creek, and brought up last week that he thought that the plat, as shown by Mr. Tedder is not actually the situation there. The plat on the south end of the property shows two trailers as being storage boxes; same size as a trailer, but they are insulated as cold storage.

Mr. Lonnie Golden, previous owner indicated that he poured a 14 foot wide by 44 foot long slab on the property in the past.

Ms. Tina Reeves stated that her husband is a Commercial Fisherman, and storage units were not on the wooden slabs; the only slab was the 14 x 44 slab. Consider that this slab was put in without permission, they did not get a permit, and she's concerned that the surveyor doesn't even know where the water is going.

Mr. Karlyk stated that he want to clarify that he is not a surveyor, he is an engineer.

Mr. Frank Roberts stated that the washing of Jelly Balls is considered processing. Jelly Ball slime is very toxic, and there will be hundreds of thousands of pounds of Jelly Balls.

Mr. Ed Atkins asked are there any biologist or scientist on the Development Review Team? Mr. Atkins stated that they are already having problems; why release this type of chemical into the water to contaminate all of the existing species.

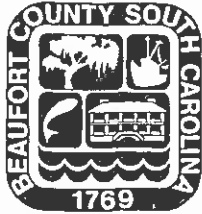
Mr. Atkinson stated that he would like to reiterate that this application and his motion, has nothing to do with the Jelly Balls project.

Ms. Austin stated that David Karlyk shall revise the survey, and give the Development Review Team some new numbers. Ms. Austin stated that everything shall be labeled on the plat. Ms. Austin stated that she believes that the Development Review Team should get some elevation shots, and maybe install some type of drainage.

Mr. Atkinson stated that he would like to add that condition to his motion.

MOTION: Mr. Atkinson made a motion to approve the project subject to the applicant revising the survey, and giving new calculations. The applicant shall also label everything on the plat, and show some elevation shots; the applicant may have to install some type of drainage on the site. Mr. Coleman seconded the motion. The motion passed (FOR: Atkinson, Coleman and Frazier; ABSTAINED: Austin).

The meeting adjourned at approximately 11:36 a.m.



COUNTY COUNCIL OF BEAUFORT COUNTY

Beaufort County Zoning & Development

Multi Government Center • 100 Ribaut Road
Post Office Drawer 1228, Beaufort, SC 29901-1228
OFFICE (843) 255-2170
FAX (843) 255-9446

The scheduled meeting of the Beaufort County Development Review Team was held on Wednesday, April 23, 2014, in the Beaufort County Executive Conference Room, the Beaufort County Administration Building at 100 Ribaut Road, Beaufort, South Carolina.

MEMBERS PRESENT

Mr. Charles Atkinson, Building Codes Director
Ms. Hillary Austin, Zoning Administrator
Mr. David Coleman, Engineering Department
Ms. Delores Frazier, Assistant Planning Director

MEMBERS ABSENT

None

STAFF PRESENT

Mr. Tony Criscitiello, Planning Director
Mrs. Lisa Glover, Zoning Analyst III

1. **CALL TO ORDER:** Mr. Criscitiello called the meeting to order at 11:03 a.m.

Mr. Criscitiello explained, that the members of the Development Review Team reviewed each item independently, and provided their comments to the Zoning Administrator.

2. **REVIEW OF MINUTES:**

MOTION: Mr. Coleman made a motion to approve the April 9, 2014 minutes as submitted. Mr. Atkinson seconded the motion. The motion passed unanimously (FOR: Atkinson, Austin, Coleman and Frazier).

3. **27 GOLDEN DOCK ROAD CONCRETE LOADING PAD ENLARGEMENT (FINAL)(REVISIT)**

Mr. Criscitiello explained that this application is before the Development Review Team again, because there were no time limits established for the approval of the pad. Mr. Criscitiello stated that since that time, the Development Review Team has received the information from the applicant, which was requested at the previous meeting.

Mr. Coleman stated that he reviewed the latest submittal on the concrete pad with respect to capturing the rainwater that runs off of the pad, and the applicant have added a collection drench and piped it away from the site; they also created a rain garden at the end of the collection system, which will capture the first inch and a half, which would bring them in compliance of any project of this nature.

Mr. Coleman asked Mr. Karlyk, "Have you already submitted the revised plans?"

Mr. Karlyk replied, "Yes, I have brought six copies with me to the meeting".

Ms. Frazier stated that because the pad already exists, there should be a time frame to add the additional drainage pipe and rain garden. Ms. Frazier asked Mr. Karlyk, "How long do you think it will take to install the pipes and rain garden?"

Mr. Karlyk replied, "Within the next month or two, because it takes some time to get a contractor, equipment, and materials".

Ms. Austin asked Mr. Karlyk, "How deep is the rain garden?"

Mr. Karlyk replied, "Approximately 1-12 foot long, by 5 foot wide"
Professionally we serve; Personally we care!"

Mr. Atkinson stated that the county could hold the bond until everything is done and verified.

Mr. Coleman asked Mr. Tedder, "Do you think everything can be finished in 30 days?"

Mr. Tedder replied, "No, because it is the end of the week, and we have to get the package together to go to the contractor, and we have to order the materials, so we need a little more time".

Ms. Frazier stated that the Development Review Team could give the applicant 30 days, and if it is not completed, the applicant can come back to the Development Review Team for a revisit.

Ms. Austin stated that the applicant will also need the Final COC issued within those 30 days.

Mr. Coleman stated that he would like to make a motion to approve the revision to the project, with a condition that the project is completed, inspected, and a COC issued within 30 days.

Mr. Atkinson seconded the motion.

Mr. John Cashon stated that he lives on Dataw Island, and two weeks ago, he asked the Development Review Team to deny the application because there were questions regarding the concrete slab; the questions were, would the slab increase the storm water runoff to Jenkins Creek, and whether the Jelly Balls body parts, processed wastewater and mucus would find its way into the creek because of the slab. The zoning ordinance advises the Development Review Team to ensure that no waiver shall affect the environment in a negative way. Mr. Cashon stated that DHEC has asked the applicant to run a monitored toxicology testing at Golden Dock, and the applicant was advised to cease washing the Jelly Balls at the Golden Dock site until the results of the test are reviewed by DHEC. The other problem is the new and old concrete shown on the survey; the old concrete totaled 1,390 square feet. Two citizens testified that what was indicated as old concrete was incorrect. The applicant's figures and survey in which the Development Review Team based all decisions was based on misrepresented truth, and this should give the Development Review Team cause to deny the application. Mr. Cashon showed the Development Review Team photos of the site, which was taken previous years ago.

Mr. Marvin Day stated that he lives on St. Helena Island, and he can attest that one box on the property was a cooling box, and the other box was a storage box for fishing gear. Mr. Day brought the pictures to the Development Review Team's attention almost two weeks ago, and he hopes that the Development Review Team denies the application.

Mr. Frank Robert Sr., stated that he attended the DHEC Community meeting last night concerning the Jelly Balls site; basically it was based on what was presented to DHEC. The applicant stated that they were just off loading and storing Jelly Balls in a decontaminated tank or water tank, in order to allow the water to drain out. Mr. Roberts stated that when Jelly Balls came to shore, they washed off some of the materials from the Jelly Balls, cleaned it up; it was maybe toxic that went into the creek, so DHEC did a cease order for the process, and required the Jelly Balls corporation to have a test done to ensure that no toxics are released into the creek.

Mr. Atkinson stated that it's hard to tell what's going on from the indication of the pictures.

Mr. Coleman stated that from the engineering point of view, the existing trailers are just as pervious as the concrete slab.

Ms. Frazier stated that the Development Review Team has a certified survey indicating the location of the old concrete.

Ms. Austin stated that she knows the surveyor, and she trusts what he has surveyed.

MOTION: Mr. Coleman made a motion to approve the revisions to the project, with a condition that the project has to be completed, inspected, and a Final COC issued within 30 days. Mr. Atkinson seconded the motion. The motion passed unanimously (FOR: Atkinson, Austin, Coleman and Frazier).

**Jellyballs – Golden Dock
Development Review Team Meeting
April 2, 2014**

This application cannot be considered because it is incomplete.

The application does not include any description of activities planned at the site. Without that information DRT cannot evaluate whether those activities are qualified “uses” in the Commercial Fishing Village (CFV) Overlay District, as listed in Sec. 5 of Appendix H for the CFV. Without determination of a qualified “use”, applicant may not be eligible for the special provision in the CFV District for a River Buffer waiver. Sec 6.c.1 of Appendix H states “...each applicant for a waiver shall submit documentation that... (a)ddresses the need and purpose of the proposed project.”

Further, without a written description of use and activities, DRT cannot evaluate the potential need for a stormwater management plan and conditions in Section 6(b) of the CFV, nor possible need for studies in Sec. 106-367 (g) of the ZDSO, such as Environmental Impact Assessment, Area Impact Assessment, Traffic Impact Analysis or Community Impact Statement, as well as need for any DHEC permits which may be applicable.

Reed Armstrong
Coastal Conservation League
902 North St.
Beaufort, SC 29902

Allow me to reintroduce myself. I am John Cashen, and I live on Dataw Island. Let me reiterate some important points for your consideration

- We are not against increased economic opportunity for our friends and neighbors of St. Helena Island. Any industrialization of Jenkins Creek has to be done in an environmentally sensitive manner. The creek is designated by the DNR as “Unconditionally Approved” for shell fishing and it should remain that pristine to protect the shell fisherman.
- Sec 6.River Buffer Appendix H CFVO cautions the DRT to be deliberative in granting a waiver: (b) states “the following information may be required by the DRT where it deems applicable in the granting of a waiver: (1) The applicant may be required to provide and receive approval for the following: a. Storm water management plan. b. Solid Waste disposal plan. c. Wastewater management plan. (2) The DRT may require additional information to ensure that a waiver to the river buffer standards does not cause adverse environmental impact.” This is the DRT’s direct responsibility, and I contend these approvals should be attained before you can possibly ensure your citizens that no negative environmental impact will occur because of the waiver.
- Your Permit to Millenarian Trading Co. was for Offloading and Transport, and specifically excluded processing. Mr. Bob Gross, their engineer, has written that “processing includes separating the various parts of the jellyfish.....”, so the applicant must know that shucking is processing. It appears that the “notice of alleged violations” sent to Mr. Geise by DHEC was in response to him admitting that jellyballs were shucked at the dock site, in direct noncompliance of your permit.
- The CFV grandfathered privileges does not create an immunity to the environmental standards that the county and DHEC have mandated. No relaxation of waste water, storm water or solid waste standards apply to a CFV.
- Last week I quoted the federal definition of processing, which applies to products destined for interstate or international markets. It says “Processing means, with respect to fish or fishery products: handling, storing, preparing, heading, eviscerating, shucking, freezing, changing into different market forms, manufacturing, preserving, packing, labeling,

dockside unloading, or holding.” Clearly they are processing using any one of a number of those listed procedures.

