



County Council of Beaufort County Planning Commission Meeting

Chairman

ED PAPPAS

Vice Chair

CECILY MCMILLAN

Commission Members

PETE COOK

JON HENNEY

EUGENE MEYERS

GLENN MILLER

GAIL MURRAY

DENNIS ROSS

County Administrator

MICHAEL MOORE

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) 255-2147
www.beaufortcountysc.gov

Planning Commission Agenda

Monday, February 2, 2026 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 MEETING MINUTES – November 3, 2025 Regular Meeting and Comprehensive Plan Workshop Meetings: Nov 6, Nov 13, Dec 2, Dec 11
5. APPROVAL OF AGENDA
6. CITIZEN COMMENTS – NON-AGENDA ITEMS
(Comments are limited to 3 minutes.)

ACTION ITEMS

7. CONSIDERATION OF AN ADMINISTRATIVE APPEAL TO THE PRELIMINARY APPROVAL OF REVISED AND AMENDED HEYWARD POINT MASTER PLAN/MAJOR DEVELOPMENT AMENDMENT (R600 009 000 0170 0000, R600 009 000 0171 0000, R600 009 000 0203 0000)
8. CONSIDERATION OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): TABLE 3.1.60 (CONSOLIDATED USE TABLE), TABLE 3.2.40.H (T2R ALLOWED USES), AND DIVISION 4.1 (SPECIFIC TO USE)

DISCUSSION ITEMS

9. CHAIRMAN'S REPORT
10. 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

The regular meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held at the Beaufort County Department of Disabilities and Special Needs on Monday, November 3, 2025 at 6:00 p.m.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Mr. Pete Cook

STAFF PRESENT:

Ms. Kristen Forbus, Long Range Planner
Mr. Robert Merchant, Planning Director
Mr. Kevin Sullivan, Transportation 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: The October 6th, 2025 Planning Commission regular minutes were approved with no objections.

CITIZEN COMMENTS: Mr. Pappas asked if there were any non-agenda related citizen comments.

There were none.

ACTION ITEMS:

CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP 5 ACRES (R300 016 000 0063 0000, R300 016 000 0064 0000, R300 016 000 0065 0000) FROM T3HN TO T4VC.

Ms. Forbus presented the background information of the item and staff's recommendation for approval.

The applicant, Roscoe Chambers, presented the plan and gave the history of the church. He stated that there was an error regarding the projected student number in the TIA and it is the projected maximum for the future capacity. In this phase, there will be only 108-144 students.

Ms. McMillan asked about fill. Mr. Chambers responded that there are preliminary calculations for fill. There was then discussion about the entrances and traffic flow. Mr. Chambers showed on the plan what the traffic flow of the site will look like.

Mr. Miller asked about fire access. Mr. Chambers stated that it is a requirement to meet the standards and discussed the paving types.

Chairman Pappas asked about the future increase in student population. Mr. Chambers stated the school will be only K-5 for now.

Mr. Sullivan stated the consultant said 250 students would still be of minimum impact.

Mr. Chambers reiterated that Davis and Floyd will have to abide by SCDOT standards.

Mr. Miller asked if the storm water mitigation will need to be expanded. Mr. Chambers stated that would be decided when the project goes before staff.

Ms. McMillan asked if this project would require another traffic light. Mr. Sullivan stated it would not because it will generate about 70-80 peak trips and no mitigation is required.

Mr. Chambers stated the church's traffic will be heaviest on Sunday, which is a day that this school will not be open.

There was discussion about getting ahead of growth and de facto lanes.

Mr. Henney asked why staff utilized a Village PTO in the calculations. Mr. Merchant stated the Corners Community is made of three separate smaller PTOs; therefore, staff consolidated them in this instance.

Chairman Pappas opened the meeting for public comment.

Willie Turrell spoke in favor of infrastructure and small businesses.

Councilman Glover responded and elaborated on future plans of sidewalk and construction by fall 2026.

Mr. Ross made a motion to recommend approval of CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP 5 ACRES (R300 016 000 0063 0000, R300 016 000 0064 0000, R300 016 000 0065 0000) FROM T3HN TO T4VC stating that it was compliant with rezoning standards 1-9. Mr. Riedel seconded. The motion passed 8-0.

DISCUSSION ITEMS:

The future workshop dates were discussed.

Mr. Henney requested a future opportunity with the transportation department to discuss TIAs.

ADJOURNMENT: Chairman Pappas adjourned the meeting at 6:51 p.m.

SUBMITTED BY: Kristen Forbus
Long Range Planner

Ed Pappas
Beaufort County Planning Commission Chairman

Date: _____



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Beaufort County Planning and Zoning Department**

Beaufort County Government Robert Smalls Complex
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The “Comprehensive Plan 5-year update” workshop meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held at the Beaufort County Arthur Horne Courtroom Meeting Room on Thursday, November 6, 2025 at 2:00 p.m.

MEMBERS PRESENT:

Mr. Ed Pappas, Chairman
Mr. Jon Henney
Ms. Cecily McMillan, Vice Chair
Mr. Gene Meyers
Mr. Glenn Miller
Ms. Gail Murray
Mr. Dennis Ross

MEMBERS ABSENT:

Mr. Pete Cook
Mr. Dan Riedel

STAFF PRESENT:

Ms. Kristen Forbus, Long Range Planner
Mr. Robert Merchant, Planning Director
Mr. Claude Hicks, Beaufort Jasper Housing Trust
Mr. John O’Toole, Beaufort County Economic Development Corporation

CALL TO ORDER: The meeting was called to order at 2:04 p.m.

DISCUSSION ITEMS:

Staff led a conversation with staff and the Commissioners about their respective sections (Economy and Housing) of the Comprehensive Plan and answered questions about action items and their applicability.

ADJOURNMENT: The meeting was adjourned at 4:00 p.m.

SUBMITTED BY: Kristen Forbus
Long Range Planner

Ed Pappas
Beaufort County Planning Commission Chairman

Date: _____



COUNTY COUNCIL OF BEAUFORT COUNTY Beaufort County Planning and Zoning Department

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Phone: 843-255-2140

The “Comprehensive Plan 5-year update” workshop meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held at the Beaufort County Engineering Meeting Room on Thursday, November 13, 2025 at 2:00 p.m.

MEMBERS PRESENT:

Mr. Ed Pappas, Chairman
Ms. Cecily McMillan, Vice Chair
Mr. Gene Meyers
Mr. Glenn Miller
Mr. Dennis Ross

MEMBERS ABSENT:

Mr. Pete Cook
Mr. Jon Henney
Ms. Gail Murray
Mr. Dan Riedel

STAFF PRESENT:

Ms. Kristen Forbus, Long Range Planner
Mr. Robert Merchant, Planning Director
Ms. Juliana Zadik, Environmental Long Range Planner
Mr. Kevin Sullivan, Transportation Planner
Mr. Bryan Bauer, Director of Engineering
Ms. Stephanie Rossi, LCOG
Mr. Andrew Cocchiara, LCOG

CALL TO ORDER: The meeting was called to order at 2:12 p.m.

DISCUSSION ITEMS:

Staff presented information about TIAs and Levels of Service. Staff led a conversation with the Commissioners about the Mobility section of the Comprehensive Plan and answered questions about action items and their applicability.

ADJOURNMENT: The meeting was adjourned at 4:00 p.m.

SUBMITTED BY: Kristen Forbus
Long Range Planner

Ed Pappas
Beaufort County Planning Commission Chairman

Date: _____



**COUNTY COUNCIL OF BEAUFORT COUNTY
Beaufort County Planning and Zoning Department**

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Phone: 843-255-2140

The “Comprehensive Plan 5-year update” workshop meeting of the Beaufort County Planning Commission (hereinafter “Commission”) was held at the Beaufort County Engineering Meeting Room on Tuesday, December 2, 2025 at 2:00 p.m.

MEMBERS PRESENT:

Mr. Ed Pappas, Chairman
Mr. Jon Henney
Ms. Cecily McMillan, Vice Chair
Mr. Glenn Miller
Mr. Dennis Ross

MEMBERS ABSENT:

Mr. Pete Cook
Mr. Gene Meyers
Ms. Gail Murray
Mr. Dan Riedel

STAFF PRESENT:

Ms. Kristen Forbus, Long Range Planner
Mr. Robert Merchant, Planning Director
Ms. Juliana Zadik, Environmental Long Range Planner

CALL TO ORDER: The meeting was called to order at 2:00 p.m.

DISCUSSION ITEMS:

Staff and Courtney Kimmel (Port Royal Sound Foundation) led a conversation with the Commissioners about the Natural Environment section of the Comprehensive Plan and answered questions about action items and their applicability.

ADJOURNMENT: The meeting was adjourned at 4:00 p.m.

