



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

Chairman
ED PAPPAS

Vice Chairman
VACANT

Commission Members

VACANT
JON HENNEY
CECILY MCMILLAN
DANIEL RIEDEL
GLENN MILLER
DENNIS ROSS
GAIL MURRAY

County Administrator

ERIC GREENWAY

Staff Support

ROBERT MERCHANT

Administration Building

Beaufort County Government
Robert Smalls Complex
100 Ribaut Road

Contact

Post Office Drawer 1228
Beaufort, South Carolina 29901-1228
(843) 255-2140
www.beaufortcountysc.gov

Planning Commission Agenda

Monday, June 5, 2023 at 6:00 PM

Council Chambers

County Administration Building, 100 Ribaut Road, Beaufort, SC

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

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. FOIA – PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF MINUTES – May 1, 2023
5. APPROVAL OF AGENDA
6. CITIZEN COMMENTS – NON-AGENDA ITEMS
(*Comments are limited to 3 minutes.*)

ACTION ITEMS

7. **ZONING MAP AMENDMENT/REZONING REQUEST** FOR 21 ACRES (R100 025 000 0068 0000, R100 025 000 068A 0000 AND R100 025 000 0068B 0000) LOCATED AT LAUREL BAY ROAD, AT THE SOUTHWEST CORNER OF THE INTERSECTION OF ROSEIDA EXTENSION, FROM T2 RURAL (T2R) TO INDUSTRIAL (S1)
8. **ZONING MAP AMENDMENT/REZONING REQUEST** FOR 502 ACRES (R300-012-000-0001-0000, R300-012-000-0254-0000, R300-007-000-0002-0000, R300-012-000-0255-0000, AND R300-012-000-0256-0000) LOCATED AT 288 DULAMO ROAD TO BE REMOVED FROM THE CULTURAL PROTECTION OVERLAY (CPO) BOUNDARY

APPEALS

9. **PINE ISLAND GOLF-COURSE A - ADMINISTRATIVE APPEAL OF DIRECTOR'S DECISION OF A DEVELOPMENT PLAN** FOR 119 ACRES, 288 DULAMO ROAD; CONCEPTUAL PLAN FOR PINE ISLAND SIX-HOLE GOLF-COURSE A (R300-012-000-0001-0000)

10. **PINE ISLAND GOLF-COURSE B - ADMINISTRATIVE APPEAL OF DIRECTOR'S DECISION OF A DEVELOPMENT PLAN FOR 127 ACRES, 288 DULAMO ROAD; CONCEPTUAL PLAN FOR PINE ISLAND SIX-HOLE GOLF-COURSE B (R300-012-000-0254-0000)**
11. **PINE ISLAND GOLF-COURSE C - ADMINISTRATIVE APPEAL OF DIRECTOR'S DECISION OF A DEVELOPMENT PLAN FOR 115 ACRES, 288 DULAMO ROAD; CONCEPTUAL PLAN FOR PINE ISLAND SIX-HOLE GOLF-COURSE C (R300-012-000-0255-0000)**

DISCUSSION ITEMS

12. CHAIRMAN'S REPORT
13. ADJOURNMENT



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

The regular meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held in Council Chambers on Monday, May 1, 2023 at 6:00 p.m.

MEMBERS PRESENT:

Mr. Ed Pappas, Chairman
Mr. Jon Henney
Ms. Cecily McMillan
Mr. Glenn Miller
Ms. Gail Murray
Mr. Dan Riedel
Mr. Dennis Ross

MEMBERS ABSENT:

None

STAFF PRESENT:

Mr. Robert Merchant, Planning and Zoning Director
Mr. Mark Davis, Planning and Zoning Deputy Director
Mrs. Chris DiJulio-Cook, Senior Administrative Specialist
Ms. Kristen Forbus, Long Range Planner

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

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

REVIEW OF MEETING MINUTES: Mr. Daniel Riedel made a motion to approve the April 3, 2023 minutes. Mr. Dennis Ross seconded. The motion passed with Mr. Henney abstaining.

CITIZEN COMMENTS: Mr. Pappas asked if there were any citizen comments, not related to the agenda, there were none.

ACTION ITEMS:

TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 3, DIVISION 3.1, SECTION 3.1.70 LAND USE DEFINITIONS, DIVISION 3.4, SECTIONS 3.4.10- OVERLAY ZONES PURPOSE AND 3.4.50- CULTURAL PROTECTION OVERLAY (CPO) ZONE STANDARDS TO UPDATE LAND USE DEFINITIONS, RECREATION FACILITY: GOLF COURSE; TO UPDATE DEFINITIONS, REGULATIONS, AND STANDARDS IN THE CULTURAL PROTECTION OVERLAY ZONE

Mr. Rob Merchant gave a history of the Cultural Protection Overlay. He also explained that, although these text amendments had already gotten second reading from County Council, it is a requirement within the County’s ordinance and State law that the Planning Commission hear the text amendment proposal and provide a recommendation before County Council give third reading.

He further explained that although the Commission had heard a text amendment proposal on January 5, 2023, and recommended denial. The current proposed changes were made by the CPO District Committee, along with County's Legal Department by motion of the Community Services and Land Use Committee.

After some discussion, Chairman Pappas opened the meeting up to public comment. Several people spoke. They were:

Leslie Lenhardt, South Carolina Law Project in favor of the CPO text amendment
Elvio Tropeano, Pine Island Property Holdings, hoping to work with community, spoke against CPO, and provided a handout, to the Commissions
Walter Gay, for CPO text amendment
Marie Gibbs, spoke in favor of the text amendment
Lillie Harris, for CPO
Natasha D. Robinson spoke in favor of CPO
Inez Miller, Center for Heirs Property, Woodland Community Advocate, in favor of the CPO amendment
Jessie White, Coastal Conservation League, for the CPO text amendment

Ms. Cecily McMillan made a motion to recommend approval of the TEXT AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE (CDC): ARTICLE 3, DIVISION 3.1, SECTION 3.1.70 LAND USE DEFINITIONS, DIVISION 3.4, SECTIONS 3.4.10- OVERLAY ZONES PURPOSE AND 3.4.50- CULTURAL PROTECTION OVERLAY (CPO) ZONE STANDARDS TO UPDATE LAND USE DEFINITIONS, RECREATION FACILITY: GOLF COURSE; TO UPDATE DEFINITIONS, REGULATIONS, AND STANDARDS IN THE CULTURAL PROTECTION OVERLAY ZONE. Mr. Ross seconded the motion. The motion passed unanimously.

DIRECTOR'S REPORT:

Mr. Merchant stated he was hoping to have the second half of the Comp Plan status report for the June Planning Commission meeting.

CHAIRMAN'S REPORT:

Mr. Pappas thanked the public for their participation and comments. He also introduced and welcomed Mr. Henney as the newest member of the Planning Commission.

ADJOURNMENT: Mr. Riedel made a motion to adjourn. Ms. Gail Murray seconded. Chairman Pappas adjourned the meeting at 6:35 p.m.

SUBMITTED BY: Chris DiJulio-Cook
Planning and Zoning Senior Administrative Specialist

Ed Pappas
Beaufort County Planning Commission Chairman

Date: _____



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Robert Merchant, AICP, Beaufort County Planning and Zoning Department

DATE: June 5, 2023

SUBJECT: ZONING MAP AMENDMENT/REZONING REQUEST FOR 21 ACRES (R100 025 000 068A 0000, R100 025 000 068B 0000, AND R100 025 000 0068 0000) LOCATED AT LAUREL BAY ROAD AND ROSEIDA ROAD EXTENSION FROM T2 RURAL (T2R) TO INDUSTRIAL (SI).

STAFF REPORT:

A. BACKGROUND:

Case No.	CDPA-000029-2023
Owner:	Blake Kennedy
Property Location:	Located at the Intersection of Laurel Bay Road and Roseida Road Extension
District/Map/Parcel:	R100 025 000 068A 0000 R100 025 000 068B 0000 R100 025 000 0068 0000
Property Size:	21 Acres
Current Future Land Use Designation:	Neighborhood/Mixed-Use
Current Zoning District:	T2 Rural
Proposed Zoning District:	S1 Industrial

B. SUMMARY OF REQUEST:

The applicant is requesting to rezone three parcels located off Laurel Bay Road to accommodate an Industrial use. The 21 acres are currently undeveloped and in proximity to single-family detached residences.

- C. EXISTING ZONING:** The three parcels are currently zoned T2 Rural (T2R), which permits residential development at a density of one dwelling unit per three acres. T2 Rural also permits very limited non-residential uses. The parcel that abuts Laurel Bay (R100 025 000 068A 0000) is currently located in Air Installations Compatible Use Zone (AICUZ) Airport Hazard Zone 1 (APZ1). This carries some use restrictions toward the front of that parcel. All three parcels are located in the AICUZ Noise Zone 3 (DNL 75 and above). In this Noise Zone, gross density shall not exceed one unit per three acres (same as existing zoning district T2R) and there are restrictions that do not allow specific uses such as Multi-family dwelling, Restaurant, Lodging, and Medical Services. The parcels currently neighbor multiple single-family dwelling units of the T2 Rural Neighborhood zoning district.
- D. PROPOSED ZONING:** The CDC states: “The Industrial (S1) Zone permits office, manufacturing, industrial, warehousing, and uses that support them. The Zone shall also be designed to permit small businesses and incubator businesses. Moderate to high intensities are permitted to achieve maximum land utilization. Such practices will maximize the land's use and accommodate small businesses and start-up or incubator businesses.” Businesses such as Vehicle Sales & Rental; Body Branding, Piercing, Tattooing; and Manufacturing, Processing, and Packaging are some of the permitted/conditional uses allowed in S1. The maximum height for a structure in S1 is 4 stories and shall not exceed 50 feet above finished grade level. The proposed 21 acres could potentially yield a .48 Floor Area Ratio. Base Site Area has yet to be determined. However, after reviewing aerial views and the surrounding lands, a majority of the land seems to be wetland due to proximity to Salt Creek.
- E. COMPREHENSIVE PLAN FUTURE LAND USE MAP:** The future land use is Neighborhood Mixed-Use: “Moderate-density residential is the primary use, with some supporting neighborhood retail establishments. New development is encouraged to be pedestrian-friendly, have a mix of housing types, a mix of land uses and interconnected streets. The maximum gross residential density is approximately two dwelling units per acre with some denser pockets of development.” The AICUZ overlay is described in the Comprehensive Plan as: “Residential development and places of assembly (e.g., churches, schools, etc.) should be highly limited in these areas. Light industrial, commercial, and agricultural uses are considered appropriate to this area.” Although a light industrial use is one of those deemed appropriate for parcels within the AICUZ, a zoning district that allows Heavy Industrial and Salvage Operations is not appropriate for these three parcels. The future land use map identifies the areas that are located within the AICUZ where Industrial would be most appropriate; these proposed parcels are not located within that area.
- F. TRAFFIC IMPACT ANALYSIS (TIA):** According to Section 6.3.20.D of the CDC, “An application for a rezoning shall include a TIA where the particular project or zoning district may result in a development that generates 50 trips during the peak hour or will change the level of service of the affected street.” In consideration of the amount of wetland on the three

parcels, the proposed zoning will most likely not accommodate a use that will trigger a TIA. If one is, a TIA will be required at the development stage.

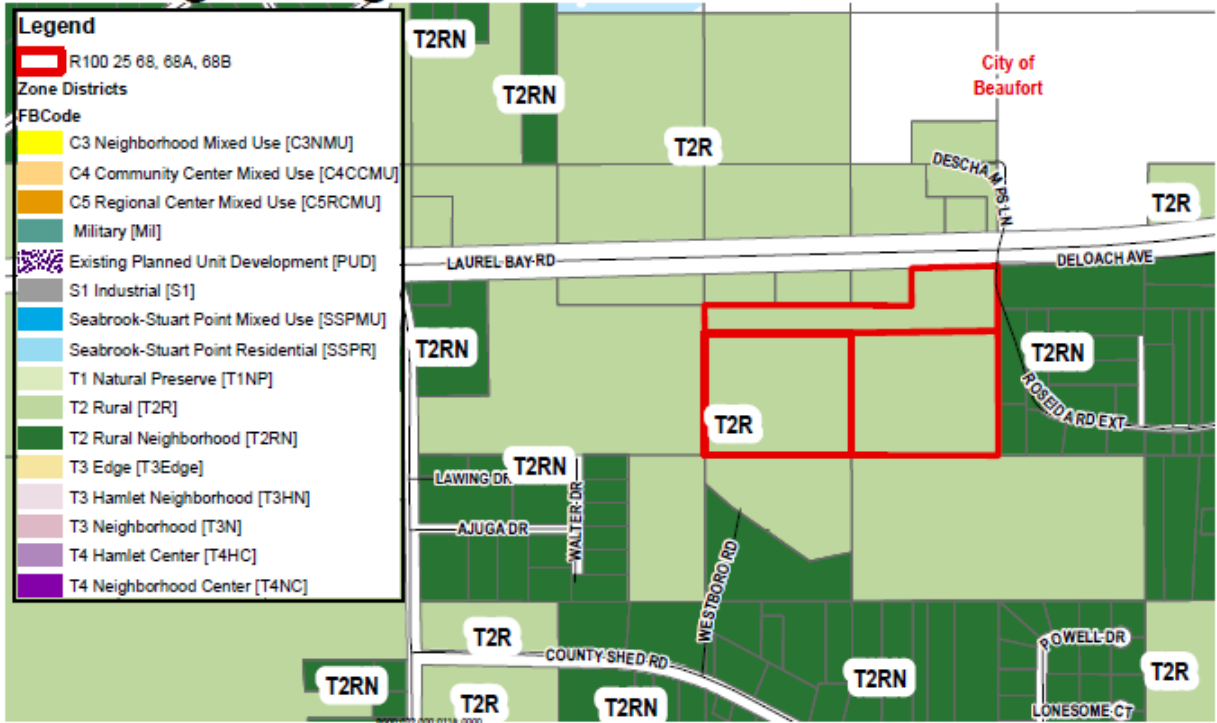
G. SCHOOL CAPACITY IMPACTS: The proposed zoning will not accommodate a use that will trigger a measurable school capacity impact.

