



Natural Resources Committee Beaufort County, SC

Executive Conference Room, Administration Building Beaufort County Government Robert
Smalls Complex 100 Ribaut Road, Beaufort

**Monday, March 03, 2025
4:00 PM**

AGENDA

COMMITTEE MEMBERS:

**YORK GLOVER, CHAIRMAN
GERALD DAWSON
ANNA MARIA TABERNIK**

**PAULA BROWN VICE-CHAIR
LAWRENCE MCELYNN
ALICE HOWARD, EX OFFICIO**

1. CALL TO ORDER: York Glover, Committee Chair
2. PLEDGE OF ALLEGIANCE: York Glover, Committee Chair
3. STATEMENT OF COMPLIANCE WITH SC FOIA: York Glover, Committee Chair
4. APPROVAL OF AGENDA
- [5.](#) APPROVAL OF MINUTES - February 3, 2025
- [6.](#) **PUBLIC COMMENT PERIOD – 15 MINUTES TOTAL**
- [7.](#) AN ORDINANCE AMENDING THE ZONING MAP FOR 49.16 ACRES (R600 029 000 0005 0000, R600 029 000 0143 0000, R600 029 000 1194 0000, R600 029 000 0002 0000, R600 029 000 008A 0000, R600 029 000 008C 0000, R600 029 000 0006 0000, R600 029 000 0026 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO NEIGHBORHOOD MIXED USE (C3) - *Rob Merchant, AICP, Director, Beaufort County Planning and Zoning*

February 3, 2025 Natural Resources Committee Meeting: Motion to postpone to March 3, 2025 without objection.
- [8.](#) AN ORDINANCE AMENDING THE ZONING MAP FOR 121.43 ACRES (R600 013 000 0008 0000, R600 013 000 0050 0000, R600 013 000 0105 0000, R600 013 000 0104 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD- OPEN (T3N-O) USING A VILLAGE PLACE TYPE OVERLAY (PTO) - *Rob Merchant, AICP, Director, Beaufort County Planning and Zoning*

February 3, 2025 Natural Resources Committee Meeting: Motion to postpone to March 3, 2025 without objection.
- [9.](#) AN ORDINANCE FOR A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX B (DAUFUSKIE ISLAND COMMUNITY DEVELOPMENT CODE) DIVISION 3 (PERMITTED USES) TO PERMIT THE

USE OF ANIMAL SERVICES: CLINIC/HOSPITAL IN D2 RURAL (D2R). (**FISCAL IMPACT: None.**) -Rob Merchant, AICP, Director, Beaufort County Planning and Zoning

10. A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT A NATIONAL COASTAL RESILIENCE FUND GRANT AWARD FROM THE NATIONAL FISH AND WILDLIFE FOUNDATION. (**FISCAL IMPACT: No cash match. Receipt of \$169,667.50 to be applied to the Beaufort County Planning & Zoning Department Grants Revenue Fund. Fiscal Impact: In-kind match (in lieu of County funds) in the amount of \$153,054 will be provided by Beaufort County and its partners through services provided. In kind match is comprised of \$120,000 worth in high-resolution aerial imagery and LIDAR from the GIS Department, \$6,890 worth in services rendered compiling GIS data layers and identifying data gaps from the GIS Department, \$7,800 worth in services to continue GIS data layer compilation and gap filling from the GIS Department, \$2,400 worth in services arranging public engagement sessions, including providing a venue, from the Port Royal Sound Foundation, and \$15,964 worth in services in graphic design from staff at the SC Sea Grant Consortium**) - Juliana Smith, Environmental Long Range Planner
11. THE REAPPOINTMENTS OF EUGENE MEYERS, CECILY MCMILLAN, AND ED PAPPAS TO THE PLANNING COMMISSION FOR A THREE-YEAR TERM WITH THE EXPIRATION DATE OF FEBRUARY 2028
12. THE REAPPOINTMENTS OF NATALIE HARVEY AND KATRINA EPPS TO THE HISTORIC PRESERVATION REVIEW BOARD FOR A FOUR-YEAR TERM WITH THE EXPIRATION DATE OF FEBRUARY 2029
13. ADJOURNMENT

TO WATCH COMMITTEE OR COUNTY COUNCIL MEETINGS OR FOR A COMPLETE LIST OF AGENDAS AND BACKUP PACKAGES, PLEASE VISIT:

<https://beaufortcountysc.gov/council/council-committee-meetings/index.html>



Natural Resources Committee Beaufort County, SC

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**Monday, February 03, 2025
4:00 PM**

MINUTES

COMMITTEE MEMBERS:

YORK GLOVER, CHAIRMAN
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ANNA MARIA TABERNIK

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BACKUP PACKAGES, PLEASE VISIT:**

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1. **CALL TO ORDER**

Committee Chairman Glover called the meeting to order at 4:01 pm.

PRESENT

Committee Chair York Glover
Committee Vice-Chair Paula Brown
Council Member Lawrence McElynn
Council Member Anna Maria Tabernik
Council Member Alice Howard
Council Member Joesph Passiment
Council Member Thomas Reitz

ABSENT

Council Member David Bartholomew
Council Member Mark Lawson
Council Member Gerald Dawson
Council Member Logan Cunningham

2. **PLEDGE OF ALLEGIANCE**

Committee Chairman Glover invited Jasmine Smalls to lead the Pledge of Allegiance.

3. **STATEMENT OF COMPLIANCE WITH FOIA**

4. APPROVAL OF AGENDA

Motion: It was moved by Council Member McElynn, Seconded by Council Member Brown to approve the agenda.

The Vote: The motion was approved without objection.

5. APPROVAL OF MINUTES - January 13, 2025

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Brown, to approve the minutes from January 13, 2025.

The Vote: The motion was approved without objection.

6. PUBLIC COMMENT PERIOD

1. Felice LaMarca
2. Scott Daniel
3. T. Lassiter
4. Derek Stetter

To view the public comment period: <https://beaufortcountysc.new.swagit.com/videos/333744?ts=174>

7. Assistant County Administrator Report

Rob Merchant, Director of Planning and Zoning, gave a departmental update.

To view the Assistant County Administrator Report:

<https://beaufortcountysc.new.swagit.com/videos/333744?ts=940>

8. A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE DOCUMENTS NECESSARY AND TO PROVIDE FUNDS TO CONTRIBUTE TO THEIR PROCUREMENT, THE TOWN OF HILTON HEAD ISLAND, FOR FEE SIMPLE REAL PROPERTY LOCATED ON HILTON HEAD ISLAND, KNOWN AS THE BEACH CITY ROAD TRACT (PIN# R510 005 000 0202 0000), NOT TO EXCEED THE REQUESTED AMOUNT (\$250,000). FISCAL IMPACT: (\$250,000) from the Green Space Program Fund Account #4706-10-0000-54400 (Land Acquisition) - Mike McShane, Chair of the Green Space Advisory Committee

The Town of Hilton Head Island submitted a Green Space Program Fee Simple application for consideration on January 13, 2025. The Natural Resources Committee approved due diligence and negotiations of the application. On January 30, 2025, the Green Space Advisory Committee (GSAC) met, reviewed existing due diligence provided by the applicant, and voted to recommend approval for the contribution of funds not to exceed the requested amount of \$250,000. The (GSAC) vote was unanimous.

The Beach City Road Tract is a 1.89 +/- acre property located on Hilton Head Island directly across the street from Historic Mitchelville Freedom Park. After the Town of Hilton Head placed the property under contract for \$1,190,000, the Town applied to the Green Space Program requesting a partial reimbursement of \$250,000, offering a municipal match/partnership contribution in the amount of \$940,000. A preservation outcome for this property would achieve several goals of the Green Space Program, including preserving an established intact tree canopy and protecting areas with known cultural significance.

Motion: It was moved by Council Member Reitz, Seconded by Council Member Brown, to Approve a Resolution Authorizing the County Administrator to Execute the Documents Necessary and to Provide Funds to Contribute to Their Procurement, The Town of Hilton Head Island, for Fee Simple Real Property Located on Hilton Head Island, Known as Beach City Road Tract (PIN # R510-005-000-0202-0000), Not to Exceed the Requested Amount (\$250,000.00).

The Vote: The motion was approved without objection.

To view the discussion: <https://beaufortcountysc.new.swagit.com/videos/333744?ts=1855>

9. **A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE THE DOCUMENTS NECESSARY AND TO PROVIDE FUNDS TO CONTRIBUTE TO THEIR PROCUREMENT, OPEN LAND TRUST, FOR A FARMLAND PRESERVATION CONSERVATION EASEMENT ON PROPERTY LOCATED IN BEAUFORT COUNTY KNOWN AS ESSEX FARMS (PIN# R700 029 000 0054 0000), NOT TO EXCEED THE REQUESTED AMOUNT (FISCAL IMPACT: \$560,000 from the Green Space Program Fund Account #4706-10-0000-54400) - Mike McShane, Chairman of the Green Space Advisory Committee**

The Open Land Trust submitted a Green Space Program Farmland Preservation application on behalf of the landowners for consideration. On June 10, 2024, the Community Services and Land Use Committee approved due diligence and negotiations of the application. On January 30, 2025, the Green Space Advisory Committee (GSAC) met, reviewed existing due diligence provided by the applicant, and voted to recommend approval for the contribution of funds not to exceed the requested amount of \$560,000. The (GSAC) vote was unanimous.

Essex Farms is a privately owned 900 +/- acre property located in Beaufort off Kinloch Road and Wimbee Landing Road, actively being used for silviculture operations. The Open Land Trust (Applicant) works with the property owners to place a conservation easement over the entire property, allowing for a maximum of five (5) total parcels. The appraised value for the conservation easement is approximately \$3,726,6000. To help achieve this, The Open Land Trust has been working with several partners to source funding opportunities. The partners include the Department of Defense via the REPI Challenge (\$1,860,000), the SC Conservation Bank (\$560,000), the Green Space Program (\$560,000), and landowner donations (\$746,600). The conservation easement will be held and managed by the Open Land Trust and will protect this property in perpetuity. A preservation outcome for this property would achieve several goals of the Green Space Program, including preservation of intact natural habitats for plants and animals, protection of water quality, preservation of soils of statewide importance for silviculture and agriculture, maintained environmental resilience, and preservation of scenic corridors along rural county and state roadways.

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Howard, to Approve a Resolution Authorizing the County Administrator to Execute the Documents Necessary and to Provide Funds to Contribute to Their Procurement, Open Land Trust, For a Farmland Preservation Conservation Easement on Property Located in Beaufort County Known as Essex Farms (PIN # R700-029-000-0054-0000), Not to Exceed the Requested Amount (\$560,000)

The Vote: The motion was approved without objection.

To view the discussion: <https://beaufortcountysc.new.swagit.com/videos/333744?ts=2040>

10. **AN ORDINANCE AMENDING THE ZONING MAP FOR 3.28 ACRES LOCATED AT 64 JAMES O CT (R600 036 000 0022 0000) FROM T3 EDGE (T3E) TO MAY RIVER COMMUNITY PRESERVATION (MRCP) - Rob Merchant, AICP, Director, Beaufort County Planning and Zoning**

This rezoning application went before the Beaufort County Planning Commission's January 6, 2025, meeting. At that time, the Commission unanimously recommended denying the proposed amendment to the County Council.

The applicant is seeking to amend the zoning of a 3.28-acre parcel. It is currently zoned T3 Edge, and the applicant is requesting a zoning amendment to May River Community Preservation to accommodate agricultural use for animal protection. The applicant currently operates this use without a permit and seeks rezoning to rectify a violation.

Staff supports this rezoning request as the County Comprehensive Plan recommends promoting the preservation and viability of agriculture and forestry. However, the Planning Commission needs to

consider the compatibility issues of the use with the surrounding residential neighbors, as noise and odor pollution are concerns. Therefore, if the rezoning is granted, staff recommend that the CDC is concurrently amended to implement agriculture as a Conditional use in the MRCP district. The condition should state that a 50-foot buffer is required when animal production ("the raising, breeding, feeding, and/or keeping of animals for the principal purpose of commercially producing products for human use consumption") abuts single-family residential parcels.

Motion: It was moved by Council Member McElynn, Seconded by Council Member Brown to open the floor for discussion.

The Vote: No Vote Taken

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Brown, to Recommend Denial of an Ordinance Amending the Zoning Map for 3.28 Acres Located at 64 James O Ct. (R600 036 000 0022 0000) from T3 Edge (T3E) to May River Community Preservation (MRCP)

The Vote: The motion was approved without objection.

To view the full discussion: <https://beaufortcountysc.new.swagit.com/videos/333744?ts=2294>

11. **AN ORDINANCE AMENDING THE ZONING MAP FOR 49.16 ACRES (R600 029 000 0005 0000, R600 029 000 0143 0000, R600 029 000 1194 0000, R600 029 000 0002 0000, R600 029 000 008A 0000, R600 029 000 008C 0000, R600 029 000 0006 0000, R600 029 000 0026 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO NEIGHBORHOOD MIXED USE (C3) - Rob Merchant, AICP, Director, Beaufort County Planning and Zoning**

This rezoning application went before the Beaufort County Planning Commission at their December 2, 2024, meeting. At that time, the Commission unanimously recommended denying the proposed amendment to the County Council.

The applicant is seeking to amend the zoning of 49.16 acres. The parcels are currently zoned T2 Rural, and the applicant is requesting a zoning amendment for a (C3) mixed-use neighborhood. The applicant works with the Lowcountry Veterans Housing Foundation nonprofit to provide 24 affordable units for Disabled American War Veterans and First Responders. The applicant intends to enter a Development Agreement to provide assurances.

Staff recommend denial. While the Comprehensive Plan calls for the development of this area, how it is being proposed is not compatible with the existing surrounding land and would adversely impact the properties surrounding these parcels that are not participating in this application as they are to remain zoned T2 Rural; thus, this rezoning would not result in a logical and orderly development pattern. If the County wishes to move forward with the rezoning, staff recommend implementing an area-wide plan with Bluffton and the school district. However, it is important to note that the applicant proposes providing 24 units addressing much-needed affordable housing for the community.

Motion: It was moved by Council Member Brown, Council Member Tabernik, to postpone this item until the next Natural Resources meeting on March 3, 2025.

The Vote: The motion was approved without objection.

To view the full discussion: <https://beaufortcountysc.new.swagit.com/videos/333744?ts=3368>

12. **AN ORDINANCE AMENDING THE ZONING MAP FOR 121.43 ACRES (R600 013 000 0008 0000, R600 013 000 0050 0000, R600 013 000 0105 0000, R600 013 000 0104 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD- OPEN (T3N-O) USING A VILLAGE PLACE TYPE OVERLAY (PTO) - Rob Merchant, AICP, Director, Beaufort County Planning and Zoning**

This rezoning application went before the Beaufort County Planning Commission's January 6, 2025, meeting. At that time, the Commission unanimously recommended denying the proposed amendment to the County Council.

The applicant is seeking to amend the zoning of 121.43 acres. The parcels are currently zoned T2 Rural, and the application requests a zoning amendment to the T4 neighborhood Center and T3 neighborhood Neighborhood-Open using a Village Place Type Overlay. This application contains a land transfer that would provide a 30-acre tract for a much-needed future public school site. It would also yield 258 maximum units and 350,000 sq.ft. of commercial space; however, this would be decided through a Development Agreement process.

The staff does not support this rezoning request. Although the 2040 Comprehensive Plan designates this area as a Village Place Type and staff has determined that the applicant is willing to provide enhancements and expansions of SC 170, the Level of Service for the affected intersections and roads will not be up to par with the County's preferred standards. If the rezoning is to be granted, staff recommend that a Development Agreement be entered to ensure that correct mitigation measures, density, and Levels of Service are memorialized.

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Howard, to postpone this item until the next Natural Resources Meeting on March 3, 2025.

Yea: Council Member Glover, Council Member Tabernik, Council Member Howard, Council Member Passiment. **Nay:** Council Member McElynn, Council Member Reitz. **Abstain/Recusal:** Council Member Brown

The Vote: 4/2/1

To view the full discussion: <https://beaufortcountysc.new.swagit.com/videos/333744?ts=3420>

13. RECOMMEND APPROVAL OF THE REAPPOINTMENT OF MARC FEINBERG TO THE STORMWATER MANAGEMENT UTILITY BOARD FOR A FOUR-YEAR TERM WITH THE EXPIRATION DATE OF FEBRUARY 2029.

Motion: It was moved by Council Member Brown, Seconded by Council Member Reitz, to Recommend Approval of the Reappointment of Marc Feinberg to the Stormwater Management Utility Board for a Four-Year Term with the Expiration Date of February 2029.

The Vote: The motion was approved without objection.

To view the full discussion: <https://beaufortcountysc.new.swagit.com/videos/333744?ts=3714>

Motion: It was moved by Council Member Howard, Seconded by Council Member Tabernik, to go into executive session at 5:04 pm.

The Vote: The motion was approved without objection.

14. PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2) RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO CONTRACTUAL TERMS AND POTENTIAL CLAIMS (MITCHELVILLE PROPERTY PURCHASE AND PROPERTY APPRAISALS FOR GREEN SPACE APPLICATION)

15. PURSUANT TO S.C. CODE SEC. 30-4-70(A)(2): RECEIPT OF LEGAL ADVICE WHERE THE ADVICE RELATES TO CONTRACTUAL DISCUSSIONS AND PENDING CLAIMS OR OTHER MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (PROPERTY APPRAISAL FOR GREEN SPACE MITCHELVILLE GRANT APPLICATION)

16. MATTERS ARISING OUT OF EXECUTIVE SESSION

Motion: It was moved by Council Member McElynn, Seconded by Council Member Reitz, to Move Forward to Council the Valbridge Appraisal of the 26.69 Acre Mitchelville Property Dated January 31, 2025, for

Consideration Recommending Approval of the Report and Payment to the Town of Hilton Head in the Amount Equal to the Increase in Value that is Set Forth in the Appraisal in the Amount of the Grant Previously Provided Pursuant to the Prior Appraisal

The Vote: The motion was approved without objection.

To view the matters arising out of the executive session:

<https://beaufortcountysc.new.swagit.com/videos/333744?ts=3852>

17. ADJOURNMENT

Ratified:

CITIZEN COMMENTS**Natural Resources****March 3, 2025****FULL NAME****PHONE # or EMAIL
ADDRESS**

✓ 1.	Derek Stiller	843-325-4199
✓ 2.	Phie Lallara	843-384-6702
✓ 3.	Scott Daniel	912-661-0463
✓ 4.	Grant McClure	843-754-7935
✓ 5.	Dennis Ross	9018269085
✓ 6.	Deborah Smith	404-414-1280
✓ 7.	ROBERT OETTING	843-812-00205
✓ 8.	Reynolds Stewart	803 541 2691
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Falken Heating

843-384-9029

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BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 7.

ITEM TITLE:
<i>CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 49.16 ACRES (R600 029 000 0005 0000, R600 029 000 0143 0000, R600 029 000 1194 0000, R600 029 000 0002 0000, R600 029 000 008A 0000, R600 029 000 008C 0000, R600 029 000 0006 0000, R600 029 000 0026 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO NEIGHBORHOOD MIXED USE (C3)</i>
MEETING NAME AND DATE:
<i>Natural Resources Committee Meeting, February 3, 2025</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>This rezoning application went before the Beaufort County Planning Commission at their December 2, 2024, meeting. At that time, the Commission voted unanimously to recommend denial of the proposed amendment to County Council.</i>
PROJECT / ITEM NARRATIVE:
<i>The applicant is seeking to amend the zoning of 49.16 acres. The parcels are currently zoned T2 Rural, and the applicant is requesting a zoning amendment to (C3) Neighborhood Mixed-Use. The applicant is working with the nonprofit Lowcountry Veterans Housing Foundation to provide 24 affordable units for Disabled American War Veterans and First Responders. The applicant intends on entering a Development Agreement to provide assurances.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends denial. While Comprehensive Plan calls for development of this area, the manner in which it is being proposed is not compatible with the existing surrounding land and would adversely impact the properties surrounding these parcels that are not participating in this application as they are to remain zoned T2 Rural; thus, this rezoning would not result in a logical and orderly development pattern. If the County wishes to move forward with the rezoning, staff recommends implementing an area wide plan with Bluffton and the school district. However, it is important to note that the applicant is proposing to provide 24 units addressing much needed affordable housing for the community.</i>
OPTIONS FOR COUNCIL MOTION:
<i>Motion to approve, modify, or deny the application as submitted;*</i> <i>Approval of the application with a reduction in the area proposed to be rezoned;*</i> <i>Approval of a rezoning to a more restricted base zone than requested in the application;* or</i> <i>Denial of the application.*</i>

**Council's decision must be based on the standards in Section 7.3.40 C of the Community Development Code (Attachment A to this AIS) and must clearly state the factors considered in making its decision and the basis or rationale for the decision. (7.4.90 B.3). These factors are as follows:*

- 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).*

Attachment A.

CDC Section 7.3.40 B.7 Zoning Map Amendment (Rezoning) provides:

The County Council's decision shall be based on the standards in Subsection 7.4.30 C and shall be one of the following:

1. Approval of the application as submitted;
2. Approval of the application with a reduction in the area proposed to be rezoned;
3. Approval of a rezoning to a more restricted base zone than requested in the application;
4. Denial of the application.

CDC Section 7.3.40 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).

CDC Section 7.4.90 B.3 provides:

County Council's decision shall clearly state the factors considered in making the decision and the basis or rationale for the decision.

REZONING REQUESTS

I MOVE THAT WE GRANT/(DENY) THE REQUEST FOR REZONING FOR THE FOLLOWING REASONS (**STATE ALL THAT SUPPORT YOUR MOTION**).

THE REQUEST:

1. IS/ (IS NOT) CONSISTENT WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE CODE AND THE PURPOSES OF THE DEVELOPMENT CODE; _____
2. IS NOT/ (IS) IN CONFLICT WITH PROVISIONS OF THE DEVELOPMENT CODE AND OR OUR CODE OF ORDINANCES; _____
3. DOES/ (DOES NOT) ADDRESS A DEMONSTRATED COMMUNITY NEED; _____
4. IS/ (IS NOT) REQUIRED BY CHANGED CONDITIONS; _____
5. IS/ (IS NOT) COMPATIBLE WITH EXISTING AND PROPOSED USE OF LAND SURROUNDING THIS LAND; _____
6. WOULD NOT/ (WOULD) ADVERSELY AFFECT NEARBY LAND; _____
7. WOULD/ (WOULD NOT) RESULT IN LOGICAL AND ORDERLY DEVELOPMENT PATTERNS; _____
8. WOULD NOT/ (WOULD) RESULT IN ADVERSE IMPACT ON THE NATURAL ENVIRONMENT (WATER, AIR, NOISE, STORMWATER MANAGEMENT, WILDLIFE, VEGETATION, WETLANDS, AND THE NATURAL FUNCTIONING OF THE ENVIRONMENT); _____
9. WOULD/ (WOULD NOT) RESULT IN DEVELOPMENT THAT IS ADEQUATELY SERVED BY PUBLIC FACILITIES (STREETS, POTABLE WATER, SEWER, STORMWATER MANAGEMENT, SOLID WASTE COLLECTION AND DISPOSAL, SCHOOLS, PARKS, POLICE, FIRE, EMERGENCY MEDICAL FACILITIES). _____

ORDINANCE 2025/ _____

AN ORDINANCE AMENDING THE ZONING MAP FOR 49.16 ACRES (R600 029 000 0005 0000, R600 029 000 0143 0000, R600 029 000 1194 0000, R600 029 000 0002 0000, R600 029 000 008A 0000, R600 029 000 008C 0000, R600 029 000 0006 0000, R600 029 000 0026 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO NEIGHBORHOOD MIXED USE (C3)

WHEREAS, the properties located on Okatie Highway (R600 029 000 0005 0000, R600 029 000 0143 0000, R600 029 000 1194 0000, R600 029 000 0002 0000, R600 029 000 008A 0000, R600 029 000 008C 0000, R600 029 000 0006 0000, R600 029 000 0026 0000) are currently zoned T2 Rural; and

WHEREAS, the applicant has requested to change the zoning of the properties to Neighborhood Mixed Use (C3); and

WHEREAS, the applicant has expressed the intent to provide 24 affordable housing units through the Lowcountry Veterans Housing Foundation; and

WHEREAS, the 2040 Comprehensive Plan supports affordable housing initiatives; and

WHEREAS, the Beaufort County Planning Commission considered the request on December 2, 2024, voting unanimously to recommend that County Council deny the request; and

WHEREAS, County Council now wishes to amend the zoning map to change the zoning of the properties from T2 Rural to Neighborhood Mixed Use (C3).

NOW, THEREFORE be it ordained by County Council in a meeting duly assembled as follows:

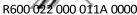
To adopt an ordinance amending the zoning map for 49.16 acres (R600 029 000 0005 0000, R600 029 000 0143 0000, R600 029 000 1194 0000, R600 029 000 0002 0000, R600 029 000 008A 0000, R600 029 000 008C 0000, R600 029 000 0006 0000, R600 029 000 0026 0000) located on Okatie Highway from T2 Rural (T2R) to Neighborhood Mixed Use (C3).

Ordained this ____ day of _____, 2025

Alice Howard, Chair

Sarah Brock, Clerk to Council

Item 7.



Legend

- Red outline: K000 29 3, 143, 1194, 2, 8A, 8C, 8, 20
- Blue: Buckingham Landing Community Preservation [BLCPI]
- Yellow: C3 Neighborhood Mixed Use [C3NMMU]
- Orange: C4 Community Center Mixed Use [C4CCMU]
- Light Blue: C5 Regional Center Mixed Use [C5RCMU]
- Dark Blue: May River Community Preservation [MRCP]
- Green outline: Existing Planned Unit Development [PUD]
- Light Green: T1 Natural Preserve [T1NP]
- Medium Green: T2 Rural [T2R]
- Dark Green: T2 Rural Center [T2RC]
- Very Dark Green: T2 Rural Neighborhood [T2RN]
- Light Yellow: T3 Edge [T3Edge]
- Light Purple: T3 Hamlet Neighborhood [T3HN]
- Medium Purple: T3 Neighborhood [T3N]
- Dark Purple: T4 Hamlet Center [T4HC]
- Very Dark Purple: T4 Hamlet Center Open [T4HCO]
- Black: T4 Neighborhood Center [T4NC]

FBCode

Map Labels:

- PUD
- C3NMMU
- T2R
- T2RN
- Town of Bluffton
- Bluffton Pkwy
- Hampton Pkwy
- Station Pkwy
- Okatie Hwy
- Zealy St
- Burley Ln
- Hager Rd
- Coburn Dr
- Poyas Dr
- Unnamed
- Davis Rd
- Davis Kurader Dr
- River Ridge Dr
- Bluffton Pkwy
- Unnamed
- Parklands Dr
- Anchor Blvd
- Unnamed
- Unnamed
- Future Bluffton Pkwy
- Oakdale Dr
- Pickett Mill Blvd
- Okatie Hwy

17



MEMORANDUM

TO: York Glover, Chair, Natural Resources Committee of County Council

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

DATE: February 3, 2025

SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 49.16 ACRES (R600 029 000 0005 0000, R600 029 000 0143 0000, R600 029 000 1194 0000, R600 029 000 0002 0000, R600 029 000 008A 0000, R600 029 000 008C 0000, R600 029 000 0006 0000, R600 029 000 0026 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO NEIGHBORHOOD MIXED USE (C3)

STAFF REPORT:

A. BACKGROUND:

Case No.	CDPA-000039-2024
Owner:	Marion T. Davis, James Hamilton, Mosaic Development, LLC, Steward William Reynolds, TGJ Properties, LL, Jason D. Reed, Curt Warrington, Evelina Perry, John Bush, James Bush
Applicant:	Barry L. Johnson
Property Location:	3053, 3105, 3119, and 3147 Okatie Highway, 29 and 40 Davis Court, and 28 Hubbard Lane
District/Map/Parcel:	R600 029 000 0005 0000, R600 029 000 0143 0000, R600 029 000 1194 0000, R600 029 000 0002 0000, R600 029 000 008A 0000, R600 029 000 008C 0000, R600 029 000 0006 0000, R600 029 000 0026 0000
Property Size:	49.16 Acres
Current Future Land Use Designation:	Neighborhood/Mixed-Use (Hamlet Place Type)
Current Zoning District:	T2 Rural
Proposed Zoning District:	C3 Neighborhood Mixed-Use

- B. SUMMARY AND HISTORY OF REQUEST:** The applicant is requesting to rezone eight undeveloped parcels along Okatie Highway and Hubbard Lane. The current zoning is T2 Rural. The surrounding lands are comprised of a school, rural tracts, and single-family detached-unit neighborhoods. The request is to accommodate 50 mansion apartments, 24,000 sqft of commercial space, and 23 dwelling units above commercial. The property (R600 029 000 0002 0000) that does not connect to the rest of the parcels in this application is listed on the Potential Master Plan as part of a future Traditional Community Plan (TCP). On its own, it would not qualify to be a TCP as it does not meet the minimum of 8 acres; it is not contiguous with any other existing or proposed C3 parcels either.

This application went before PC at their July meeting and was deferred to September at the request of the applicant. At the September meeting, the applicant requested that it be deferred to December with the agreement that it would be re-advertised. The property was posted again on November 15th and advertised November 17th. Neighbors within 500 feet of the properties of this application were also notified via letter.

The applicant is working with the nonprofit “Lowcountry Veterans Housing Foundation” to provide 24 affordable units for Disabled American War Veterans and First Responders. The applicant is intending to enter into a Development Agreement to provide assurances that these units will be provided.

- C. EXISTING ZONING:** The lots are currently zoned T2 Rural Center which permits residential development at a density of one dwelling unit per three acres. T2 Rural permits very limited non-residential uses.
- D. PROPOSED ZONING:** The CDC defines the C3 Neighborhood Mixed-Use zoning district as: “The Neighborhood Mixed Use (C3) Zone provides for high-quality, moderate-density (averaging under three dwelling units per acre) residential development, with denser areas of multi-family and mixed-use development to provide walkability and affordable housing options. The design requirements are intended to provide a suburban character and encourage pedestrian, as well as automobile, access.” This district allows for single family residential density of up to 2.6 dwelling units per acre. It also has a maximum of 80 multi-family dwelling units. Using a TCP would allow up to 3.5 dwelling units per acre if applicable. These densities apply to only the base site area.
- E. 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.”*

Beaufort County has completed its review of the Traffic Impact Analysis (TIA) for the Okatie Mixed Use project. Based on the findings, the County approves the updated TIA, including its recommendation to install:

- An exclusive left-turn lane along Davis Road to provide separate left- and right-turn egress lanes from Davis Road onto SC 170/Okatie Highway
- An exclusive northbound right-turn lane along SC 170/Okatie Highway at Project Driveway #2 into the site
- A full access driveway along River Ridge Drive at Project Driveway #3.

F. 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;

No, although it meets the future land use designation of Neighborhood/Mixed Use, it does not fulfill the Comprehensive Plans identification of a Hamlet Place Type. This means that the Hamlet Place Type Overlay provision should be used when this property is upzoned. In addition, the Comprehensive Plan encourages that the County works with all local governments regionally and partakes in coordinated cooperation. It also directs that new growth is to occur in municipalities. If the County is interested in this type of upzoning, an area-wide plan in conjunction with the Town of Bluffton is recommended to be conducted to avoid incompatible development. It is important to note that the applicant is proposing to provide 24 affordable units for Disabled American War Veterans and First Responders. This follows recommendation H3. to “aggressively pursue the development of affordable housing” of the Comprehensive Plan.

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

No, it is in conflict with the Community Development Code. To be consistent with the Community Development Code and Comprehensive Plan, the Place Type Overlay provision should be used to upzone these properties. The Hamlet Place Type would allow three units per acre and would require 80 acres minimum, thus requiring that this area be planned out in a larger fashion than what is being proposed, as stated in #1. The implementation of a Place Type would create a more compatible and appropriate transition to mixed-use development as it requires appropriate transitions to the scale and character of the surrounding land.

3. Addresses a demonstrated community need;

Yes, the applicant proposes to provide 24 affordable units to Disabled American War Veterans and First Responders. This provision could only be implemented through a Development Agreement- not through the rezoning process itself.

4. Is required by changed conditions;

Yes, the properties of this application are zoned T2R; the area is surrounded by higher-density residential and commercial uses. The Comprehensive Plan labels this location as

Neighborhood/Mixed-Use future land use. However, changing zoning in this area should take the whole community into account instead of in a fragmented manner.