- DHEC ‘s “Water Pollution Control Permits R61-9” defines waste water as any water that runs over a raw material, so I contend washing the jellyfish requires a waste water management and discharge permit.
- I believe that I demonstrated last week, by using Mr. Geise’s own statements and writings, that the traffic and community effects of this operation clearly stretch the intent of a CFV with the massive increase in product volume, truck traffic, and noise that is directly affecting the Eddings Point community. Traffic and community assessments should be made.
- Viewing the applicants actions so far, I contend that the applicant has not played by the rules, and permitting, as I see it, involves an element of trust, and DRT must make a judgment whether or not the applicant can continue in this operation unmonitored
- In order to issue a river buffer waiver, the DRT must be convinced that no environmental damage will ever occur because of the structure requiring the waiver. The toxic slime and jellyball parts that accumulate on the concrete slab will find their way into the creek, on purpose or by accident. That slab was not designed with the environment in mind. Please consider that fact when making your decision.

Thank You

John Cashen

RECEIVED

DEC 04 2013

DHEC - OCRM
CHARLESTON OFFICE



**DHEC OCRM State Coastal Zone Consistency (CZC) Certification
Request Form**

Project Name: Carolina Jelly Balls LLC	
Applicant Information: Name Steven Giese Address 542 Faulkner Dr. Mt. Pleasant, SC 29466 Phone # (843) 321-0196 E-mail liveshrimpbroker@yahoo.com	Agent/Engineer Information: Name Robert G. Gross Address P.O. Box 1028, Beaufort, SC 29901 Phone # (843) 321-0196 E-mail bob@beaufortgroup.net
Site details: Address: 23 John Meeks Way Seabrook, SC 29940	
County: Beaufort	TMS: R700 037 000 0017 0000
Type of Permit Requested: (ex. NPDES, Mining, etc) NPDES	Name of Permitting Authority(s): (ex. DHEC Bureau of Water) SCDHEC Bureau of Water
Description of Proposed Activity(s): The company will process cannonball jellyfish for export to Asian markets. Processing includes separating the various parts of the jellyfish, soaking them in a brine solution, drying, and packaging.	

All applicable Project Policy Checklist(s) that apply to the proposed project must be submitted with this request form. (See www.scdhec.gov/environment/ocrm/czc for available Policy Checklists)

Submitted By: Robert G. Gross, P.E. Date: December 3, 2013

h. Molluscan shellfish means any edible species of fresh or frozen oysters, clams, mussels, or scallops, or edible portions of such species, except when the product consists entirely of the shucked adductor muscle.

i. Preventive measure means physical, chemical, or other factors that can be used to control an identified food safety hazard.

j. Process-monitoring instrument means an instrument or device used to indicate conditions during processing at a critical control point.

k.(1) Processing means, with respect to fish or fishery products: Handling, storing, preparing, heading, eviscerating, shucking, freezing, changing into different market forms, manufacturing, preserving, packing, labeling, dockside unloading, or holding.

(2) The regulations in this part do not apply to:

- (i) Harvesting or transporting fish or fishery products, without otherwise engaging in processing.
- (ii) Practices such as heading, eviscerating, or freezing intended solely to prepare a fish for holding on board a harvest vessel.
- (iii) The operation of a retail establishment.

l. Processor means any person engaged in commercial, custom, or institutional processing of fish or fishery products, either in the United States or in a foreign country. A processor includes any person engaged in the production of foods that are to be used in market or consumer tests.

m. Scombroid toxin-forming species means tuna, bluefish, mahi mahi, and other species, whether or not in the family Scombridae, in which significant levels of histamine may be produced in the fish flesh by decarboxylation of free histidine as a result of exposure of the fish after capture to temperatures that permit the growth of mesophilic bacteria.

n. Shall is used to state mandatory requirements.

o. Shellfish control authority means a Federal, State, or foreign agency, or sovereign tribal government, legally responsible for the administration of a program that includes activities such as classification of molluscan shellfish growing areas, enforcement of molluscan shellfish harvesting controls, and certification of molluscan shellfish processors.

p. Shellstock means raw, in-shell molluscan shellfish.

q. Should is used to state recommended or advisory procedures or to identify recommended equipment.

r. Shucked shellfish means molluscan shellfish that have one or both shells removed.

s. Smoked or smoke-flavored fishery products means the finished food prepared by:
(1) Treating fish with salt (sodium chloride), and
(2) Subjecting it to the direct action of smoke from burning wood, sawdust, or similar material and/or imparting to it the flavor of smoke by a means such as immersing it in a solution of wood smoke.

t. Tog means a record of harvesting information attached to a container of shellstock by the harvester or processor.

• *Sec. 123.5 Current good manufacturing practice*

a. Part 110 of this chapter applies in determining whether the facilities, methods, practices, and controls used to process fish and fishery products are safe, and whether these products have been processed under sanitary conditions.

b. The purpose of this part is to set forth requirements specific to the processing of fish and fishery products.

Chemical defense in a scyphomedusa

Alan L. Shanks¹, William M. Graham²

¹ University of North Carolina at Chapel Hill, Institute of Marine Sciences, 3407 Arendell St. Morehead City, North Carolina 28557, USA

² 215 N Fifth St, Danville, Kentucky 40422, USA

ABSTRACT The scyphozoan *Stomolophus meleagris* when disturbed (held in a container) discharges a sticky mucus. Toxins released into the mucus and water kill some fish and crustaceans and can immediately alter fish behavior, but did not affect a crab predator of *S. meleagris*. The mucus contains discharged and undischarged nematocysts. The toxins in the mucus are probably associated with these nematocysts. In the field *S. meleagris* subjected to a simulated small predator bite released clouds of nematocysts which drove off small fish (potential predators), but did not drive off the associated predatory crabs. These 2 behaviors appear to be forms of chemical defense. Two other species of scyphozoans and a ctenophore species also discharge mucus when disturbed. Chemical defenses may be common amongs' gelatinous zooplankton.

INTRODUCTION

Due to their high water and low carbon content (Curl 1962, Beers 1966) gelatinous zooplankton appear to be a poor food. However, the food value of the non-gelatinous parts of these organisms (e.g. gonads, feeding structures, stomach) can be quite high, and because gelatinous zooplankton are often large, the amount of quality food represented by the non-gelatinous parts is also large (Shenker 1985). For example, the gonads of a jellyfish can weigh about 8 g and have a carbon content equivalent to that of a larval fish (Curl 1962, Beers 1966, Shenker 1985). In fact, some predators of gelatinous zooplankton consume only these more nutritious parts (Harbison et al 1977, Madin & Harbison 1977, Janssen & Harbison 1981). Several characteristics shared by gelatinous zooplankton may help thwart predation, i.e. low overall food value, complex and alternating life cycles, transparency, and escape behaviors. Many organisms in terrestrial (Rosenthal & Janzen 1979) and benthic marine habitats (Bakus 1981) utilize chemical defenses. One common form of chemical defense is the discharge of a repellent, often sticky, chemical upon attack (Thompson 1960, Tursch 1982, Faulker & Ghiselin 1983), a defense also utilized by some freshwater planktonic arthropods (Kerfoot 1982).

The thoughts in the preceding paragraph were inspired by the following observations. A diver gently caught a *Stomolophus meleagris* (Scyphozoa, Rhizostomida) and its associated fish in a bucket. During

capture the fish hid inside the bell of their host. Immediately after the bucket was set on deck the jellyfish began discharging mucus whereupon the fish abandoned their sanctuary and died within minutes. Copepods (caught incidentally) contacting the mucus died instantly while those avoiding the mucus died more slowly. Neither the fish nor copepods appeared to have contacted the very short tentacles of the jellyfish. These events are similar to descriptions of chemical defenses in soft corals (Tursch 1982). Toxins released with the mucus discharged by *S. meleagris* may be a form of chemical defense. If this is so then one would predict that the released chemicals would be an effective deterrent to predation (i.e. toxic) and would be mobilized upon disturbance (Faulker & Ghiselin 1983).

METHODS AND RESULTS

The jellyfish *Stomolophus meleagris* is common in the nearshore waters of Onslow Bay, North Carolina, USA, where this study took place. By early summer most (about 80 %) of the *S. meleagris* are inhabited by juvenile planehead filefish *Monacanthus hispidus* and Atlantic bumpers *Chloroscombrus chrysurus*. The smaller bumpers are often found hiding under the bell of the jellyfish between the scapulets. Upon the approach of a diver, bumpers which were observed swimming around the jellyfish quickly sought shelter between the scapulets. Juvenile planehead filefish

were usually observed swimming immediately behind the center of the oral disk. If the jellyfish was undisturbed, these juvenile fish remained hiding in the jellyfish and appeared to suffer no harm from this close association. Immediately after capture a number of planehead filefish and Atlantic bumpers were killed and preserved in formalin. Stomachs of all of the planehead filefish ($n = 5$) and most Atlantic bumpers (5 of 8) examined contained discharged nematocysts and crustaceans. No pieces of jellyfish tissue were observed. This suggests that these juvenile fish consume prey stunned by the jellyfish and that they may not consume the jellyfish itself. In some instances, however, juvenile fish associated with jellyfish have been observed to consume their jellyfish host (Mansueti 1963).

About 20% of the *Stomolophus meleagris* were also inhabited by the spider crab *Libinia dubia*. Crabs usually were found under the bell. In pits they had excavated in the scapulets. While diving we observed crabs apparently feeding on the tentacles of the oral disk. The cardiac stomach of the examined *L. dubia* ($n = 5$) contained numerous pieces of jellyfish tissue and tentacles. *L. dubia* consumes its host.

The effectiveness of a chemical defense was tested in the ocean. A diver approached a *Stomolophus meleagris*, frightening the associated fish (planehead filefish and Atlantic bumpers) into the bell of the jellyfish. After several minutes of observation to determine if the sheltering fish were harmed, the diver, attempting to simulate an attack of a small predator, pinched the jellyfish along the bell margin with forceps. Because of a vigorous escape response (Shanks & Graham 1987) the jellyfish was held at arm's length with the forceps. The diver was not in physical contact with the jellyfish and his head and shoulders were about 1 m behind the jellyfish.