SUBMITTED BY: Kristen Forbus
Long Range Planner

Ed Pappas
Beaufort County Planning Commission Chairman



COUNTY COUNCIL OF BEAUFORT COUNTY Beaufort County Planning and Zoning Department

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Phone: 843-255-2140

The "Comprehensive Plan 5-year update" workshop meeting of the Beaufort County Planning Commission (hereinafter "Commission") was held at the Beaufort County Arthur Horne Courtroom Meeting Room on Thursday, December 11, 2025 at 2:00 p.m.

MEMBERS PRESENT:

Mr. Ed Pappas, Chairman
Mr. Jon Henney
Ms. Cecily McMillan, Vice Chair
Mr. Gene Meyers
Mr. Glenn Miller
Mr. Dennis Ross

MEMBERS ABSENT:

Mr. Pete Cook
Ms. Gail Murray
Mr. Dan Riedel

STAFF PRESENT:

Ms. Kristen Forbus, Long Range Planner
Mr. Robert Merchant, Planning Director
Ms. Juliana Zadik, Environmental Long Range Planner
Mr. Robert Gecy, Projects Manager
Mr. Frank Stroncheck, Facilities Management Director
Mr. Bradley Harriott, Public Works Director
Ms. Pinky Harriot, Chief Financial Officer
Mr. John Robinson, Assistant County Administrator of Public Safety

CALL TO ORDER: The meeting was called to order at 2:05 p.m.

DISCUSSION ITEMS:

Staff led a conversation with the Commissioners about the Facilities section of the Comprehensive Plan and answered questions about action items and their applicability.

ADJOURNMENT: The meeting was adjourned at 3:50 p.m.

SUBMITTED BY: Kristen Forbus
Long Range Planner

Ed Pappas
Beaufort County Planning Commission Chairman

Date: _____



MEMORANDUM

TO: Beaufort County Planning Commission

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

DATE: December 19, 2025

SUBJECT: CONSIDERATION OF AN ADMINISTRATIVE APPEAL TO THE PRELIMINARY APPROVAL OF REVISED AND AMENDED HEYWARD POINT MASTER PLAN/MAJOR DEVELOPMENT AMENDMENT (R600 009 000 0170 0000, R600 009 000 0171 0000, R600 009 000 0203 0000)

Section 7.3.70 of the Community Development Code provides for a process for an aggrieved party affected by a decision by an administrative decision maker to determine if the decision was made in compliance with the Code. In this case, the applicant is appealing the decision made by the Planning Director regarding a major subdivision concept plan. Based on Section 7.3.70, the Planning Commission is authorized to serve as the appellate body for decisions major subdivisions.

Materials used to make decision: Staff has provided the appeal and the record of material considered in making the decision that includes the application and plans that were reviewed by staff. These materials, plus the Comprehensive Plan and this Development Code are the items that the Planning Commission shall use to determine the appeal.

Action to be taken by the Planning Commission: At the January 5, 2026 public hearing the Planning Commission shall take one of the following actions:

1. Affirm the decision or interpretation of staff (in whole or in part);
2. Modify the decision or interpretation of staff (in whole or in part); or
3. Reverse the decision or interpretation of staff (in whole or in part).

If the Planning Commission determines that the decision or interpretation of staff needs to be modified or reversed, it shall be based on one of the following determinations:

1. Staff made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;

2. Staff made the decision based on a standard not contained in this Development Code or other appropriate County ordinances, regulations, or state law, or that a standard more strict or broad than the standard established in this Development Code was applied. (This Development Code does not allow administrative decision-makers to consider or create standards not officially adopted); or
3. Staff made an error in applying a standard or measuring a standard.

Public Comment: The public is welcome to attend the public hearing. However, the public cannot speak or submit testimony (section 7.3.70.C).

ATTACHMENTS:

- SUPPLEMENTAL INFORMATION
- PLANS
- APPEAL APPLICATION



COUNTY COUNCIL OF BEAUFORT COUNTY

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

June 12, 2025

Mr. Walter Nester
Foreman & Burr
23-B Shelter Cove Lane, Suite 400
Hilton Head Island, SC 29928

Ref: Heyward Point – Conceptual Masterplan

Dear Mr. Nester:

In response to our meeting yesterday, and after careful deliberation, it is decided that in order to move forward with the adding of lots to Phase 1 in the previously platted open space areas as recorded in 2004, the Staff Review Team will need written documentation from the existing property owners and the Home Owner's Association stating they are in agreement with the relocation of the open space and the creation of new lots within the current open space areas. In addition, please address all other review comments the staff requested to include:

- 1) Letter from NewKirk Environmental, Inc. concerning the wetland on Lots 24 and 56.
- 2) Creating a loop road for lots 57 – 60.
- 3) Revised acreage chart.
- 4) Removing MUF-M from cul-de-sac.
- 5) Remove Amenity, open space area in front of (A) and add "future development".
- 6) Shift lots located at the entrance to accommodate the 25' buffer around the archaeological site 1 next to lot 55.

Upon receipt of this information, the Staff Review Team will review the updated Conceptual Masterplan and, if approved, accept the subdivision submittal for the new lots and relocated open space.

If there are any questions, please do not hesitate to give me a call at 843.255.2148. If there is any intent to appeal this decision, you may appeal my decision the Planning Commission no later than 30 days from receipt of this letter.

Sincerely,

Robert Merchant
Director Planning & Zoning Department

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

STAFF PRESENT – Hillary Austin (Zoning Administrator), Nancy Moss (Community Development Planner), Lisa Anderson (Assistant Zoning Administrator), Amanda Flake (Natural Resource Planner), Kristen Forbus (Long Range Planner), Robert Merchant (Director), Kevin Sullivan (Engineering), Taylor Brewer (Stormwater), Jacob Bratz (Stormwater), Michael Brantley (Building Codes), Dan Wiltse (Bluffton Fire Official), John Norton (LI Fire Official), Michelle Strader (Project Coordinator)

PROJECT NAME	PROJECT TYPE
Heyward Point	Master Plan Amendment/ Major Residential Subdivision

APPLICANT/DEVELOPER NAME, ADDRESS, PHONE NUMBER

Walter Nester, Burr & Forman, 23 Shelter Cove Lane #B, Suite 400, Hilton Head Island, SC 29928 (843) 785-2171

PROJECT LOCATION	PIN	LAND AREA (ACRES)	LOTS/UNITS	BLDG AREA (SQ FT)
15 Heyward Point Road	600-009-170/171/203	505.81		
DATE OF REVIEW	OVERLAY DISTRICT	FIRE DISTRICT Bluffton		ZONING DISTRICT T2R

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

SRT DECISION (CHECK BELOW):

<input type="checkbox"/> REVISE DRAWINGS & DOCUMENTS TO ADDRESS COMMENTS	<input type="checkbox"/> PROJECT MAY PROCEED TO SRT FINAL REVIEW
<input type="checkbox"/> SUBMIT REVISIONS TO STAFF (FOR STAFF LEVEL APPROVAL)	<input type="checkbox"/> PROJECT REQUIRED TO RETURN FOR SRT CONCEPTUAL REVIEW
<input type="checkbox"/> PROJECT MAY PROCEED TO DRB	<input type="checkbox"/> PROJECT REQUIRED TO RETUN FOR SRT FINAL REVIEW
<input type="checkbox"/> PROJECT MAY PROCEED TO SRT CONCEPTUAL REVIEW	

COMMENTS:**PLANNING & ZONING:**

- Applicant to provide letter from POA supporting the conversion of amenity areas to residential lots.



ASSISTANT ZONING AND DEVELOPMENT ADMINISTRATOR

9/4/2025

DATE

Heyward Point Community Association, Inc.

15 Heyward Point Road
Okatie, SC 29909

September 16, 2025

Via E-mail Only: robm@begov.net

Robert Merchant, AICP
Planning and Zoning Director
Beaufort County
100 Ribaut Road
Beaufort, 29902

Re: Heyward Point – Conceptual Master Plan

Dear Mr. Merchant:

In my capacity as President of the Board of Directors (the “Board”) of the Heyward Point Community Association, Inc. (the “Association”), I am writing to you concerning the referenced Conceptual Master Plan as submitted to your office by HP Land Development, LLC. As you know, HP Land Development, LLC is the holder of the Declarant Rights and therefore is the “Declarant” thereunder the Declaration of Covenants, Conditions and Restrictions for Heyward Point. Pursuant to that Declaration, HP Land Development, LLC as Declarant has the right to undertake modifications to the Conceptual Master Plan without the approval of the Association or the approval of the owners in Heyward Point who are Members of the Association. Nevertheless, the Board called a Special Meeting of the Members of the Association to approve the revisions proposed by the Declarant to the Conceptual Master Plan. The Special Meeting was held by written and electronic ballot as authorized by the South Carolina Nonprofit Corporations Act and a majority of the Association Members voted in favor of the revised Conceptual Master Plan.