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;**

No, there are compatible uses that are allowed in the proposed C3 zoning district, but overall there remains low-density rural residential properties abutting and around the proposed parcels. Therefore, this rezoning would cause a disorderly fragmented development pattern. The implementation of a coordinated area plan would create a more compatible and appropriate transition of land development.

6. **Would not adversely affect nearby lands;**

No, it would not. The rezoning would adversely affect nearby lands because the parcels are in immediate proximity to rural properties. There are also wetlands that will be heavily impacted that are located on and near many of the properties requested for rezoning.

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

No, it would not. See 5 and 6.

8. **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, 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. However, it is necessary to note though that there is a major wetland system in this area.

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:**

Yes, there is water and wastewater pump capacity to serve development per BJWSA. The School District has been notified.

G. STAFF RECOMMENDATION: Staff recommends denial. While Comprehensive Plan calls for development of this area, the manner in which it is being proposed is not compatible with the existing surrounding land and would adversely impact the properties surrounding these parcels that are not participating in this application as they are to remain zoned T2 Rural; thus, this rezoning would not result in a logical and orderly development pattern. Because of proximity to Bluffton and the major designation commercial area at Bluffton Parkway and 170, the town of Bluffton is in a better position to serve this area. If the County wishes to move forward with the rezoning, staff recommends implementing an area wide plan with Bluffton and school district. However, it is important to note that the applicant is proposing to provide 24 units addressing much needed affordable housing for the community. The Planning Commission should weigh these merits when making their recommendation.

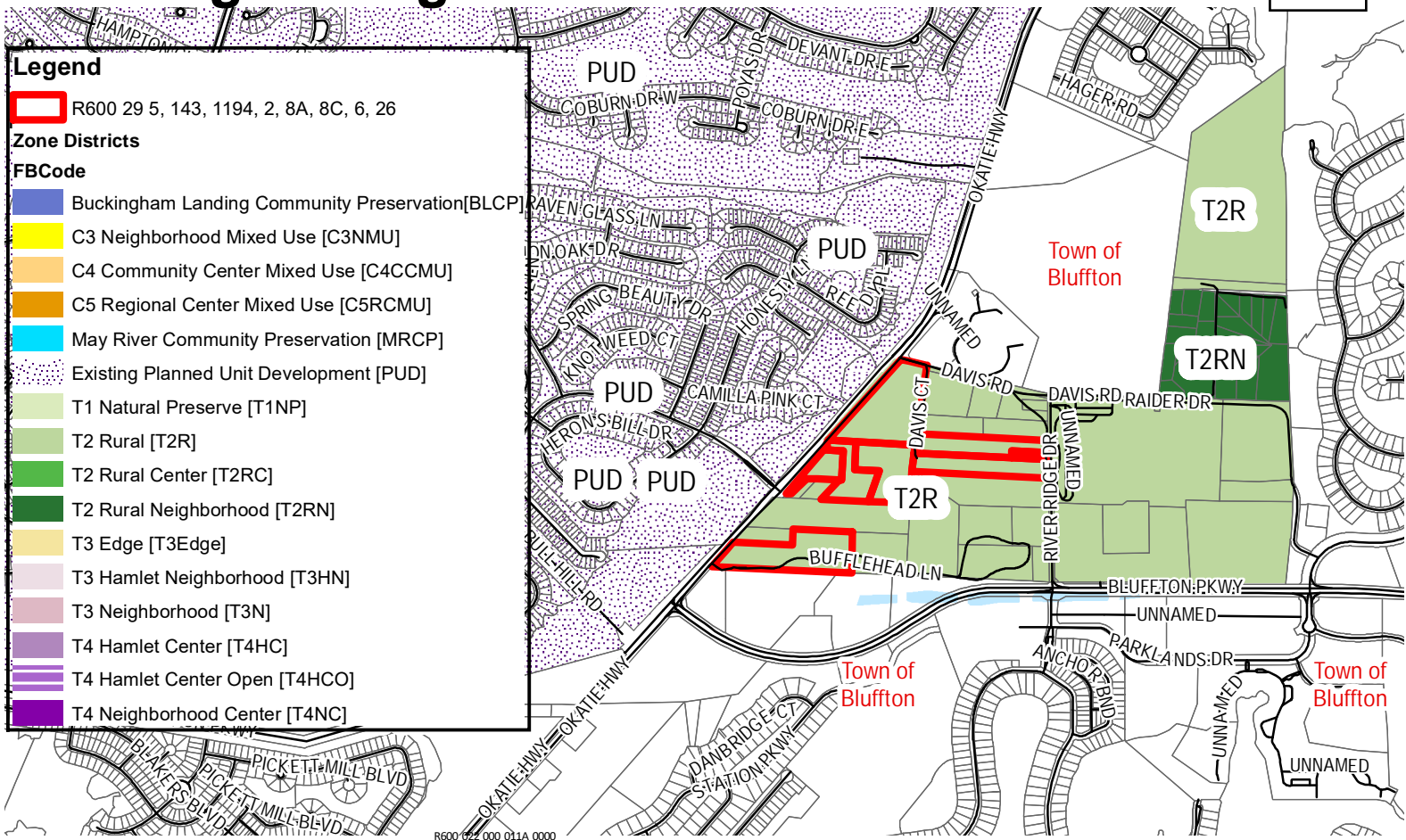
H. PLANNING COMMISSION RECOMMENDATION:

At their December 2, 2024 meeting, the Planning Commission unanimously recommended denial of the rezoning with the further recommendation that an area wide plan be considered.

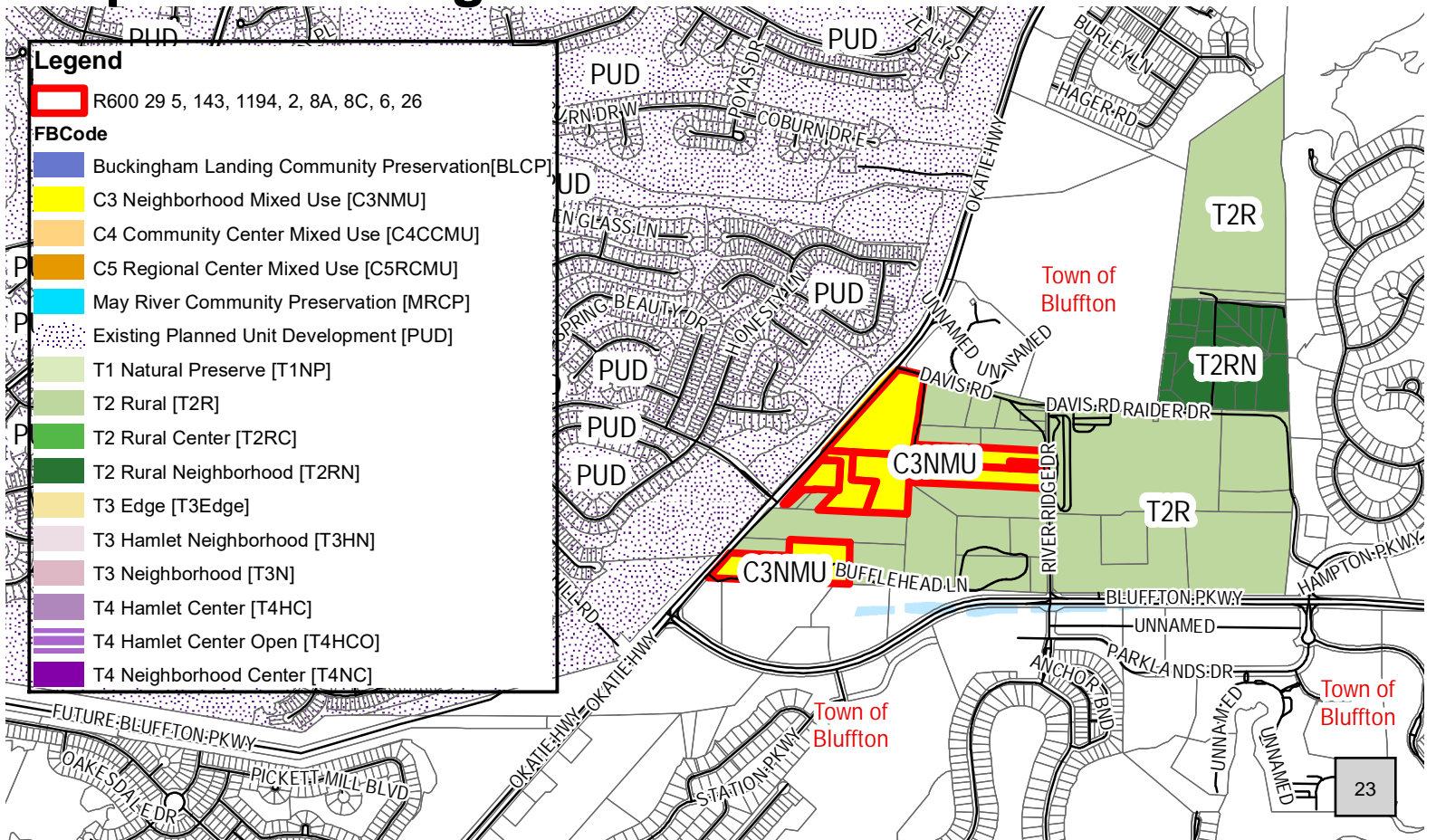
I. ATTACHMENTS

- Zoning Map (existing and proposed)
- Application
- Supplement Information
- TIA

Existing Zoning



Proposed Zoning





JOHNSON & DAVIS, PA

ATTORNEYS

BARRY L. JOHNSON*
HUTSON S. DAVIS, JR. **
W. LAMAR JOHNSON II
MANNING R. CATHCART

* Certified S.C. Mediator and Arbitrator
** Certified S.C. Mediator

THE VICTORIA BUILDING
SUITE 200
10 PINCKNEY COLONY ROAD
BLUFFTON, SC 29909

TELEPHONE (843) 815-7121
TELEFAX (843) 815-7122

BARRY L. JOHNSON
BARRY@JD-PA.COM

May 6, 2024

Hand-Delivered

Beaufort County Planning Department
Attn: Robert Merchant, AICP, Director
County Administration Building, Room 115
100 Ribaut Road
Beaufort, SC 29901-1228

RECEIVED

MAY 06 2024

**Community
Development Dept.**

Re: Rezoning Application
(Multiple parcels on/near S.C. Hwy. 170 between Davis Road and Bluffton
Parkway)

Dear Mr. Merchant:

I herewith submit, for filing with your department, the referenced Rezoning Applications, with these supporting documents:

1. Narrative addressing the required ten subjects, by Witmer-Jones-Keefer Ltd.;
2. Booklet of visual/exhibits in support of the Narrative including, as you suggested, one potential Master Plan, covering a substantial portion of the subject properties;
3. Additional exhibits in support of the Narrative showing conceptual storm water, sewer, and water plans, by Ward Edward Engineering; and
4. Mosaic Development, LLC's check in payment of the filing fee in the amount of \$1,237.40.

Also, there is one additional copy of each of the above, which I request be stamped as submitted/filed today.

Please let me know of any additional considerations, and of scheduling.

Yours very truly,

Barry L. Johnson

BLJ:ger
Enclosures

P:\WP\Mosaic Development\Mews II\Applications\20240506_Ltr to R. Merchant w Applications.docx



MEMO

TO: ROB MERCHANT

FROM: BRIAN WITMER, BARRY JOHNSON, WILLY POWELL, SHELLY SNYDER

CC: STEWART W. REYNOLDS, TGI PROPERTIES, LLC, JASON D. REED, CURT WARRINGTON, ELEVILINA PERRY, MARION THEODORE DAVIS JR., JAMES BUSH, JOHN BUSH, JAMES HAMILTON, AND MOSAIC DEVELOPMENT LLC

SUBJECT: BEAUFORT COUNTY REZONING REQUEST

DATE: MAY 6, 2024

Section 7.3.40 Zone Map Amendment (Rezoning)

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:

Applicant Comments:

The rezoning request is consistent with both the 2010 and 2040 Comprehensive Plans:

- At Beaufort County's request, application for annexation was made to the Town of Bluffton and denied by Bluffton Town Council.
 - The future land use has been consistently shown since 2010 as Neighborhood Mixed Use, which is consistent with applicant's conceptual master plan.
 - Applicant has found no evidence, compelling or otherwise, that the requested Zone Map Amendment would threaten the public health, safety, and welfare if the land subject to the rezoning request 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:

Applicant Comments:

Attached is Applicants' "One Potential Master Plan" of most of the parcels subject to this rezoning request, which is not in" conflict with any provisions of the Development Code, or the Code of Ordinances.

3. Addresses a demonstrated community need:

Applicant Comments:

Multi-family residential housing is an urgent, well-understood need in this community. Housing opportunities for teachers, first responders, healthcare and medical employees, service industry workers, and young professionals such as doctors, accountants, lawyers, architects, engineers, land planners, real estate and insurance agents are in critical demand. We need these crucial human resources to live in the community in which they work. If they do not live in our community, it's only a matter of time before a significant percentage are forced to find employment elsewhere, and some already have. If we want to have quality schools, timely emergency services, robust medical facilities, a broad spectrum of shops and restaurants, and a well-educated and experienced business community, then additional first home housing is absolutely needed.

4. Is required by changed conditions:

Applicant Comments:

Approximately 25-30 years ago, 1995-2000, the conditions in this and the surrounding area was that it was all formerly agricultural and had been largely turned into timberlands with very sparse, rural, housing. Then came:

- Sun City
- The reworking of McGarvey's Corner with its T-intersection with then-Highway 278 into the 4-way, elevated exchange of the re-routed Highway 278 and the redesignated Highway 170
- The creation of Bluffton Parkway with its vision to connect this area of Beaufort County to a newly envisioned Exit 3 on I-95 and to provide a new corridor for residences, schools, businesses, medical facilities throughout this area.
- The visions implemented for Hampton Lake, and other communities, on the Bluffton Parkway.
- The successful mobilization of USC's Hardeeville Campus
- The visions implemented all along Highway 278 from the bridges to Hilton Head out to I-95's Exit 8 for large, vibrant residential communities, and a string of car dealerships along Highway 278 and other commercial/retail, etc. developments.
- The rapid growth of Coastal Carolina Hospital and all the other medical offices, laboratories, rehabilitation facilities, etc. in this area

- The visions implemented along Highway 170 for Lawton Station, Mill Creek, Cypress Ridge, Palmetto Point, The Four Seasons, and the numerous communities of New Riverside connecting to Highway 170, as well as Palmetto Bluff.
- The visions implemented for nearby schools: River Ridge Academy, May River High School, Pritchardville Elementary, and more to come from the recent bond approvals.
- The buildout of Hilton Head Island, and the surge of popularity of the Town of Bluffton and its surrounding lands as a new housing and commercial center, and as a destination.

These changed conditions have surrounded the subject parcels (which are not under single ownership), and the remaining parcels in this Future Land Use Area with all of the above, leaving just now this island of land that is classified very inconsistently with the current conditions of surrounding lands. These changed conditions have also provided infrastructure readily available to the subject parcels, such as roads, sidewalks, water, sewer, electricity, and schools. For the County not to reclassify Applicant's parcels to Neighborhood Mixed Use would restrict the uses of the subject parcels when virtually all of the adjoining and adjacent, surrounding properties are not subject to the severe use restrictions of T2R.

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:

Applicant Comments:

See comments above related to Item 4 of this narrative. In summary, the classification of Neighborhood Mixed Use is compatible and appropriate with surrounding land uses with Buckwalter Commercial to the south, River Ridge Academy to the east, Sun City PUD to the west and NHC Healthcare to the north, and a few adjacent, mostly unoccupied parcels within this Future Land Use area. This application for rezoning of 8 parcels also leads the way for the remainder of the parcels in this Future Land Use Area to move into the long-anticipated, since at least 2010, classification of Neighborhood Mixed Use (C3). At the present time, Rezoning Parcel #8 (which is also identified by Beaufort County PIN R600 029 000 0002 0000) appears to contain slightly less than 8 acres, actually about two/tenths of an acre. As such, this Rezoning Parcel #8 is not presently included in any potential master planning for the remaining Rezoning Parcels.

6. Would not adversely impact nearby lands:

Applicant Comments:

Rezoning to Neighborhood Mixed Use would not adversely impact nearby lands. Instead, it would enhance nearby lands through the restaurant and retail services expected in the Commercial Center of the Preliminary Master Plan, while reducing needs for significant burdens on Highway 170 and Bluffton Parkway as residents of nearby lands would have short trips to reach these restaurant and retail services. By interconnectivity, as shown on the Applicant's "One Preliminary Master Plan", the residents of theses subject parcels would be able to reach the Commercial Center by pedestrian, bicycle, or similar modes.

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

Applicant Comments:

Logically, as shown in the Comprehensive Plan this area is attended for significantly higher density than T2R permits. A higher density use would be more compatible with the surrounding higher density developments of residential, commercial, school, etc. This zoning map amendment would bring water and sewer into these sites in an 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:

Applicant Comments:

This project proposes to bring public water and sewer service to this area to fill a donut hole in the Beaufort Jasper Water & Sewer Authority (BJWSA) service area. Gravity sewer services installed in support of the rezoning is anticipated to be extended to the surrounding parcels, allowing them to make connections. Bringing this area off septic and onto public sewer will help alleviate existing fecal coliform impairments within the Okatie River watershed.

All land disturbance activities and land use changes are subject to the current Beaufort County SoLoCo Stormwater Ordinance, along with SCDHEC-OCRM requirements. Each parcel will be self-sufficient and provide a reduction in overall stormwater volume and stormwater rate, up to and including the 100-year design storm. In addition, each parcel will exceed the County's requirements for Total Suspended Solids (TSS) removal, nitrogen, and phosphorous removal reduction percentages. Due to the items listed above and all the current development code requirements the natural environments would not suffer adverse impacts: rather, the impacts would be the opposite; they would be improvements.

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):

Applicant Comments:

This area has excellent public facilities available: roads, water, sewer, electricity, schools, medical, etc. It also would provide much needed housing for the very people we need in our community to be employed in schools, parks, police, and fire and emergency medical facilities.

**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CPC) ZONING MAP AMENDMENT**

TO: Beaufort County Council

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

GENERAL INFORMATION
OWNER'S NAME(S)*: Marion T. Davis, Jr.
MAILING ADDRESS: 64 Rose Hill Drive, Bluffton, SC 29910
PHONE: 843-540-8588
EMAIL: mdvs42@yahoo.com
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Barry L. Johnson
MAILING ADDRESS: 10 Pinckney Colony Road, #200, Bluffton, SC 29909
PHONE: 843-815-7121
EMAIL: Barry@jd-pa.com

*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.

PROPERTY INFORMATION
PARCEL NUMBER(S) (TMS): (1) R600 029 000 008A 0000; (2) R600 029 000 008C 0000; and (3) R600 029 000 0026 0000
ADDRESS OF SUBJECT PARCEL(S): (1) 28 Hubbard Lane; (2) & (3) 29 Davis Court
SIZE OF SUBJECT PROPERTY: (1) 5.50 Ac. (2) 4.95 Ac. (3) .500 Ac.
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DISTRICT(S)): T2R
REQUESTED ZONING CLASSIFICATION: C3 – neighborhood mixed use.
REASON FOR REQUEST: Changed conditions. See attached narrative per Beaufort County Code §7.3.40 and its attachments.
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** N/A

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20101 if a 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.

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



 Signature of Owner 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.

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.

**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CPC) ZONING MAP AMENDMENT**

TO: Beaufort County Council

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

GENERAL INFORMATION
OWNER'S NAME(S)*: James Hamilton
MAILING ADDRESS: c/o James Bush, 3053 Okatie Hwy., Bluffton, SC 29910
PHONE:
EMAIL:
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Barry L. Johnson
MAILING ADDRESS: 10 Pinckney Colony Road, #200, Bluffton, SC 29909
PHONE: 843-815-7121
EMAIL: Barry@jd-pa.com

*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.

PROPERTY INFORMATION
PARCEL NUMBER(S) (TMS): (1) R600 029 000 0006 0000; (2) R600 029 000 0002 0000
ADDRESS OF SUBJECT PARCEL(S): (1) 3053 Okatie Hwy.; (2) 3147 Okatie Hwy.
SIZE OF SUBJECT PROPERTY: (1) 12.40 AC; (2) 7.80 AC
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DISTRICT(S)): T2R
REQUESTED ZONING CLASSIFICATION: C3 – neighborhood mixed use.
REASON FOR REQUEST: Changed conditions. See attached narrative per Beaufort County Code §7.3.40 and its attachments.
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** N/A

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20101 if a 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.

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

Signature of Owner



Date

3-30-24

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.

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

**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CPC) ZONING MAP AMENDMENT**

TO: Beaufort County Council

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

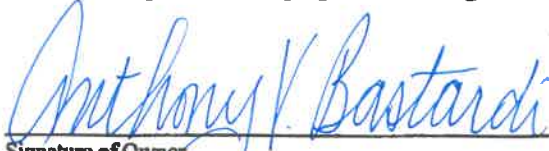
GENERAL INFORMATION
OWNER'S NAME(S)*: Mosaic Development, LLC (Equitable Owner)
MAILING ADDRESS: 12 Holly Grove Road, Bluffton, SC 29910
PHONE: 201-213-5750
EMAIL: abastardi@mosaicdevelopment.net
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Barry L. Johnson
MAILING ADDRESS: 10 Pinckney Colony Road, #200, Bluffton, SC 29909
PHONE: 843-815-7121
EMAIL: Barry@jd-pa.com

*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.

PROPERTY INFORMATION
PARCEL NUMBER(S) (TMS): (1) R600 0298 000 0002 0000 ; (2) R600 029 000 1194 0000 ; (3) R600 029 000 0143 0000 ; (4) R600 029 000 0005 0000
ADDRESS OF SUBJECT PARCEL(S): (1) 3147 Okatie Hwy. ; (2) 3119 Okatie Hwy. ; (3) 40 Davis Court ; (4) 3105 Okatie Hwy.
SIZE OF SUBJECT PROPERTY: (1) 7.80 AC ; (2) 2.20 AC ; (3) 6.70 AC ; (4) 3.70 AC
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DISTRICT(S)): T2R
REQUESTED ZONING CLASSIFICATION: C3 – neighborhood mixed use.
REASON FOR REQUEST: Changed conditions. See attached narrative per Beaufort County Code §7.3.40 and its attachments.
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** N/A

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20101 if a 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.

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



Signature of Owner

May 6, 2024

Date

Equitable Owner Mosaic Development LLC by Anthony V. Bastardi, Managing Member

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.

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.

**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CPC) ZONING MAP AMENDMENT**

TO: Beaufort County Council

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

GENERAL INFORMATION
OWNER'S NAME(S)*: Steward William Reynolds
MAILING ADDRESS: PO Box 861, Barnwell, SC 29812
PHONE: 803-541-2691
EMAIL: reynolds2racer@yahoo.com
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Barry L. Johnson
MAILING ADDRESS: 10 Pinckney Colony Road, #200, Bluffton, SC 29909
PHONE: 843-815-7121
EMAIL: Barry@jd-pa.com

*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.

PROPERTY INFORMATION
PARCEL NUMBER(S) (TMS): R600 029 000 0005 0000
ADDRESS OF SUBJECT PARCEL(S): 3105 Okatie Hwy., Bluffton, SC 29910
SIZE OF SUBJECT PROPERTY: 3.70 Ac
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DISTRICT(S)): T2R
REQUESTED ZONING CLASSIFICATION: C3 – neighborhood mixed use.
REASON FOR REQUEST: Changed conditions. See attached narrative per Beaufort County Code §7.3.40 and its attachments.
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** N/A

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20101 if a 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.

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


Signature of Owner5/3/24
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.

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.

**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CPC) ZONING MAP AMENDMENT**

TO: Beaufort County Council

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

GENERAL INFORMATION
OWNER'S NAME(S)*: TGJ Properties LLC
MAILING ADDRESS: 2561 Courthouse Road, Guyton, GA 31312
PHONE: 832-384-2232
EMAIL: reedjason966@aol.com
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Barry L. Johnson
MAILING ADDRESS: 10 Pinckney Colony Road, #200, Bluffton, SC 29909
PHONE: 843-815-7121
EMAIL: Barry@jd-pa.com

*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.

PROPERTY INFORMATION
PARCEL NUMBER(S) (TMS): R600 029 000 0143 0000
ADDRESS OF SUBJECT PARCEL(S): 40 Davis Court, Bluffton, SC 29910
SIZE OF SUBJECT PROPERTY: 6.70 Ac
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DISTRICT(S)): T2R
REQUESTED ZONING CLASSIFICATION: C3 – neighborhood mixed use.
REASON FOR REQUEST: Changed conditions. See attached narrative per Beaufort County Code §7.3.40 and its attachments.
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** N/A

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20101 if a 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.

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


Signature of Owner


Date

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***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.**

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.

May 02 2024
REFERENCE ID: 1614045

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
SECRETARY OF STATE
ARTICLES OF ORGANIZATION
Limited Liability Company – Domestic
Filing Fee - \$110.00

TYPE OR PRINT CLEARLY IN BLACK INK

The undersigned delivers the following articles of organization to form a South Carolina limited liability company pursuant to S.C. Code of Laws §33-44-202 and §33-44-203.

1. The name of the limited liability company (Company ending must be included in name*)

TGJ Properties, LLC

*NOTE: The name of the limited liability company must contain one of the following endings: "limited liability company" or "limited company" or the abbreviation "L.L.C.", "LLC", "L.C." "LC", or "Ltd. Co."

2. The address of the initial designated office of the limited liability company in South Carolina is
33 Ferebee Court

Street Address

Bluffton

29910

City

Zip Code

3. The initial agent for service of process is

Jason Reed

Name

Jason Reed
Signature of Agent

and the street address in South Carolina for this initial agent for service of process is

33 Ferebee Court

Street Address

Bluffton

29910

City

Zip Code

4. List the name and address of each organizer. Only one organizer is required, but you may have more than one.

- (a) Gerritt Nimmer

Name

52 Kendall Drive

Street Address

Bluffton

SC

29910

City

State

Zip Code

- (b) Jason Reed

Name

33 Ferebee Court

Street Address

Bluffton

SC

29910

City

150309-0217

FILED: 03/09/2015

TGJ PROPERTIES, LLC

Filing Fee: \$110.00 ORIG

Mark Hammond

South Carolina Secretary of State

May 02 2024

REFERENCE ID: 1614045

Name of Limited Liability Company TGJ Properties, LLC

Mark Hammond
SECRETARY OF STATE OF SOUTH CAROLINA

5. ☐ Check this box only if the company is to be a term company. If the company is a term company, provide the term specified. _____
6. ☐ Check this box only if management of the limited liability company is vested in a manager or managers. If this company is to be managed by managers, include the name and address of each initial manager.
- (a) _____
Name _____
Street Address _____
City _____ State _____ Zip Code _____
- (b) _____
Name _____
Street Address _____
City _____ State _____ Zip Code _____
7. ☐ Check this box only if one or more of the members of the company are to be liable for its debts and obligations under §33-44-303(c). If one or more members are so liable, specify which members, and for which debts, obligations or liabilities such members are liable in their capacity as members. This provision is optional and does not have to be completed.
8. Unless a delayed effective date is specified, these articles will be effective when endorsed for filing by the Secretary of State. Specify any delayed effective date and time.

9. Any other provisions not inconsistent with law which the organizers determine to include, including any provisions that are required or are permitted to be set forth in the limited liability company operating agreement may be included on a separate attachment. Please make reference to this section if you include a separate attachment.
10. Each organizer listed under number 4 must sign.
- Judson Reed*
Signature of Organizer _____ Date 3/6/2015
gi
Signature of Organizer _____ Date 3/6/2015

**CORPORATE RESOLUTION
TGJ PROPERTIES, LLC**

WHEREAS, the Members of TGJ PROPERTIES, LLC. (hereinafter "LLC") make and declare this Corporate Resolution for the specific purposes stated herein;

WHEREAS, the Members of the LLC considered the sale of a certain real estate asset owned by the LLC and appointment of the individuals to execute all documents attendant to the sale and thereby binding the LLC;

BE IT RESOLVED, as follows:


(1) the Members agreed to the sale and conveyance of real property known as:

Tax Map No.: R600 029 000 0143 0000

(2) Jason Reed is hereby appointed and authorized as the sole people necessary on behalf of the LLC to execute all documents to consummate said sale and are solely authorized to terminate said proceedings in his business judgment.

Dated this 3rd day of May, 2024.

TGJ PROPERTIS, LLC



Jason Reed, Member *organizer*

**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CPC) ZONING MAP AMENDMENT**

TO: Beaufort County Council

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

GENERAL INFORMATION
OWNER'S NAME(S)*: Jason D. Reed
MAILING ADDRESS: 2561 Courthouse Road, Guyton, GA 31312
PHONE: 843-384-2232
EMAIL: reedjason966@aol.com
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Barry L. Johnson
MAILING ADDRESS: 10 Pinckney Colony Road, #200, Bluffton, SC 29909
PHONE: 843-815-7121
EMAIL: Barry@jd-pa.com

*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.

PROPERTY INFORMATION
PARCEL NUMBER(S) (TMS): R600 029 000 1194 0000
ADDRESS OF SUBJECT PARCEL(S): 3119 Okatie Hwy., Bluffton, SC 29910
SIZE OF SUBJECT PROPERTY: 2.20 Ac
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DISTRICT(S)): T2R
REQUESTED ZONING CLASSIFICATION: C3 – neighborhood mixed use.
REASON FOR REQUEST: Changed conditions. See attached narrative per Beaufort County Code §7.3.40 and its attachments.
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** N/A

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20101 if a 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.

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

Jason Reed
Signature of Owner

5/2/2024
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.

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.

**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CPC) ZONING MAP AMENDMENT**

TO: Beaufort County Council

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

GENERAL INFORMATION
OWNER'S NAME(S)*: Curt Warrington
MAILING ADDRESS: c/o Jason Reed, 2561 Courthouse Road, Guyton, GA 31312
PHONE: 843-816-0017
EMAIL: courtyardhhi@gmail.com
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Barry L. Johnson
MAILING ADDRESS: 10 Pinckney Colony Road, #200, Bluffton, SC 29909
PHONE: 843-815-7121
EMAIL: Barry@jd-pa.com

*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.

PROPERTY INFORMATION
PARCEL NUMBER(S) (TMS): R600 029 000 1194 0000
ADDRESS OF SUBJECT PARCEL(S): 3119 Okatie Hwy., Bluffton, SC 29910
SIZE OF SUBJECT PROPERTY: 2.20 Ac
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DISTRICT(S)): T2R
REQUESTED ZONING CLASSIFICATION: C3 – neighborhood mixed use.
REASON FOR REQUEST: Changed conditions. See attached narrative per Beaufort County Code §7.3.40 and its attachments.
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** N/A

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20101 if a 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.

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


Signature of Owner

5/3/24
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.

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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.

**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CPC) ZONING MAP AMENDMENT**

TO: Beaufort County Council

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

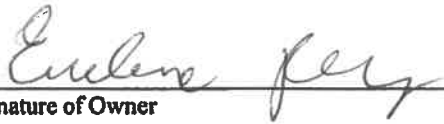
GENERAL INFORMATION
OWNER'S NAME(S)*: Evelina Perry
MAILING ADDRESS: PO Box 517, Bluffton, SC 29910
PHONE:
EMAIL:
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Barry L. Johnson
MAILING ADDRESS: 10 Pinckney Colony Road, #200, Bluffton, SC 29909
PHONE: 843-815-7121
EMAIL: Barry@jd-pa.com

*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.

PROPERTY INFORMATION
PARCEL NUMBER(S) (TMS): (1) R600 029 000 0006 0000; (2) R600 029 000 0002 0000
ADDRESS OF SUBJECT PARCEL(S): (1) 3053 Okatie Hwy.; (2) 3147 Okatie Hwy.
SIZE OF SUBJECT PROPERTY: (1) 12.40 AC; (2) 7.80 AC
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DIXTRICT(S)): T2R
REQUESTED ZONING CLASSIFICATION: C3 – neighborhood mixed use.
REASON FOR REQUEST: Changed conditions. See attached narrative per Beaufort County Code §7.3.40 and its attachments.
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** N/A

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20101 if a 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.

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


Signature of Owner

May 3, 2024
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.

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.

**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CPC) ZONING MAP AMENDMENT**

TO: Beaufort County Council

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

GENERAL INFORMATION
OWNER'S NAME(S)*: John Bush
MAILING ADDRESS: c/o James Bush, 3053 Okatie Hwy., Bluffton, SC 29910
PHONE:
EMAIL:
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Barry L. Johnson
MAILING ADDRESS: 10 Pinckney Colony Road, #200, Bluffton, SC 29909
PHONE: 843-815-7121
EMAIL: Barry@jd-pa.com

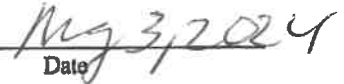
*Only property owners or their authorized representative/agent can sign this application. If there are multiple owners, each property owner must sign an individual application and all applications must be submitted simultaneously. If a business entity is the owner, the authorized representative/agent 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.