Ten jellyfish were tested with identical results. Prior to pinching, none of the fish left their shelter nor did they appear to suffer any ill effects. Previous observations suggest that, in fact, many fish reside inside the jellyfish even when unthreatened. After being pinched, none of the disturbed jellyfish discharged mucus as they do when caught in a bucket. However, within a minute the diver experienced numerous painful stings about the head and shoulders. At the same moment that the diver was stung, all of the fish simultaneously abandoned their hosts and swam rapidly away. Two jellyfish were also host to the spider crab *Libinia dubia*. Following pinching of the jellyfish, the crabs did not abandon their host, but crawled out from under the bell and onto the exterior and most forward part of the bell.

The pinched jellyfish apparently released a cloud of undischarged nematocysts. It should be noted that the simulated bite differed from a natural bite of a predator, we held the jellyfish with the forceps after pinching

them. The stimulus may not accurately mimic a predator's bite, but the disturbance initiated a behavior which obviously and dramatically had the capacity to drive off small fish (potential predators), but did not drive off the associated predacious crabs. It might be argued that the fish abandoned their host as a reaction to the jellyfish's flight response. Each jellyfish began a vigorous escape immediately upon being pinched while nematocyst discharge occurred 30 to 60 s later. The associated fish remained with their host during its initial flight response, but simultaneously abandoned the jellyfish upon the release of nematocysts. This suggests that the fish left the jellyfish in response to nematocyst release.

Attempts to stimulate mucus discharge by jellyfish in the ocean by pinching or even rough handling were unsuccessful. However, specimens disturbed by catching them in a bucket immediately discharged mucus. Even pieces of *Stomolophus meleagris* discharge mucus. A plastic bag was placed around the scapulets of a *S. meleagris* which was discharging mucus. When the bag was removed there was no mucus on the inside of the bag, but the outside was covered. Thus the mucus is discharged from the underside of the bell. If this behavior is a form of chemical defense then it should be capable of deterring predation and this might be accomplished if chemicals released with the mucus were toxic.

Mucus was collected by placing one *Stomolophus meleagris* (ca 500 ml vol) in a 4 l jar of seawater. The jellyfish immediately began discharging mucus. The individual was held in the jar for 20 min, and was further disturbed by pinching its bell margin with forceps. The jellyfish was removed, the water stirred, and 200 ml aliquots withdrawn. Half the aliquots were centrifuged at $8000 \times g$ for 15 min to remove particulates and pieces of mucus (Toom & Chan 1972). The behavior of animals in 200 ml aliquots of mucus/seawater and seawater from which the mucus and particulates were removed (mucus-free) was followed for 1 to 2 h and compared to animals in clean seawater (200 ml). There were 3 replicates of each treatment, 1 animal per replicate and 4 species tested. Three of the species tested associate with *S. meleagris* in the wild. These are juvenile planehead filefish, Atlantic bumpers, and spider crabs. The fourth species, the pinfish *Lagodon rhomboides*, does not associate with jellyfish. The fish were 3 to 5 cm total length. The spider crabs were 2 to 4 cm in carapace width. The experiments on the different species were run on separate days using new jellyfish and some experiments required mucus from more than one jellyfish.

All fish in the experimental treatments immediately appeared stressed. They were very active, gaped at the surface and soon lay on the bottom (Fig. 1). No animals

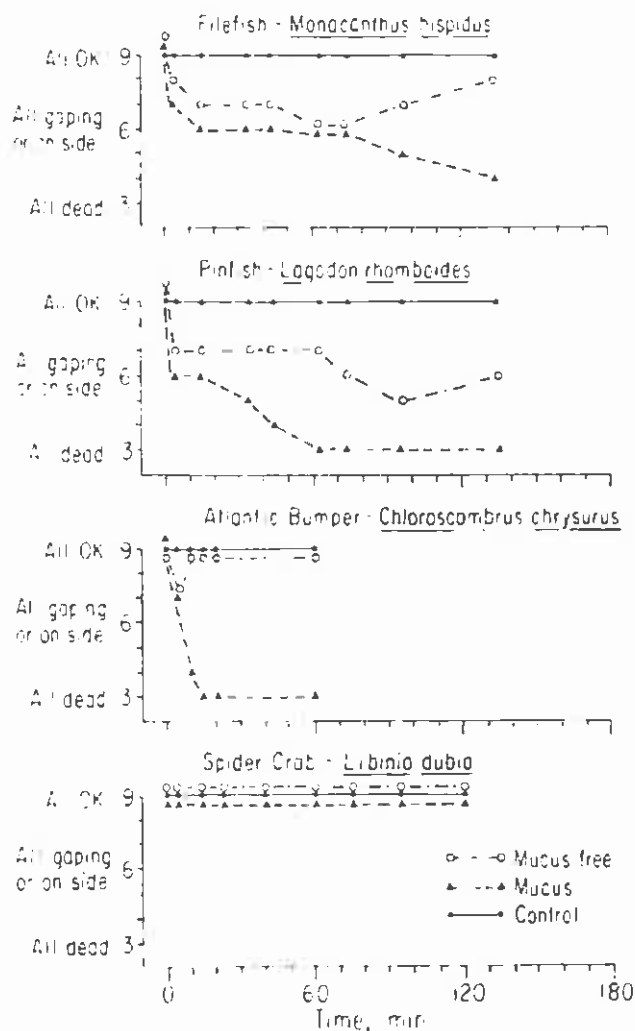


Fig. 1. Responses of 3 species of fish and a crab to mucus from the jellyfish *Stomolophus meleagnis*. Mucus-free is water in which mucus was discharged and then removed by centrifugation. Control is clean seawater. There were 3 replicates with 1 individual each for all treatments. Response of each animal was scored (normal = 3, stressed = 2, dead = 1) and the sum of the scores of the 3 replicate animals are plotted in the figure.

in the seawater controls appeared stressed. By the end of the experiment, two of the planehead filefish in the mucus/seawater treatment were dead and the third visibly stressed, died overnight in clean seawater. In the mucus-free treatment all of the planehead filefish appeared stressed at 1 h, but by the end, only one appeared so. By 1 h all the pinfish in mucus/seawater were dead. In the mucus-free treatments, 1 pinfish died and a second, still stressed at the end of the experiment, died overnight in clean seawater. All the Atlantic bumpers in mucus/seawater died within 15 min, but the mucus-free treatment affected behavior only during the first minutes. The spider crabs were unaffected by the treatments.

Stomolophus meleagnis releases toxins into both the water and discharged mucus. The mucus is extremely sticky, rapidly trapping particulates in the water (including protozoans which are not killed). The mucus sticks to fish. Post-mortem examination of fish killed by the mucus/seawater treatments found mucus on the fish's gills with nematocysts discharged into the gill surface.

Using the same species (new individuals) the hyperactivity resulting from contact with mucus/seawater was quantified by comparing the number of quadrats crossed (10×10 cm tank) in 1 min by an individual in mucus/seawater (produced as in the previous experiment using new jellyfish) with its activity in a seawater control. Each individual was randomly assigned to an initial treatment. After the 1 min treatment exposure, each individual was placed in clean seawater for 1 h and then exposed to the alternate treatment. The responses of animals in the 2 treatments were statistically compared using a paired *t*-test.

Neither spider crabs nor planehead filefish were more active in mucus/seawater than the control (Table 1); however, 3 of 8 planehead filefish tested lay on the bottom part of the time. Both pinfish and Atlantic bumpers were significantly ($p < 0.02$) and about twice as

Table 1. Effect of mucus discharged by disturbed *Stomolophus meleagnis* on the activity of 3 species of juvenile fish and a crab.

Species	Average no. of quadrats crossed min^{-1}		<i>t</i> *	<i>p</i>
	Mucus/seawater	Seawater		
Planehead filefish <i>Monacanthus hispidus</i> <i>n</i> = 8	20	20	-0.1	>0.10
Spider crab <i>Libinia dubia</i> <i>n</i> = 12	2	3	-0.2	>0.10
Atlantic bumper <i>Chloroscombrus chrysurus</i> <i>n</i> = 8	16	9	3.1	<0.02
Pinfish <i>Lagodon rhomboides</i> <i>n</i> = 7	26	10	6.9	<0.001

* Paired *t*-test

active in the mucus/seawater treatment than in the control (Table 1). This was despite the fact that 2 of 8 Atlantic bumpers tested also spent time lying on the bottom. Thus the toxin released during mucus discharge can immediately alter the behavior of some fish.

Viewed under the microscope, the mucus is found to be peppered with discharged and undischarged nematocysts as well as intact nematocysts bearing tentacles (Fig. 2). The toxin associated with the mucus may

be undischarged nematocysts while the toxin in the water may be nematocyst toxin released by discharged nematocysts. The major effects of *Stomolophus meleagris* nematocyst toxin have been found to be dermonecrotic, hemolytic and cardiovascular (Toom et al. 1976). The natural stimulus for mucus discharge is unknown. Perhaps mucus discharge is a defense against predators (e.g. large fish) which attempt to bite large pieces from the jellyfish or consume smaller indi-