H. STAFF RECOMMENDATION: Staff recommends denial.

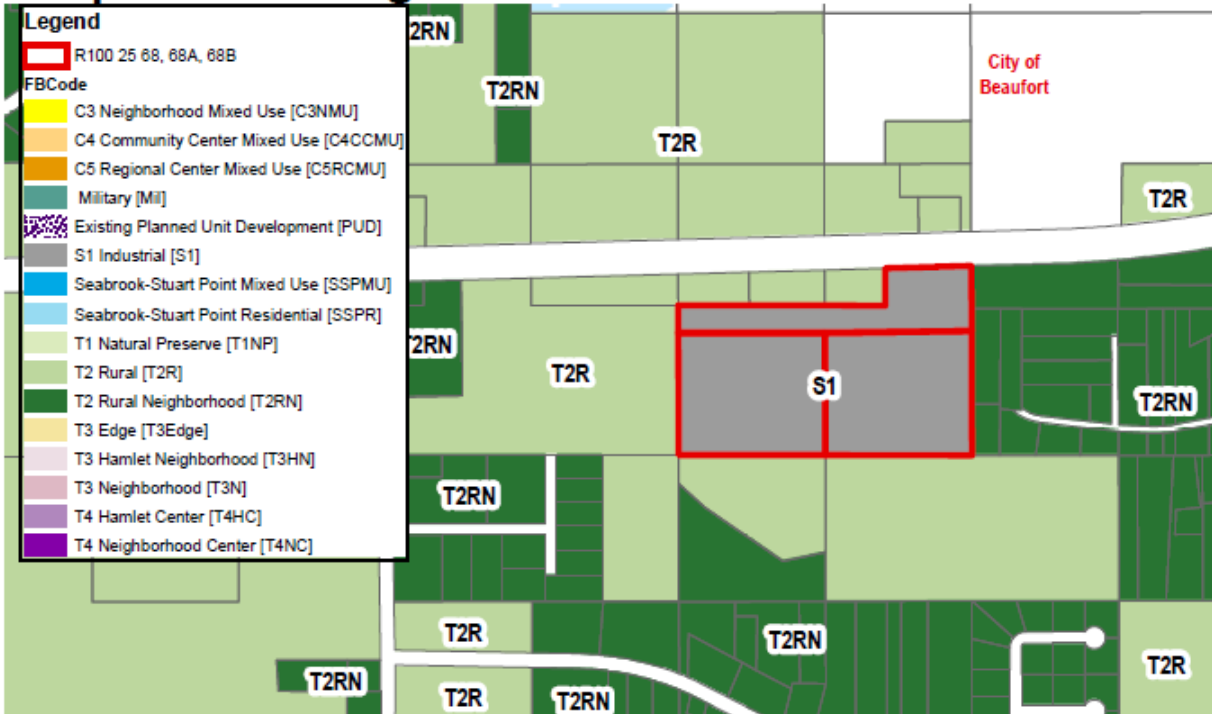
I. ATTACHMENTS

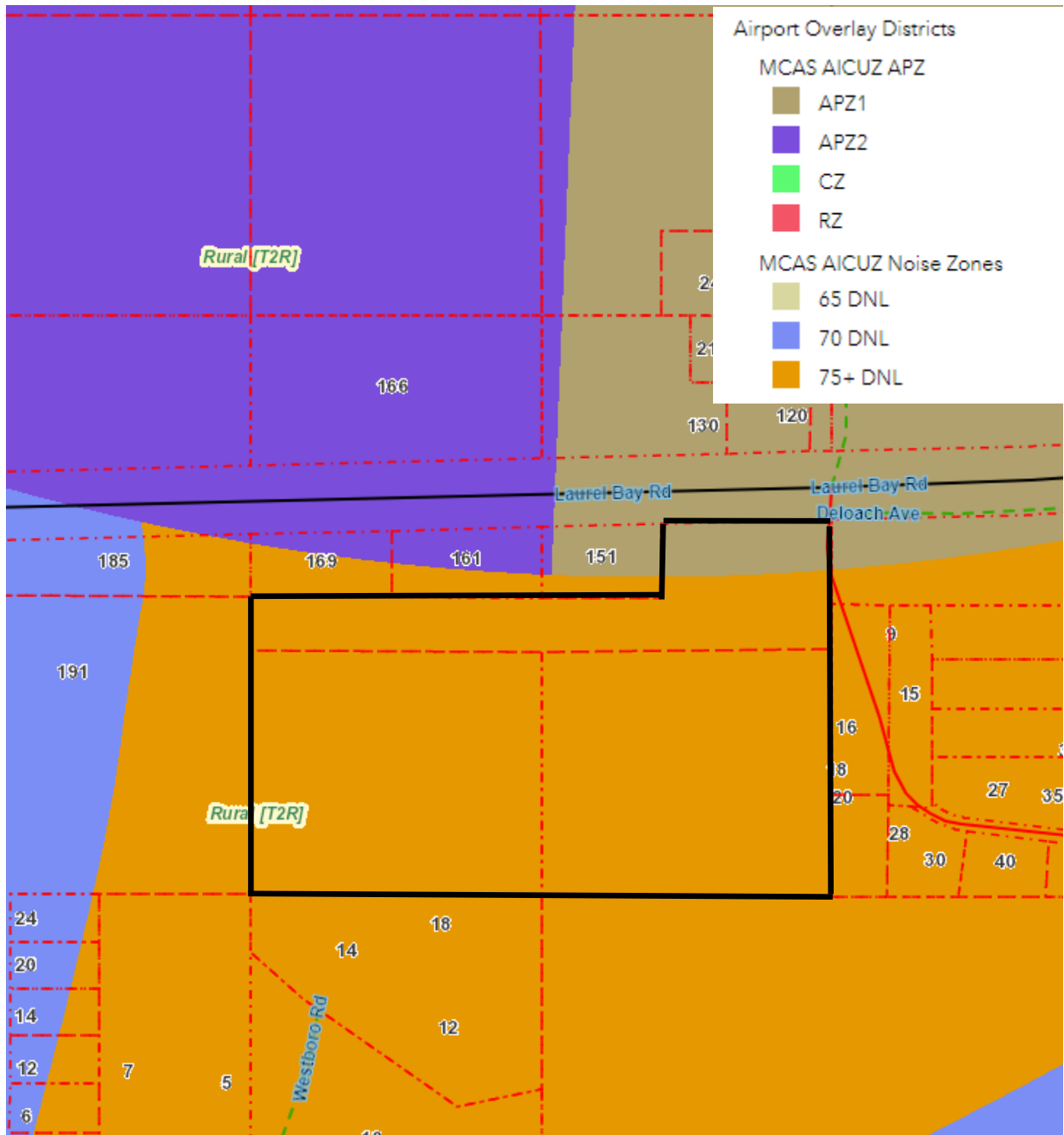
- Zoning Map (existing and proposed)
- AICUZ Map

Existing Zoning



Proposed Zoning





**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CDC)
ZONING MAP OR TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION**

TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Community Development Code (CDC) be amended as described below:

1. This is a request for a change in the (check as appropriate): () PUD Master Plan Change
() Zoning Map Designation/Rezoning () Community Development Code Text
2. Give exact information to locate the property for which you propose a change:
Tax District Number: _____, Tax Map Number: _____, Parcel Number(s): R100 025 000 068A 0000
R100 025 000 068B 0000
R100 025 000 068C 0000
Size of subject property: Approx. 21 acres Square Feet / Acres (circle one)
Location: Off Laurel Bay Rd
3. How is this property presently zoned? (Check as appropriate)
- | | | |
|------------------------------|---|-----------------------------------|
| () T4NC Neighborhood Center | () T2RC Rural Center | () C3 Neighborhood Mixed Use |
| () T4HC Hamlet Center | () T2RN Rural Neighborhood | () C4 Community Center Mixed Use |
| () T4HCO Hamlet Center | () T2RNO Rural Neighborhood Open | () C5 Regional Center Mixed Use |
| () T4VC Village Center | (<input checked="" type="checkbox"/>) T2R Rural | () S1 Industrial |
| () T3N Neighborhood | () T1 Natural Preserve | () Planned Unit Development/PUD |
| () T3HN Hamlet Neighborhood | () Community Preservation | (name) _____ |
| () T3E Edge | (specify) _____ | |
4. What new zoning do you propose for this property? Industrial
(Under Item 9 explain the reason(s) for your rezoning request.)
5. Do you own all of the property proposed for this zoning change? () Yes () No
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business.
6. If this request involves a proposed change in the Community Development Code text, the section(s) affected are: _____
(Under Item 9 explain the proposed text change and reasons for the change.)
7. Is this property subject to an Overlay District? Check those which may apply:
() MCAS-AO Airport Overlay District/MCAS () MD Military Overlay District
() BC-AO Airport Overlay District/Beaufort County () RQ River Quality Overlay District
() CPO Cultural Protection () TDR Transfer of Development Rights
() CFV Commercial Fishing Village
8. The following sections of the Community Development Code (CDC) (see attached sheets) should be addressed by the applicant and attached to this application form:
a. Division 7.3.20 and 7.3.30, Comprehensive Plan Amendments and Text Amendments.
b. Division 7.3.40, Zoning map amendments (rezoning).
c. Division 1.6.60, Planned Unit Developments (PUDs) Approved Prior to Dec. 8, 2014
d. Division 6.3, Traffic Impact Analysis (for PUDs)

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

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.

Blake Kennedy (owner of The Beaufort Company LLC) 3-15-23
Signature of Owner (see Item 5 on page 1 of 2) Date

Printed Name: Blake Thomas Kennedy Telephone Number: (206) 854-4417
// "The Beaufort Company LLC"

Address: 2443 Boundary St Beaufort SC 29906

Email: Beauforttattoo@gmail.com

Agent (Name/Address/Phone/email): Blake Kennedy

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.

SUBMISSION OF APPLICATION. ALL APPLICATIONS SHALL BE SUBMITTED TO THE APPROPRIATE COUNTY DEPARTMENT. NO APPLICATION WILL BE ACCEPTED UNLESS ACCOMPANIED BY THE REQUIRED FEE. APPLICATIONS RECEIVED BEFORE 12:00 P.M. SHALL BE DATED THE SAME WORKING DAY. APPLICATIONS RECEIVED AFTER 12:00 P.M. SHALL BE DATED THE NEXT WORKING DAY.

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 DIV. 7.4.50 OF THE COMMUNITY DEVELOPMENT CODE.

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:

Receipt No. for Application Fee:

- C. **Zone Map Amendment Review Standards.** The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the County Council and is not controlled by any one factor. In determining whether to adopt or deny a proposed Zone Map Amendment, the County Council shall weigh the relevance of and consider whether and the extent to which the proposed amendment:
1. Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of this Development Code. In areas of new development, a finding of consistency with the Comprehensive Plan shall be considered to meet the standards below, unless compelling evidence demonstrates the proposed amendment would threaten the public health, safety, and welfare if the land subject to the amendment is classified to be consistent with the Comprehensive Plan;
 2. Is not in conflict with any provision of this Development Code, or the Code of Ordinances;
 3. Addresses a demonstrated community need;
 4. Is required by changed conditions;
 5. Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land;
 6. Would not adversely impact nearby lands;
 7. Would result in a logical and orderly development pattern;
 8. Would not result in adverse impacts on the natural environment—including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and
 9. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).
- D. **Expiration.** Approval of a Zone Map Amendment shall not expire, but the amended Official Zoning Map is subject to further amendment in accordance with the map amendment procedures set forth in this section.

Zoning Change Letter - Blake Kennedy - Beaufort Kompany LLC

Hi, we are applying to have the parcels at (R100-025-000-068A-000), (R100-025-000-068B-0000), and (R100-025-000-0068-0000) rezoned from T2R Rural to Industrial. The associated application from the county is attached with the letter.

The purpose of the rezoning is to build storage options for the residents of Beaufort County. The proposed development would consist of smaller storage unit options along with the potential for larger bays to accommodate clients with other commercial needs (vehicle storage, item storage, workshop space). The space would be considered low traffic and would only be accessible to clients of the business. There are other commercial/industrial examples on Laurel Bay Road including another storage unit complex and a salvage yard. The property we are proposing be rezoned is located on the main road and does not need an easement to access from the highway. The proposed property would have little impact on the environment of the area and surrounding properties. With the growth of Beaufort, there is a continued need for quality storage options in the area.



MEMORANDUM

TO: Beaufort County Planning Commission

FROM: Robert Merchant, AICP, Beaufort County Planning and Zoning Department

DATE: May 23, 2023

SUBJECT: Zoning Map Amendment/Rezoning Request for 502 acres (R300-012-000-0001-0000, R300-012-000-0254-0000, R300-007-000-0002-0000, R300-012-000-0255-0000, and R300-012-000-0256-0000) Located at 288 Dulamo Road to be Removed from the Cultural Protection Overlay (CPO) Boundary

STAFF REPORT:

A. BACKGROUND:

Case No.	CDPA-000030-2023
Owner/Applicant:	Elvio Tropeano
Property Location:	Located at 288 Dulamo Road on St. Helena Island in northern Beaufort County
District/Map/Parcel:	R300-012-000-0001-0000, R300-012-000-0254-0000, R300-007-000-0002-0000, R300-012-000-0255-0000, and R300-012-000-0256-0000
Property Size:	502 acres
Current Future Land Use Designation:	Rural
Current Zoning District:	T2 Rural with the Cultural Protection Overlay (CPO) Zone
Proposed Zoning District:	T2 Rural without the Cultural Protection Overlay (CPO) District

B. SUMMARY OF REQUEST: The applicant is requesting to remove the five parcels that make up Pine Island from the Cultural Protection Overlay (CPO) District.

C. EXISTING ZONING: Pine Island is currently zoned T2 Rural (T2R), which permits residential development at a density of one dwelling unit per 3 acres. T2 Rural also permits very limited non-residential uses. The Rural (T2R) Zone is intended to preserve the rural character of Beaufort County. This Zone applies to areas that consist of sparsely settled lands in an open or cultivated state. It may include large lot residential, farms where animals are raised or crops are grown, parks, woodland, grasslands, trails, and open space areas.

Pine Island also falls within the Cultural Protection Overlay (CPO) Zone. Overlay Zones impose a set of requirements or relax a set of requirements imposed by the underlying zoning district when there is a special public interest in a particular geographic area that does not coincide with the underlying zone boundaries. Specifically, the CPO restricts franchise architecture and prohibits restricted access (gated) communities, resorts, and golf courses which were deemed to be incompatible with cultural protection.

D. CULTURAL PROTECTION OVERLAY (CPO) ZONE: The Cultural Protection Overlay (CPO) Zone has been established land use policy in Beaufort County since 1999. The CPO was originally adopted on April 26, 1999, when the County adopted its Zoning and Development Standards Ordinance following an extensive community process. The stated purpose of the district was to “provide opportunities to protect natural and/or cultural resources found on St. Helena Island.” The purpose statement goes on to say the following:

“Although, the intent of the CPO district is to protect St. Helena and the Gullah culture from encroaching development pressures, growth is not discouraged. However, the quality and rate of growth is of concern in these areas. Rapid in-migration would substantially alter the traditional social and cultural character of this area, as new residents represent different values and customs. The gentrification of the island would result in greater demand for urban services and eventually to the urbanization of the island. This can be particularly acute on St. Helena where maintaining the traditional lifestyle becomes cost prohibitive because of the value of land of development”

The CPO was referenced in the 2010 Beaufort County Comprehensive Plan stating that staff should “continue to enforce the Cultural Preservation Overlay” and “determine if additional policies and regulations are needed for the overlay to better implement its purpose.”

In 2014, the CPO was retained as policy and incorporated into the Community Development Code (CDC).

On November 8, 2021, County Council adopted the 2040 Comprehensive Plan which further upheld the CPO as policy recommending the following:

“Reevaluate the CPO District by assessing whether additional land use restrictions are necessary to meet the intent of the district. Consider the addition of specific design standards that reinforce historic Gullah/Geechee development patterns and character.

Include diverse representation on the steering committee that may be formed to guide the process. Ensure public input from all segments of the community.”

Following this recommendation from 2040 Comprehensive Plan, County Council appointed the Cultural Protection Overlay District Committee on November 14, 2022. The CPO Committee was given further direction by the Community Services and Land Use Committee on January 9, 2023 to study the existing CPO ordinance with the County’s legal department and with other outside entities of the Committee’s choosing to suggest revisions that can be added to reinforce the Overlay’s purpose and to improve the protection it provides to St. Helena and the surrounding islands. As a result of this direction, the CPO Committee met four times in early 2023 focusing on the purpose statement and definitions and evaluated the language of the CPO in its entirety. On March 21, 2023, the CPO Committee voted unanimously to recommend to County Council amendments to the CPO. These amendments were adopted by County Council on May 8, 2023.

E. CULTURAL PROTECTION OVERLAY (CPO) ZONE BOUNDARIES: The boundaries of the CPO apply to all of St. Helena Island with the exception of Fripp, Harbor, Hunting, Dataw Islands and the unbridged barrier islands including Pritchard, Capers, St. Phillips and Bay Point Islands. The applicability statement in the original CPO (1999) states that “the CPO District requirements apply to new uses; it is not the intent of this section to create nonconforming use of existing uses. Subdivisions, PUDs and other developments approved prior to the adoption of the 1999 Zoning Development Standards Ordinance (ZDSO) are exempt from the requirements of this section.” In 1999, Fripp, Harbor and Dataw Islands had well established development patterns and were excluded from the CPO to avoid rendering these communities nonconforming. The originally established boundary of the CPO remained unchanged when the CPO was adopted as part of the Community Development Code in 2014.

F. ANALYSIS: Section 7.3.40 of the Community Development Code states that a zoning map amendment may be approved if the proposed amendment meets the following criteria:

1. *Is consistent with and furthers the goals and policies of the Comprehensive Plan and the purposes of this Development Code.*

As stated above, the 2040 Comprehensive Plan places great value in protecting the natural and cultural resources of St. Helena Island. The Plan recognizes challenges facing St. Helena Island and devotes an entire “Spotlight” section to the island. The Plan provides that “Beaufort County’s Gullah/Geechee community makes evident that the region’s cultural resources are not just the historic sites, waterways, sacred grounds, farmlands, open spaces, hunting grounds, and the land on which traditional events have occurred. The most important cultural resource is the people themselves.” The Plan further observes that “the primary threat to the long-term viability of Beaufort County’s Gullah/Geechee communities is land development. Implementing land use policies that

concentrate growth in urban areas and protect rural land from suburban development are the most important actions the County can take to protect its unique Gullah/Geechee heritage.” As both a strategy and an action, the Plan calls for County Council to “reevaluate the CPO District by assessing whether additional land use restrictions are necessary to meet the intent of the district.”

Upon guidance of the 2040 Comprehensive Plan and the CPO Committee, the purpose statement of the CPO, as amended by County Council on May 8, 2023 provides greater emphasis to the threats facing St. Helena Island’s natural and cultural environment stating the following:

“large-scale, rapid, and/or suburban growth, such as gated, master planned communities, golf courses and resort destinations, conflicts with the Island’s character and presents the greatest threat to the character and stability of the Island community. Rapid suburban growth would not only change the character of the area and threaten the natural, cultural and historic qualities of St. Helena, it would likely bring with it disproportionate and unsustainable short and long-term demands for urban services and infrastructure and eventually lead to urbanization or suburbanization of the Island, the loss of natural qualities which have sustained generations of islanders and which has resulted in the culture and history of the Island. Therefore, the Cultural Protection Overlay District is designed to complement the underlying zoning districts on St. Helena Island by limiting large-scale development such as large master planned communities and resort destinations, that would substantially alter the rural character and natural landscape, would generate high traffic volume, and/or would otherwise be incompatible with the culture of St. Helena Island.”