Please let this correspondence serve to notify you that the modifications proposed by the Conceptual Master Plan are acceptable and approved by the Board and the Members of the Association.

Sincerely,



Michael Kronimus
President

cc HP Land Development, LLC (via e-mail only)
Chuck Atkinson (via e-mail only)
Brian Hulbert, Esquire (via e-mail only)

DEVELOPMENT KEY:

- (A) AMENITIES
- (B) MANAGED FORESTS (WALKING AND BICYCLE TRAILS WEAVE THROUGH COMMUNITY OPEN SPACES AND CONNECT THE AMENITIES)
- (C) EMERGENCY ENTRANCE (ELECTRONICALLY CONTROLLED GATES)

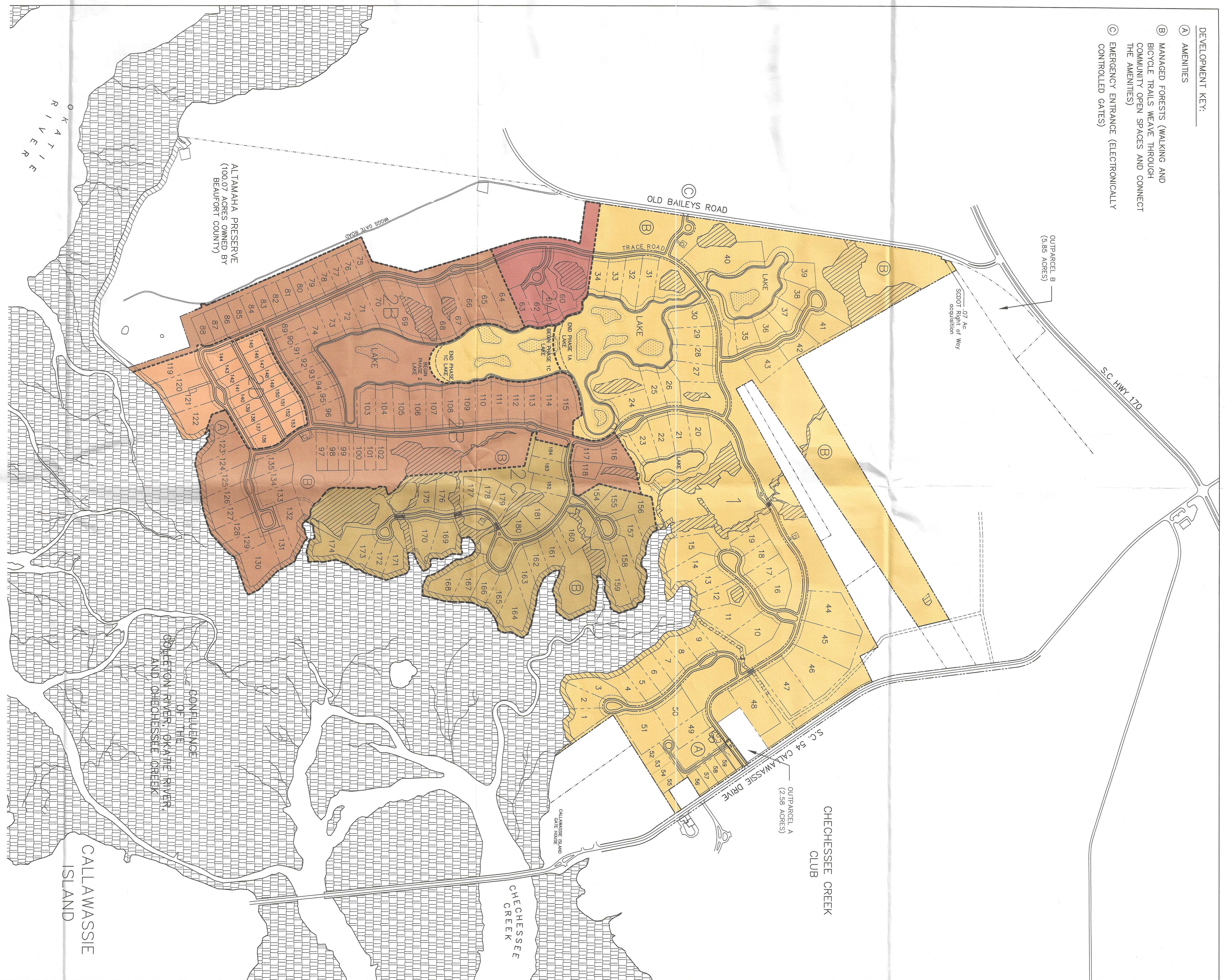
Notes:

1. This master plan is conceptual in nature, and subject to approval of local, state, and federal agencies. All property lines, tract dimensions and descriptions are for graphic representation and serve as an aid to site locations only. Any person desiring to determine actual lot configurations should examine the plats, deed restrictions and covenants applicable to specific portions of the property. Heyward Point SC, LLC, its successors or assigns, reserves the right to change the conceptual nature of the plan.
2. The base information has been compiled from a variety of sources at various times, and is such is intended to be used only as a guide. Truitt-Robin Associates, Inc. assumes no liability for its accuracy or state of completion, or for any decision which the user may make based on this information.



DEVELOPMENT KEY:

- (A) AMENITIES
- (B) MANAGED FORESTS (WALKING AND
BICYCLE TRAILS WEAVE THROUGH
COMMUNITY OPEN SPACES AND CONNECT
THE AMENITIES)
- (C) EMERGENCY ENTRANCE (ELECTRONICALLY
CONTROLLED GATES)



TOTAL LOT COUNT

PHASES	LOT NUMBERS	TOTAL LOTS
TOTAL PHASE 1	1-59	59
PHASE 2A	60-63	4
PHASE 2B	64-118, 123-135	68
PHASE 2C	154-184	31
PHASE 2D	119-153	22
TOTAL PHASE 2		125
TOTAL	1 - 184	184

PHASE KEY:



HEYWARD POINT
EST 1767

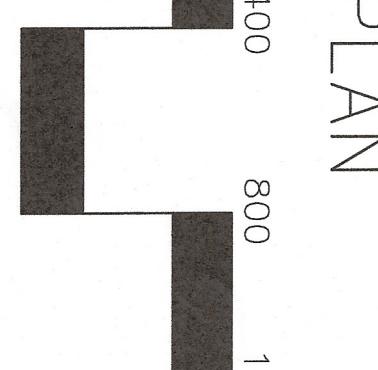
BEAUFORT COUNTY, SOUTH CAROLINA
PREPARED FOR:

HP LAND DEVELOPMENT, LLC
PREPARED BY KRA ARCHITECTURE & DESIGN

PHASING
PLAN

DATE:
APRIL 3, 2001
REV: MAY 11, 2001
REV: JUNE 11, 2001
REV: JULY 19, 2001
REV: MARCH 5, 2002
REV: OCTOBER 7, 2002
REV: APRIL 9, 2003
REV: DECEMBER 12, 2005
REV: MARCH 8, 2006
REV: MAY 2, 2006
REV: OCTOBER 18, 2006
REV: FEBRUARY 28, 2014
REV: AUGUST 11, 2025

NORTH FEET



MATCH LINE

MATCH LINE

STREET ADDRESSES	
LOT NUMBERS	STREET ADDRESSES
LOT 44	64 HEYWARD POINT ROAD
LOT 45	78 HEYWARD POINT ROAD
LOT 46	72 HEYWARD POINT ROAD
LOT 47	66 HEYWARD POINT ROAD
LOT 48	60 HEYWARD POINT ROAD
LOT 49	51 HEYWARD POINT ROAD
LOT 50	25 RICE TRUNK ROAD
LOT 51	33 RICE TRUNK ROAD

NOTES:

- 1.) THE BEARINGS SHOWN HEREON ARE MAGNETIC AND AS SUCH ARE SUBJECT TO LOCAL ATTRACTION.
- 2.) THIS PLAT DOES NOT CERTIFY THE PRESENCE OR ABSENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS.
- 3.) METHOD OF AREA CALCULATION BASED ON COORDINATE METHOD.
- 4.) LOCATION OF UNDERGROUND UTILITIES ARE FROM SURFACE INDICATIONS ONLY AND ARE NOT CERTIFIABLE.
- 5.) THIS PLAT REPRESENTS A SURVEY BASED ON THE LISTED REFERENCES ONLY AND IS NOT THE RESULT OF A TITLE SEARCH.
- 6.) CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- 7.) THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS: AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.
- 8.) BEFORE ANY DESIGN WORK OR CONSTRUCTION ON THIS SITE IS STARTED FLOOD ZONE INFORMATION MUST BE VERIFIED BY BEAUFORT COUNTY BUILDING CODES PHONE NUMBER (843)-470-2684.
- 9.) THIS PROPERTY APPEARS TO BE IN FLOOD ZONES "C", "B" AND "AB" (ELEV. 14.00) AS DETERMINED BY FEMA FIRM COMM-PANEL NUMBER 450025 0080 D. DATED 9/29/86 (INDEX DATED 11/4/92)
- 10.) ALL CORNERS ARE 1/2" ROD SET UNLESS OTHERWISE NOTED.