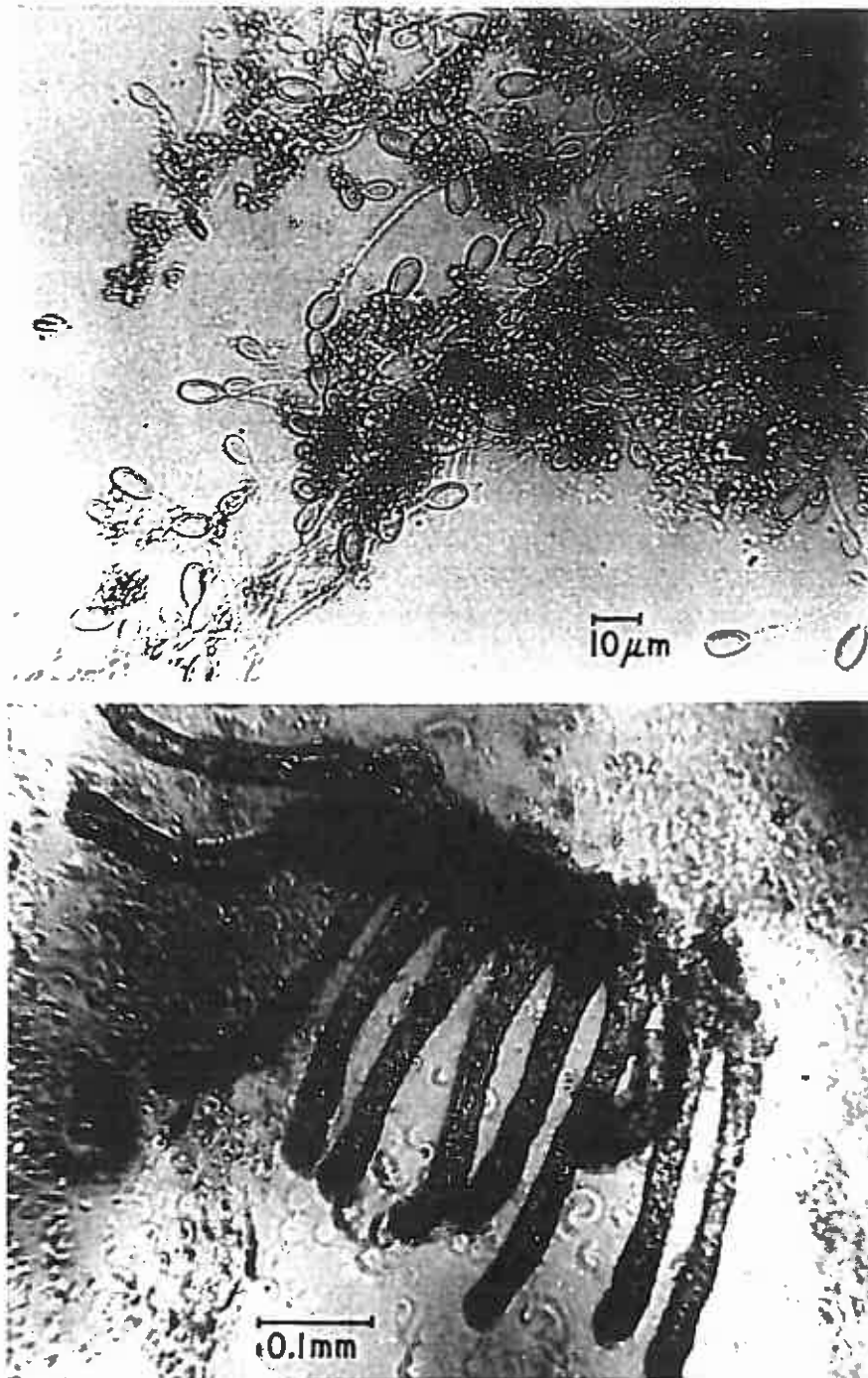


Fig. 2. *Stomolophus meleagris*. Micrographs of mucus discharged containing (upper) numerous discharged nematocysts and (lower) tentacles with undischarged nematocysts.

viduals whole. In either case mucus and associated nematocyst discharge might occur in the predator's mouth. If mucus stuck to the gills of a fish then discharge of the mucus-bound nematocysts would be directly into blood returning to the heart and this could lead to significant physical damage to the predator.

Preliminary observations were made on several other gelatinous zooplankton. The jellyfish *Chrysaora quinquecirrha* did not discharge mucus when placed in a bucket, but would when pinched. The mucus contained nematocysts and pieces of tentacle. Like *Stomolophus meleagris*, an *Aurelia aurita* caught in a bucket immediately discharged mucus and within minutes the associated fish (2 planehead filefish and 2 Atlantic bumpers) were dead. Examined under the microscope this mucus was found to contain discharged and undischarged nematocysts and pieces of nematocyst-bearing tentacle. The ctenophore *Mnemiopsis leidy* discharges mucus when pinched or touched with a tentacle from *C. quinquecirrha*, one of its predators.

DISCUSSION

The gelatinous zooplankton are phylogenetically diverse (5 phyla). Despite this diversity they share several general characteristics: they swim relatively slowly, have limited sensory abilities, have no hard protective coverings, and, because of their size, represent a large concentrated source of food (Shenke: 1985). This study suggests that at least some gelatinous zooplankton have evolved chemical defenses. The evidence is clearest for the jellyfish *Stomolophus meleagris*. When this jellyfish was disturbed by a simulated small predator bite (a pinch with forceps) it released a cloud of undischarged nematocysts which immediately drove off small fish associating with the jellyfish. Mucus discharge also appears to be a form of chemical defense. The mucus is discharged only when the jellyfish is disturbed (e.g. placed in a container), and the mucus is highly toxic; the mucus contains numerous undischarged and discharged nematocysts. Preliminary observations indicate that several other gelatinous zooplankton discharge mucus and nematocysts or colloblasts when disturbed suggesting that they may also utilize chemical defenses. The ctenophore *Pleurobrachia pileus* also discharges mucus after contacting jellyfish tentacles (Greve 1972) and oceanic ctenophores will discharge sheets of mucus when touched (Caron et al. 1982). The mucus coating the tentacles of at least one ctenophore species contains a toxin (Horridge 1965). *Mnemiopsis leidy* mucus contains discharged and undischarged colloblasts as well as pieces of colloblast-bearing tentacle - contents analo-

gous to that in jellyfish mucus. Chemical defenses may be common amongst gelatinous zooplankton.

The spider crab *Libinia dubia*, a common associate and predator of *Stomolophus meleagris*, is fairly tolerant of the chemical defenses employed by *S. meleagris*. The clouds of nematocysts released by disturbed *S. meleagris* did not cause *L. dubia* to abandon its host, the crabs simply crawled onto the top of the bell, as far away from the released nematocysts as possible. The lab experiments demonstrated that, unlike the fish tested, discharged mucus did not kill or visibly alter the behavior of *L. dubia*. These spider crabs appear to counter or at least tolerate the chemical defenses of its host and prey *S. meleagris*. If chemical defenses exist in other gelatinous zooplankton then the associated zooplankton predators (i.e. hyperiid amphipods and fish) may, like *L. dubia*, have evolved methods to counter these defenses. In fact, some hyperiid amphipods and a pycnogonid have been observed to consume the tentacles of scyphozoans (Harbison et al. 1977; Child & Harbison 1986).

Acknowledgements - This paper greatly benefited from comments and discussion with Drs Dan Rittschof and Mark Hay. The illustrations were provided by V. and H. Page.

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This article was presented by Professor J S Pearse; it was accepted for printing on March 23, 1988.

Fax 843-255-9446

BEAUFORT COUNTY ZONING DEPARTMENT

April 6, 2014

Attention: Ms Hillary Austin, Zoning Administrator
Ms Lisa Glover, Zoning Analyst

Marvin Day, 667 Island Circle East, St Helena Island, SC 29920 (838-2505 or
marvday@msn.com)

Please find attached a land survey dated May 21, 2009 for Joyce Golden, mother of
Lonnie Golden, drawn upon the sale of the property know as Golden Dock.

This survey confirms my memory of the Golden Dock prior to the slab addition made by
Millenarian Trading. Mr. Lonnie Golden can attest that the only concrete on the property
is the one shown behind the Fish House that extends over water. He pored it himself and
attests the size is 14 x 44 feet (616sq. ft.). The right end (north end) of the slab actually
has the other small Fish House resting in it. Mr. Golden used that small build as his
seafood sales office. The two long items drawn are butted against the south end of the
slab are a 12 x 40 trailers and one shorter trailer used for seafood storage. Under those
trailers was wood used to block up the ends.

Therefore the statement that the area for Old Concrete is 1,319 sq. ft. is not accurate. In
my mind this discrepancy opens to question all of the measurements submitted. I suggest
The County send its own personnel to ascertain the best estimate of size of the old slab
within the 50 Foot Critical Line Setback and the size of the new slab. I believe the new
concrete makes any waiver greater that the 15% therefore a Major Waiver.

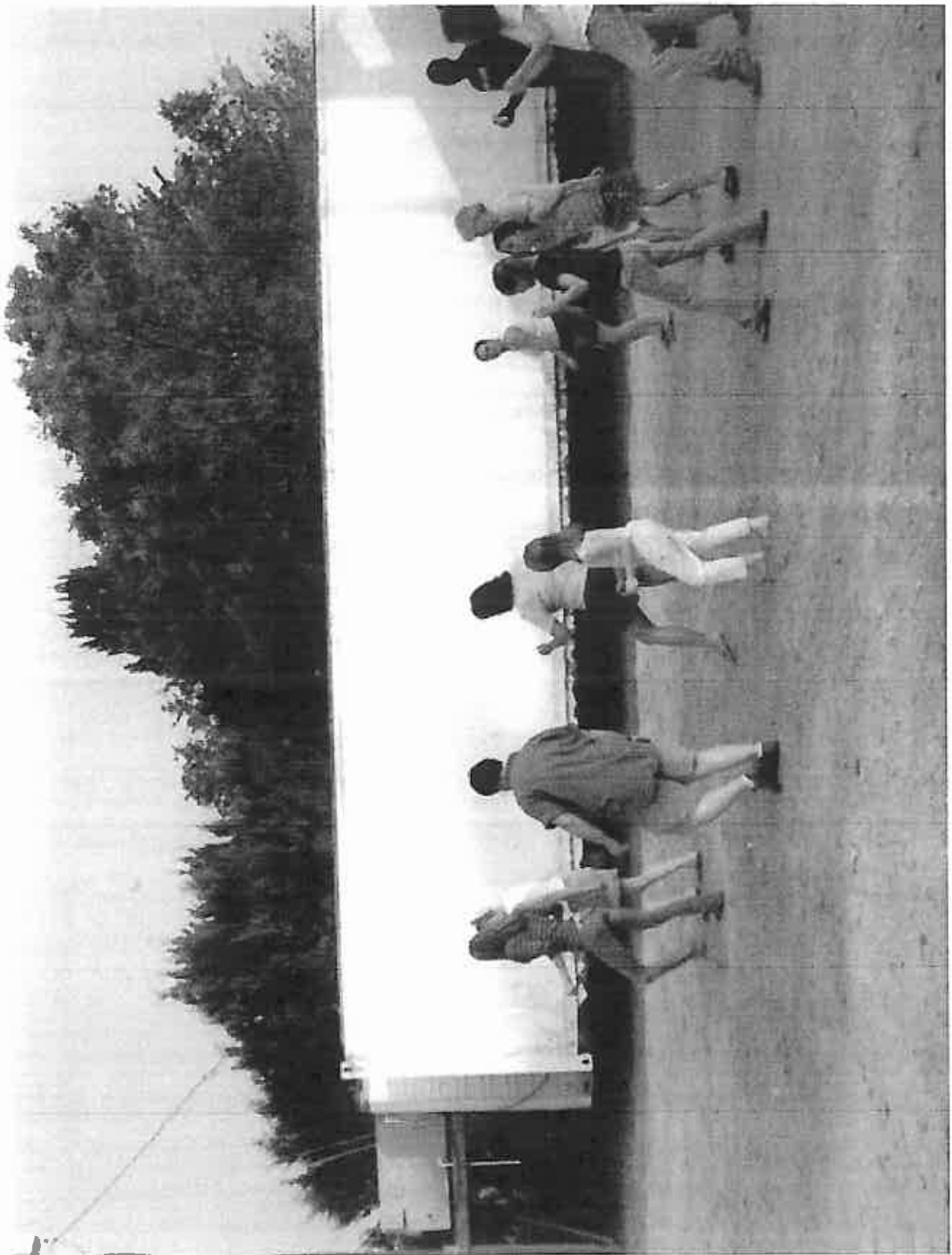
I would like to meet with you at your convenience on Tuesday April 8th. I will telephone.