It is clearly established that the location and extent of the CPO boundaries were purposefully delineated to support and implement the Comprehensive Plan and the purpose statement of the CPO. To move the boundaries for the purpose of excluding certain parcels erodes the effectiveness of the CPO by allowing the very uses that have been identified as posing the greatest threat to the character and stability of the island community. The magnitude of the proposed rezoning (502 acres) only increases the potential impact of this rezoning.

2. *Is not in conflict with any provision of this Development Code, or the Code of Ordinances.*

Upon guidance of the 2040 Comprehensive Plan and the CPO Committee, the purpose statement of the CPO, as amended by County Council on May 8, 2023 provides greater emphasis to the threats facing St. Helena Island’s natural and cultural environment stating the following:

“large-scale, rapid, and/or suburban growth, such as gated, master planned communities, golf courses and resort destinations, conflicts with the Island’s character and presents the greatest threat to the character and stability of the Island community. Rapid suburban growth would not only change the character of the area and threaten the natural, cultural and historic qualities of St. Helena, it would likely bring with it disproportionate and unsustainable short and long-term demands for urban services and infrastructure and eventually lead to urbanization or suburbanization of the Island, the loss of natural qualities which have sustained generations of islanders and which has resulted in the culture and history of the Island. Therefore, the Cultural Protection Overlay District is designed to complement the underlying zoning districts on St. Helena Island by limiting large-scale development such as large master planned communities and resort destinations, that would substantially alter the rural character and natural landscape, would generate high traffic volume, and/or would otherwise be incompatible with the culture of St. Helena Island.”

It is clearly established that the location and extent of the CPO boundaries were purposefully delineated to support and implement the Comprehensive Plan and the purpose statement of the CPO. To move the boundaries for the purpose of excluding certain parcels erodes the effectiveness of the CPO by allowing the very uses that have been identified as posing the greatest threat to the character and stability of the island community. The magnitude of the proposed rezoning (502 acres) only increases the potential impact of this rezoning.

3. *Addresses a demonstrated community need.*

This proposed rezoning does not address any known community need in the Cultural Protection Overlay Zone of St. Helena Island.

4. *Is required by changing conditions.*

There are no known changing conditions to require this rezoning.

5. *Is compatible with existing and proposed uses surrounding the land subject to the application and is the appropriate zone and uses for the land.*

Moving the boundaries of the CPO would introduce land uses to St. Helena Island which have been identified as posing the greatest threat to the character and stability of the island community.

6. *Would not adversely impact nearby lands.*

Moving the boundaries of the CPO would introduce land uses to St. Helena Island which have been identified as posing the greatest threat to the character and stability of the island community.

7. *Would result in a logical and orderly development pattern.*

Moving the boundaries of the CPO would introduce land uses to St. Helena Island which have been identified as posing the greatest threat to the character and stability of the island community.

8. *Would not result in adverse impacts on the natural environment – including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

Any future development would need to meet the County’s natural resources protection and stormwater requirements regardless of the zoning of the property.

9. *Would result in development that is adequately served by public facilities (e.g. streets, potable water, sewerage, storm water management, solid waste collection and disposal, schools, parks, police, and fire and emergency facilities)*

There is not enough information to fully determine whether the development would be served by public facilities. Development is in proximity to public water (BJWSA). The site is served by Dulamo Road, a paved 2-lane state road approximately 1.9 miles from US 21 (Sea Island Parkway).

I. STAFF RECOMMENDATION:

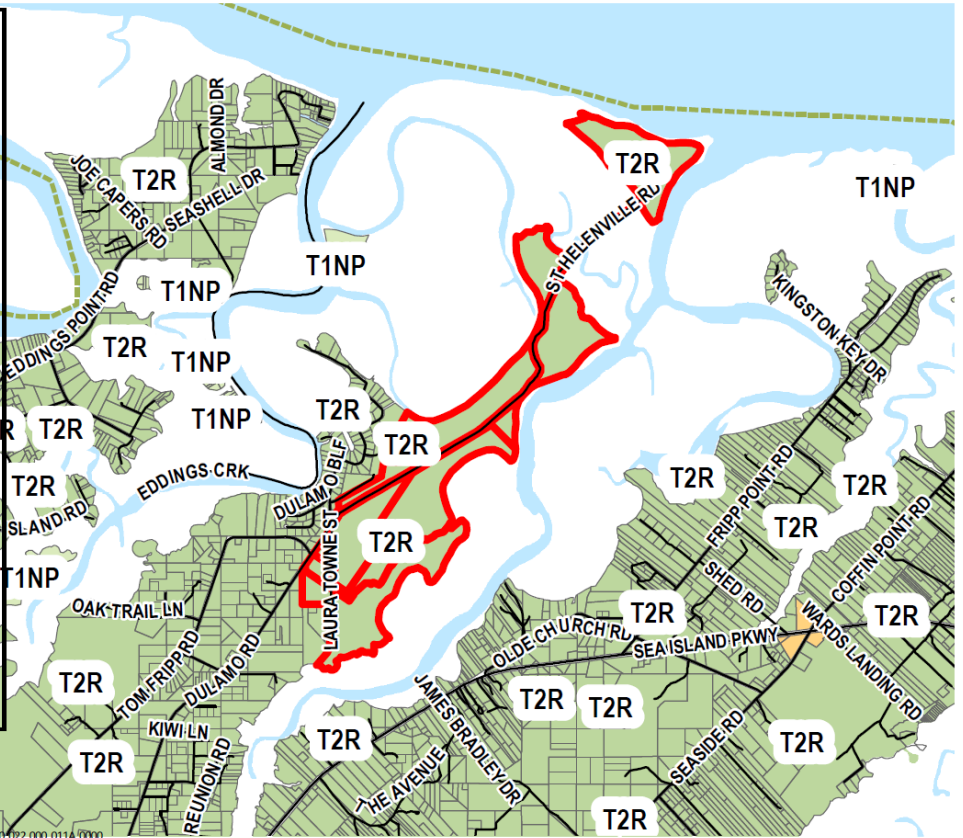
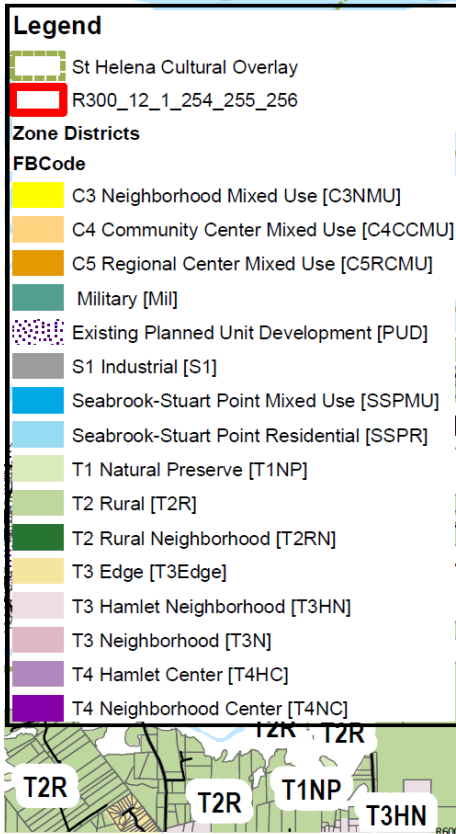
Staff recommends denial of the proposed zoning amendment. The location and extent of the CPO boundaries were purposefully delineated to support and implement the Comprehensive Plan and the purpose statement of the CPO. To move the boundaries for the purpose of excluding certain parcels erodes the effectiveness of the CPO by allowing the very uses that have been identified as posing the greatest threat to the character and stability of the island community.

In sum, the proposed rezoning is inconsistent with and seeks to defeat the goals and policies of the Comprehensive Plan and the purposes of the Development Code; is in direct conflict with provisions of the Development Code; is in direct conflict with the demonstrated needs of the community which led to the creation of the CPO; is not required by changing conditions; is incompatible with existing and proposed uses surrounding the land and is not an appropriate zone or use for the land; is likely to adversely impact nearby lands; will conflict with anticipated logical and orderly development patterns; will likely have an adverse impact on the natural environment; will likely result in increased strain and stress on public facilities.

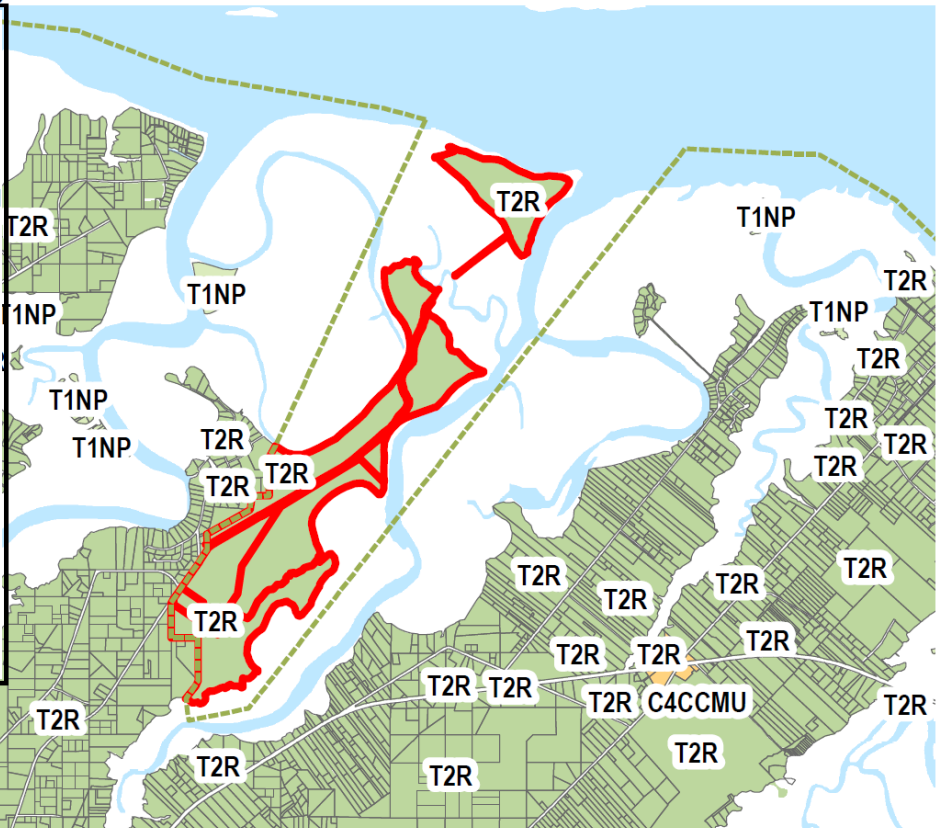
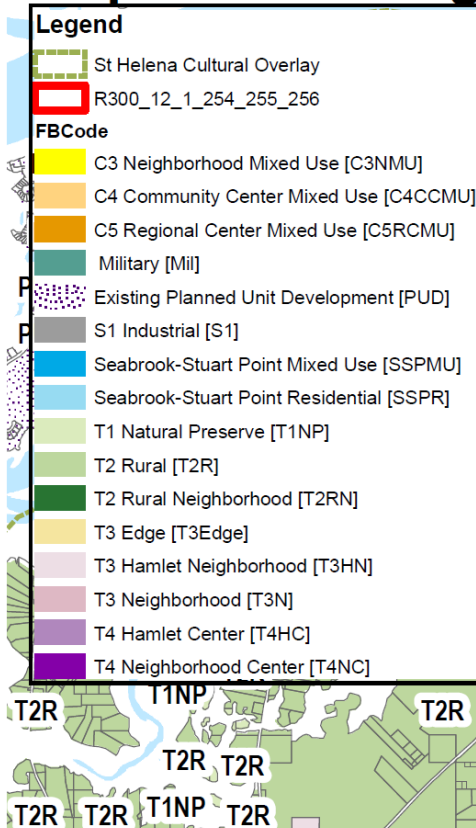
J. ATTACHMENTS

- Zoning Map (existing and proposed)
- Application
- Cultural Protection Overlay Zone – Article 3, Subsection 3.4, Section 3.4.50 as amended on May 8, 2023.
- Envision Beaufort County 2040 Comprehensive Plan - incorporated by reference

Existing Zoning



Proposed Zoning



BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CDC)
ZONING MAP OR TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION


TO: Beaufort County Council

The undersigned hereby respectfully requests that the Beaufort County Community Development Code (CDC) be amended as described below:

- This is a request for a change in the (check as appropriate): PUD Master Plan Change
 Zoning Map Designation/Rezoning Community Development Code Text
- Give exact information to locate the property for which you propose a change:
Tax District Number: _____, Tax Map Number: _____, Parcel Number(s): _____
Size of subject property: _____ Square Feet / Acres (circle one)
Location: Multiple parcels, see Schedule 1.
- How is this property presently zoned? (Check as appropriate)
 T4NC Neighborhood Center T2RC Rural Center C3 Neighborhood Mixed Use
 T4HC Hamlet Center T2RN Rural Neighborhood C4 Community Center Mixed Use
 T4HCO Hamlet Center T2RNO Rural Neighborhood Open C5 Regional Center Mixed Use
 T4VC Village Center T2R Rural S1 Industrial
 T3N Neighborhood T1 Natural Preserve Planned Unit Development/PUD
 T3HN Hamlet Neighborhood Community Preservation (name) _____
 T3E Edge (specify) _____
- What new zoning do you propose for this property? Removal from Cultural Protection Overlay and return to
(Under Item 9 explain the reason(s) for your rezoning request.) base zoning (T2R). See Schedule 2.
- Do you own all of the property proposed for this zoning change? Yes No
Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent of the business must attach: 1- a copy of the power of attorney that gives him the authority to sign for the business, and 2- a copy of the articles of incorporation that lists the names of all the owners of the business. See Schedule 3
- If this request involves a proposed change in the Community Development Code text, the section(s) affected are: NA
(Under Item 9 explain the proposed text change and reasons for the change.)
- Is this property subject to an Overlay District? Check those which may apply:
 MCAS-AO Airport Overlay District/MCAS MD Military Overlay District
 BC-AO Airport Overlay District/Beaufort County RQ River Quality Overlay District
 CPO Cultural Protection TDR Transfer of Development Rights
 CFV Commercial Fishing Village
- The following sections of the Community Development Code (CDC) (see attached sheets) should be addressed by the applicant and attached to this application form:
 - Division 7.3.20 and 7.3.30, Comprehensive Plan Amendments and Text Amendments.
 - Division 7.3.40, Zoning map amendments (rezoning).
 - Division 1.6.60, Planned Unit Developments (PUDs) Approved Prior to Dec. 8, 2014
 - Division 6.3, Traffic Impact Analysis (for PUDs)

9. Explanation (continue on separate sheet if needed): See Schedule 2, Zoning Map Amendment Narrative.

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 of Owner (see Item 5 on page 1 of 2) _____ Date 05/11/23
Printed Name: Elvio Tropeano Telephone Number: 339-222-8126
Address: PO Box 1507, St Helena Island, SC 29920
Email: et@pineislandgc.com

Agent (Name/Address/Phone/email): same as above.

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.

SUBMISSION OF APPLICATION. ALL APPLICATIONS SHALL BE SUBMITTED TO THE APPROPRIATE COUNTY DEPARTMENT. NO APPLICATION WILL BE ACCEPTED UNLESS ACCOMPANIED BY THE REQUIRED FEE. APPLICATIONS RECEIVED BEFORE 12:00 P.M. SHALL BE DATED THE SAME WORKING DAY. APPLICATIONS RECEIVED AFTER 12:00 P.M. SHALL BE DATED THE NEXT WORKING DAY.

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 DIV. 7.4.50 OF THE COMMUNITY DEVELOPMENT CODE.