REFERENCES:

- 1.) T.M.S. 800-008-031A (PORTION)
- 2.) T.M.S. 800-010-0008
- 3.) PLAT BY DAVID E. GASQUE DATED: 8/17/04, REVISED: 8/22/04 PLAT BOOK 102 PAGE 42 BEAUFORT COUNTY RMC OFFICE

SETBACKS	
MINIMUM BUILDING SETBACKS	
FRONT YARD= 50'	
SIDE YARD= 18'	
REAR YARD= 50'	
Note:	
Lot building setbacks will meet or exceed the minimum building setbacks above. Hazel Pointe, LP, its successors and assigns, reserves the right to increase lot setbacks through other documents such as Design Guidelines and Declaration of Covenants, Conditions and Restrictions as long as the granted setback meets or exceeds the setbacks above.	

GASQUE & ASSOCIATES INC.
LAND SURVEYORS · PLANNERS

28 PROFESSIONAL VILLAGE CIRCLE, BEAUFORT, S.C.
P.O. BOX 1363, BEAUFORT, S.C.
(843) 522-1798

THIS PLAT IS COPYRIGHTED AND IS ONLY INTENDED FOR THE USE OF THE ENTITY OR PERSON(S) SHOWN HEREON.

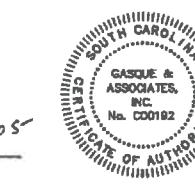
NOTE: ALL FLOOD LINES ARE APPROXIMATE. FLOOD ZONE LINES SCALED FROM FEMA FIRM FLOOD MAPS.

NOTES:

1.) A Dock Master Plan has been filed with SCDHEC-OCRM by the developer. Any saltwater access dock construction requires a permit from SCDHEC-OCRM and must be built in accordance with the rules and regulations of Beaufort County, SC and the Heyward Point Design Review Committee.

2.) For any wetlands that lie within Open Space, wetland buffers will meet the requirements of the specified permitted activity.

I, David E. Gasque, a Registered Professional Land Surveyor in the State of South Carolina, certify to client(s) whom hereon that to the best of my knowledge, information and belief, the survey shown herein was made in accordance with the requirements of the minimum standards manual for the practice of land surveying in South Carolina, and meets or exceeds the requirements for a CLASS A Survey as specified therein, also that any improvements or projections other than shown, have been omitted unless it bears the original signature and has an embossed seal.



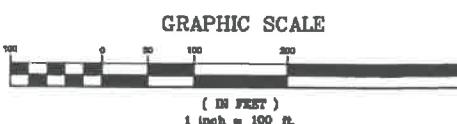
276-05

David E. Gasque, R.L.S.
Registration Number 10806

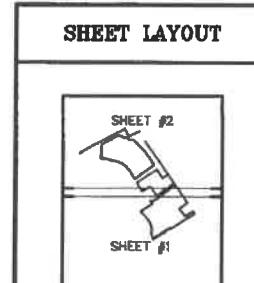
DAHEC-OCRM CRITICAL LINE
THE AREA SHOWN ON THIS PLAT IS A GENERAL REPRESENTATION OF DAHEC-OCRM PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS, BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE OVER TIME. BY GENERALLY DELINEATING THE PERMIT AUTHORITY OF THE DAHEC-OCRM, THE OFFICE OF OCRM IN NO WAY WAIVES THE RIGHT TO ASSERT PERMIT JURISDICTION IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY WHETHER SHOWN OR NOT. ALL PROPERTY OWNERS OR PROSPECTIVE BUYERS ARE ADVISED TO HAVE THE LINE CHECKED BY COUNCIL STAFF PRIOR TO CONSTRUCTION OR CLOSING ON THE SALE OF THIS PROPERTY.

SIGNATURE: *David E. Gasque* DATE: 2-14-05
THE CRITICAL LINE SHOWN ON THIS PLAT IS VALID FOR THREE YEARS FROM THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTIONARY LANGUAGE ABOVE.

GPS SURVEY DATA
COORDINATE SYSTEM: US STATE PLANE 1983
ZONE: SOUTH CAROLINA 3800
DATUM: NAD 1983 (CONUS)
GEOD MODE: GEOD99 (CONUS)



AREAS	
PHASE 1B	= 32.63 AC.
1.) LOTS	= 22.11 AC.
2.) AMENITIES	= 10.52 AC.



BEAUFORT COUNTY ZONING & DEVELOPMENT STANDARDS
1. PLAN APPROVAL
2. Beaufort County Development Review
3. Plan shown herein to be in compliance
with Zoning & Development Standards
4. Customized version of a development permit
5. Plan approved: *4/25/04*
6. Date: *4/25/04*
7. Certified by: *Hillary A. Christie*
8. Bonded: *2/25/05*

BEAUFORT COUNTY SC - ROD
BK 00106 PG 0008-0009
FILE NUM 2005014622
02/25/2005 D3:52:00 PM
RECD BY V GARVIN RCP# 311642
RECORDING FEES 20.00

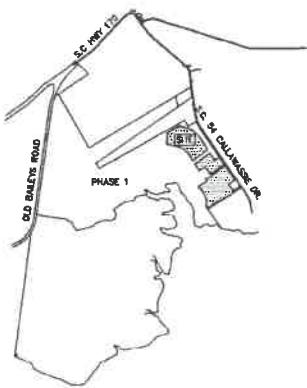
**SUBDIVISION PLAT
HEYWARD POINT PHASE 1B
PREPARED FOR HAZEL POINTE, LP
CALLAWASSIE ISLAND AREA
BEAUFORT COUNTY-----SOUTH CAROLINA**

DATE: 8/6/04
REVISED: 2/4/05

SCALE: 1"=100'
1 inch = 100 ft

SHEET #1 OF 2

JOB# 14838PH1B F.B. NA DRAWN BY DSGN#2



LOCATION MAP (N.T.S.)



CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	BEARING	DELTA
C1	158.88	887.35	78.84	156.67	N80°17.08'W	101°07'46"
C2	135.12	425.00	88.13	134.88	N63°09'38"W	161°24'57"
C3	160.66	425.00	76.23	160.06	N46°32'21"W	202°13'45"
C4	33.28	425.00	18.65	33.21	N44°17'39"W	42°14'45"
C5	258.43	153.00	168.53	228.17	S79°16'45"E	94°47'26"
C6	140.88	200.00	73.34	136.11	N73°00'38"E	39°22'14"
C7	87.63	174.00	29.08	57.36	N16°33'36"W	185°38'31"
C8	61.59	97.65	31.86	60.68	S07°31'02"E	340°07'35"
C9	225.62	356.25	118.65	222.06	N07°36'44"E	381°09'09"
D10	22.70	356.25	11.35	22.69	N27°36'48"E	332°09'27"
C11	277.05	870.31	159.71	276.88	N34°12'28"E	81°24'12"

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.00	N32°20'37"W
L2	23.02	N57°34'46"E
L3	28.17	N47°39'39"W
L74	30.29	N045°55'27"E

NOTE: ALL FLOOD LINES ARE APPROXIMATE. FLOOD ZONE LINES SCALED FROM FEMA FIRM FLOOD MAPS

MATCH LINE

MATCH LINE



PLANNING COMMISSION

BEAUFORT COUNTY - [REDACTED] APPLICATION FOR APPEALS (Administrative Interpretations)

INSTRUCTIONS:

Please fill out this application form completely. Attach any pertinent materials that may help the board members to better understand your request, i.e. photos, maps, drawings, etc. Failure to follow these instructions may result in rejection of your application.

1. Applicant Name Mary Jeans and Gary Otto c/o Benjamin Shelton, Esq
Address: 25 Rice Trunk Road, Okatie, SC 29909 (Shelton Law Firm, LLC P.O. Box 21069, Hilton Head Is, SC 29925)
Home Phone: 843-441-7011 Work Phone: 843-802-0087
Email: ben@sheltonlawsc.com
2. Property Location (If Applicable): Tax District # 600 Tax Map # 009 Tax Parcel # 170/171/203 Lot # _____
Street Address: 15 Heyward Point Road [REDACTED] Okatie, SC 29909
3. Ordinance Section from which appeal is requested: 7.4.40 ; 7.4.50(A); 7.2.60(E) AND
Community Development Code: Article 7 Division(s) 3 Tables(s) 70 and
4. Please state the nature of your appeal. (Attach additional sheets as needed): Please see attached correspondence.
[REDACTED]

5. Please state your interpretation, and how it differs from that of the Director: Please see attached correspondence.
[REDACTED]

6. Date the interpretation was granted/received by applicant: October 15, 2025

NOTE: THE BOARD MAY POSTPONE OR PROCEED TO DISPOSE OF THE MATTER ON THE AGENDA IN THE ABSENCE OF THE APPLICANT.