Sincerely,

Marvin Day



Golden Dock - to prove there were trailers not concrete.





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

TO: Beaufort County Planning Commission
FROM: Anthony Criscitiello, Beaufort County Planning Director TC
DATE: July 7, 2014
SUBJECT: Osprey Point PUD Master Plan Amendment

STAFF REPORT:

A. BACKGROUND:

Case No. ZMA-2014-05
Owner: LCP III, LLC (J. Nathan Duggins, III)
Applicant: Joshua Tiller, J.K. Tiller and Associates
Property Location: On the east side of Okatie Highway (SC 170) at the intersection of Pritcher Point Road.
District/Map/Parcel: R603-013-000-0006-0000
Property Size: 119.75 acres

B. SUMMARY OF REQUEST: The following is a summary of the proposed amendments to the master plan.

- **Reduction of Dwelling Units:** The existing master plan allowed for 527 dwelling units. The proposed master plan calls for 396 dwelling units.
- **Mix of Housing Types:** The existing master plan calls for a mix of housing types – 213 townhouses, 110 multi-family units, and 204 single-family detached units. The revised master plan eliminates the mix of housing types proposing primarily single-family detached units.
- **Connectivity:** The existing master plan has a fully integrated street network and three north-south connector roads. The revised master plan has one north-south connector road and a single road serving the residential portion of the PUD. The revised plan also calls for a road that would connect the front portion of the PUD to the neighboring River Oaks PUD.
- **Elimination of the Commercial Master Plan:** The existing master plan depicts the commercial center of the PUD oriented around a central commons and features sidewalks, on-street parking, live-work units and townhouses. The proposed commercial area along SC 170 is depicted only as a bubble diagram with the general location of access points depicted. There is a minor reduction in allowable commercial square footage from 207,700 sf to 190,000 sf.

C. REVISED MASTER PLAN NO LONGER MEETS INTENT OF ORIGINAL COUNCIL

APPROVAL: As stated above, the existing Osprey Point PUD was approved by County Council in 2008 in conjunction with two adjoining PUDs – Okatie Marsh PUD to the north and River Oaks PUD to the south. This action amended the zoning of a total of 284 acres and increased the allowable density nine-fold. This big change in land use policy was preceded by two years of deliberation between the property owners and the County. The Southern Beaufort County Regional Plan (2006) cautioned against increasing the development potential of the rural lands in southern Beaufort County

because of the impact of previously approved development on roads and other public facilities. As a result, County staff worked with the property owners to plan the three PUDs as an integrated community centered around a commercial core on SC 170 and proximity to Okatie Elementary School. As discussed above, the combined PUDs featured an integrated street network, a mix of land uses and housing types, and a system of pathways, sidewalks and bike lanes (see Attachment A). County Council eventually supported the zoning change because they determined that these features made the community economically sustainable and provided enough internal trip capture to reduce the development's impact on SC 170. The revised Osprey Point master plan greatly reduces most of the features that made this PUD unique when it was originally adopted in 2008.

- D. THE REVISED MASTER PLAN NO LONGER MEETS THE PURPOSE AND INTENT OF THE PUD:** The Zoning and Development Standards Ordinance (ZDSO) provides the option of the Planned Unit Development to “allow flexibility in development that will result in improved design, character and quality of new mixed-use development.” The ZDSO also states that PUDs are meant to “preserve the natural and scenic features of open space to encourage innovative site planning for residential, commercial, institutional, and industrial developments within the PUD” and “improve design, character, and quality of homogenous and mixed-use development.” Basically, the PUD option is provided in the ZDSO to allow for creative mix of land uses and clustering of development around natural features that further the goals of the Comprehensive Plan and would not otherwise be possible with conventional zoning. The revised Osprey Point master plan is essentially a conventional single-family residential subdivision with 16 acres of commercial property along SC 170. The only thing that the PUD affords the applicant is greater density (3.3 du per acre) than what would otherwise be permitted if the property was simply zoned Suburban (2.6 du per acre).
- E. STAFF RECOMMENDATION:** Staff recommends denial of the Osprey Point master plan amendment. The revised master plan reduces or eliminates most of the unique attributes – the mix of land uses, mix of housing types, integrated street network, and pedestrian friendly development that made this PUD acceptable to County Council when it was adopted in 2008. The revised master plan also no longer meets the purpose and intent of the PUD option. The PUD option is intended allow creative site planning, mix of land uses and clustering to further the goals of the Comprehensive Plan. The PUD was not intended to be used as a vehicle to attain greater residential density than what would otherwise be permitted by a conventional zoning district.

Attachment A: Existing Osprey Point PUD Master Plan

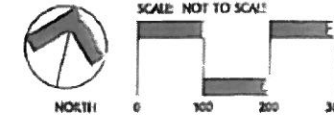


Edward Pinckney/Associates, Ltd.
Landscape Architects and Planners

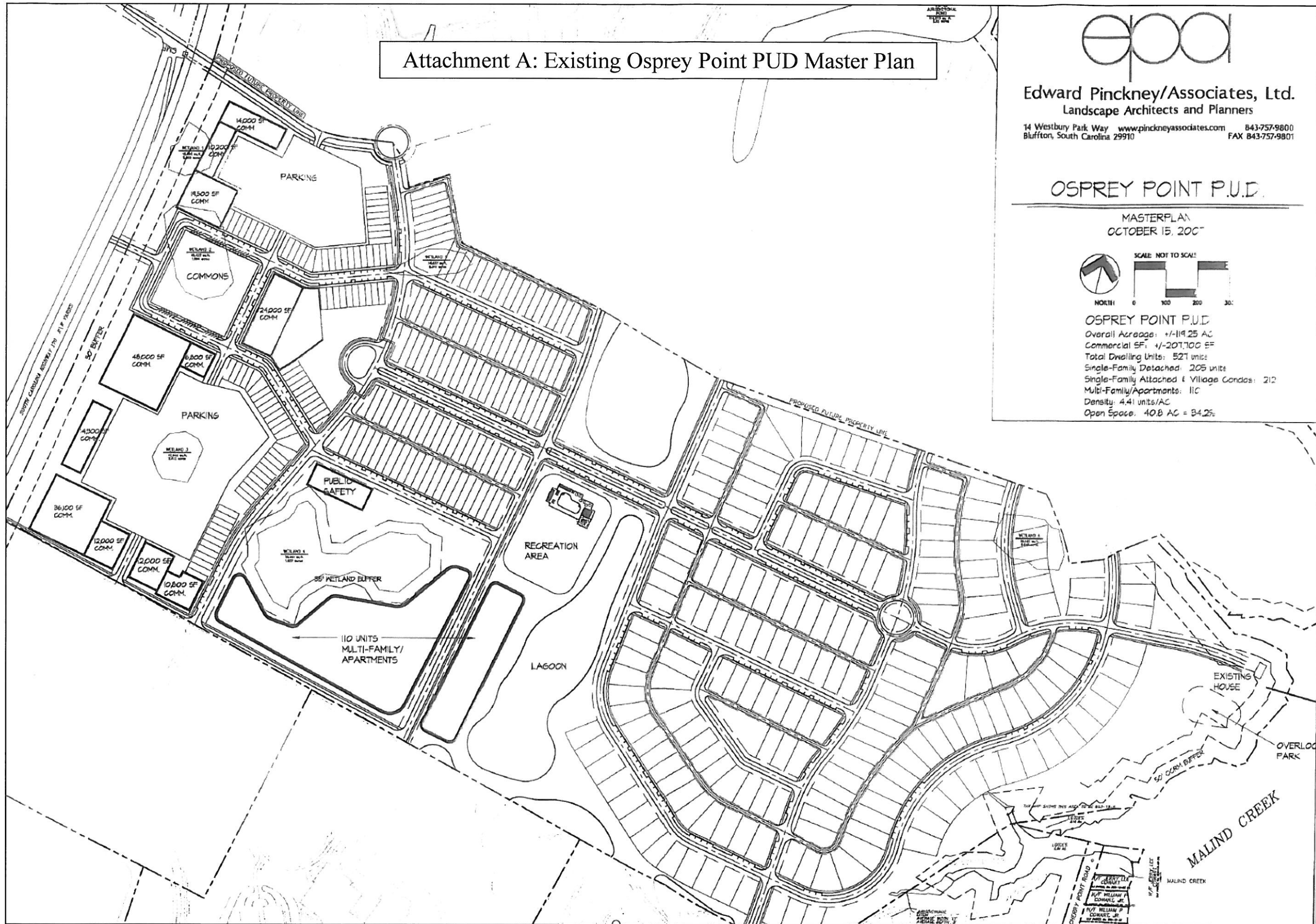
14 Westbury Park Way www.pinckneyassociates.com 843-757-9800
Bluffton, South Carolina 29910 FAX 843-757-9801

OSPREY POINT P.U.D.

MASTERPLAN
OCTOBER 15, 2007



OSPREY POINT P.U.D.
Overall Acreage: +/-119.25 AC
Commercial SF: +/-207,700 SF
Total Dwelling Units: 521 units
Single-Family Detached: 205 units
Single-Family Attached & Village Condos: 212
Multi-Family/Apartments: 110
Density: 4.41 units/AC
Open Space: 40.8 AC = 34.2%



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

[Signature] Signature of Owner (see Item 5 on page 1 of 1) June 2, 2014 Date

Printed Name: JOSHUA K. TILLER Telephone Number: 843.815.4800

Address: 17 PINCKNEY COLONY RD., STE 108, BLUFFTON, SC 29909

Email: josh@jktiller.com

Agent (Name/Address/Phone/email): _____

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS THREE (3) WORK DAYS TO REVIEW ALL APPLICATIONS FOR COMPLETENESS. THE COMPLETED APPLICATIONS WILL BE REVIEWED FIRST BY THE BEAUFORT COUNTY PLANNING COMMISSION SUBCOMMITTEE RESPONSIBLE FOR THE AREA WHERE YOUR PROPERTY IS LOCATED. MEETING SCHEDULES ARE LISTED ON THE APPLICATION PROCESS (ATTACHED). COMPLETE APPLICATIONS MUST BE SUBMITTED BY NOON THREE WORKING DAYS AND FOUR (4) WEEKS PRIOR FOR PLANNED UNIT DEVELOPMENTS (PUDs) OR THREE (3) WEEKS PRIOR FOR NON-PUD APPLICATIONS TO THE APPLICABLE PLANNING COMMISSION MEETING DATE.