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:

Receipt No. for Application Fee:

BEAUFORT COUNTY, SC
PROPOSED COMMUNITY DEVELOPMENT CODE (CDC)
ZONING MAP OR TEXT AMENDMENT / PUD MASTER PLAN CHANGE APPLICATION

APPLICATION PROCESS

Your application will be heard by the following groups before final determination by County Council occurs (approximately five separate hearings for text amendments; approximately five to six for map amendments, depending on the property location) as indicated below:

1. **Metropolitan Planning Commission** (a subcommittee of the County Planning Commission -- for properties on Port Royal Island including Burton, Grays Hill, Seabrook, and Shell Point areas; and Lady's Island, including Coosaw Island—map amendment only): Generally Third (3rd) Monday of each month, at 5:30 p.m. in the Beaufort City Hall Council Chambers, 1911 Boundary Street, Beaufort, SC 29902.
2. **The Beaufort County Planning Commission:** First (1st) Monday of each month, at 6:00 p.m. in the County Council Chambers, Administration Building, 100 Ribaut Road, Beaufort, SC. If the first Monday is a County holiday or a County Council meeting day, the meeting will be held on the first Thursday of the month.
3. **Natural Resources Committee of Beaufort County Council:** generally Third (3rd) Monday of each month, usually at 2:00 p.m. in the Executive Conference Room, Administration Building, 100 Ribaut Road, Beaufort, SC.
- 4-6. **County Council:** Second (2nd) and Fourth (4th) Mondays of each month, at 4:00 p.m. usually in the County Council Chambers, Administration Building, 100 Ribaut Road, Beaufort, SC.
 - a. First (1st) Reading
 - b. Second (2nd) Reading
 - c. Third (3rd) and Final Reading (Public Hearing generally prior to final reading)

NOTE: Occasionally meeting locations, dates and times may be changed. Before attending the above listed meetings, please confirm with the Planning Office (phone 843-255-2140) or check the County website at www.bcgov.net (click on "View Full Calendar" on the far right of the home page screen).

Schedule 1

BEAUFORT COUNTY ZONING MAP AMENDMENT APPLICATION

PROPERTY IDENTIFICATION:

In response to question 2 on the Zoning Map Amendment Application form provided by Beaufort County in accordance with the Beaufort County Community Development Code, the exact information for the property for which the applicant proposes a change is as follows (the parcels identified below are collectively, for the purposes of this Zoning Map Amendment Application, the "Property"):

Parcel 1:

TMP: R300-012-000-0001-0000

Size of property: approximately 119 acres

Location: St. Helena Island, Beaufort County, South Carolina

Parcel 2:

TMP: R300-012-000-0254-0000

Size of property: approximately 127 acres

Location: St. Helena Island, Beaufort County, South Carolina

Parcel 3: Island

TMP: R300-007-000-0002-0000

Size of property: approximately 77 acres

Location: St. Helena Island, Beaufort County, South Carolina

Parcel 4:

TMP: R300-012-000-0255-0000

Size of property: approximately 115 acres

Location: St. Helena Island, Beaufort County, South Carolina

Parcel 5:

TMP: R300-012-000-0256-0000

Size of property: approximately 64 acres

Location: St. Helena Island, Beaufort County, South Carolina

Schedule 2

BEAUFORT COUNTY ZONING MAP AMENDMENT APPLICATION NARRATIVE FOR PINE ISLAND

The property owner (the “Owner”) is requesting a Zoning Map Amendment to remove the Property (defined in Schedule 1 of the Zoning Map Amendment Application) from the Cultural Protection Overlay (the “CPO”) boundary to return the subject properties to the current base zoning for each property, which is T2R, or the Rural Zone, which is intended to preserve the rural character of Beaufort County and applies to areas that consist of sparsely settled lands in an open or cultivated state. The T2R Zone implements the Comprehensive Plan goals of preserving the rural character of portions of Beaufort County.

This Zoning Map Amendment was originally submitted on November 29, 2022. A pre-application conference for this Zoning Map Amendment was held by Beaufort County Planning and Zoning Staff (“Staff”) on November 16, 2022 (a copy of the Agenda is attached hereto as **Exhibit “A”**). At the pre-application conference, the Owner and Staff discussed the Property and the Property’s historic and uninterrupted use as a recreation destination and how the Cultural Protection Overlay (the “CPO”), within which the Property is located, does not provide a method or avenue to address variances or non-conforming uses such as the historic and uninterrupted use of the Property. At the pre-application conference, the Owner was instructed to submit the Zoning Map Amendment to remove the Property from the CPO. As stated above, the Zoning Map Amendment was submitted and accepted by Beaufort County as complete on November 29, 2022.

Within hours of the Zoning Map Amendment being submitted and accepted, the Owner was notified by Beaufort County that all action on the package would be deferred until a Staff proposed text amendment was reviewed by County Council. The Staff proposed text amendment to the text of the CPO was drafted to provide a public path to remedy the issue regarding modulations for non-conforming uses and hardships within the CPO – similar to other modulations found in other sections of the Community Development Code. The Staff proposed text amendment, which was heard by Planning Commission in January of 2023, provided a path for modulations to the CPO to allow prohibited uses (such as the current and historic use of this Property as a recreation destination) with an approved Development Agreement and a requirement that the development plan enhance and further protect the CPO. The Staff proposed text amendment to the CPO was not recommended for approval by the Planning Commission.

The Community Services and Land Use Committee referred the matter to the CPO Committee in January of 2023. The changes to the proposed text amendment which resulted from recommendations by the CPO Committee created substantive changes to the CPO which make it more restrictive and which do not resolve the issue which County Staff originally set out to correct with the Staff proposed text amendment – providing a public avenue for modulation for non-conforming uses within the CPO zone. Accordingly, this Zoning Map Amendment is being activated as the issue of non-conforming uses remains unresolved and the Property has historically been used as a private, gated recreation destination – all of which are prohibited by the recent changes to the CPO.

I. INTRODUCTION TO REQUEST FOR ZONING MAP AMENDMENT

Attached hereto is an application for a Zoning Map Amendment to the Beaufort County Zoning Map (the “Zoning Map”). This application is being submitted by the Owner because the properties which comprise Pine Island Plantation (“Pine Island” or the “Property”) should be removed from the Cultural Protection Overlay boundary on the Zoning Map, where, the Property has historically been used as a private, gated recreation destination and therefore the Property should not have been included within the CPO boundary (a copy of the proposed amendment to the CPO boundary is attached hereto as **Exhibit “B”**). Other

Schedule 2

properties similar in size and use were not included within the boundary of the CPO (see **Exhibit “C”**). Additionally, exclusive of the CPO, the Beaufort County Community Development Code (the “CDC”) provides extensive and specific guidelines relative to the preservation and protection of historic, cultural and archeological findings, as well as stringent environmental protections. Notably, the CPO does not address how to preserve and protect historic, cultural and archeological findings. Rather, the CPO prohibits destination lodging and associated recreation –both of which have been occurring on the Property since the 1800s and continue to this day. Accordingly, the Property should be excluded from the CPO as a pre-existing, non-conforming use, consistent with other, similar properties in the vicinity.

II. CULTURAL PROTECTION OVERLAY

The CPO was implemented for the long-term protection of culturally significant resources found on St. Helena Island by prohibiting new, specific uses which would alter and restrict access to water and culturally significant locations. (CDC Section 3.4.50). Where the CPO boundary applies, additional use limitations are established for new development, including a prohibition against (i) properties with restricted access; (ii) lodging that serves as a destination point for visitors and is designed with some combination of recreation uses or natural areas; and (iii) golf courses.

These prohibitions are inconsistently applied, because communities like Dataw, a private, gated community containing two 18-hole golf courses, tennis courts, and pool, among other recreation and natural uses were excluded from the boundary of the CPO, and communities such as Bermuda Bluff and Bay Pointe Vistas, private, gated communities containing a clubhouse, community dock, community pool, and tennis court, among other recreation and natural uses are located within the CPO boundary.

III. DISCUSSION

Pine Island should be removed from the CPO District through a Zoning Map Amendment, because (i) the Property has historically been used as a private, gated, recreation destination, (ii) the Property was planned for subdivision into a private, gated, residential community, similar to Dataw and Bermuda Bluff prior to the implementation of the CPO (see **Exhibit “D”**) and (iii) the continuation of these uses does not violate the intent of the CPO District. Pine Island’s use as a private, gated recreation destination for over one hundred years is evidence that the continued use of Pine Island as a recreation destination will not violate the intent of the CPO because the historic and current uses (a) do not alter or restrict current or prior access to water and culturally significant locations, (b) do not affect the rural character of St. Helena Island where the Property is remote and use of the Property is not visible from the nearest public roadway and (c) do not harm the cultural, natural and historic resources of St. Helena, as evidenced by the fact that the Property has been utilized as a private, recreation destination for over 100 years. The following discussion will outline: (A) the Property’s historic and current use; and (B) how a Zoning Map Amendment is the appropriate method to correct this zoning issue, where the CDC does not provide a pathway for modifications for non-conforming properties, such as Pine Island, under the CPO.

A. Pine Island – Historic and Current Uses.

The following summary is intended to provide information regarding the historic use of the property, which is known as Pine Island, located on St. Helena Island, in Beaufort County, South Carolina. A copy of the timeline of ownership is attached hereto as **Exhibit “E”**. The Property is located off Dulamo Road and is comprised of approximately 500 acres abutting Morgan River, Village Creek, and Edding Creek.

The parcels which make up Pine Island Plantation were located within the areas known as the Tombee Plantations, including St. Helenaville Pine Lands, Village Farm Plantation, Marion Chaplin’s Plantation,

Schedule 2

and Thomas James Fripp Plantation. The National Register of Historic Places (the “**Register**”) references two areas located within the Property. One area is known as the Pine Island Plantation Complex, and includes a collection of historic properties which are an example of an early twentieth century hunting plantation used as a retreat for businessmen and professionals from the Northeast. The second area is known as St. Helenaville, and is located on a bluff adjacent to Village Creek. The Register states that much of St. Helenaville was damaged by major storms and has fallen into the adjacent creek. However, the report details that antebellum St. Helenaville was an active summer village and retreat destination with cottages for rent to plantation owners looking to escape inland summer heat. Year-round residents of the village were primarily widows and clergymen as the Property was not suitable for farming or otherwise sustaining a population. According to the Register, “Essentially, St. Helenaville was a summer social center where planters played billiards and cards, and held dinners and dances.”

Since the late 1800s, the Property has been held and used as a recreation destination by various out-of-state property owners. Thomas Lee of New York began purchasing the parcels which would together become Pine Island in the 1890s. Thomas Lee and guests enjoyed visiting the Property often to hunt and relax. In 1904, Lee wrote to his friend, President Theodore Roosevelt, to invite Roosevelt’s son to visit Pine Island for hunting and relaxation, noting good dogs, plenty of quail and wholesome food. Thomas Lee is credited with building the main home and outbuildings located on Pine Island as a lodge for himself and guests during visits.

Eventually, Lee sold the Property to Arthur Elting of New York, who had become familiar with the Property while vacationing there. Elting continued to enjoy occasional visits to the Property for hunting and recreation until his death. Upon his death, the Property was equally divided between Elting’s widow and the Philips Exeter Academy of New Hampshire. Shortly after Elting’s passing, his widow renounced her claim to the Property and the Property was thereafter held solely by Phillips Exeter Academy until 1949, when it was sold to Theodora Ayer Randolph of New York. Randolph was an avid hunter and noted equestrian. While she held the Property only a short time, she retained the right to visit and hunt the Property until her death in the late 1990s.

In 1951, Randolph transferred the property to Robert and Frances Johnson of New York. The Johnsons held the Property until 1960, when it was sold to the previous owners (the “Hannas”). The Johnsons conveyed the Property to the Hannas with subdivision plans, subdivision surveys, and architectural drawings for homes proposed for the development. The Hannas continued to use the Property as a recreation destination, for timber farming operations, and with the goal of ultimately developing the Property for expanded recreational and residential use. In fact, the Hannas, were unaware that the Property had been included within the CPO boundary until recently when the current Owner began researching the Property.

In November of 2022, prior to purchasing the Property, the current Owner submitted a Zoning Map Amendment to Beaufort County to remove the Property from the CPO zone. County Staff determined to defer review of the Zoning Map Amendment while Staff pursued a text amendment to the CPO to provide an avenue for modulations for non-conforming and/or prohibited uses with an approved Development Agreement which enhanced and further protected the CPO (a copy of the letter to defer review of the application is attached hereto as **Exhibit “F”**). The Owner ultimately purchased the Property in early 2023 and since that time, the zoning laws applicable to the Property have been changed to remove a use which has been permitted for over 24 years, among other significant restrictions. Since purchasing the Property, the Owner has continued to use the Property as a private, gated recreation destination.

Schedule 2

As the foregoing summary indicates, the Property has been continuously used as a private recreation destination and investment property since the late 1800s. The Property's Owner submits this request for a Zoning Map Amendment in order to permit the development and continued use of the Property as such.

B. Zoning Map Amendment.

A Zoning Map Amendment to the Beaufort County Zoning Map to remove the Property from the CPO boundary is appropriate for Pine Island. Adjusting this boundary line via a Zoning Map Amendment will permit the language and goals of the CPO to remain intact— while permitting the Property to continue to be utilized as it has been since the 1800s. Because the Property's use as a private, gated recreation destination pre-dated the implementation of the CPO, and because there are subdivision plans recorded with the Beaufort County Register of Deeds Office which pre-date the implementation of the CPO (see **Exhibit "D"**), the Property should be grandfathered in as a non-conforming property or provided a variance from the standards of the CPO. However, the Beaufort County Community Development Code does not include a procedure for identifying a property as an exempt, non-conforming use under the CPO or a procedure to provide a pathway for modulation from the CPO. Accordingly, a Zoning Map Amendment is the appropriate method, and the only method to correct this oversight and to remove the Property from the CPO boundary.

Under the Beaufort County Community Development Code, in determining whether to adopt a proposed Zone Map Amendment, the County Council is required to weigh the relevance and consider whether and the extent to which a proposed Zoning Map Amendment meets the Zone Map Amendment review standards as outlined in the CDC (CDC Section 7.3.40). Below, each of the nine review standards are stated and answered. In considering the foregoing and the answers below, it is apparent that the included application to amend the Zoning Map should be approved.

1. **Is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of the Development Code. In areas of new development, a finding of consistency with the Comprehensive Plan shall be considered to meet the standards below, unless compelling evidence demonstrates the proposed amendment would threaten the public health, safety, and welfare if the land subject to the amendment is classified to be consistent with the Comprehensive Plan.** The proposed Zoning Map Amendment is consistent with and furthers the goals, and policies of the Comprehensive Plan and the purposes of the Development Code, because the base zoning for this Property is T2R, which is the zone intended to preserve the rural character of Beaufort County. The T2R zone applies to areas that consist of sparsely settled lands in an open or cultivated state and include large lot residential areas, parks and open space areas. As stated in the Community Development Code, the T2 Rural Zone implements the Comprehensive Plan goals of preserving the rural character of portions of Beaufort County. Gross density within the T2R Zone is 0.34 dwelling units per acre or roughly one residential dwelling unit per three acres. Changing the zoning map to remove the Property from the CPO will permit development of the Property and uninterrupted use of the Property in a manner which will preserve and promote cultural, ethnic, and socioeconomic diversity while maintaining the County's attractiveness as a destination to live, work, and vacation, while simultaneously promoting the County's economic well-being. The proposed Zoning Map Amendment does not contradict the Comprehensive Plan's goal of assessing whether additional land use restrictions are necessary to meet the intent of the CPO District, because this Property should be excluded from the boundaries of that district, based on the Property's historic and current use.

Schedule 2

2. **Is not in conflict with any provision of this Development Code, or the Code of Ordinances.** With the approval of a return to the Property's base zoning of T2R, the Property would not conflict with the Development Code or Code of Ordinances because the Property is and has been a non-conforming use prior to the implementation and recent changes to the CPO and therefore should have been excluded as other similarly-situated properties were excluded from the CPO. This Zoning Map Amendment is intended to acknowledge the historic non-conforming use and provide for the continued uninterrupted use of the Property. As outlined in Section I above, the Property has been privately held as a recreation destination since the late 1800s. The Property has been gated and only available to residents and guests since that time. The National Historic Registry states that the area known as St. Helenaville was utilized by plantation owners as a summer resort in the 1800's and that prior to and after the Civil War, the Property was not inhabited for any significant amount of time because the Property's soils were not conducive to farming. Further, in more recent years, shortly before the implementation of the CPO District, a multi-lot residential subdivision plan for the Property was platted and recorded with Beaufort County. Accordingly, the Property, like the community of Dataw and Harbor and Fripp Island, should have been excluded from the boundaries of the CPO District, or, like the community of Bermuda Bluff or Bay Point Vistas, the Property should have been grandfathered in as an exception to the CPO as a non-conforming property which is not held to the standards of the CPO.
3. **Addresses a demonstrated community need.** The stated purpose and intent of the Beaufort County Community Development Code is to guide development in accordance with existing and future needs of the County and its Comprehensive Plan by promoting public health, safety, order, appearance, prosperity, and general welfare of the landowners and residents of the County. More specifically, the purpose and intent includes conservation and protection of the County's natural resources, preservation and protection of historic and cultural resources, promotion of green and sustainable development, promotion of rural development patterns that incorporate compact community form, and encourage economic development. There is a clearly demonstrated need in the community of St. Helena for measures to improve the general welfare and economic opportunities for residents, as well as to provide access to significant cultural resources, such as access to waterways. The proposed Zoning Map Amendment will permit the continued use of the Property as a recreation destination which will provide employment opportunities, conservation of natural resources, preservation and protection of historic resources, and additional revenue and tax base for Beaufort County at large. This will result in providing funds for municipal improvements, incorporating compact community form, encouraging economic development, and providing expanded access to natural and cultural resources.
4. **Is required by changed conditions.** The proposed Zoning Map Amendment is required by changed conditions, because the Property should have been excluded from the boundary of the Cultural Protection Overlay and the Cultural Protection Overlay was recently revised, making the Property's prior and continued use as a recreation destination incompatible with the Cultural Protection Overlay. The CPO boundary covers over 64 square miles which is nearly twice the size of Hilton Head Island, SC. The implementation of the CPO and revisions to the language of the CPO is the changed condition affecting this Property, which has been utilized as a private, gated, recreation destination and investment holding since the late 1800s. The CPO unnecessarily restricts the landowner's use and enjoyment of the Property and limits the landowner's use of the Property to such a degree that the landowner is effectively deprived of continued economically

Schedule 2

reasonable use or value of the Property. By failing to remove the Property from the boundary of the CPO, the landowner will suffer substantial economic impact, as the Property was purchased by the landowner as an investment property with distinct expectations to develop the Property, as evidenced by the subdivision plans and plats which were included in a prior conveyance of the Property. Further, as applied to the Property, the CPO does not substantially advance the stated goal of prohibiting design features which restrict access to water and other culturally significant locations, because such access does not exist on the Property, which is a private, gated property. Additionally, the CDC provides extensive parameters for the protection of any artifacts, historic or other archeological materials which may be found on site through Division 5.10 of the CDC; thus, the application of the CPO to the Property is unnecessary and inappropriate.