PROPERTY INFORMATION
PARCEL NUMBER(S) (TMS): (1) R600 029 000 0006 0000; (2) R600 029 000 0002 0000
ADDRESS OF SUBJECT PARCEL(S): (1) 3053 Okatie Hwy.; (2) 3147 Okatie Hwy.
SIZE OF SUBJECT PROPERTY: (1) 12.40 AC; (2) 7.80 AC
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DISTRICT(S)): T2R
REQUESTED ZONING CLASSIFICATION: C3 – neighborhood mixed use.
REASON FOR REQUEST: Changed conditions. See attached narrative per Beaufort County Code §7.3.40 and its attachments.
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** N/A

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20101 if a 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.

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


Signature of Owner


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.

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

**BEAUFORT COUNTY, SOUTH CAROLINA
COMMUNITY DEVELOPMENT CODE (CPC) ZONING MAP AMENDMENT**

TO: Beaufort County Council

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

GENERAL INFORMATION
OWNER'S NAME(S)*: James Bush
MAILING ADDRESS: 3053 Okatie Hwy., Bluffton, SC 29910
PHONE:
EMAIL:
NAME OF APPLICANT (IF DIFFERENT FROM OWNER): Barry L. Johnson
MAILING ADDRESS: 10 Pinckney Colony Road, #200, Bluffton, SC 29909
PHONE: 843-815-7121
EMAIL: Barry@jd-pa.com

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PROPERTY INFORMATION
PARCEL NUMBER(S) (TMS): (1) R600 029 000 0006 0000; (2) R600 0298 000 0002 0000
ADDRESS OF SUBJECT PARCEL(S): (1) 3053 Okatie Hwy.; (2) 3147 Okatie Hwy.
SIZE OF SUBJECT PROPERTY: (1) 12.40 AC; (2) 7.80 AC
PRESENT ZONING CLASSIFICATION (AND ANY APPLICABLE OVERLAY DIXTRICT(S)): T2R
REQUESTED ZONING CLASSIFICATION: C3 – neighborhood mixed use.
REASON FOR REQUEST: Changed conditions. See attached narrative per Beaufort County Code §7.3.40 and its attachments.
ATTACH TRAFFIC IMPACT ANALYSIS (TIA) (IF APPLICABLE)** N/A

**The applicant should address and attach a Traffic Impact Analysis per Division 6.3.20101 if a 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.

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

 5-3-24
 Signature of Owner 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.

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.



VICINITY MAP
NOT TO SCALE

SEWER MASTER PLAN

ZONING MAP AMENDMENT

PREPARED FOR:
MOSAIC DEVELOPMENT

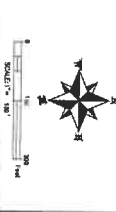
LEGEND

SANITARY SEWER LINE

MANHOLE

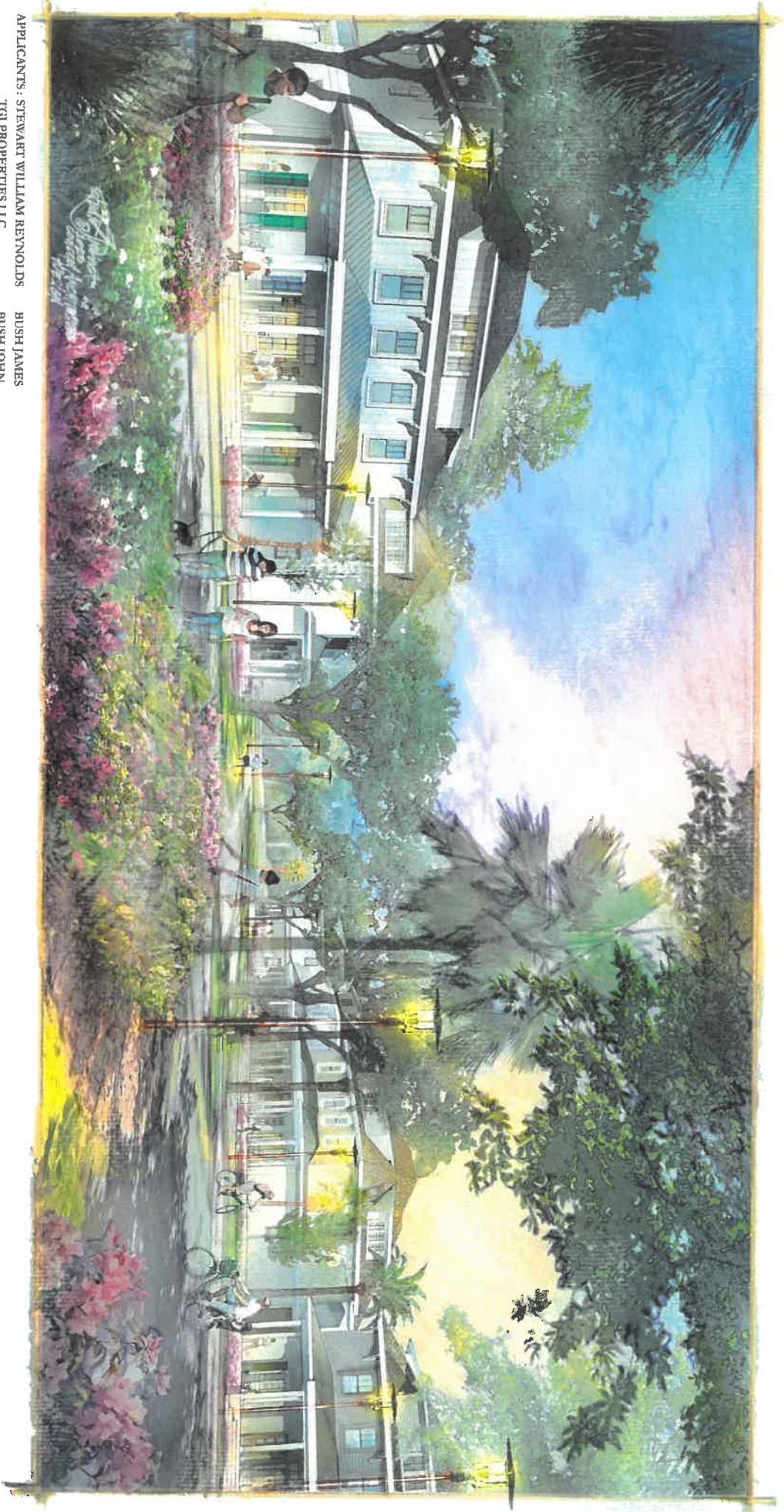
FORCE MAIN

CONCRETE IS CONCRETE, AND SHALL BE TO CORRE. ACCORDANCE TO SECTION 104.01 OF THE SOUTH CAROLINA CONSTRUCTION CODE. APPROVED FOR CONCRETE INSPECTION.



Ward Edwards
ENGINEERS
P.O. BOX 1000, SOUTH CAROLINA 29505
TEL: 843.661.1234
WWW.WARDEDMOS.COM

PROJECT #	22004
DATE	04/26/2024
PREPARED BY	AT
SHEET NUMBER	1 OF 1



APPLICANTS: STEWART WILLIAM REYNOLDS
TGJ PROPERTIES LLC
REED JASON D
PERRY EVELINA
DAVIS MARION THEODORE JR

BUSH JAMES
BUSH JOHN
HAMILTON JAMES
MOZAC DEVELOPMENT
WARRINGTON CURT

APRIL 2024

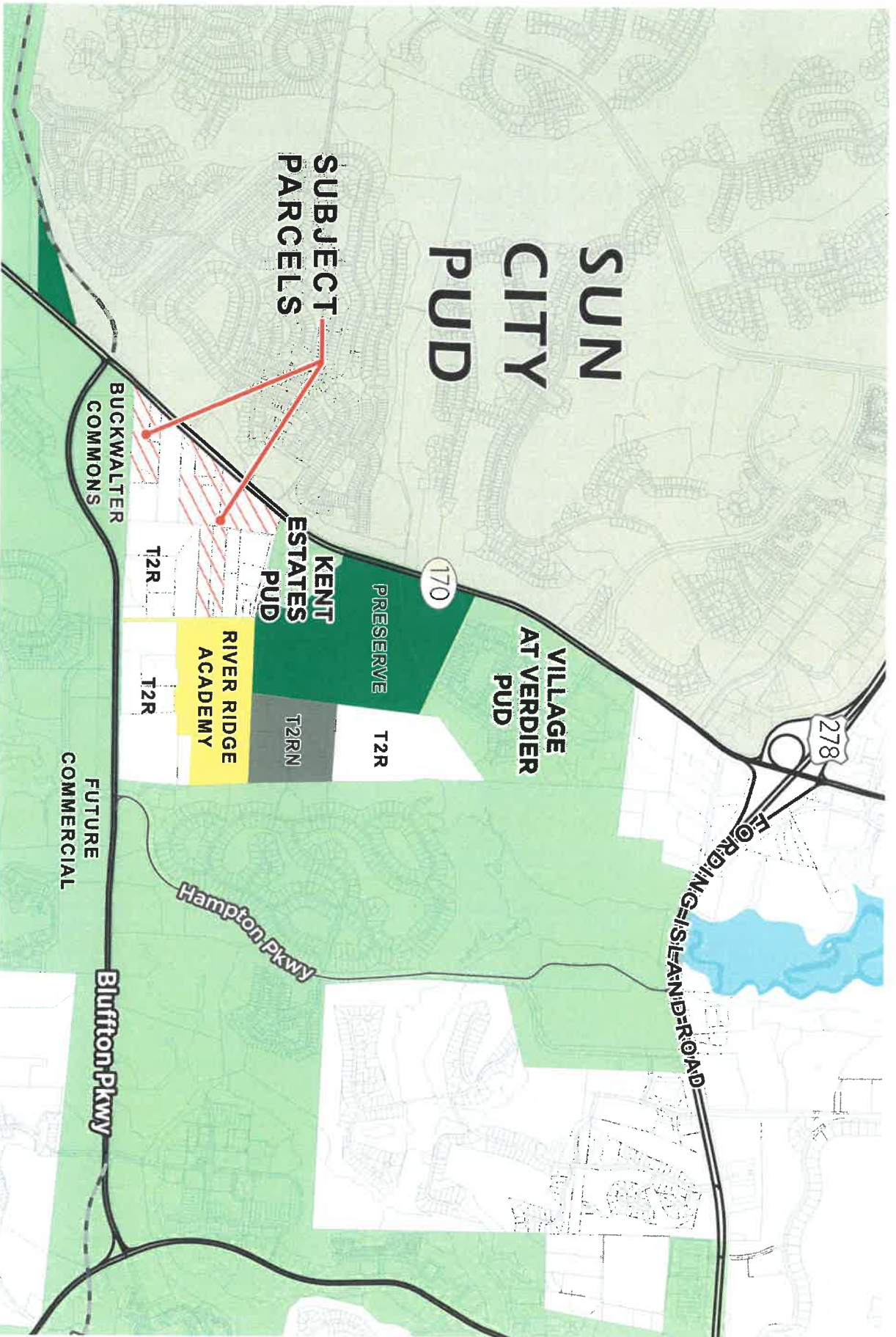
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ZONING MAP AMENDMENT

BEAUFORT COUNTY, SOUTH CAROLINA



CURRENT ZONING MAP



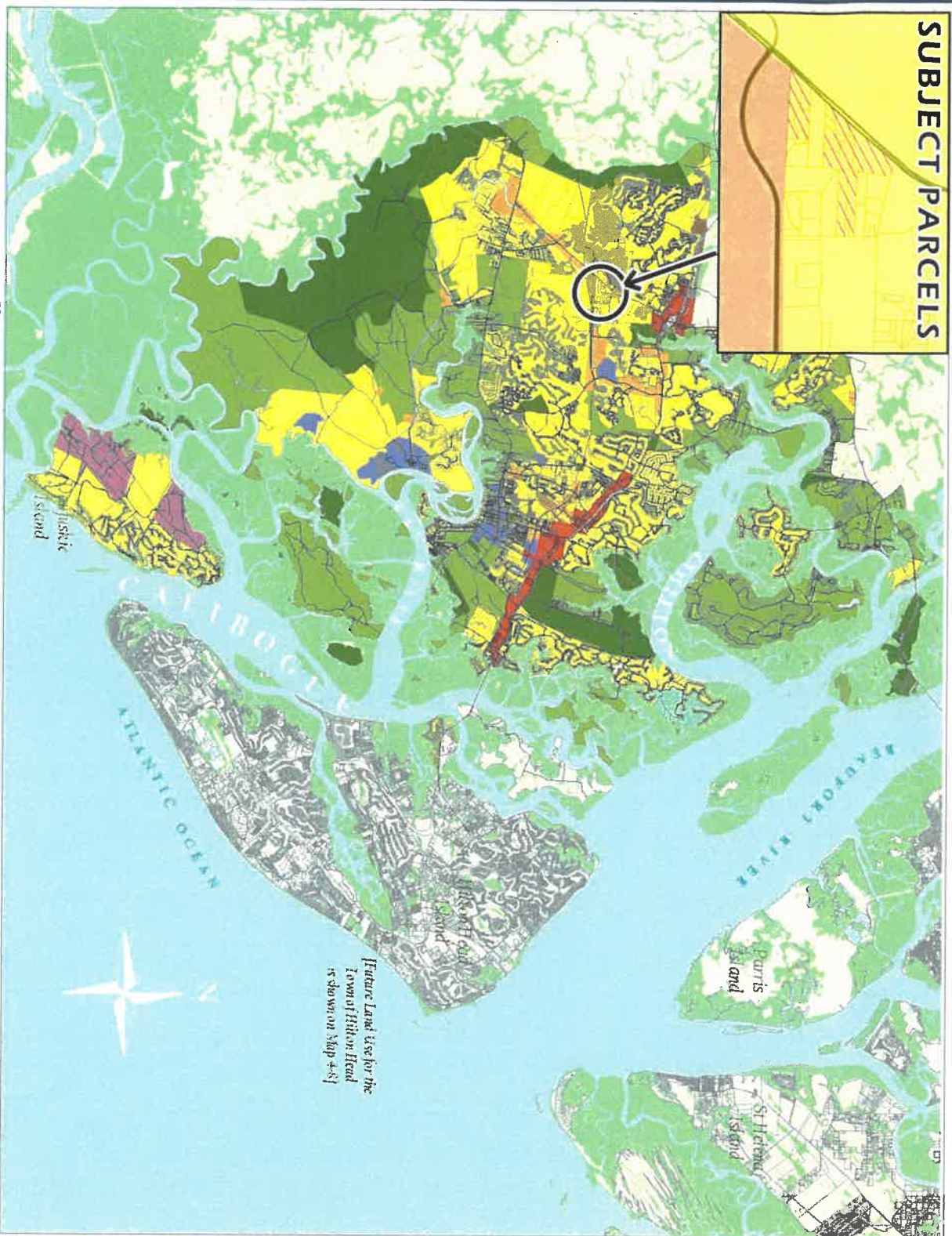
APRIL 2024

ZONING MAP AMENDMENT

BEAUFORT COUNTY, SOUTH CAROLINA



COMPREHENSIVE PLAN



[Future Land Use for the town of Bluffton Island is shown on Map 4-8.]

Chapter
4
Land Use

Map 4-7

Future
Land Use
Bluffton Area &
Daufuskie Island

- Preserved land
- Rural
- Air Installation Compatible Use Zone (AICUZ)
- Rural Community Preservation
- Neighborhood / Mixed-Use
- Urban / Mixed-Use
- Community Commercial
- Regional Commercial
- Core Commercial
- Research & Development
- Light Industrial
- Military

2010
Beaufort County
Comprehensive
Plan

APRIL 2024

Beaufort County, South Carolina
Planning and Development
Department
1000 North Highway 17, Suite 100
Beaufort, SC 29915

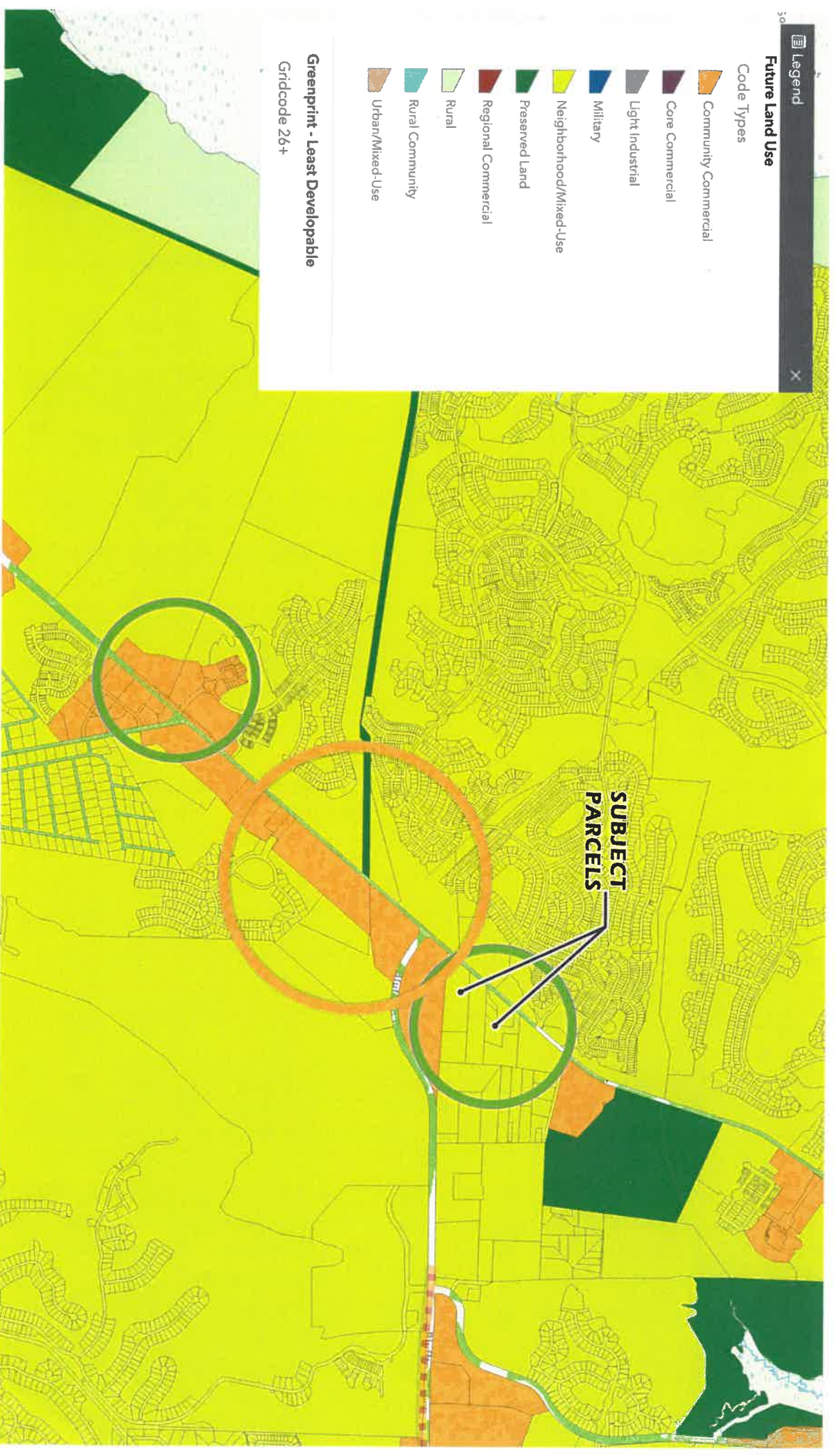
ZONING MAP AMENDMENT

BEAUFORT COUNTY, SOUTH CAROLINA

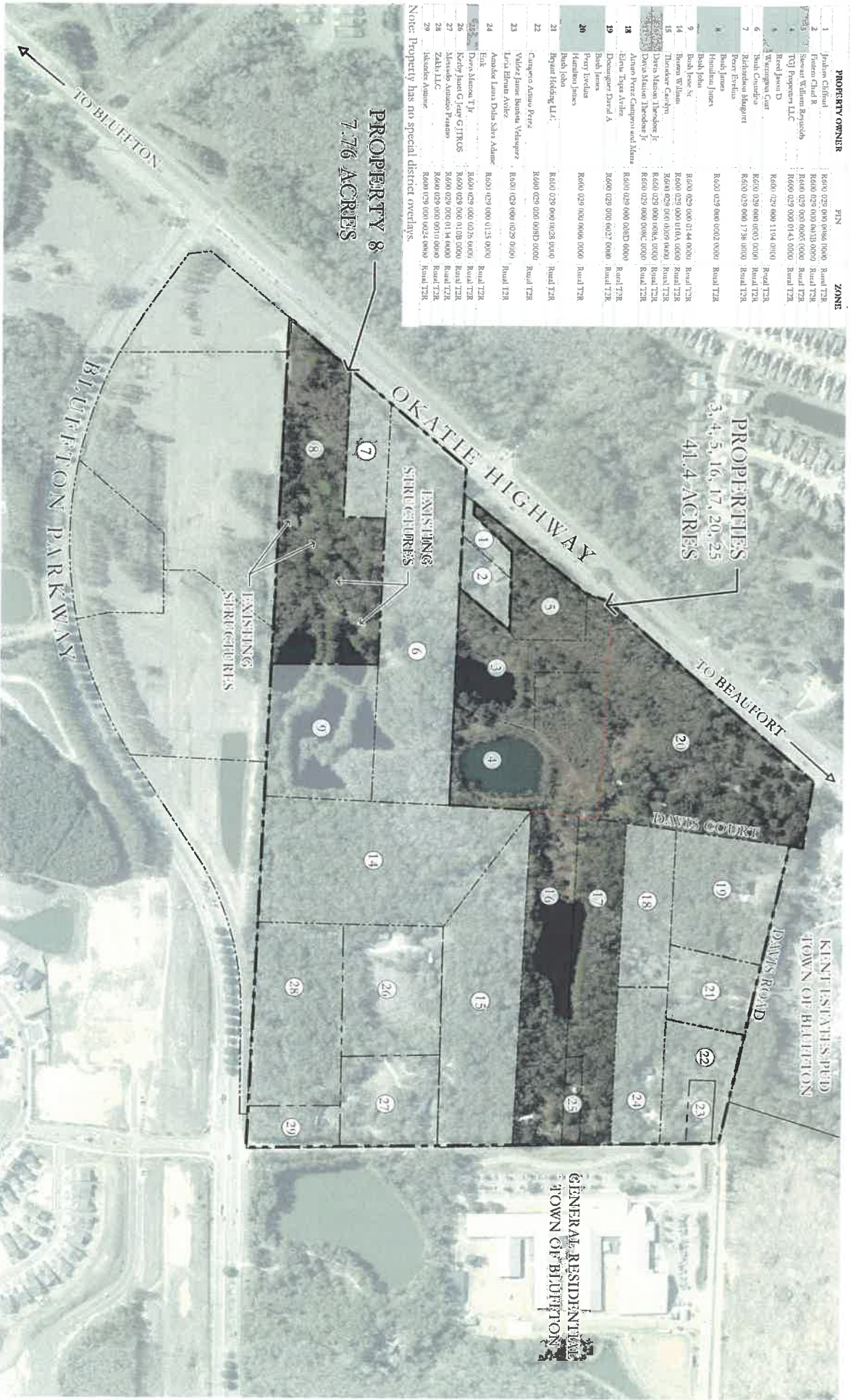


JOHNSON & DAVIS, PA
ATTORNEYS-AT-LAW





PARCEL MAP



APRIL 2024

ZONING MAP AMENDMENT

BEAUFORT COUNTY, SOUTH CAROLINA

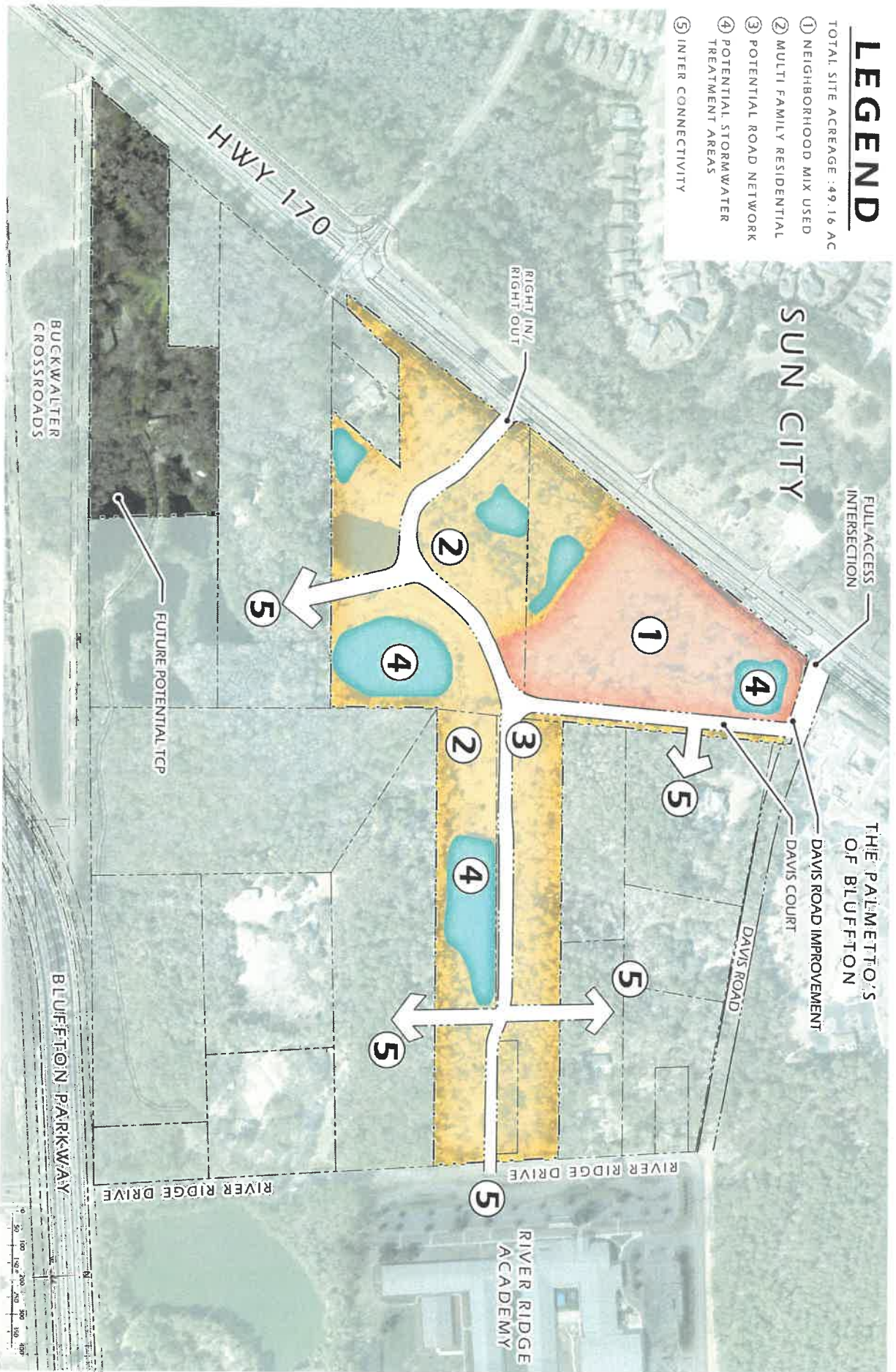


LAND USE CONCEPT

LEGEND

TOTAL SITE ACREAGE : 49.16 AC

- ① NEIGHBORHOOD MIX USED
- ② MULTI FAMILY RESIDENTIAL
- ③ POTENTIAL ROAD NETWORK
- ④ POTENTIAL STORMWATER TREATMENT AREAS
- ⑤ INTER CONNECTIVITY



APRIL 2021

Prepared by: [Logo]
Reviewed by: [Logo]
Approved by: [Logo]

ZONING MAP AMENDMENT

BLUFFTON COUNTY, SOUTH CAROLINA



ONE POTENTIAL MASTER PLAN



Memorandum

To: Kevin Sullivan, AICP Beaufort County Engineering

From: Jennifer T. Bihl, PE, PTOE, RSP₂₁

Date: June 25, 2024

Re: Okatie Mixed Use Development TIA Review

This memo summarizes the technical review performed for *Okatie Mixed Use Development* traffic impact study (Stantec, May 2024).

This memo reviews aspects of the traffic study only, all necessary local, state, and federal permits and approvals should be obtained for the project. Any transportation related requirements from other agencies should be incorporated in the project.

Project Background and Initial Study Recommendations

The proposed site, Okatie Mixed Use Development, is located on the east side of SC 170 at Davis Road in Beaufort County, SC. The site is planned to consist of 243 low-rise multifamily housing units and 24,000 square feet of strip retail plaza. Three project access points are planned to be as follows:

- Full access driveway on Davis Road (Project Driveway #1)
- Right-In, Right-Out driveway on SC 170 (Project Driveway #2)
- Full access driveway on River Ridge Drive (Project Driveway #3)

In summary, the study included the following recommendations. Note that these are subject to change based on any updates that are performed as a result of the County review.

- Installation of an exclusive westbound left-turn lane on Davis Road at its intersection with SC 170
- Installation of an exclusive northbound right-turn lane on SC 170 at its intersection with Project Driveway #2 with 100 feet of storage and a 180 foot taper
- No Build and Build delay are noted at Bluffton Parkway at River Ridge Drive but no improvements are recommended as part of this project

Traffic Study Review Comments

This section discusses specific technical review comments on the traffic study. It is recommended that additional explanation and information be provided to the County for re-review, as necessary. These comments are generally grouped by topic.

- Existing Conditions
 - The intersection of Bluffton Parkway at River Ridge is currently signalized. All analysis and recommendations need to be updated to reflect this.
- Traffic Volume Development Sheets (in Appendix)
 - Review and (update as appropriate) the Davis Road at Project Driveway #1 volume development sheet to include pass by trips. It appears the analysis includes pass by trips, so no analysis update is needed.
- Intersection LOS Analysis
 - As noted above, update based on Bluffton Parkway at River Ridge intersection analysis for the signalized condition in the Existing, No Build and Build conditions.
 - Confirm that buses were included in the heavy vehicle percentages. Update analysis as appropriate.
 - Update as appropriate the No Build school release peak hour analysis for the River Ridge Drive at Bluffton Parkway northbound volumes to be consistent with the volume development sheet.
 - While it is acceptable to use an overall intersection peak hour factor for analysis, it may sometimes mask side street operations during peak hours. The SC 170 at Davis Road intersection has an overall PHF is 0.94 or greater and this was applied to all approaches. Due to the proximity of the proposed driveway to SC 170 and proposed improvements to Davis Road, please review operations at this approach for a condition where the peak hour is less uniform. It is recommended that a sensitivity analysis be performed with a 0.9 planning PHF for the Davis Road approach (or lower as deemed appropriate by traffic engineer) to review any potential queuing and if any additional improvements are needed.
- General Comments
 - Confirm that storage distances and tapers for proposed improvements on Davis Road meet SCDOT standards.
 - Incorporate any comments received from SCDOT.
 - Discuss improvements to the Davis Road cross section between SC 170 and the site driveway.

To: Kevin Sullivan, AICP
Beaufort County
File: 171003050

From: Josh Mitchell, PE
Stantec
Date: July 31, 2024

Reference: Okatie Mixed Use Development TIA Comment Responses

The table below lists the comments received from Beaufort County (dated 06/25/2024) regarding the Okatie Mixed Use Development TIA along with Stantec's response/corresponding revision to the TIA.