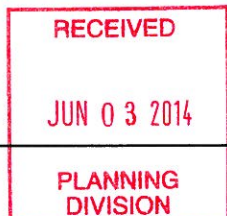
PLANNED UNIT DEVELOPMENT (PUD) APPLICANTS ARE REQUIRED TO SUBMIT FIFTEEN (15) COPIES TO THE PLANNING DEPARTMENT. CONSULT THE APPLICABLE STAFF PLANNER FOR DETAILS.

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.

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

FOR PLANNING DEPARTMENT USE ONLY:

Date Application Received:
(place received stamp below)



Date Posting Notice Issued:

Application Fee Amount Received:

\$2,400⁰⁰

Receipt No. for Application Fee:

218094

**ABUTTING PROPERTY OWNERS NOTIFIED OF OSPREY POINT PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN
AMENDMENT (R603 013 000 0006 0000; 119.75 ACRES FRONTING HIGHWAY 170, OKATIE, SC)**

PIN	Owner1	MailingAdd	City	State	ZIP
R603 13 8C	BANK OF THE OZARKS	POST OFFICE BOX 8811	LITTLE ROCK	AR	72223
R603 13 61	BEAUFORT COUNTY	POST OFFICE BOX 1228	BEAUFORT	SC	29901
R603 13 104 & 105	BEAUFORT COUNTY SCHOOL DIST	POST OFFICE DRAWER 309	BEAUFORT	SC	29901-0309
R600 13 43	BOULNEAU CHRISTOPHER	282 CHERRY POINT ROAD NORTH	OKATIE	SC	29909
R600 13 6B	FORTON WILLIAM P JULIE M JTROS	POST OFFICE BOX 2135	BLUFFTON	SC	29910-2135
R603 13 6	LCP III LLC % J NATHAN DUGGINS III	POST OFFICE BOX 2888	GREENSBORO	NC	27402
R600 13 6A	LORD SALLY O	2241 CEDARFORKS COURT	MARIETTA	GA	30062
R600 13 6C	OTT CORRINE L	290 CHERRY POINT ROAD	OKATIE	SC	29909



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

June 27, 2014

RE: Notice of Public Meetings to Consider a Southern Beaufort County Planned Unit Development (PUD) Master Plan Amendment Request for R603-013-000-0006-0000 (119.75 acres, known as Osprey Point PUD, that fronts Highway 170); Owners: LCP III LLC (J. Nathan Duggins III), Agent: Joshua Tiller

Dear Property Owner:

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

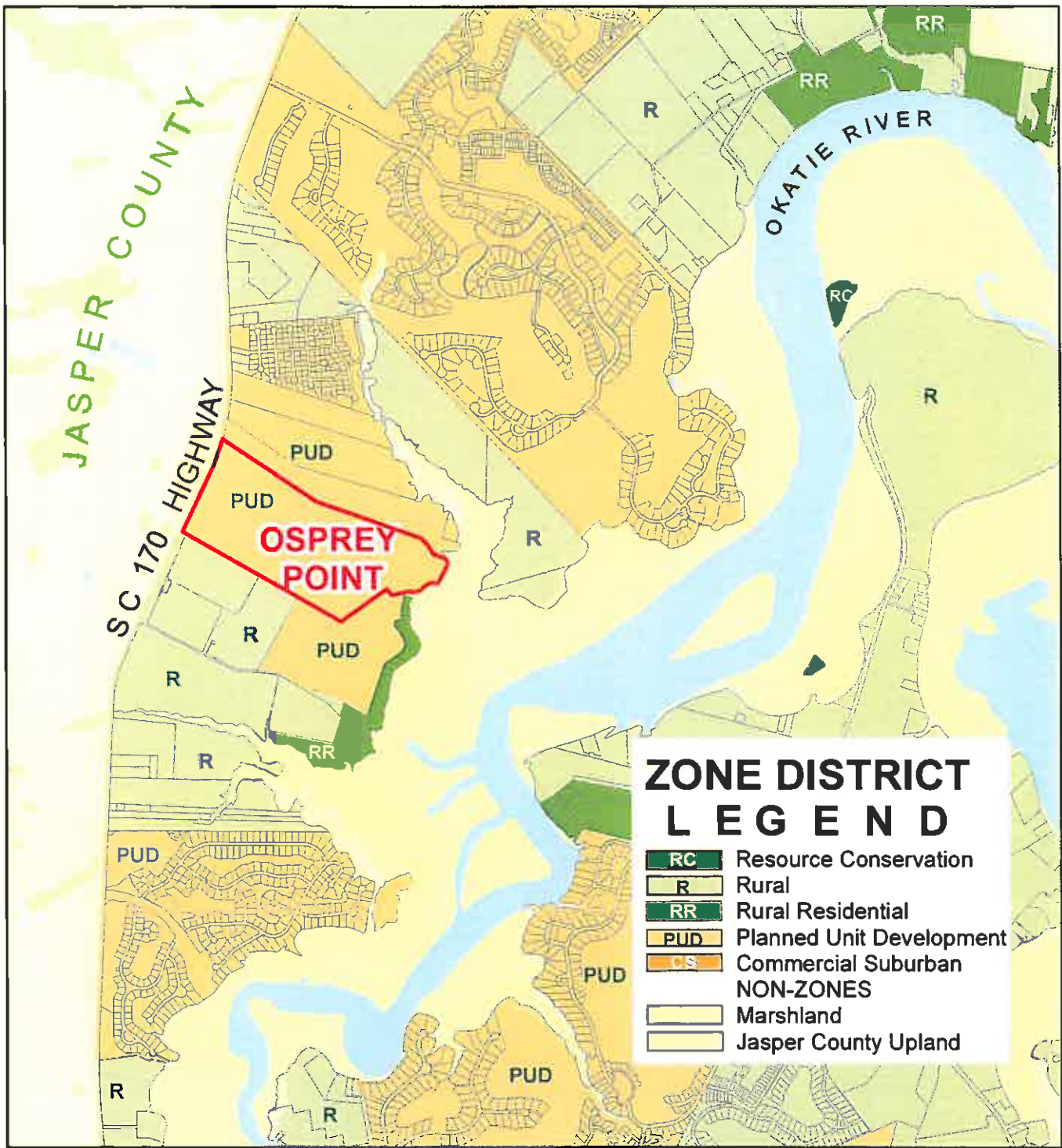
1. The Beaufort County Planning Commission (public hearing) – Monday, July 7, 2014, at 6:00 p.m. in the County Council Chambers, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
2. The Natural Resources Committee of the County Council – Tuesday, July 29, 2014, at 2:00 p.m. in the Executive Conference Room, located on the first floor of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC.
3. Beaufort County Council – generally meets second and fourth Mondays at 5:00 p.m. in the County Council Chambers of the Beaufort County Administration Building, 100 Ribaut Road, Beaufort, SC. County Council must meet three times prior to making a final decision on this case. Please call (843) 255-2140 to verify the exact dates and locations.

Documents related to the proposed amendment are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, in the Beaufort County Planning Department office located in Room 115 of the Beaufort County Administration Building. If you have any questions regarding this case, please contact the Planning Department at (843) 255-2140.

Sincerely,

Robert Merchant
Long-Range Planner

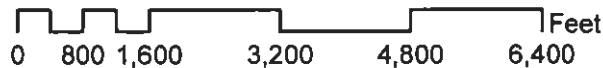
Attachment: Locational Map on back of letter



PUD MASTER PLAN AMENDMENT

R 603 013 000 0006 0000

Location Map of Focus Parcel



AMENDED NARRATIVE FOR OSPREY POINT PUD

The Owner of Osprey Point PUD has submitted a requested First Amendment To Osprey Point Development Agreement And PUD Zoning. That document, submitted herewith and incorporated herein, contains all of the requested legal changes to both the Development Agreement and the PUD. For clarification purposes, this Amended Narrative is also submitted, as part of the Amendment to the Osprey Point PUD, to describe the goals of the Amended PUD and justifications for the requested First Amendment To Osprey Point Development Agreement And PUD Zoning. This Amended Narrative will begin with a description of important background facts, necessary to understand the need for the requested First Amendment, and then go on to describe the specific changes requested to the current PUD Zoning.

BACKGROUND

A Development Agreement, with accompanying PUD Zoning, was made and entered between Owner and Beaufort County for Osprey Point, as recorded in Book _____ at page _____, et. seq., on September 3, 2009, following passage by Beaufort County Council and due execution by the parties. Osprey Point is a portion of a larger, coordinated development area, known as Okatie Village, which also included the Okatie Marsh PUD and the River Oaks PUD, with their respective Development Agreements, which were negotiated, adopted and recorded simultaneously with Osprey Point.

No development activity or sales activity has taken place within the overall Okatie Village properties, including Osprey Point, during the approximately five years since the original approvals

of these developments. A related entity, Malind Bluff Development, LLC, has taken a small interest in the Osprey Point property for development financing purposes, and is therefore joining into the First Amendment to evidence its agreement with and consent hereto (see the attached Exhibit H Joinder).

Significant changes have taken place in real estate market conditions and within the Okatie Village development area since the original approvals for Osprey Point, making it practically and economically unfeasible to develop Osprey Point under the exact terms of the original Osprey Point Development Agreement and PUD. The Owner seeks to Amend the Osprey Point PUD in order to adjust the terms thereof to reflect current conditions, as provided below, while at the same time significantly reducing the density of Osprey Point and preserving the important protections to the environment and many other important features of the original Osprey Point PUD, as also provided below.

Planning and negotiations toward ultimate approval of the three Okatie Village Tracts, including Osprey Point, occurred in 2006 - 2008, at a time that development was exploding in Beaufort County, and the pace of that development activity was expected to continue and accelerate as the baby boom generation was beginning to reach retirement age. Prices for homes and for commercial properties were escalating and that trend was expected to continue.

All of these trends ended before development of any of the Okatie Village communities could begin. Sales prices plummeted and a financial crisis prevented developers from acquiring needed development loans, and prevented potential buyers from obtaining home loans, even at reduced prices. Okatie Village properties were particularly hard hit, since their Development

Agreements imposed fees and burdens beyond any other development properties in Beaufort County.

The Okatie Marsh PUD failed completely before any development took place. Beaufort County acquired the entire property, which has been added to the County's Open Space land holdings. River Oaks has likewise been struggling and its ultimate fate is being determined. Osprey Point, the central property of the three Okatie Village tracts, now has real potential to move forward in an economically conscientious way, under the name Malind Bluff. Several changes to the original plan have been necessitated by these changing market conditions, and are set forth below. Some of the changes are significant, while others are relatively minor. The justifications for each of these changes are set forth as the changes themselves are discussed.