5. **Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zone and uses for the land.** Removing the Property from the CPO boundary is compatible with existing and proposed uses surrounding the land subject to the application and is the appropriate zone and use for the land because the base zoning is T2R. The CPO states that within the CPO boundary, the permitted uses shall be limited to the base zoning (T2R) except where additional limitations are established by the CPO. Additionally, removing the Property from the CPO boundary is compatible with existing and proposed uses surrounding the land subject to the application because the adjacent and nearby properties are used for residential and/or recreational purposes. Additionally, as shown in **Exhibit “C”**, the property is located within a few miles of properties that were excluded from the original boundary of the CPO, is nearly identical in size to those properties and has been historically utilized in the same manner. Further, the Property and surrounding land are not identified as high priority on the 5 factors of the Greenprint Plan (Cultural Landscape, Water Quality, Habitat, Resiliency and Connectivity) and the the Property can support limited development at low levels of intensity, conservation-based development and the highest levels of low-impact design and sustainable development practices.
6. **Would not adversely impact nearby lands.** Removing the Property from the CPO boundary will not adversely impact nearby lands, because removing the prohibitions of the CPO does not remove the applicable base zoning, which is consistent with nearby lands. Additionally, any development plans created for the Property must be reviewed and approved by the Beaufort County Planning and Zoning Staff to ensure compliance with the provisions of the Community Development Code.
7. **Would result in a logical and orderly development pattern.** Removing the Property from the CPO will result in a logical and orderly development pattern and would not result in adverse impacts on the natural environment. The Owner intends to thoughtfully design and develop the Property for its highest and best use with low-density design compatible with rural zoning, and responsible land stewardship. All future development scenarios of the Property will be compatible with the future land use designation map and Greenprint Map, which identify this Property as "Developable with Restrictions II," because the Property is not identified as high priority on the 5 factors of the Greenprint Plan (Cultural Landscape, Water Quality, Habitat, Resiliency and Connectivity) and base zoning of T2R supports limited development at low levels of intensity, conservation-based development with the highest levels of Low Impact Design and sustainable development practices

Schedule 2

8. Would not result in adverse impacts on the natural environment—including, but not limited to, water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment. See above answer 7.
9. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities). The property is currently serviced by County Water and Power and the owner has received commitments from public facility operators for future development scenarios. All other public facilities will be assessed and the method of service will be determined at the time of concept plan application review for any future developments.

IV. CONCLUSION

In closing, the application to amend the Beaufort County Zoning Map to remove Pine Island from the boundary of the Cultural Protection Overlay should be approved because the Property has historically been used as a private, gated, recreation destination and, therefore, has not provided public access to water or other culturally significant resources which accesses the CPO is intended to preserve. The Beaufort County Community Development Code has extensive provisions for the preservation and protection of historic, architectural, cultural, and archeological resources, exclusive of and surpassing the CPO's provisions. Thus, any such resources which may be found on this private property would be preserved and protected regardless of the CPO. Further, the prohibitions of the CPO should not apply where the proposed new uses do not alter or restrict current or previous access to water and culturally significant locations, which is the stated goal of the Cultural Protection Overlay. Accordingly, the attached application to amend the Beaufort County Zoning Map to remove Pine Island from the boundary of the Cultural Protection Overlay should be approved.

PINE ISLAND ZONING MAP AMENDMENT NARRATIVE

Exhibits List:

- Exhibit A – November 16, 2022 SRT Agenda**
- Exhibit B - Boundary map for Zoning Map Amendment**
- Exhibit C – Adjacent Properties excluded from CPO**
- Exhibit D – Pine Island Subdivision Plan**
- Exhibit E – Ownership Timeline**
- Exhibit F – Zoning Map Amendment Deferral Letter**

Additional Exhibits

EXHIBIT A



AGENDA STAFF REVIEW TEAM MEETING

Wednesday, November 16, 2022

9:30 A.M.

Executive Conference Room, Room 170

100 Ribaut Road

Beaufort, SC 29902

Contact: 843.255.2171

NOT A PUBLIC MEETING

1. CALL TO ORDER – 9:30 A.M.

2. FRIPP ISLAND – LOT 3 – TARPON BLVD (RIVER BUFFER WAIVER)
(FINAL / FRIPP ISLAND)
(The applicant is requesting a river buffer waiver to encroach closer to the OCRM critical line in order to construct a single-family residence.)

3. ST. HELENA ISLAND – LOTS 49/50 – INGLEWOOD CIR. (RIVER BUFFER WAIVER)
(FINAL / ST. HELENA ISLAND)
(The applicant is requesting a river buffer waiver to encroach closer to the OCRM critical line in order to construct a single-family residence.)

4. COLLETON RIVER – LOT 97 – INVERNESS DRIVE (VIEW CORRIDOR)
(FINAL / BLUFFTON)
(The applicant is requesting to remove trees within the river buffer.)

5. 26 SPARROW NEST POINT – LOT 6020 (VIEW CORRIDOR)
(FINAL / ST. HELENA ISLAND)
(The applicant is requesting to remove trees within the river buffer.)

6. HABERSHAM ISLAND INFRASTRUCTURE DEVELOPMENT
(FINAL / PORT ROYAL ISLAND)
(The applicant is proposing a revised infrastructure plan to accommodate future development of the Habersham Islands area.)

7. GLEASON FARM S/D (PHASE 3)
(CONCEPTUAL / LADYS ISLAND)
(The applicant is proposing a residential subdivision, consisting of 187 lots.)

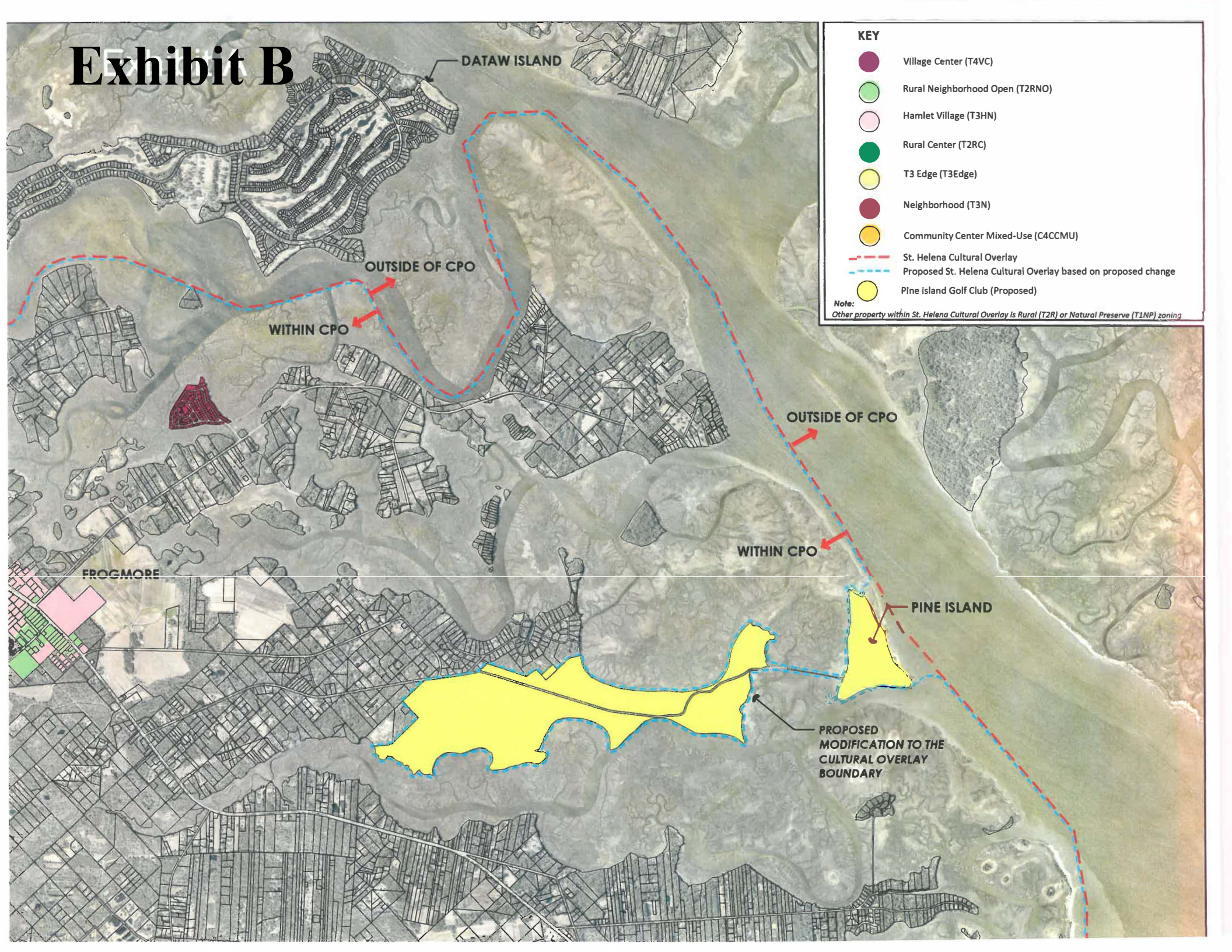
8. ADJOURNMENT

9. PINE ISLAND – ZONING/ TEXT AMENDMENT
(PRE-APPLICATION)



CPO Boundary

Exhibit B



KEY

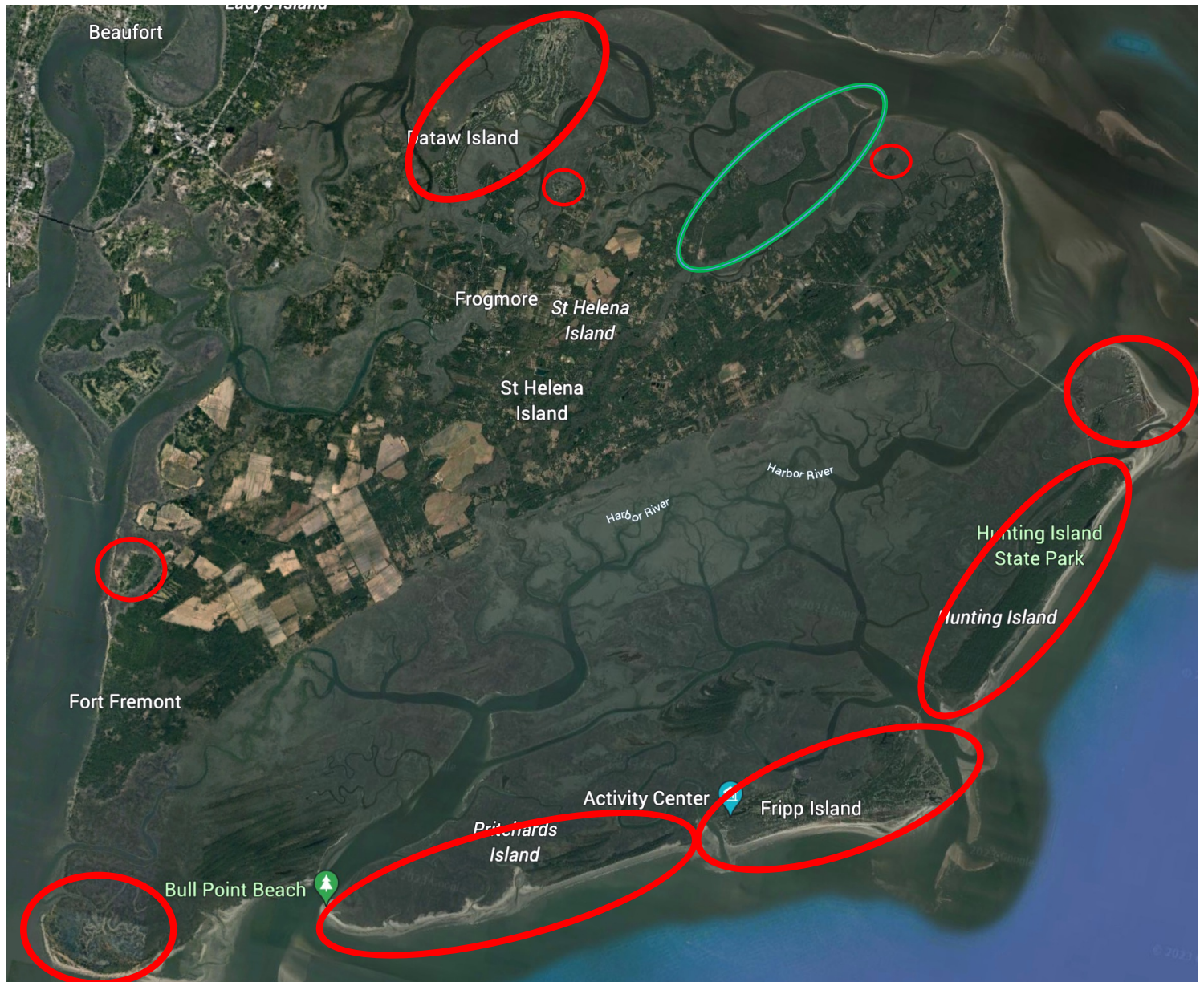
- Village Center (T4VC)
- Rural Neighborhood Open (T2RNO)
- Hamlet Village (T3HN)
- Rural Center (T2RC)
- T3 Edge (T3Edge)
- Neighborhood (T3N)
- Community Center Mixed-Use (C4CCMU)
- St. Helena Cultural Overlay
- Proposed St. Helena Cultural Overlay based on proposed change
- Pine Island Golf Club (Proposed)

Note: Other property within St. Helena Cultural Overlay is Rural (T2R) or Natural Preserve (T1NP) zoning

Surrounding Land Use and Scale

Legend

- - - Excluded/Non-Conforming
- - - Pine Island



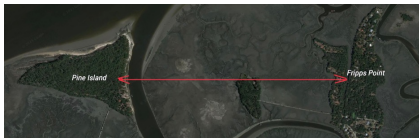
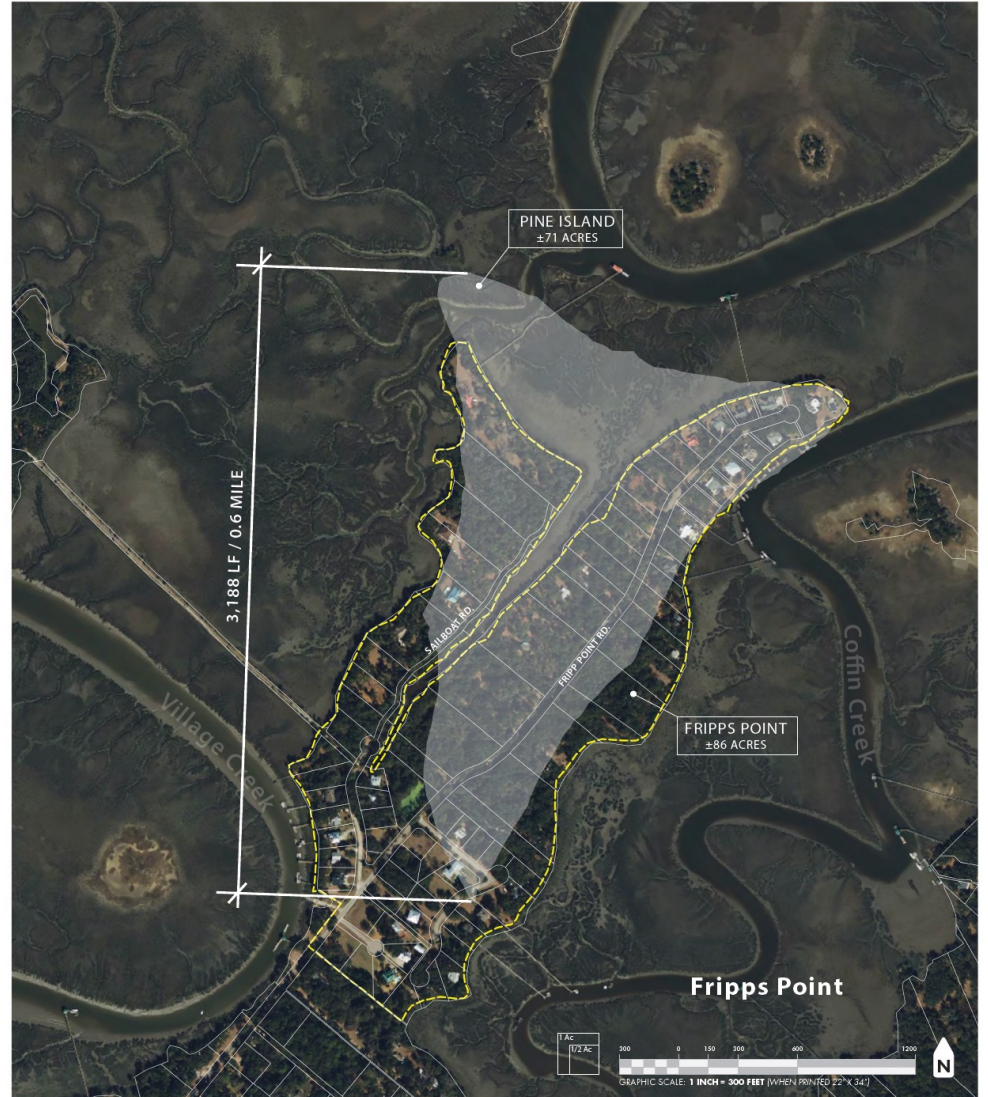
Surrounding Land Use: Scale



Local Land Use Scale – Dulamo Estates



Local Land Use Scale – Fripps Point



1958 Planned Subdivision: *From Beaufort County Register of Deeds*

BEAUFORT COUNTY COUNCIL

ROLL NO.