Comment	Response
Existing Conditions	
The intersection of Bluffton Parkway at River Ridge is currently signalized. All analysis and recommendations need to be updated to reflect this.	The analysis and report have been updated to reflect signalization at the Bluffton Parkway & River Ridge intersection.
Traffic Volume Development Sheets	
Review and (update as appropriate) the Davis Road at Project Driveway #1 volume development sheet to include pass by trips. It appears the analysis includes pass by trips, so no analysis update is needed	This has been revised in the volume development sheets in the appendices.
Intersection LOS Analysis	
As noted above, update based on Bluffton Parkway at River Ridge intersection analysis for the signalized condition in the Existing, No Build and Build conditions.	The analysis and report have been updated to reflect signalization at the Bluffton Parkway & River Ridge intersection.
Confirm that buses were included in the heavy vehicle percentages. Update analysis as appropriate.	This has been revised in the report and analysis to include buses in the heavy vehicle percentages.
Update as appropriate the No Build school release peak hour analysis for the River Ridge Drive at Bluffton Parkway northbound volumes to be consistent with the volume development sheet.	This has been revised in the report and analysis.
While it is acceptable to use an overall intersection peak hour factor for analysis, it may sometimes mask side street operations during peak hours. The SC 170 at Davis Road intersection has an overall PHF is 0.94 or greater and this was applied to all approaches. Due to the proximity of the proposed driveway to SC 170 and proposed improvements to Davis Road, please review operations at this approach for a condition where the peak hour is less uniform. It is recommended that a sensitivity analysis be performed with a 0.9 planning PHF for the Davis Road approach (or lower as deemed appropriate by traffic engineer) to review any potential queuing and if any additional improvements are needed.	A 0.90 PHF was utilized for the Davis Road approach in all scenarios. The intersection analysis, resulting HCM 6th Edition LOS/delay results, and the report have been revised to reflect this. Regarding potential queuing, please see the subsequent comment/response (the 0.90 PHF was utilized for the Davis Road approach in all queueing analysis as well).

July 31, 2024

Kevin Sullivan, AICP

Page 2 of 2

Reference: Okatie Mixed Use Development TIA Comment Responses

Comment	Response
General Comments	
Confirm that storage distances and tapers for proposed improvements on Davis Road meet SCDOT standards.	SCDOT recommends the storage and taper lengths for stop-controlled approaches be based on the queue length(s) at the approach. Therefore, per coordination with Beaufort County, a queueing analysis in SimTraffic was performed to determine the 95 th percentile queues at the Davis Road approach for each of the peak hours analyzed (AM, School Release, and PM), which indicated a maximum 95 th percentile queue length of 46 ft along Davis Road at the SC 170 approach, which is less than the 75 ft storage length shown in the preliminary improvement exhibit submitted by the applicant. The results of this analysis have been incorporated into the TIA report.
Incorporate any comments received from SCDOT.	Upon review by SCDOT, any SCDOT comments will be incorporated.
Discuss improvements to the Davis Road cross section between SC 170 and the site driveway.	Discussion of the improvements to the Davis Road cross-section between SC 170 and the site driveway have been included in the Executive Summary and Conclusions of the TIA report.

Thank you for the opportunity to respond to the third-party Okatie Mixed Use Development TIA review comments. Please let me know if we can provide any additional information or clarify any of the above.

Stantec Consulting Services Inc.



Josh Mitchell, PE

Transportation Engineer

Phone: 803 528 1889

josh.mitchell@stantec.com

6.0 SUMMARY OF FINDINGS AND RECOMMENDATIONS

A traffic impact analysis was conducted for the Okatie Mixed Use Development in accordance with SCDOT and Beaufort County guidelines.

The proposed Okatie Mixed Use Development (which is anticipated to be constructed by 2027) is located along SC 170/Okatie Highway, and will consist of 243 Low-Rise Multifamily Housing units and 24,000 SF Strip Retail Plaza.

Access to the development is proposed to be provided via two (2) full access driveway along Davis Road and River Ridge Drive, and one (1) right-in/right-out access driveway along SC 170/Okatie Highway, all of which meet SCDOT spacing requirements.

The extent of the existing roadway network to be studied consists of the seven intersections of:

1. SC 170/Okatie Highway & Davis Road;
2. SC 170/Okatie Highway & Sun City Boulevard;
3. SC 170/Okatie Highway & Bluffton Parkway;
4. Bluffton Parkway & River Ridge Drive;
5. Davis Road & Project Driveway #1;
6. SC 170/Okatie Highway & Project Driveway #2;
7. River Ridge Drive & Project Driveway #3.

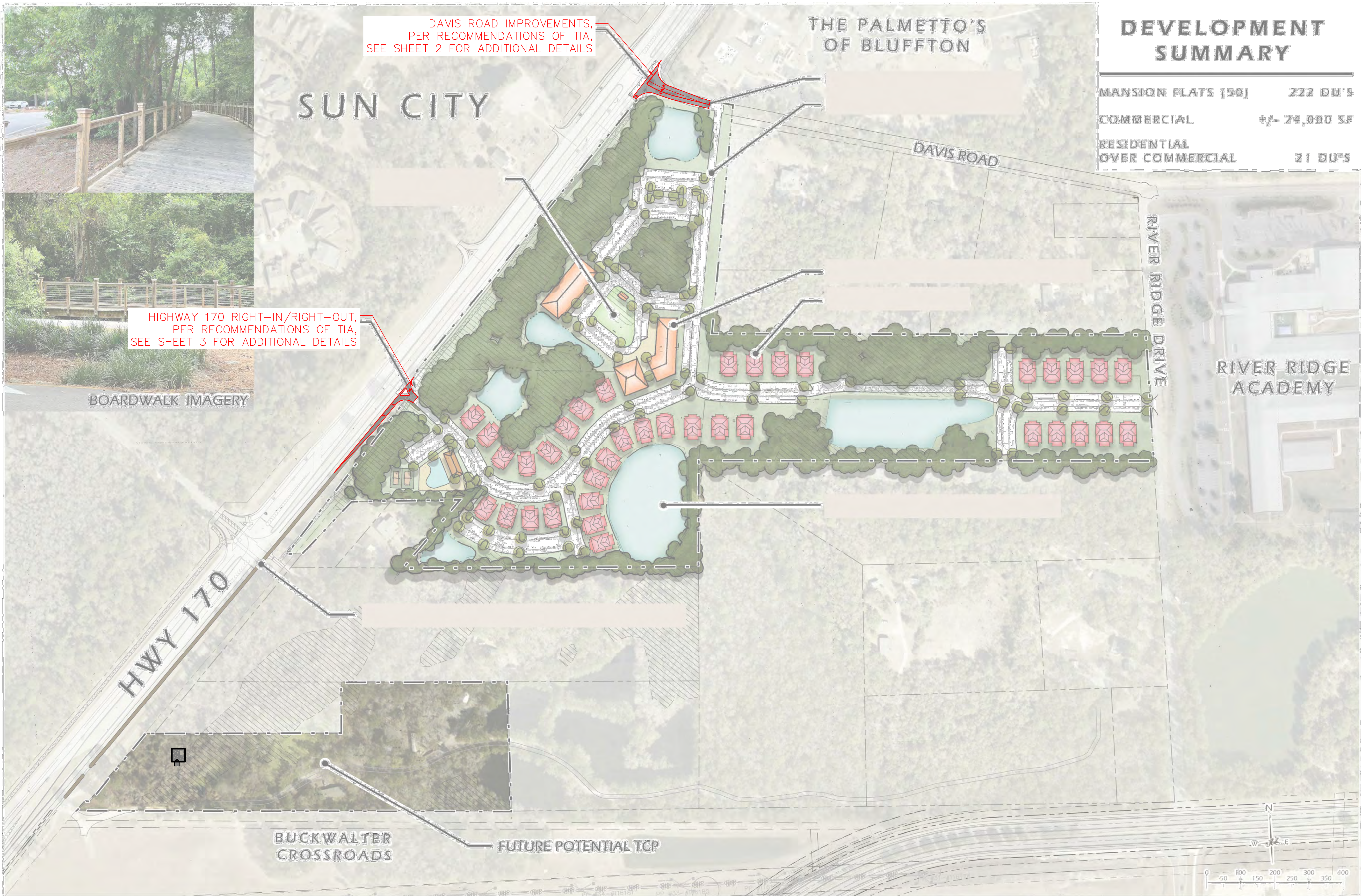
The operation of each of these intersections (in terms of average vehicular delay and level of service) was analyzed with and without the project traffic anticipated to be generated by the Okatie Mixed Use Development.

The results of the analysis indicate that the study intersections currently operate and are expected to continue to operate at an acceptable LOS with the proposed Okatie Mixed Use Development with one (1) exception:

- ❖ The intersection of SC 170/Okatie Highway & Davis Road is projected to experience undesirable delay in the AM peak hour of the 2027 Build Conditions. Therefore, it is recommended to install an exclusive left-turn lane along Davis Road to provide separate left- and right-turn egress lanes from Davis Road onto SC 170/Okatie Highway. With this improvement, the LOS/Delay of the intersection is anticipated to be acceptable. Based upon a queuing analysis performed under Build Conditions with this improvement, the maximum 95th percentile queue (between the three peak hours analyzed - AM, School Release, and PM) is 46 feet for the left-turning movement. Additionally, per coordination with the Civil Engineer, Davis Road between SC 170 and the site driveway will be improved to include 24 feet width of full-depth pavement, assuming adequate right-of-way is available.

Based on SCDOT's Roadway Design Manual considerations, an exclusive northbound right-turn lane along SC 170/Okatie Highway at Project Driveway #2 is recommended. Per the criteria documented in Section 5D-4 of SCDOT's Access and Roadside Management Standards (ARMS, 2008), it is recommended that the exclusive right-turn lane consist of a total of 280 feet, with 100 feet of storage and a 180-foot taper.

ONE POTENTIAL MASTER PLAN



DEVELOPMENT SUMMARY

MANSION FLATS (50)	222 DU'S
COMMERCIAL	+/- 24,000 SF
RESIDENTIAL OVER COMMERCIAL	21 DU'S



VICINITY MAP
Not To Scale

ACCESS MANAGEMENT
IMPROVEMENT EXHIBITS

OVERALL
SHEET 1 OF 3

ZONING MAP
AMENDMENT

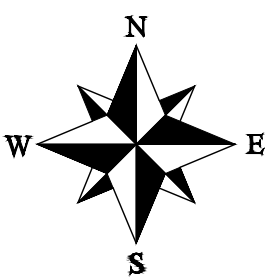
Bluffton, SC
PREPARED FOR:
MOOSAIC DEVELOPMENT

LEGEND

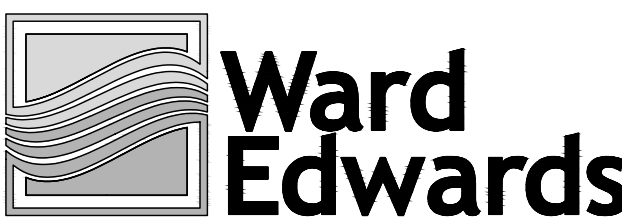
NEW PAVEMENT



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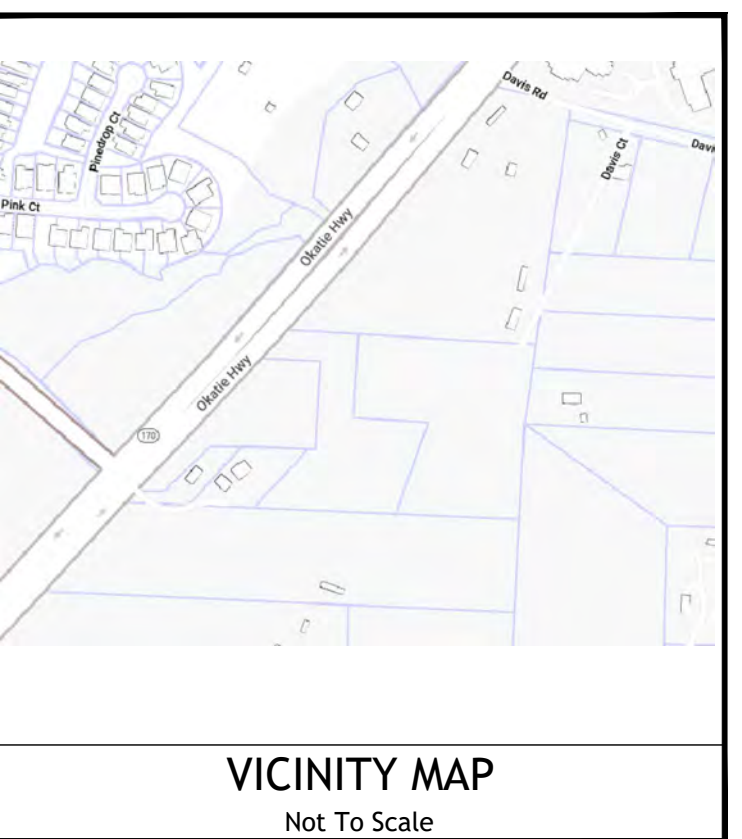
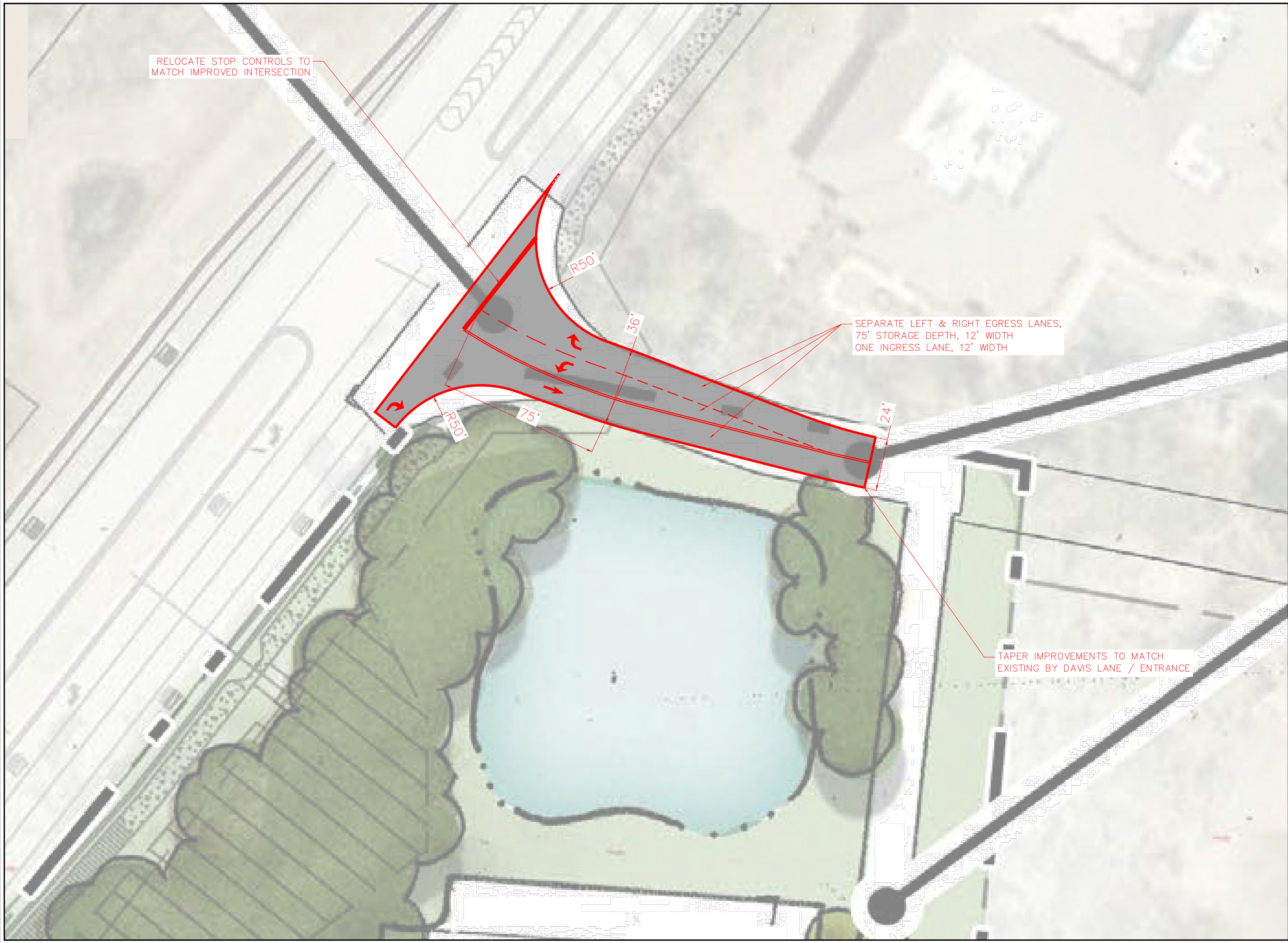


SCALE: 1" = 150'



P.O. BOX 381, BLUFFTON, SOUTH CAROLINA 29910
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PROJECT #:	220141
DATE:	05/31/2024
PREPARED BY:	AFL
SHEET NUMBER:	1 OF 1



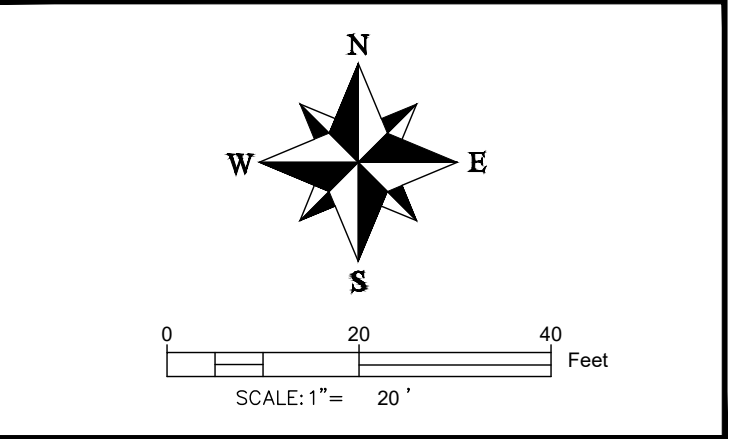
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IMPROVEMENT EXHIBITS**

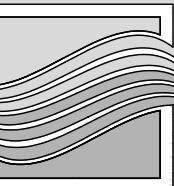
**DAVIS ROAD
SHEET 2 OF 3**

**ZONING MAP
AMENDMENT**
Bluffton, SC
PREPARED FOR:
MOSAIC DEVELOPMENT

LEGEND	
NEW PAVEMENT	

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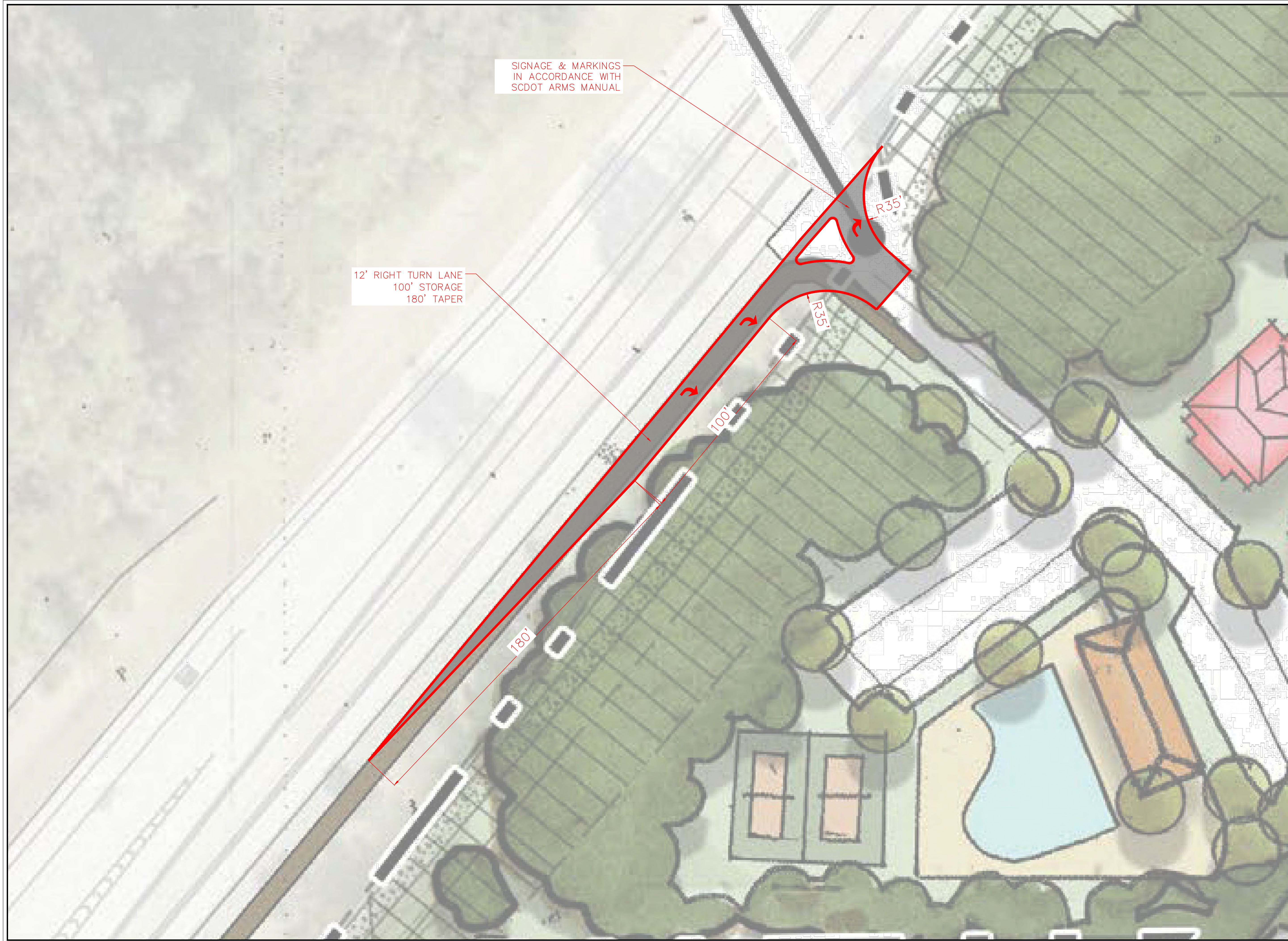




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PROJECT #:	220141
DATE:	05/31/2024
PREPARED BY:	AFL
SHEET NUMBER:	I OF I



VICINITY MAP
Not To Scale

**ACCESS MANAGEMENT
IMPROVEMENT EXHIBITS**

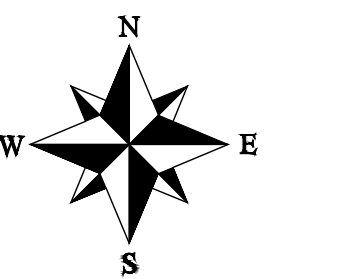
**MAIN ENTRANCE
HIGHWAY 170
SHEET 3 OF 3**

**ZONING MAP
AMENDMENT**

Bluffon, SC
PREPARED FOR:
MOSAIC DEVELOPMENT

LEGEND	
NEW PAVEMENT	

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0 20 40
Feet
SCALE: 1" = 20'

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PROJECT #:	220141
DATE:	05/31/2024
PREPARED BY:	AFL
SHEET NUMBER:	I OF I

Lowcountry Veterans Housing Foundation The Mews at Nature's Walk | American Heroes Park



The Mews at Nature's Walk (the “Mews”) comprises:

1. Scenic winding roads, lush landscape, beautiful hardscape, colorful gardens, quaint wooden foot bridges, and curated walking paths through natural wetlands with 37 “mansion” style apartment home buildings, each with 6 spacious, luxury apartment homes, totaling 222 homes; and
2. A walkable neighborhood center clustered around ***American Heroes Park***, a public park with a band shell for music events and festivals, ground floor shops and restaurants, and 23 spacious, luxury apartment homes located above, similar to the streetscape in Old Town Bluffton.

In total, the Mews comprises 245 luxury apartment homes.

There are **16,946** veterans living in Beaufort County.*

Nationally, **30%** of all veterans possess some degree of service-connected disabilities, i.e., disabled veterans, which percentage increases to **43%** of all post-9/11 veterans.**

Accordingly, there are at least **5,000** disabled veterans living in Beaufort County.

**Source: Census Reporter | 2022 U.S. Census*

***Source: U.S. Veterans Administration*

The Mews has allocated 24 of its luxury apartment homes, which will be designed specifically for Disabled American War Veterans and first responders. All of these specialized homes will be fully ADA accessible with many of them *Smart Homes* inspired by Tunnel to Towers Foundation designs. The rents for these homes will be affordable to disabled veterans and subsidized by the newly formed charitable foundation, i.e., the ***Lowcountry Veterans Housing Foundation*** (“LVHF”).

LVHF, a new 501(c)(3) charitable foundation, will: (a) oversee and manage the Mews veterans housing component; and (b) secure federal, state, and local government grants as well as private grants and charitable donations.

Lowcountry Veterans Housing Foundation (“LVHF”)

a 501(c)(3) Charitable Foundation

LVHF will:

1. Secure federal, state, and local government grants as well as private grants, charitable donations, and fundraisers.
2. Subsidize disabled veterans monthly housing costs with grants and, when possible, employment.
3. Finance, oversee, direct, and manage the Mews veterans housing component.
4. Provide small business owner training and low interest loans to disabled veterans who want to open a retail shop in the neighborhood center clustered around American Hero’s Park.

Lowcountry Veterans Housing Foundation (“LVHF”)

a 501(c)(3) Charitable Foundation

LVHF’s founding members are:

Retired Rear Admiral John (“Boomer”) Stufflebeem, is a former Navy “TOP GUN” fighter pilot with over 200 combat missions and more than 4,000 tactical flight hours in seventeen different type of aircraft.

Boomer was a military aide to President George H.W. Bush in the White House carrying the “nuclear football,” a “Jedi Knight” joint force war planner during the attacks of 9/11 and, was the operational briefer to the world on television and radio from the Pentagon for operations in Afghanistan in response to the attacks perpetrated in 2001.

Lowcountry Veterans Housing Foundation (“LVHF”) *a 501(c)(3) Charitable Foundation*

Operationally, Boomer rose to command the US Sixth Fleet and was the maritime component commander for the stand-up of the newly created Africa Command before retiring in 2008.

Boomer graduated the U. S. Naval Academy in 1975. Before deployment to active duty, he played in the NFL for the Detroit Lions from 1975 to 1979. As a practitioner of elite teamwork from his days in the NFL and senior military leadership of troops in combat for half of his thirty plus years in uniform, Boomer brings a proven expertise as a crisis manager and strategic leader to business today, as owner of the NJS Group, LLC consulting firm in Alexandria, VA.

Lowcountry Veterans Housing Foundation (“LVHF”)

a 501(c)(3) Charitable Foundation

Michael Corey is the leading retained executive recruiter in the insurance industry for more than fifty years. His focus has been on CEO and board level searches. Currently, he leads a high-level think tank of retired CEOs providing the insurance industry significant strategic advice.

Mike is the author of three fiction novels and is working on his fourth. Having served his country in the Viet Nam War, he is a Navy veteran who has helped his fellow veterans through innovative programs that he initiated. His annual “Clam Bake”, with keynote honorees such as General David Petraeus and Admiral Michael Mullen, Chairman of the Joint Chiefs of Staff, has raised more than \$10,000,000 to benefit veterans’ programs.

The Mews at Nature's Walk | American Heroes Park Conceptual Land Plan





American Heroes Park



Band Shell for Concerts and Music Events





Charlie's L'Etoile Verte

American
Heroes
Park

Quaint Shops

Restaurants



Disabled Veterans Ownership of Retail Shops Surrounding American Heroes Park

The walkable neighborhood clustered around American Heroes Park will comprise more than 25,000 s.f. of restaurant and retail space. Approximately 16,000 s.f. of this will be small shops reserved for ownership by disabled veterans and first responders. LVHF will provide comprehensive training on small business ownership with a specific focus on the operation of retail shops, and the related marketing, merchandizing, promotion, and financial management of these new businesses. Moreover, LVHF will also provide or arrange affordable low interest loans to provide the capital to jump start these veteran-owned retail businesses.





**Fitness
Center
Pickle Ball
Bocce**





Residents Lounge



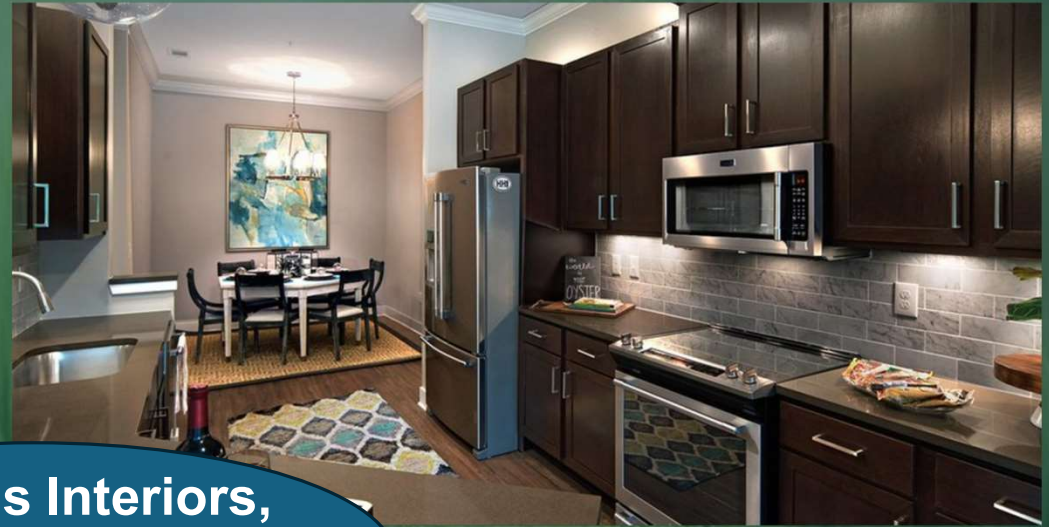
Game Room



Clubhouse Kitchen



Meeting Rooms

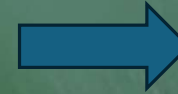


Spacious Interiors,
Luxury Finishes,
and Appliances

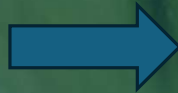




Smart Homes
Fully
Accessible
Bathrooms



Smart Homes
Pull-Down
Over-Counter
Shelving





**Smart Homes
Remote Controlled
Window Shades,
Door Access, HVAC,
and
Lighting**





Smart Homes
Wheelchair Height
Sink and Touch
Faucet



Smart Homes
Undercounter
Appliances



Smart Homes
Adjustable Height
Countertop Range

**Lowcountry Veterans Housing Foundation
The Mews at Nature's Walk | American Heroes Park**

**The End
Q and A**



REZONING REQUESTS

I MOVE THAT WE GRANT/ (DENY) THE REQUEST FOR REZONING FOR THE FOLLOWING REASONS (**STATE ALL THAT SUPPORT YOUR MOTION**).

THE REQUEST:

1. IS/ (IS NOT) CONSISTENT WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE CODE AND THE PURPOSES OF THE DEVELOPMENT CODE; _____
2. IS NOT/ (IS) IN CONFLICT WITH PROVISIONS OF THE DEVELOPMENT CODE AND OR OUR CODE OF ORDINANCES; _____
3. DOES/ (DOES NOT) ADDRESS A DEMONSTRATED COMMUNITY NEED; _____
4. IS/ (IS NOT) REQUIRED BY CHANGED CONDITIONS; _____
5. IS/ (IS NOT) COMPATIBLE WITH EXISTING AND PROPOSED USE OF LAND SURROUNDING THIS LAND; _____
6. WOULD NOT/ (WOULD) ADVERSELY AFFECT NEARBY LAND; _____
7. WOULD/ (WOULD NOT) RESULT IN LOGICAL AND ORDERLY DEVELOPMENT PATTERNS; _____
8. WOULD NOT/ (WOULD) RESULT IN ADVERSE IMPACT ON THE NATURAL ENVIRONMENT (WATER, AIR, NOISE, STORMWATER MANAGEMENT, WILDLIFE, VEGETATION, WETLANDS, AND THE NATURAL FUNCTIONING OF THE ENVIRONMENT); _____
9. WOULD/ (WOULD NOT) RESULT IN DEVELOPMENT THAT IS ADEQUATELY SERVED BY PUBLIC FACILITIES (STREETS, POTABLE WATER, SEWER, STORMWATER MANAGEMENT, SOLID WASTE COLLECTION AND DISPOSAL, SCHOOLS, PARKS, POLICE, FIRE, EMERGENCY MEDICAL FACILITIES). _____

Beaufort County Natural Resources Committee

Meeting on March 3, 2025 @ 4 PM



C. Place Types. The PTO is made up of three place types - rural crossroads, hamlets, and villages.

Hamlet Place Type Overlay:

A hamlet often has a small, pedestrian-oriented main street with surrounding and supporting residential fabric that is scaled to the size of a pedestrian shed. . . .

. . . . The main street and surrounding residential fabric transitions quickly into agricultural uses and/or the natural environment. . . .