I hereby agree to abide by all conditions imposed by the County of Beaufort in the approval/disapproval of this appeal.

Signature of Applicant

BENJAMIN T SHELTON
Printed Name of Applicant

For MARY JEANS
?

GARY OTTO

10/24/25
Date



SHELTON LAW FIRM

October 24, 2025

Via Hand Delivery and Email: kristen.forbus@bcgov.net

Mr. Ed Pappas, Chair
c/o Kristen Forbus, Planning Department
Beaufort County Planning Commission
100 Ribaut Rd.
Beaufort County, SC 29902

Re: Appeal of Preliminary Approval of Revised and Amended Heyward Point Master Plan / Major Development Amendment

Address: 15 Heyward Point Lane
PIN: 600-009-170/171/203
Applicant: Walter Nester, Esq.
Fire District: Bluffton
Zoning: TR2

To: Beaufort County Planning Commission, Mr. Ed Pappas, Chair,

Dear Mr. Pappas, Chair, and Honorable Commissioners,

I hope that this correspondence finds you well. This firm represents Mr. Gary Otto and Ms. Mary Jeans (herein, Gary, Mary, respectively, or “clients,” collectively). My clients are property owners within the private major development known as Heyward Point, in the Okatie Community of Beaufort County, and generally located at 15 Heyward Point Lane, Bluffton, SC 29909 (herein, “Heyward Point”), where they own two lots. One lot is improved and is their primary residence. The other lot is unimproved and held by a company owned by Mary and Gary.

Ms. Jeans obtained actual notice of the preliminary approval of an Amended Conceptual Master Plan for Heyward Point when staff allowed her to view a copy of the Amended Conceptual Master Plan on October 15, 2025. As property owners within Heyward Point, my clients are members of the not-for-profit corporation known as the Heyward Point Community Association, Inc. and hold an undivided property interest in the common elements and amenities of Heyward Point, along with all other property owners. Indeed, Gary, Mary, and all other property owners within Heyward Point purchased their property in reliance upon the Declaration

Appeal to Planning Commission re Heyward Point Preliminary Approval to Amended Master Plan

of Covenants, Conditions and Restrictions for Heyward Point, dated July 9, 2004 (Book 2036/Page 474, Beaufort County ROD) (herein, the Declaration), and any *validly* passed amendment thereto. The purpose and intent of the Declarant's creation of the community was defined in section Article 1, section 1.1 of the Declaration, which states in part, "An integral part of the development plan is the creation of Heyward Point Community Association, Inc. (herein, the "Association"), an association comprised of the Declarant and all owners of real property in Heyward Point, *to own*, operate and/or maintain various common areas and community improvements . . ." (emphasis added). The full text of Art. 1, Section 1.1 is found below with the words "common areas" highlighted by the undersigned. Therefore, Gary, Mary, and all other real property owners within Heyward Point are members of the Association and hold a property interest in the common areas and amenities of the Association.

Article I Creation of the Community**1.1. Purpose and Intent.**

Declarant, as the owner of the real property described in Exhibit "A," intends by Recording this Declaration to establish a general plan of development for the planned community known as Heyward Point. This Declaration provides a flexible and reasonable procedure for Heyward Point's future expansion and provides for its overall development, administration, maintenance and preservation. An integral part of the development plan is the creation of Heyward Point Community Association, Inc., an association comprised of the Declarant and all owners of real property in Heyward Point, *to own, operate and/or maintain various common areas* and community improvements and to administer and enforce this Declaration and the other Governing Documents referenced in this Declaration.

This document does not and is not intended to create a condominium under South Carolina law.

(Emphasis added)

A "Common Area" is defined in the Declaration as, "All real and personal property, including easements, which the Association owns, leases, *or otherwise holds possessory or use rights in for the common use and enjoyment of the Owners.*" (emphasis added). In other words, upon purchase within Heyward Point, pursuant to the plain language of the Declaration, each individual property owner holds a cognizable property interest in the Common Area, Amenities and Open Space of Heyward Point.

I. The County Must Rescind Preliminary Approval of the Amended Conceptual Master Plan as No Public Hearing Was Noticed or Afforded

a. The Amendment to the Master Development Plan Required a Public Hearing Pursuant to Beaufort County Code of Ordinance § 7.4.50(A).

As a threshold matter, any amendment to the master development plan of a major development in Beaufort County requires a public hearing and public notice. Heyward Point is a Major Land Development as defined by the Beaufort County Community Development Code and the application at issue involves a material amendment to its Major Land Development Plan. As such, public notice and a public hearing was required. It was not furnished. Therefore, the preliminary approval of the Amended Conceptual Master Plan must be revoked and a public hearing noticed and scheduled and held in compliance with the Development Code prior to any preliminary approval being granted by staff.¹

II. The County Should Rescind the Preliminary Approval for Substantive Reasons, as the Plan Contradicts the Restrictive Covenants of the Association

a. The Modified “Conceptual Master Plan” the Declarant Attempts an End Around to Enable Development which Violates the Declaration and Lays the Groundwork to Enable Declarant to Develop Density and Use which Otherwise is Prohibited under the County’s Community Development Code

¹ Please find enclosed, a prior letter sent to the Declarant, Mr. Christopher Lempesis, Esq. on behalf of Mr. Otto and Ms. Jeans on March 25, 2025, which I incorporate herein by reference. By way of background, at the time Mr. Lempesis sent the enclosed letter, HP Land Development, LLC (“the Declarant”), is owned at least in part by Mr. Michael Kronimus. Mr. Kronimus also is the current president of the Association, was attempting to obtain a variance from the Beaufort County Board of Zoning and Appeals to allow it to build a hotel and associated amenities upon common property within Heyward Point. When the enclosed letter was received by the Declarant, the change to the property that the Declarant was proffering was clearly in violation of the governing documents of Heyward Point. Indeed, it was so clear that the plan proposed by Heyward Point was in violation of Beaufort County’s Development Plan and Heyward Point’s Governing Documents that it was my understanding that the Declarant withdrew the application and/or asked that the hearing subject to the application be continued at the time.

Appeal to Planning Commission re Heyward Point Preliminary Approval to Amended Master Plan

- i. Declarant has attempted to unilaterally amended the Declaration to increase its voting rights three-fold, in apparent violation of law

The Declaration sets forth the Association's rights relating to Association property and the Declarant's ability to regain ownership of the Common Areas. The Declarant cannot withdraw Common Area property without the consent of the Association. (Declaration, § 10.1). Further, the Declarant may only regain *unimproved* property designated as the Common Area in the original development plan "to the extent [the unimproved common property] conveyed by Declarant in error or needed by Declarant to make minor adjustments in property lines." (Declaration, Art. X, § 10.1). Therefore, other than property conveyed in error or necessary to make *minor adjustments in property lines*, the Declarant *cannot obtain title or possession of Common Property* after it was conveyed to the Association (and, thus, the Owners). The property at issue in this instance is improved, containing fencing, a security gate, contains a boat storage area which is rented and used by owners of the Association, office building and security guard building. It is my clients' contention, according to the clear language of the Declaration, no Common Area may be withdrawn by the Declarant and converted to the Declarant's use other than the specific rights of the Declarant set forth in Art. X, above. Any attempted action to partition Common Area is prohibited by the Declaration. (Declaration § 17.2). Further, Heyward Point's Declaration also contains significant, protected "Open Space" which also cannot be converted by the Declarant for development. (Declaration § 17.5)(setting forth restrictions for very limited use and improvements to Open Space intended to form natural habitats within Heyward Point). These designations and protections were relied upon by the County in approving the original development plan of Heyward Point and my clients when purchasing their property.

My clients have recently discovered that, in the past few months, the Declarant has attempted to unilaterally and materially modify the nature of the Declaration and convert a significant amount of Common Area, Amenities and Open Space for its own use and development. Indeed, the Declarant claims that it unilaterally amended the By-Laws of the Association to *triple* the Declarant's voting rights designated as "Class B" in the declaration by unilaterally filing a Second Amended Declaration without any vote from the membership. Then, in a Special Meeting held remotely, in which Class A voting members were not allowed to attend

in person, the Declarant purportedly passed a vote of the members that approved the modified “Conceptual Master Plan” at issue in this dispute.