1038-726

REDUCTION

RATIO

22x

REGISTER OF MESNE
CONVEYANCE

LARGE BOX
FILE

FLOOR PLANS
AND
AS BUILT PLANS

ROLL 1038-726

BEAUFORT COUNTY
MICROGRAPHICS

BEAUFORT COUNTY COUNCIL



COUNTY COUNCIL OF BEAUFORT COUNTY

ARTHUR HORNE COUNTY OFFICE BUILDING
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901 (803) 525-7100

DECLARATION OF INTENT
AND PURPOSE

MARTHA K. BAUMBERGER
CHAIRMAN

RON ATKINSON
VICE CHAIRMAN

COUNCIL MEMBERS

DEKE DeLOACH
DOROTHY P. GNANN
WILLARD W. GREENWOOD
JOSEPH N. KLINE
JOEL MARTIN
WILLIAM L. McBRIDE
JANET SAWYER

MICHAEL G. O'NEILL
COUNTY ADMINISTRATOR

ALICE C. GLAWSON
CLERK TO COUNCIL

I, FLOYD H. DALTON, the records officer or
(NAME)
authorized representative of REGISTER OF MESNE
(Agency or political subdivision

CONVEYANCE do hereby declare that the record series
and Office)

LARGE BOX FILE
(FLOOR PLANS AND AS BUILT PLANS)
microfilmed herein, are actual records of the REGISTER
OF MESNE CONVEYANCE

created during its normal course of business. The destruction
or other disposition of these microphotographed records is only
to be accomplished in accordance with the Code of Laws of South
Carolina, 1976, Title 30, Chapter 1, sections 30-1-10 through
30-1-140 (Public Records) and Code of Laws of South Carolina,
1976; 1981 Cumulative Supplement, Article 9, section 19-5-510
(Uniform Business Records as Evidence Act) and Article II,
section 19-5-610 (Uniform Photographic Copies of Business and
Public Records as Evidence Act) and approved Records Series
Retention/Disposition Schedule or the approved equivalent
and after inspection of the microfilm to assure completeness
of coverage, legibility of content and adherence to technical
quality requirements.

DATE August 18, 1986

Floyd H. Dalton
SIGNATURE

PLACE Beaufort, South Carolina
CITY STATE

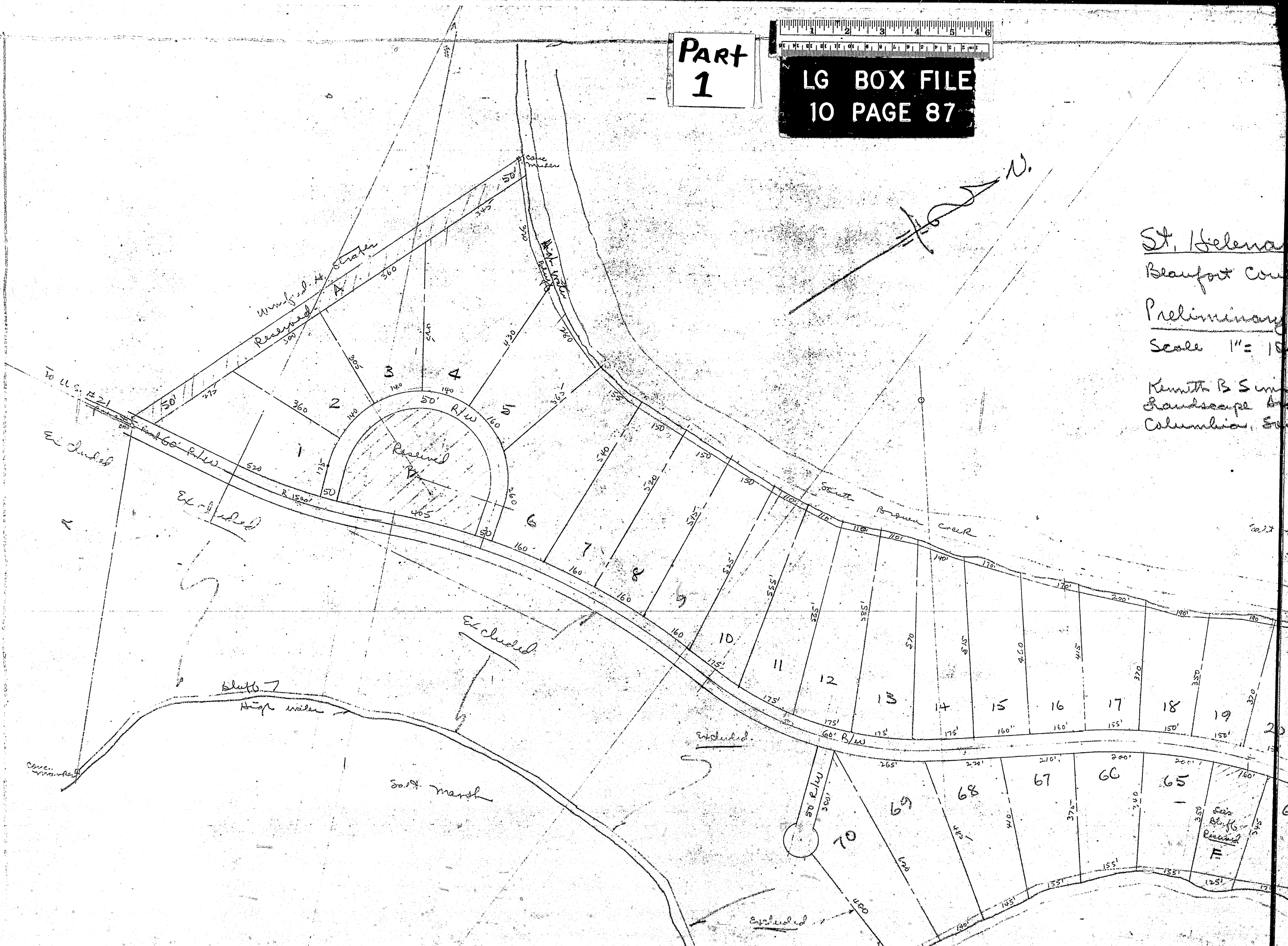
Register of Mesne Conveyance
TITLE

**PART
1**



**LG BOX FILE
10 PAGE 87**

St. Helena
Blanford Co.
Preliminary
Scale 1" = 150'
Kenneth B. Smith
Landscape Arch.
Columbia, S.C.

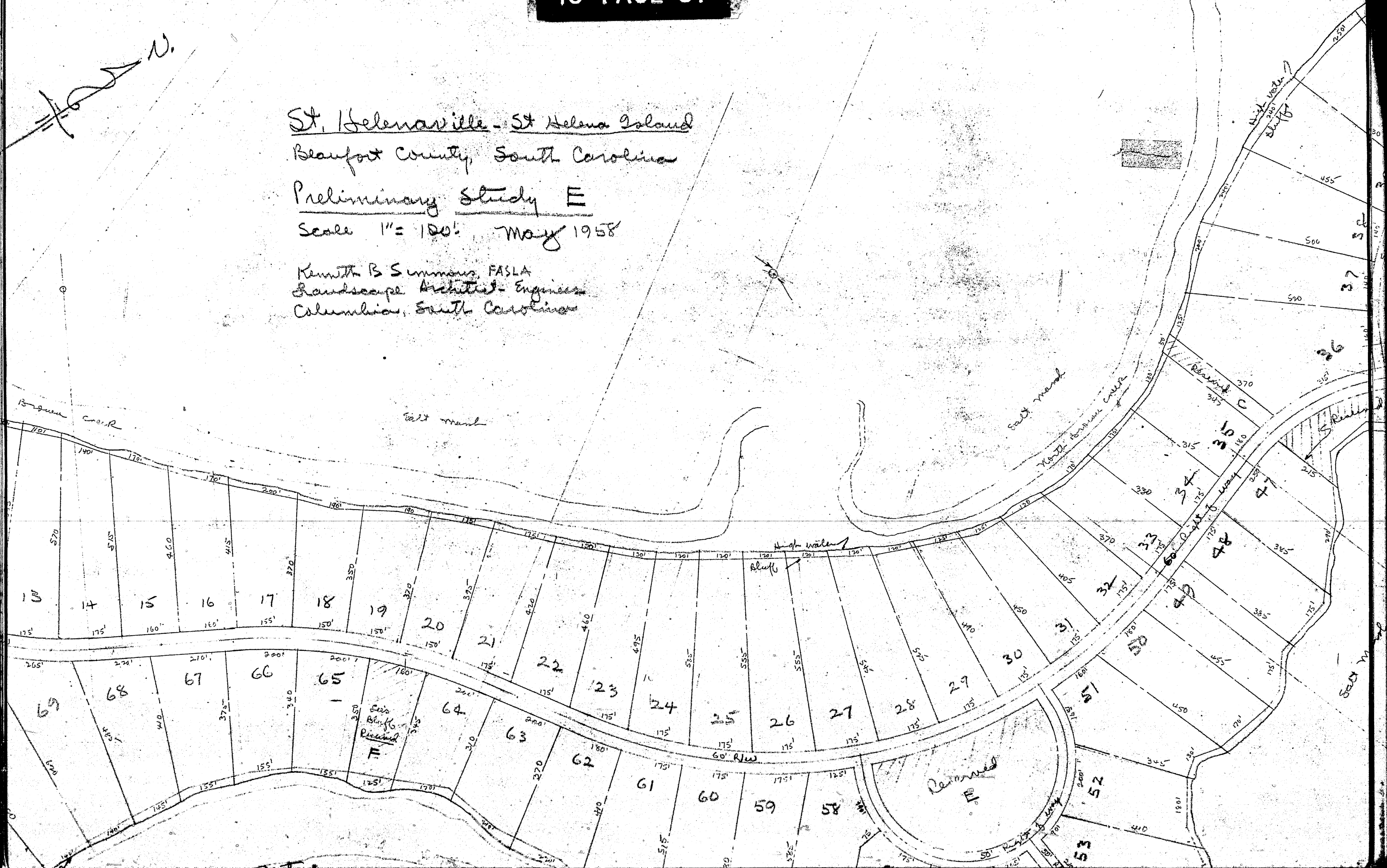


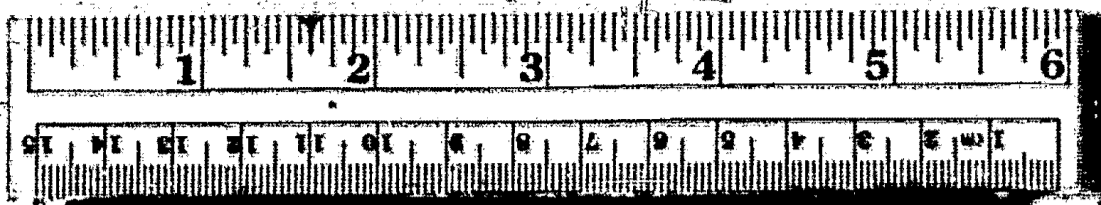
PART
2

LG BOX FILE
10 PAGE 87

St. Helena Island - St Helena Island
Beaufort County, South Carolina
Preliminary Study E
Scale 1" = 100' May 1958

Kenneth B. Simmons, FASLA
Landscape Architect - Engineer
Columbia, South Carolina