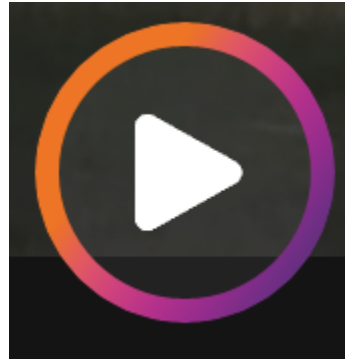
. . . . The community of Habersham began as a hamlet.

Future Land Use

Code Types

-  Community Commercial
-  Core Commercial
-  Light Industrial
-  Military
-  Neighborhood/Mixed-Use
-  Preserved Land
-  Regional Commercial
-  Rural
-  Rural Community
-  Urban/Mixed-Use





✓ Video Clip SC170 at Project Site

Video shows heavy traffic on four-lane divided SC 170 as it transverses through overlay zone.

Inevitable Conclusion:

It is impossible that this area is now or can ever be a hamlet place type overlay, because:

- **There is no “main street that transitions quickly into agricultural uses or the natural environment.”**
- **To the contrary, there is no agricultural or natural environment to transition into.**
- **Absurdly, the PTO includes:**
 - 1. a section of Sun City, the region’s most densely populated community;**
 - 2. one of Sun City’s busiest main gates;**
 - 3. a high traffic, 4-lane, divided state highway (SC170);**
 - 4. a large section of the Buckwalter PUD that will soon be home to a major shopping complex; and**
 - 5. adjacency to a major rehabilitation healthcare facility.**

Expert Opinion

William T. Eubanks | Land Planning Expert

“I have reviewed the relevant sections of the Beaufort County ordinance as it relates to this proposed project by Mosaic Development. In my opinion, the designation of these parcels as a “Hamlet Place Type” in the T2 Rural Zone was an error of the planning process that needs to be corrected.”

Qualifications:

- **He has 43 years of practice based in Charleston, SC.**
- **He has authored numerous Planned Development Ordinances over the years totaling thousands of acres.**
- **He has authored overlay ordinances, sections of ordinances, or entire ordinances for municipalities.**
- **In 2023, he authored a new ordinance for Woodruff, SC.**
- **In 2024, he authored a new ordinance for Darlington, SC.**
- **Currently, he is authoring a new code for Laurens, SC.**

I have met personally with FIVE Council members, THREE of whom are on this Committee:

- **Council member Anna Maria (Tab) Tabernick**
- **Council member Larry McEllyn**
- **Council member Paula Brown**
- **Council Member Tom Reitz**
- **Council Member Logan Cunningham**

Each of these meetings was long (one to two hours), detailed, positive, and informative. Four of the five meetings were over lunch and one was over a cup of coffee. Senator Tom Davis accompanied me in my meetings with Council members Tabernik and Cunningham. Council member Reitz accompanied me in my meeting with Council member Brown.

On the recommendation of Council member Reitz to Michael Moore, I met with Mr. Moore on November 13, 2024, in two separate meetings. The first meeting at 10 AM was also attended by Chuck Atkinson and Admiral John (Boomer) Stufflebeem, US Navy (retired).

During that first meeting, which ran one hour, I explained why the hamlet type overlay was an egregious error and suggested that the Director of Planning and Zoning should: (a) acknowledge the error; and (b) revise the staff report accordingly, since all of its negative findings were tied to the bad overlay. I further explained that absent the overlay, the County's 2040 Comprehensive Plan showed our property to be in a "neighborhood mixed-use" zone, which is consistent with our rezoning application.

Mr. Atkinson then expounded, sheepishly, circuitously, and confusingly, that Mr. Merchant had been involved with the preparation of the 2040 Comprehensive Plan and had approved its final version, so he was not about to acknowledge that he had erred in this instance.

At that point, Mr. Atkinson extended a "quid pro quo" proposal, i.e., Mosaic would back off of its objection to the bad overlay zone and the County staff would support our application by means of a Development Agreement.

The second meeting at 11 AM was attended by the four attendees at the 10 AM meeting joined by Senator Davis, Council member Reitz, and Director Merchant. The meeting mimicked the 10 AM meeting in both content and substance.

Disappointed by the Planning Commission's vote and encouraged by the Messrs. Moore and Atkinson's offer to support the project with a Development Agreement, on December 18, 2025, Senator Davis wrote a letter to Council member Alice Howard, then Chair of the Community Services and Land Use Committee, imploring her to engage with us in the preparation of a Development Agreement.

Since then, the Senator's letter to now Council Chair Howard has received no response. Also receiving no response were:

(a) my letter to Committee Chairman Glover and Committee Vice Chairman Paula Brown dated January 19, 2025, imploring them to engage us in preparing a Development Agreement as suggested by Senator Davis; and

(b) Barry Johnson's letter to Chairman Glover dated February 19, 2025, enclosing our 40-page draft Development Agreement and requesting that our Opposition Memorandum be included in this meeting's Agenda Packet.

It is noteworthy that neither the Opposition Memorandum nor the draft Development Agreement were included in your Agenda Packet.

ITEM 5**Draft Development Agreement**

Given the aforementioned non-responsiveness to Senator Davis's letter of December 18 and my letter of January 19, both letters requesting that this Committee engage us in the preparation of a Development Agreement, the Johnson letter of February 19, along with the attached draft Development Agreement, were e-mailed directly to all eleven Council members and to Messrs. Moore and Atkinson.

We trust that the five members of this Committee have carefully reviewed the draft agreement and are prepared to ask questions about its details, terms, and conditions, as was requested by Senator Davis, Barry Johnson, and Mosaic.

The Island Packet was told on the record that our application:

- *did not fulfill the Comprehensive Plan;*
- *was in conflict with the community development code;*
- *would adversely affect nearby lands (including a major wetland system that will be heavily impacted); and*
- *would not result in logical or orderly development pattern.*

The biggest hurdle to all of this appears to be getting it through the Natural Resources Committee for approval given the proximity to the protected wetlands.

The truth is that our acreage is NOT environmentally sensitive and that our planning has meticulously and carefully avoided development on the wetlands, instead preserving them for the enjoyment of all.

Indeed, environmental sensitivity is part of our brand, i.e., the *Mews at Nature's Walk*.

Our land plan carefully avoids any disturbance of the wetlands, which we will demonstrate in the next two slides.

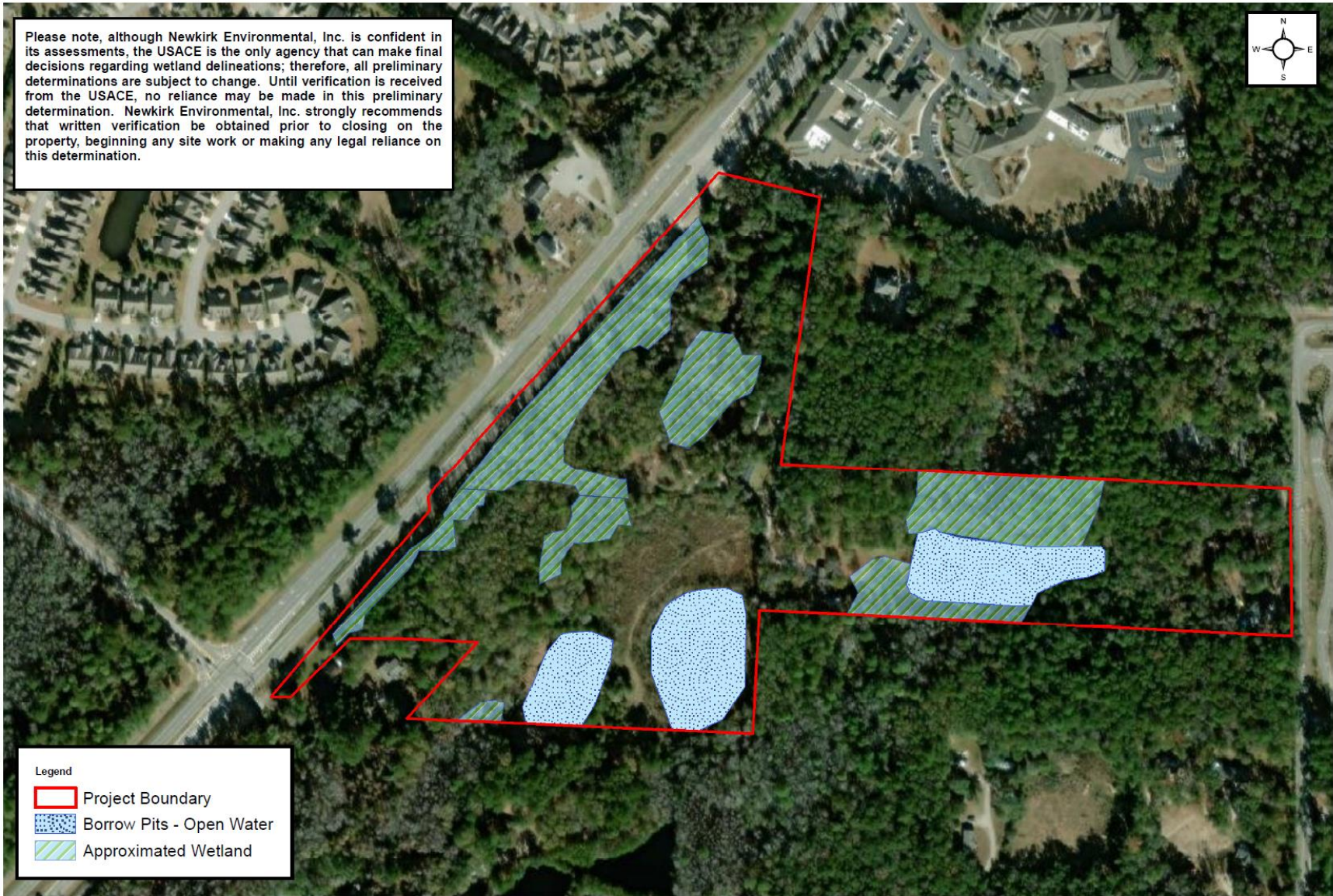
Finally, below is are excerpts from Newkirk Environmental Consultants' opinion letter. Newkirk is the region's premier environmental expert.

“ . . . we can deduce that wetland impacts are minimized to a driveway entering the property and a small portion of what appears to be an *isolated non-jurisdictional* wetland. The other impacts are to manmade borrow areas that in our professional opinion would not be deemed jurisdictional under today's regulations through the US Army Corps of Engineers.”

“It is Newkirk Environmental's opinion that the developers have shown avoidance and minimization by only impacting a small percentage of the total wetland acreage on the parcels.”

“ . . . it appears we fall within the boundaries of a Corps of Engineers Nationwide permit which allows for up to 0.5 acres of wetland fill along with impacts to borrow pits.”

Please note, although Newkirk Environmental, Inc. is confident in its assessments, the USACE is the only agency that can make final decisions regarding wetland delineations; therefore, all preliminary determinations are subject to change. Until verification is received from the USACE, no reliance may be made in this preliminary determination. Newkirk Environmental, Inc. strongly recommends that written verification be obtained prior to closing on the property, beginning any site work or making any legal reliance on this determination.



Legend

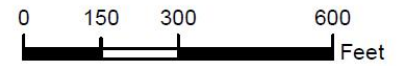
- Project Boundary
- Borrow Pits - Open Water
- Approximated Wetland

Wetland Approximation Map



Mews North
Beaufort County, South Carolina

Date: April 02 2024 (Revised 02/2025)
Project #: 04-5427a Created by: CAB



ONE POTENTIAL MASTER PLAN



FEBRUARY 2023

Ward Edwards Engineering, Inc.
 1000 N. W. 10th Ave., Suite 100
 Fort Lauderdale, FL 33304
 (954) 574-1100
 www.wardedwards.com

ZONING MAP AMENDMENT

BEAUFORT COUNTY, SOUTH CAROLINA



Admiral Stufflebeem is the Managing Director of the Lowcountry Veterans Housing (the “Foundation”). He is a decorated TOPGUN Navy fighter pilot and himself a disabled veteran.

As set forth in the Development Agreement furnished to the Committee:

The Foundation will be the beneficiary of Mosaic’s gift of the land for *Veterans Village at the Mews*, along with the surrounding roads, parking, walks, underground utilities, and full access to all of the Mews’ amenities, such as the clubhouse, fitness center, pool, bocce and pickleball courts, and nature trails. Mosaic’s gift has a multi-million-dollar value.

The Foundation will raise funds to build and operate Veteran’s Village and will subsize the workforce level rents for veterans and first responder residents who cannot afford workforce rate rents. The capital cost of Veterans Village will be north of \$8,000,000, for the sole benefit of our disabled veteran and first responder heroes.

The cost to our taxpayers for Veterans Village will be **\$0 !!!**

*Incidentally, the Mews will pay approximately **\$625,000** annually in real estate taxes to the County, having a 50-year net present value of more than **\$19,000,000!***

I will now ask Admiral Stufflebeem to address the Committee.

Possible next steps:

- 1. Vote “yes” to engage us in preparing a final draft Development Agreement to present to the full Council for its consideration and vote at its April or May meeting.**

Natural Resources Committee Mission Statement

The Natural Resources Committee reviews and negotiates development agreements with various developers throughout the County to address the needs of the developer and the County concerning the specific development projects.

- 2. Vote “no” and recommend to the full Council that it reject our application for a zoning map amendment, with full awareness that:**
 - a. Beaufort County’s disabled veterans and first responders will have lost this wonderful opportunity for new, ADA-compliant, Smart Home technology, state-of-the-art homes conveniently located in a charming community at workforce costs made even more affordable with Foundation subsidy. . . at ZERO cost to the taxpayers.**
 - b. The community at large will have lost the opportunity to stroll, shop, dine, and enjoy a charming walkable village centered around a delightful park with a bandshell for small music events, in an area sorely in need of such an amenity.**
 - c. The County will have lost a real estate tax ratable of \$625,000 per annum in perpetuity, having a 50-year net present value of more than \$19,000,000.**



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 8.

ITEM TITLE:

CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 121.43 ACRES (R600 013 000 0008 0000, R600 013 000 0050 0000, R600 013 000 0105 0000, R600 013 000 0104 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD- OPEN (T3N-O) USING A VILLAGE PLACE TYPE OVERLAY (PTO)

MEETING NAME AND DATE:

Natural Resources Committee Meeting, February 3, 2025

PRESENTER INFORMATION:

*Robert Merchant, AICP, Director, Beaufort County Planning and Zoning
(10 minutes needed for item discussion)*

ITEM BACKGROUND:

This rezoning application went before the Beaufort County Planning Commission at their January 6, 2025, meeting. At that time, the Commission voted unanimously to recommend denial of the proposed amendment to County Council.

PROJECT / ITEM NARRATIVE:

The applicant is seeking to amend the zoning of 121.43 acres. The parcels are currently zoned T2 Rural, and the applicant is requesting a zoning amendment to T4 Neighborhood Center and T3 Neighborhood-Open using a Village Place Type Overlay. This application contains a land transfer that would end up providing a 30-acre tract for a much-needed future public school site. It would also yield 258 maximum residential units and 350,000 sqft of commercial space; however, this would be decided through a Development Agreement process.

FISCAL IMPACT:

Not applicable

STAFF RECOMMENDATIONS TO COUNCIL:

Staff does not support this rezoning request. Although the 2040 Comprehensive Plan designates this area as a Village Place Type and staff has determined that the applicant is willing to provide enhancements and expansions of SC 170, the Level of Service for the affected intersections and roads will not be up to par with the County's preferred standards. If the rezoning is to be granted, staff recommends that a Development Agreement should be entered to ensure that correct mitigation measures, density, and Levels of Service be memorialized.

OPTIONS FOR COUNCIL MOTION:

*Motion to approve, modify, or deny the application as submitted;**
*Approval of the application with a reduction in the area proposed to be rezoned;**
Approval of a rezoning to a more restricted base zone than requested in the application; or*
*Denial of the application.**

**Council's decision must be based on the standards in Section 7.3.40 C of the Community Development Code (Attachment A to this AIS) and must clearly state the factors considered in making its decision and the basis or rationale for the decision. (7.4.90 B.3). These factors are as follows:*

- 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).*

Attachment A.

CDC Section 7.3.40 B.7 Zoning Map Amendment (Rezoning) provides:

The County Council's decision shall be based on the standards in Subsection 7.4.30 C and shall be one of the following:

1. Approval of the application as submitted;
2. Approval of the application with a reduction in the area proposed to be rezoned;
3. Approval of a rezoning to a more restricted base zone than requested in the application;
4. Denial of the application.

CDC Section 7.3.40 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).

CDC Section 7.4.90 B.3 provides:

County Council's decision shall clearly state the factors considered in making the decision and the basis or rationale for the decision.

REZONING REQUESTS

I MOVE THAT WE GRANT/(DENY) THE REQUEST FOR REZONING FOR THE FOLLOWING REASONS (**STATE ALL THAT SUPPORT YOUR MOTION**).

THE REQUEST:

1. IS/ (IS NOT) CONSISTENT WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE CODE AND THE PURPOSES OF THE DEVELOPMENT CODE; _____
2. IS NOT/ (IS) IN CONFLICT WITH PROVISIONS OF THE DEVELOPMENT CODE AND OR OUR CODE OF ORDINANCES; _____
3. DOES/ (DOES NOT) ADDRESS A DEMONSTRATED COMMUNITY NEED; _____
4. IS/ (IS NOT) REQUIRED BY CHANGED CONDITIONS; _____
5. IS/ (IS NOT) COMPATIBLE WITH EXISTING AND PROPOSED USE OF LAND SURROUNDING THIS LAND; _____
6. WOULD NOT/ (WOULD) ADVERSELY AFFECT NEARBY LAND; _____
7. WOULD/ (WOULD NOT) RESULT IN LOGICAL AND ORDERLY DEVELOPMENT PATTERNS; _____
8. WOULD NOT/ (WOULD) RESULT IN ADVERSE IMPACT ON THE NATURAL ENVIRONMENT (WATER, AIR, NOISE, STORMWATER MANAGEMENT, WILDLIFE, VEGETATION, WETLANDS, AND THE NATURAL FUNCTIONING OF THE ENVIRONMENT); _____
9. WOULD/ (WOULD NOT) RESULT IN DEVELOPMENT THAT IS ADEQUATELY SERVED BY PUBLIC FACILITIES (STREETS, POTABLE WATER, SEWER, STORMWATER MANAGEMENT, SOLID WASTE COLLECTION AND DISPOSAL, SCHOOLS, PARKS, POLICE, FIRE, EMERGENCY MEDICAL FACILITIES). _____

ORDINANCE 2025/ _____

AN ORDINANCE AMENDING THE ZONING MAP FOR 121.43 ACRES (R600 013 000 0008 0000, R600 013 000 0050 0000, R600 013 000 0105 0000, R600 013 000 0104 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD- OPEN (T3N-O) USING A VILLAGE PLACE TYPE OVERLAY (PTO)

WHEREAS, the properties located on Okatie Highway (R600 013 000 0008 0000, R600 013 000 0050 0000, R600 013 000 0105 0000, R600 013 000 0104 0000) are currently zoned T2 Rural; and

WHEREAS, the applicant has requested to change the zoning of the properties to T4 Neighborhood Center and T3 Neighborhood-Open utilizing a Village Place Type Overlay; and

WHEREAS, the Beaufort County Comprehensive Plan encourages high quality development in walkable urban nodes as opposed to low density sprawl and designates this site as a location to implement a Village Place Type; and

WHEREAS, the applicant has set aside 30 acres for a future school site; and

WHEREAS, the Beaufort County Planning Commission considered the request on January 6, 2025, voting unanimously to recommend that County Council deny the request; and

WHEREAS, County Council now wishes to amend the zoning map to change the zoning of the properties from T2 Rural to T4 Neighborhood Center and T3 Neighborhood-Open.

NOW, THEREFORE be it ordained by County Council in a meeting duly assembled as follows:

To adopt an ordinance amending the zoning map for 121.43 acres (R600 013 000 0008 0000, R600 013 000 0050 0000, R600 013 000 0105 0000, R600 013 000 0104 0000) located on Okatie Highway from T2 Rural (T2R) to T4 Neighborhood Center and T3 Neighborhood-Open utilizing a Village Place Type Overlay.

Ordained this ____ day of _____, 2025

Alice Howard, Chair

Sarah Brock, Clerk to Council

Existing Zoning

R600 13 8, 50, 104, 105

Zone Districts

FBCode

Buckingham Landing Community Preservation[BLCP]

C3 Neighborhood Mixed Use [C3NMU]

C4 Community Center Mixed Use [C4CCMU]

C5 Regional Center Mixed Use [C5RCMU]

May River Community Preservation [MRCP]

Existing Planned Unit Development [PUD]

T1 Natural Preserve [T1NP]

T2 Rural [T2R]

T2 Rural Center [T2RC]

T2 Rural Neighborhood [T2RN]

T3 Edge [T3Edge]

T3 Hamlet Neighborhood [T3HN]

T3 Neighborhood [T3N]

T4 Hamlet Center [T4HC]

T4 Hamlet Center Open [T4HCO]

T4 Neighborhood Center [T4NC]

Item 8.

R600 022 000 011A 0000

Proposed Zoning

R600 13 8, 50, 104, 105

FBCode

Buckingham Landing Community Preservation[BLCP]

C3 Neighborhood Mixed Use [C3NMU]

C4 Community Center Mixed Use [C4CCMU]

C5 Regional Center Mixed Use [C5RCMU]

May River Community Preservation [MRCP]

Existing Planned Unit Development [PUD]

T1 Natural Preserve [T1NP]

T2 Rural [T2R]

T2 Rural Center [T2RC]

T2 Rural Neighborhood [T2RN]

T3 Edge [T3Edge]

T3 Hamlet Neighborhood [T3HN]

T3 Neighborhood [T3N-O]

T4 Hamlet Center [T4HC]

T4 Hamlet Center Open [T4HCO]

T4 Neighborhood Center [T4NC]

112



MEMORANDUM

TO: York Glover, Chair, Natural Resources Committee of County Council

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

DATE: February 3, 2025

SUBJECT: CONSIDERATION OF AN ORDINANCE AMENDING THE ZONING MAP FOR 121.43 ACRES (R600 013 000 0008 0000, R600 013 000 0050 0000, R600 013 000 0105 0000, R600 013 000 0104 0000) LOCATED ON OKATIE HIGHWAY FROM T2 RURAL (T2R) TO T4 NEIGHBORHOOD CENTER (T4NC) AND T3 NEIGHBORHOOD-OPEN (T3N-O) USING A VILLAGE PLACE TYPE OVERLAY (PTO)

STAFF REPORT:

A. BACKGROUND:

Case No.	CDPA-000043-2024
Owner:	Beaufort County School District and Kengeter
Property Location:	Okatie Hwy and Cherry Point Rd
District/Map/Parcel:	R600 013 000 0008 0000, R600 013 000 0050 0000, R600 013 000 0105 0000, R600 013 000 0104 0000
Property Size:	121.43 Acres
Current Future Land Use Designation:	Rural, Place Type Overlay (Village Place Type)
Current Zoning District:	T2 Rural
Proposed Zoning District:	T4 Neighborhood Center and T3 Neighborhood-Open utilizing Place Type Overlay

B. SUMMARY OF REQUEST: The applicant is requesting to rezone four parcels into two zoning districts (T4 Neighborhood Center and T3 Neighborhood-Open) by using the Place Type Overlay (PTO) Village Place Type. Per the regulating plan, Parcel A would be comprised of dwellings and commercial space, Parcel B would yield a future school, Parcel C contains Okatie Elementary school, and Parcel D is to be used to provide better access to Okatie

Elementary and create space for appropriate future development. The proposed PTO will enhance the connection between the Malind Bluff and River Oaks communities by creating a sense of place that the area currently lacks. Integrating the existing Elementary school into a Village Place Type while also adjoining residential communities would accomplish the Comprehensive Plan's objective of providing walkable mixed-use nodes at intervals along the SC 170 corridor.

At their October 2024 meeting, the Planning Commission granted the applicant a deferral. During this meeting, the Planning Commission expressed concern that the TIA was not up to date reflecting the current development proposal and that the traffic calculations did not take a future school site into account. The commission also expressed concern that the makeup of the transects does not meet the spirit of the allocation mix of transect zones. There were further concerns about the lack of a representative from the School District at the meeting to discuss future plans for Parcel B. As for correspondence, the commission wanted more time to review comments provided by residents of Malind Bluff and the Cherry Point Neighborhood. In response to the Planning Commission and staff's comments, the applicant has since made the following changes:

- The applicant has updated their TIA to display multiple scenarios
- The applicant has changed the proposed T3 Neighborhood to T3 Neighborhood-Open
- A pedestrian shed was created in Parcel D
- Rear access thoroughfare types were removed from Parcel D
- Parcel D now has blocks
- Block A in Parcel A has been adjusted to no longer exceed 1600 feet
- Block F East has now been measured and labeled
- The 25 ft buffer and 10 ft trail easement have been consolidated into one 35 ft buffer
- Civic Open space requirements are now stated for Parcels A, B, and D

It is important to note that referendum to widen SC 170 into a 6-lane highway failed in November 2024.

- C. EXISTING ZONING:** The lots 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.
- D. PROPOSED ZONING:** The CDC defines Village Place Type as “made up of clusters of residential neighborhoods of sufficient intensity to support a central, mixed-use environment. The mixed-use environment can be located at the intersection of multiple neighborhoods or along a corridor between multiple neighborhoods. Habersham is a good example of a place that is evolving into a village.” It gives greater opportunity for a mixture of development types than a common subdivision because it is made up of a combination of transect zones. A PTO has requirements that create a format for a successful development

as it includes standards such as percentages of land assigned to a certain zoning district, size and intensity, an organized transition of transect zones, pedestrian sheds, thoroughfare networks, open and civic space, neighborhood centers/main streets, suitability for the site's specific topographical and environmental constraints, and compliance with architectural and design standards. In this instance, the applicant is requesting a Village Place Type which is to abide by the following:

Village Place Type		
		
110 acres min., 500 acres max.		
6 du./ac. max.		
Village Place Type		
T3 Edge (T3E)	No min.	25% max.
T3 Hamlet Neighborhood (T3HN)	No min.	25% max.
T3 Neighborhood (T3N)	25% min.	70% max.
T4 Hamlet Center Open (T4HCO) and/or T4 Neighborhood Center (T4NC)	10% min.	50% max.

The applicant has proposed to use the following transect zones for the PTO development:

- T3 Neighborhood-Open district is a subzone of T3 Neighborhood. T3N is “intended to provide a walkable, predominantly single- family neighborhood that integrates compatible multi-family housing types, such as duplexes and cottage courts within walking distance to transit and commercial areas.” As a subzone, T3N-O is intended to “provide a more diverse set of allowed uses within a residential form in areas where residential uses are transitioning into commercial uses.”
- T4 Neighborhood Center district is “intended to integrate vibrant main-street commercial and retail environments into neighborhoods, providing access to day-to-day amenities within walking distance, creating potential for a transit stop, and serving as a focal point for the neighborhood.”

E. 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.” An updated TIA memorandum has been provided and

reviewed by staff. The TIA has multiple scenarios that include Phase 1 (2029, Parcels A and D1 only) and Phase 2 (2035, Parcels A, D1, and B). There were several intersections studied, but the TIA performed supplemental analysis on the 3 Signalized Intersections nearest the development - Pritcher Road, Cherry Point, and Riverwalk. Takeaways will be focused on these 3. The main takeaways are below:

- In Scenario 1 (Year 2024 with Existing 4-Lanes Conditions) the TIA finds that the LOS at:
 - Riverwalk and Pritcher operate at unacceptable levels (Es & Fs).
 - Cherry Point operates at acceptable levels of LOS D in the AM and LOS B during SCHOOL and PM.
- In Scenario 2 (Year 2029 Build Phase 1 with Existing 4 Lane Conditions plus R/Cut Assumption but no Widening) the TIA finds that the LOS at:
 - All 3 intersections operate at acceptable levels (B, C, and Ds).
- In Scenario 3 (Year 2035 Build Phase 2 with Existing 4 Lane Conditions plus R/Cut Assumption but no Widening) the TIA finds that the LOS at:
 - Riverwalk and Cherry Point Road operate at unacceptable levels (Es).
 - But Pritcher Point operates at acceptable levels LOS C in the AM, SCHOOL, PM.
- In Scenario 4 (Year 2035 Build Phase 2 with Widened 6 Lane Conditions plus R/Cut Assumption) the TIA finds that the LOS at:
 - All 3 intersections operate at acceptable levels during the AM, SCHOOL, and PM peaks (Ds or better); ratings are the same for 2029

F. 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 is consistent with the Comprehensive Plan. Although the Comprehensive Plan states the Future Land Use of these properties is to be Rural, it also expresses for the option to create a Village Place Type. The purpose of the Place Type Overlay (PTO) is to provide the opportunity for properties that are identified in the Comprehensive Plan as rural crossroad, hamlet, and village place types to seek a comprehensive zoning amendment to establish transect zones (Division 3.2) to implement the vision for these place types. The Place Type Overlay (PTO) Zone is intended to create and reinforce walkable, urban environments with a mix of housing, civic, retail, and service choices. The Beaufort County Comprehensive Plan specifically addresses development along the SC 170 corridor. It states under the SC 170 Corridor section: “Establishing Place Types that coincide with major intersections, consistent buffers of native vegetation, joint review of proposed plans along the corridor, and agreement on access management standards will lead to a corridor with walkable mixed-use nodes at intervals, natural buffers between the road and development, compatible

land uses across jurisdictions, and safer, better managed traffic.” The Comprehensive Plan also has action BE 3.2 which states: “Initiate a prototype community- based Place Type implementation plan that involved property owners, and other stakeholders to serve as a vision for other areas of the county where walkable urbanism is appropriate.” The usage of a Place Type Overlay is the only way to properly upzone property such as this.

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

This rezoning application could technically be in conflict with Table 3.4.80.E as the application requests T3 Neighborhood-Open rather than its principal zoning district T3 Neighborhood. T3N-O has the same standards as T3N, but it provides more diverse allowed uses.

3. Addresses a demonstrated community need;

Yes, it addresses a community need; this proposed Place Type Overlay will provide 30.73 acres for a future school site.

4. Is required by changed conditions;

No, it is not 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;

Yes, it is compatible with the surrounding land. The area surrounding the parcels in this application primarily consist of single-family homes. The proposed regulating plan aims to enhance this by expanding housing options and creating additional civic spaces, along with small-scale businesses toward SC 170. In addition, there is a significant need for another school in the area and situating it in a walkable and/or bikeable distance from where families already reside is an essential practice of planning.

6. Would not adversely affect nearby lands;

No, it would adversely affect nearby lands. The Level of Service changes, caused by this development, for the intersections along SC 170 will heavily affect those travelling through SC 170 and those currently residing in nearby neighborhoods.

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

Yes, this rezoning would build off existing development patterns of Malind Bluff, River Oaks, and Okatie Elementary. The interconnected neighborhood of this development creates an orderly development pattern.

8. **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:**

No, it would not result in adverse impacts of the natural environment. 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.

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:**

Yes, the School District is in favor of this PTO rezoning application. It is attached. BJWSA has been notified. There is access to sewer service for development in this area. The developer will be responsible for covering any required enhancements or expansions to water and sewer capacities resulting from the proposed project. Although the applicant is willing to provide enhancements and expansions on SC 170, the Level of Service will still not be up to par with the County's preferred standards. The best Level of Services include the assumption that SC 170 will be widened to 6 lanes by 2029 (the completion of Phase 1- Parcel A and D1 only). It is important to note that the referendum to expand SC 170 failed in November 2024. The other 2029 scenarios in which a 6-lane widening is not implemented come to LOS grades of Ds, Es and Fs- these grades go up to Bs, Cs, and Ds with the implementation of an R/Cut, however. These delays worsen in 2035 (the completion of Phase 2- Parcel A, D1, and B) as some intersections drop to a Level of Service E.

- G. STAFF RECOMMENDATION:** This rezoning request does not meet all of the map amendment review standards in Section 7.3.40.C as it could be deemed to be in conflict with Table 3.4.80.E and may compound the condition of SC 170. However, it does meet some of these standards as it facilitates a land transfer that will provide a 30-acre set aside for a much-needed future public school site. The Comprehensive Plan supports the type of development that is being proposed by this Place Type. Even though the Comprehensive Plan designates the area as rural, it is designated as a Village Place Type which provides a vehicle for the parcels to upzone as an integrated mixed-use walkable community.

Although staff has determined that the applicant is willing to provide enhancements and expansions on SC 170, the Level of Service will still not be up to par with the County's preferred standards. The best Levels of Service include the assumption that SC 170 will be widened to 6 lanes or an R/Cut is implemented. It is important to note that the referendum to expand SC 170 failed in November 2024. Staff recommends that the Planning Commission take into account the provided scenarios and the Level of Service ratings along with the lack of designated funding source for the widening of SC 170.