- ii. Mr. Otto and Ms. Jeans contend that the unilateral change to the Bylaws which tripled the Declarant’s voting rights is void.

While the by-laws of the Association state that the Declarant may unilaterally amend the Bylaws for “any reason,” this provision conflicts with several other sections of the covenants and must be strictly construed against the drafter, the Declarant. More importantly, the manner in which the Second Amendment of the Declaration was filed appears to be prohibited by South Carolina Code § 33-31-723, which prescribes the manner in which amendments of a not for profit corporation’s bylaws that increase or decrease the vote required for a member action must be passed. Here, the purported second amendment to the declaration amends the Bylaws to decrease the rights of Class A members to a proportion of 3 to 1 relative to the Declarant. In other words, the Declarant increased its voting rights threefold by unilaterally filing the Amended Declaration without a vote of the Class A members. This action appears to be a direct violation of SC Code § 33-31-723 (b) and (c) (1976) (as amended), the full text of which is found below:

SECTION 33-31-723. Voting requirements.

....

(b) A bylaw amendment to increase or decrease the vote required for a member action must be approved by the members and, if required, be approved as required in Section 33-31-1030.

(c) An amendment of the articles of incorporation or bylaws adding, changing, or deleting a voting requirement must be adopted by the same vote and classes of members required to take action under the voting requirements then in effect or proposed to be adopted, whichever is greater.

Appeal to Planning Commission re Heyward Point Preliminary Approval to Amended Master Plan

Here, the Declarant attempts to take the exact action which is prohibited by SC Code § 33-31-723 (b)-(c). Specifically, the Declarant has diluted the vote of the property owners of the Association three-fold without a vote by unilaterally filing the Second Amended Declaration without seeking a vote from the Association.

- b. The County's Preliminary Approval of the Amended Development Plan Relies on a Contested Vote of the Association that arises from a meeting Members were not allowed to attend and from which minutes and voting records of have not been produced.

The Board purportedly held a Special Meeting on September 15, 2025 to vote on the amendment to the "Conceptual Master Plan." However, members were not allowed to participate in the meeting in person.² Vote totals and minutes of the meeting have not been provided to members by the Board and Declarant after multiple requests. While this meeting is referenced by Mr. Michael Kronimus in his letter dated September 16, 2025 to Mr. Robert Merchant, there is no proof provided by the Board and Declarant to the County or to the members of the Association that a quorum for the meeting existed and the nature of the final vote total. If the vote did indeed pass, upon information and belief it was a result of the Declarant's unilateral dilution of the voting rights of Association members without a vote of the Association members, which my clients contend was violation of the South Carolina Not for Profit Association Act, as set forth above.

The impact of the Declarant's unilateral efforts cannot be overstressed: As a result of the unilateral amendment of the Declaration that stripped owners of voting rights, and the legally dubious vote to allegedly approve of the Conceptual Master Plan, each property owner of the Association will lose valuable property interests in both the Common Area of the Association and lose privacy rights inherent to their neighborhood which previously was enshrined by the Declaration.

²Mr. Otto and Ms. Jeans have significant concerns regarding the propriety of the manner and method of that this special meeting was held, which they do not specifically set forth here, but reserve and do not waive.

- c. Substantial Questions Exist Regarding the Propriety of the Second Amendment to the Declaration and the Approval of the Modified Conceptual Master Plan (aka the Amended Master Plan)

As set forth above, significant questions exist as to whether the methods employed by the Declarant to allegedly receive Association approval of the Conceptual Master Plan comply with the governing documents of the Association and the South Carolina Not for Profit Corporation Act. These actions were taken in a clandestine manner. The Declarant filed the Second Amendment of the Declaration, stripping voting rights from the Class A members of the Association, without a vote by the affected members. The result of these actions, if approved, would be an infringement and taking of property rights held by the members of the Association.

- d. The “Conceptual Master Plan” will most likely serve as a “Trojan Horse”, allowing the Declarant to further amend the Master Plan to obtain approval of use and density which would never otherwise be allowed by the Community Development Code.

The County should also be aware that approval of the amended “Conceptual Master Plan” would lead to significant foreseeable consequences to the density of Heyward Point and the nature of the use of Heyward Point by the Declarant. While the Declarant contends within the Conceptual Master Plan that land which was previously designated as “Common Area and Amenities” will be used for several, small, short term rental cottages, the Declarant’s website still advertises the “Thomas Heyward Inn” as a proposed amenity on the same location: <https://heywardpointsc.com/about/>. This “Inn” constitutes a non-conforming use under the Community Development Code, was subject to application and meetings earlier this year, and received significant public pushback from not only my clients, but surrounding communities. If the County approves of the new Conceptual Master Plan for Heyward Point and allows the Common Areas and Amenities to be rededicated to development, and allows parcels to be withdrawn from the plan, the County may hold little power to prevent the Declarant from again altering its “Conceptual Master Plan” to include the Thomas Heyward Inn or a development of either higher density or commercial character. This type of development presently constitutes a

Appeal to Planning Commission re Heyward Point Preliminary Approval to Amended Master Plan

non-conforming zoning use. However, if the Heyward Point Master Plan is amended again, under the same guise and theory by which the Declarant seeks to now amend the Master Plan, there may be little the County could do to prevent such use and development in this rural area.

III. Approval Process Implicates the Due Process Rights of Association Members

First, public notice and a public hearing was required prior to preliminary approval of the Amended Master Plan. No notice was granted. No public hearing was held. Further, if Mr. Otto and Ms. Jeans are correct that the Declarant's efforts to convert Common Area and Open Space of the Association through unilateral and clandestine action is in violation of the Declaration and law, any government approval of the Master Plan Amendment predicated upon the same implicates every Association member's rights to due process and impairs their ownership interest in and use and enjoyment of the Common Area, Open Space, and Amenities of the Association.

Here, the Declarant posted one sign on *one* of the *two* public thoroughfares of the Association without identifying a date for the application review before a May 14, 2025 meeting. Again, his Notice was put in place before the initial meeting on a previous proposed development plan which was scheduled for May 14, 2025. As you can see, no date is contained in this notice. It was not removed



after the May 14, 2025 application was not approved. And, no new sign was placed by the Declarant to notify membership of its continued efforts to amend the Master Plan in August or September of 2025.

Appeal to Planning Commission re Heyward Point Preliminary Approval to Amended Master Plan

While notice was posted by the County for the staff review team meeting for May 14, 2025 and August 13, 2025 meeting identifying Heyward Point – Master Plan Amendment as an agenda item, no notice was included in the agenda for the September 24, 2025 Staff Review Team Meeting Agenda relating to Heyward Point, where the “conceptual” Master Plan Amendment was preliminarily approved. No public meeting was held. This deprived the Association Members of knowledge of the agenda and the right to submit objections to staff and be heard.

Further, as the Planning Commission knows, changes to development master plans cannot be approved when the “local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity: (3) from any other source including, but not limited to other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by *court order.*” S.C. Code § 6-29-1145 (B)(3) (emphasis added). Here, it is clear that the Declaration conflicts and prohibits the Amended Master Plan, and that a verifiable, legitimate good faith dispute exists regarding the same. Property owners materially affected by the dispute have raised this issue to the attention of the Planning Commission.



AGENDA
STAFF REVIEW TEAM MEETING
Wednesday, September 24, 2025
9:30 A.M.
Planning and Zoning Department, Room 115
100 Ribaut Road
Beaufort, SC 29902
Contact: 843.255.2171

NOT A PUBLIC MEETING

1. CALL TO ORDER – 9:30 A.M.
2. HILTON HEAD CADILLAC EXPANSION – 1092 FORDING ISLAND ROAD (FINAL / BLUFFTON)
3. YARD FARM RV PARK – 700 SEA ISLAND PARKWAY (CONCEPTUAL (RESUBMITTAL) / ST. HELENA)
(The applicant is proposing to construct an RV campground including 111 spots for RV parking, utilities, access drives, landscaping and associated infrastructure.)
4. RIVER OAKS – PHASE 2 – MASTER PLAN AMENDMENT (PRE-APPLICATION / OKATIE)
5. MELROSE MAINTENANCE AREA AFFORDABLE HOUSING PROJECT (DISCUSSION / DAUFUSKIE ISLAND)
(The applicant is proposing to develop affordable housing for the Island's workforce.)
6. HOLLY HALL FARMS – 67 HOLLY HALL ROAD (DISCUSSION / LADY'S ISLAND)
(The applicant is proposing an Ecotourism Project.)
7. ADJOURNMENT

The fifth amendment of the United States Constitution declares that no person shall "be deprived of life, liberty, or property without due process of law." The fourteenth amendment declares that no state shall "deprive any person of life, liberty, or property without due process of law." Article I, § 3 of the South Carolina Constitution is to the same effect. "All the more insistent is the need, when power has been bestowed so freely, that the 'inexorable safeguard' . . . of a fair and open hearing be maintained in its integrity . . . The right to such a hearing is one of 'the rudiments of fair play' . . . assured to every litigant by the Fourteenth Amendment as a minimal requirement." *Smith & Smith, Inc. v. South Carolina Public Service Com.*, 271 S.C. 405, 407, 247 S.E.2d 677, 678 (1978). "There can be no compromise on the footing of convenience or expediency, or because of a natural desire to be rid of harassing delay, when that minimal requirement (of due process) has been neglected or ignored." *Id.* at 408 (quoting *Ohio Bell Telephone Co. v. Public Utilities Commission of Ohio*, 301 U.S. 292, 305, 57 S.Ct. 724, 731 (1937)).