SPECIFIC CHANGES REQUESTED AND JUSTIFICATIONS

Many important features of the original Osprey Point PUD will remain under the Amended PUD. For instance, Osprey Point will continue as a mixed use PUD, with commercial uses adjacent to Highway 170, residential uses in the center of the Property, and a large greenspace/community area on the eastern boundary, adjacent to the marshes of the Okatie River. Internal interconnectivity, for both roadways and trails, is maintained, and all environmental standards are maintained. The internally integrated nature of the development, the interconnectivity to adjacent parcels by the public Connector Road, and many other features justify the continuing PUD status for the Property. The following changes are requested.

A. **Commercial and Residential Density Reduction.** The allowed commercial and residential densities for Osprey Point are set forth in Section IV(C) and IV(D) of

the Development Agreement, and referenced in the attached PUD approval text and drawings. These allowed densities are hereby reduced for both commercial and residential density. The new allowed density for commercial development is now 190,000 square feet, rather than the original 207,000 square feet. The new allowed residential density is now 396 total residential units, rather than the original 527 residential units. The original Development Agreement and PUD allowed the Owner/Developer the freedom to determine the mix of single family detached, attached and multifamily units, depending upon market conditions. This flexibility remains effective, but it is specifically noted that the current intent is to develop all or most of the residential units as single family detached units, with final lot configuration and sizes to be at the discretion of Owner/Developer.

B. Allowed Development Type and Resulting Changes to Roadway and Pathway (Including Trails) Standards. The current development planning for the Osprey Point development envisions an age restricted community, within the meaning of federal law, to be located within the residential area depicted on the Exhibit B Master Plan. A residential developer is currently in place to develop the age restricted community and it is hereby specifically provided that such an age restricted community is allowed. The residential area is planned to be single family detached, although other residential building types are allowed. While the residential area is currently planned to be age restricted, and specifically under contract for such use, Owner/Developer shall have the option of developing age targeted (non-restricted) or general residential development. This flexibility is necessary to enable adjustments to future market conditions and to meet development financing requirements.

A successful age restricted community requires private roads and the ability to restrict access. This essential fact was recognized by the County in the adjacent River Oaks Development Agreement, where private roads and restricted access were allowed, specifically because of the "senior village nature of the development". For the same reason, pathways and trails within the age restricted area of Osprey Point may also be private and restricted. It is specifically noted, however, that the frontage Connector Road as well as roads within the commercial area, shall remain open to the public as originally provided, and provide a means of interconnectivity to adjacent parcels. It is also noted, that a public access easement to serve as an access to River Oaks PUD is provided along the southern boundary of the Osprey Point Amended Master Plan, to preserve access for River Oaks to the commercial area, the Connector Road, and to Highway 170. Internal interconnectivity, to allow residents of Osprey Point (now to be known as Malind Bluff) to have access to the commercial area, waterfront area, and adjacent properties is retained, and shall be as depicted on Exhibit C to the First Amendment for both pathway/trails and roadways. All provisions of the original Development Agreement and PUD to the contrary are hereby amended to conform herewith.

C. Public Park Area/Access. The original Development Agreement and PUD provided for an approximately 13 acre waterfront park area, for the enjoyment of residents within Osprey Point and the adjacent Okatie Marsh developments, with limited access rights for the public. Changes in circumstance and market conditions have now made this plan unnecessary and unworkable. The entire Okatie Marsh development, which includes waterfront property, is now owned by the County as public land. The total Okatie Village residents expected to share in

the use of this area within Okatie Village has been reduced by more than 50% (due to the elimination of all Okatie Marsh density, and the substantial reduction of Osprey Point density under this Amendment).

In the light of these changed conditions, and due to the preference for privacy and safety associated with elderly and mature adult (age restricted) development, the waterfront acreage for open space/park use within Osprey Point is hereby reduced from 13 acres to approximately 8.5 acres, as depicted on the attached Exhibit B Master Plan. Public access is no longer required. Environmental standards to protect the adjacent waterway and wetlands are retained in full force and effect. Given the changes outlined above, and the stated justifications therefor, the existing cottage/lodge, now located on the waterfront, is no longer restricted and may be used for any legal residential or Osprey Point community purpose, and it may be utilized in its existing condition, renovated, replaced, or removed.

D. Design, Construction and Maintenance Contribution to County Park.

Owner under the proposed First Amendment is proposing to design a passive park area upon the adjacent waterfront owned by the County and construct a passive park area of up to two acres at the County waterfront. This passive park design and construction shall include appropriate clearing, installation of benches, and long term landscape maintenance of any cleared area, with all elements to be approved by County Planning Staff, in consultation with other County officials. Such design and construction shall occur at the time of Owner's permitting and construction within the adjacent Osprey Point waterfront open space, to include a simple trail system within the County passive park area. While this provision is predominately a change to the original Development

Agreement, it is recited here as a part of this PUD Narrative as a further justification for the requested change to the current PUD Master Plan.

E. Public Safety Site. The Public Safety Site, shown on the original Master Plan, may be located within the Commercial/Mixed Use area of the Master Plan, or at Owner's discretion and with County approval of the location, the Public Safety Site may be located outside of the Osprey Point Master Plan, on land to be acquired by Owner and donated to the County. The area to be donated for a Public Safety Site shall be 1/2 acre, sufficient for a Fire/EMS facility.

F. Workforce Housing Requirement. Certain provisions for workforce housing are set forth under Section IV(A) of the Development Agreement, and referenced as part of the PUD approval. While this requirement remains in force, it is specifically noted and agreed that this requirement shall not be interpreted to prevent development of an age restricted community within Osprey Point. Workforce housing may be provided within areas of the new Master Plan which are not within the age restricted area, or within the age restricted area, at the discretion of Owner/Developer. As provided under the original Development Agreement, the requirements to provide Workforce/Affordable Housing apply only to multifamily product (10% of total) and to town home units (15% of total) and do not apply to single family home sites. This provision continues, so that the total of such units to be provided depends upon final product mix within Osprey Point. Notwithstanding the above, Owner agrees that a minimum of 15 residential units will be developed and offered at sales prices which qualify under the low income or moderate income affordability standards as set forth in the Workforce/Affordable Housing

Agreement. Such units may be developed in the Residential Area of the Master Plan or in the Commercial/Mixed Use Area.

G. Design Guidelines/Residential Design. Design Guidelines were not a part of the original Osprey Point PUD. The Design Guidelines set forth in Section IV(M) of the Development Agreement (and Exhibit F thereto) are retained for the public area of Osprey Point. The age restricted, residential area will adopt its own design guidelines and review process, by private covenant, and will therefore not be bound by the original Design Guidelines of the Development Agreement. This change, for the non-public areas only, will provide the Owner/Developer with the needed flexibility to meet the needs and tastes of the age restricted market as development and sales unfold. Additionally, as is the case in most PUD development, internal residential lot, roadway, and layout design, including setbacks within residential lots, shall be at the discretion of Owner/Developer, so long as the final design does not violate the general layout depicted on the Exhibit B Amended Master Plan.

H. Development Schedule Amendment. The original Osprey Point Development Agreement included a Development Schedule provision under Section IV thereof and Exhibit D thereto. Subject to the same reservations and conditions provided under the original Development Agreement and Exhibit D, the Development Schedule is hereby amended as set forth in Exhibit D to the First Amendment. This Development Schedule is referenced in this PUD Narrative to explain current forecasting regarding phasing and development matters.

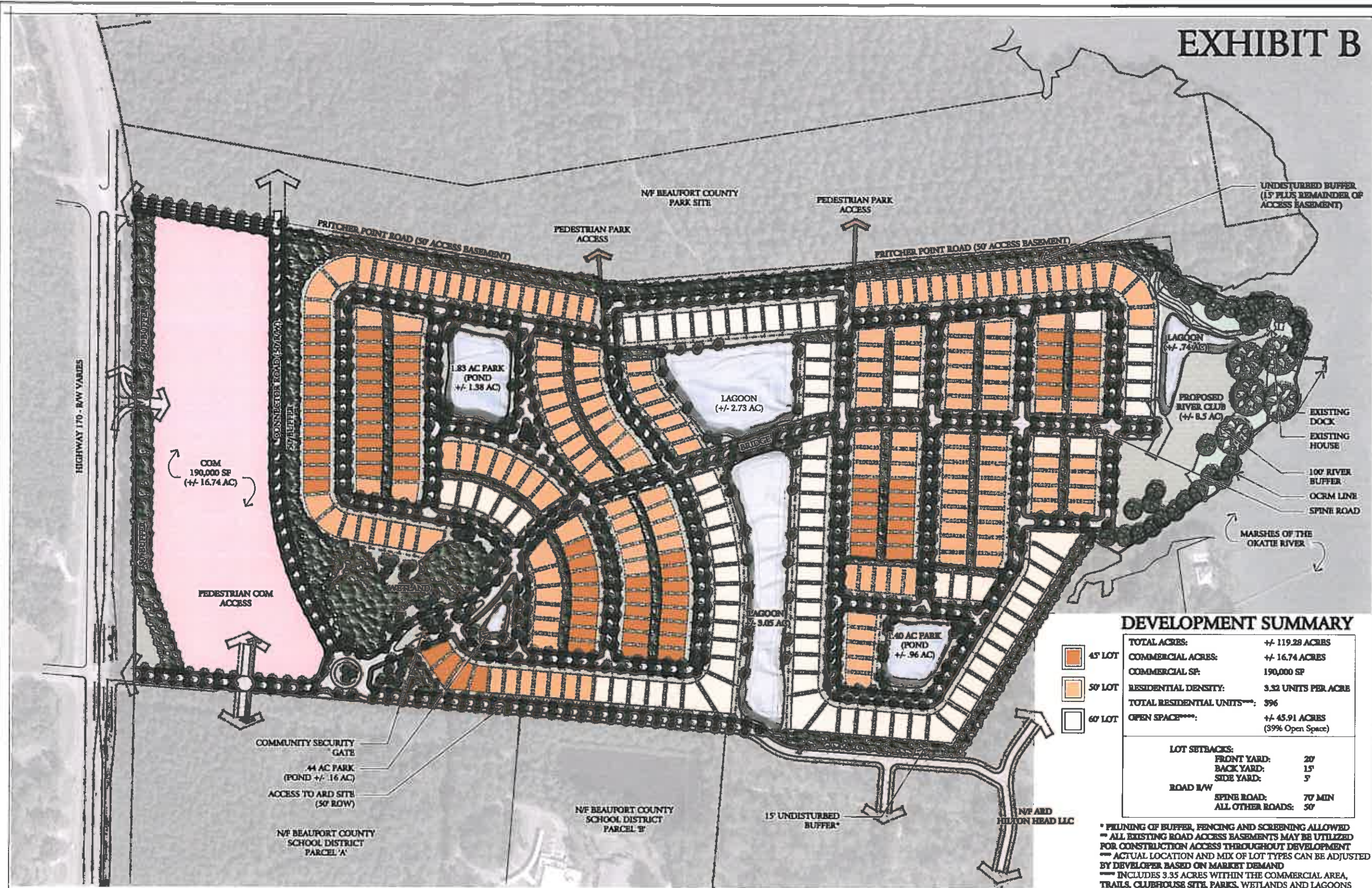
I. Preliminary Drainage Plan, Water Plan and Sanitary Sewer Plans. Because the essential elements of the PUD remain in the same general areas of the Property as

originally contemplated, at reduced densities. The changes to these infrastructure systems are relatively minor, to reflect altered road locations. The system designs all remain within the original design tolerances previously approved. Expected new locations of these infrastructure systems are depicted on the attached Exhibits E, F, and G to the First Amendment, for sanitary sewer, stormwater drainage and water systems, respectively, subject to final engineering and approvals prior to construction.