If the rezoning is to be granted, staff suggests that a Development Agreement should be entered into between the developer and County Council to ensure that all the conditions of this recommendation are implemented concurrently with third and final reading of the zoning map amendment. It is necessary that the recommended mitigation measures and the timing of said mitigation measures be memorialized in a Development Agreement between the Developer and the entity funding the R/Cut Assumption at these three intersections (Pritcher Road, Cherry Point, and Riverwalk), since the Developer needs the installation of the R/Cut for this scenario to achieve acceptable LOS.

H. PLANNING COMMISSION RECOMMENDATION:

At their January 6, 2025 meeting, the Planning Commission unanimously recommended denial of the rezoning.

I. ATTACHMENTS

- Zoning Map (existing and proposed)
- Application and TIA
- School District Letter of Support

Existing Zoning

R600 13 8, 50, 104, 105

Zone Districts

FBCode

Buckingham Landing Community Preservation[BLCP]

C3 Neighborhood Mixed Use [C3NMU]

C4 Community Center Mixed Use [C4CCMU]

C5 Regional Center Mixed Use [C5RCMU]

May River Community Preservation [MRCP]

Existing Planned Unit Development [PUD]

T1 Natural Preserve [T1NP]

T2 Rural [T2R]

T2 Rural Center [T2RC]

T2 Rural Neighborhood [T2RN]

T3 Edge [T3Edge]

T3 Hamlet Neighborhood [T3HN]

T3 Neighborhood [T3N]

T4 Hamlet Center [T4HC]

T4 Hamlet Center Open [T4HCO]

T4 Neighborhood Center [T4NC]

Item 8.

R600 022 000 011A 0000

Proposed Zoning

R600 13 8, 50, 104, 105

FBCode

Buckingham Landing Community Preservation[BLCP]

C3 Neighborhood Mixed Use [C3NMU]

C4 Community Center Mixed Use [C4CCMU]

C5 Regional Center Mixed Use [C5RCMU]

May River Community Preservation [MRCP]

Existing Planned Unit Development [PUD]

T1 Natural Preserve [T1NP]

T2 Rural [T2R]

T2 Rural Center [T2RC]

T2 Rural Neighborhood [T2RN]

T3 Edge [T3Edge]

T3 Hamlet Neighborhood [T3HN]

T3 Neighborhood [T3N-O]

T4 Hamlet Center [T4HC]

T4 Hamlet Center Open [T4HCO]

T4 Neighborhood Center [T4NC]

120



(843) 322-2300
beaufortschools.net
2900 Mink Point Boulevard,
Beaufort SC 29902

Re: Cherry Point Rezoning to Place Type Overlay District

To: Beaufort County Planning Commission

The Beaufort County School District is under contract with Clearview Homes LLC. concerning the exchange of parcels of land in the Cherry Point Area of Okatie, Beaufort County named Okatie Landing. Clearview Homes LLC. in partnership with Beaufort County School District is seeking the rezoning of this area, including land owned by the School District to adopt a Place Type Overlay as outlined in the Comprehensive Plan.

The School District, as the owner of land subject to the rezoning has joined in the application. Beaufort County School District is excited about the possibility of having land in the area that could support a future school building. Please feel free to reach out if you have any questions, comments or concerns.

Sincerely,

Robert S. Oetting
Chief Operations Officer
Beaufort County School District
P.O. Drawer 309
Beaufort, SC 29901
843-322-0783

Okatie Landing at Cherry Point Development

Traffic Impact Study

Beaufort County, South Carolina

Prepared for

Clearview Homes

Prepared by

Kimley»Horn

December 2024
© Kimley-Horn and Associates, Inc.

Okatie Landing at Cherry Point Development

Traffic Impact Study

Beaufort County, South Carolina

Prepared for
Clearview Homes

Prepared by
Kimley»Horn



Dillon Brent Turner
December 2, 2024

December 2024
© Kimley-Horn and Associates, Inc.
115 Fairchild Street, Suite 250
Charleston, South Carolina, 29492

1 Executive Summary

The proposed Okatie Landing at Cherry Point Development is located SC 170 (Okatie Landing) and Malind Bluff Road in in Beaufort County, South Carolina. The proposed development is planned to be constructed in two phases. Phase 1 is planned to be built out by the end of 2029 and is proposed to consist of up to 350,000 square feet of retail space and 258 multifamily residential units. Phase 2 is planned to be constructed by the end of 2035 and is proposed to consist of a new development for the Beaufort County School District (BCSD). The exact use of the property by Beaufort County School District has not yet been determined. Per discussions with Beaufort County, it was assumed that the existing traffic into the Okatie Elementary School would match the future Beaufort County School District property as a conservative estimate for the trip generation in this Traffic Impact Study (TIS). An updated TIS will be required once the exact use of the BCSD site is known.

It is assumed that the project will access the roadway network via two driveways along SC 170 (Okatie Highway), three driveways along Cherry Point Road, and one driveway along Malind Bluff Drive.

Proposed Site Accesses:

- Site Access #1: Full access located along SC 170 (Okatie Highway) at Riverwalk Boulevard
- Site Access #2: Right-in/right-out only access along SC 170 (Okatie Highway) approximately located across from Schinger Avenue.
- Site Access #3: Right-in/right-out only located along Cherry Point Road between SC 170 (Okatie Highway) and Okatie Elementary School Access.
- Site Access #4: Full access located along Cherry Point Road that is proposed to be aligned with the Okatie Elementary School Access.
- Site Access #5: Full access located along Malind Bluff Drive east of SC 170 (Okatie Highway).
- Site Access #6: Right-in/right-out located along SC 170 (Okatie Highway) located south of Malind Bluff Drive.
- Site Access #7: Full access located along Cherry Point Road that is proposed to be aligned with Whispering Oak Road.
 - This site access is for the future BCSD site

It was assumed that phase 1 and phase 2 of development will be built and fully occupied by 2029 and 2035, respectively. This study summarizes the results of the traffic analyses at the following study intersections.

1. SC 170 (Okatie Highway) & Short Cut Road/Pritcher Point Road
2. SC 170 (Okatie Highway) & Red Oaks Lane/Malind Bluff Drive
3. SC 170 (Okatie Highway) & Pearlstine Drive/Cherry Point Road
4. SC 170 (Okatie Highway) & Schinger Avenue/Site Access #2
5. SC 170 (Okatie Highway) & Riverwalk Boulevard/Site Access #1
6. SC 170 (Okatie Highway) & Tidewatch Drive
7. Cherry Point & Okatie Elementary School/Site Access #4
8. Cherry Point Road & Whispering Oaks Road/Future BCSD Access
9. Malind Bluff Drive & Site Access #5
10. SC 170 (Okatie Highway) & Site Access #6
11. Cherry Point Road & Site Access #3

In the vicinity of the study area there are several background developments that have committed improvements to the existing geometry. **The committed improvements as follows:**

SC 170 (Okatie Highway) & Short Cut Road/Pritcher Point Road

- Place intersection under signalized control
- Construct eastbound right-turn lane and shared through-left lane along Short Cut Road
- Construct westbound left-turn lane along Pritcher Point Road

SC 170 (Okatie Highway) & Red Oak Lane/Malind Bluff Drive

- Construct an eastbound right-turn lane and shared through-left lane along Red Oak Lane
- Modify geometry to only allow westbound right-turn movement along Malind Bluff Drive

SC 170 (Okatie Highway) & Pearlstine Drive/Cherry Point Road

- Construct an eastbound left-turn lane along Pearlstine Drive
- Construct westbound dual left-turn lanes and a shared through-right movement lane along Cherry Point Road

The results of the traffic analyses indicate the following improvements are recommended to mitigate the impact of the proposed development:

SC 170 (Okatie Highway) & Short Cut Road/Pritcher Point Road

2029 Build Phase 1

- Modify the existing westbound laneage to provide an exclusive left-turn lane, shared through-left lane, and exclusive right-turn lane.
- The future traffic signal should operate with minor street split phasing.
- The northbound right-turn movement should operate with an overlap phase with the westbound traffic signal phase.
- The eastbound right-turn movement should operate with an overlap phase with the northbound protected left-turn phase.
- Traffic signal should operate in coordination with the adjacent signalized intersections along SC 170 (Okatie Highway).

2035 Build Phase 2

- Retime signal to account for volume growth and remain in coordination with adjacent signalized intersections along SC 170 (Okatie Highway).

SC 170 (Okatie Highway) & Malind Bluff Drive/Red Oaks Lane

2029 Build Phase 1

- Extend the existing southbound left-turn lane along SC 170 (Okatie Highway) to consist of 400 feet of full-width storage length and an appropriate taper length.
- Channelize the existing northbound right-turn movement and place under yield control.

2035 Build Phase 2

- No additional improvements recommended.

SC 170 (Okatie Highway) & Pearlstine Drive/Cherry Point Road

2029 Build Phase 1

- Extend the existing southbound left-turn lane along SC 170 (Okatie Highway) to consist of 450 feet of full-width storage length and an appropriate taper length.
- Construct an additional southbound left-turn lane along SC 170 (Okatie Highway) with 450 feet of full-width storage length and an appropriate taper length.
- Widen Cherry Point Road to receive the dual southbound left-turn lanes from SC 470 (Okatie Highway)
- Remove the existing channelized northbound right-turn movement and place under traffic signal control to operate with overlap phasing with the westbound protected left-turn phase.
- Construct a dedicated westbound right-turn lane with 250 feet of full-width storage and an appropriate taper length.

2035 Build Phase 2

- Retime signal to account for volume growth and remain in coordination with adjacent signalized intersections along SC 170 (Okatie Highway).

SC 170 (Okatie Highway) & Schinger Avenue/Site Access #2**2029 Build Phase 1**

- Construct a northbound right-turn lane along SC 170 (Okatie Highway) with 150 feet of full-width storage length and an appropriate taper length.
- Construct Site Access #2 with one ingress lane and one egress lane.
- Site Access #2 should be restricted to right-in and right-out movements only and operate under minor street stop sign control.

2035 Build Phase 2

- No additional improvements recommended.

SC 170 (Okatie Highway) & Riverwalk Boulevard/Site Access #1**2029 Build Phase 1**

- Place the intersection under traffic signal control when MUTCD signal warrants are met
 - The Okatie Landing Development should conduct 13-hour turning movement counts at this intersection once the development is operational at an agreed upon date(s) with SCDOT and/or Beaufort County to determine when the signal is warranted.
 - It is recommended to count the intersection at least twice per year while school is in session.
- A traffic signal at Riverwalk Boulevard/Site Access #1 Site Access #1 does not meet SCDOT signal spacing requirements for major arterials (2,640') from Cherry Point Road along SC 170 (Okatie Highway); therefore, a variance would be needed from SCDOT.
 - The intersection spacing from Cherry Point Road to Riverwalk Boulevard/Site Access #1 Site Access #1 is approximately 1,240', which is less than ½ the distance required by SCDOT.
 - Due to the limited spacing between Cherry Point Road and Riverwalk Boulevard, it is recommended to relocate Riverwalk Boulevard/Site Access #1 Site Access #1 further to the south along SC 170 (Okatie Highway).
 - Please note, there is a significant wetland located approximately 260' to the south of Riverwalk Boulevard along SC 170 (Okatie Highway) that may limit how far Riverwalk Boulevard can be relocated.
- Construct a northbound right-turn lane along SC 170 (Okatie Highway) with 200 feet of full-width storage and an appropriate taper length.
- Reconfigure the eastbound approach along Riverwalk Boulevard to consist of a dedicated left-turn lane, dedicated through lane, and a dedicated right-turn lane.
- Construct Site Access #1 to consist of one ingress lane and three egress lanes.
 - Site Access #1 egress lanes should consist of a dedicated left-turn lane, dedicated through lane, and a dedicated right-turn lane.
- The westbound left-turn movement should operate under protected/permissive left-turn phasing.
- The northbound right-turn movement should operate with overlap phasing with the westbound protected left-turn phase.
- The eastbound right-turn movement should operate with overlap phasing with the

northbound protected left-turn phase.

2035 Build Phase 2

- Retime the signal to account for volume growth in the area and remain in coordination with adjacent signalized intersections along SC 170 (Okatie Highway).

SC 170 (Okatie Highway) & Tidewatch Drive

2029 Build Phase 1

- Retime signal to operate in coordination with adjacent signalized intersections along SC 170 (Okatie Highway).

2035 Build Phase 2

- Retime signal to account for volume growth and remain in coordination with adjacent signalized intersections along SC 170 (Okatie Highway).

Cherry Point Road & Okatie Elementary School Access/Site Access #4

2029 Build Phase 1

- Construct an eastbound dedicated left-turn lane along Cherry Point Road with continuous storage to SC 170 (Okatie Highway).
- Construct a channelized southbound right-turn lane along Okatie Elementary School Access that operates as a free movement.
- Utilizing the transition taper from the eastbound left-turn lane, a westbound left-turn lane should be striped.
- Construct Site Access #4 to consist of one ingress lane and one egress lane.
- Site Access #4 should operate as full-movement under minor street stop sign control.

2035 Build Phase 2

- No additional improvements recommended.

Cherry Point Road & Whispering Oaks/ Future BCSD Access

2029 Build Phase 1

- No improvements recommended.

2035 Build Phase 2

- Construct an eastbound channelized right-turn lane along Cherry Point Road with 150 feet of full-width storage and an appropriate taper length.
- The channelized eastbound right-turn movement should operate as a free movement.
- Construct the BCSD Access with two ingress lanes and one egress lane.
- The BCSD Access should operate as full-movement under minor street stop sign control.

Malind Bluff Drive & Site Access #5

2029 Build Phase 1

- Construct Site Access #5 with one ingress lane and one egress lane.
- Site Access #5 should operate as full-movement under minor street stop sign control.

- Construct an eastbound right-turn lane along Malind Bluff Drive with 100 feet of full-width storage and an appropriate taper length.

2035 Build Phase 2

- No additional improvements recommended.

SC 170 (Okatie Highway) & Site Access #6

2029 Build Phase 1

- Construct a northbound right-turn lane along SC 170 (Okatie Highway) with 150 feet of full-width storage length and an appropriate taper length.
- Construct Site Access #6 with one ingress lane and one egress lane.
- Site Access #6 should be restricted to right-in and right-out movements only and operate under minor street stop sign control.
- Please note, the current proposed location of Site Access #6 is at a proposed future bulb-out location show in the SC 170 Corridor Study by AECOM. To accommodate the future potential bulb-out it is recommended to move this access to be at the midpoint between Mailind Bluff and the bulb-out location. The exact location of this access should be coordinated with SCDOT and Beaufort County.

2035 Build Phase 2

- No additional improvements recommended.

Cherry Point Road & Site Access #3

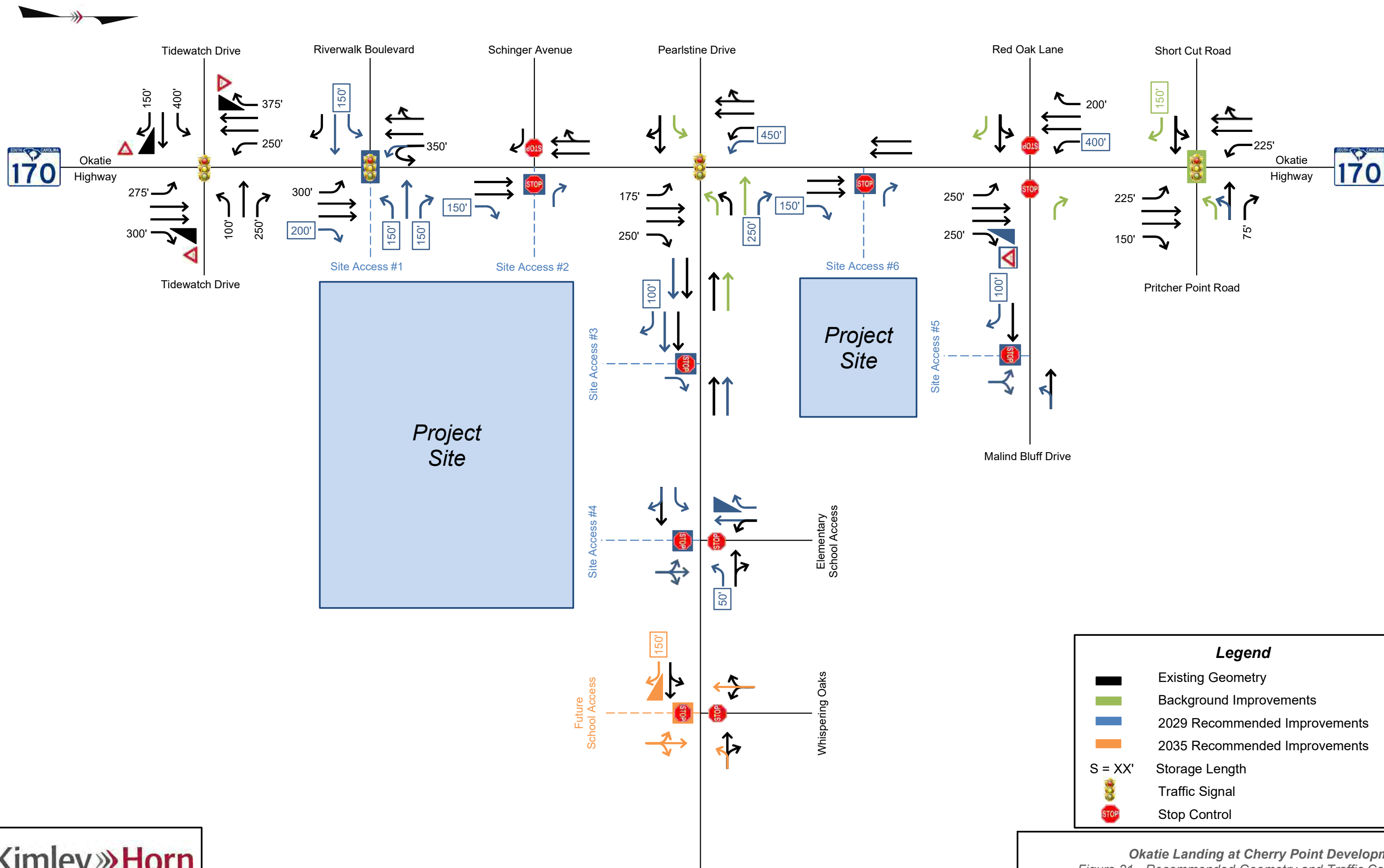
2029 Build Phase 1

- Construct an eastbound right-turn lane along Cherry Point Road with 100 feet of full-width storage length and an appropriate taper length.
- Construct Site Access #3 with one ingress lane and one egress lane.
- Site Access #3 should be restricted to right-in and right-out movements only and operate under minor street stop sign control.

2035 Build Phase 2

- No additional improvements recommended.

The recommended improvements are shown in **Figure 21**.

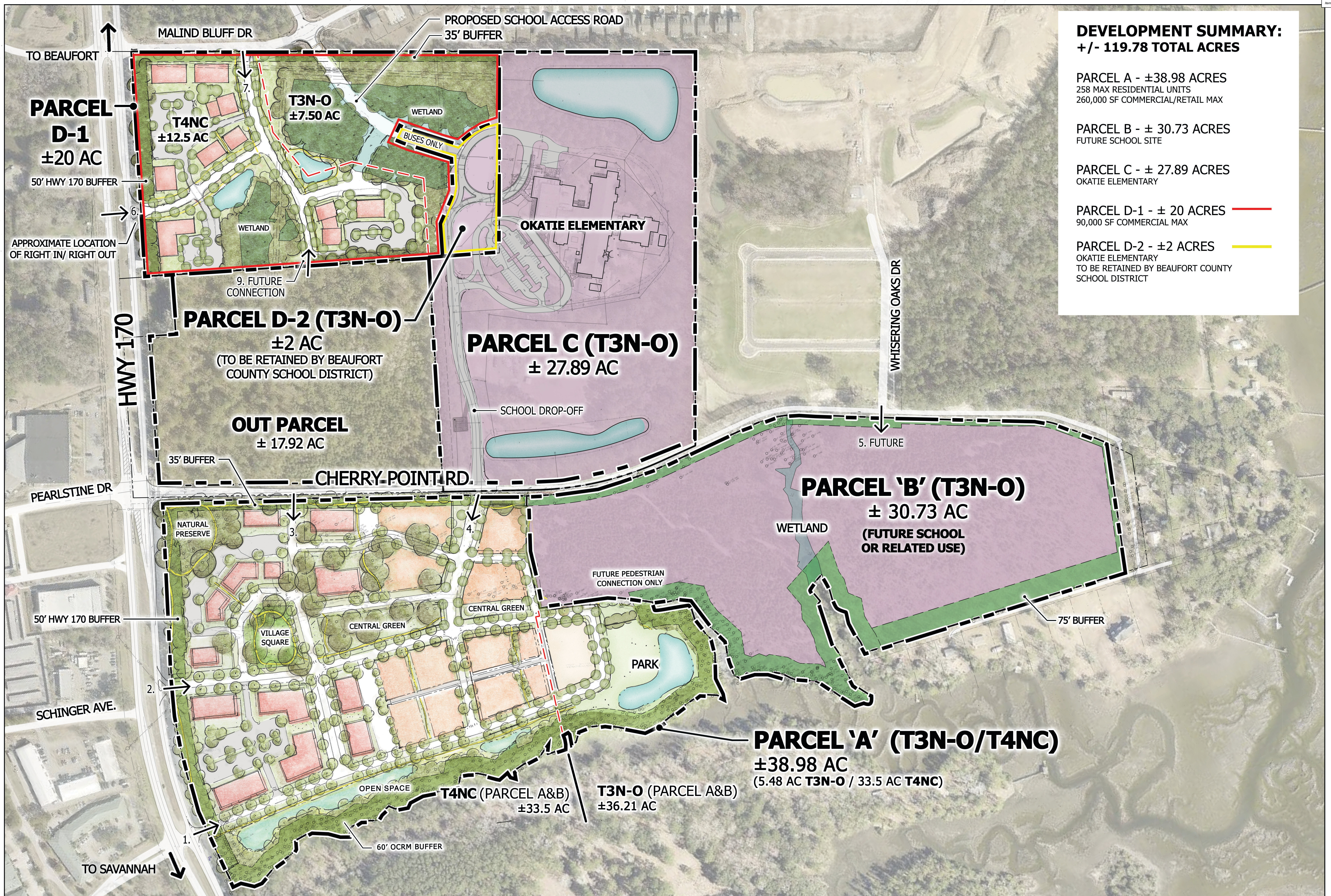


REZONING REQUESTS

I MOVE THAT WE GRANT/ (DENY) THE REQUEST FOR REZONING FOR THE FOLLOWING REASONS (**STATE ALL THAT SUPPORT YOUR MOTION**).

THE REQUEST:

1. IS/ (IS NOT) CONSISTENT WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE CODE AND THE PURPOSES OF THE DEVELOPMENT CODE; _____
2. IS NOT/ (IS) IN CONFLICT WITH PROVISIONS OF THE DEVELOPMENT CODE AND OR OUR CODE OF ORDINANCES; _____
3. DOES/ (DOES NOT) ADDRESS A DEMONSTRATED COMMUNITY NEED; _____
4. IS/ (IS NOT) REQUIRED BY CHANGED CONDITIONS; _____
5. IS/ (IS NOT) COMPATIBLE WITH EXISTING AND PROPOSED USE OF LAND SURROUNDING THIS LAND; _____
6. WOULD NOT/ (WOULD) ADVERSELY AFFECT NEARBY LAND; _____
7. WOULD/ (WOULD NOT) RESULT IN LOGICAL AND ORDERLY DEVELOPMENT PATTERNS; _____
8. WOULD NOT/ (WOULD) RESULT IN ADVERSE IMPACT ON THE NATURAL ENVIRONMENT (WATER, AIR, NOISE, STORMWATER MANAGEMENT, WILDLIFE, VEGETATION, WETLANDS, AND THE NATURAL FUNCTIONING OF THE ENVIRONMENT); _____
9. WOULD/ (WOULD NOT) RESULT IN DEVELOPMENT THAT IS ADEQUATELY SERVED BY PUBLIC FACILITIES (STREETS, POTABLE WATER, SEWER, STORMWATER MANAGEMENT, SOLID WASTE COLLECTION AND DISPOSAL, SCHOOLS, PARKS, POLICE, FIRE, EMERGENCY MEDICAL FACILITIES). _____



DEVELOPMENT SUMMARY:
+/- 119.78 TOTAL ACRES

PARCEL A - ±38.98 ACRES
258 MAX RESIDENTIAL UNITS
260,000 SF COMMERCIAL/RETAIL MAX

PARCEL B - ± 30.73 ACRES
FUTURE SCHOOL SITE

PARCEL C - ± 27.89 ACRES
OKATIE ELEMENTARY

PARCEL D-1 - ± 20 ACRES
90,000 SF COMMERCIAL MAX

PARCEL D-2 - ±2 ACRES
OKATIE ELEMENTARY
TO BE RETAINED BY BEAUFORT COUNTY
SCHOOL DISTRICT

OKATIE LANDING ZONING AMENDMENT

- VILLAGE PLACE TYPE -
OKATIE LANDING
BEAUFORT COUNTY, SOUTH CAROLINA

SKETCH MASTER PLAN

DATE: FEBRUARY 24, 2025

Note: Plan is conceptual in nature and subject to change.
Plan uses, calculations, and boundaries are subject to change.



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 9.

ITEM TITLE:
<i>CONSIDERATION OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX B (DAUFUSKIE ISLAND COMMUNITY DEVELOPMENT CODE) DIVISION 3 (PERMITTED USES) TO PERMIT THE USE OF ANIMAL SERVICES: CLINIC/HOSPITAL IN D2 RURAL (D2R)</i>
MEETING NAME AND DATE:
<i>Community Services and Land Use Committee Meeting, March 3, 2025</i>
PRESENTER INFORMATION:
<i>Robert Merchant, AICP, Director, Beaufort County Planning and Zoning (10 minutes needed for item discussion)</i>
ITEM BACKGROUND:
<i>This text amendment application went before the Beaufort County Planning Commission at their February 3, 2025 meeting. At that time, the Commission voted 7-0 to recommend approval of the proposed amendment to County Council.</i>
PROJECT / ITEM NARRATIVE:
<i>The proposed amendment seeks to permit Animal Service: Clinic/Hospital within the D2 Rural zoning district of Daufuskie Island. The current standards do not allow for this use; however, more intense uses such as Animal Services: Kennel are allowed in the district. Therefore, it is consistent with the purpose of D2R.</i>
FISCAL IMPACT:
<i>Not applicable</i>
STAFF RECOMMENDATIONS TO COUNCIL:
<i>Staff recommends approval.</i>
OPTIONS FOR COUNCIL MOTION:
<i>Motion to approve, modify, or deny the application as submitted.* *Council's decision must be based on the standards in Section 7.3.30 C of the Community Development Code (Attachment A to this AIS) and must clearly state the factors considered in making its decision and the basis or rationale for the decision. (7.4.90 B.3). These factors are as follows:</i> <ol style="list-style-type: none"><i>1. Is consistent with the goals, objectives, and policies of the Comprehensive Plan;</i><i>2. Is not in conflict with any provision of this Development Code or the Code of Ordinances;</i><i>3. Is required by changed conditions;</i><i>4. Addresses a demonstrated community need;</i><i>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;</i><i>6. Would result in a logical and orderly development pattern; and</i>

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.*

Attachment A.

CDC Section 7.3.30 B.7 Text Amendments provides:

The County Council's decision shall be based on the standards in Subsection 7.3.30.C.

CDC Section 7.3.30 Code Text Amendment Review Standards.

The advisability of amending the text of this Development Code 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 the proposed text amendment, the County Council shall weigh the relevance of and consider whether, and the extent to which, the proposed amendment:

1. Is consistent with the goals, objectives, and policies of the Comprehensive Plan;
2. Is not in conflict with any provision of this Development Code or the Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
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;
6. Would result in a logical and orderly development pattern; and
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.

CDC Section 7.4.90 B.3 provides:

County Council's decision shall clearly state the factors considered in making the decision and the basis or rationale for the decision.

TEXT AMENDMENT REQUESTS

I MOVE THAT WE GRANT/(DENY) THE REQUEST FOR THE TEXT AMENDMENT FOR THE FOLLOWING REASONS (**STATE ALL THAT SUPPORT YOUR MOTION**).

THE REQUEST:

1. IS/ (IS NOT) CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN; _____
2. IS NOT/ (IS) IN CONFLICT WITH ANY PROVISION OF THIS DEVELOPMENT CODE OR THE CODE OF ORDINANCES; _____
3. IS/ (IS NOT) REQUIRED BY CHANGED CONDITIONS; _____
4. DOES/ (DOES NOT) ADDRESS A DEMONSTRATED COMMUNITY NEED; _____
5. IS/ (IS NOT) 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; _____
6. WOULD/ (WOULD NOT) RESULT IN A LOGICAL AND ORDERLY DEVELOPMENT PATTERN; _____
7. WOULD NOT/ (WOULD) 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. _____

ORDINANCE 2025/_____

**AN ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT CODE (CDC):
APPENDIX B (DAUFUSKIE ISLAND COMMUNITY DEVELOPMENT CODE)
DIVISION 3 (PERMITTED USES) TO PERMIT THE USE OF ANIMAL SERVICES:
CLINIC/HOSPITAL IN D2 RURAL (D2R)**

WHEREAS, the D2 Rural (D2R) zoning district of Daufuskie Island does not permit the use of Animal Services: Clinic/Hospital; and

WHEREAS, a landowner has requested to permit veterinary services in D2R; and

WHEREAS, the Beaufort County Comprehensive Plan encourages a business-friendly environment; and

WHEREAS, the proposed use is consistent with the zoning district's purpose to preserve the rural character while encouraging farms where animals are raised; and

WHEREAS, the Beaufort County Planning Commission considered the request on February 3, 2025, voting 7-0 to recommend that County Council approve the request; and

WHEREAS, County Council now wishes to amend the Community Development Code (CDC) to permit Animal Services: Clinic/Hospital in D2 Rural (D2R) zoning district.

NOW, THEREFORE be it ordained by County Council in a meeting duly assembled as follows:

The Community Development Code is hereby amended to permit the use of Animal Services: Clinic/Hospital in D2 Rural (D2R) zoning district. Section B.3.20 of the Community Development Code is hereby amended to reflect the language depicted in Exhibit A.

Ordained this ____ day of _____, 2025

Alice Howard, Chairman

Sarah Brock, Clerk to Council

Exhibit A

Table B.3.20. Consolidated Use Table (continued)

Land Use Type	D1 NP	D2 R	D2 CP	D2 GH	D3 GN	D4 MU	D5 VC	D5 GC	Definition
OFFICES & SERVICES									
1. General Offices and Services 10,000 SF or less	--	--	--	--	--	P	P	P	
2. Animal Services: Clinic/Hospital	--	P	--	--	--	C	P	P	An establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.
3. Animal Services: Kennel	--	C	--	C	C	C	P	P	A commercial facility for the boarding, breeding, and/or maintaining of animals for a fee that are not owned by the operator. This use includes pet day care facilities, animal training facilities (except horses – see “Commercial Stables”), and may include grooming as an accessory use. This use includes the breeding of animals in outdoor structures, cages or pens for sale, but does not include animals for sale in pet shops (see “General Retail”).



MEMORANDUM

TO: York Glover, Chair, Natural Resources Committee of County Council

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

DATE: March 3, 2025

SUBJECT: CONSIDERATION OF A TEXT AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE (CDC): APPENDIX B (DAUFUSKIE ISLAND COMMUNITY DEVELOPMENT CODE) DIVISION 3 (PERMITTED USES) TO PERMIT THE USE OF ANIMAL SERVICES: CLINIC/HOSPITAL IN D2 RURAL (D2R)

STAFF REPORT:

A. BACKGROUND:

Case No.	CDPA-000046-2025
Applicant:	Deborah Smith
Proposed Amendment:	Amendment to Table B.3.20 in the Community Development Code to Permit Animal Services: Clinic/Hospital in D2 Rural

B. SUMMARY AND BACKGROUND:

The proposed amendment seeks to permit Animal Service: Clinic/Hospital within the D2 Rural zoning district of Daufuskie Island. The current standards do not allow for this use; however, more intense uses such as Animal Services: Kennel are allowed in the district.

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, the Comprehensive Plan encourages a business-friendly environment and supporting a skilled workforce. The D2 Rural district already allows Animal Services: Kennel as a conditional use which staff has determined is a more intense use than a Veterinary Clinic/Hospital.