In *Smith & Smith*, the South Carolina Supreme Court found a due process violation in the transfer of two trucking company Class "E" Certificates when the Public Service Commission approved the transfers without notice or a hearing. *Id.*, 271 S.C. at 406. Here, the infringement upon the property rights of Mr. Otto, Ms. Jeans, and each other property owner within Heyward Point and each Class "A" voting member of the Association is real and identifiable. Approval, even if preliminary, of the Amended Master Plan without notice or a hearing violates every Heyward Point Property Owner's right to due process.

CONCLUSION

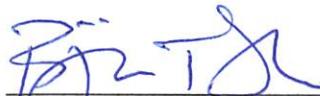
No notice of a public hearing was afforded relating to the Amended Master Development Plan of Heyward Point. No public hearing was held. Further, the Planning Commission has actual knowledge of that Declaration of Covenants, Conditions and Restrictions of Heyward Point are contrary to, conflict with, and prohibit the the proposed "Conceptual Master Plan" offered by the Declarant is "contrary to, conflicts with, or prohibits the permitted activity" set forth in the Conceptual Master Plan; specifically, the conversion of Common Area and Amenities to Declarant's ownership and use. The issues identified in this correspondence are but

Appeal to Planning Commission re Heyward Point Preliminary Approval to Amended Master Plan

some but not all reasons that the Declarant's action violates and/or is inconsistent with the restrictive covenants at issue and should not be construed to prohibit my clients' identification of additional basis for denial of the Amended Master Plan. Seeking and obtaining an appropriate court order declaring that its action is lawful and consistent with the Declaration is the only appropriate and reasonable manner for the Declarant to effectively confirm that its actions are lawful and consistent with the restrictive covenants of the declaration. Only an order from an appropriate court of law would show the County that the common area and amenities at issue have been lawfully converted to the Declarant's use and ownership to the detriment of the members of the Association and the property owners of Heyward Point. Accordingly, pursuant to Beaufort County Community Development Code § 7.4.50(A), a public hearing was and is required prior to the approval of the Amended Master Plan. Further, pursuant to S.C. Code § 6-29-1145, and for the benefit of the property owners of Heyward Point and surrounding communities, Mr. Otto and Ms. Jeans respectfully appeal the September 24, 2025, preliminary approval of the "Conceptual Master Plan" and Master Plan Amendment of Heyward Point. My clients respectfully demand that the County revoke the preliminary approval. Please do not hesitate to contact the undersigned with any questions or if you would like any additional information relating to this topic.

With kind regards, I am

Most Sincerely Yours,



Benjamin T. Shelton, SC Bar No. 77207
Attorney at Law

cc: Mr. Brian Hulbert, Esq., County Attorney (via email only)
Mr. Walter Nester, Esq., Attorney for Declarant (via email only)

Enclosure – Letter to Walter Nester, Esq., dated March 26, 2025



LAND USES

KEY	LAND USE	ACREAGE
ROADS	35.95 +/- Ac.	
LOTS	248.30 +/- Ac.	
OPEN SPACE		
— AMENITIES	3.13 +/- Ac.	
— LAKES	44.08 +/- Ac.	
— FORESTS & TRAILS	171.77 +/- Ac.	
TOTAL OPEN SPACE	218.98 +/- Ac.	
HEYWARD POINT TOTAL	503.23 +/- Ac.	
ALTAMAHIA PRESERVE (BEAUFORT CO.)	100.07 +/- Ac.	
HEYWARD POINT PROPERTY TOTAL	603.30 Acres	

RIVER CORRIDOR BUFFER

Note: Exact acreage is subject to the surveyor final plot.

MASTER PLAN APPROVAL:
This is to certify that the Beaufort County Staff Review Board has reviewed this Master Plan and found it to be in compliance with the Beaufort County Community Plan and the Beaufort County Zoning Ordinance of a development plan.

Date of Staff Approval: May 11, 2001
Developer's Permit # HP-100
Certified by HP Land Development, LLC

HEYWARD POINT
EST 1767

BEAUFORT COUNTY, SOUTH CAROLINA
PREPARED FOR:
HP LAND DEVELOPMENT, LLC
PREPARED BY KRA ARCHITECTURE & DESIGN

CONCEPTUAL LAND USE AND MASTER PLAN

DATE: APRIL 3, 2001
REV: MAY 11, 2001
REV: JUNE 11, 2001
REV: JULY 11, 2001
REV: MARCH 5, 2002
REV: OCTOBER 7, 2002
REV: NOVEMBER 11, 2002
REV: DECEMBER 12, 2002
REV: MARCH 11, 2004
REV: MAY 11, 2004
REV: OCTOBER 16, 2006
REV: FEBRUARY 28, 2014
REV: AUGUST 11, 2025

25 ACRES
10 ACRES
3 ACRES

ACRES

0 400 800 1200
NORTH FEET



MEMORANDUM

TO: Beaufort County Planning Commission

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

DATE: January 23, 2026

SUBJECT: CONSIDERATION OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): TABLE 3.1.60 (CONSOLIDATED USE TABLE), TABLE 3.2.40.H (T2R ALLOWED USES), AND DIVISION 4.1 (SPECIFIC TO USE)

STAFF REPORT:

A. BACKGROUND:

Case No. CDPA-000056-2025

Applicant:

Proposed Amendment: Amendment to Table 3.1.60, 3.2.40.H, and Division 4.1 in the Community Development Code to Permit School: Public or Private in T2 Rural

B. SUMMARY AND BACKGROUND:

The proposed amendment seeks to conditionally permit School: Public or Private within the T2 Rural zoning district. The proposed conditions by the applicant are as follows:

- A. Either have direct access to, or extend paved access as part of the development, to an arterial or collector road.
- B. Either have direct access to, or extend utilities as part of the development, to the public water and sewer system.

In the CDC, there are four options in the use table. A permitted use is allowed in a zoning district by right. A conditional use is permitted in a zoning district yet subject to additional standards (conditions) specified for that use. A special use requires the approval of the Zoning Board of Appeals (ZBOA). Lastly, if none of the options are listed in the use table, the use is not permitted under any circumstances.

C. ZONING MAP AMENDMENT REVIEW STANDARDS: 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;

Yes, it furthers the goal of CF 6 in the Comprehensive Plan which states “ensure that schools are planned for and located to serve the county’s diverse population fairly and to the same high level of quality”. This also furthers the goal of closer coordination and cooperation with the School District for future school sites.

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

No, it is not in conflict. This amendment would eliminate conflict with the Community Development Code by rectifying the current three existing, non-conforming school sites (Okatie Elementary, Shanklin Elementary and Whale Branch Early College) that are located in the T2 Rural zoning district.

3. Addresses a demonstrated community need;

Yes, this addresses the community need for future school sites and the expansion of education opportunities in the rural areas of the County. Suitable schools sites are currently scarce and this amendment opens the door for future acquisition.

4. Is required by changed conditions;

Yes, is it. The CDC placed further restrictions on schools in rural Beaufort County. While the now-retired Zoning and Development Standards Ordinance allowed schools as a special use in the “Rural” district, the current ordinance does not allow schools at all in T2 Rural. The two referenced zoning districts are analogous to one another.

5. Is consistent with the purpose and intent of the zones in this Development Code, or would improve compatibility among uses and ensure efficient development within the County;

Yes, it is consistent. Currently there are three schools (Okatie Elementary, Shanklin Elementary and Whale Branch Early College) that are located in the T2 Rural zoning district. These schools were built before the Community Development Code and its respective Zoning Map were implemented. Permitting the use would bring these schools into conformity. In addition, the proposed conditions to the use would ensure that future school sites are consistent with the areas designated as Rural in the Comprehensive Plan.

6. Would result in a logical and orderly development pattern; and

Yes. The added conditions to the use would ensure adequate public facilities and efficient traffic flow.