SUMMARY

The above Narrative describes the nature of the requested PUD and the specific changes requested and their justifications. The legal document entitled First Amendment To Osprey Point Development Agreement And PUD Zoning, if approved by Beaufort County, shall be the controlling document regarding changes to both the Development Agreement and the PUD. This Amended Narrative is submitted as an addition to the PUD Amendment, at the request of County Staff, to further clarify the changes being requested under the Amended PUD Master Plan and related documents.

EXHIBIT B



DEVELOPMENT SUMMARY

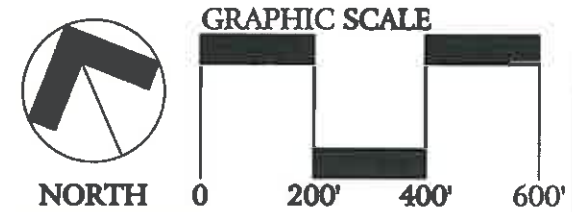
TOTAL ACRES:	+/- 119.28 ACRES
COMMERCIAL ACRES:	+/- 16.74 ACRES
COMMERCIAL SF:	190,000 SF
RESIDENTIAL DENSITY:	3.32 UNITS PER ACRE
TOTAL RESIDENTIAL UNITS**:	396
OPEN SPACE***:	+/- 45.91 ACRES (39% Open Space)
LOT SETBACKS:	
FRONT YARD:	20'
BACK YARD:	15'
SIDE YARD:	5'
ROAD R/W	
SPINE ROAD:	70' MIN
ALL OTHER ROADS:	50'

* FILLING OF BUFFER, FENCING AND SCREENING ALLOWED
 ** ALL EXISTING ROAD ACCESS BASEMENTS MAY BE UTILIZED FOR CONSTRUCTION ACCESS THROUGHOUT DEVELOPMENT
 *** ACTUAL LOCATION AND MIX OF LOT TYPES CAN BE ADJUSTED BY DEVELOPER BASED ON MARKET DEMAND
 **** INCLUDES 3.35 ACRES WITHIN THE COMMERCIAL AREA, TRAILS, CLUBHOUSE SITE, PARKS, WETLANDS AND LAGOONS

PREPARED FOR:
MALIND BLUFF DEVELOPMENT LLC

PREPARED BY:
J. K. TILLER ASSOCIATES, INC.
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 803.853.0000

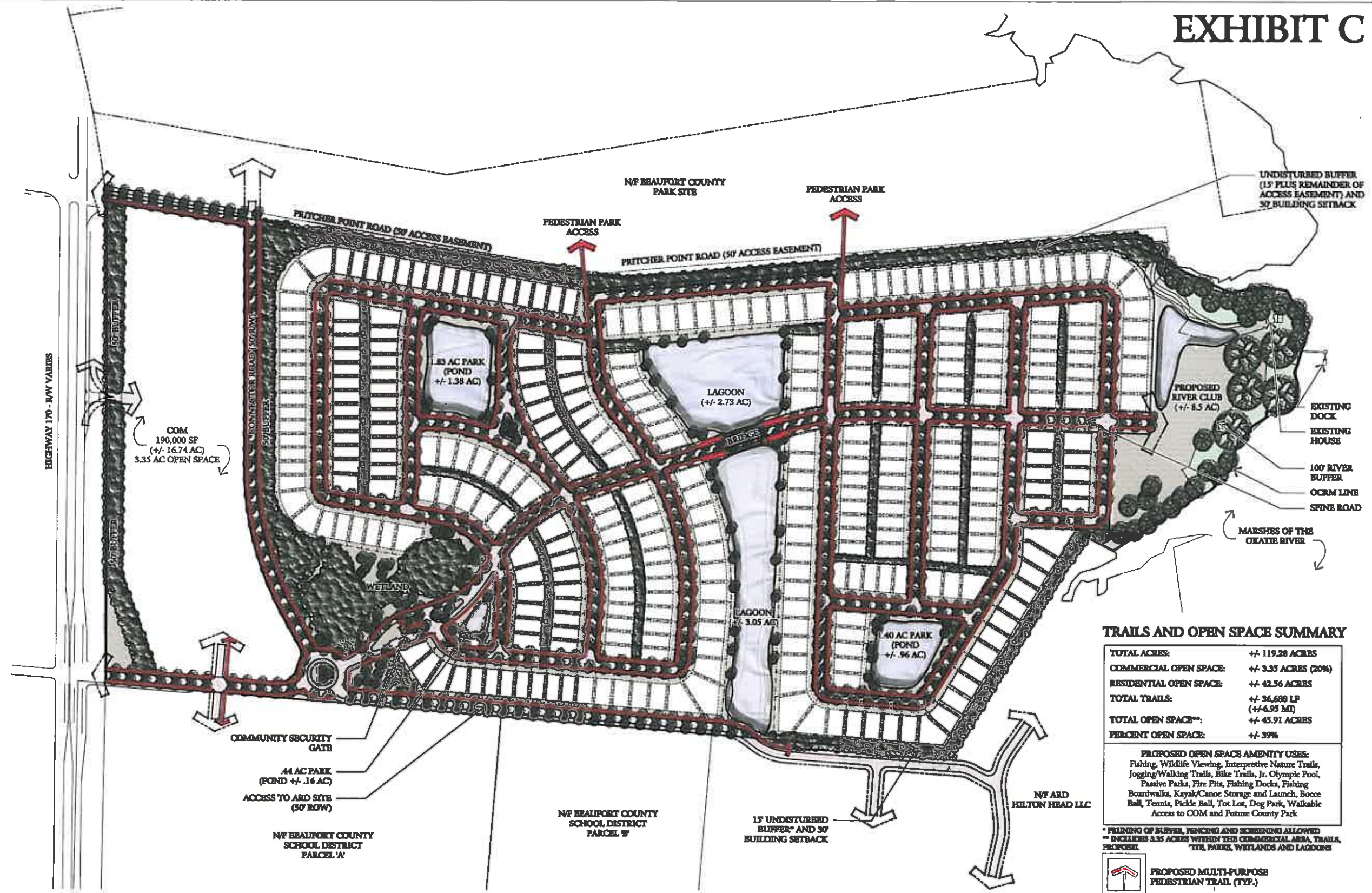
OSPREY POINT (MALIND BLUFF) AMENDED MASTER PLAN BEAUFORT COUNTY, SOUTH CAROLINA June 17, 2014



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION. JCT Job Number: 201403-01

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EXHIBIT C



TRAILS AND OPEN SPACE SUMMARY

TOTAL ACRES:	+/- 119.28 ACRES
COMMERCIAL OPEN SPACE:	+/- 3.35 ACRES (2.8%)
RESIDENTIAL OPEN SPACE:	+/- 42.56 ACRES
TOTAL TRAILS:	+/- 36,688 LP (+/- 6.95 MI)
TOTAL OPEN SPACE**:	+/- 45.91 ACRES
PERCENT OPEN SPACE:	+/- 39%

PROPOSED OPEN SPACE AMENITY USES:
 Fishing, Wildlife Viewing, Interpretive Nature Trails, Jogging/Walking Trails, Bike Trails, Jr. Olympic Pool, Passive Parks, Fire Pits, Fishing Docks, Fishing Boardwalks, Kayak/Canoe Storage and Launch, Bocce Ball, Tennis, Pickle Ball, Tot Lot, Dog Park, Walkable Access to CDM and Future County Park

* FENCING OF BUFFER, FENCING AND SCREENING ALLOWED ** EXCEPTS 3.35 ACRES WITHIN THE COMMERCIAL AREA, TRAILS, POND, AND LAGOONS

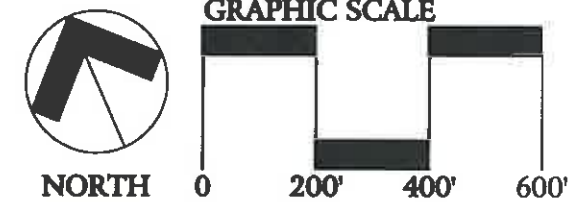


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 TEL: 843.832.4200 FAX: 843.832.4201

OSPREY POINT (MALIND BLUFF) TRAILS AND OPEN SPACE PLAN

BEAUFORT COUNTY, SOUTH CAROLINA
JUNE 18, 2014



THIS IS A CONCEPTUAL PLAN AND IS SUBJECT TO CHANGE. ALL SURVEY INFORMATION AND SITE BOUNDARIES WERE COMPILED FROM A VARIETY OF UNVERIFIED SOURCES AT VARIOUS TIMES AND AS SUCH ARE INTENDED TO BE USED ONLY AS A GUIDE. ALL PROPERTY LINES, TRACT DIMENSIONS AND NARRATIVE DESCRIPTIONS ARE FOR GRAPHIC REPRESENTATION ONLY, AS AN AID TO SITE LOCATION AND POTENTIAL LAND USE, AND ARE NOT LEGAL REPRESENTATIONS AS TO FUTURE USES OR LOCATIONS. J. K. TILLER ASSOCIATES, INC. ASSUMES NO LIABILITY FOR ITS ACCURACY OR STATE OF COMPLETION, OR FOR ANY DECISIONS (REQUIRING ACCURACY) WHICH THE USER MAY MAKE BASED ON THIS INFORMATION. JKT Job Number: 201405-01

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