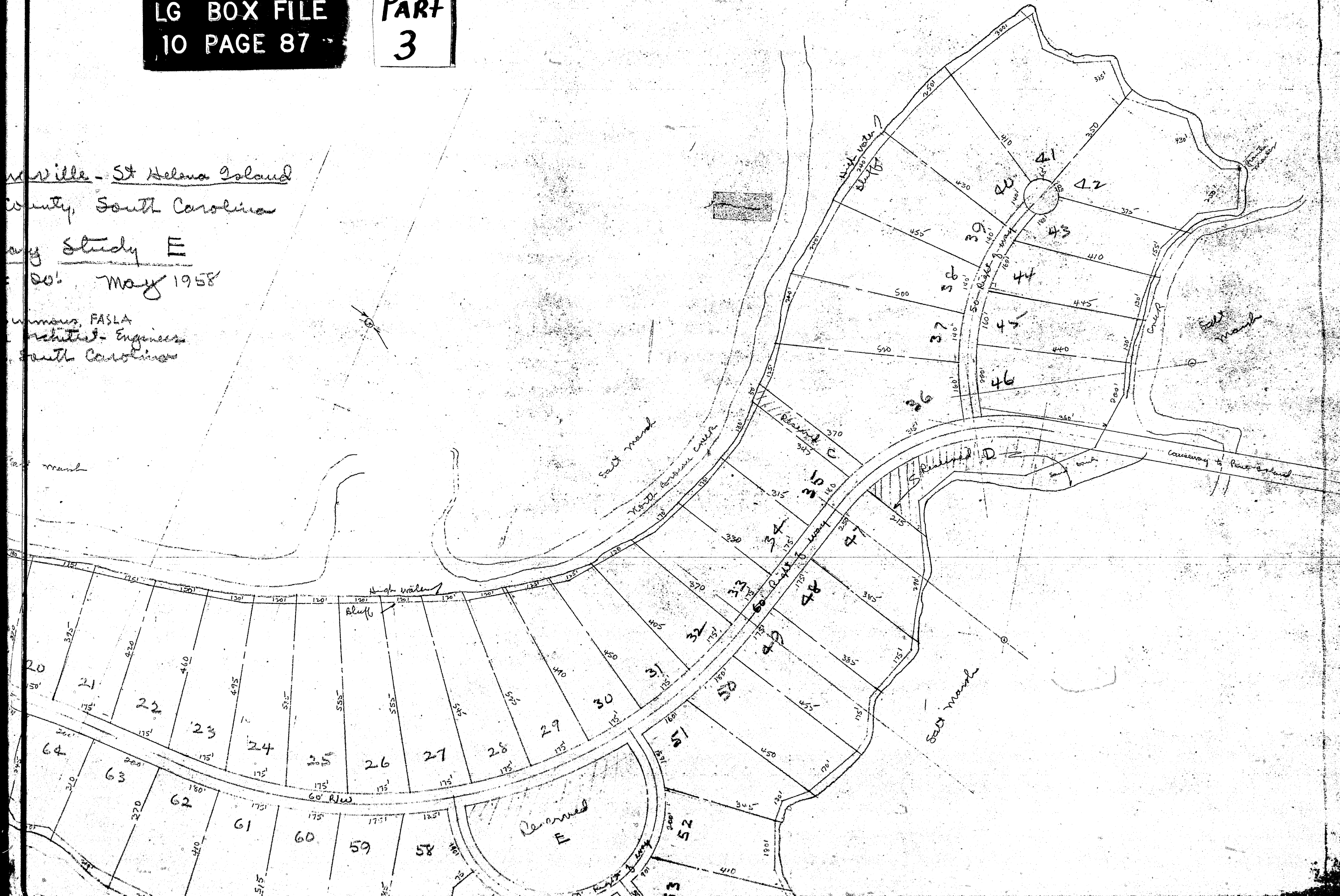
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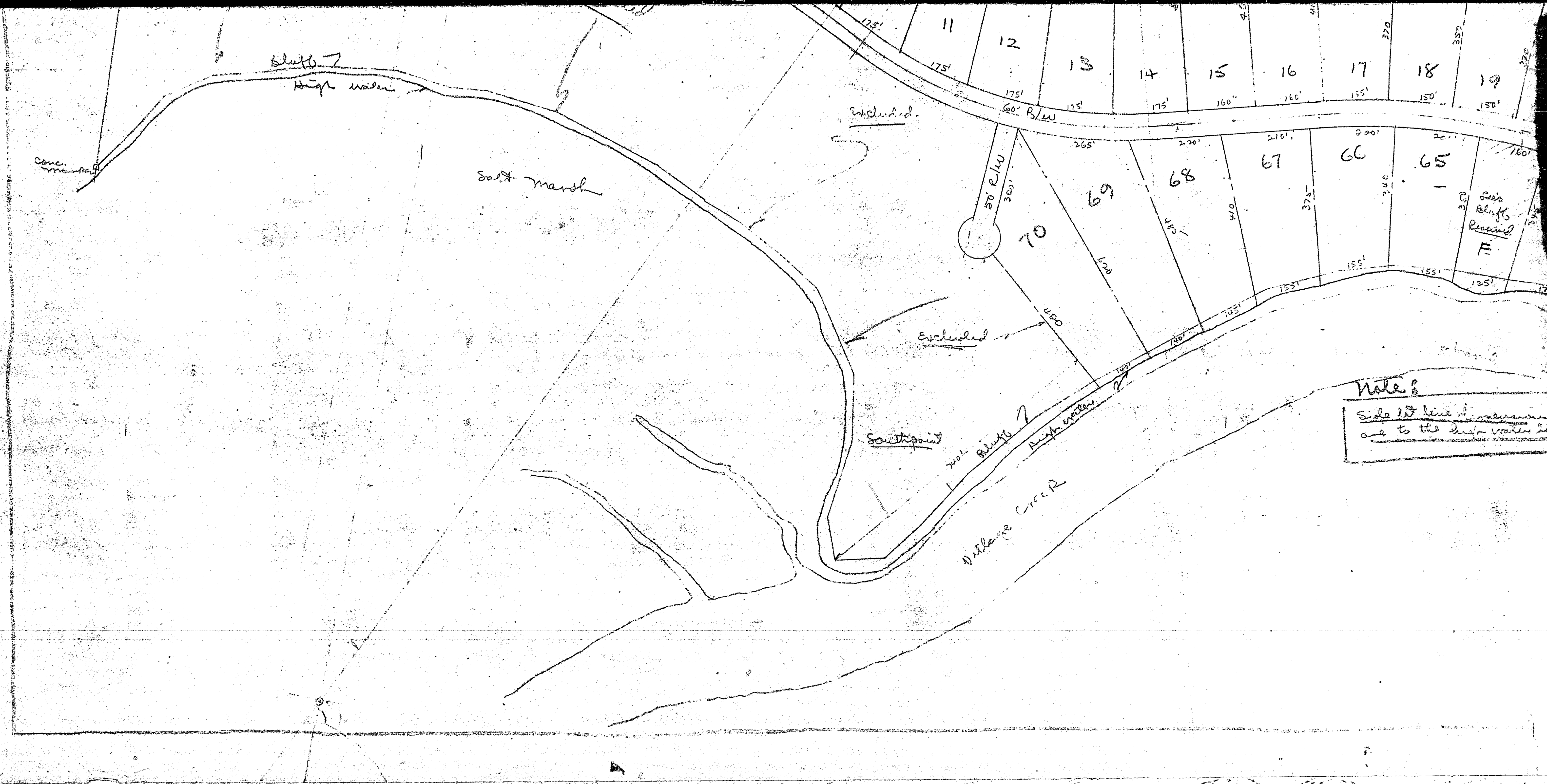
Part
3

Wilmington - St Helena Island
County, South Carolina

Map Study E
Scale: 1" = 100' May 1958

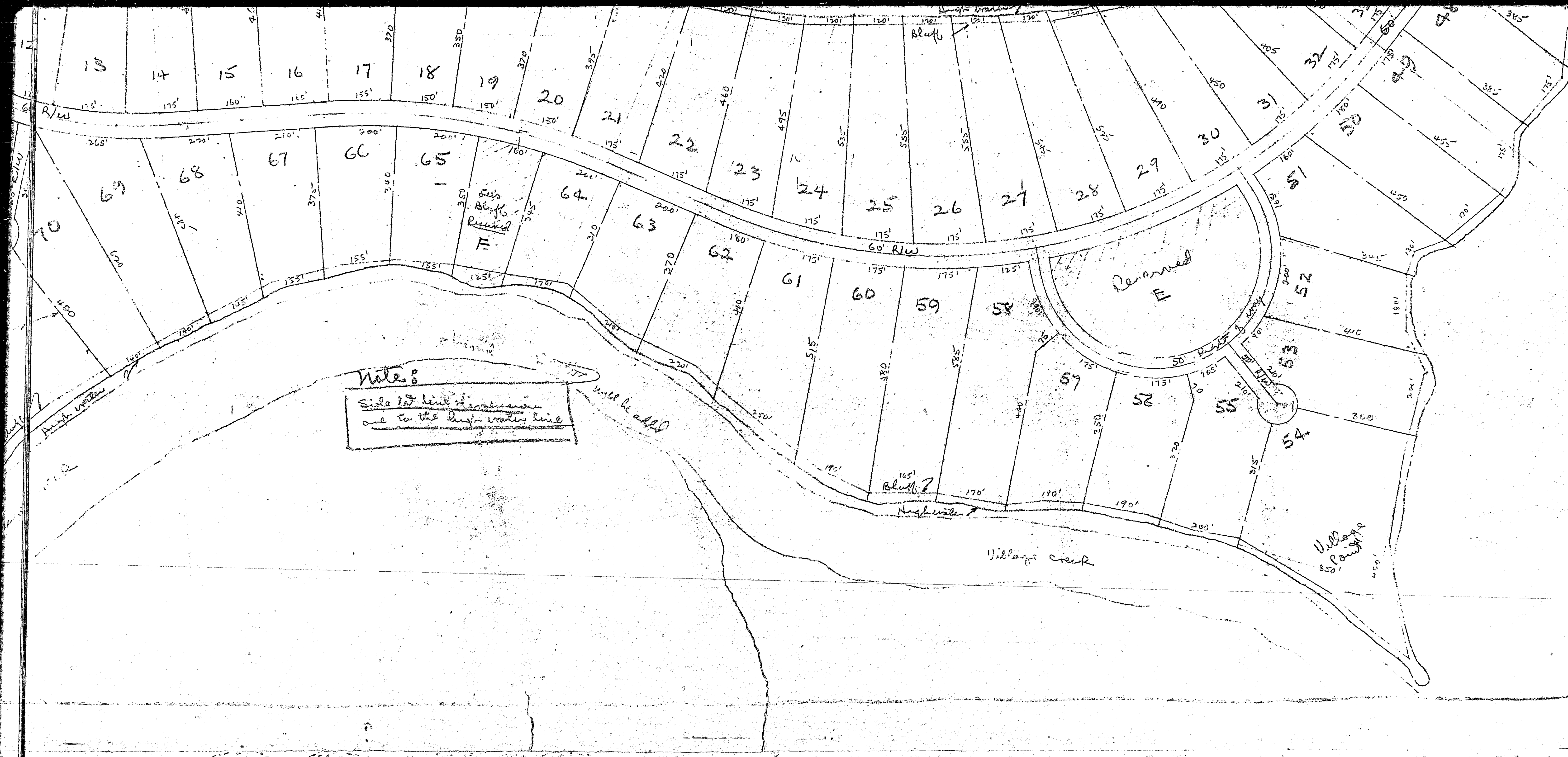
Winthrop FASLA
Architect-Engineers
South Carolina



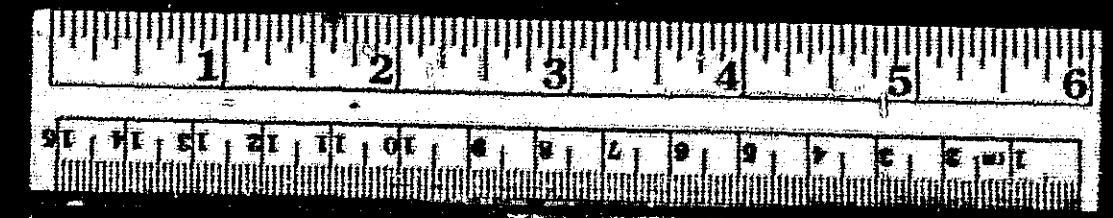


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**PART
4**

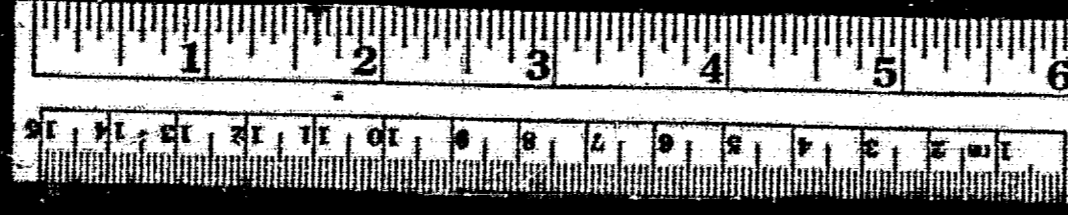
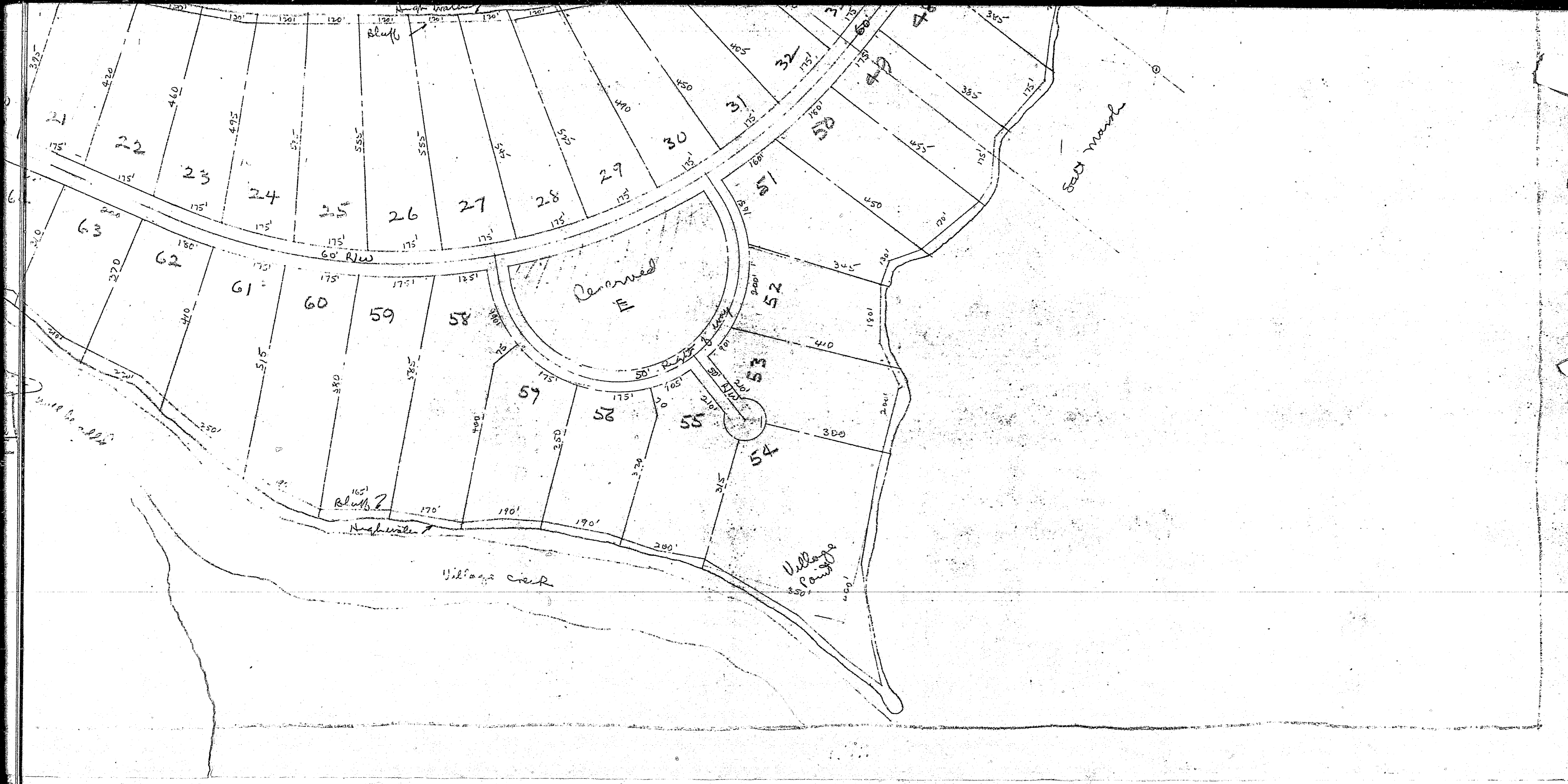