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

Yes, it would not result in adverse impacts. Any development on the site would be required to adhere to the natural resource protection, tree protection, wetland protection, and stormwater standards in the Community Development Code and the Stormwater BMP Manual.

D. RECOMMENDATION: Staff recommends approval with the proposed conditions replaced with:

- School site shall utilize public sewer and water lines and shall be located within 500 feet of existing public sewer and water lines.
- School site requiring a Traffic Impact Analysis (see Division 6.3) shall also provide School Access Management Plans including:
 - Peak hour queue modeling (AM arrival & PM dismissal)
 - Bus and car rider vehicle separation design
 - Emergency vehicle access during peak AM arrival and PM dismissal times

E. ATTACHMENTS:

- Text Amendment Changes
- Application

3.1.60 - Consolidated Use Table

Land Use Type		T1 N	T2R	T2 RL	T2 RN	T2 RNO	T2 RC	T3E	T3 HN	T3 N	T3 NO	T4 HC	T4 VC	T4 HCO	T4 NC	C3	C4	C5	SI
RECREATION, EDUCATION, SAFETY, PUBLIC ASSEMBLY																			
17. School: Public or Private	—	C	—	—	—	S	—	—	—	S	P	P	P	P	P	P	P	—	—

"P" indicates a Use that is Permitted By Right.
 "C" indicates a Use that is Permitted with Conditions.
 "S" indicates a Use that is Permitted as a Special Use.
 "TCP" indicates a Use that is permitted only as part of a Traditional Community Plan under the requirements in Division 2.3.
 "—" indicates a Use that is not permitted.

3.2.40 - T2 Rural (T2R) Standards

H. T2R Allowed Uses

Land Use Type ¹	Specific Use Regulations	T2R	T2RL
Recreation, Education, Safety, Public Assembly			
Community Public Safety Facility		P	P
Institutional Care Facility	7.2.130	S	—
Detention Facility	7.2.130	S	—
Meeting Facility/Place of Worship (less than 15,000 SF)	4.1.150	C	—
Meeting Facility/Place of Worship (15,000 SF or greater)	4.1.150	S	—
Park, Playground, Outdoor Recreational Areas	2.8	P	P
Recreation Facility: Commercial Outdoor	4.1.200	S	—
Recreation Facility: Golf Course		P	—
Recreation Facility: Primitive Campground	4.1.190	P	P
Recreation Facility: Semi-Developed Campground	4.1.190	P	P
Ecotourism	4.1.330	C	—
School: Public or Private	4.1.370	C	—
Key			
P Permitted Use			
C Conditional Use			
S Special Use Permit Required			

Applicant Proposed Amendment:

4.1.370 School: Public or Private

School: Public or Private shall comply with the following:

- A. Either have direct access to, or extend paved access as part of the development, to an arterial or collector road.**
- B. Either have direct access to, or extend utilities as part of the development, to the public water and sewer system.**

Staff Proposed Amendment:

4.1.370 School: Public or Private

School: Public or Private shall comply with the following:

- A. School site shall utilize public sewer and water lines and shall be located within 500 feet of existing public sewer and water lines.**
- B. School site requiring a Traffic Impact Analysis (see Division 6.3) shall also provide School Access Management Plans including:**
 - (1) Peak hour queue modeling (AM arrival & PM dismissal)**
 - (2) Bus and car rider vehicle separation design**
 - (3) Emergency vehicle access during peak AM arrival and PM dismissal times**

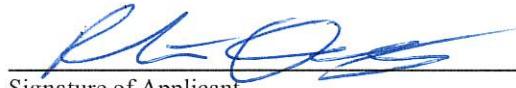
BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CDC) TEXT AMENDMENT

TO: Beaufort County Council

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

GENERAL INFORMATION	
NAME OF APPLICANT: Beaufort County School District c/o Ward Edwards Engineering	
MAILING ADDRESS: P.O. Box 381, Bluffton, SC 29910	
PHONE: (757) 814-0824	
EMAIL: cblaney@wardedwards.com	
SECTION(S)/ DIVISION(S) AFFECTED: 3.1.60, 3.2.40, 4.1.110, & 4.1.370	
REASON FOR REQUEST: To allow school related uses in T2R zoning.	
ATTACH EDITED VERSION OF THE SECTION(S)/ DIVISION(S) AFFECTED	

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 Applicant

1/5/26
Date

UPON RECEIPT OF APPLICATIONS, THE STAFF HAS **THREE (3)** WORKDAYS 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 FIRST MONDAY OF THE MONTH** PRIOR 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.

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

Beaufort County Text Amendment Narrative

Date: January 13, 2026

Applicant: Beaufort County School District

P.O Drawer 309
Beaufort, SC 29901

Summary:

Beaufort County School District (BCSD) is proposing a text amendment within the Beaufort County Community Development Code to allow for school uses within T2 Rural (T2R) zoning. Specifically, to allow for “School: Public or Private” as a Conditional Use, with the conditions outlined below:

Section 4.1.370 - Public or Private Schools

Public or private schools shall comply with the following:

- Either have direct access to, or extend paved access as part of the development, to an arterial or collector road.
- Either have direct access to, or extend utilities as part of the development, to the public water and sewer system.

Section 7.3.30 Text Amendment Criteria

The proposed text amendment addresses the following criteria set forth in Section 7.3.30 of the Community Development Code as follows:

1. Consistency with the goals, objectives, and policies of the Comprehensive Plan:

The proposed text amendment is consistent with the goals and policies of the Beaufort County Comprehensive Plan, including those encouraging the provision of essential public facilities, equitable access to educational services, and the efficient use of land. Public schools are critical community infrastructure that support long-term growth management, quality of life, and economic vitality. Allowing schools within T2R zoning supports the Comprehensive Plan’s intent to provide public services in appropriate locations while respecting rural character and minimizing unnecessary zoning changes.

2. No conflict with the Development Code or Code of Ordinances:

The proposed amendment does not conflict with provisions of the Beaufort County Community Development Code or the Code of Ordinances. Rather, it clarifies and modernizes the Code by addressing existing inconsistencies: Beaufort County School District currently operates Okatie Elementary School, Joseph S. Shanklin Elementary School, and Whale Branch High School within the T2R zoning district. The amendment brings the Code into alignment with existing conditions and long-standing public use, reducing reliance on nonconforming status for essential public facilities.

3. Required by changed conditions:

Changed conditions necessitate this amendment. Population growth, shifting demographics, and increasing demand for public school facilities, particularly in more rural areas of the County, require greater flexibility in finding locations for new school facilities. Additionally, the continued operation of existing schools within T2R zoning (Okatie Elementary School, Joseph S. Shanklin Elementary School, and Whale Branch High School) highlights the need to update the Code to reflect current realities and future planning needs of the School District.

4. Addresses a demonstrated community need:

The proposed text amendment addresses a clear community need for expanded and flexible public-school facilities. In addition to operating existing schools within a T2R district, BCSD owns adjacent undeveloped T2R-zoned property to Okatie Elementary School, that is well suited for school uses, and is evaluating the potential acquisition of additional T2R-zoned property along Cherry Point Road which also appears well-suited for a school. More broadly, the amendment enables BCSD to consider other T2R-zoned properties for future educational needs as they become available.

5. Consistency with the purpose and intent of the T2R zoning district and improved compatibility:

The T2R zoning district is intended to accommodate low-intensity uses compatible with rural areas. Public schools are civic uses that are generally compatible with rural settings, particularly when appropriately designed. Allowing schools within T2R zoning improves compatibility by recognizing schools as community-serving facilities rather than necessitating rezonings that could introduce higher-density residential or commercial uses inconsistent with rural character. This amendment therefore strengthens, rather than undermines, the intent of the T2R district.

6. Logical and orderly development pattern:

The proposed amendment promotes a logical and orderly development pattern by allowing schools to be located where land is already suitable, available, and publicly owned, without triggering broader zoning changes. Rezoning T2R land to allow schools could unintentionally open the door to higher-density uses beyond educational purposes. A text amendment avoids that outcome and ensures that development remains focused, predictable, and aligned with long-term planning objectives.

7. No adverse impacts on the natural environment:

Any future school development within T2R zoning would remain subject to all applicable environmental regulations, including stormwater management, wetlands protection, buffering requirements, and environmental permitting. Schools are typically developed with careful site planning and infrastructure controls, and the amendment does not diminish existing safeguards related to water quality, wildlife habitat, vegetation, noise, or other environmental resources.

Conclusion:

This text amendment provides a targeted, reasonable update to the Community Development Code that resolves existing nonconformities, meets demonstrated public needs, preserves rural character, and supports orderly growth. Allowing school uses within the T2R zoning district better ensures that Beaufort County School District can continue to serve the community effectively while maintaining consistency with the County's Comprehensive Plan and zoning framework.