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

No, it is not in conflict. This change makes the Daufuskie Island use table more consistent.

3. **Addresses a demonstrated community need;**

Yes, Daufuskie Island currently does not have a designated veterinarian office for the animals and pets of the citizens. Allowing the use would open more opportunities to provide needed services.

4. **Is required by changed conditions;**

No, it is not.

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, D2R allows for the use of Kennels which is a much more intense use. Another permitted use is Commercial Stables.

The purpose of D2R is to preserve the rural character while encouraging farms where animals are raised. This calls for the need for a veterinarian in these areas and the island in general.

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

Yes, see 5.

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.

E. PLANNING COMMISSION RECOMMENDATION: At their February 3, 2025 meeting, the Planning Commission unanimously recommended approval of the text amendment.

F. ATTACHMENTS:

- Text Amendment Changes

Table B.3.20. Consolidated Use Table (continued)

Land Use Type	D1 NP	D2 R	D2 CP	D2 GH	D3 GN	D4 MU	D5 VC	D5 GC	Definition
OFFICES & SERVICES									
1. General Offices and Services 10,000 SF or less	--	--	--	--	--	P	P	P	
2. Animal Services: Clinic/Hospital	--	P	--	--	--	C	P	P	An establishment used by a veterinarian where animals are treated. This use may include boarding and grooming as accessory uses.
3. Animal Services: Kennel	--	C	--	C	C	C	P	P	A commercial facility for the boarding, breeding, and/or maintaining of animals for a fee that are not owned by the operator. This use includes pet day care facilities, animal training facilities (except horses – see “Commercial Stables”), and may include grooming as an accessory use. This use includes the breeding of animals in outdoor structures, cages or pens for sale, but does not include animals for sale in pet shops (see “General Retail”).



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

Item 10.

ITEM TITLE:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT A NATIONAL COASTAL RESILIENCE FUND GRANT AWARD FROM THE NATIONAL FISH AND WILDLIFE FOUNDATION

MEETING NAME AND DATE:

Natural Resources Committee
March 3, 2025

PRESENTER INFORMATION:

Juliana Smith, Environmental Long Range Planner (5 minutes)

ITEM BACKGROUND:

The National Fish and Wildlife Foundation's National Coastal Resilience Fund (NCRF) Grant Program supports nature-based solutions that both protect coastal communities and enhance fish and wildlife habitat. The NCRF invests in a myriad of project types, including projects that shore up natural infrastructure to mitigate impacts of storms and coastal hazards on our communities. Grants are awarded to non-profit 501(c) organizations, state, territorial, local, and municipal governments, Tribal governments and organizations, educational institutions, or commercial (for-profit) organizations.

PROJECT / ITEM NARRATIVE:

This grant supports a recommendation of the Long-Term Resilience Strategy (Adopted May 2024) to bolster coastal resilience for our community by *"identify(ing) and map(ping) where living shorelines can be effectively used, including recommendations about which types of living shorelines to use in different environmental conditions"* within Beaufort County. In partnership with the SC Sea Grant Consortium, College of Charleston, and Port Royal Sound Foundation, and several Beaufort County departments, the Planning & Zoning Department applied for and are being awarded grant funding to conduct mapping to incentivize and develop living shorelines to improve salt marsh habitat conditions and community resilience.

FISCAL IMPACT:

Receipt of \$169,667.50 to be applied to the Beaufort County Planning & Zoning Department Grants Revenue Fund. Fiscal Impact: In-kind match (in lieu of County funds) in the amount of \$153,054 will be provided by Beaufort County and its partners through services provided. In kind match is comprised of \$120,000 worth in high-resolution aerial imagery and LIDAR from the GIS Department, \$6,890 worth in services rendered compiling GIS data layers and identifying data gaps from the GIS Department, \$7,800 worth in services to continue GIS data layer compilation and gap filling from the GIS Department, \$2,400 worth in services arranging public engagement sessions, including providing a venue, from the Port Royal Sound Foundation, and \$15,964 worth in services in graphic design from staff at the SC Sea Grant Consortium.

STAFF RECOMMENDATIONS TO COUNCIL:

Staff recommends acceptance of the grant award.

OPTIONS FOR COUNCIL MOTION:

Motion to accept \$169,667.50 National Coastal Resilience Fund grant award from the National Fish and Wildlife Foundation or Motion to decline \$169,667.50 National Coastal Resilience Fund grant award from the National Fish and Wildlife Foundation.

RESOLUTION 2025/_____**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT NATIONAL COASTAL RESILIENCE FUND GRANT AWARD FROM THE NATIONAL FISH AND WILDLIFE FOUNDATION**

WHEREAS, the National Fish and Wildlife Foundation's National Coastal Resilience Fund invests in nature-based solutions that bolster the resilience of our coastal communities from the impacts of sea level rise and climate change while enhancing habitats for fish and wildlife; and

WHEREAS, the Beaufort County Long-Term Resilience Strategy (the "Strategy") acts as the Resilience Element of the Beaufort County 2040 Comprehensive Plan and was adopted by County Council in May of 2024; and

WHEREAS, the Strategy recommends methods to improve resilience in Beaufort County, including identifying where living shorelines can be effectively used and what types of living shorelines are more appropriate for different environmental conditions found throughout the County's salt marshes; and

WHEREAS, living shorelines support wildlife habitat and improve the resilience of nearby communities by strengthening existing or restoring degraded salt marsh habitat and its numerous ecosystem services, including coastal flooding protection, carbon sequestration, wind and wave energy dissipation, erosion prevention, and economic and cultural contributions; and

WHEREAS, in partnership with the South Carolina Sea Grant Consortium, the College of Charleston, and the Port Royal Sound Foundation, Beaufort County's Planning & Zoning department applied to the National Coastal Resilience Fund to undertake mapping of the County's shorelines with the intent of incentivizing living shorelines on private lands and siting living shorelines on public lands where appropriate; and

WHEREAS, the Beaufort County Planning & Zoning Department was awarded \$169,667.50 to undertake this work, which will accomplish recommendations of the 2040 Comprehensive Plan and Long-Term Resilience Strategy; and

WHEREAS, Beaufort County will provide \$153,054 in-kind match via work services provided from staff within the Planning & Zoning, GIS, and Public Works Departments, the Port Royal Sound Foundation, and the South Carolina Sea Grant Consortium; and

WHEREAS, the Beaufort County Planning & Zoning department, and its partners, represent and warrant that they meet applicable standards to receive such funds; and

NOW, THEREFORE, BE IT RESOLVED, at a duly called meeting of Beaufort County Council, that the County Administrator is hereby provided the authority necessary to accept the aforementioned grant from the National Fish and Wildlife Foundation.

Adopted this ____ day of _____, 2025.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____

Alice Howard, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

DRAFT

	NATIONAL FISH AND WILDLIFE FOUNDATION GRANT AGREEMENT	1. NFWF PROPOSAL ID: 84634	2. NFWF GRANT ID: 0318.25.084634	
		3. UNIQUE ENTITY IDENTIFIER (UEI) XFSKWHHQMF58	4. INDIRECT COST RATE (REFERENCE LINE 17 for RATE TERMS) N/A	
5. SUBRECIPIENT TYPE State or Local Government		6. NFWF SUBRECIPIENT County of Beaufort		
7. NFWF SUBRECIPIENT CONTACT Juliana Smith County of Beaufort 100 Ribaut Road Beaufort, SC, 29901 Tel: 843-255-2141 juliana.smith@bcgov.net		8. NFWF GRANTS ADMINISTRATOR/NFWF CONTACT INFORMATION Waverly Nohr National Fish and Wildlife Foundation 1625 Eye Street, N.W. Suite 300 Washington, D.C. 20006 Tel: 202-857-0166 Fax: 202-857-0162 waverly.nohr@nfwf.org		
9. PROJECT TITLE Building Capacity for Resilience in Beaufort County through Living Shorelines (SC)				
10. PROJECT DESCRIPTION Create a living shorelines site suitability map, a prioritization matrix for implementation, and a training manual for government staff in Beaufort County, South Carolina. Project will produce decision-making tools that increase staff capacity to implement living shorelines on public lands to protect vulnerable communities, critical infrastructure, and essential saltmarsh habitat.				
11. PERIOD OF PERFORMANCE January 6, 2025 to January 4, 2027		12. TOTAL AWARD TO SUBRECIPIENT \$169,667.50		13. TOTAL FED. FUNDS \$169,667.50
14. TOTAL NON-FED. FUNDS N/A				
15. FEDERAL MATCH REQUIREMENT N/A		16. NON-FEDERAL MATCH REQUIREMENT \$153,054		
17. SUBRECIPIENT INDIRECT COST RATE TERMS The rate specified in Line 4 reflects that the Subrecipient has elected not to claim an indirect cost rate and that this election shall apply throughout the project's period of performance.				
18. TABLE OF CONTENTS				
SEC.	DESCRIPTION			
1	NFWF Agreement Administration			
2	NFWF Agreement Clauses			
3	Representations, Certifications, Obligations, and Other Statements – General			
4	Representations, Certifications, and Other Statements Relating to Federal Funds- General			
5	Representations, Certifications, and Other Statements Relating to Federal Funds – Funding Source Specific			
6	Other Representations, Certifications, Statements and Clauses			

19. FUNDING SOURCE INFORMATION/FEDERAL AND NON-FEDERAL

A. FUNDING SOURCE (FS)	B. NFWF FS ID	C. FS AWARD DATE TO NFWF	D. FAIN	E. TOT FED. AWARD TO NFWF	F. TOT OBLG. TO SUBRECIPIENT	G. FS END DATE	H. CFDA
National Oceanic And Atmospheric Administration	FC.A078	08/13/2024	NA24NOSX473C0098	\$95,649,945.00	\$169,667.50	05/31/2029	11.473

20. NOTICE OF AWARD

The National Fish and Wildlife Foundation (NFWF) agrees to provide the NFWF Award to the NFWF Subrecipient for the purpose of satisfactorily performing the Project described in a full proposal as identified on line 1 and incorporated into this Agreement by reference. The NFWF Award is provided on the condition that the NFWF Subrecipient agrees that it will raise and spend at least the amount listed on lines 15 and 16 in matching contributions on the Project, as applicable. The Project must be completed, with all NFWF funds and matching contributions spent, during the Period of Performance as set forth above. All items designated on the Cover Page and the Table of Contents are incorporated into this Agreement by reference herein. NFWF Subrecipient agrees to abide by all statutory or regulatory requirements, or obligations otherwise required by law. Subrecipient is obligated to notify NFWF if any of the information on the Cover Page changes in any way, whether material or immaterial.

A. NAME AND TITLE OF AUTHORIZED SUBRECIPIENT SIGNER (Type or Print)

D. NAME AND TITLE OF NFWF AWARDOFFICIAL
Holly A. Bamford, PhD, Chief Conservation OfficerB. SUBRECIPIENT
BY

C. DATE

E. NATIONAL FISH AND WILDLIFE FOUNDATION
BY

F. DATE

NFWF prohibits discrimination in all its programs and activities on the basis of race, color, religion, age, sex, national origin, ancestry, marital status, personal appearance, citizen status, disability, sexual orientation, gender identity or expression, pregnancy, child birth or related medical conditions, family responsibilities, matriculation, genetic information, political or union affiliation, veteran status or any other status protected by applicable law ("Protected Categories"). In addition, NFWF prohibits retaliation against an individual who opposes an unlawful educational practice or policy or files a charge, testifies or participates in any complaint under Title VI. NFWF complies with all applicable federal, state and local laws in its commitment to being an equal opportunity provider and employer; accordingly, it is NFWF's policy to administer all employment actions, including but not limited to, recruiting, hiring, training, promoting, and payment of wages, without regard to any Protected Category(ies).

See Reporting Schedule on the following page.

21. REPORTING DUE DATES/SUBRECIPIENT REPORTING SCHEDULE

Reporting Task	Task Due Date
Interim Programmatic Report	January 6, 2026
Annual Financial Report	January 6, 2026
Final Programmatic Report	April 4, 2027
Final Financial Report	April 4, 2027



SECTION 1 NFWF AGREEMENT ADMINISTRATION

1.1. Amendments.

During the life of the Project, the NFWF Subrecipient is required to immediately inform in writing the NFWF Grants Administrator of any changes in contact information, Key Personnel, scope of work, indirect cost rate, as well as any difficulties in completing the performance goals articulated in the Project description. NFWF Subrecipients must request an amendment from NFWF upon determination of a deviation from the original Grant Agreement as soon as such deviation is detected. NFWF reserves the right to approve, deny and/or negotiate any such request. Alternatively, NFWF may initiate an amendment if NFWF determines an amendment is necessary at any time. Amendment requests are to be submitted via NFWF's grants management system.

1.1.1. Budget Amendment Request.

If the NFWF Subrecipient determines that: 1) the amount of the budget is going to change in any one direct cost category by an amount that exceeds 10% of the Award, or 2) there is a need to increase indirect costs, the NFWF Subrecipient must seek prior written approval via an amendment request in NFWF's grants management system.

1.1.2. Extension of Performance Period.

If additional time is needed to complete the approved Project, the NFWF Subrecipient should contact the NFWF Grants Administrator at least 45 calendar days prior to the project period expiration date to initiate the no-cost extension request process in NFWF's grants management system. In addition, if there are overdue reports required, the NFWF Subrecipient must ensure that they are submitted along with or prior to submitting the no-cost extension request.

1.2. Matching Contributions.

Matching Contributions consist of cash, contributed goods and services, volunteer hours, and/or property raised and spent for the Project. Matching Contributions for the purposes of this Project must meet the following criteria: (1) Are verifiable from the NFWF Subrecipient's records; (2) Are not included as contributions for any other federal award; (3) Are necessary and reasonable for the accomplishment of project or program objectives; (4) Are allowable under OMB Cost Principles; (5) Are not paid by the U.S. Government under another federal award except where the federal statute authorizing a program specifically provides that federal funds made available for such program can be applied to matching or cost sharing requirements of other federal programs when authorized by federal statute; (6) Are provided for in the approved budget when required by the federal awarding agency; (7) Are committed directly to the project and must be used within the period of performance as identified in this Agreement; (8) Otherwise conform to the law; and, (9) Are in compliance with the requirements of Section 3.3 of this Agreement concerning Compliance with Laws.

1.2.1. Documentation and Reporting of Matching Contributions.

The NFWF Subrecipient must retain supporting documentation, including detailed time records for contributed services, original receipts, appraisals of real property, and comparable rentals for other contributed property, at its place of business in the event of an audit of the NFWF Subrecipient as required by applicable federal regulations. The NFWF Subrecipient must report match progress in Payment Requests and Financial Reports.

1.2.2. Assessing Fair Market Value.

Fair market value of donated goods, services and property, including volunteer hours, shall be computed as outlined in §200.306 of 2 CFR Subtitle A, Chapter II, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, (hereinafter “OMB Uniform Guidance”), regardless of whether this Agreement is federally funded.

1.3. Payment of Funds.

To be eligible to receive funds, NFWF Subrecipient must submit to NFWF (1) an original executed copy of this Agreement for the Project; (2) any due financial and programmatic reports; and (3) a complete and accurate Payment Request via NFWF’s grants management system. At any time, NFWF reserves the right to require submission of source documentation, including but not limited to timesheets, cash receipts, contracts or subaward agreements, for any costs where the NFWF Subrecipient is seeking reimbursement by NFWF. NFWF reserves the right to retain up to ten percent (10%) of funds until submission and acceptance of final reports.

1.3.1. Reimbursements.

NFWF Subrecipient may request funds on a reimbursable basis. Reimbursement requests must include expenditures to date and an explanation of any variance from the approved budget.

1.3.2. Advances.

NFWF Subrecipient may request advance payment of funds prior to expenditure provided that the NFWF Subrecipient: (1) demonstrates an immediate need for advance payment; (2) documents expenditure of advanced funds; 3) maintains written procedures that minimize the time elapsing between the transfer of funds and disbursement; and (4) has established appropriate financial management systems that meet the needs and standards for fund control and accountability. Approval of any advance payment of funds is made at the sole discretion of NFWF, based on an assessment of the NFWF Subrecipient’s needs.

1.3.3. Interest.

Any interest earned in any one year on funds advanced to the NFWF Subrecipient that exceeds \$500 must be reported to NFWF, and the disposition of those funds negotiated with NFWF. Interest amounts up to \$500 per year may be retained by the NFWF Subrecipient for administrative expense.

1.4. Reports.

1.4.1. Interim Programmatic Reports.

The NFWF Subrecipient will submit interim programmatic reports to NFWF based on the reporting schedule in Line 21 of the Cover Sheet to this Agreement, as may be amended at NFWF's sole discretion. The interim programmatic report shall consist of written statements of Project accomplishments and updated metric values since Project initiation, or since the last reporting period, and shall be submitted via NFWF's grants management system. NFWF may require specific formatting and/or additional information as appropriate.

1.4.2. Interim Financial Reports.

The NFWF Subrecipient will submit interim financial reports to NFWF based on the reporting schedule in Line 21 of the Cover Sheet to this Agreement, as may be amended at NFWF's sole discretion. The interim financial report shall consist of financial information detailing cumulative expenditures made under this Project since Project initiation and shall be uploaded via NFWF's grants management system. NFWF may require specific formatting and/or additional information as appropriate.

1.4.3. Annual Financial Report.

The NFWF Subrecipient will submit annual financial reports to NFWF based on the reporting schedule in Line 21 of the Cover Sheet to this Agreement, as may be amended at NFWF's sole discretion. The NFWF Subrecipient must enter a justification when there is a difference between the amount disbursed by NFWF and the amount expended by the grantee. Failure to submit an annual financial report in a timely manner will delay payment of submitted payment requests.

1.4.4. Final Reports.

Based on the reporting schedule in Line 21 of the Cover Sheet to this Agreement, the NFWF Subrecipient will submit (1) a Final Financial Report accounting for all Project funds received, Project expenditures, and budget variances (if any) compared to the approved budget; (2) a Final Programmatic Report summarizing and documenting the accomplishments and metric values achieved during the Period of Performance; (3) copies of any publications, press releases and other appropriate products resulting from the Project; and (4) photographs as described in Section 1.4.3.1 below. The final reports and digital photo files should be uploaded via NFWF's grants management system. Any requests for extensions of final report submission dates must be made in writing to the NFWF Grants Administrator and approved by NFWF in advance. NFWF may require specific formatting and/or additional information as appropriate.

1.4.4.1. Photographs.

NFWF requests, as appropriate for the Project, a representative number of high-resolution (minimum 300 dpi) photographs depicting the Project (before-and-after images, images of species impacted, and/or images of staff/volunteers working on the Project). Photographs should be uploaded with the Final Programmatic Report via NFWF's grants management system as individual .jpg files. The Final Programmatic Report narrative should list each photograph, the date the

photograph was taken, the location of the photographed image, caption, photocredit, and any other pertinent information (e.g., species, activity conducted) describing what the photograph is depicting. By uploading photographs to NFWF's grants management system the NFWF Subrecipient certifies that the photographs are unencumbered and that NFWF and Project Funders have a fully paid up non-exclusive, royalty-free, irrevocable, perpetual, worldwide license for posting of Final Reports and for any other purposes that NFWF or the Project Funder determines appropriate.

1.4.4.2. Spatial Data.

The NFWF Subrecipient will submit accurate spatial data with the final report at a resolution that allows NFWF to know exactly where individual on-the-ground project activities occurred. Accurate spatial data are defined as polygon(s) depicting the exact location and boundaries of each on-the-ground conservation practice implemented within the Period of Performance. For projects where the location of activities has changed or was only known approximately at the full proposal stage, grantees will update the spatial data given with the exact location of activities. Updates to spatial data depicting project activities will be submitted through NFWF's online mapping tool. The polygon(s) name(s) shall include the conservation actions that have been completed within that project area. NFWF retains the right to use the spatial data in order to perform spatial analyses and depict the generalized project location on public maps.

1.4.4.3. Monitoring and Other Project Data.

Upon request by NFWF, the NFWF Subrecipient will provide to NFWF raw and/or summary data collected or analyzed as part of the project, for NFWF's use in analyses of program outcomes. The Subrecipient will submit these data, either when available or at project completion, through a cloud-based data sharing platform or another agreed-upon mechanism.

1.4.5. Significant Developments.

The NFWF Subrecipient shall report on events that may occur between the scheduled performance reporting dates that have a significant impact on the Project. Such reporting shall be made as soon as the following conditions become known:

1.4.5.1. Problems, delays, or adverse conditions which will materially impair the ability to meet the Project objective, including but not limited to the objective itself, its schedule and/or the budget. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the matter; and/or,

1.4.5.2. Favorable developments which enable meeting time schedules and objectives sooner or at less cost than anticipated or produce more or different beneficial results than originally planned.

1.5. Reports and Payment Requests.

All reports, financial, programmatic, or otherwise, or payment requests under a federal award must be submitted by a representative of the NFWF Subrecipient who has the NFWF Subrecipient's full authority to render such reports and requests for payment and to provide required certifications as set forth in 2 CFR 200.415, as applicable.

1.6. Record Retention and Access.

1.6.1. Retention Requirements for Records.

NFWF Subrecipient shall maintain all records connected with this Agreement for a period of at least three (3) years following the latest end date of the funding source(s) referenced above in line 19. FUNDING SOURCE INFORMATION/FEDERAL AND NON-FEDERAL or the close-out of all pending matters or audits related to this Agreement, whichever is later. As funding source end dates may be extended over time, the NFWF Subrecipient will be notified of the most up-to-date record retention requirements upon closure of this Award. If any litigation, claim, or audit is started (irrespective of the NFWF Subrecipient's involvement in such matter) before the expiration of the 3-year period, the records shall be retained until all litigation, claims or audit findings or pending matters involving the records have been resolved and final action taken. NFWF shall notify NFWF Subrecipient if any such litigation, claim or audit takes place or if funding source end date(s) is extended so as to extend the retention period. Records for real property and equipment acquired with federal funds must be retained for at least three (3) years following disposition of such real property. For awards solely funded with funding sources with "N/A" listed as the end date, NFWF Subrecipient shall maintain all records connected with this Agreement for a period of at least three (3) years following the date of final payment or the Period of Performance end date, whichever is later.

1.6.2. Access to Records.

NFWF or any of its authorized representatives shall have access to such records and financial statements upon request, as shall Inspectors General, the Comptroller General of the United States or any of their authorized representatives if the Funding Source or any funding entity (*i.e.*, a secondary funding source) is a federal agency and/or any portion of the Project provided herein is paid with federal funds. The rights of access in this section are not limited to the required retention period but last as long as the records are retained.

SECTION 2 NFWF AGREEMENT CLAUSES

2.1. Restrictions on Use of Funds.

The NFWF Subrecipient agrees that any funds provided by NFWF and all Matching Contributions will be expended only for the purposes and programs described in this Agreement. No funds provided by NFWF pursuant to this Agreement or Matching Contributions may be used to support litigation expenses, lobbying activities, or any other activities not authorized under this Agreement or otherwise unallowable under the Federal Cost Principles set forth in the OMB Uniform Guidance.

2.2. Assignment.

The NFWF Subrecipient may not assign this Agreement, in whole or in part, to any other individual or other legal entity without the prior written approval of NFWF.

2.3. Subawards and Contracts.

When making subawards or contracting, NFWF Subrecipient shall: (1) abide by all applicable granting and contracting procedures, including but not limited to those requirements of the OMB Uniform Guidance (2 C.F.R. Part 200); (2) ensure that all applicable federal, state and local requirements are properly flowed down to the subawardee or contractor, including but not limited to the applicable provisions of the OMB Uniform Guidance (2 C.F.R. Part 200); and (3) ensure that such subaward or contracting complies with the requirements in Section 3.3 of this Agreement concerning Compliance with Laws. NFWF Subrecipient shall also include in any subaward or contract a similar provision to this, requiring the use of proper grant and contracting procedures and subsequent flow down of federal, state, and local requirements to lower-tiered subawardees and contractors.

2.4. Unexpended Funds.

Any funds provided by NFWF and held by the NFWF Subrecipient and not expended at the end of the Period of Performance will be returned to NFWF within ninety (90) days after the end of the Period of Performance.

2.5. Publicity, Acknowledgment of Support, and Disclaimers.

2.5.1. Publicity.

The NFWF Subrecipient gives NFWF the right and authority to publicize NFWF's financial support for this Agreement and the Project in press releases, publications, and other public communications.

2.5.2. Acknowledgment of Support.

The NFWF Subrecipient agrees to: (1) give appropriate credit to NFWF and any Funding Sources identified in this Agreement for their financial support in any and all press releases, publications, annual reports, signage, video credits, dedications, and other public communications regarding this Agreement or any of the project deliverables associated with this Agreement, subject to any terms and conditions as may be stated in Section 5 and Section 6 of this Agreement; and (2) include the disclaimer provided at Section 2.5.4.

2.5.3. Logo Use.

The NFWF Subrecipient must obtain prior NFWF approval for the use relating to this Award of the NFWF logo or the logo or marks of any Funding Source.

2.5.4. Disclaimers.

Payments made to the NFWF Subrecipient under this Agreement do not by direct reference or by implication convey NFWF's endorsement nor the endorsement by any other entity that provides funds to the NFWF Subrecipient through this Agreement, including the U.S. Government, as applicable, for the Project. All information submitted for publication or other public releases of information regarding this Agreement shall carry the following disclaimer, which NFWF may revise at any time at its sole discretion:

For Projects funded in whole or part with federal funds: "The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government or the National Fish and Wildlife Foundation and its funding sources. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government, or the National Fish and Wildlife Foundation or its funding sources."

For Projects not funded with federal funds: "The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions of the National Fish and Wildlife Foundation or its funding sources. Mention of trade names or commercial products does not constitute their endorsement by the National Fish and Wildlife Foundation or its funding sources."

2.6. Posting of Final Reports.

The NFWF Subrecipient hereby acknowledges and consents for NFWF and any Funding Source identified in this Agreement to post its final programmatic reports and deliverables on their respective websites. In the event that the NFWF Subrecipient intends to claim that its final report contains material that does not have to be posted on such websites because it is protected from disclosure by statutory or regulatory provisions, the NFWF Subrecipient shall so notify NFWF and any Funding Source identified in this Agreement and clearly mark all such potentially protected materials as "PROTECTED," providing an accurate and complete citation to the statutory or regulatory source for such protection.

2.7. Website Links.

The NFWF Subrecipient agrees to permit NFWF to post a link on any or all NFWF websites to any websites created by the NFWF Subrecipient in connection with the Project.

2.8. Evaluation.

Throughout a program or business plan, NFWF engages in monitoring and evaluation to assess progress toward conservation goals and inform future decision-making. These efforts use both data collected by grantees as part of their NFWF grant as well as post-award project data collected by third-party entities commissioned to conduct a program evaluation. The NFWF Subrecipient agrees to cooperate with NFWF by providing timely responses to all reasonable requests for information to assist in evaluating the accomplishments of the Project period of five (5) years after the project end date.

2.9. Intellectual Property.

Reports, materials, books, databases, monitoring data, maps and spatial data, audio/video, and other forms of intellectual property created using this grant may be copyrighted or otherwise legally protected by the NFWF Subrecipient or by the author. The NFWF Subrecipient agrees to provide to NFWF and any Funding Source identified in this Agreement a non-exclusive, royalty-free, irrevocable, perpetual, worldwide license to use, publish, copy and alter the NFWF Subrecipient's intellectual property created using this award for non-commercial purposes in any media – whether now known or later devised – including posting such intellectual property on NFWF's or Funding Source websites and featuring in publications. NFWF retains the right to use project metrics and spatial data submitted by the NFWF Subrecipient to estimate societal benefits that result and to report these results to funding partners on a case-by-case basis as determined by NFWF. These may include but are not limited to: habitat and species response, species connectivity, water quality, water quantity, risk of detrimental events (e.g., wildfire, floods), carbon accounting (e.g., sequestration, avoided emissions), environmental justice, and diversity, equity, and inclusion.

2.10. System for Award Management (SAM) Registration.

The NFWF Subrecipient must maintain an active SAM registration at www.SAM.gov until the final financial report is submitted or final payment is received, whichever is later. If the NFWF Subrecipient's SAM registration expires during the required period, NFWF will suspend payment to the NFWF Subrecipient until the SAM registration is updated.

2.11. Arbitration.

All claims, disputes, and other matters in question arising out of, or relating to this Agreement, its interpretation or breach, shall be decided through arbitration by a person or persons mutually acceptable to both NFWF and the NFWF Subrecipient. Notice of the demand for arbitration shall be made within a reasonable time, not to exceed three years, after the claim, dispute, or other matter in question has arisen. The award rendered by the arbitrator or arbitrators shall be final. The terms of this provision will survive termination of this Agreement.

2.12. Indemnity.

The NFWF Subrecipient shall indemnify and hold harmless NFWF, any Funding Source identified in this Grant Agreement, their respective officers, directors, agents, and employees in respect of any and all claims, injuries, losses, diminution in value, damages, liabilities, whether or not currently due, and expenses including without limitation, settlement costs and any legal or other expenses for investigating or defending any actions or threatened actions or liabilities arising from or in connection with the Project. The terms of this provision will survive termination of this Agreement.

2.13. Insurance.

The NFWF Subrecipient agrees to obtain and maintain all appropriate and/or required insurance coverages against liability for injury to persons or property from any and all activities undertaken by the NFWF Subrecipient and associated with this Agreement in any way. NFWF reserves the right to require additional insurance limits and policies based on specific activities under this Agreement, that NFWF be named insured on all applicable insurance policies, and that the NFWF Subrecipient provide a certificate of insurance and/or copies of applicable insurance policies as requested by NFWF. The terms of this provision will survive termination of this Agreement.

2.14. Choice of Law/Jurisdiction.

This Agreement shall be subject to and interpreted by the laws of the District of Columbia, without regard to choice of law principles. By entering into this Agreement, the NFWF Subrecipient agrees to submit to the exclusive jurisdiction of the courts of the District of Columbia. The terms of this provision will survive termination of this Agreement.

2.15. Stop Work.

NFWF may, at any time, by written order to the NFWF Subrecipient, require the NFWF Subrecipient to stop all, or any part, of the work called for by this Agreement for a period of 90 days after the order is delivered to the NFWF Subrecipient. The order shall be specifically identified as a stop-work order issued under this section. Upon receipt of the order, the NFWF Subrecipient shall immediately comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to this Agreement covered by the order during the period of work stoppage. Within a period of 90 calendar days after a stop-work order is delivered to the NFWF Subrecipient, or within any extension of that period to which the parties shall have agreed, NFWF shall either cancel the stop-work order or terminate the Agreement under section 2.16.

2.16. Termination.

2.16.1. Upon the occurrence of any of the following enumerated circumstances, NFWF may terminate this Agreement, or any portion thereunder, upon receipt by the NFWF Subrecipient of NFWF's written notice of termination, or as otherwise specified in the notice of termination:

2.16.1.1. the NFWF Subrecipient is adjudged or becomes bankrupt or insolvent, is unable to pay its debts as they become due, or makes an assignment for the benefit of its creditors; or,

2.16.1.2. the NFWF Subrecipient voluntarily or involuntarily undertakes to dissolve or wind up its affairs; or,

2.16.1.3. suspension or debarment by the Government of the NFWF Subrecipient; or,

2.16.1.4. any breach of the requirements set forth in Section 3.3 of this Agreement concerning Compliance with Laws; or,

2.16.1.5. NFWF learns that NFWF Subrecipient has an organizational conflict of interest, or any other conflict of interest, as determined in the sole discretion of NFWF, that NFWF believes, in its sole discretion, cannot be mitigated; or,

2.16.1.6. after written notice and a reasonable opportunity, the NFWF Subrecipient is unable to cure a perceived non-compliance with any material term (other than those enumerated at 2.16.1.1 – 2.16.1.5) of this Agreement. The cure period shall be considered the timeframe specified by the Funding Source(s), if any, minus one (1) to five (5) days or as agreed upon by the Parties in writing, or if

no time is specified by the Funding Source(s), ten (10) days or as otherwise agreed upon by the Parties. Within this time period the NFWF Subrecipient shall, as determined by NFWF, (a) satisfactorily demonstrate its compliance with the term(s) originally believed to be in non-compliance; or (b) NFWF, at its sole discretion, may determine that NFWF Subrecipient has satisfactorily demonstrated that reasonable progress has been made so as not to endanger performance under this Agreement; or,

2.16.1.7. if the Funding Source issues an early termination under the funding agreement(s) covering all or part of the Project at issue hereunder.

2.16.2. Either Party may terminate this Agreement by written notice to the other Party for any reason by providing thirty (30) days' prior written notice to the other Party.