Note:
 Side lot line dimensions
 are to the high water line
 will be added



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 10 PAGE 87

PART
 5



LG BOX FILE
10 PAGE 87

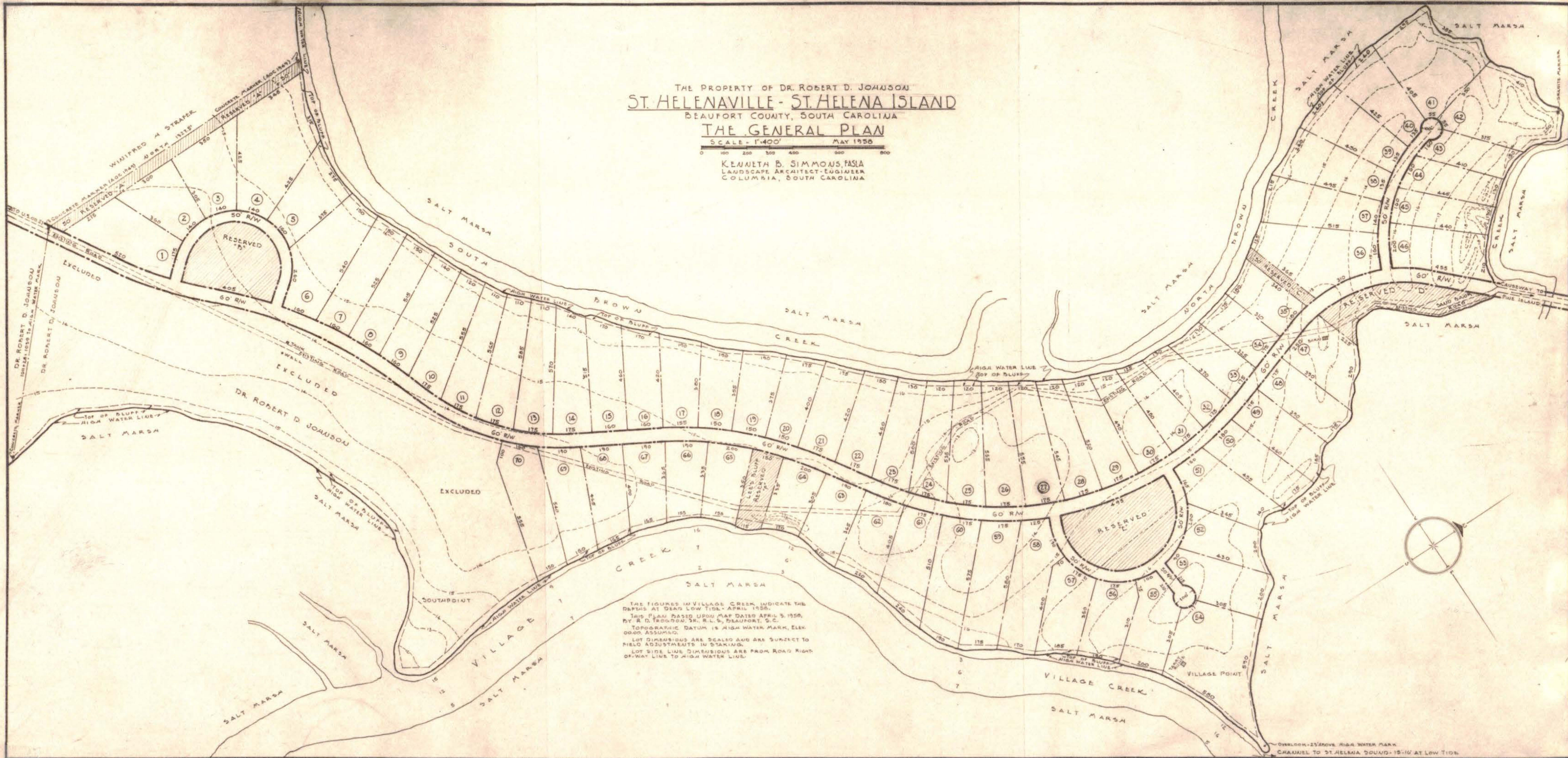
**PART
6**

THE PROPERTY OF DR. ROBERT D. JOHNSON
ST. HELENVILLE - ST. HELENA ISLAND
 BEAUFORT COUNTY, SOUTH CAROLINA

THE GENERAL PLAN

SCALE - 1"=400' MAY 1956

KENNETH B. SIMMONS, P.A.S.A.
 LANDSCAPE ARCHITECT-ENGINEER
 COLUMBIA, SOUTH CAROLINA



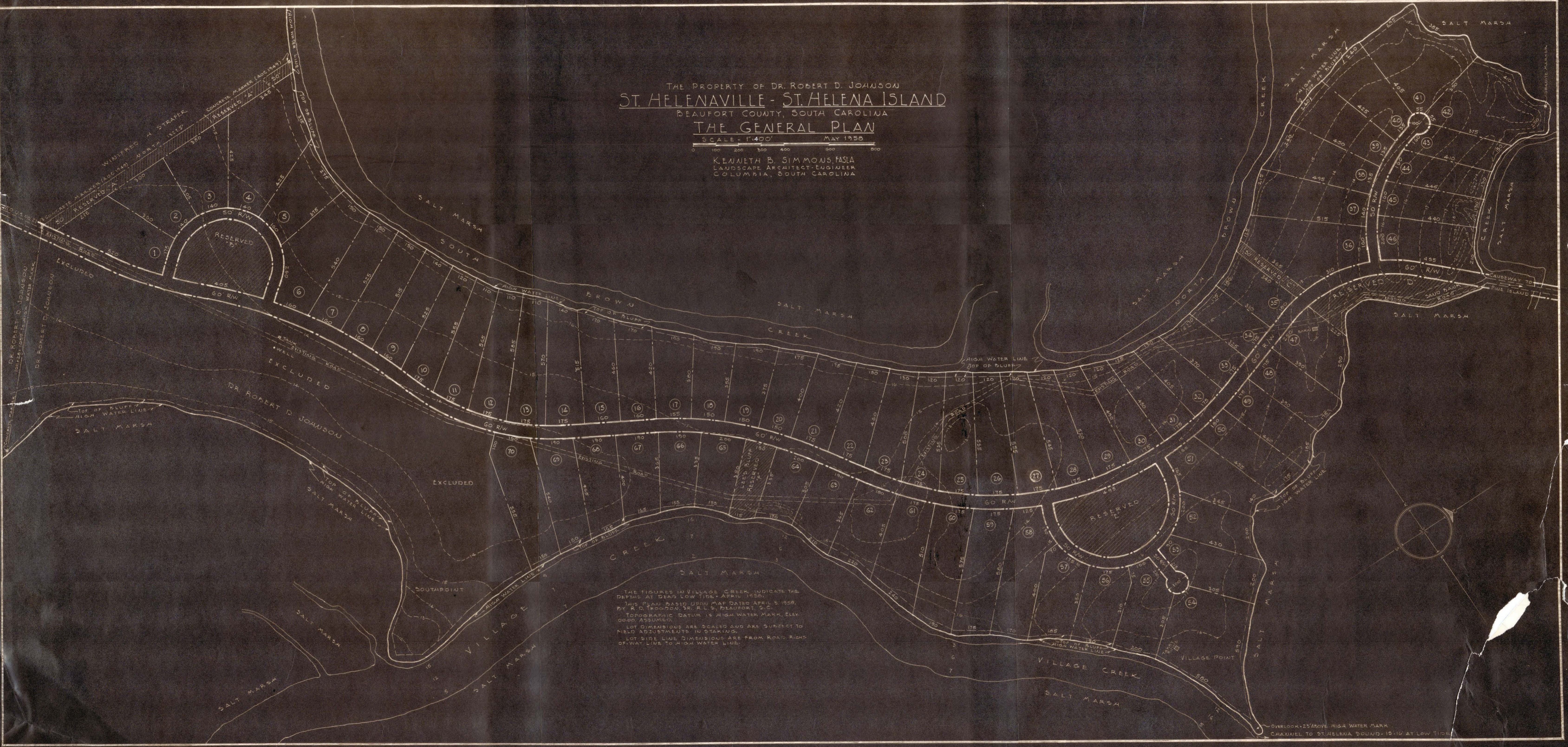
THE FIGURES IN VILLAGE CREEK INDICATE THE DEPTHS AT DEAD LOW TIDE - APRIL 1956.
 THIS PLAN BASED UPON MAP DATED APRIL 3, 1956,
 BY R. D. BRIDGES, JR., R.L.S., BEAUFORT, S.C.
 TOPOGRAPHIC DATUM IS HIGH WATER MARK, ELEV.
 0000 ASSUMED.
 LOT DIMENSIONS ARE SCALED AND ARE SUBJECT TO
 FIELD ADJUSTMENTS IN STAKING.
 LOT SIDE LINE DIMENSIONS ARE FROM ROAD
 RIGHT-OF-WAY LINE TO HIGH WATER LINE.

OVERLOOK - 25' ABOVE HIGH WATER MARK
 CANAL TO ST. HELENA SOUND - 15'-10" AT LOW TIDE

THE PROPERTY OF DR. ROBERT D. JOANSON
ST. HELENVILLE - ST. HELENA ISLAND
BEAUFORT COUNTY, SOUTH CAROLINA

THE GENERAL PLAN
SCALE - 1"=400' MAY 1958

KENNETH B. SIMMONS, F.A.S.A.
LANDSCAPE ARCHITECT-ENGINEER
COLUMBIA, SOUTH CAROLINA



THE FIGURES IN VILLAGE CREEK INDICATE THE DEPTHS AT DEAD LOW TIDE - APRIL 3, 1958.
THIS PLAN BASED UPON MAP DATED APRIL 3, 1958, BY R. D. TROODON, SR., R.L.S., BEAUFORT, S.C.
TOPOGRAPHIC DATUM IS HIGH WATER MARK, ELEV. 60.000 ASSUMED.
LOT DIMENSIONS ARE SCALED AND ARE SUBJECT TO FIELD ADJUSTMENTS IN STAKING.
LOT SIDE LINE DIMENSIONS ARE FROM ROAD RIGHT-OF-WAY LINE TO HIGH WATER LINE.

OVERLOOK - 25' ABOVE HIGH WATER MARK
CHANNEL TO ST. HELENA SOUND - 15'-10" AT LOW TIDE

Timeline of Private Ownership

Exhibit E

Timeline of Private Ownership

1800s

Thomas Lee

Thomas Lee of **New York** began purchasing the parcels that would become Pine Island in the 1800s. Lee is credited with building the main home and outbuildings on Pine Island as a lodge for himself and guests during visits. These buildings made up the original Pine Island Plantation Complex.

1940

Arthur Elting

Lee sold the Property to Arthur Elting of **New York**, who enjoyed occasional visits to the Property for hunting and recreation until his death. Following his death, the Property was equally divided between Elting's widow and the Philips Exeter Academy of **New Hampshire**.

1949

Theodora Ayer Randolph

Shortly after Elting's passing, his widow renounced her claim to the Property. The Property was held solely by Phillips Exeter Academy until 1949 when it was sold to Theodora Ayer Randolph of **New York**.

1951

Robert & Frances Johnson

In 1951, Randolph transferred the property to Robert and Frances Johnson of **New York**.

1960

The Hanna Family

The Johnsons held the Property until 1960 when it was sold to the The Hanna Family from **Estil, SC**. Over the past six decades, the property has been used as a recreation destination and for timber farming, with the goal of ultimately developing the land for expanded recreational and residential use.

2023

PIPH, LLC

In 2023, the Hanna family sold the property to Pine Island Property Holdings, LLC. (**Elvio Tropeano – Boston**)

Zoning Map Amendment Deferral Letter

Exhibit F

COUNTY COUNCIL OF BEAUFORT COUNTY
OFFICE OF THE COUNTY ADMINISTRATOR
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD

CHERYL H. HARRIS
EXECUTIVE ASSISTANT

POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2023
FAX: (843) 255-9403

ERIC L. GREENWAY
COUNTY ADMINISTRATOR
WHITNEY RICHLAND
DEPUTY COUNTY ADMINISTRATOR

www.beaufortcountysc.gov
egreenway@bcgov.net

November 30, 2022

DELIVERED VIA EMAIL

Pine Island GC, LLC
Elvio Tropeano, Managing Member
PO Box 1567
Saint Helena Island, SC 29920
ET@PineIslandGC.com

RE: Pine Island Application for Zoning Map Amendment

Dear Mr. Tropeano:

This letter is being sent to you in response to your recent application to amend the Beaufort County Zoning Map as applied to parcel numbers: R300-011-000-0275-0000, R300-012-000-0001-0000, and R300-007-000-0002-0000 (the "Application"). These parcels are located within the Community Preservation Overlay District (the "CPO").

The Beaufort County Planning and Zoning Department is currently pursuing a text amendment to the Community Development Code relative to the CPO. Accordingly, the Application, which you recently submitted, shall be held active/pending and all action on the Application shall be deferred until the Beaufort County Council has had an opportunity to review and consider adopting the proposed text amendment.

We appreciate your cooperation. If you have any questions, you may contact me at (843) 255-2023.

Sincerely,



Eric L. Greenway
County Administrator

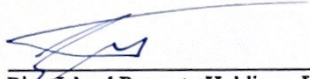
ELG:ch

SCHEDULE 3

PINE ISLAND PROPERTY HOLDINGS, LLC

Pine Island Property Holdings, LLC, being the Owner of the parcels which comprise the property known as Pine Island Plantation (TMP#s: R300-007-000-0002-0000, R300-012-000-0001-0000, R300-012-000-0254-0000, R300-012-000-0255-0000, R300-012-000-0256-0000) located within the community of St. Helena, in Beaufort County, South Carolina recognizes Pine Island GC, LLC and Elvio Tropeano as the Applicant in pursuit of the Zoning Map Amendment for Pine Island Plantation.

Signed:



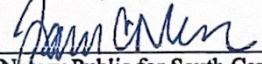
Pine Island Property Holdings, LLC
By: Elvio Tropeano
Its: Manager

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, the undersigned notary public do hereby certify that Elvio Tropeano, Manager of Pine Island Property Holdings, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 11 day of May 2023.

 (SEAL)
Notary Public for South Carolina
My Commission expires: 8/21/23



3.4.50 - Cultural Protection Overlay (CPO) Zone Standards

A. Purpose. The Cultural Protection Overlay (CPO) District is established to preserve the rural character and to protect the cultural, natural, and historic resources on St. Helena Island.

St. Helena Island's most important cultural resource is the people themselves. While the Island's population is very diverse with residents who have been there for generations along with newcomers, St. Helena Island is home to one of the largest Gullah/Geechee communities on the southeast coast. The Gullah/Geechee people are descendants of enslaved people brought from West Africa and indigenous Americans from the Sea Islands. The historic isolation of the County's Sea Islands was crucial to the survival of this culture. This isolation created a unique culture with African roots that are clearly visible in the Gullah/Geechee people's distinctive arts, crafts, foodways, music, and language. While isolation was critical to the development of the Gullah/Geechee culture, the land and land ownership is critical to the survival of this culture into the present day. Shortly after the Civil War, many freedmen in the Sea Islands were successful in acquiring lands that were formerly located on plantations. Gullah/Geechee landowners were able to develop a self-sustaining economy based on small-scale cash crops, subsistence agriculture, and truck farming supplemented with fishing and harvesting shrimp and oysters. This land ownership remains to this day and has been critical in facilitating a stable and self-supporting community.

Beaufort County is undergoing extraordinary growth and development. Preserving the character of rural spaces in the unincorporated areas of the County promotes the health, safety, and welfare of the County's citizens. Large scale development, rapid growth, and otherwise incompatible development in rural areas can adversely affect the character of rural areas. St. Helena Island is one of Beaufort County's remaining rural spaces. It is a living, working landscape of forested lands, Gullah/Geechee family compounds, marsh vistas, family farms – large and small, and small tight-knit rural communities centered around places of worship, connected by two-lane canopy covered roads. The island is home to many historic structures, and sacred burial grounds including graveyards and cemeteries. It is one of the communities that participated in the *National Park Service's Low Country Gullah Culture: Special Resource Study & Final Environmental Impact Statement* which was published in 2005. (The study is incorporated into this Purpose statement.) As noted in the study, to talk about St. Helena is to talk about “life ways and traditions of a living culture in the Low Country and Sea Islands, a semi-tropical area filled with palmetto trees and live oaks draped with Spanish moss...” (*Low Country Gullah Culture: Special Resource Study & Final Environmental Impact Statement* p. 1) The study notes that “[t]he Gullah/Geechee story represents a crucial component of local, regional, and national history. Preserving ... Gullah/Geechee culture and its associated sites is significant to people of all racial, regional, and ethnic backgrounds and is vital to [preserving and] telling the story of the American heritage.” (p.2). It is home to Penn Center, the nation's first trade, agricultural, and normal school for freedmen. The historical significance of the Penn Center area has been formally recognized with a National Historic Landmark designation and comprises two of the four sites in Reconstruction Era National Park.

Beaufort County's 2040 Comprehensive Plan places great value in preserving the rural character of St. Helena and in continuing the natural, cultural, and historic qualities of St. Helena Island. The Comprehensive Plan identifies land development as the primary threat to the Island's rural qualities and its existing culture. It is important to note that the Comprehensive Plan supports steady incremental growth that enhances the Island's existing character and provides services and economic opportunities to the rural community. However, large-scale, rapid, and/or suburban growth, such as gated, master planned communities, golf courses and resort destinations, conflicts with the Island's character and presents the greatest threat to the character and stability of the Island community. Rapid suburban growth would not only change the character of the area and threaten the natural, cultural and historic qualities of St. Helena, it would likely bring with it disproportionate and unsustainable short and long-term demands for urban services and infrastructure and eventually lead to urbanization or suburbanization of the Island, the loss of natural qualities which have sustained generations of islanders and which has resulted in the culture and history of the Island. Therefore, the Cultural Protection Overlay District is designed to complement the underlying zoning districts on St. Helena Island by limiting large-scale development such as large master planned communities and resort destinations, that would substantially alter the rural character and natural landscape, would generate high traffic volume, and/or would otherwise be incompatible with the culture of St. Helena Island.

B. District Boundaries. The boundaries of the CPO zone on St. Helena Island are depicted on the Beaufort County Official Zoning Map. Where the CPO zone is applied, the permitted uses shall be limited to the base zoning, except where additional limitations are established within the CPO zone.

C. Site Design. Design features that restrict access to water and other culturally significant locations, and franchise design are prohibited.

D. Use Limitations. Based upon the Purpose statement above, and in particular the National Park Service's Low Country Gullah Culture: Special Resource Study & Final Environmental Impact Statement, Beaufort County finds that golf courses, resorts, fences, beachfront development, boat landings, marinas, and the coastal population explosion are all encroaching upon and in some cases overtaking Gullah/Geechee Culture, it is the public policy of Beaufort County to protect St. Helena Island's rural, historic, and cultural heritage by prohibiting the following uses which are deemed to be incompatible with the Cultural Protection Overlay District:

Restricted Access (Gated Communities) A residential neighborhood where accessibility is controlled by means of a gate, guard, barrier, or other similar improvement for the purposes of controlling the movement of traffic and people into and out of the neighborhood and usually include common areas, amenities such as swimming pools, clubhouses, restaurants which are open only to residents, property owners, members and guests.

Resort This use includes lodging that serves as a destination point for visitors and designed with some combination of recreation uses or natural areas. Typical types of

activities and facilities include marinas, beaches, pools, tennis, golf, equestrian, restaurants, shops, and the like. This restriction does not apply to ecotourism or its associated lodging.

Golf Course An area of land with improvements to the grounds on which the sport of golf is played. It typically consists of a series of holes, each consisting of a tee box, a fairway, the rough and other hazards, and/or a green with a cylindrical hole in the ground, known as a cup. Golf course accessory uses may include a clubhouse, restrooms, driving range, and shelters.