2.16.3. In the event of termination of this Agreement prior to Project completion, the NFWF Subrecipient shall immediately (unless otherwise directed by NFWF in its notice if NFWF initiated the termination) undertake all reasonable steps to wind down the Project cooperatively with NFWF, including but not limited to the following:

2.16.3.1. Stop any portion of the Project's work that is incomplete (unless work to be completed and a different date for termination of work are specified in NFWF's notice).

2.16.3.2. Place no further work orders or enter into any further subawards or contracts for materials, services, or facilities, except as necessary to complete work as specified in NFWF's notice.

2.16.3.3. Terminate all pending Project work orders, subawards, and contracts for work that has not yet commenced.

2.16.3.4. With the prior written consent of NFWF, promptly take all other reasonable and feasible steps to minimize and/or mitigate any damages that may be caused by the failure to complete the Project, including but not limited to reasonable settlements of any outstanding claims arising out of termination of Project work orders, subawards, and contracts. NFWF will reimburse the NFWF Subrecipient for non-cancelable allowable costs incurred by the NFWF Subrecipient prior to termination that cannot be mitigated. However, the foregoing is subject to the complete reimbursement of such costs by the Funding Source; accordingly, any amounts ultimately not paid, or which are recouped by the Funding Source, are subject to recoupment by NFWF.

2.16.3.5. Deliver or make available to NFWF all data, drawings, specifications, reports, estimates, summaries, and such other information and material as may have been accumulated by the NFWF Subrecipient under this Agreement, whether completed or in progress.

2.16.3.6. Return to NFWF any unobligated portion of the Award.

2.17. Entire Agreement.

These terms and conditions, including the Attachments hereto, constitute the entire agreement between the Parties relating to the Project described herein and supersede all previous communications, representations, or agreements, either oral or written, with respect to the subject matter hereof. No representations or statements of any kind made by any representative of a Party, which are not stated herein, shall be binding on said Party.

2.18. Severability.

Each provision of this Agreement is distinct and severable from the others. If one or more provisions is or becomes invalid, unlawful, or unenforceable in whole or in part, the validity, lawfulness and enforceability of the remaining provisions (and of the same provision to the extent enforceable) will not be impaired, and the Parties agree to substitute a provision as similar to the offending provision as possible without its being invalid, unlawful or unenforceable.

2.19. Interpretation and Construction.

2.19.1. This Agreement shall be interpreted as a unified contractual document with the Sections and the Attachments having equal effect, except in the event of any inconsistency between them. In the event of a conflict between any portion of this Agreement and another portion of this Grant Agreement, first the Sections will apply in the following order of precedence: 5, 4, 3, 1, 2 and 6, and then any supplemental attachments.

2.19.2. The title designations of the provisions to this Agreement are for convenience only and shall not affect the interpretation or construction of this Agreement.

2.19.3. Every right or remedy conferred by this Agreement upon or reserved to the Parties shall be cumulative and shall be in addition to every right or remedy now or hereafter existing at law or in equity, and the pursuit of any right or remedy shall not be construed a selection.

2.19.4. The failure of NFWF to exercise any right or privilege granted hereunder or to insist upon the performance and/or compliance of any provision of this Agreement, a referenced contractual, statutory or regulatory term, or an Attachment hereto, shall not be construed as waiving any such right, privilege, or performance/compliance issue, and the same shall continue in full force and effect.

2.19.5. Notwithstanding any express statements regarding the continuation of an obligation beyond the expiration or termination of this Agreement, the rights and obligations of this Agreement, which by their nature extend beyond its expiration or termination, shall remain in full force and effect and shall bind the Parties and their legal representatives, successors, heirs, and assigns.

SECTION 3 REPRESENTATIONS, CERTIFICATIONS, OBLIGATIONS AND OTHER STATEMENTS – GENERAL

3.1. Binding Obligation.

By execution of this Agreement, NFWF Subrecipient represents and certifies that this Agreement has been duly executed by a representative of the NFWF Subrecipient with full authority to execute this Agreement and binds the NFWF Subrecipient to the terms hereof. After execution by the representative of the NFWF Subrecipient named on the signature page hereto, this Agreement represents the legal, valid, and binding obligation of the NFWF Subrecipient, enforceable against the NFWF Subrecipient in accordance with its terms.

3.2. Additional Support.

In making this Award, NFWF assumes no obligation to provide further funding or support to the NFWF Subrecipient beyond the terms stated in this Agreement.

3.3. Compliance with Laws.

3.3.1. In General.

By execution of this Agreement and through its continued performance hereunder, the NFWF Subrecipient represents, certifies and agrees that it is and shall continue to conduct all such activities in compliance with all applicable federal, state, and local laws, regulations, and ordinances and to secure all appropriate necessary public or private permits and consents. The terms of this provision will survive termination of this Agreement and must be flowed down to any and all contractors, subcontractors or subrecipients entered into by NFWF Subrecipient in the performance of this Agreement.

3.3.2. Compliance with Anti-Corruption Laws.

The NFWF Subrecipient represents, certifies and agrees to ensure that no payments have been or will be made or received by the NFWF Subrecipient in connection with this Agreement in violation of the U.S. Foreign Corrupt Practices Act of 1977, as amended (15 U.S.C. §dd-1 *et seq.*), or any other applicable anti-corruption laws or regulations (e.g., UK Bribery Act 2010) in the countries in which the NFWF Subrecipient performs under this Agreement.

3.3.3. Compliance with Anti-Terrorism Laws.

The NFWF Subrecipient represents, certifies and agrees not to provide material support or resources directly or indirectly to, or knowingly permit any funds provided by NFWF pursuant to this Agreement or Matching Contributions to be transferred to, any individual, corporation or other entity that the NFWF Subrecipient knows, or has reason to know, commits, attempts to commit, advocates, facilitates, or participates in any terrorist activity, or has committed, attempted to commit, advocated, facilitated or participated in any terrorist activity, including, but not limited to, the individuals and entities (1) on the master list of Specially Designated Nationals and Blocked Persons maintained by the U.S. Department of Treasury's Office of Foreign Assets Control, which list is available at www.treas.gov/offices/enforcement/ofac; (2) on the consolidated list of individuals and entities maintained by the "1267 Committee" of the United Nations Security Council at

http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml; (3) on the consolidated list maintained by the U.S. Department of Commerce at http://export.gov/ecr/eg_main_023148.asp, or (4) on such other list as NFWF may identify from time to time.

3.3.4. Compliance with Additional Laws and Restrictions.

The NFWF Subrecipient represents, certifies and agrees to ensure that its activities under this Agreement comply with all applicable U.S. laws, regulations and executive orders regarding money laundering, terrorist financing, U.S. sanctions laws, U.S. export controls, restrictive trade practices, boycotts, and all other economic sanctions or trade restrictions promulgated from time to time by means of statute, executive order, regulation or as administered by the U.S. Department of State, the Office of Foreign Assets Control, U.S. Department of the Treasury, or the Bureau of Industry and Security, U.S. Department of Commerce.

3.4. Subrecipient Debarment and Suspensions.

By and through NFWF Subrecipient's execution of this Agreement, NFWF Subrecipient warrants and represents its initial and continued compliance that it is not listed on the General Services Administration's, government-wide System for Award Management Exclusions (SAM Exclusions), in accordance with the OMB guidelines at 2 C.F.R Part 180 that implement E.O.s 12549 (3 C.F.R., 1986 Comp., p. 189) and 12689 (3 C.F.R., 1989 Comp., p. 235), "Debarment and Suspension." The NFWF Subrecipient further provides that it shall not enter into any subaward, contract or other agreement using funds provided by NFWF with any party listed on the SAM Exclusions in accordance with Executive Orders 12549 and 12689. The SAM Exclusions can be found at <https://www.sam.gov/portal/public/SAM/>.

3.5. Conflicts of Interest.

By execution of this Agreement, NFWF Subrecipient acknowledges that it is prohibited from using any Project funds received under this Agreement in a manner which may give rise to an apparent or actual conflict of interest, including organizational conflicts of interest, on the part of the NFWF Subrecipient. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of NFWF Subrecipient may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. An organizational conflict of interest is defined as a relationship that because of relationships with a parent company, affiliate, or subsidiary organization, the non-federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization. The NFWF Subrecipient represents and certifies that it has adopted a conflict of interest policy that, at a minimum, complies with the requirements of the OMB Uniform Guidance, and will comply with such policy in the use of any Project funds received under this Agreement. NFWF Subrecipient may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of NFWF Subrecipient. If NFWF Subrecipient becomes aware of any actual or potential conflict of interest or organizational conflict of interest, during the course of performance of this Agreement, NFWF Subrecipient will immediately notify NFWF in writing of such actual or potential conflict of interest, whether organizational or otherwise.

SECTION 4 REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS RELATING TO FEDERAL FUNDS – GENERAL

4.1. If the Funding Source or any funding entity (*i.e.*, a secondary funding source) is a federal agency and/or any portion of the Project provided herein is paid with federal funds, the NFWF Subrecipient must read and understand certain applicable federal regulations, including but not limited to, the following in Sections 4 and 5 of this Agreement as set forth herein.

The NFWF Subrecipient will need to understand and comply with the OMB Uniform Guidance (including related Supplements as may be applicable to a specific federal funding source(s), and Appendices as may be applicable), in addition to other applicable federal regulations. This includes, but is not limited to, the provisions of the Federal Funding Accountability and Transparency Act (FFATA), which includes requirements on executive compensation, and also requirements implementing the Act for the non-federal entity at 2 CFR part 25 Financial Assistance Use of Universal Identifier and System for Award Management and 2 CFR part 170 Reporting Subaward and Executive Compensation Information. The most recent version of the Electronic Code of Federal Regulations can be found at <https://www.ecfr.gov/>.

4.2. 2 CFR § 200 Subpart F Audits.

It is the responsibility of the NFWF Subrecipient to arrange for audits as required by 2 CFR Part 200, Subpart F – Audit Requirements. The NFWF Subrecipient shall notify NFWF in writing about 2 CFR Subpart F audit findings related to projects funded by NFWF pass-through funds. The NFWF Subrecipient understands that NFWF may require the NFWF Subrecipient to take corrective action measures in response to a deficiency identified during an audit.

4.3. Real and Personal Property.

In accordance with 2 C.F.R. § 200.316 (Property trust relationship), real property, equipment, and intangible property acquired or improved with federal funds must be held in trust by the NFWF Subrecipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. This trust relationship exists throughout the duration of the property's estimated useful life during which time the Federal Government retains an undivided, equitable reversionary interest in the property (Federal Interest). During the duration of the Federal Interest, the NFWF Subrecipient must comply with all use, reporting, and disposition requirements and restrictions as set forth in 2 C.F.R. §§ 200.310 (Insurance coverage) through 200.316 (Property trust relationship) and 200.329 (Reporting on real property), as applicable.

4.4. Mandatory Disclosure.

NFWF Subrecipient must disclose, in a timely manner, in writing to NFWF all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Failure to make required disclosures can result in any of the remedies described in this Agreement, including termination, and any remedies provided under law, including suspension or debarment by cognizant federal authorities.

4.5. Trafficking in Persons.

Pursuant to section 106(a) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104(g)) (codified at 2 C.F.R. Part 175), NFWF Subrecipient shall comply with the below provisions. Further, NFWF Subrecipient shall flow down these provisions in all subawards and contracts,

including a requirement that Subrecipients similarly flow down these provisions in all lower-tiered subawards and subcontracts. The provision is cited herein:

I. Trafficking in persons.

a. *Provisions applicable to a recipient that is a private entity.*

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—
 - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - ii. Procure a commercial sex act during the period of time that the award is in effect; or
 - iii. Use forced labor in the performance of the award or subawards under the award.
2. We as the federal awarding agency's pass-through entity may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —
 - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
 - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—
 - A. Associated with performance under this award; or
 - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement),".

b. *Provision applicable to a recipient other than a private entity.* We as the federal awarding agency's pass-through entity may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity-

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
 - i. Associated with performance under this award; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement),".

c. *Provisions applicable to any recipient.*

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and

- ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
- 3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.
- d. *Definitions.* For purposes of this award term:
 - 1. "Employee" means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 - 2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 - 3. "Private entity":
 - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - ii. Includes:
 - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - B. A for-profit organization.
 - 4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

4.6. 41 United States Code (U.S.C.) 4712, Enhancement of Recipient and Subrecipient Employee Whistleblower Protection:

(a) This award, related subawards, and related contracts over the simplified acquisition threshold and all employees working on this award, related subawards, and related contracts over the simplified acquisition threshold are subject to the whistleblower rights and remedies established at 41 U.S.C. 4712.

(b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 U.S.C. 4712.

(c) The recipient shall insert this clause, including this paragraph (c), in all subawards and contracts over the simplified acquisition threshold related to this award.

4.7. 41 USC §6306, Prohibition on Members of Congress Making Contracts with Federal Government.

No member of or delegate to Congress or Resident Commissioner shall be admitted to any share or part of this award, or to any benefit that may arise therefrom; this provision shall not be construed

to extend to an award made to a corporation for the public's general benefit. NFWF Subrecipient shall flow down this provision in all subawards and contracts, including a requirement that subrecipients similarly flow down this provision in all lower-tiered subawards and subcontracts.

4.8. Executive Order 13513, Federal Leadership on Reducing Text Messaging while Driving.

(Sub)Recipients are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the order. NFWF Subrecipient shall flow down this provision in all subawards and contracts, including a requirement that subrecipients similarly flow down this provision in all lower-tiered subawards and subcontracts.

4.9. 43 CFR §18 New Restrictions on Lobbying.

By execution of this Agreement, the NFWF Subrecipient agrees to comply with 43 CFR 18, New Restrictions on Lobbying, and certifies to the following statements:

(a) No federal appropriated funds have been paid or will be paid, by or on behalf of the NFWF Subrecipient, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.

(c) The NFWF Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Subrecipients shall certify accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification, as represented by execution of this Agreement, is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure. All liability arising from an erroneous representation shall be borne solely by the entity filing that representation and shall not be shared by any entity to which the erroneous representation is forwarded. Submitting an erroneous certification or disclosure constitutes a failure to file the required certification or disclosure, respectively. If a person fails to file a required certification or disclosure, the United States may pursue all available remedies, including those authorized by section 1352, title 31 of the U.S. Code.

4.10. Prohibition on Issuing Financial Assistance Awards to Entities that Require Certain Internal Confidentiality Agreements.

The NFWF Subrecipient must not require their employees, subrecipients, or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees, subrecipients, or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a federal department or agency authorized to receive such information. The NFWF Subrecipient must notify their employees, subrecipients, or contractors that existing internal confidentiality agreements covered by this condition are no longer in effect.

4.11. Drug-Free Workplace.

The NFWF Subrecipient must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in 41 USC Chapter 81 Drug-Free Workplace.

4.12. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment. (Effective 8/13/2020)

As required by 2 CFR 200.216, the NFWF Subrecipient is prohibited from obligating or expending funds awarded under this Agreement to procure or obtain; extend or renew a contract to procure or obtain; or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services from Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, and Dahua Technology Company, or any other company, including affiliates and subsidiaries, owned or controlled by the People's Republic of China, which are a substantial or essential component of any system, or as critical technology as part of any system. By and through the NFWF Subrecipient's execution of this Agreement, the NFWF Subrecipient warrants and represents that the NFWF Subrecipient will not obligate or expend funds awarded under this Agreement for "covered telecommunications equipment or services" (as this term is defined and this restriction is imposed under 2 CFR 200.216).

4.13. Domestic Preference for Procurements.

- a) Under this Agreement and in accordance with 2 C.F.R. § 200.322, the NFWF Subrecipient shall to the greatest extent practicable, provide a preference for the purchase, acquisition, or use of goods, products or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).
- b) For purposes of this agreement, the following definitions apply:
 - i. "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; and
 - ii. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

SECTION 5 REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS RELATING TO FEDERAL FUNDS – FUNDING SOURCE SPECIFIC

NFWF Subrecipient acknowledges that when all or part of this Agreement is funded by a federal award that certain representations, certifications, and other statements relating to the use of such funds or performance of the Project may be necessary. These representations, certifications and other statements are set forth below. Unless otherwise stated in this Agreement, the execution and submission of this Agreement serves as affirmative acknowledgement of an agreement with the below representations, certifications, and other statements. Further, should circumstances of the NFWF Subrecipient change during the performance of this Agreement that would render one of these representations, certifications and/or other statements inaccurate, invalid or incorrect, the NFWF Subrecipient shall promptly notify NFWF of such change in circumstance. Finally, NFWF reserves the right to update and require subsequent acknowledgement of an agreement with new or revised representations, certifications, and other statements at no additional cost under this Agreement.

FC.A078 Grant Terms

Department of Commerce (DOC) Compliance Requirements.

The NFWF Subrecipient must comply with the terms and conditions of a DOC financial assistance award, including applicable provisions of the OMB Uniform Guidance (2 C.F.R. Part 200), and all associated Terms and Conditions set forth in the Department of Commerce Financial Assistance Standard Terms and Conditions Dated October 1, 2024, available at <https://www.commerce.gov/sites/default/files/2024-09/Department%20of%20Commerce%20Federal%20Financial%20Assistance%20Manual%202024-vF.pdf>. See 2 C.F.R. § 200.101(b)(1) (Applicability), which describes the applicability of 2 C.F.R. Part 200 to various types of Federal awards and §§200.331-333 (Subrecipient monitoring and management). Additionally, the NFWF Subrecipient must flow these requirements down to all subrecipients and contractors, including lower tier subrecipients.

Equipment Reporting.

Equipment or supplies (aggregate supplies, not per unit) at a cost of \$10,000 or greater per unit value, including its fair market value, must be inventoried at least once every two years and at award closeout (2 CFR 200.313). NFWF Subrecipients may use the outdated SF-428 form series to report on tangible property or submit their own customized report including a description of federally owned equipment, identification information, acquisition cost, and acquisition date. More guidance on property definitions and forms is posted online at coast.noaa.gov/funding/forms.html.

Required Use of American Iron, Steel, Manufactured Products, and Construction Materials.

If applicable, and pursuant to the Investment and Jobs Act (“IIJA”), Pub.L. No. 117-58, which includes the Build American, Buy American (BABA) Act, Pub. L. No. 117-58, §§ 70901-52 and OMB M-22-11, recipients of an award of Federal financial assistance from the Department of Commerce (DOC) are hereby notified that none of the funds provided under this award may be used for a

project for infrastructure unless: (1) all iron and steel used in the project are produced in the United States—this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States; (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. The Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project. This requirement also applies to subrecipients.

Waivers: When necessary, recipients may apply for, and DOC may grant, a waiver from these requirements. DOC will notify the recipient for information on the process for requesting a waiver from these requirements. When DOC has made a determination that one of the following exceptions applies, the awarding official may waive the application of the domestic content procurement preference in any case in which DOC determines that: a. applying the domestic content procurement preference would be inconsistent with the public interest; b. the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or c. the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent. A request to waive the application of the domestic content procurement preference must be in writing. DOC will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at whitehouse.gov/omb/management/made-in-america.

Definitions: “Construction materials” includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of: non-ferrous metals; plastic and polymer-based products (including polyvinyl chloride, composite building materials, and polymers used in fiber optic cables); glass (including optic glass); lumber; or drywall. “Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are

produced in the United States; or the construction materials used in the project are produced in the United States. "Infrastructure" includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy. "Project" means the construction, alteration, maintenance, or repair of infrastructure in the United States. -- 1 Excludes cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives. 2 IIJA, § 70917(c)(1).

Implementation of Domestic Sourcing Requirements

Prior to initiation of any construction that may arise in this award, the NFWF Subrecipient is required to inform NFWF whether it is using iron, steel, manufactured products, or construction materials as described in "Required Use of American Iron, Steel, Manufactured Products, and Construction Materials" above. In addition, the NFWF Subrecipient is required to inform the NFWF whether those materials are produced or manufactured in the United States, or alternatively, it is requesting one or more waivers, as described in the award condition.

Field Work.

The NFWF Subrecipient is required to follow recognized best practices for minimizing impacts to the human and natural environment when applicable and will provide for safety in their projects as needed, including addressing the safety of personnel, associates, visitors, and volunteers in their projects. In addition, any use of unoccupied aircraft systems in projects under this award must be in compliance with all applicable Federal Aviation Administration regulations, and any other applicable federal, state, or local regulations.

Scientific Integrity.

1. *Maintaining Integrity.* The NFWF Subrecipient shall maintain the scientific integrity of research performed pursuant to this grant or financial assistance award including the prevention, detection, and remediation of any allegations regarding the violation of scientific integrity or scientific and research misconduct, and the conduct of inquiries, investigations, and adjudications of allegations of violations of scientific integrity or scientific and research misconduct. All the requirements of this provision flow down to subrecipients.
2. *Peer Review.* The peer review of the results of scientific activities under a NOAA grant, financial assistance award, or cooperative agreement shall be accomplished to ensure consistency with NOAA standards on quality, relevance, scientific integrity, reproducibility, transparency, and performance. NOAA will ensure that peer review of "influential scientific information" or "highly influential scientific assessments" is conducted in accordance with

the Office of Management and Budget (OMB) Final Information Quality Bulletin for Peer Review and NOAA policies on peer review, such as the Information Quality Guidelines.

3. In performing or presenting the results of scientific activities under the NOAA grant, financial assistance award, or cooperative agreement and in responding to allegations regarding the violation of scientific integrity or scientific and research misconduct, the NFWF Subrecipient and all subrecipients shall comply with the provisions herein and NOAA Administrative Order (NAO) 202-735D, Scientific Integrity, and its Procedural Handbook, including any amendments thereto. That Order can be found at <https://nrc.noaa.gov/ScientificIntegrityCommons.aspx>.
4. *Primary Responsibility.* The NFWF Subrecipient shall have the primary responsibility to prevent, detect, and investigate allegations of a violation of scientific integrity or scientific and research misconduct. Unless otherwise instructed by the grants officer, the recipient shall promptly conduct an initial inquiry into any allegation of such misconduct and may rely on its internal policies and procedures, as appropriate, to do so.
5. By executing this grant, financial assistance award, or cooperative agreement the NFWF Subrecipient provides its assurance that it has established an administrative process for performing an inquiry, investigating, and reporting allegations of a violation of scientific integrity or scientific and research misconduct; and that it will comply with its own administrative process for performing an inquiry, investigation, and reporting of such misconduct.
6. The NFWF Subrecipient shall insert this provision in all subawards at all tiers under this grant, financial assistance award, or cooperative agreement.

Data Sharing Directive.

The Data and Publication Sharing Directive for NOAA Grants, Cooperative Agreements, and Contracts ensures that environmental data funded extramurally by NOAA are made publicly accessible in a timely fashion (typically within two years of collection), and that final manuscripts of peer-reviewed research papers are deposited with the NOAA Central Library (upon acceptance by the journal, or no later than at time of publication). Therefore, non-Federal entities, or recipients, must make data produced under financial assistance publicly accessible in accordance with the Data Management Plan included with the Proposal, unless the grant program grants a modification or an exemption. The text of the Directive is available at <https://nosc.noaa.gov/EDMC/PD.DSP.php>.

1. Data Sharing: Environmental data collected or created under this Grant, Cooperative Agreement, or Contract must be made publicly visible and accessible in a timely manner, free of charge or at minimal cost that is no more than the cost of distribution to the user, except where limited by law, regulation, policy, or national security requirements. Data are to be made available in a form that would permit further analysis or reuse: data must be encoded in a machine-readable format, preferably using existing open format standards; data must be sufficiently documented, preferably using open metadata standards, to enable users to independently read and understand the data. The location (internet

address) of the data should be included in the final report. Pursuant to NOAA Information Quality Guidelines, data should undergo quality control (QC) and a description of the QC process and results should be referenced in the metadata. Failure to perform quality control does not constitute an excuse not to share data. Data without QC are considered “experimental products” and their dissemination must be accompanied by explicit limitations on their quality or by an indicated degree of uncertainty.

2. **Timeliness:** Data accessibility must occur no later than publication of a peer-reviewed article based on the data, or two years after the data are collected and verified, or two years after the original end date of the grant (not including any extensions or follow-on funding), whichever is soonest, unless a delay has been authorized by the NOAA funding program.
3. **Disclaimer:** Data produced under this award and made available to the public must be accompanied by the following statement: "These data and related items of information have not been formally disseminated by NOAA, and do not represent any agency determination, view, or policy."
4. **Failure to Share Data:** Failing or delaying to make environmental data accessible in accordance with the submitted Data Management Plan, unless authorized by the NOAA Program, may lead to enforcement actions, and will be considered by NOAA when making future award decisions. Funding recipients are responsible for ensuring these conditions are also met by sub-recipients and subcontractors.
5. **Funding acknowledgement:** Federal funding sources shall be identified in all scholarly publications. An Acknowledgements section shall be included in the body of the publication stating the relevant Grant Programs and Award Numbers. In addition, funding sources shall be reported during the publication submission process using the FundRef mechanism (<http://www.crossref.org/fundref/>) if supported by the Publisher.
6. **Manuscript submission:** The final pre-publication manuscripts of scholarly publications produced with NOAA funding shall be submitted to the NOAA Institutional Repository at <http://library.noaa.gov/repository> after acceptance, and no later than upon publication, of the paper by a journal. NOAA will produce a publicly-visible catalog entry directing users to the published version of the article. After an embargo period of one year after publication, NOAA shall make the manuscript itself publicly visible, free of charge, while continuing to direct users to the published version of record.
7. **Data Citation:** Publications based on data, and new products derived from source data, must cite the data used according to the conventions of the Publisher, using unambiguous labels such as Digital Object Identifiers (DOIs). All data and derived products that are used to support the conclusions of a peer-reviewed publication must be made available in a form that permits verification and reproducibility of the results.

Invasive Species Control.

Pursuant to Executive Order # 13112, recipients of NOAA funding cannot implement any actions that are likely to cause or promote the introduction or spread of invasive species, and should provide for restoration of native species and habitat conditions in ecosystems that have been invaded. The NFWF Subrecipient is expected to take positive steps to prevent the introduction of invasive species, provide for control of invasive species, and minimize the economic, ecological, and human health impacts that invasive species cause. Where possible and/or practicable, the NFWF Subrecipient should also respond rapidly to and control populations of invasive species in an environmentally sound manner, promote public education on invasive species, and conduct post-construction monitoring to ensure that impacts on native species did not occur (as applicable). NOAA can provide additional guidance on the detection, control and prevention of invasive species impacts upon request.

SECTION 6 OTHER REPRESENTATIONS, CERTIFICATIONS, STATEMENTS AND CLAUSES

NFWF Subrecipient acknowledges that all or part of this Agreement may be funded by a non-federal source that requires certain representations, certifications, and other statements relating to the use of such funds or performance of the Project. These representations, certifications and other statements are set forth below. Unless otherwise stated in this Agreement, the execution and submission of this Agreement serves as affirmative acknowledgement of an agreement with the below representations, certifications, and other statements. Further, should circumstances of the NFWF Subrecipient change during the performance of this Agreement that would render one of these representations, certifications and/or other statements inaccurate, invalid or incorrect, the NFWF Subrecipient shall promptly notify NFWF of such change in circumstance. Finally, NFWF reserves the right to update and require subsequent acknowledgement of an agreement with new or revised representations, certifications, and other statements at no additional cost under this Agreement.

None.

BOARDS AND COMMISSIONS

Letter of Intent

Your Name EUGENE L. MEYERS
Street Address 24 PRIMROSE LANE
City, State Zip Code HILTON HEAD ISLAND, SC 29926

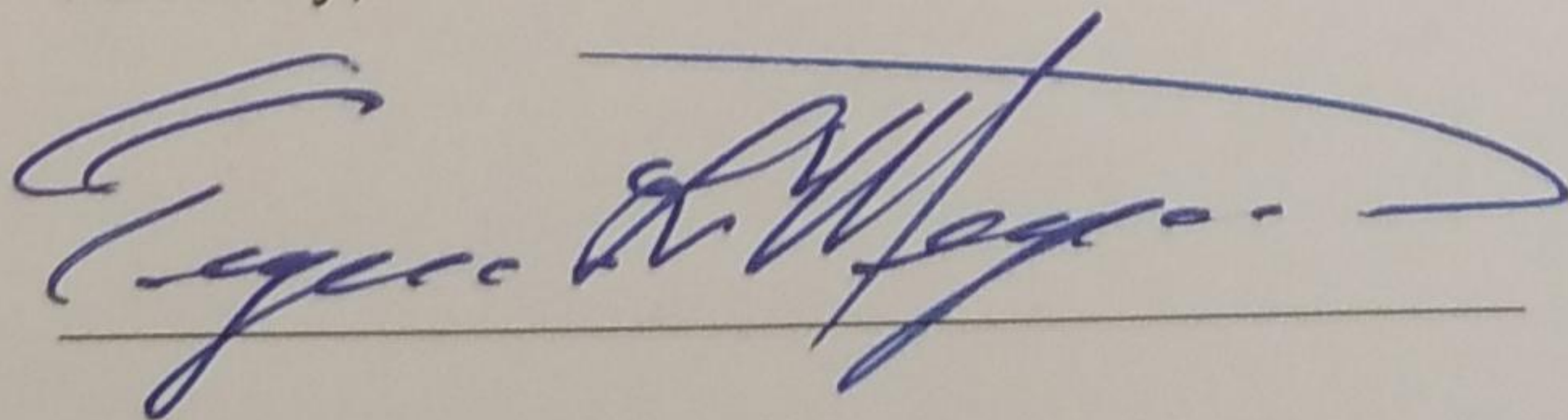
Date 26 OCTOBER 2024

Recipient's Name JOSEPH TASSINENT
Title CHAIRMAN, COUNTY COUNCIL
Street Address BEAUFORT COUNTY, SC
City, State Zip Code

To Whom it May Concern:

This is a statement to verify the intention that I, EUGENE L. MEYERS
am seeking Reappointment ~~or to Resign~~ from the
PLANNING COMMISSION. This will go into effect on
FEBRUARY 2025.

Sincerely,



ALL (PDF) EMAILS SHOULD BE SENT TO
BOARDSANDCOMMISSIONS@BCGOV.NET

BOARDS AND COMMISSIONS**Letter of Intent**

Your Name CECILY McMILLAN
Street Address 67 McTEER Dr.
City, State Zip Code St. HELENA Island, SC 29902

Date Oct. 28, 2024.

Recipient's Name Octavia Evans
Title Sr. Admin. Specialist / Clerk to Council's office
Street Address PO Box 1228 / 100 Ribaut Rd.
City, State Zip Code Beaufort, SC 29901

To Whom it May Concern:

This is a statement to verify the intention that I, Cecily D. McMillan
am seeking Reappointment or to Resign, from the
Beaufort Co. Planning Commission. This will go into effect on
Feb 2025.

Sincerely,

Cecily D. McMillan

**ALL (PDF) EMAILS SHOULD BE SENT TO
BOARDSANDCOMMISSIONS@BCGOV.NET**

Letter of Intent

Your Name Edward J. Pappas
Street Address 5 Sequoia Ct.
City, State Zip Code Okatie, SC 29909

Date 10/24/24

Recipient's Name Sarah Brock
Title Beaufort County Clerk of Council
Street Address
City, State Zip Code

To Whom it May Concern:

This is a statement to verify the intention that I, Edward J. Pappas,
am seeking Reappointment or to Resign, from the
Beaufort County Planning Commission. This will go into effect on
February, 2025

Sincerely,

E.J. Pappas

Letter of Intent

Your Name Natalie Hervey
Street Address 40 Bridle Path Ln
City, State Zip Code Bluffton SC 29910
Date 2/25/25

Recipient's Name
Title
Street Address
City, State Zip Code

To Whom it May Concern:

This is a statement to verify the intention that I, Natalie Hervey,
am seeking Reappointment or to Resign, from the
Historic Preservation Comm. This will go into effect on
_____.

Sincerely,

Natalie Hervey

BOARDS AND COMMISSIONS

Letter of Intent

Your Name Katrina Epps with Historic Bluffton Foundation
 Street Address 605 Sandy Shoals Pass
 City, State Zip Code Bluffton, SC 29910

Date 2/25/25

Recipient's Name

Title

Street Address

City, State Zip Code

To Whom it May Concern:

This is a statement to verify the intention that I, Katrina Epps,
 am seeking Reappointment or to Resign, from the
 BC Historic Preservation Review Board. This will go into effect on
3/1/2025.

Sincerely,

Katrina Epps

**ALL (PDF) EMAILS SHOULD BE SENT TO
BOARDSANDCOMMISSIONS@BCGOV.NET**